

L.N. Kyslyak

Senior Lecturer,
the Department of Humanitarian and
Socio-economic disciplines of the
Ivano-Frankivsk faculty
of the National University
"Odesa Law Academy"

CONCEPTUAL GOING NEAR DECISION OF PROBLEMS OF OFFICIAL LANGUAGE IN MODERN UKRAINIAN SOCIETY

Language is the means of communication, the main factor in the consolidation of the nation, it provides unified, free and cultural development of the national community, stands for preservation of national identity, a healthy spiritual and mental development, is a means of strengthening the national consciousness. Well-known Ukrainian scientist and public figure Ivan Ohiyenko said: "Language is our national trait, in language exists our culture, our level of consciousness" [1, p. 76]. In the state-building process the language, along with consolidating internal factors, also performs an external function which distinguishes the state from other countries, establishes the nation and the state among the multilingual community [2]. And it is making of the Ukrainian political nation that requires the solution of fundamental issues concerning language sphere.

The tragic story of Ukrainian state led to the acuteness of language issue in today's Ukraine. A large number of tsar's decrees banning the Ukrainian language, schools, church services, books, media, translations, theatrical performances... Over time, the Soviet regulations and orders also limited the scope of its use. The Communist Party has never followed laws adopted by itself. Widely touted internationalism was really no different from Russian chauvinism. Officially created bilingualism in practice was limited to Russian monolingualism. The global and comprehensive national disaster was approaching. The faith and language were being destroyed, the false history was imposed, the Bolsheviks' pseudo-values were cultivated, people's soul was deformed. The artificial separation of Ukrainians from their language, culture, created in them a sense of inferiority.

Relevance of the investigated problem lies in fact that now, when Ukraine gained independence, the promotion of the Ukrainian language as the state one, as a major nation-creative, state-creative factors has to be one of the priorities of the state. All this updates the necessity of studies of functioning of the state language in contemporary Ukrainian society as a prerequisite for strengthening Ukrainian national consciousness, an important factor in the consolidation of society building in Ukraine real rule of law and civil society.

The aim of our article is to study the current linguistic situation in the state, identifying key objectives of state language policy and priority management activities of public authorities regarding the establishment of the Ukrainian language as the only official language, strengthening its credibility.

The status of the Ukrainian language as the only official language in the country was established in late 1989 by the Law "On Languages in Ukrainian SSR", which paved the way for the gradual revival of the language of the titular nationality as a fully functional means of communication and an important factor in building united Ukrainian state. Article 2 for the first time proclaimed Ukrainian language as a state language in Ukraine. The law was not limited with the declaration, like the Constitution of the USSR was, and contained specific requirements for implementation of the Ukrainian language in all aspects of society, oblige the authorities and officials to ensure that the pre-school education, teaching in

