

THE SOCIO-LEGAL CONDITIONALITY OF THE CONSOLIDATION OF CRIMINAL LIABILITY FOR PUBLIC CALLS TO CARRY OUT ACTIVITIES DIRECTED AGAINST THE SECURITY OF THE STATE

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ABSTRACT

Objective: This study explores the socio-legal, political, and historical underpinnings of the introduction of Article 280.4 into the Criminal Code of the Russian Federation. The article criminalizes public calls for actions against state security, aiming to address emerging threats and ensure the stability of state institutions.

Methods: The research applies to a multi-method approach, including legal-historical analysis, formal-legal methods, and content analysis. An expert survey involving 220 legal professionals was conducted to validate the necessity of legislative changes. Comparative analysis of related criminal provisions and case law, including precedent from Russian courts, was also carried out.

Results: The analysis revealed that the criminalization under Article 280.4 reflects both continuity with existing legal frameworks and responses to new geopolitical realities. The provision's implementation faces challenges, such as legal ambiguity and potential misapplication due to its complex structure and extratextual references. Despite criticism, the article is seen as a tool for enhancing information security and preempting destabilizing influences. Survey data showed that 93% of experts supported a return to a more detailed articulation of the offenses considered threats to state security.

Conclusion: Article 280.4 represents a modern legislative response to hybrid and informational threats against Russian statehood. While its preventive potential is recognized, legal clarity and consistent application remain. The study advocates amendments that covered offenses directly within the article to improve legal certainty and safeguard constitutional rights.

Keywords: National security of the Russian Federation; Ensuring the security of the Russian Federation; Criminal liability; Public appeals; Obstruction of the exercise of authority by authorities; Obstruction of the exercise of authority by officials.

INTRODUCTION

The events of recent years related to the neutralization of threats to the Russian Federation have required a radical revision of the criminal law approach to establishing responsibility and punishability of criminal attacks on the security of Russia (Korotkikh, Korostiev, 2024). It is worth emphasizing that in almost three years since the beginning of the Special Military Operation on the territory of Ukraine, the Criminal Code of the Russian Federation (Criminal Code of the Russian Federation No. 63-FZ, 1996) has



been supplemented with a substantial volume of new crimes. And this process of legislative reform has not yet been completed, as evidenced, in particular, by the novelties of the Criminal Code of the Russian Federation in late 2024 – early 2025.

This process can be assessed as natural and quite logical, taking into account the changed world order and the nature of emerging threats of a political, economic, military and social nature. But at the same time, the thesis is also true that such a criminal policy is influenced by momentary needs, is very reactive, as a result of which legislative errors and miscalculations in the establishment of new prohibitions and restrictions are inevitable.

At the same time, it is quite obvious that the current paradigm of criminal law protection is directed towards the primary and comprehensive consideration of the interests of the country as a whole, as well as ensuring its normal functioning of government agencies and their officials. Accordingly, today the safe and sustainable development of the Russian Federation is one of the priorities that is being implemented within the framework of ensuring the national security of the state by public authorities (Decree of the President of the Russian Federation No. 400, 2021). In this regard, both the security of the Russian state as a whole and the activities of its official authorities and their officials, through which the main directions of domestic and foreign policy are implemented, are currently the subject of special organizational and legal concern.

Modern scientists have repeatedly emphasized that we have entered an era characterized by "a change of emphasis in the hierarchy of values from personal interests of the individual to national interests, protection of the integrity of the state" (Sheveleva, 2024, p. 118). And this, in turn, occurs under the inevitable influence of "fundamental changes in the geopolitical situation and the structure of the world order, a change in dominant technological structures, and a structural restructuring of the economic and social spheres" (Nudel, 2023, p. 62).

A definite embodiment of the ongoing course aimed at strengthening the protection of state power and state security was the inclusion in 2022 in Chapter 29 of the Criminal Code of the Russian Federation of a new corpus delicti provided for in art. 280.4 of the Criminal Code of the Russian Federation, entitled "Public calls for activities directed against the security of the state." Since the adoption of this norm, it has been repeatedly revised, which underlines the special legislative interest in the substantive

content of the established criminal prohibition and in itself arouses scientific interest in the study of the socio-legal conditionality of its occurrence in the domestic criminal legal space.

METHODOLOGY

The research used analysis, synthesis, induction, deduction, generalization, juxtaposition, comparison, content analysis of information, historical-legal, concrete-sociological, formal-legal methods. Their comprehensive application has made it possible to systematize existing scientific and theoretical concepts regarding the consolidation of a new article in the Criminal Code of the Russian Federation. 280.4 of the Criminal Code of the Russian Federation, comprehensively assess the necessity and conditionality of establishing this criminal law prohibition, process the results of an expert survey of 220 respondents, using them to confirm (refute) the scientific hypotheses and proposals for changing criminal legislation in this area, as well as examine existing law enforcement practice to implement the provisions of art. 280.4 of the Criminal Code, identifying existing problems technical and legal properties.

