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Research Article

The Supreme Court of the RSFSR as a legal form of the supreme judicial authority: to the 100th anniversary of the Supreme Court of the Russian Federation

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Abstract. The 100th anniversary of the highest court instance of Russia determines the relevance of studying the Supreme Court of the RSFSR as a historical and legal phenomenon, formed as the highest judiciary authority on fundamentally different organizational approaches than before. The article studies certain specifics of the highest instance of Russia's judiciary, including legal forms of its organization, activities of the Supreme Court of the RSFSR, structural intra-system relationships, and its place and role in the development of Russia's statehood. The research offers analysis of theoretical concepts and judicial legislation during the preceding period between the two judicial reforms (of 1864 and of 1922). It aims at revealing certain features of the legal model of the Supreme Court of the RSFSR in 1922 as the first created national form of an organizationally autonomous court of the highest judicial instance in terms of its place and role in the system of Soviet justice. The research methodology is based on comparative-legal and historical-legal approaches. The author refers not only to legal acts, but also to publications of the party and Soviet leaders of the first years of the Soviet power, devoted to the issues of formation of a unified judicial system and its supreme body. The prerequisites for the formation of the Supreme Court of the RSFSR associated with requests for stability and clarity of the rule of law, uniformity of judicial practice in the conditions of the New Economic Policy have been highlighted. The article draws conclusions concerning the legal status of the Supreme Court of the RSFSR, highlights its features as the highest level in a unified judicial system, and determines the legal nature, the place and the role of the Supreme Court of the RSFSR in the system of judiciary, where it was endowed with organizational and managerial powers in respect of people's investigators, collegium of defense counsellors, bailiffs and public notary offices.

Key words: Supreme Court of the RSFSR, judicial system, judicial reform, highest judicial authority, court of cassation, judicial system, uniformity of judicial practice, judicial administration

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Научная статья

Верховный Суд РСФСР как правовая форма верховной судебной власти: к 100-летию Верховного Суда Российской Федерации

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Аннотация. 100-летний юбилей высшего судебного органа России обусловил актуальность изучения Верховного Суда РСФСР как историко-правового феномена, сформированного в качестве высшего звена на принципиально иных, нежели ранее, организационных подходах. Исследуется специфика высшего звена российской судебной системы, включая правовые формы организации и деятельности Верховного Суда РСФСР, структурные внутрисистемные взаимосвязи, место и роль в развитии российской государственности. Проводится анализ теоретических концепций и судоустройственного законодательства на протяжении между двумя судебными реформами (1864 и 1922 гг.). Цель исследования: раскрытие особенностей правовой модели Верховного Суда РСФСР 1922 г. как впервые созданной национальной формы организационно автономного суда высшей судебной инстанции в контексте его места и роли в системе советской юстиции. Методология исследования основана на сравнительно-правовом и историко-правовом подходах. При написании статьи использовались не только правовые акты, но и публикации партийных и советских деятелей первых лет советской власти, посвященные проблемам формирования единой судебной системы и ее высшего органа. Выделяются предпосылки образования Верховного Суда РСФСР, связанные с запросами на стабильность и ясность правопорядка, единство судебной практики в условиях НЭПа. Сделаны выводы, касающиеся правового положения Верховного Суда РСФСР, выделяются его признаки как высшего звена в единой судебной системе, определяется правовая природа, место и роль в системе органов юстиции, где Верховный Суд был наделен организационно-управленческими полномочиями в отношении народных следователей, коллегий защитников, судебных исполнителей и государственных нотариальных контор.

Ключевые слова: Верховный Суд РСФСР, судебная система, судебная реформа, суд высшего звена, кассационный суд, судоустройство, единство судебной практики, судебное управление

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Introduction

January 1, 2023 marks the 100th anniversary of the Supreme Court of the Russian Federation as the highest judicial body of the country. This event is significant not only for the judicial community, but also for representatives of state authorities, human rights structures, and anyone involved or related to human rights and law enforcement activities. It is for this reason that the centennial jubilee of the highest judicial authority will be celebrated on the state level in accordance with the Resolution of the President of the Russian Federation[1].

Jubilees of such significance traditionally attract attention to the accumulated experience of legal regulation, give renewed impetus to review genesis and development stages of the analyzed legal body and its national specifics to use discovered patterns in contemporary state construction.

The interest in the Supreme Court of the RSFSR is justified by its significance as a historical and legal phenomenon, the phenomenon that was formed around the notion that the Supreme Court is the highest judicial authority organized on fundamentally different organizational principles than before.

