

## THE NATIONAL IDEA IN THE UKRAINIAN LEGAL AREA

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### Summary

The study is based on the assumption that at the current stage of development of the State and society, there is a need to form a national idea of the State, which is a theoretical expression of the Ukrainian people's self-awareness of their identity and individuality, and which, based on common values and interests, can be one of the important factors in consolidating Ukrainian society, a general vector for further development of the country and a guideline for its role and place in the world community. The national idea is an expression not only of the psychological and cultural model of society, but also a manifestation of the national legal sphere, which has a complex and ambiguous composition that requires a detailed scientific study. The purpose of the study is to identify the prerequisites and components of the formation of the national idea at the current stage of development of Ukrainian society and the State in the legal plane. The theoretical basis of the study is based on analytical developments in the theory of state and law, political science, constitutional law, and sociology of law in the study of various aspects of the national idea in the context of globalization. Numerous tasks and the diversity of the material under study have led to the use of various research methods: formal legal, systemic and structural, specific sociological, logical. The work uses the socio-cultural and civilizational approaches to the analysis of legal ideology, legal policy, legal doctrine, as well as axiological, geopolitical, and institutional approaches to the national idea of the State. It is noted that when forming the national idea, laying a progressive national-state ideology as its basis, it is necessary to take into account both the cultural uniqueness of Ukraine and the legal component of society, as well as global trends in the modern world. In the context of state-building, the national idea should be an integrative ideological basis on which to consolidate the political nation and create a project for the country's development for the future. It can be argued that the modern state-building process in Ukraine requires modernization of the concept of the national idea and certain adjustments to its value content. In order for the national idea to become an effective basis for the development of the rule of law, it must be correlated with legal ideology, legal policy and legal doctrine, and must be consistent with such values as national interest and national mentality. The implementation of the national idea should have a specific content and be filled with practical steps in the development of the Ukrainian state.

**Key words:** national idea, legal ideology, legal policy, legal values, national identity, national mentality, national interest.

### 1. Introduction

The philosophical and legal understanding of the phenomenon of the national idea is a necessary conceptual component of the search for new guidelines for the development of the state in the context of globalization, the development of the Ukrainian state national policy that meets the imperatives of the present.

It is no coincidence that in the theoretical sense, the content of the modern interpretation of the Ukrainian

national idea has always caused a lot of controversy and discussion.

The category of "national idea" has been and remains the focus of attention of such foreign authors as D. Adamson (1991), P. Boermer (1986), W. Connor (1994), H.R. Cowie (1979), K. Deutsch (1995), T. Eriksen (1993), J. Hrytsak (1996), I. Mayall (1992), A. Motyl (1993), A. Smith (1998), L. Snyder (1991), G. Sorod (1992), V. Zaslavsky (1992).

The problems of national ideology, ways of forming national legal policy and doctrine related to the national idea are in the focus of attention of such scholars as A. Kolodiya, I. Kurasa, O. Petryshyn, Y. Rymarenko, P. Frisa, and others.

The publications of Y. Kalinovsky, L. Nagorna, I. Polishchuk, and A. Chernenko address theoretical issues related to the structure and content of the national idea.

Meanwhile, there is no special study devoted to a holistic understanding of the phenomenon of the national idea in the legal plane in domestic science yet.

In this context, it is of scientific interest to develop a national philosophical and legal concept of the national idea based on the theoretical model of interaction of such components as legal ideology, legal policy and legal doctrine, taking into account national identity and national legal values.

The purpose of the study is to highlight the components of the formation of the national idea at the present stage of development of Ukrainian society and the State in the legal plane and their correlation with each other.

## 2. Interpretations of the Ukrainian national idea

The range of approaches to the interpretation of the national idea in scholarly sources has been and remains quite wide. As a rule, the authors give the national idea a narrow, ethnographic interpretation, emphasizing the special role of ethnic peoples in state-building.

Thus, some scholars interpret the national idea as a strategic goal of national progress, the origin and expression of national identity. This definition contains two important components of the national idea. The first is that a national idea is a form of mental comprehension by a nation of its psychological and cultural content, i.e., its characteristic temperament, abilities, inclinations, habits, customs, attitude to the cosmos, including the land on which it lives, to other peoples and nations, which is referred to as “national identity.” The second is a form of mental comprehension of the indigenous values of one’s existence and the goals of one’s activity that follow from the latter. Thus, the national idea is the sum of “national self-consciousness” and “the strategic goal of national progress” (Duz-Kryatchenko, 2014, p. 48).

