

LEGAL STATUS OF THE DIRECTORY OF THE UKRAINIAN NATIONAL REPUBLIC AS A BODY OF COLLEGIATE AUTHORITY (NOVEMBER 1918 - NOVEMBER 1919)

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Annotation. Restoration of Ukrainian statehood in the era of the Directory of the Ukrainian National Republic, which came to power through a rebellion, and which wanted to restore the democratic values of building a Ukrainian state during the Central Rada. The Directory was created as a revolutionary body that was to exist temporarily and transfer its powers to the body of representative power, but internal disputes of political leaders over the formation of state policy in public spheres of life. As a result, the state body became authoritarian with humanistic ideals.

Keywords: legal status, state body, Directory, Ukrainian National Republic, Ukrainian statehood, collegial body.

Problem statement. The historical path of the development of Ukraine and Ukrainian statehood is extremely complex and multifaceted. The state-building processes of Ukrainian construction have deep roots and continue up to these days. The development of modern Ukraine is impossible without a profound study of state-building processes taking place during the Ukrainian revolution of the early twentieth century. An important stage in the state-building process was the period of the Ukrainian revolution of 1917-1920, where a special place is occupied by the period of the Directory's rule. It was the longest (almost two years) and is characterized by the fact that Ukraine was in a difficult geopolitical and domestic political situation. The political system of the Directory era is characterized by the apogee of the Ukrainian revolution, the territory of the country in turn, and even simultaneously occupied by foreign troops of Poland, Romania, the Entente, the White Guards, the Bolsheviks. In such conditions, the state apparatus and the mechanism of governing the republic were developed.

The state of the study. This problem is the subject of research of both domestic historians and legal scholars, researchers of state and legal phenomena of the Ukrainian Revolution of 1917 - 1921. Among the large array of cases should be noted the works of P. Gai-Nyzhnyk, J. Dzeiko, O. Kopylenko, M. Kopylenko, D. Kostiv, I. Terliuk, O. Boyko, R. Panasyuk, A. Prysyzhnyuk, D. Yanovsky. Memoirs of participants of political processes of 1917-1920, in particular M. Shapoval, M. Stakhov, M. Omelyanovich-Pavlenko, V. Vynnychenko, P. Khrystyuk, as well as normative-legal documents, laws and resolutions were used as sources in the work: « Recall of the Directory of the Ukrainian National Republic », " Simon Petliura's Universal", " Declaration of the

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Ukrainian Directory made by the Directory", "Law on the Composition of the Directory of the Ukrainian National Republic", Resolution of the Labor Congress" On the Form of Power in Ukraine", Provisional Law of the Council of People's Ministers on the force of laws, on the procedure for drafting laws and on the forms and procedure for their promulgation"; "Provisional Law on the Procedure for Introducing and Approving Laws in the Ukrainian People's Republic"; "Universal of the Labor Congress".

Research methodology. The methodological basis of the article is a dialectical approach to the analysis of state and legal events. The use of this method will help to explore social trends and processes that were characteristic of the state-building processes of the Ukrainian National Republic during the Directory, as well as used general theoretical principles and modern research tools - philosophical, general and socio-scientific methods based on determinism and history.

The purpose of the publication is to show the legal status of the Directory, as a collective body of state power of the restored UNR, in the period from November 1918 to November 1919, when all power passed to S. Petliura.

Statement of basic provisions. From the very beginning of the formation of the Hetmanate of P. Skoropadsky, internal opposition to him began to form. A few weeks later, a single center of the struggle against the Hetman was formed. Thus, in May 1918, the Ukrainian National State Union was formed, which was soon renamed the Ukrainian National Union (UNU). E. Konovalts called it "the highest body of political representation of the population and the body of public control [13, p. 2] ». The UNS united under its wing all political forces that did not agree with the policy of Hetman P. Skoropadsky. The core of the national union was the pro-socialist parties, namely the Ukrainian Social Democratic Workers' Party (USDRP), the Ukrainian Party of Socialists-Revolutionaries (UPSR), the Ukrainian Party of Independent Socialists (UPSS), and the Ukrainian Party of Socialists-Federalists (UPSF). An important shortcoming of the union was the fact that no legal documents were developed, which prescribed its work after the uprising, as well as its reorganization and merging into the state structure of government [18 p. 242-243].

