

**DEVELOPMENT OF STATE AND LAW:
ISSUES OF THEORY AND CONSTITUTIONAL PRACTICE**

ATAMANOVA N.

Candidate of Law Sciences,
Associate Professor at the Department
of Theory and History of State and Law,
(*International Humanitarian University*)

**ON THE CREATION OF “SACHSENSPIEGEL” –
THE CODE OF MEDIEVAL GERMAN LAW**

From the mid 11th century to the emergence of “Sachsenspiegel” (literally “Saxon Mirror”) in Germany widely developed material and spiritual life of feudal society, its basic institutions and ideas were created.

The purpose of the article is to examine origins of creation and formation of an important source of medieval German law – “Sachsenspiegel”, to determine the impact of the mentioned law book on the development of other legal systems, including Ukrainian one.

Current studies show that “Sachsenspiegel” at the time of its writing was considered a kind of imperial law. Attempts to link its appearance with the Emperor Constantine and Charles contributed to further involvement of the norms of universal (scientific) law, legislators of which were either Emperor or the Pope. In this process of interpretation of “Sachsenspiegel” special role belonged to Magdeburg. In particular, in Magdeburg books of municipal law it was stated that “Sachsenspiegel” refers to imperial law. It was not only and not so much about simple designation of this book of laws to imperial law, but rather about the fact that some of its provisions and norms showed partial similarity and compliance with provisions of imperial (Roman) or church (canon) law. This position is also proved by direct presence of contemporary imperial law of the late Middle Ages in the “Sachsenspiegel”. Deeply rooted in the literature question related to the history of the spread and impact of “Sachsenspiegel” and a decisive influence of Eike von Repgow on the process should be revised. It is clear that “Sachsenspiegel” together with Magdeburg municipal law were largely borrowed from Central and Eastern Europe. However, it is doubtful whether it would be possible to reach such a great success in spatial and temporal dimension without a significant achievement made by Johann von Buch writing “glosses”, in which he scientifically and professionally combined universal (academic) and customary law. This success of “Sachsenspiegel” can not overshadow even his considerable reduction occurred in Elbe-Saale common law. In the future, it is necessary to consider the possibility to qualify “Sachsenspiegel” as a collection of “private” law.

