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The right of citizens to assemble peacefully, unarmed, to hold rallies and demonstrations: historical origins and genesis of formation

Право громадян збиратися мирно, без зброї, проводити мітинги походи і демонстрації: історичні витоки та генеза становлення

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Abstract

The subject matter of the study is the genesis and historical stages of the formation of the right of citizens to assemble peacefully, without weapons, to hold rallies, marches and demonstrations. Research results. The article, based on the analyzed materials, carried out a theoretical and legal analysis of the main elements of the conceptual and categorical apparatus of research, which is related to the essence and content of the right to peaceful assembly and its general importance in the system of legal values; the historical origins are outlined and the genesis of the formation of the constitutional right of citizens to assemble peacefully, without weapons and to hold meetings, rallies, marches and demonstrations is clarified; on the basis of generalization of scientific positions and norms of the legislation of Ukraine, and also foreign countries, including various historical periods, concerning legal regulation of the outlined question; complex theoretical and practical conclusions on the outlined problems are substantiated, which in our

Анотація

Об'єктом даного дослідження є суспільні відносини в сфері становлення інституту права громадян збиратися мирно, без зброї, проводити мітинги походи і демонстрації. Предметом дослідження є генеза та історичні етапи становлення права громадян збиратися мирно, без зброї, проводити мітинги походи і демонстрації. У статті, на основі проаналізованих матеріалів, було здійснено теоретико-правовий аналіз основних елементів понятійно-категоріального апарату дослідження, що пов'язане з сутністю і змістом реалізації права на мирні зібрання та його загального значення в системі правових цінностей; окреслено історичні витоки та з'ясовано генезу становлення конституційного права громадян збиратися мирно, без зброї і проводити збори, мітинги, походи і демонстрації; на підставі узагальнення наукових позицій і норм законодавства України, а також зарубіжних країн, у тому числі різних історичних періодів, щодо правового регулювання окресленого питання;

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opinion can fragmentally influence the functioning of the relevant institution and the settlement of the main problems of its law enforcement. The practical significance of the studied question is that as a result of the outlined characteristic features of historical stages and genesis of formation of the corresponding institute the further scientific working out of problematic questions of its functioning, and also optimization of the basic problematic questions seems possible.

Keywords: implementation mechanism, law, peaceful assemblies, genesis, rallies, campaigns, demonstrations, administrative law.

Introduction

Ensuring the proper operation of the institution of fundamental rights and freedoms of an individual is one of the priorities of any democratic State. At the same time, some categories of human and civil rights and freedoms and mechanisms for their implementation are more socially important. For example, the exercise of the constitutional right of Ukrainian citizens to assemble peacefully, unarmed, to hold rallies of campaigns and demonstrations in the age of maturity of Ukrainian civil society and systemically high desire of society to participate in public affairs and to demonstrate a responsible attitude is, in our view, a matter of priority.

Besides, this topic has a multifaceted context, as it covers, for example: administrative and legal implementation mechanism, legal status of participants, and no less important aspect – the system of historical preconditions that became the basis for its formation in the domestic legal system.

The right of Ukrainian citizens to assemble peacefully is an instrument for achieving the desired result of civil society in influencing important State processes, and also serves as a form for Ukrainian citizens to exercise their right to participate in public administration and in many other contexts. All this only highlights the need for research on the outlined topics, as regulation of the functioning of the institution to date is quite low.

Therefore, in our opinion, for the further effective research of problematic issues of the institution of peaceful assemblies, we should first

обґрунтовано комплексні теоретичні та практичні висновки із окресленої проблематики, що на нашу думку можуть фрагментарно вплинути на функціонування відповідного інституту та врегулювання основних проблем його правозастосування. Практичне значення опрацьованого питання полягає в тому, що в результаті окреслених характерних рис історичних етапів і генезису становлення відповідного інституту видається можливим подальше наукове опрацювання проблемних питань його функціонування, а також оптимізації основних проблемних питань.

Ключові слова: механізм реалізації, право, мирні зібрання, генеза, мітинги, походи, демонстрації, адміністративне право.

analyze its historical origins and genesis of formation, which domestic science has not studied comprehensively.

