

# LAW OF UKRAINE DURING SECOND WORLD WAR AND FIRST POSTWAR DECADE (1939–1956)



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The restructuring of the legal system of the Ukrainian SSR under wartime conditions was effectuated on the basis of a legal doctrine formed in the prewar period and structured on the principles of a totalitarian regime.

The most important changes and additions to the legal system of Ukraine occurred chiefly through all-union legislation. They were conditioned by the exceptional circumstances of wartime, which required maximal centralization of the entire State mechanism with a view to the transformation of the entire country into a single military camp. The centralization was predetermined also by the process of the forming during the prewar period of the administrative command system of management, in accordance with which the development of the fundamental principles of legislation, and in essence of all legislation on court organization and court proceedings, civil, and criminal law was within the jurisdiction of the USSR. During the war, in addition to all-union norms, certain normative acts of republic significance acquired force which to a certain extent influenced the legal life of the Ukrainian SSR.

The system of agencies of power and administration consolidated by the 1936 Constitution of the USSR and 1937 Constitution of the Ukrainian SSR remained

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unchanged during the war, although the war materially influenced the content and forms of activity of these agencies.

The impossibility of the timely convocation, and sometimes in general the normal functioning, of the Supreme Soviet of the USSR and Supreme Soviet of the Ukrainian SSR required an intensification of legislative work by their presidiums. The efficiency and flexibility in administration which the war required was achieved by expanding the rights of executive agencies – the councils of people's commissars and the people's commissariats. The principal source of changes in and additions to the legal system of Ukraine during the war period became the edicts of the presidiums of the supreme soviets of the USSR and Ukrainian SSR and decrees of the soviets of people's commissars of the USSR and Ukrainian SSR.

The decisions of such extraordinary agencies as the State Defense Committee and military authorities had exceptionally important influence on the development of the legal system of the Ukrainian SSR during the military situation. Their decrees often were of an openly repressive character and even indicia of genocide. By Decrees of the USSR State Defense Committee of 12 May and 2 June 1944 more than 200,000 Crimean Tatars were deported from Crimea to Central Asia. In 1944–1945 more than 30,000 citizens were deported to Siberia from Western Ukraine.<sup>1</sup>

The Presidium of the Supreme Soviet of the USSR issued on 10 February 1941 an Edict concerning the prohibition of the sale, exchange, and discarding of equipment and materials and established criminal responsibility for these actions. The remnants of materials and equipment must be realized in accordance with a procedure established by a special decree of the USSR Council of People's Commissars. In supplementation of the all-union provisions, the Council of People's Commissars of the Ukrainian SSR on 23 May 1941 issued a decree on the procedure for the recording and use at enterprises and building sites of republic, regional, city, and district subordination and industrial cooperative societies of surplus equipment and materials.

Under wartime conditions special attention, as earlier, was devoted to State ownership of the means of production.

In order to eliminate a certain ambiguity with respect to State property which arose as a result of circumstances of wartime (for example, the affiliation of evacuated, trophy, and other property), the USSR Council of People's Commissars on 17 April 1943 confirmed a new Statute «On the Procedure for Recording and Use of Nationalized, Confiscated, Escheat, and Masterless Property». This provided that subjects with whom the respective property was situated were obliged within a five-day period to inform financial agencies about the identification of such property. An analogous decree was adopted 28 September 1943 by the Council of People's Commissars of the Ukrainian SSR.

War inevitably caused a fundamental restructuring of all planned economic activity, as a consequence of which changes occurred in the content of contracts or they completely lost force. Planning acquired an operational and specific character. The contract basically was preserved, but under wartime conditions very often relations of obligation between enterprises and organizations arose directly on the basis of administrative acts. At this time in accordance with the principle of the unity of State ownership the possibility was provided in certain instances to use State property not

<sup>1</sup> V. Ia. Tatsyi and A. I. Rohozhin (eds.), *Історія держави і права України [History of State and Law of Ukraine]* (Kyiv, 2000), II, p. 360.

by those agencies to which it had been consolidated, but by those who included it on legal grounds into their industrial base.<sup>1</sup>

Norms of civil law strictly defended cooperative and collective farm ownership during the war. Persons guilty in the perishing of collective farm livestock paid the value thereof in three times the amount. Instances of the illegal sale of collective farm livestock by accompanying persons were classified as theft. And the right was given to collective farms on the basis of the Civil Code of the Ukrainian SSR (Article 60) to demand their livestock even from a good-faith acquirer.

