

Normative issues of moral and political responsibility in Ukraine

Проблеми нормативного забезпечення морально-політичної відповідальності в Україні

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moral and political responsibility, political ethics, civil morality, legal regulation, transitive society.

Ключові слова:

морально-політична відповідальність, політична етика, громадянська мораль, законодавче регулювання, перехідне суспільство.

Responsibility is an integral part of any action of a political subject. This concerns not only the results or consequences of political activity, but also the motives, intentions and plans for its realization. Relations in contemporary political systems develop in such a way that the decision-making process of political actors depends on their awareness of their responsibility for specific actions and deeds. Political responsibility in perspective, especially its implementation, may significantly differ from its impact on the official at the time of exercising their powers, or the way in which citizens are aware of their responsibility during the election. The dynamic nature of responsibility in the context of current political processes has affected both its interpretation by political actors and its functions. There is gradual expansion of the conventional meaning of political responsibility as a means of controlling the activities of political subjects in accordance with the laws and norms existing in a certain society. In modern politics, responsibility becomes a special instrument of political pressure and the principle of competition of political forces. For example, an opposition party in the parliament may use institutions of political responsibility to influence the majority party or the government. The basis for this may be purely political interests, not the public demands. An important role in these processes belongs to involvement of the moral component to the sphere of political responsibility. This has become the basis for formation of a special type of responsibility of political actors – moral and political responsibility. This type of political responsibility reproduces not only formal interaction between state and civil society, but also informal relations between different social groups and persons exercising public functions. Moral and political responsibility of political subjects depends on the parallel development of state institutions, political culture and civil morality. The fact that political responsibility combines constitutional and ethical standards reflects the challenges of the modern political system. Such institutions of public life as morality and ethics begin to operate within this system. This is due to the inefficiency of purely political rules and norms in certain situations where methods of "political game" go beyond the principles of social stability.

The concept of moral and political responsibility could hardly be new to political science. However, the traditional problem of moral responsibility of political actors does not reproduce all the details of today's politics as a professional and specialized activity. This is confirmed by the change in values and interpretation of responsibility in the context of regulation of political interaction. The emergence of the concept of moral and political responsibility is directly connected with the modern approach to the analysis of categories of responsibility and its types. Currently, responsibility in the society is characterized by a complex structure that affects its theoretical understanding. Hans Lenk notes that "the concept of responsibility is relational; it is a theoretical or interpretive construct designating at least a five-place relation: a person is responsible for something, with respect to another person, in view of a standard, and with regard to some authority"¹. Such structure of the concept of responsibility reflects the relationship between its purpose and the means by which it can affect a person. An important role in the relations mentioned by Lenk belongs to the understanding by a social subject of responsibility to others and formation of their own attitude to specific standards, regulatory authorities and even respect for them.

¹ Lenk H. Progress, Values, and Responsibility / H. Lenk // Society for Philosophy and Technology. – 1997. – № 2. – P. 113.

Responsibility functions only if the necessary standards are part of the awareness and worldview of a subject of social action. Responsibility reflects the dynamic nature of the normative system and its ability to adapt in the context of social development. For instance, the rules of social life in early 21st century are significantly different from the principles and rules of social behavior that characterized the first half of the 20th century. This applies to any activity, especially politics, where the absence of principles of responsibility for certain political actions implies a need to improve the relevant normative system. Thus, responsibility in modern social interpretation can be defined as “a concept that can be expressed within a relational attributive norm (controlled expectation of action and behaviour)”². Responsibility is not just the object of legal relations; it provides real functioning of standards in public life. Identification of a normative aspect of social responsibility creates the problem of correlation between the norms of public morality, norms of group ethics, rules of law etc. There is also another collision of responsibility: how different systems of principles and rules interact within individual, corporate and public consciousness? Is the balance between personal and collective responsibility not breached due to such delimitation? These contradictions can be addressed only through a combination of different types of responsibilities to improve the mechanisms for implementing separate but compatible normative systems. One of the examples is moral and political responsibility.

