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## **МЕТОДОЛОГІЯ ДОСЛІДЖЕННЯ КОНСТИТУЦІЙНО-ПРАВОВОГО СТАТУСУ УКРАЇНСЬКОГО НАРОДУ**

**Анотація.** *Актуальність теми «Конституційно-правового статусу Українського народу» вбачається, насамперед, у тому, що розуміння Українським народом своєї сутності, свого політико-правового становища, у контексті усвідомлення власної правосуб'єктності, принципів, повноважень, гарантій, тобто певних елементів, що включаються у зміст конституційно-правового статусу на сучасному етапі розвитку та розбудови України, як демократичної, соціальної та правової країни, є дуже важливим, доцільним та, для політичної, правової та інших систем будь-якої країни, системоутворюючим. Також варто зазначити, що означена проблема, незважаючи на її фундаментальність, основоположність, наукову перспективність, недостатньо доктринально опрацьована українськими науковцями. Це зумовлюється багатьма детермінантами, з яких найбільш наочними є два чинники. По-перше, домінуванням в українській юридичній науці доктринальних підходів, за яких не визнавалось існування конституційно-правового статусу Українського народу загалом. Вважалося, що правовим статусом можуть наділятися виключно тільки фізичні та юридичні особи. По-друге, українські вчені, традиційно, перевагу надавали дослідженню усталених інститутів, насамперед безпосередньої демократії, що прямо регламентовані у Розділ III Конституції України, тобто виборам і референдумам. Метою є з'ясування методологічної бази щодо вивчення конституційно-правового статусу Українського народу. На основі отриманих висновків та узагальнень розроблено методологічну основу для вивчення конституційно-правового статусу Українського народу*

**Ключові слова:** *методологічний комплексний підхід, загальнонаукові методи, спеціальні методи, власно-правові методи*

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## **METHODOLOGY OF RESEARCH OF THE CONSTITUTIONAL AND LEGAL STATUS OF THE UKRAINIAN PEOPLE**

**Abstract.** *The relevance of the topic “constitutional and legal status of the Ukrainian people” is seen, first of all, in the fact that the understanding of the Ukrainian people of their essence, their political and legal status, in the context of awareness of their own legal personality, principles, powers, guarantees, that is, certain elements included in the content of the constitutional and legal status at the present stage of development and development of Ukraine as a democratic, social and Legal country, is very important, appropriate and, for the political, legal and other systems of any country, system-forming. It should also be noted that this issue, despite its fundamentality and scientific prospects, is not sufficiently doctrinairely studied by Ukrainian scientists. This is due to many determinants, of which two factors are the most obvious. First, the dominance of doctrinal approaches in Ukrainian legal science, which did not recognise the existence of the constitutional and legal status of the Ukrainian people as a whole. It was considered that only individuals and legal entities can be granted legal status. Secondly, Ukrainian scientists have traditionally preferred to study established institutions, primarily direct democracy, which are directly regulated in Chapter III of the Constitution of Ukraine, that is, elections and referendums. The aim is to clarify the methodological basis for studying the constitutional and legal status of the Ukrainian people. Based on the obtained conclusions and generalisations, a methodological basis for studying the constitutional and legal status of the Ukrainian people has been developed*

**Keywords:** *methodological integrated approach, general scientific methods, special methods, legal methods*

## **INTRODUCTION**

There is no doubt that in order to obtain objective knowledge about the constitutional and legal status of the Ukrainian people, the optimal choice and application of an effective theory of knowledge is crucial. The system-forming element of this theory is methodology. First of all, it should be recognised that the problem of methodology is extremely complex, ambiguous and insufficiently studied, and therefore modern scientific sources define and interpret this phenomenon in different ways. However, summarising various points of view, it can be concluded that in the Ukrainian doctrine, methodology is mainly considered as a teaching about the methods of scientific research, and the methods themselves are considered as a set of certain cognitive foundations, techniques, and means by which this research is carried out. In particular, in support of the above, it is stated that “methodology is the study of the rules of thinking in the process of creating science, conducting scientific research. The methodology of science is mainly understood as the doctrine of the scientific method of cognition or the system of scientific principles on the basis of which research is based and the choice of means, techniques and methods of cognition is made. There is another, narrower view of the methodology of science, when it is considered as the theoretical basis of some special, partial techniques and means of scientific knowledge, for example, management methodology, pricing methodology, etc., but in this case it is more

appropriate to talk about the methodology of knowledge and actions” [1, p. 14].

