

the historical experience of legislative regulation of the mortgage loan, which took place in our country after the abolition of serfdom in 1861 and other reforms of the agrarian sector of the Ukrainian economy in the second half of nineteenth and early twentieth centuries. The main focus of this publication is on the analysis of credit law in its various forms, which have occurred in the period under study. We mean the various "Decrees", "Regulations", "Rules", "Dumkas", "Instructions", etc. Paying attention to the fact that the central axis of the land loan at the turn of the nineteenth and twentieth centuries was legislation on the activity of state banks, of course, that they (Peasant Land and Noble Land Bank) became the subject of the author's close attention. Hence the characterization of such legal acts as "On the procedure for sale by auction of land pledged in the Peasant Land Bank", "On permitting the Peasant Land Bank to issue loans for the purchase of land not belonging to the peasant state by landowners of some Kherson and Podilsky districts", "On approval of the State Noble Land Bank", "On the extension to the borrowers of private land banks of privileges established by the Regulations on the State Noble Land Bank", etc. In addition to the above-mentioned legal acts, which are concentrated mainly in the "Full Assembly of Laws of the Russian Empire" (second and third editions), the article also mentions such sources on the content and form of agricultural credit of 1861-1917, as the newspaper "Government Gazette", and the journals "Gazette of Finance, Industry and Trade", "Bulletin of the Small Credit", which reflect practical measures for the implementation of certain legislative acts and the role in this process of local state administrations and zemstvos.

Keywords: *Russian Empire, Ukraine, legislation, agricultural credit.*

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THE VOIVODSHIP SYSTEM IN THE 17th CENTURY ON THE LANDS OF UKRAINE

Олександр Талдикін. ВОЄВОДСЬКІ ВІДДІЛИ У 17 СТОЛІТТІ НА ЗЕМЛЯХ УКРАЇНИ. Розглянуто появу воєвод та території земель України. Першими адміністративно-поліцейськими органами російської держави на території України були канцелярії російських воєводських управлінь.

Поява воєвод на землях України відбувається протягом другої половини XVII ст. Поліцейські функції воєводи, разом із військовими, судовими та фінансовими, були основними напрямками їх діяльності. Наскільки інтенсивно воєводи діяли з питань адміністративно-поліцейських, сказати однозначно не можна. З одного боку, їм належали поліція, суд і розправа над підлеглими стрільцями, великоросійськими робочими людьми, з іншого, їх втручання в поліцію і суд серед місцевого населення, хоч воно й було обмежено, але не було епізодичним.

Воєводсько-наказова система управління була чітко централізованою. Це означало не тільки суворе підпорядкування воєводи Москві, але і обмеження його повноважень виконанням розпоряджень, інструкцій і наказів центральної влади, а також, передбачало наявність необхідності багато в чому узгоджувати свою діяльність з Розрядним і іншими Приказами. Зміна воєвод була частою, через два, два з половиною роки, що, як вважалося, що не дозволяло їм "засиджуватися" і зловживати своєю владою з корисливих мотивів.

Загальна поліцейська діяльність воєвод Слобідської України регламентувалася чинними законодавчими актами Російської держави, а також інструкціями і указами, різноманітними і багато в чому суперечливими. Відсутність чіткого нормативного оформлення поліцейських функцій часто призводило до управління за принципом "як бог надоумить". Воєводи були зобов'язані стежити за порядком, організувати його охорону, пропускний режим в містах, що виключає можливість, як проникнення шпигунів, так і осідання в них селян-кріпаків, які підлягають розшуку і відсиланню володарям. Крім того, воєводи контролювали стан продовольства і будов, вживали заходів проти поширення епідемій і пожеж.

Нормативне регулювання діяльності поліції воєводи визначалося: діючими законодавчими актами Російської держави, договорами гетьмана і Росії, а також прямими указами царя та Приказів.

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Поліцейські дії воєвод та їх канцелярій на землях України дублювали існуючу діяльність місцевої адміністрації полкової та сотеної канцелярії козацьких полків.

Ключові слова: адміністративні та поліцейські органи, відомство, Приказ, Слобожанщина, стрільці, воєвода, воєвод-приказна система, воєводство.

