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WHAT ARE THE CONCEPTUAL FOUNDATIONS OF THE ETYMOLOGY OF THE COSSACKS

Abstract: The scientific novelty of this article lies in its first comprehensive scientific analysis of the historical and legal foundations of the revival, development, and transformation of the Cossacks (from the 15th to the 21st centuries). The work examines the formation of legal foundations, the stages of the formation of the legal status of the Cossacks in historical and legal retrospect, the role of the Cossacks in the formation and development of civil society in the Russian Federation, and the prospects for the development of the Cossacks in modern Russia. Analysis of these provisions allows us to create a comprehensive picture of the process of Cossack revival in the present day.

Key words: etymology, churching, conformism, depressed, interethnic, ethnogenesis, proto-state, taxable class, decossackization, competencies, brodnichestvo theory of dualism, etatization of the Cossacks.

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Introduction

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In the history of the Cossacks, one of the most problematic issues is the etymology of the term "Cossack." The complexity of the problem begins with defining the essence of the term "Cossack" itself.

Currently, there are many etymological interpretations of this word, but most researchers believe that its root is borrowed from the Turkic languages. The famous etymological dictionary of M. Vasmer states that "kazark, the closest etymology is: Ar-, Ukrainian Kozark, Old Russian Kozakъ "worker, farmhand", first recorded in 1395. From Ukrainian

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borrowing. Polish kozak "Cossack". The stress in the plural form Казарки is the result of the influence of the Polish-Ukrainian form; Orenburg Cossacks say: Казаки; Borrowed from Turk., Crimean-Tatar, Kazakh, Kirghiz, Tatar, Chagat. kazak "free, independent person, adventurer, vagabond". Here also "Kazakhs" pl., modern. Kazakhs are a Turkic people." Thus, we can assume that the term "Cossack" is a borrowing from the Turkic languages and means "a free, independent (liberated) person," which is indisputable evidence of the "sociolinguistic portrait of the modern Cossack." According to M. Kraismetny, the assumption of the Turkic origin of the term is connected with the opinion of Matvey Mekhovetsky, who, back in the early 16th century (1517), wrote that "Cossack" is a Tatar word, and "Kozak" is Russian, meaning a serf, a subject, a vagabond. They live on spoils, are not subordinate to anyone, and travel across the vast and deserted steppes..., looking for, as they say, "someone to devour." Subsequently, this hypothesis was accepted on faith and was not particularly considered. In his article "Adyge etymon of the word Cossack" M. Kraismetny also says that all meanings of the word "Cossack" in Turkic and Russian sources are a reflection of various aspects of the life of members of the Cossack society. They are secondary in relation to the main essence. Military valor, horsemanship, mercenaryism are only derivatives, and at the core lies the love of freedom, the desire for political freedom and independence. In the dictionary of V. Dahl, "Cossack" is defined as a Kozak (probably from the Central Asian kazmak - to wander, to wander, like a haiduk, haidamaka from haida; uskok from uskochit, to run; vagabond from wandering, etc.; the Kyrgyz call themselves Cossack), a military inhabitant, a settled warrior, belonging to a special class of Cossacks, a light cavalry army, obliged to serve on call on their horses, in their own clothes and weapons. In Ozhegov's Explanatory Dictionary, "Cossack" is defined as a member of a military-agricultural community of free settlers on the outskirts of the state. V. I. Stepanchenko in the Dictionary "We Speak, Gutarim, Balakai and Apply!.." defines Cossacks as a sub-ethnic group of Russians.

Currently, there are several etymological versions of the term "Cossack".

The Military Encyclopedic Lexicon suggests the original origin of the term is the "Turkish-Tatar word 'Kaz,' meaning 'goose.'" Later, N. Bogomolov suggests the origin of the word "Cossack" as "from the Arabic chaysy, meaning horse, or, more accurately, from the Kurtin khasp, meaning horse." He believes that "Cossack is a thoroughly Asian form of the word for a horseman" and that "etymologically, it means freeborn, nobleman, and legally, horseman, horseman, horse, or prince." The historical essays "A Century of the War Ministry" cite a number of different etymologies for the term, including, in addition to the

Turkic ones, the Mongolian variant "kozakh," meaning "border defender."

A.P. Yarkov believes the origin of the term "Cossack" is linked to the mediating role the Cossacks played in relations between East and West. The scholar believes that "Cossack" is quite possibly a Turkic word meaning "daredevil," "rebel," and "robber."

However, according to G. Z. Bayer, a German scholar in Russian service, the Cossacks, as a "brave and strong people," could not have descended from the "thieves" and "robbers" mentioned in documents from the 16th–16th centuries.

Another version of the origin of the word "Cossack" is proposed by A. A. Isakova, who believes that the most interesting and closest in meaning is the etymological version taken from Turkic languages, namely the connection with the goose. The wild white goose, or swan, is a bird that thrives both at sea and on land. The wild goose is distinguished by a strong will to freedom and the ability to survive in the most adverse conditions, which is precisely what characterizes the Cossacks. In her opinion, it is this interpretation of the term that best captures the essence of Cossackism itself, its foundations and way of life, its invincible spirit and love of freedom. However, we must agree that all the definitions we have provided are rather narrow and tied to specific time periods.

We believe that to gain a deeper understanding of the term "Cossack," it is necessary to examine the main concepts of Cossack origins. Questions regarding the origins of the Russian Cossacks, their ancestors, the formation channels of the first Cossack communities, the problem of a unified origin for the Cossacks, and the formation of the Cossack territory remain controversial. Depending on their position, authors sometimes hold diametrically opposed views, varying chronologies, and use different geographic references for events.

Currently, there are two main interpretations of the origins of the Cossacks: the hypothesis of their autochthonous, or indigenous, origins and the migration-colonization theory of the origins of the Cossacks. The autochthonous hypothesis is based on the recognition of two origins in the formation of the Cossacks: Slavic-Russian and Turkic. V. N. Tatishchev and A. I. Rigelman, who adhered to the first interpretation, considered the Cossacks to be among the most ancient peoples, and associated their emergence with the Tmutarakan Principality. According to them, it existed on the Taman Peninsula in the 10th–12th centuries.

V. D. Sukhorukov, E. P. Savelyev, and L. N. Gumilyov define the Tmutarakan Principality as encompassing a broader geographic scope—the Azov region and the western part of the North Caucasus. The composition of Tmutarakan's population is also assessed in different ways. In some cases, it is

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considered Old Russian, while in others, it is mixed, even with a predominance of Kosogs. The authors believe that the diverse nature of the Tmutarakan Principality's population predetermined the basis for the formation of the Cossacks. The Tmutarakan periphery includes Kabarda, where Cossacks were allegedly located as early as the 10th century.

It should be noted that proponents of such theories, lacking direct documentary evidence, rely primarily on indirect evidence. Primary among these is the presence of words of Turkic origin in the Don dialect. This has led to a highly complex interpretation of the etymological meaning of the word "Cossack" itself. In support of this, the term "Cossacks" is interpreted in a distinct social sense, primarily in two ways:

firstly, as a free warrior, a border guard;
secondly, as a mass that had broken away from the social environment and consisted of robbers, daredevils, mercenaries, vagabonds, who had neither a stake, nor a yard, nor crops, nor livestock.

One of the approaches to the autochthonous hypothesis of Cossack origins is the Brodnichestvo theory. Its origins can be traced back to the 18th century.

N. M. Karamzin defined Brodniki as Russians who lived on the Don and were the prototype of the Cossacks. In the 19th century, mainly from the 1980s, the Brodniki theory was intensively developed. Then it was significantly supplemented by Professor P. V. Golubovsky. He was the first to identify Brodniki with the pre-Mongol (11th-12th centuries) Slavic-speaking population of the steppe areas of southern Russia. The Brodniki version of the origin of the Cossacks can be traced in the works of V. V. Mavrodin and especially L. N. Gumilyov, who place Brodniki on the Don, calling them Don Slavs, Khazars or some Russians who lived in the 12th century among the Polovtsians. Recently, the Brodniki version has found a second wind, in particular through the works of B. V. Ovchinnikova. The Brodnik version of the origin of the Cossacks certainly contains a number of interesting observations, but overall, despite its attractiveness, it is not convincing enough. First of all, because it does not have any solid evidence. The argumentation is mainly based on indirect evidence, taken from second or even third hands. As for the migration-colonization theory of the formation of the Cossacks, it boils down to the fact that the Cossack ancestors were freedom-loving people from the Russian and Polish-Lithuanian states, those who did not put up with the increasing feudal bondage. Accumulating on the Russian border, these fugitives "scattered" along the rivers - the Dnieper, Khopra, Don, Volga, Terek, Kuban, and then along the waterways of Siberia, the entire East and Central Asia. There they formed the well-known free communities, and then the corresponding Cossack troops. This

theory received its final form in the studies of S. M. Solovyov, V. O. Klyuchevsky, and D. I. Ilovaisky.

During the Soviet era, this theory gained widespread acceptance and became an unquestionable truth, despite attempts to synthesize the autochthonous and migration-colonization theories. L. N. Gumilev took this approach the furthest, believing that the Cossacks' roots, through the Brodniki, descended from the Orthodox Khazars. The migration theory is not without foundation in this respect, but it requires clarification, namely:

Firstly, the replenishment moved not only from Russian-Slavic, but also from other regions (although the main flow was probably directed from Russian-Slavic regions). Over the course of centuries, the autochthonous Cossack ancestors were subjected to intensive Russification and Christianization. It is possible that the rulers of the Russian state kept the doors to the south open because this was the policy of the most painless annexation of new territories through gradual and long-term assimilation of the small nationalities living along the perimeter of the borders;

Secondly, not only champions of freedom and Orthodoxy fled to the Cossacks, but also real adventurers, lovers of adventure, thirsty for easy money.

Transparent borders and existing religious tolerance facilitated the free flow of people. Local isolation created conditions for the formation of a new community. Thus, the beginning of the emergence of the Cossacks dates back, in all likelihood, to the turn of the 13th-14th centuries, and an adequate answer to the question of the origin of the Cossacks does not consist in choosing between different versions of the autochthonous and migration-colonization theories, but in their benign synthesis. A positive solution to the problem of the origin of the Cossacks from one root would allow us to unambiguously define the Cossacks as a people (ethnos).

However, some researchers see more ancient roots of the Cossacks. Thus, the author of the first history of the Don Army, A. I. Popov, spoke of the origin of the Cossacks from the Amazons. The scientist V. M. Pudavov claimed that the Don Cossacks were descendants of the ancient Slavs who served as guards for the Khazars back in the 8th - 10th centuries, and then preserved their faith, nationality and combat formation for 600 years. The researcher of the Cossacks, E. P. Savelyev, saw an even more ancient origin of the Cossacks. He wrote that in the 12th century the Cossacks in order to systematically analyze the origin of the Cossacks (Cossacks), and therefore, to a certain extent, their place in history and in modern life, it is necessary to analyze those factors that, taken together, allow us to separate one people (ethnos) from another and have received the name of ethnic determinants in science. An analysis of various versions of the origin of the Cossack name, an analysis

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of the language situation in the Cossack lands, carried out both diachronically and synchronously in several areas, an anthropological analysis and an assessment of the ethnic self-identification of the Cossacks do not favor the theory of the origin of the Cossacks from one "ancient and mighty" root. The serious diversity of ethnic characteristics of different groups of Cossacks, the faster variability of these characteristics than that of their neighbors do not allow us to make an unambiguous conclusion about the origin of the Cossacks from a single root. This analysis allows us to draw conclusions about the closeness of the Cossacks with other groups of Russians, which could have formed either as a result of common origin or as a result of incomplete assimilation.

