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**PARTICIPATION OF IHOR YUKHNOVSKY
IN THE CONSTITUTIONAL PROCESSES OF 1990 – 1996**

Abstract. *The purpose of the study is to elucidate the content of I. Yukhnovsky's activity as a lawmaker and an active participant in the constitutional processes of the first half of the 1990s. The research methodology.* The main methods used in the study of this issue were: comparative and historical, chronological, historical and genetic, historical and typological, synchronous, as well as biographical and prosopographic approaches. There were useful oral history materials in the form of memoirs and interviews of participants and witnesses of the events of 1990 – 1996. **The Scientific Novelty.** Despite the special role of Academician I. Yukhnovsky in the development of constitutionalism in Ukraine, there are no scientific studies in domestic historiography which would shed light on his contribution to constitutional rule-making. **The Conclusions.** In the article there has been elucidated I. Yukhnovsky's participation in the activities of the Constitutional Commission of 1990 – 1993, and elaboration of the Concept of the Basic Law in June of 1991; there has been characterized the activity of the democratic bloc of the People's Council, the leader of which I. Yukhnovsky was, in search of a political compromise with the

pro-communist majority of the Verkhovna Rada for the formation of democratic principles of a domestic constitutional process. In the article there have been also highlighted the measures of I. Yukhnovsky to overcome the contradictions between the legislative and executive branches of power in Ukraine and resumption of work on the Basic Law; and there has been also characterized his participation in achieving a political parity in the form of the Constitutional Agreement of 1995 in the work on the final version of the Constitution of Ukraine. It is stated that I. Yukhnovsky always tried to combine the best achievements of world constitutionalism with the historical traditions of the Ukrainian state formation.

Key words: Ihor Yukhnovsky, the Constitution of Ukraine, People's Rada, Verkhovna Rada of Ukraine, Concept of the Constitution, Leonid Kuchma, Constitutional Agreement.

УЧАСТЬ ІГОРЯ ЮХНОВСЬКОГО В КОНСТИТУЦІЙНИХ ПРОЦЕСАХ 1990 – 1996 рр.

Анотація. Мета дослідження передбачає розкриття змісту діяльності І. Юхновського як законотворця й активного учасника конституційних процесів першої половини 1990-х років. **Методи дослідження.** Основними методами, що були задіяні під час дослідження цієї теми стали: порівняльно-історичний, хронологічний, історико-генетичний, історико-типологічний, синхронний, а також біографічний та просопозографічний підходи. Корисними стали матеріали усної історії у вигляді спогадів та інтерв'ю учасників і свідків подій 1990 – 1996 рр. **Наукова новизна.** Незважаючи на особливу роль академіка І. Юхновського у розвитку конституціоналізму в Україні, у вітчизняній історіографії відсутні наукові дослідження, які б висвітлювали його вклад у конституційну нормотворчість. **Висновки.** У статті розкрито участь І. Юхновського в діяльності Конституційної комісії 1990 – 1993 рр., розробці Концепції Основного Закону в червні 1991 р.; охарактеризовано діяльність демократичного блоку Народної Ради, лідером якого був І. Юхновський, у пошуках політичного компромісу із прокомуністичною більшістю Верховної Ради для формування демократичних принципів вітчизняного конституційного процесу. У статті також відображено заходи І. Юхновського щодо подолання суперечностей між законодавчою і виконавчою гілками влади в Україні й відновлення роботи над Основним Законом, а також показана його участь задля досягнення політичної паритетності у вигляді Конституційної Угоди 1995 р. в роботі над остаточним варіантом Конституції України. Констатується, що І. Юхновський завжди у своїй діяльності намагався поєднувати кращі досягнення світового конституціоналізму із історичними традиціями українського державотворення.

Ключові слова: Ігор Юхновський, Конституція України, Народна Рада, Верховна Рада України, Концепція Конституції, Леонід Кучма, Конституційна Угода.

