

## PARLIAMENTARISM AS A LEGAL PHILOSOPHY SUBJECT OF ANALYSIS

MARTIN MANUKYAN

Chamber of Advocates of the Republic of Armenia  
Monitoring Officer for the Office of the Public Defender, Attorney, PhD in Law  
*martin\_manukyan\_1955@mail.ru*

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### Abstract

Today, questions about what factors and conditions, legal and political institutions, and structures make this or that system democratic and the relationship between parliamentarism and the executive power continues to be the subject of heated debate. Without a truly functioning parliament and parliamentarism, it is impossible to build a democratic state governed by the rule of law, create an effective system of legislation and law, or form and develop the main elements of civil society, primarily political parties.

In the article, the author puts forward the idea that understanding parliamentarism only as a form of government is insufficient. Referring to numerous definitions of parliamentarism that have existed to date and highlighting the principles of parliamentarism, the author of the article proposed his definition of parliamentarism, according to which parliamentarism is a special system of organization and functioning of state power, based on the principle of separation of powers and the rule of law, with a formally privileged position of parliament, which is elected in free elections with the participation of political parties.

**Keywords:** parliamentarism, democracy, constitutionalism, political parties, electoral system, judicial power.

## ՊԱՐԼԱՄԵՆՏԱՐԻԶՄԸ՝ ՈՐՊԵՍ ԻՐԱՎԱՓԻԼԻՍՈՓԱՅԱԿԱՆ ՎԵՐԼՈՒԾՈՒԹՅԱՆ ԱՌԱՐԿԱ

### ՄԱՐՏԻՆ ՄԱՆՈՒԿՅԱՆ

Հայաստանի Հանրապետության փաստաբանների պալատի  
հանրային պաշտպանի գրասենյակի մոնիտորինգի պատասխանատու,  
փաստաբան, իրավաբանական գիտությունների թեկնածու

*martin\_manukyan\_1955@mail.ru*

### Համառոտագիր

Այսօր էլ սուր բանավեճերի առարկա են շարունակում մնալ այն հիմնահարցերը, թե ինչպիսի գործոններ ու պայմաններ են, իրավական և քաղաքական ինստիտուտներ ու կառուցվածքներ են, որ այս կամ այն համա-

կարգը դարձնում են ժողովրդավարական: Դրանցից է պառլամենտարիզմի և գործադիր իշխանության հարաբերակցությունը: Առանց իրապես գործառու պառլամենտի և պառլամենտարիզմի՝ անհնար է ժողովրդավարական իրավական պետության կառուցումը, օրենսդրության և իրավունքի արդյունավետ համակարգի ստեղծումը, քաղաքացիական հասարակության հիմնատարրերի, հատկապես քաղաքական կուսակցությունների ձևավորումն ու զարգացումը:

Հողվածում հեղինակն առաջ է քաշում այն գաղափարը, որ պառլամենտարիզմը՝ միայն որպես կառավարման ձևի տարատեսակ հասկանալը ակնհայտորեն բավարար չէ: Անդրադարձ կատարելով պառլամենտարիզմի վերաբերյալ մինչ այժմ եղած բազմաթիվ սահմանումներին և առանձնացնելով պառլամենտարիզմի սկզբունքները, հողվածի հեղինակն առաջադրել է պառլամենտարիզմի իր սահմանումը, ըստ որի՝ պառլամենտարիզմը պետական իշխանության կազմակերպման և գործառման հատուկ համակարգ է՝ հիմնված իշխանությունների տարանջատման սկզբունքի և օրենքի գերակայության վրա, խորհրդարանի ձևական առումով արտոնյալ դիրքով, որն ընտրվում է ազատ ընտրություններով՝ քաղաքական կուսակցությունների մասնակցությամբ:

**Բանալի բառեր՝** պառլամենտարիզմ, ժողովրդավարություն, սահմանադրականություն, քաղաքական կուսակցություններ, ընտրական համակարգ, դատական իշխանություններ:

### Introduction

Even today, the issues of what factors and conditions, legal and political institutions, and structures make this or that system democratic, such as the ratio of parliamentarism and executive power, continue to be the subject of sharp debates. Without a truly functioning parliament and parliamentarism, it is impossible to build a democratic legal state, create an effective system of legislation and law, and form and develop fundamental elements of civil society, especially political parties.

