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Multi-Party System of Ukraine: Challenges and Perspectives

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The article provides a brief overview of the constitutional and legal conditions and contemporary circumstances for the development of the legislation on political parties in Ukraine. Three main challenges are outlined for the development of political parties in Ukraine in terms of the novelties of country's current legislation on the status and activities of political parties. Firstly, the adoption and implementation of the legislation regarding the government cleansing and decommunization have considerably influenced the political system of Ukraine and induced the development of extra instruments for the legal regulation of party activities. Another defined challenge is represented by the renewal of the state funding for political parties from the state budget, which accounts for the direct financial support of the statutory activities of political parties as well as reimbursement of their losses during the election campaign. Thirdly, the introduction of considerably tougher mechanisms for the control of the political parties' financing, their property, earnings and expenses should contribute to the rise of transparency and open functioning not only of parties but also of other political institutions in Ukraine. The above-mentioned challenges on condition of their appropriate and logical implementation can become high-potential trends of the development and establishment of multi-party system.

Keywords
Ukraine, political parties, multi-party system, government cleansing, decommunization, state funding of political parties, financial monitoring.

The development of political parties in Ukraine started quite actively right after the achievement of independence. The pre–term parliamenttary elections in 1994 were the first open and multi-party parliamentary elections in Ukraine which in their turn uncovered a range of problematic issues regarding the legal regulation of political parties functioning in Ukraine. Organizational as well as legal provisions of the elections and the participation of legal parties received a number of rebukes from the point of view of compliance with international standards. At the same time, basing upon the results of the work conducted by the ODIHR monitoring mission, it was concluded that such first parliamentary elections became a considerable step towards the

provision of the appropriate parliamentary representation and people's will[1]. The conduct of the elections, among other things, contributed to the development of legislation on political parties.

On the adoption of the Constitution of Ukraine on the 28th of June 1996, a range of democratic principles and legal guarantees for the implementation of citizens' political rights was consolidated on the level of constitutional provision which took place for the first time since Ukraine achieved independence. Article 5 of the Main Law of Ukraine established that social life in Ukraine is based upon the principles of political, economic and ideological variety. The claim that not any ideology can be acknowledged by the state as the obligatory one became quite topical for the Ukrainian realia of that time. The state was obliged by the corresponding constitutional ruling to grant freedom of political activities which are not prohibited by the Constitution and laws of Ukraine[2]. In general such aim of statutory regulation met the demand of the former–Soviet society in Ukraine of that time as well as reflected definite trends regarding the democratization of political activities in Ukraine[3].

As for the organizational regulation of the activities of political parties, Article 36 of the Constitution clearly defined that the citizens of Ukraine have right for the freedom of uniting into political parties in order to perform and protect their rights and freedoms as well as satisfaction of political, economic, social, cultural and other interests. Political parties in Ukraine must contribute to the formation and expression of political will of citizens participating in elections. Members of political parties in Ukraine can only become the citizens of Ukraine. Restrictions regarding membership in political parties are established only by the Constitution and laws of Ukraine. Nobody can be forced to enter any group of citizens or restricted in rights because they belong or not belong to any political party or public organisation. All citizen groups

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[1] OSCE/ODIHR Annual Report 1994, 01.12.1994, http://www.osce.org/odihr/20535?download=true (27.10.2016).
[2] Constitution of Ukraine, 28.06.1996, http://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80 (27.10.2016).
[3] **Meleshevich A.**, Party Systems in Post-Soviet Countries: a comparative study of political institutionalization in the Baltic States, Russia, and Ukraine, New York: Palgrave, Macmillan, 2007, p. 262.

are equal in the eyes of the law[4]. These regulations established fundamental principles for freedom of political activities in Ukraine.