From the angle of the theory of Ukrainian nationalism, the national idea is a storehouse of progressive national programs, political ideas, slogans, values, an engine of national progress, the basis of national liberation movements, national self-sovereignty; “how can one look at the world otherwise than from the gut of one’s own nation?” (Lyba, 2023). Representatives of the school of ethno-state studies propose to understand the national idea as the realization of the Ukrainian dream, unclaimed Ukrainian constitutionalism, an organic combination of the national revival itself with national state-building; it is the idea of the nation, the people, the

idea of the Motherland, in fact, the idea of Ukraine as the homeland of all its citizens, the consolidation of the nation as an ethno-social organism (Rymarenko, 1999, p. 11).

As we can see, attempts to find a universal formula for the Ukrainian national idea have been made repeatedly, but developing our own paradigm of national self-organization has proven to be too difficult for both scholars and politicians.

It is clear that at the theoretical level, the search for a national idea is a search for the “core” around which the entire range of national dominants – national interests, statehood, patriotism, democracy, justice, religious tolerance, etc. - would be concentrated (Nagorna, 2003, p. 20).

We share the opinion of those scholars who recognize that the national idea is a set of ideas, a system of views on the unification of the nation around a common goal aimed at gaining statehood and its further development. Accordingly, the Ukrainian national idea is a theoretical expression of the Ukrainian people’s self-awareness of their identity and individuality, their self-worth, the right to self-determination and independent development, and national independence. The socio-political, including international, conditions of Ukraine’s development in the historical context indicate a constant movement in this direction. At the present stage, it is about its consolidation and making it a unifying, consolidating state idea that would master the consciousness of the people (Parkhomenko, 2023, p. 74).

Thus, in today’s context, it is worth emphasizing that the Ukrainian national idea is based on a deep awareness of each Ukrainian’s belonging to the Ukrainian national community, identification with this community, and the formation of ideas about its typical features, ethnic territory, language, and ideas about its historical and spiritual values. Thus, it is important for Ukraine to develop an integral doctrine that, based on the right basic principles and ideology, would allow it to unite the nation around meaningful and understandable goals. Such an idea that can unite society is the national idea.

## 3. Polymorphism of the national idea

The concept of “national idea” is polymorphic, combining different and even oppositely directed phenomena, including national identity, national ideology, national policy, legal doctrine, etc. Let us consider these phenomena in more detail and determine their relationship with the national idea.

The primary component of the national idea is often referred to as national identity, which is defined as a complex multidimensional, multifaceted phenomenon, the study of which includes social, psychological, cultural and ethnic aspects.

The notion of national identity reflects the awareness of two opposing processes: on the one hand,

the individualization of group action, and on the other hand, the maintenance of collectively approved rules of behavior.

Given that in practice there is no clearly defined set of features for defining national identity, it is advisable to refer to the concept of nation. According to K. Gubner, “the identity of a nation is presented as determined by a set of historical regulatory systems that guide the subjects belonging to that nation in their ordinary actions, speech, thinking, feelings and desires at certain moments of time. These systems form the immediate horizon of the near and familiar. These include values, customs, culture, language, political ideas and goals, but also attitudes toward a particular geography, a particular climate, and the handling of material things” (Gubner, 2021).

At the same time, the category of national identity can be supplemented with semantic content more familiar to its traditional approaches by the concepts of national self-consciousness, national character, etc. Therefore, national identity is a multicomponent phenomenon, but the fact of consciousness and self-awareness remains decisive; in order for them to function properly, forming a nation and defending national values, national dignity of the entire people, a volitional factor is also needed; identity is the main core of all our actions (Tytar, 2019, p.76).

Thus, national identity carries the answer to the question of the essence of one’s people, nation, its place, role and tasks in world history, and the ideal forms of its existence. Therefore, the national idea can be considered a form of rational and conscious comprehension of national identity.

In the legal sphere, legal identity is of great importance, as it is seen as the guiding principle in the structure of legal and cultural values. It is no coincidence that the awakening of legal consciousness of citizens is associated with the formation of legal values, mentality and types of social self-identification. In addition, legal identity cannot but be oriented towards a certain system of legal values, legal traditions, specific normative integrities (laws, codes, foundations, constitutions) (Hetman, 2010, p. 49)..

