

UDC 342.3+342.5+342.7

DOI <https://doi.org/10.24144/2788-6018.2025.06.1.22>

**LEGAL REGULATION OF THE INTERACTION
OF THE REPRESENTATIVE OF THE PRESIDENT OF UKRAINE
WITH THE VERKHOVAH RADA OF UKRAINE,
THE CABINET OF MINISTERS OF UKRAINE,
THE CONSTITUTIONAL COURT OF UKRAINE
AND STATE AUTHORITY BODIES,
LOCAL SELF-GOVERNMENT IN THE AUTONOMOUS REPUBLIC OF CRIMEA**

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Deshko L.M. Legal regulation of the interaction of the Representative of the President of Ukraine with the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Constitutional Court of Ukraine, local executive bodies, local self-government bodies in the Autonomous Republic of Crimea.

The article examines the legal regulation of the interaction of the Representative of the President of Ukraine with the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Constitutional Court of Ukraine, local executive bodies, local self-government bodies in the Autonomous Republic of Crimea. Special attention is paid to the Representative of the President of Ukraine as an institution designed to implement the function of the President of Ukraine as an arbitrator between the branches of state power.

The article also reveals the role of the Representative of the President of Ukraine in the Constitutional Court of Ukraine in protecting the rights and freedoms of man and citizen. In the conditions of the legal regime of martial law in Ukraine, restrictions on the constitutional rights and freedoms of man and citizen and the increased role of human rights institutions, the legal status of the Representative of the President of Ukraine in the Constitutional Court acquires not only political-institutional, but also human-centric significance. Additionally, the need to strengthen the human rights potential of this institution is argued in view of the operation of the legal regime of martial law in Ukraine and Ukraine's European integration. It is noted that the institution of the Representative of the President of Ukraine in the Constitutional Court of Ukraine is a component of the mechanism for implementing the function of guaranteeing the rights and freedoms of man and citizen - it ensures the practical fulfillment of the constitutional duty of the Head of State.

In the conditions of the legal regime of martial law in Ukraine, in the conditions of post-war restoration, the interaction of the representative of the President of Ukraine with local self-government bodies, especially in the Autonomous Republic of Crimea and the city of Sevastopol, is a key factor in the reintegration of the territories of Ukraine occupied by Russia, the stability and efficiency of public administration, the unity and effective exercise of the function of the President of Ukraine in compliance with the Constitution of Ukraine, the rights and freedoms of man and citizen.

The conclusion is made about the need for a systematic update of the legal regulation of the institution of the Representative of the President of Ukraine. The legal regulation of the interaction of the Representative of the President of Ukraine with state authorities requires codification and institutionalization.

Key words: President of Ukraine, Representative of the President of Ukraine, Verkhovna Rada of Ukraine, Cabinet of Ministers of Ukraine, Constitutional Court of Ukraine, local self-government, state authorities, local self-government bodies, Autonomous Republic of Crimea, system of checks and balances, public administration, interaction, executive power, legislative power, judicial power.

Дешко Л.М. Правове регулювання взаємодії Представника Президента України з Верховною Радою України, Кабінетом Міністрів України, Конституційним Судом України, місцевими органами виконавчої влади, органами місцевого самоврядування в Автономній Республіці Крим.

У статті досліджується правове регулювання взаємодії Представника Президента України з Верховною Радою України, Кабінетом Міністрів України, Конституційним Судом України, місцевими

органами виконавчої влади, органами місцевого самоврядування в Автономній Республіці Крим. Особлива увага приділяється Представнику Президента України як інституції, яка покликана реалізовувати функцію Президента України як арбітра між гілками державної влади.

