

UDC 342.7

DOI [HTTPS://DOI.ORG/10.24144/2788-6018.2025.06.1.19](https://doi.org/10.24144/2788-6018.2025.06.1.19)

THE CONSTITUTIONAL RIGHT OF A CITIZEN TO PARTICIPATE IN THE MANAGEMENT OF STATE AFFAIRS: METHODOLOGICAL PRINCIPLES

Basalayeveva A.,*PhD, Lecturer of Constitutional Law Department
of Taras Shevchenko National University of Kyiv*

ORCID: 0000-0001-7558-2621

Basalayeveva A. The constitutional right of a citizen to participate in the management of state affairs: methodological principles.

The scientific article carries out the epistemology of the methodological principles of the study of the constitutional right of a citizen to participate in the management of state affairs. It is noted that in order to obtain objective knowledge about this constitutional right of a citizen, which is both objective and subjective, the decisive factor is the choice and application of such a methodology that will allow for effective knowledge of the phenomenon being studied. The phenomenon being studied is currently developing under the influence of various factors (the war in Ukraine, European integration, globalization, etc.). Also, in the future, other factors may arise that will affect the subject of the study.

The following methodological principles of the study are identified and characterized: subject, object, principles, foundations of the constitutional right of a citizen to participate in the management of state affairs, paradigm of political and constitutional-legal thinking, methods, methodological techniques and tools. The thesis about the relationship and mutual influence of political and constitutional-legal thinking is argued. Such relationship and mutual influence are revealed. It is argued that the foundation of both political and constitutional-legal thinking in democratic countries are the following values: respect for human dignity, freedom, democracy, equality, the rule of law, respect for human rights.

The approach to the methodological principles of constitutional and legal research has received further development: when studying the constitutional right of a citizen to participate in the management of state affairs, despite the subjective nature of the choice of each researcher of the methodology for studying this right and the impossibility of establishing an exhaustive list of methodological principles of constitutional and legal research, there are tasks that determine the limits of this choice, the reliability, and the quality of the research results obtained. The primary level of the methodology for studying the above-mentioned constitutional right is worldview principles.

The article also explores the essence and significance of an interdisciplinary approach in the study of the constitutional right of a citizen to participate in the management of state affairs. The main strengths and weaknesses of the application of interdisciplinary methods in the study of this constitutional right are analyzed, and their impact on the effectiveness of its implementation is determined.

Key words: methodology, constitutional right of a citizen to participate in the management of state affairs, constitutional values, subject of research, object of research, methodological principles of research, research methods, methodological technique.

Басалаєва А. Конституційне право громадянина брати участь в управлінні державними справами: методологічні засади.

В науковій статті здійснюється гносеологія методологічних засад дослідження конституційного права громадянина брати участь в управлінні державними справами. Зазначається, що для отримання об'єктивних знань про це конституційне право громадянина, яке є і об'єктивним, і суб'єктивним, визначальним є вибір і застосування такої методології, які дозволить ефективно пізнати явище, яке досліджується. Досліджуване явище наразі розвивається під впливом різних чинників (війна в Україні, європейська інтеграція, глобалізація тощо). Також в майбутньому можуть виникати і інші чинники, які впливатимуть на предмет дослідження.

Виділено та охарактеризовано такі методологічні засади дослідження: предмет, об'єкт, принципи, основи конституційного права громадянина брати участь в управлінні державними справами, парадигма політичного та конституційно-правового мислення, методи, методологічна техніка та інструментарій. Аргументується теза про взаємозв'язок та взаємовплив політичного та конституційно-правового мислення. Розкривається такий взаємозв'язок та взаємовплив. Висновується, що фундаментом і політичного, і конституційно-правового мислення в демократичних

країнах є такі цінності: повага до людської гідності, свободи, демократії, рівності, верховенство права, повага до прав людини.

Дістав подальшого розвитку підхід щодо методологічних принципів конституційно-правових досліджень: при дослідженні конституційного права громадянина брати участь в управлінні державними справами попри суб'єктивний характер вибору кожним дослідником методології дослідження цього права та неможливості встановлення вичерпного переліку методологічних принципів конституційно-правових досліджень, є завдання, якими визначаються межі цього вибору, достовірність, якість отриманих результатів дослідження. Первинним рівнем методології дослідження вище зазначеного конституційного права є світоглядні принципи.

