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Ivanenko A.O.
T.H. Shevchenko National University “Chernihiv Colehium”

THE INITIAL WORK STAGES OF JUDICIAL INSTITUTIONS IN THE OCCUPIED TERRITORIES OF UKRAINE (1941–1942)

The article examines the initial stages of the work of judicial institutions in the occupied territories of Ukraine. Stories are known, both local military conflicts and world wars. The second world war is the largest and most extensive. Having relatively quickly occupied a part of the territory of Ukraine, it turned out that society needs state regulation of solving everyday life situations in all its manifestations: marriage and divorce of people, issuance of documents on inheritance of property, property disputes between neighbors, resolution of minor civil conflicts. But in order to solve all these tasks, it was necessary to develop a high-quality regulatory framework and an appropriate system of bodies. Among the necessary institutions were not local government bodies, but also notary bodies and judicial institutions.

It is noted that some domestic researchers were engaged in the study of various aspects of the activities of judicial bodies in the territory of Ukraine occupied by the Third Reich: Shaikan V.O., Martynenko T., Kondratyuk K., Levchenko Yu., Kunytskyi M., Kolisnyk N., Ivanenko A., Honcharenko O. But it is the initial stages of the activity of judicial institutions that have not been covered in comprehensive studies, therefore this work has its great relevance. The German occupation leadership was not ready to solve the problems of the local population through legitimate judicial means. It has been studied that the creation of the judicial system and the regulatory basis for its functioning is a forced reaction to the challenges of the time and contemporary society. This is evidenced by the absence of German regulatory support for both criminal and civil judicial branches until almost mid-1942, and the use of the Soviet legal framework to regulate the necessary processes. But even taking into account this and generally staying in difficult war conditions, the effectiveness of the work of local judicial bodies in the initial stages can be considered quite high.

Key words: *Reichskommissariat “Ukraine”, military zone of occupation, Court, occupation leadership, Third Reich, Legislation.*

Formulation of the problem. Throughout the history, wars have been one of the most cruel and destructive, but at the same time driving forces. They have accompanied humanity for several millennia. Stories are known for both local military conflicts and world wars. The Second World War is the largest and most extensive. The World War II made many adjustments to the life of every country in the world and every person, both contemporaries and descendants. The desire to seize and own large territories, “clean” the population to the level imagined by the state leader, the creation of empires – all this led to the hostilities by the aggressors. In particular, the leadership of the Third Reich had the same reasons. But having occupied part of the territory of Ukraine, it turned out that society needs state regulation of solving everyday life situations in all its manifestations: marriage and divorce of people, issuance of documents on the inheritance of property, property quarrels between neighbors, resolution of minor civil conflicts. But to solve all these problems, it was necessary to create a high-quality regulatory framework and an appropriate system of organs. Among the necessary institutions were notaries and judicial institutions, except local governments.

Analysis of recent research and publications. Local researchers were engaged in the study of various aspects of the activities of judicial bodies in the territory of Ukraine occupied by the Third Reich: Shaikan V. [40, 41], Martynenko T., Kondratyuk K. [35], Levchenko Y. [34], Kunytskyi M. [32, 33], Kolisnyk N. [31], Ivanenko A. [24, 25, 26, 27], Honcharenko O. [4].

Setting objectives. It it is the initial stages of the activity of judicial institutions that haven’t been covered in full in comprehensive studies, so this work has great relevance.

Presenting main material. The process of formation of the judiciary was significantly influenced by several factors, in particular, the peculiarities of the organization of German and local authorities, the personal vision of solving this problem by representatives of the Nazi occupation apparatus, their initiative or vice versa lack of initiative in the relevant rule-

making. But to create a new legislative framework, there was not enough time, and often professional qualities of German officials. Moreover, this issue was within the competence of the District Ministry of the Eastern Occupied Territories, the Reichskommissariat "Ukraine" (RKU) and the high military command. Therefore, the German military and civil administrators in practice admitted the possibility of partial use of individual norms of Soviet law to regulate important social relations of the local population. But no one knew how to use it in the absence of qualified personnel, a system of legal services and open Nazi terror.

