Reasonability of Liability to be Prosecuted for Denial of Information to Citizens

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ABSTRACT
Rule 140 of the Russian Federation Criminal (Penal) Code establishes liability for an unlawful default in providing the compendium of documentation assembled in a permitted manner by a legislative office that directly affects civil rights and freedoms, providing a citizen with imperfect or misleading information if these acts have worked wrong towards the legitimate rights and interests of citizens. In litigation practice over the past few years, there are no criminal cases concerning this crime. The purpose of this survey is to find out the reasons why this regulation is not applied and determine the feasibility of the criminal protection of the right to accessing information. For this purpose, the authors carried out a documentary review of law-governed and doctrinal sources on the access right to information, its protection in the Russian legal system and that of foreign countries. They also considered the established practice in applying the law in protecting citizens' right to access information. The researchers elicited the views of members of the legal profession on the issues protecting this right in case it is violated. The review made it possible to justify that there are no grounds for criminalizing denial of information at present. First of all, it concerns an enhanced level of social danger of an act enough for recognizing it as a crime. Since there is no practice of criminal prosecution for this crime, but there is administrative responsibility for a similar act. It is proposed to depenalize the components of this act provided in Rule 140 of the Russian Federation Criminal Code.
Keywords: *right to access to information, denial of information, the law governing protection, decriminalization*

1. INTRODUCTION

In an age when the global information society is being established, human rights and freedoms in the tech field are focused on [1]. The right to information includes the right to produce, search and release of information (in particular, freedom of expression, freedom of association), to manage other people's access to information (for example, privilege and intellectual property) and the right to access information (for example, intellectual liberty, the right to reading) [2].

The literature emphasizes that the right to access to information means the citizens' right to receive information about the way they are managed [3]. In this regard, this right is generally regarded as a means of ensuring transparency rules of state administration [4] and citizen participation in the democratic process [5]. The right to access information is considered to be a key component of the system for implementing other rights and goals, including those of corruption prevention [6].

The right to information as the right to search and receive information [7] is supported by the most important international legal enactments such as the Universal Declaration of Human Rights [8] and the International Covenant on Civil and Political Rights [9]. In 2011, the United Nations Human Rights Committee issued a directive of a General Comment, which notes that, as a matter of priority, states should circulate information of public interest.

Moreover, access to it should be 'easy, quick, meaningful and action-oriented'. This document sets guarantees to promote the right to access information. In particular, states should constitute legislation to exercising the right to information. Authorities should respond to requests from citizens as soon as reasonably possible. Denial of information must be well-founded. Authorities should provide legally binding mechanisms for lodging rejections [10].

Most countries of the world guarantee the right to free information at the constitutional level [11]. Many countries have laws in vigour on access to information that set official regulations for access to information on the activities of national authorities [12]. However, the matters of responsibility for denial of information are not recorded in national laws on access to information. As a rule, they are regulated by sector-specific legislation [13].

In the Russian Federation (hereinafter referred to as RF), the right to access information is set by the Constitution of the Russian Federation (part 4 of article 29), "Everyone has the right to look for, receive, transmit, produce and disseminate information freely by any legal means." Part 3 of Article 41 of the Constitution establishes the possibility of bringing to responsibility for violating this right, "Keeping facts and circumstances by public officials that pose a threat to human life and health and entails liability according to federal law."

Ways to exercise the right to access information, implementation arrangements are entrenched in the Federal law 'On Information, IT development and Information protection', Federal law dating from 09.02.2009 No. 8-FL 'On providing access to information on the activities of government agencies and municipalities'. According to the latter, providing access to information on the activities of government agencies and municipalities is based on the following principles: publicity and information accessibility except for the cases contemplated by the federal laws; adequacy of information; the right to look for, receive, transmit, produce and disseminate information freely by any legal means; fulfilling rights of citizens to personal privacy, personal and family privacy, their honour and business reputation protection, the rights of institutions to protect their business reputation when providing information.

First of all, the possibility of obtaining information is provided through a citizen's use of his right to contact government agencies and municipalities. In case of denial of information, unreasonable delay of response or failure to submit it within the legal time limit, as well as in case of other irregulations of the procedure for reading and meeting of the requirements, such an action (inaction) is appealed to higher state authority, a superior body of state authority or may be appealed to a court to seek a judicial review of a decision.

