

ECCLESIASTICAL JUDICIARY DURING THE PERIOD OF THE HETMAN STATE

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Abstract

The article provides a comprehensive historical and legal analysis of church justice in the Ukrainian Hetmanate (Zaporozhian Army) of the 17th–18th centuries. The legal nature of church courts, their institutional features and place in the system of judicial bodies of the contemporary society are studied. Particular attention is paid to the interaction of church and secular justice, as well as the mechanisms for delimiting their jurisdiction. The competence of church courts is analyzed, in particular in the field of marital and family relations, moral and ethical offenses and disciplinary responsibility of the clergy. The types of cases that were subject to consideration by church courts are highlighted, and the procedural features of the implementation of justice are also characterized, including the use of testimony, oaths and church punishments. The influence of canon law and Byzantine legal tradition on the formation and development of church justice in the Hetmanate is revealed. It is established that church courts functioned as a relatively autonomous institution, but were in close relationship with state power and secular courts. The importance of church justice as an important element of the legal system of the Ukrainian Hetmanate, which ensured the regulation of social relations on the principles of morality and religion, is substantiated. It is proved that the activities of church courts contributed to the formation of legal culture, strengthening social discipline and maintaining public order. It is concluded that church justice played a significant role in the formation of the Ukrainian legal tradition and had a significant impact on the development of justice institutions in subsequent historical periods.

Keywords: church justice; canon law; Hetmanate; church courts; Zaporozhian

Army; history of law; Byzantine legal tradition; Middle Ages.

1. Introduction

The formation of the Ukrainian Hetmanate (Zaporozhian Army) in the middle of the 17th century. was accompanied by the formation of its own system of state administration and legal regulation, in the structure of which judicial institutions occupied an important place. Of particular importance among them was church justice, which ensured the regulation of social relations not only on the basis of legal norms, but also in accordance with the moral and religious principles of the society of that time. Under the conditions of the dominance of the Christian worldview, the church acted not only as a spiritual center, but also as an important subject of law-making and jurisdictional activity, exerting a noticeable influence on various spheres of social life (Ohloblyn, 1960.).

Church courts were an integral part of the Hetmanate's justice system and considered a significant number of cases related to marital and family relations, moral offenses, violations of church discipline, as well as certain categories of property disputes. Their activities were based on the norms of canon law, formed under the influence of the Byzantine legal tradition and adapted to Ukrainian socio-political realities. At the same time, the practice of church justice demonstrated a complex interaction of canonical prescriptions with the norms of customary law, the provisions of the Lithuanian Statutes, Magdeburg law and acts of the hetman's power, which determined the multi-level nature of the legal system of the Ukrainian hetman's state. Unlike secular judicial bodies, church courts performed not only jurisdictional, but also educational, disciplinary and preventive functions. Through the mechanisms of church influence, compliance with moral norms, maintenance of social discipline and the formation of appropriate models of behavior were ensured. In this context, church justice acted as an important instrument of social regulation, which combined legal and spiritual means of influencing social relations (Lototskyi, 1931).

At the same time, the activities of spiritual courts were not isolated from secular power. During the 17th–18th centuries, there was a constant process of delimitation of competence between church and secular jurisdictions, which was often accompanied by conflicts regarding the jurisdiction of certain categories of cases. This issue became particularly relevant in the context of the gradual strengthening of the Hetman administration and the further integration of the Hetmanate into the political and legal space of the Moscow state, which led to the transformation of the legal status of the Orthodox Church and its judicial bodies.

The relevance of the study is due to the need for a comprehensive rethinking of the place of church justice in the legal system of the Hetmanate, the definition of its jurisdictional boundaries, procedural features and role in the formation of the Ukrainian legal tradition. Despite the significant scientific interest in the history of the state and law of Ukraine in the early modern period, the activities of church courts remain insufficiently researched. The scientific literature is dominated by works devoted to general issues of the state structure and judicial system of the Hetmanate, while the legal nature of the ecclesiastical courts, the peculiarities of their functioning, the relationship between ecclesiastical and secular jurisdiction, as well as the practice of considering certain categories of cases require further scientific understanding.

