



REGULATION OF LEGAL EDUCATION IN HIGHER MILITARY EDUCATIONAL INSTITUTIONS OF THE USSR AND INDEPENDENT UKRAINE

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Abstract.

Relevance: the study of the normative principles of legal education of servicemen makes it possible to assess the impact of state educational policy on it, contributes to the critical understanding and further improvement of the legal education system in the process of its reform.

Purpose: to identify and characterize the features of regulation of legal education of future officers in higher military educational institutions (hereinafter – HMEIs) of Ukraine in the XX and at the beginning of the XXI centuries (1943-2015); to compare the normative principles of legal education in higher military educational institutions of the USSR and independent Ukraine.

Methods: historical and genetic (clarification of prerequisites and factors of development of legal education in higher military educational institutions of Ukraine during the studied period); chronological, logical-historical (study of the process and stages of development of legal education in higher military educational institutions, identification of features, contradictions, patterns in spatio-temporal sequence); comparative-analytical, comparative-pedagogical (analysis of the normative-legal base of the specified period, periodicals, experience of legal education in higher military educational institutions).

Results: the normative bases of legal education of future officers of the Armed Forces of the USSR and independent Ukraine are analyzed, the peculiarities of its regulation at different historical stages are established.

Conclusions: It has been found that during the study period the development of legal education of officers in higher military educational institutions had three main stages: the first one (1943-1975) is characterized by updating the regulatory framework of the USSR Armed Forces taking into account combat experience, weapons development and changes in the world geopolitical environment; the second one (1975-1991), during which the normative regulation of legal education in the industry developed in the context of the growing systemic crisis of the USSR; the third one (1991-2015), during which the formation and development of the military education system of independent Ukraine took place. Despite the fact that the modern system of military education of independent Ukraine is a successor to the Soviet one, there are significant differences between them related to Ukraine's acquisition of the status of a sovereign state (acceptance of the relevant obligations as a full participant in international relations, in particular, in ensuring human rights in peacetime and wartime), focusing on protecting the interests of people (instead of the geopolitical ambitions of the superpower), integration into the renewed national education system (in particular, to ensure its quality). All of the above, in turn, affected the vision of the tasks of legal education of officers in higher military educational institutions, and, as a consequence, on its regulatory principles.

Keywords: *legal education, regulatory principles, legal literacy, higher military school, officer.*

Introduction. World trends of recent decades have finally consolidated the role of one of the most important areas of society for education. The specifics of each type of relationship affects their legal regulation. Educational legal relations have a stable, long-lasting, recurring nature, they are multifaceted and interactive. Most often, they arise, function and develop in an institutional environment differentiated by degrees and specialties. The purpose of this relationship is the development and self-development of all participants in the relevant process. Legislative regulation of education has its own peculiarities, compared to other spheres of public life. The direction of public policy in the field, which includes a set of measures taken by the state, its bodies and other subjects on education as a social institution, has a decisive influence on the normative regulation of relations in the field of education (Karkhut, 2014, p. 15). Military service as a component of public service is clearly and in detail regulated by acts of different legal force. Because of this, in particular, legal education is of particular importance for the quality of training, whose task is to protect the Fatherland. The study of the normative principles of legal education allows us to track its formation in terms of the implementation of relevant public policy.

Sources. The development of the research concept, definition of its purpose and tasks are based on: O. Karkhut's ideas (2014, p. 15) regarding the understanding of the mechanism of legal regulation of public relations in the field of education; conclusions of V. Fedorenko (2016, p. 11) on the socio-philosophical nature of legal education of servicemen of the Armed Forces of Ukraine; definition of the system of military education, proposed by S. Poliakov (2006, p. 93). Valuable information about the subject of this study is contained directly in the regulations of 1943-2015, which have determined the principles of legal education in the Armed Forces of the USSR and independent Ukraine.

Purpose: to determine and characterize the features of the normative principles of legal education of future officers in higher military educational institutions of Ukraine in the XX and at the beginning of the XXI centuries (1943-2015); to compare the regulation of legal education in higher military educational institutions of the USSR and independent Ukraine.

