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Victimity as a Penitentiary Conflictogenity Factor

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Abstract

Introduction: the article is devoted to the analysis of the state of victimity and its internal conflictogenic potential. Victimity is considered as a factor of penitentiary conflictogenity. Development of the conflict at its various stages is analyzed and, in this regard, the state of conflictogenity as a trend of penitentiary relations is characterized. It is argued that partnership and conflict in the conditions of the penitentiary life activity can equally be assessed from the point of view of both legal normativity and deviance. The opinion is substantiated that victimity is a reaction of the subject to the danger produced by almost all types of penitentiary communications. *Purpose:* to conduct a comprehensive intersectoral analysis of the institute of crime as a factor of conflict-prone public relations in the field of penitentiary life. *Methods:* the research methodology is determined by the specifics of the penitentiary environment, characterized by a high degree of conflictogenity due to the antagonisms in goal-setting, value priorities and behavioral motivations of administrators (“jailers”) and special agents (“prisoners”), collectively forming the “penitentiary population”. The article uses a complex of general scientific (dialectical, analysis and synthesis, system-structural) and special methods of cognition. *Results:* representing a specific social environment of a significant number of Russian citizens, the penitentiary system operates on the basis of two main regulatory and protective systems: legal and criminal. The antagonism of these systems causes a high degree of conflictogenity of penitentiary relations and, as a consequence, entails victimization of their participants. *Conclusion:* having conducted research, the author comes a conclusion that all penitentiary relations can be conditionally divided into partnership and conflict. At the same time, both partnership and conflict can equally be assessed as normative and deviant. Victimity, representing the subject’s potential predisposition to the state of a victim should be considered as an element of the socio-legal status of the conflict participant. At the same time, subjective victimity is directly related to the

change of conflict stages, within which the aggressive impact can be unilateral (unilateral victimization) or bilateral in nature.

Keywords: conflict; conflictogenity; deviance; danger; security; victim; victimity; victimization; penitentiary life; penitentiary conflictogenity.

5.1.1. Theoretical and historical legal sciences.

5.1.4. Criminal law sciences.

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General provisions

Victimology is a scientific field that studies psychological and behavioral characteristics of the behavior of a victim of aggression.

Victimity is potential possibility and psychological disposition of a person to act as a victim of aggression.

Conflict is a form of open confrontation between two or more parties (subjects), in which the interests of one party (subject) are realized by causing deliberate purposeful damage to the interests of the other party (counter-subject).

Conflictogenity is a dynamic evaluative characteristic of the state of public relations associated with their potential predisposition to the emergence and escalation of conflicts.

Penitentiary life activity is a system of social regulations and a form of behavioral relations carried out in the socio-spatial sphere of jurisdiction of the Federal Penitentiary Service of Russia.

Penitentiary conflictogenity is a factor that characterizes relations in the sphere of penitentiary life activity, which represents a local socio-cultural sphere, the formation and functioning of which are based on two regulatory and protective systems: administrative, based on substantive and procedural law (Penal Code of the Russian Federation, Criminal Code of the Russian Federation, Criminal Procedural Code of the Russian Federation), and traditional, based on the system of concepts and values of the criminal world. An important factor of penitentiary conflictogenity is objective antagonism of the subjective interests of two social groups, collectively representing the “penitentiary population”: the administration (“jailers”) and the special agent (“prisoners”).

Research

Conflictogenity of public relations in the sphere of penitentiary life activity: norm or deviation?

The understanding of conflict and conflictogenity as objects of research activity in relation to the national scientific school has a relatively recent history. Within the framework of the Soviet state-legal system, the conflict was perceived as a phenomenon belonging exclusively to the “world of capital”, where “dog eat dog”. In contrast to such antagonism, the socialist world was an “international of workers”, an “indestructible bloc of communists and non-partisans”, in which conflicts simply had no place [1].

Large-scale crisis transformations of the socialist economy and communist ideology, which led to the collapse of the USSR and the end of the socialist period of the national state and legal history, led to the emergence of numerous conflicts in various spheres of public life, for which neither individual Soviet citizens nor the state. The latter ceased to be Soviet socialist, but did not become developed capitalist, as it seemed to the “founding fathers of new Russia”. The necessity, as they say, to solve numerous problems related to both the theory of conflict understanding and the practice of conflict monitoring, as well as the need to form mechanisms to counteract conflict conflicts, led to a surge of scientific interest in conflict as a socio-cultural and political-legal phenomenon that instantly became relevant and significant for a number of social sciences, including law.

