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2 August 1982

# USSR Report

**POLITICAL AND SOCIOLOGICAL AFFAIRS**

(FOUO 28/82)

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USSR REPORT  
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INTERNATIONAL

SOVIET UNDERSTANDING OF INTERNATIONAL AGREEMENTS ON HUMAN RIGHTS OUTLINED

Moscow SOVETSKOYE GOSUDARSTVO I PRAVO in Russian No 5, May 82 pp 122-127

[Article by V. G. Boyarshinov, candidate in juridical sciences: "International Pacts on Human Rights and Their Implementation in the USSR"]

[Text] International cooperation in the field of human rights, like cooperation in other fields, has to be based on the principles of equality, non-intervention in the internal affairs of other states, and on the mutual consideration of interests. The important instruments for the development of cooperation between states in this field are the International Pact on Economic, Social, and Cultural Rights and the International Pact on Civil and Political Rights which were signed in 1973 and which came into effect in 1976 (3 January and 23 March, respectively). The pacts have greatly strengthened the juridical base of international cooperation in the field of human rights.

The pacts differ from the 1948 Universal Declaration of the Rights of Man not only in the juridically mandatory nature of the points included in them. They are much broader in their content, and, in particular, they clearly formulate the right of peoples to self-determination, and to the freedom to dispose of their own wealth and resources, and they prohibit war propaganda, all of which are lacking in the declaration. [1]

At the present time, there are 69 states which are participants in the Pact on Economic, Social, and Cultural Rights, and 69 participants in the Pact on Civil and Political Rights. The Soviet Union which has consistently pursued a policy of the struggle for peace, democracy, and legality in the interests of the social development of all countries and peoples is a participant in both pacts and one of the first, as early as 1973, to ratify them. The approval of these important international legal documents by the supreme agency of state power in the USSR, and the strict observance in our country of all of their points is still another testimony to the enormous contribution which the Soviet state is making to the world battle for democracy and progress. [2] The Soviet Union is doing everything necessary to embody in the practice of contemporary international relations those fundamental principles which have been fixed in the Concluding Act of the Conference on Security and Cooperation in Europe. The USSR Constitution can serve as a vivid example. Respect for human rights and for the basic freedoms is fixed in it as one of the principles on which the USSR's relations with other states are built (Article 29),

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something which does not exist in the Constitutions of the bourgeois states.  
[3]

The pacts oblige the states to carry out a complex of intra-state measures, including the adoption of legislative measures, to fulfill the commitments to ensure human rights which they have accepted. Going much further than the 1948 Universal Declaration of the Rights of Man which contained only a few articles of a general character on this score, the Pact on Economic, Social, and Cultural Rights provides a quite detailed regulation of social and economic rights and includes concrete commitments by the states to implement them. This applies first of all to such important rights as the right to work. The Pact stipulates a commitment by the states to recognize the right to work, and also to just and favorable working conditions, including a compensation which provides a just wage (for women as well), the right to rest, leisure, and a reasonable limit on the work day, as well as the right to a periodic paid vacation and compensation for work during holidays. In addition, the right to work includes the right of every person to obtain the possibility of earning what he needs for life through labor which he freely elects or to which he freely agrees. The measures which are supposed to be adopted by states in order to fully realize the right to work provide for vocational and technical education programs, and measures for achieving a steady economic, social, and cultural development and full employment under conditions which guarantee the basic political and economic rights of man (Articles 6 and 7).

The Pact also contains points which recognize: the right of every person to a satisfactory standard of living, including food, clothing, and housing, and to a continuous improvement of his living conditions (Article 11); the right to create trade unions and to participate in their activities for the purpose of realizing and protecting one's economic and social interests (Article 8); the right to social security, including social insurance (Article 9); and the right to education, including obligatory and free elementary education (Articles 13, 14).

A separate chapter is devoted to the protection of the family which is regarded as the natural and basic cell of society (Article 10). Especial protection is stipulated for mothers during a specific period before and after child-birth, and also for children and adolescents, who without any differences on the basis of origin or any other characteristic, have to be protected from economic and social exploitation. The Pact also includes special points which stipulate the right of everybody to participate in cultural life (Article 15).

The Pact's participant states commit themselves to periodically present the UN Economic and Social Council (ECOSOC) with reports on the measures taken by them and on their progress in observing the recognized rights. After examining these reports ECOSOC, in collaboration with other UN agencies and auxiliary institutions, may assist the development of the proper measures to provide aid to participant states in the appropriate fields.

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The International Pact on Civil and Political Rights regulates the basic rights and freedoms which have to be granted by every participant state to all persons located on its territory and under its jurisdiction, without any differences. It stipulates that no one must be held in slavery or in a subject condition, or be subjected to torture or to cruel, inhuman, and demeaning treatment (Articles 7, 8). In accordance with the Pact, every person has the right to freedom and personal inviolability, and no one may be subjected to arbitrary arrest or to being held under armed guard (Article 9).

The Pact establishes the right to free movement and the choice of one's place of residence, equality before the courts and guarantees of criminal and civil court proceedings, and it prohibits arbitrary and illegal interference in personal and family life and encroachments upon the inviolability of the home or the confidentiality of correspondence (Articles 12, 14, 17). It further stipulates the right to freedom of thought, conscience, and religion, the right to peaceful assembly and the freedom of association and the right to participate in the conduct of state affairs both directly and through the medium of freely elected representatives (Articles 18, 21, 22, 25). A special place is assigned in the Pact to the struggle against war propaganda and racial discrimination to which a separate article is devoted (Article 20).

The participant states elect a Committee on Human Rights which consists of 18 members. It studies the reports of the Pact's states and may forward to these states and also to ECOSOC comments of a general character.

The questions connected with putting the norms of international law into action on a state's territory are decided by each country independently, since the forms and methods of fulfilling the international commitments which have been adopted by a state are the exclusive sovereign right of each country.

The Soviet doctrine of international law believes that given the fact that the peaceful coexistence of states is being accompanied by an acute ideological struggle between capitalism and socialism, states have to play the chief role in carrying out international agreements on human rights. A conscientious fulfillment of the commitments which have been adopted by them in the field of human rights and of the basic freedoms that takes account of the specific conditions of the various countries is the only real and effective way of the implementation of the corresponding international agreements. [4] The international legal norms in the field of human rights establish the basic principles for the solution by the states of the issues in this area and define the framework of the solutions, but do not contain the solutions themselves the working out of which is entirely within the domestic competence of the states. [5] In USSR practice the most widespread method of implementing the norms of international law is the transformation of international legal norms into intra-state norms, that is, the adoption by the state of norms of intra-state law, or the adaptation of existing ones for the purpose of fulfilling the international commitments stipulated in the norms of international law whose effect applies to the given state. [6]

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USSR legislation and Soviet practice proceed from the idea that in order to have the intra-state fulfillment of the norms of an international treaty it is necessary for there to be an intra-state sanction from the appropriate agencies. The 6 July 1978 Law on the procedure for concluding, executing, and denouncing USSR international treaties stipulates in Article 24 a procedure for the presentation of proposals and the adoption of an act in cases when in order to carry out an international treaty it is necessary to issue a USSR Law, an Ukaze or decree of the Presidium of the USSR Supreme Soviet, or a decree or order of the USSR Council of Ministers.

It should be emphasized that the transformation of the norms of international treaties into intra-state norms is not always required. It is only necessary when there is no corresponding norm in intra-state law. In accordance with the 6 July 1978 Law, the points of international treaties are carried out in the Soviet Union not directly, but on the basis of acts of domestic legislation which contain the points of these treaties. The realization of the points of pacts occurs by means of the realization of the points of intra-state acts which contain norms analogous to those in the pacts. As was emphasized by the Soviet representative in the Committee on Human Rights during a discussion of the Soviet Union's report on the execution in the USSR of the Pact on Civil and Political Rights at the Fifth Session of the committee in October 1978, all of the basic points of the Pact are provided for in the USSR Constitution (Articles 39-53, 55-57, 59, and others), or in other acts and, therefore, they have not only become rights of an ordinary character, but constitutional rights. [7]

It should also be noted that the norms of many Soviet legislative acts stating that in the event of a divergence between the law and an international treaty the norms of the international treaty are operative (as is stipulated, for example, in Article 29 of the Principles of Civil Law, and Article 64 of the Principles of Civil Legal Proceedings of the USSR and the Union Republics) have the goal not only of resolving a possible collision between a treaty and a law, but also represent a previously established transformation of international norms into Soviet intra-state law.

Being unable to refute the achievements of the Soviet people which possess an enormous attractive force for the workers of the capitalist countries, bourgeois propaganda makes use of occasional textual divergences between the points of Soviet legislative acts and the norms of pacts, or the absence in them of individual points stipulated in the pacts to accuse the Soviet Union of a failure to fulfill its commitments from these international treaties and makes a wide practice here of deceit, misinformation, and slander. As is noted in the 15 May 1980 Declaration of the Warsaw Pact Participant States, genuine political and propaganda campaigns in the spirit of the Cold War are being developed against the socialist states. [8] The facts, however, show that accusations against the Soviet Union of violations of the Pacts on human rights are completely groundless.

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The process of the realization of the Pact on Economic, Social, and Cultural Rights in the USSR provides a vivid demonstration of the Soviet state's concern for creating real conditions for the realization of the right to work and the choice of a profession, for the right to just and favorable working conditions, and for the right to social security and social insurance. The legislation on labor in the USSR represents an extensive branch of law which is based on the Principles of the Labor Law of the USSR and the Union Republics which were approved by the 15 July 1970 USSR Law, and also the union republic labor law codes. In a number of cases Soviet labor law provides for broader rights than the Pact. For example, Article 2 of the Principles of Labor Law contains points on the right of workers and employees to a wage guaranteed by the state commensurate with the quantity and quality of their labor, to free vocational training and free advanced training, and to participation in production management, points which are not contained in Articles 6 and 7 of the Pact that deal with the rights to labor and just and favorable working conditions.

The labor rights of Soviet citizens are protected by law, and their protection is carried out by state agencies, and also by trade unions and other public organizations. Article 18 of the Principles of the Labor Law establishes that the dissolution of a labor agreement on the initiative of the administration without the preliminary agreement of the local trade union committee is illegal, and the dismissed worker is to be restored to his former job. In cases of necessity, trade union bodies submit proposals to the appropriate organizations regarding disciplinary responsibility for leading workers who violate the labor laws and the labor protection rules. These bodies may raise the question of replacing leaders who do not carry out commitments stemming from the collective agreement, display bureaucratism, permit red-tape, and violate the labor laws. On the demand of a trade union body, the administration is obliged to dissolve a labor contract with a leading worker or to remove him from his position. [9] According to Article 138 of the RSFSR Criminal Code and the corresponding articles of the Criminal Codes of the other union republics, persons who are guilty of gross violations of the labor law are brought to disciplinary, administrative, and, in the proper cases, to criminal responsibility.

A special feature of the realization of the rights of Soviet citizens to labor and to just compensation is the fact that an important role is played in the formation of the workers' real income by the social consumption funds which are created in accordance with Article 23 of the USSR Constitution for the purpose of more fully satisfying the needs of Soviet people. The share of the social consumption funds in our country's national income is now 25 percent. "One of the most noteworthy features of the Soviet way of life," L. I. Brezhnev noted at the 26th CPSU Congress, "is the increasing goods which people receive from the social consumption funds. During the five-year period they increased by approximately one-third and last year alone came to 121.5 billion rubles. These are enormous funds. They go to improve the living conditions of the workers, to protect their health, for their education, for the education of their children, for social security, and for culture."