In the system of government bodies a conflict of interest is complemented by determination of dominant norms for political responsibility (law, ethics, corporate ethics, etc.). John Uhr asserts: “There can be conflicts of responsibility as well as conflicts of interest, where competing ethics of political responsibility clash”³. Interaction between government bodies is characterized by a huge range of ethical systems for particular purposes. This refers to parliamentary ethics, rules of conduct and activity of members of the government (cabinet), party ethics, codes of conduct for public officials, individual moral principles and generally accepted principles of public morality. They all can be implemented through institutions of political accountability, which in turn forms the ethics of political responsibility. For example, the ethics of political responsibility of the government reproduces both the corporate norms and rules of constitutional law, and moral principles of holding the government accountable for exercising political functions. The conflict of responsibilities accompanies the whole process of operation of responsibility: from selection of norms to characterize political actions or behavior to implementation of accountability through special institutions and sanctions. Accordingly, the activities in the field of state functions are the object of constitutional law, criminal, moral, political and corporate responsibility.

The fact that there is a contradiction in selecting responsibility for the actions of a government entity usually leads either to a lack of appropriate sanctions or fails to fully implement political responsibility (individual or group of individuals may continue to exercise political actions or even be involved in state bodies). Attention should also be paid to the fact that the behavior of public officials does not always fall within the scope of legal and political responsibility. It is moral and political responsibility that combines in its object the acts and behavior of political actors and is based on legal and moral norms, political principles and rules, corporate and group ethics.

In order to make the formation of moral and political responsibility to serve the basis to overcome the conflict of responsibilities of the political subject, interaction of ethical norms of political responsibility is required. The principles of social morality with respect to political activity should be reflected in the norms of collective ethics of the main political groups. The development of corporate standards of political parties and the State depends on this. If the society uses the opportunity to improve that part of morality, which operates in politics, quite likely is the high level of responsibility of state representatives in the context of corporate ethics. Norm Keith remarks that “corporate accountability has been largely driven by moral panic rather than encouragement of social responsibility”⁴. Moral pressure on political parties and representatives of the state on the part of the civil society transforms corporate ethical and political norms on the basis of political responsibility, or rather moral and political responsibility. Its realization in the interaction between the civil society and the state is a requirement for the formation of special regulations within the law. This is exemplified by the Code of conduct for MPs (Approved by the House of Commons on 12 March 2012 and 17 March 2015), which defines the basic eth-

² Lenk H. Responsibility and Technology / H. Lenk, M. Maring // *Argumentos de Razón Técnica*. – 2002. – № 5. – P. 260. – [Electronic resource]. – Mode of access : http://institucional.us.es/revistas/argumentos/5/art_10.pdf.

³ Uhr J. Professionalizing Corruption? Investigating Professional Ethics for Politicians / J. Uhr // *Corruption: expanding the focus* / M. Barcham, B. Hindess and P. Larmour. – Canberra : ANU ePress, 2012. – P. 135.

⁴ Keith N. Evolution of corporate accountability: from moral panic to corporate social responsibility / N. Keith // *Business Law International*. – 2010. – 11:3. – P. 258.

ical rules of conduct and activities of the Members of House of Commons of the United Kingdom⁵. Availability of the norms of this Code allows to implement the moral foundation of political responsibility. This is especially true for normative regulation in the event of political scandals. By the way, political scandals remain outside the practices of normative support of accountability of political subjects in Ukrainian society and have no adequate theoretical definition in Ukraine's political science.

One of the causes of development of moral and political responsibility is creation of a value system within the political system. Basic democratic principles gradually transform into social values (free and open elections, freedom of speech, equality before the law, etc.), and disregard to them can lead to serious institutional changes. Such values are provided by legislation of many countries, and compliance with them is an important aspect of activities of a civil society. Garrath Williams draws attention to the fact that "the virtue of responsibility, in turn, depends on basic features of our moral agency – to move between different frames of reference, between past and future"⁶. Responsibility as a value has more informal, moral reflection in the social awareness of legal principles of its realization. This is because the legal norms of responsibility will apply only if they are perceived by the subject of social relations. Political responsibility also becomes of valuable importance in modern society because of the threat of its use only as a means of political competition. Political activities pose a much greater opportunities for avoiding responsibility than any other kind of social activity. Therefore, there is a constant need for normative moral values and ensuring political responsibility. Instead, moral and political responsibility serves for controlling the compliance with constitutional legal norms by political actors on the basis of various branches of political ethics.