schools of all types and levels, keeping business records in all institutions, enterprises, in government are held in the official language [3]. But today the Law on Languages unable to provide the mandatory use of the Ukrainian language throughout Ukraine, and some of its tenets are in conflict with the Basic Law. The law itself has some serious errors that can be corrected by the new law, which take into account the experience of European countries to resolve similar language problems. Thus, according to the Law on Languages officials of state bodies and institutions must speak Ukrainian. As Article 3 of the Law on languages in the state, party, public bodies, enterprises, institutions and organizations located in the habitats of most citizens of other nationalities may be used along with Ukrainian and their national languages. The Law of Ukraine "On Public Service", in particular in Article 10, that is dedicated to the main duties of public servants, provides the duty of an officer to know the language is not mentioned [4]. Article 8 of the Law on languages provides that public humiliation or disrespect, intentional distortion Ukrainian or other languages in official documents and texts, creating barriers or restrictions to use them preaching hate speech on the basis of statutory responsibilities entail. But neither in Criminal Code of Ukraine, nor in Code of Ukraine on administrative offences, nor in other laws of Ukraine responsibility for these acts is installed. With the adoption of the Constitution of Ukraine Ukrainian language official status was enshrined in Art. 10 of the Constitution of Ukraine, which states that "the state language of Ukraine is Ukrainian. The State ensures the comprehensive development and functioning of the Ukrainian language in all spheres of public life throughout Ukraine. In Ukraine, the free development, use and protection of Russian and other languages of national minorities of Ukraine is guaranteed. The State shall promote the learning of languages of international communication. The use of languages in Ukraine is guaranteed by the Constitution of Ukraine and is determined by law" [5]. Referring to the above, and taking as a basis the Part 1 of Article 10 of the Constitution of Ukraine, one must understand that the Ukrainian language as the state one is mandatory communication tool throughout Ukraine in the exercise of powers by state and local governments, as well as in other spheres of public life as determined by law. The order of languages in accordance with paragraph 4 of part one of Article 92 of the Constitution of Ukraine is determined by the laws of Ukraine. According to Articles 103, 127 and 148 of the Constitution of Ukraine the Ukrainian language is one of the prerequisites in order to be appointed on some posts. The possibilities for further consolidation of the status of the Ukrainian language has opened after the Constitutional Court's of Ukraine decision from 14 December 1999 № 10-rp/99, where it gave an official interpretation of that article of the Constitution of Ukraine, according to which the official status of the Ukrainian language means its mandatory application throughout Ukraine in the exercise of powers by public authorities and local self-government (it acts, activities, records, documents, etc.) as well as in other legally designated public areas of social life, particularly in state and communal educational establishments, service, culture, media [6].

In order to prepare and implement national language policy in an independent Ukraine special state bodies and institutions were established which activities are directed to creating conditions for the development and functioning of Ukrainian as the state language in all spheres of public life, and the development and use of minority languages in Ukraine, meet linguistic needs of Ukrainian citizens living abroad.

Cabinet of Ministers of Ukraine in 1997 approved by its decree the "Complex arrangements for comprehensive development and functioning of the Ukrainian language" [7], and then in 2003 approved another government decree "State program of development and functioning of the Ukrainian language in 2004-2010" [8]. Both documents aim to develop, support and protection of the state language in Ukraine. Their meaning, in fact,

defines the main directions of the language policy of our country and the task of the authorities to implement them.

Based on the above a fair question arises: how has the status of the Ukrainian language changed in society, what is the current language situation in the state, and can we now affirm that the status of official language in contemporary Ukrainian society has been strengthened?

As for current linguistic situation in our country, the problem is still in Ukrainian-Russian bilingualism with a wide operation of the Russian language in different spheres of social life in most parts of the country, which affects the scope of use of the Ukrainian language. The reasons for the dominance of the Russian language in Ukraine and its implications revealed known researcher of the nation-creative processes M. Vivcharyk, who notes that "as a result of the interaction of factors such as the centuries-old Russification, migration of Russians to Ukraine, physical destruction, deportation and forced emigration of Ukrainian from Ukraine, created extremely dangerous and exceptional, purely "Russian" situation where workers do not have to strive against their assimilation of indigenous peoples, but rather nationally conscious Ukrainian forced to defend themselves against migrants and homegrown Bolshevized werewolves "[9].

