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## On the issue of the peculiarities of the law of the Grand Duchy of Lithuania as integration law

**Ivanov Konstantin Igorevich,**

Doctor of Law, Associate Professor at the European Humanities University  
Vilnius, Lithuania

e-mail: [Konstantin.ivanov@ehu.lt](mailto:Konstantin.ivanov@ehu.lt)

ORCID: 0009-0004-9037-6526; JEL-code: K33 International law

**Annotation:** The article is devoted to the historical aspects of the formation of the law of the Grand Duchy of Lithuania. The author refers to its structure, features, actions in time and territory. It is important to study the influence of the law of the Grand Duchy of Lithuania in neighboring countries. The peculiarity of the law of the Grand Duchy of Lithuania lies in the fact that it continued to operate even after the state unification itself

**Key words:** Lithuania, Grand Duchy of Lithuania, law, history of law, history of foreign law.

## Литва Ұлы Герцогтігінің интеграциялық құқық ретіндегі құқығының ерекшеліктері туралы сұраққа

**Иванов Константин Игоревич,**

Заң ғылымдарының докторы, Еуропа гуманитарлық университеттің қауымдастырылған профессоры

Вильнюс, Литва

e-mail: [Konstantin.ivanov@ehu.lt](mailto:Konstantin.ivanov@ehu.lt)

ORCID: 0009-0004-9037-6526; JEL-code: K33 Халықаралық құқық

**Түйіндеме:** Мақала Литва Ұлы княздығын құқығын қалыптастырудың тарихи аспектілеріне арналған. Автор оның құрылымын, ерекшеліктерін, уақыт пен аумақ бойынша әрекетін көрсетеді. Литва Ұлы княздығы құқығының көрші елдерге әсерін зерттеу де маңызды. Литва Ұлы княздығы құқығы әрекетінің ерекшелігі – ол мемлекеттер біріккеннен кейін де өзінің әрекет етуін жалғастырғандығында.

**Негізгі сөздер:** Литва, Литва Ұлы княздығы, құқық, құқық тарихы, шетелдік құқық тарихы.

## К вопросу об особенностях права Великого княжества Литовского как интеграционного права

**Иванов Константин Игоревич,**

Доктор права, ассоциированный профессор Европейского гуманитарного университета

Вильнюс, Литва

е-mail: [Konstantin.ivanov@ehu.lt](mailto:Konstantin.ivanov@ehu.lt)

ORCID: 0009-0004-9037-6526; JEL-code: K33 Международное право

**Аннотация:** Статья посвящена историческим аспектам становления права Великого княжества Литовского. Автор обращается к его структуре, особенности, действия по времени и территории. Важно изучить влияние права Великого княжества Литовского соседних стран. Особенности действия права Великого княжества Литовского заключается и в том, что оно продолжало действовать и после самого государственного объединения

**Ключевые слова:** Литва, Великое княжество Литовское, право, история права, история зарубежного права.

## **Introduction**

In 1991, the Republic of Lithuania regained its independence by seceding from the Soviet Union. The history of the law of this Baltic state, which celebrated its 1000th mention in 2009, dates back to ancient times. When and under what circumstances was the State of Lithuania formed? It is impossible to consider the formation of the legal system of Lithuania without analyzing and considering the history of law. It is not for nothing that the preamble of the new Constitution of the Republic of Lithuania dated October 25, 1992 states that the Statutes are called the legal foundations of the Lithuanian state.

## **Materials and methods**

The basis for writing this article was the First Lithuanian Status as a monument of medieval European law, its analysis, its influence on the development of Lithuanian law. An ancient and important source was also considered - the privileges of Jogaila. When writing the article, the author used general scientific-empirical (description, observation, comparison, generalization), theoretical (axiomatic, unity of historical and logical), general logical methods and research techniques (analysis, synthesis, generalization) methods.

## **Discussion**

The Grand Duchy of Lithuania was one of the powerful states of medieval Europe, which once united the territories of modern Lithuania, Russia, Poland, Latvia, Belarus and Ukraine. It was a state of two seas - the Baltic and the Black. Therefore, the history of this principality is an undoubted component of the history of all the above countries. The law of the Grand Duchy of Lithuania is also very specific for its time. This was influenced by many facts. The cornerstone of the history of law and state of the Grand Duchy of Lithuania was the well-known Lithuanian Statutes. In modern legal doctrine, there is growing great interest in them, associated, first of all, with their complete lack of study, with different interpretations of legal terms, with disputes over the authenticity of translations, etc.

At the very beginning, the Lithuanian state used customary law and Russian truth as sources of law. In legal proceedings the official language was Russian. The Russian language played an important role in the life of the state and in legal proceedings, since it was spoken by a large number of residents of the Baltic state.

