

Chuprina Katerina,
*Student of the 1st course of the Faculty of Interational Legal Relations
of the National University «Odessa Law Academy»
Research advisor: PhD, associate professor Nekit K.G.*

RECEPTION OF ROMAN PRIVATE LAW IN THE WESTERN EUROPE, NORTHERN AND SOUTHERN AMERICA

The Roman private law is an extremely valuable and significant part of the world historical period which stretches from 8th century B.C. till 6th century A.D. so it is more than 1000 years of history. The first codified systems of law also appeared in the matters of Roman private law so the consequence in the form of a great impact on European and not only European law systems seems absolutely natural. It formed nations and legal systems and allowed them to become aware of their own identity. It built a basis of modern legislation, invented principles of setting various types of conflicts by the application of general conceptual rules, not only by compromise, authority and force. All of that became possible only on the basis of Roman law, of what was thought to be Roman law. In this case the question of reception of Roman private law is still on current interest among the researchers.

There are two different law systems which have, or partly have, their origins in Roman private law: Romano-Germanic and Anglo-American [1]. The first one consists of codes of Western and Central Europe. The influence of Roman private law began to impact codes of different counties mostly in the Middle or Dark Ages. The biggest impact of Roman law on the system of legislation received Italy. The scientists decided to apply the pure science to the legal practice and construct a Roman law to adapt it to actual needs of their time. So Roman law began to be implemented into Italian law [2].

It also did not avoid German system of legislation: the first trial of implementation of Roman law is considered to appear in the fourteenth century in a book that came to be known ultimately as «Mirror of Judicial Plaints» («Der richerliche Klagspiegel»). The second part of this work treats of criminal law, procedure and civil law from the Roman viewpoint, interpreting them in German terms, with accompanying comment drawn in part from Institutes of Justinian. The reception of Roman private law could also been related to the fact of the rise of a school of native German juridical writers which followers started to implement the adapted version of principles of Roman law of inheritance and guardianship [3]. Roman law was taught in universities, later it became a basis for the system of medieval Canon Law, which used to be widespread in Europe in the Middle Ages, and scholars applied the logic of Aristotle and the scholastic method to the ancient

sources of Roman law to systematize them and make the analyses of the most difficult legal questions [4]. There also were times when the principles of Roman private law almost became the common law for this region and codes largely embodied them. Later the confirmation of the Roman law in Germany has continued to find renewed expression almost until the present hour.

The perception of Roman law could also be reflected in French law codes. While it was still known as Gaul and used to be a Roman province, it was naturally governed by Roman methods and received the Roman law of the early imperial period. I find next, as underlying part of the French law, the Breviary of Alaric II., sometimes called the Roman law of the Visigoths, or West Goths, which had its domain in Southern Gaul. Another code was the compilation known as the *Lex Romana Burgundiorum* prepared by Gundobold of Burgundy in the early part of the sixth century, for the use of his Roman subjects in the territory that afterwards became a portion of France [5]. The system of legislation in France was not destined to become fully Roman in its character but anyway it received a great impact of Roman private law.

The second one is typical for the UK, Northern and Southern America. At the beginning of the spread of Roman law in the continental countries this process did not cross the Channel to England, which followed separate legal development. However, at the times of the American colonization the influence of Roman law also reached to the lands of newfound continents, especially thanked to France. To provide some kind of law for her possessions in the western world, it was prescribed that the laws, edicts, and ordinances of the realm, of a general character, and the Custom of Paris should be extended to these colonies. In proceeding with the study of Roman and civil law in the Americas, we may begin with what we now call the Dominion of Canada. The principles of Roman law have immigrated to the American lands slowly, but surely [5].

After a while the impact of Roman law on the American law system weakened in case of conquering American lands by English army. Nevertheless, to avoid civil protest English government decided to introduce principles of English law in criminal matters, but in civil matters it was left unchanged. The law system has changed over time, though the most fundamental aspects of it is still contains some elements of Roman private and civil law [5].

To conclude, I would like to say that a reception of Roman private law in different law systems passed through the great periods of world history and it is still can be felt in the law codes of various countries of Western Europe, Northern and Southern America. It is still can be considered as a basis of the most widespread law

system of the world and made a great contribution to the establishment of world systems of legislation.

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Gluschenko Anastasia,

*Student of the 1st course of the Faculty of International Legal Relations
of the National University «Odessa Law Academy»*

Research advisor: PhD, associate professor Nekit K.G.

MARITAL FAMILY RELATIONS IN ROMAN LAW AND IN THE MODERN FAMILY CODE OF UKRAINE

To begin with, we should mentioned that learning modern legislative impossible without information which contains in Roman private law. Marriage relationship has developed over many centuries, shaping certain principles and laws, which influenced the formation of the modern legal system.

Relevance of the research of the study of the category of «marital relations» is due, first of all, to analyze the union between a man and a woman, that is regulated by laws, rules, beliefs, customs and attitudes that prescribe the rights and duties of the partners [1].

It should be noted that the central conception remains unchanged through years. The family began with marriage, and marriage was basically a matter of intention, the intention to live together as husband and wife.

Through the ages marriages have taken a great number of forms. During the historical formation, for example, we can also divide Roman legal marriage into two types: Cum Manu (marriage with men's power) and Sine Manu (marriage without