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REFORM OF LAW ENFORCEMENT BODIES AND ITS IMPACT ON THE ORGANISATION OF CRIME CONTROL UNDER CRIMINAL LAW IN THE FIRST HALF OF THE 1920S

Abstract. Purpose. The purpose of the article is to study the process of reforming law enforcement bodies and its impact on the organisation of crime control under criminal law in the first half of the 1920s.

Results. It is emphasized that the Soviet law enforcement bodies were involved by the authorities in the implementation of tasks to impose the appropriate ruling regime, which involved their participation in forceful actions that were negatively perceived by the majority of the population. This reduced the credibility of representatives of such bodies in the eyes of the public, which largely determined the nature of their staffing. The relatively low credibility of the Soviet law enforcement bodies during the 1920s was also due to the selectivity of their counteraction to criminals, based on the class expediency of the relevant activities. The formation of a corrupt system of officials in law enforcement bodies frequently negated efforts aimed at “purification” of the militia ranks from bribe-takers, discipline violators, and thieves. This was due to the “immunity” of the top leadership of law enforcement bodies, based on their involvement in the party nomenclature, which did not allow for a fundamental renewal through large-scale recertification, while the participation of senior militia officials in the activities of family and landowner groups in the party environment made them vulnerable only in the event of the defeat of one or another group in the fight against competitors. Therefore, even after losing some of the subordinates who were convicted of various crimes, including those who fulfilled the whims of the top leadership, it received new executors by replacing their predecessors. **Conclusions.** It is concluded that the measures to reform law enforcement bodies, strengthen criminal repression, and mainly the economic transformations of the Bolshevik government contributed to a change in the qualitative structure of crimes and their quantitative characteristics, which led to measures of crime control under criminal law, which in the late 1920s was complicated not only by a sharp aggravation of social relations in the countryside, but also by the inability of law enforcement officials to control all localities, as the economic opportunities of wealthy and middle peasants for some time still allowed them to organise quite effective resistance, which resulted in mass violations of the law. Therefore, according to the top leadership of the USSR, the most effective means of suppressing the resistance of the peasantry to the policy of forced appropriation of their labour results was policy on collectivisation of agriculture.

Key words: law enforcement bodies, authority structures, population, public, counteraction to criminals.

1. Introduction

The Communist Party nomenclature in the USSR was formed as a group separated by various privileges from the rest of the society, which was not only to some extent excluded from the scope of law, when legal acts were substituted by decisions of party bodies in relation to a particular person in case of violation of “party discipline”, but also as a group opposed to representatives of intellectual work,

as “soft-bodied persons” who could not be firm enough to preserve the “gains of the revolution”.

The process of separation of the Communist Party and State nomenclature, and later ordinary party functionaries, from the population was most clearly manifested in the establishment of an extensive system of benefits and privileges for officials at a time when ordinary citizens suffered from hunger, unemployment, lack of proper social security, housing and living

conditions. This did not contribute to the formation of ideas about the Bolsheviks' power as fair, and for some of the persons who committed crimes, it served as a kind of justification for criminal activities and, quite likely, could be the basis for opposing the top of the underworld (for example, "thieves in law") to any state bodies on the basis of lack of cooperation with the authorities. Such opposition, as an element of criminal subculture, existed at least before the beginning of the German-Soviet war and was one of the foundations for the formation of rules of conduct for representatives of the criminal world, who under any circumstances did not cooperate with the authorities.

It was the privileges that attracted to the ruling party careerists and people who sought to gain power at any cost to satisfy their own ambitions. This fact caused the spread of official crimes among party and state employees. At the same time, the proportion of criminals in this field fluctuated for a long time between 8 and 9% (Mikheieva, 2004). This category of criminals also included persons who enjoyed the rights and privileges of party and Soviet figures using forged documents (Website of the Central State Archive of Public Association, *cdago.gov.ua*).