For scholarly research on the subject of court system organization, it is important to comprehend the directions of legal thought at the historical stage preceding the judicial reform of 1922, since the theoretical ideas of this period, the emerging judicial practice, as well as the circumstances of transition of the proletarian state to the New Economic Policy determined the choice by the state power, for the first time in Russian history, in favor of the form of the supreme judicial body as organizationally autonomous and separated from other state authorities. The historical and legal study of the search for optimal forms of arrangement of the highest judicial authority in the Soviet Russia of 1922 is useful for enriching the arsenal of academic methods and tools for further development of the national judicial organization.

The celebration of the 100th jubilee of the Supreme Court of the Russian Federation later this year and in 2023 will take place against the backdrop of global challenges, that are reshaping the existing world order, posing threats to security and sovereignty of Russia, and undermining the value dimension of the Russian state power

[1] Decree of the President of the Russian Federation No. 30-rp dated February 16, 2022 On holding the jubilee Xth All-Russian Congress of Judges dedicated to the 100th anniversary of the Supreme Court of the Russian Federation. Collection of Legislation of the Russian Federation. 2022. No. 8. Art. 1145.

in general and its judicial branch in particular. These circumstances predetermine the research of the domestic model of the supreme judicial power in the context of general tasks of organizing a strong and unified state authority in the country.

In historical and legal science, the general issues of organization and evolution of the judicial system in Russia have been researched in sufficient detail, including in the time period from 1917 to 1923. Periodization of the national judicial system development, chronological characteristics of courts evolution in the first five years of the Soviet state existence are reflected in the works of Russian researchers (Kozhevnikov, 1948:376; Golunsky & Karev, 1939:209; Smikalin, 2010:231; Bobotov (eds.), 1990:165). The theoretical and legal foundations of the judicial reform of 1922 were researched and presented in several dissertations (Bondarenko, 2010:156; Lezov, 1998:165; Pavlov, 2004:174).

At the same time, the scope of academic research with the analysis of the phenomenon of Russia's highest judicial instance does not seem sufficient. Some legal historians focused their attention on evolutionary establishment of the forms of the supreme justice system in Russia; they analyzed the historically tested models in the early years of Soviet power (Ilyina, 2017:63—75), while other scholars formulated conclusions about mechanisms for ensuring uniform judicial practice, including in the form of supreme judicial control (Zakharov, 2016:47—114). However, the research into the legal phenomenon of the Supreme Court of the RSFSR of 1922 as the highest judicial body remains incomplete as a broader space-time continuum should be used to formulate academically meaningful conclusions on this subject.

The chronological boundaries of the study cannot be limited to the time period of the first years of the Soviet power — 1917—1922, when the social prerequisites for the Supreme Court formation were created — and should include the previous, landmark for Russia, period of the Judicial reform of 1864, when the model of the highest judicial authority in the form of the Senate was established and tested. A broader context of the study is also required to identify the place, the role and the significance of the Supreme Court of the RSFSR not only in the unified judicial system, but also in the wider understanding of judicial organization in the system of Soviet justice.

Expansion of the spatial-temporal framework of the study is explained by continuity (Abdulin, 2014:50) of the theoretical search in the field of judicial systems by the state power representatives, which has manifested itself in including many forms and constructions that operated in tsarist Russia into the organization of the supreme judicial power of the Soviet state.

Thus, the established directions of historical and legal research on the general issues of the development of the judicial system and periodization of this system's evolution in Russia predetermine the need to investigate the specifics of the highest level of the judicial system, including such issues as legal forms of its organization and activity, structural intra-system relationships, place and role in the development of Russia's statehood in regards to the evolution of national judicial theory and legislation during the period between the two judicial reforms (of 1864 and 1922).

The purpose of this study is to reveal the peculiarities of the legal model of the Supreme Court of the RSFSR in 1922 as the first created national form of an organizationally autonomous court of the highest judicial instance in the context of its place and role in the Soviet justice system.

Historical prerequisites for the formation of the RSFSR Supreme Court

The modern organizational form of the Supreme Court of Russia is the product of historical development. Any organizational model of the supreme judicial power in a country is predetermined by socio-political factors and derived from the organization and tasks of the state power. The establishment of the Supreme Court of the RSFSR in 1922 was conducted within the framework of formation of a new type of state and law — socialist, where the court of the highest judicial instance was considered as part of the whole and indivisible Soviet mechanism of governance in the broad sense of the word. The phenomenon of the highest judicial body of the country was derived from the tasks of constructing the vertical of the state power of the proletarian state at that time.

