Резюме

Проць А. Е. Правовая компетентность учителя как составляющая его профессиональной компетентности.

В статье исследована правовая компетентность педагога как элемент его профессиональной компетентности. Уточнено понимание понятия компетентности. Определены особенности правовой компетентности учителя и ее структурные компоненты: ценностно-смысловой, рефлексивно-оценочный, когнитивно-нормативный, функционально-деятельностный. Акцентируется на необходимости формирования правовой компетентности студентов педагогических вузов путем изучения правовых лисциплин.

Ключевые слова: компетенции, правовая компетентность, правовое образование, профессиональная компетентность.

Summary

Prots O. Legal competence of teachers as part of their professional competence.

The report covers legal competence of teachers as part of their professional competence. The concept of competence is clarified. Special features of teachers' legal competence are revealed and its structural components are defined. These are as follows: value-semantic, reflexive and evaluative, cognitive-normative, activity - functional. The necessity of formation of students' legal competence in pedagogical universities by studying legal sciences is underlined.

Key words: legal competence, legal education, professional competence.

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THE CONTRACTS KIEVAN RUS WITH BYZANTIUM AS A SOURCE OF LAW KIEVAN RUS AND IMPORTANT INSTRUMENT FOR GEOPOLITICAL SITUATION IN MODERN UKRAINE

Actuality. In the context of public-political reforms and European integration processes in Ukraine, the state now requires new approaches and transformations of classical worldviews. The best source for that story. Given the fact that Ukraine is essentially an informal successor of Kievan Rus, should contact the state and legal traditions of this ancient country.

The power of Kievan Rus in medieval times no doubt. It was a developed nation that has made a significant impact on the political life of Europe, neighboring Asian countries and the countries that were of great importance in the system of trade between Europe and Asia. It was the shield that protected Europe from nomadic hordes. Considerable authority Kievan Rus in the medieval world was confirmed by numerous international agreements and close ties matrimonial Grand Prince with many foreign towns (Byzantium, France, England, Sweden, Hungary, Norway, etc.). Ironically, the experience of this great medieval state may need in addressing contemporary foreign policy and domestic issues facing Ukraine. Therefore, it is necessary to study the historical and legal past of Kievan Rus, preserving its traditions and experience of state-legal regulation of various spheres of public life.

Therefore, our study will focus on the historical and legal analysis of contracts Kievan Rus with Byzantium as sources of law in the ancient state.

The issue of historical and legal analysis of contracts Kievan Rus from Byzantium to pay attention to such scholars as Klyuchevskii V., Tatsiy V., Chernyaev V., Ivanov V., Kulchytsky V. and others, but to turn to the historical and legal experience of legal regulation of trade, military-political and other relations of Kievan Rus Ukraine in the context of succession and restoration of historical traditions of Ukrainian state in the period of social and political reforms first proposed by the author.

The goal: to give historical and legal analysis of contracts Rus with Byzantium and bring them significant influence on the development of the law of Kievan Rus in the context of the restoration of historical justice and formation of traditions of the Ukrainian legal succession.

More than five centuries Kievan Rus was in close relations with Byzantium. The formation of the Old Russian state and law occurred in a variety of contacts with the Byzantines. Of particular impact on the rights of Kievan Rus had contracts with Byzantium Kiev princes.

In ancient times, times of Kievan Rus, the history of law was represented mainly by customary law, and at the same time there are contracts. It was as international treaties and agreements as Russian princes together.

The first legal document of our country have contracts with Byzantium. These agreements – the results of the military campaigns of Kievan Russia's princes. Contracts concluded in writing; This was new for Russia, because before that there was no written collections of customary law. "Russian law" was spoken vault customary law.

In addition, it should be noted that the development of the legal system of the Byzantine Empire was much higher than the Old Rus.

In IX–X century there was no written books of customary law. For the first time in writing were used only in the contract. The agreement was the principal means of transition from customary law to the law.

Science knows different types of contracts, including distinguished international treaties.

The first international agreements – agreements with Byzantium. This is no accident. Kyiv princes of the tenth century. conducted its foreign policy through military campaigns against Byzantium.

Kievan Rus first tried to put overseas markets and to ensure the security of the Russian merchant trade routes¹. We knows firstly about hiking Oleg (907, 911), Igor (941. and 944.) Sviatoslav (971), Etc.

The result of campaigns were trade agreements².

Chronicle retained four contracts with Byzantium: Oleg 907 and 911 years, Igor – 945. And one short contract or agreement is only the beginning Svyatoslav 9713.