One of the most important issues affecting the understanding of conflict is the question of its place in the system of social normative regulation. How can conflict be assessed from the point of view of compliance with the ideas of normativity and deviance of public relations? Should conflict be attributed exclusively to destructive behavioral formats? Should positive factors be singled out along with negative ones, allowing us to talk about conflict as a tool for re-

solving social contradictions and a catalyst for social progress?

We believe that in modern conditions, the understanding of conflict and the assessment of its impact on public relations should be carried out within the framework of an integrated intersectoral approach that excludes the uniformity of scientific ideas and practical approaches.

Being one of the forms of intersubjective communication, conflict is opposed to partnership. However, such an opposition does not serve as a basis for identifying partnership with the norm as a model of positive behavior, and conflict with deviation as a model of negative behavior. Like such opposable and at the same time mutually conditioned categories as legal relationship and offense, conflict and partnership are two sides of the same coin of social communication. Consequently, both conflict and partnership relations are, in fact, normative (ensured and qualified by social norms, provided with social guarantees and assume certain consequences in relation to the subjects involved in them). Accordingly, conflictogenity acts as an evaluative characteristic, applicable both in the analysis of actual conflicts and partner-type communications, which in certain situations can turn into conflict forms.

Consideration of conflict and partnership in the context of the ratio of evaluation categories “normativity” – “deviance” allows us to get away from the phenomenological dichotomy. Both partnership and conflict can equally be assessed in terms of normativity and deviance. For example, in the legal sense, deviant partner relations are such criminal communicative forms as corruption, illegal drug sales, contract killings, “laundering” of criminally obtained funds, etc. Deviant conflicts include military actions on the part of aggressor countries opposed to normative diplomacy, terrorist acts, crimes against the life and health of the individual, etc. At the same time, to an equal extent, partnership and conflict can be considered as normative, and therefore legitimate forms of social behavior. Relations in the field of family, labor, state and municipal service are forms of public and private partnership supported and protected by the state. Examples of normative conflicts are the necessary defense, detention of a criminal, use of physical measures against violators of order in institutions of the Federal Penitentiary Service of Russia, etc.

The penitentiary system, represented by a complex of material institutions (acts of international and national law, state bodies and officials, public organizations, special contingent of correctional facilities, etc.) and social relations (criminal procedure, penal, civil law, labor, criminal, etc.), in a broad sense, is a specific local environment for the vital activity of a significant number of people. As of January 1, 2023, 433,006 people were held in institutions of the penal system [2], including 28.3 thousand women (as of March 1, 2022). There are 13 orphanages in women’s colonies, in which 332 children lived (as of May 1, 2022). The full-time staff of the penal system, funded from the federal budget, is 295,625 people [3]. Thus, the total number of “penitentiary population” is about 800 thousand people. At the same time, it should not be forgotten that family members of convicts, employees of law enforcement state bodies (Ministry of Internal Affairs, FSB, Prosecutor’s Office, investigative and judicial bodies, etc.), lawyers, representatives of public and religious organizations, etc. take indirect part in penitentiary life.

Social relations both of partnership and conflict nature are characteristic of penitentiary life (penitentiary communications). At the same time, partnership and conflict are possible within and among local social groups into which the penitentiary community is divided (employees and special contingent of the penitentiary system). In addition, in some cases, these forms may go beyond the boundaries of penitentiary institutions and acquire regional and interregional dimensions.

Taking into account the objective dichotomy of the interests of employees and convicts, the relations between which are based on inevitable antagonism of those who guard and those who are guarded or, more figuratively, jailers and prisoners, conflictogenity should be considered as a permanent component of penitentiary relations, regardless of the form of their expression at a given time interval [4].

Victimological features of subjects of penitentiary communications

For a long time, scientists in various fields of knowledge have accumulated information that allows us to talk about victimology not only as an independent subject area in the field of scientific research, but also as a complex intersectoral science. Nowadays, active theoretical

and praxiological developments of general and specific problems of criminal, social, and penal victimology are being carried out [5, p. 7]. The results obtained by scientists are used for victimological prevention and protection, and are also taken into account in the process of elaborating recommendations for optimizing state and non-state mechanisms of regulatory and protective impact.

Victimology that studies epistemological development of a victim was a product of Soviet society, in which, as previously noted, the conflictogenity of public relations was denied by virtue of the dominant state ideology [6].

