

SCTMG 2020**International Scientific Conference «Social and Cultural Transformations in the
Context of Modern Globalism»****DEVELOPMENT OF LEGISLATION AND PUBLIC
ADMINISTRATION IN KALMYKIA IN THE PERESTROIKA ERA**

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Abstract

To analyze the development of legislation of the Republic of Kalmykia in the perestroika era, it is necessary to study changes that took place in 1985–1994. After the proclamation of a new political course in April 1985, a new legislative and legal system began to develop. The transition to democratic and market principles played a major role in changing the Russian legislation. New institutions were created: elections and a referendum, separation of powers, vertical and horizontal differentiation of property (public, regional and private property). The republics were not entitled to implement restrictions on imports and exports of goods and financial resources, prevent goods from being transported through their territories, limit movement of property and funds owned by citizens and legal entities of other republics, introduce transit payments without agreement of other republics (clause 3 of article 4 of the Law on the Basics of Economic Relations of the USSR, Union and Autonomous Republics ”). The government abandoned the idea of a “firm hand” of the federal center and Russian regions gained their sovereignty.

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1. Introduction

Kalmykia has had its own legislation since ancient times. It regulated its status as part of Russia (Ochir-Garyaeva, Komandzhaev, & Buluktaeva, 2019). One of the most important stages in the development of constitutional legislation in the Republic of Kalmykia was the period of radical perestroika and post-Soviet reforms.

This period was a turning point both for the whole country and the Republic of Kalmykia. It affected the economic development of the republic and the whole country.

A new political course was named “Perestroika”. Under the leadership of Boris N. Yeltsin, the process of breaking the constitutional legislation began and a new legislative and legal system was formed. The changes can be classified into formal and substantive, quantitative and qualitative (Ovsepyan, 1997).

Formal changes resulted in the expansion of the list of forms (sources) of legal regulation. In the Soviet era, federal relations were regulated by three (after the collapse of the USSR, by two) sources: constitutions (constitutions of the USSR and republics, constitutions of autonomous republics as part of union republics) and laws – the Laws on the Autonomous Regions of the RSFSR (a separate law was adopted for each autonomous region); the Law on the Autonomous Regions of the RSFSR. In 1985, three more new sources appeared: agreements between the Federation and its subjects; declarations; regional charters of the Russian regions and autonomies.

The Republic of Kalmykia experienced tremendous political and economic upheavals due to the loss of state control over enterprises. Old managers did not know how to implement market principles. All these facts affected the economy of Kalmykia.

Russian (Chantsin, 2004; Cheshko, 1996; Sidorov, 2002) and foreign scientists (Ayagan, 2019; Bianchini & Minakov, 2018; Strabucchi, 2019) study the collapse of the Soviet Union and perestroika legislation.

2. Problem Statement

The perestroika played a huge role in developing the constitutional legislation; there were a lot of problems that had positive and negative impacts. For example, a new political course aimed at building democratic society gave economic and political freedom to the Russian regions and closed cash flows to the republics. The Republic of Kalmykia was not able to keep its production and economy. This was connected with a new state course and the lack of civil servants who would be able to adapt to new policies.

The USSR Law “On the Foundations of Economic Relations in the USSR, union and autonomous republics” gave union and autonomous republics the right to participate in resolving economic and social issues.

The supreme bodies of union and autonomous republics were vested with the right to appeal to the Committee for Constitutional Supervision of the USSR with a request to verify the constitutionality of the economic legislation of the USSR. They were entitled to apply to the President of the USSR “with a motion to suspend decisions and orders of the Council of Ministers of the USSR which are contrary to the

economic interests of these republics”. Their state administrations were entitled to appeal acts of subordinate governing bodies that were contrary to their economic interests. Their governments were able to “suspend these acts while they are assessed by the Council of Ministers of the USSR” (clauses 2–4 of Article 6 of the USSR Law of April 10, 1990).

Finally, the USSR Law “On the Fundamentals of Economic Relations of the Union of Soviet Socialist Republics, Union and Autonomous Republics” established a procedure for resolving disagreements on economic issues arising between the Government of the USSR and the republics (clause 6 of the Law of April 10, 1990) (Ovsepyan, 2004).

3. Research Questions

The legislation of the perestroika period was adopted in a hard period.

The first laws on the delimitation of powers were the USSR Law “On the Fundamentals of Economic Relations of the USSR, Union and Autonomous Republics” of April 10, 1990 and the USSR Law “On the Delimitation of Powers between the USSR and the subjects of the Federation” of April 26, 1990.

These laws provided for the reform of the federal structure and created legal prerequisites for reforming the federal structure of Russia.

