

## SOME TRENDS OF MODERN DOMESTIC STATE POLICY IN THE FIELD OF CRIME PREVENTION

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The subject. The article is devoted to the analysis of current trends in state policy in the field of crime prevention.

The author aims to prove that this policy is intuitively focused on prevention and ensuring the security of society and the state from internal and external threats, but needs legislative regulation of the main directions, principles, and approaches.

Methodology. Based on the study of legislation and doctrinal sources, the article formulates conclusions regarding the concept of state policy in the field of crime prevention and the need for its conceptualization.

Main results. The author focuses on the main trends of modern criminological policy, which include an increase in the number of normative legal acts, primarily of a strategic nature (doctrines, concepts, strategies), which can be attributed with a certain degree of confidence to legislation in the field of crime prevention (criminological).

Conclusions. The article argues for the need for balance and strategic vision in this area. The policy in the field of crime prevention should be systematic, thoughtful, balanced, and legislatively defined. In the course of the study, historical, comparative legal, dialectical methods were used, as a result of which the author came to the conclusion about the possibility of regulatory regulation of the conceptual foundations of state policy in the field of crime prevention at the level of a strategic document. The article proposes to develop and adopt at the legislative level the Doctrine of Combating Crime in the Russian Federation, Recommendations on the legal regulation of crime prevention for the CIS member states.

### 1. Introduction

The definition of the main directions of state policy in the field of crime prevention (criminological policy) in the current conditions is becoming particularly relevant, due to modern challenges and threats predetermined by changes in geopolitical, economic, social, and cultural relations. Recently, there has been an intensification of the role of criminal law in solving issues related to ensuring the protection of society and the state, while the development and implementation of preventive measures have no less anti-criminal potential. The fascination with criminal-law means of responding to crime should not overshadow the importance of preventive measures, the real implementation of which is capable of ensuring the state of safety, security of state and public institutions [1, p. 122]. The idea put forward by ancient thinkers that "crime prevention should take priority over the punitive policy of the state" [2, p. 195; 3] was not always fully implemented in practice, although it was voiced in the works of famous thinkers such as Confucius, T. Mohr [4], C. Beccaria [5],

Sh.L.Montesquieu, M.N.Gernet [6], M.V.Dukhovskiy, A.F.Kistyakovskiy, A.A.Piontkovskiy, M.M.Speransky, N.S.Tagantsev, I.Ya.Foynitskiy, M.P.Chubinskiy, etc. Yu.M.Antonyan, M.M.Babaev, A.I.Dolgova, Ya.I.Gilinskiy, I.I.Karpets, A.I.Korobeev, V.N.Kudryavtsev, A.G.Lekar, N.A.Lopashenko, V.V.Luneev, V.A.Nomokonov, A.B.Sakharov, D.A.Shestakov, V.E.Eminov, A.M.Yakovlev and other scientists contributed to the study of modern problems of crime prevention. However, despite the abundance of scientific research, dynamically changing social conditions, challenges facing society and the state on a global scale determine the relevance of the analysis of measures taken by the state in order to determine their anti-crime potential and build on this basis an effective state policy in the field of crime prevention.

### 2. Countering or preventing crime?

Currently, the term "countering crime" is most often used in legislation and law enforcement practice. Some normative legal acts even contain the lexeme "counteraction" in the very name<sup>1</sup>, but its

<sup>1</sup>For example, Federal Law "On Countering Extremist Law Enforcement Review  
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definition in the text of the document itself is either completely absent or very vague. The analysis of the legal matter indicates that the content of the concept of "countering crime" is interpreted broadly by the legislator: these are activities for crime prevention, detection, prevention, suppression, disclosure and investigation of crimes, combating crime, minimizing and (or) eliminating the consequences of crime manifestations, and activities within the powers of the relevant authorities. Thus, it can be concluded that the legislator has not yet decided on the exact wording of the concept of "countering crime" and admits a pluralism of approaches to its interpretation.

The scientific literature notes that the concept of "counteraction" coincides in its content with the prevention and fight against crime, but these types of activities initially have different goals. If the purpose of prevention is to deter a person from committing an illegal offense completely or to prevent the implementation of a criminal plan (finishing of the criminal act), then the purpose of combating crime is to contain existing crime within certain limits [7, p. 34]. As for countering crime, this concept includes both the situation of preventing crimes and the impact on the already existing reality in the form of committed illegal acts [8, pp. 213, 9]. In fact, by countering crime, both the goals of prevention and the goals of combating crime are being realized.