According to the normative practice of that time, all directives regarding the treatment of the German administration with the local population came from the political leadership of the Third Reich, which with the help of various forms of violence, was going to prepare the base of "living space in the East". But it became clear that it was impossible to do without purely legal forms of regulating relations in the occupied social space. It took some time to realize this fact: with the failure of the "blitzkrieg", the feeling of "reality" in relations with the occupied society gradually returned to the Nazis.

Another circumstance that should be taken into account the problem of creating local judicial institutions, notaries and advocacy is the already mentioned conflict between the departments of A. Rosenberg and E. Koch. At first glance, it seemed that Hitler succeeded in creating a strictly centralized system of administration of the occupied territories, but in reality the situation was different. The conflict between A. Rosenberg and E. Koch only grew, gained momentum and continued to influence the specific managerial aspects of the activity of the occupation authorities. In this protracted conflict, part of the general commissars perceived the position of A. Rosenberg, and some were guided by the instructions of E. Koch. It is quite obvious that everything depended on the personal "patronage" of the Nazi officials of the highest official status. As a result, the regional (general commissariats) and local administration (gebietskommissariats) of the RKU enjoyed relative independence in making managerial decisions. But the administration of the Military Occupation Zone (MOZ) constantly and, moreover, firmly and persistently advocated a softening of the occupation policy in relation to the local population. Therefore, in certain regions controlled by the administrations of the RKU and MOZ, local legal services could be created in accordance with the normative instructions of the top officials, or, conversely, regional and local officials did not consider this an urgent task and dragged out its implementation in every possible way, not understanding the importance for the settlement of relations with the Ukrainian society.

The issue of creating local judicial institutions, as a means of influencing the behavior of the local population of occupied Ukraine, faced another important circumstance – personnel. At the disposal of the German officials there were not enough qualified specialists with a purely legal education. They did not plan to hire former employees of the Soviet courts for purely ideological reasons. And the latter, for the most part, successfully managed to evacuate. Those who remained in the occupation tried to "not inform" their previous professional activities. The situation with the search for specialists who could take positions in the judiciary was so difficult that over time, persons who had not even a legal, but at least some kind of education were allowed to participate in the work of these institutions.

Consequently, judicial institutions could not begin work immediately after the establishment of the occupation regime. And although in some regions they resumed their work after the occupation, they had to be closed in the absence of a full-fledged regulatory framework. It took some time to develop a new or use the Soviet regulatory framework, to search for qualified legal personnel to fill the corresponding vacant positions, and it was necessary to resolve an urgent public legal relationship "here and now". That's why part of the working post in the legal sphere was transferred to local governments. Original archival documents testify to this. Thus, according to the Report on the structure and activity of the administrative department of the Ukrainian regional administration from July 14th to July 26th 1941, which operated in Volyn, civil status cases were under the competence of the general department. In particular, the regional administration issued orders on the preservation and maintenance of civil status books [9, p. 13].

As already mentioned, the first instructions of the leaders of the military commandant's offices for the local population quite rationally noted the continuation of Soviet legislation. For example, the official message of the field commandant's office No. 242 of November 6th, 1941 stated: "The population in occupied places is brought to the attention that after the occupation of the country by German troops, Soviet law continues to exist, with the exception of those special cases where German law is applied or special instructions." [15, p. 9].

Directive instructions similar in content were promulgated, or rather, duplicated in the first days after

the establishment of power and the civil administration of the RKU. So, on October 16th, 1941, the gebietskommissariat of the Rivne district issued an announcement in which it was noted that the laws of the Soviet Union that were in force before the "acquisition of this territory" continue to exist further. The exceptions were laws that were repealed or changed by the German military or civil authorities, as well as laws that denied the transfer of power to the Reichskommissar [21, p. 2]. It should be noted that the same instructions were promulgated by the military authorities at one time. This circumstance indicates the absence of real succession between military and civilian officers, the presence of departmental contradictions between them, and the unwillingness to establish real cooperation.