В статті також розкривається роль Представника Президента України в Конституційному Суді України в захисті прав і свобод людини та громадянина. В умовах дії в Україні правового режиму воєнного стану, обмеження конституційних прав і свобод людини і громадянина і підвищеної ролі правозахисних інститутів, правовий статус представника Президента України у Конституційному Суді набуває не лише політико-інституційного, а й людиноцентричного значення. Додатково аргументовано необхідність посилення правозахисного потенціалу цього інституту з огляду на дію в Україні правового режиму воєнного стану, євроінтеграцію України. Зазначається, що інститут Представника Президента України в Конституційному Суді України є складовою механізму реалізації функції гарантування прав і свобод людини і громадянина – він забезпечує виконання на практиці конституційного обов'язку Глави держави.

В умовах дії в Україні правового режиму воєнного стану, в умовах повоєнного відновлення взаємодія представника Президента України з органами місцевого самоврядування, а особливо в Автономній республіці Крим та місті Севастополі – ключовий чинник реінтеграції окупованих росією територій України, стабільності та ефективності державного управління, єдності та ефективного здійснення функції Президента України з додержання Конституції України, прав і свобод людини і громадянина.

Зроблено висновок про необхідність системного оновлення правового регулювання інституту Представника Президента України. Правове регулювання взаємодії Представника Президента України з органами державної влади потребує кодифікації та інституціоналізації.

Ключові слова: Президент України, Представник Президента України, Верховна Рада України, Кабінет Міністрів України, Конституційний Суд України, місцеве самоврядування, органи державної влади, органи місцевого самоврядування, Автономна Республіка Крим, система стримувань і противаг, державне управління, взаємодія, виконавча влада, законодавча влада, судова влада.

Problem statement.

In the conditions of constant evolution of the Ukrainian state system, European integration of Ukraine, decentralization processes and military challenges, the issue of effective interaction between the President of Ukraine and other branches of government becomes key. The modern model of government in Ukraine combines elements of parliamentary responsibility of the government and the guarantee function of the President of Ukraine. The stability of the political system, the effectiveness of the implementation of laws, as well as the protection of human and citizen rights and freedoms depend on the consistency of their actions.

The President of Ukraine, in accordance with Article 102 of the Constitution, acts as the guarantor of state sovereignty, territorial integrity and observance of citizens' rights [1]. However, the implementation of these tasks requires coordinated activities with the Verkhovna Rada of Ukraine as a legislative body, the Cabinet of Ministers of Ukraine as an executive body and local self-government bodies.

That is why the relevance of the topic lies in the need for a scientific rethinking of the role of the President of Ukraine as a coordinator between state authorities, local self-government, determining the boundaries of his powers, instruments of representation and mechanisms for ensuring political responsibility at all levels of state administration.

Scientific development.

The problem of the interaction of the President of Ukraine with other branches of government has been actively studied by Ukrainian constitutional scholars: Zelinska M. studied the stages of transformation of the institution of the presidency in Ukraine, Skrypniuk O., Shemshuchenko Yu. – its role as an arbitrator between the branches of government, Baymuratov M., Hrinenko O., Bykov O., Kostruba A. – the representation of the President of Ukraine in the Autonomous Republic of Crimea in modern legal mechanisms, Koval T. – legal regulation of the activities of the authorized representatives of the President of Ukraine [3–5].

Despite the significant volume of scientific research, a comprehensive analysis of the role of the President of Ukraine and his representatives remains comprehensively unexplored.

The purpose of this article is to reveal the role of the interaction of the Representative of the President of Ukraine with the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Constitutional Court of Ukraine, and local executive bodies, local self-government bodies in the Autonomous Republic of Crimea in the exercise by the President of Ukraine of his functions as the head of state, the guarantor of state sovereignty, territorial integrity of Ukraine, observance of the Constitution of Ukraine, and human and citizen rights and freedoms.

Presentation of the main material.

