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RESPONSIBILITY AND STABILITY OF THE PARLIAMENTARIAN IN THE SPECIAL CONDITIONS OF MARTIAL LAW

Background. *The parliament in the modern political world is presented, on the one hand, as a compulsory element that is naturally incorporated into the political structure at any level of power, which allows to introduce clearly the institutional position it occupies. On the other hand, the work of a deputy involves publicity, which expands the possibilities of analyzing various aspects and areas of activities of people's representatives. However, the conditions of Russian-Ukrainian war significantly affect and change the work of the national parliamentarian.*

Methods. *The methodological basis of the research is based on the synergy of general scientific, scientific-sociological and philosophical-scientific methods. The fundamental methodological elements of the study of parliamentary activity as a form of state administration are analysis, modeling, forecasting and study of statistical data. General scientific methods provide a collective characteristic of quantitative and qualitative indicators of the development model of parliamentarism in a country at war. The analysis is based on the materials of the scientific discourse of the last five years, which highlight management strategies and practices in this management cluster. For the current study, scientific works were selected from the leading scientometric databases of Google Scholar.*

Results. *Studying the status of a people's deputy as a legal institution in the authorities, which determines the political and normative nature of the deputy's mandate, as well as accountability and controllability to voters, it is possible to distinguish three main types of responsibility. First, it is criminal responsibility, the key concept of which is a criminal offense. Secondly, political responsibility, which lies within the framework of the code concept is a "party program". It makes sense to trace political responsibility both to a party deputy who represents the interests of the people, while adhering to the party's political program, and to a majoritarian deputy who focuses on representative and legislative activities to implement his local program principles. Thirdly, the responsibility is moral, which comes down to the concept of "promise". This type of responsibility is characterized to a greater extent as subjective responsibility, which is derived from the personal qualities of the deputy, such as decency, understanding, compassion and attitude to the population's problems as his own. Responsibility is the most important moral and social-psychological quality of a person. At the same time, it acts as a mechanism of society's control over public-private relations, in the process of which a consensus is reached between personal and public interests.*

Conclusions. *The effectiveness of the work of the Verkhovna Rada of Ukraine in the special conditions of martial law attests to the responsibility and stability of parliamentarians. The exercise of powers was characterized by the intensification of work in committees and factions, as well as during plenary sessions against the background of a constant reduction in the number of parliamentarians. At the same time, we don't always see the clarity of their work, there is also the neglect of national interests by some people's deputies. The organization of Ukrainian parliament work in the conditions of martial law has become coherent and effective. The rules of deputy ethics must be mandatory, have an expansive interpretation, regulating the behavior of deputies both on duty and outside of official activity.*

Keywords: *people's deputy, parliament, public administration, stability, deputy's responsibility.*

Background

The concept of "parliament" is a rather complex and significant phenomenon. In order to characterize this political institution and to normalize the various meanings in which it is used, it is necessary to determine the status of parliamentarians who form the main legislative body of the country. **The purpose of the article is to study the peculiarities of the realization of powers by people's deputies in wartime conditions.**

The study of the British representative body, one of the oldest in the world, is the theoretical foundation that formed the basis of Ukrainian scientific research. Researchers of the state and law of Great Britain distinguish four approaches to the definition of parliament through the analysis of the nature of the parliamentary mandate. According to the first of them, deputies act as "delegates of their voters", and people's deputies, are considered, first of all, as representatives of the interests of their voters. Another approach sees parliamentarians as defenders of national interests; the third approach sees the officials as the guide of the will of political parties and examines the mechanism of representation in the context of the implementation of the party platform. Finally, the fourth approach – the parliament as a mirror of society – connects the concept of representation with the idea of proportional representation of different population groups in the

parliament. The modern criterion for the effectiveness of the representative system is the national consensus ("national interest") – a set of individual and collective interests of the head of state, the ruling elite, trade and industry circles and broad population groups, which is the basis of state policy (Griffith, 1989, p. 37).