The situation with the official continuation of Soviet legislation was difficult. In practice, only a small part was used. At the same time, Soviet legislation and the regulatory framework issued by the German administration coexisted together. The German side in its law-making in almost all cases did not take into account the existence of Soviet legislation, without repealing its main provisions. Only in rare cases did the preamble of normative acts mention the abolition of Soviet legal norms, for example, in terms of civil legislation [38, p. 27].

Even more difficult was the situation with the resumption of the work of the judiciary. Of course, the first administrative structures who met with this back in the summer and autumn of 1941 were the military commandant's offices. So, in the clarifications on the order of organization of power published on October 24th, 1941 by the military commandant's office of the city of Talne (Cherkasy region) in the local press, it was noted that this issue was exclusively the prerogative of the field commandant's office and only it provided the right to start the work of judicial institutions [23, p. 1, 2].

In some cases, the process of judicial proceedings was conducted by the military commanders themselves. Thus, in accordance with the operational report for October 1941 of commandant's office No. 774, which was stationed in the Kakhovka district, in the unit called "Judiciary" it was said that the relevant activity was carried out by garrison commandant's offices. The document stated that they mainly considered the issue of returning property to people who were dispossessed by the Soviet authorities and returned to their native homes from the occupation [39, p. 8].

The importance of the issue of resuming the work of the courts is evidenced by the fact that the local authorities were quite attentive to the issue of preserving the archives of the relevant institutions. So, according to the order of the administrative department of the district government in Lutsk dated July 20th, 1941, the heads of local governments of the city and district levels were obliged to take measures to preserve and protect the archives of pre-war judicial institutions and in future to be sure to pass them again to the courts [9, p. 6]. There is also some scattered information about the creation in 1941 of a notary. For example, in the text of the order of the official of the Lutsk City Administration No. 48 dated October 21, 1941, a notary is called an "independent institution" [8, p. 50, 51].

The low level of purely managerial culture of German officials, their lack of understanding of the social circumstances in which they led to the fact that there were cases when the issues of creating courts were decided by them at their own discretion. So, for example, from order No. 6 of January 18th, 1942, the head of the Velyka Oleksandrivka gebitskommissariat in the Kherson region, we learn that: "There are more cases when quarrels arise between citizens of one village, with which they turn to me. For the most part, these are unimportant issues that can be resolved on the spot." As a way out of the current situation, the gebitskommissar proposed to introduce the position of a judge at each rural council, who should consider these cases. He ordered lists of "impeccable" applicants for these positions to be sent to his institution. After that, the judges appointed by him personally had to decide these disputes at their own discretion. In case of impossibility of reconciliation of the parties to the conflict, the case was referred to him in writing. The order stated that the gebitskommissar would introduce "one court day per month" and would personally deal with cases that the village judges could not handle [22, p. 124].

Obviously, such a radical approach to the creation of judicial institutions was never put into practice, because in the original documents of the rural administrations of the Kherson region there is no information about the activities of the so-called village judges. But, on the other hand, we note that the original documentation of the local authorities testifies to the fact of the personal reception of local residents by the gebitskommissars. For this purpose, the gebitskommissars traveled to other cities of the district under their control and single-handedly considered various disputes of the local population during the absence or temporary cessation of the work of local judicial institutions.

With the formation of the administrative structures of the RKU and the MOZ at the occupied territory, the

German officers still had to start the tasks of creating local judicial institutions, notaries and advocacy. For some time, a rather pragmatic and rational way out of the current situation was found – all the powers of the court and the notary were assigned to the local governments of the district and city levels. According to German instructions, the employees of these administrative structures should consider various cases of the local population, mostly of a only civil nature, requiring a legal assessment and legal sanction, in a simplified administrative or criminal procedure, according to German instructions. In some cases, this right was also granted to village elders. Representatives of German administrative structures didn't leave participation in solving everyday needs of a purely legal level.

Despite the opposition of German administrators, by the time the judicial institutions were created, part of the decisions on the right of persons to divorce and enter into a new marriage also belonged to the competence of local governments. So, according to the minutes of the meeting of the Berdychiv city council No. 14 dated April 15th, 1942, one of the issues under consideration was the statement of the city resident Sotnyk about his official divorce and granting the right to a new marriage [11, p. 150].