Analyzing the formation of the Cossack territory, one can conclude that the Cossacks had a very specific geographic location. This was the lower and, to some extent, middle reaches of the Dnieper, Don, Terek, Volga, and Ural rivers. The history of the formation of the Cossack territory goes back centuries. Population groups that played a role in the formation of the Cossacks had lived here since at least the 10th–11th centuries, and, according to some sources, since the 6th century AD. The subsequent expansion of the Cossack territory is associated with the nationwide process of colonization of the outskirts of Russia, in which the Cossacks played a very active role both voluntarily and at the behest of state authorities.

It must be acknowledged that the origins of the Cossacks are complex. The origins of the Cossacks included, to varying degrees, groups of local, indigenous populations of the Northern Black Sea and Azov regions, nomadic settlers of the Middle Ages, masses of refugees from Muscovite and Lithuanian Rus', and the sovereign will of the Russian Empire.

Cossack history is often presented by some specialists as an extremely universal subject. This is completely at odds with reality and the actual state of affairs. When studying the traditional territories of compact Cossack settlement and the territories of Cossack troops, we discover that they developed in extremely different ways. Each territory had its own specific characteristics and peculiarities. Many phenomena in Cossack history can be explained by the natural Cossack dualism—a crucial factor in the progressive development of this ethnic and sociocultural community. It is precisely this Cossack dualism that serves as the basis for contradictions both within the community itself and in the process of establishing relationships and interacting with civil society institutions and government structures. It is precisely this principle that must be taken into account when explaining the role of the Cossacks in historical and social processes. Many "blank spots" have remained and continue to remain in the history of the Cossacks. These may include the subject of methodology for researching the Cossacks, the issue

of interethnic relations and interethnic cultural interaction of the Cossacks with other nations and ethnic groups, as well as the confessional issue of self-identification of the Cossacks, and much more.

Without a doubt, the formation of any ethnic group is a process of stages. The question of identifying the stages of Cossack ethnogenesis is linked to determining their historical predecessors and ancestors. The early history of the Cossacks, the first stages of their formation, are still a subject of debate. However, it is perhaps already safe to say that the beginnings of Cossack history should be sought much earlier than the 16th century. The southern Russian forest-steppes, the steppe Ciscaucasia, the Azov region, and the northern Black Sea region—the regions that became the cradle of the Cossacks—were never empty. Fugitives from the Muscovite and Lithuanian "Ukraines" did not flee to an empty place; there was someone to meet them in the steppes. Communal military-democratic self-government, a stable military-robbery and hunting lifestyle, and the distinctive features of Cossack culture, according to A.V. Sopov, speak of centuries of continuity. It is impossible to draw a clear line from the distant predecessors of the Cossacks to their direct ancestors, namely:

firstly, because it would be an over simplification;

Secondly, it wouldn't correspond to reality. The history of the formation of the Cossacks is too complex to be definitive. Perhaps, up until the 15th century, we can only speak of the emergence of a kind of "pre-Cossack" or "proto-Cossack" culture.

We have no serious grounds for concluding that a distinct Cossack "people" existed in earlier times, as the direct and sole ethnic ancestors of the modern Cossacks. This is also confirmed by an analysis of legal monuments of that period, which make no direct mention of the existence of the Cossacks at that time. Old Russian law, like any law, was born together with the Old Russian state. This law was the law of privileges, i.e., the law immediately stipulated that there was no and could not be equality between people belonging to different social groups. Thus, for example, a kholop in the "Russkaya Pravda" was practically not recognized as a person. His children were equated with the offspring of cattle. The short version of the "Russkaya Pravda" identifies categories of people in need of special protection from the prince. These include people who left the community, "merchants", "outcasts", servants of the prince, warriors: "gridni" - junior warriors; "yabedniki" - princely clerks, tiuns, judicial officials; "swordsmen" - princely warriors, judicial servants; "Rusyns" - residents of Kievan Rus; "Slovenins" - residents of the Novgorod land. In addition to these categories of citizens, there are mentioned "vidoki" - witnesses, eyewitnesses (Articles 2, 10); "lechitsi" - doctors; "chady" - children; "Varangians" - residents of

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Scandinavia (Articles 10, 11) ("Varangians" and "kolbyags" in the documents of that time are called foreigners regardless of their nationality); "chelyad" - slaves (Article 11); "poruchniki" - guarantors or witnesses (Article 14); "ognishchanin" - senior warrior, boyar (Article 19); "pod'ezdny" - a collector of various receipts in favor of the prince (Article 19); "tivunets" - a house manager, butler (Article 21); "kormilich" - a tutor, uncle (Article 27); "stary konyukh" - a groom, a senior groom (Article 23); "emets" - a princely official, a catcher (Article 41). In the Extended Edition of "Russkaya Pravda" this list is expanded, and we find in it such categories of persons as "golovnik" - a murderer (Article 35); "ryadovich" - a peasant, feudally dependent on the prince (Article 5), an artisan (Article 15); "slave-artisan" (Article 38); "mytnik" - an official who collected duties and monitored the rules of trade (Article 38); "chernets", "chernetsky" - belonging to monks, i.e. a monastery (Article 46); "gorodnik" - an architect, construction manager (Article 97); "mostnik" - a manager of the construction of wooden bridges (Article 99); "metelnik" - a person who keeps written records (Article 107); "siroty" - feudal-dependent peasants (additional article). As we can see, there is no mention of the Cossacks in these legislative documents. Based on this, the question arises: could those who drafted these laws have omitted the Cossacks from the text as a free category of persons independent of the prince, the church and other members of society? We believe that at that time this was, in all likelihood, impossible. Thus, in Article 110 of the "Russian Truth" "On serfdom" (Extended edition) establishes three cases of loss of personal freedom and transition to a state of complete (obedient) serfdom - this speaks of the regulation of the conditions of serfdom by the authorities and the role. The role played by categories of feudally dependent populations in the princely and boyar households was crucial. The struggle was for every worker. Through laws, the authorities sought to gain unlimited power to control the destinies of people and punish them for their desire for socio-economic independence. The legislator sought to maintain the peasants' dependence in any case, even if this concerned minor feudal lords who occupied serf positions in the boyar and princely courts (Article 111). Therefore, in our opinion, any personal or collective freedom for any category of inhabitants of the Old Russian state is out of the question. For example, according to Article 114, the owner of a runaway serf could count on the assistance of any mayor in capturing him. This is evidence that state power is involved in the search and capture of the fugitive seeking to free himself from dependence.

Main part

The church played an active role in public administration, legal proceedings, and taxation, enjoying a number of privileges related to its

ideological priorities and the special conditions for the formation of power. Princely Statutes and Charters defined the bilateral relations between secular and ecclesiastical authorities. This concerned primarily the collection and distribution of tribute, the ownership of land, people, finances, etc. Thus, the Charter of Prince Vladimir Svyatoslavich of the Olenin edition (late 12th – first half of the 13th century) specifies the location of the church organization (Articles 2, 3), and speaks of church people (Articles 6, 10, 11). The Charter of Prince Vladimir Svyatoslavich of the Synodal edition (14th century) speaks of church courts and church people (Articles 6, 10, 13, 14, 16, 17). Furthermore, the legislator defines those aspects of life that fall specifically within the jurisdiction of the ecclesiastical court. Another existing source, the Statute of Prince Yaroslav the Wise (14th century), addresses punishment for violating ecclesiastical law. This document contains articles regulating the relations of church members (on fornication, drunkenness, and baptism), as well as an article on their jurisdiction. Punishable acts previously mentioned in other legislative acts are listed, as well as acts attributed to ecclesiastical jurisdiction. This document includes new crimes, taking into account the national characteristics of Rus'. However, even these documents make no mention of the Cossacks. Only the Cathedral Code of Tsar Alexei Mikhailovich of 1649 (Chapter VII, "On the Service of All Military Men of the Muscovite State") became the first legislative act regulating military service in the Russian state, in which we find city Cossacks among the servicemen "by instrument." These Cossacks belonged to the regiments of the new order and received "korma" (salaries in kind or cash) for their service, as well as certain privileges, such as the right to duty-free trade in Russian cities. Having examined the legal documents of that time, we can conclude that the first written laws of the Old Russian state (before the 15th century) do not mention Cossacks. Consequently, during the initial stage of the formation of the early feudal Russian state, Cossacks cannot be identified as an element of its society, as the process of Cossack emergence is not reflected in the law—either secular or ecclesiastical. This once again confirms the existence of a "proto-Cossack" people before the 15th century. Apparently, a wide variety of ethnic components participated in the formation of this "proto-Cossack" people. The presence of an ancient Slavic population of the "Khazar steppes and forest-steppes" in the 10th–11th centuries is no longer in doubt. Khazar tributaries—Slavic farmers, as well as wanderers engaged in various trades and transportation—apparently constituted a significant percentage of the Khazar Khaganate's population. The military and economic might of the Tmutarakan Principality in the 11th and 12th centuries was largely due to its Slavic-Russian population. Despite all the

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historical catastrophes (the Polovtsian onslaught, the Mongol-Tatar invasion, the rule of the Golden Horde), this population, for the most part, did not disappear, but, adapting to certain conditions, passed on its culture, language, traditions, and blood to subsequent generations.

After the defeat of the Khazar Khaganate by the Kievan Prince Svyatoslav in 964–965, and then finally by the Polovtsians in the late 11th century, the Christian Khazars, who were similar to them in religion and culture, began to gravitate toward the Slavic-Rus'. It is possible that as early as the 12th–13th centuries, they constituted a single ethno-confessional community or a group of closely related communities. There is no serious reason to exclude the "Black Hoods" from the Cossack ancestry. They occupied the same economic, cultural, and professional niche as the Cossacks did later. That is, they performed military service, guarding the borders of the Russian state from belligerent neighbors, in exchange for land and monetary allowances. It is known that in the 12th–13th centuries, The Black Hoods were subjected to powerful cultural and linguistic influence from Kievan Rus, were heavily Christianized, but, however, did not completely break with their old nomadic tradition and, therefore, were not completely assimilated.

The opinion of those researchers who consider the Polovtsian-Kipchaks among the Cossack ancestors appears entirely justified. The first thing to note here is that the Polovtsians drew nearly the entire population that preceded them in the Black Sea region and the Don steppes into their orbit. Adopting the Kipchak ways of organizing and living, as well as civilizational landmarks, the ancient inhabitants of the Eastern European steppes naturally retained their physical appearance and, to some extent, their language and cultural characteristics. Interestingly, fair-haired Caucasians predominated among the western Kipchak hordes. Their straw-colored hair earned them the Russian name "Polovtsians." Secondly, having defeated and subjugated the ancient population of the Eastern European steppes, the Polovtsians themselves were subjected to powerful cultural and civilizational influences from the conquered peoples. The influence of their neighboring enemies—the Russians—was also significant. According to a number of reliable sources, by the early 13th century, the Polovtsians were already integral participants in all major military and political events in Southern and Eastern Rus'. Polovtsian nobility and commoners adopted Christianity, adopted Russian names (Khan Yuri Kotyanovich, for example), and intermarriage, along with the capture and integration of large numbers of people from both sides, were common. The overall picture is as follows. The Mongol-Tatar invasion caught the Polovtsians at a crossroads. On the one hand, the Western Kipchak hordes, due to a number of historical events and

political circumstances, were already significantly different from the Eastern Kipchak-Cumans, namely:

firstly, the Polovtsians had not yet fully "digested" within themselves the conquered and subjugated peoples;

secondly, they themselves were subjected to powerful assimilation by Rus'.