In the scientific literature, for a more complete characterization of national identity, attention is sometimes drawn to such a phenomenon as “national mentality”, which is one of the global psychological universals that encompasses all basic mental processes and characteristics of an individual – a member of the national community, the nation as a whole (national character, national consciousness and ethnic subconscious).

The best reflection of the national mentality is the nation-state, its specific institutions - the basis of the nation’s political system, state structure, form of government, essential features of the political regime, political traditions, the prevailing ideology in this

nation, as well as typical everyday stereotypes and attitudes (Polishchuk, 2017, p. 111).

The next component of the national idea is the national ideology, the main postulate of which is the conclusion that its content contains fundamental ideas that form the basis for the legal system of the state and constitute indisputable requirements for creative and transformative activities in the field of state and legal reality (Sitnik, 2012, p. 9). Of particular importance in the content of ideology is legal ideology.

The national idea constitutes the platform of the national legal ideology and determines the theoretical foundations of the state’s legal system. In other words, the essence of the state ideology coincides with the content of the national goal - building an independent state competitive in the modern world. Every country has such a state national ideology.

Legal policy can be viewed as a special political and legal phenomenon that is formed as a result of systematic, scientifically based activities of the state and public associations aimed at determining the strategy and tactics of legal development of society, improving the mechanism of legal regulation, ensuring human and civil rights and freedoms, and building a state governed by the rule of law.

Legal policy is primarily aimed at streamlining the legal sphere, which is capable of optimizing economic, political, social, environmental and other relations through its legal instruments. Formation of legal policy is an objective necessity in a democratic state where the rule of law prevails.

Legal policy can be successfully implemented only if it is based on scientific research and scientific doctrine. In this sense, legal policy is a catalyst for scientific research, an impetus for identifying and solving new problems in the legal sphere.

The main directions of formation and development of legal policy at this stage of development of the Ukrainian statehood and its legal system can be considered: (1) implementation of the rule of law and recognition of its dominance in all spheres of public life; (2) ensuring protection and safeguarding of human and civil rights and freedoms at the level of generally recognized international legal standards; (3) increasing the efficiency of the current system of law of Ukraine in regulating social relations and processes; (4) adaptation of Ukrainian legislation to the requirements of EU law, including in the form of convergence of certain legal institutions in various branches of national law, as well as interpretation of national legislation in accordance with EU law both in lawmaking and law enforcement; (5) formation of the state legal ideology based on the national self-identification of Ukrainian society and contributing to “raising the level of legal awareness and legal culture of individuals, officials of state bodies and society as a whole, overcoming legal nihilism and other manifestations of deformation of legal consciousness” (Petryshyn, 2012, p. 31).

It can be argued that legal policy is a kind of indicator of political orientations and value priorities in the process of forming the national idea of Ukraine.

In turn, the legal ideology and legal policy of the State is formed under the influence of legal doctrine, primarily constitutional and legal doctrine, since the constitutional and legal doctrine of the modern State is a set of ideas, provisions, scientific views and theoretical generalizations which are established and recognized by the scientific community, and which together constitute a logically complete and internally consistent vision, understanding and explanation of the essence, features, main characteristics and patterns (or trends) of development of a certain constitutional and legal phenomenon (phenomenon of The constitutional and legal doctrine substantiates from a scientific point of view the social regularities of emergence, functioning and development of political and legal phenomena, and contributes to the formation of a perfect model of legal regulation. The philosophical and legal ideas of the

conceptual level embodied in the constitution and other legislative acts determine the direction of development of the state and society, the national legal system (Ternavska, 2022, p. 59).

As LoPucki & Weyrauch (2000) note, “perhaps the most important role of legal doctrine today is to reinforce the public’s respect for the legal system and the decisions it makes” (LoPucki & Weyrauch, 2000).

Thus, legal doctrine not only reflects the state and legal reality, but also provides a vision of law as it should be, i.e. its imaginary ideal image, justifies the need and expediency of forming new rules of law, branches and institutions of law, improving or reforming them. An important component of the legal doctrine is the evaluation and prognostic component, which contains programmatic provisions of a recommendatory and guiding nature and is the result of a critical analysis of the practice of state and law-making.

