

AREAS OF ACTIVITIES OF THE JUSTICE BODIES OF SOVIET UKRAINE IN THE 1920'S IN THE FIELD OF LAW ENFORCEMENT

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Abstract. The article is dedicated to the definition of the main activities of the justice bodies of Soviet Ukraine in the field of law enforcement in the 20's (on the example of some regions of Donbas). It is proved that in the period of the 1920s the justice bodies were given a mediocre role in a kind of mechanism for performance and implementing the instructions of the Bolshevik Party. It is established that the main activities of the justice bodies of Soviet Ukraine in the field of law enforcement concerned, first of all, the establishment of the functioning of criminal justice. It was found that among the most common forms of crime were official and service crimes. It was discovered that this category of crimes included: appropriation and embezzlement, bribery, abuse of power, forgery, negligence, improper exercise of authority, unlawful deprivation of liberty, inaction of the authorities, provocation of bribes, disruption of the apparatus, unjust decisions, authority misuse, discrediting the government, mismanagement, failure to provide information, etc. It was established that the number of waste was especially significant, which took place in the conditions of the NEP quite imperceptibly and almost with impunity. The perpetrators were helped to commit this crime because of the unstable situation in the country's economy, in particular due to the high level of inflation. It is substantiated that this type of crime was committed by withholding a certain amount for some time for their own needs, and then it was possible to cover it nominally with the same amount of rubles, but that have already lost their real value. It is proved that combating official and service crimes was a matter of special complexity, as in the period of the NEP there were quite favourable conditions for crime in general, and for its official and service types in particular. In these circumstances, the role of the justice and, above all, the prosecutor's office was to supervise and coordinate. It is determined that the process of counteracting violations of law and crime in the 1920s by the justice bodies of Soviet Ukraine, as well as in the USSR in general, was also complicated by the strengthening of punitive and repressive roles of law enforcement agencies.

Keywords: justice bodies of Soviet Ukraine, law enforcement, fight against crime, punitive and repressive system, Bolshevik ideology.

INTRODUCTION

Considering the issues related to the activities of the judicial bodies in the field of ensuring the rights and freedoms and legitimate interests of man and citizen, upon the application of state institutions of legal measures aimed at maintaining stable rule of law in the state, combating crime and other offenses, it is expedient to determine which bodies are endowed with the features of “law enforcement” (Perepelytsia, 2008).

Law enforcement bodies and its core – the courts, the prosecutor’s office, bodies of internal affairs and the judicial bodies – have always been an important part of the whole system of influencing crime. Despite the significant differences in competence, they are united by a common function – the fight against crime. Unlike other state bodies, which also perform this function to a greater or lesser extent, for them it is the main and determining factor (Syrykh, 1999).

For the justice authority of Soviet Ukraine, combating violations of the law and criminal acts, and especially the fight against crime, have been and remain the most pressing and urgent tasks. Their successes and achievements, miscalculations and failures in this regard, including the period of the 1920s, are important instructive for modern law enforcement agencies in Ukraine.

In addition, this study is comparative and historical, because it is aimed at the scientific study of the main activities of the justice bodies of Soviet Ukraine during the 20s of the XX century in the field of law enforcement.

On the other hand, the justice bodies, being an integral part of the law enforcement system, reflect the regular share of the law enforcement system of Ukraine in the context of its temporal measurement through comparative historical research, which is an important tool for understanding its features, traits and properties (Kudin, 2019).

To this topic addresses such scientists as S. V. Hubar, M.P. Maliarov, M.I. Mychko, O.K. Mikhieieva, V.S. Novikova, A.M. Yakovlev, A.Y. Shevchenko (Hubar, 2003; Maliarov, 1978; Mychko, 1999; Mikhieieva, 2004, 2010, 2011; Novikova, 2012; Yakovlev, 1986, Shevchenko, 2016) as well as others. They sufficiently present the material on the forms, methods and means of activity of the judicial bodies of Soviet Ukraine in the field of law enforcement; however, it applies mainly to the 30s of the XX century. In addition, it requires a more comprehensive clarification of the main activities of the justice bodies of Soviet Ukraine in the field of law enforcement in the 20s.

The purpose of the article is to determine the main activities of the justice bodies of Soviet Ukraine in the field of law enforcement in the 20s of the XX century (on the example of some regions of Donbas).

The following methods were used in the research process: dialectical method, as well as a number of general scientific (analysis, synthesis, logical, systemic, structural, functional, hermeneutic, axiological) and special methods (comparative-historical, formal-dogmatic, etc.).

