

УГОЛОВНО-ПРАВОВЫЕ СРЕДСТВА БОРЬБЫ С ПРЕСТУПНОСТЬЮ НА ТРАНСПОРТЕ

УДК 343.346

© Федорова Елена Леонидовна

— кандидат филологических наук, доцент кафедры
«Методология права и юридическая коммуникация»
Юридического института Российского университета
транспорта (МИИТ)
fedorel2016@yandex.ru

© Скуйбедина Ольга Николаевна

— кандидат философских наук, доцент, доцент кафедры
«Методология права и юридическая коммуникация»
Юридического института Российского университета
транспорта (МИИТ)
skujbedina@mail.ru

Транспорт как пространство речевой безопасности: формирование понятия «речевое преступление»

Аннотация. В последнее время возникла потребность в квалифицированных специалистах-лингвистах, которые могут дать точный ответ о содержании того или иного текста, с точки зрения «речевого преступления». В данной статье затрагивается вопрос об истории развития понятия «речевое преступление». Рассмотрен целый ряд законодательных актов, предусматривающих наказание за несоблюдение норм публичного общения, которое предлагает современное законодательство. В статье рассматривается проблема введения в речевой обиход студентов понятий преступлений, совершаемых посредством слова. Разработаны методические подходы к пониманию у учащихся речевых компетенций в условиях работы на транспорте.

Ключевые слова: лингвистическое определение; культура безопасности; условия речевого преступления; диффамация; клевета; преступления на транспорте.

© Elena L. Fedorova

— Candidate of Philological Sciences, associate professor
of the department 'Methodology of law and legal communication'
of the Law Institute of the Russian University of Transport

© Olga N. Skuybedina

— Candidate of Philosophical Sciences, docent, associate professor of the department 'Methodology of law and legal communication' of the Law Institute of the Russian University of Transport

Transport as a field of speech safety: the formation of the concept "speech crime"

Abstract. Recently, there has identified a necessity in qualified linguists who can give an accurate answer about the content of a particular text, from the point of view of 'speech crime'. The current paper has considered the history of the development of the concept 'speech crime'. There have been considered a number of legislative acts that provide for punishment for non-compliance with the norms of public communication, which is proposed by modern legislation. There have been identified the problems of introducing the concepts of crimes committed by means of the speech. There have been also developed the methodological approaches to the development of speech competencies under working conditions on transport for students.

Keywords: linguistic definition; culture of safety; conditions of speech crime; defamation; slander; crime on transport.

In 1990s the concept 'speech crime' was actively introduced. In the courts, there appeared more and more appeals of citizens with a request to consider these or those words, which were offensive from the applicant's point of view. In this regard, there appeared a necessity for qualified linguists who could give an accurate answer about the content of a text, from the point of view of 'speech crime'.

In turn, this assessment could allow lawyers to give a legal description of the words. This affected not only civil suits, but also criminal cases concerning religious and national hatred, calls for extremist activities, etc. There was a need for a new science that would combine two sides: legal and linguistic.

It should be noted right away that there are no legal assessments in the field of committing 'speech crimes' in transport, where it could be considered as an aggravating circumstance or as a mitigating factor. In the legislation today there are no legal norms determining the consequences in this aspect.

The most striking definition of a transport crime in the narrow sense can be considered the definition given by N. S. Alekseev. In his opinion, a transport crime is 'a socially dangerous, guilty act that infringes on public relations associated with the correct operation of transport' [1].

Therefore, the study of this theme is relevant for legal scholars, since the text, as a linguistic and legal phenomenon, has taken a solid material place in people's lives, such as electronic and printed media statements, reposts, civil videos

containing offensive statements committed on transport. One of the components of the professionalism of future lawyers is to give a correct impartial legal and linguistic assessment of such phenomena.

Teachers studying this theme with students as future lawyers should solve the following tasks:

1) to trace the formation of the concept of speech crime (historical perspective);

2) to analyze the types of 'speech crime';

3) to introduce the concept of text;

4) to teach to see such levels of the text as pragmatics and syntagmatics of the text;

5) to give the concept of linguistic expertise;

6) to teach to draw conclusions about the ability of a given text to 'reach the court';

7) to understand legal component in identifying crime scene (transport).

