

LEGAL PRINCIPLES OF INCREASING THE INSTITUTIONAL CAPACITY OF THE VERKHOVNA RADA OF UKRAINE

^aLYDIIA DANYLENKO, ^bOLEKSANDR ALIKSIICHUK,
^cVOLODYMYR GOSHOVSKYI, ^dTETIANA KORNIKOVA,
^eNADIYA MAKSIMENTSEVA

^{a,b}Taras Shevchenko National University of Kyiv, Kyiv, Ukraine
^{c,d}Oles Honchar Dnipro National University, Dnipro, Ukraine
^eNational Academy for Public Administration under the
President of Ukraine, Kyiv, Ukraine
email: ^aapn1@ukr.net, ^bapn1@ukr.net,
^cv.goshovskiy@gmail.com, ^dv.goshovskiy@gmail.com,
^enmaksime@yahoo.com

Abstract: The purpose of the academic paper lies in substantiating and highlighting the results of studying the legal principles of increasing the institutional capacity of the Verkhovna Rada of Ukraine. Established that the essence of the institutional capacity of the Verkhovna Rada of Ukraine lies in ensuring a dynamic process of forming rules and procedures of legislative activity, as a result of which its independence from other institutions of power is achieved. It has been proven that in the context of globalization and integration of countries into the European space, three groups are distinguished among the countries of the European Union, characterized by common signs of increasing the institutional capacity of the central legislative authorities.

Keywords: institutional capacity, Verkhovna Rada of Ukraine, bodies of legislative power, parliamentarism, legislative process.

1 Introduction

The growing scale of globalization, geopoliticization, and megaregionalization create significant risks, threats, challenges, and dangers to the social-political and social-economic development of the countries of the world; moreover, they have significantly deepened in the conditions of military confrontation of Ukraine against the Russian Federation. The threat to the territorial integrity of Ukraine, the unresolved issues of the dead, missing, wounded and internally displaced persons, the aggravation of the risks of the defence capability and national security of Ukraine and neighbouring countries against the background of overcoming common deep macroeconomic shocks require radical solutions and increasing the capacity of political systems in order to effectively confront the problems and challenges outlined.

The effective functioning of legislative bodies at the current stage is extremely important and should be aimed at protecting the interests of a wide range of social groups in the context of the Euro-Atlantic vector of development. Along with this, increasing the institutional capacity of the Verkhovna Rada of Ukraine is one of the most significant strategic priorities for the development of parliamentarism, forasmuch as the legislative framework is an effective tool for structural restructuring of the country.

2 Literature Review

The lack of systematic parliamentary reform in Ukraine and the tangible consequences of the social-political and social-economic crisis, reinforced by military actions, do not contribute to increasing the institutional capacity of the Verkhovna Rada of Ukraine. This is evidenced by the imperfect formation of a single coordination centre for parliamentary reform, non-systematic work on the implementation of recommendations, in particular, on updating the Roadmap and actions on its implementation, imperfection of the targeted system of generation and decision-making, ineffective communication, inconsistency of the powers of the Verkhovna Rada of Ukraine with the norms and standards of the Constitution. Tashtanov et al. (2016) argue that the reform of the Verkhovna Rada of Ukraine is moving from authoritarian rules of functioning, which have been characterized by undeniable and powerful centralization and non-transparency of the power structure, to a system characterized by the rule of law and parliamentary democracy, which corresponds to international democratic norms and standards. However, according to the viewpoint of Nyznyk (2021), domestic

parliamentary practice does not contribute to increasing the institutional capacity of the Verkhovna Rada of Ukraine, in particular, in terms of organizational and legal parliamentary control.

Moreover, Lykhach (2018) notes that certain provisions of the Constitution of Ukraine (Constitution of Ukraine, 1996), which regulate the powers of the Verkhovna Rada of Ukraine and its relations with other governmental institutions, significantly influence, and in some cases make impossible the implementation of the representative functions of the Verkhovna Rada of Ukraine, in particular:

- the limited influence of the Verkhovna Rada of Ukraine on the Cabinet of Ministers of Ukraine in terms of its responsibility, the application of a vote of non-confidence in the Government and the dismissal of ministers;
- limitation of the powers of the Verkhovna Rada of Ukraine regarding responsibility for the implementation of foreign policy and security policy in terms of the appointment and dismissal of the leading diplomatic and military corps;
- inequality of powers of deputies, use of interests of political forces in the budget process;
- inconsistency of the structure of parliamentary committees with the structure of government institutions;
- insufficient level of openness of the activities of the Verkhovna Rada of Ukraine;
- insufficient level of institutional capacity of the Apparatus of the Verkhovna Rada of Ukraine.

