

ACTIVITIES OF THE CABINET OF MINISTERS OF UKRAINE AS AN OBJECT OF THE PARLIAMENTARY CONTROL

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Annotation. The author analyzed the activities of the Cabinet of Ministers of Ukraine, paying attention to the Government Activity Program as a key document in the work of the Cabinet of Ministers of Ukraine. The legal forms that appear during implementation of such types of activities as rule-making, establishment, legal and control activities of the Government have been studied. The most important directions and forms over which the parliamentary control is exercised are underlined.

Methodology. The author used a combination of general scientific and special scientific methods of building and conducting scientific research, in particular, the formal-logical method, analysis and synthesis, interpretation of legal norms, the method of comparative jurisprudence, and the systemic-structural method.

The results. It has been established that the parliamentary control over the activities of the Cabinet of Ministers of Ukraine is implemented by the Parliament through the implementation of the Program of Activities of the Cabinet of Ministers of Ukraine and listening to reports and reviews of the Government, which enables to identify the untimeliness of the implementation of the reforms by the Government, the inconsistency of the direction of the Government's activities and the inconsistency of the results obtained in the process of implementing the Program of the Government's activities.

The author determined that the effectiveness of the parliamentary control consists in the presence of a result in the activity of the object under control. Parliamentary control over the activities of the Cabinet of Ministers of Ukraine in the researched area can be considered as effective if there are clear indicators of the quality of the Government's performance of its powers, primarily regarding the implementation of the Program of its activities and the implementation of strategic acts of the Parliament.

The author justifies the importance of submitting, together with the report on the implementation of the Program of the Cabinet of Ministers of Ukraine, the report on the implementation of the State Budget of Ukraine, the report on the progress and results of the implementation of the approved by the Parliament national programs of economic, scientific and technical, social, national and cultural development, environmental protection and the annual report on the economic and social development of Ukraine.

Keywords: parliamentary control, the Government's activity program, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, types of activities, efficiency.

1. Introduction

Control over the activities of the Cabinet of Ministers of Ukraine is the most important aspect of the parliamentary control. Implementation of control in the sphere of observance of human rights, the use of public finances and the activities of law enforcement and national security structures can guarantee the functioning of the Ukrainian state for the benefit of society and in the interests of every citizen.

Much attention has been devoted to the issue of studying the object of the parliamentary control in the studies of Ukrainian scientists. So, for example, G.Zhuravlyova, summarizing scientific approaches, noted that: the most important object of the parliamentary control is the activity of executive power bodies, first of all the Cabinet of Ministers of Ukraine, as well as individual ministries and central executive power bodies [3].

Therefore, the main object of the parliamentary

control is the activity of the Government, since Article 113 of the Constitution of Ukraine states that the Cabinet of Ministers of Ukraine is under the control of the Verkhovna Rada of Ukraine [7]. Thus, the main object of the parliamentary control in the mechanism of ensuring the implementation of strategic acts is the activity of the Government, which requires additional scientific research.

2. Research methodology

The article uses a combination of general scientific and special scientific methods of building and conducting scientific research. The formal-logical method made it possible to present scientific ideas in a certain sequence. The system of organizational forms of activity of the Cabinet of Ministers of Ukraine was determined by the method of analysis and synthesis. The method of interpretation of the legal norms contributed to the analysis of the current

legislation. The comparative legal method in combination with the systemic and structural methods made it possible to characterize the state of legal support in the interaction between the Parliament and the Government within the framework of the parliamentary control.

3. Results

During the study of the types of activity of the Cabinet of Ministers of Ukraine, scientists characterize its uniform activity in the implementation of its own competence, which is carried out within the organizational framework established by law. The activity of the Government of Ukraine is carried out in both legal and non-legal forms. The system of legal forms in the process of exercising the Government's powers is manifested during the implementation of such activities of the Cabinet of Ministers of Ukraine as norm-making, establishing, legal and control.

The normative form of activity of the Cabinet of Ministers of Ukraine should include the implementation of activities related to the adoption of a normative nature's resolutions and concerning the most important issues, or the development of bills, acts of the President of Ukraine, etc. Within the framework of rule-making activity, it is possible to distinguish ordinary and legislative proceedings.

Ordinary proceeding provides the actions related to the direction of updating normative material. The legislative proceeding consists of the activities of the Cabinet of Ministers of Ukraine on the implementation of the right of legislative initiative and consists of the consideration and introduction of bills of Ukraine to the Verkhovna Rada of Ukraine, participation in the legislative activity of the Parliament, as well as the implementation of the right of legislative initiative by the President of Ukraine.

