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## MAN AND CRIMINAL LAW IN THE SOCIAL DIMENSION

*The paper examines the main problems of criminal law of post-Soviet states through the prism of global institutional transformations in politics and economy, development of new information relations and stagnation of society. The main features and ways of impact of criminal law on social relations are revealed, where criminal law is given a new global function - ensuring security. For this reason, attention is focused on the essence of crime and criminal law impact. Modern mechanisms of instrumentalisation of criminal law are shown by means of changing the philosophical bases of legal research, projecting science on global problems of implementation of unified standards, expanding the boundaries of criminal law, shifting the emphasis from the institution of punishment to measures of criminal-legal impact, moving away from material constructions in the concept of "crime" and developing its formal attributes with the prospect of introducing the institution of criminal law into national legislation.*

**Keywords:** *criminal law, crime, punishment, morality and law, man and crime, law and freedom.*

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## **1. The individual and the new reality: what will be the choice?**

The history of mankind is filled with various ideas and revelations, and it so happens that these ideas move the world and fill the minds of many people. It has always been so, and always some meta-idea dominated, was the main forerunner of various events, be it revolutions or world wars, shifts in economy or socio-political life.

It was only necessary to indoctrinate a person that a certain social reality is the norm and the correct basis of social existence, and seemingly yesterday unthinkable and forbidden things became a given. At the same time, all this happened not only to the man himself, but also to the values, goods, and standards that surrounded him. Law did not escape this fate either. In general, the twentieth century was in a deep crisis, a crisis that overthrew the human essence and humanistic nature. The rejection of divine principles and revelations in favour of humanism and justice, faith in scientific and technological progress has not really made the world cleaner and freer. Evil still surrounds many people, and the principle of humanity has become hateful, because indifference has filled human hearts. The fruits of this indifference are being reaped today.

Everyone aspires to domination, total domination, the idea of superman has found its embodiment in the minds and hearts of many people, but these same many people have forgotten that it is possible to become such only through the subjugation of others, in fact, making them slaves of their aspirations. Of course, we will not find this in the direct sense today, everything has a much different shape and is obscured by democratic principles and ideas of human rights protection, but the essence of this process is very clear and quite obvious.

The global transformation of society and its social relations is reflected in the refrain on man, his essence and purpose. It is obvious that in the heat of the scientific and technological revolution and all new achievements in science and technology, the essential purpose of man has changed radically. Man has become “sharpened” on his rights and freedoms, their realisation, protection and guarantees, which necessarily has a material component as its basis. Personal success in life is now an indicator of chosenness, a measure of human dignity and a fundamental category of social consciousness. The success of today’s man is measured only through one criterion: material wealth multiplied by the social position and

status that a person occupies (a kind of place in the caste hierarchy). Money, status, career - that is the god of the present mankind. Receiving benefits and pleasures, having a good and cheerful time is another component, which is the basis of the modern universe and human goal-setting.

At the same time, there is nothing stable and definite in modern society, as well as in the picture of the world it draws: reality is illusory, a product of imagination, and sometimes it bursts like a soap bubble. In such a world, man has nothing to rely on and nothing to strive for, he must only seize the moment and think less, because, as they say nowadays, “thinking is the idle endeavour of losers”. In this paradigm, science has become increasingly self-contained and reduced to elementary technology, where the main goal is not the search for truth, but the commercialisation of its final results. Art is degenerating into a means of entertainment and enjoyment, a meaningless play of the imagination. Design and fantasy constitute the future of such art, where the symbol is the black square - the image of emptiness and the black hole of meaning, the curtain between man and the new existence (Golubev, 2007: 53).

If earlier the credo of human life was success and realisation of vocation, which required real effort and creative abilities, today play has become a fundamental way of being. The game, based on luck and good fortune, epitomises idleness and it (idleness) becomes the holiday of the modern man’s soul. Therefore, the purpose of human life is now reduced to pleasure, and the will of chance is the limit of dreams and life strategy. That is, a person prefers not to work on himself, systematically moving towards success and self-realisation, but to wait for chance. Hence the increased fussy social mobility of mankind, the constant change of occupation and priorities, place of residence, work, marriage partners is largely understandable. Modern man does not want to set himself any tasks and his catchphrase becomes the slogan: “I don’t owe anyone anything”.

