

## STAGES OF CODIFICATION OF ALL-UNION CRIMINAL PROCEDURAL LEGISLATION IN THE SOVIET PERIOD\*\*

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### **Article info**

Received –

2024 March 27

Accepted –

2024 June 20

Available online –

2024 September 20

### **Keywords**

History of law, history of  
legislation, Soviet legislation,  
lawmaking, structure of  
legislation, sources of law,  
codification, Code of Criminal  
Procedure

The subject of the study is the criminal procedural legislation of the Soviet period. The purpose of the article is to highlight and characterize the stages of codification of all-Union criminal procedure legislation. The stages are highlighted taking into account changes within the two-level structure of sectoral legislation, which reflect the evolution of the Soviet state and law. All-Union codified acts were designated by the term Fundamentals.

The article proves that in the conditions of a federal state, the optimal structure for criminal procedural legislation included the all-Union Fundamentals and the Republican Code. Attempts to compile a Criminal Procedure Code of the USSR were unsuccessful. The main research methods are the comparative legal method and the formal legal method. They were used to analyze and compare regulations and proposed projects. The chronological method was used to highlight the stages of codification of the all-Union criminal procedural legislation. The institutional method made it possible to consider criminal proceedings as an independent branch related to public law. Based on published and archival sources, the reasons, conditions, stages and results of codification are explored. For the first time, projects of the USSR Code of Criminal Procedure were identified and analyzed.

Two stages of codification activity are identified, the border between them being the Constitution of the USSR of 1936. At the first stage, the Fundamentals of Criminal Proceedings of the USSR and Union Republics of 1924 were approved. The foundations were based on the provisions of the Code of Criminal Procedure of the RSFSR of 1922. At the second stage, significant efforts were spent on drawing up the Code of Criminal Procedure of the USSR. The activities of special commissions involved in the preparation of the USSR Code of Criminal Procedure in the 1930-50s are considered. The termination of the development of the USSR Code of Criminal Procedure had political reasons not related to the quality of the projects. Positive results of codification activities are shown. The drafting of the USSR Code of Criminal Procedure contributed to the development of the theory of codification and the doctrine of criminal procedure legislation. Project materials were used in the preparation of the Fundamentals of Criminal Procedure of the USSR and Union Republics of 1958 and the Code of Criminal Procedure of the RSFSR of 1960.

A conclusion is made about the high continuity of basic norms and institutions in the codified acts on criminal proceedings of the Soviet period. The study provides an example of the construction and development of the vertical structure of legislation in a federal state.

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\*\* The research was supported by RSF, project No. 24-28-01257 “The Codification of All-Union Legislation in the Soviet Period: Projects, Acts, Consequences”.

## 1. Introduction

In modern conditions, scientific interest in the Soviet period of the history of the state and law is growing. For most of this period, the form of government was a complex federation - the Union of Soviet Socialist Republics, which had a direct impact on the state of legislation. In the theory of law, when studying the system of legislation, a "structural aspect" is distinguished [1, p. 328], which allows differentiating normative legal acts within the vertical and horizontal structure of legislation. The vertical structure reflects the federal nature of the modern Russian and Soviet state; the horizontal one indicates the branches of law. One of the first acts of the union state - the Treaty on the Formation of the USSR laid the foundations for the vertical structure of legislation, establishing in Art. 1. the subjects of jurisdiction of the USSR, including in the legislative sphere. Criminal procedure legislation, being a branch of public law, immediately fell into the sphere of all-Union regulation, eventually acquiring, like a number of other branches, a two-level internal structure, providing for the presence of both all-Union and republican law.

