

References:

1. Giles K. Russia's Public Stance on Cyberspace Issues / K. Giles // Conflict Studies Research Centre Oxford, UK. – 2012. – Retrieved from: https://ccdcoe.org/publications/2012proceedings/2_1_Giles_RussiasPublicStanceOnCyberInformationWarfare.pdf

1. Щеголев: цензуры Интернета в России не допустят // Интерфакс. – 2012. – Режим доступа: <http://www.interfax.ru/russia/226823>.

Shchegolev: tsenzury Interneta v Rossii ne dopustyat [Schegolev: Internet censorship in Russia will not allow] // Interfax. – 2012. – Retrieved from: <http://www.interfax.ru/print.asp?sec=1448&id=226823> [in Russian]

2. Дугин А. Good bye, golden boy. Первые мысли об уходе Суркова / А. Дугин. – 2011. – Режим доступа: <http://evrazia.org/article/1876>.

Dugin A. Good bye, golden boy. Pervyie mysli ob uhode Surkova [Good bye, golden boy. The first thoughts about Surkov's resignation] / A. Dugin. – 2011. – Retrieved from: <http://evrazia.org/article/1876> [in Russian]

Cîrlig C. Cyber Defence In The EU: Preparing For Cyber Warfare? / C. Cîrlig // European Parliamentary Research Service Blog. – 2014. – Retrieved from: <https://epthinktank.eu/2014/10/31/cyber-defence-in-the-eu-preparing-for-cyber-warfare/>

Bohdana Sas

Vasil' Stus Donetsk National University

Vinnitsia

Research Supervisor: O.P. Pismenna, PhD in Law, Ass.Prof.

Language Advisor: N.Yu. Ishchuk, PhD in Pedagogy, Ass.Prof.

THE IMPACT OF ROMAN LAW ON THE UKRAINIAN COMMON LAW

Introduction. Roman law is of particular importance in the history of the development of legal systems worldwide. From a historical point of view, earlier Roman law was in force in a number of countries rather than in Italy only. Studying Roman law allows us to understand the origin and essence of the majority of legal bases and institutions of Ukraine.

Review of recent publications. The issue of the impact of Roman private law on the Ukrainian legislation has been covered in publications of such scientists as Ye. O. Kharytonov, O. I. Kharytonova, P. P. Muzychenko, Ye. M. Orach, O. A. Pidopryhora, B. Yo. Tyshchyk, P. P. Zakharchenko and others.

Objectives of the paper. The study is aiming at the determining the impact of Roman private law on the development of the Ukrainian common law.

Results of research. It is a well-known fact that the reception of Roman law began in XI–XII centuries and spread almost over the whole contemporary Europe. In continental Europe, the basis for the reception (in the field of economics) was the

development of trade, crafts and urban growth. “Free cities” needed a system of legal regulation, based on the ideas of formal equality and independence of market participants. Such a system, most appropriate to the named ideas, was Roman law.

In addition, to economic reasons, there were socio-cultural preconditions for Roman law to be borrowed by Europe. An important prerequisite for the reception of Roman law was also blessing of the Christian church. For centuries, the church had a negative attitude to Roman law, and the authority of Thomas Aquinas needed to overcome such a prejudice. The feudal state was also favored by the reception, as the Roman legal concept was firmly in line with the idea of a strong state power that stands above individuals and social groups. The influence of Roman law on Ukrainian legislation can be traced during the X–XIX centuries.

The oldest monument of ancient law is “Ruska Pravda”, many of whose provisions are undoubtedly similar to the provisions of Roman private law in its Byzantine interpretation which indicates the adoption of certain laws of the Byzantine (Greek) legislation. The influence and development of Roman law in Ukraine can be seen in every new law, in particular the indirect and hidden reception of some of the provisions and ideas of Roman law is also observed during the second codification of Ukraine’s Soviet Civil Code in 1961–1963. Also in the early 90s the negative attitude of Ukrainian specialists in civil law towards Roman law began to turn to a positive, more analytical one. The 1989 Prague colloquium gave impetus to the study of international private and public law in the former USSR. There was a need to methodologically develop a new idea regarding appealing to universal values, which indicated the beginning of the reception of the previous civilizations’ achievements and Roman Law in particular. The proclamation of Ukraine’s independence lead to establishing a new legal system in Ukraine. Together with independence going to new laws and proposals are being made to modernize and improve the lives of peoples in Ukraine. The creation of a Civil Code is based on Roman Law, since the creators of the Civil Code were immensely interested in the Roman–German legal system, which became the pretext to use Roman law as the basis of the Ukrainian legal system, but as a modern independent Ukrainian legal system and laws.