At the same time, no matter how we say it, but this is the foundation on which the process of tacit education of the young generation is actually based. Of course, no one directly talks about it and does not teach it, but these values are arbitrarily and involuntarily imposed, society is pushed to the fact that it is always more pleasant to relax and enjoy life than to work, do business and give oneself to one’s neighbour and not to another gadget. Thus, the world as a whole does not make sense, it has become filled with uncertainty, false attitudes of searching

for oneself. Life becomes a game, and it is the game that turns from a means to an end.

Man has become enslaved by various passions, tormented by the inner contradictions of choosing between faith and pride. An example of this is computer games. Here man prefers to escape from reality, from the pressurising atmosphere of spiritlessness, material gain, general distrust, trying to be realised in virtual space. Man has become so absorbed in the illusory world of the game that it has become a real idol for him. He (man) lives the life of his virtual character, in the game he is fearless and immortal, but these virtual qualities speak more about the irresponsibility of man, his lack of self-realisation. The price of such behaviour is loneliness, vanity and irritability.

In general, man today, as never before, lives together with his new technical “friend” - gadget, he is completely penetrated and absorbed by it. Electronic means completely control a person. The world of corporeal things has given way to incorporeal things. Virtual reality has become a given and spiritual world (and sometimes a measure) of modern man. All this suggests that each person now has his own virtual world and this individual world of man is in a simple technical device, which practically replaces everything. This minicomputer has become the embodiment of the XXI century. And if the XX century was the century of the book, then without exaggeration the XXI century can be called the century of the mobile phone.

If we talk about gadgets, they have certainly replaced human beings. People prefer to devote their free time to their favourite phone, indiscriminately browsing news, messages, videos, messages and so on. While earlier people used to read more fiction, now most of them read themselves, their opuses and mistakes that are all over social media. People shoot videos, make clips, take selfies and put it all out there for everyone to see. The goal here is very simple. Everyone wants to get more votes, views, likes, etc. In general, everyone wants to become successful and famous. And this success is measured by only one indicator: how many people appreciated you. Maybe these people do not approve of your deed or extravagant selfies, but it is not so important.

Today we can hardly find a young person who does not have a personal page in social networks. On such a page you can learn a lot about his character, about his connections, preferences, hobbies, friends, thoughts, etc. What is all this

done for? What is the meaning behind these actions? In our opinion, the answer is obvious: it is a kind of self-realisation of a person (when the “I” needs the approval of others). Moreover, in this process everyone solves his or her own tasks. Someone is fond of his appearance and flaunts it, someone talks about his business and favourite activities, someone shoots videos about animals, etc., in the end, all this variety cannot be counted. But everyone is trying to do something and to give it all virtual publicity. It turned out that all this was possible because many people lack the basic opportunity to declare themselves, to show their self. And most importantly, many people have lost faith in the objectivity of assessing their capabilities. Hence the logic of all these actions and desires for total self-realisation becomes clear.

Today a gadget can do a lot of things and many people also use this opportunity. Everyone has his own intentions and goals. The consequence of all this is that the main way of social management of mankind becomes stimulation and manipulation. Freedom is no longer needed, it is replaced by comfort, cosiness and conventionality. In such a situation gadget has replaced the human being and strangely enough human communication is becoming less and less. Modern technology is arranged in such a way that communication has become non-verbal, gesture-based. People prefer to just send a text message, repost a picture than just dial a number and communicate live, not to mention face-to-face meetings. Why? After all, a person saves time. It is possible to watch videos, films, play card games, listen to music, virtually attend any lecture, etc. using the phone, which is always at hand. All this has become accessible and really achievable. Man began to save time. This is already a given. But here there is another question: what does he do with the saved time? And the answer to this question hangs in the air.

As we can see, in this virtual reality, which has long been a given, there is no living being, humanity loses visual contact and there is no sense of responsibility for its actions. This reflects the edges of proper behaviour in such a paradigm, where simply the morals of society become a phantom. The world becomes unprincipled.

So, nowadays one can easily find any information, study it, analyse it, etc. However, the effect of action here is equal to counteraction: when information is publicly available, there is less probability of selecting the necessary and correct information. A person simply gets lost in this large array of news and

total awareness. The ultimate availability of knowledge is replaced by mere information. With increasing availability of information, depth and individuality disappears. Information is a means of entertainment where man “kills” time.

