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Constitutional and Legal History Works of Ukrainian Scholars in 2000–2015

Abstract

The article is an extended version of the report prepared for the International Conference: “Constitutional History 2000–2015: New Research, New Ideas, New Perspectives”, which took place at Jagiellonian University (Krakow) September 19–20, 2016. The results of the research activities of Ukrainian scholars – law historians – during 2000–2015 have been considered in the work. General data about historical-legal works issued during the analyzed period have been highlighted, statistical information has been presented. Data about the most significant centers for academic research into the history of state and law in different regions of Ukraine has been provided. The role and importance of the International Association of Law Historians in the development of historical-legal studies in Ukraine have been discussed. The author has considered the most substantial published works in the branch of constitutional and legal history issued during the analyzed period. Their general characteristics have been presented. Special attention has been dedicated to the research activities of scholars from Ivan Franko Lviv National University. Results of their research during the 2000–2015 time frame have been highlighted; principal academic works issued during the analyzed period have been described and characterized. Major tendencies and lines of historical-legal research in Ukraine have been outlined on the basis of the data studied.

Keywords: Ukraine, Ukrainian scholars, International Association of Law Historians, constitutional and legal history works, law historians, Ivan Franko Lviv National University.

Słowa kluczowe: Ukraina, ukraińscy naukowcy, Międzynarodowe Stowarzyszenie Historyków Prawa, prace z historii państwa i prawa, historycy prawa, Lwowski Uniwersytet Narodowy imienia Iwana Franki.

Introduction

The historical-legal research conducted in Ukraine holds a prominent place among other research in law. Every year the interest in it is growing. The more research that is conducted, the more approaches and problems appear; since law historians, due to external or specific personal reasons, have not dedicated adequate attention to them.

One of the problems is the fact that historical-legal studies were significantly affected by the totalitarian Soviet system, and, as a result, historical-legal research was biased, adjusted, or forbidden by party censorship.

After Ukraine's proclamation of independence in 1991, law historians achieved new opportunities for scientific inquiry, and interest in the history of state and law began growing. To illustrate a general tendency of how scientific interest in the history of state and law is growing in Ukraine, the author has used data from several of the most prominent Ukrainian libraries: the Research Library of Ivan Franko Lviv National University, the Vasyl Stefanyk Research Lviv National Library of Ukraine, and the Vernadsky National Library of Ukraine. Although these libraries are considered to be the biggest and the best in Ukraine, data received from their catalogues depict only general tendencies of quantitative growth in historical-legal research. Therefore, they should not be considered complete. Some research papers were not submitted to these libraries, and can be found only in libraries of regional universities or regional research libraries. Besides, the author has not taken into account textbooks, educational guides, collections of documents, research articles, and collections of conference abstracts, but only monographs, which are quite numerous.

Hence, the following statistics are shown in order to illustrate general tendencies of the growth of scientific interest in historical-legal research, but not to count the exact quantity of historical-legal books issued in Ukraine, since it is extremely difficult to do such counting.

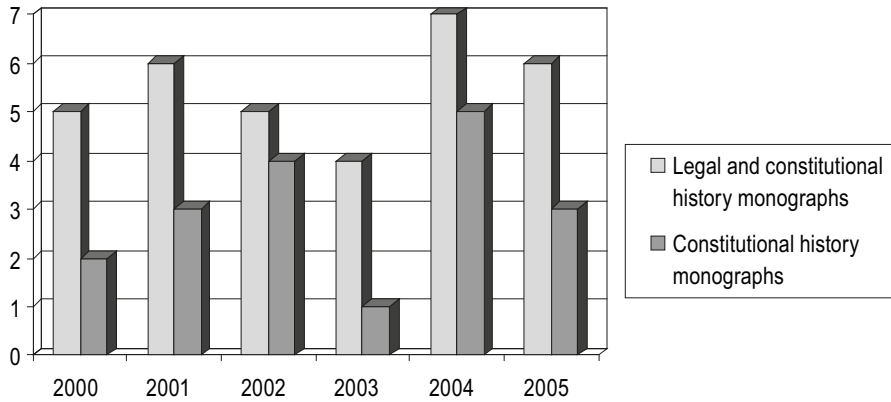
In the following diagrams statistics concerning the quantity of published monographs (including collective ones) are divided into three time periods: 1) 2000–2005; 2) 2006–2010; and 3) 2011–2015. All historical-legal works are highlighted in blue and works dedicated to research in constitutional history are in red.

1st period (2000–2005)

During this period, which comprises six years, Ukrainian researchers published 33 monographs (18 of which are connected to constitutional history). Arranged by years, the correlation between monographs of the history of law and of constitutional history is as following:

Monographs	2000	2001	2002	2003	2004	2005	Total
Legal and constitutional history	5	6	5	4	7	6	33
including							
Constitutional history	2	3	4	1	5	3	18

This correlation is also depicted in the diagram:

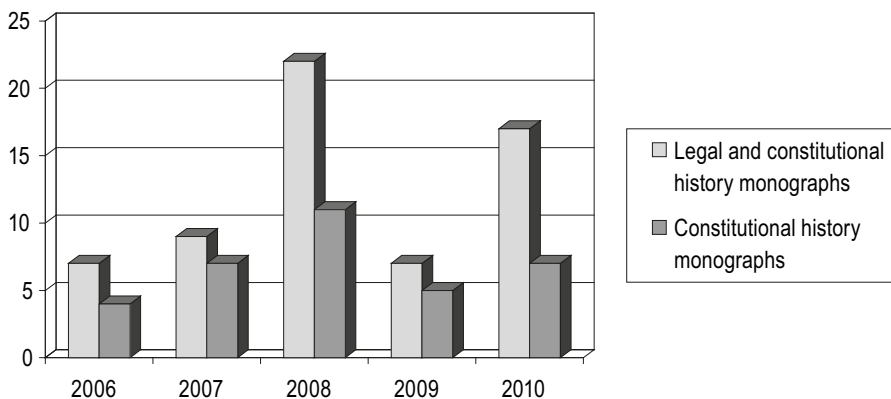


2nd period (2005–2009)

This period embraces five years and demonstrates the tendency toward increasing the amount of historical-legal research. The total number of historical-legal monographs is 62, including 34 monographs on constitutional history. Allocation of the number of monographs by year of publication is represented in the table:

Monographs	2006	2007	2008	2009	2010	Total
Legal and constitutional history	7	9	22	7	17	62
including						
Constitutional history	4	7	11	5	7	34

And in the following diagram:

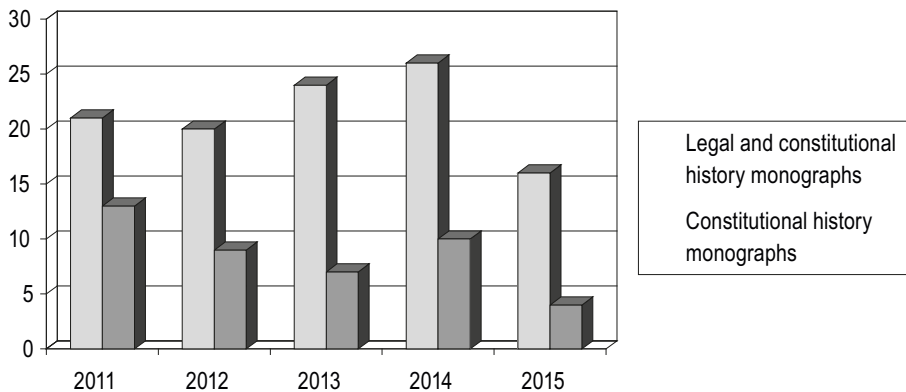


3rd period (2010–2014)

This period also comprises five years during which 107 historical-legal monographs were issued, 43 of which were on constitutional history. Thus, despite the fact that the general quantity of monographs in constitutional history increased compared with previous periods, during the 3rd period these monographs comprised more than a third of the entire quantity of all historical-legal monographs. Arranged by year, the correlation between monographs of history of law and of constitutional history is as following:

Monographs	2011	2012	2013	2014	2015	Total
Legal and constitutional history	21	20	24	26	16	107
including						
Constitutional history	13	9	7	10	4	43

These data are also shown in the following diagram:



The foregoing tables and diagrams depict the tendency towards a growing academic interest in historical-legal research in Ukraine. During the 1st period an average of 5 to 6 books were issued annually; during the 2nd, 12 to 13; and during the 3rd, 21. Therefore, the average number of monographs in constitutional history published annually, according to the various periods, was as follows: 1st period – 3, 2nd period – 7, and 3rd period – 8 to 9. Hence, a steady tendency towards increasing the amount of historical-legal research and historical-legal monographs published annually, including constitutional history monographs, has been established in Ukraine.