During the absence of judicial authorities, the issue of determining the amount and enforcement of maintenance payments for the maintenance of minor children was entrusted to local governments. According to the order of June 7th, 1942 of the field commandant's office No. 679 (Synelnikovo) "On obligations to pay alimony", the local authorities were authorized "to forcibly withdraw funds for this from parents who do not fulfill their obligations for the social security of their children." In the same way, well-to-do children undertook to support their parents. Otherwise, local authorities had the right to force them to support needy parents. The decision of the local leadership, as stated in this order, is "entered into the files" [14, p. 7].

In the event that the spouses actually divorced, and the husband didn't pay alimony for the maintenance of the children, the spouse had the right to apply to the local government with a corresponding complaint. So, during the period of the existence of the MOZ in the territory of the Poltava region, Cherniha E. applied to the administrative department of the Poltava city government with a statement that her husband Vorona A. did not pay funds for the maintenance of a minor child. By that time, they were not divorced. As a result, the administrative department of the city government made a decision on the obligation of the man to pay 25% of his earnings for the maintenance of the child [16, p. 8]. In the Zhytomyr region, the issue of alimony was resolved by contacting a legal consultant of the district council. The conclusion of this employee was approved by the head of the district administration, which automatically gave the document the status of a mandatory resolution [10, p. 1, 5, 10].

Plaintiff Kapko N. also points out similar actions of the administrative department of the Poltava administartion during the period of stay of this region in the zone of military occupation. In the statement of claim for divorce, she stated that "There was a court at the administrative department. They awarded 30% of Kapko Semen's salary for children" [17, p. 8]. Consequently, the administrative department of the city government during the stay of the city territory in the MOZ assigned alimony payments, although the divorce procedure itself was not carried out by it. Similar actions on the appointment of alimony payments were carried out by the administrative departments of other district administrations [3, p. 70].

Employees of administrative departments not only assigned maintenance payments, but also controlled the state of their implementation. Persons who were obliged to pay alimony for the maintenance of their minor children had to testify the corresponding actions before the administrative department of the government by submitting financial documents [18, p. 7]. The courts protected the interests of minor children and considered the time of the start of payments to be the decision of the investigative administrative department [20, p. 1, 2].

Quite often, consideration of violations in the field of family relations and the adoption of appropriate decisions, in fact, were entrusted to the administrative departments of local governments. For example, on November 24th, 1942, the administrative department of the Oster district council considered the case of an offense committed by Prokhorenko S. The essence of the matter was that the man registered his marriage in May 1942, and in November of the same year he committed similar acts with another woman, without first divorcing his wife. Since Prokhorenko S. was a policeman, the administrative department applied to the German gendarmerie with a corresponding representation. A fine of 750 krb was imposed on the guarantor Khomenko A., who was also a policeman and "by his false testimony" contributed to the crime. The secretary of the mayor Ryabchun A. "for his negligence" was fined 400 krb. But the marriage was declared invalid [37, p. 2].

The practical implementation of the instructions of the German authorities in the field of establishing or terminating family legal relations of representatives

of the local population was assigned both to specially authorized employees of the administrations, and personally to their leaders [19, p. 1, 5, 6]. In some cases, these cases were considered collectively at meetings of city or district administrations [13, 1, 3]. For example, according to the minutes of the meeting of the Berdychiv City Council No. 16 of May 11th, 1942, one of the issues under consideration was Odynska's claim for the payment of alimony.

The minutes of the meeting noted that on April 18th, 1942, she gave birth to a child, whose father she recognized as Krasotskyi M., "who had known her for 2 ears". At the board meeting, a decision was made "to deduct 25% from Krasotskyi's salary every month and pass these funds to Odynska S. for the maintenance of the child" [11, p. 244].

