

ocratic rule of law. An effective indicator of the level of civilization achieved by society and the state are the ensured guarantees of their protection. It is highlighted that guaranteeing the rights and freedoms of internally displaced persons is a fundamental factor in political, economic, cultural and other spheres of life of society. It is noted that at present there is no separate comprehensive systematic research on the problems of guaranteeing the rights and freedoms of internally displaced persons. The author's definition of "guarantees of the rights and freedoms of internally displaced persons" is proposed. In order to fully and objectively disclose the main characteristics and peculiarities of defining the concept of "guarantees of the rights and freedoms of internally displaced persons", attention is paid to its most essential features. The criteria of classification of the types of guarantees of human and citizen rights and freedoms, which are given in the legal literature, are investigated. The author's system of guarantees of the rights and freedoms of internally displaced persons is offered.

Keywords: *internally displaced persons, guarantees, general public (general social) guarantees, legal guarantees, normative legal guarantees, organizational and legal (institutional) guarantees, realization of rights and freedoms, securing rights and freedoms, safeguarding and protection of rights and freedoms.*

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**STATE SOCIAL GUARANTEES OF WAR VETERANS AROUND THE WORLD:
DERIVATION AND FORMATION BEFORE THE FIRST WORLD WAR
(TAKING INTO CONSIDERATION THE USA, UNITED KINGDOM,
FRANCE AND GERMANY EXPERIENCE)**

Кирило Недря, Наталія Давидова. ДЕРЖАВНІ СОЦІАЛЬНІ ГАРАНТІЇ ВЕТЕРАНІВ ВІЙНИ У СВІТІ: ВИЗНАЧЕННЯ ТА ФОРМУВАННЯ ДО ПЕРЕШОЇ СВІТОВОЇ ВІЙНИ (ДОВІД США, ВЕЛИКОБРИТАНІЇ, ФРАНЦІЇ ТА НІМЕЧЧИНИ). Аналізується історія становлення і розвитку системи надання соціально-правових гарантій учасникам бойових дій на прикладі чотирьох держав: Великобританії, Франції, Німеччини та Сполучених Штатів Америки, у період до 1914 року. Зазначені країни були обрані не випадково. Критерієм добору виступила військова активність, яка була більш ніж високою у порівнянні з іншими державами, що пояснюється статусом колоніальних імперій. США ж були взяті як держава, яка була утворена саме у боротьбі проти колоніалізму. Було виявлено чітку взаємозалежність предмету дослідження від участі у бойових діях армій зазначених держав та чітку соціально-економічну спрямованість державних гарантій ветеранам, що пояснюється намаганням з боку державних структур зменшити власний соціальний тягар у вигляді зазначеної категорії. При цьому ж, практично не приділялася увага соціальній та психологічній адаптації після війни.

Зроблено висновок, що у тенденціях розвитку системи соціального забезпечення для учасників бойових можна чітко виокремити низку закономірностей. Першою з них є те, що незважаючи на цивілізаційний розвиток та державну приналежність, ключовою соціальною гарантією розглядалося виділення земельної ділянки, що, з одного боку, несло символічний зміст – за землю і воювали, а з іншого – суто практичний: вона мала велику цінність та розглядалася як база для самозабезпечення ветераном. А другою закономірністю є циклічність розвитку соціально-

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правових гарантій держави та його залежність від форми державного устрою та механізмів державного будівництва. Так, рушіями в цьому були саме імперії, які вели агресивну мілітаристську чи то колоніальну політику, сприймаючи війну не лише як спосіб управління, а і, в першу чергу, розширення життєвих меж. Окремо хотілося би відмітити той факт, що ще з часів Римської імперії було сформовано більш ніж вдалий і розумний принцип умовної соціальної адаптації – «Простіше дати заробляти, ніж утримувати», який намагалися використовувати держави, що і були у фокусі нашого аналізу. Інші ж види державної соціальної допомоги, перелік яких поступово зростав, теж були націлені на його всіляке впровадження. Прикладом цього можуть слугувати ті ж такі програми протезування, адже завдяки участі в них, продуктивність ветерана, соціальна значущість та професійна придатність збільшувалася в рази, тим самим зменшуючи соціальне навантаження за бюджет. Загалом, можемо зазначити, що станом на початок Першої світової війни, провідні світові держави, які, власне, і стали її головними учасниками, вже сформували ключові підходи до власних систем надання соціальної допомоги та підтримки ветеранів, як і нормативні межі їхнього функціонування, що є дієвими і дотепер.