The Problem Statement. The period of 1990 – 1996 was decisive in the formation of the Ukrainian sovereignty, during which a significant component of the state-building processes was the activity of deputies of the Verkhovna Rada on the creation of a new Constitution (Basic Law) of Ukraine. Despite the fact that Ukraine was one of the first Soviet republics to gain independent status, the constitutional process in the young state was completed only on June 28, 1996. Until that time, the Soviet Constitution of 1978 was in force with numerous amendments and changes, which often contradicted each other and did not provide a full-fledged regulation of the state and legal relations. Academician Ihor Yukhnovsky, the leader of the first parliamentary opposition, who became an iconic figure during the formation of the Ukrainian statehood, was an active participant in all constitutional processes that took place during the years of independence.

The Analysis of Recent Researches and Publications. Despite the importance of the figure of I. Yukhnovsky for the recent Ukrainian history, among the scientific works devoted to this period there is neither comprehensive study of the personality of a prominent scientist and politician, nor those studies in which I. Yukhnovsky's participation would be considered in one of the many areas of his activity. In particular, this concerns the issue of the opposition leader's

participation in the drafting of the Constitution of Ukraine. However, the process of writing the Basic Law was often the subject of reflection of the Ukrainian scholars, who could not omit the figure of I. Yukhnovsky in their researches. Among them there could be singled out «The Anthology of the Constitutional Process in Modern Ukraine», published by the Razumkov Center in 2017 (Musiiaka, 2017). This paper presents the most important sources for studying the peculiarities of the creation of the Basic Law in independent Ukraine. “The Anthology of the Constitutional Process in Modern Ukraine” also contains expert-analytical materials and comments of scholars aimed at explaining certain stages of the constitutional process.

In honor of the fifteenth anniversary of the Ukrainian Constitution, a scientific article by Mark Orzikh and Albert Ezerov “The Constitution of Ukraine is in Force, Constitutional Transformations are Underway” was published (Yezerov & Orzikh, 2011), in which the authors elucidate the political background in the Soviet Union and Ukraine, which made it possible first to make amendments to the Constitution of 1978, and later to write a new Basic Law of the republic.

The issue of creating the Basic Law is highlighted in a comprehensive study of the state-building processes in Ukraine by V. Lytvyn in the research “Ukraine: Experience and Problems of the State-building (the 90s of the XXth century)” (Литвин, 2001). In the monograph, the historian analyzed the decades of Ukraine’s independence through key events in its history, describing the influential figures of the time.

The media were important for doing the research, in which both I. Yukhnovsky and his associates covered the events of the 1990s, the original sources obtained from the analysis of transcripts of plenary sessions of the Verkhovna Rada of Ukraine (hereinafter – the VRU). The study of these materials gave the opportunity to analyze and understand the position in the Parliament of I. Yukhnovsky and other democrats, who were often forced to justify the necessary provisions of the Constitution for an independent state in the confrontation with pro-Russian political forces.

The Purpose of the Article. The study aims at determining the stages of work on the creation of the Basic Law through the prism of the activities of an opposition leader, a democrat, I. Yukhnovsky. Important for the elucidation and characterization of the complex formation process of the Ukrainian legislation is understanding of the political environment, which in the 1990s was heterogeneous and contradictory, that complicated and delayed the process of writing the Basic Law. The article focuses on the analysis of the path taken by the Ukrainian Democrats led by I. Yukhnovsky in order to adopt the Ukrainian Constitution and fill it with patriotic content successfully.

The Main Material Statement. Work on constitutional transformations began in the Ukrainian parliament immediately after the adoption of the Declaration of State Sovereignty and aimed at laying the basis for the realization of independence and the country’s economic independence. In October of 1990, the Verkhovna Rada deputies began discussing amendments to the Constitution of the USSR, in particular, Sections 6 and 7 – “Local Bodies of State Power and Administration” and “State Plan of Economic and Social Development and State Budget of the Ukrainian SSR”. The analysis of the transcripts of the plenary sessions shows that the people’s deputies sought to discuss all possible articles and changes related to them at the same time, which created a certain inconsistency. In this regard, I. Yukhnovsky proposed not to create a holistic constitutional document at once, but to amend and work on articles gradually, starting with the items set by the Commission on Legislation and Legality on October 8, namely the government, parties and the prosecutor’s office (Verkhovna Rada Ukrainy, 08.10.1990). This suggestion was supported by the parliament and the Basic Law

was amended on October 24 (Pro zminy i dopovnennia Konstytutsii (Osnovnoho Zakonu) Ukrainskoi RSR, 1990, p. 606). On the same day, the Verkhovna Rada of the Ukrainian SSR analyzed the issue of forming a Constitutional Commission (Verkhovna Rada Ukrainy, 24.10.1990), which included Academician I. Yukhnovsky (Pro Komisiu po rozrobtsi novoi Konstytutsii Ukrainskoi RSR, 1990, p. 607). In more than six months of its activity, the Commission worked out seven versions of the Constitution, which allowed to start considering the formation of the Concept of the Basic Law in June of 1991.

