

Original article

UDC 35.08:93/94

doi 10.46741/2686-9764.2023.63.3.001



On Minimization of Duties Extrinsic to the Police Activities in the Russian Empire

LARISA YU. KAZANINA

Tula Institute (Branch) of the All-Russia State University of Justice (RLA of the Ministry of Justice of Russia), Tula, Russia, Kazanina@tfrpa.ru, <https://orcid.org/0000-0003-2874-8953>

NIKOLAI G. SHURUKHNOV

Tula Institute (Branch) of the All-Russia State University of Justice (RLA of the Ministry of Justice of Russia), Tula, Russia
Research Institute of the Federal Penal Service of Russia, Moscow, Russia
matros49@mail.ru, <https://orcid.org/0000-0003-1132-760X>

Abstract

Purpose: to describe duties extrinsic to the police of Tsarist Russia and indicate bodies with the appropriate competence. The *subject* of the study is the subsection “Burdening of police officials with extraneous duties” of the “Brief explanatory note to the conclusion of the interdepartmental Commission, under the leadership of Senator A.A. Makarov, on the police transformation in the Empire” (1911). The police reorganization idea was the theoretical and legal basis of the modernization program of Russia proposed by P.A. Stolypin. Being Chairman of the Council of Ministers and Minister of Internal Affairs (1906–1911), he formed a Commission consisting of 19 highly professional officials holding various senior positions in the Russian state and able to single out legislative norms regulating activities of the police to one degree or another from various branches of law. The need to reform the police, focused on strengthening a solid legal structure within the country, was dictated by the need to bring its service into full compliance with the changed conditions (public order after the revolutionary events of 1905–1906). Having studied archival documents (not all of which are widely available), the authors came to the conclusion that the proposals and recommendations of the Commission members related not only to activities of the police, but also to some executive authorities, to which certain police functions had to be transferred. The task of the research was to determine duties that were

extrinsic to the police, causes of their appearance as police officers' functions, and the degree of influence on the fulfillment of its main purpose – ensuring safety in society. During the research, a set of *methods* (comparative legal, analysis, generalization, comparative historical) was used to make conclusions. The research *results* are of great theoretical importance. The authors describe three lists of responsibilities extrinsic to activities of the police inherited in public and estate institutions, depending on their purpose; intended for transfer to the executive bodies of other departments already existing and specially created for this purpose. The analysis of historical experience in improving functional organization of the executive power system in the context of a crisis of state power has also applied significance. The article presents the circumstances that have served as the basis for the reorganization of the police, which differ in their content from other previously expressed author's positions.

Key words: Russian Empire; late Imperial period; police authorities; functional responsibilities.

5.1.1. Theoretical and historical sciences.

5.1.2. Public law (state law) sciences.

5.1.4. Criminal law sciences.

For citation: Kazanina L.Yu., Shurukhnov N.G. On minimization of duties extrinsic to the police activities in the Russian Empire. *Penitentiary Science*, 2023, vol. 17, no. 3 (63), pp. 234–244. doi 10.46741/2686-9764.2023.63.3.001.

Introduction

Activities of the police of the Russian Empire were regularly reformed. Major transformations were carried out by Emperor Alexander II in 1862 [1]. They pursued the goals of optimizing the management of police activities and excluding the performance of functions extrinsic to it. Attempts to establish grounds for effective separation of various types of government activities affected the limits of police power. However, as noted by contemporaries, researchers of that period and more than 40 years later, the reduction in the range of cases and subjects not under the jurisdiction of the police did not lead to a decrease in the number of cases requiring its participation. Many tasks were fulfilled by the police in 1906.

At the end of 1906, an interdepartmental Commission began working to develop a project for the transformation of the police of the Russian Empire. It was created on the initiative of the great Russian reformer Petr A. Stolypin [2–6], who during the specified period of time held the position of Chairman of the Council of Ministers and Minister of Internal Affairs. The Commission was headed

by the Minister of Internal Affairs A.A. Markarov.

Based on the archival documents, not all of which are publicly available, we analyzed certain researches and identified circumstances that served as the basis for the police reorganization, which differed in their content from other author's positions. Thus, in our opinion, the need to change the police service was associated with:

– the new head of the ministry, P.A. Stolypin, who was directly involved in restoring order during the revolutionary events of 1905–1906 on the territory of the Saratov Province, as its governor. He formulated the stance to the police activities in extreme situations. At the same time, he understood perfectly well that to save Russia, among other things, new police were required, capable to clearly, rigidly, and legally ensure internal order, security, and suppress criminal acts;

– outdated provisions of the Statute on the Prevention and Suppression of Crimes, which determined the procedure for police officers. The Statute contained legal provisions of the Council Code of 1649 and norms from subsequent royal and senate decrees. The crimes,

which, in accordance with the Statute, were supposed to be prevented and suppressed by the local authorities and the police, were close to the illegal acts cited by the Cathedral Code;

– the rise of revolutionary sentiments in society, widespread terrorism, which set the task of creating a new police apparatus.

