SECTION 3

# CONSTITUTIONAL AND LEGAL PRINCIPLES OF ORGANIZATION OF ACTIVITY OF STATE AUTHORITIES AND LOCAL GOVERNMENT

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## THE PARADIGM OF CONTEMPORARY UNITARISM IN UKRAINE: ISSUES OF FORMATION AND IMPLEMENTATION

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**Summary**

*Aim.* The article aims to investigate the essential and content characteristics of unitarism as a phenomenon of contemporary constitutional law. The synergistic connection between the doctrine of modern unitarism, the principles of unitarity of the state territory and the fundamental institutions of political-legal and state-administrative life of modern unitary states is shown. It proves that the unitary system is not only one of the important components of the process of accomplishing the tasks, goals and functions of most modern states, but also an immanent feature and strategic element of the mechanism of exercising their sovereign rights.

*Methods.* The methodological basis encompasses philosophico-ideological, general scientific principles and approaches and special scientific methods of inquiry for constitutional and legal phenomena and processes. The philosophico-ideological basis of the study is the position of dialectics, on the basis of which the causes and factors of the evolution of unitarism are thoroughly investigated. In general, the research was conducted on the basis of a combination of ontological, epistemological and axiological analysis of contemporary unitarism.

*Results*. The complexity, importance and relatively widespread use of unitarity as a form of government is causing a lively and ever-growing scientific interest in it throughout the world. The unique capability of unitarism to take into account the specific features of a particular condition allows it to manifest itself in each case in a new way. That is why it is important to analyze the mutual influence of unitary theory and practice, to explore and take into account the peculiarities of national unitarism.

The problem of unitarism and the unitary form of the territorial structure of the state and the status of its constituents is one of the least studied in domestic constitutional law. Modern scholars studying constitutional law, as a rule, are limited to consideration of individual issues of the territory, in particular, the features of the territorial organization of state power and local self-government, problems of state sovereignty, territorial integrity

and inviolability, etc. To a large extent, the problem has not been studied exhaustively in contemporary Ukraine which causes difficulties in understanding such interrelated but not identical phenomena as unitarism and unitarity, regionalism and regionalization, municipalism and municipalization, decentralization and deconcentration, etc. It should be noted that in modern literature related to problems of state territory, territorial organization of state power, and other issues of the status of territory, the complex, multidimensional nature of unitarism, as a constitutional category, is not always taken into account.

*Conclusions*. Unitarism is proved to be a multidimensional socio-political and constitutional phenomenon: it is an idea, a theory, a scientific direction as well as a global social constitutional practice and a constitutional form of the existence and functioning of territorial communities, it is the historical condition of national statehood and Ukrainian regional civilization and the form of realization of the national identity and civic consciousness, etc.

**Key words:** unitarism; unitarity; territory; state; state structure; unitary structure; administrative-territorial structure.

## 1. Introduction

The most important issue of the constitution□building process in modern Ukraine, which requires deep doctrinal interpretation, is the practice of municipalization and decentralization, which has intensified to the greatest extent in recent years, especially in the process of unification of territorial communities. Currently, in the context of the constitutional reform, and, in general, the renewal of political and legal systems, the state and civil society, their organizational structures have to perform a serious task. The task lies in concentrating positive democratic efforts and systematic implementation of unitary discourse in constitutional and socio-political matters, comprehensive development of the institution of unitarism.

For modern Ukraine, the issues of territorial organization of power, administrative-territorial structure and territorial structure, protection of territorial integrity are of particular importance. According to the Constitution of Ukraine, our state is unitary by the form of territorial organization. The Ukrainian people and the Ukrainian state face a number of complex internal and external threats and challenges, primarily related to such fundamental constitutional values as sovereignty, independence, freedom, democracy, territorial integrity, and so on.

Indeed, the annexation of the Autonomous Republic of Crimea and the armed intervention of the Russian Federation against Ukraine continue. Under the influence and support of the aggressor, terrorist groups operate in Luhansk and Donetsk oblasts. Separatist tendencies in different regions of Ukraine are constantly intensifying. Federalist scenarios of its constitutional development, language and confessional conflicts and contradictions, etc. are artificially inspired.

