

**THE
SOVIET LEGAL SYSTEM**
Legislation & Documentation

By WILLIAM E. BUTLER

**PARKER SCHOOL OF FOREIGN
AND COMPARATIVE LAW**

**PARKER SCHOOL STUDIES
IN FOREIGN AND COMPARATIVE LAW**

THE SOVIET LEGAL SYSTEM

Selected Contemporary Legislation and Documents

Compiled and Translated
by
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THE SOVIET LEGAL SYSTEM

THE PARKER SCHOOL OF FOREIGN AND COMPARATIVE LAW

The Parker School of Foreign and Comparative Law is dedicated exclusively to the study and teaching of foreign and comparative law. The School owes its existence to the beneficence of Judge Edwin B. Parker, who left the bulk of his estate for the founding and support of a school which would prepare young persons “to render practical service of a high order to the government of the United States in its foreign relations or to financial and industrial institutions engaged in foreign trade or commerce.”

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PREFACE

The present volume is a new addition to *The Soviet Legal System*. It contains the full texts of most legislation and other documents referred to or excerpted in *The Soviet Legal System; Fundamental Principles and Historical Commentary*, 3rd ed., as well as a great deal of additional material of interest to the student, scholar, practitioner, or government legal adviser. Of special note are the full set of Fundamental Principles of all-union legislation as amended, the complete text of the 1936 USSR Constitution in its final *redaction*, the draft 1977 USSR Constitution, and the economic legislation.

All materials in this volume have been translated anew, and except for the 1936 USSR Constitution and 1977 Draft Constitution, all documents included are in force as amended to December 31, 1977. Certain changes are imminent in Soviet legislation as a consequence of the adoption of the new USSR Constitution in 1977. The expression "soviet of working people's deputies" has been replaced in the new Constitution by "soviet of people's deputies." The process of substitution in each act must occur through an express amendment, and three sets of Fundamental Principles already had been amended to this effect in 1977. In addition, the USSR Council of Ministers is preparing new Laws for submission to the USSR Supreme Soviet including: a Law on the USSR Council of Ministers; a Law on People's Control in the USSR; and a Law on State Arbitrazh in the USSR.

W.E.B.

ABBREVIATIONS

Biulleten'	Biulleten' normativnykh aktov ministerstv i vedomstv SSSR
CPSU	Communist Party of the Soviet Union
MVD	Ministry of Internal Affairs
SP RSFSR	Sobranie postanovlenii Pravitel'stva RSFSR
SP SSSR	Sobranie postanovlenii Pravitel'stva SSSR
SU RSFSR	Sobranie zakonov i rasporiazhenii Raboche-Krest'ianskogo Pravitel'stva RSFSR
Vedomosti RSFSR	Vedomosti verkhovnogo soveta RSFSR
Vedomosti SSSR	Vedomosti verkhovnogo soveta SSSR
VLKSM	All-Union Leninist Communist Youth League
VTsSPS	All-Union Central Trade Union Council

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CHAPTER I
THE STATE SYSTEM

CONSTITUTION (BASIC LAW) OF THE UNION OF SOVIET
SOCIALIST REPUBLICS

[Adopted by the USSR Supreme Soviet, Law of October 7, 1977;
entered into force October 7, 1977. Izvestia, October 8, 1977,
pp. 3-6]

*The Great October Socialist Revolution, performed by the workers and peasants of Russia under the leadership of the Communist Party headed by V.I. Lenin, overthrew the power of the capitalists and landowners, broke the fetters of oppression, established the dictatorship of the proletariat, and created the Soviet state, a state of a new type, the principal instrument for the defense of revolutionary conquests and for the construction of socialism and communism. The worldwide historical turning of mankind from capitalism toward socialism had begun.