The Criminal Code of the Russian Federation (hereinafter referred to as Criminal Code of RF) in Article 140 provides for liability for improper denial of an authorized officer to provide data properly gathered. This directly affects the rights and freedoms of a citizen or provides a citizen with insufficient or misleading information if these acts have inflicted harm to rights and legitimate interests of citizens.

Meanwhile, the study showed that the specified penal provision is not applied, that is, there is no case law of prosecution for this crime. In this regard, the question came up about the reasons for such a situation. The purpose of this study is to identify the causes why this provision is not implemented, and define the expediency of the criminal protection of the right to access information. Remark that most studies of the criminal and legal aspects of protecting the right to access to information are devoted to the feature analysis of the essential elements of Article 140 of the Criminal Code and uncovering its imperfections, issues of expediency of criminal liability for such violations were not the focus of research. It should be reported that applicable law coupled with the criminal legislation prescribes for civil liability for denial of information. Therefore, one should insight the issues of distinguishing between an administrative offense and a penal act.

2. METHODS

First of all, the authors conducted a documentary review of legal and doctrinal sources on the right to access information, its protection in the legal framework of Russia and foreign countries. The authors have investigated the provision of Russian law on liability for denial of information.

As part of the survey, the authors studied the figures of the Ministry of Internal Affairs of the Russian Federation (hereinafter referred to as MIA of Russia) on the crime stats in the examined field, the figures of the Supreme Court Justice Department of the Russian Federation from 2013 to 2018 on the judgments of pleas of the crown regarding denial of information to a citizen directly related to his rights and freedoms.

Randomly, on the website https://sudact.ru/regular/, 135 judgments were selected that had been rendered from 2013 to 2019 by way of appealing the facts of denial of information to a citizen by public officials. The study also conducted a survey of 112 representatives of the legal community on the practical problems of the criminal law protection of the right to access information.

3. RESULTS

In the reported data on crime in Russia from 2013 to 2018 published by the Ministry of Internal Affairs of Russia, there is no information about recorded offences involving a violation of Article 140 of the Criminal Code. This situation is caused by the fact that the Russian Ministry of Internal Affairs does not publish the figures on all crimes but on those that are defined by departmental regulations. So it was not possible to assess the amount of inscription of criminal acts of denial of information to a citizen.

A study of the statistics of the Supreme Court Justice Department of the Russian Federation on the results of consideration of criminal trials by courts and the state of record of a criminal conviction from 2013 to 2018 showed that penal cases on this crime were not reviewed in court within this period.

Analysis of litigation practice for making complaints against the conduct, decisions of governmental authorities according to Article 125 of the Russian Federation Code of Criminal Procedure made it possible to find out that

criminal proceedings are not being instituted on the representations of citizens about the facts of denial of information or providing incomplete or misleading information by officials. The preliminary investigation bodies decent not to initiate criminal proceedings as the act in question does not constitute a criminal offence i.e. conclude that committed no criminal wrongdoing. When appealing against such decisions (and this is quite often the case, practically), courts dismiss the appeals (in 100% of the proceedings examined).

A survey of law society demonstrated that unlawful denials of information by public officers encountered in the practice of most lawyers. When asked whether they or their clients were ever denied of information unrightfully, more than half (51.9%) replied in the affirmative. According to the survey, citizens usually choose out-of-court forms to settle so that to protect the right of information. Thus the majority of respondents replied that they applied to prosecution office (56.5%), 30.4% applied to a superior official, 23.1% applied to court. In addition, 75.9% of lawyers pointed out that liability was not necessary to be prosecuted for denial of information.

4. DISCUSSION

The enforcement of the right to access information is provided by appropriate legal means, including allocating responsibility for socially-dangerous infringements on it. For example, the Criminal Code of the Russian Federation of 1996 in Chapter 19, 'Crimes against the constitutional human and civil rights and liberties' provided for liability for denial of information to a citizen for the first time ever in national criminal justice. In Article 140 of the Criminal Code of the Russian Federation, the components of crime (corpus delicti) were formalized. It was defined as an unlawful denial of an official to provide documentation properly attributed that directly affect the rights and freedoms of a citizen, or provide a citizen with incomplete or misleading information if these acts inflicted harm on the rights and legally protected interests of citizens. It should be noted that this regulatory provision was enacted more than twenty years ago and has not been changed since then.