All monographs used by the author to illustrate statistics are provided in the bibliography and arranged by year.

Centres for Academic Research of History of State and Law in Ukraine

288 higher educational establishments – institutes and universities – function in Ukraine.¹ Many of them include departments or individual scholars who conduct research in the history of state and law. Several of these establishments have created academic historical-legal communities (in Ukraine they are commonly called academic schools).

Among universities conducting historical-legal research the following ones should be mentioned: Taras Shevchenko Kyiv National University (Kyiv), Koretskyi Institute of State and Law (Kyiv), Kyiv-Mohyla Academy (Kyiv), Yaroslav the Wise Kharkiv National Law University (Kharkiv), Kharkiv National University of Internal Affairs (Kharkiv), National University “Odesa Law Academy” (Odesa), Odesa State University of Internal Affairs (Odesa), Ivan Franko Lviv National University (Lviv), Lviv State University of Internal Affairs (Lviv), National University “Lviv Polytechnic” (Lviv), Oles Honchar Dnipropetrovsk National University (Dnipro), Institute of Legislation of Verkhovna Rada of Ukraine (Kyiv), National Academy of the Security Service of Ukraine (Kyiv), Uzhhorod National University (Uzhhorod), Yuriy Fedkovych Chernivtsi National University (Chernivtsi), Lesia Ukrainka Eastern-European National University (Lutsk), etc.

Since there are many establishments of higher educational, the present article will be dedicated to several of them. Mainly to those where separate departments function.

Taras Shevchenko Kyiv National University. The Department of History of State and Law, headed by Prof. Maria Miroshnychenko, functions within the Law Faculty of this University. Eleven academic research specialists work in the department.²

Department personnel publish a huge quantity of research papers in the sphere of the history of state and law. Special attention should be paid to such papers as: *Statehood and Law of Ukraine: Genesis in European Context (From Ancient Times to the Beginning of the 19th century)*;³ *Genesis of National Legal Systems: Theoretical-Methodological Aspect*;⁴ *Theoretical and Methodological Principles for Genesis of the Legal System of Ukraine*⁵ (by Maria Miroshnychenko); *Landed Proprietorship in Ukraine: Legal Coverage and Peculiarities of Enforcement (mid 19th – beginning 20th c.)* (by Petro Zakharchenko);⁶ *Sources of Canon Law During the Ukrainian Middle Ages* (by Ivanna Matselyukh).

¹ State Statistics Service of Ukraine. Official Web-Site: http://www.ukrstat.gov.ua/operativ/operativ2005/osv_rik/osv_u/vuz_u.html.

² Taras Shevchenko Kyiv National University. Official Web-Site: http://law.univ.kiev.ua/kafedry/istorii-prava-ta-derzhavy?lang=uk_UA.UTF-8,%2520uk_UA,%2520uk_UA.KOI8-R,%2520uk_UA.CP1251,%2520uk_UA.CP866,%2520uk_UA.ISO8859-5,%2520ukrainian.

³ M. Miroshnychenko, *Derzhavnist i pravo Ukrainy: henezys u yevropeiskomu konteksti (Z naidavnishykh chasiv do pochatku 19 st.)*, Kyiv 2006, 544 p.

⁴ M. Miroshnychenko, *Henezys natsionalnykh pravovykh system: teoretyko-metodolohichni aspekt*, Kyiv 2007, 271 p.

⁵ M. Miroshnychenko, *Teoretychni i metodolohichni zasady henezysu pravovoi systemy Ukrainy*, Kyiv 2010, 451 p.: http://law.univ.kiev.ua/images/stories/kafedry/istorii/Monografiya_Miroshnichenko.pdf (date of access: 20.08.2016).

⁶ P. Zakharchenko, *Pravo vlasnosti na zemliu v Ukraini: pravove zabezpechennia ta osoblyvosti realizatsii (seredyna 19 – poczatok 20 st.)*, Kyiv 2010, 386 p.

Koretskyi Institute of State and Law. The University has a History and Law Studies Department, which is managed by Professor Ihor Usenko. There are 11 academic research specialists, including Usenko, at the department. The department was founded on November 5, 1983. It received its current name in 2003, while it previously (from its foundation) had been called the Department of History of State and Law, and Department of Historical and Political Studies of State and Law of Ukraine (since 1990). Major academic specializations at the Department include: history of legal thought; encyclopedic juridical studies; heritage of classic national lawyers publishing; improvement of theoretical and methodological bases of history and law studies; subject, methodology, and periodization of Ukrainian state history and law; and improvement of history and law studies instruments.⁷

Department scholars issued many historical-legal research papers, among which the following: *Legal Ideology and Law of Ukraine During the Implementation of the Totalitarian Regime (1929–1941)* (by Borys Usenko and Oleksandr Myronenko);⁸ *Origins of Ukrainian Revolutionary Constitutionalism 1917–1920: The Theoretical-Methodological Aspect* (by Oleksandr Myronenko);⁹ *Legal Custom as a Source of Ukrainian Law 9th–19th centuries* (by Ihor Usenko, Volodymyr Babkin, Iryna Muzyka, Tetiana Bondaruk, Olena Samoylenko)¹⁰ and others.

National University “Odesa Law Academy”. A Department of History of State and Law, chaired by Prof. Nina Anishchuk, functions at the university. Included among department personnel are 17 academic research specialists.¹¹ The following research papers published by department scholars should be mentioned: *Women in Advocacy: History and Modernity* (issued by Nina Anishchuk in 2015),¹² and *The Court and Judicial Procedure in the Ukrainian National Republic, Ukrainian State. Western-Ukrainian National Republic (1917–1920)* (issued by Nataliya Yefremova in 2007).¹³

Historical-legal matters are also investigated by representatives of other departments. Yevhen Kharytonov – head of the Civil Law Department – researched the history of civil law. He is the author of several monographs dedicated to this theme; the following ones were published during the studied period: *History of Private Law of Europe: Eastern Tradition* (2000),¹⁴ *History of Private (Civil) Law of Europe: Western Tradition* (2001),¹⁵ and also the substantial monograph *Private Law as a Concept: Searching Paradigm*¹⁶

⁷ Instytut Derzhavy i Prava im. V. Koretskoho, Viddil istoryko-pravovykh doslidzhen. Official Web-Site: http://idpnan.org.ua/naukovi_viddili_institutu_viddil_istorikopravovih_doslidjen.html.

⁸ B. Usenko, O. Myronenko, *Pravova ideolohiia i pravo Ukrainy na etapi stanovlennia totalitarnoho rezhymu (1929–1941)*, Instytut derzhavy i prava im. V.M.Koretskoho, Kyiv 2001, 220 p.

⁹ O. Myronenko, *Vytoky ukrainskoho revoliutsiinoho konstytutsionalizmu 1917–1920 rr.: teoretyko-metodolohichnyi aspekt*, Kyiv 2002, 260 p.

¹⁰ *Pravovyi zvychai yak dzherelo ukrainskoho prava 9-19 st.*, ed. I. Usenko, Kyiv 2006, 280 p.

¹¹ National University “Odesa Law Academy”. Department of History of State and Law. Official Web-Site: http://onua.edu.ua/index.php?option=com_content&view=article&id=239&Itemid=887&lang=en.

¹² N. Anishchuk, *Zhinky v advokaturi: istoriia i suchasnist*, Odesa 2015, 244 p.

¹³ N. Yefremova, *Sud i sudochnstvo v Ukrainskii Narodnii Respublitsi, Ukrainskii Derzhavi, Zakhidnoukrainskii Narodnii Respublitsi (1917–1920 rr.)*, Odesa 2007, 280 p.

¹⁴ Y. Kharytonov, *Istoriia pryvatnoho prava Yevropy: Skhidna tradytsiia*, Odesa 2000, 260 p.

¹⁵ Y. Kharytonov, *Istoriia pryvatnoho (tsyvilnoho) prava Yevropy: Zakhidna tradytsiia*, Odesa 2001, 328 p.

¹⁶ Y. Kharytonov, O. Kharytonova, *Pryvatne pravo yak kontsept: poshuk paradyhmy*, Odesa 2014, 804 p.

was issued in 2014 in collaboration with Olena Kharytonova – head of the Department of Intellectual Property and Corporate Law.

