

EVOLUTION OF POLITICAL PARTY SYSTEM OF UKRAINE. A GLANCE AT THE LOCAL ELECTIONS DEVELOPMENTS

ЕВОЛЮЦІЯ ПОЛІТИЧНОЇ ПАРТІЙНОЇ СИСТЕМИ УКРАЇНИ. АНАЛІЗ ОСОБЛИВОСТЕЙ МІСЦЕВИХ ВИБОРІВ

Portnov I.A.,

*Postgraduate student at the Constitutional Law Department of
Taras Shevchenko National University of Kyiv*

This article examines some aspects of the development of the political party system of Ukraine, with special attention being paid to the new (after the Revolution of Dignity) period in the context of local elections. Author mentions both successful developments and problematic aspects.

Key words: political party, elections, local elections, Law of Ukraine.

У статті розглядаються деякі аспекти розвитку політичної партійної системи України, при цьому особлива увага звертається на новітній (після Революції гідності) його період у розрізі місцевих виборів. Наводяться успішні, на думку автора, зміни, а також згадуються проблемні аспекти.

Ключові слова: політична партія, вибори, місцеві вибори, Закон України.

В статье рассматриваются некоторые аспекты развития политической партийной системы Украины, при этом особое внимание обращается на новый (после Революции достоинства) его период в разрезе местных выборов. Приводятся успешные, по мнению автора, изменения, а также упоминаются проблемные аспекты.

Ключевые слова: политическая партия, выборы, местные выборы, Закон Украины.

Since the very beginning of our country's independence, we have witnessed and participated in many elections. They have been held on quite a regular and more or less democratic basis. Since 1991, electoral legislation in Ukraine has been through regular and substantial transitions, which has also affected the performance and input of political parties, one of the crucial participants of electoral processes practically in any country of the world. Such processes, which will be discussed in the piece, have been inevitable to some extent, which clearly does not speak for certain stabilization of the political system. In the end of the day, Ukraine is need for the most adequate legislation governing the electoral processes and participation of political parties therein.

The piece aims at the reflection on the peculiarities of modern involvement of political parties in rebuilding of Ukrainian democracy and ensuring its advancing on the European path. This piece makes an emphasis on the political parties' participation in local elections and gives an overview of progress, which has been achieved since the Revolution of Dignity and also notes on the weaknesses which Ukraine still faces.

The *political system* of society is a concept used in domestic legal science for the analysis of the political sphere of life of society. The role of political parties in the political system of society lies in the fact that they represent the primary political institutions, ordinary citizens, and may considered original mediators between the people, who implement their authority through the political parties, and the state, which a priori created as a relatively separate institution with public authority on a nationwide scale [1]. Consequently, the issue of the existence of political parties and their participation in the electoral process for the government is a matter of the essence of the political system of society.

The formation of the institution of political parties is inextricably linked with the development of the electoral system. These circumstances should be taken into account by the legislators in the process of their legal institutionalization - that is, the recognition by the state, the creation of the appropriate legal framework for their activities.

Legal institutionalization of political parties, in turn, aims at consolidating their organizational and legal status and regulation of their activities. At the same time, it affects other institutions related to the parties, institutions of the political system (state authorities, election commissions, public organizations), specifying their rights and obligations in relations

with the parties, thus contributing to the improvement of the legal norms in various branches of legislation.

The existence of political parties in Ukraine is the result of objective historical development and democratization of public life. The modern constitutional and legal development of the state is characterized by the process of legal institutionalization of political parties, the legislative strengthening of their role in the formation and implementation of state power, the recognition of parties as the necessary institution for the functioning of the entire state mechanism.

As Honiukova notes, political parties should only be examined from the perspective of being an organization that sets the goal of constantly promoting the formation and expression of the political will of citizens at the state level [2]. How a certain party achieves this goal depends on the party itself (its ideological principles, a program of activities, etc.), and from other factors, such as the legal achievement of power, and thus the expression of the will of a certain part of the population that supported it in the elections.

