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## On Legal Regulation of Criminal Liability for Rioting

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### Abstract

*Introduction:* the article considers problems related to the criminal law qualification of mass riots with an emphasis on crimes committed in penitentiary institutions. *Purpose:* on the basis of a comprehensive study of the norms of criminal law regulation and the practice of applying legislation in relation to mass riots, to develop proposals for improving norms stipulating liability for rioting. *Methods:* structural-logical, inductive-deductive, comparative-legal, statistical, sociological, etc. *Results:* general description of the state and dynamics of mass riots is given and controversial issues of the concepts “mass riots” and “destruction of property” are considered. Drawbacks in normative statements and alogisms in the formulation of concepts are revealed, in particular, disproportion of definitions used in the law and tautology. Controversial issues of elements of the composition of mass riots are studied. *Conclusion:* based on the norms of criminal law and extensive empirical material, possible directions for improving qualification of mass riots committed, including in penitentiary institutions, by persons serving criminal sentences are outlined. The necessity to improve and clarify the conceptual apparatus used in the criminal law norm regulating liability for rioting is emphasized. Proposals for betterment of Article 212 of the Criminal Code of the Russian Federation are made. The concept of mass characterization in the qualification of riots is proposed. There is a need to include the concept of “mass riots” in the form of a note in Article 212 of the Criminal Code of the Russian Federation. A distinction is made between criminally punishable mass riots and mass riots punishable by administrative proceedings. The necessity of specifying the types of violence included in the composition of criminally punishable mass riots is proved. The definition of pogrom and its differences from violence in mass riots are formulated. In the disposition of Part 1 of Article 212 of the Criminal Code of the Russian Federation is proposed to include not only the destruction, but also damage to property during mass riots.

**Keywords:** mass riots; violence; pogrom; convict; penal system; Federal Penitentiary Service.

### 5.1.4. Criminal law sciences.

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### *Introduction.*

Crime in the field of public safety undoubtedly causes significant harm to normal living conditions of the society. The list of criminal acts established by the legislator also includes such a type of *corpus delicti* as mass riots (Article 212 of the Criminal Code of the Russian Federation). This criminal act is highly dangerous, since it is often associated with destabilization of the situation at the place of its commission and involvement of a significant number of people in it.

Analysis of criminal statistics data shows that the state of this type of crime (in a narrow sense) ranged from 15 crimes in 2009 to 9 in 2023. Moreover, the largest number of such cases for the 15-year period was registered in 2021 – 41 cases. In 2009, 43 persons were identified who participated in criminally punishable mass riots, and in 2023 – 41 persons. The largest number of persons brought to criminal liability turned out to be 115 people in 2021. An absolute decline in mass riots (basic) is 60%. The rate of decline of mass riots (basic) for the same period is 40%.

### *Discussion.*

Despite a relatively small number of the studied type of crime in the total mass of crime, its study requires close attention precisely because of its mass character and significant danger to normal functioning of state authorities and operation of the entire social structure of the state and society.

It is crucial to study the norm regulating criminal liability for mass riots (Article 212 of the Criminal Code of the Russian Federation), since there are certain theoretical problems in its design, wording, and interpretations, difficulties to implement it in practice and the lack of uniform understanding.

The generic object of this composition should be recognized as public relations in the field of public safety. It should be noted that Article 3 of the Federal Law No. 390 of December 28, 2010 “On Security” provides for the need to organize scientific activities in the field of security. However, the current law, unlike the Federal Law of 1992, does not fix its definition. Though Article 1 of the Law of the Russian Federation No. 2446-1 of March 5, 1992 “On Security” (currently invalid) defined security as follows: “the state of protection of vital interests of the individual, society and the state from internal

and external threats”. Vital interests were interpreted as “a set of needs, the satisfaction of which reliably ensures the existence and opportunities for the progressive development of the individual, society and the state”. The law determined key security objects, such as “the individual – his/her rights and freedoms; the society – its material and spiritual values; the state – its constitutional system, sovereignty and territorial integrity”.

A specific object of the crime under investigation is the social relations that develop to maintain public order, normal activities of public authorities, work of institutions, organizations, and officials, etc.

