

A History of the “Thieves in Law”. Investigative Aspects

Alexandru PARENIUC¹, Andrei NASTAS²

¹”Ștefan cel Mare” Academy, Republic of Moldova, alexandru.pareniuc@mai.gov.md

²”Dunărea de Jos” University of Galati, Romania, andrei.nastas@ugal.ro

Abstract

The article includes a brief analysis of the historical premises for the appearance and development of criminals with their criminal status of "thief in law/ outlaw" through special investigative activity. At the same time, the appearance and history of this dangerous phenomenon, processes, and criminal traditions are reviewed. The conclusions, with which the authors intervene through modest research, will complete the arsenal of investigative ideas of criminal investigation officers and investigation officers in carrying out the tasks, stages and phases of the criminal and special investigation process.

Keywords: special investigative activity, special investigative process, criminal trial, thief in law, history, criminal investigations, investigative officer, evidence, crime-fighting

1. Introduction

The notion of "thief in law" (vor v zakone) presents a special category of criminals with statutes, laws and traditions elaborated only in the Russian language. With the collapse of the Soviet Union, all former socialist republics received a legacy – the tradition of criminal gangs, led by a leader, who took over the code of laws of the Soviet mafia in Russia. In post-Soviet Russia, several books have appeared describing the emergence and rich history of this phenomenon. The first criminal clans appeared after 1917, as a protest against the forced nationalisation of private capital. Those who did not want to obey blindly the totalitarian Soviet collectivist regime, which appeared after 1917, created networks that obeyed stable laws: they did not collaborate in any way with the authorities, and did not respect Soviet laws [1, p. 75]. Over time, these protesters made common law with the most professional criminals. Thus, the “underground” communities began to support themselves through a newer law, called “obsceak” – the obligatory offering of each community member that could only come from theft, under Soviet conditions. Other attributes emerged along the way, such as a special language, tattoos, nicknames, gestures, and a collection of “folklore” containing underworld songs and lyrics. The endless fighting between the clans led to the need to appoint superior leaders. Thus, the supreme authorities appeared in the world of thieves, called “thieves in law”, who decided the fate and development of these communities.

2. Applied methods and materials

The research will be carried out by capitalizing on the research method specific to legal theory and doctrine, such as logical method, comparative analysis method, systemic analysis, description, deduction, and historical method.

3. Results obtained and discussion

A particularly important role among the representatives of the underworld belongs to its leaders (vorovskaia verhushka [2]) - the so-called “thieves in law”. There are no exact data on the first representatives of this criminal caste: it is not known the year, town or institution/organization in which this phrase was used for the first time, who was the first person to hold the title of “thief in law” or the reasons why it was named that way. Russian language specialists put forward different hypotheses regarding the appearance of this phrase – “thief in law” (vor v zakone). The most plausible one seems to us that the bearer of this title is a criminal who was accepted into the ranks of the chiefs (leaders) of the criminal formations, and who respects “all the unwritten laws” of the representatives of the underworld. “Thieves in law” are not just members of the criminal world, but its leaders. These people are responsible to their fellows for maintaining order in places of detention, selecting and educating new leaders of criminal groups, and acting as judges in arbitrary courts of law (“treteiskii sudia”). In exceptional cases, they can “dispose of life” to detainees, arrestees, leaders, or members of criminal groups who have violated “its unwritten laws”. In some cases, they execute their own decisions or the decisions of the majority of the members of the formation they represent. “Thieves in law” are also responsible for the “obščak” common fund, for the accumulation and distribution of sums of money from it. Many criminologists, historians, jurists, and scholars active in the field of law believe that “thieves in law” appeared in the late 1920s and early 1930s in the detention facilities of the Soviet Union. The persons convicted on the basis of Art. 58 (with all the paragraphs provided by this article) of the Criminal Code of the RSFSR (today the Russian Federation) had the status of political convicts, traitors to the homeland or enemies of the people. Most of them were detained in the most distant penitentiary institutions (from the Komi region, Tyumen, Krasnoyarsk, Magadan, Tuva, etc.) which had a very severe detention regime. The climatic conditions in these regions were and continue to be the harshest on the earth. All penitentiary institutions in the Soviet Union were part of the Main Department of Penitentiary Institutions (Glavnoe upravlenie lagherei - GULAG), which was a part of the Ministry of Internal Affairs. Among the functional attributions of this Department were:

- organization of the execution of the court sentences of the convicted persons;
- organization and use of the physical forces of the convicts in the most different branches of the national economy (gold mining, diamond mining, coal mining, oil mining, activities in the field of forestry, oil industry, etc.). During the years of activity of this Department (1930-1990) 1/3 of the annual budget of the Soviet Union was obtained through the exploitation of convicted persons;
- participation in other violent but very poorly paid and extremely dangerous jobs for the people who performed them (for convicted persons).

