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STRATEGIC DIRECTIONS OF DEVELOPMENT OF RELATIONS BETWEEN THE STATE AND POLITICAL PARTIES IN UKRAINE

Annotation. Based on analysis, it was found that presently stable legislatively regulated relations have been formed between the state and the political parties of Ukraine, both during the election process and beyond it. The political parties are willing to exert a direct impact on the state policies, and protect the interests of their members and voters. Furthermore, the parties present an indispensable resource for various structures within public authorities.

The relations between the political parties and the state have been formulated and characterized according to the political process stages in the regulatory and institutional field. It is proposed to distinguish between two main groups of relations, and namely: relations during an election process, and those beyond

it. Within the election process, procedural, organizational, and information relations beyond the framework of the election process have been explored i.e. advisory, staffing, contractual, executive support, and project relations.

It has been determined that relations within the framework of the election process are characterized as joint activity of the state and the parties in implementation of electoral procedures and actions which lay the foundation for elections and provide realization of the electoral rights of the citizens. It is recommended to elaborate the requirements to fielded candidates, as well as to the procedure of enrollment on a list of nominees for deputy. In order to provide an equal access of all the election participants to election process, it has been suggested to create the Commission on information arguments under the Central Electoral Commission, which will be engaged exclusively in handling complained infringement of election legislation by mass media representatives.

It has been summarized that in project relations an important point is ensuring the parties' engagement in preparation of local development programs. Consequently, the need for legislative consolidation of the terms and nature of cooperation has been substantiated.

Keywords: political parties, political system, election process, interaction, relations during election process, relations beyond the election process

СТРАТЕГІЧНІ НАПРЯМИ РОЗБУДОВИ ВІДНОСИН МІЖ ДЕРЖАВОЮ ТА ПОЛІТИЧНИМИ ПАРТІЯМИ В УКРАЇНІ

Анотація. На основі аналізу зазначено, що на сьогодні між державою та політичними партіями в Україні сформувалися стійкі, нормативно врегульовані відносини як під час виборчого процесу, так і поза його межами. Політичні партії прагнуть впливати на державну політику, захищати інтереси своїх членів і виборців. При цьому партії слугують незамінним кадровим і інтелектуальним ресурсом для різних структур органів державної влади.

Сформульовано та схарактеризовано відносини політичних партій та держави відповідно до стадій політичного процесу в нормативно-інституційному полі. Запропоновано виділити дві основні групи відносин: під час виборчого процесу та поза виборчим процесом. У межах виборчого процесу розглянуто процедурні, організаційні та інформаційні відносини; поза виборчим процесом — дорадчі, кадрові, договірні, патронатні та проектні відносини.

Визначено, що в межах виборчого процесу відносини характеризуються як спільна діяльність держави і партій з питань реалізації виборчих процедур і дій, які закладають основу виборів і забезпечують реалізацію виборчих прав громадян. Рекомендовано детально прописати вимоги, що висуваються до кандидатів, а також до процедури включення кандидатів у списки кандидатів у депутати. Для процесу забезпечення рівного доступу всіх учасників виборчого процесу запропоновано створити при Центральній виборчій комісії Комісію з інформаційних спорів, що буде займатися виключно розглядом скарг про порушення ЗМІ виборчого законодавства.

Узагальнено, що під час проектних відносин важливо забезпечити участь партій у підготовці програм місцевого розвитку. Відповідно, запропоновано необхідність законодавчого закріплення умов і характеру співробітництва.

Ключові слова: політичні партії, політична система, виборчий процес, взаємодія, відносини під час виборчого процесу, відносини поза межами виборчого процесу.

СТРАТЕГИЧЕСКИЕ НАПРАВЛЕНИЯ РАЗВИТИЯ ОТНОШЕНИЙ МЕЖДУ ГОСУДАРСТВОМ И ПОЛИТИЧЕСКИМИ ПАРТИЯМИ В УКРАИНЕ

Аннотация. На основании анализа было отмечено, что на сегодняшний день между государством и политическими партиями в Украине сформировались устойчивые, нормативно-урегулированные отношения как во время избирательного процесса, так и за его пределами. Политические партии стремятся влиять на государственную политику, защищать интересы своих членов и избирателей. При этом партии служат незаменимым кадровым и интеллектуальным ресурсом для различных структур органов государственной власти.