Turning to the peculiarities of the political developments in Ukraine, Liudmyla Adashys suggests to divide the formation of Ukrainian political parties and the evolution of their legal status in three periods, which consist of certain stages.

First period is the middle of the XIX – the beginning of XX century, which respectively is divided in the following stages:

1) the preconditions for the emergence of political parties in the 40's and 80's;

2) the formation of Ukrainian national parties and the beginning of their activities from the end of the XIX century – until 1905;

3) parliamentary activity of the Ukrainian national parties during the period of the Russian Revolution of 1905–1907 and their further survival in the conditions of post-revolutionary and military reaction;

4) the stage between 1917–1925, which was marked by the active development of the political movement, which embodied in the emergence of a large spectrum of political parties, their associations, and subsequently the ultimate destruction of the Ukrainian multi-party system.

Second period – the mid 20-ies of XX century until the end of the XX century – marks complete endorsement of one-party system in the USSR based on mono-ideology.

Third period – the end of the XX century – beginning of XXI century – consists of the following stages:

- 1) revival of the political movement (1987–1989);
- 2) official recognition of the multiparty system (1990–1995);
- 3) Constitutional determination and further development of political pluralism (1996–2000);
- 4) consolidation of the legal status of political parties by a special law and its further evolution (since 2001) [3].

In 2014, after the Revolution of Dignity, there was an urgent need for social reforms in order to preserve Ukraine as an independent state and set a stable course for its development. Today, we are watching slow progress of reform in many areas. However, the political system has not changed a lot, although the demand of society for its change is enormous. In addition, without reforming the key mechanism for the formation of the highest bodies of political power – the election – even already noticeable modest achievements in other areas remain rather vulnerable. After the Revolution of Dignity, extraordinary elections of the president and people's deputies took place. The introduction of open lists in parliamentary elections initially promised by the president in his election program, and then laid down by 302 parliamentarians in the coalition agreement. These steps were supposed to launch the process of gradual change in the electoral system as a whole and touch on the participation of political parties in elections.

The electoral reform is ongoing since 2015. This reform falls within the framework of the reforms in our country and should be considered an important component in the acceleration of the reform and harmonization of the electoral legislation. The goal is to depart from the majoritarian electoral system and reduce the level of populism in Ukrainian politics, strengthen state control over the activities of political parties.

Progressive achievement of our state was the adoption of the Law of Ukraine on Amendments to Certain Legislative Acts of Ukraine on preventing and combating political corruption dated 8 October 2015 [4] by the Verkhovna Rada of Ukraine, which entered into force on 1 July 2016. The Law introduces state funding of political parties. In particular, its provisions lie down that the state budget of Ukraine funds charter activities of political parties not related to their participation in parliamentary elections, presidential elections and local elections; it provides for the reimbursement of expenses related to the financing of party election campaign during the regular and extraordinary elections of people's deputies of Ukraine. This means annual government funding of statutory activities of political parties according to this law are eligible for such funding would be two hundredths of a minimum wage set at 1 January of the year preceding the year of allocation of the state budget multiplied by the total the number of voters who took part in the vote. Annual state funding of statutory party activities began on 1 January 2017.

The law also established that the state control over political parties intended use of funds allocated from the state budget of Ukraine to finance their statutory activity, exercise Chamber and the National Agency for prevention of corruption. Following the next elections to the Verkhovna Rada of Ukraine, the right to receive budget funds will be exercised by those parties that will receive more than 2% of the votes.

In the late 90th elections of deputies of village and city and town council were held by the majoritarian electoral system of relative majority in single member constituencies. By analogy, the village, town, and mayor elections were held. The right to nominate candidates for deputies of local councils and candidates for the village, and the mayor belonged to a political party (bloc), and could be implemented through self-nomination during voter meetings or gatherings of public organizations [5].

