

**Vadim Mazanov**

*Interregional Academy of Personnel Management*

## **GERMANY – UKRAINE: TWO WAYS – THE RISE AND THE FALL**

The following article is dedicated to the comparative analysis of Ukrainian and German political systems. Attention is focused at the effectiveness of the German model and the productivity of possible borrowings aiming to improve the Ukrainian political system model in order to create a way of overcoming the political crises and stagnation. Comparative analysis of political systems of Ukraine and FRG makes to conclude the number of facts. Despite of conventional complicacy of German federal-parliamentarian model, it is better worked-out and effective than simple unitary transitional Ukrainian parliamentary-presidential model. Building their own State political model, the Germans minded the experience of the past and, having borrowed the best elements from samples of the world experience of parliamentarism, raised own effective model.

**Key words:** political systems, FRG, republic government, separative formations, political crises, political pluralism, socialist-political.

**Introduction.** Modern Ukraine and modern Germany are two European countries, which had the same conditions for the development, but in a course of time FRG turned into the leading of European community meanwhile Ukraine remains at the position of stagnation. The situation hasn't been cardinally changed. Germany represents the example of parliamentary and an effective system of political power. The country of Ukraine, in its turn, is followed by a number of political crises and social-political shakes.

**Statement of a problem.** Germany and Ukraine are two countries of the European block, which have different political systems. FRG is federal republic with parliamentarian form of government, serving the example of stable development. The country can be the model for following the traditions of parliamentarism. It has the effective sample of political power ground. To counterbalance the country of Ukraine is a unitary country with mixed transitional parliamentary-presidential form of government and recurring crises, unstability, negatively influencing the development and the future of the whole European region. One of the tasks of the following article is eliciting of the general distinctions in political systems and mechanisms of state-political government of both countries which enabled FRG to become the model of building the effective political system of the country. Another task is to work up the possible ways of reformation insufficiently effective model of political system of Ukraine.

**The analysis of the latest researches.** Among the peculiarities of the chosen theme it's being scantily explored should be mentioned. The main direction of the researchers' work in the branch mentioned above is analysis of the political systems' models of both countries. Attention should be payed to the scientific works of Boryska Y.O. The object of research of the scientist is narrower than stated in our article. It's the part of a chancellor in the formation of the universal German governmental policy. The theses of Yegorova M.O. and Yabulganov O.O. should also be taken into consideration. They provide the researches in the branch of legal activities of FRG government that unfolds the dim prospect of the tested matter.

**The aim of the article.** Using the comparative analysis of Ukrainian and German models of political systems to elicit and define fundamental distinctions influencing the formation of political policy in both countries and to compare their effectiveness and productivity.

**Statement of the root material of the research.** Any political system directly influences the process of development of a country, serves at the basis of it's formation and defines it's future.

Comparing Ukrainian and German political models it should be clearly marked that the starting point of existence of these systems in their nowadays form is approximately the same. The date of foundation of modern German country is named as October, 3, 1990, of the Ukrainian – August, 24, 1991. Both countries had the similar social-economic situation at the first stage of development. The experience of being a part of totalitarian system of state-political government (Germany - The Third Reich, Eastern Germany in the form of GDR being a part of Socialistic campus; Ukraine being a part of the USSR).

The same socialist-political view-point existed in German and Ukrainian societies. It was an aspiration for restoration of an independent country, avoiding of dictatorship and further democratic way of development and building of a country with securing of universal values.

Nevertheless this is the final point at which all the similarities in the ways of political development of the two countries are exhausted.

Germany picked out a difficult way of building of a country by the federal republic principal. The Ukrainian politics in their turn chose the form of simple unitary country for Ukraine<sup>1</sup>. Political system is a specific phenomenon very difficult in its essence. According to the view-point of Panov, political system is the complex of interacting norms, ideas and based on this interaction political institutions and acts, arranging political government and mechanism of intercommunication of citizens and a state<sup>2</sup>.

