

CONTINUITY OF CRIMINAL-INFORMAL RELATIONS AND THEIR IMPACT IN THE CRIMINAL ENVIRONMENT

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Abstract: *The article is dedicated to the actual problem of continuity of criminal-informal relations in criminality, their content and impact on the development of the criminal world in Russia in the XX-XXI centuries. The analysis of criminality and its preservation in the society allows to state that at different historical stages it intensively developed and progressed, having its history and internal logic of development, interacting thereby with all unfavorable social processes that generate it. Therefore, criminality is mobile, stable and always ahead of the system of struggle with it, including the development of law enforcement agencies in general as well as the process of legislative activity of the state. Criminology, as an independent science, considers any phenomenon related to criminality through the prism of its subject. And criminality is a fundamental element. That is why knowledge of its origins, regularities and laws from the point of view of the society historical development is very necessary for criminology. Besides, studying the origins of criminality through the creation of new criminological theories and directions is based on the author's methodology which includes a combination of objective and subjective features.*

Keywords: criminality, criminal ideology, criminal-informal relations, jargon, criminal specialisation.

The appearance of criminal-informal relations in the form and content in which we present them today is likely to be connected with the appearance of criminality in the society. In their basis, these relations, as it seems at the stage of their inception, did not differ in anything special, specific or proper to only in this world. These are help and to the others, hospitality and many other things that allowed people to unite in interpersonal relations, stimulating the processes of their life activity¹.

At the heart of the criminal world's origin, as a special communicative system of criminality, apparently, dominated its own factor complex of reasons which causes the fact that people made up their minds to commit crimes. The indignation of people in the society by the injustice of its class contradictions, poverty or hunger and their protests in various forms contributed to the unification of people in their struggle for their rights.

¹ K.K. Vasilyeva, S.N. Ovchinnikov, "Migration criminality: Experience of socio-psychological portrait and studying behavioural attitudes of the convict", in *Astra Salvensis*, 2018, vol. 6, p. 49-57.

And in most cases this struggle included the most heinous of the vices of human civilisation. Due to this situation, the moral decline of certain groups of the population was lowering them to the very "bottom" of the society where dominated "its own morality", "its own laws" and, in the end, its own criminal way of living. At the same time, "in this peculiar world of the fallen, the rejected, the punished and simply the unhappy something strange and mysterious is concealed, but nevertheless something neither more, nor less, but simply human"².

Today, it is difficult for us to say exactly when the criminal world originated as well the criminal–informal relations in it. We can assume that this reality is connected primarily with the appearance of the state and law. But the process of studying historical sources, after all, allows us to characterise the periods in which took place its formation and the establishment against the background of human civilisation development.

In particular, according to L. Belogrits-Kotliarevskiy, a historian of Russian law, in the period of the hardest economic situation of Russia, in view of inept policy of Alexey Mikhailovich "generated a mass of crimes against someone else's property"². Further, referring to this study, we learn that "robbers... embodied the ideal of a free life of a Russian commoner of the XVII century. He was striving to this ideal by his inner world, he personified it in famous images captured in folk songs... such solidarity even more strengthened criminality and brought it to terrible sizes... especially, in Moscow which was a den of thieves and robbers"³. This is very similar to the individual pictures of the modern thieves' world.

A historian G.V. Yesipov expressed his solidarity on this matter. He wrote, "Thieves and fraudsters need tight locations and the crowd, and these conditions in some districts of Moscow historically developed with everything that is necessary for those who are engaged in other people's property"⁴.

Mass poverty, all sorts of disasters, economic squalor and injustice which are proper to Russia of the XVII century, remained in the XVIII century that greatly strengthened criminality. This was facilitated by ineffective policy in organising the order and its protection that also led to

² I.A. Baudouin de Courtenay, "The preface to criminal music, Prison jargon by V.F. Trakhtenberg", in *Criminal music, prison jargon by V.F. Trakhtenberg*, A.G. Rosen Printing House, Saint Petersburg, 1909.

