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## **THEORETICAL ASPECTS OF PROPORTIONAL REPRESENTATION SYSTEM**

The article is dedicated to topical issues related to the concept of proportional representation system and the characteristic of its types. It is noted that depending on how determined the number of votes required for election of a candidate, there are: proportional representation system with hard lists; proportional representation system with preferences; proportional representation system with semi-rigid lists.

The problems that have a significant impact on the effectiveness of the proportional representation system were analyzed. The focus is on positive and negative traits of the proportional representation system with rigid lists, preferences and semi-rigid lists.

**Keywords:** voters, parties, proportional representation system with rigid lists; proportional representation system with preferences; proportional representation system with semi-rigid lists.

**Problem statement.** The state of modern electoral system in Ukraine is having an impact on the political situation and, as a consequence, the stability of state power. The analysis of the presidential and parliamentary election campaigns has identified the need for legal reform of the Ukrainian electoral system. There are several reasons: contradictions of the Ukrainian electoral law that breeds distrust of elections; imperfection of the modern Ukrainian electoral legislation; need for government recognition of social values of democratic state power reproduction as part of an appropriate electoral system.

Therefore, scientific understanding of different electoral systems nature, especially the proportional, the study of its positive and negative traits will allow first, on a theoretical level, to determine the most effective electoral system of our country, and then implement it in practice. Also, this problem is especially topic for Ukraine, in connection with the building of democratic society. And although there is no direct connection between the type of electoral system and the level of respect for democratic principles of elections, the electoral system has indirect

influence on the democratic principles of elections. Currently, the importance of choosing the optimal electoral system arose very sharply.

**The analysis of recent researches and publications.** The problem of typology and characteristics of proportional electoral systems quite extensively studied in political and legal sciences. It examined, in particular, by scholars such as A. Avtonomova, L. Alekhicheva, Yu. Vedeneyeva, Yu. Dmitriev, A. Zinoviyev, A. Ivanchenko, V. Israelyan, A. Mishin, T. Kis, V. Kopeychikov, R. Pankiv, A. Postnikov, V. Pogorilko, Yu. Shweda, M. Yuriy and others. Today, however, many scholars and politicians on the basis of analysis of the electoral law of Ukraine appealed to the necessity of electoral system changes, not allowing, however, a clear and unambiguous answer to the question why and what model of electoral system need our state.

**Paper purpose.** In this paper we propose to explore the content and variety of the proportional representation system and on the basis of the comparative analysis of main advantages and disadvantages of the proportional representation system to offer the best electoral system for Ukraine taking into account the level of respect for democratic principles of elections under this model.

**Paper main body.** Depending on the order of definition of results of elections the electoral system can be subdivided into three types: majority election, proportional representation and mixed.

There are different electoral systems in Ukraine: the elections of the President of Ukraine and local elections is majority election system, the elections of people's deputies of Ukraine – mixed

According to Article 1 of the Law of Ukraine “About Elections of People's Deputies of Ukraine” of 17.11.2011 № 4061, elections of deputies shall be held on a mixed (proportional-majority) system: 1) 225 deputies are elected by the proportional representation in multi-member constituency on electoral lists of candidates from political parties; 2) 225 deputies are elected under the majority system of relative majority in single-member constituencies [1].

Let's give a closer look at the characteristics of the proportional electoral system.

Today the proportional system is used in more than 60 countries and is the most common electoral system in Latin America, Austria, Belgium, Greece, Spain, Israel, Italy, Luxembourg, the Netherlands, Sweden, Switzerland, etc.

The idea of proportional electoral system was established by Louis Saint-Just in 1793, but began to be used only in the late nineteenth century (Serbia, 1888; Belgium, 1889) [2]. The proportional electoral system (lat. *proportionalis* – proportional) is a system, in which seats are distributed between the lists of political parties (blocs) in proportion to the number of votes obtained. The proportional electoral system (more precisely, the system of proportional representation) has emerged as the antithesis to the majority system, which was intended to ensure the representation in parliament of a broader political spectrum, rather than in a two-party system, and to ensure public representation of minorities [3, p. 56].

