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Konnova Maya Viktorivna,

Candidate of Historical Sciences, Associate Professor of Management and Administration Community Higher Education Institution "Vinnitsa Academy of Continuing Education", 21100, Vinnytsia, street Hrushevskoho, 13, tel.: +38 (097) 409 06 89, e-mail: mkonnova@gmail.com, <https://orcid.org/0000-0002-7579-682x>

Коннова Майя Вікторівна,

кандидат історичних наук, доцент кафедри управління та адміністрування КВНЗ "Вінницька академія неперервної освіти", 21100, м. Вінниця, вул. Грушевського, 13, тел.: +38 (097) 409 06 89, e-mail: mkonnova@gmail.com, <https://orcid.org/0000-0002-7579-682x>

Коннова Майя Викторовна,

кандидат исторических наук, доцент ка-

федры управления и администрирования КВУЗ "Винницкая академия непрерывного образования", 21100, г. Винница, ул. Грушевского, 13, тел.: +38 (097) 409 06 89, e-mail: mkonnova@gmail.com, <https://orcid.org/0000-0002-7579-682x>

FORMS AND PRINCIPLES OF ORGANIZATION OF PUBLIC AUTHORITY OF THE TIME OF THE COSSACK STATE

Abstract. The article describes the mechanisms of formation of the principles and forms of functioning of the state power of the Cossack-Hetman Ukraine; the peculiarities of the formation of the institutional foundations of the Ukrainian state as a complex and contradictory process of the Cossacks are established; it is substantiated that during the whole period of existence of the Zaporozhian Sich there is a natural system of public administration, which formed the basic principles of the Cossacks as the then political elite. The principles of which were divisibility (Sich was divided into huts, there were a maximum of 38), territoriality – into palanquins (five or eight), selectivity (Cossacks of the hut belonged to the authorities of the elected smokehouse ataman). Research and analysis of scientific and historical sources have shown that most researchers believe that in

the days of the Cossack state it is possible to study the structure of public power, the elements of which are identical, to some extent, to modern forms of public power as the highest self-government. The most important issues were decided by the military council, which was based on the principles of true brotherhood and mutual assistance. The entire system of state bodies was ensured through the formation of military-administrative power through the implementation of the principles of internal and external functions inherent in the state. The main form of public power was also the general council, among other things, it formed different levels of executive, judicial and military power of the Zaporozhian Army, in particular, elected a hetman, whose power extended to all Cossacks of the Zaporozhian Army, including those who lived in the parish, that is, in the populated areas of Ukraine, primarily within the Kiev and Bratslav provinces.

We came to the conclusion that the forms and principles of organization of the Cossack self-government of the Zaporozhian Sich ensured the performance of the functions inherent in the state. This gives grounds to claim that it was there that Ukrainian statehood was revived.

Keywords: democratic governance, state, military council, military leaders, law, principles, self-government, forms.

ФОРМИ ТА ПРИНЦИПИ ОРГАНІЗАЦІЇ ПУБЛІЧНОЇ ВЛАДИ ЧАСІВ КОЗАЦЬКОЇ ДЕРЖАВИ

Анотація. Схарактеризовано механізми формування принципів та форм функціонування державної влади козацько-гетьманської України; встановлено особливості формування інституційних засад українського державотворення як складного та суперечливого процесу козацької доби; обґрунтовано, що упродовж усього періоду існування запорозької спільноти є природна система державного управління, яка сформувала форми підґрунтя політичного устрою та мотивувала його життєзабезпечення і сформувала основні принципи козацтва як тогочасної політичної еліти. Її принципами були: подільність (Січ поділялася на курені, максимально їх було 38), територіальність — на паланки (п'ять–вісім), виборність (козаки куреня підлягали владі виборного курінного отамана). Дослідження та аналіз наукових й історичних джерел засвідчило, що більшість дослідників вважають, що в часи козацької держави можна дослідити вже структуру публічної влади, елементи якої ідентичні, якою мірою, до сучасних форм публічної влади; формою вищого органу самоуправління, яка розв'язувала найважливіші питання, була військова рада, яка ґрунтувалася на засадах щирого братерства, взаємодопомоги. Адже вся система органів державотворення забезпечувалась шляхом формування військово-адміністративної влади через виконання принципів внутрішніх і зовнішніх функцій, властивих державі. Основною формою публічної влади була загальна рада, окрім іншого, вона формувала різного рівня виконавчу, судову та військову владу Війська Запорозького, зокрема, обирали гетьмана, влада якого поширювалася на усіх козаків Війська Запорозького, в тому числі на тих, які мешкали на волості,

тобто на заселених територіях України, насамперед у межах Київського та Брацлавського воєводства.

