



UDC 340.12 + 342.4

[https://doi.org/10.52058/2786-6300-2026-5\(47\)-2085-2104](https://doi.org/10.52058/2786-6300-2026-5(47)-2085-2104)

**Stengatch Nadiya Oleksandrivna** Candidate of Sciences in History, Associate Professor, Professor of the Department of Theory and History of State and Law, Leonid Yuzkov Khmelnytskyi University of Management and Law, <https://orcid.org/0000-0001-7011-4263>

**Danilova Anna Viktorivna** Doctor of Philosophy in Law, Associate Professor of the Department of Theory and History of State and Law, Leonid Yuzkov Khmelnytskyi University of Management and Law, <https://orcid.org/0000-0003-0744-5523>

## **COMPARATIVE CHARACTERISTICS OF CONSTITUTIONAL DRAFTS OF THE NATIONAL REVOLUTION OF 1917–1921: LESSONS FOR MODERN UKRAINE**

**Abstract.** The article provides a comprehensive constitutional and legal analysis of the main constitutional acts and drafts of the Ukrainian National Revolution of 1917–1921, including the Constitution of the Ukrainian People's Republic of April 29, 1918, the legislative framework of the Hetmanate of Pavlo Skoropadskyi, and the constitutional draft of the Western Ukrainian People's Republic of 1920. A comparative study of models of state power organization, principles of legitimacy, the balance between legislative and executive branches, guarantees of human rights and freedoms, and concepts of sovereignty and territorial organization is conducted.

The study demonstrates that constitutional development during this period reflected a competition between parliamentary republicanism, centralized stabilization governance, and a balanced democratic model with an advanced system of human rights protection. The key challenge of that era was the correlation between state effectiveness and democratic legitimacy in the conditions of war, foreign intervention, and internal political fragmentation.

It is argued that the constitutional experience of 1917–1921 remains relevant for contemporary Ukraine, particularly in the context of martial law and European integration.

Additional attention is devoted to the evolution of the concept of popular sovereignty and to the role of crisis constitutionalism in the formation of a resilient system of public governance. The article analyzes the influence of wartime political conditions on the transformation of state institutions, the implementation of human rights guarantees, and the balance between democratic procedures and effective executive authority.



It is concluded that the contemporary constitutional model of Ukraine should combine democratic legitimacy, efficient governance, parliamentary oversight, and clearly defined legal limits on emergency powers. Particular emphasis is placed on legal certainty, institutional resilience, and the professional civil service as essential guarantees of constitutional stability and effective public administration. Practical lessons for Ukraine in times of war have been identified.

**Keywords:** constitution, Ukrainian People's Republic, Hetmanate, Western Ukrainian People's Republic, constitutional draft, parliamentarism, form of government, legitimacy, human rights, crisis constitutionalism.

**Стеньгач Надія Олександрівна** кандидат історичних наук, доцент, професор кафедри теорії та історії держави і права, Хмельницький університет управління та права імені Леоніда Юзькова, <https://orcid.org/0000-0001-7011-4263>

**Данілова Анна Вікторівна** доктор філософії з права, доцент кафедри теорії та історії держави і права, Хмельницький університет управління та права імені Леоніда Юзькова, <https://orcid.org/0000-0003-0744-5523>

## ПОРІВНЯЛЬНА ХАРАКТЕРИСТИКА КОНСТИТУЦІЙНИХ ПРОЄКТІВ ДОБИ НАЦІОНАЛЬНОЇ РЕВОЛЮЦІЇ 1917–1921 РР.: УРОКИ ДЛЯ СУЧАСНОЇ УКРАЇНИ

**Анотація.** У статті здійснено комплексний конституційно-правовий аналіз основних конституційних актів і проєктів доби Української національної революції 1917–1921 рр., зокрема Конституції Української Народної Республіки 29 квітня 1918 р., законодавчих актів Гетьманату Павла Скоропадського та конституційного проєкту Західноукраїнської Народної Республіки 1920 р. Проведено порівняльне дослідження моделей організації державної влади, принципів легітимації, співвідношення законодавчої та виконавчої гілок влади, механізмів гарантування прав і свобод людини, а також концепцій державного суверенітету та територіальної організації.

Доведено, що конституційні пошуки цього періоду відображали конкуренцію між парламентською республіканською моделлю, централізованою стабілізаційною формою правління та збалансованою демократичною конструкцією із розвиненою системою прав людини.

Встановлено, що ключовою проблемою тогочасного конституціоналізму стало співвідношення ефективності державного управління та демократичної легітимності, особливо в умовах війни, зовнішнього втручання та внутрішньої політичної поляризації.



Обґрунтовано, що історичний досвід 1917–1921 рр. має безпосереднє значення для сучасного етапу конституційного розвитку України в умовах воєнного стану та європейської інтеграції.

Додатково визначено особливості еволюції ідеї народного суверенітету в українській конституційній традиції та обґрунтовано значення кризового конституціоналізму для формування стійкої системи державного управління. Проаналізовано вплив воєнно-політичних умов на трансформацію моделей організації влади, механізми реалізації прав людини та співвідношення між демократичними процедурами і потребою оперативного державного реагування.

Зроблено висновок, що сучасна модель конституційного розвитку України повинна поєднувати демократичну легітимність, ефективність виконавчої влади, парламентський контроль і правові межі надзвичайних повноважень. Особливу увагу приділено ролі правової визначеності, інституційної стійкості та професійної державної служби як необхідних передумов забезпечення стабільності конституційного ладу й ефективного функціонування органів публічної влади. Визначено практичні уроки для України в умовах тривалої війни.

**Ключові слова:** конституція, УНР, ЗУНР, Гетьманат, конституційний проєкт, парламентаризм, форма правління, легітимація влади, права людини, кризовий конституціоналізм.

**Statement of the problem.** The current stage of development of Ukrainian statehood is characterized by the simultaneous functioning of a constitutional order and a wartime regime, which brings to the forefront the issue of the limits of crisis-driven centralization of power, as well as the relationship between governance effectiveness and democratic legitimacy.

