

## **ФІЛОСОФСЬКІ ПРОБЛЕМИ ОКРЕМИХ НАПРЯМІВ ПРАВознавства**

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### **MANCIPATIO AS AN ELEMENT ANCESTOR WORSHIP IN THE ROMAN LEGAL CULTURE**

*The article is devoted to the complex and ambiguous phenomenon of Roman private law – Mancipatio. It is proved that there Mancipatio Islands predmetnennyam this item ideological complex of ancient Romans as obnerenist the past. Mancipatio analyzed as ritual and method of transfer of ownership from the seller to the buyer.*

**Keywords:** Roman private law, Mancipatio, legal rytul, social memory.

Background. Roman law remains valid for scientific research because of its classicism and excellence. "Vitality" of many institutions of Roman private law due to the high level of generalization phenomena of legal life of the ancient Romans and enabling technologies lawmaking. Although today we do not posluhovuyemosya such institutions as Mancipatio Roman law, its study is timely. .

The main material. Law as a social institution and regulatory systems that are effective and relevant to the particular society are derived from the dominant value system of the society and its basic worldview as right as an element of culture brings to make a video of all its features and characteristics. Roman law in its o-ness was predmetnennyam of ideological values of Roman society, and practical design of the ancient Roman complex philosophical, fundamental guidelines which became finalized in the Republican period against the backdrop of ancient traditions and preferences of the Romans. One of the defining features of philosophical ancient Roman culture was obnerenist the past, focus on the deeds of their ancestors. This feature in the future will be called the cult of ancestors. The cult of the ancestors, as one of the core values of Roman society for a long time served as one of the main ideological and integration of functions, and even during the decline of Rome all turned to the authority of the ancestors, although in a formal way. Many nations in the period of

state formation and the main stabilizing social institutions characteristic of veneration and worship before the deeds of their ancestors, the constant desire to do as they did. "Parent" means true, correct, tested and as such, that has been tested to survive. Social memory saves people the experience of previous generations in the form of customs and traditions. We cited this feature kvirytskoho law as conservative and is a clear indication of correctness acts ancestral veneration as the survivability of old forms by changing the content. This feature is most fully reflected in the Latin saying: "The letter of the law is going through its contents," and in the legal reality - in the ritual Mancipatio (mancipatio).

About the utmost importance Mancipatio within underdeveloped economy is the fact that it was obligatory for sale primarily land and labor. And the main features Mancipatio - oral form of the transaction, the availability of witnesses, the payment for the metal mass and unilateral activity of the buyer at the conclusion of a formal agreement - only confirm how to organize a typical commodity-exchange processes for the early stages of the development of society and found in starovavilonskomu, Hebrew and Greek law .

Later, after the waiting coin Mancipatio acquired symbolic signs. The most striking of which is the sound that oderzhuvavsya at the time udaryannya coins against loss. Although initially a metal that is transferred by the buyer the seller as a means of payment, must dare. Tying the date of transfer of ownership from the seller to the buyer at the time of the special sound, it is our opinion, this is due to oro-acoustic nature of the Roman society: sound, spoken word anthem - accompanied by the Romans in all their processes social life.

Conclusion. Thus, as one Mancipatio and brightest legal rituals retained its importance and are widely used in everyday legal life of the Romans, by virtue of the fact that it was "designed" ancestors, although the objective of the economic and financial nature to this was, at least since the first Roman monetary unit - 1 Ass.