ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2023 (33)

CRIMINAL LIABILITY FOR RIOTING

Anželika BANEVIČIENĖ
Mykolas Romeris University
Maironio St. 27, LT-44211 Kaunas, Lithuania
E-mail: a.baneviciene@mruni.eu
ORCID ID: 0000-0002-2855-6890

Jonas TAMULEVIČIUS
Mykolas Romeris University
Maironio St. 27, LT-44211 Kaunas, Lithuania
E-mail: tamuleviciusj@inbox.lt
ORCID ID: 0009-0001-8399-3292

DOI: 10.13165/PSPO-23-33-11

Abstract *Disturbances that turn into riots are very diverse. This can happen when farmers block highways during a protest or when residents protest at the Seimas against the Government's austerity policy and tax reform, or when they protest against the Government's restrictions for people who do not have immunity to the coronavirus and who do not get tested, as well as when football fans express their dissatisfaction with the result of the match. Why are these events considered riots and not public order violations? How do riot crimes differ from other public disorder crimes? What are the characteristics of riot crime investigation? What are the challenges faced by the officers investigating these crimes? The answers to these questions are discussed in the article. Scientific literature, legal acts, and court practice were analysed to achieve the aim. To identify the problems arising in handling riot cases, police officers were interviewed. The analysis shows that the definitions of the riot and the grave violation of public order, established in Article 283 of the Criminal Code of Lithuania, is not clear and leaves the court with wide discretion on how to interpret the content. The Criminal Code should provide definitions of "public order," "gathering of people", and "grave violation of public order." The law should establish that for determining a riot, it does not matter where the riot takes place - in a public or private place. In the "gathering of people" the focus should be on the number of active violators of public order instead of the total number of people present at the riot scene. Police officers lack knowledge about the effects of riots and need riot recognition and qualification training. In practice, police officers face some challenges in identifying riot organisers, instigators and active participants.*

Keywords: *riot, public order, public violence*

Introduction

Since ancient times, the order in society has been maintained by customs and traditions passed down from generation to generation. With the development and formation of social relations and communities, public order began to be regulated by legal norms to ensure public safety and the state's existence. Only by providing public order the safety of individuals in public places is guaranteed.[1]

One of the prerequisites for the state's existence is establishing order and its maintenance by legal norms. Of course, in modern democratic states, every person has the right to their beliefs and to express them publicly. However, this right is not absolute. The exercise of this right cannot violate the public order established by the state and the rights of other persons in society. Convention for the Protection of Human Rights and Fundamental Freedoms states that *the exercise of these freedoms <...> may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary for a democratic society, in the interests*

[1] Edita Gruodytė, „Takoskyra tarp administracinio teisės pažeidimo ir nusikalstamos veikos viešosios tvarkos sektoriuje" *Jurisprudencija Mokslo darbai* 2007 8(98): 90.

of national security, territorial integrity or public safety, for the prevention of disorder or crime.[2]

Articles 25 and 26 of the Constitution of the Republic of Lithuania also state that the freedom to express beliefs, receive and disseminate information may be limited by law if it is necessary to protect human health, honour and dignity, private life, morality, or defend the constitutional order.[3]

Chapter XL (40) of the Criminal Code of the Republic of Lithuania (hereinafter - Criminal Code) specifies crimes and misdemeanours against public order, among which riots are considered the most severe crimes.[4] This crime is punishable by up to 6 years in prison, and if a weapon is used or the criminal resists police officers, a 10-year prison sentence can be imposed. Persons from the age of sixteen are punished for this crime.[5] In the Public Security Service Law, riots are classified as special situations, during which public security service officers can use not only physical force but also special riot control machines or even firearms to control the situation.[6]

Disturbances that turn into riots are very diverse. This can happen when farmers block highways and stop traffic, demanding that the government take measures to eliminate difficulties in the agricultural sector, increase wholesale purchase prices of various farm products and increase subsidies (2003),[7] or when residents try to break into the Seimas in protest against the Government austerity policy and tax reform, the economic crisis and the closure of the Ignalina nuclear power plant (2009),[8] or when residents express violent protest against the Government's restrictions for people who have not been vaccinated and do not have immunity to the coronavirus (2021),[9] as well as when football fans express their dissatisfaction with the result of the match (2011).[10]

Considering the diversity of events, it becomes essential to answer the following questions: Why are these events considered riots and not public order violations? How do riot crimes differ from other public disorder crimes? What are the characteristics of the riot crime investigation? Aren't the officers investigating the riots having trouble dealing with these crimes?

To answer these questions, the research aims to determine the characteristics of riots as a criminal offence and identify qualification problems. Accordingly, the objectives are: to reveal

[2] "Convention for the Protection of Human Rights and Fundamental Freedoms," opened for signature November 4, 1950, *European Treaty Series* no. 5, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005, Article 10 (2).

[3] *Lietuvos Respublikos Konstitucija*, adopted by the citizens of the Republic of Lithuania in a referendum on October 25, 1992, last amendment No XIV-1030, April 21, 2022, TAR, https://www.e-tar .lt/portal/ lt/legalAct/ TAR.47BB952431DA/asr.

[4] Seimas of the Republic of Lithuania, *Lietuvos Respublikos baudžiamasis kodeksas*, approved by Lietuvos Respublikos baudžiamojo kodekso patvirtinimo ir įsigaliojimo įstatymas, No VIII-1968, September 26, 2000, last amendment No XIV-1925, April 27,2023, TAR, https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/asr, Article 283.

[5] *Lietuvos Respublikos baudžiamasis kodeksas*, Articles 283 and 13 (1).

[6] Seimas of the Republic of Lithuania, *Lietuvos Respublikos Viešojo saugumo tarnybos įstatymas*, No X-813, September 19, 2006, last amendment No XIV-1207, June 28, 2022, TAR, https://www.e-tar.lt/portal/lt/legalAct/ TAR.2E8452AA51C0, Articles 2(2), 13, and 14.

[7] Supreme Court of Lithuania, *Criminal case No 2K-7-393/2005*, Ruling, October 4, 2005, Infolex.lt, https://www-infolex-lt.skaitykla.mruni.eu/tp/58917

[8] Vilnius Regional Court, *Criminal case No 1A-152-303-2012*, Judgment, April 5, 2012, eteismai, https://eteismai.lt/byla/259422086628826/1A-152-303-2012.

[9] „Riaušės Prie Seimo," lrytas.tv, accessed April 15, 2023, https://tv.lrytas.lt/zyme/riauses-prie-seimo.