On November 13, 1918, a secret congress of the Ukrainian National University took place, at which a temporary supreme body, the Directory, was formed. The name of the body was taken from the Great French Revolution. In France, the body was elected by two chambers, the Council of Five Hundred and the Council of Elders, and in the Ukrainian People's Republic, political parties and NGOs. It was a collegial body of emergency power, which included V. Vynnychenko, S. Petliura, F. Shvets, A. Makarenko and O. Andrievsky. V. Vynnychenko was elected chairman. P. Gai-Nyzhnyk and M. Stakhiv believe that the imprisonment of S. Petliura prevented him from heading the Directory because he led an active underground work in the fight against the hetmanate, and also chaired the All-Ukrainian Union of Zemstvos, which held anti-Hetman positions [7, with. 21]. From the first day of the Directory's establishment, the political rivalry between V. Vynnychenko and S. Petliura for presiding over it stood out, which affected the efficiency of its work. With the beginning of the rebellion, V. Vynnychenko issued

a recall of the Directory of the Ukrainian People's Republic dated 15.11.1918, which stated that the UNS is the highest representative body of Ukrainian democracy, and the Directory is a body elected by the national union [5]. On the same day, S. Petliura published the Universal, which was announced in Bila Tserkva without the consent of the members of the Directory. In the Universal, S. Petliura declared himself the supreme commander of the troops of the Ukrainian Republic [3 p. 376]. Internal disputes between the political elite affected the country's international position. The Ukrainian People's Republic (UPR) could not find an ally to support it in state-building.

One of the problems in the first months of the Directory's work was that the National Union when creating the state body did not adopt the program it was supposed to work on after the overthrow of P. Skoropadsky. The powers of the Directory and the National Union were not separated, which later led to inconsistencies in the development of the state apparatus. The Mohyliv-Podilsky branch of the Ukrainian National Union delegated 10 of its members to the city council, in which the main backbone was the USDRP. They saw UNS delegates as a national and cultural center, not as political allies. The branch of the union appealed to the main center of the ONS and the Directory with a request to explain their functions and powers [9, f.37, op, 1, file, 490, Ark. 491]. We find similar information in the memoirs of P. Andrievsky.

During the November-December 1918 rebellion, the Directory, as an emergency body, began to take the first steps in state-building. The administrative and managerial apparatus was formed. It included: the Council of Heads of State Affairs, the Ukrainian Military Revolutionary Committee.

The Council of Heads of State Affairs dealt with the civilian life of the country on behalf of the Directory, but it left no noticeable trace, ceased to exist with the arrival of the Directory in Kyiv [17].

The Ukrainian Military Revolutionary Committee was formed under the Central Committee of the Ukrainian Social Democratic Workers' Party. It was headed by V. Chekhov. At the time of its creation, the Revolutionary Committee was preparing an uprising throughout Ukraine, and during the anti-Hetman rebellion, it was a representative of the Directory in Kyiv. The committee was engaged in intelligence, sabotage, and propaganda work. After the capitulation of P. Skoropadsky on December 14, 1918, the Council of Commissioners was established under the committee. It was the first body of executive power to operate from December 14 to 24, 1918. Its responsibilities included overseeing the work of the hetman's ministries and ensuring the work of the country during the formation of state authorities. From the first days, the Council of Commissioners began to form a new state apparatus. By order of the Directory, the Secretary of State and the Ministers of Finance have been appointed: land affairs, public health and guardianship, labor, and Jewish affairs. The responsibilities of the ministers included the formation of a new staff of government officials. The Ministry of Justice was instructed to develop a bill on the procedure for approving laws. The Council of Commissioners did not have clearly defined job responsibilities of commissioners and regulations that defined the organizational and legal basis of its activities. The decision

of the Revolutionary Committee of December 14, 1918, was taken as a basis in the work of the body. Having no clearly defined list of duties of commissioners, they worked based on their understanding of the situation [6 p. 216].

The directorate was to control the Council of Commissioners according to the following structure: V. Vynnychenko - the Ministries of Interior, Foreign Affairs, Labor and the State Secretariat; S. Petliura - Ministry of Military and Naval Affairs, Art and Public Health; O. Andrievsky - Ministries of Justice, Food, Cult Administration and State Control; F. Shvets - Ministries of Land, Public Education, Finance, Trade and Industry; A. Makarenko - Ministry of Posts and Telegraphs and Roads [8].

