

UNDERSTANDING THE CONCEPT OF "SOCIAL AND LEGAL VALUE OF MAN" IN UKRAINE IN THE SECOND HALF OF THE 17–18 CENTURIES

This scientific publication explores the understanding of the concept of "social and legal value of man" in Ukraine in the second half of the seventeenth – eighteenth centuries. It is proved that the understanding of human value in the second half of the 17th – 18th centuries. based on anthropocentrism in combination with axiological elements. It was found that the understanding of the concept of "social and legal value of man" was influenced by a number of factors, and the awareness of the studied concept was reflected in the legal status of different groups. It is established that the development of the legal status of a person in the second half of the 17th – 18th centuries. passed two stages.

It is substantiated that the understanding of the concept of "social and legal value of man" differed in the second half of the 17th century. and in the 18th century: during the national liberation war and during the 17th century. socio-legal value of "anyone", "everyone" is understood in connection with the concepts of "self-importance", "significance", "need" and during the eighteenth century. understanding of the concept of "social and legal value of man" was differentiated depending on the class division of the population.

In the conditions of building the rule of law in Ukraine, formation of civil society, participation of our country in the processes of European integration, world globalization, philosophical and legal problems of identification and self-identification of a person in the environment are actualized. "Eternal" philosophical questions continue to arise today: "What is man?", "What is his place in the world?", "Is he the Creator?" etc. "Recognition of man as the highest social value has led to the anthropologisation of law, as a consequence – the actualization of the study of the laws of law on the basis of clarifying the place and role of man in this process" [1, p. 258].

In this context, the problem of understanding the socio-legal value of man in historical perspective is significant, because "Each historical epoch has made its adjustments to the system of knowledge about man and law, which was due to spiritual, cultural, economic, political and other factors" [2, p. 214]. It acquires special significance in connection with the need to determine the relationship "man" – "law", the creation of "human image" through the prism of existing (including legal) values, the needs of humanization of law, focusing on question "measure of human" law.

"Focusing on the needs and interests of man and reflecting them in such formulations as" human centrism in law "," human dimension of law "," anthropologization of law ", is especially relevant in modern conditions of human development" [3, p. 55]. Thus, axiological and anthropological-legal problems of understanding the social and legal value of man are currently emerging: a man who "thrives" and "fights for existence" in the 21st century, characterized by a dialectical combination of humanism and irreconcilable religious fundamentalism, globalization and regional localization, rational understanding of the world and its irrational destruction.

One of the stages in the development of awareness of the social and legal value of man in Ukraine was the period of the second half of the 17th – 18th centuries. The legal teachings of the Enlightenment had a significant impact on the nature of understanding the socio-legal value of man. In Ukraine, the Enlightenment was characterized by the efforts of figures of this era to solve the problem of universal justification of the idea of law, based on European ideas of "natural law" and "social contract", to spread such a direction as "philosophy of heart", to develop a set of humanistic ideas. In general, the Enlightenment promoted the ideas of bourgeois democracy, individual freedom, equality, social progress, republican state system [4, p. 14; 5, p. 291].

According to some scholars, the main aspects of understanding the value of man include the following: emphasis is placed on the "autocracy" of the human mind; man is the creator of his destiny, a free and active person; human action is evaluated through the category of "true virtue"; man is an end in himself, so the basis of his social existence should be personal freedom and legal equality, which are a measure of justice, and, at the same time, a natural property of man; the essence of man is determined by the "heart", which is the source of thoughts and knowledge; the natural abilities and vocation of man correspond to "related" work, which provides self-realization, happiness, harmony, satisfaction and joy for man and should be aimed at the good of society; a person realizes his abilities through education and self-knowledge; the purpose of human life – self-knowledge, moral self-improvement, self-affirmation and fulfillment of duty; the idea of a spiritual person dominates; a person must be aware of the self-worth of his "I", to achieve harmony of feelings and mind, worldview; man must have the will to rule over himself, his passions, the will to cognition and creativity, and freedom of will is viewed through the prism of natural human rights; a person's value is determined by his qualities, such as reason, knowledge, diligence, faith, mercy, justice and is manifested in his deeds.