Yuriy Fedkovych Chernivtsi National University. Historical-legal research is conducted under the supervision of Prof. Mykhaylo Nykyforak – head of the Department of Philosophy and Theory of Law. During the analysed period the scholar published a wide range of significant academic works in the constitutional and legal history of Bukovyna, particularly *State System and Law in Bukovyna in 1774–1918* (2000),¹⁷ *History of State-Legal Institutes of Bukovyna* (2003),¹⁸ *Bukovyna within the State-Legal System of Austria (1774–1918)* (2004),¹⁹ *Administration and Economy of Bukovyna (Austrian Period)* (2008).²⁰

Yaroslav the Wise Kharkiv National Law University. The Department of State and Law of Ukraine and Foreign Countries History headed by Professor Volodymyr Honcharenko functions at the university. The department consists of 20 scholars.²¹ During the 2000–2015 time frame they published a huge quantity of research papers, including monographs. The following works were among those issued: *Higher Representative Bodies of Authorities in Ukraine (Historical-Legal Research)* (2005, by Viktor Yermolayev);²² *Evolution of Lawyer's Ethos in Ukraine: Historical and Social-Psychological Outline* (2011, editors Viktor Lozovoy, Viacheslav Rumiantsev);²³ *Legal System of Ukraine: History, Conditions and Prospects* in 5 volumes (Kharkiv, 2008): V.1 *Methodological and Historical-Theoretical Problems of Creation and Development of the Legal System of Ukraine* (co-authors Volodymyr Honcharenko, Viktor Yermolayev, and Viacheslav Rumiantsev),²⁴ and enlarged and re-issued in 2013 English edition of this monograph.²⁵

Lesia Ukrainka Eastern-European National University (Lutsk). Theory and History of State and Law Department headed by Professor Mykhailo Yatsyshyn. The department consists of 16 scholars.²⁶ Principal historical-legal works (monographs) are the following: *Historical and legal foundations of penal policy of Ukraine* by Mykhailo Yatsyshyn (Lutsk 2010),²⁷ and “*Legal regulation of mutual Ukrainian and Polish cooperation in the 90s of the 20th century* by Alla Gorot (Lutsk 2013).²⁸

¹⁷ M. Nykyforak, *Derzhavnyi lad i pravo na Bukovyni v 1774–1918 rr.*, Chernivtsi 2000, 280 p.

¹⁸ M. Nykyforak, *Istoriia derzhavno-pravovykh institutiv Bukovyny*, Chernivtsi 2003, 167 p.

¹⁹ M. Nykyforak, *Bukovyna v derzhavno-pravovii systemi Avstrii (1774–1918 rr.)*, Chernivtsi 2004, 384 p.

²⁰ M. Nykyforak, *Uriaduvannia ta ekonomika Bukovyny (avstriiskyi period)*, Chernivtsi 2008, 192 p.

²¹ Yaroslav the Wise Kharkiv National Law University. The Department of State and Law of Ukraine and Foreign Countries History. Official Web-Site: <http://nlu.edu.ua>.

²² V. Yermolayev, *Vyshchi predstavnytski orhany vlady v Ukraini (istoryko-pravove doslidzhennia)*, Kharkiv 2005, 272 p.

²³ V. Rumiantsev, V. Lozovoy, L. Anuchyna, *Evolutsiia etosu yurysta v Ukraini: istorychnyi ta sotsialno psykholohichnyi narys*, Kharkiv 2011, 264 p.

²⁴ *Pravova sistema Ukrainy: istoriia, stan ta perspektyvy, v piaty tomah*, vol. 1: *Metodolohichni ta istoryko-teoretychni problemy formuvannia i rozvytku pravovoi systemy Ukrainy*, Kharkiv 2008, 728 p.

²⁵ *The Legal System of Ukraine. Past, Present, and Future*, In Five Volumes, vol. 1: *Methodological, historical, and Theoretical Problems of the Forming and Development of the Legal System of Ukraine*, Kyiv–Kharkiv „Pravo” 2013, 808 p.

²⁶ Lesia Ukrainka Eastern-European National University (Lutsk). Theory and History of State and Law Chair. Official Web-Site: <http://eenu.edu.ua/en/chairs/theory-and-history-state-and-law-chair>.

²⁷ M. Yatsyshyn, *Istoryko-pravovi zasady kryminalno-vykonavchoi polityky Ukrainy*, Lutsk 2010, 448 p.

²⁸ A. Gorot, *Pravove rehulivannia dvostoronnoho spivrobitnytstva Ukrainy ta Respubliky Polshcha v 90-kh rokakh 20 stolittia*, Lutsk 2013, 312 p.

The University publishes a specialized scholarly historical-legal journal, the *Historical-legal Journal*. It was founded in May of 2012. In October of 2014 the journal was included in the BASE Bielefeld Scientific Research Center (Germany), and RINC (Russian Federation). In March of 2015 the journal was introduced into the international science-based database Index Copernicus International (Poland).²⁹

Ivan Franko Lviv National University. The Department of History of State, Law and Political-Legal Doctrine, which was previously headed by Professor Borys Tyshchuk, has been headed by Professor Ihor Boyko since July of 2017 and functions within the Law Faculty. Nine scholars work at the department. An academic community, the *History of State and Law* was created based in the Department of History of State, Law and Political-Legal Doctrine at the Law Faculty.³⁰

The department cooperates with the Roman private law department of the John Paul II Catholic University of Lublin (Poland), conducting joint academic conferences of scholars and students, publishing academic articles, and reviewing academic works, etc.

During the 1944–2016³¹ time frame department lecturers alone published more than 50 monographs, 1000 articles and conference abstracts, and more than 120 textbooks and educational guides.³² A considerable proportion of all the achievements in research in the 2000-2015 time frame is made up of books by Profs. Borys Tyshchuk and Ihor Boyko.

Prof. Tyshchuk, both individually and in collaboration, published a wide range of books dedicated to the history of state and law both of Ukraine and of foreign countries. The majority of the scholar's books were issued as textbooks and educational guides for Law Faculty students. In his research the professor devoted considerable attention to the history of both Ukrainian and foreign law. Among his books the following textbooks (educational guides) in the history of state and law of Ukraine deserve special attention: *Establishment of Statehood in Ukraine (1917–1922)*;³³ *Establishment of Ukrainian Statehood on Western-Ukrainian Territories Before and During World War II (1937–1945)*;³⁴ *History of State and Law of Ukraine* (in collaboration with Professor Ihor Boyko);³⁵ monographs: *West Ukrainian National Republic (1918–1923)*³⁶ and *Galicia-*

²⁹ *Historical-legal Journal*. Official Web-Site: <http://historylaw.eenu.edu.ua/index/0-2>.

³⁰ The *History of State and Law* academic community is an organization of scholars from different departments of the faculty interconnected by common research interests in investigating the history of state and law. Such communities (in Ukraine they are commonly called academic schools – укр. наукова школа), as a rule, are formed by prominent scholars of the faculty and their students and followers. At the Law Faculty this community was created thanks to Professor Borys Tyshchuk.

³¹ In 1944 Lviv University restored its activity which had been suspended during the Soviet-German war. The Department of Theory and History of State and Law also restored its activity the same year. It functioned under this title until 2008.

³² *Law Faculty, Lwiv Iwan Franko National University (1661–2016): monograph*, ed. V. Burdin, V. Nor, I. Boyko, Lviv 2016, C. 129.

³³ *Stanovlennia derzhavnosti v Ukraini (1917–1922rr.)*, ed. B. Tyshchuk, D. Karpyn, Kolomyia 2000, 271 p.

³⁴ B. Tyshchuk, *Stanovlennia ukrainskoi derzhavnosti na zakhidnoukrainskykh zemliakh naperedodni i v roky Druhoi svitovoi viiny (1937–1945 rr.)*, Lviv 2006, 92 p.

³⁵ B. Tyshchuk, I. Boyko, *Istoriia derzhavy i prava Ukrainy*, Kyiv 2015, 807 p.

³⁶ B. Tyshchuk, *Zakhidno Ukrainska Narodna Respublika (1918–1923)*, Lviv 2005, 392 p.

*Volyn State (1199–1349)*³⁷ (in collaboration with Professors Volodymyr Kulchytskyi and Ihor Boyko), and works in the history of law of foreign countries: *History of State and Law of France (1789–1918)*;³⁸ *History of State and Law of the United States of America (18th c. – 1918)*;³⁹ *Germany: History of Statehood and Law (9th c. – beginning of 21st c.)*;⁴⁰ *Poland: History of Statehood and Law (10th c. – beginning of 21st c.)*.⁴¹ Besides works dedicated to separate countries, Professor Tyshchuk is also the author of series of substantial books devoted to the general history of state and law: *History of State and Law of Ancient World Countries*; *History of State and Law of Foreign Countries (Middle Ages and Early Modern Times)*; *History of State and Law of Foreign Countries. Modern Times (17th c. – 1918)*.⁴²

The scholar is the author or co-author of more than 250 research works in history of law and constitutional history. As we see, his main attention is dedicated to the investigation of the history of state and law of foreign countries which partially compensates for the general lack of such research. A major part of his work is published as educational guides for students. Prof. Tyshchuk is gradually and persistently extending the scope of his academic research, publishing new books in foreign history of law.