The analysis of the above gives grounds to assert that methodology in the broadest sense is the doctrine of scientific foundations, approaches, principles and methods, as well as the doctrine of how to think when writing scientific research, and in a narrow sense it is a theoretical basis that is used or can be used in the process of scientific knowledge. In support of this, it makes sense to emphasise that in general, “methodology of science (from method and Greek λόγος – teaching) is a term that, depending on the context, can be perceived in different meanings: either as a set of research techniques used in a particular science, or as a teaching on methods of cognition and transformation of reality”. Or note the term “methodology” literally means the teaching of the methods of cognition (from the Greek μεθοδολογία) - the teaching of the methods, techniques and means of cognition. A methodology is a scheme, a plan for solving a research problem” [2, p. 71].

I.B. Fedyshyn notes that: “the concept of “*methodology*” has two main meanings: first, it is a system of certain rules, principles and operations applied in a particular field of activity (in science, politics, art, etc.); secondly, it is the doctrine of this system, the general theory of the method” [3, p. 21]. Understanding these definitions also convinces that methodology is not only the teaching of research methods of a certain science, but also how to implement ideas, goals, tasks, theoretically based conclusions, suggestions, recommendations, general knowledge in social life, because reality includes material and ideal, rational and irrational, positive and negative, progressive and regressive, which are reflected in the results of human activity – in the final definitions, classifications, generalisations, institutions, materials and products of the world of technology, politics, economics, spirituality, society, state, law, and so on. It must also be agreed that methodology is first and foremost the teaching of the scientific method of knowledge. Given this, it is advisable to analyse the concept of scientific research methods. Therefore, it should be noted that “method” (from the Greek methodos “method”, “way”, “path”) – in the most general case, means a way to achieve a goal, a certain way of orderly activity.

The scientific method is a way of knowing the phenomena of reality, their interrelation and development. “Thus, according to this definition, it can be argued that a method is a way to achieve a certain goal, or a certain tool, a means by which one can know reality, its relationship and development, or “method” “way of research or cognition”, “theory”, “doctrine”) – a way of organising the practical and theoretical development of reality, due to the laws of the object. With the development of science, there is a development and differentiation of methods, which leads to the emergence of the theory of methods – methodology” [4, p. 78].

Summarising the above, it can be argued that methodology is the study of scientific and cognitive foundations, approaches, principles, methods, as well as how to think in the process of writing scientific research, on the basis of which it is based and its transformation into reality occurs, by implementing ideas, goals, tasks, theoretically based conclusions, suggestions, recommendations, general knowledge in social life. And the method is a way of knowing the phenomena of reality, their interrelation and development. With the development of science, there is a development and differentiation of methods, which leads to the emergence of the theory of methods – methodology. “Methodology, developing a strategy of cognitive and practical activity, performs the following main functions: it directs scientific research in an optimal way in order to acquire new true knowledge; regulates the use of methods, techniques, tools in the process of knowledge and practice; generalises the results of scientific knowledge in various forms of knowledge; forms general principles and methods of scientific research” [5, p. 144].

The scientific basis of this article was the works of such scientists: I.M. Rassokha “Methodology and Organisation of Scientific Research” [1], I.B. Fedyshyn “Methodology and Organisation of Scientific Research” [3], V.I. Korbutyak “Methodology of a Systematic Approach and Scientific Research” [4], M.S. Kelman “Methodology of modern Jurisprudence [6], S.D. Gusarev “Legal Deontology (Fundamentals of Legal Activity)” [7], A.V. Minchenko “General Theoretical and Methodological Foundations Systems of Legal and Linguistic Knowledge” [8], I.S. Krivtsova “Methodological Role of Synergetics in Comparative Legal Cognition” [9], O.D. Tikhomirov “Comparativism as the Basis of the Philosophy of Law in the Post-postmodern Context” [10], etc.

Considering the above *the purpose of the study* is the identification and use of the most optimal and effective methodological basis suitable for understanding, interpreting the current state and predicting the further development of the constitutional and legal status of the Ukrainian people.

