

*Nedilko V.,  
Professor at the Department of Criminology and Penal Law,  
National Prosecution Academy of Ukraine*

## **FORMATION OF SURVEILLANCE AND CONTROL OVER PUNISHMENT EXECUTIONS DURING THE COSSACK-HETMAN STATE'S PERIOD AND IN UKRAINIAN LANDS AS THE PART OF AUSTRIA (AUSTRIA-HUNGARY)**

The article is devoted to problematic issue of the formation of surveillance and control over execution of punishments at Cossack-Hetman state's period and at the Ukrainian lands as a part of Austria (Austro-Hungary). Author analyzes "Cossack's law" as complex of law rules which have been approved in Cossack's social relations. He also specifies that legal system of those times set forth the Cossack's military-administrative organization, the judicial organs, the system of delicts and punishments for these acts. The types of punishments and the system of their executions according to "Cossack's law" are analyzed in the paper. Among the Cossack's there used to be officials who had powers to control executions of punishment. These were military osavul, dovbysh, pushkar, who, besides other duties, had duties of control over the fairness of judge's verdicts and surveillance over Sich's prison, where prisoners and arrested men had been kept. Author concludes that at the times of Cossack's society there were developed norms and traditions, which ensured realization of judge's verdicts and implemented control over the rightness of their execution. It was indicated that historical sources did not include references about specific list of these of-

ficials' duties of surveillance and control. The only official who could control the rightness of execution of judge's verdicts at Zaporizka Sich was koshovyy ataman.

Author points out "Instruction of Kyiv Magistrate to the Magistrate's Mayor" by 1757, which is one of the first known regulations of instructional character which has Ukrainian origin and includes penal norms and issues considering mayor's duties which included: surveillance over guards' implementation of their duties, visit of prisons, inspections of prison facilities and prison cells, control over the prohibition to put in prison and disprison without magistrate's permission, the reports to magistrate every week.

It was concluded that analyze of available and historical sources and conducted researches in law science give grounds to assert that a prosecutors did not implement surveillance of judge's verdicts and prisons.

The author also elaborated the basic provisions of the Austro-Hungarian legislation about executions of punishment and control over their implementation. It is concluded that on the Ukrainian lands as part of Austria and later Austro-Hungaria control and surveillance activities were implemented through judicial review and prosecutorial supervision.