In 2004, a new law was passed that regulated the issue of holding local elections. Thus, according to the Law of Ukraine on the Election of Deputies of the Autonomous Republic of Crimea, local councils and village, town and city mayors dated 6 April 2004 the elections of deputies of village councils were held under the majority system of relative majority in sin-

gle-member constituencies. Election of village, town and city mayors were held under the majority system of relative majority election in one constituency. This election to the Verkhovna Rada of the Autonomous Republic of Crimea, deputies of regional councils, Kyiv and Sevastopol city councils were held under the proportional system, deputies elected by electoral lists of candidates of political parties, blocs of political parties in the multi-member constituencies. Under such an electoral system, deputies of city, district and district councils were elected [6]. We conclude that the institutional framework of the election process included the self-set and the right to nominate including through local organizations of parties (blocs). At the same time, the role of political parties in comparison to local elections until 2004 has increased significantly.

In 2010, with the adoption in July of the Law of Ukraine on the election of deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, local councils and village, settlement and city mayors [7], the electoral system is changing again. The law provides for the elections of deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, regional, city, town and district councils in cities to be held under mixed (majority-proportional) system, according to which half of the deputies of the relevant council are elected from the parties' lists, and the other half - by the majority system of relative majority. Also, since 2010, parties were blocked from participating in elections and a mixed election system was introduced. The norm on obligatory nomination of subjects of the electoral process by political parties extended not only to the candidates for the deputies of local councils, but also to candidates for the posts of mayors. Such changes in the legislation were adopted after the 2010 presidential elections in Ukraine. This enabled the then pro-government party to obtain a majority in local self-government bodies.

Substantial changes in the legislation regulation of the procedure for holding local elections took place in 2015, in particular with the adoption of the Law of Ukraine on Local Elections of 14 July 2015 [5]. The law contains improved provisions on the transparency of financing election campaigns, builds a clear and coherent system of interaction between election commissions in the preparation of elections, summing up and setting voting results. The law envisages that the elections of deputies are conducted under the proportional electoral system in the multi-mandate constituencies from the electoral lists of local organizations of political parties with the fixation of a candidate in territorial election districts, which is divided into a multi-mandate constituency, which coincides with the territory of the relevant region, district, city territory in accordance with an existing administrative-territorial organization or a territory formed in accordance with the Law of Ukraine on Voluntary Association of Territorial Communities [8].

All registered parties can take part in the elections, but initially there was a legal norm that political parties should be registered one year before the election in order to have the right to nominate candidates.

The innovative approach is also laid down in relation to the formation of territorial election commissions, namely two candidates from parties with parliamentary factions, and these candidacies automatically become members of election commissions and one candidate from other political parties. Nevertheless, if there is more than 18 (the limit number), then there will be lots. The same applies to district commissions, only to the polling station – one person from parliamentary factions automatically, and for non-parliamentary parties the conditions are more complicated (because of drawing lots). The priority of placing candidates for deputies in the electoral roll from the local party organization that has the right to participate in the distribution of deputy mandates in this district (over 5%) is determined by the decision of the territorial election commission by forming and approving the election list of the local party organization. In the specified election list of the local party organization candidates for deputies (except

for a candidate who is not attached to a territorial election district (first number), are placed in the order of reduction of the percentage of votes cast for the respective local party organization in the territorial election districts, which were fixed by the candidates from the total number of votes cast for all local party organizations in the respective territorial constituencies. If the received interest is equal in number of candidates, they are placed in the electoral roll in order to reduce the number of votes cast for a local party organization [8].

In 2015, the Law of Ukraine on Local Elections for the first time provided for the election of senior officials – new local government officials whose legal status has not yet been determined. Local parties that do not meet the requirements of the Law of Ukraine on Conviction of the Communist and National-Socialist (Nazi) Totalitarian Regimes in Ukraine and the Prohibition of the Promotion of Their Symbols can not participate in the elections [9]. It is established that bribery of voters is prohibited. It is also forbidden to conduct election campaigning, accompanied by giving money, free of charge goods or goods on preferential terms to voters (except for goods containing visual representations of the name, symbolism, flag of the local party organization, provided that the value of such goods does not exceed five percent of the minimum size wages – about 61 UAH) and other material values or works or services. It is forbidden to conclude with the voters at the expense of the election fund payment contracts for election campaigning [5].