On the 5th of April 2001, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On political parties in Ukraine" with the aim of implementation of the 11th point of Article 92 of the Constitution of Ukraine, according to which the laws of Ukraine exclusively define principles of formation and activities of political parties and other unions of people. By the adoption of this Law, Ukraine committed one of the most important obligations as the member state of the Council of Europe. The above – mentioned law provides legislative definition of the political party and its features as well as establishes the order of creation and suspension of performance of parties' activities. It also determines general principles and rules of acquiring and suspending membership in political parties and enumerates basic principles of their organizational structure, financial sources, etc. With the aim of implementation of the regulations of the Constitution of Ukraine which foresee an extensive list of reasons for the restriction of the citizens' right for uniting into political parties (Article 37 of the Constitution of Ukraine) in the law of Ukraine "On political parties in Ukraine", these regulations have found their reflection (Article 5 of the Law) and were further considerably extended.

Giving the general characteristics to the corresponding party legislation, it can be summarized that it corresponds to international standards and requirements of democracy. However, the practice shows that another important criterion has not been observed – efficiency of the appropriate legislation. The Ukrainian experience of the application of party legislation has not always complied to its content, aim and assignment. Moreover, quite often the practice of political parties in Ukraine has been viewed as considerably different from the limits provided by the legislation. This is appropriately mentioned by A. Meleshevich, who points that almost all members of party relations infringed law to certain extent[5]. The author defines the absence of appropriate mechanisms of control, openness and transparency of political party activities as one of the reasons for such condition.

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[4] Constitution of Ukraine, Op. Cit.

[5] **Meleshevich A.,** Cost of Parliamentary Politics in Ukraine, *Kyiv-Mohyla Law and Politics Journal*, 2016, 2, 147-170.

Along with that, the development of multi-party system in Ukraine was provided through corresponding legislation. The brightest expression of the effectiveness of such assumption is the internal structure of the Verkhovna Rada of Ukraine as a sole legislative representative body:

2006-2007: 5 parties (203+130+86+38+21 seats);

2007-2012: 5 parties + 1 group (194+97+63+25+20+19 seats);

2012-2014: 4 parties + 3 groups (77+86+41+35+42+35+32 seats);

2014-present time: 6 parties + 2 groups (143+81+43+26+21+21+19+23 seats)[6].

The given numbers here are not unequivocal, unchanged or final as they reflect the number of members of corresponding political groups as things stand on the definite moment. Though, such number was constantly changing in the Verkhovna Rada of Ukraine, notice of which was taken by different researchers[7]. The issue of changing political (group) membership was almost the most important feature of party functioning in the Parliament of Ukraine[8]. However, the general average number of members of each group is important for this research. During the last decade this rate has quite clearly shown an absence of one highly numerous political party in the parliament. Moreover, the Verkhovna Rada constantly includes more than 5 major party groups, which can substantially influence the work of the parliament and make independent decisions as well. It should be mentioned that this number proves the practical existence of the development of the multi-party system in Ukraine and the presence of corresponding legislative incentives.

Such legislative principles provide an opportunity for relatively big number of parties not only to simultaneously develop but also to change their governmentally – oppositional status. Another important factor is that for the last decade the political parties of Ukraine have

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[6] The analysis was carried out in accordance with official data of the web-portal of the Verkhovna Rada of Ukraine, http://w1.c1.rada.gov.ua/pls/site2/p_deputat_list?skl=8 (27.10.2016).

[7] **Herron E.S.**, Electoral Influences on Legislative Behavior in Mixed-Member Systems: Evidence from Ukraine's Verkhovna Rada. *Legislative Studies Quarterly*, 2002, **27**, 3, 361-382.

[8] **Thames F. C.**, Searching for the Electoral Connection: Parliamentary Party Switching In the Ukrainian Rada, 1998–2002, *Legislative studies quarterly*, May 2007, **32**, 2, 223-256.

changed one after another and formed majority in the parliament. Moreover, these changes of pro–governmental political power were quite sharp and radical and took place at least three times for the time of independent Ukraine. In those cases the government and the opposition replaced each other. Such changes occurred in 2014 for the last time and as a result political priorities of development were changed as well. This has dramatically influenced the development of legislation on political parties. Nowadays the legislation of Ukraine is influenced by the following main factors: government cleansing, public funding of political parties and election campaigns as well as oversight and monitoring of political party finance. These factors can be viewed as challenges, achievements or perspective tendencies of development. Their estimation depends upon the chosen set of coordinates and values. Along with this, all these factors unconditionally influence the development of the multi-party system in Ukraine and the significance of such influence can be estimated in due course.