The tradition of a strong centralized state (Hryshkovets, 2015:56) is not only a characteristic feature for Russia but it is also a condition for its existence and development. From this point of view, the Supreme Court of the RSFSR appears to be an important structural element of a strong centralized state, designed for the significant impact on the entire mechanism of state-power influence and establishment of an economic structure through implementation of procedural and organizational powers to reach uniformity of judicial practice.

The socio-political and economic prerequisites of the judicial reform of 1922 were the circumstances of Russia's transition from civil war and war communism to peace time, freedom of property and labor, and a new way of economic development requiring a strict legal order, that was replacing the intuitive class-based revolutionary justice and legal consciousness (Lezov, 1998:165). The need for a single legislation to be applied across the country played the role of regulator that brought the judicial reform to life. The New Economic Policy (shortly, NEP), as A. Goikhbarg wrote, required "unified, centralized legislation" (Goykhbarg, 1922:1).

The establishment of the Soviet judicial apparatus in the first five years after the revolution and gaining experience in judicial performance, as well as experience in combating crime and solving other legal issues should be considered as important conditions contributing to implementing judicial reform.

The judicial reform of 1922 was a natural development of the revolutionary processes in modelling a new proletarian state and in the field of justice. It entered the Russian history of state and law as the first systemic reform of the Soviet state, where not only a unified judicial system, but also the main institutions of civil and criminal justice, investigation and prosecutorial supervision, as well as human rights elements important for the judicial protection mechanism, such as advocate protection and notary practice, were outlined.

The reform of the judicial system was the final stage in systematizing legislation aimed at creating a new system of law in the Soviet state.

The beginning of the new legal order was laid by the Criminal Code of the RSFSR, which came into force on June 1, 1922; it abolished all the disparate norms that regulated the grounds and measures of criminal penalties relevant before its introduction[2]. The unified Criminal Code put an end to judicial discretion and conflicting local jurisprudence that was common in the absence of a systematized criminal law. The Criminal Procedure Code, which came into effect on July 1, 1922[3], streamlined not only judicial practice, but also pretrial investigation, established a unified criminal procedure regardless of the type of courts. Against this background, the reform of the organizational forms of Soviet courts should have been a natural result of the cardinal renewal of judicial practice contributing to uniformity.

In accordance with the Resolution on Judicial Organization of the RSFSR of 1922[4] (hereinafter — the Resolution), a unified system of people's courts was created, including: a) court of lower instance — the people's court, represented by two organizational forms: without people's representation as a professional sole judge (permanent people's judge) and with people's representation as a collegial panel of judges (permanent people's judge and two people's assessors), b) court of medium-level instance — the provincial court, c) court of the highest instance — the Supreme Court of the RSFSR. The Supreme Court of the RSFSR started to function on 01 January 1923, from the moment when the Resolution entered into legal force.

For the first time, the supreme judicial authority that was based on uniformity was established in Russia; it was judicial by its nature, organizationally autonomous and off the system of legislative authorities and government. The organizational form of the Supreme Court of the RSFSR reflected a fundamentally different model of the supreme court of cassation than the previous legal models.

The legal status of the Supreme Court of the RSFSR was determined by the following features: a) its role as the highest instance court in the judicial system, formed as a single, centralized, hierarchically defined set of judicial bodies, b) its legal nature as a judicial institution, c) its intended purpose to ensure the uniformity of judicial practice, d) its place in the system of judicial bodies, where the Supreme Court was endowed with organizational and managerial powers.

The Supreme Court of the RSFSR as the highest court instance of the unified judicial system

The conceptual aspects of the new judicial system were widely discussed at the congresses of Soviet justice workers, as well as in the media (ex., in the Soviet Justice

[2] Resolution of VTsIK of 01 June 1922 On the introduction of the Criminal Code of the RSFSR (along with the Criminal Code of the RSFSR). Collection of Laws of the RSFSR. 1922. No. 15.
[3] Resolution of VTsIK of 25 May 1922 On the Criminal Procedure Code (along with the Criminal Procedure Code of the RSFSR). Collection of Laws of the RSFSR. 1922. No. 20—21.
[4] Resolution of VTsIK of 11 November 1922 On the Introduction of the Regulation on the Judicial Organization of the RSFSR. Collection of Laws of the RSFSR. 1922. No. 69.

Weekly, which was the printing organ of the People's Commissariat of Justice of the RSFSR (Filonova, 2020:49—54). Within the framework of the discussion, based on the theoretical concepts and courts' experience that had been shaped by that time, various options for creating a unified judicial system and its highest level were argued and debated.

