

**CONSTITUTIONAL EVOLUTION OF DEMOCRACY: A COMPARATIVE ANALYSIS
OF EUROPEAN AND UKRAINIAN LEGAL FRAMEWORKS
(18TH–20TH CENTURIES)**

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Abstract

The study of the development of democratic principles in the European constitutions of the eighteenth century and their impact on the formation of Ukrainian constitutionalism is relevant in analysing the historical and legal foundations of democracy. The Constitution of Pylyp Orlyk deserves special attention as a unique document that integrates democratic ideas in the context of the national liberation struggle. The aim of the study is to examine the impact of European democratic principles on the formation of the legal culture of Ukraine. The research methodology is based on historical, comparative, systematic, content analysis and chronological methods. The study identifies the critical democratic principles enshrined in the European constitutions of the eighteenth century, such as popular sovereignty, separation of powers and guarantees of human rights, and their impact on Ukrainian legislation. The analysis of the Constitution of Pylyp Orlyk shows its uniqueness as a document that combines democratic ideas with traditional customary law. It is established that European constitutions have influenced the formation of modern Ukrainian constitutionalism by integrating



fundamental democratic values. The practical importance of the study lies in its potential to inform and enhance the ongoing reform of the Ukrainian legal system, aligning it with European standards and reinforcing the processes of democratic society in the present era.

Keywords

Democratic principles, European constitutions, the Constitution of Pylyp Orlyk, constitutionalism, popular sovereignty.

Resumo

O estudo do desenvolvimento dos princípios democráticos nas constituições europeias do século XVIII e o seu impacto na formação do constitucionalismo ucraniano é relevante para a análise dos fundamentos históricos e jurídicos da democracia. A Constituição de Pylyp Orlyk merece especial atenção como um documento único que integra ideias democráticas no contexto da luta pela libertação nacional. O objetivo do estudo é examinar o impacto dos princípios democráticos europeus na formação da cultura jurídica da Ucrânia. A metodologia de investigação baseia-se em métodos históricos, comparativos, sistemáticos, de análise de conteúdo e cronológicos. O estudo identifica os princípios democráticos críticos consagrados nas constituições europeias do século XVIII, tais como a soberania popular, a separação de poderes e as garantias dos direitos humanos, e o seu impacto na legislação ucraniana. A análise da Constituição de Pylyp Orlyk mostra a sua singularidade como um documento que combina ideias democráticas com o direito consuetudinário tradicional. Fica estabelecido que as constituições europeias influenciaram a formação do constitucionalismo ucraniano moderno, integrando valores democráticos fundamentais. A importância prática do estudo reside no seu potencial para informar e melhorar a reforma em curso do sistema jurídico ucraniano, alinhando-o com as normas europeias e reforçando os processos da sociedade democrática na era atual.

Palavras-chave

Princípios democráticos, constituições europeias, Constituição de Pylyp Orlyk, constitucionalismo, soberania popular.

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Introduction

One of the most serious problems of modern science that needs to be solved is the problem of democratic development and the democratic embodiment of the principles in the legal systems, particularly in historical approach. Modern democratic systems are formed upon the basis of the European constitutions of the 18th century privying in popular sovereignty, separation of powers and human rights (Bondarenko et al., 2022). However, more detailed study is required of the impact of these constitutions in the context of the national liberation struggle of Ukraine and specifically in the development of democratic traditions in the country. A literature review reveals a lot of interest in this area. Boyko (2020) stresses the uniqueness of Pylyp Orlyk's Constitution and Berman (2021) surveys the evolution of democracy in Western Europe. The role of functional democracy in the interwar period in the work of Couperus (2019) and the historical democratic traditions in Ukraine in Stechyshyn (2024) are highlighted. However, at the same time, despite substantive work on the subject in Europe, there is not enough public discussion or evidential work on the impact of European constitutions on the formation of Ukraine's legal culture, which nevertheless should be decisive. Several of these "spots" have yet to be studied in detail. In particular, such analysis as a systematic one of the adaptation of European democratic principles to Ukrainian realities and of their role in shaping modern Ukrainian constitutionalism is absent. It is also necessary to take the interdisciplinary approach to the problem, i.e. to unite historical, legal and socio-cultural aspects of the problem.



