UDC 348:58 (477)
DOI: 10.24919/2519-058x.12.177546

Petro ZAKHARCHENKO
PhD (Hystory), PhD hab. (Law), Professor, Professor of Department of History of Law and State, Faculty of Law, Kyiv National Taras Shevchenko University, 60 Volodymyrska Street, Kyiv, Ukraine, postal code 01033 (z0609@ukr.net)

ORCID: https://orcid.org/0000-0002-4968-9844

Ivanna MATSELYUKH
PhD (Law), Associate Professor of Department of History of Law and State, Faculty of Law, Kyiv National Taras Shevchenko University, 60 Volodymyrska Street, Kyiv, Ukraine, postal code 01033 (m.ivanna1304@gmail.com)

ORCID: https://orcid.org/0000-0003-3706-6428
ResearcherID: https://publons.com/researcher/3010355/matseliukh-ivanna/

Петро ЗАХАРЧЕНКО
кандидат історичних наук, доктор юридичних наук, професор, професор кафедри історії права та держави юридичного факультету Київського національного університету імені Тараса Шевченка, вул. Володимирська, 60, Київ, Україна, індекс 01033 (z0609@ukr.net)

Іванна МАЦЕЛЮХ
кандидат юридичних наук, доцент кафедри історії права та держави юридичного факультету Київського національного університету імені Тараса Шевченка, вул. Володимирська, 60, Київ, Україна, індекс 01033 (m.ivanna1304@gmail.com)

Бібліографічний опис статті: Zakharchenko, P. & Matselyukh, I. (2019). Church judicial process in the Ukrainian Hetman state (Zaporizke Viisko): analysis of judiciary practice. *Skhidnoievropeiskyi Istorychnyi Visnyk [East European Historical Bulletin], 12*, 8–16. doi: 10.24919/2519-058x.12.177546

CHURCH JUDICIAL PROCESS IN THE UKRAINIAN HETMAN STATE (VIISKO ZAPORIZKE): ANALYSIS OF JUDICIARY PRACTICE

Summary. The aim of the research. *The article focuses on the analysis of the judiciary practice against the church and faith during the period of Ukrainian Hetman state (Viisko Zaporizke). The judiciary practice is preserved in the court books, the Lithuanian metrics and the archival materials, in order to find out the features of the time trial, in particular, and the church law in general.* ***The research methodology.*** *Having applied the necessary methodological means, namely: dialectical, axiological, historical and philosophical, systemic, functional methods; formal-legal, systemic-structural, genetic, historical functional, comparative legal and historical legal methods, there has been investigated and generalized the experience of reviewing the cases on the crimes against the church and the faith under the conditions of the formation of the Ukrainian national state, founded by Hetman B. Khmelnytskyi.* ***The scientific novelty*** *consists in elucidating the peculiarities of considering the cases against the faith and the church in Ukrainian Hetman state, establishing mitigating circumstances that contributed to*

the reduction of punishment or the release. ***Conclusions.*** *In the article it has been confirmed that after the end of the National Liberation War of the Ukrainian people in the second half of the XVIIth century the competence of the church courts was not defined at the legislative level. In fact, the church courts considered only their own internal church affairs, and the crimes against the faith and the church belonged to the general jurisdiction of secular Cossack or magistrate courts. It has been traced the reception of the legal traditions that existed during the Rus era and remained their validity under the conditions of Ukrainian Hetman state existence. Because in the second half of the XVIIth century in Ukraine there continued to be used water testing as the form of evidence, genetically inherited from the legal system of the Rus state. Consequently, the continuity of Ukrainian law has been proved. It has been confirmed that the legal responsibility that followed the crimes committed against the church and faith had its peculiarity in connection with the need to reconcile the final court sentence with the requirements of the injured party. There have been revealed the cases of mitigation and abolition of the sanctions in case of the absence of the categorical claims and demands of the victim and the correspondent petitions from the representatives of the clergy and the community. It has been revealed that the crime cases against religion, family and morals could be considered by any court, regardless of their hierarchy in the vertical of this branch of government, despite a number of the judicial institutions that functioned in Ukraine.*

