

THE SERBIAN PEOPLE AND THE STATE TO THE TURKISH CONQUEST: THE EXPERIENCE OF HISTORICAL-LEGAL RESEARCH

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Abstract

Purpose: The article analyzes the hypotheses about the Carpathian and Azov ancestral home of the Serbian tribes and the political role of the territory of ancient Raska in the formation of medieval Serbian statehood via comparative legal and historical methods.

Methodology: The methodological basis of this study is the dialectical method of cognition of social and legal phenomena and the concepts in their development and interdependence. Data was obtained from scientific, historical, and legal documents.

Main Findings: The drafters of the Law sought to overcome the disparity in court proceedings and bring legal norms into a certain system, taking into account the needs of feudalism. The author comes to the conclusion that the preservation of Serbian ethnic identity influenced the restoration of statehood in the XIX century due to the spiritually and economically self-governing *zadruga*.

Applications: This research can be used by historical organizations, educational organizations as well as by history scholars.

Novelty/Originality: Serbian people and Turkish conquest has been studied using historical-legal documents.

Keywords: *Slavs, Serbs, State, Law, Custom*

INTRODUCTION

The question of the Genesis of ancient Serbian statehood in historical and legal science from the ideological (primarily state legitimizing) point of view is quite controversial. However, there are semi-legendary evidence of that in VII century in the Balkans following the Croats who came from their neighbors and close fellow – Serbs who lived in Eastern Galicia, between the upper Vistula and the sources of the Dnieper and Prut rivers. The ancient tradition of the Serbs say that in their Transcarpathian homeland, after the death of the leader, power went to his two sons: one brother stayed at home, and the other, taking half of the people, went to the Danube. The Byzantine Emperor Irakli took them to their homes in the Solunsky region, but they did not like this land, and they decided to return home. The Lord of Tsargrad let them go, but as soon as they crossed the Danube, the Serbs decided to return and ask the Empire for new lands. Romeyskoy, the ruler, was allowed to occupy Illyricum. It so happened that as in their ancient homeland, Serbs lived in the East of the Croats, and they settled in the new lands. Their possessions extended from the river Verbis to Dardania, South; around Croatia, and they occupied the Adriatic coast to the town of Drach. The wars of the Ottoman Empire and Hungary refer to a series of battles that took place between the Ottoman Empire and the medieval kingdom of Hungary. After the end of the civil war in the Byzantine Empire, the capture of Gallipoli and the victory in the Kosovo Battle of Kosovo turned out to be an Ottoman Empire dominating the entire Balkans. The action of Ottaman in the invasion of Serbia brought the Hungarian kingdom to a war with the Ottomans over the rule of Serbia, Wallachia and Moldova. This

Turkish encounter with Serbs can have important legal and historical points that arose because of the tension between the Hungarian king and the Ottomans.

LITERATURE REVIEW

In 1344, Lewis I, the king of Hungary, who ruled between 1342 and 1382, titled "The Great", attacked Wallachia and Moldova and subjugated them as a tenant. Leyosh, along with his 80,000 troops in 1349, defeated Serf Stefan Doosan's forces in the Duchy of Makova and the prince of Travonia. When Dosan was about to infiltrate Bosnia, he was defeated by the Bosnian ruler Stephen II, with the help of Lehigh forces, and when Dusan repeated his practice in 1354, he was severely torn by Livewill. The two kings finally signed a peace treaty the following year in 1355([Seregin, 2015](#)).

Layosh's subsequent campaigns in the Balkans were not intended to dominate and subjugate lands and local rulers, but he intended to bring the Serbs, Bosnians, Highlanders and Bulgarians together at the core of the Roman Catholic faith in order to create a common front against the Ottoman Empire. The obligatory subordination of the orthodox states of the Balkans was relatively easy, but difficult to change their religion. Despite the efforts of the Levish people, the Balkan people remained loyal to the Eastern Orthodox Church, and their views remained unclear to Hungary. Before the capture of Vidin in 1365, Leyosh dominated the Moldavian regime and established a function prince. The rulers of Serbia, Wallachia, Moldova, and Bulgaria became their servant and tributary. However, they saw a powerful Hungary as a threat to their national identity. Consequently, the Hungarians have never been able to see the Serbs and Highlanders as a reliable ally in confronting the Turks ([Živković, 2013](#)).

