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**MINISTRY OF JUSTICE OF THE UKRAINIAN STATE
DURING THE PERIOD OF PAVLO SKOROPADSKY'S HETMANSHIP (1918)
IN UKRAINIAN HISTORIOGRAPHY**

Abstract. *The purpose* of the study is to elucidate the areas of research into the activities of the Ministry of Judicial Affairs (from April 29, 1918 – the Ministry of Justice) of the Ukrainian State during the period of Pavlo Skoropadsky's Hetmanship in Ukrainian historiography. **The research methodology** is based on the principles of historicism, scientific objectivity, systematicity, and comprehensiveness. In the article general scientific (analysis, synthesis, generalization) and special historical methods (comparative historical and bibliometric) have been used. **Scientific Novelty.** Modern Ukrainian historiography has been analyzed, the main problems of studying the activities of the Ministry of Judicial Affairs (Justice) during the time of Pavlo Skoropadsky have been outlined. **Conclusions.** The study of state-building processes within the Ukrainian State during Pavlo Skoropadsky's Hetmanship begins with the completion of the national liberation struggles, in particular, during the interwar period in the emigrant circles, the first memoirs and journalistic essays of the former UNR figures, supporters of the Hetman's regime, were published. The long history of research on these issues in

emigration, in the Soviet historical and legal science became the foundation for further research in Ukrainian science. Many publications by O. Reient, V. Verstiuk, V. Soldatenko and the others focus on covering the change of power and Pavlo Skoropadsky's coming to power, qualifying the essence of the Hetmanate, and analyzing his state position. Biographical sketches and a comprehensive analysis of the Hetman's activities were carried out by H. Papakin and R. Pyrih. More narrow issues of the state apparatus development during the period of 1917 – 1920, and in particular the Ukrainian State during P. Skoropadsky's Hetmanship, various government branches formation, in particular the judicial system, were covered by the following historians and lawyers: B. Tyshchuk, O. Vivcharenko and N. Leshkovych, O. Myronenko, R. Pyrih, H. Papakin, O. Tymoshchuk, and I. Usenko.

Key words: Ministry of Justice, Pavlo Skoropadsky, Ukrainian National Democratic Revolution, Ukrainian state, historiography.

МІНІСТЕРСТВО ЮСТИЦІЇ УКРАЇНСЬКОЇ ДЕРЖАВИ ПАВЛА СКОРОПАДСЬКОГО (1918) В УКРАЇНСЬКІЙ ІСТОРІОГРАФІЇ

Анотація. *Мета роботи* висвітлити напрями дослідження діяльності Міністерства судових справ (від 29 квітня 1918 р. – Міністерство юстиції) Української Держави періоду гетьманування Павла Скоропадського в українській історіографії. **Методологія дослідження** базувалась на принципах історизму, наукової об'єктивності, систематичності і всебічності. У статті використовувалися загальнонаукові (аналіз, синтез, узагальнення) і спеціальні історичні методи (порівняльно-історичний і бібліометричний). **Наукова новизна.** Проаналізовано сучасну українську історіографію, окреслено головні проблеми вивчення діяльності Міністерства судових справ (юстиції) часів Павла Скоропадського. **Висновки.** Вивчення державотворчих процесів всередині Української Держави Павла Скоропадського бере початок із завершенням національно-визвольних змагань, зокрема в емігрантських середовищах у міжвоєнний період вийшли друком перші спогади та публіцистичні нариси колишніх діячів УНР, прихильників гетьманського режиму. Довготривала історія дослідження цих питань в еміграції, у радянській історичній та правничій науці стала фундаментом для подальших досліджень в українській науці. Багато публікацій останніх років авторства О. Реєнта, В. Верстюка, В. Солдатенка та інших присвячені висвітленню зміни влади та приходу Павла Скоропадського, кваліфікації сутності гетьманату, оцінці його державницької позиції. Життєві нариси та всебічний аналіз діяльності гетьмана здійснили Г. Папакін, Р. Пиріг. Більш вузькі питання розвитку державного апарату у період 1917 – 1920 рр. та зокрема Української Держави П. Скоропадського, становлення різних гілок влади, зокрема судової системи висвітлювали історики та правники Б. Тищик, О. Вівчаренко та Н. Лешкович, О. Мироненко, Р. Пиріг, Г. Папакін, О. Тимошук, І. Усенко.