After reviewing the draft document and discussing it with deputies from the Narodna Rada opposition bloc, its chairman, I. Yukhnovsky, delivered a report to parliament which reflected the position of his colleagues on constitutional changes. He noted that the opposition was ready to support the draft Concept, taking into consideration certain amendments. The Democratic Parliamentary Union did not agree with the wording “socialist” in the name of the republic, but instead offered to leave formulation “The Republic of Ukraine”, which corresponded to European tradition. According to I. Yukhnovsky, the socialist type of state discredited itself in the past and could not be transferred to the Basic Law of the future. From a scientific point of view, the scientist criticized the reform foundations of the Soviet Union proposed by the Kremlin leadership, headed by Mykhailo Gorbachov, and considered it inexpedient to preserve the previous principles on which the Soviet state system was built.

The deputies of the People’s Council categorically objected to the attempt of the Communist majority to preserve in the draft Basic Law the provisions on the republic’s entry into the future Union of Sovereign States. The opposition leader believed that such project threatened the entire model of Ukraine’s development as a sovereign state. The scientist saw the existence of the USSR only on the fundamental principles of international law in the form of economic and defense cooperation of fifteen independent republics (Verkhovna Rada Ukrainy, 15.05.1991). However, the opposition leader’s insistence on removing the provision from the draft was not supported (Pro Kontseptsiiu novoi Konstytutsii Ukrainy, 1991, s. 466).

The August events of 1991 made adjustments to the constitutional processes in Ukraine. After the collapse of the Soviet Union, it became clear that legal regulation in an independent state should be based on new principles, which led to a revision of the Concept of the Basic Law. On July 1, 1992, the Parliament considered the draft of the new Constitution and decided to submit it for public discussion (Pro proekt novoi Konstytutsii Ukrainy, 1992, p. 550). During the first months of public discussion on the draft, the Constitutional Commission received more than 50 000 comments and suggestions.

Later, on October 8, 1993, the Parliament passed a resolution according to which the draft Basic Law was to be finalized based on the results of the public discussion and submitted to the Verkhovna Rada (Pro proektnovoi Konstytutsii Ukrainy, 1993, p. 403). The final version was proposed by the Constitutional Commission on October 26, 1993 (Musiiaka, 2017, p. 20), which can be considered the completion of the first stage of the constitutional process in Ukraine.

At the end of 1993 and the beginning of 1994, the political situation worsened and any progress towards the adoption of the Basic Law was impossible due to the sharp confrontation between the president and parliament, caused mainly by the division of spheres of influence. The majority of deputies of the Verkhovna Rada insisted on the preservation of the foundations of the Constitution of 1978 and did not accept the version with the vertical of power, which originates from the President. Discussions continued on the question – which republic Ukraine should become – parliamentary or presidential. The parliamentary elections in March and the presidential elections in June of 1994 marked a new stage in the work on the Constitution.

In May of 1994, the Verkhovna Rada of the second convocation began its work, and I. Yukhnovsky became its deputy again. At the first sessions of the new Parliament the academician headed the deputy group “Derzhavnist” (Statehood) (Verkhovna Rada Ukrainy, 25.05.1994), which initially included 25, and a year later the number increased to 29 members, who were representatives of the national democratic parties (the Ukrainian Republican Party, the Democratic Party of Ukraine) and national radical (the Congress of Ukrainian Nationalists), as well as non-party deputies, who made up the majority of the group (Liubovets, 2011, p. 157). The deputy group “Derzhavnist” (Statehood) worked for two years and during this period often became the driving force of constitutional changes in the state.

