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LEGAL REGULATION OF THE PROCESS OF LAWS' ADOPTION: MODERN STATE

Formulation of the problem in general. Analyzing the legislative process in Ukraine, we should note that its quantitative criteria match world-wide standards, but they are often not backed up by quality standards. The main reason for this failure is the lack of legal regulation of the decision of laws and poor quality of draft laws submitted to parliament.

The degree of scientific development of the problems. The issues of legal regulation of lawmaking process were explored by Ukrainian researchers such as O. Yuschyk, A. Oliynyk, L. Kryvenko, V. Shapoval and others. Most scholars point to the fragmented legal regulations of the legislative process that includes the constitutional and legal norms and rules of parliamentary procedure. Therefore, the actual niche in the researches is the bills "On Legal Acts" and "On the Laws and Legislative Activity" and their contents.

The formulation of the issue. The aim of the study - the current state of the legal regulation of the adopting of laws and the formation a system of normative acts regulating the state legislative process.

The main material of the study. The basis of normative regulation of the legislative process is the Constitution of Ukraine [1, p. 35]. Its norms define that the legislative process can be divided into several groups. An important group is the constitutional provisions that define the process for reviewing laws and their adoption. They have a great importance because of their failure in the legislative process is the basis for recognition of the law unconstitutional. Also, the Constitution of Ukraine is the legal basis for extra-parliamentary stage of the legislative process - the President of Ukraine signed the Law and the use of his veto (part 2, 3. 94 of the Constitution of Ukraine). The next group of constitutional provisions relating to the legislative process, can be conventionally called the constitutional provisions regarding legislative competence of the Parliament of Ukraine. These provisions are paragraph 3 of Part 1 of Art. 85, where enshrined the power of Parliament to make laws, and art. 92, which outlines the list of issues that can be resolved by the laws of Ukraine. [2] A particular set of constitutional norms is art. 154-159 of the Constitution, which establish rules for amending it.

Clear delineation process of making laws primarily contributes to the stability of the law. "Having the stability of the law indicates a high level of culture of law-making, implementation of the rule of law and ensure openness and transparency in decision-making (which is also the embodiment of the law)" [3, p. 96]. Adjust the legislative procedure Law of Ukraine "On the Verkhovna Rada of Ukraine" dated

2010, as last amended in 2012 to currently more legal, which would act committed regulatory decision-laws there. Thus arose the need for making a series of new laws that served as a guide for the subjects of the legislative process in the exercise of its legislative powers. Primarily it is the Law of Ukraine "On Legal Acts" and "On the laws and legislative activity." In addition, the Law "On Legal Acts" should resolve common issues and the legislative process have priority, since it is based must be made all the more special legislation in this area. For example, in Japan in 1898 was made general provisions of the laws in Italy in 1942 - Terms of laws in Azerbaijan in 1999 - the Law on regulations in Belarus in 2000 - the Law on normative legal acts of the Republic of Belarus, Uzbekistan in 2000 - Act regulations. Bulgaria has a law on regulations in Hungary - Act lawmaking.

In Ukraine there is no single legal act that provides requirements for the development of regulations, their adoption, entry into force, accounting systems, types, hierarchies and technology of projecting of norms. This role, in our opinion, would fulfill the Law of Ukraine "On Legal Acts" that would have fixed the basic tenets of the theory of law regarding these sources of law in order to improve the quality regulations of the state. The Verkhovna Rada of Ukraine is considering a draft law "On Legal Acts" that the first reading was taken May 20, 2011 and prepared by the Committee on Legal Policy for the second. The importance of this legal act cannot be overstated, but there is a problem that does not quickly accept it, is primarily the circumstances connected with its quality. Alternatively on December 15, 2010 the Draft Law of Ukraine "On Legal Acts" № 7409-1, authored by Deputy K. Liapina.

The main purpose of the bill "On Legal Acts" № 7409 is an effective system of law by establishing a single mandatory requirements for the development and adoption of legal acts to promote streamlining and improving the quality of legislative activity, stabilization and systematization of legislation.

