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## DEMOCRACY: VECTORS OF RESEARCHES IN UKRAINE

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**Onishchenko N.M., Malyuga L.Yu., Bulkat M.S. Democracy: vectors of researches in Ukraine.**

The article outlines some current areas of research on Ukrainian democracy. It is noted that in the doctrine of the socio-humanitarian sciences of Ukraine, for a long time the efforts of scientists were concentrated on studying the general problems of the formation of democracy, the authenticity of Ukrainian democracy, the phenomenon of control in the functions of the state, as the basis of the concept of «checks and balances» in democratic states, etc. The provisions on the progress of domestic democracy in the field of the theory of state and law, the history of state and law, constitutional law, political science, etc. are very well developed. Domestic socio-humanitarian sciences have developed a layer of fundamental research, formulations, and conclusions. Currently, the emphasis in the definitions of the concept of «democracy» has shifted somewhat. It was traditionally considered as «the power of the people» or «the rule of the people». The development of the doctrine of socio-humanitarian sciences has ensured the advancement of the scientific understanding of the concept of «democracy» from general categories («people's power») to its organizational and functional nature: ensuring the principle of democracy and specific instruments of citizen participation in state governance. In this context, it is worth paying special attention to the current areas of research on the study of the features of the implementation of democratic standards in applied spheres of citizens lives – education, medicine, etc. Historical and historical-legal provisions on the authenticity of Ukrainian democracy and its formation have undergone a profound rethinking. The areas of studying the origins of Ukrainian constitutionalism, analyzing experience and rethinking the results of the implementation of democratic standards and approaches in various democratic states remain relevant. Current research directions in a global context relate specifically to contemporary challenges that democracies face. The continuation of the progress of Ukrainian democracy, the deepening of democratic processes in the development of the state and society, and Ukraine's European integration are taking place in conditions of war. In view of this, research directions on specific mechanisms for maintaining equilibrium, maintaining balances in conditions of war between the legislative, executive, and judicial components of state power, between civil society and the state, and between sectors of civil society in conditions of polarization exacerbated by war are becoming extremely relevant.

**Key words:** democracy, interpretation of democracy, scientific research, civil society, legal doctrine.

**Оніщенко Н.М., Малюга Л.Ю., Булкат М.С. Демократія: вектори досліджень в Україні.**

У статті окреслено деякі актуальні напрями досліджень української демократії. Відзначено, що у доктрині соціогуманітарних наук України тривалий час зусилля науковців було концентровано на дослідженні загальних проблем становлення демократії, автентики української демократії, феномену контролю у функціях держави, як основи концепту «стримувань і противаг» у демократичних державах тощо. Вельми опрацьованими є положення щодо поступу вітчизняної демократії у царині теорії держави і права, історії держави і права, конституційного права, політології тощо. Вітчизняними соціогуманітарними науками напрацьований пласт фундаментальних досліджень, формулювань, висновків. Натепер акценти у визначеннях поняття «демократія» дещо змістились. Усталено її розглядали як «владу народу» або «народовладдя». Розвиток доктрини соціогуманітарних наук забезпечив поступ наукового осмислення поняття «демократія» від загальних категорій («влада народу») до її організаційно-функціональної природи: забезпечення принципу народовладдя та конкретних інструментів участі громадян в управлінні державою. У цьому контексті окремо варто звернути увагу на актуальні напрями досліджень щодо вивчення особливостей реалізації демократичних стандартів у прикладних сферах життя громадян – освіти, медицини тощо. Глибинного переосмислення зазнали історичні та історико-правові положення щодо автентики української демократії та її становлення. Зберігають актуальність напрями вивчення витоків українського конституціоналізму, аналізу досвіду і переосмислення результатів впровадження демократичних стандартів та підходів у різних демократичних державах. Актуальні напрями досліджень у загальносвітовому контексті стосуються саме сучасних викликів, які долають демократії. Продовження поступу української демократії, поглиблення демократичних процесів у розбудові держави та суспільства, євроінтеграція України відбуваються в умовах війни. З огляду на це надзвичайної актуальності набувають напрями досліджень конкретних механізмів підтримання рівноваги, дотримання балансів в умовах війни між законодавчою, виконавчою, судовою складовими державної влади, між громадянським суспільством і державою, між секторами громадянського суспільства в умовах поляризації, загостреної війною.

