



Legal Mechanisms for Countering Disinformation in the Fight against the Promotion of a Criminal Lifestyle as a Subculture

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Abstract

Introduction: the article is devoted to the analysis of legal mechanisms for countering disinformation in the framework of combating propaganda of a criminal lifestyle as a separate subculture. *Purpose:* based on the generalization of theoretical, legal, organizational and preventive methods of countering disinformation aimed at spreading destructive subcultures, including those promoting a criminal lifestyle as an acceptable social phenomenon, to identify promising areas for the formation of a sustainable anti-criminal worldview. *Methods:* historical, comparative legal, empirical methods of description, interpretation; theoretical methods of formal and dialectical logic; private scientific methods: interdisciplinary, systemic, comparative legal, statistical, system-structural, sociological. *Results:* the concept of a criminal lifestyle, its public danger and impact on young people and the role of legal norms in preventing the spread of disinformation that supports such views are considered. The article analyses current legislative initiatives, law enforcement issues, and proposals to improve legal regulation in the context of combating criminal propaganda. In addition, some socio-economic factors contributing to the spread of the destructive ideology, primarily among young people, are identified. *Conclusion:* the fight against disinformation should be based on an integrated approach that takes into account both legislative and educational measures. To reduce the demand of certain social strata for information of this kind, solving socio-economic problems is an important element of the system of measures to counter the spread of a destructive ideology of the criminal subculture. Measures aimed at forming an anti-criminal worldview should be implemented not only by law enforcement agencies, but also by prevention agencies with the involvement of public organizations.

Key words: criminal lifestyle; subculture; disinformation; legal mechanisms; propaganda; the youth; law-making.

5.1.1. Theoretical and legal historical sciences.

5.1.2. Public law (state law) sciences.

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Introduction

Subcultures that support a criminal lifestyle are becoming an increasingly prominent element in the society. Among the threats posed by such subcultures, a special place is occupied by their ability to spread disinformation, which creates a false perception about the attractiveness of criminal life among young people. Propaganda of such ideologies is often carried out through Internet platforms, mass media and other communication channels, which poses a threat to public safety and stability. In this regard, legal mechanisms for countering disinformation in the fight against criminal propaganda require careful analysis and improvement.

Concept of criminal lifestyle as a subculture

A criminal lifestyle is a system of norms, values, and attitudes that justifies breaking the law and engaging in criminal activity. Such a subculture forms strong beliefs among its members that crime is not only justified, but also a profitable way to achieve personal goals. This leads to a distortion of ideas about law and justice, which in turn contributes to an increase in crime, especially among young people.

Russian researchers F.R. Khisamutdinov and A.E. Shalagin define criminal subculture as a system of values, customs, traditions, norms and rules of behavior distorted under the influence of the criminal world, which contributes to the organization and manageability of criminal groups and communities [1, p. 46]. According to Ya.E. Knol' and V.Yu. Britik, a criminal subculture is formed primarily among marginalized groups of the population, which often include young people from disadvantaged families and people in difficult situations. At the same time, a criminal subculture is associated with the image of a "tough guy", which contributes to its spread among young people who seek self-affirmation and recognition [2].

Modern criminal subcultures, such as, for example, the AUE extremist movement recognized as extremist in Russia, are widespread on the Internet, where the dissemination of information about criminal exploits and "heroes" becomes an element of maintaining the internal identity of groups. Thus, misinformation that supports a criminal lifestyle plays a key role in ensuring the viability of such communities.

Young people are the most susceptible to the destructive influence of misinformation, which forms false attitudes and beliefs. It is noteworthy that ideas romanticizing a criminal lifestyle often spread among people without criminal experience.

For A.M. Ryabkov and Yu.A. Tokareva who refer to the research of American scientists R. Merton, R. Cloward and L. Ohlin, it is contradictions in public life that trigger development of a criminal subculture. For example, the contradiction between the values imposed by society and the possibilities for achieving them according to the rules established by this society, as well as the difference between values of the lower strata and the middle class, is a prerequisite for the spread of a criminal subculture. At the same time, modern foreign psychologists point to the need for adolescents to belong to a strong group and a bright leader who forms the laws and principles of interaction him/herself, not obeying generally accepted norms [3, pp. 11–12]. At the same time, psychological foundations for the formation of a criminal subculture include external and internal factors. The former include attractiveness of antisocial behavior as independence and freedom, while the latter are based on the age-related features of personality development and the need for self-expression [3, p. 12].

