

POLITICAL TRANSFORMATIONS IN THE POST-SOVIET UKRAINE

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Summary. The article represents an analysis of the political system of the modern Ukrainian state in comparison with the political system of the former USSR. Following the the route of state independence, Ukraine has defined main vectors and priorities of the country's policy, has drafted and adopted thousands of laws and other acts, which provide the formation of the new state. Ukraine has created the legal foundations of the civil society, adopted the principles for the protection of the rights and freedoms of citizens, the existence of democratic institutions, independent media. The signs of the old political system remain in all the aspects of state. First of all it is the gap between political declarations and the realities of the state forms in Ukraine.

Keywords: parliament (Verkhovna Rada); constitution; president; state governing; totalitarian political regime; democracy; party; nomenclature; state independence.

Since the proclamation of the state independence Ukraine has passed a difficult and dramatic path. For a quarter of the century we have gone far from the socialist past, have dramatically changed the political landscape of the country, have built a different model of government, formed a new state structure and political regime. All this, of course, requires a comprehensive political analysis.

It can be stated that for this period a lot of scientific and journalistic works have been published devoted to the development of Ukraine as an independent state. Among them, in particular, such fundamental collective works as «Ukraine: political history. XX – beginning of XXI» [21], «Ukraine: problems of self-organization» [10], «The Political history of the twentieth century» [11], etc., which contain a great amount of material on the recent history of Ukraine, do a deep analysis of many political events, enjoy many interesting judgments and conclusions about them.

However, as we know, the overall picture of events in a particular historical period will always seem chaotic and not deterministic until they are determined by general trends of the development and, secondly, are implemented. Therefore, this publication is devoted to a comparative analysis of the current Ukrainian political system and the Soviet one. The concept of the political system is considered in a broad

sense, that is, as the interdependence of political institutions, relations, norms and political consciousness [12, p. 131].

In 1991 being in the way of the state independence Ukraine has sought creating a legal basis for the formation of civil society, establishing the framework for the protection of the rights and freedoms of citizens, the existence of democratic institutions, independent media. Domestic legislation was harmonized with the international and European norms and requirements of a democratic society. The new governmental structure was created, the smooth running of the thousands of state institutions began to function. Defining the main vectors and priorities of the country, development and adoption of thousands of laws and other acts was in process and that provided the formation of the new state. Of great importance for the development of the state was the adoption by the Verkhovna Rada of Ukraine on June 28, 1996 of the Constitution of Ukraine, which, in the opinion of many experts in constitutional law, meets all modern requirements and European standards.

Ukraine is stated in the Constitution as a sovereign, independent, democratic, social, legal state, i. e. a state in which there is the rule of law, where the main source of power is the people, and where «man, his life and health, honour and dignity, inviolability and security are the highest social

value». The state system of Ukraine is defined as a unitary state [8, p. 4–5].

The Constitution proclaims a broad range of political, economic and social human rights, the constitutional status of the Ukrainian language as the state language. At the same time, it guarantees the free development, use and protection of the Russian and other languages of the national minorities, it sets forth provisions aimed at the development of ethnic, cultural, linguistic and religious identity of all national minorities in the country.

The state power in the country is divided into three branches: legislative, executive and judicial. The special place in the structure of state institutions is the head of state – President of Ukraine, who is the commander of the Armed Forces of Ukraine, the Chairman of the Council of the National Security and Defence, and

who is defined as the guarantor of state sovereignty and territorial integrity of Ukraine. The highest legislative representative body of the country is the Verkhovna Rada of Ukraine, the Parliament, with the elected 450 deputies. The highest body in the executive branch is the Cabinet of Ministers of Ukraine.

Therefore, with the adoption in 1996 of the Constitution of Ukraine the legal framework of the new state was formalised. All subsequent reforms, among them changes to the Basic Law of 2004, 2010 and 2014 [5], meant only upgrading. However, not all attempts at establishing state mechanism were successful.

The key and main directions of the political reforms that should ensure Ukraine's transition from Soviet society to a democratic one, are reflected in the following Table.

