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FUNCTIONAL ROLE OF THE GOVERNING BODIES OF THE PARLIAMENT OF UKRAINE

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SUMMARY

The article is devoted to the analysis of the election, dismissal, powers of the governing bodies of the Verkhovna Rada of Ukraine. The important role of the mentioned bodies in the activity of the legislative institution, the state apparatus is emphasized. They should have high business and moral qualities, effectively conduct not only the organizational policy regarding the functioning of the parliament, but also to implement the ideas of democracy in the life of society in a systematic manner.

Key words: parliament, legislature, state apparatus, state power, governing body.

ФУНКЦИОНАЛЬНАЯ РОЛЬ РУКОВОДЯЩИХ ОРГАНОВ ПАРЛАМЕНТА УКРАИНЫ

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АННОТАЦИЯ

Статья посвящена анализу избрания, увольнению, полномочиям руководящих органов Верховной Рады Украины. Подчеркивается важная роль указанных органов в деятельности законодательного органа, государственного аппарата. Они должны обладать высокими деловыми и моральными качествами, эффективно проводить не только организационную политику в отношении функционирования парламента, но и систематически внедрять идеи демократии в жизнь общества.

Ключевые слова: парламент, законодательный орган, государственный аппарат, государственная власть, орган управления.

Introduction. The declaration of independence of Ukraine in 1991 is an event of historical significance. It became possible because of the victory of the Ukrainian people, who, evolutionary way, without revolutionary events, declared his readiness to be an independent subject of international law and order.

However, the mere fact of proclaiming independence is not sufficient grounds for building a legal, democratic state. The real prospects open, first of all, the development and adoption of constitutional and corresponding normative and non-normative acts, on the basis of which will be the formation of the state apparatus, the renewal of all institutions of civil society. An important stage in the establishment of sovereign Ukraine was the approval of the new Constitution, but the process of its development was accompanied by certain problems of studying the evolutionary directions of the functioning of the post-Soviet

political doctrine, discussing the principles of implementing the representative concept of government.

The democratic dimension of the constitutional reform was the radical modernization of the state apparatus, the fulfillment by the state authorities of the social function of streamlining society, ensuring its integrity based on a legal law developed and approved based on its centered ideology.

Tactically, the tendencies towards the adoption of a recognized democratic model of the organization of the state apparatus and, first of all, the introduction of the institutions of the parliament and the president.

Numerous associations of citizens that arose after the end of the Communist Party, declared a complete renewal of the political elite, the inevitability of liberal reforms, the formation of a national concept of security.

During all years of Ukraine's independence, one of the most acute problems



was the distribution of power between the legislative body – the Verkhovna Rada of Ukraine and the President. Most people's deputies did not want and do not want to give the Head of State the actual domination over the executive, and often the legislative branch, (according to the Basic Law, for the time being Ukraine is a parliamentary-presidential republic (Sections IV-VI of the Constitution of Ukraine [2].) Lack of political compromise blocks the rapid solution of constitutional crises. A permanent re-grouping of political forces increases the problems of state-building processes. The existence of a rigid confrontation between individual state institutions, civil society institutions stops constitutional reform for a long time [7, p. 8; 6, p. 80–81].

The real potential for the unification of the Ukrainian nation and the formation of a legal, democratic state is the highest representative body – the Verkhovna Rada of Ukraine. This state institution is the arena of the struggle of various political forces for the possibility of making decisions in such strategic spheres as politics, diplomacy, defense and security, and economics. Practice convincingly proves that factions and inter-factional unions, people's deputies, elected in majoritarian districts, despite divergent views on ways to build a state, are able to concentrate joint efforts on the exercise of parliamentary functions under conditions of qualitative exercise of powers by the governing bodies of the legislature.

The governing bodies play an important role in organizing the legislative institute, despite the fact that the Constitution of Ukraine in 1996 does not regulate their legal status, defining only the functional purpose and the procedure for formation (Article 88 of the Constitution of Ukraine).

The purpose of this article is to study the functional role of the governing bodies of the Parliament of Ukraine, given their importance for the process of formation of Ukrainian statehood, the formation of real parliamentarism.

1. Political leadership of the state

In any society the main condition for its uninterrupted functioning is political leadership. The growth of the scale and complexity of the socio-economic, political and ideological tasks of the period of development of a pro-European state determines the strengthening of the role of the legislative institution.

