

A COMPARATIVE STUDY OF THE LEGAL STATUS OF PARLIAMENTS IN COUNTRIES WITH DIFFERENT FORMS OF STATE STRUCTURE

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Abstract. *This article presents a comprehensive comparative analysis of the legal status of parliaments in countries with different forms of state structure. The study encompasses unitary, federal, and confederate states, as well as examines specific forms of territorial-political organization, such as regionalist states and autonomies.*

The author analyzes key aspects of the legal position of parliaments, including their constitutional status, structure, powers, mechanisms of formation, and interaction with other branches of government. Particular attention is paid to the influence of the form of state structure on the legislative, oversight, and representative functions of parliaments.

The work utilizes a wide range of sources, including constitutional acts, legislation, and judicial practice from various countries, as well as theoretical works of leading scholars in the fields of constitutional and administrative law, and political science. The methodology of comparative legal analysis is applied to identify common features and differences in the legal status of parliaments depending on the form of state structure.

The article reveals the peculiarities of parliamentary functioning under different models of power distribution, analyzes the problems of ensuring effective representation and balance of interests in legislative bodies of countries with diverse territorial-political structures.

The research results allow for conclusions regarding the influence of the form of state structure on the effectiveness of parliamentary activity, identify optimal models of legislative power organization for different types of states, and propose recommendations for improving the legal status of parliaments, taking into account the specifics of state structure.

This work has both theoretical significance for the development of legal science and practical value for legislators and politicians involved in constitutional design and reform of parliamentary institutions.

Key words: *parliament, legal status, form of state structure, comparative analysis, legislative power, parliamentarism.*

Problem statement. In the modern world, characterized by a diversity of forms of state structure, the issue of the legal status of parliaments is of particular relevance and requires in-depth comparative analysis. Parliament, as a key institution of legislative power, plays a crucial role in shaping and implementing state policy, ensuring democratic principles, and protecting citizens' rights. However, the specifics of its functioning and legal status can vary significantly depending on the form of state structure, creating a number of theoretical and practical problems.

Firstly, there is a need for systematization and in-depth analysis of the differences in the legal status of parliaments in various forms of state structure - unitary, federal, confederate states, as well as in states with special forms of autonomy. These differences concern not only the structure of parliaments but also the scope of their powers, mechanisms of interaction with other branches of government, and ways of representing citizens' interests.

Secondly, an important problem is determining the influence of the form of state structure on the effectiveness of parliament's work, its ability to respond promptly to societal challenges, and ensure a balance of power in the state. This problem becomes particularly acute in the context of globalization and the growing interdependence of states, when parliaments face the need to address complex transnational issues.

Thirdly, there is a need to investigate how different models of parliamentarism, formed in the context of varying state structures, affect the quality of democratic governance,

protection of minority rights, and regional representation. This is especially relevant for multinational states and countries with pronounced regional differences.

State of the study. The theoretical foundations of parliamentarism and its role in different forms of state structure were studied by such classics of political thought as C. Montesquieu, J. Madison, and A. de Tocqueville. Their works laid the foundation for understanding the relationship between the structure of the state and the functioning of legislative power.

Among contemporary foreign researchers, it is worth noting the works of A. Lijphart, who conducted a thorough analysis of the peculiarities of parliamentary functioning in various democratic systems. G. Sartori made a significant contribution to the study of constitutional engineering and its impact on parliamentary systems. R. Watts extensively researched the specifics of parliamentarism in federal states.

The issues of transforming the role of parliaments in the context of globalization and European integration were examined by P. Norton and T. Raunio. The problematics of parliament interaction with other branches of power in various forms of state structure were analyzed by M. Shugart and J. Carey.

In domestic science, significant contributions to the study of the legal status of parliaments were made by V.M. Shapoval, O.V. Skrypniuk, V.F. Pohorilko, and Y.M. Todyka. Issues of parliamentarism in the context of various forms of state structure were considered by Y.H. Barabash, V.P. Kolisnyk, and O.V. Sovhyria.

Despite significant scientific achievements, several aspects of the problem remain insufficiently studied. In particular, further analysis is needed on the impact of digitalization on the functioning of parliaments in various forms of state structure, the peculiarities of parliamentary systems' adaptation to global crisis challenges, as well as mechanisms for ensuring effective parliamentary control under different state structures.

