DOI https://doi.org/10.30525/2592-8813-2024-4-9

THE ROLE OF PARLIAMENTARY RULES OF PROCEDURE IN THE NORMATIVE SYSTEM OF CONSTITUTIONALISM: THEORETICAL AND LEGAL ASPECTS

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Abstract. The subject of the study is a theoretical and legal analysis of the role of Parliamentary rules of Procedure in the normative system of constitutionalism. **The methodology of the research** is based on a combination of general and special scientific methods, which were chosen with regard to the purpose and subject of the study. The dialectical method was used to study the existing trends in scientific knowledge of the role of the Rules of Procedure in parliamentary procedures, the development of parliamentarism and constitutionalism. The methods of analysis and synthesis were used to identify the areas of regulation devoted to the development of parliamentarism and constitutionalism. The hermeneutic method contributed to the interpretation of the content of the relevant constitutional and regulatory provisions. The systemic-structural method helped to identify the constituent parts of constitutionalism as a social system and to focus on the analysis of the type of regulatory regulation of state-political power relations in the area of the normative framework of constitutionalism. The application of the prognostic method allowed to identify possible directions of development of the legal regulation in the area of the normative framework of constitutionalism. **The purpose** of the study is to provide a theoretical and legal assessment of such a little-studied legal phenomenon as the role and place of parliamentary rules of procedure in the normative system of constitutionalism. **The results** of the study prove the crucial place of parliamentary rules of procedure in the regulation of procedural aspects of parliamentarism as a component of constitutionalism, demonstrate the dialectic of the role of the rules of procedure in various manifestations of the functioning of the institution of parliamentarism, and identify certain legal issues in this area. **Conclusions.** The role of Parliamentary rules of Procedure in the normative system of constitutionalism is primarily determined by their place in the constitutional regulation of state-political power relations and, more specifically, by their role in the system of parliamentarism. In this system, the Rules of Procedure play the role of a key legislative act of a procedural nature, which organises, systematises and integrates all parliamentary procedures and guides their implementation in accordance with the imperatives defined at the constitutional level. By mediating the activities of the parliament as a key institutional element in the system of constitutionalism, the rules of procedure facilitate the exercise by the parliament of the functions of accumulation and reflection of constitutional values, creation and development of the normative basis of constitutionalism, as well as the institutional basis of constitutionalism. By regulating parliamentary procedures in detail, the Rules of Procedure serve to limit and deter political arbitrariness, rationalise and systematise the activities of the legislature, promote its professionalisation and channel undesirable (anti-social, illegal) manifestations. In this sense, it fully fits into the normative system of constitutionalism as an idea, ideology and practice of limiting public power. By carrying out various political and legal tasks in the system of constitutionalism, it gives impetus to its functioning, contributes to the dynamisation and proceduralisation of constitutionalism as a whole. At the same time, it reproduces and consolidates the crucial role played by parliamentary procedures in the development of the national model of constitutionalism.

Key words: constitutionalism, Constitution of Ukraine, constitutionality, Verkhovna Rada of Ukraine, Rules of Procedure of the Verkhovna Rada of Ukraine, parliamentarism, parliamentary procedures, state-political relations of power.

Introduction. The national doctrine of constitutionalism is rapidly developing under the cross-influence of foreign scientific developments, practice of its implementation, interaction of global and national constitutionalism, historical traditions and legal innovations. It usually interprets consti-

tutionalism either as a concept of government limited by the constitution, which must be strictly observed and protected (guarded) (Krusian, 2005, p. 164), or as a triune unity of ideology, doctrine and practice of limited government (Boryslavska, 2015, pp. 247–256), or as a special (law-limited) regime of functioning of state power (Hordienko, 2021). Sometimes there are other less or more detailed definitions, full of clarifying elements or emphasising certain manifestations of constitutionalism, a number of which was provided by O. Batanov in his research (Batanov, 2024, pp. 36–37), so there is no point in discussing them separately.

