

Legal English through the Prism of the Law of Ukraine

Навчальний посібник «Юридична англійська мова крізь призму права України» розроблений для іншомовної підготовки студентів закладів вищої юридичної освіти.

Навчальний посібник складається із 12 розділів, які охоплюють різні галузі українського права, його історію та особливості юридичної освіти в Україні, а також додатків, аудіозаписів, глосарію, ключів до вправ та списку використаних джерел. Швидкий доступ до аудіо- та відео файлів забезпечують згенеровані QR-коди, інтегровані в завдання посібника.

Навчальний посібник укладений відповідно до Програми з англійської мови для професійного спілкування та Робочої навчальної програми дисципліни «Іноземна мова» для студентів ОР «Бакалавр» Інституту права Київського національного університету імені Тараса Шевченка. Навчальний посібник відображає компетентнісний, комунікативний та конструктивістський підходи до вивчення іноземної мови для спеціальних цілей.

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PREFACE

In the context of fast developing technologies and hence communications of all types used by people from various walks of life the communication skills cannot be overestimated. One can take it even further to the extent of influencing politics and people's lives in general. Being able to effectively communicate turns out to be crucial tool in one's career development as well as in the effect on policy and law makers. So, no doubt about how badly one needs effective communication skills, in general, and international legal English, in particular.

In its pursuit of European values, rule of law being of the utmost importance, Ukraine needs more and more experts enjoying good command of international legal English to be able to use it for effective communication. Ukraine is in the complex process of reviewing its laws and lawmaking procedures as well as harmonizing it with EU laws, on one hand, and reforming its law enforcement system, on the other hand. To use and exercise best practices in that area one has to be able to read and interpret a great deal of documents as well as effectively communicate with the experts in the field.

In view of the above, the Foreign Languages Department of Law Faculty, later transformed into Law School at Taras Shevchenko National University of Kyiv has for the last 8 years been aiming at providing a good insight into various legal systems and the international legal English they use as well as how those correspond with the principles, theories, concepts, and notions used in Ukrainian legislation. We had to start with authentic course books and documents to achieve that objective.

Now is the time to move on. And *Legal English through the Prism of the Law of Ukraine* training manual by S. Volhina, I. Zaiarna,

O. Zhyhadlo, K. Yuzefovych; I. Zaiarna and T. Trubchaninova (Eds.) is the next step in that direction. Law students need to be able to explain to their international partners and businesses how our lawmaking and law enforcement systems work. We all need better and wider engagement of both local and international lawyers into reforming and running of such important processes. So, this course book is aimed at providing help to both classroom and self-study for law students, Legal English teachers, academics in legal science, and practicing lawyers.

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UNIT 1

THE HISTORY OF UKRAINIAN LAW

PART 1.

THE RUSKA PRAVDA: HERITAGE OF KYIVAN RUS

LEAD-IN

The Ruska Pravda, a legal code of Kyivan Rus, is conventionally believed to be the first written code of customary laws. It was drafted at the beginning of the 11th century and developed during many centuries.

1. Discuss in groups what you know about the history of Ukraine of that time. In your opinion, what were the preconditions for the Ruska Pravda appearance?

READING

2. Read the text on the Ruska Pravda and answer the following questions:

1. How many versions of the Ruska Pravda are known?
2. What are the main parts of the Abridged Edition of the Ruska Pravda? How many articles does it contain?
3. What kinds of relations did the Ruska Pravda regulate?
4. What is a vyra?
5. What was a legal status of the kholop? How did it differ from the ones of the smerd and the zakup?
6. True or False: The Ruska Pravda abolished the blood feud?
7. True or False: The Ruska Pravda did not comply with the principle of gender equality?
8. Why is the Ruska Pravda considered to be a legal document of great importance?

The Ruska Pravda was the legal code of Kyivan Rus and the subsequent Rus principalities during the times of feudal division. It was compiled in the 11th and 12th centuries

1) _____ customary law.

