

# Public Dissemination of Knowingly False Information: Criminal and Criminological Aspects

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**Keywords:** Criminal law, criminal means, crime prevention, dissemination, knowingly false information, survey, coronavirus pandemic, COVID-19.

**Abstract:** Research in Russian criminal law and criminology focused on the public dissemination of knowingly false information has been going on for several decades. However, given the rapidly changing scale of such acts during the coronavirus pandemic (some sources say about the spread of fake information, misinformation), this problem should receive more attention. The relevance of the chosen topic is also influenced by the addition of the Criminal Code of the Russian Federation (hereinafter the Criminal Code of the Russian Federation) with Article 207.1 “Public dissemination of knowingly false information about circumstances that pose a threat to the life and safety of citizens” and Article 207.2 “Public dissemination of knowingly false socially significant information that entailed grave consequences”. In the presented article, based on the results of the analysis of a survey posted on the Internet, the author examines the awareness of university students about the existence of criminal liability for the public dissemination of knowingly false information, including about the coronavirus. *The purpose* of the research is to identify possible causes and conditions for the public dissemination of knowingly false information. The following can be distinguished as the research *tasks*: respondents familiarization with crimes under Art. 207.1, 207.2 and Part 4 Art. 128.1 of the Criminal Code of the Russian Federation; identification of the number of students who disseminated false information, including through its repost; analysis of the reasons and conditions for the false information dissemination. In conclusion, the author proposes the use of a survey of university students as a method helping to prevent the commission of crimes related to the dissemination of knowingly false information, as well as an object of scientific research. The article highlights a variety of reasons and conditions for the dissemination of knowingly false information: from the desire to increase their authority in the microsocial group to selfish motives.

## 1 INTRODUCTION

The surge in the fake information dissemination in the world on the ground of the coronavirus pandemic has made it necessary to criminalize acts of publicly disseminating knowingly false information, including about the coronavirus (Articles 207.1 and 207.2 of the Criminal Code of the Russian Federation) and the updating of research in criminal law on the issue of countering the commission of these acts by criminal means. Due to the fact that these articles came into force recently, from April 1, 2020, the new corpus delicti are a poorly studied institution of criminal law. The novelty is the analysis of the possible reasons and conditions for the commission of criminal offenses

for the public dissemination of knowingly false information based on a survey among students of a higher educational institution. It is assumed that conducting a survey, the purpose of which is to identify the reasons and conditions for the public dissemination of knowingly false information, will justify that criminal acts are committed, inter alia, due to ignorance of laws and personal characteristics. The tasks of the work are: analysis of the survey; research of foreign sources on similar topics. The results of the survey can be used to improve the mechanisms for countering the commission of crimes.

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## 2 MATERIALS AND METHODS

A sociological research was conducted among extramural students of non-legal specialties at the Northern Trans-Ural State Agricultural University Federal State Budgetary Educational Institution of Higher Education in the period from January to March 2021. In the distance classes in the "Jurisprudence" discipline, about 200 students were asked to take an anonymous survey posted by the research author on the Internet, after reading the questionnaire, only 77 students saved their answers, the analysis of which was made in this work. The survey can be viewed at (Nabiullina Victoria, 2021). 79.2% of respondents with secondary vocational education, 15.6% with higher education, 5.2% with a secondary general education took part in the survey conducted among students of a higher educational institution. The age of the respondents varies from 20 to 45 years. 70.1% (54 people) of male students, 29.9% (23 people) female students took part in the survey. Also, a content analysis of the foreign authors' works was performed.

## 3 RESULTS AND DISCUSSION

The primary task to identify the reasons and conditions for the dissemination of knowingly false information is to analyze the data on whether people lie themselves. Therefore, students were asked a question of the following content: "A lie is a deliberate perversion of the truth, expressed to mislead someone. Forms of lies: silence and distortion. Think, how often do you lie? Only 7.8% of 77 respondents answered "daily" to this question. The question implies lying not only to others, but also to yourself. If you think about how often a person is silent or distorts the answers to questions, including his own, then there is a chance that he will come to the answer that he is lying every day. An elementary question, familiar to everyone: "How are you?", undoubtedly entails something like this: "I'm fine". Whether such an answer corresponds to the true state of affairs, it seems that not always. It is assumed that the more people realize, recognize, distinguish the falsity of the information, check it for reliability, and as a result, know and understand the consequences of its dissemination, the number of criminal offenses will decrease. But one research notes that it is difficult for a person to distinguish truth from lies, being overwhelmed with misleading information that he receives over and over again (de Oliveira et al., 2021).

Perhaps that is why the whole world during the coronavirus pandemic was overwhelmed by infodemic, when many sent each other information about the coronavirus and how to cure it without checking it for reliability. The rest of the answers to the above question were distributed as follows: several times a week - 19.5%, several times a month - 33.8%, you are an honest person - 32.5%. One person out of 77 respondents answered the question as follows: it happens sometimes; according to circumstances; only for the occasion; there are situations when it is necessary to help others; a lie for good is not a lie; rarely. Unfortunately, lying "out of necessity" to help others, or white lie for someone but at the expense of other, can be criminally punishable, for example, in cases of concealment from crimes, complicity. The detection of a person's false intentions is possible with the help of unexpected questions, such an experiment is described in the literature (Bogaard et al., 2019).

