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### FEATURES AND PROSPECTS OF DEVELOPMENT OF POLITICAL SYSTEM OF SOCIETY IN UKRAINE

**Лариса Наливайко, Ольга Чепік-Трегубенко. ОСОБЛИВОСТІ ТА ПЕРСПЕКТИВИ РОЗВИТКУ ПОЛІТИЧНОЇ СИСТЕМИ СУСПІЛЬСТВА В УКРАЇНІ.** У статті досліджено проблематику функціонування політичної системи суспільства в Україні з позицій теоретико-правової науки. На сучасному етапі українське суспільство перебуває в активній фазі трансформації своєї політичної складової. Це зумовлено низкою чинників, серед яких провідними, з одного боку, є намір сформувати демократичну, правову державу, з іншого, – створити реальне громадянське суспільство, що свідчитиме про фактичне досягнення задекларованих у чинній Конституції України положень. Визначено, що політична система суспільства є цілісною та складноорганізованою сукупністю елементів, завдання яких спрямовано на досягнення та забезпечення стабільного функціонування суспільства шляхом їх ефективної взаємодії та реалізації політичних функцій відповідно до основоположних принципів права. Визначено ознаки політичної системи. Акцентовано, що в Україні інститути громадянського суспільства не є повноцінними (реальними) суб'єктами політичної та публічної діяльності. Наголошено, що сучасна політична система українського суспільства є відкритою та потребує налагодження комунікації її суб'єктів з міжнародними партнерами. Підкреслено, що важливим є розвиток міжпартійного співробітництва на: внутрішньому (між вітчизняними партіями) рівні та зовнішньому (передбачає два стратегічних напрями: європейські партії та партії інших демократичних держав світу) рівні. Комунікація між учасниками політичної системи з іншими урядовими та неурядовими суб'єктами як на національному, так і на міжнародному рівнях вимагає системного вдосконалення інформаційно-комунікаційних технологій. Сучасна політична система українського суспільства є відкритою та потребує налагодження комунікації її суб'єктів з міжнародними партнерами. Розкрито роль територіальної громади у розвитку політичної системи України.

**Ключові слова:** *політична система суспільства, демократична держава, громадянське суспільство, національна безпека, політична культура, територіальна громада.*

**Problem statement.** At the present stage, Ukrainian society is in the active phase of transformation of its political component. This is due to a number of factors, among the leading ones, on the one hand, is the intention to form a democratic, rule of law state. This will allow

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Ukraine to become an equal player in the international arena and gain membership in the desirable associations and international unions. On the other hand, the primary goal is to create a real civil society which will testify to the actual achievement of the provisions declared in the current Constitution of Ukraine, some of which are still characterized as a “goal”.

At the present stage, when Ukraine is getting rid of the remnants of the past and direct total interference in all spheres of society, it is important to analyze the nature and content of modernization of the political system of society, the features of its formation process and the prospects for its further development. For more than twenty years, Ukrainian society has been in a state of systemic transit – the transition to a new quality level of all spheres of its activity.

Studying the problems of the current state and directions of development of the political system of Ukraine is not only theoretical in nature, but also first and foremost, an applied aspect for the development of the Ukrainian state.

**Analysis of publications that started solving this issue. Article’s objective.** Despite the significant contribution of such domestic and foreign scientists as O. Babkina, M. Baimuratov, O. Batanov, Y. Bytiak, V. Bogatyriov, A. Vengerov, D. Vydrin, B. Gaievskiy, V. Helman, V. Horbatenko, V. Hrygoriev, O. Dzioban, O. Demianchuk, V. Kampo, G. Klimova, M. Kononchuk, S. Korzh, V. Kostytskiy, S. Maksymov, M. Orzikh, M. Panov, V. Pohorilko, O. Proskurina, P. Rabinovych, O. Rudakevych, Y. Riaboi, P. Sas, S. Seriohina, O. Skakun, V. Tatsii, Yu. Todyka, V. Trushyna, V. Khropaniuk, Y. Shemshuchenko, I. Shtuka, V. Yakoviuk, I. Yarulin and others, who have researched individual issues of the political system of society, there is a lack of a modern and effective scientific theoretical approach to understanding this category and features of the current state and further development, which negatively affects the formation of civil society and the rule of law in Ukraine.

