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ORCID ID 0000-0003-2627-8871

Kateryna R. Dobkina,
Doctor of Law, Professor,
Dean of the Faculty of Law
State University
Infrastructure and technologies,
Kyiv, Ukraine



ORCID ID 0009-0001-3278-1855

Olesya O. Syrota,
assistant attorney,
Kyiv, Ukraine

CRIMES AGAINST PUBLIC AUTHORITY IN THE CRIMINAL LAW OF UKRAINE IN THE MEDIEVAL AGE

Annotation. This article examines the types and main features of crimes against public authority in the criminal law of medieval Ukraine. It has been proven that in the absence of an extensive multi-functional state apparatus, as well as an understanding of the specifics of the concept of a crime against public authority, all criminal offenses in the sphere of public interests were equated with state crimes. It was found that in the 16th century types of crimes against the public authorities are being registered, which were divided into two groups: those that encroached on state interests and were directed against the sovereignty of the state, its territorial integrity, and economic and financial independence; which had as their immediate object the honor of the monarch, and their peculiarity was that they encroached on the rights of other persons at the same time. It was established that the further development of the system of crimes against public authority took place in the second half of the 17th - the first half of the 18th century. In this period, the norms of the Lithuanian Statute of 1588 remained in force regarding the organization of a conspiracy, mutiny, gathering troops, encroachment on the person of the hetman, surrender of the fortress, counterfeiting, encroachment on state property, correspondence with the enemy, forgery of government documents, seals, crimes against the economic security of the state. In the criminal law of Zaporizhzhya Sich, treason against society, an attempt on the life or health of a foreman, forgery, forgery of seals and documents, giving pledges to the enemy, actions of a foreman contrary to the interests of the general public were considered crimes against public authority. It was revealed that the end of the development of the system of crimes against public authority is the second half of the 18th century. It was found that their division into two groups remained unchanged, but new types of criminal offenses in the field of public interests appeared (killing the monarch, causing harm to his health, encroaching on the life or health of members of the imperial family, expanding the list of ways of depriving the monarch of his life).

Keywords: Ukraine; the Lithuanian-Russian period; Hetman's Ukraine; concept of crime; types of crimes; development; crimes against the state; punishment

Formulation of the problem. As you know, crimes against public authority are one of the most particularly dangerous criminal acts. This is how they qualify in modern countries of the world, but these criminal offenses were considered serious in the

medieval era, including in Ukraine, which was reflected in the legal monuments of the Lithuanian-Russian, Lithuanian-Polish periods and the Hetmanship era.

In the dialectical aspect, crimes against public authority form a certain system and must move in the temporal dimension. Therefore, this system is in constant development and naturally acquires new characteristics. Their discovery will enrich the Ukrainian historical and legal science with knowledge about the evolution of the system of crimes against public authority in the criminal law of Ukraine within the framework of the medieval era (both early and late). Moreover, scientific knowledge of the main features and signs of the system of crimes against public authority will provide an opportunity to find out and understand the level of legal awareness of the Ukrainian people in the period under study.

So, it can be stated that the relevance of the study of the system of crimes against public power in the criminal law of Ukraine in the medieval period is to follow the development of the system of crimes against public power based on the identification of the structural elements of the specified system and the clarification of their main features according to the legal sources of this period authorities during the 16th - 18th centuries, as well as to find out the level of legal awareness of Ukrainian society, as well as its legal culture in general.

Analysis of research topic. In domestic historical and legal science, the specified scientific problem was highlighted in the works of T. Bairaka, M. Bogdanova, I. Boyk, I. Grozovsky, S. Kudin, S. Kovaleva, T. Koval, Yu. Kopyk, D. Lyubchenko, S. Narizhnyi, Ya. Padokh, Yu. Senkiv, M. Slabchenko, Ye. Shalomeeva, O. Shevchenko, A. Yakovliv and some other scientists, a study of the concept of crime in the sphere of public interests in the criminal law of Ukraine was conducted based on the sources of Lithuanian-Russian law, Lithuanian-Polish periods, Hetmanship era.

In general, scientists conducted research on types of crimes against public authorities according to a time criterion or according to separate legal monuments (Lithuanian Statute of various editions, "Rights by which the Little Russian people are tried", etc.). But, as follows from the analysis of the works of these scientists, not enough attention was paid to the evolutionary and continuous processes of development of the system of crimes against public authority in the criminal law of Ukraine of the medieval era.

The aim of the study. The purpose of the study is to clarify the types and main features of crimes against public authority in the criminal law of medieval Ukraine. This goal is specified in the following tasks:

- find out the types of crimes against the public authorities in the Lithuanian-Russian and Lithuanian-Polish periods (XVI - first half of the XVII century) and identify their main features;
- to describe the types of crimes against public authority in the period of the second half - the first half of the 18th century;
- to identify the main features of crimes against public authority in the criminal law of Ukraine in the second half of the 18th century.

Presenting main material. It should be noted that in the medieval era, in the absence of an extensive multi-functional state apparatus, as well as an understanding of the specifics of the concept of a crime against public authority, all criminal encroachments in the sphere of public interests were associated with state crimes. In the studied period, their appearance was conditioned by those state-building processes that took place in the medieval period in Ukraine and had a significant impact on the development of the legislator's legal awareness.