Ключові слова: захист Батьківщини, ветерани, соціальні та правові гарантії, система соціальних гарантій, закон, війна.

Problem statement. The protection of Motherland borders, integrity, sovereignty is one of the most honorable duties for a citizen of any state or even a member of a particular social group on the path to its formation. But, it is nothing more than a self-preservation instinct, manifestation of the struggle for right to life, taken at the higher social level. Considering the relevant risks, long ago, before the state structures and society, became necessary to create and implement a system of social guarantees for such category of the persons. With the states development and number war increasing the urgency of this problem has increased, for example, as in the context of the contemporary armed conflict in the east of Ukraine. The exploring of the existing world experience problem and the possibilities of its use in national practice is terminable.

The article's objective. This is confirmed by the general state of problem research, which, unfortunately, is still beyond the scrupulous attention of scientists. How can this be explained? In our opinion, the primary reason is the state policy relation to the armed conflict, as well as its consequences, which still do not have clear messages, and therefore need their scientific development and implementation.

Basic content. The first forms and methods of appropriate work, which can be conditionally regarded as a creation and maintenance of social guarantee prototype, rights and interests of servicemen and war veterans can be found in pre-Christian times. If at the stage of tribal order, it was more like the "right of force", which secured the warrior in society privileged, with the first states appearance and, moreover, of empires, the situation changed dramatically. Yes, the Greek Sparta is well known, where, in fact, only warriors had full civil rights. But for the first time, in the legal sphere, social and legal guarantees for veterans were enshrined in the Hellenic successor state – Ancient Rome [1]. With the expansion of the empire and its development a key tool, on the one hand, to support and motivate the legionnaire and on the other, to consolidate the power of Rome in the conquered lands, was the land allocation from the state fund. Ancient Rome Researcher S.V. Kovalyov notes that the land obtained by veterans could not be sold for twenty years, which led to the development of the farms (they grew grain, grapes and olives and it was cultivated by members of the veteran's family and two or three slaves) and led to self-employment [2, p. 457]. Separately, tax immunity was attached to veterans and their close relatives, which was considered the greatest privilege in the state at that time. This approach has contributed to the establishment and growth of the current and former military independence as well as their social status.

In addition to the above mentioned, each legionnaire after returning to civilian life received an administrative position of "decurion", which in the system of ancient Roman government corresponded to the modern understanding of a member (deputy) of the city council. Also veterans had the right to dock (register) in any territory, the right to vote in absentia at a national assembly, the ability to fulfill the priest duties, be magistrate or any elected official in the community. In addition, veterans' families were freed from military service.

With the gradual decline of Rome, the system of state veteran protection did so. According to I. Kolosovskaya "at the end of III. veteran tenure was in decline. The land was now handed over to veterans, but not in property, but in possession. The size of the issued plot became much smaller" [3, p. 88].

With the disappearance of Roman Empire and Europe transition to the Middle Ages, the practice of providing allotments for military service took root even more then it is reflected in the existing system named feudalism. In our opinion, the Crusades are the most striking illus-

trations of this and are motivated not only by the Holy Land and the Holy Sepulcher conquest but also by land acquisition in the Middle East, as well as by the United Kingdom in which 70% of the land was owned only by 1% of the population.

In the course of historical development in the modern Europe territory is one of the key monarchical state forms that, in fact, defined world history for a number of centuries, became empires largely colonial. The progress and existence of which depended on war expansion and influence increase. And with the number of war growth the soldiers need their social guarantee necessity increasing through the banal land resources limitations and civilized progress in particular. And we would like to single out three key empires whose impact on world history can hardly be overestimated. There are Germany, France and Great Britain.

