

Features of Sanitary Legislation in Ukraine in the Mid-20th Century: Historical Overview

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Abstract

The paper deals with the determination of main features of sanitary legislation in Ukraine. The designated chronology of research is the latter half of the 20th century as an era of changes in this legal sphere as an answer to the technical and social changes of that time. There were outlined such features as: dynamic, interdisciplinary and preventive character of sanitary legislation with elements of international awareness. It was outlined the extended usage of statistic data and periodicals as specific sources of this sphere. The impact of scientific progress in 60-70th was indicated as one of the affecting features of that time changes in sanitary legislation. It was carried out an extensive analysis of the legislation of Ukraine of the abovementioned period.

Keywords: Sanitary law, legal history, legislation, Ukraine

1. Introduction

At the current stage of global development, environmental crisis, and adopted policy of sustainable development it is advisable to make a retrospective analytics of the sanitary legislation and its main features in Ukraine. This country is one of the biggest in Europe, thus it makes Ukraine a crucial actor on the whole-european arena of sanitary well-being.

The purpose of this paper is to determine the essence and features of sanitary and epidemiological legislation adopted on the territory of Ukraine in the twentieth century, making emphasis on the 60-70th, as a period of so called “boom” in the issues of people’s health and sanitation.

Sanitary sphere covers the sustainability issues, whether sustainability can be defined as the practice of maintaining world processes of productivity indefinitely—natural or human-made—by replacing resources used with resources of equal or greater value without degrading or endangering natural biotic systems (Lynn R. Kahle, Eda Gurel-Atay, 2014).

The importance of the research on the sanitary legislation can be proven by the fact, that four goals from 17 Sustainable Development Goal’s adopted by Resolution of General Assembly on September, 25, 2015 ‘Transforming our world: the 2030 Agenda for Sustainable Development’ concern, *inter alia*, the sanitary prosperity. But it should be noted that the problems of sanitary law and sanitation in historical aspect were devoted papers of two past centuries (i.e. “Plague legislation in the Italian Renaissance” (Carmichael A., 1983) and the paper of 19th century – “Some Results of Sanitary Legislation in England since 1875” (Gary N.&Calkins S., 1891). This affirms the high

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priority of the topic both in modern and in historical discourses.

Therefore paper is devoted to the essential features of sanitary legislation in Ukraine in the mid-20th century with the main aim – to give the general description of the sanitary sphere for all readers who are not fully acquainted with this topic.

2. Methodology

Since the sphere of sanitation and its legal provision is a sort of multidimensional phenomenon such an interdisciplinary study requires the usage of a *set of methods* that reveals the problem fully.

Structural-systemic and structural-functional methods used to determine the internal structure of the sanitary and epidemiological legislation, to establish its hierarchy, as well as to clarify the functional purpose of the acts from which this legislation evolved. Historical and legal approach was useful for the study of historiography and source base, the disclosure of genesis and trends in the development of legal regulation of sanitary and anti-epidemic activity, as well as substantiation of the periodization of sanitary and epidemiological legislation. Internal comparison made it possible to outline the main features of the sanitary legislation.

2.1 Sources

During the research there were used *primary and secondary sources*. It is obvious that to reveal the basic features of sanitary legislation the primary sources were used widely. These primary sources of the study include a sufficient number of different types and categories, in particular: normative legal acts; draft legal acts, etc. Periodicals are the distinct noteworthy group of source.

Among the acts of sanitary and epidemiological legislation that came into force after the transformation of the Ukrainian Socialist Soviet Republic into the Ukrainian Soviet Socialist Republic and the adoption of the Constitution of the Ukrainian SSR in 1937, a number of provisions and resolutions were approved and adopted by the Council of People's Commissars of the USSR, the Council of People's Commissars of the Ukrainian SSR, Commissariat of Health of USSR, Council of Ministers of the USSR, Council of Ministers of the Ukrainian SSR, Ministry of Health of the USSR, etc. In particular: the provision "On the People's Commissariat of Health Protection of the USSR", approved by the resolution of the Council of People's Commissars of the USSR, the provision "On district and city sanitary-epidemiological stations", approved by the People's Commissariat of Health of the USSR, the act "On district sanitary and epidemiological stations" approved by the Ministry of Health of the USSR, the decree "On the State Sanitary Inspector of the USSR", adopted by the Council of Ministers of the USSR, the provisions "On State Sanitary Inspection in the USSR" approved by the decision of the Council of Ministers of USSR.

