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INSTITUTIONAL CONTINUITY OF THE LEGAL IDEAS OF UKRAINIAN POLITICAL PARTIES IN THE CONTEXT OF THE NATIONAL LEGAL TRADITION

Abstract. Purpose. The purpose of the article is to conduct a comprehensive analysis of the institutional continuity of the legal ideas of Ukrainian political parties in the context of the national legal tradition, to identify the mechanisms of transmission and adaptation of political and legal concepts in party programmatic documents and practical activities, and to determine their influence on the formation of modern legal culture and state-building processes in Ukraine. **Results.** The article presents an in-depth study of the institutional continuity of legal ideas developed by Ukrainian political parties of the late 19th – early 20th centuries within the framework of the national legal tradition. The research reveals how, in the absence of state independence, Ukrainian political parties served as carriers of fundamental values and principles that shaped the trajectory of Ukrainian legal discourse. The analysis focuses on the key legal ideas of that period – popular sovereignty, local self-government, federalism and decentralization, guarantees of human rights and freedoms, and national-cultural autonomy – as reflected in party programs, publicistic writings, parliamentary activity, and the work of cultural and educational associations. Special attention is paid to the institutional mechanisms ensuring the preservation and transmission of legal ideas: programmatic documents, party press, representative bodies of authority, civic organizations, personnel continuity, and educational institutions. These channels not only preserved the substantive content of the ideas but also enabled their adaptation to changing political and legal conditions, thereby creating a foundation for their reproduction in subsequent stages of Ukrainian history. The article demonstrates that the modern legal framework of Ukraine has inherited a range of provisions embedded in the party concepts of the early 20th century: the affirmation of popular sovereignty, democratic electoral procedures, guarantees of minority rights, the principle of subsidiarity in the system of local self-government, and the priority of human rights and freedoms. It also analyzes how these ideas were integrated into the Constitution of Ukraine, sectoral legislation, and political practice, in conjunction with modern international legal standards. **Conclusions.** The research findings confirm that the institutional continuity of legal ideas constitutes not only an object of historical and legal analysis but also a factor influencing the formation of national legal identity, ensuring the stability of legal development and strengthening state resilience during periods of crisis. The author substantiates that preserving and developing this continuity amid globalization processes and armed aggression against Ukraine is a crucial prerequisite for the sustainable development of Ukrainian statehood and legal culture.

Key words: institutional continuity, legal ideas, Ukrainian political parties, national legal tradition, popular sovereignty, local self-government, legal culture.

1. Introduction

The late 19th and early 20th centuries marked a period of intensive political institutionalization of the Ukrainian national movement, during which a system of political parties was formed and consolidated on clearly defined ideological, organizational, and legal foundations. The programmatic documents of these parties not only reflected their response to current political challenges but also created

an intellectual and conceptual basis for future models of state organization, the legal system, and social relations. The legal ideas embedded in these programs were deeply connected with the earlier development of Ukrainian political and legal thought, drawing upon the traditions of Cossack constitutional projects, the legal norms of the Hetmanate, and the institutions of community self-government that had evolved over centuries.

From a scholarly perspective, it is essential to identify and explain the mechanisms of institutional continuity of these legal ideas – that is, to determine how they transitioned from the level of party concepts to that of state and legal institutions, shaping the national legal tradition. In this context, it is important to understand how ideas formulated under conditions of statelessness managed to preserve their relevance and influence law-making during the period of the national liberation struggles of 1917–1921, as well as in the interwar and later periods.

The relevance of this research is determined by several factors. First, the study of institutional continuity helps to explain the persistence of Ukrainian legal culture, which integrates national traditions and European legal doctrines. Second, it provides insight into how political parties of the late 19th and early 20th centuries laid the foundations for modern democratic institutions – the parliament, local self-government, and legal guarantees of human rights. Third, the analysis of this process allows for a deeper understanding of the role of legal ideology in the formation of national statehood under conditions of limited or absent sovereignty.

