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EVOLUTION OF ELECTORAL LEGISLATION IN 1917-1921

Abstract. Purpose. The purpose of the article is to analyse comprehensively the evolution of electoral legislation in the period from 1917 to 1921, in particular, the legal acts of the Central Rada, the Hetmanate, the Directory and the Western Ukrainian People's Republic, with a focus on the development of the ideas of democracy in the context of revolutionary transformations, and to identify the specific features of forming electoral institutions in the context of political changes, as well as to assess the significance of the historical and legal experience of this period for the modern electoral process and legal support of democratic principles in Ukraine. **Results.** The article argues that in the context of revolutionary transformations, Ukrainian governments, including the Central Rada, the Hetmanate of Pavlo Skoropadskyi, the Directory and the Western Ukrainian People's Republic (WUPR), developed their own electoral systems that reflected both national traditions and European democratic models. The suffrage of 1917-1921 demonstrated attempts to consolidate the principles of people's power, but its implementation was complicated by military operations, political instability and administrative restrictions. The study reveals that the electoral system of the Central Rada was the most democratic, as it provided for universal, equal, direct suffrage by secret ballot. It was based on the principles of parliamentarism and relied on European electoral standards. However, due to the difficult political situation, the implementation of electoral norms was limited. The Hetmanate's suffrage remained unfulfilled due to the authoritarian nature of the regime, which relied on centralised governance. The electoral system of the Directory was based on a class-based approach, which narrowed political competition and limited the participation of large segments of the population in elections. Instead, following the Austro-Hungarian legal tradition, the WUPR established democratic electoral procedures, including universal suffrage and proportional representation, which guaranteed the participation of all national groups. **Conclusions.** The results of the study reveal that the electoral legislation of the period of the Ukrainian Revolution of 1917-1921 had common features, in particular, the desire for democratic elections and attempts to form representative bodies of power, but differed significantly in terms of the level of electoral principles implementation. The analysis of the electoral legislation of the Ukrainian Revolution enables not only a better understanding of the historical background of the development of electoral processes in Ukraine, but also the use of this experience to improve modern electoral mechanisms and ensure democratic procedures in modern Ukraine.

Key words: electoral law, national law, Central Rada, Hetmanate, directorate, WUPR, statehood.

1. Introduction

The era of liberation campaigns in the early twentieth century was a crucial moment in the development of Ukrainian statehood, which, on the one hand, demonstrated the possibilities and potential for restoring sovereignty and developing the national system of law and legislation. It is natural that Ukrainian national governments, as a rule, replicated legal provisions, including electoral law, but in a short time formed their own electoral law provisions, which allow for the understanding of the overall level of development of the principles of democracy at that time. During 1917-1921, there were several attempts to introduce democratic electoral institutions in Ukraine, as reflected in

the legislative acts of the Central Rada, the Hetmanate, the Directory and the Western Ukrainian People's Republic. Changes in the suffrage law reflected not only the political aspirations of the elites, but also social transformations that led to the activation of civil society. The development of electoral mechanisms in that period demonstrates attempts to combine pan-European democratic trends with national political and legal realities. The specificity of regulatory framework for the electoral process was its variability, which was explained by the change of state formations and the struggle for political legitimacy. The study of the historical and legal experience of the electoral legislation of 1917-1921 is important for the mod-

ern Ukrainian state-building, as it facilitates the analysis of the advantages and disadvantages of different electoral models. The experience of this period demonstrates the complexity of unifying electoral provisions and the need to adapt them to a specific political context. The analysis of the legal framework for the electoral process in the revolutionary era enables to understand the origins of the current problems of political representation and legitimacy of power. Historical and legal analysis of electoral legislation contributes to the development of effective mechanisms for ensuring a democratic electoral process in modern Ukraine.

Given the above, the study of the electoral legislation of 1917-1921 is not only of scientific but also of social relevance.

