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UDC 340:94 (043.2)

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THE RADOM CONSTITUTION AS THE DEVELOPMENT OF CONSTITUTIONALISM IN THE EASTERNEUROPE

In the era of Alexander Jagiellonchyk, the era of important state reforms, one of the key events for the Polish Crown was the Radom Diet [1, с. 196]. The convocation of this Diet was preceded by a defeat in the war with the Moscow principality, which caused the loss of large territories and the transfer of part of the nobility to the side of the Moscow prince. No records were kept at sessions of the Seimas, the constitutions of the Seimas were approved (26 items) were recorded a few months after its end already in Krakow, but no later than 1506, when the Statute of Laski was printed [1, с. 199].

The Radom constitution was an important factor that influenced the development of constitutionalism in the countries of the Eastern Europe.

In general, sejms were conducted orally, therefore normative legal acts were recorded some time after the diet. Actually, the great crown chancellor edited all the Diet constitutions of 1505, having there is plenty of time for this already after the end of the Diet sessions. However, the Radom Diet nevertheless became one of the key in the history of the state. First of all, it was then that the constitution known in history as “Nihil novi”. The Radom Sejm carried out an important codification of law, which united Polish, Lubetz, Mandeburg and other rights and customs, which created prerequisites in the future for the unification of normative legal acts and privileges. The Radom privilege and the “Nihil novi” constitution became the foundation of the new of the political system of the Polish-Lithuanian state, which was transformed, according to by these prescriptions, from an oligarchic state to a state with a predominant noble democracy [1, с. 200].

This constitution granted quite broad rights to the nobility, who received the exclusive right to vote in the sejms, which made it possible to oppose the very

rich and influential magnates.

Juliusz Bardach believed that the constitution is “Nihil novi”, except on the other hand, emphasized the special role of the Supreme Diet in the state, established a hierarchy of noble assemblies, headed by the latter. However, this one the constitution marked the end of the period of autonomous functioning of the Zemstvo and provincial noble sejms, which at times competed with the general sejm [1, c. 200].

In Polish literature, the Radom Privilege of 1505 is called the constitution Nihil novi (from Latin – “Nothing new”), because this act established the need for the consent of the Diet to be adopted by the king for state-wide normative legal acts. The Radom privilege noted: «Since the general rights and statutes of the state concern more than one of a person, but of the entire nation, therefore on this general the Sejm in Radom, together with everyone, as expedient and just, recognize and decree that from now on and in the future for all eternity nothing new (nihil novi) may be established by us and our successors without the joint consent of the senators and ambassadors of the Zemstvo, because otherwise it will be a detriment to the Polish state and every one of its inhabitants, a private wrong, which is aimed at the abolition of common law and public law freedom» [2, c. 71].

The “Nihil novi” constitution forbade the king to make independent decisions and distribute royal lands without the consent of the Diet. An interesting feature of the Radom privilege 1505, there is a definition of the term “noble” – a person in one of whose parents was a nobleman and came from a noble family, and he and his parents lived and live in their estates, cities, towns or villages in accordance with the customs of the nobility, statutes and rights nobles of the Kingdom of Poland. The privilege also recognized as a nobleman a person whose father was a nobleman, a the mother belonged to a different social group, if he complied with the specified conditions and did not engage in activities characteristic of burghers or peasants (crafts, agriculture, etc.) [2, c. 71].

The Constitution of the Radom Sejm of 1505, which went down in history under the name “Nihil novi”, introduced the principle of unanimity in decision-making among the most important legal norms. The lofty rule “nothing against us without us” – that is, nothing can be adopted without the consent of those it concerns – is in the treasury of achievements of civil society [3].

Despite the fact that the privileges concerned primarily the nobility, it had a great impact on the development of constitutionalism in Eastern Europe, when the king was deprived of the right to make decisions independently without the consent of the Diet. It encouraged in every difficult case to seek a compromise that would satisfy the minority. It was not for nothing that this process was called “polishing” positions. For 147 years, the responsibility of the nobility protected the state from the possibility of overturning an important decision for everyone with the voice of one disgruntled person. Consent, which they liked to

talk about on any occasion, was considered one of the most important values and virtues [3].

It is possible to conclude that the Radom constitution influenced mainly in the future during the drafting of the “Lithuanian Statutes” and it had a rather noticeable influence on the Union of Lublin and subsequent legal acts in general in Eastern Europe.

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УДК 341.1 (043.2)

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ІСТОРИЧНІ АСПЕКТИ ІНСТИТУТУ ПРАВ ЛЮДИНИ

Права людини є історичним явищем, оскільки їх розвиток завжди сприймав наслідок ідеї права з точки зору людини як учасника суспільного життя. Ступінь і характер розвитку прав людини визначається рівнем розвитку держави і права у суспільстві.

Кожна держава у світі передбачає у своїй законодавчій системі певний обсяг прав і свобод, якими громадяни можуть користуватися у межах закону. Духовні та матеріальні блага гарантуються державою та підлягають судовому захисту, якщо вони визначаються конституцією та іншими законами держави [1, с. 102].

Протягом майже всієї історії людства існували ідеї прав і свобод. В історичних культурах існувало поняття права. Багато стародавніх філософів, одним з яких був Аристотель, писали про права громадян на власність і участь у суспільних справах. Проте ні у стародавніх греків, ні у римлян не було вчення про загальні права – рабство вважалося цілком природним. Середньовічні хартії свобод не конкретизували права будь-якої особи. Це були лише своєрідні політико-правові угоди, які відповідали конкретній політичній ситуації.