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WEAPONS BASED ON NEW PHYSICAL PRINCIPLES: DIRECTIONS FOR MODERNIZING RUSSIAN CRIMINAL LEGISLATION

Elona Enverovna Abasalieva

Dagestan State University, Makhachkala, Russian Federation

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ABSTRACT | 摘要 | RESUMEN

In today's rapidly shifting geopolitical landscape, there is growing concern about weapons based on new physical principles—technologies that remain largely unknown to the public but may pose significantly greater threats than conventional arms. These weapons can have biological effects comparable to radiation exposure, including burns and other damage to living organisms. This article highlights the urgent need to strengthen biological safety measures in the Russian Federation in response to these emerging threats. The scientific novelty lies in the author's proposal of a draft Article 222.3 for the Criminal Code of the Russian Federation, which aims to establish legal liability for the illicit trafficking of such advanced weapons. Additionally, the author offers legislative recommendations to improve the system for recording and addressing crimes related to these technologies. By advancing legal frameworks, the study seeks to enhance protection mechanisms against a new generation of potentially devastating weaponry.

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1. INTRODUCTION

The importance of the research topic is determined by the need for legislative regulation to ensure public safety in the sphere of circulation and use of weapons based on new physical principles.

The main results of the study are that, based on the analysis of statistical accounting data and statements from victims to law enforcement agencies collected by the author during the conducted research, there is evidence of a high degree of prevalence of criminal acts committed with the use of weapons based on new physical principles. The author of the study also presents the criminal law measures she proposes should be taken to prevent human rights violations resulting from the illicit trafficking of weapons based on new physical principles. Figures 1 through 6 show weapons based on new physical principles.

The results of the scientific research in this article were presented during the International scientific and practical conference «Judicial power in the system of protection of the human rights and the state», organized by the Institute of State and Law of the Russian Academy of Sciences on February 28, 2023, and also within the framework of the XXX International Conference of students, postgraduates and young scientists «Lomonosov-2023», organized by the M. V. Lomonosov Moscow State University on April 12, 2023, and other scientific and practical events.

The author proposes a scope of applications that are advisable to use in the legislative process when determining the basic composition and establishing the qualifying elements of the crime provided for by the norms of draft article 222.3. of the Criminal Code of the Russian Federation.

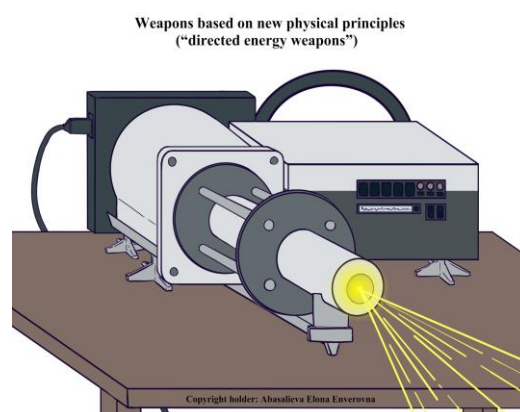


Figure 1 – Weapons based on new physical principles («directed energy weapons»)



Figure 2 – The personnel halting and stimulation response rifle (PHASR) – non-lethal laser weapons. One of the weapon types based on new physical principles¹.



Figure 3 – Infrasound (acoustic) weapon is one of the types based on new physical principles weapons²

¹ The personnel halting and stimulation response rifle (PHASR) // [website]. URL: https://upload.wikimedia.org/wikipedia/commons/7/73/PHASR_Rifle.jpg (access date: 03/03/2024).

² Buy an infrasound emitter. // [website]. URL: <https://all-audio.pro/c18/img/kupit-infrazvukovoy-izluchatel.jpg> (access date: 03/03/2024).



Figure 4– Electromagnetic suitcase is one of the types based on new physical principles weapons³



Figure 5 – Acoustic weapons LRAD (Long-Range Acoustic Device) is one of the types based on new physical principles weapons⁴

³ APE L.C. Electromagnetic suitcase (Suitcase with electromagnetic pulses) // [website]. URL: <https://apelc.com/rf-suitcase/> (access date: 03/03/2024).

⁴ Acoustic non-lethal weapons: for the protection of objects and for other tasks // [website]. URL: <https://topwar.ru/192191-akusticheskoe-neletalnoe-oruzhie-dlja-ohrany-obektov-i-dlja-drugih-zadach.html> (access date: 03/03/2024).



