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# USSR Report

POLITICAL AND SOCIOLOGICAL AFFAIRS

(FOUO 13/82)

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USSR REPORT  
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NATIONAL

POSTHUMOUS URLANIS ARTICLE ON DEMOGRAPHIC POLICY

Moscow SOVETSKOYE GOSUDARSTVO I PRAVO in Russian No 3, Mar 82 pp 38-46

[Article by G. I. Litvinova, senior scientific associate at the Institute of State and Law of the USSR Academy of Sciences, candidate in juridical sciences, and B. Ts. Urlanis: "The Soviet Union's Demographic Policy"]

[Text] The problems of population have taken a place among the global problems of the present day. In this connection, juridical science is being faced by large problems. The necessity for the legal regulation of social, including demographic, processes, many of which only yesterday, it seemed, could develop spontaneously is becoming increasingly obvious. The management of demographic processes represents conscious, directed, and systematic influence on the population on the basis of the knowledge and use of the objective regularities and progressive tendencies which are inherent in socialism in the interest of ensuring the optimal movement of population and of establishing the kind of population reproduction mode which will fully accord with the tasks of the state and society of developed socialism.

The multi-aspect character of demographic processes presupposes their comprehensive analysis by economists, legal experts, sociologists, medical experts, and the representatives of other sciences and the discovery of the various factors which influence the movement of population and of the possibilities for managing it. It is precisely an overall study of demographic problems for the purpose of developing an effective demographic policy that the 25th CPSU Congress set as the direction for the representatives of the natural and social sciences. [2] In the Summary Report of the CC CPSU to the 26th Party Congress L. I. Brezhnev said: "In accordance with the instructions of the 25th Party Congress, the Central Committee has devoted serious attention to the development and realization of an effective demographic policy and to the problems of population which have recently become exacerbated." [3, p 54]

The demographic policy of the Soviet state is aimed at ensuring the natural growth of the population, at strengthening the health and extending the longevity and active working life of a person, and at the rationalization of territorial mobility. It is also oriented toward the development of the qualitative characteristics of population, for the progress of society depends not so much upon the size as upon the quality of population. A large role in achieving the goals of demographic policy is assigned to the family whose most important function is the reproduction

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of the population. The reproductive conceptions of the citizens are realized in the family, the initial socialization of the child takes place in it, and his emotional world and moral and ethical positions are formed in it. The USSR Constitution proclaims that the family is under the protection of the state. The state shows its concern for the family by means of creating and developing a wide network of children's institutions, organizing and perfecting domestic services and public catering, paying allowances for the birth of a child, and granting allowances and privileges to families with many children, and also providing other types of benefits and family aid. (Article 53)

At the 26th CPSU Congress L. I. Brezhnev emphasized that the chief way to solve the problems of population is to "strengthen concern for the family, for newlyweds, and above all for women." [3, p 54] Without the assistance of the state it would be difficult for a woman to combine the functions of maternity with production and public activities. It was pointed out at the congress that although a number of measures were adopted during the 10th Five-Year Plan to improve the working conditions of working women and their rest in the family and domestic and cultural services for them, there has not yet been any appreciable breakthrough. [3, p 55] The proportion of women employed in night shifts and also at jobs which require unskilled manual labor is still large. The preferential use of female labor at unskilled jobs is the reason why the average monthly wages of women are 1.5 times lower than those of men, although their total work load at home and at work is 15-20 percent greater than the work load of men. [4]

Consolidating the successes which have been achieved in improving the situation of women and confirming the principle of the equality of women and men, the 1977 USSR Constitution, compared to the 1936 Constitution, contains a number of supplementary measures, including program measures, which are aimed at ensuring the actual equality of women and men and at improving the conditions for combining maternity and production work, particularly the gradual reduction of the working time of women who have young children. (Article 35)

Extensive and effective measures to improve the working and living conditions of working women and, above all, working mothers have been mapped out in the Basic Directions of the Economic and Social Development of the USSR for the Years 1981-1985 and for the Period Until 1990. They provide for the introduction of a partially paid child care leave of up to one year, the expansion of benefits for children, especially in connection with the birth of a second and third child, the annulment of the childlessness tax on newlyweds during the first year of marriage, a shortened workday for mothers with young children, and an expansion of the network and improvement of the work of children's preschool institutions, schools with extended-day groups, and of the entire domestic services sphere. Increased housing benefits are planned for newlyweds and families with children. [3, pp 55, 178]

The experience connected with the top-priority provisioning of comfortable housing for young families with children in the city of Naberezhnyye Chelny has shown that this measure is capable of having an important influence on the birth rate level. In this connection, it would appear to us to be useful to clearly record in

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law the right to obtain maximum housing privileges for young families which are in their first marriage and which have 2 to 3 children. The top-priority introduction of privileges of this kind in the republics and regions with a low birth rate will promote not only an increase in the birth rate, but also the strengthening of marriages, since the areas with a low birth rate are distinguished by a high percentage of broken marriages.

The increase in divorces is a kind of shadow of progress in relation to the position of women: The greater economic independence of women has increased their demands upon the marriage alliance and has become one of the reasons for a decrease in the stability of marriage. In seeking to resolve these difficult questions account should be taken of the changed views of marriage, of the goals of marriage, and of its material basis and of the character of the emotional and sexual attitudes of the spouses and their reproduction conceptions. Apparently, an improvement of marriage and family legislation should be performed not so much along the line of expanding prohibitory legal norms, including those concerning divorces and abortions (prohibitory legal norms which regulate the reproduction behavior of citizens have to be employed with especial circumspectness), as along that of increasing privileges and allowances for families with children. This is precisely the kind of solution of the problem that legal specialists are directed toward by the materials of the 26th CPSU Congress which directly point to the necessity for increasing privileges and allowances "especially in connection with the birth of a second and third child. . . ." In addition, it is recommended to "carefully take account of the special characteristics of the situation in the different republics and regions." [3, p 55] The contrasts in the birth rate and natural population growth levels by the republics and regions are very substantial. The Soviet people is increasing in number chiefly thanks to the high natural growth of certain nations, and a low natural growth and even decrease in size in others.

It is appropriate to recall here that before the revolution many peoples of the Asiatic part of our country were characterized by depopulation: The number of Kazakhs, Kirghiz, Turkmen, Buryats, and others was decreasing. The Soviet Union state, by means of concentrating all material resources in its hands and redistributing them to backward areas, was able in an unprecedentedly brief historical period to sharply raise the material, health, and cultural levels of peoples who were under the threat of extinction. Compared to the all-union indicators, outstripping rates of social and economic development were created for them. In this way the problem not only of juridical but of the actual equality of nations was solved. As a result, it was possible to prevent the physical extinction of these peoples and to ensure high natural growth rates for them. L. I. Brezhnev has rightly observed that the growth of the population in the Central Asian Republics "reflects above all the mighty rise in the economic level of our republics, including the enormous improvement of the well-being of the populations of the former outlying districts of Tsarist Russia. . . ." [1] Although the demographic situation in the USSR has changed sharply now, the operating system of the distribution of budgetary resources and the policy of procurement prices which influences the material level of the rural population continue to be privileged for the outlying republics and regions, although today the central regions and, above all, the Non-Black Earth Zone are more in need of such privileges.