Research works by Prof. Ihor Boyko are dedicated to historical-legal matters of different spheres of Ukrainian law. The scholar, both individually and in collaboration, published such books as: *The Managerial Apparatus of Galicia within Austro-Hungary*⁴³ (co-authors Volodymyr Kulchytskyi, Ihor Boyko, Oksana Mikula, and Iryna Nastasiak); *Government Authorities and Law in Galicia within the Polish Kingdom (1349–1569)*;⁴⁴ *Sources and Peculiarities of Law in Galicia within the Polish Kingdom (1387–1569)*;⁴⁵ *Legal Regulation of Civil Relations in Ukraine (9th–20th centuries)*;⁴⁶ *History of Legal Regulation of Civil, Criminal and Procedural Relations in Ukraine (9th–20th centuries)*.⁴⁷

Historical-legal research is also conducted by other scholars of the Law Faculty who do not work at the Department of History of State, Law and Political-Legal Doctrine, but remain members of the academic community studying the history of state and law. During the analysed period the following monographs in historical-legal subject-matter were published: *Territorial Community in Ukraine: Historical-Legal Research*

³⁷ B. Tyshchuk, V. Kulchytskyi, I. Boyko, *Halytsko-Volynska derzhava (1199–1349)*, Lviv 2005, 280 p.

³⁸ B. Tyshchuk, *Istoriia derzhavy i prava Frantsii (1789–1918 rr.)*, Lviv 2008, 160 p.

³⁹ B. Tyshchuk, *Istoriia derzhavy i prava Spoluchenykh Shtativ Ameryky (18 st. – 1918 r.)*, Lviv 2008., 157 p.

⁴⁰ B. Tyshchuk, *Nimechchyna: istoriia derzhavnosti i prava (9 st. – pochatok 21 st.)*, Lviv 2011, 392 p.

⁴¹ B. Tyshchuk, *Polshcha: istoriia derzhavnosti i prava (10 – pochatok 21 st.)*, Lviv 2012, 512 p.

⁴² B. Tyshchuk, *Istoriia derzhavy i prava krain Starodavnoho svitu*, Lviv 2001, 382 p.; *idem*, *Istoriia derzhavy i prava zarubizhnykh krain (Seredni viky ta rannii novyi chas)*, Lviv 2006, 696 p.; *idem*, *Istoriia derzhavy i prava zarubizhnykh krain. Novyi chas (17 st. – 1918 r.)*, Lviv 2013, 750 p.

⁴³ *Aparat upravlinnia Halychynoiu u skladi Avstro-Uhorshchyny*, ed. V.S. Kulchytskyi, Lviv 2002, 88 p.

⁴⁴ I. Boyko, *Orhany vlady i pravo v Halychyni u skladi Polskoho Korolivstva (1349–1569 rr.)*, Lviv 2009, 628 p.

⁴⁵ *Idem*, *Dzherela ta kharakterni rysy prava v Halychyni u skladi Polskoho Korolivstva (1387–1569)*, Lviv 2010, 341 p.

⁴⁶ I. Boyko, *Kryminalni pokarannia v Ukraini (9–20 st.)*, Lviv 2013, 406 p.

⁴⁷ I. Boyko, *Istoriia pravovoho rehuliuвання tsyvilnykh, kryminalnykh ta protsesualnykh vidnosyn v Ukraini (9–20 st.)*, Lviv 2014, 903 p.

(Lviv, 2008)⁴⁸ by Professor Pavlo Hural (head of the Constitutional Law Department); *Magdeburg Law in Ukraine (14th–1st half 19th centuries): Historical-Legal Research* (Lviv, 2008) by Professor Mykola Kobyletskyi (head of the Administrative and Financial Law Department);⁴⁹ *Municipal Law and Self-government of the Lviv Community (2nd half 19th – beginning 20th centuries)* (Lviv, 2008) and *Lviv Municipal Law (2nd half 13th – beginning 20th centuries)* (Lviv, 2011) by Professor Vasyl Kiselychnyk (head of the Department of Fundamentals of Law of Ukraine since 2016);⁵⁰ *Self-government Bodies and Law of Armenian Communities in Ukraine (14th–18th centuries)* (Drohobych, 2011) by Orest Popovych (at present – private notary);⁵¹ *Judicial System of the USA: end of the 18th – beginning 21st centuries* (Drohobych, 2013) by Olena Ryhina (Department of Fundamentals of Law of Ukraine);⁵² *City-states and Municipal Law in Medieval Europe. Historical-Legal Research* (Lviv, 2014) by Volodymyr Kakhnych (Department of Fundamentals of Law of Ukraine);⁵³ *Shock Courts on Ukrainian Territories in 14th – 18th centuries: Historical-Legal Research* (Lviv, 2014) by Marian Bedriy (Department of Fundamentals of Law of Ukraine);⁵⁴ *Tradition of Electivity of Authority in Ukraine* (Lviv, 2015) by Ivan Pankevych (Constitutional Law Department).⁵⁵

International Association of Law Historians

The International Association of Law Historians (hereafter called “the Association”) plays a significant role in the coordination of historical-legal research in Ukraine. The creation of the Association was the academic community’s distinct answer to questions which society posed to the professional community. In particular, rapid development of historical-legal studies began during the so-called Perestroika (reorganization) in the midst of noticeable public interest in blank pages of history; after Ukraine and other post-Soviet republics declared independence, that interest expanded more due to the natural desire of legislators to find the origins of their national uniqueness and identity.

During those years dozens of new educators and scholars of the history of state and law emerged. Many of them did not have a professional law education, since newly established educational institutes, in the absence of corresponding personnel, hired historians and philosophers for jurisprudential departments. Methodological guides were lost,

⁴⁸ P. Hural, *Terytorialna hromada v Ukraini: istoryko-pravove doslidzhennia*, Lviv 2008, 467 p.

⁴⁹ M. Kobyletskyi, *Mahdeburzke pravo v Ukraini (14 – persha polovyna 20 st.): istoryko-pravove doslidzhennia*, Lviv 2008, 406 p.

⁵⁰ V. Kiselychnyk, *Miske pravo ta samovriaduvannia hromady Lvova (druha polovyna 19 – pochatok 20 stolittia)*, Lviv 2008, 472 p.

⁵¹ O. Popovych, *Orhany samovriaduvannia i pravo vormenskykh hromad v Ukraini (14–18 st.)*, Drohobych 2011, 309 p.

⁵² O. Ryhina, *Sudova systema SShA: kinets 18 – pochatok 21 st.*, Drohobych 2013, 388 p.

⁵³ V. Kakhnych, *Mista-derzhavy ta miske pravo v serednovichnii Yevropi. Istoryko-pravove doslidzhennia*, Lviv 2014, 138 p.

⁵⁴ M. Bedriy, *Kopni sudy na ukrainskykh zemliakh u 14–18 st.: istoryko-pravove doslidzhennia*, Lviv 2014, 263 p.

⁵⁵ I. Pankevych, *Tradytisia vybornosti vlady v Ukraini*, Lviv 2015, 488 p.

borders between the history of state and law and social (pure) history disappeared, and national historical-legal studies started losing its “legal face”.

Under these conditions a group of fellow-thinkers, lecturers of the University of Internal Affairs of the Ukrainian Ministry of Internal Affairs (MIA) (currently known as the Kharkiv National University of Internal Affairs) and scholars of the Koretskyi Institute of State and Law at the Ukrainian National Academy of Sciences (Ihor Usenko, Valeriy Chekhovych, and Oleksandr Yarmysh) decided to establish a professional organization which would facilitate the adjustment of research views of state and law historians, improve the methodology of certain fields of research, and counteract the emergence of low-quality dissertations, monographs, and other academic works.

The first significant action was taken by the University of Internal Affairs of the Ukrainian MIA in Kharkiv where the academic-practical seminar *Problems of the History of State and Law* was held May 17–18, 1996. Participants in this seminar included Oleksandr Yarmysh, Anatoliy Rohozhyn, Mykola Strakhov, Ihor Usenko, and other well-known scholars.