Experience shows that the basis of the principle of proportional representation is not voters and political parties. Elections are aimed at achieving the largest possible conformity between the cast for the party number of votes and its representation in the parliament. Given this the proportional system is more equitable than the system of majority [4].

This system is characterized by the creation of multi-member electoral districts. In this case, the voters vote for party lists of candidates. With the proportional system the parliamentary seats are distributed among parties in proportion to the number of votes collected by each of them within the constituency.

There are two ways of electoral districts creation in the application of the proportional system of votes counting. The most common way when constituency boundaries coincide with the boundaries of administrative-territorial units. Less commonly used method, when the territory of the entire country is a single

electoral district. That is, when using this system, constituencies can be multi-member or in the form of a single multi-member constituency.

There are many variants of the proportional system of voting, for example: system with nation-wide party list, with regional party lists, with closed lists or open lists.

With the proportional representation with nation-wide party list the voting takes place in the whole country in a single nation-wide constituency. This voting system used in Israel, the Netherlands [5].

Under the proportional system with a regional party lists, voting takes place in the districts. This voting system is used in the Scandinavian countries, Austria, Greece, Denmark, Spain, and at the election of half of members of the lower house of the German Parliament. One of the features of this system is that the voters vote for representatives of the same party or bloc, but in every region the mandates are distributed separately, according to the votes got by party in this region and consequently the number of seats that fall on this region. Under this system, parties are forced to include in the party lists as many local politicians, and consequently the regions will be represented in parliament. Thus, this electoral system facilitates the combination of party structuring of society with the traditional system of territorial representation [6].

That's why, in the period of decentralization of power in Ukraine, the use of the proportional system with regional party lists will be very appropriate for a number of reasons. First, more local politicians will be presented in the Parliament and they will be keen to defend the interests of their particular constituents, the interests of certain territories. Secondly, there will be a closer connection between voters, candidates included in the party list, and certain parties. Thirdly, there will be increased personal interest in the candidates included in the party list, to work on a certain electorate, and more.

Under the proportional system with closed list, the voter votes for the party and not able to express their preference for a separate candidate included in the

party list. Candidates in the party list are arranged in order of diminishing importance, and those located at the end of the list have fewer chances to win.

Under the proportional system with open-list is allowed to vote for the party and to express a preference for someone of her candidates, i.e. voters can change the location of candidates in the list (preferential voting). This is done in different ways: the voter puts a cross against the names of candidates it would like to see (Belgium); enter the names of the candidates on the ballot (Italy); ranks the candidates in order of importance (Switzerland, Luxembourg, and the like) [5].

Then go for a more traditional classification and the effect of a voter on the location of candidates in the list. According to this classification distinguishes the following types of proportional systems: 1) with rigid lists; 2) preferences; 3) with semi-rigid lists.

The rigid lists system practiced in Spain, Portugal, Israel, Russia, and Ukraine. With rigid lists the voter votes for a party list, which he chooses, in general. The ballot paper shall contain only name, party' emblem, sometimes a certain number of first candidates in party's list.

The proportional system with a rigid list has its advantages: when voting is elected primarily political platform and program of future activities of the party; this system is the simplest form of implementation and the cheapest. The disadvantage of it is that the party's list can "make" deputies, senators, etc. unknown, incompetent, unpopular politicians. That is, with rigid lists the voter votes for the party in general and may not affect the location of candidates.

The system with preferences is practiced in Belgium, the Netherlands, Finland and other countries. In the preferences application (translated as "advantage"), the voter only votes for the list, but also gives voice to the candidates from the list in the order of their attractiveness to voters. Therefore, the one who received the highest number of preferences is elected. In the case when there are several candidates from the party with an equal number of preferences the preference is given to one who occupies a higher place in the party's list. The advantage of the preferences system is an extension of sphere of voters will because they vote either

lists, either personalities. The disadvantages include the fact that the voter focuses more on individual political entities, and not on the interests and objectives of the party as a whole.