By the way, the UK was the first among other European countries that began to take up the problem of protecting veterans. At the sixteenth century, the first norms that protected the interests of the disabled and even aimed at some adaptation in peaceful life were enshrined in law [4, p. 27]. This became possible with the beginning of the introduction of the centralized state pension system in the time of Elizabeth I (1558-1603). Initially, however, social guarantees were of a limited nature and only secured citizens were able to use them, since housing was required to receive a pension [5, p. 136-153].

Over time, wounded and crippled soldiers became distinguished into a special category. Unlike the poor and the needy, the disabled and former servicemen were given a life-long pension regardless of their financial situation. All powers to implement the law were delegated to local authorities, who, in the face of budget shortfalls, were forced to limit the number of recipients to disabled veterans.

In 1645, Parliament decided to form an army on a professional basis, changing the approach to the assessment of state obligations to military service [6, p. 75]. In some districts, for example, veterans were provided with jobs, usually as postmen and clerks, to increase profits.

And in December 1681, a royal decree of Charles II established the Royal Hospital in Chelsea, appointed to elderly lonely servicemen of various military ranks – from ordinary to field marshal. On a similar principle, a hospital for sailors was later organized in Greenwich (1694).

The French Republic has a centuries old tradition of war veteran right protection. It dates back to about the middle of the seventeenth century, which is closely linked to the process of the state army formation (by the time the soldiers were actually in the status of temporary mercenaries). Soldiers began to gain the status of lifelong defender of the state. At the same time, they lost all ties with existing civil society institutions, which necessitated the development of appropriate mechanisms, as well as the importance of organizing new social institutions designed to assist war veterans. However, the case from theory to practice only went to the turn of the eighteenth and nineteenth centuries, when there was a major revolution in veteran support, thanks to military campaigns known in history as the Napoleonic Wars. Also, at that time, due to the Enlightenment Era, ideas of the welfare state were popular, which greatly contributed to the beginning of the social protection formation as a system not only in the form of individual benefits, but as legislative one, providing economic and social guarantees for different population groups, including veterans.

Yes, special attention was paid to those who lost their health due to military action or service. This category also includes those who left the service after the statutory term (always long enough) and became unfit for continued health. Such persons were entitled to society to provide for its material needs. In 1670 the King Louis of France, Louis XIV, for the first time in Europe, created the State House of Invalides (Hotel des Invalides), the purpose of which was to care of honored veterans. Initially, it was planned to accommodate 6,000 people, but due to redevelopment, the number of seats had to be reduced to 4,000. It includes a state military hospital, as well as an elderly house [7, p. 131-136].

At the end of the XVIII century the General Defense Committee established a school for veterans and disabled veterans, in which people were taught literacy. This education gave the right to be employed as secretaries or teachers.

After the French Revolution and the overthrow of the monarchy, political and social instability persisted for a long time in the country, which naturally affected the situation of veterans and war invalids. The situation changed under Napoleon I, under which the veterans were created conditions that testified to their honorary status in the army and society. As a result of the wars in France, there were special disabled companies – companies of the elderly, with old commanders who were to set an example for the younger generation [7].

The activities and reigns of Napoleon in the field of social protection of the combatants were extremely diverse. The pension legislation enshrined a reduction in the rates of compensation to veterans, including the lowest rank of soldiers. The issue of disability received was also regulated at the pension level. As a result, the "sacred duty" of honoring veterans in France was still preserved, but in a much more economical way for the state.

The experience of the French Foreign Legion deserves very special attention, since the purpose of hiring for it envisaged obtaining not only social guarantees but also admission to them, as well as civil rights and freedoms, French citizenship. The Legion was created on 9 March 1831 by King Louis-Philippe I in order to further participate in the Algeria colonization. At that time, France had a large number of foreigners who had no citizenship, which is why they became a fertile material for staffing the unit, which was beneficial to the authorities, which would reduce the number of "unwanted" persons. Therefore, a law was issued by the King according to which the Legion could be used only outside France. Officers were recruited from the Napoleonic wars veterans, as well as citizens of Italy, Spain, Switzerland and other countries.