Government cleansing

Government cleansing in Ukraine which started in the legislative field after the Revolution of Dignity in the aspect of the researched topic (the development of the party system) is comprised of two representations: lustration and decommunization.

Lustration (government cleansing) in Ukraine started on the 16th of September 2014 after the adoption of the Law of Ukraine "On Government Cleansing". According to this Law, lustration "is performed with the aim of the denial of the access to the participation in manage–ment of state affairs for people whose decisions, actions or inactions (or contribution to the performance of these actions), aimed at the power grab by the President of Ukraine Viktor Yanukovich and destruction of the basics of national security and defense of Ukraine or unlawful violation of human rights and freedoms"[9]. This law foresees the prohi-bition for some individuals to obtain certain positions (or to serve at some positions) in state government bodies and local self-government bodies

[9] Law of Ukraine «On government cleansing», 05.04.2001, http://zakon5.rada.gov.ua/rada/show/1682-18 (27.10.2016).

and that means almost any public service. Such prohibition, for example, is not applicable to electoral posts. Generally, this Law refers to active–ties, performed during V.Yanukovich's presidency. Though, its separate provisions directly influence party activities, implementation of decommunization.

So, provisions of part three of Article 1 and part four of Article 4 introduce 10-year prohibition to obtain public service positions which are defined by the Law to those "who were elected and worked at senior positions of the Communist Party of the Soviet Union, the Communist Party of Ukraine, the Communist Party of other republic of the former USSR from the position of the district committee secretary and higher positions; who were chosen and worked at senior positions starting from the position of the Secretary at the Central Committee of the Lenin's Communist Society of the Youth of Ukraine and higher position; who were state employees or secret agents at the Committee for State Security of the USSR, the Committee for State Security of the Ukrainian Soviet Socialist Republic, the Committee for State Security of other republic of the former USSR, Main Intelligence Directorate of the Ministry of Defense of the USSR; who graduated from higher educational institutions of the Committee for State Security (except technical professions)"[10]. This prohibition is applied in terms of the provisions of the Law, and according to the general rule does not require making finding of the fact by judicial process. All individuals, to whom the prohibition was applied, are included into the Unified State Register of individuals, to whom the provisions of the Law of Ukraine "On Government Cleansing" was applied. Such register is formed and maintained by the Ministry of Justice of Ukraine.

The estimation of the compliance of the Law of Ukraine "On Government Cleansing" with the international standards in the area of the human rights was performed by the European Commission for Democracy through Law (Venice Commission). While analyzing the provisions of this Law, the Venice Commission have mentioned: "Lustration is explicitly dealt with in the Resolution by the Parliamentary Assembly of the Council of Europe 1096 (1996) on measures to

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[10] Ibid.

dismantle the heritage of former communist totalitarian systems. The resolution states that lustration measures "can be compatible with a democratic state under the rule of law if several criteria are met" (para. 12)… The Law on Government Cleansing differs from lustration laws adopted in other countries of Central and Eastern Europe in that it is broader in its scope. It pursues two different aims. The first is that of protecting the society from individuals who, due to their past behaviour, could pose a threat to the newly established democratic regime. The second is to cleanse the public administration from individuals who have engaged in large-scale corruption. The term lustration in its traditional meaning covers only the first process…The Venice Commission accepts that the two aims pursued by the Law on Government Cleansing are both legitimate"[11]. It was also mentioned that separate provisions of the Law can and should be upgraded, for instance, those regarding the determination of the individual approach to responsibility.

Another aspect of the government cleansing is decommunization itself – prohibition of the activities of political parties with the corresponding ideology. In fact, such measures stemmed from the supplements of the Law of Ukraine "On political parties in Ukraine" by the new prohibition to create and to function as a political party, programme aims or whose actions are aimed at the propaganda of communist and/or national-socialist (Nazi) totalitarian regimes and their symbols. The law formalized a range of requirements for the names and symbols of the parties, including the following: symbols of political parties can not be represent-ted symbols of communist, national-socialist (Nazi) totalitarian regimes.

