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TÍTULO: Procesos de migración en el imperio ruso: análisis teórico y legal.

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RESUMEN: Este artículo está dedicado al análisis de los procesos de migración en el Imperio ruso (XVIII - principios del siglo XX). El objeto del estudio fueron las relaciones sociales asociadas con los procesos de migración de la población (externa e interna) en el Imperio ruso en el período especificado. Se presta especial atención a las normas del derecho nacional ruso en el Imperio ruso desde principios del siglo XVIII hasta principios del siglo XX, que consagran los principios de regulación legal de las relaciones jurídicas en el campo de los procesos migratorios; posición de la doctrina jurídica rusa en el campo del derecho migratorio.

PALABRAS CLAVES: características generales, procesos migratorios, imperio ruso, política, población indígena.

TITLE: Migration processes in the Russian Empire: theoretical and legal analysis.

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ABSTRACT: This article is devoted to the analysis of migration processes in the Russian Empire (XVIII – early XX centuries). The object of the study was social relations associated with the processes of population migration (external and internal) in the Russian Empire in the specified period. Particular attention is paid to the norms of Russian national law in the Russian Empire from the beginning of the 18th century to the beginning of the 20th century, enshrining the principles of legal regulation of legal relations in the field of migration processes; position of the Russian legal doctrine in the field of migration law.

KEY WORDS: general characteristics, migration processes, Russian Empire, politics, indigenous population.

INTRODUCTION.

In modern conditions, an analysis of the historical stages and the specifics of the legal regulation of migration processes in the Russian Empire at the beginning of the 18th century until the beginning of the 20th century will make it possible to determine the content of migration policy and its reflection in Russian legal science of that period.

One can talk about the beginning of the legal regulation of migration processes in the Russian state starting from the second half of the 18th century, which is characterized by the formation of the migration policy of the Russian Empire.

During this period, a system of interrelated normative documents is formed on the regulation of migration. At the same time, throughout the history of Russian law, one can find some elements relating to issues of state control over the movement of their population and foreigners. In the scientific literature, it is customary to distinguish several stages of the development of migration processes in the Russian state. In our opinion, the most detailed approach should be recognized, in which six periods are distinguished.

The beginning of legal regulation of migration processes in the Russian state can be said, since the second half of the XVIII century, which is characterized by the formation of migration policy of the Russian Empire. During this period, a system of interrelated normative documents on migration regulation is being formed. However, throughout the history of Russian law one can find some elements relating to the control of the state power over the movement of its population and foreigners.

DEVELOPMENT.

Research methodology.

This article in the process of cognition of state-legal phenomena were used: a) General scientific methods (formal-logical, systemic, structural-functional, concrete-historical); b) General logical methods of theoretical analysis (analysis, synthesis, generalization, comparison, abstraction, analogy, modeling, etc.); c) private scientific methods (technical and legal analysis, specification, interpretation, etc.) [Komarov S.A. (2019), p. 32].

Study results.

In the scientific literature, it is accepted to allocate several stages of development of migratory processes in the Russian state. The most detailed approach, in our view, should be recognized, in which there are six periods.

The first period - the colonization (XIV - XIX) - was characterized by massive territorial displacement of the population associated with the processes of resettlement in the territory of Russia, which was facilitated by constant wars, both internal internecine and external attacks.

The second period - pre-revolutionary (second half of the XIX century. - 1917) - was associated with the abolition of serfdom and some liberalization of movement. The Stolypin agrarian reform carried out within the framework of this period was one of the first state programs for the resettlement of the population of the Russian Empire.

The third period - the 20-30s of the XX century - was characterized by the activation of migration processes in connection with the civil war, collectivization and industrialization of the country.

The fourth period is connected with the Great Patriotic War, which led to mass migration, determined by military and labor mobilization and demobilization. In addition, the fighting in the western territories of the USSR caused a massive forced migration of the population.

The fifth period - 1945 - the beginning of the 1990s - was associated with the post-war restoration of the national economy and the implementation of industrial-agrarian programs of population relocation.

The sixth period - the 90s - the beginning of the XXI century is characterized by a significant transformation of migration processes associated with the development of internal migration into external. This period is characterized by the emergence of new migration flows: forced, external, illegal migration. This was the reason for the creation of specialized state bodies involved in migration processes and the formation of migration legislation [Semchera J.V. (2003), pp. 38-42].

The given periodization in general terms characterizes migration processes in the history of the Russian state. We will use the periodization given by A.N. Zherebtsov, who distinguishes three periods: the first is the pre-revolutionary period (until 1917); the second is the Soviet period (from 1917 to 1991); the third is the post-Soviet period (from 1991 to the present) [Zherebtsov A.N. (2007), p. 31].

