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A Brief Review of Scholarly Events in Legal History in Ukraine in 2016

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Słowa kluczowe: Ukraina, historia prawa, historia państwa, źródła prawa, instytucje prawne, Międzynarodowe Stowarzyszenie Historyków Prawa

During 2016 Ukrainian scholars published several historical-legal academic works and held two professional conferences.

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. Three monographs dedicated to the problem were published this year.

Legal Education and Research at Lviv University (1661–1939) (in Ukrainian: Юридична освіта і наука у Львівському університеті (1661–1939)) by Volodymyr Kakhnych, a scholar of Ivan Franko Lviv National University. This monograph is the first integrated historical-legal study of the establishment and development of legal education and research at Lviv University in Ukraine during 1661–1939. The author started his research by reviewing the process of establishing Lviv University in 1661. On January 20th, 1661 king of the Commonwealth, Jan II Kazimierz, signed the charter according to which Lviv Jesuit College (functioning in Lviv since 1608) was transformed into a university. Kakhnych paid substantive attention to the analysis of legal disciplines taught at the university, and to the process of the establishment and development of the law faculty, emphasizing its departmental organisation and higher-education teaching personnel, and the research activities of university teachers.¹

The Law Faculty of Ivan Franko Lviv National University (1661–2016) (in Ukrainian: Юридичний факультет Львівського національного університету імені Івана Франка

¹ V. Kakhnych, *Jurydychna osvita i nauka u L'vivs'omu universyteti (1661–1939)*. Monografija, L'viv 2016, pp. 320.

(1661–2016)). This monograph is devoted to the 355th anniversary of Lviv University. It was compiled by the vast majority of leading scholars from the law faculty and was edited by professors Vasyl Nor, Volodymyr Burdin, and Ihor Boyko. The book is made up of interesting material associated with the functioning of the law faculty in the past as well as in the present. In particular, it contains information about the establishment and development of the law faculty as the oldest law school in Ukraine; a description of various departments at different historical stages; and short biographical sketches of scientific and pedagogical personnel, etc.²

The Contributions of the Kyiv-Mohyla Academy and the Kyiv Theological Academy to National Law Education, Research and Practice (1615–1920) (in Ukrainian: Внесок Києво-Могилянської академії та Київської духовної академії у вітчизняну юридичну освіту, науку і практику (1615–1920)) by Kateryna Hubar, a scholar of the Koretskyi Institute of State and Law. The monograph is a complex work of research on the historical-legal process of the emergence, establishment, and development of legal education and research at the Kyiv-Mohyla Academy and its successor, the Kyiv Theological Academy in the 1615–1920 timeframe. Various academic achievements and the main state-legal views of professors and educatees were described; and practical legal activities of Academy educatees were defined.³

Among the academic works issued by Ukrainian law historians in 2016 special attention should be paid to the following monographs dedicated to constitutional history.

Parliamentary Tradition in Western-Ukrainian territories: Historical-Legal Research (in Ukrainian: Традиція парламентаризму на західно-українських землях: історико-правове дослідження) by Serhiy Kondratyuk. Based on Ukrainian and foreign sources, Kondratyuk's monograph reports on research he conducted on parliamentary tradition in Western-Ukrainian territories under the rule of Austria, Austro-Hungary, Poland, Czechoslovakia, and Romania.⁴

The Establishment and Activity of the Supreme Regional Court in Lviv (1855–1918) (in Ukrainian: Організація та діяльність Вишого крайового суду у Львові (1855–1918)) by Pavlo Eder. This monograph analyzes socio-political and legal preconditions for establishing the Supreme Regional Court in Lviv as a part of Ukrainian administration under the Austrian and Austro-Hungarian regimes. It illustrates in particular peculiarities of the establishment and activity of this judicial body within the first years under Austrian rule in Galicia. Special attention was paid to the activities of the Gentry Court, the Supreme Governor's Court in Lviv, the Court of Appeal in Lviv; and the creation of the Supreme Regional Court in 1855 as a Court of Appeal. Legal frameworks of the establishment and activity of the Supreme Regional Court in Lviv were investigated.⁵

Governmental Activities during Pavlo Skoropadskuy's Hetmanate: The Personal Dimension (in Ukrainian: Діяльність урядів гетьманату Павла Скоропадського:

² *Jurydychnyj fakultet L'vivs'kogo nacional'nogo universytetu imeni Ivana Franka (1661–2016). Monografija*, ed. V. Nor, V. Burdin, I. Bojko, L'viv 2016, pp. 288.

