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LEGAL STATUS OF EMPLOYEES IN THE UKRAINIAN SOVIET SOCIAL REPUBLIC (1921–1928)

Abstract

The aim of the work is to study the legal status of employees in the Ukrainian SSR in 1921–1928, which had its own peculiar features due to the new economic policy implementation by the Soviet government (hereinafter referred to as the NEP). The methodology involves the adherence to the principles of objectivity, scientific character, and historicism, which facilitated the coherent disclosure of the prerequisites, content and consequences of the Soviet government social policy implementation in the Ukrainian SSR, and highlighted the legal status of employees and the specifics of its codification. The combination of historical and legal methods contributed to the consistency of the research, as well as enabled us to assert the novelty of the material under consideration. The historical research of the NEP in the combination with the regulatory and legal framework analysis creates new opportunities for interdisciplinary scientific inquiries. The use of general scientific methods, such as systematization, generalization, chronological and comparative method, historical and legislative method, provides us with a tool to trace the influence

*of the legal component on the history of the NEP introduction and development in the Ukrainian SSR during the specified period. **The scientific novelty** aims at providing a detailed historical and legal analysis of the content of the Ukrainian SSR legislation system concerning the legal status of employees during the NEP period. The authors comprehensively investigate its positive aspects, downsides and prospects for practical application in the specified period.*

The Conclusions. *The article has newly provided an article-by-article analysis of regulatory and legal framework, that codified the legal status of Ukrainian SSR employees during the new economic policy (1921–1928). The historical and legislative review of legal provisions enabled us to identify their positive aspects, drawbacks, and prospects for practical application. With the beginning of the curtailment of the NEP, the activities of social insurance authorities changed, they began to focus on the industrial development of the country.*

The policy implemented by the Soviet government in the late 1920s under the leadership of Josef Stalin, demonstrated an expeditious movement towards authoritarianism, which is incompatible with market relations and special care for the "cogs" (little people) of the system. A system based on the Command and Administration system methods of managing the economy is gradually being formed. The increased exploitation of peasants and workers, the use of violence and political repression changed the legal status of employees in many sectors of the economy.

Key words: *legal status, new economic policy, Labor Code, trade union, labor duty.*

The problem statement. The analysis of the legal status of the NEP employees from the standpoint of historical and legislative approach requires a significant reconsideration of the Soviet internal policy, which makes it possible to analyze the regulatory and legal framework adopted by the Bolsheviki in the 1920s. The study enables us to take a fresh look at the period and its features taking into the account the forms of economic activity of various social groups and the mechanisms of legal regulation of the economy and the legal status of employees.

The review of recent research and publications. The Soviet researchers I. Voitynskyi, K. Varshavskyi, A. Stepanenko, A. Pasherstnyk investigated certain aspects of the legal status of employees in the period of the new economic policy. After the declaration of

independence of Ukraine, the study of this problem was carried out by V. Dohadov, N. Bolotina, O. Volkova, A. Krister, Yu. Leonova, A. Lushnykov, O. Protsevskiy, G. Chanysheva, N. Chubokha, P. Chubynskiy, I. Sharovkin, V. Shcherbyna, M. Yakymenko and others.

O. Sushka made a significant contribution to the modern historical science of studying the social and economic problems of the NEP. The author carried out a systematic scientific and historical analysis of the peculiarities of the formation and functioning of private entrepreneurship in the Ukrainian SSR of the NEP period, identified the problems of trade union activities in private sector, analyzed the number of employees, their social, living, and conditions. He also considered the functioning of peasant farms and artisan industry (Sushko, 2004). O. Movchan investigated the dynamics of changes in the everyday life of Ukrainian workers in its connection with the transition from "war communism" to the NEP, and analyzed the problems of employment, working conditions, medical support and other types of social insurance (Movchan, 2011). M. Oliinyk looked into the activity of private industries in Ukraine, scrutinized the creation and improvement of welfare system for those working in them, and considered the formation of trade unions and their activity in the context of the development of private entrepreneurship in the period between 1921–1929 (Oliinyk, 1997). Yu. Volosnyk carried out the analysis of the history of a new bourgeoisie onset and the formation of private entrepreneurship in Ukraine in the 1920s and early 1930s. The author researched the social and legal status of the NEP people in the Soviet state, the underground entrepreneurial activity of the new bourgeoisie, the struggle against it during the NEP era, and interpreted the relations between entrepreneurs and workers, on the one hand, and entrepreneurs and the state apparatus, on the other (Volosnyk, 2004). O. Melnychuk conducted a systematic scientific and historical analysis of the origin, formation and functioning of the Soviet social insurance system as an organizational and legal form of workers and civil servants' welfare system in the Ukrainian SSR in the 1920s –1930s (Melnychuk, 2009). However, modern historians, studying the social and economic conditions of employees during the NEP period, did not go deep enough into the study of the legal status of employees in the Ukrainian SSR, because this was not the subject of

their research. That is why the legal status of employees during the NEP period requires a more detailed analysis.