At the same time, there is still a number of issues to be solved and time is not on our side since the elections are approaching. Among the most important issues is that political parties in Ukraine are not representative, they still are headed by charismatic leaders without focusing on the ideology. As a result, no political party in Ukraine today relies on a particular social group or stratum. In addition, Ukrainian political parties do not base their activities on a clear ideology, do not have

a far-reaching vision of the development of society and the country, do not form ideas, goals and objectives directed at power and society as a whole.

The ideological emptiness of modern Ukrainian parties is reflected in their names as well. They have no mention of ideology; instead, the personalist character of the parties is striking. For example, Petro Poroshenko's Block Solidarity or Radical Party of Oleg Liashko are associated exclusively with the leaders of these political forces, but not with their ideas or values.

Since 1991, electoral legislation in Ukraine has been through regular and substantial transitions, which has also affected the performance and input of political parties, one of the crucial participants of electoral processes practically in any country of the world. Consequently, the issue of the existence of political parties and their participation in the electoral process for the government is a matter of the essence of the political system of society. In 2014, after the Revolution of Dignity, there was an urgent need for social reforms in order to preserve Ukraine as an independent state and set a stable course for its development. Today, we are watching slow progress of reform in many areas. After the Revolution of Dignity, extraordinary elections of the president and people's deputies took place. Progressive achievement of our state was the adoption of the Law of Ukraine on Amendments to Certain Legislative Acts of Ukraine on preventing and combating political corruption dated 8 October 2015. Substantial changes in the legislation regulation of the procedure for holding local elections took place in 2015, in particular with the adoption of the Law of Ukraine on Local Elections of 14 July 2015. At the same time, there is still a number of issues to be solved and time is not on our side since the elections are approaching. Among the most important issues is that political parties in Ukraine are not representative, they still are headed by charismatic leaders without focusing on the ideology.

REFERENCES:

1. Adashys L. Theoretical Views of Political Parties: Historical and Methodological Aspect. *Entrepreneurship, Households and Law*. 2012. № 5. P. 138–142. Bibliographer: 14 titles.
2. Gonyukova L. Creation of political parties: necessary and sufficient prerequisites. *Vysn. National acad. state exercise under the President of Ukraine*. 2005. № 1. P. 406–412.
3. Adashys L.I. Stages of formation of political parties in Ukraine. *Customs Affairs*. 2009. № 6. Part 2. P. 64–75.
4. On amendments to certain legislative acts of Ukraine on prevention and counteraction to political corruption: Law of Ukraine dated October 8, 2015, № 731-VIII. Information from the Verkhovna Rada of Ukraine. 2015. № 49–50. Art. 449.
5. On local elections: Law of Ukraine dated July 14, 2015 № 595-VIII. Information from the Verkhovna Rada of Ukraine. 2015. № 37–38. Art. 366.
6. On the election of deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, local councils and village, settlement, city mayors: Law of Ukraine dated April 06, 2004 № 1667-IV. Information from the Verkhovna Rada of Ukraine. 2004. № 30–31. Art. 382.
7. On the election of deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, local councils and village, settlement and city mayors: Law of Ukraine dated July 10, 2010 № 2487-VI. Information from the Verkhovna Rada of Ukraine. 2010. № 35–36. Art. 491.
8. On voluntary association of territorial communities: Law of Ukraine dated February 5, 2015, № 157-VIII. Information from the Verkhovna Rada of Ukraine. 2015. № 13. Art. 9.
9. On the condemnation of the communist and national-socialist (Nazi) totalitarian regimes in Ukraine and the prohibition of the promotion of their symbols: Law of Ukraine dated April 9, 2015 № 317-VIII. Information from the Verkhovna Rada of Ukraine. 2015. № 26. Art. 219.