³ L. Belegrits-Kotliarevskiy, *On theft-stealing according to the Russian law. Historical-dogmatic study*, University Printing House of I. I. Zavadsky, Kyiv, 1880.

⁴ G.V. Yesipov, *Hard memory of the past: stories from cases of the secret chancellery and other archives*, A.S. Suvorina, Saint-Petersburg, 1885.

the increase of murders, robberies, robberies with beating and other crimes.

In the considered problematics it is impossible not to mention a notable person of the criminal world of the first half of the XVIII century, that is, Cain (born Ivan Osipov) who personifies the "icon" of the criminal world if to speak a modern language. It is with his name and criminal activity that the Russian historians and lawyers of the past associate the strengthening of the criminal community.

The life path of Vanka Cain⁵ suggests that in the criminal environment of that time there existed specific traditions the observance of which was an obligatory condition for the cohesion of the criminal world. There were such traditions as to bail one other out of trouble, the presence of a special language in the criminal world is called jargon. "...fraudsters have many words invented by them which nobody understands except them"⁶. Besides, we consider: "...having good prosperity, he indulged in different kind of debauchery, phunked with many indecent women, played different card and dice games"⁷ that at all times were the attributes of a criminal lifestyle. V. Cain was considered an "ideological" mastermind of criminals, as evidenced by dozens of robber songs composed and distributed among people by Cain⁸.

The biography of Ivan Osipov suggests that even in those days, in the XVIII century, the criminal community rallied around smart, strong and to some extent talented people. The criminal world has not yet been divided into spheres of influence in the socio-economic formation⁶, it was still weakly concerned by a kind of "labour division" (modern concept - criminal specialisation). At the same time, individual elements of criminal-

⁵ G.V. Yesipov, *Hard memory of the past: stories from cases of the secret chancellery and other archives*, A.S. Suvorina, Saint-Petersburg, 1885; I. Osipov, *The story of the famous rogue Vanka Cain, told by him*, Semion Printing House, Moscow, 1865; M. Komarov, *Detailed and true stories of two fraudsters: the first is Vanka Cain, a Russian fraudster, a notable thief, robber and former detective, with all his investigations, searches, a mad wedding and different amusing songs of his companions; and the second one is a French Fraudster Cartouche and his companions*, Senate Printing House, Saint-Petersburg, 1779; S.V. Maksimov, *Siberia and penal servitude*, Edition O.D. Gubinskiy, Saint-Petersburg, 1900.

⁶ Komarov, *Detailed and true stories of two fraudsters: the first is Vanka Cain, a Russian fraudster, a notable thief, robber and former detective, with all his investigations, searches, a mad wedding and different amusing songs of his companions; and the second one is a French Fraudster Cartouche and his companions*, Senate Printing House, Saint-Petersburg, 1779.

⁷ A.B. Sakharov, "Methodological issues of the study of social conditionality of a crime", in *Impact of social conditions on criminality*, Soviet Encyclopedia, Moscow, 1983.

⁸ S.V. Maksimov, *Siberia and penal servitude*, Edition O.D. Gubinskiy, Saint-Petersburg, 1900.

informal relations, as a rule, were of general nature, thus, maintaining a special style of relations between representatives of the criminal community and existed by committing any kinds of crimes^{9,10}.

The nature of criminal-informal relations

During all development of mankind, criminality has been social evil that that contradicts the state and public interests¹¹. It remains the embodiment of such informal relations (social vices and the disgusting and the mean) which interfere and sometimes simply reduce to zero the positive processes that occur in various spheres of human activity, in interpersonal relations.

There are formal and informal relations. Formal relations are regulated by essence and content, and interpersonal communication - by knowledge of the social roles of the interlocutors. Informal relations are more subtle invisible connections based on mutual perception of personal properties, qualities which define a significant core of psychological closeness of interlocutors together with their level of understanding and consent.

