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## CONCEPTS, FEATURES, TYPES OF STATE BODIES AND FORMS OF GOVERNMENT

### ПОНЯТТЯ, ОЗНАКИ, ВИДИ ОРГАНІВ ДЕРЖАВИ ТА ФОРМИ ДЕРЖАВНОГО ПРАВЛІННЯ

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**D**isclosing the state bodies essence, their structure and functioning. The current system of public administration in Ukraine does not meet the population's expectations and needs. To that end, there is a risk of improper compliance with the law and dissatisfied citizens. In order to optimize the public administration functioning, it is proposed to define the features, functions and classify state bodies, as well as to systematize the forms of government.

#### Analysis of recent researches and publications

The mentioned aspects of exercising the state power are considered in the scientific works of many domestic and foreign authors. A. Borko, O. Khomenko, Yu.O. Frytskyi, Yu.S. Shemshuchenko, S.S. Aleksieiev, V. Averianov paid attention to state and administrative issues.

#### Unsolved aspects of the problem

Despite the existence of a significant amount of scientific researches in this area, the question of the most functional form of exercise of government still remains open.

*The aim of the article is to study the features, functions and classification of state bodies, as well as to systematize the forms of government*

#### The main part

An important and integral part of the state apparatus structure is the state body. The level of development and efficiency of the state apparatus depends on the level of state bodies development, their interaction, powers clarity.

A state body is a structural element of the state apparatus created by the state or a civil servants group elected directly by the people or one civil servant who is endowed with state powers and the necessary

*Граціотова Г.О., Гординський С.П., Дем'янюк А.А. Поняття, ознаки, види органів держави та форми державного правління. Оглядова стаття.*

В даній статті розглядаються основні поняття органів держави та їх види, описуються ознаки органів держави, їх класифікація та структура, виявлення основних функцій, а також сучасних проблем діяльності органів держави. Проаналізовано форми державного правління, а саме, їх історичний аспект, основні характеристики та принципи здійснення державного правління. Розкрито основні напрями здійснення державної влади в Україні, описано проблеми державотворчих процесів. Надано характеристику державних органів України, а також описано тип форми державного правління в Україні. Це дозволить оптимізувати правове регулювання державно-службових відносин у всіх гілках державної влади, державної діяльності, системі місцевого самоврядування, в усій системі публічної служби.

*Ключові слова:* орган держави, ознаки, державна влада, форми державної влади, гілки влади, монархія, республіка

*Hratiotova H.O., Gordynskyi S.P., Demianiuk A.A. Concepts, Features, Types of State Bodies and Forms of Government. Review article.*

This article deals with the basic concepts of state bodies and their types, describes the state bodies features, their classification and structure, the basic functions identification, as well as modern problems of state bodies. The forms of government are analyzed, namely, their historical aspect, the main characteristics and principles of government. The main directions of state power in Ukraine are revealed, the problems of state-building processes are described. The state bodies characteristic of Ukraine is given, and it is also described also the types of the government forms in Ukraine. It will optimize the legal regulation of civil service relations in all branches of government, public activity, the local self-government system, in the entire system of public service.

*Keywords:* state body, classification, structure, features, state power, state government, forms of state power, branches of power, monarchy, republic

material and technical means to perform the state's the issues and functions.

Each state body includes individuals who exercise leadership, in accordance with their responsibilities and powers, as well as specialists and other individuals who provide the technical conditions for the n of managerial administrative functions implementation.

One of the most important principles of organization and the state apparatus activity is the principles of powers separation. According to it, it is assumed that for the clear the state functioning, it should consist of legislative, executive and judicial powers, that should exist independently of each other. (Fig. 1). At present, the constitutions of many states are built on this principle [2].