Figure 6 – Hexacopter «Hornet» with binoculars, thermal imager and video camera is one of the types based on new physical principles weapons⁵

2. MATERIAL AND METHOD

The primary objective of this research is to determine the prevalence of criminal acts committed with the use of weapons based on new physical principles in the Russian Federation. To achieve this objective, the author sent requests for statistical crime data to the Federal State Institution «Main Information and Analytical Center of the Ministry of Internal Affairs of the Russian Federation», the Prosecutor General's Office of the Russian Federation, and also to the Judicial Department of the Supreme Court of the Russian Federation.

Additionally, a substantial number of statements from victims, submitted to law enforcement agencies of the Russian Federation, were analyzed. At the same time, statistical data provided by the public human rights organization Moscow Committee for Housing Ecology (hereinafter referred to as Moscomeko) were also studied.

⁵ «Flying binoculars»: “Hornet”, which was created to disperse riots, was upgraded to a military drone // [website]. URL: <https://dzen.ru/a/ZN75-apb3jrlheGB> (access date: 03/03/2024).

After the data collection, logical and comparative legal analysis of the victims' statements, as well as statistical records of relevant crimes, were carefully conducted.

3. RESULTS

3.1 Problems of Accounting of Crimes Committed with the Use of Weapons Based on New Physical Principles

On March 31, 2023, the author of the publication sent an application to the Federal State Institution «Main Information and Analytical Center of the Ministry of Internal Affairs of the Russian Federation» with a request to provide statistical data on crimes committed with the use of weapons based on new physical principles for the period from 2001 to 2023.

In notification № 3/237708606658 dated April 4, 2023, the head of the Center of Statistical Information of the Federal State Institution «Main Information and Analytical Center of the Ministry of Internal Affairs of the Russian Federation» O.A. Gridneva reports that it is not possible to provide the information of interest, since its collection by the current forms of state and departmental statistical reporting processed by the Federal State Institution «Main Information and Analytical Center of the Ministry of Internal Affairs of the Russian Federation» is not provided for.

The Acting Deputy Head of the Department of Legal Statistics of the Main Directorate of Legal Statistics and Information Technologies - Head of the Department of State Statistics of the General Prosecutor's Office of the Russian Federation M.M. Skurchaev, in notification № 11-161-2023/On36887-23 dated July 27, 2023, also noted that the federal statistical observation forms did not highlight the designated statistical information. Information of similar content was indicated by the Deputy Head of the Main Directorate of the Judicial Department at the Supreme Court of the Russian Federation Yu.S. Egorov, in notification № SD-6og/2891-122-23 dated August 2, 2023.

The information provided by law enforcement and judicial officials in their responses once again emphasizes the importance of defining illegal arms trafficking based on new physical principles as a separate category of crime, since employees of the Ministry of Internal Affairs of the Russian Federation, the Prosecutor General's Office of the Russian Federation and the Judicial Department at the Supreme

Court The Russian Federation also cannot record such criminality due to the lack of special criminal law norms.

Accordingly, it can be stated that there are serious gaps in the criminal law, since the Russian legislator notes the increased public danger of weapons based on new physical principles in the Military Doctrine of the Russian Federation dated December 25, 2014, № Pr-2976, and also regulates the prohibition of weapons and other objects which damaging effects occur due to the use of electromagnetic, light, thermal, infrasound or ultrasonic radiation in paragraph 6 of Article 6 of the Federal Law of the Russian Federation «About Weapons» dated December 13, 1996 № 150-FZ, however, no types of reporting provide for the reflection of crimes committed with its use.

In addition, the reporting systems of law enforcement agencies and the judicial system of the Russian Federation do not accurately reflect the criminal acts of illegal trafficking and the use of weapons based on new physical principles due to the absence of a criminal law prohibiting them.

The author of the study asks a logical question: «Why are departmental records provided for in all other articles of the Federal Law 'About weapons' and in all other points of the articles of this law, but for this article there are none?». It is urgent to develop a definite solution, since relations in the field of public security, namely in the sphere of circulation of especially dangerous types of weapons, must be included in the scope of legal influence. For this purpose, it seems advisable to modify the forms of state and departmental statistical reporting in the Russian Federation to create a new form of reporting on the registration of crimes committed with the use of weapons, based on new physical principles.

