

THE ROLE OF PUBLIC FORMATIONS IN THE FORMATION OF CIVIL SOCIETY: HISTORICAL AND LEGAL REVIEW

The Constitution of Ukraine enshrines the basic principle of civil society, according to which public life in Ukraine is based on the principles of political, economic and ideological diversity (part one of Article 15) [1].

A developed civil society is a condition for democratic governance, as its existence facilitates the protection of individual and public interests of citizens, inhibits the usurpation of power, and ensures the accountability of power to society. Civil society actively promotes the processes of political democratization, the acquisition of legal characteristics by the state, defending the material and spiritual independence of man from the state, seeking a legal guarantee of such independence, protection of private and public interests [2].

Following scientists are engaged in a study of the civil society formation in Ukraine, as O. Garan, A. Karas, A. Kolodiy, V. Polokhalo, S. Ryabov, V. Sydorenko, V. Tkachenko, M. Tomenko and others.

It is believed that the basis of a developed civil society is the activity of public institutions. At the same time, until recently, the concept of civil society institutions was more of a philosophical or political science category.

Public formations, in addition to actively participating in the development of decisions, proposals and recommendations, also exercise real control over the executive branch. The participation of the people in the management of society and the state is becoming really massive. There is a situation when objects and subjects of management seem to coincide [3, p. 11]. Carried out by the will of the majority, the democratization of governance also takes into account the interests of the minority, using the method of agreeing decisions during their development.

The minimum number of public organizations that existed in the USSR was created under the auspices of the state and party apparatus and was completely subordinated to it. Public organizations served as a kind of control over the activities of more or less socially and politically active citizens.

In the 1920's and 1930's, civil society was quite developed in Western Ukraine, which was not part of the USSR at the time. The activities of such national and economic societies as "Education", "Native School", "Rusyn Club", "Dniester", "People's Trade", "Farmer", etc. contributed to the revival of economic and state life of Ukrainians, the growth of their national consciousness and dignity.

The Ukrainian Greek Catholic Church (UGCC), headed by Metropolitan Andrei Sheptytsky, played a special role in Western Ukrainian society. Many

public organizations operated under the auspices of the UGCC [4, p. 152].

After the accession of Western Ukraine (1939) to the USSR, as a result of nationalization of property, the objective basis for the existence of independent associations of citizens and civil society itself disappeared. The state, subordinating all social institutions to itself, destroyed the horizontal connections inherent in Ukrainian society in the industrial and cultural spheres, thus destroying the feedback mechanism between the individual and the state. Even the very concept of "civil society" has long disappeared from Soviet society.

The process of rebuilding civil society institutions began only with the liberalization of the regime during the so-called perestroika. The formation of such public organizations in Lviv as the Lion Society, the Taras Shevchenko Ukrainian Language Society, and the Memorial demonstrated the growth of real (conscious) rather than ostentatious, top-down civic activity [5, p. 68].

According to most Ukrainian and foreign political scientists, civil society institutions should become the basis of a democratic system. The development of civil society structures will ensure the confidence and responsibility of the individual, the growth of independence of private and public spheres of life, will be an obstacle to the excessive growth of state functions.

Of course, the development of the civil society system, the settlement of its relations with the state at the legislative level requires an appropriate legal framework, available only in the rule of law.

Ukraine lags behind the countries of Central and Eastern Europe due to the weakness of civil society and difficult conditions for its formation. Among the most important factors that negatively affected this process, as already mentioned, was the unreasonably great importance attached to state building, which led to a narrowing of the influence of civil society and the dominance of the former over the latter. Another negative factor was the heterogeneity of Ukrainian society in socio-economic, religious and ideological aspects. This refers to the confrontation between Western and Eastern Ukrainians, on the one hand, and the oligarchic elite and the common people, on the other. This in turn creates a real danger of polarization of society and poses a threat to the development of civil society.

Literature

1. Constitution of Ukraine. *Vidomosti Verkhovnoi Rady Ukrainy*. 1996. № 30. St. 141.

2. Explanation of Ministry of Justice of Ukraine. Characteristics of public formations as institutions of civil society. 24.01.2011. URL: <https://zakon.rada.gov.ua/laws/card/n0016323-11>

3. Public organizations in the discourse of democratization of society: monograph / Ministry of Education and Science, Nat. ped. M.P. Drahomanov University; for scientific ed. V.P. Beh; redcol.: V.P. Bekh (chairman),

G.O. Nesterenko (deputy chairman) [etc.]. Kyiv: M.P. Drahomanov National Pedagogical University Publishing House, 2011. 680 p.

4. Savko Y. Civil society, social capital and political participation. *Visnyk of Lviv National University*. 2002. Vip. 4. P. 151-159. (Series: philosophical sciences).

5. Interaction of public authorities and civil society: textbook. way / for science. ed. Yu.P. Surmin, A.M. Mikhnenko; T.P. Krushelnytska and others. Kyiv: NADU, 2011. 388 p.

УДК 340:001(043.2)

Головко С.Г., к.і.н., доцент,
Бурбеза В.В., здобувач вищої освіти, другий (магістерський) рівень,
Національний авіаційний університет, м. Київ, Україна

ЗАРОДЖЕННЯ ПРАВА У ДАВНЬОГРЕЦЬКІЙ ФІЛОСОФІЇ

Наукові дослідження давньогрецьких філософів заклали підвалини для більшості сучасних наук, у тому числі й права. Право від абстрактної категорії поступово еволюціонувало до повноцінної науки.

Античні філософи Фалес, Анаксимандр, Аніксімен, Піфагор, Ксенофан, Парменід вірили в богів, але у своїй мудрості спиралися не на релігійні постулати, а на власні спостереження й висновки. Предметом їх міркувань був пошук першооснов усього суцього. До прикладу, для Геракліта це був вогонь, для Анаксимандра – безкінечність, для Піфагора – число. Лише зусиллями свого розуму вони намагалися реконструювати процеси походження Всесвіту, Землі, людства, багато в чому випереджаючи науку на тисячоліття вперед.

Правова думка того періоду містила цікаві уявлення про світ, події минулого, початки полісного життя, справедливість і закон, які за своєю суттю вміщують важливі характерні риси громадського порядку (правопорядку) [1, с. 310]. Перші уявлення філософів-досократиків про порядок та справедливість мають релігійне підґрунтя. Порушення законів, обрядів та традицій, на їх думку, тягло за собою порушення світової гармонії, що спричиняло невідворотну кару богів. Страх пересічного громадянина перед карою вищих сил був запорукою тодішнього правопорядку. Таким чином, згідно з античною філософією, важливим елементом соціального контролю, завдяки якому досягався правовий порядок, була божественна його сутність і страх перед гнівом Богів.

Згодом, божественні уявлення про правопорядок похитнулися, оскільки виявилось, що давньогрецькі боги – не святі, вони не можуть надалі бути взірцем гідної поведінки. Їм були притаманні такі ж риси, як і людям, зокрема й негативні. Вони не могли більше забезпечувати справедливість та правопорядок у суспільстві. Тому філософи поступово