Thus, we can conclude that based on the main aspects of understanding the socio-legal value of man in the second half of the 17th – 18th centuries., We can say that it was based on anthropocentrism in combination with axiological elements. However, there is a change in the structural components of anthropocentrism: the concept of "reasonableness" of the individual comes to the fore.

Man is an active subject of social life through awareness of the goals of his creative activity, the ability to choose and freedom of will, which was achieved through reason, the use of intellectual abilities, rational understanding of their own future actions. That is why we should agree with the opinion of SM Wozniak that educational anthropology can be defined as anthropocentrism [6, p. 10]. The process of active social life of man, according to Ukrainian thinkers of this period, should have contributed to the implementation of natural and legal ideas (legal equality, freedom, the right to happiness, etc.).

The ideas of humanism, the Enlightenment, the understanding of human values were reflected in a number of historical and legal sources of the second half of the 17th – 18th centuries. In particular, we pay attention to the text of the Constitution of P. Orlyk (1710). In our opinion, it included: the ideas of justice, democracy, extracurricular and equal status, respect for people, support for socially vulnerable groups, election of officers and hetman, limitation of his power, republican parliamentarism, government responsibility to the person, national identity; it was focused on the eternal values of the mental orientation of Ukrainians to freedom and personal uniqueness; he affirmed the values of natural and legal regulators of public life, the protection of the natural rights of man and people (property, court proceedings, etc.); in it, "the individual acquires a more valuable meaning... is already considered a specific center of public life."

The text of the Constitution of 1710 constantly emphasizes the "rights and freedoms" of the people ("the free people of Little Russia"), states that "according to ancient customs and the right of military free votes unanimously elected Hetman His Grace Mr. Philip Orlik" (preamble), "Always as military, and *pospoluti* officials, especially colonels, must be elected by free vote, and after election – approved by the hetman's authority" (part 2, section X) (principle of election), criminal or non-criminal case "(Section VII) (principle of judicial review of the case) [7].

A significant place in the Constitution is given to the protection of "rights and freedoms" of man, regardless of his social status; however, it is also a question of special protection of the rights of socially vulnerable segments of the population. Thus, Section X states that "military and *pospoluti* people should not suffer unprofitable burdens, taxes, oppression

and extortion"; therefore it is necessary "that gentlemen colonels, centurions, atamans with all military and pospoluti officials should not dare to perform serfdom and work on their private farms by cossacks and pospoluti, especially those who belong neither to their governments nor to them directly: not to force mowing hay, harvesting from the fields and digging dams, not to take away and not to force to sell land, not to seize movable and immovable property for any fault, not to force artisans to do their household chores free of charge and not to involve cossacks in private distribution.»

Special emphasis was placed on the ban on tax collectors and tolls "extortion" against "poor people"; to demand from "ordinary people" to keep passing officials and to provide them with transport; to collect taxes from cossack widows and cossack orphans, as well as women whose husbands were on campaigns, and to involve them in public works (Chapters XI, XIV, XVI) [7].

A number of humanistic and enlightening ideas were also enshrined in the original codified act "Rights under which the people of Little Russia are tried" (1743).

Thus, we are talking about such principles as finding a person guilty and punishable only by a court sentence (Chapter VII, Article 1, paragraph 1), sentencing only when proving the guilt of a person in court (Chapter II, Article 3, paragraph 3). Chapter XX, Article 2, paragraph 2), sentencing, taking into account the severity of the guilt (Chapter VII, Article 3, paragraph 2), the personal nature of responsibility (Chapter III, Article 3), democracy (Chapter VII, Article 2, paragraph 2)) [8].

Some of the above ideas were reflected in other sources of the time, in particular, in the March articles of B. Khmelnytsky (1654), universals of hetmans (at least in the second half of the 17th century), Gadyatsky's treatise of I. Vyhovsky (1658), a number of agreements (articles) between hetmans and the Moscow government (second half of the 17th – beginning of the 18th century), such documents as the Court and the massacre of the rights of Little Russia "(1750)," Extract of Little Russia's rights "(1767), etc.