It was the population of the Polovtsian Horde that became the main population of the Jochi Ulus. The Mongols, having conquered vast territories, merged among the conquered, adopting their language and culture and ultimately imparting to them one of their ethnic names—Tatars. The population of the Jochi Ulus (Golden Horde) was not and could not be united. Nor were the Polovtsian-Tatars, who numerically predominated in the Horde and became the ethnic ancestors of nearly all the peoples that emerged within the territory of that state, a fully consolidated ethnic group. Under such circumstances, some portion of the Polovtsian people, apparently heavily Slavicized and Christianized by that time, could well have participated in the formation of the "proto-Cossack" ethnic group. The identification of this group of "Cossack ancestors" can, with a certain degree of conventionality, be called the first stage of Cossack ethnogenesis. The second stage, apparently, can be traced to the Golden Horde period (13th–14th centuries), when, within the vast multi-ethnic organism, the first "proto-Cossack" communities of young, often single, daredevils began to form, settling in the most dangerous border regions of the state. In general, during the Golden Horde period, the name "Cossacks" was used as a professional and group designation, but most likely did not yet have an ethnic character. It is hardly justified to speak of any earlier stage of Cossack ethnogenesis proper. The "evidence" cited in this regard is either legendary or naively toponymic. One indirect piece of evidence for the Cossacks' recent ethnic past is the absence of tribal divisions or ethnonyms of a more subtle order than a common name (as, for example, among the Bashkirs). The third stage of Cossack ethnogenesis spans the 15th–17th centuries, when independent societies of Azov, Don, and Greben Cossacks emerged onto the historical stage. A number of important points should be noted here, namely:

Firstly, the existence of special Cossack societies in the 15th century is already well confirmed by a large number of sources, including legal ones;

secondly, it is necessary to note the constant small number (or even paucity) of these societies;

Thirdly, their ethnicity or orientation is not precisely clear. Confessionally, they were, for the most part, Orthodox Christians, parishioners of the Saro-Podonsk Diocese;

fourthly, the "feeding" of Cossack societies with alien elements appears to be an indisputable fact. The flow of new arrivals was especially powerful in the 16th century due to runaway peasants, townspeople

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and serfs from the Moscow state and the Polish-Lithuanian Commonwealth;

Fifth, the small and disparate Cossack communities managed to survive and develop in conditions of total confrontation with all their neighbors thanks to a unique military organization and universal armament, which became one of the most important and striking cultural, economic, and psychological characteristics of the Cossacks. Thus, at this stage, the Cossacks appear as a unique meta-ethnic community in a period of mixing.

The fourth stage in the development of the Cossack ethnos is associated with the formation of special Cossack troops, used by the Russian state to protect its borders, pursue territorial expansion, and serve as a reserve of well-trained military forces. It can be said that the further development of the Cossacks now took place within the framework of the Russian state and the Russian ethnos. Special relations, initially contractual and then increasingly close, were established between the population of the Cossack military regions and the Russian supreme authority. The relationship between the parties during this stage developed ambiguously. Suffice it to say that all the major popular uprisings (the so-called peasant wars) in Russia occurred with the active participation of the Cossacks and under the leadership of their leaders. The vote of the Cossack elders proved decisive in the election of a new tsar.

The systematic, deliberate policies of the Russian government (resettlements, the organization of new troops, the regulation of their activities, the recruitment of Cossacks), as well as the increasing integration of the Cossacks into the fabric of Russian life (the development of economic ties, cultural exchange, the use of the Russian literary language, civil service, joint military life, and much more) led to a significant blurring of differences between parts of the Russian nation and the cessation of the process of Cossack ethnogenesis. Thus, gradually, a Cossack nation emerged that:

firstly, it is a cultural and historical community, a people

secondly, a service class formed by one or another government for its own purposes;

thirdly, an administrative-territorial entity, an economic community of all peoples and classes living on Cossack lands.

Thus, having examined the historical and legal foundations of the emergence of the Cossacks, we can draw the following conclusions, namely:

Firstly, the very essence of the term "Cossack" remains unclear. Having examined the main theories regarding the origin of the word "Cossack," we conclude that the most convincing view is that the word "Cossack" signifies a free individual, cut off from his former social environment and free to enlist in the military.

Secondly, the significant diversity of ethnic characteristics among different Cossack groups, and the more rapid variability of these characteristics than among their neighbors, preclude a definitive conclusion about the Cossacks' common origin. This analysis suggests a close relationship between the Cossacks and other groups of incomplete assimilation.

Thirdly, having examined the legal and regulatory acts of that time, we can confidently conclude that the first written laws of the Old Russian state (before the 15th century) do not mention Cossacks. Consequently, during the initial stage of the formation of the previously non-feudal Russian state, Cossacks as an element of its society cannot be identified, since the process of Cossack emergence is not reflected in the law—either secular or ecclesiastical. This once again confirms the existence of so-called "proto-Cossacks" before the 15th century.

Fourthly, the Cossacks were a completely independent ethnic group, which went through several stages of development in its formation and acquired its own characteristic features.

According to V.V. Makeyev, customary law, which represents the totality of customs, sanctioned, or state-protected rules of conduct that developed in everyday life, played a leading role in regulating social relations among the Don Cossacks, along with moral norms, religious norms, and traditions, prior to the adoption of the Imperial "Regulations on the Administration of the Don Host" on May 26, 1835. Customary law, as scholarly research shows, was the highest authority, more important than the orders and instructions of military commanders and even the general laws of the Russian state.

According to G. G. Nebratenko, in order to identify the historical and legal heritage and its possible reception, it is necessary to reconstruct the system of customary law of the Don Cossacks using scientific analysis, since it was used in the development of the legislation of the Russian Empire, which determined the legal status of the Cossack troops.

Moreover, Professor D. Yu. Shapsugov expressed the opinion that the content of customary law from the point of view of its actual legal components turns out to be richer than the content of law that it has within the framework of a purely normative understanding that prevails in modern theoretical and legal literature.

The current civic position of the official Cossacks, who seek not benefits and privileges but rather the responsibility of protecting the state border of the Russian Federation, ensuring law and order in areas densely populated by Cossacks, and educating and educating youth, deserves commendation. However, any expansion of the Cossacks' sphere of activity must be justified by historical and legal practices that took place in ancient times or at least became widespread in the recent past. The legal

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regulation of the status of the Russian Cossacks can be roughly divided into two main periods. The first, from the 16th to the 18th centuries, was dominated by customary law, and the second, from the 19th to the 20th centuries, was governed by the legislation of the Russian state. Research concerning the customary law of the Don Cossacks is currently of particular value, as it was during the period of its active application that the legal foundations of the Cossack phenomenon were laid, subsequently adopted by legislators in the development of the legal framework for the entire Cossack community.

The main subjects of Don Cossack customary law were the Don Host, the Cossack community, and the individual. A subject should be understood as a social entity, the bearer of legal status, enshrined in customary law norms and expressed in specific rights and obligations. Furthermore, a subject of customary law possessed legal personality, characterized by legal capacity, legal competence, and, in some cases, legal capacity to commit torts.

The Don Host was the "commanding" subject of Don Cossack customary law, initially representing a proto-state, military-political organization. Until the late 17th century, its legal status was determined exclusively by customary law and was characterized by a number of attributes: political sovereignty; its own territory; potestary institutions of power functioning as a military democracy; a population consolidated within self-governing communities; an aggressive military-political activity that compensated for the shortcomings of economic development; and customary law as the basic regulator of social relations (legal sovereignty).

The functions of the Don Host included a coalition of self-governing communities, protecting their populations from military aggression, organizing predatory attacks for profit, ensuring international dialogue, maintaining internal order and publicly punishing violators, and providing individuals with the opportunity to realize their spiritual needs. Meanwhile, the proto-state failed to protect the private property of wealthy Cossacks, hindering the formation of a political elite and productive economic development. These factors, taken together, were the main reasons for the impossibility of establishing a state in the Don.

The key features of the Don Cossack Host's political sovereignty as a fundamental characteristic of the proto-state were: the presence of independent, legitimate institutions of popular sovereignty; the existence and application of customary law; and the possibility of unimpeded migration to the Don from neighboring regions. At the same time, the Russian state, conscious of its involvement in the genesis of the Don Cossacks, continually attempted to limit and subsequently eliminate the region's independence and equalize the legal status of the local population with that of "Moscow service Cossacks." In 1671, after the

suppression of an uprising led by the elder Stepan Razin, the Don Cossacks were forced to swear an oath of allegiance to the Moscow tsar (an unprecedented act), thereby acknowledging their allegiance to the Russian monarch and the supremacy of his legislation over private customary law. However, the final transformation of the Don Cossack Host's legal status from a proto-state entity to an autonomous territorial entity occurred only at the turn of the 17th and 18th centuries. This was associated with a change in the status of the institutions of the host circle and the host ataman (from potestary to public), the de facto cessation of international dialogue by the Cossacks, and the tightening of regulations governing the migration of non-Cossacks to the Don. Even after this, throughout the 18th century, customary law remained the most important regulator of social relations among the Don Cossacks. The possession of their own territory is an independent characteristic closely linked to the Don Cossack Host's possession of political sovereignty at a certain chronological period. Collective ownership of the Don lands was acquired through "free occupation"—the seizure of territory outside the jurisdiction of any state. However, the confirmation of this right, as well as the preservation of sovereignty, required the Don Cossacks to wage constant struggle with neighboring non-Christian peoples. Under these conditions, the border of the Don Host remained fluid and conditional until the 18th century, determined by the current state of forces on the opposing sides. With the loss of political sovereignty, the Russian state acquired ownership of the land, though the Don Host was not completely deprived of it; having lost its right of ownership, its disposal was limited. In 1711, the region became part of the Azov (Voronezh) Governorate as an autonomous region, and in 1793, it was recognized as a full-fledged subject of the Russian Empire, designated "Land of the Don Host."

The functioning of potestary institutions of power in the form of military democracy is also a crucial feature of the legal status of the Don Host. The genesis of military democracy among the Cossacks represented one of the last examples of this type of governance in Europe. However, its emergence was not the result of the disintegration of primitive communal, or tribal, democracy, but the result of migration to the Don and the consolidation of representatives of various ethnic groups who had already undergone these stages of governance.

Nevertheless, the Don Cossacks lacked the institution of a "council of leaders" characteristic of military democracy, but they did have a popular assembly – a military circle, an elected "leader" – a military ataman, the participation of all full-fledged Cossacks in the work of the military circle and the possibility of each of them voting for the position of military ataman, and the mass arming of the population.

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The absence of a public-legal demarcation between society and institutions of power indicates that the latter was vested in a potestary form, characterized by the direct participation of all members of society in governance, rule-making, and legal proceedings, and the absence of individual or narrowly defined usurpation of power. Consequently, only those relations that affected the interests of the entire society or a significant portion of it were publicly regulated, while other legal relations were "normed" by the particular norms of Cossack customary law, the so-called "stanitsa law."

The primary potestary institutions of power in the Don Host were the military circle, which united the full male population, and the military ataman, elected to implement the circle's decisions and represent the interests of the Cossacks. In the early 18th century, potestary power was transformed into a public form, leading to the rise of the "hierarchical principle" of governance, represented by the ataman and the military elders as a privileged part of the Cossacks.