Taking into account the tendencies outlined, the scholar proposes to revise the basic principles for the implementation of the reform of parliamentarism in order to increase the institutional capacity of the Verkhovna Rada of Ukraine and ensure its effective performance of legislative, control and representative functions.

The close interconnection between the institutional capacity of the Verkhovna Rada of Ukraine and constitutional stability has been established by Choudhry et al. (2018), who claim that the violation of the balanced functioning of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and the activities of the President causes the emergence of an institutional conflict between them, the solution of which requires the modernization of approaches to studying the fragmentation and weakness of the party system, as well as the stabilization of the activity and increase of the institutional capacity of the Verkhovna Rada of Ukraine. The proposed theory is substantiated by Cheibud & Rasch (2021), who believe that the institutional capacity of the Verkhovna Rada of Ukraine is significantly influenced by geopolitization and globalization, as a result of which it proves its excessive flexibility and vulnerability.

It should be noted that from among the main Recommendations on internal reform and increasing the institutional capacity of the Verkhovna Rada of Ukraine (On measures to implement recommendations on internal reform and increase the institutional capacity of the Verkhovna Rada of Ukraine, 2016), the obligation of the Apparatus has been determined to conduct a thorough analysis of each draft law that is submitted for consideration in order to identify duplication, contradictions and ambiguity in relation to the current legislation.

Goshovska et al. (2019) consider the institutional stability of the Verkhovna Rada of Ukraine as a dynamic process of forming rules and procedures of legislative activity aimed at ensuring independence from other institutions of power and developing a system of political representation of public interests based on the effectiveness of mechanisms of control over the executive power, openness and transparency of the legislative process.

Dzyuba (2021) adheres to a similar position, who is convinced that increasing the institutional capacity of the Verkhovna Rada of Ukraine can be a guarantee of international and European cooperation, forasmuch as it will allow strengthening the constitutional role of law-making, supervision and representation, increasing the quality of legislation, improving the legislative process, enhancing transparency and efficiency activities of the Verkhovna Rada of Ukraine.

However, Kosynskyi (2017) proves that there is a significant imbalance in Ukraine between the development of legislation and the observance of such principles as democracy, the rule of law and the legal order, which requires in-depth measures, in particular, the implementation of parliamentary reform.

In this context, Politt & Bouckaert (2017) associates the effective functioning of the central legislative bodies of the country with their activities in the political sphere and the civil society. At the same time, Mauleman (2021) considers the legal principles and opportunities for improving the institutional capacity of the Verkhovna Rada of Ukraine through the prism of the quality of the public administration and is inclined to believe that it directly depends on the results of the reform of parliamentarism; however, Usmanova (2022) claims that the institutional capacity of the central body of the state's legislative power depends on the level of development of the democratic society.

It is obvious that the issues of increasing the institutional capacity of the Verkhovna Rada of Ukraine have not arisen instantaneously, but exist for many years, as confirmed in the investigations conducted by Rosenko et al. (2021). Moreover, in the conditions of globalization and European integration, the central body of legislative power plays a significant role in the system of forming inclusive political responses to risks, threats and dangers thanks to the creation of a reliable legislative basis. This thesis is most fully substantiated in the World Report on the Public Sector for 2021 (National Institutional Arrangements for implementation of the Sustainable Development Goals: five-year stocktaking, 2021). Along with this, Saburova (2021) argues that measures to increase the institutional capacity of the Verkhovna Rada of Ukraine should take into account not only the interests of the state, but also of the civil society.

It is also worthy of note that Al-Atti (2018) emphasizes the importance of the coordinated interaction of the central body of the legislative power in the country with the bodies of the executive power, and the institutional capacity of the Verkhovna Rada of Ukraine significantly depends on the implementation of the democratic principles of public administration, which are declared in strategic documents regarding the development of Ukraine in the conditions strengthening the globalization processes. According to the viewpoint of Hirman et al. (2021), increasing the institutional capacity of the Verkhovna Rada of Ukraine depends on the degree of its recognition and role in the state, and Rosenko et al. (2021) are convinced that its weakness lies in protracted political instability, political crises and constant destructive changes occurring in the processes of establishing democracy, national consciousness and political culture.

The purpose of the academic paper lies in substantiating and highlighting the results of studying the legal principles of increasing the institutional capacity of the Verkhovna Rada of Ukraine.

3 Materials and Methods

In the course of the research, the general scientific and special methods of economic analysis have been used and applied as follows: analysis and synthesis in order to determine the essence of the institutional capacity of the Verkhovna Rada of Ukraine; comparisons and analogies for the implementation of analytical assessments of the state and development trends of the institutional capacity of the Verkhovna Rada of Ukraine, as well as the legal basis for its improvement; generalization and systematization for the purpose of formulating scientific

hypotheses and forming conclusions and summarizing research results; grouping and cluster analysis based on the use of the k-means method for grouping the countries of the European Union and Ukraine in order to identify the place of Ukraine among the countries of the Eurozone according to the Integral indicator of public governance (Governance Research Indicator Country Snapshot); graphical and tabular methods for visualization and visual display of the research results.

