

STUDY ON THE INSTITUTION OF THE LAW INSURANCE OF MILITARY AIRCRAFT STAFF IN THE PRE-PRINCIPLE OF THE WAR OF NATIONAL REUNION

Cristian MANOLACHI

Air Force Staff, Bucharest, Romania (manolachicristi@yahoo.com)

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***Abstract:** Aviation in all countries, as in our country, from the moment it began to rule the sky, paid for this victory with great blood sacrifices! These sacrifices were much higher at that time in terms of flight time and performance. It was found that no matter how rigorous the selection of personnel, the human factor, along with other factors, aeronautical and meteorological material, was a major cause, and accidents could be largely reduced, but not eliminated.*

Appreciating the sacrifice of the aviators and their material disinterest in this ideal, the "FLIGHT", the highest forums, have taken measures in all countries to ensure the lives of disabled aviators or their descendants due to flight accidents.

In line with this unanimously implemented trend at the international level, the system of insurance premiums was first legislated in our country by the Law of the Undersecretary of State for Air of June 5, 1932 and continued later, by the laws that followed, with various amendments. to this day.

***Keywords:** military aviation, flight accidents, right insurance, human factor, insurance premiums.*

1. INTRODUCTION

The emergence and evolution of goods, life and risk insurance have represented and represent a very complex process in the evolution of mankind, being influenced by both social, economic and political factors, as well as factors generated by technological progress, with the related uncertainties.

The emergence of aviation, with the major easements involved in the conduct of aviation activities, necessitated the involvement of the state and the establishment of a viable system of legal assurance of air navigation personnel, a system that was imposed as a functional principle to cover, at least in part, the risks. assumed by this category of personnel of the Romanian Army, but also the moral recognition of the immense sacrifices required for this specific category of personnel of the Romanian Army.

2. REGULATION OF LEGAL INSURANCE FOR MILITARY AIRCRAFT STAFF IN ITS PIONEERING PERIOD

Aviation, in all countries and in our country, from the moment it began to rule the sky, paid for this victory with great blood sacrifices. These sacrifices were initially much higher in terms of flight time and technical performance of the aircraft.

Everyone remembers that at the beginning of aviation the flight was measured in minutes, distances in tens or hundreds of kilometers, and height in tens and hundreds of meters. However, accidents were encountered on all airfields and with the most important pilots.

A little later, the performance of the flight quickly reached days of uninterrupted flight, thousands of kilometers away and over ten thousand meters in height. However, the crossing of the seas and oceans, the mountains, the equator, the poles of the earth, has always had their accidents, with their great lessons [1]. The causes of aviation accidents have been discussed a lot, there has been even more discussion about personnel liability, mistakes or negligence, force majeure or sabotage, but the causes of these accidents are of three categories: aircraft; meteorological elements; the pilot. (**Victor Anastasiu** (b. 5 october 1886, Huși - d. 4 august 1972, Bucharest). *The first Romanian pilot doctor and the second pilot doctor in the world. In 1920 he founded the Center for Aeronautical Medicine, among the first such institutions in the world, his research based on his own experience in flight being decisive for the health of aviators. The Ministerial Decision on the rules of operation of the Sanitary Service for Military Aeronautics and the examination of the navigating personnel were published in the Official Gazette of August 21, 1920, this being the birth certificate of the Aeronautical Medical Center. The study of the behavior of pilots during flights was a world premiere, an aspect recognized at the International Air Navigation Congress in Paris in 1921).*

Of course, we are talking about peacetime accidents, not war accidents, to which are added air combat and other elements of a campaign, which are inherent and inevitable.

The sacrifice of world aviation pioneer Aurel Vlaicu remains memorable in the history of aeronautics. His dream, the most ardent desire was to fly the Carpathian Mountains, a flight that was then a heroic attempt [2].

On September 13, 1913, he took off with the Vlaicu II plane, with the intention of flying over the mountains, in Brașov.

Aurel Vlaicu's daring act of trying to fly over the mountains with his own airplane cost him his life, being among the first aviation daredevils who sacrificed themselves for the dream of flying.

And because the risk of flying at the beginning of aviation was very high, and human sacrifices were commensurate, the legislature regulated the way in which aviation personnel were insured against aviation accidents.

The first legal reference regarding the legal insurance of the military aeronautics personnel was provided in the *Law on the organization of the military aeronautics*, promulgated by the sovereign of Romania, King Carol I by the High Royal Decree no. 3199 of 18/30 April 1913 [3].