Moreover, the fifth part of Article 2 of the Law of Ukraine "On the condemnation of the communist and national socialist (Nazi) totalitarian regimes and prohibition of the propaganda of their symbols" dating from the 9th of April 2015 (№ 317-VIII) specifies that in case of the adoption by the Ministry of Justice of Ukraine a decision regarding

[11] Interim Opinion on the law on government cleansing (lustration law) of Ukraine Adopted by the Venice Commission at its 101st Plenary Session (Venice, 12-13 December 2014), CDL-AD(2014)044-ukr, http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)044-e (27.10.2016).

the noncompliance of the activities of political party, their name and/or symbols to the requirements of this Law, such parties can not be subjects of the electoral process. Moreover, if legal entities, political parties and other groups of citizens do not perform the provisions of the Law 317-VIII and the above-mentioned decision is taken, then the Ministry of Justice of Ukraine has grounds to take legal actions for the suspension of activities of such parties and unions of citizens.

The provisions of this Law also became the subject of analysis for the Venice Commission, which mentioned: "The Venice Commission and OSCE/ODIHR recognise the right of Ukraine to ban or even criminalise the use of certain symbols of and propaganda for totalitarian regimes. While States are free to enact legislation that bans or even criminalises the use of symbols and propaganda of certain totalitarian regimes, such laws must comply with the requirements set by the ECHR and other regional or international human rights instruments, as well as with their national constitutions. Should such laws interfere with the freedom of expression or the freedom of association, they must meet the three-fold test of legality, legitimacy and necessity in a democratic society. When they interfere with the right to free elections, they must meet the conditions of legality and proportionality. The laws may under no condition violate the nullum crimen sine lege principle"[12]. In accordance with the above–mentioned facts the Ukrainian government was recommended to specify definite provisions of the pointed legislation regarding the usage of political symbols, defining of the "propaganda" notion as well as to specificate and humanize responsibility (particularly criminal) for the violation of this legislation.

Public funding of political parties and election campaigns

On the 8th of October 2015, the institute of the state political parties' funding was established with the aim of strengthening the level

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[12] Joint Interim Opinion on the Law of Ukraine on the condemnation of the communist and national socialist (Nazi) regimes and prohibition of propaganda of their symbols Adopted by the Venice Commission at its 105th Plenary Session Venice (18-19 December 2015), CDL-AD(2015)041-e, http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2015)041-e (27.10.2016).

of financial, organizational and human resources abilities of the political parties, ensuring the development of free political competition and extending the access of society to the information regarding the volume and financial sources of political parties and electoral campaigns. Along with this, the Law of Ukraine “On making changes into some legislative acts of Ukraine due to the introduction of state funding for political parties in Ukraine” dating from the 27th November 2003 stimulated the implementtation of state funding for political parties in Ukraine. Though, state funding of political parties was cancelled by means of excluding the corresponding provisions from the legislation in the Law of Ukraine “On the State Budget of Ukraine for 2008 and Amendments on Several Legislative Acts of Ukraine” dating from the 28th December 2007. These, in their turn, were acknowledged by the Constitutional Court of Ukraine as unconstitutional (decision dating from the 22nd of May 2008, case № 10-рп/2008 on the subject and content of the Law on the State Budget).

The provisions of the Law of Ukraine “On amendments to some legislative acts of Ukraine regarding the prevention and combatting political corruption” dating from the 8th of October 2015 № 731-VIII (hereinafter referred to as “the Law”) introduced state funding of political parties in Ukraine among other things by means of making amendments into the Law of Ukraine “On Political Parties in Ukraine”. The latter defined the forms and the volume of state funding for political parties, reasons for the suspension of state funding, the order of assignation and distribution of the means between political parties etc.