The countries of the European Union and Ukraine were chosen for the research.

The research information base is based on reports for 2018–2021: Worldwide Governance Indicators according to the Integral indicator of public governance (Governance Research Indicator Country Snapshot).

4 Results

Ensuring the institutional capacity of the Verkhovna Rada of Ukraine in the conditions of a protracted social-political, social-economic and military crisis is an extremely difficult task. The reform of Ukraine's parliamentarism hasn't ensured the desired effect and is notable for its incompleteness. The growing influence of destabilizing factors, threats and risks to the national interests of the country, effective resistance to which depends on the level of development of diplomatic structures, indicates the existence of a number of problems of legislative natures, empirical assessments of which are extremely difficult and depend on the optimal choice of criteria, methods, assessment tools.

At the international level, in order to determine the effectiveness of public governance and to establish the institutional capacity of the legislative body, it is customary to calculate the Integral indicator of public governance (Governance Research Indicator Country Snapshot), which involves the use of international assessment methods and interstate comparisons according to such sub-indices as the right to vote and accountability, political stability and absence of violence, government effectiveness, legislation quality, rule of law and control of corruption. We consider it expedient to monitor the value of all the indicators outlined in the countries of the European Union during 2018–2020 and to single out the place of Ukraine among them, which will make it possible to find out the level of institutional capacity of the Verkhovna Rada of Ukraine.

As evidenced by the results of the conducted study on the dynamics of the values of the sub-index "right to vote and accountability" in the countries of the European Union and in Ukraine in 2018–2020 (Figure 1), such highly developed countries as Finland, Sweden, Denmark, Luxembourg and the Netherlands provide a high level efficiency of public governance. In such countries, the society freely expresses its will by participating in the electoral process. Slightly below, however, the optimal values of the analysed indicator have been recorded in Austria, Germany, Ireland, Belgium, Estonia, Spain, France, Malta and Portugal, where there are facts of falsification of the results of elections to bodies of various levels of public governance. From among the countries of the European Union, the lowest values of the sub-index "right to vote and accountability" are observed in Bulgaria, Croatia, Hungary and Romania.

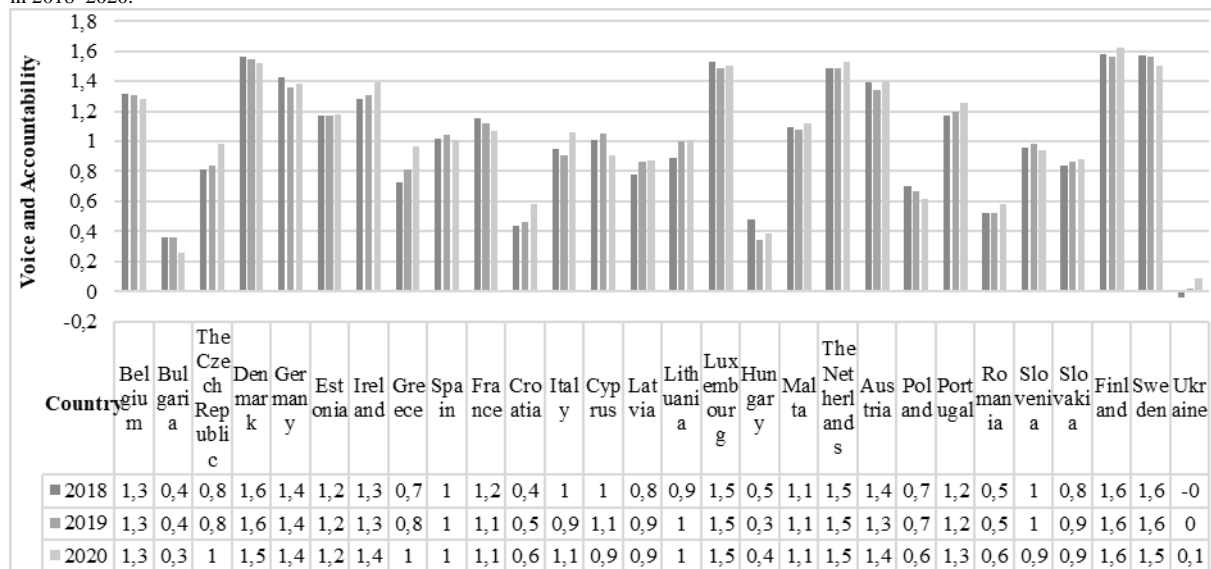
As for the position of Ukraine regarding the implementation of the right to vote and accountability in the country, the results of the research confirm its significant backwardness from the countries of the European Union. Despite minor positive shifts in the analysed indicator, Ukraine shows extremely low values: in 2018 – 0,04; in 2019 – 0,02; in 2020 – 0,09, which indicates significant problems of a political nature, the presence of destabilizing factors towards ensuring the possibility of participating in the electoral process.