Over the past decades, the topic of studying the legal tradition of the development of electoral law in Ukraine has attracted the attention of researchers. The Ukrainian People's Republic (the period of the Central Rada and the Directory), the Hetmanate of Pavlo Skoropadskyi and the Western Ukrainian People's Republic were the subject of regular research. In this context, the scientific works by O. Bichek, M. Buchyn, V. Pavlenko, R. Pyrih, and others who analysed constitutional drafts and regulations of 1917-1921 should be considered worthy of attention. Although researchers of the 2000s made a significant contribution to the understanding of the electoral process during the Ukrainian National Revolution, this topic remains relevant and requires a new comprehensive analysis. An important prospect for further research is a comparative analysis of the electoral legislation of Ukrainian governments with European models of that time, which will allow to assess its democratic potential in the broader context of the development of parliamentarism.

The purpose of the article is to analyse comprehensively the evolution of electoral legislation in the period from 1917 to 1921, in particular, the legal acts of the Central Rada, the Hetmanate, the Directory and the Western Ukrainian People's Republic, with a focus on the development of the ideas of democracy in the context of revolutionary transformations, and to identify the specific features of forming electoral institutions in the context of political changes, as well as to assess the significance of the historical and legal experience of this period for the modern electoral process and legal support of democratic principles in Ukraine.

2. The development of electoral legislation during the national revolution

The electoral legislation of Ukrainian governments in 1917-1921 was formed in the context of political instability, changes in state formations and the absence of an established legal order. For

each of the Ukrainian governments, there were objective and subjective conditions that determined the general nature of law-making. The objective factor was the process of state-building itself, when, given the prevalence of the ideas of autonomy, it was logical to recopy old legislation, and in the context of the development of a sovereign state, to create new legislation. Similarly, the absence of a universally recognised international status for Ukrainian state entities exacerbated the instability of the legal system and complicated the practical application of the electoral law. Subjective factors were the conditions of the military confrontation with the Bolsheviks in Naddniprianshchyna and the Poles in Galicia. The armed conflict did not facilitate the organisation of the electoral process. Revolutionary processes and military operations led to partial legal anarchy, which created obstacles to the formation of a sustainable electoral system.

The general features of the development of electoral legislation during the period of the national revolution are as follows:

- The Central Rada, relying on the previous electoral legislation of the Russian Empire, tried to develop democratic mechanisms of people's representation, which was manifested in the adoption of legislative acts on elections to the Ukrainian Constituent Assembly. The legal uncertainty of the status of the Ukrainian People's Republic and its relations with Russia complicated the process of formulating electoral norms, as the proclaimed independence contradicted the legal inheritance of imperial acts;

- The Hetmanate of Pavlo Skoropadskyi, focusing on preserving state order, did not continue the democratic reforms of the Central Rada, and the electoral legislation remained in the preparation stage;

- The Directory, having restored the republican system, returned to the principles of democracy, but the difficult military and political situation did not allow for the full implementation of electoral reforms;

- The Western Ukrainian People's Republic, being in a different legal tradition, inherited the electoral legislation of Austria-Hungary, which provided for representation by the curial system, but in the process of lawmaking sought to democratise it.

At the same time, some positive practices were observed, noteworthy in terms of analysing their vapour content, democratic nature and practical procedures for organising elections. In this context, efforts of the Central Council and the Ukrainian National Council of WUPR should be mentioned primarily.

