

# **Crime and Statistics**

## *Do the Figures Reflect the Real Situation?*

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### **Introduction**

The increase in crime is unanimously recognized not only by politicians of different orientations, but also by the majority of respondents of public opinion polls, as the most vivid manifestation of the critical situation in present-day Russia. True, a somewhat panicky perception of the existing criminological situation has been brought about by the lack of comprehensive information on the crime trends and by the reluctance of society to part with the illusions about a satisfactory situation in social life, which were intensively and constantly implanted during the years of Soviet power. What other explanation can be given for the fact that opinion polls constantly reflect a bigger concern for crime than, for example, road accident fatalities, which are far more frequent? For example, in 1992, just a little over 70,000 people fell victim to crimes against life and health (including robbery and mugging), while 236,497 people—nearly three times as many—were killed or injured in road accidents.

There are two other rather important points. The first is an uncritical attitude towards the accuracy of crime statistics. A person in possession of information on a crime must pass it on to law-enforcement bodies, and the latter should register such information and include it in the data of government statistics. But most of the population with valuable information is reluctant to pass it on to the police. This is due to their ignorance, to fear or simply apathy.

Secondly, the incompleteness of crime statistics is combined with ample opportunities for their most diverse interpretation. To cite just one example, statistical data shows that between 1980 and 1993 the number of crimes committed on the territory of Russia increased more than 150% (from 1,028,284 to 2,799,614). These and other data point to a rapid growth of the crime rate and to a disastrous aggravation of this problem. But there are other, also official, data showing that in 1992 the number of crimes in Russia per 100,000 people was 1,856, while (in 1990) this index amounted to 5,820 in the U.S., 6,169 in France, 7,031 in Germany, 7,956 in the UK, and to 1,834 in Japan, with its extremely low crime rate. Needless to say, the final conclusion will vary depending on the data that are taken as a basis for the estimation of the crime situation in Russia.

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The ease with which data of official statistics can be manipulated is supplemented by the second factor mentioned above—the use of information on crime for taking economic, political, and other social decisions. Correct information on the crime situation would rule out manipulation of popular opinion, which is currently being used as a trump card in political games, enhancing or relieving people's anxiety for their safety.

**Table 1:** Registered crimes in Russia for 1976-1993

Years	Total number of registered crimes	Annual % change	percentage	
			of 1977	of 1985 <sup>a</sup>
1976	834,998	-	-	-
1977	824,243	-13	100	-
1978	889,599	7.9	107.8	-
1979	970,514	9.1	115.3	-
1980	1,028,284	6.0	124.9	-
1981	1,087,908	5.8	132.2	-
1982	1,128,558	3.7	130.6	-
1983	1,398,239	23.9 <sup>b</sup>	169.3	-
1984	1,402,694	0.3	170.1	-
1985	1,416,935	1.0	171.8	100
1986	1,338,424	-5.5	162.3	94.7
1987	1,185,914	-11.4	143.8	83.5
1988	1,220,361	2.9	148.0	86.6
1989	1,619,181	32.7	96.4	114.2
1990	1,839,451	13.6	208.6	129.8
1991	2,167,964	17.9	263.0	153.0
1992	2,760,652	27.3	334.9	194.3
1993	2,799,614	1.4	339.6	197.5
1994 (Jan.-April)	869,614	-3.8 <sup>c</sup>	-	-

<sup>a</sup> For comparison this author chose 1977 because the number of crimes registered during that year was the smallest, and 1985, because that was the beginning of the rejection of totalitarian dogmas.

<sup>b</sup> An upsurge in the number of registered criminal offenses in 1983 is explained not so much by any social upheavals as by a reshuffle in the Ministry of Internal Affairs with subsequent strict guidelines in the registration of information on crimes. A similar practice was observed in 1966, when corresponding Party decisions resulted in the expansion of repressions in relation to hooligans and other offenders. In 1966, the number of criminal offenses grew by 16.7% (see: «Prestupnost i Pravonarusheniya v SSSR,» statistical collection of 1989, in *Yuridicheskaya Literatura*, 1990, p. 10).

<sup>c</sup> The data are given relative to the similar period of 1993.