In this article, we put forward the idea that understanding parliamentarism only as a variety of forms of government is not enough. Referring to the many definitions of parliamentarism that have existed so far and distinguishing the principles of parliamentarism, we put forward a definition of parliamentarism, according to which parliamentarism is a special system of organization and operation of state power, based on the principle of separation of powers and the rule of law, with a privileged position of parliament in formal terms. which is elected by free elections with the participation of political parties.

### Theoretical and Methodological Bases

The sovereignty of the people is certainly the essence of parliamentarism. The sovereign principle of the people is organically connected and implemented through the principles of “majority” and “representation.”

The idea of “majority,” which is one of the components of parliamentarism, has its roots in ancient times; we see it as early as the Gospel of Luke, where the trial of Jesus is described (Schoenbeck, 2023). Pilate said to the chief priests and

the multitudes. And he said to them: “You brought this man to me as one who misleads the people, and now, judging him before you, I find no guilt in this man.” (Hill, 2019). However, the gathered shouted and said, “Crime him, crucify him!” And he addressed them a third time: “What wicked thing has he done? I found no mortal crime in him...” (McReynolds, 2016). But they forced and asked him to be crucified with a loud voice, and their and the chief priests’ cry grew stronger... And Pilate decided that it would be their problem... And Jesus was delivered up to the will of the clamoring mob (Waqas, 2019).

Famous American sociologist W. Rostow (2009) believes that the essence of democracy is manifested in such a state, which is implemented by the rule of the majority. However, the sphere of applicability of the “majority” principle is not unlimited. The Russian philosopher N. Berdyaev rejected the possibility of confirming the truth with a mere steep majority. Often the truth is revealed by a minority, and more often by individuals. Despite this, it becomes a public fact if it is recognized by a significant part of society. Democracy is the rule of the majority which respects the rights of the minority (Berdyaev, 2012).

The famous philosopher of the 20th century, K. Popper, stated: “Democracy cannot lead to the rule of the majority... Can’t the majority rule with authoritarian methods? In a democracy, the power of the ruling power must be limited” (Popper, 2011).

Representation, powers, the formation of intermediate power structures, constitutionalism, political parties, and elections are integral elements of modern representative democracy.

Despite the negative aspects, the representative system is undoubtedly one of the fundamental elements of the people’s government, because it is the most important way of expressing the people’s will and power.

The mechanism of the process of delegation of power for the implementation of the representative principle is elections, and more precisely, the electoral system. The latter is so important to the exercise of the power of the people that democracy often leads to the selection of those entrusted with the administration of public affairs. Elections of subjects of power constitute the procedure of democracy, which ensures the existence of democracy. However, it is not true that elections can be considered ideal. American political scientist M. Parenti (2007) points out the irony in the fact that the institution which is supposed to register the will of the majority serves to legitimize the rule of the privileged minority and often ignores the interests of the most needy. Parenti’s conclusion is confirmed by the results of the parliamentary elections.

The sovereignty of the people is unthinkable without freedom. Freedom is realized through human rights. Freedom is that one can do anything that is not against the law. The concept of law allows people to decide what is permissiveness and arbitrariness and what is order. In the words of A. de Tocqueville (1835), “Law allows us to be independent without being arrogant, to obey without being humiliated.”

In our opinion, one of the main merits of democracy is that it brings the

concept of civil rights to the consciousness of every citizen. At the same time, the real life of political rights and politics is possible if there are democratic freedoms in the country. Freedom is possible only under democracy, that is, in the case of participation in political life through free expression of will. We agree with Tocqueville's statement (1835): "It can be said without exaggeration, the art of free living can do wonders, but at the same time, there is nothing more difficult than learning to live freely."