An immediate object is the public relations related to the protection of safe existence of people, state and public institutions from specific acts listed in the norm in the form of violence, pogrom, arson, destruction of property, use of weapons, etc.

In addition to the main objects in these acts, it is assumed that there are additional ones, since Article 212 of the Criminal Code of the Russian Federation describes ten different *corpus delicti*, such as attacks on life, health, property and others. Basically, dispositions of the article norms on mass riots are designed as formal (with the exception of property destruction).

In case of mass riots accompanied by property destruction, property is a crime object. Since the legislator does not specify which destruction of property entails criminal liability in case of mass riots, it should be assumed that this applies to any property. Although the legislator does not specify its affiliation, it should still be considered that it should be alien to the perpetrator. It seems that the destruction of perpetrator’s property should not constitute a part of this crime. The judicial practice shows that other people’s property was destroyed during riots.

In particular, on March 28, 2018, the Abakan City Court of the Republic of Khakassia accused the citizen T. of committing a crime under Part 2 of Article 212 of the Criminal Code of the Russian Federation, who, “having criminal intent to participate in mass riots accompanied by pogroms, arson, destruction of property of a correctional institution, ... while in the premises of detachment No. of the correctional facility No. 35, destroyed the following property: two bedside tables ..., a PVC window No. ..., a PVC window No. ..., three lamps “LPO 2\*36”

..., an interior door (the door of the detachment head room No.) ... as a result, it caused property damage to the correctional institution for a total amount of... The commission of the above-mentioned criminal acts by the citizen T. together with other prisoners significantly violated (destabilized) the procedure for serving sentences established in the correctional facility No. 35 of the Directorate of the FPS of Russia ....., threatened the life and health of a large number of people, and led to the violation of public order and public safety [1]”.

In some cases, the official position of the victim is a qualifying factor.

In general, the construction of Article 212 of the Criminal Code of the Russian Federation does not meet deontic modality requirements, general principles and logic of building norms of criminal law, has inaccuracies in normative statements (judgments) and alogisms in the formulation of concepts: disproportionality of definitions used in the law; tautology; conditioning of the unknown through the unknown; as well as violates requirements of consistency of prescriptions and certainty of the law [2, p. 230; 3; 4].

Traditionally, norms establishing criminal liability are arranged in the article incrementally: the main composition, then qualified, then specially qualified. Article 212 of the Criminal Code of the Russian Federation is designed differently: each part of it contains an independent corpus delicti. The link between parts is an act related to mass riots. All the main provisions of this article are set out rather vaguely and in most cases are evaluative in nature.

An objective side of the act provided for in Part 1 of Article 212 of the Criminal Code of the Russian Federation consists in organizing rioting accompanied by the consequences specified in the law or committed by certain actions. The Criminal Code of the Russian Federation does not define a concept of mass riots. In the theory of criminal law science, various definitions of this concept are proposed. So, V.N. Grigor'ev considers mass riots as “deliberate actions committed by a large group of people (a crowd), encroaching on the foundations of public order and security and accompanied by pogroms, destruction, arson and other similar actions or armed resistance [5, p. 5]”.

S.K. Kudashkin defines mass riots as “socially dangerous actions of a large group of

people, accompanied by pogroms, arson, violence, destruction of property, use of weapons, explosive devices, explosives, toxic or other substances and objects that pose a danger to others, armed resistance to a representative of the authorities [6, p.103]”.

These definitions do not contain any mass riots elements at all. The characteristics indicated in the above definitions are not inherent in the riots themselves, but are crucial for criminal liability. The very concept of mass riots is not defined at all.