**Ключові слова:** демократія, тлумачення демократії, наукові дослідження, громадянське суспільство, правова доктрина.

**Problem statement.** In domestic doctrine, for a long time, the efforts of scientists have been concentrated on studying the general problems of the formation of democracy, the authenticity of Ukrainian democracy, the phenomenon of control in the functions of the state, as the basis of the concept of “checks and balances” in democratic states, judicial control, etc.

**Purpose of the study:** to outline some relevant areas of research in Ukrainian democratic doctrine.

**Status of the development of the problem.** Domestic socio-humanitarian sciences have developed a layer of fundamental research, formulations, and conclusions. A wide panorama of various scientific and theoretical approaches to the interpretation of democracy has been developed, including a comprehensive consideration of critical arguments put forward regarding certain of its understandings, definitions, and models. Describing the existing scientific developments, experts note that the concept of “democracy” is polysemantic, and democracy itself is multidimensional: there are over 200 definitions of this concept and dozens of varieties of democracy itself, including political, economic, social, managerial, military, informational, procedural, etc. [5].

**Presentation of the main material.** The issues of democracy in the field of theory and history of state and law, as well as by representatives of the science of constitutional law, are very well studied. Thus, O. Skrypnyuk analyzed the main legal and political institutions of democracy, their functioning and formation in the conditions of established democracies, in Ukraine, as well as in transitive political systems. The scientist stated that the process of democratization and democratic development in Ukraine cannot be considered exclusively from the standpoint of “institutional democracy”, since the structural and functional effectiveness of democratic institutions largely depends on the environment in which they exist [1, p. 257].

In defining the legal nature of democracy, the formulation “power of the people” [6, p. 115] or “people’s power” [7, p. 61] is consistently used. However, today the emphasis in the definitions of the concept under study has shifted somewhat. Thus, the term “democracy” is widely used to denote a political principle, the essence of which is the recognition (more often formal than actual) of the people as the sole source of power throughout the country, as well as the proclamation of the equality of rights of all participants in the political process; a form of state structure and social self-government, which is a system of state, civil and ideological institutions that ensure the participation of citizens in the management of the state, coordinate diverse interests, seek political compromises, and create conditions for civilized coexistence [5]. In modern encyclopedic publications, the term “democracy”

is used to denote a state system based on the principle of democracy, ensured by the formation of a government through elections and the government's responsibility to the people. At the same time, scientists indicate that for such governance to be possible, the relevant rights of citizens must be ensured by law - primarily the right to vote and freedom of speech. It is pointed out that the definition of democracy as "the power of the people" is incorrect if one does not note the way in which the people exercise self-government (because they can of their own free will choose a non-democratic method of state governance) [8]. Democracy is defined as a form of organization of society, its state and political system, which is based on the recognition of the people as the source of power, the consistent implementation of the principle of equality and freedom of people, and their real participation in the management of the affairs of the state and society [7, p. 61].

Thus, the development of the Ukrainian democratic doctrine, in particular its scientific concepts using the tools of the theory of state and law, ensured the advancement of the scientific understanding of the concept of "democracy" from general categories ("people's power") to its organizational and functional nature: ensuring the principle of democracy and specific instruments of citizen participation in state governance. In this context, it is worth paying special attention to the current areas of research on the study of the features of the implementation of democratic standards in applied spheres of citizens' lives - education, medicine, etc. [11, p. 240]. Historical and historical-legal provisions on the authenticity of Ukrainian democracy and its formation have undergone a profound rethinking [12; 13; 14]. The advancement of the domestic democratic doctrine in the broadest sense is a reflection of the history of the development of statehood and the authentic Ukrainian path to it. Its provisions are methodological for many scientific fields. In the field of historical and historical-legal research, the direction of analyzing the experience and rethinking the results of the implementation of democratic standards and approaches in various democratic states remains relevant [17].