Until now, crimes committed in the field of illegal arms trafficking based on new physical principles have not been subjected to professional legal assessment by law enforcement officials and judges. Therefore, it seems appropriate to create special norms in the Criminal Code of the Russian Federation⁶, which will solve a long-standing problem.

The high level of crime latency in the field of using weapons based on new physical principles is because law enforcement agencies, that have received a crime statement about its use, do not react to it,

⁶ Criminal Code of the Russian Federation. «Collection of Legislation of the Russian Federation», 1996, № 25, Art. 2954. Revision dated July 31, 2023. // [website]. URL: https://www.consultant.ru/document/cons_doc_LAW_10699/ (access date: 08/04/2023).

do not register it and do not take measures to investigate it, even if they were aware about the actual crime committed.

According to the Moscow Committee for Housing Ecology, several hundred thousand Russians have become victims of the illegal use of weapons based on new physical principles⁷. This fact indicates the high degree of prevalence of criminal acts committed with the use of this type of weapon. In addition, absolute impunity of criminals for several decades has led to a significant increase in such criminal acts (Figure 7).

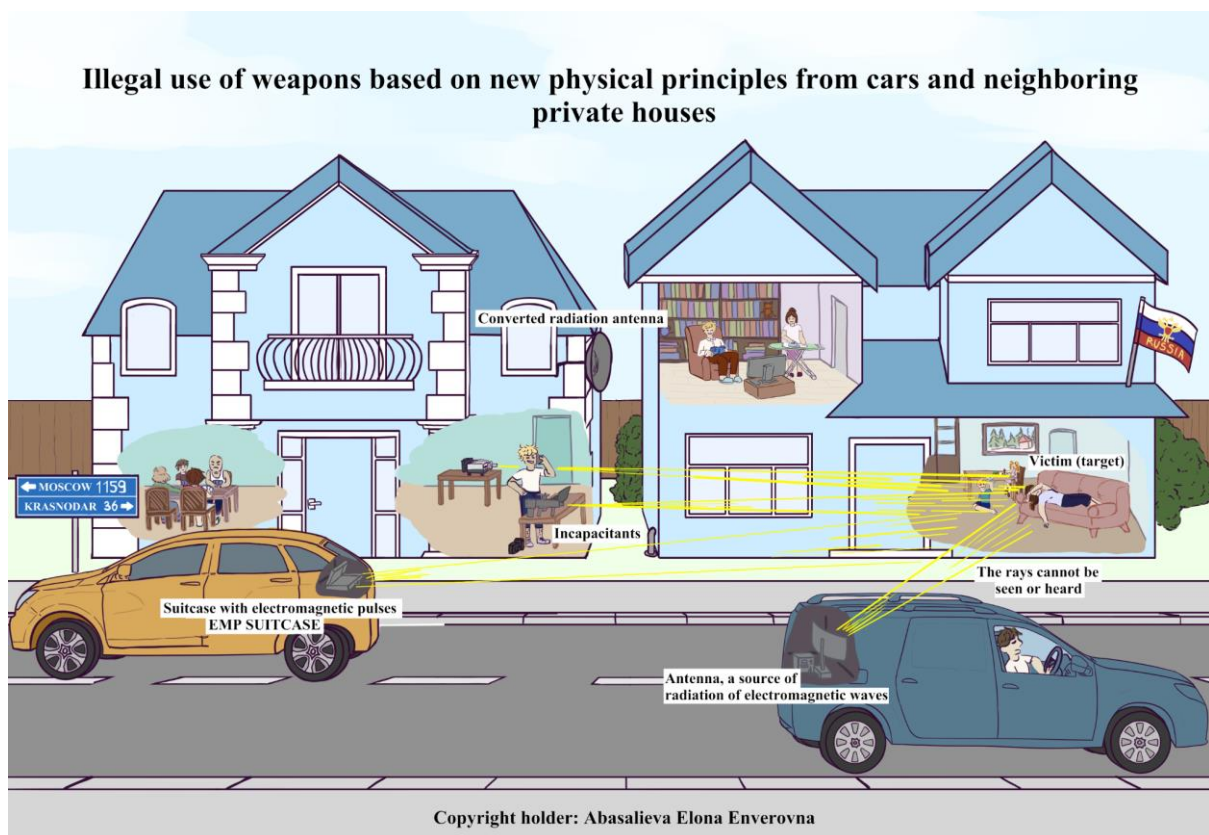


Figure 7 – Illegal use of weapons based on new physical principles from cars and neighboring houses against the «target person»

⁷ From the materials of the III International Conference «Against the use of radiation-type weapons on people», held by the Moscow Committee for Housing Ecology (Moskomeco) on December 1-2, 2018 in Moscow. https://www.youtube.com/watch?v=Gz6bNf0zwkY&list=PLWFmkOxHyA6iBnF80BfWg_LJccITNljn0&index=2 (access date: 03/03/2024).