RESULTS ANALYSIS

At the beginning of the emergence of the renewed Russian statehood in 1993, issues of the formation of power in a new organizational and managerial format were put at the forefront, aspects of its proper organization and effective implementation were studied (Eliseev, 1998, p. 5; Savin, 1998, p. 2). In the modern era, issues of ensuring the safety of government activities at all its levels, taking into account the need for a consistent domestic and foreign policy (RIA Novosti, December 16, 2024).

The conflict around Ukraine has become a catalyst for the need to ensure more intensive protection of national interests. The Russian Federation has taken a very bold decision to conduct a special military operation to protect the residents of Donbass, as well as demilitarize and denazify Ukraine in order to eliminate the growing security threats. And such threats objectively exist both militarily and politically. The United States of America, as well as its allies, no longer hide their interest in maintaining this conflict, are truly deploying large-scale and versatile assistance to Ukraine, helping to support and encourage various terrorist and sabotage forms and methods of criminal activity (Lazutin, 2024, p. 100). Moreover, such criminal activity develops not only

directly in the zone of armed conflict, but also on the territory of the Russian Federation itself. This is universally expressed in the commission of various crimes against the civilian population of our country (Pisarevskaya & Dvorzhitskaya, 2023; Sokolov, 2024), as well as against various representatives of government authorities (Novorossiysky, 2024), active members of the public (opinion leaders) (RIA Novosti, December 17, 2024).

Separately, it is worth paying attention to the unleashing of a new hybrid organizational and information war aimed at manipulating the public consciousness of Russians, undermining faith in the current government, and imposing anti-Russian values. This has long been a well-known and proven mechanism for influencing the collective consciousness of citizens of a particular state, which has acquired new outlines in modern conditions of scientific and technological progress (RIA Novosti, 2022). The Internet itself, as well as social networks and messengers based on its work, have actually become a platform for the deployment of full-scale criminal activity. Taking into account the openness, accessibility and, consequently, the hypertrophied information flow transmitted to Russian citizens, Internet sources can be skillfully used to create false ideas about something, distort with their help the importance and necessity of any state or political processes, to encourage citizens to abandon their civic duties, and also (which is more dangerous) – to commit various crimes (Ilyin, 2023). Therefore, the dominant opinion in the scientific world is that "the Internet space is actually a convenient platform for destructive influence on citizens, which has properties that make it vulnerable" (Antonova, 2022, p. 19). Developing this idea, it is worth recognizing that if a society is vulnerable, sooner or later this can lead to an imbalance of public and state interests (Rastoropov et al., 2024b, p. 381), which will directly affect the slowdown of the entire development process and may even lead to internal conflicts and separation. Such contradictions are already quite well known in Russian history. Here is a short digression into the history of the issue of the need to form a criminal law security system for government authorities and their officials.

Thus, historically, unrest and uprisings in the Russian Empire have significantly affected the foundations of statehood and negatively affected the development of the country, despite the fact that they were usually a direct consequence of the reforms carried out by the state itself. The Salt Rebellion of 1648, the Streltsy Rebellion of 1698, the Pugachev Rebellion of 1773-1775, the Potato Riots of 1834-1844, and others can

be cited as examples of the largest of them. In this regard, since the 17th century, it has been important for the state to strengthen the centralization of power and strengthen autocracy, which ultimately led to absolutism. Later, in 1912. At the beginning of the formation of Soviet Russia, the protection of revolutionary information was one of the priorities of criminal policy and was accompanied by massive political repression. It must be said that in the Soviet era, already at the beginning of the 20th century, the state of the new socialist formation demonstrated particularly serious concern about ensuring the security of state power, which was formed as a result of the revolution and needed special protection from possible arbitrariness. During the Great Patriotic War from 1941 The State took special care about the inadmissibility of encouraging the population to oppose government activities. And by the heyday of the Soviet period, with the adoption of the Criminal Code of 1960, a total criminal law ban on anti-Soviet agitation and propaganda was completely established.

Thus, at all times, in order to maintain the steadfastness of the State, as well as State power, there was an urgent need to formulate legal requirements capable of suppressing any attempts to incite the population to illegal activities against the State and its official representatives under threat of real criminal punishment.

Prior to the above-mentioned modern aggravation of the military-political situation, there was virtually no need to ensure increased security of the state. The existing legal mechanisms have made it possible for a long time to successfully deter criminal activity in this area. And such crimes themselves either did not exist at all, or they were a single special case, which were successfully leveled by other legal mechanisms. However, due to the above-mentioned unprecedented events, as well as the emergence of new ways to undermine state security that are more convenient to implement and more extensive in scope, the update of the legal approach in this area was not long in coming.

In our opinion, special attention should be paid to the so-called "leaders of public opinion." These are, as a rule, citizens of the Russian Federation with an audience of millions of subscribers, whose position is listened to and whose opinion can be guided by other citizens. In this regard, these leaders "in modern society can have an impact in any sphere" (Zakharov et al., 2023, p. 145). Therefore, each such entity can potentially become a repeater of criminal ideas, direct its activities to the formation of consciousness among ordinary citizens that runs counter to state goals and objectives,

and even encourage citizens to carry out criminal activities against the Russian Federation, thereby posing a danger not so much to normal social development as to the state itself..

