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## **THE CRIMINAL-LEGAL NATURE OF THE IDEOLOGY OF SOVIET TOTALITARISM IN THE USSR DURING THE 1920s-1930s**

*Summary. The purpose of the reseach is to determine the criminal nature of the*

ideology of Soviet totalitarianism. **The research methodology** is based on the principles of methodological pluralism. Thus, for this study the determining factor is the interdisciplinary approach which makes it possible to use those methods that reflect the integrated unity and synthesis of different methodological levels. Therefore, the significant place belongs to the methods of dialectics, analysis and synthesis. A special role is given to the historical-comparative method, which facilitated the comparison of the main trends and patterns of criminal legal policy in the USSR during the 1920s and 1930s. **Scientific novelty** lies in the fact that for the first time in historiography carried out a study that analyzed the criminal law ideology of Soviet totalitarianism in the USSR during the 1920-ies – 1930-ies. **Conclusions.** It is established that in conditions of increasing totalitarianism in the Soviet Union during the 1930-ies of the organs of the OGPU-NKVD was just playing the role of guns in an unprecedented in the history of the repressive-punitive actions aimed at the destruction or the transformation into a submissive slave labour of tens of millions of Soviet citizens. Possessing enormous powers, they made the massive abuses that often had signs of criminal activity. Without, in fact, any resistance from the outside, and just getting encouragement from the party leadership, employees of the OGPU-NKVD gradually lost not only the boundaries of propriety, but also the basic norms of humanity. Their actions often became a kind of sadism. In the end this totalitarian monster devouring itself periodically occurred the destruction of the workers of the OGPU-NKVD. The system of state power in the Soviet Union had a criminal nature. This is evidenced by many facts, including the fact that on the orders of Stalin in the Soviet Union were often shot random innocent people according to the plan and quotas, including children twelve years of age.

**Key words:** criminal-legal system, ideology, totalitarianism, Bolshevism, the dictatorship of the proletariat, politics.

**КРИМІНАЛЬНО-ПРАВОВИЙ ХАРАКТЕР ІДЕОЛОГІЇ  
РАДЯНСЬКОГО ТОТАЛІТАРИЗМУ В УРСР ПРОТЯГОМ 1920-х – 1930-х  
рр.**

**Анотація.** *Мета дослідження* полягає в з'ясуванні кримінально-правового характеру ідеології радянського тоталітаризму. *Методологія дослідження* ґрунтується на принципах методологічного плюралізму. При цьому, для цього дослідження визначальним є міждисциплінарний підхід, котрий дає можливість застосовувати саме ті методи, котрі відображають інтегровану єдність і синтез різноманітних методологічних рівнів. Відтак, визначальне місце належить методам діалектики, аналізу та синтезу. Особлива роль приділена історико-порівняльному методу, який сприяв співставленню основних тенденцій і закономірностей кримінально-правової політики в УРСР протягом 1920-1930 років. *Наукова новизна* полягає у тому, що фактично вперше в історіографії здійснено дослідження, в якому проаналізовано кримінально-правовий характер ідеології радянського тоталітаризму в УРСР протягом 1920-х – 1930-х років. *Висновки.* Встановлено, що в умовах наростання тоталітаризму в Радянському Союзі протягом 1930-х років органи ОДПУ-НКВС не просто відігравали роль знаряддя в проведенні безпрецедентної в історії репресивно-каральної акції, спрямованої на знищення чи перетворення в покірну рабську робочу силу десятків мільйонів радянських громадян. Володіючи величезними повноваженнями, вони допускали масові випадки зловживань, що часто мало ознаки злочинних дій. Не зустрічаючи, фактично, вже в цей період ніякого опору з боку тероризованого народу, а тільки отримуючи заохочення від партійного керівництва, співробітники ОДПУ-НКВС поступово втрачали не лише межі пристойності, але й елементарні норми людяності. Їхні дії нерідко набували характеру садизму та людиноненависництва. Врешті-решт цей тоталітарний монстр пожирав сам себе – періодично відбувалося винищення самих працівників ОДПУ-НКВС. Система державної влади в Радянському Союзі мала кримінальну природу. Про це свідчить багато фактів, зокрема той, що за вказівкою Сталіна в Радянському Союзі нерідко розстрілювали випадкових безневинних людей – згідно плану та квот, у тому числі дітей від дванадцяти років.

