

TO THE QUESTION OF THE FORMAL SOURCES OF LAW OF KYIV RUS

V.O.KACHUR, PhD (Law),

National University of Life and Environmental Sciences of Ukraine

M.O.BARAN, 2nd year student of the law faculty

National University of Life and Environmental Sciences of Ukraine

The article is devoted to the analysis of formal sources of law of Kyiv Rus. The author has identified general regularities of their genesis and functioning in early-feudal period of the historical development of Ukraine.

Formal sources of law, Kyiv Rus, Ruska Pravda

The main directions of development of Ukraine and remain further democratization of its political system, and the entry of our country into the world community. These processes are complex and lengthy, and their dynamics depends on how deeply we understand our historical heritage, know how to play a complex and holistic picture of the formation and development of our statehood. Therefore great importance is the study of the historical plane of the sources of law in the early stage of national history that will allow you to use this experience in the development of the modern legal system of Ukraine.

The purpose of this article is the analysis of the formal sources of law of Kyiv Rus, and identify common patterns of their occurrence and functioning in early-feudal period of development of our state.

The formation of Kyiv state in the IXth century did much to promote not only the development of its political structure, economy and culture, but also law, which it is impossible to easily determine the question of its sources.

The problem of defining the «sources of law» notion still remains controversial. We propose to define the sources of law as outwardly expressed in certain forms ideological and material origins of law that reflect its value under specific historical conditions. This definition represents four equal interpretations of the «sources of law» notion: 1) material (objective); 2) ideological (subjective); 3) formal (exterior forms of law), and 4) historical (the memorial of law), the separation of which enables to single out in the sources of law system material sources of law, ideological sources of law, formal sources of law and the sources of legal knowledge. In our article, we will try to analyze the sources of law of the Kyiv state from the point of view of its form.

Kiev state in the early feudal period in its development had extensive formal sources of law. In particular, 1) customary law, its norms were widely spread and were used up to the middle of the XIXth century; 2) prince's legislation (prince's regulations and regulative deeds); 3) four treaties of Rus with Byzantium dated 907, 911, 945 and 947 are the oldest international-legal documents and the most important written original sources of Old Rus law in the Xth century; 4) the ecclesiastical law (church statutes of princes' Volodymir Velyky and Yaroslav Mudry); 5) Ruska Pravda, for it is not only the memorial of legislation but also the source of learning the development of organization and economy of Ukrainian state in early-feudal period.

Unlike other contemporary European feudal monarchies the reception of Byzantium law took place as well (Kormchi knyhi, Zakon Sudny Ludem and others).