A paradoxical situation has developed in the Russian Federation: weapons based on new physical principles are widely used in criminal circles, and law enforcement agencies are literally «inundated» with statements from victims about the illegal use of this type of weapon. The victims state that they «feel like they are being burned alive in their own homes», and therefore identify themselves with prisoners of Nazi concentration camps, and call their apartments gas chambers (**Figure 8**).

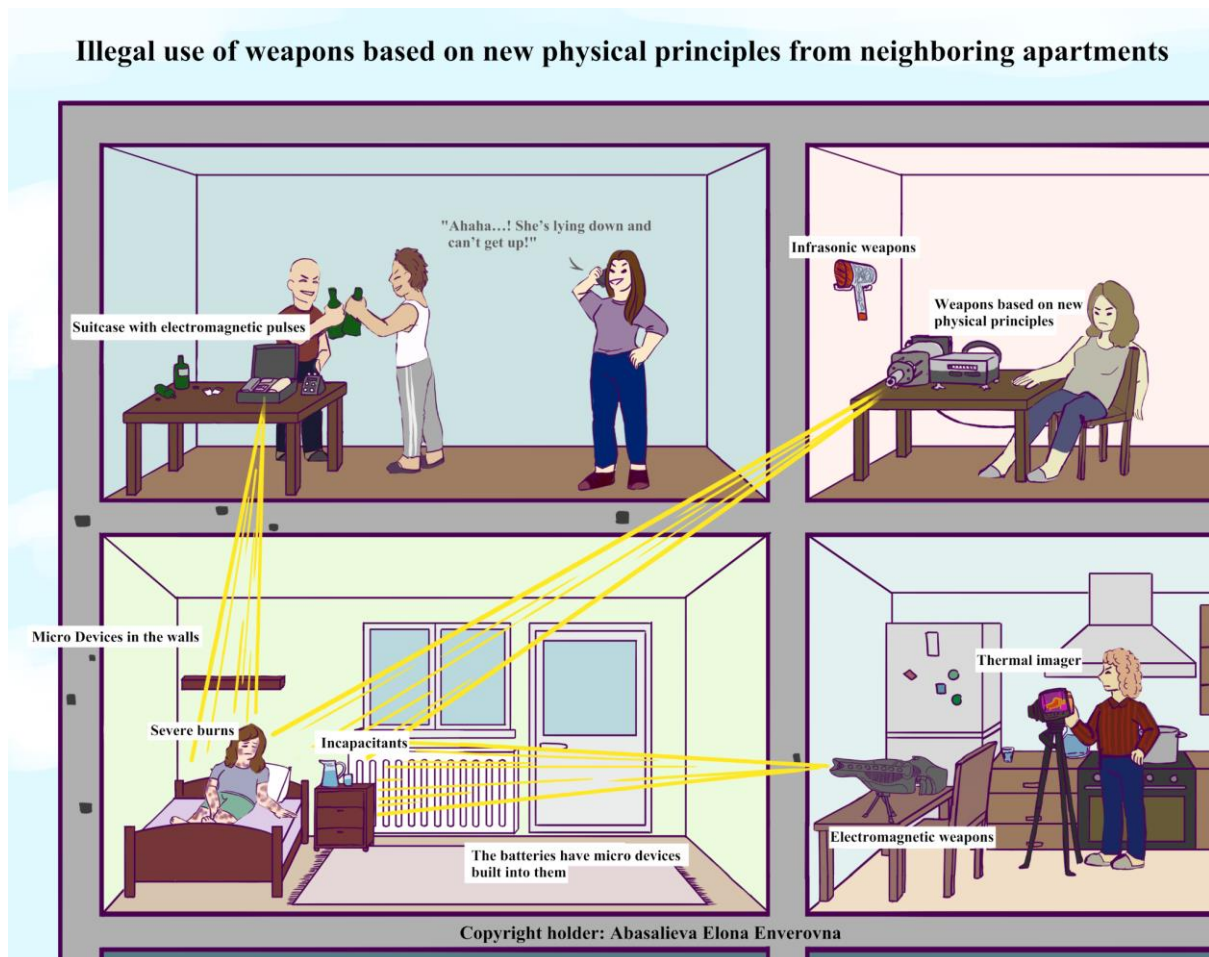


Figure 8 – Illegal use of weapons based on new physical principles from neighboring apartments