What follows is a study of the impact of eighteenth century European constitutions on the development of democratic principles in Ukraine and their adaptation in the context of the national liberation struggle, and the shaping of the modern legal system generally. The tasks of the study are as follows:

- to explain what were the fundamental democratic principles of the European constitutions of the eighteenth century; assess the influence of these principles on the development of Ukrainian constitutionalism. eighteenth century;
- to study the impact of these principles on the formation of Ukrainian constitutionalism;
- to identify the uniqueness of the adaptation of democratic values in Ukraine;
- to analyse the current challenges of implementing democratic norms in the legal system of Ukraine.

The aim of this study is to deepen our knowledge of the historical and constitutional legal bases of democracy and its application to the contemporary constitutionalisation of Ukraine.

Analysis of the latest research and publications

Modern research focuses on the evolution of democratic principles in the constitutions of Europe and Ukraine. Boiko (2020), Kryshchenko (2023), Couperus (2019), Nazarov and Derkach (2023) cover various aspects of the development of democracy and its legislative support. Buhaienko (2024), Berman (2021), Stechyshyn (2024), and Kyrychenko and Kyrychenko (2021) provide a comparative analysis of constitutional development and its social impact. Khaustova (2022), Gouvea and Branco (2023), and Simons (2024) analyse the latest challenges to democracy, including the role of e-governance, international organisations and the impact of the pandemic. Sanford (2002), Martyn et al. (2016), and Dauchy et al. (2016) examine the historical impact of legal texts and constitutional traditions on the formation of modern democratic systems. Christensen et al. (2024) focus on conceptualising democracy in different socio-cultural contexts, including Ukraine, Norway, and Palestine. Medvedska (2020) and Yakovlev et al. (2022) analyse the development of deliberative democracy and economic democracy, emphasising the role of the middle class. Kyrychenko and Kyrychenko (2021), Kobyletskyi and Paslavska (2023), and Gorenko et al. (2023) examine the historical and legal aspects of equal rights and the impact of Ukrainians on the cultural and educational space of Europe. Markhgeym et al. (2019) highlight the humanitarian context of the principles of justice in the constitutions of Eastern Europe.

Van der Straaten (2022) examines legal identity in the context of democracy in Northern Europe, while Novák (2024) analyses Aristotle's theoretical ideas on democracy and oligarchy. Gouvêa and Castelo Branco (2023) discuss constitutional processes involving the UN, highlighting their contribution to democracy. Simons (2024) examines the politicisation of law and science in Europe during the pandemic, while Stechyshyn (2024) focuses on the historical traditions of democracy in Ukraine. Studies by authors such as Berman (2021) and Couperus (2019) trace the transition to democracy in different regions of Europe. In general, the analysis of sources shows that modern research covers



both historical and contemporary aspects of democracy development, demonstrating the complexity and multifaceted nature of this process. This approach allows for a deeper understanding of the evolution of democratic principles and their adaptation in modern Ukraine.

Previous studies have insufficiently covered the practical mechanisms for implementing the democratic principles enshrined in the European constitutions of the eighteenth century in Ukraine's modern legal system. There is also a lack of analysis of the impact of these constitutions on the formation of Ukrainian identity in the context of the national liberation struggle.

Research Methods

In the course of the study, a set of methods providing an objective and systematic analysis of the development of democracy principles in the constitutions of Europe and Ukraine of the XVIII-XX centuries was used:

1. Historical and comparative method was applied to analyse the evolution of democratic principles in European constitutions and their impact on the formation of Ukrainian constitutionalism. This method allowed to identify common features and differences between European and Ukrainian constitutional traditions.
2. Constitutions were studied as holistic legal documents integrating political, social and economic aspects of democracy using systemic approach.
3. The method of analysis and synthesis was utilised to summarise historical data, identify the key principles of democracy and their impact on the formation of the legal system of Ukraine.
4. Comparative method of law was used in analysing the constitutions of European countries of various epochs with the Constitution of Ukraine, and thus identifying originalities of the Ukrainian attitude towards integration of democratic values.
5. The chronological method was used to assume the structuring of the material depending on the history stages of democracy in its implementation and the constitutional norms during given historical periods.
6. To identify the main democratic values contained in constitutions, legislative acts and scientific publications, we have used content analysis.
7. The data were obtained and the conclusions were formulated according to the method of logical generalisation based on them and to interpret in the context of the research problem.