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The legislation aimed at a maximum encouragement of families with many children which was adopted as early as 1944 and is still in effect no longer corresponds to the requirements of the demographic situation which has been created in the country. Under the present conditions of the almost full employment of women in social production and the increased demands upon a comprehensive education for children, families with many children can neither be a standard nor a norm which is encouraged by the state.

The policy of maximum encouragement for 2-3 children families which was proposed by the 26th CPSU Congress will help to bring the birth rate levels of the different republics and nations closer together, to increase the common nature of their demographic characteristics, and to strengthen the unity of the Soviet people. Its realization requires a review not only of the extent but also of the principles of encouraging births which are stipulated by the 8 July 1944 Ukaze of the Presidium of the USSR Supreme Soviet, in accordance with which a monthly allowance is paid to a family only beginning with the fourth child; here the maximum allowance is paid for the 11th and for subsequent children. [5] The same policy of providing incentives for families with many children is pursued by the procedure stipulated by the Ukaze of awarding the orders "Maternal Glory" and "Mother-Heroine" to women who have given birth to and educated 7-10 and more children. [5]

A mother with many children is deservedly surrounded by honor, since the bringing up of children demands enormous labor and selflessness from her. However, from the point of view of stimulating the birth rate the existing norms of encouraging many children are insufficiently effective. It is scarcely possible to think that women will increase the number of their children because they are oriented toward receiving medals, orders, or titles. At the same time, it has to be noted that a large number of children, even under the most favorable conditions, is a considerable burden for a woman. A large number of children reduces her possibilities of cultural and professional growth, sometimes deprives her of leisure altogether, and is reflected in her health. The upbringing of children is made difficult in a large family, since the parents are unable to devote sufficient attention to each individual. For this reason, an orientation toward an optimal number of children which accords best with the rational needs of the family and of society for children will be in the interests both of the woman mother herself and of her descendants. This optimum under present conditions is represented by three children. However, at the present time, given the still existing housing difficulties, for the urban population one can speak as a real task of the universal two-child family, since it is known that a substantial number of married couples limit themselves to a single child. This can be seen at least from the fact that the number of second children in 1977 was substantially smaller than the number of first children. Consequently, an approach by the number of second children to the number of first can mean a substantial rise in the birth rate. On the other hand, legal norms should promote a decrease in the number of one-child families. It is generally known that in one-child families it is difficult to create the best conditions for the upbringing of the child. The child here is frequently in the position of a "luminary" around which all of the "planets" rotate. This kind of child-centrism cannot but give rise to exaggerated egotistical feelings in a child, and an endeavor to satisfy his unimportant needs frequently to the detriment of his parents' interest.

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Childless families are in a special situation. Voluntary childlessness is applicable only to 1-2 percent of married couples, while actual childlessness is somewhat greater and goes as far as 10 percent. These are married couples who suffer from the infertility either of the husband or of the wife. Frequently infertility is a result of family conflicts and in a number of cases is a reason for divorce. It is not accidental that the vast majority of divorces come with childless or one-child families. The legal regulation of artificial insemination operations for women could become a serious measure for decreasing childless families and, consequently, increasing the stability of marriage.

Among the social measures which were mapped out by the 26th CPSU Congress, the decisions to expand the network of children's preschool institutions and to improve their work are of great demographic importance. [3, pp 55, 178] In this connection, it would be useful to unify the legal situation of kindergartens and nurseries which are under the management of different agencies. As is known, departmental nurseries and kindergartens occupy a better position than the nurseries and kindergartens which are on the budget of the local Soviets (fewer children per educator, larger food expenditure norms, better pay for the personnel, and so forth). The situation is even more difficult with kindergartens and nurseries on the budget of the kolkhozes. Whereas, for example, in the Turkmen SSR where the kolkhozes are economically strong every kolkhoz has 1-2 kindergartens and nurseries (their total number in the republic is 1.5 times greater than the number of kolkhozes), in the Non-Black Earth Zone far from every kolkhoz has its own kindergarten or nurseries. The sovkhos kindergartens which exist in the rural rayons do not always accept the neighborhood children of kolkhoz workers. Today, when the school curricula are predicated upon preschool education, the children of kolkhoz workers who have not gone to a kindergarten turn out in school to be in poorer start conditions. The kolkhoz kindergartens are experiencing not only financial difficulties, but difficulties in providing themselves with equipment and, especially, cadres. Sometimes a woman who has been transferred from hard work because of her health becomes an educator here. It would be expedient to transfer all of the kindergartens and nurseries to the jurisdiction of the local Soviets and to improve their material base and organizational structure.

Especial note should be taken of the legal position of unmarried mothers\* to the improvement of which considerable attention is devoted in the materials of the 26th CPSU Congress. The unmarried mother is surrounded by the attention and concern of the state. In accordance with the decree of the CC CPSU and USSR Council of Ministers which was adopted in January 1981, "On Measures to Increase State Assistance to Families with Children," the monthly benefits for the maintenance of a child was increased from 5 to 20 rubles for this kind of mother, and, moreover, it will be paid until the child reaches the age of 16, and if the child continues his education, it will be paid until 18. This kind of benefit to a definite

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\* It seems to us that the existing term "lonely mother" is illogical: Can one call a woman who has a family, albeit an incomplete one, lonely? It would be more useful to speak about an unmarried mother, in contrast to a divorced one or to a widow.



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extent compensates for the expenditures for the maintenance of a child, which is especially important since the mother does not receive alimony.

The additional privileges for working women who have children which are provided for by the decisions of the 26th CPSU Congress and the decree of the CC CPSU and USSR Council of Ministers "On Measures to Increase State Assistance to Families with Children" are of great importance for the formation of optimal families: The partially paid leave for the care of a child which has not reached the age of one year; unpaid leave until the child reaches the age of 1.5 years, and then 2 years; an increase in the length of the next leave; the right to a part-time work day or work week; the right to work at home; an increase in the number of paid days for a sick child from 7 to 14, and so forth. The realization of these measures will promote an optimization of the birth rate level.

Of course, no legal document can oblige every family to have a certain specific number of children. However, a legislator can stipulate the kind of system of privileges and allowances under which all or the vast majority of families will prefer to have the number of children which can be regarded as optimal for the normal development of the state and of society. In perfecting the legislation which influences the reproduction behavior of citizens, use should be made of the positive experience in demographic policy which has been built up by the European socialist states and which in recent decades has been developing along the path of increasing the privileges and allowances of working women who have 2-3 children. We believe that under our country's conditions, the experience of providing housing privileges to newlyweds and families with children is especially significant. For example, in the GDR newlyweds who have entered upon their first marriage are given a loan amounting to 5,000 marks for 8 years if they are no older than 26 years old. These interest-free loans have the following repayment terms: with the birth of the first child the state eliminates 1,000 marks; with the birth of the second--1,500 marks; and with the birth of the third--the remaining 2,500 marks. The young spouses willingly take the loans, since almost all of them wish to have a first child. This means that if 5,000 was taken, only 4,000 can be returned. However, with the birth of a child the financial situation of a family usually becomes more difficult, and the remaining 4,000 marks are frequently "repaid by children" whose birth (the second and the third) have not always been planned before the loan. During approximately the first five years of the effective of this legal document (it was introduced in 1972), 398,000 instances of credit with a total value of 2.2 billion marks were granted. During this time period married couples returned 323 million marks of the loans. [7]