The topic of the research, concerning one branch of law, is local in nature only at first glance; objectively, in scientific terms, it is connected with a number of topical problems of the theory and history of state and law. Firstly, it contributes to understanding the legal nature of the domestic federation in the dichotomy of "centralization-decentralization", given that many political processes in the modern Russian Federation have their origins in the Soviet past. Secondly, Soviet legislation of the all-Union level remains insufficiently studied in historical and legal science. In the Soviet period, it did not have time to receive due consideration, since many major acts, especially those issued in the late 1950s - 1980s, were in force, and therefore were included in the subject of industry sciences. With the acquisition of sovereign Russian statehood, the study of acts of the RSFSR, and not the USSR, became a priority. Thirdly, criminal procedure legislation was codified according to the pattern of other system-forming branches of Soviet law (criminal, civil and civil

procedural, etc.), which allows us to identify general principles and methods used in the process of drafting all-Union acts. Although the topic of the proposed article has a historical and legal focus, it is of interest to specialists in industry-specific legal sciences, since it reflects the evolution of sources of law, the dynamics of individual legal norms and institutions.

The purpose of the study is to establish and characterize the stages of codification of the all-Union criminal procedure legislation, taking into account changes within the two-level sectoral structure and in the context of the evolution of the Soviet state and law. The study will allow us to determine the influence of various factors on the choice of codification forms, the results obtained, which can be taken into account when planning codification work in modern conditions.

As a starting position, based on the periodization of the history of the state and law established in educational and scientific literature, and also taking into account the evolution of constitutional norms on the distribution of legislative powers between the levels of government in the Soviet state, it is presumed that two stages of codification of the all-Union criminal procedure legislation are distinguished. The first stage begins after the formation of the USSR in 1922 and characterizes the formation of the all-Union criminal procedure legislation. The transition to the second phase was connected with the adoption of the USSR Constitution of 1936, which expanded the legislative powers of the Union of the SSR.. In accordance with the constitutional requirement, the USSR Criminal Procedure Code is being prepared, which was discontinued in the early 1950s. The key event of the stage was the approval of the Fundamentals of Criminal Procedure of the USSR and the Union Republics in 1958. The work on the codification of all-Union legislation has signs of discreteness, since it was repeatedly interrupted, which was taken into account when identifying stages, but in general it is characterized by a high degree of continuity in organizational forms and the content of the acts being prepared.

A wide range of scholars have addressed the problem of codification of Soviet legislation. Within

the framework of the studied problems, the most significant are works concerning sources of law [2,3], theoretical foundations of codification [4,5,6], development of codification in the Soviet period [7,8], legal nature of all-Union codified acts [9,10,11], draft codes of the USSR [12,13], codification of Soviet criminal procedure legislation [14].

The source base of the study includes a wide range of published and archival documents. Constitutions, codified acts in force, as well as draft criminal procedural content of the Soviet period were used.

## **2. Codification of the All-Union Criminal Procedure Legislation in the 1920s**

The formation of Soviet criminal procedure legislation was a complex process, largely derived from the serious transformations of the judicial authorities during the revolution and civil war. The Criminal Procedure Code of the RSFSR, along with the Criminal Code of the RSFSR, were the first codes adopted after the transition to the new economic policy. Their synchronous entry into force on July 1, 1922 is symptomatic. The interrelated development of substantive and procedural law in the criminal law sphere became a distinctive feature of the legislative activity of the Soviet period.

The formation of the USSR, along with the revision of the judicial system in accordance with the Regulation on the Judicial System of the RSFSR of November 11, 1922, required an adjustment to the Code of Criminal Procedure. The subjects of jurisdiction of the USSR were enshrined in the first article of the Treaty on the Formation of the USSR of 1922, which indicated the special importance of these provisions. When designating the legislative powers of the USSR, various lexical constructions were used: "general principles" (on land management and land use); "general union legislation" (on migrants); basic laws (on labor), etc. Paragraph "o" of Article 1 spoke of the establishment of the foundations of the judicial system and legal proceedings.