Since democracy is characterized by the competitive struggle between subjects for status and roles in the power system, pluralism becomes one of its extremely important principles. The concept of pluralism entails the recognition of the diversity of various interconnected and at the same time autonomous social and political groups, parties, and organizations, whose positions are in constant competition in social and political life. The following essential features of political pluralism can be distinguished:

1. the variety of social and political interests of political entities, and their contradictions, is the source of pluralism;
2. the diversity of power centers (decentralization of power), diversity, autonomy, free competition between political entities, the system of "checks and balances," separation of powers;
3. the exclusion of the monopoly of political power of any party or other government group, or of one leader; a multi-party or two-party system;
4. diversity of channels of expression of interests, their availability for all, publicity of information, freedom;
5. free struggle between political forces, competition between elections, the possibility of their change;
6. The unity of pluralism and political consolidation, the alternative of political views and actions within the framework of values and legitimacy recognized by all.

Discussing the mechanisms of realization of political pluralism, 20th century philosopher K. Jaspers formulated the fundamental proposition according to which pluralism, freedom, and politics are impossible without unfettered, unconditional political dialogue and debate. For such a debate to be carried out on a wide scale, based on full awareness, freedom and pluralism require that people are familiar with the information available to them, the data, and the argued opinions of all sides. Moreover, this requirement applies to the entire population. It is necessary to raise the level of people's enlightenment, to lead from partial knowledge to comprehensive knowledge, so that every person can rise above the frozen patterns and achieve freedom (Jaspers, 2011).

It is no coincidence that Jaspers speaks of the growing tendency to discredit the free spirit of the people. It seems that the spiritual life, education, political enlightenment, and initiative potential of society are dying. Jasper talks about the peculiar sterilization of the creative qualities of the people. People everywhere achieve some result in political life not so much through their intelligence, and high moral qualities of determination, but through the necessary connections.

Touching on the issue of developing people's civic qualities, Jaspers notes that the country's political elite does everything to prevent them from developing and manifesting themselves. This is where the helplessness of the masses comes from when people's vital energy is directed to simple work or spent on idle talk and swearing. Karl Jaspers (2011) states that the democratic form of government is always in the process of either developing or decaying. Its ups and downs depend on many factors, including the activities of the opposition. Jaspers' position here is unequivocal: the opposition contributes to the formation of a common political will. If there is no opposition, then the political struggle – the competition between different views and principles – disappears from the consciousness of the people.

The meaning of the opposition lies in the revitalization of political life and politics through debate, public scrutiny, and assuming the responsibility of forming a government. A creative, morally inspiring force is summed up in the political opposition. If the opposition is not formed as a creative and liberating force, if it does not form a government-opposition complementary “ensemble” on a common basis, then there is a temptation or a real tendency to form an all-party government or a grand coalition. There are cases when the seeming democracy dissolves and disappears in the government made up of the oligarchy of parties (Tran, 2024). Everyone (that is, none) is responsible for this. Party figures are often interested not so much in the political wrinkles facing a specific society, but in the task of finding their “niche” in the government and thereby ensuring political longevity, no matter what and how. They have a common goal: to come to power by any means. When there are no concepts and political programs, preference is given to the interests of the parties rather than the people in the political struggle. Often this oligarchy does not realize the nationally dangerous nature of its political arrogance. Moreover, it requires a respectful attitude towards the Prime Minister, the President, and persons holding ministerial positions. After all, these people conclude that they are the representatives of the people and cannot turn their backs on their people. They have become living saints because they have been chosen by the people. Whoever offends them will offend the people. Because of the positions they hold, they enjoy the power and glory available to them.

Jaspers observes that there are too few people in government circles who are capable and ready to take full-scale responsibility for the state of affairs in the country. Everyone tries to hide behind someone's back, does not want to be responsible for anything, and does not dare to act according to his principles. As a result of all this, the political thinking of the governing circles, as well as a large part of the population, simply becomes paralyzed, because the government officials pursue only ephemeral goals that no longer concern the masses. According to Jasper, these realities testify to the discrediting and debasement of the free spirit of the people (Jaspers, 2011).

Foremost of these is the representative function, the political expression of the interests of the social groups and classes of the population, and the institutionalization of those interests. The guarantor of the implementation of the representative function is the electoral system, together with the competition

between political entities. Competition between political forces is an effective way of forming selections and choosing decision options.