The purpose of the article is to conduct a comprehensive study of church justice in the Ukrainian Hetmanate as an important element of the legal system of early modern Ukrainian society. Within the framework of achieving this goal, it is planned to determine the legal nature of spiritual courts, their place in the system of judicial bodies and the peculiarities of their functioning. In addition, the purpose of the article is to clarify the role of church justice in the formation of the legal culture and moral and ethical principles of the Hetmanate society. In the context of the study, it is also planned to determine the

influence of canon law on the development of the legal system and its interaction with customary and secular law.

As a result, the study is aimed at forming a holistic scientific understanding of church justice as a complex and multifaceted legal institution that played an important role in the formation of Ukrainian statehood.

Of particular scientific interest is the study of the procedural activities of ecclesiastical courts, in particular the procedure for considering cases, the system of evidence, the meaning of oaths and testimonies, as well as the nature of ecclesiastical sanctions. No less important is the determination of the role of canon law as the normative basis of ecclesiastical proceedings and the clarification of the mechanisms of its interaction with secular legislation. The study of these issues allows not only to understand more deeply the peculiarities of the functioning of the legal institutions of the Hetmanate, but also to trace the historical origins of individual elements of Ukrainian legal culture.

Thus, the study of church justice in the Ukrainian Hetmanate has important historical, legal and theoretical significance, as it contributes to a comprehensive understanding of the processes of the formation of Ukrainian statehood, the development of the national legal tradition and the formation of relations between church and secular authorities in the early modern period.

2. Literature Review

The issues of church justice in the Ukrainian Hetmanate are at the intersection of historical and legal, church and canonical and state and legal studies. Certain aspects of the activities of spiritual courts were covered both in the works of classics of Ukrainian historical science and in the works of modern researchers of the history of the state and law of Ukraine.

Of fundamental importance for the study of the socio-political system of the Hetmanate are the works of Kostomarov, Ogloblyn, Yavornytsky, Smolii and Yakovenko. The aforementioned studies revealed the peculiarities of the functioning of government institutions, the formation of Ukrainian statehood and the role of the Orthodox Church in public life. At the same time, the issues of church jurisdiction and the activities of spiritual courts were considered mainly in the context of the general characteristics of state-church relations and were not the subject of an independent comprehensive analysis.

Of great importance for the study of the normative principles of church justice are the scientific works of Lototsky, devoted to the sources of Ukrainian church law and the peculiarities of their development. A significant contribution to the study of state-church relations was made by Matselyukh, Matselyk and Matveeva, who analyzed the evolution of the legal status of the Orthodox Church, the peculiarities of the formation of church-legal institutions and the influence of canon law on the development of the Ukrainian legal system. The works of these authors contain important conclusions regarding the sources of church law and the transformation of church jurisdiction in different historical periods.

A separate group of studies is made up of works devoted to the judicial system of the Ukrainian Hetmanate. In particular, P. Zakharchenko and M. Miroschnychenko studied the peculiarities of the judicial system and the organization of the trial in the Zaporozhian Army, paying attention to the place of spiritual courts in the general system of justice. Their works substantiate the existence of a separate church jurisdiction and characterize the main categories of cases that fell within the competence of spiritual courts. At the same time, the procedural features of the implementation of church justice remained covered only fragmentarily.

An analysis of the scientific literature shows that most studies focus on general issues of the history of statehood, the development of the judicial system of the

Hetmanate, or the formation of state-church relations. In contrast, specialized historical and legal works devoted directly to church justice as an independent legal institution are rare. The issues of the organization and structure of church courts, the features of their jurisdiction, procedural forms of considering cases, the system of evidence, and church sanctions remain insufficiently researched.

The problem of the ratio of church and secular jurisdiction in the Hetmanate requires special attention. The scientific literature lacks a unified approach to determining the boundaries of the competence of spiritual and secular courts, as well as mechanisms for resolving jurisdictional conflicts between them. The issues of the practical implementation of canonical legal norms in the activities of church courts and their interaction with secular authorities remain insufficiently studied.

In addition, domestic historical and legal science lacks comprehensive studies devoted to the evolution of church justice at different stages of the development of the Hetmanate, in particular in the period after the subordination of the Kyiv Metropolis to the Moscow Patriarchate and the further strengthening of the influence of Russian legislation on the activities of church institutions. Insufficient attention has also been paid to the analysis of the specific judicial practice of spiritual courts, which complicates a full understanding of their role in the justice system of early modern Ukraine.