The size of a state's population and its growth rates depend not only upon the birth rate level, but also upon the average longevity. The Soviet state was the first in the world to create the Ministry of Health which took wholly upon itself the concern for improving the health of citizens and, above all, of children, which had as its result a two-fold increase in longevity and a sharp (10 times) decrease in infant mortality. However, recent years have been characterized by a stabilization, and for individual age groups, even an increase in mortality. This is one of the aspects of the exacerbation of the problems of population which was pointed out in the materials of the 25th CPSU Congress. [2]

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Health protection in the USSR is classified among the problems of paramount importance. This is testified to by the existence of special articles in the USSR Constitution which stipulate the right of citizens to health protection. This right is ensured by free medical care, the realization of extensive preventive measures and of measures to improve the environment, and "by an especial concern for the health of the younger generation, including the prohibition of child labor not connected with studies and labor education. . . ." (Article 42) A great deal of attention is devoted in the Constitution to the spiritual and physical development of the youth. (Article 25) The protection of the health of citizens is also guaranteed by other constitutional norms, for example, the right to live in a healthy environment (Article 18), the right to rest (Article 41), and the right to material security in old age, in the event of sickness, of complete or partial loss of the ability to work, and also in the event of the loss of a breadwinner. (Article 43)

Having proclaimed the right to life as man's most important right, the 26th CPSU Congress provided for a system of measures to strengthen the health of our citizens, to raise the level and improve the quality of medical services, to expand the network of health protection institutions, and to improve their structure and rational siting. [3, pp 182-183] The realization of the measures mapped out by the congress to improve social security and working conditions will help to increase longevity. The congress decreed an increased mechanization of labor intensive processes and a decreased use of manual labor. We believe that these measures should in the first place be carried out in the spheres of production where female labor is predominantly used and that they should be consolidated in legal norms which regulate social and economic planning.

Among the measures which are aimed at the protection of health a large place is occupied by measures to fight against the abuse of alcohol which has a pernicious influence not only on the health of the people themselves who consume it, but also upon their progeny. According to the data of sociological research, 65 percent of the fathers of mentally backward children suffered from chronic alcoholism. The probability of giving birth to a defective child is even greater with a drinking mother. [8] In this connection, the proposal that there be a limitation upon the marriages of chronic untreated alcoholics and also of mental defectives and narcotics abusers seems to be a valid one. [9] The question of the voluntary sterilization of such people as a condition for their marriage has to be discussed.

Migration policy is an important element of demographic policy and a component part of it. The size of a population and, above all, the amount of labor resources on the territory of one or another republic or region is determined not only by the level of natural population growth, but also by the directions and intensity of migration flows. A substantial amount of the contemporary territorial mobility of the population does not correspond to the interests of the economy. Given the exacerbation of the problem of labor resources on a large part of the territory of the country, a scientifically substantiated migration policy is becoming especially important. Although the interests of economic and social

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development demand the influx of labor resources into labor short regions, flows of migrants frequently go into labor surplus regions. At the 26th CPSU Congress L. I. Brezhnev noted that to date people frequently prefer to travel from the north to the south and from the east to the west, although the rational location of the productive forces requires movement in the opposite direction. [3, p 54] The republics of Central Asia which are marked by the highest natural population growth and by a surplus of labor resources have a favorable migration balance, that is, more population comes here than leaves.

The management of migration processes presupposes an analysis and consideration of the factors which influence the intensity and directions of migration flows. Many of these factors were pointed out in the materials of the 26th Party Congress. They include, first of all, the level of the development of the infrastructure, and the degree of material well-being. A person most frequently leaves Siberia, for example, because it is more difficult to obtain housing there, to get a child into a kindergarten, and to find enough cultural centers. In view of this the congress set an aim for outstripping rates of social and domestic and cultural construction in the areas of preferential economic development which, as a rule, are labor-short areas (Siberia, the BAM Zone, the Non-Black Earth Zone). [3, pp 54-55]

The successes of migration policy are closely connected with budgetary and tax policy and with the procurements prices policy. Serious measures aimed at lifting up the Non-Black Earth Zone will produce great results, if they are supplemented by correctives in tax and budgetary policy, and also in the procurements prices policy which for a number of decades has not been to the benefit of certain regions. Thus, in the 1950's, in accordance with the procurement prices in the Non-Black Earth Zone of the RSFSR, the value of the gross harvest of cropping products during one labor-day was estimated at almost 10 times less than in the Uzbek SSR and 15 times less than in the Georgian SSR. [10] In 1970, one able-bodied kolkhoz worker in the RSFSR accounted for 11.5 hectares of arable land, while in the Uzbek SSR the figure was 1.5 hectares, but the income there per kolkhoz worker was 33 percent greater than in the RSFSR. [11] Compared with the Non-Black Earth Zone of the RSFSR, these differences were even sharper. The relatively low procurement prices for the basic agricultural output which was produced in the Non-Black Earth Zone (potatoes, flax, and others) have a negative effect upon the profitability of the kolkhozes and the income of the kolkhoz workers and do not entirely correspond to the principle of payment according to labor. Suffice it to say that the procurement prices for potatoes frequently do not compensate the expenditures for their production. For example, the cost of a quintal of potatoes on a farm in the Non-Black Earth Zone comes today to 9 rubles 61 kopecs, but they are delivered to the state for 6 rubles 6 kopecs per quintal (including discounts for starch, non-standard potatoes, and so forth). [12] The negative aggregate profitability of the agriculture of the RSFSR is explained first of all by the procurement prices policy through which the basic redistribution of national income which is created in the agriculture of a republic or region is carried out.

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For decades tax policy was also organized in such a way that the greatest tax privileges were granted to the outlying areas of the country. As for budgetary policy, during all of the years of the existence of the Soviet state the RSFSR not only never received a subsidy from the all-union budget, as certain other republics did, but it received one of the lowest percentages of allotments from the turnover tax--the basic item of budgetary income--for its republic budget. In accordance with a general rule, the RSFSR receives only one-half of the monies from the income tax on the population, while certain other republics receive these monies in their republic budgets in full. The influence of all of these factors, and also of the low (lower than the all-union) rates of the social and economic development of the rural areas of the center of the country were the reason for the migration flows from here, especially among the youth, and they resulted in the aging of the rural population and in a decrease in its numbers.

The 26th CPSU Congress pointed to the existing differences in the cultural and domestic living conditions in the different areas of the country and emphasized the "necessity for equalizing social differences, so to speak, on the territorial level." [3, p 54] In this connection, it would be advisable to institute a differentiated land rent that takes full account of soil and climatic and geographic conditions, and this could substantially reduce the need of the southern republics for the establishment of increased allotments for them from the all-union state taxes and income, and also take account of the proposal of demographers to develop territorial indices of the standard of living and indices of the living conditions of the population. Legal acts regarding privileges for persons working in specific areas should be adopted with regard to these indices which should be calculated regularly for the different territories. In this way, scientifically substantiated criteria could be created for the establishment of specific wage additions which should not be added wholesale for large territories, but with regard to the concrete living conditions in a specific locality. Such indices should include not only the cost of living in these areas, but also the necessity for ensuring a sufficient level of nutrition and expenditures for clothing, footwear, and heat which are the result of the climatic conditions of the locality. In addition, special indices of comfort and of the satisfaction of the population's cultural needs should be developed.