RESULTS AND DISCUSSION

The directions of the organization of the activity of the criminal justice bodies in the 1920s were determined by the theory and practice of the Bolshevik government. The violent way

of gaining power in the conditions of the proletarian revolution, substantiated by Marxist-Leninist doctrine, was borrowed by Stalin and his associates and formed the basis of the policy of “building socialism”. Stalin’s totalitarianism left no room for the will of the people. Law-making was not determined by the historical development of society and did not correspond to the objective process of forming the circumstances and preconditions of law.

Thus, the law-making was reduced to enshrining in regulations the will of the Communist-Soviet leadership. Moreover, the developed legal norms were not obligatory for their creators, which is traditional for totalitarian and authoritarian regimes. And the criminal justice authorities were entrusted, above all, with the task of ensuring the functioning of the Stalinist dictatorship, the implementation of socio-economic and political campaigns, and the fight against crime receded into the background. The law enforcement system was deliberately distorted (Hubar, 2003).

In the USSR, the intensification of socio-economic and political campaigns initiated by the party authorities and carried out with the help of law enforcement agencies, in particular criminal justice, has been particularly pronounced since the late 1920s. At the same time, the new government faced various manifestations of crime. The sources of the latter were: traditional criminal elements; socio-psychological deformation of the population caused by the First World and Civil Wars and post-war devastation; abuse and violation of the law among government officials, etc.

The second half of the 1920s was marked by the emergence at the political, legal, and party-state levels of the assertion that socialism and crime were incompatible. In accordance with the strengthening of socialism, all the negative phenomena that until then needed social control through the system of bodies providing coercion had to disappear by themselves (Mikhieieva, 2010). Such ideological guidelines largely limited the development of the justice bodies. However, the reality was that it was impossible not to take into account the fact that crime did not decline, but rather increased in the second half of the 1920s in Soviet Ukraine. Because often the victims of criminals were law enforcement officers themselves.

In a circular for the police and investigative services of Soviet Ukraine on June 26, 1926, the chief of police and investigative services of Soviet Ukraine I. Yakymovych noted that in the process of criminal investigation units on the ground increased the number of victims at the hands of detectives and police, especially such cases took place during the implementation of operational tasks (ambushes, raids, etc.) to detain criminals.

Among the factors that should have prevented losses among investigators and police were the following:

- 1) under the personal responsibility of assistants to the chief of police and investigation, employees seconded to the operation to properly instruct on the approach to the operation site, on convenient places for the operation, on criminals to be detained, on their appearance, weapons, on a place that may be favourable for criminals resistance;

- 2) explain in detail to each police officer and investigator what he should do, who is responsible for the failure of the operation, when it happens through the fault of the participants in the operation and the subordination of individual employees to those who manage the operation;

- 3) weapons issued to police and investigation officers seconded to the operation must be

carefully checked to determine their suitability and sufficiency of ammunition, etc.;

4) in cases when police and investigation officers sent on operations are injured or killed and the fact of injury or death occurs due to unfitness of firearms and ammunition, persons who sent injured victims to the operation are liable to criminal liability (Central State Archive of the Supreme Bodies of Government and Administration of Ukraine, 1926).

It should be noted the weak professional level of training of law enforcement officers at that time, which led to frequent cases of inability to properly repel well-organized criminal groups and gangs. The justice bodies should have paid special attention to investigating cases in which criminals, police and other law enforcement agencies suffered at the hands of criminals.

Extensive rights and responsibilities were given to prosecutors in the fight against crime:

- initiation of prosecution;
- providing instructions and explanations to the investigative authority and preliminary investigation;
- approval of indictments; participation in administrative sessions of the court;
- maintenance of charges in court;
- protesting court verdicts and rulings; verification of proper detention, etc. (Mychko, 1999).

The state of criminal crime and the spread of banditry in the Donbas, in particular in the Novo-Aidar and Novo-Astrakhan districts, where a significant number of criminal elements were located, for example in the Novo-Aidar district there were 50 criminals, who repeatedly served their sentences in the BUPR, but were released and continued their criminal activities, were of particular concern to prosecutors and party leaders of Soviet Ukraine.

For example, during the elections to the Novo-Aidar village council, a group of 11-12 drunken criminals roamed the polls trying to disperse citizens. At the same time, they beat representatives of the party leadership and local party members. As a result, the criminals went to look for the district police chief and his assistants in order to beat them. Due to the small number of police in the area, none of the hooligans were detained. The next day only, a police detachment led by the head of the district DPU, the district police chief and the district prosecutor arrested 13 participants involved in terrorizing the population and district workers (Minutes of the meetings of the commission of the Central Committee of the CP(b)U on the cases of accused and prisoners in the Starobilsky District prisons, 1926).