**Table 2:** Crime in former USSR republics from 1988 to 1992<sup>a</sup>

Country	Increase in %
Armenia	158.5 <sup>b</sup>
Azerbaijan	60.2
Belarus	98.8
Kazakhstan	89.4
Kyrgyzstan	129.1
Moldova	51.9
Russia	126.2
Tajikistan	89.4
Turkmenistan	38.8
Ukraine	97.6
Uzbekistan	33.6

<sup>a</sup> The initial data were taken from the statistical collection «Prestupnost i Pravonarusheniya», M., 1992, p. 21.

<sup>b</sup> The data on Armenia have been calculated, because no other information is available. Therefore, it cannot be used as a basis for any conclusions.

It is also necessary to take into account certain peculiarities of the Russian character. Russians do not consider a crime all actions that violate criminal law. Such actions as “the purchase of bread and other foodstuffs in state and cooperative shops to feed cattle and poultry” (Art. 154-1 of the Criminal Code), or even “misappropriation of state or public property” (Art. 96), for example, are not interpreted by most people as crimes. Crime to them means such actions as murder, rape, theft, robbery—actions that threaten the personal or material security of an individual.

This psychological peculiarity also has other ramifications, such as, for example, faith in the effectiveness of severe punishment, belief that criminals belong to a special category of people different from “us” and therefore they may be judged by a yardstick different from the

one applied to ordinary people, etc. Therefore, the qualitative characteristics of crime are no less important than the quantitative ones: the proportion of crimes of violence (grave crimes above all), the share of offenses committed by minors, etc.

### Crime in the Mirror of Crime Statistics

Before passing over to the analysis of the statistical picture of crime in Russia, it is necessary to note the extreme dearth of publications containing any data of crime statistics.<sup>1</sup> The ones out there are actually inaccessible not only to the man in the street, but to many law-enforcement officers and professionals as well. So, What is the situation really like?

Beginning with the most general data, from 1976 to 1993 the number of crimes grew by 239%. This growth proceeded unevenly. From time to time, criminality became stable and even declined. But in principle, during this period, only 1987 witnessed a substantial decrease in the number of offenses (11.4%). The most rapid growth rates of crime were registered in 1983, 1989 and 1992 (23.9, 32.7 and 27.3 percent respectively). Therefore, when speaking about the current situation, it is always necessary to take into account the period with which it is compared. For example, if 1993 is

compared with 1989, the growth of criminality will amount to 72%, but if it is compared with 1987, it will be as much as 136%, which is not quite the same. Finally, it should be noted that 1993 saw a slowing down of the growth in the number of crimes, and the beginning of 1994 revived the hopes that the criminological situation may change for the better, as Table 1 shows.

The dynamics of crime in 1989-1993 is undoubtedly connected with the drastic socio-economic transformations in the country and cannot be explained by any changes in the work of law-enforcement agencies (as was

the case, for instance, in 1983). Such a conclusion may be supported by at least two factors. First of all, there is a certain connection between the dynamics of crime in the CIS republics and the intensity of social processes of different trends (see Table 2 in the previous page).

The differences in the crime dynamics in the CIS member states cannot be explained without adequate and thorough research, which is hardly possible now. The data given in Table 2, however, point to a similarity of the criminological situation in Turkmenistan and Uzbekistan on the one hand and in the Ukraine and Belarus on the other. The fact that socio-political and economic processes in each cited pair of states are very much alike is some proof that a connection of sorts exists between crime and peculiarities of the political, economic, and social condition of the country.

Secondly, an objective (that is, independent of the practice used in the registration of crime information) character of the upward trend in criminality is manifested also in a steady increase in the number of murders as the least latent and the most dangerous offenses. The number of murders registered in Russia during the last five years grew by nearly 150% (see Table 3). The number of murders registered from January to April 1994 grew by 11% as compared with the same period of 1993 and reached 10,657.<sup>2</sup> Thus, the increase in the number of murders in 1993 as compared with 1988 was 240%. The proportion of murders committed under certain circumstances and motives also changed to some degree. The number of murders committed in the streets, parks, and squares of Russia from 1988 to 1993 increased by one percent and reached 12%.