Також у статті досліджено сутність та значення міждисциплінарного підходу при вивченні конституційного права громадянина на участь в управлінні державними справами. Проаналізовано основні сильні та слабкі сторони застосування міждисциплінарних методів при дослідженні цього конституційного права, визначено їх вплив на ефективність його забезпечення.

Ключові слова: методологія, конституційне право громадянина брати участь в управлінні державними справами, конституційні цінності, предмет дослідження, об'єкт дослідження, методологічні принципи дослідження, методи дослідження, методологічна техніка.

Formulation of the problem.

The present day poses new tasks for the science of constitutional law, which are the answer to existing challenges and those that may arise in the near future or in the more distant future. For example, there is currently a war in Ukraine - the Ukrainian people are suffering from Russian aggression. At the same time, without abandoning its foreign policy aspirations, Ukraine is integrating with the European Union. At the same time, there is a threat to energy security in the region and the world, food security, etc. No less key is the issue of post-war reconstruction of Ukraine and its international cooperation in various areas [1-3]. All these factors determine the need and expediency of studying the constitutional right of citizens of Ukraine to participate in the management of state affairs, because it is precisely on its effective implementation that the future development of Ukraine will depend, as well as interstate relations to which Ukraine is a party. Increasing the effectiveness of regulatory and organizational and legal mechanisms for ensuring the above-mentioned constitutional right is impossible without its comprehensive study. The very quality of the study of the constitutional right of a citizen to participate in the management of state affairs depends on the methodology.

The purpose of this article is – to identify and characterize the methodological principles of the study of the constitutional right of a citizen to participate in the management of state affairs.

The state of research on the issue.

In the science of constitutional law, the issue of research methodology was raised in the works of Yu. Barabash, O. Vasylchenko, A. Kolodiy, B. Kalynovsky, O. Lotyuk, V. Fedorenko and other scientists. The issue of the methodology of the study of a particular constitutional right was raised in the works of D. Belov, Yu. Bysaga, L. Deshko, Ya. Lenger, T. Slinko, O. Shcherbaniuk and others. At the same time, the issue of the methodology of the study of the constitutional right of a citizen to participate in the management of state affairs was not comprehensively studied.

Presenting main material.

Scientist A. Kolodiy correctly notes that «The problem of methodology is extremely complex, ambiguous and insufficiently studied, and therefore modern scientific sources define and interpret this phenomenon in different ways. However, generalizing various points of view, we can conclude that in the domestic doctrine, methodology is mostly considered as a doctrine of scientific research methods, and the methods themselves - as a set of certain cognitive principles, techniques, and means by which this research is carried out» [4, p. 90].

Kolodiy A. notes that methodology in the broadest sense is a doctrine of scientific principles, approaches, principles and methods, as well as a doctrine of how to think when writing a scientific study, and in the narrow sense - it is a theoretical basis that is used or can be used in the process of scientific knowledge [4, p. 92]. The scientist rightly emphasizes that methodology is not only a doctrine about the methods of research of a certain science, but also about how to implement ideas, goals, tasks, theoretically grounded conclusions, proposals, recommendations, and common knowledge in social life, because reality includes the material and the ideal, rational and irrational, positive and negative, progressive and regressive, which are reflected in the results of human activity – in the final definitions, classifications, generalizations, institutions, materials and products of the world of technology, politics, economics, spirituality, society, state, law, etc. [4, p. 92].

For research, it is important to identify its subject and object. It is well known that the object of research is the area, phenomenon, field of knowledge, process within which the research is carried

out. The object of our research is social relations that arise when ensuring (implementing, protecting, defending) the constitutional right of a citizen to participate in the management of state affairs. The subject of the research, as is well known in legal science, is a detailed, narrower concept that correlates with the object and is limited by its framework. That is, it is a specific problem in the chosen field of activity. As for our research, the subject is the constitutional right of a citizen to participate in the management of state affairs.