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In the report on the realization of Articles 6-9 of the Pact on Economic, Social, and Cultural Rights which was presented by the USSR to ECOSOC there is a graphic revelation of the genuine humanism of Soviet social policy which manifests itself in the creation of real conditions for the realization of the right to work and the choice of a profession and the right to just and favorable working conditions. The Soviet state is consistently pursuing a course aimed at increasing the income of the workers. In every five-year plan the wages of workers and employees has been increasing by 20-25 percent. [10] In the Basic Directions of the Economic and Social Development of the USSR for the Years 1981-1985 and for the Period Until 1990 it is emphasized: "The chief task of the 11th Five-Year Plan is to ensure the further growth of the well-being of Soviet people on the basis of the stable, gradual development of the economy, an acceleration of scientific and technological progress, and the shifting of the economy to an intensive path of development, a more efficient use of the country's production potential, a thorough economizing of all types of resources, and an improvement of the quality of work." The basic directions in the 11th Five-Year Plan, in particular, provide for a further increase in the per capita real income of 16-18 percent. In the Summary Report of the CC CPSU to the 26th CPSU Congress L. I. Brezhnev emphasized the importance of such planned measures as a further increase in the minimum wage and in the rates and salaries of workers and employees, an increase in kolkhoz workers' income from public farming, and an expansion of various wage privileges.

The humanism of Soviet social policy also manifests itself in the real provision of the right to health protection, housing, free education, and the use of cultural riches. In these fields also Soviet law goes much further than the Pact on Economic, Social, and Cultural Rights. Thus, Article 12 of the Pact regulates the right to health protection, including medical aid and care in the event of sickness. The USSR Constitution stipulates free qualified medical aid for all citizens in the event of sickness, and also a large number of other measures aimed at the protection of the health and the ensuring of a long active life for citizens (Article 42). The Soviet Union was one of the first in the world to enter in its Basic Law the right to housing (Article 44) which does not figure in the Pact. Article 13 of the Pact speaks about the necessity for mandatory free elementary education for everybody. Article 45 of the Constitution guarantees that all types of education, including higher education, are cost-free, and stipulates universal mandatory secondary education for the youth.\*

The social and economic development of the society of mature socialism is inseparable from a constant perfecting of socialist democracy and the development of the civil and political rights of the workers. This process is taking place in the USSR in accordance with the Plan for the Organization of Work

\*For details see [11].

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To Bring the USSR Legislation Into Correspondence With the Soviet Constitution which was approved on 12 December 1977 by the Presidium of the USSR Supreme Soviet. New laws have already been adopted on citizenship, on elections to the USSR Supreme Soviet, on state arbitration, the USSR Procurator's Office, on the legal profession in the USSR, and others, and a number of new acts aimed at further developing the totality of the rights and freedoms of Soviet citizens are being worked out. "The new laws," L. I. Brezhnev said at the 26th CPSU Congress, "make it possible to regulate the various aspects of social relations more finely and more precisely. The work to perfect the law will continue. Three directions are being advanced here as top-priority ones: the leadership of the economy, the realization of the constitutional rights of the citizens and public organizations, and the completion of the publication of the All-Union Code of Laws."

In the above-mentioned report on the execution by the Soviet Union of the Pact on Civil and Political Rights [12] there is an extensive treatment of the norms of the USSR Constitution which relate to human rights, a reflection of the legislative points which characterize the legal status of the individual in the USSR, and a description of the political, economic, and juridical guarantees for the realization of the rights and freedoms of Soviet people. They emphasize in it that Soviet law provides for the defense of the rights of citizens in court and administrative procedures, and also by comradesly courts and trade union and other public organizations. The equal rights of men and women in the use of civil, political, and other rights and freedoms in the USSR which are fixed in the legislative acts of the Soviet state are consistently put into practice. One of the most important tendencies noted in the report is the fact that the construction of communism and the further development of the country entails the development and perfecting of socialist democracy and the granting of ever wider rights to all persons living on the territory of the Soviet Union or under its jurisdiction.

A characteristic feature of Soviet democracy is the fact that it grants the citizens of the USSR genuinely equal rights. Representatives of the Western countries in the Committee on Human Rights attempted to cast out on this fact, making use, in particular, of the difference between the formulation of Article 34 of the USSR Constitution and the formulation of Point 1 Article 2 of the Pact on Civil and Political Rights. The emphasis was put here on the absence in Article 34 of the Constitution of the mention contained in the Pact of political and other convictions being among the circumstances, regardless of which citizens are equal before the law. However, the formula of Article 34 of the Constitution is broader than the formula of Article 2 of the Pact. It does not contain an exhaustive list of the circumstances regardless of which citizens are equal before the law. In addition to the circumstances enumerated in the Pact, in the USSR Constitution mention is made of differences in education, in the type and character of occupation, and in residence and it is directly stated that these and other circumstances do not influence the equal rights of citizens. The rights of the Soviet citizen cannot be limited on account of his convictions. In accordance with their convictions, Soviet citizens have the right to criticize shortcomings in the

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work of state and public organizations. In Article 49 of the USSR Constitution it is stated that "persecution for criticism is prohibited. Persons who persecute others for criticism are held accountable."

Representatives of Western countries in human rights agencies frequently make slanderous insinuations about alleged abuses in the application of the death penalty in the Soviet Union and the other socialist countries. Such insinuations occurred, in particular, in the Third Committee of the UN General Assembly at its 36th session in 1981 during a discussion of a proposal by the FRG on developing an optional document regarding the abolition of the death penalty for the Pact on Civil and Political Rights. In this connection it should be noted that in accordance with the legislation in effect, the death penalty is stipulated as an alternative sanction, along with deprivation of freedom, and in practice is applied only in exceptional cases for the most grave crimes, which fully corresponds to Article 6 of the Pact.

In discussing the report on the Soviet Union's execution of the Pact on Civil and Political Rights in the Committee on Human Rights, Western experts cast doubt upon the fact that the existence of the kolkhozes in the USSR is not connected with forced labor which is prohibited by Article 8 of the Pact. However, in accordance with the Model Kolkhoz Charter which was adopted by the Third All-Russian Congress of Kolkhoz Workers and approved by the 28 November 1969 decree of the CC CPSU and USSR Council of Ministers the kolkhoz "is a cooperative organization of voluntarily associated peasants for the joint conduct of large-scale socialist farming on the basis of the public means of production and collective labor." Soviet law does not provide for any measures of coercion against a citizen if he wishes to leave the kolkhoz.

There is no end to the slanderous noise in the West regarding the right to leave the Soviet Union which sometimes develops into a kind of political campaign which has very unattractive goals. The reactionary forces and Zionist circles of the West assert that Soviet state agencies allegedly refuse USSR citizens in violation of Article 12 of the Pact exit permission for permanent residence in capitalist countries in order to unite families. Insinuations of this kind were made, in particular, by representatives of the United States and Israel in the Third Committee at the 36th Session of the UN General Assembly. Meanwhile, the agencies of Soviet power attentively consider the petitions of those citizens who wish to leave the USSR, and in most cases satisfy them. A negligible number of refusals is connected with the necessity for protecting state security, public order, and the property, family, and other rights of other citizens (spouses, children, parents, persons who have suffered from the criminal actions of those wishing to leave, and so forth). These aspects are considered in applying the Regulation on Entry Into the Soviet Union and on Exit From the Soviet Union which was approved by the 22 September 1970 Decree of the USSR Council of Ministers which regulates entry into the Soviet Union and exit from it, the procedure for drawing up exit documents, the activities of the agencies authorized to issue exit visas, and other matters. A consideration of these points is in complete correspondence with Point 3 Article 12 of the Pact which provides for the possibility of limitations

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necessary for the protection of state security, public order, or the health or morality of the population.

It is entirely natural that in connection with the departure of one or another citizen for permanent residence abroad it is necessary to clarify a number of questions, including his family situation and the commitments which follow from this, his property relations with other citizens, the character of the work he performs which could be connected with state secrets, and so forth, which requires a definite amount of time. When all of the questions are clarified and if no obstacles have arisen, the person who has submitted an application is issued an exit visa. The vast majority of people who have wished to leave the Soviet Union have been issued visas and they have in fact left.

The Western anti-Soviet and anti-communist press also contains false assertions regarding the violation in the Soviet Union of freedom of thought and freedom of opinion which are stipulated by the Pact, and in connection with this the Soviet Constitution is criticized. Thus, Professor A. Erh'soon Tay of Sidney University, in criticizing the USSR Constitution, cites as one of its essential shortcomings the "restrictions" on human rights and such important freedoms as freedom of speech, conscience, assembly, and demonstration since they are connected with duties and "are granted only in order for them to be used in keeping with the interests of the laboring people and for the purpose of strengthening the socialist system." [14] Such "criticism" is completely groundless. The connection between rights and duties is a generally recognized principle of the democratic organization of social life. In the articles of the Pact on Civil and Political Rights which concern freedom of opinion, assembly, and association it is stated that these freedoms cannot be the object of any kinds of limitations except those stipulated by the law which are necessary to protect state security, public order, the health or morality of the population, or the rights and freedoms of others. The USSR Constitution fixes this principle in the interests of the whole of Soviet society and of each citizen. The law of life in the Soviet Union is the unity of society, the state, the people, and the individual citizens, and there is no contradiction of the international norms in the fact that the Soviet laws are issued in keeping with the people's will, reflect its interests, serve its goals, and promote the development of the all-people's Soviet state.

Of course, there are people in the Soviet Union who express views and opinions which contradict communist ideology. These people are not brought to legal responsibility for their opinions; they are educated by society, the collective, and their comrades who by means of persuasion try to achieve an understanding by these people of the erroneousness of their views. At the same time, there are also hostile elements which commit actions stipulated by the law and punishable as crimes. As is known, Article 7 of the Law on Criminal Responsibility for State Crimes and Article 70 of the RSFSR Criminal Code establish responsibility for such actions as agitation and propaganda conducted for the purpose of undermining or weakening Soviet power, the spreading of slanderous inventions which defame the Soviet state or social system, and the production or holding for these purposes of literature with this kind

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of content. In this case it is not a matter of convictions, but of actions. Soviet law resolutely rejects responsibility solely for design, for the discovery of a socially dangerous intention or conviction, and one of the basic principles of Soviet criminal law is the principle of the punishability of a person only for a guilty action or inaction which is directly stipulated by the criminal law as a crime (Article 3 of the Principles of the Criminal Law). Our ideological opponents, defending persons who commit the above-named actions, are defending a handful of renegades and criminals who are subject to punishment in accordance with the laws of the state. As for the realization of their rights and freedoms by millions of Soviet people, this question does not interest them.

In the Soviet Union the realization of the political rights of citizens finds its most vivid expression in the many-sided activities of the Soviets of People's Deputies which comprise the political basis of the Soviet state. The efforts of the soviets are directed toward increasing production efficiency and toward the fulfillment of our broad social program. They keep all of the vitally important spheres of society in their view.

The practice of implementing the International Pacts on human rights in the USSR shows that only under socialism can a person enjoy the complete fullness of rights and freedoms.

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**INTERNATIONAL**

**LITHUANIAN ARTICLE ON AFGHANISTAN DESCRIBES SOVIET ECONOMIC AID**

Vilnius ŠVYTURYS [BEACON] in Lithuanian No 8, Apr 82 pp 16-18

[Article by Algirdas Šiaulėnas: "The Fourth Spring of the Revolution"]

[Text] Kabul-Vilnius--After a long period of a low moving fog spring came to the city, by-passing the mountains surrounding Kabul. In a few days it had covered the parks and gardens with green grass carpets and adorned the trees with a bright green coat. The saplings started to blossom.

It is a holiday, and not only in Kabul but also in all of Afghanistan. From the early morning of April 27 a colorful crowd began to pour into the streets and squares to mark the fourth anniversary of the revolution with festive marching and songs, national men's dances and loud cheers.