Problems of spreading disinformation and its impact on society

Disinformation that supports criminal values can be presented in various forms: from fake stories about the heroism of criminals to distorted ideas about life in prison and rules of the criminal world. This information is disseminated through blogs, social media, video content, and other modern media platforms, making it particularly difficult to combat.

It is noteworthy that young people brought to criminal liability primarily receive information about a criminal subculture from the Internet and social networks. At the same time, schoolchildren serving a suspended sentence more often use criminal jargon and nicknames and listen to musical compositions promoting prison romance and a criminal lifestyle than those serving sentences in juvenile correctional facilities. They are more likely to follow unofficial

laws, norms and rules. This phenomenon can be partially explained by the work to curb the spread of criminal ideology carried out in juvenile correctional facilities [3, pp. 14–16].

Young people are vulnerable to such propaganda and often lack sufficient knowledge to evaluate the information. As a result, they get a false perception of criminal life as not only a legitimate, but also an attractive alternative to traditional ways of achieving success.

It should be noted that the problem of the younger generation's involvement in criminal subcultures is typical for many countries. Thus, A.A. Rean and I.A. Konovalov cite as examples groups of minors in the USA, Latin America and the Caribbean, Canada, Europe, China, Hong Kong, Africa and Australia. At the same time, in the United States, the emergence of youth criminal groups is associated with social and economic reasons, such as the search for security and the desire to earn money [4, p. 194]. European youth criminal gangs are smaller in size compared to American ones and show lower crime rates. Their descriptions often refer to subculture, dating networks, and problematic behavior [4, p. 195]. Chinese juvenile criminal subcultures are characterized by low organization, short-term presence of members in their composition, territorial attachment and commission of crimes in public places that do not pose a particular danger, but can lead to severe punishment in accordance with the law. In Hong Kong, most criminal youth subcultures receive financial and organizational support from "triads" (historically established organized crime groups) [4, p. 196]. Australia is characterized by the presence of ethnic conflicts among the youth of criminal subcultures defending their territory and intra-group status [4, p. 199]. In African countries, the presence of juvenile criminal subcultures is associated with a difficult socio-political situation in the region. At the same time, we identified a correlation between the experience of imprisonment and involvement in criminal groups in South Africa [4, p. 199].

Thus, the formation of a criminal subculture is often connected with social problems of society. However, false beliefs about the permissibility of a criminal lifestyle are formed due to

the dissemination of destructive ideologies. It is noteworthy that often ideas romanticizing a criminal lifestyle are spread not in conversations with people who have a criminal record, but on the Internet.

A.A. Glukhova and D.A. Shpilev identify five main techniques used by website moderators:

- 1) substitution of traditional values by the criminal world ideology;
- 2) propaganda of sociopathic attitudes;
- 3) forcing the user to register on the website;
- 4) propaganda of aggressive behavior;
- 5) formation of a persistent ironic and negative attitude towards representatives of the law enforcement system [5, p. 1,646].

In this case, website moderators act as persons who create conditions for the activities of a criminal subculture rather than those directly organizing the activities themselves [5, p. 1,650].

Researchers identify six stages of teenagers' involvement in subculture:

- 1) the first acquaintance with materials of the website in order to arouse interest in the content;
- 2) registration on the website where the "as a dare" technique is used ("A website for tough guys", "No gays here", etc.);
- 3) discussion of universal human values, as well as rules of behavior of tough guys;
- 4) substitution of traditional values by the criminal world ideology starting with the discussion of theses no one can disagree with;
- 5) propaganda of social attitudes leading to the formation of the desire to ignore and violate the rights of others;
- 6) clarification of criminal customs and the special status of a thief in law.

Thus, this system is capable of forming controlled fighters with clear sociopathic, anti-law enforcement attitudes [5, p. 1,656]. As the above analysis shows, the spread of the criminal subculture ideology on the Internet is a socially dangerous phenomenon that can lead to general criminalization of society, especially the younger generation.