Practice of nowadays proves the fact that the choice of both countries brought them to unexpected consequences. Being complicated from the outside the German model of federal system of building the country, notwithstanding relatively complicated system of formation of the main governmental institutions came out to be simple and effective sample. The Ukrainian way of building the country turned out to be more difficult and complicated by political crises of different origin, which drove to continual unsteadiness, economical and social shakes.

It is defined in the clause 20 of The German Constitution of 1949 that Germany is a democratic and social-federal State<sup>3</sup>.

According to the Constitution, it is complicated enough system of arranging the power which stipulates two levels. At the first level existence and functioning of Federal parliament Bundestag and the government is fixed. These structures provide universal German policy both in internal and external policy. The second level is represented by its own Parliament Bundesrat. Federal Parliament can lead government of the country only in collaboration with Bundesrat.

De-facto, the head of this kind of country is a chancellor who both heads the executive branch of power of the country and is provided with quite a wide right of legislative initiative and is personally responsible for internal and external policy of the country, according to the clause 65<sup>4</sup>. Nevertheless the election system of Bundestag assumes a possibility of forming of ruling coalition in Parliament exceptionally on the conditions of uniting of several parties.

Quite often this type of political power in Germany is called the chancellor's model of organization of republic government<sup>5</sup>.

Despite the wide range of chancellor's power in Germany, constitution implies the strict system of interaction and mutual control on the part of federal and land parliament aiming to liquidate any attempt of usurpation of power by one political party and to loosen centrifugal separative formations.

German political model is quite simple: in case of political crisis federal government can appoint a new chancellor in quite a short term by nominating a new person for the following post, or, in case of stressing the contradictions and absence of compromise between federal and land parliaments, German president performs his main function, e.g. he should dissolve federal parliament. In any case usurpation of power in the country by anti-democratic formations is excluded. In addition the right of resistance the invaders trying to change the existing order is fixed for the Germans by the clause 20<sup>6</sup>.

The following form of federal-parliamentary republic excludes long-termed political crises and possibility of usurpation of power in the country by one person or certain political power, guarantees and preserves stability of the country's development, stands by democratic values.

The Ukrainian to say so simple form of political system includes an amount of difficulties for stable development of the country. It is stipulated by contradictions in the basic law.

A simple system of elections to the Supreme Council and on the post of the President of Ukraine allows certain politicians and political formations to concentrate the whole power in the Ukrainian country in their hands thus leading to breaking the general rights and freedoms. As a result usurpation of power

<sup>1</sup> Конституція України 1996 (Верховна Рада України). *Відомості Верховної Ради України*, 30, 141.

<sup>2</sup> Бариська, Я.О. (2010). Канцлерська модель організації влади як особлива форма республіканського правління. *Форум права*, 2, 25-28.

<sup>3</sup> Basic Law for the Federal Republic of Germany. *Bonn am Rhein on 23 May 1949*.

<sup>4</sup> Basic Law for the Federal Republic of Germany. *Bonn am Rhein on 23 May 1949*.

<sup>5</sup> Бариська, Я.О. (2010). Канцлерська модель організації влади як особлива форма республіканського правління. *Форум права*, 2, 25-28.

<sup>6</sup> Basic Law for the Federal Republic of Germany. *Bonn am Rhein on 23 May 1949*.

appears bringing to social-political shakes, mass character protests against ruling parties, e.g. Maydan 2004 and Maydan 2013<sup>1</sup>.

The number of political crises occurring in Ukraine starting since 1991 till nowadays proves our thesis. In spite of all the amount of regulative-legal acts and supplements, amends to Constitution, the situation in Ukraine doesn't change for the better.

Political system model, stated by the Declaration about State sovereignty and by The Constitution of Ukraine<sup>2</sup>, disables the definition of clear and what is the most important qualitative system of ascendance of the Ukrainian people upon the government running the country.

The reason of political collapse widely appearing in Ukraine lies under the surface. It is related to the procedure of electing of political powers to the parliament by the Ukrainian citizens. The powers mentioned above create the ruling coalition for the next five years thus getting *carte blanche* in governing and exploitation of the country on private account. And the mechanism of influence of the people upon the government doesn't exist. Thus the citizens are deprived of the basic democratic rights and liberties.

