

UDC 343.1

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Sabluk, Serhii (2022). Reorganisation of special purpose forces and its impact on crime control under criminal law in the first half of the 1920s. *Entrepreneurship, Economy and Law*, 9, 53–58, doi: <https://doi.org/10.32849/2663-5313/2022.9.09>

REORGANISATION OF SPECIAL PURPOSE FORCES AND ITS IMPACT ON 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 reorganisation of Special Purpose Forces and its impact on crime control under criminal law in the first half of the 1920s. **Results.** It is emphasised that one of the signs of the Soviet leadership's orientation towards intensifying repressive activities was the reorganisation of Special Purpose Forces. In 1922, the convoy guard from the People's Commissariat of Justice, and later the border guard units were transferred to the NKVD, which meant the practical completion of the process of reforming the troops of the State Political Directorate on the eve of the formation of the USSR. Structurally, it was as follows: a) internal troops (units and subdivisions directly assigned to the bodies of the State Political Directorate); b) convoy guards; c) border guards. Their total number exceeded 100 thousand people. It is revealed that employees of the State Political Directorate collected and sent the necessary information to state institutions, conducted agent surveillance of political opponents and suspicious individuals, groups and organisations both in the country and abroad; issued permits to travel abroad and enter the country; expelled "unreliable" foreign citizens; and reviewed postal and telegraphic and other correspondence; suppressed armed counter-revolutionary protests with the help of troops of the State Political Directorate; conducted inquiries and sent cases of uncovered criminal acts to the judiciary for hearing and registered persons found and suspected of crimes, "unreliable" personnel of state institutions, industrial enterprises, command and administrative staff of the Red Army; conducted statistical and analytical development of the accumulated materials. **Conclusions.** It is concluded that the establishment and strengthening of the repressive apparatus created a solid platform for the formation of the Soviet totalitarian regime, which used the mechanism of crime control to implement the idea of state paternalism, strengthen the power of the ruling elite and economic transformations aimed at maximising nationalisation of production.

Key words: State Political Directorate, Border Guard Administration, military guard, abuse of power; bribery.

1. Introduction

One of the signs of the Soviet leadership's orientation towards intensifying repressive activities was the reorganisation of Special Purpose Forces. In 1922, the convoy guard from the People's Commissariat of Justice, and later the border guard units were transferred to the NKVD, which meant the practical completion of the process of reforming the troops of the State Political Directorate on the eve of the formation of the USSR. Structurally, it was as follows: a) internal troops (units and subdivisions directly assigned to the bodies of State Political Directorate); b) convoy guards; c) border guards. Their total number exceeded 100 thousand people. Almost 30% were stationed in Ukraine. Since then, the troops have

become an integral part of the law enforcement and repressive state mechanism (Borodych, 1999). Moreover, the Fundamentals of Criminal Procedure of the USSR and the Union Republics, adopted by the Central Executive Committee of the USSR in 1924, provided for a reservation that the prosecutor's right to release unjustifiably arrested persons did not apply to those arrested by the United State Political Directorate (hereinafter – the ODPD) (Abramenko, Amons, 2006, p. 13).

The issues that are important both in theoretical and practical aspects for understanding the crime control process 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 counteraction to crime are of high value, but it should be noted 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.

As a result, the purpose of the article is to study the process of reorganisation of Special Purpose Forces and its impact on crime control under criminal law in the first half of the 1920s.

2. Organisation of Special Purpose Forces

The troops of the GPU-ODPU occupied a special place among the specialised bodies. During 1922, they were deprived of the functions of protecting railway facilities, vehicles and cargo, and industrial enterprises. According to a Resolution of the All-Union Central Executive Committee of January 3, 1923, a convoy guard corps was added to the GPU troops, which was tasked with guarding places of detention and escorting arrested and imprisoned persons.