However, despite this incredibly shocking situation, in the Russian Federation, there is still no criminal law norm prohibiting the trafficking and illegal use of weapons based on new physical principles. And, in particular, law enforcement officials use this fact as a basis for leaving crime statements without consideration.

The bodies of the Investigative Committee of the Russian Federation and the Ministry of Internal Affairs of the Russian Federation do not perform a law enforcement function for victims of such criminal acts. The aforementioned bodies do not protect life, health, and other human rights and freedoms stipulated by the Constitution of the Russian Federation of 1993 and the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948.

3.2 Threats to the Biological Safety of the Population of the Russian Federation as a Result of the Illegal Use of Weapons Based on New Physical Principles

For more than fifty years, scientists have repeatedly expressed concern about ensuring the biological safety of humans, flora and fauna [1] [2]. However, the legislator has still not resolved the issue of the illegal use of weapons based on new physical principles by criminal law and other legal means, thereby threatening the future proper ecological and physiological existence of Russian society.

The extermination of entire families at the genetic level, the reduction of the biological species due to the complete sterilization of victims, as well as the destruction of family values and social ties, is a major issue that is of particular concern.

The uncontrolled trafficking and illegal use of weapons based on new physical principles leads to the emergence of artificially created diseases in a large number of Russians and, from a legal point of view, the organized murder of entire families, which ultimately leads to a reduction in the population as a whole.

At the same time, the result of the illegal use of this type of weapon by members of a criminal community in apartment buildings for many years, and sometimes decades, is a violation of sanitary and epidemiological standards and an uncontrolled increase in the background radiation of the home. Moreover, it is necessary to note the fact that people living in apartments next door to the victim of the crime, as well as in neighboring entrances, may suffer no less, since they are not protected from the artificially increased background radiation, that is a result of the illegal use of weapons based on new physical principles.

In such cases, doctors usually cannot determine the cause of frequent illnesses and deaths of residents of apartment buildings where victims of crimes live. There is a situation when a person who

leads a healthy lifestyle with no signs of chronic diseases, or stress at home or work, begins to get sick frequently and develops chronic diseases. Meanwhile, medications prescribed by doctors do not lead to positive dynamics and recovery of the patient, since the aggravating effect of the use of weapons based on new physical principles does not stop 24 hours a day.

Thus, a direct public danger threatens the health of city residents and their existence, and they are not even aware of it. Law enforcement agencies do nothing when considering the statements of such victims. As a result, harm to health is caused not only to the victim of the crime, but also to many unsuspecting people around them, and in some cases, to all residents of one multi-storey building.

3.3 Regulation of Illegal Trafficking and Use of Weapons Based on New Physical Principles in Criminal Legislation of the Russian Federation

In order to counter the widespread practice of illegal trafficking and the use of weapons based on new physical principles, as well as to improve the activities of law enforcement and judicial authorities of the Russian Federation, the author has developed a draft federal law «About Amendments to the Criminal Code of the Russian Federation», which is confirmed by the Certificate of Deposit of Intellectual Property Object № 138-885-525, received on February 16, 2023.

The bill, among other things, contains a draft for Article 222.3. of the Criminal Code of the Russian Federation, which provides liability for the illegal trafficking of weapons based on new physical principles. Article 222.3. should supplement Chapter 24 of Title IX of the Criminal Code of the Russian Federation with the following content:

Article 222.3. Illegal development, production, acquisition, transfer, sale, storage, transportation and shipment of weapons based on new physical principles

1. Illegal development, production, acquisition, transfer, sale, storage, transportation and shipment of weapons based on new physical principles,

- is punishable by imprisonment for a term of five to eight years.

2. The acts provided for in Part One of this Article, committed by:

a) a group of persons, a group of persons by prior agreement or an organized group;

b) a person using his official position,

- are punishable by imprisonment for a term of eight to fifteen years and deprivation of the right to hold certain positions or engage in certain activities for a term of up to ten years.