In our opinion, in this periodization, within the framework of the first period, two stages can be distinguished: until the middle of the XIX century and from the second half of the XIX century. This classification of periods of development of migration processes is based on such a criterion as «a regulated and government-initiated, targeted policy of resettlement of the population to solve state and public tasks» [Zherebtsov A.N. (2007), p. 31].

Justifying the proposed periodization, A.N. Zherebtsov notes: «For the pre-revolutionary stage, the implementation of the Stolypin agrarian policy was a typical example of the formation of a state policy of population migration. The Soviet stage of development of migration processes in Russia was distinguished by a variety of decisions in the field of population migration. Among them are: the prohibition of all types of external migration; introduction of a passport system and internal registration of state citizens. In addition, the state initiated the resettlement of the population in the uninhabited areas of Siberia, the Far East, Central Asia, etc. The post-Soviet stage of the development of migration processes in the Russian Federation is associated with the collapse of the USSR, the openness of the main part of the borders of the Russian Federation, and social conflicts that have arisen in the post-Soviet space. This period is characterized by the recognition of external, external labor, forced and illegal migration of the population and, as a result, the development of a regulatory framework for public administration of these migration processes» [Zherebtsov A. N. (2007), p. 31-32].

A specific type of state-organized migration process during the Soviet period was the deportation of ethnic communities, for example, Chechens, Ingush, Karachais, Balkars - from the North Caucasus, Crimean Tatars - from Crimea, etc. [Bugai N.F. (1993), pp. 30-63].

It should be noted that such a division into periods is very arbitrary, however, from the point of view of the analysis of the legal regulation of migration processes in the Russian state, the chronological boundaries are justified. The division into these periods is due to the characteristics and activity of the migration processes, as well as the relative stability of the migration situation in

the chronological boundaries of the period and the presence of continuity between the periods. In this case, by continuity we understand the conditionality of the characteristics of each subsequent period by the socio-economic and political conditions that have formed in the framework of the previous period.

The study of migration processes in dynamics, starting with the legislative consolidation of migration policy, will allow not only to recreate the general picture of population migration and determine its characteristic features characteristic of a specific historical period, but also to identify the most important areas for improving the legal regulation of modern migration processes.

Consider these periods in more detail.

During the first stage of the development of migration processes - until the middle of the XIX century — migration was characterized by colonization. In «the Course of Russian history» by V. O. Klyuchevsky wrote: «the whole history of Russia is the history of the country that is colonized... and periods of Russian history - the main moments of the colonization» [Klyuchevsky V.O. (1956), p. 30].

The expansion of the country's territory for centuries encouraged the government of the Russian state to take care of the settlement and development of new lands. During the 300 years of the Romanov dynasty in the South of European Russia moved 11 million people [Rybakovsky L.L. (2001), p. 140]. By the beginning of XX century on the South and East of the country annually moved by 200 thousand people [Kaufman A.A. (1905), p. 4]. In 1900-1914 years in Siberia and the far East have moved 4.5 million [Rybakovsky L.L. (2001), p. 140]. Therefore, the legal regulation of migration processes occupied a Central place in state policy.

The government started to implement the function of controlling the movement of the population in the period of Ancient Russia. Thus, for example, it was established the requirement of «connoisseur» for each not belonging to the community of man. In other words, any alien person was assigned the duty to provide a personal guarantee of one of the members of the community.

The attitude of the state towards the movement of the indigenous population and foreigners differed significantly. In order to preserve the religious unity of the state and for «warnings to foreigners to conduct the Russian political affairs» [Belyavsky N.N. (1915), p. 24], the government has set limits to foreigners. They were allowed in the Russian city only with the permission of the Supreme government.

Russian citizens enjoyed the right to freely move throughout the state, for foreigners, this right was limited. In the case of foreigners appeared Institute «travel certificates». The earliest information about these documents found in Novgorod in the end of XIII century, where they were issued to foreigners to freely return to their country of residence. The documents were a kind of identity card for foreigners and at the same time allowed local authorities to control their behavior [Zheludkova T.I. (1977), p. 24]. From the end of XV century are «travel certificates» by which foreigners enter Russia, and Russian citizens went abroad. Without «a special grant of letters patent for red seal» [Zheludkova T.I. 1977, p. 78] foreigners could not enter the territory of the Russian state and that she can sit in his cities and fairs [Derujinsky V.F. (1911), p. 35].

In the XVII century, the right to freedom of movement was further restricted. The Cathedral Code of 1649 contains provisions on the need for identification of all people in order to control their movement (Articles 1-6 of Chapter VI «On Traveling Letters to Other States», Articles 47 and 55 of Chapter XVIII «On Traveling Letters for Serving People of Siberia and the Lower Volga» and «On Traveling Letters for Foreigners») [24, pp. 83-257].

