

# Key determinants of environmental crime in Russia

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**Abstract.** The subject of the study is the peculiarities of ensuring environmental security in countering environmental crime. Effective counteraction to it is impossible without detailed data on the causes of environmental crime. Modern Russian concepts of the determination of criminal behavior are diverse, but they are based on the analysis of the social complex of causes of crime. Scientists divide the established approaches into three groups depending on the presence in the center of determinants of social processes, subjective causes, or biological properties of the criminal's personality. Environmental crime has peculiarities, and both general and specific determinants may underlie the genesis of criminal behavior. Using a wide range of general scientific methods (primarily content analysis and instrumental analysis), the authors substantiate the conclusion about the self-serving nature of environmental crime. The main criminal threat to environmental security is acts of socially dangerous behavior committed against natural resources and aimed at illegal trafficking. The perpetrator, acting for personal enrichment, does not realise the damage to the natural environment most times. Other types of environmental crimes relate to improper fulfilment by economic entities of their obligations in environmentally safe operation of industrial and other facilities. The listed types have a small percentage of the overall structure of environmental crime. Such factors as the demand for natural resource products and marginalization of part of the population living in resource-rich but economically depressed regions of Russia underlie the determinants of criminal behavior.

## 1 Introduction

Environmental crimes have appeared in the structure of crime relatively recently. Anthropogenic activity (contradictions arising from the interaction of people and nature) and scientific and technological progress [1] indirectly act as their global causes. The international community actively discusses the problems of environmental security, the reproduction of natural resources, creation and maintenance of a favourable environment. These efforts have led to the fact that environmental safety of the production process and manufactured products has become an urgent trend in modern economic activity. Further popularisation of environmentally friendly technologies and their active introduction into

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economic activities have the potential to reduce the negative impact of anthropogenic activities on the environment and their role in determining environmental crime. Economic considerations hamper such practice in Russia (introduction of environmentally friendly technologies is a costly process) and political circumstances (including sanctions confrontation with some foreign countries, and restriction of supplies of various goods and equipment). The equipment of many industrially important facilities that contribute significantly to the development of the national economy remains inconsistent with the latest environmental standards.

## **2 Materials and methods**

Some factors and circumstances of different genesis determine the state of environmental crime in the state. These factors determine the transformation and adaptation of environmental crime to the conditions of the current anthropogenic impact on the environment. We can find in the scientific literature the following approaches to the determination of environmental crime: the first approach is a criminological concept that explains the major causes and conditions of environmental crime [2]; the second approach implies a structure of standard causes applicable to any other type of crime (general, special criminological and factors causing the commission of a particular crime) [3]. Both hypotheses have shortcomings, as the first one is based on obvious parameters (the presence of a scientific concept to explain the determination of the phenomenon is quite logical, but it does not reveal the complex of causes and factors that explain the features of the phenomenon, i.e. it applies to the cognition of any component of social reality). The second hypothesis characterizes the basic approach that explains the origin of crime as a negative social phenomenon and its modification under the influence of various processes occurring in reality. More reasonable is the judgment stating that "economic, social, political, spiritual and legal causes and conditions of environmental crime should be through the signs of environmental crisis, which are: uneven demographic changes (demographic explosion and demographic decline) in certain territories and countries; urbanization of the population; scientific and technological progress; irrational agricultural production; destruction of the forest fund; economic activities in violation of environmental requirements; socio-economic and political tensions between and within states; imperfect legislation" [4].

## **3 Background**

Underlying determinants of environmental crime:

- the existing mechanism of economic relations based on the exploitation of natural resources in the absence of completed technological modernization - as a result, various emergencies negatively affecting the quality of the natural environment become possible;
- demand for natural resource products (timber, amber, fish, aquatic and other animals, parts of their bodies and derivatives) - determines the prospects of their illegal harvesting and active formation of marketing chains, determining the organizational trends of modern environmental crime; in addition, the long-term development of the legal economy with the priority of natural resource extraction has caused the actual secondary importance of compliance with environmental requirements and the priority of increasing the rate and volume of extraction without taking them into account;
- the lack of a developed system of social elevators, which hinders the socialization of part of the population living in economically depressed regions and contributes to their involvement as perpetrators in the commission of the most common environmental crimes.

The named circumstances of the elements of crimes under Articles 256, 258, 258.1, and 260 of the Criminal Code of the Russian Federation characterize 94-96% of registered environmental crimes, and their number remains relatively stable (Table 1). The dominance of acts related to the withdrawal of natural resources in the structure of environmental crime casts doubt on its focus on harming nature and shows selfish use. Crimes represent the most widespread acts not related to the withdrawal of natural resources under Articles 250-252, 254, 261, and 262 of the Criminal Code of the Russian Federation, the total number of which annually does not exceed 1,000.

