

Фактори, що впливають на формування двопалатної структури парламенту в європейських унітарних державах і перспективи введення двопалатного парламенту в Україні

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У статті розглянуто основні фактори, що є основоположними для еволюції структури законодавчого органу державної влади в різні історичні періоди. Дослідження фокусується на феномені бікамералізму тих держав, у яких розвиток парламентаризму характеризується специфічними особливостями. Запропоновано розглянути питання про визначення історичних чинників, які мають істотний вплив на формування двопалатної структури парламенту та її модифікації в демократичних європейських країнах з унітарною формою правління. Актуальність цих питань пов'язана з можливістю застосування двопалатної структури парламенту в політичній системі України.

Ключові слова: парламентаризм, бікамералізм, двопалатний парламент, унітарна держава.

В статье рассмотрены основные факторы, являющиеся основополагающими для эволюции структуры законодательного органа государственной власти в разные исторические периоды. Исследование фокусируется на феномене бикамерализма тех государств, в которых развитие парламентаризма характеризуется специфическими особенностями. Предложено рассмотреть вопрос об определении исторических факторов, которые оказывают существенное влияние на формирование двухпалатной структуры парламента и ее модификации в демократических европейских странах с унитарной формой правления. Актуальность этих вопросов связана с возможностью применения двухпалатной структуры парламента в политической системе Украины.

Ключевые слова: парламентаризм, бикамерализм двухпалатный парламента, унитарное государство.

This article examines the main factors being fundamental to evolution of the structure of the legislative body of the government in different historical periods. The present research focuses on the phenomenon of bicameralism of those states in which the development of parliamentarism is characterized by specific features. In this article we suggest to consider defining historical factors that have significant influence on the formation of a bicameral parliamentary structure and its modification in democratic European countries with a unitary form of government. Actuality of these issues is due to the possibility of applying a bicameral parliament in the political system of Ukraine.

Keywords: parliamentarism, bicameralism, a bicameral parliament, unitary state.

Challenge problem

The analysis of modern bicameralism in Europe indicates its natural modernization. Today bicameral parliaments operate in all

major countries: Germany, Britain, France, Russia, Italy, Spain, Poland. And among them there are both unitary and federal states. For a modern Europe the phenomenon of a unicameral parliament is quite rare.

It can be stated that Bicameralism become one of the major trends of parliamentarism. This was discussed at the Paris Forum senates, which presented evidence of existing modern bicameral parliaments [1].

At the same time bicameral parliaments of European countries differ significantly from each other in view of existence of different ways of forming chambers. The choices are usually conditioned by many factors. Among them we can highlight the following factors: experience of the historical past of a particular state, political traditions, national characteristics, etc. .. The problem of forming bicameral parliaments has always been in the field of power, politics and society, because the success of functioning of a bicameral parliament depends largely on how it is formed.

A review of recent studies and papers

Known Ukrainian and foreign scientists the likes of G. Andreeva, A. Vihara A. Georgitsa, L. Duguit, J. Coakley, A. Leyphart, J. Lisowski, M. Novikov, A. Skripnyuk, O. Soloviev, P. Fedosov, A. Esmen and many others have made a significant contribution to the study of factors that influence the formation of a bicameral parliamentary structure in European unitary states and prospects of introduction of bicameral parliament in Ukraine.

Remaining challenges

Reconstruction of parliament in Ukraine requires a detailed study, because there is no structured knowledge in Ukrainian society about this institution of power and its place in the modern world.

Draw the objectives of research

Questions about the number of houses of parliament and principles of its formation are considered as the most controversial in the science of constitutional law. For Ukraine, the problem is particularly acute because of its novelty. Moreover, the idea of practical implementation of bicameral parliament arises from time to time in the political debate in Ukraine.

The main part

It is known that a bicameral system emerged in the England in the middle of the XIV century, when Parliament was divided into the House of Lords and the House of Commons that successfully exist ever since. The only exception was a break of functioning of Chambers in the middle of XVII century. It is believed that a bicameral system in England came under the influence of historical conditions that actually caused a peculiar nature of the political system of this country [2].