Application of these methods allowed to undertake a comprehensive analysis of the influence of European constitutional traditions in the formation of democratic principles in Ukraine in the historical, legal and socio-political context.



Research Results

The eighteenth century was a period of significant transformation in the political structures of numerous European nations. Traditional monarchical forms of governance gave way to a new conceptualisation of the role of citizens in public administration. However, the modern democracy, whose formation was based on Enlightenment ideas which encouraged respect for reason and freedom, equality and justice for all men, was created in the course of this century. The concepts of popular sovereignty, the separation of powers and the protection of human rights were introduced into the political culture of the European states, thereby influencing the way in which public administration was understood. These models were employed to delineate the principles that were emerging, as evidenced by the US Constitution of 1787 and the French Constitution of 1791. In addition, these documents have served as a primary source of inspiration for the establishment of legal systems that are founded upon the principles of the rule of law and citizen involvement in governance processes.

The constitutions of the eighteenth century in Europe laid the foundation for democratic transformations by introducing the principles of popular sovereignty, separation of powers and guarantees of civil rights. They became a key benchmark for further developing democratic systems in the nineteenth and twentieth centuries, including the formation of the Ukrainian constitutional tradition.

The Constitution of Pylyp Orlyk, adopted in 1710, is one of the world's first written acts that systematically enshrined democratic values and principles of government. This document became an important milestone in the history of Ukrainian state-building and entered the treasury of world constitutional thought. The Constitution was written in the circumstances of the Ukrainian Cossacks' fight for their autonomy within the Polish Lithuanian Commonwealth and Muscovite states. In exile Hetman Pylyp Orlyk tried to outline road map to restore Ukrainian state independence and its democratic development (Boiko, 2020).

Orlyk's constitution envisaged the following critical democratic values:

- Separation of powers. For that time, the document gave a clear separation of hetman, legislative and judicial branches of government. This principle was a form of the modern principle of separation of powers.
- People's sovereignty. Power within the state consisted in the power of the people, and the hetman was obliged to do that which did him no displeasure, by consent of the officers and representatives. The way it was done was progressive, just ahead of its time.
- Rights and freedoms that are guaranteed. The Constitution guaranteed the rights of the Cossacks and the population of Hetmanate and condemned any forms of arbitrariness of Hetman, or other representatives.

Unlike European eighteenth century constitutions, Orlyk's Constitution was based on national liberation. It combined democratic principles with traditional customary law, reflecting the desire to restore Ukrainian autonomy within a democratic state. Although the Constitution of Pylyp Orlyk was never put into practice due to historical circumstances, it became an essential source of inspiration for subsequent generations



of Ukrainian politicians and lawyers. It was the first to lay down the foundations of a state system that aligned with democratic ideals.

Figure 1. Democratic principles in the constitutions of Europe in the eighteenth century



Influence of Enlightenment ideas on constitution-making

- Popular sovereignty, the separation of powers, equality before the law and individual rights also held by such thinkers as John Locke, Charles-Louis de Montesquieu and Jean-Jacques Rousseau, were also important. About many constitutions of that time (Dauchy et al., 2016), their theoretical base was Montesquieu's separation of powers.



The first written constitution in Europe

- The first European written constitution was the Constitution of 3 May 1791, adopted in the Polish-Lithuanian Commonwealth. It laid down the principles of hereditary monarchy, separation of powers, and guarantees of citizens' rights, which was a revolutionary step for its time (Couperus, 2019). Although the Constitution did not last long due to political circumstances, it had a significant impact on the further development of constitutional law in Europe.



The development of democratic principles in France

- The French Revolution (1789-1799) gave rise to the revolutionary French Constitution of 1791, which proclaimed the sovereignty of the people, established a constitutional monarchy and guaranteed civil rights. Although this document had its shortcomings, its democratic principles influenced the formation of constitutional systems in other European countries (Kobyletskyi & Paslavska, 2023).