The next indicator is the sub-index "political stability and absence of violence", the meaning of which among the countries

of the European Union during 2018–2020 is ambiguous (Figure 2), and in Ukraine – a critical one. In-depth studies have shown that political stability is established in highly developed countries, as well as the absence of violence is observed (Luxembourg, Denmark, Portugal, Sweden, the Netherlands,

Malta, and Ireland). In countries with high rates of social-economic development, but with a number of unresolved issues of a social-political nature, respectively, and indicators of political stability are somewhat lower (Finland, Austria, Lithuania, and Slovenia).

Figure 1: Dynamics of the values of the sub-index “right to vote and accountability” in the countries of the European Union and in Ukraine in 2018–2020.

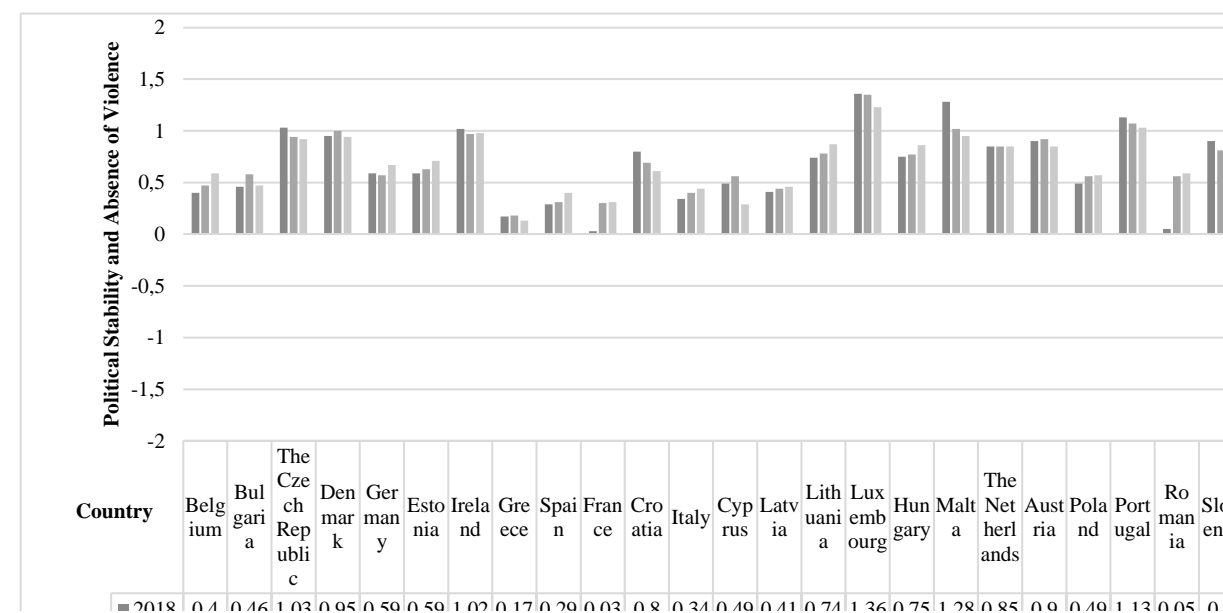


Source: it has been compiled based on Worldwide Governance Indicators, 2018–2020.

The analysis of developing countries, represented by Ukraine, has revealed that the value of the sub-index “political stability and absence of violence” has a negative or minimal value (Greece, Romania, and Ukraine). It is worth noting that from among the countries of the European Union, there are states that position themselves as countries with a high level of

development, but are politically unstable, where a high probability of destabilization of the activities of state authorities and their forced resignation due to the use of violence is observed, as well as frequent changes in the political course and the instability of the peaceful election process.

Figure 2: Dynamics of the values of the sub-index “political stability and absence of violence” in the countries of the European Union and in Ukraine in 2018–2020.



Source: it has been compiled based on Worldwide Governance Indicators, 2018–2020.