British Bicameral Parliament combined both conservatism and dynamism in the whole field of its history. The less democratic process of elections and longer term of the upper chamber is a clear evidence of conservatism of bicameral legislative system in a Westminster parliamentary model. Conservative form of the upper house is also associated with the concept of the decision making surveillance. Today, the House of Lords consists of duty peers, spiritual and judicial Lords and the hereditary peers that have gained universal suffrage and can along with the other be elected to the House of Commons [3, p. 236]

Bicameral parliaments of the European continent were formed under the significant influence of the political doctrine of Montesquieu C. [4]. The basis of this model is constituted in the idea of representation of minorities and regulation authorities. According to the concept C. Montesquieu, one of the chambers should be national, and the other one – of an aristocratic nature. Chambers control one another, providing the necessary balance of power. Both chambers are connected with executive branch. On the other hand executive power is balanced by the legislature.

The development of state and society leads to the evolution of parliament. Parliament clearly reflects tendencies in different historical periods in various countries and correlation of social forces in different areas.

As for the quality of the chambers, in certain historical periods in Europe, there was no state where the upper chamber was formed entirely on the basis of direct elections. The procedure of direct elections was adopted only for election of the upper chambers of the

legislature of certain U.S. states. The upper chamber was mainly formed on the basis of indirect multistage elections. Their members were elected by the local government bodies and considered by the representative of the communities and only indirectly by national representation. For example, in Belgium, one part of the upper house is elected by means of a direct vote and the other one – by indirect vote. Upper chambers of Denmark were distributed on the basis of two-stage elections and appointed by the King.

But today the bicameral system in most European countries is an institution that has rather rational than historical origin.

It is possible to agree with A. Esmen, as in his judgment the upper chamber is an important instrument of ensuring the balance of powers, because such structure of parliament allows the government to rely on one of the chambers in case of a conflict with another [5, p. 81].

The writings of Duguit stated that the best way to avoid parliamentary tyranny is to create two meetings, which joint work is needed to put a veto on laws and budget, and which, therefore, limit each other [6, p. 468].

Parliament of France consisted of three or even four chambers for a long period of time. According to the Constitution of France of 1799 the highest authorities were the Senate, the legislative body and the tribunal. During the bourgeois revolutions the French Parliament consisted of one chamber.

In 1875 a new constitution was again adopted, whereby the foundations of the modern state system in France were affixed. The upper house of parliament was the Senate, whose members were elected by indirect election for a term of nine years. The two chambers have the right of legislative initiative and control over the government, but in practice these functions were concentrated mostly in the lower house - the House of Deputies. According to the Constitution of 1946, the upper house, namely the Council of the Republic has limited powers.

Modern French bicameral system of parliament was formed under authority of the Constitution of 1958. The question about the election model of parliament was quite

controversial. In particular, the left political forces were opposed to the introduction of the Upper House.

The French parliament is a good example of the bicameralism foundation for representing regional interests of a unitary state and also limitation of the power and perfection of the mechanisms of separation of powers. Conservativeness of French parliamentary model reflected in the fact that the interests of rural areas presented more votes in the electoral college, because even the smallest villages have their own council. The French parliament model has been successfully used in many other European Unitary States.

In the first half of the XIX century upper chambers were considered as autonomous public institutions with caste character, which represented a minority. The upper chamber was almost directly opposed to lower chamber as a body of popular representation. French author of those times B. Constant believed that the relevant minority of representation must be hereditary, but royal power should be hereditary in a constitutional monarchy [7, p. 61].

In the second half of the XIX century views on the the upper chamber shifted towards considering it as a full counterweight to the lower house. The dangers of legislative intemperance of the lower house and even opportunities manifestation of despotism from its side were pointed out. It was believed that the conflict between the legislative and executive branches is inevitable in case of absence of the upper chamber.

Italian experience in the development of parliamentarism is a special example of the formation of a bicameral system. History of the Parliament of Italy shows a contradictory process of becoming parliamentary traditions. A striking example is the parliamentary crisis of XX century, during which the Italian Parliament was often subjected to the influence of political forces and that was not properly substantiated with the needs of society.

