

## *A Brief Review of Scholarly Events in the Field of Legal History in Ukraine in 2018*

**Keywords:** Ukraine, West-Ukrainian People's Republic, legal history, legal liability, criminal legislation, International Association of Law Historians

**Słowa kluczowe:** Ukraina, Zachodnio-Ukraińska Republika Ludowa, historia prawa, odpowiedzialność prawna, ustawodawstwo karne, Międzynarodowe Stowarzyszenie Historyków Prawa

2018 was a year of important scholarly events for Ukrainian legal history. During this year Ukrainian scholars published several historical-legal academic works and held three professional conferences.

### 1. Monographs

The problem of the establishment and development of legal education and research in Ukrainian universities has traditionally aroused considerable academic interest among Ukrainian law historians. Two monographs dedicated to the problem were published this year.

*Financial and Legal-Financial Research and Education in the Podniprovia<sup>1</sup> in the 19<sup>th</sup> – early 20<sup>th</sup> centuries* (in Ukrainian: Фінансова і фінансово-правова наука і освіта в Наддніпрянській Україні в 19 – на початку 20 століття) by Natalia Pasichnyuk. The monograph investigates the history of the development and formation of national

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<sup>1</sup> Podniprovia, also Naddniproianshchyna, Over-Dnieper Ukraine – is a historical and geographical territory of Ukraine, which initially included the central and northern regions of Ukraine, and had its center in Kiev. It covers the lands on the east and west sides of the Dnieper, lying in the immediate valley of the Dnieper and the valleys (runoff basins) of the small and medium rivers which are tributaries of the Dnieper, as well as the river basins of large tributaries (Pripyat, Desna).

financial and legal thought, and the formational process of finance and financial law, as independent scholarly areas at the universities of the Podniprovia (in Kharkiv, Kyiv, and Novorossiysk) during the 19<sup>th</sup> – early 20<sup>th</sup> centuries. The author also analyzes the achievements of prominent scholars in the economic and legal fields, who made significant contributions to the formation and development of financial and legal-financial research, namely the principles and fundamentals of financial theory and financial law, their apparatus and conceptual provisions.<sup>2</sup>

*The Kyivan Rus Law in the Research of University Scholars in Ukrainian Territories in the 19<sup>th</sup> – early 20<sup>th</sup> centuries.* (in Ukrainian: *Право Київської Русі в дослідженнях вчених університетів на теренах України у 19 - на початку 20 ст.*) by Oleksandr Holovko. This monograph explores the process of the birth and development of the discipline of legal History at the universities that were located in Ukrainian territories during the 19<sup>th</sup> – early 20<sup>th</sup> centuries. The academic discipline of legal history in Ukraine began with the study of Kyivan Rus law; this is why the monograph is devoted to this aspect of the development of Ukrainian legal history. The study focuses on the specific contributions by university professors to research into Kyivan Rus legal history. In one of the chapters the authors provide biographical information about each of the professors whose heritage is studied in the monograph, since information about them is not indicated in many modern guides or encyclopedias. The monograph highlights the main problems of Kyivan Rus law which the professors focused on: the state and law emergence from the Eastern Slavs, civil, criminal, and international law, the judicial system, and judicial proceedings in Kyivan Rus.<sup>3</sup>

Among the academic works issued by Ukrainian law historians in 2018 special attention should be paid to the following monographs dedicated to legal liability.

*Legal Liability in the Church Law of Medieval Ukraine* (in Ukrainian: *Юридична відповідальність у церковному праві середньовічної України*) by Ivanna Matseliukh. This monograph is devoted to the evolution of the institution of legal liability in church law of medieval Ukraine. It is traced to its genesis, from the era of the Byzantine Empire from which Christianity emerged and was legalized as a state religion, until the time of the establishment of the Ukrainian hetman state as a result of the national liberation revolution in the middle of the 17<sup>th</sup> century. It also analyzes processes and phenomena that ensure the formation of legal liability in the field of the ecclesiastical law of the Rus state and in the frame of the Grand Duchy of Lithuania and the Polish-Lithuanian Commonwealth. It further takes into consideration the organizational and legal principles of the functioning of church courts, the development of procedural law, the practice of activity, and relevant judicial institutions.<sup>4</sup>

*Legal Liability for Offenses in the Field of Environmental Protection in Ukraine (1917–2017)* (in Ukrainian: *Юридична відповідальність за правопорушення у сфері охорони навколишнього середовища в Україні (1917–2017 pp.)*) by Andriy Boychuk.

<sup>2</sup> N. Pasichnyk, *Finansova i finansovo-pravova nauka i osvita v Naddnipsianskii Ukraini v 19 – na pochatku 20 stolittia. Monografija*, Kropyvnytskyi 2018, 433 p.

<sup>3</sup> O. Holovko, *Pravo Kyivskoi Rusi v doslidzhenniakh vchenykh universytetiv na terenakh Ukrainy u 19 – na pochatku 20 st. Monografija*, Kharkiv 2018, 471 p.

