INVESTIGATIONS OF THESE ON THE HISTORY OF POLICE LAW DEFENDED IN THE RUSSIAN EMPIRE (IN THE PERIOD OF 1807-1917)

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ABSTRACT
The purpose of the research is to compile a full catalog of theses on the history of police law defended at the law faculties of the universities of the Russian Empire from 1864 to 1917 and the issues studied in them. The article examines master's and doctoral theses on police law, defended at Kazan, Moscow, Kharkov, St. Petersburg, Kiev, Novorossiysk (in Odessa), and Tomsk Universities of the Russian Empire. The topics of the theses reflect separate units of the subject classifier of legal acts of the Russian Empire in the field of police law and elements of the nomenclature of the category of sciences "Police Law". Research methods are: bibliographic search, bibliographic description, analysis, generalization, comparison, formal and logical, historical and legal, classification, structuring. The main results of the research are the following ones: the origins and evolution of the category of sciences "Police Law" in the Russian Empire have been shown; the first master's thesis on police law defended within the category of "State Jurisprudence" has been determined; a complete list of master's and doctoral theses, defended on police law in general, and on the history of police law in particular at the law faculties of the universities of the Russian Empire (except Derpt (Yuryev) University), which contains information on the authors, themes and structures of theses, questions and problems studied in them, on the dates and places of their defense, on the years of theses, on the dynamics of defense of theses on police law among universities and by years, has been made up; a complete list of candidate and doctoral theses, defended in the USSR and the Russian Federation on the history of police and police law in the Russian Empire, has been presented. The theoretical and practical significance of the research results is as follows: the research complements new scientific knowledge about the history of police law; the results of the research form the basis for the first database for the development of content and forms of new scientific results and new scientific achievements of the theses research on police law in the Russian Empire; the research allows improving the legislation on police in the Russian Federation.

Keywords: police, police law, history of police law, thesis, the Russian Empire, university

JEL Classification: K10, K19

INTRODUCTION
For more than 200 years, the institute of academic degrees in Russia has been developing, but Russian legal science does not yet have complete information about theses, their structure and issues under investigation, the subject of which is the study of the development of legislation and law enforcement practices in the sphere of police and its activities, carried out and defended at the law faculties of the universities of the Russian Empire.
The law enforcement practice of police in the Russian Federation testifies to a number of problems in the implementation of certain provisions of the law on police, on certain gaps requiring the legislator to immediately fill them.

The necessity of carrying out this research is also conditioned by the fact that the availability of the new information obtained will allow us to further study the content of theses, to reveal new scientific results and scientific achievements in them, to form a database on their development according to the forms of empirical and theoretical knowledge in chronological order in the category of sciences "Police Law", to establish contradictions in the presentation of legal norms in the field of police law and the science of police and police law in the Russian Empire between the legislator and scientists.

Within the scope of our research, a scientific article by Yakushev, and Vysokov (2012), which is the only one in the Soviet Union and the Russian Federation, has been published.

**THESES’ STATISTICS**

The weight of theses on the theory and history of police law is 5.1% of all works defended at the law faculties of the universities of the Russian Empire (except Derpt (Yuryev) University).

Of the 31 theses on police law: 6 are on theory, and 25 - on history; 10 are doctoral, and 21 - master’s; 13 are devoted to the police law of Europe, France, Germany, Prussia, England; the rest – to the police law of the Russian Empire.

The dynamics of the number of defenses of theses on the theory and history of police law are as follows:

by the universities: Kazan University – 7 theses, Moscow University – 6 theses, Kharkov University, St. Petersburg University and Kiev University – 5 theses, Novorossiysk University (in Odessa) – 2 theses, Tomsk University – 1 thesis;


**METHODS**

The following research methods were used to solve the set tasks: bibliographic search (continuous and selective), bibliographic description, compiling a bibliographic list, studying the structure and content of the theses, classifying the subject and concepts of the theses, the formal and dogmatic method, the historical and legal method, the historical and comparative method, structuring, the statistical method, and the retrospective method.

