

Particular characteristics of recidivism of foreign criminals subjected to conviction in Russia

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Abstract. Russia is attractive to foreign citizens not only for its originality which lies in the beauty of people and nature or in the presence of unique attractions. They are also attracted by the possibility of doing work and business. However, not all foreign citizens are law-abiding. Some of their representatives are distinguished by illegal behavior. It happens that non-citizens of Russia commit crimes. Purpose of the research: to consider the state, structure and dynamics of crimes of foreign citizens in the Russian Federation; to work out the categories of crimes for which they are convicted; to give information about representatives of foreign countries dominating places of imprisonment; to assess the nature of the repetition of crimes committed in Russia by foreign immigrants; to reveal their age range and give information about the commission of repeated crimes in Russia by foreigners who have served their sentences in domestic correction facilities. Methods: the work based on a systematic approach widely uses general scientific and specific scientific methods. General scientific methods, such as logical, structural-functional, analysis and synthesis methods, made it possible to identify the features of the foreigners' recidivism risk in Russia. Modern criminological concepts based on such specific scientific methods as the method of interpretation and the methods of interpreting documents have successfully fostered the development of the research problem. Main results: the research made it possible to assess the nature of "foreign crime" in the Russian Federation and the recidivism rate of foreign immigrants. Novelty: the research shows the contingent of foreign citizens serving sentences in Russian correction facilities and differentiated by categories of crimes; it also presents their criminological features, reveals the post-penitentiary recidivism of foreign immigrants, it gives a comparative assessment of foreigners' repeated crimes in Russia and at home.

Keywords: convict, correction facility, imprisonment, criminal offense

1 Introduction

Domestic judicial practice testifies that foreign citizens and stateless people while staying in the Russian Federation commit criminal offenses and are subject to criminal sanctions provided for by law. So, in the 21st century from twenty to sixty thousand crimes have been officially registered committed annually by foreign citizens and stateless people (hereinafter referred to as foreigners) on the Russian territory. This indicator does not exceed five percent

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of the total number of crimes investigated in our country. The maximum number of the identified criminal offenses of this category was noted in 2009 in the amount of 57,955 crimes, which amounted to 3.5% of the total number of crimes investigated in our country [1, 2]. In 2019, in Russia 34,917 criminal offenses committed by lawbreakers who were not Russian citizens were registered (3.3% of the total number of crimes investigated in our country) [3]. A year earlier, in 2018, more than 38.6 thousand crimes were committed in the Russian Federation. Statistics show a certain decrease in the array of “foreign crime” over the past decade. Please note that in this work, the term “foreign crime” refers to the totality of crimes committed by foreign citizens or stateless people.

The problematic of criminal manifestations of foreigners have been thoroughly investigated by Russian scientists. In particular, legal theorists Arifulina and Bastrykin dealt with the issues of the relationship between immigration processes, national security and crime [4, 5].

Criminological and criminal law measures to combat the crime of foreigners in Russia have been investigated in the works of Antonov-Romanovsky, Kobets, Litvinov, Nezhibetskaya, Kharlamova, and Chirkov [6-9]. The regional component of the prevention of “foreign crime” was clarified in the dissertation research of such criminologists as Boychenko, Byshevsky, and Golyuk [10-12]. The works of Gromova and Khromov are devoted to certain aspects of preventive activities in the field of migration [13, 14].

2 Methods

The authors were guided by the principles of cognition of social reality, scientific nature, synergetics, historicism and objectivity of modern legal science. The basic general scientific dialectical method made it possible to single out the connection between the individual, the particular and the general, the accidental and the necessary, the cause and the effect. The aggregate method was applied, that is, a method of collecting scattered facts of criminal manifestations of foreigners during the pre-penitentiary, penitentiary and post-penitentiary periods. The authors also applied the typological method which is a set of procedures for dividing and grouping the problem under study according to key features or aspects to obtain a model of typological commonality for the phenomenon under study. General scientific methods such as analysis and synthesis, logical, modelling, structural-functional, deductive and inductive methods allowed them to identify trends and features of “foreign crime”. As for the specific scientific methods, the interpretative method was used when considering criminal law norms that provide for liability for criminal offenses committed by foreign immigrants. Mathematical methods were applied to calculate statistical relationships. In the course of the formation of the empirical basis of the work, methods of processing and analysing quantitative results were widely applied.