Out of turn parliamentary elections were held in Ukraine on July 21, 2019, and according to the Constitution, the next parliamentary elections were to be held in 2023. However, on February 24, 2022, a large-scale military invasion by Russia began, and on the same day martial law was declared in Ukraine. Since the term of office of the Verkhovna Rada of Ukraine of the 9th convocation expired during martial law, in accordance with Article 83 of the Constitution of Ukraine, its mandate was extended until the first session of the new convocation of the parliament elected after the abolition of the mentioned legal regime. Such a function of the national parliament are not sufficiently reflected in scientific sources and require analysis. Therefore, the work of the Verkhovna Rada of Ukraine under martial law needs further research, especially the exercise of powers by people's deputies.

Methods

The methodological basis of the research is based on the synergy of general scientific, scientific-sociological and philosophical-scientific methods. The fundamental

methodological elements of the study of parliamentary activity as a form of state administration are analysis, modeling, forecasting and study of statistical data. General scientific methods provide a collective characteristic of quantitative and qualitative indicators of the development model of parliamentarism in a country at war. The analysis is based on the materials of the scientific discourse of the last five years, which highlight management strategies and practices in this management cluster (Khadzhiradeva, Sluchai, & Rachynskyi, 2020).

For the current study, scientific works were selected from the leading scientometric databases of Google Scholar. The literature was selected according to the following key phrases: public administration, parliamentarism, parliament, representative power, responsibility, stability of the parliamentarian. Comparative analysis makes it possible to determine the difference between the sustainable format of management activities and the activities of people's elected officials in conditions of socio-cultural instability or crisis. Systematization of the data obtained during the analysis of the principles of the management system organization, taking into account global or local risks, makes it possible to obtain universal models of the activities of people's representatives. A separate methodological asset are tools aimed at revealing the future dimension of the public activity of parliamentarians and the potential of this cluster of the public administration system. Modeling makes it possible to formulate universal strategies of public administration using mechanisms for regulating the system of power and responding to critical changes in society. Forecasting provides an understanding of the expediency of using the concepts of parliamentary activity in conditions of constant social progress. Determining the resources that can potentially be used to eliminate unforeseen circumstances of a socio-cultural nature is a guarantee of the effectiveness of the public administration system. Statistical data provided by the Apparatus of the Verkhovna Rada to the researcher will help readers understand the role of the representative body in the socio-political events of recent years.

At the same time, the philosophical-scientific principle of synergy allows us to determine the general trend of a risk-oriented type of management in the public sphere, which is based on interaction in society at the horizontal and vertical levels. Synergy is a methodological approach used in the current study to identify the levels of controllability of the public administration process and the level of self-organization that determines the autonomy of management, taking into account potential and real risks.

Results

Studying the status of a people's deputy as a legal institution in the authorities, which determines the political and normative nature of the deputy's mandate, as well as accountability and controllability to voters, it is possible to distinguish three main types of responsibility (Goshovska, 2011).

First, it is criminal responsibility, the key concept of which is a criminal offense. However, parliamentarians had parliamentary immunity until 2019, and it was possible to bring a people's deputy to criminal responsibility only with the consent of the Verkhovna Rada of Ukraine. Therefore, only in 2020, 90 people's deputies were brought to such responsibility.

Secondly, political responsibility, which lies within the framework of the code concept is a "party program". It makes sense to trace political responsibility both to a party deputy who represents the interests of the people, while adhering to the party's political program, and to a majoritarian deputy who focuses on representative and legislative activities to implement his local program

principles. At the same time, it should be kept in mind that political responsibility is primarily aimed at strategic planning and solving strategic tasks (the search for a systemic solution of a significant, universal, human, national, moral problem). We can already talk about whether the deputy is responsible or not, since they were elected 5 years ago. For the sake of current control over the performance of the representative of the people's duties, attention should be paid to which commissions he works in, which legislative initiatives he participates in, whose interests he lobbies for, how consistently he defends what he planned in his political programs. Political responsibility is the responsibility of a deputy to his voters.

Thirdly, the responsibility is moral, which comes down to the concept of "promise". This type of responsibility is characterized to a greater extent as subjective responsibility, which is derived from the personal qualities of the deputy, such as decency, understanding, compassion and attitude to the population's problems as his own. A similar type of responsibility can be traced immediately after being elected as a deputy, since here first of all tactical tasks are solved, that is, those specific measures that the people's elected representative takes in order to fulfill his promises to the voter (repair the roof, build a road, build a playground, etc.). The moral responsibility of a deputy is responsibility to the voters or their separate groups (elderly people, young people, women, children, etc.) (Dzeha, & Khromtsov, 2024, pp. 49–61).