The author believes that, as a criminal legal measure, courts, when passing a guilty verdict, must necessarily confiscate weapons and objects related to criminal activity and turn them into state property, when considering criminal cases of illegal trafficking and use of weapons based on new physical principles. At the same time, Article 222.3. The introduction of the Criminal Code of the Russian Federation would introduce a novelty in domestic criminal legislation, providing for criminal liability for the illegal use of weapons based on new physical principles.

4. CONCLUSION

Based on the analysis, the author has reached several conclusions:

1. The crime statistics indicators recorded by law enforcement agencies and the judicial system of the Russian Federation do not accurately reflect the state of crime in the fields of illegal trafficking and the use of weapons based on new physical principles.

2. The calculated number of victims of the use of weapons based on new physical principles indicates a high degree of prevalence of such criminal acts in the Russian Federation.

3. The necessity of criminalizing the illegal use of weapons based on new physical principles is substantiated.

4. The author specifies the full range of actions included in the concept of «weapon trafficking» when constructing the disposition of Article 222.3. of the Criminal Code of the Russian Federation, which will provide for liability for the illegal trafficking of weapons based on new physical principles.

5. When formulating the sanction of Article 222.3. of the Criminal Code of the Russian Federation, the author defines basic and additional types of punishment, as well as other criminal legal measures that should be applied when considering criminal cases.

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ABOUT THE AUTHOR



Elona Enverovna Abasalieva – PhD Student (Law), Criminal Law and Criminology Department, Dagestan State University.

Address: 8, Korkmasova street, Makhachkala, Republic of Dagestan, 367000, Russian Federation.

e-mail: elonaabasalieva@gmail.com

ORCID ID: <https://orcid.org/0009-0003-3763-4170>

Web of Science Researcher ID:

<http://www.webofscience.com/wos/author/record/KMY-8170-2024>

ABOUT THIS ARTICLE

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ARMAS BASADAS EN NUEVOS PRINCIPIOS FÍSICOS: ORIENTACIONES PARA LA MODERNIZACIÓN DE LA LEGISLACIÓN PENAL RUSA

RESUMEN

En el cambiante panorama geopolítico actual, existe una creciente preocupación por las armas basadas en nuevos principios físicos: tecnologías que, aunque siguen siendo en gran medida desconocidas para el público, pueden representar amenazas significativamente mayores que las armas convencionales. Estas armas pueden tener efectos biológicos comparables a la exposición a la radiación, incluyendo quemaduras y otros daños a los organismos vivos. Este artículo destaca la urgente necesidad de reforzar las medidas de seguridad biológica en la Federación Rusa en respuesta a estas amenazas emergentes. La novedad científica reside en la propuesta del autor de un proyecto de artículo 222.3 para el Código Penal de la Federación Rusa, cuyo objetivo es establecer la responsabilidad legal por el tráfico ilícito de estas armas avanzadas. Además, el autor ofrece recomendaciones legislativas para mejorar el sistema de registro y lucha contra los delitos relacionados con estas tecnologías. Mediante el avance de los marcos legales, el estudio busca fortalecer los mecanismos de protección contra una nueva generación de armas potencialmente devastadoras.

Palabras clave: armas basadas en nuevos principios físicos, seguridad biológica, tráfico ilegal de armas, proyecto de ley, legislación penal

基于新物理原理的武器：俄罗斯刑事立法现代化方向

摘要

在当今瞬息万变的地缘政治格局中，人们日益担忧基于新物理原理的武器——这些技术在很大程度上仍不为公众所知，但可能构成比常规武器更大得多的威胁。这些武器可能产生与辐射照射相当的生物效应，包括烧伤和其他对生物体的损害。本文强调，为应对这些新兴威胁，俄罗斯联邦迫切需要加强生物安全措施。其科学创新之处在于作者提出了《俄罗斯联邦刑法典》第222.3条草案，旨在确立此类先进武器非法贩运的法律责任。此外，作者还提出了立法建议，以改进与这些技术相关的犯罪记录和处理系统。该研究旨在通过推进法律框架，加强对新一代潜在毁灭性武器的防护机制。

关键词：基于新物理原理的武器、生物安全、非法武器贩运、法律草案、刑事立法