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THE HISTORICAL ASPECTS OF THE FOUNDATION AND FUNCTIONING OF THE AGRICULTURAL COOPERATION IN UKRAINE

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Sviatoshniuk A.L. The historical aspects of the foundation and functioning of the agricultural cooperation in Ukraine.

The article is devoted to the study of the foundation and functioning of the agricultural cooperation. The aim of the article is to analyze the historical development of the agricultural cooperation on the territory of Ukraine from ancient times to the present.

The article reveals the main stages of the development of the agricultural cooperation, at each of which the peculiarities of its functioning are investigated.

For the first time the concept of cooperation was implemented by the «Rochdale pioneers» in October 1844, while in Ukraine the starting point for the beginning of the cooperation activity is 1866, the year of approval of the Kharkiv Consumer Society charter, that testifies to the long history of the cooperation on the territory of Ukraine and the presence of significant experience of the national cooperative movement. In order to resume the development of agricultural cooperation on July 21, 2020, was adopted a new edition of the Law of Ukraine «On Agricultural Cooperation», which developers of the legal act consider to be the «Constitution» of agricultural cooperation.

In the course of the research, it was found that to date, in the modern science of agrarian law, insufficient attention is paid to the study of the historical aspects of the foundation and functioning of the agricultural cooperation, despite the fact that agricultural cooperation has a special social and economic significance for our state, and is an integral part of the national agrarian policy, which determines the relevance of the chosen research topic.

The author concluded that the study of the historical experience of the foundation and

functioning of the agricultural cooperation will contribute to the determination of the main guidelines for the modernization of the state agricultural policy at the current stage, the prevention of the repeated adoption of erroneous decisions, the elimination of factors that restrain the development of agricultural cooperation, and the provision of favorable conditions for the effective functioning of cooperative movement.

The article is based on methods of synthesis and analysis, historical, formal and logical, as well as other general scientific and special research methods.

Key words: agricultural cooperation, cooperation, cooperative, agricultural cooperative, agriculture, agrarian policy

Святошнюк А.Л. Історичні аспекти фундації та функціонування сільськогосподарської кооперації на теренах України.

Стаття присвячена дослідженню виникнення та еволюції сільськогосподарської кооперації. Метою статті є аналіз історичного розвитку сільськогосподарської кооперації на теренах України з давнини до сучасності.

Стаття розкриває основні етапи зародження та функціонування сільськогосподарської кооперації, на кожному з яких досліджено особливості її розвитку.

Вперше концепція кооперації була реалізована «рочдейльськими піонерами» у жовтні 1844 року, при цьому на території України відправною точкою для початку функціонування кооперації вважається 1866 рік, рік затвердження установчих документів Харківського споживчого товариства, що свідчить про тривалу історію функціонування кооперації на теренах України та наявність значного досвіду національного кооперативного руху, накопиченого з другої половини ХІХ сто-

ліття до сьогодні. Для відновлення розвитку сільськогосподарської кооперації 21 липня 2020 року Верховною Радою України було прийнято нову редакцію Закону України «Про сільськогосподарську кооперацію», який розробники зазначеного нормативно-правового акта вважають «Конституцією» сільськогосподарської кооперації, на яку чекали 29 років.

У ході дослідження було з'ясовано, що на сьогоднішній день у сучасній науці аграрного права приділяється недостатня увага вивченню історичних аспектів розвитку сільськогосподарської кооперації, при тому що сільськогосподарська кооперація має особливе соціальне та економічне значення для нашої держави, є невід'ємною частиною національної аграрної політики, що обумовлює актуальність обраної теми дослідження.

Автором зроблено висновок про те, що дослідження історичного досвіду зародження та функціонування сільськогосподарської кооперації сприятиме визначенню основних орієнтирів для модернізації напрямків державної аграрної політики на сучасному етапі, недопущенню повторного прийняття хибних рішень, нівелюванню чинників, які стримують розвиток сільськогосподарської кооперації, та забезпеченню сприятливих умов для ефективного функціонування кооперативного руху на теренах незалежної України.

Стаття ґрунтується на методах синтезу й аналізу, історичному, формально-логічному, а також інших загальнонаукових і спеціальних методах дослідження.

Ключові слова: сільськогосподарська кооперація, кооперація, кооператив, сільськогосподарський кооператив, сільське господарство, аграрна політика.

Formulation of the problem. To date, research and systematization of the historical experience of the formation and functioning of the agricultural cooperation on the territory of Ukraine is of considerable interest. In the modern science of agrarian law, unfortunately, insufficient attention is paid to the study of the historical aspects of the foundation and development of the agricultural cooperation, despite the fact that agricultural cooperation has a particularly important social and economic significance for Ukraine, and is an integral component of the national agrarian policy. At the same time, at the current stage, there is a considerable number of negative factors that restrain the development of agricultural cooperation. The study of the historical experience of the foundation and functioning of the agricultural cooperation at various stages will contribute to the identification of the nature of restraining factors and their subsequent gradual leveling.