Concerning the efficiency of the government in the countries of the European Union and in Ukraine in 2018–2020, the values of this sub-index (Figure 3) show the following results, namely: the highest indicators of government efficiency have been recorded in Finland (1,95–2,06), Denmark (1,85–1,91) and the Netherlands (1,80–1,85), respectively; the lowest ones have been revealed in Romania (-0,13 – -0,22), Bulgaria (-0,07–0,26) and

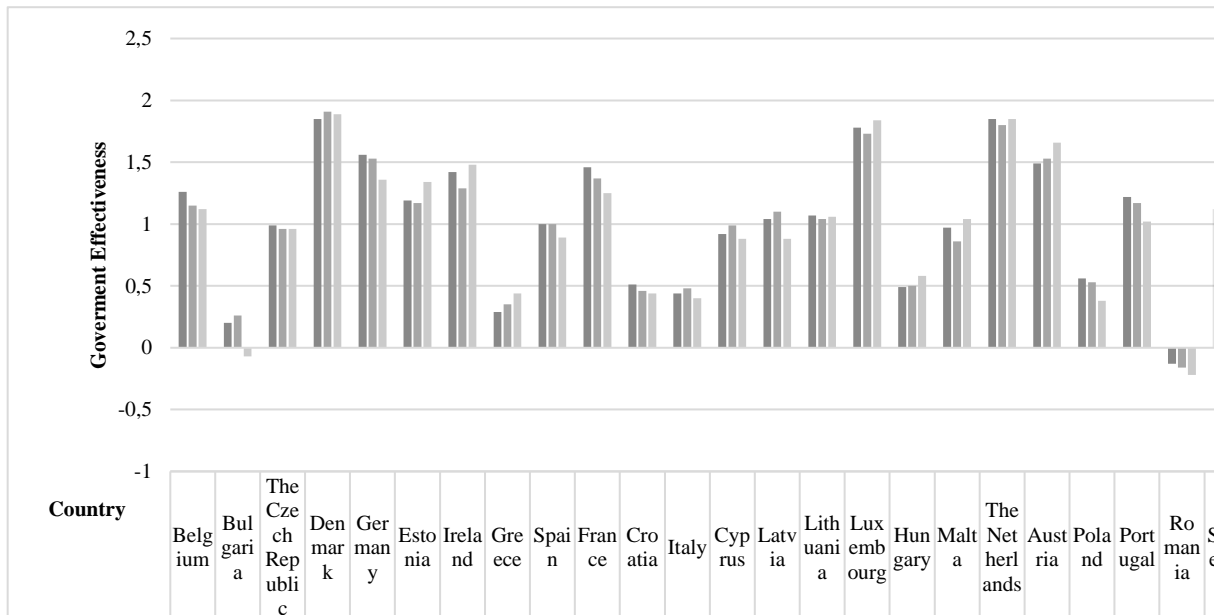
Ukraine (-0,30 – -0,41), which testifies to the level of quality of services provided by state authorities, the competence of officials, as well as the independence of their activities from political pressure.

Studies of public governance through the prism of assessing the quality of legislation (Figure 4) indicates the provision of high

standards of compliance with legislation in highly developed countries, a low level of trust in legislation in countries with

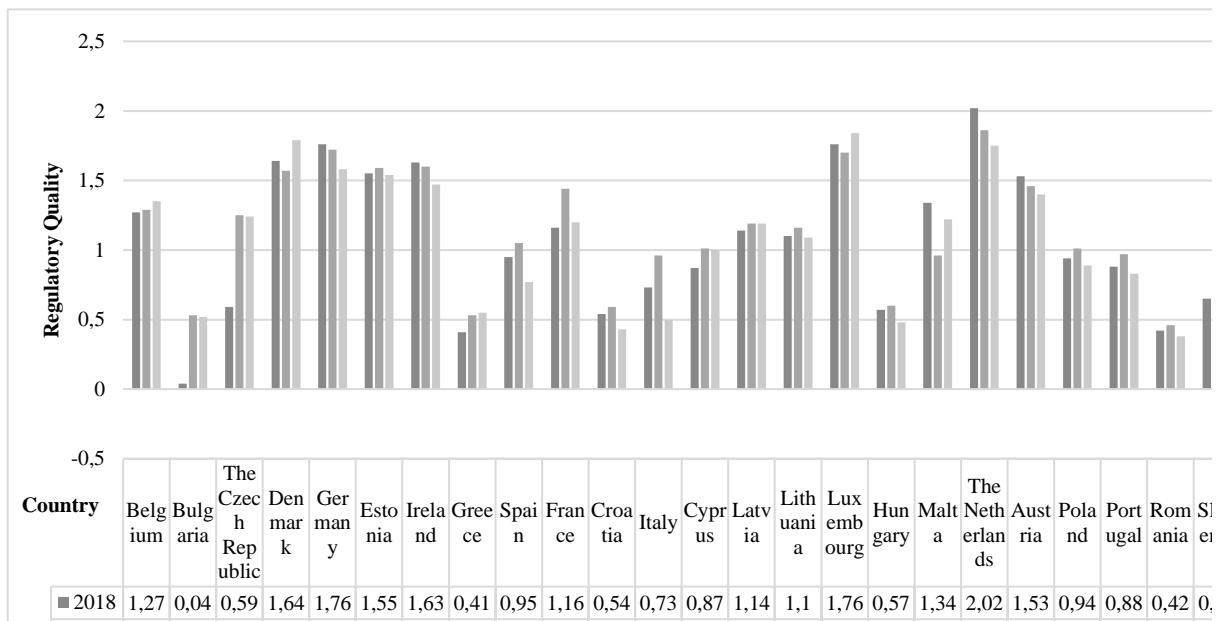
lower indicators of the level of development, and frequent facts of violations of legislation in developing countries.

