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16 July 1982

USSR Report

POLITICAL AND SOCIOLOGICAL AFFAIRS

(FOUO 24/82)

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COORDINATING COMMISSIONS IN MINISTRY OF INTERNAL AFFAIRS DESCRIBED

Moscow SOVETSKOYE GOSUDARSTVO I PRAVO in Russian No 5, May 82 pp 33-42

[Article by B. M. Lazarev, doctor of jurisprudence: "Types of Interrelation of Organs of Soviet Government"]

[Excerpt] Coordinating commissions are often created alongside ministries with authority over departments. Thus alongside the USSR MVD there exists a Commission for ensuring traffic safety. It is under the direction of the USSR Minister of Internal Affairs. Its members also include deputy chairmen of the Councils of Ministers of the union republics, deputy leaders of a series of government committees, ministries and departments of the USSR, whose enterprises, institutes and organizations manufacture means of transportation, build roads, prepare cadres of leaders, and representatives of social organizations. The individual composition of the Commission is confirmed by the USSR Minister of Internal Affairs in agreement with the Councils of Ministers of the union republics, concerned organs and the indicated social organizations. The decisions of the Commission connected with the coordination of the activities of the ministries, departments and organizations for the assurance of traffic safety are binding on these organizations. Decisions are reached by a simple majority vote, there being no less than half the membership of the Commission present at the meeting. That the Commission is attached to the USSR MVD and is headed by the Minister of Internal Affairs is explained by the fact that at the union level the responsibility for the assurance of traffic safety in the country rests directly with the USSR MVD, while the solution of the task also involves many other organs whose activities must be coordinated and interests considered. At the same time the Commission cannot be subject to the Minister of Internal Affairs. With regard to all this, the formation of an "organ beside an organ" was accepted in this case.

For a long time the "organ beside an organ" scheme was adapted in the past to the oblast and kray offices of internal affairs--they appeared as offices of the MVD alongside the executive committees of the oblast and kray Councils. There was a close and working contact between these organs. The decisions of the oblast and kray Councils and their executive committees in response to a series of questions were binding on the indicated offices, but they did not apply to a number of executive committee offices, their main line of

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subordination being a vertical one. In 1956 a reform was carried out; the aforementioned offices as well as rayon and city organs of internal affairs were transferred to "double" subordination and became organs of corresponding executive committees of local Councils, i.e., their relationship is now built on the model of "organ within an organ" and not "organ beside an organ." This was done for the purpose of raising the role of local Councils and their responsibility for social order in departmental territory, the reinforcement of control of the representative organs over the organs of internal affairs. It is true that not all local Councils and their executive committees are yet fully using this plan of interrelation and some of them do not exert the necessary influence on the work of local organs of internal affairs.

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NATIONAL

PROBLEMS IN CODIFICATION OF SOVIET LAW OUTLINED

Leningrad IZVESTIYA VYSSHYKH UCHEBNYKH ZAVEDENIY: PRAVODENIYE in Russian No 2, 1981
pp 13-20

[Article by Doctor of Legal Sciences A. S. Pigolkin and Candidate of Legal Sciences
I. F. Kaz'min]

[Text] 1. Codification is the highest form of organizing legislation. It makes it possible to simultaneously update previously published legislation, to supplement it with important new statutes and to transform numerous isolated norms that are not always coordinated sufficiently with one another into a single harmonious system--that is, it is an effective means of systemic development of the content of law. Great is the political significance of codification also. On one hand it serves as an irreplaceable means of making major transformations in various spheres of legal regulation, or even of creating the fundamentals of such regulation (as was done in the first years of Soviet rule); on the other hand it raises the stability of legislation, bringing it into a state which is intended for existence over a long period of time. Codification promotes growth in the role of law in the society's social and political life, it strengthens legality, and it serves as a restraining factor in relation to possible abuses on the part of certain officials. Inasmuch as the main form of codification is laws--that is, acts adopted by higher legislative organs of the USSR and of the union and autonomous republics, codification is usually aimed at augmenting the role and authority of laws within the system of existing law and of elected higher organs of government, and at improving the activities of police organs. It eliminates omissions, outdated statutes and contradictions in legislation, and it facilitates selection of norms subject to amendment and the use of the laws.

2. Adoption of the new USSR Constitution and of the constitutions of the union and autonomous republics was an important step in strengthening the legal foundation of the state and social life of developed socialist society. From the legal standpoint this step represents a new effort at codifying Soviet constitutional legislation. It possesses all of the earmarks of area codification, which has enjoyed wide acceptance in recent years. In the course of codification, the vast material of a particular area of legislation (constitutional in this case) is updated and summarized in a single document. Obsolete norms are deleted, the wordings of a number of former norms are reworked, and a significant number of new standards satisfying present needs and conditions are introduced. Moreover the new unified document combines (often in transformed appearance) many norms scattered previously among different legislative documents.

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The result of codification of an area of legislation (with a consideration for its federal structure) is, as a rule, publication of not some single document but rather an entire system of mutually subordinated documents, some of which codify unionwide legislation while others codify republic legislation. This is precisely the situation observed with the recent codification of Soviet constitutional law: The USSR Constitution brought together unionwide norms, while the constitutions of the union and autonomous republics correspondingly brought together republic constitutional legislation.

Its main differences from codifications of other areas of legislation lie in the form and legal force of the codifying document. In terms of most (though not all) other areas of legislation, the form observed today is the unionwide Fundamental Principles and republic codes, which are subordinated correspondingly to all-union and republic constitutions. But in application to constitutional legislation, the form of codification observed is the all-union and republic constitutions, which occupy the highest position in the hierarchy of existing acts of all-union and republic legislation. Codification of constitutional legislation is also unique in that it embraces not only the constitutional legislation of the USSR and the union republics, but also the appropriate legislation of the autonomous republics, which had not been the case before, in the codifications of other areas of legislation.