The question "Do you check information about events in the country, in your city for its reliability, received from friends, from the media?" was asked and out of 77 respondents 27.3% answered that they always check, 62.3% - sometimes check, 10.4% - never check. The results of the survey and communication with students indicate that they have no time, need, interest in checking information for its reliability, or the inability to navigate a large flow of information in order to search for truthful information. An excess of data and knowledge is one of the characteristics of the information society (Pulido et al., 2020). In such a situation, the posting of a refutation of knowingly false information on a single website of law enforcement bodies on the Internet can be a criminal mean of countering the spread of knowingly false information. It should be noted that 47 of 77 respondents answered that they almost always receive information from the Internet. Therefore, the proposal to refute false information on the Internet is appropriate and reasonable.

In Spain, research was performed to identify the main channels of communication used by the population to inform about the pandemic (Fernández-Torres et al., 2021). The main conclusions of this research are that in Spain, citizens are interested in information related to the coronavirus, but the media are not trusted and reliable; social media and instant messaging are considered to be the channels with the most false news. Another research focusing on the differences between misinformation and disinformation noted the following (Raspopova & Bogdan, 2019). The fakes in journalistic articles are appeared due to violation of the basic principles of

journalism: truthfulness and objectivity, enshrined in international documents on professional ethics, which represent the basic requirements for the journalist work with information; the disinformation is emerged due to the disregard of the basic principle of journalism: to describe life, not a fictional reality. The abovementioned leads to the conclusion that in such circumstances of the society development, a person needs excellent cognitive abilities.

In Russia, criminal liability for the public dissemination of knowingly false information, including about the coronavirus, was established from April 1, 2020. For the period of the survey from January to March 2021, out of 77 respondents, 33.8% did not know about the introduction of this criminal liability, the remaining 66.2% were informed. One third of the respondents who are not aware of the adoption of important changes in the Criminal Code of the Russian Federation is a negative indicator of the awareness, legal consciousness of the population in the context of the digital development of society. There is no doubt that responsibility for the legal awareness of the population rests not only with the state, but also with citizens, therefore, bilateral cooperation to improve the legal culture of a person is important. Criminal law ignorance can be one of the conditions for committing crimes.

Despite the high percentage of respondents who do not know about the introduction of criminal liability for the public dissemination of knowingly false information, only 13% of 77 people disseminated it about the coronavirus without being convinced of its reliability. For example, they sent information to their friends on social networks, by phone, and discussed it in conversation. Obviously, the remaining 87% of the respondents did not spread knowingly false information, proceeding from an understanding of the essence of information or an "intuitive" feeling of its falsity. The honesty in the answer to this question of 10 people (13%) out of 77 respondents demonstrates the presence of a potential probability of bringing them to justice under Art. 207.1, 207.2 of the Criminal Code of the Russian Federation. The complexity of such crimes qualification lies in the presence of a sign of false information "actual knowledge". In the absence of preliminary verification of the information accuracy by the person, is it possible to raise the question of "knowingly false information" dissemination by him Unlikely. It should be noted that there are individual differences in susceptibility to false memories of fake news about COVID-19, about which there is separate research, the authors of which concluded that who are more aware of COVID-19 or who received higher

results on the analytical thinking test (critical thinking) are less likely to report false memories after being exposed to fake stories (Greene & Murphy, 2020). Disinformation depends on a person's ability and motivation to detect lies, as well as on other factors at the group and society level that increase citizens' chances of receiving truthful information (Scheufele & Krause, 2019).

Repost of any information received on social networks, in instant messengers, including from friends, without checking it for reliability is often done - by 2.6% of respondents, sometimes - by 39%, never - by 58.4%. The reasons for the desire to share the news may be different, selfish goals, political interests, "the need for chaos", etc. For example, in the period from March 14 to March 29, 2019, a survey experiment was conducted in Germany to establish how sources influence people, whether they believe what they read and whether they share this information (Bauer & von Hohenberg, 2020). It turned out that subjects have a higher tendency to believe and share news from real sources; people are more likely to believe a news report from a source from which they previously received congruent information. The research references to a famous discovery in psychology and political science that people evaluate information according to their pre-existing views, values or beliefs. Age, education, income, and other variables correlate with the ability to distinguish between professional and non-professional websites. In another research, the authors concluded that people's altruism was the most important factor that contributed to the spread of false information about COVID-19 (Apuke & Omar, 2021). Existing research supporting the spread of false news on social media has identified reasons such as high trust in online sources, social media fatigue, fear of missing out, and information overload (Apuke & Omar, 2020).