Ключові слова: Міністерство юстиції, Павло Скоропадський, Українська національно-демократична революція, Українська держава, історіографія.

Problem Statement. The “Charter for the Entire Ukrainian People” and the “Law on the Temporary State System” of April 29, 1918 were the fundamental principles for the Ukrainian State under the leadership of Pavlo Skoropadsky. The justice system administration was delegated to the Ministry of Judicial Affairs, which was transformed into the Ministry of Justice on July 15, 1918. It was headed by Mykhailo Chubynsky. The main task of this Ministry was to organize the justice system in the territory of the Ukrainian state. At the same time, it had administrative powers and played an advisory role in the development of draft laws by other ministries (Podkovenko, 2007, p. 11).

Initially, during the first few weeks of the Hetmanate, the judicial institutions of the Russian Empire, courts that emerged according to the orders of the Provisional Government, and judicial institutions established by the Ukrainian State operated in parallel. The highest level of judicial power belonged to the General Court. As in previous years, it “was the

supreme guardian and defender of the law and the highest court in judicial matters. The amendment consisted in the fact that the Hetman took over the right to appoint judges of the General Court” (Rumiantsev, 2001, pp. 77–78).

The works of Mykola Haliv and Vasyl Ilnytskyi (Haliv, & Ilnytskyi, 2021; Ilnytskyi, & Haliv, 2022; Haliv, & Ilnytskyi, 2023) present modern methodological principles of historiography research, which we used in the study. The information potential of archival historical documents related to this topic is described in the article by Svitlana Orlyk, Vasyl Ilnytskyi, and Mykola Haliv (Orlyk, Ilnytskyi, & Haliv, 2024).

The purpose of the study is to elucidate the areas of research into the activities of the Ministry of Judicial Affairs (from April 29, 1918 – the Ministry of Justice) of the Ukrainian State during the period of Pavlo Skoropadsky’s Hetmanship in Ukrainian historiography.

Results of Research. The issues of the state apparatus development during the period of 1917 – 1920 and changes in legal regimes are the research focus of the following historians: Oleksandr Reient (Reient, 2003; Hurzhii, & Reient, 2013), Vladyslav Verstiuk (Verstiuk, 2008), Valeriy Soldatenko (Soldatenko, 2011), the political scholars and lawyers: Oleksandr Myronenko (Myronenko, 1997), Borys Tyshchuk (Tyshchuk, Vivcharenko, & Leshkovych, 2000), etc. The Ukrainian historian Yaroslav Kalakura emphasized that “the study of the Hetmanate phenomenon has been going on for more than nine decades, and during this time a colossal number of studies of various genres have been accumulated..., which enabled us to create an appropriate historiographical image of this unique phenomenon” (Kalakura, 2013, p. 56). The researcher identified three key interpretations of Pavlo Skoropadsky’s activities: “Unerivska”, i.e. the leaders of the Central Rada, the UNR Symon Petliura, Volodymyr Vynnychenko; P. Skoropadsky, his supporters and associates – Dmytro Doroshenko, Viacheslav Lypynsky, Oleksandr Skoropys-Yoltukhovsky; pro-Marxist historians, Russian and Soviet (including Ukrainian authors) – Matviy Yavorsky, Mykola Popov, Yukhym Horodetsky and the others (Kalakura, 2013, pp. 58–59; Semashko, & Bulygina, 2021, pp. 88–89). The researcher Olena Liubovets argued that the ideological confrontation between the two currents of the Unerivtsi and the Hetmanists had been ongoing in the Ukrainian studies abroad since the interwar period, although each of these approaches “was not distinguished by objectivity and was not productive in a scientific sense, nevertheless, the researchers analysed a significant source base and discovered a wide array of factual material”. O. Liubovets emphasized that owing to their work, the foundation was laid for further research under the conditions of independent Ukraine (Liubovets, 2013, p. 15).

