

## **REGIONAL LEGAL ORDER: INSTITUTIONALIZATION OF THE PHENOMENON AND CONCEPTUALIZATION OF THE CONCEPT**

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### **INTRODUCTION**

If we try to define the word that was most often used in all forms of public discourse (scientific, political, philosophical, ideological, cultural, political, everyday, etc.) in the late twentieth and early twenty-FIRST centuries, and caused a huge range of (often diametrically opposed) opinions, arguments, emotions and feelings, then one of the unconditional nominees for the championship will be the category “globalization”. During this period, it somewhat pushed the already well-known specialists another common category- “regionalization”. However, the dominant trend, as always, quite unexpectedly transformed the processes of modern social development in a new direction, asserting the understanding that regionalization is also becoming “global”. This convergence is due to the direct connection of “global regionalization” with the processes of universal forms of existence of human society and the resolution of global problems of our time. Trends of globalization, localization and regionalization reflect the dialectical unity of the main contradictions of social life that arise before humanity at the beginning of the XXI century, and according to experts, global problems are embodied at different levels of locality in accordance with the unique characteristics of each region. Therefore, our dependencies today, as rightly noted by S. Bauman, are completely global, however, our actions are still local<sup>1</sup>. This has become one of the causes of a kind of cognitive dissonance, which causes ideological, political, scientific contradictions and conflicts, and often generates destructive behavior of both individuals and human communities, large and small institutions regarding the perception of real or inspired risks of globalization, real or imaginary dangers.

Regionalization of various spheres of life of modern society has become a phenomenon that has established itself as a subject of understanding of a whole range of sciences-geography, history, economics, ethnography,

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<sup>1</sup> Бауман З. Глокализация, или кому глобализация, а кому локализация. *Глобализация: Контуры XXI века: реф. сб.* Отв. ред. Ю.И. Игрицкий, П.В. Малиновский. М., 2002. С. 134.

philology, pedagogy, psychology, anthropology, political science and others. Against this background, the law looks quite paradoxical, in which regional studios are represented quite fragmentary: among Ukrainian lawyers, interest in this topic only recently began to detect criminologists. Representatives of other legal disciplines have so far avoided regional issues of law. Meanwhile, the legal identity of regions, which reflects the geographical, historical, economic, ethnographic, cultural, social or even political characteristics of different territories of the country, is approved as a self-sufficient factor of life not only regional, but also national (state) level, and acts as a system-forming factor of legal regulation of life of regions, individual countries and the world. In this sense, the legal order is not an “ideal” subject of regional scientific research, it puts it on the leading place also through the actualization of the problems of maintaining the legal order not only at the national but also at the international level.

### **1. Institutional foundations of the regional legal order**

Regionalism, as a natural principle of territorial organization of social, political, economic and other processes of public life, has caused a huge impact on the perception of the world and the life of mankind. The same, it is not accidental that the study of various regions in which the life activity of people is concentrated, entered the scientific circle of consideration for a long time, and have become an important area of research throughout the history of science. Examples of legal differences between regions are given by the history of Ancient Rome, where the status of the occupied territories was different, leaving them with a wide autonomy, including with the sphere of private law. And, for example, during the tenure of Louis of Hungary on the Polish throne (1370–1384) in the face of the constant threat of rebellion of those in power, trying to ensure their loyalty, the king made significant concessions to local elites, which resulted in a kind of regional power. In Poland (in parallel with the Sejm) there were 60 local self-governing bodies-sejmiks, which decided not only the issues of local life, but also the participation of the region in the national. It in Parliament, the regional councils (and even cities) asked the king money to the Central control, foreign policy, known for the troops. To them he appeals and if necessary the formation of a militia for the conduct of a great war<sup>2</sup>. A striking example of legal regionalization is the practice of distribution in Europe (XIII–XVI centuries), including in Ukraine, Magdeburg rights, also called Magdeburg Law.

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<sup>2</sup> Макарчук В.С. Загальна історія держави і права зарубіжних країн. К.: Атіка, 2000. С. 141.