Thus, the analysis of scientific works indicates the presence of a significant body of research devoted to the history of statehood, church law, and the judicial system of the Hetmanate. At the same time, a number of issues related to the legal nature of church justice, the peculiarities of its functioning, the procedural mechanisms of administering justice, and the relationship between church and secular jurisdiction require further comprehensive historical and legal research.

3. Materials and Methods

The source basis of the study is the normative-legal and historical-legal monuments that regulated the activities of church courts in Ukrainian lands in the 17th–18th centuries, in particular the monuments of canon law, the Kormchi books, the church statutes of princes Volodymyr and Yaroslav, the provisions of the Lithuanian statutes, acts of Magdeburg law, hetman universals, as well as other documents that determined the legal status of the Orthodox Church and the procedure for exercising church jurisdiction. Of great importance for the study were the scientific works of domestic historians and jurists devoted to the history of the state and law of Ukraine, the judicial system of the Hetmanate, state-church relations and the development of canon law.

The methodological basis of the study is a complex of general scientific, special-legal and historical-legal methods of cognition, the application of which provided a comprehensive analysis of church justice in the Ukrainian Hetmanate.

The leading method of the study was the historical-legal method, with the help of which the process of formation and evolution of church justice was traced, the main stages of its development and the features of its functioning in the conditions of the formation of Ukrainian early modern statehood were determined. The use of this method made it possible to study the influence of socio-political processes on the transformation of church jurisdiction and the change in the legal status of religious courts.

The system-structural method was used to consider church justice as a component of the legal system of the Hetmanate and to determine its relationships with secular judicial and administrative institutions. Thanks to this, it was possible to establish the place of religious courts in the structure of justice bodies and characterize the features of their competence.

The formal-legal method was used to analyze the normative sources of church law, to clarify the content of the legal norms that determined the procedure for the activities of church courts, as well as to establish the features of their legal regulation. This method was used to investigate the nature of the jurisdiction of the ecclesiastical

courts and the main categories of cases that fell under their jurisdiction.

The comparative legal method allowed us to compare the ecclesiastical judiciary with the system of secular justice of the Hetmanate, to determine the common and distinctive features of their organization and functioning, and to trace the interaction of canonical, customary and secular law in the process of administering justice.

The hermeneutic method was used to interpret historical and legal sources, in particular monuments of canonical law, acts of the hetmanate and other documents that regulated the activities of ecclesiastical courts. Its application contributed to a more complete understanding of the content of legal regulations and the features of their practical application.

The methods of analysis and synthesis provided the systematization of scientific approaches to understanding the nature of ecclesiastical judiciary, generalization of the results obtained and formulation of conclusions regarding its role in the legal system of the Ukrainian Hetmanate. The use of these methods in combination made it possible to comprehensively investigate the organizational and legal foundations of the activities of church courts, the features of their jurisdiction, procedural activities and interaction with secular authorities.

The use of the above complex of methods ensured the objectivity, scientific reliability and comprehensiveness of the research results, and also allowed to form a holistic idea of the place and role of church justice in the legal system of the Ukrainian Hetmanate of the 17th–18th centuries.

4. Results and Discussion

4.1. Historical and legal prerequisites for the formation and organizational structure of church justice

The conducted research shows that the church justice of the Ukrainian Hetmanate did not arise as a fundamentally new institution after 1648, but was the result of a long evolution of the legal traditions of Kyivan Rus, the Lithuanian-Polish period and Orthodox canon law. Its normative basis was the Kormchi Knigi, the Nomokanon, the church statutes of Princes Volodymyr and Yaroslav, as well as local legal customs that developed over several centuries. (Matseliukh, 2019) It was this normative heritage that ensured the institutional continuity of church justice in the transitional period from the Polish-Lithuanian Commonwealth to the Hetmanate and determined its place in the general system of the legal order of that time. The origins of church justice date back to the times of Kyivan Rus, when under the influence of Constantinople, Byzantine canon law was received through church collections, in particular the "Kormcha Kniga" (Ohloblyn, 1960; Lototskyi, 1931). The jurisdiction of church courts of that early period was determined by the norms of the "Pravda Yaroslavovichi", according to which the church court was subject to the cases of all clergymen - clergy, their families, church servants, people living in monastery and church estates - as well as issues related to paganism, family and marital relations, etc. (Pravda Yaroslavovychiv, n.d.) Thus, already in the Old Russian period, a model had developed in which church jurisdiction covered a wide range of social relations, which went far beyond the limits of purely religious regulation. In the Lithuanian-Polish period, church justice underwent transformation under the influence of Western European legal tradition, but did not lose its institutional independence. As established in the scientific literature, the entry of Ukrainian territories into the Grand Duchy of Lithuania and the Kingdom of Poland did not eliminate the existing system of church jurisdiction, although the latter underwent some changes due to transformations in state-church relations and other socio-political circumstances. At the same time, the tendencies characteristic of the Catholic Middle Ages did not allow Orthodox Christianity to lose its privileged status on Ukrainian lands: the state authorities of the Polish-Lithuanian Commonwealth, despite the confessional confrontation, retained certain legal positions for the Orthodox Church compared to other religious minorities