From 1 January 1923, according to a Resolution of the RSFSR Council of People's Commissars of September 27, 1922, the Ukrainian SSR GPU was subordinated to the border troops. Podillia, Volyn, and Odesa border detachments were created. The most numerous parts of the GPU troops were the internal troops, responsible for guarding the premises of the highest state and party institutions and were used to fight banditry. In the first half of the 1920s, the number of internal troops was reduced to one 4th Ukrainian regiment. There were military formations with a special status, a Special Purpose Detachment subordinated to the head of the Administrative and Organisational Department of the GPU of the Ukrainian SSR, and guard detachments and teams of the FC of the GPU of the Ukrainian SSR. According to a Resolution of the All-Union Central Executive Committee of March 22, 1922, the head of the GPU of the Ukrainian SSR was considered the commander of the GPU troops. Direct management was carried out by the Headquarters and the Political Department (the Inspectorate since 1923) of the troops of the GPU of the UVO. In 1926, with the establishment of the Department of Border Guard and the GPU troops, the leadership of the internal and border troops of the GPU was united. The Resolutions "On the military protection of enterprises" and "On the paramilitary protection of industrial enterprises and state buildings" adopted by the Council of People's Commissars of the USSR on May 12, 1927, were important for expanding the functions

of the GPU troops. Military guards were introduced at enterprises and institutions that were important for the defence of the Ukrainian SSR, and they were included in the troops of the GPU-ODPU. The paramilitary guards were subordinated to the Supreme Council of National Economy of the Ukrainian SSR and the GPU of the Ukrainian SSR (Okipniuk, 2002, p. 11).

The reorganisation of the Cheka into the DPU was accompanied for some time by serious restrictions on the agency's powers. In particular, since 1922, extrajudicial verdicts of Chekist bodies were reviewed by a commission consisting of representatives of the DPU, the Supreme Tribunal, and the KNU. All criminal cases of speculation, official and other crimes had to be transferred to revolutionary tribunals or people's courts according to their jurisdiction. The People's Commissariat of Justice was entrusted with control over the observance of the law by the GPU (Website of the Central State Archive of Public Associations: *cdago.gov.ua*). However, the Resolution of the congress of NKVD employees on V. Balytskyi's report "On the next tasks of the NKVD and its local bodies" stated that the NKVD bodies were not satisfied with the reorganisation. It was emphasised that 1923 reorganisation of the People's Commissariat of Internal Affairs (hereinafter – NKVD) led to a narrowing of the scope and content of its work (Website of the Central State Archive of Public Associations: *cdago.gov.ua*).

In 1924, discussions about the status of the NKVD became widespread. The reason for the resumption of local discussions about the expediency of the NKVD was the ODPU's circular letter No. 75365 of May 22, 1924, signed by Deputy Head of the ODPU Yahoda and addressed to the heads of the provincial departments of the DPU, which proposed to submit the issue of complete merger of the police and detective services with the DPU and the disbandment of the NKVD for discussion by the regional executive committees. The Odesa and Podillia regional executive committees recognised this decision as appropriate, while others opposed it (Website of the Central State Archive of Public Associations: *cdago.gov.ua*).

The issue of terminating the NKVD on the initiative of the ODPU was discussed by the Politburo of the Central Committee of the RCP, which unanimously rejected the proposal to disband the NKVD. Based on this resolution, the NKVD of the RSFSR not only fully retained all its functions, but also extended its activities to Ukraine (Website of the Central State Archive of Public Associations: *cdago.gov.ua*).

However, the analysis of documents related to the reorganisation of the GPU and NKVD suggests that dissatisfaction with the results of the reorganisation was subjective and determined by the ambitions of the leadership of these bodies and the desire of the top party leadership to maintain competition in the field of law enforcement and special services, including to limit the possibility of concentrating their leadership in one hand.

After the reorganisation of security agencies and temporary restrictions on their rights, the country's leadership gradually returned repressive functions to the GPU. The rationale for this decision was the need to counteract mass manifestations of "banditry," one of the reasons for which was the Soviet government's unbalanced economic policy and selective application of punishment to the "proletarian strata of the population" compared to the "exploiting classes." In March 1922, the Politburo of the Central Committee of the RCP/b/ granted the GPU the right to directly deal with persons found guilty of armed robbery, criminal offenders, and repeat offenders captured with weapons. On April 14, 1922, the Politburo of the Central Committee of the CP(b)U decided to grant the GPU the right to directly repress and pass extrajudicial sentences, with the consent of the Central Executive Committee, up to and including the death penalty, in cases involving crimes committed by GPU employees, repeat offenders, captured with weapons, participants in armed demonstrations or counterrevolutionary organisations aimed at the violent overthrow of the Soviet system (Kulchitskyi, 1996, p. 257).