Problem statement. The formation of a domestic scientific concept of the history of state and law of Ukraine, which would be maximally rid of ideological and political commitment, will always remain one of the constant urgent tasks of domestic historical and legal research. At different stages of the evolution of Ukrainian statehood, there were periods of active creation and formation of the main state institutions, and periods of their destruction, when the independence of the Ukrainian lands in their political, economic and legal situation was under pressure from neighboring states, most of the northern neighbor – the Russian Empire. One of the urgent problems in the state and law of Ukraine are issues related to the emergence of its territory, during the late 17th century, of the first organs, the administrative and police apparatus of the Russian state.

Analysis of publications that started solving this issue: The scientific development of this issue is represented by works that can be divided into several groups. The first group includes works by Russian authors of the period of the eighteenth and beginning of the twentieth century's. This event is the first step in the historiography of the problem that was carried out by contemporaries and the first generation of researchers: S. Adrianov, I. Andrievsky, O. Vitsin, K. Golovin, Y. Gauthier, V.F. Deryuzhinsky, O.O. Lopukhin, A. Lokhvitsky and the like. Another group of works devoted to the development of the administrative and police apparatus of the Russian Empire includes the research of the authors of the Soviet period. These are the works of P. Zayonchkovsky, N. Eroshkin, M. Sizikov, A. Borisov, O. Skripilev. The last group is the work of modern Ukrainian researchers – the work of O. Yarmysh, A. Tchaikovsky, V. Chisnikov, O. Taldykin, O. Samoilenko, V. Shandra etc. Work on the presented study revealed the need to attract a fairly wide range of sources. The most complete and numerous group of sources, representing documents from the funds of the Central State Historical Archive of Ukraine.

The methodological basis of the article is the laws of dialectics and the logic of social development. The specifics of the topic led to the application of various research methods. Priorities are given to the problematic method in combination with chronological, comparative legal and statistical methods.

The **article's objective** is to study the emergence and development of the first administrative and police bodies of the Russian state on the lands of Ukraine at the end of the 17th century.

The object of this study is the bodies of the state mechanism of the Russian Empire on the lands of Ukraine at the end of the XVII century.

The subject of the study is the organization and activities of the voivods departments of the Russian state on the lands of Ukraine at the end of the 17th century.

Basic content. The first bodies of the Russian state that appeared on Ukrainian lands and had police functions in their competence were the voivodship offices – the prikaz huts.

The voivodship and prikaz system in Ukraine appeared in the XVII century on the territory of Slobozhanshchina, where it began to form simultaneously with the settlement of this region by Moscow servicemen in the first quarter of the XVII century. The voivode's huts were formed here simultaneously with the national reorganization of the local administration of the Russian state.

The appearance of the voivod on the territory of Hetmanshchina in the middle of the 50s of the XVII century is connected with their appointment by Moscow at the head of the tsarist troops sent to strengthen the defense of the southern borders against external aggression by the Rzeczpospolita and the Crimean Khanate. Simultaneously with the implementation of defense functions, their activities can be regarded as the first attempts to limit the power of the hetman and the transformation of the administrative and regimental system of management of the Hetmanshchyna established during the liberation war of 1648-1654.

The active policy of development of the southern outskirts of the Russian state leads to the formation of a number of fortifications, outlying towns on the "Wild Field" – the north-eastern and eastern lands of the left bank. Here, for the first time in Ukraine, Russian voivodships appeared, and a voivod administrative and police system was established. So, on the territory of the Slobozhanshchina, voivods departments were formed in Belgorod [1], Zmiev [2], Izyumsk [3], Karpov [4], Nizhegolsk [5], Ostrozhsk [6], Chuguev [7].

The voivods of Sloboda Ukraine were subordinated to the Razriadny Prikaz, and special powers were given to the voivod of Belgorod, who controlled the activity of the rest. Being the bodies created to assist the voivodeship, prikaz huts were in charge of administrative, military, financial, police and judicial matters.

The voivod had full authority over the entire Russian population in police matters. It should be noted that it also affects migrants from other regions of Ukraine.