These and other problems are objectively related to the issues of the territorial structure of Ukraine and its principles, among which unitarism has a unique and system-forming significance. Unitarism is a constitutional and legal phenomenon whose concept, essence, content, goals and prospects of development have been the subject of scientific interest for a long time. However, the search for the paradigm of unitarism which is in line with the modern conditions of the changed world order still lasts in the domestic and foreign legal literature.

Concurrently, the diversity of opinions on key general theoretical issues indicates the actualization of the theory and practice of building unitary states whereas the significant theoretical basis of unitarism constantly requires additions, given that the practice of building unitary relations is dynamically expanding since the principles of unitarism are widely applied not only in the territorial organization of public power of unitary states, but also in the processes of institutionalization and functioning of political, legal, social, economic, financial, spiritual and other systems of society. Unitarism is constantly evolving, it is revealed in a new way and

thus it requires careful doctrinal constitutional and legal interpretation.

*Aim and research tasks.*

This study is aimed at deepening the conceptual and constitutional foundations of unitarism as a common law category, the category of modern constitutional law and constitutionalism as well as the paradigmatic basis of the territorial organization of modern Ukraine.

To accomplish the aim the following **tasks** have been set:

- to disclose the genesis of the system of ideas about unitarism in the aspect of the theoretical and methodological understanding of the doctrine of the state territory;

- to define the term «unitarism», reveal the features of its constitutional and legal nature;

- to study the axiological, ontological, epistemological, functional-teleological significance of the theory of modern unitarism and to reveal the paradigmatic-constitutional issues of its implementation in Ukraine.

*Methods.*

The methodological basis of the work is a set of philosophico-ideological, general scientific principles and approaches, and special scientific methods of inquiring constitutional legal phenomena and processes. The tenets of dialectics, on whose basis the causes and factors of the evolution of unitarism are comprehensively studied, are the philosophical and ideological basis of the study. In general, the study was based on a combination of ontological, epistemological and axiological analysis of modern unitarism.

*Literature review.*

Certain aspects of the theory and practice of contemporary unitarism, administrative-territorial structure and process were studied in the works by such modern scholars and experts as Yu. I. Hanushchak, B. P. Hdychynskyi, A. B. Het'man, R. V. Huban', O. P. Ishchenko, V. M. Kampo, O. L. Kopylenko, V. V. Kravchenko, I. O. Kresina, V. S. Kuibida, O. H. Kuchabskyi, I. Y. Manovskyi, V. I. Nudel'man, Kh. V. Prykhod'ko, S. O. Teleshun, A. F. Tkachuk, L. T. Shevchuk and others.

The author believes that the political and legal doctrines about the phenomenon of state territory in general, its tasks, functions, forms of organization, including primarily the unitary system of the state, formulated over the centuries in the context of domestic and international science, have not lost their importance up till now, and the comprehension of ideas about the nature of unitary statehood is necessary for the successful solving of the problems of administrative-territorial structure, territorial organization of power and strengthening of unitarism in modern Ukraine.

Taking into consideration the above, modern Ukrainian unitarism needs further research, chiefly, in view of its essence, content, principles, strengthening in the context of the administrative-territorial reform, local government reform and decentralization of public power, trends and prospects for development in the framework of the new world order as well as challenges facing Ukraine as a result of the annexation of the Autonomous Republic of Crimea and Russia's armed aggression, etc.

*Results and discussion.*

## 2. Unitarism in the doctrine of contemporary political science

It is well known that the term «a unitary state» comes from the Latin word unus, unitas, which means «one», «unity». Thus, a unitary state does not consist of state formations, but of administrative-territorial units, whose legal status is determined by the central government. The unitary character of the state means that the territory within the existing state borders is integral and inviolable, that the constituent parts of this territory are inextricably linked and marked by internal unity and have no signs of statehood, as is the case with constituent parts of, say, a federal state.

Other characteristics of a unitary state are also conceptually significant. For example, some scholars focus not only on its so-called «material» characteristics, but also emphasize that intangible factors also contribute to ensuring unitarism. This approach demonstrates the definition of a unitary state, represented as a simple single state entity, consisting of legally equal administrative-territorial units that are subordinate to the central government and have no signs of state sovereignty, and the majority of the population in such a state has unitary legal consciousness.