The aim of the article is to study the historical origins and genesis of the formation of the constitutional right of citizens to assemble peacefully, unarmed, to hold rallies, marches and demonstrations. Achieving this goal requires the fulfillment of a number of research tasks, including: implementation of theoretical and legal analysis of the main elements of the conceptual and categorical apparatus of research; identification of historical origins and establishment genesis of the formation of the constitutional right of citizens to assemble peacefully, unarmed and to hold meetings, rallies, marches and demonstrations; to substantiate additional theoretical and practical conclusions on the outlined problems on the basis of generalization of scientific views and the rules of the legislation of Ukraine and some foreign countries during various historical periods.

Methodology

The object of this study is public relations in the area of establishing the institution of the right of citizens to assemble peacefully, unarmed, to hold rallies, marches and demonstrations. The subject of the research is the genesis and historical stages of the formation of the right of citizens to assemble peacefully, unarmed, to hold rallies, marches and demonstrations.

The basic methods for performing this study are the method of periodization, which determines the time limits in the development of the

institution of peaceful assemblies in view of key historical events and facts; historical and comparative method, which allows to establish the similarities and differences between historical phenomena, related to the formation of the institution of peaceful assemblies; historical and systemic method is applied in the context of studying the objects and phenomena of the past as integral historical systems, i.e. exploring the institution of peaceful assemblies as mandatory and basic prerequisites for democracy and rule of law.

In addition, taking into account the outlined object of research, the application of analyses method enables to examine the scientific views on the institution of peaceful assemblies as the basic theoretical and legal category.

The use of the logical method makes it possible to outline the main trends and patterns of ensuring the rights of individuals to assemble peacefully at all historical stages of society.

The method of interpretation is used when interpreting regulations governing peaceful assemblies at different historical periods.

System and structural method is useful for organizing the main scientific results and establishing the sequence of their obtaining, which allows to gain objective conclusions.

Dogmatic method is applied when comparing the opinions of scholars on the problem under investigation.

Summarization method helps to elaborate proposals to remove the reported shortcomings and to enhance the issue under consideration.

Literature Review

A lot of scientists have devoted their monograph and dissertation studies to the settlement of the main problems of the institution of peaceful assemblies, namely: Vaskovska (dissertation research "Constitutional right to peaceful assembly and the mechanism of its implementation in Ukraine" (2007); Vlasenko (dissertation research "Constitutional right of citizens to freedom of assembly, rally, march and demonstration") (2011); Klymenko (dissertation research "Constitutional right of citizens to peaceful assembly and its provision in Ukraine" (2014); Melnyk (comprehensive research on the topic: "The right to freedom of peaceful assembly: theory and practice" (2015), Shcarnega (dissertation research "Proceedings

for the right to peaceful" (2016); Sereda (dissertation research "The right to peaceful assembly: theoretical, practical and comparative aspects" (2019); Filoretova (dissertation research "Peaceful assembly as an object of administrative courts protection") (2021); Zahorodniuk (dissertation research "The constitutional right of citizens to assemblies, rallies, marches, and demonstrations: questions of theory and practice" (2021), etc.

Du Pisani, M. Brodryk and P. W. Coetzer (1990) state that the right to assembly, as well as other fundamental rights such as freedom of peaceful protests are fundamental ones and cannot be restricted or denied.

Pantekoek (2020) proves that protesting is the time-honored practice of publicly speaking out against perceived injustices and urging action.

Uwando (2020) believes that protests play an important role in all sphere of public life. They are the lever for positive changes and improving the implementation of human rights, as well as strengthening the democracy.

It should be noted that comprehensive research in the area of theory and history of State and law, constitutional and administrative law, systematically conducted on the basis of the analysis of domestic law, views of scholars and international experience systematically expressed in recommendations for the need to adopt a relevant Law of Ukraine, which would regulate this area of legal relations.

However, given the high social importance of research, as well as the need to focus on certain aspects of historical origins and the genesis of the institution of peaceful assemblies, this topic requires new research, taking into account current trends in legal science.

Results and Discussion

First of all, one of the most important issues of this study is the need to determine the basic elements of the conceptual and categorical apparatus of the research, which is logically formed from the statutory mechanism for exercising the right to peaceful assembly, and consistent with the terminology.