In connection with the evacuation to the eastern areas of the country of certain property of collective farms and State farms, it would be necessary to ensure the preservation and return thereof. A Directive Letter of the Council of People's Commissars of the Ukrainian SSR of 20 August 1943, «On the Return to Possessors of Livestock and Other Property in Localities Liberated from German Fascist Occupation» was sent to resolve this problem.

The civil-law defense of personal ownership of citizens was expanded in connection with the fact that during the evacuation they were forced to leave their property, which turned out to be in another's possession. The Decree of the Plenum of the Supreme Court of the USSR of 7 October 1943 explained that the unlimited right to demand and obtain one's things belonged to the possessors thereof not only when these things were stolen or lost, but also when a thing left their possession «apart from their will».

The wartime conditions brought changes to civil legislation which concerned both property and non-property rights of citizens. All cases were terminated concerning eviction from dwelling premises of military servicemen and their families. The USSR Council of People's Commissars quickly consolidated during the war a dwelling premise for all military servicemen. They were granted significant privileges with regard to apartment rent. Military servicemen and their families also were granted the right to unconditional return to their former dwelling space. The war made adjustments also in the procedure for deeming persons to be missing or deceased who were missing at the front. The USSR People's Commissariat of Justice in February 1943 specially explained that a report of military agencies concerning a missing person is grounds to deem a person to be deceased. An obligatory judicial procedure for the consideration of cases was established, The rights of inheritance were expanded. According to the Edict of the Presidium of the USSR Supreme Soviet of 14 March 1945 enlarged the group of heirs by operation of law: parents of the decedent came to be considered to be heirs irrespective of whether they were maintained by him or not, and also his natural brothers and sisters. In addition, in the absence of heirs by operation of law, citizens received the right to bequeath their property to the benefit of strangers.

On the whole, the law of ownership in the Soviet State and civil legislation in its entirety proved to be sufficiently adaptable to the exceptional conditions of wartime, which made it possible to rapidly restructure the entire economic mechanism of the State on a war footing.

The war took the lives of millions of citizens of Ukraine. Orphanhood widowhood, destroyed families – all this required the adoption of serious measures for the protection of motherhood, assistance to children, and strengthening of the family.

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<sup>1</sup> Советское право в период Великой Отечественной войны [Soviet Law during the Second Fatherland War] (Moscow, 1948), I, p. 3.

On 23 January 1942 the Decree of the USSR Council of People's Commissars was adopted, in accordance with which local agencies were obliged to organize reception centers for children who had been left without parents. Children were referred to children's homes, boarding was arranged in families of working people. Adoption according to the Edict of the Presidium of the Supreme Soviet of the USSR of 8 September 1943 was permitted only with respect to children whose parents had perished in the war.

Many orphan children remained in the cities and rural villages of Ukraine. Several decrees of the Council of People's Commissars of the Ukrainian SSR were directed towards solving the problems of child homelessness: of 15 February 1942, «On the Arrangement of Children Who Have Been Left without Parents»; of 27 March 1943, «On Organization of Assistance to Orphan Children Whose Parents Perished in Combat with Fascist Invaders During the Occupation of Areas of the Ukrainian SSR»; of 30 July 1944, «On Measures in the Struggle with Neglect and Homelessness of Children in the Ukrainian SSR». According to these legal acts, the duties were placed on agencies of State power and administration to settle orphan children, create a reference system attached to the People's Commissariat of Internal Affairs, children's homes, labor and educational colonies, extraordinary commissions attached to executive committees, and the institution of social inspectors. The procedure for adoption was improved by Edict of the Presidium of the Supreme Soviet of the Ukrainian SSR of 24 September 1943, «On Changing Article 44 of the Code of Laws on the Family, Trusteeship, Marriage, and Acts of Civil Status of the Ukrainian SSR».