In fact, most of these approaches look like either descriptive statements or formal "compliments" to ideal constitutionalism, largely due to the conjuncture of the "political moment" (Shapoval, 2005, p. 27). Rather, it is possible to state with confidence that the period of "storm and stress" associated with the ultra-fast, and therefore simplified, mostly axiological and politicised perception of constitutionalism by Ukrainian jurisprudence as a whole has passed, and that the first lessons on the actual implementation of the principles of modern European constitutionalism in the state and legal reality of Ukrainian state and law-making (Chernetska, 2023, p. 37) have been learned and applied in the course of constitutional and legal construction with varying degrees of success. In the future, it will be necessary to reconsider the path taken and outline rational directions for the development of constitutionalism in the national political and legal reality, in particular the latest framework of "military constitutionalism" (Baimuratov and Kofman, 2022, pp. 6–18; Savchyn, 2022), which determines both the direction and pace of reform steps, closely linking them to the post-war recovery of Ukraine.

Thus, a "commonplace" in both domestic and Ukrainian studies in recent years has been the insistence on the polymorphism and multi-layered (polystructural) nature of constitutionalism, the difficulty of covering it with one universal definition, etc. This allegedly serves as a kind of justification for the impossibility of reflecting its essence. At the same time, the constant clarification of the substantive core of this phenomenon is obviously a constant imperative of general theoretical jurisprudence and should be the normative guideline, which should be used to implement measures for the consistent and persistent introduction of constitutional elements into various areas of the legal and political system of Ukrainian society. Thus, the main attention should be paid to the normative basis of domestic constitutionalism, to the assessment of its readiness to fulfil its inherent tasks and to the promotion of the development of other components of this phenomenon.

Clarification of the strengths and weaknesses of the normative framework of national constitutionalism is important not in itself, but rather as a key to the rational design of further constitutional reform in the state, the optimisation of the constitutional process, which cannot be done without a clear understanding of the role of the relevant legal acts in the system of constitutionalism, the functions of their implementation, and the shortcomings of a doctrinal and praxeological nature that need to be addressed in order to ensure human rights and freedoms. The factor of significant adjustment of the relevant emphasis is the extreme legal regime of martial law (Vodiannikov, 2021, pp. 8–36), under which the state functions and which cannot but influence the direction and dynamics of constitutional and legal transformations in it.

As a special legislative act, the Rules of Procedure of the Verkhovna Rada of Ukraine function as a special source of law which, on the one hand, embodies the normative and institutional elements of constitutionalism in the field of parliamentary practice, fixing them in the form of groups of stable legal norms, and, on the other hand, directs their development at the level of parliamentarism, which is an integral part of any institutional structure of a modern constitutional regime. The role and place of this legislative act require substantial specification in the context of understanding the normative basis of modern constitutionalism on the example of domestic parliamentary institutions, structures and practices.

The state of research of the problem. Despite the fact that a large group of national scholars – legal theorists and constitutionalists (Y. Barabash, O. Batanov, D. Belov, O. Boryslavska,

O. Vasylchenko, O. Dashkovska, P. Yevgrafov, I. Zabokrytsky, O. Lotiuk, R. Maksakova, O. Martseliak, N. Mishyna, V. Nesterovych, M. Orzikh, V. Pohorilko, V. Riyaka, V. Rechytskyi, M. Savchyn, V. Serhiogin, I. Slidenko, T. Slinko, O. Sovhyrya, P. Stetsiuk, V. Shapoval, S. Shevchuk, Y. Shemshuchenko and others), the specifics of the normative framework of constitutionalism, in particular Ukrainian constitutionalism, remain poorly understood, especially at the level of specific legal acts. A certain exception to this is the Constitution of Ukraine itself as the Fundamental Law of the State (Chernetska, 2023, pp. 37–44), but insufficient attention is paid to the study of the role and place of other acts of constitutional legislation, in particular the Rules of Procedure of the Parliament, in the development of constitutionalism, which limits the interpretation of the normative side of constitutionalism to its substantive elements, with a certain downplaying of the importance of procedural components in its structure and development. Such an unsatisfactory state of research determines the urgency and necessity of filling this scientific gap in the context of a doctrinal approach that would, on the one hand, ensure the stability and durability of the category of contemporary constitutionalism, which would make it impossible to have double standards of understanding and choice of values in times of peace and war, and on the other hand would doctrinally substantiate the needs and ways of reforming the national mechanism of public authority, and would algorithmise the "mechanics" of ensuring human rights in the crisis conditions of martial law (Martseliak et al., 2023, c. 108).