The research

The final draft of the police transformation developed by the Commission [7, pp. 5–9; 8] consisted of three independent parts: 1) Findings of the Commission, including legislative proposals on the police transformation in the Empire; 2) the draft Establishment of the police; 3) the draft Statute of the police. The members of the Commission worked out a “Brief explanatory note to the conclusion of the interdepartmental Commission, under the leadership of Senator A.A. Makarov, on the police transformation in the Empire”.

Studying the police activities and preparing proposals (recommendations) for its transformation, the Commission members drew attention to one of the most important conditions that negatively affected its organization and efficiency, unsettled the entire management of units, reduced their performance in extreme situations – the workload of the police with duties extrinsic to it. This was clearly manifested during the revolutionary events of 1905–1906: “In these difficult times, proper and expedient organization of police activities acquires special meaning and price, and all shortcomings in police activities, the order and means of the execution of their service duties become more vivid and definite. We cannot but admit that the experience of the post-war years has turned out to be especially instructive in this regard” [7, p. 5].

These facts were not new, they had already been discussed several times, and proposals to minimize unnecessary police functions had been made. The Russian Emperor Nicholas II also drew attention to this when he got acquainted with the reports of the governors, which contained “data that testified about the unbearable and excessive burden imposed on the police” [7, p. 76].

The burdening of police officers with numerous duties distracting them from their direct activities was also noted by the Special

Meeting chaired by Count A.P. Ignat’ev. The abundance of this diverse work, unrelated to ensuring protection of public order and tranquility of citizens, created conditions under which the police performed their direct duties only, so to speak, “by the way”. And this “by the way” was mainly the current clerical work. What is more, the police work was not specified. All complex and diverse police duties were assigned to the same employees, who had to be competent in search, investigative, household, paper and office work, as well as legislation. “It is not surprising that the current police personnel are unable to meet such diverse requirements and perform their duties mediocre, for which they could not have either sufficient knowledge or proper experience” [7, p.77].

There were other opinions among the Commission members. Thus, Senator A.A. Glishchinskii expressed the point of view that with a sufficient increase in the number of police and proper improvement of the financial situation of police officers, they will be able to perform all their duties without much difficulty. “It would be necessary, therefore, to remove from the latter only those which execution is generally recognized as untimely or superfluous” [7, p. 81].

Having analyzed the contents of the Brief explanatory note and especially Section VI “Burdening of police officials with extraneous duties”, the authors tried to group the reasons and conditions that led to the presence of duties extrinsic to their purpose:

1. Absence, due to various circumstances, of a specially and timely created mechanism for the execution of sectoral orders by officials, and not by police officers.

2. Non-fulfillment of official duties by authorized persons of state authorities, public and estate institutions.

3. Confusion of the concepts of administrative and executive power and the concept of police power in the legislation of the 17th and 18th centuries. As a result, most of the orders, requirements and official actions established by law were executed not by officials specially authorized for that, but by the police. As the state and public life became more complicated and cultural needs increased, new responsibilities were assigned to the police.

Thus, it gradually became the executive body of all departments and institutions.

4. Expanding the scope of police activities not only through the provisions of laws, but also through official practice, supported by instructions, circulars and other separate orders. "With the passage of time, the gradual growth of police officers' duties, having a relationship very remote to the police department, has taken on dimensions positively threatening and unbearable" [7, p. 79].

A special sub-Commission was created to establish the laws in force and the regulations concerning all duties performed by police officers and their distribution by type and nature. It was headed by the former Director of the Police Department M.I. Trusevich. The sub-Commission members compiled a basic list of police duties. Gradually, it was supplemented with information provided by individual departments, as well as data contained in various instructions. The list formed in this way was discussed in county and provincial cities at special interdepartmental meetings, with the participation of employees, whose composition was determined by the order of governors and mayors. During the discussions, it was proposed to exclude duties that, by their nature and purpose, did not correspond to the direct purpose of the police.