It is no coincidence that a number of well-known lawyers directly emphasized the importance of territorial and regional factors for the legal sphere. Thus, A.V. Butkevich calls the regional criterion as an independent basis for the periodization of the history of international law, which is especially relevant for the international law of the ancient period, and for subsequent periods, up to the creation of the system of international law<sup>3</sup>. The periodization proposed by the famous historian of international law M. Taube is also based on the idea of regional development of international law in Europe<sup>4</sup>. And Hans Kelsen, characterizing the properties of legal positivism, noted that law is no longer seen as an eternal and absolute category; its content is recognized as historically changeable, namely, law, as a positive right, is recognized as a phenomenon caused by temporal and spatial factors<sup>5</sup>. Jean-Louis Bergel even more consistently defended this position: “First of all, it is necessary to talk about the geographical and natural factors that determine the different conditions and needs: they will really differ and depend on the island, sea or continental situation of a particular country, as well as on the terrain, vegetation type, hydrographic and climatic characteristics: the legal rules are partly dictated by nature... Influence of folk traditions, religion, linguistic realities, reaction of public opinion (on law) ... in General, it is quite obvious”<sup>6</sup>.

Since ancient times and almost to the end of the XVII century. various descriptions of individual countries and peoples, parts of certain States by travelers, navigators, merchants, diplomats, missionaries, conquerors, characteristics of inhabited areas were valuable sources of historical, geographical, economic, political data on certain regions of the globe. Active development of other continents required special descriptions of the seas, ports, trade routes and centers of production and sale of various goods. A large array of such information was actively accumulated from the second half of the XV century). Although these unique data were non-systematic in nature, they became the basis of the birth of commercial geography. The emergence of Desk statistics, caused by the needs of the development of industrial production, trade and Finance, raised to a new level the collection and analysis of information about the regions. Gradually regions theoretically (and it reflected natural development of economic life) ceased

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<sup>3</sup> Буткевич О.В. У истоков международного права. СПб: “Юридический центр Пресс”, 2008. С. 74–75.

<sup>4</sup> Таубе М. История зарождения современного международного права (Средние века). Т.1 : Ведение и часть общая. СПб., 1894. 370 с.

<sup>5</sup> Kelsen H. Introduction to the Problems of Legal Theory. Oxford: Clarendon Press, 1992. P. 21.

<sup>6</sup> Бергель Ж.-Л. Общая теория права. Под общ. ред. В.И.Даниленко. Пер. с фр. М.: Издательский дом NOTA BENE, 2000. С. 239.

to be simply “geographical place”, appeared any more not only objective economic system, but also a part of bigger system of national and world economy. This means that interregional interactions have become a natural part of the subject area. “Regional Economics” as a scientific discipline has expanded and become more universal due to the inclusion of interregional interactions in the subject of research<sup>7</sup>.

Since the 50 – ies of the XX century, the development of regionalism has become one of the main directions of economic science. Finally he separated the science of distribution of productive forces, enhanced integrative processes with other disciplines (ecology, sociology, etc) used a new paradigm (modeling, system analysis, etc.), enriched with the methodological system (mathematical methods, GIS technology), there is a growing interest in applied regional studies (integrated learning of individual regions within the country and at the international level), there is a process of humanization and sociologization (studied lifestyle, behavior, adverse processes in the regional economy and society as a whole). Integrative scientific processes in regional studies are activated by the emergence of theoretical geography, geography of natural resources, Geoecology, etc.

Scientific achievements of regional development created the ground for the emergence of regionalism, which is sometimes called regionistikoyu. Modern regionalism is a complex system of knowledge about regions, which, in addition to economic, includes social, historical, environmental studies. The same essence of regionalism as an interdisciplinary science is in a complex (system) approach to solving all socio-economic, historical, natural-ecological and other aspects of regional development. Modern regionalism as a complex of Sciences combines regional Economics, political regionalism, regional ecology, regional statistics, etc. in Ukraine, the components of advanced regionology are represented by regional Economics, political regionology, historical regionalism, and fragmentary studies of regional ecology.

The interdisciplinary research that is carried out in regionalism is extremely useful for jurisprudence. For example, the results carried out by experts comparing the development of regions with the corresponding regions of the world are very instructive. Thus, the average global economic competitiveness of Ukraine’s regions in 2009 ranked 76th among 149 countries. Thus Kiev and Odessa and Zaporozhye regions took respectively 63rd, 64th and 58th places (level of Hungary, Turkey, Montenegro, Kazakhstan), Dnepropetrovsk, Sumy and Donetsk-respectively

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<sup>7</sup> Минакир П.А., Демьяненко А.Н. Пространственная экономика: эволюция подходов и методологии. *Пространственная экономика*. 2010. № 2. С. 17.

