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## **GUIDELINES OF THE DEMOCRATIC PARLIAMENTS IN THE ACTIVITIES OF uKRAINIAN PARLIAMENT**

**Abstract.** In this paper the theoretical and methodological aspects of the using of guidelines of democratic parliaments in the activities of Ukrainian parliamentarism are investigated. The conducted analysis of the functioning of democratic parliaments guidelines allowed not only to identify a number of problems, but also to develop a comprehensive list of recommendations to address them. This should enhance the role of the Ukrainian parliament as a representative body of the government.

**Keywords:** parliamentarism, guidelines for democratic parliaments Ukrainian parliament, parliamentary development priorities.

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## **КЕРІВНІ ПРИНЦИПИ ДЕМОКРАТИЧНИХ ПАРЛАМЕНТІВ У ДІЯЛЬНОСТІ УКРАЇНСЬКОГО ПАРЛАМЕНТУ**

**Анотація.** У статті досліджено теоретичні та методологічні аспекти використання керівних принципів демократичних парламентів у діяльності українського парламентаризму. Проаналізовано функціонування керівних принципів демократичних парламентів, що дало змогу не лише виявити ряд проблем, а й розробити вичерпний перелік рекомендацій щодо їх вирішення. Це має сприяти підвищенню ролі українського парламенту як представницького органу державної влади.

**Ключові слова:** парламентаризм, керівних принципів демократичних парламентів, український парламент, пріоритети розвитку парламентаризму/РУКОВОДЯЩИЕ ПРИНЦИПЫ ДЕМОКРАТИЧЕСКИХ ПАРЛАМЕНТОВ В ДЕЯТЕЛЬНОСТИ УКРАИНСКОГО ПАРЛАМЕНТА

**Аннотация.** В статье исследованы теоретические и методологические аспекты использования руководящих принципов демократических парламентов в деятельности украинского парламентаризма. Проведенный анализ функционирования руководящих принципов демократических парламентов позволил не только выявить ряд проблем, но и разработать исчерпывающий перечень рекомендаций по их решению. Это должно способствовать повышению роли украинского парламента как представительного органа государственной власти.

**Ключевые слова:** парламентаризм, руководящих принципов демократических парламентов, украинский парламент, приоритеты развития парламентаризма.



Formulation of the problem. Modern European Union - is the result of hard diyalnosti i porozuminnya not only The European nations, but i intelektualiv some political figures, who have managed to find an optimal balance between the National nadnatsionalnym i measurements [1, 2, 3].

Katastrofichni consequences of the Second World War were a powerful incentive usvidomlennya need to create favorable conditions for economic cooperation of European states. Now up high standard of living in member countries create an attractive international image of the EC, causing acute discourse on the limits of its expansion, The European integration model [4, 5].

European Economical advantages hruntuyut'sya on Political responsibility, on zasnovaniy dotrymanni laws. These aspects are closely linked, i easing one of them inevitably vidobrazytsya other [6].

Ukraine has chosen strategic direction of integration in the European Economic i political and legal space. Declared at the state level course on Ukraine's accession to the EU, the importance of making our country the concept of joining the European communities, finding its place in the European evolution process determine the need for comprehensive i-depth study of the characteristics of the internal structure i functioning of the EU, accounting intehratsiynoho experience its new States members.

New prospects for deepening cooperation between Ukraine and the EU came as a result of signing the Association Agreement between Ukraine, on one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, part of which should be the area agreement free trade

negotiations to join the EU. [7]

Analysis of recent research and publications. Different aspects of the problems of formation of parliamentarism in Ukraine and worldwide study: V.Zhuravskyy, A.Zayets, Campo M.Kozyubra, O.Yuschyk, V.Borde-nyuk, H.Zhuravlova, Mr. Shapoval, Yu.S.Shemshuchenko etc. .

The article is a systematic analysis of guidelines for democratic parliaments in the work of the Ukrainian parliament.

Presenting main material. In this article the European guidelines for democratic parliaments in the work of the Ukrainian parliament. Most important democratic standards and guidelines not only in Europe but throughout the world is the democratic principle of true and fair elections to representative bodies (Parliament and others.). Parliamentary elections in Ukraine should meet international standards for free and fair elections. Elections should be a regular and periodic. Election standards both at international and national levels were determined and approved by governments, intergovernmental and international organizations, including the United Nations, the Organization of American States, the Economic community of West African States, the Inter-Parliamentary Union and the rest.