The structure of the key laws of the USSR on the sanitary and epidemiological sphere includes two main laws: "On the Approval of the Fundamentals of the Legislation of the USSR and the Union Republics on Public Health" of 19 December 1969 and "On Public Health" of 15 July 1971.

Depending on the subject of regulation, all acts of sanitary and epidemiological

legislation of that period on the territory of Ukraine, can be divided into three main groups, such as: 1) to determine the competence of the system of bodies, institutions and their officials on management and control in the sphere of sanitary and anti-epidemic activity; 2) on strengthen measures aimed at the prevention of epidemics; 3) on establishment of measures for the fight against epidemics, their cessation and liquidation. At the same time within the framework of the second group (strengthen measures aimed at the prevention of epidemics) it is possible to allocate several subgroups – depending on the scope of ensuring sanitary and epidemiological safety on such issues as: (1) circulation of food; (2) protection of the environment (in particular, water, air, soil, etc.); (3) industrial construction; (4) labor protection; (5) life and leisure, etc. Thus, as it can be seen from the abovementioned, the scope of sanitary well-being was governed from different aspects.

Concerning the secondary sources there should be noted There is a number of monographs (thesis) on the legal regulation of sanitation in Russian Empire (Pristanskova N., 2007), organization of public health protection in Kharkiv during the Russian Empire era (Robak I., 2007) and further development in the 20th century: the sanitary legislation in Ukraine (genesis and trends) (Grynzovskyi A., 2015), internal policy of Ukrainian State in field of public health and social protection (Zhvanko L., 2002), et al. All these abovementioned authors used the historical methods to distinguish some general and specific features of the exact period.

3. Main Results

3.1 Overall Periodization

The research singles out three historical periods in the 20th century: first, Russian Empire of the early twentieth centuries (1901–1917); second, the revival of Ukrainian statehood (1917–1920); third, the Soviet stage (1917–1991). In its turn, the period of revival of Ukrainian state is separated into another three stages: first – during the Central Council of Ukraine (also called Tsentralna Rada of Central Rada) (1917–1918); second – during the Hetman P. Skoropadsky (1918); third – the times Directorate of the Ukrainian People's Republic and the Western Ukrainian People's Republic (1918–1920). Soviet period, due to the peculiarities of state and law-making, can be divided into four stages: the first – the early years of the Soviet regime (1917–1922), the second – after establishing the USSR (1922–1937); the third – after the adoption of the Constitution of the Ukrainian SSR in 1937 (1937-1970); the fourth – 1970–1991 - after the adoption of the "Fundamentals of Legislation of the USSR and the Union Republics on Health" in 1969 and their entry into force, until the USSR collapsed.

3.2 Mid-20th century

Authors examined such periods, but focusing more on the mid-20th century as a study. Consider the following basic acts of Ukraine within the specified time should be noted - October 29, 1963, the resolution of the Council of Ministers of the USSR approved the provision "On State Sanitary Supervision in the USSR". According to this act, the main tasks of sanitary supervision were: to control the implementation of measures aimed at elimination and prevention of environmental pollution (water, air,

soil) by harmful industrial waste; improvement of working, education and life conditions of the population; control over the organization of measures to prevent infectious diseases, etc. This provision determined the legal status of the bodies of the state sanitary surveillance (Main Sanitary and Epidemiological Department, Sanitary and Epidemiological Stations, Sanitary and Epidemiological Departments, as well as Sanitary and Epidemiological Services).

For the system of acts of sanitary-epidemiological legislation on the territory of the USSR, the 1970 was the year of beginning of a new stage for their formation. This is due to the fact that on December 19, 1969, the Supreme Council of the USSR adopted the Law "On Approval of the Fundamentals of Legislation of Health of the USSR and Union Republics". By this law, the Supreme Council of the USSR approved the Fundamentals of Legislation of the USSR and the Union Republics on Health, but determined that they came into force on July 1, 1970. At the same time, the Presidium of the Supreme Council of the USSR was commissioned to bring the legislation of the USSR in line with the Fundamentals. Thereby, the legal basis for the implementation of the health legislation, including the sanitary and epidemiological was laid.