74th, 79th and 89th (level of Vietnam, Philippines, Colombia, Uruguay, Bulgaria, Sri Lanka), Lviv, Poltava and Khmelnytsky-89th, 92nd and 96th (level of Honduras, Peru, Guatemala, Serbia, Trinidad and Kenya)<sup>8</sup>. Legal this example is useful in terms of using methodologies for assessing the level of legal development of the country in General and regions in comparison with the world level (the level of legal development of other countries).

In the system of modern knowledge, regionalism, in our opinion, is approved as a certain way oriented intellectual strategy, paradigm, which makes it possible to deploy the entire complex and deep layer (complex) of issues and aspects of the functioning of human society at the regional level. Availability of a wide range of special methods in the Arsenal of regionalism (descriptive, statistical, comparative-geographical methods, methods of field research, keys (typical objects), cartographic, territorial-industrial complexes, Kolosovsky cycles, the model “input-output”. Leontiev, methods of system analysis, modeling of economic and mathematical modeling, the latest geosystem methods, etc.) turned this direction into a powerful methodological donor for other Sciences.

Jurisprudence should study its” own”, that is, its inherent element of regional diversity (local legislation, legal space, lawful behavior, offenses and crime, legal order, etc.), identifying and investigating regional differences in these phenomena. The direction that aims to carry out such research can be called legal regionalism. It can be said that in the most General form the object of legal regionalism is law, legal phenomena and processes. The very possibility of regional analysis lies in the presence of the objects of this analysis of such properties as internal territorial differentiation. If this property is not observed in the legal phenomenon, or if it is insignificant, the object can not be included in the subject field of legal regionalism. Legal regionalism is focused on the comprehension of law and legal phenomena at the subnational level, which practically excludes from the study objects that have an international or national, but not differentiated at the subnational level, format. Therefore, each object studied by legal regionalism must have a spatial projection. For example, such properties have rulemaking, legal behavior, legal awareness, law enforcement, local taxes, crime, etc.

The legal order, which is an “integral” indicator of the state of the legal life of the country and its individual regions – is, in our opinion, in General, an “ideal” (although very complex) object of regional legal research. The possibility of studying the legal order in a particular region should include an

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<sup>8</sup> Структурні зміни та економічний розвиток України: монографія. За ред. Л. В. Шинкарук. К., 2011. С. 559.

analysis of institutional components that are not “separated” from the General context of the region’s life. However, it is necessary to understand that complex relations of the phenomena of a particular territory do not allow to consider the legal order in isolation from other – cultural, ethnic, economic, political, demographic and other processes. Moreover, these processes, in our opinion, should be perceived as conditions and factors that to varying degrees affect the state and development of the legal order in the region. Regional legal analysis makes possible a comprehensive study of the legal situation that has developed in a particular region, to compare it with the legal situation in another region or other regions. On the territory of a particular region, the effectiveness or inefficiency of state policy to maintain and ensure the legal order, and therefore the ability to adjust it both at the regional and national levels, can be clearly manifested.

Geographically, the term “region” refers to a particular area of the continent or part of the world in terms of General natural characteristics. Finally, a region is a part of one country, an administrative and political unit of a state with its geographical, economic and cultural characteristics<sup>9</sup>. At the same time, the region is a historically developed territorial and cultural community, a cell of the socio – cultural space of the country. The region, according to F. Tennis, is also understood as a “local community”<sup>10</sup>.

Now it is quite obvious that the sphere of use of the term “region” and its derivatives in domestic jurisprudence tends to gradually expand, and this is observed in the law – making sphere-legislation and bylaws. The database “Legislation of Ukraine “(231836 documents) contains 1286 documents, the name of which uses the word region and its derivatives. And official documents, in texts which is used this the notion of and phrase in the composition of the with him-more 5,000 units. Therefore, the problem of defining this concept, using it in senses that meet scientific requirements and are correlated with established political and legal practices, becomes important.