Migration processes to new territories in the XVI-XVII centuries were characterized by undulating character. Free peasant migration, as a rule, preceded the state development of territories. Among the reasons pushing the peasants to change places, besides natural and economic, social - increasing feudal exploitation and serfdom became increasingly important. The state did not impede the resettlement of the population. According to N. Vasin notes: «the Moscow government not only

did not stop this movement, but in every possible way facilitated it and even often looked through fingers at the shoots of written people in new lands» [Vasin N. (1910), p. 15].

By the end of the XVII century, the legal regulation of migration processes was carried out by numerous normative acts establishing the order of residence and movement for various purposes of representatives of all classes of Russian and foreign nationals. Different in nature and significance of normative acts did not represent a coherent system, which required their codification. Attempts to revise the Cathedral Code of 1649 and systematize legal acts have been undertaken since the end of the XVII century.

For harmonization, the legislation has created several commissions (there were eight in total, starting from Peter's and ending with Catherine), each of which introduced new elements to the draft Law. The result of codification was the creation in the first half of the XIX century of the Complete Collection of Laws of the Russian Empire in 46 volumes.

The introduction of poll tax and recruitment duties, as well as the increased flight of peasants from landlords, led to increased control over the movement of the population. This was reflected in the creation of a passport system at the beginning of the XVIII century, as well as in numerous additional restrictions on freedom of movement. So, for example, by the Decree of Peter I of 1714, the obligation of «travel letters» or «passports» was introduced for citizens of the Russian Empire moving around the country or traveling abroad: «So that no one would go anywhere without passports or travel letters, but each had a passport or a letter of passage from his superior». [8]. In accordance with this Decree, the voivode or the governor was vested with the right to pass through the border of his territory only those people who had the above documents.

Responsibilities for monitoring the movement of the population, issuing permits to enter and leave the Russian Empire, as well as punitive functions for failure to perform or improper performance of the prescribed rules were assigned to the police. The activation of state migration policy during the period of the Russian Empire, which began with the reign of Peter I, required the adoption of a large

number of regulatory documents and, ultimately, led to the formation of a system of Russian pre-revolutionary migration legislation.

Russian legislation regulated the entry, stay and departure of foreigners outside the state. The first mention of the invitation of foreign specialists to the Russian service «for the common good» is contained in the Decree of Peter I of April 16, 1702 [Pavlenko P.M. (1994), p. 398]. Peter I promised them various rights, privileges and freedom of religion. Since that time, foreigners, mostly military personnel, «have taken up a privileged position and began to live so freely that other ranks themselves are already beginning to ask for their permission to settle in Russia» [Mish M.I. (1888), p. 9].

In the second half of the XVIII century, Russia intensified the attraction of foreigners to settle and develop the newly annexed vast territories, which led to the need for the formation and legislative consolidation of migration policy. Most clearly, this policy was expressed under Catherine II. In December 1762, the manifesto «On the Free Settlement of Foreigners in Russia» was signed. In 1763, the imperial decree «On the permission to all foreigners entering Russia to settle wherever they wish» was signed, subsequently supplemented by regulations on privileges and privileges for migrants. To this Decree were attached registers of free and convenient for settlement lands. Upon the arrival of foreigners, a «List of Foreign Migrants» was compiled [Abdulatipov R.G., Boltenkova L.F. (1994), p. 158].

For foreign immigrants, large privileges were provided, which included: exemption from taxes and duties for various periods depending on the importance of the settled areas; exemption from military service and from compulsory civil service; payment from the treasury for the establishment of an economy and the acquisition of the necessary equipment; freedom of religion. The repayment of the loan was provided only after ten years over the next three years in equal parts. The aforementioned Decree secured the right of foreigners to bring with them as much property without paying duties as they need for personal purposes. If they brought property with them for the

purpose of sale, then a duty of more than 300 rubles was levied on duty. This provision was valid if the foreigner had lived in Russia for at least 10 years, otherwise duties were collected from him upon entry and exit from the country [25].

«Foreigners of all nations» could come and live in Russia [5]. An exception was established for Jews (except Karaites and Asian Jews), «for clergymen of Armenian religion, members of the Jesuit Order and foreign clergymen of the Eastern Church who were allowed into Russia only with the permission of the Holy Synod» [Korkunov N.M. (1902), p. 191]. As is evident from this restrictive list, the criterion of prohibitions was ideological.

Foreign nationals permanently residing in the territory of the Russian Empire were equated with certain estates and could freely move along with representatives of estates from among Russian nationals. Limitations were established by law; for example, foreigners of non-Asian origin were allowed to settle in Western Siberia only with special permission, «requested by the procedure determined by the Ministry of internal affairs» [Korkunov N.M. (1902), p. 191].

