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## HISTORICAL SCIENCES

УДК:342.8 (477)

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### ELECTIONS TO THE VERKHOVNA RADA OF UKRAINE IN 1998: POLITICAL AND LEGAL ASPECTS

#### **Abstract.**

*Elections are a democratic way of gaining power, the formation of public authorities, the appointment of officials by voting for candidates who have been nominated in accordance with the law. Today, without free, fair, regular elections, in which citizens have the opportunity to express their will, it is impossible to imagine any civilized country in the world. In democratic societies, the opinion of citizens affects the life of society not only during elections.*

*It should be noted that elections are a key component of the political process both in Ukraine and abroad. Comparing Ukraine with the former Soviet Union, it is necessary to note its great contribution to building democracy.*

**Keywords:** elections, electorate, political parties, electoral systems, democracy

The organization and procedure for holding elections and referendums in modern Ukraine is in accordance with the laws of Ukraine, provided for in paragraph 20 of Art. 92 of the Constitution of Ukraine [1].

The Basic Law of Ukraine (Article 38) states that citizens of Ukraine have the right to participate in the management of state affairs, freely elect and be elected to public authorities and local governments. Elections are a direct form of democracy and correspond to the republican form of government [2, p. 106].

It should be noted that the Constitution of Ukraine has a section that provides a complete description of the elections to the highest legislative body in Ukraine "Verkhovna Rada of Ukraine" (the need to conduct, the number of deputies, etc.).

Articles 69-71 of the Basic Law of Ukraine emphasize that popular expression of will is carried out exclusively through elections as a form of direct democracy, all citizens who have reached the age of 18 on election day and who are guaranteed free expression of will have the right to vote. The defining characteristic of the activity of citizens in the political life of the country is the participation in elections [1].

In addition, the procedure for holding elections in Ukraine is established by a separate Law on Elections.

The aim of the study is to determine the features of the majority-proportional (mixed) electoral system of Ukraine through the prism of the parliamentary elections in March 1998 and their impact on the electoral choice of Ukrainian citizens.

In 1998, elections were held for the first time under a majority-proportional electoral system.

The adoption of the Law of Ukraine "On Elections of People's Deputies of Ukraine" at the end of 1997 coincided with the election process in Ukraine and was the most important and most difficult stage of democratization of society.

The majority electoral system of 1994 did not yield a positive result. 45 seats remained vacant. The majority in parliament declared itself independent, making it difficult for the Verkhovna Rada of Ukraine to pass laws. As for party affiliation, only three political parties had 25 representatives in the Rada.

In this regard, in 1996 it was decided to improve the electoral system in Ukraine. Five bills have been submitted to the Verkhovna Rada to give political parties the right to run in parliamentary elections. It was necessary to finalize the legislation in accordance with the new election system, ie, the introduction of a proportional system, according to which political parties will be elected.

The choice of a certain model of the electoral system can affect not only the election procedure itself, but also the further location of political forces in parliament (Verkhovna Rada), respectively - on the formation of government, says Ryabov S. One or another type of electoral system affects electoral consciousness and electoral behavior of citizens of the state [3, p. 30].

In August 1997, the Verkhovna Rada of Ukraine adopted in first reading the Law of Ukraine on elections under the majority-proportional system [4, p. 50].

This system was opposed by a few political parties and movements, including the Progressive Socialist Party (N. Vitrenko), the Ukrainian Republican Conservative Party (S. Khmara), the Ukrainian Peasant Democratic Party (M. Shkarban), and the Congress of Ukrainian Nationalists (S. Stetsko).

It should be noted that the majority-proportional, ie mixed electoral system, which provides for the distribution of parliamentary seats on the principle of "fifty to fifty", and today remains the only alternative among the three models of electoral systems. And from a political point of view, it is seen by experts as an alt-

tempt to "compromise between the principles of representation of different political forces and the stability of the government from within." It should be added that in some majority constituencies elections can be held both by absolute and relative majority [5, p. 39].

It should also be recalled that such a mixed model of the electoral process has long existed in Germany (ahead of Ukraine in terms of parliamentary traditions and high political culture).

#### Historiography of the problem

The study of electoral processes in independent Ukraine began only in the mid-1990 s. In particular, the issues of elections and the model of the election process were studied by scientists Tomenko [2], M. Stavniychuk [6], MG Ponomareva [8], N. Mosyukova [9], O. Lavrynovych [10], M. Rybachuk [11 ], I. Kresina [12] and other domestic theorists.

