



UDC: 328

DOI: [https://doi.org/10.32689/2617-2224-2019-4\(19\)-44-55](https://doi.org/10.32689/2617-2224-2019-4(19)-44-55)

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TO THE QUESTION OF REALIZATION OF NATIONAL REPRESENTATION IN POWER STRUCTURES OF UKRAINE

Abstract. In article are considered the Ukrainian historical features of national representation in power structures and also are analysed progressive international experience of modern democratic management through national representation. According to it, vision of ways of realization of national representation in Ukraine in the context of modern challenges is represented, in particular: globalization of activity of the international community; expansion of information and communication space within the Internet; modernization of a system of state administration by its democratization, decentralization, demonopolization; intensive transformation of civil society in information; the embodiment in life of the ideas of parliamentarism and so forth. At the same time, are considered a historical basis

of the Ukrainian national representation and its modern features and also real opportunities of local government as absolute national representation. The main attention in a research is concentrated on institutional and standard and legal aspects of realization of a phenomenon of national representation in Ukraine in the context of the ideas of parliamentarism, electronic democracy, competence-based and sociocultural concepts of public management, theories of democratization of electoral process. Agreeably, are considered pragmatistical aspects of system ensuring appropriate level of national representation in power structures of Ukraine of all administrative levels by an institutionalization of local government. At the same time, the mechanism of enhancing the role of the institution of local self-government is substantiated by including it in the parliamentary system as a separate structural element that will perform the functions of a “controller” of the level of national representation and a responsible mediator between the institutions of the state, business and civil society. Together, these aspects of the implementation of popular representation contribute to the formation of the information society as a social product of globalization.

Keywords: national representation, parliamentarism, civil society, information society, public management, local government, public administration.

ДО ПИТАННЯ РЕАЛІЗАЦІЇ НАРОДНОГО ПРЕДСТАВНИЦТВА У ВЛАДНИХ СТРУКТУРАХ УКРАЇНИ

Анотація. Розглянуто українські історичні особливості народного представництва у владних структурах, проаналізовано прогресивний світовий досвід сучасного демократичного врядування через народне представництво. Відповідно до цього подається бачення шляхів реалізації народного представництва в Україні у контексті сучасних викликів, а саме: глобалізації життєдіяльності світової спільноти; розширення інформаційно-комунікаційного простору у межах мережі Інтернет; осучаснення системи державного управління шляхом її демократизації, децентралізації, демонополізації; інтенсивної трансформації громадянського суспільства в інформаційне; втілення у життя ідей парламентаризму тощо. При цьому, враховано історичне підґрунтя українського народного представництва та його сучасні особливості, а також реальні можливості місцевого самоврядування як стовідсоткового народного представництва. Основну увагу зосереджено на інституціональних і нормативно-правових аспектах реалізації феномену народного представництва в Україні у контексті ідей парламентаризму, електронної демократії, компетентнісної та соціокультурної концепцій публічного управління, теорій демократизації виборчого процесу.

Відповідно, розглядаються прагматичні аспекти системного забезпечення відповідного рівня народного представництва у владних структурах України усіх управлінських рівнів шляхом інституціоналізації місцевого самоврядування. При цьому обґрунтовується механізм підвищення ролі інституту місцевого самоврядування шляхом включення його в парламентську систему окремим структурним елементом, який виконуватиме функції “контролера”

рівня загальнонаціонального народного представництва, а також відповідального посередника між інститутами держави, бізнесу та громадянського суспільства. Означено аспекти реалізації народного представництва, що сприятимуть формуванню інформаційного суспільства як соціального продукту глобалізації.

Ключові слова: народне представництво, парламентаризм, громадянське суспільство, інформаційне суспільство, публічне управління, місцеве самоврядування, державне управління.

К ВОПРОСУ РЕАЛИЗАЦИИ НАРОДНОГО ПРЕДСТАВИТЕЛЬСТВА ВО ВЛАСТНЫХ СТРУКТУРАХ УКРАИНЫ

Аннотация. Рассмотрены украинские исторические особенности народного представительства во властных структурах, а также проанализирован прогрессивный мировой опыт современного демократического управления через народное представительство. В соответствии с этим представляется видение путей реализации народного представительства в Украине в контексте современных вызовов, а именно: глобализации жизнедеятельности мирового сообщества; расширение информационно-коммуникационного пространства в рамках сети Интернет; внедрение современных принципов в систему государственного управления путем ее демократизации, децентрализации, демонополизации; интенсивной трансформации гражданского общества в информационное; воплощение в жизнь идей парламентаризма и тому подобное. При этом, учитывается историческая основа украинского народного представительства и его современные особенности, а также реальные возможности местного самоуправления как стопроцентного народного представительства. Основное внимание в исследовании сосредоточено на институциональных и нормативно-правовых аспектах реализации феномена народного представительства в Украине в контексте идей парламентаризма, электронной демократии, компетентностной и социокультурной концепций публичного управления, теорий демократизации избирательного процесса.