Regions become stronger as a result of various factors and processes: it is known how geographical conditions, economic development, the formation of ethnographic features of different territories and the like led to their isolation from other territories for certain characteristics, legitimized their relative separateness and specificity in the public consciousness, and assigned their own name to them. Its original name of the region characterizes it as a certain

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<sup>9</sup> Лапин Н. И., Беляева Л. А. Программа и типовой инструментарий “Социокультурный портрет региона России”. М., 2010. С. 8.

<sup>10</sup> Теннис Ф. Общность и общество. Основные понятия чистой социологии. Пер. с нем. Д. В. Складнева. СПб.: Изд-во “Владимир Даль”, 2002. С. 9.

territorial and social integrity within the country or its part. Stability of the name in public use, or its fixing for designation of a certain part of the country by the decision of the state power is an important argument of assignment of a certain territory to the category of regions.

The diversity of regions, their peculiarities and differences are the reasons why representatives of the Sciences in which this phenomenon was studied classified it into certain varieties. In Economics, Ethnography, linguistics, cultural studies, geography according to the subject area and tasks in theory and practice regions were divided.

Typologies of regions that attract attention to characteristics that can be interesting and useful for regional studies – primarily those that are based on subject and structural and functional characteristics. For these reasons Svetlichnaya E. D. divides regions into administrative-territorial, socio-economic, structural-functional, territorial-spatial, and systemic regions<sup>11</sup>. In this classification, the “legal section” is manifested in almost all varieties, because they represent all aspects of social life and the status of regions that somehow have a pre-relation to the legal sphere. The largest in terms of “legal context” is the region as the highest administrative and territorial unit of the state system, which has a certain level of independence and legal independence, elected power and its own budget. Here, the region acts as a relatively separate management system, which within the framework of relations between the subjects of state power is endowed with appropriate competence. It is possible to hypothesize that this regional level gives grounds for the work here of a” full-fledged “ regional legal order. If this context is layered characteristics of the region as an area of political space, characterized by a special political organization, social unity of people, existing mechanisms of reproduction, group identity, legal norms and norms of behavior, lawyers have a wide range of aspects that can have direct or indirect legal relations, which obviously belongs to the subject field of jurisprudence.

The typology of regions in jurisprudence has its own specifics, because the legal characteristics of the region are enriched, expanded precisely due to the combination of different properties on the territory of the territorial unit – geographical, ethnic, economic, etc. This is determined by the fact that different subject areas (geography, economy, Ethnography, etc.) attract the necessary legal tools for regulating public relations in these areas. Even the geographical features of the coastal and border regions are reflected in their legal specificity-the extension only to them of a certain set of legal

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<sup>11</sup> Світлична Д.О. Регіон – цілісна природно-соціально-економічна система. Вісник ОНУ. Серія: Географічні та геологічні науки. 2016. Т. 21. № 1(28). С. 142–151.

regulations. The integration of these properties creates a unique configuration (model) of legal regulation of the life of a particular region, its original legal image in the professional legal consciousness, and therefore – a kind of model of legal improvement of this territory and the real legal order on its territory.

The legal identity of the regions, which is an important component of the institutionalization of the regional legal order, is formed by a complex of various factors and reasons that determine the process of “crystallization” of law in these territories. Thus, the border regions bordering on other States are in the zone of influence of the policy and ideology of both their own state and that which is abroad. The border divides different economic systems, is a temptation for smuggling, other offenses and abuses. Often the border divides a single ethnic community, even close relatives. These, and many other things require special legal regulation, which is reflected in the legal status of these territories: for example, residents of these areas are allowed a simplified border crossing, set special rules for the movement of money and goods, etc. Life at the border (border) forms a specific regional identity of a large community of people that exists in this region. This identity is ambivalent because it is influenced by both national (state) and regional identity. Moreover, sometimes the national policy of identity formation can lose regional, and then such regions can be used by destructive forces to achieve their goals by weakening the attraction of the regional community to their country. The ambivalence of the frontier is generated by the fact that the borders separating territories and people simultaneously cause new interaction between people, generate new solidarity, and, accordingly, new social communities. Therefore, the border regions occupy a dual position in the socio-geographical space of the state, being both the center and the periphery. Being the periphery of the country, the border areas become the center of the region, whose life is determined by the rules that define the border. According to experts, in a sense, we can even talk about the regional cultural homogeneity of the border. According to Baud and Schendel, “borderland” should be understood not as two nearby regions on both sides of the border, but as a single social space; and in this sense, the concepts of common place and common people become operational<sup>12</sup>. Border regions are only one example that can be cited in the article, but other such socio-territorial entities give grounds for highlighting them as a subject of legal research.