One of the major acts of family legislation of this period was the Edict of the Presidium of the USSR Supreme Soviet of 8 July 1944, «On Increasing State Assistance to Pregnant Women, Mothers with Many Children, and Single Mothers, Strengthening the Protection of Motherhood and Childhood, and Establishment of the Title of Honor "Mother-Heroine" and Founding of the Order "Motherhood Glory" and the Medal "Medal of Motherhood"». <sup>1</sup> The system of State assistance to mothers with many children was radically changed, State assistance was introduced for the maintenance and upbringing of children with single mothers, and major changes were made in the procedure for the conclusion and dissolution of marriage. But it should be recognized that this assistance was insufficient.

According to changes in republic legislation, the rights and duties of spouses were generated only by a marriage registered in ZAGS agencies, the dissolution of which was possible only publicly, through a court. The right of a mother to bring suit in court to establish paternity and recover alimony for the maintenance of a child was abolished. All these measures, in the view of the legislator, should have exerted a positive influence on the strengthening of the family and nurture a more serious attitude towards the conclusion and dissolution of marriage.

Important changes in labor legislation occurred at the end of the 1930s, when the Second World War commenced. By Edict of the Presidium of the USSR Supreme Soviet of 26 June 1940<sup>2</sup> the duration of the work day was increased: instead of a six and seven-hour work day, an eight-hour work day was established. All enterprises and institutions were transferred to a seven-day work week. The arbitrary leaving

<sup>1</sup> *Ведомости* Верховного Совета СССР (1944), no. 37.

<sup>2</sup> *Ведомости* Верховного Совета СССР (1940), no. 201.

by workers and employees of enterprises and institutions, and the arbitrary transfer from one place of work to another, was prohibited.

By Edict of the Presidium of the USSR Supreme Soviet of 2 October 1940, «On State Labor Reserves», schools of factory-plant study were created and trade and railway schools. The annual call-up (mobilization) of urban and rural youth should have been from 800,000 to one million persons.

The war created many complex problems for the regulation of labor relations. Among them, the problem of enlisting reserves of the work force should be mentioned, the complexity of which in connection with mass mobilizations into the Army grew enormously. Recourse was had to labor mobilizations and labor duty. Labor mobilizations should have ensured permanent personnel for enterprises and building sites of military industry and other branches of the national economy which serviced defense needs. Labor duty was declared in order to fulfill important State tasks which had defense importance, and also construction work, procurement of fuel, protection of railways and communications, electricity stations, and other objects. All these jobs did not require special training and were of a temporary nature – to enlist citizens for labor duty was authorized for a period of up to two months.

Men from age 16 to 55 and women from age 16 to 50 were subject to being enlisted for work. According to all-union legislation, the leadership of enterprises was authorized to establish obligatory overtime work for up to three hours per day. Regular and additional leaves were cancelled. All workers and employees of military industry enterprises were deemed to be mobilized for the wartime period and consolidated for permanent jobs at those enterprises at which they worked. Workers, employees, and technical engineering workers who worked at State enterprises and at institutions in front areas were considered to have been mobilized.

The labor contract retained a certain place among the forms of enlisting for work. In areas of the Ukrainian SSR liberated from the fascist invaders this form was extended to recruit the work force in industry and the work of collective farmers at enterprises under contracts concluded with the collective farms. The Decree of the Council of People's Commissars of the Ukrainian SSR of 27 August 1944, «On the Participation of Collective Farms of the Ukrainian SSR in the Restoration of the Coal Industry of the Donbas Destroyed by German Invaders» obliged executive committees of regional soviets, together with the development of sponsorship of coal trusts to organize the recruitment of the work force of collective farms on contractual principles to participate in the restoration of the Donbas.

One of the major questions was arranging employment for persons disabled by the war. The Decree of the Council of People's Commissars of the Ukrainian SSR of 20 April 1943, «On the Arrangement of Labor and Domestic Servicing for Disabled Persons of the Fatherland War» was directed to resolve this.

The 1935 Charter of an Agricultural Artel formally during wartime remained the basic law for collective farm life, but the wartime circumstances brought to life certain new norms directed towards strengthening labor discipline and enhancing work productivity in the collective farms.

From April 1942 the obligatory minimum of labor days was increased (up to 120 to 150 labor days per year) for an adult collective farm member, and for adolescents from 12 to 16 years of age, not less than 50 labor days per year.