The purpose of the article. The purpose of the article is to determine, on the basis of a combination of elements of positivist, natural law, sociological and legal, and discursive approaches, the specific role and place of the Rules of Procedure of the Parliament in the normative system of modern Ukrainian constitutionalism.

The Concept of the Normative Framework of Modern Ukrainian Constitutionalism

In our opinion, the normative basis of modern Ukrainian constitutionalism is a set of all legislative acts, the norms of which are in one way or another aimed at the limitation (self-limitation) of public power in favour of citizens, society, human and civil rights and interests in order to achieve (recognise, ensure, protect) the constitutional and legal freedom of the individual as the main constitutional value (Skrypniuk, Krusian, 2021, pp. 159–175).

Naturally, the Constitution of Ukraine, being the highest legal act in the hierarchy of legislative acts (part two of Article 8) (Constitution, 1996), occupies a central place in the normative system of constitutionalism and contains a number of conceptually important norms for the development of this system: Human rights and freedoms and their guarantees determine the content and direction of the activities of the State; the State is responsible to the individual for its activities; the establishment and safeguarding of human rights and freedoms is the primary duty of the State (part two of Article 3); no one may usurp State power (part four of Article 5); State power in Ukraine is exercised on the basis of its division into legislative, executive and judicial powers; the legislative, executive and judicial authorities exercise their powers within the limits established by the Constitution of Ukraine and in accordance with the laws.

General legal characteristics of the Rules of Procedure of the Verkhovna Rada of Ukraine

In the system of such legislative acts, a special place is occupied by a very specific and unique source of law for the Ukrainian legal system, i.e. the Rules of Procedure of the Verkhovna Rada of Ukraine, as they are aimed at regulating the procedure of the Parliament of Ukraine together with and alongside the Constitution (Shapoval, 2014, p. 164).

Unlike most other legislative acts, the Rules of Procedure are directly mentioned four times in the Constitution of Ukraine (parts five and nine of Article 83, paragraph 15 of part one of Article 85, part three of Article 88) (Constitution, 1996). Moreover, it is mentioned by its own name, which indicates the exceptional position of this legal act in the system of legislation mediating state-political power relations in the field of parliamentarism.

Of course, the distinction of the Rules of Procedure from other legislative acts at the level of the Basic Law is accompanied by a substantive definition of the scope of its legal regulation, which objectively raises both the status of this normative act and the relations it regulates. Such relations are mainly those related to the procedure of the Verkhovna Rada of Ukraine (Part Five of Article 83 of the Constitution of Ukraine), as well as to the establishment of the principles of formation, organisation of activity and termination of the coalition of parliamentary factions in the Verkhovna Rada of Ukraine (Part Nine of Article 83 of the Constitution of Ukraine) (Constitution, 1996). Thus, the regulation of relations covered by the concept of "the procedure of work of the Verkhovna Rada of Ukraine" is given constitutional significance. They are contained in the articles regulating the activities of the Verkhovna Rada of Ukraine, in particular the exercise of its constitutional functions and powers. In this way, the procedural side of the functioning of the institution of parliament is closely linked to its material side.