Соответственно, рассматриваются прагматические аспекты системного обеспечения соответствующего уровня народного представительства во властных структурах Украины всех управленческих уровней путем институционализации местного самоуправления. При этом обосновывается механизм повышения роли института местного самоуправления путем включения его в парламентскую систему отдельным структурным элементом, который будет выполнять функции “контролера” уровня общенационального народного представительства, а также ответственного посредника между институтами государства, бизнеса и гражданского общества. Обозначены аспекты реализации народного представительства, которые способствуют формированию информационного общества как социального продукта глобализации.

Ключевые слова: народное представительство, парламентаризм, гражданское общество, информационное общество, публичное управление, местное самоуправление, государственное управление.

Thesis statement. Modern Ukraine is on the threshold of realization of the next national will at elections of its representatives in power structures and in the person of the Guarantor of the Constitution. The success and results of these processes are caused by many factors, in particular: value points of development of Ukraine (national idea); political will of citizens and Ukrainian elite; reaction of the external environment (international community); institutional level of national representation in power structures; compliance of the standard legal framework of electoral process to the democratic standards acquired by the progressive states. In the context of this research two last factors of selective action are accepted as key.

Analysis of recent research. The subject of national representation in periodic and scientific publications was and continues to be in focus of researches of various scientific industries: political science, sociology, law, state and public administration and so forth. From positions of the democratic structure of the state the national representation was considered by such Ukrainian specialists in state administration as T. Butyr-ska, P. Vorona, N. Hrytsiak, Y. Dreval, A. Krutii, V. Kuibida, A. Myronenko, O. Radchenko, S. Serohin, V. Smolii, etc. Various aspects of national representation were a subject of scientific interest of researchers in the field of the law and political science, in particular: O. Bandurko, V. Yermolaiev, N. Zaiats, V. Tassii, etc. However, institutional and legal aspects of realization of a phenomenon of national representation in Ukraine remain insufficiently investigated, and therefore are very relevant in a scientific discourse. Researchers of representa-

tive democracy almost miss out on such its problems as competence-based level of representation, its completeness, the sequence of providing and so forth. The special sharpness to these questions is provided by the process of a democratic state formation begun in Ukraine against the background of licence of corruption and theft of the state budget of Ukraine which happen “transparent” for civil society today.

The objective of the study. Formation of the purposes (target) of a research is connected with search of the perspective and evidence-based directions of ensuring appropriate level of national representation in power structures of Ukraine of all administrative levels in the context of modern challenges.

Results. The national representation in power is the democratic mechanism of realization of interests of social groups, political parties, public and business associations. The effectiveness of this mechanism is caused by dialectic connection of content and a form of social development, which promotes successful interaction of the state with society. The social and legal imposition of national representation is expression of social needs of the population by involvement of active citizens to the solution of public vital questions on democratic principles. The modern concept of national representation is multidimensional therefore is considered by progressive scientific community as the right the people; as idea of social justice; as way of implementation of the public power; as one of the directions of the theory of public management; as the principle of relationship between the state and civil society based on demo-

cratic principles of public management, and so forth.

The Ukrainian popular representation in power has deep historical roots which originate from veche democracy of Kievan Rus and military democracy of Zaporizhian Sich and to undeveloped parliamentarism of the Verkhovna Rada of modern Ukraine.

The creation and activity of the Ukrainian Central Rada (further – CR) within March, 1917 – April, 1918 – a peculiar national parliament which passed an evolutionary way from social and political association to representative body of the Ukrainian people [1] turned out to be consequence of the beginning of practice of parliamentarism in the contemporary history of Ukraine.

Small Rada was more operational and effective structure of CR, at first worked as executive body and was called Committee of CR.

The Committee became governing body of CR very quickly, it formed initiatives which were submitted for consideration of sessions, prepared drafts of the major decisions and even proclaimed them by the name of the CR [2]. As researchers note, election of deputies in CR was supposed on a national and proportional system that symbolized rather democratic mechanism of ensuring the rights of ethnic minorities at elections to body of legislation. The right of promotion of candidates was granted to parties and groups of voters on electoral lists numbering about 200 people.