Much attention was devoted to the organizational-economic strengthening of collective farms and a search for new forms and methods of raising the productivity

of collective farm production. The Decree of the Council of People's Commissars of the Ukrainian SSR of 25 July 1944, «On the Course of Harvesting the Grain Crops in Collective Farms and State Farms of the Ukrainian SSR» proposed to all collective and State farms with a view to raising work productivity that the organization of harvest work be ensured on the basis of the extensive use of individual and small-group independent-work contracts.

The system of paying advances in kind to collective farm members was extensively used in wartime. Collective farm members who did not fulfill the minimum of labor days during the period which preceded the harvest and who did not take part in the harvest did not receive advance payments. From 1943 the introduction of supplementary payment for the labor of collective farmers was begun in the liberated regions of Ukraine for highly-productive work. Although on individual farms in 1944 mistakes were made when using these supplementary payments which negatively affected the organization work on these collective farms, on 14 March 1945 the Council of People's Commissars of the Ukrainian SSR by its Decree obliged the respective soviet leaders to provide assistance to collective farms for the implementation of legal acts concerning supplementary payment for labor. But this supplementary payment actually never reached the collective farmers.

Wartime legislation established new grounds for obligatory work in a collective farm. This duty extended to persons mobilized for agricultural work from the able-bodied population of cities. Citizens were incorporated into collective farm brigades and links or formed autonomous links. They were subordinate to the rules of order operating in the collective farms.

Certain difficulties occurred in this connection caused by violations of State acts with regard to land use, and the Council of People's Commissars of the Ukrainian SSR proposed to the People's Commissariat for Land of the Ukrainian SSR before 1 June 1945 in areas liberated from German fascist occupation to restore the external boundaries of all collective farms, and also the boundaries between social lands of collective farms and the subsidiary lands of the collective farmers.

By Edict of the Presidium of the USSR Supreme Soviet of 10 July 1940,<sup>1</sup> criminal responsibility was established for directors, chief engineers, and heads of technical control sections of industrial enterprises for issuing poor-quality or incomplete products and the issuance of products in violation of obligatory standards. The law provided imprisonment for the guilty for a term of from five to eight years. In accordance with this, the Presidium of the Supreme Soviet of the Ukrainian SR by an edict of 15 March 1940 made changes in Article 1353 of the Criminal Code of the Ukrainian SSR.

The Constitutions of the USSR and Ukrainian SSR established a universal military duty. Elaborating these provisions, the Presidium of the USSR Supreme Soviet on 30 July 1940 issued the Edict «On Responsibility for a Violation of Rules for Military Registration».<sup>2</sup> Respective changes were made in the Criminal Code of the Ukrainian SSR which established criminal responsibility for a violation of the rules for military registration by persons obliged to perform military service on the territory of the Ukrainian SSR.

<sup>1</sup> *Ведомости* Верховного Совета СССР (1940), no. 28.

<sup>2</sup> *Ведомости* Верховного Совета СССР (1940), no. 28.

Under conditions of the regime of a military situation, the public danger of crimes increased, which made it necessary to strengthen criminal repressions. The repressive nature of Soviet criminal legislation during wartime acquired special significance.

The social danger of crimes against the State, especially military crimes, such as evasion of military registration, call-up to the Army during mobilization, or failure to fulfill by a military serviceman of the duties of military service, and desertion, materially increased. Significant harm to the cause of defense was caused by malicious evasion of labor duties, which in accordance with Edicts of the Presidium of the USSR Supreme Soviet of 7 and 26 December 1941 were regarded as desertion and punished by deprivation of freedom for a term of from five up to eight years. This provision was extended by an Edict of 29 September 1942 to workers, employees, and technical engineering workers of all enterprises in front regions. By an Edict of 15 April 1943 the same responsibility for crimes committed in employment was established as for military servicemen and extended to workers and employees of railway transport.

In the early gravest days of the war the Edict of the Presidium of the USSR Supreme Soviet of 6 July 1941, «On Responsibility for Spreading False Rumors in Wartime Which Cause Panic Among the Population» was adopted and established responsibility in the form of imprisonment for a term of from two up to five years. Strict preservation of military secrecy acquired special importance. By the Edict of 15 November 1943 it was provided that the divulgence of a State secret, and also the loss of documents which contain such information, was punished by deprivation of freedom for a term of up to five years; the same actions, if they caused or might entail undesirable consequences, were punished by deprivation of freedom for a term of up to ten years.