The updated text of the Criminal Procedure Code of the RSFSR was approved by the Resolution of the All-Russian Central Executive Committee of

February 15, 1923. S. B. Rosinsky's assessment is fair, he writes that "the first Criminal Procedure Code of the RSFSR and the Criminal Procedure Code of the RSFSR of 1923 have long ceased to be presented as two independent codes: at present they are perceived as a single phenomenon, as two versions of the same legislative act" [14, pp. 234-235]. As an important change from the point of view of the study, we will point out that, unlike the 1922 edition, where all six sections of the code allocated in the structure were not named, in the 1923 edition, most of the sections received names (section three, "Proceedings in the People's Court," section four, "Proceedings in Provincial Courts and Tribunals," section five, "Proceedings in the Supreme Court." The recording of judicial instances in the structure of the criminal procedure law became a common method of legal technique in subsequent codifications.

The USSR developed "as a constitutional federation" [15, p.60], and it was in the constitutions that the limits of authority of the union government were established. The Constitution of the USSR of 1924 clarified and expanded the competence of the the supreme organs of the USSR; new clauses appeared in Art. 1, which had previously been part of the Treaty on the Formation of the USSR, which has now become an integral part of the Constitution, so the establishment of the foundations of the judicial system and legal proceedings was moved to paragraph "p". Thus, a new type of acts of all-Union origin was established at the constitutional level, for which the collective term "Fundamentals" began to be used. In legal theory, the special significance of these acts is noted, since they acted as "a form of codification of all-Union legislation" [16, p.248], "laid the foundation for most branches of law" [17, p.266].

To fulfill the constitutional requirement, the Presidium of the Central Executive Committee of the USSR formed the Constitutional Commission for the development of the Fundamentals of Legislation of the USSR and the Union Republics and approved its composition on February 15, 1924. Member of the Presidium of the Central Executive Committee of the USSR, People's Commissar of Justice of the RSFSR D.

I. Kursky was appointed head of the Commission<sup>1</sup>. Direct preparation of the draft Fundamentals for individual branches was assigned to specialized subcommittees [18, p. 170]. Well-known lawyers P. I. Stuchka and N. V. Krylenko were involved in drafting the Fundamentals of Criminal Procedure of the USSR and the Union Republics. This project, together with the Fundamentals of the Judicial System of the USSR and the Union Republics and the Basic Principles of Criminal Legislation of the USSR and the Union Republics, was submitted for consideration to the Second Session of the Central Executive Committee of the USSR of the 2nd convocation, which took place at the end of October 1924. The final revision of the projects was carried out at the session itself by a specially created conciliation commission, which included representatives of the union and autonomous republics<sup>2</sup>.

Subsequently, N.V. Krylenko wrote that, unlike the other two projects, the Fundamentals of Criminal Procedure did not cause “either particularly heated debates or particularly acute disagreements during their passage through individual legislative bodies; the disputes that arose regarding certain procedural norms revolved mainly around norms that limited or, conversely, expanded to one degree or another the competence of the Union or union republics” [19, p.3].

In its final version, the Fundamentals of Criminal Procedure of the USSR and the Union Republics were approved by the Resolution of the Presidium of the Central Executive Committee on October 31, 1924. They were widely published and included in the official chronological publication - the Collection of Laws and Orders of the Workers' and Peasants' Government of the USSR<sup>3</sup>. The Fundamentals were distinguished by their brevity (they included 32 articles), their text was not

structured. Most of the articles were borrowed from the Criminal Procedure Code of the RSFSR of 1922, which in its original version had 481 articles.

The brevity of the Fundamentals was partly explained by Article 1, which indicated the sources of the all-Union criminal procedural legislation: a) this act (called for some reason the Regulation on the Fundamentals of Criminal Procedure); b) special provisions on the Supreme Court of the USSR issued in accordance with the all-Union legislation and special provisions determining the specifics of proceedings in military judicial institutions issued in accordance with the all-Union legislation; c) criminal procedural laws of the Union republics.

