

THE STATE AND LAW OF UKRAINE IN THE CONTEXT OF THE NEW ECONOMIC POLICY (1921–1929)

MAKSYM KUPETSKYI, student

YURI V. OLIYNYK, Associate Professor, PhD in Law, Scientific Adviser

ALLA I. RADU, Associate Professor, PhD in Philology, Language Adviser

Ivan Franko National University of Lviv

The New Economic Policy (NEP) was a crucial moment in Soviet history, impacting not only the economy but also the legal and governmental structures of Soviet Ukraine. Introduced in 1921, the NEP aimed at renewing the economy after the devastation of the Civil War. This policy brought significant changes to the state apparatus, legal framework, and judicial system of the Ukrainian Soviet Socialist Republic (USSR). The following analysis explores the historical and legal basis of the NEP, its influence on state governance and law, and its long-term consequences.

The introduction of the NEP in Ukraine was driven by severe economic hardships, mass starvation, and widespread dissatisfaction among the population. The failure of War Communism led to the realization that a more flexible economic policy was necessary. The Soviet government, including the Ukrainian leadership, sought to balance state control with limited private enterprise to stimulate economic recovery.

The NEP allowed for partial privatization, including small-scale industry and agricultural trade. The state held control over major industries, banking, and foreign trade. Legal frameworks were adapted to make private entrepreneurship easier, including the introduction of new taxation policies, leasing rights, and labor laws. These legal mechanisms provided a foundation for a mixed economy while maintaining state dominance over key sectors.

The NEP era saw a shift in governance, as the state adopted more pragmatic policies. Legislative changes aimed at regulating private enterprise while ensuring continued state control. The Ukrainian SSR government introduced new codes, including the Civil and Economic Codes, to regulate new economic changes. Administrative reforms also adjusted state functions to align with the NEP principles.

The 1924 Soviet Constitution formalized the federal structure of the USSR, including the Ukrainian SSR. Although Ukraine had a degree of autonomy, key decisions were still dictated by Moscow. The legal framework of the Ukrainian state evolved to integrate the NEP policies while maintaining socialist principles.

Economic legislation under the NEP introduced elements of a market economy. Land reform allowed villagers to lease and trade land. Private businesses and cooperatives were legalized under state supervision, reflecting a temporary deviation from strict socialist economic planning.

The NEP influenced judicial practices by reintroducing legal protection for property owners and entrepreneurs. Courts played a crucial role in resolving economic disputes, reflecting a more pragmatic approach to governance. However,

the state maintained control over legal institutions to prevent excessive private influence.

The NEP led to a temporary economic recovery and legal modernization. The introduction of market-oriented laws contributed to increased production and trade. However, ideological tension between socialist principles and economic liberalization created an unstable legal environment.

Scholars continue to debate the effectiveness of the NEP's legal reforms. Some argue that the NEP provided a necessary economic boost, while others highlight its contradictions with socialist ideals. The temporary nature of these reforms raises questions about their long-term viability.

By the late 1920s, Soviet leadership, under Joseph Stalin, viewed the NEP as a threat to socialist economic planning. The policy was removed in favor of centralized control, leading to the collectivization of agriculture and the suppression of private enterprise. This change had deep legal consequences, as private property rights were cancelled, and state repressions strengthened.

The NEP was a hard, transformative period in the Ukrainian legal history. While it introduced elements of economic liberalization, it remained strictly supervised by socialist ideology. The eventual fall of the NEP marked a return to centralized governance, forming the trajectory of the Ukrainian law and state policy for decades to come.

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THE CONCEPT AND STRUCTURE OF CRIMINAL LAW NORMS

OLEKSANDRA KURSOVA, student

ALLA I. RADU, Associate Professor, PhD in Philology, Language Adviser
Ivan Franko National University of Lviv

Criminal law is a specific type of legal norm that regulates social relations related to the commission of crimes and responsibility for them. It performs the function of protecting society from criminal encroachments, determining which actions are criminal, as well as establishing punishment for their commission. Criminal law norms form the basis for the study of criminal law, that is why it is necessary to study this relevant phenomenon in detail.

In the field of criminal law, there is no unanimity in determining the content and essence of the definition of the notion “a criminal law norm”, which is directly related to the diversity of approaches to defining the primary concept of “a norm of law”.