According to the part 3, Article 8 of the Constitution of Ukraine (Law No. 254k/96-VR, 1996), its norms are the norms of direct effect; the provisions of Article 39 of the Basic Law establish the basic principles of the institution of

peaceful assemblies in Ukraine and actually serve as its legislative foundation. Thus, Article 39 of the Constitution of Ukraine stipulates that citizens have the right to assemble peacefully without arms and to hold meetings, rallies, processions and demonstrations, upon notifying in advance the bodies of executive power or bodies of local self-government.

Definitions given, with the passage of time and the rapid development of legal science, as indicated above, have become increasingly diverse, as is clearly seen in the writings of various domestic researchers.

For example, Vlasenko (2011, p. 8) notes that a peaceful assembly is a collective or individual, peaceful, accessible to everyone public event with the participation of citizens of Ukraine, foreigners, stateless persons legally present in the territory of Ukraine. At the same time Shevchenko, Denisova M. and Denisova O. (2011, p. 127) emphasize that the right to peaceful assembly is a collective political right of an indefinite number of persons to conduct in places with unrestricted public access of any measures and actions not prohibited by the Constitution and laws of Ukraine to express and make public its own collective position on a certain issue or issues of social or group importance. These views, approved about 10 years ago, have been somewhat transformed to date, however, in our opinion, such characteristics as indefinite number of persons (collective or individual); accessibility to everyone; taking a position and others still remain relevant.

Thus, according Lazariev and Lohvinenko (2020), peaceful assemblies are one of the means for individuals and citizens to assert their rights, freedoms and interests in democratic society. Restrictions on the exercise of this right can be set only by the court, in connection with which the latter is largely responsible for ensuring the state-guaranteed right to peaceful assembly. Kurakin (2016) in this regard notes that "the existence of an additional specific source of settlement of this right – the decision of the Constitutional Court of Ukraine, – provides grounds to argue that its legal nature is due to legal contradictions between the organizers of relevant events and local authorities, causing disputes in courts of various instances and requires the intervention of the special body of Constitutional jurisdiction".

These views demonstrate the high relevance of the studied issues, as well as draw attention to the

high probability of successful solving the problems related to the implementation of this right in the case of outlining historical origins and clarifying the genesis of its formation.

At the same time, Zahorodniuk (2021) draws attention to the fact that the complex nature of the constitutional right of Ukrainian citizens to assemble, rally, march and demonstrate characterizes it as a multifaceted, social, political and legal phenomenon, covering subjective constitutional law, a form of direct democracy and a comprehensive legal institution.

That is, the pluralism of approaches to the main conceptual elements of the subject matter of study, shows that it is impossible to establish the essence, meaning and importance of the institution of the right to peaceful assembly in a national legal context without outlining general historical patterns of systemic and gradual formation of the view on the order of formation of the institution of peaceful assemblies.

We propose to characterize several historical periods for the presence of the foundations of the institution of peaceful assemblies and the possibilities and forms of realization of the relevant law. Taking into account the most common classifications of periods of history of the State and law, we propose to focus on major historical periods in a fragmented manner.

Thus, even in ancient times, Aristotle (2000) pointed out that freedom means, on the one hand, the right to participate in power, and on the other one – the ability to live by your wishes. If the majority prevails if necessary, the decision it takes is final and legal. It is this content, which is the interrelationship of social existence, that clearly forms the idea of the nature and importance of the right to peaceful assembly as a form of participation in government, because according to Aristotle, freedom as a social phenomenon makes it necessary both to control and to be controlled by the majority.

For example, characterizing the early forms of democracy, domestic researchers draw attention to the state system of Sparta, where in addition to the regular meeting, there was also an extraordinary meeting, in which only citizens, who were currently in the city, participated. Such meetings. were called small assemblies (microapella). Their competence included, among others, decisions on such important issues as war and peace, citizenship, interstate relations (Bandurka 2020, p. 105). Hrubinko (2019) draws attention to the fact that there was an opportunity

for the community of Sparta to express their own perspective on the king's decisions, and to change them under certain circumstances.