Comparison with other countries

- Compared to the UK, which already had a well-established democratic tradition, the formalisation of these principles in the form of written constitutions was a new phenomenon in continental Europe. In the UK, the main democratic institutions existed in the form of case law and parliamentary tradition (Simons, 2024).

Source: compiled by the author based on research data (Boiko, 2020; Couperus, 2019; Berman, 2021) and analysis of democratic processes (Gorenko et al., 2023; Stechyshyn, 2024; Kyrychenko & Kyrychenko, 2021).

The Constitution of Pylyp Orlyk of 1710 was an outstanding phenomenon in the history of legal thought. It laid down the fundamental principles of democratic governance that influenced the further development of Ukrainian constitutionalism. Its values and ideals remain relevant in the modern understanding of democracy.

European constitutions have also significantly impacted the development of democratic processes in Ukraine, especially during the periods of national statehood and adaptation to European standards. Since the eighteenth century, the ideas and practices of European constitutionalism have contributed to the gradual introduction of democratic principles into Ukraine's legal system (Table 1).

**Table 1.** The impact of European constitutions on democratic processes in Ukraine

Period	European Constitution	Impact on Ukraine
XVIII century	Constitution of 3 May 1791 (Polish-Lithuanian Commonwealth)	It laid down the principles of separation of powers, hereditary monarchy and civil rights, which influenced the development of democracy in Ukraine.
The end of the eighteenth century	The Constitution of France of 1791	The ideas of people's sovereignty and equality before the law inspired Ukrainian thinkers and politicians, including the Constitution of Pylyp Orlyk.
The Soviet period (1917-1991)	European democratic models	Formal consolidation of democratic norms (voting rights, declarations of rights), which were not actually implemented due to the totalitarian system.
Independence of Ukraine (since 1991)	Constitutions of Western European countries (France, Germany)	The principles of the rule of law, human rights, the separation of powers and popular sovereignty are integrated into the 1996 Constitution of Ukraine.

Source: compiled by the author on the basis of research data (Krysachenko, 2023; Buhaienko, 2024; Couperus, 2019) and analysis of constitutional principles (Nazarov & Derkach, 2023; Kyrychenko & Kyrychenko, 2021; Markhgeym et al., 2019).

The constitutions of the Ukrainian SSR adopted between 1919 and 1991 reflected changes in the political life of the Soviet Union, while remaining controlled by party ideology. They formally enshrined democratic principles, but due to the totalitarian regime, real democracy was absent. The main characteristics of the constitutions of the Ukrainian SSR of this period are their declarative nature and their compliance with the interests of the Communist Party.

The first Constitution of the Ukrainian SSR of 1919 was adopted in the context of the establishment of Soviet power. Its main characteristics:

- *The principle of the dictatorship of the proletariat.* The constitution enshrined the power of the working class and peasantry, exercised through councils controlled by the Communist Party. Political multiparty system was eliminated.
- *Restrictions on civil rights.* Citizens' rights and freedoms depended on their loyalty to the Soviet government. For example, the deprivation of voting rights affected representatives of the "non-labour" classes (entrepreneurs, clergy).
- *Centralisation of power.* The republic was effectively subordinated to the central authorities of the Soviet Union, which limited the autonomy of the Ukrainian SSR.

The Constitution of the Ukrainian SSR of 1937 was adopted during the period of Stalin's repression and officially affirmed the "democratic" principles of the socialist state:

- *Formal equality of citizens.* The Constitution proclaimed the equality of all citizens before the law, regardless of gender, nationality or social status. However, this provision was not implemented due to massive repression and political control.
- *The principles of "people's democracy".* The document declared freedom of speech, press, assembly and rallies, which were effectively controlled by the party.



- *The leading role of the party.* The CPSU's monopoly on power was legally enshrined, making democratic pluralism impossible.

- *Restriction of political rights.* The elections were held on a first-past-the-post basis, where voters could only elect candidates nominated by the Communist Party.