All the intellectual forces available in the country were involved in the discussion of the construction of a new judicial apparatus. The draft of the Regulations on the Judiciary as a systematized normative legal act, initially called the Code of the Judiciary, was developed collectively; it considered both theoretical and purely practical approaches.

With a general understanding of the need for judicial reforms, there were various proposals regarding the future judicial system.

Defining the immediate tasks of the People's Commissariat of Justice within the framework of the New Economic Policy, D.I. Kursky (People's Commissar of Justice), found essential to introduce only partial changes in the organization of the Soviet court. He suggested preserving the existing systems of revolutionary tribunals and people's courts while adopting the new Criminal Code and the Criminal Procedure Code to revise their jurisdiction. D.I. Kursky, like any other party and Soviet figures and/or representatives of science, advocated the class essence of the proletarian court as a form of workers' involvement in public administration (Kursky, 1922:3), therefore, he did not see any significant differences between the tribunal system and the system of local courts.

A more consolidated position of different nature was expressed by N.V. Krylenko. As followed from his explanatory note to the IVth session of the All-Russian Executive Committee (VTsIK), "the reform of the judiciary should put an end to diversity of judicial institutions developed during the revolution and bring them all into a single system unified by one thought" (Krylenko, 1922:1). This understanding of the essence of the reform laid the basis of the Regulations on the Judiciary

The purpose of the reform of the judicial system was to do away with decentralization and diversity of judicial institutions that had formed during the years of the revolution and civil war. The most important characteristic of the RSFSR Supreme Court is its status at the top of judicial hierarchy in a single centralized system.

By 1921, a set of bodies that varied in nature, subordination, competence, and jurisdiction to hear and resolve criminal and civil cases has been formed. The right to administer justice was vested in judicial and quasi-judicial bodies of general or extraordinary and special jurisdiction. The VTsIK and the People's Commissariat of Justice possessed important leadership powers in the field of judicial administration. At the same time, there was no single supreme judicial instance in Russia that allowed unity of the emerging judicial practice.

In fact, the Decree On the Court No. 1 of 1917 laid the basis for decentralization of the judicial organization, but retained differentiation of judicial institutions into courts of universal, or general and special jurisdiction. Under the Decree, local courts and revolutionary tribunals were formed; they were elected by the soviets of workers', soldiers' and peasants' deputies. Revolutionary tribunals were created "to fight against

counter-revolutionary forces, as well as to solve cases of combating looting and predation, sabotage and other abuses"[5]. Despite their limited jurisdiction, revolutionary tribunals heard cases without jurisdiction, and such practice was widespread (Titkov, 2017:72). Enforcement of repressive measures, rejection of procedural guarantees and extrajudicial execution distinguished the revolutionary tribunals from people's courts. The Soviet tribunal system was formed under the influence of the civil war, processes of establishing revolutionary order and ferocious class struggle. By 1921, a "well-functioning, balanced and centralized system" of tribunals had been set up (Titkov, 2017:80) as the system of judicial institutions of special jurisdiction, including provincial, military, and military railway tribunals.

As a result of revolutionary tribunals unification, the VTsIK Decree of 23 June 1921[6] established the Supreme Tribunal (under VTsIK) that became a single cassation and supervisory body for all tribunals operating on the territory of the RSFSR; it gained the first instance authority for cases of special importance (Lebedev (eds.), 2003:352). The Supreme Tribunal consisted of the cassation, judicial, military and military transport collegia. For the purpose of uniformity of judicial practice, the Supreme Tribunal published circulars that contained explanations of legislation mandatory for all tribunals. For example, due to the incorrect application by the Tribunals of Article 180 of the Criminal Code (1921), the Supreme Tribunal clarified which categories of employees can be classified as "responsible officials"[7].

In parallel with revolutionary tribunals, there was a system of local courts, which operated by 1921 on the basis of the Regulations on the People's Court[8]; they determined jurisdiction of cases to a single judge, and a collegial composition of six- or two-people's assessors. The Council of People's Judges acted as the cassation instance in terms of the decisions and sentences given by people's courts and carried out the function of judicial administration exerting control over them.

In addition to those judicial institutions, there was a people's judge chamber under the Cheka, a people's court on duty, special sessions of people's court, chaired by a member of the Presidium of the Council of People's Judges or the county bureau of justice with people's assessors' participation to consider the most important cases under the jurisdiction of people's courts (Smikalin, 2010:144).