[10] „Kaune dešimtys futbolo sirgalių sulaikyti, aštuoni – sužeisti," Alfa.lt, accessed April 15, 2023, https://www.alfa.lt/straipsnis/10875172/kaune-desimtys-futbolo-sirgaliu-sulaikyti-astuoni-suzeisti/

the concepts of the riot and public order in the context of the riot, to analyse qualification elements of the riot crimes and identify problems officers face in investigating riot cases.

Scientific literature, legal acts, and court practice were analysed to achieve the aim. To identify the problems arising in handling riot cases, police officers were interviewed. The officers were asked to answer the questionnaire questions online. The interview was conducted in March-April 2023.

The answers were provided by eight officers of the specialised police department who investigated riot cases, seven police training officers, and 48 police officers who can be called upon to take quelling or evidence-gathering actions in the event of a riot.

59.7 per cent of the survey participants were men, and 40.3 per cent were women. Fifty per cent of the officers who participated in the survey have master's or bachelor's degrees in law, whereas 21 per cent have higher non-university education in law. 77.4 per cent of officers have work experience of 6 or more years, while 22.6 per cent have work experience of up to 6 years.

The paper presents the results of the analysis of scientific literature, legal acts and court practice, as well as the results of the survey.

The Concept of the Riot

In the Lithuanian dictionary, a riot is a mass dissatisfaction or protest about something.[11] The Oxford Dictionary explains the riot as a situation in which a group of people behaves violently in a public place, often as a protest.[12] Analysing Article 283 of the Criminal Code of the Republic of Lithuania allows us to identify a straightforward definition of a riot.[13] The Riot is *a grave violation of public order by a gathering of people*. Article 283 also contains several examples considered a grave violation of public order. These actions are *public violence* and the *destruction of property*.

Such a definition leaves the court with broad discretion to interpret the content of the terms used in Article 283. The court specifies the scope of this article in its practice. The Vilnius District Court defined Riot as public disobedience, manifested by spontaneous physical violence, vandalism – the destruction of public and private property, and other grave violations of public order, accompanied by resistance to police officers and other persons performing public administration functions. Riots are characterised by crowd-induced chaos, manifesting in violence, destruction of property, and other grave violations of public order[14]. Kaunas District Court provided a more straightforward definition. According to the court, Riots are situations where a group of people deliberately violate public order, commit public violence, and destroy property.[15]

Both the definition of the riot in the Criminal Code and the interpretations of the courts indicate that a riot occurs when public order is gravely violated.

[11] „Riaušės," Lietuvių kalbos žodynas, accessed April 15, 2023, http://www.lkz.lt/?zodis=riau %C5%A1%C4%97s&id=23047560000.

[12] A S Hornby, *Oxford Advanced Learner's Dictionary of Current English*, Sixth edition 2000, (Oxford University Press 2000), 1103.

[13] *Lietuvos Respublikos baudžiamasis kodeksas*, Article 283 states that, *whoever organized or provoked a gathering of people to commit public violence, destroy property or otherwise gravely violate public order, as well as whoever during riots committed violence, destroyed property or otherwise gravely violated public order*, is punishable <…>.

[14] *Criminal case No 1A-152-303-2012.*

[15] Kaunas Regional Court, *Criminal case No 1A-137-317/2011*, Judgment, April 5, 2011, https://eteismai.lt/byla/178471027456575/1A-137-317-2011.

The concept of violation of public order is not presented in Article 283 of the Criminal Code. However, to determine the concept of *violation of public order*, we could refer to Article 284 of the Criminal Code, in which the law provides for criminal liability for violation of public order. Article 284 of the Criminal Code states that a violation of public order occurs *when disrespect to the surrounding people or the environment is demonstrated in a public place by insolent behaviour, threats, taunting, or acts of vandalism, thereby disrupting public peace or order*. The definition of the violation of public order shows that such a violation has to occur in a public place.

Public Place

Which place is considered a public place is not explained in the Criminal Code. The concept of a public place is presented in various laws regulating different fields. In the Assembly Law, a public place is considered streets, squares, parks, and other public places and buildings of common use in cities and settlements.[16] In addition to the places specified in the Assembly Law, the Law on Noise Management additionally states that public places are also bars, discotheques, cafes, and places of entertainment events.[17] Article 288 of the Code of Administrative Offences further includes beaches and public transport as public places. Meanwhile, Article 484, in addition to those already listed, additionally includes stadiums, private cars, exhibitions, markets and mass events, and sports halls during competitions.[18] It should be noted that the given list of public places is incomplete. In all legal acts, it is noted that other places can also be considered public places.

According to legal experts, the concept of *a public place* is not unambiguous. Depending on the regulated legal relationship and the purpose of the Law, a public place can be considered a place owned by the state or a municipality - a public space, a place accessible to the public regardless of who owns it, or even a place owned and used by a private person where it is necessary to protect public interests.[19] It is clarified in court practice. According to the court, a public place should be considered a place where other persons are present or have the right to visit this place at the moment of the crime.[20]

In its practice, the Supreme Court of Lithuania noted that the act is considered to have been committed in a public place regardless of whether or not someone was present at that place during the time of the crime. The important thing is that due to the free access to such a place, other persons may appear here at any moment, and they will experience inconvenience due to

[16] Seimas of the Republic of Lithuania, *Lietuvos Respublikos susirinkimų įstatymas,* No I-317, December 2, 1993, last amendment No XIV-1775, December 23, 2022, TAR, https://www.e-tar.lt/portal/lt/legalAct/TAR.E59A4E24506E/asr, Article 4 (1).

[17] Seimas of the Republic of Lithuania, *Lietuvos Respublikos triukšmo valdymo įstatymas*, No IX-2499, October 26, 2004, last amendment No XIV-694, November 23, 2021, TAR, https://www.e-tar.lt/portal/lt/legalAct/TAR.7E6F5E3523EA/asr, Article 6 (1) (1).

[18] Seimas of the Republic of Lithuania, *Lietuvos Respublikos administracinių nusižengimų kodeksas* approved by Lietuvos Respublikos administracinių nusižengimų kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo tvarkos įstatymas, No XII-1869, June 25, 2015, last amendment No XIV-1382, July 19, 2022, TAR, https://www.e-Tar .lt / portal /lt/legalActEditions/4ebe66c0262311e5bf92d6af3f6a2e8b, Article 484.

[19] Rūta Šimkaitytė – Kudarauskė „Viešosios vietos sąvokos samprata ir problematika“, *Visuomenės saugumas ir viešoji tvarka,* No 5 (2011): 210, Mykolo Romerio universitetas, https://ojs.mruni.eu/ojs/vsvt/article /view/6179/5239.