The agreements were composed in Greek and appropriate changes form translated into a language understandable in. All contracts differ remarkable elaboration of legal norms, particularly of international law.

Basic maintenance contracts constitute trade rules, international, private, criminal, civil law. Total and more precisely defined in the contracts procedure annual trade relations with Byzantium, and also for private relations Kievan Russians in Constantinople to the Greeks.

Contracts Oleg and Igor determine the legal situation of the citizens of KR in the Byzantine Empire, the mutual obligations of the parties, with the agreement of Igor 945. Concluded after an unsuccessful campaign against Constantinople, a bit, limits the rights of Russians, provided it contracts 907 and 911 years.

Under the peace treaty 907. Byzantines pledged to pay Russia monetary contribution, and then annually to pay

Oleg achieved for russians merchants right on free trade Byzantine markets. Statement 907 has provided very extensive rights: kievan russians even have the right to bathe in the baths of Constantinople as much as they want. In 911 Oleg confirmed its peace treaty with Byzantium. This contract offers meaningful phrase: "We are old Russian ... sent by Oleg, Russian Grand Duke, and all that under his hand - light and great princes, and his great boyars..." The treaty was completed with 14 articles⁵.

The new peace treaty was signed in 945 after the Russo-Byzantine War 941–944 years.

Between countries recovering peaceful relations. Byzantium pledged to continue to pay an annual cash Kievan Rus tribute and provide military contribution. There have been many articles confirmed the agreement 911.

But there were new, corresponding relations of Russia and Byzantium in the middle of the tenth century. It is equally beneficial for both sides norm. However, the right of duty-free Russian trade in Byzantium was canceled.

By treaty Igor was decreed that ambassadors brought the gold seal of the prince, and merchants – silver. Contracts have found that the Russians had boats to enter the gates of Constantinople some without arms, parties up to 50 people, accompanied by imperial officials, presenting the prince clearly delineating the number of ships, names of merchants and ambassadors who came to Byzantium with peaceful goats⁶.

Imperial officials took away the prince arrived merchants and copied the letter names ambassadors arrived princely merchants and simple (the rules against Russians pirates).

Russian merchants, the contract Igor Constantinople were only shopping season, which lasted 6 months; stay there for the winter no one was allowed. For its part, the Greeks pledged to provide food (embassy ambassadors received salaries, and the merchants - "salary for month", maintenance of seniority Kievan Rus cities: first feed was given to merchants Kyiv, Chernihiv then, Pereyaslav and other cities), and food, Ship tackles on the road, when the Russian left Byzantium⁷.

Igor agreement also stipulates that arrived Russian merchants "living near the monastery of Saint Mamas8

As already mentioned, ambassadors and guests from Kievan Russia all his time in Constantinople enjoyed by local government gratuitous food and gratuitous bath - a sign that these trips were regarded not as private as well as public international9

Trade was mainly as the exchange, this can be explained by a relatively small number of Byzantine's coins found in old Russian treasures and mounds.

Also agreements shall govern the purchase commitment, no one was allowed to buy the precious fabrics more than 50 golden coins, and their merchant must show the king's officials. That, in turn, imposes on fabric printing and turning it for merchant¹⁰.

The agreements contain a number of criminal and civil law.

Article 4 of the Agreement Oleg's 911 and article 13 Igor's contract 945 indicate the responsibility for the murder Byzantine and responsibility for the murder Russians¹¹.

Articles are an alternative character: that the offender can be put right by the Byzantine death or killed by the custom of vendetta Kievan Rus.

Article 5 of the Treaty Oleg 911 and Article 14 of the Treaty 945 Igor established responsibility for bodily injury "sword blow" or by other object12.

Articles 6, 7 and Oleg's Treaty Articles 5, 6 Igor's contract, speaking of property crimes are differentiated theft and robbery, and Article 6 of the Treaty's Igor provides an alternative in the choice of punishment for the thief "law Byzantium" or "the law of Kievan Rus»13.

The responsibility for theft, robbery, burglary consisted of a fine treble the value of the object to which the infringement was committed, and in the case of murder thief during his detention – the return of property that is lost.

We have seen that the part the Rus-Byzantine agreements containing criminal law, most have the right of Rus, indicating the existence in in the tenth century, set of oral customary law – "Law of Rus".

In trade relations, treaties governing international relations in other parts. For example, the contract Oleg 911 defines international obligation to help the ships in an emergency, disaster victims return of property (Art. 8)¹⁴.