Purpose and objectives of the study. The purpose of the article is to conduct a comprehensive comparative analysis of the legal status of parliaments in countries with different forms of state structure and to develop theoretical models and practical recommendations for optimizing this status. To achieve this goal, it is necessary to solve the following tasks: analyze the constitutional status, structure, powers, and mechanisms of formation of parliaments in unitary, federal, and other forms of states; determine the impact of the form of state structure on the legislative, oversight, and representative functions of parliament; examine the peculiarities of parliamentary functioning under different models of power distribution; investigate the problems of ensuring effective representation and balance of interests in legislative bodies of countries with diverse territorial-political structures; formulate recommendations for improving the legal status of parliaments, taking into account the specifics of state structure.

Scientific novelty of the study. The scientific novelty of the research lies in the fact that, for the first time, a comprehensive comparative analysis of the legal status of parliaments in countries with different forms of state structure has been conducted, taking into account modern challenges of globalization, digitalization, and growing complexity of governance. The author has identified optimal models of legislative power organization for different types of states and proposed recommendations for improving the legal status of parliaments based on the specifics of state structure.

Presentation of the main material. The issue of the legal status of parliaments in the context of various forms of state structure has attracted the attention of many domestic and foreign researchers in the field of law. However, despite a significant volume of scientific works, this topic remains relevant and requires further comprehensive study.

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Moreover, most studies focus on analyzing individual aspects of the problem, while a comprehensive comparative approach to studying the legal status of parliaments in the context of state structure variability remains underdeveloped.

Thus, despite significant scientific interest in this topic, a comprehensive comparative study of the legal status of parliaments in countries with different forms of state structure remains relevant and necessary for the development of modern legal science and state-building practice.

In the context of comparative research on the legal status of parliaments in countries with different forms of state structure, scholarly opinions are diverse and multifaceted.

Arend Lijphart, in his seminal work «Patterns of Democracy» (2012), emphasizes that «the form of state structure significantly affects the structure and functioning of parliament, especially in the context of federal systems, where it is necessary to balance the interests of the center and regions» [1].

Giovanni Sartori, in «Comparative Constitutional Engineering» (1997), analyzes the relationship between constitutional design and the effectiveness of parliamentary systems. He argues that «parliaments in presidential and parliamentary systems have different mechanisms of interaction with the executive branch, which is reflected in their legal status and effectiveness» [2].

Matthew Shugart and John Carey, in «Presidents and Assemblies» (1992), examine in detail the interaction between the form of government and state structure, which creates unique configurations of parliamentary systems, affecting their effectiveness and stability [3].

Ronald Watts, in «Comparing Federal Systems» (2008), notes that «the legal position of parliaments in federations is characterized by the need to consider regional peculiarities, which often leads to the creation of bicameral systems with special representation mechanisms» [4].

Domestic researcher V.M. Shapoval, in the monograph «Modern Constitutionalism» (2005), analyzes the features of the constitutional and legal status of parliaments in various state systems, emphasizing the importance of adapting parliamentary models to national peculiarities [5].

O.V. Skrypniuk, in his works, draws attention to the problems of transforming the role of parliaments in the context of globalization and European integration, which is especially relevant for countries with transitional economies [6].

Y.H. Barabash explores the specifics of parliamentarism in the context of various forms of state structure, particularly in the conditions of a mixed republic,

which is characteristic of Ukraine [7].

Thus, the scientific community emphasizes the importance of considering the form of state structure when analyzing the legal position of parliament, pointing to the complex interrelationships between state structure, representation system, and the effectiveness of legislative power.

Analysis of key aspects of the legal status of parliaments in the context of various forms of state structure reveals a complex and multifaceted picture of the functioning of legislative bodies in modern democracies. The constitutional status of parliament is a fundamental aspect that determines its place in the system of state power. In most democratic states, regardless of the form of structure, parliament is recognized as the supreme representative and legislative body. However, the degree of its supremacy may vary. In parliamentary republics and monarchies, such as Great Britain or Germany, parliament has the highest status, forming the government and controlling its activities. In contrast, in presidential and mixed republics, such as the USA or France, parliament coexists with a strong executive branch, creating a system of checks and balances.

The structure of parliament is closely related to the form of state structure. Unitary states often have unicameral parliaments, which ensures greater efficiency in decision-making. An example is the Verkhovna Rada of Ukraine or the Parliament of Denmark. Federal states typically have a bicameral structure, where the lower house represents the population as a whole, and the upper house represents the subjects of the federation. This allows balancing national and regional interests, as is the case in the US Congress or the Federal Assembly of Germany. In some unitary states, especially those with a historical tradition of bicameralism, there are also bicameral parliaments (for example, in Great Britain or Italy), which is often explained by the desire for a more balanced legislative process.