In the spring of 1365, Leyosh began a campaign against the Bulgarian prince in Vidin. He could not open the city in May 1365. The area remained under the control of Hungary for the next four years. In January 1376, the Byzantine emperor visited Hungary to seek assistance from the Ottomans who were increasingly in conflict with the Balkan states. In the first battle between Turks and Hungarians, Leishos defeated the Ottoman Empire in Nicosia. He once again defeated the Ottoman army in Wallachia in 1395. In a battle that was believed to be the first large-scale conflict between the Hungarians and the Turks, the Battle of Nicopolis (September 25, 1396), the united forces of Christian governments and Knights Hospitaller were defeated by the Ottoman Empire, and most of them disappeared. Second Muhammad, the successor to Muhammad I, proved to be a much more powerful warrior than his peaceful predecessor. In 1422, he sieged the rebellious fortune of the Byzantine empire of Constantinople, who was relieved of the collapse. However, he did conquer all the areas around the city. By eliminating the danger of Byzantium, he started his war with other Christian enemies. With the invasion of Macedonia, he managed to remove Venice from the control of Salonik in 1430. During the period between 1435 and 1436, the Ottoman began its self-image in Albania, but this time, with the intervention of the Hungarian kingdom, whose borders were very close to the Ottomans, the area was able to stay out of the reach of the invaders ([Bahremand, 2015](#)).

In the 1440s and 1450s, John Hovhannes, the commander and chief of the Hungarian military, became a key figure in designing actions against the Ottoman Empire. In 1441, he succeeded in defeating the Ottoman Empire under the command of Ishaq Beyg in Scandinavia. In that year, John destroyed another part of the Ottoman army to attack Transylvania in Cibo, and after that, Wallachia again became a citizen of the Kingdom of Hungary. Hoveyad, with the help of knights from Western Europe on November 3, 1443, captured the city of Niches, defeating a troop of the Ottoman Empire from the Balkan Mountains on Christmas. Due to the lack of supplies of the Crusaders, Honiadi was forced to conclude a 10-year peace treaty with Murad II, which was likely to be considered a victory despite the arrival of the Hungarian army in February 1444. A 10-year Peace Treaty is said to have been concluded because, according to the Ottoman Empire, it was no longer required to withdraw from the struggle with atheists for more than a decade. The life of this peace treaty did not last so long as the Hungarians invaded the Turks again with the provocation of the Cardinal Julian Caesarean. However, with the loss of Serbian soldiers (change of direction to the enemy), Albanian and Byzantine, the power of the Crusader was greatly reduced ([Yermolovich, 2008](#)).

The Hungarians recovered their strength after a while, so that Hovhannes could arrange another hike to the south of Danube. But the Counter-Strike Force of the Ottoman Empire left behind the adventurer's Crusade again. When he completed his work with the Greeks and others who had fought against them in Varna, he turned his attention to Albania, led by someone who was once a hostile Ottoman, but now he became a popular leader. Honniadi could not stop himself from engaging in any other conflict with the Turks, so in 1448, the 24,000-strong troop pushed south into Serbia. In the second fight, Kosovar Murad was able to impose another defeat on the Hungarians. On August 2, 1444, power resigned in favor of his son Mohammad II (Muhammad Fateh). But two years later, with the rebellion of the Yinchirs, he returned to his post until his death in 1451. Thanks to these victories, the Ottoman Empire managed to capture Constantinople in

1453 under the leadership of Sultan Muhammad Fateh in the shadow of minimal help by the Italians to the Byzantine Empire ([Kozhabergenova et al., 2018](#)).

Matias Córvinas, the son of Hovianid, was crowned the fifth Hungarian king in 1457. With the effort of Pope Calitos III in 1458, at the age of fifteen in the city of Buddha, the capital at the time of the empire, he was crowned as the king of Hungary. In 1471, Matias founded the Serbian state in southern Hungary to protect the borders of the Ottoman Empire. In 1479, an Ottoman Empire troops invaded Transylvania, with their few united clerics, and Wallachia in the battle called "Half Bites." They faced a common army from Hungary and Serbia, and severely defeated Sent and most of its people were killed. In the same year, Matias captured Udayah again and, by expelling the Ottomans from northern Serbia, he created a military base in the city of Srebrenick.

METHODOLOGY

The methodological basis of this study is the dialectical method of cognition of social and legal phenomena and concepts in their development and interdependence. Data was obtained from scientific, historical, and legal documents.