Each contract is the measure of concessions Slavic customary law, which Byzantium could agree, depending on the political situation. Since the document 911 are just some of the elements of Greek law, in the contract 945 Kievan Rus remained accept the proposed conditions. At the conclusion of treaties sometimes arises a conflict of legal concepts. For example, the term "crime" in the Greek language sounds like "sin". Under the rule of the Christian doctrine of legal offense was considered a violation of divine law, hence the appropriate terminology. Then state crime was "an insult" because any breach of the peace or assault on a person or property is considered "an insult" against all the family. Consequently, the development of common law was necessary to create a legal norm, which would meet the legal consciousness as Slavs and Greeks¹⁵.

Conclusion. An analysis of articles of the Treaty shows that the source of law became the common law rules most of which were customary Rus. Since Byzantium was more interested party, she resigned Slavic borrowing rules. As Byzantium needed military support Kievan Rus in conflict with the Arabs. A Kievan state was interested in the enrichment of the ruling elite. As you know, the fastest enrichment considered by trade and war. Therefore Byzantium was more profitable to make concessions in favor of the Russian rights and privileges to n merchants.

Contracts with Byzantium played a very important role in the development of law in Russia. They contributed to the transition to more advanced legal forms and concepts. Norms set forth in these agreements affecting a wide range of issues: trade law, civil law, criminal and international.

In addition to the following conclusions we should say that contracts Kievan's princes with the Greeks are an important historical source of law in Ukraine. The positive experience that these are contracts can be used in contemporary legal reforms and military-political situation. In purely legal matter, treaties Kievan Rus and Byzantium, has enormous military and political significance for modern Ukraine. Especially in the context of the restoration of historical justice and recognition of our country finally legal successor of Kievan Rus.

Резюме

Сагайдак Ю. В. Договори Київської Русі із Візантією як джерело середньовічного права та важливий геополітичний інструмент для сучасної України.

У науковій статті автор дає ґрунтовну історико-правову оцінку міжнародних контрактів київських князів із Візантійською імперією.

Вказує на те, що характер і зміст таких договорів залежав від військово-політичної ситуації довкола двох середньовічних

Стаття доводить те, що договори Київської Русі із Візантією стали одним із важливих джерел права середньовічних держав. Їх зміст вплинув як на розвиток державно-правових традицій України, так і Грецької імперії.

А також проводить паралелі із сучасною Україною, що являється історичним законним правонаступником Київської Русі, та доводить, що українська держава має використати позитивний історико-правовий досвід вказаних міжнародних документів для врегулювання військово-політичних та соціально-економічних проблем сьогодення.

Ключові слова: Київська Русь, Візантія, міжнародні договори князів, писане право, джерело права, середньовічне право, Руська Правда, міжнародне приватне право, міжнародне публічне право, історичне правонаступництво України, історико-правовий досвід.

¹ Ключевский В. О. О русской истории. – М.: Просвещение, 1993. – 576 с.

² Хрестоматія з історії держави і права України [Текст] : Навч. посіб. для студ. юрид. спец. вищих навч. закл. / Національна юридична академія України ім. Ярослава Мудрого ; уклад. В. Д. Гончаренко, О. Д. Святоцький ; ред. В. Д. Гончаренко. – К. : Видавничий Дім «Ін Юре», 2003. – 796 с. – С. 72.

⁴ Історія держави і права України: у документах, матеріалах і коментарях / Автор-упорядник Черняєв В. С. – Оренбург, 1998. – С. 59. ⁵ Ключевский В. О. Вказана праця.

⁶ Там само.

⁷ Історія держави і права України. Підручник. — У 2-х т. / За ред. В. Я. Тація, Д. Гончаренка. — Том 1. — Кол. авторів: В. Д. Гончаренко, А. Й. Рогожин, О. Д. Святоцький та ін. – К.: Видавничий Дім «Ін Юре», 2003. – 656 с.

⁸ Історія держави і права України: у документах, матеріалах і коментарях / Автор-упорядник Черняєв В. С. – Оренбург, 1998. – C. 59.

 $^{^{10}}$ Історія держави і права України. Підручник. — У 2-х т. / За ред. В. Я. Тація, Д. Гончаренка. — Том 1. — Кол. авторів: В. Д. Гончаренко, А. Й. Рогожин, О. Д. Святоцький та ін. – К.: Видавничий Дім «Ін Юре», 2003. – 656 с.

¹¹ Там само.

¹² Хачатуров Р. Л. Становление права (на материалах Киевской Руси). – Тбилиси, 1988. – С. 100–120.

¹³ Там само.

¹⁴ Там само.