On 27 April 1922, the GPU was entitled to execute on the spot a "bandit element" captured while committing a crime. On 10 August 1922, the Central Executive Committee granted the GPU the right to apply administrative exile abroad or to certain areas of the RSFSR against those under its supervision. Such decisions were made by the Special Commission, which had the right to decide on the expulsion or detention of anti-Soviet political party members and repeat offenders. Under the NKVD of the Ukrainian SSR, such a commission began operating on September 6, 1922 (Website of the Central State Archive of Public Associations: *cdago.gov.ua*).

The Soviet government's punitive policy toward the Ukrainian peasantry brought certain results. The documents of the Cheka-DPU reflect the history of the gradual extinction of the insurgency. In the first half of 1922, the emergency authorities conducted 539 operations in which 40 detachments and 29 underground organisations were liquidated, 895

people were arrested, 53 atamans were killed and 69 captured, 830 and 2049 members of the armed opposition were arrested, and 18 machine guns, 2741 rifles, and 346 revolvers were seized (Arkhiereiskyi, Bazhan, Bykova, 2002, p. 251). During the same period, the state security agencies arrested 3,546 people on charges of "banditry," 523 of whom were executed. By the end of the year, 111 organised opposition groups with a total of 2,634 members were ended, 341 atamans were arrested, and 1,232 people were convicted of participating in "banditry." However, as of July 1, 1922, the GPU authorities in Ukraine had more than 80 insurgent groups with a total of 1,500 fighters, including 17 groups in Volyn, 11 in the Podillia province, 12 in the Kyiv province, 5 in the Kharkiv province, 7 in the Poltava province, and 8 in the Kremenchuk province. The activities of the GPU bodies were aimed at ending the insurgency, but the number of its participants gradually decreased only for economic reasons, when the peasantry, convinced of the benefits of the NEP, gradually withdrew from supporting the opposition. As of April 1, 1923, according to the GPU, there were 26 separate armed groups in Ukraine with a total of 168 people (Website of the Central State Archive of the Supreme Bodies of Government and Administration of Ukraine: *tsdavo.gov.ua*).

In November 1923, the Joint State Political Directorate of the USSR (ODPU) was established. The ODPU's regulations stated that the state security agencies acted on the basis of the Resolutions of the Central Executive Committee of February 6 and October 16, 1922, and the Resolution of the Presidium of the Central Executive Committee of the USSR of November 2, 1923 (N.d., 1926, pp. 9-12). Supervision over the legality of the ODPU's actions was entrusted to the prosecutor of the USSR Supreme Court.

3. The legal and regulatory framework for reorganising Special Purpose Forces

According to the Regulations on the ODPU, it had at its disposal special troops in the number established by the Council of Labour and Defence of the USSR. From that time on, a fundamental reorganisation of the state security and internal affairs agencies began, the process of creating a Union-wide security and punitive system with strict centralised control, in which an important role was assigned to the internal and border troops. The first legal document to publicise their functions and tasks was the "Statute of the Special Service of the ODPU Troops" (1924) (Borodych, 1999, p. 16).

DPU employees collected and sent the necessary information to state institutions, con-

ducted agent surveillance of political opponents and suspicious individuals, groups and organisations both in the country and abroad; issued permits to travel abroad and enter the country; expelled "unreliable" foreign citizens; and reviewed postal and telegraphic and other correspondence; suppressed armed counter-revolutionary protests with the help of troops of the State Political Directorate; conducted inquiries and sent cases of uncovered criminal acts to the judiciary for hearing and registered persons found and suspected of crimes, "unreliable" personnel of state institutions, industrial enterprises, command and administrative staff of the Red Army; conducted statistical and analytical development of the accumulated materials (Website of the Central State Archive of the Supreme Bodies of Government and Administration of Ukraine: *tsdavo.gov.ua*).