The collection "Elections and referendums in Ukraine: problems of theory and practice" based on the experience of the Central Election Commission analyzes the formation and improvement of electoral legislation in Ukraine during the years of independence, participation of political parties in elections and referendums, improving the legal culture of electoral and referendum processes. Also, various aspects of the organization of elections and referendums are covered in detail, including such as legal improvement of the institution of collecting signatures of citizens, current legislation on elections and referendums on compiling voter lists, referendum participants, voting results and election results of deputies of Ukraine, President Ukraine, all-Ukrainian referendum, etc. [5].

M. Stavniychuk's scientific research covers theoretical and practical problems of legal regulation of elections of people's deputies of Ukraine. The issues of formation of modern suffrage and electoral process in Ukraine, the history of formation of Ukrainian electoral legislation are considered; the factors of formation and functions of the legislation on elections of people's deputies in the conditions of the independent Ukrainian state are analyzed. Types of electoral systems, types of elections, stages of the electoral process are analyzed [6].

The scientist G. Ponomareva tried to analyze the factors that led to the introduction of a mixed majority-proportional system for parliamentary elections in Ukraine in 1998 [8].

Historian NG Mosyukova also paid attention to the 1998 elections in Ukraine, characterizing the established causes and consequences of the evolution of election legislation, identifying the factors influencing the course and results of the election campaign, and the degree of influence of each of them on each election campaign. -s of the twentieth century., noted the reasons and trends of change in the structure and powers of the structural elements of parliament, explored the activities of the Verkhovna Rada, defined criteria for its evaluation [9].

O. Lavrynovych, as one of the developers of the law on elections on a mixed basis, emphasizes the advantages of this system for Ukraine in the late 90s of the twentieth century [10].

Legal aspects of the election process to the Verkhovna Rada of Ukraine in 1998.

Delays in political and legal reforms, the constitutional crisis of 1995 led to the emergence of confrontation in Ukraine between different branches of government, forced the Verkhovna Rada of the 13th convocation to return to drafting new legislation on elections of people's deputies of Ukraine.

After all, according to the results of the 1994 elections, some constituencies did not get their representatives in the Verkhovna Rada until the next race. That is why the parliament in 1994 turned out to be diverse, with representatives of only 15 political forces, most of whom were non-partisan.

The draft law on elections to the Parliament of Ukraine was repeatedly considered and rejected at a sitting of the Verkhovna Rada.

In March 1996, the issue of adopting a new parliamentary election law was again raised in the session hall of the Verkhovna Rada of Ukraine, but by the decision of the people's deputies it was removed from consideration.

Only after the adoption of the Constitution of Ukraine on June 28, 1996 did the Verkhovna Rada return to the issue of organizing elections. Namely, the Constitution of Ukraine laid the foundations for holding elections in Ukraine, including elections of people's deputies. According to the Constitution of Ukraine, the next elections to the Verkhovna Rada are to take place on the last Sunday of March of the fourth year of its term.

The decision to start the election campaign is made by the Central Election Commission no later than 60 days before election day. At the same time, district election commissions are formed 50 days before election day, and precinct election commissions - 30 days. Registration of candidates ends 20 days before election day [3, p. 36].

St. 5 of the Constitution of Ukraine stipulates that "the bearer of sovereignty and the only source of power in Ukraine is the people. The people exercise power directly and through state authorities and local self-government bodies". Article 69 provides that "the will of the people shall be exercised through elections, referendums and other forms of direct democracy". According to Article 71, "elections to public authorities and local self-government bodies are free and take place on the basis of universal, equal and direct suffrage by secret ballot. Voters are guaranteed free expression of will" [1].

The organization and procedure for holding elections and referendums are regulated exclusively by the laws of Ukraine, as specified in paragraph 20 of Art. 92 of the Basic Law [6, p. 82].

The Constitution of Ukraine laid the foundations for the participation of political parties in elections of all levels and types, as well as their assistance in the formation and expression of the political will of citizens participating in elections.

It should be noted that the participation of political parties in the creation of electoral legislation is ensured through their programs and statutes; through the creation of draft Constitution and Legislation on Elections

of People's Deputies of Ukraine; through positions in working groups, temporary commissions, at forums on the development of election problems, etc., as well as through the voting procedure in the adoption of election legislation by the Parliament of Ukraine [6, p.76-77].