According to the established Soviet normative prescriptions, usually 25% of earnings were charged for one minor child by decisions of local governments. But often this norm, established by Russian legislation and the decisions of pre-war courts, was deviated from. For example, by a settlement agreement approved by the head of the Bazar district council (Zhytomyr region) in July 1942, the defendant Berezovsky P. undertook to provide his minor daughter with a winter coat, a warm scarf, one pair of boots or other equivalent footwear by October 1st of the current year. In the agreement it was stated that in the event of the defendant's evasion of voluntarily providing his daughter with clothes and shoes, their value will be forcibly charged at current market prices. But not all such cases ended with settlement agreements. In case of refusal to conclude a settlement agreement, the chairman of the said governing body adopted resolutions in which, at his own discretion, he determined the amount of maintenance payments. So, according to one of the model resolutions, the defendant Kyrychenko T. was charged 4 kg of flour and 30 krb for the maintenance of his son [12, p. 196, 202]. So, local governments, in the absence of judicial institutions, were forced to consider cases of the local population related to family law. At the same time, in some cases, the heads of local authorities, at their own discretion, protected the rights of minor children of the defendants, making a decision on food and material provision of their vital needs by persons who evaded the payment of alimony payments.

At the same time, the effectiveness of the response actions of employees of local governments caused a lot of criticism from the local population. For example, in a report on the situation in the area controlled by the local commandant's office, sent on June 10th, 1942 to the military-administrative group of field commandant's office No. 676, it was indicated that local residents constantly turn to the commandant's office with various questions of a legal nature. The authors of the report noted that the local population didn't have enough confidence in the heads of district administrations in their judicial powers [39, p. 142, 143]. At the same time, there are cases when the German military administration positively assessed the consideration of court cases by local authorities [39, p. 205].

In some regions of occupied Ukraine, local administrators, realizing the need to resolve a host of legal issues, took the way of introducing the position of an investigative council. The duties of this official included the consideration of minor property disputes and the execution of legal opinions on these cases. For example, former judge Figursky L. testified that the official powers of a council investigator were similar to those of a legal consultant [2, p. 19].

At the initial stage of the occupation, the heads of local government bodies were also forced to consider cases in the field of labor legislation. Thus, the head of one of the enterprises turned to the chairman of the Vinnytsia regional council with a request to explain how to calculate wages for temporarily disabled workers and people who cared for a sick child, and how to pay wages to Jews employed in production [5, p. 104]. As you can see, in this case, the announcements of German officials about the continuation of Soviet legislation turned out to be insufficient.

In addition to resolving cases of a only civil nature, local authorities were also entrusted with the authority to carry out a legal assessment of the actions of local residents who had signs of crime. At the same time, during the occupation period, the boundaries between administrative and criminal law were erased. This is especially true of petty hooliganism, moonshining, and other similar offenses, the legal assessment of which is ambiguous even in peacetime. For example, the same petty hooliganism could be qualified by normative acts as an administrative offense, and then, with the sanction of the state authorities, received the status of a crime. In other cases, the state could treat the cases more loyally and did the opposite. But during the period of occupation, when the invading state controlled an alien society, it tended to approve normative acts that had more stringent legal sanctions. The Nazi leadership followed this way.

At the beginning of the establishment of the occupation regime, local authorities were given the unusual competence to impose not only administrative, but also criminal penalties for various offenses

committed by the local population. But the boundaries between the sanctions of administrative and criminal law were gradually leveled. Thus, in Kyiv, for violation of fire safety rules, persons found guilty of the corresponding unlawful acts were fined 500 rkb, and in cases of especially grave consequences, the perpetrators were expected to face more severe criminal liability in terms of legal sanctions [36]. The authorities imposed even more stringent legal sanctions. Thus, according to the Decree of the Zhytomyr Regional Administration dated October 20th, 1941 No. 83 "On the fight against illegal distillation of vodka", a fine of up to 500 krb was imposed on those found guilty of these actions or they were punished with up to 5 years' imprisonment. In case of repeated commission of this type of offense, the property of the persons found guilty was confiscated and the residence was destroyed. Supervision over the execution of this resolution was entrusted to the heads of administrations and the local police [12, p. 10]. The fight against innovation itself in such tough approaches was also carried out in other regions of Ukraine. Thus, by the decree of the Vinnytsia Regional Council of October 8th, 1941, illegal alcohol production was prohibited, and the persons accused of these actions were subject to liability "according to the laws of wartime." [6, p. 58]