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<sup>12</sup> Baud, M., Schendel, W. Toward a Comparative History of Bordrlands. *Journal of World History*. 1997. Vol. 8. No 2 . P. 216.



In scientific and practical aspects, this gives grounds for thinking about the special legal order, which consists in this territory under the influence of a complex of factors and conditions of the legal functioning of the border regions. For Ukraine, which borders with 7 countries, and the length of the state border is almost 7 thousand kilometers, the problem of the border will be relevant for a long time, especially given the fact that some of our neighbors are in relation to Ukraine is not always a good neighborly policy.

A great influence on the formation of the worldview of human communities, as is known, is the geographical environment, first of all, mountains, seas (oceans), as well as deserts, forests and steppes. Historical geography shows that life in the mountains, or near the sea (ocean), in the forest or steppe zone, as well as in the desert forms important distinctive characteristics of the psychotypes of human communities that historically live in these areas. This is due to the fact that the geographical features of life determine the need for human adaptation to natural conditions, the development of the necessary means of production, and the formation of social relations corresponding to this method of life, which require certain means of legal regulation.

A striking example of regional identity in Ukraine is the mountainous regions of The Ukrainian Carpathians, where more than 1, 3 million people live on an area of 56, 6 thousand square kilometers in 712 mountain settlements<sup>13</sup>. This region is unique in many characteristics: the presence of rare natural resources, unique ecological objects, recreational and healing balneological resources, the existence of a unique diversity of ethnic and cultural heritage, the preservation of original traditions of management in difficult natural and climatic conditions. The Carpathians are the source of 40% of water reserves, 22% of forest resources, 42% of unique rare deposits of underground mineral waters. There are almost 500 tourist and recreational facilities, most of which are rural estates of green tourism<sup>14</sup>. Without a doubt, the mountain regions of Ukraine have a huge potential-economic, social, recreational, and especially-natural. And it is in the latter that there are serious challenges for the application of modern legal means of nature protection: in the mountainous and foothill regions of the Carpathians and Crimea, as evidenced by the data of biologists, the main part of rare fauna is widespread. Here is concentrated the lion's share of rare and vulnerable species known in Ukraine and amphibians, and reptiles, and mammals. The

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<sup>13</sup> Бугай С. Проблеми та шляхи вдосконалення державної політики розвитку гірських територій. *Світ фінансів*. 2009. № 1(18). С. 158.

<sup>14</sup> Гірські території Закарпаття: соціально-економічні трансформації. Заг. ред. В.П. Мікловда. Ужгород, 2012. С. 9–10.

number of species of tetrapods for each territorial unit here reaches 5–6, and mammals–9–19 species. Such foci of their size and shape correspond to the boundaries of mountain regions<sup>15</sup>. The protection of these species and the provision of the necessary natural conditions for their habitat in the natural environment in modern conditions is an important legal problem that also needs to be addressed.

Another group of regions that stand out among others in Ukraine, and are characterized by certain features, there are seaside territories, which belong to the 6 regions of the country, where almost 9 million people live. Seaside regions of Ukraine have a significant natural resource potential, a powerful marine and port-industrial complex, transit potential. In addition, the seaside regions of Ukraine is a traditional place of rest and recreation of a significant part of the inhabitants of Ukraine, an integral element of the development of the tourism industry. Legal regulation of the functioning of enterprises of the sea-economic and port-industrial complex, rational use of marine resources, development of medical and recreational sphere and tourism is a feature of the legal space of these territories and their regional legal order.