The application of the legal form of activity of the Cabinet of Ministers includes the implementation of normative acts through the adoption of acts of the application of law, namely orders of an individual nature or the adoption of issues of organizational and ongoing work, as well as daily work on the implementation of legislative provisions and the resolution of various requests of a managerial nature.

The legal forms of activity should also include the control form, which should be carried out by monitoring the effective functioning of controlled bodies and, if necessary, timely adjustment of their activity.

In modern science, some scientists distinguish two types of the governmental control proceedings [8]:

- rule-making control proceedings - is applied under the condition that the Government acts as the subject of the right of constitutional submission to the Constitutional Court of Ukraine on issues of compliance with the Constitution of the applicable international treaties, as well as international treaties submitted to the Parliament for ratification;
- executive control proceedings - arises during the implementation of control over the effectiveness of

the activities of the executive vertical and the Secretariat of the Cabinet of Ministers of Ukraine.

Organizational forms of activity of the Cabinet of Ministers of Ukraine are government meetings, personal executive and administrative activities of government members, meetings of government committees, permanent and temporary working bodies of the Cabinet of Ministers of Ukraine, and auxiliary organizational forms in the form of participation of members of the Cabinet of Ministers in meetings of the National Security and Defense Council, in meetings of boards of central executive bodies, reports on their activities at "Government Days" in the Verkhovna Rada of Ukraine, participation in committee hearings, visits, trips, negotiations, press conferences.

The material and technical forms of activity of the Cabinet of Ministers of Ukraine include work with parliamentary inquiries and appeals, information requests from bodies of the Verkhovna Rada of Ukraine and the President of Ukraine, drawing up a report on the implementation of the State Budget, the Program of Activities of the Cabinet of Ministers of Ukraine, work of an economic nature, accounting reporting, statistics, office management.

The sphere of competence of the Cabinet of Ministers of Ukraine, in accordance with the Law of Ukraine "On the Cabinet of Ministers of Ukraine" [5], provides for actions to ensure the state sovereignty and economic independence of Ukraine, to implement the internal and external policy of the state, to ensure the implementation of the policy of financial, pricing, investment and tax direction, actions on regulation in the sphere of population employment, social protection, education, science and culture, nature protection, environmental safety and nature management, actions on the development and implementation of national programs of economic, scientific and technical, social and cultural development of the country, etc.

Procedural issues of the activities of the Cabinet of Ministers of Ukraine, related to its meetings, the basis of the Government's activities, organization of its work, issues related to the activities of government committees, preparation of draft acts of the Cabinet of Ministers of Ukraine, legislative activity, implementation of legislative acts, issues of the exercise of its powers in relations with bodies of executive power, state economic associations, enterprises, exercising the powers of the Cabinet of Ministers in relations with the Verkhovna Rada of Ukraine and its bodies, etc.

Control over the implementation of the Regulations of the Cabinet of Ministers of Ukraine is carried out by the Verkhovna Rada of Ukraine [6]. In the Regulations of the Verkhovna Rada of Ukraine, a separate Chapter VI is devoted to regulating the procedure for consideration of the issues related to the exercise of control functions by the Verkhovna Rada of Ukraine regarding the activities of the Cabinet of Ministers of Ukraine. In accordance with the aforementioned Law

of Ukraine, the parliamentary control over the implementation of strategic acts by the Cabinet of Ministers of Ukraine is carried out in the following manner:

1. *Approval of the Program of Activities of the Cabinet of Ministers of Ukraine.* This form is one of the most important, since the Program of Activities is key in the work of the Government, primarily in the direction of the implementation of internal and external policies determined by the Verkhovna Rada of Ukraine. In accordance with Article 227 of the Rules of Procedure of the Verkhovna Rada of Ukraine [6], the Program of the Government's activities before its approval shall be sent by the Chairman of the Verkhovna Rada of Ukraine for discussion to committees, parliamentary factions and groups. The Rules of Procedure of the Verkhovna Rada of Ukraine and other acts do not detail the evaluation criteria of the Government's Program of Activities, which would allow the Parliament to decide on approving or rejecting the proposed document.

The Government's activity program should be based on the agreed political positions of the coalition. The decision to approve the Program of the Government's activities is taken at the plenary session of the Verkhovna Rada of Ukraine in accordance with the procedure of full discussion in the manner specified by Article 30 of the Regulations of the Verkhovna Rada of Ukraine [6]. The approval of the Program of Activities of the Cabinet of Ministers of Ukraine has important consequences for the Parliament, because this decision means, in addition to agreeing with the course and direction of the Government's work for the term of its mandate, also granting one-year immunity, during which the Verkhovna Rada of Ukraine is deprived of the right to issue a resolution of no confidence in the Cabinet of Ministers of Ukraine.