In the 1990s and early 2000s, a number of collective publications were published that covered the history of the statehood and law formation on the Ukrainian lands (Ihnatusha, & Frolov, 2021, p. 99). Among them, we should highlight the studies by B. Tyshchuk, O. Vivcharenko, and N. Leshkovych, “The Formation of Statehood in Ukraine (1917 – 1922)”. The authors analysed the judicial reforms that began during the time of P. Skoropadsky, but also note that the judicial system had not completely changed since the time of the UNR. The General Court remained “the supreme guardian and defender of the laws”, which was at the same time “the supreme court of Ukraine for administrative cases”. Gradually, innovations took place, in particular, on June 2, the functions of the General Court were improved, which included three departments: “civil, criminal, administrative” (Tyshchuk, Vivcharenko, & Leshkovych, 2000, p. 72).

Significant are the studies of the history of the legislation and the state-building process formation authored by O. Myronenko. In the fundamental collective research “Ukrainian

State-Building: Unclaimed Potential: Dictionary-Reference”, the researcher O. Myronenko argued that P. Skoropadsky, in a special section of the “Law on the Temporary State Structure”, very succinctly outlined the competence of the General Court, as he obviously planned to reform it and transform it into the previously operating “Governing Senate”. Amendments and additions were also made to the law of the Central Rada on the General Court of December 2, 1917. In particular, on June 2, 1918, Article 1 was changed to the following item: “The General Court consists of three departments: civil, criminal and administrative and performs on the entire territory of Ukraine all the functions belonging, before its formation, to the Governing Senate, as well as the cassation functions of the Chief Military Court, unless they are changed by other laws of the Ukrainian State” (Myronenko, 1997, pp. 427–428). The author also noted that amendments were made to the law on the activities of local courts of May 4, 1917, in particular, certain articles ceased to be valid on the territory of Ukraine, and if elections were not held, or fewer judges were elected than required for the staffing list, or the General Court did not confirm the candidacy of one of the courts, then in this case the Minister had the right to appoint them himself for the term of judges (Myronenko, 1997, p. 428). The historian O. Myronenko noted that the overall management of the judicial system belonged to the Ministry of Judicial Affairs, which was renamed the Ministry of Justice. But he noted that soon after the appointment, the head of the Ministry, Mykhailo Chubynsky, resigned on August 3, and Oleksiy Romanov was appointed in his place, who remained in office only until October 21 and transferred powers to Yakov Zatvornytskyi, and “3 days later, the Hetman officially appointed the head of the Main Prison Administration, Andriy Viazlov, as the new Minister of Justice. But on November 14, this position ended up in the hands of V. Reinbot” (Myronenko, 1997, p. 428). The researcher does not ignore the principles of the Ministry of Justice activities, noting that it acted “within the limits of the competence defined during the Russian Empire with the changes introduced by the Provisional Government and state acts of the Central Rada, which were not cancelled by the Hetman regime. The government of the Ukrainian state also made its own additions to the powers of the Minister of Justice” (Myronenko, 1997, p. 429).

A historian Ruslan Pyrih, analyzing the structure and functioning of P. Skoropadsky's state apparatus, drew attention to the essence of government and administrative institutions. He noted that M. Chubynsky, appointed by P. Skoropadsky to the post of Minister of Justice, “advocated for the construction of the judicial power of the Ukrainian State according to the Russian model. Instead of the General Court of the UNR, the State Senate was established. It considered it impossible to Ukrainize the judicial system due to the underdevelopment of the Ukrainian legal terminology. He willingly appointed Russian specialists to judicial and prosecutorial positions” (Pyrih, 2011, p. 90).