It should be noted that these ideas enshrined in historical and legal documents largely reflected the traditions and customs of the Ukrainian people, in particular regarding the attitude to man in the Zaporozhian Sich. It is known that Zaporizhzhya Sich was formed during the XV – first half of the 17th century. peasants, burghers, representatives of other social groups who were under social, national or religious oppression.

Thus, a new social state was created – the cossacks, who brought with them in January: the ideals of brotherhood, equality, freedom, brotherhood, respect for human dignity, a kind of understanding of justice;

not wealth, origin, but intelligence, personal qualities were valued (courage, will to win, military talent, devotion to the common cause, etc.); each of the Zaporizhzhya "society" could apply for participation in the elections to the cossack sergeant, including the koshovy ataman.

The same ideas became the ideals to which the Ukrainian people aspired during the national liberation war of the mid-17th century. As a result, huge masses of peasants were freed from serfdom, as well as a significant number of cities were deprived of dependence on magnate-noble power, all public authorities were elected (from centurion to hetman), the Ukrainian cossacks received a number of important privileges, "rights and freedoms". Therefore, it was during the war and for some time after it that the cossacks were probably the most privileged section of the population; Apparently, this is why "Freedom ...was realized by burghers and commoners in the focus on the «search for the cossacks» [9, p. 7].

Thus, the above ideas and principles, which were reflected in a large number of historical and legal sources, taken as the basis for the formation and development of the Zaporozhian Sich, became items of the national liberation war of the mid-17th century. legal value of man "in Ukraine in the second half of the 17th – 18th centuries. In addition, this understanding was reflected in the norms that fixed the various types of legal status of a person in the second half of the 17th – 18th centuries.

Civil-low status. During the national liberation war of the mid-17th century. all categories of the population had full legal personality, as the peasantry was liberated and, in fact, equalized in rights with the cossacks, the burghers were freed from feudal duties. Accordingly, the sources of law of the previous era that asserted the exclusive rights of magnates and gentry, or were aimed at limiting or eliminating the rights of underprivileged social groups (Charter of 1557, "Ordinance of the Zaporozhian Army" in 1638, etc.) were not valid.

For some time after the war, the provisions of the Statute of the Grand Duchy of Lithuania of 1588 and the "Order of Civil Rights", which referred to the attachment of peasants, the purchase and sale of land by "ordinary people" [10, p. 115].

However, during the second half of the 17th century. the situation begins to change, as the formation of privileged sections of the population, primarily "people of noble and military rank and rank" (cossack sergeant "noble (bunchuk, military and badge) comrades", former registered cossacks, Ukrainian nobility). It is these segments of the population began to receive exclusive privileges, rights and freedoms (according to O. V. Goryaga, they included privileges in the field of justice, taxation, trade and production activities, maintenance of personal units, increased

protection of their rights, the foreman had the right of private ownership of land and exploitation of peasants [11, p. 11–12]). According to I. Y. Boyko, "the legal status of the burghers depended on their property status and occupation" [12, p. 435]; they were subjects of civil law, but did not have such rights as persons of noble and military status (could not be elected to military leadership positions, were not released from various state duties, etc.).

The bulk of the population – peasants ("pospoluti") – during the second half of the 17th – first half of the 18th century. underwent stratification. All categories of peasants had different rights, but they were united by the fact that during this period they were gradually limited in rights. This was facilitated by the gradual restoration of serfdom. As early as 1701, they were forced to work as serfs twice a week; in 1727, according to the law, the peasant lost his property if he passed to another lord; in the 60's of the 18th century. the peasants were finally "painted" in the state of "pospolutosti"; finally, in 1783 the legal registration of serfdom took place.

It should be noted that different levels of legal personality have significantly affected the realization of property rights by each category of the population, especially land. Thus, during the years of national liberation war, magnate-noble land ownership was destroyed, all land became state property. Formally, the owners of the land were "anyone" (officers, gentry, ordinary cossacks, peasants, burghers); it was during this period that the virgin lands or lands of the former Polish nobility were seized en masse. Land at this time could be provided only for possession and use for service ("rank land").