State registration of the Association was completed on January 27, 2000. According to the approved charter, the International Association of Law Historians is a voluntary self-governing union of law historians and other specialists who professionally research matters of law.

The Association is aimed at providing development and expansion of historical-legal knowledge and using advances in science for the development of law. For this reason the Association promotes further development of history-legal studies, elimination of ideological stratification, and conversion of these studies into one of the major branches of law. The Association also maintains ties with international historical-legal organizations, and studies the experiences of foreign countries. Beyond this, the International Association of Law Historians proposes scientifically based initiatives and suggestions for improving the country’s legal foundations, performs historical-legal examinations of drafts of laws and bylaws; and assists with the historical-legal education of members of Parliament, civil servants, and law enforcement officials.

The base of the Association is made up of regional centers created on a territorial basis where there are at least three individuals eligible to be members of the Association. The most numerous centres of the Association exist in Kyiv, Kharkiv, Lviv, Simferopol, and Odesa in Ukraine, and in Kursk in the Russian Federation. The Association includes specialists in the history of law and other branches of law if their professional interests are of a historical-legal inclination. General interest in the Association’s activities has led to the organization of conferences twice a year – in spring and autumn – in one of the regions of Ukraine since 2003.⁵⁶

Among the best known academic papers written and published with the assistance of the International Association of Law Historians, the following significant multi-authored monographs should be mentioned: *Legal Custom as a Source of Ukrainian Law in the 9th–19th centuries* (by Ihor Usenko, Volodymyr Babkin, Iryna Muzyka, Tetiana Bondaruk, and Olena Samoylenko),⁵⁷ and *Judicial Power in Ukraine: Historical Origin,*

⁵⁶ I. Usenko, *Mizhnarodna asotsiatsiia istorykiv prava (storinky istorii)* (date of access: 20.08.2016). Available from: http://library.nlu.edu.ua/POLN_TEXT/SBORNIKI_2013/Materials/IAHL%20history.pdf.

⁵⁷ *Pravovyi zvychai yak dzherelo ukrainskoho prava 9–19 st.*, ed. I. Usenko, Kyiv 2006, 280 p.

Regularities and Peculiarities of Development (by Viacheslav Bihun, Ihor Boyko, Tetiana Bondaruk, Kyrylo Vislobok, Oleksandr Havrylenko, Oleksandr Malyshev, Yevhen Romynskyi, Ihor Usenko, etc.).⁵⁸

Major Tendencies and Lines of Historical-Legal Research in Ukraine

During the 2000–2015 time frame in Ukraine a great deal of research of a historical-legal nature was conducted. Research interest in the history of law was shared not only by law scholars, but by researchers of other fields of the humanities, particularly historians and ethnographers, as well.

Several of the main lines of historical-legal research are: old-Ukrainian and customary law;⁵⁹ problems of Roman private law and its reception;⁶⁰ civil law and procedure;⁶¹ family law;⁶² criminal law and procedure;⁶³ labour law;⁶⁴ customs and finance law;⁶⁵

⁵⁸ *Sudova vlada v Ukraini: istorychni vytyky, zakonomirnosti, osoblyvosti rozvytku*, ed. I. Usenko, Kyiv 2014.

⁵⁹ See e.g.: T. Bondaruk, *Zakhidnoruske pravo: doslidzhennia i doslidnyky* (Kyivska istoryko-yurydychna shkola), Kyiv 2000; L. Kushynska, *Zvychaieve pravo ta yoho evoliutsiia u skhidnoslovianskomu suspilstvi (6–11 st.)*, Kyiv 2008; O. Shevchenko, *Zvychaieve pravo Ukrainy 9–19 stolit*, Kyiv 2012.

⁶⁰ See e.g.: V. Vovk, *Bivalentnist rymskoi pravovoi realnosti*, Poltava 2011; I. Sharkova, *Pryntsyp dobrosovisnosti v rymskomu pryvatnomu pravi: istoriia ta suchasnist*, Kyiv 2011; S. Hryenko, *Deliktnei zoboviazannia rymskoho pryvatnoho prava: poniattia, systema, retseptsiia*, Khmelnytskyi 2012; *idem*, *Retseptsiia deliktnykh zoboviazan rymskoho pryvatnoho prava v Ukraini ta yevropeiskyykh krainakh*, Khmelnytskyi 2012.

⁶¹ See e.g.: S. Borysevych, *Zakonodavche rehuliuвання pozemelnykh vidnosyn u Pravoberezhnii Ukraini (1793–1886 roky)*, Kyiv 2007; O. Bezklubyi, *Osobysti nemainovi vidnosyny za Statutamy Velykoho Kniazivstva Lytovskoho, Ruskoho ta Zhomoitskoho*, Kyiv 2015.

⁶² See e.g.: T. Lakhach, *Derzhavna rehlementatsiia shliubno-simeinykh vidnosyn u radianskii Ukraini 1920–1930-ky roky*, Poltava 2014; A. Shevchenko, V. Ozel, *Stanovlennia ta rozvytok osnovnykh institutiv ukrainskoho shliubno-simeinoho prava 10–19 st. st.*, Vinnytsia 2015.

⁶³ See e.g.: P. Fris, *Kryminalno-pravova polityka Ukrainskoi derzhavy: teoretychni, istorychni ta pravovi problemy*, Kyiv 2005; A. Benitskyi, *Istoriia rozvytku kryminalnoho zakonodavstva shchodo prychetnosti do zlochynu na terytorii Ukrainy*, Luhansk 2013; I. Malinovskyi, *Krovavaya mest i smertnyie kazni*, Ostrog 2014.

⁶⁴ See e.g.: I. Kopaihora, *Zakonodavstvo pro oplatu pratsi v Ukraini druhoi polovyny 19–20 st. st.*, Kyiv 2014.

⁶⁵ See e.g.: P. Didusenko, *Rozvidky pro mytnu spravu v ukrainskii derzhavi-Hetmanshchyni v pershii polovyni ta serechni 18 stolittia*, Kyiv 2002; O. Holovko, *Finansova administratsiia Rosiiskoi Imperii v Ukraini (kinets 18–pochatok 20 st.)*: *istoryko-pravove doslidzhennia*, Kharkiv 2005; K. Halskyi, *Torhivlia i mytna sprava Hetmanskoi Ukrainy: serechna 17–18 st.*, Kyiv 2006; M. Sheverdin, *Podatkove zakonodavstvo v USRR u period novoi ekonomichnoi polityky (1921–1929 rr.)*, Kharkiv 2008; O. Morozov, *Mytna systema Rosiiskoi imperii v ukrainskyykh huberniiakh 18 – pochatok 20 st.*, Donetsk 2011; D. Arkhireiskyi, *Radianska mytna sluzhba mizhvoiennoi Ukrainy*, Dnipropetrovsk 2013.

law-enforcement bodies;⁶⁶ international law;⁶⁷ Islamic and canon law;⁶⁸ and the history of advocacy.⁶⁹

The largest quantity of research works are dedicated to the establishment and development of civil and family law, and their legal institutes. The following works deserve special attention: *The Property Institute in the Customary-Legal Tradition of Ukrainians 19th – beginning 20th centuries* by Maryna Hrymych (Kyiv, 2004);⁷⁰ *The Institute of Land Matters in Civil Customary Law of Ukraine in the 10th – mid 19th centuries (Historical-Legal Aspect)* by Borys Bachur (Odesa, 2008);⁷¹ *Development of Landed Proprietorship in Ukraine (mid 19th–1st quarter 20th centuries)* by Petro Zakharchenko (Kyiv, 2006);⁷² *Inheritance Law of Ukraine. Historical-Legal Aspect* by Oleksandr Nelin (Kyiv, 2008);⁷³ *The Legacy of James I and Queen Anna: Protection of Intellectual Property within Time and Space* by Vira Vallie (Kyiv, 2010),⁷⁴ etc.

The most common lines of research in constitutional history are the following: the institute of head of state; legislative authority and parliamentarism; judicial power and justice; executive authority; municipal law and local self-government; state formations on Ukrainian territory (Kyiv Rus, the Galicia-Volyn State, the Cossack State and Hetmanate, the Ukrainian People's Republic, the Western Ukrainian People's Republic, and the Ukrainian Soviet Socialist Republic); problems of administrative-territorial division; problems of democracy, totalitarianism, and sovereignty; and problems in the legal status of separate Ukrainian territories (Galicia, North Bukovyna, Zakarpattia) as parts of other fields of the humanities.

