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PROBLEMS OF LEGAL REGULATION FOR STATE LANGUAGE POLICY IN UKRAINE

A modern state acquires independence and sovereignty only when it can fully protect and secure itself and its own symbols. It is applied not only at the national and international levels, but also in individual spheres of functioning, in individual regions throughout its territory. When we talk about Ukraine as a sovereign state, we mean a free country that performs its own functions on its territory independently and as an independent subject of international relations. In this case, one of the most important elements of such a state is necessarily the Ukrainian language in the status of the only official state language.

It is worth noting that the state language is one of the most important attributes of any state, it is the foundation of national identity and the basis for the formation of self-awareness and self-identification of an individual, as a citizen and representative of the respective nation. In the process of formation and development of a modern state, its language plays a major role in uniting and strengthening society. Therefore, taking into account the importance of language in the formation and development of the state and nation, it is worth paying attention to its protection at the national level.

A noticeable problem of the modern language policy of Ukraine has become its discrepancy with the real language situation in the country. The reason for this is the political situation, which contributed to excessive politicization of the language issue. Therefore, from the point of view of some people, the state language is not so much an important symbol of national identity and an integral part in the mechanism of formation of an independent legal state, as a lever for various manipulations on political issues. This state of affairs makes it difficult to properly assess the situation and settle the language issue.

The aim of the article is to analyze the peculiarities of the formation and implementation of the state language policy in Ukraine, the problems and shortcomings of legal support in this area, and suggestions for its improvement.

Keywords: state language policy, legal regulation, state language, problems of defining and applying the state language.

Калушка В.

Проблеми правового регулювання державної мовної політики в Україні

Сучасна держава набуває незалежності та суверенітету лише тоді, коли вона може повноцінно захищати та забезпечувати себе і свої символи. Це стосується не лише національного та міжнародного рівнів, а й окремих сфер функціонування, окремих регіонів на всій її території. Коли ми говоримо про Україну як про суверенну державу, ми маємо на увазі вільну країну, яка самостійно виконує свої функції на своїй території і як незалежний суб'єкт міжнародних відносин. У цьому випадку одним з найважливіших елементів такої держави обов'язково є українська мова в статусі єдиної офіційної державної мови.

Варто зазначити, що державна мова є одним з найважливіших атрибутів будь-якої держави, вона є фундаментом національної ідентичності та основою для формування самосвідомості та самоідентифікації особистості як громадянина і представника відповідної нації. У процесі формування та розвитку сучасної держави її мова відіграє важливу роль в об'єднанні та зміцненні суспільства. Тому, з огляду на важливість мови у формуванні та розвитку держави і нації, варто приділяти увагу її захисту на національному рівні.

Помітною проблемою сучасної мовної політики України стала її невідповідність реальній мовній ситуації в країні. Причиною цього є політична ситуація, яка сприяла надмірній політизації мовного питання. Тому, на думку деяких людей, державна мова є не стільки важливим символом національної ідентичності та невід'ємною частиною механізму формування незалежної правової держави, скільки важелем для різних маніпуляцій з політичних питань. Такий стан речей ускладнює об'єктивну оцінку ситуації та вирішення мовного питання.

Метою статті є аналіз особливостей формування та реалізації державної мовної політики в Україні, проблем і недоліків правового забезпечення в цій сфері, а також пропозицій щодо її вдосконалення.

Ключові слова: державна мовна політика, правове регулювання, державна мова, проблеми визначення та застосування державної мови.

Formulation of the problem. Nowadays, language policy occupies a very important place among state priorities, because its task is «to ensure the unwavering observance of constitutional guarantees regarding the comprehensive development and functioning of the Ukrainian language as the state language in all spheres of public life throughout the territory of Ukraine, the free development, use and protection of the languages of national minorities and meeting the language needs of Ukrainian citizens» [1].

A noticeable problem of the modern language policy of Ukraine has become its discrepancy with the real language situation in the country. The reason for this is the political situation, which contributed to excessive politicization of the language issue. Therefore, from the point of view of some people, the state language is not so much an important symbol of national identity and an integral part in the mechanism of formation of an independent legal state, as a lever for various manipulations on political issues. This state of affairs makes it difficult to properly assess the situation and settle the language issue. Meanwhile, it is very important not to interfere with the interests and rights of indigenous peoples and national minorities after approving and strengthening the status of the Ukrainian language as the only state language.