**Basic content.** Today, the inability of political party leaders to consolidate and make important compromise decisions should be acknowledged as a negative phenomenon in the political system of society. The main transformational measures in the political system of society should be development of the Ukrainian political elite; harmonization of relations between all subjects of the political system of society; reform and adjustment of national legislation with international standards. The effectiveness of the political system ensures the proper functioning of the social, economic, spiritual and cultural spheres.

Each system of society is a single, orderly system of components, the interaction of which causes the emergence of a different quality. The political system is no exception. The term “political system of society” provides an opportunity to identify and characterize the political interests of different actors.

The lack of clarity and unity of scientific views in defining the concept of “political system of society” makes it necessary to consider this phenomenon in terms of sociological, political, legal and other sciences.

The category “political system of society” has been introduced into the scientific field relatively recently, at the stage of development of society, when political parties, public associations, movements began to operate alongside state institutions.

The emergence of the term “political system” was conditioned by the isolation of a set of different political phenomena into a certain integrity against the background of the rest of society [1, p. 75]. In legal science, domestic studies of the political system of Ukrainian society began in the 60s of the 20<sup>th</sup> century [2]. In general, the term “political system” was hardly used in the scientific works of domestic scientists until the 70s of the 20<sup>th</sup> century. Instead, the term “political organization of society” was applied [3]. In Soviet times, the political system was regarded, as a rule, formally, symbolically, as a collection of political organizations [4, p. 38-40; 5].

The political system does not exist separately from the external environment with which it interacts with aid, carrying out “transformation” within itself. This makes it possible to speak of the implementation of the political system and, accordingly, of its internal processes in some general plane [1, p. 76].

Today in the scientific literature, in particular the legal, political systems of society are offered to understand as follows: component, organic part of the social system, which includes the totality of different social subjects and institutions, united by participation in the political life of society, the various forms of political relations and relationships in which it is realized and the core of which are relations about state power and the results of political activity [6, p. 19-20]; holistic, orderly set of political institutions, political roles, relations, processes, principles of political organization of society, subordinate to the code of political, social, legal, ideological, cultural norms, historical traditions and principles of political regime of a particular

society [7, p. 6]; holistic, orderly set of political institutions, political relations, processes, principles of political organization of a society, subject to certain political, social, legal, ideological, cultural norms, historical traditions and principles of political regime of a particular society [8, p. 113]; a comprehensively organized and orderly set of political institutions, which are intended to carry out their activities on the normative and legal basis and to promote the legitimacy of political power in the state, as well as to provide social and spiritual guarantees for the development of society [9, p. 87]. The concept of a political system is multidimensional in nature, the content of which are organizational and political institutions.

The political system of society focuses on the organization of political power, relations between society and public authorities and local self-government bodies. In the rule of law, the primary tasks of the political system of society are to ensure public order, to create conditions for political stability, and to harmonize important interests for society.

Based on this analysis, it is appropriate to define the term “political system of society” as a coherent and complex set of elements, the tasks of which are aimed at achieving and ensuring the stable functioning of society through their effective interaction and implementation of political functions in accordance with the fundamental principles of law. Among the features of the political system of society are the following: the integrity and complexity of the elements; conditional independence; internal and external relationships; static and dynamic character; normative regulation.

In modern democratic states, the political systems of society seek to balance in every possible way, taking into account the interests and needs of all subjects.

Political parties that really represent society are an indispensable element of representative democracy [10, p. 150]. One of the basic principles of such parties is openness to dialogue with the public and with other political parties in the country.

As of January 1, 2019, 352 political parties have been registered in Ukraine in accordance with the procedure established by law [11]. At the same time, the overwhelming majority of parties do not engage in active political activity; new parties are mostly registered for further “commercial use” [12].

An integral part of the political system of any democratic society is the functioning of the opposition and the basis for the development of civil society. In the system of political relations, the opposition performs significant positive functions: it promotes the separation, reflection and generalization of the interests of population groups that are not satisfied with the activities of different branches of government in the centre and regions [13]. However, it is not necessary to exaggerate the positive role of the opposition, since individual opposition groups used democratic norms and procedures as a means of protecting the narrow-minded interests and ambitious claims of their leaders for national representation [14, p. 26]. The effectiveness of political opposition is determined by a number of factors, in particular: normative and legal regulation, public support for the opposition, and constructiveness of opposition forces.