A certain legal identity institutionalizes the legal order in the territories that have been called “historical regions”. These are territories that, due to their connection with important historical events in the life of the people, are sacred to them. It is the regions on whose territory throughout the country’s history was most significant for the fate of the country’s historical events imprinted in the historical memory of the people, historic monuments and national history. The historical regions include the old cities (in Ukraine it is Kiev, Lviv, Lutsk, Pereyaslav-Khmelnytsky, Poltava, Feodosia, Chernihiv, etc.), which have a rich history of their own, and their own, bright, original style and originality. As a rule, a historical region is formed during a significant period of stay in the historical arena, and important factors in this process are its geographical location (crossroads of trade routes, transport importance, proximity of borders), favorable conditions for the development of agriculture or crafts. The complex of these conditions contributes to the formation of a unique image of the region and its own history, which acquire a certain value. Sometimes the historical region retains its identity and relative limits even when the state ceases to exist, which indicates the sustainability of this phenomenon. This is especially evident in the minds of the inhabitants of these regions, who identify themselves with the historical region, perceive it as a “primary” factor of their self-identification.

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<sup>15</sup> Загороднюк І.В. Гірські регіони, як зони найвищого видового багатства наземних хребетних України. Ученые записки Таврического национального университета им. В.И. Вернадского. Серия “Биология и химия”. Том 17 (56), 2014. № 2. С. 34.

In certain conditions, the institutionalization of regions acquires the status of a self-sufficient process of regionalization, which is determined by the whole complex of conditions for the development of society-economic, geographical, historical, social, political, etc. the law, at the same Time, can be a factor or a socially useful vector of development of regionalization, or preserves it, which leads to social conflicts and conflicts. Thus, the formality of the Soviet “Federation”, the lack of real rights of its members and the declarative nature of local self-government were one of the factors of the collapse of the Soviet Union. The law is the main institution that “assimilates” the relations arising in society at the level of historical, economic, geographical, environmental, ethnic and other characteristics of specific regions, and reflects them in the legislation of the Central government (privileges, or features of regulation of certain activities, etc.), legal customs or decisions (precedents) of courts and legal acts (legislation) of local authorities. Thus, the corpus of regional law is formed, which in a complex form reflects the peculiarities of the legal status of this particular region in the system of national law. This corpus is complex, structured on different grounds, concerns different areas, which are emphasized by a certain regional identity, and are so important for society that they “deserve” legal mediation.

## **2. Regional legal order as a concept of general theoretical and applied jurisprudence**

First of all, we consider it necessary to Express our views on the category of “legal order” itself, which, in our opinion, has its regional dimension. At this level, as well as at the national level, the legal order appears as an entity – that is, the legal reality (legal reality, legal life), which opposes, or rather acts as a continuation, implementation of the legal Due. For understanding of processes of formation of a legal order, including, and regional, comprehension of a real relation between existing and due has not only theoretical, methodological, but also huge practical value. Because the “distance” between them is not constant: being is not always “doomed” to lag behind the due, but the way they relate to each other at any given moment of public life, much can testify to the state of “public health”, including in law.

Categories of due and existing, in our opinion, can carry out methodological and applied purpose at comprehension of regional legal reality as here due in the legal sphere (legal values, norms of law, principles of legal consciousness), and also existing (the behavior, legal activity, and, actually, the legal order is significant) are exposed to a certain correlation of territorial factors of legal existence of society. Therefore, the understanding

of the place and role of law in the value-normative system of society is extremely important for understanding the complex processes of formation of the legal order in society, including at the regional level.

Social regulation at the regional level, as in society as a whole, is developed by the society values, norms and regulations of various character – moral norms, religious ethics, corporate norms, customs, traditions, rituals, and law. These norms are therefore called social norms, since they regulate the various social relations that arise between people in public life. Since they all form a single system, closely related to each other, they all have influence not only on the sphere for which they are “directly responsible”, but also on the adjacent spheres of social life. Thus, the law affects the morality of society, the functioning of religious and corporate spheres, even relations in everyday life, but there is also a reverse influence. The relations between people in the legal sphere, including the legal order, are influenced by morality, religion, customs, traditions, rituals, etc.

When studying the functioning of various value-normative systems (morality, religion, law, customs, traditions) at the regional level, such features of the relationship and interaction between them as their “convergence”, convergence and complementarity (complementarity) are revealed. This is manifested in the interpenetration of customs and traditions of different ethnic groups. For example, in the Ananyiv district of Odessa region, where there are Moldavian settlements (for example, Gandrabury, Dolinskoye, etc.), both local folklore and customs, especially wedding ceremonies, have largely become the result of a kind of convergence of Moldavian and Ukrainian traditions. This can obviously be explained by the fact that at the regional level, the density of social (including inter-ethnic) communications is much higher, and the space in which they are carried out is quite limited.