3 Results

According to official judicial statistics in 2018, 23,164 foreign immigrants (in 2019 – 20,165) were convicted in the Russian Federation of which 2,157 women (in 2019 – 1,809) [15, 16]. It is noteworthy that in 2018 the court condemned 1,465 foreigners for a repetition of the offence, 258 people for a repetition of a dangerous offence, and 85 people for a repetition of an extremely dangerous offence (in 2019, respectively – 1,237, 258 and 76). At the time of legal proceeding, 3,375 foreigners in total had outstanding or unquashed convictions, including: 596 people had two convictions and 339 people had three convictions (in 2019, respectively – 3,031, 534 and 329).

The study of previous convictions of non-citizens of Russia shows that the number of foreigners convicted on the territory of the Russian Federation for extremely serious crimes amounted to 250 people, for serious crimes – 963 people, for medium-gravity crimes – 1,037 and minor gravity crimes – 1,125 people (in 2019, respectively – 244, 836, 907 and 1,044). For negligent crimes, 33 foreigners were previously criminally convicted (in 2019 – 42). Of the previously convicted foreigners, 34 people were minors (in 2019 – 29). Of these (previously convicted foreigners), 1,822 foreigners have served their entire previous criminal sentence (in 2019 – 1,587), 266 people were let out early from the previous sentence (in 2019 – 199) and 1,115 people were sentenced only to measures not related to imprisonment (in 2019 – 1,161).

In 2018, more than twenty-eight thousand foreigners served their sentences in correction facilities of the Federal Penitentiary Service of the Russian Federation (hereinafter – the FSIN of Russia), of which over ninety percent were citizens of the Commonwealth of Independent States [17]. It should be emphasized that at the beginning of the 21st century, the indicator under consideration did not fall below eighty percent [18].

4 Discussion

The analysis of penitentiary “migration crime” showed that in 2018 in Russian correction facilities, out of the total number of convicted foreigners, people serving sentences for extremely serious crimes (63.5%) predominated, while every third (29.65%) was condemned for serious crimes, every fifteenth (6.5%) was condemned for medium and minor gravity crimes, less than 1.0% – for negligent crimes.

The structure of the crimes of convicted foreigners indicates that almost half of the criminal offenses committed by them (more than forty percent) were crimes against property (in particular, for theft, robbery and plundering). Every third criminal offense was a drug crime (29.7%). Every fifth foreigner served a sentence for murder (18.7%), every tenth for rape and other crimes against a person (11.6%) [19].

It is characteristic that in Russia the majority of convicted foreigners (55.6%) were prosecuted three or more times, despite the fact that the overwhelming majority of them (77.6%) had no criminal experience in their homeland [19].

The results of the study conducted by the research institute of the Federal Penitentiary Service of Russia are symptomatic. They showed that within one year after serving the previous sentence, every fourth convicted foreigner who served a sentence in places of imprisonment committed a new crime in Russia (26.8%). Over a longer period of being on the outside, foreigners released from correction facilities committed another criminal offense in the following progression: from one to two years – every third convicted foreigner (31.9%), from 2 to 5 years – every fourth convicted foreigner (27.2%), from 5 to 10 years – every tenth convicted foreigner (11.0%) and more than 10 years – 3.1% [19, 20].

5 Conclusion

The behavior of foreign migrants is sometimes not law abiding. At the beginning of the 21st century, from twenty to sixty thousand crimes committed by them were officially registered annually on the territory of the Russian Federation. In recent years, more than twenty thousand foreigners have been criminally convicted annually, of which one in ten is a woman and almost one in every hundred is a teenager. Each year over one thousand guilty foreigners are found by the court to have committed crimes in case of recidivism.

In domestic correction facilities, out of the total number of convicted non-citizens of Russia, people who were serving a sentence for extremely serious crimes predominated,

while every third for serious crimes, one in fifteen for medium-gravity and minor gravity crimes, and less than one percent for negligent crimes.

It is characteristic that in Russia more than half of the convicted foreigners were prosecuted three or more times, despite the fact that the overwhelming majority of them (three quarters) had no criminal experience in their homeland.

The damage from the criminal offenses committed by them is great. Significant funds are spent on investigating crimes committed by foreigners in Russia, exposing the criminals, administering justice and keeping them in places of imprisonment.

To summarise the above, we believe that it is expedient to more effectively impose a punishment in the form of forcible expulsion of foreigners who have committed criminal offenses from Russia. As expected, the criminal situation in the country will improve and budget savings will increase.

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