It is very difficult to bring a deputy to the voter's legal responsibility. The revocation mechanisms described in national regulations do not work effectively. The low level of politicization and legal culture prevents many citizens who suffer from bureaucratic arbitrariness from legally punishing a deputy who has discredited himself.

At the same time, some people's deputies worry only about the responsibility to the interest and pressure groups that financed the election campaign in order to obtain lobbying leverage. After all, in the national political field, financial and industrial groups, oligarchic clans, often invest tangible resources in individuals, who later work out specific orders.

The essence of the mandate of a people's representative under various variants of the relationship between a deputy and voters is defined as a "free" or "imperative" mandate. At first sight, it may seem that the imperative mandate is more in line with the essence of people's rule as a principle of organization and functioning of public power. A people's representative, who receives orders from the voters during the election campaign regarding his future activities, after being elected, fulfills the will of his voters, and if his work is found to be unsatisfactory, he is deprived of his mandate. At the same time, a deputy may lose his status both during regular elections and prematurely, when the deputy is recalled.

Using of the proportional electoral system (the so-called "elections based on party lists") breaks the direct connection of the parliamentarian with a certain territory – the electoral district. That is, a deputy elected under such a system is given a free mandate. Anyway, the proportional system allows to have representatives in the parliament not only of the majority, but also of voters who are in the minority. The majoritarian system within each electoral district gives representation only to the majority of voters, completely nullifying the votes of the minority. So, on the one hand, the majoritarian electoral system allows establishing a "direct connection" between the people's representative and his voters, but on the other hand, the

proportional system better reflects the diversity of political views that have become widespread in society in the composition of the representative body.

One of the most important components of parliamentary activity is its ethical and legal regulation, since:

- the activity of parliamentarians affects various public interests and involves a high degree of moral responsibility to their voters;

- parliamentary activity is a continuous process of interaction. This is a continuous process of interaction and communication with colleagues, participants in the law-making process, voters, representatives of foreign delegations, officials and mass media. This process requires a psychological culture of communication, speech, conducting parliamentary debates and observing parliamentary etiquette;

- professional parliamentary ethics is based both on personal convictions and on the moral and psychological influence of other representatives of the deputy corps.

This is connected not only with the moral and psychological influence of other representatives, vice-speakers, but also with the norms of the parliamentary regulations. A characteristic feature of parliamentarians' work and higher echelons of state power in general is the need to transform political statements into legislative or other legal forms; political activity is inherently social, largely public and unifying, and law-making requires a high level of training, professionalism, competence and persistence; the level of ethical standards has a significant impact on the level of efficiency of parliamentary activity. This is due to the fact that it shows how clearly deputies understand their functions, powers, their role in determining the political course of the state and the responsibility of their position and actions before voters (Maksimentseva, 2022).

Duties of parliamentarians have a complex structure. First of all, they include actions aimed at fulfilling the legislative functions of the Verkhovna Rada of Ukraine. Secondly, the deputy's duties include refraining from actions that limit the deputy's illegal activity. After all, this indicates a disrespectful attitude towards his country (a certain territory that he represents) and towards the work being carried out. In this case, it means a ban on engaging in activities incompatible with the status of a deputy, acquiring citizenship of another state, etc. Thirdly, the deputy's duties include performing the function of representation to the extent provided by established powers. Abuse of deputy powers consists in using one's rights for the wrong purpose, in particular, violating the rights of those citizens whom the people's representative introduces.

On the one hand, missing meetings due to disreputable reasons, not participating in the work of the committee or commission to which he was elected, making insults from the public podium during his speeches, etc., should be considered as disciplinary offenses, for the commission of which the people's elected official is subject to punishment, which is internal parliamentary responsibility. On the other hand, all these actions together make it possible to establish the fact of non-fulfillment or improper fulfillment of the duties assigned to the deputy, which are before the voters and the party, and the need to apply constitutional and internal corporate party (disciplinary) measures to him in this connection responsibility.