(Matseliukh, 2019). After the formation of the Hetmanate, there was a partial restoration of the traditions of Orthodox justice, which strengthened the role of church institutions in public life and gave them a new impetus for organizational development (Yavornytskyi 1990). The Hetmanate authorities purposefully took measures to restore and organize church justice, which was preserved in the people's memory as a phenomenon of ancient and legitimate tradition (Smolii et al., 1998). This process took place in the general context of the formation of a multi-level judicial system, within which church courts occupied a special place: they functioned not only as bodies for resolving legal conflicts, but also as an instrument for maintaining moral order and religious discipline in society. It was the need to ensure an appropriate level of morality that prompted church courts, originally focused on regulating purely religious relations, to extend their jurisdiction to a wider range of public affairs. The system of church courts of the Hetmanate was built on the principle of internal hierarchy and included three functional levels. The lower level was the parish courts, which operated at the level of villages and communities under the leadership of priests, village chieftains or elders. They considered minor civil and domestic disputes, as well as family cases, guided by the norms of customary law and morality. Parish courts played the role of first instance in most cases that arose directly in the church community, and were closest to the everyday life of parishioners. The middle level was the episcopal, or consistory, courts - bodies with broader competence, which acted as an appellate instance for decisions of parish courts and considered cases that, in their complexity or significance, went beyond the parish level. Finally, the monastery courts operated within the internal life of monasteries, regulating disciplinary relations within monastic communities (Yakovenko, 1998).

As Zakharchenko and Miroshnychenko (2023) note, the cases of the clergy and laity in church and family and matrimonial matters were subject to the jurisdiction of the ecclesiastical courts, which considered individual civil cases with the participation of lay persons, as well as civil and criminal cases of church ministers, even when one of the participants in the process was a lay person. This feature indicated that the ecclesiastical jurisdiction in the Hetmanate was not limited to the closed corporate environment of the clergy, but had the character of a public legal institution integrated into the general system of justice. The functioning of the ecclesiastical courts was based on the norms of canon law formed under the influence of the Byzantine legal tradition, which, however, were applied taking into account local legal customs and the realities of Cossack society. Thus, the analysis shows that the system of church courts of the Hetmanate was the result of a synthesis of several legal traditions: Old Russian, Byzantine and Lithuanian-Polish. This system was distinguished by a developed hierarchical structure and provided for the consideration of both clergy cases and certain categories of lay cases, functioning as an independent subsystem in the general structure of the judiciary of the Cossack state.

4.2. Jurisdiction and procedural features of church justice in the Hetmanate

It has been established that during the 17th–18th centuries. there was a gradual narrowing of the competence of church courts. If at the initial stage of the Hetmanate's existence, the ecclesiastical courts considered a wide range of family, moral and religious cases, then over time a significant part of their powers passed to the regimental, hundred and city courts. This trend was not accidental: it reflected a more general process of strengthening the military-administrative power of the Cossack state and the gradual displacement of the church from the public legal sphere. The author's analysis of the court decisions of the Hetmanate showed that the main types of crimes that remained within the jurisdiction of church courts included crimes against faith, church, family and morality. For their commission, a differentiated system of punishments was applied, the characteristic feature of which was the consideration of the specific circumstances of the case and the individualization of the measure of responsibility in accordance with the gravity of the committed act. Criminal actions against the clergy - encroachment

on life or health, theft of church property, adultery - were classified as crimes of great gravity and in some cases were punishable by the death penalty, and in some cases by quartering.

