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THE CLASSIFICATION OF SOVIET STATE ORGANS

The following is a summary of the article, "On the Problem of the Classification of Soviet State Organs," by P. T. Vasilenko, published in Vestnik moskovskogo universiteta, No 7, 1951.<sup>7</sup>

To systematize the great number of diverse organs of the Soviet state it is necessary to select one or more essential characteristics as the basis for classification. Such a classification is correct only if it takes as its basis the most essential characteristics of the organs under consideration. A characteristic is essential if it characterizes the activity of an organ, separates it from the mass of other state organs, and places it in an independent category. It is possible to establish the essential characteristics of state organs only if one is acquainted with them and can differentiate between that which is basic and that which is of only secondary importance.

1. The Stalin Constitution as a Basis for Classification

The Soviet state has an orderly and unified system of state organs, The basis of the division of Soviet state organs is the Stalin Constitution, which sets up the following classification:

- a. Organs of state power
- b. Organs of state administration
- c. Judicial organs
- d. Organs of the Office of the Public Prosecutor (Prokuratura)

2. Geographical Extent of Operations as a Basis for Classification

In reference to the geographical extent of their operations Soviet state organs may be categorized as central or local. Central organs are those whose activities cover either all the territory of the USSR or all the territory of a union or autonomous republic. These include supreme soviets, presidiums of supreme soviets, councils of ministers, ministries and special departments (vedomstva), the Supreme Court USSR, the supreme courts of union and autonomous republics, the Office of the Public Prosecutor USSR, and the offices of the public prosecutor of union and autonomous republics. Local organs include local soviets, executive committees of local soviets, sections and administrations of executive committees of local soviets, kray and oblast courts, courts of autonomous oblasts, okrug courts, and people's courts.

3. Subordination and Responsibility as a Basis for Classification

On the basis of their subordination and responsibility, organs of the Soviet state may be divided into four basic groups as follows:

- a. Organs subordinate and responsible only to the electors. These include the Supreme Soviet USSR and supreme soviets of union and autonomous republics.
- b. Organs subordinate and responsible both to the electors and to superior organs. Local soviets are of this type.
- c. Organs subordinate and responsible under the so-called dual-subordination system. These include ministries and special departments of union republics, ministries and special departments of autonomous republics, executive committees of local soviets, sections and administrations of executive committees, etc.

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d. Organs subordinate and responsible only to superior state organs. These include presidiums of supreme soviets, councils of ministers, ministries and special departments of the USSR, and organs of the Office of the Public Prosecutor.

#### 4. Method of Formation as a Basis of Classification

Depending on the method of their formation, Soviet state organs may be classified as either elected or appointed.

Elected organs may be broken down further as follows:

a. All organs that are elected directly. Such are all soviets (including the Supreme Soviet) and all people's courts.

b. Organs that are chosen by other state organs and are responsible to the latter. These include the presidiums of supreme soviets, executive committees of soviets, etc.

#### 5. Internal Organization as a Basis of Classification

Depending on their internal organization, Soviet state organs may be divided into those in which decisions are made by a collegium (kollegial'nyy) and those in which decisions are made by one man (yedinolichnyy).

In collegial organs all basic questions are decided by majority vote of the collegium. All members of the collegium have equal rights and equal duties. A quorum is necessary for a decision. All soviets, all court organs, organs of state administration of general competence, and some other organs are collegial organs. With few exceptions all collegial organs are decisive (reshayushchiy) organs and most of them are elected. Only a few collegial organs are subsidiary. These include collegia of ministries and special departments, which are consultative and appointed organs.

Every collegial organ is headed by a director (rukovoditel'). He has no authority to make decisions in basic matters. He is equal to the other members of the collegium and is concerned primarily with organizational and preparatory problems.

With few exceptions the only problem within the competence of soviet collegial organs that requires more than a simple majority vote for a decision is an amendment to the Constitution.

The following are organs in which basic decisions are made by one man: all organs of the Office of the Public Prosecutor and most organs of state administration of special competence (ministries, most special departments, sections and administrations of executive committees of local soviets, and operational-managerial organs). These organs are, as a rule, appointed, and their directors are named by higher organs. All organizational and operational problems under the jurisdiction of these organs are decided by the director alone. He directs the organ and exercises general supervision over lower similar organs. He alone makes decisions on all problems for all his subordinates and for all subordinate organs.