The Fundamental Law "documents only the main, fundamental premises which, though they may have a direct legal force, are at the same time expanded and discussed more concretely in other acts of law."¹ This requirement pertains to all areas of law, to include state law, which is not subject to all-embracing codification by constitutions. Thus the need for comprehensively regulating the legal basis of state and social life requires that following codification of constitutional legislation, other important areas of law are organized in similar fashion as well. We may state confidently that renewal of constitutional legislation was not only a major step in improving legislation, but also a powerful motive for its further development.

3. Codification can proceed only on a soundly planned foundation. This principle is enjoying increasingly greater confirmation in lawmaking practice. What is typical of the content of existing plans for codification and other lawmaking efforts is that two major directions in the development of modern legislation have merged within them: preparation and adoption of acts based directly upon the USSR Constitution and the constitutions of the union republics, and of acts to be included in unionwide and republic codes of laws undergoing preparation. The plan of codificational effort based on the USSR Constitution was formulated and approved by a decree of the Presidium of the USSR Supreme Soviet dated 12 December 1977.² This decree foresaw development of more than 20 codificational drafts of laws. Similar plans were also approved by the union republics. On 23 March 1978 the CPSU Central Committee, the Presidium of the USSR Supreme Soviet and the USSR Council of Ministers adopted a joint decree "Problems of the USSR Code of Laws."³ In addition to solving important problems associated with preparing the code, this document also approved a plan for developing more than 100 new acts for the USSR Code of Laws. The plan contained within the 12 December 1977 decree became its most important part. Thus we now have a single summary plan for the most important lawmaking efforts (of predominantly codificational nature).

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Similar summary plans were also approved by joint decrees of the central committees of the union republic communist parties and by the presidiums of the supreme soviets and the governments of the union republics. Thus a decree published by the RSFSR Supreme Soviet and the RSFSR Council of Ministers on 13 February 1979⁴ foresees development of over 70 new major acts subject to inclusion into the RSFSR Code of Laws. The bulk of them are codificational in nature.

The plans prepared in the course of execution of the new USSR Constitution are not mechanically combined with the plans of lawmaking efforts associated with the codes of laws. It is directly emphasized in decrees approving unified plans of lawmaking effort connected with publication of unionwide and republic codes that preparation of such codes must proceed on the basis of the USSR Constitution and the constitutions of the union republics. Thus all plans today are legally and practically subordinated to the new constitutional legislation, and they are aimed at developing this legislation and making it more concrete.

Codificational acts presently in the planning stage may be conditionally divided into three groups depending on the degree of their relationship to the new constitutional legislation. Acts of the first group (such as the laws on the USSR Supreme Court and on the supreme courts of the union republics, and the regulations of the USSR Supreme Soviet and the supreme soviets of the union republics) are directly foreseen by the USSR Constitution and by the constitutions of the union republics. The second group includes acts which, though they may not be foreseen in the constitutions, are a development of certain articles of these constitutions, and provide legislative support to them (for example the legislative act on the rights of labor collectives). The third group includes acts that do not derive directly or indirectly from constitutional legislation but which consider its letter and its spirit, as well as its orientation and principles (in particular, the Law on Protection of Atmospheric Air and the Law on Protection and Utilization of the Animal World).

4. Programs of codificational efforts approved in the union republics are closely associated with the plan for improving unionwide legislation. These programs deal with a large number of acts corresponding to all union acts dealing with similar topics. Thus the draft Fundamental Principles of USSR and Union Republic Legislation on Administrative Law Violations were developed in accordance with the all-union plan. This act, which is now in force, codified, updated and organized the scattered legislation on this issue. A similar task is to be performed in the RSFSR by means of adopting a code of laws corresponding to these Fundamental Principles. The all-union legislative act on the legal profession has its counterpart in the RSFSR--a republic legislative act on the legal profession.⁵ However, such a relationship is not always present.

There are many acts contained within the republic plans of codificational efforts which do not have analogues in unionwide legislation. This is quite normal, since some unionwide acts resolve problems that are solely within the competency of the USSR (for example the Law on the Order of Signing, Executing and Denouncing International Treaties of the USSR, adopted 6 July 1978⁶), while on the other hand some republic acts are only within the competency of the appropriate republic (for example laws on electing local soviets). The codification plans of the union republics themselves differ significantly from one another as well. This can be explained by a number of reasons. First of all the natural and other objective features of the

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union republics have significance. This can be seen especially clearly, in particular, in bills having to do with agriculture (the acts of some republics deal with irrigation, those of others deal with land drainage, those of others are concerned with grape growing and so on). Second, much depends on the degree to which the law regulates a given issue. For example some republics may just be starting to draw up new acts on honorary titles, while in other republics these acts may already exist. There are other reasons as well. For example a Law on Autonomous Oblasts must be published in execution of the RSFSR Constitution, while many other union republics do not require such a law because they do not have the appropriate administrative territories.

On the whole, analysis of the codificational efforts presently under way would show that the union republics, being competent sovereign states, are displaying broad initiative in improving their own legislation, and their lawmaking plans exhibit the necessary degree of both unity and mutual association with unionwide laws, and independence reflecting specific features of the republics. This is a clear example of the democracy of soviet lawmaking.

