

ROMAN SHANDRA
Ivan Franko Lviv National University

A Brief Review of Scholarly Events in Legal History in Ukraine in 2015

Key words: Ukraine, legal history, constitutional history, sources of law, law institute, International Association of Law Historians.

Słowa kluczowe: Ukraina, historia prawa, historia państwa, źródła prawa, instytucje prawne, Międzynarodowa Asocjacja Historyków Prawa.

During 2015 several historical-legal scholarly works were published and professional conferences were held among Ukrainian academics.

Among the scholarly works issued by Ukrainian law historians, special attention should be dedicated to the following **monographs**.

Tradition of Authorities Electivity in Ukraine (in Ukrainian: *Традиція виборності влади в Україні*) by Ivan Pankevych, a scholar of Ivan Franko Lviv National University. The book highlights research into how the electivity of authorities has been seen as a tradition. It characterizes the tradition of authorities' electivity through concepts, notions, and adjacent categories. It describes the historical-legal process of forming principles and frameworks of electoral law as a form of representing the tradition of electivity. The author starts his investigation of the tradition of electivity from its beginning in the 9th century and completes it with the 20th century. He researches traditions and innovations in the electoral law of present-day Ukraine, and reflections of traditions of electivity within principles of modern electoral law.¹

State Security Authorities of USSR (1922–1941): Historical and Legal Research (in Ukrainian: *Органи державної безпеки УРСР (1922–1941 рр.): історико-правове дослідження*) by Volodymyr Okipnyuk. The author highlights some of the main tendencies of the development of the state security authorities of Soviet Ukraine from the liquidation of the All-Ukrainian Extraordinary Commission for Combating Counter-revolution, Speculation, Sabotage and Official Crime in 1922, through the creation of the State Political Directorate of the Ukrainian Socialist Soviet Republic (USSR), up till the

¹ I. Pankevych, *Tradycija wybornosti vlady v Ukraini*, L'viv 2015, 488 p.

extraction of the state security authorities from the People's Commissariat for Internal Affairs of the USSR and the creation of the People's Commissariat of State Security of the USSR in 1941. The work analyzes different aspects of evolution of the legal nature, organizational structure, and law-enforcement activity of the State Political Directorate of the USSR and the People's Commissariat for Internal Affairs of the USSR, and systems of their local territorial and specialized authorities. It determines special features of financial, material, and technical supplies, and staffing of the state security authorities, and control and supervision over their activity at diverse development stages. It further detects peculiarities in the functioning of the special military forces subordinated by the state security authorities.²

Sources of Canon Law during Ukrainian Middle Ages (in Ukrainian: *Джерела церковного права за доби українського Середньовіччя*) by Ivanna Matselyukh, a scholar of Taras Shevchenko Kyiv National University. This monograph researches sources of canon law of state origin valid in the Ukrainian legal framework from the 9th through the mid-17th centuries. The first two chapters are dedicated to historiography, source base, and methodological, theoretical, and legal aspects of the research. Sources were examined on a chronological basis and taking state and political changes in Ukrainian lands into consideration. The third chapter includes analysis of sources of canon law of state origin during the Rus period (from the 10th through first half of the 14th centuries); the fourth chapter is devoted to sources valid after the decline of Rus in the second half of the 14th century through the mid-17th century under the Grand Duchy of Lithuania, the Polish Kingdom, the Polish-Lithuanian Commonwealth, and the Ukrainian Hetman State.³

Formation of Institutions of State and Law in the USA at Early Ages: 1607–1775 (in Ukrainian: *Формування інститутів держави і права в США ранньої доби: 1607–1775 р.*) by Viktor Kalashnykov and Volodymyr Malyshko. This book analyzes the framework of historical-legal and historical sources of formation and development of institutions of state and law in the United States and Canada during the colonial period of their statehood. Major principles of development of foreign and national historiography of the studied problem, and peculiarities of establishing government agencies and law in the North American colonies of European countries were highlighted. The work determines regularities of the development of power-management agencies in European colonies during the last third of the 17th century as a result of the “Glorious Revolution” in England and the beginning of the Anglo-French struggle for world colonial domination. It detects general and distinctive features of further evolution of institutions of state and law of American possession by European countries in 17th century as preconditioned by peculiarities of their internal economic, social, and political development, and the struggle of the more powerful countries to achieve domination in the world.⁴

Social Care in Right-Bank Ukraine (1860s–1914): Historical Aspect (in Ukrainian: *Соціальна опіка в правобережній Україні (1860-ті–1914 рр.): історичний аспект*)

² V. Okipniuk, *Orhany derzhavnoi bezpeky v URSR (1922–1941 rr.): istoriko-pravove doslidzennia*, Kyjiv 2015, 359 p.

³ I. Maceluch, *Dzherela cerkovnoho prava za doby ukrajinskoho Seredniovichcha*, Kyjiv 2015, 290 p.