Other facts testify the hand on of the competence of criminal prosecution to the powers of the heads of local government bodies. Thus, the former head of the Zhytomyr regional council, Yatsenyuk A., testified that due to the lack of courts at the beginning of the establishment of the occupation regime, he, with the permission granted by the German command, introduced the punishment of persons who violated the rule of law established by the authorities. This punishment was imposed in the form of imprisonment for up to 1 month. The local police conducted an investigation, the results of which were passed to the regional government. After the imposition of the relevant resolutions, the guilty person was sent to the place of detention. Over time, since the regional authorities were overloaded with other powers, the right to impose these punishments was transferred to the leaders of the districts [1, p. 28, 29]. Khrzhanovsky L., a former employee of the Zhytomyr criminal police, testified that when considering cases of theft, the head of the regional council, Yatsenyuk A., sentenced the perpetrators to one year in prison. But for the murders he authorized the arrest of the accused, after which the police began the investigation procedure [1, p. 68, 69].

In general, local authorities were empowered to implement such harsh legal sanctions while under the jurisdiction of the German military. For example, by order No. 7-42 of the field commandant's office No. 679 (Zaporizhia), city and district authorities were given the right to impose a fine of up to 5000 krb. for violating the established procedure or sending the perpetrator to forced labor for up to 1 month. The order stated that this was done in order "to give district chiefs and officials of cities independent of the district administration greater authority and the ability to firmly keep the population in order." [14, p. 19]

However, the issue of imposing criminal penalties was quickly withdrawn from the jurisdiction of local governments. By order of the Reichskommissar of December 5th, 1941, the leaders of these authorities could apply "criminal law" by imposing a fine of up to 200 krb and involve persons found guilty of crimes in forced labor for up to 2 weeks [7, p. 58]. All other powers in the criminal prosecution of offenders belonged only to the German military and civilian leadership.

Concluding. Summing up this study, it should be noted that the German occupation leadership was not ready to solve the problems of the local population through legitimate judicial means. The creation of the judicial system and the regulatory framework for its functioning was a forced response to the challenges of time and society. This is evidenced by the absence of German normative support for both the criminal and civil branches of justice almost until mid 1942 and the use of the Soviet legal framework to regulate the necessary processes. But even in view of this and, in general, being in difficult military conditions, the effectiveness of the work of local judicial bodies at the initial stages can be considered quite high.

Bibliography:

1. Архів СБУ у Житомирській обл. Ф. ОФ. Спр. 8868 оф. Арк. 28, 29.
2. Архів СБУ у Черкаській обл. Ф. О. Спр. 1452. Арк. 19.
3. Архів СБУ у Чернігівській обл. Ф. ОФ. Спр. 160. Арк. 70 зв.
4. Гончаренко О. Українські мирові суди в системі органів правосуддя гітлерівського окупаційного апарату влади Райхскомісаріату «Україна»: організаційна структура, службова компетенція та основний зміст діяльності (1941–1944 рр.). *Вісник Черкаського університету.* Серія: Історичні науки. Черкаси, 2011. Випуск № 202. Ч. ІІ. С. 36–41.
5. Держархів Вінницької обл. Ф. Р-1311. Оп. 1. Спр. 270. Арк. 104.