5. Presence of legislation improvement plans approved by higher lawmaking organs sharply raises the effectiveness of lawmaking efforts. This has an especially fruitful effect on reducing the time required to prepare the drafts of major codificational acts, in comparison with the time it took before. Moreover, planning helps to improve the coordination and mutual fit of different bodies of legislation. On this basis, the principle of planning the most important lawmaking (and primarily codificational) efforts should be put into legal form. Moreover such plans would best be drawn up for a five-year period. Shorter periods would be undesirable in connection with the great laboriousness of major codificational efforts, while on the other hand longer periods may mean a need for making adjustments later on. These plans would best be approved by decrees of the Presidium of the USSR Supreme Soviet and the government of the USSR (and, correspondingly, of the union and autonomous republics), and when necessary, they may be approved by the CPSU Central Committee (the central committee of the union republic).

In such a system ministries, departments and other lawmaking organs acting in execution of state plans of lawmaking efforts could approve their own plans, documenting within them the concrete forms of activity, the intermediate stages and the deadlines of work on specific bills which they help prepare. Moreover these plans can contain provisions associated with preparing acts applicable to a given department, and so-called initiatives, which come from sources other than the government plan.

6. We are presently successfully implementing a program of legislative effort of unprecedented volume. We have already adopted codificational acts such as the Law on Election of the USSR Supreme Soviet,⁷ the Law on the USSR Council of Ministers,⁸ the regulations of the USSR Supreme Soviet,⁹ the Law on the USSR Supreme Court,¹⁰ and some others. The union republics are also implementing their legislative plans. Held in August 1979, the Tenth Session, Ninth Convocation of the USSR Supreme Soviet adopted the Law on the RSFSR Council of Ministers¹¹ and the Law on Election of Local RSFSR Soviets of People's Deputies.¹²

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These acts are fully in keeping with the letter and spirit of the USSR Constitution and the constitutions of the union republics, and they satisfy the most important requirements of constitutional legislation aimed at developing socialist democracy, at full assurance of the rights and liberties of citizens, at expansion of their participation in the society's control and at all-possible reinforcement of legality. The same principles are at the basis of the preparations presently being made of draft codificational acts which account for not only new constitutional legislation but also all achievements of Soviet lawmaking and practical implementation of the law. Thus experience showed that consideration of court practice would be useful in preparing new acts associated with business, civil, labor, kolkhoz and some other areas of legislation, while consideration of arbitration practice would be appropriate in the corresponding cases. Many important provisions of legislation were worked out first in court and arbitration practice. When necessary, this should be accounted for in codification efforts.

The existing legislation provides commissions responsible for publishing unionwide and republic codes of laws the right to make corrections in the list of acts subject to development and inclusion in the codes. We believe that the demands of the practice of law application should also be accounted for when doing such work. Thus the presently discernible tendency for convergence of kolkhoz labor relations and the labor relations of laborers and white collar workers has led to the arising of disputes in kolkhoz law similar to the disputes experienced by laborers and white collar workers. The courts are experiencing considerable difficulties in examining such disputes in view of the absence of legislation in this area. The time has come to publish a special Statute on the Order of Examining the Labor Disputes of Kolkhoz Farmers and a Statute on Material Liability of Kolkhoz Farmers. As we know, such acts have already been adopted in relation to laborers and white collar workers. Their development should promote further reinforcement of legality in the countryside, and it should satisfy the requirements of new constitutional legislation on strengthening court protection of the rights and legal interests of Soviet citizens, as well as of kolkhozes.

7. Before, acts published by the country's supreme legislative organs were subjected to codification--those of the supreme soviets of the USSR union republics, and their presidiums. One of the unique features of the present stage of codification is that it is now extending more and more broadly to secondary legislative acts, particularly to decrees of the government of the USSR and the union republics. This is especially typical of business legislation, in which the role played by government acts is extremely significant.

Expansion of the sphere of codification is also responsible for causing diversity in its legal form: What we have now are not only the Fundamental Principles of legislation and codes, but also diverse statutes, regulations, rules and other acts. We can expect that as codification efforts are extended further to the sphere of secondary legislative acts, new forms will arise as well. And this will require generalization of the corresponding experience, and development of the most suitable procedures and forms of codification of secondary legislative acts.

Another important positive trend in modern codification is its extension beyond the bounds of the traditional areas of law, to the sphere of social relations, which are regulated by different areas of Soviet law, as is especially typical of laws pertaining to the national economy. Highly important codificational acts such as the CPSU Central Committee and USSR Council of Ministers 12 July 1979 decree "On

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Improving and in Strengthening the Influence of the Economic Mechanism on Increasing Production Efficiency and Work Quality,"¹³ and the "Statute on the Production Association in Agriculture"¹⁴ are complex acts by nature--that is, they apply to different areas of law. The task of raising the level of codification of business legislation requires further expansion of the practice of complex codification.

8. If the volume of codification efforts is to be dramatically increased and if the role played by codification--one of the most effective means of improving Soviet legislation--is to be enhanced, the effectiveness of the scientific support offered to such efforts must be raised as well. This is directly foreseen by unionwide and republic decrees on preparation of codes of laws. While at the unionwide level broad participation of scholars in codification efforts has long been the case, in a number of cases the union republics are experiencing difficulties in this regard, inasmuch as the lawmaking organs do not as a rule have their own legal research centers. What we obviously need here is broader utilization of scientists from other departments, primarily from the academies of sciences of the union republics, and of instructors at legal institutes and law schools. All-union scientific institutions could also broaden their assistance to republic lawmaking organs.

Practice shows that the most typical forms of participation of scientists in codification activities include preparing proposals for bills, developing the structure and basic principles of future laws, participating in working groups and commissions formed with the purpose of preparing bills, providing advice to lawmaking organs on issues arising in the course of a bill's writing, offering conclusions on prepared bills and so on. Preliminary sociological research and experiments, conducted with the purpose of finding the most effective solutions to particular issues associated with the content of future laws, could be extremely important. It should be recognized that such research has not yet enjoyed broad development in legislative activities, though given proper organization of the effort, it could become an important means of improving the scientific grounds and effectiveness of adopted acts.