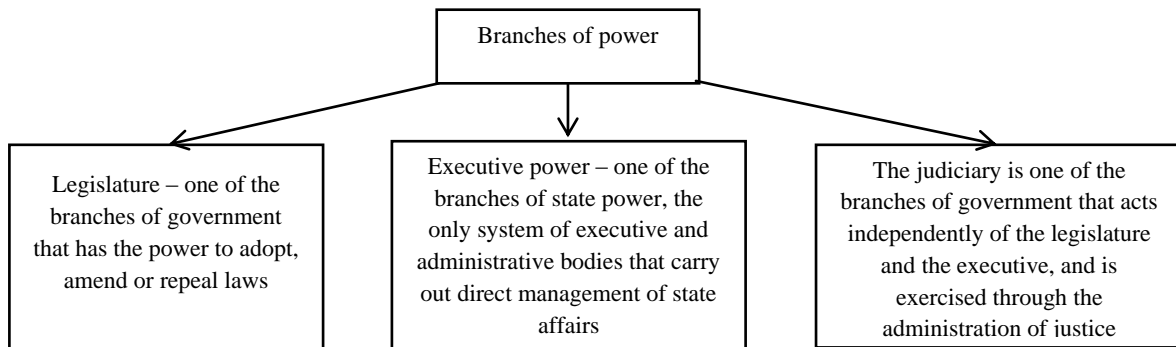


Figure 1. Branches of Power Characteristics  
Source: compiled by authors on materials [2].

State bodies differ from state-owned enterprises, institutions, and non-state structures in the way, that they:

- is a structural element of the state apparatus;
- have a certain economic and organizational separation and independence;
- are created by the state or elected directly by the people;
- are endowed with normatively enshrined state powers;
- have territorial boundaries of activity;
- perform their functions on behalf of the state;
- use the state symbols officially;
- have the appropriate competence, adopt legally binding regulations and individual acts;
- are characterized by singular features of the order in the process of interaction with the other state bodies and institutions;
- rely in the process of exercising powers on the organizational, material and coercive power of the state;
- provide state power through using the means of education, persuasion, encouragement, and in some cases – coercive measures;
- are characterized by a special order of formation, activities, nature and scope of powers, forms and methods of performing functions.

Each state body includes individuals who exercise leadership, in accordance with their responsibilities and powers, as well as specialists and other persons who provide the technical conditions for the of managerial administrative functions implementation. The state bodies system of Ukraine includes:

- The Legislative body – the Verkhovna Rada of Ukraine.
- The head of the state – The President of Ukraine.

- The executive power bodies, which are divided into: higher (the Cabinet of Ministers of Ukraine); central (ministries, state committees, central – executive bodies with special status); local (regional, district, cities of Kyiv and Sebastopol state administrations, heads of local state administrations, departments and administrations of regional and district state administrations, state enterprises administration, institutions).
- Judicial bodies are the Constitutional Court of Ukraine and courts of general jurisdiction
- Local self-government bodies, which include: village, town, city council; village, township, city mayor; executive bodies of village, townshio, city council; district and regional councils; population self-organization entities.
- Oversight bodies, which include: the Prosecutor General's Office and its local bodies; tax administrations, sanitary, audit and monitoring and other state inspections.

Public authorities can be classified according to various criteria. Let's consider what it is distinguished under the types of state bodies (Table 1).

Let's consider the state bodies functions [3].

The President of Ukraine acts as the guarantor of the state sovereignty, Ukraine's territorial integrity, observance of the Constitution, human and civil rights and freedoms. The President ensures the succession of the state, represents it in international relations, manages foreign policy activities, holds negotiations and concludes international treaties of Ukraine.

The President of Ukraine cannot delegate his powers to other individuals or bodies. On this basis and in pursuance of the Constitution and laws of Ukraine, he issues decrees and orders that are binding on the territory of Ukraine.

The only body of legislative power in Ukraine is the parliament - the Verkhovna Rada of Ukraine.

Table 1. The State Bodies Classification

The State Bodies Classification				
By the place in the state apparatus system	By the formation method	By the operation time	By the way of decision making	By the territorial boundaries of activity
1) primary, formed directly by the people as a power source and have a representative character;	1) delegated, elected by the population or representative bodies;	1) permanent, which are created without any validity limitation to perform the main tasks of the state;	1) individual, where decisions are made by the head personally, who is personally responsible for it;	1) central, where decisions are applied to the entire territory and the state's population;
	2) allocable, appointed by the head of state or higher bodies;			2) federal (typical of a federal state), whose decisions are applied to its subjects;
2) secondary, formed by primary bodies, derived from them and accountable to them	3) inherited, which are inherited by the monarch.	2) temporary, which are created to solve urgent problems caused by emergencies.	2) collegial, where decisions are made after discussion by voting (simple or qualified majority).	3) local, whose decisions are applied to a particular administrative-territorial unit.

Source: compiled by authors on materials [2].

