

ENCYCLOPEDIA OF SOVIET LAW

SECOND REVISED EDITION

edited by

F.J.M. FELDBRUGGE G.P. VAN DEN BERG WILLIAM B. SIMONS

1985 MARTINUS NIJHOFF PUBLISHERS
a member of the KLUWER ACADEMIC PUBLISHERS GROUP
DORDRECHT / BOSTON / LANCASTER





Distributors

for the United States and Canada: Kluwer Academic Publishers, 190 Old Derby Street, Hingham, MA 02043, USA

for the UK and Ireland: Kluwer Academic Publishers, MTP Press Limited, Falcon House, Queen Square, Lancaster LA1 1RN, UK

for all other countries: Kluwer Academic Publishers Group, Distribution Center, P.O. Box 322, 3300 AH Dordrecht, The Netherlands

Library of Congress Cataloging in Publication Data

```
Main entry under title:

Encyclopedia of Soviet law.

(Law in Eastern Europe; no. 28)
Bibliography: p.
I. Feldbrugge, F. J. M. (Ferdinand Joseph Maria),
1933- II. Berg, Gerard Pieter van den,
1937- III. Simons, William B. IV. Series.
LAW 349.47 s [349.47] 84-20772
344.7 s [344.7]
ISBN 90-247-3075-9
```

ISBN 90-247-3075-9 (this volume) ISBN 90-247-3004-X (series)

Copyright

© 1985 by Martinus Nijhoff Publishers, Dordrecht.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, mechanical, photocopying, recording, or otherwise, without the prior written permission of the publishers,

Martinus Nijhoff Publishers, P.O. Box 163, 3300 AD Dordrecht, The Netherlands.

PRINTED IN THE NETHERLANDS

parity of the ruble was fixed officially at the rate of 1 ruble = 0.987412 gram of pure gold. At the same time 10 old rubles were made equal to one new ruble. The official rates of exchange for foreign currency were fixed in accordance with the new gold parity. The ruble is legal tender on the territory of the USSR. The issuing of money is the exclusive right of the State Bank. The issuing of money by the State Bank is based on directives issued by the USSR Council of Ministers. It is the duty of the Board of the State Bank to carry out such directives. These directives are closely connected with credit and cash plans. (There are perspectival, yearly, and quarterly plans.) Payments bestate, cooperative, tween and social organizations, (enterprises and institutions) are nearly always settled through accounts. Payments between private individuals or bestate, cooperative, tween and social organizations and private individuals are nearly always in cash. Consequently, there are streams of cash or credit money moving through the offices of the State Bank. The total money circulation (credit and cash money) is planned through credit plans. The amount of cash required is planned in cash plans. Quarterly cash and credit plans are approved by the USSR Council of Ministers. Cash plans are based on cash requests filed by state enterprises and organizations with the offices of the State Bank. The requests indicate the amount of cash required for the plan period.

E.H. de Jong

MONUMENTS

was immediately evident after the Revolution when Lunacharskii organized the All-Russian Collegium for Museums and Ancient Monuments under the Commissariat for Education; subsequently the Council of People's Commissars decreed on 5 December 1918 that all historic and cultural monuments should be catalogued and protected, an action tantamount to confiscation. Cataloging was facilitated by the Moscow workshop of Igor Grabar', the painter and historian. During the

decade after the Revolution, thousands of monuments were given a protective status; many of these were actually restored.

This promising start was not always continued. In the process of replanning and reconstructing Soviet cities, the authorities destroyed many historic buildings and districts. Central Moscow, especially along Gorkii Street (the old Tverskaia), was greatly altered in the 1930s. In the late 1950s and early 1960s, large numbers of buildings on the protected list were removed and demolished to allow for new housing and thoroughfares, a kind of change evident in the Arbat section of Moscow, where post-1812 classical Moscow gave way to the new Kalinin Prospekt.

During the late Stalin period, monuments were protected under the Statute on the Protection of Monuments of Culture (decree of the USSR Council of Ministers of 14 October 1948). From these general principles, each republic issued its own Instruction, such as that of the RSFSR of 28 May 1949. After Khrushchev's ouster, monuments obtained a reprieve. The establishment in 1966 of the All-Russian Voluntary Society for the Protection of Ancient Historical and Cultural Monuments (Statute confirmed on 6 July 1966 by the RSFSR Council of Ministers) and similar societies in other republics was indicative of a shift in policy.

The 1948 principles were superseded by the USSR Law of 29 October 1976 "On the Protection and Use of Monuments of History and Culture", the preface of which states that "in the USSR monuments of history and culture are the property of the people. The Soviet state, following Leninist principles of relations toward the cultural heritage, creates all the conditions for the preservation and efficient use of the monuments in the interests of Comconstruction." munist categories The designated as monuments are those of history, architecture, urban construction and architecture, art, documents, and others. The second part of the law pertains to the state's recording of monuments in accord with a procedure to be determined by the USSR Council of Ministers.