On December 24, 1919, the Council of Commissioners transferred all its powers to the newly created Council of National Ministers, which passed a bill dated 23.12.1918, according to which all document circulation in state bodies was conducted in Ukrainian [3 p. 402], and on December 26, 1918, adopted the "Provisional Law of the Council of People's Ministers on the force of laws, on the procedure for drafting laws and on the forms and procedure for their promulgation", according to which legislative activity belonged to members of the Directory, the Council of People's Ministers, individual ministers and individual chairmen. departments. Laws were submitted to the Council of People's Ministers through the State Chancellery under the signature of the relevant minister or head of a separate department and on the certificate of the director of the department. Laws were passed by a majority vote, and with an equal number of votes, the majority vote prevailed. The law was then passed to the State Chancellery for signature by the Secretary of State. The signed bill was submitted for approval to the Directory [16, f.1429 op, 2, spr, 5, Ark. thirteen]. The Directory was given the right to veto, return to the Council of Ministers for revision, or finalize the relevant bill [3 p.395]. The draft law approved by the Directory was submitted for certification by the Secretary of State to the Chancellery, and then for an announcement in the Bulletin of the Council of People's Ministers.

After the victory in the rebellion, all power was to pass to the Cabinet of Nation Ministers, but the Directory was in no hurry to transfer power and continued to remain the highest state body of the UPR. In addition, she also illegally took over the judiciary. Thus, on December 17, 1918, the Directory declared P. Skoropadsky a criminal in a formal trial [18, p. 245].

After overthrowing the hetman, the Directory was in political uncertainty. The political uncertainty of the Directory in national matters led to fluctuations of the main sections of the population, stratification of the ruling elite, as well as the fact that members of the body were elected by moderate and liberal-democratic forces, and uprisings were organized by radicals who expected radical changes and reforms [18, p. 36]. P. Khrystyuk mentions in his memoirs that the first two Sundays the Directory was engaged in inaction and celebrating its victory [15, p. 10].

Almost two weeks after the overthrow of the hetman and the capture of Kyiv, the first program document of the new government was issued - the Declaration of December 26, 1918. Scholars K. Kostiv and M. Stakhiv characterize this document as a temporary

Constitution of the Ukrainian People's Republic. The act consisted of a preamble and 11 sections. It regulated social and state relations and proclaimed that the UNR is a peaceful and neutral state based on the principles of neutrality and peaceful coexistence with other peoples. The declaration set the task of reconciling all national minorities living in the territory of the Ukrainian People's Republic. At the same time, the Declaration laid a stumbling block in the development of statehood. Statehood was to be based solely on "labor democracy" and not as in European countries in general. This model of democracy was more similar to "Soviet" than "European" [14].

After the proclamation of the "Declaration of the Ukrainian Directory made by the Directory", it was stated that the Directory is the supreme body of the Ukrainian People's Republic. It combined legislative and executive power until the convening of the Congress of the Working People of Ukraine. The declaration was the first legal document to prescribe the place of the Directory in the state apparatus of the Ukrainian People's Republic.

Before the convening of the Congress of the Working People of Ukraine, disputes took place between the civil and military administrations. The military wanted to lead a military dictatorship and offered to lead it to V. Vynnychenko. Because of this, he spoke negatively about the military: "At a time when almost every officer (not to mention the atamans) had for himself, for his wife, for relatives and acquaintances one or more cars, members of the government, ministers often had to walk, because in them the first best officer could take a car on the street, not paying any attention to the certificates and protests of the minister" [4, p. 239]. In addition to the contradictions between the administrations, there were problems with the ideological foundations of Ukrainian statehood. Political parties and public organizations were divided into two camps: "Ukrainian Soviet statehood" and "European model of a democratic parliamentary republic." From the above, we can conclude that all these contradictions have negatively affected the work of the Directory.

Only after the meeting of the Labor Congress in January 1919, the law "On the form of government in Ukraine" of January 28, 1919, was adopted [3, p. 467], which prescribed a state mechanism for governing the republic.

According to this law, six commissions were to be formed (for the defense of the country, land; budget; foreign affairs; food affairs; cultural and educational). The composition of the commissions was to be formed by elections, proportional representation from all factions of the Congress at the rate of 1 representative from 15 congressmen. The main task of the commissions was to update the state apparatus [3, p. 467].

