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***Krutko Anastasiia***  
***Yaroslav Mudryi National Law University***  
***The Department of Theory of State and Law***

## PEOPLE LEGISLATIVE INITIATIVE AS A FORM OF DIRECT DEMOCRACY

The importance of the topic is the need to clarify this new, not known for Ukraine forms of direct democracy as the people's legislative initiative. This selection from the whole variety of forms of direct democracy of the most efficient ones and their inclusion in the legislation would allow to establish an effective mechanism for the implementation of democracy, because the cooperation institutions of civil society and the authorities promote the development of the process of democratization of society and, consequently, create the conditions for the political development of an individual, who knowingly and deliberately takes part in political life of the state.

Democracy – is a multidimensional phenomenon. It passed through a complex, lengthy and often controversial path of centuries of development.

As you know, democracy has two varieties:

- 1) direct democracy

## 2) indirect democracy

The idea of direct democracy evolves its power and importance from the idea of self recognition, that is, from the understanding of the fact that members of the political community - citizens - must be able to choose their own union conditions freely and to determine fair basis for regulating the community. This idea is closely related to the concept of autonomy, which is related to the ability of people to think independently and to self-determine, and it involves the ability to think about, to judge, to elect and to act (or not to act – depending on the circumstances), that is, to choose the model of behavior both the private and in public life, guided by democratic good or, according to Rousseau, the «a public good».

I completely agree with the V. F. Pohorilko opinion, that the term of «direct democracy» must be understood – an independent implementation of the rules of their own will to their own interests, their own destiny (as a whole or as a part of society or individuals ), or in relation to other peoples and nations with their agreement. Similar point of view on the nature and content of direct democracy is expressed in the writings of other Ukrainian lawyers.

Direct democracy, as any government, is carried out in some ways. They represent the usual ways of will of the people for the purpose of social functions that have legal implications.

Modern science is characterized by the existence of broad and narrow approaches to determining of the forms of direct democracy. Thus, V. Komarov refers to the forms of direct democracy: referendum, elections, general meetings population, rallies, demonstrations, picketing, the people's initiative, the political parties, the recall of an elected representative. Similar forms are comparable to local government, complementing their citizens, highlights, L.A. Nudnenko. V.F. Pohorilko expands the list of forms of direct democracy, including in it more than the above, and even a detection of public opinion, plebiscites, popular discussion, and mentioned such exceptional, not peaceful forms as revolution, insurrection, civil war, national liberation movements and political strikes, protests, public action disobedience, hunger strikes, picketing, etc.. There is also a narrow approach to defining the forms of direct democracy. In particular, the representative of this approach is V.N. Rudenko, who considers them as referendum, the people's law-making initiative, the national veto, the general assembly (assemblies) of citizens in the community, election or recall of deputies elected representative, dissolving of elected bodies.

Let's consider a form of direct democracy as people legislative initiative in more detail.

Institute for the people's legislative initiative began practicing since mid-XIX century. It was first used in the Swiss canton of Vaud in 1845, and in the early twentieth century, became widespread in the United States.

In modern times the right of people's legislative initiative is recorded in Constitutions of Brazil, Italy, Switzerland, Poland and other countries, and the basic laws of the post-Soviet countries like Belarus, Georgia, Latvia, Lith-

uania, Kyrgyzstan.

It should be noted that the national legislature (sometimes called law-making) initiative can be carried out at the national level (Italy, Spain, Switzerland, Australia, Brazil, Belarus, etc.), and at the level of the federation and at the municipal level.

In theory, people's constitutional right to legislative initiative is defined as the right of a certain group of voters to propose a draft of law, which is a subject to review by parliament, although the latter, in the discussion, may take any of the decisions: to accept the project, to make amendments to it or reject it.

Constitution states support of people's right to legislative initiative provides that this right must be exercised by a certain number of citizens. For example, in Romania at least 250 thousand people voting need in Slovenia – 5 thousand, in Spain – 500 thousand in Brazil – 1 % of the total number of voters.

The Constitution and the laws of foreign countries also contain requirements concerning the subject of popular legislative initiative. For example, in Romania the subject of legislative initiative of citizens cannot be fiscal issues, international issues, amnesty and oblivion.

There are set some requirements for registration and the right to legislative initiative. Typically, the Constitution and the law require that the legislative proposal to be framed as a regular bill – broken down into sections, chapters, articles and paragraphs. The bill must be motivated and be accompanied by an explanatory note on the need to pass a law.

I would like to note that the people's legislative initiative is applied in the European Union.

A "*European citizen initiative*" is a mechanism of participatory democracy which allows a million European citizens to be present at the Commission a proposal for a new European regulation in an area of competence of the European Union. If the initiative is supported by at least a million Europeans, the legislative proposal will be presented to the Commission and then to the European Parliament, during a public hearing. The Commission may then adopt, under the form of a communication, an official response in which it will present the action which proposed in response to the initiative. It must also outline the reasons behind the adoption or non-adoption of an action. Following the initiative, the Commission may chose to present a legislative proposal. If it decides to do so, the formal legislative procedure is launched: its proposal is presented to the European legislator and it enters into force after being negotiated and adopted.