If we consider the relationship between the concepts of "crime prevention" and "crime control" through the prism of the subject composition, then all persons without exception can conduct preventive activities, regardless of their professional affiliation. In the implementation of the fight against crime, an exclusively professional approach is used: representatives of competent state structures should certainly "fight" against criminal acts that have already been committed.

Undoubtedly, crime is a very complex

phenomenon, primarily of a social nature, in need of prevention, prevention, struggle, confrontation, counteraction, etc. In a broad sense, it is advisable to use the most voluminous concept, which makes it possible to realize the entire arsenal of available means. In this regard, the term "countering crime" should be recognized as the most appropriate in meaning. Crime prevention can be understood as the activities of both state and public entities aimed at preventing the commission of criminal acts, resisting the reproduction of crime in ways and means provided for by law.

Crime prevention is an integral part of the broader concept of "counteraction" and represents the activities of both state and public institutions aimed at preventing criminal acts, minimizing the causes of crime, and neutralizing conditions.

### 3. State policy in the field of crime prevention

As noted in the scientific doctrine, the concept of public policy covers "purposeful activities of public administration bodies to solve public and international problems, develop society, and ensure security" [10, p. 47]. Thus, the scope of state policy in the field of crime prevention includes a wide range of activities; the entire palette of actions of subjects whose task is ultimately to resist the reproduction of crime provided for by law [11; 12].

In the most general form, we can say that any direction of public policy from a certain angle can be viewed through the prism of achieving the designated goal. Thus, the economic and social measures taken by the Government of the Russian Federation are aimed at improving the well-being, comfort, and security of the population, which helps to curb crime. In other words, public policy in any field has a counter-criminal potential. At the same time, this does not mean that any Government policy should be declared a crime prevention policy. Let's put it this way: all state policy has anti-crime potential, but only crime prevention policy is fully aimed at its implementation.

Probably, any legitimate human activity with a certain degree of assumption can be recognized as having an anti-criminal potential. However, when we are talking about State policy in the field of crime prevention, we mean, first of all, measures aimed at

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Activities" dated 07/25/2002 No. 114-FZ, Federal Law "On Countering Terrorism" dated 03/06/2006 No. 35-FZ, Federal Law "On Combating Corruption" dated 12/25/2008 No. 273-FZ, Federal Law "On Countering the Legalization (Laundering) of Proceeds from Crime and the Financing of Terrorism" from 07.08.2001 No. 115-FZ and some other regulatory legal acts.

neutralizing specific types of crimes, including through the use of means of criminal prohibition. It is the latter that can be designated by the term "criminal law policy". In the scientific literature, one can find positions that identify criminal law policy with the prevention of crime, the fight against it in a broad sense [13, p. 55-56]. However, criminal law policy is not equal to State policy in the field of crime prevention, and also cannot and should not play a "substitute" role in relation to the latter.

Using the term "criminal law" in relation to anti-crime policy, we emphasize not only its connection with criminal law prohibitions and other criminal law means, but also denote its derivation, connection with the events of crimes. The public danger of an act, as a fundamental principle of criminalization, determines the conjugation of criminal law policy with socially dangerous acts that have already occurred in real life [14, p. 130]. In this regard, it seems quite difficult to predict criminal law policy in some perspective, given its derivative nature, while state policy in the field of crime prevention based on criminological analysis (statistical data on crime, etc.) may be designed future-proof.

#### **4. The historical aspect of state policy in the field of crime prevention.**

Of course, at all times of historical development, any state was concerned about its security from internal and external threats, a significant part of which (if not the main one) is crime. If the analysis of legislative activity and law enforcement practice of the "early" period of the development of Russian statehood demonstrates the integration of crime prevention activities into the "body" of the criminal policy of the state, then by the end of the XVIII century there is an obvious differentiation of approaches. At the legislative level, this situation was formalized by the adoption of the Statute on the Prevention and Suppression of Crimes in 1832<sup>2</sup>, which consolidated the norms aimed at preventing the commission of offenses (prevention).