Moreover, on the basis of a systematic interpretation of the provisions of the Constitution of Ukraine, it is possible to come to the natural conclusion that the existence of the Rules of Procedure in the system of legislative acts, which constitute the normative basis of Ukrainian constitutionalism, is as obligatory as the existence of the Constitution of Ukraine in this system. After all, apart from the Constitution and the Rules of Procedure of the Verkhovna Rada of Ukraine, no other legal act can regulate the procedure of the Parliament of Ukraine. This is the exclusive function of the two legislative acts mentioned above, which are listed side by side in the text of the Basic Law. The fact that the Rules of Procedure, together with the Constitution, regulate the procedure of the Verkhovna Rada of Ukraine makes it impossible to transfer the tasks of legal regulation of such procedure to other legislative acts, except by amending the Basic Law of Ukraine. At the same time, the functional purpose of the Rules of Procedure of the Verkhovna Rada of Ukraine cannot be changed except by appropriate amendments to the Constitution of Ukraine. The fact that the procedure of parliamentary activity is regulated exclusively by the Constitution and the Rules of Procedure of the Verkhovna Rada of Ukraine is not accompanied by a clear delimitation of their respective spheres of competence. Such a distinction can be made only by analysing specific provisions of the Constitution and the Rules of Procedure of the Verkhovna Rada of Ukraine, or rather by their correlation. At the same time, the joint regulation of such a complex of relations means that from the constitutional point of view these relations have a special political and legal significance, which objectively elevates them in the system of constitutional relations and establishes a special legal stability of their regulation. Moreover, their constitutional regulation, together with the regulatory regulation, shows that the most important elements of this procedure of the Verkhovna Rada of Ukraine are defined in the Constitution of Ukraine itself, and all other components of this procedure should be regulated systematically in connection with the constitutional regulation exclusively at the level of the said Rules of Procedure on the basis of and in accordance with the Constitution. At the same time, "the Rules of Procedure regulating, in particular, the organisation and procedure of the Verkhovna Rada of Ukraine should be adopted exclusively as a law of Ukraine in accordance with the procedure established by Articles 84, 93, 94 of the Constitution of Ukraine for their consideration, adoption and entry into force" (Decision, 2009). A clear and unambiguous definition of the legal form of the Regulation makes it impossible to change this form except by amending the Constitution of Ukraine.

Based on the above, we can agree with the statement that the Constitution of Ukraine and the Rules of Procedure are the supreme sources of law on parliamentary procedure (Dissenting Opinion, 2009). Thus, the procedure of the Verkhovna Rada of Ukraine acquires a high constitutional significance as a normative basis for the functioning of the entire system of parliamentarism in Ukraine. Moreover, by their very existence, the Rules of Procedure clearly confirm the autonomous status of the Parliament: the procedure of its activity is regulated, together with the Constitution, by a separate, special legislative act, directly mentioned in the Basic Law, which has the status of law.

The Rules of Procedure of the Verkhovna Rada of Ukraine clearly correlate with the scope of functions and powers of the Parliament, proceduralise them, i.e. give them real dynamics, "animate" them and facilitate their constant implementation in the legal sphere of the state. Without it, these functions and powers would be "dead" norms, remaining only an attribute of the constitutional text. Their effectiveness, realisability and practical applicability are the result of the regulatory norms designed to ensure their implementation in the practice of relations of state and political power in the country. At the same time, the Rules of Procedure themselves do not regulate the functions and powers of Parliament, since this is the exclusive domain of constitutional regulation (the second part of Article 85 of the Constitution of Ukraine) (Constitution of Ukraine, 1996).

From this point of view it is worthwhile to find out what place the Rules of Procedure of the Verkhovna Rada of Ukraine occupy in the normative system of constitutionalism.

Correlation and mutual influence of constitutionalism and parliamentarism

Let us begin with some general remarks. For example, we generally agree that constitutionalism as a polysystem includes institutional (a system of interconnected and mutually balancing bodies that establish, develop, guarantee, protect and defend constitutionalism and its principles), axiological (a set of principles that are a concentrated embodiment of constitutional values and reproduce the nature and direction of development of the constitutional order of the state, establish their interrelationship and enable their legalisation) and normative (a system of objective legal norms aimed at regulating power relations, primarily constitutional, but not only) components, establish their correlation and enable their legalisation) and normative (a system of objective legal norms aimed at regulating power relations, primarily constitutional, but not only) components, as well as their practical implementation in a society organised for the purpose of optimal exercise of sovereign power, which naturally belongs to it in general and to each of its members in particular (Zabokrytskyi, 2015, p. 59). However, we need to make an important clarification: the three subsystems mentioned above do not constitute systemic integrity on their own. For this purpose, it is necessary to imagine together with them the functioning of the fourth component – the communicative system of constitutionalism, which integrates the above three into systemic integrity due to the existence of a system of legal relations (both direct and reverse) between its institutional, normative and axiological components. On the other hand, it is not enough to state a set of certain components of this system; one should move from such a statement to a thorough study of each of the components of constitutionalism, taking into account its systemic and structural organisation and the existence of systemic legal relations.