As a result, the Commission members worked out three lists, which included the duties that

- the police should not perform (their implementation was recognized unnecessary or unenforceable) (1);
- should be addressed to public and estate institutions by affiliation (2);
- should be transferred to the executive bodies of other departments that currently exist and new ones that were specially created for this (3). Such duties included collection of penalties, service of subpoenas and other documents, execution of various orders, and presence at the drafting of various acts.

The Commission members pointed out that in a significant number of cases the law stipulated the performance of a certain official action by the police not independently, but jointly with other authorized executive bodies. It was assumed that the release of police officers from such duties would not complicate

the work of employees of another department and would not entail spending treasury funds. In addition, such an approach would allow, on the one hand, to save time and labor of police officers, enhancing performance of other powers. On the other hand, it would increase employees' responsibility, integrity, interest and correctness of the performance of a specific function.

The Commission also found that the police fulfilled a significant number of assignments, because special executive bodies had not been formed in a timely manner. Formal performance of these duties undermined realization of the legitimate rights of citizens. The responsibility for proper management of any activity lies with the appropriate department. According to the Commission members, "if appropriate executive bodies are required, then they should be created and introduced according to the volume of available means, but should not be limited to formal establishment of necessary official duties, without caring about who will perform them and how" [7, p. 81].

With this approach, assigning responsibilities to the police should not be a rule, but an exception dictated by professional necessity in the following cases: 1) monitoring of correct production of any actions established by special requirements of the law; 2) collection of various fees, duties and payments; 3) delivery and transfer of various acts and documents.

1. It was assumed that the supervision over production of certain actions would be selective. So, if direct duties of the police included monitoring of the execution of resolutions aimed at ensuring state security, tranquility, and protection of property from fires, then optional were the provisions of laws, charters providing for free passage along the street, placement of appropriate signs on houses with the designation of devices and fire equipment itself, and prohibition on bonfires in unsupervised areas. They were the subject of police surveillance, since they ensured the safety of life, health, property, and state and public peace in general. Therefore, after receiving a report about someone committing an illegal act, the police had to intervene and take legal measures to restore the violated rights and punish perpetrators. In

other words, the police were obliged to ensure that no one did what was prohibited by law or mandatory regulation. "To take a direct and active part in observing that individuals and public officials do exactly what they should, according to the law or a mandatory decree, to achieve or order material or other well-being, is not, as mentioned above, the duty of the police at all" [7, p. 82]. At the same time, it was assumed that executive bodies, both governmental, public and estate, had to fulfil this function. Interference in their activities was completely undesirable neither for the police nor for ordinary people, since otherwise it could lead to the spread of an unfriendly opinion among the population about the very nature and significance of police activity.

2. Collection of various fees, duties and payments, according to the Commission members, was purely fiscal in nature, accompanied by correspondence, reporting, requiring considerable time and labor. In addition, the number of penalties increased annually. So, it was required to introduce special positions of provincial and county collectors at the local state chambers of the Ministry of Finance. They had to collect fees, duties and fines, instead of police officers (Table 1). As for such activities in relation to city and county public institutions, this was the duty of collectors – members of city and county councils appointed by the chairmen of the boards (Table 2).

Table 1

Police duty list, the performance of which should be transferred to city and county officials and their assistants (by departments)
Office of His Imperial Majesty on the Acceptance of Petitions
1. Requesting various documents, subscriptions, etc. from applicants. 2. Announcement of the decisions. 3. Service of: 1) sealed envelopes and 2) advertisements.
Department of Orthodox Confession
4. Summoning witnesses at the request of spiritual investigators in cases of clergy misconduct. 5. Presentation to the parties and witnesses of various kinds of demands, announcements, summonses, extracts from cases, decisions and similar documents. 6. Service of metric certificates and various kinds of announcements.
Department of Foreign Confessions
7. Service of summonses, decisions, announcements and copies of various papers according to the requirements of the consistories. 8. Delivery of: 1) metric extracts; 2) metric books to the Mohammedan parishes and collection of money for them and 3) various kinds of circulars to mullahs and announcements of the mufti and spiritual assemblies. 9. Issuance of: 1) money for divorce cases; 2) benefits for Mohammedan clergy and 3) monetary allowance to Roman Catholic clergy.
Ministries of Finance, Trade and Industry
10. Distribution of: 1) all kinds of announcements, notices and invitations of factory inspections to industrial establishments of and 2) all kinds of announcements, notices and invitations of mining supervision to mining plants. 11. Return of inspection documents not accepted by customs to applicants. 12. Delivery of certificates to merchants stating that they do not trade tobacco products purchased abroad for their own use. 13. Service of: 1) reward money for the detention of contraband and 2) legitimation tickets withdrawn by customs. 14. Delivery of: 1) announcements of the Noble Bank on the sale of estates; 2) treasury subpoenas on the maturity of payments on bills; 3) notices of state savings banks to depositors; 4) payslips to pensioners and 5) other announcements within the powers of the financial department. 15. Service of: 1) coupon books of denatured alcohol and other documents and 2) announcements of excise duty managers. 16. Summoning different persons at the request of the excise department. 17. Presentation of notices of the excise office on the imposition of fines for patent-free trade. 18. Delivery of statements issued by departments of factory and mining cases and payment certificates. 19. Announcement of decisions and notifications to petitioners in cases of permission to install steam boilers. 20. Transfer of money to workers for the injuries they have received.