Creation of this article in criminal justice was caused by the legislature intended to provide for criminal and legal means to ensure the constitutional right to access information. Those ones along with Article 140 of the Criminal Code of the Russian Federation are the regulations allowed by Article 185.1 of the Criminal Code of the Russian Federation (Malicious evasion of disclosing or providing information established by the legislation of the Russian Federation on financial credit instruments), Article 237 of the Criminal Code of the Russian Federation (Non-disclosure of information on facts and circumstances that pose risks to human life or health). These trespasses are special components of failure to submit information of one type or another.

Analysis of the crime under Article 140 of the Criminal Code of the Russian Federation allows concluding that the immediate failure object to provide information is public relations, ensuring the implementation of the constitutional human right to receive information.

Based on the heading of Article 140 of the Criminal Code, then only a citizen can be recognized as a crime victim, by whom a person holding the citizenship (nationality) of the Russian Federation is meant. Such an interpretation does not allow bringing an authorized officer to responsibility for denial of information to a foreign citizen or a stateless person. On the other hand, constitutional provisions attach the right to receive information for every person, regardless of their low-governed nationality and therefore, in the authors' opinion, any individual can be admitted a victim of crime in this provision, both a citizen of the Russian Federation, a foreign citizen and a stateless person.

By implication of Article 140 of the Criminal Code of the Russian Federation, there are three possible ways to commit this crime: 1) an unlawful denial of information, 2) provision of incorrect information, 3) provision of misleading information. In the first case, the subject of the crime is documentation that is kept by certain bodies and institutions, gathered in a prescribed legal procedure and directly affect the rights and liberties of a citizen. These may be, in particular, documents related to pension or benefit accounting, residential registration, etc.

Moreover, denial of information implies a negative response to a request (requirement) of a person, to whom it may concern, to issue documentation for examination. In the second case, the subject of the crime is incorrect information, that is, insufficient, not to the fullest extent that was requested by the applicant; in the third subject, it is misleading information which is untrue. Considering that the person applies for information to the appropriate body, the subject of this crime is case information that is not at free access, which can be obtained by asking information from the relevant authorities.

As was stated above, the subject of unlawful denial is documentation directly affecting human rights and freedoms. Therefore, it can be assumed that a victim in such circumstances is only a person whose rights and freedoms were directly affected and were the reason for contacting the relevant bodies. However, the question arises whether Article 140 of the Criminal Code applies to cases of denial of information about the reputation of a deceased person, or a person who is mentally incapable to carry on the activities independently and which deal with a vindication of appropriate information and protection of his rights and legitimate interests because of mental or physical disease. It seems that it is being addressed, therefore, individuals interested in obtaining information affecting their personal rights and legitimate interests, as well as people interested in obtaining information affecting the rights and legitimate interests of other individuals, can also be recognized victims of unlawful denial of information.

The components of the denial of information to a citizen in Article 140 of the Criminal Code are designed according to the type of pecuniary. As a required characteristic are the consequences provided as wrong-doing towards the

rights and legitimate interests of a citizen. When they occur, the offence is deemed to have been completed. As can be seen, the consequences of Article 140 of the Criminal Code of the Russian Federation are formulated quite indefinably and it seriously complicates its application. Such a category as 'harming rights and legitimate interests' cannot be measured, that is, quantified. Objective criteria for assessing such harm can hardly be judge-made. That is why their definition and evidence seem to involve considerable difficulties. So, preliminary investigation bodies must define what rights have been harmed; find out that the harm occurred as a result of unlawful denial of information or the provision of incorrect or misleading information. Besides, they must prove that the official, performing the mentioned actions, could foresee the inevitability or possibility of such harm to the rights and interests of the victim.

On the mental state / subjective aspect, an unlawful denial can be committed both with wilful and implied intent. It happens when an administrative official, refusing to provide a citizen with information in a manner which is unlawful, realizes the danger of his wrongdoing to other people in the community, knowingly concerning legitimate interests of a citizen and either willing it or not, but only deliberately closes his mind to the risk that his action would result in the harm suffered by the victim or just does not care about it. Nevertheless, the provision of incomplete or misleading information is characterized only by specific intent (dolus directus). As a result, a liable party, who misrepresents certain facts, by so doing it, wants to mislead a particular defendant to his prejudice.

