

UDC 342.2

DOI: <https://doi.org/10.31359/1993-0941-2022-44-30>

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FORM OF GOVERNMENT IN UKRAINE IN THE CONTEXT OF EUROPEAN INTEGRATION: LESSONS FROM HISTORY AND MODERN INNOVATIONS

Abstract. *This scholarly article explores the evolution of Ukraine's governance from its 1991 independence to the present. It begins with an analysis of the various governance models adopted, including presidential, presidential-parliamentary, and parliamentary-presidential systems, highlighting their unique characteristics and challenges. Next, the intricate, contentious process of constitutional development in Ukraine is examined, reflecting the nation's struggle for balance and compromise. The future of Ukraine's governance, clouded by persistent geopolitical and domestic challenges, is discussed lastly. This study aims to provide a comprehensive overview of Ukraine's political journey and its implications.*

Key words: *form of government, evolution of government, checks and balances, EU experience.*

Problem Statement. The form of government is a key issue for the proper functioning of government in a modern state. It determines

the state's characteristics as democratic and legal, and ensures the effective implementation of the principle of separation of powers and the establishment of an effective mechanism of checks and balances.

The regulation of the formation and interaction of the supreme bodies of state power is enshrined in the fundamental law of the state and society. This regulation is based on a close connection with the sovereign will, and thus constitutionalizes and stabilizes the political and legal system of the country. It also protects the activities of the supreme bodies of state power from decisions and risks that do not rely on the authority of constitutional norms.

The organization of state power is an integral part of European constitutionalism and constitutional regulation of a democratic state. This is evident in the experience of countries that do not have a written constitution, such as the United Kingdom, Sweden, and Israel. These countries still give priority attention to the formation and relationship of supreme public authorities in their political and legal space. For example, in Sweden, which does not have a classical constitution as a single document, one of the four constitutional laws is dedicated to the form of government.

Therefore, the content and features of the form of government are determined on the basis of a systematic interpretation of constitutional norms on the organization and exercise of state power. In countries that do not have a written constitution, state government may have other normative sources, such as separate legislative (constitutional) acts, political traditions, and agreements. However, this does not diminish the importance of the established form of state governance for establishing sustainable and effective management.

The form of government is a complex and multifaceted concept. It can be characterized as more or less legally formalized, with a corresponding tendency to the prevalence of normative or political factors. The constitutional entrenchment of a particular form of government is significantly influenced by the specific historical conditions of development and adoption of the constitution of a country, the role of social and political forces in the constitutional process, and the specifics of its stage.

Analysis of Recent Research Publications. The form of government has not become a popular subject of in-depth theoretical analysis in the

recent national legal literature. However, some landmark works have been published on the topic. For example, S. H. Serohina's doctoral dissertation considers the form of government as a leading characteristic of the organization and exercise of state power. Separately, the issues of the peculiarities of state government in a parliamentary-presidential republic are studied in the PhD thesis of V. Protasova.

The objective of the article is to explore the evolution of the form of government in Ukraine and to identify the key challenges that the country faces in its pursuit of a more democratic and stable future. The article argues that the movement towards European norms of constitutional democracy can help to address these challenges and create a more democratic and stable Ukraine.

Specifically, the article aims to: 1) discuss the different forms of government that have been adopted in Ukraine, including presidential, presidential-parliamentary, and parliamentary-presidential republics; 2) analyze the constitutional process in Ukraine, which has been complex and often contentious; 3) examine the future of the form of government in Ukraine, which is uncertain due to the country's ongoing challenges; 4) identify the key problems that Ukraine faces in its pursuit of a more democratic and stable future; 5) argue that the movement towards European norms of constitutional democracy can help to address these challenges.

Research and Discussion. Starting with the works of ancient political philosophers, the study of forms of government convincingly demonstrates that there have never been in history and still do not exist at least two countries with identical state government. Each state has its own organization of power, determined by social and cultural conditions and specific features. Therefore, in the scientific sense, we can only talk about generalizations, i.e. certain conceptual models of government, which aim to identify certain features that reflect the characteristics of the functioning of higher authorities in terms of theoretically grounded criteria. The most important of these criteria are the degree of participation of the people in the formation of the supreme bodies of state power and the specifics of their relationship with each other, primarily in the context of the separation of powers and the functioning of mutual checks and balances.

