

Security of a border region and the role of criminal law: general, particular, and individual aspects

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Abstract. The article is devoted to some problematic issues of determining the role of criminal law of Russia in ensuring the security of border regions. The main characteristics of the border region and criminal law as a means of ensuring its security are considered.

Keywords: security, criminal law, legal regulation, strategy

1. Introduction

Because of the existing borders between states, the problem of their illegal crossing, transporting across borders of various kinds of values and objects, including those having a special status, has arisen. This problem required not only organizational and logistical, but also legal support. In Russia, the problem of legal regulation of the security of border regions was complicated by the following fact. For a rather long period of time, up to the end of the 19th century, a significant length of contact with the so-called Great Steppe existed. In this area of contact, no significant natural frontiers capable of fulfilling the role of not man-made demarcation lines were in place. This necessitated a whole system of long-term measures of an organizational and material-technical nature, particularly the construction of so-called “traits.” As of today, the Russian Federation is the largest country in the world in terms of the length of its borders (60,932 km) and area (more than 17 million 125 thousand sq. km.). It has exceptional reserves of raw materials and energy resources [1], as well as a unique ecosystem. Over 190 nationalities live on its territory. These and other factors increase the level of danger from contemporary threats, such as manifestations of extremism, terrorism, threats of ecological, socio-cultural, economic nature, danger to public health, etc.

2. Materials and Methods

The research methodology includes a variety of approaches and methods. First of all, the formal legal method, which consists in the frontal study of the legislation regulating safety issues, including regional. The purpose of this analysis is to study the state of legal support for regional security of the constituent entities of the Russian Federation having a cross-border nature. Also, the use of a formal legal method makes it possible to identify technical and legal inaccuracies and errors, violations of the requirements of formal logic, as well as non-observance of the system requirements of lawmaking in regulatory acts. In parallel with this method, the method of interpretation of law, which allows to deepen and expand the results of applying the formal legal method, to identify both the literal and systemic meaning of legal regulations and to make an overall picture of the legal regulation of regional

security issues is used. The socio-legal method will allow to determine the effectiveness of norms governing regional security in the dynamics, in the process of real streamlining of public relations.

3. Results

State activities to ensure safety from existing and possible threats should be of a systemic nature, with projection of actions ahead of schedule, in order to prevent possible hazards.

In the modern period of time, conceptual and strategic decisions are developed at the state level to achieve these goals. In particular, the *Concept of National Security of the Russian Federation* (approved at a meeting of members of the Security Council of the Russian Federation on October 5, 1999) was developed. It was of a general nature, many of its provisions were not detailed. The following regulations are the following: *The Strategy of the National Security of the Russian Federation until 2020* (approved by Decree of the President of the Russian Federation of May 12, 2009 No. 537) and the *National Security Strategy of the Russian Federation* that came to replace it (approved by the Decree of the President of the Russian Federation of December 31, 2015 No. 683). There are also of a rather general, non-specific nature, designed for security in general.

On the scale of Russia, the problem of security has a number of aspects due to the federal structure of the state. First of all, several levels of legal regulation are allowed (federal, regional, as well as local), taking into account the separation of local governments from the system of state authorities. Certainly, general security issues fall within the level of jurisdiction of the Russian Federation (Article 71 of the Constitution); however, some of the issues (in particular, the regime of border zones) are attributed to the joint jurisdiction of the Federation and its subjects by the Constitution. Considering that the *Federal Law on the General Principles of the Organization of Legislative (Representative) and Executive Bodies of State Power of the Subjects of the Russian Federation* establishes a number of powers for state authorities of the constituent entities of the Russian Federation, including legal regulation of regional security, there is the possibility and necessity to explore and use certain regional specifics of the situation of a particular subject of the federation (in particular, the Altai region) to formulate recommendations on legal regulation.

Also, we must take into account the scale of Russia, its diversity in the geographical, socio-cultural and geopolitical components. Even the subjects of the Federation that belong to the border regions differ significantly in location, in the conditions that this location determines, and in the problems they have to face. In addition, the territory's population, its nature, climatic conditions, communication lines crossing the state border create differences. The population's national, socio-political, and cultural composition, its mentality, region's economic situation have certain specifics. Security is a complex and multifaceted phenomenon; this should be taken into account in legal regulation. In the modern world, increasing complexities and global challenges to modern humanity only complicate the subject of legal regulation in the field of legal support for regional security. In particular, such subjects of the Russian Federation as the Omsk, Kemerovo, Novosibirsk, Altai regions, and the Altai Republic have close proximity to unstable Central Asia, with many states there are agreements on a simplified procedure for entering the territory of the Russian Federation. At the expense of these states, the migratory inflow of the population to Russia is increasing. For example, the number of arrivals from the CIS countries in the Novosibirsk region was about 40 thousand people for the last two years (19,724 people in 2018 and 21,393 in 2017) [2].

In whole, while positively assessing relations with neighboring countries, we note that their proximity to Afghanistan and other countries that have an unstable political regime, terrorist armed groups, etc. leads to the danger of radically inclined persons, views, narcotic substances, and smuggling weapons.

Thus, according to the UN (UNODC) from 2016 to 2017, global opium production increased by 65% and amounted to 10,500 tons. Since the beginning of the twenty-first century, this is the highest figure. A noticeable increase in opium cultivation in Afghanistan has led to the fact that the number of opioid products produced in Afghanistan amounted to 9 thousand tons in 2018 [3].