The state controlled the resettlement of foreigners in Russia. The report of the Minister of internal affairs for 1804 States: «The first rules for the admission of foreign immigrants were published, on the basis of which it is supposed to allow only farmers and artisans to settle in Russia who have reliable evidence that they are good owners, owe nothing to their Government and enough wealthy to the extent that everyone has personal money or goods of at least 300 guilders; Khersonskaya, Yekaterinoslavskaya and Taurida provinces were appointed for their settlement mainly for farmers, gardeners and winegrowers. All such settlers are allowed to acquire land ownership, with the restriction that upon leaving Russia they are obliged to sell them to Russian subjects» [Varadinov N. (1858), pp. 124-125].

Similar information about the number of foreigners who were allowed to settle on Russian territory, the requirements for them and the place of resettlement, depending on the interests of the state, was contained in the annual reports of the Minister of internal Affairs.

Thus, the Russian state in XVIII - first half of the XIX century actively used foreign specialists and entrepreneurs, but only for the purpose of development of certain branches of agriculture and industry. The basis of migration policy of the state lay the statutory procedure for the settlement of foreigners on the territory of the Russian Empire. Since the second half of the XIX century, the government is pursuing measures to restrict immigration, which included: restrictions on the admission of aliens on public works, with the exception of cases of refusal of production of such works Russian subjects; identification of specific industries experiencing labour shortages (mining, metallurgical, etc.) for the use of foreign labor; the prohibition of sales to foreign nationals of state lands.

A favorable migration policy in relation to foreigners required the security of migration processes and control over their location. Article 121 of the Charter of the Deanery [13] enshrined the obligation for private bailiffs to observe foreigners residing in their part. Private bailiffs should have known what they are doing, what kind of life they lead, and report everything to the city.

As for the internal migration of the Russian people, it was characterized by a restriction on the right to free movement for certain groups of the population, depending on the class, property status, nationality, or occupation. One of the differences in the legal status between «persons of a taxable and non-taxable status» into which all citizens of the state were legally divided was the restriction of the right to freedom of movement. Nobles and honorary citizens belonging to an exorbitant state were free to move, for which the state issued them unlimited passports. For representatives of taxable states and for national minorities (Nagays, Kalmyks, Jews, Bashkirs, Siberian natives), the «Charter on Passports and Runaways» [12] established restrictions on freedom of movement.

In order to control the movement of the population throughout the country, the Charter established for representatives of each estate permanent residence in the territories allotted to it: «... bourgeois - in that city or on landlord lands where they are recorded in the philistine books» (Article 4); «Don trade Cossacks cannot have a permanent residence anywhere, except for the region of the Don

army» (Article 5); «Artisans and townspeople are supposed to live there ... where they are recorded in workshops» (Article 6); peasants - «in those villages and places to which they are assigned, or where they are recorded in the poll salary» (Article 7).

At the place of arrival, all visitors were required to present passports to representatives of the local police. In large cities, address tables were created where the police sent information about all arriving and departing.

«The majority of Russian estates had local corporate organization: the hereditary nobility in the provinces; the merchants of the Guild burghers - the towns; the peasants, on rural societies and rural municipalities. The exception was: personal noblemen, honorable citizens and working people» [Korkunov V.M. (1892), pp. 201-202].

Each class was given the right to form special companies (legal entities): bourgeois society of the noble Assembly. Such a society had a strict hierarchy with a clear division of responsibilities of its members; for example, the Philistine elders, standing at the head of the bourgeois classes, their assistants or foremen carried certain statutory duties, among which were: the content of the list of all townspeople; collect all the payments, lying on the bar; issuance of certificates to be eligible for absence.

Merchants, like the burghers, formed in each city a special merchant society. Their organization was determined by the same rules as the structure of the philistine society [Korkunov V.M. (1892), p. 212].

Thus, the internal migration of urban residents (representatives of the philistine and merchant classes) was strictly controlled by the state. The scope of any population movements around the country was strictly regulated by law, and their implementation was under the jurisdiction of class self-government, controlled by state authorities.

An important role in the police supervision of the urban population was played by Address Expeditions, or, as they were originally called, Address Offices established by the police in the cities of St. Petersburg in 1809, and in Moscow in 1816. All persons employed in private homes were required to register with such address offices and receive an «address card» (residence permit) in them. At the end of the validity period of the address card or change of residence, these persons were required to undergo a new registration in the presence of positive response from their previous place of work.

The homeowners were also involved in the supervision of the population, who were obliged to immediately report all arriving and departing persons and in no case to keep passports or those who had expired their passport. In case of violation of the established rules, the law provided for heavy fines. The slightest suspicion of unreliability could serve as the basis for expulsion from the capitals. In this way, the central government sought to take control of the migration processes of the urban population.