In October of 1994, the Parliament began discussing the future composition of the Constitutional Commission and the principles of its formation. The option of proportional representation proposed by the “left” was unacceptable for democratic parties, because it involved as many as four Communist deputies. The candidacies from the Communist Party, H. Kriuchkov and O. Kotsiuba, caused a particular indignation, and were criticized by I. Yukhnovsky in his speech, who emphasized their unprofessionalism and anti-Ukrainian position. The Academician did not support proportional representation from factions and groups in the Constitutional Commission, arguing that such Commission required exceptional professionalism and experience, which is difficult to achieve by introducing quantitative quotas. (Verkhovna Rada Ukrainy, 13.10.1994). However, parliamentarians once again did not listen to his words.

On October 21, 1994, the Verkhovna Rada adopted the conditions for the formation of the Constitutional Commission, among which there was the principle of proportional representation, which allowed the Communists to delegate four deputies, but without the candidacies of H. Kriuchkov and O. Kotsiuba (Pro sklad Komisii z opratsiuvannia proektu novoi Konstytutsii Ukrainy (Konstytutsiinoi komisii), 1994, p. 419).

The new Constitutional Commission, having received the status of “national”, began its activities on November 10, 1994 and consisted of fifteen deputies under the quota of the President, the Chairman of the Constitutional Court of Ukraine, two representatives from the Supreme and two from Supreme Arbitration Courts and the Prosecutor General’s Office, one from the Autonomous Republic of the Crimea, the Secretary of the Commission and two Co-chairmen, the President L. Kuchma and O. Moroz, the Chairman of the Verkhovna Rada of Ukraine (Pro chyselnyi sklad Komisii z opratsiuvannia proektu novoi Konstytutsii Ukrainy (Konstytutsiinoi Komisii), 1994, p. 367). The draft Constitution of October 26, 1993 was taken as the basis for the work of the Constitutional Commission.

Despite the fact that the executive and legislative branches of power in the country were changed, this did not speed up the work on the adoption of the Basic Law, because the reason for the discussions remained the same – the division of powers between the Parliament and the President. In December of 1994, L. Kuchma submitted to the deputies the draft of the Constitutional Law “On State Power and Local Self-Government in Ukraine”, which was to delineate the spheres of influence clearly between the legislative, executive and judicial branches of power, and to solve other issues of a public life (Verkhovna Rada Ukrainy, 30.05.1995). In the Verkhovna Rada, there was a widespread opinion about the expediency of choosing the form of the state at a national referendum, according to the results of which a new parliament was to be convened. Some deputies, including V. Stepanko, were ready to quit their deputy mandates due to new constitutional circumstances (Verkhovna Rada Ukrainy, 24.05.1994).

After numerous debates and discussions on May 18, 1995, the law “On State Power and Local Self-Government in Ukraine” was adopted, which provided for the suspension of

certain provisions of the Constitution of 1978 until the entry into force of the new Basic Law (Verkhovna Rada Ukrainy, 30.05.1995). However, this document did not tackle the problem of contradictions of the Ukrainian authorities. Then I. Yukhnovsky addressed the people's deputies with a proposal to demonstrate to the society the unity and coherence of the state power actions by signing an agreement by L. Kuchma and O. Moroz, which would enshrine the principles of their cooperation.

An important condition for the adoption of such document had to be the following: both sides should not raise the issue of trust in each other at the referendum and not to initiate changes in the state system before the adoption of the Constitution. (Verkhovna Rada Ukrainy, 18.05.1995). Thus, the document was to play the function of a temporary law for a transitional period. I. Yukhnovsky was convinced that under the conditions of political crisis such act would become almost the only chance to establish cooperation between the President and Parliament and would make it possible to create a new parliamentary majority and ensure more effective legislative activity of the state power (Verkhovna Rada Ukrainy, 25.05.1995).