RESULTS

The study showed that the formation of class relations among the Serbian tribes was slower than in the neighboring lands. An important role in this formation was played by natural conditions. Mountainous terrain supported the dissociation GUP (associations in several rural communities), and contributed to the preservation of the tribal remnants, some of which are in remote mountainous areas and survived until the XX century. The unbaptized Serbs and Croats called themselves respectively as white Serbs and white Croats. The language of these Slavs is very close to the dialect of Rusyns, Ruthenians and Belarusians. Therefore, it is no coincidence that Mavro Orbini wrote that the ancient ancestral home of the Serbian people (or Russ) is located off the shores of lake Meotia (modern sea of Azov). During the VIII and subsequent centuries, there were principalities in Dukla (future Montenegro), Bosnia and other lands. The slow but steady economic and social recovery of the Central Serbian region of Raska (or Rasa), with its capital in Rasa (the place where the racians live), allowed it to overcome the internal centrifugal tendencies and take the place of a political leader.

It is no coincidence that Constantine Porphyrogenitus paid special attention to the Serbs (five chapters of the work, the most extensive of which is devoted to the history of Raska). In historiography, it is believed that the author, among other sources, had a Serbian chronicle (destroyed in the process of Christianization of the Balkan slaves). This allowed him to write a chapter from which emerges the family tree of the first known in the history of the dynasty that ruled Raska for a hundred years – from the middle of IX to the middle of X century. Vlastimir is conventionally considered the founder of the first rash dynasty. In the reign of Vlastimir and his three sons, who divided the country, the Serbs twice reflected the campaign of the Bulgarians (first – the troops of Khan Persian, then – Boris). As a result, the last collision was a contract, the terms of which are described in detail by Constantine (this was followed by an unsuccessful Bulgarian campaign in Croatia). However, the brothers began fighting, and the winner, Mutimir, sent the captive brother to Bulgaria. Before his death, the Prince gave the throne to one of his sons – Pribislav, but a year later (893 or 894) he was overthrown by his cousin from Croatia. During this period, Byzantium managed to squeeze out the Latin priests from the territory of Serbia, having established the canonical authority of the Patriarch of Constantinople.

New prince, Peter Vojnikovic ruled more than twenty years. He was a contemporary of the Bulgarian king Simeon, with whom he maintained peaceful relations for some time and even made a mistake. He managed to defeat two attempts by his cousins (bran from Croatia and Klonimir from Bulgaria) to seize the throne. The end of Peter's reign was associated with significant events. First of all, around this time came the culmination of the political rise of Bulgaria – the famous battle of Aheloy (917). This has used an archon Michael as the representative of a noble Serbian family (Constantine Porphyrogenitus calls it Patrikios and gives another one of the Byzantine titles, very high). Simeon made a campaign, as a result of which Peter was captured, where he died, and his nephew Paul became Prince. From that time came a period of turmoil, when Byzantium and Bulgaria, in turn, tried to establish on the throne of Rasa his protege. In the end, appeared on the scene Caslav Caninervis. At first, he acted as a Bulgarian creature, but after the death of Simeon in 927, he managed to achieve an independent position and about a quarter of a century ruled the Serbian and Bosnian lands.

Since the mid-960s: new stage in the history of Serbian lands. After the death of Caslav, his power collapsed, and a part of the territory was for several decades under the rule of Tsar Samuil, who had extended their dominion up to the Adriatic coast. That is why some historians mark the risen state using the name of Samuel power. After the tragic end of the battle of Belasica and the death of Samuel, all his possessions were part of the Byzantine Empire (1018). Since then, the center of the political life of the Serbian lands for a while moved to the coastal region, i.e. the territory of present-day

Montenegro, called duklya or Zeta. The result antimitoticescoe uprising under the leadership of Peter Delyana (1040 g) Uklanski ruler was given several opportunities to emancipate itself and, by the time the second major uprising (1072, under the command of George Vojtech) Uklanski Prince Michael acquired political power that the rebels asked him for help, which was provided.

