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УДК 342.533

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## ПАРЛАМЕНТСЬКИЙ КОНТРОЛЬ В УКРАЇНІ: ПРОБЛЕМИ РЕАЛІЗАЦІЇ

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### PARLIAMENTARY CONTROL IN UKRAINE: IMPLEMENTATION CHALLENGES

#### Анотація.

Y статті розглянуто конституційно-правові аспекти реалізації парламентського контролю в Yкраїні як важливої функції парламенту і складової збалансованої роботи усіх гілок влади у правовій державі. Розглянуто юридичний зміст поняття парламентського контролю та його тлумачення у науці конституційного права. Схарактеризовано парламентський контроль як одну з основних функцій парламенту та самостійний напрям діяльності парламенту зі спостереження за діяльністю органів виконавчої влади держави, державних органів, органів місцевого самоврядування. Визначено суб'єктний та об'єктний склад правовідносин у сфері парламентського контролю, його основні види та функції. Здійснено аналіз останніх законодавчих змін стосовно вдосконалення парламентського контролю, зокрема щодо діяльності парламентських комітетів та парламентського контролю за сектором безпеки і оборони. Обґрунтовано необхідність вдосконалення конституційно-правової регламентації парламентського контролю в Україні, зокрема законодавчого закріплення механізму інтерпеляції – ефективної форми парламентського контролю за діяльністю уряду і його окремих членів. Наголошено на тому, що значення процедури інтерпеляції має дуже важливе значення в умовах політичної нестабільності, коли за результатами інтерпеляцій парламент може висловити вотум недовіри як уряду в цілому, так і окремому його члену. Розглянуто роль комітетів Верховної Ради України у реалізації контрольної функції парламенту, окреслено основні недоліки та прогалини конституційно-правового регулювання порядку виконання контрольних повноважень парламентських комітетів. Наголошено на тому, що недостатньо врегульована система гарантій та засобів забезпечення контрольної діяльності негативно позначається на ефективності роботи комітетів та Верховної Ради України. Проаналізовано основні недоліки конституційного та законодавчого регулювання організації парламентського контролю, запропоновано шляхи їх усунення на законодавчому рівні.

## Abstract.

The article considers constitutional and legal aspects of the parliamentary control implementation in Ukraine as an important function of the parliament and a component of the balanced work of all branches of government in the state governed by the rule of law. Legal content of the concept of parliamentary control and its interpretation in the constitutional law science is examined. Parliamentary control is characterized as one of the main functions of the parliament and an independent direction of the parliament activity on the monitoring of activities of executive authorities of the state, state bodies, local governments. The subject and object content of legal relations in the field of parliamentary control, its main types and functions are determined. Analysis of recent legislative changes aimed to improve parliamentary control, in particular, the activities of parliamentary committees and parliamentary control of the security and defense sector, is carried out. The need to improve constitutional and legal regulation of parliamentary control in Ukraine, in particular, the legislative consolidation of the interpellation mechanism as an effective form of parliamentary control over the activities of the government and its individual members, is substantiated. It is emphasized that the interpellation procedure is of great significance under the conditions of political instability, when the results of interpellations can give a vote of no confidence in both the government as a whole and its individual member. The role of committees of the Verkhovna Rada of Ukraine in implementing the control function of the parliament is considered, the main shortcomings and gaps of the constitutional and legal regulation of the procedure for exercising the control powers of parliamentary committees are outlined. It is emphasized that the insufficiently regulated system of guarantees and means of ensuring control activities has a negative impact on the efficiency of the committees and the Verkhovna Rada of Ukraine. The main shortcomings of the constitutional and legislative regulation of the parliamentary control organization are analyzed, the ways of their elimination at the legislative level are offered.

**Ключові слова:** парламентський контроль, Верховна Рада України, інтерпеляція, комітет Верховної Ради України.

**Keywords:** parliamentary control, Verkhovna Rada of Ukraine, interpellation, committee of the Verkhovna Rada of Ukraine.