As for the villagers, they were even more limited in their freedom of movement within the territory of the state. Under the legal status of rural inhabitants, various segments of the population fell: state and serfs, peasants and Cossacks. By the end of the XVIII century, serfs became the full property of the landowner, which meant their consolidation over a certain territory. Without the permission of the state or landowner, they were not able to change their place of residence. The legal status of peasants changed only after 1861 in connection with the elimination of serfdom. This circumstance contributed to the influx of rural population into industrial centers. According to statistics, it was during this period that labor migration increased significantly.

Special rights to free movement possessed the Cossacks, who were also referred to the rural inhabitants and were a special military class.

The Russian state also regulated the position of foreigners - «tribes that do not obey the general legislation and enjoy special management» [9]. The legislation divided them into several categories, the legal status of which varied significantly. Russian foreigners made up two specific groups: Jews and Eastern foreigners (Stavropol province, Siberian, Kalmyks, Nogais, Trukhmens, Kyrgyz). Resident aliens were equated in rights with «natural inhabitants» [10].

The state allocated land to nomadic foreigners for farming, cattle breeding and local crafts. For these purposes, they could only migrate within the allotted land. Wandering foreigners enjoyed the same rights as nomadic, but they did not have lands assigned to them, but could freely move from province to province [11].

A special position, in comparison with other foreigners, was occupied by Jews. On the one hand, they remained foreigners in accordance with the «Charter on Passports and Runaways». However, on the other hand, Jews were vested with the right to live «alternately with natural inhabitants in cities and villages» [Korkunov V.M. (1892), p. 250] and therefore were obliged to ascribe to one of the states established in the state. Noting this inconsistency of the legislation, N.M. Korkunov pointed out: «Although Jews are not allocated a special locality for their exclusive settlement, like other foreigners, Jews still do not enjoy freedom of movement, and as a general rule they can only settle in the Jewish settlement, this is the most significant feature of the legal situation Jews» [Korkunov V.M. (1892), p. 251].

Determining the boundaries of the movement of Jews attributed to various conditions, the state granted certain categories of Jews the right to universal residence; for example, the following circumstances were recognized as qualifications for general residence: a five-year stay in the first merchant guild; graduation or study at a higher educational institution; the specialty of a pharmacist, paramedic, obstetrician or dentist. By the provisional rules of March 3, 1882, Jews were again forbidden to settle in cities and towns.

Realizing its own idea of ensuring the security of migration processes, the state did not issue documents on the right of migration at that time to certain groups of the population. Such persons, who, unlike the rest of the population of the Russian Empire, had a special legal status, included the following:

- 1) Jews, excluding those who were granted the right to reside permanently or temporarily in certain provinces of the country.
- 2) members of the sect of the eunuchs, in view of the prevention of the possibility of involving other people in their religion.
- 3) Gypsies, excluding those assigned to merchant and petty bourgeois societies.
- 4) persons involved in criminal cases (such persons had a passport, if they themselves were not in a place of permanent residence, was selected by magistrate or a judicial investigator, who, in turn, could provide such persons, if necessary, for temporary absence, with a certificate for specially established form).
- 5) «Finnish» passports were issued by their immediate superiors with an exact indication of the place in the Empire, where they want to have a temporary stay [Andreevsky I.E. (1874), p. 240].

Thus, before the peasant reform of 1861, migration processes were regulated by a number of normative acts, which provided mainly for administrative and organizational measures of influence. During this period, migration was carried out in the form of government or landowner colonization, but to a greater extent free-people's resettlement. The main directions of regulation of migration processes were as follows:

- The determination by the state of settlement areas, which were politically and strategically important eastern and newly annexed territories.
- The determination of the areas of evictions, which include small, but relatively densely populated territories of the center of the European part of the state.

– The determination of the contingents of immigrants.

Government policy measures reduced to benefits and material assistance to immigrants when moving and settling in a new place, which were usually financed by the state treasury.

After the peasant reform of 1861, one of the most important was the question of settlement and economic development of the outskirts of Siberia, Kazakhstan, the North Caucasus, and the Volga region. Not having sufficient land allotments, deprived of the opportunity to find work in cities, peasants left for fertile, sparsely populated outskirts. Strengthening migration processes required the development of a state migration policy. However, the government did not immediately realize the need to regulate the resettlement movement. Legal regulation of resettlement was not carried out properly. According to one of the largest theoreticians and researchers of the resettlement movement, who was directly involved in solving the problem of resettlement, A.A. Kaufman, «peasant reform in the field of resettlement was not a step forward, but a step back» [Kaufman A.A. (1905), p. 176].