[20] Šiauliai District court, *Case of administrative offenses No A17-1416-874/2019*, Ruling, August 7, 2019, eteismai.lt, https://e-teismai.lt/byla/220668037529670/A17_-1416-874/2019.

the perpetrator's actions.[21] In the opinion of the court, public order can also be violated in the yard of a residential homestead, the stairwell or yard of an apartment building, or in another private place, to which, for one reason or another, other people can freely enter with the consent of the owner.[22]

The practice of other countries in defining the concept of public places is not uniform. Some countries, like Lithuania, do not define what is considered a public place in the criminal code, present the definitions of public place in other legal acts, and allow courts to determine the meaning of a public place in a particular situation. For example, the Law Enforcement Act provides a *public place* definition in Estonia. The Law states that *a public place is a territory, building, room or a part thereof given to an unspecified number of persons for use or used by an unspecified number of persons, and also a public transport vehicle*.[23] In Latvia, the public place definition can be found in the Law on Safety of Public Entertainment and Festivity Events. The Law states that a public place is *any site that, irrespective of its actual use or type of ownership, functions to ensure the common needs and interests of the public and, for payment or free of charge, is available to any natural person.*[24]

Other states define *a public place* directly in the criminal law. For example, in Colorado Revised Statutes 2021, a public place is defined as *a place to which the public or a substantial number of the public has access and includes but is not limited to highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings and facilities.*[25]

Meanwhile, the definition of a public place does not apply to riot regulation in third countries. The criminal law establishes that rioting can be committed both in a public and private place. For example, the British Public Order Act 1986 states that riots may be committed in private and public places.[26] The Criminal Justice (Public Order) Act, 1994 of Ireland, also states similarly. The Law establishes that riots can occur *at any place (whether that place is a public place, private, or both)*.[27]

Riots can occur both in a public place and in a private area and spread to a public place; therefore, concerning riots, it is not appropriate to assess whether the violation takes place in a public or private place when determining a *grave violation of public order.* Considering the variety of riots and practices of other states, we recommend establishing in Article 283 of the Criminal Code of Lithuania the condition that a riot may occur in private and public places.

[21] Supreme Court of Lithuania, Criminal case No 2K-159/2009, Ruling, May 12, 2009, https://eteismai.lt/ byla/ 272217236359181/2K-159/2009.
[22] Supreme Court of Lithuania, *Criminal case No 2K–160-697/2019*, Ruling, June 6, 2019, https://eteismai.lt /byla/163174713687052/2K-160-697/2019?word=turto%20sugadinimas%20privataus% 20kaltinimo
[23] Riigikogu, *Law Enforcment Act*. RT I, 22.03.2011, 4, Riigi Teataja, accessed May 3, 2023, https://www.riigiteataja.ee/en/compare_original/506112013015, Article 54.
[24] Saeima, *Latvian Republic Law on Safety of Public Entertainment and Festivity Events*, LIKUMI, accessed May 3, 2023, https://likumi.lv/ta/en/en/id/111963 , Section 1 (1^1)
[25] Colorado General Assembly, *Colorado Revised Statutes 2021, title 18 Criminal Code*, accessed May 3, 2023, https://leg.colorado.gov/sites/default/files/images/olls/crs2021-title-18.pdf , § 18-1-901 (n).
[26] *Public Order Act 1986*, CHAPTER 64, Legislation.gov.uk, accessed May 4, 2023, https://www.legislation.gov .uk/ukpga/1986/64, Article 1 (5).
[27] Oireachtas, *Criminal Justice (Public Order) Act, 1994*, Number 2, 1994, eISB, accessed May 3, 2023, https://www.irishstatutebook.ie/eli/1994/act/2/section/14/enacted/en/html, Article 14 (1)(a).

Public Order

As already mentioned above, riots infringe a public order. The importance of maintaining public order is emphasised in the Constitution of Lithuania, Lithuanian laws, Courts decisions, and legal doctrine. Article 94 of the Constitution of the Republic of Lithuania states that *The Government of the Republic of Lithuania guarantees state security and public order*. Article 5 of the Police Law establishes the duty of the Lithuanian Police to ensure public order.[28] The Supreme Court of Lithuania, noting the importance of maintaining public order, stated that the legal regulation established by the State says that the order of coexistence of members of society and the communication of people in public spaces must be based on the principles of cultural traditions, respect, and tolerance. Personal safety, protection of moral and cultural traditions and spiritual comfort in public life is a social value that is not only encouraged and nurtured by the state but also protected by relevant legal acts and, in cases provided for by law, using criminal law.[29]

However, it is essential to emphasise that the definition of public order is neither formulated in Articles 283 and 284 of the Criminal Code nor in other legal acts. Accordingly, the question arises about what the concept of *public order* means.

The Lithuanian Encyclopaedia explains that public order is a system of public relations established by law and social norms and protected by the state based on ethics, morality, and mutual respect.[30] Lithuanian courts presented various definitions of public order in their decisions. In the opinion of the Supreme Court of Lithuania, the public order includes the basic principles on which the state's legal system is based. The principles are established in the Constitution of the Republic of Lithuania and other legal acts. [31] In another case, the court has also said that public order is a situation or a way of acting that meets the requirements of society. Public order is formed based on various social norms and aims to ensure harmonious and beneficial mutual relations between people.[32] In the opinion of the Klaipėda City District Court, public order is the general rules of public behaviour based on the principles of morality and mutual respect that exist in society.[33]

Some definitions of public order can also be found in legal doctrine. According to Lithuanian legal doctrine, public order is the general rules of external behaviour adopted in society, grounded on mutual respect. Compliance with these rules ensures the ordinary course of public life, tolerant communication, civilised ways of resolving conflicts between people and refraining from aggressiveness in realising one's interests.[34] According to M. Hejduk, a Polish legal expert, the public order is a system of actual social relations regulated by the law and other

[28] Seimas of the Republic of Lithuania, *Lietuvos Respublikos policijos įstatymas*, No VIII-2048, October 17, 2000, last amendment No XIV-1208, June 28, 2022, TAR, https://www.e-tar.lt/portal/lt/legalAct/TAR.CA8937 2D00AA/asr

[29] Supreme Court of Lithuania, *Criminal case No 2K-7-404/2014*, Ruling, December 2, 2014, eteismai.lt, https://eteismai.lt/byla/201223916673628/2K-7-404/2014.