In January 1923, Regulations on the Economic Department of the DPU were approved, thereof employees were responsible for identifying organisations and individuals who opposed the normal operation of economic institutions and enterprises; combating economic sabotage and abuse of power; bribery and mismanagement; and malicious failure to fulfil obligations under contracts with state bodies.

On 15 November 1923, the Central Executive Committee of the USSR granted the GPU the right to consider cases of sabotage, arson, explosions, and damage to machinery and mechanisms at state-owned enterprises at court hearings of the ODPU board. During court hearings on political crimes and espionage, a representative of the GPU was required to sit on the court. However, secret employees of the DPU could not be summoned to court as witnesses, and other employees were summoned only as a last resort (N.d., 1960, p. 118).

Cases initiated by the DPU were considered at extraordinary sessions of the Supreme and provincial courts, where the State Political Department had representatives. The DPU also maintained detention facilities for no more than 100 prisoners at each local department. The powers of the ODPU were further expanded in 1924, when on 1 February 1924, the Presidium of the USSR allowed the ODPU to use administrative exile and deportation, to isolate in camps persons accused of buying and hiding bread products, "maliciously" raising their prices, and persons accused of large-scale speculation. On 28 March 1924, Regulations on the ODPU's rights in the field of administrative expulsions, exile, and imprisonment were approved. The circle of persons who could be subjected to such punishment was expanded. On 28 April 1924, by a decision of the Presidium of the USSR Central Executive Commit-

tee, the GPU received the right to resolve cases on charges of "banditry" out of court. On 9 May, the Presidium of the Central Election Commission granted the ODPU authorised officials the right to extrajudicially deal with "bandits" and their assistants, as well as the right to evict them from the area, imprison them for up to three years, and apply the death penalty. The Regulations on the NKVD of September 20, 1924, enshrined the interdepartmental statute of the Special Commission, which dealt with expulsion out of court. The right of expulsion was also granted to the Special Meeting of the Board of the GPU of the Ukrainian SSR. Moreover, on 1 October 1924, the provision of March 28 was extended to persons who speculated in grain products in areas recognised as unproductive (Bilas, 1994, p. 93).

The rights of the GPU of the Ukrainian SSR were expanded in such areas as the fight against banditry and counterfeiting, control over the observance of secrecy, and censorship. For example, the Resolution of the CEC and the Council of People's Commissars of the Ukrainian SSR of December 12, 1924, "On the Procedure for the Production, Trade, Storage, Use, Accounting and Transportation of Weapons, Ammunition, Explosives and Explosives" brought the powers of the GPU of the Ukrainian SSR regarding the circulation of weapons in line with the all-Union legislation.

When the USSR Central Executive Committee and Council of People's Commissars issued a new regulation on the protection of the borders of the USSR on June 15, 1927, the provisions that defined the rights of the GPU of the Ukrainian SSR in the field of protection and regime of state border crossing, and the fight against smuggling were amended accordingly. The practice of involving the DPU in solving socio-economic problems, such as fighting fires and sabotage, speculation and agitation, participation in a campaign to reduce prices, etc. was also enshrined in law. The resolution "On clarification of the functions of the GPU bodies of the Ukrainian SSR" adopted on June 9, 1926 by the All-Ukrainian Central Executive Committee and the Council of People's Commissars of the Ukrainian SSR expanded the rights of the latter as bodies of inquiry and preliminary investigation. During the period of the collapse of the NEP and the formation of a totalitarian regime, starting in 1928, the legal status of the GPU of the Ukrainian SSR and its structure changed dramatically. The legislative basis for the gradual transformation of the GPU of the Ukrainian SSR into an integral element of the totalitarian state mechanism was the following resolutions adopted on Octo-

ber 10, 1928: "On clarification of the functions of the GPU and prosecutorial supervision of cases under the GPU of the Ukrainian SSR", "On the relationship between the GPU of the Ukrainian SSR, prosecutorial supervision and the court" and "Regulations on the procedure for consideration of cases in extraordinary sessions of the Supreme Court of the Ukrainian SSR, the Main Court of the AMSSR and district courts in the Ukrainian SSR" (Okipniuk, 2002).