Among the Ukrainian parliamentarians, the provisions on increasing responsibility for systematic, gross violations of the norms of deputy ethics are causing controversy: starting from fines (deduction from wages) to the

deprivation of the deputy mandate. However, the legislative consolidation and unification of the list of these and other strict measures will be the main guarantee of their effectiveness.

In Ukraine, a reform regarding the responsibility of people's deputies was initiated, but the war stopped this issue. Thus, issues regarding the representative mandate, the compatibility of deputy activity and other work, termination of powers, including early ones, requests and appeals of people's deputies, etc., remain unresolved.

Responsibility is the most important moral and social-psychological quality of a person. At the same time, it acts as a mechanism of society's control over public-private relations, in the process of which a consensus is reached between personal and public interests. Responsibility is a general sociological category that expresses a person's conscious attitude to the demands of social necessity, duties, social tasks, norms and values. Responsibility means awareness of the essence and meaning of activity, its consequences for society and social development, actions of a person from the point of view of the interests of society or a certain group.

Parliamentarians are subjects of public administration, they express the interests of significant parts of the country's population. At the same time, the government in Ukraine is formed by the Verkhovna Rada of Ukraine elected by the people and has got political responsibility to it (Goshovska, 2024).

The dualistic nature of parliamentarism as a system of public administration and a specific political institution is noted by Nadiya Maksimentseva. She also stated the limitations of parliamentarism as a result of the introduction of the legal regime of martial law, but noted that this corresponds to the norms of direct effect of the Constitution. O. I. Zozulya substantiated the need to balance the safety and efficiency of the Parliament's work and its openness, noted the observance of the established Regulations of the Verkhovna Rada's work under martial law conditions (Zozulya, 2023). This requires making appropriate changes to the course of action for implementing parliamentary procedures. The current distressing events in Ukraine are increasingly convincing that, paraphrasing the opinion of I. Franko, political parties and their representatives as subjects of political activity must learn to feel themselves Ukrainians, and not Galician, Bukovinian Ukrainians, but Ukrainians without official borders (Dzaha, & Khromtsov, 2024). Such political Ukrainian-centrism of parties should, among other things, relate to their responsibility not only for their statutory activities, but also for the use of state funding provided to them (Terlyuk, 2022).

It is important to know that people's deputies of Ukraine are not guaranteed parliamentary immunity. They are not legally responsible for the results of voting or statements in the parliament and its bodies, with the exception of liability for insult or slander.

Responsibilities of the people's deputy of Ukraine:

- are always related to the norms of his activity and can be introduced only where they exist;

- are introduced where there are norms that are mostly rational in nature and tend to change under external influence;

- are characterized by a causal connection, which is interpreted as both activity and inaction, that lead to changes in the external world;

- depend on the presence of proper control over its activities;

- partially foresee the consequences of the actions of controlling bodies (society, community, political party, parliamentary faction, etc.);

- have the appropriate levels (for example, carelessness, imprudence, negligence, disregard for rules, lack of control, misleading, maliciousness, etc.);

- always have a retrospective assessment of the norm violation.

Despite the beginning of Russian aggression, air alarms and danger for the people's deputies and the work of the Verkhovna Rada of Ukraine in Kyiv, a decision was made to refuse evacuation to another city. Parliament played a stabilizing role for the consolidation of society, international partners in the first days of the war and demonstrated responsibility, cohesion and resilience. In the period from February 24, 2022 to April 2024, the Verkhovna Rada of Ukraine of the ninth convocation met 103 times for plenary activities. 1495 agenda items were considered; a total of 657 laws were adopted, including 82 laws in the new version, 58 ratifications and 39 denunciations; 852 resolutions were adopted. From February 24, 2022 to April 8, 2024, the Verkhovna Rada of Ukraine:

- recognized bills as urgent 42 times and shortened the terms of introducing alternative bills;

- 190 times shortened and 4 times extended the terms of preparation of draft laws for the second reading;

- 266 laws were adopted immediately as a basis and as a whole.