¹⁵ Швидько Г. Історія держави і права України (X–XIX століття): навчальний посібник / Ганна Швидько; ред. А. В. Шерстюк; Л. П. Небогатова; М-во освіти України; Нац. гірнича академія України. – Дніпропетровськ: Вид-во ДДУ, 1998. – 175 с.

Резюме

Сагайдак Ю. В. Договоры Киевской Руси с Византией как источник средневекового права и важный геополитический инструмент для современной Украины.

В научной статье автор делает основательный историко-правовой анализ текстов международных договоров Киевской Руси с Византией. Делается акцент на том, что содержание таких договоров, в первую очередь, зависело от военно-политической ситуации, которая складывалась вокруг двух могучих государств.

Автор также доказывает, что данные договоры стали важным источником средневекового права и имели влияние как на развитие государственно-правовых традиций Киевского государства, так и Греческой империи.

Также автор проводит параллели с современной Украиной, которая является законной исторической правонаследницей Киевской Руси, и доказывает необходимость и возможность использования положительного историко-правового опыта, содержавшегося в данных контрактах для урегулирования военно-политической и социально-экономической ситуации в Украине.

Ключевые слова: Киевская Русь, Византия, международные договоры князей, писаное право, источник права, средневековое право, Русская Правда, международное частное право, международное публичное право, историческое наследие Украины, историко-правовой опыт.

Summary

Sagaidak Y. The Contracts Kievan Rus with Byzantium as a source of law Kievan Rus and important instrument for geopolitical situation in modern Ukraine.

In the scientific article reveals the contents of international treaties of Kievan Rus and Byzantium (907, 911, 944, 971 years), who were the first examples of written contract law between two powerful states - Kievan Rus and the Greek empire.

Also in the article, the author gives historical and legal analysis of their contracts, appreciating the role of contracts of Kievan Rus and the Byzantine Empire to modern Ukraine, which is the legal successor of Kievan Rus.

Contracts of Oleg 907 and 911 are interconnected and complement each other. They were like rules of international public and private international law.

The Treaty of Igor 944 (945) years clearly shows the influence of the medieval Kievan Russian rights to Greek law.

Later, the provisions of this contract will be part of the Russian Truth. Each contract was a some measure of concessions Slavic customary law, which Byzantium could agree, depending on the political situation. al Kievan Rus' rights).

The contracts Kievan's princes with the Greeks are an important historical source of law in Ukraine. The positive experience that these are contracts can be used in contemporary legal reforms and military-political situation. In purely legal matter, treaties Kievan Rus and Byzantium, has enormous military and political significance for modern Ukraine. Especially in the context of the restoration of historical justice and recognition of our country finally legal successor of Kievan Rus.

Key words: Kievan Rus, contracts Kievan's princes, common law, source of law, international law, Russian Truth, customary law, successor of Kievan Rus.

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ГРОМАДЯНСТВО НА ПЕРЕХРЕСТІ ВІРНОСТІ ТА КОНСЮМЕРИЗМУ

Традиційно громадянство є одним із основних факторів ідентифікації особи, який надає їй права, накладає обов'язки та дає доступ до певних привілеїв. У наукових колах громадянство розуміють у чотирьох значеннях. По-перше, громадянство можна ідентифікувати як формальний правовий статус особи, який передбачає зв'язок між державою та особою. По-друге, громадянство є своєрідним «пакетом» прав та обов'язків, які належать громадянину конкретної держави. По-третє, громадянство є очевидним «набором» відповідальності, чеснот та навичок, які підкреслюють демократичність конкретної держави. І, по-четверте, науковці стверджують, що громадянство є колективною ідентичністю групи людей, які проживають в межах однієї держави, мають однакові цінності та стиль життя, незалежно від їхньої етнічної, расової, релігійної належності (своєрідний «клуб», належність до якого передбачає як виконання формальних вимог, так і отримання своєрідного «бонусу» у вигляді соціального забезпечення, безвізових мандрів іншими країнами чи полегшеного ведення бізнесу) 1 .

Усі ці значення громадянства передбачають виникнення у громадянина відчуття вірності державі (постійної, насамперед державі народження, а також походження або тимчасової, державі проживання), тобто, приналежності до неї та ідентичності, насамперед політико-правової.

Питання сутності та правової природи громадянства, еволюція його концепції ставали неодноразово предметом багатьох наукових та політико-правових дискусій і обговорень не лише в Україні, але й у світі. Порівняно нещодавно, 15 січня 2014 р., у Страсбурзі було проведено спільні дебати депутатів Європейського

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