Bibliographic search and bibliographic description, the structuring of tables of contents and contents of the theses on police law, defended at the universities of the Russian Empire, were conducted by studying the catalogs of theses and abstracts of the Russian State Library, the Russian National Library, and the federal legal portal "Legal Russia".

The classification of topics and concepts of the theses on the history of police and police law was carried out on the basis of the library and bibliographic classification of the section X "The State and Law. Legal Sciences" under the section "Administrative Law of Capitalist Russia".

The bibliographic base for the research of the theses defended at the law faculties of the universities of the Russian Empire on the history of police and police law are the little-known works and publications of scientific and reference literature:

- the manuscript by Krichevsky "Theses of the Universities of Russia. 1805-1919" (1984), first published by Yakushev in 1998 (Krichevsky, 1984).


RESULTS

On December 12, 1802, Derpt University, the first among other Russian universities, was given the right to "give academic degrees" in the legal section (Act of the Decree for the Imperial University in Derpt).

Five years later, the first in Russia legal thesis was defended there (Ojssar, 1973).

In 1837, for the first time, a category (scientific specialty) for a doctorate degree in the legal section referring to the police, with a title "Police and Criminal Laws with Proceedings" (a Decree of the Ministry of National Education of April 26 and 28, 1837), was introduced. 27 years later, the "Regulations on Tests for the Title of Valid Student and for Academic Degrees" (the Order of the Ministry of Public Education of January 4, 1864), provided for the award of master's and doctor's academic degrees already in the category of sciences "Police Law".

On October 1, 1918, the Council of People's Commissars of the Russian Soviet Federative Socialist Republic by its resolution cancelled doctor's and master's academic degrees, and also the advantages associated with them (Decree of the Council of People's Commissars of the Russian Republic).

One of the first scientific works devoted to police within the category of "State Jurisprudence" was the master's thesis of V.A. Linovsky on the theme "On the Charity of the Poor in the State", defended at Kiev University named after St. Vladimir in 1839.

The master's and doctoral theses of Ya.S. Stepanov, 1867 (Kazan University), 1869 (Kazan University), as well as the doctoral thesis of M.M. Shpilevsky, 1875 (Moscow University), were devoted to the history of the science of police and the history of the science of police law in France, Germany, Russia. They examined such topical issues of the time as: the development of the concept of police in Germany in the 18th century; the place of police in the state machinery and its functions in France; development of dogma, forms and doctrines of the police legislation of European states; stages of the development of the history of the science of police and the history of the science of police law in Europe and Russia; the history of the emergence of the science of police law in Russia; the evolution of the French doctrine of administrative law and the German doctrine of management in the development of the science of police law; the formation of the doctrine of society and of public law; the development of methods for studying the system and content of the science of public law.

In 1877, in Moscow University, M.M. Kovalevsky defended his master's thesis on the history of police administration and police court in England. In the thesis, different questions underwent complex research, among which: the evolution of the system of peacekeeping in English counties in different periods; individual police authorities in them; the procedure for the prosecution and detention of criminals, the investigation of offenses; the emergence and development of patrimonial jurisdiction, the institute of accusatory jury and the institution of magistrates.

In the structure of the Ministry of Internal Affairs of the Russian Empire, the "Central Committee of Foreign Censorship" (1828-1917) was created and acted with broad powers. The master's thesis of A.A. Raevsky defended by him in 1903 at Moscow University was devoted to the legislation of Napoleon III on press. The thesis consisted of 3 parts, 10 chapters and 26 paragraphs. In it, the author investigated the development of legislation on press in France before and during the presidency of Napoleon III: during the July monarchy, the Provisional Government and the Constituent Assembly of the Second Republic, the autocratic empire, the liberal empire. The laws on the press of 1849-1852, 1860, 1867-1868 were subjected to a profound study.
Three theses defended in St. Petersburg, Moscow and Novorossiysk (in Odessa) Universities are devoted to the study of the state's attitude towards education.

