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CRIMINAL-LEGAL PROHIBITIONS IN THE SOVIET JURIDICAL DISCOURSE

Objective: to determine the place of criminal law prohibitions in the formation, development and functioning of the Soviet legal discourse.

Methods: dialectic approach to the research of social phenomena, which allows to analyze them in historical development and functioning in the context of the unity of the objective and subjective factors, as well as post-modern paradigm, giving the opportunity to explore the legal reality at different levels, including the law-interpretation one. Dialectical approach and postmodern paradigm have determined the choice of specific research methods: comparative, hermeneutics, discursive, formally legal.

Results: basing on the analysis of normative-legal acts regulating criminal legal relations in the USSR, the development of the Soviet criminal law was considered, since its emergence to termination of existence. Conclusion on its restrictive nature was made, which was in line with the main task of this sector of law – the protection of the Soviet system and socialist property from criminal encroachments. The normative regulatory basis of criminal law prohibitions determined the general nature of the Soviet legal discourse, which was designed to prove the necessity and expediency of such means of protecting public and state interests in the period of building communism.

Scientific novelty: on the basis of use of the complex classical and post-classical methods, the article for the first time studies the role of criminal law prohibitions in the development of Soviet legal discourse.

Practical value: the key issues and conclusions of the article can be used in scientific and pedagogical activity, while researching the issues of the nature and trends of development of the Soviet criminal law.

Key words: criminal law; criminal legal prohibition; legal discourse; Soviet law; licensing type of legal regulation.