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A Brief Review of Scholarly Events in Legal History in Ukraine in 2017

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Słowa kluczowe: Ukraina, historia prawa, rzymskie prawo, źródła prawa, adwokat, Międzynarodowa Asocjacja Historyków Prawa.

During 2017 Ukrainian scholars published several historical-legal academic works and held four professional conferences.

1. Monographs

Higher Representative Bodies in Ukraine: History, Theory and Practice (in Ukrainian: *Вищі представницькі органи влади в Україні: історія, теорія та практика*) by Victor Yermolayev. The monograph covers the origins of democracy and representative power in Kievan Rus, in the Ukrainians parliamentary experience in the higher representative institutions of Lithuania and Poland, and Austria and Austria-Hungary; and in the tsarist Russia State Duma. The work is based on historical sources and works by prominent historians of the past, and on the analyses of contemporary researchers. The monograph also focuses on the histories of the higher representative bodies of the era of national liberation struggles of 1917–1920, and also researches and analyses the experience of the first domestic temporary parliaments (the Ukrainian Central Rada, Parliaments of the Hetmanate, the Directorate, the Western Ukrainian People's Republic, and the Soviet higher representative bodies).¹

¹ V. Jermolajev, *Wyshhi predstavnyci organi vlady v Ukraini: istorija, teorija ta praktyka: monografija*, Harkiv 2017, 448 s.

Advocates in the Proceedings of the Early Modern Ukrainian State – the Hetmanate (in Ukrainian: *Адвокати в судочинстві ранньомодерної Української держави – Гетьманщини*) by Viktor Brekhunenko and Ivan Synjak. In this monograph the personal composition and social origin of the Hetmanate's lawyers are shown; signs of becoming a professional advocate are analyzed; the legal field of lawyers' activity is clarified; and the role of a lawyer in the Hetmanate court trial, and 'lawyer's everyday life' are explored. The authors also analyzed the speeches of lawyers at court hearings of the time. The researchers managed to find 135 lawyers of the period, and establish their social status, origin, clients, and the cases where they were advocates. Due to these researchers we have become aware of lawyers who represented the interests of Hetmans Kirill Rozumovsky, Pavel Polubotko, St. Michael's Golden-Domed Monastery, Sofia of Kyiv, and Kyiv-Pechersk Lavra, etc., in the courts. The annexes contain a list of established lawyers, as well as documents that reflect the specifics of the advocacy activities of the middle of the 17th–18th centuries. The book contains a wide range of court documentation from the archives and libraries of Kiev, Warsaw, and Kraków.²

Servitudes in Roman Law and Their Reception in the Law of Ukraine (in Ukrainian: *Сервітуту у римському праві та їх реценція у праві України*) by Halyna Zabolotna. The monograph is devoted to the problems of the regulation of servitudes in Roman law, the norms of which are the classical universal basis of the basic private law institutes of the present, as well as the historical and comparative analysis of the reception of these norms in those legal sources, which were active in Ukrainian territory.³

The Constitutional Court of the Federal Republic of Germany: From the Origins to the Present Days (in Ukrainian: *Конституційний суд Федеративної Республіки Німеччина: від витоків до сьогодення*) by Nataliya Paslavska. In the monograph the author analyzes the formation and development of constitutional justice in the Federal Republic of Germany, the competence of the Federal Constitutional Court, and its influence on the formation of the constitutional order of the state. The place of the Federal Constitutional Court in the system of public authorities of the Federal Republic of Germany is determined. The formation of the relationship between federal and land constitutional courts is studied. The historical role of the Federal Constitutional Court in the formation and protection of the constitutional order of the Federal Republic of Germany is researched. Proposals to improve Ukrainian legislation on constitutional justice were formulated and substantiated according to the results of the study.⁴

The System of Punishment Under the Austrian Criminal Code of 1852 and the Practice of Its Implementation in Eastern Galicia (in Ukrainian: *Система покарань за австрійським кримінальним кодексом 1852 р. та практика їх застосування у Східній Галичині*) by Maryana Shupyana. The monograph highlights the system of punishment under the Austrian Criminal Code of 1852 and the practice of its implementation in Eastern Galicia. The content of the criminal law policy of the Austrian Empire and the Austro-Hungarian monarchy in the 19th through the first half of the

² V. Brehunenko, I. Synjak, *Адвокаты в судочинстві ранн'о модерної України 'koi' derzhavy – Get'manshyny*, Kyi'v 2017.

³ H. Zabolotna, *Servituty u rym's'komu pravi ta i'h recepcija u pravi Ukraїny: monografija*, L'viv 2017.

⁴ N. Paslavska, *Konstytucyjnyj sud Federatyvnoi' Respubliki Nimechchyna: vid vyotokiv do s'ogodnennja*, L'viv 2017.

20th century is revealed. The causes and consequences, and the peculiarities of the codification of the Austrian criminal law in the 19th century are determined. The sources and structure of the Austrian Criminal Code of 1852 are described. The practice of criminal penalties applied by the courts in Eastern Galicia is described.⁵

2. Conferences

The international scholarly conference *The History of the State-Building Processes in Ukraine and Foreign Countries (to the 100th Anniversary of the Formation of the Ukrainian People's Republic)* – was held on 28 November 2017 at the Yaroslav Mudryi National Law University in Kharkiv.

The scholarly conference *Topical Problems of Teaching Historical-Legal Disciplines in the Higher Legal Education System of Ukraine and Foreign Countries* – was held on 19 October 2017 at the (Ivan Franko Lviv National University) in Lviv.

Also, two historical-legal conferences were organized by the International Association of Historians of Law. The first of them – the 36th International Historical-Legal Conference on *Evolutional and Revolutional Processes in the History of Law, State and Legal Opinion: (to the 100th Anniversary of Ukrainian Revolution 1917–1921)* – was held on 27–30 April 2017 in Dnipro. The second conference – the 37th International Historical-Legal Conference on *Monuments of Law as an Explanation of Historical Processes and Social Culture: to the 500th Anniversary of Reformation* – was held on 14–21 September 2017 in Kolochava.

⁵ M. Shup'jana, *Systema pokaran' za avstrijs'kym kryminal'nym kodeksom 1852 r. Ta praktyka i'h zastosuvannja u Shidnij Galychyni: monografija*, L'viv 2017.