In addition to theoretical and scientific papers, basic legal acts of Ukraine related to the field of moral and political responsibility are used to analyze the subject of the article. Among them, one should single out the Law of Ukraine "On Rules of Ethical Conduct" (ed. 2013) and the Law of Ukraine "On State Service" (ed. 2016), directly related with the norms of political ethics and principles of activities of representatives of the legislative and executive branches.

The last ten years is a period of many institutional reforms to the political system of Ukraine. Changes in various areas of political life of the Ukrainian society are permanent, which is reflected in the absence of traditional forms of political interaction. For instance, one can say that Ukraine still has an emerging system of checks and balances between the highest bodies of state power. This is facilitated by periodic constitutional reforms that involve changing the normative foundations of the state bodies. Flexibility and "agility" of the party system are distanced from public interest and are characterized by the absence of party ethics rules. In fact, the main political forces in Ukraine ignore the need to establish a system of party discipline, ethics and sustainable principles. The Ukrainian civil society only gradually develops institutions of cooperation and interaction with the state and its representatives. This has resulted in lack of regulated means for implementing political responsibility of officials in many situations. This results in constant violations of basic political principles for public morality and corporate ethics, both within the state mechanism, and within the civil society. Democratic transit in Ukraine also requires the formation of particular "mechanisms to help activate ethics"⁷ (Stevulak & Brown, 2011, p. 99) in the field of public power. The development of forms of moral and political responsibility could promote stability of the political system in Ukraine. However, one should pay attention to a number of problems that arise in implementing this type of responsibility in political life of the Ukrainian society.

One of such problems can be determined in the context of correlation between the norms of morality and political activity, rules of law and principles of direct political engagement. On the one hand, contemporary political processes in Ukraine indicate that the formation of moral and political responsibility is an ethical necessity for the society at large. On the other, there are actually no legal grounds for this, as the ethico-political rules and principles are not consistent with each other and are at different levels of development and systematization. In many cases, there occurs a contradiction between the norms of public morality, corporate ethics and regulatory acts in the field of politics. There are a number of features to address the problem of normative inconsistencies in the field of moral and political responsibility in Ukraine. In 2006, the President of Ukraine issued a Decree "On

⁵ The Code of conduct together with the guide to the rules relating to the conduct of members (Code of conduct for MPs, Ordered by the House of Commons to be printed on 18 March 2015) / House of Commons of the United Kingdom [Electronic resource]. – Mode of access : <http://www.publications.parliament.uk/pa/cm201516/cmcode/1076/1076.pdf>.

⁶ Williams G. Responsibility as a Virtue / G. Williams // *Ethical Theory and Moral Practice*. – 2008. – № 11:4. – P. 22. – [Electronic resource]. – Mode of access : http://eprints.lancs.ac.uk/765/1/Responsibility_ETMP_publication_text.pdf.

⁷ Stevulak C. Activating Public Sector Ethics in Transitional Societies. The Promise of Integrity / C. Stevulak, M. P. Brown // *Public Integrity*. – 2011. – № 13 (2). – P. 99.

the Concept of the Development of Legislation on State Service of Ukraine”, which actually approved the current version of this concept. Among the principles of “improvement of legal regulation of public service”, it singles out “strict adherence to the rules of law, ethical norms and rules of conduct by civil servants...”⁸. However, this regulation contains no provision as to liability for violation of this principle. Despite the fact that the Ukrainian society has quite pretentious attitude to the moral image of the public service, the ethical aspect of official activity is still provided on an informal level only. Of course, the concept approved by the President contains general principles for improvement of the legal framework for controlling the activities of public officials. However, there is an immense probability that the uncertainty in matters of responsibility of officials can play an adverse role in developing the mechanisms of mutual realization of norms of morality and law with regard to professional political actions.