The defined construction of the Ukrainian national idea can be summarized as follows:



#### 4. The concept of national interest

The Constitution of Ukraine stipulates that Ukraine’s foreign policy activity is aimed at ensuring its national interests and security by maintaining peaceful and mutually beneficial cooperation with members of the international community in accordance with the generally recognized principles and norms of international law (Article 18).

The official definition of the term “national interests” is set out in the Law of Ukraine “On the Fundamentals of National Security of Ukraine”. It states that national interests are “vital material, intellectual and spiritual values of the Ukrainian people as the bearer of sovereignty and the only source of power in Ukraine, the defining needs of society and the state, the realization of which guarantees the state sovereignty of Ukraine and its progressive development”.

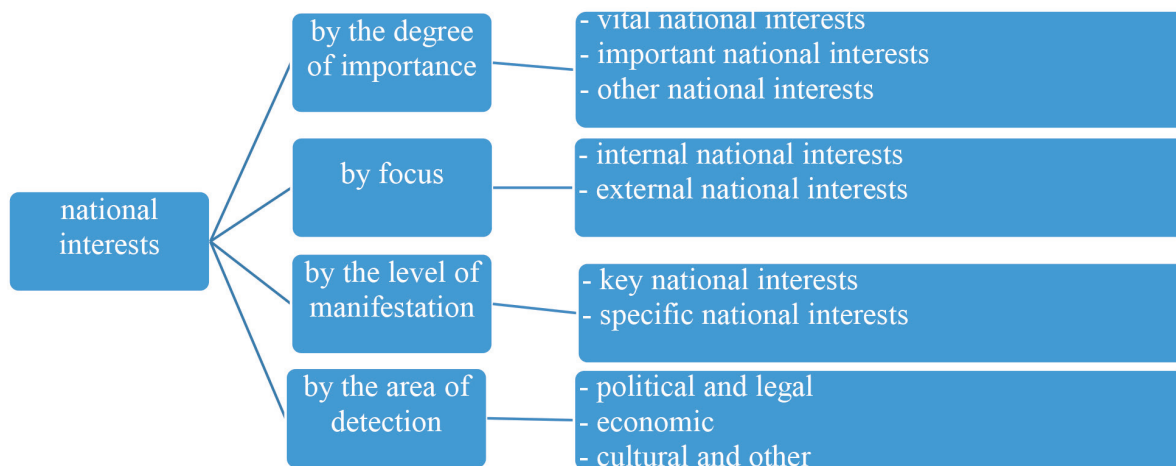
Accordingly, the national interest is the determining source of formation of the strategic goal, strategic tasks, object of directions and directions

of the nation’s development, methods and forms of their realization, which is oriented towards survival and progressive development, and, to some extent, leadership of an individual, society, and the state. It follows that national interests fulfill two important tasks: (1) ensuring a high international image of the state and using advantages in the geopolitical space for national prosperity; (2) improving the welfare of citizens (Kuzmenko, 2008, p. 84).

The national interest is associated with the strategic objective of Ukraine’s foreign policy course in the context of globalization and European integration, aimed at increasing the viability and strengthening of a modern independent state while preserving national values, protecting economic and political sovereignty, and its own social and cultural identity. Taking into account these priority areas highlights the foundations of the concept of national interest, enables the state to pursue an active domestic and foreign policy.

Legal scholarship has very well expressed the opinion that the national idea can be realized only in the form of a national institution whose priorities are: (1) creation of civil society, improvement of the efficiency of state authorities and local self-government, development of democratic institutions to ensure human rights and freedoms; (2) achievement of national harmony, political and social stability, guaranteeing the rights of the Ukrainian nation and national minorities of Ukraine; (3) ensuring state sovereignty, theoretical

integrity and inviolability of borders; (4) strengthening the gene pool of the Ukrainian nation, its physical and moral health and intellectual potential; (5) development of the Ukrainian nation, historical consciousness and national dignity, development of ethnic, cultural, linguistic and religious identity of citizens of all nationalities that make up the Ukrainian people; (6) establishing equal and mutually beneficial relations with all states, integration into the European and world community.



Thus, national interests are embodied in the national idea of Ukraine, setting the optimal direction of the country's development in political, economic, cultural and other spheres, both in the present and in the future.