Legal mechanisms for countering disinformation

Nowadays, there are various norms in Russian legislation aimed at combating propagand-

da of violence, crime and extremism, but they do not always effectively counteract disinformation related to criminal subcultures.

By the decision of the Supreme Court of the Russian Federation of August 17, 2020 in case no. AKPI20-514c, the international public movement "Arrested Criminal Unity" was recognized as extremist and its activities are prohibited on the territory of the Russian Federation. This decision has a number of legal consequences not only for members of the extremist organization but also for those who carry out its propaganda.

At the same time, it is worth noting that the definition specified in the decision of the Supreme Court of the Russian Federation does not correspond to the definitions given in the Federal Law No. 114-FZ of July 25, 2002 "On Countering Extremist Activities" and the Criminal Code of the Russian Federation. According to this federal law, the definition of an extremist organization is given in the absence of a definition of the concept of movement [6, p. 76].

The key norms regulating the fight against propaganda of criminal ideologies are articles of the Criminal Code of the Russian Federation aimed at suppressing activities related to calls for violence, incitement to hatred or hostility. It is important that these articles deal not only with direct calls to commit crimes, but also with indirect propaganda of a criminal lifestyle. However, their application in practice faces difficulties related to defining the boundaries between freedom of speech and criminally punishable actions. In addition, as noted by M.P. Kleimenov, M.G. Kozlovskaya, A.I. Savel'ev, the norms of criminal law provide for responsibility for organizing activities of not only an extremist organization in accordance with Article 282.2, but also an extremist community in accordance with Article 282.1 of the Criminal Code of the Russian Federation. This raises the question of qualifying activities of the AUE movement as a community or organization [7, p. 76].

The resolution of the Plenum of the Supreme Court of the Russian Federation No. 11 of June 28, 2011 "On judicial practice in criminal cases of extremist crimes" does not explicitly clarify the issue of qualifying the AUE movement as an organization or community, however, the concepts of an extremist organization and an ex-

trémist community are disclosed. An extremist community is defined as a stable group of individuals who have joined together to prepare or commit one or more extremist crimes, while an extremist organization must be included in a special list of extremist organizations to be published. The list of public associations and religious organizations in respect of which a court has taken a final decision to liquidate or ban their activities on the grounds provided for by the Federal Law No. 114-FZ of July 25, 2002 also includes an international public movement "Arrested Criminal Unity" (Paragraph 78). As law enforcement practice shows, criminal acts to organize activities of cells of the AUE extremist movement is qualified under Article 282.1 of the Criminal Code of the Russian Federation [7–9]. However, there is also a practice of qualifying criminal activities related to the AUE movement under Article 282.2 of the Criminal Code of the Russian Federation as organization of activities of an extremist organization [10; 11].

Thus, in some cases, there may be competition between norms of articles 282.1 and 282.2 of the Criminal Code of the Russian Federation as rightly pointed out by S.A. Yudicheva. At the same time, an extremist community is a more dangerous criminal association, and if we narrow down the range of crimes by indicating their categorical affiliation to serious or especially serious crimes of an extremist orientation, then the organization of an extremist community can be considered as an independent crime in accordance with Article 282.1 of the Criminal Code of the Russian Federation, albeit on the basis of an organization recognized by a court as extremist [12, pp. 112–113].

Thus, criminal liability has been established for organizing activities of the cells of the movement promoting a criminal lifestyle. However, liability for spreading this kind of a destructive ideology is not limited to criminal law norms.

Administrative measures such as blocking of websites and removal of content containing criminal propaganda occupy a special place in the fight against criminal propaganda. However, in the context of the rapid growth of digital technologies and the spread of disinformation through anonymous platforms, these measures are not effective enough without proper content

control and the implementation of comprehensive monitoring measures.