The structural organisation of constitutionalism as a practice of implementing constitutional ideas and values implies a coherent system of interacting institutions that form the institutional basis of constitutionalism. Among these institutions, we should first of all distinguish those whose tasks inherently include constitutionally significant tasks (functions). Such functions obviously cannot be outside the sphere of public power, although the scope of modern constitutionalism is no longer limited to the system of public power, as the current developments in the doctrine of social constitutionalism show (Golia, Teubner, 2021; Guenter, 2003; Savchyn, 2013, pp. 71, 87, 300).

If we resort to a more traditional interpretation, then the parliament should be considered among the bodies that develop, normatively ensure the development, protection and defence of the values of constitutionalism, as it is not only a body of popular representation and legislation, but also an institution that, figuratively speaking, "melts" constitutional values into constitutional norms and is responsible for their effectiveness and practical implementation at other levels of the normative system of constitutionalism.

The close institutional connection of parliament with constitutionalism is objectively manifested in the formation of a system of parliamentarism around the phenomenon of parliament, which provides a way of managing public affairs in which the key institutional and normative (law-making) roles belong to parliament as the only collegial body of national representation and legislative authority.

According to the well-known Ukrainian constitutional scholar V. Shapoval, this is a special system of interaction between the state and society, which is characterised by the recognition of the leading or special and rather significant role of the national collegial permanent representative body in the exercise of state power functions (Shapoval, 1997).

Parliamentarism produces the separation of powers and acts as its natural consequence. As such, it is systematically linked to constitutionalism, which includes the idea and practice of self-restraint and distribution of public power as one of the overarching constitutional ideas and practices. If the ideas of separation of powers arise at the level of constitutionalism, their implementation in the direction of creating an institutionally separate legislative body, which plays a significant role in the mechanism of public power, leads to the formation of a system of parliamentarism (Cheibub, Rasch, 2021, pp. 470–501). Thus, having the primacy in the formation and development of parliamentarism, constitutionalism is its ideological precondition, and parliamentarism itself as a set of practices of parliamentary activity is an institutional manifestation of constitutionalism. Parliamentarism arises in the bosom of constitutionalism, has a constitutional origin and develops in line with the development of the normative framework of constitutionalism (Batanov, 2022, pp. 250–261).

As O. Boryslavska argues, constitutionalism is the broadest context in which the institution of parliamentarism emerges, forms, changes and functions (Boryslavska, 2018, p. 51). In this sense, it is justified to consider and interpret the institution of parliamentarism as an element of constitutionalism (Boryslavska, 2018, p. 55). The synergetic relationship between the theory of modern parliamentarism, the principles of representative democracy and the basic institutions of the constitutional order is shown by O. Batanov (Batanov, 2024, pp. 36–42). This thesis is also supported by the widespread model that sees parliamentarism as a single and continuous chain of delegation and accountability of power, beginning with the voters and continuing through parliament, government and bureaucracy (Strøm, 2000, pp. 261–289). In the European model of constitutionalism, the constitutional system of government is based on the model of flexible separation of powers, which provides for rather broad powers of the legislature, which is responsible for forming the government and exercising control over its activities (Boryslavska, 2018, pp. 51–52). In this model, the main mechanism that explicitly reconciles all interests is the parliament, in which the subjects of delegated powers (voters) can remove their agents (MPs) from power in general elections, and MPs can vote to remove the government through a vote of no confidence. In this sense, with a few exceptions (Huber, 1996), scholars of parliamentarism assume a structurally cooperative or at least non-conflictual relationship between governments and parliaments; disagreements are temporary and can be resolved through an inbuilt institutional mechanism for conflict resolution.

Parliamentary functions and rules of procedure

As the national arena for the clash of political positions at the level of a unified and ordered discourse, the parliament is almost the only body that functions as an open and debating body, where the adoption of state decisions is preceded by a comprehensive discussion. Discourse is the alpha and omega of parliamentary work, except when it takes place behind closed doors. The discursiveness of the parliament directly affects the constitutional dimension of its existence, which reflects the specificity of its role in the system of constitutionalism.