Is this a bad thing? Actually, things are not as pessimistic as they may seem. There are many rational things in all this, and it is probably pointless to argue and fight with it. However, what is important in this connection is something else. Man has become closer not to a human being, not to a living being, but to a gadget, a functional technical device. And nothing more. With the development of progress and scientific achievements, the human essence is moving in a proportionally opposite direction, ordinary morality and morals are being replaced by other “rules of the game”. And if there is no longer a Christian morality, there is a very different one. This is a place that cannot be unfilled. And that moral foundation is the idea of human rights. In fact, today man has put himself in the place of God and replaced him with himself. The supernova man, about whom F. Nietzsche once wrote, has already appeared. This man believes only in himself, in scientific and technological progress, and the ideology of human rights is the basis of his existence and being. The only thing left is to comprehend the phenomenon of immortality!

Thus, modern man has withdrawn into himself, lives only for himself and his own pleasure, and this ideology of narcissism has begun to penetrate into law, with its total and imperative importance and the dominance of human rights. The deficit of personality (or rather humanity) is natural and has deep causes in the psychology of Western man in the postmodern era. But today, the characteristic feature of such a person is the fashion of searching for the self. However, the reality is that it is technology that has filled the inner world of man. Trends towards simplification programme man to act according to predetermined standards invented by others. Synthesised, artificial perception of the world produces algorithms of behaviour and deprives man of creativity. A person who does not resort to reflexion began to simplify not only the world around him, but also himself. The completeness and multidimensionality of meanings have been replaced by banal consumption of all kinds of information.

It feels as if a person has completely lost feeling and responsibility. It is as if we have become broken into projections of various social roles and cannot

“put ourselves together” at the right moment. In this situation of constant inconsistency with ourselves, everything becomes a mere imitation: virtue, deeds, democracy, freedom. A person can reason about these categories, believe in their words, but never be guided by these values and principles in life (Buck 2014, 34). And this is due to the fact that man has ceased to be himself, has become a function, an embodiment of technology (and all technologies have become subject to market laws). And all progress turns into a cultural brake, simplification and public accessibility.

Along with this, the “cell of society” - the family - has lost its status. It turns out that a person does not need it today. If earlier the family was connected with certain semantic values and rather in some way was an element of survival, now it has simply turned into a vestige of modern mankind.

In order to satisfy his instinctive needs, modern man does not need to have a family, there is no such need for cooking, household services, housekeeping, etc. Today all this can be done and found by one person and for this purpose it is not necessary at all to look for the second half. Mankind has created a lot of opportunities to coexist alone: today a man can easily satisfy his every desire without expecting to give something in return, and he is not obliged to anyone.

Man’s self-sufficiency and his independence has exposed the problem of loneliness, but this loneliness is now easily filled with various gadgets and Internet entertainment. Simply modern man is afraid to be alone with himself, to listen to himself and understand the meaning and purpose for which he exists. But does he need to know this meaning? Modern man is in a state of meaning-life crisis, which is aggravated in the context of the development of the individual, society and the whole mankind. In this situation, man is suddenly left alone with himself. This means that the crisis is the line beyond which there is either its overcoming or emptiness, loneliness and ruin of a person, and maybe of the whole mankind (Fironov, 2022: 5).

As we can see, the total informatisation of society carries a lot of risks and they are connected with the alienation of man, his dependence on technology, the instability of the social system itself and the growing stratification of society (Berezina, 2022: 157). The category of “uncertainty” has come to dominate everything, but it can hardly be the basis of social progress. Moreover, entering the era of digital technologies has significantly changed the value system of society,

and in the near future will radically transform its culture, including the cultural code, and will predetermine the further development of civilisation (Pavlovic, 2020: 35).

At the same time, in a world of uncertainty, people are beginning to lose their sense of meaning, and this is partly due to the lack of mutual understanding and communication. People have simply stopped understanding each other, and indifferent attitude to what is happening today in society, politics, economy indicates a change in the priorities of man himself. A man is closing in himself and his own world predetermines his choice. However, the loss of the meaning of life for man has become so great that even it has overshadowed the phobia of the fear of death. The loss of meaning is now the most terrible thing for man. And it must be said that the consumer society leaves man no choice in this unrestrained race and total domination of the ideas of technological and pragmatic behaviour of society.

The sacralisation of human rights and inner narcissism devalues life itself. The reduction of the human being to the property of simply being alive, easily turns into the possibility of becoming dead, becomes, as a result of the practical implementation of the Western power paradigm, a reality in which human life as a living being is practically worthless, can always be questioned by political expediency and become a bargaining chip (Пудовочкин и Щербаков, 2020: 633). Especially when it comes to other (“third”) countries and this reflects the *status quo* of modern existence. Consequently, in a society of hyper-consumption, the value of human life is determined by its economic profitability.