Considering the importance of these circumstances, it is necessary to determine the main criteria for evaluating this document. Such criteria should be the correspondence of the tasks defined in the Program to those set in the strategic acts of the Parliament and the Head of State, the presence of a clear and well-founded strategy for their implementation, the determination of the terms and measures necessary for the implementation of the tasks, the approval of specific bills that need to be adopted, with an emphasis those that should be developed by the Cabinet of Ministers of Ukraine.

On December 3, 2020, the Verkhovna Rada of Ukraine by a constitutional majority adopted the Law of Ukraine "On Amendments to Certain Laws of Ukraine on Ensuring the Effective Implementation of Parliamentary Control" [4], which laid the groundwork for strengthening the parliamentary control in Ukraine, in particular control over the activities of the Cabinet of Ministers of Ukraine. The Law of Ukraine "On Amendments to Certain Laws of Ukraine on Ensuring the Effective Implementation of Parliamentary Control" established requirements for the Program of Activities of the Cabinet of Ministers of Ukraine, in

particular, the need to define its goals, tasks, criteria and deadlines, which will enable the Parliament to assess the state of its implementation. Therefore, the said Law lays the legal foundations for the transformation of control from political and evaluative to more objective and independent.

2. *Listening to the government reviews and reports.* With the help of this form of the parliamentary control, it becomes possible to detect untimely implementation by the Government of measures specified in the Program of Activities, non-compliance of the direction of the Government's activities with the directions specified in the Program or other strategic acts, inconsistency of the results obtained in the specified documents.

The identification of the mentioned shortcomings requires correction of the Government's activities or becomes the basis for passing a resolution of no confidence to the Cabinet of Ministers of Ukraine and its resignation. Pursuant to Article 228 of the Regulations of the Verkhovna Rada of Ukraine [6], the Parliament once a year examines the Government's report on the progress and results of the implementation of the Activity Program approved by it. Every year, no later than April 15 of the current year, the Cabinet of Ministers of Ukraine submits to the Verkhovna Rada of Ukraine a report on the progress and results of the implementation of the Program of the Cabinet of Ministers of Ukraine for the previous year. The Cabinet of Ministers of Ukraine submits a report on the implementation of the State Budget of Ukraine, a report on the progress and results of the implementation of approved national programs for consideration by the Verkhovna Rada of Ukraine. A report on the progress and results of the implementation of such programs takes place at the plenary session of the Verkhovna Rada of Ukraine, after that it is discussed, and a decision is made in the form of a resolution of the Verkhovna Rada of Ukraine regarding the effectiveness of the Government's activities. Provided that the activity of the Cabinet of Ministers of Ukraine is recognized as unsatisfactory, the Verkhovna Rada of Ukraine, in accordance with the requirements of Article 87 of the Constitution of Ukraine [7], has the right to adopt a resolution of no confidence to the Cabinet of Ministers of Ukraine.

The Law of Ukraine "On Amendments to Certain Laws of Ukraine on Ensuring the Effective Implementation of Parliamentary Control" establishes the constitutional and legal role of committees as bodies that assist the Verkhovna Rada of Ukraine in the exercise of parliamentary control powers [4]. The committees monitor the implementation of the Program of the Cabinet of Ministers of Ukraine, have the authority to consider at their meetings the government report, which is submitted to the committees no later than 15 days before consideration by the Verkhovna Rada of Ukraine. Committees accept recommendations and send them to the committee designated as the Chief from the preliminary review of the report.

The Chief committee submits a draft resolution with one of the decisions - to recognize the activity as satisfactory, satisfactory and to provide recommendations, unsatisfactory. After listening to the report of the Cabinet of Ministers of Ukraine and before its discussion, a joint report of the committees is held.

The Law of Ukraine "On Amendments to Certain Laws of Ukraine on Ensuring the Effective Implementation of Parliamentary Control" [4] establishes modern requirements for the report of the Cabinet of Ministers of Ukraine and provides that during consideration of the Government's report and preparation of recommendations to it, the committees have the opportunity to use information obtained during performance of the control function in the form of analysis of the practice of application of legislative acts, from the Ukrainian Parliament Commissioner for Human Rights (*Ombudsman*), from the Accounting Chamber, other state bodies, local self-government bodies, public associations and citizens.