Initially acting within the legal framework of the Russian Empire, the Central Rada had to

coordinate its legislative initiatives in the field of electoral law with the Provisional Government, which retained control over all-Russian electoral processes. Prior to the October 1917 upheaval, the UCR was largely limited to preparatory work, as the legal aspects of electoral legislation, including the definition of liability for electoral offences, remained within the competence of the Russian government. It was only after the removal of the Provisional Government and the establishment of Bolshevik rule in Petrograd that the Central Rada was able to independently develop electoral legislation to convene the Ukrainian Constituent Assembly. Since then, the electoral process in Ukraine has acquired real practical significance, which was reflected in the adoption of the Law on elections to the Constituent Assembly of the Ukrainian People's Republic on 16 November 1917 (Law on elections to the Constituent Assembly of the Ukrainian People's Republic. Main Commission on Elections to the Ukrainian Constituent Assembly, 1917), which provided for universal suffrage, equality of citizens and the democratic nature of voting, as well as the "Instructions for the use of Section One of the Law on Elections to the Constituent Assembly of the Ukrainian People's Republic."

These documents were the result of a long process that began in May 1917. In particular, on 21 May 1917, the "Provisional Rules for the election of provincial and district zemstvo officials" were approved, which regulated electoral procedures, the process of forming voter lists, election campaigning, voting mechanisms, counting of results and the procedure for appealing them (Pavlenko, 2014). An important democratic innovation of this document was the abolition of the property qualification, as well as the absence of restrictions on suffrage on ethnic or religious grounds, which distinguished it from the electoral acts of previous regimes.

An important step in the formation of the national institution of voters was the creation of a special commission on 9 August 1917 to develop electoral legislation. On 21 August, the Mala Rada approved two commissions, one of which was to define the competence of the Constituent Assembly, and the other to draft the electoral law itself. Based on the results of the work of these bodies, the Sixth General Meeting of the Central Rada adopted a resolution approving the main principles of electoral legislation and empowering the Minor Rada to finalise it. The draft of "The Law on elections to the Constituent Assembly of the Ukrainian People's Republic" was presented on 10 November 1917 by the head of the commission O. Sevriuk, and on 11 November the Central Rada approved the first section, and on 16

November, the second section of this law (Pavlenko, 2014).

'The Law on elections to the Constituent Assembly of the Ukrainian People's Republic' played an important role in establishing a democratic form of government in the UPR, enshrining the basic principles of the electoral process. The document established universal, equal, direct suffrage by secret ballot, which was in line with the democratic standards of the early twentieth century. The specific feature of suffrage enforcement was the introduction of a proportional electoral system aimed at ensuring representation of different socio-political groups.

The law defined the participants in the electoral process, including election commissions, the procedure for their formation, competence and responsibility for compliance with electoral procedures. The document established a mechanism for the distribution of electoral districts and the number of parliamentary mandates, which contributed to the proportional representation of territorial communities. An important innovation was the enshrining of women's suffrage, which demonstrated the progressive nature of the UPR's electoral legislation compared to many European countries of the period.

The law contained provisions for monitoring the integrity of the electoral process, providing for procedures for appealing election results and liability for violations of suffrage. A special feature of regulating the electoral process was consideration of the multinational composition of the population, which was reflected in the electoral procedures and the possibility of political participation of representatives of different ethnic groups. The electoral process was organised in accordance with the principles of a parliamentary republic, where the Constituent Assembly was seen as the highest representative body of power, which was to determine the constitutional order of the UPR.

The adoption of this law was a significant step in the democratisation of the political system, the development of electoral law and the formation of republican traditions in Ukraine. The legislative consolidation of democratic procedures demonstrated the desire to build a legal state based on the principles of representative democracy, the rule of law and equality of citizens in the political process.

The Law on elections to the Constituent Assembly introduced effective mechanisms to prevent multiple voting, which contributed to increasing the transparency of the electoral process and preventing fraud (Pavlenko, 2014). Voters were provided with clear guarantees to challenge voter lists, make additions and corrections, and relevant changes were immediately recorded by the competent authorities

and published no later than two days before the election. The electoral process was clearly organised: each voter received a personalised ID card containing information on their personal data, voting location and registration number in the voter list, which provided an additional level of control and public oversight.

