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## **SUBJECTIVE RIGHTS OF MAN AND THE CITIZEN IN THE SCIENTIFIC INTERPRETATION OF BOHDAN KISTIAKIVSKYI**

The article is devoted to the scientific interpretation of subjective rights and freedoms of man and the citizen by Bohdan Kistiakivskyi. He expressed support for the position that the state has no right to restrict or break the subjective rights of its citizens. The so-called civil rights and freedom of individual, and all opportunities arising on this basis should be inviolable for the state and inalienable from individuals except by the court order. The vision of the processes of historical development, philosophical nature and prospects of civil rights in the context of forming ideals of lawful state was investigated by the Ukrainian jurist.

B. Kistiakivskyi in his scientific work has provided considerable value to the analysis of the French Declaration of the Rights of Man and of the Citizen (1789), which became “a political revelation” that caused universal admiration and encouraged people to struggle for a new state regime and a new legal order. According to B. Kistiakivskyi, penetration into the inner meaning of the principles, embodied in the Declaration of the Rights of Man and of the Citizen (1789), leads to the belief that along with freedom from the state intervention in the sphere of personal or social life, and along with the right to participate in the organization and direction of state

activity, there should be placed the right of every citizen to demand from the government to ensure normal conditions of his economic and spiritual existence.

B. Kistiakivskyi contested approach to understanding of civil rights claiming that their understanding in the form of reflexes (consequences) of objective law is only the supplement of the basic nature of these rights. He saw their place in the middle between objective law and subjective rights. B. Kistiakivskyi concluded that the process of personality formation by the society and the process of society formation by the personalities proceed simultaneously and are complementary to each other. Chronological and functional unity of these processes has led to the development of the system of civil rights. B. Kistiakivskyi argued that it was impossible to determine the concept of subjective law by legal dogmatic method, because a person as well as its subjective rights is a legal existence. Therefore, the subjective law, by conviction of B. Kistiakivskyi, should be comprehended via explanatory methods of the general theory of law. Denial of legal dogmatic approach in the analysis of subjective public rights, according to B. Kistiakivskyi allows recognizing them as the rights of man and the citizen.