The researcher R. Pyrih, in his next monograph “The Activities of the Governments of Pavlo Skoropadsky's Hetmanate: Personal Dimension”, highlighted the activity of the Council of Ministers through the prism of specific personalities and their initiatives. One of the chapters of the book is dedicated to the Ministers of Justice: M. Chubynsky, O. Romanov, A. Viazlov, V. Reinbot. The chapter presents their political portraits and outlines their areas of activity. It is worth noting that in this research, the author reveals the activities of the first Minister more fully, in particular, noting that one of M. Chubynsky's first steps was to submit for government discussion the question of “on whose behalf to conduct court proceedings and about the language in court proceedings”. The first part did not raise any questions – “in the name of the law of the Ukrainian State”. There were discussions regarding the language

of the proceedings, but 8 – in favour, 2 – against, the legislation in force in Ukraine was adopted – civil and criminal law is not translated into Ukrainian, therefore it does not have clear legal terminology, so if it is proposed to use the Ukrainian language, it will “only introduce misunderstandings in the interpretation and application of laws”. Therefore, immediately the Ministry of Judicial Affairs had to assemble a commission “to develop legal terminology in Ukrainian, and begin translating Russian legislation immediately”. According to the government resolution, until the laws are translated into Ukrainian, Russian can be used in judicial proceedings and official records (Pyrih, 2016, p. 146). The following comments by M. Chubynsky to the newspaper “The Latest News” are interesting: he emphasized that “he will try to carry out the Ukrainianization of the court with an appropriate gradualness”. That is, such a gradual implementation will enable to preserve valuable personnel who are not ready to switch to Ukrainian immediately (Pyrih, 2016, p. 147).

R. Pyrih refutes the opinion widespread in historical science that the adoption of the Law on citizenship of the Ukrainian State was advocated by State Secretary Ihor Kistiakivsky. Instead, R. Pyrih claims that on June 10, I. Kistiakivsky came up with such an initiative, and the published text of the Law was endorsed by I. Kistiakivsky and Fedir Lyzohub, but “in fact, the development of this draft law was carried out by a commission headed by M. Chubynsky, which included such well-known lawyers as B[ohdan] Kistiakivsky and Yevhen Spektorsky”. The Law was adopted after a long discussion by the Council of Ministers on July 2. This legislative act repealed the corresponding Law of the Central Council (adopted in March of 1918). According to the new Law, “all Russian subjects who were in Ukraine at the time of the new Law publication were recognized as citizens of the Ukrainian State. Those who did not wish to be recognized as citizens of the Ukrainian State had to submit a corresponding application to the local elder’s office within a month “for entry in a special alphabet of subjects and citizens of foreign states”. A dual citizenship was prohibited (Pyrih, 2016, pp. 148–149).

A historian Heorhiy Papakin, in his monograph “Pavlo Skoropadsky: Patriot, State Builder, Man”, positively evaluated the role of Hetman in state building, because he adopted and improved his predecessors’ “achievements in state building, foreign policy, solving financial problems, creating a military doctrine, national and cultural development, and resolving the church issue” (Papakin, 2003, p. 48). The researcher supported the position on the evolution of P. Skoropadsky’s state strategies towards more Ukraine-centric ones, noting that “it was precisely the latter’s attitude towards statehood that was the turning point that separated P. Skoropadsky from a certain group of his former colleagues (the ministers Vasyl Zenkivsky, I. Kistiakivsky, O. Romanov, M. Chubynsky, a senator Serhiy Zavadsky, Mykola Mohyliansky). They either joined the all-Russian camp, or, at best, remained in the “Malorosiysky positions” (Papakin, 2003, p. 53).

Instead, a historian who specializes in law issues, Oleksandr Tymoshchuk was inclined to believe that the main feature of P. Skoropadsky’s reforms in the field of justice was “the establishment of the traditional Russian model of the judicial system, an effective subordination vertical of which with the state self-determination of Ukraine was violated”. Therefore, the Hetman’s supporters tried to copy the models of the central apparatus from St. Petersburg to Kyiv. The judicial branch consisted of Judges, Congresses of Judges, District Judges, Court Chambers, and the Governing Senate, which acted as the Supreme Court of Cassation. Judges were elected by the authorities, and all other judicial bodies were determined by a collegial composition. Instead, all other judicial bodies were subordinate to the system of “state justice”. All courts, except the highest judicial institution, considered