Similar actions can be performed by foreign citizens or stateless persons who are physically located on the territory of other States. By broadcasting a position that differs from Russian rhetoric, the opinion of such citizens is also listened to, especially when it is supported by any specific arguments and justifications. Thus, the nature of such actions is already beginning to have a cross-border, global character (Telnov, 2022, pp. 236-237), undermining the authority of the Russian state in the eyes of its residents and non-residents. Such activity is impossible without illegal financing (Pushkarev et al., 2024a, 2024b).

Due to the complex, multipolar negative conditions that had arisen, the Russian Federation had no choice but to gradually "step up the protection of the establishment and functioning of public authorities" (Pudovochkin & Babaev, 2023, p. 139). We believe that it is this component of the Russian statehood that needs not only stable, but also safe development more than ever, ultimately embodying a demonstration of the strength and independence of the Russian state from the influence of external and internal destructive elements.

As E. V. Gustova (2023) rightly noted, "in a state of war, the role of the state and its value as an object of criminal law protection increases" (p. 169). The meaning of this statement boils down to the fact that the state, its institutions and related activities should be provided primarily with preventive protection against possible future crimes, since "the object of criminal protection exists in the absence of encroachment on it" (Gaukhman, 2010, p. 65). Accordingly, the protection of the security of the state is impossible without a verified comprehensive legal support. One of its elements is the criminal law prohibitions imposed on individuals, the types and mechanisms of which are inevitably subject to adaptation to modern challenges and threats. From this point of view, the Criminal Code of the Russian Federation (hereinafter referred to as the Criminal Code of the Russian Federation) is designed to perform both preventive functions to prevent socially dangerous behavior and punitive functions, providing in its content the types of appropriate measures of criminal liability and the procedure for their implementation. As a result of these complex military-political and socio-economic prerequisites, the legislator has repeatedly carried out

reforms of the Criminal Code of the Russian Federation in recent years, including establishing new types of crimes.

A direct consequence of the legal strengthening of state security was the inclusion of Article 280.4 in Chapter 29 of the Criminal Code of the Russian Federation, which established a new model of criminal liability for such a crime, which is part of the so-called cohort of conscription crimes and consists in public calls for activities directed against state security (Federal Law No. 260-FZ, 2022). As a result, a new imperative has been consolidated to prohibit any incentive activities that help to arouse interest in other citizens and undermine the authority and legality of the State's activities in the person of its official authorities, as well as officials in certain areas of their activities. This ensures preventive action against any attempts, even to set society or its representatives against such activities, or to prevent them.

This conclusion was made based on reading the contents of the explanatory note that was drawn up to the draft Federal Law No. 130406-8 (2022) "On Amendments to the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation" in support of the legal consolidation of the new Article. 280.4 of the Criminal Code of the Russian Federation. In particular, it stated that this provision would be aimed "at protecting ... the national interests of the Russian Federation, the rights and freedoms of citizens from new forms of criminal activity and threats to state security," and its introduction would "... prevent the mass dissemination of appeals to other persons in order to encourage them to commit illegal acts in the security of the state."", as well as the fact that such a ban will "... contribute to improving the effectiveness of the system for detecting, preventing and suppressing criminal activity.", carried out in order to undermine the foundations of the constitutional order, the country's defense capability and the security of the state".

In this regard, it becomes necessary to determine the scope of legal relations, which have become ensured by the new Article 280.4 of the Criminal Code of the Russian Federation. Obviously, this is a relationship about ensuring the security of the state in the broadest sense of the phrase. Security, as a systemic category, is currently a set of interconnected and ordered blocks consisting of the following elements: legal, organizational, methodological, socio-economic, sanitary, technical, preventive and other means and measures aimed at ensuring the security of the individual, society, and the state itself as a whole (Voronov, 2021).

The legally established concept of security is contained in Federal Law No. 390-FZ (2010) on Security: "the basic principles and content of activities to ensure the security of the state, public safety, environmental safety, personal safety, and other types of security provided for by the legislation of the Russian Federation". The Russian Federation also has a National Security Strategy adopted in 2021, which contains the concept of "public security" as one of the components of national security, "expressed in the level of protection of individuals, society and the state mainly from internal threats of a generally dangerous nature" (Decree of the President of the Russian Federation No. 400, 2021).

The concept of "State" is closely related to the concept of "state power". If we consider the state in a broad sense, then state power acts as its sign, since the state as a political and territorial union of people is governed with the help of state power and is under the protection of power (Pushkareva, 2023, p. 72). State power is "the broadest, most comprehensive power belonging exclusively to a politically organized society" (Samoylyuk, 2015, p. 19). If we talk about the state in a narrow sense, then power in this context is a kind of mechanism (apparatus) of state power (Malko & Lipinsky, 2016, p. 21).

