The dispute with the Cominform in 1948 was a dramatic experience for Yugoslav Communists. Immediately afterwards, the policy pursued by the Communist Party of Yugoslavia (CPY) started to show clear signs of deep confusion. On the one hand, Yugoslav leaders were rejecting Soviet accusations and relentlessly persecuting the supporters of Cominform’s resolution, while they made all efforts to rectify the mistakes of which Stalin charged them, enforcing a large number of measures to prove their obedience to Moscow. Such behavior was dictated by ideological ties with the Soviet Union and the fear of armed intervention and the consequential loss of power. Aggressive Stalinist methods, especially collectivization, worsened the political and economic crisis that soon forced the Yugoslav leaders to search for new solutions. Moreover, the Yugoslav authorities were under pressure from the West that, in exchange for economic, political and military aid, expected concessions in the form of democratizing the Yugoslav political order.

At the beginning of the 1950s, Yugoslav leaders abandoned the rigid imitation of Soviet socialism and started to experiment with an adventurous ideological search. They began to propagate Marx’s thesis on the withering away of the state that postulated that the functions of the state would be gradually taken over by the working class. They attempted to come close to this ideal through the introduction of self-management and social property as well as through the decentralization and the transfer of certain powers from the federation to the republics. The critical reflections on the Soviet Union and Stalinism also gave rise to thoughts about separating the Communist Party from the state. Until that time, party and state functions were closely interlocked, which was evident in the fact that Communists held practically all positions in the state institutions. At the 6th Congress of the CPY in November 1952, the Communists declared their renunciation of direct control and the Communist Party renamed itself into the League of Communists of Yugoslavia (LCY). Its fundamental task was defined in providing the masses with ideological guidance and education in the spirit of socialism. The new name was supposed to underline the change, and to promote on the outside the new role of the party. The resolutions of the Congress reflected regained political self-confidence and the visionary spirit of the time, although the thorough reconstruction of society the Communists
prophesized lacked both determination and actual preparedness. As a result, the party's internal structure remained virtually intact. That structure was founded on the principle of the so-called democratic centralism, according to which the majority was unconditionally subordinated to the ruling minority and the lower-ranking bodies to the central committee, although a somewhat freer discussion than before was tolerated within the party itself. In spite of the resolutions of the 6th Congress, no real structural changes followed. The state and party functions still remained enlaced, although to a lesser extent than before. However, the only genuinely autonomous institution within the system was the executive committee of the central committee of the LCY.

The early 1950s brought about some significant shifts, particularly in the sphere of ideology. These shifts were then followed by modifications also in the daily practice, though these latter took place with substantial delay. Despite such slowness, thawing of the political atmosphere imbued almost all fields of social life, among them also jurisdiction and criminal law that till then were nothing more than elongated arms of the Communist Party.

In Yugoslavia, political penal repression was severest in the period immediately after the Second World War when the Communist Party assumed power and the accompanying complete control over jurisdiction. The justification of the party's 'right' for political repression was legally backed by the Law on Criminal Offences against the People and the State.¹ That document defined political offences very loosely and, for that reason, it encompassed almost all acts that the authority thought to be pursued. While until 1951, a complete penal code was not in existence, at the same time, certain other laws addressed given groups of criminal offences. Apart from the Law on Criminal Offences Against the People and the State, the Law on Protecting Public Property, the Law on Prohibiting Acts Arousing National, Racial and Religious Hatred, and the Law Against Prohibited Speculation and Economic Sabotage were also designated to ensure the security of the state.

In December 1947, the Federal Assembly adopted the General Part of the Penal Code² that was modeled according to the Soviet legislation. It encompassed only a few principled provisions on criminal offences, criminal liability and sanctions, but spelled out them in a way which seriously threatened fundamental rights and privileges of the citizens. For instance, the law did not respect the principle that there could be no criminal offence and a penalty for that offence without a suitable law, but it applied an analogy or, in other words, a conclusion following the logic of similarities with the respective criminal offences. By doing so, however, it tread down the principle of legality and opened the door to arbitrariness. Due to the much-extended scope for possible interpretations, laws that were already very repressive became even stricter.

¹ Zavon o kaznivih dejanjih zoper narod in državo (The Law on Criminal Offences against the People and the State), in: Uradni list DFJ [The Official Government Gazette of DFY], No. 66 (1 September 1945), pp. 645–647.