Key words: *Ukrainian Hetman state, court, crime, church, faith.*

ЦЕРКОВНО-СУДОВИЙ ПРОЦЕС В УКРАЇНСЬКІЙ ГЕТЬМАНСЬКІЙ ДЕРЖАВІ (ВІЙСЬКУ ЗАПОРОЗЬКОМУ): ОГЛЯД СУДОВОЇ ПРАКТИКИ

Анотація. *У статті проаналізовано практику здійснення розгляду справ проти віри та церкви за доби Української гетьманської держави (Війська Запорозького), що збереглася в актових, судових книгах, Литовській метриці та архівних матеріалах, з* ***метою*** *з'ясування особливостей тогочасного судового процесу зокрема і церковного права загалом. Застосувавши необхідний* ***методологічний інструментарій****, а саме методи діалектичний, аксіологічний, історико-філософський, системно-функціональний, формально-юридичний, системно-структурний, генетичний, історико-функціональний, порівняльно-правовий та історико-правовий, досліджено і узагальнено досвід розгляду справ про злочини проти церкви та віри в умовах формування української національної держави, започаткованої гетьманом Б. Хмельницьким.* ***Наукова новизна*** *полягає у з'ясуванні особливостей розгляду справ проти віри та церкви в Українській гетьманській державі, встановленні пом'якшуючих обставин, що сприяли зменшенню покарання чи звільненню від нього.* ***Висновки.*** *У роботі стверджується, що після завершення Національно-визвольної війни українського народу у другій половині XVII ст. компетенція церковних судів не була визначена на законодавчому рівні. Фактично вони розглядали лише власні внутрішньо-церковні справи, а злочини проти віри і церкви належали до загальної юрисдикції світських козацьких або магістратських судів. Простежено за рецепцією правових традицій, які існували в епоху Русі і зберегли свою чинність в умовах існування Української гетьманської держави, адже у другій половині XVII ст. в Україні продовжував застосовуватися як вид доказу випробовування водою, що генетично успадкований з правової системи Руської держави. Відтак доведено неперервність українського права. Стверджується, що юридична відповідальність, яка наставала за вчинені злочини проти церкви та віри, мала свою особливість, пов'язану із необхідністю узгодження остаточного судового вироку з вимогами потерпілої сторони. Виявлено випадки пом'якшення та скасування санкцій у разі відсутності категоричних претензій і вимог до засудженого з боку потерпілого та відповідних клопотань від представників духовенства, громади. Виявлено, що, незважаючи на велику кількість судових інституцій, які діяли в Україні, справи про злочини проти релігії, сім'ї та моралі могли бути розглянуті судом будь-якої інстанції, незалежно від їхньої ієрархії у вертикалі цієї гілки влади.*

Ключові слова: *Українська гетьманська держава, суд, злочин, церква, віра.*

The problem statement. The intensification of the study on the problems of the history of church law in Ukraine, the formation and the development of its separate institutions, of course, is connected with the acquisition of independence by the Ukrainian Orthodox Church

and the inclusion of it in such rights into a single Orthodox religious space, which happened literally in our eyes. We witnessed this process. It is remarkably important for Ukraine to demonstrate its history of Orthodoxy, which for a long time developed in a close connection not with the church of the occupying country, but with the Ecumenical Patriarchate of Constantinople. The most eloquent features of the development of Ukrainian church law revealed themselves under the conditions of the short periods of a national statehood, as it happened in the second half of the XVIIth century, in Ukrainian Hetman state (Zaporizke Viisko), the foundations of which Bohdan Khmelnytskyi laid. In this article we intend to draw our attention on the peculiarities of bringing to justice and analyzing the court practice in the church cases.