Certain features of the concept in question can be distinguished by analyzing norms of the Administrative Code of the Russian Federation. So, based on the meaning of Article 20.2.2 of the Administrative Code of the Russian Federation, mass riots include mass simultaneous stay and (or) movement of citizens in public places, public calls for mass simultaneous stay and (or) movement of citizens in public places or participation in mass simultaneous stay and (or) movement of citizens in public places, if mass simultaneous stay and (or) the movement of citizens in public places has caused violation of public order or sanitary norms and rules, violation of the functioning and safety of life support or communication facilities, or causing damage to green spaces, or interfering with the movement of pedestrians or vehicles or access of citizens to residential premises or transport or social infrastructure facilities, caused harm to human health or property, if these actions do not contain a criminally punishable act, or mass simultaneous stay and (or) movement citizens, accompanied by actions (inaction) committed in the territories, directly adjacent to hazardous production facilities or to other facilities, the operation of which requires compliance with special safety regulations, on overpasses, railways, railway right-of-way, oil and gas- and product pipelines, high-voltage power transmission lines, in the border zone, if there is no special permission from authorized border authorities, or in territories directly adjacent to the residences of the President of the Russian Federation, buildings occupied by courts, or territories and buildings of institutions executing penalties in the form of imprisonment, if these actions do not contain a criminally punishable act.

Rioting provided for in Article 20.2.2 of the Administrative Code of the Russian Federation, if it is accompanied by violence, pogroms,

arson, property destruction, use of weapons, explosive devices, explosives, toxic or other substances and objects that pose a danger to others, as well as armed resistance to a representative of the authorities, entail criminal liability (Part 1 of Article 212 of the Criminal Code of the Russian Federation). We find criminally punishable elements of mass riots haphazardly arranged.

The analysis of Article 212 of the Criminal Code of the Russian Federation discloses the following independent elements of crimes: a) organization of criminally punishable mass riots; b) preparation for the organization of criminally punishable mass riots; c) preparation for participation in criminally punishable mass riots; d) inducement, recruitment or other involvement of a person (actually incitement) in the commission of criminally punishable mass riots; e) participation in criminally punishable mass riots; f) calls for criminally punishable mass riots; g) calls for participation in criminally punishable mass riots; h) calls for violence against citizens; i) taking part in training for organizing criminally punishable mass riots; k) taking part in training for participating in criminally punishable mass riots.

A number of compositions and features duplicate each other, are not specified, and are too evaluative.

A mass character element is of indefinite character. What should be considered a mass of participants sufficient for criminal liability? The answer to this question is important, since this criterion distinguishes between mass riots (Article 212 of the Criminal Code of the Russian Federation) and other criminal acts committed not in connection with mass riots (for example, provided for in Articles 115, 116, 167, 213 of the Criminal Code of the Russian Federation, etc.).

How many people should make up the required mass? There is an opinion that the number of people in this situation should be sufficient to block traffic and pedestrian traffic at any moment, disrupt a mass event and the work of various institutions and organizations, i.e. control the situation in a large area [6, p. 99; 7, p. 47].

K.A. Vdovichenko believes that a mass character in relation to Article 212 of the Criminal Code of the Russian Federation is present if "public order is violated by joint actions of a sig-

nificant number of people. Moreover, this number should form a crowd, a mass of people" [8, p.155]. Nothing concrete, essential, or inherent only in this phenomenon is seen in the presented definitions of a mass character.

According to A.M. Bagmet, rioting is illegal activities of a large number of people [9, p. 83; 10, p. 126]. M.K. Kumysheva uses a term "crowd" when defining a mass character, although she stipulates that mass riots can manifest themselves outside the crowd. To determine quantitative characteristics of mass riots, she makes reference to the Decree of the Government of the Russian Federation No. 72 of March 25, 2015 "On Approval of Requirements for Anti-Terrorist Protection of Places of Mass Stay of People and Objects (Territories) Subject to Mandatory Protection by the Troops of the National Guard of the Russian Federation, and Forms of Security Passports of Such Places and Objects (Territories)", proposes considering gatherings of over 50 people to be mass, and suggests fixing it in the Note to Article 212 of the Criminal Code of the Russian Federation [11, p. 80]. It is difficult to agree that, for example, 10, 15, 40 people will not be able to take part in rioting.