### 5. Legal values as a component of the national idea

The trends in the development of the Ukrainian State at the current stage suggest that such a phenomenon of constitutional and legal reality as constitutional values should be given special relevance and practical significance, since the latter determine the systemic value orientation of the State, which determines effective lawmaking and law application, and, consequently, the effective functioning of the State as a legal.

The Constitution of Ukraine enshrines and guarantees general legal values, values that are of fundamental importance for society, the state, the people, and each individual, namely: a person, his or her life and health, honor and dignity, inviolability and security (Articles 3, 27, 49 of the Constitution of Ukraine); human dignity and freedom (Articles 21, 28 of the Constitution of Ukraine); the right to free development of the individual (Articles 23, 34, 35, 53 of the Constitution of Ukraine); legal equality (Articles 21, 24 of the Constitution of Ukraine); rule of law (Articles 1, 8 of the Constitution of Ukraine); democracy (Articles 1, 5 of the Constitution of Ukraine); sovereignty and territorial integrity of Ukraine (Articles

1, 2, 17 of the Constitution of Ukraine); republican form of government (Article 5 of the Constitution of Ukraine) and others.

Without going into a scientific debate, we note that (a) the Constitution of Ukraine uses the term "value" in relation to a person, his or her life and health, honor and dignity, inviolability and security (Article 3 of the Constitution of Ukraine); (b) the Constitution does not contain any indications of priority or hierarchy of constitutional values; (c) the list of constitutional values is not exhaustive and the development of social relations may contribute to its supplementation or change.

Thus, legal values should be recognized as priority guidelines in society that set the nature and dynamics of society, establish and consolidate the desired types of social relations and ethical ideals. The system of legal values is subject to change, due to the evolution of values, and different time modes are also linked through values.

Legal values exist for society and individuals in the form of "ready-made formulas" that guide social life, influencing the choice of behavior in the field of law.

In our opinion, the state's development strategy and priority areas of its positioning in the international arena should be formed on the basis of the values embedded in the national idea. According to O. Lutskiv (2011), the Ukrainian national idea is not only a program of action for tomorrow, assimilation and preservation of the achievements of the past, its historical and

traditional institutions, but also scientifically grounded, consolidated, innovative and integrative directions of contemporaries in the worldview, motivational and value and other spiritual, informational and spatial-temporal dimensions (Lutskiv, 2011, p. 209).

## 6. Conclusions

The national idea, which is based on national values and universal humanitarian principles, is the basis of the conceptual core of Ukraine's development strategy, the spiritual, moral, political and legal quintessence of the national and state consciousness of the entire Ukrainian people.

The Ukrainian national idea is realized through its state-building function, as it determines the relationship between the government and the people, legitimizing this power in society.

The Ukrainian national idea acquires the features of a specific program of political and legal activity with a clearly defined national vector of development, which provides for the realization of common national interests and protection of national and legal values.

The relationship between the Ukrainian national idea and its legal components can be conditionally defined as the "law of communicating vessels", when the national idea cannot be built without legal ideology, policy and doctrine, while these phenomena cannot make sense without defining the basic principles of the national idea of the state.

This approach makes it possible to distinguish between broad and narrow meanings of the concept of «national idea». In a broad interpretation, the national idea acquires the status of a basic national value that expresses the historical perspective of society's development and influences socio-political and other processes of the state's life. In a narrow interpretation, the national idea accumulates the main goals and principles of legal development of the state and indicates the strategic horizons of such development.

The subject of a separate scientific study is the formation of a modern national idea under the influence of legal and economic globalization, which, on the one hand, makes the borders between peoples and states transparent, introduces universal civilizational standards, and, on the other hand, promotes the convergence and integration of different social and ethnic communities, and increases the need to define one's cultural and civilizational identity.