Analysis of recent research and publications. Some historical aspects of the genesis and functioning of agricultural cooperation were studied by V. V. Zinovchuk, D. V. Kovalev, R. Ya. Korinets, O. O. Nepochatenko, N. M. Rudik and other scientists. At the same time, under the conditions of adoption of the Law of Ukraine «On Agricultural Cooperation» in the new edition on July 21, 2020, in the modern science of agrarian law insufficient attention is paid to the study of historical aspects of the development of agricultural cooperation. In such conditions, the historical experience of the formation and functioning of the agricultural cooperation on the territory of Ukraine requires further elaboration.

The aim of the article. Considering the above-mentioned, the lack of attention to the topic of research in the science of agrarian law, the aim of the article is to analyze the historical aspects of foundation and functioning of the agricultural cooperation on the territory of Ukraine from ancient times to the present.

Presentation of the main material. A number of factors contributed to the emergence of the cooperative movement in the world, in particular: social and economic (deterioration of the economic situation of small producers due to the inability to compete with factories, plants, payment of hired workers with goods in factory shops, high prices for consumer goods, unsystematic payment of wages to workers, high loan rates, etc.), ideological (cooperatives carried out educational activities), legal (gradual adoption of regulations in the cooperative industry), and others.

V.V. Goncharenko emphasizes that «by their social and economic nature, cooperative organizations were not a means of obtaining wealth, but a way of fighting poverty. They were created to provide their members with the necessary goods (services) at their cost price» [1, p. 331].

Thus, in October 1844, English weavers from the city of Rochdale created the first consumer cooperative - Rochdale Equitable Pioneers Society, which at the beginning of its activity included only 28 members.

The «Rochdale pioneers» introduced principles that were later recognized at the world level and became the basis of international principles of cooperation.

The Rochdale cooperative principles include:

- voluntary participation in the cooperative;
- democratic nature of management and control (all members have equal rights);
- electability and accountability to members of the cooperative of all its bodies;
- equal rights of members of cooperatives regardless of share contributions (one member – one vote);
- low share sizes and the possibility of paying it in small installments;

- sale of goods at average market prices not on credit, but only by cash settlement and others.

From Western Europe, the cooperative idea spread to the territory of Ukraine.

O. Rudik emphasizes that «in Greater Ukraine, cooperation began its struggle for the right to exist as a type of economic formation at the end of the 19th century, but the legal grounds for its development appeared much later» [2, p.35].

The year 1866 was marked by the appearance of the first consumer society in Kharkiv and the approval of its charter thanks to the active actions of members of the Kharkiv community.

In the second half of the XIX century similar societies «began to operate in Odesa, Mykolaiv, Katerynoslav, Poltava, Kherson, Kyiv, Sevastopol, Simferopol, Chernihiv...» and many district cities [3].

Stolypin's agrarian reform during 1906-1916 «abolished feudal remnants, contributed to the deepening of market relations, which stimulated the unification of rural commodity producers into cooperatives» [4, p. 87].

«In the western Ukrainian lands that were not part of Soviet Ukraine, agricultural cooperation received a new impetus for development with the adoption of the law «On cooperatives» by the Polish government in 1920» [5, p. 13].

O. Rudik notes that «starting from the 60s of the 19th century and by 1917 (in Galicia before the beginning of the First World War), the formation of three main types of Ukrainian peasant cooperation took place: consumer, credit and agricultural» [2, p.38].

1917 was a powerful year for the realization of cooperative ideas, because on March 20, 1917, the Provisional Government adopted the «Regulations on Cooperative Societies and Unions», in April 1917, the First All-Ukrainian Congress of Cooperative Unions was held in Kyiv, and in August 1917, the Resolution on the establishment of the Ukrainian National Cooperative Bank was adopted.

In May 1918, at the III Cooperative Congress, «the charter of the Ukrainian Central Cooperative Committee was adopted, which became the main cooperative center of Ukrainian cooperation» [2, p. 40].

In 1918, the Central Ukrainian Agricultural Cooperative Union («Central») acquired the status of an all-Ukrainian agricultural cooperative union.

Also, «in 1918, with the aim of promoting collective forms of management, schools and courses began to be created at cooperative societies. The initiator of the organization of a higher educational institution for the training of cooperation personnel was the well-known economist, Minister of Finance in the government of the Ukrainian Central Rada, head of the Ukrainian Central Committee M.I. Tugan-Baranovsky» [2, p. 42].