The powers of parliaments vary depending on the form of government and state structure. In all democratic states, parliaments have legislative powers, but their scope may differ. In federal states, legislative powers are distributed between the federal parliament and the legislative bodies of the federation subjects, creating a complex system of competence delimitation. The oversight powers of parliaments also differ significantly: from the right to form a government and declare a vote of no confidence in parliamentary systems to more limited forms of control in presidential republics.

The mechanisms of parliament formation are closely linked to electoral systems, which often reflect the peculiarities of state structure. Proportional systems are more frequently utilized in unitary states, ensuring representation of various political forces. Majoritarian or mixed systems are more characteristic of federal states, where territorial representation is crucial. The term of parliamentary powers also varies: from 2 years for the U.S. House of Representatives to 5-6 years in many European countries, influencing the stability and consistency of legislative policy.

The interaction of parliament with other branches of government is a key aspect of its functioning. In parliamentary systems, there is a close connection between legislative and executive powers, where the government is formed by the parliamentary majority and is accountable to it. In presidential systems, parliament is more independent from the executive branch but has fewer levers of influence over it. A special role is played by the interaction of parliament with the constitutional court, which can review the constitutionality of adopted laws, creating an additional mechanism of checks and balances.

The impact of the form of state structure on parliamentary functions manifests in various aspects. The legislative function in unitary states is implemented more centrally, while in federations it is distributed among different levels. The oversight function in federal states often includes monitoring the balance between the center and regions. The representative function in federations is complicated by the need to ensure representation of both the population as a whole and individual subjects of the federation.

Thus, the legal status of parliaments in different forms of state structure demonstrates significant variability, reflecting the specifics of the political system, historical traditions, and contemporary challenges of each state. This diversity underscores the need for further comparative research to identify optimal models of parliamentarism in the context of globalization and democratization.

The peculiarities of parliamentary functioning under different models of power distribution and the problems of ensuring effective representation in countries with diverse territorial-political structures are key aspects of modern constitutionalism and parliamentarism. Analysis of these issues requires a comprehensive approach that considers both legal and political science aspects.

In parliamentary systems, such as the United Kingdom, Germany, or Italy, parliament plays a central role in forming and controlling the executive power. Legally, this is expressed in procedures for government formation based on parliamentary majority and mechanisms of parliamentary accountability of the government. A key instrument is the vote of no confidence, which allows parliament to dismiss the government. This creates a close link between legislative and executive branches, which, on one hand, ensures stability of political course, but on the other, can lead to excessive dominance of the executive through party discipline. The problem of «delegated democracy», where parliament effectively becomes an instrument for implementing government policy, is a relevant challenge for many parliamentary systems.

In presidential republics, such as the USA or Brazil, parliament functions as a more independent body, creating a system of «checks and balances» in relations with the executive branch. Legally, this is expressed in a clear delineation of powers between branches of government and mechanisms of mutual

control. For example, the right of presidential veto and the possibility of overcoming it by a qualified majority create a complex system of power balance. However, this model can lead to legislative gridlock when disagreements between parliament and the president block important decision-making. The problem of «divided government», when the president and parliamentary majority belong to different political forces, is a characteristic challenge for this system.

Mixed (semi-presidential) systems, as in France or Poland, create a particularly complex dynamic in parliamentary functioning. Legally, this is expressed in the dualism of executive power, where both the president and prime minister have significant powers. Parliament in such systems can play different roles depending on the political situation: from an active center of power to a relatively passive body during periods of presidential dominance. The problem of «cohabitation», when the president and parliamentary majority belong to opposing forces, creates unique challenges for the functioning of the entire power system.

Ensuring effective representation and balance of interests in legislative bodies of countries with different territorial-political structures is another key aspect. In federal states, such as Germany or India, the bicameral structure of parliament legally enshrines representation of both national interests (lower house) and interests of federation subjects (upper house). This creates a complex system of legislative process, where different levels of territorial interests are considered. However, this system can lead to slowing down the legislative process and difficulties in reaching consensus.

In regionalized unitary states, such as Spain or Italy, the problem of balance between national and regional interests is resolved through a system of asymmetric distribution of powers. Legally, this is expressed in granting different degrees of autonomy to different regions, reflected in the structure and powers of regional parliaments. This model allows for consideration of historical and cultural peculiarities of regions but creates challenges for ensuring equality of citizens' rights in different parts of the country.

Special attention should be paid to the problem of minority representation and ensuring gender balance in parliaments. Many countries introduce special quotas or other mechanisms to ensure representation of underrepresented groups. Legally, this can be expressed in special electoral procedures, guaranteed seats for certain groups, or requirements for the formation of party lists. These mechanisms are designed to ensure a more representative composition of parliament but can provoke discussions about their compliance with principles of equality and democratic representation.