Under such conditions, the historical experience of periods of intensive state-building becomes particularly significant, when legal models were shaped under the influence of military, geopolitical, and social factors.

The period of the Ukrainian National Revolution of 1917–1921 became the first large-scale constitutional experiment of modern Ukrainian statehood. During this time, a number of normative acts and draft projects were developed that laid the foundations for the organization of state power, defined the system of human rights and freedoms, and established the principles of popular sovereignty. The Constitution of the Ukrainian People's Republic of April 29, 1918, represented an attempt to build a parliamentary republic with the dominance of a representative body [1, pp. 28–31]. At the same time, the legislative acts of the Hetmanate under Pavlo Skoropadskyi proposed an alternative model of centralized executive authority [2, pp. 30–33]. The constitutional draft of the Western Ukrainian People's Republic of 1920, developed by S. Dnistrianskyi, was distinguished by a high level of legal technique and systematic articulation of human rights [3, pp. 114–118].



Thus, the constitutional projects of 1917–1921 demonstrate the competition of different models of the organization of power, unfolding under conditions of wartime instability and the struggle for international recognition. Their comparative analysis makes it possible to identify patterns in the formation of the constitutional architecture of the state under crisis conditions.

**Analysis of Recent Research and Publications.** The issue of constitutional development of the Ukrainian People's Republic (UPR) and the Western Ukrainian People's Republic (WUPR) has been reflected in the works of historians and legal scholars. The legal status of the Ukrainian State of 1918 has been examined by I. Kolesnyk [3, pp. 114–123], while the principles of the constitutional order of the Hetmanate have been elucidated in the studies of A. Ponomarenko [2, pp. 30–34]. The institutional structure of state authorities has been analyzed in the research of A. Sereda [1, pp. 28–35].

At the same time, a comparative characterization of all the principal constitutional models of the period of the National Revolution within a unified conceptual framework has not yet received comprehensive treatment, which necessitates a systematic analysis.

**The purpose of the article** is to conduct a comprehensive constitutional-legal comparative analysis of three models of state organization from the period of the National Revolution of 1917–1921 – the Ukrainian People's Republic, the Ukrainian State under Pavlo Skoropadskyi, and the Western Ukrainian People's Republic—with their integration into the contemporary discourse of crisis constitutionalism and constitutional design under conditions of war.

For the first time within a single comprehensive study, the paper systematizes the evolution of the idea of popular sovereignty as the conceptual foundation of the constitutional process of 1917–1921, examined through the prism of a gradual transition from a parliamentary-revolutionary model to an institutionalized legal balance, reflecting the transformation of views on the source and mechanisms of the exercise of power. On this basis, the author proposes an original typology of the constitutional models of the National Revolution period, constructed according to a set of interrelated criteria, including the source of legitimacy of power, the nature of the balance between branches of government, the degree of concentration of executive authority, the level of development of legal technique, and the presence of effective mechanisms of crisis response. This approach makes it possible to more accurately capture the internal logic of institutional transformations of the period in question.

Within the framework of the study, the thesis is also substantiated regarding the existence in the Ukrainian constitutional tradition of the phenomenon of a stabilizing (crisis) constitution, represented by the normative acts of the Hetmanate. This provides grounds for considering them not merely as a political departure from democratic principles, but as an independent type of constitutional design aimed at ensuring the governability of the state under conditions of systemic instability.



At the same time, the study integrates the historical-legal experience of 1917–1921 into the contemporary context of the functioning of Ukraine’s legal system under martial law, allowing the events of the National Revolution to be interpreted not only as a historical phenomenon but also as a source of practical conclusions for current state-building processes. The generalization of the obtained results has made it possible to formulate practical recommendations for the optimal combination of democratic legitimacy and an adequate level of executive capacity within the constitutional system of Ukraine under conditions of prolonged war, taking into account the need to maintain a balance between the effectiveness of public administration and the guarantees of human rights and freedoms.

Thus, the study goes beyond a traditional historical-legal description and develops an interdisciplinary model of analysis that combines the history of constitutionalism, the theory of state and law, and contemporary concepts of crisis governance.

**Main Part. *The Constitution of the UPR of April 29, 1918: A Parliamentary Model of Popular Sovereignty.*** The Constitution of the Ukrainian People’s Republic (Statute on the State System, Rights and Freedoms of the UPR) of April 29, 1918, represented the most comprehensive attempt by the Central Rada to establish a fully developed constitutional framework of modern Ukrainian statehood [4]. Its conceptual core combined the principle of popular sovereignty with an extensive parliamentary organization of power, an expanded catalogue of human rights, and an orientation toward the rule of law. In constitutional-legal terms, the document is significant for proposing a model in which the legitimacy of power derives from the people through an elected representative body, while the executive branch is accountable to parliament, which corresponds to the classical doctrine of parliamentarism.

The first systemic feature of the Constitution of the UPR is the designation of the Supreme body of state power – the All-National Assembly – as the center of legislative authority. In this way, a model of the «primacy of the legislative power» over the executive was established, intended to ensure maximum accountability of the government and to prevent the personalization of power. Such a construction was a politically understandable response to the imperial tradition of monarchical concentration of authority. However, from the perspective of constitutional engineering theory, a parliamentary model without a sufficiently strong and stable executive government in wartime conditions generates risks of administrative fragmentation. Studies of the transformation of the power vertical during the period of the Central Rada emphasize the instability of executive mechanisms and the difficulties of implementing decisions in conditions of competition between political centers [5]. This implies that the constitutional design itself, even while being democratic in nature, would have required additional «crisis resilience» procedures (in contemporary terms, emergency governance design), which the document had practically no time to develop.



The second key feature is the catalogue of rights and freedoms, which reveals a strong «liberal-legal» component. The Constitution of the UPR embeds human rights as the foundation of state legitimacy: rights are not «granted» by the state but are recognized and guaranteed by it. This reflects the Central Rada's aspiration to establish a legal order in which rights function as unconditional limits on state power. Normatively significant is also the fact that rights are considered in connection with the principles of equality and non-discrimination, which was rather progressive for early nation-states of the early twentieth century.

