

**MODERN CONCEPTS OF PARLIAMENTARISM IN SCIENCE
CONSTITUTIONAL LAW**

Pyroha Ihor Stepanovych

*Doctor of Law, Professor,
Professor of the Department of Constitutional Law
and Comparative Jurisprudence
State University "Uzhhorod National University"
Uzhhorod, Ukraine*

Prodan Viktoriia Ivanivna

*Ph.D., Assistant of the Department of
Constitutional Law and Comparative Jurisprudence
State University "Uzhhorod National University"
Uzhhorod, Ukraine*

The basic tenet of democracy is the principle of people's power, which manifests itself in two generally accepted forms: directly and through the institutions of people's representation – namely, parliaments. They perform the role of a kind of platform for the voice of the people with a clearly defined task – to reveal and implement the will of the people. It is with the existence of such a social and legal institution as the parliament that the constitutional and legal concept – parliamentarism – is associated.

The current level of development of democratic currents, multiculturalism and the strengthening of globalization processes lead to a rational change of the classic concept of "parliamentarism" through the prism of the emergence of modern interpretations of it in the form of new concepts in the science of constitutional law.

Parliamentarism in its general sense should be defined as the organization of power in the state and society defined in the constitution and other laws and appropriately transformed into a practical plane, in which the parliament, built on democratic principles, has legal status and real powers of representative, legislative, control and establishment character, in the budgetary, financial and foreign policy spheres, and through its active activities acts as a guarantor of the protection of the interests of both the majority and the minority of the country's citizens¹.

Modern currents of parliamentarism focus on those aspects that are reflected in the needs of society, for example:

1. Transparency of parliament and the importance of community participation in decision-making: modern parliaments try to ensure greater openness in their activities and promote public involvement in decision-making.

2. Multiculturalism and gender equality: the growing attention of society is focused on the inclusion of diverse groups and social strata in the political process.

¹ Пирога І.С., Бисага Ю.М. Парламентаризм: курс лекцій для студентів юридичного факультету. Ужгород, 2020. 92 с.

Modern parliaments try to take into account the interests of different ethnic groups, religions, and also ensure equal opportunities for men and women.

3. Flexibility in decision-making: the constant need to adapt to changes in social and economic conditions leads to the search for effective and flexible models of parliamentary activity.

4. Technological innovations: the use of modern technologies to improve communication between parliamentarians and citizens, holding elections, increasing the efficiency of the legislative process.

One of the modern concepts of parliamentarism is the **concept of limited government**, which faces certain requirements that it must meet according to European legislation, namely:

1) the legitimacy of the legislative body, which should be considered in two dimensions: internal and external. The first, external, aspect indicates the way the parliament is formed and, accordingly, indicates the acceptance of the parliament by the people. Legitimacy of the parliament is ensured by political elections as a mechanism for exercising people's power in democratic states. Such elections must be general, direct, equal, free and in compliance with the principle of secret ballot;

2) parliamentary independence, as a requirement of modern parliamentarism, is almost one of the most difficult, as it involves several aspects: it is independence from other branches of government in accordance with the theory of the distribution of power, and, at the same time, guaranteeing the activity of parliamentarians;

3) the balance of political forces in the parliament and the presence of the opposition – V. Cac rightly notes in this regard that the constitutional-legal guarantee of the parliamentary opposition forms a real democracy²;

4) accountable board. The main forms of responsibility are a resolution of confidence, a vote of no confidence, interpellation, questions (oral and written) of parliamentarians to the government and its members. Each state has its own specific features of parliamentary responsibility of governments. The most severe sanction, which ensures the implementation of the control powers of the parliament, is the right of the parliament to dismiss a state body or official under its control³.

The basis of modern Ukrainian parliamentarism is the centuries-old history of national state formation and the implementation of the experience of functioning of higher representative authorities in other countries. The basis of modern Ukrainian parliamentarism is the independence and supremacy of the parliament, its political structure; accountability and parliamentary control of executive and administrative bodies; formation of the government based on the balance of power in the parliament; political responsibility of the government.

Modern globalization processes penetrate into the domestic sphere through economic, informational, international legal and other spheres. The state is forced not only to take on functions that were not inherent to it before (information security, innovation activity), but also to modernize the functions inherent to it.

² Cac В.В. Регламент парламенту, його роль у правовій системі та деякі проблеми теорії і практики. *Держава і право*: Збірник наукових праць. Юридичні і політичні науки. Вип. 14. К.: Ін-т держави і права ім. В. М. Корецького НАН України, 2001. С. 122.

³ Дубас В. Європейські стандарти сучасного парламентаризму (за позиціями Європейської Комісії «За демократію через право»). *Український часопис Конституційного права*. № 2. 2019. С. 60-69.

The European integration course that Ukraine has chosen today necessitates taking into account modern trends in the development of parliamentarism as a guarantee of achieving the global dimension of Ukrainian constitutional realities. Today, modernization of modern constitutionalism and parliamentarism is an integral part of modern globalization processes in the world.

Today, we have the opportunity to observe the fact that the challenges of globalization encourage an intensive search for ways to improve national parliaments. We can say that such trends find their place in the participation of national parliaments in the field of foreign policy activities, for example, in participation in the conclusion of international legal treaties, implementation of international agreements, interparliamentary cooperation, etc.⁴.

Modern parliamentarism is a complex phenomenon of the social and political life of society. Today, in developed democratic countries, parliamentarism is evolving, taking into account democratic development, social progress and democratization of social relations.

One of the bright trends of modern times is the reconciliation of parliamentarism with the principles of democracy. In modern realities, people's representatives to a certain extent distance themselves from voters, and sometimes even pursue policies contrary to the preferences of citizens. This leads to a situation where a specific voter does not receive any benefits from his own participation in the vote, but his non-participation in the elections will have even more negative consequences⁵.

Today, we can observe trends regarding a certain structural construction of modern parliaments, in particular, an increase in the number of bicameral parliaments. The experience of modern developed European democracies proves that a bicameral parliament is often more democratic than a unicameral one, and is less vulnerable to "capture" by a certain political force or a coalition of such forces with the aim of monopolizing power.

A non-party upper house can prevent the emergence of the dictates of the parliamentary majority of the lower house. Bicameralism makes it impossible to prepare low-quality and lobbyist bills, helps to mitigate narrow party and intergroup confrontation, etc.

Today, the main direction of reforming the political system of Ukraine is ensuring real people's power, overcoming the alienation of the power mechanism from the people, completing the transition from the remnants of the totalitarian political system to the democratic political system of the state. Given the destabilization of the political situation in Ukraine, the level of corruption-causing factors, the distribution of socio-economic classes within society, the current model of the organization of state power, the territorial fragmentation of regions are factors that prevent the full-fledged development of a legal democratic state, which would be facilitated by the creation of a reform of parliamentarism in Ukraine on the basis of modern concepts in the science of constitutional law.

It can be concluded that modern concepts of parliamentarism have common trends, their own characteristics and challenges, among which it is worth highlighting: political fragmentation, strengthening the role of the opposition, the creation of hybrid forms of government, institutional reform, challenges caused by globalization and international cooperation.

⁴ Див. джерело № 1.

⁵ Француз-Яковець Т.А. Тенденції розвитку парламентаризму в контексті сучасних глобалізаційних процесів. *Правничий вісник Університету «КРОК»*. № 35. 2019. С. 6–14.