

## THE SUBJECT OF THE PARLIAMENTARY INVESTIGATION

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*The article examines the subject of the parliamentary investigations. A comparative legal analysis of the subject of the parliamentary investigations in foreign countries is carried out. The examples of the parliamentary investigations are given.*

Parliament is a national representative body. The main function of Parliament in the system of separation of powers is to execute the legislature. The other function of Parliament is to dispose the state budget, namely, to accept state budget and to control administration of the budget. Depending on the form of administration, Parliament executes control over the executive power [1].

Such function as the control over the activities of state bodies, institutions and official holders and certain powers conditioned by the function are inherent in all parliaments practically.

In the opinion of one author the parliamentary investigation is realized in similar forms in all countries in spite of the difference in Parliament power of the region of control for the government:

- debates on the general policy of the government;
- issues of deputies to ministers;
- Parliament inquiry;
- parliamentary investigation and trial;
- vote of no confidence;
- impeachment [2].

The most resonant form of control is parliamentary investigation which is widespread among foreign countries. This form of control is used in different problems of a country regardless of the form of government but mostly it is spread among the presidential republics.

Parliament's right to conduct an investigation is realized through the creation of specialized parliamentary commissions to investigate the facts of special social significance. The essence of the entitlement is to react to the event connected with a violation of human rights and others.

The Russian Federation has a significant experience in this field. There is a law "About parliamentary investigation of the Federal Assembly of the Russian Federation" [3]. Besides, there are a lot of regional laws on this issue.

There is a list of reasons for investigations stated in this law. It is:

- The fact of violation of human rights and freedoms guaranteed by the Constitution of the Russian Federation;
- Conditions related to emergencies of anthropogenic nature;
- Conditions related to the negative consequences of natural and man-made emergency situations [3].

For the first time in the Russian Federation, an investigation was conducted because of a terrorist act at school №1 in Beslan on September, 1<sup>st</sup> – 3<sup>rd</sup>, 2004 [4]. The other one famous investigation took place on August 17<sup>th</sup> 2009 because of the accident at the Sayano–Shushenskaya Dam.

E.A. Vandysheva and A.Yu. Sungurov noted the main shortages of parliamentary investigations:

- A limited list of events liable to a parliamentary investigation (A bill to expand the list of events liable to parliamentary investigations is under consideration in the State Duma at the moment) <...> [5].

Ukraine became the second state where the subject of parliamentary investigation of the commissions was legislated. There aren't similar laws in Ukraine as in Russia but control authority is defined by the laws "About committees of the Verkhovna Rada of Ukraine", "About the Commissioner for Human Rights of the Verkhovna Rada of Ukraine", also by Regulation of the Verkhovna Rada etc. [6].

Commissions take a separate place in the realizing of control functions of the Parliament of Ukraine. There are special and investigative commissions. According to the article 85 of the Regulation of the Verkhovna Rada of Ukraine the Verkhovna Rada may decide to set up a temporary special committee for the preparation and preliminary consideration of issues and for the preparation and finalization of draft laws and other acts of the Verkhovna Rada on the Rights of the Head Committee if the subject of legal regulation of such projects does not apply to the subjects of the committees formed by the Verkhovna Rada. As for the investigative commissions, they are created to conduct an investigation on issues of public interest. [7].

According to the article 88 of the Regulation of the Verkhovna Rada [7], the interim investigative commission is set out the results of investigations in a written report which consist of conclusions and offers about:

1. the facts and conditions which became the basis for the investigation;
2. the information or conditions established by the temporary commission, and the evidence by which this is confirmed;
3. the information or circumstances that have not been confirmed;
4. the facts and circumstances that have not been verified, and the reasons for this.

One of the well known cases of the investigation in Ukraine was a death of the famous Ukrainian nationalist Alexander Muzychko, where the independent parliamentary commission took place [8].

Another well-known tragic event was the death of people in the House of Trade Unions in Odessa. As a result of the tragic events of May 2<sup>nd</sup>, 48 people died [9].

There were three commissions which investigated the events of May 2nd, 2014. The first was created in the middle of May in the Verkhovna Rada, the second - in the Odessa Regional Council and the third was independent – "A group of the second of May". The commission of the regional council already stopped working, having considered it senseless because of the lack of access to secret documents [9].

As a result of the work of the commissions, the following conclusions were drawn in the report:

- the number of deaths;
- the causes of death;
- the request from the Prime Minister of Ukraine to the UN Secretary General Ban Ki-moon to involve European experts for more detailed examinations [10].

The candidate of jurisprudence Shcherbik D.V. notes that insufficient legal regulation of the procedure of the activities of parliamentary committees and investigative commissions in Ukraine have led to the abuse of their powers (attempts to turn into independent bodies of control, the desire to implement personnel policy independently of the parliament, to create law enforcement units) [6].

In most states, the subject of parliamentary investigations is similar. The difference can be with regard to parliamentary investigations of the president's activities (regarding the impeachment procedure).

In this way in foreign countries the subject of parliamentary investigation is prescribed, the circle of people who need to be involved in the investigation is specified, the rights of commissions to request information are identified, the right to use the help of experts is specified.

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