«Unitary legal consciousness» belongs to a group of features that are not limited to the form of state attributes and technological char-

acteristics of the unitary state. Unitary legal consciousness is more than a necessary sign of statehood and unitary capacity. This characteristic precedes unitarism and serves as its basis. This is a peculiar national tradition of territorial organization and a form of its historical and contemporary constitutionalization (Batanov, Prykhod'ko, 2016; Irynin, 2007).

The systemic approach deserves special attention in the context of universalization of methodological approaches to the unitary characteristics of the modern state. In the Western legal doctrine the concept of «a unitary system» is defined as a system of political organization in which all or most of the power is concentrated at the level of the central government, in contrast to the federal system. Under the unitary system the central government usually delegates authority to territorial units and allows the latter to implement political decisions.

Analyzing the genesis of the unitary form of the state structure, we must proceed from the fact that unitarism replaced particularism and feudal fragmentation, played its progressive role. It did not depend on the national-ethnic or racial structure of the population, but was demanded by a single regime, relative simplicity in exercising state power. The unitary state is currently the most common form of state in the world. More than 85% of the countries of the world have chosen the unitary form of their territorial structure. Despite the fact that these states are different in their territorial parameters, ethno-national composition, geographical location, economic and socio-cultural development, political and legal traditions, unitary states possess a complex system of features.

Among them there are such as: the territory of the state is divided into administrative-territorial units that are not endowed with state sovereignty; a single structure of the state apparatus whose competence extends to the entire territory of the state; single citizenship; a unified system of legislation whose pivotal center is a single state constitution, the norms of which are applied throughout the country without any restrictions; a unified judicial system; a unified system of constitutional control bodies; a single-channel taxation system; the participation of the state as an integrated whole in international relations and the like.

In terms of ensuring the public administration each of them has significant features. For instance, the United Kingdom decentralizes power in practice, but not in constitutional principles. It is one of the few countries that has chosen devolution as a form of decentralization and territorial organization. Other countries provide various degrees of autonomy to territorial units. In France, which is a classic example of a decentralized administrative system, some members of the local government are appointed by the central government, while others are elected.

A unitary state is characterized by a single system of higher bodies (the parliament, head of state, government). The jurisdiction of these bodies extends to the entire territory of the country, which is divided into administrative-territorial units that do not have political independence. These units (departments, oblasts, counties, districts, communities, etc.) usually form their own representative and executive bodies which operate in accordance with national legislation and are obliged to apply laws and other normative acts adopted by central government bodies.

The territory of a unitary state always has its own internal organization or the so-called administrative-territorial system (the so-called micro-states are the only exception) whose essence is to divide the single territory of the state into its constituent parts. The territory of a unitary state is nothing more than a large political and socio-economic supersystem, which within the boundaries defined by the state border combines the key functional subsystems of the life of society («governance», «manufacturing», «servicing», «resettlement») and to some extent localizes them within specific administrative-territorial units of the existing administrative-territorial division. Only in those cases when the localization of these subsystems on the territory corresponds to the existing administrative-territorial system (and respectively, to the existing system of governance), the administrative-territorial system can be viewed as optimal.

However, in our opinion, both in conceptual-constitutional and praxeological aspects, unitarism is a much more complex phenomenon with regard to its axiological, ontological, epistemological, teleological and other attributes and characteristics than the unitary system of the state.

### 3. Doctrinal approaches to understanding the constitutional and legal nature of unitarism

The theory of unitarism refers to one of the universal constitutional legal and political theories that develop and enrich the practice of constitutional law and process, the construction of modern statehood. The interpretation of the specifics of constitutional construction in modern Ukraine faces a number of doctrinal problems and, in particular, the need to develop categories that form a stable and at the same time dynamic political system. Such a political need in the present context and in the future actualizes the need to develop and clarify many notions.

These include the notion of unitarism, which is closely linked to the phenomenon of constitutionalism and the system of constitutional traditions, ideas, views that define the constitutional structure and are manifested in constitutional legal norms and institutions, constitutional customs and constitutional consciousness.