Thus, the transformations taking place in the political system have a fundamental impact on the development results of all other spheres of society. Quality of work, coherence of its directions among all subjects of the political system becomes crucial in the further development of Ukraine and ensuring national security.

Special communication tools are required to maintain a constant connection between policy makers. This is conditioned by the very nature of politics as a collective, complexly organized purposeful activity, a specialized form of communication of people for the realization of group goals and interests that interest the whole society. The collective nature of the goals that are pursued in politics implies a compulsory awareness of the divisions within the collective (states, nations, parties, etc.) and the coordination of activities of people and organizations. All this, of course, is impossible with the direct, contact interaction of citizens and requires the use of special means of information transmission, which ensure the unity of will and focus of actions of a large number of distant people [1, p. 78]. Communication between members of the political system with other governmental and non-governmental entities, both nationally and internationally, requires a systematic improvement of information and communication technologies. Unfortunately, information and technology support in Ukraine today needs significant improvement to meet global trends.

Among the novelties of domestic legislation in the political sphere of society, the rule on state financing of the statutory activities of political parties deserves special attention. According to the approved changes, the statutory activities of political parties, not related to their participation in the elections of the People’s Deputies of Ukraine, elections of the President of

Ukraine and local elections, are financed at the expense of the State Budget of Ukraine, as well as the expenses of political parties related to the financing of their election campaigning during the next and early elections of the People's Deputies of Ukraine are reimbursed. The annual amount of state funding for the statutory activities of political parties is set: two hundredths of the minimum wage set for January 1. It is determined that the right to receive state funding for statutory activity is held by a party whose election list received at least 2% of the valid votes of voters who took part in the last regular or early elections of the People's Deputies of Ukraine in the national constituency [15, p. 70-71]. However, on October 2, 2019, the Verkhovna Rada of Ukraine cancelled funding for parties that did not overcome the 5% barrier in elections.

The main task of the law is to reduce the risks of political corruption by introducing comprehensive amendments to the legislation of Ukraine in the field of financing political parties and election campaigning, in particular: reducing the dependence of parties on financing by private donors (oligarchs, industrial-financial groups, and so on); creating conditions for free and fair inter-party competition and the development of new parties through the introduction of state funding for parties; enhancing the transparency of funding for political parties and their local organizations, as well as enhancing the transparency of election campaign funding; imposition of effective, proportionate and efficient sanctions for violations in party financing and election campaigning [16].

Expert opinions on financing political parties in Ukraine should be provided. V. Taran, in particular, believes that this law will take time to implement it if the parties are more virtuous and not tied to the money received from certain patrons. The expert also emphasised on foreign practice: in Lithuania and Estonia similar changes worked immediately, while in Latvia and Poland there are still problems [15, p. 70]. The system of state funding of parties is very simple – it assesses the effectiveness of parties by election results and, according to these results, political forces are compensated for their activities. In our country, the financing of political parties needs to be brought to a completely new transparent system. This should be a system of membership contributions, one-off contributions from party members in the election year, etc. Political parties should be financed exclusively from transparent, tax-confirmed funds, according to V. Tsybulko [17]. However, it is important to develop appropriate mechanisms for the legal accountability of political parties for violating the relevant rules of the law.

Moreover, it should be noted that this issue needs further thorough study due to the lack of trust of the citizens of Ukraine in the activities of political parties. As of March 2019, after a sociological survey, 76% of citizens expressed their distrust.

Thus, in March 2019, 1.4% of citizens fully trusted parties, 10.1% – rather trusted [18]. So, in general, the public is very negative about most parties. The early parliamentary elections in July 2019 had a significant impact on the Ukrainian political party and became unprecedented, with the first opportunity to form a coalition of members of one party (including majority members who are members of the respective party) – a total of 43,16% of votes.

Despite the recent developments, the political system of society in the sphere of political parties' activity needs significant modernization.

