



Identity of Convicted Criminals Participated in Mass Riots: Socio-Demographic and Penal Aspects

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Abstract

Introduction: the definition of personal qualities and traits of a convicted person is the key to his/her successful re-socialization in order to prevent him/her from committing new crimes. This article is devoted to certain aspects characterizing the personality of a convicted person serving imprisonment in Russian penitentiary institutions for participation in mass riots. *Purpose:* to characterize the personality of convicts who participated in mass riots through the prism of socio-demographic and penal aspects based on empirical data, to identify the difficulties of corrective action on them and to propose measures to prevent the recurrence of crimes. *Methods:* data from official statistics, the results of author's research on criminal cases, materials from the special census of convicts and persons in custody (December 2022), as well as the results of specific sociological research by other authors were used. *Results:* the study revealed that those convicted of mass riots were mostly Russian male citizens (100%) aged 25–39 years (75%), with incomplete or complete secondary education (58.3%), without permanent employment before conviction (50.0%) and not married (75.0%). They are physically healthy and able to work. In the penal aspect, this category of convicts resists correction, demonstrates weak social ties, refusal to work (75%) and commitment to prison subculture. The percentage of malicious violators of the regime is high (25.0%). *Conclusion:* the socio-demographic portrait of the convict has recently changed. Those convicted of mass riots are a group that is difficult to correct, due to their behavior and adherence to prison norms. The established weakness of social ties and negative behavior require additional measures to prevent recidivism after release, including probation care, administrative supervision and other preventive measures.

Key words: identity of the convicted person; identity of the criminal; mass riots; socio-demographic data; penal aspects; census of convicts.

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Introduction

According to the well-known Russian criminologist Yu.M. Antonyan, “successful prevention of crimes is possible only if attention is focused on the personality of a criminal, since it is the personality that is the carrier of the causes of their commission” [1, p. 8]. This postulate is based on holistic understanding of the criminal’s personality, which, according to Yu.M. Antonyan, is “a set of socially significant negative properties integrated into it, formed in the process of diverse and systematic interactions with other people” [1, p. 9]. The meaning inherent in the opinion expressed above testifies in favor of the fact that when committing a crime, it is the individual who “plays a leading role in relation to external factors” [1, p. 13], which is the leading idea of the scientific search for criminological features of the personality of both a participant in mass riots and a criminalized subject prone to committing such group illegal actions. Despite the importance of analyzing the identity of persons predisposed to commit mass riots, this article will focus on the identity of those convicted of the crime under Article 212 of the Criminal Code of the Russian Federation.

Quantitative indicators of the prevalence of mass riots are low: legal science notes that the number of crimes under consideration (in the narrow sense) ranges from 15 cases in 2009 to 9 in 2023. Moreover, the largest number of them was registered in 2021 (41 cases), in the same year the largest number of persons brought to criminal responsibility was 115 people (in 2023 – 41) [2, p.136].

For such an in-depth analysis, data from the following sources are used: official statistics, criminal cases; the Ninth special census of convicts and persons in custody conducted by the M.V. Lomonosov Moscow State University and the Research Institute of the Federal Penitentiary Service of Russia in December 2022 [3].

Socio-demographic characteristics.

Citizenship of convicts. Statistics show that 99% of mass riots are committed by citizens of the Russian Federation. Citizens of foreign countries (neighboring countries) make up 1%, and persons without a fixed place of residence do not appear in the statistical data provided. According to materials of the 2022 special census, no foreign citizens or stateless persons were found among those convicted under Ar-

ticle 212 of the Criminal Code of the Russian Federation. Apparently, these individuals were either released on various grounds, or in accordance with agreements between Russia and neighboring countries, they were transferred to serve their sentences in their countries of citizenship.

Sex of convicts. Official statistics show a predominance of men: 97.4% of men versus 2.6% of women. The 2022 special census of convicts recorded the serving of imprisonment by convicted men only. This is understandable, since women, due to their psychological and physical characteristics, are not so active in mass riots. In addition, due to the principle of humanism, a more liberal approach is taken to bring them to criminal liability and punishment. Therefore, they are often sentenced to punishments without isolation from society, either to short or suspended terms of imprisonment. As a result, they were not included in the census. In addition, it should be noted that the census was conducted for every second convicted woman [4, p. 142].

Age of convicts. The compilation of official judicial statistics data from 2010 to 2019 showed that the category of persons aged 18–24 years accounts for the largest share (39.2%).