Main Department of Land Management and Agriculture

21. Delivery of fief forest plan copies to forest owners.
22. Delivery of announcements on the submission to the Department of Agriculture and State Property of documents for the right of entry into state forests.
23. Announcement of resolutions of forest protection committees.
24. Notification of adjacent owners about the decision of the Provincial Government on the delimitation of common county houses.
25. Delivery of: 1) forestry plans and county house drawings to the owners of estates; 2) announcements about the transfer of peasants' allotments in private ownership; 3) announcements about the imposition of fines; 4) various kinds of announcements; and 5) salaries to the watchmen of land plots.
26. Issuance of: 1) clearing tickets; 2) money as a reward for afforestation and 3) permits for the maintenance of greyhounds and hounds.
27. Presentation of protocols drawn up by the officials of the forestry department to persons accused of logging, grazing, etc.

Ministry of Justice

28. Delivery of summonses and other court papers in civil cases.
29. Delivery of summonses to witnesses, experts and jurors in criminal cases.
30. Delivery of: 1) subpoenas of commercial courts; 2) subpoenas of the land survey office; 3) announcements of competition departments and responses to the requests of the latter and 4) all kinds of announcements.
31. Issuance of: 1) summonses and announcements of parish courts outside their location and 2) money and documents to individuals sent from judicial institutions or from bailiffs and collected by them on writ of execution.
32. Announcement of non-removal from the place of residence to jurors.
33. Summoning the parties and witnesses to the world mediator for dispute resolution and to the county meeting.

Ministry of Railways

34. Delivery of various kinds of documents, announcements and money according to the requirements of the department of the Ministry of Railways.

35. Presentation of settlement notebooks to contractors of the Ministry of Railways.

Military and Naval Affairs Department

36. Summoning for auctions, deliveries, etc.

37. Delivery of summonses of military and naval vessels, with the exception of summonses to the accused.

38. Delivery of: 1) documents, money and ammunition items to officers having lower military ranks; 2) orders and insignia to officers having lower military ranks; 3) certificates of military presence; 4) summonses to persons subject to military service; 5) various kinds of documents (according to the quartermaster department) and 6) various kinds of announcements.

Ministry of Public Education

39. Delivery of various kinds of documents, announcements and summonses by the department of the Ministry of Public Education.

Appanage Department

40. Delivery of announcements and subpoenas of the specific department.

Table 2

Police duty list, the performance of which should be transferred to tax collectors and their assistants (by departments)

Department of Orthodox Confession

1. Collection of the stamp duty in cases produced in institutions of the spiritual department.
2. Collection of: 1) claim fees in cases of divorce; 2) investigative costs and 3) rental money on behalf of the management of estates of foreign spiritual institutions.

Department of Foreign Confessions

3. Collection of gifts to the preacher.
4. Collection of monetary penalties from preachers according to the decisions of the consistory.
5. Collection of penalties for non-appearance from persons summoned to the consistory.
6. Collection of overdue church fees.
7. Collection of church fees on behalf of the trustees of the Armenian-Gregorian churches in Saint Petersburg and Moscow.
8. Collection of gifts in favor of the clergy and church acolytes of the Armenian-Gregorian Church.
9. Collection of monetary penalties and clerical duties according to the resolutions of the provincial majlises and spiritual boards of the Shiite doctrine.
10. Collection of: 1) the stamp duty; 2) spiritual capital in favor of the Roman Catholic Church and 3) parish duties.