The authorities of the Verkhovna Rada of Ukraine include:

- amendments to the Constitution of Ukraine;
- defining the principles of domestic and foreign policy;
- calling the election of the President of Ukraine;
- removing of the President of Ukraine from office by special procedure (impeachment);
- consideration and decision-making on approval of the Programme of Activities of the Cabinet of Ministers of Ukraine;
- approval of the budget and making changes to it;
- war and peace declaration at the request of the President;
- decision-making on the use of the Armed Forces and other military formations in the case of armed aggression against Ukraine;
- the appointment approval of the Prime Minister of Ukraine by the President.
- The executive power in Ukraine consists of the Cabinet of Ministers, central (ministries, departments) and local (regional, district state administrations) executive bodies.

The highest body in the executive bodies system is the Cabinet of Ministers of Ukraine (government). The Cabinet of Ministers is responsible to the President and the Verkhovna Rada, subordinated and accountable to the Verkhovna Rada within the limits provided by the Constitution.

The Cabinet of Ministers provides:

- state sovereignty and economic independence;
- implementation of its domestic and foreign policy;
- implementation of the Constitution and laws, the presidential memorandums ;
- implementation of the financial, pricing, investment and tax policies; policies in the fields of labour and employment, social protection, education, science and culture, nature protection, environmental safety and natural resource management;

— preparation of the draft State Budget and its implementation after approval by the Verkhovna Rada.

The Cabinet of Ministers consists of the Prime Minister, the First Vice-Prime Minister, the Vice-Prime Ministers, and the Ministers. The Prime Minister is appointed by the President with the consent of the Verkhovna Rada. Other Government members are appointed by the President on the proposal of the Prime Minister.

The Prime Minister of Ukraine directs the work of the Cabinet of Ministers of Ukraine and directs it to implement the Programme of Activities of the Cabinet of Ministers of Ukraine approved by the Verkhovna Rada of Ukraine.

The executive power in the areas and districts and the cities of Kiev and Sebastopol is exercised by local state administrations.

The local state administrations composition is formed by the heads of local state administrations. The heads of local state administrations are appointed and dismissed by the President of Ukraine on the proposal of the Cabinet of Ministers of Ukraine.

The heads of local state administrations are responsible to the President of Ukraine and the Cabinet of Ministers of Ukraine in their powers exercise, and are accountable to and under the monitoring of higher-level executive bodies.

Local state administrations are accountable to and under the control of councils in terms of the powers delegated to them by the respective district or regional councils. Local state administrations are accountable to and monitored by higher-level executive bodies. Decisions of the heads of local state administrations that contradict the Constitution and laws of Ukraine, other acts of Ukraine's legislation may be revoked in accordance with the law by the President of Ukraine or the head of a local state administration of the highest level. A regional or district council may express a vote of no confidence in the head of the relevant local state administration, on the basis of

which the President of Ukraine makes a decision and gives a reasoned response.

Local state administrations in the relevant area provide:

- implementation of the Constitution and laws of Ukraine, memorandums of the President of Ukraine, the Cabinet of Ministers of Ukraine, other executive bodies;
- law and order; the citizens' rights and freedoms observance;
- state and regional programmes implementation of socio-economic and cultural development, environmental protection programmes, and in places of compact residence of indigenous peoples and national minorities - as well as programmes of their national and cultural development;
- relevant regional and district budgets preparation and implementation;
- report on relevant budgets and programmes implementation;
- interaction with local self-government bodies.

Judicial power in Ukraine is represented by the Constitutional Court of Ukraine, courts of general jurisdiction and specialized courts.

The form of government of any state means the structure and powers of higher public authorities, their formation order and the relations nature between them, the degree and form of citizens' participation in the higher authorities formation, the influence degree on public decision-making, duration and variability of higher authorities, ways to legitimize state power. That is, this category can be considered as a way of life of a modern state, which shows who and how rules in the state and in whose interests the power is exercised [4].

The form of government is an element of the state's form, which characterizes the way of forming and organizing the highest bodies of state power, their relationship with each other and with the population. The form of government should be chosen taking into account the historical, cultural, political, social and other characteristics of a country. Therefore, the model of higher public authorities organization, which operates effectively in one country and in some conditions, may be unsuitable for another country with different conditions [5].

The form of government shows:

- how the highest bodies of state power are created and what is their structure;
- how the relationship between higher and other state bodies is built;
- how the relationship between the supreme state power and the country's population is built;
- to what extent the highest bodies organization of the state allows to ensure the citizens' rights and freedoms.

Interest in this issue arose in Greco-Roman times, even then prominent sagers laid a solid foundation for further study, the state analysis and research: its content, essence and, of course, forms. Many scholars who studied the state in later times continued to pay close attention to the forms of government. The

second half of the XIX – beginning of the XX centuries – was the period of greatest prosperity in the legal science of a state's doctrine. At that time, a holistic system of knowledge about the state in general and, in particular, about its forms was developed [6].