Literature Review. In the practical and theoretical aspect, the legislative definition of language policy was studied in the works of such scientists as: V. Vasylenko, M. Havretska, O. Hutsul, V. Datsyuk, T. Kovalova, Yu. Kuts, O. Levchenko, V. Lyzanchuk, I. Lopushynskij, H. Lucyshyn, L. Masenko, V. Markovskij, T. Marusyk, Ch. Oleksyk, I. Plotnyczka, Ye. Tkachenko. However, the problems and gaps in the legal regulation of the state language policy in Ukraine are poorly researched.

The purpose of the study. The aim of the article is to find out the peculiarities of the formation and implementation of the state language policy in Ukraine, problems and shortcomings of legal support in this area, proposals for its improvement.

Presentation of the Main Research Findings. Among the achievements in the linguistic and cultural sphere that have been implemented in recent years, we can name:

- adoption of the Law «On Ensuring the Functioning of the Ukrainian Language as a State Language» [2];
- approval by the Cabinet of Ministers of Ukraine of the Ukrainian spelling for 2019 [3];
- approval of the Strategy «A strong language – a successful state» [4];
- decommunization of the toponymic space and landscape of the country;
- receiving the Tomos on autocephaly by the Orthodox Church of Ukraine;
- state support for book publishing in the Ukrainian language;
- introduction of quotas regarding the Ukrainian language on television and radio;
- as well as the growth of national film production, etc.

An important step for the formation of an effective language policy in Ukraine was the adoption by the Cabinet of Ministers of Ukraine of the Strategy for the Popularization of the Ukrainian Language until 2030 «A Strong Language – a Successful State» dated July 17, 2019. «This, in particular, will contribute to increasing the prestige and authority of the state language, forming a comfortable and a functional Ukrainian-speaking environment throughout the territory of Ukraine and for its entire population, and will also create conditions for meeting the linguistic needs of Ukrainians living abroad» [4].

In view of the above, the opinion of O. Kuts appears to be correct, who concludes that «the political, socio-economic, cultural, legal aspects of the functioning of the state language in all its specificity should be coordinated elements of a holistic social worldview, declared as the state's course for harmony and harmony in society» [5, p. 196].

O. Kuts also determined the next steps in the development of the state language policy «to create a central body with a full-fledged vertical of specialized bodies for the implementation of language policy in the field of language planning and construction; organize and add content to the mechanisms of control over compliance with the current legislation on language. An important role belongs to civil servants, who, as representatives of the Ukrainian state, must not only know the state language, but also promote it [5, p. 196].

The integrity of society, its effective functioning and development depends on how the language policy will be constructed, what are its main goals and objectives. Since the declaration of independence, the language issue in Ukraine has acquired an overtly political color. No political crisis or election campaign was without speculations and provocations regarding the language issue. Therefore, the state must take clearly defined and purposeful actions to create appropriate socio-political conditions to overcome the language crisis, because without improving the legal foundations of the state language policy, it is impossible to harmonize the language environment in general, overcome the problem of politicization of the language issue and turn it into a tool of external and internal manipulative influence, on the mechanism of division of Ukrainian society.

The language conflict in Ukraine should be considered as a factor that negatively affects the country's national security and determines the need to improve the activities of authorities that determine the main elements of language policy. Therefore, it is urgent to identify the fundamental characteristics of the real state of the language situation in this nation, factors that negatively affect the language issue and hinder the democratic development of interethnic relations, and also require their consideration in the process of developing and improving modern language legislation.

Nowadays, the significant problems have been identified in the implementation of language policy in the Ukrainian society, in particular, regarding its influence on the course of political processes. They are multifaceted. After all, on the one hand, it is the formation and determination of priorities of the state language policy, on the other hand, the influence of the language issue on the entire political process in the context of modern challenges.

Among the factors determining the vector of modern socio-political development of Ukraine and the state of its national security, the language issue occupies a special place, taking into account the linguistic composition of the population of Ukraine.