The analysis of recent researches and publications. A significant number of the scientific works, including the researches of the modern historians of law: O. Boyko, S. Kovalyova, O. Lastovskyi, M. Miroshnychenko, N. Syzoyi, I. Terlyuk, O. Shevchenko and the others are devoted to the problem of the functioning of the judicial branch of power in Ukrainian Hetman state. However, the peculiarities of the church judicial process remained aside of a scientific interest. It is true that in recent years there have been published the works of I. Matselyukh, which highlight the analyzed problem.

The purpose of the research is to identify the peculiarities of consideration of the crime cases against the church and faith under the conditions of the formation of the Ukrainian national state, which was initiated by Hetman B. Khmelnytskyi in the middle of the XVIIth century.

Statement of the basic material. In 1596 Beresteiska Union did not lead to the unification of Rome with all the Orthodoxes of Rzecz Pospolita, which was expected by its initiators. With the spread of Greek Catholicism (the author – the name was introduced by Maria Theresa for her subjects at the end of the XVIIIth century), the position of the Orthodox Church deteriorated considerably, it was on the brink of survival. Orthodoxy was deprived of the state support, and its traditional institutions, including the church court, became hostages of the new political realities in which their decisions lost the status of a universal necessity for their faithful. The latter, in connection with this, could not apply to the church court for marriage and family disputes, prosecution of persons for crimes against the church, family and belief, and other offenses, since it was deprived of the jurisdictional powers to resolve this category of cases.

As a result of signing of the Union, Kyiv Orthodox Metropolis narrowed its geography significantly, remaining only with two eparchies – Lviv and Przemyśl (Macelyux, 2015, p. 182). The Unity with Constantinople was supported by only separate monasteries and Kyiv-Pechersk Lavra. At the beginning of the XVIIth century the Orthodox hierarchy ceased to exist officially in Rzecz Pospolita. This situation was conditioned by the impossibility of the consecration of the new clergy in connection with the physical absence of the Metropolitan and the bishops, who departed from the Orthodoxy and enlarged the ranks of the Greek Catholic priests (Onishhenko, 1991, p. 12).

For several decades, the situation with the Ukrainian Orthodox Church was unchanged until the Ukrainian Cossacks intervened. In 1620 the Ukrainian Cossacks, together with their head, Hetman P. Sahaidachnyi, contributed to the restoration of the highest church hierarchy in Ukraine.

These events took place at the time when Jerusalem Patriarch Theophanes, returning from Moscow, ordained the Metropolitan of Kyiv and the six bishops (Isichenko, 2003, p. 164). The

status of the Metropolitan was obtained by the abbot of the Mykhailivskoho Zolotoverkhoho Monastery, Iov Boretskyi, the rector of Kyiv Brotherhood School.

The action was not approved by Rzecz Pospolita. The Polish government did not recognize the ordained hierarchs. It considered the procedure to be not canonical. The Polish government declared all traitors and was about to bring them to justice. But a public protection by Hetman P. Sahaidachnyi did not allow to realize the conceived. Therefore, the activity of the church hierarchs was limited only to the internal church sphere. They were not allowed to perform the church justice at the level of the judicial institutions of Rzecz Pospolita. Only in a few years later the situation changed. Under the reign of King Vladyslav IV, in the Seim, which began its work on June 22, 1632, the monarch declared «the official recognition of the the Ukrainian Orthodox Church and its supreme clergy by the Polish» (Xarishyn, p. 115).