The original text has never been found, but there are over 100 transcriptions in existence from the 13th to 18th centuries. Three recensions of the Ruska Pravda are known, namely the Short Edition (Korotka), the Extensive Edition (Prostora), and the Abridged Edition (Skorochedna). In its turn, the 43 articles of the Abridged Edition are divided into four parts: (1) 'Pravda Yaroslava', consisting of articles 1–18; (2) 'Pravda Yaroslavychiv' or 'Ustav Yaroslavychiv,' consisting of articles 19–41; (3) 'Pokon vyrnyi,' which defines the penalty for murder (art 42); and (4) 'Urok mesnykam' (art 43).

The Ruska Pravda stabilized the system of feudal relations and social inequality. During the 11–13th centuries the Ruska Pravda

2) _____ of strengthening feudal dependency of smerds ("smerd" – a feudal-dependent peasant), zakups ("zakup" – a feudal-dependent peasant, who could become free after paying off his "zakup", a feudal loan), kholops ("kholop" – a feudal-dependent peasant, who could be killed or sold like a slave). The Extensive Edition of the Ruska Pravda contained special regulations with regards to the status of zakups and kholops. The Ruska Pravda also reflected the role of the court of kniaz (a prince), a trend towards

3) _____ of punishments and penalties, larger fines for the benefit of kniaz or his administration with correspondingly decreasing compensation to the victims.

In an attempt to abolish blood feud, the Ruska Pravda narrowed its "usage" and

4) _____ of avengers to the closest relatives of the dead. If there were no avengers on the victim's side, the killer had to pay a fine (called "vyra") in favour of the kniaz and partial compensation to the relatives of the victim (the killer's community had to help him pay his fine). If a woman were killed, one would have to pay half of the regular fine (called "poluvirye", half of "vyra").

The Ruska Pravda also defended the health and honour of the free members of the feudal society and had provisions about

5) _____ for mutilation or an insult by word or deed. The Ruska Pravda had a detailed system of punishments and penalties for larceny in a city or countryside, deliberate damage to forests, hunting grounds or lands, trespassing etc. It also regulated debt relations between individuals and contained articles of liability and hereditary law. Under the Ruska Pravda legal proceedings

included use of witnesses, use of oaths and use of “ordaliy” (lat. *ordalium*, or “ordeal” in English), a kind of a last-resort test
6) _____ defendant’s innocence or guilt. The search for culprits included listening to witnesses, collecting evidence, or hot pursuit. Investigators had to check for false accusations, as well. These were the first steps towards forensic science.

The Ruska Pravda was a legal code of great importance. Its main purpose was to provide individuals with the power to defend their right to life, health, and property and to provide courts with the basis for a fair judgment. A characteristic feature of the Ruska Pravda is its evolution toward a more humane law system.

3. Read the text in Exercise 2 again. Choose the best phrase from A-H to fill in gaps 1–6, to complete the text. There are two phrases that you will not need to use.

- A increasing differentiation
- B financial compensations
- C served the purpose
- D contained a number
- E limited the number
- F replaced by
- G on the basis of
- H used to prove

VOCABULARY

4. Provide English equivalents for the following expressions:

Наступні руські князівства; феодалний поділ; укладений на основі звичаєвого права; три редакції Руської правди (Коротка, Простора та Скорочена); соціальна нерівність; відмінити кровну ворожнечу; месники; платити штраф; фінансова компенсація за каліцтво чи образу словом чи ділом; навмисна шкода; втручання (порушення кордону); юридична відповідальність; спадкове право; свідок; клятва; випробування крайньою мірою; доводити вину чи невинуватість обвинуваченого; пошук винних; збирати докази; переслідування по гарячим слідам; криміналістика; гуманна правова система.