The "Instructions for the use of Section One of the Law on elections to the Constituent Assembly of the Ukrainian People's Republic" stated that the division into electoral districts remained the same as that determined for the All-Russian Constituent Assembly, and that electoral commissions were to be established "if possible" in each village (Constitution of the Ukrainian People's Republic (Statute on the State Structure, Rights and Freedoms of the UNR, 1918).

The adoption of the above-mentioned regulations was an important stage in the process of state-building, as the norms laid down in them determined the main parameters of the formation of the future parliament, laying down the foundations of electoral law that met European democratic standards. These ideas were further developed in the Constitution of the Ukrainian People's Republic, which proclaimed that power comes from the people and that the People's Assembly is the highest representative body elected on the basis of universal, equal, direct, secret and proportional voting [6, p. 30]. Parliamentary elections were to be held every three years at the rate of one deputy per 100,000 voters, and the legislative activity itself was based on professional principles: "Elections should be arranged so that one deputy shall be for about one hundred thousand people and that no one shall have a second vote in elections. In all other respects, the rules for elections to the National Assembly shall be established by law" (Constitution of the Ukrainian People's Republic (Statute on the State Structure, Rights and Freedoms of the UNR, 1918). The Constitution guaranteed the immunity of a deputy, which ensured the independence of parliamentary activity and its protection from political pressure. In fact, Article 21 of the UPR Constitution proclaimed that "all citizens of the UPR have the active and passive right to participate in elections, both to the legislative bodies of the UPR and to all elected bodies of local and civil self-government, when they reach the age of twenty by the day of the execution of the electoral act" (Constitution of the Ukrainian People's Republic (Statute on the State Structure, Rights and Freedoms of the UNR, 1918).

3. Electoral legislation of the UPR and the Directory

Analysing the electoral legislation of the UPR, it can be concluded that its provi-

sions met the high democratic standards of their time, ensuring the principles of democracy, openness of the electoral process and protection of political rights of citizens. An important feature of the electoral legislation was the removal of its ideological colouring, which distinguished it from the electoral acts of authoritarian regimes. The basis of suffrage law of the UPR was the philosophy of freedom, protection of human and civil rights, what made it progressive for the early twentieth century. Given these circumstances, the electoral legislation and constitutional foundations of the UPR can be seen as an important historical experience in the development of democracy and parliamentarism in Ukraine.

The specifics of applying the electoral legislation during the Hetmanate of Pavlo Skoropadskyi were marked by contradictory approaches to the formation of representative bodies and electoral procedures. After coming to power on 29 April 1918, the Hetman in his "Letter to All the Ukrainian People" declared his intention to issue a law establishing the procedure for elections to the Ukrainian Soym, but the actual implementation of this plan was postponed due to an agreement with the German command that provided for the refusal to convene the Constituent Assembly (Pavlenko, 2014). Despite official statements about the development of electoral legislation, the actual actions of the Hetman's government showed an attempt to eliminate elected local self-government bodies and replace them with an administrative system controlled by the central government. The "Draft Fundamental Laws of the Ukrainian State" laid down the concept of a hereditary constitutional monarchy, which provided for a significant limitation of parliamentarism and people's representation.

Only in the autumn of 1918, under pressure from the political opposition and due to weakening support from Germany, did the Hetman return to the idea of elections to the State Seym. The government proclaimed that the electoral law would be based on the principles of universal, equal, direct suffrage and secret ballot, and the Seym itself was to be given constituent functions (Pyrih, 2012). The attempts to introduce parliamentary principles at the end of P. Skoropadskyi's rule reflected the desire to legitimise the regime in the new political environment, when the monarchical nature of the government no longer had sufficient support. In general, the electoral legislation of the Hetmanate period was characterised by declarative promises of democratic reforms that were not implemented in practice due to the authoritarian nature of the regime and foreign policy restrictions.