The next characteristic of the Don Host's legal status was its population consolidated into self-governing communities. The emergence of a sedentary Cossack population on the Lower Don, which became the "core" of the Don Cossacks, dates back to the first half of the 16th century. Extremely harsh conditions necessitated its consolidation into self-governing communities, formed not by kinship or proximity, but by the pursuit of joint military and economic activities. The mid-16th century marks the emergence of permanent Cossack settlements—"towns"—their number steadily increasing, as well as the existence of Cossack atamans. Each town had similarly organized local government bodies and customary law institutions. At the same time, the most important administrative functions were delegated to the Don Host's potestary authorities, established no later than the 1570s, whose authority, until the early 17th century, "extended" only the Lower Don. During the Time of Troubles, under the leadership of the "lower Cossacks", a unification of all Don Cossack settlements took place.

Another sign was the aggressive military and political activity of the Cossacks, which compensated for the deficiencies in economic development. This was a consequence of the Don Cossack army's lack of economic sovereignty, which it compensated for through predatory attacks on neighboring non-Christian peoples, as well as through humanitarian aid from the Tsardom of Muscovy. The expropriation of enemy property was carried out both through independently organized Cossack attacks and during their participation in wars as part of the Russian army. From the late 16th century, the unrestricted military activity of the Don Cossacks became the subject of active intervention by the Russian government, which only took full control in the early 18th century. From

that time on, the mobilization and dispatch of elders and rank-and-file Cossacks to permanent bases or to war were carried out strictly in rotation, under the responsibility of the Don government, and agriculture gradually became the Cossacks' primary source of surplus production.

Finally, the final sign of the Don Cossack Host's legal status was the application of customary law within the region as the basic regulator of legal relations among the Don Cossacks, indicating the proto-state's legal sovereignty. The functioning of customary law was based on the popular conviction of the need to adhere to customary legal norms developed through repeated application.

The natural development of customary law among the Don Cossacks occurred between the 15th and 17th centuries. However, as early as 1671, the Cossacks recognized the supremacy of Russian law, and a process of involution of customary law began, which continued with varying degrees of intensity throughout the 18th century. In the first half of the 18th century, with the removal of the military circle from real power and its concentration in the hands of the military ataman and the elders, customary law acquired an arbitrary character, reflecting the interests of the local aristocracy. To curb the abuses of the military elders, in the last quarter of the 18th century, a sub-branch of Russian law began to be created that regulated legal relations directly within the Don Host.

In the last quarter of the 18th century, the process of replacing Don Cossack customary law with Russian legislation became more rapid. This process was not accompanied by the "blind" dissemination of formally established legal norms, but was characterized by the development of a number of legal acts incorporating a complex set of legal customs. Legal acts of the late 18th and early 19th centuries concerning the Don Cossacks, along with customs deemed "useful" by the legislator, were systematized into a cross-disciplinary codified legal source—the "Regulations on the Administration of the Don Host," approved on May 26, 1835.

The genesis of customary law norms coincided with the formation of society, not the state. Among the Don Cossacks, the process of norm-making began with the consolidation of individuals within a distinct society, i.e., in the first half of the 16th century. Customary law norms were formed primarily in the following ways:

- of the rules of conduct of the Cossacks that had an elementary internal structure - mono - norms;
- as a result of the adoption of administrative and judicial precedents of potestary power;
- as a result of the conclusion of international treaties by the Don Cossack army with other state and non-state entities of the region, as well as agreements between subjects of the customary law of the Don Cossacks;

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- through the natural perception of the basic Christian commandments, canons and other religious norms of the Orthodox Church;

- as a result of the reception of individual customary legal norms of neighboring non-Christian peoples;

- based on the normative-legal and regulatory acts of the Russian state (charters, decrees, oaths of allegiance of the Cossacks to the Tsar).

The following features were characteristic of the customary law of the Don Cossacks:

- possession of an authoritative character that ensured the regulation of certain legal relations;

- the presence of a complex internal structure corresponding to the structure of a norm of positive law;

- the causality of norms containing mandatory provisions and the predominant permanence of norms that included permissive provisions;

- the existence of a natural order of formation and termination of customary legal norms, based not on a legal act, but on the fact of their application in practice.

Moreover, the content of a customary law norm was transmitted orally, so it possessed only a conditionally defined content, allowing for various interpretations. While mandatory, it granted subjects of customary law, depending on their status, varying amounts of rights and obligations, i.e., it had a differentiated granting-obligating nature. Oversight over compliance with the norms was vested in the law-forming society and the potestary authorities it formed. Accordingly, a customary law norm was a verbal prescription, possessing a number of specific characteristics and enforced by society, developed in relation to the immediate object of legal regulation, regulating the behavior of subjects (or subjects) of customary law when entering into certain social relations.

The fundamental sources of Don Cossack customary law were customs, legal precedents, and treaties. Each source of customary law possessed a number of specific characteristics. Thus, custom was characterized by customary legal normativity, subinstitutionality, syncretism, traditionalism, sanction, publicity, particularity, continuity, duration, and repeated application.

In accordance with this, custom in the broad sense was a traditional source of law based on repeated use, sanctioned by society, which in each specific case united several interconnected customary legal and other social norms, the action of which was aimed at regulating a certain type of social relations.

The following features were characteristic of legal precedent as a source of customary law of the Don Cossacks: normativity, causality, particularity, persuasiveness. Legal precedent among the Don Cossacks was an official instrument of self-regulation of the customary legal system of the Don Army,

ensuring the prompt elimination of normative gaps in customary law and the abolition of customs that did not meet the overall needs of society. Thus, legal precedent acted as a traditional source of law based on administrative or judicial decisions of the potestary authority containing customary legal norms, which, subject to their public sanction, in the future became an example of resolving similar cases by analogy. When making appropriate causal decisions, the authorities were guided by public prescriptions contained in customs or in previously concluded agreements, but could act as the creator of new customary legal norms or the initiator of the abolition of previous ones.

Finally, the main features of the contract under the customary law of the Don Cossacks were: regulation of both international and "intra-social" legal relations; non-binding nature of the condition of equality of the parties concluding the contract; dominance of the verbal-symbolic form of concluding agreements; ensuring the fulfillment of the terms of international treaties by the parties concluding them, and "intra-social" - by the bodies of the military, stanitsa administration and "parties". Guided by the above-mentioned features, the contract is a source of customary law, based on voluntary, primarily verbal-symbolic agreements containing rules, prescriptions of a general nature, expressing the community of certain interests of the parties, as a result of following which there was a confirmation of previous or the genesis of new customary legal norms. Having completed the consideration of the last feature of the legal status of the Don Host, we move on to the consideration of the legal status of the community under the customary law of the Don Cossacks. The latter was determined by the following main features: the presence of local government bodies; The regulation of social relations by customary legal norms of particular action; the presence of political and legal inter-community interaction; the existence of a military-corporate principle of consolidation of the local population; ensuring its growth due to migration processes; the presence of collective ownership of land, subsoil, water and biological resources within the community. The local self-government bodies of the communities, in terms of the structure of the organization of power, were identical to each other and similar to the institutions of the potestary power of the Don Host. The highest authority within the community, endowed with executive, law-making and judicial functions, was the Cossack circle, from the early 18th century called the stanitsa circle (assembly). Only full-fledged Cossacks participated in its work, although in rare cases non-Cossacks were invited. The executive body of the Cossack community was the "stanitsa izba", which included the ataman, the esaul, the elders and the clerk. The stanitsa ataman was the direct organizer of the implementation of Cossack assembly decisions,

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while the esaul carried out the ataman's instructions. The stanitsa elders took an active part in the consideration of administrative, judicial, and social issues affecting the local community. The clerk performed clerical functions. Social relations within the community were regulated by customary legal norms of particular application (stanitsa law). In various Don Cossack stanitsa communities, public customary legal norms, based on customs, were virtually identical, while private legal norms, contained mostly in legal precedents, varied. The regulation of social relations by customary legal norms of particular application did not become the basis for the political and legal disunity of the Cossack stanitsas. Since inter-communal legal relations were governed by the hierarchically superior norms of "military law," if the functioning of a particular community did not affect the interests of the Don Cossack Host, it developed virtually independently in organizational and legal terms. At the same time, in times of special need, the interests of individual communities were subordinated to the interests of the entire Don Cossack Host.

The existence of the political and legal unity of the Cossacks was determined by the fact that annually the majority of them gathered in the capital of the region, where the introduction of legal precedents into practice, the application of customs and the conclusion of agreements naturally took place in military circles, information about which was subsequently projected by individuals onto the normative and regulatory activities of stationary Cossack settlements. The population of stationary Cossack communities was consolidated not on the basis of kinship or neighborhood, but on the basis of belonging to the Cossack community, which ensured, on a military-corporate basis, the preservation of the external security of the local population in the conditions of encirclement by hostile non-Christian peoples. At the same time, the intercivilizational dialogue with the latter was a series of military clashes with the aim of physical destruction and theft of property from each other. In these conditions, the community-forming factor was the belonging of individuals to the corporation of Cossacks, welded together by common goals and objectives.

Before the Don Host became part of the Russian state, the main way for the population of communities to grow was through migration from neighboring regions, and after that these processes began to be regulated by Russian legislation. Initially, to obtain the status of a Cossack, a positive decision of the stanitsa circle was necessary, and from the 1730s–1740s, a decree of the Don government was required.

The community population had the right of collective ownership of land, mineral resources, water, and other biological resources. At the same time, the right of ownership was retained by the Don Army until the end of the 17th century, and the right

of disposal was retained by the stanitsa community, which could distribute certain plots (land, forest, river, etc.) among all local Cossacks for a certain period of time or lease them to someone to replenish public funds. The right of use was assigned to individuals. Having completed the consideration of the legal status of the community according to the customary law of the Don Cossacks, we move on to the consideration of the legal status of individuals. It was formed from the general and special statuses. The general status characterized the position of individuals regardless of their subjective characteristics (age, wealth, position held, religion, nationality, marital status, etc.) as representatives of a specific social community. The general status included rights, as well as obligations associated with the individual's belonging to the relevant social group. The special status was formed on the basis of several composite criteria that detailed the legal status of individuals, granting them special rights and imposing special obligations.

Thus, the special status of the Don Cossacks was determined by several criteria: geopolitical, socioeconomic, gerontological, sociopolitical, and religious. According to the geopolitical criterion, the Don Cossacks were classified as "high" and "low" Cossacks; according to the socioeconomic criterion, as "home-loving" Cossacks and "the poor"; according to the gerontological criterion, as "old men" and "young men"; according to the sociopolitical criterion, as "host elders" and "rank-and-file Cossacks"; and according to the religious criterion, as "Christians" and "non-believers."

The non-Cossack population appeared in significant numbers in the second half of the 17th century in the towns of the Lower Don, where not every migrant received the right to be called a Cossack, but did receive a "residence permit". The reason for this was the unwillingness of the "lower" Cossacks to share the royal salary with individuals who had recently migrated to the Don. The "upper towns", which appropriated an insignificant part of the royal salary, did not limit the admission of new members to their ranks.

The special status of the non-Cossack population of the Don Host was formed on the basis of social-assimilation, family and ethnic criteria. According to the social-assimilation criterion, the corresponding individuals were classified as "vagabonds", "old", and "landed"; according to the family criterion - as persons who were married or did not have their own family; according to the ethnic criterion - as Great Russians, Little Russians, "basic Kalmyks" and representatives of other less numerically represented nationalities. Individuals born in mixed marriages of non-Cossack men with Cossack women were deprived of their rights, receiving the opportunity to become a full-fledged "citizen of the Don Host" at "adolescent" age.

