

## CRIMES AGAINST FREEDOM OF CONSCIENCE AND RELIGION IN THE LIGHT OF THE RUSSIAN CRIMINAL CODE

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**Abstract.** The paper is of a scientific and research nature. The purpose of this paper is to show the scope of protection of the freedom of conscience and religion under the 1996 Criminal Code of the Russian Federation. It discusses the crimes regulated in Section VII of that law titled “Crimes against the individual,” in its Chapter 19 titled “Crimes against constitutional rights and freedoms of man and citizen”. For the purposes of this publication, the following thesis was adopted: “The scope of protection of freedom of conscience and religion provided for in the Criminal Code of the Russian Federation of 1996 is broad”. The method used was dogmatic analysis, i.e. of the CCRF, as well as analysis of literature (legal literature). The analyses carried out made it possible to conclude that the scope of criminal-law protection of freedom of conscience and religion in Russia is broad, but needs to be changed.

**Keywords:** freedom of conscience; freedom of religion; religious associations; Russian Federation.

### INTRODUCTION

The Russian Federation is a multi-religious and multi-ethnic state inhabited by adherents of Orthodoxy, Islam, Judaism, Catholicism, and other religious associations, as well as atheists [Kucheryavyy, Trippel, and Snetkov 2017, 13]. It should be emphasized that after the collapse of the USSR, the role of religion in Russian society “suddenly and completely unpredictably increased”. The results of public-opinion surveys indicate that 80% of Russian residents describe themselves as believers or sympathizers with religions [Pitul’ko 2020, 256]. In such a religiously diverse country, in recent years there have been more and more cases of humiliation and insult to the religious feelings of believers [Gitinova and Radzhabov 2021, 159], which requires a legal response, including of a penal nature.

The subject of the research is freedom of conscience and religion in Russia. The purpose of this paper is to show the scope of protection of the freedom of conscience and religion under the 1996 Criminal Code of the

Russian Federation. This is an issue rarely discussed in Polish criminal literature.

The research methods used for the purposes of this study are: analysis of this legal act and analysis of legal literature.

For the purposes of this publication, the following thesis was adopted: “The scope of protection of freedom of conscience and religion provided for in the Criminal Code of the Russian Federation of 1996 is broad, but it contains a number of shortcomings”.

## 1. ANALYSIS OF CRIMES AGAINST THE FREEDOM OF CONSCIENCE AND RELIGION IN LIGHT OF THE RUSSIAN CRIMINAL CODE

As part of the analysis of the criminal legal aspects of the protection of the freedom of conscience and religion in Russia, the current provisions of the 1996 Criminal Code<sup>1</sup> in this area will be discussed, i.e. those established by the Act amending Article 148 of the Criminal Code of the Russian Federation and certain legislative acts of the Russian Federation to counteract insults to religious beliefs and feelings of citizens of 2013.<sup>2</sup> The amendment, according to the Russian legislature, became necessary after the behavior of members of the punk band *Pussy Riot* at the Cathedral of Christ the Savior (performance of “Punk Prayer” – an anti-Putin punk song). The testimony of the defendants in this criminal case shows that the action was intended to express political protest, not to incite hatred or religious dissent. However, witnesses to the incident (employees of the cathedral) said that the defendants’ actions caused them moral harm and caused their particular mental anguish [Shilin 2016, 85]. One of them stated that *Pussy Riot* came to the temple to “declare war on God and the Russian Orthodox Church” [Akhkamova and Sunagatullina 2019, 491].

According to the law in effect at the time, the perpetrators were sentenced to two years in a penal colony under Article 213 of the Criminal Code of the Russian Federation (hooliganism). The event demonstrated the lack of a law that provides for liability for insulting the religious feelings of believers [Novikov 2015, 194].