Responsibility was strengthened during wartime for criminal infringements against State and collective farm ownership which threatened the defense capability of the USSR. These infringements, as a rule, were qualified under the Law of 7 August 1932. With a view to strengthening the protection of certain types of property which had defense significance, special legal acts were adopted which provided heightened responsibility for the misappropriation thereof. Thus, by Edict of 23 August 1942, «On Responsibility for the Misappropriation of Fuel in Machine-Tractor Stations and State Farms», punished was established of deprivation of freedom for up to five years. The Decree of the State Defense Council of 22 January 1942 provided for the recovery from a person guilty of the theft of foodstuffs at market prices, and industrial goods, at commercial prices, in five times the amount.

Responsibility was increased for an infringement against the personal ownership of citizens. The Plenum of the USSR Supreme Court by a Decree of 8 January 1942 indicated the need to qualify the theft of personal property in wartime conditions as theft during a fire or other natural calamity.

Widespread in wartime was the deferral of execution of a judgment, specially provided for in the event of war by respective norms of the union republic criminal codes. The essence of this deferral was that the execution of a judgment with respect to a convicted person was postponed until the end of military actions, with referral of the convicted person to the Army in so-called «penalty battalions».

In connection with the mass crimes by actions of the German Nazis in all the occupied territories of the States invaded by them, the heads of the Allied Powers – the USSR, United States, Great Britain – signed the Declaration «On the Responsibility of Hitlerites for Atrocities Committed», according to which war criminals fell under

the operation of laws of those countries on whose territories the crime was committed. The Presidium of the USSR Supreme Soviet by an Edict of 19 April 1943 provided that for crimes committed on Soviet territory punished was established for Hitlerite criminals – the death penalty by hanging or forced labor for a term of from fifteen up to twenty years.<sup>1</sup> On the basis of this Edict, cases concerning evil deeds of Nazi occupiers on the territory of Ukraine were considered by courts of the Ukrainian SSR with the application of USSR legislation.

Criminal legislation as a whole performed the tasks set for it with regard to ensuring the defense capability of the Soviet State and the maintenance of proper legal order, but its repressive character and accusatory orientation led to many terrified, disorganized people on whom the label «enemy of the people» lay as a heavy burden falling into the punitive millstones of the judicial mechanism.<sup>2</sup> This reflected especially negatively on the fates of Soviet prisoners of war, citizens deported to Germany, and even those who were on the temporarily occupied territory of Ukraine.

Repressive policy with respect to the population of Western Ukraine was accompanied by abuses and even crimes by individual representatives of the Soviet administration and military servicemen. During the eleven months of 1945, 27 cases were considered by military tribunals of the western regions of the Ukrainian SSR with regard to facts of «violations of revolutionary legality» and 326 workers were convicted of the People's Commissariat for State Security and the People's Commissariat for Internal Affairs. In 1945 the Politburo of the Central Committee of the Communist Party (Bolshevik) of Ukraine was twice forced to adopt decrees with regard to facts of flagrant violations of Soviet legality in the western regions of Ukraine.<sup>3</sup>

Proceeding from its own political, ideological, and even deeply military interests, the Soviet leadership repeatedly used the pardon as a form of relieving from punishment. In Ukraine a decision was adopted several times concerning the pardoning of former fighters of the Ukrainian Partisan Army. On 7 July 1945, in commemoration of the triumphant end of the War with Hitlerite Germany, the Soviet State declared the broadest amnesty of wartime.

The preliminary investigation and court proceedings on the territories of the USSR where a military situation had been declared and in areas of military actions had a number of peculiarities, the chief of which were a reduction of the periods for conducting pre-judicial actions and the speed of the judicial examination. The Statute on Military Tribunals, confirmed by Edict of the Presidium of the USSR Supreme Soviet on 22 June 1941, in localities where a military situation had been declared and in areas of military actions changed the procedure for preliminary investigation and the procedure for the consideration of cases by military tribunals. In accordance with this Statute, military tribunals considered cases at the end of 24 hours after handing over a copy of the conclusion to indict. The judicial examination of cases in tribunals occurred without the participation of people's assessors and most often in the absence of a procurator and advokat. The direct participation of a witness in the judicial session was not considered to be obligatory. Judgments of military tribunals were not subject to cassational appeal and could be changed only

<sup>1</sup> *Советское право в период Великой Отечественной войны* [Soviet Law during the Great Fatherland War] (Moscow, 1948), II, p. 51.