Встановлено, що форми та принципи організації козацького самоврядування Запорозької Січі забезпечували виконання функцій, властивих державі. Це дає підстави стверджувати, що тут відроджувалася українська державність.

Ключові слова: демократичне врядування, державотворення, військова рада, військова старшина, звичаєве право, принципи, самоврядування, січове товариство, форми.

ФОРМЫ И ПРИНЦИПЫ ОРГАНИЗАЦИИ ПУБЛИЧНОЙ ВЛАСТИ ВРЕМЕН КАЗАЦКОЙ ГОСУДАРСТВА

Аннотация. Охарактеризованы механизмы формирования принципов и форм функционирования государственной власти казацко-гетманской Украины; установлены особенности формирования институциональных основ украинского государства как сложного и противоречивого процесса казачества; обосновано, что течение всего периода существования Запорожской Сечи является естественной системой государственного управления, которая сформировала основные принципы казачества как тогдашней политической элиты. Ее принципами были делимость (Сечь делилась на курени, максимально их было 38), территориальность — на паланки (пять–восемь), избирательность (казаки куреня принадлежали власти выборного куренного атамана). Исследования и анализ научных и исторических источников показало, что большинство исследователей считают, что во времена казацкого государства можно исследовать уже структуру публичной власти, элементы которой идентичны, в какой-то мере, до современных форм публичной власти как формы высшего органа самоуправления. Важнейшие вопросы решал военный совет, который основывался на принципах истинного братства, взаимопомощи. Вся система органов государства обеспечивалась путем формирования военно-административной власти через выполнение принципов внутренних и внешних функций, присущих государству. Основной формой публичной власти был также общий совет, помимо прочего, он формировал разного уровня исполнительную, судебную и военную власть Войска Запорожского, в частности, выбирали гетмана, власть которого распространялась на всех казаков Войска Запорожского, в том числе на тех, которые жили в волости, то есть на заселенных территориях Украины, прежде всего в пределах Киевского и Брацлавского воєводства.

Установлено, что формы и принципы организации казацкого самоуправления Запорожской Сечи обеспечивали выполнение функций, присущих государству. Это дает основание утверждать, что именно там возрождалась украинская государственность.

Ключевые слова: демократическое управление, государство, военный совет, военачальники, право, принципы, самоуправление, сечевое общество, формы.

Formulation of the problem. The Ukrainian Cossacks were a force that sought to realize the political and state ideals of the Ukrainian ethnic group, had a decisive influence on the formation of new models of worldview and new political culture in Ukrainian society, formed the Ukrainian identity and mentality. The Ukrainian state of the Cossack era was a form of the highest development of the Ukrainian ethnos in the early modern history of Ukraine, evidence of its state-building potential, an essential prerequisite for the implementation of the nation-building processes in the Ukrainian society.

Analysis of recent researches and publications. Among the domestic scientific achievements should be mentioned such names of researchers as O. Apanovych, O. Hurzhiy, Y. Mytsyk, H. Serhienko, V. Serhiychuk, V. Smoliy, V. Stepankov, I. Storozhenko, N. Yakovenko, V. Horobets, V. Holubotsky.

The purpose of the article is to analyze the features of the forms and principles of the public power of the Cossack state and their impact on the state and legal position of Ukraine.

Presentation of the main research material. The study and analysis of the historical sources showed that researchers have found much evidence of participants about the unquenchable thirst of peasants and burghers to achieve Cossack status. Throughout the period of existence of the Zaporozhian community, the democratic governance as a natural system of the public administration formed the basis of the political system and motivated its livelihood. As a historical factor, they played a primary role in the formation of the basic principles of the

Cossacks as the then political elite [1, p. 78–88].