Migration policy, especially inter-republic policy, is connected with national policy. The strictest observance of the principle of national equal rights and the ensuring of actual equality and of equal possibilities for social growth (promotion at work, obtaining an education, improving one's skills, and so forth) for the representative of any nation, regardless on the territory of which Soviet republic the citizen lives, promotes an optimization of migration processes. The 1970 and 1979 all-union population census showed an increase in the proportion of people of the native nationality in most of the union and autonomous republics, and also a decrease in the proportion of such people living outside of their republics. One of the reasons for this is that in the republics the advantages for social advancement by the representatives of the native nationalities have been preserved, and this was justified during the first years after Great October,

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but it requires a change under present conditions.\*

After emphasizing a strengthening of the unity of the Soviet nations, the 26th CPSU Congress pointed to the existence of unsolved problems in the sphere of national relations, and took especial note of the fact that the citizens of the non-indigenous nationalities living in the union republics have the right to their proper representation in party and state agencies and have their own specific needs in the fields of language and culture and everyday life. "The CC of the Communist Parties of the union republics and the kraykoms and obkoms," it was stated in the Summary Report of the CC CPSU to the Party Congress,--"have to penetrate more deeply into such questions and propose the ways for resolving them on time." [3, pp 56-57]

The management of migration is connected with the solution of the problems of settlement, particularly with restricting the growth of large cities. There are many unsolved questions here of an ecological, economic, legal, social, medical, and other character.

The successful conduct of a demographic policy is a part of the socio-economic policy of the state and depends upon the accomplishment of the complex of socio-economic tasks. An effective demographic policy presupposes the attainment of a set goal in an historically brief period with minimum economic expenditures and the observance of the social norms, including legal ones, which are in effect in society. [14] Legal support for demographic policy requires: a definition of the place of law in the system of other non-legal measures which influence the demographic behavior of citizens; the preparation of a generalizing legal act of supreme juridical power which would define the principles of the demographic legislation of the USSR and the union republics, the goals and tasks of demographic policy, and the ways and means of reaching them; the elimination of "gaps" in the legal influence on the various demographic processes; an adequate reflection in the law of the needs for optimal demographic development; and the attribution, insofar as possible, of a demographic character to non-demographic legal norms.

The consolidation in law of the basic principles and directions of demographic policy presupposes the interconnection of all of its elements, their scientific validity and balance, and a consideration of the hierarchy of goals. However, the realization of these demands under present conditions is being held back on account of the lack of clear criteria and indicators of demographic development. Especially qualitative ones. The abundance of diverse and sometimes directly opposed points of view among economists, sociologists, and psychologists on the issues of principle in influencing demographic processes complicates the development and improvement of legal norms and puts the legislator in a difficult position, since the adoption of legal acts, especially laws, excludes such a rapid

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\* As sociological studies have shown, young people who are born in mixed marriages, prefer their native nationality when they choose nationality because they connect with it the possibility of obtaining privileges in entering a Vuz, or of obtaining a job, and so forth. [13]

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change of points of view as can sometimes be found in science.

Since it is an effective regulator of social relations, law is capable, along with other means of managing society's demographic processes, of ensuring the most rational behavior by people and of creating the kind of mode of population reproduction under which the demographic well-being of society will be guaranteed. But in order to perform this function, law must with the necessary fullness and in the forms characteristic of it express the requirements of Soviet demographic policy with respect to the action of the objective regularities of demographic development and also of the social, economic, and political needs of the state, of a republic, region, individual nation, and of the entire Soviet people and country as a whole.

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NEW CONSTITUTIONAL STATUS OF AUTONOMOUS REPUBLICS DESCRIBED

Leningrad IZVESTIYA VYSSHYKH UCHEBNYKH ZAVEDENIY: PRAVOVEDENIYE in Russian, No 2, 1981, pp 33-42

[Article by Candidates of Legal Sciences B. L. Zheleznov and A. M. Karimov: "New Constitutional Legislation and the Status of the Autonomous Republic"]

[Text] The de jure and de facto equality of the nations and peoples living on the territory of the USSR achieved thanks to the Leninist national policies of the CPSU in adequately reflected in current Soviet law. Besides consolidating the united soviet multinational state, the new constitutions of the USSR, the union republics and the autonomous republics give added significance to the forms of national statehood. Thereby the legal basis for the further development of national relations has been created, assuring "the accelerated convergence and merger of nations, which will conclude with the /withering away/ [*italics*] of the state."<sup>1</sup>

Soviet autonomy is a political and legal institution without parallel in world history. As a concept of government law, autonomy denotes merely the self-government of a part in the framework of the whole; soviet autonomy is immeasurably richer in content. It includes a number of important political and legal features, the principal ones among them being: national makeup of the population, existence of territory, functioning on the basis of the soviet political and economic system, government-authority type of self-government, and free realization of national sovereignty. Soviet autonomy can, therefore, be defined as a government-authority type of self-government by a nation or nationality over a definite territory, in the framework of an autonomous republic or national state formation (autonomous oblast, autonomous okrug) constituting part of a sovereign union republic which, with the direct participation of that autonomous state or formation, determines its legal status, limits of self-government and prerogatives.

Autonomy presumes self-government in the framework of a general constitution of a sovereign state (in the USSR this is the constitution of a union republic). It is granted to nations and nationalities more or less compactly inhabiting a definite territory, distinguished by a specific way of life and having a degree of economic oneness. Soviet autonomy is characterized, on the one hand, by a degree of independence in exercising government power under the auspices and control of a union republic and, on the other, by

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opportunities for receiving help from the union republic in the development of the local economy, culture and statehood. Many aspects of soviet autonomy have been adopted by socialist Yugoslavia; they include (Serbia) autonomous formations, in particular, the national territorial and government authority character, voluntary choice of nonsovereign forms of state law, and free realization of national sovereignty.

Soviet autonomy, which is based on the Leninist principles of national-state building, at the same time possesses a number of specific features setting it apart from administrative and territorial organization, on the one hand, and from sovereign soviet statehood, on the other.

As distinct from territorial administrative units, the organs of soviet autonomous states and national state formations have special powers enabling them to adequately take into account the special character of the indigenous people's progressive national features and customs, providing for the continued development of their soviet national culture, the training and priority employment of personnel having good knowledge of the language, culture and customs of the local population.

The autonomous republic is the highest element of autonomy and as such enjoys territorial supremacy: neither the Union of SSR nor the union republic has the right to alter the autonomous state's borders without the concurrence of its peoples as expressed by the corresponding organ of state power.<sup>2</sup> Furthermore, the autonomous republic itself defines its subdivision into rayons and decides other questions of territorial administrative organization, subject to subsequent endorsement by the union republic.

This element in soviet autonomy functions as a state, albeit not sovereign, but possessing supreme organs of state power, authority, justice, etc., its respective prerogatives and symbols of state. The autonomous state handles questions within its jurisdiction independently, insofar as they do not fall within the rights of the Union of SSR or the union republic. The state organs of the autonomous republic exercise, within its territory, the state power of the soviet people, the people of the union republic and the people of the ASSR, enjoying in this respect greater authority than government organs of other formations and administrative territorial units.

Soviet autonomous states and formations are represented in the supreme organs of state power and government of the Union of SSR and the union republics. Thus, every autonomous republic has 11 deputies in the USSR Supreme Soviet's Council of Nationalities, every autonomous oblast has five deputies, and every autonomous okrug has one. An ASSR representative is elected one of the vice-chairmen of the respective union republic's Supreme Soviet presidium, in a number of republics the chairmen of the ASSR councils of ministers are ex-officio members of the union republic government, etc.<sup>3</sup>

The legislature assures ASSR participation in the solution of questions constituting the prerogatives of the Union of SSR and the union republic and the right of autonomous republic organs to deal directly with union republic organs.