Thus, the functioning of parliaments in different models of power distribution and ensuring effective representation in countries with diverse territorial-political structures presents a complex legal and political problem. It requires constant balancing between management efficiency, representation of diverse interests, and ensuring democratic principles. Further research in this field should focus on finding optimal models that would consider both

universal principles of parliamentarism and specific features of each country.

Conclusions. Based on the conducted research, several important scientific conclusions can be drawn regarding the impact of the form of state structure on the effectiveness of parliamentary activity and optimal models of legislative power organization for different types of states.

Firstly, the form of state structure has a significant influence on the structure, powers, and efficiency of parliament. In unitary states, parliaments typically have a more centralized structure and broader powers, allowing for faster decision-making and more effective responses to national challenges. However, this may lead to insufficient consideration of regional interests. In federal states, a bicameral system provides a better balance between national and regional interests but may slow down the legislative process due to the need for coordination between both chambers.

Secondly, the effectiveness of parliamentary activity depends not only on the form of state structure but also on the political system and culture of the country. Parliamentary republics demonstrate greater flexibility in forming and changing governments, which can contribute to political stability. Presidential systems provide a clearer separation of powers but may lead to legislative deadlocks in cases of political disagreements between the executive and legislative branches.

Thirdly, the optimal model of legislative power organization should take into account the specifics of each state. For large federal states with diverse ethnic compositions, a bicameral system with a strong upper house may be most effective in ensuring regional representation. For small unitary states, a unicameral parliament may be sufficient for effective governance.

Fourthly, in the context of globalization and increasing complexity of governance, there is a tendency towards convergence of different models of parliamentarism. Unitary states often implement elements of decentralization and regional representation, while federations may strengthen the role of the central parliament in addressing national issues.

Based on these conclusions, the following recommendations can be proposed for improving the legal status of parliaments, taking into account the specifics of state structure:

For unitary states, it is recommended to consider implementing mechanisms of regional representation in parliament, for example, through the creation of special committees on regional development or quotas for representatives from different regions.

Federal states should focus on improving interaction mechanisms between parliamentary chambers and enhancing the efficiency of the legislative process, for example, through the introduction of expedited procedures for urgent bills.

For all types of states, it is important to develop mechanisms of e-democracy and digital interaction between parliament and citizens, which will increase public participation in the legislative process and improve the

quality of representation.

It is recommended to strengthen the role of parliamentary committees in the legislative process and oversight of the executive branch, which can increase the efficiency of parliament regardless of the form of state structure.

It is important to improve mechanisms of inter-parliamentary cooperation at the international level, which will allow for more effective resolution of global issues and exchange of best practices in parliamentarism.

For states with multinational populations, it is recommended to consider implementing special mechanisms for representing ethnic minorities in parliament.

The implementation of these recommendations

should be carried out taking into account the specifics of each state, its historical, cultural, and political characteristics. It is important that changes in the legal status of parliaments result from broad social dialogue and consensus among major political forces.

In conclusion, the effectiveness of parliamentary activity depends not so much on the specific form of state structure as on the ability of the legislative body to adapt to the changing conditions of the modern world, ensure a balance of diverse interests, and effectively perform its key functions: legislative, representative, and supervisory. Further research in this field should focus on studying innovative forms of parliamentary activity and their impact on the quality of democratic governance in different types of states.

REFERENCE:

1. Lijphart A. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. 2nd ed. New Haven: Yale University Press, 2012. 368 p.
2. Sartori G. *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes*. 2nd ed. New York: New York University Press, 1997. 217 p.
3. Shugart M.S., Carey J.M. *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*. Cambridge: Cambridge University Press, 1992. 316 p.
4. Watts R.L. *Comparing Federal Systems*. 3rd ed. Montreal & Kingston: McGill-Queen's University Press, 2008. 335 p.
5. Shapoval V.M. *Suchasnyi konstytutsionalizm [Modern Constitutionalism]*. Kyiv: Yurinkom Inter, 2005. 560 p. [in Ukrainian].
6. Skrypniuk O.V. *Konstytutsiine pravo Ukrainy [Constitutional Law of Ukraine]*. Kyiv: In Yure, 2010. 672 p. [in Ukrainian].
7. Barabash Y.H. *Parlamentaryzm v systemi demokratychnoho vriaduvannia: konstytutsiino-pravovyi aspekt [Parliamentarism in the System of Democratic Governance: Constitutional and Legal Aspect]*. Kharkiv: Pravo, 2012. 374 p. [in Ukrainian].