Problems that are important both in theoretical and practical aspects for consideration of the process of crime control were raised in the works by O.M. Bandurka, Y.A. Helfand, L.M. Davydenko, A.I. Dolhova, A.P. Zakaliuk, A.F. Zelenskyi, O.M. Lytvak, P.P. Mykhailenko, V.M. Popovych. The role and importance of the scientific heritage of Ukrainian and foreign scientists, their proposals and recommendations on the organisation of effective crime prevention are of high value, but it should be admitted that the problem of historical and legal analysis of crime control under criminal law in Ukraine in 1922–1960 has not yet been under a comprehensive study.

That is why the purpose of the article is to study the process of reforming law enforcement bodies and its impact on the organisation of crime control under criminal law in the first half of the 1920s.

2. Specificities of criminal activities and criminalisation of representatives of the authorities

The most widespread type of criminal activities of the party and Soviet leaders was the abuse of power, which manifested itself in the appropriation of food, drinks, drinking and orgies with subordinates, as well as the illegal acquisition and receipt of valuable items, including jewellery, expensive weapons, furniture, etc. as bribes (Website of the Central State Archive of Public Association, *cdago.gov.ua*). In the report of the instructor of the Central

Committee of the RCP(b) Kasatkin-Vladimirskyi, which was drawn up in 1923, it was noted that a significant part of the workers of the Ekaterinoslav party organisation was associated with local political and criminal banditry, repeatedly engaged in the illegal appropriation of food and belongings from the population, arranged massive drunkenness (Website of the Central State Archive of Public Association, *cdago.gov.ua*).

The scale of criminal activities in the ranks of the party in the first half of the 1920s was such that forced the Secretary of the Central Committee of the CP(b)U V. Molotov to approve on October 19, 1923 Circular No. 58 "On the fight against wastefulness, criminal use of official position by members of the Communist Party", which recommended transferring cars and drays to the state, and emphasized the need to strengthen the fight against alcoholism and bribery (Website of the Central State Archive of Public Association, *cdago.gov.ua*). At the same time, the Central Committee of the CP(b)U, in order to "strengthen the credibility of the party", repeatedly forced journalists under the threat of criminal punishment to refuse to publish materials that tarnished responsible party workers engaged in criminal activities (Website of the Central State Archive of Public Association, *cdago.gov.ua*). This practice of double standards contributed to the criminalisation of officials, some of whom viewed their activities solely as a means of personal enrichment and uncontrolled use of power. However, the strengthening of authoritarian trends in the party leadership necessitated the formation of management verticals based on personal loyalty to the top party leadership contrary to common sense, morality and humanity. Such commitment was achieved by expanding the rights and privileges of the party nomenclature and the fear of losing them in case of guilt or committing a crime that threatened not so much the life, health or property rights of citizens, but the interests of the top party leadership. This approach contributed to the expansion of privileges of the nomenclature.

The privilege of the party nomenclature was enshrined in accordance with the instruction 0/26 of the Central Control Commission of the CP(b)U of February 15, 1926, according to which all cases brought against party members who did not have serious public importance were to be considered in party cells (Website of the Central State Archive of Public Association, *cdago.gov.ua*). Party cells were given the right to determine punishment within party discipline by taking under control, reprimanding, etc.

At the same time, all the most important elements of the Soviet state system, such as party, authority institutions, law enforcement bodies, courts, prosecutor's office, in one way or another participated in the formation of the totalitarian regime, although a special place in this process was occupied by the security agencies of the Cheka-SPA-NKVD (Arkhiireiskyi, Bazhan, Bykova, 2002, p. 225). As well as the procedure for the formation of law enforcement bodies, this had a significant impact on the nature of the organisation of crime control under criminal law.

Soviet law enforcement bodies were involved by the authorities in the implementation of tasks to impose the appropriate ruling regime, which involved their participation in forceful actions that were negatively perceived by the majority of the population. This reduced the credibility of representatives of such bodies in the eyes of the public, which largely determined the nature of their staffing. The relatively low credibility of the Soviet law enforcement bodies during the 1920s was also due to the selectivity of their counteraction to criminals, based on the class expediency of the relevant activities.