To show the difference in the scale of migration processes in the post-reform period A.A. Kaufman gives an excerpt from the report of State Secretary Kulomzin in 1896: «the resettlement movement, as a phenomenon of popular life, did not exist with us; there were relocations at the call of the government itself, and there was, and not rarely, the transition of individuals under the influence of exceptional circumstances to sparsely populated areas, but it is not possible to compare such withdrawals with the modern movement» [Kaufman A.A. (1905), p. 16].

But even at that period the public interest in settlement of the suburbs forced the government to promote resettlement. An example of this is the politically necessary measures to settle the annexed Amur region, the Amur and Primorsky regions, the foothills of the Western Caucasus. In these regions, were allowed to settle for everyone. Special rules, in particular, «Regulation on the settlement of the foothills of the Western part of the Caucasus, the Kuban Cossacks and other immigrants from Russia» from May 10, 1862 [14] all the people were provided with special

benefits. As noted by M. S. Savchenko: «Migrants from the state peasants was determined by the Ministry of state property. All families were given benefits. In addition, they were granted exemptions from service, aft and runs the money as well as funds for the construction of public buildings and churches» [Savchenko M.S. (2006), p. 264].

In the mid-70s of XIX was published regulations on the order of colonization of the Kyrgyz steppe [Kaufman A.A. (1905), p. 20]. A feature of the resettlement policy of the Russian Empire was the actual ban on the resettlement of peasants from the western provinces, so as not to weaken the presence of the state-forming ethnic group in the western region.

In 1881, the Regulation «On the establishment of provisional rules on the relocation of peasants to free state lands» was adopted. However, this normative act not only did not facilitate resettlement, but rather hindered it, since the allotment of land for settlement and loan assistance lagged significantly behind the objective need for them. This was due to the adoption of the Provisional Rules on Relocation, providing for the possibility of resettlement of rural residents within European Russia. It is characteristic that these rules, which were not promulgated because of fears of stimulating migratory movements, nevertheless became quite well-known among rural residents of the low-land regions of Russia and gave a powerful impetus to migration processes: the number of families who received permission to move increased from 15 in 1881 to 13109 in 1888, i.e. almost 900 times [23, p. 187].

By the end of the XIX century, conceptual views on migration processes were formed, which allowed the state to pursue a fairly effective resettlement policy. Before the adoption of managerial decisions, both scientists in scientific discussions and representatives of the authorities discussed the functions of resettlement, the rights to it of various classes, the role of the state in organizing resettlement, and incentive methods.

The concept of phased resettlement was recognized, according to which the outskirts of the state were to be settled by residents of neighboring territories. According to A.A. Kaufman, the success of such a resettlement was due to the similarity of the climatic and economic conditions of the areas of departure and resettlement of migrants [Kaufman A.A. (1905), p. 27].

Resettlement was allowed with prior permission from the Ministry of Internal Affairs and the Ministry of State Property. Requests for permission to relocate were made at the place of residence to the governor, who sent them to the Ministry of Internal Affairs together with information on the property and economic situation of persons wishing to relocate and with the conclusion of Gubernsky on peasant affairs presence. The Minister of Internal Affairs made such a request to the Minister of State Property and their general decision was communicated to the Governor.

Two different schemes were successfully used to assist the settlers, which successfully complemented each other. According to one scheme, the main assistance was provided to specific migrants in order to facilitate their resettlement in areas of settlement. According to another scheme, the main thing was not concern for each particular migrant, but the need to develop the settlement area itself. To assist the migrants, warehouses of agricultural implements and products were organized, work was carried out to expand the road network, and to explore new territories. At the same time, unable to cope with the flow of immigrants, the government lowered the size of the loan aid, carried out the laying of roads on the residual principle, which impeded the migration movement [Yamzin I.L., Voshinin V.P. (1926), p. 30].

Thus, migration was seen as a means of achieving certain state geopolitical and economic goals associated with the colonization of the outskirts. At the same time, the resettlement was mainly forced in nature and was due to economic, climatic and military-political reasons.

The increase in migration flows necessitated the reform of the passport system. However, the development of the new law lasted for more than 30 years, and only on June 3, 1894 the State Council approved the «Regulation on residence permits», [Code 1895a] which substantially detailed

the implementation of state control over the territorial movement of the population. The commission developing the draft Regulation noted that «in the current state of our lives... a passport seems necessary both for the purposes of the police and in the interests of the population ... in police matters, passports and registration are important in monitoring the movement of the population» [Derujinsky V.F. (1911), p. 45].