The offense of violating the right to the freedom of conscience and religion is included in Article 148 of the Criminal Code of the Russian Federation,

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<sup>1</sup> Uголовный кодекс Российской Федерации от 13.06.1996 г. N 63-ФЗ, [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/](http://www.consultant.ru/document/cons_doc_LAW_10699/) [accessed: 20.02.2026].

<sup>2</sup> Федеральный закон О внесении изменений в статью 148 Уголовного кодекса Российской Федерации и отдельные законодательные акты Российской Федерации в целях противодействия оскорблению религиозных убеждений и чувств граждан от 29.06.2013 г. N 136-ФЗ, [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_148270/](https://www.consultant.ru/document/cons_doc_LAW_148270/) [accessed: 20.02.2026].

in Section VII titled “Crimes against the individual,” in its Chapter 19 titled “Crimes against constitutional rights and freedoms of man and citizen”.

Under Article 148(1) of the CCRF, “public behavior expressing clear disrespect for the society and committed to offend the religious feelings of religious believers” is subject to a penalty. The perpetrator of such an act is subject to a fine of up to 300,000 rubles or in the amount of the convicted person’s salary or other income for up to 2 years, or compulsory labor for up to 240 hours, or forced labor for up to one year, or imprisonment for the same period.

The subject of the crime is the human right to freedom of conscience and religion [Klenova 2014, 217], as well as “relations guaranteeing the right of citizens to the freedom of conscience and religion” [Kadnikov 2016, 336] and “equality before the law regardless of attitude to religion and worldview” [Chuchayev 2019, 617].

The object of the crime involves public behavior that expresses clear disrespect to the society.

Public behavior occurs in the presence of bystanders who understand the essence of the situation [Kadnikov 2016, 336]. It is done openly, usually in public places [Brilliantov 2017, 538]. It requires the presence of two or more people [Sichkarenko 2019, 22], although it can occur with only one person present [Brilliantov 2017, 538]. On the other hand, behavior expressing clear disrespect for the society can be committed both against a specific person and against an indefinite group of people [Gitinova and Radzhabov 2021, 158]. Examples of public behavior include speeches at meetings, rallies, and other public events, during demonstrations, marches, and pickets. Importantly, the presence of the faithful during these unlawful activities is not necessary, as the presence of other people is sufficient [Klimano. 2018, 223]. Thus, the law does not require the witnesses to be representatives of the religion that the perpetrator wants to offend [Sichkarenko 2019, 22]. Some believe that the desecration of an Orthodox church building carried out at night offends the religious feelings of the faithful; however, due to the lack of an audience for this act, it cannot be qualified under Article 148 of the CCRF [Novikov 2015, 196].

Due to the lack of a precise definition by the legislature for the purposes of Art. 148 of the CCRF of the concept of “clear disrespect for the society,” one can refer to the decision of the Plenum of the Supreme Court of the Russian Federation (SCRF Plenum) in criminal cases of hooliganism,<sup>3</sup> on the basis of which “a person’s clear disrespect for the society is expressed in the deliberate violation of generally recognized norms and rules

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<sup>3</sup> Postanovleniye Plenuma Verkhovnogo Suda RF ot 15.11.2007 g. N 45 *O sudebnoy praktike po ugovnym delam o khuliganstve i inykh prestupleniyakh, sovershennykh iz khuliganskikh pobuzhdeniy*, [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_72601/](https://www.consultant.ru/document/cons_doc_LAW_72601/) [accessed: 20.02.2026].

of conduct, dictated by the perpetrator's desire to oppose others, to show a disrespectful attitude towards them" [Fedotova 2016a, 201].

According to Russian lawyers, clear disrespect to the society involves showing it in an overt manner, which is a manifestation of ignoring moral and religious norms in the presence of both believers and non-believers (e.g., public speeches, posting information that insults religious feelings near religious sites) [Kadnikov 2016, 336-37].

The subject of the offense includes intentional fault with a special purpose of offending the religious feelings of believers [ibid., 337].