This law indirectly regulated the institution of legal insurance for military aeronautical personnel. Thus, at art. 12 of the law provided that any incurable disability arising during and due to service in the military aeronautics entitles the disabled officer to the pension provided in art. 4 of the General Law on Pensions, on pensions for sickness acquired during and because of the war [4].

It was also legislated that non-commissioned officers' and lower-ranking invalidity pensions be determined in accordance with the Special Law of March 25, 1894, on the pensions of those who became disabled during and because of the war (*Law on Pensions and Military Aid, Weakened in War and Due to Peaceful Service*). If the accident was followed by death, the survivor's pension was determined in accordance with the above provisions.

From the perspective of ensuring the risks to which the aeronautical personnel was subjected and the granting of some compensations, this law represented a first step in the regulation of the institution of legal insurance of the military aeronautical personnel.

Aviation accidents were treated with the utmost care, and accidents with human casualties were brought to the direct notice of King Ferdinand I by the Minister of War [5].

3. INTERWAR ADOPTION OF THE AERONAUTICAL PERSONAL INSURANCE SYSTEM

The institution of legal insurance of military aeronautical personnel was completely regulated, for the first time, in 1932 by *Law no. 174/1932 for the Organization of Aeronautics and the establishment of the Undersecretariat of State for Air*, voted by the Senate on April 18, 1932 and by the Assembly of Deputies on April 19, 1932, promulgated by the Royal High Decree no. 1890 of 31 May 1932 [6].

According to the provisions of art. 148 of the law, the entire navigating personnel of the Aeronautics, the provisional personnel, as it was classified in art. 42 of the law, respectively: all aeronautical personnel, other than navigating personnel, students of flight schools and preparatory schools, were to be legally insured for all cases of death, total or partial disability, as well as for cases of serious illness, resulting from the flight or ascent service, ascertained by the medical commission of the Aeronautical Medical Center, the consequences of which were to make it impossible to perform a service of any kind in Aeronautics. The officers or the specialized military or civilian personnel, who performed missions in flight or ascent in the ordered service, also benefited from this legal assurance.

The only condition required by law to benefit from legal insurance was that the personnel be recorded in the command agendas of the Air Force Command or similar orders of the Civil Aviation, and the other categories of personnel have a service order signed by the direct chief, the military aeronautical personnel being considered legally insured only for the fact of his presence in those agendas.

The law also set the share of insurance, as follows [7]:

a) For death or total invalidity: 100 times the gross pay of the respective rank, for officers, non-commissioned officers and civilians; for military servicemen, warrant officers and specialists of any category, 50% of the insurance quota due to a second lieutenant is granted; for the students of the preparatory schools, the salary of an aviator lieutenant was taken as a calculation basis.

b) Cases of partial invalidity were grouped into two categories: partial degree I disability, which had a share of 75% of the above quotas; partial degree II disability, which had a 50% share of the above quotas.

At the same time, the law provided that, in case of death, the beneficiary of the insurance was the widow, or, in absence, the children. If after the deceased or the total invalidity classified person, in addition to the widow, there were also under-aged children, these received a share of 10% of the quotas established above. If, however, the deceased was unmarried, 50% of the insurance went to the parents. The widowed mother of the deceased married person received a 20% share of the insurance that belonged to the widow or children.

Also, in art. 151, the law provided that the insurances were paid through an *Aeronautical Insurance House*, which was created ad hoc and which operated next to the *Credit and Assistance House of the Officers*.

The house was funded by the budget allocated by the annual budget of the Army, the Undersecretariat of State for Air and intended for this purpose, funds calculated on the basis of the average accidents in the last 5 years, as well as possible extraordinary funds to guarantee insurance payments in cases exceptional, when the number of accidents exceeded the initial estimates.

After the payment of all the annual insurances, the surplus of the ordinary budgetary funds of the House was paid to the reserve fund of the Aeronautics Insurance House.

According to art. 153 of the law, the Insurance House was obliged to make voluntary (optional) insurances on the basis of deposits made by monthly deductions from the balance or salary, according to the quotas that were established annually, in addition to the legal insurances. Deductions were made directly from payroll or salary, just as pension deductions were made.

At the same time, according to the provisions of art. 154, aid could be granted for the medical treatment of aeronautical personnel who, during and due to the flight or ascent service, suffered an accident or contracted an illness without being followed by any disability, aid which was granted according to the severity of the accident. suffered or contracted the disease, with a medical opinion, under the conditions stipulated in the law enforcement regulations. This law also regulated the right to health care for personnel serving in the Air Force.