In the field of domestic constitutional law, some applied problems of the formation of Ukrainian democracy have been extensively studied. Thus, M. Savchyn considered constitutional democracy as a complex phenomenon that depends on the institutional capacity of the state and the state of the rule of law against the background of the development of socio-political institutions [2, p. 23]. Scientists have focused on the evolution of democracy as a phenomenon in the system of values of constitutionalism, revealed the main aspects of material and procedural democracy, analyzed the structure of democracy in the context of the national state, and clarified the features of the development of democracy from the point of view of national sovereignty as a system of horizontal and hierarchical relations of the expression of the will of the people [3, p. 40]. Among the reasons for the long process of searching for an effective model of constitutional and legal regulation of social relations in Ukraine, N. Parkhomenko emphasized the decreasing role of science or legal doctrine in the law-making process, the lack of comprehensive scientific research on theoretical and practical issues of increasing the effectiveness of legal regulation in general and constitutional and legal in particular. Among the reasons for the low effectiveness of existing constitutional legislation in Ukraine, the scientist pointed to the lack of scientific characteristics of constitutional legislation as a holistic system (the absence of a single scientific concept of constitutional legislation) and non-compliance with the hierarchy of regulatory legal acts in the system of constitutional legislation; intensification of the law-making process; novelization, which is associated with the formation of new constitutional and legal institutions and the need to improve existing ones [4, p. 62].

Among the relevant ones, it is worth noting the direction of studying the origins of Ukrainian constitutionalism [15]. V. Lemak noted that modern Ukrainian constitutionalism is still at the stage of its formation, based on the norms of the Constitution of Ukraine of 1996, the achievements of both modern domestic constitutional scholars and politicians, and scientific and political figures of the past: Bohdan Khmelnytsky, Ivan Mazepa, Pylyp Orlyk, Mykhailo Drahomanov, Mykhailo Hrushevsky, Vyacheslav Lypynsky and others, as well as through the assimilation and implementation of the Western European model of constitutionalism, the origins of which date back to the Enlightenment. The birth of Ukrainian constitutionalism dates back to the second half of the 16th - mid-17th centuries. It has gone through a long and difficult path in its development, relying on two factors: the achievements of Western European constitutional theory and practice, as well as its own national constitutional experience [16, p.113].

Among the notable trends in the development of fundamental vectors of development of domestic socio-humanitarian sciences in general and legal science in particular, it is worth paying attention to the interest of scientists in the provisions on the phenomenon of control, as the basis of the concept of "checks and balances" of power components in democratic states.

As aptly noted by O. Skrypnyuk, the deepening of democratic processes in state building, development of society and consolidation of Ukraine's European integration course have objectively sharpened

interest in the phenomenon of control, especially its implementation by state power. In a democracy, the organization of control and its level are a determining factor in the characteristics of the state, the directions of its activities and its sociality [18; 19].

As noted by O. Petryshyn, the problems of democracy as a political regime, certain principles of the organization and functioning of state power, systems of values and principles are in the focus of attention of socio-humanitarian sciences, and are especially exacerbated in times of global political transformations [20, p. 73].

The consolidated position of domestic legal science as a whole corresponds to the formulation that "in conditions of democracy, the organization of control over power at all levels acts as a determining factor in the characteristics of the state". However, at present, the continued progress of Ukrainian democracy, the deepening of democratic processes in the development of the state and society, and Ukraine's European integration are taking place in conditions of war. In this context, it is worth noting that today established democracies are faced with the problems of satisfying new demands of citizens regarding ensuring justice, economic and social development and security. Democratic retreats in both new and established democracies are stimulated by undemocratic regimes, corruption, crime, etc. The concept of a "crisis of democracy" has now entered not only scientific but also social and everyday circulation. Back in 2017, a report by the international human rights organization Freedom House indicated that "democracy is facing its most serious crisis in decades. The basic principles of democracy, including guarantees of free and fair elections, minority rights, freedom of the press and the rule of law, are under pressure all over the world" [9]. Therefore, relevant research directions in the global context concern precisely the contemporary challenges that democracies are overcoming.