[30] „Viešoji tvarka", Visuotinė Lietuvių enciklopedija, accessed May 3, 2023, https://www.vle.lt/straipsnis/viesoji-tvarka/

[31] Supreme Court of Lithuania, Civil case No 3K–3–546–915/2015, Ruling, November 11, 2015, eteismai.lt, https://eteismai.lt/byla/275484003091431/3K-3-546-915/2015.

[32] Supreme Court of Lithuania, Criminal case No 2K-264/2003, Ruling, April 8, 2003, Teisės gidas, https://www.teisesgidas.lt/modules/paieska/lat.php?id=19238.

[33] Klaipėda City District Court, Case of administrative law violations No A2.9.–594–889/2014, Resolution, March 14, 2014, eteismai.lt, https://eteismai.lt/byla/177352662858874/A2_9_-594-889/2014.

[34] Gintaras Švedas, ed., Lietuvos Respublikos baudžiamojo kodekso komentaras. Specialioji dalis (Vilnius: VĮ Registrų centas, 2009), 483.

norms accepted in society, guaranteeing individuals' undisturbed and conflict-free functioning.[35]

Unlike the legal norms of Lithuania, the definitions of public order can be found in the legal acts of other states. For example, in the Estonian Law Enforcement Act, public order is defined as a state of society where adherence to legal provisions and protection of persons' personal *and legal rights are guaranteed*.[36]

To ensure the clarity of legal regulation and to consider the practice of other states, we recommend that the meaning of the *public order* clearly define in Lithuanian legal acts.

Grave Violation of Public Order

As mentioned, according to the Lithuanian Criminal Code, Riot is considered to occur when there is a grave violation of public order. Article 283 of the Criminal Code does not explain the concept of *grave violation of public order*. It only provides several examples of what is considered a grave violation of public order. Such a violation of public order can be committed by performing public violence and/or destroying property. The logical construction of the article makes it evident that *public violence* or *destruction of property* in itself gravely violates public order - in other words, these are formalised cases of grave violation of public order.[37] The content of the legal norm of Article 283 shows that the list of provided actions is not exhaustive. In addition to these actions, other grave violations of public order may occur. What are the other cases of grave violation of public order? It is left for the court to decide.

In the event of a *violation of public order*, criminal liability may arise under Article 283 or Article 284 of the Criminal Code. Accordingly, when determining violations of public order, the guidance can provide Article 284 of the Criminal Code, where we can find the concept of violation of public order. According to Article 284, *a violation of public order* is a display of disrespect for others and the environment. The forms of disrespect are *insolent behaviour*, *threats*, *taunting*, or *vandalism*.[38]

Considering Article 284, it can be said that Riots have to have the outcome of *disrupting public peace or order*. The motive for riots is protest, disrespect for public order and general rules of conduct, and publicity (riots go beyond private conflict). Their purpose is to draw attention and resonate.[39]

When deciding whether the perpetrator's actions caused these consequences, the reaction of those around them, the number of victims, and how long the illegal activities lasted must also be considered.[40] The Supreme Court, in his practice, states that these consequences are determined taking into account whether physical violence was used in a public place, whether the people around them felt grossly humiliated or shocked, whether the rest or work of companies was interrupted, significant material damage was caused, the normal activities of

[35] Monika Hejduk, „Zakres znaczeniowy porządku publicznego" *Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona w Legnicy*. 2020:1(34).
[36] Riigikogu, *Law Enforcment Act*, Article 4.
[37] Paulius Veršekys, „Vertinamieji nusikalstamos veikos sudėties požymiai". (PhD diss., University of Vilnius, 2013*),* 267, eLABa talpykla. http://talpykla.elaba.lt/elaba-fedora/objects/elaba:2027563/datastreams/MAIN/content.
[38] Supreme Court of Lithuania, *Criminal case No 2K-141/2015*, Ruling, January 13, 2015, https://eteismai.lt/byla/276938245650370/2K-141/2015.
[39] „Riaušės," Visuotinė lietuvių enciklopedija, accessed April 15, 2023, https://www.vle.lt/straipsnis/riauses/.
[40] Supreme Court of Lithuania, *Criminal case No 2K-19-511/2020*, Ruling, February 2, 2020, eteismai.lt, https://eteismai.lt/byla/72941671512005/2K-19-511/2020?word=priverstinis%20darbas.

companies or institutions were disrupted, people were caused great fear, or whether there was confusion, cancellation of their event, traffic stop, etc.[41]

The question arises regarding the meaning of the forms of grave violation of public order - *public violence*, *destruction of property* and *others* - specified in Article 283 of the Criminal Code of Lithuania. The following examines the meaning of these concepts.

Public violence

Article 283 of the Criminal Code does not define what is considered violence. Cambridge Dictionary defines violence as actions or words intended to hurt people.[42] In practice, violence can take many forms. There may be physical violence, psychological violence, verbal violence (including hate speech), and others. So, the question is, what kind of violence is considered a riot? To answer this question, we can refer to legal doctrine and court practice, which examines not only the crimes of riots according to Article 283 of the Criminal Code but also violations of public order, which are punishable according to Article 284 of the Criminal Code.

When applying the criminal liability provided for in Article 284 of the Criminal Code for violations of public order, the Courts classify public violence as *insolent behaviour*. In the legal doctrine, the concept of *insolent behaviour* is defined as *aggressive, morally unacceptable, shocking actions or inactions that disturb public peace and public order*.[43] In court practice, violence against a person in a public place is usually considered insolent behaviour, [44] even in cases where the person's health is unaffected by the violence.[45]

As already mentioned above, to incur liability for violations of public order, including riots, actions have to have the outcome of disrupting public peace or order. It is necessary to determine whether the violent act crosses the boundaries of a private conflict and is dangerous not only for a specific participant in the conflict but also for the environment or society.[46] Insolent behaviour manifests itself in violence against a person in a public place and, as a result, disrupts public peace.[47] Meanwhile, punching someone in public without an apparent reason shows the offender's disrespect for those around him.[48]

The violence attributed to such behaviour can be directed not only at people but also at animals. The Supreme Court of Lithuania has noted that shooting storks in front of people during the day is impudent behaviour. According to the court, by shooting white storks in public, the convict realised that he was disrespecting the traditions of the Lithuanian nation to protect and respect this bird, caused the indignation of those who saw the event and people living nearby, showed disrespect to those around him and the environment, and disturbed public peace.[49]