The key constitutional function of parliaments is thus, in our view, a threefold task:

1) articulation (at the level of parliamentary discourse) and accumulation (selection and systematisation of the most significant constitutional values from the point of view of the need for their legalisation) of constitutional values and their textual reproduction (enshrinement) in the matter of the constitution of the state (which is usually drafted by parliaments either independently or together with specially created bodies – parliamentary or extra-parliamentary), which is prepared and adopted by the parliament (acting as a constituent authority, which was once noted in particular with regard to the Ukrainian parliament, namely;

2) taking into account, again at the level of discourse, the change in the balance of constitutional values and, as a result, the normative adjustment of the content of the Constitution of Ukraine through its amendment (which, according to the constitutions of the vast majority of countries, is carried out by the parliament either independently or together with the institution of a national referendum);

3) implementation of constitutional values, ideas, theories through consistent constitutionalisation of laws adopted by the Parliament as a legislative body (this embodies its role as a specifier of constitutional norms and values, a tool for ensuring constitutional dynamism and a "living constitution" (Balkin, 2012, pp. 1129–1160).

The difficulty in the realisation of these constitutional tasks by the Parliament lies in the correct interpretation of the need to amend the Constitution or to adopt a new Basic Law, as well as in the ways and methods of interpreting constitutional norms and ways of their detailing at the level of ordinary laws – in the course of the legislative procedure.

When adopting laws on the basis of the Constitution and in the course of its development, it is the Parliament, as a legislative body, that should primarily take care of their constitutionality, which is a key element of ensuring constitutional legality in the state (Podorozhna, 2017, p. 5). It should be recalled that in most countries the constitutional review of laws is carried out outside the initiative of constitutional courts – by other legal bodies, as in Ukraine. Meanwhile, the adoption of all laws (except for those sometimes adopted by referendum) is the primary task of the parliament. Therefore, ensuring the constitutionality of these laws is also a function of the parliament. This is the logic of the entire constitutional model of the state activity, whose main task is to establish and ensure human rights and freedoms, when their life and health, honour and dignity, inviolability and security are recognised as the highest social value (Moysyk, 2021, p. 74). Therefore, Parliament cannot and should not act arbitrarily and keep the legislative process outside the requirements and framework of the Constitution. On the contrary, the entire legislative process should be subject to the requirements of the Basic Law – "from beginning to end", i.e. from the birth of a legislative initiative to the adoption of a law and its implementation. The category of "constitutionality" of laws indicates the key role of Parliament in the formation of legislation, when the specification of the Constitution reflects the synthesis of the will of the Ukrainian people and the intention of the legislator, its key constitutional interest in the implementation of the norms and requirements of the Basic Law (Moysyk, 2021, p. 77). Thus, parliamentary laws should express the essence of the law in their content and also contribute to the disclosure of the 'invisible' content of the Constitution in order to consolidate the state and protect constitutionalism (Barabash, 2022, p. 123).

Instead, the unconstitutionality of the procedure for adopting a law is a normative distortion of constitutionalism, its nature, essence and purpose. At the same time, such a qualification of this procedure and its substantiated proof are sufficient grounds to apply to the Constitutional Court of Ukraine with a constitutional petition to recognise this law as not fully conforming to the Basic Law, even if there is not at least one unconstitutional norm in it. This approach was clearly confirmed by the decisions of the Constitutional Court of Ukraine in the cases on the all-Ukrainian referendum (decision, 26.04.2018) and on the principles of the state language policy (decision, 28.02.2018).

At the same time, in our opinion, the constitutionalisation of laws can and should find its external manifestation in the creation by the Parliament on the basis of the constitutional-power design and within its framework of a special institutional system responsible for compliance with the Constitution of Ukraine. In this constitutional model of power, the parliament plays a key role by virtue of its function as the only nationwide collegial body of people's representation, which accumulates key legislative, constituent and supervisory powers. It defines and directs the development of constitutionalism, provides its ideological basis, determines the main directions of the state's domestic and foreign policy, contributes to the establishment and balance of constitutional values (freedom and responsibility, freedom and equality, responsibility and proportionality, the sphere of privacy and the system

of positive obligations of the state, legal certainty and "space for reflection", "legitimate expectations" and the dynamics of state policy, etc.).