The persons detained in these institutions were involved in the exploitation of coal mines, uranium, ferrous minerals, the construction of the “Volga-Don” canal, the railroads (the railways of the Caucasus and Central Asia, the Northern Highway (BAM - Baikalo-Amurskaia-Magistrali), the construction of which is not completed even to this day), the Moscow-Vladivostok railway, the construction of cities and towns in the North Pole region - Vorkuta, Norilsk, Tyumen, Magadan, Yeniseysk, etc.

The “army of convicts”, composed of “numbered people” (in penitentiary institutions each prisoner wore and continues to wear a special, strictly individual number even today)

This work is licensed under a Creative Commons Attribution-Non-Commercial 4.0. International License

needed its own “generals” (from the ranks of convicted persons) and internal levers of leadership (for the supervision and control of the way of life and activity of the prisoners, especially political prisoners (at the beginning of the 30s of the 20th century)).

“During the Soviet period, the “castles” of the kings of the underworld were prisons. The authority of a leader increased in direct proportion to the number of years spent in the cell. Until today, the laws once established by the criminal authorities of the former empire are strictly observed in Moldovan prisons. Clan leaders spent time in prison almost like at Karlovy Vary: alcohol, tobacco, women, television, radio, telephone connection with the entire Union, and the main thing - the bed by the window, far from the “parasha” of overpopulated Soviet prisons. Additionally to these elements of civilized living, the thieves had deputies with established responsibilities: gathering information about supply channels, detainees, about guards. Slavery remains even today a form of confirmation of the authority of these leaders, that’s why in every cell there is a “petușok” or “obijenii” who washes the WC, cleans and is mocked whenever the authority feels like it. The “defeat” of slaves is done by inhumane methods: a wire is pulled from the socket into a pan of water and the weakest of the prisoners will be stuck headfirst into the pan until he chooses to live by WC washing rather than die by electrocution. The prison authorities know these facts, but also during the Soviet period an unwritten law was formed: the heads of the penitentiaries do not intervene and do not oppose the regulations established by the criminal bosses” [3]. The appearance of some leaders from the ranks of the convicts was welcomed by all the leaders of the penitentiary institutions, by the prisoners themselves, especially by the political prisoners, who suffered physically and morally from the crimes committed by their criminally convicted “fellows” (the so-called “ugolovnaia bratva”). In most cases, these crimes were organized and committed with the consent of the heads of the prisons, at the initiative of state officials whose attributions stipulated the organization of various activities against political prisoners - to frighten them, to force them to renounce their “anti-state and anti-Stalinist” ideas, to “re-educate” so that they become people loyal to power. Nevertheless, in most cases, political prisoners were simply doomed. The ranks of the “secret order of criminals” (vorovskoi ordin) were permanently filled with recidivist criminals, real “professionals” in the criminal art, authorities and leaders of the underworld, leaders of various criminal organizations. The policy for selecting these “thieves in law” was and remains a very tough one [4]. Not every wisher, even from the ranks of the most hardened criminals, could become “thieves in law”. The candidacy of such a person was and is proposed by a group of authorities or leaders of the underworld or by at least two holders of the title “thief in law”.

The “crowning” of a candidate differs from country to country, from leader to leader, but it also has some common aspects:

- the candidate must have the support of the criminal authorities in Moscow (Russian Federation);
- the candidate was/is crowned by 2-3 holders of this title, who bring someone’s coronation to the attention of all the leaders of the formations. The notification was/is made verbally or in writing through a letter, the content of which was/is brought to the attention of the criminal authorities in the territory and those in the places of detention (that’s how Malhaz Djaparidze was crowned, alias “Malhaz”; Petru Gîlcă (Popovici), alias “Micu” and Ivan Gușan, alias “Patron”).

This work is licensed under a Creative Commons Attribution-Non-Commercial 4.0. International License

At the very beginning of the appearance of this underworld caste, the 1930s, in addition to the restrictions of the leadership of the places of detention, the unwritten Code of Laws of the criminal world (vorovskoi ustav) appeared, which prohibited and still prohibits today the following:

- stabbing, strangling, generally killing a prisoner just because the killer wanted it or out of boredom;
- stealing from other inmates (“ne krîseatniceati”). For stealing from inmates in the same group, the thief was/is severely physically punished, no one maintained friendly relations with him, he was/is ignored by all the inmates in the respective institution;
- causing scandals with comrades or members of the prison leadership;
- avoiding work, etc.