## Bibliography:

- 1. Дузь-Крячченко, О.П.** (2014). Українська національна ідея: якою їй бути? *Зб. наук. пр. Центру воєнно-стратег. досліджень Нац.ун-ту оборони України ім. Івана Черняхівського*. № 3. С. 45–49.
- 2. Hübner, K.** (1991). *Das Nationale. Verdrangtes, Unvermeidliches, Erstrebenwertes*. Graz; Wien; Koln: Verlag Stiria. 400 p.
- 3. Колісник, В.П.** (2013). Поняття конституційно-правової доктрини та формування конституційного ладу. *Правова доктрина – основа формування правової системи держави: матеріали Міжнар. наук.-практ. конф.* Харків. С. 207–210. URL: [http://dspace.nlu.edu.ua/bitstream/123456789/7173/2/Kolisnuk\\_207.pdf](http://dspace.nlu.edu.ua/bitstream/123456789/7173/2/Kolisnuk_207.pdf).
- 4. Кузьменко, А.** (2008). Проблема відповідності стратегії та системи забезпечення безпеки України національним потребам. *Юридичний журнал*. № 10. URL: <http://www.justinian.com.ua/article.php?id=2432>.
- 5. Липа, Ю.** (2023). Чорноморська доктрина. Київ: УВС. 224 с.
- 6. LoPucki, L.M., Weyrauch, W.O.** (2000). A Theory of Legal Strategy. *Duke Law Journal*. Vol. 49. № 6. P. 1442. URL: <http://www.law.duke.edu/shell/cite.pl?49+Duke+L.+J.+1405>.
- 7. Луцків, О.М.** (2011). Українська національна ідея як духовно-інтелектуальний код соборності народу: етнічний, інтеграційний та цивілізаційний вектори. *Регіональна економіка*. № 3. С. 209–211.
- 8. Нагорна, Л.** (2003). Поняття «національна ідентичність» і «національна ідея» в українському термінологічному просторі. *Політичний менеджмент*. № 2. С. 14–30. URL: <http://dspace.nbu.gov.ua/bitstream/handle/123456789/11617/02-Nagorna.pdf?sequence=1>.
- 9. Національно-державне будівництво: Концептуальні підходи, сучасна наукова література** (1999); за ред. Ю.І. Римаренка. К.: Довіра, 559 с.
- 10. Пархоменко, Н.М.** (2023). Парадигма правового регулювання в Україні: змістовно-інструментальні виміри: монографія. Київ: Парламентське видавництво. 320 с.
- 11. Петришин, О.В.** (2012). Основні напрями формування і розвитку правової політики. *Правова політика України: концептуальні засади та механізми формування: зб. матеріалів наук.-практ. конф.* К.: НІСД, 2013. С. 31.
- 12. Поліщук, І.О.** (2017). Поняття «Національна ментальність». *Вісник Національного університету «Юридична академія України імені Ярослава Мудрого»*. № 2 (33). С. 105–113. URL: [http://nbuv.gov.ua/UJRN/vnuuaup\\_2017\\_2\\_12](http://nbuv.gov.ua/UJRN/vnuuaup_2017_2_12).
- 13. Правове виховання в сучасній Україні: монографія / за ред. В.Я. Тація, А.П. Гетьмана, О.Г. Данильяна.** Х.: Право, 2010. С. 49.
- 14. Ситник, О. М.** (2012). Правова ідеологія як складник механізму державно-правового регулювання. *Держава і право*. Вип. 56. С. 9–14. URL: <http://dspace.nbu.gov.ua/bitstream/handle/123456789/64051/02-sitnik.pdf?sequence=1>.
- 15. Тернавська, В.М.** (2022). Роль правової доктрини у процесі розвитку національних правових систем під впливом правової глобалізації. *Нове українське право*. Випуск 4. С. 57–62.

URL: <http://newukrainianlaw.in.ua/index.php/journal/issue/view/10>.

**16. Tytar, O.V.** (2019). Philosophical and cultural perspectives of identities of Eastern Ukraine (on the material of the Kharkiv Meetdoc-2018 film festival). *The Journal of V. N. Karazin Kharkiv National University. Series "Theory of Culture and Philosophy of Science"* (59), 95–101. URL: <https://doi.org/10.26565/2306-6687-2019-59-11>.

**17. Vasyliev, S., Kysko, A., Nikolenko, L.** (2023). Economic ideology as an innovative potential of the change process. *Baltic Journal of Economic Studies*, Volume 9 Number 3. pp. 33–40. URL: <http://www.baltijapublishing.lv/index.php/issue/article/view/2128>.