The legal basis for the creation of the Soviet militia was the decree of the Council of People's Commissars of the Ukrainian SSR of February 9, 1919 "On the organisation of the militia", according to which the Council of People's Commissars of the Ukrainian SSR instructed the People's Commissariat of Internal Affairs to form militia units on the ground (Shevchenko, Chamlai, Strelnyi, 2012, p. 91). However, it did not regulate the procedure of interaction of the militia with other state bodies of the Ukrainian SSR, which contributed to a decrease in the overall efficiency of the law enforcement system of the republic. In March 1919, the Instruction "On the organisation of the workers' and peasants' militia of the Ukrainian SSR" was approved, which provided for the creation of the Soviet militia department in the status of a subdivision of the NKVD of the Ukrainian SSR with the subordination of provincial militia departments to it. Along with this, district militia departments and militia departments in cities were created. Over time, criminal investigation bodies were created as part of the People's Commissariat of Justice of the Ukrainian SSR. The change in the administrative-territorial division of the Ukrainian SSR in the mid-1920s led to the creation of a new structure of the militia apparatus with the liquidation of provincial militia departments and the distribution of their employees to the newly created administrative districts and regions. And according to the Res-

olution of the Council of People's Commissars of the Ukrainian SSR of August 25, 1928 "On District Meetings of Soviets", administrative militia departments were created within the district executive committees, which were to provide administrative and military administration, militia and criminal investigation.

3. General specificities of the activities of law enforcement bodies

A characteristic feature of the work of militia officers was the overload of duties, which was due to lack of staff. On June 16, 1924, at the meeting of People's Commissars of Internal Affairs of the Union Republics, a significant reduction in the staff of criminal investigation and militia was noted due to lack of funds (Website of the Central State Archive of Public Association, *cdago.gov.ua*). Therefore, in October 1922 in Kharkiv province, most of the 194 militia officers were workers and peasants who had no special professional training. Due to the lack of funds and the low level of training of operatives, covert work was practically not carried out (Website of the Central State Archive of Public Association, *cdago.gov.ua*).

The relatively low credibility of law enforcement bodies and the specifics of their activities attracted people from a certain social environment to join them, many of whom considered the purpose of their involvement in law enforcement not so much to combat crime as to use power (Mikheieva, 2003, p. 172). In this regard, on September 18, 1922, the head of the Criminal Investigation Department of the Ukrainian SSR Mykhailov emphasised the need to improve the authority of the militia by purifying its ranks of persons who could not perform their duties and outright criminals who abused their official position (Website of the Central State Archive of Public Association, *cdago.gov.ua*).

The documents of law enforcement bodies noted that the system of bribery in the militia in the first half of the 1920s was built on a clearly defined vertical. Bribery has become one of the sources of permanent income for militia officers of various ranks, and for the vast majority of NEPmen it has become a guarantee of their activities (Website of the Central State Archive of Public Association, *cdago.gov.ua*). At the same time, party and state officials, along with law enforcement officers, were not only involved in covering up the smugglers' affairs, but also in financing their activities, ensuring the avoidance of liability, including through illegal smuggling outside the USSR. These schemes involved not only militia and SPA officers (heads of the border unit of the Volyn provincial department of the SPA), but also personally the head of the commission for the study

of the border zone of the Ukrainian SSR Poluian (Website of the Central State Archive of Public Association, *cdago.gov.ua*).

Extortion from traders and illegal appropriation of goods became widespread in a system where senior officials demanded regular bribes from their subordinates in the form of various kinds of “gifts”, which created mutual responsibility (Website of the Central State Archive of Public Association, *cdago.gov.ua*). This kind of relationship between superiors and subordinates not only neutralised success in crime control, but also ensured the formation of criminal organisations with the participation of law enforcement officers.

The liability of militia officers for official crimes remained extremely abnormal: paramilitary guards were tried by a military tribunal, and militia officers were tried by a secular court, qualifying such crimes as negligence of duty (Website of the Central State Archive of Public Association, *cdago.gov.ua*).