In places of detention and at “freedom”, the greatest violation of the “code” was considered the murder or insult of a “thief in law”; most people doing this were/are punishable by death. With the appearance of these “thieves in law”, the notion of common fund also appeared – “obşceak”. Each criminal group had (and still has) a leader, who formed/forms the common fund “obşceak”, in charge of which was/is appointed a person loyal to the leader, who obeys only him. His obligations include the following: the record of the sums of money appropriated; the records of the money spent, the record of all money transfers, etc.

The leader of the formation and the holder of the common fund were/are obliged:

- to direct the accumulation of money sources in the common fund “obşceak” [5], by means of racketeering actions, blackmail, protection taxes (krâşa), committing crimes and economic frauds, putting into circulation the sums of money already seized, etc.;
- to distribute the sums of money, etc.

The “thief in law” is responsible for all the important events that take place among the members of the criminal group. He is personally responsible for his subordinates to the majority of the underworld and his peers – leaders of other criminal organizations. Ever since the appearance of groups of thieves in law, in the first decades of the 20th century, their members were obliged to strictly comply with a series of rules, which were practically in force until the 70s of the 20th century (the code of criminal elites [1, p. 76]). For example, “thieves in law” were forbidden:

- to get married (if they had a wife, she had to communicate only with the members of the group they led);
- to work for the benefit of society or, in general, to have a salaried job;
- to vote and participate in the electoral campaign, running for the post of deputy or as someone’s trusted person;
- to serve in the army;
- to be members of party and youth organizations;
- to be interested in politics and do politics;
- to fight on the battlefield;
- to consume alcoholic beverages;
- to take drugs;
- to commit serious crimes personally, etc.

This work is licensed under a Creative Commons Attribution-Non-Commercial 4.0. International License

Their main obligations were: not to allow anyone to offend any other thief in law; every “thief in law” had to take care of personal honour and authority, first of all, among his fellows; “thieves in law” had to be able to play any game of chance - cards, dominoes, roulette, backgammon, etc.; they had to organize and direct the illegal activities of the criminal group they led; to every insult brought to them, they had to respond very harshly, including the physical destruction of the assailant. This code crystallized over decades, not having a single author; it was drawn up to be strictly observed by all representatives of the underworld, because failure to comply with its provisions attracted severe penalties, going up to the death penalty. One aspect to which we must draw attention is the fact that law forbade thieves to have any relationship with state representatives - any contact with public officials was interpreted as betrayal of the criminal community and could be punished even with death. It was considered that a thief in law has no reason to seek additional advantages following contact with the authorities. At the same time, a thief in law could not have a paid position - his income had to be always obtained illegally. Moreover, there were no ways by which one could get out of the criminal community: any violation and any attempt to avoid it was severely punished. The history of the emergence and development of the so-called “thieves in law” (vorov v zakone) knows several important stages. On June 22, 1941, with the entry of the USSR into the Second World War, hundreds of thousands of people were held in Soviet concentration camps. At the urging of some commanders of the Soviet Army, some heads of penitentiary institutions and on their initiative, tens of thousands of prisoners, including some thieves in law, were assigned to military units sent to the battlefields. They were promised that, if they showed heroism on the front, they would be released from the camps. On the other hand, the thieves in law rules categorically forbade both the satisfaction of military service and collaboration with the system, including with the heads of the camps. Violating their old principles - we can imagine the desperation that drove them to this - some of the prisoners, former “thieves in law”, fought heroically during the war, especially in the so-called punishment battalions, sent to the front line as cannon fodder. Later, some were decorated with orders and medals. However, either because of the bad faith of the camp chiefs or because they began to commit illegalities again, many of the old thieves in law who had fought during the war ended up in detention again, where they were received with hatred and contempt because they had violated the principles of the thieves’ code. People who had collaborated with the authorities received the nickname “bitch” (Russian: suka), meaning traitor; those who secretly collaborated with the administration of the camps were called, in coded language, “Polish thieves” (polskie vorı). Between the two categories of representatives of the underworld - the thieves in law who had remained in the places of detention and those who had left them to fight during the Second World War - a conflict of proportions began, which was called in Russian the bitch war “sucie voinı” [1, p. 82] (the fight against bitches). This unofficial “war” was fought during the years 1947-1953, sometimes with the direct involvement of the leaders of the camps and prisons. The leaders of the USSR had also declared war on thieves in law as well as caste; one of the tactics was promoting conflicts between thieves in law who remained faithful to the old code and those who had participated in the war. According to NKVD statistics, several thousand holders of the title of thief in law were active in the USSR. Under Soviet law, a person could be held criminally liable for the mere possession of this title (a similar article exists even today in the Criminal Code of Georgia). Criminals were forced to renounce this title, acquired with sweat and blood, and those who renounced it automatically filled the ranks of the “bitches” against whom the “classic” thieves in law had declared war, at the meetings of which the punishments were decided for those who - they considered traitors. At the beginning of 1955,