This crowd is unusually colorful. Men, with their heads shrouded in white, blue, green, grey and black dastars (Muslim head covers), lapped in long oriental robes and wearing snow-white shirts extending almost to the knees; women with tunics of various colors and light mantles on their shoulders; and children with flowers in their hands--all will pass by the festival viewing stands and will honor those who fell for the holy people's cause. A parade of Afghanistan army's contingents will take place on that day. The spring flowers will adorn the tents of the limited Soviet army contingent units, emphasizing the respect for the Soviet serviceman who came to the aid of a sisterly nation in a difficult hour.

Afghanistan is a country of sun and mountains. For the greatest part of the year its land with the majestic mountain masses is caressed by sunshine. In whatever part of the country you are, everywhere you are surrounded by mountains. Those which are closer appear to be grey or brownish, and those farther away faintly bluish, with the white snowy peaks proudly protruding above them.

Afghanistan is also a country of contrasts. The asphalt streets of the new district of the country's capital, Kabul and the noisy dusty eastern bazaars; there on the top of the mountain stands a television tower--a symbol of the scientific and technical revolution moving across this just recently patriarchal land; and at the foot of the mountain--piles of firewood which are sold by weight here, the only country in the world in which this is done.

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The country's nature is full of amazing diversity: high Hindukush mountains and flat lowlands; valleys covered with gravel and without any vegetation, and blooming sub-tropical oases; burned out steppes and lush forests. In this country you can see a date palm and our birch, sugar cane and rye, cotton and orange plantations.

The exotic nature of this country is beautiful indeed, and its past is replete with historical events. However, it is not all of this that now attracts the world's attention. After the April 1978 revolution Afghanistan entered upon the road of a new and progressive life, striving to create a society where one man would not exploit another, and has become a symbol of faith in victory over the dark forces of imperialism and reaction hindering social progress.

In recent times nothing has aroused such a deluge of political passions in the world, attracted so much attention of friends and enemies, and nothing has caused such an intense outbreak of disinformation, lies and slander as the April revolution in Afghanistan and the events that followed it. At its meeting in March of last year the Council of the European Economic Community declared that "the tragic course of events in Afghanistan was a cruel trial for the Afghan people."

What "trials" were they talking about, however? How could the April revolution be blamed? For being concerned with the peoples' welfare and striving for social justice? For having nationalized land owned by landlords representing only 5 percent of all landowners and controlling 45 percent of the arable land and for having distributed it to the families of 295,000 landless and poor peasants? For wanting to teach reading and writing to the 98 percent illiterate women and 9 out of 10 illiterate men, or for wanting to provide shelter to the homeless, to set up homes for neglected children and to feed the hungry?

Afghanistan has long ago been attracting the attention of imperialist predators. In the last century it was Great Britain's colonizers who were looking at it with greedy eyes. They attempted to conquer it as many as three times and turn it into a springboard against Russia, and later against the Soviet Union. However, as the Soviet Government became stronger, these plans were abandoned. After the second World War the British who had lost their former power were replaced by a new colonizer from overseas. Afghanistan, with its 2,384 kilometer border with the Soviet Union, became a part of Washington's strategic plans. At first it was decided to act there through its trusted friend--the Shah of Iran. The Shah proposed a wide program of "aid" to Afghanistan whose purpose was the economic and political subjugation of its eastern neighbor. It was announced, for instance, that a substantial loan was to be provided for the construction of a main railroad line connecting both countries. The Iranian advisers started reorganizing Afghanistan's security apparatus using SAVAK as a pattern. The republic's militia, whose combined units consisted of 10,000 officers and enlisted men found itself in their control.

Having taken over such strong positions the foreign agents started putting pressure on the Daoud regime to do away with the democratic forces, first of all with the members of Afghanistan's People's Democratic Party. An outburst of indignation caused by the dastardly murder of one of this party's founders,

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Mir Akbar Khaibar, became a prelude to the April 1978 revolution. Thousands of capital residents followed his coffin.... The cup of suffering flowed over. Barely a few days had passed, and the Daoud regime was swept away by the wave of peoples' anger. The revolution which took place in Iran soon thereafter gave another decisive blow to Washington's hegemonic plans.

The overseas policeman reacted to this with armed intervention in the internal affairs of the Afghanistan Democratic Republic--with an undeclared war. The United States increased its aid to the counterrevolutionary bands even more after their agent Amin was swept away and a new stage of revolution began in December 1979.

The present day Afghanistan is a varied tapestry of languages, intricate kinship ties, religions and customs, and a colorful mixture of peoples separated by the sky-high mountain ridges, living in canyons, and wandering from one border to another. The country is populated by more than 20 nationalities of which 55 percent are Pushtus who thus far live split into tribes. An additional and very important fact: nearly 2.5 million, i.e., every 1 out of 6 living in the country is a nomad or a semi-nomad.

This diverse, loose union of nationalities may suddenly start to crack and fall apart from quarrels, tribal discord and religious contradictions such as between the Shiites and the Sunnites, Buddhists and Moslems, and between two feudal lords or two families. The result of all this is shooting, blood feud, and the annihilation of entire families and small village populations. Adat or pushtunvalay are the legal standards of the Pushtu tribes which until recently have not only allowed blood feud but have also provided for a compensation in a form of "khun", or a price in blood. It has been so for hundreds of years and it was that kind of Afghanistan which faced in April of 1978. It was in this Afghanistan that the revolution took place, one of whose first decrees was to declare the equality of races and nationalities and life all restrictions based on various national differences, in schools--in teaching children, in production--in remuneration for work, and in the armed forces--in promotion and awarding military rank. Bringing about this kind of equality is a very important task which cannot be carried out mechanically. The problem affects very large masses of people and is related to deep-rooted customs, the distribution of labor and a complicated historical past. The government of the Afghanistan Democratic Republic considers the tribal question one of the most pressing and delicate social and economic problems on whose proper solution largely depends the future of the new society. A comprehensive assistance program encompassing the broadest tribal strata is being planned and beginning to be implemented. In many areas of the country the revolutionary government is establishing schools and medical facilities for the tribes. Courses are conducted to eradicate illiteracy. The Afghanistan Ministry of Tribal and Nationalities Affairs (whose mere existence emphasizes the importance attributed to tribal problems) sees to it that new wells are drilled and veterinary service stations are established on all nomad caravan routes. All of this is done from state funds. With the improvement of the sanitary conditions and inoculations animals are now dying at a considerably lower rate. And a domestic animal is all that a nomad possesses. On two or three camels as "desert trucks" each carrying up to 400 kilograms of load, the nomad family hauls all its possessions and can cross long distances.

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Fanning the feelings of local patriotism and nationalism, agents of various foreign special services are trying to use them as a basis for setting up a military mechanism driven by pseudopatriotic fuel, which would help to split the country. At the same time they quite often try to emphasize the "absolute" geographic and economic autonomy of one or another province. To the inhabitants of, let us say, they are promoting the idea that the town can be independent of Kabul, since it has its own university and agrarian institutions, trade with foreign countries, an airport, a summer residence of emirs, and its own border with Pakistan. "Just separate from Kabul, and you will see how much you will gain!"

They sing the same little tune to the residents of Herat, Badakhshan and Kandahar provinces. (By the way, some radio stations in foreign countries have already announced several times that the city of Kandahar has been taken by the "rebels"). Meanwhile it is clear to anyone thinking soberly that a separate Badakhshan would soon fall into the paws of neighboring China which has territorial claims to Afghanistan. Kandahar would easily become a part of Pakistan which is its ambitions on the fact that the Pushtus and Baluchis live in the border areas of both countries. To break up Afghanistan into many small states is an old goal of the enemies. However, their dream cannot be fulfilled because the revolutionary process does not stop and the determination of the masses to defend their gains is increasing. This has also been confirmed by the prevailing sentiment and resolutions adopted at recent conventions and conferences which took place in Afghanistan and were organized by labor unions, democratic youth, women, writers, cooperative workers, revolutionary defense groups, and individual tribes.

Every day adds a new page to the country's biography which is both rich and interesting. On New Year's eve, 1360th by the Afghan calendar (which started March 21, 1981) the Revolutionary Council approved the country's next social and economic development plan. It was prepared on a scientific basis and deals with the development of industry and agriculture, domestic and foreign trade, education and health protection institutions, communications and municipal services. A substantial increase in capital investment is foreseen. The budget for the year 1360 is balanced. Not every state can claim this these days. And it has even been announced in Afghanistan that the pay for workers and salaried employees is being raised by 26.6 percent, and for those getting lower pay even up to 50 percent. The farmers will receive wide support from the state such as credits, seeds, fertilizers and agricultural implements.

All this means that even with the still very limited resources and opportunities and with the counterrevolutionary bands carrying out their destructive work, the revolutionary government is managing the peoples economy with care and thrift, and is seeking to get as much from it for the people as possible.

The USSR is the first country which started regular trade with Afghanistan. It did provide and still provides continuous aid for the development of the country's national economy, which has lagged far behind since colonial dependence. In accordance with agreements reached between the USSR and Afghanistan, aid would be provided to Afghanistan for the construction of 147 various enterprises and projects. Of these, 73 projects have already been completed and put into operation, and 60 projects are under construction.

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More than two-thirds of all products coming out of Afghanistan's plants and factories are made in industrial plants built with USSR aid. They are varied and include gas, electric power, carbamide, construction materials, metal-working products, automotive repairs, food products and other.

The USSR has made a great contribution in solving Afghanistan's transportation problem. Out of the existing 2,800 kilometers of asphalt and concrete roads in the country more than 1,800 kilometers were built with the assistance of Soviet organizations. The main highway linking Kabul and port of Sharkhan ensures the connection between the northern and central provinces of the country at any time of the year and practically under any weather conditions. The central part of the road ("Salang") cutting across the top of the Hindukush mountains at an altitude of 3,350 meters, with a 2,700 meter tunnel cut through the mountains and 7 kilometer reinforced concrete wall as a protection against mountain slides and avalanches, is indeed a wonderful engineering accomplishment.

Recently a number of new agreements and protocols were signed between the USSR and the Afghanistan Democratic Republic on the economic and technical cooperation of the two countries. The USSR will provide aid to Afghanistan in the construction of the largest economic project--an ore extraction complex near the copper ore mines in Ainak, an oil refinery and electric power transmission lines in the north of the country, including also a line from the USSR to Afghanistan. Of great significance to Afghanistan's agriculture will be USSR assistance in setting up seven agricultural machinery and tractor stations. The USSR will also provide assistance to Afghanistan in organizing five training centers for the preparation of skilled workers.

The most significant improvements are occurring within the people themselves--with the common working people who feel like masters of their country for the first time. Their growing consciousness and faith in the revolution was witnessed by the establishment of the National Fatherland Front. Its conference delegates represented all social strata of the country--tribes, national minorities, the clergy. A large group of social and political figures from earlier regimes took part in its activities, they were determined to build a new life together with the people. Among them were the former chairman of the Council of Ministers, Abdul Zakhir, former parliament member Khadji Murat, religious worker Khankani, and writer Mohammed Khiv Ak.

It is even difficult to enumerate all changes that have taken place. The universal military service law as passed. It was a meaningful step since no government would arm people who would not support its policy. The labor unions have expanded their movement with a slogan, "The security of enterprises and industrial plants is the concern of a work collective." Currently the security of 80 percent of enterprises is ensured by the armed worker guards.

Considerable attention is given to people's education, and efforts are being made to eradicate illiteracy. Now 70 percent of school age children attend classes, which is 10 percent more than a year ago. Nine-month eradication of illiteracy courses were attended by more than half a million people. For the first time in the country's history kindergartens, nurseries, professional schools, young pioneer camps are being set up.

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Afghanistan daily news reports are full of the world "first": the opening of the first workers training school in the country; the first party library, the first kindergarten, the young pioneer camp, the children's theater, the first workers sanatorium in Djelalabad, the first "window to the world"--space communications "Intersputnik" ground station. All these are the first spring swallows of the revolution.

Overcoming internal and foreign reactionary resistance, and struggling with the many difficulties existing thus far, the Afghanistan revolution is resolutely moving ahead. There are no revolutions without a long and difficult struggle.