Functioning at the regional level of a specific value-normative education, which can be called a regional value-normative system, includes morality, religion, traditions, customs, rituals, corporate, political and legal standards that have developed in the process of life and development of the region and reflect the historical, geographical, ethnic, economic and other features of human communities living in this territory and forming a certain value-normative integrity. It is obvious that law is the main component of the formation of the legal order in the region, but its influence on public life is supplemented and strengthened, and sometimes corrected by other components (religion, traditions, customs, morality, etc.). A striking example of the description of the importance for Ukrainians of the system of social norms is the story “Kaidasheva family” by I. C. Nechuy-Levitsky, where the author addressed the issues of eternal: good and evil, love, family relations,

relationships between parents and children, the problem of human dignity and freedom, faith in God, morality and authority in the community. It describes all the moments of social communication of future spouses and their relatives, which can be interesting for today's youth. Marriage Ukrainians have always attached great importance. Under customary law (unwritten laws that regulated life in the community and family) in Ukraine, a person was considered independent only after marriage: an unmarried person, no matter what age he was, was considered a guy<sup>16</sup>. A married man has always enjoyed more authority in the community than an old guy or girl. Disapproved of people who did not create a family in time. The legislation forbade the Church to marry minors (girls – up to 16 years, children – up to 20 years). The age difference between the brides, according to popular beliefs, should have been small – from 1 to 5 years. Brides, as a rule, were chosen from their village (city) and quite rarely – from neighboring ones. The reputation of the bride family was very important<sup>17</sup>. I.S. Nechuy-Levitsky cites a custom that existed among the Ukrainian youth of that time: if a guy was courting a girl from a foreign village, and was going to meet her, then he had to put magarych to the guys of that village. Since lavrin, semigorsky guy, wanted to go for a walk to Melashka, bievskoy girl, he had to “honor” the guys from Bievets<sup>18</sup>. The presence of such a custom, and following it introduced someone else's guy in the community of youth, and to a certain extent poperedzhuvalo conflicts and related offenses.

Conceptualization of the regional legal order should take into account the fact that its formation occurs, on the one hand, under the influence of the law itself, and on the other – factors that are associated with the behavior and social relations of people not only in the legal, but also in other related spheres of social life. Law, as a phenomenon, primarily producing the institutional components of the legal order, in itself is already a normative model of it, exactly the kind that determines the officially established parameters of the proper legal order in a particular society. That is why, sometimes this normative legal order is identified with the one that actually consists in society under the influence of all the factors that determine its formation. This perception of the rule of law, for example, was inherent in G. Kelsen, who believed that there is no reason to distinguish between two different normative law and order. This order is the right<sup>19</sup>. In practical

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<sup>16</sup> Чайківська В., Шевчук А. Роде наш красний... Народознавство в школі. Житомир, 1995. С. 81.

<sup>17</sup> Столярчук О. А. Психологія сучасної сім'ї. Кременчук, 2015. С. 19.

<sup>18</sup> Нечуй-Левицький І. Твори: В 2 т. Т. 2. К.: Наукова думка, 1986. С. 205.

<sup>19</sup> Kelsen H. General Theory of Law and State. New Brunswick: Transaction Publishers, 2005. P. 182–183.

terms, this is quite justified, because the border between the “legal order in law” and “legal order in life” is quite ghostly – one constantly passes into the other and Vice versa. In the research discourse, there is a need to distinguish between different sides of this phenomenon-the legal order as a holistic, General model, which is the system of existing law, the image of the legal order in the minds of individuals, their groups and society, and, finally, the actual legal order, consisting in real legal life, which we observe (and feel)in the legal space surrounding us. The relationship between these hypostases of legal order is complex and nonlinear, because the normative model does not always precede the establishment of the actual legal order. The image of the legal order in the mind should always be ahead, however, it is corrected under the influence of changes in the normative model or the actual legal order in society. But thanks to this intellectual operation, it becomes possible to define such elements of the institutionality of the legal order, which have a normative, ideological and behavioral nature.