Direct, popular election of MPs as legislators is one of the basic principles of representative democracy in Ukraine, and serves as the basis of legitimacy of the legislative branch. [8] While members of the Upper House (in some countries, such as Belarus) may be designed or selected (eg, the President), we can assume that this chamber parliament with less legislative functions. Only the popularly elected House of Representatives, representing all the people of the country has the right to legislate on its behalf. This basic governing democratic principle enshrined in the EU,

"Warsaw Declaration of the community of democracies" (adopted in Warsaw 27.06.2000 r), where more than 100 countries signed the "basis of the authority of government to the will of the people expressed through the implementation of citizens' rights and civic duty to choose their representatives through periodic, free and fair elections with universal and equal suffrage" [9]. Indeed, the direct election of parliamentarians is essential to representative democracy, which means not only widely accepted principle of governance and society, but also to consolidate the fundamental principle of the rights of citizens. This is clearly presented in the Charter of Fundamental Rights of the European Union [10].

The will of the people in the formation of the parliament, expressed through the implementation of citizens' rights through elections: voting for the list of political parties in the proportional system and election of representatives to the majority system. Political parties are a must tool for the implementation of participatory democracy through which citizens participate in government. Moreover, political parties play an important role in the formation of informed and active electorate. In addition, political parties often act as a "bridge" between the executive and legislative branches of government and can effectively contribute to the definition of the program of action of the Parliament within a specific management system.

Based on the scope of the parliaments, the functions of parliaments, I think, can build a system of parliamentary procedures and guidelines pryntsipov.

Duverger on to vnovazhen Parliament considers the legal, financial, foreign policy, executive, administrative

(appointment of certain members of executive bodies, control over the executive power, the state of emergency, decisions on management of state property, etc.), legal (appointment of some judges, d 'conditioner is required penalties, etc.) and the authority to make constitutional revision [11]. In comparison system can offer the powers of parliament, proposed by British researcher J. Coombs, which identifies five groups of powers, with the Government (vote of confidence, ministerial responsibility, impeachment, etc.); enacting laws; approval of budget; control of administration (parliamentary inquiry, a special commission to investigate the activities of the various organs, etc.); organization of work of the Parliament. [12] Researchers at the German parliament JP Uryas, G. and B. Klein thisis indicate the number of functions the German parliament: representing a nation; political will; legislation; government formation and control its activity [13]. Central to Parliament, in their opinion, is the formation of public will. These factors explain this constant race Parliament and other higher authorities of the Federation for the prestige and influence in society. [14] So, if you use the base of the parliament on the activities based on the fact that each authority needs its own parliamentary procedures, it is possible to allocate two groups of parliamentary procedures. The first group includes the procedures for the exercise of the powers of parliament as a representative and legislative body: - used in the nation's representative - used in political voleobrazovaniya - used in the lawmaking; -yaka used when addressing issues relating to the formation of other state bodies - which is used in solving control functions - which is used in solving issues relating to the socio-economic structure and finances - which is used in solving issues concerning the legal status of citizens, their

organizations and associations - used when addressing issues relating to security and defense - which is used in solving issues concerning external znosyn.Druha group less numerous, but very important, because using these procedures, the parliament exercises all its powers: - which used when addressing issues relating to form their own organization and function diyalnosti.Zakonodavchi in turn can be divided for various reasons. The same bases can be used to classify the parliamentary procedures for the exercise of parliamentary powers. For Ukraine by said classification, it is possible to select the next parliamentary procedures for adoption, amendments to the Constitution; constitutional laws, laws and aktiv.Odyn variant classification legislative powers of Parliament - powers at various stages of the legislative process: - parliamentary procedure at the stage of initiation - Parliamentary procedures at the stage of preliminary examination - Parliamentary procedures at the stage of decision - Parliamentary procedures at the stage of approval bill - Parliamentary procedures at the stage of coordination (to overcome the veto of the President) bill. With respect to the classification of parliamentary procedures, there are two types of powers of parliament: - The constitutional powers (primary, that is enshrined in the Constitution); legislative powers; procedural powers. parliamentary procedures in Ukraine: Verkhovna Rada session, the activities of committees and commissions, parliamentary hearings, head of chambers, the legislative process) - The powers enshrined in legislation and regulations (deputy parliamentary questions and requests, roundtables, activities of special bodies) .With regard activities function Parliament divided