## 1. MATERIALS AND METHODS

The constitutional and legal status of the Ukrainian people can be understood using a comprehensive approach, involving a combination of a number of approaches: 1) philosophical principles: sovereignty; the rule of popular sovereignty; the primacy of popular sovereignty; the naturalness of popular sovereignty; the right

of people to self-determination, and the like; 2) philosophical approaches: methodological – for the study of self-concept, content, structure of research; integrated together with the previous one are fundamental and will determine the choice and use of all other approaches, principles and methods; culturological – gives the opportunity to explore the status of cultural heritage, to develop its general social and cultural safeguards; anthropological – on the basis of which will be developed by the entity status; phenomenological – will be introduced in the process of structuring element status and especially the allocation, realisation and interpretation of authority; the axiological (value) – will be useful in the process of consideration of the nature and principles as elements of the status; civilization – will provide clarification and substantiation of general civilizational function of status; systemic (system-structural and systemic-functional) will include consideration of the status, as a phenomenon that consists of parts (elements), connections between which form a relatively rigid structure and ensure its integrity; active – will be implemented in the development of general social and special legal guarantees of status; 3) methodological principles: scientific – will be used in the process of understanding the concept and structure of the elements that make up the status; historicism - will be implemented in the process of learning about the state of scientific research on the legal status of peoples; comprehensiveness, which will be based on knowledge of the essence, legal personality and principles of status; objectivity, which will be realised in the process of knowledge of powers; specificity – will determine a comprehensive and detailed analysis of the state scientific research, regulation of the legal status of peoples, the design of the study methodology, the concept of elements and entity status; pluralism – will ensure freedom of cognitive search, the ability to freely choose a research methodology; 4) general scientific methods: dialectical, which will lead to a comprehensive study of the status; the metaphysical, which will be used during the study of the existence of the constitutional, legal and actual status; hermeneutical, which is useful for study on the state of the research and regulation of the status; historical, as well as the methodological principle of historicism, will be aimed at understanding the state of research on the legal status of peoples; functional, will be implemented in the process of learning functions; synergetic, which will give the opportunity to understand and demonstrate the final uncertainty, complexity and objectivity applied to the elements of status, relatively weak determinism of legal personality; analysis that will take place in the process of finding common, most frequently used, signs of the people and their characteristics; synthesis, which will be introduced in the process of forming a holistic and common definition of the people; induction, with its help the introduction, results, and general conclusions to the specified scientific work will be prepared; deduction, on the basis of which the understanding of status will be formulated; abstraction, which will be used in the learning the legal capacity of the Ukrainian people; generalisation will be applied in the process of forming definitions, conclusions, proposals and recommendations; comparison will be realised in the process of comparing the powers of the Ukrainian people with those of similar other nations; 5) special methods: sociological, will include the need for research and the use of the judicial practice of the Constitutional Court of Ukraine; modelling, with the help of which the structure of the status of the Ukrainian people will be constructed; idealisation, as the status of the Ukrainian people, its legal personality, principles and guarantees are idealized objects; forecasting, will be used in the process of forming the results and general conclusions for this scientific work; 6) legal methods: historical-legal, together with the principle of historicism and the historical method, will contribute to understanding the state of scientific research on the status of peoples and the status of the Ukrainian people; comparative-legal, together with the method of comparison, will be implemented in the process of comparing the texts of various regulations; formal-legal, will allow identifying the characteristics and features of legal phenomena, processes and elements that will be known, to determine their common and distinctive features, to work out their understanding, to formulate definitions.

## **2. RESULTS AND DISCUSSION**

The above gives grounds to formulate the conclusion that for the full study of the constitutional and legal status of the Ukrainian people a comprehensive approach is necessary, which means the application of the entire arsenal of principles, approaches, concepts and methods. Deepening the presentation of the methodology for studying the constitutional and legal status of the Ukrainian people, it is necessary, first of all, to mention the most significant ideological and philosophical foundations and approaches. At the same time, it should be agreed on that ideological and philosophical foundations and approaches are the most conceptual concepts, ideas, notions, doctrines, theories and actually philosophical (methodological) approaches that determine the focus, boundaries, directions, content, essence of all scientific research in a certain field of science, for the corresponding period of time, in a specifically defined society and state. In support of this, it is advisable to cite the opinion of M.S. Kelman, who suggests “...to define approach as a complex algorithm of comprehension of reality arising from the combination of “fundamental ideas” and certain methods, that is, as a specific unity