---

[41] *Criminal case No 2K-19-511/2020*.
[42] „Violence," Cambridge Dictionary, accessed April 15, 2023, https://dictionary.cambridge.org/dictionary/english/violence
[43] Gintaras Švedas, ed., Lietuvos Respublikos baudžiamojo kodekso komentaras. Specialioji dalis (Vilnius: VĮ Registrų centas, 2009), 252.
[44] *Criminal case No 2K-19-511/2020*.
[45] Supreme Court of Lithuania, *Criminal case No 2K-134/2014*, Ruling, January 14, 2014, https://eteismai.lt/byla/40842212711138/2K-134/2014.
[46] *Criminal case No 2K-141/2015*,
[47] *Criminal case No 2K-19-511/2020*,
[48] *Criminal case No 2K-19-511/2020*; Supreme Court of Lithuania, *Criminal case No 2K-652/2007*, Ruling, October 30, 2007, https://eteismai.lt/byla/68969738312096/2K-652/2007; Supreme Court of Lithuania, *Criminal case 2K-452/2011*, Ruling, October 18, 2011, https://eteismai.lt/byla/212675717164810/2K-452/2011.
[49] Supreme Court of Lithuania, *Criminal case No 2K-334/2004*, Ruling, May 4, 2004, Teisės gidas, https://www.teisesgidas.lt/lat.php?id=25308.

Psychological and verbal violence (including hate speech) are also classified as public violence, punishable under Articles 283 and 284 of the Criminal Code when committed in a *public place*.[50] Such psychological abuse manifests itself in threats and taunting.

Threats are intimidation, manifesting as threats to kill or harm health or destroy or damage property. Various acts such as insults, threats, some hooligan acts such as making noise to cause fear or anxiety, and the like can be recognised as intimidation.[51] Such actions cause another person fear, stress, tension, and insecurity.[52] Even various unauthorised marches or demonstrations can also be considered riots; when various posters promoting violence are displayed, the march's participants threaten others by their appearance and behaviour.[53]

Taunting can be defined as the demonstrative humiliation of people's dignity through various words and actions. [54] This can include profanity or dousing a person with a liquid that smells like faeces.[55] If the taunting actions are aimed at humiliating a specific person, this has to be qualified as bullying. When such actions express general dissatisfaction, i. e. the person humiliated by the actions is not necessarily the cause of dissatisfaction - he may be an accidental victim who happened to be near the person performing the actions at the time. Such actions are qualified as a violation of public order. If a group of persons grossly violates public order, such actions should qualify as riots.

According to judicial practice, to establish the reality of a threat, it is not necessary to prove that the person making the threat intended to carry out the threat. It is sufficient to determine that the victim, according to the expression of the *threat* and other circumstances, had reason to fear the threatening actions, and the perpetrator wanted precisely this state of the victim.[56]

The conducted survey made it possible to determine whether police officers can recognise outcomes of public violence, which indicates that riots are taking place or have occurred. In response to the question asking to choose from the given list the answers meaning outcomes typical of riots, 74.2 per cent of respondents indicated *public physical violence*, 72.6 per cent indicated *disruption of the normal activities of an institution, or organisation*, 64.5 per cent indicated *shocking the society*, 58.1 per cent chose a *disruption of the normal life*, 50 per cent indicated *frightening the community*, 29 per cent indicated *public psychological violence* and one respondent indicated that he did not find a single correct answer. Respondents had to select all of the listed outcomes for the correct answer. The responses show that police officers lack knowledge about the effects of riots.

Public destruction of property

The concept of the *destruction of property* can be compared to the concept of *vandalism*, which is also punishable under Article 284 of the Criminal Code. Article 284 stipulates that a

[50] Supreme Court of Lithuania, *Criminal case Nr. 2K-327-696/2016*, Ruling, October 18, 2016, https://eteismai.lt / byla / 50528084947341/2K-327-696/2016
[51] *Criminal case Nr. 2K-327-696/2016.*
[52] *Criminal case Nr. 2K-327-696/2016.*
[53] E. Gruodytė et al., *Lietuvos Baudžiamoj teisė. Specialioji dalis. Antroji knyga* (Kaunas: Vytauto Didžiojo universiteto leidykla, 2022), 656-657.
[54] *Criminal case No 2K-141/2015*; Klaipėda Regional Court, *Criminal case No 1A-18-557/2020*, Ruling, January 23, 2020, https://eteismai.lt/byla/255810361434008/1A-18-557/2020
[55] Supreme Court of Lithuania, *Criminal case No 2K-557/2014*, Ruling, December 30, 2014, https://eteismai.lt /byla/185692598673854/2K-557/2014.
[56] Supreme Court of Lithuania, *Criminal case No 2K-410-693/2015*, Ruling, October 13, 2015, https://eteismai.lt/ byla/ 265610887084591/2K-410-693/2015.

violation of public order occurs when disrespect to the surrounding people or the environment is demonstrated in a public place by acts of vandalism, thereby disrupting public peace or order. Vandalism is defined as *the intentional and malicious destruction of or damage to the property of another*.[57] Vandalism is generally understood as smashing, destroying, or setting fire on someone else's property, sprinkling paint, etc.[58] During a violation of *public order*, vandalism includes violent behaviour that involves the destruction of public or private property, such as - *breaking, burning or smearing benches in streets and parks; spreading buildings with graffiti; knocking down telephone booths or bus stops, breaking windows and other similar actions*.[59] The practice of the Supreme Court of Lithuania states that *vandalism is aimless, senseless, unmotivated destruction of cultural and artistic heritage and other property in parks, squares and cemeteries, as well as burning, devastation and destruction of cultural and religious buildings, house facades, showcases, and other objects*.[60] The court also recognised as vandalism the burning of an apartment building corridor intending to take revenge on private individuals since the corridor is considered a public place.[61]

Other violations of public order

There are no references in the Lithuanian legal acts as to what *other violations of public order* are punishable under Article 283 of the Criminal Code. It is left to the discretion of the courts to decide.