On November 14, 1996, the Verkhovna Rada of Ukraine adopted the Resolution "On the Draft Law of Ukraine on Elections of People's Deputies". It provided for the establishment of a Temporary Special Conciliation Commission from among the representatives of deputy groups and factions to finalize the submitted bills, taking into account the proposals made by representatives of deputy groups and factions, profile committees and deputies of Ukraine, based on the Committee on State Building, Councils and Self-Government. It was planned to submit this project to the Verkhovna Rada of Ukraine in April 1997. In parallel, the Verkhovna Rada also received three alternative projects prepared by MP M. Karpov, MPs O. Yemets and T. Stetskiv, from the Committee on Social Policy and the project was developed by People's Deputy Yu. Buzdugan. The resolution of the Verkhovna Rada of Ukraine approved the composition of the Temporary Special Commission to finalize the draft Law of Ukraine "On Elections of People's Deputies of Ukraine" in the number of 26 people's deputies of Ukraine. V. Mishura was elected chairman of this commission, and V. Shevchenko was elected secretary. During the work of the Temporary Commission, the Verkhovna Rada of Ukraine received several more draft laws on elections as a legislative initiative. In the draft submitted in January 1997, the People's Deputies of Ukraine I. Baglay, M. Syrota, R. Bezsmertny, and A. Franchuk proposed to elect 300 People's Deputies of Ukraine according to the majority system of relative majority in territorial single-mandate constituencies and 150 People's Deputies according to the proportional system for the national district.

In February 1997, a project was submitted by the People's Deputy of Ukraine V. Volkovetsky together with members of the Prykarpattia Center for Legal Studies and a group of People's Deputies of Ukraine, which included S. Sobolev, V. Nosov, V. Golovko and others. The latter was an alternative to the draft of the Temporary Special Commission, providing for a majority system of elections to the Verkhovna Rada of Ukraine in 450 single-member constituencies. The draft Law "On Elections of People's Deputies of Ukraine", prepared by the Temporary Special Commission, was submitted to the Verkhovna Rada of Ukraine at the plenary session on March 12, 1997. As a result of discussion, it was adopted in the first reading [5, p. 14-15].

On 20 March 1997 he was to be heard under the second reading procedure, but the hearing was adjourned. During the spring and autumn of 1997, the Verkhovna Rada of Ukraine at its meetings returned to the issue of adopting the election law thirteen times [6, p.73-74].

On September 24, 1997, the new Law of Ukraine "On Elections of People's Deputies of Ukraine" was adopted. 230 deputies voted for its adoption.

On October 2, 1997, in accordance with the constitutional procedure for the adoption of laws of Ukraine, the law was submitted for signature to President Leonid Kuchma.

The President of Ukraine, taking into account the actual election campaign in Ukraine and the need to hold elections within the timeframe set by the Constitution, addressed the Verkhovna Rada with a proposal to revise this law. The President introduced 14 amendments to the Law of Ukraine "On Elections of People's Deputies of Ukraine" (including provisions that did not comply with the Constitution of Ukraine, as well as some other norms, in particular, aimed at improving the electoral process and ensuring real democracy during elections of deputies of Ukraine).

The 1998 elections were to be held on a new conceptual basis. According to the Law of Ukraine "On Elections of People's Deputies of Ukraine" of 1997, the mixed electoral system provides for the election of 225 deputies in single-member constituencies by the principle of relative majority, ie the winner is the candidate with more voters than his rivals. (225) deputies are elected from the lists of candidates from political parties, electoral blocs in a multi-member constituency [7].

The election campaign was held in accordance with the main stages and principles established by law and was divided into two parts: one in a multi-member national constituency, and the other in single-mandate constituencies.

In a multi-member constituency, the election campaign started earlier. After the announcement of the start of the election marathon, 34 political parties and electoral blocs of parties submitted the necessary documents to the Central Election Commission, which needed to obtain signature sheets to collect signatures of voters in their support.

Only 32 political parties and electoral blocs were allowed to issue such letters. Two political parties were denied due to the fact that the list of candidates was not formed by the party's representative governing body, as required by law, but by another party body.

The Central Election Commission issued more than 1 million such signature sheets, which were certified by the original CEC seal.