Setting the purpose of the article. The aim of the work is to study the legal status of employees in the Ukrainian SSR in 1921–1928, which had its own peculiar features due to the implementation of a new Soviet economic policy.

The outline of the findings.

The social and economic life of the Ukrainian society and its legal status during the NEP era, which began with the Xth Congress of the RCP(B), held in March 1921, significantly differed from both the pre-revolutionary period and the Bolshevik policy of forced labor during "war communism". The Sovietization was accompanied by social and political pressure from the Bolsheviks, economic experiments, a low standard of living for the majority of citizens, unemployment for the adult population, homelessness for children and adolescents. The uncertainty of the legal status of employees gave rise to discrimination on the part of employers, and made it impossible to introduce social guarantees for the population. A system of forced labor was created for the period of "war communism", which negatively affected the popularization of Bolshevik slogans.

The Bolshevik's destruction of the economy, the nationalization of industry, transport and banking systems preconditioned the NEP introduction. The Bolshevik policy of "war communism" (Grain and Feed decrees of January 11, 1919 and the decree "On Settlement Operations" of July 15, 1920), the actions of the authorities to abolish money circulation and replace it with "trods" (labor units), the layout for cattle, pigs, potatoes, chicken eggs (May, 1920), the product layout for the sown area (the state set the task for sowing arable land with its own seeds), could have led to a political collapse. Therefore, the introduction of the new economic policy was the only correct step to save the Soviet government, to calm down the resisting rural population, it was a chance to develop the economy. The situation required a statutory regulation and legislative acts introduction, including those that would determine the legal status of employees in the new social, economic, and political settings of the Soviet Ukrainian society, as the system of forced labor did not work in market conditions. One of the main tasks of the NEP was to attract the rural population and workers to

production. This presupposed the existence of laws that would determine the legal status of employees. The legal status of employees was formed within the framework of the Bolshevik ideology. The national issues were no less important, and the "fresh" memory of the Ukrainian political projects of 1917–1921 required temporary loyalty from the Bolsheviks to their manifestations.

On December 10, 1918, the Labor Code of the RSFSR (The Labor Code and the Declaration of the Rights of the Working and Exploited People, 1920, p. 32) came into force, which, according to the treaty on the military and political union, was extended to the territory of Ukraine. However, this legal enactment needed significant changes. This was due to the civil war and the policy of "war communism". The Bolsheviks' policy was aimed at the actual elimination of the right to work and the establishment of labor duty. Workers were forcibly assigned to enterprises and became militarily mobilized, which was established by the Decree of the Council of People's Commissars (CPC) of the Ukrainian SSR "On General Labor Duty" of January 29, 1920 (The Collection of Laws and Orders of the Workers and Peasants' Government of Ukraine, 1920, Article 249). Labor became an obligation, and unemployment (labor desertion) was recognized as an offense.

The resolution of the CPC of the Ukrainian SSR of June 12, 1920 provided for the procedure for creating and organizing "comrades' disciplinary courts" at enterprises (Movchan, 2008, p. 307). They monitored labor discipline, could reduce wages, transfer to heavy forced labor, and bring workers' cases to the revolutionary tribunal. In accordance with the resolution of the CPC of the Ukrainian SSR of January 31, 1921 "On Labor Desertion and on the Anti-Desertion Authorities" labor deserters were considered to be the persons who evaded labor registration; concealed their profession, evaded labor duty or labor mobilization, did not appear at work without valid reasons, voluntarily left work (The collection of Laws and Orders of the Workers and Peasants' Government of Ukraine, 1921, P. 39). According to Paragraph 3 of the resolution, labor deserters and absconders could be placed under arrest for up to two weeks or transferred to penal labor units for up to six months, while in case of malicious desertion, the cases were brought to the revolutionary tribunals. The government

established the responsibility for evading work for the sole purpose of forcing workers to work.