During the last five years, the nature of criminality (share of specific crimes) has not changed much. The total share of premeditated murders, premeditated grave bodily injuries and rape made up 3.8% both in 1988 and 1993. The share of hooliganism dropped during this period from 6.7% to

**Table 3: Murders (including attempts) in 1985-1993**

<i>Year</i>	<i>Absolute number</i>	<i>% change from previous year</i>
1985	12,160	-
1986	9,437	-22.4
1987	9,199	-24.4
1988	10,572	+14.9
1989	13,543	+28.1
1990	15,566	+19.9
1991	16,122	+3.6
1992	23,006	+4.2
1993	29,213	+27.0

5% while the share of plunders and robberies increased from 0.7% to 1.4% and from 3.6% to 6.6% respectively. The share of larcenies increased most significantly: thefts of state or public property grew from 9.8% to 18.4%, and thefts of personal property—from 29.5% to 38.0%. It is significant that the share of misappropriations was steadily decreasing during the period under review: from 4.3% to 1.4%. Combined with an extremely small share of registered briberies (0.2% in 1988 and 0.1% in 1993), this fact once again confirms that crime statistics inadequately reflect the realities of every-day life.

A statistical portrait of a person convicted of committing a crime has not changed much (see Table 4).

**Table 4:** Persons convicted of committing crimes

<i>Socio-demographic characteristics</i>	<i>Percent in:</i>				
	<i>1988</i>	<i>1989</i>	<i>1990</i>	<i>1991</i>	<i>1992</i>
Men	89.9	91.8	91.5	91.2	92.8
Women	10.1	8.2	8.5	8.2	7.2
14-29 years old (Out of which are	57.7	59.1	57.9	56.0	55.1
14-17 years old)	12.7	14.3	14.7	14.3	13.8
30-49 years old	36.1	35.3	36.4	39.2	39.5
50 years and older	6.2	5.6	5.7	5.8	5.4
Factory workers	62.1	61.1	60.2	57.8	53.8
Office workers	4.7	3.9	4.2	4.4	3.7
Collective farmers	5.1	4.7	4.5	4.8	4.8
Students	7.7	7.4	7.2	6.8	6.2
Neither working nor studying	17.8	19.5	20.3	21.3	26.1
Others	2.6	3.4	3.6	4.9	5.4

The table shows that only one index changed significantly: the share of persons who did not study or work at the time of committing a crime increased by 8.3% among those convicted.<sup>3</sup> It should be noted, however, that this statistical index is far from being perfect. The point is that this category includes not only people who for a long time have not had a steady job nor a permanent residence, but also those who have suspended labor relations just for a short time, who have a skill and qualification necessary to take a job, live together with their families, etc.

In any case, the growth in this category of convicts should not be

attributed to the unemployed. The crime statistics for 1993 show that the unemployed accounted only for 2.9% of the total number of persons who were accused of criminal offenses.

The share of persons who had been earlier convicted of committing crimes actually remained unchanged (23.9% in 1988, 22.7% in 1993), as well as the ratio between the number of crimes committed in urban and rural localities (72:28 in 1988 and 73.9:26.1 in 1992).

The character of the criminological situation is also highly dissimilar in various regions. During the last five years, the growth rate of crimes varies from 19% (Kabardino-Balkar Republic) to 267% (Novosibirsk Oblast).

It is rather optimistic that while the growth in the number of criminal offenses in 1989-1992 was registered in all oblasts of Russia,<sup>4</sup> in 1993 this trend stopped in 37 oblasts,<sup>5</sup> and the number of crimes actually decreased in others (from 0.2% in the Nizhny Novgorod Oblast to 24.8% in Magadan). During the first four months of 1994, the number of registered crimes decreased in 48 oblasts. Besides, this number was decreasing during that period much more intensively than the previous year (see Table 6).

In 1993 and in the first four months of 1994, the increase in the number of crimes gave place to its reduction in 10 out of 20 regions where the crime level (the number of crimes per 10,000 of population) in 1988-1992 exceeded Russia's average.<sup>6</sup>

A brief description of the criminological situation in Russia must be followed by at least a general account of the results achieved by law-enforcement agencies and the punitive practice of courts.

