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**FORM OF STATE GOVERNMENT:
CONCEPT AND ITS HISTORICAL TYPES**

Annotation

The article is dedicated to the form of state government as one of the most significant socio-political phenomena of state-organized society. There are analyzed traditional for post soviet juridical science views towards the concept “form of government”, enunciated theoretical-legal, constitutional-legal and politological definitions of phenomenon under investigation. In the article there are also determined place and role of the form of government in the element system of the form of government, explored the main regularities of its formation and development and on the basis of this a new type scheme of cause-effect relation was proposed: society – state – its forms. The author proceeds from the fact that state-organized society passes in its development several stages and to each of this stage corresponds definite historical type of society, state, form of state and form of state government. Two basic types of society are: estate-caste and civil; historical types of state of each of this society formations are correspondently non-republic and republic; non-republic type of state predetermines historical type of its form as monarchy and form of government – as monarchy, and republican – as polycracy and correspondently – polyarchy. The concept “polyarchy” is proposed to introduce into the scientific juridical use instead of the concept “republic”, more appropriate for identifying the category of “essence of state”. In the article there are also specified the characteristic features of monarchy and defined the characteristic features of polyarchy, formed their definitions.

Key Words: *society, state, form of state, form of state government, republic, monarchy, polyarchy.*

Socio-political events of the last years in Ukraine determined a heightened interest of political scientists in such general research issue as form of state. Among structural elements of the last one: forms of legal state regime, forms of state and territorial arrangement, special attention is again paid to the form of government of Ukrainian state, legal model of which, with the return of Ukraine to the Constitution of 1996, was transformed from the so-called parliamentary-presidential republic to presidential-parliamentary. In political sphere these transformation processes are going even more intensely towards presidentiality of form of government. As it is common in Ukraine, correspondent political legal transformations are executed by powerful “elite” at their own discretion, but not in a complex and systematic way with proper scientific grounding of ways of structural institutional reorganization of state power. Possible ways of such development, as we consider them, must be determined in the first place on the basis of special theoretical investigation that gives an idea about the place of form of government of Ukrainian state in the system of “world coordinates”, show naturally determined direction of its moving forward. In consideration of that we set a goal to develop the essence of such a phenomenon as form of state government, determine its definition and historical types.

To reach the stated goal different definitions of the “form of state government” have been investigated, that were represented in juridical literature of the past years [1, 2, 3], have been determined gnoseological reasons of their diversity, have been developed and suggested

some methodological approaches that allow to implement a definite “order” in understanding of form of state government in different political legal sciences.

Concept of the “form of state government”. Scientific analysis of the problems connected with theoretical comprehension of the form of state government indicates the presence of multiplicity in the views, concerning doctrinal understanding of its essence. In the concentrated form it was represented in the definitions that are found in the legal literature data base that appeared at the border of the XX-XXI centuries. From the mere formal point of view these definitions can be divided into simple and complex.

The size of simple definitions is not big; their content shows only the most essential characteristic features of the concept itself. Such an approach to the definitive formulation of the form of state government used Ukrainian researchers – theoretician P. Rabinovych [4, p.54, 55] and constitutionalist V. Shapoval [5, p.80], Russian theoretician S. Komarov [6, p. 69], Byelorussian constitutionalist M. Chudakov [7, p.282-283], who with slight variations define the form of government as a method (structure, type of predomination) of organization of higher state authority.

The size of complex definitions is bigger and correspondently more substantial. For the first group we will take the initial definition of the form of government proposed by researcher from Kharkiv O. Skakun who defines the form of government as “a procedure of establishment and organization of higher state authorities” [8, p.73]. Practically the same meaning, but with

some specifications, enclose also other scientists in the context of the concept under analysis [9, p.115; 10, p.180; 11, p. 555; 12, p.431].

The second group of definitions is characterised by additions that indicate certain connection of state authorities not only between each other but also with the population. “Form of government, – state the authors of the fundamental research on methodological problems of theory of state and law – characterises the form of creation and organization of the higher state authorities, their mutual relations with each other and with the population” [13, p.183]. Many other experts stand but with some nuances to the same position [14, p.80; 15, p.79].