As A.S. Makarenko wrote, "formal relations not a matter of friendship, love or neighborhood, but a matter of responsible dependence"¹². "Informal are those which are characterized by all the features of a group (the current system of interpersonal relations and conscientious activity), but do not have a legally fixed status. They are united common interests. The representatives of both formal and informal relations are social groups united by the same relations. Informal representatives can also act as the formation within formal groups"¹³.

⁹ U.S. Dzhekebayev, *Criminality as a criminological problem*, Nauka, Alma-Ata, 1974; G.A. Avanesov, *Criminology*, The Publishing House of the Academy of the Ministry of the Interior of the USSR, Moscow, 1984.

¹⁰ M.S. Kozyrev, V.A. Maslikov, The use of correlation analysis for the study of some crimes committed in Moscow, in *Criminology Journal of Baikal National University of Economics and Law*, 2016, vol. 10, no. 1, p. 28-39.

¹¹ Y.V. Frolova, N.V. Medvedeva, L.V. Senicheva, V.V. Bondaletov, "The security of citizens against criminal offences in modern Russia: Key tendencies and determinants", in *Criminology Journal of Baikal National University of Economics and Law*, 2015, vol. 9, no. 3, p. 525-537.

¹² A.S. Makarenko, *Writings in 7 volumes, vol. V*, The Publishing House of the Academy of Pedagogical Sciences of the RSFSR, Moscow, 1958.

¹³ J. Bluvshstein, A. Usütsky, "An informal group – what is it?", in *Moloday Communist*, 1987, no. 10, p. 61.

"Criminals (if left outside the analysis of random and situational ones) often tend to expanding of the circle of criminal ties, involving new people, sharing their criminal experience in this way they ensure keeping and maintenance of criminal traditions and customs which are primarily aimed at uniting the criminal environment"¹⁴. This is the self-reproducing of informal relations in criminality and their criminogenic role.

The process of criminal-informal relations functioning in connection with their potential impact on the development of the mechanism criminal behavior and crime in general is rather huge.

In the methodological analysis of criminal-informal relations there is an important point related to the methodology of the study of this category which affects the development of criminological theory and practice of crime prevention. "This knowledge is based on the general methodological position of the study: in the first case, it is the scientific basis and functioning of its mechanisms, in the second one these are the processes of social experience continuity in the social control field. Both of these areas should take a certain place in the criminological study of informal relations. In fact, they are a logical continuation and completion of the theory of criminological informality"¹⁵.

One of the components of this theory is criminal-informal relations which are defined as "the relations which arose spontaneously, on the emotional-psychological and shocking basis in contrast to the generally accepted norms of morality and law in the society and result from their cultivation to committing crimes and criminality in general"¹⁶. It should be clarified that the terms "criminological informality" and "criminal informalism" are not identical. The first fully relates to the study of criminology, the second one – to criminal activity in general.

Hence, criminal-informal relations are the features and particularities such as: subculture, counterculture, rites and rituals, criminal traditions and customs, images, myths, etc.

So, any criminal group is only informal¹⁷ and it reproduces all the attributes which are proper to criminal informalism.

¹⁴ S.Ya. Lebedev, *Traditions, customs and criminality: theory, methodology and experience of criminological analysis*, Mezhrregion, Centre of Commercial Security, Moscow, 1995.

¹⁵ I.A. Burmistrov, "Criminological study of informal relations", in *Criminality in the changing world and the problems of optimizing the fight against it*, RKA, Moscow, 2006.

¹⁶ I.A. Burmistrov, "Criminal informalism as one of the directions in criminology", *Nauka-Rastudent.ru*, 2015, vol. 24, no. 12. Available: <https://readera.ru/14329918>.

¹⁷ N.G. Ugrehelidze, *Criminological characteristics of complicity in the crime*, Metsniereba, Tbilisi, 1975.

The defining attention should be paid to such features and main particularities of the phenomenon under study which will help understand what force these criminal-informal relations carry, representing the potential of great social danger and what consequences can be from the crimes committed.