Mutiny and treason were among the first crimes against public authority recorded in normative acts (Charter of the Kyiv Land in 1507) [1, c. 33-34].

A study of the norms of all three editions of the Lithuanian Statute, in which state crimes ("insult to the state of the economy") are recorded, shows that they should be divided into two types. The first of them consisted of crimes that encroached on state interests (these actions were directed against the sovereignty of the state, its territorial integrity, and economic and financial independence).

If we talk about terminology, the concept of a crime against public authority was conveyed through the term "causing harm to the Commonwealth."

Such actions could be carried out in the form of:

- organizing a conspiracy or rebellion against the monarch;
- attempts at a coup d'état (gathering of troops to organize a rebellion with the aim of removing the grand duke and seizing the throne);
- providing courier assistance to the enemy, correspondence with him or bringing enemy troops to the territory of the state;
- surrender of the fortress;
- escape to enemy land;
- sending weapons to the enemy's land;
- encroachment on state property;
- forgeries of seals or documents of the state office;
- causing property damage to the interests of the state due to counterfeiting of coins, introduction of illegal customs duties, etc. (Statutory Charter of the Kyiv Land of 1507; Statute on Estates of State Traitors of 1509; Articles 2, 4, 5, 6, 8, 21, Chapter I, Edition I; Articles 3, 6, 11, 12, 13, 15, 25, Section I, Article 41, Chapter III, Edition II; Articles 3, 6, 7, 16, 17, 19, 29, 35, Section I, Article 48, Chapter III, Edition III) [1, p. 33, 34, 62; 2, p. 2, 3, 4, 9; 3, p. 16, 18, 20-22, 52; 4, p. 2, 3, 5, 6, 17, 18, 27, 83]. Such actions were particularly dangerous, punishable by the death penalty, deprivation of honor and confiscation of property [5, p. 67; 6, p. 88].

The second group of crimes against public authority was represented by acts that had as their immediate object the honor of the Grand Duke (king) ("disrespecting the supremacy of our estate"). The peculiarity of this group of crimes was that they encroached on the rights of other persons at the same time. Such criminal actions should be considered as causing moral damage to the person of the king, disrespect for him, their appearance can be explained by the peculiarities of the political system of the medieval state, in which the person of the monarch was under the special protection of the law [7, p. 150].

Insulting the Grand Duke should also be understood as a criminal act directed against public authority, but in fact it manifested itself in the same forms as an attempt on the "domestic majesty". This, as rightly stated by S.V. Kudin, was a consequence of the peculiarities of the political system of monarchical states during the Middle Ages, in which encroachment on the monarch was simultaneously considered an encroachment on the state system, the interests of public power.

These crimes include:

- an insult to the monarch;
- encroachment on the life, health, honor of a person in the presence or in the palace of the monarch;
- encroachment on the life or health of a personal envoy of the monarch;
- violation of the terms of the charter or letter of the Grand Duke (king) (the so-called "gleit"), their destruction;
- causing property damage in the monarch's estates (Articles 6, 11, 23, 26, Chapter I, Article 16, Chapter III, Edition I; 8, 19, 20, 21, 27, 30, Chapter I, Edition II; Articles 4, 9, 10, 11, 13, 14, 23, 24, 25, 35, Section I, Edition III) [2, p. 3-5, 10, 11; 3, p. 19, 24, 25, 29, 30; 4, p. 4, 8-15, 21, 22, 32].

After the national liberation war of the Ukrainian people in the middle of the 17th century. a new state emerges - the Hetmanship, and the jurisdiction of the king of the Polish-Lithuanian Commonwealth no longer extended to its territory, which also meant the actual cancellation of those norms of the Lithuanian Statute that did not correspond to the realities of life. It can be predicted that the judges were guided by common sense, so it should be assumed that the norms regarding the surrender of the fortress, counterfeiting, encroachment on state property, correspondence with the enemy, forgery of government documents, seals, crimes against the economic security of the state, etc., remained in force.

It is clear that such crimes as the organization of a conspiracy, mutiny, gathering of troops were intended to encroach on the life or health of the hetman, not the king. After all, the uprising against the hetmans is well known. Thus, from the tsar's letter to Hetman I. Samoilovych dated October 30, 1676, it is known that Archpriest Adamovych and Colonel P. Roslovets of Starodub spoke against him, trying "to drive him out of the Hetman's government, and to excommunicate him directly from health", "from the world to destroy and excite the local people" [8, p. 782].

From another message dated January 22, 1666, it becomes clear that Judge General Yu. Nezamai was preparing a coup d'état with the aim of removing Hetman I. Bryukhovetsky [9, p. 77]. There is also information about an attempt to raise an anti-hetman uprising in Pereyaslav, led by Nosach and Matvei [10, p. 262].

Crimes against public authorities were also known in Zaporizhzhya Sich. Such can be considered betrayal of society, an attempt on the life or health of Sichi leaders, counterfeiting, forgery of seals and documents, giving pledges to the enemy, actions of the foreman contrary to the interests of the Cossack community, etc. In particular, it follows from the memoirs of I. Rozsoloda that there was betrayal of the Cossack society.