**Table 1.** Information on the status of convictions for environmental crimes.

| Article of Chapter 26 of the Criminal Code of the Russian Federation | Number of convicts |      | fine |      | Corrective or compulsory labor |      | Deprivation of liberty or other punishment with the application of Art. 73 of the Criminal Code |      |
|--|--------------------|------|------|------|--------------------------------|------|---|------|
|  | 2019               | 2020 | 2019 | 2020 | 2019                           | 2020 | 2019  | 2020 |
| 246  | 5                  | 6    | 2    | 5    | ---                            | 1    | 3   | ---  |
| 247  | 11                 | 6    | 8    | 4    | ---                            | ---  | 3   | 2    |
| 250  | 2                  | 2    | 1    | 2    | 1                              | ---  | ---   | ---  |
| 251  | 1                  | 2    | 1    | ---  | ---                            | ---  | ---   | ---  |
| 253  | 12                 | 11   | 12   | 11   | ---                            | ---  | ---   | ---  |
| 254  | 2                  | 6    | 1    | 5    | ---                            | ---  | 1   | 1    |
| 255  | 1                  | 11   | ---  | 2    | ---                            | 9    | ---   | ---  |
| 256  | 2237               | 2228 | 337  | 377  | 1007                           | 976  | 733   | 792  |
| 258  | 338                | 255  | 110  | 84   | 57                             | 29   | 157   | 113  |
| 258.1  | 242                | 240  | 1    | 6    | 151                            | 116  | 72  | 105  |
| 260  | 3295               | 2493 | 290  | 236  | 533                            | 411  | 2054  | 1623 |
| 261  | 38                 | 30   | 1    | 1    | 19                             | 16   | 16  | 13   |
| 262  | 2                  | 9    | 2    | 2    | 1                              | 4    | ---   | 2    |
| total  | 5332               | 4787 | 766  | 735  | 1669                           | 1561 | 3039  | 2651 |

Modern determinants are qualitatively different from the primary ones that influenced the state of environmental crime in previous socio-economic formations. This is due to the progressive social development and circumstances that harm the state of protection of the environmental interests of society [5].

We should pay attention to the private determinants that impact it in the conditions of the current Russian mechanism of public administration and nature management. We can state such factors only in the current environmental situation, although they have certain historical roots [6, 7].

No less important is the improper performance of official duties. It is relevant both to the determinants of criminal behavior, determining certain types of environmental crimes, as well as to such factors as the implementation of control over compliance with mandatory requirements established in the field of environmental management, and actions in natural and man-made emergencies [8, 9, 10].

## 4 Conclusions

Some acts in the structure of environmental crimes are violations committed by officials (or persons with the appropriate official position in commercial and other organizations) in the performance of duties related to the safe operation of industrial and other facilities. Article 246 of the Criminal Code of the Russian Federation links the onset of criminal liability to the improper fulfillment of obligations to comply with the rules of environmental protection in the design, location, construction, commissioning, and operation of industrial, agricultural, scientific, and other facilities. Persons authorized to perform such duties are both officials of state bodies and employees of commercial and other organizations involved in the processes of anthropogenic impact, the types of which are listed in the disposition of Article 246 of the Criminal Code of the Russian Federation. Their inaction or actions related to the deviation from the established order do not entail unconditional criminal liability, but they are the circumstances that determine the part of environmental crime associated with the legal use of natural resources.

Officials of state corporations, being authorized to exercise control over compliance with environmental rules in the conduct of economic activities, in practice asking about increasing the profitability of production and the size of profits, leaving environmental protection measures outside the control. This aggravates the situation together with the resource orientation of the economy, which was established in the Soviet period. Nihilism to rational and careful use of natural resources determines the segment of environmental crime in the depletion of natural resources, pollution, and other consequences that cause harm to the health and lives of citizens. This practice has originated quite a long time ago, and many events have reflected its "traces" (for example, the environmental disaster in the Aral Sea resulted from unsatisfactory control over the expansion of territories where cotton growing, a lucrative branch of the economy of the Central Asian Soviet republics, was developing). Today, various Russian regions with concentrated profitable extractive enterprises experience similar phenomena (for example, the investigation in 2020 assessed negligence and other malpractices as part of the criminal case regarding the leakage of diesel fuel at the thermal power station of one structure of Norilsk Nickel).

Guided by selfish motives, they take measures to conceal environmental crimes and offenses committed by economic entities, generating in them a perception of impunity and provoking the continuation of criminal activity. Improper performance of official duties may not be related to corrupt activities but can have similar consequences. For example, in September 2021, the Tobolsk City Court (Tyumen Region) passed a sentence under part 1 of Article 293 of the Criminal Code of the Russian Federation against the ex-head of the Tobolsk administrative district, who was found guilty of not preventing a commercial firm from using a part of a specially protected natural area (reserve) to store extracted sand. Despite causing extensive damage of over 2.3 billion rubles, the defendant was released from punishment because of the expiration of the statute of limitations. Such a loyal attitude of the judicial and law enforcement system to the revealed facts of official "environmental" crime does not contribute to its reduction and indirectly determines further unsatisfactory fulfillment of control duties and authority.

We must distinguish in the structure of circumstances determining modern environmental crime and political decisions, the realization of which may entail its negative dynamics. For example, the state allocates some support to Rosatom's activities aimed at reprocessing spent nuclear fuel. In 2019, they resumed importing some waste that does not pose a radiation hazard. According to official statements by representatives of the state corporation, it possesses advanced environmentally friendly technology, introducing which will make it possible to eliminate large stocks of depleted uranium hexafluoride at Russian landfills by 2080. The long-term nature of the program and serious criticism from domestic and foreign

environmental organizations reduce confidence in its safety. The activities of nuclear power facilities are highly hazardous, so their additional intensification with the involvement of raw materials from abroad might entail environmentally adverse consequences, including those of a criminal nature.

## 5 Results

The incompleteness of legal regulation leads environmental crime toward both artificial latency and impunity of persons committing environmental crimes. Criminal-legal assessment of such crimes was objectively impossible until the basic legislation containing environmental regulations was formed. Today, however, we observe a low rate of norm-setting activity, which does not contribute to increasing the protection of the environmental interests of society. The state of environmental legislation indirectly affects the state of environmental crime, as many elements of environmental crimes are not specifically addressed in the criminal law itself, but rather in other laws or normative acts from different branches of law.

These circumstances determine modern environmental crime in Russia, supplementing the impact of basic causes, factors, and conditions and preventing the formation of a full-fledged mechanism of counteraction with the comprehensive use of various legal instruments.

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