In 1077, Prince Michael received from Pope Gregory VII the right to the Royal title. Here is the beginning of the story of Duklianska Kingdom (or Zeta power). After the death of Bodeen (approx. 1101 ad) who united under his authority the Maritime and continental Serbian land, Zeta power collapsed and included in its composition of the earth again become the prey of the Byzantine Empire. In the 60th year of the XII century, during the reign of the great Zupan Stefan Nemanja (1168 – 1196), Raska dropped the dependence on Constantinople. The growth of the international weight of the Serbian state led to the fact that the great Zhupan, the son of Nemani Stefan Pervovenanny, in 1217, thanks to the clever political game of his uncle Archbishop Sava, received from the Pope the Royal title. In a dispute with the Orthodox Church, the Pontiff of the Latin branch of Christianity tried to win over the Serbs. After Stephen, the first-Married, the Serbian throne was occupied by his two sons from his first marriage (Radoslaw and Vladislav), but they failed to retain the power in their hands. Then the throne was in the hands of the third son, born of his second wife (Anna Dondola – granddaughter of the Venetian Doge – Enriqe Dondola) – Urosh (1237–1272 biennium). This ruler had two sons, Dragutin and Milutin. He promised the throne to the first of them. Seeing that his father did not fulfill his promise, Dragutin drove him away with the help of the troops of the Ugric (Hungarian) king, with whom he was in a relationship, because he was married to his daughter (Seregin, 2015).

But Dragutin ruled Serbia for only three years: physical and moral illness forced him to transfer his supreme power to his younger brother Milutin (1275–1321). Internecine wars and riots in Dragutin greatly weakened Serbia. Byzantine Emperor conceived to occupy the whole of Serbia, and to turn its ruler, Milutin, as his obedient slave. The Serbian-Byzantine war lasted for two decades until Emperor Andronnik the Elder became the father-in-law of Milutin due to his political marriage. Since that time, Milutin became an ally of Byzantium and even thought about joining Serbia with her and make it one Empire. The Milutin's plan met with opposition in Serbia itself: in Zeta a revolt broke out against Milutin, which was headed by his illegitimate son, Stefan. The uprising was suppressed, Stephen was captured, blinded and sent to Constantinople.

DISCUSSION

Towards the end of his life, Milutin reconciled with his son and took him back to Serbia. After the death of Milutin, the Serbian party finally won the elimination of Constantine, who stood for the connection with Byzantium, and the enthronement of Stephen, who finally destroyed the plans for the connection. Becoming the king of Serbia, Stephen (1321 – 1336) married with him his eldest son Dusan, who gave the management of Zeta. The victory of the Serbs in 1330 under Stefan over the Bulgarians gave Serbia the supremacy over all the South Slavic tribes. Already in his advanced years, and Stephen, like his father Milutin, conceived the Union of Serbia with Byzantium. And against him began an uprising, which succeeded this time: Stephen was strangled in Zvecan. Then in 1336, Stephen Dusan succeeded to the throne of Serbia and was crowned the king in his Palace in Clercine. Becoming a vast nation, Serbia reached its maximum prosperity under Stefan Dusan (1331– 1355), who assumed the lush title Kralj of Serbia, Dukla, of hum, the Zeta, Albania and the littoral, ruler of a large part of Bulgarian Empire, and master of almost the whole Byzantine Empire (the latter reminded that the Byzantine Empire was taken South of Macedonia, Thessalia, Epirus). In the will of Staffan 1346, Dusan was crowned ([Ermolovich, 2003](#)).

For the political system of Serbia is characteristic that the Cathedral – the Congress of the Church and secular nobility – continued to function and the king was forced to turn to him in solving important cases. The Council was attended mainly by representatives of the higher clergy and people serving (rulers), holding various positions. Sometimes the meetings were attended by women, such as the wife of Stefan Nemani. As a rule, the councils were convened by the rulers of the Serbian people, archbishops and patriarchs. During the reign of Stephen Uros Dusan of Nemanjica, known as Dusan the mighty, the Council issued one of the most significant monuments of medieval Slavic law – Lawyer Stefan Dusan (Set of Stefan Dusan). The main text of legalism – the first 135 articles, was passed in 1349 to the Cathedral in Skopje. Five years later, the Council made additions that made up the second part of the Lawyer.

