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PHILOSOPHICAL AND LEGAL FOUNDATIONS OF COMMUNAL FEDERALISM: BETWEEN AUTONOMY AND UNITY

Abstract. Purpose. The purpose of the article is to provide a comprehensive philosophical and legal interpretation of *communal federalism* as an original Ukrainian paradigm of state organization that combined the ideas of local autonomy, institutional subsidiarity, and national unity; to reconstruct its intellectual origins, identify its key principles (in particular, community solidarity, legal pluralism, and the contractual nature of federation), and substantiate its potential for modern democratic state-building and the renewal of Ukraine's legal system. **Results.** The article is devoted to the philosophical and legal analysis of the concept of *communal federalism* as a unique Ukrainian paradigm of state organization that integrates the ideas of local autonomy, community solidarity, legal pluralism, and the contractual nature of public authority. The research reconstructs the intellectual origins of this concept, primarily in the works of Mykhailo Drahomanov and his followers, and traces its formation at the intersection of European federalist traditions and Ukrainian self-governing experience (the *veche* institution, Magdeburg law, and Cossack democracy). The author emphasizes that, unlike imperial or centralist models, *communal federalism* is based on the principle of the presumption of community capacity – the ethical and legal recognition of the community as a subject capable of self-government, the creation of local law, and participation in shaping the national political space. **Conclusions.** The paper analyzes the distinctions between American, European, and Ukrainian models of federalism, emphasizing that the Ukrainian variant was not the result of an agreement between political centers but rather a form of self-organization of a subjugated nation under conditions of imperial domination. The concept of the community emerges as an alternative to the centralized state – one in which the state coordinates rather than dominates. The potential of *communal federalism* for contemporary Ukraine is revealed as a factor in the renewal of the constitutional order, the implementation of decentralization policy, the strengthening of community participation in decision-making processes, and the enhancement of legal legitimacy. Special attention is paid to the problem of the discrediting of the term *federalism* in the modern Ukrainian context, and the necessity of its rehabilitation through profound historical and doctrinal reconsideration is substantiated.

Key words: communal federalism, local autonomy, community, subsidiarity, legal pluralism, solidarity, political unity.

1. Introduction

In the modern constitutional discourse of Ukraine, there arises an urgent need to revisit historical models of state organization through the prism of the values of democracy, subsidiarity, and legal unity. Of particular relevance is the philosophical and legal analysis of the concept of *communal federalism* as a historical paradigm that combined the ideas of self-government, territorial autonomy, and national unity. The ideas formulated by Ukrainian thinkers of the late nineteenth and early twentieth centuries – in particular, M. Drahomanov, O. Terlets'kyi,

S. Podolynskyi, I. Franko, and M. Hrushevskyi – constituted a response to the challenges of imperial centralization and reflected the Ukrainian people's aspiration for self-realization within a pluralistic legal system.

Communal federalism embodied profound philosophical premises, including the concept of personal freedom as the foundation of collective coexistence, the primacy of the community over the state, and the natural right to autonomous governance. At the same time, this model did not reject the necessity of national unity; rather, it proposed unity as the result of a con-

tractual association of communities based on voluntariness and mutual responsibility.

Modern interpretations of federalism in Ukraine are often distorted by political manipulations and external threats, which has led to the term acquiring predominantly negative connotations. However, the refusal to engage in a comprehensive philosophical and legal analysis of Ukrainian federalist thought deprives national jurisprudence of an important intellectual foundation.

The relevance of examining the content of *communal federalism* stems from the need for ideas that combine the legal autonomy of political actors with the unity of values, principles, and mechanisms of the rule-of-law state. This combination was inherent precisely in the concept of *communal federalism*, which merits modern reconsideration. The re-evaluation of this paradigm is important not only from a historical and legal standpoint but also as a potential source of institutional innovation in the context of decentralization and the reform of local self-government in Ukraine.