The effectiveness of the parliamentary control, as noted by domestic scientists, consists in the presence of a certain result in the activity of the object under control [11]. The parliamentary control over the activities of the Cabinet of Ministers of Ukraine in the researched area can be considered effective if there are clear indicators of the quality of the Government's performance of its powers, first of all regarding the implementation of the Program of its activities and the implementation of strategic acts of the Parliament.

Some foreign researchers point out that the following criteria should be analysed to assess the effectiveness of government program implementation: degree of implementation of program measures; the existence and nature of obstacles and restrictions for the further implementation of the program; in the presence of obstacles, determination of changes and actions that must be made to the program or taken in order to eliminate the relevant obstacles; the mechanism and sequence of program implementation in accordance with the limits of the planned time period; to what extent the current state of program implementation allows achieving the expected results; how the implementation of the program can satisfy the interests and needs of the public, society, the state and the international community [12].

The main reporting document revealing the activities of the Cabinet of Ministers of Ukraine is the annual report on the implementation of the Program of Activities, which is approved by a resolution of the Cabinet of Ministers of Ukraine. This report is prepared and submitted by the Cabinet of Ministers of Ukraine no later than forty-five days after the end of the reporting year [9].

The Regulations of the Cabinet of Ministers of Ukraine state that the materials for the annual report of the Cabinet of Ministers on the implementation of the Program of Activities are prepared by ministries, other central bodies of executive power, regional

state administrations and submitted to the Ministry of Economy of Ukraine by January 30 of the current year. In turn, the Ministry of Economy of Ukraine submits a draft report to the Cabinet of Ministers of Ukraine by February 5 of the current year [9].

Thus, for the preparation of the draft report, the Ministry of Economy of Ukraine conducts work on analysis and consolidates information on the systematization and justification of indicators that reflect the situation regarding the state of implementation of the Government's Program of Activities, and conducts an analysis of social-economics changes in the development of the state, the results of which are also highlighted in the project report. At the proposal of the Chairman of the Verkhovna Rada of Ukraine, or at least three committees, or at least one-third of people's deputies from the constitutional composition of the Verkhovna Rada of Ukraine, a request for the provision of an extraordinary report may be made.

In addition to the report on the implementation of the Program of Activities, the Cabinet of Ministers of Ukraine also submits the following forms of regular reporting: the report on the implementation of the State Budget of Ukraine; reports on the progress and results of implementation of national programs approved by the Parliament; annual report on the economic and social development of Ukraine (focusing on the message of the President of Ukraine to the Verkhovna Rada of Ukraine). Based on the results of the discussion of the reports, the Verkhovna Rada of Ukraine adopts the relevant resolution.

It is also worth noting that in addition to this report, ministers regularly submit reports on the results of the implementation of political proposals to the Cabinet of Ministers of Ukraine. Preparation of relevant materials is carried out in accordance with the procedure established by § 75 of the Regulation [9]. In turn, the heads of regional and city state administrations submit reports on the results of the activities of the bodies headed by them to the Cabinet of Ministers in accordance with the established procedure every year by March 1.

Summarizing, the author notes that for the effective parliamentary control, the Government must provide the Verkhovna Rada of Ukraine with sufficient information about its activities. Under modern democratic governance, information on the status of the program implementation includes not only financial reporting, but also evaluation of the results of program implementation.

4. Conclusion

Thus, the analysis of the activity of the Cabinet of Ministers of Ukraine, as an object of the parliamentary control, gives the reason to draw several conclusions. The main document of the Government's activities is the Program of the Cabinet of Ministers of Ukraine, which is developed considering the proposals of the committees of the Verkhovna Rada of

Ukraine and program documents of the coalition and the program of the President of Ukraine. The activity program of the Cabinet of Ministers of Ukraine is a set of priority goals that the Government sets for itself, as well as an agenda of activities for the medium and long term to ensure economic development and increase the well-being of the population. Full implementation of the Government's activity program and ensuring the improvement of the well-being of the citizens of Ukraine are possible only thanks to the systematic and coordinated work of the ministries. It is considered expedient to initiate cooperation between the Verkhovna Rada of Ukraine and the Government on the development and approval of the standard format and structure of the annual report, which would

contain the necessary information on the activities and results of the ministries. Such a report must be submitted to the Verkhovna Rada of Ukraine and officially made public. This will provide a basis for an informative and constructive dialogue between the committees of the Parliament, ministers and ministries regarding aspects of political oversight.

The Parliament can consider the activity of the Cabinet of Ministers of Ukraine, as an object of the parliamentary control, to be effective if there are clear indicators of the assessment of the quality of the Government's performance of its powers, first of all, regarding the implementation of the Program of Activities and the implementation of strategic acts of the Parliament.

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