The formation of a corrupt system of officials in law enforcement bodies frequently negated efforts aimed at “purification” of the militia ranks from bribe-takers, discipline violators, and thieves. This was due to the “immunity” of the top leadership of law enforcement bodies, based on their involvement in the party nomenclature, which did not allow for a fundamental renewal through large-scale recertification, while the participation of senior militia officials in the activities of family and landowner groups in the party environment made them vulnerable only in the event of the defeat of one or another group in the fight against competitors. Therefore, even after losing some of the subordinates who were convicted of various crimes, including those who fulfilled the whims of the top lead-

ership, it received new executors by replacing their predecessors. Such a nature of the organisation of staffing in the militia not only neutralised the growth of the credibility of law enforcement bodies, but also formed confidence in the expediency of such state of affairs, because bribery became a guarantee of career growth, economic activity, turning into an important element of social relations. Moreover, the conviction of about 10% of law enforcement officers for criminal activities could not change the situation, as the number of convicted persons was only the “tip of the iceberg” due to the spread of latent crime in the presence of large-scale mutual responsibility, and the level of remuneration in law enforcement bodies only provoked some employees to participate in bribery.

4. Conclusions

Therefore, measures to reform law enforcement bodies, strengthen criminal repression, and mainly the economic transformations of the Bolshevik government contributed to a change in the qualitative structure of crimes and their quantitative characteristics, which led to measures of crime control under criminal law, which in the late 1920s was complicated not only by a sharp aggravation of social relations in the countryside, but also by the inability of law enforcement officials to control all localities, as the economic opportunities of wealthy and middle peasants for some time still allowed them to organise quite effective resistance, which resulted in mass violations of the law. Therefore, according to the top leadership of the USSR, the most effective means of suppressing the resistance of the peasantry to the policy of forced appropriation of their labour results was policy on collectivisation of agriculture.

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РЕФОРМА ПРАВООХОРОННИХ ОРГАНІВ ТА ЇЇ ВПЛИВ НА ОРГАНІЗАЦІЮ КРИМІНАЛЬНО-ПРАВОВОГО КОНТРОЛЮ ЗА ЗЛОЧИННІСТЮ У ПЕРШІЙ ПОЛОВИНІ 1920-Х РР.

Анотація. Мета. Метою статті є дослідження процесу реформування правоохоронних органів та його вплив на організацію кримінально-правового контролю за злочинністю у першій половині 1920-х рр. **Результати.** Наголошено, що радянські правоохоронні органи залучалися владними структурами до реалізації завдань по насадженню відповідного правлячого режиму, що передбачало їх участь у силових акціях, які негативно сприймалися більшістю населення. Це знижувало авторитет представників таких органів в очах громадськості, що багато в чому визначало характер їх комплектування. Відносно невисокий авторитет радянських правоохоронних органів впродовж 1920-х років пояснювався також вибірковістю їх протидії злочинцям, заснованою на класовій доцільності здійснення відповідної діяльності. Формування корумпованої системи чиновників у правоохоронних органах часто зводило нанівець зусилля по «очищенню» лав міліції від хабарників, порушників дисципліни, крадіїв. Це було пов'язано з тим, що «імунітет» вищого керівництва правоохоронних органів, заснований на залученні їх до партійної номенклатури, не дозволяв здійснити принципове оновлення через масштабну переатестацію, а участь вищих чиновників міліції у діяльності родинно-земляцьких угруповань в партійному середовищі робив їх вразливими лише у випадку поразки того чи іншого угруповання у боротьбі з конкурентами. Таким чином, навіть втративши частину підлеглих, які засуджувалися за різного роду злочини, в тому числі й виконуючи забаганки вищого керівництва, воно отримувало нових виконавців через заміщення їх попередників. **Висновки.** Зроблено висновок, що заходи у сфері реформування правоохоронних органів, посилення кримінальної репресії, а головним чином, економічні перетворення більшовицької влади сприяли зміні якісної структури злочинів та їх кількісних характеристик, що обумовлювало заходи кримінально-правового контролю за злочинністю, який наприкінці 1920-х років ускладнювався не лише різким загостренням соціальних відносин на селі, а й нездатністю працівників правоохоронних органів контролювати всі сільські населені пункти, оскільки економічні можливості заможних селян і середняків певний час ще дозволяли організувати досить ефективний спротив, який виливався у масові порушення законів. Тому, на думку вищого керівництва СРСР, найбільш ефективним засобом придушення опору селянства політиці примусового вилучення у нього результатів праці стала політика колективізації сільського господарства.

Key words: правоохоронні органи, владні структури, населення, громадськість, протидія злочинцям.

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