Despite the brevity of the document, it reflected the fundamental provisions of the Soviet criminal procedure, determining the powers of the prosecutor, investigator, judge and inquiry bodies, the procedure for initiating cases, the stages of criminal proceedings, the procedure of the court hearing, the cassation and revision procedure for reviewing sentences. All these provisions were already present in the Criminal Procedure Code of the RSFSR, so its revision was not required. When developing codes in other union republics, it was necessary to rely on the content of the Fundamentals.

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To understand the logic of the next stage of codification of all-Union legislation, it is necessary to examine the processes that developed in the sphere of application of criminal procedural norms. The inevitable shortcomings that were discovered during the course of criminal trials began to be explained by the preservation of bourgeois principles of competition, immediacy, publicity and orality in

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<sup>1</sup> GA RF (State Archives of the Russian Federation). F.R-3316. Op.16. D.5. L.34,42.

<sup>2</sup> Second session of the USSR Central Executive Committee of the 2nd convocation. Bulletin. No. 11. M., 1924. P.599.

<sup>3</sup> Collection of laws and orders of the Workers' and Peasants' Government of the USSR. Section One. 1924. No. 24. Art. 206.

criminal proceedings, while the revolutionary era needed "a process that would guarantee the possibility of rapid and, if necessary, harsh repression by the proletarian government in relation to its class enemies."<sup>4</sup>

The People's Commissariat of Justice proposed a major reform of the criminal procedure legislation, as it was declared with the aim of achieving "its greater elasticity, flexibility and sensitivity to the requirements of experience" [19, p. 1457], but in fact - significantly simplifying criminal proceedings. However, at this stage it "was supported by almost no one" [21, p. 781]. The need to prepare a new law was not disputed; on the contrary, the draft Criminal Procedure Code of the RSFSR, put forward by the People's Commissariat of Justice in 1928<sup>5</sup>, continued to be edited, and in 1931 it was published with an appeal from the acting People's Commissar of Justice A. Ya. Vyshinsky<sup>6</sup>. The Stopping its further promotion is connected with the preparation of the USSR Constitution of 1936.

### **3. From the drafts of the Criminal Procedure Code of the USSR to the Fundamentals of Criminal Procedure of the USSR and the Union Republics of 1960**

The resumption of legislative activity in the late 1930s took place in significantly different political and legal realities. The Constitution of the USSR of 1936 further expanded the scope of the codification powers of the USSR: according to paragraph "x" of Article 14, laws on the judicial system and legal proceedings, as well as criminal and civil codes, were to be adopted in the form of all-Union acts. The Law on the Judicial System of the USSR, Union and Autonomous Republics was approved by the Supreme Soviet of the USSR on August 16, 1938. The drafting of all-Union codes turned out to be a more complex task.

Serious organizational measures were taken to implement it. Firstly, the status of the People's Commissariat of Justice was raised: according to the Constitution of the USSR of 1936, it became a Union-Republican People's Commissariat. Secondly, in 1936, on the basis of previously existing scientific institutions, the All-Union Institute of Legal Sciences (VIYUN), subordinate to the People's Commissariat of Justice of the USSR, was created, which became a scientific center for codification work. Researchers of the history of the Institute write that the commission for drafting the Criminal Procedure Code of the USSR worked under the general leadership of B. S. Osherovich [22, p. 130]. Thirdly, attention was increased to theoretical issues of codification. E. N. Trikoz notes that "in the 1930-1960s, the next stage in the evolution of the Soviet doctrine of codification and its legal and technical direction began in the form of developing the logistics of the code" [23, p. 913]. Therefore, it was planned to complete the drafting of the codes by the convocation of the First Scientific Session of the VIYUN in order to discuss doctrinal and practical issues among the legal community. On January 19, 1939, the draft of the USSR Criminal Procedure Code was signed for publication, and on January 27, the First Scientific Session of the VIYUN opened<sup>7</sup>. The Chairman of the Supreme Court of the USSR, Director of the Institute I. T. Golyakov, delivered a plenary report on "The Main Problems of the Science of Soviet Socialist Law", and then the work continued in sections. The first report heard at the criminal procedure section was that of B. Ya. Arsenyev, "The Main Principles of the Draft Criminal Procedure Code of the USSR"<sup>8</sup>.