At the same time, the problem of legal implementation lay in the fact that constitutional guarantees of rights were not supported by sufficiently stable administrative and judicial mechanisms of enforcement: declarations alone are insufficient without institutions—courts, the prosecutor's office, the police, and the administrative apparatus—capable of ensuring the protection of rights in a real conflict environment. During the revolutionary and wartime period, such institutional «pillars» were lacking, as is evident from analyses of the organization of power and administrative practice of that time [6].

The third fundamental dimension concerns the judiciary and the principle of the rule of law. The Constitution seeks to constitutionally separate the judicial branch of power and ensure judicial independence as a condition for the protection of human rights and the limitation of political arbitrariness. This logic is sound: an independent judiciary is a guarantee that the legislative and executive branches do not become instruments of repression or partisan dominance. However, constitutional realism requires taking context into account: judicial independence is impossible without a stable civil service, a functioning budgetary system, appointment and disciplinary procedures, as well as a minimal level of territorial governability. In other words, the Constitution of the UPR demonstrated «normative maturity» while facing the «institutional immaturity» of the state as an organism.

The fourth important aspect is national-personal autonomy and the issue of political integration. Seeking to avoid ethno-political conflicts, the UPR attempted to develop a mechanism for incorporating national minorities into the state project. This can be viewed as an early form of institutional compromise: the state recognizes diversity and establishes legal mechanisms for its representation. From a contemporary perspective, this represents an important lesson: inclusive models often enhance legitimacy, but in times of crisis they require careful balancing to avoid creating paralysis in decision-making processes.

Thus, the Constitution of the UPR of April 29, 1918 was the most democratic and legally sophisticated project of the revolutionary period; however, its «parliamentary maximalism» and weak crisis-response safeguards made the model vulnerable under conditions of war and the disintegration of the administrative vertical [4; 5]. For contemporary Ukraine, the key constitutional lesson is not the rejection of



parliamentarism, but the understanding that a democratic constitution must include legally defined procedures for crisis governance capable of maintaining accountability while ensuring decisional effectiveness.

***Constitutional Foundations of the Hetmanate: A Centralized Stabilization Model.*** The normative framework of the Ukrainian State under Pavlo Skoropadskyi—namely the «Charter to the Entire Ukrainian People» and the «Laws on the Provisional State System of Ukraine» – constitutes an alternative constitutional model compared to the UPR: instead of a parliamentary center, it establishes the concentration of powers in the head of state as an instrument of rapid stabilization [7; 8]. In constitutional theory, such acts may be interpreted as a form of a «stabilization constitution» (or provisional basic law), which creates a strong executive center in exchange for reduced procedural democracy. This is not «anti-constitutionalism» but rather a different logic of constitutional design: in a crisis, the state prioritizes governability and hierarchical vertical structures in order to restore the basic functions of public authority.

The first constitutional marker of this model is the personalized supreme authority of the Hetman. The «Laws on the Provisional State System» establish the Hetman as the center of legislative, executive, and partially judicial powers [8]. Unlike the UPR, where parliament is primary, in the Hetmanate the head of state is the primary institution. From a legal-structural perspective, this means that the Council of Ministers derives its legitimacy not from a representative body but from the Hetman and is accountable to him. Such a model significantly reduces the risks of factional paralysis but increases the risks of political dependency of the government and narrows mechanisms of public oversight. As noted in studies of the constitutional order of the Hetmanate, this framework was aimed at «reconstituting the state» and normalizing governance [2, pp. 31–33].

The second marker is a specific form of legitimacy. While the UPR was grounded in the democratic mandate of the Central Rada and the idea of popular representation, the Hetmanate operated within a more complex framework: its legitimacy was primarily «functional» (based on the promise of order, stability, economic recovery, and administrative discipline) and «elite-based» (relying on certain political and social groups) [11]. This created a structural problem: even an effective administration does not guarantee long-term political stability without broad social recognition. In legal terms, this implies that a «provisional constitution» must either quickly transition toward a democratic form of legitimacy (elections, parliament, constitutional process) or remain in a state of persistent trust deficit. Studies on the legitimization of authority under Skoropadskyi emphasize precisely this dilemma: governance capacity was contrasted with representative legitimacy [2, pp. 32–34].

The third marker is bureaucratic and administrative rationalism. The Hetmanate regime actively relied on a professional administrative apparatus and disciplined execution. Research on state administration bodies and the civil service highlights



efforts to create an effective vertical structure, restore administrative procedures, hierarchical governance, and functional division of competences [1, pp. 32–35; 12]. This component is constitutionally significant: a constitutional model cannot function without a civil service. Public authority consists not only of norms but also of personnel, procedures, documentation, finances, and control mechanisms. In this sense, the Hetmanate proposed a more «state-centered» design: law and administration as a unified system.

The fourth marker is local governance as an extension of the constitutional vertical. The starosta system, which was being formed at the gubernial and district levels, effectively transformed local administration into an instrument of central control [10]. For a crisis state, this provides a rapid effect of governability; however, constitutionally it creates the risk of alienating local communities if mechanisms of participation and representation are absent. In contemporary terminology, this reflects the dilemma between «unitary control» and «local democracy». In wartime conditions, state supervision naturally expands, but the rule of law requires clearly defined limits of oversight, appeal procedures, and accountability mechanisms.

The fifth marker is prospective constitutional transition. The very wording of the acts («Provisional State System») contains an implicit obligation to move toward a full constitutional settlement. However, the lack of time and political conflict prevented this transition from being completed. For contemporary Ukraine, this serves as a direct lesson: any extraordinary concentration of power must be clearly embedded in a procedural framework for returning to normal constitutional order; otherwise, temporariness becomes «permanent», undermining the legal system.