**Introduction.** Assertion of the rule of law, development of the legal state, formation and proper implementation of Ukrainian legislation require effective implementation of the representative, legislative, control and other functions of the Verkhovna Rada of Ukraine, further development of parliamentarism as the basis of democracy. Under the conditions of implementation of the idea of power division into legislative, executive and judicial ones enshrined in the Constitution of Ukraine, the effectiveness and improvement of parliamentary control is of great relevance. In times of political and social instability, weakening of control over the executive power may have negative consequences. In Ukraine, the problem of execution of the control function by the parliament has repeatedly become extremely acute, since strengthening of the executive power under the absence of proper parliamentary control destroys the mechanism of "checks and balances" and poses a threat to the democratic state. Despite the fact that the Constitution of Ukraine enshrines the control powers of the Verkhovna Rada of Ukraine, an effective mechanism of parliamentary control has not yet been established, although some positive changes have been made in the legislation in recent years. Imperfect legislative support of parliamentary control in Ukraine leads to numerous corruption abuses and offenses performed by the representatives of the executive and judicial power, hinders the development of democracy and the rule of law in our country.

Review of Previous Studies. Many scholars have studied the issue of constitutional and legal regulation of parliamentary control in Ukraine, in particular, Y. Barabash, H. Boichenko, A. Zaiets, I. Zaliubovska, S. Kivalov, M. Kostytskyi, L. Kryvenko, V. Ladychenko, O. Maidannyk, L. Maistrenko, N. Onyshchenko, Y. Romaniuk, V. Sirenko, L. Sylenko, V. Shapoval, Y. Shemshuchenko and many others, but the need to improve the constitutional and legal mechanism of parliamentary control at the present stage of development of our state necessitates further comprehensive study of the problems of its implementation. Research of the problems of parliamentary control in Ukraine at the present stage of development of a democratic society is an important goal of the constitutional law science.

Research Results. Parliamentary control is one of the main functions of the Verkhovna Rada of Ukraine. Its highest form is the constitutionally established parliamentary control in the system of control activities.

The main objectives of parliamentary control are to achieve greater efficiency of the executive power, as well as the operation of the entire state mechanism, prevention of violations of human and civil rights and freedoms by the state bodies, effective implementation of current legislation. Proper parliamentary control is able not only to detect violations in certain institutions of state power in a timely manner, but also to monitor the imperfection or lag of legislation from the current needs.

In the modern world, parliamentary control is an important element of a democratic society. The control function is one of the main functions of the parliaments of democratic countries. The need and importance of parliamentary control is supported by the international

community, in particular, the International Organization of Supreme Audit Institutions (INTOSAI), which includes about one hundred and fifty countries. As early as 1977, the INTOSAI Congress adopted the Lima Declaration of Guidelines for Control, and its first article emphasized that organizing of control is a mandatory element of management, an integral part of regulation, which aims to "establish deviations from accepted standards and violations of the rule of law..." [6]. Activities of the European Organization of Supreme Audit Institutions (EUROSAI) are guided by the main principles of INTOSAI and provisions of the Lima Declaration.

Paragraph 33 of Part 1 of Article 85 of the Constitution of Ukraine, which provides for the exercise of parliamentary control among the powers of parliament, is the constitutional basis of parliamentary control in Ukraine. Specific control powers of the parliament are clarified in paragraphs 4, 8, 10, 11, 13, 14, 17, 25, 28, 34 of Part 1 of Article 85, in Articles 87, 89, 96, 97, 98, 101, 111 of the Constitution of Ukraine [4].

Legal regulation of parliamentary control is implemented through the Rules of Procedure of the Verkhovna Rada of Ukraine, laws of Ukraine "On Committees of the Verkhovna Rada of Ukraine", "On the Verkhovna Rada Commissioner for Human Rights", "On the Cabinet of Ministers of Ukraine", "On the National Bank of Ukraine", "On the State Property Fund of Ukraine", "On the Security Service of Ukraine", "On the State Border Guard Service of Ukraine", "On the Prosecutor's Office", "On the State Bureau of Investigation", etc.

Interpretation of the legal content of the term "parliamentary control" is very important for the constitutional law science, therefore many well-known scholars have studied this issue.

In the constitutional and legal aspect, the term "parliamentary control" has a special meaning, and the content of this concept is different, in particular, depending on the form of government.