Article. 10 of the Constitution of Ukraine did not change the language situation, although providing the state status of the Ukrainian language in the Basic Law logically could radically change the language situation in the country. Academic I.M. Dzyuba notes that "now has been lost that initiative in language policy, which began to arouse during obtaining of independence. The reasons are concealed both in objective circumstances (crisis of society, reducing the prestige of Ukrainian identity as a result of social frustration) and subjective ones (not interested government agencies, "fatigue" public institutions, direct political opposition from certain groups). The Law on languages is not being fulfilled; Ukrainian language (and culture) support programs are not being implemented due to a lack of adequate financial, technical, organizational support, and for lack or non-expression of political will. In many areas we are thrown back even compared with the end of the 80-s" [10]. It should be noted that the lack of government support and protection of Ukrainian language and culture led to strengthening the process of Russification, resulting in some important areas of public life of the Russian language has a big impact. Today, popular culture, media, business, sports and other areas dominated Russian language. According to the State Committee for Television and Radio Broadcasting of Ukraine, about 80% of air time television and radio stations are not filled in Ukrainian product. Only a small number of television programs aimed at raising national awareness in the viewer. Television is actually a means of Russification of the people, is not conducive to the development of the state language, while Russian talk show, which filled the entire space distort television psyche Ukrainian distract attention from economic and political issues actuality. Because of inadequacy of the state policy negative trends are dominating in the book market in Ukraine, where the Russian-language editions have majority. According to the calculations of the Ukrainian Association of Publishers and Booksellers, most of the books sold in Ukraine, were published in Russia. Ukraine became an uncontrollable market of sales of foreign film industry and products of Russian show business. The displacement of Ukrainian press by the Russian one continues. Now this trend deepens. Although the Law "On Languages in Ukrainian SSR" is applicable in independent Ukraine, but it does not provide any sanctions for violation of the status of the Ukrainian language. While the example, the Code of Administrative Offences of the Republic of Lithuania provides for administrative remedies exposure: prevention or monetary penalties (25 to 500 U.S. dollars). For example, the penalty provided by disuse official language on stamps, stationery, signs, the description of goods, while performing their obligations, record keeping (domestic) on the representation

of non-state language documents, use of private speech in television and radio broadcasts, film and videos, disuse authentic forms of Lithuanian names, non-enforcement of the State Commission of the Lithuanian Language.

We can get lessons from Democratic France how to take care of the titular language. On August 4, 1994 the National Assembly and the French Senate passed a law in which "French as the official language under the Constitution, is an important component of national identity and heritage of France." Violation of this law face a fine of \$ 9000 U.S. dollars or six months imprisonment. This is how people should adopt their national identity, national education, official language if he considers himself civilized. French reminiscent of an old but immortal, nation-building truth: once the nation respects others - it requires self-respect. It is impossible not to recognize the heroism of Israelis, who in short time could revive the Hebrew language (Hebrew), which for two thousand years was considered dead.

Today most of the important areas of society, particularly clerical, science, technology almost secured dictionaries, reference books, programs. The language of communications in Ukraine is Russian, and computer communications system are dominated by English. By this time the Ukrainian language served by very small part of the humanitarian intelligentsia in Ukraine. On the part of government officials constantly violated existing language legislation and constitutional requirements for the use of the state language. The vast majority of government leaders and managers at all levels in the east and south of the country does not consider his duty to expand the scope of the state language, do not take it to work or do not have it. Mass attendance in the Ukrainian information space of cultural production causes loss of foreign language Ukrainian language space, leads to the destruction of a way of thinking and strains of the national consciousness of the citizens of Ukraine, foreign stereotypes and instilling suggestion them a sense of inferiority. Consequently, there is blurring the identity of the Ukrainian nation, the spiritual destruction of human capital, which is formed from the Ukrainian elite. While politics and society long and hard to come to an understanding of language as the basis of political nation, means the strengthening of the national consciousness. The problem of language is a subject of speculation of various political parties during election campaigns. Quite often, contrary to the Constitution of Ukraine, slogans heard on the introduction of official bilingualism, namely the status of the second official language alongside Ukrainian Russian. The language issue particularly emphasized the ratification of our state of the European Charter for Regional or Minority Languages in May 2003, which relates to one of the most complex issues of language policy in any country - problems in achieving optimal ratio between the areas of operation and status of the state language and minority languages [11]. The Charter was to be an important step in achieving Ukraine civilized European standards in the field of human rights in cultural and linguistic sphere.

However, the Ukrainian society and politics, in particular, have different views on this document. It is noteworthy that its Ukrainian variant is controversy, because the regional languages and languages that need protection, among others, include Russian. National-democratic forces insist that the Charter is designed to protect minority languages threatened with extinction under the pressure of powerful languages. In particular, a people's deputy P.Movchan states that in Ukraine in such condition are Crimean Tatar and Gagauz. However, in his opinion, the pro-Russian forces used the Charter in order to ensure the rights of the Russian language, which is absolutely protected as it has its own language environment - Russia, where it is not in danger [12, p. 4]. Thus, the situation where the Russian language received additional powerful international legal protection by the European Charter, while Ukrainian - protected only by domestic law, which, moreover, is often violated. Instead, proponents of bilingualism, realizing their own political interests, citing the Charter, initiate new legislation of the Russian a second state language, or to grant

it official status. Among such solutions we have Luhansk Regional Council's, Odesa City Council's decisions to consider an attack on national security and territorial integrity of our country. False policy to support bilingualism, unfounded claims of some politicians to give Russian the status of second official language along with Ukrainian can lead to the division of society into linguistic and ethnic grounds, and as the experience of foreign countries, will eventually lead to the loss of state and territorial integrity.