At the same time, certain categories of cases that formally related to the religious sphere were transferred to the exclusive competence of secular bodies. In particular, cases of serious crimes against faith, primarily witchcraft, were attributed to the jurisdiction of secular courts. The procedural and legal basis of responsibility for these crimes was regulated by the norms of Magdeburg law - the Grodsky Statute, which provided for criminal liability for apostasy and witchcraft (Porzadek sadow miejskich, 1629). Such a distinction was due to the specifics of the social worldview of that time: patriarchal society, limited in knowledge about natural processes, associated natural phenomena - storms, droughts, floods - with the supernatural activity of specific individuals. This gave the relevant cases a vivid public-legal character and, accordingly, required a reaction from the state, and not only the church authorities. The procedural activity of the church courts of the Hetmanate had a distinct specificity, which fundamentally distinguished it from secular proceedings.

Proceedings in church courts combined written and oral forms: written proceedings were used mainly in episcopal courts when considering appeals and complex cases, while parish proceedings were mostly oral in nature and were based on customary procedure. The key role in the evidentiary activity of church courts was played by witness testimonies. Oral testimony was of paramount importance, especially in cases of moral offenses, where the establishment of factual circumstances often depended entirely on the testimony of members of the church community. The oath served as an independent means of proof and at the same time a moral and religious obligation: breaking the oath was equated with a grave sin, which gave this procedural institution a special persuasive force. Along with oral forms of proof, written documents were widely used in episcopal courts - letters, acts, certificates of spiritual authority - which indicates the gradual formation of a written procedural culture in the system of church justice. The peculiarity of the church process was manifested primarily in the system of sanctions. Punishment in the church court had a clearly expressed moral and corrective, and not only punitive, character. The system of church sanctions included repentance, the imposition of penance, and excommunication. Repentance as a form of responsibility implied a public confession of guilt before the church community and carried an element of social condemnation. Penance was a certain complex of spiritual exercises - prayers, fasts, bows - intended for the spiritual purification and correction of a person. Excommunication from the church was the most severe punishment: it actually excluded the convicted person from the religious and social life of the community, which under the conditions of the 17th-18th centuries. had extremely serious practical consequences. Unlike secular justice, the purpose of church punishment was not only to achieve justice and prevent crime, but also to spiritually correct a person, reconcile him with God and the church community. This determined the special nature of the evidence in the church process: the court assessed not only the factual circumstances of the case, but also the moral state of the parties, their behavior in the church community, attitude to religious norms and duties. The process in the church court, therefore, had a distinct moral and ethical orientation, which distinguished it fundamentally from the practice of secular judicial bodies.

Although the church courts operated autonomously, their procedural activities were closely linked to secular authorities. In some cases, the decisions of the church courts were implemented with the assistance of the secular administration, which indicates the functional integration of these institutions into the general justice system of the Hetmanate. However, this interaction had a certain asymmetry: the church depended on the secular authorities in matters of forced execution of its decisions, while secular bodies retained independence in determining the boundaries of church jurisdiction.

Thus, the church justice of the Hetmanate was distinguished by a unique procedural structure, which combined elements of canon law, customary tradition and practical needs of Cossack society. The gradual narrowing of the jurisdiction of church courts in favor of military-administrative bodies did not destroy the procedural originality of the church process, but significantly limited the scope of its practical application.

4.3. Interaction between Church and Secular Authorities and Transformation of Church Judiciary after 1686

The study showed that the relationship between church and secular authorities in the Ukrainian Hetmanate was based on the principle of mutual support, but in the field of justice this interaction was clearly asymmetrical: the advantage gradually and steadily passed to the military-administrative bodies of the Hetmanate. The catalyst for this process was the national liberation war led by B. Khmelnytsky against the Polish-Lithuanian Commonwealth (1648–1676), which radically changed the balance of power between the church and the Cossack administration. In the first period of the Hetmanate's existence, the mechanism of interaction between church institutions and the Cossack administration was indeed based on the principle of mutual support. The Hetmanate provided material support for the church, protected its property and privileges, the Hetmanate universals of that time broadly regulated issues of church life and protected the clergy from the abuses of the Cossack elders and ordinary Cossacks [6, pp. 88–89]. In return, the church provided ideological legitimation to the new state power, sanctifying Cossack statehood with the authority of the Orthodox tradition. However, in the field of justice, this balance did not lean in favor of the church from the very beginning.

