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WESTERN UKRAINE AS A PART OF POLAND (1921-1939): LEGAL STATUS OF THE POPULATION, STATE SYSTEM, LAW

Anna Kindrat, student

Liliana Shevchuk, Associate Professor, PhD (Law), Research adviser

Lily Kuznetsova, Associate Professor, PhD (Philology), Language consultant

Lviv Ivan Franko National University

Western Ukraine is the territory, that is inhabited by many nationalities. The Biggest community are Ukrainians. In the 20-30's of the last century it was under the power of Poland, Romania and Czechoslovakia . Ukrainians, unable to defend their independence during the liberation struggle of 1917–1920, were doomed to play a minor role in the politics of these states.

Most of the Ukrainians became citizens of Poland, primarily the inhabitants of Eastern Galicia, which until 1918 was part of the Austro-Hungarian Empire. The Polish authorities divided it into three voivodships: Lviv, Ternopil and Stanislavsky. Western Volhynia and Western Polesie became part of Poland. The number of Ukrainians in Poland at the beginning of the 30-ies of the XX century was about 6 million people , and they inhabited almost a third part of Poland at that

time. For some time, the international legal status of Ukrainian lands in Poland was not defined. The Paris Peace Conference of 1919 gave permission for the temporary occupation of Eastern Galicia by Poland. But Poland did everything to perpetuate the occupation status of the West Ukrainian lands. In the end, despite the protests of the Galician citizens, the Council of Ambassadors on March 14, 1923, recognized Eastern Galicia as part of Poland. Other West Ukrainian lands became part of Poland in accordance with the conditions of the Riga Peace of 1921.

Even if to agree with the Polish interpretation of the Riga Peace Treaty of 1921 as an international legal refusal of the Ukrainian Soviet authorities from the territory of the former Western Ukrainian Republic and Volhynia, and from the point of view of international law, their inclusion to II Polish–Lithuanian Commonwealth is not an annexation, but as a exchange agreement, it should be admitted that it was forced and did not comply with the right to self-determination. This idea is also confirmed by the fact that not only Poland but also the great powers ignored the right of the population to determine their fate by way of a plebiscite.

According to the decision of the Council of Ambassadors, the Ukrainian lands, which were the part off Poland were to become autonomous. The Polish government repeatedly promised in the 20-30's of the XX century to ensure the rights of national minorities and to grant autonomy to Ukrainian lands,. But in the ruling circles of the Polish state, they ruled Unitarist sentiments, and their efforts were aimed at strengthening control over Ukrainian territories. The discriminatory policy regarding the population of these territories was manifested in the compiling local self-government bodies, whose heads were intended only by the Poles. Ukrainians almost did not have the opportunity to hold administrative positions in state institutions, officers positions in the army, police, secret services. In 1925, out of 150 members of the Lviv City Council, only 2 represented the local population . In 1920, "Eastern Malopolska " was proposed to substitute the name for Eastern Galicia. Ukrainian names were replaced by Polish ones. The Polish language superseded Ukrainian from all state and municipal institutions.

Fearing the growth of the national consciousness of the Ukrainian population, Polish government in every way slowed the development of public education, closed the Ukrainian schools. The "Crested" law was approved, according to which the bilingual, so-called late-night bilingual, which was essentially Polish, became the main type of school, in addition to the compulsory study of the Polish language, children were taught Polish history and science about Poland. In addition, teachers were mostly Poles who did not know the Ukrainian language. To accelerate the polonization of the West Ukrainian lands, teachers from central Poland were sent here. Teachers-Ukrainians were recommended to work in the central voivodships of Poland. 1500 of Russian-educated Ukrainians were displaced there, and 2500 – were fired from work. Consequences of this politics for the Ukrainian school were catastrophic. If in the 1911-1912 academic year there were 2420 Ukrainian primary schools in Galicia, then in the 1930s only a few hundred.

Such a policy has had a very negative effect on the level of education of the Ukrainian population of Poland. In the late 30's 70 % of Ukrainians were illiterate. In the worst situation was the secondary and vocation education. From 138 general secondary schools in Galicia in 1939, there were only 5 Ukrainian public schools with 2050 students, and 18 private schools with 3571 students. In Galicia in 1939, there were four higher educational institutions: the University, the Polytechnic Institute, the Veterinary Academy and the Academy of Foreign Trade. But for Ukrainians the opportunity to study in secondary and higher educational institutions was unattainable because of high fees.