of ideological, theoretical and methodological knowledge, in which the main thing is the order of combining theory and method determined by the subject of knowledge” [6, p. 14]. And during the above, M.S. Kelman adds “in the structure of the approach there are three levels: a) instrumental, which covers certain standard procedures and methods for obtaining scientific knowledge; B) theoretical and conceptual, on which basic ontological postulates about the objects of legal research, rules for their description or explanation are formulated in the form of categorical and conceptual constructions; C) ideological, which contains philosophical and general ideological foundations of research” [6, p. 15]. There is no doubt that ideological and philosophical foundations and approaches determine the existence of methodological approaches, principles and methods that correspond to them, potentially possible or directly implemented.

The next component of the methodology, in particular philosophical approaches, are based on the achievements of ontology, epistemology, axiology, anthropology, philosophy and philosophy of law, history, sociology, political science, psychology, cybernetics, systems theory and management theory, and so on. There are quite a lot of them in modern science, about which M.S. Kelman rightly notes: “If during the formation of the “classical” legal science of modern times (17-18 centuries) only two approaches were used (in addition to dogmatic) – comparative-historical and axiological, then in modern law, in addition to them, there are also historical, comparative, activity, sociological, informational, systemic, anthropological, semiotic, cybernetic, synergetic, communicative, organizational, institutional and some others” [6, p. 15]. Therefore, it would be reasonable to characterise the appropriate approaches. This is, first of all, a methodological approach, the essence of which, in the logical association and appropriate use of a set of interdependent and interrelated various methods, among which one or more are the main, and all others are subordinate to them and have auxiliary significance [11, p. 66], can be used to work out its own concept, content, structure, logic of presentation of sections, subsections, other structural parts of scientific research. It is with the help of this fundamental approach that knowledge about the state of the subject, methods and the most effective process of studying the constitutional and legal status of the Ukrainian people was accumulated, and, therefore, it can be argued that the methodological, in interrelation and interaction, with an integrated approach, are fundamental and determine the choice and use of all other approaches, principles and methods.

There is every reason to single out the culturological approach, which allows to study the constitutional and legal status of the Ukrainian people as a cultural heritage, a special cultural and legal phenomenon [12, p. 307]. Within the framework of the cultural approach, general social cultural guarantees of the constitutional and legal status of the Ukrainian people can be worked out especially intensively, which can include the development of national culture and culture of indigenous peoples and national minorities, the protection of cultural heritage, the development and functioning of the Ukrainian language. The anthropological approach, the essence of which is the interpretation of the nature and properties of law depending on the existence of a person, its essence and activity [13, p. 460], determines the choice of the research topic, because the Ukrainian people are a single community of citizens of Ukraine of all nationalities, and therefore the constitutional and legal status of the Ukrainian people is primarily the sum of the constitutional and legal statuses of citizens of Ukraine of all nationalities. It is on the basis of an anthropological approach that the essence of the constitutional and legal status of the Ukrainian people can be worked out and general civilizational, society-forming, state-forming, socio-regulatory-protective and other functions can be distinguished.

The application of a phenomenological approach, in the study of the constitutional and legal status of the Ukrainian people, which considers law in the context of legal reality, which the subject is forced to enter in the process of communication with other participants in legal life [14, p. 54], will take place, first of all, in the process of elementary structuring of the constitutional and legal status of the Ukrainian people and especially the allocation, awareness and interpretation of the constituent, organisational and legitimation, law-making, judicial, control and supervisory and property powers of the Ukrainian people. After all, these powers are not officially provided for or grouped at the level of normative legal acts, but they exist as a legal reality. Moreover, these powers are sometimes even prohibited by them. However, it is generally accepted that they are based on the natural right of the people to independently decide and exercise their powers by all permissible means, even if this is not regulated by anything.