The need for such an approach is also due to the fact that criminal-informal relations are an integral part of the society and such an analysis of this part requires their comparison with the whole since "parts of the whole outside it not only lose a number of their essential properties, but also can not exist at all in this qualitative certainty"¹⁸.

The behavior of any person, including a criminal, is conditioned in a certain dependence on life. So, criminal-informal relations are characterized as a system of socially dangerous, illegal and consciously motivated actions of an individual. First of all, this is expressed in its extreme manifestation – crime, criminal responsibility, serving a sentence with subsequent rehabilitation. And if, at the same time, "a number of issues related to criminality can not be solved without using the achievements of sociology, then defining trait of this phenomenon is the provision of law, in particular, criminal law and legal norms"^{19,20}.

Criminal-informal relations exist and develop in the crimes committed. First of all, these are knowledge, professional-criminal skills, habits and abilities used by criminals. Hypertrophied worldview, not the most righteous methods of conflict resolution, forms and methods of enrichment and management of criminal communities are not alien to such relations. Myths are created about the romantic life, privileges for the "elite" of the world of thieves, tastes and ways of spending leisure time.

The relations described by us represent certain life positions (philosophy) of the criminal world which has nothing sacred in relation to the moral and ethical norms of behavior developed by millennia which are called today norms of a human community. This "philosophy" justifies crimes, denies guilt and responsibility for what was done as well as replaces base motives with noble and elevated ones.

"Thieves' law" has never been seen by anyone because on paper it does not exist. It has undergone long-term changes and has been tested

¹⁸ A.G. Spirkin, *Fundamentals of philosophy*, Politizdat, Moscow, 1988.

¹⁹ A.A. Gertsenzon, *Introduction to criminology*, Legal literature, Moscow, 1965.

²⁰ A. V. Kostruba, "Aspects of civil rights and their integration into international social and environmental legislation", in *Journal of Environmental Management and Tourism*, 2018, vol. 9, no. 5, p. 995-1002.

by the life of criminal groups, passing from mouth to mouth, from generation to generation of criminals²¹.

Nevertheless, it covers all spheres of the criminal world's life - in places of imprisonment and on other side of a lattice, in regulation of spheres and zones of criminal impact; the attitude to the word given by the criminal, etc. It turned out to be firm, taking into account its certainty, stability and specificity of requirements; absence of double standards in life and behavior; clear rules of promotion in the corporate group hierarchy.

This is the nature of criminal-informal relations. At the same time, there is a tendency to their erosion and degradation since they limit to some extent the criminal manifestations of an individual and his pretensions in the criminal world. If earlier in the thieves' world the title of "thief in law" was awarded for serious "merits" and tests, now "such happiness" can be bought for big money. There appeared so-called "thieves in law", "lavrushniki" and "oranges".

Events which determine the vectors of the criminal world development in Russia

The author's understanding of the problem under consideration allows to single out three events (although there were by far more) which nevertheless determined and determine the vectors of development and existence of the criminal world in Russia.

The appearance of the "law of thieves' honour." By the end of the XIX century, all spheres of activity of the criminal world were clearly divided by specialisation and territories. To monitor the exact execution of the "conventions of children of Lieutenant Schmidt" was the task of the criminal world's elite at that time, that is, the first bosses-business executives. But over time (education of the USSR) the opposition of the new government strove to attract to its side not only unsatisfied, but also professional criminals.

As a result, there is a new type of leader – "politically savvy", with an ideological direction which in the criminal world tried to resist the existing system. They were called jigans and they head small criminal groups, not forgetting the "work with the youth".

²¹ A. V. Kostruba, "The place and role of right depriving legal facts in the legal regulation mechanism of civil property relations", in *Utopia y Praxis Latinoamericana*, 2018, vol. 23, no. 82, p. 171-183.

It is jigans who proclaimed the first unwritten rules all members of the criminal community had to abide by. According to these norms, it was forbidden to work, to have a permanent family, to take arms from the state, to cooperate with authorities as a witness or victim, etc. Some norms are applicable to the present day.

