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## **THE IMPLEMENTATION OF ROMAN LAW LEGAL FOUNDATIONS IN UKRAINE**

To begin with, the actuality of the chosen topic is determined by the necessity of Ukrainian legislation applicance to the European legal system seeing Euro – integration of our country. Our society should understand the difficulties and challenges faced by the state and employees of jurisprudence sphere.

The object is the system of Roman law as a historical process of legal and socio-cultural reality. The subject is knowledge based on direct processes of implementation of Roman Law, in particular, Rome Statute into the work of the International Criminal Court of Ukraine.

The target of the research is the importance of Roman Law enforcement, namely, its individual elements in Ukrainian legislative system relying on foreign experience.

Aims:

to study the notion of Roman Law;

to research the foreign experience.

In connection, with the adoption, at the time of Volodymyr the Great, of the Eastern Christianity from the Byzantine Empire, further socio - cultural changes depended on the Eastern (Greek and Byzantine) tendencies. Similarly, the Ukrainian legal thought was tended to the Eastern perception of law [1] .

Thus, we can conclude that Ukraine, developing in the Orthodox tradition, was deprived of the tendencies of Roman law, which, at that time, was perceived and implemented by all Catholic countries.

Scientists note, that during history, our country faced many problems with the lack of advanced Western trends of the state development.

After Revolution of dignity, there have been some social changes in the Ukrainian society. In a broad sense, the Ukrainian nation gained a consolidated form, hence the change in the legal thought of the people. However, our state faced numerous problems on the way to the European integration.

During seventy years Ukraine was an integral part of a totalitarian socialist machine - the Soviet Union, where the notions of democracy, civil liberties were alien.

We can observe the consequences of this now, as our country decided to develop itself in the Euro-Atlantic area. So we should look at the example of our neighbors, who also were socialist countries in the past.

Such country is Poland. After fall of the socialist camp, this country immediately opted for a Euro-Atlantic vector of development with the subsequent accession to NATO. Today, Poland fulfilled its political course and has been gaining a serious economic recovery.

The system of civil law derived from Roman law is the foundation of mainly all legal systems of the modern world. [2]

Now, the main difficulty is that Ukraine has not ratified the Rome Statute of the International Criminal Court yet. Although the Treaty on the Rome Statute of the International Criminal Court came into force only in 2002, its origins arised from the Roman civil law. The Rome Statute sets forth four major international crimes: genocide, crimes against humanity, war crimes and crimes of aggression.

Beside this, the International Criminal Court involves the humanization of the criminal process, making it more transparent. This is clearly observed in particular in Western European countries, which ratified the Rome Statute of the International Criminal Court. Such humanization will mean that individuals, who are not entirely guilty or partly guilty of committing a criminal offence or blamed on such crime commission will have a more humane punishment, then in contemporary Ukraine. In such legal cases, Ukrainian justice may borrow precedents, that are characteristics of the Anglo-Saxon legal family. This legal family also obliged to the system of civil Roman Law.

To sum up, it is very important to adopt such procedural changes into the legislation of our homeland, as they were intensively implemented in the countries of the European Union at the end of the XX century. An example for an equation is the neighboring Poland that is very similar to Ukraine in economic and cultural aspects.

Ratification of the Rome Statute of the International Criminal Court should become the main national legal guide on the path to European integration.

Список використаних джерел

1. Рецепція римського приватного права в Україні / [Електронний ресурс]. – Режим доступу: <https://goo.gl/fpjtJs>

2. Peter Stein Roman Law in European History / Peter Stein Roman Law in European History Cambridge University press 1999 . – [Электронный ресурс]. – Режим доступа: <https://goo.gl/VLjDjR>
3. William Ewald The Roman Foundations of European Law – Penn Law: Legal Scholarship Repository / 1994 William Ewald University of Pennsylvania / [Электронный ресурс]. – Режим доступа: <https://goo.gl/BCmvsn>
4. Rome Statute of International Criminal Court / [Электронный ресурс]. – Режим доступа: <https://goo.gl/U2nsZw>