The third group is a peculiar conglomerate of definitions that are characterised by certain individual content. Constitutionalists are commonly notable for their diversity. In the scientific use till nowadays there has existed A. Mishyn concept about the fact that “the form of government is the most outer expression of the content of the state, specified by the structure and legal status of the state higher authorities” [16, p.79]. K. Aranovskyi considers the form of government a legal description of the state that defines the conditions of creation and the structure of higher authorities, and also the division of powers between them [17, p.154]; and V. Chyrkin – as a description of “structure and relations of the legislative and executive authorities or other basic public authorities in those countries where there is no division into legislative, executive, and juridical authorities, but the conception of “republic of councils” is adopted” [18, p.139]. It is significant though that in the other issue men-

tioned above V. Chyrkin’s definition is somewhat changed: “Form of government is a method of governing the country that includes structure and mutual relations of the state authorities and also the forms of their direct and indirect connections with the population” [19, p.258].

Authors of Russian fundamental educational issue on “Constitutional rights of foreign countries” qualify the form of government as “a system of formation and mutual relations of the head of the state, legislative and executive authorities” [20, p.303], Ukrainian constitutionalist A. Georgitsa – as a “method of establishment and functioning of higher authorities that basically is conditioned by the status of the head of the state and his mutual relations with legislative authority” [21, p.199], and V. Shapoval in the latest supplemented by him definitions asserts that “the form of state government is a representation in the main law of the method of organization of state power that testifies the peculiarities of competitive mutual relations between the higher state authorities and in the first place with those who are connected with legislative and executive authorities” [22, p.49] or it is the “way of organization of state authority which is the evidence of mutual relations between the higher state authorities, between legislative and executive authorities in the first place, and the peculiar properties of the status of the head of the state” [23, p.295].

And in this line stands apart the definition suggested by E. Grygonis who considers the form of government “is an organization of higher state authority in the country, certain methods of its realization that depend on political regime” [24, p.60].

Stated above testifies that in juridical science there is absent the single approach to the definition of the concept under investigation. One of the main reasons of multiplicity of points of view, represented in definitions of the forms of state government, is “depiction (making photo) of the image” of the last ones at the certain stage of cognitive process (ontological or gnoseological), its perception as a part of objectively existing material world or as a certain idealistic image (model) created in the people’s consciousness. Concept as a form of thinking, abstraction represents the initial qualities of phenomenon. The last one can be real or hypothetical (designed in the people’s consciousness). In our case we deal with the real phenomenon inherent to each of more than 200 countries of the modern world. As the “quality” of the worked out definitions “entirely depends on how accurately the objective reality is represented” [25, p.372], the starting point of the cognitive process of the form of state government is giving an ontological idea about it. On this understanding the most acceptable is the point of view of those researchers who define the form of government as a certain system of state authorities.

The decisive importance to define the content of the form of state government holds mutual relations of these authorities, which are conditioned by the correspondent principle, based on this institutional power system. If its creation is based on the principle of power concentration and not on its separation than the number of mutual relations in the system “legislative authority, head of the state authority and government authority” is minimal because they are “locked”

as a rule on the same element– on the authority that actually rules the country. If the principle of power deconcentration, in other words division of power, is taken as a basis than the number of mutual relations in the stated above authorities’ triangle increased, and the public authority itself will be the result of the common (mutual) activity of the above mentioned public authorities.

As it was mentioned many experts to the system of connections of the form of state authority (as a subject of the correspondent authority relations) include also population. It is though hard to accept. If the form of state government is a power system than it is hard to imagine population as its subject, it is rather the source of its subject or of the whole power system. Population undoubtedly influences the form of state government but this influence is indirect and it is conditioned by the mutual relations in the society, necessary financial life conditions of population itself [25, p.301], and by the state, which in its social sense, is a “union of people conditioned by some interest”. This interest that is “guarded” by the state acting as a political organization, serves as a barometer that defines the social essence of the state. The essence of the state in its turn determines the content of its common form. In this very indirect way population influences the forms of state government and the forms of political regime.