Scholars preparing proposals for bills usually limit themselves today to general discussion of the suitability of a particular solution and to criticism of certain provisions of a bill. The effectiveness of the participation of science in codification efforts would rise significantly if scientists working on a particular issue were to simultaneously suggest the concrete wording for the article or subdivision of the act in question.

Also effective is preparation of a concrete bill in its entirety--from the preliminary research to submission of the final bill--by individual scientific institutions. Bills could be developed both in response to direct requests from lawmaking organs and on the initiative of the scientific institution or individual scientists. It would be desirable in this case for such initiative to be directed at realizing the plans of legislative work, as approved by the appropriate lawmaking organs. Much experience has been accumulated in this aspect by, for example, scientists of the VNIISZ [All-Union Scientific Research Institute of Soviet Legislation]. Responding to requests by interested lawmaking organs, and in a number of cases using their own initiative, these scientists prepared a number of model all-union and republic codification acts in recent years. Thus the VNIISZ once appeared before legislative organs with a proposal to publish the Fundamental Principles of Legislation on Administrative Liability. The institute's scientists developed, and submitted to the lawmaking organs, a draft of the proposed act, which was then included in the

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plan for drafting legislation. The law was recently approved by the USSR Supreme Soviet as the Fundamental Principles of USSR and Union Republic Legislation on Administrative Law Violations.¹⁵

The participation of scientists in preparing codification acts is most effective when the problem upon which a collective is working is included beforehand in the plan for its scientific research, and if enough personnel, materials and equipment are provided to do the job. The effectiveness of scientific research depends also in many ways on the degree to which it is coordinated with the content of legislation plans approved by the appropriate lawmaking organs.

9. In terms of their scale, the codification efforts of today surpass all similar efforts of the past. But nevertheless they still embrace only a few areas of the legislation. The problem is that codification is usually defined as publication of a single codification act reigning supreme over a particular area of legislation. In the best case the efforts to codify a certain area of legislation result in publication of not just a single act but a system of acts: all-union fundamental principles, republic codes and some other acts derived from the former (as is true, for example, with codification of land law). But even in the latter case codification usually embraces only the most important norms of the area of legislation. Numerous other acts previously published in that area remain outside the codification efforts as a rule.

Soviet lawmaking practice and legal science have achieved a level in their development at which they could adequately face and gradually complete the task of blanket codification of normative materials in each area of Soviet legislation. This task could be completed in the following way. It would be suitable to develop, for each of these areas, and gradually publish a mutually associated system of codification acts embracing all of the normative material of the given area of legislation, or at least those prescriptions which are intended to be permanent. In cases where the content of normative material is in keeping with the tasks at hand but is distinguished by fragmentation and excessive volume, it may be generalized by publishing not codification acts but consolidated (combined) acts.

This should be the long-range strategic task of legal science and lawmaking practice. Publication of codification and consolidated acts would best be done according to a single plan and a system corresponding to the internal system of the given area of legislation. Large codification and consolidated acts could serve, later on, as the basis for future all-union and republic law summaries. In contrast to summaries being prepared today, in the more remote future they could become a single and all-embracing form of blanket codification of legislation, and the present stage of this effort could become one of the stages on the road to gradual completion of the tasks of blanket codification. Of course, completion of this task would require a great deal of time. But we must begin work on it today, so that the lawmaking efforts of today would be tied in with completing the task of blanket codification tomorrow.

If this long-range plan is to be implemented, it would also be important to prevent "disintegration" of the areas of legislation that have already been codified. Sometimes it happens that over a period of a number of years, an adopted codification act inherits numerous amendments and supplements which are not directly associated with its text, thus significantly reducing the codification effect. We need to

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adhere strictly to the rule that all subsequent amendments and supplements associated with a codification act should be immediately formulated by the legislature as new articles, clauses or subclauses. As amendments and supplements accumulate, the act may be officially republished. This practice, which has already gained a firm foothold in relation to Fundamental Principles and codes, should become the universal rule.

FOOTNOTES

1. Brezhnev, L. I., "Leninskim kursom. Rech'i i stat'i" [Following Lenin's Course. Speeches and Articles], Vol 6. Moscow, 1978, p 524.
2. See VEDOMOSTI VERKHOVNOGO SOVETA SSSR, No 51, 1977, Article 764.
3. See Ibid., No 15, 1978, Article 239.
4. See SP RSFSR, No 7, 1979, Article 35.
5. See the decree of the Presidium of the RSFSR Supreme Soviet "On Organizing the Work of Bringing RSFSR Legislation Into Correspondence With the USSR Constitution and the RSFSR Constitution" (VEDOMOSTI VERKHOVNOGO SOVETA RSFSR, No 28, 1978, Article 752) and the Statute on the Legal Profession in the RSFSR (Ibid., No 48, 1980, Article 1596).
6. See VEDOMOSTI VERKHOVNOGO SOVETA SSSR, No 28, 1978, Article 439.
7. See Ibid., Article 441.
8. See Ibid., Article 436.
9. See Ibid., No 17, 1979, Article 272.
10. See Ibid., No 49, Article 842.
11. See VEDOMOSTI VERKHOVNOGO SOVETA RSFSR, No 32, 1979, Article 783.
12. See Ibid., Article 784.
13. See SP SSSR, No 18, 1979, Article 118.
14. See Ibid., No 3, Article 15.
15. See VEDOMOSTI VERKHOVNOGO SOVETA SSSR, No 44, 1980, Article 909.