Today unitarism in contemporary Ukraine is developing in the conditions which are far from being perfect, they are primarily associated with the annexation of the Autonomous Republic of Crimea and the Russian Federation's armed intervention. The radical modernization of many constitutional, ideological and moral values that has taken place over recent decades necessitates the consolidation of constitutional and political consciousness, the constitutional and political culture of society. That is why today unitarism can become such a value-orienting paradigm that would become a system-forming idea and an important element of social legal consciousness.

The urgency of studying the institution of unitarism in this period is growing not only in view of doctrinal-cognitive perspectives, but also in the praxeological aspect, since many of the existing projects on constitutional, first of all, administrative-territorial, transformations are consistent with today's realities and promote fundamentally new constitutional values. in the system of which unitarism occupies a unique place.

This is primarily due to the fact that the unitarian idea in the process of its genesis goes beyond the spatial-technological, functional-teleological and instrumental-cratologic framework of the state structure and, in the current situation starts to become a form of the national model of constitutional order, absorbing many constitutional phenomena, relations and processes – beginning from the issues of forming municipalism and parliamentarism, the functioning of territorial communities and public authorities and ending with the problems of forming constitutional consciousness and constitutional culture. Nowadays, unitarism, as one of the fundamental principles of the constitutional order, objectively acts as a springboard for the introduction of unitarian ideology in the constitutional and legal life and social relations.

However, the modern theory of unitarism suffers from a lack of systemicity, integrity, adequate legal definitions of basic concepts. Owing to this, the development of the appropriate categorical-conceptual apparatus remains a rather important issue of modern legal and political science. Many concepts, in our opinion, are still not precisely defined, which gives rise to their ambiguous interpretation, different perceptions of essence, content and scope. Scientific works, including those specifically devoted to unitarism, often do not provide definitions of basic concepts at all, and there is no clear distinction between them. And concepts such as «a unitary state», «unitarity» and «unitarism» are often used by individual scholars as identical.

Thus, according to V. V. Mishchuk, unitarism should be understood as «the principle of state structure, whose essence is political unity, a single system of government bodies throughout the state territory, the situation when territorial units have no political independence, the unity of other political, economic and cultural institutions of the state». He also believes that «the principle of unitarism is based on the processes of centralization of state power and governance, combined with self-governing tendencies of local self-government. With the unitary form of territorial organization of the state there is only one constitutional system of public authorities, whose competence extends to the entire territory of the state».

V. V. Mishchuk also claims that the concepts of «a unitary form of the state» and «unitarism» are not identical because their content is different. In addition, the time of introduction of

these concepts into the scientific circulation is different: the definition of «a unitary state» first appears in the scientific works of theoreticians of the 19th century, while the term «unitarism» for various reasons is not widely used even in modern jurisprudence. Moreover, the unitary state itself arises and develops on the basis of the principle of unitarism. Notably, some elements of unitarism are observed in states with a federal form of territorial structure (Mishchuk, 2010).

Another example is the position of M. V. Savchyn, who considers unitarism as a form of state structure and argues that «domestic unitarism is based on administrative-territorial division which provides for the unification of legislation on local government and the unification of the system of public authorities and local authorities». He also notes that «unitarism does not end there, its principles are violated from the point of view of legal dogma – Ukraine includes the Autonomous Republic of Crimea, which is a dilemma of Ukrainian unitarism, as there arises the question about the possibility of emerging regionalist and even federalist tendencies» (Savchyn, 2009).

O. H. Kushnirenko's position is indicative in this regard. Although emphasizing that unitarism is «a form of state unity and the basic value of constitutional order» he also focuses on the analysis of the unitary form of the state structure (Kushnirenko, 2014).

Thus, it should be noted that developing a definition of unitarism is a rather difficult task. Many scientific papers do not give a clear definition or it is present implicitly, for example, when features, properties, traits are enumerated (Het'man, 2013; Hrechko, 2018). Not all of them are typical of unitarism. Their essence, content and number of the given signs and properties are different. Additionally, the concept of «unitarism» is used by researchers in various fields of scientific knowledge (lawyers, political scientists, sociologists, philosophers, economists, financiers), i. e. it is an interdisciplinary category.