The conditions for the spread of banditry in the Starobilsk district were seen primarily in the fact that during the civil war in this area there were 15 gangs, numbering more than 1,500 people, who were subordinate to N. Makhno and his assistants. Over time, in 1922, political banditry was eliminated, as a result, some ordinary bandits were amnestied, and in total there are about 300 amnestied bandits in the district. Some of them showed a tendency to continue their criminal activities by committing thefts and arson. After the elimination of political banditry, some bandits scattered throughout the district, uniting the criminal element around themselves and organizing criminal groups.

Expelled criminal elements from the North Caucasus region, Rostov-on-Don province, Azerbaijan, Moscow province and other regions caused another threatening position. All political deportees were registered with DPU, and criminal – with administrative department.

It was recommended to stop the deportation of criminal elements from various regions of the USSR and RSFSR to the Starobilsk district and to take measures of administrative eviction of local criminals and remnants of criminal gangs (Minutes of the meetings of the commission of the Central Committee of the CP(b)U on the cases of accused and prisoners in the prisons of the Starobilsky district, 1926).

The “Bulletin of the NKVD of the USSR” of February 5, 1925 stated that the fight against banditry was one of the most complex and difficult tasks assigned to the police. And it played a significant role in the elimination of banditry. Of the total number of inquiries of 60,350 – in criminal and administrative cases filed in 1924, 1,432 fell on the Donetsk province (Malyshev, Beschastnyi, Kyrychenko, 2000).

And already in the report of the head of the Starobilsk district department of the DPU I.G. Lensky from March 16, 1926 “On the state of banditry in the Starobilsk district” it was noted that criminal acts in this district did not differ from a number of neighbouring districts. It was also noted that there was no significant “criminal banditry” (Luhansk, Shakhtinsk, etc.) (Minutes of meetings of the commission of the Central Committee of the CP(b)U on the cases of accused and prisoners in Starobilsky district prisons, 1926).

However, despite some successes of law enforcement agencies in the fight against crime, the problem of a significant number of socially dangerous elements in the Donbass remained quite acute.

The circular for the police and search agencies of Soviet Ukraine on June 18, 1926, contained an explanation of the procedure for the administrative expulsion of socially dangerous elements. According to the instructions of the NKVD bodies under No 273/49 of 1924, it was assumed that socially dangerous elements were to be understood as those who had two previous convictions or four registrations for property crimes.

In order to eliminate a number of mistakes and shortcomings in the administrative deportation of socially dangerous elements, the heads of district police and investigative departments were asked to:

- 1) in case of petitions for administrative expulsion of socially dangerous persons – to identify the real danger of the person, noting – what is the danger after serving a sentence for past crimes, as well as – where the person works, what property he owns, what characteristics he gives the village council, or the head of the house in the cities;

- 2) in no case to send to the Special Meeting cases on Administrative Expulsion of those persons against whom there are cases not considered in courts or prosecutor’s offices. With regard to such persons, it was recommended to apply to the court for the application of Art. 49 of the Criminal Code at a time when the case will be considered in court, etc. (Central State Archive of Supreme Authorities and Administration of Ukraine, 1926).

However, the application of administrative deportation of socially dangerous elements in the conditions of urbanized and extremely criminalized Donbas was an extremely difficult matter and required extraordinary efforts of law enforcement officers. At the same time, there were a number of obstacles that complicated the whole process of combating crime. And among them, “cleansing” had a particularly negative impact.

The XVI Congress of the CPSU (B) set the task of cleansing the party ranks of socially and ideologically hostile elements. A special role was given to the Central Committee of

the RSI (Communist Party of the Soviet Union in resolutions and decisions of congresses, conferences and plenums of the Central Committee (1898-1986), 1984). The so-called “cleansing” that began in Soviet institutions in the first half of the 1920s also affected law enforcement agencies.

Numerous articles were published in the press calling for more active participation in the “purges”, in particular the police, “throwing out of its ranks all the unworthy elements” that discredit it (The police will clean their own ranks, 1922). The reduction of staff in Soviet institutions, including the NKVD and the GPU, needed some justification. Accordingly, “cleansing” was usually associated with malfeasance.