According to the election law, a political party or electoral bloc of parties must collect at least 200,000 signatures in support of registration. Citizens were allowed to sign for any political party, bloc at the same time, so the parties were able to collect signatures in time. 32 political parties and electoral blocs of parties submitted timely documents to the CEC for registration as subjects of the election process and lists of their candidates for deputies.

The All-Ukrainian Hromada Association (December 5), the Communist Party of Ukraine, and the People's Movement of Ukraine were the first to submit documents to the CEC. On December 17-18, 1997, other political parties and blocs submitted their documents. On December 18, the CEC had to convene several hearings on the registration of lists of candidates from political parties and party electoral blocs to review all candidate documents in accordance with the law.

As a result of these meetings, 30 political parties and electoral blocs of parties were registered as subjects of the election process. Two political parties (Women of Ukraine and the Party of National Salvation of Ukraine) were denied registration of their candidate lists because their documents did not meet the requirements of the law. Both parties filed a lawsuit to overturn the CEC's decision, but their calls were denied.

At the same time, 225 single-member constituencies were created.

The next stage of the election process was the creation of district election commissions (they are entrusted with important powers of the election process), which also caused a lot of difficulties in certain regions. According to the new election law, in addition to the chairman, deputy chairman, secretary and members of the commission, representatives of political parties, electoral blocs of parties, and lists of candidates for people's deputies must be included in the district election commissions. In addition, the chairman, deputy chairman and secretary may not be members of the same party under the law.

Kyiv City Council failed to establish district commissions in the city. Therefore, this function had to be re-elected by the Central Election Commission, which assumed full political responsibility for the election campaign in Kyiv.

The next stage of the election was the nomination of candidates for deputies in single-member constituencies. One of the problems was the issue of the process of nominating candidates for deputies, which is not clearly defined in the Law.

The legislation states that this can be done through self-nomination, through political parties, party electoral blocs, as well as by citizens' assemblies and labor collectives. It should be noted that many candidates have expressed a desire to be nominated by labor collectives.

The Verkhovna Rada of Ukraine rejected a number of proposals proposed by the CEC to implement this legal norm. Therefore, the Central Election Commission decided that candidates from labor collectives or citizens' assemblies submit documents as self-nominated.

Also, difficulties were caused by the requirement for a candidate to collect 1,500 signatures of voters living in the territory of this constituency. This figure was later reduced to 900.

The next step in the election campaign is the creation of polling stations for voting and counting. It should be noted that the vast majority of polling stations were established by January 28, 1998, as required by law 60 days before election day. They were formed by the decision of village, settlement, city, district councils on the proposal of the village, settlement, city mayor or the chairman of the district council. These commissions must include one representative each from political parties and electoral blocs of parties whose lists of candidates have been registered for participation in elections in a multi-member constituency.

In total, 32,538 polling stations were established on the territory of the state [6, p.73].

In preparation for the election, another legal issue arises. Should candidates who are civil servants be relieved of their duties during the election campaign, or should they take leave? The discussion of this issue became especially active when the Prime Minister of Ukraine and some ministers expressed a desire to run for the People's Deputies of Ukraine.

Also, we had to make changes to the Election Law on the length of the ballot. For the most part, this concerned the list of political parties and electoral blocs of parties, according to which the length of the ballot could be 294 cm. concise information only about the top five candidates from political parties, election blocs, etc.

During the election campaign, mass bribery of voters became a "common phenomenon": I gave you money, and you gave me your vote. In addition, it should be noted that some candidates for People's Deputies took part in this, which violated Article 35 of the Election Law. This issue was repeatedly raised at a sitting of the Verkhovna Rada of Ukraine.

MP A. Yurkovsky, as a member of the Verkhovna Rada Committee on Legal Policy and Judicial Reform, submitted a request to conduct an election campaign in the country, as he believed that the CEC did not conduct an effective inspection of the election campaign. He proposed to make cardinal decisions regarding those candidates who will be exposed in voter bribery, so as not to question the honesty, decency of deputies and the legality of the election. namely, to withdraw the mandate of the candidate for People's Deputies.

It should be reminded that at the sitting of the Verkhovna Rada of Ukraine by the People's Deputy Starovoitova GM it was proposed to amend the draft Law on Elections. Initially, 206 deputies voted in the second ballot, and later 226 - "for" [14].