In accordance with Clause 8 of Part 1 of Article 15.3 of the Federal Law No. 149-FZ of July 27, 2006 “On Information, Information Technologies and Information Protection”, information materials of an international organization whose activities are prohibited on the territory of the Russian Federation in accordance with the Federal Law “On Countering Extremist Activities” are understood to be distributed in violation of the law and are subject to blocking. According to Yu.B. Nosova, to restrict access

to information resources containing information materials of the AUE movement, the extrajudicial restriction procedure is applicable to information materials listed in clauses 1 and 3 of Part 5 of Article 15.1 of the federal law mentioned above [13, p. 171]. Information materials of an organization recognized by a court decision as prohibited on the territory of the Russian Federation in accordance with the Federal Law “On Countering Extremism” are not included in this list, and therefore the extrajudicial procedure for restricting access to such information materials is not applicable.

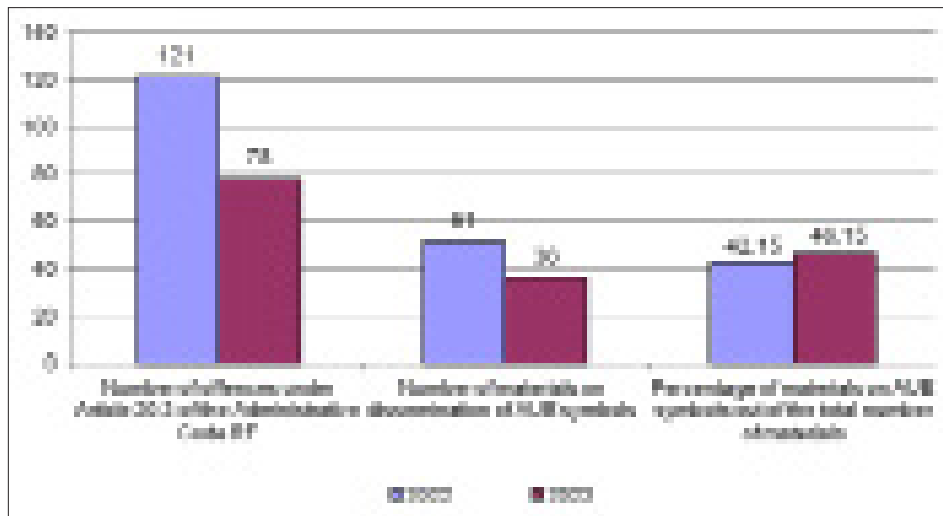


Diagram. Statistics of administrative offenses related to demonstration of prohibited symbols

Nowadays, there is a judicial practice of recognizing information materials of the AUE movement as prohibited for distribution on the territory of the Russian Federation, as evidenced by publications in the media and on the official websites of local governments on the Internet [14–16].

It is also worth noting that in addition to administrative measures aimed at suppressing the dissemination of information materials from the AUE movement, domestic legislation provides for liability in accordance with the Administrative Code of the Russian Federation. Examples of the AUE symbols are given in the descriptive part of the decision of the Supreme Court of the Russian Federation of August 17, 2020 in case no. AKPI20-514c. Liability is provided for demonstrating attributes or symbols of a prohibited organization in accordance with Article 20.3 of

the Administrative Code of the Russian Federation. It is noteworthy that liability comes not only for the publication of information materials on the Internet, but also for the demonstration of such symbols during interpersonal communication or in public places. Thus, one of the elements of the symbols of the AUE movement is an eight-pointed star, which may be present on the body of some convicts. In this regard, demonstration of these symbols to third parties, including those in the same correctional institution, is an administrative offense. The existence of law enforcement practice in relation to persons serving criminal sentences in the form of imprisonment is evidenced by the presence of publications in the media and official websites of courts [17; 18]. It is noteworthy that repeated propaganda or demonstration of symbols by a person brought to administrative liability under

Article 20.3 of the Administrative Code of the Russian Federation implies criminal liability in accordance with Article 282.4 of the Criminal Code of the Russian Federation. An example is the sentencing of R.I. Bittuev for posting photographs of his body with tattoos demonstrating symbols of the AUE movement in the profile of the instant messaging service [19].

Bringing to administrative liability for propaganda of the AUE movement occupies a significant share among the total number of offenses provided for in Article 20.3 of the Administrative Code of the Russian Federation in the law enforcement practice of law enforcement agencies. Thus, in the Perm Oblast, the number of registered offenses related to propaganda of the AUE movement amounts to more than 40% out of the total number of offenses related to public demonstration of Nazi symbols and symbols of banned organizations in 2022 and 2023 (diagram).