The Political systems of the USSR and Ukraine

USSR	Ukraine
1. The Soviet Republic, Soviet power (actually the power of the CPSU, the Communist nomenclature)	1. The mixed Republic: parliamentary-presidential / presidential-parliamentary
2. One-party system	2. The multi-party system
3. Undemocratic system of elections (in ballot – one candidate «from the block of Communists»)	3. Democratic electoral system (unlimited number of candidates and parties)
4. Totalitarian / bureaucratic mode	4. The liberal regime
5. Communist ideology	5. Ideological pluralism

I. «The Land of the Soviets», as was the USSR called, was never a «Soviet» state. The Councils (of workers and peasants deputies until 1936, members of the workers until 1977, people's deputies from 1977) performed a decorative role, masked an autocratic nature of the government. Invented by Karl Marx and Friedrich Engels, the dictatorship of the proletariat was actually a fiction that served as the disguise of a ruling class. This was not even a party, but as for the first time correctly identified by A. Voslensky [3], the nomenclature, which consisted of approximately 200 thousand party functionaries and other senior party members responsible for the Soviet Komsomol, trade unions, CEOs of large companies and institutions [19, c. 67]. According to the famous Russian

philosopher A. N. Polyakova, the real Soviet society was based on the rigid hierarchy. «At the top there was the leader (usually he held the position of General Secretary or first Secretary). He was the «owner». Then an inner circle – the Politbureau, the Central Committee of the party regional committees, district committees, and so on. The Government bureaucracy consisted of members of the Communist party and was under the tireless supervision and even the direct control. Down – workers, farmers, employees» [16, p. 9].

From the first days of the Ukrainian independence a priority of the Ukrainian state dismantled this model and created modern European forms of state governance, which could ensure the stability of the political regime, creating a unified chain of

command, and, in addition, contributed to the strengthening of a dominant position in society of a new political and economic elite. Aside from the ideological bias, given the important role of councils in the mechanism of government of modern European states, the state essentially had no less reason than the former Soviet republics to be known as a Soviet state.

In Ukraine since independence there has been a mixed form of government, that is, a model involving two centers of power – the elected President and Parliament, the elected Prime Minister. Such a model should have ensured the balance of political power and authority of a government entity, but also contained the danger of a conflict in the system of power that could be seen throughout modern Ukrainian history (L. Kravchuk – L. Kuchma, L. Kuchma – P. Lazarenko, V. Yushchenko – Yu. Tymoshenko, P. Poroshenko – A. Yatsenyuk).

As it is known, depending on who has more authority, the President or Prime Minister, a mixed Republic can be called as a presidential-parliamentary or parliamentary-presidential republic. However, it should be borne in mind that this definition in practice often is of a relative character, real leadership in the state depends on many informal and subjective factors.

In 1991–1994, when the President of Ukraine was Leonid Kravchuk, we had a mixed parliamentary-presidential form of government. L. Kuchma, who won the presidential elections in 1994, insisted on going to the presidential-parliamentary model that was enshrined in the Constitution of Ukraine of 1996. As the result of the so-called «Orange revolution» of 2004 and the election of V. Yushchenko the President the return to a parliamentary-presidential republic took place (against the will of V. Yushchenko). After coming to power in 2010 V. Yanukovich not only returned, but increased his presidential power (which, unfortunately, was used mainly for the enrichment of his family and the oligarchs close to him). After his removal from power and the election of President P. Poroshenko in 2014 Ukraine came back to a parliamentary-presidential model, although formally, because the first person in the Ukrainian state remained the President, not the Prime Minister, as

it is in every parliamentary-presidential Republic. That, incidentally, is reflected in their salaries: the salary of the Ukrainian President is 140% of the salary of the Prime Minister [6].

At the same time, it should be noted that these constitutional vicissitudes look like a simple political fuss in the background of a continuous strengthening of oligarchic influence on the nature of public administration. The oligarchs in Ukraine, according to various estimates, own from 60 to 90% of national wealth [15]. Having huge financial resources and strong ties, owning the media, they have become MPs and ensured the election of a representative government of their protégés, they lobby the adoption of the necessary laws, create political parties, etc. Now in Ukraine the oligarchs are at all higher levels of the power hierarchy, including the presidential.

II. It is common knowledge that in the USSR there was the monopoly of the one party – Communist, which, according to the famous Italian historian and journalist J. Boffi, was the «party of the best people» and was identified with the basis of the state [1, p. 499]. From the beginning of the formation of the Soviet state, the Communist party was in fact and legally (according to the 6th article of the Constitution of «developed socialism»), «a leading and guiding force of the Soviet society and the nucleus of its political system, state and public organizations» [9, p. 621]. The strength of the Communist party was growing and in 1985 it amounted to 17.5 million members and candidate members of the party, including more than 3 million in the Ukraine [7, p. 415]. In the 1970s there were no industrial enterprises, collective and state farms, agencies and educational institutions, which did not create the primary party organization. The party permeated all spheres of life of the Soviet society.