Ukrainians resisted the discriminatory policy of the Polish authorities in the educational field. In 1921, in Lviv, a so-called Secret University, which worked until 1925, appeared in Lviv. On the territory of Galicia, the enlightenment community "Native school" was active. The activity of the centers of the Prosvita Society continued to operate, the influence of which on the preservation and development of the national culture of Western Ukraine cannot be overestimated. Finally, the T. [Shevchenko](#) Scientific Society continued to work in Lviv, in which prominent scientists worked such as S. Smal-Stocki, V. Gnatyuk, K. Studinsky, S. Dnistriansky, I. Gorbachevsky, M. Wozniak, F. Kolessa, V. Shchurat, V. Doroshenko etc.

Having invaded Western Ukraine, the Polish imperialists carried out an administrative-territorial reform, which was the introduction of all-Polish state institutions. The territory of Western Ukraine was divided into voivodships - Lviv, Stanislavsk, Ternopil, Volyn.. The head of the congresses appointed by the Council of Ministers voivods, endowed with almost unlimited power. The voivods were directly subordinated to the Minister of the Interior Affairs. As chairman of the general administration of the governor, he directed the activities of the administrative authorities on the territory of the voivodship, supervised the trade, the ways of communication, regulation of labor and public welfare.

The functions entrusted to the governor were carried out by special bodies - Voivodship and Administrations. They supervised the work of the headmaster, who were engaged in the same issues within the counties as voivodship management. In particular, at the beginning of the 1930's, the Lviv Provincial Directorate had 11 departments that oversaw the calm (security department), self-governing bodies, civil status acts, governed the activities of state and private medical institutions, and monitored the settlement of land question.

At the head of the whole district administration, besides the military, financial, school, land and postal and telegraph, stood an old chieftain. His main duty was to suppress the revolutionary liberation movement and to ensure law and order in the county. For this purpose, he could use the organs of the police. His functions of the chieftain were performed with the help of a special apparatus - the old city administration and subordinate institutions. In order to control the revolutionary and national liberation movement, a so-called "security organs" were established as a paramilitary system. The entire territory of Poland was divided into voivodship police districts, which were commensurate with the administrative-

territorial Voivodship division. Each county had its own state police. The voivodship was headed by commandant, and in the county – counties commandant.

In accordance with the Constitution of Poland in 1921, the system of local self-government bodies operated on the territory of communities, counties and voivodships. In carrying out general measures, these self-governing units could act as unions in a legal act, and then the bodies of these unions officially became peculiar executive bodies of the administrative authorities. The bodies of self-government in Galicia were: public council and public authorities, district council and district administration, the National Sejm and the Crimean Committee.

There were judicial institutions, based on the laws of Austria-Hungary on the territory of Western Ukraine. Only their political orientation has changed. If previously, the court advocated, first of all, the interests of the Austrian landlords and the bourgeoisie of the Austro-Hungarian monarchy, and after defended the rights of the Polish and Ukrainian landlords and the bourgeoisie, now put more interest was put in the defending Polish capitalists and the integrity of the Polish state. Rights of Ukrainian Burundians and landowners were moved to second plan. The main task of the court was to suppress the revolutionary movement, the national liberation struggle.

In 1928, a judicial reform took place in Poland, in which district, appellate courts and the Supreme Court experienced some reorganization, and instead of County, civil courts were founded. District courts acted as the appellate court for public courts. The appellate court was the supreme court for district courts. In addition to general courts, there were also special, for example, labour and arbitration courts for accident insurance institutions. Labour courts were formed only in large industrial centers. For example, the Lviv Labour Court was founded in 1918 as a result of the reorganization of the Industrial Court, which existed during the reign of Austria-Hungary. It considered the actions of workers to entrepreneurs, owners of factories, factories. The main task of labour courts was the legal protection of industrialists from the workers.

In order to regulate the financial sector and ensure cash flow to the budget, financial institutions, in particular financial chambers, which were subject to financial management and management of excersising duties and state monopolies, were created. On the territory that was part of the Austro-Hungary, there were special cadastral departments that were in charge of land cadastre affairs. Implementation of land reforms required the creation of special agencies – land administrations. Issues related to reforms (for example, the shredding of estates (parcellation), the creation of wealthy Polish farms (sedimentation) and cuttings, the elimination of easements, redistribution and regulation of land holdings), were engaged county administrations, headed by Zemsky commissars or subcommittees. The District Land Administration acted as the highest authority and extended its activities to the voivodship. The highest appellate body was the Ministry of Agriculture and Land Reform.