The most notable innovations of the draft were caused by the adoption of the new Law on the Judiciary of 1938. These included provisions on changing the procedure for considering cases on complaints and protests, on limiting the number of supervisory instances. The issues of participation and

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<sup>4</sup> Theses on the reform of the Criminal Procedure Code. Weekly of Soviet Justice. 1927. No. 47. P. 1471.

<sup>5</sup> Draft of the Criminal Procedure Code of the RSFSR (adopted by the Collegium of the People's Commissariat of Justice on December 7, 1928) // Weekly of Soviet Justice. 1928. No. 46/47. P. 1180-1194.

<sup>6</sup> Draft of the Criminal Procedure Code of the RSFSR. Moscow: Soviet Publishing House, 1931. 40 p.

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<sup>7</sup> Draft of the Criminal Procedure Code of the USSR. Developed by the All-Union Institute of Legal Sciences of the People's Commissariat of Justice of the USSR. Moscow: Legal Publishing House of the People's Commissariat of Justice of the USSR, 1939.

<sup>8</sup> First scientific session of the All-Union Institute of Legal Sciences//Problems of Socialist Law. 1939. No. 2. P. 134.

role in the judicial process of the prosecutor and defense attorney were discussed. There were no significant disagreements regarding the powers of the prosecutor, the proposal to admit the defense at the stage of preliminary investigation was rejected, the defense entered the case only from the moment the charges were brought. Following the session, the draft Criminal Procedure Code of the USSR was revised taking into account the comments and proposals received and published in a new version<sup>9</sup>. Although the 1939 draft Criminal Procedure Code was initially prepared as an all-Union law, it demonstrated a high degree of continuity with the draft Criminal Procedure Code of the RSFSR of 1928 and 1931: the structure did not have large sections, there were only chapters; The number of chapters is practically the same (in both drafts of the Criminal Procedure Code of the RSFSR - 18, in the draft of the Criminal Procedure Code of the USSR - 17), their location and titles changed insignificantly.

A comparison of the two versions of the 1939 Code of Criminal Procedure also shows that they are identical in their main positions. The structure of the code has remained virtually unchanged; in the revised version, it looked like this: Chapter 1. Basic Provisions. Chapter II. Evidence. Chapter III. Initiation of a Criminal Case. Chapter IV. General Conditions of Investigation. Chapter V. Bringing in and Interrogating the Accused. Chapter VI. Preventive Measures. Chapter VII. Investigative Actions. Chapter VIII. Suspension and Termination of Investigation. Chapter IX. Jurisdiction. Chapter X. Composition of the Court and the Parties. Chapter XI. Bringing to Court and Preparatory Actions for the Court Hearing. Chapter XII. Court Hearing. Chapter XIII. Passing the Sentence. Chapter XIV. Review of Sentences and Rulings That Have Not Entered into Legal Force. Chapter XV. Execution of Sentences. XVI. Review of Sentences and Rulings That Have Entered into Legal Force. XVII. Reopening of cases based on newly discovered

circumstances<sup>10</sup>. The volume of the project has been increased by three articles.

During the Great Patriotic War, legislative work was suspended. The resumption of codification activities was provided for by the Resolution of the Council of Ministers of the USSR of June 12, 1946 "On the preparation of drafts of the Criminal and Criminal Procedure Codes of the USSR". A special Government Commission was created, headed by the Minister of Justice of the USSR N. M. Rychkov, which was instructed to submit both drafts to the Council of Ministers no later than April 15, 1947<sup>11</sup>. However, the Commission failed to complete the task by the scheduled date. Moreover, the draft Criminal Code, although late, was drawn up. After the change of leadership of the People's Commissariat of Justice of the USSR, the Commission ceased its work.