The question "Do you think it is necessary to prosecute those who disseminated knowingly false information that became known to them from other persons?" was asked, and 46.8% of students answered positively, 53.2% - negatively. Taking into account that the percentage of respondents (39%) only occasionally check information for reliability before sending it to others, the result of the survey - 53.2% may indicate the respondents' understanding of the punishability of the act and unwillingness to endure it, or disagreement with criminal liability in relation to those who are not the primary source of knowingly false information, i.e. was not the initiator of its creation and the first distributor.

Legal measures due to misinformation about COVID-19 ("infodemia") have been introduced not only in Russia, but also in other countries, about which there is separate research. The author of this research points out that taken legal measures have shown that solutions tailored to the national and local context are very necessary, but they do not represent the "holy grail" of countering the global phenomenon of disinformation (Radu, 2020). The article notes that the type of state regime (democratic, non-democratic) does not have a significant impact on the content of anti-disinformation legislation in relation to restrictions on freedom of expression and long-term deterrent effects; limiting access to information, criminalizing critical and "unpatriotic" messages, and faster delete of content using artificial intelligence on social platforms will negatively affect a person's ability to distinguish between harmful and truthful information.

Russian researchers performed an analysis of socially dangerous situations associated with the spread of coronavirus infection, the authors of which state that the criminalization of individual contents takes into account short-term interests and is not thoughtful or systemic in nature (Tarhanov et al., 2020). Taking into account the above, it can be concluded that regulatory legal acts promptly adopted in emergency conditions, such as changes in the Criminal Code of the Russian Federation, require further improvement (Shkabin et al., 2020).

Not all students knew about the criminal liability for reposting knowingly false information. So, the question: "Did you know that you can be prosecuted, including for reposting knowingly false information about the coronavirus, for its subsequent dissemination in oral or written form under Art. 207.1 and 207.2 of the Criminal Code of the Russian Federation?" was asked, and 64.9% of the respondents answered that they knew about the responsibility, 35.1% were not aware. Experimental data on social norms study (Andi & Akesson, 2020) can be a good way to reduce the incidence of false reposting. The authors of the experiment developed a "social norm" that includes placing text over links to articles in social media channels. This text warns people that there is a lot of misinformation on the Internet and tells them that the most responsible people will think twice before sharing articles through their network. In addition to the warning, it is proposed to place tags to check the facts of information falsity (Clayton et al., 2020).

Another confirmation of the lack of the necessary legal awareness of the population is the answers to the question: "Did you know that defamation that a

person is sick with coronavirus entails criminal liability (Part 4 Art. 128.1 of the Criminal Code of the Russian Federation)?" 64.9% of respondents do not know about responsibility, 35.1% of respondents are informed about its existence.

The final research question: "Will you now disseminate any information that has become known to you without checking its reliability?" was asked, and 81.8% (63 people) of the respondents answered "never", which is a good result, 14.3% - sometimes, 3.9% (3 people out of 77) answered "yes". But such results are unsustainable as the ability to better understand feelings, moods and emotions in online communication is growing rapidly thanks to the introduction of online and biofeedback technologies that are designed to record and evaluate people's emotions - what McStay calls "empathic media" (Bakir & McStay, 2018).

Perhaps the survey conducted will make the respondents think about the consequences of the dissemination of information that has not been verified for its reliability. In the comments to the survey, students left various impressions: cognitive; it even makes you think, sometimes people themselves do not understand that they are lying or violating, since they themselves believe in it; I learned a lot of new things, henceforth I will be more attentive to dubious sources of information; the survey was useful, I learned some for the first time, perhaps I would like more questions about the current problem; I believe that everyone should read the libel article and think before spreading false information; useful survey; actual survey to date; I should think. The above reviews about the benefits of such an informative survey, the purpose of which is not only to obtain information from respondents, but also to familiarize the respondents with legislative novelties in criminal law, provide them with information to analyze their own actions, show its effectiveness as a criminal means of counteracting public dissemination of knowingly false information.

In addition, it should be noted that it is important to develop computerized systems to detect false information, in particular, an updated deep neural network is proposed, which demonstrates better results compared to the existing results of basic machine learning models (Abdelminaam et al., 2021).

## 4 CONCLUSIONS

1. The phenomenon of false information is an object of research not only in the social and humanitarian sciences, but also in technical

sciences, therefore, when investigating the subject of a crime – knowingly false information, it is required to take into account the results of scientific and experimental research in various sciences.

2. The reasons and conditions for the public dissemination of knowingly false information and its repost are different: from altruism, ignorance of the laws and the desire to increase their authority in the microsocial group to selfish goals.
3. The results of the survey conducted by the author of this work show the necessity and usefulness of conducting similar surveys on current changes in legislation among students of higher educational institutions, which is a preventive criminal mean of counteracting the commission of criminal offenses and an object for scientific research.
4. In order to reduce cases of public dissemination of knowingly false information, it is necessary to use the experience of foreign researchers in placing warnings and tags for information with a note about its possible falsity.

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