The axiological (value) approach is extremely relevant. The latter is based on the axiology of law, and therefore, “the axiology of law (from the Greek aksia – value, and logos – word, teaching) is a system of theoretical concepts, conclusions, concepts regarding the value of law. The value of law is its positive significance (role) in meeting the needs of participants in public life. It is formed in relation to each person (personal value), social communities and associations (group value) and, finally, society as a whole (general social value)” [15, p. 74]. And the law “... is valuable because it is able due to its substantive and formal properties to meet needs, be an instrument of realisation and coordination of interests, etc.” [16, p. 159]. That is, comprehension, full understanding and ability to realise the constitutional and legal status of the Ukrainian

people is valuable because: first, it satisfies the interests of the citizens of Ukraine, which make up the Ukrainian people; secondly, it is decisive for the formation of “subsidiaries” statuses of other social communities and associations, including the status of national minorities, indigenous peoples, etc. and, thirdly, the constitutional and legal status of the Ukrainian people is the basis of a similar status Ukrainian society and the domestic state.

Given the above, it can be argued that the constitutional and legal status of the Ukrainian people will be understood taking into account the fact that it is a defining, fundamental, primary status, on the basis of which all other social statuses are formed and determined, the possibility of the existence and functioning of all other social institutions, the implementation of the most important national and local functions is ensured. However, the axiological (value) approach will be especially clearly manifested when considering the essence and principles as elements of the constitutional and legal status of the Ukrainian people. Relevant to the study of the constitutional and legal status of the Ukrainian people is the civilisational approach, which involves taking into account and using the achievements of different civilizations, the rights of many legal families, states characterised by belonging to different types and forms, in different time limits [17, p. 154]. The civilizational approach will be particularly useful in clarifying the genesis of the constitutional and legal status of the Ukrainian people and justifying its civilizational function.

The systemic approach is “... the direction of research methodology, which consists in the study of an object as an integral set of elements in a set of relations and connections between them, that is, the consideration of an object as a system” [18, p. 15]. Therefore, this approach provides for the consideration of the constitutional and legal status of the Ukrainian people as a complex, multi-element, structured, multi-level, interrelated and interacting with others, a phenomenon consisting of parts (elements), the connections between which form a relatively unchanged structure and ensure its integrity [7, p. 78]. The systemic approach determines the introduction of system-structural and system-functional methods into scientific search. Based on this approach and these methods, a provision will be proposed and justified, according to which it is reasonable to consider legal personality, principles, powers, that is, rights and obligations, guarantees (general social and special legal) of status as elements of the constitutional and legal status of the Ukrainian people.

The next methodological approach to the study of the constitutional and legal status of the Ukrainian people should be recognised as activity-based, which involves clarifying and explaining state-legal phenomena in an indissoluble unity with human activity, recognising the fact that all social phenomena are related to human activity [19, p. 29]. Given this, the activity approach will be particularly intensive in the development of general social and special legal guarantees of the constitutional and legal status of the Ukrainian people, in terms of ensuring the effectiveness of their implementation, the availability of political, economic, cultural, legal and other mechanisms of actual reality and the effectiveness of the constitutional and legal status of the Ukrainian people. It was previously noted that to ensure a full-fledged study of the constitutional and legal status of the Ukrainian people, an integrated approach is necessary, which means applying not only ideological foundations and philosophical approaches, but also methodological principles and, directly, the methods themselves [20, p. 36]. Methodological principles [21, p. 3] that will contribute to understanding the constitutional and legal status of the Ukrainian people include:

1) the principle of scientificity – means the need to obtain objective scientific knowledge about the subject under study, and especially understanding the concept and structure of the elements that constitute the constitutional and legal status of the Ukrainian people;

2) the principle of historicism – provides for the consideration of the constitutional and legal status of the Ukrainian people from the point of view of the past, present and future, in its development and historical relationship with the statuses of other social institutions [22, p. 17]. Taking this into account, the principle of historicism, first of all, will be implemented in the process of understanding the state of scientific research of the legal statuses of peoples and the constitutional and legal status of the Ukrainian people;

3) the principle of comprehensiveness – requires clarification of the maximum possible number of features, characteristics, properties of the state-legal phenomenon under study, identification and qualitative justification of its concept, features, essence, structure, elements, relationships and interaction with other social and legal realities. That is why this principle will be the basis for understanding all aspects of the constitutional and legal status of the Ukrainian people and especially the essence, legal personality and principles of the constitutional and legal status of the Ukrainian people;