Thus, G. Ellinek believes that control is a check of actions of the state bodies and members important for the state in the context of their compliance with certain norms. He argues that control is divided into political and legal ones having distinguished such forms as administrative, financial and parliamentary. Parliamentary control is exercised through parliamentary criticism of the actions of government bodies with the help of constitutional means: interpellations, resolutions (condemnations), appointment of a parliamentary investigation. At the same time, they can all serve both political purposes and the purpose of legal control. At the same time, in parliamentary states, no-confidence votes are generally used only for political reasons. Another well-known researcher V. Orlando believed that the control function is based on exercising constant and active supervision by the parliament over all branches of administration, as well as the right of its representative (deputy) to express any desire, doubt or dissatisfaction to the government members [2, p.41].

According to the well-known Ukrainian researcher V. Shapoval, parliamentary control is one of

the functions of the parliament, which means the activity of the parliament, its bodies and officials, as well as other state bodies and officials, functionally connected with the parliament, in exercising control over executive power, primarily the government. Such control is one of the elements of the system of checks and balances in the interaction of the legislative and executive power [17, p. 710].

O. Maidannyk believes that parliamentary control as an independent function of parliament can also be part of other activities and it applies to almost all areas and fields of parliament activities [7, p. 283].

According to Y. Kutsyn, the importance of parliamentary control is that it is carried out in order to achieve more effective government, coherence in all branches of government, prevention (cessation) of violations of rights and freedoms of citizens, analysis of the implementation of current legislation, implementation in the domestic legislation of European norms of a democratic society [5, p. 24].

Some researchers define parliamentary control as a function and direction of the activities of the subjects of parliamentary control concerning its implementation and distinguish the concept of "control". They treat it the system of supervision and verification of the process of creation, operation, establishment of responsibility for activities (inaction), termination of powers of the object of control [5, p. 68].

The specificity of the control function is manifested in the fact that "the control powers are "present" in all functions of the Verkhovna Rada of Ukraine and at all stages of the parliamentary process. Thus, the control function is realized through two groups of powers: powers of the first group have only control value; others are of a complex nature and equally belong to the control and other functions of the Verkhovna Rada of Ukraine" [1, p. 89].

Parliamentary control is a system of norms that regulates the established procedure for conducting, monitoring and checking mainly the activities of the executive branch, which is carried out by both the parliamentary majority and the opposition, as well as subsidiary bodies of the highest legislative body, and aims to assess these activities with possible sanctions (vote of distrust, resolutions of condemnation, impeachment, etc.) [5, p. 27].

According to a number of scholars, parliamentary control is a clearly defined system of constitutional actions of the parliament (both the parliamentary majority and the parliamentary minority as well as the opposition in particular) and the special bodies formed by it to inspect and evaluate the activities mainly of the government-led executive bodies with possible application of appropriate sanctions to them [2, p.42].

The main subject of parliamentary control is the parliament. Some researchers consider the bodies specially created by parliaments to be separate subjects of parliamentary control. According to Y. Kutsyn, "the subjects of parliamentary control in the states with any form of government are, first of all, the parliament and the bodies specially created by it, as well as the parliamentary majority and the parliamentary minority (opposition)". Based on this interpretation, in Ukraine the

subjects of parliamentary control are the Verkhovna Rada and the bodies specially formed by the Verkhovna Rada of Ukraine (Accounting Chamber, Verkhovna Rada Commissioner for Human Rights). The object of parliamentary control is the activity of executive bodies and their officials. The purpose of parliamentary control is to identify illegality or inefficiency of executive bodies and their officials, ensure compliance with the Constitution of Ukraine, protection of human and civil rights and freedoms guaranteed by it, ensure law and order, combat corruption, study the effectiveness of Ukrainian legislation, analyze information aimed at improving the legislation and the effectiveness of its implementation [5, p.28].

In modern constitutional practice, the main mechanisms of parliamentary control over the activities of the executive power are as follows: inquiries to senior officials, debates, interpellations, no-confidence votes, parliamentary hearings, parliamentary inquiries, government and ministerial reports, annual government reports, parliamentary commissioners, impeachment, control over delegated legislation and ratification. Each of these mechanisms has its own specifics and therefore its own history of constitutional and legal application.