³ K. Gubar, *Vnesok Kyjevo-Mogyljans'koi' akademii' ta Kyi'vs'koi' duhovnoi' akademii' u vitchyznjanu jurydychnu osvitu, nauku i praktyku (1615–1920). Monografija*, Kyi'v 2016, pp. 240.

⁴ S. Kondratjuk, *Tradycja parlamentaryzmu na zahidno-ukrai'ns'kyh zemljah: Istoryko-pravove doslidzhennja. Monografija*, L'viv 2016, pp. 624.

⁵ P. Eder, *Organizacija ta dijal'nist' Vyshhogo krajovogo sudu u L'vovi (1855–1918)*, L'viv 2016, pp. 235.

персональний вимір) by Ruslan Pyrih. The author clarified the functioning of the Ministers' Council of the Ukrainian State in 1918 by analysing the personal participation of each member of the government in legislative work, policymaking, and the implementation of state policy within principal spheres. Professional, managerial, and personal qualities of the ministers, the level of influence of their political and legal views on state formation, and their relations with the Hetman, and with German military and diplomatic personnel were examined.⁶

The Ancient State System of the Eastern Slavs and Its Later Changes: Sketches from the History of Law (in Ukrainian: Стародавній державний лад східних слов'ян і його пізніші зміни: Нариси з історії права) by prof. Ioannikiy Malynovskyi, academician of the All-Ukrainian Academy of Sciences (1868–1932). This book is a reissue of this scholar's work of the same title which was originally published in 1929.⁷

Other monographs dedicated to various historical-legal problems were also issued that same year. Among them the following ones should be mentioned:

The Establishment and Development of Environment-Oriented Institutes in the Austro-Hungarian Empire: Historical-Legal Research on the basis of Eastern Galicia (1867–1918) (in Ukrainian: Становлення і розвиток природоохоронних інститутів в Австро-Угорській імперії: історико-правове дослідження на матеріалах Східної Галичини (1867–1918)) by Liliya Korytko. Based on the analysis of archival material and contemporary regulatory legal acts, the monograph provides a systematic analysis of theory and practice of the protection and use of natural objects and their resources, and the protection of life and health against anthropogenic and natural influences in the Austro-Hungarian Empire, mainly in the Ukrainian territories of Eastern Galicia. It investigates various features of the legal regulation of protection and use of the above-mentioned objects and their resources, and the protection of people's life and health. It further examines the establishment and development of environmentally oriented institutes in Austria from the second part of the 19th century through the first part of the 20th century, and on Ukrainian territories of Eastern Galicia under the rule of the Austro-Hungarian Empire until 1918. It marks the first time that the problems of environmental protection, the rational use of natural objects, and the provision of ecological safety in the late 19th through early 20th centuries in the Austrian Empire (and Austro-Hungarian from 1867) and on the Ukrainian territories of Eastern Galicia was discussed.⁸

Activities of the Bodies of the All-Ukrainian Extraordinary Commission and State Political Administration of the Ukrainian Soviet Socialist Republic in Economics (1921–1928) [in Ukrainian: Діяльність органів ВУЧК-ДПУ УСРР у сфері економіки (1921–1928)] by Svitlana Liaskovska. The monograph analyses the problem of the activities of the All-Ukrainian Extraordinary Commission (AUEC) and State Political Administration (SPA) within the People's Commissariat of Internal Affairs in Ukraine in 1921–1928. Special attention was paid to the analysis of peculiarities of work by AUEC-SPA bodies:

⁶ R. Pyrih, *Dijal'nist' urjadiv get'manatu Pavla Skoropads'kogo: Personal'nyj vymir*, Kyi'v 2016, pp. 515.

⁷ I. Malynovs'vkyj, *Starodavnyj derzhavnyj lad shidnyh slov'jan i jogo piznishi zminy: Narysy z istorii' prava*, Ostrog 2016, pp. 247.