4) the principle of objectivity – in the process of cognition of legal phenomena obliges to reflect the true state of the constitutional and legal status of the Ukrainian people in scientific research, to reproduce it as it is in reality and in fact [8, p. 36]. This principle will be especially intensively implemented in the process of learning the constituent, organisational and legitimation, law-making, judicial, control, supervisory and property powers of the Ukrainian people;

5) the principle of concreteness – determines a comprehensive and detailed analysis of the state of scientific research, regulation of the legal status of peoples, the development of the research methodology, the concept, elements, essence of the constitutional and legal status of the Ukrainian people, the essential characteristics of each of the listed elements, the identification of the main, essential features, connections and trends in their development, that is, it will find its dominant application in finding out the elements of the constitutional and legal status of the Ukrainian people;

6) the principle of pluralism – will provide freedom of cognitive search, in general, and, above all, the ability to freely choose the research methodology, independently determine the ideological foundations, philosophical approaches, principles and methods of understanding and presenting the constitutional and legal status of the Ukrainian people.

The next component of the methodology for understanding the constitutional and legal status of the Ukrainian people is the methods of studying the subject of research. However, before characterising them, it is worth reminding that method is a way of understanding the phenomena of reality, their interrelationship and development. The method, in contrast to the subject of research, which answers the question of what particular science studies, demonstrates exactly how, by what methods, means and techniques this happens [23, p. 10].

Without going into a rather long-standing, and still clearly unresolved, dispute over the system of methods of legal science, in general, it is believed that for a full study of the constitutional and legal status of the Ukrainian people, their structured system, including such subsystems, is the most optimal.

1. General scientific methods, which, first of all, should include philosophical ones, namely dialectical, metaphysical, hermeneutical, and the like. Thus, the dialectical method, or, more correctly, the dialectical methodology based on the laws of dialectics (the law of transition of quantitative changes into qualitative ones, the law of unity and struggle of opposites, the law of negation of the negation) [24, p. 5; 25], leads to a comprehensive study of the constitutional and legal status of the Ukrainian people, which covers its various signs, properties, elements. In addition, its dynamics and constant updating, interaction with other social systems – politics, economy, culture will be taken into account. It is in connection with the latter that the constituent, organisational, legitimation, and property powers of the Ukrainian people will be distinguished, and among the general social guarantees, political, economic, and cultural ones will be considered, that is, those that exist in the most significant spheres of life of the Ukrainian people.

The study of the constitutional and legal status of the Ukrainian people will also be carried out taking into account such categories of dialectics as essence and phenomenon, form and content, possibility and reality [26, p. 60]. For example, when covering the state of scientific research and regulating the legal status of peoples, mainly, the legal status of peoples will be studied as a phenomenon and form, and when working out the concept and elements, the essence of the constitutional and legal status of the Ukrainian people, it will be considered as the essence and content. The use of the metaphysical method, which is based on static, unchangeable and independent of other phenomena, understanding of objects, will be used to justify the existence of the constitutional, legal and actual status of the Ukrainian people. After all, the constitutional and legal status of the Ukrainian people is relatively stable, internally coordinated and systematic. Relative stability gives grounds to assert a certain static constitutional and legal status of the Ukrainian people.

The hermeneutical method, about which, first of all, it is worth noting that “Western legal hermeneutics is an application of phenomenological-existential hermeneutics in the field of law. Hermeneutics (from the Greek *hermeneutikos* – interpretation) – the art of understanding, comprehension. (Hermes in Greek mythology was an intermediary between gods and people)” [27, p. 60]. That is, the essence of this method is the interpretation of texts, and, therefore, it will be used to study the state of scientific research and regulate the legal status of peoples. It will make it possible to clarify the content and essence of normative legal acts or provisions set forth in scientific texts, to reveal the content of legal norms and relevant scientific provisions, based on the peculiarities of normative legal and scientific language.