Ministry of Finance

11. Distribution of salary sheets.
12. In cases of recovery of arrears.
13. Distribution of salary sheets according to the layouts of the immovable property tax.
14. Collection of arrears: seizure of income from immovable property; sale of movable property; and inventory of immovable property.
15. Distribution of salary sheets for additional trade tax.
16. Sending notifications of the layout presence for additional trade tax.
17. Collection of arrears: forcing defaulters to pay the arrears; inventory and sale of the goods of defaulters.
18. Execution of decisions of state chambers and provincial presences in cases of commercial tax, except for the decisions already mentioned on the recovery of arrears.
19. Delivery of notices of the city's apartment tax presence and collection of arrears on the said tax.
20. Delivery of definitions of the provincial apartment tax presence on the addition and installment of tax.
21. Collection of fines or stamp tax arrears.
22. Delivery of the decisions of the Treasury Chamber on the imposition of a fine.
23. Handing over to the heirs of the calculations of the Treasury Chamber on the amount of inheritance duties and collection of these duties according to the instructions of the Treasury Chamber or according to judicial rulings.
24. Collection of hereditary, serfdom, judicial and boundary duties.
25. Recovery of undisputed arrears in the payment of the associated collection of oil entering oil pipelines and pumped through them.
26. Imposition of sequestration on estates in the Baltic and western provinces, on which the arrears of the fee for the use of the Jesuit estate consist.
27. Collection of fines imposed by arbitrators.
28. Collection of fees for overdue passports.
29. Presentation of orders and medals and collection of fees for them.
30. Collection of: 1) fines for unfair disputes on claims; 2) fine for disputes about forgery; 3) according to the requirements of peasant and noble banks; 4) overdue loans of savings and loan associations; 5) 300-ruble fines from the family of a Jew for evading military service; 6) flour collection from mills; 7) a ten-percent fee for judicial institutions; 8) a breakthrough collection and tax according to the requirements of the state chambers; 9) various kinds of fees for loans and arrears; 10) loans from walkers and migrants; 11) fines for late passports; 12) fines imposed administratively; 13) a fine for crossing the border; 14) excessively issued money from the treasury; 15) military tax; 16) overdue loans issued by small credit institutions.
31. Collection of arrears from peasants, outside their registration.
32. Drawing up acts of insolvency for the payment of arrears of all kinds of duties and fees.
33. Adoption of household acts set out on plain paper or on stamp paper of improper dignity and paid for by the stamp duty after their Commission.
34. Making an inscription about the time of presentation of a household act, set out on plain paper or on a stamp of improper dignity and paid after its Commission, as well as repayment of the presented stamp marks.
35. Attestation of the time when stamp duty payment marks were attached to household acts set out on a plain paper or a stamp paper of improper dignity and paid after their Commission.
36. Collection of the assay duty and additional fees not paid within three months by owners of correctional institutions.
37. Collection: by the excise office: 1) of various kinds of fines; 2) of a patent fee; 3) stamp taxes and 4) government losses.
38. Issuance of: 1) monetary remuneration for the discovery of excise violations; 2) the confiscated wine and beer back; 3) the pledge back to the clerks of wine shops dismissed from service and 4) money and coupons for appropriations.
39. Collection of stamp and other various fees by the customs department.

Ministries of Finance, Trade and Industry

40. Collection of: 1) fees from steam boilers; 2) arrears and fees from factory enterprises; 3) the stamp tax; 4) fines on factory and mining cases and 5) the peasant duty.
- Main Department of Land Management and Agriculture
41. Production of undisputed penalties.
42. Collection of fines imposed by the decisions of the forester.
43. Collection of fines imposed by the resolutions of the head of the Department of Agriculture and State Property.

Ministries of Finance, Trade and Industry

40. Collection of: 1) fees from steam boilers; 2) arrears and fees from factory enterprises; 3) the stamp tax; 4) fines on factory and mining cases and 5) the peasant duty.

Main Department of Land Management and Agriculture

41. Production of undisputed penalties.

42. Collection of fines imposed by the decisions of the forester.

43. Collection of fines imposed by the resolutions of the head of the Department of Agriculture and State Property.

44. Collection of loanable funds on a land-reclamation loan.

45. Collection of mileage allowance for the surveyor to get to the place of boundary work.

46. Acceptance of duties for the maintenance of greyhounds and hounds.

47. Delivery of salary sheets and collection of interest and arrears according to the statement of Department of the Caspian-Volga fisheries and sealings.

48. Collection of: 1) fines for felling forests; 2) fines for grazing cattle; 3) fines for unauthorized sowing of plants; 4) fines for illegal possession of land; 5) in execution of a judgement received from the forester; 6) forest duties; 7) rental money for state-owned tax articles; 8) chinsha; 9) loans for seeding and 10) all kinds of funds at the request of the forest department.

Ministry of Justice

49. Collection of money for the Commission of data on land acquired by peasants and for payment to a notary according to the data already committed.