Thus, the constitutional model of the Hetmanate demonstrates how, in a crisis, the state may opt for a strong executive center and a professional administration as instruments for restoring governability [7; 8; 1, pp. 28–35; 12]. At the same time, its key weakness lies in a deficit of democratic legitimacy and vulnerability to political isolation, which reduces long-term resilience even in the presence of institutional effectiveness.

***The 1920 Constitutional Draft of the WUPR: The Concept of the Rule-of-Law State.*** The constitutional development of the Western Ukrainian People's Republic (WUPR) has two interrelated dimensions: the initial framework of statehood in the form of the Provisional Basic Law of 13 November 1918 and the later systematic constitutional draft of 1920, developed by Stanislav Dnistrianskyi. In constitutional-legal terms, the WUPR demonstrates a more «legally technical» approach to state-building, shaped by the influence of Austro-Hungarian legal culture and a tradition of normative discipline.

The Provisional Basic Law of 1918 (as a «small constitution») addressed the primary task of statehood: to establish sovereignty, define the bearer of power, outline the basic organization of governance, and legitimize the state as a subject of both



international and domestic legal order. The key feature of this document is not the detailed institutional design (as in a «large constitution»), but rather its constituent principles: independence, territorial definition, state symbols, and the fundamental contours of public authority. Such «compact constitutionalism» is characteristic of states emerging in wartime conditions: the first step is to legally proclaim the state, while the second is to develop a comprehensive institutional architecture.

It is precisely systemness that emerges in Dnistryanskyi's 1920 draft (often assessed as one of the highest-quality Ukrainian constitutional projects of the early twentieth century). Its defining feature is a high level of legal technique, clear structural organization, conceptual consistency, and a comprehensive articulation of human rights guarantees. Unlike many revolutionary documents that combined political declarations with fragmented norms, Dnistryanskyi's draft aspires to a fully developed «constitutional code» – a logically coherent system of norms in which rights, state power, the judiciary, local self-government, and procedures are mutually interconnected.

The first fundamental element is the catalogue of rights and freedoms as the core of constitutional legitimacy. In this draft, rights are not an «appendix» to the model of governance but constitute the nucleus of the legal order. This allows for a clear orientation toward the rule-of-law state: the state exists to guarantee rights, and public authority is limited by those rights. For contemporary Ukraine, this serves as an important reminder that even during wartime, constitutional guarantees must remain conceptually primary, while any restrictions must be strictly legally defined and proportionate.

The second element is the balance of branches of power. Unlike the UPR of 1918, where parliamentary predominance could reinforce governmental instability, and unlike the Hetmanate, where the dominance of the executive center created a deficit of accountability, the WUPR draft demonstrates a tendency toward balance: its constitutional design seeks to combine democratic legitimation with governability. This is precisely what is often lacking in «revolutionary constitutions»: they are either too procedurally democratic or too strongly oriented toward stabilization. Dnistryanskyi's draft attempts to reconcile these two poles.

The third element is an independent judiciary and legal guarantees. The draft provides a more clearly articulated (than earlier documents) judicial system as an autonomous branch of power that safeguards rights and restrains political authority. This is not merely declarative: the detailed procedural regulation enhances the potential for practical implementation. This reflects the influence of continental legal culture, according to which a constitution must not only proclaim principles but also «function» in practice.

The fourth element is territorial and institutional design. For the WUPR, the issue of territory was existential in the context of the Polish–Ukrainian conflict and the



struggle for international recognition. Therefore, constitutional provisions contained a strong sovereign emphasis. In contemporary Ukraine as well, constitutional norms concerning territorial integrity, defense, and security are not merely formal declarations but a practical foundation of state resilience.

Thus, the constitutional experience of the WUPR and Dnistrianskyi's draft are significant as an example of «juridical state-building» – an attempt to construct a state through systematic law even in conditions of crisis. In comparative terms with the UPR and the Hetmanate, this model offers the most «balanced» constitutional approach, in which democratic legitimacy is reinforced by legal technique, and effectiveness is achieved through a clear distribution of competencies and procedures.

***Comparative Analysis of Constitutional Models.*** The constitutional acts of the UPR, the Hetmanate, and the WUPR demonstrate different variants of organizing the form of government, reflecting not only the political preferences of elites but also distinct conceptions of the mechanisms for ensuring state stability.

The Constitution of the UPR of April 29, 1918 [4] established a parliamentary republic with a pronounced dominance of the legislative branch. The All-National Assembly functioned not only as a legislative body but also as the de facto center of the political system. The executive branch was formed on a parliamentary basis and was accountable to it. This model corresponds to the classical theory of parliamentarism, in which the government is politically dependent on the representative body. However, under conditions of war, an unstable party system, and weak administrative continuity, this design generated a high risk of governmental crises and instability of the executive vertical, as confirmed by studies on the organization of power during the Central Rada period [1, pp. 29–31].

The Hetmanate model, enshrined in the «Laws on the Provisional State System of Ukraine» [7; 8], effectively introduced a personalized form of governance with the concentration of key powers in the hands of the Hetman. From the perspective of modern classification, this was neither a classical monarchy nor a parliamentary republic; rather, it represented a form of authoritarian stabilization republic with elements of historical legitimation. The government was appointed by the Hetman and was accountable to him, rather than to parliament. Such a model significantly increased the speed of decision-making and the discipline of implementation [2, pp. 31–33; 9], but it simultaneously narrowed mechanisms of democratic control.

The WUPR, especially in its 1920 draft, demonstrates an aspiration toward a more classical separation of powers. The legislative and executive branches were assigned clearly defined competencies, while the head of state did not concentrate absolute authority [12]. This model reflects an attempt to avoid both parliamentary «overload» and personalized concentration of power.

Thus, the form of government during the National Revolution period oscillated between three poles: – parliamentary maximalism (UPR); – centralized stabilization



regime (Hetmanate); – a republican model with normatively established balance of public powers (WUPR). This indicates that Ukrainian constitutional thought sought an optimal balance between representation and governability.