Methods: *historical and genetic* (clarification of prerequisites and factors of development of legal education in higher military educational institutions of Ukraine during the studied period); *chronological, logical-historical* (study of the

process and stages of development of legal education in higher military educational institutions, identification of features, contradictions, patterns in spatio-temporal sequence); *comparative-analytical, comparative-pedagogical* (analysis of the normative-legal base of the specified period, periodicals, experience of legal education in higher military educational institutions).

Results and discussion. The normative basis of legal education of citizens includes legislative and local acts of different legal force, which determine the necessary and sufficient level of mastery of legal competencies by the population. In this study, we take into account the period of development of legal education as a component of officer training in higher military educational institutions in Ukraine in 1943-2015. Chronological boundaries are determined by key events in reforming the system of these institutions. This period began with the adoption of the resolution of the State Defense Committee of October 8, 1943 "On the reorganization of military schools of the Red Army" and ended with the signing of the Order of the Ministry of Defense of Ukraine "On Approval of Regulations in Higher Military Educational Institutions" (Verkhovna Rada of Ukraine. Legislation of Ukraine, 2015b). Within the studied period we distinguish three main stages of normative regulation of legal education in military institutions of higher education.

The first stage (1943-1975) is marked by the renewal of the regulatory framework of the Armed Forces of the USSR, taking into account combat experience, armament development and changes in the world geopolitical situation.

During World War II, military higher education institutions located in Ukraine functioned as elements of the Soviet military education system. The organization of legal education of cadets and students of military educational institutions had a number of shortcomings, which were noted by the relevant commissions during inspections. For example, the Order of the People's Commissar for Defense of March 24, 1943 "On the results of inspections of military schools of the Red Army" states that the inspection carried out by the Department of Military Educational Institutions of the Red Army in the period from August 1942 to January 1943 found that military discipline and internal order in some institutions were not established: unauthorized expulsions from school, disputes with management and drunkenness continued, and there were cases of cadets being beaten by commanders and officers from the permanent staff of schools. The order required school principals to take decisive measures to

strengthen military discipline not only among cadets but also among officers, who were entrusted with, in particular, the educational function (*Russkiy archive*, 1997, p. 428).

Military statutory activity during the Second World War played an important role in the development of legal education in military schools. At the beginning of the war, the activities of the command and political staff to strengthen military discipline were regulated by current orders of the People's Commissar for Defense, as well as the Disciplinary Statute and the Internal Service Statute of 1940, prescriptions of which were outdated and did not take into account the new requirements dictated by the experience of war. This greatly complicated the work of the command and political staff of military schools to improve the legal education of students and cadets. In August 1943, by order of the People's Commissar for Defense № 260, a commission was convened to revise the Statute of the Internal Service and the Disciplinary Statute. When drafting the new statutes, the members of the commission, first of all, took into account the experience of disciplinary practice accumulated since the beginning of the Second World War, as well as excluded outdated provisions from the documents. The draft of the new Disciplinary Statute created by the Commission was published in 1944. Its structure remained unchanged, but it revealed the essence of military discipline and its significance. It contained a list of disciplinary sanctions that could be applied to servicemen, the rights of commanders and superiors to impose disciplinary sanctions, as well as the procedure for disciplinary action and other issues of disciplinary practice (Slivin, 2015, pp. 167).

Given the above, we can say that the main purpose of legal education of officers during World War II was the strict adherence of personnel to discipline as the main prerequisite for combat capability in general, understanding and use of combat experience, and at the end of the war – prevention of actions and deeds that tarnish military honor, encroach on the life, health or dignity of the civilian population, the cultural heritage of the country.

During **the second stage** (1975-1991) the development of the Soviet system of military education in Ukraine continued. Thus, at the end of World War II, legal education of officers was given 30% of training time. In addition, various propaganda activities were carried out. With the adoption in 1975 of the Statute of the Internal Service of the Armed Forces of the USSR, legal education (literacy) was attributed to the duties of commanders and political workers.

In the context of the growing socio-political crisis, the normative principles of legal education of the personnel of the Armed Forces of the USSR were detailed. The order of the Minister of Defense № 200 – 1989 "On the organization of legal education and improvement of legal work in the Soviet Army and Navy" established legal minimums for certain categories of servicemen. In particular, officers were required to know the Law "On General Military Duty", the general military statutes of the Armed Forces of the USSR and other regulations of the Ministry of Defense (Kryuchkova, 2013, p. 160).