There needs to be more case law on this issue. The actions of farmers during the 2003 riot can be attributed to such activities. The Supreme Court of Lithuania concluded in its decision that *blocking the highways, which stops the traffic and thus disrupts the work of the institutions, is a sufficient basis to recognise that public order has been grossly violated*.[62]

The gravity of the actions

Although individuals are punished for violating public order under Article 283 (riots) and Article 284 (violation of public order) of the Criminal Code of Lithuania, it should be noted that the degree of aggressiveness of actions under Article 283 differs from Article 284. For a person to be prosecuted under Article 283, he must commit a *grave violation* of public order by his actions. At the same time, under Article 284, criminal liability arises for *violating* public order. In its practice, the Supreme Court of Lithuania noted that *the gravity of the actions* is essential in deciding whether the perpetrators' actions should be attributed to the crimes punishable under Article 283 or Article 284.[63]

The term *grave violation* of public order is exclusively used in Article 283 of the Criminal Code of Lithuania. In other articles of the Criminal Code, such a sign of violation is not distinguished. The Lithuanian dictionary interprets the word grave as *impermissible*, *huge*

[57] „Vandalism," Farlex, The Free Dictionary, accessed April 15, 2023, https://legal-dictionary.thefreedictionary.com/Vandalizm
[58] Gintaras Švedas, ed., Lietuvos Respublikos baudžiamojo kodekso komentaras. Specialioji dalis (Vilnius: VĮ Registrų centas, 2009), 483.
[59] Gruodytė, „Takoskyra," 91.
[60] *Criminal case No 2K–160-697/2019.*
[61] Supreme Court of Lithuania, *Criminal case No 2K-89-139/2016*, Ruling, March 8, 2016, https://eteismai.lt/byla/77668317389247/2K-89-139/2016.
[62] *Criminal case No 2K-7-393/2005*
[63] Supreme Court of Lithuania, *Criminal case No 2K-552/2012*, Ruling, December 4, 2012, https://eteismai.lt/byla/142907711661131/2K-552/2012.

(deviation), impolite, and rude.[64] In their practice, Lithuanian courts have repeatedly noted that grave violation of public order is an evaluative feature[65] that is determined by taking into account the specific factual circumstances of the case, the degree of aggressiveness, cynicism, and immorality of the actions.[66]

In court practice, the event of 2009, during which offenders threw various objects at the windows of the Seimas, rushed into the Seimas, threw gas canisters, blocked traffic in the surrounding streets near the Seimas and across the Žvērynas bridge, and disrupted the work of institutions, was recognised as a riot (grave violation of public order).[67] Another example of a grave violation of public order can be the actions of another person during the 2009 riots. A person, being *near the Seimas of the Republic of Lithuania <...>, in Vilnius, during the riots, being drunk, used obscene words, threw stones, snowballs, eggs, and other objects at the police officers and Public Security Service (PSS) officers, and the Seimas, disobeyed to the legal order of the police officer to stop and kicked him once in the chest and hit him in the face with his hand, insulted the police officers and PSS officers with obscene words, kicked a garbage container.* [68]

Regarding the gravity of the actions, it should also be noted that not all police officers who participated in the survey know what criteria must be considered when assessing the gravity of the actions and what events are considered a *grave violation of public order*.

When choosing answers to the question of what criteria should be considered in assessing the gravity of the action, 88.7 per cent of the officers indicated the *degree of aggressiveness*, 66.1 per cent indicated *immorality*, 59.7 per cent indicated *shocking others*, 59.7 per cent indicated *disruption of everyday life*, 53.2 per cent indicated *cynicism* and 30.6 per cent indicated the *duration of actions*. It should be noted that the correct answer is a choice of all listed criteria.

Marking which of the specified events should be considered as events that grossly violate public order, 93.5 per cent of respondents chose *throwing explosive devices in a public place during an event*, 83.9 per cent chose *to throw objects at the windows of the Seimas*, 66.1 per cent chose *blocking highways*, 56.5 per cent chose *resistance to a civil servant*, 46.8 per cent picked *intentional damage to official vehicles*, 24.2 per cent chose *violence in prison when the victims suffered minor health disorders*. For the correct answer, the respondents had to select all the answers, except *violence in prison, when the victims suffered minor health disorders*.

Respondents' answers to questions show that police officers lack knowledge about what criteria must be considered when assessing the gravity of the actions and what events are considered a *grave violation of public order. Not* all of them can notice all possible *outcomes of riots.* In addition, it should be noted that 80.7 per cent of respondents also indicated that they had no specialised training related to riots, and 56.5 per cent of the respondents indicated that they did not even have specialised training in the field of assessment of violations of public order.

Considering the complexity of the riot cases and survey results, we recommend establishing special riot recognition and qualification training for police officers.

[64] „Šiurkštus," Žodynas.lt, accessed April 15, 2023, https://www.zodynas.lt/terminu-zodynas/SS/siurkstus.
[65] *Criminal case No 2K-7-393/2005*; 2nd District Court of Vilnius City, *Criminal case No 1-15-503/2011*, Judgment, February 25, 2011 https://eteismai.lt/byla/77529163092769/1-15-503/2011.
[66] Gruodytė et al., *Lietuvos Baudžiamoj teisė*, 658.
[67] *Criminal case No 1-15-503/2011.*
[68] *Criminal case No 1-15-503/2011.*

Gathering of People

For the grave violation of public order to be considered a riot, the act must be committed *by a gathering of people*.[69] In the Oxford Dictionary, a *gathering* is *a meeting of people for a particular purpose*.[70] In the doctrine, the *gathering of people* is defined as a *meeting of people not connected by organisational structural ties in one place*[71] *or* as *a voluntary gathering of a crowd of people in one place.* [72]

A gathering of people can arise for various reasons, for example, due to an event (concert, basketball competition, football competition, etc.) or participation in a rally, peaceful assembly, demonstration, or just to have a good time.[73]

It should be noted that the legal acts do not define the number of people who must gather to be considered a *gathering of people*. This is left to the discretion of the court. In its practice, the Supreme Court of Lithuania noted that *a gathering of people in the sense of Article 283 of the Civil Code should be understood as a sufficiently large group of people gathered in a particular place (area)*.[74] According to the opinion of Vilnius 2nd district court, a gathering of people must consist of *a sufficiently large number of people*.[75] In its practice, the court did not recognise five persons who actively participated in fights as a *gathering of people* because, in its opinion, such a number is not large. The court noted that *no matter how gravely the public order was violated, the number of persons who violated it in this case clearly does not reach such a level that it would be a basis to state that there was a gathering*.[76] The Supreme Court of Lithuania recognised as a *gathering of people* a group of 500 people and a group of 1500 people who gathered on the main road in 2003[77] and a group of 3500 people who gathered near the Seimas in 2009.[78] And finally, the police estimated that 6000 people gathered during the 2021 riot.[79]

It should be noted that the court, assessing the seriousness of the riot situation, considers the entire "gathering of people" a participant in the riot, although not all members of the "gathering of people" actively participate. According to the court, *participants of such a group use united forces to commit violence, destroy property or otherwise gravely violate public order; at the same time, each of them supports the actions of the other by their actions. This kind of joint action should be considered to pose a greater risk than the actions of individuals or a small group of (several) individuals*.[80]