The President of Ukraine has a number of constitutional powers in relation to the Parliament of Ukraine: the right of legislative initiative (Article 93 of the Constitution); the right to sign or veto laws (Article 94); the right to address messages to the Parliament (Article 106, paragraph 2); appointment and dismissal of individual officials with the consent of the Verkhovna Rada of Ukraine; initiation of all-Ukrainian referendums, including constitutional ones. To exercise these powers, the Permanent Representative of the President of Ukraine in the Verkhovna Rada of Ukraine acts. This Representative is an official who entered the «right field» of Ukraine on the basis of the Decree of the President of Ukraine No. 1179/95 of December 27, 1995) [6].

His main functions are as follows: official presentation of the position of the President of Ukraine during the consideration of draft laws submitted by the head of state; monitoring of parliamentary processes related to the initiatives of the President of Ukraine; informing the President of Ukraine about the status of his draft laws and the political situation in the Verkhovna Rada of Ukraine; communication between the Administration of the President of Ukraine and parliamentary committees, especially on issues of human rights, state building, national security, etc.

This mechanism ensures the continuity of dialogue between the executive and legislative branches, contributes to the coordination of state policy and at the same time is a form of democratic control – the Parliament of Ukraine can ask questions to the representative regarding the position of the President of Ukraine, and the society receives additional transparency of state processes.

In 2008, the Decree of the President of Ukraine No. 133/2008 approved a new Regulation on the Representative of the President of Ukraine in the Verkhovna Rada of Ukraine [7]. It states that “The Representative of the President of Ukraine in the Verkhovna Rada of Ukraine is a person authorized by the President of Ukraine to ensure interaction between the President of Ukraine and the Verkhovna Rada of Ukraine” [7]. The change in terminology (from “Permanent Representative” to “Representative”) may indicate a change in emphasis: from an official institution (which has a stable nature) to a representation, which is likely to be more focused on a functional role – the interaction of the President of Ukraine with the Parliament of Ukraine.

Since 2008, the institution of the Representative of the President of Ukraine has been strengthened. It is aimed at ensuring effective channels of communication and coordination between the President of Ukraine and the Verkhovna Rada of Ukraine, which is important given the constitutional system of Ukraine, which provides for certain powers of the President of Ukraine regarding legislative initiative, appeals to the Parliament of Ukraine, return of laws of Ukraine, etc.

At the same time, the changes can also be interpreted as a way to strengthen the influence of the President of Ukraine on the parliamentary process, through the institution of the Representative of the President of Ukraine, who has the right to participate in meetings of committees, factions, submit legislative drafts, and submit proposals for laws. This creates potential risks for the balance between the branches of power if the role of the Representative of the President of Ukraine is not accompanied by transparency and accountability mechanisms.

In view of practice, the provisions of the Regulation on the Representative of the President of Ukraine in the Verkhovna Rada of Ukraine contribute to legal certainty and reduce the possibility of procedural uncertainty regarding the participation of the Representative of the President of Ukraine in parliamentary processes (in particular, in committees, factions, preparation of draft laws).

Since the Regulation allows for participation in factions, it is advisable to define clear boundaries of such participation in order to avoid interference in the internal processes of political groups. At the same time, taking into account changes in the political and legal system of Ukraine (in particular, after the reforms of 2014-2020), it seems appropriate to update the Regulation, taking into account new standards of transparency, public participation, digital interaction, etc. In addition to the Verkhovna Rada of Ukraine, the President of Ukraine interacts with the Cabinet of Ministers of Ukraine.

In accordance with Articles 113-117 of the Constitution of Ukraine, the Cabinet of Ministers of Ukraine is the highest body in the executive system. The President of Ukraine is not a member of the Cabinet, but has important coordination and personnel powers - appoints the Prime Minister of Ukraine (with the consent of the Verkhovna Rada of Ukraine), the Ministers of Defense and Foreign Affairs, and makes decisions on the termination of the powers of the Government of Ukraine. Functional interaction between the President of Ukraine and the Cabinet of Ministers of Ukraine is carried out through: the Office of the President of Ukraine, the National Security and Defense Council, headed by the President of Ukraine, the Representative of the President of Ukraine to the Cabinet of Ministers of Ukraine, who participates in meetings of the Government.