An important catalyst for the all-encompassing systemic crisis that the USSR entered in the second half of the 1980s was the Afghan war of 1979-1989. Weak and incomprehensible to ordinary citizens argumentation of direct participation of Soviet troops in hostilities in Afghanistan, the omission of their scale and consequences, as well as US sanctions increased internal tensions in the country, which was a major cause of the collapse of the USSR (Ivanenko & Burmaha, 2016, p. 116).

At the time of the collapse of the Soviet Union, the organization of legal education of officers in military institutions of higher education on the territory of Ukraine generally had normative principles. At the same time, it is necessary to take into account the historical context of the formation of legal education in the higher military school of this period, in particular, how the official ideology has affected all spheres of public life.

At **the third stage** (1991-2015) the formation and development of the military education system of independent Ukraine took place. The question of the inclusion of Soviet military formations in the socio-political structure of independent Ukraine arose as soon as they came under national jurisdiction. Peculiarities of the development of the Armed Forces of Ukraine (hereinafter – UAF) were the simultaneous formation of the legal basis of their activities with the reform of their structures, the organization of appropriate management and support systems.

The all-military statutes of the USSR, as amended in 1975, served as the basis for the conclusion of the Provisional Statutes of the Armed Forces, and later, when the national military statutes of the Armed Forces were created, the structure, terminology and most norms were preserved. The Law of Ukraine of March 24, 1999 approved the military Statutes of the Armed Forces of Ukraine: the Statute of the Internal Service, the Disciplinary Statute, the Statute of the Garrison and Guard Services, and Martial law of the Armed Forces of Ukraine, which replaced the Temporary statutes. From the point of

view of law, military statutes are a set of normative legal acts established by the state, which regulate various aspects of military relations on the basis of unity of command, centralization, military discipline and legality. They regulate all aspects of life and activity of troops: tasks, forms and methods of training and education of servicemen; organization of daily life of troops – internal, guard, garrison, patrol, park and other special services; routine; rights, duties and disciplinary responsibility of servicemen, relations and behavior of soldiers in the service and outside it, legal means and ways to maintain military order; high organization, military discipline, combat readiness, etc. Unlike other legal acts, military statutes regulate not only intra-army relations, but also personal relations between servicemen due to their affiliation with the Armed Forces of Ukraine. The military statutes of the Armed Forces of Ukraine, as well as other domestic legislation, are based on the norms of the Constitution of Ukraine, which determines the competence of the highest bodies of state power and administration in the field of defense (Poliakova, 2007, p. 10).

According to Article 59 of the Statute of the Internal Service of the Armed Forces of Ukraine, the commander of the military unit is obliged, in particular, to engage in legal education of subordinates; to ensure compliance with the internal order in the subordinate unit, which would guarantee strict compliance with the laws of Ukraine and the provisions of the statutes of the Armed Forces of Ukraine; to be an example in discipline and execution of requirements of the legislation, orders and instructions of commanders (chiefs); to treat subordinates politely and fairly, to respect their honor and dignity; to constantly educate the latter in humanism and humanity, in accordance with the generally accepted principles of international law (Verkhovna Rada of Ukraine. Legislation of Ukraine, 1999, p. 194).

According to the Directive of the Minister of Defense of Ukraine of January 26, 1994 № D-4 "On the organization and tasks of legal education (literacy) in the Armed Forces of Ukraine", commanders and chiefs of all levels undertook to focus their efforts on improving the legal education of personnel, i.e. an integral element of combat training, the educational process, the main means of ensuring military discipline and law and order at a high level (Kirilenko, 2010, p. 340).

At the same time, the Concept of Military Education in Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine dated December 15, 1997 № 1410, establishes that military education is part of the state education system on the basis of a

single legal and regulatory framework and provides training, retraining and advanced training of military personnel and reserve officers of various educational and qualification levels for the Armed Forces and other military formations of Ukraine (Verkhovna Rada of Ukraine. Legislation of Ukraine, 1997).

S. Poliakov (2006) connects the introduction of the term "military education system" with the introduction of the Concept of Military Education of Ukraine. According to this document, this term includes the Ministry of Education and Science of Ukraine, central executive bodies to which higher education institutions, where military specialists are trained, are subordinated, and scientific-methodological institutions. At the same time, the author does not agree with this approach, as the Concept itself defines that military education in Ukraine, not limited to higher education, contains four elements, in particular:

- initial military training of youth;
- professional military training;
- higher education of military specialists;
- advanced training and retraining of officers.