«At the meeting of cooperative institutions held on December 12, 1918 in Kharkiv, the structural problems of agricultural cooperation were discussed. Agricultural cooperation was considered as the main type of peasant cooperation, which should contribute to the agricultural producer. Intermediation operations of credit and consumer cooperatives, which also served agriculture, had focus exclusively on agricultural societies. For the successful operation of the agricultural societies instructions, model charters, various manuals with practical advice were sent out» [2, p. 42].

With the proclamation of the Ukrainian SSR, agricultural cooperatives came under strict state control and, thus, in the period from the 1920s to the end of the 1980s of the 20th century, they were gradually destroyed on Ukrainian lands.

«The Main Cooperative Committee of the Ukrainian SSR, operating under the Radnarkom of the Ukrainian SSR, decided to terminate the activities of «Central», «Kharkiv Regional Union of Agricultural Cooperatives», and «Soyuzbank». By a separate resolution dated December 9, 1920, Ukrainbank was liquidated, and its capital was transferred to the state budget» [2, p. 47].

The resolution of the Central Committee of the CPSU (b) «On rates of collectivization and measures of state aid to collective construction» of 1930 was the basis for comprehensive mass collectivization. According to this act, «complete collectivization in Ukraine was to be carried out in the fall of 1931 - spring of 1932. The Republican party leadership soon spoke out in favor of accelerating the pace of collectivization» [6, p. 379].

The period from the 1930s to the end of the 1980s is marked as «the period of the absence of a free and voluntary system of cooperation on Ukrainian lands, since the collective farms and consumer associations that were subordinated to UKOOPSPILKA were not cooperatives in their essence» [5, p. 14].

On May 26, 1988, the Law of the USSR «On Cooperation in the USSR» was adopted, which laid the foundations for the creation of various types of cooperatives, in particular agricultural ones.

According to the developers of the above-mentioned legal act, «it was supposed to reveal the «huge potential possibilities of cooperation», ensure the growth of its role in accelerating the social and economic development of the country, strengthen the process of democratization of economic life, give new impetus to the collective farm movement, create conditions for the involvement of people in cooperatives population» [2, p. 51].

The Law of the USSR «On Cooperation in the USSR» «remained the legal basis for the activity of agricultural cooperatives in Ukraine until August 1997» [2, p. 54].

The modern stage of the agricultural cooperation development began in 1992 with the adoption of the Law of Ukraine «On Consumer Cooperation».

In turn, the first agricultural consumer cooperative was registered in 1993.

On July 17, 1997, a special Law of Ukraine «On Agricultural Cooperation» was adopted.

At the same time, the Law of Ukraine «On Cooperation», which «determines the legal, organizational, economic and social foundations of the functioning of cooperation in Ukraine» [7], was adopted in 2003.

It is worth noting that the cooperative legislation was not without certain shortcomings.

As emphasized by Nepochatenko E.A. and Prokopchuk E.T., «a large number of new farms appeared, people who began to work independently on land shares, which became the basis for the formation of agricultural consumer cooperatives» [8, p. 232].

In 2009, the «State target program for the development of agricultural service cooperatives until 2015» was adopted.

At the same time, unfortunately, the outlined period was characterized by the lack of proper state support for the national cooperative movement, which, as a result, led to a gradual decrease in the number of agricultural cooperatives.

In order to restore the development of agricultural cooperation, on July 21, 2020, the Verkhovna Rada of Ukraine adopted a new edition of the Law of Ukraine «On Agricultural Cooperation», which the developers of the aforementioned legal act consider to be the «Constitution» of agricultural cooperation, which was awaited for 29 years.

However, it must be emphasized that cooperative legislation remains imperfect, as there are inconsistencies between cooperative legal acts.

Despite the update of the regulatory framework in the field of the agricultural cooperation, which is definitely a positive factor, the development of the agricultural cooperation in Ukraine is extremely slow, which is, in particular, affected by the lack of adequate state support for agricultural cooperatives, the insignificant level of financing of the cooperative sector of the economy, imperfect agricultural policy, which needs modernization, economic crisis, war and other factors.

Conclusions. Summarizing the above mentioned, we can conclude that a retrospective analysis of the development of agricultural cooperation in Ukraine shows that at various historical stages insufficient attention is paid to the issue of the development of agricultural cooperation by the state, there is an insignificant level of financing of the cooperative sector of the economy, an imperfect agricultural

policy, which significantly inhibits development of the national cooperative movement, existing shortcomings in the legislative base.

The conducted study of the historical experience of the development of agricultural cooperation will contribute to the further determination of the main guidelines for the modernization of the directions of state agrarian policy at the current stage, the prevention of repeated adoption of erroneous decisions, the elimination of factors that restrain the development of agricultural cooperation, and the provision of favorable conditions for the effective functioning of the cooperative movement on the territory of the independent Ukraine .

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