In particular, during the period of martial law from February 24, 2022, the following were adopted:

- in the field of finance, tax and customs policy – 93 laws;
- in the field of foreign policy and inter-parliamentary cooperation – 77 laws;

- in the field of national security – 72 laws;

- in the field of law enforcement – 61 laws;

- in the field of legal policy – 46 laws;

- in the field of social policy and protection of veterans' rights – 44 laws;

- in the field of economic development – 41 laws.

The parliament adopted about 170 legislative acts aimed at countering the armed aggression of the Russian Federation, including 14 statements and 44 appeals to the international community. During the period of martial law, 657 laws were adopted on subjects of the right of legislative initiative, among them:

- on the legislative initiative of the President of Ukraine – 83 laws;

- on the initiative of people's deputies of Ukraine – 402 laws;

- on the initiative of the Cabinet of Ministers of Ukraine – 172 laws.

Since June 23, 2022, after Ukraine acquired the status of a candidate for membership in the European Union, the Ukrainian Parliament adopted 71 laws in the field of European integration, including 22 laws aimed at implementing the recommendations of the Conclusion of the European Commission regarding Ukraine's application for membership in the European Union; another 35 draft laws were adopted in the first reading as a basis (Press service of the National Academy of Sciences of Ukraine, 2024)

In accordance with Article 191 of the Rules of Procedure of Ukrainian Parliament, the Verkhovna Rada annually at the beginning of the regular session, which starts on the first Tuesday of February, upon the proposal of the Chairman of the Verkhovna Rada of Ukraine, approves the plan of the legislative work of the Verkhovna

Rada (hereinafter – the Plan), agreed by the Conciliation Council taking into account the summarized by the Apparatus of the Verkhovna Rada Board proposals of committees. On February 6, 2024, the Verkhovna Rada of Ukraine approved the Plan of Legislative Work for 2024 by adopting the relevant Resolution No. 3561-IX. The legislative work plan for 2024 contains 481 points. During the preparation of the Plan of legislative work for 2024, the principle of legislative proposals distribution was taken into account according to directions that correspond to the subjects of the relevant committees. At the same time, taking into account the provisions of the Law of Ukraine "On Law-Making Activities" dated 08/24/2023 No. 3354-IX in terms of planning law-making activities, a new structural division of the Plan was introduced, namely into two sections: a list of issues that require legislative regulation aimed at adapting legislation of Ukraine to the provisions of the law of the European Union (EU acquis) in terms of the fulfillment of Ukraine's international legal obligations in the field of European integration, containing 95 points and other issues requiring legislative regulation, containing 386 points (Staffing of People's Deputies of Ukraine, 2024).

Discussion and conclusions

The effectiveness of the work of the Verkhovna Rada of Ukraine in the special conditions of martial law attests to the responsibility and stability of parliamentarians. The exercise of powers was characterized by the intensification of work in committees and factions, as well as during plenary sessions against the background of a constant reduction in the number of parliamentarians. At the same time, we don't always see the clarity of their work, there is also the neglect of national interests by some people's deputies. The organization of Ukrainian parliament work in the conditions of martial law has become coherent and effective. The rules of deputy ethics must be mandatory, have an expansive interpretation, regulating the behavior of deputies both on duty and outside of official activity. It is necessary to develop and adopt the Code of Deputies' Ethics, which should reflect the issues of moral and ethical norms of behavior of deputies, as well as the responsibility of parliamentarians for their violation. At the same time, stricter liability measures are necessary, and their legislative consolidation, unification of their list are the main factors of their effectiveness. The Code should contain a wide and clearly defined list of sanctions – from deprivation of the right to vote at one meeting to fines and deprivation of the deputy's mandate in case of gross and systematic violation of moral and ethical norms. The activity of a parliamentarian is related to parliamentary ethics, moral, legal and professional responsibility, personal stability in the conditions of the Russian-Ukrainian war. In particular, responsibility is characterized by a person's conscious attitude to the demands of social necessity, duties, social tasks, norms and values. As a conclusion, it should be noted that moral responsibility is connected with the ethics of the individual, his culture and education; legal – with the presence of legal norms; professional – with the presence of specific professional norms (authorities, competences) that regulate the behavior of the subject of activity. In general, the social responsibility of a people's deputy is an expression of his integrity, unity of freedom and action. It is one of his most important qualities; it characterizes the ability to self-control, self-regulation, self-restraint in one's actions; requires discipline.