Thus, we believe that state power as an object of criminal law protection should be understood more broadly than the concept of "the state". If we analyze the titles of the chapters included in Section X of the Criminal Code of the Russian Federation, it becomes obvious which components of state power the legislator placed under criminal protection and really did not reduce the interpretation of state power solely to understanding the state itself as such. And taking into account the significant expansion of the protection of state power by criminal legal means, we believe that today it forms a whole conglomerate of various types of activities, all of which originate from state bodies and are subject to criminal protection.

Accordingly, the intensification of comprehensive protection of the functioning of public authorities and the performance by officials of their direct duties is a new modern approach to their criminal law protection through art. 280.4 of the Criminal Code of the Russian Federation, which needs separate close attention and doctrinal study, as well as comparison with existing very similar criminal law mechanisms.

But even now, the assessment of the reform carried out in the scientific world is not unambiguous. In particular, researchers doubt the expediency of placing this article

among "extremist crimes" (Inogamova-Hegai, 2023, p. 158), the correctness and accuracy of establishing its content, emphasize its legal originality and semantic confusion (Rastoropov, 2024, p. 306; Reshnyak, 2023, p. 301), and also do not find any confirmation of its social and legal validity (Karabanova, 2023, p. 72). It should be noted that a similar fate applies to most of the new types of crimes that have been included in the Criminal Code of the Russian Federation in recent years. On the one hand, we regard this as a logical critical reaction to everything new, on the other hand, as the need for more thorough scientific and legal support for any reforms of the criminal law carried out in the modern era.

Without delving into the controversy on this issue, we will note only important features that, in our opinion, not only significantly distinguish the content of art. 280.4 of the Criminal Code of the Russian Federation from the already well-known ones related to public calls to commit any crimes or other socially dangerous activities, but also allow us to consider art. 280.4 of the Criminal Code of the Russian Federation as the most a universal criminal law tool to prevent harmful information effects on the security of the State.

Firstly, we have established the existence of a certain legal continuity in the formation of Article 280.4 of the Criminal Code of the Russian Federation, by analogy with the already existing articles on liability for public calls for other criminal activities. In fairness, it should be emphasized that it was precisely this continuity that gave rise to similar theoretical and legal issues regarding the qualification and interpretation of the basic features of this *corpus delicti*.

So, in the scientific world there is still no unity in the interpretation of such an evaluative feature as "publicity of appeals", there is no monism in the views on the quantitative composition of the addressees of such appeals, the moment of the end of such crimes is controversial, as well as the separation from criminal behavior, which acts as incitement to criminal activity, giving the guilty person a slightly different status is the status of an accomplice to another crime (Chernyavsky, 2017, p. 161). The issue of estimating the time interval for public appeals, their intensity and number is also unclear (Beshukova, 2020, p. 23). All these questions can also be addressed to the scope of Article 280.4 of the Criminal Code of the Russian Federation.

Secondly, it is worth recognizing that the need to include a new Article 280.4 of the Criminal Code of the Russian Federation was determined solely by the national

interests of the Russian Federation as a logical response to the destructive phenomena currently occurring in its address. In this regard, it is worth emphasizing the national significance of the norm in question. Here it is appropriate to recall the gradual departure of domestic criminal legislation from previously defined cliches aimed at curbing state retribution for criminal influence on public authorities. Of course, the context of international law on the need to combat crime by legal means remains, but it is worth recognizing that there is an internal modification of such a legal struggle. Based primarily on national interests, a systematic separation of approaches alien to domestic criminal legislation is being carried out. The only thing worth remembering here is that the criminal law should not turn into a punitive tool for the prosecution of elements objectionable to state power within the framework of political repression.

Thirdly, the wording of Article 280.4 of the Criminal Code of the Russian Federation, in comparison with other crimes involving public appeals, contains significant differences. Thus, the title of this article does not fully reflect its content, duplicating only part of the disposition of its part 1, leaving other criminal activity outside the semantic brackets. The context of criminal goal-setting is somewhat complicated by the legislator: the note to Article 280.4 of the Criminal Code contains a link to the note to art. 104.1 of the Criminal Code of the Russian Federation, which already exhaustively lists the elements of crimes, the commission of at least one of which is recognized as activities directed against the security of the state. Moreover, this aspect in the original wording of Article 280.4 of the Criminal Code of the Russian Federation looked somewhat different, namely, the list of specific crimes that could be called upon by the perpetrator was defined in a note to Article 280.4 of the Criminal Code itself. Two years after the adoption of art. 280.4 of the Criminal Code of the Russian Federation, amendments were made to it, which, among other things, affected the quantitative and qualitative composition of crimes that the perpetrator may call for (Federal Law No. 11-FZ, 2024). In this context, P. V. Agapov's statement seems appropriate, which indicates that "the call should be aimed at performing specific, definite actions" (Agapov, 2007, p. 4).

However, this formed the most complicated extralink character of art. 280.4 of the Criminal Code of the Russian Federation. This structure of the norm, in our opinion, prevents its unambiguous interpretation, and subsequent application in practice may face some difficulties (Seregina, Portnova, 2022).