The drafters of the Law sought to overcome the disparity in court proceedings and bring legal norms into a certain system, taking into account the needs of feudalism. The monument is multilayered. In addition to customary law, it used the previous acts of Central authority. A significant influence on him was the Byzantine legislation that significantly impacted municipal rights in the Eastern Adriatic coast. As the Act of the judgment of the people, the code of Stefan

Dusan was not comprehensive. It was supplemented by translating from the Greek Law of king Justinian and some other compilations. At the same time, the old custom, according to which the Serbian village continued to sue, has been preserved. The lawyer and other Serbian sources of that era show that feudal property was in the form of *bashtina* and *Pronia*. Artist-*bashtannik*, being obliged to state a small land tax and military service, could freely dispose the land. In addition to generic secular names, *bastine* was considered the possession of the monasteries, which attracted a huge land wealth. Thus, the Serbian *Hilendar* monastery on Mount Athos brought a number of its villages under the power of Dusan.

According to the Lawyer, a bulk of the rural population were dependent peasants – *Merapi*. The volume of their duties was established on a national scale: ...meopham the law in all the earth: in a week let two days working on *pronera* and give him a year Imperial *Perper* (a silver coin). Moreover, they work two more days a year in the time of suffering and, perhaps, pay natural dues. Addition to Lawyer 1354 found that none of the Lords were free to demand anything from *meropol* above the law. The lawyer distinguishes among other categories of the peasantry of adolescents (slaves), close in status to the slaves, well-known Serbian feudal law. The adolescents were considered as hereditary property. The law put here one restriction: they were passed by inheritance only on the male line. To let them free was entitled the Lord who judges *theu* are at will. The boy was subject to state jurisdiction only in cases of such serious crimes as murder, robbery.

Civil legal relations of the medieval Serbia developed under the influence of two legal principles: Slavic custom and Roman law in the late Byzantine interpretation. This is particularly evident in the evolution of the institution of sale, which under the Roman private law was regarded as a consensual contract. At the same time, the practice of application of this agreement in the era of feudalism was characterized by the fact that participation in this type of legal relations of commoners was significantly complicated, since the dependent segments of the population, primarily peasants, could not be full participants in the contractual relations. The property of dependent categories of the population was the property of the ruling class-secular and spiritual feudal lords. Thus, the dependent population from medieval Serbia could only act as a conditional owner, who had limited legal capacity, including in the field of the right to buy and sell. The real owner of the property was the feudal Lord, who had the right of ownership of the property of the dependent population ([Živković, 2013](#); [Bahremand, 2015](#)).

Along with this, the purchase and sale of everyday goods, as a rule, were carried out on the basis of the principle of freedom of domestic and foreign trade, which was guaranteed by the rules of customary law, and at a later time-by the resolutions of article 18 on the transition of things, article 119 on merchants, article 121 on the kings of the Lawyer Stefan Dusan. The content of the norms *Prizrenski* ratification of the XIV century, testifies in favor of the fact that the Foundation of contract law of feudal Serbia, were the norms of the Roman private law, as reflected in the text of the history of the East-Roman law *Eclogues*, which was particularly popular among the Southern slaves. The adapted version of the *Eclogue* to the conditions of social life of the Balkan slaves was called the Slavic *Eclogue*. It follows from the content of this document that the Serbian feudal law did not require compliance with strictly established legal norms for the conclusion of the contract of sale. Thus, article 1 of title IX of *Eclogue* stated: Written or oral sale and purchase of any kind and [in particular, any] thing is made according to the assessment established without fraud by agreement of the participants. When the price is paid to the seller, and the subject of the auction is transferred to the buyer, such sale on change of intention of one of the parties is not subject to cancellation. For it is necessary that prior to the conclusion of the agreement the buyer be fully aware of the study [of the subject of the sale] and then enter into the agreement.... Consequently, the contract of sale was carried out by a simple agreement of the parties. He came into power and gave rise to legal effects from the moment of reaching an agreement of the parties.

CONCLUSION

The judicial system in Serbia, as in any feudal state, was difficult. So, there were manor courts, the ecclesiastical, a special court, conduct officer, levied duties, etc. The most important place belonged to the Royal courts, court in the regional, city. The regional court spent most of its time on the road, exercising General supervision over the entire justice system in the region. Currently, it is impossible to talk about the mandatory conditions for the recognition of a valid folk (pagan) marriage. The age qualification for the bride and groom for marriage remains unknown. The degree of consanguinity, which could be an obstacle to marriage, has not been clarified either. The extremely lenient sanctions for incest, which were provided for by the law of the people of judgment in comparison with the *Eclogue*, which provided for separation instead of the death penalty, suggest that the pagan law did not restrict marriage between relatives. For example, the article 14 *Sofia* list of the law of the judgment People - the ancient Bulgarian legal monument of the IX

century., establishing new rules of marriage, could not ignore the many existing marriages among contemporaries in pagan rite, – he said, – and therefore could not impose severe sanctions against marriage unions among relatives. But this is just an assumption, not confirmed by actual evidence of contemporaries.