The study of the institutional continuity of legal ideas of Ukrainian political parties is also relevant in the context of contemporary state-building, as Ukraine faces the challenge not only of preserving but also of reinterpreting its national legal tradition amid European integration and globalization. It is also significant for the development of legal theory, as it contributes to clarifying the concept of legal continuity and identifying its distinctive features within the national context.

The methodological foundation of this research includes the works of T. Andrusyak, B. Halayko, O. Hrabyl'nikova, L. Ilyn, O. Severinova, O. Sukhyi, Ye. Chornoshtan, and V. Yaremchuk. Their studies provide valuable analytical tools for understanding the continuity of legal ideas in the programs of Ukrainian political parties through the prism of the national legal tradition.

The purpose of this article is to conduct a comprehensive analysis of the institutional continuity of legal ideas of Ukrainian political parties in the context of the national legal tradition, to identify the mechanisms of transmission and adaptation of political and legal concepts in party programmatic documents and practical activities, and to determine their influence on the formation of modern legal culture and state-building processes in Ukraine.

2. Formation of Ukrainian Political Parties

At the turn of the 19th and 20th centuries, the Ukrainian political and legal envi-

ronment witnessed the process of formation and institutional consolidation of political parties, which, despite the absence of statehood, played an essential role in preserving and transmitting the national legal tradition. Under the conditions of the incorporation of Ukrainian lands into the Austro-Hungarian and Russian Empires, the party movement became one of the key instruments for representing public interests, political self-organization, and legal self-awareness of Ukrainians. Political programs, declarations, statutes, and other party documents enshrined ideas that had a direct impact on the formation of legal consciousness, political culture, and concepts of state-building.

Among the Ukrainian political parties of Galicia, Bukovyna, and Transcarpathia at the end of the 19th and the beginning of the 20th centuries, a special place belonged to the Ukrainian National Democratic Party (UNDP), the Ukrainian Radical Party (URP), the Christian Social Party, and the Ukrainian Social Democratic Party (USDP) (Sukhyi, 1998). It is also worth noting the Ruthenian-Ukrainian Radical Party, which was the first political institution on the territory of Ukraine but subsequently dissolved, serving as a foundation for the creation of the aforementioned parties.

In Dnipro Ukraine (Naddniproshchyna), where political activity was strictly limited by tsarist censorship and police control, significant ideological influence was exerted by the publicistic and programmatic works of Mykola Mikhnovskiy, Dmytro Antonovych, Serhii Yefremov, and Yurii Lypa. As a result, in 1891 a secret Ukrainian political organization, the *Brotherhood of Tarasivtsi*, was founded in Kharkiv, playing an important role in shaping and strengthening the ideological foundations of the Ukrainian national movement (Halaiko, 2016). Its activities contributed to the development of political awareness and the elaboration of programmatic principles that later became one of the conceptual sources for the establishment of the General Ukrainian Non-Party Democratic Organization. The operation of the Brotherhood not only promoted the dissemination of ideas of cultural and national revival but also laid the ideological and organizational foundations for the emergence of full-fledged political parties in Dnipro Ukraine.

In fact, in 1900, the Revolutionary Ukrainian Party (RUP) was established – the first classical political party in Dnipro Ukraine. By the time of the 1905 Revolution, around ten political parties were active in the region, although their average lifespan was relatively short.

All political parties of Western Ukrainian lands and Dnipro Ukraine developed their political discourse on the basis of the core elements

of the national legal tradition: the national idea, the idea of popular sovereignty, federalism (in various interpretations), the recognition of inalienable human and national rights and freedoms, and the principles of autonomy and self-government.

To specify these legal traditions, the foundational element was the **national idea**, which in the programs of Ukrainian political parties reflected the aspiration to integrate the ideals of state independence and cultural identity into political practice. Party documents gradually evolved from declarative protection of national rights toward comprehensive programs combining socio-economic, cultural, and state-building objectives. Particular attention was devoted to language, education, and local self-government as key instruments of national consolidation. The influence of European political and legal ideas contributed to the modernization of the concept of the national idea, granting it a more systematic and institutional character (Sukhyi, 1998).