Parliamentary control can be typologically distinguished according to the following criteria:

- I. Depending on the bodies exercising parliamentary control:
- 1. Control measures of the parliament carried out directly by it.
- 2. Parliamentary control as a function of bodies and officials belonging to the structure of parliament (committees, commissions, individual deputies, etc.).
- 3. Parliamentary control through bodies and officials who do not belong to the structure of the parliament (for example, the Accounting Chamber).
  - II. By the time of parliamentary control:
- 1. Preliminary, the purpose of which is to prevent illegal or inefficient activities of the bodies of executive power (as the direct function of the parliament and the subject of activity of its bodies, in particular, the Accounting Chamber, the Commissioner for Human Rights, etc.).
- 2. Accompanying that is carried out by the parliament for the implementation of a law during its implementation.
- 3. Subsequent, the purpose of which is to verify the correctness of law implementation by the bodies of executive power as well as the actions or inaction of its representatives, i.e. the prevention of wrong decisions in a given situation (can be carried out directly by the parliament and its bodies).
  - III. By its content:
- 1. Control in the field of observance of human and civil rights and freedoms.
  - 2. Parliamentary financial control.
- 3. Parliamentary control in the field of defense and security of the state.
  - 4. Control in the field of environmental protection.
  - 5. Control over delegated legislation.
- 6. Parliamentary control of the media (it covers media that depend on any government agency).

IV. Depending on the ability of parliament to exercise control over the bodies of executive power in practice: direct and indirect. In the same context, according to the subjects of control measures: the parliamentary majority or the parliamentary minority or the opposition.

V. Special and general in the narrow and broad sense.

Parliamentary control is often widely understood, mostly including its forms, such as the right of parliament to participate in the appointment of senior officials (in this approach, the authors believe, it would be appropriate to include the right of deputies to apply to the Constitutional Court or other ones, when it comes to world practice, the courts of constitutional jurisdiction).

VI. By the procedure: overt and covert (for example, when investigation of actions is carried out by a parliamentary commission or a committee "behind closed doors").

VII. On the grounds: legal (in case of the official's offense) and political (the basis is the policy of the executive power) [2, p.45-46].

The exercise of powers to parliamentary control by the Verkhovna Rada of Ukraine is established by the Constitution of Ukraine, fragmentary legislative acts, by-laws, but there is no special law regulating this type of activity of the Verkhovna Rada of Ukraine.

Scholars have no common opinion on whether a special law on parliamentary control is needed or whether the parliamentary control procedure can be reformed and improved through the amendment of relevant laws. At the same time, lack of a special law gives rise to different interpretations of the Constitution provisions. In order to ensure the effectiveness of parliamentary control, it is necessary to carry out control within the current legislation. However, in our opinion, the legal format of the proposed amendments to the legislation on control activities of committees of the Verkhovna Rada of Ukraine should not be built by creating a separate legislative act on parliamentary control, as this would violate the principles of "economy of law" as one of the major principles of supremacy of law. In view of this, we believe that the legal material that is currently provided by the Constitution and current laws of Ukraine is quite suitable for improvement. At the same time, it must be thoroughly verified for its optimality, legislative certainty, specificity, ratio of imperative and dispositive principles of legal regulation, as well as its organic "insertion" in the theory and practice of European and domestic parliamentarism.

Strengthening the executive branch under the absence of proper parliamentary control destroys the mechanism of "checks and balances" and poses a threat to the democratic state. That is why in order to prevent aggressive manifestations in our society in the future, it is necessary to establish the rights of the opposition in the legislative order in the Rules of Procedure of the Verkhovna Rada of Ukraine, as well as to create a parliamentary control body that would be independent.

According to Y. Kutsyn, the party component of the political system of the state plays a huge role in exercising parliamentary control, because if the party affiliation of the president, parliamentary majority and government coincides, this institution will be ineffective. ...Strengthening the executive power under the lack of adequate control by both parliament and the opposition, threatens the strengthening of the institution of the President, which provokes an imbalance, which aims at the mechanism of "checks and balances" [5, p.201-202].

Most parliaments of European countries have the right to file interpellations. Interpellation is a form of parliamentary control over the activities of the government and its individual members. Opposition deputies usually resort to this form of control. Interpellation differs from ordinary oral and written inquiries, since it refers to a sufficient problem that is of great public significance and involves a discussion of the response received in the parliament (the chamber of parliament). The interpellation procedure is of great significance under the conditions of political instability in society, when the results of interpellations can give a vote of no confidence in both the government as a whole and its individual member.