<sup>2</sup> Maliarenko (ed.), *Реабілітація репресованих: законодавство та судова практика* [Rehabilitation of the Repressed: Legislation and Judicial Practice] (Kyiv, 1997), pp. 363–412.

<sup>3</sup> *M. V. Koval, «ОУН-УПА: між «третім рейхом» і сталінським тоталітаризмом»* [OUN-UPA: Between the «Third Reich» and Stalinist Totalitarianism], *УІЖ*, no. 2–3 (1994), p. 100.



by way of supervision. The military tribunal had to immediately notify the Head of the Military Division of the USSR Supreme Court and Chief Procurator of the Red Army or Navy about each judgment by which the convicted person was sentenced to capital punishment. In the absence within 72 hours of a notice to terminate the execution of the judgment, it was implemented.

When cases were considered concerning crimes for which responsibility was established under wartime laws, all military and general courts were guided by the said Statute irrespective of where they were located.

Wartime conditions made certain changes in the systemic jurisdiction of courts territorially. The rule was established that a case might be transferred from one court to another on grounds not provided for by legislation in force. These circumstances were considered to be: presence of the accused in another locality when it was impossible or difficult to have a convict in transit or to summon him to court at the place where the crime was committed, temporary termination of the activity of courts in a particular locality, and so on.

Procedural legislation which determined the procedure for the investigation and consideration of criminal cases before and during the war only formally ensured the full, comprehensive, and objective investigation of all the circumstances of a case, correct deciding thereof in essence, and protection of the rights of the participants in the trial. Under wartime conditions and combat instances occurred when as a result of objective, and sometimes subjective, reasons these norms were violated. In people's courts it was not always possible to ensure the presence of all participants of a trial at the judicial session and sometimes impossible to ensure the appearance of witnesses in court. In these instances the court was forced to declare their testimony which they gave at the preliminary investigation and contrast it with other evidence in the case. The requirements of the participation of a defender in a judicial proceeding were not always adhered to.

Civil procedure legislation and the practice of civil proceedings basically remained unchanged.

Procedure legislation in wartime conditions was directed towards the defense of the interests of the Soviet State at the price of narrowing the defense of the rights of the suspect and person on trial, and their rights to defense were often violated by this means. This was reinforced by the fact that during the war years the extra-judicial repressive apparatus (special boards of the People's Commissariat for Internal Affairs, and others) operated actively.

After the end of the Second World War and virtually until the mid-1950s, mosaic, unprincipled changes occurred in the law of Ukraine which, as before, were directed towards the further strengthening of the totalitarian State.

Thus, civil law was directed towards the development and strengthening of the law of State ownership.

Nationalization was an important mean of increasing the objects of State ownership. It was effectuated at a rapid pace in the western regions, Bukovina, and Trans-Carpathia. Land, banks, industrial and municipal enterprises, and large homes were subjected to nationalization.

Enhancing production efficiency was considered to be another means of multiplying socialist ownership. As consequence of this was the strengthening of economic contractual relations between enterprises and economic organizations. The Decree of the USSR Council of Ministers of 26 April 1949 on the conclusion of economic

contracts stressed the role of contract as the sole possible form of relations between economic organizations, which strengthens economic accountability and raised the material interest of enterprises and their workers in the profitable work, of enterprises. In accordance with this decision, the Council of Ministers of the Ukrainian SSR obliged the timely conclusion of contracts for 1949 by economic organizations.<sup>1</sup>

In the postwar years civil law did not avoid attention to personal ownership. Taking into account the shortages of housing and poor housing conditions of citizens, the Presidium of the USSR Supreme Soviet on 26 August 1948 adopted an Edict «On the Right of Citizens to Purchase and the Construction of Individual Dwelling Houses».<sup>2</sup> A citizen could have by right of personal ownership a dwelling house with a number of rooms not exceeding five and total space of 60 square meters. The house had to be used for direct designation, and not to receive nonlabor revenues.