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The autonomous states and formations function on the basis of ASSR constitutions and laws on autonomous oblasts and autonomous okrugs. There are also special organizational and legal guarantees of the legal force and implementation of ordinances issued by autonomous states and formations. For example, ordinances of ASSR supreme organs of state power cannot be repealed or suspended by supreme organs of the Union of SSR or the union republics. A union republic minister can only suspend implementation of an ordinance issued by a corresponding ASSR minister.

An ASSR enjoys legislative rights as well as the right of legislative initiative in the union republic Supreme Soviet, and it has its own citizenship (with every ASSR citizen being a citizen of the union republic and the USSR). ASSR citizens travelling abroad are extended the aid and protection of the Soviet state.

There are differences between the degree and nature of the powers a union republic government has over that of an autonomous republic and over the executive committees of kray and oblast soviets; for example, the RSFSR Council of Ministers supervises the actions of the executive committees of local soviets of people's deputies, but it merely guides and monitors the functioning of ASSR councils of ministers. In other words, the union republic government supervises economic, social and cultural building in an ASSR through that autonomous republic's government and only in special cases refers directly to city and rayon ispolkoms, informing the ASSR Council of Ministers of this (Art. 125, Item 7, of the RSFSR Constitution).

The autonomous republic's government defines the tasks, functions, organization and operation of republican and local organs of state government in accordance with USSR and union republic legislation; it approves the statutes of ASSR ministries, state committees and departments. The ASSR Supreme Soviet sets up and changes central and local ASSR organs, whereas kray and oblast authorities have no such powers.

These features are most fully represented in the national-state system of the RSFSR as a federation based on the autonomy of its constituent entities. The existence of autonomous units within the union republic does not detract from its territorial integrity and sovereignty. Autonomous republics do not have the right of independent secession from the federation (although transferring from one union republic to another is possible with the concurrence of both union republics concerned). Outside the limitations defined in Art. 73 of the USSR Constitution, the Union republic exercises state power within its territory independently, and this extends to its autonomous units. The union republic laws are binding and have equal force throughout its territory. The ASSR constitutions and the laws on autonomous oblasts and okrugs are formulated in accordance with the constitution of the USSR and the respective union republic. The prerogatives and territorial limits of the union republic's functions differ in both quality and degree from the prerogatives and scope of functions of an ASSR. This does not mean that a union republic can in some way be juxtaposed to an autonomous state. Having the latter as a constituent entity, it realizes, jointly with the Union of SSR, the legal

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governmental principles of sovereignty of the ASSR's indigenous nation, as well as the sovereignty of all the people of the autonomous republic or autonomous national state formation.

The new constitutions reflect important trends in the development of the soviet federation: the consolidation of federal principles in the organization of the whole multinational soviet state and the expansion of the guarantees of the sovereign rights of the union republics. The latter trend is manifest, in particular, in the fact that the legal status of the autonomous republics and the principles on which their supreme organs of government and administration are based come within the domain of questions more detailed solution of which is handled by the union republics.<sup>4</sup>

Two forms of national-territorial autonomy have evolved historically in the USSR: state and administrative. True, some sources offer other designations of these forms, for example, "state-political" or "administrative-political autonomy." We feel that adding the word "political" serves no useful purpose in either case, since soviet autonomy is essentially always a means of promoting the CPSU's national policy and serves the interests of the working people of different nationalities, i.e., it is political in character. Hence, both its forms are political. All that is involved is an aspectual distinction. The autonomous republic represents the highest state form. There are autonomous republics within the RSFSR (16), the Uzbek SSR (one), the Georgian SSR (two) and the Azerbaijan SSR (one); there are autonomous oblasts within the RSFSR (five), and Georgian, Azerbaijan and Tajik union republics (one each); autonomous okrugs are part of RSFSR krays and oblasts.

The new constitutional legislation has consolidated the legal status of all forms of Soviet autonomy. In particular, the legal status of autonomous oblasts and autonomous okrugs is no longer defined by a statute but by laws, that is, by a deed of the highest legal force: a union republic supreme soviet passes the autonomous oblast law on representation of the oblast's council (soviet) of people's deputies, and it also passes the autonomous okrug laws. In the new constitutions of the Union of SSR and the union republics, the norms regulating the legal status of autonomous oblasts and autonomous okrugs are embodied in a separate chapter. A separate chapter is devoted to the ASSR.

The new constitutions aim at enhancing the role and significance of the ASSR.<sup>5</sup> Besides strengthening all-union principles, they expand the rights of both the union and the autonomous republics.<sup>6</sup> An ASSR is defined as a soviet socialist state not only in the fundamental law of the autonomous republic itself (as the case had been before 1978), but also at the level of the constitutions of the union republics which incorporate autonomous republics (for example, Art. 78 of the RSFSR Constitution). In view of the differences in opinions regarding the state and legal character of the autonomous republic which existed in the past, it should be noted that now the status of the ASSR as a state is legally defined with sufficient clarity.

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The new constitutional legislation has expanded and enriched the autonomous republic's authority, i.e., the system of prerogatives based on the tasks and functions of the ASSR which define the republic's status as a legal entity. Whereas formerly the prerogatives of the ASSR were defined in final form by the union republic, the supreme soviet of which approved the autonomous republic's fundamental law, now the latter defines its prerogatives itself in accordance with USSR and union republic legislation. An ASSR's fundamental law is not subject to union republic approval. The autonomous republic, in implementation of its prerogatives, deals, within its territorial boundaries, with problems facing the union republic and the USSR as a whole. To this end the Union of SSR and the union republic guarantee the ASSR its prerogatives, which it exercises with due account of the national specifics and sovereignty of its people in the realization of common tasks. The autonomous republic's prerogatives are based on the political and organizational principles of socialist federalism, democratic centralism and the combining of branch and territorial administration, which makes it possible to take the fullest account of the instructions of V. I. Lenin, who called for "the struggle /against/ [italics] petty national hideboundedness, seclusion, exclusiveness, for taking into account the whole and the general, for subordinating the interests of the part to the interests of the general,... to think /not/ [italics] only of one's own nation and to place the interests of all, their general freedom and equality /above it/ [italics]."7

The constitutional prerogatives of the autonomous republic include state, economic, social and cultural development, and the new constitutional legislation has introduced substantial changes in the regulation of these spheres.

It is stipulated that the autonomous republic itself adopts its constitution, which corresponds to the USSR Constitution and the constitution of the union republic. Within the framework of its constitution, the ASSR independently handles questions falling within its jurisdiction (lying outside the rights of the Union of SSR and the union republic). More, the ASSR takes part in solving questions within the jurisdiction of the union republic and the Union of SSR through their highest organs of state power and administration (Art. 78 of the RSFSR Constitution).

Characteristically, neither the USSR nor the union republic constitutions contain any regulations restricting the legislative prerogatives of the ASSR by listing the spheres of life in which it can issue laws, giving it the right and actual possibility of legislating any questions within its jurisdiction. An important innovation is the ASSR's right, in the person of its highest organs of state power, to initiate legislation in the union republic supreme soviet.