There is no doubt that the possession of two or more languages enriches a person additional knowledge of other cultures and the ability to communicate with foreigners. Goethe said, "How many languages do you know, so many times you are a man." Also irrefutable fact is that every community needs as intermediaries between bilinguals and their alien cultures.

Mass bilingualism is a phenomenon fundamentally different from individual bilingualism caused by colonial dependence. Dependent linguistic community is forced to learn another language. In this situation, it is subordinate to the first and the second - dominant. If a second language gradually takes over all functions of the native, there is a real threat of the destruction of the native language and bilingual to monolingual transformation, which is equivalent to assimilation. Assimilate people - so get him to renounce their native language, customs, traditional culture, that make him cease to be themselves, to become like the people-colonialists and eventually merge with these people. In short, the goal of assimilation is to delete people from the ethnic map of the world, and so secure a permanent rule. Modernization of Ukrainian society in the new ideological coordinates seems impossible without state language policy, which priority should be development of the Ukrainian language as consolidating the spiritual forces of Ukrainian society. Ukrainian language must provide all spheres of public bodies; it must use the intellectual and political layers of Ukraine. First question arises: why we have not managed to achieve this? There is a lack not only of political beliefs, but also political courage to begin a relentless struggle against anti-Ukrainian, anti-state forces in high places, not enough will power to feel the Ukrainian people, and not some rootless "people of Ukraine". Ukrainians lack the Ukrainian idea, Ukrainian dream, which would seize not only writers, some scientists, politicians and statesmen, but the entire Ukrainian nation. There is lack of desire to use the Ukrainian language at the state level. This political myopia is not only defamatory, but also undermines the faith of many citizens in the future Ukraine as a sovereign, democratic country. This raises the second question is how to strengthen the authority of the Ukrainian language? Ukrainian language - is primarily a language policy. To linguistic renaissance in the country has become a reality, you must have Ukrainian authorities at all levels. The government should change the game to the mass market media, television, radio and in print. Before the media-oligarchs should be put the challenge: either they act according to national rules, or they shall remove information from the market. Multi-broadcast has to be set with priority of the Ukrainian language. The market of newspapers should become dominantly Ukrainian and Ukrainian product has to have additional benefits. It is necessary to eliminate the practice of parallel publication of newspapers in two languages, dramatically increasing market of Ukrainian media in sensationalism, politics, entertainment, health care. The state must take practical steps to expand the service use of languages, certification by employees and penalties for violation of the language legislation. Crucial for lifting the authority of Ukrainian consider forming nationally conscious elite, it is known that the elite - the intellectual core of the nation, which is important for language consolidation.

Thus the analysis of the establishment of Ukrainian as the state language in Ukraine shows that this process is largely hampered by the lack of effective mechanisms to ensure the implementation of the relevant legislation. Regarding the rights of its citizens Ukraine is

the most democratic countries in the world. The Constitution of Ukraine laid the foundations of language policy. However, the provisions of Articles 10 and 11 of the Basic Law are declarative, it is not backed up by deeds. Only the fundamental solution of language issues, strengthening of the status of the Ukrainian language in all spheres of Ukraine, expanding its functional load in different manifestations of civil society accelerate the process of building a strong Ukrainian state.