**Ключові слова:** кримінально-правова система, ідеологія, тоталітаризм,

більшовизм, диктатура пролетаріату, політика.

**Problem statement.** The criminal law policy in the period 1920 – 1930 in the Soviet Union was aimed at solving the tasks that the Stalin regime put forward. Millions of people were behind the wire of the Gulag camps, forming an army of free labor. With a single blow through the implementation of the criminal law policy, the dictatorial regime practiced political terror in the country and created favorable conditions for itself through the slave labor of millions of people. At first, the so-called «former» (representatives of the nobility, the bourgeoisie, officers, the old intelligentsia, etc.) were subjected to repression. And during the 1930s, the Bolsheviks loyal to the Communist Party, as well as Soviet aparatchiks, military men, engineers, and other specialists whom they openly used in various construction sites and production, were becoming increasingly repressed, in fact – slaves of the system.

**The analysis of sources and recent researches.** Among the main sources of research on the criminal law nature of the ideology of Soviet totalitarianism in the Ukrainian SSR during the 1920s – 1930s. First of all, it is worth mentioning the recollections of eyewitnesses: (Багрянний, 1996), (Бражнев, 2004). Also a valuable source is the evidence of L. Lukyanenko (Лук'яненко, 2003) and M. Popovich (Попович, 2001). Of particular value is the collective work edited by A. N. Mironenko and I. B. Usenko (Усенко, Мироненко, & Чехович, 2001).

**The publication's purpose.** is to determine the criminal nature of the ideology of Soviet totalitarianism.

**Statement of the basic material.** As early as 1928, Stalin's idea was put forward as a determining factor in the punitive policy of the Soviet state regarding the further aggravation of the class struggle in the process of socialist transformations, the struggle against the so-called «hostile element». Based on this ideological attitude, the OGPU-NKVD bodies suppressed the smallest sprouts of opposition (Мозохин, 2006, с. 12).

According to the cipher telegram of the chairman of the OGPU, G. G. Yagoda of July 11, 1931 and its supplement of August 21, 1931, the arrest of the communists

who worked at the OGPU on charges of official and other crimes was carried out by filing an appropriate memorandum and with the permission of the OGPU (Мозохин, 2006, с. 97). The head of the district branch of the NKVD could arrest the first secretary of the district party committee, that is, the top leader of the party to which the head of the district branch of the NKVD belonged. Possessing such a right, he was obliged to inform in a subsequent order the secretary of the regional committee of the CPSU (b), but only to inform, and not report to him in his actions (Бражнев, 2004, с. 87, 88). However, the most massive repressions against peasants and workers remained, which gave rise to the assertion of the dictatorship of the proletariat, but already without the proletariat. Thus, the authoritarian Stalinist regime turned into a totalitarian dictatorship, however ideologically masked by the outwardly democratic populism of the Constitution.

In a totalitarian system, engineered by Stalin, the spiritual life was guided by other principles than other forms of dictatorship, in particular during the Lenin regime. In the sphere of ideology doctrine and propaganda are separated. The totalitarian doctrine is designed «inside», but propaganda aimed «outside» (as an example – «Stalin Constitution» of 1936, more related to propaganda than to the doctrine). Consequently, the real system of power was based primarily on the system of relations of the Communist party, the political police of the state, including economic bodies, which had clearly regulated, generated rather a doctrine of the leadership of the party than propaganda. The Constitution of the USSR in 1937 was actually a copy of the Constitution of the USSR and contained the main rules and principles. They had declarative character and did not answer to the totalitarian realities of political life (Усенко, Мироненко, Чехович, 2001, с. 42). Talking a lot about socialist democracy, Stalin understood it as a despot could understand. For him, democracy as an expression of socialist democracy was acceptable and tolerant only to the extent that it strengthened his personal dictatorship. The consequence of the atrophy of democratic foundations was the creation of a coercive machine and a strong punitive apparatus. Dogmatism in the social sciences, ideology, and propaganda became widespread. But the main thing, in the opinion of

D. A. Volkogonov, the lack of democracy began to quickly lead to the first manifestations of a reassessment of the role of one person, the exaltation of her merits, the image of Stalin as a kind of mythical messiah (Волкогонов, 1989, с. 322, 323).