Accordingly, the study of the philosophical and legal foundations of *communal federalism* opens new horizons for understanding the relationship between individual freedoms, territorial autonomy, and the unity of public authority. It is also essential to reveal the internal logic of this concept, which makes it possible to regard federalism not as a mechanical structure for the division of powers but as a philosophy of legal order that arises from local initiative and a political culture of participation.

From a scholarly perspective, there is thus a need for a comprehensive academic analysis of the ideological foundations, philosophical implications, and legal models embedded in *communal federalism*, as well as its significance for the contemporary state-building of Ukraine.

The methodological basis of this research consists of the works of A. Halkin, V. Diachuk, O. Ilyina, K. Markov, T. Panchenko, O. Khomenko, and others.

The purpose of the article is to provide a comprehensive philosophical and legal interpretation of *communal federalism* as an original Ukrainian paradigm of state organization that combines the ideas of local autonomy, institutional subsidiarity, and national unity; to reconstruct its ideological origins, identify its key principles (in particular, community solidarity, legal pluralism, and the contractual nature of federation), and to substantiate its potential for modern democratic state-building and the renewal of Ukraine's legal system.

2. Foundations of Communal Federalism

Federalism, as a philosophical and legal category, emerges in response to the need to har-

monize autonomous forms of existence of political and social entities with centralized forms of power. Its historical and legal origins are to be found in the tradition of contractual law and the idea of shared sovereignty, which took shape in Western political and legal thought during the transition from feudal decentralization to the modern state. In its classical form, federalism presupposes the legal coexistence of several levels of public authority within a single state entity, where competences are distributed according to the principle of subsidiarity and sovereignty is divisible (Galkin, 2002; Markov, 2020).

A foundational role in the development of the theoretical underpinnings of federalism was played by the works of European thinkers such as Montesquieu, John Locke, James Madison, and Alexander Hamilton, who laid the conceptual framework for the division of powers, the political equality of federal subjects, and the legal balance between the center and the periphery. In the United States, federalism emerged as a response to the necessity of uniting independent states into a single polity while preserving their political distinctiveness. The American model is based on a clear delineation of powers between the federation and the states, enshrined in the 1787 Constitution, which at the time became a unique model of federal governance (Diachuk, 2014).

In the European context, federalism evolved more gradually and heterogeneously. In Switzerland, Germany, Austria-Hungary, and Belgium, federal or quasi-federal elements developed as a response to multinational, religious, and cultural diversity. At the same time, European federalism often had an imperial character and served as an instrument for maintaining centralized control over autonomous entities, which did not always correspond to democratic ideals (Diachuk, 2014).

In this context, the Ukrainian federalist tradition – in particular, the concept of *communal federalism* – holds special significance, as it developed not as a form of compromise between a dominant nation and its provinces but as a form of self-organization of a subjugated nation under conditions of imperial oppression. This determined the deep philosophical and legal motivation behind the idea – not merely to decentralize power, but to reconstitute the very paradigm of interaction between the community and the state.

Communal federalism, which originated in the works of Mykhailo Drahomanov and his intellectual followers, was formed at the intersection of legal positivism, liberalism, social constructivism, and ethical personalism. The foundation of this model was the conviction

that the smallest yet sovereign unit of political life is the *hromada* (community) – an organized association of citizens endowed with the right to self-government, its own legal system, tradition, and political representation (Drahomanov, 1878). Thus, the community is not an object of state power but its primary subject.

A distinctive feature of *communal federalism* lies in its emphasis on the interrelation between personal freedom, collective autonomy, and social responsibility. Unlike the American model, in which federalism is constitutionally institutionalized and aimed at the division of powers, the Ukrainian model proposes an *organic federalism* built upon trust, solidarity, and the social contract between the community and the state. In this respect, it resonates with the philosophical ideas of Pierre-Joseph Proudhon, who viewed federalism as a path to liberation from centralized bureaucracy.

The philosophical and legal content of *communal federalism* also encompasses the idea of legal pluralism, according to which communities possess the right to develop their own legal systems within the framework of national coordination. This approach rests upon the historical tradition of Ukrainian self-governance – *veche* assemblies, Cossack democracy, and Magdeburg Law – which functioned as forms of legal autonomy in various historical periods.