Resolving the problems of strengthening the Ukrainian as the state language is possible only when the cultural, economic, scientific and political elite of society decisively move to the Ukrainian-speaking position. This in turn requires significant efforts of Ukrainian intellectuals, managers, civil servants and effective, targeted policy. Due to lack of adequate financial, technical and organizational support government programs to support and develop the Ukrainian language shall be made whole problem is exacerbated strengthening national language. While politics and society long and hard to come to an understanding of language as the basis of political nation, means of strengthening national identity and language problem is the subject of speculation in various political forces in order to satisfy their own interests. Ukrainian national consciousness has been long deformed by external influences, gamble continuation of the political forces around the language issue, attempt to artificially sharpen it. Over twenty years of independence our politicians managed a few bills on the language, but did not reach consensus on adoption of the Law on Languages in Ukraine. Lack of adequate to modern realities comprehensive Law on Languages saves space for different interpretations, significantly narrows the scope for public policy. Ukraine now need a balanced state language policy that would provide protection and support of the national language and at the same time ensuring the development and functioning of languages of ethnic minorities. On the public awareness of the fact that the fate of the Ukrainian language - it is, in fact, the fate of Ukrainian state and the nation, the system should be directed action. In particular, the strengthening of the status of the Ukrainian language is the primary condition for the adoption of the law "On state Ukrainian language" that regulates peculiarities of functioning and protection of the state language. It is advisable to create a Cabinet of Ministers of Ukraine Department of State Language Policy, which is to monitor the observance of language legislation, organizational and methodological support of the State language and minority languages, regular monitoring of the language situation in the country. The Code of Administrative Offences provide means of administrative influence, establish penalties for violations relating to language legislation.

Cultural and linguistic factors in the development of Ukrainian political nation are a matter of principle. Ukrainian political nation arises on the basis of the values of the indigenous Ukrainian ethnicity, its language, symbols, customs, and traditional attributes of statehood. Therefore Ukrainian language as the language of the largest, indigenous ethnic of Ukraine shall be the language of citizenship - the official language. Stepping to the linguistic community, the nation will gain more awareness of their own grounds for unity in building a truly legal state and civil society in Ukraine.

Literature:

1. Огієнко І. Українська культура. Коротка історія культурного життя українського народу / І. Огієнко. – К.: Абрис, 1991. – 272 с.
2. Масенко Л. Мова і політика / Масенко Л. – К., 1999. – 354 с.
3. Про мови в Українській РСР: Закон Української Радянської Соціалістичної Республіки від 28.10 1989. – К.: Преса України, 1989. – 72 с.

4. Про державну службу: Закон України від 16.12.1993 № 3723-ХІІ. – [Електронний ресурс] / Верховна Рада України. – Режим доступу:
<http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=3723-12>
5. Конституція України: прийнята на п'ятій сесії Верховної Ради України 28 черв. 1996 р. – К.: Преса України, 1997. - 79 с.
6. Рішення Конституційного Суду України у справі про офіційне тлумачення положень ст.10 Конституції України щодо застосування державної мови №10-рп / 99 від 14 грудня 1999 // Офіційний вісник України, 2000. – №4. – С. 125.
7. Комплексні заходи щодо розвитку і функціонування української мови: постанова Кабінету Міністрів України від 8 вересня 1997 р. № 998 // Освіта. - 1997. – 4 вересня.
8. Про затвердження Державної програми розвитку і функціонування української мови на 2004-2010 рр.: постанова Кабінету Міністрів України від 2 жовтня 2003 р. № 1546. – [Електронний ресурс]. – Режим доступу:
<http://www.kmu.gov.ua>
9. Вівчарик М.М. Україна: від етносу до нації: Навч. посібник / М.М. Вівчарик. – К.: Вища школа, 2004. – 239 с.
10. Дзюба І. Сучасна мовна ситуація в Україні / І. Дзюба // Урядовий кур'єр. – 2004. – 20 квітня.
11. Європейська хартія регіональних мов або мов меншин. Страсбург, 5 листопада. 1992 р. – [Електронний ресурс]. – Режим доступу:
<http://www.cidct.org.ua>
12. Трофімова Н. Хартія розколу. Мовне питання: європейський стандарт на українському ґрунті / Н. Трофімова, В. Сонюк // День. – 2002. – 28 листопада № 219.