Therefore, on May 30, 1995, on behalf of eight groups and factions, including "Center", "Agrarian of Ukraine", "Reforms", "Unity", "Statehood", "The Independent", the Interregional Deputy Group and the faction the People's "Rukh" of Ukraine, V. Omelich, a deputy, suggested supporting the adoption of the Constitutional Agreement on the basic principles of organization and functioning of the state power and local self-government in Ukraine for the period prior to the approval of the Basic Law (Verkhovna Rada Ukrainy, 30.05.1995). However, the opinions of deputies on this issue were divided, and its discussion dragged on in numerous discussions and debates for several days. The difficult process of finding a compromise between the president and parliament was complicated by the nationwide poll initiated by L. Kuchma on May 31, 1995. The nationwide poll on trust in L. Kuchma and the Verkhovna Rada was scheduled for June 28 of the same year (Pro provedennia opytuvannia hromadskoi dumky z pytan doviry hromadian Ukrainy Prezydentovi Ukrainy ta Verkhovnii Radi Ukrainy, 1995), which made it impossible to sign any agreements. This step by the president caused a wave of indignation among the deputies, because the decision of the plebiscite could not be in favor of the people's deputies due to numerous protracted decision-making processes, partly caused by L. Kuchma. However, representatives of the democratic forces were able to make the situation less tense, in particular, owing to the efforts of I. Yukhnovsky and his colleagues from the deputy group "Derzhavnist" (Statehood), who managed to convince colleagues of the need for such document (Semkiv, 2010). As a result, the parliament supported the Constitutional Agreement by a simple majority of votes – 240 deputies voted in favor (Konstytutsiinyi Dohovir, 1995, p. 133).

To certify the recognition of the document by representatives of other states, the academician suggested the President signing the Agreement holding a solemn ceremony with the participation of international delegations (Verkhovna Rada Ukrainy, 30.05.1995). The event took place on June 8, 1995 in the Mariinsky Palace, where I. Yukhnovsky was invited. The Constitutional Agreement, signed by L. Kuchma and O. Moroz, consisting of 61 articles, among other things, obliged the authorities to adopt a new Basic Law not later than one year after this event. On the same day, the President abolished his previous decree on the nationwide poll on trust in the legislature and executive powers (Hasiuk, 1995, p. 790).

The idea of the Agreement was regarded in parliamentary circles ambiguously. In particular, it was considered an "act of capitulation" of parliamentarians to the president because no concessions were made to the Verkhovna Rada (Verkhovna Rada Ukrainy,

31.05.1995). R. Bezsmertny, one of the authors of the Agreement, who in 1995 was the secretary of the deputy group “Derzhavnist” (Statehood) considered the document a unique case of parliamentarism not only because he and his colleagues worked on it, but also because it was justified in the end (Samokhvalova, 2016).

Such actions of the Ukrainian authorities in the constitutional process were highly appreciated at the geopolitical level. During the ceremony, Italian Ambassador to Ukraine Vittorio Surdo stated about the confidence of the international community that “a democratic and stable Ukraine is an important subject of European security” (Hasiuk, 1995, p. 790). Signing of the document was regarded by European experts as an example of achieving a civilized legal solution to the problem, which aimed at establishing a constitutional order in the country (The European Commission for Democracy through Law, 1995). This international body, the Venice Commission, was involved into the drafting of the Ukrainian Constitution since 1992. The Venice Commission provided professional support and expert analysis of draft versions of the Basic Law. Until 1995, this work took place at an unofficial level and was not documented by any regulations (Ilkov, 2016, p. 19). In considering Ukraine’s application to join the Council of Europe, the Constitutional Agreement served as an argument in favor of a positive solution to the issue (Parliamentary Assembly, 1995) on November 9, 1995 (Council of Europe, 1995).

The first half of 1996 was the final stage on the way to the adoption of the new Basic Law. The first reading of the Constitution draft began on March 28 and lasted until June 4. However, its representation in parliament did not receive an immediate extension by involving the necessary regulatory procedure for work on the bill, which resulted in the process delay.

O. Moroz suggested the idea of creating a Temporary Special Commission to consider the Constitution at the beginning of April of 1996. It was envisaged to form a new structure of representatives of deputy groups and factions on a proportional basis with a quota of at least two delegates from each, with one vote from 25 deputies of Ukraine. I. Yukhnovsky opposed the proportional distribution of seats again, but together with his colleagues they supported the idea of representing one deputy from a group or faction with the right to change the delegate. As a result of the discussions, proportional representation was preserved with the right of the commission to choose the voting process independently (Verkhovna Rada Ukrainy, 04.04.1996).