into two groups: domestic and outside public functions. In carrying out those and other functions can be carried out legal, financial, control, ceremonial activities, work on formation time; government agencies and private activities on the adoption of disposable non-normative acts. [15] In addition, the bicameral system of parliamentary procedures may be different in scope between the Houses of Parliament even in the exercise of its general functions; possible additional functions Houses of Parliament, which, of course, entails a new characteristic of only one chamber procedure. For example, John. Madison and Alexander Hamilton explained the objectives of the second chamber of the Senate need to compensate the disadvantage of lack of familiarity with elected members with the objectives and principles of law. [16] Approved US parliamentary experience as A.Tokvil that showed that the privilege of senators to be elected to a long period dictated by the fact that among the legislators maintain core that has experienced a Cases of people. In his view, such a measure is the first necessity for society [17]. In federal states (Germany, Russia, USA, Switzerland, etc.), for example, among other functions, performs a special function of the lower house of containment [18], which also entails fixing special parliamentary procedures specific to this chamber so therefore, in relation to parliamentary procedures in Ukraine can be identified parliamentary procedures unique to one chamber of the implementation unique to its authority. For BP typical procedures of the voters interact with political parties and electoral blocs from which were elected deputies. Normative regulation of the legal status of BP includes laws and regulations akty.Tsey unit is to review the guidelines for democratic parliaments associated with the development and adoption of legislation regulating the activities of

parliaments in democratic societies. First of all, you must remember that the level of democracy in a particular country depends on the legislative (Parliament) of those countries who are citizens of the society, and controls the executive power of the country; independent judiciary, ensuring the protection of law; political parties that are open and accountable; and elections in which voters freely choose their representatives in a representative government. On the other hand, democracy demands that those who were freely elected have the right to perform its constitutional duties. There is a growing recognition that elections can not be meaningful if the national legislature, which is caused by the choice of the citizens and not functioning democratic or does not have authority to work effectively. While elections provide a basis for democracy, they do not guarantee that citizens effectively represented. If politicians, MPs are not able to establish a national legislative body with far-reaching powers, people soon find themselves in government, where their voices do not count (or not count properly), and their voices will not be heard. Legislative bodies that do not fulfill their representative and oversight functions to breed public cynicism and ultimately undermine the popular support of the democratic system. My in this paper will attempt in the framework of international experience in parliamentary procedures and standard operation of democratic parliaments identify their corresponding guidelines to Parliament Ukraine. Of course, there is no international or European standard formula for creating functioning democratic parliament. At the same time, to be considered democratic Parliament, Parliament must always adhere to standards across the spectrum of legislative life, particularly in the

organization, procedures, functions and values of the legislature, etc. Different countries have different developing their parliaments and legislative practice, and there is no single institutional forms (models) that could blindly implement. The true extent of the legislature is how he conducts public policy and implements state power on behalf of their people whom they represent. During the legislative body we understood all national legislative bodies, be it Parliament, Senate, Congress, the National Assembly or the Assembly, the Federation Council, etc. may also be necessary to study additional standards become the norm in some legislatures in some new democracies. These include the right of the legislature to ratify treaties, trade agreements and loans due to executive vlad. Pryntsyppya democracy is manifested in the exercise of powers legislative, judicial and executive. Each branch exercises its authority through its own procedures. With regard to the legislature, it has its own feature. This property parliament, which allows him to create institutions to modify their same procedure. This tool is the ability to change its own rules of procedure is a measure of autonomy and independent existence parliament. Organization for Security and Co-operation in Europe (OSCE) has identified this tool as a "key standard" democratic governance [OSCE Office for Democratic Institutions and Human Rights. OSCE Dimension Seminar on Democratic Institutions and Democratic Governance, Warsaw. 12-14 May, 2004.]. This exclusive right of Parliament and MPs to set and modify their own procedures present in most legislative bodies of various countries. The differences in the procedures for amending the country - a vote. In Italy, for example, the legislature may amend the rules of procedure of the absolute majority of votes, while in Austria legislatures require two-thirds majority