Possible ways to improve legal mechanisms for countering disinformation aimed at propaganda of a criminal lifestyle.

To more effectively counter disinformation and propaganda of criminal subcultures, it is necessary to:

1. Develop clearer criteria for identifying and suppressing disinformation aimed at promoting a criminal lifestyle taking into account current realities of the digital society. For example, the list of symbols of the "AUE" criminal subculture described in the court decision recognizing the movement as extremist is limited to an eight-pointed star with black and white rays and epaulettes with a tiger's head, an eight-pointed star, wings and a swastika. This fact hinders bringing to justice persons who publish information materials promoting the criminal ideology using symbols not included in the court decision without conducting additional research. At the same time, in practice, it is difficult to assign research to graphic materials, since there are no experts in the relevant field in the system of the Ministry of Internal Affairs of Russia who are able to give a qualified conclusion about the affiliation of symbols to an extremist organization.

2. Strengthen control over Internet platforms where criminal information is disseminated by introducing new technologies for monitoring

and blocking content. In order to increase the security of the information space, we consider it appropriate to use computer monitoring systems, including those based on the use of artificial intelligence technologies. At the same time, an important aspect of the application of such technologies will be their legal regulation. As domestic researchers rightly point out, the legal regulation of artificial intelligence systems is only being developed nowadays [20, p. 25], and the issue of the legal personality of artificial intelligence remains controversial [20, p. 32–35]. The provision of computer technology with decision-making capabilities, for example, on classifying information material as prohibited, may even have economic consequences for its author (for example, a decrease in audience coverage on the Internet as a result of a decrease in the attractiveness of an information source for advertisers), which makes the issue of the legal personality of artificial intelligence particularly acute.

3. Work out educational programs aimed at fostering critical thinking among young people and preventing involvement in criminal subcultures, since they can reduce the number of people who show interest in the destructive ideology. In order to boost effectiveness of the fight against the spread of a criminal subculture, it is reasonable to carry out preventive work in youth groups most affected by this subculture within the framework of state, regional and municipal programs, involving not only representatives of the education system, but also public authorities, including law enforcement agencies, local governments and public organizations. For these purposes, the legal provision of preventive activities will play the role of a link that regulates the duties and responsibilities of each participant in this process.

4. Counter social prerequisites for the spread of a criminal subculture among young people. Research shows that the criminal subculture is most widespread in the least favorable economic and political environment. As mentioned above, the unattainability of the material benefits pushes people to commit criminal acts. Therefore, an important task of the state is to form a favorable economic and social environment in society, develop social elevator systems

and ensure their accessibility to the population, including from the lower social strata, as well as to inform the population about such opportunities. The legal support of these processes and law enforcement practice should guarantee the achievement of the stated goals.

5. Fix legal responsibility for creators and distributors of materials promoting criminal ideologies. At the same time, responsibility for digital platforms and mass media in order to protect the rights and freedoms of citizens, organizations and society as a whole can be based on principles of self-regulatory organizations, when the reputational and economic costs of a violator will be incomparably higher than the criminal and administrative penalties established by law, which will force them to follow strict ethical standards of monitoring and filtering of published information.

Conclusion

In order to form a stable anti-criminal worldview of the population, especially among young people, it is necessary to further general the-

oretical research of the problem within the framework of not only legal science, but also social, economic, cultural, pedagogical and political sciences. We identified key directions for improving legal mechanisms for countering disinformation aimed at promoting a criminal lifestyle. Countering the spread of the destructive ideology that promotes a criminal lifestyle is a complex task that requires an integrated approach that includes not only improving the regulatory framework for activities in this area and law enforcement practice, but also combining preventive measures with solving socio-economic problems. Legal mechanisms for countering disinformation and propaganda of a criminal lifestyle should be comprehensive and integrated, covering both legislative measures and public initiatives. Combating such phenomena requires not only the adoption of new laws, but also the development of effective law enforcement methods, as well as the formation of a stable anti-criminal worldview among citizens.

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