⁸ L. Korytko, *Stanovlennja i rozvytok pryrodohoronnyh instytutiv v Avstro-Ugors'kij imperii': Istoryko-pravove doslidzhennja na materialah Shidnoi' Galychyny (1867–1918)*, Ivano-Frankivs'k 2016, pp. 431.

detection of the criteria for compiling management records on “economically unreliable people”; investigation of operative-investigative cases concerning “elaboration” of foreign diplomatic and humanitarian missions; forms of confidential cooperation by a secret unit of the state security bodies; principal methods and means (evident and secret) of monitoring judicial entities, etc.⁹

The Establishment of the Legal Basis for Social Protection in the Hetmanate (2nd part of 17th–18th centuries) (in Ukrainian: Становлення правових основ соціального захисту в Гетьманщині (друга половина XVII–XVIII ст.)) by Bohdan Hutiv¹⁰.

In 2016 two historical-legal conferences were organised 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-organisers of these conferences.

The first of them – the 34th International Historical and Legal Conference on *The Religious Factor in the History of Law, State, and Legal Thought* – was held on 26th–29th May 2016 in Tysmenytsia supported by the Tysmenytsia City Council and the Tysmenytsia District State Administration. Among the participants in the conference were not only members of the Association, but also Ivan Semanyuk – head of the District State Administration, Ihor Fedoryshyn – District Council vice-chairman; and Volodymyr Hrynysyn, Roman Mykyevych, and Volodymyr Kovalyshyn – who are priests in Tysmenytsia. The following issues were discussed at the conference: legal, moral, and religious values and milestones in legal theory and practice; legal and religious norms in the system of social regulation; mononorms and religious-legal norms; and State and Church: symphony, partnership, or rivalry? The historical experience of relations between state and church; the historical experience of the legal regulation of interfaith relations; historical regularities, tendencies, and peculiarities of church (canon) law development; outstanding monuments of church (canon) law; Church influence on international law; religious factors in the history of legal thought; the influence of prominent Church representatives on the development of law, state, and legal thought; and the influence of the churches and the clergy of different confessions on legal education were also considered. Based on the results of the conference, a collection of 61 scientific reports was published.¹¹

The second conference – the 35th International Historical and Legal Conference on *Rulemaking and Systematization in Law: Dedicated to the 1000th Anniversary of Rus Truth and the 450th Anniversary of the Second (Volyn) Statute of the Grand Duchy of Lithuania* was held on 22nd–25th September 2016 in Dubno and Lutsk supported by the Lesia Ukrainka Eastern-European National University, the Rivne Regional State Administration, the Dubno District Council, and the Dubno Regional State Administration. The conference was officially opened in Dubno Castle (the Ostrozki

⁹ S. Ljaskovs'ka, *Dijal'nist' organiv VUCHK-DPU USRR u sferi ekonomiky (1921–1928)*, Kyi'v 2016, pp. 507.

¹⁰ B. Gutiv, *Stanovlennja pravovyh osnov social'nogo zahystu v Get'manshyni (druga polovyna XVII–XVIII st.)*, L'viv 2016, pp. 79.

¹¹ *Religijnyj chynnnyk v istorii' prava, derzhavy ta jurydychnoi' dumky, materaly 34 Mizhnarodnoi' istoriko-pravovoi' konferencii'*, red. I. Usenko, Kyi'v–Herson 2016, pp. 448.

Dukes' Castle of the 15th century in Dubno). At the opening ceremony the following officials were present Ilarion – archbishop of Rivne and Ostroh, Hryhoriy Tarhonskyi – head of the department of science and education of the Rivne Regional State Administration, Yuriy Parfenyuk – head of the Dubno Regional State Administration, Oleksandr Kozak – head of the Dubno District Council, and Prof. Oleksandr Kopylenko – head of the Institute of Legislation at the Supreme Council of Ukraine. The following issues were submitted for discussion: theoretical grounds of drafting and arrangement of regulatory legal acts; foreign and national historical experience in rulemaking; systematisation in law: history, modernity, and prospects; the Rus Truth through the ages; the Second (Volyn) Statute of the Grand Duchy of Lithuania: traditional assessment and modern vision; problems of legal drafting methodology: experiences of creation historically and nowadays. Based on the results of the conference, a collection of 48 scientific reports was published.¹²

¹² *Normotvorennja i systematyzacija v pravi: Do 1000-ricchja rus'koi' pravdy i 450-ricchja Drugogo (Volyns'kogo) statutu Velykogo Knjazivstva Lytovs'kogo, materialy 34 Mizhnarodnoi' istoryko-pravovoi' konferencii'*, red. I. Usenko, Kyi'-Herson 2016, pp. 380.