

## “STATUTE ON SIBERIAN PROVINCIAL ADMINISTRATION” OF 1822: THE FIRST EXPERIENCE OF CODIFICATION BY MICHAEL SPERANSKY

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The subject. The article examines the reform of local government in Siberia carried out by the outstanding Russian statesman and reformer M.M. Speransky in the first quarter of the 19th century.

The purpose of the article is to confirm or disprove the hypothesis that the “Statute on Siberian provincial administration” of 1822 formed the organizational structure of state administration in Siberia for almost a century as well as basis for future codifications of Russian legislation that would carry out by M. Speransky.

The methodological basis of the research is combination of objectivity, historicism and alternativeness, which presuppose an unbiased approach in the analysis of the historical problems and a critical attitude towards the sources.

The main results, scope of application. The “Statute on Siberian provincial administration” of 1822 was the first systematization of local legislation in the history of Russia. The Statute became the first practical experience in the preparation of a code of laws for M.M. Speransky and his collaborators. The Statute was ahead of the subsequent imperial codification and incorporation of legislation carried out under his leadership. The Speransky’s reform in Siberia in 1822 determined the foundations of the administrative-territorial structure of the Trans-Ural region of the country, which corresponded to the needs of the time. The Statute of 1822 also legitimized the volost public administration of the Siberian state peasants, which was organized in the last quarter of the 18th century. This system of administration put the peasant self-government under more strict control by the district police authorities. Particular attention in the article is paid to the structure, nature and organizational and legal issues of the activities of local government in Siberia.

Conclusions. The increased interest in the establishment and development of Siberian regional governance is associated not only with the desire of researchers to look deeper into the past, but also with practical needs. Today it is necessary to research the events and facts of the Siberian past in a new way so as not to repeat old myths and delusions and to prevent the emergence of new ones.

## 1. Introduction

The contradictions of territorial and departmental principles of government on the Siberian outskirts of the empire and the resulting administrative conflicts and confusion required unification and unification, as well as the redistribution of powers of local authorities. "Institutions for the administration of the provinces of the Russian Empire" 1775 Catherine II was extended to the Siberian region in the 80s of the XVIII century. Almost without taking into account local specifics, with a very small circle of people able to hold administrative positions, as well as a small population in the vast Siberian territories. They did not take into account the multi-confessional, multi-ethnic and multi-ethnic composition of the population of the region.

The progressive socio-economic development of Siberia, some growth of colonization caused an urgent need for the organization of a more flexible system of local administration. At the beginning of the XIX century, the government authorities came to understand the need to implement this need. It received its refraction in the specific organization of regional government bodies.

## 2. Preparation of the reform. Revision of Siberia by M. M. Speransky

M. M. Speransky, who became the Siberian governor-General in 1819, had a great managerial and reformatory experience and was well aware that noble goals and liberal plans in administrative and managerial practice can be implemented, not in the form that the legislator intended, or may not be implemented at all. M. M. Speransky also noted that the difference between the European provinces of the empire and Siberia is so great that the "Institutions" of 1775 cannot be suitable for the region without major changes and exceptions [1, p. 127].

Having assumed the duties of the Governor-General, M. M. Speransky carried out an audit of the region, the scale of which can impress the modern reader. According to its results,

within the framework of 73 initiated criminal cases, 680 people were under investigation, of which 174 officials of the Ministry of Internal Affairs were officials (i.e. up to 90% of all officials of the Ministry of Internal Affairs in the region) [2, p. 643]. At the same time, it should be understood that only the lack of time and effort and the auditors, as well as the simplified procedure for conducting investigations, reduced to a minimum the number of persons who were involved in criminal investigations. A significant number of them, according to Speransky, were worthy of prison and hard labor, but they were not brought to criminal responsibility. Nevertheless, 48 officials were put on trial, including the former governor-General, the Irkutsk and Tobolsk governors, and the Tomsk governor was removed from office and only the Yenisei governor retained his post [3, p. 643]. The amount of monetary penalties from officials reached a fantastic size for the first half of the XIX century – about 3 million rubles. [4, c.167]. However, even such large-scale, repressive measures were insufficient [5, p. 93].

In the Yenisei province, Krasnoyarsk peasants told Speransky that they had prepared a complaint against the zemstvo police officer before the arrival of the auditors, but then decided that the new zemstvo police officer would be even worse, since it was difficult to find worthy candidates, besides, he would get a complaint from him, and the old zemstvo police officer was already "full, and the new one would be hungry." There were a large number of complaints about abuse and bribes, and the anti-corruption legislation in the first half of the XIX century was very strict, so Speransky had to exclude the term "bribe" from the audit materials [2, p. 133]. However, there were authorities and officials whose activities the new Governor-General was pleased with and even cited as an example. So, with great praise and approval, he spoke about the work of the adviser to the Tobolsk provincial government of Rosing [6, p. 104].