The form of government is a complex concept that includes various elements. The central issue for the organization of government in any country is the question of the government as a body that exercises direct administrative influence on society. This includes who and how it is formed, to whom it is accountable and responsible, and its relationship with other higher bodies of state power.

In order to properly justify the constitutional form of government in Ukraine and the ways to improve it, it is necessary to take into account various factors. These include: 1) various conceptual models of forms of government developed in the context of European constitutionalism, their essential features, advantages and disadvantages; 2) the experience of formation and development of forms of government in European and other democratic countries; 3) the origins and development of the constitutional process in Ukraine, especially the transformation of forms of government in the context of the search for constitutional identity.

The presidential form of government is one of the most common forms of government in the world. It is characterized by the election of the president and the legislature by separate general elections. This leads to a «dual democratic legitimacy» for the legislative and executive branches, as well as a significant level of independence between the branches of government.

Under presidential rule, voters can predict not only the main directions of the head of state's policy, but also the possible composition of his government. The nationwide mandate of the president leads to the fact that the person holding this post receives, along with the powers of the head of the executive branch, a number of functions that characterize him or her as the head and representative of the entire state.

The main feature of the presidential model is strong presidential power. However, the president cannot act effectively without the support of the legislature. In the event of significant differences between the positions of the president and the legislature, this can create significant problems in the governance system.

Therefore, the integrity and continuity of governance in a presidential republic is ensured by a high level of interdependence of public authorities [1]. This requires the functioning of checks and balances to ensure both the independence of each branch

of government within its competence and the interaction of the legislative and executive branches.

The presidential model of government relies on effective mechanisms of decentralization of power, a strong system of local self-government, and a developed civil society structure [2]. This allows individual subjects of the federation, local communities, and various civic institutions to perform important functions in organizing the life of society without threatening state or governmental stability.

However, in authoritarian and semi-authoritarian regimes, these features can turn into significant drawbacks. A high degree of personalization of power can cause excessive sharpness of the political struggle for the presidency, which results in the winner gaining the most significant levers of power and control. This can provoke political instability and the risk of coups [3].

In contrast to the presidential model, the parliamentary model of government is characterized by a «soft» or functional division of power into branches [4]. This model is typically found in political systems of modern European democracies, which are based on two or three most influential parties that succeed each other at the helm of state power and governance. In countries with a two-party or multi-party system with a dominant party, the government consisting of representatives of the parties with a majority in parliament, through party factions or their coalition, effectively controls the activities of parliament.

The parliamentary model of government, also known as the cabinet system or ministerialism, is justified by the concept of «independent mandate.» This means that voters vote for a certain direction of government policy, not for a specific candidate. As a result, the government is formed by the party or coalition of parties that won the majority of seats in parliament. The government is responsible to parliament and can be dissolved if it loses the confidence of the legislature [5].

The effective functioning of the state power mechanism in a parliamentary democracy is primarily made possible by a stable party system, traditions of an independent judiciary, and a high level of political culture and responsibility. However, if there is no dominant

party or stable coalition of parties, the government can become weak and unstable [6]. This was the case in Italy in the second half of the 20th century, when the country experienced numerous and permanent political crises.

In order to overcome the disadvantages of parliamentary and presidential republics and combine their positive features, some countries have adopted a mixed form of government. This model combines elements of both presidential and parliamentary systems, such as the direct election of the president and the responsibility of the government to parliament [7]. The mixed form of government is often found in countries with a history of both presidential and parliamentary rule, such as France and Germany.

The mixed form of government has both advantages and disadvantages. On the one hand, it can provide greater stability and efficiency than either a presidential or parliamentary system. On the other hand, it can also be more complex and difficult to operate [8]. Ultimately, the choice of a particular form of government is a political decision that must be made by each country based on its own unique circumstances.