An important area for domestic parties is international cooperation. In particular, the implementation of Ukraine's European integration course requires consolidation of efforts by diplomats and non-governmental policy makers in promoting the country's interests in the European community. Inter-party cooperation has a significant potential in shaping the image of the state favourable for European integration and achieving political support for the country's position in the EU. Promising in this context is the development of links with European transnational parties, which are becoming increasingly influential in Europe [19].

Sufficient social experience of the developed democracies is convincing evidence that the current political system, in its present form, could not have developed without the influence of the institution of local self-government. The question of the existence and development of the system of local self-government is a dialectical transformation of the whole system of power relations in the country, and its local economic, political and other local and autonomous activity serves as a powerful source of change in these spheres. Under this approach, local self-government should be characterized as a power. But it is a power of a special kind, the power of the people, which has all the necessary capabilities for self-organization in the local territory, without the pressure of strict standards, capable of realizing its control function [20, p. 218]. In the modern democratic, social-legal state the necessity of formation and development of local self-government is caused by a number of reasons. One of them is the growing importance and strengthening of the role of territorial communities. Under the conditions of a

political system of a democratic society, the territorial communities, which are the basis and the primary subject of local self-government, play an undeniable role, since they ensure its normal and effective functioning.

The importance of the development of the scientific problems of the place of the territorial community in the political system of society in the present transformational conditions requires comprehensive research. This is due to their mobile nature, dependence of development and essence on changes in state and public life, on political, economic, social and other transformations.

It is the awareness of the importance of the territorial community in the political system of society that significantly updates the search for researchers in this field.

Territorial communities are one of the important institutions of the political system. The concept of territorial community is relatively new to the legal science of Ukraine. Despite the lack of consensus among scientists on the definition of "territorial community", it has received its legislative definition, including in the Constitution of Ukraine. This once again confirmed the importance of this institute. According to the provisions of the Basic Law of the state and the law of Ukraine "On local self-government in Ukraine", a territorial community is residents united by permanent residence within a village, settlement, city, which are independent administrative-territorial units, or voluntary union of residents of several villages having a single administrative centre. Also, the legislation of Ukraine, in particular in the mentioned legal acts, enshrines a rather wide range of powers of the territorial community in public administration, namely elections of deputies of local councils, village, town and city mayors, local referendums, general meetings (conferences), public hearings initiatives, management of communal property, approval of the programme of socio-economic and cultural development and control of their implementation, etc.

Territorial community in modern conditions acts as a form of social organization of society, a kind of social institution that provides implementation in a certain area of integration policy on the common interests of local residents [21, p. 6]. An active, influential and advanced civil society is an essential element of any democratic state and plays one of the key roles in implementing urgent social change and good governance, managing public affairs and addressing local issues, developing and implementing effective public policies, asserting the rule of law responsible to the person, solving political, socio-economic and humanitarian problems. The empowerment of the local community in the exercise of local self-government is defined as an important direction in the implementation of the National Strategy for Promoting Civil Society Development in Ukraine for 2016-2020 [22]. In spite of the thorough regulatory support of the rights of the territorial community, there are still some gaps in their legislative regulation and a number of problems in the mechanism of their implementation.

Since becoming an independent state, Ukraine has developed a system of local self-government, but in its essence it has many Soviet features, which hinders the democratic development of society and the state. Therefore, the current direction of institutional changes in the political system of Ukrainian society is the reform of public authorities at the regional and local levels.

Without a doubt, reforming the system of local self-government to a state that would maximize the interests of citizens in all spheres of life is of utmost importance. According to the majority of experts and practitioners, the main task of reforming the system of organization of power at the local level is the formation of a proper resource base for the realization of the right to local self-government by territorial communities [23].

The implementation of a series of effective measures will help to establish in Ukraine a democratic model of the political system of the European model, which will allow to ensure in practice the principles of the rule of law, the possibility of real implementation of the constitutional rights of territorial communities, their proper management, the effective functioning of local self-government.

The legal institutionalization of a territorial community is conditioned by the growing role of the territorial community and the need to strengthen legal statehood. The territorial community is an important component of the political system of society and plays a decisive role in the democratization of Ukraine's state system. Further scientific elaborations of this problem are necessary for the prospect of development of local self-government, extension of rights of territorial communities and improvement of the mechanism of their realization, in the conditions of formation of the rule of law and civil society.