The collection of orders of the police and investigation of Soviet Ukraine under No 115 “On the Procedure for Arrests by Police and Investigation in Disciplinary Procedure” of July 26, 1926 stated that in some district police departments there were cases when police and investigation officers were arrested, imposed on them in a disciplinary manner, in the same cell with the criminal element.

As the leadership of the police and investigation of Soviet Ukraine believed that such a phenomenon led to the beating of arrested police officers and undermined the authority of both police and disciplinary officers, it was ordered to establish a clear procedure for the arrest of arrested police officers only in cells isolated from the criminal element (Mychko, 1999).

The justice bodies, and especially the prosecutor’s office, required not only a thorough investigation into violations of law by law enforcement officials, but also a proper response to them and appropriate measures to prevent these phenomena.

Working with the staff of law enforcement agencies of Soviet Ukraine in the 1920s was one of the priority areas of activity. In general, in the districts of Soviet Ukraine, individual training and group classes on police professional education were carried out for the leadership of the police and investigation.

The obstacle was considered to be the overload of police and investigation officers with the job, as well as the lack of funds for the organization of training teams in the districts. Crime among police and investigation officers decreased somewhat in the 1925/26 budget year, when inspections were conducted among police and investigation agencies in general, so the total number of crimes included those committed by police and investigation officers, who have already been released as a result of “cleansing”. In general, crime among police and investigation officers decreased during the 1925/26 budget year compared to the 1924/25 budget year, with the most malicious crimes not observed before the “cleansing”.

Appropriate attention was paid to improving discipline among police and investigation officers. The fight against indiscipline was carried out both through educational work and moral influence, and through the imposition of disciplinary sanctions.

During the 1925/26 budget year, 9,312 cases of disciplinary punishment of police and investigation officers were registered (Report on the Activities of the Main Directorate of Police and Investigation of the USSR, 1925-1926). The justice bodies and prosecutor’s office paid significant attention to violations of the law and the commission of crimes, especially official ones.

The general supervision and coordination of the activities of all bodies involved in the

fight against crime was carried out by the prosecutor's office. It was at the initiative of prosecutors that systematic work was initiated with investigators and police officers to familiarize themselves with the new criminal legislation (Maliarov, 1978).

Special work was done to combat malfeasance. Thus, in 1927 the problem of combating official crimes was presented to the RSI. The latter worked to restructure, simplify and improve the Soviet apparatus. At the same time, such types of crimes as abuse of power, criminal negligence, etc. were revealed (Mikhieieva, 2004). An important addition and a kind of continuation of the functions of the NC RSI in the process of combating official crimes was the activity of state security bodies, in particular – the GPU.

In most districts of the USSR the second place was occupied by property crimes and crimes against life and health, the third place – crimes in the field of sexual relations (Order, circulars of the Donetsk Provincial Prosecutor's Office on the tasks and activities of the prosecutor's office, on relations with the DPU, on combating illegal tax collection, on monitoring the legality and justice of dismissal, on combating crime, etc. 1924-1925). Among the economic crimes committed on the territory of the USSR were: mismanagement, the conclusion of clearly unfavourable contracts, waste of property by the tenant, malicious overstatement and understatement of prices at auction.

Among these types of crimes, mismanagement stood out. During the 1920s, there were often difficulties in qualifying this type of crime. An important feature in establishing the signs of mismanagement was the presence of negligence or dishonesty in the case, so mismanagement could only be a negligent crime. It was the subjective side that distinguished this crime from the official crime of abuse of power or official position.

The analysis of criminal cases at that time shows that a significant part of these cases had the wrong classification of crimes, instead of abuse of power, the action should have been classified as mismanagement (Novikova, 2012). However, during the second half, and especially in the late 1920s, the justice bodies of Soviet Ukraine was increasingly faced with the task of increasing responsibility for economic crimes and classifying them as official or service.

Perhaps the most common form of crime in the economic sphere was property crime. This category of crimes included theft, robbery, misappropriation or embezzlement, forgery of documents and more. Particularly significant was the number of waste, which in the NEP occurred quite invisibly and almost with impunity (Yakovliev, 1986). Property crimes and crimes against life and health ranked second in the vast majority of administrative-territorial units of Soviet Ukraine. These included: robbery, burglary, theft, intentional damage to property, deception and fraud, forgery, purchase of stolen goods, banditry, murder, manslaughter, suicide, grievous bodily harm, minor injuries, etc. (Minutes and resolutions of the Bureau and acts of inspection of the activities of the prosecutor's office and courts and the state of revolutionary legitimacy, 1924-1925).