The Hetmanate universals did not establish a clear demarcation of jurisdiction between church and secular courts, which gave rise to legal uncertainty and numerous conflicts of competence. Later, the military-administrative power of the Hetmanate began to almost completely replace the church even in matters that had not previously caused discussions about jurisdiction. In fact, the church courts were left with the right to consider only intra-church cases, while the entire array of cases of a public or mixed nature was transferred to the regimental, hundred and city courts. A striking example of such a redistribution of jurisdiction is the case of the Samara Monastery, in which Father Veniamin, the monastery's canon, was forced to apply to the Poltava regimental court, rather than to the church court, with a demand to punish those guilty of robbing and murdering monks. In this case, representatives of the church acted only as plaintiffs and witnesses, while judicial power belonged entirely to secular bodies. This case illustrates the general trend: even in cases directly related to the protection of church property and the life of the clergy, the church turned out to be deprived of its own effective legal instruments and was forced to rely on the will of the Cossack administration. A turning point in the history of the church judiciary of the Hetmanate was the subordination of the Kyiv Metropolis to the Moscow Patriarchate in 1686. This decision, caused by a complex combination of foreign political circumstances, had far-reaching consequences for the legal status of Ukrainian church courts.

As Matveeva notes in the article "Sources of Ukrainian National Law of the Hetmanate," the tsarist government formally preserved Ukrainian church courts, since Ukrainian church law differed less from Russian than secular law. The sources of law of the Orthodox Church remained the *Kormchi Knigi*, the *Nomokanon*, and church statutes, and the contractual articles of 1654 stipulated that the rights granted from ancient times by princes and kings to clergymen "were not violated in any way." By a charter of 1686, the Russian patriarch was forbidden to interfere in the activities of Ukrainian church courts and accept complaints about their decisions [10, p. 154]. However, formal guarantees of autonomy turned out to be fragile. Already in the 18th century, the situation changed dramatically: Russia's interference in the activities of the courts of the Ukrainian Orthodox Church increased, and Russian legislation became increasingly

established among the main sources of church law. The Spiritual Regulations became the main source of church law; to it were added the Monastery Regulations, the Statute on Church Succession, decrees of the imperial authority, resolutions of the government Synod, as well as the resolutions of the Patriarch and the resolutions of the Eastern emperors recorded in church books; finally, the Steering Books were now used in the context of general imperial church law [10, p. 154]. It has been established that after the subordination of the Kyiv Metropolis to the Moscow Patriarchate, the church judiciary of the Hetmanate gradually lost its autonomous character. If during the second half of the 17th century it still retained relative independence, relying on traditional canonical sources and local legal customs, then during the 18th century the complete integration of Ukrainian ecclesiastical courts into the general imperial legal system took place. This transformation meant not only a change in the normative basis of church judiciary, but also the actual liquidation of its institutional independence: Ukrainian church courts became an element of a single all-Russian system of governance of the Orthodox Church, controlled by the Holy Synod.

Thus, the system of church justice of the Hetmanate underwent a radical transformation: from a relatively independent institution, based on the domestic canonical tradition, to a component of the general imperial legal system. This process took place in two stages: first, a gradual narrowing of jurisdiction in favor of the Cossack administrative bodies within the Hetmanate itself, and then, incorporation into the Moscow church-legal system as a result of 1686 and subsequent reforms of the 18th century. Both vectors of transformation led to the same result: church justice, which at the beginning of the Hetmanate's existence played a noticeable role in public life, gradually turned into a purely intra-church institution with minimal public-legal significance.

5. Conclusion

The conducted comprehensive historical and legal study of church justice in the Ukrainian Hetmanate (Zaporozhian Army) of the 17th–18th centuries allows us to formulate a number of scientifically substantiated conclusions that reflect both the theoretical and practical significance of the institution under study.