Taking into consideration the above stated we consider *the form of state government* in its ontological meaning – *an institutional functional system of state government the content of which is defined by certain method of formation, by principles of its organization, and mu-*

tual relations between its subjects – higher state authorities. In other words in real life the form of state government is in some sense an “institutional mechanism, motor” which by its functioning produces the “energy” of government in the country. But in such “material” condition this model is inherent only to one definite country. In order to get a general idea about the form of state government of historical type, to define the mechanisms of its formation and development, common features and peculiarities, to single out its models, types, sub-types, etc. one must proceed to another level of cognition – gnoseological.

From this side it is necessary to mention that “the form of state government” as a concept of jurisprudence is a “gnoseological product” of two spheres of science: general theory of state and law and constitutional (state) law. Basing upon the concrete subject of cognition these sciences must also comprise their own “gnoseological” approach to the understanding of the form of state government. But the analysis of the concepts of the form of government, the authors of which are the representatives of general theoretical as well as constitutional legal sciences, shows that within its boundaries such a verity approach is not yet developed. The evidence of this are stated definitions the content of which is often equally interpreted by theoreticians as well as by constitutionalists. To avoid in some sense “conceptual” confusion that emerges in these cases it is necessary to determine the conditioned subjects of each of stated above laws by the correspondent levels of theoretical comprehension of phenomenon under investigation.

On the higher “step” of this cognitive process stands without a doubt general theory of state and law. Since its cognitive approaches are extremely connected with the philosophy, then carried out by theoreticians concept of form of state government must be based primarily on the philosophical category “the form” which is characterised as a way of existing and expressing the content of some social reality [25, p.434]. Since in our case this “social reality” is a state then, from the position of general theoretical science *the form of state government must be the method of existing and expressing that side of state content which is outwardly represented in historically conditioned structurally institutional system of higher authorities.* Due to cognitive methods of general theory of state and law in such a way the general, universal to all historical epochs, to a large extent synthesized theoretical “image, model” of the phenomenon under investigation is created – the form of government.

Constitutional (state) law distinguishes the form of state government from its own gnoseological point of view. If theoreticians study the form of state government as a socio-political-legal phenomenon then constitutionalists focus their attention first of all on its legal side. In their understanding *the form of state government – is a stable, fixed in legal norms institutional system of government, the content of which is determined by legal status (procedure of formation, jurisdiction, principles of organisation and interaction) of higher state authorities.*

If for theoreticians the form of government – *is a method of expressing the historically conditioned content of the state* than for consti-

tutionalists it is *a synthesis of legal regulations, a state legal institution that controls the sphere of relations which is connected with the institutional legalization of the given system of supreme power.*

From the stated above it occurs that investigating the form of state government theoreticians and constitutionalists reconstruct different, on the level of generalization, *theoretical models* of the form of state government. The effectiveness of the last ones in its turn can be estimated only by comparison with their practical display or, according to G. Jellinek, with political forms of state government, which are the subject of study of such science as Political Sciences. *Political form of government* (or state political regime) is a *dynamic system of functional mutual relations of the correspondent subjects of power the result of which is a real (practical) government in the country.*

Ideally theoretically legal as well as political model of the form of state government must correspond, but specific character of modern political legal situation is that in most countries of the world this doesn't occur. That is why to get a general idea about the form of state government it is necessary to take into consideration the multivariable character of this phenomenon.

Historical types of forms of state government. Modern classification of the forms of state government relies on the correspondent basis prepared by the previous generations of researchers. The most variable is the classification schemes of foreign state-researchers who rely mostly on the formally legal or politically legal criteria. Post-socialistic and also modern native

law is characterised by multi-level approach to the classification of forms of state government.