This work is licensed under a Creative Commons Attribution-Non-Commercial 4.0. International License

the leadership of the Soviet Union resorted to a new strategy: assigning thieves in law to detention institutions specially created for them. In 1956, the special detention institution for the so-called thieves in law “White Swan” (Belâi lebedi) was established – Penitentiary institution no. 6 from Solikamsk [6] which has been active since 1938, and “since 1980 all the “thieves in law” from the entire Soviet Union are serving their sentences here” [7]. Another name of this institution, given by the common people, was the “bears’ den” - both categories of thieves in the law served their punishment here - both the “classic” ones and those who had entered the “bitches” category. The initiative to create this institution gave the expected result of the authorities - thieves in law became fewer and fewer, murdering each other. These internal struggles mark the beginning of the second stage of the history of thieves in law, as well as the beginning of the activity of the most influential thief in law, Anatol Cherkasov, alias “Cherkas”, one of the thieves in law who had fought at the front and had been ranked “traitors” of the code (“bitches”). At the end of the 40s of the 20th century, A. Cherkasov became the most influential thief in law, his authority being contested only by another thief in law, named Vasilii Babushkin, alias “Brilliant”, and he is the head of a numerous group - of thieves who did not allow themselves any contact with the state authorities. V. Babushkin, who was in prison for more than 40 years, was considered a legend of the criminal world; he killed, with his own hands, three thieves in law from the group led by Cherkasov. He died in unclear circumstances, during his detention in the penitentiary institution “White Swan”. One of the assumptions is that he was assassinated because he refused to cooperate with the operative services of the prison in question, where the most influential and authoritarian criminals, the majority of them being thieves in law, were detained. Following the “war on bitches”, at the end of the 50s in the Soviet Union, about 3% of the criminals “crowned” at the end of the 30s remained alive, the NKVD/KGB leadership even announcing the death of the “last thief in law”. The clan of these criminals was ignored until the mid-80s of the 20th century, although they existed and were very fruitful. Hidden from the eyes of power - or, sometimes, with the knowledge of corrupt officials, over 500-600 “thieves in law” were active in the USSR during at that time.

A. Cherkasov coordinated their activity through a series of extremely well organized actions:

- in 1954, in the city of Rostov-on-Don, at the proposal of Cherkasov and another thief in law, Nikolai Pivovarov, during a meeting (shodka) of the most influential thieves in law, a decision was made to rehabilitate all criminals who had participated in the fights during World War II;
- in 1971, in the city of Kiev, an ordinary meeting of the leaders of criminal formations took place, during which Cherkasov proposed to stop committing of petty burglaries and robberies and “to modernize” crime. During the same meeting, it was decided to stop the open conflicts with the employees of the internal affairs structures, to look for ways to turn them into accomplices of the underworld, through bribery. According to Cherkasov, "What cannot be bought with money, can be bought with even more money! A cop (Russian: musor) will not take out the dirty laundry!";
- in 1979, at the meeting of thieves in law in the city of Kislovodsk, Cherkasov proposed that the activities of the criminal world should be oriented towards the business sphere, i.e. towards committing economic-financial frauds, forcing the representatives of financial, commercial organizations, cooperatives (which were legislated in 1985 by the Decree of the Supreme Soviet of the USSR) to pay 10% [8, p. 169] from the earnings of the representatives of the criminal world.