Religious feelings can be considered "as a system of life goals, values, attitudes, prohibitions and permissions, which guide a person's commitment to a particular religious doctrine" [Fedotova 2016a, 204]. However, the concept of "religious feelings of believers" has no legal content and cannot obtain it. The legislation lacks a normative definition of both believers and the special feelings inherent in them that arise in connection with adherence to a particular religion [Pitul'ko 2020, 257].

For the purpose of analysis, some legal scholars assume that insulting believers' religious feelings constitutes "a deliberate, negative evaluation, expressed in an indecent, degrading form, of a particular religious doctrine, whose adherents associate in religious organizations or groups in accordance with the legislation of Russia or another state [Fedotova 2016b, 66] (e.g., using curses)" [Idem 2016a, 203; Kucheryavyy, Trippel', and Snetkov 2017, 10]. It can involve the presentation of materials that express profanation of tradition (the use of caricatures depicting saints or objects of religious worship that have special meaning for believers) or cynical (immoral) interpretation of the main contents of holy scriptures. These behaviors are intended to incite hatred or hostility [Shilin 2016, 83 and 85].

In order to assess whether a behavior involved insulting religious feelings, one must make a combined analysis of the subjective and objective elements of the behavior [Kadnikov 2016, 337], i.e., both a clear disrespect for the society and, at the same time, an insult to believers' religious feelings [Fedotova 2016a, 203]. Thus, the understanding of offending the feelings of believers is within the sphere of subjective evaluations of individuals. In practice, this can cause difficulties when the qualification of an act depends on the internal beliefs of police officers, prosecutors, and judges. Such a situation is contrary to the general principles of legality and justice [Bondarenko 2014, 203].

As the analyses show, the lack of definitions of some terms contributes to problems related to the correct qualification of insulting the feelings of believers [Titarenko 2015, 91].

It should be noted that the Russian Criminal Code does not specify the concept of a "believer." Such a person can be interpreted in two aspects:

as “a person who recognizes the existence of God or as a religious person, living according to the canons of a particular religion” [Fedotova 2016b, 65]. Some authors believe that it would be logical to define “believers as persons living in accordance with the canons of a religion that has adherents, recognized by the majority of the adherents, united in the form of a religious organization or group in accordance with the laws of Russia or a foreign country (and not simply persons who acknowledge the existence of a god, concrete or abstract)” [Aydarova and Chuguno. 2022, 156].

The subject of the crime is an individual who is at least 16 years old.

Under Article 148(2) of the CCRF, “acts provided for in paragraph 1 of this Article, committed in places specifically designated for religious services, other rituals, and religious ceremonies” are subject to penalty. The perpetrator is subject to a fine of up to 500,000 rubles or in the amount of the convicted person’s salary or other income for up to 3 years, or compulsory labor for up to 480 hours, or forced labor for up to three years, or imprisonment for the same period with an optional limitation of freedom for a period of up to one year.

This is an aggravated type of offense under Article 148(1) of the CCRF due to the specific place where the act was committed. The legislature has recognized that these places are places of worship and sacred places for believers [Klimano. 2018, 223].

According to Article 16 of the 1997 Act on the freedom of conscience and religious associations,<sup>4</sup> places specifically designated for religious services, other rituals, and religious ceremonies are “religious buildings and structures, other places specially intended for religious practices, prayer and religious meetings, or religious worship (pilgrimages),” i.e., places of worship, buildings and structures and the plots of land on which they are located; buildings, structures, and premises owned by religious associations, and the plots of land on which they are located; places of pilgrimage; cemeteries and crematories; and residential areas. In addition, “religious associations have the right to carry out religious rituals and ceremonies in therapeutic and preventive institutions, hospitals, orphanages, and nursing homes for the elderly and disabled at the request of the citizens residing in them, in rooms specially designated for this purpose by the administration”, as well as in penitentiary institutions, buildings, facilities designated for religious purposes located on the premises of educational institutions, and in the premises of educational institutions historically used for religious rituals, and in military units. It should be noted that places specifically designated for worship, rituals, and religious ceremonies can be either permanent or temporary [Klimano. 2018, 223].