The statement was supported by the Seim law, called: «The Articles adopted at the elected Seim to calm the Orthodox religion in the Kingdom of Poland and the Duchy of Lithuania» (Arxiv Yugo-zapadnoj Rossii, 1861, p. 208). The provisions of the adopted legislative Act recognized the presence of three Christian denominations in Rzecz Pospolita – Catholic, Greek Catholic and Orthodox. The key was the norm, which established the principle of a religious tolerance. Each subject of the Polish king was endowed with «the right to freedom of obedience», a religious persecution, and the incitement of an interfaith hostility was not permitted (Arxiv Yugo-zapadnoj Rossii, 1861, p. 208). In 1632 «The Articles adopted at the elected Seim» distributed the dioceses and monasteries between the Greek Catholics and the Orthodox, and confirmed the latter «all the ancient rights and privileges granted in favour of the Greek religion» (Isichenko, 2003, p. 164). In addition, the requirements of the document legalized the activities of the church court. In case of the appropriate disputes, the believers of the Orthodox Church could apply for their solution.

Despite the legitimacy of the activity of the church court, the practice illustrates the otherwise. The materials study of the Lithuanian metric and the documents from the funds of the central and separate regional archives do not give any grounds to assert the rapid implementation of this legal norm in the activities of the Orthodox Church in the territory of modern Ukraine. During 36 years (the author – from the moment of the proclamation of Beresteiska Union in 1596 to the legal recognition of the Orthodox faith in 1632), we did not record the actual facts of the functioning of the church courts, their sentences, the court decisions or decisions regarding their competence. The church court was not able to restore its previous status fully. In this case, we can only talk about our guesses. Possibly, under the conditions of Rzecz Pospolita, its activities consisted of the consideration of the internal church affairs, which were not kept in the documents of the time, or, according to a researcher D. Miller, the church court did not function at all, because there was no public need in its functioning (Lazarevskyj, 1898, p. 29).

In the middle of the XVIIth century the formation of the national Ukrainian Hetman state (Zaporizke Viisko) opened the new prospects for the establishment of the Orthodox Church and its judicial institutions. Under the conditions of the National Liberation War religion became an important unifying and ideological factor for the consolidation of the Ukrainians. «From the first days of «Khmelnytchyny», the religious slogans put forward by the war have brought Orthodoxy to an unprecedented level», – a modern scholar N. Yakovenko says rightly, – «and the Hetman took over the function of the supreme patronage over 286 church institutions» (Yakovenko, 2006, p. 285–286). Despite the fact that the interpersonal relations between Hetman B. Khmelnytskyi and the Metropolitan of Kyiv Sylvester Kosovyi were far

from friendly, the policy of the formation of the state-church relations between the national leader and the church hierarch was based on a mutual understanding and a mutual support in all necessary spheres. Thus, in order to restore and streamline the church justice, preserved in the national memory as a phenomenon of an ancient antiquity, in certain universals we come across the security ordinances aimed at securing the non-interference of a secular authority in the church affairs. An example of this can be the Hetman Universal of March 5, 1649, issued to the colonels of Myrhorod and Pryluky, which was intended to punish the Cossacks for violating the rules of a peaceful coexistence of the church and the state, as well as for showing a disrespectful attitude to the priests (Smolij, 1998, p. 88–89). At the same time, none of the documents, revealed by us, determined the category of cases that would have belonged to the church jurisdiction. Therefore, in order to find out the scope of the authority of the church court and to determine the process of a legal responsibility for the crimes against faith, church, family and morality, we consider it expedient to analyze the materials of the court cases contained in the book of Acts and in the funds of the state archives.

In the sphere of our consideration there was the case, the plot of which was recorded in the Act book of Poltava regimental court and highlighted by O. Levytskyi on the pages of the newspaper «Kyivska Starovyna» (Leviczkyj, 1901, pp. 3–20). It runs about the case against Ivan Petrenko and Petro Vinnyk, who were suspected of assassinating the monks and committing the theft from the building of Samara Nicholas Monastery.

In the last decade of the XVIIth century the monastery suffered from a large-scale epidemic that spread into the neighboring areas. Due to the death of animals, drought and crop failure, a large number of people died there. The monastery also got empty. After learning about this fact, the novices of Nehvoroshchanskyi Monastery, Poltava Regiment, Ivan Petrenko and Petro Vinnyk decided to take advantage of the situation and to rob the abandoned monastery. The novices, who already had a criminal past, secretly made their way to the territory of Samara Nicholas Monastery. Here they met unexpectedly two monks, the inhabitants of the monastery, the elder Avxentia and the novice, who previously served in Viisko Zaporizke, Theodore. The thieves expressed their desire to stay in the monastery and serve in it as the monks.