The doctoral thesis of A.S. Okolsky (1872) examines the development of relations of state, family and church to popular education. Noteworthy are the scientific results relating to certain issues of public education – this is the state administration of public education; the system of public education institutions; the means of maintaining public schools and teachers working in them; features of education of women in public schools.

A.S. Gorbunov devoted his master's thesis to the methodological foundations of disciplines on government in the state, relying on the study of German literature. The research concerned the development of the science of police and the science of police law of Germany in the period from the 18th to the second half of the 19th century, among which were: the first treatises on the police; the emergence of realistic policies and statistics; the emergence and development of cameral sciences; the development of rationalism; the emergence of the science of police and its methodological foundations; the origin of police law; interrelation and correlation of disciplines studying the activities of the state; development of criticism; transformation and development of natural law and politics; development of a positive direction; transformation of the office sciences into political economy; development of political economy; the origin of the doctrine of management; development of administrative law.

The master's thesis of I. I. Chistyakov, defended in 1910, was devoted to the development of the public education in France. The subject of the dissertation research was schools, primary schools, public schools and people's universities, legislation on them and their management, their structure and management, education and training in them, and the development and discussion of draft laws on morals and religion in the French Parliament in the era of the Third Republic (1870-1902).

The master's thesis of V.A. Gagen was defended at St. Petersburg University in 1908. In it, the author examines the development and current state of legislation on the charity of the poor in Germany, France and England. In the thesis, a huge complex of questions is considered, including:

- the development of the concept of "mandatory charity of the poor";
- the formation, drafting of laws and the development of German legislation on the compulsory charity of the poor in Prussia, Bavaria, Alsace-Lorraine and on the island of Helgoland (the Middle Ages – 1870);
- the development of ideas and draft laws, the evolution of French legislation on the mandatory charity of the poor people, foundlings, beggars, insane, morally neglected and ill-treated children, the elderly, infirm and terminally ill (1532-1905);
- the evolution of legal thought and draft laws, as well as the history of legislation on the mandatory charity of the poor, accidental poor, children, unemployed, beggars, vagabonds, illegitimate in England (the Middle Ages – 1905).

Five years later, V.A. Gagen defended his doctoral dissertation at Kharkov University; the theme was devoted to the development of legislation on the Western European poor in such states as France, Germany, England, Belgium, Switzerland, Austria, Italy, Scotland, Prussia, Denmark, Hungary. Among the problems solved by the author, such are marked out:

- the concept of "poor" in the administrative and legal sense;
- the state of poverty in modern Western European countries;
• the evolution of beggary and vagrancy, their types and kinds, the role of mandatory charity in the fight against them;

• historical experience of mandatory charity of able-bodied poor people, elderly poor people, weak poor people, sick poor people, homeless and neglected children, foundlings and orphans (1848-1910);

• development of the suffrage of the poor;

• the legal status of poor foreigners.

The second branch of the Police Department of the Executive Ministry of the Interior Affairs of the Russian Empire was in charge of cases of "people of bad behavior". The study of the results of the activities of this department, apparently, prompted A.I. Elistratov to turn to the study of the fight against prostitution in Europe. The result of this work was a doctoral thesis defended at Kazan University in 1909. Among problems and questions deeply studied were:

• poverty and prostitution. Causes and conditions contributing to their emergence and development;

• the evolution of the state restraining system in Europe and Russia, as a means of combating prostitution;

• the design and development of legislation to combat prostitution mediation (procuration, brothels, pimping, trafficking in women for the purpose of depravity) in Europe and Russia;

• the development of legal fixation of measures against the personal use of women for debauchery and their critical evaluation;

• the development of legal support for measures against abuse of dependence (authoritarian, economic, subordinate) and their critical evaluation.

The results of the study of the development of legislation on forest, forest ownership and forest conservation in France, Prussia, Italy and Russia were presented by S.V. Vedrov in the master's thesis, defended in St. Petersburg University in 1878. Quite a wide range of issues were studied, namely:

• the development of the concept of "forest conservation" in Western Europe;

• the evolution of the legislation on forest conservation and forest management in France, Prussia and Italy;

• the formation of the forest legislation under Peter the Great;

• the development of the legislation on forest conservation in the period from Peter the Great to Catherine II and beyond;

• the development of general forest protection legislation. Proceedings of the commission on its revision.