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Leningrad IZVESTIYA VYSSHYKH UCHEBNYKH ZAVEDENIY: PRAVOVEDENIYE in Russian No 2, 1981 pp 99-102

[Article by doctors of legal sciences M. N. Kulazhnikov and V. A. Rzhevskiy, and Candidate of Legal and Historical Sciences E. V. Lisnevskiy: "Problems in Development of Legal Science and Legal Education in the Northern Caucasus"]

[Text] The North Caucasus Scientific Center consists of a significant number of higher legal educational institutions (predominantly university law schools) which train highly skilled personnel for the national economy and for legal organs, and which conduct scientific research.

A regional scientific conference, sponsored by the jurisprudence section of the North Caucasus Scientific Center of the Higher School and by the University of Rostov and held 21-22 March 1980 in Rostov-on-Don, was devoted to the tasks posed by the new USSR Constitution to legal science and legal education. Its participants included scientists and practicing lawyers from Rostov-on-Don, Khar'kov, Krasnodar, Ordzhonikidze and Makhachkala.

The conference was opened by Prof P. A. Sadimenko, deputy chairman of the Presidium of the Council of the North Caucasus Scientific Center of the Higher School.

During the plenary session E. V. Penyagin, deputy director of the Division of Administrative Organs, Rostovskaya Oblast CPSU Committee, gave a report titled "Principles of the Integrated Approach and Its Application to Implementation of the CPSU Central Committee Decree 'On Improving the Work of Protecting Law and Order and Intensifying the Fight Against Crime'." He emphasized that important measures aimed at improving legislation and the activities of police organs and encouraging the public to play a greater role in protection of law and order, now being implemented in the country in accordance with decisions of the 25th CPSU Congress and the USSR Constitution, are creating the necessary conditions for eliminating all violations of the law, crime and its causes. However this process is not proceeding spontaneously, automatically.

Prof V. A. Rzhevskiy, dean of the law school at the University of Rostov, devoted his report to development of legal science and legal education at the university. He noted that the school's scholars have enjoyed certain successes in developing a number of scientific problems (the political system of socialist society, law and other social norms, legal education etc.). In the last few years they published

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850 scientific works and defended five doctorate and 15 candidate dissertations. But there are unsolved problems as well, associated with the importance of the scientific research, the extent of its integration and so on. Legal science is closely associated with education. We can no longer imagine preparing students for the legal profession without requiring them to participate in scientific research, something which must be pursued more aggressively. The training methodology of the school is based on problematic training.

Prof A. L. Letifov, dean of the law school at the University of Dagestan, described the work of the school. And even though the instructor staff does in general possess the required qualifications, 50 percent of the instructors have not as yet earned academic degrees. For this reason instructors must be recruited from other cities. Academic achievement in the school is relatively high, and work is being conducted on the teaching methods. In the opinion of the speaker it would be unsuitable to send graduates of the school outside the republic. Improvements also need to be made in the rules of admission to legal institutions of higher education. Special courses given in law schools require unification, and students should begin receiving a specialized education right from the first year. The training plans used by the correspondence training department, and particularly the time allocated to training in attendance, must be reviewed. The school's colleagues have published one monograph, four textbooks and 47 scientific articles, surveys, reviews etc.

Assistant Prof T. D. Chepiga, assistant dean of the law school at the University of Kuban' reported on the state of affairs at the school. Scientific research is proceeding actively at the school: During the time of its existence 778 scientific works were published, to include 13 monographs, 7 textbooks (coauthored) and 23 training aids. In the last 4 years four candidate dissertations were defended and work was completed on three doctorate dissertations. New special courses were introduced. All departments have signed contracts for creative cooperation with practicing legal organs. The school offers three specialties, and the latest technical resources are used in the training process. This raises the issue of centralized supply of training films and teaching materials through the NIRS and UIRS [not further identified]. It would be suitable to combine the effort of instructors of Northern Caucasian legal schools to develop training materials, to teach special courses and so on. The planned graduate placement system requires improvement. Specialization in economic law must be broadened so that personnel could be prepared for work in the national economy.

Law school dean Assistant Prof A. I. Nosenko gave a report titled "Development of Legal Science and Legal Education in the North Ossetian State University." His is the youngest school in the North Caucasus. Nevertheless its collective is conducting research: It has published several monographs and pamphlets, 105 scientific articles and four collections, the latter in cooperation with other institutions of higher education. The school is experiencing some difficulties. Thus its insignificant student capacity (50 persons) makes specialized instruction impossible, and almost every instructor is compelled to offer two or three training disciplines that are not always within a related specialty, which unavoidably affects both the quality of the teaching and the organization of scientific research. It would be no less important to change the structure of the school. At the moment two departments offer a large quantity of unrelated disciplines. Thus 16 study subjects in criminal and civil law are concentrated in the department of legal disciplines. The departments should be made smaller, and experienced lecturers should be placed in charge of them.

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The plenary session was concluded with a report from Prof Z. A. Astemirov (University of Dagestan) "On the Professional Model of the Lawyer-Specialist," in which he justifies the need for instituting specialization in state law, civil law and criminal law.

The conference then broke down into sections for further work.

The section on the theory and history of the state and law and the history of political and legal doctrines gave audience to an analysis, by Prof I. V. Ryabko (University of Rostov), of V. I. Lenin's viewpoints on the problems of the state and law in his prerevolutionary works.

A report by Prof M. N. Kulazhnikov (University of Rostov) "The USSR Constitution and the General Theory of Soviet Law" examined some problems of the general theory of Soviet law associated with reinforcing the legal foundation of state and social life, growth in the organizing and controlling role of legal and other social norms making up the system of rules governing socialist community, and their interaction in the course of regulation of socialist social relations.