In other words, today there is a human dehumanisation of man, when man himself does not want to make a moral choice, but prefers to simplify life values and the very approach to their understanding. The humanistic component gives way to another. A person becomes alien to other similar people and strives to live in a virtual world and not pay attention to the events taking place in society.

As can be seen, at present, in the conditions of aggravating social conflicts and political contradictions, the fundamental values of human civilisation are weakening and losing the ability to ensure its sustainable existence and development. And as D.V. Miroshnichenko notes, “at this time the axiological theme becomes a priority for humanitarian science” (Miroshnichenko, 2015: 62).



The change of paradigms of society's development, value attitudes and orientations, giving the political component a new reality, complication of economic, social and legal discourse reveals complex problems and metamorphoses due to shifts in the value priorities of society and its essence. Let us also not forget that a person is formed and acquires his moral image within the framework of those values that he experiences and through which his moral image is formed, the ability to adequately assess the events taking place in the lives of many people.

## **2. Law before choice**

This is where the question arises: in this regard, is the law capable of properly regulating new social relations? Due to their seeming permanence, and in fact their impermanence, the law is objectively unable to do so. Moreover, today it is formally unable to fix what already exists. And this poses a global challenge for the law itself: whether it is able to direct new social relations into the legal direction and predict their development, positive and negative processes of the mechanism of their legal regulation as a whole. The answer to this question is not obvious, because it is not clear what the law will be in this paradigm, what role it is destined to play: serving the interests of political elites, ruling classes or fighting for justice, observance of the rule of law and human dignity?

However, the existing trends in the development and functioning of law show that it has become unpredictable, more technological and pragmatic, in some ways standardised, as a result of which:

- there is a breakdown of the basic institutions of law, private law flows into public law and vice versa, the methods of legal regulation become inertial;
- the role of the state as a kind of arbiter, resolving social conflicts and establishing the balance of rights and obligations between social groups is questioned;
- the introduction of digital technologies into social life raises the question of abandoning and modifying established and known structures, but no

one knows the ultimate goal of such a process, and as a result it becomes unclear what we will be dealing with at all;

- man is withdrawing into himself, into his world of digital reality, and this changes the whole context and requires the recognition of other values, which must be juridified and incorporated into the existing reality.

Nevertheless, the globalisation crisis of 2001 and 2020 and the total pandemic of 2020-2021 have only exacerbated the problem of personal identity and human rights, or rather revealed the deep crisis of these institutional formations. This became clearly visible in 2022, when the world order requires reformatting. It is obvious that nowadays there is a rethinking of values and basic constructions of building social relations, because it is not the individual, but the security of society and the state as a whole that is at the centre of attention. Consequently, the law with its arsenal of measures and means of regulation of social relations, as well as the fight against socially dangerous manifestations will have to take into account these changes. And they consist in the fact that mankind shifts emphasis from total globalisation of all spheres of public life to regional development, protection and security of the state in the first place. And the law, by the way, should reflect the interests of its society and territory, taking into account the mental and subjective preferences of specific states and persons inhabiting them. Hence, institutional transformations are inevitable, the essence of which will consist not in protecting the interests of transnational corporations and supranational organisations, adjusting everywhere and in everything, unification of law and its standardisation, but in refracting one's own interests, protecting them and understanding what law is in general, and how deeply it is able to intrude into the sphere of regulation of social relations, what measures of influence are optimal and effective in this case, what are the limits of the mechanism of legal regulation.

The fact is that globalism as a clearly formulated economic project is not based on cultural and ethical values and the idea of building a society of "social welfare". In this case, the facade of human rights and the development of democracy hides quite different goals of universal unification and reflection of hidden interests of certain social groups and political forces. In such a situation, law is only an appendage of this global idea and serves only as a means of ensuring and

realising supranational projects. Simply, law is called to fix the existing state of affairs. And this role is assigned to absolutely all branches of law (both public and private), where law (or a particular branch of law) is viewed through the prism of a peculiar instrument of realisation of practical possibilities of total economic, political and social law and order. This is not in line with the principles of national and sovereign states. It is obvious that in the near future we will face the dilemma of reassessing the principles of international and national law development, and reformatting their classical foundations in the digital era. In this sense, the global instrumentalisation of law is just beginning. And it will take place in the spirit of the security of the national interests of the state and its citizens, where it will be about the de-globalisation of law and its instruments. From this point of view, the human choice should be obvious for the modern Russian, as well as Belarusian society. While preserving true national spiritual and moral values, it is important not to miss the chance to remain a state with a human face in this unrestrained world race, where true moral values are the basis of the foundation for building the state and society. Technologisation cannot and should not replace the moral face of man (Khiluta, 2021: 464).