It should be noted that the legal regulation of riots in some other states differs from the legal regulation of Lithuania. In those states, the focus is not on the *gathering of people* but on the number of active participants. However, the number of participants that cause a riot also varies among states. For example, In Ireland and Great Britain, twelve or more persons who are

[69] *Lietuvos Respublikos baudžiamasis kodeksas*, Article 283.
[70] Hornby, *Oxford Advanced Learner's Dictionary*, 531.
[71] Olegas Fedosiukas, „Nusikaltimai ir baudžiamieji nusižengimai viešai tvarkai," infolex.lt., accessed May 1, 2023, https://www.infolex.lt/portal/diskusijos/docs/13_11_40_nBK%20apzvalga%20specialioji%20dalis.doc, 1.
[72] Gruodytė et al., *Lietuvos Baudžiamoj teisė*, 657.
[73] Gruodytė et al., *Lietuvos Baudžiamoj teisė*, 657.
[74] *Criminal case No 2K-552/2012*
[75] *Criminal case No 1-15-503/2011.*
[76] *Criminal case No 1A-137-317/2011.*
[77] *Criminal case No 2K-7-393/2005*
[78] *Criminal case No 1A-152-303-2012.*
[79] Lietuvos Policija, „Teismui perduota 2021 m. rugpjūtį prie Seimo vykusių riaušių byla," policija.lrv.lt, accessed 28 April 2023, https://policija.lrv.lt/lt/naujienos/teismui-perduota-2021-m-rugpjuti-prie-seimo-vykusiu-riausiu-byla.
[80] *Criminal case No 2K-552/2012*

present together use or threaten unlawful violence commit a riot,[81] whereas, in the Colorado Revised Statutes 2021 and U.S. Code, a riot means a public disturbance involving an assemblage of three or more persons.[82]

In addition, it should be noted that the officers who took part in the survey also found it difficult to answer the question of what group of people they think constitutes a *gathering of people*. The answers given by the officers varied widely. Only 32.3 per cent of the officers' answers correspond to court practice. They stated that a *gathering of people* is when more than 100 people gather. Meanwhile, other respondents indicated a much smaller number of people. 45.2 per cent indicated that a *gathering of people* is when 11 to 30 people gather, 16.1 per cent indicated 31 to 50 people, 3.2 per cent chose the answer up to 10 people, 1.6 per cent indicated 51 to 75 people and 1.6 per cent of the participants indicated that the *gathering of people* consists of 76 to 100 people.

Considering the difficulties of police officers in determining the *gathering of people* and taking into account the practice of other states, and the fact that not the full *gatherings of people* are prosecuted, but only active participants in riots (the analysis is provided below), we suggest abandoning the concept of the *gathering of people* in the definition of the riot. Instead of this requirement, it would be better to determine the number of persons who are actively violent in the group, which would indicate that a riot is taking place. We suggest providing that there is a riot when 12 persons commit a grave violation of public order. It should be established that how many people are around the active rioters is not essential.

Complicity

Article 282 of the Criminal Code of Lithuania states that criminal liability arises for those who organised or provoked a gathering of people to commit violence and who *committed* violence. The Supreme Court of Lithuania has noted in his practice that *the composition of participation in riots determines the complicity as a necessary feature because riots, which are generally called grave violations of public order, only can be publicly committed by a group of people, i.e. a sufficiently large number of people.* [83] This means participation in riots without sharing with other participants in the gathering is impossible.[84]

A Riot can happen spontaneously. For example, the riot of 2009 arose after the end of the meeting "Stop the impoverishment of people, the destruction of business, the destruction of sports, press and culture" organised by the Lithuanian Labor Federation, the Confederation of Lithuanian Trade Unions and the Lithuanian trade union "Solidarumas".[85] Accordingly, there is no formal partnership agreement. According to court practice, a pre-planned, detailed plan to commit a crime, a division of roles, or a pre-arrangement is not necessary for a group of accomplices in a riot crime. Collusion can be predicted from conclusory actions, which show the person's will to participate together in a gathering (group of people, company, crowd) with others in criminal acts. A person can express his attitude by showing active support for the violence of other persons, destruction of property, or other gross violations of public order by his actions and by actively contributing to these actions.[86] In the court's opinion, riot

[81] *Public Order Act 1986*, Part 1. Section 1.
[82] *Colorado Revised Statutes 2021* , § 18-9-101 (2); 18 U.S. Code 102 (2006), § 2102, Legal informatikon institute, accessed May 4, 2023, https://www.law.cornell.edu/uscode/text/18/2102.
[83] *Criminal case No 1-15-503/2011.*
[84] *Criminal case No 1-15-503/2011.*
[85] *Criminal case No 1A-152-303-2012.*
[86] *Criminal case No 1A-152-303-2012.*

participants must answer as accomplices because they express their consent to participate in the criminal act through their active actions. It is not important at what time during the riot each offender carried out their actions, grossly violating public order.[87]

Systematic interpretation of Articles 24 (Complicity and types of accomplices) and 283 of the Criminal Code of Lithuania allows us to conclude that in the case of riots, the participants of a group of accomplices can act as riot organisers, instigators, or executors. According to Article 283 of the Criminal Code of Lithuania, *organising* or *provoking* riots, as well as *participating* in riots, is punishable. It must be said that the participants perform their actions in the riots only with direct intention, i.e. the perpetrator realises that he organises or provokes gross violations of public order by a group of people or actively performs these actions himself and wants to act this way.[88]

The *organisation* of a riot manifests itself in actions aimed at providing organisation and directionality to the individuals present in the gathering. The organisation itself can be spontaneous or pre-planned. It does not matter what steps the organiser takes to make the group's actions more effective. It can be calling people to gather, directing the gathered people to a single goal, giving instructions to individual people and groups, providing items intended to injure the body or destroy property, predicting provocations, and other actions.[89]

The court practice shows a similar approach. In the riot of 2003, the court recognised A.K. and B.M. as organisers. They called Lithuanian farmers to protest, organised rallies near the main highways, coordinated the actions of the rally participants, ordered to carry out the planned agreement, thus coordinated the activities of the farmers, and urged them to disobey the police officers.[90]

According to Articles 24 and 283 of the Criminal Code of Lithuania, the *instigator* is responsible for the actions by which he provokes a riot. Provocation of the riot manifests itself in the involvement, incitement, and encouragement of persons to commit a criminal act. Such actions may include instructions, various shouts to start anti-social activities or to resist police officers, inciting aggression, and spreading false information that does not correspond to reality, but causes individuals to have contradictory thoughts and encourage them to commit violence, act aggressively or otherwise violate public order.[91] For example, the court found out that in the riot of 2009, Č. B. carried out active acts of provocation. Covering his face with a respirator, standing in front of a crowd of people, he campaigned with hand gestures and words to attack the officers and the Seimas building, shouted and whistled, aggressively approached the officers, provoked them, and rushed to the doors of the Seimas.[92]