Draft Law of Ukraine "On Legal Acts" № 7409 consists of a preamble, seven chapters and 72 articles. The bill was first defined types of regulations, the system and the hierarchy of legal acts established procedure for their adoption (disc), enactment, application, registration, uniform standards for technology projecting of norms, and identifies ways to address conflicts of regulations [1].

The presence of norms, definitions, placed in Article 1 of Section 1 of the project deserves approval. This attempt legal determination is positive, however, left aside all the scientific developments in legal theory in the rulemaking. This applies to determinations of law, legal act, organize, the right analogy, the analogy of the law, the legislative process, legislative initiatives, legislation, regulations legal act. So for the bill, "the law" - a legal act adopted by the Verkhovna Rada of Ukraine and Ukrainian referendum, which regulates the most important public relations by establishing the status of mandatory rules of behavior of such relationship and responsibility for violation of these rules. From this definition it is not clear what the status of and relationships and why it is missing in the definition of a fundamental feature of the law - the highest legal authority.

The following definition of the bill, which is remark: "Law of Ukraine - was formed on the basis of the hierarchical system of legal acts and international treaties of Ukraine." In this sense we can talk about the legislation of Ukraine, rather than

legislation, which is a set of regulations highest legal force and ratified by Ukraine of international treaties, agreements, etc.

In Art. 6 draft laws to include: 1) The Constitution of Ukraine - the Constitution of Ukraine, 2) codes of Ukraine, and 3) the laws of Ukraine. However, it is not clear where this system are the laws amending the Constitution of Ukraine and ratified international treaties, agreements. In Art. 8 indicates that the international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine, have higher legal force. That is, international treaties ratified by Ukraine shall be included in the system of laws in the art. 6 of the bill [4].

Structure of the bill is acceptable, the author covers all aspects of the legislative process, but the main drawback is non-attraction of leading scientists of theory of law to developing the text of the bill.

According to the conclusions of the main scientific and management expertise to the Draft Law of Ukraine "On Legal Acts" № 7409 into the project concept needs rethinking and complex processing. However, all the sensible position of this project can be used in future legislatures dealing with the same topic [6].

As an alternative draft Law of Ukraine "On Legal Acts » № 7409-1, his shortcomings were evident. The bill consisted of eight titles and articles: 1) the enactment of regulations, and 2) the official publication of regulations, and 3) preservation in regulations on official web sites, and 4) the registration regulations, 5) unified state register of legal acts, and 6) an official publication of regulations affecting the validity or effect of regulations or their contents, 7) the requirements for sites, 8) final provisions. [5] The draft no provisions for the design, structure and other mandatory elements regulations and requirements of the legislative machinery. Therefore, it is true that the bill was rejected.

So talk about qualitative changes in the legislation of Ukraine is not possible, because the law on which they have made is imperfect, detached from the scientific legal doctrine and technology.

December 18, 2006 the Verkhovna Rada of Ukraine registered a draft law "On the laws and legislative activity." It was largely reproduced the text of the Law of Ukraine "On the Laws and Legislative Activity", the latest version of which was adopted by the Verkhovna Rada of Ukraine of 22 December 2005 and returned to the President of Ukraine for reconsideration. When you review March 15, 2006 a law was passed by the Verkhovna Rada of Ukraine, which led to its cancellation. Draft Law of Ukraine "On the Laws and Legislative Activity" № 2763 of December 18, 2006 was revoked November 23, 2007 of any other law "On the laws and legislative activity" as of today, have been reported.

Thus, in Ukraine there is no single legal act setting requirements for the development of all regulations, their adoption, entry into force, accounting systems, types, hierarchies and norm-projecting technology. The only fundamental principles concerning the regulations are established by the Constitution of Ukraine.