The power function of the Parliament, which derives from the sovereignty of the people, is constitutionally guaranteed. Its most important component is legislative activity. The official function includes political control over the activities of governing entities and holding them accountable if they have violated constitutional principles and norms.

Regime legitimacy function: the Parliament is the most important institution for the legalization (legitimization) of state power because it represents the majority of the society and expresses its political will. Political legitimacy is realized through the adoption of political decisions in which the given society is interested. The decisions made by the representatives of the people become binding for all state and public institutions, which is the basis of the legitimacy of the activities of the governed.

In the frames of the function of solving social and political conflicts, the Parliamentary democracy institutionalizes public conflicts. Parliament has become an open square for conflict settlement.

As a result of legal-philosophical studies of the problem of parliamentarism, various theories have emerged as a response to this or that stage of the development of society. In modern jurisprudence and philosophy, we can talk about two main ways of interpreting the phenomenon of parliamentarism. The first one can conventionally be called “pro-state”, within which parliamentarism is seen as a form of state administration. In our opinion, such an approach simplifies the essence of parliamentarism. Since ancient times, the form of government has been understood as the way of exercising power, either by many or by one person (monarchy), or by a group of persons (nobility), or by the people (democracy). Parliaments have existed and still exist under different forms of government.

The second interpretation, which we agree with, understands parliamentarism as a certain system of organization and operation of state power, which is based on the separation of powers, the diversity of interests of different social groups in civil society, political pluralism, and the provision of human and citizen rights and freedoms.

Therefore, it is not surprising that the picture of opinions on the question of the nature and principles of parliamentarism is quite wide. For example, as Kelly noted (2004), the famous German researcher G. Jellinek, who considers the parliament the heart of parliamentarism, does not rank the parliament among the most important bodies of the state. In his opinion, the Parliament is one of those secondary bodies, the coming together, functioning, and dissolution of which does not lead to the disintegration or radical transformation of the state. In his opinion, the parliament is not an independent body, because its voluntary act does not have a direct effect on the state and the persons subordinate to the state. We strongly disagree with this view and find it arbitrary.

English researcher A. Dicey defends and develops a completely different opinion. Parliamentarism under the conditions of the English state order has the

right to adopt or abolish any law, and no person or institution has the right to ignore or not to execute the legislative acts of Parliament. Parliament's rights are limited by only two factors: moral law and public opinion (Kirby, 2018).

French political scientist G. Burdeau (1949) has a more moderate opinion. According to him, Parliamentarism is based on three principles: firstly, there needs to be equality of executive and legislative powers, cooperation, existence of means of interaction with each other; Secondly, neither the government nor the parliament should have a significant degree of dominance over each other; thirdly, their balance should be guaranteed in public with opinion control. Therefore, the parliamentary system is sometimes called an expression of public opinion. However, this balance is more convenient to establish on paper than in practice.

As noted by Tomkins (2004), American researcher Jennings emphasized that the function of the parliament is not to rule, but to criticize. Jennings' criticism is aimed not only at the significant change in the government's policy but at the formation of public opinion. The main importance of the Parliament is that the speeches made there echo in society, therefore the power of the Parliament is not in the powers, but in the public opinion, which echoes the parliamentarians. Full and mass public opinion is a unique credit of confidence that allows for avoiding electoral crises or weakening their impact.

Of particular interest is German researcher P. Lösche's opinion that there are two understandings of parliamentarism: narrow and broad. In the first understanding, parliamentarism means the presence of the parliament, which is the expression of the people's interests. The broad interpretation is related to parliamentary parliamentarism, which is based on certain institutions, certain public structures, and socio-political culture. At the same time, it characterizes the impossibility of transferring the mentioned system of parliamentarism to other systems and political cultures.

It is noteworthy that there are also judgments that are identified with the democracy of parliamentarism. Aleman and Yang (2011) expressed an opposite point of view, stressing that if the popular representation does not play a central role in politics, then one can speak of authoritarianism or even "totalitarian parliamentarism."