Monetary reform introduced by Decree of the USSR Council of Ministers and the Central Committee of the All-Russian Communist Party (Bolshevik) on 14 December 1947 had great importance for civil law regulation in the Ukrainian SSR. The reform abolished the card system for foodstuffs and industrial goods, and also commercial trade. However, the sale of goods at uniform State prices was introduced. The reform strengthened the monetary system, but retail prices were raised by about three times. The State removed itself from the guaranteed provision to citizens of goods of primary necessity.

In the early postwar years limitations introduced in connection with the military situation were eliminated from the legal regulation of labor relations. On 1 July 1945 regular and supplementary leaves were restored and the issuance of monetary compensation commenced for leave which had not been used during the war. The State renounced labor mobilizations and labor duty.

In postwar years guarantees of labor activity were strengthened. The Decree of the Secretariat of the All-Union Central Trade Union Council of 21 July 1947 obliged the factory-plant local committees to establish strict control over compliance by the administration of enterprises and institutions with legislation in force on work time, leisure time, leaves, and the work of women and adolescents.

In May 1949 the right of workers to transfer to another job at their place of residence with retention of uninterrupted labor experience was partially restored (this right was granted to pregnant women and mothers who had children up to one year of age).<sup>3</sup>

The State renounced the «mobilization» of the work force, but retained compulsory recruitment for work through the organized selection of workers under contracts of economic organizations with collective farms and State farms and State labor reserves.

The Decree of the USSR Council of Ministers of 4 February 1947 established the obligatory conclusion of collective contracts between the administration of enterprises and institutions, on one side, and the factory-plant local committee, on the other. The content of these contracts came down to the mutual obligations of the parties relating to the fulfillment of plans and improvement of the material-domestic conditions of workers.

The legal regulation of collective farm construction in the postwar years relied on undeviating compliance with the Charter of the Agricultural Artel. On 19 September

<sup>1</sup> *ЗИ УРСР* (1949), no. 12, item 168.

<sup>2</sup> *Ведомости* Верховного Совета СССР (1948), no. 36.

<sup>3</sup> *Ведомости* Верховного Совета СССР (1949), no. 26.

1946 the USSR Council of Ministers and the Central Committee of the All-Russian Communist Party (Bolshevik) adopted the Decree «On Measures to Eliminate Violations of the Charter of an Agricultural Artel in Collective Farms».<sup>1</sup>

Immediately after the war, land reform was effectuated in the western regions under which landless and small-landed peasantry were endowed with land and tools, and the wealthy peasants were levied with high taxes. Throughout 1947 and 1948 agricultural artels were organized everywhere. The leadership of the collectivization was placed on the political sections attached to Machine-Tractor Stations. The mass collectivization in the western regions of the Ukrainian SSR was completed before 1950. A million and a half one-person farms were combined into 4,600 collective farms and State farms.

A new form of «perfecting» the organization of collective farms emerged in the post-war years – the consolidation thereof. In Ukraine the process of combining small collective farms into large ones was carried on intensively in 1949. As previously, this matter did not proceed without kinks, and therefore on 30 May 1950 the Decree of the Central Committee of the All-Russian Communist Party (Bolshevik), «On the Consolidation of Small Collective Farms and the Task of Party Organizations in this Matter»<sup>2</sup> required the combining thereof only when advisable, when collective farms had adjacent land use, so that the fields of the new farm were transformed into a single tract of land.

In practice these requirements were ignored. Preference was given to the external aspect of the matter. Throughout 1952 the number of collective farms in Ukraine, thanks to consolidation, declined almost in half, from 33,000 to 16,000;<sup>3</sup> however, the artificial forcing of the consolidation of collective farms did not lead to the creation of multi-branch highly-mechanized farms.

The desired results and measures for the regulation of the organization of collective farm production were not achieved. The Decree of the USSR Council of Ministers and the Central Committee of the All-Russian Communist Party (Bolshevik) on measures to improve the organization, increase the productivity, and regulate the payment for labor in collective farms established a new basic form for artel work – the brigade (until then, a link). This innovation had the purpose of linking collective farmers to a system of mutual responsibility, reinforce elements of compelling collective farmers to work, but doomed to failure the tasks formulated in the Decree – to eliminate low norms of payment for labor days and equalization.