Volunteers who joined the Legion could count not only on further citizenship upon completion of the service, but in fact on a new life. Yes, the identities of those who were hired were not very meticulously scrutinized, or were not checked at all, so the service was very attractive to criminals or wanted. In this way, they simply avoided persecution and after obtaining citizenship, received a new name. Although, this was happening early in the service. Getting new names is a tradition that is still relevant. Only the first letter of the surname was kept (in some cases initials) and all other changes depended on the soldier's origin. A new date of birth was also created, usually with one day, month and year moving forward (for example, the real date of birth is January 1, 2001, modified to February 2, 2002). In addition, a person could even change nationality, which was additional protection for evading liability.

France neighbour, Germany, who has repeatedly found herself as her enemy, has embarked on developing a social security system for combat veterans since the late nineteenth century, focusing her efforts on introducing insurance. Priority was given to returning even the most disabled to work and, preferably, to those types of occupations that were characteristic of them before. Thus, the principles of the rehabilitation system were laid. The veterans of the fighting began to receive pensions due to disability and the fact of disability. The size of the pension for persons with severe injuries and disabilities has come close to the skilled worker wage. State support also covered widows and orphans. By 1914 at least half of the war's disabled had been consulted or participated in retraining programs. Many employers were required to allocate places for disabled combatants and recruit them.

The emergence and establishment process of state system support for combatants, which is considered to be one of the role models, especially, in the United States of America is of great importance. Undoubtedly, the Civil War of 1861-1865 was the impetus for the process.

The law implemented in 1862 was the first step in establishing profits and monetary compensation for injuries received during the war fighting. Provision was also made for the spouses and children rights of the military men to receive assistance equal to that paid to the combatants themselves in the event of employment loss and legal capacity of the latter. The US state policy idea of the development and implementation laws to protect the veterans of war interests was discussed by the first persons of the state. In fact the laws legitimizing in public opinion became the agenda of the state development.

In 1865, Abraham Lincoln called for "... to take care of those who suffer the brunt of the battle, about them in.. Take care of those who suffer the burden of fighting, their widows and orphans ..." According to researcher L.F. Lebedev who studied the social policy of the United States after the end of the Civil War, the law on the pre-emption for public service war invalids was adopted [8, p. 187-188].

Injured war participants were protected by the program of financial assistance, housing and medical services. Particular attention was paid to employment arrangements for persons with disabilities. After the end of the war and the stabilization of the situation in the country, war veterans were offered an expanded range of social benefits, which differed somewhat in each US state, explained by the form of government.

As an example, we may mention that in 1871 an "artificial limb program" was created for the people with amputated limbs. Under the law of 1887, any disabled, blind or deaf veteran residing in Georgia was eligible for an annual pension of \$ 20 to \$ 100, depending on the degree of disability.

In a similar scenario, assistance to war invalids in the south of the country has devel-

oped. The South Carolina artificial limb program ran from 1866 to 1869 and was then continued in 1877. Its effect was gradually extended, trying to reach as many victims of the war as possible [7]. In Louisiana veterans whose injuries were associated with loss of limb, vision, hearing, voice, or mobility, in addition to the usual monetary compensation, were offered extra support measures. Under the law of 1884, 160 acres of state-owned land were allotted to disabled persons and widows of servicemen who were in difficult circumstances. Land title certificates were also issued in Texas [5, p. 136-153].