A comparison of the constitutional models of the UPR, the Ukrainian State under Pavlo Skoropadskyi, and the WUPR reveals not merely three different forms of governance, but a broader logic of constitutional evolution in Ukrainian state-building thought under conditions of revolution and war. This trajectory reflects a movement from normative democratic maximalism, through crisis-driven centralization, to an attempt at a balanced legal construction.

The Constitution of the UPR of April 29, 1918 [4] represents a model of a parliamentary republic with the dominance of a representative body and a clear orientation toward the principle of popular sovereignty. Its fundamental idea is the state as an expression of the people's will through democratically elected All-National Assembly. In this structure, the executive branch is derived from parliament rather than functioning as an independent political center. However, the revolutionary context, multi-party fragmentation, and the absence of an established administrative tradition led to the weakness of the executive vertical and difficulties in policy implementation, as emphasized in studies of the transformation of the power structure of that period [1, pp. 29–31; 5]. Thus, the normative democratic nature of the model was combined with institutional instability.

The Hetmanate model of April 29, 1918 [7; 8] emerged as a response to this instability. Its logic was not the negation of the UPR's statehood, but rather an attempt to «reset» it through the concentration of powers and the establishment of a clear administrative vertical. In legal terms, this meant a shift in the center of legitimacy: from parliament to the head of state as the guarantor of order. According to analyses of the constitutional principles of the Hetmanate [2, pp. 31–33], such a construction was aimed at restoring governability, stabilizing finances, forming a professional administrative apparatus, and re-establishing territorial control. At the same time, the political support base of the regime remained limited [11], which generated a deficit of social consensus.

The WUPR, in turn, particularly in its 1920 draft, proposed an attempt at synthesis: a parliamentary form of government was combined with a more advanced legal technique and a clearer distribution of competences [12]. If the Constitution of the UPR was an emotionally charged revolutionary document with a strong democratic pathos, and the Hetmanate laws represented a stabilizing reaction to chaos, then the constitutional developments of the WUPR demonstrate a more «legally mature» approach to balancing power, rights, and procedures.

Thus, a structural pattern can be observed across the three models: democratic legitimacy without sufficient executive capacity generates crisis; crisis-driven centralization without broad legitimacy produces political instability; and attempts to



combine legal systematization with a representative form of government create a more balanced constitutional design.

In this sense, the period of 1917–1921 was not a chaotic set of state-building experiments, but rather a kind of laboratory of constitutional models, in which Ukrainian political thought sought an optimal balance between effectiveness and legitimacy. This dilemma remains central to contemporary Ukrainian constitutionalism as well.

A comprehensive comparative analysis of the constitutional acts of the UPR, the Hetmanate, and the WUPR makes it possible to identify their main differences according to key parameters of state organization. First of all, the source of the legitimacy of power differs significantly. In the UPR [4], it was based on the principle of popular sovereignty and representative democracy, where the parliament played a central role. In the Hetmanate [7; 8], the legitimacy of power had a personalized character and was concentrated around the Hetman as head of state, which was explained by the aspiration for strong executive authority, although such a model had limited social support [11]. In the WUPR [12], representative principles were combined with a more clearly structured legal formalization of authority.

A substantial divergence is also observed in the balance of branches of power. In the UPR, legislative power predominated, while the government was dependent on parliament. In the Hetmanate, by contrast, executive power was dominant, and the Hetman concentrated key competencies [2, pp. 31–33]. The WUPR demonstrates a more balanced model with a clearer separation of powers.

Different approaches are also evident in the sphere of rights and freedoms. The Constitution of the UPR [4] contained the most extensive catalogue of rights, corresponding to its democratic character. In the Hetmanate's normative acts, rights were less systematized, as the main emphasis was placed on strengthening state administration. In the WUPR, rights were articulated more coherently from a legal-technical perspective.

Regarding administrative effectiveness, the Hetmanate demonstrated the highest degree of centralization and decisional speed [1, pp. 32–35; 9], which was crucial under wartime conditions but reduced political flexibility. The UPR had strong democratic foundations but weaker executive discipline.

In the sphere of judicial power, both the UPR and the WUPR more closely adhered to the principles of the rule-of-law state by affirming judicial independence. In the Hetmanate, the judicial system existed but was more dependent on the executive branch.

Thus, none of the models was fully optimal: the UPR ensured democracy but weak governance; the Hetmanate ensured efficiency but lower legitimacy; the WUPR offered a more balanced legal structure, although it was never fully implemented. This historical experience is highly relevant for contemporary Ukrainian constitutionalism,



which continues to require a balance between democracy and effective governance under conditions of crisis.

***The evolution of the idea of popular sovereignty in the constitutional projects of the National Revolution period (1917–1921).*** The idea of popular sovereignty became one of the central conceptual foundations of Ukrainian state-building during the National Revolution. However, its interpretation within different political and legal models of 1917–1921 underwent significant transformation—from a radically parliamentary understanding to a functional-stabilization and legal-institutional reinterpretation.

The initial stage is associated with the activity of the Ukrainian Central Rada and the adoption of the Constitution of the UPR of April 29, 1918 [4]. In this model, popular sovereignty was interpreted in a strictly classical republican sense: the people are the sole source of power, and their will is exercised through the representative body—the All-National Assembly. The constitutional design effectively equated sovereignty with parliament as the direct expression of the people’s will. Such an approach corresponded to the European democratic tradition of the 19th and early 20th centuries, while also reflecting the revolutionary romanticism characteristic of the collapse of the imperial system.

At the same time, the practical experience of the Central Rada demonstrated that formally proclaimed popular sovereignty does not automatically translate into effective state governance. Studies of administrative organization during this period emphasize the fragmentation of authority and the weakness of executive discipline [1, pp. 29–31]. Thus, in the case of the UPR, the idea of popular sovereignty had a strong legitimizing dimension but a weaker institutional one: it defined the source of power but did not ensure an effective mechanism for its implementation.