The legal status of individuals temporarily present in the territory of the Don Cossack Host was

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determined by the presence or absence of personal freedom. If an individual was held captive in the region, they were not considered independent subjects of customary law. Captures were carried out for the purposes of exchange for Cossack slaves, ransom, or marriage (to Turkish or Tatar women, etc.). The status of personally free foreigners temporarily present in the territory of the Don Cossack Host was determined by their legal status in their own state. At the same time, neither rank, title, nor the purpose of their visit to the Don Cossack Host granted immunity from prosecution under the customary law of the Don Cossacks, which applied to all individuals present in the region. The legal status of individuals temporarily present in the territory of the Don Cossack Host also depended on their nationality. If an individual belonged to an ethnic group friendly to the Don Cossacks, they enjoyed a privileged status (for example, Great Russians and Little Russians). Representatives of peoples hostile to the Don Cossacks were restricted in their rights, as their presence in the Don Host was considered undesirable and an infringement on the security of the Cossacks. Having examined the customary legal regulation of the legal status of the Don Host and the Cossack community, it seems important and justified to examine the issue of the implementation of judicial and procedural relations in the traditional society of the Don Cossacks.

In the 16th and 17th centuries, legal proceedings in the Don region were based on customary law, which was in effect throughout the territory of the Don Host and beyond, but only among the Cossacks. "The Don Cossacks' lawmaking process began from the moment they appeared on the region's geopolitical stage. The need to regulate all aspects of life was acute, as each individual had their own interests, often at odds with those of society as a whole. Unrestricted pursuit of personal needs could lead to the destruction of the nascent proto-state." The purpose of justice was primitive and defined as the resolution of litigation and grievances, the reconciliation of litigants, the protection of the aggrieved, and the punishment of the guilty. Litigation referred to property-related cases (civil proceedings), while grievances referred to cases involving torts (criminal proceedings). In both cases, the Cossacks issued final decisions, known as verdicts.

There were no specialized judicial bodies (courts, prosecutors, preliminary investigation, inquiry, or advocacy), and the consideration of cases was entrusted to traditional Cossack institutions: the military circle, circles of Cossacks from individual towns, the field ataman, the ataman of the winter stanitsa, the atamans of the light stanitsas, the atamans of the vatagas, and the vataga circles. Accordingly, there were no separate criminal or civil proceedings, and all legal cases that arose were heard "as much as

possible" by the entire Cossack corps or by the atamans alone.

The procedure for administering justice was not initially established, but developed through the practice of implementing "people's justice," acquiring within the framework of customary law an established verbal-symbolic form, generally observed by subsequent generations of Cossacks. There were no specific requirements for mandatory adherence to the established procedure, but it was generally observed, with only a few "exceptions" that had no bearing on the legitimacy of the actions performed. The verbal consolidation of legally significant procedures allowed for deviations from their content, as memory and will allowed for different interpretations, ambiguities, and even contradictions in the perception of the same events and facts. The Russian state exerted a certain influence on judicial and procedural relations within the Don Host, but this influence was exercised indirectly (optionally) through royal charters and international treaties of a formulaic nature, stipulating the accession or refusal to accede to the conditions set forth by the opposing party (formalized in the charters). At the same time, the Don Cossacks, until the late 17th century, did not recognize Russian legislation as a source of regulation of judicial and procedural relations. Interaction with other states and peoples surrounding the Don Host (Mohammedan and Lamaist) also apparently had a certain impact on the regulation of these relations. For example, the custom of taking captives on campaigns for the purpose of sale or exchange is a good example.

The Don Cossacks' "judicial and procedural law" extended throughout the entire territory of the Don Host and to all subjects of common law: not only individuals but also the immediate Cossack towns, whose inhabitants could always be subject to punishment under the principle of mutual responsibility. In this case, atamans, esauls, and other "best" Cossacks were "executed by death," while the rest were sentenced to corporal punishment and "refused to enter the yurt." Within the Don yurts, not only Cossacks but also the local non-Cossack population, as well as foreigners who had arrived to join the Don Host, were subject to the "jurisdiction" of common law, regardless of their legal status in their homeland or the purpose of their visit (for example, diplomatic).

Outside the Don Host, legal proceedings "among" Don Cossacks were also governed by customary law. Within the Russian state, Cossacks enjoyed immunity until the late 17th century, recognizing only "Cossack court" jurisdiction. Moreover, this immunity extended not only to "old" Don Cossacks but also to newly recruited ones: "All sorts of robbers and bandits hid on the Don, spending a week or a month on the Don, and if they happened to return to Moscow with something, no one would

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have any further dealings with them about anything they stole, because the Don frees them from all harm."

Within the Russian state, with which the Don Host maintained allied relations, the Cossacks' immunity was observed almost strictly. Moreover, the Tsar repeatedly requested the Host to punish guilty Cossacks according to military custom. Officially punishing a Cossack in the Russian state required special permission from the host circle. At the same time, during periods of tsarist disgrace and the freezing of official diplomatic relations, the Don Cossacks were stripped of their immunity. In general, until the early 18th century, the customary legal norm remained: "No extradition from the Don!"

Traditional Cossack institutions that exercised judicial functions were classified under common law into bodies that exercised "general jurisdiction" within the territory of the Don Cossack Host, and bodies that exercised "special jurisdiction" outside the region while the Don Cossacks were on campaign. The former included the military circle, as well as the circles of Cossacks from the immediate towns; the latter included the field ataman (in the field army), the ataman of the winter stanitsa, the atamans of the light stanitsas, the atamans of the vatagas (vatmans), or the circles of the vatagas.

Under common law, jurisdiction over cases was determined by the actual jurisdiction of a particular territory or group of Cossacks over a given authority, excluding serious offenses, violations of "orders," and cases of "assemblies of thieves," which were heard only by the military circle. The bodies that conducted "general proceedings" were divided into two "instances": the circle of Cossacks of the immediate town—the first instance—and the military circle—the second. Verdicts of the "first instance" (lower) could be appealed to the "second instance" (higher) court, which, however, according to Don Cossack custom, was considered a great disgrace for a town incapable of independently reconciling its residents.

The verdicts of the "court of second instance" were not subject to appeal and were executed immediately. In addition, the military circle could act as a "court of first instance" (this has already been mentioned above). In order to initiate "general proceedings" in the military circle, they often waited for the next gathering of the Cossacks or a more significant reason for its extraordinary convocation. The military circle, assembled in a planned manner, included the maximum number of Don Cossacks. If it was convened outside the established time, it consisted of Cossacks of the capital of the Don Host (Main Host), nearby towns and "guest" Don Cossacks, all acting together in a small number. Small military circles were held quite often, but nevertheless had an extraordinary character, meaning that the military ataman needed to bring urgent issues to general discussion, but due to the impossibility of a quick meeting of the entire army, he invited only "close"

Cossacks. It was these meetings that discussed the bulk of current administrative and judicial issues. The small military circle was distinguished by greater scrupulousness in considering cases, and the large military circle, convened for the most important needs, did not stoop to the details of finding the truth or generally refused to consider minor court cases. A similar practice developed in individual towns, with the difference that the convocation of local Cossack circles was less bureaucratic and was carried out at any time. If the case was urgent, then it was considered on the same day, and the court cases that were to be postponed were postponed until a more suitable moment. The composition of local circles, convened from spring to autumn, was small, including the ataman, the esaul, the old men and "sick" Cossacks, and from autumn to spring - all local Cossacks.

The bodies implementing the "special proceedings" during the period when the Don Cossacks were on campaign were not classified into subordinated instances. Outside the Don Army, discipline and almost unquestioning subordination to the previously elected ataman reigned in the Cossack detachments. "On campaigns... the entire military-administrative, judicial, disciplinary, economic-quartermaster part remained under the jurisdiction of the campaign ataman and elected military commanders." The composition of the "judicial bodies" implementing the "special proceedings" was always the same, including only atamans, and in the vatagas - also vataganiks. Although the atamans implementing judicial functions outside the Don Army tried to use the advice of other campaign elders when considering cases (according to the principle "one head is good, but two are better!"), in order to share with them some of the responsibility for the decisions taken. Nevertheless, they single-handedly passed sentences, which were immediately carried out.

The Cossacks obeyed the orders of the field atamans until their return to the Don Host, where the last one in the military circle was responsible for previously passed sentences and could easily fall victim to the "verdict" of the general gathering of the Cossacks. Therefore, the "leaders" usually did not abuse their powers. "The field ataman could execute by death for the slightest disobedience. They also obeyed the elected esauls and centurions unquestioningly. But the campaign ended, the Cossacks returned to their affairs and again everyone was equal."

In the vatagas created by the Cossacks without the participation of the military circle, discipline also reigned, but the power of the vatman was more dependent on the opinion of the vatamniks. Therefore, sentences in court cases were usually passed by the circle of Cossacks of the vatama, although the vatman was not excluded from the judicial process, retaining

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the decisive vote "in unclear cases". The relationship of powers between the vatman and the vatamniks was determined in a casual manner.

In addition to the traditional procedure for administering justice, the customary law of the Don Cossacks did not prohibit extrajudicial proceedings. Lynching was essentially an admission of guilt and punishment of individuals without the implementation of the necessary procedures. In addition, lynching was carried out when the guilty party refused to comply with the "court sentence". In this case, the significant conditions of the "trial" were the proportionality (adequacy) of the harm inflicted on it. Although within the framework of lynching, the punishment "to beat and rob" was a common call for violence not only against the subjectively convicted, but also against members of his family, since no one could ensure the inviolability of people, property and housing. The reason for the use of lynching in a traditional society was that the main principle ensuring the operation of customary law was the proactive self-defense of legal entities. The principle of proactive self-defense is that any entity that has suffered damage has the right to restore the violated right at its own discretion.

Atamans at all levels were responsible for organizing the judicial process, and lynchings were a consequence of their ignorance or connivance. Within the limits of their authority, atamans were obligated to ensure the adoption of measures for pre-trial reconciliation of litigants and satisfaction of the aggrieved, maintaining peace and tranquility among the Cossacks; convening extraordinary Cossack circles to hear lawsuits and grievances; prosecuting individuals who had committed serious offenses against the Cossacks; and organizing the immediate execution of court verdicts. Atamans incapable of this were removed. In general, the judicial process within the framework of "general proceedings" was open and public and divided into three stages: pre-trial announcement of the case, the trial, and the delivery and execution of the verdict. In general proceedings, significant chronological gaps were allowed between stages, while in special proceedings, these were virtually non-existent. In cases of litigation, special proceedings were generally not instituted, since everything was divided equally and held in common (especially among the odno-sums) among the Cossacks on campaign. There was no point in "competing" over property in a foreign land; it still had to be delivered to the Don Host (while preserving one's own life and the lives of one's "comrades"). Grievances were quickly adjudicated by the ataman (in the vatagas, with the direct participation of the vataga leaders), who could do so either on his own initiative or at the request of the injured party. Such a trial was swift and sometimes cruel, and no mercy was shown to cowards, traitors, or anyone else whose actions had jeopardized the lives and freedom of the Don Cossacks.

When considering lawsuits and grievances, the evidence presented by the parties was "evaluated." The primary evidence was the testimony of the parties, eyewitnesses, or other individuals with firsthand knowledge of the events and facts of the case. No one was involved in collecting or evaluating the weight of physical evidence, and its existence was usually confirmed by oral testimony given by the parties to the proceedings, or sometimes accompanied by the presentation of "material evidence," which was entirely optional. However, the reliability of the evidence was not verified, and its inadequacy was compensated for by an oath (vow) involving religious symbolic actions (for example, making the sign of the cross, touching the Holy Gospel with the palm of the hand, etc.), reference to the good name and honest character of the person, and the guarantee of elders and other respected Cossacks.

