

HISTORICAL ASPECTS OF THE INSTITUTION OF ADMINISTRATIVE AND LEGAL POWERS OF THE MILITARY COMMISSAR

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In the article the historical analysis of the formation of the institute administrative and legal powers of the military commissioner and proved the importance and necessity of territorial bodies of military administration.

Military commissar, administrative and legal authority of military authorities, the Armed Forces of Ukraine, mobilization, military divisions.

Constitution of Ukraine in Article 65 declares that the defense of the Fatherland, independence and territorial integrity of Ukraine, respect of the state symbols is a duty of Ukraine citizens [1].

The aim of our article is to examine the formation of the institution of administrative and legal powers of the military commissar, but it should be noted that the research of this question is impossible without studying the history of the development of military enlistment offices in Ukraine, and it is caused by certain circumstances. Firstly, studying the origins and activities of military command is complicated by the ambiguity of understanding the content of this knowledge in different periods of formation and development of an independent Ukrainian state, its armed forces and of the military-historical science. Secondly, we know that this historical analysis is carried out within the existence of a state which, in turn, is determined by the specificity of its public institutions, bodies of defense and military doctrine. Thirdly, the present sources, relating to subject, are very few in number, in addition, their content has two characteristics, one of which is to highlight mainly the Soviet period of such of local military command, the other – in covering the pre-Soviet period and the state law, military formations and units, mainly studied the negative aspects of these phenomena from the working class and communist party ideology's point of view. Fourth, most of the publications on legal and administrative powers of the commissioner and the military organization of the military commissariat are either a popular science or declarative literature.

It should be noted that the beginning of a system of formations, with functions essentially similar to some features of modern military

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commissioners in terms of recruitment and mobilization of military forces, accounts fit the period of Hetmanate. Among the records of political and legal thought of XVI c. Ukraine, attention should be paid to a radical reform in Cossack system (condition) plan, developed by Cossack commander S. Nalivayko. This document was submitted by S. Nalivayko to the King Sigismund III of Poland in 1596 and became an example of a systematic presentation of social and political views that origin from the Cossack environment. [2, p. 56–57].

Administrative-territorial construction of the First Ukrainian Hetmanate, which arose as a result of the revolutionary events during 1648-1649 was led by Bohdan Khmelnytsky, followed the regiment-sotnia(company) territorial principle, according to which, the Ukrainian state was divided into separate military-administrative districts (regiments) which in turn, made up of smaller units (sotnias). The primary military subdivision of the First Ukrainian Hetman was a Kurin that was formed at the hamlet or small village. Kureni cooperating in military-territorial units - a sotnia, the center of which was a squadron village or town. Hetman represented the legislative, executive and judiciary and directly commanded the starshina(general officers), colonels and sotniks(captains) through the General and Starshina Council.

An important component of Khmelnytsky public policy was the Sich example - a self-governing military organization of national self-defense on the outskirts of Ukraine with a combined social and individual economic system focused on survival [5, p. 28].

The second development period of the national Armed Forces began in October 1917 and lasted for «liberation» of the Ukrainian people. Among the main features of the organization of command and control and recruitment of troops may be noted the ambiguity of recruitment methods (voluntary/compulsory), registration, status of personnel, conditions of service, etc. Further fate of Ukrainian military units is linked to the establishment of the Soviet regime and the establishment of the Soviet Union.

Thus, the Constitution of the USSR in 1924 was approved creation of a unified People's Commissariat for Military and Naval Affairs, the legal status of which is determined by the specific provisions of the People's Commissariat of Military and Naval Affairs of the USSR, approved November 12, 1923 [9, p. 45]. This Regulation summarized all the tasks and acts in force, and the competence of the military departments, clarified the structure of the central military command and their legal status. Military Reform 1924-1925 biennium covered almost all aspects of life in the Armed Forces of the country, but its main focus was the transition to a mixed territorial militia and regular military service personnel system. The state was not able to hold numerous regular army, but needed a trained military contingent. This problem was resolved creating territorial militia units and connections.

During the Great Patriotic War, Military Commissars performed work on recruiting people for military service, carried out mobilization measures, registration and conscription work. Overall, Great Patriotic War period Military Commissariat has confronted unprecedented complexity and scale of the task of mobilizing citizens, transportation and other resources.