According to the Law "On the Form of Power in Ukraine", the Directory was delegated the following powers, which were in force until the next session of the Labor Congress, namely:

1. The supreme power was vested in the Directory, it could issue laws, which were then approved by the next session of Congress. All legislative power between sessions of the Labor Congress belonged to her.

2. Executive power belonged to the Council of People's Ministers. Its composition

was formed by the Directory and in the intervals between sessions of the Labor Congress was under its control.

The Labor Congress also adopted the Universal of the Labor Congress, which can be called a constitutional act which established the mechanism of work of the state apparatus, the functions of the Directory, the Council of People's Ministers and local authorities. The highest power in Ukraine belonged to the Labor Congress in between meetings belongs to the Directory. Executive power was to belong to the Council of Ministers but was under the control of the Directory [3, P. 425].

According to the "Provisional Law on the Procedure for Introducing and Approving Laws in the Ukrainian National Republic" of February 14, 1919, the Directory was given the right to adopt laws and resolutions in emergencies without the direct approval of the Council of National Ministers. They were handed over for certification to the director of the Directory and passed to the State Chancellery for publication [11, P. 23 - 24]. This law formulated the principles of the state structure in Ukraine for the period of the forced break in the work of the Labor Congress.

In January 1919, Bolshevik Russia resumed its offensive on Ukrainian territory. In cooperation with the local atamans, the Left Bank was captured, and on February 5, 1919, the city of Kyiv was captured. The Ukrainian government was forced to leave the capital. In February 1919, the state apparatus collapsed. On February 10, Chairman V. Vynnychenko resigned from the Directory and S. Petliura was appointed in his place. On March 12, following the resolution of the Labor Congress, E. Petrushevych, President of the Western Ukrainian National Republic, was introduced into the Directory, but he did not participate in the meetings of the state body. In April, there was an attempt at a coup d'etat by General-Cornet V. Oskilko, but it was unsuccessful, which served as a withdrawal from the Directory of O. Andrievsky.

No legal documents were certifying the withdrawal of members of the Directory. Only on July 11, 1919, in the Bulletin of State Laws for all lands of the Ukrainian People's Republic was published "Law on the composition of the Directory of the Ukrainian People's Republic" which prescribed:

1. Laws and resolutions of the Directory had legal force only when S. Petliura took part in the meetings. The documents came into force after they were signed by Chief Ataman and two members of the Directory.

2. The Directorate had the right to adopt a resolution on the withdrawal of one of the members of the Directory if it was not necessary for the interests of the state. This resolution came into force after its signing by three members of the Directory. One of the signatures had to be the Chief Ataman [12, P. 1].

In the period from January to November 1919, the Directory began to be constituted into public authorities, and all other public authorities began to play a secondary role in state-building. On November 15, 1919, after the adoption of the resolution of the Directory, S. Petliura became the sole leader of the Ukrainian People's Republic during the Directory. The Directory, as a collegial body, ceased to exist [18, P. 359]. Chief Ataman S. Petliura, on behalf of the Directory, began to approve laws and resolutions of

the Council of People's Ministers.

Conclusions. Thus, the Directory was a collegial body of emergency power, which was created by the Ukrainian National Union to overthrow the power of P. Skoropadsky and was to exist until the convening of the Labor Congress of Ukraine. We believe that the Directory, which proclaimed itself the highest body of state power during the period from November 1918 to January 1919, operated without clearly defined powers. Under her leadership, the Council of Heads of State Affairs, the Ukrainian Military Revolutionary Committee, and the Council of Commissioners were established. Constant internal disputes between members of the Directory and disputes between civil and military administration, ideological differences in state-building, as well as external factors, led to the Directory becoming the supreme body of the Ukrainian People's Republic, which included executive, legislative and partial judiciary, whose legal status was not spelled out in the laws of the UPR. The board did not have clear responsibilities and there was no document outlining its internal structure and responsibilities.

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Prospects for further research in this area are the systematization of knowledge in the field of social and legal relations during the formation of Ukrainian statehood in 1917 - 1921, as well as the effective application of conclusions obtained during the study to write lectures, special courses on Ukrainian statehood.

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