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<sup>4</sup> Federal’nyy zakon ot 26.09.1997 g. № 125-FZ *O svobode sovestii o religioznykh ob’yedineniyakh*, [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_16218/](https://www.consultant.ru/document/cons_doc_LAW_16218/) [accessed: 20.02.2026].

Under Article 148(3) of the CCRF, it is punishable to “unlawfully obstruct the activities of religious organizations or the performance of religious services, other religious rituals and ceremonies”. The perpetrator is subject to a fine of up to 300,000 rubles or in the amount of the convicted person’s salary or other income for up to 2 years, or compulsory labor for up to 360 hours, or corrective labor for up to one year, or detention for the period of three months.

It should be noted that the current content of the Article 148(3) of the CCRF “unlawful obstruction of the activities of religious organizations or the performance of religious services, other religious rituals and ceremonies” was introduced by the aforementioned Act amending Article 148 of the Criminal Code of the Russian Federation and certain legislative acts of the Russian Federation to counteract insults to religious beliefs and feelings of citizens of 2013 in place of the phrase “unlawful obstruction of the activities of religious organizations or the performance of religious rituals”. In this way, the legislature expanded the construction of unlawful obstruction by introducing criminal liability for obstructing the performance of other rites and religious ceremonies [Tikhonova and Titushkina 2017, 244].

The subject of the offense is “social relations securing the activities of religious organizations and the celebration of religious services, other rites, and religious ceremonies” [Kadnikov 2016, 338].

The object includes unlawful obstruction of the activities of religious organizations or the performance of religious services, other rituals, and religious ceremonies.

At this point of analysis, it is again necessary to refer to the 1997 Act on the freedom of conscience and religious associations, Article 6(2) of which indicates that a religious organization is one of two types of religious associations, along with a religious group. The main difference is that a religious group operates without state registration or legal capacity (Article 7(1)). In contrast, a religious organization is “a voluntary association of citizens of the Russian Federation or other persons permanently and legally residing in the territory of the Russian Federation, formed for the purpose of common confession and spreading the faith and in the manner prescribed by law, registered as a legal entity (Article 8(1)).

The provision of Article 148(3) of the CCRF criminalizes obstruction of the activities of only such religious organizations that function under the law and do not violate the rights of others [Kadnikov 2016, 338]. Thus, obstruction is prohibited only against legally registered religious organizations [Chuchayev 2019, 618]. Consequently, the provision does not apply to unregistered religious organizations and sects performing pseudo rituals that violate the rights of others [Brilliantov 2017, 539].

Unlawful obstruction of religious organizations should be understood as creating organizational and legal obstacles aimed at disrupting their activities in any way [Klimano. 2018, 224] (e.g.: refusal to register an organization) [Brilliantov 2017, 539]; obstructing the performance of religious rituals and ceremonies by depriving citizens of the possibility to perform rituals dictated by their faith [Klimano. 2018, 224-25]; deliberately destroying property in order to force them to abandon the performance of a ritual [Brilliantov 2017, 539]; blocking a temple; creating obstacles to the passage of parishioners to the place of worship [Konyakhin and Bakhmet'yev 2019, 24].

Religious rites and ceremonies constitute: a mass, a baptism, a confession, a prayer, a wedding, a communion, a funeral, a procession, and a pilgrimage. They can be performed in places of worship or burial, crematoria, cemeteries, and homes [Brilliantov 2017, 539].

Forcing an individual to participate in the activities of a religious organization and its rituals does not meet the criteria for considering it the crime under Article 148 of the CCRF.

Intentional fault is a necessary criterion for a person to be considered a perpetrator of this crime. The perpetrator must be aware of the dangerous nature of his or her behavior and must want to carry it out. The purpose and motive are irrelevant to the qualification of the act [Kadnikov 2016, 338].