Verdicts were rendered by a majority of Cossacks, but votes were not counted—after lengthy debates, a consensus was usually reached. Regardless of personal qualities, merits, rank, or "position" held, the votes of all participants in the meeting were equally weighty. Only the military ataman was granted the right to direct the review of cases and guide it in a constructive direction. He was also responsible for organizing the implementation of the decisions of the Cossack assemblies.

Given that lynching was practiced in the Don Host, it can be argued that bringing to justice, admitting guilt, and imposing punishment were not the exclusive rights of traditional Cossack institutions vested with judicial functions. Only a verdict rendered by the Cossack circle of the immediate town could be overturned or modified, and even then only by decision of the host circle, to which complaints were also lodged against town atamans who unfairly denied Cossacks trial and justice. Sentences rendered during campaigns remained unchanged. Complaints against atamans leading Cossacks outside the Don Host were also lodged within the host circle and could result in their punishment. From the above, it follows that during the genesis and existence of traditional society, the Don Cossacks naturally developed a special procedure for regulating judicial and procedural relations, which was verbally formalized in particular customary law.

The state of development of judicial and procedural relations among the Don Cossacks was adequate to the level of development of traditional society, allowing for the resolution of conflicts and an asymmetric response to threats arising both for the society itself and for its individual members, in the absence of the necessary public authorities.

Thus, customary law was the most important regulator of Cossack social relations in the 16th–18th centuries. Until the end of the 17th century, it was natural, and in the 18th century, it was volitional. In the late 18th and early 19th centuries, customary law

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was almost completely eliminated from law enforcement practice. However, it was taken into account when developing the legal framework that governed the Cossacks' activities at that time.

Our definition of the Cossacks as an independent ethnic group prompts us to consider an important issue in the history of the formation and development of the Cossacks - the desire of the Cossacks to exist within the framework of an independent state within a state, namely the creation of a Cossack republic (or even republics).

As some scholarly studies have rightly noted, many Russian works devoted to Cossack issues emphasize the factual rather than the theoretical aspects of the unique model of statehood, analyzing Cossack culture and subculture, and their relations with the Russian government. The historical circumstances that prevailed in our country made it impossible to study the proto-democratic foundations of Cossack statehood. Today, many studies even allow us to draw conclusions about certain elements of civil society in a number of Cossack communities. In the Middle Ages, Cossacks were able to develop their autonomy within the limits and boundaries permitted by the Russian state.

The legal recognition of the Cossacks in the mid-16th century as an independent military and political force was the first step in their transformation into a social class. This had far-reaching consequences. Opposing geopolitical powers—the Muscovite state and the Ottoman Empire—began to consider the Cossacks as a geopolitical factor, seeking to enlist them in achieving their goals or to wage war against them.

Recognition and consolidation of personal freedom and property rights for all Cossack ethnic groups, as well as sources of income (duty-free trade, fishing, salt production, etc.), became a necessary condition for material security and an important factor in acquiring class distinctions. This development largely satisfied the Muscovite state and the Cossacks. The government expanded the "legal," legitimate opportunities to exploit the Cossacks for its own purposes. The Cossacks received rights and privileges that served as legal protection against bureaucratic tyranny and the socioeconomic and political aspirations of other ethnic groups and social groups. The very first rights and privileges acquired by the Cossacks transformed them into participants and collaborators in state power and brought them into the political sphere.

Agreeing with the opinion of E. I. Dulimov and S. A. Kislitsin, we can conclude that a unique proto-state independent entity called the "Don Host" was formed. It functioned for a long time, hovering on the brink of transitioning to the stage of formal statehood, but never reached it. Numerous historical facts prove that there was a tendency toward the formation of a stable statehood alongside the tendency toward the

development of a sub-ethnic group into a fully-fledged ethnic group; however, for objective reasons, neither the former nor the latter trend reached completion.

Over the course of two centuries, the Cossacks gradually transformed from an ethnic group into a military-service class, preserving their ethnic, cultural, and other characteristics. This view differs from those scholars who believe that feudal estates emerged in Russia only in the 18th century. Specifically, some authors believe that the status of an estate corporation was not conferred by authority from above, but rather developed within the corporation itself, existing as an unwritten regulation or traditional custom, and only later sanctioned in one form or another by the state. Regarding the Cossacks, they argue, one must keep in mind the unique nature of the Cossack class, which was an exception in Russian society. However, it seems that Cossack exclusivity was not absolute, and class structure in Russia was not a Cossack invention.

The Don Host, indeed, formally disobeyed the Tsar and considered itself independent, although it occasionally rendered auxiliary service to the Russian Tsar on a voluntary and mutually beneficial basis. Moreover, while fulfilling their voluntarily assumed duties, the Cossacks could terminate them at any time if they felt slighted. In exchange for their service, they received, albeit irregularly, food and military supplies in the 16th century, which they desperately needed, as they had neither agriculture nor industry. This situation also developed on the Yaik (Urals), Volga, and Terek. It is crucial to correctly assess the state of the famous Cossack quasi-state democracy. The Cossack host *krug*, an institution of military law and courts, proved to be unique state-legal structures and traditions of Cossack community life. Under conditions of continuous military action and facing constant threats from all sides, the Cossacks could easily have transformed into veritable hordes of marauders with despotic power, similar to the well-known buccaneer communities, but this did not happen. Moreover, the Cossacks quite seriously considered themselves a "knightly" class. They consciously envisioned their ataman-based, circular democracy as an alternative to the Russian feudal system. This was clearly demonstrated during the uprising led by Stepan Razin. It must be remembered that the democratic nature of the Cossack community stemmed from the positive aspects of Russian peasant communities and Christian spirituality, as well as the particular influence of Orthodoxy on the development of the Cossacks. When characterizing Cossack democracy, one must not overemphasize it, nor forget its limitations and historically transitory nature, nor the lack of mechanisms for Cossack self-defense in the event of adverse changes and attempts by individual Cossack groups to usurp power and impose their will on the military circle. The imperfection of military law, the absence of written law and the post

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of military judge, and the legal imperfection of the leading Cossack institutions—the atamans and the military circle—predetermined the dismal fate of the Cossack quasi-statehood. As the influx of runaway peasants to the Don increased and the number of poor peasants grew, the ambitions of the Cossack elders grew. At this point, Cossack democracy began to falter and entered a state of crisis. Anti-democratic tendencies were linked not only to class contradictions but also to the Razin Cossacks' flagrant disregard for democratic, circular traditions. The democratic structure of Cossack self-government had a certain continuity with the customs and traditions of the northern Novgorod territories. However, in the context of the closed nature of the Don and the absence of serfdom, the democratic traditions of the veche were transformed, and freedom acquired the character of freemen. This does not necessarily imply direct borrowing, but is an expression of the traditional antagonism between Muscovite despotism and the freedom-loving population of the outlying territories. The Don objectively became the site of the concentration of Russian democracy. This does not exclude elements of migration from the north. Beginning in the 15th and 16th centuries, Cossack self-government was contradictory, born of the bifurcation of Russian social life as a whole. On the one hand, there was a strong state and unconditional submission to it; on the other, a desire for zemstvos, self-government, and freemen. Effective self-government required local civic engagement. An example of true self-reliance and self-government is not only the Don Host but also the Zaporizhian Sich as a military republic, where everyone could participate in governance.

One popular option for class and national self-assertion was the creation of an independent state. However, it was far from the only one: in the case of Cossack communities, a method for overcoming the state burden of the emerging empire is evident. As lands became centralized and united under the rule of the Muscovite rulers, the Cossacks sought opportunities for autonomy and resistance to the encroaching leviathan. Its right to determine the fate of all within its orbit restrained Cossack freedom. The formation of a centralized Russian state was gradual, but ultimately swept away all other forms of political existence; it did not presuppose sovereignty. In 1775, the Cossack Sich was swept away by these processes in connection with yet another social revolt against the authorities.

Among the difficulties facing the development of democracy in Russia today is not only the disintegration of traditional norms and sociocultural ties, but also the emergence of inflated material and status expectations. These expectations, especially in the early, immature stages of constructing democratic Cossack communities, often could not be satisfied, as they were formed from a deeply traditional,

sometimes even infantile and archaic, spiritual and psychological makeup. Loyalty to the Russian tsar and the Russian state surprisingly coexisted in the Cossack consciousness with opposition to the state system when it ceased to satisfy them.

For example, after the Time of Troubles, discontent with the government and a thirst for order and peace formed the basis of Cossack sentiment. The election of Mikhail Romanov failed to satisfy other social groups either. Vague social aspirations associated with the samosvanshchina lingered in mythologized consciousness for a long time. Research by S. V. Bakhrushin, based on the investigations of political crimes of that time, reveals some remarkable facts. For example, in 1622, in Kolomna, Demid Frolov, in a conversation with several Cossacks, declared: "Tsar Dmitry is alive; he has appeared in Zaporizhzhia; and from Zaporizhzhia he sent him as Saadachnaya to the king. A Russian Cossack, named Vaska, obtained clothes for him and gave them to him. He will be seven years old." Thus a new legend was created, sparked by discontent with the new government and associated with the Cossacks as the main source of the rebellion.

Freemen and freedom became the main foundation of the Cossack republic. All Cossacks living in it were considered free and equal in rights. However, gradually the rich Cossacks became "more equal" and in fact often dictated their will. The basis of Cossack self-government was the election of chiefs - atamans, esauls, joint management, court, treasury, strict partnership. However, the laws were not fixed, customary law was preserved. Even N. I. Kostomarov singled out the same desire in different Cossack communities "to maintain their corporate identity against state power, but at the same time, the willingness to serve the state while preserving their freemen." The Moscow government put up with the Cossack freemen in exchange for service and border protection. Within the framework of this process, "bargaining" and exchange of political resources take place. This emphasizes the asymmetrical nature of the relationship between the early formed Cossack communities and the Russian government, and its resources were later used for influence, which increased the potential and strength of the influence of the subject of power. However, in addition to the state-tamed service Cossacks, free independent brotherhoods also appeared, one of which was the unique state formation of the Zaporizhian Sich. They "were self-governing, considered themselves independent, and if they expressed their readiness to serve the tsar, then as if voluntarily." This free brotherhood was open to everyone. However, admission to the Zaporizhian Sich (resembling the adoption of citizenship) was carried out under certain conditions, the main ones of which were military training and the Orthodox faith. Cossack communities often expressed dissatisfaction with the Russian

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authorities, despite prohibitions and decrees, waged wars with neighbors, attacked tsarist ambassadors, robbed merchants, and gave shelter to the disgraced and fugitives.

Depending on the specific circumstances, the loyalty of the Cossack communities in question changed. The status of the Cossacks in the system of governing their state was just as mobile and dynamic. Any chief could be removed, and any Cossack could become the owner of a high status and position, since both the nobility and ordinary Cossacks were still organized into the same social-related institutions that had a military-corporate nature. Almost all relations within the framework of state building were built among the Cossacks according to the kinship model. Thus, the concept of "ataman" - a Cossack leader came from the ancient German *atta* - father and *mann* - knight, husband. The original meaning of the ataman as "father of knights" or "father of husbands" was preserved in the memory of the Cossacks as "father-ataman", "father-ataman".

The emergence of politics and statehood in Cossack communities in the 15th and 16th centuries can be traced to the evolution of military leadership. The first political actions that gave rise to Cossack self-government, such as those within the Zaporizhian Sich, were driven by military interactions, including the establishment of relations with the Russian state. This increased the importance of the military component in the structure of Cossack social consciousness and mentality and laid the foundations for the development of the Cossack ataman's leadership and governance functions.