Constitutional reforms are those public-law processes that accompany Ukraine during all its years of formation and development as a competent member of the international community. Constitutional modernization has a complex character. Staged changes relate to legislation, legal relations, legal culture and legal awareness in order to form modern Ukrainian constitutionalism – the construction of a balanced system of mutual responsibility of the state and the individual, which implies a perfect and stable model of provision of social services in accordance with clear legal procedures [9, p. 120].

The democratic essence of constitutionalism reveals two criteria – the constitutional and legal freedom of man and the power of the people. In the conditions of democratic form of organization of public power, democracy in conjunction with the legal system of legal restrictions is directed at limiting the arbitrariness of the state apparatus. This system of restrictions should be regulated in: consolidating the rule of law; recognition of the priority of international law over the national, which serves not only the internal (national) function, but also the external legal constraint of this power; availability of independent constitutional control by the legal acts adopted by the higher authorities of the state; securing the principle of the distribution of state power; recognition of a person with the highest social value; limiting the power of the “state sovereign” to the rights and freedoms of a person who has priority over other collective, corporate rights, etc. [3, p. 6, 34–35].

Given the importance of the challenges faced by Ukraine, the state of parliamentarism is a complex political and legal system that mediates a special, priority place for parliament among public authorities, the specific nature of the influence of the national representative body on social relations through the implementation of representative, legislative, constitutional, control and other functions and powers [10, p. 22–23] – is capable of providing a “flexible” division of state power. Under such a system of relations between the supreme bodies of the state, the parliament has broad powers in various spheres of social life, but, most importantly, it is responsible for the government and controls its activities. This config-

uration is a key element of the constitutional system of government. Legislature has real levers of influence on domestic and foreign policy [1, p. 231–233].

However, the functioning of political (popular) representation always reproduces the policy of leading elites of the country, which, in turn, reflects the objective needs of society at a certain stage of its development. It is the unity of state institutions in solving a complex of state-building problems that is a condition of the integrity of all stages of state power and management system. In turn, the policy pursued by the governing bodies of the legislature, in a concentrated form, is embodied in the political content of the management of public institutions by public and state processes.

With the power of organizational and administrative powers, the governing bodies exercise subjective influence on the activities of the parliament, the state apparatus and, through the functioning of the latter, on the constitutional system. Therefore, when analyzing the situation of senior managers should proceed from the nature of social interconnection: the constitutional system – the governing elite – the state apparatus – the parliament – its head.

2. Legal status of governing bodies of the Verkhovna Rada of Ukraine - Parliament of Ukraine

The governing bodies, regardless of their function, jointly provide a continuous and relatively coherent work of the parliament. The practice of electing and authorizing the leadership of the Verkhovna Rada of Ukraine is typical for states with the activity of the monolithic legislative type.

The Chairman of the Verkhovna Rada is the sole governing body. The First Deputy and the Vice-Chairman of the Verkhovna Rada of Ukraine fulfill normatively defined powers within the same term, subject to the same procedure of appointment as their immediate supervisor.

Presidents are endowed with a special procedural status (significant organizational and disciplinary rights), as they follow the rules; determine the agenda and the order of consideration of issues; organize parliamentary decisions; sign the adopted legal acts; represent the legislature in relations with other public authorities; take measures to ensure the security and protection of parliament and deputies,



the presence of parliamentarians in plenary sessions; monitor the timely direction and consideration of parliamentary inquiries and other forms of parliamentary control, etc. [4, p. 319; 11, p. 231]. Therefore, in order to prevent possible abuses of the prerogatives granted, the presidents are not allowed to speak on the merits of the issue being discussed and to vote in this regard [10, p. 45–46].

The detailed legal status and, in particular, the powers of the Chairman of the Verkhovna Rada of Ukraine is determined by Article 78 of the Rules of Procedure of the Verkhovna Rada of Ukraine.

The First Deputy Chairman of the Verkhovna Rada of Ukraine replaces the speaker in the event of his absence or the impossibility of performing his duties. According to the division of competence, this official is responsible for interaction with executive authorities and local self-government, preparation and consideration of the draft law on the State Budget of Ukraine and the report on its implementation, as well as the draft estimates of the Verkhovna Rada, the implementation of legislative and legislative activity, and control functions.

The Vice-Chairman of the Verkhovna Rada of Ukraine replaces the speaker in the event of his absence or the impossibility of performing his duties in the absence or impossibility of their execution by the First Deputy. It is he who is responsible for working on the issues of interaction between the Parliament and the judiciary and informational support of the activity of the legislative institution.