The historical method, which requires the study of state-legal phenomena in the sequence in which they arose, developed and changed [28, p. 43], as well as the methodological principle of historicism, will be aimed at understanding the state of scientific research on the legal statuses of peoples and the constitutional and legal status of the Ukrainian people. The functional method, which consists in identifying the functions of individual elements of a certain social education, institution, system, status [29, p. 19] will be implemented in the process of cognition of the general civilizational, society-forming, state-forming, socio-regulatory-protective and other functions of the Ukrainian people.

The synergetic method, as the doctrine of complex, multi-level social systems, self-organising, self-regulating, self-developing, relatively weakly deterministic, allow randomness, instability and unpredictability [9, p. 20], will help understand and demonstrate the final indecision, complexity and objectivity of highlighting the concept and elements of the constitutional and legal status of the Ukrainian people, relatively weak

determinism of such an element as the legal personality of the Ukrainian people. General scientific methods that will be used also include logical ones, these are, first of all, analysis and synthesis, induction and deduction, abstraction, generalisation, comparison, and so on. Analysis, which is understood as the separation of constituent parts from the whole of the phenomenon under study and the study of their essence separately [30, p. 257], will take place, for example, in the process of finding common, most frequently used features of the people and their characteristics, while synthesis, which is the way of creating a common understanding of the phenomenon [31, p. 257], will be introduced in the process of forming a holistic and universal definition of the people.

The method of abstraction “– one of the means of cognition and theoretical representation of reality in knowledge, is to identify and consider some (or even one) features and characteristics of the subject so as not to dwell on the secondary, to focus on what is most important, given the movement towards the goals set. In a broad sense, abstraction is a distraction from the individual, random, insignificant and highlighting the general, necessary, essential in order to simplify the path to scientifically objective knowledge” [32, p. 3]. Based on the above, it is safe to say that the method of abstraction will be used in learning about the legal capacity of the Ukrainian people, on the basis of which the definition of the legal personality of the Ukrainian people will be formulated, the main regulatory and organisational and legal special legal guarantees of the constitutional and legal status of the Ukrainian people will be highlighted.

The generalisation method is a means of cognition that is implemented by combining specific features, characteristics, conclusions, classifications into a single whole, in order to study the regularities of this whole. So, this method will be especially intensively used in the process of forming definitions, conclusions, proposals and recommendations, for example, whether the Ukrainian people have the right to: self-determination; protesting, uprisings, resistance movements, civil disobedience movements, people's veche, revolutions, civil wars, national liberation movements; adoption, introduction of amendments and additions, repeal of the constitution, certain constitutional provisions; holding all-Ukrainian and local referendums, as well as the obligation to abide by the Constitution of Ukraine, will allow asserting the reality of the existence of its constituent powers. The method of comparison, the essence of which is finding the common, similar, different, opposite, separate and special in the state-legal phenomena [33, p. 426], will be implemented by comparing the enshrining of constituent, organisational-legitimational, law-making, judicial, control and supervisory, property powers of Ukrainian people in the Constitution of Ukraine with the similar powers of other nations in the constitutions of foreign countries.

2. From the system of special methods that will be implemented, it is worth highlighting: a sociological method that provides for the need to study and use the judicial practice of the Constitutional Court of Ukraine, in particular, regarding the regulation of the legal status of peoples; a modelling method that will provide indirect knowledge of the object of research by creating its analog [34, p. 101], because the construction of the structure of the constitutional-legal status of the Ukrainian people will be carried out according to the rules of building an ideal model, based on the existing structural analogues of the constitutional-legal statuses of civil society, state, national minorities, person and citizen; during and on the development of the previous, an idealization method that requires conscious-volitional creation objects that do not exist in reality, but there are their real signs in social life, since the constitutional and legal status of the Ukrainian people, their legal personality, principles and guarantees of status are idealized objects; a method of forecasting, the main feature of which is the accumulation of knowledge about the current state of the constitutional and legal status of the Ukrainian people and justification of promising directions for its further development.

3. From the system of legal methods, it is worth mentioning: the historical and legal method [35, p. 179], which, together with the principle of historicism and the historical method, will contribute to understanding the state of scientific research on the legal statuses of peoples and the constitutional and legal status of the Ukrainian people. This method will make it possible to identify and use the positive experience of the past to improve it at the present stage of its development. It makes sense to emphasise the exceptional importance of using this method today, since until recently the constitutional and legal status of the Ukrainian people was not discussed at all, it was only about its individual features and elements.