**Conclusion.** Based on a comprehensive theoretical and legal analysis of the political

system of society, we can state the following. The political system of society is a coherent and complex set of elements, the task of which is aimed at achieving and ensuring the stable functioning of society through their effective interaction and exercise of political functions in accordance with the fundamental principles of law. Features of the political system of society are: the integrity and complexity of the elements; conditional independence; internal and external relationships; static and dynamic character; normative regulation. The following is defined: 1) in Ukraine, civil society institutions do not act as full (real) subjects of political and public activity; 2) the national model of political culture as a component of the political system of society has not been formed in society. This causes the social order of Ukraine to be frozen; active participation of the public in the management of public and state affairs will produce renewal and modernization of the political system, emergence of new public and political leaders, formation of citizens' trust in the authorities, strengthening of democracy. Political opposition is a necessary element and factor in the development of an open society, a democratic and rule of law. It is important to develop inter-party cooperation at: 1) internal (between domestic parties) level and 2) external (implies two strategic directions: European parties and parties of other democratic states of the world). The current political system of Ukrainian society is open and requires communication of its subjects with international partners. In today's democratic, social-legal state, the need for the establishment and development of local self-government is due to a number of reasons. Under the conditions of a political system of a democratic society, the territorial communities, which are the basis and the primary subject of local self-government, play an undeniable role, since they ensure its normal and effective functioning.

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#### Summary

The article deals with the problems of functioning of the political system of society in Ukraine from the standpoint of theoretical and legal science. At the present stage, Ukrainian society is in the active phase of transformation of its political component. This is due to a number of factors, among the leading ones, on the one hand, is the intention to form a democratic, rule of law state, on the other hand – to create a real civil society that will testify to the actual achievement of the provisions of the current Constitution of Ukraine. It is determined that the political system of society is a coherent and complex set of elements, the task of which is aimed at achieving and ensuring the stable functioning of society through their effective interaction and implementation of political functions in accordance with the fundamental principles of law. The features of the political system have been identified. It is emphasised that in Ukraine civil society institutions do not act as full (real) subjects of political and public activity. It is pointed out that the modern political system of Ukrainian society is open and requires communication of its subjects with international partners. It is highlighted that the development of inter-party cooperation at the internal (between national parties) and external (implies two strategic directions: European parties and parties of other democratic states of the world) levels is important. The current political system of Ukrainian society is open and requires communication of its subjects with international partners. The role of the territorial community in the development of the political system of Ukraine is revealed.

**Keywords:** *political system of society, democratic state, civil society, national security, political culture, territorial community.*

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#### BIOETHICS IN THE CONTEXT OF MODERN LEGAL DOCTRINE

**Ірина Алексєнко. БІОТЕХНОЛОГІЇ В КОНТЕКСТІ СУЧАСНОЇ ЮРИДИЧНОЇ ДОКТРИНИ.** Розвиток біотехнологій та впровадження в практику їх досягнень окреслило проблему безпеки здоров'я людини та навколишнього середовища, як складових людської безпеки в цілому. Сьогодні використання на практиці сучасних біотехнологій вимагає належного правового регулювання, адже дана сфера суспільних відносин нова і раніше не регулювалася нормами права. Звертаючись до проблеми правового регулювання біотехнологій, слід брати до уваги не лише позитивні наслідки їх розвитку (боротьба з голодом, захист екології, нові можливості лікування хвороб), а й ризики існуючих численних негативних наслідків використання цих технологій для здоров'я людей і навколишнього середовища.

Більшість дослідників відзначають важливість норм біоетики в регулюванні біотехнологій, що, в свою чергу, породжує труднощі в створенні на міжнародному рівні єдиного правового акта, оскільки принципи біоетики визначаються світоглядом – системою узагальнених знань про об'єктивний світ, ставлення людини до навколишньої дійсності з позиції своїх ідеалів, принципів і переконань. А принципи і переконання унікальні у громадян різних країн.

На думку низки дослідників, характерною особливістю міжнародних правових норм, що регламентують біомедичні відносини, є інтегрованість в них принципів біоетики. Виникнення біоетики і подальша її інтеграція в право обумовлені, з одного боку, можливістю реалізації досягнень медичної та біологічної науки на практиці, з іншого – наявністю правового вакууму в цій галузі.

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