Importantly, the ideas of *communal federalism* were not an abstract theory but had clearly defined political and legal objectives. They became the foundation of the programmatic documents of Ukrainian political parties of the late nineteenth and early twentieth centuries – above all, the Ukrainian Radical Party – and influenced the constitutional projects of the Central Rada period. The idea of federalism thus emerged as a means of legitimizing the aspiration for autonomy within multinational empires and as a project-oriented model of a new Ukrainian statehood.

In summary, the philosophical and legal foundations of *communal federalism* integrate the concepts of autonomy, legal pluralism, human rights, solidarity, and subsidiarity. This allows it to be regarded not merely as a historical doctrine but as a relevant instrument for reforming the contemporary state system of Ukraine, particularly in the context of challenges associated with the restoration of territorial integrity, constitutional transformations, and decentralization.

One of the defining characteristics of *communal federalism*, which distinguishes it from other models of federalism, is its unique understanding of the relationship between autonomy and unity. Unlike traditional federal systems, in which autonomy is perceived as

a decentralized distribution of powers between the center and the regions, in the communal model autonomy is understood as the natural right of the community as a social organism to self-development, self-government, and the formation of a local legal culture.

In the political and legal thought of Mykhailo Drahomanov and his followers, autonomy neither negates nor opposes unity. On the contrary, autonomy is regarded as an organic component of unity – its initial and necessary element. In this sense, *unity* is not identified with unitarism or centralism but acquires a new meaning: a network of horizontally connected communities cooperating on the basis of agreement, solidarity, and the voluntary delegation of powers. This model of unity resonates with the ideas of Jean-Jacques Rousseau's social contract, though the emphasis shifts from the state as the bearer of sovereignty to the community as the primary subject of law.

In European contexts, autonomy was most often either a privilege granted to specific territories (as in Scotland or Catalonia) or an instrument of limited self-government within a centralized state. In the communal tradition, however, autonomy is interpreted not as a concession from the center but as an *a priori* right of the community that precedes the state (Drahomanov, n.d.). This philosophical position fundamentally transforms the notion of subordination within the system of government: the state is not the source of rights but an arbiter that coordinates the free coexistence of communities.

The legal category of *unity* in communal federalism carries no imperial connotations. It is not aimed at the unification or fusion of diverse entities but, on the contrary, seeks to ensure the coexistence of multiple forms of legal, cultural, and political life. The ideas of legal pluralism and cultural diversity were integral to Drahomanov's paradigm, in which he defended the notion of a "free union of equal peoples" as the foundation of the future political order.

In this regard, it is important to emphasize that the *community* and the *nation* within the framework of communal federalism are not opposed to one another. According to Drahomanov, the nation is a fellowship of communities united by a shared cultural memory, moral principles, and a common aspiration for freedom (Khomenko, 2003). This approach stands in opposition to the ethnic or bureaucratic nationalism that dominated political projects of the imperial era. In the communal conception, national unity does not arise from centralization but from solidarity that grows from below – through the interaction of communities.

A significant contribution of the communal paradigm is also the *principle of mutual respon-*

sibility. In this model, the state does not possess absolute power; its function is to serve the community, to act as the guarantor of its rights, and to provide an institutional mechanism for resolving inter-community disputes. Accordingly, communities not only possess rights but also bear responsibility for maintaining unity, ensuring internal order, protecting individual rights, and upholding common agreements. This creates a balance between autonomy and unity without excessive verticalization of power (Panchenko, 2011).

In this context, it is also appropriate to recall the *principle of subsidiarity*, widely applied in modern European law, particularly in the practice of the European Union. Subsidiarity implies that issues should be resolved at the level closest to the citizen – that is, locally – and only when this level proves incapable should the matter be transferred upward. *Communal federalism* anticipated this doctrine, articulating it already in the nineteenth century, long before its formal incorporation into the foundational documents of the EU.