Formation of a uniform normative and legal system for regulation of activities of civil servants is an important step in the development of the state mechanism of Ukraine. Most of the provisions of the “Concept of the Development of Legislation on State Service of Ukraine” are currently implemented in political practice. The principle of adherence to moral and ethical rules of conduct and legislation might provide the basis for moral and political responsibility in the system of civil service of Ukraine only subject to its integration into the political consciousness and culture of state representatives. Persons appointed to their posts, as well as representatives of elected authorities did not welcome this process. Therefore, there is a need for formal consolidation of ethical and moral standards for public officials at the legislative level. This resulted in the improvement of the Law of Ukraine “On State Service” № 3732-12 and wording of this act in 2015 (expired on 1 May 2016), where Article 5 (Section 1) was dedicated to “Ethics of civil servants”⁹. Although the formulation of this article is quite general, but the identification of the concept of ethics of a civil servant in a legislative act plays an important role in provision of not just moral control, but basis for political responsibility. Article 5 of the Law of Ukraine “On State Service” (№ 3732-12, expired, ed. 2015) defines the object of moral and political responsibility of officials: “A civil servant must ... avoid actions or behavior that may harm the interests of public service or adversely affect the reputation of the civil servant”¹⁰. The current and valid wording of the Law of Ukraine “On State Service” (№ 889-19) was adopted on 10 December 2015 according to the new vision of state service reform. The specific of this wording is that the rules of ethical conduct are defined by legislators as the direct normative foundations of “disciplinary responsibility” in the sphere of state service. However, this version of professional standards of state servants lost separate article “Ethics of state servant behavior” and its positions were distributed to various articles. Today, the Law of Ukraine “On State Service” contains the Section 2 “The foundations of disciplinary responsibility” which defines the main grounds (article 65) and sanctions (article 66) for implementation of disciplinary responsibility in the moral and political context¹¹. This is an important step on the way of implementing moral and political responsibility of state servants, but above-mentioned norms are inefficient in the conditions of political system of Ukraine. The main reason of such regularity is the absence of constitutional traditions and precedents for the interaction of civil values and principles of political ethics.

Thus, we face the following problem of moral and political responsibility in Ukraine: formation, systematization and realization of standards of corporate ethics in politics. First, it should be noted that the Ukrainian society is not characterized by stable and long tradition of corporativism in political ethics. This is due to the post-Soviet experience of revaluation of norms of political activity without creation of an alternative system of principles and rules of political ethics. Normative corporativism is rather slowly introduced into Ukraine's political system, also because the public is not adapted to political values of developed democracies. Therefore, the development of corporate ethics of representatives of state power is caused not just by moral pressure on the part of community groups. There is a “purely political need to dramatically increase attention to the moral aspect of public service. It is caused by a serious and dangerous (even under conditions of limited democracy) mistrust of the public to officials”¹².

⁸ Decree of the President of Ukraine “On the Concept of the Development of Legislation on State Service of Ukraine” № 140/2006, 20 February 2006 [Electronic resource]. – Mode of access : <http://zakon2.rada.gov.ua/laws/show/140/2006>.

⁹ Law of Ukraine “On State Service” № 3732-12, expired (ed. 2015) [Electronic resource]. – Mode of access : <http://zakon4.rada.gov.ua/laws/show/3723-12>.

¹⁰ Law of Ukraine “On State Service” № 3732-12, expired (ed. 2015) [Electronic resource]. – Mode of access : <http://zakon4.rada.gov.ua/laws/show/3723-12>.

¹¹ Law of Ukraine “On State Service” № 889-19, 10 December 2015 Edition [Electronic resource]. – Mode of access : <http://zakon5.rada.gov.ua/laws/show/889-19>.

¹² Obolonskiy A. Morality as the Determinant of Political behavior (Мораль как детерминанта политического поведения) / A. Obolonskiy // Политическая концептология: журнал метадисциплинарных исследований. – 2009. – № 2. – P. 131.