The right of the Verkhovna Rada of Ukraine to exercise control functions over the activities of the Cabinet of Ministers of Ukraine has been constitutionally enshrined in paragraph 13 of Part 1 of Article 85 of the Constitution of Ukraine. The powers of the parliament include the control over the activities of the Cabinet of Ministers of Ukraine in accordance with the Constitution of Ukraine and the law. At the same time, despite rapid processes of state formation in Ukraine, we are still lacking legislative provisions that would specify the constitutionally enshrined right of the parliament to interpellation.

Articles 11 and 15 of the Law of Ukraine "On the Status of the People's Deputy of Ukraine" contain some elements inherent in the interpellation procedure. Thus, Article 11 of this law stipulates that at the plenary session of the Verkhovna Rada of Ukraine a People's Deputy has the right, in accordance with the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine", to address parliamentary inquiries and demand answers. In addition, according to Article 15, a People's Deputy has the right to address a request to the Cabinet of Ministers of Ukraine and heads of other state authorities at the session of the Verkhovna Rada of Ukraine. The norms of this law stipulate that the deputy's request is a requirement of a People's Deputy. People's Deputies or a committee of the Verkhovna Rada of Ukraine to give an official answer on issues within their competence, which is claimed at the session of the Verkhovna Rada of Ukraine to the relevant bodies or officials.

However, the legislation of Ukraine does not require the official publication of the texts of inquiries and answers to them, which does not comply with the democratic principles of European countries. Therefore, unlike an interpellation, consideration of a response to a deputy's request or a request for liability of the government or its individual members is not mandatory, but it can only be carried out voluntarily under the support of a certain number of deputies. In the part

of the deputy's appeal, this is partially confirmed by the legal position of the Constitutional Court of Ukraine set forth in Decision No 5-rp/2003 of March 5, 2003 (the case on the appeal of the People's Deputies of Ukraine to the National Bank of Ukraine). According to its content, the deputy's appeal is not imperative and is declared by the People's Deputies of Ukraine independently. At the same time, such appeals may relate to various issues of the deputy's activity initiated by the People's Deputy of Ukraine (paragraph 2 of the operative part of the Decision) [15].

A recent attempt to introduce interpellation in the system of parliamentary control through the adoption of a special law was unsuccessful and the Draft Law on Interpellation No 3499 of May 18, 2020 was not adopted [14].

Thus, the scope of control over the executive power by the Ukrainian parliament remains limited. Formation of a new model of organization of state power and interaction between its various branches only emphasizes the need for legislative consolidation of control powers of the Verkhovna Rada of Ukraine in the form of its right to interpellation to fill this gap.

Committees of the Verkhovna Rada of Ukraine play an important role in the effective exercise by the Parliament of Ukraine of its constitutional powers, including control powers. However, the issue of forms acceptable and given the status of committees and the limits of their participation in ensuring the implementation of the control function of the Verkhovna Rada of Ukraine still remains unresolved. In addition, the constitutional and legal regulation of the procedure for exercising control powers of parliamentary committees has some gaps and shortcomings; guarantees and means of ensuring their control activities are insufficient, which may negatively affect the timeliness and effectiveness of such activities of committees.

The constitutional and legal status, in particular of the committees and special commissions of the Ukrainian Parliament, is determined by Article 89 of the above-mentioned text of the Constitution of Ukraine. According to its wording, the Verkhovna Rada creates committees of the Verkhovna Rada of Ukraine from among the People's Deputies of Ukraine to carry out draft law work, prepare and preliminarily consider issues related to its powers, perform control functions in accordance with the Constitution of Ukraine [4].

According to the Law of Ukraine "On Amendments to the Constitution of Ukraine" of December 8. 2004, the Verkhovna Rada of Ukraine was directly responsible for establishing committees of the Verkhovna Rada of Ukraine to perform control functions in accordance with the Constitution of Ukraine (Part 1 of Article 89 of the Basic Law of Ukraine). This was the way that let the control function of the committees of the Verkhovna Rada of Ukraine receive a clear constitutional consolidation. At the same time, the provisions of the Constitution of Ukraine were corrected: 1) paragraph 13 of Part 1 of Article 85 of the Constitution of Ukraine on the control of the Verkhovna Rada of Ukraine over the activities of the Cabinet of Ministers of Ukraine in accordance with this Constitution (the legislator added the words "and law"); 2) paragraph 33 of Part 1 of Article 85 of the Constitution of Ukraine on the exercise of parliamentary control within the limits set by this Constitution (the legislator added the words "and the law" after the words "this Constitution"). According to the new version of the Law of Ukraine "On Committees of the Verkhovna Rada of Ukraine" adopted on December 22, 2005 [12], the control function of the committees of the Verkhovna Rada of Ukraine was disclosed in detail. In addition, certain control powers of the committees are enshrined in the Rules of Procedure of the Verkhovna Rada of Ukraine [14].