⁶⁶ See e.g.: V. Petrovskiy, *Odeska miska politsiia: istoryko-pravove doslidzhennia*, Odesa 2008; O. Bandurka, V. Hrechenko, O. Yarmysh, *Politsiia v Ukraini: istoryko-pravove doslidzhennia (pochatok 18 st. – 1917 r.)*, Kharkiv 2012; A. Shevchenko, M. Tishakov, *Pravovi zasady diialnosti DAI URSR u 1943–1953 rr. (na prykladi Donbasu)*, Kyiv 2013; O. Bandurka, V. Hrechenko, O. Yarmysh, *Stanovlennia ta rozvytok militsii Ukrainy (1921–1930 roky): istoryko-pravovi doslidzhennia*, Kharkiv 2015.

⁶⁷ See e.g.: T. Chuhlib, *Hetmany i monarkhy. Ukrainska derzhava v mizhnarodnykh vidnosynakh 1648–1714 rr.*, Kyiv–Niu-York 2003; *Istoriia yevropeiskoi intehratsii vid Rymsskoi imperii do Yevropeiskoho Soiuzu*, ed. I. Yakovliuka, Kyiv–Kharkiv 2013; *Istoriya mezhdunarodnogo prava*, ed. A. Dmytryev, U. Batlera, Odesa 2013; A. Merezsko, *Russkaya nauka mezhdunarodnogo prava v period Pervoy mirovoy voynyi*, Odesa 2014.

⁶⁸ See e.g.: V. Lubskiy, M. Lubska, *Musulmanske pravo v islamskii tradytsii (istoryko-relihiieznavchyi analiz)*, Cherkasy 2004; B. Sovenko, *Pravoslavne kanonichne pravo v Ukraini: zarodzhennia, rozvytok ta perspektyvy*, Kyiv 2012; O. Levytskyi, *Istoryko-yurydychnyi rozvytok partykularnogo prava Kyivskoi Tserkvy v 1596–2004 rokakh*, Ivano-Frankivsk 2014; A. Dmytryev, *Mezhdunarodnoe kanonicheskoe pravo: vzniknovenie, razvitie i osnovyi teorii*, Odesa 2015; I. Matseliukh, *Dzherela tserkovnogo prava za doby ukrainskoho Serednovichchia*, Kyiv 2015.

⁶⁹ See e.g.: A. Boichuk, *Instytut advokatury v Halychyni druhoi polovyny 19 – pochatku 20 stolittia. Istoryko-pravove doslidzhennia*, Odesa 2012; *Advokatura Ukrainy: zabute i nevidome*, ed. V. Bihun, I. Vasylyk, Kyiv 2014; A. Melanchuk, *Advokatura v Rosiiskii imperii za sudovoiu reformoiu 1864 roku ta v suchasni Ukraini: porivnialnyi analiz*, Khmelnytskyi 2015.

⁷⁰ M. Hrymych, *Instytut vlasnosti u zvychaievo-pravovii kulturi ukrainsiv 19 – pochatku 20 st.*, Kyiv 2004, 588 p.

⁷¹ B. Bachur, *Instytut zemelnykh vidnosyn u tsyvilnomu zvychaievomu pravi Ukrainy v 10 – seredyni 19 stolit (istoryko-pravovyi aspekt)*, Odesa 2008, 204 p.

⁷² P. Zakharchenko, *Rozvytok prava vlasnosti na zemliu v Ukraini (seredyna 19 – persha chvert 20 st.)*, Kyiv 2008, 295 p.

⁷³ O. Nelin, *Spadkove pravo Ukrainy. Istoryko-pravovyi aspekt*, Kyiv 2008, 344 p.

⁷⁴ V. Vallie, *Spadok Dzheimsa I ta korolevy Anny: okhorona intelektualnoi vlasnosti u chasi i prostori*, Kyiv 2010, 216 p.

A considerable amount of academic research is occupied by monographic studies of judicial power and justice, which were issued in a huge quantity during the analyzed period. Among such works the following ones should be mentioned: *The Courts and Criminal Justice of Ukraine during the Hetmanate* by Nataliya Syza (Kyiv, 2000);⁷⁵ *The Court and Justice in the Ukrainian People's Republic, the Ukrainian State, and the Western Ukrainian People's Republic (1917–1920)* by Nataliya Yefremova (Odesa, 2007);⁷⁶ *The Constitutional Court of Ukraine: History and Modernity, Doctrine and Practice* by Oleksandr Myronenko (Kyiv, 2011);⁷⁷ *Conscientious Courts in Ukraine (last quarter 18th – mid 19th centuries)* by Valentyna Shandra (Kyiv, 2011);⁷⁸ *The Judicial System and Judicial Reform in Left-bank Ukraine (the Hetmanate) in the 2nd part of the 17th–18th centuries* by Leonid Hamburg (Zaporizhzhia, 2013);⁷⁹ *City Orphans' Courts in Ukraine: Historical-Legal Research* by Oleksandr Malyshev (Kyiv, 2013);⁸⁰ *Procedural Law in Ukraine: a Hundred-Year History (10th–20s 20th centuries)* by Bohdan Stetsiuk (Kharkiv, 2013);⁸¹ *The Arrangement and Operation of Commercial Courts in Tavria Province (1819-1898)* by Volodymyr Bohatyr (Kyiv, 2014),⁸² etc.

Municipal law and city self-government has become one of the most popular branches of historical-legal research. The quantity of research works published in this sphere is among the largest. During 2000-2015 the following works in the history of municipal law were issued: *An Outline of the History of Magdeburg Law in Ukraine (14th – beginning of the 17th centuries)* by Tetiana Hoshko (Lviv, 2002);⁸³ *A History of Kharkiv City Self-government 1654–1917* edited by Andriy Antonov (Kharkiv, 2004);⁸⁴ *Kharkiv City Self-government at the Turn of the Centuries: 19th–20th, 20th–21st. An Experience of History and Modernity* by Oleksandr Yarmysh and Oleksandr Holovko (Kharkiv, 2004);⁸⁵ *Kyiv at the end of the 15th–1st half of the 17th centuries. City Authority and Self-Government* by Nataliya Bilous (Kyiv, 2008);⁸⁶ *Municipal Reform of 1870 in Ukraine* by Vasyl Gorbachev (Donetsk, 2008);⁸⁷ *Legal Framework of Establishing the Institute of*

⁷⁵ N. Syza, *Sudy i kryminalne sudochynstvo Ukrainy v dobu Hetmanshchyny*, Kyiv 2000, 119 p.

⁷⁶ N. Yefremova, *Sud i sudochynstvo v Ukrainskii Narodnii Respublitsi, Ukrainskii Derzhavi, Zakhidnoukrainskii Narodnii Respublitsi (1917–1920 rr.)*, Odesa 2007, 280 p.

⁷⁷ O. Myronenko, *Konstyutsiyni Sud Ukrainy: istoriia i suchasnist, doktryna i praktyka*, Kyiv 2011, 910 p.

⁷⁸ V. Shandra, *Sovisni sudy v Ukraini (ostannia chvert 18 – seredyna 19 st.)*, Kyiv 2011, 265 p.

⁷⁹ L. Hamburg, *Sudova systema ta sudovi reformy v Livoberezhnii Ukraini (Hetmanshchyni) u druhii polovyni 17–18 st.*, Zaporizhzhia 2013, 267 p.

⁸⁰ O. Malyshev, *Miski syrityski sudy v Ukraini: istoriko-pravove doslidzhennia*, Kyiv 2013, 351 p.

⁸¹ B. Stetsiuk, *Protsesualne pravo v Ukraini: tysiacha rokov istorii (10 st. – 20-ti roky 20 st.)*, Kharkiv 2013, 559 p.

⁸² V. Bohatyr, *Orhanizatsiia ta diialnist komertsiiynykh sudiv Tavriiskoi hubernii (1819–1898 roky)*, Kyiv 2014, 163 p.

⁸³ T. Hoshko, *Narysy z istorii mahdeburzkoho prava v Ukraini (14 – pochatok 17 st.)*, Lviv 2002, 254 p.

⁸⁴ A. Antonov, *Istoriia Kharkovskoho horodskoho samoupravleniia 1654–1917*, Kharkiv 2004, 200 p.

⁸⁵ O. Yarmysh, O. Holovko, *Kharkivske miske samovriaduvannia na zlami stolit: 19–20, 20–21 st. Dosvid istorii ta suchasnosti*, Kharkiv 2004, 372 p.

⁸⁶ N. Bilous, *Kyiv naprykintsi 15 – u pershii polovyni 17 stolittia. Miska vlada i samovriaduvannia*, Kyiv 2008, 360 p.

⁸⁷ V. Gorbachev, *Gorodskaya reforma 1870 goda v Ukraine*, Donetsk 2008, 318 p.