Civil servants perform their duties as a group of people performing specialized political activities. Moral and political responsibility of such political subjects can be called corporate. Ukraine has a special legal act for organizational regulation within the official sector: Order of the Main Department of State Service of Ukraine "On Ratification of General Rules of Conduct for State Officials" (2012). This act reflects the corporate rules and rules for activity of officials at all levels of public administration¹³. In fact, it is an internal document of an official state organization that defines "internal accountability for the external effects of corporate activity on society"¹⁴. Thus, moral and political responsibility based on Order "On Ratification of General Rules of Conduct for State Officials" allows preventing violations of norms of public morality by public officials in the exercise of their powers. A legal act of this kind is a vivid example of creation of a normative system of political and ethical principles of behavior within the state structure, rather than through an "external" control body.

Of special importance is the fact that the Order of the Main Department of State Service of Ukraine "On Ratification of General Rules of Conduct for State Officials" determines (in a regulated manner) a conflict of interests typical for relations of moral and political responsibility, as well as methods to overcome it. For instance, paragraph 3.1. of Part 3 "Settling conflict of interests" specifies: "Civil servants shall take measures (within their authorities) to prevent conflict of interest namely the contradiction between personal interests and official powers, whose presence could affect the objectivity or impartiality of decision-making..."¹⁵.

The dominance of service authority in activities of a civil servant is provided by adapting the norms of public morality to specifics of this type of political activity. Despite the specification of principles and rules of corporate ethics of civil servants, this regulation does not guarantee full implementation of moral and political responsibility in the field of civil service of Ukraine. An obstacle to this process is not the closed nature of the application of principles of professional ethics, but the lack of will to adhere to corporate standards and non-awareness of liability for such activity. This is complemented by a possibility to avoid liability based on close relationship and arrangements between representatives of the public sector of state power.

Shortcomings in the above-mentioned legal acts initiated a search for new ways to ensure corporate ethics of state representatives. The most of wordings of the Law of Ukraine "On State Service" did not always meet the temporal requirements for development of new principles of activity of civil servant. As a result, the formation of relations of moral and political responsibility in Ukraine is still connected with the problem of identifying those activities and actions of representatives of the State or official groups that may be the object of such responsibility. For instance, there arises a question, "How should principles and mechanisms of implementing responsibility of appointed and elected officials differ in the context of their compliance with norms of the particular sphere of political ethics?" Interestingly, there was an attempt in Ukrainian legislative practice to create a unified system of ethics and conduct for persons performing public functions. In 2006, the Main Department of State Service of Ukraine developed a Draft Law of Ukraine "Code of Ethics for Persons Authorised to Perform State Functions", which in August 2007 was commented by specialists of the Council of Europe Directorate of Cooperation and Directorate General of Human Rights and Legal Affairs¹⁶. This comment was based on a joint program of the Council of Europe, the European Commission and the Ukrainian higher state authorities with respect to combating corruption in Ukraine. The main purpose of considering the draft Code of Ethics was to compare it with European tradition of systematization of political ethics, and to identify the characteristics and specific gaps that could adversely affect the responsibility of state representatives. The draft Code of Ethics itself was improved and submitted in 2008 to be considered by the parliament of Ukraine at the initiative of the Cabinet of Ministers as the Draft Law of Ukraine "On Ethics for Persons Authorised to Perform State Functions, Local Authorities"¹⁷.

¹³ Order of The Main Department of State Service of Ukraine "On Ratification of General Rules of Conduct for State Officials" № z1089-10, 9 November 2012 Edition [Electronic resource]. – Mode of access : <http://zakon3.rada.gov.ua/laws/show/z1089-10>.

¹⁴ Keith N. Evolution of corporate accountability: from moral panic to corporate social responsibility / N. Keith // *Business Law International*. – 2010. – 11:3. – P. 248.

¹⁵ Order of The Main Department of State Service of Ukraine "On Ratification of General Rules of Conduct for State Officials" № z1089-10, 9 November 2012 Edition [Electronic resource]. – Mode of access : <http://zakon3.rada.gov.ua/laws/show/z1089-10>.