The semi-rigid system lists practiced in Switzerland, Austria, and Italy. It provides the opportunity for the voter to vote for the list as a whole, and the ability to have a preference to a particular candidate.

The implementation of the system with semi-rigid lists is due to the need to overcome the drawbacks of the rigid lists and preferences systems.

In actual use of proportional representative systems we have to take into consideration the fact that, as a rule, there are quite a large number of parties that take part in the elections. So often special measures are taken to limit this number, avoiding excessive political fragmentation of the parliament; such a restriction is done at the expense of the parties who have low voter support [3, p. 64]. That is, in most countries, with the proportional system, is defined in the electoral barrier, i.e. in order to prevent the rapid growth of small non-representative parties and fragmentation of the parliament, for the convenience of parliament used the electoral threshold (the barrier) – the minimum number of votes required for a party to be able to participate in distribution of deputy's mandates is used.

Although the threshold violates the idea of proportionality, but at the same time contributes to the structuring of party-political interests, contributes to the effective operation of parliament. As a rule, in different countries the electoral threshold (the barrier) – 2-5%. Although, these thresholds are different, for example in the Netherlands – 0,67%, Israel 1%, Denmark – 2%; Argentina, Greece, Romania – 3%; Austria, Bulgaria, Italy, Norway, Slovenia, Sweden – 4%; Germany, Estonia, Georgia, Hungary, Moldova, Poland, the Czech Republic, Slovakia – 5% [3, p. 66], Liechtenstein , Egypt – 8%, Turkey 10 %. In some States if at the election the parties' alliance is formed, the law provides for the raising of the electoral threshold. For example, the electoral threshold in Hungary is 5% if the block formed from two parties – 10%, three – 15% [6].

As you know, the perfect electoral system does not exist. It is advisable to emphasize the fact that the proportional electoral system has positive traits and negative.

The main advantages of the proportional electoral system may include the following: a) there is less opportunity for falsification of voting results; b) take into account the interests of various social groups, i.e. provides a more adequate representation of political forces; c) promote the development of party's system and party's ideology, and as a consequence, the development of political pluralism; d) proportional representation promotes the formation of a multiparty system, consists of independent and stable parties with a rigid structure; e) ensures the representation of minorities (e.g., ethnic, religious, etc.) [4]; f) the deputy has much more features to fulfill election promises, with the support of a political party, and so on; g) the votes are distributed in proportion to minimize their loss. Even with the use of threshold, it is rare that were missed more than one-fourth of the votes, and even rarer that the number is closer to one second. The use of the proportional representative system increases the belief of voters that their votes are not wasted and have influence on the election results, even if this impact will be small [5].

For many young democracies, especially those where there is deep division of society, one of the most important conditions of democratic consolidation is the involvement of the parliament in all important social groups. If both the majority and the minority are not represented in these political systems that arise, the consequences can be catastrophic [4].

In Ukraine, the Law of Ukraine "About Elections of People's Deputies of Ukraine" of 17.11.2011 № 4061 is the legal basis of representation of the "minority". Thus, according to Part 3, Article 18 of the Law of Ukraine "About Elections of People's Deputies of Ukraine" the administrative-territorial unit on the territory which is densely populated with ethnic minorities and are contiguous with one another must be a member of one constituency. If, in a related administrative-territorial units, the number of voters who belong to a national minority is larger than required to form a single electoral district, the county formed so that in one of

them the voters who belong to a national minority constitute the majority of number of voters in the constituency [1].

However, “the assertion that the proportional system contributes to the representation of “minority”, – says Gi Ladeire, “is partly true: proportional representation gives to a well-organized pressure group – whether union, whether of religion, ethnic group or ideological factions – the chance to get places” [4]. According to B. Crawford and A. Lijphart “proportional electoral system contributes to the emergence of the sense of belonging” in minorities and makes them feel integrated into society.

Cohen F., on the basis of quantitative analysis of 100 countries and 233 ethnic groups in the period of 1945-1989, argues that proportional institutions (federalism, proportional electoral system, multiparty system) generate ethnic conflicts of low intensity, which, however, occur more frequently, whereas with the majority institutions the results are opposite.