In the late 1920s and early 1930s, pressure was increasing in the Soviet Union on all those who disagreed with the party line. Among the instruments of influence in the first place was the Criminal Code and the GPU. The latter turned into a phenomenal organization, which outgrew its original framework and actually turned the party into its appendage (Левин, 2008, с. 84, 140). Serious deformations of the times of the Stalin personality cult primarily affected ideology. The Stalinist thesis about the aggravation of the class struggle, in fact, «theoretically» substantiated mass lawlessness and repression, the peak of which was 1937 (Замковий, 1989, с. 112). The Stalinist totalitarian system assumed in its ideology the parallel existence of propaganda and the communist doctrine formulated in the form of a grossly falsified «Brief History of the CPSU (B.)». So the independence of the republics turns into a pure legal fiction, becomes an element of propaganda without an actual legal content, and in the communist doctrine it no longer has a place (Попович, 2001, с. 623, 624). In connection with the introduction by Stalin of the Short Course of the CPSU (B.), The corresponding ideology began to take shape in the Soviet Union. To do this, we needed a special apparatus capable of promoting its position and upholding its orthodoxy. It was such a powerful centralized apparatus that was conceived. In particular, Stalin initiated the creation of party schools, the main educational text of which became the «Short Course of the CPSU (B.)». Schools were of different levels and formed a kind of pyramid, headed by the Higher Party School (Боффа, 1990, с. 535).

An unlimited totalitarian state creates a colossal suppression apparatus. However, repression alone is not able to ensure the stability of a totalitarian regime. For this, it is necessary that the whole people become subordinate not only to the dictatorship of the communist party, its central organ, but also to the doctrine of the communist dictator (Работяжев, & Соловьев, 2005, с. 39). In his indictment against

the Communist party of the crimes on the territory of Ukraine and against Ukrainians, in accordance with a number of international legal instruments, L. Lukyanenko in sufficient depth revealed the essence and the criminal nature of the ideology of the Communist party. In his opinion, it is the justification of aggressive imperialist policies of Russia, the Russification and the progressive destruction of the enslaved Nations (Лук'яненко, 2003, с. 6).

During 1932 – 1939, the Bolshevik totalitarian system destroyed almost the entire conscious Ukrainian intelligentsia: scientists, writers, priests, artists, teachers, politicians – thousands and tens of thousands of people, which represented the top of the people. Many among them were Communists, those who heroically fought in the revolution for its slogans about freedom and justice, about equality and fraternity, and were always loyal to those slogans. But Bolshevism destroyed them, first of all, to deprive the Ukrainian people of the spiritual elite (Багрянний, 1996, с. 25). Despite certain attempts, the Ukrainian intelligentsia still could not bring the consciousness and spirit of the people to the national level. But the punishment for «Ukrainian nationalism» was inevitable – in the form of the destruction of the intellectual elite and the massive Holodomor of 1932 – 1933. This undermined the ethnic basis for the formation of the Ukrainian nation – the village.

To carry out mass repressions during the 1930s, a powerful punitive machine was created in the USSR. Criminal prosecution alleged for minor or minor misconduct (Хлевнюк, 1992, с. 156, 157). S. V. Kulchitsky noted that mass repression was the main method of building a commune state. They continued even after this state was built. With the help of repressions, the political activity of the society uncontrollable by the government was reduced to almost zero, after which the Kremlin leaders put other management methods in the forefront – propaganda and education (Кульчицький, 2008, с. 19). One of the integral links of the totalitarian state mechanism was the law enforcement agencies and, above all, the OGPU-NKVD. The organ, which embodied the features of the political police, the instruments of the totalitarian apparatus and the closed caste organization, became a real symbol of the system, terrifying even the fugitives from the USSR who were

abroad.

The activities of the OGPU-NKVD for a long time remained a secret, closed to society. And only in the last 20 years the truth has gradually been revealed. Among other things, the extra-judicial powers of the OGPU-NKVD deserve some attention, as well as the facts of lawlessness, unlawful and criminal acts that took place in the work of these bodies. The study of this problem not only gives us an idea of the nature and features of the Stalinist repressive machine, but also contributes to the legal understanding of the ideology of Bolshevism as a criminal phenomenon.