#### References:

**1. Duz-Kryatchenko, O.P.** (2014). Ukrainska nacionalna ideya: yakoyu yi buty? [Ukrainian national idea: what should it be?]. *Zb. nauk. pr. Centr voenn-strateg. doslidzen Nac. universitetu oborony Ukraini im. Ivana Chernyakhivskogo*. 3, 45–49. [in Ukrainian].

**2. Hübner, K.** (1991). Das Nationale. Verdrangtes, Unvermeidliches, Erstrebenwertes [The national. Repressed, inevitable, desirable]. Graz; Wien; Koln: Verlag Stiria. [in German].

**3. Kolesnyk, V.P.** (2013). Ponyattya konstituciyno-pravovoy doktryny ta formuvannya konstitucionogo ladu [The concept of constitutional and legal doctrine and the formation of the constitutional order]. Available from: [http://dspace.nlu.edu.ua/bitstream/123456789/7173/2/Kolisnuk\\_207.pdf](http://dspace.nlu.edu.ua/bitstream/123456789/7173/2/Kolisnuk_207.pdf) [in Ukrainian].

**4. Kuzmenko, A.** (2008). Problema vidpovidalnosti strategii ta systemy zabezpechennya bezpeky Ukraini nacionalnim potrebam. [The problem of compliance of Ukraine's security strategy and system with national needs]. *Juridichnyy zhurnal*, 10. Available from: <http://www.justinian.com.ua/article.php?id=2432> [in Ukrainian].

**5. Lipa, J.** (2023). Chornomorska doktrina. [The Black Sea Doctrine]. Kiev: UVS. [in Ukrainian].

**6. LoPucki, L.M., Weyrauch, W.O.** (2000). A Theory of Legal Strategy. *Duke Law Journal*. Vol. 49, 6, 1442. URL: <http://www.law.duke.edu/shell/cite.pl?49+Duke+L.+J.+1405> [in English].

**7. Luckiv, O.M.** (2011). Ukrainska nacionalna ideya yak dukhovno-intelektualnyi kod sobornosti narodu: etnichnyy, integracuynyi ta civilizaciynyi vektory. [The Ukrainian National Idea as a Spiritual and Intellectual Code of the People's Unity: Ethnic, Integration, and Civilizational Vectors]. *Regionalna ekonomika*, 3, 209–211. [in Ukrainian].

**8. Nagorna, L.** (2003). Ponyattya «nacionalna identichnist» i «nacionalna ideya» v ukrainskomu terminologichnomu prostori. [The concepts of "national identity" and "national idea" in the Ukrainian terminological space]. *Politichnyy menedzhment*, 2, 14–30. Available from: <http://dspace.nbu.gov.ua/>

[bitstream/handle/123456789/11617/02-Nagorna.pdf?sequence=1](http://dspace.nbu.gov.ua/bitstream/handle/123456789/11617/02-Nagorna.pdf?sequence=1) [in Ukrainian].

**9. Nacionalno-derzhavne budivnictvo: Konceptualni pidhody, suchasna naukova literature** (1999). [National-State Building: Conceptual approaches, modern scientific literature]. K.: Dovira. [in Ukrainian].

**10. Parhomenko, N.M.** (2023). Paradigma pravovogo reguluvannya v Ukraini: zmistovno-instrumentalny vimiry: monografiya. [The Paradigm of Legal Regulation in Ukraine: Content and Instrumental Dimensions]. Kyiv: Parlamentske vidavnictvo. [in Ukrainian].

**11. Petryshin, O.V.** (2013). Osnovny napryamy formuvannya i rozvitku pravovoy polityky [Main directions of formation and development of legal policy]. *Pravova politika Ukrainy: konceptualny zasady ta mehanizmy formuvannya: zb. materialiv nauk.-prakt. konf.* (Kiyv, 05.12.2012). K.: NISD. [in Ukrainian].

**12. Polischuk, I.O.** (2017). Ponyattya «nacionalna mentalnist». [The concept of "national mentality"]. *Visnyk Nacionalnogo universitetu «Juridichna akademiya Ukrainy imeny Jaroslava Mudrogo»*, 2 (33), 105–113. Available from: [http://nbuv.gov.ua/UJRN/vnuuaup\\_2017\\_2\\_12](http://nbuv.gov.ua/UJRN/vnuuaup_2017_2_12) [in Ukrainian].