Elderly Afghans call their country a land which is higher than an eagle can reach. This saying reflects not only the fine traits of the Afghan people, such as love of their country, pride in it, and resistance to exploitation and injustice, but also the peoples' dream of true justice, equality and happiness cherished for centuries.

"Safar bakheir, Afghanistan!"--happy journey to you, Afghanistan!

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NATIONAL

NEW CONSTITUTIONAL PROVISIONS FOR REPUBLIC SUPREME SOVIETS

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[Article by L. T. Krivenko, senior scientific associate at the Institute of State Law of the Academy of Sciences UkSSR, candidate in historical sciences, docent: "The Role of the Constitution in the Formation of the New Practice of Control by the Supreme Soviets Over the Activities of Agencies Accountable to Them"]

[Text] The Communist Party consistently implements Lenin's very important idea of the leadership of representative institutions over all other state agencies. This proposition is embodied in the Constitutions and in the practice of state construction at all of the stages of the development of the Soviet state. Realizing the norms of the first Soviet Constitution--the 1918 RSFSR Constitution--regarding the responsibility and accountability of executive bodies to the supreme agencies of state power, the All-Russian Congresses of Soviets always heard reports from the Council of People's Commissars and from the people's commissariats. There was a similar situation in the other Soviet republics. After the formation of the USSR the congresses of the USSR Soviets systematically examined reports on the government's activities and adopted decrees on them. Constitutional guarantees of the leadership of the representative agencies of power in the system of state agencies were proclaimed by the 1936 USSR Constitution and by the Constitutions of the union and autonomous republics. Their practical implementation also enriched the experience which already existed.

While preserving the continuity of key statutes and, at the same time, developing them under new conditions, the Constitutions of the Soviet state, as was noted in the decisions of the 25th CPSU Congress [1], have established a stricter system of reporting by all executive agencies to elective agencies, including at the level of the top element of the Soviets. The time which has passed since their adoption has been full of processes and phenomena of the active influence of the prescriptions of the present Constitutions on the real state of affairs of the country. In the Summary Report of the CC CPSU to the 26th Party Congress it was noted that "uniting legislation, administration, and control, the Supreme Soviet actively directs the work of the Councils of Ministers, ministries, and departments. This fosters the punctual discovery and elimination of shortcomings and elevates the general tone of state life." [2] On the basis of the Constitutions, a process has begun of the consolidation of

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many new phenomena in the practice of the realization of the control authority of the Supreme Soviets. A study and analysis of them is of extraordinarily great importance, for, on the one hand, they serve as a vivid example of the mobilizing, organizing, and creative influence of the Constitution on the practical activities of state agencies, and, on the other, they foster a further dissemination and use of positive experience.

**The Development and Perfecting of the Constitutional Principles of Control by the Supreme Soviets Over State Agencies Accountable to Them**

Compared to the previous ones, the present Constitutions have expanded, enriched, and strengthened the guarantees of the leadership of the supreme representative institutions in the system of state agencies. Among these guarantees which for the first time have been fixed constitutionally, is the rule on the exercising of control by the Supreme Soviets over all state agencies accountable to them (Article 126 of the USSR Constitution, Article 120 of the RSFSR Constitution, Article 109 of the Constitution of the Abkhaz ASSR, and the corresponding articles of the Constitutions of the other union and autonomous republics). This general proposition is developed, supplemented, and detailed in application to the concrete elements of the Soviets and their accountable agencies both in the text of the Constitutions themselves and in the laws which are adopted on their basis. First of all, it is important to emphasize the very interesting constitutional idea of the functional growing together of all of the basic forms and means of control. The Supreme Soviet, its Presidium, its permanent and other committees and also the deputies form a single mechanism for the performance of this function. This proposition is confirmed by the fact that in contrast to the previous Constitutions, the present Constitutions have provided for the entire structure of this mechanism in a single chapter devoted to the Supreme Soviet. Special norms regulate the election, composition, goals, and tasks of all of the permanent committees of the chambers of the USSR Supreme Soviet and the Supreme Soviets of the republics, and also establish the duties of state and public agencies and officials in connection with the activities of the permanent and other committees (Article 125 USSR Constitution, Article 112 UkSSR Constitution, Article 107 Constitution of the Bashkir ASSR). In the past there were no such norms in the Constitutions. The 1936 USSR Constitution (Article 50) and the corresponding republic Constitutions spoke about the election of the credentials committees (Article 34 RSFSR Constitution, Article 31 Constitution of the Tatar ASSR); provision was made for the election by the Supreme Soviets of the republics of budget committees, however, the corresponding norms of the republic Constitutions were structurally "isolated" from the articles on the organization and activities of the Supreme Soviets, for they were in chapters devoted to the republic's budget. And the most important instrument of supreme soviet control--the right of deputy inquiry--is formulated by the new Basic Laws in chapters called the "Supreme Soviet" (Article 117 USSR Constitution, Article 111 RSFSR Constitution, Article 99 Constitution of the Bashkir ASSR). The 1936 USSR Constitution and the republic Constitutions stipulated this right, but in chapters devoted to the agencies of state administration.

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The constitutional idea of a closer coming together of the subjects of the control authority of the supreme representative agencies of power is clearly carried through in the Regulations of the Supreme Soviet. It is directly stated in them: The Supreme Soviet exercises control over its accountable state agencies "directly and through agencies created by it" (Article 59 Regulations of the USSR Supreme Soviet, Article 55 Regulations RSFSR Supreme Soviet, Article 51 Regulations Supreme Soviet of the Bashkir ASSR). The adoption of the Regulations is an important step forward in strengthening the legal basis of the realization by the Supreme Soviets of their control authority on the basis of the present Constitutions. The point is that the above type of acts played a definite role in this respect in the past also, since the Regulations which existed in certain republics contain rules concerning control. However, the period after the adoption of the new Constitutions is characterized by an incomparably higher level of this regulation, which is expressed in two chief manifestations. One of them is that for the first time in the history of the Supreme Soviets the Regulations have been adopted by all of the Supreme Soviets: of the USSR, of the union, and of the autonomous republics. The second consists in the expansion and perfecting of the rules of the new Regulations which concern the exercising of the control authorities of the Supreme Soviets. Without going into detail, let us point to what is basic: Not a single one of the previously issued Regulations contained a special chapter devoted to this aspect of the activities of the supreme agencies of power. Now the structure of all of the operating Regulations includes the chapter "The Exercising By the Supreme Soviet of Control Authority."

It should be kept in mind that the strengthening of the legal foundation for the realization of the authority of the supreme representative institutions in the field of control over the work of other agencies occurred by means of the adoption of a large number of laws and other normative acts and the novelization of the Regulations on the Permanent Committees. It will be useful to give a characterization of the corresponding rules and prescriptions in application to concrete agencies.

**New Elements in the Control Practice of the Supreme Soviets Over Their Presidiums**

A distinguishing feature of control over the work of a Presidium is the possibility of its being exercised only by the Supreme Soviet itself (Article 119 USSR Constitution, Article 106 Constitution of the UkSSR, Article 102 Constitution of the Abkhaz ASSR). The hearing at sessions of the Supreme Soviets of reports on the work of the Presidiums is a very important form of control here. It is the Constitution which provided the impulse for the formation of this kind of experience at the level of the union republics. Let us refer to the report "On the Work of the Presidium of the Supreme Soviet of the Azerbaijan SSR, Ninth Convocation, During the Past Period." [4] In view of the fact that a large amount of experience has not yet been built up in the practice of Presidium reports, a study and generalization of existing materials is undoubtedly of considerable interest. An analysis of these materials shows that the sessions examine the reports of the Presidiums during the entire time beginning with the moment of their election by the Supreme Soviet of

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a given convocation and for the period between the two sessions of the Supreme Soviet. The forms and methods of discussing these questions at the sessions are also quite diverse. As a rule, the Chairman of the Presidium of the Supreme Soviet addresses the delegates; moreover, both in the form of individual reports on the summary reports of the Presidiums and reports in which, along with the issue of the summary report, there is included a characterization of the Ukazes which are to be ratified by the Supreme Soviet. [5, 6] Other methods were also practiced: There were no reports at all at the sessions; reports on the work of the Presidiums and draft decrees of the Supreme Soviets on these issues were handed to the deputies in written form. [7, p 229; 8]

The existing practice speaks about still another special characteristic of the examination of the Presidiums' summary reports. As a rule, discussion of these matters was not opened up at the sessions of the Supreme Soviet. At the same time, the report "On the Activities of the Presidium of the Supreme Soviet of the Lithuanian SSR in Exercising its Constitutional Authority During the Period of the Ninth Convocation," for example, was discussed at a session of the Supreme Soviet rather extensively, and six deputies spoke on it in the discussions. In the decrees on the results of the examination of the summary reports which were adopted by the Supreme Soviets an evaluation is given of the activities of the Presidiums and concrete tasks for the future are defined. In the future there is no doubt that there will be an enrichment of this practice and the addition to it of new content.

During the past decades a large amount of experience has been accumulated in the hearing by the Supreme Soviets of Presidium reports. Its use under present conditions is being combined with active creative searches. New elements are being added to the content side of the reports. Let us take, for example, the first session of the Supreme Soviet of the Estonian SSR, Tenth Convocation (March 1980). The report of the Presidium's Chairman treated the tasks of both the republic's Supreme and its local Soviets. The constitutional norms on electors' instructions gave rise to reports of the Presidiums devoted to the work of the Soviets on the electors' instructions. [9, 10]

**New Phenomena in the Activities of the Supreme Soviets and Their Agencies in Exercising Control Over the Work of the Councils of Ministers**

At the basis of this process is the development and perfecting of the constitutional guarantees of the leadership of the supreme representative agencies of state power with regard to the government. The constitutional formulas have been further concretized in the laws on the Councils of Ministers, the Regulations of the Supreme Soviets, and the Regulations on the Permanent Committees of the Supreme Soviets. The laws on the Councils of Ministers have established, in particular, rules which oblige the governments to present statements about their forthcoming activities for the consideration of the Supreme Soviets (Article 5 of the Law on the USSR Council of Ministers and the corresponding articles of the republics' laws of the same name). The new prescriptions have already been embodied in practice. At the first sessions

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of the Supreme Soviets, Tenth Convocation, after the formation of the Councils of Ministers, there were addresses by their chairmen on the future activities of the governments led by them. In the past such statements were made only in individual cases. Now their dissemination has become the real embodiment of the demands of the present Constitutions.

A characteristic feature of the control over the activities of the Councils of Ministers is the participation in it by the Supreme Soviets, their Presidiums, permanent committees, and deputies; the chief position is occupied by the Supreme Soviets themselves. A very important control instrument of the supreme representative agencies in relation to the Councils of Ministers is the hearing at sessions of the reports about their work. In practice, however, this is not yet applied on all levels so that it would be useful to give more detailed consideration, for example, to the experience of the Supreme Soviet of the Chuvash ASSR. At the 11th Session of the 9th Convocation (August 1979) a report on the work of the government was examined here. There was a thorough discussion of the report of the Chairman of the republic's Council of Ministers. Twelve deputies took part in the discussions. In his concluding words the reporter replied to the questions which had been raised by the deputies. The draft decree on the report of the Council of Ministers was examined preliminarily by all of the permanent committees in whose name and on whose instructions the chairman of the legislative proposals committee made a proposal for adoption. One of the deputies proposed adding to the draft. The Supreme Soviet adopted the decree with the addition included.