Part III is concerned with "ensuring the Preservation of Monuments of History and Culture; the Procedure and Conditions for the Use of Monuments." The next section lists "Responsibility for Violations of Legislation on the Protection and Use of Monuments", and, finally, the law dwells on the relationship of the previous articles to international treaties and agreements on historic monuments.

Since enactment of the 1976 law, there has been additional legislation, the most recent of which has been an Instruction about the Manner of Registering and Protecting Historic and Cultural Monuments Found in the Custody or Use of the State, Cooperatives, Social Institutions, Enterprises, and Organizations (USSR Ministry of Culture, 19 November 1980).

Finally, the new Soviet Constitution of 1977 states in Art.68 that "concern for the preservation of historical monuments and other cultural values is the duty and obligation of USSR citizens."

A. Schmidt

MORALITY, see RULES OF SOCIALIST COMMUNITY LIFE

MOTOR VEHICLES

Motor vehicles may be privately owned by a USSR citizen; but as a citizen may own only articles of everyday use, or personal consumption and comfort, which may not be used to derive unearned income (cf. Art.13 USSR Constitution), a citizen may only own a passenger car or another motorized vehicle. New passenger cars are bought on the basis of orders placed in special car shops under the Rules on the Selling of Passenger Cars and Motorcycles with Sidecars, confirmed by Order of the USSR Ministry of Trade, 22 December 1977. Orders may be placed only after observation of the waiting period, made according to republican rules. The car has to be delivered within one year from the acceptance of the order and within 60 days after the payment of the price (under the 1954 rules, the price had to be paid on the day of the placement of the order). But

the seller is not bound to pay the buyer any damage if the car is not delivered in due time.

As a rule, passenger cars are only registered by the competent authorities on the basis of a document issued by a special automobile shop (or on the basis of a contract of gift (darenie) or upon a notarially verified succession). Therefore, the sale of a car is in practice possible only through special car shops and similar commission shops (second hand trade shops), (cf. Art.13 of the Rules for the Registration of Motor Vehicles of 30 January 1975). Rules for transactions by such commission shops were affirmed on 19 August 1982 by the USSR Ministry of Trade. An owner may sell his car through the shop to a known buyer or he may offer his car through the shop to the open market.

Art.454 of the RSFSR Civil Code mentions the automobile as one of the sources of increased danger. Damage caused by such sources has to be paid, unless it can be proved that the damage was caused by FORCE MAJEURE or through the fault of the victim. The automobile is mentioned only as an example in Art.454, and it is recognized that the entire wider category of motor vehicles must also be considered as a source of increased danger. Motor vehicles are defined in the Road Traffic Rules of 1980 (see TRAFFIC REGULATIONS) as "mechanical means of transport" and they include any means of transportation propelled by an engine, with the exception of bicycles or mopeds with engines smaller than 50 cc, and a maximum speed under 40 km/hr.

A central function in connection with motor vehicles and traffic control is occupied by the State Automobile Inspection (GAI), regulated by the Statute on the State Automobile Inspection, confirmed by decree of the USSR Council of Ministers of 10 August 1978. GAI is a branch of the Soviet POLICE and as such subordinate to the USSR Ministry of Internal Affairs. It consists of a chief department at federal level, departments in the republican ministries of internal affairs, GAI sections within the internal affairs departments at lower adminis-

Bernard A. Ramundo

The George Washington University National Law Center Washington, D.C.

Bernard Rudden

Professor of Comparative Law in the University of Oxford and Fellow of Brasenose College

Albert J. Schmidt

Arnold Bernhard Professor of History Professor of Law University of Bridgeport Bridgeport, Connecticut

Lothar Schultz

Professor at the University of Göttingen

Robert Sharlet

Professor of Political Science Department of Political Science Union College Schenectady, New York

William B. Simons

Legal Research Officer
Documentation Office for
East European Law
University of Leyden

Gordon B. Smith

Associate Professor of Government and International Science University of South Carolina Columbia, South Carolina

Peter H. Solomon, Jr.

Associate Professor of Political Science with cross-appointments to the Centre for Russian and East European Studies and the Centre of Criminology

University of Toronto

Daniel D. Stein

Attorney
International Trade Administration
US Department of Commerce
Washington, D.C.

Z. Szirmai †

Documentation Office for East European Law University of Leyden

A.E.-S. Tay

Challis Professor of Jurisprudence University of Sydney

Henn-Jüri Uibopuu

Abteilung für Ostrecht Institut für Völkerrecht und ausländisches öffentliches Recht Universität Salzburg

Th.J. Vondracek

Senior Legal Research Officer Documentation Office for East European Law University of Leyden

Michael S. Voslensky

Director, Institute of Contemporary Soviet Research

David Winter, O.B.E.

Baker & McKenzie, Solicitors London

LAW IN EASTERN EUROPE

A series of publications
issued by the
Documentation Office for East European Law
University of Leyden

General Editor

F.J.M. FELDBRUGGE

No. 28

1985 MARTINUS NIJHOFF PUBLISHERS
a member of the KLUWER ACADEMIC PUBLISHERS GROUP
DORDRECHT / BOSTON / LANCASTER