The organizational and legal prerequisites for strengthening the activity of punitive bodies in Ukraine were deeply connected with erroneous, and sometimes even adventurous, ideological principles of the party-state leadership of the country. First of all, this concerns the theoretically groundless concept of the aggravation of the class struggle with the building of socialism, which Stalin and his entourage put forward in the late 1920s. At the same time, real and far-fetched shortcomings in the work of various enterprises and institutions in the field of industry, agriculture, transport, science, education, medicine, and culture were explained by wrecking activity of «enemies of the people». On the basis of this theory, a massive processing of the consciousness of society began, incitement to «class enemies» was incited (Олійник, 2000, с. 121).

To implement the Stalinist theory in life in the 1930s, a special political and legal system was created, which was characterized by excessive brutality of criminal sanctions and violated the principle of legal protection of citizens.

V. S. Nersesyan, noted that considering the law as a «bourgeois remnant», the ideologists of Bolshevism simultaneously tried to eliminate the legal ideology. The existence of law and legal ideology was considered only as a temporary phenomenon, inherent in the first place for the NEP (Нерсисянц, 2005, с. 234). This approach, among other things, led to the emergence of a state with a pronounced anti-legal nature. Legal ideology was actually replaced in it by a totalitarian one.

Totalitarian power built its entire regime on the suppression and distortion of its spiritual dignity (Петрова, 1998, с. 387). The Bolshevik regime of various means and



methods (first of all, terror, repression and humiliation) destroyed the spiritual dignity of Soviet citizens. And as a result, the state itself being destroyed from the inside, almost collapsed without any significant external factors.

In the 1930-ies of the criminal policy in the Soviet Union were aimed at increasing repression. The country's leadership had believed that through repression it will be easier to govern. The ideological basis for this was the thesis of the sharpening of the class struggle as it approaches the building of socialism, which was formulated by Stalin to the joint Plenum of the Central control Commission of the CPSU (b) in January 1933. Also, it is increasing liability for infringement of the established order management (Фісик, 2005, с. 86). Under such Under such circumstances, the moral and psychological situation in the bodies of the OGPU and the NKVD was extremely complex and tense. This is vividly evidenced by the memoirs of a former NKVD officer A. Brazhnev (Бражнев, 2004, с. 61–65, 86, 87).

During the 1930s, an increase in totalitarian tendencies was observed in the Ukrainian SSR, which, among other things, manifested itself in conducting targeted mass repressions against all categories of the population, including representatives of ethnic minorities. To create the appearance of the legitimacy of repression, the regulatory framework has been actively «reformed». All the innovations made the existing sanctions tougher. Amendments to the criminal and criminal procedure codes created the necessary prerequisites for the functioning of the punitive machine. At the same time, significant structural and functional changes occurred in the activities of law enforcement and judicial bodies. Extrajudicial institutions were created (special meeting, «triples», «deuces», etc.). At the same time, for law enforcement agencies, not only the interpretation of laws, but also their significant addition becomes commonplace [462, с. 68]. The terror of the NKVD gradually grew into a bacchanal of repression.

**Conclusions.** In general, it should be noted that in the context of the growth of totalitarianism in the Soviet Union during the 1930s, the bodies of the OGPU-NKVD did not just play the role of a tool in carrying out an unprecedented in history repressive and punitive action aimed at the destruction or transformation into tens of

millions of slave labor Soviet citizens. Possessing huge powers, they committed massive cases of abuse, which often had signs of criminal acts. Not actually meeting any resistance from the people already in this period, but only receiving encouragement from the party leadership, the OGPU-NKVD officers gradually lost not only the limits of decency, but also the basic norms of humanity. Their actions often took on the character of sadism. In the end, this totalitarian monster devoured itself – periodically, the OGPU-NKVD workers themselves were annihilated.

The system of state power in the Soviet Union was criminal in nature. This is evidenced by many facts, in particular the fact that at the direction of Stalin in the Soviet Union they often shot random innocent people – according to the plan and quotas, including children from twelve years old.

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