The task of this representative is to: participate in meetings of the Cabinet of Ministers of Ukraine with the right to an advisory vote; convey the position of the President of Ukraine on draft government

decisions; identify discrepancies between the positions of the President of Ukraine and the Government of Ukraine and inform the head of state; participate in the coordination of acts that implement presidential decrees.

Thus, the institution of representation in the Cabinet of Ministers of Ukraine performs a control, coordination and stabilizing function, preventing political conflicts and legal collisions between the head of state and the executive branch.

In 2016-2020, a series of Decrees of the President of Ukraine on specific appointments of Representatives of the President of Ukraine was issued. These acts, although targeted, were sometimes accompanied by orders/provisions that partially clarified the legal status of the Representative of the President of Ukraine in the Cabinet of Ministers of Ukraine and interaction with the Office of the President of Ukraine. The Decrees of the President of Ukraine in 2021-2025 indirectly affected the functioning of the Representation through personnel decisions and organizational changes. No specific changes were made to the Regulation on the Representative of the President of Ukraine in the Cabinet of Ministers of Ukraine, instead, fragmentary regulation is observed (appointment, transfer, administrative acts).

The Representative of the President of Ukraine also interacts with the Constitutional Court of Ukraine, which was analyzed by us in the scientific article "Legal Status of the Representative of the President of Ukraine in the Autonomous Republic of Crimea and the Representative of the President of Ukraine in the Constitutional Court of Ukraine: Evolution of Regulatory Regulation".

The institution of the Representative of the President of Ukraine in the Autonomous Republic of Crimea is also developing [8]. The heads of state administrations in the regions function similarly. They coordinate the activities of local state administrations, monitor the implementation of the President's decrees and NSDC decisions. In the system of local self-government, the Representative of the President of Ukraine performs the following functions: ensuring the implementation of state policy at the local level, in particular in the field of human rights, security, and social protection; monitoring the acts of local self-government bodies for their compliance with the Constitution of Ukraine and the laws of Ukraine; participating in the preparation of proposals to the President of Ukraine on the cancellation of illegal decisions of local councils (in accordance with Article 144 of the Constitution of Ukraine); coordinating communication between local communities and central authorities. That is, the Representative of the President of Ukraine performs the role of an institutional guarantor of the unity of state policy, while not interfering with the autonomy of local self-government, guaranteed by the European Charter of Local Self-Government.

Through his representatives, the President of Ukraine implements not only the functions of communication, but also the mechanisms of constitutional control over the activities of other government bodies. This corresponds to the European model of the "head of state-arbitrator", where the President of Ukraine is not part of the executive branch in the narrow sense, but acts as a guarantor of the stability of the political system.

Representatives of the President of Ukraine in the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Constitutional Court of Ukraine and the regions form a single network of presidential representation, which performs the following functions: ensuring communication between the branches of government; preventing political and legal conflicts; maintaining a balance between centralization and local self-government; ensuring the implementation of citizens' rights and freedoms in the process of state bodies' activities.

Despite the effectiveness of this institution, the following problems remain: the law does not define a single status for representatives of the President of Ukraine in various bodies; there is no clear mechanism of accountability and mutual communication between them; there is a risk of politicization of representative functions; procedures for public assessment of the activities of representatives by civil society have not been developed.

In order to improve the system of interaction between the President of Ukraine and other government bodies, it is advisable to: adopt the Law of Ukraine "On the Representative of the President of Ukraine", which will regulate their status, powers, ethical standards and accountability mechanisms; establish a unified procedure for reporting representatives to the Office of the President of Ukraine and publishing the results of their activities; ensure training of Representatives of the President of Ukraine on human rights, anti-corruption policy and public communication; introduce a mechanism for parliamentary control over the activities of representatives of the President of Ukraine in the form of annual hearings or reports.