As soundly noted by A. Nyzhnyk, in accordance with the last part of Article 89, the organization and procedure of the activity of committees of the Verkhovna Rada of Ukraine, its temporary special and temporary inquiry commissions are established by law. So, as we see, the content of this article has not even a hint of independent powers of parliamentary committees. The researcher argues that this is quite understandable, because given their constitutional and legal status, they are not public authorities, unlike the Verkhovna Rada of Ukraine [8, p.136].

The control function and powers of committees as subsidiary bodies are derived, directly determined and mediated by the competence of the Verkhovna Rada of Ukraine as a whole. This allows us to consider the control activities of committees in the context of parliamentary control as one of the leading activities of the Verkhovna Rada of Ukraine. Committee control can be defined as "a kind of direct parliamentary control" [3, p.192].

The definition of the control function of committees of the Verkhovna Rada of Ukraine should be directly based on the concept of parliamentary control, the content of which covers the control activities of the committees [3, p.194].

These general shortcomings of the constitutional and legal regulation of the control activities of committees in the context of the imperfection of parliamentarism in Ukraine have a negative impact on its effectiveness leading to a low level of parliamentary control.

Other experts draw attention to such problems as the suboptimal number of committees of the Verkhovna Rada of Ukraine, lack of functional powers of committees in the field of parliamentary control (V.F. Opryshko); lack of clear constitutional norms that would allow exercising parliamentary control within the activities of committees of the Verkhovna Rada of Ukraine (I.K. Zaliubovska, O.O. Maidannyk, M.P. Orzikh); inefficiency and selectivity, lack of consistency and systematization in the control activities of the committees of the Verkhovna Rada of Ukraine; insufficient implementation of their existing opportunities in the exercise of parliamentary control [9, p. 443].

The reasons for low efficiency of control performed by the committees of the Verkhovna Rada of Ukraine include the lack of sufficient control powers (following the example of foreign countries) and imperfection of the mechanism for exercising existing rights.

In practice, the implementation of control powers of committees is complex and imperfect. Legislative

regulation of the exercise by parliamentary committees of their supervisory powers is superficial, contradictory, and sometimes even unconstitutional. At the same time, a number of issues that need to be regulated seem to have been disregarded by the legislator. Paying attention mainly to external forms of control, Ukrainian legislation relies little on the principles of internal parliamentary control, but it is very important for parliamentarians, parliament in general, its leadership and committees and commissions in establishing the effective functioning of parliamentarism in general. Legislative specification is also needed in the forms of interaction of the Verkhovna Rada of Ukraine committees with the Accounting Chamber, the Verkhovna Rada Commissioner for Human Rights, law enforcement and other state bodies to achieve the goals and objectives of parliamentary control. In particular, such concretization will serve the purposes of regulating the control activities of these structures, their closer interaction in achieving common goals of parliamentary control. As noted by S. Linetsky and V. Kushnirenko, "dispositive rules, which give wide space for subjective judgment in the implementation or non-implementation of the relevant powers of committees of the Verkhovna Rada of Ukraine, dominate in the legal regulation of control powers of committees of the Verkhovna Rada of Ukraine. Instead, the share of powers and responsibilities is low, which significantly reduces the effectiveness of parliamentary control performed by the committees". Significant revision and reform is also required by the system of guarantees for exercising control powers of committees of the Verkhovna Rada of Ukraine, which is currently not fully developed both in the theory of parliamentary law and in the practice of parliamentary committees in Ukraine. Meanwhile, the effectiveness of committees of the Verkhovna Rada of Ukraine in practical exercising their control powers cannot be increased without the creation of an effective system of such guarantees including legal, organizational, material and financial, etc. [16 p.43-45].

Improvement of the legal regulation of control activities of the Verkhovna Rada committees is one of the necessary elements of the state's general course aimed to strengthen their legal status, an important direction of parliamentary reform and at the same time a guarantee of strengthening the control instruments of state power under the conditions of democratization. Such improvement should be based on the tested forms of parliamentary committees and at the same time it should target their activities at achieving socially significant goals of parliamentary control, enhance its effectiveness in the Ukrainian state at the present stage of its development and in the future.

