LAW OF UKRAINIAN SSR DURING NEW ECONOMIC POLICY (1921–1929)

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The transition to the New Economic Policy conditioned the changes which occurred in the branches of law of Ukraine. Important legislative acts were adopted regulating property, contractual, labor, and land relations, the activity of cooperative societies, trade, and others. Changes were made in criminal legislation. The new legislation of the Ukrainian SSR commenced by the New Economic Policy differed little from analogous legislation of the RSFSR. The content of legislation of the RSFSR was adopted by legislation of Ukraine most often in full, without particular changes.

The major means of bringing legislation into conformity with the requirements of life which the New Economic Policy advanced was the codification of law.

A number of codes and other complex legislative acts of Ukraine were created: Civil Code (1922); Land Code (1922); Code of Laws on Labor (1922); Code of Laws on Public Education (1922); Criminal Code (1922); Code of Criminal Procedure (1922); Law on Forests (1923); Code of Civil Procedure (1924); Provisional Construction Rules (1924); Veterinary Code (1925); Correctional-Labor Code (1925); Code of Laws on Family, Trusteeship, and Acts of Civil Status (1926); and Administrative Code (1927).

After the formation of the USSR, all-union legislative acts began to operate on the territory of Ukraine. The agencies of power and administration of the USSR should have adopted legal acts within the framework provided by the 1924 Constitution of the USSR (Article 1).

In practice, the union agencies, in effectuating law-creation activity, began gradually to go beyond the limits of rights granted by the USSR Constitution. They narrowed the competence of republic agencies. Many examples exist of legislative acts adopted during the 1920s by Union agencies in various branches of law.[1] It should be noted that the agencies of power of the Ukrainian SSR did not reconcile themselves

[1] *V. K. Diablo*, Судебная охрана конституции в буржуазных государствах и в Союзе ССР [Judicial Protection of Constitution in Bourgeois States and in the USSR] (Moscow, 1928); *M. Mykhailyk*, «Основні моменти роботи прокуратури за 1926/27 р.» [Basic Moments of Work of the Procuracy for 1926/27], Червоне право [Red Law], no. 13 (1928), p. 632; *N. A. Skrypnyk*, «Революционная законность и работа прокуратуры» [Revolutionary Legality and Work of the Procuracy], Радянська Україна [Soviet Ukraine], no. 13 (1927), p. 13.

to this situation and, using the right granted to them by Articles 42 and 59 of the 1924 USSR Constitution, protested unconstitutional acts of the USSR Council of People's Commissars and suspended the operation of acts of the Union people's commissariats. Often the Presidium of the Central Executive Committee of the USSR satisfied the petition of agencies of power of the Ukrainian SSR and confirmed their decision in disputed cases.[1] However, the centralist trends in the legislative branch were cultivated by the Union center manifested themselves even more. The administrative-command system reduced to nil the legislation of the Ukrainian SSR, subordinating it to the Union legal system.[2]

Civil law consolidated the concentration of the basic instruments and means of production in the hands of the Soviet State.

In order to consolidate the results of the nationalization of industry, transport, banks, and other objects of private ownership effectuated during the preceding period, the All-Ukrainian Central Executive Committee with the Council of People's Commissars of the Ukrainian SSR adopted on 23 November 1921 a decree which proclaimed that all enterprises that before 21 June 1921 were actually in the possession of agencies of power were considered to be nationalized, that is, in State ownership.[3] Under the New Economic Policy, with the assistance of norms of civil law, State agencies of the Ukrainian SSR introduced the principle of material interest of the working people in the results of production by granting enterprises considerable autonomy in economic activity. On 21 October 1921 the Council of People's Commissars of the Ukrainian SSR adopted the Dekret «Basic Provisions on Means Relating to the Restoration of Heavy Industry and Raising and Developing Production», according to which State agencies received the right to organize on principles of economic accountability special associations of large State enterprises. The decree also enables individual large State enterprises to be transferred to economic accountability.[4] In these instances enterprises became autonomous trusts. In accordance with the Dekret of the All-Ukrainian Central Executive Committee of 2 July 1923, «On State Industrial Enterprises Operating on the Principles of Commercial Accountability (Trusts)», industrial enterprises to which the State granted autonomy in conducting their operations in accordance with a charter confirmed for each of them and which operated under the principle of commercial accountability with a view to receiving a profit were considered to be State trusts.[5] A Dekret of the Council of People's Commissars of the Ukrainian SSR of 27 January 1922 introduced economic accountability on State transport. Legislation of Ukraine also regulated issues connected with the disposition of inventory and equipment coming to and within the jurisdiction of State enterprises and institutions.

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[1] See «*Конфликтные* дела» [Disputed Cases], Советское строительство [Soviet Construction], no. 3–4 (1926), pp. 158–161; *Практика* Президиума ЦИК СССР в области конституционного (общего и судебного) надзора: сборник постановлений Президиума ЦИК Союза ССР, принятых в порядке осуществления конституционного надзора с 1924 по 1930 год [Practice of the Presidium of the Central Executive Committee of the USSR in the Domain of Constitutional (General and Judicial) Supervision: Collection of Decrees of the Presidium of the Central Executive Committee of the USSR Adopted by Way of Effectuation of Constitutional Supervision from 1924 to 1930] (Moscow, 1931).

[2] See *V. Honcharenko*, «Право законодавчих органів УСРР на конституційні протести і його реалізація у 1920-ті роки» [Right of Legislative Agencies of the UkSSR to Constitutional Protests and Realization Thereof in the 1920s], Вісник Академії правових наук України [Herald of Academy of Legal Sciences of Ukraine], no. 1 (2007), pp. 108–116.

[3] *СУ* УССР (1921), no. 24, item 697.

[4] *СУ* УССР (1921), no. 21, item 613.

[5] *СУ* УССР (1923), no. 25, item 377.

Being concerned about the organization of the State sector, State agencies of Ukraine simultaneously, proceeding from the principles of the New Economic Policy, authorized the activity of private and cooperative enterprises. The extent and framework of private economic activity was more precisely determined in the Decree of the All-Ukrainian Central Executive Committee of 26 July 1922, «On Basic Private Property Rights Which Are Recognized by the Ukrainian SSR, Protected by its Laws, and Defended by Courts of the Ukrainian SSR».[1] In accordance with the said decree, all citizens not limited in legal capacity were granted the right on the territory of Ukraine to create industrial and trade enterprises and to engage in vocations and trades permitted by laws while adhering to all requirements of the respective normative acts. In the sphere of property rights of citizens there were granted: (a) the right of ownership to de-nationalized buildings in urban and rural localities with the right of alienation of these buildings and transfer to the purchase of the right of lease to land plots beneath the buildings; (b) the right to build in urban and rural localities on the basis of contracts with local agencies for a term of not more than 49 years; (c) the right of ownership in moveable property (at industrial and trade enterprises, implements and means of production, goods, monetary capital, articles of household and personal use); (d) right to pledge the said property; (e) authors' and invention right, and also the right to trademarks; (f) right to inherit by will and by operation of law un condition that the value of the inheritance did not exceed 10,000 gold rubles. The decree recognizes for citizens the right to conclude any contracts (purchase-sale, barter, loan, independent-work, suretyship, property hire insurance, various types of partnership) not prohibited by law. It was noted that the decree was not retroactive, that is, it did not restore the right to prerevolutionary ownership, did not repeal the expropriation of private ownership completed during the preceding period, and did not provide grounds for former possessors to demand the return of their property.