Indeed, despite the statement of the crisis of democracy, about 80% of people in the world continue to support the democratic path of development of society and the state, seeing in it the only possible option for the advancement of human values. "The essence and value of democracy" [10] for the development of humanity remains axiomatic.

Ukraine in this context is in an unprecedentedly difficult situation. Despite the war, our society and state institutions have maintained a democratic course, reforms are continuing. Ukraine declares that democracy is a special fabric that harmoniously combines two links - civil society and the state. In extraordinary war conditions, the Ukrainian people have demonstrated their ability to fight for freedom and independence, and the system of public power has shown in practice the stability of democracy and adherence to the basic principles of the constitutional order [21].

Now, in our opinion, it is critically important to draw the attention of the scientific community to the need to study specific mechanisms for maintaining equilibrium, maintaining balances in wartime between the legislative, executive, and judicial components of state power, between civil society and the state, between sectors of civil society in conditions of polarization exacerbated by the war. Specialists in the sector of interaction between civil society and the state already point out that war not only necessitates the use of existing instruments of civil society participation in state-building, but also stimulates their modernization [22].

Special attention should be paid to research into areas related to the role and prospects of the formation of legal culture and legal consciousness in the conditions of turbulence of the world order. Domestic lawyers have always paid special attention to the formation of methodological provisions in this area [23; 24; 25]. However, the challenges of today determine the need for their further development and use, both in the field of state policy and in the applied work of relevant state bodies implementing state policy. Issues of democratic development remain at the top of current scientific areas and public discussions [26; 27; 28; 29].

In the domestic practical sphere, some stages of screening Ukrainian legislation for compliance with the legal norms of the European Union have now been completed, which is a mandatory procedure when a candidate country joins the EU [30].

**Conclusions.** Taking into account the above, we believe that in the doctrine of the socio-humanitarian sciences of Ukraine, for a long time the efforts of scientists were concentrated on studying the general problems of the formation of democracy, the authenticity of Ukrainian democracy, the phenomenon of control in the functions of the state, as the basis of the concept of "checks and balances" in democratic states, etc. The provisions on the progress of domestic democracy in the field of the theory of state and law, the history of state and law, constitutional law, political science, etc. are very well developed. Domestic socio-humanitarian sciences have developed a layer of fundamental research, formulations, and conclusions. Currently, the emphasis in the definitions of the concept of "democracy" has shifted somewhat. It was traditionally considered as "the power of the people" or "the rule of the people." The development of the doctrine of socio-humanitarian sciences has ensured the advancement of the

scientific understanding of the concept of “democracy” from general categories (“people’s power”) to its organizational and functional nature: ensuring the principle of democracy and specific instruments of citizen participation in state governance. In this context, it is worth paying special attention to the current areas of research on the study of the features of the implementation of democratic standards in applied spheres of citizens’ lives - education, medicine, etc. Historical and historical-legal provisions on the authenticity of Ukrainian democracy and its formation have undergone a profound rethinking. The areas of studying the origins of Ukrainian constitutionalism, analyzing experience and rethinking the results of the implementation of democratic standards and approaches in various democratic states remain relevant. Current areas of research in the global context relate specifically to the modern challenges that democracies are overcoming. The continuation of the progress of Ukrainian democracy, the deepening of democratic processes in the development of the state and society, and Ukraine’s European integration are taking place in conditions of war. In view of this, research directions on specific mechanisms for maintaining equilibrium, maintaining balances in conditions of war between the legislative, executive, and judicial components of state power, between civil society and the state, and between sectors of civil society in conditions of polarization exacerbated by war are becoming extremely relevant.

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