### **3. What about criminal law?**

In life, it so happens that every new generation tries to overthrow from the pedestal those ideas that were developed by the previous generation and function in society as basic, dominant and a priori true. This is by no means a process of self-assertion, but it is a cyclical progressive movement, as each new generation tries to prove its own consistency and that its idea of what is proper. It concerns almost all spheres of life in society and one cannot do without it. Moreover, it is a natural process of life. It is directly related to criminal law. And if at the level of legislative tendencies the ongoing transformations are not so obvious, then at the level of criminal law doctrine the considered tendencies are clearly visible. Moreover, the issue here is not a fundamental breakdown of the foundations of criminal law, its central institutions, etc., but is to give a new impetus to criminal law regulation, verification of its subject matter and method, scope of action and modification of the very concept of what constitutes a crime. And in the context of what constitutes punishment, here the subject area of criminal law

comes to the mechanism of criminal-legal impact, the essence of which is prevention, not punishment. That is, from this perspective, criminal law turns into a mechanism of social protection, a means of ensuring the security of the state, society, and the individual (and the sequence of criminal law protection looks like this).

In the most general view, the essence of criminal law in this paradigm is reduced in this paradigm to conflict resolution. A conflict that, on the one hand, exists in society and, on the other hand, between specific individuals. But in fact, criminal law fails to fulfil this task, because by resolving the conflict with the arsenal of means at its disposal, it generates a new conflict. This chain is inevitable. And in this case we cannot say that criminal law is a universal tool in the hands of the state in resolving conflict situations. It is just that today there are no other such means.

The socio-political processes currently taking place in society and in the world as a whole raise the question of the transformation of criminal law itself, the need for its adaptation to new institutional formations and the demands of society. However, criminal law has constantly lived in an era of change. These changes have always taken place and are always taking place, as man himself, his essence, is changing. And here the fundamental question is to what extent criminal law itself is capable of reflexion and whether it needs it at all.

Remaining one of the conservative branches of law, criminal law gradually begins to become obsolete, not changing in its nature, it tends to resolve new conflicts in the old ways. And in this respect it still continues to be the “last argument” of the state in the system of ensuring social order and resolving all kinds of disputes and conflict situations. From this point of view, criminal law violence is an element of compromise between society and the state. But if one side loses parity in this issue, it is clear that this is no longer a compromise, but domination. However, in such a plane, the attributive forms of the state’s impact on society are generated by the needs for co-existence of the state and society.

Therefore, as pointed out by A.E. Zhalinsky, criminal law “develops under the influence of contradictory interests of power groups and the general pressure of the population, consciously or unconsciously seeking to enhance security through increased repression, and in many situations to psychologically satisfy various aspirations (restoration of justice, revenge, joining a strong

group, etc.). The problem is that it should still develop on the basis of general regularities, while necessarily taking into account the balanced interests of the country and ensuring equal position of its citizens” (Zhalinsky, 2015: 18).

In determining the meaning of criminal law and its place in the life of a particular person, it is necessary to make a fundamental emphasis on the fact that criminal law is just one of the forms of life activity of society (socium), which (it is society) seeks to protect itself from any arbitrariness on the part of anyone, including the state. Literally, this means that criminal law is not at all a means of solving those tasks that the state faces in a particular historical dimension. These tasks may vary and for obvious reasons they will always vary. Even if we talk about criminal law becoming a means of security, such a means cannot be directed against society itself, against the individual, if only because criminal law is designed to resolve social conflicts, not to generate them.

Positive regulation of social relations is not the subject of criminal law, so it is not at the forefront of those socially significant processes that occur in society. This is the domain of other branches of law. But the question is how quickly and promptly, taking into account the transformation of social relations and mechanisms of their regulation, criminal law should develop its own standard of criminalisation of acts that are socially dangerous, deform the existing social relations and are beyond the boundaries of permissible.

Of course, this is the eternal question of what constitutes an offence and what its normative boundaries are. But today it is also obvious that criminal law cannot remain outside the context of socio-political processes taking place both inside and outside society, outside the process of modification of the social essence of man. Of course, political expediency often predetermines the vector of development of criminal law. But on the other hand, it is also obvious that this vector is unstable and extremely changeable, depending on many factors that are beyond the criminal law itself. Much more important in this question is the answer that allows us to define the boundaries of criminal law in the context of the changing social essence of the individual himself. And in this situation, it seems that the choice of man himself predetermines the contours of the future of criminal law.