So, on April 6, 2021, the Maiminsky District Court of the Altai Republic convicted 18 people under Part 2 of Article 212 of the Criminal Code of the Russian Federation, since "being accused and detained as a preventive measure, or sentenced to imprisonment and held in cells ..., they intentionally, realizing that by their actions they commit a socially dangerous act capable of endangering public safety, cause material damage to the state, as well as disrupt normal operation of an institution designed to hold suspected and accused persons in respect of whom detention has been chosen as a preventive measure, and also to perform functions of correctional institutions in relation to convicts in accordance with the penal legislation of the Russian Federation, and wishing this, acting contrary to the established rules of the internal regulations of pre-trial detention facilities of the penal system, ... out of revenge for the lawful actions of employees of the pre-trial detention center of the Directorate of the FPS of Russia in the Altai Republic, in particular, an unscheduled search in the cell and removing a TV-set from the cell, made a table and two benches rickety, torn out supports of these furniture items

mounted in the concrete floor and moved them to the front door of the cell and barricaded it from the inside, that is, they took part in mass riots accompanied by pogroms. They tore the NTV-D2115AHD video camera from its attachment point and made it completely unusable, causing property damage in the amount of 9,823 rubles to the pre-trial detention center of the Directorate of the FPS of Russia in the Altai Republic" [12].

According to the court verdict, the described events were classified as mass riots.

V.A. Kozlov, having conducted a retrospective analysis of the practice of applying criminal liability for mass riots, concludes that the quantitative criterion is 300 people [13, p. 22].

S.V. Rozenko notes that the concept of "a mass character" should be classified as conditionally evaluative and a number of participants may be very different, but not less than two persons [14, p. 29].

According to Ya.I. Ivanenko, such a negative phenomenon as rioting cannot be accurately defined in legislation without considering the evaluation criterion, while mass character is the action of a crowd [15, p. 194].

S.K. Kudashkin considers mass riots as those that involve a large (more than three people) group of people [6, p. 103].

We believe that this problem should be solved comprehensively, recognizing that mass participation involves more than two people and assumes commission of criminally punishable mass riots. In other words, not only a quantitative feature, but also a qualitative one, which is integral to it, makes it possible to correctly assess all the circumstances of a criminal case and make the right decision.

Constructing the disposition of Part 1 of Article 212 of the Criminal Code of the Russian Federation, the legislator indicates violence as one of features of criminal mass riots. In addition to this rather general term, there is no specification of it in the norm. Based on this, the concept of violence can be interpreted in different ways.

In the explanatory dictionary of D.N. Ushakov, violence is defined as the use of physical force to someone or the use of force, forced influence on someone or something.

In the legal sense, violence can be not only physical, but also mental. However, this thesis is not indisputable. According to a number of legal scholars, in criminal law, violence should

be identified only with physical impact, in other words, with harm to health [6, p. 722; 17].

Analysis of scientific literature allows us to conclude that there are various types and varieties of violence: bodily, informational, intellectual, instrumental, property, and sexual [18; 19].

Noteworthy is the definition of violence in the criminal legal sense proposed by N.G. Krylov: the criminally unlawful socially dangerous physical or mental intentional impact on another person in spite of himself or against his will, committed by a subject of the crime personally or with the help of certain means, tools or mechanisms [20].

What should be included in the concept of violence in relation to Article 212 of the Criminal Code of the Russian Federation and what types of violence should be qualified under Article 212 of the Criminal Code of the Russian Federation without additional qualification? There is no indication of this in the legal norm. A.M. Bagmet and V.V. Bychkov believe that the acts provided for in Articles 115, 116, 112, Part 1 of Article 111, Part 1 of Article 131, Part 1 of Article 132, Part 1 of Article 318 of the Criminal Code of the Russian Federation are covered by the disposition of Article 212 of the Criminal Code of the Russian Federation without additional qualifications [21, p. 37].

K.G. Vdovichenko believes that rape, violent acts of a sexual nature, violence against government officials are not covered by the disposition of Part 1 of Article 212 of the Criminal Code of the Russian Federation and are subject, if committed during mass riots, to additional qualification under the relevant article of the Criminal Code of the Russian Federation. She clarifies that rape and sexual violence do not fall under elements of violence, since violence, from her point of view, is only a way of committing sexual crimes. Regarding violence during mass riots against government officials, she draws an analogy with the explanation of the Plenum of the Supreme Court of the Russian Federation on hooliganism, recommending qualification according to the totality of crimes provided for in Part 2 of Article 213 of the Criminal Code of the Russian Federation and the corresponding part of Article 318 of the Criminal Code in case of violence against a representative of power during the commission of hooliganism [8].