The legal regulation of the entire aggregate of property relations between citizens, between them and State organizations, and also these organizations between themselves under the New Economic Policy was effectuated by the 1922 Civil Code of the Ukrainian SSR (hereinafter: Civil Code). By Decree of the All-Ukrainian Central Executive Committee of 16 December 1922, this Code began to operate from 1 February 1923.[2] This meant that it was necessary to apply norms of the Civil Code of the Ukrainian SSR to relations which arose after 31 January 1923. This was structured in full conformity with the 1922 Civil Code of the RSFSR. The Civil Code of the Ukrainian SSR consisted of four parts and 435 articles.

The Civil Code especially noted that «civil rights shall be defended by a law, except for when they are effectuated contrary to their socio-economic designation». A democratic character was conveyed by Article 4 of the Civil Code, characterizing civil legal capacity (that is, the ability to have civil rights and duties), which was granted to all citizens not limited in rights by a court. Sex, race, nationality, profession of faith, and origin did not influence the extent of civil legal capacity. To every citizen of the Republic were granted the right of free movement, choice of occupation and vocation not prohibited by a law, acquisition and alienation of property within the framework of law, drawing up agreements and creating industrial and trade enterprises in compliance with the norms concerning the conducting of the said enter-

[1] *СУ* УССР (1922), no. 31, item 492.
[2] *СУ* УССР (1922), no. 31, item 492.

prises. At the same time, the Civil Code declared a class approach to the regulation of property relations. He ensured for workers and employees the right to automatic renewal of a contract of housing rental and established firm rates of apartment rent. When we refer to compensation for damage, the Civil Code obliged judicial agencies to take into account the property status of the victim and defendant. In accordance with the Civil Code (Article 123), the property status of the debtor should be taken into account when determining he procedure for compensation for failure to perform a contract.

The Civil Code devoted due attention to the right of ownership. Ownership was differentiated: (a) State (nationalized and municipalized); (b) cooperative; (c) private. Preference was accorded to State ownership. Land, the subsoil, forests, waters, common use railways were proclaimed to be in the sole ownership of the State. Objects of State ownership, a list of which was given in the Civil Code (Article 22), were completely excluded from civil turnover. State enterprises and institutions had the right to recover illegally alienated property belonging to them not only from a bad faith, but also from a good faith acquirer.[1] A collectivist view was declared in many articles of the Civil Code.[2]

The Civil Code provided to legally existing cooperative organizations the right to have an enterprise is ownership irrespective of the number of workers employed at it.

Together with State and cooperative ownership, the Civil Code of the Ukrainian SSR allowed private ownership. The Civil Code (Article 54) noted that «there may not be an article of private ownership: buildings, enterprises of trade or industry which have a number of hired workers not exceeding that provided by special laws, implements and means of production, money, securities, and other valuables, including gold and silver coin and foreign currency; articles of household and personal use, goods which it is not prohibited to sell by law, and anything not removed from private turnover of property». Private ownership was permitted by the Code only in precisely designated framework and express compliance by the owner with the laws of Ukraine.

Having allowed various forms of ownership, the Civil Code of the Ukrainian SSR ensured a certain freedom of contract. This was consolidated in Articles 26 to 43 of the Civil Code, and also in a special section, «Law of Obligations». The major task of the Civil Code in the domain of the law of obligations was consolidation of the positions of the State and State enterprises in turnover and granting to them material privileges and guarantees when concluding agreements. In accordance with Article 30, «an act shall be not empowered when a contract is concluded for a purpose contrary to a law, or in circumvention of a law, and also when it is directed to the obvious detriment of the State». The Civil Code of the Ukrainian SSR prohibited the subleasing of leased State property. All improvements made by a lessee went to the benefit of the State free of charge. The Code ensured increased defense of the interests of a custom under an independent-work contract if the State acted as the customer. The grounds for the arising and suspension of obligations were regulated in the Section on the «Law of Obligations», various types of contracts were defined and the general

[1] See, for details, *S. L. Fuks,* Советское право в период от перехода к новой экономической политике до начала наступления социализма по всему фронту (1921–1929 гг.) [Soviet Law in the Period from the Transition to the New Economic Policy until the Beginning of the Ensuing of Socialism on the Entire Front (1921–1929)] (Kharkov, 1965), pp. 25–26.
[2] See *Ia. A. Kantorovych*, Основные идеи гражданского права [Basic Ideas of Civil Law] (Kharkov, 1928), p. 34.

and special requirements for each of them. Articles 403 to 415 of the Civil Code concerned obligations arising as a consequence of inflicting harm on another person.

The last Section of the Civil Code of the Ukrainian SSR contained norms of inheritance law; inheritance by will and by operation of law was allowed. Article 417 provided: «If the total value of inheritance property exceeds 10,000 rubles, a division shall be made between the State in the person of the People's Commissariat of Finances and its agencies and private persons who are called to inherit by operation of law or by will or a liquidation of the inheritance property in the participatory share exceeding the value of the inheritance to the benefit of interested agencies of the State». The Civil Code indicated certain limitations on the right to inherit. Thus, the group of persons who might inherit by operation of law was limited.[1]

In addition to the Civil Code of the Ukrainian SSR, other normative acts operated which regulated civil-law relations. One of the important acts was the Statute on State Industrial Trusts of the Ukrainian SSR[2] of 4 July 1928 adopted on the basis of the All-Union Statute on State Industrial Trusts. On 11 January 1928 the All-Ukrainian Central Executive Committee and the Council of People's Commissars of the Ukrainian SSR adopted the Statute on Buildings Belonging to the State in Cities and Settlement of the Urban Type and on the Procedure for the Use of Dwelling Premises in These Buildings.[3] On 6 February 1929 the All-Ukrainian Central Executive Committee and Council of People's Commissars of the Ukrainian SSR adopted the decree «On Author's Right», which regulated rights to literary, scientific, and artistic works.[4]

The civil law of Ukraine played a significant role in the creation of proper conditions for the implementation of the New Economic Policy, regulating especially mutual relations between State and private ownership.