Figure 3: Dynamics of the values of the sub-index “government effectiveness” in the countries of the European Union and in Ukraine in 2018–2020.



Source: it has been compiled based on Worldwide Governance Indicators, 2018–2020.

Figure 4: Dynamics of the values of the sub-index “quality of legislation” in the countries of the European Union and in Ukraine in 2018–2020.



Source: it has been compiled based on Worldwide Governance Indicators, 2018–2020.

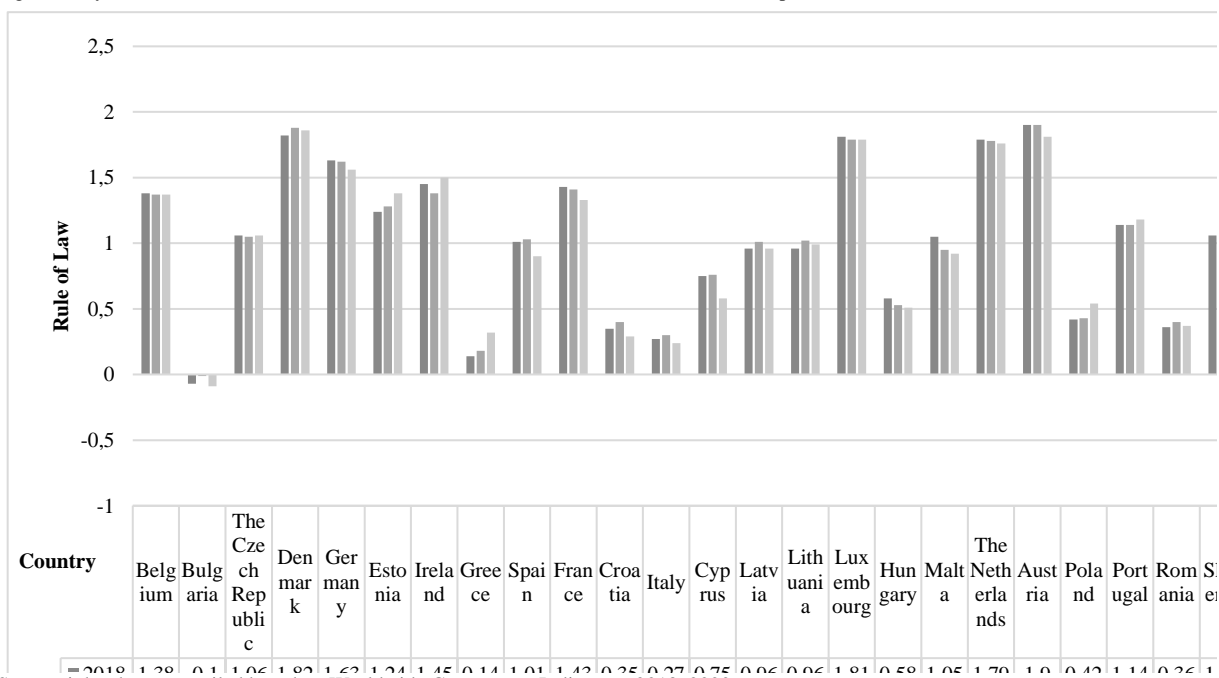
Establishing the compliance of the effectiveness of political, economic and social measures implemented in the country with the norms of the current legislation indicates the level of trust in it, which is much higher in highly developed countries to compare with the other states. It is obvious that the quality of legislation is interrelated with the rule of law, which also measures the level of trust in legislation, the effectiveness of the country’s legal system and the degree of compliance with laws. We consider it expedient to reflect the change in the value of the sub-index “rule of law” in the countries of the European Union and in Ukraine in 2018–2020 in Figure 5.

It should be noted that in the context of persistent uncertainty and instability, the emergence of new significant legal and

institutional changes is observed, significantly influencing the institutional capacity of the Verkhovna Rada of Ukraine and the legislative authorities of the countries of the European Union, as well as their ability to effectively prevent and counter corruption risks that pose a threat to both society and politics.