Thus, the institution of representatives of the President of Ukraine is an important link in the system of public administration, ensuring the functional unity of the political system, preventing institutional conflicts and promoting the implementation of the constitutional rights of citizens. Its effectiveness directly depends on the quality of legislative regulation, political neutrality and adherence to the principle of accountability to society.

It is seen that in the light of anti-corruption policy, the state should introduce a number of guarantees: mandatory declaration of income and conflict of interest of the Representative of the President of Ukraine; independent assessment of professional ethics; public reporting on participation in constitutional processes related to human rights; prohibition of combining the functions of a representative with other political or advocacy roles.

Such tools enhance not only the personal integrity of the representative, but also increase the level of political responsibility of the President of Ukraine for the actions of his authorized persons.

In order to strengthen the human rights potential of the institute, it is advisable to: legislatively regulate the status of the Representative of the President of Ukraine in the Constitutional Court of Ukraine by amending the Law of Ukraine "On the Constitutional Court of Ukraine"; introduce a mechanism of public accountability.

Conclusions

The institution of the Representative of the President of Ukraine in the Verkhovna Rada of Ukraine has evolved: from the model of the "Permanent Representative" in the 1990s to a more functional model in the Regulation on the Representative of the President of Ukraine in the Verkhovna Rada of Ukraine of 2008. The changes reflect the desire to structure the interaction between the President of Ukraine and the Parliament of Ukraine and increase the normative certainty of the institute. However, the issues of maintaining the balance between the branches of power and the need to ensure transparency and accountability of the representation of the President of Ukraine do not lose their relevance.

The interaction of the Representative of the President of Ukraine with the Verkhovna Rada of Ukraine is mainly political and legal in nature and consists of: representing the position of the Head of State during the consideration of draft laws related to the implementation of presidential powers; participating in parliamentary hearings and committee meetings; facilitating the coordination of positions between the President and Parliament in the process of appointing and dismissing officials defined by the Constitution (Articles 85, 106).

The imperfection of the regulatory regulation of this interaction leads to the fact that the scope of the representative's actual powers largely depends on the political configuration in Parliament and on the internal acts of the Office of the President.

The interaction of the Representative of the President of Ukraine with the Cabinet of Ministers of Ukraine is carried out in the area of coordinating the implementation of decrees and instructions of the President, monitoring the implementation of state programs and ensuring the unity of state policy. At the same time, there is a lack of legally defined procedures for information exchange and coordination of decisions, which sometimes creates duplication or contradictions in the administrative powers between the representatives of the President and government structures. Improvement requires regulating the procedure for the participation of the representatives of the President in meetings of the government and interdepartmental commissions.

Interaction with the Constitutional Court of Ukraine is of a purely legal, institutional and procedural nature. The representative of the Representative of the President of Ukraine may participate in constitutional proceedings as an authorized person of the head of state, submit explanations, positions or documents in support of the constitutional submission of the President (Article 39 of the Law of Ukraine "On the Constitutional Court of Ukraine"). This interaction is an important tool for the implementation of presidential powers in the field of constitutional control and requires additional regulation through the adoption of a by-law on the procedural status of the representatives of the President in judicial bodies.

A special place is occupied by the Representative of the President of Ukraine in the Autonomous Republic of Crimea, whose activities are regulated by the Decree of the President of Ukraine dated March 22, 2017 No. 80/2017. The Representation coordinates state authorities, local governments, and public organizations operating within the Crimean direction, and is the main link in the state policy of reintegration of the temporarily occupied territory. Its functions have acquired strategic importance after 2014, but the legislative consolidation of the status of the Representation remains insufficient - there is no clear list of rights, obligations, and forms of interaction with other state authorities.

Legal regulation of the interaction of the Representative of the President of Ukraine with state authorities requires codification and institutionalization at the legislative level. The presence of clearly defined norms will avoid political conflicts, ensure the stability of the constitutional system of checks and balances, and also contribute to increasing the effectiveness of the activities of the President of Ukraine as the guarantor of state sovereignty and constitutional order.

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