This normative act established the compulsory availability of residence permits only for persons permanently residing in areas of «enhanced or emergency protection, as well as persons residing in furnished rooms» (Article 3). Article 4 enshrined the following provision: «A residence permit serves as an identity card, as well as the right to leave the place of permanent residence in cases where this right must be certified. If a person is found who is absented or living without an established type, where he is required, or with an expired or inappropriate view, the police, if the person proves his identity, will issue him a certificate for a period sufficient to obtain a residence permit, and in any case no more than six months. In case of expiration, the certificate holder is provided with a special certificate for departure within seven days to the place of permanent residence. A person who has not left for a place of permanent residence within the indicated time period shall be sent to it by police measures».

For tax-paying classes had a norm, according to which no residence could not leave their permanent place of residence beyond a certain distance and for a limited time. In addition, Chapter V of the Regulations on residence permits contain limits for individual national minorities. This allows to make a conclusion on discriminatory nature of this normative act. This is evidenced by provisions that restrict the rights of individuals for example, adult sons, unmarried, had a right to obtain a passport only with the permission of the head of the peasant household, and the peasants, which number of arrears, only with the consent of the rural community (article 19). The analysis of the Provisions on residence permits, 1894 allows to make a conclusion about the strengthening with the

adoption of this normative act, the state control over the movement of the vast number of population of the Russian state.

During the revolution of 1905-1907, the state was forced to revise its migration policy. The growth of the revolutionary crisis, the unresolved agrarian question, the preservation of landlord tenure and peasant land shortage, the high degree of exploitation of workers, political lawlessness and lack of democratic freedoms, bureaucratic arbitrariness, accumulated social protest were the political and socio-economic reasons for migration at the beginning of the XX century [Orlov A.S., Georgiev V.A., Georgieva N.G. (2002), p. 299].

Under the influence of the progressive part of the population, the central government was forced to carry out significant liberalization of the legal regulation of migration processes. The state abandoned the traditional policy of restriction and switched to a policy of freedom of resettlement. The new course of resettlement policy was issued by Decree of October 5, 1906, which abolished restrictions on the rights of rural residents, as well as representatives of other taxable estates and established the right of these persons to freely choose their place of residence along with privileged estates [Zheludkova T.I. (1977), p. 29]. By allowing complete freedom of resettlement, the government supported those migrants.

To implement the migration policy, a specialized department was created - the Migration Directorate, which was responsible for developing the resettlement policy and coordinating the activities of other departments in this area. As a well-known specialist in the study of population migration, I.L. Yamzin, this department has acquired the character of an institution of extreme importance, since it actually influenced «the lifestyle and development of the productive forces of entire territories of the state» [Yamzin I.L., Voshinin V.P. (1926), p. 68]. The resettlement authorities received appropriations for land management, land reclamation; organized soil and geobotanical surveys, sent to the places of specialists - statisticians, naturalists, economists; produced a variety of literature. The very name of this state body reflected the understanding of the

migration policy of the Russian Empire of that period, which involved the relocation of part of the population to new territories from labor-surplus provinces.

The government expanded and refined the system of state benefits for immigrants, pursuing a flexible resettlement policy. If the volumes of resettlement exceeded the desired, then the size of the loan aid decreased.

Of the two main tasks of the state's migration policy — the settlement of low-land peasants and the settlement of marginal lands — the second was most successfully solved. According to A.A. Kaufman was able to solve local problems of resettlement rather, sometimes having a tangible effect on a particular community or parish (less often on the county), from where a significant part of the population leaves for new places [Kaufman A.A. (1905), p. 49].

According to L.L. Rybakovsky, the main achievement of the migration policy of that period is the theoretical justification of a methodologically new for that time, an integrated approach to regulating resettlement. The state power of imperial Russia comes to the conclusion that «... resettlement in the exact sense of the word should give way to the broad tasks of colonization. The main task of the resettlement policy should not be the expulsion of the working masses from their homeland, but the settlement of the outskirts by Russian people, and the center of gravity of the resettlement business should be shifted to its qualitative side - the strength of the device for new settlers and, at the same time, to improve the general cultural situation of settlement. New methods of colonization technique were developed, plans for the consistent settlement of certain localities, with thoroughly thought out preparations for certain areas to receive new residents» [Rybakovsky L.L. (1973), p. 90].

Carrying out the historical and legal analysis of migration processes in the Russian state, it is necessary to dwell on one more type of territorial movement of people, the peculiarity of which is forced. Forced migration in pre-revolutionary Russia was associated with the execution of punishments for crimes.