The right of the supreme control over sentences and decisions of people's courts and councils of people's judges belonged to the People's Commissariat of Justice, where Supreme Judicial Control operated as a court of cassation instance. With the disparity and diversity of judicial institutions, the need for uniform judicial enforcement required institutional solutions, creation of appropriate hierarchical and managerial structures (Zakharov, 2016:47—114), including the highest court. The idea

[5] The Decree On the Court No. 1 of 1917, Council of People's Commissars of the RSFSR of 24 November 1917.

[6] Decree of All-Russian Central Executive Committee (VTsIK) of 23 June 1921 On the Unification of all the Revolutionary Tribunals of the Republic. Collection of Laws of the RSFSR. 1921. No. 51.

[7] Circulars of the Supreme Tribunal. Circular No. 135 of 25 August 1922. The Weekly of Soviet Justice. 1922. No. 36.

[8] Decree of VTsIK of 21 October 1920 on Regulations on the People's Court of the RSFSR. Collection of Laws of the RSFSR. 1920. No. 83.

of a single court, or rather a single judicial system, was defended by state officials as one of the general democratic requirements in their program (Mulukaev & Malygin, 2003:163).

According to the draft on the judiciary introduced by the People's Commissariat of Justice at the October session of VTsIK, the division into two judicial systems that existed by 1921 — the tribunal and the people's court — was abolished. Instead, a unified system of people's courts was created to ensure the unity of judicial practice in the state together with unified legal understanding and enforcement of the array of substantive and procedural norms adopted in 1922. The Supreme Tribunal under VTsIK and the revolutionary tribunals were liquidated.

The Regulations on the Judiciary of the RSFSR adopted at the IVth session of VTsIK on 31 October 1922 reflected the position of the People's Commissariat of Justice that the reform did not consist in acquiring people's courts by tribunals, but conversely, in abolishing or reducing the extraordinary and exceptional courts.

Thus, the reform of the judiciary of 1922 led to cardinal institutional reformation. Establishing the Supreme Court of the RSFSR as a court of highest instance is one of them. The Russian judicial system was organized as a single centralized hierarchy of judicial institutions, where the Supreme Court of the RSFSR became its highest authority to perform all the functions of the court of such instance. The polysystem nature of the judicial organization was eliminated in favor of mono-centricity and structural unity of judicial bodies, a single judicial center and, therefore, for the benefit of judicial practice.

However, in the early years of the Soviet state, the formation of a fully unified judicial system was not completed. In addition to the unified system of people's courts with vast jurisdiction, special courts operated on a temporary basis and their jurisdiction was limited to certain categories of cases, requiring special knowledge and skills for consideration and resolution. Such special courts included military and military transport tribunals, special labor sessions of people's courts, land commissions and arbitration commissions (Article 2 of the Regulations). Moreover, the latter were attached to the Council of Labor and Defense and its local bodies.

Despite the existence of special courts that operated for reasons of "special danger of certain categories of crimes for the military power of the republic" or for the republic's economic development, the Supreme Court of the RSFSR was vested with the right to exercise judicial control over all judicial bodies of the RSFSR (without exception) as well as authority to revise by supervision all cases resolved by any court of the republic (Article 5 of the Resolutions).

The Supreme Court, along with the People's Commissariat of Justice, had a number of organizational and managerial powers in relation to military and military transport tribunals despite the fact that they were not part of a unified judicial system. Military and military transport collegia were formed as part of the Supreme Court that, in fact, had the right to dismiss and displace the collegia's chairmen and members of military and transport tribunals.

The most serious issue of the judiciary reform and organization of a unified judicial system was the issue of military justice. Thoughts were expressed about

reducing the number of military tribunals, as well as delimiting jurisdiction between people's courts and tribunals. In terms of developing legislation on military judicial institutions, the Resolutions on the Judiciary System provided for a model of their organization not only in peacetime but also in wartime. The number of additional military tribunals critical in wartime or in combat areas was determined by the Presidium of the Supreme Court of the RSFSR.

The experience of legal regulation of the organization of military justice in wartime is relevant for the present period due to the Russian special military operation. The specifics of organization of military justice in these conditions have yet to be legislated.

The place of the Supreme Court as the highest authority of the judicial system predetermined the scope of its organizational and managerial powers in relation to lower courts. Such powers included assigning special audits and inspections and hearing reports on their conduct, initiation of disciplinary proceedings and imposition of disciplinary penalties. The disciplinary power of the Supreme Court extended to judges of the Supreme Court, chairmen of provincial courts and their deputies.