With single exceptions neither theoreticians nor constitutionalists do not exceed the bounds of the conventional classification scheme of the form of state government which for instance is given in the prepared by Kharkiv lawyers contemporary manual "General theory of state and law" [26, p.86-90]. Classification forms of modern states government they write that "traditionally in science they distinguish two forms of government – monarchy and republic". All the monarchs depending on the amount and the character of power of the monarch, grounds of their origin and mutual relations of the monarch with the population, are divided into restrained and unrestrained. Among unrestrained monarchs can be singled out such types as despotic and absolute, and among restrained ones – estate-representative and constitutional. The last one, the constitutional monarchy is presented by two sub-types: 1) dual; 2) parliamentary. Modern republics the authors of the mentioned above issue divide into parliamentary, presidential and mixed. The last ones they also distinguish as half-presidential. Other researches single out among republics, for example, super-presidential, half-presidential (or half-parliamentary), socialistic directorial, monocratic, theocratic (or military) that to some extent complete this classification [5, p.87, 89].

Regarding the existence of other approaches to the classification of forms of state government – as, for example, the division of republics into autocratic (ideocratic and non-ideocratic) and based on the division of power [E.

Grygonys] [24, p.64] or the division of the form of government into “pure”, classical (monarchy and republic) and untypical (mixed ones – dual monarchy, presidential parliamentary republic; hybrids – monarch republic, republican monarchy) [R. Mukhaev] [27, p.131]; such generalising classification scheme is common in native juridical science. All modern countries according to the form of government are divided into two types: monarchy and republic. Monarchies can be unlimited (absolute) and limited or constitutional (dual or parliamentary). Republics can be classical (presidential and parliamentary), hybrids (mixed) and some special that exist in one or in a small group of countries.

The principles of this classification, which to some extent were “modernised” by native state researchers of soviet times, were developed already at the turn of XIX – XX centuries. The basic elements of this construction have been preserved till nowadays but its definite links require improvement in consideration with socio-political realities of modern world. Among scientific problems in this sphere the main problem is division into types of the forms of state government. An attempt to solve it differs by its novelty as far as law, not intending to define historical types of forms of state government, still operates with such terms as “basic forms (types) of government”.

In order to solve this problem the concept line must be “locked up”: state – historical type of state – historical type of the form of state – historical type of the form of state government and there must be reconsidered the criteria of defining the type and classification of the form of state government.

Stated above concept line for the correspondent historical epoch has the following system:

1) country of the estate-caste society epoch according to the historical type – non-republic (arespublica), according to the historical type of the form of state – monocacy, according to the historical type of the form of state government – monarchy (here our point of view corresponds with the traditional one);

2) country of the civil society epoch according to the type is republic, according to the type of the form of state – polycracy and according to type of the form of government we suggest to denote the country instead of republic by the term *polyarchy*.

Polyarchy (from Greek *πολι* – many and *αρχή* – government, authority) already at the beginning of the XX century the authors of Oxford Dictionary (1909 year) explained as “state or city government by many people as opposed to *monarchy* [28, p.614]” (for the first time in general scientific usage this term was introduced at the beginning of 50-s of the XX century by American political scientist R. Dahl but he enclosed a wide sense in it considering polyarchy a type of civil society). More suitable in this case is a conception of the authors of the issue mentioned above who interprets polyarchy as a form of organization of authority opposite to monarchy.

In the native State Science the term polyarchy is used by political scientists. Although it is reasonable to use it also in the jurisprudence. Introduction of the term “polyarchy” in scientific use in the theory of state and law as

well would contribute to definite balance between the terms “monarchy” and “republic”.

Usage of “polyarchy” instead of “republic” in defining the type of the forms of state government firstly would eliminate the existing language terminological “Greek and Latin” misbalance in this question using one language – Greek (μοναρχία — ρολιαρχία) which is a generally accepted source of State Sciences_unlike Latin which is considered to be the language of juridical science (jurisprudence).

Secondly the existing balance between etymological content of these concepts is eliminated. Monarchy – is an authority which is derivative from one subject, and the government is a result of action also of one state authority – monarch; polyarchy – is an authority which is derivative from many subjects (people), and government is a result of collective actions also of many (more than one) state authorities.

Thirdly, both these terms are by the nature of represented in them phenomena legal (neutral) as they are directly connected with the state government. In the context of previous division monarchy – according to the content is a political legal term, republic in its turn – is social.