If in the pre-revolutionary period criminals had a certain "qualification", then in the period of the Civil War they generally lost it. In addition, hunger and unemployment also led to the rejection of "qualifications" and encouraged criminals to take up any business. There are also a lot of non-professional criminals – random, from different segments of population with different motives. Ukraine, and especially the Donetsk region, attracted criminals

from all over the USSR (The police will clean up its ranks, 1922). As a result, group criminal banditry was formed. At the same time, there were relatively small groups and individual robbers, who engaged in robberies and looting of civilians, mainly on transport links.

With the development of the NEP and the improvement of the country's economic situation and the restoration of the revolutionary law and order, the random element of the criminal world begins to disappear, giving way to revived recurrence. There is a stratification of the criminal world into recidivist professionals who have chosen to commit crimes as a profession and a random element that goes to theft, robbery or murder for a living.

The professional criminal began to return to his certain criminal "qualification", and from inconsistency gradually moved to a strictly thought-out plan and a larger scale with the use of technical improvements and the latest means of committing crimes. Thus, there were cases when criminals, entering the premises of offices or other institutions, drilled holes in safes, then inserted a washer with cutters, which under the influence of electricity made a significant hole. Counterfeiters have significantly improved their technique for making banknotes (Report on the activities of the Main Directorate of Police and Investigation of the USSR, 1925-1926).

At the same time, by the end of the 1920s, law enforcement agencies, including the justice bodies, could not yet effectively counter lawlessness. In particular, the increase in the qualifications of the investigative apparatus did not keep pace with the complication of crime, its methods and circumstances, increasing the requirements for proof of investigative material (Mikhieieva, 2011). The main problems in the work of the investigative apparatus remained the closure of the case for lack of evidence and the initiation of the case without sufficient grounds.

Both the first and the second had a bad effect on the image of the Soviet law enforcement system, as in the first case it showed impunity for crimes, and in the second – excessive pressure on citizens, and investigators worked in vain (Mikhieieva, 2011). However, in the mid-1920s, there was a steady increase in the percentage of cases referred to court. Thus, out of every 100 completed investigations, an average of 33.7 cases were transferred to court in 1924–1925, 36.0 cases in 1925–1926, and 45.0 cases in 1926–1927 (Documents on the activities of the Mariupol District Court (protocols, reports, correspondence), 1926–1928).

In general, it should be concluded that the process of counteracting the law enforcement agencies of Soviet Ukraine with criminal acts in the 1920s was quite contradictory and complex.

The sources of crime and illegal actions were:

- traditional criminal elements;
- socio-psychological deformation of the population caused by the First World and Civil Wars and the post-war devastation;
- abuse and violation of the law among government officials themselves, etc.

Each of these factors required a special, balanced approach to developing strategies and tactics to counter their consequences. However, due to a number of objective and subjective circumstances, the law enforcement agencies of the time, and in particular the justice bodies, could not properly confront the numerous violations of the law. First of all, this was due to the rather low professional level of training of the law enforcement agencies and the

frequent cases of inability to properly repel well-organized criminal groups and gangs.

CONCLUSIONS

During the 1920s, the justice bodies of Soviet Ukraine were given a mediocre role in a kind of mechanism for execution and implementing the instructions of the Bolshevik Party. The main activities of the justice bodies of the USSR in the field of law and order concerned primarily the organization of the functioning of criminal justice.

Among the most common forms of crime were official and service crimes. This category of crimes included: appropriation and embezzlement, bribery, abuse of power, forgery, negligence, improper exercise of authority, unlawful deprivation of liberty, inaction of power, provocation of bribes, disruption of the apparatus, unjust decisions, authority misuse, discrediting power, mismanagement, failure to provide information, etc.

Particularly significant was the number of waste, which in the NEP occurred quite invisibly and almost with impunity. The perpetrators of this crime were helped to commit this crime by the unstable situation in the country's economy, in particular the high level of inflation. This crime was committed by withholding a certain amount for some time for their own needs, and then it was possible to cover it nominally with the same amount of rubles, but that have already lost their real value.

Combating official and service crimes was a matter of particular difficulty, as in the period of the NEP there were quite favourable conditions for crime in general, and for its official and service varieties in particular. In these circumstances, the role of the judiciary and, above all, the prosecutor's office was to supervise and coordinate. And first of all – in cooperation with the DPU. The process of combating violations of the rule of law and crime in the 1920s by the justice bodies of Soviet Ukraine, as well as in the USSR in general, was also complicated by the increasing punitive and repressive role of law enforcement agencies.

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