Finally, the parliament alone does not exhaust its constitutional function, and it continues in parliamentary control (Krusyan, 2022, pp. 295–297). It exercises it in accordance with the activities of the executive authorities, i.e. in accordance with how the instructions of the parliament contained in the constitution and laws of the state are implemented in real life. We consider the limitation of parliamentary control by the subordinate sphere of rights to be an unjustified restriction of parliamentary competence: the executive authorities apply not only laws, but also the Constitution, especially where and when the latter is given direct effect, as in the Constitution of Ukraine (Article 8) (Constitution, 1996). The direct effect of constitutional norms requires their application regardless of the presence or absence of legislative provisions specifying them; direct recourse to the courts for the protection of rights and freedoms provided for by constitutional norms is guaranteed; no one has the right to be denied justice on the basis of the norms of the Constitution of Ukraine. This means, among other things, that the executive is obliged to act within the legal framework of the Constitution of Ukraine, which is outlined and constantly clarified by the Parliament of Ukraine through its laws. With this approach, all legislation is perceived not as an abstract body of law detached from the Constitution, but as a clearly structured regulatory complex under the influence of constitutional norms in their systemic connection, created, updated and functioning on the basis of and in accordance with the Constitution of the State, in accordance with constitutional doctrine.

However, the functioning of the institutional subsystem of constitutionalism is far from being exhausted by the parliament alone. It should rightly include the people as the sole bearer of state sovereignty, the main informal guarantor of the constitution and its principles, presidents (heads of state) as the formal guarantor of constitutions, their observance and development, constitutional judicial bodies providing subsequent constitutional control in the area of legislation and preliminary control in the area of constitutional legislation, as well as all subjects of the right to appeal to constitutional courts with submissions on the constitutionality of regulatory acts. The main thing is that Parliament plays a decisive, leading role in this system and actively interacts with other components of the institutional system of constitutionalism, fulfilling its own tasks in the formulation of its regulatory system, its protection and defence, control over the activities of the executive in this direction, etc.

The implementation of the constitutional tasks of the parliament, the formation and development of parliamentarism are based on a system of interacting substantive and procedural norms, which constitute the substantive core of parliamentarism. At the same time, it is pointless to seek the primacy of either substantive or procedural law in the development of parliamentarism. If we understand it as an effective, functioning and changing structure of institutional relations and normative models, then it is natural that the set of relations mediated by the concept of parliamentary procedures comes to the fore. The latter play a decisive role in structuring the real institution of parliamentarism, because they reflect its functional part, its dynamics.

The quintessence of the normative array in the regulation by parliament of the normative elements of constitutionalism is regulatory regulation, i.e. the presence in parliament of an ordered system of procedural norms that imperatively mediate the organisation of parliament as an institution of public power, intra-parliamentary relations between the subjects of parliamentary procedures, as well as extra-parliamentary relations with other subjects of state and political power. Such a dual focus of regulatory regulation is somehow reflected in the content of special codified legal acts that regulate parliamentary procedures – parliamentary regulations.

Thus, regulation, in a metaphorical sense, proceduralises and thereby dynamises constitutionalism and parliamentarism, turning these two phenomena into truly functioning phenomena with an immanent logic of implementation of the prescriptions contained in them. From a formal and legal point of view, it is a procedural source of constitutional law, which to a large extent details the norms of the

Constitution; it defines in detail the procedure for the work of a single legislative body; with an auxiliary, derivative meaning in relation to the Constitution, it details constitutional provisions, specifying the procedural forms of their practical implementation (Markus, 2009).

The focus of the Regulations, as already noted, is the procedure for organizing and operating the parliament. It is the subject of regulation of this legislative act. However, according to the well-known Hungarian researcher A. Sajó, constitutionalism embodies a set of principles, procedures and institutional mechanisms that are traditionally used to limit state power (Sajó, 1999, p. 31). Thus, the center of constitutionalism as a normative system is the procedure for operating the relevant public authorities. This confirms the organic involvement of parliamentary regulations among the acts that regulate the procedure for operating the public authorities.