In addition, the USSR Law “On the delimitation of powers between the USSR and the subjects of the Federation” contained the following rules:

a) the autonomous republics are part of the union republics (including the RSFSR as a union republic – Article 82 of the USSR Constitution of 1977), but they are “subjects of the USSR” (part 3 of article 1);

b) “in economic and socio-cultural spheres, the autonomous republic has the same rights as a union republic, with the exception of those which are under the jurisdiction of the union republic” (part 2 Article 4);

c) the relations between autonomous and union republics were contractual. Article. 4 said that the union and autonomous republics can enter into economic and socio-cultural relations and conclude bilateral agreements which should not contradict interests of the USSR, other union and autonomous republics, and autonomous entities;

d) equal statuses of the union and autonomous republics: their government bodies were vested with the right to appeal resolutions and orders of the Council of Ministers of the USSR if they violate their rights.

In addition, the Kalmyk people were rehabilitated. In the USSR and the RSFSR, legal acts on the rehabilitation of repressed peoples (nations) were adopted: the Declaration of the Supreme Council of the USSR of November 14, 1989 “On the recognition of repressed acts against peoples subjected to forced resettlement as unlawful and criminal, and the enforcement of their rights”, Law of the RSFSR of April 26, 1991 "On the rehabilitation of repressed peoples." A series of legal acts on the rehabilitation of nations and peoples was adopted (e.g., the Decree of the President of the Russian Federation “On measures for the rehabilitation of the Kalmyk people and state support for its revival and development” of December 25, 1993). In order to restore historical justice, eliminate consequences of illegal deportation of

the Kalmyk people, and implement the Law of the RSFSR “On the rehabilitation of repressed peoples”, a system of measures was developed.

In addition to the rehabilitation of the peoples, one more important area of the “new federalism” was a new language policy. The legal foundations can be found in the USSR Law “On the Languages of the Peoples of the USSR” of April 24, 1990 and the Law of the RSFSR “On Languages of the Peoples of the RSFSR” of October 25, 1991, the Declaration on Languages of the Peoples of Russia of October 25, 1991. Their adoption meant the official recognition of the USSR and the RSFSR as national and linguistic federations since special laws on languages appeared in 1990–1991. In the Soviet socialist period, however, language issues were not a subject of constitutional or legislative regulation. There were only certain rules on languages (e.g., on the national language of legal proceedings in the Code of Criminal Procedure of the RSFSR)

4. Purpose of the Study

The purpose of the work is to study the development of constitutional legislation in the perestroika period. Its role and influence on the establishment of a new democratic course on the territory of the Republic of Kalmykia. The study of new changes in legislation and the emergence of legal institutions that had never before found a place in a socialist society

5. Research Methods

The following research methods were used: the deductive method, the inductive method; system structuring, principles of historicism; the descriptive method, the comparative method.

6. Findings

First, laws and other legal acts adopted at that time were of an interim nature;

Second, relations between the federal center and the Republic of Kalmykia were regulated by the Constitution;

Third, the creation of new democratic institutions: President, Vice-President, Legislature (People’s Khural). They played an important role in the life of Kalmykia, but had both positive and negative effects;

Fourth, the perestroika legislation on division of powers between the federal center and the regions was inconsistent.

Fifth, the economic foundations changed, it was no longer possible to live by the laws which were adopted and immediately outdated

7. Conclusion

The legislation of the USSR created legal prerequisites for reforming the federal structure of Russia. It enshrined a new concept of relations between the Russian Federation and, a new concept of relations between the USSR and autonomous republics and autonomous regions, which stimulated decentralization of the federal structure.

For the first time, the union and autonomous republics and even autonomous entities gained equal rights. The Russian Federation and its autonomies had an equal status with respect to the USSR. Moreover, the equal rights were evident in the economic sphere which was reflected in the name of one of the laws of the USSR – “On the Foundations of Economic Relations of the USSR, Union and Autonomous Republics”, and in the USSR Law "On the delimitation of powers between the USSR and the subjects of the Federation" of April 26, 1990. For the first time, the vertical separation of powers" was declared.

One of the interesting events that took place during this period was the rehabilitation and recognition of the Russian and Kalmyk languages as state languages (the USSR Law “On the Languages of the Peoples of the USSR” of April 24, 1990, the Law of the RSFSR “On Languages of the Peoples of the RSFSR” of October 25, 1991, the Declaration on the Languages of the Peoples of Russia of October 25, 1991). Their adoption meant the official recognition of the USSR and the RSFSR as national and linguistic federations.

The perestroika era was rich in various ideas and movements, which could lead to the territorial disintegration of the state. Therefore, to prevent the collapse and civil wars was a primary task of the new state.

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