Сформулированы и охарактеризованы взаимодействия политических партий и государства в соответствии со стадиями политического процесса в нормативно-институциональном поле. Предложено выделить две основные группы отношений: во время избирательного процесса и вне избирательного процесса. В рамках избирательного процесса рассмотрены процедурные, организационные и информационные отношения; вне избирательного процесса — совещательные, кадровые, договорные, патронатные и проектные отношения.

Определено, что в пределах избирательного процесса отношения характеризуются как совместная деятельность государства и партий по вопросам реализации избирательных процедур и действий, которые являются основой выборов и обеспечивают реализацию избирательных прав граждан. Рекомендовано детально прописать требования к выдвигаемым кандидатам, а также к процедуре включения кандидатов в списки кандидатов в депутаты. Для обеспечения равного доступа всех участников избирательного процесса предложено создать при Центральной избирательной комиссии Комиссии по информационным спорам, которая будет заниматься исключительно рассмотрением жалоб о нарушении СМИ избирательного законодательства.

Обобщено, что во время проектных отношений важным является обеспечение участия партий в подготовке программ местного развития. Соответственно, предложена необходимость законодательного закрепления условий и характера сотрудничества.

Ключевые слова: политические партии, политическая система, избирательный процесс, взаимодействие, отношения во время избирательного процесса, отношения за пределами избирательного процесса.

Formulation of the problem. Despite the powerful influence of the external factors, the crucial importance for ensuring sustainable development of Ukraine is the need to address a whole range of internal institutional problems that are related to establishing effective interaction between the various actors of the public and political processes. One of such problems is the relationship between the political parties and the public administration bodies that for many years have been catalyst for the growth of the social tension in Ukrainian society due to lack of proper organizational and legal support. The above requires the development of a system of measures related to the elaboration of the main “problem points” of such interaction and the development of measures for their leveling.

Analysis of recent research. With the main aspects of the functioning of the political parties are engaged H. Ahafonov, A. Moiseyeva, I. Movchan, O. Novakova. To the questions of the reformation of the political system devoted their scientific investigations V. Knyazev, N. Moskalets, V. Rebkalo and others. The work of such scholars as V. Averyanov, V. Vysotsky, V. Kafarsky, and others are devoted to the improvement of the normative regulation of the activities of the political parties.

The purpose of the article is to determine the strategic directions of the development of the relations between the state authorities and political parties in Ukraine.

Presentation of the main material. In the current circumstances, as O. Novakova and H. Ahafonov point out, one of the important prerequisites

for the sustainable development of the state is the democratization of the public administration system that is based on fruitful and constructive interaction between the state authorities and political parties [1]. As a result of the generalization of the leading foreign experience and existing problems, several directions of building relations between the state and state authorities with political parties in Ukraine can be proposed.

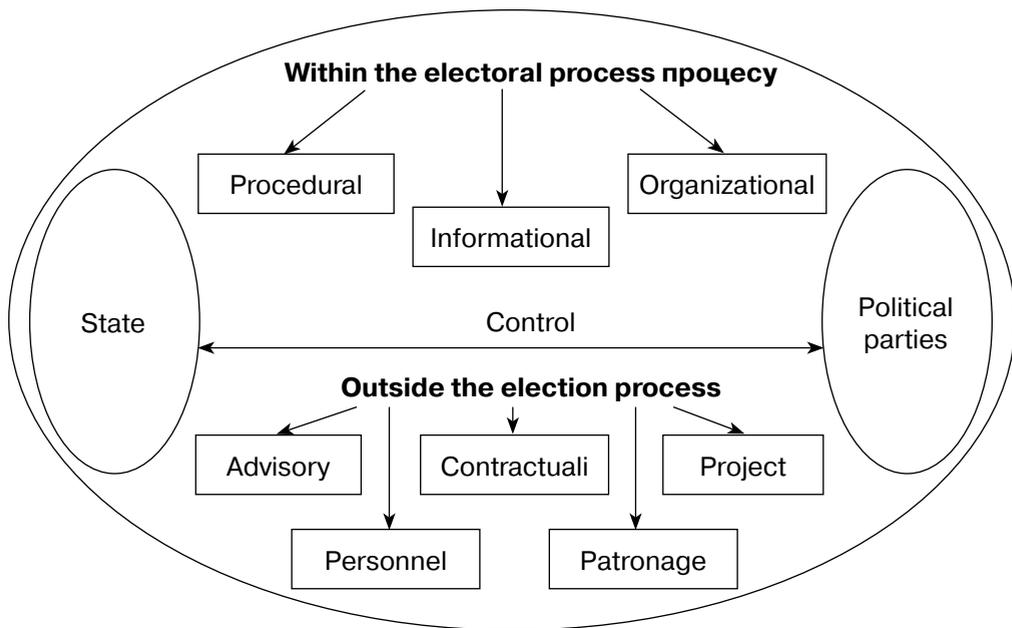
These relations, depending on the stage of the political process, can be divided into two broad groups: relations during the electoral process and outside the electoral process. Within these large blocks it is possible to distinguish between several groups of relations schematically shown in Figure.