However, during the second half of the 17th century. land holdings accumulate in the hands of cossack officers and gentry; more and more often they demand from the hetmans the transfer of their rank possessions to private ownership. Thus, in the first half of the 18th century. significantly increases the number of so-called "joint ownership" (estates on the right of private hereditary property, according to "Decisive Points" by D. Apostol, 1728), and free lands of "pospolitu" and ordinary Cossacks – are rapidly declining, they received the right only to land ownership and use. In the 30s of the 18th century. almost 35 percent of arable land was privately owned by cossack officers.

It is known that D. Apostol owned 9.1 thousand estates, I. Skoropadsky owned almost 19 thousand estates, and I. Mazepa owned about 20 thousand estates. On the other hand, if after the national liberation war about 90 percent of the peasants had land, then in the 30s of the 18th century. the number of landless peasants was 40 percent, and in

the 60s of the 18th century. – Almost 80 percent of the total number of peasants were landless or landless.

In fact, in the middle of the 18th century. patrimonial estates became the dominant form of land ownership, which was confirmed in the "Rights under which the people of Little Russia are tried" (Chapter XIV, Article 1, paragraphs 1, 2). Thus, we can agree with the opinion of O. Kulishenko that the realization of the right of private ownership of land in general was class in nature [13, p. 168].

Similar trends can be observed with regard to contract law, as the level of participation of various segments of the population in contract relations was determined by the number of objects that were privately owned. If in the first years of the war for independence the participants in such relations were representatives of almost all social groups, then at the beginning of the 18th century. only the privileged classes of society, as well as the top of the city patricians, could be full and active participants.

It should be noted that they were free to enter into contractual relations regarding the sale, gift and exchange of movable and immovable property, loans, land lease, property lease, etc. Only cossack officers and gentry had the right to wine-smoking and duty-free sale of alcohol, as well as the sale of tobacco and honey; burghers of privileged cities had the exclusive right to trade within their city, and so on. Ordinary cossacks, gradually losing property, as well as the serfs, whose property belonged to the lord, are excluded from real participation in binding contractual relations.

The rules of inheritance law, in the first place, protected the interests of the privileged sections of the population, as they owned a huge part of the social product, which could be inherited. At the same time, the inheritance of property was in many respects regulated by ancient Ukrainian customs. Thus, according to the "Rights of the Little Russian People", paternal and maternal property by will could not be inherited by third parties, but only by children, because otherwise it was "contrary to natural law and love" (Chapter XII, article 3) [8]; this emphasized the humanistic nature of this situation, the care of children.

It is possible to name also other norms which reported about respect for the truth both heirs, and testators. For example, special protection of the rights of children-heirs, legislators do not allow them to inherit if children refuse to support old parents, were or disgraced them. The property of persons who had been sentenced to death or publicly disgraced was transferred not to the state treasury but to their children or parents; allowed to save children born at the appropriate time and after the death of the father; also, illegitimate children ("bank cards") could inherit (although

only maternal property). According to O. E. Blazhivska, the novella was a normal one, which established the principles of equality of loss of all sons, and not the senior [14, p. 29], which achieved the maintenance of justice in the distribution of inherited property.

Family – law status. Norms of family law in the second half of the 17th – 18th centuries. were aimed at ensuring the rights of persons entering into marriage, as well as the relative equality in the marriage of husband and wife. Yes, the marriage was preceded by the agreement of the parents of the bride, but if the latter gave their consent to the marriage, the agreement expired. Although the personal relationship between the spouses was based on the dominance of the husband's family, and "the wife did not have full legal independence" [15, p. 179], but in property relations there was equality.

In particular, each of the spouses could have their own property, each of them in equal shares brought a share of property (wine and dowry); after the death of a man, it was his wife, not relatives, who managed the wine and the dowry; if the husband negligently lost his wife's dowry, the wine passed to her; if the husband did not bring wine into the common house, then after his death the wife received a dowry, as well as all jointly acquired property; all property passed to the childless widow. All the above testifies to the understanding of the high role that women have traditionally played in the life of Ukrainian society, respect for her rights, and the articles of Chapter X, "The Rights Under which the Little Russian People Are Tried," enshrined a respectful attitude toward it.