As the world practice shows, the spread of multilingualism in one country is always conflict-causing. According to the American sociolinguist E. Haugen, a multilingual country, if it is not a decentralized federation with sufficiently stable linguistic boundaries, will always be threatened by internal conflict [6, p. 245].

The change in the political, economic, and spiritual situation in our country contributed to changes in the internal relations of the Ukrainian ethnic group, and also affected its relations with foreign ethnic groups living on the territory of Ukraine.

«Firstly, these inter-ethnic relations have become more complex, more diverse; secondly, the trends that give rise to these contradictions have emerged. It should be noted, that one of them lies in the area of language policy implementation. In the process of ideological confrontation, the language issue turns into a factor of inter-ethnic conflicts» [7, p. 47].

Language contradictions turn into a destabilizing factor of internal security and inhibit the process of development of a democratic, sovereign, legal state. Due to the fact that the ethno-national and linguistic majority in Ukrainian society do not coincide, this is a serious problem and a source of possible conflict on linguistic grounds. A sociological study called «Dynamics of Patriotic Sentiments» conducted in 2014 shows that «more than 60% of Donbas residents miss the USSR. At the same time, if the number of supporters of the USSR decreased in the Center, East and South during 2013-2014, it increased in Donbas. Among ethnic Russians, the number of those who still regret the loss of the USSR increased from 55% to 60% in one year. Whereas, this indicator decreased from 38% to 29% among ethnic Ukrainians» [8, p. 52].

As we can see, the possibility of any conflict arising on the basis of the language issue is a preventive threat of the disintegration of the state as long as the process of language policy implementation is not too successful due to internal and external factors. Internal factors include the difficult historical heritage and regional division of Ukraine, when the regions differ in both culture and language. The state has regions with heterogeneous national-cultural, linguistic, socio-political traditions and orientations. Historically, this is due to the inclusion of separate parts of Ukraine in the composition of different states and their unification at different times in the composition of one state.

In addition, in the process of forming the foundations of the state language policy of Ukraine, its linguistic landscape, which is unique, plays an important role. «All the larger ethno-linguistic minorities together number less than 2.4 million people (4.9% of the entire Ukrainian population) and represent different communities, each of which has less than 300,000 people (less than 1% of the Ukrainian people). These include Belarusians – 275.8 thousand, Moldovans – 258.6 thousand, Crimean Tatars – 248.2 thousand, Bulgarians – 204.6 thousand, Hungarians – 156.6 thousand, Romanians – 151 thousand, Poles – 144.1 thousand, Jews – 103.6 thousand, Armenians – 99.9 thousand, Greeks – 91.5 thousand, Tatars – 73.3 thousand, Roma – 47.6 thousand, Azerbaijanis – 45.2 thousand, Georgians – 34.2 thousand, Germans – 33.3 thousand and Gagauz – 31.9 thousand. In some regions, there is a significant presence of certain minorities (from a geographical point of view, we are talking about the densest population) i.e. 98.1% of Crimean Tatars live in the Autonomous Republic of Crimea; 96.8% of Hungarians are in Zakarpattia Oblast; 86.5% of Gagauz people are in Odesa region; 84.7% of Greeks are in Donetsk region; 75.9% of Romanians are in Chernivtsi Oblast and 21.3% in Zakarpattia Oblast, and 73.7% of Bulgarians are in Odesa Oblast» [9, p. 45].

As world practice shows, the effectiveness of regulating complex and important social relations, which also includes the legal language status of national minorities in society, increases significantly if it is carried out by means of legal policy. After all, it involves purposeful activity of authorities on the basis of scientifically based

mechanisms, principles and means of achieving the goals and tactical tasks of the state and society. In addition, the formation of legal protection of the languages of national minorities is an objective response of the state to the needs of the internal regulation of the foundations and basic conditions of language policy. Ensuring the rights of citizens representing national minorities should take place not only at the national level, but also at the regional level.

A special role for national minorities is played by the factors of «motive of danger» and «principle of justice» in language policy. After all, it is them who influence the formation and development of language policy. Therefore, the role of the state and its institutions in this sphere is determined, in particular, by the fact that the state establishes and regulates the language rights of national minorities within its own territory.