City Self-government in the Russian Empire in the 2nd half of the 19th century (based on materials of the city of Odesa) by Kostiantyn Tyhanii (Odesa, 2011),⁸⁸ etc.

Municipal self-government was also researched in such monographs as *The System of Local Self-governing Authorities in Galicia 1919–1939: a Historical-Legal Aspect* by Mykola Ivanyk and Serhiy Kondratiuk (Lviv, 2007);⁸⁹ *Peasant Community in the South of Ukraine during the 2nd half of the 19th century: Theory and Practice of Administration* by Oleksandr Yevtushenko (Mykolaiv, 2008);⁹⁰ *The Formation and Establishment of the System of Local Agencies of State Power and Administration in Ukraine in the 2nd half of the 19th – beginning of the 20th centuries* by Raisa Vorobei (Chernihiv, 2009);⁹¹ *Territorial Self-government in Poltava Province (1864–1920)* by Anatoliiy Kozachenko (Poltava, 2009);⁹² *State Power and City Self-government in Volyn (end of the 14th – mid 17th centuries)* by Alla Bortnikova (Lutsk, 2013),⁹³ etc.

Significant attention is also dedicated to the establishment of the state system; issues of constitutionalism, independence, sovereignty, and institutions of constitutional law – elections, referendum, the institution of a head of the state, parliamentarism, legislative activity and technique, and others. In this sphere the following papers were published: *State-legal Reform in Czechoslovakia under Post-Socialist Modernization and Division of Federation* by Vasyl Lemak (Uzhhorod, 2002);⁹⁴ *State-legal Aspects of Affiliating Zakarpattia to Czechoslovakia* by Mykhaylo Boldyzhar (Uzhhorod, 2006);⁹⁵ *Authorities of Zaporizhzhia Sich* by Ihor Panionko (Lviv, 2006);⁹⁶ *The Struggle for State-territorial Status of the North Bukovyna, Akerman, Izmail and Khotyn Districts of Bessarabia, Zmiinyi Island, and Zakarpattia Ukraine in 1917–1947: Historical-Legal Research* by Ihor Adamchuk (Kyiv, 2007);⁹⁷ *Legislative Technique in Ukraine: Historical-Theoretical Research* by Zhanna Dzeiko (Kyiv, 2007);⁹⁸ *The Western Ukrainian People's Republic: State-legal Principles of Parliamentarism Development. Historical-Legal Research* by Serhiy Kondratiuk (Lviv, 2007);⁹⁹ *Establishment of Ukrainian Statehood in the Middle*

⁸⁸ K. Tyhanii, *Pravovi zasady formuvannia instytutu miskoho samovriaduvannia v Rostiiskii imperii u druhii polovyni 19 st. (na materialah mista Odesy)*, Odesa 2011, 367 p.

⁸⁹ M. Ivanyk, S. Kondratiuk, *Systema orhaniv mistsevoho samovriaduvannia v Halychyni 1919–1939 rr.: istoriko-pravovyi aspekt*, Lviv 2007, 252 p.

⁹⁰ O. Yevtushenko, *Selianska hromada na Pivdni Ukrainy v druhii polovyni 19 stolittia: teoriia i praktyka upravlinnia*, Mykolaiv 2008, 124 p.

⁹¹ R. Vorobei, *Formuvannia ta stanovlennia systemy mistsevykh orhaniv derzhavnoi vlady ta upravlinnia v Ukraini u druhii polovyni 19 – na pochatku 20 st.*, Chernihiv 2009, 354 p.

⁹² A. Kozachenko, *Zemske samovriaduvannia v Poltavskii hubernii (1864–1920 rr.)*, Poltava 2009, 207 p.

⁹³ A. Bortnikova, *Derzhavna vlada ta mistseve samovriaduvannia na Volyni (kinets 14 – seredyna 17 st.)*, Lutsk 2013, 551 p.

⁹⁴ V. Lemak, *Derzhavno-pravova reforma v Chekhoslovachchyni v umovakh postsotsialistychnoi modernizatsii ta podilu federatsii*, Uzhhorod 2002, 248 p.

⁹⁵ M. Boldyzhar, *Derzhavno-pravovi aspekty vkhodzhenia Zakarpattia do skladu Chekhoslovachchyny*, Uzhhorod 2006, 72 p.

⁹⁶ I. Panionko, *Orhany vlady Zaporizkoi Sichy*, Lviv 2006, 144 p.

⁹⁷ I. Adamchuk, *Borotba za derzhavno-terytorialnyi status Pivnichnoi Bukovyny, Akermanskoho, Izmailskoho i Khotynskoho povitiv Bessarabii, ostrova Zmiinoho ta Zakarpatskoi Ukrainy u 1917–1947 rr.: istoriko-pravove doslidzhennia*, Kyiv 2007, 160 p.

⁹⁸ Zh. Dzeiko, *Zakonodavcha tekhnika v Ukraini: istoriko-teoretychne doslidzhennia*, Kyiv 2007, 360 p.

⁹⁹ S. Kondratiuk, *ZUNR: derzhavno-pravovi zasady rozvytku parlamentaryzmu. Istoryko-pravove doslidzhennia*, Lviv 2007, 216 p.

Ages by Volodymyr Bodruhyn (Luhansk, 2008);¹⁰⁰ *Struggle for Reform of Electoral Legislation at the Austrian Parliament and Galician Sejm (end 19th – beginning 20th centuries)* by Yuriy Plekan (Ivano-Frankivsk, 2008);¹⁰¹ *Carpathian Ukraine on the way to State Formation* by Mykola Vehesh (Uzhhorod, 2008);¹⁰² *The Ukrainian People's Republic and Western Ukrainian People's Republic: Establishment of Authorities and National State Formation (1917–1920)* by Pavlo Hai-Nyzhnyk (Kyiv, 2010).¹⁰³

Presenting general characteristics of works published in the 2000–2015 time frame, it is worth mentioning that one of the most important tasks of scholars was to fill in gaps in information which appeared in the history of Ukrainian law during the Soviet period. A notable lack of information about the history of Ukrainian law and state led to a tendency toward researching the history of Ukrainian law and Ukrainian constitutional history.

One of the important lines of historical-legal research is legal tradition. During the analysed period, several monographs related to studies of legal tradition were published. The following works deserve special consideration: *The History of Private Law in Europe: Eastern Tradition* (Odesa, 2000),¹⁰⁴ and *The History of Private (Civil) Law in Europe: Western Tradition* (Odesa, 2001)¹⁰⁵ by Yevhen Kharytonov (National University “Odesa Law Academy”); *Private Law as a Concept: a Searching Paradigm* (Odesa, 2014)¹⁰⁶ by Yevhen Kharytonov and Olena Kharytonova (National University “Odesa Law Academy”) which included results of research in private law in Eastern and Western traditions and supplemented existing works with a huge amount of new material. These works were the first to facilitate historical-legal research into legal tradition.

However, research into Eastern and Western civil traditions conducted by Yevhen Kharytonov dealt with only a part of the academic problem investigated by Ukrainian scholars. Since the territory of the current Ukrainian state has been divided for a long time among various other countries, there appeared a necessity to investigate Ukrainian legal tradition, i.e. norms, principles of law, customs, legal ideas, historical-legal experiences, etc. peculiar only to the Ukrainian nation and which were preserved in Ukrainian law despite the influence of laws of other countries and legal systems; which reflect the past and significantly influence the current state and future of Ukrainian law.

One of the most significant monographs dedicated to the research of law from a perspective of legal tradition is *Legal Tradition of the Ukrainian Nation (Phenomenon and Object of General-theoretical Discourse)* (Lviv, 2009) by Yuriy Loboda. This book is one of the first academic studies of Ukraine to be conducted in the borderlands between theory, philosophy, and history of law, while being contextually inclined towards the philosophical-legal sphere. The author studied the legal tradition of the Ukrainian nation at different stages of its existence and highlighted the important issue of the methodo-

¹⁰⁰ V. Bodruhyn, *Formuvannia ukrainskoi derzhavnosti u dobu serednovichchia*, Luhansk 2008, 158 p.

¹⁰¹ Y. Plekan, *Borotba za reformu vyborchoho zakonodavstva do Avstriiskoho parlamentu ta Halytskoho seimu (kinets 19 – pochatok 20 st.)*, Ivano-Frankivsk 2008, 204 p.

¹⁰² M. Vehesh, M. Tokar, *Karpatska Ukraina na shliakhu derzhavotvorennia*, Uzhhorod 2009, 448 p.