The Hetmanate of Pavlo Skoropadskyi emerged as a specific response to this crisis in the interpretation of sovereignty. In the «Charter to the Entire Ukrainian People» and the «Laws on the Temporary State Order of Ukraine» [7; 8], popular sovereignty was not explicitly denied; however, its implementation was shifted into a different dimension. State sovereignty was identified with the centralized authority of the Hetman as the guarantor of order and stability. In this model, the people function primarily as a political source of state legitimacy rather than as a direct participant in the ongoing exercise of power. According to scholarly assessments, such a transformation signified a shift from a representative to a functional understanding of sovereignty [2, pp. 31–33].

In other words, whereas in the UPR popular sovereignty was understood as a procedural principle (elections, parliament, representation), in the Hetmanate it acquired the meaning of state sovereignty as the capacity of power to ensure order, international subjectivity, and administrative unity. This evolution reflects a tension between two dimensions of sovereignty: democratic and functional-statist.



In the West Ukrainian People's Republic and in its 1920 constitutional draft, a further development of this idea can be observed [12]. Popular sovereignty is combined with more advanced legal technique and a clearer distribution of powers. Sovereignty is no longer reduced either to parliamentary dominance or to personalized authority; instead, it is embedded in a system of institutional guarantees: human rights, an independent judiciary, and clearly defined competencies of state bodies.

In this context, one can speak of an «institutionalized sovereignty» – a model in which the will of the people is realized through the legal system rather than solely through a political body.

Thus, the evolution of the idea of popular sovereignty in 1917–1921 unfolds through three interrelated stages: the parliamentary-revolutionary stage (UPR), in which the people are viewed as the direct source of power with an emphasis on maximal representation [4]; the stabilization-centralized stage (Hetmanate), in which popular sovereignty is transformed into state sovereignty ensured by a strengthened executive authority [7; 8]; and the institutional-balanced stage (WUPR), in which sovereignty is realized through a system of legal guarantees and separation of powers [12].

For contemporary Ukraine, this historical evolution has particular significance. In conditions of war and martial law, the issue of the relationship between popular sovereignty, democratic legitimacy, and executive capacity becomes especially relevant once again. The experience of 1917–1921 demonstrates that preserving the democratic foundation of sovereignty is not incompatible with a temporary strengthening of executive authority; however, such strengthening must be clearly legally constrained and subject to control.

Thus, popular sovereignty in the era of the National Revolution was not a static doctrine. It evolved under the influence of military, social, and political challenges, which allows this period to be interpreted as an important stage in the formation of Ukrainian constitutional identity.

#### ***Crisis Constitutionalism: Historical Experience and Contemporary Ukraine.***

The experience of 1917–1921 allows us to speak about the phenomenon of crisis constitutionalism – a situation in which constitutions are adopted or amended under conditions of war, external intervention, and internal instability. In such circumstances, the constitution performs a dual function: on the one hand, it must entrench democratic principles; on the other, it must ensure the state's mobilizational capacity.

The UPR chose a model of maximum democratization even in conditions of crisis [4], which underscores the priority of legitimacy through popular representation. The Hetmanate, by contrast, prioritized administrative capacity and centralization [7; 8], proceeding from the assumption that democracy cannot function without order. The WUPR attempted to combine these approaches by building a more legally structured mechanism of governance [12].



For contemporary Ukraine, which operates under conditions of martial law, this experience has direct practical relevance. The constitutional system must provide mechanisms for the temporary strengthening of executive power, but with clearly defined limits, timeframes, and procedures for parliamentary and judicial oversight. Otherwise, emergency powers may transform into a permanent concentration of authority, thereby undermining the democratic balance.

The historical lesson is that effectiveness and legitimacy cannot exist in isolation. The UPR demonstrates the risks of a weak executive vertical; the Hetmanate illustrates the danger of political isolation of a centralized regime; and the WUPR highlights the necessity of systemic coherence and legal technique even under crisis conditions.

***Constitutional Design in Wartime: Historical Lessons and Contemporary Challenges.*** The full-scale armed aggression against Ukraine has brought renewed attention to the issue of constitutional design under prolonged martial law. War creates a specific tension between two fundamental principles of constitutionalism: democratic proceduralism and the need for rapid and centralized decision-making.

The historical experience of 1917–1921 demonstrates that, in wartime conditions, the state may adopt different models of response:

- maximal democratization even under instability (the UPR model [4]);
  - centralized stabilization through the concentration of powers (the Hetmanate [7; 8]);
  - a legally balanced model with a clearly structured institutional framework (the WUPR [12]).
- Contemporary Ukraine, operating under martial law, is in a situation similar to that of 1918: the necessity of defending statehood is combined with the requirement to preserve the democratic nature of the political system. This means that constitutional design must meet three key criteria:

1. Temporariness and legal certainty of emergency powers. Any strengthening of executive authority must be clearly limited in time and subject to procedural oversight by parliament and the judiciary.

2. Preservation of parliamentary oversight. Even under crisis conditions, the representative body must remain the center of legitimacy and public deliberation.

3. Judicial guarantees of proportionality in rights restrictions. Martial law permits limitations on rights and freedoms; however, such restrictions must comply with the principles of necessity and proportionality.

The history of the Hetmanate demonstrates that the concentration of powers without sufficient legitimacy may ensure short-term stability but does not guarantee long-term political resilience.

At the same time, the experience of the UPR shows that excessive procedural fragmentation reduces the state's capacity for mobilization.



Ukraine's contemporary constitutional design must integrate these lessons by forming a model of «controlled centralization»: strengthening executive capacity while preserving a system of checks and balances.