When analyzing the mechanisms of power in the Cossack republic, it is necessary to pay attention to the enormous significance of religion. It is no coincidence that Rada meetings were held on major religious holidays, as if "sanctifying" the decisions made. The administrative-territorial division of the Cossack republics is particularly indicative of the process of state building. During the 16th and 17th centuries, one can speak of territorial-political division, as the territory was unified into military districts of sorts—units of traditional military order. They "redrawn" traditional (natural) boundaries, thereby emphasizing their independence. The Zaporizhian Sich was divided into *kurens*, which had specific military functions. The New Sich (18th century) was divided into districts (*palanki*), which in turn were divided into settlements.

The tendency toward centralization of power in the hands of the ataman speaks to the military organization of this socio-political institution. He often acted as a dictator, handing down death sentences to the guilty and making important strategic decisions during wartime. The ataman was first among equals, but gradually became the supreme ruler, projecting models of autocratic Russian power. The ataman was elected at a meeting of the Rada, but subsequently became an unquestionable authority.

The Rada combined the functions of legislative, executive (administrative), and judicial power in the Cossack republic. When analyzing the essence of the Cossack republic, it is necessary to understand the characteristics of that democracy. After all, democracy is always a crossroads, a system of freedom for which nothing is absolute. Democracy is an empty space in which the most diverse political aspirations and forms of statehood can develop. Cossack republics historically demonstrate W. Rustow's modern thesis that democracy grows from conflict and compromise but survives thanks to social consensus.

Trust in the government in the Cossack republic was built on its military organization and unconditional execution of orders.

The phenomenon of Cossack statehood is full of contradictions: on the one hand, we see a noticeable increase in the role of the ataman in the life of the Cossack state, a significant concentration of the most important resources of power and governance in his hands, while on the other hand, there was a gradual increase in the political activity and participation of Cossacks in socially significant events.

Political power in the Cossack states is characterized by the ability and opportunity for those who possess it to implement their will in the leadership and management of the entire society (state), to exert a decisive influence on the behavior of the Cossacks with the help of the means at the disposal of the state, to mobilize them to achieve their goals, and to regulate relations between the Cossacks (including for the sake of stability and social harmony).

The experience of state-building in the Cossack republics leads to a number of complex dichotomies: power and freedom, power and violence, power and authority, power and personality. Scholars still disagree on what lies behind the multifaceted phenomenon of Cossack self-government, the dominance of one over others, of the individual over the masses, of the leader over the led.

The purpose of Cossack self-government within the framework of statehood was to, through direct or indirect influence, unification or disunity of people:

a) to counteract external invasions, destruction, crisis, decline, neutralize the influence of the Russian state and the conflicts associated with it;

b) strive for maximum stability of your community, searching for all kinds of resources for this.

One of the main factors contributing to the development of the political system of the Cossack republic was the family structure. The father's status in the Cossack patriarchal family was extremely high. This was primarily due to his responsibility for making important family decisions. Cossacks demonstrated their respect for the ataman, striving to

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uphold his reputation and authority. Family members also viewed the father as the head of the clan.

The development of Cossack statehood can be viewed within the framework of the patriarchal theory of state origins, which derives the origins of the state from the family, i.e., the family evolves into the state. The development of the family institution under the influence of historical processes contributed to the establishment of more democratic relations within the Cossack state while maintaining a single center of power. Interestingly, the significant changes that occurred in the early 20th century, both in the institution of the family itself and in power relations within it, projected themselves into a different form of Cossack statehood than had existed in the 16th century. The Cossack republics of the Civil War no longer possessed the same democratic elements, although they had the same goals—to oppose the Russian state.

Based on the above, we can conclude that the Cossack republics represented a parallel model of a state within a state within the Russian Empire. This parapolitan state of social institutions can be defined as potentially state-like, i.e., a situation in which the Cossack community moved to the next stage of its development only in isolated elements while maintaining previous forms—customary law, family structure, and primitive models of self-government.

In the context of the political infantilism of the population, Cossack self-government provides an example of a rudimentary but effective civil society in those conditions, which contributed to the reduction of authoritarian tendencies in the governance of society.

Thus, the idea of an independent Cossack state could not have arisen from bare soil. The history of the 20th century, not to mention earlier examples, knows of precedents for Cossack state and proto-state formations with republican forms of government, as discussed above. By the onset of revolutionary unrest in the Russian Empire, the Cossack lands had already become a "powder keg," transformed into one by central policy. According to historian S. Svatikov, by the time of World War I, as a result of the clash between the "centralist, autocratic, feudal tendencies of the metropolis" and the "autonomous, egalitarian, democratic aspirations of the colony" (by "metropolis" and "colony," Svatikov means the empire and the Don, respectively), the Don region presented "a series of major legal and socioeconomic contradictions." Under the impact of the revolutionary threat emanating from the center, captured by the Bolsheviks, the "explosives" long planted in the Cossack regions "detonated." This explains the explosive will for state-constitutional construction that engulfed these territories during the Civil War.

The unifying role in the creation of the Cossack separatist movement in emigration belonged mainly to

the Don Cossacks, who stood at the origins of the Union of Free Cossacks.

The Union's ideologists unanimously agreed on a federal structure for the Cossack state in the future, largely drawing on the aforementioned Civil War-era projects. Right before the eyes of the "Cossacks" was the negative example of Czechoslovakia (where the "independence" movement had long been centered and where they enjoyed the greatest influence), a multinational country that, however, had the form of a unitary rather than a federal republic (with regional autonomy for Slovakia). Its government officials constantly reiterated the achieved idyll in the treatment of national minorities, which, of course, was far from the truth (the problems of the German, Slovak, and Carpatho-Russian minorities ultimately led to the dissolution of Czechoslovakia). The "free Cossacks" likely did not want to repeat the same mistakes as Czechoslovakia in the future and, without much hesitation, chose a federation as the most suitable form of government for their hypothetical "Cossackia." Centralism was rejected by them by virtue of the very nature of the Cossacks, their division into several armies, all of which were supposed to equally participate in governing the state. Moreover, the Cossack regions had never been distinguished by a homogeneous population (for example, the share of the Cossack population in the Kuban region in 1917 was 45.5%, i.e., Cossacks constituted less than half of all residents), and as a result of the administrative-resettlement policy of the Bolsheviks, its composition became even more diverse. The proportion of tribal (ethnic) Cossacks was steadily declining, while the number of settlers from other regions of the USSR was growing—the Cossack émigrés could not help but know this. Not only the issues of "outsiders" and "newcomers" required resolution, but also the problem of "foreigners," i.e., the highlanders and Kalmyks. If the highlanders were recognized as having the right to a state separate from the Cossacks, which, given their diverse ethnicity,

If the Caucasus region had also assumed a federal form, it was proposed to integrate the Kalmyks into "Cossackia" on an equal footing with the Cossack troops. This option was also welcomed by the Kalmyk émigrés—the "Cossack-lovers"—who believed that there were no inherent tensions between Cossacks and Kalmyks (especially Don Kalmyks), as often arose between Cossacks and highlanders, or Cossacks and Russian/Ukrainian peasants. As for the peasant population, according to the guidelines of the Union of Free Cossacks, they were to be "Cossackized," in other words, instilled with Cossack traditions and Cossack identity. All this was to be accomplished in the interests of the "out-of-towners" themselves, since, according to the "free Cossacks," every Russian peasant had always dreamed of becoming a Cossack, and therefore, there would be no problems with the "Cossackization" of Russians. The text of the

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Constitution of Cossackia was published in the magazine "Volnoye Kazachestvo" (Free Cossacks) from issue to issue in 1932. Responding to potential criticism of its prematurity, the magazine's editors emphasized that it was precisely the lack of a completed draft constitution and a poor understanding of the technology and organization of state power that had failed the Cossack legislators during the Civil War. "The immediate goal of our current step is to answer in more detail the question of what kind of Cossackia we want, and to give all free Cossacks the opportunity to express their opinion on this matter in advance."¹ The initial text was proposed for discussion, and if any shortcomings were discovered, a worthy alternative would be proposed. The identity of the draft's authors cannot yet be determined with certainty, although it is known that Professor O. Eichelman of the Ukrainian University in Prague assisted in its drafting. The draft Constitution consists of 14 chapters, each of which is divided into several "sections," which in turn include articles. These chapters are listed in order:

"The Union State of Kazakia and its territory", "Public and legal authority", "The Union State and politically autonomous regions within it", "Citizenship and the rights and obligations of citizens of Kazakia", "Competence of the Union-state system in Kazakia", "Institutions (bodies) of the Union-state authority in Kazakia", "Organization of justice in Kazakia", "Armed forces of Kazakia. Military administration", "Emergency security measures in Kazakia", "Management of foreign relations of Kazakia", "Union-state finances", "Control of Union-state institutions", "State and legal status of the church and religious societies in Kazakia". The project's creators demonstrate a high level of legal thought, especially in comparison with the first Cossack "proto-constitution," the "Basic Laws of the Great Don Host," which was essentially a mere copy of the "Basic Laws of the Russian Empire," with little regard for Cossack specificity. In accordance with Article 2 of Chapter I, "The Union State of Cossackia and Its Territory," the territorial basis of the proposed state is to be seven units: the Don, Kuban, Terek, Yaik (Ural), Astrakhan, Orenburg, and Kalmyk Oblast. Officially, they are referred to as "members of the union" and "politically autonomous regions." Anticipating difficulties in the process of unifying these "seven," the authors of the project noted in its introductory article that they "do not intend to forcibly incorporate anyone into the Cossack State." The integration of new regions (as well as border changes) depends on the opinions of all individual regions of Cossackia and must be expressed in the prescribed legislative manner. Each member of the union is obligated to draft its own regional constitution, which is submitted for review to the Supreme Union Court. Public or state power belongs to the nation (i.e., "the people in its organized form") and is exercised through the

competent institutions of the union, regions, and local governments. The constitution regulates the important issue of granting citizenship, perhaps the most sensitive of the entire series of issues related to Cossack statehood. The influx of migrants from Central Russia, the unauthorized seizure of Cossack allotments by immigrant peasants and "out-of-towners" (the landlessness of these categories of the population in the pre-revolutionary period, contrasting with the relative agrarian security of the Cossacks, was reflected), as well as the mass deportations of the Cossack population from their lands due to their shared anti-Soviet sentiments, seemingly forever altered the ethnic, social, and demographic structure of this once prosperous region. Cossack separatists wanted to cut this Gordian knot through naturalization, or, in their terminology, "Cossackization," of all potential citizens of Cossackia. The process of granting citizenship entailed dividing the population of the Cossack regions into several categories. The status of citizen, i.e., "a conscious ethnic being, fundamentally free in their actions", by the time the Constitution came into effect was automatically assigned to all Cossacks, highlanders, Kalmyks, the indigenous population of cities and rural areas; to all "out-of-towners" (in the text they appear as "former subjects of the Russian State", and it is not clear what is meant by the "Russian State"; from the following provisions of the Constitution it can be understood that this is the Russian Empire, elements of whose legislation were supposed to be left until the reform of the judicial system of Kazakia; Soviet law was completely rejected by the "free Cossacks" as the right of the occupying state), who lived and were born on the territory of Kazakia before December 31, 1918 and lived there continuously for at least ten years; to all those who came from the borders of the same "Russian State", whose resettlement took place in the period before December 31, 1922 and whose stay in the Cossack territories lasted continuously from that moment. Representatives of the latter category may be accepted at their request into the composition of cities, stanitsas, farmsteads, villages and auls and other "publicly self-governing settlements" before the Constitution comes into effect. It should be noted that all citizens of Kazakia, regardless of their place of settlement (residence), must be attached to any of the cities, stanitsas, farmsteads, villages, auls or other settlements with active public self-government.