### The "Struggle Against Crime" and Statistics

In 1988-1992,<sup>7</sup> the flow of complaints brought to the police was steadily growing. This number increased by 53% during that period and reached the figure of 3,617,250.

Upon consideration of these complaints and on the basis of other information, criminal cases were opened, and their number, as is shown in Table 1, increased by 126% during the period under review. The number of persons against whom criminal or other proceedings<sup>8</sup> were instituted under the opened criminal cases increased by 35%.

The number of persons convicted in court for committing crimes amounted to 427,032 in 1988 and to 661,392 in 1992—an increase of about 54%, in the same proportion as the growth of complaints brought to the police. The punitive practice of courts, such as the nature of punishments, did not change substantially during that period. The number of persons sentenced to penal confinement grew a little, while the number of those who were fined decreased to a certain degree, contrary to a rather widespread

**Table 5:** Regional growth in crime

<i>Growth rate in crime</i>	<i>Number of regions</i>
19 to 50%	6
51 to 100%	18
101 to 150%	30
151 to 200%	14
over 200%	5

**Table 6:** Percent decrease in the number of crimes registered in 1993 and in January-April 1994

% decrease in # of crimes	Number of regions	
	1993	Jan.-Apr. '94
under 1%	5	3
1% to 5%	19	10
5% to 10%	7	13
10% and over	6	22

opinion about the excessive liberalism of the courts (see Table 7).

It should be noted, however, that punitive practice in relation to minors somewhat softened. The share of those whose age is between 14 to 18 sentenced to penal confinement made up 31% among all convicts of this age category in 1988, and by 1992 it decreased to 25.9%.

The rise in the number of crimes steadily increased the work load of law-enforcement bodies. In 1993, investigators of

the Ministry of Internal Affairs (MVD) received 1,394,559 complaints, but decided not to investigate 1,364,098, or 97.8%. In 1992, the latter index was 99%. The percentage totals of cases the authorities decide not to take on differs from crime to crime: larcenies (which comprise 79.7% of the un-investigated crimes, as opposed to 56.4% of the investigated ones) and by a smaller share of grave crimes of violence (premeditated murders, premeditated grievous bodily injuries, rape, robberies) which made up 3.4% of the total un-investigated crimes versus 5.2% of the investigated total. Solved crimes accounted for 50.6% of the total number of crimes registered in 1993. In application to different categories of offenses this index varies from 81.5% (rape) to 30% (arson).

**Table 7:** Crime and punishment

<i>Punishment</i>	<i>Share in the total number of crimes</i>				
	1988	1989	1990	1991	1992
Death penalty	0.03	0.02	0.04	0.02	0.02
Penal confinement	35.0	37.1	37.8	35.0	36.5
Suspended confinement with compulsory labor	5.4	5.8	6.5	6.7	6.3
Suspended penal confinement	12.8	13.0	13.4	14.0	15.0
Suspended penal confi- nement with probation	7.2	8.2	8.4	10.1	11.9
Corrective labor	26.4	23.7	21.8	21.8	19.5
Fine	12.7	11.9	11.6	12.2	10.2
Other punishment	0.5	0.4	0.4	0.3	0.3

The incompleteness and inadequacy of crime statistics as a way to interpret today's criminological situation as well as the effectiveness of law-enforcement bodies becomes most obvious in the case of organized crime. There is only one statistic which even remotely may be considered as relevant to this problem. This statistic is the "Share of persons who committed a crime in a group." The crimes taken into account by this index are certainly highly heterogeneous. They include minor offenses committed by several teenagers as well as crimes of an armed gang. Moreover, this index does not reflect the quantitative side of group crimes. Its value does not change when a different number of crimes is committed by one and the same group. For lack of other information, what follows is this statistic (in Table 8), since on the whole it corresponds to the quantitative changes in the total number of registered crimes.

**Table 8:** "Share of persons who committed a crime in a group"

	<i>Years</i>									
	1985 <sup>a</sup>	1986 <sup>a</sup>	1987 <sup>a</sup>	1988	1989	1990	1991	1992	1993	
% of persons who committed a crime in a group	28.2	26.3	24.8	27.2	29.9	30.3	32.1	34.7	36.1	

<sup>a</sup> 1985-1987 show the data for the USSR, because no data is available for Russia, and the indices of crime statistics for the RSFSR were for many years actually the same as those for the USSR.