The top officials in the state were the leaders of the Communist party. They, however, sometimes combine key government positions: I. Stalin, the Chairman of the Council of People's Commissars of the USSR; M. Khrushchev, the Chairman of the Council of Ministers of the USSR; L. Brezhnev, the Chairman of the Presidium of the Supreme Soviet of the USSR;

M. Gorbachev, the Chairman of the Supreme Soviet of the USSR, and then the President of the USSR. M. Gorbachev as the President became equal to his Western partners, strengthened his position in the power system. However, the actual Communist party monopoly on power de facto remained until the last days of the Soviet Union. The leading position in the power hierarchy of the USSR remained with the General (first) Secretary of the Central Committee of the CPSU (the CPSU(b)). In relation to senior public positions, it most likely had to add the weight of the party leaders abroad.

However, in the last years of the USSR, in the period of «perestroika», in Ukraine there were other parties. In late 1990, there were already 30 parties, in 1998 – 53 parties [20], since then their number has steadily increased. In September 2015 in Ukraine 288 parties were officially registered [13]. Gradually losing their influence for various reasons, the Communist party of Ukraine, People's democratic party, SDPU(u), Socialist, Peasants' party and others were popular during a certain time, but other parties have got popularity recently, such as «Solidarnost», «Ukrop». In the last elections to the Verkhovna Rada in October 2014, 29 political parties were registered, although 52 parties participated in the electoral process. According to the results of the elections to the Verkhovna Rada of the VIII convocation the six parties won: «Narodny Front» – 22,14 %, «Block of Poroshenko» – 21,8 %, «Samopomich» – 10,9 %, «Opposition Block» – 9,4 %, «Radical party» – 7,4 %, «Batkivshchyna» – 5,69 % [14]. The other parties did not overcome the 5% threshold for entering the Parliament, although some of them, such as «Svoboda» managed to hold their representatives with the help of the majority districts.

It should be noted that the vast majority of parties are non-influential, some of them exist only on paper. In addition, the dependence of parties on their leaders, or worse, on oligarchs-sponsors remains very strong. All party programmes resemble each other, do not contain a particular path of the development of the country and appeal to the voters with the populist slogans. Sociological studies continue to confirm the low level of trust of the peo-

ple to the parties in general: 63% of respondents believe that political parties in Ukraine are associations of people who seek power, 34% of respondents believe them organizations far from the problems of the people, and only 17% think that they are defending their interests [14].

III. In the Soviet Union People's deputies to all levels were not actually elected, but appointed, because on the ballot there was the surname of one candidate, who was agreed with the leading party bodies. In addition, even elected, representatives could not make decisions, they just duplicated the decisions and instructions of the Party, had a decorative character. The councils were actually in the shade parallel of the party structures and, to the appropriate words of M. Djilas, served as the legitimization of the decisions of the party organs [4, c. 250]. Of course, this arrangement had to change, because in democratic countries the only source of power is the people that was enshrined in the Constitution of Ukraine, adopted in 1996.

In the present world there are different systems of elections:

- 1) a majoritarian one, where a deputy is the one who won in the elections;
- 2) proportional, in which voters cast their votes not for a candidate but for the party or bloc of parties;
- 3) mixed, in which one of the deputies is elected in the majority districts, the other takes place according to the party lists, by the proportional representation.

Each electoral system has both certain advantages and disadvantages; in search of the optimal electoral system Ukraine has experienced all three models. In particular, the 1994 elections to the Verkhovna Rada of Ukraine took place on the basis of the majority system; the parliamentary elections of 1998 and 2002 were held under the mixed system; in the parliamentary elections of 2006 and elections of 2007 the Verkhovna Rada of Ukraine was formed under the proportional system. According to the Law on Elections of People's Deputies of 17 November, 2011 the parliamentary elections of 2012 and 2014 were held again under the mixed system. Thus, there were changes of the rules for regional elections. In the elections to the local Councils (Soviets) in October 2015 there was tested

rather a complicated proportional electoral system with the «open lists»: if a party won 5% votes, the number of candidates was determined in accordance with the number of votes given directly for the deputy in the electoral district.

The electoral system in Ukraine was changing for the sake of improving the professionalism of the Deputy corps, but in fact, under this or that political force. As it turned out, neither system prevented the election to the Supreme legislative authority of the state of too many of the oligarchs, their cronies and relatives. According to the official data, among 450 members of the Verkhovna Rada, who were elected in October 2012, there were about three-hundred-dollar millionaires and billionaires. As it was noted above, the Ukrainian democracy is actually a dictatorship of the oligarchy, which is recently being discussed not only by political scientists but also by some state representatives. As it was mentioned in an interview in December, 2015 with the Chairman of the Luhansk civil-military regional administration Georgy Tuka, the system was not defeated on the Maidan; for the past fifteen years, step by step such mechanisms were introduced that participation in the election was possible for only very rich people, representing political forces, stated G. Tuka [18].