<sup>4</sup> I. Matseliukh, *Yurydychna vidpovidalnist u tserkovnomu pravi serednovichnoi Ukrainy. Monografija*, Kyiv 2018, 331 p.

This monograph explores the problem of the historical development of legal liability for offenses in the field of environmental protection in the context of the global environmental crisis and its place in modern legal research. The dynamics of legal responsibility for offenses in the sphere of environmental protection at different stages of Ukrainian history, which has undergone significant modifications under the influence of state legal policy in this area, is considered. The absence of clear divisions between criminal and administrative liability at some stages of the environmental legislation development is noted. The concepts, features, principles, and functions of legal liability are researched.<sup>5</sup>

*Evolution of Criminal Liability Legislation of the USSR (USSR) (1919–1959)* (in Ukrainian: *Еволюція законодавства про кримінальну відповідальність УСРР (УРСР) (1919–1959 рр.)*) by Denys Solovey. This monograph is based on normative legal sources, archival documents and materials, and theoretical studies carried out in a comprehensive historical and legal analysis of the legislation on criminal liability in the USSR (USSR) from 1919 to 1959. The normative legal acts, which provided criminal law protection for the most important values for the Soviet state in that period, have been analyzed. The tendencies of development of criminal legislation, and its transformation under conditions of the changing of the political course of the state have been explored. The formation, conceptual approaches, basic principles and grounds of criminal responsibility, and content of institutes of general and special parts of the Criminal Code at different historical stages have been elaborated.<sup>6</sup>

Several additional monographs published by Ukrainian legal historians in 2018, were devoted to various historical-legal problems. Among them the following ones should be mentioned:

*The Genesis and Evolution of Notarial Activity in the Lviv Region* (in Ukrainian: *Гене́за та еволю́ція нотаріальної діяльності на теренах Львівщини*) by Mariya Dolynska. The author outlines the history of notarial activities in the Lviv region. Preconditions were identified and the evolution of legal regulation of notarial activity at different stages of the formation of the Ukrainian state was traced. The genesis of notarial activity in Kyivan Rus, as well as in Galician-Volyn Rus was considered. The formation of the institution of the notary in the Lviv region from Galicia-Volyn Rus to independent Ukraine was investigated.<sup>7</sup>

*The First Kurultai: From the Crimean Tatar Constituent Assembly to the National Parliament (1917–1918)* (in Ukrainian: *Перший Курултай: від кримськотатарських установчих зборів до національного парламенту (1917–1918 рр.)*) by Andriy Ivanets. This book is devoted to the activities of the First Kurultai, which became the highest manifestation of the self-organization of the Crimean Tatar people in the processes of the revolutionary transformations of 1917–1918. The research is based on a wide range of documentary sources and memoirs, and contains a modern scholarly view of one of the key periods in the centuries-old history of the indigenous people of Crimea, when they

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<sup>5</sup> A. Boichuk, *Yurydychna vidpovidalnist za pravoporushennia u sferi okhorony navkolyshnoho seredovyshcha v Ukraini (1917–2017 rr.): monografija*, Odesa 2018, 347 p.

<sup>6</sup> D. Solovei, *Evolutsiia zakonodavstva pro kryminalnu vidpovidalnist USRR (URSR) (1919–1959 rr.): monografija*, Kyiv 2018, 203 p.

<sup>7</sup> M. Dolynska, *Geneza ta evoliutsiia notarialnoi diialnosti na terenakh Lvivshchyny: monografija*, Lviv 2018, 195 p.

experienced the transition from merely an ethnic group to a modern ethnic nation. The monograph reveals the process of deployment and exit in 1917 of the national movement to the new stage of development, and the beginning, course, and results of the Crimean Tatar revolution, the highest manifestation of which was the convening of the national constituent assembly – the Kurultai.<sup>8</sup>

## 2. Conferences

In 2018 three specialized historical-legal conferences were held in Ukraine. Two of them were organized by the International Association of Law Historians. The first of them – the 38<sup>th</sup> International Historical-Legal Conference *Western and Eastern Traditions and Influences in the History of Law, State, and Legal Thought* – was held on June 1–3, 2018 in Vinnytsia (at the Vinnytsia National Agrarian University). The second conference – the 39<sup>th</sup> International Historical-Legal Conference *Local Government and Local Self-Government in the History of Law, State, and Legal Thought* was held on November 2–3, 2018 at Ivan Franko Lviv National University.

Also, on November 1, 2018, a one-day International Historical-Legal Conference – *The West-Ukrainian People's Republic and its Place in the History of Ukrainian State Formation (Devoted to the 100<sup>th</sup> Anniversary of Its Proclamation)* – was held at Ivan Franko Lviv National University. The conference was organized by the Department of the History of State, Law, and Political-Legal Doctrine of Ivan Franko Lviv National University with the support of the International Association of Law Historians and the Department of Historical-Legal Studies of the Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine.

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<sup>8</sup> A. Ivanets, *Pershyi Kurultai: vid krymskotatarskykh ustanovchykh zboriv do natsionalnoho parlamentu (1917–1918 rr.)*, Kyiv 2018, 159 p.