The real development of parliamentarism of Italy associated with the end of World War II and the proclamation of the republic. Scientists have identified three stages of development of the Italian parliamentarism:

the liberal parliamentarism of constitutional monarchy from 1861 to 1922, the period of fascist dictatorship from 1922 to 1943 and the period of the Second World War to the present time. However, it is believed that the true parliamentarism was never inherent to Italy [8, p. 117, 118].

The constitution adopted after World War II does not establish a clear distinction between the legal status of the chambers. Articles 61-82 that regulate powers of two chambers, do not contain indication of priority of lower house even during the discussion and making financial bills, though the specific mechanisms for resolving disagreements between them are specifically identified. Practical equality of the chambers is broken only when they make decisions collectively (presidential elections, appointment of members of the Constitutional Court), due to the number of Senate (315 senators) and the House of Deputies (630 members) [9].

The Upper house of parliament in the Italian political tradition - considered as an instrument to achieve a better legislative solution. Composition of the upper and lower chamber by party affiliation of their representatives is practically identical, so the functioning of the Senate does not affect the stability of the political system and does not really help overcome disputes in society.

A bicameral parliament of Poland has quite a long history. It is believed that the Royal Council, which was established in the middle of the XIV century, laid the foundation for the formation of the upper chamber. Since the end of the XIV century, representatives of cities began to meet regularly what led to the founding of the Chamber of ambassadors (Chamber of Deputies). Since 1493 the Polish Sejm consisted of the King, the Senate and the House of ambassadors and met regularly in order to pass laws.

According to historical data of Poland, there was a constant struggle between the monarchy, the Senate and Chamber ambassadors for spheres of influence in the country. Magnates who constituted the majority in the Senate, tried to get more power, while the King wanted to make the functions of the Senate more deliberative.

According to the Constitution of 1921, the Senate consisted of 111 persons elected for a term of 5 years. The Constitution of 1935 established that both chambers of the Polish parliament were subordinated to the president, who had the right to appoint one-third of senators. The remaining two thirds were elected by the people, among the contenders who have high levels of education and services to the Motherland. In 1946 the communist authorities of Poland abolished the Senate. Further bicameral parliamentary structure revival took place in 1989.

Under the current constitution of 1997 as amended on April 4, 2001 the Senate is the upper house of the Polish parliament and consists of 100 senators. The lower house - the Sejm - is composed of 460 people. It may be stated that the present model of the Polish parliament is one of the best in the field of representation of the population, due to a successful combination of electoral and internal regulatory procedures.

Thus, the introduction of the upper chambers of parliaments in different countries was motivated by various reasons. For UK bicameral Structure of the Parliament - is a proper way to avoid social and class contradictions in society. Bicameral Parliament of France reduced the confrontation between radical and conservative political forces. Bicameral parliamentary structure of Italy influenced the improvement of laws quality. In Poland, the establishment of a bicameral parliamentary structure is the result of a compromise, and throughout the history the Senate avoided politicization and exerted a positive influence on the quality of laws.

Today, all the parliaments of the world are divided into two major groups: unicameral and bicameral. Researchers determined that the unicameral parliaments mostly exist on the small territories. It is considered that the average population of countries having an operating bicameral parliament is less than 24 million people. Population - is one of the patterns that have effect on the structure of the legislature.

In the second half of the XX century the number of bicameral parliaments increased significantly, and the tendency on increasing

their number remains in force. Bicameral parliaments are functioning in federal and unitary states.

Researchers identified various factors that determined origin or liquidation of bicameral parliaments in the practice of European countries within different historical periods. Of course, it is impossible to have a common opinion on the above issues, but most researchers believe that the structure of the Legislative Assembly is defined by specific historical conditions and traditions.

G. Andreeva notes that “the number of chambers in certain states have repeatedly changed. It was not always the result of historical development. Such changes were often dictated by the practice of political manipulation by the ruling elites”. In this case the researcher explains the appearances of bicameral parliaments like the tendency of representatives of the upper classes “locked together”, “two-chamber structure allows divided incompatible states by its rank” [10, p. 407-408]. However, parliamentary structure is quite dynamic element and can be transformed according to the changes of the balance of political forces in a particular state.