At the same time, we emphasize that the very problem of the object and the subject that we are researching is not simple. Moreover, this problem is not reduced to some purely formal-logical «relationships» of the object of research with the subject of research and is not reduced to the statement that the object of our research has much more subjects for research than we chose for our purely scientific research, and the subject of research is narrower than the object. The point is that the object of knowledge is both social relations that arise when ensuring both the objective constitutional right of a citizen to participate in the management of state affairs and the subjective one, and the subject is the principles and tendencies of ensuring this constitutional right in this fragment of reality.

The scientist E. Chernyak rightly draws attention to the position of the German scholar-lawyer G. Ellinek, which we support, that "any study of the main phenomena of state and legal life, in order to become fruitful, must begin with the establishment of methodological principles based on the results of the latest research in the field of cognitive theory and logic" [5]. E. Chernyak rightly emphasizes that "... the primary level of the methodology for studying modern Ukrainian constitutionalism ... as well as other phenomena of constitutional existence, are worldview principles. The main principles that reflect the essence, content and features of the post-positivist research methodology ... are the principles of de-ideologization and freedom of scientific research, comprehensiveness, systematicity, dialectic, historicism, determinism, hermeneutics, phenomenology, formal logic, objectivity, universality, etc. [5].

The approach proposed by E. Chernyak to the methodological principles of constitutional and legal research allows us to assert that even when studying the constitutional right of a citizen to participate in the management of state affairs, despite the subjective nature of each researcher's choice of the methodology for studying this right and the impossibility of establishing an exhaustive list of methodological principles of constitutional and legal research, it is possible to formulate tasks that should definitely determine the boundaries of this choice, as well as the reliability and quality of the research results obtained [5].

Scientists Arutyunov V., Mishin V., Svintsitsky V. write that the paradigm of political and constitutional-legal thinking is also of great importance [6]. Paradigm (from the Greek. *парадигма* – example, model) is an integral characteristic of a particular science in a certain era, which includes: first, symbolic generalizations (formalized components of the theory); second, a picture of the world (model representations, images of objects of science); third, methodological requirements and value orientations generally accepted in a given community of scientists; fourth, generally accepted in scientific circles samples of description, explanation, basic examples of solving specific scientific problems [6].

Considering the methodological principles of studying the constitutional right of a citizen to participate in the management of state affairs, let us also pay attention to the research methods. Scientist O. Vasylichenko rightly writes that "... methodological principles of research ... are based on the use of methods and techniques, with the help of which its purpose, content and features can be determined, and the result of the research will depend on the chosen approaches, methods and means of cognition" [7, p. 20-21]. Scientist L. Deshko rightly notes that "... only the comprehensive application of research methods ... provides the possibility of obtaining such scientific results that are characterized by scientific novelty and are specified in the provisions, conclusions, recommendations and proposals" [8, p. 68].

Also, scientists Y. Bysaga and L. Deshko in their studies correctly emphasize that "...there is a wide range of methods of scientific research..." [9-10], but it is necessary to develop the constitutional right of a citizen to participate in the management of state affairs as a polysemantic form of knowledge using modern methodology.

We agree with the point of view of A. Kolodiy that even today there is a discussion "...about the system of methods of legal science in general and in the constitutional law of Ukraine in particular" [4], but "for a full-fledged study of constitutional and legal material, the most optimal is their structured system, which includes the following subsystems... 1. General scientific methods, which, first of all, should include philosophical ones, namely: dialectical, metaphysical, hermeneutic, etc.... 2. From the system of special methods that can be implemented in constitutional and legal scientific research, it is worth highlighting: - sociological method... modeling method,... idealization method,... forecasting method,... statistical and its logical continuation - constitutional and statistical method,... 3. From the system of proper legal methods that are most expedient to implement in constitutional and legal

scientific research, it is worth highlighting: – historical and legal method... comparative legal and its derivative method of constitutional comparativism together with the method of comparison... formal and legal method, which is a logical continuation of the formal and logical, in case of its implementation will allow to single out the characteristics and features of the constitutional and legal phenomenon that is being recognized, the way of its regulation in a normative and legal act or acts, to reveal its essence, content, functions, to clarify the social purpose of many processes and elements that were recognized, to determine their common and distinctive features, to send to clarify their understanding, formulate definitions, etc. based on the laws of formal logic; – the method of legal experiment, ..." [4].