The lack of a unified approach to understanding unitarism is due to several reasons. First of all, the unitary model of the state system: a) refers to both the structure and functioning of public power; b) it provides a synthesis of different trends in the development of the state organism: on the one hand, its unity, indivisibility, centralization and, on the other hand, municipalization, decentralization, deconcentration, devolution, etc.; c) is at the same time a constitutional and legal, political and social phenomenon; d) envisages certain goals and means of achieving them, and these goals may be local, regional and global in nature.

In addition, there are several models of unitary organization of the state, for which unitarism can be considered as the theory of the unitary form of the state structure as awell as a specific unitary state – a way to promote and implement this theory. Under this approach unitarism as a constitutional and legal phenomenon is actually identified with the scientific theory of this phenomenon, that is, the constitutional legal reality and its reflection in scientific knowledge do not differ. In this aspect the concept of «unitarism» contains the philosophy of a qualitatively determined state system, it is the theoretical and methodological basis for organizing the unitary structure. And «unitarity» is a type of a real state organization that meets all the principles of unitarism and is the embodiment of its philosophy.

Unitarism is also seen as a way of life, as a way of combining territorial unity and inseparability in the constitutional relations of various forms of statehood – from centralized to decentralized, deconcentrated, regional states and local self-government.

### 4. Paradigmatic and constitutional issues of contemporary unitarism

The current stage of development of unitarism in Ukraine is due to significant changes in the mechanism of constitutional and legal regulation of social relations and qualitative renewal of the system, structure and content of «the constitutional». From our perspective, the essence and content of classical municipalism must be considered and understood from a variety of positions:

– ***axiological,*** which reveals the value potential of the phenomenon of unitarism as a constitutional legal and political ideology that is a system of ideals and ideas about the territory of the state, its structure as a constitutional value (their genesis, system, forms of expression, methods and the degree of implementation and pro-

tection) (Bondar, 2014), which is based on a symbiosis of constitutional legal theory and practice. For example, sovereignty, separation of powers, rule of law, inviolability, subsidiarity, proportionality, systematicity, stability of the administrative-territorial structure are sense-forming values of contemporary unitarism;

– ***epistemological***, which provides knowledge about the processes of formation and permanent development of unitarism in individual European states, generally in the European continent and in the general civilizational meaning with regard to the formation of Ukrainian, European and world constitutionalism, the processes of democratization, globalization and European inter-state integration. The evolution of domestic unitarism is a long process stretched out in time and space, consisting of a chain of historical stages, the criteria for selecting which are usually sharp, turning points in the development of society and the state, democracy and government institutions, which were caused by a number of common civilizational, state and regional, internal and external, socio-legal, geopolitical, financial-economic, spiritual, cultural, environmental, national security, other trends and processes that determine the possibility of the emergence, recognition and development of sovereign democratic statehood;

– ***ontological,*** which conceptualizes the phenomenon of unitarism as a special form of social consciousness and the mechanism of embodying in human existence the ideals of national constitutionalism and the ideas of the authority of the state territory as a fundamental constitutional value, respect for its integrity and indivisibility, namely – unitarian consciousness built on the conscientious conviction with regard to the necessity, usefulness, functional and teleological value of state unitarity and legal norms on the basis of which they are recognized by the Ukrainian people and the state, establish guarantees of the constitutional order of Ukraine, model opportunities to protect diverse interests of the Ukrainian people, state, territorial communities and a person at the place of his / her residence with the help of actions and steps on the part of public authorities.

We believe that this aspect is one of the key aspects in the process of forming modern unitarism in Ukraine in general, strengthening the unity and integrity of the state territory, and in terms of democracy, decentralization and local self-government. Indeed, the most important precondition for progress in strengthening the unitarity of Ukraine should be the formation of specific constitutional and legal unitarian attitudes and unitarian thinking of society, the development of unitarian culture, the demand for the very principle of unitarism;

– ***vital***, which captures such determinants and teleological guidelines for the existence of unitarism, which are life-giving not only for society and the state generally but also for a person and local communities. The territory is an indispensable condition for the development of all state life. Territory along with the categories of «people» and «power», forms a triad of elements that create the state (Sysoieva, 2006). In this respect, the territory of the state does not only enable the emergence, existence, organization and functioning of the state, acting as «a space of self-determination of the people, within which the state exercises its sovereignty and jurisdiction» (Baburin, 1998), but also becomes the spatial basis of its division into constituent parts – administrative-territorial units in order to create for all citizens, regardless of their place of residence, favorable conditions for developing human potential, ensure the necessary level of providing administrative, social and other services, the functioning of a rational system of socio-economic processes, sustainable development and more.