The CR as the organizational center of the Ukrainian national-state revival, set as the purpose convocation of wide representation of a forum of Ukrainian

which would make it the representative of the population of Ukraine [1].

The deputy status of members of CR who had to work at a constant basis was also the spirit of requirements of parliamentarism. Wide guarantees and parliamentary immunity were provided to them for performance of deputy duties [3].

According to “The draft Basic Laws of Ukrainian state” there were attempts of realization of the idea of parliamentarism also at the time of Hetmanate and the Directory by implementation of two-chamber structure of parliament.

According to the Draft, its upper chamber – the State Council – would make 150 “the best and the cleverest” the people of the country recommended by a territorial meeting, city councils, Cossack councils, the senate. A third from them was intended the hetman for life, and 100 people had to be elected for 6 years territorial and Cossack meetings. The lower chamber – Council of deputies (600 people) – was supposed to be chosen by the population for 4 years [4].

During national liberation events of 1917–1921 on the Ukrainian lands still were formed the Ukrainian National Councils (in Ukrainian Peoples Republic and Western Ukrainian Peoples Republic) and other bodies of representative character which had features of limited parliamentarism. This experience of the Ukrainian state has great historical value as it found the reflection in activity of the modern Verkhovna Rada of Ukraine.

Results of the analysis of historical stages of development of national representation in Ukraine showed that the content of national representation,

which traditionally contacted collegial representative bodies of the power, evolved over time and it was added (except the Verkhovna Rada of Ukraine and local governments) also individual electoral institute of the power — institute of the President of Ukraine. Besides, globalization influenced significantly the content of national representation in the context of ensuring the rights of the person and the citizen and also formation of institute of national representation and its introduction in the system of public management.

Such practice of constitutional right of delegation by the people of the powers of authority to representative bodies of the public power is usual and for other progressive countries of the world. However, owing to historical features of development of the state, Ukraine lags considerably behind these countries in realization of democratic principles of public management that appears in a limited possibility of implementation of public control over activity of the government; in lack of individual and collective responsibility of the President, deputies of the Verkhovna Rada, members of the government of Ukraine for negative social and economic and political consequences of their activity; in aspiration of the state to monopolization of the information sphere; in preferences of administrative resources in electoral processes; in lack of state mechanisms of formation of information civil society and so forth. Modern Ukrainian realities prove that in total it leads to sharp weakening of the power, disorganization of activity of the country, split and opposition in society, an economic and political crisis, even partial loss of sovereignty.

In these conditions are essential the questions of the relations which developed in Ukraine between different branches of the power and primary body of the public power (primary link of national representation) — local government. The solution of these questions is first of all in the legal plane of functioning of local government. On the constitutional norms of Ukraine representative bodies of local government are a part of the system only of bodies of the municipal unit therefore they almost do not influence nation-wide management decisions and legislative process. Such situation constrains development of public management in Ukraine.

According to it, the scientific thought that “only through carrying out system reforms of the representative power it is possible to accelerate formation of civil society, in particular, through decentralization of the power and a deconcentration of powers of authority which have to strengthen organizational, material and financial and legal independence of local authorities which are the main prerequisite of effective development of the representative power in regions” is quite fair [4].

Realization of system reforms of the representative power leads, first of all, to involvement of local government to legislative process through formation of separate chamber in the Verkhovna Rada of Ukraine. At the moment, the fact that legal uncertainty of legislative activity of representative institutes of the lowest link allows parliamentarians of the Verkhovna Rada to exceed the authority and leads not only to violation of legality and the constitutional principles, but also in general, to leveling of the concept of national repre-

sentation is quite obvious. It is illegal as the Verkhovna Rada as the parliament founded in Ukraine from the date of establishment of its independence is urged to realize an institutionalization of the dominating interests and values, policy guidelines and moods of all society, but not its oligarchical groups. So, the strategic mission of parliament as institute of civil society, is the combination of two phenomena – sovereignty of the people and the government that provides to the system of public management democratic character, and to the parliament – broad social availability and openness.

Practice of national representation in the progressive countries of the world demonstrates that the most important indicator of democratization of public administration is the role and the place of legislature in structure of political institutes. It is caused by the fact that in the developed democratic country the parliament represents the interests of all groups of the population which through this institute have an opportunity to influence adoption of important management decisions by the state.