Thus, navigating officers and non-commissioned officers were entitled to a leave of absence of between 6 and 12 months if they fell ill due to flight wear and tear. In the event of an accident or illness during flight, seafarers may receive specialist medical care for more than 6 months, depending on the severity of the situation, while fully maintaining the specific rights of seafarers to a period of 2 years.

The pension received by the aeronautical staff who suffered an accident during the flight activity, as a result of which he remained invalid or incurably crippled, was equivalent to the salary and all the grades offered to the next rank. When entering the reserve status, flying personnel was promoted to the next rank, *ex officio*.

If during the flight activity the death of the navigating personnel occurred, this was equivalent to the situation of the soldiers killed in the war, and the survivor's pension that belonged to the widow, orphaned children or parents was established as follows: 75% of the value of the pension was received by the widow and 25% the parents of the deceased, when the deceased had no children; 50% of the amount of the pension was received by the parents, if the deceased did not have a wife or children; 100% of the value of the pension was received by orphaned children, until the age of 18, when the widow remarried; 50% of the value of the pension was received by the parents, if the deceased had no children and the widow remarried.

In cases of incurable invalidity or death that might occur during the flight training of students in the schools of navigating officers, the pension was calculated in relation to the rank of lieutenant aviator regardless of the year of study [7].

By the way it was conceived and elaborated, *Law no. 174/1932 for the Organization of Aeronautics and the establishment of the Undersecretariat of State for Air* represented for the Romanian Air Force a huge step forward in the regulation of this extraordinary complex area of aviation.

In the evolution of Military Aeronautics, another moment of special importance was the adoption by the Romanian Parliament, in 1936, of the *Law for the establishment, organization and functioning of the Ministry of Air and Navy*, promulgated by the Royal High Decree no. 2620 of November 14, 1936, published in the Official Monitor [8].

Regarding the institution of legal insurance of the personnel of the Romanian Royal Air Force, which is the object of the study, we can see that this institution was regulated keeping the principles and provisions of *Law no. 174/1932, for the Organization of Aeronautics and the establishment of the Undersecretariat of State for Air*, with some necessary improvements and completions.

Among other things, the law established the insurance quota, as follows [8]:

a) For death or total invalidity: 100 times the gross salary of the respective rank, for officers, non-commissioned officers, civilians, warrant officers and specialists of any category; for the students of the preparatory schools, the salary of an aviator lieutenant was taken as a calculation basis; for the military servicemen, 50% of the insurance quota due to an adjutant is granted.

b) Cases of major partial invalidity were grouped into two categories: first degree partial partial invalidity, which had a share of 75% of the above quotas; partial major degree II invalidity, which had a 50% share of the above quotas.

Disability of any category was established every year by a commission established annually by the Ministry of Air and Navy by Ministerial Decision. The commission also included a delegate from the Ministry of Finance and one from the Officers' Pension House.

Also, in art. 154 the law provided that the insurances would be made from the *Aeronautical Insurance Fund*, which was created when needed and which operated next to the *Credit and Assistance Officers' House*. The house was funded by the budget allocated by the annual budget of the Army, the Undersecretariat of State for Air and intended for this purpose, funds calculated on the basis of the average accidents in the last 5 years, as well as possible extraordinary funds to guarantee insurance payments in cases exceptional, when the number of accidents exceeded the initial estimates. After the payment of all the annual insurances, the surplus of the ordinary budgetary funds of the House was paid to the reserve fund of the Aeronautics Insurance House.

At the same article, paragraph 3 [8], the law also provided that insurances were paid on the basis of a decision taken unanimously by a vote of a Council. This simple and effective procedure was in support of the disabled or the descendants of the deceased who, in principle, needed money immediately, and for the state, it was also advantageous because, in addition to fairness to the injured party, it reserved the right to bearable compensation. , avoiding lawsuits with enormous sums and, on the other hand, in case of dissatisfaction, this Council, acting as a court, initiated the action according to the law, in relation to the amount already granted [1].

These rights granted to the personnel of the Air Force, which arose by virtue of the legal assurance, were complementary to other rights granted to the personnel also provided by law.

Thus, according to the provisions of art. 153, flying personnel of all categories in the Royal Air Force who were entitled to a flight bonus and suffered an accident or contracted an illness due to flights or ascents, being stopped from flying, were entitled to a monthly medical allowance, for officers of 40% and for non-commissioned officers of 30% of the gross balance of the rank of second lieutenant.

This medical assistance allowance is granted until recovery, the staff in this category being obliged to go every six months to the medical commission, which established the state of health.

This medical assistance could be granted for a maximum of 2 years, during which time the medical commission definitively classed the personnel in this category, either it remained in activity, or it was proposed to transfer to the reserve or to retire.

