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COMPARATIVE CHARACTERISTIC OF CONSTITUTIONAL PROJECTS OF UPR DURING THE PERIOD OF DIRECTORY

The UPR Directory replaced the Hetmanate (Ukrainian State), which was abolished on December 14, 1918. It was the highest state power body of the revived Ukrainian People's Republic, which operated from November 14, 1918 until November 10, 1920 [1, с. 20].

During the course of the Discipline, many of the constitutional laws of the Central Rada, mostly aimed at protecting the rights of citizens, such as national-personal autonomy, citizenship, language, etc., were restored. Examples of this restoration are the law «On the State Language in the UPR» (January 1, 1919) and «On the Restoration of the Guarantees of the Impossibility of the Osco on the territory of the UPR» (February 28, 1919).

Contrary to the logical continuation of the development of the state-building process, the Directory did not implement the Constitution of the UPR in 1918, but tried to develop its own. Characteristics of Constitution of UPR during the period of the Directory could be done by researching several

major projects of the Basic Law which were elaborated and discussed: «Drafting a draft law on the Ukrainian Labor Law» by Dr. O. Koptsyukh, an individual project of the Constitution of the UPR of Professor Otto Eikhelman and a draft government constitutional commission. These constitutional projects make it possible to assess the constitutional process in Ukraine, to determine the level and influence of the political and legal ideas of the Directors' predecessors on the formation of the state policy of that period [2, p. 438].

The constitutional draft of O. Koptsyuk had many declarative and even utopian norms. It was aimed at building a Soviet-style socialist state in Ukraine, but without complete destruction of private property and without proclaiming the dictatorship of the proletariat: «The current capitalist system, based on the exploitation of the working people, is abolished and the following: a) the regulation of land ownership; b) the socialization of factories in) oppidization of residential homes, d) trade cooperation, e) new organization of products, finance and foreign trade «. It was also foreseen the abolition of private trade, land ownership was limited to 50 desks, only the enterprises with no more than 20 people remained. So, first of all, the author proposed to change the name of the state from the «Ukrainian People's Republic» to the «Ukrainian Labor Republic». Already the very name suggests that O. Koptsyuk was guided not so much by the accepted principles of democratic state-building, but by socialist preferences, «piety» for the term «labor». As already mentioned, he was very popular among the leaders of the UPR in the first months of its existence: the eloquent names are the names – the Congress of the Labor People of Ukraine, labor councils, etc. [3].

The constitutional act of the UPR was a draft of the Constitution of the Ukrainian state O. Eikhelman, which largely corresponds to the modern constitutional vision of Ukrainian society. The peculiarity of this project is the substantiation of the federal-state system of Ukraine. According to the scientist, the purpose of developing and introducing a constitution was to establish a state system that «fully corresponds to the needs of all the masses and the highest spiritual and economic culture in the country.» Principal significance O. Eikhelman presented issues of constitutional and legal regulation of the implementation of direct democracy. He was based entirely on human rights and universal values and reflected the level of civilization achieved at that time by the world community. Moreover, unlike modern constitutions, the draft paid attention to the constitutional regulation of the interpretation of laws for their proper use and the elimination of gaps in the law. The author saw Ukraine democratic with the dominant principle of separation of powers into five Branches – the constituent, the legislative, the executive, the judicial, the financial control, – the state with a federal system (it was to be organized not ethnic ethnically, but territorially, similarly to the US)

The proposed Bill of the Basic Law did not get enough supporters among members of the constitutional commission and the National Council. Only a few of them supported the project of O. Eikhelman, referring to his interesting legal and administrative elements.

And the peculiar result of the constitutional process in the UPR of the Directory was the draft prepared by the government constitutional commission (October 1920), which Ukraine should have been a parliamentary republic, built on the classical division of power into the legislative (State Council), executive (the Head of State and the Council of Ministers) and judicial (independent courts). Provision was made for the introduction of Ukrainian citizenship, the abolition of all titles and privileges, and assumed the adoption of foreign citizenship (however, with the permission of the Head of State). The document details the complex of citizens' rights (it was forbidden by humiliating punishment, deprivation of political and civil rights was supposed only for a certain period). A characteristic feature of the project is the declaration of the need for the adoption of a number of laws that would legally ensure the exercise of those rights. Specifically indicated in it and the responsibility of the state to the citizen (that is, it was about creating one of the important elements of the rule of law), etc.

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Key words: constitutional projects of UPR, characteristics of Constitution of UPR

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