

PARLIAMENTARISM AND PARLIAMENT IN THE REPUBLIC OF BELARUS AT THE MODERN STAGE

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Parliamentarism can be considered as a system of power, providing for the presence of parliament as a representative body endowed with legislative and control powers, and based on the principle of separation of powers. This article discusses the powers of the Parliament of the Republic of Belarus acquired by them as a result of the 1996 constitutional reform.

In the modern world, issues of compliance with the principle of separation of powers are relevant. Moreover, they are relevant both for states with a developed democracy, and for those who have just embarked on the democratic path of development. The main issue here is the degree of powers of authority and control powers of each of the branches of government.

There is no doubt that the branches of power are not interchangeable, but they are also not able to act separately. Therefore, they must exist on an equal footing, mutually complementing each other, which is ensured by a mechanism of checks and balances. S. Montesquieu wrote: "In order not to be able to abuse power, such an order of things is necessary when different authorities could mutually restrain each other" [1, p. 290].

At the present stage, the institution of parliamentarism is the most important mechanism contributing to the functioning of a truly democratic state and the formation of civil society. Real parliamentarism can only be discussed if the parliament is vested with powers in the field of legislation, the right to elect or control the activities of executive bodies [2].

The need for a real constitutional entrenchment of the principle of separation of powers, the restoration of balance in the control functions between them, the balance between the duties and rights of the Head of State, was the objective reason for the constitutional reform on November 24, 1996. The main results of this constitutional reform were the transition to a strong presidential form of government, the creation of a new legislative body - a bicameral Parliament - the National Assembly, endowed with certain control powers, which play an important role in ensuring checks and balances when implementing the principle of separation of powers [3, p.13]. This reform allowed the formation of a branch of the legislative power, which corresponds to the European standards of parliamentarism and has a civilized, modern structure.

Also, the result of the above reform was the transformation of Belarus from a presidential republic into a "mixed presidential-parliamentary republic with broad presidential powers" [4, p. 74]. A distinctive feature of this form of government is the double responsibility of the Government of the Republic of Belarus to the President and the Parliament of the Republic of Belarus. In the Republic of Belarus, this provision is reflected in part 2 of article 106 of the Constitution, which states: "The Government in its activities is accountable to the President of the Republic of Belarus and is responsible to the Parliament of the Republic of Belarus" [5, p. 81]. Responsibility to the Parliament of the Republic of Belarus provides the lower house of the National Assembly with an opportunity to pass a vote of no confidence in the Government, which may result in their resignation, and as well as the need for the House of Representatives to approve the program of activities of the Council of Ministers of the Republic of Belarus.

Along with legislative powers, the National Assembly of the Republic of Belarus has control powers. The world practice indicates that foreign countries are moving towards strengthening these powers. So, for example, the Law on Amendments to the Constitution of the Russian Federation of 30 December 2008 introduced a provision that the State Duma annually hears reports from the Government on the results of its activities. A similar provision can be found in the Constitution of the Republic of Belarus. Paragraph 5 of Art. 97 of the Constitution of the Republic of Belarus states that the House of Representatives hears the report of the Prime Minister on the program of the Government activity and approves or rejects the program. This provision of the Constitution establishes the right of deputies to hear the program of the Government of the Republic of Belarus, but are they empowered to control its implementation?

The control powers of the National Assembly can be divided into groups, depending on who exercises them: the National Assembly as a whole, the House of Representatives or the Council of the Republic.

The control powers of both houses of the National Assembly of the Republic of Belarus include:

1. Consideration of the early dismissal of the President of the Republic of Belarus in the event of persistent inability to exercise the powers of the President of the country due to health reasons.

2. Consideration of the removal of the President of the Republic of Belarus from office in connection with committing treason or other particularly serious crime (impeachment).

3. Consideration of interim decrees of the President of the Republic of Belarus which have the force of law.

In practice, only once did both houses decide to repeal the interim decree. However, later they changed their decision and took it into account.

The control powers of the House of Representatives are:

1. Consideration of the issue of consent to the appointment of the Prime Minister of the Republic of Belarus.

But, since the President of the Republic of Belarus has the exclusive right to initiate the candidacy of the Prime Minister, this essentially contradicts one of the basic requirements of modern parliamentarism - control over the executive branch.

2. Approval or rejection of the program of the activity of the Government of the Republic of Belarus.

3. Consideration of the issue of trust in the Government of the Republic of Belarus.

4. The possibility of expressing a vote of no confidence in the Government of the Republic of Belarus.

5. Appeal to the Constitutional Court of the Republic of Belarus with a proposal to give a conclusion on the conformity of laws of the Republic of Belarus, decrees, decrees of the President, by-laws and international treaties with the Constitution of the Republic of Belarus and international legal acts.

The control powers of the Council of the Republic are:

1. Consideration of decrees of the President of the Republic of Belarus on the introduction of emergency law, martial law, full and partial mobilization.

2. Cancellation of decisions of local Councils of Deputies that do not comply with the legislation of the Republic of Belarus.

3. Decision-making on the dissolution of the local Council of Deputies in the event of a their systematic or gross violation of the requirements of the legislation of the Republic of Belarus.

Thus, having analyzed some of the powers of the Parliament of the Republic of Belarus, having studied in detail the mechanism for exercising control powers, we can conclude that the stability of the system of government is ensured by the presence of balanced powers among state bodies and the presence of checks and balances between them.

All these characteristics are reflected in the Constitution of the Republic of Belarus with amendments and additions adopted in 1996 at a republican referendum, in the Law "On the National Assembly of the Republic of Belarus" and in the Rules of Procedure of the House of Representatives of the National Assembly of the Republic of Belarus. The adoption of these normative legal acts with their subsequent improvement and additions contributed to the formation of the Belarusian Parliament of a modern type.

The National Assembly of the Republic of Belarus was held in its constitutional mission as a representative and legislative body of the country. Therefore, we can conclude that parliamentarism has become an inalienable part of the political system of the Belarusian society.

Of course, as practice shows, there are quite a lot of problems in the work of the Belarusian Parliament that do not allow it to work more efficiently. There is a tendency towards the concentration of power between the President of the Republic of Belarus and the executive branch. In this regard, we reckon it is necessary to reconsider the position regarding the constitutional form of government that is optimal for Belarus and turn our eyes towards the parliamentary model. Such system makes it possible to prevent the concentration of state power in the hands of one person. Here it seems necessary to turn to history, namely to the times of the Grand Duchy of Lithuania, when the traditions of governance corresponded to the parliamentary model.

The effective functioning of the parliamentary form of government provides for:

- economic and socio-political stability;
- public consensus on fundamental values;
- a clearly structured and consolidated party system;
- an electoral system that stimulates the emergence of several strong political parties;
- democratic political culture of the ruling elite and counter-elite;
- deep-rooted traditions of democracy.

Of course, the modern Republic of Belarus does not fully comply with the above conditions, which is the main argument of the opponents of the parliamentary form of government, but in our opinion it is more correct to make changes now, rather than wait until the state to fully meet all the above criteria.

Also, it seems necessary to pay attention to the development trends of the Eastern European countries, which are striving from a communist past to a democratic future. Our state, by itself, will not remain aloof from this process. And it is the parliamentary system that, under certain conditions, is more favorable for the establishment of stable democracy than other forms of government.

Thus, we believe that the existing form of government in the Republic of Belarus does not correspond to modern realities. And if during the period when our state gained independence it was justified and necessary, now it seems necessary to further develop on the way of strengthening the role of parliament in the system of state bodies and, then, the transition to a parliamentary model of governance.

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