The documents of investigative and investigative nature testify to the presence of police functions in the competence of the voivod. These are cases of beatings, robberies, escape of peasants from landowners, escape of working people, as well as "interrogation speeches", most of which take place in 1670-1671 – the years of the peasant war led by S. Razin and the spread of the rebellion of the rebellious Ostrog colonel Ivan Dzikovsky (Zenkovsky) to the territory of the East Ukrainian lands. Being a native of Chernihiv and one of the founders of Sloboda Cossacks, I. Dzikovskiy supported the calls of S. Razin's "charming letteries". After the execution of the Ostrozhsky voivode, this uprising covered almost all the outlying towns: Ostrozhzhsk, Tor, Mayatsk, Tsareborisov, Bohodukhov, Kharkov, Chuguev and others.

The voivods of Sloboda Ukraine, relying on the Streltsys, Reitars, together with the remaining loyal Cossacks of Sumy and Kharkov regiments, as well as with the sent hetman D. Mnogogreshny cossacks of Hetmanshchina, managed to suppress this uprising. The voivod following were especially active in detecting and punitive expeditions: Oznobishyn (Korotoyak), Pasyнков (Valuysk), Romodanovsky (Belgorod). On January 30, 1671 the voivode Prince Grigory Romodanovsky informs the Razriadny Prikaz about the execution of 186 "thieves' Cossacks", who were found and caught in the towns of Ostrozhzhsk, Korotoyak, Olshansk and Mayatsk [8, p. 102-103].

The voivodship system was clearly centralized. This meant not only strict subordination of the voivod to Moscow, but also limitation of his authority to the execution of orders, instructions and decrees of the central authority, as well as the need to coordinate his activities with the discharge and other Prikazes. The change of the voivod was frequent, two, two and a half years later, which, as it was believed, did not allow them to "sit back" and abuse their power for selfish purposes. However, despite such rotation, the voivodes often violated the law themselves, encroaching on the rights and property of the inhabitants and oppressing them in something [9, p. 81-83].

The general police activity of the voivods of Sloboda Ukraine was regulated by the current legislative acts of the Russian State, as well as instructions and decrees, which were diverse and largely contradictory. The lack of clear regulation of police functions often led to "how God understands" governance. Voivods were obliged to monitor the order, organize its security and access regime in the cities, which excluded the possibility of spies' infiltration as well as the possibility of the settling of fugitive serfs to be searched and sent to their owners. In addition, voivodeships controlled the condition of food and buildings, took measures against the spread of epidemics and fires [9, p. 80].

In court, the voivods were investigating and investigating. Thus, in the review of the above-mentioned "thieves'" cases of the participants of the Colonel's uprising И. Dzikovskiy, voivods and their subordinates widely used such means of search as a general search, testimony of witnesses, denunciation, questioning, using torture, and torture was often applied not only to the accused, but also to witnesses.

An apparatus subordinate to the voivod did not have an established staff at the time. Sometimes the voivod was in control of one, sometimes together with his assistant, a comrade of the voivod, or two. In addition, the real force on which he relied in his activities, were subordinate to him military units and garrisons, consisting of streltsys and Dragoons. Cossacks of Sloboda Cossack regiments were also widely used for general protection of borders and order.

By the end of the XVII century, the activities of Sloboda Ukraine voivods and prikaz huts began to be largely duplicated by the regimental chancellery of the Sloboda Cossack regiments formed in the second half of the XVII century: the Akhtyrsky, Izyumsky, Ostrozhsky, Sumy Kharkovsky, as well as the Bakaleysky (1670-1677) and Zmievsky (1666-1671) regiments. Sloboda Cossack regiments at the beginning of their formation were subordinate to the voivod of Belgorod, and then – since 1688 – were transferred to the competence of the Embassy order. In the beginning of the XVIII century their regimental chancellery became the main part of the local administration of Sloboda Ukraine.

With the beginning of the regimental bureaucracy's activity, there is a separation of powers, under which the voivods and their prikaz huts have no power over the Cossacks of the regimental service. General management, police and court among the Cossacks of Slo-

bozhanshchina are carried out by the Chancellery. The latter, in their turn, have no power over the "Moscow people" of Slobozhanshchina.

