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RUSKA PRAVDA AS A SOURCE OF RULE OF LAW IN UKRAINE

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Ruska Pravda arose on the basis of the codification of ancient Ukrainian customary law and is the first legal code of Kyivan Rus. For a long time, the document was the main normative and legal law in the state, regulating important issues of socio-political and cultural and economic relations of Ukrainian society. As researcher I. Boyko notes, «the word «pravda» is laid at the foundation of law as a desire for order, the personification of justice and equality in the regulation of social relations, ensuring organization and order in society» [1, p. 10]. It should be noted that Ruska Pravda was based on purely domestic legal sources [3, p. 7] and was a key normative and legal act that significantly affected the process of establishing the rule of law in Ukraine. It is from this period that the process of formation and development of the legal system in Ukraine begins. Science knows three editions of Ruska Pravda: Short Pravda, Extended Pravda and Abbreviated Pravda. The short version was compiled on the basis of the norms of Rus law at the stage of the formation of the feudal system in the state. The document contains several parts that were created at different times. The very first of them is the Pravda of Yaroslav, which has been known since the beginning of the 11th century. The Extended Pravda represents a collection of norms of developed feudal law that was widespread in Kievan Rus. The abbreviated version of the document is a reworking of one of the lists of the Extended Pravda, which was carried out during the period of centralized state policy [4, pp. 223-224].

The oldest edition of Russian Pravda is Korotka Pravda, which incorporated laws on the regulation of key spheres of life in society at that time. Here we can include norms that later became norms of civil law, economic activity, inheritance law, property and criminal law. The introduction of the principles of legal regulation of the main spheres of social relations through the establishment of permits and

prohibitions was considered as a necessary guarantee for the further development of the state. This edition was based on the norms of proto-Ukrainian customary law, which includes judicial practice and acts of the Kiev princes. Its norms mainly related to criminal and civil law and the judicial process. The articles contained information on crimes against a person, on the restoration of ownership of movable property, and on crimes against property rights.

The second edition of Ruska Pravda is known in science as the Expanded Pravda. Its norms covered issues related to crimes against personal and property rights, certain issues of judicial proceedings. The document detailed the amounts of revenue from fines that were expected for committing illegal acts, a number of important trade issues. At the same time, it was about remuneration for princely officials.

The abbreviated Ruska Pravda emphasized the norms of criminal, civil, and procedural law. Marital and family, inheritance, procedural legal relations, guardianship issues, etc. were regulated separately.

The document especially emphasizes the rights of a free person. If a slave encroached on the honor and dignity of a person, he was subject to a significant fine, which had to be paid by his master. The serf himself was subject to beatings [2, p. 30]. The justice of the punishment was proclaimed. This gives grounds for asserting the idea of introducing a fair court, which is an important element of the rule of law.

According to Ruska Pravda, the judicial system was to be provided on the democratic basis of equality and universality. The court process had a private adversarial nature, which is often called a «private lawsuit» or «accusatory» process in scientific circles [5, p. 110]. This definition can be applied because, on the one hand, the main thing in this process was the accusation, without which it was not possible to start the trial; on the other hand, this process was adversarial in nature, that is, there was a dispute between equal parties before a court independent of them. This type is characteristic of the initial stage of the development of ancient Rus procedural law, the essence of which was the dominance of the private principle over the public principle.

The private legal nature of the process is due to the fact that society is not yet consolidated enough to realize and defend the interests of society, it is dominated by family ties. In addition, the crime itself is understood as a private law act that causes harm not to the entire society, but to the victim as a representative of his kind.

The next stage of the development of Old Rus judicial procedural law characterizes the search type of process. The replacement of the private law process by the investigative process was natural: as society develops, individual relations in

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it strengthen and, accordingly, individual freedom increases. Since in such a society a person performs a certain function and is a participant in a wide range of social relations, then the crime causes harm not only to the victim and his family, but also to other participants in these relations.

Since the trial was adversarial, both sides competed on equal terms, having equal opportunities in gathering and presenting evidence. With a limited amount of judicial evidence, «oaths» and «ordials» were used by court decision. Sometimes, due to insufficient evidence, a judicial duel was used to finally find out the truth, but information about it was preserved only from a later time [6, p. 92].

Conclusion. Thus, we can say that Ruska Pravda was an important codified act of Kievan Rus, which reflected the main features of the socio-political, cultural and economic life of the Ukrainian people. She summarized the legal experience of the population regarding the legal mechanisms of their own development and the specifics of building social relations. Ruska Pravda became the main normative legal act during the period of Kyivan Rus, played a significant role in the process of establishing the foundations of the rule of law in Ukraine.

REFERENCES:

- [1] Boyko, I. (2022). Ruska Pravda and its influence on the formation and development of the Ukrainian legal tradition. Bulletin of Lviv University. Legal series, 75, 3-16.
- [2] Gradova, V. G. (2012) Reflection of the principle of natural justice as a component of the rule of law in the legal tradition of princely Ukraine. Scientific bulletin of the Uzhhorod National University: series: law, issue 19, vol. 1, 28-31.
- [3] «Pravda Ruska» by Yaroslav the Wise: the beginning of domestic legislation: teaching. manual / editor: H. G. Demydenko, V. M. Yermolaev; introduction by V. Ya. Tatsia. 2nd ed., changes. and supplemented. Kharkiv: Pravo. 2017.
- [4] The legal system of Ukraine: history, state and prospects: in 5 vols. Vol. 1: Methodological and historical-theoretical problems of the formation and development of the legal system of Ukraine / by General edited by M. V. Tsvik, O. V. Petryshyn. Kharkiv: Pravo, 2008.
- [5] Sokalska, O. V. (2009). Crown «scrutinium» or Lithuanian-Russian «vyvedanye»: pre-trial investigation on Ukrainian lands in the 16th century. Actual problems of the state and law, 49, 110-116.
- [6] Judicial power in Ukraine: historical origins, regularities, peculiarities of development / Edited by I. B. Usenko. Kyiv: Scientific Thought. 2014.