Traditionally, the division of state territory into administrative-territorial units is due to geographical, historical, economic, social, cultural and other factors. Owing to this the territory in the spatial dimension optimally captures both complex problems of national importance and basic issues of human life, political, economic, spiritual and moral values and social achievements of a person in any field of social development. In a unitary state, this generally causes special unitary sociality;

– civilizational: understanding the historical as well as modern experience of unitarism through the prism of the civilizational approach allows us to realize the prospects of political and socio-economic development of Ukraine as a sovereign state in the distant future. The civilizational approach allows us to comprehend the mean-

ing of the national experience of unitarism and compare it with the experience of unitarism of those foreign democracies where it has become a stable civilizational tradition. In this aspect, in particular, the process of formation of the paradigmatic construction of unitarism as thre theoretical reflection of political, socio-economic, eco-humanistic, informational, national security strategy and practice of developing the Ukrainian people and Ukrainian statehood is revealed;

– praxeological, which provides knowledge about contemporary unitarism as a practice of territorial organization and the functioning of public power and the realization of human rights; this practice has developed under the influence of generally accepted ideas and principles of modern constitutionalism and municipalism.

Thus, in particular, currently the most urgent task of the state and state power is to protect the sovereignty, ensure the integrity and inviolability of the territory of Ukraine; social development, first of all – the development of human capital, protection of rights, freedoms and legitimate interests of citizens of Ukraine, European and Euro-Atlantic integration (the creation of necessary conditions for gaining full membership in the EU and NATO); the restoration of territorial integrity within the internationally recognized borders of Ukraine, development of defense and security capabilities that would prevent armed aggression against Ukraine by raising the cost of this aggression; the ability of society and the state to respond quickly and adequately to changes in the security environment and to maintain the sustainable functioning of their basic mechanisms. The implementation of these and other priorities should be ensured by restoring peace and state sovereignty in the temporarily occupied territories of Donetsk and Luhansk oblasts, implementing the necessary range of accompanying international legal, political-diplomatic, national security, eco-humanitarian and socio-economic measures, etc.

We are convinced that one of the paradigmatic foundations for the implementation of the respective state tasks and goals should be the doctrine of Ukrainian unitarianism.

As for the role of municipal authorities in the corresponding processes, it consists not only in implementing its self-governing functions and powers but also the formation and consistent realization of various organizational and legal forms, methods, means, areas of direct public self-government activities that would promote as much as possible full involvement of the population in the process of solving the problems of local life, stimulating interest and initiative in self-organization. It is this circumstance that forms both the practical significance of effective, based on European standards, municipal democracy, organization and activities of municipal authorities, and research interest in this issue, taking into account the huge social demand for methodologically meaningful information that would highlight the multifaceted aspects of public power activities of the local self-government, primarily, with regard to strengthening domestic unitarism;

– ***functional***, which shows the role and importance of public (state and municipal) power as a dynamic system and purposeful activity, through which, in fact, the functional and teleological mission of the state and the practical foundation of modern unitarism are realized. The fact remains that the strength of a contemporary democratic state is determined, first of all, by how effectively it performs its functions, how effective its domestic and foreign policy is. Thus, the unitary state has its own special qualities, which, inter alia, characterize its state structure (the legalization of unitarism), which are manifested in its policies differently in each country, society, in specific situations in accordance with the tasks to be solved by society, set goals, rights, freedoms and citizens' legitimate interests, i. e. it is an effective, full-fledged, authoritative and self-confident state that clearly performs all its functions and social mission.

As the history of development of states demonstrates, the mechanism of the state will be effective only when the economic, political and social tasks it sets are successfully accomplished, when the stability of the government, its state legal institutions is ensured, when the methods of state legal regulation are used correctly, when the proper balance is maintained in the system of elements that make up the mechanism of the state, and state bodies will perform all the functions assigned to them, i. e. the activities of the state mechanism will meet the fundamental interests of society and citizens.