In addition, Section 3 contained the general sanitary requirements for the planning and construction of settlements (Article 20), the purification and disposal of industrial and municipal waste and discharges (Article 21), the occupancy of premises (Article 22), the maintenance of industrial premises, housing and other buildings and areas (article 23), the prevention and elimination of noise (article 24), drinking water (article 25), manufacture, processing, storage, transportation and sale of food (article 27), the manufacture, use, storage and transportation of radioactive, toxic and potent substances (Article 28). Along with this anticipated approval there are required standards and specifications with health authorities (Article 26), the passage of certain employees of enterprises, institutions and organizations of mandatory medical examinations (Article 29), the implementation of prevention and elimination of infectious diseases (Article 30), public health education (Article 31).

On July 15, 1971, the Supreme Council of the Ukrainian SSR (Verkhovna Rada) adopted the Law of the USSR "On Health". In accordance with the resolution of the Verkhovna Rada of the USSR "On the Enactment of the Law of the Ukrainian SSR on Health", this law came into force on October 1, 1971. In addition, the Presidium of the Verkhovna Rada of the Ukrainian SSR was instructed to bring the legislation of the Ukrainian SSR, and the Council of Ministers of Ukraine. To bring the decision of the Government of the Ukrainian SSR into conformity with the Law of the RSFSR "On Health".

The Law of the Ukrainian SSR "On Health", as well as "Fundamentals of Legislation on Health of the USSR and Union Republics", consisted of a preamble and nine sections, which were also devoted to: general provisions (section 1), occupational healthcare and pharmaceutical activities (section 2), ensuring the sanitary and epidemic well-being of the population (section 3), treatment and prevention services to the population (section 4), maternity and childhood care (section 5), health resorts, recreation, tourism and physical education (section 6), medical examinations (on disability, forensic, forensic-psychiatric) (section 7), medical and prosthetic aid (Section 8), the order of application of international agreements (section 9).

The Ukrainian SSR Law "On Health" was bigger by volume than the "Fundamentals of

Legislation on Health of the USSR and the Union Republics”, and contained 88 articles, 20 of which (up to 22.72% of the total) were devoted to the health and epidemic well-being of the population. Thus, Article 22, in contrast to Article 18 of the Fundamentals, provided for the sanitary and epidemiological welfare of the population of the Ukrainian SSR only, whereas in the Fundamentals - the whole of the USSR. Such provision, as well, had to be implemented through comprehensive sanitary and sanitary-epidemic measures and a system of state sanitary surveillance. The same situation was with other provisions of Article 22 - they completely duplicated the provisions of Article 18 of the Fundamentals, except that there was mentioned Ukrainian SSR, of course, instead of the Union Republics.

On May 31, 1973, a resolution of the Council of Ministers of the USSR approved the "Regulation on State Sanitary Supervision in the USSR". It defined the main task of state sanitary surveillance in the USSR; outlined the system of bodies and institutions of the sanitary and epidemiological service, which were responsible for carrying out state sanitary surveillance; the authority of the Ministry of Health in the field of public health supervision; grounds, order of imposition and amount of penalties for violation of sanitary-hygienic and sanitary-anti-epidemic rules and norms, etc. At the same time the resolution of the Council of Ministers of the USSR "On State Sanitary Supervision in the USSR" of October 29, 1963 was abolished.

According to the paragraph 1 of the "Regulations" the main task of state sanitary surveillance in the USSR was to control the conduct of sanitary-hygienic and sanitary-anti-epidemic measures aimed at eliminating and preventing pollution of the natural environment, improving the working conditions, training, living and living conditions, to prevent and reduce morbidity.

In turn, in order to develop Article 19 "Fundamentals of Legislation on Health of the USSR Union and Union Republics", according to paragraph 2 of the "Regulations" state sanitary surveillance in the USSR was to be carried out by the bodies and institutions of the sanitary-epidemiological service of the Ministry of Health of the USSR and ministries of health of the Union republics in the form of preventive and current sanitary supervision over carrying out sanitary-anti-epidemic measures and observance by the ministries, departments, enterprises, establishments, organizations, and citizens of hygiene and sanitary and anti-epidemic rules and regulations.

