

second option is local, but more effective, it is the adoption of internal acts by the states on the basis of the existing practice.

ЛІТЕРАТУРА:

1. Harytonov O. E. Civil Law of Ukraine / Harytonov O. E., Davydova V. I., Nekit G. K. etc. – O. : Fenix, 2016. – 448 p.
2. Harytonov O. E. Actual problems of civil law in IT age / Harytonov O. E., Kolodin O. D., Harytonova I. O. etc. – O. : Judicial literature, 2018. – 245 p.
3. Harytonov O. E. Civil and Family Law of Ukraine / Harytonov O. E., Safonchyk I. O., Holubeva U. N. etc. – O. : Fenix, 2018. – 581 p.

Anisimova Polina,

*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.

THE MEANING OF CODIFICATION OF JUSTINIAN FOR THE DEVELOPMENT OF EUROPEAN LAW

Code of Justinian, Latin Codex Justinianus, formally Corpus Juris Civilis («Body of Civil Law»), the collections of laws and legal interpretations developed under the sponsorship of the Byzantine emperor Justinian I from 529 to 565 CE. Strictly speaking, the works did not constitute a new legal code. Rather, Justinian's committees of jurists provided basically two reference works containing collections of past laws and extracts of the opinions of the great Roman jurists. Also included were an elementary outline of the law and a collection of Justinian's own new laws [1].

The purpose of Justinian's compilation was to restate the whole of Roman law in a single legal source of law with binding force over the entire empire. Justinian's major legal work, often called a codification, was not a codification in the modern sense but rather an up-to-date and systematized compilation or collection of legislation and legal literature. Emperor Justinian himself gave no collective title to his compilation. He used only once the expression *corpus iuris* in the generic sense of body of law (*one corpus iuris*). In the Middle Ages, the whole compilation was called *Corpus iuris* by the medieval glossators. From the end of the sixteenth century up to our own time, to distinguish Justinian's compilation from the compilation of canon law (*Corpus Iuris Canonici*), jurists have usually referred to Justinian's compilation as *Corpus Iuris Civilis*. That collective name was first used in the edition by Dionysius Gothofredus (Denis Godefroy) in 1583 [2].

Following the example of Laws XII of tables, the Code of Justinian was divided into 12 books. Book 1 deals with issues of church law and Christian theology, books 2-8 deal with various issues of private law, books 9-12 cover various aspects of public law (administration, crime and punishment, etc.). Each book is divided into titles, and the last – into fragments. Within the framework of individual titles, the imperial constitutions are arranged in chronological order; The oldest used in the Code is the Constitution of Adrian, 117 years old, the latest – the Constitution of Justinian of November 4, 534. Fragments containing the text of individual constitutions include information about the emperor who issued them, about the person to whom they are addressed, about the date and place of their publication. The compiler of the Code was allowed to make significant changes to the cited legislative provisions (edit, abbreviate, etc.), as evidenced by comparisons with the corresponding texts of constitutions under the Code of Theodosius [3].

The most important part of the codification of Emperor Justinian, distinguished by the wealth of legal material used, is digests, or pandects. The latter term is borrowed from the Greek language, which means «containing everything».

According to Justinian, set forth in a special Constitution of December 12, 530, his digests were to become a comprehensive collection covering the legal heritage of the classical era. Preparation of digests was entrusted to a special commission under the leadership of Tribonian, which included, in addition to prominent officials and practitioners, famous professors of Constantinople (Theophilus, Gratian) and Beirut (Doroferi and Anatoly) law schools. The compilers of digests (later they became known as compilers) were given broad powers to select and shorten the texts of classical lawyers («ancient jurists»), to eliminate contradictions, repetitions and outdated regulations, to make other changes to them, taking into account the imperial constitutions. In the process of working on digests, the commission reviewed and used 2 thousand essays, processed 3 million lines. In the event of controversial issues, was asked for clarification from Justinian, who issued the relevant constitutions that made up the «50 decisions». The digests, taking into account the scale of the material used in them, were prepared exclusively for a short period of time, and were published on December 16, 533 by a special Constitution. Digests are a unique legal monument, numbering about 150 thousand lines, including more than 9 thousand texts taken from the books of Roman lawyers who lived from the first century up to IV BC. More than others in the digests quoted Ulpian, Paul, Papinian, Julian, Pomponius, Modestinus. Thus, the texts of the Ulpian are 1/3, of Paul – 1/6, Papinian – 1/18 part. Structurally Digests are divided into seven parts (there is no such heading in the text itself) and into 50 books, which in turn (except books 30-32 on legates and fideicommissaries) are divided into titles with titles [4]. Titles consist of fragments, the