Studies on the level of perception of corruption in the countries of the European Union and in Ukraine in 2018–2020 and control over it (Figure 6) allow us to state that, according to this indicator, the leaders among the countries of the European Union are Denmark, Finland, Sweden, Luxembourg, the Netherlands, where enhanced control measures have been introduced to effectively combat corruption.

Figure 5: Dynamics of the values of the sub-index “rule of law” in the countries of the European Union and in Ukraine in 2018–2020.

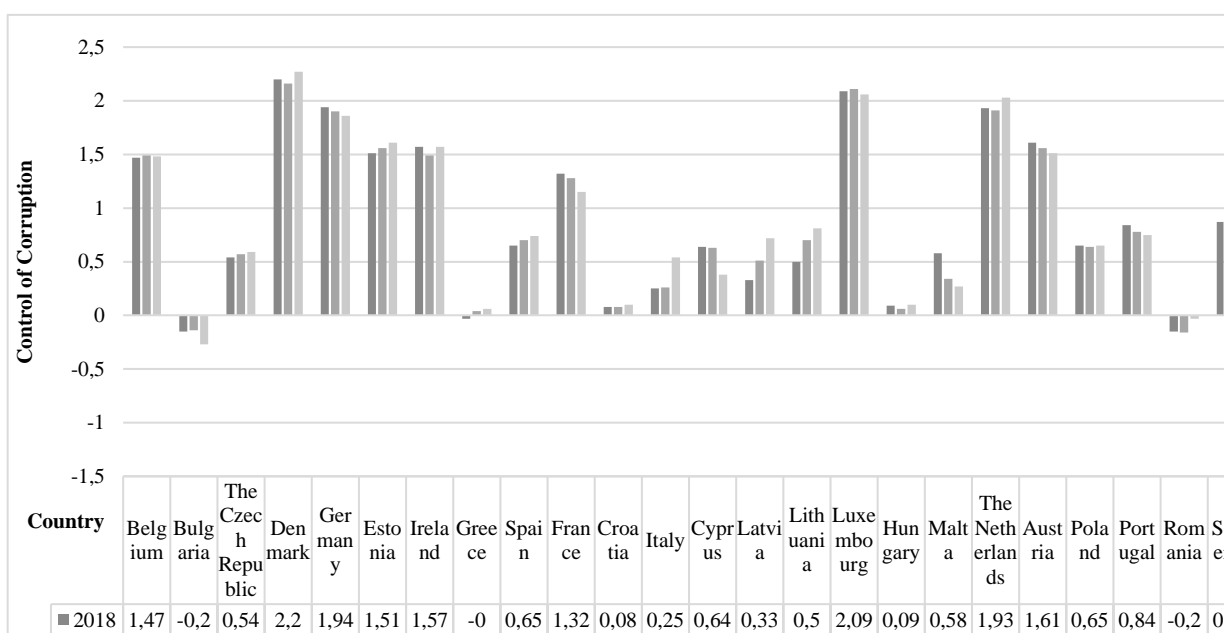


Source: it has been compiled based on Worldwide Governance Indicators, 2018–2020.

Such countries as Bulgaria, Greece, Romania and Ukraine have been distinguished by significant corruption scandals, in which the organizational and legal mechanism for preventing, detecting and countering corruption is weak and needs to be revised and

improved. Moreover, the legislation regarding responsibility for committing acts of corruption, which, at the current stage, is characterized by excessive loyalty, needs to be enhanced.

Figure 6: Dynamics of the values of the sub-index “control of corruption” in the countries of the European Union and in Ukraine in 2018–2020.



Source: it has been compiled based on Worldwide Governance Indicators, 2018–2020

It becomes obvious that the principal indicators that make it possible to conduct the empirical studies of the institutional stability of legislative bodies indicate an unstable tendency regarding their change in the countries of the European Union and in Ukraine during the analysed period. It is extremely difficult to track common and distinctive features; therefore, we suggest using the technology of cluster analysis based on the application of the k-means method in order to group the countries of the European Union according to the Governance

Research Indicator Country Snapshot and determine the place of Ukraine among them (Table 1).

The obtained results make it possible to form three groups of countries, which are characterized by common and distinctive features regarding public governance and the institutional capacity of legislative bodies. The first group includes Belgium, Denmark, Germany, Estonia, Ireland, Luxembourg, the Netherlands, Austria, Finland and Sweden, which ensure high European standards of institutional capacity, transparency of the

electoral process, political stability, efficiency of public

authorities, high quality of legislation and supremacy of the law.