The Voivodeship and prikaz-system system on the lands of Sloboda Ukraine was abolished in 1719 as a result of the establishment of provinces where the activities and competence of the voivodeship are significantly changed [10].

The appearance of the voivods in the Hetman region was different. As a result of the liberation war of 1648-1654, an independent system of state authorities was formed there, whose competence included police functions. Such bodies were regimental hundreds of offices, such as the main bodies of administration, police and local courts. In addition, most of the major cities had self-government on the basis of Magdeburg law, according to the privileges they received from the Polish kings. Thus, the spread of the voivodship and order administration system in the Hetman region, as well as the activities of voivodships and orderlies, including the police, were significantly limited. In Moscow they understood that Ukraine's incorporation into the Russian state would take a long time and would be a complicated process. According to the treaty of 1654, which regulated the relations of the Hetmanshchyna with Russia and partly its legal status, the introduction of the voivodship system and the establishment of posts of voivod were not envisaged, except for Kiev. During the discussion of the "March articles" in Moscow, the Russians hinted at the desirability of planting their voivodeship in other cities as well. This decision was made by the boyars O.Trubetsky, V.Buturlin, prince P.Golovkin and *dumnyy deacon* A.Ivanov besides the basic resolutions, however, was not carried out [11, p.6].

The voivode appears in Kiev: "On the first day of March (1654) the Great Russian troops under the command of boyar and viceroyalty of Rostov, Prince Fyodor Semenovich Kurakin, who was the first in Kiev to take the post of voivod, arrived here as well..." [12; p.116.]. His functions, in addition to military and general administrative duties, included the police and the court among the arriving in the city of streltsys, working people and all sorts of people of different ranks, not subject to the magistrate's office. Thus, in 1682, after the death of the Russian Tsar Fyodor Alekseevich, the indignation of the streltsys regiments in Moscow was supported by part of the streltsys regiments stationed in Kiev. Having come out of obedience, they made numerous robberies and all sorts of riots. This revolt has soon been suppressed by voivod prince Prozorovsky, and rebels after investigation and court are executed [12, p.125].

The situation of the voivods on the territory of the Hetmanshchina changed with the adoption by Hetman Bryukhovetsky on November 22, 1665 of the treaty called "Moscow Articles". Articles 1, 5, 7 of the treaty, in which the autonomy of the Hetmanshchina was so limited that the authorities of the hetman were not subject to the towns and villages with non-Kazak population. In particular, Article 1 defined the parcel of the voivod to all the above-mentioned cities; Article 5 limited the competence of judicial and police authorities by their non-interference in the Cossack courts and investigations; Article 7 directly defined one of the areas of police and judicial activity of the voivods – their supervision, investigation, trial and reprisals against counterfeiters and persons forcing people to engage in counterfeit trade [13, p.131-133].

The active policy of the institution of the voivods in Ukrainian cities caused indignation among the local population, who did not want to accept the new orders. Mass discontent and uprisings in early 1668 against the power of the voivods did not allow ratifying the treaty of 1665, and the spread of the voivodship system in the Hetman region was suspended.

During the election of Hetman D. Mnogogreshny, the distribution of the voivodeship and their competence in the field of court and police were severely limited, and according to the Glukhov articles of April 6, 1669, the voivods remained in Kiev, Pereyaslav, Nizhyn, Chernihiv and Ostra. They were prohibited from interfering with the police and legal proceedings of the local population, moreover, the presence of the latter's representatives was mandatory during the investigation and trial of the "martial people" subordinate to the voivodships, who had committed any crimes against the local residents [13; pp. 137-138, 142]. However, up to the end of the XVII century voivodeships appeared in other cities of the Hetmanshchina: Gad-jach, Poltava, Starodub, Baturin.