Criminal – low status. The national liberation war of the Ukrainian people significantly influenced the formation and development of new trends in criminal law in the second half of the 17th – 18th centuries. Among the most significant trends are the simplification of the system of punishment, mitigation of punishment, which is expressed in the absence of qualified types of the death penalty, mutilations, deprivation of honor, exile; abolition of estate and nobility privileges, equalization of the rights of all classes of the population (peasants, cossacks, burghers and others). The purpose of punishment during the national liberation war of the mid-17th century. no longer contained intimidation, there is a democratization of law, humanization of the system of punishment.

Indicative are the facts of the absence in the hetman's universals of the period of national liberation war of the mid-17th century. types of punishments that were aimed at intimidating the population [16]; in the second half of the 17th century. some local courts used their own versions of the Lithuanian Statute of 1588 (for example, the Pyriatyn court had a copy, some articles of which testified to the humanization and

democratization of the system of punishment compared to the original text) [17, p. 784–788].

However, the situation began to change with the return of feudal order, the gradual enslavement of peasants, increasing the rights and privileges of the cossack officers, reducing the influence in the socio-political life of the majority of the cossacks, the spread of Russian criminal law and more. As a result, we observe a normative increase in the number of intimidating types of the death penalty, mutilating types of corporal punishment, their diversity, as well as the multiplication of intimidating types of punishments. 18, p. 159].

These tendencies are reflected in the "Rights of the Little Russian People." In fact, it, as well as in the Lithuanian Statute of the third edition, enshrined the existence of a significant difference in the criminal status of the "new" aristocratic class, cossack officers, on the one hand, and other segments of the population – on the other. In the institute of punishment the action of the class right-privilege was restored; for the same types of crimes a more severe punishment was provided for persons of non-noble origin; accordingly, the "honor and freedom" of the noble or military rank of people and the rights of people of the "pospoluti breed" differed; there is an exacerbation of the criminal system (Chapter XX, Article 2, paragraph 1; Article 9, paragraph 1; Article 46, paragraph 10; Chapter XXI, Article 4, paragraph 4).

Given the above, we define the meaning of understanding the concept of "social and legal value of man" in the second half of the 17th – 18th centuries. He was influenced by both the understanding of human value in this period, and the peculiarities of state and legal development of the Hetmanate; it is disclosed taking into account the characteristics of the types of legal status of representatives of different groups of society.

As is known, the formation of the cossacks was the result of social, national and religious oppression, which was constantly intensifying in the Ukrainian lands during the fifteenth – first half of the 17th century.

The fugitives, inhabiting the lower reaches of the Dnieper, built their lives, as noted above, on the principles of equality, brotherhood, justice, especially valued courage, personal victory, intelligence, fraternal relations. Such people led the Cossack detachments; about them preserved folk memory, often in folk songs, legends, thoughts, they became prototypes of beloved and respected heroes.

Thus, the famous figure of the sixteenth century. Dmytro Vyshnevetsky (he built a fortress on the island of Mala Khortytsia, boldly opposed the Tatars and the Ottoman Empire) was a prototype of the celebrated cossack Baida. Another cossack leader, Ivan Pidkova, impressed

by the huge growth and powerful force, carried out campaigns to free prisoners from Ottoman captivity. Samylo Kishka (25 years in captivity in Turkey, but released and returned to Ukraine), Ivan Sirko (actively fought against Poles, Tatars, Ottomans, three times elected Kosh Ataman, under his leadership) also enjoyed undeniable authority and respect among the Zaporozhian cossacks. Cossacks won 65 (!) military campaigns), Peter Kalnyshevsky (the last Kosh ataman of the Sich, bravely fought against the Turks, spent many years as a prisoner in the Solovetsky monastery, died at the age of 113, in 2008 the UOC-Kyiv Patriarchate even his canonized).

It should be noted that the cossacks independently formed the rules of customary law, which was aimed at ensuring the existence of the above principles, because they helped any cossack to realize themselves both in peaceful life and during hostilities.

Note that the Zaporozhian cossacks were constantly surrounded by enemies (Polish-Lithuanian rule, the Ottoman Empire, the Crimean Khanate); that is why the system in the Sich was military and over time the cossacks were formed into martial law, the cossacks became professionals in military affairs. It is no coincidence that among the Ukrainian population there was an opinion about the cossacks as defenders of their native land from Tatar attacks, they were considered defenders of the oppressed peasantry and bourgeoisie.