Under Article 148(4) of the CCRF, “acts provided for in paragraph 3 of this article, committed: a) by a person taking advantage of his or her official position; b) with the use of violence or the threat of its use” are subject to penalty. The perpetrator is subject to a fine of up to 200,000 rubles or in the amount of the convicted person’s salary or other income for up to one year, or mandatory labor for up to 480 hours, or corrective labor for up to two years, forced labor for up to 1 year, or imprisonment for the same period along with deprivation of the right to hold specific positions or conduct specific activity for up to two years.

This is an aggravated type of crime under Article 148(3) of the CCRF. The perpetrator is a public official, i.e. a person who permanently, temporarily, or by special authority performs the functions of a representative of the government or performs organizational, administrative and economic functions in state bodies, local and regional governments, state and municipal institutions, state-owned companies, as well as in the Armed Forces of the Russian Federation, other Russian military forces and military formations [Klimano. 2018, 226]. By taking a position in an institution, regardless of its form of ownership, he or she uses it to exercise in a criminal manner the powers and authority associated with it [Brilliantov 2017, 540].

The perpetrator is also liable for the use of violence during the unlawful obstruction of the activities of religious organizations or the holding

of religious services, other rituals, and religious ceremonies (involving physical influence on a person by causing physical pain) [Tikhonova and Titushkina 2017, 247-48] and for the threat of its use (mental influence on a person, not just verbal) [Brilliantov 2017, 540]. It is expressed to suppress the will of the victim [Tikhonova and Titushkina 2017, 248]. In assessing the threat of its use, its reality must be proven [Kadnikov 2016, 339].

It should be emphasized that in addition to the offenses discussed herein, the Russian Criminal Code provides for liability for other acts in which religious signs may constitute their elements: establishing a religious or social association whose activities involve violence against citizens or other harm to health, leading such an association, participating in it, and promoting its activities (Article 239); acts aimed at inciting hatred or hostility, as well as degrading the dignity of a person or a group of people because of their attitude towards religion, committed in public or using mass media or information and communication networks, including the Internet (Article 282); organizing an extremist group (Article 282.1); organizing the activities of an extremist organization (Article 282.2), violating the equal rights and freedoms of man and citizen (Article 136), and genocide (Article 357) [Sereda 2017, 23].

## 2. ASSESSMENT OF THE MANNER AND SCOPE OF REGULATION OF CRIMES AGAINST THE FREEDOM OF CONSCIENCE AND RELIGION IN THE RUSSIAN CRIMINAL CODE

The analysis of criminal-law regulations on the protection of the freedom of conscience and religion in Russia made it possible to assess them.

When referring to the provisions of Article 148 of the CCRF, it is necessary to note a number of its substantive and editorial shortcomings. These are, in particular: a) the lack of protection for the freedom of conscience; b) the lack of protection for non-believers; c) the lack of definition of the relevant concepts found in this regulation; d) the presence of conflicts and similarities with other crimes and administrative violations; and e) the presence of violations of the legislative technique. These will be discussed below.

Re. a) The lack of protection for the freedom of conscience

The name of the offense under Article 148 of the CCRF includes two independent types of human rights (the right to the freedom of conscience and the right to the freedom of religion), which are designated by a single term, i.e. the right to the freedom of conscience and religion [Kuznetsov and Yalovoy 2020, 264]. It should be stated here that the concepts of “freedom of conscience” and “freedom of religion” are similar to each other [Mantulina 2018, 372]. The freedom of conscience is understood “as the freedom to choose a religion and the freedom to practice religious worship, without infringing on the

right of citizens not to profess any religion” [Pirbudagova and Isayeva 2017, 96]. Thus, it can be based “on views unrelated to a divine being and its power” [Mantulina 2018, 372], and freedom of religion means being able to choose a religion, move from one faith to another, or remain an atheist [Gitinova and Radzhabov 2021, 158]. “Both concepts represent an individual’s internal view and are shaped on the basis of moral criteria” [Mantulina 2018, 372].