And finally the usage of terminological pair: monarchy – polyarchy brings in the science of general theory of state and law definite order in the concept line: state – historical type of state – historical type of the form of state – historical type of the form of state government where the term “republic” based on its etymological content in this conceptual and categorical hierarchy must occupy as it was mentioned a more higher level than earlier.

Concerning the criteria of classification there is an urgent need to create a composite classifier of the forms of state government as a definite aggregate of hierarchically arranged criteria which depending on its content will be used to define the models, types and sub-types of the forms of state government. To the structure of this classifier we would include the following classification criteria.

1. *The principle of power division*, absence or presence of which definitely influence the method of organization, the mechanism of realization of state government, and correspondently the execution of government in the country.

2. *Mutual relations mechanism* of higher legislative and executive authorities (merging regime, division regime, cooperation regime) and *level of influence of institutions of state authority* and *legislative authority* by means of forming and controlling *public authority*.

3. *Method (procedure) of organization of higher legislative and executive authorities*.

Evidently the criterion that shows the methods of organization of state authorities (especially of the institution of the head of the state), which was usually considered to be the principle one, we put in the last place. And this is not by accident as in modern languages it gained the formal character. To confirm this one can point out the similar legal status of the heads of the states in the so called parliamentary form of government, when one of them inherit this position (“parliamentary monarchy”), and others are elected for it (“parliamentary republic”). In modern legal literature it is fairly noted

that these “both forms of state government do not have fundamental difference in organization and functioning of higher state authorities, except the recognition of the head of the state of the selected president or correspondently hereditary-monarch” [29, p.438-439].

The system of replacement of the position of the head of the state in definite period of time (almost at the beginning of the XX century) was indeed one of the main factors that defined the content of the form of government. But henceforward it lost its previous first meaning, as decisive point for the division of the form of government became the recognition of the principles on which the correspondent system of power authorities is based, which executes the government in the state, and not the person who is the head of state and the way it replaces this position. In consideration of this fact one can work out the elaborate classification scheme of the forms of government of modern countries.

Having taken as a basis the principle of division of power absence or presence of which is conditioned by the essence of the state of correspondent historical epoch, we can determine the source units of this classification. These will be on the one hand *monarchy* conditioned by the type of state of estate-caste society with its monarchy form, and on the other hand – *polyarchy* which is conditioned by the type of civil society state with its polycracy form.

Concept of Monarchy. The history of state organized society proves that **monarchy** as a historical type of the form of state government is one of the oldest one. It was established already at the dawn of state foundation in early social

agricultural cultures, where the organization of power, carried out on the extremely centralized basis, was the most effective and comprehensive, met the strictest regulations of agricultural production, spiritual world of husbandman community members. Its spiritual basis was that in its patriarchal consciousness there occurred an idea about natural inequality of people, their differentiation according to property basis, rank, and place in social hierarchy. Proceeding from this there took place the division of subjects of state communion (of population) according to the origin “into those who are permitted and those who are not permitted to carry out the state government” [30, p.593]. Fixed in law social inequality of population itself has been the source and the nourishing environment of monarchy power in the course of a long historic period of time. In the history of state organized society this period covers the whole epoch – the epoch of estate-caste society, when such a form of organization of the higher state power reached the highest level of development and gained correspondent standard features.

1. The most significant sign that is traced in the content of the term “monarchy” itself is *autocracy* (single government). That means that the state power, which is characterized by organizational and functional unity of its authorities, is concentrated in the hands of one of them – the head of the state that is embodied in monarch. Since among the subjects of state communion he the one (μονοϋ) is a source of state power then all the power is concentrated in his hands. The power of monarch is supreme, sovereign, does not have limits, and is spread on all the spheres

of state activity. Namely the government in such a country is a result of individual action of one higher authority – the head of the state, as even in division of responsibilities between other state authorities the final decision in any issue remains on him.

2. The essence of the second feature, that indicates the monarchic character of the power system of this epoch, lies in the fact that the subjects of state communion (of population) *are pushed away* from the process of formation of the higher authorities and afterwards also from *the process of legitimacy of political power* in the state. Power institutions are formed by one governor and they bear responsibility to him.