When classifying a committed crime as public appeals under Article 280.4 of the Criminal Code of the Russian Federation, it is necessary to follow the following very complex, in our opinion, step-by-step algorithm:

- 1) establish the fact of at least one public appeal;
- 2) identify in the conscription components publicly communicated to the addressees the absence of involvement in the commission of any of the crimes provided for in Articles 205.2, 280, 280.1, 280.3, 284.2 and 354 of the Criminal Code of the Russian Federation;
- 3) refer to the content of Article 280.4 of the Criminal Code of the Russian Federation and establish the direction of the call either to carry out activities directed against the security of the Russian Federation, or to obstruct the exercise by authorities and their officials of their powers to ensure the security of the Russian Federation;
- 4) if the fact of a public call to prevent the authorities and their officials from exercising their powers to ensure the security of the Russian Federation is confirmed, identify specific victims and describe their activities that are in danger (Rastoropov et al., 2024a) (in this part, we note the blunt nature of the norm of art. 280.4 of the Criminal Code of the Russian Federation, since its application requires a study of the regulatory framework at the federal, regional, and local levels, as well as local acts regulating the activities of public authorities and their officials in each specific case);
- 5) if the fact of a public call to carry out activities directed against the security of the Russian Federation is confirmed, refer to the note to art. 280.4 of the Criminal Code of the Russian Federation.;
- 6) refer to the note to art. 104.1 of the Criminal Code of the Russian Federation and find in its content a crime that falls under the category of "activities directed against the security of the Russian Federation";
- 7) identify the presence (absence) of signs aggravating punishment in accordance with parts 2 or 3 of art. 280.4 of the Criminal Code of the Russian Federation;
- 8) to make a final qualification of public appeals according to the relevant part of art. 280.4 of the Criminal Code of the Russian Federation.

I would also like to note that the list of crimes that the legislator states as those that infringe on the security of the state is quite impressive and heterogeneous, and therefore the logic of why these crimes were combined under the auspices of danger



to state activity is not entirely clear. At the same time, it is possible that the list of these crimes will be updated and expanded over time, as it has already happened many times. Such a dynamic nature of this rule cannot be evaluated positively, since, in our opinion, the criminal law should be the epitome of stability and consistency. The constant reform of the content of the prohibitions established in art. 280.4 of the Criminal Code of the Russian Federation is already clearly visible in law enforcement activities. Thus, judicial practice has already known cases when convicts filed applications demanding that Article 280.4 of the Criminal Code of the Russian Federation be recognized as contrary to Part 1 of Article 47 of the Constitution of the Russian Federation. Doubts in such cases relate specifically to the content of the note to this article, which allegedly allows "not to specify in the indictment and in the decision taken following the results of the preliminary hearing, which crime indicated in the note to this article was called upon by the person being prosecuted" (Ruling of the Constitutional Court of the Russian Federation No. 875-O, 2024). The applicant's arguments in this case are caused by a misinterpretation of the content of the disposition of art. 280.4 of the Criminal Code of the Russian Federation, as well as the notes to it. Nevertheless, the judicial practice we have analyzed already knows cases of prosecution under Article 280.4 of the Criminal Code of the Russian Federation without identifying the perpetrator of a specific crime from the list contained in the note to Article 104.1 of the Criminal Code of the Russian Federation.

For example, according to the verdict of the Aleksinsky City Court, a Russian citizen was found guilty of committing a crime under paragraph "b" of Part 2 of Article 280.4 of the Criminal Code of the Russian Federation. It follows from the materials of the verdict:

In the period from September 20, 2022 to November 29, 2022. in order to realize her criminal intent aimed at making public calls for activities directed against the security of the Russian Federation, she used her Iphone 12 mini mobile phone with a Tt-2 mobile operator SIM card installed in it with a subscriber phone number and an account registered on the Facebook social network under the nickname-with the name "Yulianna Mikhailenko", using ITKS "Internet", adhering to anti-Russian views, acting with the aim of inducing an indefinite circle of Internet users to carry out activities directed against the security of the Russian Federation, expressed in the financing of the armed forces of Ukraine, aware of the public danger of their actions, anticipating

the possibility of socially dangerous consequences in the form of encouraging an indefinite wide range of people to carry out activities directed against the security of the Russian Federation, and wanting them to attack, she posted statements on her page in the public domain., containing calls for carrying out activities directed against the security of the State. ... According to the conclusion of the linguistic forensic examination, in a publication posted by the user "Yulianna Mikhailenko" in the public domain ... there are motives (including in the form of appeals) to carry out activities directed against the security of the Russian Federation, expressed in the financing of the armed forces of Ukraine, directly opposing the Armed Forces of the Russian Federation during a special military operation on the territory of Ukraine" (Aleksinsky City Court of Tula Region, 2023).