Even in post-Soviet political and legal science, the concept of "parliamentarism" is interpreted in different ways, although it is generally about the parliamentary system of organization and operation of the supreme state power. In the narrow sense of the word, parliamentarism refers to the supremacy of the parliament, its privileged position, the government's responsibility to it, and in the broad sense, its essential role, that is, its natural functioning as a representative and legislative body endowed with supervisory powers.

In the current complex and controversial phase of post-Soviet transformations and developments, many definitions have been proposed. Some Russian authors characterize parliamentarism as an exclusive state regime, the main distinguishing feature of which is the political responsibility of the government for its activities before the parliament or its lower house.

According to some authors, parliamentarism is a system of political organization of the state, in which the functions of the legislative and executive powers are separated, with the presence of the privileged position of the parliament (Tomkins, 2004; Oleynik, 2020; Yang, 2023; Newman, 2024). The famous American political scientist Juan Linz (1998) defines parliamentarism as a structure with its roots in the medieval form of representation of the people when an assembly was elected, endowed with certain rights and powers, in making decisions within the framework of a specific government and state order. More precisely, parliamentarism is a system in which the only democratic institution is the parliament, and the power of the government is completely dependent on the confidence vote of the parliament.

The aforementioned definitions allow us to distinguish the principles of parliamentarism, the most important of which are: expressing and protecting the interests of all social groups within the population, the primacy of the legislative bodies of the government over others, the subordination of the parliament to the people and its control, the cooperation of the parliament with other bodies of the government.

The Parliament acts as the highest representative body of the government, not formally, but in reality. It includes the parliament itself and, in addition, a whole system of political, legal, and moral factors of different levels, with the help of which societal life is essentially regulated. There is no doubt that democratization is impossible without the development and improvement of representative forms of exercise of power by different social strata of society, that is, without parliamentary democracy.

Democracy, if we do not mean only its specific form, is a rather variable phenomenon that takes various concrete forms in different periods of its development. For example, J. Madison, one of the founders of American democracy, considered it a compromise of majority rule to minority rule, which can be achieved by the equality of all adult citizens in the political process, on the one hand, and the limitation of their autonomy, on the other (Morgan, 1988).

Such expressions as “presidential government system” and “parliamentary government system” are often used in scientific circulation. In our opinion, it would be more correct to talk about presidential, semi-presidential, and parliamentary forms of government. Parliamentarism is a variety of forms of government, but not a form of government in the political and jurisprudential sense of the word. It is characteristic that in several countries the parliamentary system is fully compatible with such a form of government as a constitutional monarchy, and is often called “parliamentary monarchy.”

In our opinion, it is not enough to understand parliamentarism only as a variety of forms of government. Parliamentarism is a multidimensional concept with a complex internal structure consisting of interrelated elements. Although quite often one can come across the expanded interpretation of parliamentarism, its identification with parliamentarian in general, and parliamentarism without parliament – with representative democracy – it is sometimes interpreted as the

ability of a representative body of state power to freely discuss and adopt political decisions in the form of laws (Krylov, 1963). One can agree with this classification or dispute it, however, one thing is indisputable: there is no democracy without parliamentarism, and parliamentarism without parliament.

### **Research Methods**

The investigation of the phenomenon of parliamentarism was conducted using the general scientific methods of comparison and analysis. The main theoretical and methodological foundations of the development of parliamentarism were studied. The main results of the study are given below.

### **Results**

The existence of the parliament itself in the system of state power bodies does not mean the existence of parliamentarism with solid foundations, that is, for parliamentarism the people's representative body must be endowed with certain characteristics, among which are:

- 1) the election of parliament members in free general elections, which is the main guarantee of the high level of representativeness of the given state body,
- 2) autonomy and independence in the system of separation of powers,
- 3) the high level of powers of the parliament in solving issues of state administration and in the law-making process.