It is worth noting that language problems must be solved taking into account our status of independence and integration aspirations to Europe. It is these two priorities that should dictate the conditions for conducting language policy, i.e., orient domestic legislation, organizational measures, and management decisions to these components. Analysis of Ukrainian legislation and foreign countries shows that language policy should be implemented on the basis of:

- state support for comprehensive development and functioning of the Ukrainian language in all spheres of public life on the territory of Ukraine;
- taking into account the inherent right of a person to communicate in his native language;
- promotion of ethnic groups' realization of the right to use and develop their own language;
- combination of functioning of the state Ukrainian language and guarantees of development and use of languages of national groups and indigenous peoples;
- the development of the languages of ethnic minorities should not hinder the development of the state language, the need to know, study and use it in everyday communication,
- a tolerant attitude on the part of society towards a person's native language, as a special form of feelings and a treasure of the ethnic group to which he refers;
- the protection and development of the languages of ethnic minorities and indigenous peoples as an important contribution to the development of Europe, its cultural diversity and the introduction of democratic traditions [8, p. 54].

Therefore, the modern state language policy of Ukraine can be effective only under the condition of the existence of a certain mechanism for its legal support, which is optimal for solving various problems related to language relations. Therefore, coordinated actions of authorities, public structures, and scientists, based on constitutional provisions, will be the key to success. Solving language problems in Ukraine requires a scientifically based combination of all promising, including pan-European trends and world experience in solving them. Therefore, the state language policy, as a set of goals and principles that determine the application of language practices in all spheres of social life with the help of legal factors, should take into account the rights and interests of Ukrainian society and national minorities. As a result, the new content of the modernization of the language policy in our country provides support for the development and functioning of the state language, as well as the languages of national minorities, taking into account the value orientations, social and psychological characteristics, language needs of citizens, which requires, first of all, scientific and theoretical understanding and justification i.e. legal basis for its implementation.

In general, it is necessary to influence the language situation simultaneously and purposefully in all spheres of social life: in education, in the management system, informational and cultural spheres, in the security and defense sector. In order to avoid a negative development of events and eliminate the possible consequences of external influence on the politicization of language problems, it is advisable to: improve the regulatory and legal framework; to develop additional measures for the support of the Ukrainian language for Russian-speaking regions, to promote the Ukrainian language in all spheres of life and on the scale of the entire country actively; to take control of assistance to underused languages and review the list of languages covered by the Law of Ukraine «On the Ratification of the European Charter of Regional or Minority Languages». All in all, it is expedient to strengthen and develop information and educational networks in the languages of national minorities in accordance with the needs declared by them; to create joint commissions with neighboring states on issues of linguistic, cultural and historical heritage to conduct an active dialogue on this issue [10, p. 278].

Therefore, the development and implementation of relevant laws requires an appropriate language policy that can be relied upon. Individual domestic normative legal acts are fragmentary and cannot effectively define language relations as a whole. Meanwhile, the exclusive borrowing of foreign experience without taking into account Ukrainian international relations, to which lobbying of the ethnic community interests is added, makes it impossible to adopt a general document. If the language legislation is formed as part of the state language policy

agreed in society and at the same time takes into account international legal standards, the risk of increasing tensions and violent conflicts is significantly reduced.

Conclusions. Thus, it can be concluded that language problems must be solved taking into account the status of independence and sovereignty of Ukraine and its integration aspirations into the European community. These priorities should dictate the conditions for the formation and implementation of language policy and guide Ukrainian legislation. After all, the issue of the relationship between politics and language is gaining importance in the aspect of determining the future in the linguistic development of Ukraine and the formation of the national consciousness of society.

Legislative provision of the state language policy requires, first of all, the solution of a number of tasks, in particular, the solution of language problems based on the consolidation of Ukrainian society in accordance with the Constitution of Ukraine. The state language policy will be successful only if there is one state language – Ukrainian. At the same time, all ethnic communities living on the territory of our state should feel safe, and the state guarantees of their linguistic rights and freedoms should be supported by a high degree of tolerance regarding their implementation. Such a language policy would serve the unity of the Ukrainian nation, better mutual understanding of all indigenous peoples and national minorities.

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