The conflict-free theory prevailing in Soviet social and humanitarian science, based on the Marxist ideas of the Communist international, the working people of the whole Earth, formed a completely definite and predictable attitude to criminology as a science that studies crime as an archaic, social phenomenon doomed to extinction, which, like religion, will have no place in the progressive communist community of the coming future. Naturally, with such an attitude, victimology as the doctrine of the victim of a criminal conflict was perceived with a fairly high degree of prejudice. At the same time, since conflict and crime as objective social phenomena were rejected in theory, it was impossible to exclude these categories from life processes of the Soviet State and society. In the difficult conditions of official criticism and real demand, domestic victimology was formed first as a sub-branch of criminology [7], and subsequently stood out as an independent direction of complex scientific knowledge. It is impossible to conceal the objective nature of crime and the importance of the victim in the development of a criminal situation. In these conditions, there was an urgent need for the formation of domestic victimology. A criminal direction of victimological research clearly dominated in its development [8].

For almost forty years, victimologists have considered concepts “victim of crime” and “aggrieved person” to be the same [9, p. 6, 22, 38]. Currently, the methodological approach has been significantly expanded and includes ideas about the victim of any origin, both criminal and unrelated to the commission of criminal acts [10]. In recent years, a lot of scientific papers describe the victim of the conflict, regardless

of whether there is a criminal trace in the case, or the harm caused has come from another, non-criminal source. Researchers receive rich source material in the field of sociology, psychology, psychiatry, pedagogy, etc.

Thus, in modern conditions there is no uniform attitude to the subject of victimology, and this is not a coincidence of circumstances. The development of science leads to the emergence of new branches of knowledge, including those related to the idea of a person as a potential or real victim of natural and social disasters.

With the development of society, global processes taking place in the world increase the conflictogenity of public relations associated with a potential predisposition to the emergence and escalation of conflicts. At the same time, as G.I. Kozyrev rightly notes, “neither in the foreign nor in the domestic sociology and conflictology, the problematic of the victim as one of the elements in the structure of conflict interaction has not yet found an adequate reflection” [10, p. 11]. According to the scientist, “a victim in the structure of conflict communication is understood as a person *innocently* (emphasis added) injured during the conflict. At the same time, the victim him/herself in some cases acts as its cause” [10, p. 13]. While backing in general the point of view expressed, we believe that the category of “innocence” in relation to the understanding of the victim is not entirely correct. First, the term “innocence” itself is archaic and was previously used mainly in the context of a genetic characteristic (“maiden innocence” = “maiden chastity”). In modern conditions, guilt and, consequently, innocence are considered as elements of the subjective side of the crime (administrative offense) used in the process of executing criminal or administrative legal liability and confirmed or refuted at the stage of judicial (administrative) legal application. In this understanding, singling out the victim as an aggrieved party automatically means referring it to persons innocent of committing a crime. We believe that considering any social conflict (regardless of its legal assessment) as an open form of confrontation between two or more subjects, in which all participants’ activities are aimed at harming the interests of the warring parties, excludes the dichotomy in the concept of “guilt – innocence”, “aggressor – victim of aggression”. Conflict in terms of the

sacrifice of its participants is a form of two- or more third-party social aggression, in which all the participating persons possess qualitative properties of the victim, regardless of which of them is the initiator of the conflict communication and who is its addressee. Second, the identification of the concepts of conflict and crime (offense) is erroneous. As previously noted, conflicts can be represented by both normative (legitimate) and pro-law (deviant) communicative forms. For example, in the conflict involving harm to an attacker in the framework of a necessary defense, the subject who showed aggression and subsequently became the addressee of malicious counteraction is not an innocent party, which does not exclude considering him/her as a victim, and hence the subject of victimological analysis.

In relation to conflicts in the penitentiary sphere, behavioral victimity is of particular importance. There is interesting dichotomy of psychological perceptions in the public consciousness. As long as an abstract criminal is at large and commits criminal acts, the average person is identified as a victim, and the criminal as an aggressor. Such an attitude determines a sufficiently high level of potential aggressiveness of law-abiding citizens in relation to potential subjects of criminal law liability. The data of sociological surveys indicate that the society supports state measures to toughen penalties practically for all types of crimes. A number of advocates for the return to the real enforcement of capital punishment (a death penalty) is invariably large. However, after a person accused of committing a crime enters places of social isolation, the public assessment of his/her status changes dramatically. Being behind bars is perceived as a victim of prison arbitrariness with the resulting criticism of the penal system as cruel and inhuman. Thus, there is a logical contradiction between victimological characteristics of the persons involved in public relations at the stage of preparation and commission of criminal acts and the subjects of criminal procedural and criminal executive relations related to the determination of guilt in the commission of a crime, the type and measure of criminal liability, as well as the execution of a certain a judicial sentence of punishment.