The following situation is impossible in case of German political system. This is stipulated by the structure of German government where in federal parliament one parties have the power meanwhile the land parliaments are represented by the oppositional parties.

As a result the chancellor who forms a government and formulates the basic principles of State policy should always look for compromise and the ways of consolidation with oppositional powers. The least attempt of usurpation of power by the coalition, representing the majority in Bundestag, or by the chancellor, will lead them to losing their authorities. If a political crisis starts, because of land parliament's attempts of blockading decisions or bills which Bundestag tried to approve in this case the chancellor has 30 days for finding the way out from the situation, otherwise – elections to the federal parliament before the appointed time. But the population of the country can recall the deputies from land parliaments on the ground of inactivity<sup>3</sup>.

Due to the electoral system to Bundestag and land parliaments of Bundesrat the population of FRG has the effective mechanism of influence upon the power.

It is also specified in Ukrainian laws the mechanisms of announcing of vote of censure to President, parliament and government, but these mechanisms are quite complicated and legislatively are not worked out good enough thus leading to a possibility of different political parties to usurp the power and provide a personal revenge with political competitors. The vote of censure to President, parliament and government mechanism itself envisages one quite a bad peculiarity. It stipulates the fact that the vote of censure to President, parliament and government can be announced only by one of the three representatives mentioned above. As a result we have a political crisis.

To the standing point of the majority of the researchers the realia and the reasons of political crises in Ukraine consist in inconsistent carrying out of constitutional reform, in existence of flaws in electoral legislation, in lack of distinctive and strict legal basis, in low level of political will and conscience<sup>4</sup>.

The analysis of the facts mentioned above draws attention the fact of rise of German and the gradual fall of Ukraine in all spheres of life.

On one hand, externally complicated political model, which was chosen by the German people, proved its productivity in real life. The structure and collaboration of the branches of powers in Germany excludes the possibility of usurpation of power by one political formation.

On the other hand, the following model *enables* the opposition to represent the authority, at the same time enabling the German population to compare the effectiveness of the ruling coalition and oppositional policy.

In other words, the population of Germany has the real possibility of providing influence upon the political situation and the political authorities not only by the way of the elections, but also by means of the mechanism of direct influence upon the deputies of Bundestag and Bundesrat, who can be recalled anytime for not taking to their promises or unscrupulous work.

<sup>1</sup> Газета «Українська правда» «Історична правда Майдан-2004: згадаймо, як це було. Тексти, ФОТО, ВІДЕО».

<sup>2</sup> Конституція України 1996 (Верховна Рада України). *Відомості Верховної Ради України*, 30, 141.

<sup>3</sup> Basic Law for the Federal Republic of Germany. *Vonn am Rhein on 23 May 1949*.

<sup>4</sup> Темчук О. Політична криза в Україні: ознаки, причини, наслідки. *Волинська обласна громадська організація Асоціація молодих політологів і політиків*.

German political model make it possible to raise social-economical standard of the country and to be established in EC due to assiduously thought-out system of power. At the same time it opened the green-pass for gradual taking the majority of European countries under political control due to granting loans<sup>1</sup>.

The situation in Ukraine is difficult to define. It is manifested in contradiction between external simplicity of political model of the country and internal complexity on practice. Not worked-out system of national legislation is implied as well as the Constitution.

The system of responsibility for breaking democratic rights and liberties, for misuse of power is theoretically provided for in Ukraine, but the real mechanism which could bring the President, Government or Supreme Council doesn't exist. Consequently "the Gordian knot" appears. The responsibility for breaking rights and liberties is stated by the law, but discharge of control and protection is fixed by the President, Parliament and Government. In case, if these three authorities of the country break the law, it's impossible to punish them.

The only more or less real mechanism of impact of the Ukrainian population upon the power – the elections – is also doubtful. The events which lead to Pomaranchevyi Maydan 2004 prove this statement<sup>2</sup>. De-facto, in Ukraine of nowadays it is possible to observe the following situation: one of the political powers, misusing its authorities, can falsify the will of the population.