Subsequently, in the USSR, thanks to the reorientation of state policy on combating crime to the organization of preventive activities, it was possible to create a coherent crime prevention system. In many ways, it is precisely due to the fact that prevention has become the most important function of public authorities designed to combat crime [13, p. 53], it was possible to minimize the repressive nature of criminal policy and achieve a reduction in the crime rate as a whole [15]. For all the apparent shortcomings of the Soviet system, it was in the Soviet Union in the 60s - 80s of the XX century that the anti-criminal potential of the state policy was realized to the maximum extent. A state strategy for combating crime based on traditional values, the priority of social control and the norms of human community was developed and fixed in programmatic documents. It seems that modern policy in the field of combating crime just lacks a more preventive bias, the preventive potential has not been fully realized.

In recent Russian history, an attempt to form a legislative framework for anti-crime (criminological) policy was undertaken by Federal Law No. 182-FZ dated June 23, 2016 "On the Basics of the Crime Prevention System in the Russian Federation" (*hereinafter also Federal Law No. 182*). With all the positive significance of the development and adoption of the designated normative legal act, it was never able to assume the role of a fundamental document on the basis of which legislation regulating preventive activities would be adopted. The scientific press expressed reasonable complaints to its content, as well as wishes to "unify the regulatory regulation of activities for the prevention of certain types of crime on the basis of the adopted law on the basics of the crime prevention system" [16, p. 72]. However, it should be recognized that the proper degree of unification of "preventive" legislation at the federal and regional levels has not yet been achieved. In fact, Federal Law No. 182 currently exists independently and does not play a decisive role in regulating preventive activities. The laws adopted at the federal level on countering various types and forms of crime, although they use the terminology of Federal Law No. 182, operate with completely different approaches in determining preventive measures and measures. In addition, the

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<sup>2</sup>The Statute on the Prevention and Suppression of Crimes of 1832. URL: <https://www.prilib.ru/item/459984>.

changed socio-economic and political conditions, the need to form an all-Russian civic identity, and the protection of traditional cultural values dictate the need to identify new areas of crime prevention, and transform existing approaches in the analyzed area.

### **5. Trends in state policy in the field of crime prevention**

The analysis of legislative activities related to crime prevention demonstrates significant positive dynamics. Over the past decade, a significant number of strategic regulatory acts (doctrines, strategies, concepts, etc.), federal laws, by-laws regulating the implementation of preventive anti-criminal measures to one degree or another have been adopted, which is undoubtedly a positive trend in state policy in the field of crime prevention.

Modern domestic criminological policy is maximally focused on ensuring the security of society and the state from internal and external threats, which is predetermined to a greater extent by external circumstances [17, p. 11]. And this is true: the complicated geopolitical situation, the conduct of a special military operation, difficulties in international cooperation with some countries, local armed conflicts – all this, of course, has its effect on decision-making by government authorities, and requires prompt action to ensure stability and security. Haste can eventually lead to thoughtlessness, chaos and unbalanceness. The lack of action of public authorities will lead to a similar effect. Everything combined can create in the mass consciousness a feeling of lack of balance, thoughtlessness, chaos (although in fact this is not the case).

The state policy in the field of crime prevention has been formed and is being implemented in certain anti-criminal areas. Thus, recent changes in legislation on countering terrorism and extremism demonstrate a consistent bias towards prevention (the fight against these negative phenomena is certainly relevant, but government policy is increasingly focused on prevention). The need for prevention and the implementation of security measures have also been demonstrated by recent events in the Crocus

City Hall near Moscow<sup>3</sup>. In the Comprehensive Plan for Countering the Ideology of Terrorism in the Russian Federation, approved by Presidential Decree No. Pr-2610 of December 30, 2023, considerable attention is paid to prevention issues (general prevention, targeted prevention, individual prevention) in order to eliminate the prerequisites for radicalization of the population, the formation of rejection of the ideology of terrorism, resistance to its propaganda<sup>4</sup>. Such an obvious trend cannot but be assessed positively: without well-organized prevention, the struggle in this area will be eternal and without victorious prospects. This is relevant for any type of offending behavior that is easier and less costly to prevent than to investigate. Despite the fact that very reputable scientists (Y.M. Antonyan) claim that "crime prevention is quite expensive," however, such realists agree that "crime prevention brings enormous benefits to society in material terms, giving tangible savings" [18, p. 21].