It is not surprising that according to one of the studies conducted on the study of crimes committed by convicts against the staff of Russian correctional institutions, the most criminogenic was the contingent of 18-24 year olds, which accounted for 35.3% of the total number of registered violent crimes and practically coincides with the data obtained by us in percentage terms [5, p. 91].

Of the available age groups, the percentage of people aged 25–29 years (24.6%) was slightly lower, while the proportion of people aged 30-39 years was slightly lower than the previous group (20.7%).

The total number obtained by adding up contingents of the 18–24 age group with the 25-29 age group equals to 63.2% of the total number of people who committed mass riots during the study period, in our opinion, is dialectically related to the fact established in one of the dissertation studies that most people involved in street violence are 18–30 years old (54%) [6, p. 84].

The results of the above-mentioned study turned out to be almost identical to the statis-

tical data provided in this case, according to which persons aged 25–29 years committed 25.4% of the total violent crimes in correctional institutions and persons aged 30–39 years – 20.3%, respectively.

A slightly different picture can be seen from the results of the 2022 special census. It turned out that among the convicts serving imprisonment for committing mass riots, persons aged 25–29 years make up 33.3%, and those aged 30–39 years – 41.7%. The predominance of older persons among convicts can be explained by the natural course of time, in other words, by aging of convicts serving medium and long terms of imprisonment for the type of crime in question. There were no convicts under the age of 20 among those serving their sentences, which is quite consistent with official statistics: the percentage of people aged 16–17 years was only 9.5%, and among those identified, there was not a single person aged 14–15 years.

Education of convicts. According to previous studies, in the general array of the studied group, the largest percentage of people (58%) had complete secondary general education, 18.1% – primary and basic general education, 12.7% – higher education, and (11.2%) – secondary vocational education. The characteristics of the educational level of convicts serving their sentences determined by the 2022 special census turned out to be somewhat different. There were no convicts without any education and primary general education; 33.3% of the convicts had basic general (incomplete secondary) education; 25.0% – average secondary; and 16.7% – higher education. Taking into account secondary vocational and incomplete higher education, the proportion of “highly educated” people convicted of mass riots was 41.7%. This is a fairly high percentage, indicating that the understanding of education as a service for providing knowledge without an appropriate ideological (educational) component over the past 30 years does not guarantee a law-abiding lifestyle among young people.

Occupation of convicts. According to results of the 2022 special census of convicts, exactly half of those convicted under Article 212 of the Criminal Code of the Russian Federation (50.0%) were persons without certain occupations at the time of the crime. These individuals

are unlikely to be lumpens, vagabonds, idlers and other declassified elements. A certain part of them, after receiving their education, probably had income from semi-shadow business. They may join mass riots due to their dissatisfaction with socio-economic conditions of life in society, the inability to find legal sources of livelihood, or, conversely, the establishment of order by the state in criminal and shadow spheres of activity. This may explain the fact that 8.3% of those convicted were persons engaged in entrepreneurial activities.

The share of students in schools, secondary vocational schools, and colleges is 16.6%, of workers – 8.3%, and those engaged in other activities 16.6%.

The data of the study of criminological characteristics of the personality of a street violent criminal conducted at the beginning of the XXI century by I.D. Lukin are indicative. He found that more than a third (35%) of street violent crimes are committed by unemployed persons without any qualifications [7, pp. 105–107].

The comparison of the above data with the sociological study of the 1989–1990 events that took place in the Ferghana (Uzbek SSR) and Osh (Kyrgyz SSR) oblasts reveals the same percentage distribution of participants in mass riots by age and education. The analysis of materials of criminal cases on the events in the Ferghana and Osh oblasts allows us to conclude that persons aged 18–35 years makes up the largest percentage of participants in mass riots and the largest proportion of their participants are people with secondary education [8, p. 114].

Statistical data regarding socio-demographic characteristics of persons who committed the crime under Article 212 of the Criminal Code on the territory of the Russian Federation reveal young people’s participation in mass riots, and specifically those aged 18–24 years. Moreover, these data correlate with well-known historical facts in the world practice of state riots and revolutions [9, p. 24], the striking element of which has always been the youth movement.