It should be noted that the legislature did not include “freedom of conscience” in Article 148 of the CCRF. In addition, in Article 148(1 and 2) of the CCRF, the legislature equated freedom of conscience with freedom of religion without indicating how the right to the freedom of conscience can be violated [Gitinova and Radzhabov 2021, 157]. This raises the question, for example, of interpretation of the provisions of Article 148(1) of the CCRF, according to which criminal liability arises for acts committed with the aim to offend the religious feelings of believers, which is a violation of the right to the freedom of religion, not the freedom of conscience [Mantulina 2018, 372].

Thus, Article 148 of the CCRF needs to be clarified and supplemented in the section on the protection of conscience [Sereda 2017, 23]. The amendment of Article 148 of the CCRF should aim to establish clear boundaries of incriminated behavior (supplementing the article with an indication of atheists, agnostics, and their associations) [Margaryan and Savkina 2017, 316]. The authors suggest that Article 148(1) of the CCRF should “equally protect the feelings of believers, the beliefs of atheists, and other beliefs of citizens that do not contradict the applicable national legislation” [Osokin and Kokorev 2017, 114].

Re. b) The lack of protection for non-believers in criminal law.

Doubts about the offense under Article 148 of the CCRF are indicated by its name - “Violation of the right to the freedom of conscience and religion”. According to the Constitution of the Russian Federation, this right is understood as both the right to profess any religion and the right not to do it. This means that the rights of all citizens should be equally protected, regardless of their attitude towards religion. Article 3(6) of the 1997 Act on the freedom of conscience and religious associations contains similar provisions [Margaryan and Savkina 2017, 315].

However, Article 148 of the CCRF in fact protects the feelings of believers only, which, according to some authors, results in the legislature giving this social group a privileged legal status. It is expressed in the fact that the priority for the state is the protection of the rights, beliefs, and religious feelings of believers, and not the protection of the rights and beliefs of non-believers [Aydarova and Chuguno. 2022, 156]. Due to the fact that in both of these social groups religion occupies a different place in life, it is inappropriate to divide citizens on the basis of faith or lack thereof. In contrast, the CCRF only identifies “believers” as victims [Margaryan and Savkina 2017, 315-16].

In addition, critics of Article 148 of the CCRF note that it “establishes religious inequality by providing special protection to government-approved religious movements, thereby blurring the boundaries between the church and the state” [Rublev 2020, 268].

Russian lawyers are suggesting to change the provisions of Article 148(1) of the CCRF in order to equally protect the feelings of believers and the beliefs of atheists, as well as other beliefs of citizens [Mutasova and Kokorev 2018, 252]. Thus, as part of the amendment of the Criminal Code, the legislature should regulate norms relating not only to traditional religions, but also to atheist views [Pirbudagova and Isayeva 2017, 96].

Re. c) The lack of definition of the relevant concepts found in Article 148 of the CCRF.

Article 148 of the CCRF is rightly criticized for its use of terms that are devoid of legal content and have not been clarified either in a footnote to this article or in the positions of the Plenum of the Supreme Court of the Russian Federation [Pitul’ko 2020, 256-57]. The occurrence of several evaluative terms in the provision under review, such as “public activities,” “clear disrespect to the society,” “religious feelings,” “believers,” “places specially designated for worship,” and “other rituals and religious ceremonies,” creates difficulties for law enforcement [Gitinova and Radzhabov 2021, 159]. It should be noted that the 1997 Act on the freedom of conscience and religious associations only mentions these concepts, but does not explain them [Novikov 2015, 196]. However, it must also be said that due to the lack of legal definitions of some of the concepts contained in Article 148 of the CCRF, the legislature establishes criminal liability for acts that have no legal content [Bondarenko 2014, 203].