Today the Issues of the Implementation of a bicameral parliamentary structure are solving due to the factors of political expediency, efficiency of performance, legitimacy and stability. Turning back to history, it's hard not to notice that unicameral parliamentary structure emerged in the periods of formation of government institutions, as well as during revolutions or coups. Most researchers indicate that the main role of the Senate in the state – is stabilizing role, as the second chamber prevents the emergence of the conflicts and disputes of all branches of government.

Despite the fact that bicameral parliamentary structure is quite common in Europe, it does not seem possible to form a unified concept of a bicameral system of representation. Therefore, there is a need for a detailed analysis of ways of forming the upper chambers of bicameral parliaments, because the benefits of a bicameral system depend on the differences between the chambers and the conditions of their powers.

Political and legal status of the chambers

as well as their powers in different countries are usually not the same. The lower house is always formed by universal and direct voting. There are different ways of formation of the upper houses. Usually, the upper houses of parliaments are not elective (House of Lords UK), or elected by indirect election.

A. Viharev identifies three ways of electing members of the upper houses: an elected, unelected and mixed [11]. However, J. Koukli describes eight ways of forming bicameral parliaments [12, p. 151-156].

Method of forming of the upper house of parliament largely determines its powers and role in the system of government. A. Soloviev indicates that there is a correlation: strong Chambers having a real power are elected by direct elections by universal suffrage of citizens. We can say that the more “closer” is the Chamber to the population, the more wider and fuller is her competence, and therefore, conversely, the “farther” is the Chamber of the voters - the weaker is its powers in practice [13, p. 53]. Indeed, a strong upper house of the Italian Parliament is elected by direct vote, weak Chambers in Britain and Germany - are formed without the participation of voters.

Nevertheless, the formation of the upper chamber by direct vote in the European Parliament is quite rare. Senate of Poland, Romania, the Czech Republic is fully constituted by election. For example, according to the law “On elections to the Sejm and Senate of Poland” of April 12, 2001 [14, p. 14], the Senate is elected using the general, direct elections and secret voting by the majority principle of the relative majority in multimember districts (Article 97 of the law “On elections to the Sejm and the Senate of the Republic of Poland”).

Number of elected senators depends not on the number of provinces. Typically, 2-3 senators are elected in the election district. The procedure for elections to Polish Senate closely tied with the population of the administrative-territorial units and the number of members. Saeima shall be elected by direct and secret ballot, on a proportional basis. Voter has right to indicate the sequence number of the candidate. In Romania, the election of members of the Senate is conducted according to the proportional system, while in the Czech Republic using a majoritarian system of elections in two rounds.

Voting is usually not used for forming

of the upper chambers of the federal states. Switzerland is the only exception, where the members of Council of States are elected by its population, often the two candidates from each canton. Each canton chooses the procedure for the election of its representative. For example, a proportional electoral system is used in the canton of Jura, while in other cantons the deputies are elected by majority vote. Elections to the lower house of the National Council are held every four years based on the proportional system.

The modern European trend of forming the upper chambers of parliament - is a "legal practice of transforming the second (upper) Chamber" in territorial or national territorial House " , which represents the interests of nations and regions" [14, p. 14].

This principle provides a basis for the formation of most upper houses elected by the direct vote (Switzerland, Belgium, Italy, Poland) and those, which are elected through indirect elections (France, Netherlands), through mixed election (Spain), as well as chambers which members are appointed (Germany, Russia). This principle of formation is applied in federations (Austria, Belgium, Russia, Germany) and in unitary states (Poland, Italy, France, Croatia). Today, there are almost no differences in the formation of bicameral parliaments of federal and unitary states. This leads to a lack of systematic differences in the mechanisms of formation and extent of powers of the upper chambers in unitary and federal states" [15].

In terms of equality of presentation in parliaments of Belgium and Austria are qualified as the most successful. But as practice shows, increasing the representation in parliament is not enough to improve the efficiency of the legislative function of Parliament. It is important to develop additional mechanisms to improve the legal expertise and solutions to balance by improving the second chamber and the simultaneous reduction of differences between members of parliament, to avoid conflicts. The following mechanisms can be identified: increasing age barrier for candidates to the upper chamber for a more mature part of the legislators; accounting expert qualities of the candidates; indirect elec-

tion of senators, to ensure strong links central and state governments and other federations. Those mechanisms are very important, because the legislative powers are the main functions of Parliament.