**13. Pravove vihovannya v suchasnyy Ukrainy: monografiya** (2010). [Legal education in modern Ukraine]; za red. V.J. Taciya, A.P. Getman, O.G. Danilyana. Kharkiv: Pravo. [in Ukrainian].

**14. Sitnyk, O.M.** (2012). Pravova ideologiya yak skladnyk mehanizmu derzhavno-pravovogo reguluvannya. [Legal Ideology as a Component of the Mechanism of State Legal Regulation]. *Derzhava i pravo*, 56, 9–14. Available from: <http://dspace.nbu.gov.ua/bitstream/handle/123456789/64051/02-sitnik.pdf?sequence=1> [in Ukrainian].

**15. Ternavska, V.M.** (2022). Rol pravovoi doktryny u procesy rozvitku nacionalnih pravovyih system pid vplyvom pravovoy globalizacii. [The role of legal doctrine in the development of national legal systems under the influence of legal globalization]. *Nove ukrainske pravo*, 4, 57–62. Retrieved from: <http://newukrainianlaw.in.ua/index.php/journal/issue/view/10> [in Ukrainian].

**16. Tytar, O.V.** (2019). Philosophical and cultural perspectives of identities of Eastern Ukraine (on the material of the Kharkiv Meetdoc-2018 film festival). *The Journal of V. N. Karazin Kharkiv National University. Series "Theory of Culture and Philosophy of Science"*, 59, 95–101. DOI: 10.26565/2306-6687-2019-59-11 [in English].

**17. Vasyliev, S., Kysko, A., Nikolenko, L.** (2023). Economic ideology as an innovative potential of the change process. *Baltic Journal of Economic Studies*, Vol. 9, 3, 33–40. Available from: <http://www.baltijapublishing.lv/index.php/issue/article/view/2128> [in English].

## НАЦІОНАЛЬНА ІДЕЯ В УКРАЇНСЬКОМУ ПРАВОВОМУ ПРОСТОРИ

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### **Анотація**

В основі дослідження лежить припущення про те, що на сучасному етапі розвитку держави і суспільства постає необхідність формування національної ідеї держави, яка виступає теоретичним виразом самоусвідомлення українським народом своєї самобутності та індивідуальності, та яка на основі спільних цінностей та інтересів може бути одним із важливих чинників консолідації українського суспільства, загальним вектором подальшого розвитку країни і орієнтиром її ролі та місця у світовому співтоваристві. Національна ідея є виразом не тільки психологічно-культурної моделі суспільства, а і проявом національної правової царини, що має складний та неоднозначний склад, який потребує детального наукового дослідження. Метою дослідження є виявлення передумов і складових формування національної ідеї на сучасному етапі розвитку українського суспільства і держави у правовій площині. Теоретичну основу дослідження становлять аналітичні розробки теорії держави і права, політології, конституційного права, соціології права у вивченні різноманітних аспектів національної ідеї в умовах глобалізації. Численні завдання й розмаїття досліджуваного матеріалу зумовили застосування різних методів дослідження формально-юридичного, системно-структурного, конкретно-соціологічного, логічного. У роботі використовувалися соціокультурний і цивілізаційний підходи до аналізу правової ідеології, правової політики, правової доктрини, а також аксіологічний, геополітичний, інституціональний підходи до національної ідеї держави. Зазначається, що формуючи національну ідею, закладаючи в її основу прогресивну національно-державну ідеологію, необхідно враховувати як культурну своєрідність України, так і правову складову суспільства, а також глобальні тенденції сучасного світу. У контексті державного будівництва національна ідея повинна бути інтеграційним світоглядним підґрунтям, на основі якого консолідується політична нація, створюється проєкт розвитку країни на майбутнє. Можна стверджувати, що сучасний державотворчий процес в Україні потребує модернізації уявлень про національну ідею, внесення певних коректив до її ціннісного наповнення. Для того щоб національна ідея стала дієвою основою розвитку правової держави, вона мусить співвідноситися з правовою ідеологією, правовою політикою та правовою доктриною, а також відповідати таким цінностям, як національний інтерес та національний менталітет. Реалізація національної ідеї повинна мати конкретний зміст та наповнюватися практичними кроками у розбудові Української держави.

**Ключові слова:** національна ідея, правова ідеологія, правова політика, правові цінності, національна ідентичність, національна ментальність, національний інтерес.