It is obvious that these factors determined the concept of social and legal value of the cossacks: to be military defenders and defenders, to create such rules of law that would provide an active life position and an opportunity for self-realization. It was the Zaporozhian cossacks who became the nucleus of the people's insurgent army during the national liberation war of the mid-17th century. A significant number of customs and traditions of the cossacks became widespread in the newly formed Hetman Ukraine.

As scholars rightly point out, the ideals of equality, freedom, respect for man, which prevailed in the Zaporozhian Sich, during the national liberation war were spread throughout Ukraine, became a powerful factor in the popular movement; The cossack stratum played a leading role in the unification and consolidation of the nation and became an expression of the principle of "golden freedom" [19, p. 90; 20, p. 72].

Therefore, we believe that the social and legal value of the cossack state both during the national liberation war and during the second half of the 17th century. (the period of "Ruins", constant wars) continued to be understood in connection with its ability to defend the country, to defend the won "rights and freedoms", to guarantee by military force the formation of such legal norms that would reflect equality, freedom, justice and more.

Thus, we can state that the socio-legal value of the cossack state was understood through the prism of the concepts of "significance", "purpose".

The situation began to change from the end of the 17th to the beginning of the 18th century, especially after the defeat of the uprising against the domination of the Russian tsar Hetman Ivan Mazepa. During the first half of the 18th century. Cossacks, mostly moving to a sedentary lifestyle, began to engage in trade, crafts, land management; these processes coincide with the restoration of the estates of "noble" privileges.

As a result, the bulk of ordinary cossacks stratified, a small group of wealthy cossacks stood out, who largely supported the claims of the Ukrainian nobility and cossack officers to the exclusivity of "the rights and freedoms of persons of noble and military rank."

Most of the once free cossacks became impoverished and during the second half of the 18th century. passes to the state of "pospolitu", and later – enslaved (with the appropriate legal status). As a result, in the mid-60's of the 18th century. there were only 10,000 able-bodied cossacks (for example, during the years of the national liberation war there were only 60,000 registered cossacks). These processes have led, in our opinion, that the socio-legal value of the cossacks as military defenders is lost.

As noted above, during the second half of the 17th century. gradually begins to form a "newest" elite stratum of society – the nobility and martial law, the desire of which was to restore the feudal privileges. In the 18th century. the number of officers is growing significantly. In the middle of the 18th century. there were 21 thousand people who belonged to the foreman. The process of registration of the "newest" Ukrainian privileged estate was completed with the publication by Catherine II in 1785 of the "Charter of the Nobility". As a result, after the destruction of the autonomy of the Hetmanate on the territory of the Ukrainian lands, which were part of the Russian Empire, the estates were owned by about 100 thousand nobles of Ukrainian origin. Among them, 130 families stood out, which can be considered magnates (Kochubei, Skoropadsky, Bezborodky, Zabala, Rodzianki and others).

Altogether, these families owned 250,000 serfs.

If in the second half of the 17th century. the existence of feudal-class privileges is leveled by the efforts of the majority of the population to preserve the achievements of the national liberation war, then in the 18th century. the processes of granting this state exclusive privileges are rapidly taking place, which is reflected in the civil and criminal-legal status of the representatives of the nobility and the cossack officers. The "exclusivity" of their privileged position was formalized in a number of codification acts of the second half of the 18th century, emphasized by the restoration of the

estates of the noble courts in 1760–1763, equalization of rights with the nobility, the re-enslavement of the peasantry. As in the Polish-Lithuanian era, their main duty was military service. Therefore, in our opinion, the social and legal value of the Ukrainian nobility and cossack officers in the 18th century. understood through the prism of the concepts of "self-significance", "significance", "priority", "purpose".

Let's pay attention to the social and legal value of the head of state – the hetman. It is interesting to analyze how the functions of the hetman were understood in the historical monuments of the period under study.