Finally, an essential aspect of the interaction between autonomy and unity in *communal federalism* is the *contractual nature* of the political system. The community enters into federative relations with other communities and with the state not as a result of subordination, but through a conscious political act in the form of a public agreement. This contractual nature resembles the Swiss model of federalism, in which each canton enjoys considerable autonomy, retains its own legal system, and serves as a source of legitimacy for the national order.

In summary, the philosophical and legal balance between autonomy and unity proposed within *communal federalism* has the potential to reframe contemporary approaches to the constitutional organization of Ukraine – particularly in the context of post-war reconstruction, regional diversity, and the urgent need for an effective model of decentralization.

In the conceptual dimension of *communal federalism*, the community is not merely an administrative-territorial unit but, above all, an *ethical and legal subject* endowed with inherent dignity, the right to self-realization, and responsibility toward both society and the state. This represents a fundamental expansion of the functional understanding of the community that prevailed in imperial legal doctrines – notably in the Russian Empire – where the community was regarded primarily as a tax-collecting mechanism or a subsidized unit of a centralized system.

Within the framework of *communal federalism*, as formulated by Mykhailo Drahomanov and his intellectual successors, the commu-

nity possesses all the features of a legal person under public law: it has an independent will, holds authority to establish local norms, manages communal resources, forms representative bodies, possesses the right to conclude agreements, and participates in shaping higher levels of government (Drahomanov, 1878). This conception corresponds to the modern understanding of the *institutional autonomy* of public-law entities.

The ethical and legal interpretation of the community within this model rests upon the values of solidarity, legal mutual respect, equality, and participation. The community does not confine itself to narrow local interests but acts as a participant in a broader national and civic project. In this sense, it embodies the *ethic of responsibility* in Max Weber's understanding – one that combines freedom of action with moral obligation toward the collective.

The symbiosis of ethics and law was already embedded in the historical forms of Ukrainian self-governance – from Cossack councils to Magdeburg Law – where the community functioned as the primary arbiter of justice, the source of elected leadership, and a participant in inter-communal alliances. In the communal model, these traditions were not merely reproduced but reinterpreted through the lens of political philosophy and legal theory as fundamental elements for the construction of a democratic federation.

3. Specifics of Communal Federalism

A distinctive feature of the concept of community within the framework of *communal federalism* lies in its equivalence to the notion of personhood. The community possesses the right to dignity, the inviolability of its boundaries, and protection from the usurpation of its powers by higher levels of authority. Thus, the community acts not only as a subject of political will but also as a bearer of moral status (Kolodii, 2002). This approach anticipates modern legal doctrine, in which territorial units are regarded as participants in the constitutional legal order endowed with their own set of guarantees.

Communal federalism proceeds from the presumption of the community's capacity. This means that the community is capable of effectively exercising public authority, adopting normative decisions, and providing public services without excessive state intervention. Consequently, the model of self-government is constructed not as a “delegated state” but as an equal partnership in which the community possesses a natural right to initiative, while the state bears the duty of facilitation.

In legal terms, this model may be implemented through the constitutional enshrine-

ment of the community's rights as a subject with a unique status, as well as through a clear delineation of competences between communities, regional entities, and central institutions. In this context, particular significance is attached to provisions concerning fiscal autonomy, personnel policy, local lawmaking, and regional justice.

Politically, the community functions as a nucleus of social integration. Through the mechanisms of local self-government, the principle of participation is realized – a principle which, within the philosophy of *communal federalism*, assumes the nature of an ontological norm: only that system of governance is legitimate in which communities possess genuine influence over decision-making. Accordingly, the community is not merely a legal entity but also a school of democracy, a space for cultivating political culture and legal consciousness.

From the perspective of its social dimension, the community is the bearer of identity. It preserves language, traditions, and social practices and is formed on the basis of familial, territorial, and historical ties. Such identity does not conflict with national identity but rather enriches it, rendering the nation polyethnic, pluralistic, and open to dialogue. This constitutes a key distinction between *communal federalism* and ethnonational or centralist models of statehood.