The legislative activity of ASSR supreme soviets has increased noticeably of late. Thus, since the promulgation of the Constitution of the Tatarskaya ASSR in 1978, the ASSR supreme soviet issued a number of important laws: on the Tatarskaya ASSR Council of Ministers, on elections to the Tatarskaya ASSR Supreme Soviet and to local councils of the republic, on the reorganization of a number of administrations into state committees of the ASSR, etc. In future autonomous republics will expand their legislative activity, especially

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in such areas as the economy, education, territorial administration, public health, environmental protection legislation, etc.

Ministries, state committees and other administrative organs of the autonomous republic supervise the respective branches, and some of them also exercise inter-branch administration (see, for example, Art. 117 of the Tatarskaya ASSR Constitution and Art. 117 of the Bashkirskaya ASSR Constitution). A number of ASSR prerogatives in the sphere of state development have been clarified and specified: the autonomous republic looks after the observance of its constitution, upholds state order and the rights and freedoms of citizens, lays down the rules of organization and functioning of republican and local organs of state power and administration in accordance with USSR and union republic legislation, implements decisions of the highest organs of government and administration of the USSR and the union republic, and takes part in ensuring the security and defense capability of the country and equipping the USSR Armed Forces.

Substantial additions have been made to the provisions of autonomous republic constitutions dealing with territorial administration. Formerly the operating fundamental laws authorized the ASSR to draw only rayon divisions, the boundaries of rayons and cities, which were then submitted for the approval of the RSFSR Supreme Soviet. Moreover, it was not specified which of the ASSR's highest organs exercised these functions (see, for example, Art. 18, item b, of the 1937 Constitution of the Tatarskaya ASSR). The new constitutions of the autonomous republics set forth a broader and more detailed list of the republics' prerogatives in this field. Thus, the presidium of an ASSR supreme soviet is given rights connected with changes in the basic subdivisions--rural councils and townships, which it exercises independently. It is also authorized to incorporate towns of rayon subordination and city rayons [boroughs], name and rename them and rename other communities, submitting these questions for the approval of the presidium of the RSFSR Supreme Soviet (see Art. 103, Items 7, 8, of the Bashkiraskaya ASSR Constitution). Thus, the practice of handling questions of administrative and territorial organization which has evolved in the autonomous republics has been legally confirmed.

The chapter "Administrative and Territorial System" in all autonomous republic constitutions provides that the ASSR determines its division into rayons and handles other administrative and territorial questions. Although the ASSR constitutions do not contain more detailed provisions regarding procedures for altering the largest administrative and territorial units, in the RSFSR the procedure has been for the presidium of the ASSR supreme soviet to create and abolish rayons and transfer cities to the category of city of republican subordination, subject to approval by its supreme soviet and the Presidium of the RSFSR Supreme Soviet. This practice has been legalized in Art. 115, Item 9, of the RSFSR Constitution, which authorizes the Presidium of the RSFSR Supreme Soviet to approve rayon subdivisions, the incorporation of cities and changes in the status of cities in the autonomous republics.

The autonomous republics have been granted a number of additional prerogatives in the spheres of economic, social and cultural development. Thus, the

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ASSR implements a unified socio-economic policy, manages the ASSR's economy, promotes scientific and technical progress and measures aimed at the rational utilization and protection of natural resources and the protection of the environment and historical and cultural monuments (Art. 66, Items 6, 10 and 12, of the Bashkirskaya ASSR Constitution). The autonomous republic ensures comprehensive economic and social development within its territory. On questions within its jurisdiction, it monitors and coordinates (not just monitors and observes, as before) the functioning of enterprises, establishments and organizations subordinated to the ASSR and the union republic (Art. 67 of the Bashkirskaya ASSR Constitution). All this makes it possible to take a new look at some of the prospects of further legal development of the autonomous republic.

Marxism-Leninism has never regarded the existence of one or another form of national statehood as an end in itself, because national-state development is, in a socialist society, itself subordinated to the class interests of the working people. In the USSR, national statehood is an important and essential means of successfully solving the economic and political tasks facing the working people of different nations. For that reason questions of national-state development cannot be considered without regard to economic, territorial, demographic and other factors affecting the development of relations between classes.

As a subject of social administration, the autonomous republic is a soviet national state whose territory represents a single economic region with its own fairly complex demographic composition. In this sphere there arise a whole range of problems which must be solved if effective use is to be made of autonomous statehood as a means of the further democratization of public life and internationalization of social relations.

An ASSR is an economic area and as such is part of a certain economic region, making it impossible for it, on its scale, to solve questions of economic and administrative zoning and the formation of economically integrated regions without taking the ASSR's specific features into account. It is not accidental that the resolution of the CPSU Central Committee and the USSR Council of Ministers of 12 July 1979, "On Improving Planning and Enhancing the Impact of the Economic Mechanism on Raising Production Effectiveness and the Quality of Work,"<sup>8</sup> stipulates the need for autonomous republic state plans of economic and social development to include summary sections on the whole range of measures in the sphere of social development, making it incumbent on ASSR councils of ministers to draw up and approve summary five-year and annual plans for the local production of building materials and consumer goods and for building housing, public amenities, utilities, services and cultural facilities and to monitor the fulfillment of those plans.

The integrated administration of a territory presumes an optimal blending of branch and territorial management and administration. In treating questions of territorial administration, legal literature does not always take into account the activities of republican and all-union agencies and agencies which engage in territorial administration along with local agencies. In this connection the specific features of ASSR agencies are of great interest and a

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study of their impact on the territory in combination with union republic agencies and agencies of the USSR as a whole will help to elaborate the optimal variant of administration in the respective region.

The Communist Party regards the introduction of the two- and three-tiered system of branch administration as an important prerequisite of effective administration of the national economy. But how will the creation of associations affect the organization of the state apparatus in autonomous republics? Perhaps some republican ministries may turn out to be superfluous elements in the administrative system? On the other hand, if the autonomous republics do away with some ministries in their already small branch apparatus, could this have a negative impact on their state and legal development? These questions require detailed study. It is necessary to achieve optimal blending of the tasks of the national economy of the USSR as a single complex with the present-day tasks of the autonomous republic as a socialist national state. "Today, when we have on the whole solved the problem of evening out the levels of economic development of the national republics, we can tackle economic questions primarily from the point of view of the interests of the state as a whole and of raising the effectiveness of the whole national economy of the USSR--obviously with due consideration of the specific interests of the union and autonomous republics."<sup>9</sup>

The highest organs of state power and administration of an autonomous republic play an important part in exercising its constitutional prerogatives. Operating constitutional legislation includes a number of norms aimed at improving the organization of the functioning of the highest organs of power. There is, for example a new interpretation of the concept of the session as the principal form in which the supreme soviet functions, there is a full list of agencies and persons with the right of legislative initiative, there are regulations governing the procedures for debating bills and other issues and for passing laws, resolutions and other ordinances. The formation of standing committees and their tasks and relations with other agencies have been legislatively defined for the first time.

Special note should be made of the inclusion of provisions regulating supreme soviet procedure (Art. 109 of the Bashkirskaya ASSR Constitution and others). Such procedures have now been adopted by all the autonomous republics.