To implement all the powers of the Supreme Court as the highest authority of the judicial system, according to Article 55 of the Regulations, a presidium, a plenary session, cassation collegia in criminal and civil cases, judicial collegia in criminal and civil cases, military and military transport collegia, and a disciplinary collegium were formed.

The legal nature of the Supreme Court of the RSFSR is determined by its status as the highest judicial body

The evolution of the highest cassation authority of Russia in the time space from the Judicial Reform of 1864 to the judicial reform of 1922 shows a change in the nature of the supreme court from the Senate with its Cassation departments as an administrative and judicial body to the Supreme Court of the RSFSR that was established as a judicial institution in a special manner.

In tsarist Russia, in conditions of non-recognition of the principle of separation of powers, the role of the supreme or central court of cassation was assigned to the Governing Senate. The Senate was of a mixed nature and had universal jurisdiction (Sokolov, 2019:3). The endowment of the Governing Senate with the competence of the Supreme Court corresponded to the original plans of Peter I regarding its role and place in the system of state bodies. "...By establishing the Governing Senate by Decree on 22 February 1711, Peter the Great wished to create not a new judicial instance, but a supreme seat of government: this is evident from naming the Senate "Governing"[9]. In fact, the Senate exercised judicial authority considering it as a method of court administering.

[9] Judicial Statutes of 20 November 1864, with basic statements of reasoning. Third part. Establishment of judicial institutions. Introduction. Art. 1, 15. Available at: https://civil.consultant.ru/reprint/books/121/75.html

S. K. Gogel noted that "judicial power is an integral part of the Senate at all times of its existence. Until 1864, the Senate was the highest court-like instance in the Empire; moreover, it was specifically the court-like instance but not the court of cassation that governed the courts activities of resolving cases on their merits only through its own decisions" (Gogel, 1911:95).

Thus, since its creation, the Senate had not been a special judicial authority. After the Judicial Reform of 1864, the legal nature of the Senate was preserved.

The legal model of the Russian court that is the supreme court of cassation created as part of the Judiciary Act of 1922 could have also been a repetition of the past national judicial experience.

The prerequisites for such repetition were clear since by 1921 there were two forms of the supreme court of cassation: the Supreme Tribunal under VTsIK, which extended jurisdiction to the tribunal system, and the Supreme Judicial Control of the People's Commissariat of Justice. Both the first and the second higher courts of cassation were not actually judicial institutions; they had the nature of a semi-administrative and semi-judicial body.

For the first time, the Supreme Court of the RSFSR was created as a judicial body that was not part of the system of other executive or legislative authorities. The powers of the Supreme Court included judicial mandate to revise judgments of courts of first instance in cassation and supervisory procedure, as well as powers in the field of judicial administration in relation to lower courts, which corresponded to the Russian tradition of determining the competence of the highest judicial instance, in particular, the Senate (Ershov & Syrykh (eds.), 2019:251).

It should be noted that the form of the supreme court of cassation as a judicial and organizationally independent authority under the dictatorship of the proletariat did not last long, only until 1929, when, on the basis of the Regulations on the People's Commissariat of Justice of the RSFSR of 3 June 1929, the Supreme Court of the RSFSR became part of the central apparatus of the People's Commissariat of Justice of the RSFSR[10]. From that time onwards, the Chairman of the Supreme Court was the Deputy People's Commissar of Justice.

The role of the Supreme Court of the RSFSR in the judicial system is determined by its purpose to ensure the unity of judicial practice

The Supreme Court of the RSFSR was called upon to solve the problems of unification of judicial practice, regardless of which court, people's courts or special courts, resolved the case. This required determining the scope of jurisdiction of each instance of the judicial system and its highest body, which is the most important procedural tool for ensuring the uniformity of judicial enforcement. The discussion proposed different approaches on establishing the judiciary.

The fundamentally significant contours of the original draft of the Regulations were as follows: a provincial court, formed instead of the existing soviet people's

[10] Collection of Laws of the RSFSR. 1929. No. 41.

courts, included in its composition judicial and cassation departments structurally designed to administer justice at first instance for cases within their jurisdiction (the so-called "cases of qualified jurisdiction"), and a cassation review of sentences and decisions rendered by people's courts. The Supreme Court was to be formed to review cases tried by the first instance of the provincial courts.

With such a construction of the system of judicial hierarchy, the issue of the number and nature of verification instances was acute; in that context the issue of the need to preserve the model and functions of supreme judicial control under the People's Commissariat of Justice for cases resolved by provincial courts in cassation was heavily debated. For this reason, several legal scenarios were recognized as possible.