1. During the electoral process

The electoral relations between the state and political parties represent the most important direction of their cooperation, as they ensure the implementation of the democratic elections. At the same time, the victory in the elections gives the parties certain opportunities to participate in the administration of the state and realization of its political and administrative functions.

Allotted to the distribution of parliamentary mandates the parties are given the opportunity to move to a higher level of relations with the state. And this concerns both parliamentary and local elections. However, in order to participate in elections the parties must meet certain, statutory requirements.

Political parties in Ukraine are the main subjects of the electoral process. During the elections, the parties perform three functions simultaneously



Relations between the state and political parties in the regulatory-institutional field

(procedural, organizational and informational). Accordingly, their relationship with the state can be divided into ***procedural, informational and organizational***. Certainly, the classification presented in many respects is conditional, since all three types of relationships are closely interconnected. However, each of them is aimed at the implementation of special actions and has a certain time frame. Let us consider these types of relationships in more detail.

1) Procedural relations

Under procedural relations means *the joint activity of the state and parties on the issue of the implementation of the election procedures and actions that lay the basis for the elections and ensure the exercise of the electoral rights of the citizens*. The procedures that are carried out with the joint participation

of the authorities and parties and form the basis of their procedural relations include the formation and nomination of a party list in the elections; making an election deposit; registration of the party list, refusal to register, withdrawal and cancellation of the registration; distribution of deputy mandates, etc.

At the same time, the time frame for the procedural relations between the state and parties is established within the framework of the first and last election procedures. Thus, in Ukraine the procedural relations between the parties and the state begin at the time of the nomination of candidates from the party and end after the distribution of mandates within the list of the electoral association.

It is important to note that the format of the procedural relations between the state and parties largely depends on

the stage of the electoral process. In this regard, it seems appropriate to divide the procedural relations into those that are carried out before the election campaign registration procedure and those that take place during and after it.

The starting point in the relations between the state and parties in the elections should be considered the procedure for the nomination of the candidates in which process the candidates for the participation in the election campaign and for obtaining the mandates in the elected bodies of the power and local self-government are determined.

According to the Ukrainian legislation, for example, the Law of Ukraine "On Local Elections", in the fifth section of which it is stated that the nomination of the list of candidates for deputies of different levels of the government is carried out by secret ballot at the relevant congresses of the party (the whole party, region, district, city, etc.) in which the delegates of the corresponding level take part [3]. At the same time, the detailed regulation of carrying out the specified measure is determined by the party on its own. Consequently, each party has the right to put forward its own requirements for the nomination of the candidates and the candidates themselves.

Meanwhile, in the statutory documents of the most Ukrainian parties the procedure for nominating the candidates in elections is not specified, which makes it possible to nominate many casual people who are not even members of the relevant political parties. This leads to the fact that little-known people come to the electoral rolls and, as a result, to the represen-

tative bodies, both for ordinary party members and for voters.

Therefore, in our opinion, the Ukrainian election legislation should detail the requirements for the candidates to be nominated, as well as the procedure for including candidates in the lists of candidates for deputies. Stimulating the development of the political culture in Ukraine, as well as reducing the number of casual people in the party lists in elections, can be done through the use of different technologies. As noted above, one of the technologies of the development of intraparty democracy is the holding of pre-election ("primaries"), which has become widespread in the United States. Such a normatively-secured previous election would significantly democratize the nomination procedure, allowing the party's "lower classes" to make their choices and help identify the best representatives of the political unions.