During the first half of the 1920s, marriage and family relations in Ukraine were regulated by family legislation adopted between 1918 and 1919. On 31 May 1926 the All-Ukrainian Central Executive Committee adopted the Code of Laws on the Family, Trusteeship, Marriage, and also on Acts of Civil Status of the Ukrainian SSR. The Code had these Sections: «The Family», «On Trusteeship», «Matrimony», «Rights of Citizens to Change Surname and Forename», «Recognition of Person to be Missing or Deceased».

The obligation was recognized under the Code for the State registration of a marriage: «spouses shall register in agencies of ZAGS. Only the registration of spouses in ZAGS agencies shall be incontestable against protesting by a court and evidence of the existence of matrimony». At the same time, when the parties for some reasons had no possibility to formalize a de facto marriage by way of registration, the courts might in each separate instance determine the rights of each of the non-registered spouses to receive alimony from the other and to property acquired during the marriage. In accordance with Article 106, «the performance of a religious rite (marriage) shall have not legal significance whatsoever and may not serve as evidence of matrimony».

Dissolution of a marriage (or divorce), just as the registration of a marriage, was relegated to the jurisdiction of ZAGS agencies.

[1] *A. A. Bugaevskyi*, Советское наследственное право [Soviet Inheritance Law] (Odessa, 1926), p. 25.
[2] *ЗУ* УСРР (1928), no. 18, items 164 and 165.
[3] *СУ* УСРР (1928), no. 18, item 167.
[4] *ЗУ* УСРР (1929), no. 7, item 55.

The Code regulated property relations of spouses. It considered to be separate ownership only that property acquired before the conclusion of a marriage, and property which was acquired by spouses during joint residence was considered to belong to them both on the basis of joint ownership. Joint property in the event of divorce was divided into equal parts.

The Code defined the procedure for receiving alimony. This right arose with one spouse in the event of inability to work arising before or during marriage or not later than one year after the dissolution of a marriage.

The Code regulated an extensive range of issues connected with legal relations between parents and children. They did not depend upon whether the parents had a registered marriage or not. The Code also established the right of adoption. A significant number of articles of the Code were devoted to trusteeship and guardianship.

The increased productivity of agriculture during the transition to the New Economic Policy requires legislative provision for the stability of one-person land use. The Decree of the V All-Ukrainian Congress of Soviets «On Consolidation of Land Use»[1] was devoted to resolving this problem. An extensive range of issues of ensuring labor land use was regulated by a decree of the Session of the All-Ukrainian Central Executive Committee «On Basic Law on Labor Land Use», issued with a view to the creation of a «correct, permanent labor land use adapted to economic and domestic conditions necessary to restore and develop agriculture».[2] The Decree determined the procedure for labor land use and labor lease of land, regulated the strengthening of labor land use and land tenure, and also regulates who to use additional hired labor in labor agricultural farms. The provisions of the «Basic Law on Labor Land Use» were incorporated in the 1922 Land Code of the Ukrainian SSR (hereinafter: Land Code), which consisted of four parts («On Labor Land Use», «On Urban Lands», «On State Land Property», and «On Land Tenure and Resettlement»).[3]

The Land Code of the Ukrainian SSR noted that the «right of private ownership to land, the subsoil, waters, and forests within the limits of the Ukrainian SSR has been abolished forever», and all lands within the Ukrainian SSR «in whose so ever jurisdiction they may be – comprise the ownership of the Workers-Peasants' State».[4] The Land Code established that any right of land use would be possible only as a result of the granting thereof by the State and on conditions determined by the State. Violations of the right of State ownership in land (purchase, sale, will, gift, pledge) were prohibited, and persons guilty of this were brought to criminal responsibility and also deprived of the land which they used.

The right to use lands of agricultural designation the Land Code granted to farmers, associations thereof, urban settlements, and State institutions and enterprises. It provided that the right to use land for agriculture belongs to all citizens of the Ukrainian SSR (irrespective of sex, profession of faith, nationality) who wish to cultivate land by their own labor. Citizens wishing to receive land for labor use were allotted either by land communities of which they were members or by land agencies if reserve land was at the disposition of the last. The right to land granted only for use was considered to be in perpetuity and might be suspended only on the

[1] Съезды Советов в документах: Сборник документов. 1917–1936 гг. [Congresses of Soviets in Documents: Collection of Documents. 1917–1936] (Moscow, 1960), II, pp. 110–111.
[2] *СУ* УССР (1922), no. 26, item 388.
[3] *СУ* УССР (1922), no.51, item 750.
[4] See V. D. Honcharenko (ed.), Хрестоматія з історії держави і права України [Anthology of the History of State and Law of Ukraine] (Kyiv, 1997), II, p. 207.

grounds determined by a law. A labor land user, for example, might be deprived of land if the household ceased to engage in agriculture or in the event of the need to occupy land for State or civil needs. Then the land user was allotted land in another place and compensated for losses caused by the seizure. The right to use land might be effectuated by the land user only within the land community. In this connection the Code determined in detail the membership of the land community, its rights and duties, and management organs. Article 42 provided that «in addition to existing land communities, agricultural communes and artels, and also voluntary associations of individual households or the aggregate of households who separated from former communities, shall be considered to be communities». A community was that form of association of peasants which facilitated control and direction of agriculture by agencies of the State.

The Land Code devoted great attention to the regulation of labor land use because the one-person form in agriculture at the time was the prevailing one. The Code provided detailed legal regulation for the peasant household – the principal production unit in agriculture. Article 66 defined the household as a family-labor association of persons jointly engaging in agriculture. The Code established the conditions and grounds for division of the household. Ensuring the stability of labor land use, the Land Code introduced such institutes as the labor lease of land and additional hired labor in labor agricultural farms. The temporary transfer of the right of land use facilitated the prevention of the devastation of labor one-person farms as a consequence of a natural disaster or other reasons. Hired labor was permitted on condition of compliance with laws on the protection and norming of labor.

The Code assumed the rather important right of the land community itself to choose the forms of land use, for example, community, plot, collective. The most favorable conditions were enjoyed by the joint cultivation of land. The Land Code of the Ukrainian SSR regulated land use in cities, land tenure, and resettlement.

The Land Code thereafter underwent changes. In September 1925 the All-Ukrainian Central Executive Committee and Council of People's Commissars of the Ukrainian SSR adopted a decree making material changes in and additions to the section on the procedure for the consideration of land cases. On 27 June 1927 the All-Ukrainian Central Executive Committee and Council of People's Commissars of the Ukrainian SSR adopted the Decree «On Changes in and Additions to the Land Code of the Ukrainian SSR».[1] These changes and additions were so significant that they in essence signified the adoption of the Land Code in a new version.[2] They especially concerned an expansion of the rights of rural soviets in the sphere of the direction of agriculture, labor lease of land, subsidiary labor in labor farms, the rights and duties of land communities, supervision over their activity, and the procedure for conducting cases concerning land tenure.

