

THE ESTABLISHMENT AND FUNCTIONING OF THE COMMISSIONS ON JUVENILE AFFAIRS IN THE UKRAINIAN SSR IN THE EARLY 1920S

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The issues of protecting the rights of minors and the state's responsibility for children are key issues in the study of juvenile justice. As early as the 1920s, commissions on juvenile affairs in the Ukrainian SSR were playing an important role preventing crime, combating homelessness, and providing social security for children. In the pre-revolutionary period, specifically before World War I, juvenile courts had been established in Ukraine in Kyiv, Kharkiv, Odesa, Katerynoslav, and Mykolaiv. This was in line with the global trend of handling juvenile cases in separate courts specifically established for this purpose [1, p. 77]. However, after the Decree of the Council of People's Commissars of the Ukrainian SSR 'On the Responsibility of Minors' of 12 June 1920 [2] had been adopted, such courts were abolished, and their functions were transferred to commissions on juvenile affairs.

By examining the activities of these commissions, we may better understand the Soviet model of child protection and identify the origins of modern approaches to juvenile policy in Ukraine. In modern Ukraine, which is facing war and large-scale humanitarian challenges, the issue of child protection has once again become acute, making the understanding of historical practices particularly important for finding solutions today. The evolution in how institutions have treated children across time enables us to understand best practice. This context allows us to turn to the formative period of the Soviet child protection system, marked by the establishment of the commissions for juvenile affairs in 1920.

The changes began in 1920 when the Decree of the Council of People's Commissars [2] replaced juvenile courts and introduced novel practices. The decree stipulated that investigation into a minor's case should be conducted by only one commissioner. During an investigation, by a decision of the judicial investigation bodies or a commission, the teenager could be placed in a "collector" at provincial and county commissions on juvenile affairs, consisting of a psychiatrist and specialist educators in the upbringing of 'defective' children (*note: the phrase is taken from legislation of that period*). In these institutions,

minors were not only held but also had their medical and 'moral' conditions examined; based on such examinations, conclusions were provided to the institutions considering their cases.

According to Anatolieva, who has positively assessed the commissions on juvenile affairs of this period, they were introduced as interdepartmental bodies to allow for a comprehensive approach to combating juvenile delinquency [3, pp. 79-80]. However, it should be noted that the effectiveness of this interdisciplinary response to delinquency contained a serious short-coming: there were no lawyers among the commission members who could properly qualify any offences or correctly apply the normative legal acts for juveniles.

Then, a further important development occurred in 1922 when a code was introduced to build upon the work of the decree. The "Code of Laws on Public Education" sought to regulate closely the activities of the commissions on juvenile affairs, where "juvenile" referred to those under 16. The code established a hierarchy of bodies with the Central All-Ukrainian Commission sitting at the top, underneath which was a provincial commission (*note: "provincial" is taken from legislation of that period*) and finally a county commission.

The Central All-Ukrainian Commission consisted of a chairperson (always a teacher), his or her deputy, and the chief inspector for the social and legal protection of children. Moreover, a doctor and a lawyer were appointed to the commission by the People's Commissariat of Education in agreement with the People's Commissariat of Justice, and the People's Commissariat of Health. The Central Commission's responsibilities included determining the procedure for considering cases in local commissions, overseeing and guiding their activities, and reviewing, in a supervisory capacity, cases decided by local commissions.

The provincial and county commissions also consisted of a chairperson (also a teacher), and again a doctor and a lawyer, but this time appointed by the local bodies of the People's Commissariat of Education and approved by the Central All-Ukrainian Commission. Moreover, when appointing a doctor, the consent of the local bodies of the People's Commissariat of Health was required; likewise a lawyer required approval from the People's Commissariat of Justice. Children were initially brought together in a "collector" where they received medical and psychological examinations, and information was gathered about their background. After leaving the collector, they were sent to provincial and county commission. Then, these commissions could take the following measures against offenders: returning them to their relatives, sending them back to their homeland, finding them employment, offering them patronage, transferring them to special institutions for offenders, or transferring them to reformatories of the People's Commissariat of Justice. The provincial and county commissions were also responsible for providing individual legal assistance to children, as well as to their parents or guardians, on children's rights issues.

Overall, the changes brought about by “The Code of Laws on Public Education” were largely positive. First, the introduction of the teacher-chairperson meant that the person responsible for conducting the preliminary investigation also had to provide aftercare supervision.

A second positive aspect was the inclusion of lawyers in the All-Ukrainian, provincial and county commissions. This development transformed the work of the commissions from purely pedagogical to legally qualified. However, it should be emphasised that, in their essence, the commissions were defined by legislation as pedagogical, and they were headed by educators; lawyers were included only as expert advisers and thus took a periphery role.

Finally, perhaps the most significant change was the establishment of the People's Commissariat of Justice's oversight of the juvenile commissions [4]. The granting of this power encouraged the commissions' lawyers to put forward an interesting proposal at the All-Ukrainian Congress of Justice Workers. They proposed special sessions of the people's court for the consideration of juvenile cases [5, pp. 27-28]. The congress accepted this, thus conferring judicial functions on juvenile affairs commissions, which then made the restoration of the pre-1920 juvenile courts impossible.

Thus, the commissions for juvenile affairs in the Ukrainian SSR in the early 1920s introduced a special form of juvenile justice, replacing the pre-revolutionary specialised courts. Their activities combined pedagogical and legal elements, but the educational approach remained decisive. One positive aspect was the comprehensiveness of these bodies, which involved educators, doctors, and lawyers. Another positive aspect was the development of institutions for preliminary investigation and child supervision. At the same time, the granting of judicial functions to the commissions, the lack of proper legal specialisation at the initial stages, and their subordination to pedagogical leadership limited their effectiveness as a mechanism for protecting the rights of minors.

Historical experience with the work of commissions demonstrates the complex search for an optimal model of juvenile justice: between an educational approach, administrative control, and the need for judicial protection. This experience is valuable for modern Ukraine as well, because discussions about the forms of institutional support for children's rights and the balance between pedagogical and legal methods of influence remain relevant today.

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DOI <https://doi.org/10.36059/978-966-397-557-3-29>

ФІЛОЛОГІЧНИЙ АСПЕКТ ТЛУМАЧЕННЯ АДМІНІСТРАТИВНОГО ЗАКОНОДАВСТВА: МОВА ПРАВА ТА ПРАВА ЛЮДИНИ

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