The position of S.K. Kudashkin is rather inconsistent, considering violence within Part 1

of Article 212 of the Criminal Code of the Russian Federation (dangerous to life and physical and mental health), but immediately adding that serious harm to health or murder during mass riots should be qualified according to the totality of crimes [6, p. 104].

According to V.G. Pavlov, violence that accompany mass riots can be not only physical, but also mental, which includes, among other things, the threat of violence in the form of death threats, harm to health of varying severity, destruction or damage to property. From his point of view, physical violence includes serious (Article 11 of the Criminal Code of the Russian Federation), moderate (112 of the Criminal Code of the Russian Federation), light (Article 115 of the Criminal Code of the Russian Federation) harm to health, beatings (Article 116 of the Criminal Code of the Russian Federation), torture (Article 117 of the Criminal Code of the Russian Federation), murder (Article 105 of the Criminal Code of the Russian Federation). However, he believes that causing serious harm to health and murder go beyond the limits covered by the disposition of Article 212 of the Criminal Code of the Russian Federation (however, he does not substantiate these statements) [22].

V.B. Borovikov and V.V. Borovikova argue that violence characteristic of rioting (Part 1 of Article 212 of the Criminal Code of the Russian Federation) includes mental violence, that is, threats of physical violence, for example, murder, causing any harm to health, torture, beatings, committing acts that cause physical pain or restriction of freedom. In addition, it includes physical violence, covering harm to human health of any degree (including acts provided for in parts 1–3 of Article 111 of the Criminal Code of the Russian Federation), as well as beatings, torture, infliction of physical pain, restriction of freedom of movement [23]. Moreover, this violence during mass riots is intentional. The researchers believe that when separating from administrative liability for the use of violence during mass simultaneous stay and (or) movement of citizens in public places, it should be assumed that in case of an administrative tort, violence is used negligently. This opinion is quite controversial.

Such a variety of approaches to understanding violence in the disposition of Part 1 of Article 212 of the Criminal Code of the Russian Federation is explained by the legal uncertainty of

this feature. After all, if one refers to “violence” in the form that it is laid down in the norm, then additional qualification in any case of violence is not required, including causing moderate serious harm to health, murder, as well as all other acts committed with the help of violence (robbery, robbery with violence, rape, sexual violence, kidnapping, unlawful confinement, etc.).

In order to eliminate uncertainty and ensure uniformity in the application of the element “violence”, it is advisable in Article 212 of the Criminal Code to specify types of violence, the use of which in mass riots form the analyzed corpus delicti, in order to distinguish cases in which there is a need for either additional qualifications or the application of a particularly qualifying norm from Article 212 of the Criminal Code of the Russian Federation (if amended). It seems that the disposition to specify “violence” should be amended on the pattern of Part 1 of Article 112 of the Criminal Code of the Russian Federation by indicating the absence of those consequences of violence that appear to be aggravating and require additional qualifications. These qualifying and particularly qualifying circumstances can be specified in parts 1.1 and 1.2 of Article 212 of the Criminal Code (respectively excluding Part 1.1 in the current version), such as causing serious harm to health, rape, sexual violence and, if necessary, others.

Commission of pogroms is another element of criminally punishable mass riots. There is even less certainty about this element than about “violence”. Most legal scholars interpret the concept “accompanied by pogroms” in relation to Part 1 of Article 212 of the Criminal Code of the Russian Federation as deliberate destruction of dwellings, premises, other buildings, property, transport, means of communication, often accompanied by violence against people, bullying them, committing murders, causing various degrees of severity to health, rape, sexual violence, assaults, robberies, hooliganism, violent encroachments on material valuables and citizens, looting of homes, shops, warehouses, destruction and damage of tools and means of production, equipment and household items [7; 24; 22, p. 43; 6, p. 104; 25, p. 428].