S. Poliakov (2006, p. 93) proposes to define the system of military education as "organizationally and functionally integrated complex of military educational and scientific institutions, structural military educational units (departments, faculties) as part of civilian educational institutions that provide military education in Ukraine and public administration bodies that manage and regulate the activities of these institutions". At the same time, the tasks of the latter include, mainly, the management – on the one hand – of the educational process in general, as well as individual educational institutions.

In the instruction "On the organization of educational activities in higher military educational institutions of the Ministry of Defense of Ukraine", approved by the Order of the Minister of Defense of Ukraine № 399 dated October 30, 1998 (Verkhovna Rada of Ukraine. Legislation of Ukraine, 1998), formation of respect for the Constitution and laws of Ukraine, conscious fulfillment of the requirements of the military oath and temporary statutes of the Armed Forces of Ukraine, orders and directives of the Minister of Defense of Ukraine are among the main tasks of educational work in higher military educational institutions.

The principles of legal training and education of servicemen, thus, correlate with the national policy of popularization of legal knowledge. Thus, "with the aim of further development of legal education and upbringing of citizens in the spirit of respect for the Law and human rights", the Resolution of the

Cabinet of Ministers of Ukraine of May 29, 1995 № 366 approved the Program of Legal Education of Ukraine (Verkhovna Rada of Ukraine, 1995), the purpose of which was to provide access to legal knowledge and skills of their application by the general population, to consolidate the main directions of legal education activities and priority measures for their implementation. Jurisprudence, according to the Program, belonged to the compulsory disciplines of higher educational institutions. The scope and content of the relevant course was determined by the needs of society in the training of a conscientious citizen, as well as high requirements for the qualifications of employees (1995).

Legal education, in pursuance of the Decree of the President of Ukraine №992/2001 "On the National Program of Legal Education of the Population", is carried out in preschool, complete general secondary, vocational (professional-technical), higher and postgraduate education. This Decree provides for a similar scope and content of the mandatory course in jurisprudence (Verkhovna Rada of Ukraine. Legislation of Ukraine, 2001).

According to the joint order of the Ministry of Defense of Ukraine and the Ministry of Education and Science of Ukraine dated April 13, 2005, №221 / 217 "On approval of instructions on the organization of educational activities in higher military educational institutions of the Armed Forces of Ukraine and military educational units of higher educational institutions of Ukraine" (Verkhovna Rada of Ukraine. Legislation of Ukraine, 2005), educational activity in higher military educational institutions was carried out in the form of educational process. It included teaching, educational, methodical work and scientific and scientific-technical activities. The purpose of the educational process was to ensure opportunities for cadets (students) to acquire "knowledge, skills and abilities in the humanitarian, social, scientific, natural, technical and military spheres necessary for professional activities, and their intellectual, as well as moral, spiritual, aesthetic and physical development. The mentioned instruction was valid until November 10, 2015, later the peculiarities of educational activities in higher military educational institutions of the Ministry of Defense of Ukraine were determined by the Order of the Ministry of Defense of Ukraine dated July 20, 2015 №346 "On approval of the Regulations on the peculiarities of the organization of the educational process in higher military educational institutions of the Ministry of Defense of Ukraine and military educational units of higher educational institutions of Ukraine" (Verkhovna Rada of Ukraine. Legislation

of Ukraine, 2015a) and the Order of the Ministry of Defense of Ukraine dated May 27, 2015 №240" On approval of the Regulations on higher military educational institutions ", which regulates the powers of higher military educational institutions, their structure, composition of participants in the educational process, rights and responsibilities of personnel at the present stage (Verkhovna Rada of Ukraine. Legislation of Ukraine, 2015b).

It should be noted that during the study period there were a number of radical changes at the global and regional levels – in socio-political life, scientific views on legal education, legal support of the industry as a whole.

Conclusions. During the study period, the regulation of legal education of officers in higher military educational institutions developed in three stages: at the first stage (1943-1975) the regulatory framework of the USSR Armed Forces was updated taking into account combat experience, armament development and changes in the world geopolitical situation; in the second stage (1975-1991) normative regulation of legal education in the industry developed in the conditions of growing systemic crisis of the USSR; in the third stage (1991-2015) the formation and development of the military education system of independent Ukraine took place.