The ASSR supreme soviet is the highest organ of state power of the republic, it is freely elected by the people and embodies popular and national sovereignty. It is authorized to handle all questions referred to ASSR authority and is the only legislative organ in the republic. Thus, in 1978-1979, the Tatarskaya ASSR Supreme Soviet passed, in addition to the laws on the state plan and budget, 16 other laws on procedures for realizing norms laid down by the ASSR's new Constitution. The right of legislative initiative in the ASSR supreme soviet has been extended to include, besides the presidium of the ASSR supreme soviet, the ASSR council of ministers, the standing and other committees of the supreme soviet and its deputies, also the republican Supreme Court, the ASSR Prosecutor and public organizations as represented by republican and other corresponding agencies. Draft laws and other important issues of government operation of the autonomous republic can, by

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decision of the ASSR supreme soviet or its presidium, be aired in public debate. The adoption of the ASSR constitution, introduction of amendments, approval of state plans of economic and social development of the ASSR, its budget and reports on its fulfillment, and the formation of agencies subordinated to the ASSR supreme soviet is the sole prerogative of the ASSR supreme soviet. Laws and other ordinances are passed by a majority of the total number of deputies and published in the language of the autonomous republic's indigenous population as well as in Russian. The ASSR supreme soviet sets up and dissolves subordinate agencies and monitors the activities of all subordinate state organs, including the supreme soviet's presidium and the republican council of ministers.

A deputy of the ASSR supreme soviet enjoys personal immunity and possesses a number of important rights essential for due performance of his duties as a deputy, notably, the right to address inquiries to the ASSR council of ministers, to ministers and executives of other organs formed by the ASSR supreme soviet, as well as to executives of enterprises, establishments and agencies of all-union and union-republic subordination located on the territory of the ASSR, on issues coming within the authority of the autonomous republic. The ASSR government or the official to whom the inquiry is addressed is obliged to give an oral or written reply at the current session of the ASSR supreme soviet.

The presidium of the ASSR supreme soviet is a continuously functioning organ of the supreme soviet, subordinate to it in all its activities, which operates as the highest organ of state power of the autonomous republic between supreme soviet sessions. The supreme soviet elects its presidium from among its deputies. The prerogatives of the supreme soviet presidium can be subdivided into those exercised in the framework of the functions of the supreme soviet between its sessions and those exercised in the framework of the presidium's own functions. In its capacity as the highest organ of power the presidium introduces changes in operating ASSR legislation, creates rayons and cities of republican subordination, names and renames them, forms and dissolves ministries, state committees and other organs of state administration formed by the ASSR supreme soviet, dismisses and appoints members of the ASSR council of ministers.

Speaking of the presidium's prerogatives exercised in the framework of its own functions, one should single out those associated with organizing the work of the supreme soviet (setting election dates, convening sessions, coordinating the work of standing committees, etc.). Other duties are associated with exercising the authority of the union republic in administrative, political, economic, social and cultural affairs. The presidium of the ASSR supreme soviet issues decrees and passes resolutions; decrees issued in the framework of functions of the ASSR supreme soviet are subject to approval at the upcoming supreme soviet session.

The ASSR council of ministers--the government of the republic--is the highest executive and administrative organ of state power in the ASSR. It is formed by the ASSR supreme soviet and is answerable and accountable to it and, between its sessions, to the supreme soviet presidium. The autonomous republic

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constitutions provide that the ASSR council of ministers must report regularly to the ASSR supreme soviet. The autonomous republic government is authorized to deal with all questions of state administration within the jurisdiction of the ASSR, insofar as they do not come within the authority of the ASSR supreme soviet or its presidium. For example, in 1979, the Tatarskaya ASSR Council of Ministers passed 706 resolutions, including 29 on industry, 186 on agriculture and 81 on social and cultural development. The ASSR council of ministers functions in accordance with the Fundamental Law of the USSR, the constitutions of the union and autonomous republic, current legislation, and also the law on the council of ministers passed by the ASSR's supreme soviet.

The ASSR council of ministers issues resolutions and ordinances, which can be repealed by the presidium of the ASSR supreme soviet, as well as by the presidium of the union republic supreme soviet. The union republic council of ministers can only suspend their implementation. The ASSR supreme soviet sets up the autonomous republic's people's control committee, which supervises the operating system of people's control agencies. The highest judicial body of the ASSR is the supreme court of the autonomous republic, which is elected by the ASSR supreme soviet; it monitors the judicial activities of rayon (city) people's courts in the republic.

The new constitutional legislation has consolidated the principles of the Leninist national policy, the unity of the national and international principles in the conditions of mature socialism. It thereby assures even broader prospects for the development of the nations and nationalities of the USSR, including those which have set up their autonomous states or national state formations. Such forms of statehood as the ASSR, autonomous oblast and autonomous okrug effectively serve the cause of communist construction in the USSR.<sup>10</sup>

## FOOTNOTES

1. V. I. Lenin, "Polnoy sobraniye sochineniy" [Complete Works], Vol 30, p 22.
2. Thus, Art. 65 of the Constitution of the Tatarskaya ASSR states: "The territory of the Tatarskaya ASSR cannot be altered without its consent."
3. See Art. 120 of the Constitution of the Uzbek SSR, Art. 123 of the Constitution of the Georgian SSR and Art. 123 of the Constitution of the Azerbaijan SSR.
4. See: M. I. Piskotin and K. F. Sheremet. "The Correlation Between the Constitution of the Union of SSR and the Constitutions of the Union Republics." Sovetskoye gosudarstvo i pravo [Soviet State and Law], No 10, 1978, pp. 14-15.
5. See: M. A. Yasnov. "The Constitutions of the Autonomous Republics of the Russian Federation." Sovetskoye gosudarstvo i pravo, No 9, p 10, 1979.



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6. See: N. P. Farberov. "The National-State System of the USSR." In collection: Konstitutsiya razvitogo sotsializma [The Constitution of Developed Socialism], Moscow, 1978, p 172.
7. V. I. Lenin, "Polnoye sobraniye sochineniy" [Complete Works], Vol. 30, pp 45-44.
8. See: SP SSR [Collection of Government Regulations and Decrees], No 18, 1979, Art. 118.
9. L. I. Brezhnev. Leninskim kursom. Rechi i statyi [Along Lenin's Course. Speeches and Articles ], Vol 4, pp 93-94, Moscow, 1974.
10. See: Extraordinary 7th Session of the USSR Supreme Soviet, Stenographic Report, p 12, Moscow, 1977.