**Having gained victory in the civil war and having repulsed imperialist intervention, Soviet power has carried out the most profound socio-economic transformations, ended forever the exploitation of man by man, class antagonism, and national enmity. The unification of the soviet republics into the USSR augmented the forces and possibilities of the peoples of the country in the construction of socialism. Social ownership of the means of production and genuine democracy for the toiling masses were confirmed. For the first time in the history of mankind a socialist society was created.

The unfading exploit of the Soviet people and its Armed Forces, who secured an historic victory in the Great Fatherland War, became a clear manifestation of the power of socialism. This triumph strengthened the international position of the USSR and opened new favorable possibilities for the growth of the forces of socialism, national liberation, democracy, and peace in the entire world.

*In continuing their creative activity, the working people of the Soviet Union have ensured the rapid and all-round development of the country and the improvement of the socialist system. The alliance of the working class, collective farm peasantry, and people's intelligentsia, and the friendship of nations and peoples of the USSR have been consolidated. The socio-political unity of Soviet society has been formed, the leading force of which is the working class. Having fulfilled the tasks of the dictatorship of the proletariat, the Soviet state has become an all-people's state. The leading role of the Communist Party, vanguard of the whole people, has grown.

A developed socialist society has been built in the USSR. At this stage, when socialism already is developing on its own basis, the creative forces of the new society and the advantages of the socialist way of life are being revealed more fully and the fruits of the great revolutionary conquests being enjoyed more extensively.

*Asterisked paragraphs or Articles contain new language, which appears in italics.

**Indicates language in the Draft has been deleted from the final version.

***Indicates a new Article which did not appear in the Draft.

Article 16 of the Draft was deleted from the final redaction.

*This is a society in which powerful productive forces have been created and an advanced science and culture, in which the well-being of the people is constantly growing and more favorable conditions for the all-round development of the individual are being formed.

*This is a society of mature socialist social relations in which a new historical community of people, the Soviet people, has been formed on the basis of the coming together of all classes and social strata and the legal and actual equality of all nations and peoples, and their fraternal cooperation.

This is a society of high organization, ideological commitment, and consciousness of the working people, who are patriots and internationalists.

*This is a society whose law of life is the concern of all for the good of each and the concern of each for the good of all.

*This is a society of genuine democracy, whose political system ensures the efficient administration of all public affairs, the more active participation of the working people in state life, and the combining of real rights and freedoms of citizens with their duties and responsibility to society.

The developed socialist society is an objectively necessary stage on the path to communism.

*The ultimate purpose of the Soviet state is the building of a classless communist society in which social communist self-administration is being developed. The principal tasks of the socialist all-people's state are: creation of the material-technical base of communism; improvement of socialist social relations and their transformation into communist, bring up the man of a communist society, raise the material and cultural level of the life of the working people, ensure the security of the country, and further the strengthening of peace and the development of international cooperation.

The Soviet people,

being guided by the ideas of scientific communism and observing fidelity to their revolutionary traditions,

resting on the great socio-economic and political conquests of socialism,

striving toward the further development of socialist democracy,

taking into account the international position of the USSR as an integral part of the world system of socialism and being conscious of its international responsibility,

*preserving the succession of the ideas and principles of the first Soviet constitution of 1918, the 1924 USSR Constitution, and the 1936 USSR Constitution,

*consolidate the bases of the social system and policy of the USSR, establish the rights, freedoms, and duties of citizens and the principles for the organization and the purposes of the socialist all-people's state and proclaim them in the present Constitution.

I. Bases of the Socio-Political and Economic Structure

Chapter 1. Political System

Article 1. The Union of Soviet Socialist Republics is a socialist all-people's state, expressing the will and interests of the workers, peasants and intelligentsia, and working people of all nations and peoples of the country.

*Article 2. All power in the USSR shall belong to the people.

The people shall exercise state power through soviets of people's deputies, which shall constitute the political foundation of the USSR.

All other state agencies shall be under the control of and accountable to the soviet of people's deputies.