Therefore, the essence of the control function of committees of the Verkhovna Rada of Ukraine is to check the legality and effectiveness of the controlled entities, the condition of relevant objects of control and to initiate measures aimed to eliminate identified shortcomings and prevent them. Peculiarities of the committee control include its focus on the implementation of parliamentary control, a combination of forms of its own control activities and measures aimed to ensure the control powers of parliament, information-and-policy

and political-and-legal nature, determination of the compliance with the requirements such as legality and efficiency, etc. Improvement of the control activities of parliamentary committees firstly requires the constitutional consolidation of its membership in the system of parliamentary control, the main directions and guarantees; elimination of contradictions and complex settlement of the content, order and limits of realization of control powers of committees; expansion of the real role of committees in exercising parliamentary control when strengthening guarantees of observance of the rights of other bodies and persons in their control activities; greater guarantee of obtaining necessary information by parliamentary committees, increase in the responsibility and organization of their control, updating its forms and wider public involvement.

In recent years, a number of steps have been taken in Ukraine to improve parliamentary control. Thus, for a long time the issue of parliamentary control over the security and defense sector was especially acute in Ukraine, which significantly affected the European integration of our state. Attempts to establish parliamentary control over the security and defense sector were ineffective. Finally, in 2018, the Law of Ukraine "On the National Security of Ukraine" was adopted. It defines and delimits the powers of state bodies in the field of the national security and defense, creates a basis for integrating policies and procedures of public authorities, other state bodies whose functions relate to the national security and defense, security and defense forces. defines the system of command, control and coordination of operations of security and defense forces, introduces a comprehensive approach to planning in the areas of the national security and defense, thus ensuring democratic civilian control over the bodies and formations of the security and defense sector [13].

According to Article 6 of this Law, the Verkhovna Rada of Ukraine exercises parliamentary control and adopts laws of Ukraine that define and regulate the activities of security and defense sector bodies and their powers as well as approves relevant budget allocations and make the decision on the report concerning their use.

The Law also provides for the establishment of committees of the Verkhovna Rada of Ukraine, the powers of which include ensuring control over the activities of the security and defense sector. In order to guarantee strict and unconditional observance of requirements of the Constitution of Ukraine on the national security by the state bodies of special purpose with law enforcement functions, law enforcement bodies of special purpose and intelligence bodies, there is established a committee of the Verkhovna Rada of Ukraine, the powers of which include ensuring the control functions of the Verkhovna Rada of Ukraine over the activities of these bodies.

In addition, the Law provides for the right of the Verkhovna Rada of Ukraine to exercise control over security and defense by establishing temporary special commissions and temporary commissions of inquiry, holding parliamentary hearings on the national security and defense, and hearing of officials of the security and defense sector.

One of the elements of parliamentary control is the submission of annual reports on the activities of the security and defense sector by the Cabinet of Ministers of Ukraine, the Security Service of Ukraine, the Department of State Protection of Ukraine to the Verkhovna Rada of Ukraine [13].

The adoption of this Law has become extremely important for our state, since it defines the principles and mechanisms of civil democratic control, the authority to exercise such control over the legislative, executive and judicial power, local governments and civil society.

One of the important steps is the adoption of the Law of Ukraine "On Amendments to Certain Laws of Ukraine on the Effective Implementation of Parliamentary Control" by the Verkhovna Rada of Ukraine in December 2020 [11]. The main purpose of this Law is to build an effective system of parliamentary control in Ukraine in order to ensure better implementation of laws and other acts of the Verkhovna Rada of Ukraine. Thus, this law will ensure regulation of a number of issues related to parliamentary control, in particular, it will introduce a harmonized system of reporting to the Verkhovna Rada of Ukraine, make the submitted reports of state bodies more meaningful, strengthen the controlling function of committees, increase the efficiency of parliamentary hearings, involve the Accounting Chamber and the Commissioner for Human Rights in the estimation of reports provided by the authorities.