The election process revealed the need to amend all election laws of Ukraine, which would prohibit their amendments (laws) a year before the election, as well as to repeal them or adopt new versions. These decisions would help stabilize the legislative support of the electoral process in Ukraine [15].

1998 elections and their results

In Ukraine, during the 1998 election, according to a mixed model of the electoral process, each voter received two ballots: one for voting in a single-member constituency and the other for voting in a multi-member constituency. The names of political parties and electoral blocs registered with the Central Election Commission were included in the ballot in a multi-member constituency.

In addition, all political parties that formed the electoral bloc must be listed. Also, the ballot paper indicates surnames, names and patronymics, year of birth, positions, places of work and residence, party affiliation of the first five candidates from the list of candidates for deputies submitted by each political party, electoral bloc of parties. To the right of each political party name, the electoral bloc of parties contains an empty square. The ballot paper for a single-member constituency shall list in alphabetical order the names of all candidates running in that constituency. An empty square is depicted on the right opposite the name

of each candidate. In both types of ballots, after the list of candidates in a single-member constituency and the list of parties and electoral blocs, it was stated: "I do not support any of the candidates" or "I do not support any political party, electoral bloc of parties". To the right of these words is an empty square in which the voter had to mark his vote against all. Voting in elections is that in the ballot paper for a multi-member national constituency, the voter marks the box next to the name of the political party or electoral bloc of the parties he / she is voting for. At the same time, you can vote for the list from only one political party or electoral bloc of parties. If a voter does not want to support any political party or electoral bloc of parties, he marks the box next to the words: "I do not support any political party, electoral bloc of parties". When voting in a single-member constituency, the voter marks the ballot paper in the square opposite the name of the candidate for whom he / she is voting. You can vote for only one candidate or highlight the position "I do not support any of the candidates".

Until 1997, the so-called negative voting was used in the domestic election practice, ie voting by deleting the names of the candidates against whom the voter is voting in the ballot paper. It was possible to leave only one surname of the candidate for whom the voter casts the vote, or not to leave any. If two or more surnames are not crossed out or a new surname is added or anything is written, the ballot paper is declared invalid.

The secrecy of the will of voters is ensured by the booths through which voters pass on the way to the ballot boxes. The law provides for the use of mobile polling stations in cases where one of the voters is unable to come to the polling station due to health or other valid reasons. If after the compilation of the voter list and its submission for public review, the voter's whereabouts change, he may vote early [3, p. 48-50].

Elections were held in 225 constituencies.

According to statistics in Ukraine at that time there were 37,540,092 voters. 26571273 voters took part in the voting, which accounted for 70.78% of the activity of Ukrainian citizens. 798632 ballots from ballot boxes were declared invalid [16, p. 63].

In the March 1998 elections of people's deputies of Ukraine, a total of 3,962 names of candidates for deputies were entered in the ballot, 2,242 of whom were nominated by political parties and electoral blocs of parties, and 1,720 exercised their right to self-nomination. That is, every citizen of Ukraine can freely exercise their right to elect and be elected to public authorities and local governments [5, p. 47].

The largest number of candidates on party lists in the multi-member national constituency was nominated by the Communist Party of Ukraine and the All-Ukrainian Union Hromada (225 people each), the People's Movement of Ukraine (224 people), the electoral bloc of the Labor Party and the Liberal Party TOGETHER ! » (219 people), the electoral bloc of the SPU / SelPU parties "For the truth, for the people, for Ukraine!" (201 persons). The Muslim Party of Ukraine, the All-Ukrainian Party of Women's Initiatives, the Soyuz Party, the Ukrainian National Assembly, and the Defenders of the Fatherland Party presented the smallest number of candidates on party lists (19, 27, 30, 42, 43 people, respectively) [5, p. 70].

lists of candidates for deputies from political parties and electoral blocs, which managed to overcome 4 percent or more of the vote, voted 17481593 voters.

According to the results of the elections to the Verkhovna Rada of Ukraine, according to the CEC of 30 political parties, electoral blocs managed to overcome the 4% electoral barrier of only 8 political parties, electoral blocs of parties and participate in the distribution of seats (Table 1.1).

Table. 1.1.