In addition, Article 104.1 of the Criminal Code regulates a completely different area of public relations related to the use of state coercion in the form of confiscation of property against persons found guilty of certain crimes (Ivanov et al., 2021). 104.1 of the Criminal Code of the Russian Federation cannot determine the criminality of an act, since it provides for an additional amount of punitive effect, acting only as an accompanying link in the general system of practical penalization of a particular criminal. This makes it impossible and contrary to the meaning of the criminal law to determine by means of this norm of criminality the act described in the independent art. 280.4 of the Criminal Code of the Russian Federation.

In view of the above, we believe that we should follow the path of returning the note to art. 280.4 of the Criminal Code of the Russian Federation and filling it with an indication of those crimes that involve encroachment on the security of the Russian Federation (as was done in the original version of art. 280.4 of the Criminal Code of the Russian Federation sample 2022). Our survey among 220 experts demonstrated that this proposal 93% of the surveyed respondents supported it.

CONCLUSIONS

It is worth recognizing that the corpus delicti provided for in Article 280.4 of the Criminal Code of the Russian Federation was introduced into the Criminal Code of the Russian Federation in an unprecedentedly difficult situation, accompanied by the need to ensure the internal and external security of our country as a condition of its actual existence. Criminalization of such conscription actions as criminal indicates a tendency

to reduce the inertia of criminal policy and law in the context of ensuring State security. The content included in art. 280.4 of the Criminal Code of the Russian Federation of criminal prohibitions allows us to talk about the formation of a new approach, which has very broad features that require further comprehensive theoretical and applied study.

The inclusion of a new Article 280.4 in the Criminal Code of the Russian Federation was ambiguously perceived in the world of jurisprudence due to the continuing practice of excessive detailing responsibility for various types of public statements of a conscripted nature. But, at the same time, despite many critical reviews, it is already possible to give a comprehensive assessment of the changes in the criminal law situation in this area.:

1) the appearance of this norm in the Criminal Code of the Russian Federation was politically and socially justified, since it was based on the changed realities of the development of public relations both inside and outside the Russian Federation;

2) through the consolidation of such a criminal law prohibition, the information security of the Russian Federation is additionally ensured, which acts as a sub-institution of public security and is not autonomous in the system of public-state relations (Mnatsakanyan, 2016, p. 64);

3) through the consolidation of the criminal law prohibition in art. 280.4 of the Criminal Code of the Russian Federation, additional protection has been created against the destabilization of public consciousness and undermining the foundations of modern Russian statehood, since a similar socially negative effect may occur in the process of intensive informational influence on citizens (Karepova, 2020; Nekrasov, 2020; Sladkova, 2006).

4) a fairly good preventive effect of potential criminal activity has been formed, which can work against persons who are potentially criminally unstable (Lopashenko, 2023, p. 133), forcing other citizens and government structures to increase their vigilance and not succumb to criminal outside influence aimed at shaping an anti-Russian agenda.

The short experience of implementing Article 280.4 of the Criminal Code of the Russian Federation has already allowed us to form a scientific opinion about the existence of certain problems that will hinder the uniformity of law enforcement activities. In this regard, it is proved that it is necessary to fix in the note to art. 280.4

of the Criminal Code of the Russian Federation an exhaustive list of crimes forming activities directed against the security of the Russian Federation, including crimes provided for in art. 286, 295, 317, 318, parts 2, 3 of art. 321 of the Criminal Code, in the following wording:

"Note. In this article, activities directed against the security of the Russian Federation are understood to mean the commission of at least one of the crimes provided for in articles 189, 200.1, 209, 210, 222 - 223.1, 226, 226.1, 229.1, 274.1, 275 - 276.1, 281 - 281.3, 283, 283.1, 284.1, 284.3, 286, 290, 291, 295, 317, 318, parts 2 or 3 of Article 321, articles 322, 322.1, 323, 332, 338, 355 - 357, 359 of this Code".

It is proposed to invalidate the note to Article 104.1 of the Criminal Code of the Russian Federation and add paragraph "b" of Part 1 of Article 104.1 with a reference to the note to Article 280.4 of the Criminal Code of the Russian Federation.

REFERENCES

Agapov, P.V. (2007). Public calls for terrorist activity or public justification of terrorism: An analysis of legislative innovation. *Criminal Law*, 1, 4-6.

Aleksinsky City Court of Tula Region. (2023). Verdict of the Aleksinsky City Court of December 12, 2023 No. 1-256/2023 in case No. 1-256/2023. Retrieved March 25, 2025 from https://aleksinsky-tula.sudrf.ru/modules.php?name=sud_delo&name_op=doc&number=185716089&delo_id=1540006&new=&text_number=1

Antonova, E.Y. (2022). The Internet space as a platform for spreading the ideology of terrorism. In *New, emerging and changing forms of crime: Scientific foundations of counteraction (Dolgovsky readings): Collection of materials of the II All-Russian scientific and practical conference*, March 24-25, 2022, Moscow, Russia (pp. 17-22). Moscow.

Beshukova, Z.M. (2020). *Mechanism of criminal law counteraction to extremist activity: Content, structure, main directions of optimization*: Dis. ... Doctor of Law. Chechen State University, Grozny.