During the first four months of 1994, this index decreased a little to 34.8%.

The lack of statistical data which could somehow both capture the real situation with organized crime as well as assess the efforts of law-enforcement bodies combating this crime, is evident above by the fact that this very criminological notion has not yet even been translated into the language of criminal law. The current Criminal Code of the Russian Federation does not contain legally defined crimes which would empirically represent organized crime. There are no other legislative criteria which distinguish manifestations of organized crime from other offenses.

Squads formed under the MVD to combat organized crime do not have a strictly defined subordination. Out of those who in 1993 were listed among suspects and defendants, only 0.7% were detected by the aforementioned squads, and the cases investigated by them accounted for only 0.3% of all cases registered that year.

The ratio of persons suspected or accused of committing crimes and the number of those actually convicted in 1988-1992 changed from 51.5% (1989)



to 62% (1991).

The indices of crime statistics can hardly give an idea of the qualitative side in the work of law-enforcement bodies. Purely objective difficulties (a pithy interpretation of quantitative values of a statistical index as a rule cannot be well defined), begin to be supplemented with subjective factors caused by the desire of various departments to please the authorities.

### **Crime and Politics**

Official acknowledgement of the intolerable criminal situation in the country and the constant flow of TV, radio, and newspaper information on grave and bloody crimes have literally shaken the population. The serene belief (based on complete lack of information) that “a crime rampage” and “a wave of violence and cruelty” were words associated only with other countries, gave way to anxiety, alarm, and fear.

Decades of censorship and false propaganda have taught the Russians to be weary of facts—even of today’s unbiased research—and to believe various rumors and other unsubstantiated information. This gives rise to the so-called “informational criminality,” a new definition where the idea of criminality in Russia is a compound of media hype, incomplete information and distorted statistics—instead of a clear perception of this phenomenon. Thus, the degree of satisfaction of a major requirement of man, security, is affected not only by the objective characteristics of criminality, but also by subjective ideas about this social evil. For example, the results of public-opinion polls show that since mid-1993, the problem of crime has been worrying people even to a greater extent than inflation.

The influence of “informational criminality” upon the degree of fixation in people’s consciousness of any criminal information is indirectly confirmed by the lack of correlation between the crime level in a given region and public opinion.<sup>9</sup> For example, though the crime level in 1992 in the Primorsk Krai was three-and-a-half times higher than in Moscow, its residents were concerned with criminal offenses much less. This can partially be explained by the fact that Primorsk had for many years been a region with a high level of criminality, and its residents were to a certain degree de-sensitized and prepared for the official recognition of the existing reality.

The anxiety of the population about the growth in crime is increased as a result of the inability of domestic and foreign criminology to explain the processes taking place in this sphere of social life and to give a scientifically substantiated forecast. The reason for this lies not only in the substantial defects of the existing theories of crime sources, but also in the unique character of the general social situation in Russia.

Since crime is, in the final analysis, a product of demographic, cultural, economic, political, and other social processes, it is impossible to explain the parameters of crime without studying and interpreting these processes. But there is also a lack of information on the dynamics of criminal activities of different demographic, social, professional and other groups.<sup>10</sup> At present, only some empirical data concerning victimization of different social groups is available.<sup>11</sup> The results of a study show that businessmen become victims

of criminal offenses more often than representatives of other groups, and workers of collective and state farms are the least vulnerable.