⁴ V. Kalashnikov, V. Malyshko, *Formuvannia instytutiv derzhavy i prava v SSA rannioji doby: 1607–1775 r.*, Kyjiv 2015, 425 p.

by Yuriy Serbalyuk. The book is dedicated to studies of the history of social care in the provinces of Right-Bank Ukraine in the period 1860–1914. The work determines objects of social care in the region, classifies subjects of social support of the population, and analyzes normative and legal bases of social care and charity. It studies organizational foundations of charitable societies, their structure, and sources of flows of funds. It clarifies main forms, methods, scale of social support from state bodies, state-public institutions, charitable societies, and religious-public associations. Beyond this it analyzes characteristic features of their activity in each province of Right-Bank Ukraine.⁵

Development of System of Penal Institutions for Minors in Ukraine (20s–30s of 20th century) (in Ukrainian: *Розвиток системи пенітенціарних закладів для неповнолітніх в Україні (20 – 30-ті роки XX ст.)*) by Nataliya Kalashnyk and Tetiana Shvets. On the basis of a complex analysis of little-known sources and academic literature within determined chronological limits, the authors clarify peculiarities of the formation and development of systems of foreign and homeland penal institutions for minors, and structure and justify the classification of such institutions in Ukraine during the studied period. The work explains stages and their corresponding tendencies of developing systems of penal institutions for minors in Ukraine during the 1920s-1930s. It detects essential content of the idea of keeping minors in penal institutions in Ukraine during the analyzed period. Beyond this it determines ways of updating retrospective experience and prognostication of its usage under modern conditions of the correctional upbringing of juvenile offenders.⁶

Establishment and Development of Main Institutions of Ukrainian Marriage and Family Law 10th – 19th centuries (in Ukrainian: *Становлення та розвиток основних інститутів українського шлюбно-сімейного права X–XIX ст. ст.*) by Anatoliy Shevchenko and Vitalina Ozel. In this work the author researches peculiarities and regularities of the evolution of the main institutions of Ukrainian family law from the 10th through the 19th centuries. She pays special attention to such institutions of marriage and family law as the registrations of marriage and divorce, and the personal non-property legal relations of married couples, parents, and children. She analyzes the legal regulation of marriage and family relations by contrasting norms of customary, canon, and secular law. She devotes special attention to the influence of Christianity over the development of marriage and family legal relations.⁷

In 2015 two historical-legal **conferences** were organized by the International Association of Historians of Law. The Koretskyi Institute of State and Law at the Ukrainian National Academy of Sciences and the Section of History of State and Law at the Scientific Board of the Ukrainian NAS for coordination of fundamental legal researchers were co-organizers of these conferences.

The first of them – the 32nd International Historical and Legal Conference *Force of Law and Rule of Force: Historical Dimension and Present-day Vision of the Problem* –

⁵ J. Serbalyuk, *Socialna opika v pravoberezhnij Ukraini (1860-ti–1914 rr.): istorичnyj aspekt*, Kamjanets-Podilskyj 2015, 219 p.

⁶ N. Kalashnyk, T. Shvets, *Rozvytok systemy penitenciarnych zakladiv dla nepovnoolitnich w Ukraini (20–30-ti roky XX st.)*, Kherson 2015, 147 p.

⁷ A. Shevchenko, V. Ozel, *Stanovlennia ta rozvytok osnovnykh instytutiv ukrajinskoho shlubno-simejnogo prava X–XIX st. st.*, Vinnytsia 2015, 291 p.

was held on 28–31 May 2015 in Poltava at the Poltava Economics and Trade University. The conference was dedicated to the 70th anniversary of the victory over Nazism during World War II. The following issues were discussed at the conference: the humanistic nature of modern law, the force of law as a philosophical and legal concept; violence, aggression, and war as anti-legal phenomena; the evolution of visions on the problem of war and peace within state and legal thought; the legal arrangements of preventing and overcoming military conflicts; problems of international humanitarian law; the country under conditions of martial law; the legal regime of states of emergency, regimes of anti-terrorist operations, and other emergency modes; historical-legal analysis of the most significant peace treaties; the concept of national security and military doctrine; and legal problems of military organization of a state.

The second conference – the 33rd International Historical-Legal Conference *Human Rights and Fundamental Freedoms: History and Development Prospects (dedicated to the 800th anniversary of the Magna Carta)* – was held 16th–19th September 2015 in the Koblevo Mykolaiv region. The following issues were considered: the Magna Carta as a legal phenomenon; the philosophical and legal understanding of the freedom of will and responsibilities of social entities; discipline-specific, interdisciplinary, and disciplinary scientific approaches to researching the legal status of man and citizen; rights and freedoms within conceptual and terminology apparatus of jurisprudence; human rights and fundamental freedoms in international legal documents and legal doctrine; protection of human rights and fundamental freedoms in historical-legal reality; challenges for human rights and fundamental freedoms within present-day civilization; the historical experience of teaching human rights courses at high and higher schools; historical and legal aspects of human rights activity; and the legal status of man and citizen under conditions of technological disasters, states of emergency, and martial law.