50. Collection of penalty money from buyers of estates at public auctions.

51. Collection of: 1) court costs; 2) clerical duties; 3) fines for failure to appear in court and for violation of the order; 4) sheet levy; 5) bill levy; 6) money for run-through to bailiffs and witnesses; 7) feed money and for clothes; 8) stage costs and 9) the stamp duty.

52. Extermination of: 1) liens on civil cases and 2) liens on contracts.

53. Summoning for payment of various fines.

Ministry of Railways

54. Collection of penalties for traveling by train without tickets.

55. Collection of: 1) fines for violation of the rules of navigation on rivers and canals; 2) payment for insurance of steamships; 3) fines for damage to cargo and 4) excess money in the service.

56. Collection of shipping fees.

Military and Naval Affairs Department

57. Collection of: 1) money for orders; 2) excess money in the maintenance of officers; 3) excess money from lower rank officers; 4) fines for the loss of state-owned items and ammunition items; 5) arrears for land leased by the engineering department; 6) court costs by decisions of military courts and 7) the stamp duty.

58. Issuance of: money on behalf of the Alexander Committee for the Wounded; 2) allowances for widows of officers; 3) pay sheets for military officers receiving a three-ruble allowance and 4) allowances for various persons.

59. Satisfaction with money for the supply of horse carts for lower rank officers.

Ministry of Foreign Affairs

60. Recovery of benefits issued by consuls.

Appanage Department

61. Collection of various sums of money at the request of the Appanage Department.

3. Delivery and transfer of various acts and documents in a significant amount could be entrusted to postal institutions, which should be located nationwide. When the delivery of these objects by mail is impossible or involves a special additional procedure (accompanied by preparation of special certificates), this should be carried out by specially authorized officials. It was proposed to establish two categories of employees: the highest – corresponding to bailiffs, and the lowest – corresponding to judicial deliverymen. They could be on the staff of provincial governments subordinate to the Ministry of Internal Affairs.

Besides, public administrations were to introduce positions of deliverymen at city and county councils to deliver their announcements, summonses and documents, thereby freeing police officers from these unnecessary duties.

The discussion of such an approach with the participation of officials of the concerned departments was positively approved. However, representatives of the Ministry of Justice and the Ministry of Finance doubted the creation of new executive bodies to perform the duties removed from the police. The solution to this problem was directly dependent on the staff-

ing and financial capabilities. It was stated that “the Ministry of Finance was designing a new system of taxation, was reorganizing the tax inspection, and proposed to introduce income and other taxes. All this would require the efforts of the executive bodies...” [7, p. 84]. At the same time, some people advanced a traditional argument that the police had now got used to these duties, while new bodies would have to acquire service experience. The Commission members argued more persuasively claiming that it was difficult and unusual for the police to collect the currently existing fees, while their increase would complicate production and lead to the deterioration of activities in this direction. Specially created bodies would have to follow the rules established for this purpose. Postponing the improvement of police activity for an indefinite time (until the completion of financial reforms) was undesirable and impossible.

Adhering to the initial proposals, the Commission adjusted the three specified lists of responsibilities. As a result, these duties were shifted from the police to employees of departmental bodies only in 50 provinces governed by the General Provincial Institution¹ [9], including in the Stavropol province.

According to the third list, police duties were transferred to existing or newly created bodies. For this reason, it was decided to divide such responsibilities into two groups.

The first included duties that were common enforcement procedures (announcement, delivery, mailing) and were performed by city and county deliverymen and their assistants. According to the Commission members, such officials could be on the staff of provincial boards and city administrations and act on the basis of a mandate issued by the Minister of Internal Affairs. Since the determination of the number of these officials and the regulations for their activities went beyond the powers of the Commission, the Ministry of Internal Affairs (within the time specified by the Council of Ministers) was proposed to prepare a draft law on the establishment of positions of city and county deliverymen and their assistants at the provincial boards and city administrations that fixed their staffing. With such a legislative decision, the Minister of Internal

Affairs, by means of a mandate, would define the order of their activities and distribution between provinces. It was proposed that the governor would make a decision on the place of residence within the province.

The second group of official actions (their execution was supposed to be transferred to city and county deliverymen and their assistants, tax collectors and their assistants) included duties that were mainly fiscal in nature and consisted in the collection of various kinds of taxes, duties, fees, arrears, and penalties. The Commission considered it possible to assign the fulfillment of these duties to collectors and their assistants. The Ministry of Finance (in a similar manner) was asked to prepare a draft law on the establishment of positions (staffing) of a tax collector and assistants at the state chambers. In this case, these officials were to perform the duties of police officers provided for by the Regulations on Penalties for Undisputed Cases of the Treasury [10]. The Minister of Finance was to be granted the right to establish, by means of a mandate, the order of activity of subordinate officials, their distribution between provinces and townships, and within provinces – between cities and counties, and to decide on the determination of their place of residence in agreement with the governor.