The shortage of analytical information and the rising flow of data about crimes, combined with the objective aggravation of the criminological situation can only make the crime problem a major factor in the struggle for political power in the country. The old ideological clichés regarded criminality (irrespective of the real state of affairs) equally with other aspects of social life as a kind of indicator of either general social prosperity or trouble. In accordance with this approach, a constant rise in crime was attributed to “capitalism” and a similarly steady fall was attributed to “socialism” with the prospect of full disappearance under communism. Therefore, it is only natural that conscientious as well as intuitive adherents of the ideological dogmas that dominated for decades promptly connected the crime increase with the new reality. Irrespective of the character of the initial premises of such a conclusion, it is to a certain degree well substantiated. The point is that a socially mobile, open and developing society always carries the risk of intensification of negative social processes and phenomena. On the contrary, a strictly regulated society, covered by total state control and a single official ideology, paralyzes all social dynamics, including the dynamics of negative phenomena. Of course, such “paralysis” of the social organism is fraught with ambiguous consequences for criminality. Parallel with the introduction of uniform models of behavior, a closed society, deprived of internal mobility, restricts the opportunities of man to realize his requirements legally. This fact, combined with the historically established nihilistic attitude towards law and legislation, which reached an unprecedented level during the years of Soviet power, makes the distinction between law-abiding and illegal behavior almost imperceptible.

The growing crime rate in post-totalitarian Russia came as an unpleasant surprise also for sincere and conscientious opponents of Soviet power, who because of this could not counter the critics of socioeconomic transformations regarding the state and nature of crime. One of the often-cited reasons for such passiveness of the democratic forces regarding this problem, which as already mentioned disturbs so much of public opinion, lies in a certain idealization of life after the downfall of the totalitarian regime. It was not taken into account that any significant social changes which break down the established and customary mode of life require adaptation of people to new conditions, and this is connected not only with the transformation of previously acquired systems of values, but also with learning new models of economic and other social behavior. Those who could not adapt themselves to the new situation are joining the traditional groups of marginals whose criminal activities are known to be always higher than other social groups.

Also not taken into account was the fact that the slackening of strict state control over the statistics on law enforcement inevitably resulted in a change of the statistical picture of criminality. The point is that the country was for decades characterized by a fabulously high share of solved crimes in the number of registered crimes. Each crime was considered (and unfortunately is considered now) solved when an accusation was brought against a

concrete person.<sup>12</sup> Therefore, each police officer was faced with a dilemma: either to register the information on a crime whose solution either seemed almost improbable or required enormous efforts, or to conceal the complaint received on a crime in violation of the instructions, thus not only making his own life and the lives of his colleagues easier, but also avoiding the risk of lowering the percentage of solutions. A sharp reduction in this index during the past few years (from 90-95% to 50%) should not alone be regarded as proof of the increasing incompetence of the police. There is every reason to believe that it reflects a change in the practice of registering statistics on crimes.

Thus, neither the rise in crime nor its causes have become a subject of political debates. The rise in criminality is not disputed, and its causes are

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not analyzed. Differences do appear (as is often the case) however, in the means and methods of combating crime suggested by various political forces. But to be more precise, proposals are coming from one side only, while the other side just tries to prove their incompatibility with the democratic standards

of justice and contradiction with constitutional rights and freedoms. The forces of the disputing sides are not equal, first of all due to the considerable lag of legal consciousness in the population behind its political consciousness (notwithstanding the faults of the latter).

The present level of legal culture of both the “ruled” and the “rulers” is affecting the procedure of establishing the guilt of a person suspected of committing a crime. A negative, rather than a positive attitude of the population towards the police<sup>13</sup> is combined with the approval of unlawful methods applied by the latter in treating detainees. The fear of becoming the victim of a crime, which has increased during the last few years, combined with such legal orientations results in a still greater underestimation of the social significance in the legal protection of a citizen from the punitive power of the state. In addition to the low legal culture of the population, the democratization of criminal justice is seriously hampered by departmental interests of preliminary investigation bodies, the police in particular.

Previously, an excessive rise in the number of registered crimes in an area could be fraught with serious official troubles for a police chief, but today it has turned into a source of extra budgetary allocations and an instrument of raising the professional status of the respective department and its leadership in particular. The latter fact becomes especially evident from the example of the Federal Counterintelligence Service (former KGB) which actively seeks to consolidate its powers in combating crime. It is common knowledge that strict legal procedure, ensuring observance of the constitutional and legal rights of the defendant, demands from the investigatory body greater efforts and professionalism beyond just the solution of a crime

by any means. Therefore, the departmental interest does everything possible (and the more the society is frightened by the scope of crime, the greater is such a possibility) to narrow the processional guarantees of a person and to expand the arsenal of legal means of searching for those suspected of committing crimes. Besides, attempts are made to demonstrate that it is impossible to improve the criminological situation in the country without the expansion of the powers of law-enforcement bodies. The onslaught of those who oppose the democratization of Russian criminal legal procedure intensified this year, just when, as was pointed out earlier, the dynamics of crime began to show certain positive trends. This chronological coincidence makes anti-constitutional measures of combating crime still more dangerous, since in the event of their legalization, all successes in this sphere may be attributed to these measures.<sup>14</sup>