cases, but the State Senate acted as the Russian court of cassation, i.e. “not deciding cases in the general procedure of judicial proceedings, and oversaw the protection of “the exact force of the law and its unanimous execution by all judicial institutions” (Tymoshchuk, 2000, pp. 24–25). O. Tymoshchuk also noted that even the Prosecutor's Office was part of the judicial department, but “with its own personal organization, as in the Russian Empire. The prosecutor's hierarchical pyramid was headed by the Minister of Justice” (Tymoshchuk, 2000, pp. 25).

Another monograph on the outlined issues was the collective study of the researchers from V. M. Koretsky Institute of State and Law, the National Academy of Sciences of Ukraine, and the International Association of Legal Historians, edited by Ihor Usenko, “Judicial Power in Ukraine: Historical Origins, Patterns, and Peculiarities of Development”. In the Ukrainian State of P. Skoropadsky, the judicial system was reformed. For this purpose, “the commission to revise the laws on general and appellate courts” was established. On July 8, 1918, P. Skoropadsky approved the laws “On Formation of the State Senate” and “On Judicial Chambers and Courts of Appeal”, which were a return to the idea of imperial Russia of “identifying the head of state as the main source and bearer of power, de jure limited by the Constitution and law” (Usenko, 2014, p. 330). Later, the Hetman returned the old names of the judicial bodies of the Russian Empire period, in particular, instead of the General Court, State Senate operated again, and “Kyiv, Kharkiv, and Odesa courts of appeal were renamed into judicial chambers”. The reform also changed the principle by which jurisdiction was established – Poltava and Lubny district courts started to belong to Kharkiv court chamber, and Kamianets-Podilskyi and Vinnytsia district courts – to Odesa court chamber (Usenko, 2014, p. 331).

In the judicial sphere another important step was personnel changes, in particular, by restoring the positions of the abolished judicial chambers. In general, the lower level of courts of first instance continued to operate in the form of district courts, but again, as in imperial times, the principle of collegiality was restored; the jurisdiction of judges over criminal and civil cases was expanded (Usenko, 2014, p. 331).

Despite the return of the Russian imperial models in the functioning of justice, an important achievement of P. Skoropadsky's team was a gradual Ukrainization of the system. In particular, owing to the effective work of the Commission for the Development of Ukrainian Legal Terminology under the Ministry of Judicial Affairs, the Statute on Punishments used by judges was translated; as well as materials for the legal dictionary, other translations of business papers used in their practice by general judicial institutions were prepared (Usenko, 2014, p. 333).

Conclusions. The Ukrainian statehood formation during the period of 1917 – 1920 and changes in legal regimes were studied by the diaspora and Ukrainian lawyers, political scholars, and historians. In historiography the chief focus, after the restoration of Ukraine's independence, was the study of the Ukrainian State under the leadership of Pavlo Skoropadsky, the legal qualification of his coming to power, and subsequent governance. In the 1990s and early 2000s, a number of collective publications were published that covered the history of the statehood and law formation in Ukrainian lands. Among a number of studies, it is worth highlighting the works by B. Tyshchuk, O. Vivcharenko and N. Leshkovych, O. Myroenok, who analysed the judicial system formation, its changes compared to the period of the Central Rada; the above mentioned scholars analysed the main laws that introduced changes to this system, and outlined its structure comprehensively. The historians R. Pyrih and H. Papakin

analysed the structure and functioning of P. Skoropadsky's state apparatus, and provided a comprehensive description of the government institutions policy, in particular the heads of the Ministry of Justice and the Ministry in general. The fundamental study of researchers of V. M. Koretsky Institute of State and Law, the National Academy of Sciences of Ukraine, and the International Association of Legal Historians, edited by I. Usenko, updated and supplemented the work of previous years in the study of justice functioning, and outlined the models, in particular of the Russian imperial type, which were used by P. Skoropadsky in the development of the State Senate and the judicial system in general.

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