¹⁶ Draft Law of Ukraine "Code of Ethics for Persons Authorised to Perform State Functions" (Support to Good Governance: Project against Corruption in Ukraine UPAC) / Council of Europe and European Commission. Council of Europe Directorate of Cooperation and Directorate General of Human Rights and Legal Affairs (Comments prepared by J. Czaputowicz and M. Niemivuo) [Electronic resource]. – Mode of access : [http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/UPAC/PC-TC%20\(2007\)%2010%20ENG%20Aug%2007.PDF](http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/UPAC/PC-TC%20(2007)%2010%20ENG%20Aug%2007.PDF).

¹⁷ Draft Law of Ukraine № 2362: "On Ethics for Persons Authorised to Perform State Functions, Local Authorities" / Verkhovna Rada of Ukraine, 2nd Session of Sixth Convocation, 10 April 2008 [Electronic resource]. – Mode of access : http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?id=&pf3516=2362&skl=7.

In all wordings this draft law addressed the problem of the object of liability for violation of its provisions. In his comments to the draft Code of Ethics, Jacek Czaputowicz draws attention to the fact that the effect of the corresponding regulation could cover a quite extensive list of persons: "The specific feature of the Ukrainian draft Code of Ethics is that it applies not only to civil servants, but also to persons discharging political functions, i.e. ministers, parliamentarians and deputies of local bodies"¹⁸. If the scope of the code of ethics applies to persons performing purely political functions, this means the inevitability of political responsibility in case of violation of norms and principles of this act. In fact, this refers to moral and political responsibility, and the draft Code of Ethics, if adopted, could become a direct system of normative legal principles for this type of responsibility in Ukraine. However, the systematization of rules and principles of activities of officials in a single act complicates the procedure of implementing moral and political responsibility within specific state bodies and non-governmental organizations. Even if the Draft Law of Ukraine "Code of Ethics for Persons Authorised to Perform State Functions" is approved, the highest level authorities could not avoid the need to create special normative systems of ethics, behavior and interaction to ensure accountability within a particular element of the state mechanism. If, according to Nicholas D'Ombrain, "every relationship within government and every government organization is shaped by ministerial responsibility"¹⁹, interaction in the parliament is controlled by mechanisms of responsibility for parliamentarians and factions, and accountability of the parliament before another body (e.g., the head of state). Therefore, each state body has its "own" characteristic type of moral and political responsibility. This is due to the fact that representatives of different state bodies have different responsibilities to the public and must comply with various moral requirements to their activities. It should be also noted that the specificity of work of parliamentarians and ministers is significantly different, which influences the intragroup ethical principles of their activities this way or another. The latter act as one of the foundations of moral and political responsibility of representatives of higher public authorities, regardless of whether its principles have formal or informal nature.

Thus, among the conditions for development of moral and political responsibility in Ukraine are regular attempts of legislative authorities to create a single regulation on ethics for state representatives. That said, the need for its elaboration into a special code for every representative and government body emerges from the legislative process. This calls into question the will of Ukraine's political forces regarding the feasibility of moral and political responsibility as a measure of public trust to anyone endowed with public functions. Despite a rather complicated process of integrating political ethics to the legislative process of Ukraine, the Verkhovna Rada adopted the Law of Ukraine "On Rules of Ethical Conduct". Although this law functioned as a direct legal basis for moral and political responsibility in the Ukrainian system of state power, it expired in October 2014. The Law of Ukraine "On Rules of Ethical Conduct" can be considered a *sui generis* analog Draft Law of Ukraine "On Ethics for Persons Authorised to Perform State Functions, Local Authorities". Thus, Article 2 "Subjects Covered by this Law" specifically singles out heads of all branches of government, ministers, MPs, representatives of elected and appointed local executive bodies²⁰. It should be mentioned that this Act contains Article 3 "Legal Regulation of Relations with Respect to Ethical Conduct" and Article 18 "Liability for Violation of Ethical Conduct" which secure (on the legal basis) the normative principles for political responsibility grounded on moral and ethical rules²¹. Today, the narrow principles of Law "On Rules of Ethical Conduct" are the part of Ukrainian anti-corruption legislation. For instance, the Law of Ukraine "On Prevention of Corruption" (ed. 2016) contains the separate Section "Rules of Ethical Conduct" (Articles 37-44) that actually is the brief list of ethical regulations adopted earlier in expired Act²². At the same time, the problem of implementation of ethical standards for politicians as representatives and civil servants continues to exist, that is primarily caused by a rather abstract legal definition of liability for breach of such principles.