Article 3. The organization and activity of the Soviet state shall be structured in accordance with the principle of democratic centralism: the electivity of all agencies of state power from bottom to top, their accountability to the people, and the binding nature of decisions of superior agencies for inferior. Democratic centralism shall combine unified direction with initiative and creative activity on the spot and with the responsibility of each state agency and official for the matter entrusted.

*Article 4. The Soviet state and all its agencies shall operate on the basis of socialist legality and ensure the protection of the legal order, and the rights and freedoms of citizens.

**State and social organizations and officials shall be obliged to observe the USSR Constitution and Soviet laws.

Article 5. The most important questions of state life shall be submitted for discussion by the whole people, and also to a vote by the whole people (referendum).

**Article 6. The Communist Party of the Soviet Union shall be the guiding and directing force of Soviet society and the nucleus of its political system and state and social organizations. The CPSU shall exist for the people and shall serve the people.

Armed with Marxist-Leninist teaching, the Communist Party shall determine the general perspective of the development of society and the internal and foreign policy line of the USSR, direct the great creative activity of the Soviet people, and impart a planned, scientifically well-founded character to its struggle for the triumph of communism.

*All party organizations shall operate within the framework of the USSR Constitution.

**Article 7. Trade unions, the All-Union Leninist Communist Youth League, cooperative, and other social organizations shall, in accordance with their charter tasks, take part in the administration of state and social affairs and in deciding political, economic, and socio-cultural questions.

***Article 8. Labor collectives shall participate in the discussion and deciding of state and social affairs, in the planning of production and social development, in the training and placing of cadres, and in the discussion and deciding of questions of the management of enterprises and institutions, the improvement of labor and domestic conditions, the use of assets earmarked for production development, and also for socio-cultural measures and material incentive.

Labor collectives shall develop socialist competition, promote the dissemination of progressive work methods and the strengthening of labor discipline, nurture their members in the spirit of communist morality, and be concerned for raising their political consciousness, culture, and professional qualifications.

*Article 9. The further unfolding of socialist democracy shall be the basic orientation of the development of the political system of Soviet society: more extensive participation of citizens in the administration of the affairs of society and the state, improvement of the state apparatus, increasing the activeness of social organizations, intensifying people's control, strengthening the legal basis of state and social life, expanding publicity, and constantly taking account of public opinion.

Chapter 2. Economic System

*Article 10. Socialist ownership of the means of production in the form of state (all-people's) and collective farm-cooperative ownership shall constitute the basis of the economic system of the USSR.

The property of trade union and other social organizations needed by them to carry out charter tasks also shall be socialist ownership.

The state shall protect socialist ownership and create the conditions for its increase.

No one shall have the right to use socialist ownership for the purposes of personal gain and other mercenary purposes.

*Article 11. State ownership shall be the common property of the whole Soviet people, the basic form of socialist ownership.

There shall be in the exclusive ownership of the state: land, its minerals, water, forests. The basic means of production in industry, construction, and agriculture, means of transport and communications, banks, property of trade, municipal, and other enterprises organized by the state, the basic city housing fund, and also other property needed to carry out the tasks of the state, shall belong to the state.

*Article 12. The means of production and other property needed for them to carry out charter tasks shall be the ownership of collective farms and other cooperative organizations and their associations.

Land occupied by collective farms shall be allocated to them free of charge and in perpetuity.

The state shall promote the development of collective-farm-cooperative ownership and its coming together with state ownership.

Collective farms, just as other land users, shall be obliged to use land efficiently, to treat it carefully, and to increase its fertility.

*Article 13. Labor incomes shall comprise the basis of personal ownership of citizens of the USSR. Articles of everyday use, personal consumption, convenience, and subsidiary household husbandry, a dwelling house, and labor savings may be in personal ownership. The personal ownership of citizens and the right to inherit it shall be protected by the state.

Land parcels granted in the procedure established by law for subsidiary husbandry (including the maintenance of livestock and poultry), gardening, and vegetable growing, and also for individual housing construction, may be in the use of citizens. Citizens shall be obliged to