(Constitution of Commonwealth of Australia, Art. 50.) In most countries, however, you need only a simple majority. This procedural autonomy is clearly stipulated in the constitutions of some countries, such as H imechchyna (Constitution of the Federal Republic of Germany, Art. 40 (1)), the Netherlands (Constitution of the Kingdom of the Netherlands, Art. 72), and Spain (Constitution of the Kingdom of Spain, Art. 72 (1)) . In France the Constitutional Council approves the rules of procedure, after they voted for change in both chambers of the National Assembly (Assemblée Nationale) Constitution of the French Fifth Republic, Title VII, Art. 63. Vazhlyvym guiding principle is the right of individuals to unite. The right of private individuals to associations and political parties should be as much as possible free from interference. Although there are limits to freedom of association, they should be interpreted very narrowly and only unconditional reasons may justify the introduction of similar measures in respect of freedom of association in the organization. Restrictions in this field shall be defined by law, must be necessary in a democratic society and proportionate. It is necessary to join the political party was of a voluntary nature, and no one shall be forced to join any organization or membership in it against their will. Another principle - it is the duty of the state to protect the right of individuals to freedom of association. The State shall provide appropriate legislation enters into effect necessary mechanisms and procedures that allow individuals to practice freely exercise their right to freedom of association and political parties together with others. Moreover, the state will be responsible for adopting legislation prohibiting interference with these rights by non-state actors. Also, it

is the State must refrain from such intervention. In case of violation of freedom of association state is liable for damages in accordance with established procedures and should ensure cessation of the breach. As noted above, the restrictions on freedom of association may be imposed only if they are prescribed by law and are necessary in a democratic society. The next principle - legality and timeliness of decision making. The law should specify the powers of supervisory authorities and limits of these powers. There should be legislation to ensure fair and objective application of these by laws on elections and political parties. Another component of good governance in this area is timely decisions. Decisions affecting the rights of political parties should be taken urgently, especially when they are associated with the timing critical processes like elections. Any restrictions imposed on the right of individuals to freely associate in the organization and express their opinion, should have a formal basis of the state constitution or laws passed by Parliament. Such restrictions should not be the result of biased and one-sided political activity - on the contrary, they must pursue a legitimate aim whose achievement is necessary in a democratic society. In this regard, the frequent amendments to the law on political parties be regarded more as a result of the political turmoil, not a desire to meet pressing social need. In addition, the constitution and the legal acts adopted by the Parliament must respect the right to association in the form in which it set out in relevant international and regional legal instruments. Legislation should clearly and precisely indicate the political parties which activities are considered as illegal and sanctions can be used against them in case of violations. Laws in Parliament should be made openly, after appropriate discussion, and should be submitted to the general public, in order to ensure



awareness of citizens and political parties of their rights and their obmezheniya. Pryntsyp - political pluralism. One of the goals of the legislature should create favorable conditions for political pluralism. The ability of citizens to perceive different political views recognized as most important feature of a strong democratic society. As indicated in paragraph 3 of the Copenhagen Document EU pluralism is necessary to ensure citizens a real choice of candidates and political associations. This principle is especially true when it comes to the political financing and access to the media during election campaigns. Since the parties are advantages not found in other associations, it is appropriate to oblige them to take on certain responsibilities in view of the resulting legal status. This may be a requirement to provide reports on their activities or requiring transparency of financial transactions. The law must be given a detailed description of the rights and obligations arising from obtaining legal status of a political party. The international legal framework to protect the rights of political parties based primarily on the rights to freedom of association and freedom of expression and the right to freedom of peaceful assembly. These three principles were enshrined in the Universal Declaration of Human Rights (1948) and later became legally binding provisions of a number of international and national instruments on human rights. The International Covenant on Civil and Political Rights and the European Convention of Human Rights and Fundamental Freedoms include the role and importance of political parties has long been identified, the specific legal provisions governing the activities of political parties are a relatively recent phenomenon. Despite the fact that many

states with party system of government now have a mention of the role of political parties in their constitutions or other laws, the first examples of legislation directly affecting the operation of political parties, appeared only in 1940. Even today, after major changes in this area, differences in legal traditions and constitutional structure of states leading to what degree of regulation of political parties in different countries are different. Different ways of historical development and unique cultural context of each country make it impossible to develop a universal and uniform set of regulations for all of the regulation of political parties. However, using the European Court of Human Rights, the general human rights principles and commitments of the OSCE, you can define the general principles of regulation of political parties in multi-party democracy, applicable to any legal system. Z a fundamental view of the role of political parties in democratic societies on the basis of documents of the OSCE Office for democratic institutions and human rights (ODIHR) and the European Commission for democracy through Law (Venice Commission) Council of Europe's experience, knowledge and examples of good practice of the EU in the regulation of political parties may be European standards and guidelines for Ukraine in ensuring the proper creation, development and functioning of political party. Parliament Ukraine should regularly holds meetings at intervals sufficient to perform their duties. In a representative democracy, load the MP is sure to be difficult: it work in a political party, coalition or district, review and preparation of draft laws and executive authorities. This means that the deputy should be the appropriate time for these tasks. Parliament (the legislature) should adjust the time sufficient for each deputy, while ensuring the session so that no excessively delayed legislative process,