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## COMPOSITION, ROLE OF STANDING COMMISSIONS IN LOCAL SOVIETS DESCRIBED

[Editorial Report] Moscow SOVETSKOYE GOSUDARSTVO I PRAVO in Russian No 3, March 1982, carries on pages 69-76 a 6,000-word article by A.T. Leyzerov titled "The Effectiveness of the Order of Formation and of the Activity of the Standing Commissions of Local Soviets (Social-Legal Aspects)." Based on material collected in the Belorussian SSR, the article describes the social composition and current activities of these bodies. In addition, it provides extensive statistical data on them. COPYRIGHT: Izdatel'stvo "Nauka", "Sovetskoye gosudarstvo i pravo", 1982

## QUANTITATIVE METHODS URGED FOR LEGAL SCIENCE

[Editorial Report] Moscow SOVETSKOYE GOSUDARSTVO I PRAVO in Russian No 3, March 1982, carries on pages 30-37 a 6,000-word article by L.V. Lazarev titled "Methods of Investigation of Mass Information by Juridical Science." Lazarev, a senior scientific coworker of the All-Union Scientific Research Institute of Soviet Law, writes that legal specialists can use the quantitative and qualitative methods of the social sciences to improve both legal propaganda and their own understanding of law in Soviet society. He provides several examples of the current use of such methods in the USSR. COPYRIGHT: Izdatel'stvo "Nauka", "Sovetskoye gosudarstvo i pravo", 1982

## ORIGINS OF SOVIET DEMOGRAPHIC SCIENCE DESCRIBED, PRAISED

[Editorial Report] The USSR Ministry of Higher and Specialized Secondary Education's Population Section has published a collective volume titled THE PAST AND PRESENT OF DEMOGRAPHY (PROSHLOYE I NASTOYASHCHEYE DEMOGRAFII, Moscow: "Statistika," 1980, signed to press: 26 August 1980, 104 pp). Included in the 10 essays are 3 articles on the origins of Soviet demographic science and census research. They are "The Establishment of Soviet Demography" by Ye. Denisova and M. Moskvina (pp 43-57); "From the History of the Study of the Reproduction of the Population in the USSR" by V. Drobizhev (pp 58-68); and "The First Investigations of the Migration of the Population in the USSR" by V. Moiseyenko (pp 69-79). All these articles describe the achievements of Soviet demographic science in the 1920's and early 1930's and provide extensive bibliographic citations to earlier works in their respective fields of interest.

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CONFERENCE ON ALCOHOLISM, DRUNKENNESS HELD

Moscow SOVETSKOYE GOSUDARSTVO I PRAVO in Russian No 3, Mar 82 pp 140-141

[Article by V. Nikolayev: "Measures to Fight Against Drunkenness and Alcoholism"]

[Text] The social, medical, legal, and organizational measures of the fight against drunkenness and alcoholism--this is the topic of a conference which was held in Tomsk in November 1981 by the Ministry of Health RSFSR, the Siberian Branch of the Institute of Psychiatry of the USSR Academy of Medical Sciences, and the Tomskaya Oblast Public Health Department. Its work was participated in by scientists, practical legal workers, doctors, and sociologists from various cities of the country.

In analyzing the reasons for drunkenness and alcoholism the speakers noted such factors as: a distorted system of values among part of the citizens who replace cultural recreation with the purposeless passing of time; the fact that people close their eyes to drunkenness and the violations of labor and public discipline that follow; cases of the involvement of adolescents and young people in the consumption of alcoholic beverages; and the disunity of the efforts of the different organizations fighting against drunkenness. A great deal of attention was given to an analysis of the family situation, the organization of the population's leisure, a strengthening of the moral climate in labor collectives, the role of the immediate social milieu, and also the way of life of different groups of the population. (Ye. S. Sivortsova, V. I. Kudryavtsev, A. L. Remenson, A. D. Stepanov, D. K. Sokolov) It was noted that the abuse of alcohol decreases longevity by approximately 20 years; the complete elimination of drunkenness in production would increase labor productivity by almost 10 percent.

An overall approach to overcoming these antisocial phenomena presupposes the solution of a number of practical problems on the level of society as a whole and of the social group and the individual. One of the chief tasks of the struggle against drunkenness and alcoholism was recognized by the conference participants as the cultivation of a firm life position and of the social and psychological orientation of the collective and each of its members. In this connection it was emphasized that on the individual level it is important to break the ties between an individual and drinkers. At the same time, the propaganda aimed at the struggle against drunkenness has to be designed not only and not so much for the individuals themselves who abuse alcoholic beverages as for their milieu--family and workmates. Criteria of the effectiveness of this kind of propaganda have to be developed and

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its professional level has to be raised (V. V. Korolev). Consistency has to be achieved in the realization of the anti-alcoholic measures which are being carried out by psychiatrists, narcotics specialists, workers of the Ministry of Internal Affairs and of the procurator's office, and by teachers and the public (L. G. Rozenfel'd, G. M. Entin). V. N. Kudryavtsev singled out three directions of these measures: a) the elimination of the social and psychological reasons for the abuse of alcoholic beverages (conflicts in the family and in production, stress situations, and others); b) a change in the attitude toward drunkenness and the overcoming of popular stereotypes and "drinking traditions"; c) a restriction on the consumption of alcoholic beverages by groups of people, professions, regions, and time and place. Public organizations which propagandize sobriety have to be created.

Psychiatrists, narcotics specialists, and other specialists developed and presented at the conference an "Automated Management System-Narcology" which is intended to coordinate anti-alcoholic measures, to manage them, and to monitor their performance. It makes it possible to organize a systematic inventory and analysis of the factors which promote or hinder the struggle against drunkenness and to react in time to negative phenomena (V. B. Minevich). As for medical measures, the importance was emphasized of the effective organization of a drug abuse service both at residences and at workplaces (Ye. D. Krasik), improved professional training for doctors, especially shop and section doctors, the development and introduction of new medicines, an improvement of the organization of labor in labor treatment organizations, and an improvement of the quality of diagnosis in medical institutions (Yu. I. Pryadukhin, N. Ya. Kopyt). The legal measures in the struggle against drunkenness and alcoholism presuppose a clarification of the system of the registration and statistical record keeping for antisocial phenomena and a firm compliance with labor and administrative laws in the struggle against drunkenness (A. A. Blagorazumov). A. L. Remenson illuminated the problems which are common to both doctors and legal specialists: the responsibility and limits of the responsibility of people sick with alcoholism; forms of the compulsory treatment of persons condemned to punishments not connected with the deprivation of freedom; and methods of psychotherapeutic influence on alcoholics who are incarcerated. He expressed himself against a general "dry law," but for a restriction of the sale and consumption of alcohol on the basis of a number of indicators (age, profession, territory); and proposed the creation of an all-union center for the struggle against drunkenness and alcoholism and the development of a scientific program of an overall character.

N. Ya. Kopyt said that a program of struggle against drunkenness and alcoholism has to include an analysis of the reasons for these phenomena, an evaluation of their harmful consequences, a restriction on the production of alcoholic beverages, the regulation of their consumption, a study of the mechanisms of the habituation to and predilection for alcohol, and the organization of preventive measures. In this connection, he gave a detailed description of the republic's program of scientific research which was developed and approved by the Ministry of Health RSFSR in 1980. In the recommendations which were adopted by the conference it is stated that scientific research and the practice of the struggle against alcoholism should be of an overall nature and conducted jointly by sociologists, legal

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specialists, teachers, psychologists, and medical specialists. The following were named as top-priority tasks: a study of the social and social-psychological reasons for drunkenness and alcoholism; preventive measures for these phenomena, especially among the youth; a decrease in the medical-social consequences of alcohol abuse; a further differentiated limitation upon its consumption in the different professional groups of the population; an improvement of medical assistance; the planning of the development of a drug abuse service for the near future and the more distant future; and the development of anti-alcohol propaganda and the involvement of the broad public in it.

In this connection, emphasis was given to the great importance of the mass information media and of specialized publications and periodicals--medical and pedagogical. The conference participants noted, in particular, the positive role of the "Round Table" to fight against drunkenness and alcoholism which was carried out in 1980 by the periodical SOVETSKOYE GOSUDARSTVO I PRAVO and of the publication of materials which helped to unite the efforts of legal specialists and medical specialists in the solution of related problems. The conference expressed itself in favor of the creation of an all-union agency (council, problem commission) for the coordination of all of the work in this field.

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