In general, the regulation of the production and labor processes in 1919–1920 was mostly carried out by a particular legal enactment on the General Regulation on the Tariff, May 2, 1919, amended on June 17, 1920. The mentioned above legal enactments synchronized the issues of wages, hours of work and rest, production standards, as well as the procedure for hiring and dismissing employees, their guarantees and compensation. The General Regulation on the Tariff being adopted on May 2, 1920, the Labor Code of 1918 was not actually applied (Volkova, p.8).

The need for introduction of capitalist forms and methods of management, market relations, and the necessity for legalization of tradesmen, wholesalers, brokers, commission agents, business owners, and tenants were associated with the need to decriminalize private trade and business activities. According to the Decree of the CPC of the Ukrainian SSR of April 13, 1921 "On Consumer Cooperation", all citizens were allowed to unite in consumer cooperatives. There was also a unified system of consumer cooperation formed (The Collection of Laws and Orders of the Workers' and Peasants' Government of Ukraine, 1921, p. 176). The Bolsheviks sought to create conditions for the development of "state capitalism". In villages and cities a unified system of consumer cooperation was created to provide citizens with goods. More than half of the farms and their employees were involved in agricultural cooperatives. These were livestock, amelioration and other kinds of communities. The cooperatives were not associated with the alienation of peasants' property, they remained the owners of the land.

There was an acute need for the employment relations regulation in rural areas. According to the 1926 census, there were 54,770 villages and hamlets in the Ukrainian SSR, where lived 23.6 million people (Mykhailovskii, 1926). The involvement of army units, authorized representatives, Bolshevik workers from cities and communards in the seizure of agricultural products in 1921–1922 resulted in peasants' protests, but in fact during the 1920s the Soviet authorities applied top-down management methods towards the rural population and neglected the adopted laws. A part of the population moved to cities and applied for a job. The revival of industry and the established legal status of

employees fostered this process. The legal status presupposed registration for work, certain social guarantees, registration on labor exchange, membership in trade unions, etc. A significant number of the population worked for wages in artisan industries, retail establishments, etc. Most of the employees worked for short periods of time (day-or piece-rate system). The hiring was common during the busiest months of the agricultural cycle, which was an objective reason for the development of workers' employment. Sometimes farm owners hired unemployed people for low wages, while they themselves had high-paying jobs elsewhere.

The peasants would hide the information about their households and the amount of hired employees. When the Bolsheviks came to power, they banned the use of wage labor in agriculture, which resulted in the spread of hidden forms of employment. Farmers who hired workers tried to prove the secondary nature of hiring in order to classify permanent workers as temporary ones. The hidden forms of employment enabled the owners to circumvent the norms of legislation on social insurance, provision of paid work vacations, etc. Due to heavy taxation, starting from 1928 employers preferred to hire teenagers to adults, as it was easier to prove the secondary nature of the hired labor. To control these processes, the Soviet authorities forced to draw up written contracts.

In 1921, a number of actions were taken to restore, albeit conditionally, the labor market. In particular, employees, in cases of serious problems (domestic, personal or workplace), were given an opportunity of a facilitated transition from one enterprise to another. This procedure was provided for by the Resolution of the CPC of the Ukrainian SSR of April 19, 1921 (The Collection of Laws and Orders of the Workers 'and Peasants' Government of Ukraine, 1921, p. 201). However, it is necessary to pay attention to the fact that such a transition was possible only when it did not cause losses for the usual course of production of the enterprise.

An important step of the Soviet government was the adoption of decisions on replacing labor duty with a labor tax, as well as providing the possibility of replacing labor and animal tax with monetary compensation. It was established by the resolution of the Ukrainian Central Executive Committee of August 30, 1922 (The Collection of

Laws and Orders of the Workers ' and Peasant Government of Ukraine, 1922, p. 617).

In the NEP market conditions, due to significant escalation of class contradictions, the authorities set a goal to preserve the proletariat as their social support. Therefore, in order to improve the legal status of employees, the CPC adopted the regulation "On Social Security of Workers and Employees in Case of Their Temporary or Permanent Disability as well as in Case of Death of the Breadwinner in the Family" on January 28, 1922, (The Collection of Laws and Orders of the Workers' and Peasants' Government of Ukraine, 1922, p. 173).