As to the most powerful means of influencing public opinion—information on organized crime—the possibilities of manipulating it are really unlimited. The vagueness of criminological characteristics and the legal uncertainty of this crime category, which for many years made it possible to deny its very existence, now present “criminal communities” as an invisible yet decisive force which is the only real power in Russia.

A detailed analysis of the problem of organized crime goes beyond the framework of this publication, but a few ideas on this score are worth mentioning.

The distinctive feature of organized crime is its inseparable connection with such phenomena of Soviet life as the shadow economy and the shadow policy. The “socialist” economic system<sup>15</sup> could not exist without the shadow economy, which acted as a substitute of the market, and was the main form of exercising power by the totalitarian regime. Under these conditions, the law and the existing rules of the bureaucratic apparatus existed as though in parallel worlds: in the world of semblance and in the world of reality. Such a situation erased the border between legal and illegal actions of any holder of official powers. All of this was combined with the lack of an independent judicial system (it was turned into a mere appendage of the bureaucratic machine) and the fictitious character of the institutions of legislative power.

The liquidation of the Communist Party put an end to the solidity of state power and to a strict hierarchy of the opportunities for legal and illegal enrichment by bureaucrats of different levels. A certain semblance then appeared between the political weight of an office and its importance in the redistribution of property. The vast new opportunities and the sharply increased temptation to “grab everything,” combined with juridical chaos in the regulation of economic relations, could not but bring about a quantitative and qualitative growth and development of corruption which acquired new, more dangerous and refined forms. Some of them go beyond the framework of “ordinary” abuse of power, actually merging with the criminal activities of the underworld.

Another source feeding organized crime is new businessmen who are actually deprived of legal protection,<sup>16</sup> others who do not show much respect

for the law, and many of whom retain old connections with high-ranking patrons or established new ones.

Under these conditions, the struggle against organized crime presupposes first of all the reduction of the sphere of official control, the establishment of a non-contradictory legal basis for economic relations, and the further development of judicial protection of all kinds of property. If not, the demands for unrestricted expansion of powers of punitive bodies and the hardening of measures of criminal punishment will become logically substantiated. The aforesaid determines the political essence of the problem of crime in Russia today. Will the bureaucracy consolidate its power under the banner of the struggle against crime, or will the society realize the real degree of danger involved in arbitrary law and concentrate its efforts on the development of institutions of civil control over the activities of power structures and the bureaucracy? The answer to this question depends on many factors, the most important of which is full and timely information and real glasnost on the crime situation in Russia and the effort to explain to the population any changes in it that may be introduced.

Of no small importance, also, is the legal education of the population, since only concrete, meaningful information may serve as a counterbalance to the existing stereotypes and prejudices of the predominant psychology in the nation.<sup>17</sup>

## Notes

<sup>1</sup> «Prestupnost i pravonarusheniya» statistical collection, Ministry of Internal Affairs, Ministry of Justice, and Statistical Committee of the CIS (Moscow: Otechestvo, 1993); "Criminal situation in Russia for January-December 1993," Ministry of Internal Affairs (Moscow: 1994); "Criminal situation in Russia for January-April 1994," Ministry of Internal Affairs (Moscow: 1994). The aforementioned publications served as a basis for the analysis of the criminal situation undertaken by this author.

<sup>2</sup> It should be noted that the aforementioned "pairs" of the CIS member-states also have similar dynamics of murders for these years. For example, the number of murders in Uzbekistan and Turkmenistan increased by 41.9% and 26.8% respectively, and in the Ukraine and Belarus—by 82.4% and 74.3%. At the same time, Moldova and Azerbaijan have relatively "modest" indices of the overall rise of crime (51.9% and 60.2%), while the number of murders increased by 214.4% and 172.8% respectively.