In our opinion, this, first of all, testifies to the impact of the exercise of the right to peaceful assembly on public policy, which is an instrument of national management. That is, the importance of the modern institution of the right to peaceful assembly primarily lies in the possibility of influencing a particular group of citizens on the public policy; as Aristotle pointed out, the wider this circle of citizens, the more fundamental and substantial will be this impact.

Another important historical stage and element of the genesis of the institution of peaceful assemblies in the Ukrainian lands is, in our opinion, the role of Kievan Rus, as Ukrainian statehood has its origins in ancient times.

It should be noted that for the entire period of its existence, the state system and legal status of Kievan Rus was characterized by customary legal relations, which were later regulated by proto-legislative acts (e.g., by Ruska Pravda (Demydenko & Yermolaiev 2017)). Instead, Hrushevskyi (1905, pp. 224 – 226) draws attention to the fact that the activities of the court of Kievan Rus covered all areas of politics and government at the time. With his power, the Prince could start a war, appoint a military expedition, issue laws, manage the profits of the principality, determine the level and nature of taxes, appoint his administration. We are quite in solidarity with Hrushevskyi's position on the total authority of the Prince, should note that over time, this power was supplemented by a large number of advisory institutions, which led to the expansion of the State apparatus and enabled certain sectors of society to participate in the management of public affairs.

For example, among the components of the State apparatus of Kievan Rus, according to Presniakov (1993, p. 190) was the Prince's druzhina (militia), which in fact was formed on the principles of private law, personal union, based on the common hearth and bread of master with servants. As a rule, this union significantly separated the militia from the general structure of the people's community into a special self-sufficient unit. In our opinion, the content of this institution primarily reflected that in the early feudal monarchy certain segments of the population were given not only the duty to defend the Prince, but also the opportunity to collectively address him on problematic issues related to the society.

Hrafskiy (1995, pp. 38 – 39) focuses on the activities of such a body of self-organization of the population as the Viche, which was the main authority of communities in cities and villages. The Viche met only when necessary, and its competence included: consideration of community land redistribution; protection of shrines; settlement of disputes between individual families and communities; decision-making on resettlement to other lands; defense against enemies, etc. That is, the Viche was primarily an instrument of democratic solution of important social issues.

Its only difference from the institution of peaceful assemblies was that the Viche, as the governing body, directly made decision; the Viche members had already initiated certain decisions on which it was necessary to find an understanding, while all current forms of peaceful assemblies take into account only public demonstration of the position of the community, which does not oblige government officials to comply with such requirements.

The most relevant to the context of our study is the view by Yermolaiev, who argues that in the late days of Kievan Rus (during the period of feudal fragmentation) the Viche from the tribal assemblies (assemblies) of the ancient Slavs, the chamber became a meeting citizens, in which the decisive role was played by "city elders", boyars, clergy, merchants, and in addition there was even the opportunity to convene a chamber on tax policy, sometimes in protest against the policy of the Prince (Yermolaiev 2002, p. 55).

Thus, the features of the institution of peaceful assembly are clearly distinguished from the general structure underlying the functioning of the institution of the Viche. Since this formation in times of feudal fragmentation began to acquire the traits of not only constituent and a kind of legislative, but also protest, which in turn could be transformed into a proto-demonstration or rally, the content of which would express its vision on key and fragmentary issues of the functioning of the State apparatus or the principles of public legal existence.

In general, the characteristics of the times of Kievan Rus are the most atypical in the context of this study, as the institutions of private property and criminal law and procedure can be considered the most developed in the relevant historical period (these are the elements most detailed in the Ruska Pravda), but most important is that certain characteristic and traditional ideologies of the attitude of modern citizens of

Ukraine to the culture of peaceful assemblies have started its formation exactly from time of Kievan Rus. The undeniable importance of the participation of all segments of the population in the management of public affairs and the opportunity to express their position both in the decision-making process of a collegial body and in the form of a peaceful assembly, rally, march, demonstration, protest or other format is embedded in the structure of the Ukrainian mentality, which is undoubtedly positive, as such positive, as they have basic philosophical significance for the formation and implementation of modern democratic values in public life.