This legal enactment applied to workers and employees who worked for hire or according to their choice in state, public or private enterprises, institutions and organizations. It recognized the right of workers and employees to the following types of social securities as temporary disability benefits; maternity allowance; burial allowance; disablement pensions; survivor's pensions and medical assistance. In particular, assistance in case of temporary disablement was provided from the first day of the illness, quarantine or care for a sick family member up to the day of recovery inclusive, but exceeding 25 weeks. Maternity allowance included financial aid to pregnant women, women in labor and nursing mothers as well as aid to buy child care items.

On September 28, 1926 the Central Election Commission of the USSR adopted an instruction that for the first time in the conditions of the new economic policy defined a list of categories of persons who lost the right to receive benefits for political reasons. In particular, persons belonging to the class of exploiters, former officers and officials of the White armies, civil servants and agents of the police, gendarmerie, servants of religious cults, etc. could not count on unemployment benefits. As noted by O. Melnychuk, the Soviet government preferred to support proletarians, while the circle of those entitled to aid did not include people who had additional incomes, as well as representatives of the social elites of the pre-revolutionary era (Melnychuk, 2009, p.168).

Consequently, social insurance legislation was based on a social security system that did not depend on the loss occurrence or payment and was guided by class and political principles.

The resolution of the CPC "On Collective Agreements and Regulation of Working Conditions in Private and Public Enterprises,

Institutions and Organizations" (The Collection of Laws and Orders of the Workers' and Peasants' Government of Ukraine, 1922, p. 27) defined the procedure for contractual regulation of labor relations, in particular, the legal status of employees, issues of labor remuneration, etc. In the social policy of the Soviet state during the NEP period, there was a partial transition from state regulation of working conditions to collective-contractual regulation.

The Labor Code of the Ukrainian SSR of 1922 (hereinafter referred to as the Labor Code of 1922), approved by the decree of the Ukrainian Central Executive Committee on November 9, 1922 (Labor Code of 1922) and put into effect on November 15, 1922 by the decree of the Ukrainian Central Executive Committee of December 2, 1922 (The Collection of Laws and Orders of the Workers' and Peasants' Government of Ukraine, 1922, p. 977) established new principles for regulating labor relations. It consisted of 17 chapters and contained the norms that regulated the procedure for employment, providing labor force and attracting citizens to labor duty, working and rest hours, the grounds for and the amount of work remuneration, guarantees and compensation for employees during the performance of duties provided for by law, the procedure for resolving labor disputes, and social insurance.

Under the Labor Code of 1922 (note to article 57), an employee who systematically failed to comply with the norm could be dismissed from work at the initiative of the employer (article 47). According to the norms of this legislative act, the rules of internal labor regulations were established to regulate labor issues at enterprises with at least five employees. A six-hour working day was established for the youth aged 16 to 18, employees engaged in mental and office work and underground work. Cases of possible involvement of employees in overtime work were also clearly defined.

It was prohibited to work on public holidays (article 111) which were January 1 – New Year's Day; January 22 – January 9, 1905; March 12 – the Day of the Downfall of the Autocracy; March 18 – the Day of the Paris Commune; May 1 – the Day of the International; November 7 – the Day of the Proletarian Revolution. Annual paid leave for a period of at least two weeks was granted to employees who had worked at the enterprise for at least five and a half months (article 114).

The young adults were entitled to extended leave for a period of one month. In addition, employees had the right to receive compensation for days of unutilized vacation.

In addition to maternity benefits, insured persons and their spouses were entitled to receive a one-time additional child care allowance in the amount of a one-month salary and a child nursing allowance which constituted 25% of the one-month salary established in the area.

A separate section XV of the Labor Code of 1922 "On Professional (Production) Unions of Workers and Clerks and Their Bodies in Enterprises, Institutions and Organizations" was devoted to professional unions. In this section, for the first time in Soviet labor legislation, the legal status of trade unions and their bodies in enterprises, institutions and organizations was formulated.

Under the Labor Code of 1922, workers and civil servants of any specialty who worked for hire at enterprises, in institutions and organizations of both state and private ownership had the right to unite in trade unions, which expanded the rights of employees in comparison with the Imperial legislation. Thus, Article 7 of Chapter II of the Temporary rules stated that members of trade unions could be persons of both sexes who worked in industrial and commercial enterprises (both state-owned and private), and were engaged in homogeneous or related work or crafts (On Temporary Rules on Societies and Unions, 1909, p. 205). The legislative restriction of the trade union movement to the industrial and commercial spheres meant that agricultural workers, railway, post and telegraph workers, prompters, pilots and representatives of other non-manufacturing industries were deprived of the right to join trade unions (Mahas-Demydas, Rudnytska, 2019, p. 70).

