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A Brief Review of Scientific Events in Legal History in Ukraine in 2013

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Słowa kluczowe: Ukraina, prawo cywilne, prawo karne, Lwowski Uniwersytet Narodowy im. Iwana Franki, kijowska szkoła prawa karnego, sąd opiekuńczy, służba celna

During 2013 in Ukraine a large quantity of scientific works dedicated to the history of law and the state was published. Ukrainian scholars were investigating issues in both national and foreign law.

A considerable contribution in this sphere was made by scholars of Ivan Franko Lviv National University. Two substantial books were published by Ihor Boyko, a professor of the Department of the History of State, Law, Political, and Legal Doctrine. The former entitled *Legal Regulation of Civil Relations in Ukraine (9th–20th c.)*¹ is a complex work of historical-legal research in the establishment and development of legal regulation of civil relations in the territory of Ukraine. The author pays special attention to the establishment and functioning of norms, and the main civil law institutes, sources of civil law, and the process of the systematization of civil-legal norms during 9th–12th centuries. He also analyzes major documents of national civil law. In the later book *Criminal Punishment in Ukraine (9th–20th c.)*² the main stages of the establishment and development of a criminal penal institute in Ukraine are illustrated, and the purpose and system of punishment at different stages of the development of national criminal law are examined. The author devoted meticulous attention to the sources of criminal law and its systematization. Another work, entitled *Judicial System of the USA: late 18th – early 21st c.*,³ was published by Olena Ryhina, an associate professor of the Department of the History of State, Law, Political, and Legal Doctrine of Ivan Franko Lviv National University. In

¹ I. Bojko, *Pravove rehuluvannia cyvilnykh vidnosyn v Ukraini (IX–XX st.)*, Kyiv 2013, s. 348.

² I. Bojko, *Kryminalni pokarannia v Ukraini (IX–XX st.)*, Lviv 2013, s. 408.

³ O. Ryhina, *Sudova systema SŠA: kinec' XVIII – počatok XXI st.*, Drohobyč 2013, s. 388.

this monograph the author elucidated the process involved in the establishment and development of the judicial system in the United States of America from colonial times to the present. Separate chapters are dedicated to the formation and development of the US Supreme Court and juvenile judiciary.

A monograph of great interest was issued by Pavlo Berzin, a professor of the Department Criminal Law and Criminology of Taras Shevchenko Kyiv National University – *Kyiv School of Criminal Law (1834–1960): Historical-Legal Research*.⁴ The author reveals central problems of the forming and establishing of the Kyiv School of Criminal Law from 1834 to 1960, introduces biographic information about representatives of the school, and characterizes their scientific papers. In his work the professor used archive documents and memoirs of Kyiv scholars issued in different periods.

The monograph by Oleksandr Malyshev *City Orphan Courts in Ukraine: Historical-Legal Research*⁵ deserves special attention. The work examines historical and legal aspects of the formation of city orphan courts – introduced into Ukraine by the Russian Empire in the late 18th century – and their activity. These courts carried out committee cases of lower middle class citizens, merchants, noblemen and peasants residing in cities. The author briefly analyses data and documents of the guardianship authorities that had been functioning before the introduction of orphan courts, and the reasons and pre-conditions for their establishment by the Russian Empire. He goes on to describe normative legal regulation of their activity, their further evolution, and the causes of their liquidation by the Soviet authorities.

The next monograph *Penal System of Ukraine: History and Modernity*⁶ was published under the editorship of Ph.D. Oleksandr Lisitskov, the head of the State Penal System of Ukraine. The book includes an outline of the history of the national penal system from the Kyiv Rus period to the current time. The present work describes the past of penal institutions under a regional principle, and describes the modern activities of the State Penal System of Ukraine, departmental educational establishments, veteran organizations, etc. This monograph is of significant importance to historical-legal science and law enforcement activity.

The other monograph *History of the Development of Criminal Legislation as to Involvement in Crimes on the Territory of Ukraine*⁷ was written by Luhansk scholar Ph.D. Andriy Benitskyi. The work examines the development and formation of the Institute of Involvement in Crimes in Ukrainian criminal law. The author investigated historical-legal archives memoirs of the Kyiv, Lithuanian-Polish, Russian, and Soviet periods in Ukraine and studied legal suits in criminal cases concerning accusations both of people involved in crime as well as abettors in Ukraine in 10th – 20th c.