Much greater experience has been gained in using another method of session control--the hearing of reports by the Councils of Ministers on individual issues. They include the realization of proposals and criticisms made at the sessions of the Supreme Soviets, which requires increased responsibility by state and public agencies and officials with regard to the concrete work sectors touched upon by the deputies. Since the end of the 1960's the hearing of matters of this kind at the sessions of the Supreme Soviets has become widespread in the republics, and, in addition, they are submitted both by the Presidiums of the Supreme Soviets and by the Councils of Ministers whose leaders have addressed the sessions with information or reports. The existing experience is already being supplemented with new practice. First of all, one should cite the resolution of such issues without the hearing of reports. Thus, information from the Council of Ministers of Georgia on the results of a consideration of the proposals and criticisms made at the Sixth Session of the republic's Supreme Soviet, Ninth Convocation, was given to the deputies in written form; cognizance was taken of it by a decree of the Supreme Soviet. The Presidium of the Supreme Soviet was given the responsibility for periodically hearing reports by the Council of Ministers on its consideration and resolution of issues posed by the deputies, while the government had the responsibility of hearing the reports of ministries and departments on the realization of the proposals and criticisms of the people's electees. [7, pp 326-335]

The following fact serves as a very marked manifestation of the perfecting of the practice of exercising control authority on the basis of the present

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Constitutions: At the end of 1978 for the first time the agenda of a session of the USSR Supreme Soviet had included in it the question regarding the fulfillment of the economic and social development plan for the current year and a decree was adopted on the basis of the results of the discussion; since then this has been practiced every year. A similar picture can be seen now in all of the republics where considerable experience has already been gained in this field before the adoption of the present Constitutions. We are speaking, it is true, about the republics' economic plans. Many Supreme Soviets control the realization of the state plans, discussing the state of affairs not at the end of the period, but at sessions which were conventionally called "summer" sessions. Reports on the execution of budgets for past years were also approved at them. Thus, during the work of the Supreme Soviet of the UzSSR, Eighth Convocation, such reports were included three times in the agenda of the "summer" sessions (the first--July 1971, fifth--June 1973, seventh--August 1974) It is important to emphasize that the practice which has become established everywhere of the examination at the sessions of the Supreme Soviets of the fulfillment of the current year's plan and of the preceding year's budget, along with the simultaneous approval of planning and budget laws for the forthcoming year does not signify a rejection to the experience of past decades. While using it at the current stage, it is necessary to make comprehensive use of the new prerequisites and possibilities for enriching the practice. In characterizing the new experience from these positions, it would be useful to single out the inclusion of overall problems in the agenda of the sessions of the Supreme Soviets. In July 1978 the Supreme Soviet of Armenia discussed the question of "On the Course of the Fulfillment of the Law on the State Economic and Social Development Plan of the Armenian SSR For 1978 and the Law on the State Budget of the Armenian SSR For 1978; and the realization of the recommendations of the permanent committees and the proposals of deputies made at the Sixth Session of the republic's Supreme Soviet." This can be seen, in this case the Supreme Soviet, in essence, engaged in the examination of a whole complex of interconnected problems the discussion of which in the middle of the year left until its conclusion substantial reserves of time for eliminating the shortcomings in the fulfillment of the planning and budget laws.

Reports by the Councils of Ministers also on narrower questions are practiced at the sessions of the Supreme Soviets. Frequently they throw light upon various aspects of the realization of the economic and social development plans; for example, the tasks of state agencies to ensure their fulfillment. Frequently the reports characterize the fulfillment of plans only within individual branches of economic and social and cultural construction. In this area the USSR Supreme Soviet and the Supreme Soviets of the republics have the solid experience of previous decades. In complete accord with the principle of continuity, it has continued since the adoption of the present Constitutions. [11, 12] In addition to reports on certain matters, communications and information from the Councils of Ministers are heard at the sessions of the Supreme Soviets. In addition to the constitutional norms, of great importance for

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the development of this practice are the new legal prerequisites--the 1 September 1980 Ukaze of the Presidium of the USSR Supreme Soviet "On the Organization of Work With Electors' Instruction," and the corresponding republic acts which have expanded the juridical basis of control over the fulfillment of the instructions.

As a result of the direct influence of the USSR Constitution, on the level of the USSR there has formed the new practice of the hearing of communications from the USSR Council of Ministers about the fulfillment of the commissions stipulated by the laws on the USSR state economic and social development plans and the USSR state budgets. This took place for the first time in May 1978; since that time the Presidium of the USSR Supreme Soviet regularly hears reports about what measures are being taken by the USSR government to carry out the decrees of the USSR Supreme Soviet and to realize the suggestions of committees and individual deputies. "This is an important innovation," emphasized the Chairman of the Presidium of the Supreme Soviet L. I. Brezhnev in his address at the 1 April 1981 sitting of the Presidium, "and thanks to it the mechanism of socialist democracy has begun to operate more efficiently and effectively." [3] Similar experience is actively developing in the union republics. The Presidiums of the Supreme Soviets examine information reports and hear communications from the Councils of Ministers which concern not only the realization of the commissions of the Supreme Soviets which have been given during the discussion of the plan and budget, but also the fulfillment of the laws which have been adopted on them. [13, 14]

There exists a substantial experience in the exercise of control by the Presidiums of the Supreme Soviets over the Councils of Ministers and other agencies on their realization of the recommendations of the Permanent Committees and the criticisms and suggestions of deputies regarding not only the plan and the budget, but also many other issues which are considered at the sessions of the Supreme Soviets. The posing of important problems of a general character gives rise to great interest. Thus, the Presidium of the Supreme Soviet of the Turkmen SSR discussed the communication by the Chairman of the Council of Ministers "On Work in the Council of Ministers Turkmen SSR and in the Republic's Ministries and Departments With the Criticisms and Suggestions Made by Deputies at Sessions of the Supreme Soviet Turkmen SSR, and Also With Letters Which Are Received in these Agencies From Deputies." It is interesting that as a result of a consideration of the question, in addition to the decree which was adopted on it, at this same sitting (11 December 1979) approval was given to a Regulation on the procedure for considering and examining in the state and public agencies of the republic the letters of deputies, the suggestions of the permanent committees of the Supreme Soviet Turkmen SSR, and the criticisms and suggestions made at the sessions of the Supreme Soviet. It has to be noted that Regulations and Rules on questions of an analogous character had been issued in a number of republics as early as the 1960's. at the present time it would be useful to renew them, and also to work out new acts of a similar kind, which would make it possible to strengthen and add to the normative procedural base of the execution of control authority by the Supreme Soviets and their agencies.

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In the Regulations of the Supreme Soviets, and in the articles which are devoted to control over the work of the Councils of Ministers, along with others, the authority of the Supreme Soviets and their Presidium (during the period between sessions) is fixed for the hearing of reports by ministers, chairmen of state committees, and other members of government. It should be said that summary reports, reports, and communications from ministries and departments were widespread also under the previous Constitutions. At the present time, this practice is greatly expanded. Thus, the Supreme Soviet of the Ukraine discussed the report of the Minister of Public Health "On the State of and Measures to Improve Medical Services for the Republic's Population in the Light of the Points of the USSR Constitution and the Constitution of the Ukrainian SSR and the Ukrainian SSR Law on Health Care" (July 1979).

Control over the work of the ministries and state committees by the Presidium of the Supreme Soviets has become stronger. Today a great deal more attention is devoted to the activities of these agencies in carrying out the laws on the plan and budget and accomplishing concrete economic and social and cultural tasks in their fields of management. As for the means which are used, most frequently at the sessions of the Supreme Soviets and meetings of the Presidium the practice is reports, communications, and information from the leaders of the above agencies. Summary reports occur more rarely. Their wider dissemination in the future will make it possible to more fully embody the norms of the new legislation in practice.

The Permanent Committees of the Supreme Soviets participate in the mechanism for exercising the control function of the supreme representative agencies of power. In addition to the constitutional prescriptions regarding control by the permanent committees over the activities of state agencies and organizations and the mandatory consideration of the recommendations of the committees, this authority of the committees has an additional juridical backing. The Regulations on the Permanent Committees give them the right to "go to the Council of Ministers with proposals" (Article 24 of the Regulation on the Permanent Committees of the Chambers of the USSR Supreme Soviet, Article 23 of the Regulation on the Permanent Committees of the RSFSR Supreme Soviet, Article 22 of the Regulation on the Permanent Committees of the Supreme Soviet of the Bashkir ASSR). At the same time, these same articles proclaim such an important guarantee of the participation by the committees in exercising control as the right of inquiry with respect to the Council of Ministers and the ministers and leaders of other agencies which are formed by the Supreme Soviets.

The above subjects may also be addressed with an inquiry from a deputy, which is the control instrument of the Supreme Soviets over the work of the corresponding agencies of considerable importance. The present Constitutions have created serious prerequisites for the more active use and increased effectiveness of this means. The previous Constitutions did not establish the obligation of officials to give a reply to an inquiry at the same session at which it was made. The hearing of the reply at the following session was permitted. Now the Constitutions exclude such instances, for they directly stipulate

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that the Council of Ministers or an official to whom an inquiry is addressed must give an oral or written reply at the given Supreme Soviet session. The rules of the Regulations in accordance with which the Supreme Soviets adopt decrees on the replies to inquiries are of great importance for strengthening the legal basis of the procedure for examining inquiries and increasing their results (Article 33 of the Regulation of the USSR Supreme Soviet, Article 59 of the Regulation of the RSFSR Supreme Soviet, Article 55 of the Regulation of the Supreme Soviet Bashkir ASSR). In this way, the normative support for the order and procedure of realizing the right of inquiry is being expanded: Today the adoption of acts by the Supreme Soviets on the results of the discussion of inquiries is mandatory, which in the past was not always the case due to the absence of the corresponding legal demands.

All of this is promoting an increased role for the inquiry, and stimulating the realization of this right. At the same time, there are substantial reserves here, especially in the use of the inquiry right by the permanent committees. A deepening of the content of the inquiries is being caused by new phenomena and legal establishments. Among them are the Codes of Laws of the USSR and the union republics and the introduction of planning into the practice of the law making process. The above points have determined the exercise by the Presidiums of the Supreme Soviets of control over the activities of agencies in the fields of legislative work. The existence in this matter of gaps, omissions, and shortcomings\* is the basis for inquiries by deputies and the permanent committees to the various agencies which participate in the working out or renewal of legal norms and in the preparation of the Codes of Laws of the USSR and republics. The next way of increasing the role of the inquiries can probably be regarded as a further expansion and strengthening of the legal base of its realization by means of the development of a special law. This conclusion follows, in particular, from an analysis of the materials of the practical activities of the Supreme Soviets. Although the Law on the Status of People's Deputies in the USSR contains definite criteria for demarcations between an inquiry, address, and a question by a deputy, the needs of practice are making a finer legal regulation in this sphere necessary. The inadequacy of juridical support results from the fact that in practice these differences are sometimes not fully considered with the result that the same procedure is employed for examining a deputy's inquiry, address, and question. As a result, there is a decrease in the importance of the inquiry as a special means of control by representative institutions of the work of other agencies. There is a clear need for a clear definition of the content of an inquiry with a juridical norm. The procedure for making and examining an inquiry is also in need of more detailed legal regulation.

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\*Their essence is revealed in the decrees of the Presidiums of the Supreme Soviets on the fulfillment of legislation plans. [15-20]

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## Perfecting the Control of the Supreme Soviets Over the Work of Other State Agencies which are Accountable to Them

The present Constitutions have expanded the circle of the agencies which are formed by the Supreme Soviets. The Committees for People's Control have been included among them. The Law on People's Control in the USSR binds the Committees for People's Control of the USSR and the union and autonomous republics to present, no less frequently than once during the period of their authority, reports on their activities to the Supreme Soviets and to systematically report on them to their Presidiums (Articles 12, 13, 14). The constitutional definition of the status of the Committees for People's Control and the strengthening of the legal basis of their activities has promoted the effective realization by them of their functions. New elements have also appeared in the leadership of the Committees for People's Control by the Supreme Soviets. Interesting in this respect is the 10th Session of the Supreme Soviet of the Lithuanian SSR, Ninth Convocation (June 1978), at which the chairman of the Lithuanian Committee for People's Control delivered the report "On the Condition of State Discipline in the Republic's Industry and on the Measures to Strengthen It in the Light of the Decisions of the 25th CPSU Congress." The deputies also heard co-reports by the Supreme Soviets' Permanent Committees on Industry and Construction, Planning and Budget, and Consumer Goods. The realization of the constitutional norms expanding the number of state agencies and officials to whom an inquiry may be addressed presupposes the active development of the practice of deputies' inquiries also to the leaders of Committees for State Control. As a result, the scope of the Supreme Soviets' control over the above agencies will increase. It should be emphasized that on the basis of the new legislation reports on the work of the Committees for People's Control at meetings of the Presidiums of the Supreme Soviets have recently become widespread.