In the first option, judicial acts of provincial courts adopted upon completion of cassation proceedings were to be recognized as final and legally valid to the same extent as acts of the Supreme Court of the RSFSR.

According to this construct, the Supreme Court was not to be endowed with the functions of the highest verification authority in relation to the sentences and decisions of lower provincial courts that entered into force after having been considered in cassation.

The second option took into account the legal experience of Supreme judicial control carried out by the People's Commissariat of Justice under the Decree of VTsIK and the Soviet People's Commissariat of the RSFSR of 10 March 1921[11].

According to the Decree, in order to establish the correct and uniform application of the RSFSR laws by all judicial bodies, the People's Commissariat of Justice was entrusted with the administrative function of judicial management and procedural function of recognizing as null and void sentences or decisions rendered in cassation proceedings of all judicial bodies operating in the RSFSR, if there were grounds for revisions under Decree.

While maintaining supreme judicial control in the organizational form as it existed at the time of discussion of the draft Regulations, the function of uniformity of judicial practice should have been entrusted to the People's Commissariat of Justice, which was an executive body, not a judicial one.

This variant of arranging the judicial system could bring to life decentralized forms of organization of higher instances, as well as their different legal nature, which would negatively affect the uniformity of judicial practice and make it impossible.

If this option had been supported, the Supreme Court of the RSFSR would have become the supreme unified court of cassation in form but decentralized in nature.

An important point in the discussion was the position of Kursky, the People's Commissar of Justice, who denied the need for supreme judicial control as a function of the People's Commissariat of Justice, since the Supreme Court of the RSFSR would create a cassation department for cases of higher jurisdiction (Lisitsyn, 1922:2).

As a result of these discussions, the legal model of the supreme judicial body was implemented; its competence besides resolving cases from courts of first instance

[11] Decree of VTSIK, Soviet People's Commisariat of the RSFSR of 10 March 1921 "Regulations on Supreme Judicial Control". Collection of Laws of the RSFSR. 1921. No. 15.

within its jurisdiction included implementation of the procedural powers of the court of cassation in respect of judicial decisions issued by provincial courts, and supervisory authority in respect of all cases resolved by any court of the republic (Article 5 of the Regulations). For this purpose, cassation collegia for criminal and civil cases were set up in the structure of the Supreme Court.

The powers of a plenary session included issues of correct interpretation of the laws applied by the courts when resolving cases. Thus, the Supreme Court, both in form and in content (scope of jurisdiction), embodied a single supreme court of the country.

To prepare for court reform outlined in the Regulations, a commission was created; it included Orlovsky, Karklin, and Umansky representing the People's Commissariat of Justice and the Supreme Tribunal. The commission was headed by Ya. N. Brandenburgsky, who was a member of the board of the People's Commissariat of Justice. The commission had to develop and implement necessary measures to organize the Supreme Court of the RSFSR and merge the department of Supreme judicial control of the People's Commissariat of Justice and the Cassation collegium of the Supreme Tribunal. The Supreme Court of the RSFSR was formed on the basis of the existing Supreme Tribunal.

The rules on the requirements imposed on judges, including their length of service, as well as the procedure for their appointment served the goals of ensuring the uniformity and stability of judicial practice.

As part of the discussion regarding the draft Regulations on the judiciary, disputes unfolded over the possibility of preserving the elective procedure for judges' appointment. The principle of electability of judges in provincial courts by judges themselves through the decision of the Council of People's Judges was recognized as alien to the Soviet judicial system (Lisitsyn, 1922:1). The draft Regulations, in relation to all judges of the unified judicial system, established the principle of electability, which presupposed the formation of a judicial corps by the Soviet authorities. In relation to the Supreme Court of the RSFSR, the draft Regulations included a rule for approval, recall or removal of judges from their office, including the Chairman, his deputy and the chairmen of the collegia, by the VTSIK Presidium, that, according to the Constitution of the RSFSR of 1918, was the highest legislative, administrative and controlling body of the proletarian state.

The procedure for the formation of judicial corps of the Supreme Court of VTSIK, as well as of the people's and provincial courts' judges by the Provincial Executive Committee, was explained by the need of uniform rules for judges' appointments of all state structures by the soviets of workers' and peasants' deputies. This method was seen as a tool for granting additional authority to judges, as well as a condition for the formation of a more stable practice of law enforcement.

A characteristic feature and outcome of the judicial reform of 1922 was not only the creation of a unified judicial system headed by a single supreme judicial authority, but also the need for a unified theoretical, methodological, and professional training of judges (Lezov, 1998: 165); the material and social security of their activities were also taken into consideration.