During four days, Ivan Petrenko and Petro Vinnyk lived in the monastery with their potential victims. On the fifth day they inflicted heavy injuries on both monks, robbed the monastery, taking the money and the precious church property, and ran away from the place of the crime. After returning to the monastery, in which they lived, the robbers were exposed by the local servicemen, because the servicemen noticed the stolen things. The administration was informed of this fact immediately. The local centurion arrested the suspects and brought them under the escort to Poltava, a regimental city.

On October 18, 1690, the first public meeting of the regimental court took place in the city hall building. During the interrogation the suspects confessed to the crime. The voluntary confession was recorded, and to determine the additional circumstances of the case, the court ordered a torture interrogation with the use of hot iron and used other kinds of tortures, in particular, the rack. For the suspects, a precautionary measure was chosen – a pre-trial detention until the victim's representative – the prosecutor appeared.

In early November 1690, Poltava regimental court turned to a priest Viniamin – the monk of Samara Monastery and Vasyl, the Sich Cossack – the patron of the monastery, who arrived from Sich as a representative of Viisko Zaporizke. At the second session of the court, the priest Viniamin appeared as the plaintiff, the victim and the prosecutor. It was he who found

the bodies of the dead monks and learned from the locals that there were two more novices, who had disappeared after robbing the monastery.

Further, the court listened to the evidences of the accused, who confessed to the crime and repelled frankly of committing the crime. In spite of everything, the court classified the offenses in accordance with article 18, section 11 of the Lithuanian Statute and sentenced the death penalty by cutting the bodies of the accused into quarters. The time and place of the death penalty were not mentioned in the record of the court session, but it was stated: «Those criminals and murderers passed away». Before the execution the convicted persons usually had to pass the central market area in the presence of a large number of people to warn the others against committing criminal acts (Leviczkyj, 1901, pp. 3–20).

As we see, the crimes committed against the church clergy and the property had a high level of a social danger, but during the era of the Ukrainian Hetman state (ViiskoZaporizke) they were not considered by the church courts, as previously, but by the secular courts. However, the punishment was still very cruel for committing the crimes.

It should be noted that after the end of the National Liberation War under the leadership of B. Khmelnytskyi in the middle of the XVIIth century, in Ukraine the secular courts also considered cases of committing the crimes against the faith, in particular, its kind – a witchcraft.

In accordance with the norms of Magdeburg Law, and more precisely to the fourth part of Magistrate Statute, there was a criminal charge for an apostasy and a witchcraft. «During the interrogation of the blackbook jacker and the sorcerer, one should interrogate all the circumstances of the crime that he used the means, in what manner and at what time he proclaimed the words or the actions, then it would be necessary to interrogate who taught him the magic or in what way he learned the techniques, how many times he used the magic and what was in trouble, and who suffered from such actions» – so the Statute determined the procedure for detecting the crimes and the proof of their committing (Antonovych, 1877, pp. 6–7).

The process can be shown in this example. At the end of the XVIIth century in Ovruchskyi Magistrate received the complaint from the nobles of the Domashevskyi family to the nobles of the Khodakivskyi family. The complaint ran: «being insulted, the Khodakivsky, having thought it over before, prepared the potions to do harm to our health and to kill us» (Arxiv Yugo-zapadnoj Rossii, 1867, p. 232). To this end, they learned to use the medicine and expected a convenient moment for their use. On February 1, 1686, the moment came. When the head of the Domashevskyi family returned to his home, the daughter of the Khodakivskyi family Olena, having coocked the decoction in a special way, poured out on the road near the gate where the victim was supposed to pass. She intended to kill Mr. Domashevskyi, but the dog was the first one who appeared in the above-mentioned place. The dog was poisoned. Consequently, the criminal intention was not brought to an end due to the circumstances beyond the the attacker's control.