Marital status. Criminological science notes that people who commit “street crimes” (which undoubtedly include mass riots) are not married or frequently enter in relationship. According to N.M. Belaya, 80% of the criminals surveyed were not married, and 9.6% “constantly

changed the circle of people with whom they lived" [10, pp. 80–88]. T.A. Moshkov established the predominance of unmarried convicts in the structure of persons involved in the disorganization of activities of penitentiary institutions (85%) [11, p. 89].

This fact has been confirmed in relation to those convicted of committing the crime under Article 212 of the Criminal Code of the Russian Federation. According to the results of the 2022 special census of convicts, 75.0% of the convicts were unmarried, 16.7% were married, the family was salvaged, 8.3% of were married, but the family broke up. Meanwhile, 68.2% of the total number of convicts serving imprisonment were unmarried, while 22.7% – married. In addition, 4.3% of the convicted men married while serving their sentences, while those convicted of mass riots did not do it [12, pp. 830–831].

State of health. Convicts serving sentences under Article 212 of the Criminal Code of the Russian Federation have "excellent" health. According to results of the 2022 census, they were not assigned forced or compulsory treatment in court or at the initiative of the correctional institution administration, they did not suffer from tuberculosis, HIV infection, drug addiction, substance abuse and sexually transmitted diseases. They were not provided with additional medical and preventive services outside the correctional facility.

The census did not record the presence of restrictions on involvement in socially useful work in this category of convicts, they were all able-bodied.

In places of detention, psychologists work with convicts both at the stage of admission to a correctional institution and during the process of serving a sentence. At the same time, Article 12 of the Penal Code of the Russian Federation provides for the right of the convict him/herself to seek the help of a psychologist. According to the census, every fourth (25.0%) convicted under Article 212 of the Criminal Code of the Russian Federation, on his own initiative, contacted a psychologist at the correctional institution in 2022. This indicator is quite understandable given such a characteristic feature of violent criminals as pronounced impulsivity emphasized by Yu.M. Antonyan [13, p. 54–55]. In the vast majority of mass riots, participants' impulsivity may condition the rashness of their ac-

tions due to emotional immaturity and reduced control over their actions. All this determines the need for convicts to receive additional help from a psychologist.

Religion of convicts. Despite the diversity of religious beliefs and movements, those convicted of this type of crime were divided into three groups: non-believers (atheists) – 16.7%, Orthodox – 33.3%, and professing Islam – 50.0%. These data differ significantly from the data on convicted men serving their sentences, especially on people who profess Islam. They comprise 10.0% of the total amount [14, p. 82]. When assessing this fact, one should proceed not from the commitment of representatives of a particular religious denomination to destructive forms of behavior, but from factors such as geography of places of mass riots, presence of social conflicts in certain regions of the Russian Federation, etc.

Penal characteristics

Social relations of convicts. "Celibacy" of convicts noted by us determines the weakness of social ties of persons convicted under Article 212 of the Criminal Code of the Russian Federation.

Thus, in 2022, one in three (33.3%) did not call his relatives (although there was such an opportunity), 75.0% did not receive money transfers from their relatives, and 100.0% did not send money to their relatives. One in four (25.0%) did not receive parcels from relatives.

Even more alarming parameters of social relations were obtained in relation to the use of short-term and long-term visits with convicts: in 2022, 83.4% of the convicts did not use these forms of communication with relatives, family members and other persons.

There is nothing unexpected in these indicators of the special census, since criminologists note a negative social role of street criminals (including those who commit mass riots) in the family: they are negatively characterized in everyday life, most of them have conflict relationships in the family [15, pp.139–164].

Behavior of convicts. According to the 2022 census of convicts, persons serving prison sentences for committing a crime under Article 212 of the Criminal Code of the Russian Federation represent a group that is difficult to correct. One of the reasons for this state of affairs is that one in three convicts (33.3%) was

convicted of participating in mass riots that took place in correctional institutions: in correctional facilities of general, enhanced, strict regime – 16.7%; in correctional facilities of special regime – 8.3%; in pre-trial detention centers – 8.3%. The crimes committed by them are classified as serious (66.7%) or especially serious (33.3%).

As noted earlier, all those convicted under Article 212 of the Criminal Code of the Russian Federation are fully able to work; however, only one in four (25.0%) works in places of detention, the rest (75.0%) do not work, as they systematically refuse to work. For comparison, the proportion of convicts who systematically refuse to work among men serving imprisonment is 12.0% [14, p. 129].