given the time of the convening of Parliament. Each convening parliament meets his "lifetime" to be elected by the legislature. When the interim parliament setting functions well, then the legislature devotes as much time as he chooses to perform their duties. However, if the parliament does not have time-management, it can lead to unproductive legislation. In European realities, ideally, to stimulate rapid lawmaking and provide time for MPs in committees and constituency (voters) Parliament shall meet in sessions from 100 to 200 days a year. While in authoritarian and "inactive" Parliament session takes less than 50 days a year. The Rules of Parliament provisions for convening the special session of the legislature should be clearly defined. If any event held in while the legislature is not in session, it deserves attention with representatives of the citizens, a special session of Parliament be convened. And legislative and executive power can simultaneously enjoy the right to convene such a session. It is not contrary to the principles of representative democracy, where there are special provisions for the executive branch or the President to convene a special session, as well as the principle of legal independence remains unchanged after the parliament was sklykanyy. Krim of executive responsibility to respond to sudden events taking into account a wide range of technical and human resources, which it used as the executor of state policy. Thus, the position of the executive branch to convene a special session of parliament should be clearly defined. Indeed, in most countries where there is a condition for convening special sessions, the head of state or government often convene such a session. In the UK, for example, the speaker of parliament may report an earlier meeting if the

government minister said that this session should convene in public interesah. Odnym of the guidelines can be proposed amendment to the agenda for discussion in the plenary session of the Parliament. For the separation of powers of the executive, judicial and legislative branches of government to be effective, each branch must have a significant degree of autonomy of the legislative process. This sovereignty branch of government is essential to streamline the legislative process and especially important in establishing and amending the agenda for discussion at the session. Changes in porya STU agenda set by the legislative body of executive power in many countries, de facto if not de jure. This practice is not considered completely undemocratic, because understand that the executive power is a key part of a legislative process. However, the executive should not dictate the life of the legislature and its role in changing the agenda should be balanced with the right of the legislature to amend the proposed agenda. Thus, the legislature in many countries has the right to make changes to its own agenda independent of other branches of government (it came out of the executive or other). The practice of preparing the proposed agenda is extremely diverse worldwide. In most countries, the agenda is set Speaker and members of the collegial body that are usually chaired by the Speaker and leaders of factions and party groups. This collegiate body is sometimes called the office, both in Estonia and Belgium or the Bureau, as well as in Norway and Ukraine. The agenda may be changed if the proposed modification is supported certain part of legislators. The situation in Belgium, for example, where 13 members of Parliament could be offered a vote on amending the agenda. In some other countries formed a special committee under the control of the Speaker, who determines the agenda. An important

consequence of guidelines for democratic parliaments can the process of establishing clear procedures for structuring debate at the session and determine the order of speeches made by MPs. Under the principle of autonomy of the legislature, Parliament should have full control over structuring their discussions. This prerogative of Parliament must be clearly stated and explained in the rules of procedure in the regulations, which always remains in the competence of Parliament. That's right, both the majority and minority in parliament, which allows MPs to express their views on all matters before the legislative body. In some countries, the lineup can be made in advance, such as France and Germany, and in the case of special hearings organized in Italy and Russia. The Chairman shall be guided by the rules of procedure in determining the practical details of discussions counting time for each performance. It operates in Hungary and Spain. Interestingly, we add that in India, the chairman shall ensure that the time for speech is divided among the political groups in proportion to their seats in parliament. Vysnovky and prospects for future research. Also important democratic procedure for Parliament is providing real possibility of public discussion of bills before voting. All citizens in democratic countries have the right to express their views and influence the creation of laws. Parliament shall provide adequate opportunity for members to discuss draft laws, information and opportunities for discussion must be provided prior to the vote. The possibilities of citizens to participate in public discussions during the legislative process should be clearly defined and strictly followed. Legislators usually have several periods of time in which laws can be publicly discussed, for example, one, two in the case of

Denmark, France and Finland, or three, in the case of the UK and Ukraine. This is known to us as "reading" laws in parliament. This process of systematic re-examination and clarification of articles, which allows to amend the law in the careful reading. French laws with two readings. The first reading usually consists of a general debate on the principles of the bill and the other consists of a detailed study of the provisions and amendments proposed komitetom.U for further research to be carried modern principles of forming democratic parliaments, prioritizing the development of parliamentarism.

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