Traditionally, constitutional human and civil rights have been analyzed using special research methods that focused on the analysis of legal norms, their interpretation and systematization. However, modern processes – democratization, digitalization, globalization – have shown that the normative text itself does not guarantee the real implementation of law. That is why there is a need for an interdisciplinary approach that allows studying law as a social, political, cultural phenomenon. In addition, the right of a citizen to participate in the management of state affairs, enshrined in Art. 38 of the Constitution of Ukraine, is one of the key elements of a democratic system and a manifestation of the principle of democracy. However, modern science is faced with the need to study this right not only as a legal norm, but as a multidimensional social phenomenon that combines legal, political, social, economic and technological components. That is why there is a need to apply an interdisciplinary approach that allows combining various scientific methods for a more complete understanding of the essence and practical implementation of this right.

The role of interdisciplinary methods in the study of the constitutional right to participate in the management of state affairs is characterized by the fact that they: reveal the complex nature of this constitutional right; ensure the objectivity of the study, relying not only on the content of the norms, but also on the practice of their application; contribute to the improvement of the mechanisms for the implementation of this constitutional right. The application of an interdisciplinary approach allows combining various scientific methods for a more complete understanding of the essence and provision of this right.

The use of the formal-legal method allows analyzing the regulatory and legal framework, the application of political science methods – to investigate political culture and decision-making mechanisms, sociological methods – to investigate public activity, philosophical and legal approaches – to comprehend the value nature of participation.

The combination of legal and social research methods allows us to look at the constitutional right of a citizen to participate in the management of state affairs as a unity of the legal and the social in order not only to state the existence of the norm, but also to find out how it functions in the practice of public administration. Interdisciplinary research helps to identify barriers to the implementation of this constitutional right: social (distrust of authorities), economic (low level of well-being), informational (digital divide), cultural (low political culture). At the same time, the combination of different methods often leads to a loss of clarity of legal argumentation. As a result, the problem of the ratio of legal analysis and sociological interpretation may arise, which complicates the construction of strict scientific logic. Social and political research has a significant share of interpretability, which can reduce the objectivity of conclusions in legal science. This is especially true of empirical methods – surveys, focus groups, etc. Some aspects of interdisciplinary conclusions are difficult to implement in normative or judicial practice, since they go beyond the legal field – for example, they touch on ethical or psychological factors.

Interdisciplinary methods in the study of the constitutional right of a citizen to participate in the management of state affairs play a system-forming role. They provide a deeper understanding not only of the legal essence of law, but also of its social effectiveness.

The strengths are complexity, practical orientation, empirical verification and comparative potential. The weaknesses are methodological heterogeneity, the risk of subjectivity and the complexity of integrating diverse data.

Conclusions.

To obtain objective knowledge about this constitutional right of a citizen, which is both objective and subjective, the choice and application of such a methodology is crucial, which will allow for effective knowledge of the phenomenon being studied. The phenomenon being studied is currently developing under the influence of various factors (the war in Ukraine, European integration, globalization, etc.). Also, other factors may arise in the future that will influence the subject of the study. The problem of the constitutional right of a citizen to participate in the management of state affairs as a subject of research is complex, has a comprehensive interdisciplinary nature, raises such key issues, for the solution of which it is necessary to apply interdisciplinary methods.

The methodological principles of the study are: subject, object, principles, foundations of the constitutional right of a citizen to participate in the management of state affairs, the paradigm of political and constitutional-legal thinking, methods, methodological techniques and tools. There is a relationship and mutual influence of political and constitutional-legal thinking. The foundation of both political and constitutional-legal thinking in democratic countries are the following values: respect for human dignity, freedom, democracy, equality, the rule of law, respect for human rights.

The approach to the methodological principles of constitutional-legal research has received further development: when studying the constitutional right of a citizen to participate in the management of state affairs, despite the subjective nature of the choice by each researcher of the methodology for studying this right and the impossibility of establishing an exhaustive list of methodological principles of constitutional-legal research, there are tasks that determine the limits of this choice, the reliability, and the quality of the research results obtained. The primary level of the methodology for studying the above-mentioned constitutional law is worldview principles.