Of course, the teacher does not have to teach students linguistic analysis, as it is done at special language faculties, but it is the duty of a lawyer to be able to identify a text from the point of view of a crime committed, to be able to assess it legally.

However, it is necessary to teach them to avoid the other extreme, where every word is 'seen' as a crime, hurt honor and dignity, and undermined business reputation.

G. M. Reznik in the preface to A. N. Baranov's book «Linguistic Expertise of the Text» has noted: «It seems that our lawyers do not appear in the best light before linguists, demanding a scientific study of a well-known three-letter word in relation to which nationality is known, or the verb 'beat' (it does not matter whom), or, for example, an explanation the meaning of the words 'that is', 'any', 'kidnapped', or the words 'to keep in limbo', 'gay sexual orientation', 'adminhozaktiv', 'well, you know ..', 'this is absolutely true', etc. There is an urgent need in the language educational program for lawyers or short courses of professional ethics. Both are better.» [1, p. 4].

Modern legislation proposes a number of legislative acts that envisage punishment for non-compliance with the norms of public communication. This is the Code of the Russian Federation on Administrative Offenses (CAO RF), in particular Art. 5.61 («Insult»), 5.26 («Violation of legislation on freedom of conscience, freedom of religion and religious associations»), 20.1 («Petty hooliganism»), 13.37 («Dissemination of information containing public calls for terrorist activities, materials publicly justifying terrorism, or other materials calling for extremist activities or substantiating or justifying the need for such activities»), etc.

There should be noted the need for knowledge of lawyers in the field of transport crimes, committed acts, which may be due to the insufficient development of legislation in this area.

It should be noted that already in the 19th century there were processes that examined personal insults, so in 1865 the Moscow District Court ordered a monetary payment of three silver rubles to the private bailiff Mr. Vrubel from Dr. Yeltsinsky for the insulting word «outrage». Articles 104 and 110 of the Penal Code were applied.

In Russia of the 19th century, there were not always similar situations when a court decision was made in such a way. This is primarily due to the development of the institution of civil rights. It should also be remembered that a society, divided according to class, often resolved situations such as insult or slander, etc. within one class circle.

For example, as early as the beginning of the 19th century, the nobles preferred to solve issues related to offended honor and dignity with the help of a duel (the so-called dueling code). It can be noted that the concept of a speech crime is closely related to the concept of compensation for moral harm not only for material (economic) crimes committed against a person, but also for intangible ones (insult, hurt honor and dignity).

A. K. Sissakian in his article “The history of compensation for moral harm by victims of violent crimes in the history of Russian law in the 19th—20th centuries” wrote that the civil legislation of pre-revolutionary Russia did not contain general rules envisaging the possibility of compensation for moral harm.

In accordance with Articles 644, 684, part one of Volume X of the Code of Laws of the Russian Empire, harm and losses caused by a criminal and non-criminal act had to be compensated. Moreover, this regulatory legal act provided a clear distinction that the damage caused could be not only economic, but also intangible as well. Here, it is worth mentioning that not a single law of the Russian Empire imposed a ban on the possibility of compensation for moral damage” [2].

The current paper has only touched on the question of the history of the development of the concept of «speech crime» and as you can see, already in the XIX there was a concept of non-material harm (moral), which was closely associated with monetary compensation.

A ‘speech crime’ is understood as a speech utterance recorded in written or oral form, containing in its composition, form and pragmatics *corpus delicti*, i.e. all objective signs of an offense directed against a citizen or state.

K. S. Kara-Murza cited the definition of ‘speech crime’ given by professor, lawyer A. R. Ratinov, “they are performed through verbal behavior, through the use of the products of speech activity, that is, texts disseminated in the media. The very text of the published or broadcast material (and only in it) contains the *corpus delicti* itself, all the objective signs of the condemned act” [3].