The master's thesis of V.F. Deryuzhinsky, defended at Kharkov University in 1896, reveals the formation and development, procedure, acts of amnesty, suspension and siege of the act of Habeas corpus on English law.
Among the theses devoted to the history of police law, there is the master's thesis of I.Ya. Gourland on yam chase of the Moscow State until the end of the 17th century. In it the author presents:

- a review of the historical and legal literature on yam chase;
- the origins of the emergence and development of yam chase in the 15th-16th centuries in Russia;
- the development of the Siberian yam chase;
- the evolution of the yam chase until the end of the 17th century;
- the difference in orderly chase from worldly yam holidays;
- the development of the contents of the yam order.

The medical council, as an advisory body, was established on December 31, 1803 and acted until March 28, 1918 at the Ministry of Internal Affairs (1803-1810, 1819-1918) and the Ministry of Police (1811-1819). The Council was engaged in the improvement of medical science in Russia, as well as the consideration of scientific issues in the management of the medical department.

Among the works devoted to the history of police law, the master's thesis of N.Ya. Novombergsky, defended at Tomsk University in 1907, is the only one in which the scientific results of the development of medical practice and medical science in pre-Petrine Russia are presented. A thorough research was given to questions concerning:

- periodization of the history of medicine in Russia;
- appearance of the Aptekarsky office;
- the appearance of the first royal pharmacy;
- the calling of the first doctors from abroad to Russia;
- the referrals of Russian young people abroad to study medicine;
- the emergence of church charity, the concern for the care of princes and private persons (1662), etc.

The master's thesis of V.F. Matveev defended at the University of St. Petersburg in 1909 is devoted to the development and the present state of the rights of public meetings in France, Germany and England. The legislative acts of Western Europe were deeply examined, among them:

- in France: the law on assemblies (1791), the law on rebellious assemblies (1848), the exclusive laws on the right of assembly (1849-1851), legislation on assemblies, freedom of strikes, meetings and demonstrations (1852-1881);

- in Germany: particular, Bavarian and Saxon legislation on the right of assembly (1832-1854), the creation and development of imperial legislation on the right of assembly, the restriction of freedom of language at meetings, the suspension of the right of assembly due to the state of siege (1850-1908);

- in England: special legislation on the right of public assembly before the first parliamentary reform, the laws of Edward VI and George I, the Bill on Illegal Societies (1799), the Bill on Rebellious Rallies (1817), special laws regulating rallies in squares, parks and the streets, the limits of freedom of speech (1866-1908).
This is how the topics of other master's and doctoral theses on the history of police law in Europe and Russia arranged in chronological order looks like:

- the population policy in the reign of Catherine II (Shpilevsky, 1871);
- the state economy in France of the 17th century. Historical essay (Golitsev, 1878);
- personal detention as a police security measure (Tarasov, 1875);
- the activity of the bodies of self-government in Russia (Ivanovsky, 1882);
- the order of the great sovereign of secret affairs (Gourlyand, 1902);
- insurance of workers in Russia. Experience in the history of insurance of workers in connection with some other measures to ensure them (Chistyakov, 1912);
- county city government policy in Germany (Zagryatskov, 1913);
- state supervision of community self-government in France and Prussia (Matveev, 1915).

The study of the "Code of Laws of the Russian Empire" made it possible to create a thematic classifier of legal acts and areas of research in the field of police law, which included 3 sections and 15 subsections.

In the first section, "General Part of Police Law", dissertational studies were presented in such subsections as: "The Concept of Police, the Science of Police and Police Activities", "The Content of Police Activities", "The Basic Elements of Public Law Relations".

Topics of theses of the second section "Security Police" were carried out in the following subsections: "Police of Unions and Assemblies", "Press Police", "Right of Movement", "Government Measures", "Sanitary and Medical Police", "Public Care and Charity".