REFERENCES:

1. Vasylychenko O.P., Deshko L.M., Lotiuk O.S. Spivvidnoshennia konstytutsiino-pravovoi ta politychnoi vidpovidalnosti subiektiv vyborchoho protsesu. *Naukovyi visnyk Uzhhorodskoho natsionalnoho universytetu. Seriiia «Pravo»*. 2024. Vypusk 85: chastyna 1. S. 181–187. DOI <https://doi.org/10.24144/2307-3322.2024.85.1.24>. URL: <https://visnyk-juris-uzhnu.com/wp-content/uploads/2024/11/26.pdf>.
2. Deshko L., Vasylychenko O., Lotiuk O. Crime an Tatar National-Territorial Autonomy: Reg ulatory and Legal Guarantees of the Rights and Freedoms for the Indigenous Peoples of Ukraine. *Visegrad Journal on Human Rights*. 2022. № 3. P. 24–28. URL: https://journal-vjhr.sk/wp-content/uploads/2023/01/Visegrad_3_2022.pdf.
3. Deshko L.M., Vasylychenko O.P., Lotiuk O.S. Liustratsiia yak vyd konstytutsiino-pravovoi vidpovidalnosti ta vidshkoduvannia moralnoi shkody, zavdanoi v rezultati porushennia prava osoby na uchast v upravlinni derzhavnymy spravamy: praktyka YeSPL u spravakh proty Ukrainy. *Naukovi innovatsii ta peredovi tekhnolohii*. 2024. № 11. S. 554–566. DOI: [https://doi.org/10.52058/2786-5274-2024-11\(39\)-554-566](https://doi.org/10.52058/2786-5274-2024-11(39)-554-566). URL: <http://perspectives.pp.ua/index.php/nauka/article/view/16361>.
4. Kolodii A.M. Metodolohiia naukovykh doslidzhen u konstytutsiinomu pravi Ukrainy. Metodolohiia provedennia haluzevykh yurydychnykh doslidzhen: monohrafiia. Odesa: Helvetyka, 2022. S. 89–112.
5. Cherniak Ye.V. Metodolohichni pryntsypy konstytutsiino-pravovoho doslidzhennia instytutu okhorony Konstytutsii yak elementu systemy suchasnoho konstytutsiinoho prava Ukrainy. *Chasopys Kyivskoho universytetu prava*. 2019. № 4. C. 92–98. DOI: <https://doi.org/10.36695/2219-5521.4.2019.14>
6. Arutiunov V. Kh., Mishyn V. M., Svintsitskyi V. M. Metodolohiia sotsialno-ekonomichnoho piznannia. Navch. posibnyk. K.: KNEU, 2005. 353 c.
7. Vasylychenko O.P. Pryntsyp rivnosti prav i svobod liudyny i hromadianyna v konstytutsiinomu pravi Ukrainy: doktrynalni ta prykladni aspekty: Dys....dokt.iuryd.nauk: 12.00.02 – konstytutsiine pravo; munitsypalne pravo. Kyiv, 2015. 467 s.
8. Deshko L. Konstytutsiine pravo na zvernennia do mizhnarodnykh sudovykh ustanov ta mizhnarodnykh orhanizatsii: monohrafiia. Uzhhorod, 2016. 486 s.
9. Bysaha Yu.M., Deshko L.M. Metodolohiia doslidzhennia konstytutsiinoho prava zvertatysia do mizhnarodnykh sudovykh ustanov ta mizhnarodnykh orhanizatsii. *Naukovyi visnyk Mizhnarodnoho humanitarnoho universytetu. Seriiia Yurydychni nauky*. 2016. № 21. S. 14–16. URL: <https://www.vestnik-pravo.mgu.od.ua/archive/juspradenc21/5.pdf>.
10. Bysaha Yu.M., Deshko L.M. Mizhdystsypinarnist yak umova rozviazannia kompleksnoi problemy shchodo konstytutsiinoho prava kozhnogo zvertatysia do mizhnarodnykh sudovykh ustanov ta mizhnarodnykh orhanizatsii. *Naukovyi zbirnyk «Aktualni problemy vitchyzniano yurysprudentsii»*. 2016. № 4. S. 18–21. URL: http://apnl.dnu.in.ua/4_2016/6.pdf.