5. Complete the sentences below with the words from the previous exercise.

1. At the end of the 10th century, Croatian ... were conquered by the Kyivan Rus Prince Volodymyr Sviatoslavych and annexed to Kyivan Rus.
2. Most deal with standards of community that have been long-established in a given locale.
3. Such attitudes date back to the ... era, with the Buraku¹ underclass, and include more recently the offspring of marriages between Japanese and non-Japanese.
4. Russell Crowe² stars as a grief-stricken ... on the trail of his family's killers.
5. The automobile can put a ... and even to kill the person.
6. The Naples II Convention provides for special forms of cross-border cooperation, including, cross-border surveillance, and joint investigation teams.
7. Paragraphs 1 and 2 of article 206 stipulate criminal punishment for attempts on the life of a policeman, or to or destruction of his property.
8. The State Police have undertaken the necessary steps, outlined in periodically drafted plans on detailed measures, to prevent the phenomenon of
9. She majored in at the University of Iowa.
10. UNESCO recommended that Tajikistan ... the criminal provisions on defamation.

6. Translate the sentences into English using the target vocabulary.

1. Стародавні закони і кодекси здебільшого уклалися на основі звичаєвого права.
2. У Київській Русі втручання у приватну власність було заборонене. Покаранням за це був штраф, який сплачувався князю.

¹ Buraku, or Burakumin describes a social minority in Japan. Historically, this term was applied to people whose physical address (or that of their ancestors) lay to the North of Tokyo. To those outside of Japan, a similar social schism might be those who come from poor communities (ghettos).

² Russell Ira Crowe is an actor, film producer and musician.

3. У судів він намагався довести невинуватість обвинуваченого, але потерпів поразку.
4. Крадіжка – це злочин і завдання поліції полягає у пошуку винних.
5. Випробування крайньою мірою часто застосовувалося у судах у часи Середньовіччя.

USE OF ENGLISH

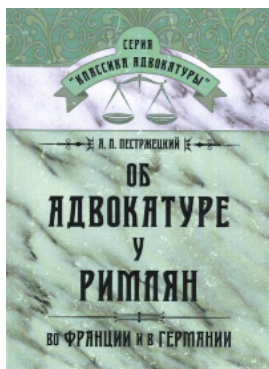
7. One of the most effective ways to expand your vocabulary is mastering your skills in word-formation. Look at the ten words in brackets in the text in Exercise 8. How many different words can you form with each one?

1. *history*: _____
2. *govern*: _____
3. *create*: _____
4. *interfere*: _____
5. *innovate*: _____
6. *protect*: _____
7. *apply*: _____
8. *regulate*: _____
9. *judge*: _____
10. *important*: _____

8. Read the text on customary law in Ukraine. Fill in gaps 1–10 with a suitable word formed from the prompts in the brackets.

Customary law in Ukraine dates back to 1) ... (**HISTORY**) times. In the Princely era legal relations were 2) ... (**GOVERN**) by customary law, which was eventually codified in Ruska Pravda. The decrees issued by the princes explicated customary law rather than 3) ... (**CREATE**) new law. With the demise of Kyivan Rus Ukrainian customary law continued to operate even under the Tatars, who did not 4) ... (**INTERFERE**) in the internal affairs of their conquered territories, and then under Polish hegemony. For a time Poland recognized Ukrainian customary law as Rus law.

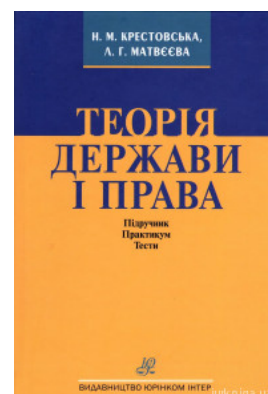
Книги, які можуть вас зацікавити



Об адвокатуре у римлян, во Франції и в Германії



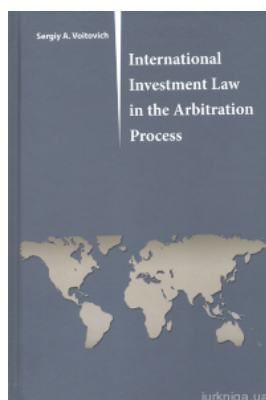
Теорія держави і права.
Навчальний посібник
для підготовки до іспитів



Теорія держави і права.
Підручник. Практикум.
Тести



Логіка для юристів.
Навчальний посібник
для підготовки до іспитів



International Investment
Law in the Arbitration
Process



Конституційне право
України. Підручник.
Видання 9-е,
перероблене та
доповнене

Перейти до галузі права
Теорія держави і права



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