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CHASING THE TRACK IN UKRAINIAN COMMUNITY PROCEEDINGS (XIV-XVIII CENTURIES)

The procedural action of chasing the tracks originated in the pre-state society in the judicial practice of community courts. After forming the state, it was applied and developed by «verv» courts of Kyiv Rus and Galicia and Volyn state and later this investigative action was adopted by successors of these bodies – community courts. Chasing the track got its normative backing at the national level (in Ruska Pravda and Statutes of Grand Lithuania Principality) and the specification of the implementation features could be occurred at the local level (for example, Galician Charter of M. Buchatskyi in 1435).

In the case of a murder, a theft or another offence a victim searched for the tracks left by an offender. Then he called witnesses, close neighbors and strangers, and he headed for the place where the tracks led with this «numerous community». When the track led to some house or herd, the community court called the owner of the house to

«divert the track» that is to refute the suspicions pointing at the guilty person or his «track». When the suspect diverted the track, the victim went on as long as they found the guilty person. When the track led to another village, the community and victim called the village's representatives and demanded to give the offender or divert the track. If the village refused, it had to pay «tiatba» (reward) to the victim «sale» (hryvnya) to the community court.

When the track couldn't be led outside the village and the community didn't defend the wanted person, the track led from «the land» to «the land» or from the yard to the yard. The peasant diverting the track beyond his territory considered to be «rectified» and he wasn't brought to justice. If the villagers didn't want or couldn't divert the track, if they didn't want or give the offender, if they destroyed the tracks, the village or individuals owning real estate had to take responsibility.