In order not to deviate from the constitutional process, on April 4, 1996, factions and groups representatives of national democratic and liberal orientation, on their own initiative, set up an Inter-Factional Conciliation Group to finalize the draft of the Constitution (Musiiaka, 2017, p. 24), which I. Chyzh, the deputy from the socialists, called it at first “amateur”, and after the presented results of activity, he changed the name to “initiative” (Verkhovna Rada Ukrainy, 05.05.1996). Under conditions of instability and uncertainty, in February of 1996 I. Yukhnovsky was the first one to suggest assembling to write the Constitution on the basis of the draft proposed by L. Kuchma. About twenty deputies came to the first meeting, which was a great result (Disiuk, 2017). Subsequently, there was communication with people’s deputies of different factions, and on May 1, the meeting was attended by O. Moroz, the Speaker (Yak pysaly Konstytutsii Ukrainy: rozpovid vid odnogo z avtoriv, 2019). According to I. Yukhnovsky, they began working on the Constitution arbitrarily, “nobody summoned” them. The deputies of the initiative group started working on the Constitution in a side corridor on the second floor of the Verkhovna Rada. In some period of time, when the basic provisions of the Basic Law had already been written, O. Moroz delegated the socialists

to the initiative group, which caused a revision of all passed points (Kurovets, 2014). Among those who joined the work during the initial period of the initiative group's activity there were no communists, who defended the preservation of the Constitution of 1978 (Yak pysaly Konstytutsiiu Ukrainy: rozpovid vid odnoho z avtoriv, 2019). I. Yukhnovsky made an emotional speech on this occasion that, regardless of official recognition, they would complete their work honestly and agree on the project with the President and the Speaker, and later sign it by the majority of deputies (Verkhovna Rada Ukrainy, 04.04.1996).

However, even after the Commission was formed with the representation of all political forces, the work was still often delayed due to openly destructive proposals of the deputies of the "left" parties. Despite all the difficulties, on May 17, 1996, the Temporary Special Commission approved the final version of the draft Constitution and submitted it to the Verkhovna Rada of Ukraine.

On May 28, 1996, when the draft was resubmitted for the first reading, the socialists and the communists staged a political *démarche*, which was demonstrated by the refusal to register in the session hall, and after the beginning of the plenary session – by initiating breaks and proposals to postpone consideration of the document. The decision to adopt the draft Constitution during the first reading, proposed by the Temporary Special Commission, was adopted on June 4, 1996.

The final period of the constitutional process began on June 19, 1996, but the results of work on it remained unpredictable until the very end, because of non-acceptance of those results by the "left" part of the deputy corps. The supporters of the President aspired to preserve a rigid vertical of L. Kuchma's power (Musiiaka, 2017, p. 26).

The most controversial issues were the distribution of powers between the branches of power, the problem of property, the state symbols, the status of the Ukrainian language and the status of the Autonomous Republic of the Crimea, which led to the creation of separate groups to work on the above mentioned issues (Yezerov & Orzikh, 2011, p. 34). In these disputes, the President's position was supported by the National Democrats, and their opponents were the CPU and SPU factions. In particular, representatives of the CPU made amendments to grant the Verkhovna Rada of the Autonomous Republic of the Crimea the right of legislative initiative in the Verkhovna Rada of Ukraine. The emotional atmosphere in the session hall was very tense (Lytvyn, 2001, p. 470).

On June 21, the Verkhovna Rada began considering the text of the draft Constitution, starting with the preamble. Each article was considered separately and the author of the proposal or remark could justify his position in his speech. Such an experience was a precedent for the history of the Ukrainian parliamentarism (Musiiaka, 2017, p. 27).

On the eve of the adoption of the Basic Law, there was no unity in the highest echelons of power in the vision of the constitutional order of the state. L. Kuchma monitored the process constantly, analyzing each article of the future Constitution. I. Yukhnovsky mentioned that the text often needed editing, because the President did not always like something (Kurovets, 2014). L. Kuchma's team prepared 12 proposals to be included into the text of the Basic Law. After rejecting the majority of the items, the President convened the Council of heads of regional state administrations, and then – the National Security Council. In addition, a meeting with the leaders of the factions was planned, to which L. Kuchma was late for several hours deliberately, thus creating moral pressure on politicians.

The President stated that he had signed the Decree appointing a referendum on the draft Constitution on September 25, amended by the Constitutional Commission of March 11,

1996. This Decree was a direct violation, because according to the Agreement concluded between the Parliament and the President: “Until the adoption of the new Constitution, the Agreement Parties shall not submit to an all-Ukrainian referendum, consultative referendum and public opinion polls the issues other than the adoption of the new Constitution of Ukraine, the text of which will be agreed” (Konstytutsiyni Dohovir, 1995, p. 133).