They are characterized by the administration of the correctional institution positively (8.3% of the convicts), neutrally (25.0%), negatively (41.7%), or as malicious regime violators (25.0%). If we compare it with characteristics of other convicted men, then we find out an extreme degree of opposition between the administration and the convicted participants in mass riots. Thus, the administration of the correctional institution characterizes convicted men positively (35.8%), neutrally (34.4%), negatively (26.4%), as malicious regime violator (3.4%) [14, p. 140]. The share of malicious regime violators among those convicted under Article 212 of the Criminal Code of the Russian Federation is seven times higher than among other convicts serving their sentences. If we compare the proportion of malicious violators among those convicted of robbery (Article 162 of the Criminal Code of the Russian Federation) and mass riots (Article 212 of the Criminal Code of the Russian Federation), the comparison will not be in favor of the latter, since the proportion of malicious violators among “robbers” is 7.8% [16, p. 390].

The results of the census are confirmed by the specifics of criminological characteristics of the personality of convicts who commit mass riots in correctional facilities described by S.A. Khokhrin. According to him, the majority of convicts involved in mass riots are violators of the established order of serving their sentences. At the same time, their steady commitment to norms of the prison subculture was reflected in the responses to the questionnaire, in which

they explained their actions with a position of solidarity with “fellows” stemming from a relationship of “friendship” [17, pp. 130–134].

Because of their negative behavior, convicts are not involved in the maintenance of correctional facilities. For this purpose, the administration selects convicts who have, on the one hand, appropriate skills, and, on the other hand, permanent law-abiding behavior. Those convicted under Article 212 of the Criminal Code of the Russian Federation do not possess such qualities.

One third of the convicts (33.3%) were held in strict conditions of serving a sentence, no one – in light conditions. At the time of the 2022 special census, almost one in nine (8.3%) was in a penal isolation unit, serving a disciplinary measure there for violating the established regime of the correctional institution. In addition, one fourth of those convicted under Article 212 of the Criminal Code of the Russian Federation served their sentences in prison, to which they were transferred for gross regime violations in correctional facilities of general and strict regimes.

Besides, those convicted under 212 of the Criminal Code of the Russian Federation refuse to participate in educational, leisure and other educational activities: 91.7% of the convicts had not participated previously and were not participating in these activities at the time of the 2022 census. This indicator reveals convicts’ commitment to thieving traditions and rules of behavior, in other words, the prevalence of prison subculture among convicts.

The characteristics of the convicts’ social ties and their behavior cause reasonable concern not only in achieving the required level of effectiveness of the corrective action exerted on them, but also in terms of preventing recidivism after release from prison. Although 88.3% of the convicts have a place to live after their release, only 41.7% do not expect to face employment difficulties after their release. This expectation is quite understandable, since half of them did not officially work anywhere before their conviction. What is more, most convicts do not work while serving their sentence and lose their skills.

The probation service established in Russia should pay attention to this category of convicts; however, it has limited capabilities. According

to the federal law of the Russian Federation No. 10-FZ of February 6, 2023 "On probation in the Russian Federation", probation assistance is provided to convicts at their written request. However, given the negative characteristics of convicts under Article 212 of the Criminal Code of the Russian Federation, they would hardly file such complaints. Therefore, this category of convicts should not be overlooked by the administration of the correctional institution and the internal affairs bodies, in particular, when resolving issues of establishing administrative supervision over them and carrying out other preventive measures.

Conclusions

1. According to socio-demographic indicators, the portrait of a convict who served a prison sentence in 2022 for crimes under Article 212 of the Criminal Code of the Russian Federation is as follows. This is a citizen of the Russian Federation (100%), a man (100%), aged 25 to 39 years (75.0%), with incomplete secondary and full secondary education (58.3%), without

any specific occupation before his conviction (50.0%), unmarried (75.0%) and not seeking to get married (0.0%), physically healthy and able-bodied (100.0%), professing atheism (16.7%), Orthodoxy (33.3%), and Islam (50.0%).

Compared to the first decade of the XXI century, the socio-demographic characteristics of convicts have changed.

2. The penal characteristics of persons serving prison sentences for crimes under Article 212 of the Criminal Code of the Russian Federation allow us to conclude that they represent a group that refuses correction and adheres to the prison subculture.

3. The established weakness in maintaining useful social ties, combined with negative behavior in places of deprivation of liberty, necessitates the adoption of additional measures in relation to this category of convicts to prevent recidivism after release from prison (providing probation assistance, establishing administrative supervision, conducting surveillance and preventive measures, etc.).

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