IV. The nature and the ways of governing are largely characterized by the political regime, which introduces the power in the country. As it is already noted, in the 1930s in Ukraine the totalitarian regime was formed. The characteristic feature of a totalitarian regime is exercising absolute control over all spheres of society and its citizens, that control was diverse and comprehensive. The means of implementation were different: from excitation of the revolutionary enthusiasm to the repressions. In that case the control was performed not only in its direct, but also transformative functions in relation to the people. «Khrushchev's thaw» showed its evolution in the direction of the mode referred to as an authoritarian one. However, the famous American sociologist and ideologist of neo-conservatism G. Peter Berger is right when he argued that the concept of totalitarianism and authoritarianism can't be put in one of the empirical ranges, because the term «authoritarian» re-

fers to the leadership style, they are from different sets of characteristic features of the regime. In principle, a highly authoritarian regime (dictatorship) can give the freedom of action to political institutions, as it often happened in case of the oppressive governments (such as in tsarist Russia). Conversely, even a democratic regime may exhibit totalitarian tendencies. There are many authoritarian regimes that allow pluralism in public life and do not have totalitarian ambitions [2, c. 183]. It is like the regime, which was established in the USSR after the death of Stalin and existed before the collapse of the country. In this case it is better to use the term «bureaucratic». It is characterized not only by the rejection of mass repression, but also the weakening of control over the society, while maintaining strict regulation of public life strengthening the social hierarchy, excessive bureaucratization.

After declaring its independence, Ukraine declared the building of a free, democratic society, in which the state undertook to ensure the rights and freedoms of the citizen, which was confirmed in 1996 in the Constitution of Ukraine. The Constitution proclaims a broad range of human rights including the right to life, the right to free development of his/her personality, the right to respect human dignity, the right to freedom and personal inviolability, the right to privacy of correspondence and telephone conversations, non-interference in private and family life, the right and freedom of movement and free choice of place of residence, the right for freedom of thought, speech, religion, etc [8, section II]. So, the Ukrainian government formally retains its obligations to the citizens to ensure their social, economic and political rights and guarantees a dignified life and social protection.

The state has formally guaranteed the freedom of political activity. Citizens have the right of association in political parties and public organizations, the right to participate in the management of public affairs, the right to peaceful assembly and demonstrations, the right to appeal to bodies of state power and local self-government and officials of these bodies.

In the economic, social and cultural rights of the citizen, the Constitution classifies the right of everyone to own, use

and dispose of his/her property, results of his/her intellectual, creative activity, the right to work, to strike, to protect their economic and social interests, to rest, the right to social protection, to housing, to adequate standard of living and such like. However, no one bears any responsibility for violation of those constitutional standards, there is no effective mechanisms for their implementation.

V. In the Ukrainian republic and in the USSR, in general, only one – the Communist ideology was spread as a set of ideas in the form of political myths, precepts, slogans, programme documents of the Communist party. The core of the Communist ideology was the doctrine of communism, that is, the socio-economic formation, which is based on public ownership of the means of production, non-class structure of society, social equality, higher productivity of social labor; thereby implementing the principle of «To each according to his/her needs, from each according to his/her ability».

In the independent Ukraine there is a constitutional ideological pluralism. Article 15 of the Constitution says that no ideology may be recognized by the state as mandatory. Censorship is prohibited. The state guarantees freedom of political activity if not prohibited by the Constitution and the laws of Ukraine [8, p. 6]. At the same time, during the time of the USSR the collapse of the process of decommunization spontaneously began while adopting the ideology of nationalism. This process has been significantly intensified in the recent years, and in the period of the «Revolution of dignity» (2014) it received the state support. In particular, in April 2015, the Verkhovna Rada of Ukraine adopted the Law «About the condemnation of the communist and national-socialist (Nazi) totalitarian regimes in Ukraine» [17], according to which Communist and Soviet symbols were banned, the names of 22 cities were subjected to be changed along with 50 towns and 800 villages, thousands of streets, the title of which used the name of the USSR, the Ukrainian SSR and the names of the individuals who held senior positions in the Communist party. In December 2015 the activities of the Communist party were banned. All of this

should mean an irrevocable break with totalitarianism.

Thus, the «land of the Soviets» was only formally «Soviet», and in fact it was nomenclature republic. The Communist regime was only formally communist and democratic, but in fact a totalitarian and bureaucratic. This system, although dismantled, is still represented as the remains of the old system, first of all it represents discrepancy between a declared and real-life situations. In the ideological sphere the «plus» is changed to the «minus», and vice versa. The Power is with the nomenclature, the oligarchs, who created the country's oligarchic-liberal regime, control the power. Thus, however a lot is permitted, little is available, at least for most ordinary Ukrainian citizens.

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