<sup>3</sup> This category does not include invalids or pensioners.

<sup>4</sup> The only exception is Kabardino-Balkariya where in 1991 the number of registered crimes decreased by eight percent as compared with 1990 (from 7,962 to 7,353).

<sup>5</sup> At present, Russia has 89 regions which are subjects of the Federation. However, for lack of the necessary statistical information for 1988-1991, this analysis is limited to 73 regions, including those which comprise ten autonomous districts, also subjects of the Federation. There is no information on some republics such as Chechenia, Ingushetia, Adygeya, Altai and Khakassiya, and on the Jewish Autonomous Oblast and the Chukotsk Autonomous Okrug.

<sup>6</sup> In January-April 1994, the number of registered crimes decreased in 22 out of 30 regions where the crime level in 1992 exceeded Russia's average.

<sup>7</sup> There is no data for 1993 in the aforesaid statistical collections.

<sup>8</sup> This category includes those whose guilt of committing a crime is considered by the preliminary investigation bodies to be proved, but against whom it is not necessary to institute criminal proceedings, and materials on their offence are passed over to comrades' courts, commissions for minors' affairs, etc. Since nowadays these bodies have actually ceased to exist, this category includes all persons against whom criminal cases have been closed on non-rehabilitative grounds (prescription, amnesty, etc.).

<sup>9</sup> The research was carried out by the Russian-American Project Group on Human Rights

in six regions of the Russian Federation: Moscow, Irkutsk, Tula, Nizhny Novgorod and Omsk oblasts, the Primorsk Krai. The academic advisors to the research were E.F. Kuzminsky and this author.

<sup>10</sup> The coefficient of criminal effectiveness is a ratio between the number of persons who belong to a certain group and have committed a crime, and the total number of members of this group.

<sup>11</sup> People were requested to answer whether they, their relatives and acquaintances had been victims to a crime during the past three years.

<sup>12</sup> Even if the court's sentence finds the actions of a defendant lawful or establishes the lack of the event apropos of which the criminal proceedings have been started, the statistics will all the same take into account that action (event) as a crime.

<sup>13</sup> Research of relations between the police and the population, conducted by the Russian-American Project Group on Human Rights in 1993, included questioning of 2,615 citizens in 9 regions of the Russian Federation and 832 police officers. Forty-six percent of the citizens stated that they were not satisfied with the work of police, and 31.8% said that they were partially dissatisfied. According to the same poll, 53% of the respondents pointed to a certain degree of corruption of the police (42.5% declined to answer), 43.2% pointed to the application of violence to detainees (56.8% did not answer the question). At the same time, nearly 60% of respondents approved the application of violence to detained criminals, even if it is prohibited by law (25.3%), or in "exceptional cases" (33.8%).

<sup>14</sup> Out of all components of criminal justice, the greatest influence on the crime level is probably exerted by penal institutions, which are with good reason regarded by criminologists as "factories of crime." In any case, the crime statistics data indicate that persons who returned from such institutions are most probable candidates for becoming criminals again. Hence, the greater is the part of population that has passed through penal institutions, the larger are the crime reserves.

<sup>15</sup> The deplorable experience of the economy without a market, which existed during the period of War Communism (1918-1920), quickly proved its complete lack of vital capacity.

<sup>16</sup> The aforesaid questioning of police officers showed that respondents regarded cooperators, tradesmen and other businessmen as one of the most criminogenic groups of the population (according to the respondents, only the group of "those who neither work nor study" has a higher level of criminality).

<sup>17</sup> If the legislative regulation of preliminary investigation were known to the population, then the reference made by the management of law-enforcement bodies to the law as to an obstacle in the struggle against crime would hardly convince anybody. Item 6 of Article 108 of the Criminal Code puts no obstacles to instituting criminal proceedings on the basis of any data available to the body which is competent to prosecute. Moreover, it looks strange that the leadership of the Ministry of Internal Affairs and the Federal Counterintelligence Service (former KGB) make public statements on the number of criminal groups and communities functioning on the territory of Russia, their numerical strength, distribution of the spheres of influence, etc. It is a mystery why these statements are not followed by reports on opening criminal cases and instituting criminal proceedings against concrete persons.