The French Fifth Republic is a mixed form of government, with elements of both presidentialism and parliamentarism. The president is directly elected by the people and has significant powers, including the ability to dissolve the parliament. However, the government is responsible to the parliament and can be dismissed if it loses the confidence of the legislature.

The bicephalic nature of the executive power in France means that there are two centers of power: the president and the prime minister [9]. The president is the head of state and has the power to appoint the prime minister and dissolve the parliament. The prime minister is the head of government and is responsible for the day-to-day running of the country.

The relationship between the president and the prime minister can vary depending on the political situation. If the president and the prime minister are from the same party, they will usually work together to govern the country [10]. However, if the president and the prime minister are from different parties, they may find it difficult to cooperate.

The French model of mixed government has both advantages and disadvantages. On the one hand, it can provide greater stability and efficiency than either a presidential or parliamentary system. On the other hand, it can also be more complex and difficult to operate. Ultimately, the choice of a particular form of government is a political decision that must be made by each country based on its own unique circumstances.

Mixed republics have become more common in recent years, as countries have sought to find a balance between the strengths of presidentialism and parliamentarism. The French model of mixed government is one of the most common, and it has been adopted by countries as diverse as France, Finland, Poland, and Ukraine [11].

The main characteristic of a mixed republic is the bicephalic nature of the executive power. This means that there are two centers of power: the president and the prime minister. The president is the head of state and has significant powers, such as the ability to dissolve the parliament. The prime minister is the head of government and is responsible for the day-to-day running of the country.

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In the case of Ukraine, the Constitution of 1991 established a presidential republic. However, the Constitution was amended in 2004 to create a more mixed system of government. The amendments gave the parliament more power and made it more difficult for the president to dissolve the parliament.

The choice of a particular form of government is a complex issue that there is no easy answer to. The best form of government for

a particular country will depend on a variety of factors, including the country's history, culture, and political system.

The form of government in Ukraine has evolved over time, from a presidential republic to a presidential-parliamentary republic to a parliamentary-presidential republic. The current Constitution of Ukraine, which was adopted in 1996, defines Ukraine as a unitary, democratic, social, and legal state. The President is the head of state, but the Prime Minister is the head of government. The parliament, the Verkhovna Rada, is the supreme legislative body.

The constitutional process in Ukraine has been complex and often contentious. There have been several attempts to amend the Constitution, and the form of government has changed several times. The current trend is towards a more parliamentary-presidential system, with the parliament having more power and the President having less power.

The future of the form of government in Ukraine is uncertain. The country is facing a number of challenges, including the ongoing conflict in eastern Ukraine and the COVID-19 pandemic. It is unclear how these challenges will affect the political landscape and the form of government in Ukraine.

However, it is clear that Ukraine is committed to European integration. As a candidate for membership in the European Union, Ukraine is required to meet certain standards, including the rule of law and human rights. These standards will likely have an impact on the form of government in Ukraine, as the country moves towards a more democratic and transparent system.

In order to adhere to European norms of constitutional democracy, Ukraine must institute a series of legislative changes designed to enhance the operational efficacy and equilibrium of the government. This will necessitate amendments that serve to strengthen the parliament, bolster judicial independence, and foster a more accountable executive branch.

1. Strengthening the Parliament. To enhance the power of the parliament, legislative reforms should be implemented to improve the efficiency and transparency of its operations. For example, measures should be put in place to ensure open, public debates on all proposed

legislation, and voting records of members should be made easily accessible to the public. Additionally, parliamentary committees should be strengthened to conduct effective oversight of government activities.

2. **Bolstering Judicial Independence.** The independence of the judiciary, a cornerstone of any democratic system, must also be ensured. Reforms could include a more transparent and merit-based process for the appointment of judges, with explicit criteria and clear procedures. Judicial decisions should be protected from undue political or other external influences, and the courts must be adequately funded and staffed to ensure their ability to perform their roles effectively.