During the period of the effect of the new Constitutions there has been a marked enrichment of the practice of the exercise of control authority with respect to the Supreme Courts which are elected by the Supreme Soviets. The corresponding rules are also contained in the previous Constitutions, but on the basis of the new ones they have been developed in other acts. Thus, the Law on the USSR Supreme Court contains a special article "The Accountability of the USSR Supreme Court" (Article 10). In it it is established that the judges and people's assessors of the Supreme Court are responsible to and report to the USSR Supreme Soviet. No less than once during the period of its authority the USSR Supreme Court presents a report on its activities to the USSR Supreme Soviet and systematically reports on them to its Presidium. The latter rule has also been fixed in the new republic laws on jurisprudence (Article 53 of the RSFSR Law on Jurisprudence). Its inclusion also in the Regulations of the Supreme Soviets and, moreover, in the chapters on the control authority of the Supreme Soviets is characteristic (Article 62 of the Regulation of the USSR Supreme Soviet, Article 58 of the Regulation of the RSFSR Supreme Soviet, Article 54 of the Regulation of the Supreme Soviet of the Bashkir ASSR).

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An indicator of the effectiveness of the new prescriptions of the Constitutions and of the acts which developed them is the fact that now substantially more attention is being devoted to the Supreme Courts and, above all, by the Supreme Soviets themselves. This thesis is confirmed by a comparative analysis of the materials of the sessions of the Supreme Soviets at which the Supreme Courts were elected. They show that in the past the essence of their examination consisted chiefly in determining the quantitative and personnel composition. After the adoption of the 1977 USSR Constitution it is possible to trace more and more clearly an appreciable expansion of the content side by means of a characterization of the general results of the work of the Supreme Courts in connection with the expiration of their period of authority and the most important and topical issues of their future exercise of justice.

The Presidiums of the Supreme Soviets are assigned a serious role in the mechanism of the realization of control authority with respect to the Supreme Courts. At their meetings reports are heard about the work of the Supreme Courts during one or another period, and also information and communications which concern various of its aspects. Here, the principle of the independence of judges and people's assessors and their subordination only to the law is observed impeccably. The Presidiums do not intervene in the examination by the Supreme Courts of concrete cases.

In accordance with the USSR Constitution, the USSR General Procurator is appointed by the USSR Supreme Soviet to which he is responsible and accountable. During the period between sessions the General Procurator is responsible to the Presidium of the Supreme Soviet (Article 165). Compared to the previous legal regulation, the Law on the USSR Procurator has developed and supplemented the constitutional point by means of the establishment of the following rule: "Not less than once during the period of his authority, the USSR General Procurator presents a report about his work to the USSR Supreme Soviet and systematically reports on it to the Presidium of the USSR Supreme Soviet" (Article 6). A prescription of this kind does not apply to the procurators of the union and autonomous republics. At the same time, I believe that there are grounds for asserting that a process is occurring of the strengthening of the interaction between the Supreme Soviets of the republics and the republic procurators in the accomplishment of specific tasks. Of great interests in this respect is the fact that at a session of the Supreme Soviet of the Tajik SSR the reporter on the question of "On Measures to Strengthen Socialist Legality and Public Order in the Republic in the Light of the Demands of the USSR Constitution and the Constitution of the Tajik SSR" was the republic's Procurator. On the basis of the results of the discussion, the Supreme Soviet adopted a decree binding state agencies to carry out concrete measures to eliminate the shortcomings which had been discovered. It is also addressed to the Procurator of the Tajik SSR to whom it is said: "To take additional measures to strengthen supervision over the exact execution of the law by all ministries, departments, enterprises, institutions, and organizations and officials and citizens." [21] It is also very common to have reports by procurators at meetings of the Presidiums of the Supreme Soviets where,

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in addition to their reports, their communications and information on various issues, especially in the field of the observance of the law, are examined.

The analysis which has been made shows that the constitutional norms, operating directly, and also in a complex with the rules of other acts, work as an effective instrument for strengthening the dominant democratic tendency of the development of our supreme representative institutions--a further increase in their role and a strengthening of their leadership over all other state agencies.

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NEW DEBATE ON SOVIET LAW AS A SYSTEM BEGINS

Moscow SOVETSKOYE GOSUDARSTVO I PRAVO in Russian No 6, Jun 82 pp 80-110

[Roundtable discussion: "The System of Soviet Law and Its Development Prospects"]

[Excerpt] The SOVETSKOYE GOSUDARSTVO I PRAVO editorial board proposed to the participants in a roundtable session in Zvenigorod discussion of the following questions: 1) patterns of the development of law under the conditions of mature socialism and the demands made on the system of Soviet law; 2) methodological problems of a study of the system of law; 3) grounds for the division of law into branches; 4) development trends of the correlation of different branches; 5) correlation of the system of Soviet law and the system of legislation; 6) the system of law and the system of legal science; 7) problems of comprehensive branches of law, legislation and legal science; and 8) basic trends in the development of the system of law in foreign countries.

M.I. Piskotin, chief editor of the journal, observed in the introductory remarks that the subject submitted for discussion by the participants in the round table is of great interest to the representatives of various branches of legal science. We are beginning, albeit in new form, essentially the third general debate on the system of law. The first debate, which took place in the period 1938-1940, laid the foundations of the notions concerning a system of Soviet law, which have largely been preserved through the present. The subject of legal regulation was at that time put forward as the criterion of the division of law into branches. Proposed for the first time by M.A. Arzhanov,<sup>1</sup> this criterion struck everyone by its simplicity and clarity. True, its inadequacy was pointed out even at that time. This was done by S.N. Bratus'.<sup>2</sup> He emphasized the significance of the method as a classification indicator in constructing a system of law. However, the atmosphere in which the debate was conducted did not permit the evaluation and use of these observations. Nonetheless, in 1946 S.F. Kechek'yan continued S.N. Bratus''s reflections concerning the connection of the subject and the method of legal regulation, although he endeavored to prove the impossibility of the division of law into branches by method.<sup>3</sup> When, however, debate on the subject of civil law resumed in 1954, the majority of its participants deemed it necessary to use method together with the subject as an additional criterion for the classification of Soviet law.<sup>4</sup>

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The second general debate on the system of Soviet law sprang up in 1956. While paying tribute to the subject of legal regulation, virtually all its participants emphasized the inadequacy of this criterion in itself.<sup>5</sup> The conclusion as to the need to regard it together with the method of legal regulation as the general and even single grounds for the division of law into branches won almost universal recognition. At the same time it was pointed out that a "certain unity" in the complex of social relationships regulated by law and "the state's objectively conditioned interest in the independent regulation of this complex of relationships" are important prerequisites of the separation of branches of law.<sup>6</sup>

The summary works specially devoted to this subject which have appeared since the second debate have played an appreciable part in the development of theoretical knowledge of the system of Soviet law.<sup>7</sup>

It would appear that the question of the system of Soviet law requires new discussion with regard for current conditions and the demands of the society of mature socialism. We can point to a number of circumstances lending great urgency to this problem.

Legislation, which has always been the main and most active factor of the development of a system of law, has developed rapidly in recent decades. A new USSR Constitution and new union and autonomous republic constitutions have been adopted. Laws of great importance have been created on the basis of these. New branches of legislation have emerged with the increased scale of economic and sociocultural building and under the conditions of scientific-technical progress. A number of areas of state activity (planning, for example) have been put on a firmer legal footing. As a whole, Soviet legislation has become far more voluminous and ramified. It requires in-depth comprehension, from the viewpoint of its formation, structure and general properties. This task is of all the more significance in that work is being performed currently on the Consolidated Statutes of the USSR, and the process of the renewal and development of legislation based on the 1977 USSR Constitution is continuing. Questions of the division of the law into branches, subbranches and institutions and the correlations between structural subdivisions of the law are of direct practical significance in this plane.

The 26th CPSU Congress set the task of completion of the transition to a predominantly intensive path of development and an increase in the efficiency of the economy. "Planning, scientific-technical and structural policy," the CPSU Central Committee Report to the 26th party congress said, "should be subordinated to the accomplishment of this task. Methods of economic planning and policy in the management sphere must also work for efficiency." The entire system of Soviet law is also called on to serve such goals.

Legal science as a whole reflects these social requirements. Development of the theoretical principles of the system of Soviet law has continued in recent years. The role of the Basic Law in the development of all branches of law and in securing "the unity of legislative regulation on the entire territory of the USSR..." (clause 4, article 73 of the USSR Constitution) has been

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revealed in increasingly great depth since the adoption of the USSR Constitution in 1977. There has been increased attention to questions of the comprehensive forward planning of regulating activity and an increase in the role of the law in the intensification of the Soviet economy. The problem of comprehensive branches of the law, which has assumed particularly appreciable significance in connection with the debate on the subject of economic law, is being discussed; the idea of agricultural and nature-conservation law is being advanced; the law of social security is being separated out; and a number of thoughts is being expressed in support of the separation of other branches of law. In a word, a broad frame of questions has been accumulated in need of discussion and scientifically substantiated solution. And this can be achieved solely on the basis of the solution of general questions concerning the fundamental principles and patterns of the construction and development of a system of Soviet law.

The question of a system of law is closely connected with the question of a system of legal science, which also does not remain invariable. The general theory of state and law is subdivided into two separate branches of knowledge--the theory of state and the theory of law. "Sociological partners" are emerging in a number of traditional branches of legal science. Together with criminal law criminology is developing, together with administrative law the theory of state control is taking shape, attempts are being made to create political science and so forth. Are they entirely or partially incorporated in the system of legal science, what is their place in this system, how are they correlated with the traditional branches of legal science--these questions also need to be discussed.

The USSR Constitution proclaimed the need for a strengthening of the legal basis of state and public life (article 9). The accomplishment of this task is largely connected with the development and improvement of legislation. But it is no less important under current conditions to ensure the observance of legislation and increase its effectiveness. In this connection tremendous significance is attached to an increase in the systemic nature of law and its comprehensiveness and the concerted action of all its branches and institutions, which is directly related to the question of a system of law.

A natural process of differentiation and specialization is under way in legal science and practice. This is a result of the fact that the volume of legislation is growing and becoming increasingly diversified, and together with the traditional types of law-enforcement activity new ones are appearing. Differentiation and specialization are helping the more skilled and professional study and administering of the law. But they also have a reverse, negative side inasmuch as they frequently contribute to the formation of a purely branch view of legal phenomena. I believe that upon an examination of the question of a system of law and its development prospects it is essential to strengthen the all-system, comprehensive view of it and together with the division of law into branches to analyze it as a whole and see its integrational properties and all-system features. Nor in this connection can the problem of an improvement in Soviet legislation be reduced to the development of its individual branches and institutions but must incorporate an improvement in its general foundations and principles and the coordination and interaction of its components. "...Law must not only correspond to the general economic situation

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and not only be an expression thereof but also be an intrinsically concerted expression which will not repudiate itself by virtue of internal contradictions"<sup>8</sup>--these words of Engels are of great relevance.