One of the possible ways of protection of Ukrainian people rights is the action of Ukrainian population against criminal power. But nobody can give guarantees of insurance of Ukraine against usurpation of power by certain political parties using force since they can hide behind the mottoes of protection of the democracy and take under control the supreme power in the country.

Nowadays the perspective for Ukraine is seen in applying the German practice of parliamentarism, political pluralism and arrangement of the political system of the country with corresponding normative-legal legislative ground.

The time has come for Ukraine to refuse the rudiments of the old system with authoritarian center, preserving the whole power in one hands, and to come to arrangement of compromise system, that will enable the population to provide influence upon the power. Under the condition that the real intercommunication of authority and population will exist and that the political system in the country will improve, the separatistic tendencies in different parts of the State will disappear, the threat of usurpation of all the State power by one political party will vanish.

Quite possible the German federal model is not a panacea, but now the borrowing of German experience will enable Ukraine to break through a seria of political crisis, pull through the situation of stagnation and collapse and to take a suitable position in world community.

We consider it to be possible taking into consideration the fact of Ukrainian position in 1991, when the State had better source potential than Germany had. The reason of the situation of nowadays which occurs in Ukraine is in not effective enough political system on its undeveloped stage with a great number of serious disadvantages, perhaps consciously made, the political system that was introduced by Ukrainian politicians and that lead country to chasm.

The continual constitutional process, bearing the character of cyclic changes of the Ukrainian Constitution and making supplements and amends to it, is introduced only in trivial transmission of the authorities from President to Parliament and vice versa without solving of the main contradictions, serves as the best proof.

Germany didn't explore anything new. A number of borrowings from world leaders like Great Britain, the USA and France was performed. In particular, the best and the most effective structure elements of political system were borrowed, arranged in the whole complete mechanism which takes into consideration its own specific. Thus the ground for forming of the political system of modern Germany was created.

For improving the Ukrainian situation well thought-out qualitative and structural changes are necessary to be introduced to move the country from the dead-point. As the model to follow the political system of Germany can be used as the most closely related and the most effective. At the same time it shouldn't be thoughtless copying, but deeply worked out borrowing with taking into account the peculiarities and the realia of Ukraine, that will give a chance for the new State Organization rebirth,

<sup>1</sup> Газета «Корреспондент.net» «Велика берлінська країна. Німеччина стає політичним центром ЄС».

<sup>2</sup> Газета «Українська правда» «Історична правда Майдан-2004: згадаймо, як це було. Тексти, ФОТО, ВІДЕО»

Organization being based on the principles of democracy and equality with suitable acknowledgment in the world.

**Conclusion.** Comparative analysis of political systems of Ukraine and FRG makes to conclude the number of facts. Despite of conventional complicacy of German federal-parliamentarian model, it is better worked-out and effective than simple unitary transitional Ukrainian parliamentary-presidential model. Building their own State political model, the Germans minded the experience of the past and, having borrowed the best elements from samples of the world experience of parliamentarism, raised their own effective model. The given model is characterized, on one hand, by the mechanism of protection against usurpation of power by one political formation, through the complicated mechanism of forming Bundestag and Bundesrat, and their intercommunication through the system of interimpact and mutual control.

On the other hand, German parliamentarian model is characterized by the effective system of influence of the German population upon German political formations and political power of the State through the means of distinctive and effective legal State system.

Ukrainian political system in spite of pretended simplicity has a vast number of disadvantages connected with the absence of strong mechanism of impact of Ukrainian population upon Government. Quite serious negative factor, providing influence upon political system is non-effective normative-legal base, that doesn't give strict regulation of authorities and mechanism of responsibility for breaking the State democratic principles by all three branches of Parliament, President and Government.

Borrowing of German experience with taking into account Ukrainian peculiarities will lead to improvement of the Ukrainian political system. These reformative steps will enable the people to lead the country out of political stagnation and will infold the perspectives for further development of Ukraine in the future.

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