**Election results in multi-member national constituency**

№ п/п	The party, an electoral bloc of political parties that managed to overcome the 4% barrier	The number of votes cast for the lists of candidates from each political party, bloc	Number of percent - "For"
1	Communist Party	6550353	24,65%
2	People's Movement of Ukraine	2498262	9,4%
3	Electoral bloc of the Socialist Party of Ukraine and the Peasant Party of Ukraine "For Truth, for the People, for Ukraine"	2273788	8,5%
4	Green Party of Ukraine	1444264	5,3%
5	People's Democratic Party of Ukraine	1331460	5,0%
6	All-Ukrainian Association «Community»	1242235	4,67%
7	Progressive Socialist Party of Ukraine	1075118	4,04%
8	Social Democratic Party of Ukraine (O)	1066113	4,01%
9	They did not support any political party or bloc	1 396 592	5,25%

Therefore, from table 1.1. It can be noted that according to the results of the elections on March 29, 1998, every fourth voter voted for the Communist Party. This election was called "red revenge".

In 18 of the 27 regions, the Communist Party managed to take first place. She received more than 30% of the vote in Donetsk, Luhansk, Zaporizhia, Mykolaiv, Kherson, Kharkiv regions, and the ARC. And only in 7 regions gave way.

In total, the Reds scored 37% and won 174 seats in the Verkhovna Rada. Political scientists note that if the elections were then held on a proportional system, such a parliament could lead to the collapse of Ukrainian statehood, but the situation was saved by the majority. In most constituencies, non-partisan candidates, who mostly cooperated with the authorities, won.

The second place went to the People's Movement of Ukraine, which received 2,498,262 votes in support



and won in five regions of the western region: Volyn, Ivano-Frankivsk, Lviv, Rivne, and Ternopil regions.

Even in the city of Kyiv, the NRU scored 10.86% and took second place.

It should be noted that in four oblasts the party received more than 20% of the vote. The lowest number of votes was cast for this party in the city of Sevastopol (1.77%) and in the Donetsk region (2.2%) [4, p. 509].

All other political parties, electoral blocs of parties failed to gain the required number of votes in support of the elections in the multi-member national constituency.

Thus, the total number of voters who did not support any political party, the electoral bloc, was 5.25%, or 1 million 396 thousand.

Summing up the election process, it will be recalled that seats in the Verkhovna Rada were divided between parties, electoral blocs of parties in accordance with the electoral quota.

And here are the results of the division of seats: the Communist Party of Ukraine - 84, the People's Movement of Ukraine - 32, the electoral bloc of the Socialist Party of Ukraine and the Peasant Party of Ukraine "For Truth, for the People, for Ukraine" - 29, the Green Party of Ukraine - 19, the People's Democratic Party Of Ukraine - 17, All-Ukrainian Association "Community" - 16, Progressive Socialist Party of Ukraine - 14, Social Democratic Party of Ukraine (United) - 14 [4, p. 581].

What were the ideas of state formation in the programs of political parties? If in the early 1990s the NRU, PZU, GKU, PP and other parties supported the idea of federalization of Ukraine, in the second half of the 1990s this idea was preserved only in the program documents of low-influential pro-Russian parties, and in the election programs of national parties it was not considered. During the 1998 election campaign, the idea of regional development, ambiguous interpretation of Ukraine's foreign policy choice and different approaches to solving the language issue appeared in the program documents of the subjects of the election process [4, p. 163–165].

We note that the CPU saw a way out of the crisis in the "creation of an equal union of fraternal peoples". The NRU, on the other hand, declared the need to return to Europe, and foreign policy was to be based on the principles of economic, political, and military integration into Europe. An important issue in the NRU program is the need to form a Ukrainian political nation and restore the functioning of the Ukrainian language in all areas of state activity [4, p. 160–162].

The WB program "SPU and Sel.PU" emphasized the development of fraternal political and economic relations, especially with the Slavic world. The ROM mentions in just one sentence in the program that "the balanced development of Ukraine is possible only taking into account the social, environmental and geographical features of each region." Similarly, this is stated in the NDP program: "Ukraine does not end at Khreshchatyk. Regional policy is a factor of effective state development" [4, p. 166–168].

Significant emphasis on regional issues is made in the PSPU program. First, it is proposed to recognize

Ukrainian and Russian as official languages, to give them the same status. And, secondly, "to recognize the Russian Federation and Belarus as a strategic ally of Ukraine. Denounce the Charter on a Special Partnership with NATO". The position of consistent internationalism (with a bias towards Russia) is adhered to by WB "Labor Ukraine", which also in the program requires giving the Russian language the status of an official [4, p. 179–181].