Chernyavsky, D.O. (2017). *Criminal and legal characteristics of public appeals for violation of the territorial integrity of the Russian Federation*: Dis. ... candidate of legal sciences. University of the Prosecutor's Office of the Russian Federation, Moscow, 214 p.

Criminal Code of the Russian Federation No. 63-FZ. (June 13, 1996). Collection of Legislation of the RF, No. 25, Item 2954.

Decree of the President of the Russian Federation No. 400. (July 2, 2021). On the National Security Strategy of the Russian Federation. Collection of Legislation of the RF, No. 27 (Part II), Item 5351.

Eliseev, B.P. (1998). *The system of state authorities in the Russian Federation: Abstract dis. ... Doctor of Law. Russian Academy of State Service under the President of the Russian Federation, Moscow, 50 p.*

Explanatory Note to the draft Federal Law No. 130406-8. (May 25, 2022). On amendments to the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation. Retrieved March 20, 2025 from <https://sozd.duma.gov.ru/bill/130406-8>

Federal Law No. 11-FZ. (February 14, 2024). On amendments to the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation. Collection of Legislation of the RF, No. 8, Item 1038.

Federal Law No. 260-FZ. (July 14, 2022). On amendments to the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation. Collection of Legislation of the RF, No. 29 (Part II), Item 5227.

Federal Law No. 390-FZ. (December 28, 2010). On security (as amended on November 9, 2020, No. 365-FZ. Collection of Legislation of the RF, No. 1, Item 2.

Gaukhman, L.D. (2010). *Qualification of crimes: Law, theory, practice* (4th ed., rev. and add.) Moscow: Yurinfor Center, 557 p.

Gustova, E.V. (2023). Reforming criminal law regarding crimes against the foundations of the constitutional order and security of the state. *Criminal Law: A Development Strategy in the 21st Century*, 1, 161-169.

Ilyin, I.S. (2023). Interaction of Criminal and Administrative-Tort Law in the Prevention of Demonstrative-Protest Crime. Gaps in Russian Legislation. 16(1), 144-147. <https://doi.org/10.33693/2072-3164-2023-16-1-144-147>

Inogamova-Hegai, L.V. (2023). Novellas of CC on protection of basics constitutional order, of safety of state and system of CC, conception of a composition of a crime. *Criminal Law: A Development Strategy in the 21st Century*, 1, 155-160.

Ivanov, D.A., Kim, D.V., Pushkarev, V.V., & Alimamedov, E.N. (2021). Harm caused by a crime to a legal entity: Criminal legal, criminal intelligence and criminal procedural aspects of comparative legal research. *Revista Gestão Inovação e Tecnologias*, 11(2), 1377-1385.

Karabanova, E.N. (2023). Axiological foundations of criminal law prohibitions. *Journal of Russian Law*, 27(4), 72-83. <https://doi.org/10.12737/jrp.2023.042>

Karepova, S.G. (2020). On the national security of the country: The influence of mass media on modern society. *Humanities, Socio-Economic and Social Sciences*, 4, 51-57.

Korotkikh, N.N., Korostiev, A.A. (2024). Digitalization Changes Criminal Protection of Citizens' Rights and Freedoms. Gaps in Russian Legislation. 17(6), 169-176.

<https://doi.org/10.33693/2072-3164-2024-17-6-169-176>

Lazutin, L.A. (2024). The current state of international security law as a branch of international law. *Modern Law*, 5, 99-105.

Lopashenko, N.A. (2023). The main results of criminal law reform in 2022: An analytical review. *Lex Russica*, 76(4), 115-135. <https://doi.org/10.17803/1729-5920.2023.197.4.115-135>

Malko, A.V., & Lipinsky, D.A. (Eds.). (2016). *Theory of the state and law: Textbook*. Moscow: Prospekt, 324 p.

Mnatsakanyan, A.V. (2016). *Information security in the Russian Federation: Criminal law aspects*: Dis. ... candidate of legal sciences. Moscow State University named after. M.V. Lomonosov, Moscow, 216 p.

Nekrasov, S.V. (2020). On the methods of influencing collective consciousness. *Vestnik NSUEM*, 4, 184-201. <https://doi.org/10.34020/2073-6495-2020-4-184-201>

Novorossiysky, V. (2024, December 17). General Kirillov was blown up in Moscow: How Russia should react. MK. Retrieved March 17, 2025 from <https://www.mk.ru/incident/2024/12/17/v-moskve-vzorvali-general-a-rkhbz-kirillova-kak-dolzhna-otreagirovat-rossiya.html>

Nudel, S.L. (2023). Criminal law mechanisms for ensuring national security. *Journal of Russian Law*, 11, 62-74. <https://doi.org/10.61205/jrp.2023.128>

Pisarevskaya, E.A., & Dvorzhitskaya, M.A. (2023). On the question of the conditionality of the processes of criminalization and decriminalization of acts. *Russian Investigator*, 3, 24-28.