All other powers of government and administration were imposed on the structures of the highest legislative and executive power established in accordance

with the Constitution of Poland in 1921 and 1935. The constitutional law of 1921 provided the legislative authority to the Sejm and the Senate. The President of the Republic and the Council of Ministers were governed by executive authorities. As a result of the May Revolution of 1926, a political regime reigned in Poland that overturned the basic principles laid down in the March 1921 Constitution. The mechanism of functioning of the state, inherent in the parliamentary system, replaced authoritarian methods of government. For 10 years the constitution of the new supreme power was under way. In 1935, the so-called April Constitution of Poland was adopted, according to which the President received legislative, constitutional, executive, controlling, extraordinary powers (in case of war).

The hard economic situation, unprecedented national, religious and social oppression, political disability caused the intensification of the revolutionary liberation struggle of indigenous people of Western Ukraine under the leadership of political parties. Only in 1934-1938 there were 1118 strikes.

Significant changes in the situation of Ukrainian Galicia occurred with the beginning of the 2nd World War. The fall of Poland led to the establishment of the Stalinist regime in the West Ukrainian lands. After the "occupation" for one and "liberation" for the other Red Army of the territory of Western Ukraine during two months the Soviet power of Western Ukraine was constituted. The People's Assembly of Western Ukraine (October 26, 1939) adopted important legislative acts: "On State Power in Western Ukraine"; "On the Entry of Western Ukraine into the Ukrainian SSR"; "On confiscation of landed estates"; "On the Nationalization of Banks and Large Industries". On October 27, the National Assembly approved the Declaration, which stated:

"From now on, all the power in Western Ukraine belongs to the working people of the city and the village represented by the Soviets of Workers' Deputies." Instead of the highest authorities and the authorities at the closing meeting, the deputies elected a plenipotentiary commission charged on behalf of the National Assembly to submit a Declaration to the Verkhovna Rada of the USSR and the Verkhovna Rada of the Ukrainian SSR and ask them to include Western Ukraine in the USSR with its accession to the USSR. History did not know the humiliating act: first, the conquest ("liberation"), and then, under the blows of the rifles of the NKVD army, the formation of councils of workers' deputies, who were given the right to resolve what a significant part of the nation did not want. However, this has happened.

October 31, 1939, the extraordinary fifth session of the Supreme Soviet of the USSR decided to satisfy the request of the National Assembly of Western Ukraine. The decision was adopted by the Verkhovna Rada of the Ukrainian SSR, having decided on November 15 to accept Western Ukraine as a member of the Ukrainian SSR.

For J. Stalin, the unification of Ukrainian lands was primarily in the foreseeable division of Poland between Nazi Germany and the USSR.

Thus, the territory of Western Ukraine extended the current legislation of the USSR and the Ukrainian SSR. On December 4, 1939, the Volyn, Drohobych, Lviv, Rovno, Stanislav and Ternopil areas, as part of the Ukrainian SSR, were created by

decree of the Presidium of the Supreme Soviet of the USSR. By the Decree of the Presidium of the Supreme Council of the Ukrainian SSR on January 17, 1940, the old division into counties and parishes completely abolished, and districts, city councils, and village councils were created. In total, 83 city councils, 199 district councils, 89 village councils and 4944 village councils were organized. Even earlier, on December 9, 1939, the composition of the regional executive committees was approved. On December 26, the People's Commissariat of Ukraine issued an order to commence the work of regional departments of the NKU, regional and national courts in the western regions of the Ukrainian SSR. The judiciary was appointed by the relevant executive committees of the Communists, sent by the People's Commissariat from other regions of the Ukrainian SSR. The newly created courts, together with the NKVD bodies, launched a large-scale so-called class struggle against former exploiters, "kulaks", nationalist intellectuals, potential "enemies of the Ukrainian people", etc. Repressions against the Western-Ukrainian people caused a national liberation movement against the communist-Soviet ("Soviets") regime, which did not subsist for years. It was particularly acute during and after the 2nd World War.

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COMMITMENT TO THE REPARATION CAUSED BY MUTILATION, ANOTHER INJURY OF HEALTH OR DEATH

Iryna Klochnyk, student

Halyna Yanovytska, Assistant Professor, PhD (Law), Research Advisor

Natalia Hrynya, Associate Professor, PhD (Philology), Language Consultant

Lviv National University after Ivan Franko

Specificities of reparation caused by mutilation, another injury of health or death are connected with the significance of human being's life, health, safety and integrity. Taking into consideration a high level of occupational traumatism, improper quality of transportation service and other factors, the issue of reparation nowadays is especially urgent, including for the development of democratic society.

Under Article 1095 of the Civil Code of Ukraine, a natural person or legal person, who has harmed a natural person by mutilation, another injury of health or death, is obliged to reimburse victim for earning (income), lost as a consequence of