Legal sources of the medieval Serbian law determine a number of conditions for a lawful marriage. Chief among them was the age of marriage, which according to the Eclogue and the Nomocanon of Saint Sava (the book of feeding) was 25 years for men and 13 years for women. It is likely that these rules were relevant for medieval Russian law. In the collection of the State historical Museum in Moscow, is stored 12 manuscripts of Eclogue, dated XIV – XVI centuries. The most ancient list of Eclogs, which had circulation in the Russian lands, dates from the XIII century. It is part of the Deccan list of Nomokanon, which was received in the Russian medieval law from a Serbian source. Consequently, the Eclogue on the territory of medieval Russian principalities was, as well as in Serbia and Bulgaria, a well-known source of law. Natural is the fact that the hundred-Domed Council in 1551 gave force of law to the Legal norm, which has been actually applied in Russia for a long time. Thus, the age of marriage, which was the criterion of legal capacity for an individual, in Moscow Russia since 1551 came for men to be 15 years ([Yermolovich, 2008](#)).

The age of marriage set by the Stoglavy Cathedral was observed until the XVIII century, until Peter I issued a decree and changed its parameters at 20 years for men and 17 years for women. Since the Church was in charge of the registration of marriages, the norm of the Head was changed for women only by the decree of the Holy Synod on December 17, 1774. The latter raised their marriage age to 18 years. Finally, this decree abolished the Imperial decree of July 19, 1830, which established the age of marriage for men – 18 years, and for women – 16 years. Kinship in a straight line was an absolute obstacle to marriage, and kinship in the side line forbade marriage only to the sixth degree of kinship, i.e. second cousins could not marry. The eclogue forbade marriages between people. It was impossible to marry mother, daughters and sisters of the wife. This provision also concerned the wife: it was forbidden to marry the father-in-law, the brother-in-law and the stepson. With respect to spiritual kinship, it is impossible to conclude a marriage between a godfather and the goddaughter, as well as between a godmother and her godson. The typical penalty for disobedience according to article 8, the Act of judgment of the People, was cleverdale punishment: if someone marries his godmother, his nose shall be cut off ([Shchapov, 1978](#)).

The eclogue did not provide for the rite of church wedding as a condition for the legality of the marriage. This ritual was introduced in medieval Serbia in the thirteenth century by Archbishop Savva Nemanice and became mandatory for the entire population on the basis of legal norms, as enshrined in article 3, the Lawyer Stefan Dusan, which States: no marriage be accomplished without the wedding, and if done without the blessing of the Church. If the provision of article 3 was violated, the article came into force. Article 9 of this document read, if it turns out to be a heretic, married to a Christian, then if he wants, let him be baptized and converted to Christianity, otherwise he will lose his wife and his children, giving them part of his property, and he will be expelled. Thus, the legal capacity of the number of persons was limited, which was caused by the desire of the Supreme power to stop the spread of heresy. However, from this article it follows that a heretic had no right to be married to a Christian, but their marriage was recognized as lawful provided that the husband of Christianity of the Greek religion ([Arguchintsev, 2006](#)).

In a medieval Serbian family, the husband had no right to dispose his wife's personal property and alienate it. The husband's creditors had no right to encroach on the wife's dowry. In V. 4, title X of the Eclogue says: If someone, having a wife, will borrow from someone and will not be able to repay the debt, his wife is not responsible for it and does not pay the lender from his dowry, except when it is established that she voluntarily owed with her husband. After the death of the husband, neither his creditors nor even representatives of the state Treasury had the right to enter his house and take anything until the wife took her dowry (see: article 2, title 3 of the Eclogue). These norms confirm the priority of the wife's rights to her dowry, even before the rights of the state Treasury. In a Patriarchal Serbian family, the father's power was very great. He could resort to corporal punishment of their children, to expel them from the house and even to sell into slavery. With the replacement of a polygamous family with a monogamous one, the power of the father received some restrictions. He retained his disciplinary authority in the family, but could not subject children to severe corporal punishment entailing injury.