At the same time, we note that the procedure for holding "primaries" should not be subjected to total state regulation, as this would be contrary to the principles of the self-organization of the political institutions and civil society institutions.

At the stage of registration the parties enter a new level of relations with the state. This greatly affects the nature of the procedural relations that from this moment are regulated to a greater extent by the provisions of the Ukrainian legislation, and therefore become systemic and structured. But in time, there are issues with the Unified Register of Public Formations. That from the beginning of 2017 does not contain clear information on the number of political parties registered by the Minis-

try of Justice. As of January 2018 they could be calculated 355 (in the old version of the Register, as of January 18, 2017 – 352 political parties) [4]. And the vast majority of these entities did not carry out active activities.

Aggressive party activities, voting procedures and summing up the election are subject to serious legislative regulation. At the same time, it is during this period that parties are given the opportunity to fully declare themselves and influence the benefits of the voters.

Moreover, in certain cases, even at this stage, the parties can influence the implementation of certain electoral procedures regulated by the state. In particular, they are able to influence the distribution of the deputy mandates after the results of voting. In accordance with the Law of Ukraine “On Local Elections”, the party’s adjustment to the summary list is mainly carried out by applying the technology of dismissal of a candidate on the basis of the refusal of the mandate [3].

Often endowed with a mandate a person under the influence of the leadership of the party or by agreement with him refuse the status of a deputy in favour of the following candidates on the list. This circumstance contributes to the legislative consolidation of certain sanctions for an electoral association for the dismissal of a candidate.

Thus, certain adjustments to the procedural relations are possible due to the fact that in 2017 there were shifts in the implementation of the electoral reform. On November 7, 2017, the Verkhovna Rada adopted in the first reading the draft Election Code of Ukraine that envisages the introduction of a system of elections to the Par-

liament with open regional lists. And in December 2017, the Parliament registered a bill by deputy O. Barna on the election of people’s deputies of Ukraine (according to the majority system), as well as six alternative bills that envisage various modifications of the proportional system. The change can be made in order of determining the results of voting [4].

In general, the strengthening of the state regulation at this stage of the electoral process is due to the need to prevent distortion of the election results and violations of the citizens’ electoral rights.

2) Organizational relations

In modern Ukraine political parties are not only the main participants, but also active organizers of the elections. The organizational powers of political parties at the elections are very diverse. The representatives of the parties take part in the work of election commissions of all levels, are involved in the discussion and revision of the provisions of electoral law, monitor the conduct of the elections.

At the same time, at all the stages of the organization of elections the political parties actively cooperate with the electoral bodies contributing to the organization of the electoral process in accordance with the norms of the law, namely, the Law of Ukraine “On Local Elections”.

As a result, the fairness and legitimacy of the election results depends on the quality of the organizational relations between the state and the parties.

However, it should be noted that the political parties do not perform their functions regarding participation in the electoral process properly.

In particular, this concerns the delegation of persons to the election commission. Many delegated members of the election commission have neither experience nor a desire to perform their duties in a qualitative manner, which makes it necessary to regulate the training of such specialists by the political parties. In this case, it is about the preparation of reserves for the election personnel, the creation of special schools for the election organizers, and the training of the members of the election commissions.

Moreover, in the case of delegation of unprepared persons to the election commissions, the parties should bear special responsibility, such as: depriving them of the opportunity to nominate their members to election commissions at the next election.

In addition to preparing for the day of voting, the political parties are also responsible for the proper conduct of the elections and further counting of the votes. In this context let us pay attention to the importance of ensuring the participation of the political parties in the preparation of official observers. The legal basis for the activities of the public observers is the Election Observation Manual adopted by the Organization for Security and Cooperation in Europe in 1977 and the Declaration on the criteria for free and fair elections adopted by the Inter-Parliamentary Union Council on March 26, 1994, laws on the election of the President of Ukraine and people's deputies of Ukraine [5.6].

The observers have the right to be present at the meetings of the election commission, may, when voting questions arise, address the chair of

the polling station commission, may observe the issuance of the ballots for voting and counting of the votes, have the right to get acquainted with any documents related to the procedure and course of the elections, to declare in the established procedure their disagreement with the actions of the election commission.