Criminological legislation regulating certain types of crime prevention can be attributed to the Federal Law No. 120-FZ dated June 24, 1999 "On the Basics of the System for the Prevention of Neglect and Juvenile Delinquency"<sup>5</sup>, dated August 07, 2001 No. 115-FZ Federal Law "On Countering the Legalization (Laundering) of Proceeds from Crime and Financing terrorism"<sup>6</sup>, dated July 25, 2002 No. 114-FZ Federal Law "On Countering Extremist Activities"<sup>7</sup>, dated March 06, 2006. No. 35-FZ Federal Law "On Countering Terrorism"<sup>8</sup>, dated December 25, 2008 No. 273-FZ Federal Law "On

<sup>3</sup>The terrorist attack at Crocus City Hall. URL: <https://tass.ru/proisshestiya/20320557>.

<sup>4</sup>Decree of the President of the Russian Federation dated 12/30/2023. No. Pr-2610 "On a comprehensive plan to counter the ideology of terrorism in the Russian Federation". URL: <https://www.garant.ru/products/ipo/prime/doc/408366785/>.

<sup>5</sup>Federal Law No. 120-FZ dated 06/24/1999 "On the basics of the system for the Prevention of neglect and juvenile Delinquency."

<sup>6</sup>Federal Law No. 115-FZ dated 08/07/2001 "On Countering the Legalization (Laundering) of Proceeds from Crime and the Financing of Terrorism".

<sup>7</sup>Federal Law No. 114-FZ dated 07/25/2002 "On Countering Extremist Activities".

<sup>8</sup>Federal Law No. 35-FZ dated 06.03.2006 "On Countering Terrorism".

Combating Corruption"<sup>9</sup>. The attribution of some of the presented normative legal acts, in particular the Federal Law "On the basics of the system of prevention of neglect and juvenile delinquency", to the number of criminological ones by some scientists is criticized due to its extension beyond the criminal law sphere (D.Y. Goncharov). But, as the author himself rightly notes, "the absence of a basic federal law regulating the main provisions of preventive anti-criminal activities obviously does not allow us to standardize the criteria for classifying an act as a preventive subsystem of legislation on combating crime [19, p. 53]. In other words, the lack of uniform formulations fixed by legislation allows for pluralism of opinions and allows us to include a wide range of documents with a counter-criminal orientation among the normative acts of a criminological nature.

It seems that the point of developing and adopting preventive (criminological) legislation is precisely to prevent crimes, to create obstacles to the offending, deviant (deviant) behavior that leads a person to the dock. Reasoning within the framework of such a paradigm, one should agree with the opinion expressed in the scientific literature on a broad understanding of criminological legislation, in which it is necessary to highlight the norms regulating the strategy of combating crime, criminological expertise, countering specific types of crime, victimological legislation [20, p. 48].

A broad approach to understanding criminological legislation makes it possible to include strategic documents currently being adopted, such as the National Security Strategy [21, pp. 120-121]<sup>10</sup>, the Naval Doctrine of the Russian Federation<sup>11</sup>, and the Military Doctrine of the Russian Federation<sup>12</sup>. In all these documents,

manifestations of crime are identified as an internal threat to the development of Russian statehood: corruption, terrorism, extremism, maritime piracy, sabotage, activities aimed at forcibly changing the constitutional order, high treason, etc. A meaningful analysis of these documents demonstrates their significant anti-criminal potential: in addition to challenges and threats, the text lists specific directions and measures to neutralize them. At the same time, the documents define strategic goals and principles of public policy, tasks and ways to achieve them, that is, conceptualize public policy in a certain area. Taking into account the identified anti-criminal (anti-criminal) potential of the provisions of these normative legal acts, it can be concluded that they conceptualize to some extent the policy in the field of crime prevention.