In summary, the community within *communal federalism* is not merely a political cell of the state but a full-fledged participant in the legal process, a bearer of ethical imperatives, and a source of legitimacy for public authority. Its elevated status – both theoretically and practically – may serve as a cornerstone for constructing a decentralized and democratic Ukraine. It is through the restoration of the community's legal subjectivity that a model of the state may emerge in which autonomy is not opposed to unity but becomes its foundation, guarantee, and formative principle.

Following 2014, when Russia annexed Crimea and launched hybrid aggression against Ukraine in the Donbas, the idea of federalism in Ukrainian political and legal discourse underwent a profound transformation. It began to be associated with the instrumentalization of separatism, destabilization, and artificial antagonism between regions and the center, thus becoming linked to threats to national unity and sovereignty. However, such interpretation has overshadowed the centuries-old Ukrainian federalist tradition, particularly its communal variant, which sought not disintegration but, on the contrary, the strengthening of statehood through robust self-government and social solidarity.

The relevance of reinterpreting *communal federalism* as a philosophical and legal doctrine

is increasing amid several concurrent processes: first, the modernization of the public administration system in the context of European integration; second, the implementation of decentralization and administrative-territorial reform; and third, the adaptation of the legal system to the challenges of martial law and post-conflict transformation. Under these circumstances, there arises a need to develop a new model of unity based not on vertical domination but on horizontal trust, mutual responsibility, and legal solidarity.

The conceptual potential of *communal federalism* for the contemporary legal doctrine of Ukraine lies in its capacity to transcend the dichotomy between *unitarism* and *federalism* by introducing a qualitatively new approach – legal subsidiarity – which ensures both integrity and effective local autonomy. This principle, enshrined in Article 5 of the Treaty on European Union, enables the formation of a system of public governance adaptable to the sociocultural, economic, and security characteristics of diverse regions (Treaty establishing the European Community, 2005).

In its modern interpretation, *communal federalism* does not deny the existence of centralized institutions of authority; rather, it seeks to harmonize them with communal structures, forming a model in which the center does not suppress but coordinates, does not impose but supports. In wartime conditions, such a concept enables stability through broader community involvement in decision-making, resource mobilization, and the organization of humanitarian and security infrastructure. For instance, communities play a crucial role in hosting internally displaced persons, supporting volunteer initiatives, and organizing local defense efforts.

In the legal context, *communal federalism* offers specific mechanisms: the contractual nature of vertical relations between levels of authority; constitutional guarantees of a minimum set of communal powers; the establishment of a municipal ombudsman as an institution for protecting community rights; and the equitable allocation of financial resources between the center and local authorities based on the principle of budgetary justice.

In the field of constitutionalism, this implies a revision of constitutional design toward a so-called “federation without federation,” wherein a unitary state functions with a constitutionally guaranteed multilevel system of public authority. Such models have been successfully implemented in Italy, France, and Poland – states that remain formally unitary yet possess constitutionally protected autonomies, decentralized administration, and legal subjectivity of territorial units.

Given its historical experience of communal initiatives (from *zemstvo*s to the cooperative movement) and its multilayered legal tradition, Ukraine possesses a unique opportunity to develop its own concept of *social federalism*, founded upon the community not merely as a bearer of local interests but as the ethical foundation of political unity (Ilina, 2011). This requires not only political will but also thorough doctrinal elaboration – which constitutes the practical significance of revisiting *communal federalism*.

In the modern political and legal context, it is equally important to rehabilitate the very term *federalism* as a legal category by freeing it from the ideological distortions imposed by Russian propaganda. This necessitates a distinction between *federalism* as a form of state organization – which may indeed pose risks under imperial influence – and *federalism* as a principle of public authority organization aimed at strengthening legitimacy, participation, and effectiveness. It is precisely *communal federalism*, in its moral, philosophical, and legal interpretation, that exemplifies this second, constructive, and inclusive type of federalist thought.