In this context, the historical analysis of the constitutional projects of 1917–1921 acquires not only academic but also practical significance. It demonstrates that Ukrainian constitutional tradition already contains experience with different models of crisis governance; therefore, the modern state does not start from a «zero point» but builds upon its own historical evolution.\

**Conclusions.** The constitutional projects of the National Revolution period (1917–1921) demonstrate that Ukrainian legal tradition already contained, at the beginning of the 20th century, all key elements of modern constitutionalism: the principle of popular sovereignty, parliamentarism, separation of powers, guarantees of human rights, and recognition of territorial integrity and state sovereignty. At the same time, historical experience shows that normative perfection does not guarantee institutional resilience. A parliamentary model without effective executive capacity proves vulnerable in wartime conditions. Authoritarian stabilization may ensure operational efficiency, but without democratic legitimacy it remains short-term in nature.

For contemporary Ukraine, this implies several key conclusions.

First, democratic legitimacy is a necessary condition for the long-term stability of the state. The UPR model confirms the importance of the representative principle [4], while simultaneously demonstrating the need for a strong and professional executive branch.

Second, the concentration of powers may be justified in crisis conditions, but only as a temporary instrument with clearly defined limits and mechanisms for returning to a full constitutional balance [7; 8; 2, p. 33].

Third, a professional civil service is the foundation of any constitutional model. Without administrative capacity, no normative act can ensure effective governance [1, pp. 32–35; 9].

Fourth, legal technique and the structural coherence of constitutional texts enhance state resilience. In this regard, the experience of the WUPR is particularly illustrative [12].

Fifth, contemporary Ukraine must integrate crisis governance mechanisms within its constitutional system without undermining the principles of separation of powers and the rule of law.

In sum, the National Revolution period can be regarded as a testing ground for various models of constitutional organization of power. None of them was perfect; however, each contains elements relevant to contemporary Ukrainian state-building. The optimal model for Ukraine in the 21st century is a combination of democratic legitimacy, effective executive capacity, and systemic legal balance.



## References

1. Sereda A.M. (2009). Orhany derzhavnoho upravlinnia v Ukraini doby hetmanatu P. Skoropadskoho [Public administration bodies in Ukraine during the Hetmanate of P. Skoropadskyi]. *Visnyk Zaporizkoho natsionalnoho universytetu. Yurydychni nauky – Bulletin of Zaporizhzhia National University. Legal Sciences*, 1, 28–35. Retrieved from <https://web.znu.edu.ua/herald/issues/2009/urist-1-2009/28-35.pdf> [in Ukrainian].
2. Ponomarenko A.B. (2025). Pryntsypy konstytutsiinoho ladu Ukrainskoi Derzhavy hetmanatu P. Skoropadskoho [Principles of the constitutional order of the Ukrainian State under the Hetmanate of P. Skoropadskyi]. *Legal Studies Journal*, 3, 30–34. Retrieved from [https://lsej.org.ua/3\\_2025/9.pdf](https://lsej.org.ua/3_2025/9.pdf) [in Ukrainian].
3. Kolesnyk I.A. (2002). Pravovyi status Ukrainskoi Derzhavy Pavla Skoropadskoho [Legal status of the Ukrainian State of Pavlo Skoropadskyi]. *Naukovi zapysky Instytutu zakonodavstva Verkhovnoi Rady Ukrainy – Scientific Notes of the Institute of Legislation of the Verkhovna Rada of Ukraine*, 5, 114–123 [in Ukrainian].
4. Konstytutsiia Ukrainskoi Narodnoi Respubliky (Statut pro derzhavnyi ustrii, prava i vilnosti UNR) vid 29 kvitnia 1918 r. [Constitution of the Ukrainian People's Republic (Statute on the state system, rights and freedoms of the UPR) of April 29, 1918]. Retrieved from <https://zakon.rada.gov.ua/go/n0002300-18> [in Ukrainian].
5. Bevz T. (2018). Transformatsiia vladnoi vertykali u dobu Tsentralnoi Rady [Transformation of the power vertical during the Central Rada period]. Retrieved from [https://ipiend.gov.ua/wp-content/uploads/2018/07/bevz\\_transformatsiia.pdf](https://ipiend.gov.ua/wp-content/uploads/2018/07/bevz_transformatsiia.pdf) [in Ukrainian].
6. Verstiuk V. (1997). *Ukrainska Tsentralna Rada* [The Ukrainian Central Rada]. Kyiv: Zapovit. Retrieved from [https://chtyvo.org.ua/authors/Verstiuk\\_Vladyslav/Ukrainska\\_Tsentralna\\_Rada.pdf](https://chtyvo.org.ua/authors/Verstiuk_Vladyslav/Ukrainska_Tsentralna_Rada.pdf) [in Ukrainian].
7. Hramota do vsioho ukrainskoho narodu vid 29 kvitnia 1918 r. [Charter to the entire Ukrainian people of April 29, 1918]. Retrieved from <https://zakon.rada.gov.ua/go/n0003300-18> [in Ukrainian].
8. Zakony pro tymchasovyi derzhavnyi ustrii Ukrainy vid 29 kvitnia 1918 r. [Laws on the provisional state system of Ukraine of April 29, 1918]. Retrieved from <https://zakon.rada.gov.ua/go/n0004300-18> [in Ukrainian].
9. Pyrih R. (2016). Diialnist uriadiv hetmanatu Pavla Skoropadskoho: personalnyi vymir [Activities of the governments of the Hetmanate of Pavlo Skoropadskyi: personal dimension]. Kyiv: Instytut istorii Ukrainy NAN Ukrainy. Retrieved from [https://chtyvo.org.ua/authors/Pyrih\\_Ruslan/Diialnist\\_uriadiv\\_hetmanatu\\_Pavla\\_Skoropadskoho\\_personalnyi\\_vymir.pdf](https://chtyvo.org.ua/authors/Pyrih_Ruslan/Diialnist_uriadiv_hetmanatu_Pavla_Skoropadskoho_personalnyi_vymir.pdf) [in Ukrainian].
10. Kravchuk O. (2018). Hubernski starosty Ukrainskoi Derzhavy 1918 r.: materialy do biohrafii [Provincial elders of the Ukrainian State of 1918: materials for biographies]. Retrieved from <https://dspace.vnmu.edu.ua/bitstream/handle/123456789/8055/> [in Ukrainian].
11. Liubovets O.M. (2013). Politychna opora hetmanatu P. Skoropadskoho [Political support of the Hetmanate of P. Skoropadskyi]. *Ukrainskyi istorychnyi zhurnal – Ukrainian Historical Journal*, 3, 45–62. Retrieved from [https://www.irbis-nbuv.gov.ua/cgi-bin/irbis\\_nbuv/cgiirbis\\_64.exe](https://www.irbis-nbuv.gov.ua/cgi-bin/irbis_nbuv/cgiirbis_64.exe) [in Ukrainian].
12. Tymchasovyi osnovnyi zakon pro derzhavnu samostiinist ukrainskykh zemel buvshoi avstro-uhorskoj monarkhii vid 13 lystopada 1918 r. [Provisional fundamental law on the state independence of Ukrainian lands of the former Austro-Hungarian monarchy of November 13, 1918]. Retrieved from <https://zakon.rada.gov.ua> [in Ukrainian].