The law improves the provisions regarding the consideration of reports, keynote statements and information of state bodies. Thus, it introduces a separate chapter on parliamentary control through the accountability of the executive branch. It is important that the collision between Articles 20 and 240 of the Rules of Procedure of the Verkhovna Rada of Ukraine has been eliminated, so that the reports (keynote statements, information) of officials and state bodies, in respect of which the Verkhovna Rada is endowed with constituent powers, are included in the agenda without voting, and the reports (keynote statements, information) of other officials - on the initiative of members of profile committees, other subjects of the right of legislative initiative by the decision of the parliament. To this purpose, the Rules are supplemented by special articles on the consideration of individual reports and keynote statements, which have a general approach and their own characteristics. At the same time, new Article 2328 of the Rules will regulate the procedure for reviewing the information of other officials.

The law strengthens the mechanism of institutional cooperation between the Verkhovna Rada and the Accounting Chamber and the Verkhovna Rada Commissioner for Human Rights, so that the Rules of Procedure not only prescribe the procedure for reviewing their reports and keynote statements, but also provide for recommendations and appeals to other state and local governments for proper implementation of the decisions of institutions of parliamentary control. The collision between Article 9 of the Law of Ukraine "On the Verkhovna Rada Commissioner for Human Rights" and part six of Article 208 of the Rules of Procedure is also eliminated.

This Law enhances the effectiveness of parliamentary hearings, hence recommendations based on the results of hearings should include deadlines for providing information on the status of implementation of recommendations, as well as, if necessary, a plan for discussions (round tables, public discussions, committee hearings, etc.) concerning the state of their implementation, a list of draft laws required for the implementation of recommendations, an approximate deadline for their development and submission and a list of committees, which are empowered by the Verkhovna Rada to develop relevant draft laws, a list of other measures aimed at implementing the recommendations and monitoring their execution.

The Law also clarifies the role and tasks of the Verkhovna Rada committees in the process of reviewing reports, keynote statements and information of state bodies and officials. Thus, the committees are obliged to consider reports at their sessions, on behalf of the Verkhovna Rada of Ukraine to organize and prepare consideration at the plenary sessions of the Verkhovna Rada of Ukraine of reports, keynote statements and other information of state bodies and officials submitted to the Verkhovna Rada of Ukraine. At the same time, they have the right to initiate consideration of reports, keynote statements and other information submitted to the Verkhovna Rada of Ukraine by state bodies and officials at the plenary session of the Parliament (unless consideration of such reports (keynote statements, information) is not directly provided by law); may hold public discussions of such reports, keynote statements and other information.

At the same time, the constitutional and legal role of committees of the bodies assisting the Verkhovna Rada of Ukraine in exercising its powers of parliamentary control when performing certain actions of ancillary (informational, expert, analytical, etc.) nature is preserved.

The law also eliminates a collision between the Law of Ukraine "On Committees of the Verkhovna Rada of Ukraine" and the Rules of Procedure regarding the "Hour of Questions to the Government", builds a clear and logical structure for consideration of reports, keynote statements and other information of the bodies of executive power.

The provisions on the preparation and consideration of the report of the Cabinet of Ministers of Ukraine on the progress and results of the implementation of the Program of Activities of the Cabinet of Ministers of Ukraine have also been improved. Thus, the program of activities of the Cabinet of Ministers of Ukraine should contain program goals, criteria for assessing the degree of goal achievement as well tasks that have to be implemented to achieve the goals – these indicators are necessary for an objective assessment of activities of the Government. The Verkhovna Rada of Ukraine has got the right to provide recommendations to the Government as a result of consideration of the annual report and to hear the status of implementation of these recommendations during the next annual or extraordinary report [11].

**Conclusions.** Today, there are no doubts concerning the need for parliamentary reform and improvement

of the legal regulation of parliamentary control in Ukraine in order to achieve its effectiveness. After all, the effectiveness of parliamentary control largely depends on clear legal regulation of its implementation. One of the ways to increase the effectiveness of parliamentary control is to introduce interpellation at the legislative level, which will provide a more transparent and effective form of cooperation between the legislative and executive power. Introduction of interpellation will increase the level of detection and prevention of abuse of the executive power, prevent unconstitutional actions by the government, ensure the government accountability to voters and ensure transparency of its activities. The problem of improving the control activities of parliamentary committees remains equally important, and requires, in our opinion, clear legislation, expanding of the real role of committees in exercising parliamentary control while strengthening the guarantees of the compliance in their control activities.

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