These documents set out the main directions for the development of public policy in the designated areas, identified tasks, and set priorities. The Doctrine of Criminal law, which was proposed to be adopted by Professors Y.V.Golik and A.I.Korobeev back in 2014 [22, pp. 1399, 1404], and the draft Concept of the criminal law policy of the Russian Federation which was already prepared by professors M.M.Babaev and Y.E.Pudovochkin [23; 24], is completely logical in this series. At one time, A.I.Korobeev proposed a completely working "model for the development of criminal law policy in the field of lawmaking", which is a) the creation of a Doctrine of modern criminal law; b) the development of a Concept of criminal law policy based on it; c) the design and adoption of a new Criminal Code [25; 26, pp. 190-191]. However, to date, no document representing the doctrine (concept, strategy) of criminal policy has been adopted. It seems that such a situation may, with a certain degree of probability, indicate the desire of the legislator to retain the right to carry out "regulation by criminal law means in manual mode", given the turbulence of public relations in conditions of increasing instability, as well as the general complexity of long-term forecasting of criminal law policy, as already mentioned on the pages of this work. However, if such an approach can be justified with regard to criminal law policy, then with regard to combating crime in general (or at least state policy in the field of crime prevention), it is unlikely

<sup>9</sup>Federal Law No. 273-FZ dated December 25, 2008 "On Combating Corruption".

<sup>10</sup>Decree of the President of the Russian Federation dated 07/02/2021 No. 400 "On the National Security Strategy of the Russian Federation".

<sup>11</sup>Decree of the President of the Russian Federation dated 07/31/2022 No. 512 "On Approval of the Maritime Doctrine of the Russian Federation".

<sup>12</sup>Decree of the President of the Russian Federation dated December 25, 2014 No. Pr-2976 "On Approval of the Military Doctrine of the Russian Federation".

that the lack of regulation of the main directions, strategic goals, principles, measures and methods used will contribute to achieving a positive result.

If we assume that the adoption of a doctrine (concept, strategy) of criminal law or criminal law policy is difficult due to the sensitivity of this issue for the legislator, due to the specifics of criminal law relations themselves, then the development and adoption of a strategic document in the field of crime prevention (for example, the doctrine of crime prevention) seems to be a completely feasible step. In this regard, it seems quite possible in the near future to develop and adopt a Crime Prevention Doctrine in the Russian Federation.

Taking into account the formation of a new geopolitical reality based on equality of rights and legitimate interests of various states, ensuring mutual security, reorientation of the vector of international relations to the East, the development of interaction in the Eurasian space is thought through the prism of defining common areas of harmonization and convergence of legislation. This is possible in the form of developing Recommendations on the legal regulation of crime prevention for the CIS member states. The solution of this issue, of course, requires detailed study, but the trends in the implementation of just such a scenario plan seem obvious today.

Currently, the cooperation of the CIS member states on combating crime is based on the conclusion of cooperation agreements, interaction between law enforcement agencies, and the development of recommendations on the harmonization of criminal law policy [27, p. 89]. It should be noted that combating crime in various fields is one of the key topics on the agenda of the IPA CIS: in recent years, a significant number of documents have been developed and adopted to facilitate issues of interstate cooperation in the fight against corruption, terrorism, illicit trafficking in narcotic drugs and psychotropic substances, etc., in the joint work of investigative and operational groups, in the exchange of information<sup>13</sup>. However,

the CIS regulatory framework still lacks a document regulating general directions, principles, and approaches to regulating crime prevention, which prevents effective harmonization of legislation and leads to some "delay" in joint preventive work. It seems necessary to build crime prevention activities in advance, which is impossible without appropriate legal regulation.

## 6. Conclusions

1. Modern state policy in the field of combating crime is focused on prevention and ensuring the security of society and the state from internal and external threats, which seems justified in the current geopolitical situation.

2. There is a tendency to increase the number of normative legal acts, primarily of a strategic nature (doctrines, concepts, strategies), which can be attributed with a certain degree of confidence to legislation in the field of crime prevention (criminological). However, there is still no document that would conceptualize policy in this area. In this regard, it seems relevant to develop and adopt the Doctrine of combating Crime in the Russian Federation. At the interstate level, it is proposed to develop and adopt Recommendations on the legal regulation of crime prevention for the CIS member states.

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<sup>13</sup>About the activities of the CIS in the fight against crime. URL: <https://cis.minsk.by/news/11633/o-deatelnosti-sng-v-sfere-borby-s-prestupnostu>.

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