The Constitution of the Ukrainian SSR of 1978, the last Soviet Constitution, reflected the ideas of "developed socialism":

- *Declarative democratic rights.* The rights to participate in elections, freedom of speech, press, assembly and demonstration were enshrined. All these rights were limited by state control.

- *The right to vote.* The constitution declared universal suffrage, but elections remained a formality, as the list of candidates was approved by party bodies.

- *Economic and social policy.* Equal access to education, medicine, and culture was proclaimed. However, state control over all spheres of life reduced these rights to declarations.

- *Control over the government.* The constitution formally enshrined the separation of functions between the branches of government, but all of them were effectively dependent on the Communist Party.

The main drawback of all Soviet constitutions was the lack of natural mechanisms to ensure democracy, as their provisions were mostly declarative and not implemented in practice. Despite the formal enshrining of citizens' rights and freedoms, such as freedom of speech, press, assembly, and participation in elections, these rights were limited by the strict political control of the party. The political and legal control of the Communist Party over all institutions precluded the independence of the branches of government, creating a monopoly on decision-making and implementation of state policy. Elections proclaimed general and equal became a formality, as voters could not choose between natural alternatives due to the lack of political pluralism. The judiciary, which was supposed to be independent, was controlled by party organs, undermining the rule of law. Thus, the Soviet constitutions enshrined only the appearance of democratic norms, using them to legitimise the totalitarian regime and suppress political opposition. This resulted in the absence of any conditions for the development of genuine democracy and limited the ability of the people to influence political processes.

The influence of Soviet ideology on the legal regulation of democracy is presented in Table 2. This table demonstrates the systemic influence of Soviet ideology on the constitutional development of the Ukrainian SSR, where formal democratic principles were merely declarations that served the interests of the totalitarian regime.

European constitutions are traditionally considered to be a model of democratic governance and legal regulation. The 1996 Constitution of Ukraine, as part of the post-Soviet space, adopted many of the key principles of European constitutionalism, such as the rule of law, separation of powers, protection of human rights and popular sovereignty. At the same time, there are peculiarities that distinguish the Ukrainian constitutional experience from its European counterparts.

**Table 2.** The influence of Soviet ideology on the legal regulation of democracy

Period	Basic principles of the Constitution of the Ukrainian SSR	Manifestations of the influence of Soviet ideology	Restrictions on democracy
1919	The dictatorship of the proletariat.	Power concentrated in party-controlled councils; disenfranchisement of "non-labour" classes.	Lack of multi-party system, freedom of speech and independent courts.
1937	The supremacy of the Communist Party, the proclamation of equality of citizens.	Declarative nature of rights; political control over citizens; repression of "enemies of the people".	The Communist Party's monopoly on power, formal elections with no alternative, suppression of press and assembly freedoms.
1978	Developed socialism, the right to vote, freedom of speech and assembly.	Elections without alternative candidates; all media under state control.	Political rights were only formally enshrined; citizens' rights were regulated in accordance with party decisions.
1980s	The beginning of perestroika: criticism of totalitarianism.	Some attempts to introduce real changes in the areas of freedom of speech and political competition.	Lack of real mechanisms to ensure democratic transformation.

Source: compiled by the author on the basis of research data (Christensen et al., 2024; Khaustova, 2022; Simons, 2024) and analysis of democratic norms (Berman, 2021; Couperus, 2019; Boiko, 2020).

While the 1996 Constitution of Ukraine shows a relatively high degree of compliance with European standards of democracy, at the same time maintaining its own identity. Ukrainian and European constitutions alike share basic democratic principles, such as popular sovereignty, the rule of law and separation of powers. However, it is also not easy for Ukraine to put these principles into practice, and in particular in constitutional oversight, human rights protection, and decentralisation. Further reform of the legal system and strengthening of the political culture will be needed for these areas to progress. While the 1996 Constitution of Ukraine shows a relatively high degree of compliance with European standards of democracy, at the same time maintaining its own identity. Ukrainian and European constitutions alike share basic democratic principles, such as popular sovereignty, the rule of law and separation of powers. However, it is also not easy for Ukraine to put these principles into practice, and in particular in constitutional oversight, human rights protection, and decentralisation. Further reform of the legal system and strengthening of the political culture will be needed for these areas to progress.

