

## **CIVIL PROCEDURAL REPRESENTATION IN THE STATUTES OF THE GRAND DUCHY OF LITHUANIA**

Draft amendments to the Constitution of Ukraine in the field of provision of legal aid cause research interest in the institution of procedural representation in historical and legal aspects. Interest in the Statute of the Grand Duchy of Lithuania in this context is caused by the lack of legal regulation of the institution of representation in a classic modern sense.

Analysis of the statute editions of 1529, 1566 and 1588 suggests the lack of a wide scope of civil procedural legal personality of representatives in court. The 1566 edition of the Statute of the Grand Duchy of Lithuania determined the possibility of replacing that person with a procurator in court due to illness or because of his/her personal reasons or needs.

The important aspect of the Statutes of the Grand Duchy of Lithuania is the fact that they fixed the provision concerning a procurator's participation in specific cases. These were situations, where persons, who should take part in the trial, could not or were not able to testify in court. Another situation concerned the necessity of participation of orphans and widows in the trial. We think that introduction of these norms was characterized by fairness towards people, who were unable to exercise their rights in court in full extent, and it also contained an element of humanity in relation to these subjects.

The provisions of 1566 edition of statute concerning actions, which procurator could not do without the consent of the person he represented, deserve special attention. In particular, this applies to prohibition to receive any person's money by a procurator and making payments using that money.

Consequently, certain initial elements of procedural legal personality and exceptions to the unlimited representative's realization of procedural rights and obligations were fixed on the normative level.

Taking into account mentioned above, it should be emphasized that the Statute of the Grand Duchy of Lithuania was not characterized by a complete and versatile fixing of provisions concerning the institution of representation in the classic sense, but it contained fundamental ideas of provision of legal aid, which were later finalized and used in modern legal acts.

Thus, the Statute of the Grand Duchy of Lithuania in various editions did not contain the concept and peculiarities of the institution of representation according to provisions of the modern civil procedural law. At the same time, it laid some principles of legal regulation of this institution.

**Тези друкуються мовою оригіналу  
і відображають позицію авторів**

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