The Union of Free Cossacks' vision of the structure of state authorities is also of interest. In the text of the document under consideration, these are referred to as "establishments." These include: the Supreme Union Circle, the Union Circle, the Union Ataman-President, the central union-state institutions of civil and military governance, the Main Military Headquarters of Cossackia, the Financial Control Authority of the union-state administration, the

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Supreme Union Court and the Union Cassation Chamber, and local institutions of the union-state administration.

The Supreme Union Circle (hereinafter referred to as the SUC), as conceived by the project's authors, is intended to represent the "constituent power of the nation." For this purpose, it is vested with extraordinary powers. The SUC's purview includes all amendments to the Constitution of Cossackia, the election of the Ataman-President, and in some cases, the referral of the Ataman-President to the Supreme Court, the resolution of matters brought before the SUC by the Union Circle and the Ataman-President, protests against the resolutions of the Union Circle, and certain other matters. The SUC is composed of all deputies of the current Union Circle and additionally elected deputies. A SUC formed with this composition is intended for only one session on the matters listed above. The role of parliament is to be fulfilled by the Union Circle, consisting of deputies elected by the Military Circle (Rada) of each region at a ratio of one deputy per 40,000 people. At its annual sessions, the Union Circle is to exercise the functions of the legislative branch of government, namely, to hear, discuss, and approve regular reports from the Union executive branch, to review and approve the budget, to conduct elections within its jurisdiction, and to consider matters referred to it by the executive branch, regional governments, the Supreme Union Court, the Cassation Chamber, the Union-State Controller, etc. The Union Circle is vested with the right to appeal to the Council of Ministers to provide clarifications on any matter within the government's sphere of activity, provided that such a proposal is supported by one-fifth of the Circle's deputies. Furthermore, the Union Circle has the right to demand a personal report from the Chairman of the Council of Ministers on matters within the government's competence. In turn, the government, represented by the Chairman of the Council of Ministers, has the right to directly participate in all meetings of the Union Circle and its commissions.

The powers of the head of executive power in Cossackia were vested in the Union Ataman-President, whose very title combined modern political science terminology with Cossack archaism. Elected for a five-year term by the Supreme Council, the Ataman-President is the "Supreme Leader" of the state's armed forces, without personally holding any command position. In relations with the governments of other states, the Ataman-President also exercises primacy, although the Minister of Foreign Affairs directly manages these relations through him.

The Ataman-President also determines the composition of the Council of Ministers, finally confirming them in their positions. Each ministry is divided into departments, headed by directors. For preparatory work on resolving cases, the position of clerk is established. Thus, the joint work of

departments is managed by the minister, and the same work of clerks is controlled by the director of the department. The chancery for each case is managed by a clerk. The task of the Council of Ministers is to discuss issues on the proposals of the Ataman-President, the Chairman of the Council and each of the ministers. In the Council of Ministers, all cases submitted by the government, the Supreme Council and the Union Circle are discussed.

Thus, an analysis of the draft Constitution of Kazakia published in 1932 gives an idea of it as a carefully developed document in which its creators, guided by modern constitutional and legal experience, attempted to take into account all aspects of the life of a hypothetical Cossack state.

The "Union Constitution of Kazakia," like Kazakia itself, was never destined to become a reality. The Soviet state proved far more resilient than those who expected its imminent demise believed. Nevertheless, it cannot be said that with the end of World War II, during which the Cossack nationalists of the Cossack National Liberation Movement (KNOD)—the successor organization to the Union of Free Cossacks—were drawn to Nazi Germany, the idea of creating Kazakia vanished into oblivion. The mention of Kazakia in the Captive Nations Act, passed by the US Congress in 1959, effectively rendered it an unrealized subject of international law. However, by the time of the collapse of the USSR, the émigré nationalism of the Cossacks had exhausted itself and exhausted all its ranks, making any lobbying for a separate Cossack state impossible.

However, it should be noted that the idea of a proto-state in the revived Cossacks, as well as the term "Cossack republic" have not lost their relevance in our time. In the process of the revival of the Cossacks in our days, some Cossack societies decided to remember their roots and revive the Cossack republics within the Russian state. However, in modern conditions, such attempts to revive independent Cossack proto-states are more like separatist movements than an attempt to revive the historical independence of the Cossacks. Analyzing the historical discourse, we note that the phenomenon of "Cossack separatism" is not a new phenomenon for Russia; it began to emerge in the post-revolutionary period. At the beginning of the 20th century, the dominant ideology in the Don did not imply the withdrawal of the territory of the Don Host Region (OVD) from the Russian Empire. The largest organizations of Cossack nationalists – the "S. A. Kholmsky group" and the "Don Union of Nationalists" were the most active supporters of Russian statehood and in their appeals they sided with the authorities in all international and national affairs. Separatism in the Cossack environment was not considered at all as a possible option for the further development of the OVD, and any accusations of the opposition of Cossack deputies in separatist

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statements could not have any realistic basis. "I live for the Cossacks, I will die for the Tsar!" – this is a worthy motto of a Cossack deputy in the 4th Duma," – declared S. A. Kholmsky. He was also the author of the statement that "the Cossack group, faithful to the precepts of their ancestors, nourishing loyal feelings for their autocratic Tsar, will implement the constant aspiration inherent in loyal Cossacks: to defend the Throne of the Russian Monarchs with their lives, in a number of charters expressing their paternal care for the Cossacks." Even after the Civil War and the period of independence of the Great Don Army, its ataman Pyotr Nikolaevich Krasnov believed that the Cossack "independence", the independence of the Cossack regions, the creation of a separate state of the "South-Eastern Union", either not at all subordinate to Russia, or included in the federation of states that form it, as an independent self-governing whole, is something wild and alien to the Cossacks.

A well-known consequence of the Cossack revival immediately after the collapse of the USSR was a tendency among the Cossacks, as among other peoples of the former Soviet Union, to change the administrative-territorial status of the regions they inhabit. In the autumn of 1991, several self-proclaimed Cossack "state" entities were established: the "Don Cossack Republic," the "Terek Cossack Republic," the "Armavir Cossack Republic," and the "Upper Kuban Cossack Republic," which united two other "republics," the "Zelenchuk-Urup Cossack Soviet Socialist Republic" and the "Batalpashinsk Cossack Republic." On November 20, 1991, at the Great Cossack Circle of the South of Russia convened by the Union of Cossacks of the South of Russia in Novocherkassk, the unification of these republics into the Union of Cossack Republics of the South of Russia (UCSR) was proclaimed with the capital in Novocherkassk and with the status of a union republic in the proposed Union of Sovereign States (USS). The governing bodies of the Union were established, the Ambassadorial Village was formed in Moscow, and an Ambassador Extraordinary and Plenipotentiary of the UCSR was appointed. The creation of the Cossack "republics" was supported by the II Great Circle of the Union of Cossacks of the South of Russia, which took place from November 7 to 10, 1991 in Stavropol.

Today, in addition to the Cossack societies included in the state register of Cossack societies in the Russian Federation, there are also public associations of Cossacks, some of which continue the tradition of the 1990s and strive to transform the administrative-territorial status of regions of compact residence of the descendants of the Cossacks, up to and including secession from Russia. An example here is the "Don Cossack Republic" (DCR), which promotes the activation of autonomist ideas in the Cossack environment. The main goal of the DCR, judging by the materials in the public domain, was to change the administrative-territorial status of the Don

region with its transformation into a democratic legal state united with the Russian Federation, with its own Constitution¹. But behind the declared desire to change the region (its enlargement), which is now widespread in Russia (Perm Krai, Zabaikalsky Krai, etc.), lies the idea of a split in the Cossacks. In view of which, the Rostov Region Prosecutor's Office, having conducted an investigation, established that "the purpose of the "Don Cossack Republic" is to propagate the idea of creating an unconstitutional territorial entity within the Russian Federation, and its leaders and activists proclaim the implementation of state self-government. The literature distributed contains a threat of rebellion - a violent seizure and retention of power and statements of intent to commit actions aimed at undermining the constitutional order of the Russian Federation, primarily - violating the territorial integrity of the Russian Federation by creating an independent administrative-territorial unit."

At the same time, the Don separatists aren't seeking to limit their statements to domestic Russian affairs; they're aiming for international recognition. "There's a specific procedure that needs to be followed to formalize everything legally. In the near future, we'll define the state's borders, prepare a legal framework, and seek UN recognition," says A. Yudin.

Conclusion

The actions of the "ataman or president" of the Don Cossack Republic, Alexander Yudin, according to a number of researchers, are separatist in nature not only within the Rostov region but are becoming a problem for the entire south of Russia. Elected "president" of the "republic" in October 2009 in the village of Starocherkasskaya at the "2nd National Congress of the Cossack People," attended by approximately 300 people, the head of the "Don Cossack Republic" called for unification into a "powerful national fist." This resulted in a Cossack gathering on March 21, 2010, in Armavir, where 267 representatives of Cossack associations from the Southern Federal District gathered, including Cossack elders from the Kuban, Don, Terek, Stavropol, and Karachay-Cherkessia. Yudin proposed creating a "security belt to the Pacific Ocean through the restoration of Cossack national-territorial entities." "The authorities view us, patriots, as extremists, and any of our activities and aspirations for a dignified, humane life and the restoration of historical justice for the Cossack people are viewed as a slave rebellion," the "ataman" said.

The Circle's delegates voted to create the so-called "Cossack Caucasian Line" (CCL) in southern Russia. Yuri Churekov, former ataman of the registered Pyatigorsk District of the Terek Cossack Host, was elected ataman of the CCL. Two deputy atamans of the CCL, a chief of staff, and regional representatives of the CCL were also appointed. The

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position of Yuri Churekov himself, who was recognized on June 8, 2013, at the Gathering of Cossacks of the Terek Host Cossack Society as chairman of the Synodal Committee for Interaction with the Cossacks and Metropolitan of Stavropol and Nevinnomyssk,

Kirill the separatist, is this: "The Cossacks have never been inclined to confrontation with the Russian, Ukrainian, Belarusian peoples," objects Yu. Churekov. - "Today, the Cossacks most consistently advocate for the maximum integration of Russia, Ukraine, Belarus and Kazakhstan (where a significant percentage of the Slavic population still remains). Various versions of "Cossack separatism" are madness, a question bordering on provocation. The tasks of the Cossacks are to strengthen the southern borders of Russia, the Cossacks today are the main obstacle to the spread of Islamic extremism and separatism in Russia." Whether the words of the Terek "ataman" coincide with his actions remains a question, however, Metropolitan Kirill responded to his activities as follows: "Now they will return: Cossack self-government, some new Cossack republic will appear, as the separatists say, a lot of land will be given, billions of money will be allocated to the

Cossacks, and everything will be decided instantly and in some miraculous way. Nothing will be decided. The money will be stolen. The state will be destroyed by this separatism – by creating some so-called republics. As Churekov and many other of our separatists of the Terek and non-Terek army call it today, in the past. When every Cossack will confess and take communion in the temple of God – then, without republics, and without anything, you will have a force that will be respected." Thus, a dual situation is developing: on the one hand, Churekov is recognized as a separatist by Metropolitan Kirill of Stavropol and Nevinnomyssk, which is confirmed by his leadership in the so-called "Cossack Caucasian Line", and on the other hand, he takes a position against the development of the phenomenon of "Cossack separatism".

Probably, from a scientific point of view, there are quite justified reasons for this phenomenon, however, from a legal point of view, the existence of Cossack proto-state formations in modern Russia is impossible due to the contradiction of their Basic Law and the legislation of the Russian Federation. Such phenomena should certainly be assessed by the state as extremist and separatist.

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