3. **Creating a More Accountable Executive Branch.** The executive branch, for its part, should be held to account for its actions. To achieve this, a comprehensive system of checks and balances should be installed to prevent the abuse of executive power. This could include, for example, stricter procedures for the exercise of executive orders, and more robust oversight of the executive by the parliament.

4. **Continuing the Process of Decentralization.** The process of decentralization should also be continued, empowering local governments with greater autonomy and resources, thus ensuring a more balanced power distribution between central and local authorities.

5. **Safeguarding the Rights of National Minorities.** Lastly, to safeguard the rights of national minorities, changes to the legislation could be enacted that guarantee representation of minority groups in decision-making processes, and that protect minority languages and cultures.

Achieving true democracy and stability in Ukraine will take time and a commitment to these and other reforms., but the potential benefits for the country and its people are considerable.

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О. В. Петришин

Форма правління в Україні в контексті європейської інтеграції: уроки історії та сучасні новації

Анотація. Увага даної статті зосереджена на здійсненні наукового аналізу еволюції форм державного устрою України, від початку її незалежності в 1991 році. Переходячи від президентської республіки до президентсько-парламентської та, врешті решт, до парламентсько-президентської моделей, українська політична система проходила крізь періоди істотних трансформацій. Таке ретроспективне дослідження надає можливість більш ясно зрозуміти ключові фактори та обставини, які зумовили цей довгостроковий процес розвитку.

В критичному огляді різноманітних політичних моделей України акцентується взаємодія між президентом та парламентом, стратегічна роль судової влади у формуванні політичного пейзажу, баланс сил між центральною та місцевою владою, а також визначальні моменти в історії відносин між Україною та Європейським Союзом. Ці фактори, хоча й є різноплановими, відіграють ключову роль у контексті постійної еволюції форми державного управління.

Окрема увага автора присвячена дослідженню природи конституційних процесів України, що протягом років були позначені складністю, бурхливістю і, не рідко, жвавими дебатами. Важливе значення відводиться огляду прагнень України до відповідності європейським стандартам конституційної демократії. В цьому контексті наголошується на важливості динамічного балансу між доповнюючими, але одночасно конкуруючими гілками влади, що включають сильний парламент, незалежну судову владу та відповідальну виконавчу владу.

Виклики, перед якими опинилася Україна на шляху євроінтеграції, підкреслюють невизначеність майбутнього форми державного управління країни. Незважаючи на це, звертаючись до таких питань, як зміцнення парламенту, скорочення повноважень президента, формування консти-

туції, що віддзеркалює волю народу, захист прав національних меншин та знаходження балансу між інтересами України та Європейського Союзу, можливим є пошук шляху до більш демократичної та стабільної майбутньої моделі управління.

У висновках роботи, акцентується увага на тезі про те, що рух України до європейських норм конституційної демократії є фундаментальним прагненням, яке допоможе забезпечити динамічний баланс між різними гілками влади, сприяючи тим самим більшій демократії та політичній стабільності в майбутньому. Цей процес вимагає осмисленості, виважених рішень і, безумовно, лідерства, яке віддане ідеалам демократії та прогресу.

Еволюція форм державного устрою України була складним і безперервним процесом. Країна стикалася з низкою викликів, зокрема з конфліктом на сході України, пандемією COVID-19, та, врешті решт, повномасштабним вторгненням країни-агресора, окупацією територій та довготривалого воєнного стану. Однак Україна також прагне до інтеграції з Європейським Союзом. Рух до європейських норм конституційної демократії вимагатиме сильного парламенту, незалежної судової влади та відповідальної виконавчої влади.

Відтак, у заключній частині дослідження наведені основні рекомендації щодо продовження політичних реформ у сфері організації форми правління в Україні, посилення взаємодоповнюючої ролі гілок влади, забезпечення незалежності та підзвітності судової системи, розширення процесу децентралізації та інших актуальних напрямів.

Ключові слова: форма правління, еволюція правління, система стримувань і противаг, досвід Європейського Союзу.