The following is a general analysis of the historical period of the Cossacks in the Ukrainian lands, which primarily refers to the middle stages of formation of Ukrainian society and will form a common vision on the establishment of the institution of peaceful assemblies as one of the fundamental in State building.

In the days of the Cossacks, the practice of peaceful assemblies, called people's councils, was convened to address the most important issues of social life. This allowed citizens to publicly express their own vision of certain important aspects of State building and to influence the vector of public policy (Zahorodniuk 2021). Andrushchenko and Fedosov (1995, p. 55), studying the Zaporizhzhya Sich as a Ukrainian phenomenon drew attention to the fact that the life of the Cossacks was democratic in its content, as freedom of speech, movement and assembly were the basis of its functioning. In particular, the Cossack Council provided an opportunity to freely influence the choice of leadership (government), to protest against their arbitrariness and to speak on any other issues. One of the most fundamental and constituent legal acts in the system of functioning of the institution of peaceful assemblies is the "Treaties and Resolutions of the Rights and Freedoms of the Zaporozhian Army" (Constitution by Pylyp Orlyk). Article 6 of this document stated that "in autocratic States retain a glorious and socially beneficial system, in which always, both during the war and in peacetime, privately and publicly held councils on the common good of the Motherland, in which Ministers and Councillors themselves, who are present, do not prohibit ministers and advisers from discussing and adopting their decisions (Lukashevych & Manzhul 1996).

The above gives grounds to claim that the Cossacks played a key role in establishing the institution of peaceful assembly in Ukraine, as this form of interaction between community and government was the basis for social life of the Cossacks. However, it should also be noted that all documents and acts clearly state the list of persons who had access to the Cossack Council as the highest collegial body, but there was also a possibility of convening a people's assembly, by any representative of representative of Cossack society who had the right to enter the Sich.

The aggressive protest culture in social relations during the time of the registered Cossacks, clearly demonstrates how the way to express one's position through protest, even aggressive one, can affect the vector of public policy in the particular issue.

For example, a typical example is the situation on the eve of Khmelnytskyi Epoch, when despite the favorable economic situation (1638 – 1648) there was a gradual strict restriction of the Cossack register, including in which, in turn, was identified with access to the most democratic and social benefits, which resulted in mass protests of the Cossacks, who were left without the legal status of "registered person", and later uprisings, followed by an increase in the Cossack register (from about 7 000 to 40 000) (Korniievskyi 2021). It should be emphasized that the practice of aggressive, military protests to influence decisions that harmed the interests of the registered Cossacks is quite common in the early Cossack Epoch, when there were resources and opportunities, but the opposite situation shows the late Cossack Era, when the corresponding statehood became increasingly dependent on the Russian Empire.

Thus, the attempts to organize more peaceful assemblies also took place during the late Cossack era (1764 – 1767), when the Cossack system was abolished in Sloboda Ukraine and a part of the Slobodan petty officer was inclined to hold a mass protest against the intentions of Russian authorities and the submission of a collective petition to the Empress for the settlement of a dispute, while the overwhelming majority opposed such intentions (Bahalei 1990).

Therefore, it should be noted that in the days of the Cossacks the culture of exercising the right to peaceful assembly have acquired a new dimension under the influence of other democratic values and the direct introduction of the forms of direct democracy into social life.

The arguments presented at this historical stage first of all demonstrate the essence and importance of exercising the right to peaceful assembly in the context of establishing Ukrainian statehood and additionally argue that the right to assemble peacefully, unarmed, to hold rallies, marches and demonstrations is regulated by modern Constitution of Ukraine takes its roots from Ukraine's historical past and is also closely intertwined with genetic code of the nation and the formation of an understanding of administrative and legal regulation of the relevant relations in the society.

Another historical period that dramatically influenced the formation of the institution of peaceful assemblies in the Ukrainian lands is the Soviet period, which is characterized by certain negative features.