However, in the mid-1920s, due to low prices, rising unemployment, and the release of certain categories of prisoners, there was a certain intensification of "political banditry." The Central Committee of the CP(b)U recognised that the spread of insurgency was due to the difficult financial situation of the largest segments of the peasantry, who had been actively involved in the policies of the Soviet government before the NEP. Another, more important, reason was the abuse of certain representatives of local village and district authorities, as well as

police officers, who settled old scores or illegally seized property from peasants (Arkhiereiskiy, Bazhan, Bykova, 2002, p. 255). In this regard, the number of cases taken under control by the prosecutor's office gradually increased. For example, in 1923, the prosecutor's office registered 1853 cases, in 1924, 9879 cases, and in the first four months of 1925, over 5000 cases. Most cases were under control in the Donetsk (1321), Kyiv (981), Poltava (350), and Katerynoslav (575) provinces (Website of the Central State Archive of Public Associations: *cdago.gov.ua*).

4. Conclusions

Therefore, the establishment and strengthening of the repressive apparatus created a solid platform for the formation of the Soviet totalitarian regime, which used the mechanism of crime control to implement the idea of state paternalism, strengthen the power of the ruling elite and economic transformations aimed at maximising nationalisation of production.

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РЕОРГАНІЗАЦІЯ СИЛ СПЕЦІАЛЬНОГО ПРИЗНАЧЕННЯ ТА ЇЇ ВПЛИВ НА КРИМІНАЛЬНО-ПРАВОВИЙ КОНТРОЛЬ ЗА ЗЛОЧИННІСТЮ В ПЕРШІЙ ПОЛОВИНІ 1920-Х РР.

Анотація. Мета. Метою статті є дослідження процесу реорганізації сил спеціального призначення та її вплив на кримінально-правовий контроль за злочинністю у першій половині 1920-х рр. **Результати.** Наголошено, що однією з ознак орієнтації радянського керівництва на посилення репресивної діяльності була реорганізація сил спеціального призначення. У 1922 р. конвойна варта з Наркомюсту, а згодом і прикордонні частини були передані у відання НКВС, що означало практичне завершення процесу реформування військ Державного політичного управління напередодні утворення СРСР. Структурно це виглядало таким чином: а) внутрішні війська (частини й підрозділи, що закріплені безпосередньо за органами Державного політичного управління); б) конвойна варта; в) прикордонна охорона. Загальна їх чисельність перевищувала 100 тис. осіб. З'ясовано, що співробітники Державного політичного управління збирали й направляли державним установам потрібну інформацію, вели агентурний нагляд за політичними противниками і підозрілими особами, групами й організаціями як на території країни, так і за кордоном; видавали дозвіл на виїзд за кордон і в'їзд у країну; висилали за межі держави «неблагонадійних» іноземних громадян; здійснювали перегляд поштово-телеграфної й іншої кореспонденції; придушували за допомогою військ Державного політичного управління збройні контрреволюційні виступи; здійснювали дізнання і направляли справи про розкриті злочинні дії для слухання у судові органи і реєстрували осіб, виявлених і підозрюваних у злочинах, «неблагонадійний» персонал державних установ, промислових підприємств, командний і адміністративно-господарський склад Червоної Армії; проводили статистичну й аналітичну розробку накопичених матеріалів. **Висновки.** Зроблено висновок, що становлення та зміцнення репресивного апарату створювало міцну платформу для формування радянського тоталітарного режиму, який використовував механізм контролю за злочинністю для реалізації ідеї державного патерналізму, зміцнення влади пануючої верхівки та економічних перетворень, спрямованих на максимальне одержавлення виробництва.

Ключові слова: Державне політичне управління, Управління прикордонної охорони, військова охорона, зловживання владою, хабарництво.

The article was submitted 18.07.2022

The article was revised 08.08.2022

The article was accepted 29.08.2022