The existing Siberian government bodies,

according to Speransky, even contributed to corruption. As the main reason for corruption and abuse, he called the lack of legality in the exercise of state power: where there is no law, personal power rules, which is not always conscientious [7, p. 103]. Therefore, on the Siberian outskirts, the habit has taken root not to expect help from the law, but to rely on officials and resort to bribes in almost every, even the simplest, case [8, p. 116]. The main task of the Siberian reform was the legal reorganization of local administration, as well as the creation and systematization of local legislation through its codification [9, p. 187]. As a result of the normative activity of M. M. Speransky and his staff, 10 draft legal acts were prepared in the field of legal regulation of the life of the region and its management [10, p. 42]. These projects provided for the reorganization of the administrative and territorial structure of Siberia, they were supposed to stimulate the socio-economic development of the trans-Ural territories, determine the legal status of indigenous peoples, make adjustments to local self-government among citizens, peasants and Cossacks, and also regulate the duties of the population.

The peculiarity of the Siberian reform of 1822 was also that Speransky arrived in the region with a large contingent of young officials from European Russia, who occupied most of the positions vacated after the audit, up to the city officials, zemstvo police officers and zemstvo assessors.

### **3. Contents and description of the “Statute on Siberian provincial administration” of 1822.**

In 1822, Emperor Alexander I signed the "Statute on Siberian provincial administration" prepared by Speransky. The "Statute" consisted of three parts. As it was indicated in its 11th paragraph, the law also included 9 special "Statutes" and "Regulations": Statutes on city Cossacks, exiles and stages, on the management of foreigners and land communications; Provisions on land duties,

grain reserves and debt obligations between foreigners and Siberian peasants [11, p. 17]. "Statute" of 1822 It specifically indicated that it applies to the general governorates of Eastern and Western Siberia, as well as the Yenisei and Irkutsk Provinces, Tomsk and Tobolsk Provinces, the Okhotsk, Kamchatka and Trinity-Sava border departments, and the Omsk and Yakut regions .

The adoption of "Statute" meant the recognition by the government authorities of the need to establish a system of special management in Siberia, which indicated the beginning of the formation of a special government view of "Siberian" policy [12, p. 83]. The reform of 1822 was the first attempt to approach the political and legal administration of the region in a comprehensive manner, which indicated the desire of the government authorities to develop a concept of attitude to the trans-Ural territories of the empire, as well as to develop a program for their administrative and economic development [13]. "Statute" of 1822 It made an attempt to establish control over the virtually unlimited power of governors-general and governors by independent collegial bodies-councils, while not introducing public, self-governing elements into the system of regional governance. In addition, these collegial councils, which united administrations of different levels of government, were supposed to coordinate and consolidate the activities of local bodies of departmental and ministerial power and eliminate managerial conflicts with the governor-general's power.

The "Statute" of 1822 provided for some deconcentration and decentralization of power, the law established the posts of two governors-general of Eastern and Western Siberia-supervisory bodies and at the same time a kind of chief regional ministers. The creation of these posts was an attempt to combine the two principles of management – the regional and the sectoral, and also aimed to put the activities of local administrative bodies under bureaucratic supervision.

"The provincial authorities," M. M. Speransky noted, "have almost no local control over

themselves; the governor, who presides over the provincial government, cannot control either himself or his equal institutions in status; the presence of prosecutor's control does not change the state of affairs, first, prosecutor's protests do not stop the execution of cases; second, what does the control of a lower person over higher ones mean? What does control mean, the consequences of which are manifested in a month or a year after the execution of the case? And what can this control do if it is scattered over a huge number of political, economic and judicial cases? We need control with the power of correction, according to the general institution, and it should belong only to the Governor-General" [14, p. 17]. The "Institution" of 1822 did not solve all the problems of political and legal administration in Siberia, but their implementation, despite all the difficulties and contradictions in the management policy of the government in the first half of the XIX century, was an undoubted step forward in the development of state and legal institutions of regional administration.

The "Statute" of 1822 in trans-Ural Russia formed two general governorates-Western and Eastern Siberia. The general government of Eastern Siberia included the Yenisei and Irkutsk provinces, the Okhotsk, Kamchatka and Trinity-Sava border departments, and the Yakut Region. According to the reform of 1822, Krasnoyarsk became the center of the Yenisei province instead of Yeniseisk.

The Governorate-General of Western Siberia began to consist of the Tomsk and Tobolsk provinces, as well as the Omsk Region. The center of the general government, taking into account the military-strategic tasks in the management of the region, gradually moved from Tobolsk to Omsk .