This approach indicates the transition in the functional theory of the state from the traditional emphasis on its formal components to the so-called «human factor» from the standpoint of a broad humanistic approach intended to lead to a certain reassessment of the ratio of objective and subjective factors in the system of the governance of society in favour of its interests. In particular, the human dimension of the problematics of the functioning of the mechanism and apparatus of the state is a methodological basis that allows for a more detailed analysis of the issues which are new for legal science, but extremely pressing and important; these are very complex issues of politics and law, national security and defense, information and personnel support, organizing and doing public service, etc. (V. V. Volynets, 2012; O. M. Loshchykhin, 2013);

– ***organizational***, which provides information about the institutional peculiarities of contemporary unitarism in the context of the emergence, formation and development and about the systemic qualities of the subjects and organizational structures of unitary statehood. In this aspect the constitutional mechanism of state power should be understood as a single system which is based on legal principles; this is the system of interconnected, public, legal, normatively defined, organizationally and functionally provided institutions aimed at the practical implementation of state functions and they are based on available resources. In this respect the structure of the constitutional mechanism of state power should be viewed as a complex multilevel system of normative and institutional means with whose help purposeful, effective influence on state-power relations is exercised through interdependent, balanced functioning of all structural elements in order to create optimal political, economic, social, spiritual, cultural, ideological, legal and other conditions for the functioning of a sovereign, independent, democratic, legal state, and unitarity being one of the organizational principles of its existence (Shatilo, 2018);

– ***communicative***, which allows us to consider unitarism as a tool for implementing one of the main tasks of modern constitutional history – combining into a single whole the interests of the state, society and the individual, since the main sense, essence and functional-teleological mission of unitary statehood is to harmonize rights and freedoms of a person and a citizen with the interests of the state and society. It is human rights and freedoms and their guarantees that determine the content and direction of the activities (function) of the state. The state is responsible to the person for its activities. The establishment and maintenance of human rights and freedoms is the main responsibility of the state. Indeed, the right to determine and change the constitutional order in Ukraine belongs exclusively to the people and cannot be usurped by the state, its bodies or government officials.

It is worth noting that among many concerns of modern society, one of the most acute issues is the issue of alienation, xenophobia, pathological egocentrism and individualism. Combined with crisis phenomena in economic and political life, this issue causes a number of pessimistic views on the fate of mankind in general, the evidence of which is the «survival strategy» officially recognized by the UN. Throughout its history, human civilization has accumulated valuable experience in overcoming enmity and mutual hatred, it is the experience that has been consolidated in such a social and spiritual value as human solidarity. The main means of ensuring solidarity is the culture of human relations, a civilized way of communication, or the so-called «communicative culture» (Sarnovs'ka, 2000). In view of content and terminology, the notion of «communication» is on a par with similar notions of «interaction» (relationship), «human relations», «interdependence», «mutual influence», etc., the content of which optimally characterizes the processes of the formation and functioning of unitary statehood;

– ***definitive (categorical),*** based on the assumption that unitarism as a conceptual element is capable of singling out the system of categories of contemporary constitutional law («the territory of the state», «state structure», «administrative-territorial structure», «unitarity», «a unitary structure», «regionalism», «regionalization», «municipalism», «municipalization», «decentralization», «deconcentration», etc.).

**5. Conclusions**

First, only in their unity the determined and other aspects in understanding the essence of unitarism (also in the context of ideas and val-

ues of world constitutionalism, its content and systemic-structural characteristics, including freedom, sovereignty, solidarity, democracy, rule of law, separation of powers) allow us to speak of the existence of this phenomenon not only as an attractive conceptual model but also an objective reality which has axiological, epistemological, ontological, civilizational, institutional, constitutive, normative, functional-teleological, historical, national and mental parameters that have evolved under the influence of respective ideas and principles.