3. Standard feature of monarchic form of government is *irresponsibility* of the head of the state. The governor is not politically or legally responsible for the results of his government, and for the mistakes and abuse among state executives are responsible state officials.

4. *Heredity* in succession of the power from one head of the state to another.

5. *Termless, lifelong* power of the governor.

6. Such form of government in its essence is first of all *political* and only then *legal* phenomenon. “For traditional (estate-caste. – *S. B.*) society with its religious power legitimacy, — fairly states Russian scientist A. Medushevskiy, — the problem of the gap between formally lawful and real structure of power was very sharp. Legal confirmation of monarchy sovereign corresponded to the actual situation of absolute countries” [31, p.190]. That was achieved due to created by monarch political forms that were “dressed” in legal “clothes”.

Taking into consideration the above stated, *monarchy – is a way to express the essence of the state of estate-caste society that is represented in political and legal system of higher state power, where all its plenary powers are concentrated in the hands of the head of state, who possessing a special status (primary and eternity of powers, irresponsibility and heredity) individually rules the country.*

Monarchy as a form of state government of previous epoch, in the epoch of civil society has to go away from the historical stage. This is confirmed by the tendency of its development in the past hundred years: if at the beginning of the last century monarchy according to its number prevailed, then at the beginning of the XXI century out of more than 200 countries in the world, according to some information, 45 such states exist [21, p.205]. These monarchies are determined by traditional criteria – way of filling the position of the head of the state (hereditary, though in some of these countries they are elected), but if to take as a basis the division of power, then the number of “genuine” monarchies will become even lesser in the modern world. These considered to be the countries that according to their level of social political development are still in estate-caste society or in transitional period to civil society level phase. The key sign of the form of state government is absence of power division that ends in *autocracy* of the head of the state, expressed in the content of the term “monarchy” itself.

Taking this into account the genuine monarchy, as we think, must be considered not the state, the head of which formally inherits the

power, but only that state, where the concentrated in the hands of the head power itself “extends over all the spheres of state activity and is the driving forces of the whole state mechanism” [32, p.502]. In this very state the head of the state is a monarch as he is an absolute governor. In the so called “monarchy based on power division” (parliamentary monarchy) the head of the state is not a monarch, since his previous individual government (then indeed he was the monarch) was divided between other authorities, which in this system of power relations, as a rule, predominates the power of the head of state. The governor of such a state – is not a monarch but only the head of the state, who holds his position in definite order of throne-inheritance. Such a state according to its form of government, as we think, is in general not a monarchy, even limited one, since such a name requires the presence of individual government in the state, which could be limited by some other authority but without losing the monarchic element itself.

Concept of Polyarchy. Cumulative experience of formation of state forms in the epoch of civil society testifies that monarchy was replaced by an absolutely new type of the form of state government peculiar by its own characteristic features:

1. The source of supreme power is not one (μονος) but many (πολι) subjects of state conversation (citizens, electors) who directly or indirectly participate in formation of the constituent institutions of the forms of government – higher authorities of legislative and executive power.

2. Government in such country unlike the monarchy is a result of collective actions of correspondent power authorities.

3. In such countries power is de-concentrated – unique in its essence it is divided into the number of branches: legislative, executive and court.

4. Higher state authorities are elected for a definite period of time in other words the principle of changeability is being realized.

5. State authorities by means of officials bare the responsibility. It has first of all political character and can be expressed in such actions as pre-term recall (deputy), resignation (government, ministers), dissolution of Parliament etc. Efficient division of power between state authorities allows to determine on which part of state mechanism occurred a failure in the work and where should be changed this or that official.

6. Polyarchy as a system of power is above all a legal constitution. Moreover this constitution is constitutionally legal, as it, as one of the most essential structural institutional state system, is fixed on the level of constitution. On the other hand polyarchy as a power system – is a political system. In other words ideally polyarchy must be legal political construction where the formal legal and political practical component will fully coincide.