Most of the members of the upper houses in Italy, Spain, Croatia, Ireland are elected through the direct elections. For example, 315 senators of Italian parliament are elected with straight vote on a regional basis and in proportion to the population of each region, none of which (except two) can be less than 7 senators. Voting system is mixed. Thus, 75% are elected by a simple majority, 25% - on a pro rata basis. Indirect voting is used in elections to the Senate of France. 321 Senators are elected by the electoral college. Electoral college consists of members of the National Assembly from each department, members of the regional council and members of municipal councils. In most departments voting is conducted by the majority system of two rounds (Article. 24 of the Constitution of France).

Members of the Federal Council of the Austrian Parliament, are elected by the landtags. The most populated land sends twelve representatives, other lands - according to the number of population. The voting procedure of the Landtag is a proportional one. The practice of electing members of the upper chambers of local authorities takes place in Belarus. According to Art. 91 of the Constitution of the Republic of Belarus two-thirds of the Senate are elected by secret ballot at the meetings of deputies of local councils of each region and the city of Minsk. Upper House of Parliament - the Council of the Republic - is the body of territorial representation. Method of forming of the upper chamber is not associated with the population of Belarus, but associated with the number of administrative areas. Eight senators are elected from each area. Members of the lower house of the Parliament of Belarus are elected by the system of direct, universal, equal and secret ballot[16]. Lower House provides the representation of the total population of Belarus.

In Iceland, the lower House of Representatives elects members of the upper chamber.

In France and Ireland all members of the lower chambers can participate in the election of senators.

Members of upper houses can partly be elected by the upper chamber. This method called a co-optation. That is an introduction to the composition of the elected body of the new members or candidates by the decision of this body without additional elections. Cooptation is used in the Belgian Parliament, where 10 members are elected by the senators.

The principle of destination also applies. In particular, the Belarusian president appoints one third of the members of the Republic. This practice exists in Italy and Croatia, where the president appoints five members. The Queen also appoints the peers among former political, party leaders and prominent scientists after presenting of their candidatures by the Cabinet of Ministers. The principle of heredity is used in the UK and Belgium.

There are former presidents of the republic among the members of the Senate of Italian parliament. In addition, the President of the Italian Republic has right to appoint five senators by vitally for distinguished services before the country. All these measures are designed to ensure a more conservative composition of the upper house, compared to the lower house.

Thus, the chambers of parliaments are formed by the direct and indirect election, by appointing regional government or monarch, as well as through co-optation. The principle of territorial representation is dominant, because according to this principle the composition of the majority of the upper chambers of the most European Parliaments is determined.

It is clear that the chambers of parliaments have different compositions and rules of formation, and this is the reason why the functional characteristics of the chambers do not match. But as a rule, common features of many parliaments are: the small size of upper chamber and a longer tenures of members of the Upper House compared to the members of Lower House.

Thus, it impossible to form a single concept of bicameral parliaments representation. Indeed, the upper chambers differ signifi-

cantly from each other. Differences lie in the methods of forming the upper house of parliament that is largely decisive for the amount of authority and its place in the government. However, the functions of the upper chambers are the same: representation of the regions, containment of the lower houses from making radical decisions, additional control on the quality of laws.

A. Bulakov rightly observes: “The idea of a bicameral parliamentary structure is based on the recognition that society is heterogeneous in composition and involves a large number of groups with different interests. Modern democratic states are creating various forms of political decision-making. But it is not possible to simultaneously take into account the different interests of all groups and individuals. It is not easy to determine which of the many interests have to be institutionally represented and in what form. Attempts to solve this problem are made on the level of legislative bodies under the bicameral parliament” [17, p. 51-52].

Over the last third of XX century the number of the bicameral parliaments have increased significantly. This trend has a logical explanation. Because, the general benefits of bicameral parliamentary structure are: the ability to consider the interests of the whole nation and the interests of individual regions, the ability to improve the legislative process by abstaining from hasty legislative decisions that lead to the stability of political relations in society.