N. A. Cherlyunchakevich (the first chairman of the Moscow Soviet of People's Courts), when describing the main tasks of Soviet justice in the transition period from the civil war to the New Economic Policy, pointed out the need for organizational adaptation of the state, including judicial apparatus, to the maximum satisfaction of the legal needs of the population and raising the educational level of people's judges (Cherlyunchakevich, 1922:3-4).

At the IVth All-Russia Congress of Justice Officials in January 1922, it was argued that the new tasks of the economic policy required greater preparedness of judicial officers, especially in connection with "enormous legislative material in the form of codes that have to be published in the very near future" (Lunin, 1922:4).

The level of professional training of employees of judicial institutions remained low. For example, the qualitative staff of the people's judges of the courts of the city of Moscow and Moscow region in 1921 was represented as follows: "the entire composition is purely proletarian; 90% of judicial staff are members of the party, of which with home and rural education comprise 56%, with higher education — 25%"[12].

All these determined the challenges and scope of tasks required to ensure the unification of judicial practice, assigned to the Supreme Court of the RSFSR.

The Supreme Court of the RSFSR as a subject of administration in the field of justice

In the first years of the Soviet power, new legal models of the judiciary were created together with the theoretical concepts concerning justice administration; they served as justification for the adoption of relevant legal acts.

The term "administration in the field of justice" goes beyond the scope of the judicial system. Administration in the field of justice should be understood as administration of not only the activities of the courts, but also the activities of the organization of investigative bodies, advocate practice, notary public and entities that ensure the enforcement of judicial acts.

Judicial administration, included in the system of the Soviet state administration without separation from the proletarian revolutionary power, consisted as a whole in a complex of organizational measures. The Supreme Court, along with the party and Soviet bodies, was one of the subjects of judicial administration that was engaged in consolidation of judicial practice, audits and inspections of lower courts among other activities.

On the basis of the Regulations on the Judiciary of 1922, in addition to judicial administration, the Supreme Court was endowed with organizational and managerial powers in relation to people's investigators, who were also assigned to the courts. The Supreme Court of the RSFSR involved investigators for the most important cases, exercising the authority to appoint, move and remove them from office (Articles 33—36 of the Regulations).

[12] Situation in court institutions in Moscow // The Soviet Justice Weekly. 1922. No. 36.

Within a few years, in accordance with the Regulations on the Judiciary of the RSFSR, as amended on August 9, 1926, the boundaries of the judicial system were expanding, and the area of judicial legal relations included the organization and activities of not only courts, but also people's investigators, collegia of advocates, bailiffs and state notary offices. By virtue of granting organizational powers in this area to provincial courts and powers for general management of all courts by the Supreme Court of the RSFSR, it is fair to consider the latter not only as the highest court of the judicial system, but also as the subject of administration in the field of justice.

Conclusions

Traditionally, in the history of judiciary in Russia, much attention is paid to the Great Judicial Reform of the mid-19th century that allowed the principles of an independent and fair court to be implemented, as well as to the first decrees of the Soviet government, which laid the foundations and determined the specifics of the national judicial system. However, attention is not often drawn to the possibility of using the experience of the judicial reform of 1922 in relation to the creation of the legal form of the supreme judicial authority of the country — the Supreme Court of the RSFSR.

In 1922, for the first time in the history of Russia, the Supreme Court of the RSFSR was formed as a judicial, organizationally autonomous, institution. Unlike the Senate that had a mixed nature of a semi—judicial, semi-executive body, the Supreme Court of the RSFSR was unified in its purpose — a judicial by its nature authority at the top of the judicial system.

The legal model of the Supreme Court of the RSFSR, enshrined in the Regulations on the Judiciary of 1922, determined its organization and scope of powers. The theoretical and practical viability of this organizational form has been confirmed by its hundred-year long history of functioning as the country's highest judicial body.

The RSFSR Supreme Court formation that exercises supreme judicial power completed the design of a clearly structured and hierarchically arranged judicial system, which was predetermined by the need for stability and clarity of the rule of law and uniform judicial practice.

The legal status of the Supreme Court of the RSFSR was determined by the following features: a) its role of the highest authority in the judicial system, formed as a single, centralized, hierarchically defined set of judicial bodies, b) its legal nature as a judiciary institution, c) its purpose in ensuring the uniform judicial practice, d) its place in the system of judicial bodies, where the Supreme Court was endowed with organizational and managerial powers in relation to people's investigators, defense counsels' collegia, bailiffs and state notary offices.

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