It was assumed that the draft Constitution version of the Parliament was to be put to a referendum, as L. Kuchma insisted (Tse bula, 2011). I. Yukhnovsky always shared that opinion, presenting this idea both to the President and to the working deputy group. However, this version was supported by 72 deputies only, in particular, due to the threat of aggravation of the political crisis as a result of the Parliament dissolution (Kurovets, 2014).

The presidential Decree forced the Verkhovna Rada to speed up the work on the draft Constitution. Under such circumstances, on the morning of June 27, 1996, O. Moroz suggested that the deputies should not have left the Verkhovna Rada hall until the text of the Constitution was adopted finally. The work lasted all day and all night from June 27 to 28, and every article of the Basic Law was discussed and debated, beginning with a preamble in which there was the phrase «before God», which confused the atheists. Then O. Moroz solved this situation by adding to the previous wording the words “before conscience” for those who did not believe in God (Musiiaka, 2017, p. 27).

On June 28, 1996, at 9:20 a.m., the Parliament adopted the Constitution of Ukraine: 315 people’s deputies voted in favor (Verkhovna Rada Ukrainy, 28.06.1996). This day became a fateful one for the whole Ukrainian society, as the rights and responsibilities of the Parliament, the Autonomous Republic of the Crimea and local self-government bodies were defined. According to the Basic Law, the President gained almost complete control over the formation of the Cabinet of Ministers, the leadership of central and local executive bodies. The political influence of the Verkhovna Rada as a representative body decreased (Musiiaka, 2017, p. 27). In terms of presidential powers, the Ukrainian legislation had similar features to the Russian one. L. Kuchma managed to fill the content of the Basic Law with provisions that would allow him, as the head of the state, to build a rigid vertical of power. Only in Russia and Belarus the President had more rights and opportunities (Berghun, Sedelius, 2012, p. 25). Yu. Barabash, a lawyer, referring to the European experience of constitutionalism, believes that the Ukrainian Basic Law of 1996 did not differ much from its Soviet prototype. Only after the Orange Revolution and the reform of the Constitution our legislation became more similar to the European standards (Kozachenko, 2016, p. 7).

According to I. Yukhnovsky, the Constitution of 1996 was a vital process for the state. However, it was far from perfect, as it was created during the political instability of the Parliament and the dominance of the descendants of the previous regime, which led to the acceptance of the conditions of the socialists and communists – to allow some ideological vagueness, not to emphasize the importance of the Ukrainian language, to ignore the education of patriotism of the nation (Iukhnovskiy, 2018). The last item was and remains the main problem of the Basic Law, which failed to be solved after the decades of existence of an independent state.

The Conclusions. Thus, during the period of 1990 – 1996, under conditions of political instability and economic crisis, the work began on the formation of the Basic Law of the country, which took place in several stages and was complicated by constant confrontations between representatives of various branches of power and various political camps. Under these circumstances, I. Yukhnovsky and his associates, at first from the People’s Council

and then from the deputy group “Derzhavnist” (Statehood), took a decisive position on creating the Constitution with national interests and ensuring Ukraine’s sovereign status. The academician was an active figure in all key events of the writing process of the Basic Law. I. Yukhnovsky was a member of the first Constitutional Commission and elaborated a draft Concept of the Constitution, defended the fundamental principles for the people of the country in the Parliament hall. He helped to overcome the political crisis of the mid-1990s and facilitated signing of the Constitutional Agreement, which was a compromise between the legislative and executive branches of power. In April of 1996 the formation of the initiative group was the key to the positive result of the constitutional changes that became possible, in particular, due to the persistence and hard work of I. Yukhnovsky, who managed to organize the activities of the democratic corps of the Verkhovna Rada, coordinating the interests of often conflicting political forces in the Parliament of independent Ukraine.

The theme of the article can be continued in the future scientific researches on the issues of I. Yukhnovsky’s participation in the constitutional processes of 2004, and writing his own draft of the Basic Law with a two-chamber Parliament, which the academician tried to implement many times during the years of his political activity.

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