During its application, period 1936-1940, the *Law on the establishment, organization and functioning of the Ministry of Air and Navy* [8] has undergone several changes and additions to address situations that were not originally foreseen or to improve the law.

A first change was made by the *Law for the modification of art. 154* [9], published in the Official Monitor no. 239 on 14 October 1938, which established the *Aeronautics Personnel Compensation Fund*, which was financed by the Ministry of Air and Navy, but also with possible extraordinary funds, the necessary amount being calculated according to the average compensation paid in the last 5 years and was provided in the ministry budget. This amount was deposited by the ministry with the National Bank of Romania in the first quarter of the budget year, and the amounts not committed at the end of a budget year (surplus) were an additional fund that fed the fund.

In order to comply with the provisions regarding the compensations, the *House of the Compensation Fund of the Aeronautics Personnel* was set up. The house was run by a director, appointed or delegated by the Ministry of Air and Navy. The payment of the compensations decided by the council was made to those in law based on the approval of the ministry, through checks signed by the director and manager of the fund, drawn from the National Bank of Romania, within the available funds.

It should also be noted that no fees or taxes were paid for the amounts that represented compensation. The amendments to the law also provided for the procedures for verification and control of payments made from the fund, which were established by the High Court of Auditors.

Another important change introduced by this law was the one provided in art. II of the law, which provided that **the notion of insurance and insured** regarding the aeronautical navigating personnel for the cases provided in art. 151 of the law of the Ministry of Air and Navy, **was replaced by the notion of compensation and compensated** [9].

A second important amendment and completion was adopted by the Law amending art. 151, 152 and 153, on June 6, 1939, which provided that the right to compensation was suspended in time of war or by royal decree, at the proposal of the Ministry of Air and Navy, when the situation requires participation in war operations [10].

Also, the categories of compensation granted to staff were modified and supplemented, the categories of beneficiaries were extended (parachutists - instructors and students of parachute schools were introduced for the first time), and the amounts increased or decreased depending on other factors which were not taken into account in the elaboration of the initial law, respectively: level of education - holder of an academic degree, marital status - married or unmarried (eg unmarried lieutenant, rank to which it was reported and the calculation basis-gross balance of this rank) , the state of war in which the country was.

As a result of the historical context in which Romania finds itself, by the Decree-Law of October 16, 1940 [11], The Ministry of Air and Navy was abolished, followed by the Ministry of National Defense, the Undersecretariat of State for Air. In this context, new rules have been developed and management institutions have been set up to ensure the legal assurance of Military Air Force personnel, as well as granting them rights to support the military and their families, the legislature considering the need to establish other specialized institutions. to contribute to the material and moral support of military personnel.

After only two years of operation, the Army House, established by the Royal High Decree no. 1258 of March 23, 1939, published in the Official Monitor no. 71 of March 24, 1939, was reorganized and adapted to the new historical context by the Decree-Law for the organization of the Army House of February 6, 1941 [12].

According to the provisions of art. 1, The Army House was a legal entity under private law, placed under the control and supervision of the Ministry of National Defense, and the purpose of the house was to improve the material condition of its members and their families by: fructifying members' savings and deposits; lending; insuring their family members; setting up and maintaining care or similar institutions for members of the household [11].

The House members belonged to two categories: rightful members and admitted members (art. 3). All officers, non-commissioned officers and warrant officers, of all the weapons and services of the Romanian Army in activity were members by law, and the admitted members could be: retired officers from the activity, permanent officers of the Army House, permanent civil servants from the Army service, and admission these members were made on request.

The Decree-Law also regulated the organization and administration of the house, the means and operations of the house, the insurance of members, the rights granted to the descendants, the granting of loans, the operations of assistance, as well as the manner of establishing the fund of the house.

4. CONCLUSIONS

During the analyzed period, the governing bodies of the Romanian Royal Air Force, the Government and the Romanian Parliament had the administrative and legal capacity to identify the complex issue of the existence of this elite weapon, but especially the special servitudes of a special category of soldiers. regarding the special aspects of selection, training, functioning on high moral and professional principles.

The regulations adopted, the institutions created, the foundation of this unique insurance system in the interwar period, represent an exceptional legal creation in the improvement of labor relations and, implicitly, of the aviation law, no better or even more valuable than similar constructions in other states with a developed aeronautical system, a system that can be used in the current landmarks of reconstruction of the existing legislative framework, with valuable and positive implications in the development of the spirit of the weapon, stability and coherence in the formation, improvement and use of the most valuable resource.

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