According to the Soviet labor legislation of 1922, enterprise administration should have provided funds for maintenance and needs of the professional committee, but their amount should not have exceeded 2% of the total salary of its workers and civil servants. In fact, with the adoption of the Labor Code of 1922, the role of trade unions in the new economic conditions was changing. They became protective bodies that were responsible for defending the rights and legal interests of employees.

With the end of the new economic policy and the start of nationalization, the main protective function of trade unions as public

organizations became formal. Trade unions gradually turned into a non-state secondary apparatus of public administration, having received the authority to exercise functions of both state supervision and public control (Terela, 2018, p. 24).

The regulation of labor relations and labor market during the new economic policy was also reflected in the legislation. The Soviet government adopted a large number of legislative enactments on the legal status of workers and civil servants. The legal regulation of labor relations was carried out due to the norms of both All-Union and the Ukrainian SSR's regulatory and legal framework.

At the beginning of the NEP, state mediation in employment through labor exchanges was actively introduced and became obligatory. The Bolsheviks emphasized that this was a guarantee of protecting the workers' rights. However, it was also an opportunity to apply administrative methods of regulating the labor market. In the context of widespread unemployment, it was important to involve workers in public works, which became the main type of labor assistance for the unemployed. The working conditions for community service workers and their wages were satisfactory, although there occurred some violations of the standards. In March 1927, the People's Commissariat of Labor eliminated the voluntary involvement of the unemployed in public works. The authorities introduced new rules for providing assistance to the unemployed, who were divided into several categories: qualified, semi-skilled and low-skilled workers.

It should be noted that before the adoption of the resolution of the CPC of the Ukrainian SSR "On Rationing the Wages of Employees in State Institutions" (art. 334) on June 9, 1925, the legal regulation of work remuneration during this period was carried out mainly on a collective-contractual basis (The Resolution of the CPC of the Ukrainian SSR, 1925). However, with the adoption of this resolution, contractual regulation of employees' work remuneration gradually began to be limited.

In the first years of the new economic policy, the state monopoly on the labor market proved to be ineffective. In 1925, the state's monopoly on employment mediation was abolished. Business entities received permission to recruit labor and form personnel policy independently, guided by their own needs for qualified personnel

(Movchan, 2011, p.68). The exception were the positions that required high qualifications or political, personal or financial reliance.

However, due to inadequate economic planning, the practice of transferring labor force among enterprises and different regions turned out to be premature and ill-conceived. In a new place, people often did not get a job and turned for help to trade union funds. The main reason for the industrial workers' unemployment in this period was staffing reduction, as well as the closure of unprofitable enterprises (Movchan, 2011, p.69).

The All-Union resolutions of the Central Election Commission and the CPC of the USSR "On Working Conditions in Seasonal Work" of June 4, 1926 (The Collections of Important Laws and Regulations on Wages, 1945, p. 45) and "On the Working Conditions of Temporary Workers and Employees" of January 14, 1927 defined the legal status of temporary workers, the procedure for work remuneration, hiring and dismissal of the workers (The Collections of Important Laws and Regulations on Wages, 1945, p. 46). In particular, the resolution emphasized that in case of termination of the employment contract due to violation of employer's obligations, the employee has the right to receive severance pay in the amount of three-day average earnings when being hired for a period of more than one month, and one-day average earnings in other cases.

The resolution of the Central Election Commission and the CPC of the USSR "On Official Business Trips within the USSR" of January 14, 1927 was important in applying the legislation on work remuneration, which gave a detailed account for the issue of sending employees on business trips (Yamkovskii and Nikitin, 1940, p.113). This resolution defined the business trip as "an employee's journey on the employer's order to perform an official assignment outside the place of permanent work". According to the provisions of this resolution, the employee had the right to retain the position that he held for the duration of his stay on a business trip. The remuneration during absence could not be less than the actual earnings at the time of the beginning of the business trip. The resolution did not regulate business trips of researchers, advanced training courses, expeditions, nor business trips of military personnel who served in Red Army (Rudnytska, 2011, p. 11).