The electoral legislation of the period of the Directory of the Ukrainian People's Republic was characterised by a combination of radical democratic principles and class restrictions, which distinguished it from the electoral systems of the Central Rada and the Hetmanate. The Declaration of the Directory of 26 December 1918 proclaimed a model of "dictatorship of the working people," which led to the introduction of a curial system of elections to the Labour Congress, where only "labour elements" – peasants, workers and labour intellectuals – were represented, while the big bourgeoisie and other 'parasitic classes' were deprived of voting rights. This approach contrasted with the electoral legislation of the Central Rada, which was based on the principles of universal suffrage without social restrictions, as well as with the Hetman's electoral reform projects, which envisaged the expansion of representative bodies, but within the monarchical model of government.

According to the "Instructions on elections to the Congress of the working people of Ukraine" of 5 January 1919, representation was distributed disproportionately: peasants received the largest number of mandates (377), while workers (118) and intellectuals (33) were allocated significantly fewer seats, and separate representation was given to railway and postal workers. The electoral system provided for a complex multi-level procedure, whereby peasants elected delegates through county meetings, and workers and the intelligentsia – through provincial meetings, which complicated the exercise of suffrage. The proclaimed democratic model actually limited electoral competition, as it excluded large segments of society from the political process, which did not meet the principles of a classical representative democracy. Compared to the electoral plans of the Hetmanate, which envisaged the election of the Seym in general elections after the 'stabilisation of the state', the electoral model of the Directory had more elements of direct democracy, albeit in a narrow social dimension (Buchyn, 2009).

Further attempts to reform the electoral system, in particular the draft of the Basic State Law of the Ukrainian People's Republic (1920), demonstrated a gradual abandonment of the class-based approach to the formation of representative bodies. This document restored universal, equal, direct and secret suffrage for all citizens, which brought it closer to the electoral principles of the Central Rada, but it never came into force due to unfavourable historical circumstances. In general, the electoral system of the Directory period was the result of socio-political compromises and instabil-

ity, which did not allow it to fully function as an effective mechanism for the formation of democratic governance.

The electoral legislation of the Western Ukrainian People's Republic (WUPR) was characterised by clear regulatory framework for electoral procedures and democratic principles of formation of representative bodies of power. According to the "Provisional Basic Law" of 13 November 1918, the Ukrainian National Rada became the supreme legislative body, which was empowered until the election of the WUPR Seym. The legislation provided for elections to the Seym on the basis of universal, equal, direct suffrage by secret ballot, which was in line with European democratic standards of the time. The specific feature of the electoral process was the use of a national proportional representation system that guaranteed representation of all ethnic groups, including Ukrainians (160 deputies), Poles (33), Jews (27) and Austrians (6), which ensured ethno-political stability in the newly formed state (Bichek, 2007).

Unlike the Central Rada, which introduced universal suffrage without restrictions on social or property status, the WUPR electoral system had an element of proportional representation for national groups. However, the electoral model of the UPR Directorate, which operated in the Naddniprianshchyna, initially included class restrictions on the right to vote, allowing only "labour elements," such as peasants, workers and labour intellectuals, while the bourgeoisie and exploiting classes were excluded from the electoral process. The electoral system of Pavlo Skoropadskyi's Hetmanate remained uncertain, as elections to the Seym were never held, while the main focus was on strengthening the executive branch.

WUPR legislation also regulated the election of local authorities, providing for the election of community and county commissioners, which was intended to remove the Austrian administration and replace it with Ukrainian self-government. In April 1919, a separate electoral law was adopted that established the territorial division into Ukrainian, Polish, Jewish, and Austrian districts, which ensured political balance.

Therefore, the electoral legislation of the WUPR was marked by a high level of legal detail, democratic principles and attempts to create a representative system that could function in a multinational society.

4. Conclusions

Therefore, the electoral legislation of the Ukrainian governments in 1917-1921 was formed in the context of political instability, armed confrontation and lack of a well-established legal order, which significantly compli-

cated the process of democratic state-building.