The fundamental properties and features of Soviet socialist law are revealed not only via the "essence of the law" category but to no less an extent via the "system of law" category. Having shown merely the branches into which Soviet law is divided, we can as yet say very little about its properties as a system. The latter are revealed upon a meaningful analysis of the correlation and interaction of different branches of law and their general thrust. A most important conclusion which may be drawn with reference to the development of the question of a system of Soviet law, proceeding from present-day requirements, should evidently be a strengthening of the all-system approach. This does not mean, however, that we must view law only in its entirety. The qualitative singularities of branches of law are so substantial that to ignore them would mean undermining the very foundations of law and legality.

In ascertaining the patterns at the basis of the formation and development of a system of Soviet law it is essential to abide by certain methodological requirements. Among these, I would like to mention first the historical-approach method or, rather, the demand for the unity of the historical and the logical.

The development of a system of Soviet law and the theoretical ideas concerning it was brought about by the development of the system of social relationships and, primarily, the evolution of the forms of organization of socialist social production and the ideas in this sphere. In the period of war communism, when the sphere of money-goods relationships was extremely limited and when both the agricultural product (by way of grain requisitioning) and the industrial product went into a common fund and were centrally allocated therefrom, the system of law which took shape was predominantly of the command-organizational type. It left virtually no room for civil law and sharply increased the role of administrative law, and that part of it, moreover, which regulates the command-executive activity of the state control authorities. War communism as a whole was a forced policy. At the same time it reflected in some of its aspects the theoretical views which had evolved by that time of the organization of the socialist economy and which had been expressed, in particular, in the Russian Communist Party (Bol'sheviks) Program adopted by the eighth party congress (1919). This document proclaimed, for example, that "in the sphere of distribution the Soviet state's task at the present time is to continue unswervingly to replace trade by the plan-based distribution of products organized on an all-state scale."<sup>9</sup>

Transition to the NEP was accompanied by a considerable reexamination of views on the forms of the organization of the socialist economy. The new economic policy incorporated both a strengthening of the working class' alliance with the peasantry and the replacement of requisitioning by tax in kind and the transition of state enterprises to cost accounting and the use of money-goods relationships, and in this sense the NEP was not a temporary but permanent policy of the party. "Lenin's propositions concerning the combination of centralized planning with the development of the working people's initiative, the use of money-goods relationships, cost accounting and material incentives to

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labor and the combination of the interests of the society as a whole with the interests of each individual worker are today also most important reference points in the party's economic policy."<sup>10</sup> The implementation of all these measures required an appreciable reorganization of the system of Soviet law. It is not fortuitous that it was at precisely that time that the Civil Code began to be developed: with the introduction of cost accounting and the development of trade, money-goods relationships and contractual relations the corresponding civil-law regulation proved essential. There was simultaneously a reduction in the sphere of administrative command. Legislation aimed at protecting the citizens' rights and legitimate interests was developed. As a whole, the legal basis of social life strengthened.

In examining the system of Soviet law in its historical development we cannot fail to note that it has taken shape not by way of the simple addition to the existing branches of new ones which have been on a level and equal par with them but by a more complex path with an inner logic.

S.S. Alekseyev separates among branches of law the "profiling"<sup>11</sup> or "fundamental"<sup>12</sup> branches. I believe that from the viewpoint of the historical-logical approach they could rather be called primary since they arose as the result of the first, initial division of the law into branches, in accordance with the subject and method of legal regulation in their unity. Administrative, civil and criminal law and the laws of criminal procedure and civil procedure are such. Kolkhoz law was added to them later. They constituted the first category of branches of law arranged under state (constitutional) law, which is of fundamental significance for all branches. But in accordance with the process of the differentiation and the integration of social relationships accompanying it, differentiation and, in some cases, integration in the sphere of law are under way.<sup>13</sup> As a result new branches are separating off from the basic, primary branches. A second division of the law is under way which is distinguished from the first by the fact that its basis is no longer subject and method in their unity but only the subject and the criteria which supplement it: unity of the relationships being regulated and the interest of the state in their regulation. As a consequence of the second division a second category of branches of law is emerging: labor, financial, land, economic, family and corrective-labor law and legality control by the prosecutor's office. The process does not stop here. A third division of the law has been observed in recent years as a result of which the law of social security, nature-conservation, mining, water and forestry law and so forth have emerged. A fourth and subsequent divisions effected on the same grounds as the second are possible in principle. Consequently, the system of law is of a multilevel nature. In this connection it is particularly important upon analysis thereof to use a systemic approach in the methodological plane.

By virtue of the multilevel nature of the system of Soviet law and the patterns of its development, its own hierarchy of branches has evolved in it. With a certain modification the method (methods), principles and general part of the source, "mother" branches extend to the "daughter" branches which have arisen as a result of the second and subsequent divisions, which must always be borne in mind.

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Legal literature sometimes pays undue attention to determining the place of this provision and institution or the other in the system of law. Conducting a thorough demarcation between branches and institutions originating in a single primary, main branch of law and, consequently, based on a single fundamental method is frequently a pedantic exercise. It is of a certain significance only for the systematization of legislation and the delineation of educational courses. But it is quite another matter when it is a question of the primary branches or branches, institutions and provisions engendered by various primary branches. Strict demarcation here is of fundamental significance since it is a question of essentially different methods of legal regulation (civil-law and administrative-law regulation, for example).

There will inevitably be a further differentiation of the law with the development and growing complication of social life and the appearance of new branches of production and culture. New methods of legal regulation will possibly appear, which will create the prerequisites for the separation of new basic branches of law. But while an objective need for law exists, differences between groups of branches, which are based on different methods of influencing people's behavior and social relationships, cannot fail to retain their significance.

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LABOR VALUES OF INTELLIGENTSIA FOSTERED BY HIGHER EDUCATIONAL INSTITUTIONS

Moscow OBSHCHESTVENNYYE NAUKI V SSSR: SERIYA I, PROBLEMY NAUCHNOGO KOMMUNIZMA in Russian No 3, May-Jun 82 (signed to press 27 Apr 82, pp 102-107)

[Review by P.I. Shlemin of book "Molodoy intelligent razvitogo sotsialisticheskogo obshchestva" [The Young Intellectual in the Developed Socialist Society] by V.A. Mansurov and K.G. Barbakova, USSR Academy of Sciences Institute of Sociological Research, Moscow Izdatel'stvo "Nauka," 1981, 189 pages, bibliography pages 180-188]

[Excerpt] Chapter 3 is entitled "The Process of Forming the Young Intelligentsia in Soviet Society and Developmental Trends." Educational establishments instill in young people the bases of their professional activity by setting up a system of definite knowledge and skills and imparting an interest in a profession. However, firm professional interest is established only in direct dealings with professional activity and in the quite protracted process of assimilating its most important operations. "With respect to the future young intelligentsia, the present students, it is possible to speak only of the probability of forming an interest in a future profession but not of actual professional interest." (page 106).

As young people become involved in the various social-professional groups in the population the differences between them in their interests and requirements and the ways in which they spend their free time deepen, and typological and individual traits are seen more clearly. In the authors' opinion the tendency that has arisen in socialist society to combine training with direct professional activity is leading to "the disappearance of a young intelligentsia as a social group, with only certain demographic attributes within the framework of society being retained" (page 108).

Professional maturity is a most important aspect of social maturity in the young intelligentsia in a socialist society, although not identical with it. "The building of communism has led to the advancement of social activity as a major aspect of social maturity, an essential condition." (pages 112-113). Since the intelligentsia is associated with production and the spread of spiritual values and their use in various spheres of life, the forms and methods in the development of social activity in all groups of society depend largely on the level of social maturity in the intelligentsia and the recognition of its unity with social and personal ideals. Under the effect of the long process of education and self-education of the individual and the training and influence of social relationships on him, social maturity is manifest in social activity.

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The development of professional and social activity is a most important task for the VUZ's. One example of this is the creation of the student construction detachments. Another traditional manifestation of students' social activity is their participation in public work. The basis of the latter is both socially significant and instrumental motives (self-affirmation, practical work with people and so forth). Results from sociological studies have shown that the students from VUZ's teaching the humanities display the greatest public activity. The greatest percentage of highly active students is observed among the children of kolkhoz farmers and the least among the children of workers and the production intelligentsia.

Chapter 4 is entitled "The Social Portrait of the Young Intellectual." At this time the business qualities of the young intellectual include not only professional knowledge and experience, creative ability and initiative, and assiduity and self-discipline, but also a communist conviction, moral maturity and so forth. Thus, "a socially passive individual in the young intelligentsia cannot be professionally active." (page 134).

Findings from sociological studies have shown that with respect to professional and social activity the young Soviet intellectual "demonstrates the essential qualities that have been objectively formed in the entire system in organic interaction between basic professionally and socially oriented elements." (page 141). During the Seventies a marked rapprochement was noted between individuals of the young intelligentsia and young workers. These trends are realized through the socialist way of life. In the authors' opinion, the specific nature of the latter can be expressed by the single concept of "humanism." An orientation on the values of the socialist way of life such as love of labor, internationalism, patriotism, mutual respect, the desire to be of use to people and so forth is typical of the spiritual makeup of most of the young intelligentsia. At the same time a certain backwardness in world-outlook ideas is noted in individual representatives of the young intelligentsia, primarily an unproductive backwardness at a remove from the world-outlook ideals of working youth. Sometimes this demonstrates inadequate subjective efforts by the young intelligentsia to overcome this backwardness, which hampers its effective fulfillment of social and directly professional functions. On the whole, however, at the present stage in the building of communism a social type of individual has been formed among the young intelligentsia, whose system of qualities enables him to effectively resolve the tasks facing the young intelligentsia as a special social group.

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**BIOGRAPHIC DETAILS ON V. M. CHKHIKVADZE**

Moscow SOVETSKOYE GOSUDARSTVO I PRAVO in Russian No 5, May 82 pp 132-133

[Information Item]

[Text] The Chief of the Sector of the Theoretical Problems of the Legal Status of the Individual of the Institute of State and Law of the USSR Academy of Sciences, the Corresponding Member of the USSR Academy of Sciences Viktor Mikhaylovich Chkhikvadze has become 70 years old. V. M. Chkhikvadze is one leading legal scholars of our country. For 45 years V. M. Chkhikvadze has been performing teaching and scholarship. In 1938 he was appointed as a teacher in the military juridical faculty, and in 1940 as the chief of the department of criminal law of the Military Juridical Academy; he was then appointed chief of the academy and he worked in this office until 1953. In 1953-1954 V. M. Chkhikvadze was secretary of the CC CP of Georgia, and was elected as a deputy to the Supreme Soviet of the Georgian SSR, Third Convocation. From 1954 through 1958 he was deputy director of the Institute and State and Law of the USSR Academy of Sciences. In 1962 V. M. Chkhikvadze was appointed chairman of the Juridical Committee at the USSR Council of Ministers. In 1964-1973 V. M. Chkhikvadze worked as director of the Institute of State and Law of the USSR Academy of Sciences; in 1964 he was elected a corresponding member of the USSR Academy of Sciences.

V. M. Chkhikvadze is the author of more than 250 scholarly works on the general theory of state and law and of criminal and international law. Many of his works have been translated and published in foreign languages. In his works there is an analysis of V. I. Lenin's development of the Marxist theory of state and law, and a description of V. I. Lenin's role in the creation and development of the Soviet socialist state and law. Under his direction and with his participation a number of collective monographs have been published.

V. M. Chkhikvadze combines the qualities of a legal scholar and public figure. In 1958 at the World Congress for Disarmament and Cooperation V. M. Chkhikvadze was elected secretary and member of the Bureau of the World Peace Council. From 1963 through 1973 V. M. Chkhikvadze was the deputy chairman of the Soviet Committee for the Defense of Peace and a member of the Presidium of the Soviet Committee for the Solidarity of the Asian and African Countries. He was also elected as vice president of the Soviet Association of Friendship with the Peoples of the Arab Countries and president of the USSR-Lebanon Friendship

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Society. V. M. Chkhikvadze was a delegate to sessions of the UN General Assembly, and the leader of the Soviet delegation in the UN Special Committees on the Principles of Peaceful Coexistence and Friendly Relations, and for the definition of aggression, he was a delegate at the International Conference on Human Rights, and participated in the Madrid Meeting of the representatives of the participant states in the European Conference on Security and Cooperation.