Firstly, it was established that the church justice of the Hetmanate did not arise as a fundamentally new legal institution after 1648, but was the result of a long evolution of the legal traditions of Kyivan Rus, the Lithuanian-Polish period and Orthodox canon law. Its normative basis was the *Kormchi Knigi*, the *Nomokanon*, the church statutes of Princes Volodymyr and Yaroslav, as well as local legal customs. It was this normative heritage that ensured the institutional continuity of church justice in the transitional period from the Polish-Lithuanian Commonwealth to the Hetmanate. Therefore, church justice should be considered not as a contingent element of the Cossack legal system, but as an organic continuation of the centuries-old canonical legal tradition, adapted to new socio-political conditions.

Secondly, it is proven that the system of church courts of the Hetmanate was distinguished by a developed hierarchical structure, which included three functional levels: parish courts as bodies of primary consideration of small civil, domestic and family cases; episcopal (consistory) courts as an appellate instance with broader competence; monastery courts, which regulated the internal disciplinary life of monastic communities. This three-level structure ensured the coverage of a wide range of social relations and testified to the maturity of church justice as an independent legal institution integrated into the general system of justice of the Cossack state.

Thirdly, the analysis of the competence of church courts showed that during the 17th–18th centuries there was a gradual but steady narrowing of their jurisdiction. At the initial stage of the Hetmanate's existence, the church courts considered a wide range of cases - matrimonial and family, moral and religious, disciplinary cases concerning the clergy, as well as certain categories of property disputes. Over time, a significant

part of these powers passed to the regimental, hundred and city courts. Such crimes as witchcraft and blasphemy, which previously belonged to the church jurisdiction, were transferred to the competence of secular bodies and were regulated by the norms of Magdeburg law. This process reflected a more general trend of strengthening the military-administrative power of the Cossack state and the gradual displacement of the church from the sphere of public justice.

Fourth, it was found that the ecclesiastical justice of the Hetmanate had a distinct procedural identity, which fundamentally distinguished it from the practice of secular judicial bodies. The trial in the ecclesiastical courts combined oral and written forms: witness testimony and oaths were the central means of proof, while in the episcopal courts, written documents were actively used - letters, acts and certificates of spiritual authority. The system of sanctions included repentance, penance and excommunication, and their purpose was not only punishment, but also spiritual correction and reconciliation of the individual with the church community. It was this moral and corrective orientation of the process that determined its special significance in the conditions of a society in which religious and legal norms were inextricably linked.

Fifth, a study of the interaction between church and secular authorities showed that these relations were built on the principle of mutual support, but in the field of justice they were clearly asymmetrical. The Hetman administration provided material protection for the church and its privileges, while the church provided ideological legitimization for Cossack statehood. However, the lack of a clear normative demarcation of jurisdiction between church and secular courts gave rise to legal uncertainty and systematic conflicts of competence. The case of the Samara Monastery is a telling example: even in matters of protecting church property and the life of the clergy, church representatives were forced to apply to the regimental court as plaintiffs, and not as subjects of jurisdiction. This illustrates the actual subordination of church justice to the military-administrative bodies of the Hetmanate.

Sixth, it is established that the subordination of the Kyiv Metropolis to the Moscow Patriarchate in 1686 was a turning point in the institutional history of church justice. Despite the formal guarantees of autonomy enshrined in the contractual articles of 1654 and the charter of 1686 prohibiting interference in the affairs of Ukrainian church courts already in the 18th century, these guarantees proved to be unviable. The main source of church law increasingly became Russian legislation: the Spiritual Regulations, the Monastic Regulations, decrees of the imperial authorities and resolutions of the Synod gradually supplanted traditional canonical sources. As a result, Ukrainian church courts were integrated into the general imperial church-legal system controlled by the Holy Synod, and finally lost their institutional independence.

Summing up the results of the study, it should be emphasized that the church judiciary of the Hetmanate played an important role in the formation of the Ukrainian legal tradition, ensuring social discipline and preserving the moral and religious principles of the social order. The spiritual courts functioned as an independent legal institution with their own regulatory framework, hierarchical structure and procedural specificity, which indicates the maturity and self-sufficiency of the church judiciary as an element of the legal system of the Cossack state. At the same time, the progressive narrowing of their competence and subsequent incorporation into the general imperial legal system of Russia after 1686 made it impossible to preserve the institutional independence that had been formed over the previous centuries. The study of this experience remains relevant for modern science, as it allows us to more deeply understand the processes of formation of Ukrainian justice, the origins of interaction between the state and the church, and the specifics of the evolution of legal institutions in conditions of external pressure on state sovereignty.

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