It should be noted that in the criminal law of the Hetman region of the 18th century. especially serious crimes were considered crimes against public authority, which were recorded in the "Rights by which the Little Russian people are tried" (Code of 1743). They continued, as per the norms of the Lithuanian Statute, to divide into two groups. The first included crimes that caused harm to the interests of the state and at the same time insulted the "monarch's majesty" ("committed treason and harm to the sovereign and the state", Paragraph 1, Paragraph 2, Section III) [11].

Such should be considered an attempt on the life or health of the monarch (Item 2, Paragraph 2, Section III) [11]. The new additions to the 3rd edition of the Lithuanian Statute indicate the completion of this act, which is punished more severely than attempted murder, as well as encroachment on the life or health of members of the imperial family (Clauses 3, 4, Paragraph 2, Section III) [11]. "We mean those members of the monarch's family who are his legal heirs. Therefore, encroachment on them means creating conditions for ending the rule of the reigning dynasty" [12, p. 103]. In addition to the mentioned change, "the legislator expands the list of ways to remove the monarch" [13, p. 142]. Such, for example, are poisoning and witchcraft (Item 4, Paragraph 2, Section III) [11].

Among other crimes that belong to the first group, the following should be defined:

- attempted mutiny in the form of gathering troops;
 - treason;
 - assistance to the enemy with financing, weapons, introduction of enemy troops into the territory of the state;
 - surrender of the fortress;
 - I will flee to the land of the enemy;
 - forgery of acts of the monarch, his seals;
 - counterfeiting (Paragraphs 5, 6, 7, 8, Paragraph 2; Paragraph 1, Paragraph 7; Paragraph 13; Paragraph 1, Paragraph 14, Section III) [11].
- The legislator also formalized a new type of crime against public authority, which is espionage for the benefit of the enemy (Item 4, Paragraph 4, Section III) [11]. The second group consisted of crimes against the honor of the monarch ("against the person of the sovereign"). Such were insulting the monarch verbally or in writing, violation of decrees and protective letters of the emperor (Paragraphs 1, 2, Paragraph 5; Paragraphs 1, 2, Paragraph 11, Section III) [11]. Some crimes of this group could simultaneously encroach on the life, health or honor of other persons (this is, in particular, the commission of a crime against a person in the presence of the monarch or at his "palace" or against the person of his courier (Paragraphs 9, 10, 12, Section III) [11].

Conclusions. 1. In the criminal law of Ukraine of the medieval period, the system of crimes against public authority was formed and developed. But under the conditions of the absence of an extensive multifunctional state apparatus, as well as an

understanding of the specifics of the concept of a crime against public authority, all criminal encroachments in the sphere of public interests were equated with state crimes. In the editions, the legislator formalizes the main types of crimes against public authorities. The mentioned process was gradual and was characterized by the development of types of crimes against public authority, which was reflected in each of the following editions of the Lithuanian Statute.

2. In general, crimes against public authority were divided into two groups. The first included crimes that encroached on state interests and were directed against the sovereignty of the state, its territorial integrity, and economic and financial independence (organization of a conspiracy or rebellion against the monarch; attempted coup d'état; providing courier assistance to the enemy, correspondence with him, or bringing enemy troops into the territory of the state; surrender of the fortress; escape to the enemy's land; sending weapons to the enemy's land; trespassing on state property; forging seals or documents of the state office; counterfeiting; introduction of illegal customs). The second group was represented by acts that had as their immediate object the honor of the grand duke (king), and their peculiarity was that they encroached on the rights of other persons at the same time (insulting the monarch with a word; encroachment on the life, health, honor of a person in the presence or in the palace of the monarch; encroachment on the life or health of the personal envoy of the monarch; violation of the terms of the charter or letter of the grand duke (king) or destruction of the document; causing property damage in the monarch's estates).

3. The further development of the system of crimes against public authority took place in the second half of the 17th - the first half of the 18th century. In this period, the norms of the Lithuanian Statute of 1588 remained in force regarding the organization of a conspiracy, mutiny, gathering troops, encroachment on the life or health of the hetman, surrender of the fortress, counterfeiting, encroachment on state property, correspondence with the enemy, forgery of government documents, seals, crimes against the economic security of the state. In the criminal law of Zaporizhzhya Sich, treason against society, an attempt on the life or health of a foreman, forgery, forgery of seals and documents, giving pledges to the enemy, actions of a foreman contrary to the interests of the general public were considered crimes against public authority.

4. The completion of the development of the system of crimes against public authority is the second half of the 18th century, which was reflected in the norms of the Code of 1743. In general, these norms duplicated the corresponding articles of the Lithuanian Statute of 1588, the division of these crimes into two groups remained unchanged (encroachment on state interests and actions directed against the person of the monarch). At the same time, new types of criminal offenses in the field of public interests appear (killing the monarch, causing harm to his health, encroaching on the life or health of members of the imperial family, expanding the list of ways of depriving the monarch of his life (witchcraft, poisoning)).

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