Summarizing this approach, A.M. Bagmet defines a number of common elements of pogrom in modern Russian legislation in the form

of violence, destruction of property and arson, noting that these components, in fact, duplicate some independent elements of criminally punishable mass riots specified in Part 1 of Article 212 of the Criminal Code of the Russian Federation. In this regard, he proposes to exclude “pogroms” from Part 1 of Article 212 of the Criminal Code of the Russian Federation as overloading the semantic meaning of the disposition of the criminal law norm establishing liability for mass riots [2, pp. 78–79, 83].

Judicial and investigative practice adheres to the above-mentioned concept of understanding the term “pogrom”. So, citizens D., G. and A. were convicted by the Krasnoyarsk Regional Court under Part 1 of Article 212 of the Criminal Code of the Russian Federation for organizing mass riots, accompanied by pogroms and arson, in the Temporary Detention Center for Foreign Citizens, which is a Police structural subdivision, intended for detaining foreign citizens and stateless persons, subject to administrative expulsion outside the Russian Federation, deportation or readmission. Being drunk, citizens D., G. and A. refused employees of the Center to open a room where women were held at night, organized mass riots by calling on detainees to join. They gave orders to close and break video cameras, throw mattresses into the corridor and set fire to them, and threatened those detainees who refused to take part in mass riots. As a result, a lock on the door was broken, three mattresses were damaged, and a bench was broken. At the same time, the court considered it a pogrom, as four video cameras were torn from the wall and the door was locked because of a broken lock [26].

We hardly agree with this qualification of pogrom, as well as with the understanding of pogrom in the legal literature. In the explanatory dictionaries of S.I. Ozhegov and N.Yu. Shvedova, as well as the New Dictionary of the Russian Language T.F. Efremova, pogrom is understood as chauvinistic actions of some national or other population groups, accompanied by robbery and mass murders.

In the Explanatory Dictionary of the Russian Language by D.N. Ushakov, pogrom is defined as reactionary-chauvinistic actions organized by the government or ruling classes, in particular, mass beating of some population group by a crowd, accompanied by murders, destruction and robbery of property (for example, Jewish

pogroms in Russia, Poland, Romania, and Germany, Armenian pogroms in Turkey).

The Large Legal Dictionary interprets pogroms as mass spontaneous violent actions directed against religious, national or racial minorities, as a rule, inspired by extremist organizations or the police of a reactionary government [27]. According to the Encyclopedic Dictionary of F.A. Brockhaus and I.A. Efron, the term “pogrom” is defined as “an open attack by one part of the population on another, accompanied by violence against a person, theft or damage to someone else’s property, or invasion of someone else’s home or an attempt on these crimes, under the influence of motives stemming from religious, tribal or class hostility, or from economic relations or from disturbing public peace rumors” [28].

Based on the analysis of this traditional approach to understanding the essence of the concept “pogrom”, the actions associated with it do not duplicate such elements of criminally punishable mass riots as violence, arson, destruction of property, and armed resistance to government representatives. It cannot be recognized as a mistake or a flaw of the legislator to include a qualifying factor of pogroms, since acts should be considered as such if they are chauvinistic, nationalistic in nature, or are associated with religious and other similar conflicts, that is, stem from a specific motivation. In this regard, in the given example of the verdict, the court should have qualified the organizers’ actions as mass riots involving violence, destruction of property, but not as a pogrom.

We propose to consider pogrom, within the framework of the disposition of Part 1 of Article 212 of the Criminal Code of the Russian Federation, as a chauvinistic, nationalist, religious or similar underlying open attack by one part of the population on another, accompanied by any form of violence against a person, appropriation or destruction of someone else’s property, violation of other constitutional rights and freedoms of victims subjected to such an attack.

There are disputes in criminal law science about elements of mass riots in the form of destruction of property. The object of destruction of property during mass riots can be any property: movable or immovable. Destruction, apparently, involves the destruction of property to such an extent that it cannot be restored and there is no possibility of further posses-

sion and (or) use of this property. The methods of destruction can be any: breaking, smashing, including with the help of objects used as a weapon, as well as by explosions, arson, the use of chemicals, etc. Moreover, the value of the destroyed property, judging by the disposition, does not affect the qualification of the act under investigation. The only exception may be the provision of Part 2 of Article 14 of the Criminal Code of the Russian Federation on the insignificance of the act. In other words, both large-scale damage and minor damage do not affect qualifications. Some authors draw attention to the fact that damage to property during mass riots remains outside the scope of criminal liability. In light of this, it is proposed to amend the wording of Part 1 of Article 212 of the Criminal Code of the Russian Federation, specifying in the disposition not only destruction, but also damage to property in any way [9, p. 80].