During the second half of the 1920s with the expansion of the competence of Union State agencies, The extension of all-union acts in the sphere of land law was expanded in the Ukrainian SSR, among which those of greatest importance were the «General Principles of Land Use and Land Tenure».[3] They were adopted by the Council of People's Commissars of the USSR on 15 December 1928 and confirmed

[1] *ЗУ* УСРР (1927), no. 40–41, item 180.
[2] See *Історія* держави і права Української РСР [History of State and Law of the Ukrainian SSR] (Kyiv, 1967), I, p. 530.
[3] *СЗ* СССР (1928), no. 69, items 641 and 642.

the immutability of the exclusive right of State ownership in land. Through the text of this normative act can be traced the consolidation in Article 4 of the creation of grounds for an expansion of collectivization and limitation of the rights of the most prosperous stratum of the peasantry («kulaks»).

The Law on Forests of the Ukrainian SSR (3 November 1923) was an important legislative act equal in essence to a code. He was closely tied to the Land Code because it developed and clarified rules for the use of forests as the wealth of the whole people.[1]

The New Economic Policy made material changes in labor law which may be reduced to three principal provisions: repeal of labor duty; replacement of the regulation of the norming of labor; revival of contractual relations.[2]

One of the early normative acts responsive to the New Economic Policy was the decree of the Council of People's Commissars of the Ukrainian SSR of 19 April 1921 «On Facilitating the Transfer of Workers and Employees from One Enterprise to Another». Regular and supplementary leaves were introduced for workers and employees with retention of earnings.[3] On 31 May 1921 the Council of People's Commissars adopted the Decree «On Overtime Work», in which it was provided that such work was permitted only in exceptional instances. The Code of Laws on Labor adopted by the Council of People's Commissars on 21 September 1921 established for youth and adolescents rules for the protection of labor of the said categories of participants in labor relations. Other normative acts were adopted which had the purpose to regulate relations under the transition of Ukraine to the New Economic Policy. However, more detailed issues of labor law were regulated by the Code of Laws on Labor in the Ukrainian SSR, which entered into operation from 15 November 1922.[4]

The Code of Laws on Labor (Article 1) provides that its norms «extend to all persons working by hire, including at home (or apartment dwellers) and are binding upon all enterprises, institutions, and farms (State, including excluding military, civilian, and private, including those which provide home work), and also all persons using hired labor for remuneration». All contracts and agreements on labor worsening the conditions of work were considered to be invalid.

The hiring and provision of a work force was carried out on the basis of the principle of voluntary consent of the worker. Labor duty was applied only in exceptional instances.

The Code of Laws on Labor defined the concept of a collective contract and the concept of a labor contract. The conditions of a labor contract were established by agreement of the parties. It was indicated that «the conditions of a labor contract that worsen the position of a person working in comparison with the conditions established by laws on labor, conditions of a collective contract, and rules of internal labor order which extend to the particular enterprise or institution, and also conditions leading to a limitation of the political and general civil rights of a worker, shall be invalid». The Code regulated the rules for drawing up the labor contract and procedure for its performance. The Code also provided for the consequences of a

[1] *B. M. Babyi*, Українська Радянська держава у період відбудови народного господарства (1921–1925 рр.) [Ukrainian Soviet State in the Period of the Rise of the National Economy (1921–1925)] (Kyiv, 1961), p. 345.
[2] *K. M. Varshavskii*, Трудовое право СССР [Labor Law of the USSR] (Leningrad, 1924), pp. 16–17.
[3] *СУ* УССР (1921), no. 7, items 194 and 195.
[4] *СУ* УССР (1922), no. 52, item 751.

violation of a labor contract. A significant number of articles of the Code of Laws on Labor were devoted to rules of internal labor order and conditions for their introduction, procedure for establishing output norms, grounds for and amount of payment for labor, guarantees, and contributory compensation for persons working during the performance of obligations provided by legislation.

The Code of Law on Labor provided that the duration of normal work time in production and additional work needed for production should not exceed eight hours. Privileges were established for persons from 16 to 18 years of age, and also for those who worked underground and for persons involved in intellectual and office activities. For that category of persons working, a six-hour work day was established. However, overtime work, as a rule, was not permitted. The Code of Laws on Labor carefully regulated issues connected with apprenticeship, labor protection, trade union rights in production, consideration and settlement of disputes concerning violations of labor legislation, with measures for supporting labor discipline, and social insurance.

The Code of Laws on Labor became the basic normative act on the basis of which the regulation of labor relations occurred in the early period of the New Economic Policy. However, soon in the Ukrainian SSR all-union acts began to gather force in the sphere of labor law. The USSR Council on Labor and Defense adopted on 18 May 1926 the Decree «On Raising Labor Productivity in Industry and Transport». It contained requirements for all institutions and organizations to take decisive measures to strengthen labor discipline, rational use of work time, liquidation of shirking in production and instances of failure to come to work.[1] Decrees of the Council of People's Commissars of the USSR directed against violations of labor discipline were adopted: «On Measures to Strengthen Labor Discipline at State Enterprises» (6 March 1929);[2] «On Measures to Improve the Production Regime and Strengthen Labor Discipline at Enterprises» (5 July 1929).[3]

Norms of criminal law in systematized fashion were set out in the 1922 Criminal Code. It was provided that for the purpose of establishing the uniformity of criminal legislation of the republics, the RSFSR Criminal Code would be taken as the basis for the Criminal Code of the Ukrainian SSR.[4]

The Criminal Code of the Ukrainian SSR had two parts – General and Special. The Code determined the limits of its operation with respect to persons (citizens of the Ukrainian SSR and foreigners who did not enjoy the right of exterritoriality) and territory of the commission of crimes (boundaries of the Ukrainian SSR; for citizens of the Republic, and in the event of the commission of crimes beyond the Ukrainian SSR; for foreigners who were in the Ukrainian SSR, in the event they committed crimes beyond the limits of the Republic against the foundations of the State system and military might of the Ukrainian SSR). The Criminal Code set out the tasks thereof concerning the legal protection of the State against crimes and against socially dangerous elements by means of applying punishments or other measures of social defense to the guilty. Article 6 set out the definition of a crime: «A crime shall be considered to be any socially dangerous action or failure to act which threatens the foundations of the Soviet system and legal order established by workers-peasants'

[1] *C3* CCCP (1926), no. 35, item 262.
[2] *C3* CCCP (1929), no. 19, item 167.
[3] *C3* CCCP (1929), no. 46, item 400.
[4] *C3* CCCP (1922), no. 36, item 553.

power in the transitional period to a communist society». It is evident that the concept of a crime is too ideologized by the reference to a transitional period to a communist society, the building of which then was inevitable. The Code determined the purpose of punishment and other measures of social defense: (a) general prevention of new violations on the part of the offender and on the part of other unstable elements of society; (b) adaptation of the offender to the conditions of coexistence by means of correctional-labor influence; (c) depriving the criminal of the possibility of committing future crimes.