The Constitution of the USSR stipulated that "in accordance with the interests of the people and in order to strengthen and develop the socialist system, the citizens of the USSR the following freedoms are guaranteed: speech, press, assembly, rallies, street marches and demonstrations" (Article 50); as well as "...to unite in political parties, public organizations, to participate in mass movements that promote political activity; and initiative, the satisfaction of their interests" (Article 51) (Bandurka 2020). At the same time, we draw attention to the fact that the establishment of such criteria as "the compliance with the interests of the people", "to strengthen the socialist system", "promoting political activity", etc., transforms the exercise of the right to freedom of expression through peaceful protest, demonstrations or rallies completely belittle democratic values.

Other researchers also pay scientific attention to this fact; for example, Sereda (2019) claims that the policy of the Soviet era and the existing legal system, which clearly corresponded to the Party's interests and protected them, turned the institution of peaceful assemblies into a purely declarative one.

Indeed, the unconstitutionality of the Soviet illegal intentions to restrict the right to peaceful assembly has also been proven by the Constitutional Court of Ukraine, which in its decision of 08 September 2016 № 6-rp / 2016 in case № 1-13 / 2016 (Constitutional Court of Ukraine 2016), declared Decree of the Presidium of the Supreme Soviet of the USSR "On the organization and conduct of meetings, rallies, street marches and demonstrations in the USSR" of 28 July 1988 № 9306-XI (Order of the

Presidium of the Supreme Soviet of the Soviet Union No. 9306-XI, 1988) unconstitutional (such that does not comply with the Constitution of Ukraine).

At the same time, the practice of protest in the territory of the USSR has also not been nullified, for example: the strike of workers of the Novocherkassk Electric Locomotive Plant (June 01 – 02, 1962), which was based on workers' dissatisfaction with rising prices for certain foodstuffs, ended with the phenomenon that historians called «Novocherkassky» the shooting», as 24 people were killed and at least 39 were injured in peaceful protests (Colonelcassad 2017); protest by Africa students Patrice Lumumba University of the Friendship and Kalinin University (December 18, 1963), whose main message was to condemn domestic racism in the case of the murder of a Ghanaian student Edmund Assare-Addo (Time USA 1963), which resulted in no reaction from the Party leadership.

However, the rally called "Granite Revolution" (October 02 – 17, 1990) was one of the most significant in the history of Ukrainian statehood and the formation of the right to peaceful assembly in socio-political relations, as well as the consciousness of citizens as an effective tool to influence the government. This event, according to domestic and foreign historians, is an unprecedented case of completely peaceful influence on the vector of public policy by an organized group of citizens (students).

According to Roh, one of the participants in the Granite Revolution, the protest was organized completely by students, and resulted in the resignation of the Chairman of the Council of Ministers of the USSR Vitaliy Masol and the fulfillment of a number of demands. The events had a great impact on the further activity of young people. In particular, a lot of literature brought in from the western regions differed by other regions (Andrikevych 2013).

At the same time, it should be emphasized that based on the content of the letter of the KGB and the Ministry of Internal Affairs of the USSR dated 29 September 1990 №98s /vn (Zbruc, 1990), among the main requirements were the following: preventing the signing of a new union treaty; re-election of the Verkhovna Rada of the USSR; return of Ukrainian soldiers to the territory of the Ukrainian SSR and their military service exclusively within the Ukrainian SSR; nationalization of the property of the Communist Party of Ukraine and the LKSMU; resignation of

the Chairman of the Council of Ministers of the USSR.

The provisions of the Resolution of the Verkhovna Rada of the Ukrainian SSR "To consider the claims of students who have been on hunger strike in Kyiv since 02 October 1990" for taking into account in Par. 1 (New Elections), 2 (Military service of citizens of Ukraine), 3 (With regard to the nationalization of CPSU and VLKS property in the territory of Ukraine), 4 (with regard to the Allied Treaty), 5 (Regarding the resignation of the Prime Minister of the USSR) are key from a legal point of view regarding all the demands of the protesters (Resolution of the Verkhovna Rada of the Ukrainian SSR No. 402-XII, 1990), which became an inevitable point of restoration of Ukrainian statehood, establishment of democratic values in Ukrainian society despite centuries of attempts to destroy the Ukrainian national idea.