As a result, the founder of the Ukrainian statehood of the New Age, Hetman B. Khmelnytsky left the traditional name for the Ukrainian Cossack state – the Zaporozhian Army, paying tribute to the traditions and forms of democratic government of the Zaporozhian Sich [2, p. 22], the principles of which were divisibility (Sich was divided into huts, there were a maximum of 38), territoriality – into palanquins (five or eight), selectivity (Cossacks of the hut were subject to the power of the elected hut ataman).

The form of the highest body of self-government was a military council with the participation of all Cossacks, which resolved the most important issues. Councils were convened as needed, but always for Christmas and Intercession. Councils were also convened in huts and palanquins.

The researches and analysis of the scientific sources have shown that in the days of the Cossack state it is possible to study the structure of the public power, the elements of which are identical, to some extent, to modern forms of the public power. Refusing to recognize the authority of any ruler, the Cossacks exercised the self-government in accordance with the customs and traditions that have been formed over generations. All Cossacks had equal rights, their relations were based on the principles of sincere brotherhood and mutual assistance. The structure of the Zaporozhian community was based on republican-democratic principles [3]. All military officers were elected by the Military Council for one year. The highest power after the Military Coun-

cil was held by the Kosh Ataman – military, administrative, judicial. He was accountable to the Military Council. The second person after the ataman was considered a military judge, who acted as a guarantor of the original customs of the Sich community. In his decisions he was guided by customary law that was passed from mouth to mouth. The outward sign of power was a large silver seal that fastened all the decisions of the Sich society. In addition to judicial functions, he replaced the Kosh Ataman, was the chief of artillery. The huts were administrative and military units. They were headed by elected and accountable councils of hut atamans [3].

The military yesaul supervised the observance of order and discipline by the Cossacks, monitored the execution of court decisions of the council and the ataman, conducted inquiries for the committed offenses, etc. [4, p. 56].

The organization of the Cossack self-government of the Zaporozhian Sich gives grounds to claim that the Ukrainian statehood was revived here. After all, the entire system of the military-administrative authorities ensured the performance of the internal and external functions inherent in the state. At the general Cossack councils, among other things, formed the executive, judicial and military authorities of the Zaporozhian Army at various levels. For example, a hetman was elected, whose power extended to all Cossacks of the Zaporozhian Army, including those who lived in the volost, i.e. in the populated areas of Ukraine, primarily within the Kyiv and Bratslav voivodships.

Military assemblies elected commanders and chiefs, such as colonels

(heads of military units numbering up to several thousand Cossacks), decided on participation in the war, approved plans for specific combat operations, read diplomatic correspondence from various addressees, and received foreign ambassadors, formed the composition of the Cossack embassies to the Polish king and foreign rulers, determined and approved their embassy instructions, sometimes passed and executed court verdicts, and so on. The Cossack councils also elected the ruling leadership of the Zaporozhian Sich, including the Kosh ataman, who, on the one hand, had power over the Sich Cossacks, and on the other – was subordinate to the Zaporozhian hetman.

The activities of the general Cossack councils were based on the direct democracy of the Cossack circle. This meant that every full-fledged Cossack had the opportunity to directly influence the formation of domestic and foreign policy of the Zaporozhian Army. In the conditions of the Cossack way of life associated with the constant need to mobilize the society of the Zaporozhian Army to solve urgent military problems, as well as adequate response to challenges to the corporate interests of the Zaporozhian community in the political, social and economic spheres, the General Council was an instrument of the state of democracy [4, p. 28].

The direct democracy of the General Cossack Council also had its weaknesses. For example, a crowd of many thousands could not negotiate professionally or work out the text of the documents. However, an acceptable mechanism for preliminary preparation of the agenda was found: a group of competent and authoritative Cossacks

was formed at the general Cossack Council, first of all from among the officers who performed the relevant preparatory work and presented its results to the General Council. However, not all the problems of direct democracy of the Cossack circle could be easily solved. It is said, in particular, that the large masses of Cossacks who gathered at the council were not safe from the psychology of the crowd. So they did not always listen to rational arguments and easily succumbed to suggestion and ochlocratic sentiments. The “voice of the people”, whether balanced or impulsive and emotional, was not to the liking of those officers who cared primarily for their own interests because they feared losing power or even their lives in the Council. The difficulties of the Cossack democracy include the fact that the Cossacks could not always quickly and easily gather for a council, whose decisions were made without undue delay based on the results of direct expression of will [4, p. 57].