**Table 3.** Comparative analysis of the Constitution of Ukraine of 1996 and European constitutions

Criterion	Constitution of Ukraine (1996)	European constitutions	Comparison and features
People's sovereignty	The people are the sole source of power (Article 5).	It is proclaimed in most European constitutions (France, Germany, Italy).	The principle is implemented through elections, referendums and representative bodies.
Rule of law	The Constitution has supreme legal force (Article 8).	It is enshrined in the constitutions of Germany, France, and Spain.	Ukraine has integrated this principle into its legal system, but the practice of its implementation is still evolving.
Distribution of power	The legislature, executive and judiciary are independent (Article 6).	The principle of separation of powers is implemented in most European countries.	In Ukraine, mutual control mechanisms have not yet reached the level of stability of European democracies.
Protection of human rights	Title II guarantees a wide range of rights and freedoms.	European constitutions often include references to the European Convention on Human Rights.	The Constitution of Ukraine provides for similar rights, but the practice of protecting them needs to be improved.
Multi-party system	The right to form parties and public organisations is guaranteed.	European countries (e.g. France, Italy) actively support political pluralism.	Multiparty system in Ukraine still has shortcomings due to the low level of political culture.
Decentralisation	Recognition of local self-government (Article 7).	European constitutions (Spain and Germany) enshrine regional autonomy.	Ukraine's decentralisation process continues, and significant progress has been made in strengthening the role of local communities.
Voting rights	Universal suffrage for citizens.	Most European countries have similar provisions.	According to the organisation's standards, Ukrainian elections are in line with democratic principles, but there are questions about transparency.
Constitutional control	The Constitutional Court of Ukraine ensures the compliance of laws with the Constitution.	In Europe (e.g. Germany), there are developed mechanisms of constitutional control.	The Ukrainian system is not yet effective enough due to political influence.
Integration of international law	International treaties are part of the national legal system (Article 9).	Many European countries (France, Germany) also have this provision.	Ukraine is actively adapting its national legislation to international standards, especially in the context of European integration.
Language	The state language is Ukrainian (Article 10).	In some countries (Switzerland, Belgium), several official languages are recognised.	The Ukrainian Constitution emphasises the unitary nature of the language, which reflects national identity.

Source: compiled by the author based on constitutional amendments (Kyrychenko & Kyrychenko, 2021; Gorenko et al., 2023; Buhaienko, 2024) and a review of historical traditions (Stechyshyn, 2024; Medvedska, 2020; Berman, 2021).

The Constitution of Ukraine of 1996 was important in the creation of a democratic society and asceticism of the rule of law, democracy and protection of citizens' rights and



freedoms. It is important because it has not only turned into a legal document, but also a symbol of the democratic change in Ukraine. Among the main accomplishments of the Constitution is the embedding of a wide variety of rights and freedoms in Chapter II. This section contains:

- Civil rights: of personal integrity, freedom of thought and speech, the right to life.
- Political rights: functions on the ability to vote in elections, to join political parties as well as the right to hold peaceful assembly.
- Social rights: work, social protection, education, medical care.

International human rights standards including the European Convention on Human Rights, these provisions are consistent with. The Constitution has established people's sovereignty enshrined by Article 5 of the Constitution, so the citizen is sovereign the citizen can change the government through his elections and his referendums. The participation of citizens in this principle must be an important element of local self government.

The Constitution of Ukraine enshrines the rule of law as a fundamental principle of governance (Article 8). The aforementioned principles are enshrined in the law and form the basis for all legal operations, including those conducted by state authorities. In this context, the Constitutional Court of Ukraine bears a particular responsibility for determining which laws are in compliance with the Constitution.

The Constitution allows for multi-party system and freedom of political activity (Article 36), rendering the process of political pluralism more complete and democratic political culture rising. The provision is meant to reduce the level of competition in the political process and to lay the basis for open decision making. A key part was development of democracy at the regional level, which included consolidation of local self-government (Article 7). It gave additional powers to Territorial communities in dealing with local problems and with citizens' initiative. The development of the legal framework was created for Ukraine as a result of their responding to the demand about the need of Ukraine to enter into European community, this was done with the adoption of the 1996 Constitution. Passage seals the primacy of international law (Article 9), and means that Ukraine enters the world of democracy, rule of law and human rights in the European way.