The United States was the first country in the world where veteran activity and self-organization led to the emergence of a civil society institute, which lobbied the interests of this category before government institutions. In 1899 organizations began to protect the rights and support the first foreign war veterans, which the United States led in Cuba (1898) and the Philippines (1899-1902). Already in 1914, they joined the organization "Veterans of the US foreign wars" which had five thousand members. Official status as a non-governmental organization was recognized by the US Congress only in 1936, when there were officially more than 200,000 people in its ranks [9]. Today, it is the oldest veterans organization in the United States of America, with approximately 2 million members and more than 9,000 regional offices in 50 states, the District of Columbia, and 19 countries (Latin America, the Pacific and Europe). The organization has a representative office in Washington, DC for closer contact with US government, Congress and the President [9].

Conclusions. Thus, in the tendencies of the social security system development for hostilities participants we can clearly distinguish a number of laws. The first is that, despite civilizational development and state affiliation, the key social guarantee was the allocation of land, which, on the one hand, bore symbolic meaning – for land and war, and on the other – purely practical: it had great value and was considered as a base for self-sufficiency by a veteran. And the second regularity is the cyclical social and legal guarantees of the state and its dependence development in the state structure and mechanisms of state construction form. For example, the empires that pursued aggressive militaristic or colonial policies, perceiving war not only as a way of governing, but also, first of all, expanding their borders. We would like to emphasize separately the fact that since the Roman Empire more than a successful and reasonable principle of conditional social adaptation was formulated – "Easier to give to earn than to keep". This message is observed in the USA and became in the focus of our analysis. Other types of state social assistance, the list of which has gradually grown, have also been targeted for its various implementation. Specific prosthetics programs can serve as an example. Due to their revitalization, veteran productivity, social importance and professional fitness have increased many times over, thus reducing the social burden on the budget. In general, we may confirm that at the First World War beginning, the leading world powerful states, which were, in fact, its main participants, had already formed key approaches to their own state systems of social assistance and support for veterans as well as the normative functioning limits. These approaches have been still valid.

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Summary

This article deals with formation and development history of the social and legal guarantee providing system as to the hostility participants, taking into consideration Great Britain, France, Germany and the United States of America experience up to 1914. These countries were not chosen by chance. The selection criterion was military activity, which was more than high in comparison with other states due to the colonial empire statuses. The USA, however, was taken as a state formed precisely in the fight against colonialism. Clear interdependence of the study subject, above mentioned countries army participation in the hostilities and well-defined state guaranteed socio-economic orientation to veterans were revealed. The explanation of the state structures efforts to reduce their own social burden in the category specified form and, at the same time, little attention to the social and psychological adaptation after war were taken into consideration.

Keywords: *protection of motherland, veterans, social and legal guarantee, a system of social guarantees, law, war.*

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SOURCE BASE OF LEGISLATIVE REGULATION OF AGRICULTURAL CREDIT ON THE UKRAINIAN LANDS OF THE RUSSIAN EMPIRE (second half of XIX – early XX century)

Дмитро Селіхов. ДЖЕРЕЛЬНА БАЗА ЗАКОНОДАВЧОГО РЕГУЛЮВАННЯ СІЛЬКОГОСПОДАРСЬКОГО КРЕДИТУ НА УКРАЇНСЬКИХ ЗЕМЛЯХ РОСІЙСЬКОЇ ІМПЕРІЇ (друга половина XIX – початок XX ст.) Аграрний сектор сучасної України знаходиться на тому етапі свого реформування, коли процес регулювання суспільних відносин у сфері виробництва і збуту сільськогосподарської продукції на законодавчому рівні близький до свого логічного завершення, адже переважна частина депутатів Верховної Ради України налаштована ухвалити врешті-решт закон про обіг земель сільськогосподарського призначення, який має відкрити нову сторінку розвитку вітчизняного аграрного ринку. З цієї позиції не лише теоретичний, а й практичний інтерес викликають питання, пов'язані вивченням того історичного досвіду законодавчого регулювання іпотечного кредиту, який мав місце у нашій країні після скасування у 1861 році кріпосного права та здійснення інших реформ аграрного сектору економіки України у другій половині XIX і на початку XX ст. Основна увага у даній публікації зосереджена на аналізі кредитного законодавства у його різноманітніших формах, які побутували у період, що

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