During the Second World War and the first post-war years, the regulation of legal education of officers in higher military educational institutions was fragmentary. The attention of the legislator, at this time, focused on the process of legal education as the influence of commanders on the consciousness and behavior of personnel. This feature can be traced in the later stages of the formation of legal education of future military professionals. However, in these periods there is also a tendency to normalize the process of mastering the necessary legal knowledge by military specialists. In our opinion, this is due to the improvement of scientific and methodological developments in this area, as well as the development of legislative techniques in general.

Despite the fact that the modern system of military education in independent Ukraine originates from the Soviet one, there are significant differences between them related to Ukraine's acquisition of the status of a sovereign state and a full participant in international relations. In particular, Ukraine has made a number of commitments to ensure human rights in peacetime and wartime; the legal system is focused on protecting the interests of its own people (instead of the geopolitical ambitions of the superpower); the integration of military education into the renewed national education system (in particular, to

ensure its quality) is ensured. All this affected the vision of the tasks of legal education of officers in higher military educational institutions, and, as a consequence, on its normative principles.

We see prospects for further explorations in the study of the preconditions and factors of the formation of legal education in military higher educational institutions of Ukraine in the XX – at the beginning of the XXI century.

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НОРМАТИВНЕ РЕГУЛЮВАННЯ ПРАВОВОЇ ОСВІТИ У ВИЩИХ ВІЙСЬКОВИХ НАВЧАЛЬНИХ ЗАКЛАДАХ СРСР ТА НЕЗАЛЕЖНОЇ УКРАЇНИ

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Реферат:

Актуальність: дослідження нормативних засад правової освіти військовослужбовців дає змогу оцінити вплив на неї державної освітньої політики, сприяє критичному осмисленню та подальшому вдосконаленню системи правової освіти в процесі її реформування.

Мета: виявити й охарактеризувати особливості регламентації правової освіти майбутніх офіцерів у вищих військових навчальних закладах (далі – ВВНЗ) України у ХХ та на початку ХХІ століть (1943-2015); порівняти нормативні засади правової освіти у вищих військових навчальних закладах СРСР та незалежної України.

Методи: історико-генетичний (з'ясування передумов і чинників розвитку правової освіти у вищих військових навчальних закладах України досліджуваного періоду); хронологічний, логіко-історичний (дослідження процесу та етапів розвитку правової освіти у вищих військових навчальних закладах, виявлення особливостей, суперечностей, закономірностей у просторово-часовій послідовності); порівняльно-аналітичний, зіставно-педагогічний (аналіз нормативно-правової бази означеного періоду, періодичних видань, досвіду здійснення правової освіти у вищих військових навчальних закладах).

Результати: проаналізовано нормативні засади здійснення правової освіти майбутніх офіцерів Збройних Сил СРСР та незалежної України, встановлено особливості її регламентації на різних історичних етапах.

Висновки: З'ясовано, що протягом досліджуваного періоду розвиток правової освіти офіцерів у ВВНЗ мав три основні етапи: перший (1943-1975) характеризується оновленням нормативної бази Збройних сил СРСР з урахуванням бойового досвіду, розвитку озброєння та змін у світовій геополітичній обстановці; другий (1975-1991), під час якого нормативне регулювання правової освіти в галузі розвивалося в умовах наростання системної кризи СРСР; третій (1991-2015), за якого відбувалися становлення й розбудова системи військової освіти незалежної України. Попри те, що сучасна система військової освіти незалежної України є наступницею радянської, між ними існують суттєві відмінності, пов'язані із набуттям Україною статусу суверенної держави (прийняття нею відповідних зобов'язань, як повноправного учасника міжнародних відносин, зокрема, щодо забезпечення прав людини у мирний та воєнний час), орієнтацією на захист інтересів власного народу (замість геополітичних амбіцій наддержави), інтеграцією в оновлену національну систему освіти (зокрема, щодо забезпечення її якості). Усе перелічене, зі свого боку, позначалося на баченні завдань правової освіти офіцерів у ВВНЗ, і, як наслідок на її нормативних засадах.

Ключові слова: *правова освіта, нормативні засади, правове виховання, вища військова школа, офіцер.*

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