The decision to continue codification was confirmed in the Resolution of the Council of Ministers of the USSR of March 6, 1948, "On the draft Criminal and Criminal Procedure Codes of the USSR." The commission was headed by the newly appointed Minister of Justice K. P. Gorshenin. In this case, the commission completed the project. In August 1948, it was published as a separate book and sent out for discussion. In its fundamental provisions, the new project did not differ from the one that was settled on in the pre-war period. Changes are noticeable in the methods of systematizing regulatory material and in legal technique. The structure of the code was rebuilt: for the first time, sections were distinguished and named. There were few of them: I. General Provisions; II. Initiation of a Criminal Case, Inquiry and Preliminary Investigation; III. Proceedings in the Court of First Instance; IV. Proceedings in the Court of Second Instance; V. Execution of Sentences; VI. Review of Sentences and Rulings That Have Entered into Legal Force<sup>12</sup>.

The final draft of the Criminal Procedure Code of the USSR, together with the draft of the Criminal Code of the USSR, was submitted by the Government to the Commission of Legislative

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<sup>9</sup> Draft criminal procedure code of the USSR. Revised by the All-Union Institute of Legal Sciences of the People's Commissariat of Justice of the USSR. Moscow: Legal Publishing House of the People's Commissariat of Justice of the USSR, 1939.

<sup>10</sup> Ibid.

<sup>11</sup> GA RF. F.R-7523. Op.45a. D.14. L.94,98.

<sup>12</sup> Criminal Procedure Code of the Union of Soviet Socialist Republics. M., 1948. P.2.

Proposals of the Council of the Union and the Council of Nationalities under the Supreme Soviet of the USSR (KZP SS and SN). In the legislative mechanism of the USSR, passing the KZP SS and SN was a mandatory step before approval by the highest legislative body - the Supreme Soviet of the USSR (VS USSR). However, the death of Stalin, rivalry in the leadership of the state, the first actions to humanize the criminal-legal sphere, such as the publication of the Decree "On Amnesty" in 1953, required changes in the content of the draft Criminal Procedure Code of the USSR.

By a resolution of the Central Committee of the CPSU in December 1953, a new commission was formed, which was given the unofficial name of "Gorshenin Commission". It was tasked with completing the drafts of the Criminal Code and the Code of Criminal Procedure and submitting them for consideration to the Central Committee of the CPSU<sup>13</sup>. As a result, on June 21, 1955, the draft of the Code of Criminal Procedure of the USSR, together with an explanatory note and reference materials, as well as the draft of the Criminal Code of the USSR, was sent by the Chairman of the Presidium of the Supreme Soviet of the USSR K. Ye. Voroshilov to the Presidium of the Central Committee of the CPSU<sup>14</sup>. At this stage, the active involvement of the highest party body in the codification process is noticeable, which is possibly connected with the personal position and interest of N. S. Khrushchev, who took the post of First Secretary of the Central Committee of the CPSU.

However, at the level of the Central Committee of the CPSU, the promotion of projects of all-Union codes was stopped. Yu. L. Tikhomirov notes that in the organization of state power "a new period of decentralization began in 1956" [24, p. 90], the ideological paradigm about the hierarchy of sources of Soviet law, the distribution of legislative powers between the all-Union center and the union republics changed radically.

The sixth session of the Supreme Soviet of the USSR of the 4th convocation (5–12 February 1957) amended paragraph "x" of Article 14 of the Constitution of the USSR of 1936. The adoption of

civil, criminal and procedural codes was transferred to the jurisdiction of the union republics<sup>15</sup>. Earlier, in 1956, the Ministry of Justice of the USSR was abolished, and codification powers in the sphere of all-Union legislation were transferred to the Legal Commission under the Council of Ministers of the USSR (LC USSR). It was publicly stated that it was inappropriate to have codes of the USSR; on the contrary, the need to preserve and improve the two-tier structure of sectoral legislation was argued. The first drafts of all-Union acts, drawn up by the LC USSR, concerned criminal substantive and procedural law. For the Fundamentals of Criminal Procedure, the Fundamentals of 1924, the Criminal Procedure Code of the RSFSR of 1922, and drafts of all-Union codes were used as initial sources. In addition, the consolidation of key institutions "in the current criminal procedural legislation of foreign socialist and some capitalist countries" was studied in detail [25, p. 326].