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ВІДПОВІДАЛЬНІСТЬ І СТІЙКІСТЬ ПАРЛАМЕНТАРЯ В ОСОБЛИВИХ УМОВАХ ВОЄННОГО СТАНУ

Вступ. Наголошено, що парламент у сучасному політичному просторі виступає, з одного боку, як обов'язковий елемент, який органічно вписаний у політичну структуру на будь-якому рівні влади, що дозволяє чітко фіксувати інституційну нішу, яку він займає. З іншого боку, зрозуміло, що робота парламентаря передбачає публічність, що розширює можливість аналізу різних аспектів і напрямів діяльності народних обранців. Проте слід зважати на те, що умови війни Росії проти України суттєво впливають та змінюють роботу вітчизняного парламентаря. Метою статті є розкрити особливості здійснення повноважень народними депутатами в умовах воєнного часу.

Методи. Методологічна основа дослідження ґрунтується на синергії загальнонаукових, науково-соціологічних та філософсько-наукових методів. За основоположні методологічні елементи дослідження парламентарської діяльності як форми державного управління взято аналіз, моделювання, прогнозування та вивчення статистичних даних. Також використано загальнонаукові методи, що забезпечують цілісну характеристику кількісних та якісних показників моделі розвитку парламентаризму в країні, яка воює. Аналіз ґрунтується на матеріалах наукового дискурсу останніх п'яти років, які висвітлюють стратегії та практики управління у цьому кластері управління. Для поточного дослідження було відібрано наукові роботи з провідних наукометричних баз даних Google Scholar. Літературу було вибрано за такими ключовими фразами: державне управління, парламентаризм, парламент, представницька влада, відповідальність, стійкість парламентаря.

Результати. Акцентовано, що наразі існують різноманітні обмеження діяльності депутатського корпусу на національному рівні. Розкрито аспекти діяльності народних депутатів, які так чи інакше пов'язані із соціальним середовищем, у якому існує політична система. Проаналізовано відповідальність в інституті народного депутата України. Підкреслено необхідність розв'язання питання морально-етичної поведінки народного депутата, які регламентують моральну поведінку парламентаря та відповідальність за порушення моральних норм. Визначено, що чинне законодавство містить велику кількість невіршених питань у сфері регулювання поведінки депутатів, які значно актуалізувалися під час війни. Досліджено положення проєктів Кодексу депутатської етики, визначено природу цього документу як нормативного акту, обов'язкового для виконання. Обґрунтовано необхідність включення до кодексу правил про те, що депутат зобов'язаний дотримуватися морально-етичних норм не лише у службовий час, а й у повсякденному житті. Підкреслено, що парламент під час війни проявляє стійкість та відповідальність, здійснюючи необхідну законотворчу роботу. Зроблено висновок, що правила депутатської етики повинні мати обов'язковий характер. У Кодексі депутатської етики слід визначити перелік санкцій – від позбавлення права голосу на одному засіданні до штрафів та позбавлення депутатського мандату в разі грубого та систематичного порушення морально-етичних норм (з їх чітким окресленням). Використано останні статистичні дані Апарату Верховної Ради України та Дослідницької служби Верховної Ради, які підкреслюють готовність парламенту до роботи в умовах воєнного стану, а також стійкість та професійну відповідальність більшості народних обранців.

Висновки. Сформульовано, що результативність роботи Верховної Ради України в особливих умовах воєнного стану засвідчує відповідальність і стійкість парламентаря, а здійснення повноважень останніми характеризувалося активізацією роботи в комітетах та фракціях, а також під час пленарних засідань на тлі постійного скорочення чисельності парламентарів. Водночас виявлено непрозорість їхньої роботи, нехтування деякими народними депутатами національних інтересів, проте загалом організація роботи українського парламенту в умовах воєнного стану стала злагодженою та ефективною.

Ключові слова: народний депутат, парламент, публічне управління, стійкість, депутатська відповідальність.

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