WB "Labor Party and Liberal Party - TOGETHER" advocated support for all forms of self-government and bottom-up initiative. Everything that can be solved without the state must be decided by local teams. "Strong regions - a strong state". In this context, the balanced program of the WB NEP deserves attention: "We urge not to use language problems to aggravate the political situation". In foreign policy, the bloc has maintained a position of multivectority. PE "Soyuz" declared the need to restore ties with Russia, for the expansion of regional rights and against the imposition of a nationalist idea on society. It was proposed to recognize Russians along with Ukrainians as the second nation-building nation and to give Russian the status of an official language. In the election program of the World Bank "European Choice of Ukraine" (LDPU, USDP) it was declared that the only possible integral idea for Ukrainians is the idea of Europeanization of Ukraine, the only right choice - the European choice of Ukraine. Other parties and electoral blocs do not have language, regional, or foreign policy issues at all. But, despite the attractive slogans, their results were relatively low: WB "Labor Ukraine" - 3.06%. WB "Labor Party and Liberal Party - TOGETHER" - 1.9%, PRVU - 0.9%, PE "Union" - 0.7% [17]. This shows that before the elections and in the context of the 1998 parliamentary elections, the confrontation between the regions in the East-West format was not relevant for Ukrainian politicians. This became the case later, when the diversity of regions (ethnic composition, language differences, socio-cultural specifics) began to be used by political technologists to obtain electoral dividends. In our view, incitement to interregional hatred, the language issue, and geopolitical strategies in general should be removed from election programs in order to ensure the electoral security of the state.

Thus, the introduction in Ukraine, as in most post-socialist countries of Eastern Europe (Russia, Poland, Hungary), of a mixed (majority-proportional) electoral system as a whole increased the interest of citizens in elections, in political parties as subjects of the electoral process and contributed to certain structuring of the Verkhovna Rada of Ukraine on a multiparty basis [5, p. 16].

In single-member constituencies, according to the election results, the party affiliation was as follows (223 deputies were elected): non-party deputies - 114 deputies, CPU 38 (17.04%), NRU - 14 (6.28%), NDP - 12 (5.38%), APU - 8 (3.59%), VO "Community" - 7 (3.14%), 3 seats each, respectively, 1.35% received four parties: SDPU (o), SPU, KUN, PRP, two mandates (5 parties) - KhDPU, PRVU, SelPU, PSA, PSPU, 1 mandate (8 parties) - PE "Suz", PE "Interregional Block

of Reforms", LPU, UPS, DemPU, SNPU, UHDP, PE Christian-People's Union" [4, p. 345].

Thus, 23 political parties were represented in the parliamentary elections. In addition to the parties that overcame the electoral threshold, high results showed: APU - 3.68%, PRP - 3.18%, WB "Labor Ukraine" - 3.06%, WB "National Front" - 2.71%, WB "Labor Party and Liberal Party - TOGETHER" - 1.89%, WB "Forward, Ukraine!" - 1.73%, HDP - 1.29% [17].

Those voters who did not take part in the voting were considered to support the results of the will of the participants in the voting process. Also, for the first time, the so-called "positive" voting was introduced, ie in the square against the name of the candidate or the name of the party it is enough to put a sign "plus" or another symbol to express the will.

Another significant innovation was that the winner was determined by the principle of not an absolute but a relative majority of votes, and this removed the problem of voter turnout at polling stations and, thus, made it impossible to vote in one round. The advantages of this system include the fact that it allows to identify both the real influence of a political party and the popularity of an individual candidate, and this is extremely important for a society where politics is still not so much institutional as, as noted, personalized.

Thus, in 1998, Ukraine moved from a majority to a mixed electoral system, in which 225 members of parliament were elected from majority constituencies and 225 from party lists. Then a four percent barrier to the passage of parties was established [18, p. 129].

What are the shortcomings of the mixed electoral system in general and what lessons can be learned from its operation in Ukraine? [11, p. 39].

One of the main disadvantages of a mixed electoral system is that the compromise attempt demonstrated by this system is not always successful. In the absence of a clearly regulated structure of the parliament into majority and minority, the legislature remains a rather amorphous structure, where the necessary majority for responsible decisions and bills is achieved at the cost of considerable effort and fairly balanced compromises.