According to Article 17 of the Law of Ukraine “On Political Parties in Ukraine”, the means of the state budget: 1) are used for financing statutory activities of political parties, which are not connected to their participation at the parliamentary, presidential and local elections, including the payment for labour to the employees of the statutory bodies of the political party, its local organisations in the order specified by the legislation; 2) are used for the refund of expenses, connected with the financing of the election campaign of political parties during regular or special elections of the MPs of Ukraine.[13]

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[13] Law of Ukraine «On political parties in Ukraine», 05.04.2001, http://zakon.rada.gov.ua/laws/show/2365-14/print (27.10.2016).

The political party has the right to obtain state funding of its statutory activities, if during the last regular or special election of the MPs of Ukraine their electoral list of the candidates for MPs in the national multi-mandate constituency received not less than 2 percent of votes from the general number of the votes, given for all elected lists of the candidate for the MPs of Ukraine in the national multi-mandate constituency. The decision regarding the provision of a political party with state funding of its statutory activities or denial of the request for the provision of such funding is made by the National Agency for Prevention of Corruption. According to Article 17 the annual volume of state funding for statutory activities of political parties, which according to the Law have the right for such finding, accounts for 0.02 of the amount of the minimum payment (fixed for the 1st of January of the year, which goes before the year of giving funds from the state budget) multiplied for the general number of voters, who took part in the elections in the national multi-mandate constituency at the last regular or special elections of the MPs of Ukraine (as reference the amount of the minimum payment on the 1st of January 2016 accounted for 1378 HRN, thus 0,02 * 1378 * 16 052 228 = 442 399 403 HRN).

Funds, given from the state budget for the financing of the statutory activities of political parties, are distributed by the National Agency for Prevention of Corruption in the following order: 1) the sum in the amount of 10 percent of the annual volume of state funding for the statutory activities of political parties, envisages by the Article 17 of the Law is distributed equally among political parties having received the right for funding according to this Law if according to the results of the last regular or special elections of the MPs of Ukraine the number of the representatives of one sex among the elected from the corresponding political parties of the MPs of Ukraine, who stepped into powers does not exceed two thirds from the general number of the MPs in Ukraine, elected from this political party; 2) the sum equal to 100% of the annual volume of state funding of statutory activities of political parties, foreseen by Article 17 of the Law, is distributed among those political parties, that have the right to receive such funding according to the Law, proportionally to the number of the real votes, given for the lists of the

candidates for the MPs of Ukraine from such political parties in the national multi-mandate constituency at the MPs elections in Ukraine[14].

According to the final and transitional provisions of the Law № 731-VIII on the results of 2014 parliamentary elections, the parties which overcame 5% "barrier" and, on conditions that they filed the documents, prescribed by the Law, reports on property, earnings, expenses and financial obligations, formalized with the adherence to the Law requirements, receive state funding for their statutory activities for the first and second quarter of 2016 and also on condition of amending statutes, prescribed by the Law. The statute should particularly contain information on the sources of material and financial support of the political party, their local organisations, order of expenses made by the political party, order of interpartial financial control (audit) of the incomes and expenses of the political party, order of the audit firm recruitment for external independent financial audit of incomes, property, expenses and financial obligations of the political party and its local organisations. Statutory activeties of such parties are funded by the state from the third quarter of 2016. The expenses of the parties for the election campaign of the special elections of the MPs of Ukraine in 2014 are not refunded according to the Law. The expenses of the parties for the election campaign of the MPs of Ukraine will be refunded upon the results of the forthcoming regular or special elections.

The right for the annual state funding of the statutory activities for the political parties upon the results of the parliamentary elections in 2014 was provided to the following parties: People's Front, The Petro Poroshenko Bloc, "Self Reliance" Union, Oppositional Bloc, Radical Party of Oleh Lyashko, All – Ukrainian Union "Batkivshchyna". The issue on which political party has the right for state funding on the so-called "gender quota" or whether it has this right at all is still open (upon the results of the 2014 parliamentary election). For instance, the number of MPs' seats, received by the "Self–Reliance Union" political party (which adopted candidates for the MPs of Ukraine in the national multi-mandate constituency) accounts for 32 in accordance with the Central Electoral Commission Record. The number of representatives of one sex