Second, such a symbiosis of essential, content and system-structural characteristics of modern unitarism allows understanding, developing, protecting unitary statehood. As a matter of fact, only under the condition of such paradigmatic-constitutional, institutional and functional installation in the mechanism of a democratic constitutional system does the unitary idea become an optimal and, in fact, universal basis for resolving a significant number of public affairs, including and, primarily, related to human rights. This testifies to colossal humanistic potential of contemporary Ukrainian unitarism.

Third, unitarism should not be identified exclusively with the traditional organizational or functional attributes of the unitary form of the state structure. Unitarism is a multidimensional socio-political and constitutional phenomenon: it is an idea, a theory, a scientific direction, socio-political and constitutional practice, and a constitutional form of existence and the functioning of the people (people's rule), state (statehood), regions (regionalism) and territorial communities (community sovereignty and municipalism), it is also the historical state of national statehood and Ukrainian regional civilization (national identity), and the manifestation of citizenship (unitary legal consciousness), etcetera.

Fourth, unitarism is a metatheoretical social phenomenon, whose forerunner are numerous attempts to theoretically comprehend the national and foreign experience in the development of a unitary state structure. That is why it is extremely important to generalize various studies of unitary systems as well as accumulate different scholarly traditions and concepts within the framework of the national paradigm of unitarism.

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## ПАРАДИГМА СУЧАСНОГО УНІТАРИЗМУ В УКРАЇНІ: ПРОБЛЕМИ ФОРМУВАННЯ ТА РЕАЛІЗАЦІЇ

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**Анотація**

*Мета. Метою статті є дослідження сутнісних та змістових характеристик унітаризму як феномену сучасного конституційного права. Показаний синергетичний зв'язок між доктриною сучасного унітаризму, принципами унітарності державної території та фундаментальними інститутами політико-правового та державно-управлінського життя сучасних унітарних держав. Доводиться, що унітарний устрій є не лише одним із важливих компонентів процесу досягнення завдань, цілей та функцій більшості сучасних держав, а й іманентною ознакою та стратегічним елементом механізму реалізації їх суверенних прав.*

*Методи. Методологічну основу роботи складають сукупність філософсько-світоглядних, загальнонаукових принципів і підходів та спеціально-наукових методів пізнання конституційно-правових явищ та процесів. Філософсько-світоглядною основою дослідження є положення діалектики, на основі яких всебічно досліджені причини виникнення та фактори еволюції унітаризму. Загалом, дослідження здійснювалось на основі поєднання онтологічного, гносеологічного та аксіологічного аналізу сучасного унітаризму.*

*Результати. Складність, важливість та відносно широке використання унітарності як форми державного устрою викликає жвавий і постійно зростаючий науковий інтерес до неї у всьому світі. Унікальна здатність унітаризму враховувати специфічні особливості конкретного стану дозволяє йому проявляти себе в кожному випадку по-новому. Ось чому важливо проаналізувати взаємний вплив унітарної теорії та практики, дослідити та врахувати особливості національного унітаризму.*

*Проблема унітаризму та унітарної форми територіального устрою держави та статусу її складових є однією з найменш вивчених у вітчизняному конституційному праві. Сучасні представники науки конституційного права, як правило, обмежуються розглядом окремих питань території, зокрема, особливостей територіальної організації державної влади та місцевого самоврядування, проблем державного суверенітету, територіальної цілісності та недоторканність тощо. Значною мірою недостатнє вивчення проблеми в сучасній Україні спричиняє труднощі у розумінні таких взаємопов'язаних, але не тотожних явищ, як унітаризм і унітарність, регіоналізм і регіоналізація, муніципалізм і муніципалізація, децентралізація та деконцентрація тощо. Слід зазначити, що у сучасній літературі з питань державної території, територіальної організації державної влади та інших питань статусу території складний, багатовимірний характер унітаризму як конституційної категорії не завжди враховується.*

*Висновки. Доводиться, що унітаризм є багатовимірним соціально-політичним та конституційним явищем: це і ідея, і теорія, і науковий напрям, і глобальна соціальна та конституційна практика, і конституційна форма існування та функціонування територіальних громад, і історичний стан національної державності та української регіональної цивілізації, і форма реалізації національної ідентичності та громадянськості тощо.*

**Ключові слова:** *унітаризм; унітарність; територія; держава; державний устрій; унітарний устрій; адміністративно-територіальний устрій.*