Despite the serious position of the Grand Duchy of Lithuania in Europe, the first codified source appeared somewhat later in comparison with other European countries. The compilation and codification of customary law norms of judicial codes and statutes already known at that time as the Statutes of Casimir the Great, the Code of Carolina, the Code of Laws of Ivan III and a number of others, their content was predetermined by the maturity of feudal society, the level of legal thought, the characteristics of the historical eras in which they were compiled, and also characteristic national features of the peoples of individual countries. The circumstances listed above led to the emergence of Lithuanian written law, and later the First Lithuanian Statute. The only difference is that this happens later, 150 years after the creation of the Lithuanian state itself. (1, c 12)

But still, before analyzing the Lithuanian Statute, it would be more correct to consider the first act of written Lithuanian law - the Jogaila privileges. And soon new privileges for Jews appeared under Vytautas the Great. The structure of the state and the rights of the estates were determined by special privileges that transferred Polish state concepts to Lithuanian soil. Privileges were given both to the whole state and to individual regions, classes or groups of people (gentry, townspeople, Jews). (2, c 15)

Granting privileges to Jewish communities in the 14th century. was already a tradition for a number of European rulers. But researchers believe that this privilege differs from its prototypes in many significant features. (3, C 120) Vytautas Privilege is an important source in the study of not only the history of the Jewish people, but also the Grand Duchy of Lithuania. It turns out that the writing and entry into force of this privilege was a challenge of the time. After all, it was during this period that Lithuania tried to be as close as possible to Europe and in the legal sphere too. The Grand Duchy of Lithuania was multinational, and the Jewish community was one of the largest and legal regulation was very necessary. After all, even at that time Vilnius was called the Second or Northern Jerusalem. The use of such an instrument as privileges in legal practice brought the Grand Duchy of Lithuania even closer to the Polish Principality.

At the end of the 16th century, Lithuania still did not have codified legislation, but was guided by a set of regional statutes and local traditions. It was at this time that the intention was born to combine all the "rights" into a single whole, however, the implementation of the plan was postponed. For the first time, the preparation and adoption of a national code of laws for the Grand Duchy of Lithuania was mentioned in the confirmation privilege of the Grand Duke of Lithuania Alexander in 1501. (4, C 54) In it, the Grand Duke pointed out the temporary nature of the privilege. The privileges remained in force until the adoption of the first Lithuanian Statute. The initiative for codification was taken by the nobility, which was rapidly gaining strength. Then the envoys to the Diet of 1514 submitted a petition to the Grand Duke

to “write the right into law.” But then the question became open again. And already in 1522 the Sejm decided to begin discussing this proposal. The draft statute was developed by the Grand Duke's office. Here it is undoubtedly important to clarify the issue of the language of the First Lithuanian Statute. It was written neither in Lithuanian nor in Latin. Which would be quite logical. The Lithuanian language at that time was not the official language of the Grand Duchy of Lithuania. The main legal monuments of that time were written in Latin. Due to the fact that Kievan Rus was unable to repel the Tatar-Mongol invasion and by that time had ceased to exist as a state. The scattered principalities were annexed by Lithuania in a fairly short period. Among them were the Novgorod, Vitebsk, and Polotsk principalities. And thus, along with the German and Latin languages, the writing of the annexed principalities began to be used and used in legal proceedings. At the moment, having studied many studies, we can decide that the First Lithuanian Statute was written in the Old Belarusian language. This language is called the Old Belarusian language conventionally, since at that time there was neither the state of Belarus itself nor the Belarusian language. It should be noted. that in the scientific literature there is no single generally accepted name for the name of the Cyrillic written language of the Grand Duchy of Lithuania. (5, C 17) Modern researchers of the Baltic and Slavic languages point to the similarity of origin and use of the Russian, Old Belarusian and Ukrainian languages. Thus, it turns out that the Lithuanian legislator resorted to tricks to retain the conquered lands. The Basic Law of the Grand Duchy of Lithuania was written in the language of the conquered principalities. By that time, this language had become commonly used in the territories of the Lithuanian state, which at that time extended from the Baltic to the Black Seas.

The statute, discussed at many meetings, was adopted in the fall of 1529. It was not published, but was rewritten for practical use. Through the lists that have survived to this day, the necessary amendments were made to the document to correct inaccuracies. An interesting detail of the statute is that it was written in Belarusian. Later, the Lithuanian statutes were translated into Polish and Russian. The Lithuanian Statutes were published in the Grand Duchy of Lithuania back in the 16th century and continued to operate in the former territories of this state as a collection of civil and criminal laws until almost half of the 19th century. Thus, it turns out that the laws of the state outlived the state itself for several centuries.

The first Lithuanian Statute, known as the “Old” Statute, consists of 13 sections divided into 264 articles. The first section treats the problems of supreme power and communicating it to the population. The head of state was the ruler, who in his activities relied on the Council of Lords, which included Catholic bishops, the chancellor, the hetman, and the governors. The highest officials of the Lithuanian state were the marshals, the chancellor, and the zemstvo hetman. The city administration was headed by elected bodies; they owned administrative and judicial power in the city. The other is about “Zemstvo Defense,” that is, about the organization of military service. The third is about the nobility (gentry) and their privileges. The fourth is about judges and courts. The highest judicial body was the

court of the ruler. Community peasant courts, courts of elders and governors operated locally. The rest is the norms of civil and criminal law, as well as the procedure for the judicial process. The statutes were a reflection of the struggle between the rich boyars (lords) and the nobility (gentry) and recorded the totality of rights and privileges that the gentry leadership awarded itself. The nobility was guaranteed approximately the following: they did not have the right to punish them without a harsh public trial; the land could not be taken away without guilt; The responsibility of the nobleman for violations was established individually. The gentry also had the opportunity to appeal decisions to the voivode or headman to the highest-ranking prince, and had the freedom to travel abroad. Submitted nobility were dismissed without any additional taxes or duties.