"An honest guard of state convicts" or "urkas", which over the years has developed its own norms and customs, was very unsatisfied and objected to the intervention of the "political newcomers" in the internal affairs. There occurred a split of the criminal world: it is the urkas that the majority of the lower hierarchy supported as they were closer to them by understanding and traditions. Jigans were supported by the "elite" and young people. Their resistance in the 20s and early 30s of the last century led to a real war.

As a result, a single law was adopted for the "kings" of the criminal world who started to be called "thieves in law" in memory of this code (in the world practice, there is no analogue). The new code quickly came into use the traditions of which were strictly and unquestioningly observed and there were no indulgences.

Also, there are some other versions of the unwritten law's appearance of the thieves' world and, as it seems, within the framework of this article, they do not a significant role.

Thieves' law forbade thieves to work anywhere and in any way, to cooperate with the authorities, including the service in the Armed Forces of the USSR. With the beginning of the Great Patriotic War, many thieves who tolerated the camp administration went to defend the Motherland with weapons in their hands.

The thieves who did not participate in the Great Patriotic War believed that the thieves who have been at the front, thereby, having gone to cooperation with the authorities, betrayed criminal ideas and participated in the fights, so they began to call them "militarists" and "Polish thieves" and this way having declared them "bitches" according to their thieves' law. That is how appeared the name of the passed events – "bitch wars" (1946-1956). These groups were collided by placing them in the same penal colonies and barracks. In such collisions there was, first of all, breaking of thieves' worldview, behavior stereotypes and the attitude to the criminal world in general.

In the beginning, the colonial administration used this process to reduce the number of thieves. But when the bloodshed took the scales that there deceased not only criminals, but also the NKVD officers, the policy towards convicts (thieves of the "old" and "new" formation)

became less hopeless and old thieves were eventually forced to change their code to stay alive.

In the 50s of the last century, many "thieves in law" in words refused "thieves' traditions", "laid low", observed strict secrecy and conspired their old connections for staying alive. In this connection, it was wrong to conclude by law enforcement agencies that the thieves' community was finally destroyed as well as with it the thieves' customs and traditions disappeared.

At the same time, there was no strong evidence that the measures taken by the state were successful. The social and economic conditions of that time were in reality a criminogenic factor of criminality growth and played an important role for thieves.

Degeneration. During the period of perestroika and the events connected with the dramatic collapse of the USSR, the criminal world as well as the thieves' community underwent radical changes. Today, a "thief in law" is not a person with smoky and black teeth from builder's tea in a padded jacket, but a stylishly dressed, pragmatic, sociable person, with a high level of mental abilities, cruel and ready to do anything for achieving an utilitarian goal.

Nobody remembers the thieves' law of the first years. And this is probably natural. Today, "thieves in law" are not a single group, there is constantly a fight for power between them. They have families, steeped in luxury and corruption, participate in the drug business and all kinds of social events and are the members of organised criminality. An essential component is that there occurred merging of the thieves' community with state and law enforcement agencies that in fact is a certain part of the criminal-informal relations.

The modern Russian thieves' community is determined by the following: "In our time, Seriozha, you can steal a bike and give away all your health in prison, but you can steal waggonages and always stay afloat. In Russia, stealing waggonages is much safer than bicycles, I tell you for sure"²².

The attributes of organised parasitism which is in the basis of criminal-informal relations absorb the forces in various negative aspects of the life of our contradictory society.

It is well known that the country's transition from central planning to market relations and reform of the political and social conditions of development of the Russian society generated the processes which had radically changed the existing system of relations in the society. New

²² A. Konstantinov, *Thief (Journalist-2)*, AST, Saint Petersburg, 1997.

factors which over time should open the way to true progress of Russia, still exist most likely as a potential and are forced to break through a huge variety of difficult problems. All this is a criminogenic factor also affects on the development of criminality, its sustainability, organising and rapid variability in its structure.

Thus, criminal-informal relations and their continuity have a huge potential for criminality and mechanism of criminal behavior that ultimately determines the combating crime policy.