Ukrainian national state entities took different approaches to the development of electoral legislation. For example, the Central Rada, guided by the principles of parliamentarism, adopted the "Law on elections to the Constituent Assembly of the Ukrainian People's Republic", which provided for universal, equal, direct suffrage and secret ballot, but the implementation of these provisions was complicated by the lack of time and the war with the Bolsheviks. Instead, P. Skoropadskyi's Hetmanate, while declaring its intention to establish a representative authority – the State Seym – never held elections, as the idea of strengthening the executive branch and centralising public administration prevailed in the country. The specific feature of the electoral legislation of the Directory of the UPR was the introduction of suffrage based on the class principle, which excluded significant social strata from the political process and significantly narrowed political competition. The electoral legislation of the Western Ukrainian People's Republic was distinguished by clear legal regulation and focus on democratic procedures. Unlike the Directory, the WUPR did not introduce social restrictions in electoral law, and its electoral legislation was based on the Austro-Hungarian legal tradition, which was much more stable.

A common problem for all Ukrainian governments was the lack of a stable state apparatus, the need to adapt electoral procedures to wartime conditions, and the low level of administrative control over the electoral process. Despite these difficulties, the Central Rada and the WUPR demonstrated the greatest commitment to democratic principles by

introducing universal suffrage without social and property restrictions, which was in line with European standards of representative democracy in the early 20th century.

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ЕВОЛЮЦІЯ ВИБОРЧОГО ЗАКОНОДАВСТВА В 1917-1921 РОКАХ

Анотація. Мета. Метою статті є комплексний аналіз еволюції виборчого законодавства в період з 1917 до 1921 років, зокрема правових актів Центральної Ради, Гетьманату, Директорії та Західноукраїнської Народної Республіки, з акцентом на розвиток ідей народовладдя в умовах революційних трансформацій, виявлення особливостей формування виборчих інститутів у контексті політичних змін, а також оцінка значення історико-правового досвіду цього періоду для сучасного виборчого процесу та правового забезпечення демократичних принципів в Україні. **Результати.** У статті аргументовано думку, що в умовах революційних трансформацій українські уряди – Центральна Рада, Гетьманат Павла Скоропадського, Директорія та Західноукраїнська Народна Республіка (ЗУНР) – розробляли власні виборчі системи, що відображали як національні традиції, так і європейські демократичні моделі. Виборче право 1917-1921 років демонструвало спроби закри-

плення принципів народовладдя, однак його реалізація була ускладнена воєнними діями, політичною нестабільністю та адміністративними обмеженнями. У ході дослідження встановлено, що виборча система Центральної Ради була найбільш демократичною, адже передбачала загальне, рівне, пряме виборче право при таємному голосуванні. Вона базувалася на принципах парламентаризму та спиралася на європейські виборчі стандарти. Однак через складну політичну ситуацію реалізація виборчих норм була обмеженою. Виборче право Гетьманату залишалося нереалізованим через авторитарний характер режиму, який робив ставку на централізоване управління. Виборча система Директорії ґрунтувалася на класовому підході, що звужувало політичну конкуренцію та обмежувало участь у виборах значних верств населення. Натомість ЗУНР, адаптувавши австро-угорську правову традицію, закріпила демократичні виборчі процедури, зокрема загальне виборче право та пропорційне представництво, що гарантувало участь усіх національних груп. **Висновки.** Результати дослідження свідчать, що виборче законодавство періоду Української революції 1917–1921 років мало спільні риси, зокрема прагнення до демократичних виборів та спроби формування представницьких органів влади, проте суттєво відрізнялося за рівнем реалізації виборчих принципів. Аналіз виборчого законодавства доби Української революції дозволяє не лише краще зрозуміти історичні передумови розвитку виборчих процесів в Україні, але й використати цей досвід для вдосконалення сучасних виборчих механізмів та забезпечення демократичних процедур у сучасній Україні.

Ключові слова: виборче законодавство, національне право, Центральна рада, Гетьманат, директорія, ЗУНР, державність.