The accused could have avoided responsibility if she made an oath, in which she assured of the lack of a malicious intent or convicted the court of using the potion or the poison for a good cause, or to treat a sick person. The suspect could have been acquitted on the basis of her testimony without tortures.

People also resorted to witchcraft to attract the feelings of a beloved man or beloved woman. Such cases rarely came to court, but sometimes such case were registered in the court records. So, in Kamyanetskyi magistrate the dispute between Khrzhanovskyi and

Bakhchynska was considered, who were looking for a worthy bridegroom for their daughters. Both Khrzhanovskyi and Bakhchynska wanted their daughters to be married to Bernatskyi. In the end, he married the daughter of Bakhchynska, while the daughter of Khrzhanovskyi got ill suddenly. The relatives linked her illness with the practice of magic from the side of the Bakhchynskyi family. In response, the Khrzhanovskyi family decided to take revenge on their opponents, intending to do harm to the groom's health. In one of the conversations the Khrzhanovski boasted to their friends of the fact that they that could practice a witchcraft and spoil the young couple, for them not to live together for three weeks. In order to carry out the criminal intent, they sent Mr. Bernatskyi the cake (the Khrzhanovski used the witchcraft), which, for the unknown reasons not determined by the court, never reached the addressee (Antonovych, 1877, p. 22).

In general, a patriarchal Ukrainian society often could not explain the phenomena of a natural origin and associated them with the evil will of individuals, whose allegedly spells or witchcraft irreparably did harm to the interests of the others, both from their own environment and from the other one. Sometimes the local witches were accused of the poor harvest bad years or drought. Thus, in the Kamenetskyi magistrate book, which dates back to 1689, there is the record of how, on the advice of the Druzhkovskyi nobles, the owners of the village Pidfilipya accused the peasants of the drought, who, being under suspicion, were obliged to undergo a peculiar cleaning procedure. To clean themselves, the villagers were ordered to carry water from the Zbruch river and pour it on the roadside cross. Only after the fulfillment of the requirements of the landlords, the suspicion of the peasants of making witchcraft was abolished.

The landowners did not stop atit, the search for «witches» continued. The next stage was the suspicion of the landowner Yavorska of making the witchcraft. The rumors were spread in advance about her ability to practicewitchcraft. To prove her guilt it was decided to hold the Court of God, – the procedure in the form of water test. All residents of the village were reassembled on the bank of the Zbruch river and the landowner Yavorska was invited. With her appearance, on the orders of the Druzhkovskyi representatives, the peasants «stripped her, bound her in a special cross-like method (the author – the thumb of the right hand was tied to the thumb of the left foot, and the thumb of the left hand – to the thumb of the right foot). Between the bound hands and feet there was a rope on which Yavorska was suspended and her body was lowered to the water. As the woman, accused of witchcraft, began to drown, she was taken out of the water and she was found innocent» (Гродська Кам'янець-Подільська книга № 4021, №4022) (Antonovych, 1877, p. 27).

In Ukraine it was traditionally believed that not only humans, but animals could be the object of a witchcraft. So, at the end of the XVIIth century Lutsk magistrate court received the complaint from the Porvanetskykh noblemen to the nobles Bereznytskykh. The complaint contained the accusation of the witchcraft. The Porvanetskibelieved that the Bereznytski tried to send death to their herd of sheep, having tied the horses' bones to the animals' neck. In addition, the Bereznytskiasked the wizard Hvedonykha to practice the witchcraft to damage the Porvanetski's farm. She sprayed the ways to their estates with a specially cooked dish, the ingredients were known to heronly.She made the witchcraft to do harm to the bees. And since that time, as the Porvanetskiclaimed, their horses, cows, and other animals got ill,the apiary ceased to generate income, they remaining without honey (Antonovych, 1877, p. 28).