Another recurrent concept in the programs of most Ukrainian political parties was the **idea of popular sovereignty**. For the UNDP and the URP, it was associated with the demand for parliamentary democracy, universal suffrage, and the establishment of representative bodies endowed with legislative authority and capable of overseeing the executive branch. In legal terminology, this demand signified the institutional entrenchment of the principle of **popular sovereignty** through mechanisms of both direct and representative democracy. The USDP, in turn, emphasized the socio-economic dimension of popular sovereignty, linking it to the expansion of workers' rights, the introduction of social guarantees, and the participation of the working class in political processes.

As for **political concepts**, the dominant among them were **federalist theories**, following the ideas of Mykhailo Drahomanov, who believed that Ukrainian statehood should be based on the principles of broad autonomy for territorial communities within a federative union. The UNDP, in its program, recognized the expediency of granting the Ukrainian lands autonomous status within a federalized Austro-Hungarian Empire, while part of the URP leadership favored a federal model on an all-Russian basis with guarantees of cultural and national autonomy (Chornoshan, 2012). The Christian Social Party, guided by Catholic social doctrine and the **principle of subsidiarity**, proposed a model of a decentralized state in which communities and regions would retain priority in resolving their own affairs, while higher levels of government would intervene only when necessary.

Another fundamental dimension of party ideology was the **concept of human rights and national rights**. These were often integrated into the broader framework of the national idea but varied in content depending on each party's ideological orientation. Party documents enumerated a set of fundamental rights and freedoms – freedom of speech, press, assembly, association, conscience, the right to national and cultural development, and the use of the native language in schools, courts, and public administration (Iaremchuk, 2012). These provisions reflected the aspiration toward the **legal institutionalization** of the essential elements of national identity. From a legal standpoint, this implied the consolidation of subjective public rights and guarantees of their judicial protection, which was significant not only within the domestic legal system but also in the context of international recognition of minority rights.

When speaking about the practical elements of legal organization, a special place in party programs was occupied by the idea of local self-government. Most parties advocated the right of territorial communities to independently resolve issues of local importance, to manage communal property, local finances, and infrastructure. In the legal sense, this implied the development of municipal authority based on the principles of electivity, accountability, and financial autonomy, which directly correlated with the traditions of Magdeburg Law and Cossack self-governance.

It should be noted that the content of party programs was not static – it evolved under the influence of historical events: the Revolution of 1905–1907, the reforms in Austria-Hungary (the introduction of universal male suffrage in 1907), the First World War, and the national liberation struggles of 1917–1921. Gradually, the emphasis shifted toward the necessity of an independent Ukrainian statehood as the only guarantee for the realization of political and civil rights. This transformation reflected the transition from autonomist and federalist programs to a distinct concept of sovereignty.

Importantly, even within different ideological frameworks – conservative, socialist, or Christian-democratic – one can trace a common legal foundation derived from national tradition: the priority of civil rights, orientation toward democratic procedures, and the recognition of the importance of self-government. This demonstrates the existence of stable elements of legal culture that persisted and were reproduced in various political forms.

Speaking about the factor of institutional continuity of the legal ideas of Ukrainian political parties of the late nineteenth and early twentieth

centuries, it was not an accidental or chaotic process, but rather a regular consequence of the interaction of multiple political-legal, sociocultural, and organizational factors. It refers to a complex system of channels and forms through which the ideas enshrined in programmatic documents and political journalism were preserved, adapted, and transmitted from one generation of political actors to another, maintaining their conceptual core while acquiring new interpretations in response to the changing historical context.

The first and most evident mechanism of continuity was represented by party programmatic documents – statutes and pre-election manifestos. In the legal sense, these documents performed the function of quasi-normative acts in the sphere of intra-party regulation and, at the same time, served as a public commitment to the electorate. Through their written codification, party ideas gained stability and could be reproduced in the future. For example, the principles of popular sovereignty, autonomy, and federalism proclaimed in the programs of the Ukrainian National Democratic Party (UNDP) or the Ukrainian Radical Party (URP) later resonated in the political declarations of the Central Rada period, demonstrating a direct link between the doctrinal provisions of the party period and the normative acts of the national liberation era.