In 1967 he was elected as vice president of the International Association of Political Sciences; in 1966 he was elected as a full member of the International Academy of Comparative Jurisprudence; and in 1970 as president of the International Association of Legal Sciences.

V. M. Chkhikvadze has been awarded five orders and many USSR medals for his services to the development of legal science and for his active public work. For his services in the struggle for peace and cooperation between peoples the World Peace Council awarded him the Gold Medal imeni Frederico Juliot-Curie . He has also received the Hungarian Order of "Peace and Friendship."

The editorial board of the journal SOVETSKOYE GOSUDARSTVO I PRAVO, a member of which V. M. Chkhikvadze has been for many years, and the editors of the journal congratulate him on this important date and wish him health and new creative successes.

Conversation With Corresponding Member of the USSR Academy of Sciences V. M. Chkhikvadze

[Question] What do you regard as being the most important thing that you have done in the field of legal science and education?

[Answer] I will begin with education. I began to teach at the Moscow Juridical Institute in 1935, while I was a graduate student in the department of criminal law; I also taught at the All-Union Legal Academy and in other of Moscow's VUZ's. An important school for me was the Military Juridical Academy of the Soviet Army within whose walls I worked for more than 15 years as a senior instructor, chief of the department of criminal and military criminal law, deputy chief of the academy for scholarly and instructional work, and chief of the academy. Quite a few of my pupils became candidates and doctors of juridical sciences and are now the country's leading scholars. I regard the training of cadres of legal specialists--scholars and practical workers--as a matter of paramount importance. I liked my pupils very much and am proud of them.

In the field of scholarly work I would single out three directions: the development of a theory of Soviet military law, a study of Lenin's heritage with regard to the state, democracy, law, and legality, and an investigation of the theoretical aspects of the legal status of the individual. For many years I had to perform various duties connected with the organizational direction of the development of juridical science, particularly in the Institute of State and Law of the USSR Academy of Sciences; a great deal of effort was made to provide assistance to the development of juridical science in the

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union republics. I always liked organizational work and it gave me great moral satisfaction. I had to combine it with public political work: I participated in the work of the leading agencies of various international organizations, delivered reports at international conferences, and participated in the preparations for and holding of congresses and meetings of representatives of the peace-loving forces, and also in the development of a number of international legal acts. The work in this direction was interesting for me and useful.

[Question] Which features of an organizer of juridical science do you regard as the chief ones?

[Answer] The ability to correctly define the most important tasks of juridical science for a given stage of the development of state and law and the ability to mobilize the efforts of a collective to accomplish them. Organizational leadership of the development of juridical science is a difficult and responsible matter. To the extent of my strength and abilities I try to promote the prestige of Soviet juridical science, the solution of the important problems of its development, and the implementation of Lenin's principle of the partyism of science. The scholars at the Institute of State and Law of the USSR Academy of Sciences actively supported and helped me. It can be said that through the common efforts of the workers of our institute and of the entire Soviet legal public definite successes have been achieved of which we can justly be proud.

The institute collective trusts me and is friendly toward me. In a word, there is, as it seems to me, complete mutual understanding and an atmosphere of comradeship and mutual respect with, at the same time, great exactingness and principle. I am proud of the fact that I work in a wonderful collective to which I am obliged for a very great deal.

[Question] What are your personal plans for the future?

[Answer] As for my plans for the future, I would like, in particular, to write a book on the topic of "The CPSU On the Soviet State, Democracy, and Legality" and to continue my political work. The high state award--the Order of Friendship of Peoples--which I was awarded in connection with my 70th birthday obliges me to work without let-up in order to justify the trust which has been shown me.

The most favorable conditions have been created in the country for creative work in the various fields of Soviet science. The party devotes an enormous amount of attention to strengthening the Soviet state and to perfecting democracy and the law. No one since V. I. Lenin has done so much for the development of Soviet statehood and the political legal system, for the strengthening of socialist legality and law and order, and to increase the authority of

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legal science and the legal specialists' profession as the General Secretary of the CC CPSU and Chairman of the Presidium of the USSR Supreme Soviet L. I. Brezhnev. We are justly proud of the high evaluation which has been given to the work of Soviet legal scholars and practical workers in the documents of the party and the works of L. I. Brezhnev.

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**REGIONAL**

**LABOR RESOURCE MANAGEMENT IN KAZAKHSTAN DESCRIBED IN NEW BOOK**

Moscow OBSHCHESTVENNYYE NAUKI V SSSR: SERIYA I, PROBLEMY NAUCHNOGO KOMMUNIZMA in Russian No 3, May-Jun 82 pp 97-102

[Review by A. N. Vinogradov of the book "Podgotovka rabochikh kadrov v Kazakhstane i ikh ispol'zovaniye" (The Training of Worker Personnel in Kazakhstan and Their Employment) by N. A. Gulyayev, Alma-Ata: Kazakhstan, 1981, 135 pages.]

[Excerpt] In Kazakhstan the acuteness of the problem of labor resources and the increased efficiency of their use is exacerbated primarily by the fact that a number of cities have undergone one-sided development. This does not make it possible to involve the second and third members of a family in social production and this gives rise to an outflow of the population or to an increase in the number of working-age persons employed in housekeeping and on the private subsidiary farm. For eliminating the designated disproportions it is essential to improve the production structure and its territorial location. Moreover, there has been an outflow of youth from rural localities into the city and as a result of this in the countryside a less favorable age structure of the population has developed than in the cities (in 1979, the share of persons 16-39 years of age in the rural localities was around 30 percent and in the city around 45 percent). In rural localities the improved use of labor resources is possible by enlarging the small population points the number of which reaches 21,000 in the republic (p 18).

The high employment of the working age population in social production, the reduced increase in labor resources caused by the drop in the birth rate and the increased share of elderly persons point to limitations in the extensive use of manpower. Actually the youth have become the only source for replenishing the working class. This gives rise to specific problems in preparing young people for labor. An analysis of personnel turnover in production has shown that the youth make up approximately two-thirds of the persons discharged at their own request (p 21).

The modern scientific and technical revolution has brought about fundamental changes in the implements of labor and in the sectorial and vocational-skill structure of the employed. In the industry of Kazakhstan, the number of mechanized flow and automated lines has increased from 1,463 in 1965 up to 4,562 in 1977, the number of fully automated sections and shops from 717 up to 2,134, the number of automated and fully automated sections and shops from 221 to 520 enterprises and for automated and fully automated enterprises from 84 to 182 (p 30, Table 5). Over 1960-1978, gross social product in the republic has risen by 3.14-fold while the number of workers in the

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national economy has gone up by 1.94-fold, with the share of persons employed in agriculture declining by 15.3 percent (p 33). The accelerated development rates of science, education, public health, culture and art (the share of persons employed in these sectors has risen from 11.6 percent in 1960 up to 17.8 percent in 1978 (p 35)) has caused a redistribution of the persons employed in favor of the nonproduction sphere. The share of industrial workers performing work with the use of machines and mechanisms as well as controlling the operation of automata and automatic devices and their repair has increased from 40.9 percent in 1965 to 46 percent in 1979, while the share of workers engaged in manual labor not with machines and mechanisms has declined from 37.3 to 30.8 percent. The proportional amount of skilled labor has increased by 3.6 percent while little-skilled labor has declined by 1.4 percent and unskilled labor by 1.8 percent (p 46). There still is a large gap in the level of mechanizing basic and auxiliary work. In 1975, the share of workers whose educational and professional level corresponded to the present development level of production (those having a specialized secondary education or a vocational education in the vocational-technical schools and technical schools) at the enterprises of machine building and metalworking, electric power, the chemical and petrochemical industries, in construction and in agriculture reached 14-25 percent. At the enterprises of the coal industry and in mining and nonferrous metallurgy, virtually 50 percent of the workers had an education of 6-7 grades. In 1970, in Kazakhstan, per 1,000 persons employed there were 654 persons with a higher and secondary (complete and incomplete) education and in 1979, over 800 persons (p 51).

The second chapter is entitled "The Training of Skilled Workers and the Basic Directions for Improving This Under the Conditions of Scientific and Technical Progress." In the stage of mature socialism, in the vocational and labor self-determination of the youth, of special importance is vocational guidance carried out on a scientific basis considering the age and other indicators in accord with the territorial and sectorial requirements of society. According to the data given in the literature, the economic effect of vocational guidance in 1976 on a national scale was 4 billion rubles (p 60).

The youth who fill in the working class is marked by a number of features. Primarily these are: great mobility, a high level of demands for the content, organization and conditions of labor and for the psychological climate in the production collective; over the long run the most extended period of capacity to work; good indicators of physical health; a high general educational level by the time of entering working life. These traits are gradually lost with an increase in age.

At the present stage, the author points out, the most effective forms of vocational guidance and combining training with production labor are the interschool production training centers (there are more than 100 of them in the republic), the production training shops at enterprises and the training brigades in the countryside, the number of which already exceeds 2,500 in comparison with 1,221 in 1970 (pp 69-70).

The author considers it an incorrect practice when the secondary schools (with production training) issue their graduates a certificate for receiving a specialty with the designating of a category, since any labor training in school would be better viewed not as a means of vocational training for the personnel but rather as a means of vocational guidance.

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The system of vocational and technical education has become the basic source for filling out the ranks of skilled workers. In 1965-1979, the training of worker personnel in the system of vocational and technical education rose by 1.9-fold, and on the job training by 1.6-fold (p 83).

The ratio existing in Kazakhstan between these two forms of training worker personnel (1:2.2), the author points out, is still not rational. The problem of increasing the effective use of workers trained in the PTU [vocational-technical school] remains very difficult and this is particularly characteristic for equipment operators in the countryside. In 1976, 20,600 young workers obtained a vocation and a secondary education in the republic's PTU, 40,100 in 1979; in the technical schools, the figures, respectively, were 15,800 and 43,900 (pp 87-88). Actually in 1983-1985, the Kazakh system of vocational and technical education will convert to training skilled workers with a secondary education for the most mass professions.

In Kazakhstan each year around two-thirds of the new workers undergo on-the-job training. In 1975-1979, the number of workers trained on the job rose by 9.4 percent (p 97).

In the author's opinion, there must be a clearer delimitation in the contingent and age categories of the workers trained in the PTU and on the job. All graduates of the eighth-tenth grades who have chosen worker professions should pass through the PTU system while the on-the-job training and course network should be used to train and retrain worker personnel who have been freed under the influence of the scientific and technical revolution or who have an interruption in their work; it should also be used to train broad specialty workers.

The third chapter is entitled: "A Rise in the Skills of Worker Personnel--A Pattern in the Reproduction of Skilled Workers." At present, the author stresses, the principle of continuous vocational-technical education is one of the factors in increasing the efficiency of social production and utilizing the labor resources. In 1975-1979, in Kazakhstan, at the enterprises of the material production sphere, the number of workers engaged in all forms of skill improvement rose by 20 percent (p 106).

By their nature, expenditures on education and skill improvement of the workers are close to capital investments in the national economy. As a whole for the USSR over the last 20 years, regardless of the increased expenditures on education and vocational-technical training, expenditures on fixed capital have grown more rapidly. This is also characteristic for Kazakhstan. At present at the republic's enterprises in the basic industrial sectors, with the socially necessary length of worker education of 8.8-10.9 years, it in fact is 6.9-8.6 years (p 117). In the author's opinion, "with the transition to intensive production development, it is advisable to increase expenditures on the training of skilled personnel and on improving the quality of the labor force" (p 116).

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