Conclusion

Thus, basing on the analysis of the main elements of the conceptual and categorical apparatus of research, identifying the historical origins and genesis of the institution, as well as generalization of scientific views and legislation of Ukraine and foreign countries at different historical stages regarding the legal regulation of the outlined issue, the following conclusions are substantiated:

1. The decisive role of the right to peaceful assembly in the historical context of state-building processes has directly influenced the formation of democracy as the main political regime of modern times, recognized as the standard. At the same time, peaceful assemblies, in their content, serve as the form of realization of such rights as: freedom of expression; the right to manage public affairs; rights of free movement and many others.
2. The stages of formation of the right to peaceful assembly in different periods of history, the division of which took into account the prevailing scientific understanding of them. Highlighting antiquity, times of Kiev Rus, period of Cossacks, the Soviet period and the period of early independence of Ukraine is not accidental. Ukrainian history goes back to antiquity, which is why it is the primary starting point for the formation of public awareness of the need to take part in the management of public affairs through rallies, including protests.
3. The analysis of ancient sources and views of scholars led to the idea that in ancient times the influence of peaceful assemblies on public policy was situational rather than systemic, because class division and discrimination on this basis have been well rooted in tradition. At the same time, since the first manifestations of this phenomenon, it has become an instrument of national management, that is to say, there was a possibility of the influence of a particular group of citizens on the direction of State policy at a time when the ruler (king, emperor, another person who ruled the State) created the conditions.
4. Kievan Rus, as the State of early feudalism, was also not characterized by a broad guarantee of the right to peaceful assembly in any of its manifestations; though, during the late existence of Rus, and in particular in the period of feudal fragmentation, there was rapid development of a mechanism for the participation of individuals in the management of public. The main forms of such participation were: Viche (as a form of self-organization of the city or other local territorial unit), national Viche, boyar council and others. We stress on the view that the most important thing is to establish the traditional ideological features of the attitude of modern citizens of Ukraine to the culture of peaceful assemblies, which dates back to the formation of Kievan Rus.
5. The Cossacks, first of all, were characterized by the introduction of the forms of direct democracy into social and legal life, which was expressed in holding general people's councils, meetings of Cossack officers, the exercise of the will of the people by popular vote. The scholars, who characterize the relevant historical period, first of all, argue that the state-building processes in the Cossack Epoch formed a typical vision on the state of the modern Ukrainian State and introduced into the genetic code of the Ukrainians the desire to participate in the management of public affairs through peaceful assemblies and demonstrations, including protests, rallies, and, if necessary, uprisings and riots.
6. The Soviet historical period also has certain features. They are, first of all, that the Constitution of the USSR declaratively established the right to peaceful assembly, rallies, as well as the right to strike for employees of enterprises, the opportunity to march and demonstrate. Instead, the implementation of regulatory capabilities was not possible, as dozens of examples

- from different geographical locations of the former Soviet Union witnessed the harsh reaction of the Party Government to any protest movement, which often ended in shootings. The impossibility of holding a peaceful assembly without the permission of public authorities was also evidenced by the provisions of the Decree of the Presidium of the Supreme Soviet of the USSR "On the Procedure for Organizing and Conducting Meetings, Rallies, Street Marches and Demonstrations in the USSR" of 28 July 1988 (Order of the Presidium of the Supreme Soviet of the Soviet Union No. 9306-XI, 1988), which had long been operating in Ukraine by way of succession and was declared unconstitutional (inconsistent with the constitution) by the Supreme Court.
7. The early post-Soviet period was marked by the adoption of the Constitution of Ukraine, which clearly defined the general conditions for peaceful assemblies by citizens (Article 39). Besides, the Granite Revolution – the key event in establishing the institution of peaceful assemblies in Ukraine – is one of the classic manifestations of peaceful assemblies, during which the protesters were not pressured, and all the demands were met by the Party Leadership in full. The significance of this historical event for the formation of Ukrainian statehood has become inestimable, as the culture of mass peaceful assemblies and protests often plays a decisive role in directing the vector of public policy.
 8. The view that these historical stages are not a complete reflection of the historiography of the institution of peaceful assemblies and only fragmentarily reflect the main historical limits of its formation – those, where events most significantly, in our view, affected the development of this institution. At the same time, although fragmented but historically integrated vision of the development of the institution of peaceful assemblies allows to justify its defining role in the formation of classical democracy.

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