The material guarantee of exercising the right to monitor the election by the observers is the possibility of documenting the violations of the law during the election period. The Act on violations of legislation in the elections should contain information about the place and time of the event, the name of the polling station and its location, the nature of the violation of the law, the passport data and the coordinates of those who witnessed the offense of the persons, and the name of the authority to which the application has sent offenses and decisions in this case. An Act of violating the election law serves as an annex to an application sent to a higher election commission or judicial body.

The observers, in accordance with the current legislation, monitor the election process, count the voters' votes, compile the minutes of the voting, prevent the occurrence of offenses and falsifications during the voting. However, as recent parliamentary campaigns (2006, 2007, 2012, and 2014) have proved, as well as local elections in 2010 and 2015, organizational and financial difficulties prevent many parties from exercising their right to delegate official observers to all the polling stations.

Proceeding from this, the requirement for political parties to prepare for inter-election observers is important.

3) Informational relations

The informational relations of the state and parties play a special role in the elections. Taking into account that the benefits of the voters are formed on the basis of information received from different sources, the quality and intensity of the latter becomes of great importance both for the authorities and for the parties.

Moreover, if the procedural relations between the state and the parties ensure the deployment and consistent implementation of the stages of the election process, then informational ones are aimed at presenting by the parties of their ideological settings and election programs.

In addition, in the framework of the informational relations with the state, the parties are given much more freedom of action than in the implementation of the electoral procedures, since according to current Ukrainian legislation an electoral association has the right to independently determine the content, forms and methods for informing the voters during an agitation campaign. The main constraints are compliance with the agitation of the Constitution of Ukraine, as well as the lack of calls for the abolition of Ukraine's independence, the change of the constitutional order by violent means, violation of the sovereignty and territorial integrity of the state, undermining its security, illegal seizure of the state power, propaganda of war, violence and incitement of interethnic, national, religious and racial hatred, an attack on human rights and freedoms, and public health [2].

Depending on the method chosen by the party to inform the voters,

three main types of their informational relations with the state can be distinguished:

- media relations;
- relations related to the organization of public events;
- relations regarding the distribution of agitation products.

At the same time, each of these types of relations is implemented in a control or auxiliary form. Control relations are based on the state regulation and supervision of the party campaigning. Auxiliary interconnection implies that the state supports the campaigning of the parties during the elections.

It should be noted that the state media resources (TV and radio channels, newspapers) have a significant impact on the information space of modern Ukraine. Unlike non-state actors, they are used to place agitation materials in a compulsory manner, so the influence of information transmitted by them on the electorate is significant, especially at the local level.

The specified circumstances determine the special importance of access to state media resources for agitation campaigns of the parties. Moreover, a detailed analysis of the conditions of compliance with the current legislation by the state media is important after summing up the voting.

One more important form of relations is that which is related to the organization and holding of public events by the participants in the election process.

State support (non-support) of the political parties may be manifested, in particular, during the provision (non-provision) of premises for holding par-

ty meetings, conferences. In turn, the state control is manifested, in particular, in the study of a party announcement of an agitation campaign, monitoring the requirements of the current legislation and observance of the public order during its conduct.

The executive body may make suggestions on changing the place or time of a public event, as well as proposals for the elimination by the organizer of the non-compliance of the purposes, forms and other conditions of the event specified in the notice with the requirements of the current legislation.

In this area of relations the attention is drawn to the need to ensure equal access to meetings with the voters and to conduct party activities by all the participants in the election process.

With regard to the distribution of print, audiovisual and other agitation materials, in this case it is worth paying attention to the need to ensure equal access of the political parties to special free places for the placement of agitation printing products, as well as the imposition of sanctions for the prevention of their dissemination.

2. Relations that take place outside the electoral process

In the inter-election period the political parties, depending on their results and the number of seats received in representative bodies, exercising their political and administrative functions, influence the adoption and implementation of the state decisions. At the same time, the parties that have got the support of the necessary number of citizens in the elections have the opportunity to implement their political program delegating their representatives to the executive authorities.

In general, it can be noted that the state builds its relations with the political parties through all the branches of power: judicial, executive and judicial. Each of them has its relations with the political parties, in accordance with the functions it occupies in the system of the state power. But most of the political parties in the inter-election period interact with the executive branch of the government. Between it and the political parties the relations can be built into six possible scenarios.