[14] Ibid

among the elected MPs of Ukraine from the “Self-Reliance Union” political party, who assumed the office, does not exceed two thirds from the general number of the MPs elected from this party (21 men and 11 women). Along with this, team membership of the MPs’ group, formed by this political party can be changed during a certain period of operation of the Verkhovna Rada of Ukraine. On falling back to the “Self–Reliance Union” political party, the result of changes in the membership of the MPs’ group is represented by the decrease in the number of MPs of Ukraine in the MPs’ group to 26 due to the transition of the MPs of Ukraine to the MPs’ groups of other political parties or non-affiliation of MPs of Ukraine into any MPs groups (obtaining the status of the non-affiliated MP of Ukraine). According to Article 17 of the Law of Ukraine “On Political Parties in Ukraine”, the state regulation of the legal and appropriate use by political parties of the expenses, funded from the state budget for financing their statutory activities, is performed by the Auditing Chamber (as a parliamentary body, accredited to perform financial control) and the National Agency for Prevention of Corruption.

At the same time taking into account the fact that the amendments in the legislation regarding the implementation of the state funding for political parties were not complex, with the start of work of the National Agency for Prevention of Corruption and of all the necessary measures to prepare for the implementation of state funding for political parties in Ukraine, there emerged a range of certain issues regarding the practical implementation of the provisions of the Law on the distribution of the means for the financing of the political parties’ statutory activities, volume of funding for political parties in 2016, term of usage of the means for the financing of the political parties. In this connection, some provisions of the Law “On Political Parties in Ukraine” require conside–rable further advancement, particularly, in the area of specifications for the procedure of state funding for political parties, adjustment of formulations and negotiations on certain provisions of the Law.

Oversight and monitoring of political party financing

It should be mentioned that the provisions of the Law № 731-VIII regarding the reports of the parties on property, earnings, expenses and

financial obligation came into force. According to the Law, the political party must provide the National Agency for Prevention of Corruption with the report on property, earnings, expenses and financial obligation for the corresponding quarter and not later than on the 40th day after the end of the reported quarter. The political party must also make this report public on their official web-site (subject to availability) on the due term.

According to Article 16 of the Law of Ukraine "On Political Parties in Ukraine", the report of the political party on property, earnings, expenses and financial obligations must contain information on: 1) the property of the political party, any of its local organisation and the cost of this property; 2) the date of making each contribution for the political party, its local organisation and also electoral fund of the political party, its local organisation or political party candidate (local organisation of the party) at the corresponding national or local elections; 3) the sum of the received means from the state budget during the covered period, provided for statutory activities of the party and, separately, the refund sum for financing electoral campaign; 4) the date of making every payment from the accounts of the political party, its local organisation; 5) the starting and finishing dates, the sum (cost) of every financial obligation (as things stand at the end of the report period) of the political party, its local organisation [15].

The reasons for the suspension of state funding of the political party's statutory activity are as follows: the absence of submission of the report on property, earnings, expenses and financial obligations during the period, prescribed by the Law, submission by the political party of a report, drown up with serious violations of the requirements or a report, which contains misleading data on the property of the political party or means/expenses of the political party. According to the Law, the analysis of the report of the political party on property, earnings, expenses and financial obligations as well as preparation and consolidation of the conclusion upon the results of the analysis are performed by the National Agency for Prevention of Corruption not later than two months from the moment of the report receipt. The result of the analysis is made public at the official web-site of the National Agency for Prevention of Corruption

[15] Ibid.

no later than the fifth day from the confirmation of the conclusion basing upon the results of the report analysis.

Keeping accounts by the parties, organizing annual internal financial audit of activities as well as participating in external international financial audit in cases, prescribed by the Law, are the obligatory requirements for state funding of their statutory activities. According to part three of Article 17 of the Law of Ukraine "On Political Parties", a political party which was a subject of the electoral process at the presidential elections in Ukraine, MPs' elections in Ukraine or took part in regular or special local elections as well as political parties which are funded by the state must participate in external independent audit of the reports on property, earnings, expenses and financial obligations in the year after the year of such elections or receiving of state funding[16]. It should be mentioned that the law also establishes requirements to the audit companies which can perform such audit. Practically, not all auditing companies meet the established criteria and this, in its turn, makes the procedure more expensive. Correspondingly, in practice the requirement regarding external independent audit for political parties can become a serious barrier of parties' existence and development first of all locally.