It should also be recognized, given the real scope of regulatory regulation, that the current notion of parliamentary regulations as an act that regulates exclusively intra-parliamentary relations does not fully take into account the realities of this regulation. No less important, along with intra-parliamentary relations, is the complex of extra-parliamentary relations, which are implemented in the sphere of the implementation by the parliament of its constituent, legislative and control functions. In all these cases, parliamentary procedures cover, along with purely parliamentary ones, a number of other extra-parliamentary subjects of state and political relations of power – the president, the system of executive and judicial bodies, sometimes local self-government bodies, bodies of special constitutional competence that do not fit into the classical triad of power. More and more regulatory norms are aimed at interaction with the public, and this is by no means limited to the sphere of the legislative process, as evidenced in particular by the institutionalization of electronic petitions (Romanchuk, 2020, pp. 13, 15, 17–18) and the incomplete development of this regulatory institution in Ukraine.

As the regulatory regulation develops, there is an increasingly wider coverage of both intra-parliamentary and extra-parliamentary relations by regulations. In the first case, the expansion of regulatory regulation occurs in the sphere of activity of deputy factions and groups, inter-faction relations, relations between deputies, factions and the apparatus of the parliament, while in the second case, such expansion takes place due to the expansion of the sphere of parliamentary control, the detailing of legislative procedures, the greater casuistry of the procedures for the formation of state power bodies by parliaments and the appointment of certain officials to the relevant positions, as well as their dismissal. Along with this, parliamentary regulations concentrate in their structure the norms relating to both the ordinary legislative process and amendments to constitutions, and sometimes even to the participation of parliaments in the adoption of new constitutions, to the exercise by parliaments of the role of supervising the implementation of constitutional norms by executive bodies through various mechanisms of parliamentary control, etc. At the same time, the effectiveness and efficiency of regulatory regulation currently need to be increased in order to ensure the sustainable development of modern Ukrainian constitutionalism (Krusyan, 2022, p. 297).

Conclusions. As can be seen from the above, the role of parliamentary regulations in the regulatory system of constitutionalism is primarily determined by their place in the constitutional and legal mechanism of regulation of the state-political power relations and, more specifically, by their role in the system of parliamentarism. In this system, the Regulations play the role of a key legislative act of a procedural nature, which provides formal certainty, organises, systematises and integrates all parliamentary procedures and directs their implementation in accordance with the requirements defined at the constitutional level. Thanks to it, the activities of the parliamentary institution as a whole are largely formalised and "algorithmised", becoming predictable and normatively regulated.

By mediating the activities of parliament as a key institutional element in the system of constitutionalism, the Rules of Procedure contribute to the legislative body's performance of the functions of accumulation and reflection of constitutional values, creation and development of the normative basis of constitutionalism, as well as ensuring the functioning of the institutional basis of constitutionalism.

By regulating parliamentary procedures in detail, the Rules of Procedure play the role of a legal limiter and deterrent to political arbitrariness in Parliament, streamline and systematise the activities of the legislative body, contribute to its professionalisation and channel undesirable (anti-social, illegal) manifestations. In this sense, it fully fits into the normative system of constitutionalism as an idea, ideology and practice of limiting public power.

By implementing such tasks in the system of constitutionalism, the Rules of Procedure give the latter a powerful impulse to function, contributing to the dynamisation and proceduralisation of constitutionalism as a whole. At the same time, it reproduces and consolidates the decisive role played by parliamentary procedures in the development of the national model of constitutionalism. As a relatively stable conglomerate of legal norms, the regulation significantly stabilises the development of constitutionalism and ensures its integration into the system of parliamentarism in the state.

The growth of the role and importance of regulations in the system of constitutionalism is an objective legal process that reflects general patterns and trends towards a gradual increase in the attention of legislators to the procedural aspects of democratic political and legal development, awareness of the need to "equip" (and strengthen) the axiological and institutional elements of constitutionalism with a reliable regulatory framework in which the substantive and procedural components would be clearly and consistently balanced. Therefore, the role of this legislative act in the context of the regulatory framework of modern constitutionalism requires further specification on the example of a thorough analysis of both domestic and foreign parliamentary institutions, structures and practices.

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