During the postwar years, confrontation was the main feature of the Cold War policy of. The USSR Law «On Universal Military Duty», adopted in 1967, has not brought any significant change in the status of military commissars, scope of military jurisdiction and powers of the military commissioners Commissioner. However, in terms of the contemporary political and economic changes, there was adequate development and improvement of tools, methods and techniques of military command.

Military reform in Ukraine started with the acceptance of July 16, 1990 Declaration of State Sovereignty of Ukraine [10] and the Act of Independence of Ukraine on August 24, 1991 [11]. After the proclamation of the Act of State Independence, Parliament of Ukraine adopted a resolution whereby subjugated all military units stationed in the territory and has created a Ministry of Defence of Ukraine, the government had to proceed to the creation of the Armed Forces of Ukraine and the National Guard.

October 11, 1991 – the Verkhovna Rada adopted the concept of defense and of the Armed Forces of Ukraine development [12], which identified ways and principles of military reform. One of the fundamental ideas of the concept was the construction of the Armed Forces of Ukraine on the principle of reasonable sufficiency both in size and structure, and arms. Acquisition of military units in Ukraine expected to be realized by the combination of different ways.

Law of Ukraine «On Universal Military Duty and Military Service» of March 25, 1992, which was introduced along with the general military duty and contract method of manning military units Ukraine. This law establishes the basic principles of military service, concept and types of military service, period of military conscription and contract service, military ranks, the age limits for military service, general provisions on liability for violations of the law of conscription and military service etc. [13].

The historical analysis certainly confirms the importance and necessity of regional military command (military commissioners) that evolved from self-organizing military units to targeted government action in this area. Determined that the functional competence of these bodies varied unsystematically due to the general level of the administrative apparatus of the country, foreign and domestic policy, methods of recruitment of the army, its strength and international status and so on.

References:

1. Конституція України від 28 червня 1996 р. // Відомості Верховної Ради України. – 1996. – № 30. – Ст. 141.
2. Смолій В. Українська національна революція XVII ст. (1648–1676 рр.) / В. Смолій, В. Степанков. – К., 1999. – 205 с.
3. Крип'якевич І. Богдан Хмельницький / І. Крип'якевич. – К., 1990. – 231 с.
4. Дуляренко В.О. Реєстр Війська Запорозького 1649 р. / В.О. Дуляренко. – К., 1995. – 73 с.
5. Андрущенко В.П. Запорозька Січ як український феномен / В.П. Андрущенко, В.М. Федоров. – К., 1995. – 154 с.
6. Кобилянський О.П. Запорізькі козаки / О.П. Кобилянський. – Запоріжжя, 2006. – 192 с.
7. Військове виховання : історія, теорія та методика : навч. посіб. для вищ. навч. закл. / [В.В. Ягупов, С.Г. Єрохін, О.В. Кожедуб, В.Л. Кирик та ін. ; за ред. В.В. Ягупова]. – К., 2002. – 560 с.
8. Історичні долі південно-західного краю / [за ред. М.А. Миколаєнко]. – Д. : Січ, 2004. – 315 с.
9. Олійник О.І. Народний комісаріат внутрішніх справ України (1917–1941 рр.) : структура, функції, діяльність : дис. ... канд. юрид. наук : спец. 12.00.01 / О.І. Олійник. – Х., 2000. – 205 с.
10. Качуренко Ю.К. Декларація про державний суверенітет України, прийнята Верховною Радою Української РСР 16 липня 1990 р. / Ю.К. Качуренко // Права людини. Міжнародні договори України, декларації, документи. – К. : Юрінформ, 1992. – С. 7–12.
11. Акт проголошення незалежності України : Постанова Верховної Ради України від 24 серпня 1991 р. // Відомості Верховної Ради України. – 1991. – № 38. – Ст. 502.
12. Концепція оборони та будівництва Збройних Сил України : Постанова Верховної Ради України від 11 жовтня 1991 р. № 1659-XII // Відомості Верховної Ради України. – 1991. – № 51. – Ст. 729.
13. Про військовий обов'язок і військову службу : Закон України від 25 березня 1992 р. // Відомості Верховної Ради України. – 1992. – № 27. – Ст. 385.