The subject of this offence, as recorded in Article 140 of the Criminal Code, might be an official. In Russian criminal justice, officials mean people who serve as state agency officials, representatives of community bodies, national and municipal institutions, government corporations, state-run companies, national and municipal unitary enterprises, stock companies in which the Russian Federation, the RF region, a municipal formation, as well as the Armed Forces of the Russian Federation, other arms or military forces hold a controlling block of stock on an on-going basis, for the time being (de bene esse) or expressly authorized (Explanatory Note 1 of Article 285 of the Criminal Code).

Alongside with that, the documents affecting human rights and freedoms may be managed by employees of not only central and local authorities and institutions, but also of business corporations (private healthcare centres, private universities, credit institutions, etc.). As a result, the definition of the subject of a crime as an official limit possible metes and bounds of Article 140 of the Criminal Code enforcement greatly, so one should enlarge the parties of Article 140 of the Criminal Code and include not only an officer but also executive officers in business and other companies.

To classify actions falling within the signs of a crime prosecuted by Article 140 of the Criminal Code, it is necessary to make a request or appeal for providing such information lawfully. In other words, the application or request must be initiated by legitimate people with the right to demand their claims. The application or request should be sent to the bodies or organizations within the purview of a possible or required provision of such documentation.

The requested documentation contains information affecting the rights and liberties of a citizen. Also, the requirements to a preliminary procedure for obtaining permission (consent) should be up to date according to Law (the Russian Federation Code of Criminal Procedure, Federal Law of the Russian Federation dated 02.12.1990 No. 395-1 'On Banks and Banking Activities', Federal Law of the Russian Federation dated 20.08.2004 No. 119-FL 'State protection of victims, witnesses and other participants in criminal proceedings', etc.) to perform certain actions aimed at obtaining information about a citizen. In case of violating these terms, the denial of state authorities, local self-government and their officials to provide documents containing information directly affecting the rights and liberties of a citizen will be regarded eligible. [17]

In case in point is such an example in practice. Ts. contacted the bank with an enquiry as she was applying for duly certified original documents, duplicate copies and document copies of several documents. They included a certificate of her credit card obligations to the bank; financing credit document duplicates antecedent and accompanying the credit contract (a loan request, loan/credit agreement, information on full loan value, fee schedule, insurance application, insurance treaty, etc.), her applications and a bill of acceptance by an obligee of a partial or a full overpayment; a detailed, full account statement of flow of funds on her accounts that were set up and applied to the specified agreement breakdowns of credit and debit amounts, payment purpose description of withdrawals/subtractions of each part of the deposits paid; consolidated statements of the sums paid; the amount of contract arrears as of the date of the response to the appeal; operating license to provide banking services; full contact information and full registration data of a new lender –a legal entity (company), if there is an assignment agreement between the bank and the assignee/cessionary. Ts. asked to provide a written response at the address specified in the top of the appeal.

This appeal was posted and the Bank received it. However, the Bank did not provide information to Ts. justifying this by the fact that it was impossible to identify the client according to the postal form of appeal. But it was a necessary condition for securing and guaranteeing bank secrecy. According to Article 857 of the Civil Code of the Russian Federation, Article 26 of the Federal Law 'On Banks and Banking Activities', a bank must identify the applicant authentically from the date of the request. The genuineness of the signature of O.A. Tsybaykina's request was certified by Chairman of the Federation of Trade Unions of Soviet Citizens of Socialist Russia. Although, according to the Fundamentals of the legislation of the Russian Federation on Notary Law, these are notaries, officials of local self-government and consular offices of the Russian Federation who are invested with authority to confirm that the signature on documents is genuine. Under

such circumstances, the client's appeal did not allow the Bank to identify the person properly entitled to receive information on the loan agreement. The fact of the proper appeal to the Bank with the requirement to provide documents was not confirmed. Consequently, the Bank did not provide information to the applicant legitimately [18].

According to the study of litigation practice in criminal cases, Article140 of the Criminal Code is not applied in fact. It stands for its absence of demand in practice. Firstly, this situation deals with the fact that the components of the criminal denial of information prescribed by the law, is difficult to distinguish from a similar administrative infraction. For example, according to Article 5.39 of the Code on Administrative Offences of the Russian Federation 'Denial of information' is expressed in an unlawful denial to provide a citizen, including a lawyer, in view of the request from a lawyer, and (or) arrangement of information provided by federal laws, untimely provision of it or the provision of knowingly inadequate information. As we can see from the Code of Administrative Offenses of the Russian Federation, the victim can be not only an individual but also an organization, which is quite reasonable. Since according to Article 1 of Federal Law dated 09.02.2009 No. 8-FL 'On Ensuring Access to Information on the Activities of Federal Bodies and Local Government', the information user is not only a citizen, as an individual, and an organization, as a legal entity, but also public associations, government agencies and municipalities.