Under the Serbian medieval law, paternal power continued to exist as long as the economic dependence of the son or daughter on the parents, regardless of their age, remained. Parental authority was exercised until the marriage of a son or the marriage of a daughter. It is, therefore, not dependent on the attainment of majority by the children. Children and other members of the descending branch of the family acquired full legal capacity during their independent life, i.e. when they became heads of families themselves. Until that time, children had to listen to their parents and obey their will. This

is stated in article 6 of title II Eclogue, which reproduces Christian instruction on the relationship between children and parents: by Deed and word honor your father and mother to receive their blessing, as the father's blessing strengthens the children's homes, and the mother's curse undermines their foundations. In fact, the Eclogue only legitimized the status quo, as the children's respect for their parents and obedience to them existed even before the Christianization of the Serbian people ([Kozhabergenova et al., 2018](#)).

In medieval Serbia, there was an institution of divorce. Before the adoption of Christianity in the Slavic family union, the initiative of divorce belonged only to the husband - the head of the Patriarchal family. With the adoption of the Greek religion, the legal regulation of divorce changed. It was envisaged that divorce could be demanded by both husband and wife. However, the actual situation was quite different. Wife very seldom was able to use the provided legal framework for the dissolution of marriage. The Eclogue contained several grounds for divorce, which apply to both husband and wife. For example, if a husband or wife attempts to kill one another (an attack on life), the spouse who has been the object of the attack may legally request the dissolution of the marriage. This rule also applied when one of the spouses was ill with venereal disease. Established by the Nomocanon (helmsman book) grounds for divorce and today, at the beginning of the XXI century, enshrined by the norms of the current marriage and family law of Republika Srpska ([Abayeva, 2018](#); [Araújo et al., 2018](#)).

Speaking about procedural law, it should be noted that the procedure of judicial proceedings in the medieval Serbian state, as well as in the Croatian tribes, was called PRA, which is derived from the word truth. In the church courts of Serbia, the Inquisition form of legal proceedings was used, while in the tsarist court the cases were considered on the basis of the accusatory process, as a rule, orally and publicly with the obligatory conduct of the puncture of the court session and the written fixation of the court decision. State and religious crimes were prosecuted on behalf of the state. The defendant's admission of guilt meant the end of the trial. If there was no confession, the court evaluated the evidence. The Prosecutor could have presented witnesses and other evidence. Along with the testimony, the widely used ordalia –the court of God: the test of hot iron or pot. The accused was forced to take hot iron with his hands and carry it for a certain distance. According to Article 152 of the Prizren list of the manuscript the Lawyer Stefan Dusan, the distance of the procedural action was equal to the length of the road from the Church gate to the Church altar. If during this test, no great burns were received or the wound obtained healed quickly, it was assumed that the accused is innocent ([Muyambiri & Chabaefe, 2018](#); [Irvani et al., 2015](#)).

The match is recognized as proof for one case: when the two argue during a military campaign. They had to fight one-on-one, and no one had to stand the pain of cutting off their hands. The execution of the court rulings was entrusted to special officers – police officers who also provided the appearance of the parties at the hearing. The development of Serbian law was interrupted by the Turkish military expansion. In the battle on the Kosovo field in 1389, the Serbs after a heroic resistance, were defeated by the Turks. After that, it was the turn of Bulgaria. In 1396, the last Bulgarian fortress fell. In the XV century, Turkish rule was strengthened in Bulgaria and Serbia and extended to the neighboring areas. Thus, the southern Slavs fell under the centuries-old Ottoman yoke, which will be reset with the help of the Russian people only in the XIX century ([Laamena et al., 2018](#)).

The conquerors introduced their own version of the military system in the South Slavic lands. Turkish administrative and judicial procedures were enforced in the Balkans. The Sultan's legislation was supposed to replace the previous laws, but in fact, the Slavic norms continued to operate to a large extent. It is no coincidence that there are many – about 20-lists of the Lawyer Stefan Dusan, made in the XV-XVIII centuries. Property claims, disputes over the use of communal land, etc. in the Serbian and Bulgarian villages of the late feudal period, customary law continued to be most often regulated, playing an important role in building the legal system of the Serbian Principality in the nineteenth century and in shaping its state ideology.

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