Nevertheless, in this question we must bear in mind that the progress of humanity does not lead to the perfection of man himself. The excess of techniques

and technologies, of course, has simplified the life of man, made his life more comfortable and generally accessible, and life itself has become richer and more multifaceted. However, all this, we repeat, has not led to a change in the social essence of man. Man has not become better internally (and does not even strive for this), has not grown spiritually, so all those human passions (bordering on marginal and immoral behaviour from the point of view of the Christian way of life and natural values), which took place earlier, have not disappeared anywhere, but on the contrary, doubled. Therefore, the question that criminal law will gradually fade into oblivion, due to the eradication of crime, is naive and not even up for discussion. And if it is, then in a completely different format, because it is obvious that scientific and technological progress gives rise to new social conflicts and contradictions, which are then translated into crimes of a new form.

At the same time, when we talk about the digitalisation and technologisation of criminal law (and law in general), we overlook one detail that significantly sheds light on the issue under discussion. The point is that digitalisation itself was a product of a more global concept - progress. It was progress in the system of neoliberalism that presupposed the course of human development, shaped the socio-political and legal foundations of society and its institutions. And this state of affairs has taken place over the past decades. However, today mankind began to abandon the idea of progress and global development of society due to its dead-end path of development, stratification of society itself into strata and social classes. The world has reached the threshold of deglobalisation and stratification.

In this system of coordinates, digitalisation is a fragment of the idea of progress, which has no place today. This is why digitalisation has taken on a life of its own, separate from its meta-idea. It is obvious that digitalisation cannot exist for long in such a paradigm, and all attempts to adapt it to the needs of criminal law are doomed to failure, because they are not systematic and do not bring rational principles to the law itself, but actually replace old postulates with a new wrapper, without changing anything in essence. Technological innovations and refinements are only an accompanying part in the development and functioning of the law itself, but they cannot predetermine the course of development of criminal law itself, formulate its subject and method in its basis. Thus, as we have

already pointed out, the value system of liberalism is receding into the background, and the idea of universal globalisation is being abolished. And these processes concern not so much criminal law, but law in general, its basic institutions, which until recently were subject to total control and domination by supranational organisations. In criminal law, this manifested itself in the form of the establishment of new universal principles, systemic criminal law prohibitions, issues of liberalisation and decriminalisation of relations in the sphere of economic activity, interests of the service, etc. However, at present these tendencies are acquiring the opposite character.

It seems, for this reason, that those processes that are currently taking place in society are not realised by criminal law. Therefore, there is a feeling that the criminal law lives its own life, and the society - its own. Hence, for many segments of the population, criminal law prohibitions and prescriptions, often bordering on anachronism, become incomprehensible, and on the other hand, it can also be seen that criminal law cannot realise the social interests and demands of society, being guided only by the position of the state in ensuring total security.

The idea of security, which is now becoming dominant in criminal law, narrows the scope of criminal law itself, as criminal law becomes an appendage of dominant power interests. However, such a paradigm does not develop criminal law and pushes it into a rigid framework of serving the interests of the dominant power elites and the system that is dominant under the circumstances. In this system, the key principles and ideas of criminal law (mainly based on the provisions of the classical school of criminal law) are of secondary importance.

But it also suggests that a new criminal law is emerging, however we may personally feel about it. And this new criminal law breaks old stereotypes, established dogmas and legal principles. This new criminal law is based on the idea of security, and in this context, it is not the act of a person (a physical person, and in some legal families, a legal person) that comes first, but the person himself. Or, if you like, the act and the person are the basis of what we will call the offence.

In this sense, we have to talk about the instrumentalisation of criminal law, when it began to be perceived exclusively as a means (and not even the main one) of solving certain tasks facing the authorities. Here, criminal law is directly derived from those tendencies and mindsets that exist in the institutions of power (but not in society) and is completely predetermined by the legal policy of the

state and the element of expediency. From this perspective, criminal law is a purely dogmatic means of solving political problems. Therefore, there is no reason to have illusions today that criminal law will be a kind of shield in the hands of society against possible arbitrariness on the part of the state. We emphasise that criminal law has never been in the hands of society, on the contrary, it has always been used as a tool for “soft” regulation of social relations and suppression of marginal sentiments in society. In this aspect, it is meaningless to argue further that criminal law will be outside the policy pursued by the state.

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