6. Держархів Вінницької обл. Ф. Р-1311. Оп. 1. Спр. 288. Арк. 58.
7. Держархів Волинської обл. Ф. Р-1. Оп. 2. Спр. 2. Арк. 58.
8. Держархів Волинської обл. Ф. Р-1. Оп. 2. Спр. 4. Арк. 50, 51.
9. Держархів Волинської обл. Ф. Р-2. Оп. 2. Спр. 1. Арк. 13.
10. Держархів Житомирської обл. Ф. Р-1154. Оп. 1. Спр. 1. Арк. 1, 5, 10.
11. Держархів Житомирської обл. Ф. Р-1188. Оп. 1. Спр. 41. Арк. 150.
12. Держархів Житомирської обл. Ф. Р-1426. Оп. 1. Спр. 2. Арк. 10.
13. Держархів Житомирської обл. Ф. Р-1535. Оп. 1. Спр. 2. Арк. 1, 3.
14. Держархів Запорізької обл. Ф. Р-1433. Оп. 3. Спр. 1. Арк. 19.
15. Держархів Кіровоградської обл. Ф. Р-2679. Оп. 1. Спр. 1. Арк. 9.
16. Держархів Полтавської обл. Ф. Р-2302. Оп. 1. Спр. 21. Арк. 8.
17. Держархів Полтавської обл. Ф. Р-2302. Оп. 1. Спр. 39. Арк. 8.
18. Держархів Полтавської обл. Ф. Р-2302. Оп. 1. Спр. 49. Арк. 7.
19. Держархів Полтавської обл. Ф. Р-2341. Оп. 1. Спр. 2. Арк. 1, 5, 6.
20. Держархів Полтавської обл. Ф. Р-2357. Оп. 1. Спр. 47. Арк. 1, 2.
21. Держархів Рівненської обл. Ф. Р-22. Оп. 1. Спр. 3. Арк. 2.
22. Держархів Херсонської обл. Ф. Р-1520. Оп. 1. Спр. 1. Арк. 124.
23. Держархів Черкаської обл. Ф. Р-2400. Оп. 1. Спр. 1. Арк. 1, 2.
24. Іваненко А. Нормативний та організаційно-правовий супровід роботи місцевих цивільних та кримінальних судів в Райхскомісаріаті «Україна». *Науковий вісник Миколаївського національного університету імені В.О. Сухомлинського. Історичні науки: збірник наукових праць*. Грудень 2019. Миколаїв: МНУ імені В.О. Сухомлинського. № 2 (48), С. 78–84.
25. Іваненко А. Особливості функціонування місцевих судових установ в зоні відповідальності військової адміністрації в окупованій Україні (на прикладі судової комісії м. Сум). *Актуальні питання сучасної науки: матеріали V Міжнародної науково-практичної конференції.* м. Київ, 20–21 квітня 2019 року. Київ: МЦНД, 2019. Частина І. С. 25–27.
26. Іваненко А. Практика роботи судів Райхскомісаріату «Україна» із врегулювання правовідносин в українському соціумі (1941–1944): вітчизняна історіографія. *Військово-історичний меридіан. Електронний науковий фаховий журнал* / Національний музей історії України у Другій світовій війні. Меморіальний комплекс, Ін-т історії України НАН України. Київ, 2018. Вип. 3 (21). С. 16–36.
27. Іваненко А. Проблеми функціонування судової системи Райхскомісаріату «Україна» в оцінках представників німецького окупаційного апарату влади. *Часопис української історії*. Київ, 2020. Вип. 41. С. 9–16.
28. Колісник Н. Зміни громадянського статусу особи у практиці роботи місцевих судових установ на теренах Райхскомісаріату «Україна» (1941–1944 рр.)». *Наукові записки Тернопільського національного педагогічного університету імені Володимира Гнатюка.* Сер. Історія. Тернопіль, 2014. Вип. 2, ч. 3. С. 61–65.
29. Колісник Н. Особливості здійснення цивільного судочинства на теренах Райхскомісаріату «Україна» (1941–1944 рр.). *Переяславський літопис*. 2014. Вип. 6. С. 57–63.
30. Колісник Н. Проблеми нормативно–правового забезпечення роботи місцевих судових установ на теренах Райхскомісаріату Україна (1941–1944 рр.). *Гілея: науковий вісник*. Київ, 2014. Вип. 91. С. 93–97.
31. Колісник Н. Реалізація судових функцій у системі службових компетенцій місцевих управ Райхскомісаріату Україна в період другої половини 1941 – середини 1942 рр. *Часопис української історії.* 2014. Вип. 30. С. 66–71.
32. Куницький М. Судові засоби захисту прав та інтересів місцевого населення Райхскомісаріату «Україна» (1941–1944 рр.). *Мандрівець.* Тернопіль, 2013. № 6 (108). С. 36–40.
33. Куницький М. Функціонування установ шліфенів та шефенів на теренах Райхскомісаріату «Україна»: аналіз судової практики (1941–1944 рр.) *Часопис української історії* / За ред. доктора історичних наук, професора А.П.Коцура. Київ, 2014. Вип. 29. С. 29–34.
34. Левченко Ю.І. Судовий апарат німецьких адміністративно-територіальних одиниць України за роки окупації: 1941–1944 рр. *Вісник академії праці і соціальних відносин Федерації профспілок України: науковий збірник.* Серія: Політика, історія, культура. 2011. Вип. 4 (60). С. 115–120.
35. Мартиненко Т.І., Кондратюк К.К. Соціальна історія Львова часів німецької окупації крізь призму матеріалів судочинства: джерелознавчий аспект. *Вісник Львівської комерційної академії.* Серія: Гуманітарні науки. Львів: Видавництво Львівської комерційної академії, 2013. Вип. 11. С. 268–278.
36. Постанова № 255 голови міста Києва від 12 грудня 1941 р. «Про протипожежні заходи в місті Києві». *Нове українське слово*. 1941. 19 грудня.