The governing bodies of the Ukrainian Parliament have a single election procedure. They are offered and elected by parliamentarians from among them for the term of office. The apparatus of the legislative institute provides deputies with personal information on each of the candidates (autobiography, education, profession, membership in a political party, employment, income statement, property status of the candidate and his family members), which are studied in factions (groups) and discussed at a plenary meeting without preliminary training in committees. The final decision is taken by open ballot and authorizes the governing bodies to immediately begin to fulfill their duties.

Managers may be withdrawn from office at their request, due to unsatisfac-

tory work or other circumstances that make it impossible to exercise authority. Proposals for withdrawal may be submitted by people's deputies on the basis of the conclusion of the committee on matters of procedure (in case of removal of the Chairman of the Verkhovna Rada of Ukraine, The First Deputy Chairman or the Vice-Chairman of the Verkhovna Rada of Ukraine from plenary sessions three or more times during one ordinary session) or by at least one third of deputies from the constitutional composition for their signatures. Discussions and voting on nominees take place in a manner similar to the election procedure (Articles 74-80 of the Rules of Procedure of the Verkhovna Rada of Ukraine) [8].

3. Non-normative requirements to the governing bodies of the Parliament of Ukraine

Despite the statutory requirements to the governing bodies of the Parliament, initiative and creativity are an important characteristic of their work. This possibility (property) depends on two conditions. Firstly, the level of professional preparedness and socio-political maturity of executives, their desire deliberately and purposefully apply the right to manage it based on law and through him. Secondly, from the general legal culture and legal consciousness in the work of all representatives of the legislative body, as well as the level of legal education of citizens, the presence of their firm belief in the reality of legal protection.

The processes of improving the political system and raising the sense of responsibility, establishing a conscious discipline of labor are interconnected, united. The essence of parliamentary management is not only on the functional side of it: in the content of the work of the workers, and most importantly – the responsibility for personal contribution to the results achieved by the state body. A special responsibility is borne by the manager who directs the work of the institution as a whole and each employee separately. He should be an example of discipline, demanding, and businesslike, creative attitude to his duties.

The said stresses the connection between the increase in the level of parliamentary efficiency and the improvement of the work of the personnel. The basic principles of their selection and evaluation should be considered high business

and moral qualities, political maturity, because through everyday human resources activities affect the constitutional development of the state.

Increasing importance attaches to ethical issues, the moral content of work, and the strengthening of moral relations in all spheres of society's life, including the sphere of parliamentary activity. Management relations are closely linked with, moreover, intertwined with the moral, since the decisive in social management are people with their interests, needs, world outlook. Furthermore, the result of cooperation depends on how skillfully the head of the department uses the moral and psychological qualities of the subordinates. At the same time, and from the head, his personal example depends largely on the moral and psychological situation in the team, the creation of an atmosphere of demanding and effective mutual assistance [5, p. 99–156].

Unfortunately, there is currently no thoroughly developed methodology for evaluating the activities of governing bodies of the Parliament, and the arbitrary and vague list of qualities that they must answer does not give a complete and objective picture, does not allow to assess the correctness of their application. Today, pay is not closely related to the quality of work of the governing bodies of the legislature; there are no qualification requirements for these positions. The selection of management personnel takes place without formal identification of official characteristics. In the election, the role of the party affiliation of a person and parliamentary faction determine the correspondence of the personal qualities of candidates and their experience of the complexity of his proposed position (decision-making, information processing, establishment and maintenance of contacts).

In fact, the procedure for evaluating parliamentarians of qualifications and business qualities of candidates takes place in accordance with the established practice of the legislative body, which is not prescribed by law. In doing so, they must be clear and adequate to the functions and tasks of the regulatory body and the specific position. Of course, these characteristics are periodically updated, because they should meet the challenges of state construction at a specific historical stage of development of the country. In the presence of a high



level of consciousness and professional training of personnel possible high-quality elective method of their placement. Trust in management should be combined with demanding, personal responsibility before the parliament, other public authorities, and people of Ukraine.

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The governing bodies ensure the coordinated work of the parliament, having broad powers: follow the rules; determine the agenda and the order of consideration of issues; organize parliamentary decisions; sign the adopted legal acts; represent the legislature in relations with other public authorities, etc.

The governing bodies of the parliament should have high business and moral qualities, effectively conduct not only the organizational policy regarding the functioning of the parliament, but also to implement the ideas of democracy in the life of society in a systematic manner.

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