Objectively, an administrative offence is expressed in committing of wrongful acts that have significant overlaps with the crime under Article 140 of the Criminal Code: 1) unlawful denial of information; the provision of it is provided for by federal laws; 2) its untimely provision; 3) the provision of knowingly incorrect information. On the other hand, the Code of Administrative Offenses in Article 5.39 does not provide for such an act as the presence of incomplete information or presentation of the content that does not correspond to the request. This practice is sometimes found. The mentioned facts reveal a gap in the legislation in place. And this legal deficiency has to be corrected.

The key criterion for differentiating an administrative from a criminal legal tort serves a required characteristic of criminal liability under Article 140 of the Criminal Code is "causation of harm to the legitimate rights and interests of citizens." However, the commission of an administrative infraction also harms the rights and legitimate interests of information users. According to the right opinion of scientists, an illegitimate denial itself, that is, a denial that contradicts regulatory requirements, as well as providing incomplete or misleading information is assumed to harm the rights and legitimate interests of a citizen, as it violates the constitutional right to access information [14]. That is why there are no clear criteria for differentiating the criminal denial to provide information from an administrative offense under Article 5.39 Administrative Code at present. Considering the uncertainly defined consequences and difficulties of proving in Article 140 of the Criminal Code, the preliminary investigation bodies choose rather to administer civil liability while investigating case papers containing elements of denial of information.

There are no criminal proceedings under Article 140 of the Criminal Code of the Russian Federation. In the authors' view, this fact also speaks about regulatory authority that do not regard the failure to provide information as an act having an high level of public danger, requiring the application of criminal justice response. This conclusion is supported by this evaluation's findings. For example, when lawyers were interviewed about the necessity to prosecute for denial of information if administrative measures are available, most of them (75.9%) answered that there was no need to.

As is well known, a crime differs precisely from all other types of offenses in the level of public danger. That is, crimes, as a rule, cause great harm in the society, constitute a danger and are more intolerant than other offenses. The harm that may result from an unlawful denial of information or the provision of incorrect or misleading information is unlikely to be so significant as to respond to it with criminal law sanctions. Therefore, in the authors' opinion, this act is not characterized by a high level of social danger, and thus, there is no legal basis for its criminalization.

At another point, the appropriateness of criminalizing an act along with its public danger is determined by such factors as the breadth of the offense, a degree of criminal act and its consequences (extent of damage done), the antisocial action and a person who committed it. As has been seen, all these circumstances are not inherent in the components in question. The authors conclude that it is inappropriate to criminalize the denial of information.

What is more, Article 140 of the Criminal Code reports on extremely light sanction, which is limited to penalty fines of up to two hundred thousand rubles or in the amount of wages or other income of the convicted person for a period of up to eighteen months or the deprivation of right to hold specific posts or prohibition to engage in specified activity from two to five years. The legislative body did not impose custodial sentence in his sanction. It cannot be emphasized enough that a low level of public danger of this act. At the same time, as the authors note, "an act that does not warrant imprisonment in its most dangerous manifestation for at least up to one year should not be subjected to criminalization" [19, p. 113].

One can also agree with the authors' view that Article 140 of the Criminal Code of the Russian Federation is classified as so-called "nominal criminal legislation". It has more of a criminal-political nature but does not have an actual application value [14]. However, it appears that it makes no sense to fill in criminal legislation with components that are inactive in practice, and to the authors' mind, the crime issued should be decriminalized. This will also allow curing the concurrence of offences that occurs between Article 140 of the Criminal Code and 5.39 Administrative Code of the Russian Federation.

Nevertheless, cases of unlawful denial of information, the provision of incorrect or knowingly misleading information that caused the great damage to the rights and

legitimate interests of citizens, can be qualified in accordance with criminal law standards for committing malfeasance general in nature (Article 285, Article 286, Article 292 or 293 of the Criminal Code of the Russian Federation).

In the conduct of the issue's review of expediency of criminalizing an act of denying of information, it should mean that in countries with advanced democracies there is a trend away from criminal law enforcement of exercising human and civil rights and freedoms, based on the fact that these rights and freedoms are enough to proclaim. It is believed that any law only limits them. For example, the legal system of foreign countries (in particular, Model Penal Code of the USA [15], German Criminal Code [16]) does not criminalize for the denial of information. Therewith, the deficiency of criminal law regulation is to be filled by applying ethical standards or norms and political conventions.