Pudovochkin, Yu.E., & Babaev, M.M. (2023). Criminal policy and criminal law of a strong state. *Actual Problems of Russian Law*, 2, 131-144. <https://doi.org/10.17803/1994-1471.2023.147.2.131-144>

Pushkarev, V., Rastoropov, S., Solomatina, A., Ermakov, S., & Makarenko, M. (2024a). Investigation of illegal withdrawal of funds from the Russian Federation and their non-return: Current problems and solutions. *Relações Internacionais no Mundo Atual*, 2(44), 530-548.

Pushkarev, V.V., Skachko, A.V., Gaevoy, A.I., Vasyukov, V.F., & Alimamedov, E.N. (2024b). Managing the investigation of cryptocurrency crimes in the Russian Federation. *Revista Electrónica de Investigación en Ciencias Económicas*, 10(19), 111-125. <http://dx.doi.org/10.5377/reice.v10i19.18032>

Pushkareva, G.V. (2023). *Political science: Textbook and workshop for universities* (2nd ed., revised). Moscow: Yurait Publishing House, 338 p.

Rastoropov, S., Pushkarev, V., Fadeev, P., Grimalskaya, S., & Chikovani, M. (2024a). Legal relations arising between an investigator and a legal entity that has suffered from

a crime in the criminal process of the Russian Federation. *Relações Internacionais no Mundo Atual*, 1(43), 367-376.

Rastoropov, S., Solomatina, A., Yakovleva, V., Pushkarev, V., Shatalov, R., & Ermachenko, A. (2024b). The use of artificial intelligence and other technologies in criminal proceedings: Problems, solutions and prospects. *Relações Internacionais no Mundo Atual*, 3(45), 381-391.

Rastoropov, S.V. (2024). Some features and problems of legal consolidation of responsibility for public calls for activities directed against state security (art. 280.4 of the Criminal Code of the Russian Federation). *Eurasian Law Journal*, 3(190), 305-307.

Reshnyak, M.G. (2023). Ensuring the security of the state: On some problems of criminal law regulation. *Theory and Practice of Social Development*, 11, 301-305. <https://doi.org/10.24158/tipor.2023.11.39>

RIA Novosti. (2022). Members of the HRC called social networks a new form of weapon. Retrieved March 17, 2025 from <https://ria.ru/20220312/sotsseti-1777803259.html>

RIA Novosti. (2024, December 16). Russia is forced to take security measures, Putin said. Retrieved March 17, 2025 from <https://ria.ru/20241216/putin-1989429319.html>

RIA Novosti. (2024, December 17). Cases of attempted assassinations of Russian politicians and public figures in 2022-2024. Retrieved March 17, 2025 from <https://ria.ru/20241217/pokushenie-1989671867.html>

Ruling of the Constitutional Court of the Russian Federation No. 875-O. (April 25, 2024). On the refusal to accept for consideration the complaint of citizen Galim Ramili Khamityanovna for violation of her constitutional rights by Article 280.4 of the Criminal Code of the Russian Federation, Article 234, part seven of Article 236 and paragraph 1 of part one of Article 401.5 of the Criminal Procedure Code of the Russian Federation". Retrieved March 17, 2025 from <https://doc.ksrf.ru/decision/KSRFDecision758590.pdf>

Samoylyuk, R.N. (2015). The concept, signs and essence of state power. *World Ecology Journal*, 5(4), 11-26.

Savin, V.I. (1998). *The system of state authorities of the subjects of the Russian Federation*: Abstract of dis. ... candidate of legal sciences. Volga Region Academy of State Service, Saratov, 25 p.

Seregina, E.V., Portnova, M.S. (2022). The Excess of the Perpetrator and Other Accomplices of the Crime: Gaps in Criminal Law Regulation and Prospects for Improvement. *Gaps in Russian Legislation*, 15(1), 069-074. <https://doi.org/10.33693/2072-3164-2022-15-1-069-074>

Sheveleva, S.V. (2024). Transformation of criminal legislation at the present stage. *Journal of Russian Law*, 3, 106-123. <https://doi.org/10.61205/S160565900029134-1>



Sladkova, O.B. (2006). Manipulation of public consciousness in the information society. *Observatory of Culture*, 6, 4-12.

Sokolov, A. (2024, November 13). In Russia, a case was opened against the militants of the Armed Forces of Ukraine for crimes against civilians. Lenta. Retrieved March 17, 2025 from <https://lenta.ru/news/2024/11/13/v-rossii-vozbudili-delo-protiv-boevikov-vsuzaprestupleniya-protiv-mirnogo-naseleniya/>

Telnov, A.V. (2022). *Reputation as an intangible benefit of the Russian Federation and its civil law protection from defamation*: Dis. ... candidate of legal sciences. RUDN University, Moscow, 267 p.

Voronov, A.M. (2021). Modern challenges and threats to public security of the Russian Federation. *Business Security*, 1, 55-60.

Zakharov, V.M., Shmigirilova, L.N., Kachurova, E.V., & Sapryka, V.A. (2023). Leaders of public opinion in the processes of consolidation of civil society and public administration. *The Authority*, 31(4), 144-150.

<https://doi.org/10.31171/vlast.v31i4.9717>