Participants in conflict communications arising in the sphere of penitentiary life activity may

relate both to one of the above-mentioned social groups (head-subordinate conflict among employees of the penal system; conflict between "trusties" and "peasants" among convicts, etc.) and represent antagonistic penitentiary strata (conflict between the administration and convicts in the form of mass riots). In each case, victimological characterization of participants in the penitentiary conflict should be carried out with regard to specific features of the corresponding conflict communication [4].

Any conflict, regardless of the specifics of the subject composition and content, includes a number of interrelated stages: latency, transition to an open form of confrontation between the parties, escalation, conditional equilibrium, attenuation, termination [11]. In the process of conflict, these stages may be repetitive, which entails a change in the victimity state of the parties to the conflict. Thus, at the stage of latency, the danger produced by the conflict is one-sided (an initiator of aggression – an addressee of aggressive impact). As long as the addressee has not taken adequate retaliatory actions against the aggressor, he/she is considered a victim of aggression, and the conflict is considered latent [12]. The transition of the conflict into an open stage of confrontation with the subsequent escalation of mutual aggression transforms the danger into a bilateral one, which, in turn, presupposes victimization (sacrifice) of the two sides.

The victimological characteristics of behavior of the subjects of conflict communication actualizes the problem of understanding the category of "danger". Its constituent elements comprise a logical chain: "challenge", "threat", "risk", and "harmful consequence" [13]. According to O.N. Gromova, any act perceived as dangerous can and should be evaluated within the framework of this particular logical chain. In this understanding, danger (potential or real) characterizes any social interaction, regardless of its final legal assessment and actual results [14]. In particular, a family union based on love and fidelity of spouses is fraught with numerous dangers and threats and risks (infidelity, psychological disorders, violence, material and financial contradictions, etc.), capable, under certain circumstances, to lead to conflict situations, the victims of which may be either one or both spouses, as well as their children, rela-

tives, neighbors, etc. In relation to penitentiary relations, danger acts as an objective characteristic, which is caused by the antagonism of the interests of jailers and prisoners, with their mutual hostile perception. The formal (status) inequality of subjects of penitentiary communications determines the presence of two centers of power (the administration of the penitentiary institution and the so-called watchers), whose interaction is carried out in the form of either latent or open conflicts. At the same time, both direct participants (employees of institutions and convicts) and persons who have an indirect relationship to the penitentiary system can be victims of these conflicts.

The idea of danger as an objective factor included in the system of almost any social relationship actualizes the understanding of security as a potential readiness and adequate response of the subject to the emerging threat. Thus, security (including in the field of penitentiary relations) includes the ability of a particular person to diagnose a specific danger as real and subjectively significant, as well as a set of competencies that allow minimizing harmful consequences of being in a dangerous state.

Understanding victimity as a psychological and behavioral reaction of the subject to potential and real danger means that the vicarious state of victimhood can equally motivate the subject to try to avoid conflict confrontation (self-exclusion syndrome) and thereby ensure their own safety or, on the contrary, initiate conflict, regardless of awareness of the danger of such a state (moth syndrome, doom syndrome).

In the first case (self-exclusion syndrome), victimity is considered as a preventive state of subjective consciousness and behavior, within which danger is a model of undesirable harmful consequences of a possible conflict formed at the psychological level, the purpose of which is to prevent conflict interaction by leaving the

conflict situation. Thus, a person who finds him/herself in the sphere of penitentiary life and perceives it as a general danger, seeks to limit communication with representatives of the criminal world and employees of the penitentiary institution, considering them as equivalent threats. The former are capable of causing harm for violating concepts and the latter – for violating administrative regulations. Since both of them are equally dangerous for a “newcomer”, it is desirable to stay away from them. In the case when a person, realizing the danger of a possible conflict, nevertheless seeks to join it, other victim stereotypes operate. A moth syndrome involves unconscious initiation of conflict by pushing a potential aggressor to malicious actions. A defiantly dressed drunk girl, an intemperate “newcomer” in a prison cell, a tourist showing a wallet filled with bills in a public place – all these and other fairly common life situations often act as a trigger that makes a potential conflict real. A doom syndrome means the desire to enter into a conflict when realizing the inevitability of one’s own defeat in it. At the same time, the initiation of the conflict and its escalation for the doomed person have the main goal of causing maximum damage, and hence the maximum increase in victimization in relation to the countersubject. As an example of the doom syndrome in the sphere of penitentiary relations, we can consider the situation associated with mass riots in correctional facilities, when protest events are initially intended to be defeated, but are initiated due to the unwillingness of convicts to tolerate the existing order in the future.