Conclusion. Thus, the study showed that Roman law has had a great impact on the development of the Ukrainian law being the foundation for the creation of the Ukrainian legal system.

References

1. Wake Andreas. Status Familiae / Andreas Wake, Hans-Georg Knot, Jürgen Kohler. – München : C.H. Beck, 2001.

2. Орач Є. М. Основи римського приватного права (Навчальний посібник) / Є. М. Орач, Б. Й. Тищик. – Львів : Ред.-вид. відділ Львів. ун-ту, 2000. – 238 с.

Orach Ye. M. Osnovy rym'skoho pryvatnoho prava [Fundamentals of Roman Private Law] (Navchalnyi posibnyk) / Ye. M. Orach, B. Yo. Tyshchyk. – Lviv : Red.-vyd. viddil Lviv. Un-tu, 2000. – 238 s. [in Ukrainian].

3. Римське право [Електронний ресурс]. – Режим доступу : https://uk.m.wikipedia.org/wiki/Римське_право .

Rymske pravo [Roman Law]. – Retrieved from : https://uk.m.wikipedia.org/wiki/Ramesche_Right [in Ukrainian].

4. Іванов В. М. Історія держави і права України (ІДПУ) (Навчальний посібник) / В.М. Іванов – Київ : КУП НАНУ, 2013. – 892 с.

Ivanov V. M. Istoriiia derzhavy i prava Ukrainy (IDPU) [History of State and Law of Ukraine] (Navchalnyi posibnyk) / V.M. Ivanov. – Kyiv : KUP NANU, 2013. – 892 s. [in Ukrainian].

5. Цивільний Кодекс України [Електронний ресурс]. – Режим доступу : <https://zakon.rada.gov.ua/laws/show/1540-06>

Tsyvilnyi Kodeks Ukrainy [The Civil Code of Ukraine]. – Retrieved from : <https://zakon.rada.gov.ua/laws/show/1540-06> [in Ukrainian].

6. Аквінський – трактат про право [Електронний ресурс]. – Режим доступу : <https://study.com/academy/lesson/st-thomas-aquinas-treatise-on-law.html>

Akvinskyi – traktat pro pravo [Aquinas – Treatise on Law]. – Retrieved from : <https://study.com/academy/lesson/st-thomas-aquinas-treatise-on-law.html> [in Ukrainian].

Anna Shkodych

Vasyl' Stus Donetsk National University

Vinnytsia

Research Supervisor: M.M. Kasianova, PhD in Political Science, Ass.Prof.

Language Advisor: O.P. Mykoliuk, Lecturer

FAMILY INSTITUTION IN MIGRATION PROCESSES OF UKRAINIAN CITIZENS TO THE FEDERAL REPUBLIC OF GERMANY

Introduction. Family institution is the main carrier of cultural samples, as well as the necessary condition for socialization of an individual. Rules, customs and traditions of a family life differ by their originality and are specific for every society. The research of adjustment and realization of a Ukrainian family as a unit of Family Institution in the Federal Republic of Germany with its own customs and totally different social principles is an obligatory element in participation of family in migration processes.

Theoretical research of the phenomenon of migration is an integral part of modern political science since this process covers all states in the world. The analyses of theoretical and factual figures of family migration and the adjustment of individuals, who form the family, to German culture will let us look at the process of migration through Family Institution prism.

Review of recent publications. Many local and foreign scientists made researches on family migration and its features of adaptation to new environment. Herasymenko H. [1], Pozniak O. [2], Markova M. [3], Vetryla T. [3], Baykara-Kumme H. [4], Pfliegerl J. [5] and others.