In the third section of the "Welfare Police", the topic of theses extended to such subsections as "The Police of Morals", "Public Education", "Factory and Industrial Legislation".

In many subsections and divisions of the thematic classifier of legal acts and directions of research in the field of police law, especially in the historical and legal aspect, the theses were not defended. Candidate and doctoral theses defended in the Soviet Union and the Russian Federation were also devoted to the history of the police law of the Russian Empire. Out of about 900 theses on the history of state and law, the history of political and legal doctrines defended in the USSR, only 4 (0.4%) are devoted to the formation and development of police and police law in the Russian Empire. Their topics are limited to a complex of problems such as:

- the formation of regular police in Russia (1718-1741) (M. I. Sizikov, Sverdlovsk Law Institute, 1972);
- political police of the Russian Empire (1880-1904) (A. N. Yarmysh, Kharkov Law Institute, 1978);
- the police of autocratic Russia in the first quarter of the 19th century (A.V. Borisov, Academy of the Ministry of Internal Affairs of the USSR, 1982);
• the punitive machinery of the autocracy in Ukraine (1895-1917) (A.N. Yarmysh, Ukrainian Law Academy, 1991).

Of 4741 theses, defended in the Russian Federation on the theory and history of law and the state, the history of the doctrines of law and state, the history of the branches of law and legal science, 78 theses (1.6%) were devoted to the history of police law and the science of police law in the Russian Empire.

DISCUSSION
This research was carried out within the framework of the implementation of the "Comprehensive Program of Scientific Research on the History of Scientific Degrees in Russia: the 18th century – 1918" (Yakushev, 2009).

In 2017-2018, studies on the creation of a catalog of theses, defended in the Russian Empire, the Soviet Union and the Russian Federation on the theory and history of law and state; teachings on law and state; history of the branches of law and legal science (1724-2017) were completed. The catalog contains information on 6216 theses (Yakushev, Komarov, Krichevsky, Klimov & Kononov 2017; Yakushev, Komarov & Murtazaliev 2017; Yakushev, Komarov & Murtazaliev 2017; Yakushev, Komarov & Murtazaliev 2017; Yakushev, Komarov & Klimov 2018). It includes, among other things, theses on the history of the police law in the Russian Empire.

Our scientific achievements, in comparison with the scientific results presented in the article by Yakushev, and Vysokov, are as follows:

• problems and questions solved in the theses on the history of police law in the Russian Empire have been determined;

• the evolution of the category of sciences "Police Law" at the universities of the Russian Empire has been shown;

• the scientific trends, according to which thesis studies in the history of police law in the Russian Empire were not conducted, have been revealed.

CONCLUSION
The uniqueness of the scientific results of this study is as follows:

− this is the second scientific work (paper) in Russia on the history of the science of the police law of the Russian Empire (the first – Yakushev, Vysokov, 2012);

− it is not about the development of legislation on police in the Russian Empire, but on the evolution of scientific knowledge about police law;

− the year of the first introduction of the category of "Police Law", according to which the universities of the Russian Empire were granted the right to "promote" to the master's and doctor's academic degrees, has been established;

− a complete list of theses on the history of police law, defended at the law faculties of the universities of the Russian Empire, has been compiled, including information: surname, name, patronymic of the defender; the title of the dissertation; awarded scientific degree, the year of defense of the thesis; a summary of the results of the thesis;

− a complete list of the theses defended in the Soviet Union (4 theses) and in the Russian Federation (78 theses), the subject of which was the history of the police law of the Russian Empire, has been compiled;
– the statistics of dissertations on the theory and history of the police law in the Russian Empire are presented in full by universities and years of defense;

– the topics and areas of research in theses, defended in the Russian Empire on the history of police law, have been structured and classified;

– the results obtained predetermine in the future the creation of a database for the development of content and forms of new scientific results and new scientific achievements of the dissertation research on the history of police law and the history of the science of police law of the Russian Empire, which should later serve as criteria for assessing the results of the theses presented today in the Russian Federation in the field of police law.

REFERENCES