In the process of forming the Ukrainian state, the general military council was transformed from a military institution into a body of state power. But so far, the researchers of modern forms and principles of formation of the public power note these very weaknesses.

The system of supreme executive bodies of the period of the National Revolution of the second half of the 17th century was embodied by the General Government. It was considered the main administrative, executive and judicial body of the Cossack-Hetman state. The General Government consisted of the hetman, general officers and central executive and judicial bodies – general military chancelleries.

The institute of hetmanship occupied an extremely important place in the political system of the Cossack-Hetman state. The change of power of the hetman was by all means extrapolated to the state and legal position of Ukraine. The elected hetman concentrated in his hands an extremely wide range of powers in the legislative, executive and judicial branches. He convened the General Council and the Council of Officers, led them, participated in the discussion of issues and decisions of the councils, organized their implementation, heading the administration; the hetman’s signature issued the most important orders and universals – legal acts that had the force of law; he also presided over the judiciary, acting as the highest appellate court; organized and managed finances, set taxes, managed the land fund; determined the directions of the country’s foreign policy; led the army [4, p. 78].

The legal basis of the hetman’s power was the norms of oral customary law – “ancient rights and freedoms”, adapted to the state status of Ukraine, interstate treaties and state-sanctioned legislation. “Articles on the Structure of the Zaporozhian Army”, adopted by the General Military Council in June 1648, became the constitutional act of the hetman’s activity. The Cossack custom also provided for the position of temporarily appointed hetman – a temporary acting hetman. The board of the temporarily appointed hetman was established when the position of hetman became vacant, when the hetman could not perform his duties due to health, when the hetman temporarily left the capital, as well as to conduct a military operation or to perform other

tasks [4, p. 23]. Some authors claim that the temporarily appointed hetman was an institution that ensured the functioning of the Ruin period and became an obstacle to Ukraine's decline to anarchy.

The general officers – a obozny, a clerk, two judges, two yesauls, a cornet player and a bunchuk player – played an important role in the system of organizing the political power of the Cossack-Hetman state. The general officers were obligatory members of the councils of officers, acted as executors of the resolutions of the hetman and the council of officers, as well as the closest advisers to the hetman, forming an advisory body – the council of officers, which was tasked with operational administration of the country. The functions of the board of general officers, as a kind of advisory body to the hetman, were enshrined in the traditions of the Ukrainian state, as well as fixed in the Ukrainian-Russian agreements of the second half of the 17th century.

The importance of the general officers increased significantly during the inter-hetmanate, which exercised its powers through the council of the general officers. It is believed that in the mechanism of the General Government, the council of general officers performed the connecting functions between the hetman and the council of officers. The general officer was appointed by the hetman or elected by the council of officers for an indefinite term. The hetman and the council of officers also dismissed the general officers. Thus, in the Ukrainian state during the National Revolution of the second half of the 17th century the democratic way of forming the positions

of general officers in the way of elections by the general military council has not developed [4, p. 139–141].

The local authorities and administrations of the hetman state – regimental and sotnya governments, urban and rural administrations – imitated the central government organizations based primarily on the needs of the prompt mobilization of armed people. The administrative division of the Cossack-Hetman state, which was divided into regiments and sotnyas, duplicated the structure of the army: territorial units corresponded to the hierarchy of the combat units, ensuring the fastest mobilization of the Cossack state [4, p. 13–14].

The regimental government consisted of a regimental Cossack council, a colonel, regimental officers, a regimental officer's council, and regimental chancelleries. Based on custom, the regimental government was subordinated to the regimental Cossack council. The regimental Cossack council had the same mechanism of formation and principles of functioning as the general military council; it had the right to form a regimental government, to approve or revoke its decisions. As the regimental Cossack council limited the powers of the hetman, colonels and regimental officers, they were not interested in its development. Therefore, the general and regimental governments gradually at the end of the 17th century turned the regimental Cossack council into a formality [5, p. 38].

The regimental government was headed by colonels who acted as representatives of the military administrative power on the territory of the regiment and were the executors of the

instructions of the hetman, General and Officer Councils [4, p. 218–220].