The Criminal Code established criminal responsibility when guilt of the person is present, guilt being defined in the Code in two forms: intent and negligence. Article 3 of the General Part of the Criminal Code was named «Determination of Measure of Punishment» and consolidated the basic principles of determining the measure of punishment. Reference was made to the degree and character of the danger of the criminal himself and of the crime which he committed.

The Criminal Code established a specific list of types of punishment. The principal measures of punishment were shooting (highest measure of punishment), deprivation of freedom, compulsory tasks. Shooting was not applied to persons who had not reached 18 years of age or to pregnant women, nor assigned by a court if five or more years had lapsed from the time of the commission of the crime. The maximum term of deprivation of freedom was established as ten years, and the minimum term, six months. The procedure for serving punishment was determined, and also the conditional early release of persons sentenced to deprivation of freedom or compulsory tasks.

The Special Part of the Criminal Code was devoted to determining the constituent elements of various crimes, specific types thereof, and sanctions. These types of crimes were provided for: crimes against the State (or counter-revolutionary); crimes against the order of administration; official or employment crimes; violations of rules concerning separation of church from State; economic crimes; crimes against life, health, freedom, and dignity of the person; property crimes; military crimes; violation of the rules concerning public health, public security, and civil order.[1]

On 31 October 1924 the Central Executive Committee of the USSR adopted the «Basic Principles of Criminal Legislation of the USSR and Union Republics» – an act devoted to the General Part of the criminal law.[2] They introduced for the entire Soviet Union principles of criminal legislation. However, the «Basic Principles» granted the right to the Presidium of the Central Executive Committee of the USSR to indicate types of crimes to the union republics, which limited the powers of agencies of power of the union republics in the domain of criminal law.

In the second half of the 1920s a number of all-union acts were issued. Among them was the Statute on Crimes against the State of 27 February 1927. This act elaborated the concept of counter-revolutionary crime and systematized norms of criminal law directed towards combatting so-called counter-revolutionary crimes. On 27 July 1927, the Statute on Military Crimes was adopted which clarified the general concept of a military crime and provided for the constituent elements of military crimes.

[1] *Уголовный* кодекс УССР [Criminal Code of the Ukrainian SSR] (Kharkov, 1922), pp. 20–72.
[2] *СЗ* СССР (1924), no. 24, item 205, as amended.

A new Criminal Code of the Ukrainian SSR was adopted on 8 June 1927. It was structured in precise conformity with the all-union «Basic Principles of Criminal Legislation of the USSR and Union Republics», and also with other all-union acts adopted at the time. The Decree of the Central Executive Committee of the USSR of 25 February 1927 «On Changes of the Basic Principles of Criminal Legislation of the USSR and Union Republics» indicated that the Statute of the Central Executive Committee of the USSR on Crimes against the State (Counter-Revolutionary and Especially Dangerous for the USSR Crimes Against the Order of Administration) and Military Crimes must be included in the respective sections of the criminal codes of the union republics.[1] On the basis of this Decree, The Special Part of the 1927 Criminal Code of the Ukrainian SSR incorporated the Statute on Crimes against the State, Statute on Military Crimes, and certain other all-union criminal law acts.

The Criminal Code of the Ukrainian SSR gave a definition of the concept of a crime (Article 4): «Every action or failure to act threatening the Soviet system or breaking legal order or the seizure of power of workers and peasants in the transition period to a communist system shall be considered to be a socially dangerous criminal action». The mistake in the definition of the concept of a crime was that a normative indicator was not specified – provision for the act in a law. This definition was too ideological a reference to the transition period to a communist system.[2] The 1927 Criminal Code in comparison with the 1922 Criminal Code was augmented by articles on crimes against the order of administration and articles which considered this type of crime were elaborated and clarified. Great attention was devoted to clarifying the concepts of an employee and an employment crime.

The 1927 Criminal Code increased the sanctions for theft of property of citizens, and raised criminal responsibility for crimes committed by a group of persons.

The trend to intensify responsibility under criminal legislation was reflected in the 1927 Criminal Code. In the 1922 Criminal Code, 36 constituent elements of crimes provided for capital punishment. Subsequently the definitions of espionage, economic counter-revolution, sabotage, and «acts dangerous for the administrative order, banditry, mass disorders, and military crimes» were expanded. The 1927 Code included 45 crimes to which the death penalty was applicable. And Article 54 of the Criminal Code on counter-revolutionary crimes provided for deeming a convicted person to be an «enemy of the working people». The 1927 Criminal Code provided for the possibility to classify acts by analogy. Article 7 proclaimed that in the event of the absence in the Criminal Code of direct provisions for individual types of crimes, the punishment or other measures of social defense shall be determined by analogy with those articles of the Code which are most similar in importance and character. The need to introduce rules concerning analogy was explained, for example, by the fact that the early criminal code of the Soviet republics were introduced into operation under circumstances when the forms and types of criminality had materially changed in connection with the transition to the New Economic Policy, and therefore «one could never have provided for all types of criminal acts and thereby ensure the criminal law struggle with the types of crimes which had newly arisen. The application of analogy resolved the task set».[3] In reality analogy of lex

[1] *СЗ* СССР (1927), no. 12, item 122.
[2] *M. I. Bazhanov,* Уголовное право Украины. Общая часть [Criminal Law of Ukraine. General Part] (Donetsk, 1992), pp. 19–20.
[3] *Курс* советского уголовного права в шести томах [Course of Soviet Criminal Law in Six Volumes] (Moscow, 1970), I, p. 86.

was used by penal agencies as a means of violating the law. Deeming the use of a criminal law by analogy to be admissible made it possible for law-application agencies to deem a particular act to be criminal and punishable virtually without limit.[1]

The Code consolidated the possibility to apply measures of social defense to persons who, although not guilty of a specific crime, were deemed to be socially dangerous as a result of a link with a criminal environment or previous criminal activity, and so on. These measures were extensively used during industrialization and collectivization, ensuring the unpaid labor of principally millions of convicted persons or person punished in an extra-judicial proceeding.[2] The 1927 Criminal Code of the Ukrainian SSR established for the first time responsibility for the failure to report crimes against the State.