In the conditions of carrying out administrative and political reforms in Ukraine there are rather difficult and ambiguous processes of political and legal transformation of the government of the regional level which demand rather immediate legislative providing. According to the vast majority of researchers, the corresponding efficiency in formation of the regulatory sphere of bodies of the public power can be provided only with efforts of primary link of national representation – local government. Most of researchers characterize modern Ukrainian parliamen-

tarism as the system of the imperious relations which are institutionally developed, but substantially underfulfilled system of relations of power based on formal recognition of democratic principles of interaction of the state with civil society. Therefore the measures directed to increase in level of the representative body of the Verkhovna Rada of Ukraine as body of the democracy functioning on the principles of parliamentarism recognized as the progressive international community are vital.

In these conditions there are relevant such measures for the solution of problems of a representative mission of the Verkhovna Rada of Ukraine (further – VRU): justification and specification the place of VRU in the system of public management; the constitutional affirmation of VRU not only the legislative authority, but also the one and only representative body; improvement of the realization of national representation mechanism; search of innovative mechanisms of ensuring modern level of national representation in the context of formation of civil information society. In total such measures will promote providing real national representation and functioning of parliament as representative institute of the power.

So it is quite obvious that scientific justification and specification of the VRU place in the system of public management is connected directly with a problem of a combination of direct and representative democracy. The Ukrainian social and political realities indicate the need of reforming of local government in Ukraine, filling it by actual content, increase of a role of representative bodies of local government as most effective expresser of will of members of

a territorial community and most effective quality controller of national national representation.

In turn, increasing of a role of local government by inclusion in the structure of parliament will give the grounds for the constitutional statement VRU the only representative body, also will fix the problem of dualism of the power existing in Ukraine and will provide capacity of the state in the context of needs of the person and citizen. It is clear, that such approach to formation of parliament causes modernization of organizational structure of VRU and its functional communications.

It should be noted that the idea of introduction in Ukraine of two-chamber parliament during its independence was already voiced in draft constitution of Ukraine and it was discussed in scientific space. However, for the implementation of this idea in life there were not enough prerequisites at that time, and the last Ukrainian realities and level of pre-election processes demonstrate that such idea is relevant.

According to experience of the progressive countries of the world, the institutionalization of regional participation in national representation is provided through formation of the second (lower) chamber of parliament. Its formation is based on the principles of regional representative with a certain set of the powers significant for the country and regions, determined by the principle of subsidiarity. In the context of historical features of Ukraine the model of parliament at which the second (lower) chamber, as well as the first – top, will also be formed by means of a direct general election along with elections to representative bodies of local government

can be quite expedient. However, the term of activity of the lower chamber has to be less for 1–2 years, than the term of activity of the upper chamber (national representatives of the country) which would be expedient to be prolonged up to 6 years. Such approach to formation of parliament provides the maximum continuity and democratic character of public management and also direct dependence and responsibility of deputies to voters during implementation of interests of regional communities. Besides, the implementation in life of the idea of delegation of powers is represented quite logical to the upper chamber of parliament at elections of “atamans” – the President of Ukraine, the Prime minister, the Chairman of the VRU.

Thus the parliamentary model of public management, which will put an end to the practice of race for power existing in Ukraine between the president and the Prime Minister and also additional and enough large expenses of the budget on electoral processes, can be created. Besides, under such circumstances the procedure of an impeachment to the President, in case of non-performance of duties of the Guarantor of the Constitution of Ukraine, becomes simpler considerably that is very relevant now and also the technology of formation of parliamentary majority which takes the responsibility for results of activity of “atamans” is institutionalized. In other words, in the conditions of public management joint management of activity of civil society has to prevail that revives century traditions of the Ukrainian state.

According to it, principles of the organization and realization of electoral

process are critical. Along with such general principles as legality; generality; privacy of will; voluntariness and identity of an electoral right; publicity; periodicity and obligatoriness of public elections, particular importance have the principles of providing the equal right of public associations for participation in national representation along with political parties.

Researchers consider elections as the social mechanism which provides formation of the power, realizing essence of civil society; forms political elite; provides process of socialization of the personality; performs control and regulation of the power by citizens; displays public moods and so forth. Successful realization of electoral process depends on the level of a regulatory framework of ensuring this action; existence of the settled democratic traditions of elections; characteristics of the operating political regime of public administration; level of mass and, in particular, legal culture of all participants of electoral process [5]. The speciality of institute of elections in the system of national representation in Ukraine is that it includes public structures.

Owing to the social nature, though a number of problems of selective technologies is covered in a large number of scientific publications and discussions, however they does not lose the relevance and presently.