¹⁰³ P. Hai-Nyzhnyk, *UNR ta ZUNR: stanovlennia orhaniv vlady i natsionalne derzhavotvorennia (1917–1920 rr.)*, Kyiv 2010, 304 p.

¹⁰⁴ Y. Kharytonov, *Istoriia pryvatnoho prava Yevropy...*

¹⁰⁵ Y. Kharytonov, *Istoriia pryvatnoho (tsyvilnoho) prava Yevropy...*

¹⁰⁶ Y. Kharytonov, O. Kharytonova, *Pryvatne pravo yak kontsept...*

logical problems of researching legal tradition in modern legal systems.¹⁰⁷ Loboda draws our attention to the fact that in the modern stage of the legal history of humanity, the problem of preserving a national legal tradition arises within the notion of globalization. One of the toughest methods is the direct mechanical transfer of strange and unfamiliar foreign legislation into Ukraine. Globalization can hardly be imagined without a real loss of national traditions of those nations that actively participate in it. Although a causal connection between the domestic legal system with the Soviet legal system is closer than with those of Western European countries and the USA, the legal culture of the latter and accompanying ideological, doctrinal, and scientific concepts are considered to be a conceptual element of the historical-legal consciousness of Ukrainian society.¹⁰⁸ In general, this book is one of the most philosophical of historical-legal research works. We assume that this monograph inspired many Ukrainian scholars to research separate legal institutions and historical-legal phenomena within legal tradition.

Other works dedicated to research into legal tradition were also published later. In particular, two of them were issued in 2010. These are the monographs *National Traditions of State Formation within the Context of the Constitution of Pylyp Orlyk*¹⁰⁹ by Petro Radko, and *Traditions of Democratic Governance in the History of Ukrainian State Formation*¹¹⁰ supervised by Volodymyr Knyazyev, and issued with assistance from the National Academy of Management under the President of Ukraine.

Currently a range of new monographs dealing with the understanding of historical-legal phenomena and processes which happened in Ukraine over the past years, and seeking to present the legal tradition of the Ukrainian nation in law history and constitutional history have been published in Ukraine. Among such monographs we should mention a profound work of academic research *The Tradition of Electing Authority in Ukraine*¹¹¹ by Ivan Pankevych (Ivan Franko Lviv National University) published in 2015; and the fundamental work by Serhiy Kondratiuk (Lviv State University of Internal Affairs) *The Tradition of Parliamentarism on Western Ukrainian Territory: Historical-Legal Research*¹¹² published in 2016.

The monograph by Pankevych deserves special attention since the author did not limit his research only to the investigation of Ukrainian electoral law and the Ukrainian tradition of electing authority; he also compares them with similar institutions and phenomena in other countries. Based on this historical-legal comparison, Pankevych indicates his vision for further improvement of electoral legislation in modern Ukraine.¹¹³

The search for new lines of historical-legal research facilitated the emergence of other “hybrid” (those that cannot be called distinctly historical-legal) works. Significant

¹⁰⁷ Yu. Loboda, *Pravova tradytsiia ukrainskoho narodu (fenomen ta ob'iekt zahalnoteoretychnoho dyskursu)*, Lviv 2009, pp. 128–201.

¹⁰⁸ *Ibidem*, pp. 261–262.

¹⁰⁹ P. Radko, *Natsionalni tradytsii derzhavotvorennia v konteksti Konstytutsii Pylypa Orlyka*, Poltava 2010, 348 p.

¹¹⁰ *Tradytsii demokratychnoho vriaduvannia v istorii ukrainskoho derzhavotvorennia, monohrafiia*, ed. V.M. Knyazyev et al., Kyiv 2010, 219 p.

¹¹¹ I. Pankevych, *Tradytsiia vybornosti vlady v Ukraini*.

¹¹² S. Kondratiuk, *Tradytsiia parlamentaryzmu na zakhidnoukrainskykh zemliakh: istoryko-pravove doslidzhennia*, Lviv 2016, 624 p.

¹¹³ See e.g.: I. Pankevych, *Tradytsiia vybornosti vlady v Ukraini*, pp. 430–433.

attention is drawn to the work *Transitivity in the Legal Sphere* by Liliya Matveyeva (Odesa State University of Internal Affairs) published in 2015. This work is written within a framework of historical-legal science, theory, and philosophy of law. Together with complicated philosophical-legal materials and sources, the author included material from the history of law and constitutional history of many countries – Ukraine, Russia, Austro-Hungary, France, the USA, and others.

The monograph is dedicated to the problem of transitivity (instability, changeability) in the legal sphere, and reveals the meaning and role of social transition in the development of the society's legal system in historical and contemporary aspects. The term *social transition*, to Matveyeva's mind, comprises the whole process of developing modern society, and multidirectional changes.¹¹⁴ Transitive society (in Matveyeva's opinion) is a certain stage in the development of a society characterized by the essential transformation of all or a majority of social institutions, values, and norms which predetermine the appearance of new social structures and changes in the governance of society.¹¹⁵ The following aspects are considered by the scholar to be manifestations of transitivity: changes in the ratio of sources of law during a transitive period of its development;¹¹⁶ and processes of enlarging spheres of legal regulation reflected in the formation of new institutions and branches of law,¹¹⁷ etc. Matveyeva discloses the influence of both the positive and negative factors on lawmaking, problems of transforming legal culture, and the legal consciousness of transitive (those undergoing changes) societies, due to the change of fundamental legal and ideological values. This book is extremely interesting since it provides readers and researchers with an opportunity to take a fresh look at matters of legal development in modern Ukraine which is currently passing through a transitive period.

We assume that this work, taking into account the importance of the issues researched and the questions raised, can become one of the new signposts for further historical-legal research in constitutional, civil, criminal, and other branches of law.

Summary

To summarize the presented information, it can be indicated that the role of historical-legal academic research is constantly increasing in Ukraine. A considerable quantity of research papers are made up of works concerning the history of state and law in Ukraine preconditioned by a general interest in legal tradition and the national legal experience. We can assume that further research in this direction will be conducted in the future.

With the exception of a series of textbooks by Professor Tyshchuk, nowadays, unfortunately, few books dedicated to the history of law and constitutional history of foreign countries have been published. Therefore, we foresee the prospect of an increasing demand for such research among Ukrainian scholars. In addition, there is a dearth of

¹¹⁴ L. Matveyeva, *Tranzityvnyist u pravovii sferi*, Kyiv 2015, p. 35.

¹¹⁵ *Ibidem*, p. 73.

¹¹⁶ *Ibidem*, p. 54.

¹¹⁷ *Ibidem*, p. 57.

academic works by foreign scholars in this sphere (including foreign works translated into Ukrainian) both at university libraries and in bookstores.

Thanks to the International Association of Law Historians, significant works devoted to such complicated historical-legal categories as legal custom, judicial power, and justice have recently been published. A tendency towards further academic research by members of the Association, mainly in the spheres of municipal self-government, and executive and legislative power etc., has risen. We suppose that during the next five years new fundamental works of this type will be issued.

We also want to draw attention to that fact that law historians have started searching for, analyzing, and investigating different historical-legal concepts, e.g. legal tradition, transitivity, etc, within various legal systems, along with their influence on legal consciousness, legal culture, and law and state. Consequently, we can observe an interesting tendency toward an increase in “hybrid” historical-legal research when a scholar in his academic research raises complicated philosophical-legal and comparative-legal matters, includes legal analyses of problems of the past and modernity into his research, seeks in history of law answers how should law look in the future, and concentrates not only on gathering and analyzing information, documents, and materials, but also looks for ways of improving existing law. Academic inquiry and research of this type, to our minds, will become a determinant among Ukrainian law historians during the next five years.

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Abstrakt

Artykuł jest poszerzoną wersją tekstu przygotowanego do wygłoszenia podczas konferencji międzynarodowej „Constitutional History 2000–2015: New Research, New Ideas, New Perspectives”, Kraków 19–20 września 2016. Wyniki refleksji nad badaniami historyczno-prawnymi na Ukrainie zaprezentowane zostały z użyciem narzędzi statystycznych. Zebrane dane przedstawiono wedle kryterium ośrodków, w których prowadzone były studia nad dziejami ustroju i prawa. Dyskusji poddane zostało także znaczenie Międzynarodowego Stowarzyszenia Historyków Prawa w rozwoju analizowanych badań na Ukrainie. Zwrócono uwagę na najistotniejsze opracowania wydane w omawianym okresie, ze szczególnym uwzględnieniem Uniwersytetu Iwana Franki we Lwowie. Zaprezentowane zostały główne kierunki w badaniach nad historią państwa i prawa na Ukrainie.