1. Advisory relations

In this type of relations, the political parties, without forming the governing bodies of executive power, cooperate with it through specially created advisory public structures such as chambers, committees, etc.

2. Contractual relations.

This type of relations involves the formalization of the relations between the executive authorities and political parties through the signing of special agreements, which, on the one hand, provide certain guarantees, and on the other hand, impose certain restrictions on the activities of the political parties.

3. Project relations.

The advisory and contractual forms of cooperation are complemented by another kind – project, which takes place during the implementation of joint projects and programs by the executive bodies and the political parties.

4. Personnel relations.

In this case we are talking about arrangements for appointment to positions in the executive bodies. Such arrangements can be formal and informal. Meanwhile, in any case, they allow the parties to engage in their political and administrative functions.

5. *Patronage relations.*

Another form of relations between the executive authorities and the political parties at the local level is direct protection (support) by the executive authorities of the political associations.

Among the forms of the state support for the parties one can distinguish: media support that is expressed in providing the parties with equal conditions and guarantees of access to state and local mass media; support related to the provision of premises and facilities to the parties in the state or communal ownership on terms similar to those granted to the state and municipal institutions; support that ensures equal conditions of the participation of the parties in the public and political actions.

Thus, it may be noted that today, stable and normatively regulated relations between the state and political parties have emerged in Ukraine, both during the election process and beyond. Political parties seek to have a direct impact on state policy, to protect the interests of their members and voters. At the same time, parties serve as an indispensable personnel and intellectual resource for various structures of the state authorities.

At the same time, the party-state relations in the modern Ukraine are far from ideal. The main difficulty lies in the failure of the most Ukrainian parties to act as an equal partner of the state in solving urgent social and political problems, including holding democratic elections. Meanwhile, this is largely due to imperfect legislation.

Conclusions and perspectives of further research. Thus, after analyzing

the relations between the state and political parties in the normative-institutional field and within the limits of the general development vectors, the following directions of their development can be singled out:

Within the electoral process during procedural, organizational and informational relations.

Regarding *procedural relations* in the Ukrainian electoral law, the requirements for candidates put forward, as well as the procedure for including candidates in the lists of candidates for deputy, should be described in detail. And also at the legislative level to establish certain sanctions for the electoral association for the dismissal of the candidate. Such sanctions may include, for example, the introduction of restrictions on the occupation of senior positions in the permanent governing bodies of the relevant councils or the deprivation of a certain number of mandates.

Regarding *organizational relations*, the requirement for political parties to prepare for the inter-election period of the observers is important for the correctness of the passage and control over the course of elections. Since the political parties themselves decide to use this right to direct observers or not, the state can itself assist in the training of such specialists by conducting appropriate training courses, for example, on the basis of the National Academy of Public Administration under the President of Ukraine.

In the context of *informational relations*, particular attention should be paid to objectively informing the voters about the political parties and the course of elections, as well as the for-

mation of a conscious position in the electorate regarding each electoral association, through the development and application of norms aimed at detecting and preventing cases of unlawful distribution of media resources.

For the process of ensuring equal access for all the participants in the election process and monitoring, it would be advisable to create at *the Central Election Commission of the Commission on Information Disputes* that will deal exclusively with the consideration of complaints about media violations of the electoral law. Representatives of the CEC, political parties, public organizations, associations, etc. could enter such a commission. To ensure equal access to meetings with the voters and to hold party events by all the participants in the election process, it is possible *to impose strict sanctions on those officials who impede the subjects of the election process to exercise their constitutional rights.*

Outside of the election process, project and personnel relations are of paramount importance. In the course of *project* relations it is important to ensure the participation of the parties in the preparation of the local development programs. Accordingly, *the conditions and nature of cooperation*, initiators of joint activities, representation in working groups, commissions, etc. should be legislatively defined. Regarding personnel relations, it is expedient to *constitutional consolidation of the parties that won the local elections, the right to nominate candidates for the position of the chairman (deputy chairman) of the regional state administration.* The need to define the forms and directions of the

state control over the activities of the political parties in order to establish the interaction between the public authorities and political parties determines the prospects of further exploration in this direction.

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