Thus, the Constitution of P. Orlyk indicated his main responsibilities: to care for the public good, order in the Fatherland, its interests, to guarantee and ensure the observance of "ancient orders, rights and freedoms." Particular emphasis is placed on the hetman's duty to care for orphans, widows, and simply "poor people" (preamble, chapters I, X, XII, XVI). About the hetman as the guarantor of the rights, freedoms, liberties of representatives of various estates, interests of the Fatherland, it is noted: "And the Yasnovelmozhny hetman will promote it with the wise care and the power" [7].

Hetman I. Mazepa defined his functions in a similar way.

Thus, in his famous speech to the Ukrainian people (October 24, 1708), he noted that since the people entrusted their destiny to him, his main task – to seek happiness for the people, to preserve their dignity [21, p. 43]. These facts indicate, in our opinion, that the socio-legal value of the hetman was understood through the prism of the concept of "appointment", however, differed from the understanding of the socio-legal value of the head of state – the king in the *Rech Pospoluta*. After all, the latter was, in fact, a protege of the magnate-noble class and its "purpose" – to guarantee the inviolability of the rights and privileges of the feudal lords.

At the same time, the hetman had to take care of the interests of all segments of the population, as he identified with the person who was to lead the struggle for the freedom of the people, liberation from oppression and oppression of "poor people." Although the hetman was elected only by the cossacks, but for the most part they were natives of the common people, and in addition – represented a military force – the defenders of the Fatherland and the Ukrainian people.

In addition to the cossacks, a large social group in the Hetmanate consisted of "pospoluti" (peasants). As noted above, during the national liberation war, the former serf peasants became free, fully legal entities, formally received the right of land ownership, equal rights with other classes.

They (at least in the first years of the war) have the opportunity to move to the state of the Cossacks. Thus, the socio-legal value of the peasantry at this time was understood through the prism of the concepts of "significance", "necessity".

However, since the end of the 17th century. the processes of attaching peasants to the land are restored, they are forced to work as serfs and pay rents. During the 17th century social oppression intensified, and at the end of the 17th century there is a legal registration of serfdom in Ukraine. Consequently, the peasant loses the remnants of his former freedom, becomes an inferior participant in social relations, and his main task is to work on the land, the performance of feudal duties.

Therefore, we believe that during the 18th century. the socio-legal value of the peasantry changes significantly and is understood in connection with the concept of "usefulness".

Conclusions. Understanding the value of man in the second half of the 17th – 17th centuries. was based on anthropocentrism in combination with axiological elements (this was influenced by the views of Ukrainian philosophers of the XV – first half of the 17th century, Enlightenment and humanistic ideas), and the concept of "reasonableness" of the individual comes to the fore.

To understand the concept of "social and legal value of man" in the second half of the 17th – 17th centuries influenced by a number of factors: the ideas of the Enlightenment, humanism, some of which were reflected in historical and legal monuments, legal customs of the Ukrainian people, which enshrined freedom, equality, social justice, and were embodied in the life of the cossacks of the Zaporozhian Sich, ideology of the privileged, which became the dominant state of society in the late 17th – 17th centuries. Understanding the concept of "social and legal value of man" in this period was manifested in the legal status of various groups.

The development of the legal status of a person at this time has gone through two stages. In the first (during the national liberation war and the second half of the 17th century) Formal equality is established between the stationary population, in the legal aspect "erased" between the privileged and non-privileged sections of society. On the second (end of the 17th-17th centuries) the normative legal acts restore the housing privileges of the "new" way and the cossack officers, consolidate their dominant population, which contributes to the gradual consolidation of peasants, resuscitation of feudal-class relations, the spread of Russian legislation.

Understanding the concept of "social and legal value of man" differed in the second half of the XV century and in the 17th century. During the national liberation war and during the 17th century the social and legal

value of "anyone", "everyone" is understood in connection with the concepts of "self-importance", "significance", "need". During the 17th century understanding of the concept of "social and legal value of man" was differentiated depending on the class division of the population. The social and legal value of the Ukrainian nobility and cossack officers was understood through the prism of the concepts of "self-significance", "significance", "priority", "purpose". Instead, the socio-legal value of the underprivileged sections of the population was determined only by the awareness of their "usefulness". The comprehension of the social and legal value of the hetman, who during the existence of the Hetmanate had its "purpose" to take care of the interests of the Fatherland and the rights and freedoms of the Ukrainian people, stands out separately.

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