Assistant Prof E. V. Lisnevskiy (University of Rostov) attempted to explain the grounds for the specific features of citizenship in the USA in 1870-1917.

V. A. Rzhevskiy gave a report titled "The Constitutional Elements of the Political System of Developed Socialism in the USSR" in a meeting of the section for state, administrative, financial and international law. In the speaker's opinion the political system of developed socialism is a unified, organizationally complete system of political relations regulated by certain standards.

Prof K. D. Korkmasova (University of Rostov) described national citizenship in the USSR.

The need for fining both legal persons and their executives in special cases was the topic of a report given by Assistant Prof I. I. Semenenko (University of Rostov).

Assistant Prof Yu. M. Prusakov (Rostov Higher Party School) analyzed the relationship between institutions of modern international law such as "nonproliferation of nuclear weapons" and "nuclear-free zones."

Assistant Prof Ye. M. Akopova (University of Rostov) gave a report titled "What is Missing From Labor Law" in the meeting of the section for civil, family, labor, kolkhoz and land law and the civil process. She offered an interpretation of the material and procedural shortcomings of labor law, which are especially tangible in cases where *de facto* relationships that are doubtlessly within the sphere of legal regulation are not subjected to the latter.

Assistant Prof Ye. I. Filippov (University of Rostov) devoted his report to the constitutional principles of the organization and activities of comrades' courts.

Assistant Prof S. I. Zel'dov (North Ossetian University) gave a report titled "The Punishments of Criminal Law as a Form of Realizing Criminal Liability" in the section for criminal law, criminology, criminal court procedures and criminalistics.

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The speaker argued the need for introducing, into Soviet criminal law, the institution of criminal punishment as a unified complex of state measures foreseen by criminal law and applied in the realization of criminal responsibility, but only by the court, and in the established order.

Prof M. M. Vydrya (University of Kuban') illuminated the problem of court surveillance over the legality of proceedings in criminal cases. He suggests that only the court can resolve a disagreement between an examining magistrate and a procurator in regard to whether or not a case should be closed if the defendant goes into hiding etc.

A report titled "Lenin's Requirements on Personnel and Improvement of Legal Training of Party and Soviet Workers" was given by Yu. R. Dogadaylo (Rostov Higher Party School) in a meeting of the section for legal training of personnel and its improvement in modern conditions. He pointed out that the party's requirement "to know and respect the law" can and must be implemented within the system of higher party-political education in the form of comprehensive and deep assimilation of the entire mechanism of legal regulation of social relations. Not only the specific elements of the mechanism but also the conditions under which it can operate successfully in the control of state and public affairs today must be studied.

G. A. Filimonov, chairman of the Rostovskaya Oblast Court, gave a report titled "Using the Materials of Court Crime Prevention Practice in the Training of Legal Personnel," in which he turned attention to the fact that studying the experience of crime prevention is a mandatory aspect of improving the legal training of personnel.

Other interesting reports and messages were heard in the section meetings as well. In all, 74 persons participated in the conference.

The conference adopted recommendations which recognize the following to be necessary in particular:

1. Work on problems associated with the basic directions of scientific research conducted by the region's VUZ departments and schools must be intensified, with special attention being turned to the end results.
2. A bibliographic index of works written by legal scholars of the North Caucasus must be prepared and published in 1981-1985.
3. Preparation and publication of continuing North Caucasus inter-VUZ collections dealing with specific problems and subjects in three legal sciences series (state law, civil law, criminalistics) must be initiated.
4. Support must be provided to the proposal by the law school of the North Ossetian University for reducing the size of multidisciplinary legal education departments in the region and for increasing the number of students admitted to the region's VUZ law schools.
5. The Presidium of the North Caucasus Scientific Center of the Higher School must be petitioned to create intraschool departments offering instruction on the fundamentals of Soviet government and law in the region's VUZs.

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6. A proposal must be submitted to the appropriate party organs on introducing a course on the principles of Soviet government and law in all university departments of Marxism-Leninism (at Rostov-on-Don, Krasnodar, Ordzhonikidze and Makhachkala).

Permanent advanced training courses for instructors at peoples' universities of legal knowledge must be created within the department of the principles of Soviet government and law in the law school of the University of Rostov, and a permanent advisory office must be created for instructors teaching courses on the principles of Soviet government and law in city and oblast educational institutions. Similar courses and advisory offices should be created in other law schools of the region's VUZs.

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NATIONAL

RELIGIOUS MOTIFS INCREASING IN SOVIET MUSIC

Paris RUSSKAYA MYSL' in Russian 6 May 82 p 12

[Article by Mikhail Gol'dshtein: "A New Trend in Soviet Music: An Appeal to Church Melodies"]