The injured party had a great influence on the nature of the court decision (civil court rulings, the sentence – on criminal cases). When victims insisted on a just and severe

punishment, the court sentenced the corresponding sentence, when the victims did not insist on the use of the death penalty, the court achose a softer punishment, or even completely dismissed the offenders from it. This right of the victims contributed to the development of the institution of probation (conditional sentences) in Ukraine.

In accordance with the institute of conditional sentences in Ukrainian Hetman state (Viisko Zaporizke), the court could punishseverely the executor or a person, who ordered the crime, and the accomplices – could be released from the punishment on condition of changing their behaviour and an exemplary behavior. Any court decision of the party, who lost the case, could be appealed to a higher court: the decision of the rural (public) court could be appealed to the hundred court, the decision of the hundred court – to the regiment court, the decision of the regiment court – to the general one, and then to Hetman himself. Ukrainian law did not prohibit a direct appeal to the General Court, omitting lower courts (Bezklubyj, Grucenko, Shevchenko, 2010, p. 194).

Conclusions. Consequently, having examined the practice of the legal proceedings in the cases against the church and faith during the epoch of Ukrainian Hetman state (Viisko Zaporizke), which was preserved in the relevant court books, the Lithuanian metric, the archival materials, we came to the following conclusions:

firstly, after the end of the National Liberation War of the Ukrainian people in the second half of the XVIIth century the jurisdiction of the church courts was practically cancelled. The cases,which previously belonged to the church court competence, were considered by the Cossack courts of different levels. If the crimewas committed in the city of the Magdeburg law in the sphere of the church relations regulation, the court case was subordinated to the relevant territorially magistrate court;

secondly, in view of the fact that in the analyzedperiod Ukrainian customary law remained the key source of a national law, in the second half of the XVIIth century in Ukraine it continued to be used as a form of evidence of water testing, genetically inherited from the legal system of the Rus state. The continuity of Ukrainian law, therefore, is a proven fact;

thirdly, the legal responsibility that followed the crimes, committed against the church and the faith, had its own peculiarity. It consisted in the following: the final judgment was consistent with the requirements of the injured party. In the absence of the categorical claims and demands to the convicted on the part of the victim, the sanctions could be mitigated, and for the accomplices – completely abolished;

fourthly, despite a large number of the judicial institutions, whichfunctionedin Ukraine, thecrime cases against religion, family and morals could be considered by a court of anylevel, regardless of their hierarchy in the vertical of this branch of government.

Acknowledgments. We express sincere gratitude to all members of the editorial board for consultations provided during the preparation of the article for printing.

Funding. The authors received no financial support for the research, authorship, and/or publication of this article.

BIBLIOGRAPHY

Antonovych, V. B. (1877). *Koldovstvo: dokument, process, issledovanye [Sorcery: documents, processes, research].* Sankt-Peterburg: Tip. V. Kyrshbauma, 150 p. [in Russian].

Arxiv Yugo-zapadnoj Rossii (1867). Arxiv Yugo-zapadnoj Rossii, izdavaem vremennoj komissiej dlya razbora drevnix aktov, visochajsheu chrezhdennuy pri Kievskom Voennom, Podolskom Volinskom general-gubernatore (v 37 t.) [The archive of South-Western Russia, issued by a temporary commission for the analysis of ancient acts, established by the highest at the Kiev Military, Podolsk and Volyn

general-governor]. Kiev, (1859 – 1914). Ch. 4. T. 1: *Aktu o proisxozhdenii shlyaxetskix rodov v ygo-zapadnoj Rossii [Acts on the origin of gentry families in southwestern Russia]*. Kiev: Tip. E. Fedorova, 460 p. [in Russian].