number and size of which are not the same. Each fragment contains a text from the essay of some lawyer. The fragment is given with the indication of the author and the name of the work from which the quote is drawn. The content of Digest is very wide and varied. They consider some common issues of justice and law, justify the division of the right to public and private, gives an outline of the emergence and development of Roman law, sets out an understanding of the law, etc. Relatively little space is given to public law, mainly in recent books (47-50) where it is said about crimes and punishments, about the process, rights of the fisc, city administration, military peculia, etc. The issues related to the sphere of international law are presented here: warfare, reception and dispatch of embassies, status of foreigners and so on. d. The most fully represented in the Digest private law. Especially a lot of attention is paid to them in inheritance (by law and testament), marriage relations, property law, various types of contracts. Many new tendencies characteristic of postclassical Roman law were reflected here: merging of the praetorian and civil law and elimination of many formalities of the latter (for example, dividing things into manciated and unmanciated), softening of paternal power, erasing the differences between legates and fidemicommisses, etc. In an effort to adapt Roman classical jurisprudence to the Byzantine reality in the VI. commentators often distorted the original text, included new provisions, and doing this on behalf of the cited author (interpolation). Probably, a number of changes in the classical texts were made not directly by the compilers, but by the authors of the copies of the works they used and which were already inserted and corrected in the fields of the manuscript and between the lines[5].

The value of Justinian codification is undoubtedly great. This is the largest codification work in all of antiquity, and perhaps in the entire history of law, if we pay attention on its content and influence exerted on the further development of law.

The establishment of Justinian codification has long been used in Europe as a subsidiary legal order of bourgeois society in the period of its formation, as well as during the formation of the first civil codes, which adopted many of the provisions of Roman law in the regulation of commodity-money relations in the period of liberal capitalism.

In the Eastern Empire, for about five centuries after Justinian's codification, the collections compiled by him served as the basis of scientific and practical work. The changes in the social and economic life and the appearance of new needs, were also made amendments and some parts of the Justinian codification were overlooked, for example, by the end of the 9th – the beginning of the 15th., the Basilica of the Emperor Leo the Wise was refined, etc.

In the Western Roman Empire in the early Middle Ages, The Justinian codification was not used widely, instead of the collections of separate kingdoms (especially *lex Romana Wisigothorum*). Only in Italy after the destruction of the Ostrogoth kingdom the Institutions, the Code and the Novels were used. Digests were applied up to the middle of the XI century and were unknown in the Western Roman Empire. Around the mid-19th century was found the Digest manuscript, later called Florentine. This finding gave impulse to the revival of Roman law (especially in outstanding law school of Bologna) [5].

ЛІТЕРАТУРА:

1. Justinian's Codification. Electronic source. – [Access mode]: <http://classics.oxfordre.com/view/10.1093/acrefore/9780199381135.001.0001/acrefore-9780199381135-e-3520?product=oreclanumber=9780199381135-e-3520>
2. *Encyclopædia Britannica Anniversary Edition: 250 Years of Excellence (1768-2018)*.
3. Bruce W. The Codex of Justinian : a new annotated translation, with parallel Latin and Greek text based on a translation by Justice Fred H. Blume. – 2016. –258 p.
4. Rafael Domingo. Justinian and the Corpus Iuris. An Overview. – 2017. – 2013 p.
5. Аракелян М.Р. Право Європейського Союзу. Особлива частина / Одеса. – 2009. – 369 с.

Bilai Vladislav,

*Student of the 1st course of the Institute of Criminal Justice
of the National University «Odessa Law Academy»
Research advisor: PhD, associate professor Nekit K.G.*

INFLUENCE OF ROMAN LAW ON MODERN UKRAINIAN CIVIL LAW SYSTEM

Modern Ukrainian law system is mostly based on civil law system of Ancient Rome. Current Civil Code of Ukraine states and broads main principles of Roman private law. These principles are equality before the law (*aequitas*) , justice(*iustitia*),*bona fides*, freedom of will(*libertas voluntatis hominis*).

It's hard to name all the clauses of our Civil Code which are borrowed from Roman law. This applies as a general rule of law, and the status of persons, the limitation period, the substantive and binding rights of certain types of contracts, inheritance law, etc.

Our Civil Code is built according to the Gaius and Justinian statements: person – item – obligation. The system of legal capacity in comparament with Ukrainian is slightly the same. The difference is goals of those actions. Ukrainehave the institution