[Text] It would be untrue to say that the interest in religious feelings, which are expressed by musical means, is isolated from the general frame of mind. This general frame of mind has already been displayed in Soviet literature and in painting. It is also rather clear in a number of Soviet films. There is no need to recall this; the examples are many and rather convincing. There is no doubt that these trends should have found their place in Russian musical culture also. Are they accidental? It seems to me that it is a manifestation of the natural need of composers to look for a connection between the times and their feelings, to peer at the past and to observe its wisdom. It is no accident that Tikhon Khrennikov, the leader of the Union of USSR Composers, is directing attention toward this trend. He speaks about it openly in the press and during congresses of the composers, trying to guard the musicians against such "a temptation". Thus, Tikhon Khrennikov openly announced in his 26 October 1981 speech: "We have recently observed a new and strange craze -- works based on canonical religious Latin texts, which are used for vocal symphonies, requiems and vocal and organ concerts, are appearing one after the other. It would be untrue to see in this only the influence of -- so to speak -- a retrospective fashion; in these cases, we can undoubtedly talk about a clear departure from life, from the tasks of a Soviet artist, and from the most important forms and subjects of our modern life" (the magazine SOVETSKAYA MUZYKA, No 1, 1982, p 15). In the past, Khrennikov has repeatedly "warned" against enthusiasm for the old Russian songs which have begun to penetrate into the works of Soviet composers. This "enthusiasm", however has its own history. First of all, let us turn to the creativity of Aleksander Vasil'yevich Aleksandrov, the well known Soviet composer and author of the USSR national anthem. Perhaps, my announcement will be received as a sensation. However, I want to announce that in 1921 the composer A. V. Aleksandrov wrote in Moscow a "poem" for soloists, choir, orchestra, and organ under the title "Christ Is Risen". I do not know how often it was performed at the time, but it was not published. I myself have not heard this work; however I know from the words of my acquaintances -- old musicians and singers -- that it was a brilliant piece. True, one can say to me that this is an unverified rumor and even wish to express doubt in the existence of this work of the Soviet

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composer. This is why I wish to announce to those who doubt that it really exists and that this has been confirmed in a musical bibliographical reference book which was put out in Moscow in 1980 by the "Sovetskiy kompozitor" Publishing House. This reference work is called "A. V. Aleksandrov" and was compiled by his son, the composer Yuriy Aleksandrovich Aleksandrov. The reference work underwent all censorship obstacles before it was sent to the type-setter on 20 December 1978. It was signed to press on 5 February 1980. A. V. Aleksandrov's work "Christ Is Risen" is mentioned in black and white on page 15. It would seem that it should be necessary to publish and perform it in concerts. You see, Professor Aleksandr Vasil'yevich is not just anyone, but an outstanding Soviet composer who has been awarded every existing title and honor, even the rank of general. The Red Banner (twice) Song and Dance Ensemble of the Soviet Army wears his name! The very first song about Stalin, which was created in 1933, is also in the list of Aleksandrov's works. Then, there is the song "Living Has Become Better" using the verses of Lebedev-Kumach (composed in 1935), the second "Song About Stalin" (1937), "Cantata About Stalin" (1938), "The Anthem of the Bolshevik Party" (1939), "Glory to the Soviet Union" (1942), "Meeting With the Leader" (1943), "The Song of Marshal Rokossovskiy" (1946), etc. It would seem that all the composer legacy of Aleksandrov should be especially valued in the USSR and permission given for the publication of the poem "Christ Is Risen". However, who will permit it? Thanks are due that they even confirmed the existence of this composition.

Dmitriy Shostakovich's song "The Motherland Is Listening, the Motherland Knows", which has become the call sign of the Soviet "Latest News" radio broadcasts, is widely known. But you see, the beginning of this song's melody is the rhythmically altered melody of the hymn "Our Lord Is Glorious", which was already reported in the first issue of NOVAYA RUSSKAYA MUZYKAL'NAYA GAZETA.

It is not the first time that Rodion Shchedrin turns to a church theme when he combines it with the creation of the oratorio "Lenin in the Heart of the People". In 1968, on order of the New York Philharmonic Orchestra and in honor of the 125th anniversary of its founding, Rodion Shchedrin wrote his second concert for a symphonic orchestra which bears the title "Chimes". So that there would be no doubt about what the composer had in mind, Shchedrin wrote right out in his author's annotation to "Chimes": "Several chiming principles -- of course, treated extremely freely -- have been used in this work just as several elements of the old Russian non-linear musical writing -- the so-called single 'hooks' or 'banner warm-up'. Several pages of 'Chimes' were inspired by the painting of the great Russian artist Andrey Rublev" (quoted from M. Tarakanov's book "Tvorchestvo Rodiona Shchedrina" (Rodion Shchedrin's Creativity), "Sovetskiy kompozitor" Publishing House, Moscow, 1980, p 122). That same Mikhail Tarakanov, a doctor of art criticism, reported in the newspaper SOVETSKAYA KUL'TURA (9 April 1982) the first performance in Moscow of Rodion Shchedrin's new work "The Dionysius Frescoes". If I am not mistaken, this work was first performed in the West and has only now earned the honor of appearing before a Soviet audience. So that there will be no doubt about this work of Shchedrin belonging to religious themes, Tarakanov explains: "The very name of this work testifies to its connection with old Russian traditions. Its 'apparent' expression is inseparably united with an 'audible' musical symbol which the melodies of the famous warm-up become. However, estrange-

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ment and fondness for antiquity are least of all present in the music of the 'Frescoes' -- the ancient songs are presented in the penetrating light of a modern reading. The composer paints the severe and at the same time multicolored subjects of the murals using musical means." What can be added to these words? First of all, an important misprint has slipped in here. We are talking not about "famous" warm-ups but about "banner" warm-ups. The grammarians of SOVETSKAYA KUL'TURA have still not quite mastered this terminology. Of course, one cannot talk only about a fondness for antiquity, the composer quite consciously perceives the outstanding Dionysius Frescoes and retells the old songs for the modern audience, creating bridges for their understanding. Concerning the "multicolored subjects of the murals" which are permeated with a deep religious feeling, they provide the composer with an occasion for a spiritual emotional experience and reflection. The composer skill of Rodion Shchedrin is widely known; it has received world-wide recognition. It is possible to suppose that an encounter with this new work of Rodion Shchedrin can provide the listeners not only satisfaction but also an occasion for reflection.

What can explain the new craze of Soviet composers who are appealing to religious themes in their creations? It is possible to evaluate this in different ways. However, here there is first of all a conscious departure from the unattractive subjects of modern times and the desire to cleanse their sinful souls and find moral satisfaction in religious feelings.