A monograph devoted to the history of the development of the state customs service was published by Dmytro Arkhireyskyi, an associate professor of the Customs Service

⁴ P. Berzin, *Kyjiivs'ka szkola kryminalnoho prava (1834–1960 rr.): istoriko-pravove doslidzennia*, Kyiv 2013, s. 1144.

⁵ O. Malyshev, *Mis'ki syritys'ki sudy v Ukraini: istoriko-pravove doslidzennia*, Kyiv 2013, s. 352.

⁶ O. Lisickov, *Penitanciarna systema Ukrainy: istorija ta suchasnist'*, Kyiv 2013, s. 270.

⁷ A. Benickij, *Istorija rozvytku kryminalnoho zakonodawstwa szczo do przyczyn do zloczynu na terytoriji Ukrainy*, Luhansk 2013, s. 339.

Academy of Ukraine. In the work entitled *Soviet Customs Service of Interwar Ukraine*⁸ the author examined peculiarities of the customs service in interwar Soviet Ukraine, and analyzed the development of Soviet foreign trade, the structural-organizational bases of the customs services in the USSR and Ukrainian SSR, and the specificity of the customs-tariff service and peculiarities of customs contraband counteraction.

The monograph *History of European Integration from the Roman Empire to the European Union*⁹ issued under the editorship of Kharkiv scholar Ivan Yakovyuk, an associate professor of the Department of Theory of State and Law of Yaroslav the Wise National Law University, is of great interest and topicality taking into account Ukraine's Eurointegration aspirations. Historical-legal, theoretical and practical matters of formation and development of integration processes in Europe are considered in the book. Special attention is paid to the emergence and fulfillment of the idea to unite Europe, and to the influence of the European Union Court on the development of its law and legal institutes.

In 2013 two conferences organized by the International Association of Law Historians were held. The former – the 28th International Historical-Legal Conference “Human Centered Dimension in History of Law, State and Legal Thought: Dedicated to the 150th Anniversary of the Beginning of M.P. Drahomanov's Scientific Work” – was held June 13th to 16th 2013 in Rivne and Lutsk. The conference was co-organized by the Koretskyi Institute of State and Law at the Ukrainian National Academy of Sciences, the Mykhalo Drahomanov National Pedagogical University, the Kharkiv National University of Internal Affairs, the Commission for the History of Ukrainian Law at the Presidium of the Ukrainian NAS, and the Section of the History of State and Law at the Scientific Board of the Ukrainian NAS for coordination of fundamental legal researchers.

The following issues were discussed at the conference: Mykhalo Drahomanov as a political thinker and constitutionalist; the creative legacy of Mykhalo Drahomanov and modernity (legal aspect); a human in law: theoretical-philosophical aspects of the problem, and the influence of personality on the development of state-legal institutes and processes; a human in historical-legal reality, statutory law and legal status of separate population strata; the principle of humaneness in the history of law, state, and legal thought; the history of state, law, and legal thought in western Ukraine; and the development of science and education in Volyn.

The latter conference – the 29th International Historical-Legal Conference “Sources of Law of Ukraine, Other Countries and International Community of Countries: History and Modernity” was held from September 19th to 22nd 2013 in Feodosiya. The conference was co-organized by the Koretskyi Institute of State and Law at the Ukrainian National Academy of Sciences, the Commission of the History of Ukrainian Law at the Presidium of the Ukrainian NAS, and the Section of History of State and Law at the Scientific Board of the Ukrainian NAS for coordination of fundamental legal researchers. The following items were considered at this conference: modern philosophical-legal and general theoretical concepts of sources and forms of law; sources of law in the context of main legal systems; sources of law and historical sources; sources of law and sources

⁸ D. Archirejs'kyj, *Radians'ka mytna služba mižvojennoji Ukrajinny, Dnipropetrovs'k* 2013, s. 289.

⁹ I. Jakoviuk, T. Anakina, O. Tragniuik, T. Komarova, *Istoriija Jevropejs'koji intehraciji vid Ryms'koji Imperiji do Jevropejs'koho Sojuzu, Kharkiv* 2013, s. 208.

of legal thought; sources of law of Ukraine and other countries in different historical stages of social development; peculiarities of sources of separate law branches, specificity of European and international law sources; significant memoirs of law in Ukraine and other countries; and legal source science as a scientific branch.

Participants of the conferences were both Ukrainian scholars and guests from Russia. A permanent participant of the conferences organized by the International Association of Law Historians is Ivan Ivannikov, a professor of the Department the History of State and Law at the Southern Federal University (Rostov-On-Don, Russia). He took part in both conferences held in 2013 and delivered speeches.