Colonels within the regiment had broad military, administrative, financial, and judicial powers. They ensured the mobilization of the military unit entrusted to them, took care of its combat capability, ensured its discipline, took care of the condition of fortifications, and so on. The colonels performed the full range of administrative functions in the territory under their control. First of all, they managed the land fund (“rank estates”), which consisted of land left by the nobility. The colonels distributed these lands between the officers and the Cossacks as payment for their military service. They also organized the financial affairs, managed the collection of taxes to the military treasury, leased trades belonging to the military fund, collected rent. The powers of the colonels in land and financial affairs also brought the city’s economy under their control and made it possible to interfere in the internal affairs of the cities.

A person who temporarily served as a colonel was called a temporarily appointed colonel [5, p. 48]. In the administration of the territory of the regiment and commanding a military unit, the colonel relied on a regimental officer, whose composition almost completely duplicated the composition of the general officers — obozny, judge, yesaul, clerk, cornet player. The obozny was in charge of the regiment’s material support. He commanded the convoy and artillery, and in the absence of the colonel performed his duties. The regimental artillery yesaul, the regimental artillery clerk, the cornet of the regimental artillery and atamans were

subject to the obozny. The regimental judge presided over the regimental court. He had his own office and government officials. The clerk kept records of the regiment and headed the regimental chancellery. Yesaul (usually there were two of them) supervised the observance of order and discipline in the regiment, performed police functions. He had an assistant — subyesaul. The regimental cornet player was responsible for the preservation of the regimental flag and carried out the temporary instructions of the hetman or the Council.

The administrative and technical institution of the regimental government was the regimental chancellery. Within the regiment, it performed generally the same functions as the general military chancellery at the national level. The regimental chancellery developed into a leading institution of the regimental government. It provided a mechanism for interaction between the general, regimental and sotnya governments.

It is believed that the regimental government formed the basis of the organization of the state power of the Cossack-Hetman Ukraine. The General Government relied on it in its activities. Therefore, the General Government comprehensively contributed to the improvement and development of the regimental governments [5, p. 216–218].

The model of the administrative structure of the regiment was copied at the sotnya level. The sotnya government consisted of a sotnyk, city atamans, sotnya officers, a sotnya council of officers, and a sotnya chancellery.

The right to form a sotnya government, to approve or revoke its resolu-

tions belonged to the Sotnya Cossack Council, to which, according to custom, it was subordinated. According to the mechanism of formation and the principles of functioning, the Sotnya Cossack Council was an institution of the same type as the regimental Cossack council. However, by the end of the 17th century the hetman, colonel and sotnyk appropriated certain powers of the Sotnya Cossack Council.

Under the leadership of the sotnyk, the sotnya government decided to grant or reject land, collect taxes, dispose of the treasury of the sotnya, conduct a census of the population and property, conduct notarial acts, establish duties [6, p. 31]. However, by the end of the 17th century the hetman, colonel and sotnyk appropriated certain powers of the Sotnya Cossack Council. Under the leadership of the sotnyk, the sotnya government decided to grant or reject land, collect taxes, dispose of the treasury of the sotnya, conduct a census of the population and property, conduct notarial acts, establish duties [6, p. 31]. In the process of forming the Ukrainian state, the general military council was transformed from a military institution into a body of state power.

Conclusions. Hence. The study showed that in the historical process of formation of the Ukrainian state can be considered as a basis for the transformation of the general military council from a military institution to a body of state power.

The study showed that the highest form of self-government was the Council (military) with the relevant regulations and the authority of the ruler. The branches of power were represented by

military, administrative, and judicial forms of self-government. The court acted as a guarantor of the customs of the Sich community.

But so far, the researchers of the modern forms and principles of formation of the public power note these very weaknesses. A model of local self-government was built (on the example of the administrative system of the regiment). According to the mechanism of formation and the principles of functioning, the modern local council is still a variant of the regimental Cossack council (the sotnya Cossack council was an institution similar to the regimental Cossack council, which should provide mechanisms for interaction of the general, regimental and sotnya governments).

This is confirmed by the principles of the modern Verkhovna Rada of Ukraine, which has so far failed to effectively unite the mechanisms of interaction of all the branches of the government in a decentralized environment, which violates its main purpose in the public authorities of Ukraine, this may be a matter for further study.

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