3.3 Main Features

Usage of periodicals. The normative legal acts of sanitary-epidemiological legislation that were in force on the territory of Ukraine in different periods of the twentieth century are very diverse - statutes, laws, decrees, regulations, instructions, decisions, orders, rules, norms, international agreements, conventions. A considerable number of newspapers and magazines published articles on sanitation and epidemiology, texts of regulations, descriptions of the control of infectious diseases, reports on epidemics and cases of infectious diseases, sanitary chronicle. Thus, not only the legal acts can be seen as a source of historical knowledge in this field, but periodicals.

Among the periodicals quite extensive sources can be given, such as: "Moscow Medical Newspaper" (1875); the newspaper of scientific and practical medicine and hygiene "Medical reports" (1876, 1877); "Journal of the Ministry of Justice" (1907, 1914); the

monthly scientific and practical journal "Soviet Health" (Ministry of Health of the USSR) (1976, 1978, 1979, 1980, 1984, 1985, 1986, 1987, 1989, 1990); the monthly scientific and practical journal "Soviet medicine" (People's Commissariats of Health of the USSR and the RSFSR) (1978, 1985); the monthly scientific and practical journal "Hygiene and Sanitation" (Ministry of Health of the USSR, the All-Union Scientific Union of Hygienists) (1991) and others.

Dynamic character. However, due to the high dynamism of the sanitary-epidemiological legislation, its systematization was carried out periodically. The emergence and spread of various epidemics, the desire to create their own system of sanitary and epidemiological bodies, etc., forced to develop and adopt new acts regulating sanitary and epidemic activities. At the same time, the specificity of the state system led to the adoption of legislation of the RSFSR government in the legislation, while the acts adopted at the level of the Ukrainian SSR largely duplicated the provisions of the RSFSR governmental acts.

Impact of scientific progress. Formation of sanitary-epidemiological legislation at all stages of the twentieth century occurred under the influence and in the light of those sanitary and epidemic circumstances that developed over a period of time, as well as the achievements of scientific and technological progress. The peculiarity of sanitary-anti-epidemic activity (its focus on prevention, cessation and fight against epidemic diseases) necessitated the application in its regulation of normative-legal acts that were of intersectoral nature (mainly at the junction of medical and administrative, labor, financial legislation). The hallmark of acts of sanitary-epidemiological legislation was the presence of technical standards.

Interdisciplinary character. The study of sanitary-epidemiological legislation in force in the territory of Ukraine in the twentieth century. the attention was paid to the writings of medical scientists, historians, as well as in the works of historians of law, scholars in administrative law, public administration, environmental law, etc. However, they do not provide a sufficient amount of historiographic base, which makes it impossible to fully explore all the problematic aspects of the topic under consideration. Sanitary and epidemiological legislation was the focus of scientific research mainly in the study of a broader range of issues (state regulation of health care, activities of health authorities and institutions, etc.), and only occasionally concerned health or sanitary legislation – however, only to enumerate or classify legislative acts by certain criteria, without examining them in detail.

The complex nature of the sanitary-epidemiological legislation that was in force on the territory of Ukraine in different historical periods of the twentieth century, covers the acts of medical, administrative, other fields of legislation, as well as international agreements, conventions, etc. At the same time, attention was paid to the sectoral transformation of the sanitary-epidemiological legislation from the constituent police (administrative) to the element of medical legislation (health legislation). In its turn, medical legislation is proven to be in the complex branches of legislation (at the junction with administrative law).

In addition, the vast majority of acts were of an intersectoral nature, which was caused by their being at the junction of medical and administrative legislation (for example, the Council of Ministers resolution of 24 May 1918 "On the formation of the Ministry of

Public Health and Guardianship”, "On the transfer of the Chief Medical and Sanitary Department and the Department of State Guardianship to the Ministry of Public Health and Guardianship", etc.). Similarly, the inter-sectoral nature differed between acts on the border of medical and financial law, which provided for the provision of appropriations or credits for the control of epidemics.