Representing a dynamic structure, the conflict consists of several stages, each of which is characterized by special victimization of the subjects involved in conflict communication.

The dynamics of conflict development and the state of subjective victimization associated with it are presented in the table.

Dynamics of conflict development and the state of subjective victimization

Latency of the conflict		Transition to an open form of confrontation between the parties		Escalation of the conflict
Stage 1	Stage 2	Stage 1	Stage 2	
1	2	3	4	5
The aggressor is aware of resource shortage and form	The aggressor commits actions aimed at harming the inter-	The addressee of aggression is aware that the	The addressee of aggression carries out re-	Strengthening of mutual aggressive influence aimed at causing maxi-

1	2	3	4	5
a psychological image of the enemy in relation to the addressee of aggression	ests of the address- ee of aggression	aggressor's ac- tions are aimed at harming his/ her subjective interests	taliatory aggres- sion against the subject who has initiated the con- flict	imum harm with the in- volvement of all warring parties
Background cause of the conflict	Background cause of the conflict	Backgroun d cause of the conflict	Condition for the transition to an open form of conflict	Condition for the tran- sition to a new cycle of conflict confrontation
POTENTIAL VICTIMITY		REAL VICTIMITY		

The selected stages of the conflict together form a complete cycle of conflict communication, the result of which is either the end of the conflict or its transfer to another stage.

Conditions for the end of the conflict are the following:

- one party leaves the conflict;
- resource scarcity is eliminated;
- the conflict is attenuated as a result of the end of resources of the conflicting parties;
- the conflict is suppressed by state law enforcement.

In turn, the transition to the next conflict cycle is a consequence of the resumption of aggressive confrontation between the parties while maintaining the prerequisites that have caused the conflict (resource deficit and psychological image of the enemy).

It should be noted that victimization of subjects directly depends on the stage of conflict communication. Thus, within the framework of a latent conflict, when aggression is carried out unilaterally, victim behavior is characteristic only of the addressee of aggressive influence. The transition of the conflict to an open form of intersubjective confrontation with subsequent escalation gives aggression a two-way character, which, in turn, causes behavioral victimization of all subjects of conflict communication.

With regard to penitentiary conflicts, victimization of their participants should be considered as a significant influence factor that should be taken into account both in the process of conflict prevention and in their resolution. As previously noted, the social composition of penitentiary institutions is represented by two social groups (administration and spe-

cial agent), the relations between which are characterized by a high degree of conflictogenity, and hence victimization.

The victimological activity carried out in modern conditions is aimed at preventing potential and resolving real conflicts in the sphere of penitentiary life [15]. Penitentiary victimology as a direction of applied impact should include different processes: research, educational, personnel, etc.

As the target settings that determine the functionality of modern penitentiary victimology, it is necessary to distinguish:

- conducting fundamental research aimed at acquiring new knowledge about subjective victimization in conflict situations, their prediction and prevention;
- legal protection of victims of latent and open conflicts;
- dissemination of scientific and legal knowledge about the subject of criminal victimology and its possibilities in the context of potential and real conflicts;
- formation of applied competencies in the field of practical application of victimological knowledge, and skills [16].

Conclusion

The results of the study are reflected in the following conclusions.

The penal system is a local socio-spatial sphere of behavioral activity (penitentiary life), the subjects of which are two groups with direct interests (administration and special agent) of the Federal Penitentiary Service of Russia, as well as persons indirectly associated with the processes of penitentiary life (representatives of law enforcement and judicial authorities, lawyers, representatives of international,

state and public human rights organizations, etc.).

Representing a form of intersubjective communications, penitentiary relations should be differentiated into partnership and conflict. At the same time, both partnership and conflict can equally be assessed as normative and deviant. Victimhood, representing a potential predisposition of the subject to the victim's condition, should be considered as an element of the socio-legal status of the conflict participant. At the same time, subjective victimization is directly related to the stage of the conflict, within the framework of which the aggressive impact

can be unilateral (single-sided victimization) or bilateral.

The analysis of behavioral victimization of participants in penitentiary conflicts suggests a deterministic relationship between the danger produced by the conflict and victim behavior. Depending on the circumstances, subjective victimization may be aimed at trying to avoid conflict confrontation (self-exclusion syndrome) and thereby ensure their own safety or, on the contrary, initiate the conflict, regardless of the awareness of the danger of such a condition (moth syndrome, doom syndrome).

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