Some legal scholars believe that Article 148 of the CCRF not only focuses on the protection of religious feelings, but also, due to the vagueness of the concept, “is more oriented towards the protection of religious institutions and sacredness as such, which *in fact* contradicts the principle of a secular state” [Pirbudagova and Isayeva 2017, 96].

Many authors have called for amending Article 148 of the CCRF, mainly because of the vague and ambiguous wording it uses [ibid., 97].

Re. d) The presence of conflicts and similarities with other crimes and administrative violations.

According to Russian lawyers, the problems in this regard relate to the delimitation of the offense under Article 148 of the CCRF primarily from hooliganism (Article 213 of the CCRF), incitement to hatred or hostility, as well as humiliation of human dignity (Article 282 of the CCRF), and violation of legislation on the freedom of conscience, freedom of religion, and religious

associations (Article 5.26 of the Code of Administrative Violations of the Russian Federation) [Margaryan and Savkina 2017, 316].

Particularly noticeable is the similarity between Articles 148(1) and 213(1) (hooliganism) of the CCRF [Kovalev 2018, 175]. This is due to the fact that the legislature used the phrase “public behavior expressing clear disrespect for the society” in the text of the provision of Article 148 of the CCRF, which indicates the presence of a hooliganism-related motive in the perpetrator’s actions [Zhamurzov 2017, 90]. According to the 2007 ruling of the Plenum of the Supreme Court of the Russian Federation on jurisprudence in criminal cases involving hooliganism and other offenses committed with hooligan motives<sup>5</sup> “a person’s obvious disrespect for the society is expressed in a deliberate violation of generally recognized norms and rules of conduct, dictated by the perpetrator’s desire to oppose other people, to show a disrespectful attitude towards them”. This is an evaluative definition. It does not explain much and raises the question, What generally recognized standards of conduct does the legislature have in mind [ibid.]?

According to some Russian lawyers, an analysis of Article 148 of the CCRF indicates a direct reference to the elements of hooliganism, and according to others - to the introduction of a special type of hooliganism aimed at offending the feelings of believers [Sichkarenko 2019, 21]. One must agree with the rational representatives of the first option. An analysis of the practice of law enforcement agencies in cases involving offenses under Article 148 of the CCRF indicates that most often the perpetrators commit hooligan acts on the premises of a temple or other place of religious worship (obscene language, satisfying physiological needs, destroying church paraphernalia, or imitating certain activities with its use), or when they published texts provoking condemnation from believers [Pitul’ko 2020, 257].

Also apparent is the similarity of the offense under Article 148 of the CCRF to extremism defined in Article 1(3) of the 2002 Act on the countering of extremist activities<sup>6</sup> as incitement to social, racial, national, or religious hatred. It is also evident in relation to the offense of incitement to hatred or hostility, as well as humiliation of human dignity under Article 282 of the CCRF, in which the legislature defined “a milder type of actions aimed at incitement to hatred or hostility on the basis of attitude towards religion” [Shilin 2016, 84]. Thus, Article 148 of the CCRF also includes liability for the crime of extremism. Under this article, an offense may be classified as extremist if it was committed because of religious affiliation or attitude

<sup>5</sup> Postanovleniye Plenuma Verkhovnogo Suda RF ot 15.11.2007 g. N 45 O sudebnoy praktike po ugovnym delam o khuliganstve i inykh prestupleniyakh, sovershennykh iz khuliganskikh pobuzhdeniy, [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_72601/](https://www.consultant.ru/document/cons_doc_LAW_72601/) [accessed: 20.02.2026].

<sup>6</sup> Federal’nyy zakon ot 25 iyulya 2002 g. N 114-FZ O protivodeystvii ekstremistskoy deyatelnosti, <https://base.garant.ru/12127578/> [accessed: 20.02.2026].

towards the religion of the victim(s) or because of religious hatred or hostility [Kokorev 2016, 67].