Analysis of the legislation governing the exercise of the legislative process, we conclude that the current legislation provides fragmented regulation. Legal regulations require both substantive and procedural aspects of the legislature and all other participants in the legislative process. Regulations should define all stages of the legislative process, procedure preparation, registration, submission of bills, the law and its promulgation. The law is a regulation that has a special legal status and

purpose of the legislature. So we are quite convinced that we need a special law that determines the legal status of the law as the main act, the act of higher legal force that will determine the special legislative procedure, typical of the legislature, to pass legislation that will determine the constitutionality of laws specific guarantees, i.e. the area that is typical for the law and which are not fully defined during the creation of other legal acts.

Extremely positive development in the legal regulation of the legislative process is the adoption of the Law of Ukraine "On the Verkhovna Rada of Ukraine" dated 2010. This legal act aims to regulate the legal procedure. In a democracy, the process by which Parliament takes certain decisions is crucial for recognition of the legitimacy of society. More and more states is moving towards democracy and the highest authorities of these countries establish democratic procedures for activities that have not previously been the norm in society. In this situation, the recognition of the legitimacy of citizens parliamentary decisions is particularly important for the legislature and for the country as a whole. The representativeness of parliament means that the representation of public interests in the legislature parliamentary decisions should be recognized by most of society. Otherwise, the Parliament may lose confidence in his support in the future. This is especially dangerous in view of the structural formation of democratic institutions in transitional societies, as the parliament they have authority, who is responsible for the creation of legal framework, which would be instrumental in the development of the rule of law and civil society.

In order to have effective legislation and effectively regulate relations between public authorities, they must first be perceived in society as being taken in accordance with procedures established legitimate. Otherwise there is a risk of mass failure newly laws. This applies particularly to situations where the decision-laws are chaotic and poorly organized, then the society may assume that members of parliament cannot professionally establish effective legislative work.

The legitimacy of the newly laws is extremely critical issue not only for parliaments that do not have well-established procedures, but also for those who do not comply with its provisions. The society is not motivated to comply with statutory provisions if the parliament cannot or does not want to follow its own rules.

Thus, recognition of decisions of Parliament society depends largely on the recognition that Parliament adheres to proper decision making on the basis of well-established and transparent rules.

Question the legitimacy of parliamentary decisions is important not only for social groups, but also to other government institutions. If Parliament gives procedure, executive or judicial branch may recognize his illegitimate decisions that will have disastrous consequences for the effective implementation of and compliance with the new legislation [7, p. 6-7].

Ideal system of regulations that would complete regulation exercised the legislative process can be constructed as follows:

1. Basic Law of State (Constitution of Ukraine).
2. Laws ("The laws and legislative activity" and "On Legal Acts", "On the scientific and regulatory expertise Bills," "On the Verkhovna Rada of Ukraine" and the laws that determine the legal status of the subjects of the legislative process: "The President Ukraine ", " On the status of deputy ", " On Committees of the Verkhovna

Rada of Ukraine "," On the Verkhovna Rada of Ukraine "," On the Cabinet of Ministers of Ukraine "and others).

3. Subordinate regulations (Decree of the President of Ukraine "On the official publication of regulations and their entry into force" and other departmental regulations).

Conclusions and prospects for further development. The lack of a clear legal regulation of the legislative process in Ukraine negatively affect its implementation. At the legislative level, no general definition as the legislative and legal particular processes, their principles and stages. There was a need to put research in the field of law-making at the legislative level, as the plurality of participants in the legislative process increasingly becomes legal nihilism and amateurism. The consequence of this situation is the poor quality of legislation, including laws.

Thus, based on the above, we can say:- The lack of regulation of the legislative process in Ukraine has the effect of jarring legal system and low efficiency of Parliament within the exercise of legislative functions;- For proper regulatory framework of the legislative process in Ukraine should provide a clear legal regulation of the legislative and legal processes by the Law "On Legal Acts" and "On the Laws and Legislative Activity in Ukraine";- Improvement of organizational, legal and procedural framework will enact legislation to eliminate the inconsistency, inconsistent, contradictory, violations of the laws of construction law.

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