After the issuance of the 1927 Criminal Code 56 legislative act on issues of criminal law were adopted within two years.[3]

On 13 September 1922 the All-Ukrainian Central Executive Committee adopted the Decree «On the Introduction into Operation of the Code of Criminal Procedure of the Ukrainian SSR».[4] The Code of Criminal Procedure laid the foundation for the democratization of criminal procedure: the glasnost of judicial decisions, the orality and directness of the proceedings, the adversariality of the proceeding, conducting cases in the language of the majority of the population while ensuring for persons not having a command of the language the right to familiarize themselves with the materials of the file of the case and all forensic investigative actions through an interpreter, equality of the parties, and the right of the accused to defense. The Code determined the procedure for the performance of an investigation and the general conditions thereof: instituting a criminal case, inquiry, filing of an accusation and interrogation of the accused, measure for preventing the evasion of an investigation and trial, interrogation of witnesses and experts, searches and seizures, inspections and witnessing thereof, determination of the mental state of the accused, performance of preliminary investigation, appeal of actions of the investigator, and so on.

The Code of Criminal Procedure carefully determined the procedure for the proceedings in a people's court. It contained norms concerning the one-person actions of the people's court, judicial session, change of accusation and involvement of new persons in a trial, adoption and appeal of the judgment, adoption and appeal of decrees. The Code determined the proceedings in a council of people's courts, The Code contained norms regulating the proceedings in revolutionary tribunals and the performance of supreme judicial control by the People's Commissariat of Justice of the Ukrainian SSR.

The Code determined the role and tasks of Procuracy agencies in effectuating supervision over the legality of confinement under guard, a violation in criminal cases, support of the State accusation in court, supervision over the investigation, and so on.

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[1] A. V. Naumov (ed.), Словарь по уголовному праву [Dictionary on Criminal Law] (Moscow, 1997), p. 615.
[2] *Кримінальний* кодекс України. Проект, підготовлений колективом авторів за завданням комісії Верховної Ради України дванадцятим скликанням з питань правопорядку та боротьби із злочинністю [Criminal Code of Ukraine. Draft Prepared by Collective of Authors at the Assignment of the Commission of the Supreme Rada of Ukraine, Twelfth Convocation, on Questions of Legal Order and Combatting Criminality] (Kyiv, 1994), p. 137.
[3] See *История* государства и права Украинской ССР [History of State and Law of the Ukrainian SSR] (Kyiv, 1976), p. 331.
[4] *СУ* УССР (1922), no. 41, item 598.

The concluding section of the Code of Criminal Procedure contained norms which regulated the procedure for the fulfillment of court judgments.

Under the Code of Criminal Procedure, the State Political Administration was merely an agency of inquiry. On 20 September 1923 the Presidium of the All-Ukrainian Central Executive Committee confirmed the Decree on mutual relations of judicial institutions of republics and persons of Procuracy supervision and agencies of the State Political Administration. An inquiry performed by State Political Administration agencies in cases concerning counter-revolutionary crimes and military espionage, as an exception from the Code of Criminal Procedure, officially was equated to a preliminary investigation and should have been conducted according to the respective rules.[1]

On 31 October 1924 the Fundamental Principles of Criminal Proceedings of the USSR and Union Republics were adopted. The Code of Criminal Procedure of the Ukrainian SSR was revised and brought into conformity with the all-union law, and also with the Statute on Court Proceedings of the Ukrainian SSR of 23 October 1925.

On 20 July 1927 a new Code of Criminal Procedure of the Ukrainian SSR was adopted.[2] It reproduced a number of Articles from the 1922 Code of Criminal Procedure, but added new provisions concerning the work of investigative agencies, Procuracy, and court and reflected a trend towards strengthening the power pressure of the State on society. A provision was attached to the Section «Basic Provisions» which prohibited judicial agencies, and Procuracy, investigative, and inquiry agencies from accepting a criminal case for proceedings or stopping a criminal case concerning a socially-dangerous act on the grounds that the Criminal Code of the Ukrainian SSR did not provide a punishment for such act. The anti-democratic Article of the 1927 Criminal Code on analogy of lex was underpinned, thus, by criminal procedure legislation.[3] The 1927 Code of Criminal Procedure significantly expanded the right of agencies of inquiry, having transferred to them part of the functions which previously belonged only to investigative agencies. Cases with regard to which the performance of a preliminary investigation was not obligatory were referred by agencies of inquiry directly to a people's court. The Code of Criminal Procedure did not regulate the procedure of an inquiry performed by State Political Administration agencies. The right to defense was narrowed at the same time.

At the stage of preliminary investigation, and also inquiry, the Code of Criminal Procedure did not provide for the participation of defense as had been true earlier. A defender now participated in the proceeding only from the stage of judicial investigation. The acknowledgement by an accused of his guilt became one of the main evidence thereof. The provisions on the independence of judges and their subordination only to a law, the rights of the victim, and the consideration of cases in all courts with the participation of people's assessors did not receive precise legislative consolidation. The Code of Criminal Procedure (Article 62) inserted a Note on the possibility of interrogating a defender as a witness if it were established that he knew something about the crimes provided by Articles 54^2 to 54^{14} of the Criminal Code of

[1] *I. B. Usenko,* «Позасудова репресія: як це починалося» [Extra-Judicial Repression: How It Began], Комуніст України [Communist of Ukraine], no. 2 (1990), pp. 43–53.
[2] *ЗУ* УССР (1927), no. 36–38, item 167.
[3] *V. T. Maliarenko*, Реформування кримінального процесу України в контексті європейських стандартів: Теорія, історія і практика [Reform of Criminal Procedure of Ukraine in the Context of European Standards: Theory, History, and Practice] (Kyiv, 2004), p. 89.

the Ukrainian SSR, that is, it was provided that information regarding cases concerning counter-revolutionary crimes was not a professional secret. A court considering a case might stop the interrogation of a witness if it considered that according to the information of the witnesses questioned the circumstances were fully established necessary to consider the case. The Code of Criminal Procedure resolved issues connected with an appeal of decrees and judgments of the people's court. All appeals and protests against judgments and protests of a people's court and against decrees of a people's judge might be filed in the district court within a very brief period (seven full days from the day of rendering thereof). In accordance with criminal procedure legislation of the Ukrainian SSR, a significant number of cases were subject to consideration by extraordinary courts by way of exclusive particular jurisdiction. District revolutionary tribunals and the Military Division of the Supreme Tribunal of Ukraine were retained. An extraordinary session of the Supreme Court of the Ukrainian SSR operated where cases were considered at closed sessions and according to simplified procedural rules. All this created conditions for uncontrolled killings of dissidents.

On 30 July 1924 the All-Ukrainian Central Executive Committee adopted a Decree which confirmed the Code of Civil Procedure of the Ukrainian SSR. The Code of Civil Procedure consolidated democratic principles of a civil proceeding: independence of judges subordinate only to law; glasnost of the court, that is, consideration of cases at a public session open to all; orality, requiring that the basis for a decision be the oral consideration of the case at a judicial session; directness, that is, direct familiarization, study, and verification by judges of all the evidence relating to the case in the course of judicial consideration; adversariality and equality of the parties, that is, granting to the plaintiff, defendant, and procurator identical rights and possibilities to adduce evidence in order to substantiate their assertions and demands; a court proceeding in the language of the majority of the local population with the provision of an interpreter to persons not having a command of this language.