For the murder of a nobleman, the nobleman paid 100 kopecks. pennies of “blame” to the relatives of the murdered man and the same amount of “blame” to the Grand Duke. A slave paid for the murder of a nobleman with his head.

The statutes were a serious instrument for the protection of the gentry in the Grand Duchy of Lithuania. At the request of the gentry, the Statute was changed several times, and serious changes led to the document being significantly supplemented and approved as a privilege on March 1, 1566.

The process of increasing the gentry's rights and privileges, from the fact that the gentry enshrined the right in the code, led to the approval and adoption by the Seimas of a new edition - the so-called "Volyn" Statute of 1566. This statute already consisted of 14 sections and 366 articles. This Statute is known as the Second Lithuanian Statute.

In Lithuanian law, one of the most common types of punishment was fines, along with which there was such punishment as the death penalty. In law, its class character is most clearly visible, when for the same crime: a nobleman and a commoner were punished differently. The codification process of the Grand Duchy of Lithuania continued and in 1588 a completely new, more “fragmented statute”, known as the “New”, appeared. The regulation of feudal relations is most clearly visible in it. Land law protected the gentry's monopoly on the use and disposal of land (that is, the land authorities).

This statute, in contrast to the Union of Lublin of 1569, secured the political independence of the Grand Duchy of Lithuania.

Obligatory legal relations are highlighted as a separate institution of civil law in the statutes of the Grand Duchy of Lithuania.

It should be noted that, in contrast to property legal relations, in which the right of an active subject corresponds to the obligation of all citizens in a general sense without a specific definition of the participants in legal relations, in obligatory legal relations a complete certainty of the persons participating in them is established. These relationships exist only between known persons and do not concern other persons. Subjects of obligatory legal relations have certain names. The active subject is called a “believer” or creditor, because he trusts the diligence of the passive subject, called the debtor, since the latter must fulfill the obligation assigned to him.



It should be noted that these terms are used in relation to contractual obligations. In certain agreements, subjects of obligatory legal relations are assigned other specific names: seller, buyer, tenant, and so on. In most cases, one debtor corresponds to one creditor. However, there were also cases when there were more than two active and passive subjects. This phenomenon took place back in classical Roman law, where there were also simple cases of obligatory legal relations - one creditor (*reus stipulandi*) and one debtor (*reus promittendi*), as well as obligatory legal relations that were more complex in the number of participants: with several creditors and debtors. Actions that constituted the object of obligatory legal relations under the statutory law of the Grand Duchy of Lithuania could be one-time (transfer of an acquired item), reusable (supply of firewood for heating a home), long-term (storage of someone else's item).

It must be emphasized that the basis of the system of Lithuanian feudal law was its division into private and public. At the same time, a violation of private law entailed legal obligations, the emergence, operation and termination of which were regulated by the rules of the law of obligations. The history of law knows three Lithuanian statutes, which were approved in 1529, 1566 and 1588. Due to frequent changes in the territory, as stated, they were supplemented and changed. The most recent Lithuanian statutes (1588) were in force in Lithuania and Belarus and were completely repealed only in 1840.

Researchers of the latter statute notice its great similarity with old Russian law, especially with “Russian Truth”. The opinions of most scientists boil down to the fact that “Lithuanian Rus” itself, in other words, Belarus and Ukraine, preserved and developed the old Russian legal norms more than others. Professor Maksimenko explained this similarity by the fact that “*Russkaya Pravda*” itself arose on the same basis on which the Lithuanian Statute subsequently arose, that is, in Kievan Rus. (5, c 13)

By annexing the territories that once belonged to the Grand Duchy of Lithuania, the Russian Empire initially left the population to the use of local laws. Therefore, the role of the Lithuanian Statutes remained important at this historical stage. Thus, it became necessary to translate the text of the Statute into Russian. It is with this period that most of the problems in the modern study of the Lithuanian Statutes are connected. The Statutes were translated into Russian from Polish. In the Polish version of the translation there are noticeably a large number of inaccuracies when translating from the original. Therefore, in modern studies of the Lithuanian Statutes, the source itself is very important. It turns out that the most correct version is written in Old Belarusian, which in turn makes it difficult to accurately and completely study this medieval code of laws.

### **Results and Conclusions**

The first experience of codified law - the Lithuanian statutes - outlived the Grand Duchy of Lithuania itself for several centuries. Not every modern European state can boast of such a legal heritage as the Republic of Lithuania. Lithuanian law of that period can be called integration law in modern legal language and, to some

extent, can be compared with the current European law. Lithuanian statutes are an important source on the socio-economic and legal history of Lithuania.

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