It is proposed to exclude such an element as arson during mass riots, since, according to some scientists, it is included in "destruction of property".

We cannot agree with this point of view. It should be remembered that in addition to criminal liability, there are other types of liability, including administrative. And liability for damage to property is provided for administratively punishable mass riots (Article 20.2.2 of the Administrative Code of the Russian Federation).

It seems that the way out should be sought in the differentiation of administrative and criminal liability for mass riots, accompanied by destruction and damage to property, depending on the amount of damage. Since property damage may be insignificant during destruction, and in case of damage it may be large and especially large. Therefore, in case of mass riots, damage should be associated not with the degree of destruction of other people's property, but with the amount of losses. At the same time, it is necessary to identify generally dangerous (arson, explosions, etc.) methods of destruction or damage to property as qualifying factors that strengthen criminal liability for these acts.

So, the Kutarkalim District Court of the Republic of Dagestan sentenced the citizen P. to 3 years in prison under Part 2 of Article 212 of the Criminal Code of the Russian Federation for taking part in mass riots on September 20, 2019, while serving his sentence in the correctional facility No. 7, during which he committed

destruction of property with other prisoners by pogrom, causing property damage to the total amount is 4,455,141.07 rubles [29].

In this verdict, pogrom is indicated as a method of destroying property, which from our point of view is incorrect, since the concept of pogrom, which we have already mentioned, is different and is associated with different goals and motivations. But the amount of damage resulting from the destruction and damage to property is quite large, which makes it possible to bring a person to criminal liability, although damage to property during mass riots should currently entail criminal liability. In connection with the above, we believe that destruction or damage to property during mass riots, which caused minor damage (for example, less than 2,500 rubles), in the absence of other qualifying factors, should be attributed to an administrative tort.

#### *Results.*

Article 212 of the Criminal Code of the Russian Federation describes ten different types of crime, in which, in addition to the main one, additional objects are assumed. They can be attacks on life, health, property and others. Basically, the dispositions of the norms of the article on mass riots are designed as formal (except for destruction of property). Since the legislator does not specify which destruction of property entails criminal liability in case of mass riots, it should be assumed that this applies to any property.

Usually, the norms establishing criminal liability are located in the articles of the Criminal Code of the Russian Federation incrementally: the main composition, then qualified, then specially qualified. Article 212 of the Criminal Code of the Russian Federation is designed differently: each part of it contains an independent corpus delicti. The link between the parts is an act related to mass riots. Key provisions of this article are set out rather vaguely and in most cases are evaluative in nature.

Criminally punishable elements of mass riots, from our point of view, are arranged rather haphazardly.

A mass character should be imputed to the participation in the act of more than two people (that is, beginning from three) and the organically inseparable commission of their constituent actions included by the legislator in criminally punishable mass riots. In other words, not



only a quantitative feature, but also a qualitative one, which is integral to it, makes it possible to correctly assess all the circumstances of a criminal case and make the right decision.

It is advisable to specify the types of violence, the use of which in mass riots form the composition under study, in order to distinguish cases in which there is a need for either additional qualifications or the application of a particularly qualifying norm from Article 212 of the Criminal Code of the Russian Federation (if amended). It seems that the changes in disposition regarding the specification of the element “violence”

should be formulated according to the model of the construction of Part 1 of Article 112 of the Criminal Code of the Russian Federation.

We propose to consider pogrom, within the framework of the disposition of Part 1 of Article 212 of the Criminal Code of the Russian Federation, as a chauvinistic, nationalist, religious or similar underlying open attack by one part of the population on another, accompanied by any form of violence against a person, appropriation or destruction of someone else’s property, violation of other constitutional rights and freedoms of victims subjected to such an attack.

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