The second significant channel of continuity was political journalism and the party press. Under conditions of limited access for Ukrainians to legal forms of political activity, the press (newspapers, journals, brochures) became an instrument not only of political agitation but also of shaping legal consciousness. The works of M. Drahomanov, I. Franko, M. Mikhnovsky, and V. Lypynsky contained a systematic exposition of politico-legal concepts that were preserved in collective memory and reproduced in the activities of subsequent political forces. The legal significance of this phenomenon lay in the fact that journalism created a doctrinal foundation upon which legislative initiatives or constitutional projects could later be justified.

The third institutional mechanism of continuity consisted in representative bodies of power. In this regard, it should be noted that while in Austria-Hungary the practice of such bodies had existed since 1861, following constitutional reforms and the establishment of provincial diets (Ilyn, 2013), in the Dnieper region a similar practice was realized only during the Revolution of 1905–1907 and did not acquire a systematic character. The participation of Ukrainian party figures in the work of these representative institutions contributed to the transfer of political ideas from the realm of theoretical programs into the realm of law-making activity. For instance,

Ukrainian deputies in the Galician Sejm regularly introduced proposals aimed at expanding the rights of the Ukrainian language, developing education, and supporting rural communities, thereby reflecting the principles declared in party programs (Ilyn, 2017). Thus, parliamentary activity became a kind of mechanism for the “normative codification” of ideas originating in the party milieu.

The fourth channel was represented by public organizations and cultural-educational societies closely linked to party structures. *Prosvita*, *Ruska Besida*, and cooperative unions performed the function of informal institutions of civil society which, while not political parties in the strict sense, contributed to the preservation and dissemination of legal ideas (Andrusiak, 1999; Andrusiak, 2010). Here, the effect of “institutional inertia” was at work: even after the prohibition or weakening of a given party’s activity, organizations affiliated with it continued to cultivate its legal discourse, particularly concerning self-government, cooperation, and human rights.

The fifth mechanism can be defined as personal continuity through political leadership and cadre succession. In many cases, political figures who began their careers within one party later joined other associations or occupied state positions, retaining and adapting the ideas previously acquired. This contributed to their integration into a broader political and legal space. A clear example of this can be found in the activities of former members of the URP and UNDP within the structures of the Central Rada and the governments of the Ukrainian People’s Republic, where they continued to uphold the principles of parliamentary democracy and local self-government.

As a result, it can be stated that the institutional mechanisms of continuity of the legal ideas of Ukrainian political parties of the late nineteenth and early twentieth centuries were multi-level and interrelated. They encompassed both formal (programmatic documents, parliamentary activity, organizational statutes) and informal (political journalism, cultural-educational societies, cadre succession) channels, ensuring the resilience of the national legal tradition under conditions of political dependence. This institutional architecture of continuity not only preserved ideas in a historical perspective but also created the preconditions for their actualization in the new state and legal realities of the twentieth and twenty-first centuries.

3. The Modern Legal Space Formed by Ukrainian Political Parties of the Late 19th – Early 20th Century

The modern Ukrainian legal space is the result of a multidimensional historical

and legal process in which the institutional continuity of legal ideas formed by Ukrainian political parties of the late 19th – early 20th centuries played a significant, albeit not always consciously recognized, role. The aforementioned ideas of popular sovereignty, the priority of human rights and freedoms, the principles of federalism and decentralization, and guarantees of national and cultural autonomy have naturally transformed and adapted to new political circumstances, yet preserved their ideological core, shaping the value-based legal foundations of modern statehood.