The comparative legal method, together with the method of comparison [10, p. 11], will be implemented in the process of understanding existing studies of the legal or constitutional-legal status of the Ukrainian people, the laws of its legal regulation, the comparison of texts of various normative legal acts, especially at the constitutional level, in order to consolidate the constitutional-legal status of the Ukrainian people and peoples in foreign countries. The formal and legal method will provide an opportunity to identify the characteristics and features of the people, the Ukrainian people, the regulation of the legal status of peoples, the constitutional and legal status of the Ukrainian people, the essence, functions, legal personality, the principles of the constitutional and legal status of the Ukrainian people and many other phenomena, processes

and elements that will be studied, determine their common and distinctive features, work out their comprehension, formulate definitions, and so on.

## CONCLUSIONS

Taking into account all the above, it can be argued that in order to learn the constitutional and legal status of the Ukrainian people, it is advisable to use an integrated approach, which involves a combination of a number of factors:

1) worldview principles: sovereignty; supremacy of people's sovereignty; primacy of people's sovereignty; naturalness of people's sovereignty; national sovereignty; state sovereignty; the right of the people to self-determination, etc.;

2) philosophical approaches:

– methodological for elaboration of own concept, content, structure of research;  
– an integrated approach will determine the choice and use of all other approaches, principles and methods;

– culturological, which makes it possible to study the status as a cultural asset, work out its general social-cultural guarantees;

– anthropological will be useful for elaborating the essence of status;

– phenomenological introduced in the process of elementary structuring of status and especially the allocation, recognition and interpretation of powers;

– axiological (value) will be useful when considering the essence and principles as elements of status;

– civilizational will provide clarification and justification of the general civilizational function of the status;

– systemic will involve considering the status as a phenomenon consisting of parts (elements), the connections between which form a relatively unchanging structure and ensure its integrity;

– active will be implemented in the development of general social and special legal guarantees of status;

– methodological principles:

– scientific will be used in the process of understanding the concept and structure of the elements that make up the status;

– historicism will be implemented in the process of learning the state of scientific research the legal status of peoples;

– comprehensiveness will be the basis for understanding the essence, legal personality and principles of status;

– objectivity will be realised in the process of learning authority;

– specificity will determine a comprehensive and detailed analysis of the state of scientific research, regulation of the legal status of peoples, elaboration of the research methodology, concept, elements and essence of status;

– pluralism will ensure the freedom of cognitive search, the ability to freely choose the research methodology;

3) general scientific methods:

– dialectical will determine a comprehensive study of the status;

– metaphysical will be used to justify the existence of constitutional, legal and factual status;

– hermeneutical is useful for study on the state of the research and regulation of the status;

– historical will be aimed at understanding the state of research on the legal status of peoples;

– functional will be implemented in the process of learning functions;

– synergetic, which will give the opportunity to understand and demonstrate the final uncertainty, complexity and objectivity applied to the elements of status, relatively weak determinism of legal personality;

– logical: analysis will take place in the process of finding common, most frequently used, characteristics of the people and their characteristics; synthesis will be implemented in the process of forming an integral and common definition of the people; induction will be used to prepare general conclusions of this scientific research; deduction, on the basis of which the understanding of status will be formulated; abstraction, which will be used in the learning the legal capacity of the Ukrainian people; generalisation will be applied in the process of forming definitions, conclusions, proposals and recommendations; comparison will be realised in the process of comparing the powers of the Ukrainian people with those of similar other nations;

4) special methods:

- sociological will provide for the need to study and use the judicial practice of the Constitutional Court of Ukraine;
- modelling which will be used to construct the structure of the status of the Ukrainian people;
- idealization is necessary because the very status of the Ukrainian people, their legal personality, principles and guarantees are idealized objects;
- forecasting will be used in the process of forming the results obtained and general conclusions for this scientific work;
- legal methods:
- historical-legal will contribute to understanding the state of scientific research of the statuses of peoples and the status of the Ukrainian people;
- comparative-legal will be implemented in the process of comparing the texts of various normative legal acts;
- formal-legal will allow identifying the characteristics and features of legal phenomena, processes and elements that will be known, to determine their common and distinctive features, to work out their understanding, to formulate definitions.

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