The Russian criminal legislation plays a key role in ensuring security, including border regions. A number of fundamental points defining the importance of criminal law in the named sphere of legal regulation must be taken into account. First of all, the criminal law and criminal law are in the exclusive jurisdiction of the federal government in accordance with the Constitution of the Russian Federation. In this regard, the regional security capabilities of criminal law means are practically absent. All criminal law is exclusively federal in Russia, there is not even a minimum criminal law competence of the subjects of the federation that is present in Germany [4], especially there is no such variety of criminal legal systems that are in the USA [5]. Of course, from the principle of legal certainty, this state of affairs is justified, but questions of flexibility and consideration of local specifics arise. Another feature of the criminal law of Russia in connection with the issue of ensuring security in border regions is the principle of its full codification. In accordance with Part 1 of Article 3 of the Criminal Code of the Russian Federation, the crime of an act, its punishability and other criminal law consequences of its commission are determined only by the Criminal Code of the Russian Federation. And on the basis of part 1, article 1 of the Criminal Code of the Russian Federation, the criminal law consists of the Criminal Code of the Russian Federation. Thus, in Russia, criminal law is not only exclusively federal, but the use of such a construction as “supplementary criminal law” inherent in the German doctrine is impossible. In this regard, the Criminal Code of the Russian Federation acts as the ultimate authority for ensuring security by criminal law means. There can be no criminal law tools not included in the Criminal Code of the Russian Federation.

We cannot talk about a direct connection between the criminal law of Russia and the security of border regions. Criminal law solves this task along with other tasks stipulated by the Criminal Code of the Russian Federation. This connection is mediated by the criminal law tools, provided in paragraph 2 of article 2 of the Criminal Code of the Russian Federation [6]. The main criminal law protective agent is a criminal law prohibition of socially dangerous behavior by securing the corpus delicti in the Criminal Code of the Russian Federation [7]. Formulating the composition of crimes, the legislator takes relevant public relations under protection. In this regard, the spheres of social life associated with ensuring regional security, which are subject to increased protection and provision of criminal legal means, are determined. Border regions are faced with acts that encroach on this kind of social relations. By virtue of their location and contact with contiguous states, these regions act as peculiar front lines in contact with the criminality of other countries.

Among the main threats to regional security against which criminal law can be directed, we can name drug trafficking, arms trafficking (involving crossing the state border of the Russian Federation), illegal crossing of the state border of the Russian Federation, illegal migration, customs crimes. In addition, we must name the crimes of an extremist nature, as well as crimes of a terrorist nature, the threat of which continues to exist due to the tense situation in the Middle East. Directly bordering with Kazakhstan, the subjects of the Russian Federation face migration flows from the countries of Central Asia, find themselves in a situation when legal and illegal migration can lead to various terrorist organizations crossing the territory of the Russian Federation, increasing the threat of terrorist attacks on the territory of Russia.

4. Discussion

Despite the above characterized relevance, the stated topics of this kind of research covering all or most of the areas were not conducted. Only certain aspects, one way or another connected with regional security, were analyzed. At the federal level, we should note the work of V. E. Aksakov, who examined the legal framework for ensuring the internal security of the region on the example of the Moscow region, as well as A. Yu. Kiryanov, who carried out a general legal analysis of regional security in modern Russia. Also, several articles on the issues of legal security of regional security were published. We would like to note the article by M. Kh. Vakhayev and S. V. Alekseev [8], as well as the paper by P. V. Pashkovsky [9]. Ideas to ensure regional security are of particular interest in the scientific world, both in Russia and abroad. For example, representatives of the Copenhagen School of Security Studies, B. Buzan and O. Waever, developed the Regional Security Complex Theory (RSCT)

[10] In Russia, the issues of ensuring regional security are considered in the works of A. Arbatov, V. Aleksin, P. Grechko, N. Zhinkina, V. Ignatov, N. Illarionov, A. Nuykin, S. Kurginyan, O. Lupaina, V. Mitrokhin, A. Ponedelkov, V. Solonina, A. Starostin, V. Sinetsky, V. Tarantsov, and others. Quite fundamentally, the topic of regional security was developed in the framework of Political Science. For example, we can name the doctoral dissertations of V. V. Strelchenko [11] and I. V. Yurchenko [12], as well as an article by M. N. Kazakova [13] and a study guide [14] by a group of authors from Stavropol, etc. We especially need to mention the work of V. V. Baranov [15], in which the author specifically focuses on such regions as the North Caucasus, the Kaliningrad region, and the South Kuril islands, analyzing a number of common problems in ensuring regional security.

5. Conclusion

Thus, there are significant difficulties in determining the measure of criminal law to ensure the security of border regions in Russia. This is due to the specific features of the form of state unity of the Russian Federation, the peculiarities of the criminal law of Russia, and above all, the conceptual model of the exclusively codified federal criminal law taken as the basis. At the same time, the Criminal Code of the Russian Federation takes under protection the most significant public relations ensuring the security of border regions, formulating special offenses. The general regulation of the issues of criminal law security ensures the solution of special security problems of border regions and takes into account individual tasks in individual areas.

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