13. Pyrih R. (2011). *Ukrainska hetmanska derzhava 1918 roku* [The Ukrainian Hetman State of 1918]. Kyiv: Instytut istorii Ukrainy NAN Ukrainy. Retrieved from <https://history.org.ua/LiberUA/978-966-02-6005-4/978-966-02-6005-4.pdf> [in Ukrainian].
14. Pshenyshna O. (2018). *Formuvannia pershoho uriadu Ukrainskoi Derzhavy ta uriadovi kryzy 1918 r.* [Formation of the first government of the Ukrainian State and governmental crises of 1918]. Retrieved from <https://eprints.zu.edu.ua/6808/2/> [in Ukrainian].
15. Lazor O.Ya. (2023). *Porivnialna kharakterystyka stanovlennia ta rozvytku derzhavnoi sluzhby v dobu Hetmanatu i nastupnykh uriadiv* [Comparative characteristics of the formation and development of civil service during the Hetmanate and subsequent governments]. *Vcheni zapysky TNU imeni V.I. Vernadskoho. Serii: Publichne upravlinnia ta administruvannia – Scientific Notes of V.I. Vernadsky TNU. Series: Public Administration*, 34(73), 3, 1–10. Retrieved from [https://www.pubadm.vernadskyjournals.in.ua/journals/2023/3\\_2023/4.pdf](https://www.pubadm.vernadskyjournals.in.ua/journals/2023/3_2023/4.pdf) [in Ukrainian].
16. Shandala O. (2015). *Zakonodavstvo pro hromadianstvo v Ukrainskii Derzhavi P. Skoropadskoho* [Citizenship legislation in the Ukrainian State of P. Skoropadskyi]. *Yurydychnyi zhurnal – Legal Journal*, 6, 35–41. Retrieved from <https://www.jurnaluljuridic.in.ua/archive/2015/6/10.pdf> [in Ukrainian].
17. Serdiukov O.O. (2024). *Derzhavno-pravova realnist lehitymatsii derzhavnoi vlady u chasy hetmanstva Pavla Skoropadskoho* [State-legal reality of legitimization of state power during the Hetmanate of Pavlo Skoropadskyi]. *Legal Bulletin*, 14, 30–34. <https://doi.org/10.31732/2708-339X-2024-14-A4> [in Ukrainian].
18. Bortnikov V. (Ed.). (2018). *Ukrainska Derzhava Pavla Skoropadskoho: zdotky i prorakhunky* [The Ukrainian State of Pavlo Skoropadskyi: achievements and miscalculations]. Lutsk. Retrieved from <https://www.istvolyn.info/storage/uploads/zktrEu2ELnxiQt7SS5JTUEB8hV96J8CICSNF1Brg.pdf> [in Ukrainian].
19. Turchenko F.H. P. Skoropadskyi i M. Mikhnovskyi: do pytannia politychnykh stratehii 1918 roku [P. Skoropadskyi and M. Mikhnovskyi: on the issue of political strategies of 1918]. Retrieved from <https://nasplib.isofts.kiev.ua/server/api/core/bitstreams/> [in Ukrainian].
20. Skoropadskyi P. *Spohady. Kinets 1917 – hruden 1918* [Memoirs. Late 1917 – December 1918]. Retrieved from [https://chtyvo.org.ua/authors/Skoropadskyi\\_Pavlo/Spohady/](https://chtyvo.org.ua/authors/Skoropadskyi_Pavlo/Spohady/) [in Ukrainian].
21. Ostashko T. *Spomyny hetmana Pavla Skoropadskoho (arkheohrafichni znakhidky)* [Memoirs of Hetman Pavlo Skoropadskyi (archaeographic findings)]. Retrieved from [https://chtyvo.org.ua/authors/Ostashko\\_Tetiana/](https://chtyvo.org.ua/authors/Ostashko_Tetiana/) [in Ukrainian].
22. Kravchuk M., Martsiias I. *Osoblyvosti mizhnarodnykh vidnosyn za hetmana P. Skoropadskoho* [Features of international relations under Hetman P. Skoropadskyi]. Retrieved from <http://appj.wunu.edu.ua/index.php/appj/article/view/745/735> [in Ukrainian].

#### Література:

1. Серета А. М. Органи державного управління в Україні доби гетьманату П. Скоропадського // Вісник Запорізького національного університету. Юридичні науки. 2009. № 1. С. 28–35. URL: <https://web.znu.edu.ua/herald/issues/2009/urist-1-2009/28-35.pdf> (дата звернення: 27.02.2026).
2. Пономаренко А. Б. Принципи конституційного ладу Української Держави гетьманату П. Скоропадського // *Legal Studies Journal*. 2025. № 3. С. 30–34. URL: [https://lsej.org.ua/3\\_2025/9.pdf](https://lsej.org.ua/3_2025/9.pdf) (дата звернення: 27.02.2026).
3. Колесник І. А. Правовий статус Української Держави Павла Скоропадського // *Наукові записки Інституту законодавства Верховної Ради України*. 2002. № 5. С. 114–123.