At the moment, key of these problems are legal components which define various aspects of electoral process rather contradictory and incomplete, in particular they are: introduction of modern electronic methods to process of national will on elections; improvement of a constitutional legal mecha-

nism of timely calling an election and ensuring rotation of national representation; accounting of interests of voters through optimization of the budgetary financing of party and public representation; legal support of an order of a pre-election campaign, voting procedures and counting of votes and so forth.

In case of introduction of two-chamber parliament, the consensus between supporters of use of a proportional electoral system (according to party lists) and a majority system in Ukraine can be found. The proportional system promotes representation in parliament not only the majority, but also to voters, appeared in minority. The majority system provides representation only most of voters, however, it has such advantages as independence, autonomy, individual responsibility of the people's deputy. Therefore it is quite logical to use a proportional electoral system in the course of elections of representatives of the Upper chamber of the VRU (in case of adoption of the relevant law), and to use a majority system at elections of representatives of the lower chamber and to electoral local governments.

The Ukrainian researchers consider a majority electoral system more democratic as it allows citizens to choose in representative bodies of the power not only candidates of political parties, but also representatives of the progressive public. So, such electoral system not only does not prevent, but also promotes activity of political parties, as they can nominate and support the candidates in election districts.

Optimization of an electoral system of national representation in Ukraine is connected with the following events: modernization of organizational struc-

ture of the VRU and its functional communications; differentiation of an electoral barrier; formation of regional electoral lists; introduction of a majority electoral system on elections of deputies of the lower chamber of the VRU, local councils and also rural, settlement and mayors; restoration of a proportional system of representation in the Upper chamber of the VRU.

In the context of responsibility of the Ukrainian officials the question of ensuring democratization of judicial authority in Ukraine becomes aggravated considerably. In emergency conditions of total mistrust Ukrainian to judicial authority, involvement of local government to legislative activity and adoptions of management decisions will promote strengthening of national control of process of justice through lawful ensuring activity of the jurymen and juries elected citizens. Specifically that juries are widespread almost in all progressive countries of the world, and the western legislators even make proposals on introduction of elective principle of judges.

As showed the experience of the developed countries, the civilized level of parliamentarism is provided mature political structure and will of society; the dominating type of a party system; level of political, legal and organizational culture both administrative elite, and electorate. In the countries which become on the way of democratic development the parliament reflects all complexity, divergence and conflictness in society. It is also necessary to consider that activity of parliament not always gets on well at turbulent conditions of our present behind dynamics of political and public transformations therefore

it becomes a bottleneck of democratic development of the country. This fact becomes a provocative factor of instability in the society of many countries even the most developed.

In these conditions a search of innovative mechanisms of ensuring modern level of national representation in the context of state policy of formation of civil information society as social product of globalization is critical. These mechanisms are multidimensional and cover administrative, social, political, economic, scientific and technical, legal, educational and other fields of activity. At the same time, the cultural and democratic institutionalization of national and historical specifics, ensuring continuity and cultivation of tradition of management have to become the main condition of their effectiveness. As practice of public management in the developed countries shows, cut-and-paste job of foreign technologies of formation of civil information society and its representation in power structures will not bring the expected results. This can explain the low level of effectualness and productivity of "The development strategy of information society in Ukraine" [6] adopted in May, 2013.

In this context need of development by the Ukrainian scientific community and experts managers of modern national Strategy which will define a full complex of mechanisms of formation not only and not just of information society, but civil society as a key factor of public management and also appropriate level of national representation in power structures is updated.

Such document is extremely necessary for formation of the state and regional policy of Ukraine concerning an

institutionalization and technical support of electronic control; educational and outreach work among the population for the purpose of formation of civil information society; involvement of youth to adoption of management decisions not only on local, but also at the nation-wide level; formation of organizational culture of public management and mass national culture as key factors of independence and competitive ability of Ukraine and also its sustainable development outlined by the Purposes for 2016–2030 which are declared by the United Nations General Assembly in September, 2015.

Conclusion and prospects for further research. Thus, formation of national representation in power structures of Ukraine in the context of realization of the principles of democracy and parliamentarism can be based both on own historical experience, and on experience of the progressive states of the world adapted to the Ukrainian realities. At the same time, solutions of problems of the Ukrainian state by increase in level of the Ukrainian Parliament due to an institutionalization of local government as national representation and also formation of civil information society arise extremely relevant. A basis of the innovations concerning nation-wide national representation have to become a legal and cultural institutionalization of national and historical specifics of management; ensuring continuity and cultivation of tradition of the state (public) administration that is the main factor of effectualness of any legal reforms and also improvement of electoral laws as a strategic factor of realization of national will.

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