#### 6. Character and Scope of Competence as a Basis for Classification

Depending on the character and scope of their competence, Soviet state organs may be divided into organs of general competence and organs of special competence.

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Organs of general competence exercise general supervision over the activities of state organs of special competence. They deal with many phases of state activity in the territory subordinate to them. They include supreme soviets, councils of ministers, local soviets, and executive committees of local soviets.

Organs of special competence deal with certain more narrow problems of state activity. They are, as a rule, subordinate to corresponding organs of general competence. They include ministries, special departments under councils of ministers, sections, administrations, and commissions of executive committees, special courts of the USSR, special offices of the Public Prosecutor, etc.

#### 7. Legal Basis of Formation as a Basis for Classification

Depending on the legal basis of their formation, organs of the Soviet state may be divided into two basic categories as follows:

a. Organs provided for in the Constitution and created as stipulated therein. It is obligatory that these organs be set up.

b. Organs not directly provided for by the Constitution but created by special decree of the organ authorized to take such action.

The majority of Soviet state organs are directly provided for in the USSR Constitution or in the constitutions of union or autonomous republics.

Organs not directly provided for include such organs as city courts (Moscow and Leningrad), the majority of special departments under councils of ministers, managerial-operational and other intermediate and lower organs of state administration. To this group belong all extraordinary organs, set up by special decree of higher organs of the Soviet state. In most cases the Constitution authorizes the establishment of these organs if the need arises.

#### 8. De Jure and De Facto Organs

All state organs are de jure and de facto organs with the exception of the Council of Elders (Soviet stareyshin). It is not formed on the basis of an act of the Soviet parliament, but by agreement among the deputies of the Supreme Soviet.

#### 9. Extraordinary State Organs as a Separate Class

In case of exceptional conditions such as war or natural calamity, it becomes necessary to set up extraordinary organs that operate along with the normally functioning system of state organs. The Soviet state, in both its first [1917 - 1936] and second [after the 1936 Constitution] phases, has witnessed the functioning of extraordinary state organs. In case of serious conditions in the country, these extraordinary state organs serve as one of the most important means of strengthening the dictatorship of the working class.

These extraordinary organs are characterized by the following:

a. They are set up on the basis of an extraordinary situation and are not provided for by the Constitution.

b. They are organs of special and exclusive state importance and are called upon to solve tasks upon which depends the victory of the Great October Socialist Revolution.

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c. They are invested with extraordinary powers, the most important of which is usually the power of direct coercion.

d. Extraordinary organs are short lived and are set up to execute particular tasks. Upon carrying out their tasks they give way to the regular organs of the state or are simply liquidated.

During the first years of the Revolution a number of such organs were set up. Such were the VChK (All-Russian Extraordinary Commission for the Struggle Against the Counterrevolution, Sabotage, and Speculation), the ZhChK (Railroad Extraordinary Commission), and the Council of Workers' and Peasants' Defense (later, the Council of Labor and Defense).

On 30 June 1941, by decision of the Presidium of the Supreme Soviet USSR, the TsK VKP(b), and the Council of People's Commissars, an extraordinary wartime organ -- the State Defense Committee -- was established. All state authority was concentrated in this extraordinary organ. It possessed extraordinary powers, based on socialist law and in correspondence to the principles of Soviet democracy.

Local organs of the State Defense Committee carried out its functions at the lower levels. These were the authorized representatives of the State Defense Committee in republics and oblasts and local defense committees set up by the State Defense Committee in cities and rayons. For example, city defense committees were established in Leningrad, Odessa, Stalingrad, Sevastopol', Tula, Astrakhan', and, after liberation, in Mozhaysk, Klin, Kaluga, and other cities.

The formation of these committees in no way limited or weakened the activity of the regular organs of state power and organs of state administration. During the war they functioned along with the extraordinary organs.

The State Defense Committee was the embodiment of the unity of the entire system of the dictatorship of the working class in the Soviet Union. It did not destroy the priority of the legislative power of the Supreme Soviet, or the competence of the Presidium of the Supreme Soviet, but exercised supreme authority in matters relating to defense. In all its activities it was subordinate to and controlled by the supreme organs of state power -- the Supreme Soviet and the Presidium.

Extraordinary organs may be created in case of natural disasters. For example, a special Governmental Commission was set up by the Council of Ministers to aid those suffering from the Ashkhabad earthquake of 6 October 1948.

#### 10. Length of Term as a Basis for Classification

Depending on the length of their terms, state organs can be divided into permanent and temporary.