Table 1: Grouping of the countries of the European Union and Ukraine according to the Governance Research Indicator Country Snapshot in 2018–2020

2018		2019		2020	
Country	Cluster number	Country	Cluster number	Country	Cluster number
Belgium	1	Denmark	1	Belgium	1
Denmark		Germany		Denmark	
Germany		Estonia		Germany	
Estonia		Ireland		Estonia	
Ireland		Luxembourg		Ireland	
France		The Netherlands		Luxembourg	
Luxembourg		Austria		The Netherlands	
The Netherlands		Finland		Austria	
Austria		Sweden		Finland	
Finland		Belgium		Sweden	
Sweden		The Czech Republic		The Czech Republic	
The Czech Republic		Spain		Spain	
Spain		France		France	
Croatia		Cyprus		Cyprus	
Italy	Latvia	Latvia			
Cyprus	Lithuania	Lithuania			
Latvia	Malta	Malta			
Lithuania	Portugal	Poland			
Hungary	Slovenia	Portugal			
Malta	Bulgaria	Slovenia			
Poland	Greece	Slovakia			
Portugal	Croatia	Bulgaria			
Slovenia	Italy	Greece			
Slovakia	Hungary	Croatia			
Bulgaria	Poland	Italy			
Greece	Romania	Hungary			
Romania	Slovakia	Romania			
Ukraine	Ukraine	Ukraine			
	1		3		3

Source: it has been compiled based on Worldwide Governance Indicators, 2018–2020.

The second cluster includes the Czech Republic, Spain, France, Cyprus, Latvia, Lithuania, Malta, Poland, Portugal and Slovenia, which are characterized by the presence of high European standards of institutional capacity; however, certain facts are observed indicating the presence of problems in ensuring the transparency of the election process, political stability and compliance with current legislation.

The third group includes such countries as: Bulgaria, Greece, Croatia, Italy, Hungary, Romania and Ukraine, most of which have not completed the processes of transformational restructuring and parliamentary reform, and are also characterized as countries of the transitive type. This group of countries has significant destructive changes in all sub-indices of the Integral indicator of public governance, and the institutional capacity of the legislative bodies is improperly ensured.

Taking into account the above-mentioned, it can be argued that the provision of institutional capacity of legislative bodies in highly developed countries is more perfect than in countries with a lower level of social-economic development.

5 Discussion

The results of the conducted research on the legal principles of increasing the institutional capacity of the Verkhovna Rada of Ukraine make it possible to state that the activity of the Verkhovna Rada of Ukraine is imperfect, and the law-making process needs to be reformed. The close interconnection between the institutional capacity of the Verkhovna Rada of Ukraine and constitutional stability has been revealed, which is manifested in the consistency of the provisions of the Constitution of Ukraine with the powers of the Verkhovna Rada of Ukraine.

The European integration vector of the development of Ukraine determines the implementation of European standards and norms in the direction of increasing the institutional capacity of the Verkhovna Rada of Ukraine. The conducted studies of the state

and tendencies regarding the legal principles of increasing the institutional capacity of the central body of legislative power in the countries of the European Union and in Ukraine give grounds for asserting that they significantly depend on the level of social-economic and social-political development of the country. Highly developed countries are able to provide higher indicators of the institutional capacity of the legislative body, while countries of the transitive type, which include Ukraine, position themselves as countries with an imperfect organizational and legal mechanism.

It is obvious that in the conditions of the irreversibility of European integration processes, it is possible to increase the institutional capacity of the Verkhovna Rada of Ukraine by forming and implementing an effective strategy for the development of the Verkhovna Rada of Ukraine on the basis of democracy, political stability, multi-format international cooperation and social-political culture. In the matter of the legal principles of increasing the institutional capacity of the Verkhovna Rada of Ukraine, a number of unresolved issues of its provision should be noted, in particular as follows:

- ensuring the transparency of the activities of the Verkhovna Rada of Ukraine, as well as parliamentary and legislative procedures requires improvement;
- ensuring systematic planning of legislative work;
- increasing the effectiveness of parliamentary control.

6 Conclusion

Thus, the conducted studies on the legal principles of increasing the institutional capacity of the Verkhovna Rada of Ukraine provide grounds for the conclusion that the strengthening of globalization processes and the desire to integrate into the European Union create new challenges and threats, as a result of which the activity of the Verkhovna Rada of Ukraine undergoes significant destructive changes and requires an increase in the level of institutional capacity. It has been proven that a low level

of legislative provision of public governance in comparison with the countries of the European Union is observed in Ukraine, which is confirmed by the value of the following indicators, namely:

- the right to vote and accountability;
- political stability and the absence of violence;
- government effectiveness;
- quality of legislation;
- rule of law;
- control of corruption.

In addition, according to the Integral indicator of public governance, Ukraine is in the same group with such countries as Bulgaria, Greece, Croatia, Italy, Hungary, Romania, which have gone through transformational restructuring and need improvement and modernization of the legislative process.

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Primary Paper Section: A

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