Preventive character. The peculiarity of sanitary-epidemic activity (its focus on the prevention, cessation and fight against epidemic diseases) necessitated the application of acts of not only of medical nature, in particular, sanitary-epidemiological legislation, but also of those which had inter-sectoral norms as administrative, labor, financial law, etc. Sanitary-epidemiological legislation of that period was supplemented by international legal acts, which contained norms of international, medical and administrative law.

The analysis of acts of sanitary-epidemiological legislation that were in force in the USSR in 1937-1970 shows that the number of acts aimed at combating epidemic diseases were decreasing, while the number of acts aimed at preventing increased, *vice versa*.

International awareness. In the early 20th century Ukraine was still part of the Russian Empire, as its territory were ratified by the Russian Empire in the late XIX - early XX century. Therefore, International Sanitary Convention and signed intergovernmental agreements by the Russian Empire were elements of sanitary-epidemiological legislation.

Several key conferences of that time were held in Venice (1892, 1897), Dresden (1893), Paris (1894). The decisions made at these conferences were enshrined in the conventions that expressed the views of epidemic control of the time and became the basis of the sanitary regime for many of the countries that joined them. At the beginning of XX century the active international cooperation in the field of plague continued. For example, from October 10 to December 3, 1903, an international sanitary conference was held in Paris, which again discussed measures to combat cholera, plague, and yellow fever. It was adopted a Convention on December 3, 1903. Some time later, at the international level, it became necessary to harmonize the provisions of the Paris Convention of 1903 with new scientific advances in the field of the epidemiology of exotic diseases, as well as to discuss the situation with numerous cholera epidemics in Europe. This was the reason for holding a new conference in Paris from November 7, 1911, to January 17, 1912, the main objective of which was to mitigate (moderate) the provisions of the Convention 1903.

Along with the development and adoption of international conventions, there were adopted bilateral and multilateral international agreements of a *local importance*, namely: between the Russian Empire, Austria-Hungary and Romania on February 18 (2 March), 1895, between the Russian Empire and the German Government on April 19 (May 2), 1907. All of them were directed to establish sanitary supervision, in case of cholera occurrence in the border areas.

In turn, from May 10 to June 21, 1926, on the initiative of the Government of the French Republic, an international sanitary conference was held in Paris to revise the convention signed in Paris on January 17, 1912. The International Sanitary Convention was adopted, which contained the rules necessary for compliance by States parties with the onset of plague, cholera, yellow fever and some other contagious diseases in their territory. However, it was ratified only on August, 23, 1931.

On October 28, 1938, an International Sanitary Conference was held in France at the request of Egypt regarding the sanitary protection of borders.

At the 4th World Health Assembly in 1951, it was decided that instead of the existing International Sanitary Conventions, the International Sanitary Rules should be developed. The same year, the International Sanitary Regulations came into force, they enacted measures against conventional diseases that were aimed at preventing the occurrence of dangerous epidemic diseases during mass movements. These rules were periodically amended in 1955, 1956, 1960, 1963 and 1965.

On July, 5, 1969 at the 22th session of the World Health Assembly it was adopted the “International Health Regulations”. It represented a revised and consolidated version of the previous International Sanitary Regulations. The purpose of their development and adoption was to provide guaranteed protection against the spread of infectious diseases in international traffic. There were supposed to implement epidemiological surveillance aimed at detecting and combating infectious diseases. Thus, in order to destroy the source of the spread of infectious diseases, it was necessary to improve sanitary and hygienic conditions in all airports and ports, as well as in the adjacent areas. States should have been informed of the epidemic. In addition, sanitary supervision was to ensure that sanitary measures were observed. In 1973, these rules were amended to address anticholera sanitation. Subsequently, at the 34th Session of the World Health Assembly on 1981, the 1969 health regulations were amended to abolish smallpox due to its global elimination.

4. Conclusions

The purpose of this paper was to determine the essence and features of sanitary and epidemiological legislation adopted on the territory of Ukraine in the twentieth century, making emphasis on the 60-70th, as a period of so called “boom” in the issues of people’s health and sanitation. By D. Filtzel it becomes increasingly clear that modern industrial capitalism may be rendering our planet unfit for future long-term human habitation.

Taking in account all abovementioned it has to be summarized the main feature of sanitary legislation in Ukraine in the 20th century as: dynamic character, impact of scientific progress, international awareness, interdisciplinary and preventive character.

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