Since the second half of the XVII century exile acts as a «penal colonization» for solving economic problems in Siberia. In the Decree of August 11, 1652, it was prescribed to send in exile with wives and children [Orlov A.S., Georgiev V.A., Georgieva N.G. (2002), p. 439]. Since its inception, exile has had a dual purpose: punitive and colonial. The government defined places of exile and penal servitude, usually where there was a shortage of labor. At the same time, the state strove to populate its outskirts in this way. Among those exiled in court there were exiles to hard labor, to settlement, to placement and to living. During this period, the registration of all visitors to the «hut» was carried out by the clerks and the priests.

In the XIX century, a system of state management of forced migration was formed in the form of a political exile to Siberia, headed by the Emperor and subordinate to him III Department of his Imperial Majesty's own Chancellery. Formed on July 3, 1826, it played a leading role in the execution of sentences of state crimes and, especially, in the management of political exile.

The reference to the life and settlement, as well as the placement for vagrancy was canceled on June 12, 1900 by the law «On the abolition of the reference to life and the restriction of the reference to the settlement». At the same time, the reference to hard labor and the judicial reference to the settlement for state and religious crimes persisted until 1917 [Lisin A.G., Petrenko N.I. (1996), p. 31].

A study of migration processes in the pre-revolutionary period allows us to conclude that at each historical stage, population migration had specific features determined by economic, demographic reasons, as well as the need to develop newly annexed territories, but overall it was characterized by relative continuity between the early and late stages.

Until the middle of the XIX century, the migration of the population of the Russian state was distinguished by its colonial character. At this time, migration was not characterized by large scales, since serfdom of a significant part of the Russian peasantry had a strong restraining effect on the migration mobility of the population.

Migration development of new territories in the XVI-XVII centuries had a two-stage nature. Free peasant migration, as a rule, preceded the state development of annexed lands. In the system of factors of peasant migration, in addition to natural and economic factors, social acquired increasing importance - intensified feudal exploitation and serfdom. The introduction of capitation and recruitment duties at the beginning of the imperial period, as well as the increased flight of peasants from landlords, led to increased control over the movement of the population. This resulted in the creation of a passport system at the beginning of the XVIII century.

From the 2nd half of the XVIII century the Russian government for settlement and development began to actively attract foreigners by granting them various rights and privileges. However, the government used foreign specialists and entrepreneurs, mainly for the development of new branches of agriculture and industry.

The migration policy of the state was based on the legislatively fixed order of settlement of foreigners in the territory of the Russian Empire. Since the second half of the XIX century, the government is pursuing measures to restrict immigration, which included: restrictions on the admission of foreigners to state-owned jobs, except in cases of refusal of such work by Russian nationals; identification of specific industries that lack labor for the use of foreign labor; prohibition of the sale of foreign nationals of state lands.

With regard to the internal migration of the Russian people, it was characterized by a restriction of the right to free movement for certain groups, depending on class, economic status, nationality and occupation. Prior to the peasant reform of 1861, the migration process is regulated by a number of normative acts, which included mainly administrative and organizational measures. During this period, migration was carried out in the form of governmental or landlord of colonization, but to a greater extent free-folk of resettlement. The main direction of regulation of migration processes was the determination of the government of areas of settlement and contingents of immigrants. State policy measures were limited to the provision of benefits and material assistance to displaced

persons when moving and settling in a new place, which was financed, as a rule, at the expense of the state treasury.

After the abolition of serfdom, the processes of peasant colonization in the framework of the state's migration policy receive mass development; economic factors acquire meaning. During this period, colonization was carried out both by compulsory and voluntary methods.

CONCLUSIONS.

A study of migration processes in the Russian Empire allows us to conclude that during this period, although there was a detailed regulation of certain aspects, there was a rather fragmented system of legislative acts aimed at regulating migration processes. Its fragmentation was due to the division of society into estates and the empowerment of representatives of various social groups with unequal rights to freedom of movement and choice of place of residence.

The formation of Russian migration legislation in the pre-revolutionary period was aimed at achieving the following goals: monitoring the movement of the Russian population and foreign nationals; determination of the legal status of the local population of colonized lands; colonization and development of the suburbs through the use of exile and hard labor.

During the implementation of the pre-revolutionary migration policy, extensive experience was gained in the legal regulation of the procedure for moving and choosing a place of residence, registration of the population, leaving the Russian Empire and entering its territory, and the legal status of foreigners in the Russian state. The direction and activity of the pre-revolutionary migration processes determined the conceptual approaches to the regulation of migration in the Russian state.

State migration policy was based on a system of conceptual views that had developed by the end of the XIX century, the main of which were: the concept of stage-by-stage («wave») relocations — when the development of a populated area was carried out through relocations from neighboring

regions, the concept of selecting resettlement and settlement areas — when the condition effective resettlement was considered the selection of areas similar not only in natural and climatic, but also in economic conditions; concept of selection of the composition of immigrants.

Conflict of interest.

The authors confirm the absence of a conflict of interest.

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