The compromises that were occasionally reached between different, sometimes diametrically opposed, parliamentary factions turned out to be tactical maneuvers rather than a strategic course. All this gave rise and reason for many politicians and specialists of analytical services to question the efficiency and expediency of a mixed electoral system for Ukraine and to put forward a proposal to move to a purely proportional one.

A significant part of the deputies of the current Verkhovna Rada of Ukraine is also inclined to this idea or, at least, to a significant increase in the parliamentary representation of deputies from the multi-member national constituency, whose elections are held on a proportional basis by party lists [5, p. 40].

#### Conclusions

Thus, during the years of independence, Ukraine has gone through several stages of modernization of the electoral system - from a majority absolute majority to a mixed relative majority. This was a sign of strength-

ening the democratic foundations of the young country's political system and the emergence of new institutions of political life, among which the leading political parties.

Changes in the electoral legislation of Ukraine contributed in general to the intensification of the activities of political parties in the state-building process, as well as the process of creating new parties, their political activation as full subjects of the electoral system.

Significantly new for the Ukrainian elections, the mixed majority-proportional electoral system was positively perceived by political parties. This was a step forward in comparison with those meetings of workers or members of public organizations, which in Soviet times could nominate one candidate.

Thus, since the establishment of independence and the formation of multiparty system, the state in these elections has emphasized the role of political parties in the formation of the legislature, which have become real subjects of the electoral process.

Of course, political parties at that time did not have sufficient experience in conducting election campaigns under the new electoral system, in organizational terms they were weak, few, did not have a sufficient social base. However, on the eve of the election, they showed a fairly high organizational mobility. Ideologically close political parties, which decided to combine their intellectual, organizational, and financial resources in order to expand the social base of supporters and obtain more votes, formed electoral blocs.

The election programs of the 1998 parliamentary elections were socio-economic documents, often populist in nature, as they contained a number of promises that were virtually impossible to fulfill.

We need to remember that the priority of the country's electoral system should be national and public interests in the name of the state, society and every citizen. This is the organic process of formation and development of democracy, the foundations of the young state, which is celebrating the third decade of its independence.

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## CONCEPTUAL AND LEGAL STATUS OF PUBLIC ORGANIZATIONS IN UKRAINE (1990s)

### **Abstract.**

*The article considers the changes in the conceptual and legal status of public organizations in the first years of Ukraine's independence. The transformation of forms and methods of interaction of public organizations and government structures as a result of development of normative-legal base of their activity is analyzed.*

**Keywords:** *public organization, citizens' association, civil society, status, charitable foundation.*

**Formulation of the problem.** With the adoption of the Law of Ukraine "On Associations of Citizens" in 1992, the legal basis for the establishment and operation of public organizations in Ukraine was determined. However, the issue of the status of citizens' associations has remained out of the attention of legislators. During the 90s of the twentieth century. Scholars and representatives of civil society organizations discussed topical issues of creation and activity of public organizations of entrepreneurs in the conditions of economic transformations, [1] formation of civil society in Ukraine, [2] prospects of cooperation of public organizations and political parties in the context of Eastern European experience. [3]

Thus, at the first Forum of Public Initiatives, held in Lviv in October 1998, the concept of the existence of "three sectors" in a democratic society was considered. The participants of the forum agreed that the public sector should include government institutions, provide citizens with national security and social welfare; the private sector should include associations and enterprises operating on the basis of market economy principles, while the "third sector" should include non-governmental, non-profit organizations, each guided by

its social, religious or ethnic mission and aimed at assisting citizens in their participation in the democratic process and the development of public initiative. [4]

In our opinion, public organizations are an integral part of the "third sector" of Ukraine, but the peculiarities of legal regulation require a clear separation of public organizations from other associations of citizens. The lack of a balanced legal approach in the use of common terminology leads to the substitution of concepts. In particular, T. Andrusyak interprets the term "public organization" in a broad and narrow sense. The researcher believes that in a broad sense - these are all the structures that make up the "third sector", which together with non-state enterprises form the basis of civil society. These include all religious, professional, cooperative and other organizations, as well as political parties. Public organizations in the narrow sense are organizations whose purpose is to promote the interests of society or the interests of members of this organization in such areas as health care, education, science, culture, art, assistance to vulnerable groups, environmental protection, human rights. values and human rights. [5, p. 6-7] In our opinion, "public organizations in the broad sense" correspond to the definition of "association of