¹⁸ Draft Law of Ukraine "Code of Ethics for Persons Authorised to Perform State Functions (Support to Good Governance: Project against Corruption in Ukraine UPAC) / Council of Europe and European Commission. Council of Europe Directorate of Cooperation and Directorate General of Human Rights and Legal Affairs (Comments prepared by J. Czaputowicz and M. Niemivuo) [Electronic resource]. – Mode of access : [http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/UPAC/PC-TC%20\(2007\)%2010%20ENG%20Aug%2007.PDF](http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/UPAC/PC-TC%20(2007)%2010%20ENG%20Aug%2007.PDF).

¹⁹ D'Ombrain N. Ministerial Responsibility and the Machinery of Government / N. D'Ombrain // Canadian Public Administration. – 2007. – № 50 (2). – P. 205.

²⁰ Law of Ukraine "On Rules of Ethical Conduct" № 4722-17 expired (ed. 2013) [Electronic resource]. – Mode of access : <http://zakon2.rada.gov.ua/laws/show/4722-17>.

²¹ Law of Ukraine "On Rules of Ethical Conduct" № 4722-17 expired (ed. 2013) [Electronic resource]. – Mode of access : <http://zakon2.rada.gov.ua/laws/show/4722-17>.

²² Law of Ukraine "On Prevention of Corruption" № 1700-18, 1 May 2016 Edition [Electronic resource]. – Mode of access : <http://zakon4.rada.gov.ua/laws/show/1700-18/page>.

The application of moral and political responsibility in the political practice of Ukraine is complicated by the absence of special sanctions in this area. No list of direct, practically efficient and "for a fixed period" sanctions for violation of moral and ethical standards is envisaged in such sectoral norms as the Resolution of the Cabinet of Ministers of Ukraine "On Ratification of the Rules of Procedure of the Cabinet of Ministers of Ukraine"²³, the Law of Ukraine "On The Cabinet of Ministers of Ukraine"²⁴, the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine"²⁵ etc. Despite this fact, these regulations contain rules and principles necessary for development of relations of moral and political responsibility and indirect mechanisms for its realization. However, they are quite rarely used, which indicates the need for a formal definition and explanation of the ethical aspect of responsibility of representatives of all branches of state power.

It should be noted that nowadays there is an urgent need to form principles of moral and political responsibility in the field of political parties and civil society of Ukraine. This is especially true for development of civil morality locally and within social groups. At present, the Ukrainian legislation does not provide for effective mechanisms for liability of representatives of political parties and civil society for behavior and actions that violate the norms of morality and ethics. For instance, the Law of Ukraine "On Political Parties in Ukraine" contains no provisions that would directly regulate ethical relations of party activity²⁶. In the transition society, such legal uncertainty has led to disastrous consequences for the party system due to program and ideological conflicts in activities of most Ukrainian parties. This problem is not resolved at the informal level because of principles of corporate political ethics inherent to democratic societies. Mass media and public associations do not contribute to the integration of principles of moral and political responsibility in the consciousness of citizens, and do not pay attention to their importance in the interaction between the state and civil society. Instead, it is the "deficit" of informal normative component that adversely affects the formation of relations of political responsibility in Ukraine stipulated by the legislation.

The current political regime of Ukraine undergoes transformation, which affects the normative and axiological system of relations between political actors. The civil society and the state mechanism act on the basis of political principles that determine the main political forces and non-governmental organizations. Thus, the independence of civil morality is questioned, which directly affects the responsibility of political subjects within the constitutional order. In this context, moral and political responsibility develops without institutional signs and is deprived of normative framework for its realization. This type of responsibility operates in the political system of Ukraine without reconciliation of individual, corporate and social norms of political ethics. Importantly, Ukraine still has not formed different types of sectoral political ethics, which essentially act as basic principles of moral and political responsibility.