Parliaments of all countries have similar functions within known limits, their main role in the system of state power is as follows:

- firstly, the parliament is the national supreme state body for popular representation and institutionalization of the interests, political orientations, and sentiments of the people. It performs the most important function of uniting the sovereignty of the people with the state power, it points to the real source of power. It is the people's representation that gives the state administration system a democratic character, and the parliament itself a wide social reach and openness;
- secondly, the parliament performs a legislative function. It is with this function that the principles of popular sovereignty and democratic parliamentarism are realized. It is the parliament that creates the foundation for the normative-legal provision of the legal state, human activity, and society in general;
- thirdly, as a representative body, the parliament is an important institution in the trinity of the separation of powers and has real opportunities to influence each component of the trinity, and at all levels of state power. Bringing up social demands, concentrating and classifying public interests, and expressing them freely make the parliament a public platform for mitigating the contradictions between different bodies of power, the state, and civil society. Parliament is the only place in the system of state power for public protection of the interests of different classes, social strata, and groups of society;
- fourthly, the parliament is the most important element of the formation, legal provision, and practical implementation of the state's foreign policy. The active foreign political activity of members of the parliament is a necessary condition for effective and authoritative parliamentarism.

– fifthly, it is important to take into account that the parliament has certain powers to control the activities of the government and other higher bodies of state power, to course-correct them. Of course, the supervisory functions of the parliaments of different countries are not the same. However, they necessarily exist. Without parliamentary control as the most important form of social control, it is difficult to talk about the legal nature of the state and democracy,

– and lastly, the ideological function. Legislatures, acting as a pillar of democracy, convince citizens of the advantages of the existing order or vice versa; these goals are served by parliamentary media publications, campaign speeches and visits in the country and abroad, transformation of public opinion by mass media, work with voters, etc.

In addition to performing certain functions, the parliament, as a key element of parliamentarism, must also possess certain qualitative characteristics without which parliamentarism as a system cannot take place. These are the rule of law, the relative independence of the parliament, the clear division and balancing of the powers of all branches of government, the existence of a system of mutual checks and balances, representativeness, a fairly high level of legislative legality, the ability to ensure the rights and freedoms of citizens.

Judging the nature of representative government, which is the essence of parliamentarism as a political system, the famous English philosopher-jurist J. Mill emphasized the importance of the people's direct participation in law-making activities, posing the representative principle as an alternative to bureaucracy (Selinger, 2019). The liberal principle of representative government is conditionally connected with the formation of parliamentarism and provides the possibility of public control over the governing bodies by the powers of the parliament.

The most common and best system is elective representation. This representation provides a real opportunity to reflect all changes in public interests and sentiments within the state institutions. Only elected popular representation can guarantee that the right granted by the state always corresponds to popular jurisprudence, the social origin of any right.

Elective representation should be understood in broad and narrow senses. In the first case, the system of representation will include all state bodies and officials in whose election the population of the republic participates in one way or another. Such an interpretation is based on the feature of the electability of state power bodies by citizens. In the second case, representation means the creation of collegial bodies, which are composed of representatives elected by the people, that is, bodies that belong to the legislative arm of the government. It is the elective representation that is at the basis of the modern parliamentary (party) system, the starting point of which is the idea that the people's representatives, being more authoritative and more correct than anyone else, express the people's needs and desires, can more thoroughly solve state problems and affairs, as well as claim the election of the persons to whom direct management is assigned (Yang, 2023). Moreover, society expects from their representatives not abstract, fruitless philosophical judgments, but concrete knowledge and skillful, calculated

rational actions; not crowd-pleasing appeals and slogans, but impartiality and clear confirmation of facts. By the way, this requirement completely refers to the language of parliamentary speeches, which should be brief, concise, proportionate, and without excessive sensitivity.

In the professional literature, three key meanings of the fundamental principles of parliamentarism are distinguished:

- 1) delegation of powers,
- 2) representation,
- 3) being a symbol.

Fully agreeing with this point of view, we believe that people's representation as a true symbol of democracy should include not only the right to free choice of representatives and the delegation of powers but also the real public possibility to control the activities of their representatives.

It is known that the composition of the parliament is formed by the will of the people. It means that the supreme power belongs to the people and that the parliamentary power acts as the power authorized by the people. Accordingly, the parliament embodies the sovereignty of the people – it is meant to express the will of the people and rank the interests. As for “characteristics,” there is the fact that the parliamentary representation, in general, should represent a unique model of society. Therefore, only with this type of representation is the parliament able to adequately reflect the interests of the people, to take into account the entire diversity of people's moods and opinions, the entire spectrum of cultures and traditions, especially when the electorate is multi-ethnic.