Arhiv Yugo-zapadnoj Rossii (1861). **Arhiv Yugo-zapadnoj Rossii**, izdavaem vremennoj komissiej dlya razbora drevnix aktov, visochajsheu chrezhdennuy pri Kievskom Voennom, Podolskom Volinskom general-gubernatore (v 37 t.) [The archive of South-Western Russia, issued by a temporary commission to review the ancient acts, established by the highest at the Kiev Military, Podolsk and Volynsk Governor-General]. Kiev, (1859 – 1914). Ch. 2. T. 1: *Postanovleniya dvoryanskix provincialnix sejmov v Ygozapadnoj Rossii [Decisions of the provincial nobility nobility in South-West Russia]*. Kiev: Universitetskaya tipografiya, 530 s. [in Russian].

Bezklubyj, I. A., Grucenko, I. S., & Shevchenko, O. O. (2010). *Istoriya ukrayinskogo prava: posibnuk [The History of Ukrainian Law]*. Kyiv: Gramota. 336 p. [in Ukrainian].

Isichenko, I. (2003). *Istoriya Khristiyanskoy cerkvi v Ukraini [History of the Christian Church in Ukraine]*. Kharkiv: Akta, 2003. 472 p. [in Ukrainian].

Kolodij, A. M., Yaroczkij, P. L., & Lobovuk B. O. (1999). *Istoriya religii v Ukrayini: navchalnuj posibnuk [History of religion in Ukraine]*. Kyiv: Znannya 1999. 735 p. [in Ukrainian].

Lazarevskyj, A. M. (1898). Zamechaniya naistoricheskie monografii D. P. Millera o malorusskom dvoryanstvei o statutovix sudax [Notes on the historical monographs of D. P. Miller about the Little Russian nobility and the statutory courts]. *Otchet komiteta po prisuzhdenii premij, uchrezhdennikh Kharkovskim zemelnym bankom v pamiyat dvadczatypyatiletiya czarstvovaniya Imperatora Aleksandra II pri Imperatorskom Kharkovskom universitete* (pp. 1–51). Kharkov: Tipografiya Adolfa Darre. [in Russian].

Leviczkyj, Or. (1901). Ochenrki narodnoj zhizni v Malorosiy vovttorojpolovine XVII st. [Sketches of national life in the Ukraine in the second half of the XVII century]. *Kyievskaya Starina, 72, Yanvar.* 3–36 [in Russian].

Macelyux, I. A. (2015). *Dzherela cerkovnogo prava za doby ukrayinskogo Serednovichchya [Sources of ecclesiastical law during the Ukrainian Middle Ages]*. Kyiv: Talkom. 290 p. [in Ukrainian].

Onishhenko, O. S. (red.). (1991). *Istoriya xristiyanskoy cerkvi na Ukraini (religieznavchij dovidnukovij narus) [History of the Christian Church in Ukraine (Religious reference book)]*. Kyiv: Naukovadumka. 104 p. [in Ukrainian].

Smolij, V. (ed.). (1998). *Universaly Bogdana Xmelnyczkogo. 1648 – 1657 [Bogdan Khmelnitsky Universal. 1648 – 1657]*. Kyiv: Alternatyva, 383 p. [in Ukrainian].

Xarishyn, M. V. (1995). Yuridychne vyznannya Ukrayinskoyi pravoslavnoyi cerkvi Polskoyu derzhavoyu v 30 rokax XVII st. [Legal recognition of the Ukrainian Orthodox Church by the Polish state in the 30's of the XVII century]. *Visnyk Kyivskogo nacionalnogo universytetu imeni Tarasa Shevchenka. Istoriya, 34*. 114–123. [in Ukrainian].

Yakovenko, N. (2006). *Narus istoriyi Ukrayiny z najdavnishix chasivdokincya XVIII stolittya [Es-say on the history of Ukraine from ancient times to the end of the XVIII century]*. Kyiv: Krytyka. 584 p. [in Ukrainian].

The article was received on March 7, 2019.
Article recommended for publishing 27/08/2019.