But unlike monarchy where the problem of breach of political formal and legal power structure didn't occur at all, as the first one as well as the second one depended on the monarch; the modern polyarchy in this sense is characterised by definite dualism. The matter concerns the fact that it has two sides (fringes): “*legal (con-*

stitutional) form” – stable, which is fixed in constitutional norms, institutional system of power, the content of which is determined by the system of formation, legal status, principles of organization and mutual relations of higher authorities of legislative and executive power; and “*political form*” – the aggregate of functional mutual relations of correspondent subjects of power who perform real (practical) government in the state. Relying on the main given features and on those that fundamentally distinguish it from monarchy one can reach the conclusion that *polyarchy* – is a method of expressing the essence of state of civil society epoch, which is represented in the formed on the basis of citizens’ will legal political system of legislative and executive authorities, organization and functioning of which is based on the principle of power division and on the system of restraining and counterbalance.

As can be seen from above we have reached the conclusion, that the theory of state, constitutional (state) law by virtue of their own specific subject of cognition have to define their own “gnoseological” approach concerning understanding of the form of state government. But

carried above analysis of the definitions of the form of state government, the authors of which are the representatives of general theoretical as well as of constitutional legal science, shows that within its bounds such differentiated approach has not yet been formed. To avoid idiosyncratic “definitions” mess, which appears in these cases, it is necessary to take into account the contextual dualism of the definition “form of state government”, conditioned by mansidedness of the phenomenon itself and correspondent levels of its theoretical understanding. That opens the “way” for the further development, in particular defining within fixed historical types of forms of state government their specific types. Developed as the result of this analytical operation classification schemes possess not only theoretical but also great practical significance as they help to understand the conditions and reasons that lie in the basis of creation and functioning of state legal phenomena, to define regularities and tendencies of their development, to prepare on this basis specific propositions concerning improving of the process of state building and rule making in concrete country.

Literature:

1. *Бостан С. К.* Форма правління сучасної держави : проблеми історії, теорії, практики : [монографія] / С. К. Бостан. – Запоріжжя: Юридичний ін-т; Дике поле, 2005. – 540 с.
2. *Бостан С. К.* Поняття “форма державного правління” в сучасній юридичній науці / С. К. Бостан // Вісник Одеського юридичного інституту. – 2005. – № 4. – Ч. 1. – С.20–26.
3. Актуальні проблеми теорії держави та права. Частина I. Актуальні проблеми теорії держави / [С. М. Тимченко, С. К. Бостан, С. М. Легуша та ін.]. 2-е вид., стереотипне. – К. : КНТ, 2008. – 288 с.

4. Рабінович П. М. Основы загалъной теоріі права і держави : навч. посібник / П. М. Рабінович. – Вид. 5-е. – К. : Атіка, 2001. – 176 с.
5. Шаповал В. М. Конституційне право зарубіжних країн : підручник / В. М. Шаповал. – 4-е вид. стереотип. – К. : АртЕк Вищ. школа, 2001. – 264 с.
6. Комаров С. А. Общая теория государства и права : учебник / С.А. Комаров. – 7-е изд. СПб. : Питер, 2004. – 510 с.
7. Чудаков М. Ф. Конституционное (государственное) право зарубежных стран / М. Ф. Чудаков. – Мн. : Харвест, 1998. – 784 с.
8. Скакун О. Ф. Теорія держави і права : підручник. – 2-е вид. / Пер. з рос. / О. Ф. Скакун. – Харків : Консум, 2005. – 656 с.
9. Конституційне право зарубіжних країн: Навчальний посібник / М.С. Горшеньов, К.О. Закоморна, В.О. Ріяка та ін. За заг. ред. В.О. Ріяки.–2-е вид., доп. і перероб.–К.: Юрінком Інтер, 2004.–512 с.
10. Марченко М. Н. Проблемы теории государства и права : учебник / М. Н. Марченко. – М. : Проспект, 2001. – 399 с.
11. Поляков А. В. Общая теория права: Проблемы интерпретации в контексте коммуникативного подхода : курс лекций / А. В. Поляков. – СПб. : Изд. Дом “Санкт-Петербургского государственного университета”, 2004. – 863 с.
12. Теория государства и права / Под ред. В. П. Малахова, В. Н Казакова. – М. : Академический проект, Екатеринбург : Деловая книга, 2002. – 576 с.
13. Проблемы теории права и государства : учебное пособие / Под ред. М. Н. Марченко. – М. : Юристь, 2002. – 656 с.
14. Теория государства и права: Учебник для вузов / Под ред. М. М. Рассолова, В. О. Лучина, Б. С. Эбзеева, – М. : ЮНИТИ-ДАНА, Закон и право, 2001. – 640 с.
15. Теория государства и права : курс лекций / Под ред. Н. И. Матузова и А.В. Малько. – 2-е изд. перераб и доп. – М. : Юристь, 2001. – 776 с.
16. Мишин А. А. Конституционное (государственное) право зарубежных стран : учебник / Мишин А. А. – М. : Белые альвы, 1996. – 400 с.
17. Арановский К. Ф. Государственное право зарубежных стран : учебник для вузов / К. Ф. Арановский. – М.: ФОРУМ-ИНФРА-М, 1998. – 488 с.
18. Чиркин В. Е. Конституционное право зарубежных стран : учебник / В. Е. Чиркин. – М. : Юристь, 1997. – 568 с.
19. Сравнительное конституционное право: Уч. пособие / Отв. ред. В.Е. Чиркин. – М. : Международные отношения, 2002. – 448 с.

