

THE MUNICIPAL LEGAL AWARENESS: STRUCTURAL ANALYSIS

Denis O. Bobrovnyk, PhD in Economics, doctoral student of the Institute of Legislation of the Verkhovna Rada of Ukraine, director of the Baymuratov and Partners Lawyers' Alliance (Ukraine).

E-mail: bobrovnyk@ukr.net

DOI: 10.32342/2709-6408-2022-2-5-2

Key words: *local self-government, constitutionalization of international law, internationalization of constitutional law of states, municipal law, global constitutionalism, public power, decentralization, local democracy, territorial community.*

The article is devoted to the study of the structure of municipal legal consciousness, which plays a special role (along with municipal psychology) in the processes of forming the globalist potential of the territorial community. This is the first time that this topic has been studied in domestic law. The author notes that the structure of municipal legal awareness, as well as the general phenomenology of legal awareness, consists of the following elements: legal (municipal-legal) psychology, legal (municipal-legal) ideology and legal (municipal-legal) behavior. The author asserts that, as a phenomenon, legal profile psychology a priori arises at the municipal-legal level, that is, at the local level of the existence of society, because it is the person, his groups and associations that exist and function precisely at the level of territorial communities. Legal (municipal-legal) ideology, as a structural element of municipal legal awareness, encompasses knowledge, ideas, concepts about the content of law, including municipal law normative regulations, which are formed as a result of legal education and legal scientific research. The author considers that, unlike municipal legal psychology, which is formed mainly spontaneously, depending on subjective events in municipal life and the experience of past generations, municipal legal ideology is formed in a systemic way as a result of: a) scientific (doctrinal), theoretical reflection of the municipal legal reality, b) based on the generalization and development of the most famous and significant municipal legal theories of the past and present; c) study of the main regularities of the formation, development and functioning of municipalism and its regulatory support and maintenance; d) study of the fundamental principles of municipalism, which are enshrined in international legal standards of local democracy; e) study of the basic principles of the state municipal policy. The author emphasizes that the municipal-legal ideology has a direct impact on the formation, modernization and modification of the bases of the municipal-legal psychology, making its instructions more applicable to the changes associated with the various manifestations of globalization. The third element of municipal legal consciousness is legal (municipal-legal) behavior, which involves its volitional side, which is the process of transforming the norms of municipal law into real municipal-legal behavior of a person within territorial communities. The author emphasizes that local self-government bodies, especially representative ones, can also act within the framework of using the principles of municipal-legal behavior, because they, actually speaking on behalf of the territorial community and in its interests, relay the relevant guidelines of municipal-legal psychology and municipal-legal ideologies possessed by the local human community. The article states that the daily municipal legal reality is carried by all residents of the respective territorial communities at the planetary level. In turn, the municipal legal reality acts as a catalyst for the formation and development of the globalization potential of the territorial community.

References

1. Bobrovnyk, D.O. (2022). *Rol munitsypalnoi pravosvidomosti ta munitsypalnoi psykholohii u protsesakh formuvannia hlobalistskoho potentsialu terytorialnoi hromady* [The role of municipal legal awareness and municipal psychology in the processes of forming the globalist potential of the territorial community]. *Visnyk Universytetu imeni Alfreda Nobelia. Seriiia "Pravo"* [Bulletin of Alfred Nobel University. "Law" series] Available at: <https://law.duan.edu.ua/index.php/uk/arkhive> (Accessed 13 October 2022).
2. Vediernikov, Yu.A., Papirna, A.V. (2008). *Teoriia derzhavy i prava* [Theory of the state and

law]. Kyiv, Znannia, 333 p. Available at: https://pidru4niki.com/15931106/pravo/pravosvidomist_ponyattya_struktura_vidi. (Accessed 13 October 2022).

3. Boiarskyi, O.O. (2020). *Stanovlennia fenomenologii munitsypalnoi liudyny v mezhakh hromadianskoho suspilstva i derzhavy* [Formation of the phenomenology of the municipal person within civil society and the state]. *Chasopys Kyivskoho universytetu prava* [Journal of the Kyiv University of Law], no. 2, pp. 110-118.

4. Boiarskyi, O.O. (2022). *Kontsepsiia "munitsypalnoi liudyny": modyfikatsiia u svitli voiennoho stanu* [The concept of "municipal man": modification in the light of martial law]. *Sotsialnyi kaleidoskop* [Social kaleidoscope], vol. 2, no. 1, available at: <https://socialcaidoscope.org.ua/index.php/journal/article/view/49>. (Accessed 13 October 2022).

5. Batanov, O.V. (2005). *Demokratychna munitsypalna ideolohiia ta problemy formuvannia munitsypalnoi vlady v Ukraini* [Democratic municipal ideology and problems of municipal government formation in Ukraine]. *Visnyk Zaporizkoho natsionalnoho universytetu. Seriiia "Iurydychni nauky"* [Bulletin of Zaporizhzhya National University. Series "Legal Sciences"], no. 2, pp. 36–41.

6. Batanov, O.V. (2014). *Problemy stanovlennia i rozvytku munitsypalnoho prava: osnovni chynnyky ta suspilno-politychni umovy* [Problems of formation and development of municipal law: main factors and social and political conditions]. *Chasopys Kyivskoho universytetu prava* [Journal of the Kyiv University of Law], no. 1, pp. 77–81.

7. Tokvil, A. (1999). *Pro demokratiiu v Amerytsi* [About democracy in America]. Kyiv, Universe, 590 p.

8. Tyvonenko, E.V. (2002). *Problema yrlandskoi avtonomyy v polytyke lyberalnoi partyy Velykobrytanyy (sentiabr 1885 – mart 1894 hodov)*. Avtoref. diss. kand. ystor. nauk [The problem of Irish autonomy in the politics of the Liberal Party of Great Britain (September 1885 – March 1894). Autoref. Cand. history of sci. diss.]. Yekaterinburg, 25 p.

9. Shevchenko, A.O. (2020). *Munitsypalno-pravovi status terytorialnoi hromady v Ukraini ta zarubizhnykh derzhavakh*. Diss. kand. yuryd. nauk [Municipal and legal status of the territorial community in Ukraine and foreign countries. Cand. legal sci. diss.]. Kyiv, 229 p.

10. Boiarskyi, O. *Stan povsiakdennosti ta yoho rol i vplyv na munitsypalne isnuvannia liudyny v umovakh myru i viiny. CONSTITUTIONALIST* [The state of everyday life and its role and influence on the municipal existence of a person in conditions of peace and war. CONSTITUTIONALIST] available at: <https://constitutionalist.com.ua/boiarskyj-o-stan-povsiakdennosti-ta-joho-rol-i-vplyv-na-munitsypalne-isnuvannia-liudyny-v-umovakh-myru-i-vijny/>. (Accessed 13 October 2022).

11. Khvan, R.M. (2020). *Munitsypalna polityka derzhavy: ontolohichni ta normatyvni pidkhody do vyznachennia elementnoho skladu* [Municipal policy of the state: ontological and normative approaches to determining the elemental composition]. *Chasopys Kyivskoho universytetu prava* [Journal of the Kyiv University of Law], no. 2, pp. 173–179.

12. Skakun, O.F. (2020). *Teoryia hosudarstva y prava* [Theory of state and law]. Kharkiv, Konsum; University of Internal Affairs, 704 p. Available at: <https://lawbook.online/page/pvv/ist/ist-16--idz-ax308--nf-169.html>. (Accessed 13 October 2022).

Одержано 25.10.2022.