It can be concluded that the issues touched upon by the current paper requires deep analysis, associated with both law and linguistics. Students are invited to study the history of the issue of ‘speech crime’ on their own, including the study of the history of law of other countries on this issue.

Since there are several definitions of a speech concept (from the point of view of practicing lawyers, linguists) in the classroom, it is necessary to develop, as far as possible, the correct complete definition of defamation.

A detailed consideration of the issues and tasks of linguistic expertise, as well as the opportunity to conduct it themselves, will allow future legal scholars to gain a deeper understanding of this material (analysis of materials containing slander, insult, etc. can be selected by the teacher or students on their own). Thus, the students can accumulate and apply knowledge, general patterns, structural and logical characteristics in the educational and professional activities [4].

The above tasks can be solved by means of various techniques:

1. Direct participation of students in court hearings considering such crimes.
2. Frequent and detailed analysis of texts containing signs of 'speech crime'.
3. Introduction of the linguistic load associated with text editing.
4. Studying the legal framework for speech crimes committed in transport
5. Preparation of texts of convictions based on linguistic analysis.

The teacher faces certain difficulties associated with Russian language in school education programs, since the school does not set the task of teaching students to analyze the text. And teaching is connected only with the ability to apply the rules.

Students are faced with much more complex problems:

1. Identification of the text as containing a speech crime.
2. Ability to interpret the text from the point of view of law.
3. Correctly identify the type of a speech crime.
4. Be able to prove your position in a court hearing, giving convincing arguments and evidence.

The formation of a student safety speech will be conducted efficiently with a comprehensive approach within the framework of educational and professional activities.

All of the above requires a certain and serious preparation of students in various fields of science: legal, linguistic, engineering and technical (transport).

Литература

1. Баранов, А. Н. Лингвистическая экспертиза текста. — Москва : Флинта, Наука, 2018.
2. Сисакьян, А. К. История компенсации морального вреда потерпевшими от насильственных преступлений в истории права России XIX—XX веков // <https://cyberleninka.ru/article/n/istoriya-kompensatsii-moralnogo-vreda-poterpevshim-ot-nasilstvennyh-prestupleniy-v-istorii-prava-rossii-xix-xx-vekov> (дата обращения: 1 марта 2021 г.).
3. Кара-Мурза, Е. С. Лингвистические показатели речевых преступлений в политике // <https://lib.sale/jurnalistika-knigi/lingvisticheskie-pokazateli-rechevuyih-71670.html> (дата обращения: 1 марта 2021 г.).
4. Prokofieva, E. N. Formation of university students' safety culture in modern socio-cultural and technogenic conditions / E. N. Prokofieva [and all] // *Man In India*. — 2017. — № 97 (3).

References

1. Baranov A. N. Lingvisticheskaya ekspertiza teksta [Linguistic examination of the text]/ A. N. Baranov. — Moskva : Flinta, Nauka, 2018.
2. Sisak'yan A. K. Istoriya kompensatsii moral'nogo vreda poterpevshimi ot nasil'stvennykh prestupleniy v istorii prava Rossii XIX – XX vekov [The history of compensation for moral harm by victims of violent crimes in the history of Russian law in the XIX—XX centuries]. [Elektronnyy resurs]. — Rezhim dostupa: <https://cyberleninka.ru/article/n/istoriya-kompensatsii-moralnogo-vreda-poterpevshim-ot-nasilstvennyh-prestupleniy-v-istorii-prava-rossii-xix-xx-vekov> (data obrashcheniya: 01.03.2021).
3. Kara-Murza Ye.S. Lingvisticheskiye pokazateli rechevykh prestupleniy v politike [Linguistic indicators of speech crimes in politics]. [Elektronnyy resurs]. — Rezhim dostupa: <https://lib.sale/jurnalistika-knigi/lingvisticheskie-pokazateli-rechevyih-71670.html> (data obrashcheniya: 01.03.2021).
4. Prokofieva E. N., Smirnova V. V., Ignatov S. B., Khazratova F. V., Igonin V. N., Murugova V. V. Formation of university students' safety culture in modern socio-cultural and technogenic conditions // Man In India, 2017. 97 (3) : 553-563.