Legal order according to the methodology of A. M. Vasilyev<sup>20</sup> is a legal category, which in the structural and logical structure of General theoretical jurisprudence occupies the highest step together with law, legal culture<sup>21</sup>, legal life, etc. the Relationship between law and legal order is characterized by the fact that these phenomena are inseparable from each other: law is a necessary, organically possible prerequisite for the existence of legal order, and legal order is the context against which only law can act.

## CONCLUSIONS

The territorial nature of the regional legal order is its “attachment” to the relevant territory, which is defined formally (officially) or doctrinally with a certain degree of accuracy. Thus, the regional legal order unfolds on the territory of administrative-territorial entities (regions, districts), and at this level can be the subject of both scientific research and socio-cultural and power-organizational influence (regional programs to ensure legal order in administrative-territorial units, etc.). The doctrinal possibilities of regional construction of legal orders are perhaps unlimited, since the choice of the configuration of the region as a subject study of the legal order is determined by the scientific preferences of the researcher, this understanding of the relevance and importance of the relevant territorial section of this problem. So, news from the annexed Crimea or from the occupied part of Donbass actualize problems concerning what legal order is

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<sup>20</sup> Васильев А.М. Правовые категории: Методологические аспекты разработки системы категорий теории права. М., 1976. 264 с.

<sup>21</sup> Крижанівський А.Ф. Сучасний правопорядок: доктринальне і прикладне бачення у вітчизняній юриспруденції. *Наукові праці Одеської національної юридичної академії*. 2008. С. 84.

formed in these regions. It is obvious that the study of regional order in the modern Crimea, and the territories SDDLР (Separate districts of Donetsk and Lugansk regions) not only has a “right to exist” as a scientific discipline, but is a very topical issue, which requires thorough research and thorough reflection, including for the attainment of the risks of “legal mutations” that become possible in the context of weak state institutions and civil society and an aggressive and explosive external influence.

Temporal institutionalization of the regional order means its binding to certain temporal parameters. In General, the actual legal order in society is an extremely dynamic phenomenon, it exists “here and now”, and can be very changeable. The temporality of the regional legal order makes it possible not only to “grasp” (“photograph”) it at a particular moment, period of time, but also creates an opportunity to understand the trends of its development in certain temporal parameters. For example, it is theoretically possible to compare the level of legal order in different regions of the country in comparable periods of time, to identify trends in the development of legal order in a particular region for a certain period.

The subjective characteristic of the regional legal order leads to the need for reconstruction of those social actors who create and maintain the legal order in the regional dimension. Spatial and temporal limitations associated with the need to regulate human behavior in society, cause the emergence of so-called. social subjects, United in a stable system of interacting individuals, for which the unity of some material interests is inherent. The activity of social actors is one of the main factors of the legal order, the regional “localization” of which, due to the high density of interactive communications at this level, leads to the need to correlate the forms and methods of its maintenance, taking into account the specifics of the social and legal situation in each region.

## **SUMMARY**

So, the regional legal order occurs as a result of the steady development of society a geographical, historical, economic, ethnic, and associated legal identity of a particular territory (region), which manifests itself in certain characteristics of the legal ordering of life in the region, and institutionalization in the draft, proven public practice structure. The regional legal order is determined by the whole system of value-normative regulation of this socio-territorial space by religious, moral, traditional ideological, political and legal factors of both national and regional level. The complex nature of the relationships between the various components of this system affects its maintenance of a state of equilibrium, which depends on many factors and conditions.

At the regional level, the functioning of value-normative systems produced by society (moral, traditional, religious, political, legal, etc.), the formation of the legal order takes place in accordance with the parameters of regulation of social relations set by society and the specific conditions of existence that have developed in human communities of individual territories, localities, regions. This value-normative space ensures the ordering of social communications in the value-normative dimension and the result of these communications is a jointly created (constructed) public order (and its component – the legal order).

The regional level of legal order is a necessary element of the social life of the region and a relatively independent component of the universal legal order. The regional section of legal regulation reflects the picture of legal life that unfolds here, and is characterized by a specific way of legal regulation of public relations, features of legal behavior, legal culture and legal consciousness, and so on. Diversity in modern societies of established regions (geographical, coastal, mountain, border, historical), the identity of which is mediated by law, finds its expression in the legal reality and regional legal order.

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