20. Конституционное (государственное) право зарубежных стран. Учебник в 4-х т. – Т.1 – 2 /Отв. ред. Б. А. Страшун. – М. : БЕК, 1996. – 778 с.
21. *Георгица А. З.* Конституційне право зарубіжних країн : підручник / А. З. Георгица. – Тернопіль : Астон, 2003. – 483 с.
22. *Шаповал В.* Форма держави в конституційному праві / В. Шаповал // Вісник Конституційного суду України. – 2003. – № 3. – С.65–80.
23. *Шаповал В. М.* Форма державного правління / В. М. Шаповал // Юридична енциклопедія : В 6 т./ Редкол. : Ю.С. Шемшученко та ін. – К. : “Укр. енцикл” ім. М. П. Бажана, 2004. – Т. 6 : Т–Я. – С.295.
24. *Григонис Э. П.* Теория государства и права : курс лекций / Э. П. Григонис. – СПб. : Питер, 2002. – 320 с.
25. Философский словарь / Под ред. И. Т. Фролова. – 5-е изд. – М. : Политиздат, 1987. – 590 с.
26. Загальна теорія держави і права [Підручник для студентів юридичних спеціальностей вищих навчальних закладів] / М. В. Цвік, В. Д. Ткаченко, Л. Л. Богачова та ін.; За ред. М. В. Цвіка, В. Д. Ткаченка, О. В. Петришина. – Харків : Право, 2002. – 432 с.
27. *Мухаев Р. Т.* Теория государства и права / Р. Т. Мухаев. – М. : Приор, 2002. – 464 с.
28. *Даль Р.* Полиархия, плюрализм и пространство / Р. Даль // Антология мировой политической мысли : В 5 т. – Т.2. – М., 1997. – С.612–627.
29. *Тихонова С.А.* Парламентська республіка // Юридична енциклопедія: В 6 т. / Редкол.: Ю.С.Шемшученко та ін. – К.:“Укр. енцикл” ім. М.П.Бажана, 2002.– Т.4: Н-П. – С.438-439.
30. Проблемы общей теории права и государства : учебник для вузов /Под. общ. ред. акад. РАН, д.ю.н., проф. В. С. Нерсесянца. – М. : НОРМА (НОРМА-ИНФРА), 2002. – 832 с.
31. *Медушевский А. Н.* Сравнительное конституционное право и политические институты : курс лекций / А. Н. Медушевский. – М. : ГУ ВШЭ, 2002. – 650 с.
32. *Еллинек Г.* Общее учение о государстве / Г. Еллинек. – Т.1. – Изд.2-е испр. и доп. по второму немецкому изданию С.И. Гессеном. – СПб., 1908. – 599 с.
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