The dependence of collective farms on Machine-Tractor Stations materially undermined their autonomy. On 27 January 1948 the USSR Council of Ministers confirmed a new standard contract of Machine-Tractor Stations with collective farms in which the center of gravity moved to economically-accountable relations of the parties. On 8 October 1946 the Decree of the USSR Council of Ministers and the Central Committee of the All-Russian Communist Party (Bolshevik) created a Council for the Affairs of Collective Farms in order to establish strict control over compliance with the Charter of an Agricultural Artel and to prevent attempts to violate the Charter in order to resolve current issues of collective farm construction.

The «Cold War» and tense international situation had significant influence on the development of postwar criminal legislation. On 12 March 1957 the Law «On

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<sup>1</sup> ЦП СССР (1946), no. 18, item 149.

<sup>2</sup> ЦП СССР (1950), no. 4, items 38 and 39.

<sup>3</sup> V. Ia. Tatsyi and A. I. Rohozhyn (eds.), *Історія держави і права України [History of State and Law of Ukraine]* (Kyiv, 2000), II, p. 393.

the Defense of Peace» was adopted which proclaimed that war propaganda, in whatever form, is the gravest crime against humanity, and those guilty of war propaganda should be convicted as dangerous criminals, although the Law did not offer a precise qualification of the constituent elements of the crime and did not determine a specific type of punishment.

The strengthening of the totalitarian State led to the emergence of new norms in criminal legislation, especially to an expansion of the group of crimes against the State and intensified responsibility for them. On 9 June 1947 the Edict of the Presidium of the USSR Supreme Soviet increased responsibility for such crimes as divulgence of State secret, loss of documents and other materials containing a State secret, and the transfer abroad of inventions, discoveries, and technical improvements which contained a State secret. Officials guilty of the commission of such crimes were punished by deprivation of freedom for from eight up to twelve years, and other citizens, from five up to ten years.

On 26 November 1948 the Edict of the Presidium of the USSR Supreme Soviet appeared which established criminal responsibility for flight from a place of obligatory settlement of persons banished to remote areas of the Soviet Union during the Great Fatherland War.

As earlier, criminal law regulation devoted much attention to the defense of socialist ownership. The Edict of 4 July 1947 on criminal responsibility for misappropriation of State and social property introduced a single concept of misappropriation of property and increased the term of deprivation of freedom for the commission thereof up to 25 years, and also established criminal responsibility for the failure to report, although the draconian law of 7 August 1932 was repealed by this Edict.

On 26 May 1947 the death penalty was abolished. It was replaced by deprivation of freedom for 25 years in correctional-labor camps. But on 12 January 1950 the death penalty was restored; to be sure, in limited instances with regard to traitors, spies, and saboteur bombers.

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**Rumiantsev V., Strakhov N. Law of Ukraine during Second World War and First Postwar Decade (1939–1956)**

**Abstract.** The article considers the most important changes and additions to the legal system of the Ukrainian SSR during the Second World War and after its end, which were put into effect on the basis of legal doctrine that prevailed in pre-war times and was based on the principles of a totalitarian regime.

**Key words:** state ownership, civil law, family law, labor law.

**Рум'янцев В. О., Страхов М. М. Право України в роки Другої світової війни і в перше повоєнне десятиліття (1939–1956)**

**Анотація.** У статті розглядаються найбільш важливі зміни та доповнення у правовій системі Української РСР в умовах Другої світової війни і після її закінчення, які здійснювалися на основі юридичної доктрини, що склалася в довоєнний час і ґрунтувалася на принципах тоталітарного режиму.

**Ключові слова:** державна власність, цивільне законодавство, сімейне законодавство, трудове законодавство.

**Румянцев В. А., Страхов Н. Н. Право Украины в годы Второй мировой войны и в первое послевоенное десятилетие (1939–1956)**

**Аннотация.** В статье рассматриваются наиболее важные изменения и дополнения в правовой системе Украинской ССР в условиях Второй мировой войны и после ее окончания, которые осуществлялись на основе юридической доктрины, которая сложилась в довоенное время и строилась на принципах тоталитарного режима.

**Ключевые слова:** государственная собственность, гражданское законодательство, семейное законодательство, трудовое законодательство.