On December 25, 1958, the Supreme Soviet of the USSR approved the Fundamentals of Criminal Procedure of the USSR and the Union Republics<sup>16</sup>. They included six sections: I. General Provisions; II. Participants in the Process, Their Rights and Obligations; III. Inquiry and Preliminary Investigation; IV. Proceedings in the Court of First Instance; V. Proceedings in Cassation and Supervisory Courts; VI. Execution of Sentences.

Obviously, a significant repetition of the structure first recorded in the draft of the Criminal Procedure Code of the USSR of 1948 and enshrining the instance nature of the Soviet court. The most significant difference is the inclusion of the second section, which emphasized the adversarial nature of the process, the protection of citizens' rights, and established a normative obstacle to the use of unjustified repression. The republican codes adopted taking into account the Fundamentals generally repeated the structure of the all-Union law, but did not contain a special section on participants in the process; their status was described in separate

<sup>15</sup> Meetings of the Supreme Soviet of the USSR of the 4th convocation, sixth session (February 5-12, 1957): verbatim report. M. Supreme Soviet of the USSR, 1957. P.735.

<sup>16</sup> Bulletin of the Supreme Soviet of the USSR. 1959. No. 1. Art. 15.

<sup>13</sup> GA RF. F.R-7523. Op.45a. D.14. L.96.

<sup>14</sup> GA RF. F.R-7523. Op.45a. D.14. L.97.

chapters and articles included in the first section.

In the modern Russian Federation, the Fundamentals, together with the Criminal Procedure Code of the RSFSR, retained legal force until July 1, 2002, that is, until the entry into force of the Criminal Procedure Code of the Russian Federation.

#### **4. Conclusion**

The stages of codification of criminal procedure legislation in the period under study reflected the evolution of the Soviet Federation. At the first stage, in accordance with constitutional requirements, a model of a two-level structure of sectoral legislation was developed and tested, including the All-Union Fundamentals and the republican code. The Fundamentals of Criminal Procedure of the USSR and Union Republics of 1924 received many principles and norms of the previously adopted Criminal Procedure Code of the RSFSR of 1922. The identified shortcomings of the criminal procedure legislation could be overcome by finalizing both acts. However, in the process of centralization of state power, the codification of criminal procedure legislation was transferred to the All-Union level.

At the second stage, all-Union codification acts as a way to strengthen socialist legality and ensure the unity of the legal space. The question of the prospects for the adoption of the USSR codes is of great scientific interest, but its consideration is beyond the scope of this article. It should be noted that the refusal of all-Union codification of criminal procedure legislation had political, rather than formal-legal reasons, conditioned by the internal state of this branch of legislation.

It is necessary to point out the productivity and usefulness of the results of the codification activities of the late 1930s and early 1950s, although the Criminal Procedure Code of the USSR, like other projects (the Criminal Code of the USSR, the Civil Code of the USSR, the Civil Procedure Code of the USSR) did not take shape as laws. Firstly, the general theory of codification and the doctrine of criminal procedure law were developed. Secondly, the accumulated material was widely used in drafting the Fundamentals of Criminal Procedure of the USSR and Union Republics of 1958 and the Criminal Procedure Code of the RSFSR of 1960.

Without a serious legislative reserve, it was simply impossible to prepare and approve such major acts in a short time.

The conducted research shows an example of the construction and development of the vertical structure of legislation, which is characteristic of a federal state. It fills a number of gaps in historical and legal science (on the projects of the Criminal Procedure Code of the USSR, on the degree of continuity in the structure and content of the main codified acts on criminal proceedings), allows us to more fully reconstruct the contradictory process of the evolution of Soviet law and legislation.



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