This also opens a pathway for the advancement of legal education, where the ideas of *communal federalism* may serve as the foundation for academic courses in municipal, constitutional, and administrative law. The incorporation of the works of Mykhailo Drahomanov, Serhii Podolynskyi, Oleksandr Terletskyi, and other thinkers into educational curricula will contribute to the formation of a holistic legal worldview that integrates democratic traditions with national legal identity.

4. Conclusions

Thus, the concept of “*communal federalism*” holds a unique place in the history of Ukrainian state and legal thought as a form of synthesis between the idea of local autonomy and the principles of political unity. Unlike imperial and centralized models, this paradigm is founded on the philosophical principles of subsidiarity, community solidarity, legal pluralism, and the contractual nature of power relations.

It has been established that *communal federalism* was formed under the influence of European and American federalist traditions, yet it was deeply adapted to the Ukrainian cultural and historical context. Under contemporary conditions, its ideas gain particular significance as an alternative to radical centralism and as an intellectual counterbalance to destructive pseudo-federalist projects.

In our view, the philosophical and legal comprehension of federalism as a **principle**

rather than merely a **form of state organization** opens up new opportunities for the modernization of public authority without threatening state integrity. *Communal federalism* contributes to the development of an effective model of community participation in decision-making, enhances legal legitimacy, and strengthens social cohesion.

Its integration into the modern discourse of legal doctrine may serve as a foundation for further reform of the constitutional order and regional governance. At the same time, overcoming long-standing biases associated with the term “*federalism*” is possible only through a profound historical and legal re-evaluation, in which the communal approach serves as a key intellectual and philosophical resource.

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ФІЛОСОФСЬКО-ПРАВОВІ ЗАСАДИ ГРОМАДІВСЬКОГО ФЕДЕРАЛІЗМУ: МІЖ АВТОНОМІЄЮ ТА ЄДНІСТЮ

Анотація. *Метою* статті є всебічне філософсько-правове осмислення «громадівського федералізму» як оригінальної української парадигми державного устрою, що поєднувала ідеї місцевої автономії, інституційної субсидіарності та національної єдності; реконструкція її ідейних витоків, виявлення ключових принципів (зокрема солідарності громад, правового плюралізму, договірної природи федерації) та обґрунтування її потенціалу для сучасного демократичного державотворення й оновлення правової системи України. **Результати.** Стаття присвячена філософсько-правовому осмисленню концепції «громадівського федералізму» як унікальної української парадигми державного устрою, що поєднує ідеї локальної автономії, солідарності громад, правового плюралізму та договірності публічної влади. Дослідження реконструює інтелектуальні витoki цієї концепції, насамперед у творчості Михайла Драгоманова та його послідовників, і простежує її формування на перетині європейських федералістських традицій та українського самоврядного досвіду (віче, Магдебурзьке право, козацька демократія). Автор підкреслює, що на відміну від імперських або централістських моделей, «громадівський федералізм» базується на принципі презумпції спроможності громади як етико-правового суб'єкта, здатного до самоуправління, творення локального права та участі у формуванні національного політичного простору. **Висновки.** У роботі проаналізовано відмінності між американською, європейською та українською федералістськими моделями, акцентуючи на тому, що український варіант не був результатом домовленості між політичними центрами, а формою самоорганізації поневоленої нації в умовах імперського домінування. Концепт громади постає як альтернатива централізованій державі, де держава координує, а не домінує. Розкрито потенціал «громадівського федералізму» для сучасної України – як чинника оновлення конституційного ладу, реалізації політики децентралізації, посилення участі громад у процесах ухвалення рішень і зміцнення правової легітимності. Окрему увагу приділено проблемі дискредитації терміна «федералізм» у сучасному українському контексті, та обґрунтовано необхідність його реабілітації через глибоке історико-доктринальне переосмислення.

Ключові слова: громадівський федералізм, місцева автономія, громада, субсидіарність, правовий плюралізм, солідарність, політична єдність.

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