

The History of the Paradigm of Constitutionalism at the Present Stage of Development of the Post-Soviet States (on the Example of Ukraine)

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Abstract

Definitely, since the beginning of the 1990s, and especially after the adoption of the new constitution of Ukraine in 1996, a new stage of development of the paradigm of constitutionalism begins. It is characterized by profound changes that have taken place in society. The country has changed its orientations as it has taken a course on building a democratic rule of law that should be based on universal values and, above all, on the recognition of fundamental human rights. It was established that there was a definitive departure from the consideration of constitutionalism through the prism of opposing two types of statehood and, accordingly, two types of constitutionalism. In essence, the principle of returning to the values of traditional classical bourgeois constitutionalism, to its true liberal-democratic nature, was proclaimed. It is indicated that the characteristic feature of this stage was not only the search for the latest methodological tools for learning about traditional constitutional and legal phenomena and drawing on this positive experience of foreign states, but also the rejection of scholasticism of previous studies of the Soviet era. Today, the paradigm of Ukrainian constitutionalism is being established as an important theoretical and methodological basis for constitutional law-making and law-enforcement activities. First and foremost, it is about the practical relevance of the relevant concept for the formation and effective functioning of the system of constitutional legislation.

Thus, the modern development of the state and law, which takes place in the conditions of reforming the Ukrainian statehood as a whole, allows us to speak about a new stage of the formation of the paradigm of constitutionalism. Refusing to consider constitutionalism through the lens of class opposition to two types of statehood, Ukrainian scholars objectify, refine, complement and specify both the concept of constitutionalism and its basic features and principles. Although terminological uniformity in the definition of constitutionalism has not yet been observed, the problems, in one way or another, are connected with constitutionalism, find the status of principled ones and require their early solution.

Keywords: *paradigm, constitutionalism, post-Soviet states, history of science development, categorical apparatus.*

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