It is impossible to say how intensively they acted on administrative and police issues. On the one hand, the voivods were owned by the police, the trial and execution of their subordinates, the Great Russian workers, and on the other hand, their interference with the police and the court among the local population, although limited, could not be called episodic. It follows that the history of the provincial administration from Bogdan Khmelnytsky to Skoropadsky represents a continuous struggle between the Kozatsky self-government and the government's desire to establish a provincial administration. The rights of the voivods extended

only to the military administration, but the constant confirmation of these restrictions, constant complaints about the voivod, and finally repeated uprisings show that the de facto power of the voivod often took on a wider scale; and the government itself tried to expand it and extend it to a larger number of cities. [14, с.129-130].

The following conclusions can be drawn from the above:

The first administrative and police bodies of the Russian state on the territory of Ukraine were the Chancellery of Russian Voivodeships – the prikaz huts;

The appearance of the voivods on the lands of Ukraine takes place during the second half of the XVII century.

Police functions of the voivods along with military, judicial and financial functions were the main directions of their activity;

The normative regulation of the police activity of the voivods was determined by: the current legislative acts of the Russian state, treaties of the Hetmanshchina and Russia, as well as direct decrees of the tsar and the Orders;

The police activity of the voivod and their offices on the lands of Ukraine largely duplicated the existing activities of the local administration of regimental and hundreds of offices of the Cossack regiments.

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Summary

The first administrative and police bodies of the Russian state on the territory of Ukraine were the offices of the Russian voivods departments. The appearance of the voivod on the lands of Ukraine takes place during the second half of the XVII century. Police functions of the voivod along with military, judicial and financial were the main areas of their activities.

Keywords: *administrative and police bodies, department, Prikaz, Slobozhanshchina, streltsy, voivod (voivode), voivod-prikaz system, voivodship.*

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**TYOLOGY OF MIGRATION IN THE CONTEXT
OF UPDATING HUMAN RIGHTS AND FREEDOMS PROTECTION
IN THE PRESENT-DAY WORLD**

Світлана Тищенко, Ірина Тищенко. ТИПОЛОГІЗАЦІЯ МІГРАЦІЇ В КОНТЕКСТІ УДОСКОНАЛЕННЯ ЗАХИСТУ ПРАВ І СВОБОД ЛЮДИНИ В СУЧАСНОМУ СВІТІ. У сучасному глобалізованому світі особливої актуальності набувають проблеми, пов'язані з трудовою міграцією населення як одного із визначальних чинників суспільного життя держав, що активно стимулює соціально-економічну та регуляторну діяльність їх громадських систем. Висвітлення питань ефективного управління міграційними процесами є пріоритетним у сучасних наукових дослідженнях у галузі права і суспільствознавства в цілому. Відповідно набуває все більшої актуальності проблема типології міграції, оскільки однозначність в розумінні критеріїв, за якими мігрант буде віднесений до тієї чи іншої категорії, дозволить забезпечити його необхідний правовий захист і реалізацію встановлених законом прав і свобод.

В існуючих підходах практично не інтегровані нові види і форми міграцій, пов'язаних із глобалізацією світової спільноти, із розвитком новітніх інформаційних технологій. Суспільні трансформації останніх десятиліть і технічний прогрес викликають закономірні зміни і в процесах, пов'язаних із переміщенням індивідів в соціальному просторі. Йдеться про віртуальні міграції, облік яких фактично не здійснюється державними службами статистики. Хоча з позицій аналізу змін у соціумі ця категорія міграцій не менш важлива: вона трансформує звичне сприйняття соціального простору, культури і системи цінностей, змінює усталені моделі суспільної взаємодії. Таким чином, сформовані протягом тривалого періоду способи класифікації міграцій, що виражаються у традиційних формах побудови міграційної політики держав, втрачають свою колишню дослідницьку вагу, поступаючись місцем транснаціональним вимірам.

Виходячи з актуальності цієї проблематики, авторами статті зроблено спробу систематизувати існуючий досвід типологізації міграцій і запропонувати уніфікований підхід до використання певної типології для забезпечення правового захисту даної категорії населення.

Ключові слова: *міграція, типологізація, систематизація, критерій, захист, права і свободи.*

Problem statement. In today's globalized world, linked to the challenges of transnationalization of the migration sphere, labor migration, as one of the determining factors in the social life of states, actively stimulates the social and economic and regulatory activities of

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