At the same time, the legislation of Ukraine contains regulations, which, if improved, could be the basis for acts in the field of moral and political responsibility for a particular state body and public service at large. It is necessary to point out that the implementation of moral and political responsibility in the Ukrainian society faces a number of formal problems, namely, determination of its subjects, object, special sanctions for particular parties to political interaction and so on. This is especially true for the public service of Ukraine, which has conflicts of moral, legal, political and corporate responsibility. The predominance of authority over personal interest in activities of a public servant can be secured only by adapting the norms of public morality to specifics of this type of political activity. Despite the fact that the principles and rules of the public service are specified in the legislation, this does not guarantee full-scale implementation of moral and political responsibility. These challenges can be addressed through formation of normative systems of political ethics for each area of political activity on the basis of existing constitutional and legal provisions or informal corporate principles and rules.

²³ Resolution of the Cabinet of Ministers of Ukraine "On Ratification of the Rules of Procedure of the Cabinet of Ministers of Ukraine" № 950-2007-п, 24 May 2016 Edition [Electronic resource]. – Mode of access : <http://zakon3.rada.gov.ua/laws/show/950-2007-п/page>.

²⁴ Law of Ukraine "On The Cabinet of Ministers of Ukraine" № 794-18, 1 May 2016 Edition [Electronic resource]. – Mode of access : <http://zakon4.rada.gov.ua/laws/show/794-18>.

²⁵ Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine" № 1861-17, 30 January 2016 Edition [Electronic resource]. – Mode of access : <http://zakon5.rada.gov.ua/laws/show/1861-17>.

²⁶ Law of Ukraine "On Political Parties in Ukraine" № 2365-14, 1 May 2016 Edition [Electronic resource]. – Mode of access : <http://zakon4.rada.gov.ua/laws/show/2365-14>.

Summary

The paper examines modern specifics and normative aspects of moral and political responsibility in Ukraine. The author suggests that normative framework of moral and political responsibility in Ukraine is directly connected with institutional changes in political system of transitive society. Attention is focused on the fact that this type of responsibility operates in the political system of Ukraine without reconciliation of individual, corporate and social norms of political ethics. However, there are regular attempts of legislative authorities to create a single regulatory act in the area of civil servants activities. The author distinguishes the number of problems that arise in implementing moral and political responsibility in political life of the Ukrainian society. One of such problems is the absence of efficient sanctions for violation of moral and ethical standards by the state representatives. Through analysis of legal acts of Ukraine, the paper investigates the normative system of political and ethical principles of behavior within the state structure. It is concluded that contemporary legal regulation of the moral and political responsibility in Ukraine depends on the ways of improving implementation of ethical standards in politics.

Анотація

У статті аналізуються сучасні особливості та нормативні аспекти морально-політичної відповідальності в Україні. Автор припускає, що нормативна база морально-політичної відповідальності в Україні безпосередньо пов'язана з інституціональними змінами в політичній системі перехідного суспільства. Особлива увага зосереджена на тому, що цей тип відповідальності діє в умовах політичної системи України без узгодження індивідуальних, корпоративних і соціальних норм політичної етики. Водночас простежуються регулярні спроби органів держави створити єдиний регулятивний акт у сфері діяльності державних службовців. Наводиться низка проблем, які виникають у процесі реалізації морально-політичної відповідальності в політичному житті українського суспільства. Однією з таких проблем є відсутність ефективних санкцій за порушення моральних та етичних стандартів із боку представників держави. Через аналіз законодавчих актів України у статті відтворюється дослідження нормативної системи політичних та етичних принципів поведінки в межах механізму держави. Автор робить висновок, що сучасне законодавче регулювання морально-політичної відповідальності в Україні залежить від шляхів удосконалення методів реалізації етичних стандартів у політиці.

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