

THEORY AND HISTORY OF STATE AND LAW; HISTORY OF POLITICAL AND LAW DOCTRINE

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INFLUENCE OF ROMAN LAW ON THE FORMATION OF THE POLISH LEGAL SYSTEM: HISTORICAL AND LEGAL ASPECTS

The article is devoted to the theoretical and legal study of a concept and content of the reception of law. The author also investigated reception of Roman law in the Polish legal system and its harmonization in accordance with the peculiarities of the legal system. Analysis of the legal system of Poland and the influence of Roman rules of law are of particular importance because this country is a close neighbour of Ukraine and a possible guide of the European integration process that is actively promoted in the national legal framework.

Analysing the influence of Roman law on the national law of countries, the following groups can be determined:

- 1) countries with direct reception of rules of Roman law: Italy, southern France, and Spain;
- 2) countries with a strong influence of Roman law: Germany, Austria, the Netherlands;
- 3) countries with limited reception of Roman law, which is done by borrowing ideas and rules of Roman

law not directly from primary sources but through those systems where the reception was held before: Northern France, Poland, Hungary, Ukraine, Russia;

4) countries that did not experience the significant influence of Roman Law: England and Ireland.

In the modern legal system, the influence of Roman law is particularly noticeable in individual, contractual, property rights and civil proceedings.

The peculiarity of the reception of Roman law is that it was subjected to a multi-layer processing at the level of legal science, and now being a university subject Roman law is a permanent component of legal education. Having formed on the basis of its own customary and Roman private law, Polish law did not have a historic opportunity to develop consistently in the framework of an independent national legal system and has become an example of an integration entity through a combination of national law and other elements, among which Roman law occupies an important place.