But despite the obvious advantages of a bicameral parliamentary structure, we should not assume that all constitutional problems should be solved only by initiating activity of the second chamber. Outstanding English thinker of XIX century John Stuart Mill believed that the problem of parliamentary form has the secondary importance, before moving to the streamline of the structure of parliament, we should solve the problem of the constitutional structure, because it is in itself introduces a second chamber that will not solve these issues [18, p. 251-264]. Therefore, the question of the organizational structure of the Parliament is theoretical in nature, because it is impossible to increase

the effectiveness of activity of the legislature by changing its structure.

Along with the positive aspects of functioning of the bicameral parliamentary structure, we must specify negative manifestations of this phenomenon. In particular, during the active discussions about implementation of bicameral parliamentary structure in Ukraine few negative features were noticed: the bicameral parliament is larger in size and requires much greater financial cost; the presence of the second chamber of parliament complicates the procedure of realization of legislative functions; bicameral system of parliament may cause a lot of conflicts.

Ukrainian researchers have different opinions on the establishment of a bicameral parliament in Ukraine. L. Krivenko indicates that establishing a bicameral legislature is not rational because of the difficult conditions of the population, society and the state at large [19].

According to the opinions of some scholars, establishing a bicameral parliamentary structure in Ukraine will lead to the destruction of the Parliament legislature as a whole.

Without going into details of the discussion about the structural organization of a bicameral parliament in Ukraine, in this context it is worth to note that quite often the existence of bicameral parliament is regarded as a necessary component of a democratic society. Bicameral parliamentary system is perceived by theorists of democratic development as a guarantee of publicity, transparency and protection of interests and rights of minorities. There are many supporters of the idea of bicameral parliament, who believe that Bicameralism can provide real democracy of the legislative branch, as it may consider the political conjuncture and reconcile the interests of all government officials. In this context it is worth to be noted that true democracy exists only in a society that has a deep sense of political responsibility. In politically uncultured societies, democracy can not be settled only by the establishment of a bicameral system. Therefore we can not assert that this or another model of parliament is more or less democratic.

There is impermissible to conduct hasty and thoughtless reform of parliament in de-

veloping countries. The structure, composition and powers of parliament must comply with real needs of the state and society. Choosing in favor of a bicameral system of parliament should be clearly reasonable according to the characteristics and peculiarities of the country.

As rightly noted by M. Ameler: "The question about the number of Houses of Parliament is one of the most controversial in the science of constitutional law. This matter constitutes the academic interest for scientists who are working in the field of political science. Addressing this issue is the result of political choice of every country" [20, p. 31].

Today, various types of bicameralism that have been created in most European countries are in a constant process of improvement. World practice advocates the creation of a bicameral parliament, as a form of parliament, which allows us to find the balance between the existence of parliament and regional authorities.

Establishment of bicameral parliament in Ukraine can definitely be useful in terms of the following factors.

The legislative process of Ukrainian parliament needs to be improved because it is often "comes to a standstill." Second chamber can act as arbiter of the political and legislative process. Positive factor here can be the reduction of number of appeals to the Constitutional Court of Ukraine. This trend is evidenced by the experience of European countries, where the number of appeals to the courts is minimal, as well as open and transparent.

Establishment of the Second Chamber will help to strengthen Ukrainian Parliament institutionally, to formulate a new level of culture of Ukrainian parliamentarism. The practice of bicameralism as a historical phenomenon, suggests that a bicameral parliament introduces elements of the political and parliamentary stabilization. Problems of modern legislative process in Ukraine is low professional level of Deputies. That is, the low quality of deputies professional level is a problem of modern legislative process in Ukraine. There is obviously a lack of the qualified members. As a result - the Supreme Council often takes into account the private interests, but not national. Bicameral

structure improves the legislative work of the Parliament, because legislative decisions be re-scanned, which promotes democratic and political development of the state.

It is impossible to disagree with the fact that the upper houses of parliaments “play the role of a “filter” in the legislative process. Division into two houses of parliament promotes the balance of legislative power, and multiple readings of laws to be passed promote its greater deliberation.

Considering the issues of democracy, Lijphart said that bicameral parliaments – are the sign of the pluralistic societies that are clearly divided over religious, ideological, linguistic or racial characteristics and form the separate community. The model of consensus democracy is the most suitable for these societies [21].