First and foremost, the influence of the principle of popular sovereignty can be traced, which was central to the programs of most Ukrainian parties at the beginning of the 20th century and is now enshrined in Article 5 of the Constitution of Ukraine, which states that “the people are the bearer of sovereignty and the only source of power in Ukraine” (Constitution of Ukraine, 1996). The historical understanding of popular rule as a combination of direct and representative democracy is reflected in modern forms of referenda, local initiatives, public hearings, as well as in the electoral system. This continuity manifests itself not only in legal texts but also in the public’s persistent perception of the legitimacy of power solely through the people’s will.

Equally important is the influence of the tradition of local self-government. In the modern legal framework, this tradition is embodied in Chapter XI of the Constitution of Ukraine, in the Laws “On Local Self-Government in Ukraine,” “On Voluntary Association of Territorial Communities,” as well as in the concept and practice of the decentralization reform of 2014–2020. The idea that the community is the primary subject of public authority and that local self-government bodies are institutional representatives of its interests reproduces the party principles of a century ago almost unchanged in their fundamental essence. At the same time, modern legal mechanisms (budgetary autonomy, the right of communal ownership, local taxes and fees) can be viewed as the legal embodiment of what party leaders of the early 20th century expressed in more general political categories.

Another example is the legal idea of national and cultural autonomy, which in historical party programs was understood as a guarantee for ethnic and cultural communities to preserve and develop their language, education, religion, and traditions. In modern Ukraine, this idea is implemented in the constitutional guarantees of the rights of national minorities (Article 11 of the Constitution), in the Laws “On National Minorities in Ukraine,” “On Education,” “On Ensuring the Functioning of the Ukrainian

Language as the State Language,” as well as in ratified international treaties, including the Framework Convention for the Protection of National Minorities of the Council of Europe. Despite a significantly different international legal context, the substance of this guarantee has preserved historical continuity, although it has been modernized in accordance with contemporary human rights standards.

Institutional continuity is also evident in the concepts of territorial organization and decentralization of power, which were the subject of lively debate among Ukrainian parties of the late 19th – early 20th centuries. Today, they are reflected in the model of a unitary state with elements of extensive municipal autonomy. The rejection of the federal model after the restoration of independence in 1991 did not diminish the influence of the historical federalist discourse. It persisted in the form of demands for subsidiarity, multilevel governance, and the division of competences between state and local authorities.

No less significant is the influence on the system of human rights and freedoms, which in modern Ukraine is based on a complex of constitutional guarantees and international commitments but has historical roots in party programs that proclaimed freedom of speech, press, assembly, the right to strike, and freedom of conscience, among others. Contemporary human rights legislation, particularly procedural guarantees (the right to a fair trial, presumption of innocence, access to legal assistance), can be regarded as an expanded and detailed embodiment of those principles formulated in political documents over a century ago.

An additional aspect of continuity lies in electoral law. Historical party programs actively defended the principle of universal, equal, and direct suffrage as well as secret voting. In modern law, these principles are enshrined in the Constitution and the Electoral Code of Ukraine. Moreover, the practice of election campaigns and public monitoring of elections confirm that the value of a democratic electoral procedure has become an element of legal culture formed not only in the post-Soviet period but also in a much earlier historical stage (Hrabylnikova, 2012).

It is important to emphasize that the institutional continuity of legal ideas does not imply their full identity in substance; it refers primarily to value-based and legal continuity. The historical context, legal forms, and even the international environment of Ukraine have changed, yet the key principles have remained. This continuity ensures relative stability of legal development even during crisis periods – from the political transformations of the early 1990s to the full-scale Russian aggression in 2022.

Modern challenges – warfare, the need for judicial reform, anti-corruption efforts, integration into the EU, and others – raise the question of preserving national legal identity in the context of globalization. In this regard, the continuity of the ideas of early 20th-century political parties serves as a factor that helps avoid mechanical copying of foreign models and allows combining international standards with national legal traditions. For instance, the implementation of the rule of law principle in modern Ukrainian legislation draws on Western European sources but also correlates with the historical Ukrainian tradition of legal limitation of power, which existed in the Cossack legal order and was reflected in the party concepts of the early 20th century.