Re. e) Violations of the legislative technique

Russian lawyers point out the editorial shortcomings of Article 148 of the CCRF, which, according to them, “does not conform to the principles of logic and legal technique, as it consists exclusively of categories of assessments not explained by the legislature” [Fedotova 2016a, 204].

At this point in the study, it is also important to point out other issues and proposals for changes regarding Article 148 of the CCRF.

Some Russian lawyers say there is no need to criminally interfere with the protection of the freedom of conscience and religion. Establishing this type of liability for insulting the religious feelings of believers is not directly related to the protection of the freedom of conscience and religion, since an insult in no way restricts an individual’s ability to practice various forms of religious worship. In addition, protection of the freedom of conscience and religion is provided by other laws (the Constitution, the Code of Administrative Violations, the Act on the freedom of conscience and religious associations), which precludes the need for additional protection [Pirbudagova and Isayeva 2017, 96].

Other lawyers believe that the current Article 148 of the CCRF is needed because it is intended to “strengthen the religious component of the Russian society, which has been in a kind of religious vacuum for a long time”. The provision serves to create “a unifying idea capable of binding the society together, opposing the imposition of so-called ‘Western values,’” and countering them with traditionalism based on, among other things, the reinforcement of religious values [ibid., 97]. However, it should be noted that the introduction of Article 148 of the CCRF in its current wording was not “an expression of traditional criminalization criteria, but a manifestation of opportunism” [Stupina 2021, 149]. The adopted Act was called the “*Pussy Riot Act*”<sup>7</sup>.

One certain problem with Article 148 of the CCRF is that it does not clearly define how the right to the freedom of conscience and religion can be violated by insulting the religious feelings of believers. As is well known, a criminal code should be a set of clearly formulated laws devoid of ambiguity, but not laws of a moral nature. Therefore, it should not contain evaluative categories, as it would result in an arbitrary interpretation of the law and its subjective evaluation by the person enforcing the law [Suponina 2017, 129].

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<sup>7</sup> *Gosduma prinyala «zakon Pussy Riot» - o zashchite chuvstv veruyushchikh*, <https://republic.ru/posts/31794> [accessed: 25.01.2026].

Therefore, some legal scholars believe that Article 148 of the CCRF certainly requires a significant revision [Titarenko 2015, 91]. Others ask whether the change will improve its effectiveness [Margaryan and Savkina 2017, 316].

In addition, some note that in a situation where the offense under Article 148 of the CCRF is increasingly global, i.e. committed via the Internet, it seems necessary to supplement this provision with an additional paragraph that reads: “The acts provided for in the first paragraph of this article, committed in the Internet information and telecommunications network...” [Nikitina 2023, 99]. However, this would be another manifestation of the casuistry of the CCRF.

In order to ensure equal protection under criminal law of religious groups and religious organizations from obstruction of their activities, it is necessary to replace in Article 148 (3) of the CCRF the words “religious organizations” with the words “religious associations” [Sereda 2017, 25].

## CONCLUSION

An analysis of the legislation on crimes against the freedom of conscience and religion has led to the belief that the CCRF regulates these behaviors quite broadly, which confirms the thesis put forward. However, it has a number of shortcomings.

In particular, there are many problems with the content of Article 148 of the CCRF, which reduce the effectiveness of the application of this norm and, as a result, prevent the effective protection of the constitutional right to the freedom of conscience and religion [Aydarova and Chugunov. 2022, 157]. The inadequacies of the analyzed norm make it difficult to enforce, as evidenced by the modest jurisprudential practice. According to court statistics, the number of people convicted in recent years under Article 148 of the CCRF is not large. This situation may also be due to the “dark number” of these offenses [Gitinova and Radzhabov 2021, 159].

Therefore, changes to the Criminal Code of the Russian Federation of 1996 are certainly necessary, the scope of which is presented in this publication.

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