The Code of Civil Procedure reflects the trend to expand interference of the State and its agencies in the affairs of citizens. The Code noted that the court in a civil proceeding plays an active role, is not satisfied by evidence provided by the parties, but uses all measures to elicit circumstances material for the case and, when necessary, to demand them. However, the Code of Civil Procedure (Article 4) established that in the absence of normative acts to resolve any case the court should decide it by being guided by the general grounds of Soviet legislation and the general policy of the workers-peasants' Government. Thus, the reference to the policy of the workers-peasants' government gave a court the possibility to violate the rights of individual strata of the population of the Republic (especially those who were legislatively limited in rights of suffrage). At the same time, the working people who applied to a court the last should assist by defending their rights and legal interests. The Code of Civil Procedure regulated in detail questions of representation in court, particular jurisdiction over cases, court costs, fines, procedural periods, summons to court, and also the procedure for a suit proceeding and special proceedings. The Code contained norms which resolved issues of appeal and review of judicial decisions and the execution thereof.

After the adoption of the Code experience accumulated in the course of use and certain ambiguities were identified inherent to the Code. This fact, and also certain

changes in the administrative-territorial division of the Ukrainian SSR, the development of civil turnover, the practice of resolving a number of procedural questions in decisions of the Division of Civil Procedure of the Supreme Court of the Ukrainian SSR, and certain other circumstances, conditioned the need to adopt a new Code of Civil Procedure. On 11 September 1929 the All-Ukrainian Central Executive Committee and Council of People's' Commissars of the Ukrainian SSR confirmed a new Code of Civil Procedure of the Ukrainian SSR.[1] It entered into force from 1 December 1929. While retaining the basic principles of the 1924 Code of Civil Procedure, the 1929 Code to a great extent differed from it. Sections structured on the basis of all-union legislation concerning the lack of capacity of natural and juridical persons the procedure was regulated in detail for determining whether a person or organization lacks legal capacity; particular jurisdiction and the procedure for proceedings in cases concerning lack of capacity were determined, and the consequences of the lack of legal capacity, conditions for assigning liquidators of property of persons or organizations deemed to lack legal capacity, and the procedure for the division of liquidated property.

The procedures for the effectuation of measures of punishment in the Republic were regulated by the Correctional-Labor Code of the Ukrainian SSR adopted by the All-Ukrainian Central Executive Committee on 23 October 1925.[2] The task of the Code was to establish and effectuate a system of correctional-labor measures with a view to «adapting criminal elements to the conditions of free labor cohabitation».[3]

The basic provisions of the Code were contained in Section One, where reference was made to the organization of the system of correctional-labor institutions, respective regimes therein, advisability of arranging and using compulsory tasks without maintenance under guard. The Correctional-Labor Code provided that correctional-labor influence combined with deprivation of freedom should be effectuated in transitional labor houses, labor colonies (agricultural, handicrafts, factory-plant). The regime in correctional-labor institutions should facilitate the strengthening in those persons who committed crimes features of character and habits which might restrain them from the commission of further crimes and must adapt them to labor. The Code noted that this regime might not be directed towards causing any physical sufferings, impairment to health, or lowering the human dignity of inmates. Labor in such institutions was organized on the general grounds, that is, in accordance with labor legislation. The purpose of the use of labor was re-education of convicted persons, and also to cover expenses for their maintenance. At the same time, the Correctional-Labor Code embodied a class approach to convicted persons and stressed the need in practice to take into account the difference between convicted persons who were from among the working people and those who were not.[4]

In Section Two and following, the Correctional-Labor Code contained articles regulation the specific organization of the activity of correctional-labor institutions and their management and direction. For example, Section Two of the Code was devoted to the central and local agencies of the correctional-labor system of the Republic. Section Three of the Code was devoted to commissions for supervision

[1] *ЗУ* УСРР (1929), no. 25, item 200.
[2] *СУ* УССР (1925), nos. 94–95, item 523.
[3] *СУ* УССР (1925), nos. 94–95, item 524.
[4] *B. Bekhterev, M. Kessler,* and *B. Utevskii,* Исправительно-трудовое дело в вопросах и ответах [Correctional-Labor Matters in Questions and Answers] (Moscow, 1930), p. 14.

attached to correctional-labor institutions, and Section Four, to distributive commissions in districts. Section Five of the Code established the types of correctional-labor institutions: houses of preliminary confinement; houses of compulsory tasks; transitional labor houses; labor colonies; institutions for ill convicts – hospitals, colonies for tubercular convicts, labor reformatories for minor offenders, isolation cells of special designation, and the procedure for referral of convicts to correctional-labor institutions.

Section Six of the Correctional-Labor Code determined the procedure for the acceptance of convicts in correctional-labor institutions; Section Seven established the classification of convicts; Section Eight determined the regime for the confinement of convicts in correctional-labor institutions, and Section Nine provided measures for disciplinary impacts on convicts. The Code contained sections in which rules were set out for the maintenance of convicted persons in different types of correctional-labor institutions and the organization of work in these institutions, and so on. A special section determined the rules for confinement in reformatories for minor offenders from 14 to 18 years of age. The principal task was to «teach minor offenders skilled labor, to expand their intellectual horizon by general and vocational education and nurture the active and aware amongst them in their rights and duties as citizens» (Article 198).

The last section of the Code determined the procedure for admitting to a correctional-labor institution persons who were not employees thereof. Among these persons were members of the Central Executive Committee of the USSR, members of the All-Ukrainian Central Executive Committee, the Chairman of the Government of the Ukrainian SSR, the People's Commissar of Justice, and the Procurator General of the Republic, and also certain other officials of Republic level. These persons were admitted to correctional-labor institutions at any time of the day or night without a special authorization.

Taking into account that the precise realization of the Correctional-Labor Code depended directly upon the clarification by workers of correctional-labor institutions, the Correctional-Labor Section of the People's Commissariat of Internal Affairs of the Ukrainian SSR issued Circular No. 140 on 28 December 1925 concerning obligatory study of the Code by the said workers.[1]

A significant number of various legislative acts in the field of administrative law which were adopted in the Ukrainian SSR during the first half of the 1920s complicated the activities of agencies of power and administration of all levels. These circumstances objectively conditioned the need to adopt the Administrative Code of the Ukrainian SSR. He was elaborated and confirmed by the All-Ukrainian Central Executive Committee on 12 October 1927 and introduced into operation from 1 February 1928.[2]

The Administrative Code of the Ukrainian SSR consisted of fifteen sections and had 528 articles. It regulated a broad range of relations connected with the rights and duties of agencies of State administration in mutual relations between themselves and the relations of these agencies with citizens.