The Commission members drew attention to another area of uncharacteristic of the police, in particular the duties that relate to the rules of the Charter of the spiritual consistories and other resolutions and orders issued by the Holy Synod and affecting the relationship between the police and bodies of the Department of Orthodox Confession. For the interests of the church administration to be respected during the transfer of police functions, it was suggested that the “Prosecutor General of the Holy Synod” would work out and submit appropriate instructions for discussion by the Holy Synod.

The Commission considered it expedient to entrust the Ministry of Justice with the preparation of draft laws to amend the existing civil laws and judicial statutes, and the Military and Maritime Ministers with the development of amendments to the regulations on military judicial and naval judicial units.

The Commission considered it justified to establish a rule that in 49 provinces governed

¹ 49 provinces of European Russia were governed by the General Provincial Institution the outlying provinces were governed by special institutions.

by the General Provincial Institution, in Stavropol Province, 7 town governor's offices and the city of Kronstadt, the performance of police duties related to public and estate institutions was assigned to noble, petty-bourgeois, peasant and other estate institutions.

Conclusion

The study and comprehension of the Brief explanatory note, legislative acts, as well as initiatives of the great Russian reformer P.A. Stolypin on the reconstruction of Russia, studies containing assessments of his reforms, materials revealing certain areas of activity of the police of tsarist Russia related to the subject of the article helped us to draw the following conclusions.

1. The work of the Commission formed by Chairman of the Council of Ministers, Minister of Internal Affairs of the Russian Empire P.A. Stolypin to develop legislative proposals for the transformation of the police in the Russian Empire was highly professional. The activities of its 19 members can be described as conscientious, thorough, creative, and practically significant. It seems that the Commission sincerely hoped to reorganize the police and free them from extrinsic functions that could not meet the changed conditions and needs of the time, in particular, to ensure proper law and order in the state and peaceful existence of its citizens (the main responsibility of the Government). By modernizing the police, the Commission members hoped that it would deter terrorism and revolutionary movement of the people.

2. The Commission took pains to elaborate legislative proposals for releasing the police from performing extraneous duties. The Commission members relied on practice, analyzed management activities and the foreign policing experience. At the same time, they discussed their proposals and recommendations at provincial meetings with representatives of provinces, cities, and counties. The fact that the approach to solving the issue of removing duties extrinsic to the police was thoroughly developed is proved by the wording of legislative drafts for other departments.

3. The Commission began its work with the formation of three lists of the duties that the police should not perform (their implementation was recognized unnecessary or unenforceable); should be addressed to public

and estate institutions by affiliation; should be transferred to the executive bodies of other departments (currently existing and new specially created for this purpose).

4. In the course of subsequent work, the Commission repeatedly corrected them and concretized them taking into account the opinions of representatives of other departments. So, there were two groups of duties extrinsic to the police: 1) when transferring which (157 duties) it was not required to create new executive bodies and 2) when there was a need to perform duties (117) by newly established bodies.

5. The Commission's proposals were aimed at two independent circumstances important for state activity. On the one hand, the transfer of functions extrinsic to the police helped intensify activities to ensure public peace and, on the other hand, expanded the subject matter of the city and county public administration bodies. Such a measure, according to the Commission members, was supposed to strengthen their independence and authority. At the same time, it was stated that such a transition of responsibilities, especially at first, would be associated with practical difficulties and material costs of the treasury. However, this should not hinder the implementation of the proposed measures, since without them it would be impossible to improve the police activity.

6. Another major state problem was raised in the Brief explanatory note, related to the transfer of police powers to those bodies to which they were inherently assigned. It was pointed out that the population, represented by representatives of county and city self-government, should take decisive measures aimed at improving their well-being and living conditions. At the same time, they should not rely only on the state assistance and comprehensive police surveillance. Only in this case there can be true progress and lasting improvement of social and living conditions. "Likewise, it is not possible to overthrow the origination of the so-called police state in legislation and the very life, if the adoption of measures to improve people's well-being and decency depends on the police, and they are also entrusted with the duty to observe all innumerable mandatory regulations that are

created for the maintenance of these or other cultural benefits" [7, p. 91].