Ukraine belongs to the group of multisegment states, that is why the main risk is the low level of democratic and social consolidation. Vertical ruling is instable, and civil society is undeveloped as an important institutional fuse. In this case only the bicameral parliament is able to promote a more stable political development and transparency of relations between the center and the regions. Over time, the bicameral parliament can unite the society which was divided into classes. Combining regional interests with the interests of the community during the legislative process can serve as a stabilizing factor of the Ukrainian state, and can also contribute to the real development of the regions, to improve the economic stability of the region and the state as a whole. This makes possible to achieve a high level of stability of the state political system [22].

The bicameral parliamentary system is mainly characterized by three parameters: the authority of each chamber, the electoral procedures of forming chambers and proportionality and adequacy of regional representation. Therefore, if we are talking about the formation of the Second Chamber of the Parliament of Ukraine, it is necessary to clearly define the multiple positions.

In the scientific literature in terms of authority two types of the upper chambers of parliament are separated: the strengths and weaknesses.

Strong bicameralism is the characteristic for federal states, it is when the both chambers have approximately the same power. The model of moderate bicameralism is more acceptable for a unitary state because of its practice in France, Spain, Poland, Italy. Therefore, the structure of the Ukrainian parliament could be based on the model of unequal bicameralism.

The basic principles of formation of the second chamber are very important. Modern parliaments use “direct” and “indirect” election. For example, the upper house of the French parliament is formed by an electoral college for a period of nine years. The electoral college consists of members of the National Assembly, members of regional councils and municipal councils of the lower level.

It is more expedient to apply general direct elections for the formation of the Houses of Parliament of Ukraine. This is the most democratic and logical way for a unitary state. In this context it is necessary to define the system of elections for the lower chamber. The classical model of bicameral parliaments provides that the upper chamber is the chamber of territorial or regional representation and the lower house is the chamber of the political or individual representation. Virtually all researchers agree that the lower house of Parliament should be elected by the proportional system. The number of members can vary from 100 to 450 members. The establishment of the bicameral structure of the Ukrainian parliament may have some negative consequences.

Researchers often note a slowdown of legislative work as negative consequences. However, the rapid adoption of the law is not the main activity in the process of lawmaking. The main factor is the effective regulation of social and public relations by the adopted laws.

We should expect procedural complications that may be formed due to the lack of experience to overcome differences of chambers in solving the political issues by the independent subjects in the initial stages of the establishment of a bicameral parliament. Introduction of a bicameral parliament may

also create a risk of crisis in adopting the budget.

It is important to account national, but not the political interests, for the formation of a two-chamber parliament in Ukraine. Otherwise, the establishment of the second chamber can exacerbate the over-politicization of society, and the relationship between the branches of government. As a result, the political center may shift to the executive branch.

Study of the practice of bicameralism of unitary states suggests that the potential of Parliament as an institution of the legislature does not depend on the number of chambers, but depends on the political system and the degree of democratic political regime.

Conclusions

Today, the discussion about the possibility of creating a two-chamber parliament in Ukraine remains open. On the one hand, bicameral parliament in Ukraine may strengthen the regional representation of the legislative body, may also increase responsibility and quality of law-making, and perhaps even lead to overcome of political corruption in Parliament. The upper house can act like a stabilizer in case of blocking of the lower

chamber. Nevertheless, the lack of development of relations between people from different regions of Ukraine may provoke tendencies that may provoke decentralization in Ukraine.

Obviously, the establishment of a bicameral parliament in Ukraine is closely related with the need of amending the Constitution of Ukraine. We should take into account not only the electoral system, but the redistribution of powers between the branches of government and the powers of local governments too. That is, with the establishment of bicameral parliament in Ukraine it is necessary to carry out administrative, electoral, tax reform. Today, the problem of forming a two-chamber parliament in Ukraine faces the uncertainty of territorial interests, which are closely linked with incompleteness of the administrative-territorial reform.

But the main problem is the possibility of using the Establishment of the Second Chamber of the Parliament as a key factor in the redistribution of authority and resources of political power. In any case, the formation of the Second Chamber of the Parliament of Ukraine should not be dictated by political interests, but only by the level of readiness of society to meet such changes.

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