To deeply understand the essence of democracy, it is equally important to correctly interpret representation as a “symbol.” Parliament symbolizes democracy, and in the event of a threat to the democratic order, it is the parliament, as a symbol of that order, that is the first to be hit.

Thus, political participation is only an “external” characteristic of parliamentarism, while its main components are primarily the functioning of representative institutions and the nature of their interaction with other elements of the political system, as well as civil society. We can talk about the existence of parliamentarism only in the conditions of the existence of a special system, when it has the opportunity to perform its functions, not formally, but in fact, thereby occupying its adequate place in the country's political system (Oleynik, 2020).

In our opinion, many of the modern definitions of parliamentarism lack the requirement of the existence of a system of parliamentary-type parties as an independent essential characteristic of this phenomenon.

In political science, a party means an organizationally united group of people whose main goal is to fight for political power and achieve it. To fulfill their main task, the party structures actively participate in the elections, and their representatives form the composition of the parliament, essentially delegated by the electorate. During their parliamentary activities, parties contribute to the performance of one of the main functions of that body of power, which is combined with their immediate task, which is to represent interests. In other

words, it can be said that the parliament performs its function through the practical activities of political parties, and this indicates their close interdependence. Apart from that function, the parliament is endowed with governmental authority. It also becomes a reality in the case of direct participation of parties, whose political programs are transformed into parliamentary decisions, which define the tactics of the state's further development, at the same time preparing the ground for adopting a law (Newman & Robins, 2024).

Without detailing the nature and classification of parties, we should mention that according to M. Duverger (1977), parliament and government are like two machines that are operated by one engine, the party. The executive and legislative authorities are a constitutional veil the party manages all the power.

The concept of “parliamentarism,” as mentioned above, is extremely comprehensive. Only in the presence of the inseparable unity of such characteristics and conditions, such as the institution of representative (legislative) power, which is formed with the participation of political parties based on free elections and expresses the interests of the entire society, the constitutionally fixed principle of separation of powers, mastery of the principle of the rule of law, the existence of civil society characterized by democracy and a high legal and political culture of citizens, we can talk about the existence of parliamentarism as a state of solidarity between the parliament, society, the people's representative and executive power (Newman & Robins, 2024).

According to our definition, parliamentarism is a special system of organization and operation of state power, based on the principle of separation of powers and the rule of law, with a formally privileged position of the parliament, which is elected by free elections with the participation of political parties.

We highlight the most important elements of parliamentarism.

- following the principle of separation of powers,
- unconditional supremacy of law,
- the existence of a legislative and representative institution in the society, the parliament,
- the democratic process of forming the parliament and its publicity.

In that context, the problems of the separation of powers are seen again and again today.

### **Conclusion**

Thus, based on the research, the following main conclusions can be drawn:

1. Without a truly functioning parliament and parliamentarism, it is impossible to build a democratic legal state, create an effective system of legislation and law, and form and develop the fundamental elements of civil society, especially political parties.

2. The principle of representation, the electoral system, through which this principle is implemented, will embody the spirit and essence of democracy only when their equality is recognized and implemented in the field of participation of citizens in political processes.

3.. The most important principles of parliamentarism are expressing and

protecting the interests of all social groups of the population, the primacy of the legislative bodies of the government over others, the subordination of the parliament to the people and its control, the cooperation of the parliament with other bodies of the government.

4. It is not enough to understand parliamentarism only as a variety of forms of government. Parliamentarism is a multidimensional concept with a complex internal structure consisting of interrelated elements.

5. The existence of the parliament itself in the system of state power bodies does not mean the existence of parliamentarism with solid foundations. For parliamentarism, the people's representative body must have the following characteristics:

- 1) the election of parliament members in free general elections, which is the main guarantee of the high level of representativeness of the given state body,
- 2) autonomy and independence in the system of separation of powers,
- 3) the high level of powers of the parliament in solving issues of state administration and in the law-making process.

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