The adoption of the resolution of the Central Election Commission and the CPC of the USSR "On Compensation for Transfers and Employment in Other Localities" of November 9, 1927 (The Collection of Legal Enactments of the Ukrainian SSR, 1928, art. 52) was the next step in the state regulation of labor relations. It established the right of a person who was appointed to work in other localities to be paid wages at a new place of work. The remuneration was provided to employees who worked before the appointment (from the day the payment at the previous place of work ceased) and to individuals who did not work before (the issue was resolved by agreement of the parties).

On June 20, 1927, the instruction of the People's Committee of Labor of the USSR № 138 was adopted. It established labor benefits and social insurance for workers, employees and the unemployed during induction to the army, as well as during the military service (Kleinenberg, Bas, Bazhenov, 1929, p.186). Thus, employees who were called up to serve or conduct training camps (regular conscription, drill, repeated or inspection turns-out, mobilization) retained their position (place of work) and average earnings. In comparison with the Labor Code of 1922, the instruction more fully protected the interests of employees concerning their military duty.

During the entire period of the new economic policy of the Soviet government, there were problems with employment of the population. The supply of labor force prevailed over its demand and the ability of the state to employ it in various sectors of the economy. These problems in the labor market were accompanied with the imbalance of the country's economic development, including the curtailment of the private-entrepreneurial sector of the economy. The country's authorities considered it necessary to start a systematic and consistent transition of enterprises and institutions to continuous production in 1929–1930. They adopted the corresponding resolution of the CPC of the USSR "On the Transition to Continuous Production in Enterprises and Institutions of the USSR" of August 26, 1929 (The Collection of Laws of the USSR, 1929, article 502).

The conclusions. The NEP is a modernization of economic relations, a historical stage in the formation of the legal status of employees in the new conditions of functioning of the Soviet government. The introduction of the new economic policy was the only

correct step to save the Soviet government, a chance to develop the economy. The situation required a new statutory regulation of social, economic, and political relations of Soviet Ukrainian society, the legal status of employees in particular, because the system of forced labor did not work in market conditions. The Soviet authorities undertook a number of actions to partially restore the labor market. To improve the legal status of employees, they replaced labor duty with a labor tax. The employees were granted with a facilitated transition from one enterprise to another, state social security and social insurance for employees were introduced, and there was a partial transition from state regulation of working conditions to collective-contractual one. A large number of important legislative acts regulating labor and social insurance relations were adopted, as well as their codification was carried out. Therefore, the Labor Code of the Ukrainian SSR of 1922, has a special place among the normative legal enactments adopted by the authorities during this period. It established new principles for regulating labor relations regarding the procedure for hiring, providing labor force, attracting citizens to labor duty, establishment of hours of work and rest, grounds and amounts of work remuneration, guarantees and compensations for employees during the performance of duties provided for by law, the procedure for resolving labor disputes, and social insurance. Its adoption determined the state's position on hired labor in general and the legal status of employees in particular.

With the curtailment of the new economic policy in 1928–1929, the Soviet government began to carry out forced industrialization and collectivization of the country. The labor legislation of the Ukrainian SSR, the Labor Code of 1922 in particular, turned out to be unsuitable in the new social, political, and economic conditions, and therefore was significantly changed, which affected labor relations, including the legal status of employees. The result of these measures was the elimination of the system of social protection in case of unemployment, etc. At the end of the NEP period, due to the nationalization of enterprises, the activities of trade unions became formal, they gradually turned into a secondary tool of the state administration apparatus, having received the authority to exercise both the functions of state supervision and of public control.

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Рудницька Ольга, Рудницька Наталія. ПРАВОВИЙ СТАТУС ПРАЦІВНИКІВ В УСРР (1921-1928 РР.)

Анотація

Мета роботи – дослідження правового статусу працівників в УСРР у 1921 – 1928 рр., який мав свої характерні особливості у зв'язку із проведенням радянською владою нової економічної політики (далі - НЕП).