7. When making proposals for reforming the police, the Commission members dealt with the issues affecting relations between the police and bodies of the Department of Orthodox Confession with extreme caution and respect, believing that this issue should be resolved in a timely manner so that the interests of the church administration would not

be violated by the release of the police from duties and their transfer to newly established and already existing bodies. In this regard, it was suggested that the Chief Prosecutor of the Holy Synod, in accordance with the established procedure, should prepare proposals for the discussion by the Holy Synod on changing the resolutions that determined the previous order of police activity in this area.

REFERENCES

1. *Istoriya politzii Rossii (1718–1917 gg.)* [History of Russian police (1718–1917)]. Ed. by Sizikov M.I. Moscow, 1992. 66 p.
2. Kazanina L.Yu., Shurukhnov N.G. Stolypin Petr Arkadyevich and the basic components of his program modernization of Russia: building a legal state and civil society. *Sotsial'no-politicheskie nauki = Sociopolitical Sciences*, 2022, vol. 12, no. 3, pp. 52–57. (In Russ.).
3. Kazanina L.Yu., Shurukhnov N.G. Reform of the social sphere and personal development as components of the program provisions of the Stolypin concept modernization of Russia. *Problemy v rossiiskom zakonodatel'stve = Gaps in Russian Legislation*, 2022, vol. 15, no. 4, pp. 270–275. (In Russ.).
4. Kazanina L.Yu. *Stolypinskie reformy v otsenke rossiiskogo obshchestvennogo mneniya (1906–1911)* [Stolypin reforms in the assessment of Russian public opinion (1906–1911)]. Moscow, 2012. 379 p.
5. Kuznetsova T.A., Putyatin V.D. *P. A. Stolypin i ego reformy* [P.A. Stolypin and his reforms]. Neryungri, 2008.
6. Aseev I.A., Masalimov A.S. To the question of the police reorganization of the Russian Empire after the revolution of 1905–1907. *Vestnik VEGU = Vestnik VEGU*, 2014, no. 4 (72), pp. 5–9. (In Russ.).
7. *Kratkaya ob"yasnitel'naya zapiska k" zaklyucheniyu mezhdovedomstvennoi Komissii, pod" predsedatel'stvom" Senatora A.A. Makarova, po preobrazovaniyu politzii v" Imperii* [Brief explanatory note to the conclusion of the interdepartmental Commission, under the leadership of Senator A.A. Makarov, on the police transformation in the Empire]. Saint Petersburg, 1911. 133 p.
8. Fomichev A.Yu. *Proekty reformy Rossiiskoi politzii v kontse XIX nachale XX veka: avtoref. dis. ... kand. yurid. nauk* [Projects of the reform of the Russian police in the late XIX–early XX century: Candidate of Sciences (law) dissertation abstract]. Moscow, 1999. 23 p.
9. Regulations on the provincial administration. In: Stolypin P.A. *Programma reform. Dokumenty i materialy: v 2 t. T. 1* [Reform program. Documents and materials: in 2 volumes. Volume 1]. Moscow, 2003. Pp. 330–352. (In Russ.).
10. Shafir M.P. *Polozhenie o vzyskaniyakh po besspornym delam kazny (t. XVI, ch. 2, izd. 1910 goda), s raz"yasneniyami po resheniyam Grazhdanskogo kassatsionnogo i drugikh departamentov, a ravno obshchikh sobranii Pravitel'stvuyushchego senata, s prilozheniem izvlechenii iz raznykh tomov Svoda zakonov* [Regulations on penalties for undisputed Treasury cases (Vol. 16, Part 2, 1910), with explanations on decisions of Civil Cassation and other departments, as well as general meetings of the Governing Senate, with extracts from various volumes of the Code of Laws]. Comp. by Shafir M.P. Saint Petersburg, 1911. 184 p.

INFORMATION ABOUT THE AUTHORS

LARISA YU. KAZANINA – Doctor of Sciences (History), Associate Professor, Director of the Tula Institute (Branch) of the All-Russia State University of Justice (RLA of the Ministry of Justice of Russia), Tula, Russia, Kazanina@tfrpa.ru, <https://orcid.org/0000-0003-2874-8953>

NIKOLAI G. SHURUKHNOV – Doctor of Sciences (Law), Professor, professor at the Department of Organization of Law Enforcement and Human Rights Protection Activities of the Tula Institute (Branch) of the All-Russia State University of Justice (RLA of the Ministry of Justice of Russia), Tula, Russia, Leading Researcher at the Research Institute of the Federal Penal Service of Russia, Moscow, Russia, matros49@mail.ru, <https://orcid.org/0000-0003-1132-760X>

Received February 1, 2023