The law provides limitations regarding the sum of making contributions for the support of political parties. Particularly, the general amount of the contribution to support the party from the Ukrainian citizen during one year can not exceed four hundred minimum salaries, established on the 1st January of the year of making contributions, and the contributions from legal entities can not exceed eight hundred minimum salaries (Article 15 of the Law "On Political Parties in Ukraine").

Such provisions considerably narrow possibilities of political parties regarding the performance of financing, including agitation events during electoral campaign. However, such steps from the other side were taken to increase transparency level and openness of the party financing and their main donators.

Along with this, high administrative and even criminal responsibility was established for the violation of the corresponding legislation regarding financial monitoring. On estimating the corres-

[16] Ibid.

pondence of such legislative requirements to international standards, the Venice Commission mentioned: “In general, administrative sanctions or fines, or other sanctions such as the temporary suspension of public funding or of other forms of public support are preferred responses to the improper acquisition or use of funds by parties. Criminal sanctions should only be imposed for serious violations of financial regulations, which undermine public integrity. Sanctions should be proportionate and allow for a certain level of flexibility based on the seriousness of the offence. The imposition of both administrative and criminal sanctions for the same violation of legislation should also be avoided…”[17]. Such conclusions provide a range of comments and offers to the corresponding legislation and can become a foundation for its further advancement, first of all from the point of view of humanization and decriminalization of certain violations of law.

Conclusion

Complex and comparative analysis of the evolution and general contemporary trends in the development of the Ukrainian legislation on political parties allows to mark out the following:

1. Constitutional principles for the regulation of activities of political parties in Ukraine have provided an opportunity to reinforce quite firm basics for the development of multi – party system in Ukraine since the moment of the achievement of its independence. The adoption of the special law, which regulates the activities of political parties and adjacent legislation, have contributed to the simultaneous development of big number of political parties, some of which could instantly lay claims to considerable social support and victory at parliamentary or local government elections.
2. Multi – party system in Ukraine has determined the possibility for the presence in all convocations of the Verkhovna Rada of Ukraine of different political parties with substantial social support. It has not

[17] Joint Opinion on the draft amendments to some legislative acts concerning prevention and fight against political corruption of Ukraine, adopted by the Council of Democratic Elections at its 52nd meeting (Venice, 22 October 2015) and by the Venice Commission at its 104th Plenary Session (Venice, 23-24 October 2015), CDL-AD(2015)025-e, http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2015)025-e (27.10.2016).

foreseen the functioning of one big parliament-tary group in the conditions of the absence of real competitors. Instead, the activity level of the parties in the parliament has always been diverse and detailed.

3. At the current stage of multi – party system development the legislation of Ukraine provides standard legal mechanisms for the provision of the government cleansing such as lustration and decommunization. Such mechanisms are aimed at the contribution for the development of the party system with adherence to human rights and fundamentals of democratic development. Along with this, separate provisions of the corresponding legislation require upgrade and correction as they can excessively restrict the activities of parties in Ukraine.
4. The renewal (after the previous unsuccessful try) of the state funding for political parties is performed for the creation of the state support mechanisms and motivation for the development of independent political powers, which will be less influenced by the different pressure groups, especially financing. The funding is provided for the performance of the statutory activities of the parties and also as the element of the refund for the campaign expenses.
5. The above-mentioned steps regarding ideological and financial independence of political parties are accompanied by the implementation of new mechanisms of public and state control of financial activity of political party: both in the area of getting finances from different sources and spending present funds. Such new instruments are aimed at the rise of the transparency level and open operation of political parties in Ukraine.
6. Three basic directions are marked out for the reformation of the Ukrainian legislation on political parties which may become a considerable step towards the development and establishment of the multi – party system. They require appropriate implementation in compliance to international standards in this area and safe applica– tion as they can cause undesirable consequences in certain conditions.