Методологія: дотримання принципів об'єктивності, науковості та історизму сприяли послідовному розкриттю передумов, змісту та наслідків соціальної політики радянської влади в УСРР та виокремлення в ній уваги до правового статусу працівників й особливостей його закріплення. Поєднання історичних та правознавчих методів сприяло системності, й одночасно дозволяє стверджувати про новизну запропонованого матеріалу. Історичне дослідження НЕПу в поєднанні з вивченням нормативно-правових актів створює нові можливості для міждисциплінарних наукових розробок. Застосування загальнонаукових методів – систематизації і узагальнення та проблемно-хронологічного, порівняльно-історичного, історико-правового методів дозволили прослідкувати вплив юридичної складової на історію запровадження та розвиток НЕПу в УСРР у вказаний період. **Наукова новизна** полягає у

детальному історико-юридичному аналізу змісту законодавства УСРР щодо правового статусу працівників у період НЕПу, комплексно досліджено його позитивні сторони, прогалини та перспективи практичного застосування у вказаний період.

Висновки. У статті було вперше здійснено постатейний аналіз нормативно-правових актів, що регулювали правовий статус працівників в УСРР в період нової економічної політики (1921 – 1928 рр.). Такий історико-юридичний розгляд правових норм дозволив визначити їхні позитивні сторони, прогалини та перспективи практичного застосування. З початком згорання НЕПу змінилася діяльність органів соціального страхування, яка стала орієнтуватися на курс індустріалізації країни.

Політика, яка реалізовувалась радянською владою наприкінці 20 – х років ХХ ст. на чолі з Й. Сталіним, демонструвала швидкий рух до авторитаризму, який несумісний з ринковими відносинами та особливою турботою про «гвинтиків» системи. Поступово формується система, що базувалася на командно – адміністративних методах управління економікою. Посилення експлуатації селян та робітників, застосування насилья та політичних репресій змінило правовий статус працівників в багатьох галузях господарства.

Ключові слова: правовий статус, нова економічна політика, Кодекс законів про працю, профспілка, трудова повинність.

Rudnycka Olga, Rudnycka Natalia. STATUS PRAWNY PRACOWNIKÓW W USRR (w latach 1921-1928)

Strzeszczenie

Celem pracy jest zbadanie statusu prawnego pracowników w USRR w latach 1921-1928, który miał swoją specyfikę w związku z nową polityką gospodarczą rządu radzieckiego (dalej – NPG). **Metodologia:** przestrzeganie zasad obiektywizmu, naukowości i historyzmu sprzyjały konsekwentnemu ujawnianiu przesłanek, treści i skutków polityki społecznej rządu radzieckiego w USRR oraz wyróżnienie statusu prawnego pracowników i specyfiki jego ustalenia. Połączenie metod historycznych i prawnych pomogło systematyczności, a jednocześnie pozwala twierdzić o **oryginalności** naukowej tego materiału. Badania historyczne NPG w połączeniu z badaniem normatywnych aktów stwarza nowe możliwości dla studiów interdyscyplinarnych. Zastosowanie metod ogólnonaukowych - systematyzacji i uogólnienia, metod problemowo-chronologicznych, porównawczo-historycznych oraz historyczno-prawnych pozwoliło prześledzić wpływ składnika prawnego na historię wprowadzenia i rozwoju NPG-u w tym okresie.

Oryginalność naukowa polega na szczegółowej analizie historyczno-prawnej treści ustawodawstwa USRR wobec stanu prawnego pracowników w okresie NPG-u, wszechstronnie zbadano jego pozytywne aspekty, luki i perspektywy praktycznego zastosowania w tym okresie.

Wnioski. W tym artykule po raz pierwszy zrobiono szczegółową analizę każdego przepisu prawnego aktów normatywnych, regulujących status prawny pracowników USRR w okresie nowej polityki gospodarczej (1921-1928). Takie historyczno-prawne rozważanie norm ustawowych pozwoliło określić ich pozytywne aspekty, luki i perspektywy praktycznego zastosowania. Wraz z początkiem upadku NPG zmieniła się działalność ZUS, która później została skoncentrowana na procesie uprzemysłowienia (industrializacji) kraju.

Polityka rządu radzieckiego końca lat dwudziestych XX wieku na czele z J. Stalinym pokazywała szybki ruch w kierunku autorytaryzmu, który był niezgodny z relacjami rynkowymi i szczególną troską o „śrubkach” systemu. Stopniowo tworzył się system oparty na rozkazująco-administracyjnych metodach zarządzania gospodarczego. Zwiększony wyzysk chłopów i robotników, przemoc i represje polityczne zmieniły status prawny pracowników w wielu sektorach gospodarki.

Słowa kluczowe: stan prawny, nowa polityka gospodarcza, kodeks pracy, związek zawodowy, praca przymusowa.

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