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NATIONAL

CONFERENCE ON ROLE OF RUSSIAN LANGUAGE HELD

Kiev RUSSKITY YAZYK I LITERATURA V SHKOLAKH USSR in Russian No 1, Jan-Feb 82
pp 79-80

[Article: "Problems in Studying the Russian Language as a Means of International Intercourse"]

[Text] The growth in the social functions of the Russian language is placing before linguists important tasks in studying the linguistic problems of national-Russian bilingualism and the urgent questions involved in its teaching in the country's schools and VUZ. A conference of linguists, which took place 19-22 October 1981 in the Russian Language Institute of the USSR Academy of Sciences, was devoted to theoretical problems in the study of the Russian language as a means for the USSR peoples' international intercourse, unity and cooperation. Scientists from scientific research institutes and instructors from the universities and pedagogical institutes of all the union republics participated in the work of the conference.

V. V. Ivanov, the deputy director of the Russian Language Institute of the USSR Academy of Sciences, opened the conference. The two basic aspects of the discussion, which define the theoretical and practical importance of the problem: the functioning of the Russian Language in the various areas of its spread in the national republics and the level of development of Russian speech under the conditions of national-Russian bilingualism, were proposed to the conference participants.

In his report, M. I. Isayev (the Linguistics Institute of the USSR Academy of Sciences) defined the four functional areas of the Russian language which require their own methods of study: the language of the Russian nation, the language of the USSR peoples' international intercourse, the language of intercourse in the countries of socialism, and one of the world's languages. Research on the functions of the Russian language as a means of international intercourse must be conducted against the broad background of Soviet society's social development, considering the optimum conditions for the use of native and the Russian languages, the specific speech medium, and the mutual influence of the Russian and national languages.

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Academician N. M. Shanskiy of the USSR Academy of Pedagogical Sciences dwelt on linguistic instruction questions and on raising the quality of Russian language instruction in the national schools. Thanks to the joint research of linguists, teachers, psychologists, and sociologists, the fundamentals for non-Russians to study the Russian language have been successfully developed and a training model of the Russian language has been created in our country. The linguistic aspect of teaching assumes a description of the Russian language which conforms to the conditions of each national republic, an analysis of the interaction of the Russian and national languages, and a study of the distinctive features of the Russian language under the conditions of bilingualism.

N. G. Mikhaylovskaya (the Russian Language Institute of the USSR Academy of Sciences) described the major functional spheres of the Russian language as a means of international intercourse and justified the need for research in the area of the Russian language's practical use under the different conditions of its spread.

The distinctive features in the functioning of the Russian language in foreign language surroundings, the results of the interaction of the Russian and national languages -- especially on the lexical level, and the influence of the native language (interference) on Russian speech were analyzed in the reports of I. U. Asfandiyarov (Tashkent), E. M. Akhunzyanov (Kazan'), K. K. Garshva (Vilnius), M. M. Kopylenko (Alma-Ata), K. S. Chonbashev (Frunze), R. I. Khashimov (Dushanbe), and other linguists. Many of the scientists emphasized that, although the Russian speech of non-Russians reflects to some degree or other the specific nature of the native tongue in the area of orthoepy and grammar, this influence does not lead to the formation of national variants or varieties of the Russian literary language.

T. K. Chertorizhskaya (the Linguistics Institute imeni A. A. Poteben' of the Ukrainian SSR Academy of Sciences) emphasized the progressive nature of Ukrainian-Russian bilingualism and its broad spread in the different areas and territorial and social groups of the republic's population. At the present time, the scientists of the Ukraine are performing a great deal of work in studying the scope and spheres of bilingualism, the factors which are stimulating its spread, and the degree of mastery of the Russian language considering the closely related nature of the bilingualism.

The discussion of the problems of Russian speech standards under the conditions of national-Russian bilingualism touched upon the ascertainment of the relations between usage (use) and literary language norms, the determination of literary norm variants, and the searches for concrete ways to improve the correctness of oral and written speech. Methods for studying the degree of mastery of the Russian language, the distinctive features of inter-language synonyms, and the task of overcoming interference under the conditions of a different language surroundings were treated in the reports of A. A. Abdullayev (Makhachkala), A. K. Alekperov (Baku), A. S. Barkar' and Ye. K. Kolets (Kishinev), A. Ye. Mikhnevich (Minsk), and O. N. Nazarov (Ashkhabad).

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Permissible and impermissible word-building and word-changing variants of the Russian literary language and several trends in the development of norms were defined in the report of L. K. Graudinaya and I. V. Tolstoy (the Russian Institute). V. I. Kononenko (the Kiyevskiy Pedagogical Institute inemi A. M. Gor'kiy) dwelt on the distinctive features in using variants of syntactical norms under the conditions of Russian-Ukrainian bilingualism and the factors which bring together the variations of two closely related languages. L. M. Granovskaya (Baku) had researched the peculiarities in the stylistic modifications in the Russian language artistic texts which had been published in Azerbaijan.

The reports of the conference participants evoked a lively discussion. In many presentations (in particular those of T. A. Bobrovaya, V. M. Pan'kin, V. A. Ivanovaya (the Russian Language Institute), M. A. Karpenko (Kiyevskiy University), and V. N. Turkin (Dnepropetrovskiy University)), the talk concerned the need for further thorough study of the different aspects of bilingualism, for coordinating the efforts of the scientists in the area of researching the Russian language as means of international intercourse, and for raising the level of Russian language instruction in the national schools and VUZ. The range of major questions, which it is recommended be included in the research work plans of scientists in academic institutes and republic VUZ, was defined in the resolution which was adopted by the conference.

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