Based on these facts, a number of criminologists who study the issue in question consider A. Cherkasov the “father” of the Soviet racket. These “restructurings” of Soviet crime generated,

This work is licensed under a Creative Commons Attribution-Non-Commercial 4.0. International License

at the beginning of the 70s of the 20th century, the appearance of phenomena similar to the mafia in Western countries. On the other hand, the fight against this phenomenon only started with the coming to power of Mikhail Gorbachev. However, the results of action at the state level were almost zero, as many officials were in close relations with members of the underworld. In the mid-80s, the officials of the law enforcement structures, the judicial system, the heads of enterprises, institutions, organizations, departments, etc., continued to activate “friends” among the thieves in law. For example, N. Shchyolokov, former Minister of the Interior during L. Brezhnev’s government (1950-1980s), used to meet in his office with the most influential thieves in law, from whom he demanded enormous sums of money, precious objects, cars, etc.; for this reason, he was nicknamed “pahan vorov v zakone” (the leader of thieves in law). That was the period when A. Cherkasov took over the unofficial leadership of the clans of thieves-in-law who were active on the territory of the Soviet Union. He was also the first to declare that all thieves-in-law are equal to each other in terms of status. Another famous statement by Cherkasov was that the mafia appears and flourishes where deficit and bribery meet, which turns into corruption and organized crime.

4. Conclusion

With the beginning of Perestroika (years 1985-1986), law enforcement officials found themselves in a position to restart the fight with the leaders of criminal groups. A new “night of long knives” has begun - the current stage of development of the phenomenon of thieves in law, in which, at least at the level of statements, their existence is condemned, and attempts are made to stop their activities. “In the chaos of stabilization of the independent states from the beginning of the 90s, the leaders of the underworld from the ex-Soviet space took over total control over the economy, sales, privatizations and redistribution of the former empire’s areas of influence. Moldova chose its legends in the field of underworld life, written based on the deeds of several barbarians with a criminal past, such as “Bulgaru”, “Mavsar”, “Malhaz”, “Jeka”, “Zelionii”, “Makena”, “Şket” and the political circles from Chisinau were arranged according to the scheme created by the “bratva” [9].

Currently, there are several reasons why it is impossible to determine exactly the number of thieves in law:

- criminal clans strictly keep their secrets;
- many representatives of the elite of the criminal world live outside the borders of the former Soviet Union;
- some thieves in law bought this title for large sums of money, not being crowned according to the traditions of the criminal world;
- data about these people can only be obtained with the help of confidants and are often imprecise.

According to the latest data, around 1000 “thieves in law” are active on the territory of the former Soviet Union. More than 800 such criminals are recorded in the files of the Ministry of Interior of the Russian Federation. 75% of them are from Caucasian countries (80% are Georgian).

References

This work is licensed under a Creative Commons Attribution-Non-Commercial 4.0. International License

1. Rowlinson, P. Russian Organised Crime: short History//Russian Organised Crime: a new threat? Moscow, 2000. (Роулинсон П. Российская организованная преступность: краткая история // Российская организованная преступность: новая угроза? Москва, 2000.).
2. Nastas A., Cernomoreț S. Criminologie: Tratat. București: ProUniversitaria, 2023. 548 p. ISBN 978-606-26-1562-8
3. Criminology: Textbook/Under Ed. V.N. Kudryavtseva and V.E. Eminova. 3 rd ed., overwork. and additional. Moscow, 2005. p. 373. (Криминология: Учебник / Под ред. В.Н. Кудрявцева и В.Е. Эминова. 3-е изд., перераб. и доп. Москва, 2005. с.373.).
4. Criminology: Textbook/Under Ed. N.F. Kuznetsova, V.V. Luneeva. 2nd ed., overwork. and additional. Moscow, 2004. p. 397 (Криминология: Учебник / Под ред. Н.Ф. Кузнецовой, В.В. Лунеева. 2-е изд., перераб. и доп. Москва, 2004. с.397.)
5. VK-240/2 or IK-2 GUF SIN of Russia in Perm Krai (BK-240/2 или ИК-2 ГУФСИН России по Пермскому краю).
6. <http://zeki.su/roslag/vk-2402-solikamsk.html>
7. Gurov A.I. Professional crime: past and modernity. Moscow: Legal Literature, 1990. (Гуров А.И. Профессиональная преступность: прошлое и современность. Москва: Юридическая литература, 1990).
8. Nastas A., Cernomoreț S., Faigher A., Reflections on Informatic Crime in the Republic of Moldova. In the Journal Across Vol 7 No 5 (2023): Cross-border Laws and Regulations, pp. 84, ISSN 2602-1463
9. Nastas A., Cernomoreț S., Cazacu D., Statements by the Prism of the Criminal Law În: The Annals of "Dunarea de Jos" University of Galati. Legal Sciences. Fascicle XXVI Vol 4, No 1, 2021, România, ISSN 2601-9779