The influence of institutional continuity can also be observed in legal doctrine and academic research, where historical ideas of the party movement are reinterpreted and adapted to modern needs. Legal scholarship uses these ideas as material for comparative legal analysis, reform modeling, and substantiating the need to preserve cultural and legal heritage (Severinova, 2019). Thus, the concepts of subsidiarity, legal autonomy of the community, and equality of citizens regardless of ethnic origin are today being integrated into legal policy as elements of European integration.

4. Conclusions

Consequently, the influence of the continuity of legal ideas of Ukrainian political parties of the late 19th – early 20th centuries on the modern legal space is systemic and comprehensive. It encompasses the constitutional foundations, sectoral legislation, the institutional architecture of public authority, and legal culture. The preservation, comprehension, and creative application of this continuity in the processes of law-making and law enforcement serve as an essential factor in ensuring the stability and sustainable development of the Ukrainian state, particularly in the context of profound political and legal transformations.

Under current challenges – armed aggression, globalization processes, and integration into the European Union – the conscious utilization of the historical legacy of Ukrainian political parties can strengthen national legal identity and enhance the resilience of the state.

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ІНСТИТУЦІЙНА СПАДКОВІСТЬ ПРАВОВИХ ІДЕЙ УКРАЇНСЬКИХ ПОЛІТИЧНИХ ПАРТІЙ У КОНТЕКСТІ НАЦІОНАЛЬНОЇ ПРАВОВОЇ ТРАДИЦІЇ

Анотація. *Метою* статті є комплексний аналіз інституційної спадковості правових ідей українських політичних партій у контексті національної правової традиції, з'ясування механізмів трансляції та адаптації політико-правових концепцій у програмних документах і практичній діяльності партій, а також визначення їхнього впливу на формування сучасної правової культури та державотворчих процесів в Україні. **Результати.** Стаття присвячена комплексному аналізу інституційної спадковості правових ідей українських політичних партій кінця XIX – початку XX ст. у контексті національної правової традиції. Дослідження розкриває, як в умовах відсутності державної незалежності, українські політичні партії виступали носіями базових цінностей і принципів, що визначали напрям розвитку українського правового дискурсу. У центрі уваги перебувають ключові правові ідеї цього періоду – народовладдя, місцеве самоврядування, федералізм і децентралізація, гарантії прав і свобод людини та національно-культурної автономії, які отримали відображення у партійних програмах, публіцистиці, парламентській діяльності та діяльності культурно-освітніх товариств. Особливу увагу приділено інституційним механізмам збереження та трансляції правових ідей – програмним документам, партійній пресі, представницьким органам влади, громадським організаціям, кадровій наступності та освітнім інституціям. Показано, що ці канали забезпечували не лише збереження змісту ідей, але й їхню адаптацію до змінюваних політичних і правових умов, створюючи підґрунтя для їх відтворення у наступних етапах української історії. У статті доведено, що сучасний правовий простір України успадкував низку положень, закладених у партійних концепціях початку XX ст.: закріплення народного суверенітету, демократичних виборчих процедур, гарантій прав національних меншин, принципу субсидіарності у системі місцевого самоврядування, пріоритету прав і свобод людини. Проаналізовано, як ці ідеї були інтегровані у Конституцію України, галузеве законодавство та політичну практику у поєднанні з сучасними міжнародно-правовими стандартами. **Висновки.** Результати дослідження підтверджують, що інституційна спадковість правових ідей є не лише об'єктом історико-правового аналізу, але й чинником, який впливає на формування національної правової ідентичності, забезпечує стабільність правового розвитку та підвищує стійкість держави у кризові періоди. Автор обґрунтовує, що збереження і розвиток цієї спадковості в умовах глобалізаційних процесів та збройної агресії проти України є важливою передумовою сталого розвитку української державності та правової культури.

Ключові слова: інституційна спадковість, правові ідеї, українські політичні партії, національна правова традиція, народовладдя, місцеве самоврядування, правова культура.

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