Monarchy – is a state form that has historically been characterized by a monarch's monopoly (pharaoh, emperor, king, prince, etc.) as a political ruler, and in modern times – the peculiarities of the monarch's status as head of state by his own right, which he inherits by succession. The monarchy is recognized as one of the two historical and at the same time typical for today forms of government (the second - the republic).

The term "monarchy" began to be used during the Middle Ages. Nowadays, monarchical forms varieties of government are classified. Back in the 19th century one distinguished between absolute and limited monarchy, and the latter is often defined as constitutional. In the modern world there are various monarchical forms of government. One of them is even an absolute monarchy, the form of which testifies to the socio-political development peculiarities, in particular in Muslim countries (Brunei, Qatar, Oman, Saudi Arabia).

The republic is a state form that has historically been characterized by a collective (collegial) supreme government, and in modern times – primarily by the status peculiarities determined by the election of the head of state – the president. The republic is recognized as one of the two historical and at the same time typical forms of government today.

The modern republican forms of government emergence has testified to the development of the constitutionalism theory and practice. Historically, the first of these forms was a presidential republic, introduced under the content of the USA Constitution of 1787. The corresponding form is adopted, in particular, in most Latin American countries. State forms in many Asian and African countries are often classified as a presidential republic [7].

The modern form of government is a mixed republican government, which derives from the current Constitution of France in 1958. The term "semi-presidential republic" is also used to define it. This form of government is introduced in Poland, Portugal, Romania, Croatia, and some other countries. Firstly, its features include the state mechanism construction and, above all, the executive power organization based on the combination of principles inherent in the presidential and parliamentary republics. Secondly, this state form is characterized by the executive power dualism, which means the powers division in the relevant field between the government and the president. Thus the president is not constitutionally defined and does not act in practice as the head of executive power. Finally, thirdly, the constitutions enshrine the president's functions of as an arbiter and guarantor in certain areas of public life, and the president's position is replaced by the election results. Thus, the procedure for the state authorities formation established by the

Basic Law of Ukraine, in particular the frequency of their election and appointment, is of decisive importance for the functioning of a democratic state and its republican principles.

A systematic analysis of the provisions of the Constitution of Ukraine conducted by the Constitutional Court of Ukraine indicates that public authorities the powers are determined by the Constitution and laws of Ukraine, and the Verkhovna Rada of Ukraine on the exercise of state power is established only by the Constitution of Ukraine. According to the Constitution of Ukraine, Ukraine is a republic. The holder of sovereignty and the only source of power in Ukraine is the populus. It exercises power directly and through public authorities and local self-government bodies. People's expression of will is realized through elections, referendums and other forms of direct democracy.

## Conclusions

The system and subsystems of executive bodies have appropriate organizational structures that reflect the relationships between individual parts of the system and subsystems, vertical and horizontal subordination, relations with higher bodies, subordinate and monitored objects. The organizational structures optimality of this system is one of the factors increasing the executive branch efficiency. Definition and systematization of features, functions, types of state bodies and forms of government will optimize the legal regulation of civil service relations in all branches of government, public activity, local self-government system, throughout the public service system. It will not only address the issues of general personnel policy of the state, but also provide an effective management system of public and state processes.

## Abstract

This article considers the basic concepts of state bodies and their types, describes the state bodies features, their classification and structure, basic functions identification, as well as modern problems of state bodies. The public administration forms are analyzed, namely, their historical aspect, main characteristics and principles of public administration. The aim of the article is to study the features, functions and classification of state bodies, as well as public administration forms. The most functional form of government still remains open.

Thus, the procedure for the state authorities formation established by the Basic Law of Ukraine, in particular the frequency of their election and appointment, is of decisive importance for the functioning of a democratic state and its republican principles. A systematic analysis of the provisions of the Constitution of Ukraine conducted by the Constitutional Court of Ukraine indicates that public authorities the powers are determined by the Constitution and laws of Ukraine, and the Verkhovna Rada of Ukraine on the exercise of state power is established only by the Constitution of Ukraine. According to the Constitution of Ukraine, Ukraine is a republic. The holder of sovereignty and the only source of power in Ukraine is the populus. It exercises power directly and through public authorities and local self-government bodies. People's expression of will is realized through elections, referendums and other forms of direct democracy.

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