5. CONCLUSION

A penal regulation, intended to preserve citizens' constitutional right to access to information, actually fails to comply with the functions entrusted. The review made by the authors contributed to finding out that criminal cases under Article 140 are absent in practice. Executors of law prefer holding those officers who have unlawfully refused to provide information to a citizen, or who have provided incorrect or misleading information to an administrative account.

It seems that the acts constituting the essential elements of denial of information with no high level of public danger. Consequently, there is no basis for the criminalization of such an act. In addition to the fact that the elements of the act are unused in practice, their criminalization is seemed to be inappropriate.

REFERENCES

[1] D. Elijas, S. Markovic, S. Trgovac, Right of access to information held by public authorities - through the aspect of the constitutional court and the positions of the European Court Of Human Rights, Zbornik Pravnog Fakulteta Sveucilista U Rijeci 38(1) (2017) 501-525.

[2] C.A. Bishop, Access to Information as a Human Right, LFB Scholarly Publishing LLC, El Paso, 2012.

[3] U. Nwoke, Access to information under the Nigerian Freedom of Information Act, 2011: challenges to implementation and the rhetoric of radical change, Journal of African Law 63(3) (2019) 435-461. DOI: https://doi.org/10.1017/S0021855319000299

[4] M. Gomez, The right to information and transformative development outcomes, Law and Development Review 12(3) (2019) 837-864. DOI: https://doi.org/10.1515/ldr-2019-0046

[5] S. Eskens, N. Helberger, J. Moeller, Challenged by news personalisation: five perspectives on the right to receive information, Journal of Media Law 9(2) (2017) 259-284. DOI: https://doi.org/10.1080/17577632.2017.1387353

[6] S. van der Berg, Strengthening access to information institutions to promote a culture of transparency, South African Journal on Human Rights 33(2) (2017) 167-192. DOI: https://doi.org/10.1080/02587203.2017.1346560

[7] M. Bovens, Information Rights: Citizenship in the Information Society, The Journal of Political Philosophy 10(3) (2002) 317-341.

[8] Universal Declaration of Human Rights. Retrieved from: https://www.un.org/en/universal-declaration-human-rights/index.html

[9] International Covenant on Civil and Political Rights. Retrieved from: https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

[10] General comment No. 34. Article 19: Freedoms of opinion and expression. UN Human Rights Committee (2011). Retrieved from: http://www.refworld.org/pdfid/4ed34b562.pdf

[11] S.N. Mart, The Right to Receive Information, Law Libr. J. 95 (2003) 175.

[12] Opening up Russia: The right to information and the fight for transparency (2020). Retrieved from: https://www.article19.org/opening-up-russia-the-right-to-information-and-the-fight-for-transparency/

[13] G. A. Hoffman, In search of an international human right to receive information, Loy. LA Int'l & Comp. L. Rev. 25 (2002) 165.

[14] M. G. Adylkhanov, Criminal liability for denial of information to a citizen: challenging issues of competence and legislative definition, Humanities, Socio-economic and Social Sciences (11) (2019) 139-144.

[15] Model Penal Code of the USA (1985). Retrieved from: https://www.legal-tools.org/doc/08d77d/pdf

[16] German Criminal Code (2019). Retrieved from: http://www.gesetze-im-internet.de/englisch_stgb/index.html

[17] D.V. Peshkov, Some issues on denial of information to a citizen, Science and Education: Economy and Economics; Entrepreneurship; Law and Management (9) (2015) 91-94.

[18] Decision No. 2-765 / 2019 2-765 / 2019 ~ M-725/2019 M-725/2019 of September 18, 2019 in case No. 2-765 / 2019. Retrieved from: https://sudact.ru/regular/?regular-txt=&regular-date_from=&regular-date_to=

[19] M.N. Kaplin, Sanctions of Chapter 22 of the Criminal Code of the Russian Federation: an attempt to systematic approach, in: Novelties of penal legislation and litigation practice concerning cases of economic crimes (Chapter 22 of the Criminal Code): a collection of scientific articles following the results of II International Scientific-practical Internet Conference, the 3d of Oct. 2012, Yaroslavl, Russia, 2012, pp. 108–114.