Special management was established in the Kolyvano-Voskresensky mountain district (since 1834 Altai), as well as in the Nerchinsky Mountain District. It was under the jurisdiction of the Cabinet of His Imperial Majesty and was under the administration of his office, headed by the head of the mining factories. In the

Kolyvano-Voskresensky mountain district, the local population was in double subordination, in addition to the power of the mountain chiefs, the power of the Tomsk provincial authorities extended to it. In total, 34 districts and 3 departments were established as part of the Siberian governorates-general.

The "Statute" of 1822 provided for two different types of regional government: general and special. General management was introduced in socially and economically developed areas. It consisted of three levels of government: district (in rural areas, districts were established instead of the former counties), city (in provincial and district administrative centers), provincial and governor-general.

M. M. Speransky motivated the introduction of special management in the region by the remoteness and vastness of the territories inhabited by the indigenous population of the region. When organizing a special administration established in the regions, it was impractical to provide for the full composition of institutions that were intended for the provinces, but the set of institutions only of the district type was not enough.

Each of the three degrees of management consisted of "general" (the head of the administrative-territorial unit and the Council, which included the heads of the branch bodies) and "private", which was organized according to the branch principle of management. The Council was a collegial advisory body with a certain competence: control over the consideration of cases, resolution of administrative and managerial conflicts, administrative and economic management.

The main departments established in each of the governorates-general were responsible for monitoring the work of the special and general departments of the regions. The main departments administered the governorates-General and were headed by the Governors-General. The main departments carried out their activities through the general provincial departments, which, in turn, exercised leadership over the private government bodies

created by the "Institutions for the Administration of the Provinces" of 1785 were the state chambers, the provincial boards, the provincial court and the provincial prosecutor .

The "Statute" of 1822 reorganized the system of local self-government in the cities of Siberia, effectively canceling the effect of the "Chartered Charter to the cities of the Russian Empire" of 1785. According to M. M. Speransky, local state administration and local self-government formed a single system of public power. Thus, the bodies of urban public administration were under the control of local administrative and police bodies and officials – provincial boards and city officials [15, p. 589]. "Statute" of 1822 also legitimized the volost public administration of the Siberian state peasants, which was organized in the last quarter of the XVIII century, putting the peasant self-government under more strict control from the district police bodies – the district chief, the zemstvo police officer and the zemstvo assessors [16, p. 64]. The law also established the beginning of the legal regulation of the traditional village administration among the Siberian Cossacks [17, p. 21].

An integral part of the reform of 1822 was the "Charter on the Management of Foreigners" – the most significant pre-revolutionary normative legal act in relation to the indigenous Siberian peoples, which operated without serious exceptions and changes until the beginning of the twentieth century . This "Charter" reflected the desire of the crown authorities to find a compromise between the conservative policy towards the indigenous inhabitants of Siberia and the objective needs for transformations that were brought to life by the process of integrating the indigenous population of the region into the general imperial system of political, legal and socio-economic relations [18, p. 29] The "Charter" was also prompted by the need for a more detailed structuring of the population of Siberia. To denote the political and legal status of the indigenous peoples of the region, the law first introduced the term "foreigners",

which introduced an element of ethnic division into law enforcement practice and legislation. The consolidation of the term "alien" in the Charter "testified to the rejection of the perception of the indigenous population of the region as disenfranchised natives and the recognition of it as a special class group, subjects of the Russian state.

#### 4. Conclusions

The "Statute on Siberian provincial administration" of 1822 was Speransky's first experience in preparing and adopting a code of laws, which was later ahead of the general Imperial codification and incorporation of legislation carried out under his leadership. The "establishment" of 1822 was also the first systematization of local and regional legislation in the country's history.

The Speransky's reform in Siberia in 1822 defined the basis of the administrative-territorial structure of the trans-Ural region of the country, which corresponded to the needs of the time [19, p. 44]. The "institution" established the basic principles and models of the changes proposed in Siberia, related to the strengthening of control over the work of local government, through the transfer of supervisory powers to the governors-General and the Councils of the governorates-general [20, p. 35]. The task of the reform was also to establish uniformity in the organization and activities of administrations at different levels of management with a clear delineation of their competencies, taking into account the specifics of specific Siberian regions [21, p. 29]. The reform was to ensure the creation of an operational and cheap administrative and managerial apparatus that would combine the activities of local government with the inclusion in the implementation of its powers of elements of local self-government of citizens, peasants, Cossacks and tribal administration of the indigenous peoples of Siberia [22, p. 220]

The system of Siberian administrative institutions created by M. M. Speransky and consolidated in Russian legislation remained unchanged until the police reform of 1867 and

the city reform of 1870 [23, p. 22]. The system of administration, laid down by Speransky in the "Statute on Siberian provincial administration" of 1822, existed with unprincipled and insignificant changes, especially in Eastern Siberia, until the February

revolution of 1917 [24, p. 709]. The "Statute" also retained its legal status as part of the "Complete Collection of Laws of the Russian Empire" until 1917, when the collapse of the Russian Empire occurred [25, p. 783].

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