Permanent organs include all state organs set up by the Constitution and many organs created by special decree of authorized organs for the permanent supervision of state activities.

Temporary organs include all those that are created by authorized organs only for a limited time and for the execution of a definite state task. All extraordinary state organs are temporary. Investigation and inspection commissions of supreme soviets and the Conciliation Commission of the Supreme Soviet are also temporary organs.

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11. The Role of Organs in a Given System as a Basis for Classification

Depending on the role they play in the activities of a given system of state organs, all organs of the Soviet state may be divided into decisive (*reshayushchiye*) and subsidiary (*vspomogatel'nyye*).

Decisive organs are the basic organs of the state and have the right to operate within the limits of the authority granted them. They have the authority to make final decisions on any question within their competence independently of any other organ. They include the majority of organs of the Soviet state: supreme soviets, presidiums of supreme soviets, councils of ministers, ministries and special departments, local soviets and their executive committees, sections and administrations of executive committees, judicial organs, and organs of the Office of the Public Prosecutor.

Subsidiary organs have no power to make basic decisions. For the most part, they assist in the activities of decisive organs. The majority of them are not provided for in the Constitution, but are created, as a rule, by a decree of a decisive organ. Any basic decisions that are made by subsidiary organs are subject to the approval of the corresponding decisive organ. In general, they do not have the right to make decisions that would have the force of law. They can consider a variety of problems but can make no final decisions. Such organs can further be broken down according to the type of assistance they render decisive organs, as follows:

- a. Preparatory organs
- b. Consultative organs
- c. Informational organs
- d. Executive organs

Preparatory subsidiary organs are primarily concerned with the collection and preparation of material necessary to decisive organs in the making of basic decisions. Many preparatory organs carry on the secretarial work of their decisive organ.

Consultative subsidiary organs are concerned with the preliminary discussion of projected decisions and present these projects for final adoption by the decisive organ. They include permanent commissions (budget, legislative, foreign affairs) of supreme soviets, collegia of ministries, etc. Such organs are usually collegial organs.

Informational subsidiary organs keep their corresponding decisive organs informed on definite problems. Such are the credentials commissions of supreme soviets and local soviets.

Executive subsidiary organs carry out decisions made by their corresponding decisive organs. Such organs are court executors, finance inspectors, etc.

Many subsidiary organs are part of the apparatus of their corresponding decisive organs; some are not.

12. Simple and Complex Organs

This division primarily effects higher organs and judicial organs, as all organs of state administration, local soviets, and organs of the Office of the Public Prosecutor are simple organs.

The Supreme Soviet USSR consists of two equal chambers that are independent organs. A law passed by one of these chambers does not go into effect until passed by the other. A proposal becomes law only if it is adopted by a

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majority of the members of both houses of the Supreme Soviet. In other words, the Supreme Soviet is a complex state organ consisting of two equal houses -- the Soviet of the Union and the Soviet of Nationalities. Supreme Soviets of union and autonomous republics do not have two chambers and therefore are simple organs.

All higher judicial organs are complex, consisting of two -- in the Supreme Court USSR, five -- judicial collegia, which make up the judicial organ. But this complexity is limited only to the organization and does not affect the method of making decisions, as each judicial collegium is concerned with reviewing cases independently, and has the final voice in a given case. [Sic. Rudolph Schlesinger points out in his article, "Court Cases as Information on Soviet Society" (The American Slavic and East European Review, Vol X, No 3, Oct 1951), that "Uniformity of legal concepts is, thus, guaranteed mainly at the top, and corrections of decisions of the various Chambers (collegia) of the Supreme Court by the Plenum composed of all judges of all Chambers are quite frequent." Another source (Sovetskoye gosudarstvennoye pravo, Moscow, 1948, p 472) states: "The Plenum of the Supreme Court USSR, in its capacity of court of highest instance, reviews protests of the Public Prosecutor USSR and the chairman of the Supreme Court USSR concerning sentences, decrees, and decisions of the collegia of the Supreme Court USSR."]

Thus, complex state organs consist of separate independent parts which, in their totality, make up the single state organ.

### 13. Source of Finance and Method of Handling Property as a Basis for Classification

Depending on their source of finance and method of handling property within their jurisdiction, Soviet state organs may be divided into the two categories of state budget organs and cost-accounting organs.

Managerial-operational and some other organs of administration belong to the cost-accounting category. All remaining organs of the Soviet state operate on the state budget.

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