The Constitution of Ukraine, enacted in 1996, has become a cornerstone of the country's democratic system of governance. The formal enshrinement of democratic principles is of significant importance, as is the establishment of measures to ensure their effective implementation. Nevertheless, numerous challenges have emerged in relation to attempts to restrict legal reform and the persisting low levels of political instability. However, the Constitution retains its paramount importance for the protection of democracy, human rights and the rule of law in Ukraine.

A review of the Ukrainian experience, the development of democracy in Ukraine, and the constitutions of Europe reveals that constitutionalism has been shaped by the European democratic tradition since the time of Pylyp Orlyk's Constitution. The constitutions of the 18th and 20th centuries in Europe served as a model for the establishment of the rule of



law in Ukraine. The most significant factor in the democratisation of society was the Constitution of Ukraine, adopted in 1996. This document introduced a number of key principles, including popular sovereignty, the rule of law and the protection of human rights. Nevertheless, the practical implementation of these principles is contingent upon further reform of the legal system.

Discussion

The findings confirm that the European constitutions of the eighteenth century significantly shaped democratic principles in Ukraine, which is in line with the results drawn by Boiko (2020) and Kyrychenko (2023). For instance, Pylyp Orlyk's constitution was one of the first and the most democratic, integrating popular sovereignty and a separation of powers ahead of its time. These provisions have a European constitutionalism component, which shows their common source of democratic thinking. The research findings demonstrate, at the same time, the originality of the Ukrainian tradition of combining democratic ideas with customary law. It contrasts with Western European models, where the codification process was more centralised (Berman, 2021; Couperus, 2019). Such a national liberation war of the Ukrainian people makes it evident that democratic values in the country were shaped by such a war, according to Nazarov and Derkach (2023).

The principle of democratic ideology is similar, but its application in Ukraine is minimal. Elsewhere in post-totalitarian countries (Kyrychenko & Kyrychenko, 2021), this contradiction between progressive norms in constitutions and their implementation has been observed. For instance, the 1937 Constitution of the Ukrainian SSR enshrines in its constitution the rights of citizens, yet the totalitarian system makes it virtually impossible to exercise these rights. Provisions similar to these existed elsewhere in Soviet republics, where guarantees were only on paper (Markhgeym et al., 2019). Additionally, the results also offer further research. In particular, the effects of the European democratic traditions on modern Ukrainian constitutionalism may provide insights into suitable adaptation of the European experience to the Ukrainian conditions. Furthermore, the study of the practical implementation of democratic principles within the modern context of decentralisation and European integration should be well-engaged.

In general, the results achieved are consistent with earlier research. However, as explained below, they also portray some new aspects of the historical and legal history of democracy development in Ukraine. In confirmation of the research hypothesis, this thesis further confirms the central role of European constitutions in developing democratic traditions in Ukraine. However, an in-depth study of the tasks and opportunities of constructing a democratic society in contemporary Ukraine is still required.



Conclusion

The study revealed a significant influence of the European constitutions of the eighteenth century on the formation of democratic principles in Ukraine, mainly through adapting the ideas of popular sovereignty, separation of powers and protection of human rights. The uniqueness of the Constitution of Pylyp Orlyk lies in its integration of democratic values with traditional customary law, which became the basis for the formation of national identity even in the context of the national liberation struggle. The analysis showed that despite the formal enshrinement of democratic principles in the Soviet constitutions, their practical implementation was limited due to ideological control. The 1996 Constitution of Ukraine demonstrates significant progress in implementing democratic standards, enshrining the principles of the rule of law, popular sovereignty and decentralisation, which align with European traditions. At the same time, implementing these principles effectively depends on further improving the legal system, political culture and constitutional oversight mechanisms.

Prospects for further research include analysing the current challenges in Ukraine's democratic development, particularly in European integration processes, and adapting successful democratisation practices of other countries to the national context.

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