37. Смирнов В. В адмінвідділі Остерської районової управи. *Вісті Остерщини.* № 99 (120). Остер, 15 грудня 1942 р. С. 2.

38. ЦДАВО України. Ф. 3206. Оп. 2. Спр. 224. Арк. 27.

39. ЦДАВО України. Ф. КМФ-8. Оп. 1. Спр. 6. Арк. 142, 143.

40. Шайкан В.О. Стан системи судочинства на території Рейхскомісаріату «Україна» та військової зони в роки гітлерівської окупації. *Сторінки воєнної історії України: Зб. наук. статей* / НАН України, Ін-т історії України. Київ, 2007. Вип. 11. С. 205–210.

41. Шайкан В.О. Німецька система судочинства та діяльність українських правових відділів у роки тимчасової гітлерівської окупації України. *Безсмертя подвигу: матеріали міжнародної науково-практичної конференції,* Київ, 22 квітня 2005 р. / Київський національний університет внутрішніх справ. Київ: ВПЦ МВС України, 2006. С. 111–121.

Іваненко А.О. ПОЧАТКОВІ ЕТАПИ РОБОТИ СУДОВИХ УСТАНОВ НА ОКУПОВАНИХ ТЕРИТОРІЯХ УКРАЇНИ (1941–1942 РР.)

У статті розглянуто початкові етапи роботи судових установ на окупованих територіях України. Історії відомі, як локальні військові конфлікти, так і світові війни. Найбільшим і наймасштабнішим є Друга світова війна. Відносно швидко окупувавши частину території України виявилось, що суспільство потребує державного регулювання вирішення повсякденних життєвих ситуацій в усіх його проявах: одруження і розлучення людей, видача документів про спадкування майна, майнові сварки між сусідами, вирішення дрібних цивільних конфліктів. Але для вирішення усіх цих завдань потрібно було розробити якісну нормативну базу та відповідну систему органів. Серед необхідних установ були не місцеві органи управління, а й органи нотаріату та судові установи.

Зазначено, що дослідженням різних аспектів діяльності судових органів на території окупованої України Третім Райхом займались деякі вітчизняні дослідники: Шайкан В.О., Мартиненко Т., Кондратюк К., Левченко Ю., Куницький М., Колісник Н., Іваненко А., Гончаренко О. Але саме початкові етапи діяльності судових установ не були висвітлені у комплексних дослідженнях, тому дана робота має свою велику актуальність. Німецьке окупаційне керівництво не було готове до розв'язання проблем місцевого населення легітимним судовим шляхом. Досліджено, що створення судової системи та нормативного підґрунтя для її функціонування це вимушена реакція на виклики часу і тогочасного суспільства. Про це свідчить відсутність німецького нормативного забезпечення як кримінальної, так і цивільної галузі судівництва майже до середини 1942 р., та застосування радянської законодавчої бази для врегулювання необхідних процесів. Але навіть зважаючи на це та загалом перебування у складних воєнних умовах, результативність роботи місцевих судових органів на початкових етапах можна вважати достатньо високою.

Ключові слова: *Райхскомісаріат «Україна», військова зона окупації, Суд, окупаційне керівництво, Третій Райх, Законодавство.*