K. de Silva notes: “In any case, there are as many examples of the fact that the proportional system helps reduce the effects of ethnic differences, as well as those that prove the inconsistency of a proportional system to deal with it” [2, p. 248].

But the proportional system also has disadvantages. The main negative features include: potentially increases the influence of party elites in the formation of electoral lists, especially if they use a system with a closed list; is quite a complicated system of counting of votes; voters do not vote for specific people and for the party’s list, which can include unknown, incompetent, unpopular politicians; there is an option of purchasing seats on party lists; difficult to control the proper execution of campaign promises as within the party, factions, and the public; isolation of deputies from the society, that is a weak link of deputies with voters, as members which are elected not by the voters of particular constituency but by the all over the country electorate; inadequacy of representation of voters interests in representative bodies at various levels. So, M. Stavniychuk rightly notes: “It is hardly possible to claim that the Parliament elected according to the Ukraine’s existing electoral system essentially corresponds to the principles of



electoral and regional representation. Among 450 people's deputies elected according to the results of the extraordinary elections of 2007, about 61% of the total number lived in Kiev, while the proportion of habitants of Kiev in the Ukrainian population made up only about 6 %” [7]; as in the parliament can get a lot of political forces, it could complicate the procedure of parliamentary majority formation, which could lead to the creation of unstable governments; the electoral system can produce a large number of factions in the Parliament, who compete with each other and as a result negatively affects the stability of the latter; limiting the freedom of deputy's action, its dependence on the party leadership, from the party faction in the Parliament; lack of personal responsibility of a deputy to the electorate for their actions.

In scientific circles there is considerable discussion about the impact of voting systems on the configuration of the country's party system and the nature of inter-party relationships. The Western scientist in policy P. Katz, conducting research in the UK, Ireland and Italy, came to such conclusions: proportional representation contributes to the manifestation of their parties more ideological and radical positions on political issues than in terms of relative majority; in two party systems ideological positions of the parties are getting closer; the party competing in small districts, will mainly focus on leader personalities and patronage, and the party, competing in large districts, will be prone to problem orientation [5].

It is worth noting that each party in such a system receives a real opportunity to have their members in Parliament, without entering into coalition with other parties and not forced to resort to the tactics of compromise [2, p. 244].

Taking into account different kinds of electoral systems, the easiest to use in Ukraine could be the introduction of a proportional electoral system with regional lists. This absolutely can be applied the conventional proportional electoral system in which each party puts forward their nation-wide list, which consists of a set of regional lists. The party may at the national congress to push all of regional lists, and in the districts should be from 10 to 15 seats for each district. In such a case

the election may be conducted in the districts with the use of so-called semi-rigid preferences.

In the application of any electoral system is simply impossible to avoid certain undesirable, even potentially devastating effects, so the perfect electoral system does not exist as such. However, each electoral system can be improved. In each country's the electoral system is defined by the relevant electoral law, which details the major provisions enshrined in the constitution. The legislation reflects the provisions on the procedure of nomination of candidates, requirements, voting procedures and counting of votes, the sources of funding. Unlike many countries, the structure of the electoral system in Ukraine is not written in the Constitution. It outlines only the general conditions of electoral process. In particular, Article 77 of the Constitution stipulates that “the procedure of elections of people's deputies of Ukraine shall be established by law” [2, p. 244].

**Summary.** The society development at the present stage is characterized by the largest transformation of our country and its legal system, and therefore, the order of organizing and holding elections draw close attention from the society. The main objective is to ensure genuine freedom of will of voters during elections. In our time, the proportional representation is not regarded as a form that provides a mirror reflection of the whole spectrum of political views, tastes and beliefs that exist in society, but is rather the possibility of implementing by political parties, through the relevant state structures its program goals and targets. In Ukraine there is a search for and establishment of election system, which would allow to reach a compromise between the principle of representation in the Parliament of different political forces and stability of the government formed by them and would contribute to the most effective and full consideration of interests of all voters from different segments of population.

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