[1] *Сборник* материалов по исправительно-трудовому делу УССР. Законоположения, инструкции и циркуляры [Collection of Materials on Correctional-Labor Affairs of the Ukrainian SSR. Legislative Provisions, Instructions, and Circulars] (Kharkov, 1927), pp. 94–95.
[2] *ЗУ* УСРР (1927), nos. 63, 65, items 239 and 240.

The Third Session of the All-Ukrainian Central Executive Committee, sixth convocation, having discussed the Report of the People's Commissar of the Enlightenment of the Ukrainian SSR of Code of Laws on Enlightenment, on 16 October 1922 adopted this legislative act as a whole and assigned the People's Commissariat of the Enlightenment and the People's Commissariat of Justice of the Ukrainian SSR to produce a final edited version and submit it for confirmation of the Presidium of the All-Ukrainian Central Executive Committee. On 22 November 1922 the Presidium of the All-Ukrainian Central Executive Committee confirmed the Code of Laws on Public Enlightenment of the Ukrainian SSR and introduced it into operation on the territory of the Ukrainian SSR from 25 November 1922.[1] The structure of this Code was as follows: preamble; book, part, section, chapter. The Code had 767 articles. It consisted of these books: (1) Organization of the Administration of Supply in Public Enlightenment; (2) Social Nurturing of Children; (3) Vocational and Special-Scientific Education; (4) Political Enlightenment and Nurturing of Adults. The Code provided that the purpose of Soviet nurturing and enlightenment was the «emancipation of the toiling masses from spiritual slavery, development of their self-awareness, creation of a new generation of people of a communist society with the psychology of collectivism, with a firm will, socially-necessary skills, and a materialist world outlook based on a clear understanding of the laws of the development of nature and society». The Code emphasized that agencies of nurturing and enlightenment should be an instrument of the dictatorship of the proletariat for the destruction of a class society and the creation of a new socialist society, the conduit of the principles of communism and ideologically organized influence of the proletariat of the toiling masses for the purpose of nurturing generations of builders of a communist society. As we see, the Code was excessively ideological and imbued with revolutionary phraseology.

The basis for the creation and activity of cultural-enlightenment institutions of the State under the Code were to be: (a) the labor process as the foundation of nurturing and cognition; (b) the diversity of the requirements of life as the purpose of the educational process; (c) the practice directed not only towards an explanation of the world, but also the changing thereof. The Code proclaimed the right of all citizens of the Ukrainian SSR to free access to knowledge, sciences, and arts in all cultural-enlightenment institutions of the State. In order to effectuate the tasks and purposes of nurturing and enlightenment a system of Soviet education was established: (a) the social nurturing of children; (b) the vocational education of youth and young people; (c) scientific work; (d) political education of adults. Social nurturing of children and vocational education of youth and young people up to 17 years of age inclusive was declared to be universal, obligatory, free of charge, and co-educational.[2] The term «social nurturing» was understood as the aggregate of State measures directed towards nurturing children with the use of various organizational forms. As a second stage, the Code consolidated a system of vocational-technical and special scientific enlightenment. The first part of the system (vocational-technical education) was based on two main types: technical industrial, and agricultural. Having graduated from a vocational-technical school, an adolescent continued study in a higher school or enrolled in practical work. The Code relegated to the category of a higher school

[1] *СУ* УССР (1922), no. 49, item 729.
[2] See, for details, *История* государства и права Украинской ССР [History of State and Law of the Ukrainian SSR] (Kyiv, 1987), II, p. 162.

technical institutes and institutes. The Code consolidated a structure of scientific institutions: scientific-research institutes, chairs, laboratories, scientific libraries and associations, museums, Ukrainian Chamber of Books, book storage facilities, archives. The Code of Laws on Public Enlightenment of the Ukrainian SSR was an important legislative act which to a significant degree furthered the development of the activity of State institutions of the Republic with regard to training and educating the broad strata of the population of the Ukrainian SSR. At the same time, the Code had a number of shortcomings: the existence of tautologies in the name (Code of Laws); the declarative nature of individual paragraphs and the complexity of citizens comprehending them with the then levels of education; the renvoi character, repetition, and divergence of a number of norms; the use of abbreviations in words and terms without the subsequent deciphering; the lack of titles to articles.[1] The name in the Code of the Chief Politico-Educational Committee as the agency of the «State propaganda of communism» and insistence upon the dual subordination thereof to the People's Commissariat of Enlightenment of the Ukrainian SSR and the Central Committee of the Communist Party (Bolshevik) of Ukraine created stable foundations for forming an administrative-command system of the administration of culture in Ukraine.

At the end of the 1920s, several codification acts were adopted. In February 1928 the Statute on Civilian Construction, which replace the Provisional Construction Rules, was adopted. In August 1928 the Mining Code of the Ukrainian SSR was adopted. In September 1929 a new version of the Statute on Court Organization of the Ukrainian SSR appeared. The repudiation of the New Economic Policy in essence ended codification work because the subsequent codifications the Party leadership of the Soviet Union considered to be inadvisable or simply impossible as a result of the zigzags of Stalinist policies.[2]

Honcharenko V. Law of Ukrainian SSR during New Economic Policy (1921–1929)

Abstract. The article examines the transition to the new economic policy, which has led to changes in the branches of law in Ukraine. Important legislative acts were adopted governing property, contractual, labor, land relations, the activities of cooperatives, trade, etc.

Key words: economic policy, legislative acts, codes.

Гончаренко В. Д. Право УРСР у період нової економічної політики (1921–1929)

Анотація. У статті аналізується перехід до нової економічної політики, який зумовив зміни, що відбулися в галузях права України. Були прийняті важливі законодавчі акти, що регулюють майнові, договірні, трудові, земельні відносини, діяльність кооперації, торгівлі та ін.

Ключові слова: економічна політика, законодавчі акти, кодекси.

Гончаренко В. Д. Право УССР в период новой экономической политики (1921–1929)

Аннотация. В статье анализируется переход к новой экономической политике, который обусловил изменения, произошедшие в отраслях права Украины. Были приняты важные законодательные акты, регулирующие имущественные, договорные, трудовые, земельные отношения, деятельность кооперации, торговли и др.

Ключевые слова: экономическая политика, законодательные акты, кодексы.

[1] *L. Raboshapko*, «Перший Кодекс законів про народну освіту України» [First Code of Laws on Public Enlightenment of Ukraine], Право України [Law of Ukraine], no. 9 (1992), p. 37.
[2] *I. B. Usenko*, Україна в роки непу: доля курсу на революційну законність [Ukraine in the Years of New Economic Policy: A Course towards Revolutionary Legality] (Kharkov, 1995), p. 58.