According to court practice, in the event of a riot, not the entire *gathering of people* is prosecuted, but only the *active participants*.[93] Criminal liability arises only for those *participants* in the riot who disturbed public order by *active actions*. For example, out of 3500 persons who formed the *gathering of people*, 35 were recognised as active participants in the riot of 2009 and were prosecuted.[94]

[87] *Criminal case No 2K-552/2012*
[88] *Criminal case No 1-15-503/2011.*
[89] Fedosiukas, „Nusikaltimai," 1.
[90] *Criminal case No 2K-7-393/2005.*
[91] Fedosiukas, „Nusikaltimai," 1; *Criminal case No 1-15-503/2011.*
[92] *Criminal case No 1A-152-303-2012.*
[93] *Criminal case No 1A-152-303-2012.*
[94] *Criminal case No 1A-152-303-2012.*

The mere presence of a person in a place where riots are taking place cannot bring him either criminal or administrative liability.[95] Accordingly, to be recognised as an *executor*, he must participate in a riot by active actions, performing the acts provided for in Article 283, i.e., he must commit violence, destroy the property of others, or otherwise grossly violate public order. For example, in the riot of 2003, individuals were recognised as active riot participants (executors) because they blocked the main road with tractors, which disrupted traffic and disrupted the work of border checkpoints.[96] In the riot of 2009, A.D. was recognised as one of the most active participants, characterised by the intensity of illegal actions. Covering the lower part of his face with a scarf, A.D. acted among other persons, constantly changing his location: he went to groups of people, shouted, cursed, whistled, and threw various objects - stones, debris, sticks in the direction of the Seimas; he campaigned for people to throw things at the Seimas and occupy it; he threw snow, pieces of ice, broken tiles, bottles, stones at the officers; he beat the officers' protective shields with his hands; he grabbed the gas charges before they could trigger and threw them back at the officers; he broke the sidewalk, broke the fence of the adjacent construction site and the fountain bars; he broke one window of the Seimas; he threw stones at the windows of cafes on the street.[97]

Eight survey participants, who completed a pre-trial investigation in a riot case, answered an open question about what difficulties they faced during the pre-trial investigation when identifying the riot organiser, instigator, and participant.

Most pre-trial investigation officers who participated in the survey indicated they had no difficulties identifying the riots' organiser. One respondent stated that there are difficulties in gathering evidence in cases where the organiser organises remotely (with the help of social media). If the riots were organised only in the social space of the Internet, it would be challenging to detect such information since it may be posted in a closed group or on a web page visible only to a particular group of individuals. As a result, sometimes, no trace of an organisation remains. It is easier to identify the organiser if the organisation takes place during a live event.

Pretrial investigation officers indicated the following difficulties they face when identifying a riot instigator: when the person's actions were not recorded on video and audio, it is challenging to prove instigation; the sound quality of the video material is not always good, it is difficult to hear what people are saying, urging and the like; it is difficult to prove that a person is an instigator if he does not express thoughts in a public place that are aimed at encouraging others to commit a criminal act and such actions are not recorded on video or audio; it is difficult to determine how the instigator involves or encourages other people to join the riot because it sometimes happens before the crowd gathers.

The respondents' answers also show that, in practice, the instigator is not always identified in the riot investigation. One pretrial investigation officer noted that instigation was not emphasised during the riot investigation in 2021. Such an approach is confirmed by court practice. The analysis of court decisions in the 2009 riot case shows that acts of provocation were classified as active participation in a riot and have not been analysed separately.[98]

[95] European Court of Human Rights, *Case of Laniauskas v. Lithuania*, Application no. 6544/20, May 17, 2022, HUDOC database, https://hudoc.echr.coe.int/eng?i=001-217248; 2nd District Court of Vilnius City, *Case of administrative law violation, No A2.11.-706-497/2009*, Ruling, March 17, 2009, https://e-teismai.lt/byla/48014 23064448/A2_11_-706-497/2009.

[96] *Criminal case No 2K-7-393/2005.*

[97] *Criminal case No 1A-152-303-2012.*

[98] *Criminal case No 2K-552/2012*

In practice, when identifying a participant in a riot, it takes much time for the pre-trial investigation officers to review a large amount of footage and record in writing the facts relevant to the pre-trial investigation because there are many active and passive participants in the riot. Therefore, it takes time to identify the rioters and their actions. Some rioters wear masks, so it is difficult to find them if they are not arrested at the scene. Suppose a participant in the riot is wearing a mask. In that case, it is necessary to select the route of his movement with the help of video cameras and find where he takes off the mask so his facial features can be identified. Also, once a participant in the riot is identified, it isn't easy to find him because the participants gather from different parts of Lithuania, and their place of residence does not match the declared place of residence.

In some countries, such as Canada, wearing masks during riots provides greater punishment for rioters than for a participant who did not hide his identity. Article 65 of the Criminal Code of Canada[99] states that *[e]very person who takes part in a riot <...> is liable to imprisonment for a term of not more than two years*. In contrast, a *person who commits an offence [a riot] while wearing a mask or other disguise to conceal their identity without lawful excuse is <...> liable to imprisonment for a term of not more than 10 years*.

Considering other countries' experience, it is recommended to provide stricter liability in Lithuania for persons who participate in riots without justifiable reason wearing masks and hiding their identity.

The survey participants also noted that the existing legal regulation of riots has certain shortcomings. It is difficult to distinguish the qualifying features of riot crimes from those of public order violations. There is also a lack of clarification of the concepts presented in Article 283 of the Criminal Code of Lithuania.

Conclusions

The performed analysis allows us to draw the following conclusions and make recommendations:

The definition of the riot - a grave violation of public order by a gathering of people, and lack of explanation of the concepts of a "gathering of people" and a "grave violation of public order", leaves the court with wide discretion on how to interpret the content of the Article 283 of the Criminal Code of Lithuania.

Riots can occur both in a public place and in a private place, spreading to a public place; therefore, concerning riots, it is not appropriate to assess whether the violation occurs in a public or private place when determining a grave violation of public order. It is recommended to establish in Article 283 of the Criminal Code of Lithuania the condition that a riot may occur in private and public places.

The definition of public order is formulated neither in Articles 283 and 284 of the Criminal Code nor in other legal acts. To ensure the clarity of legal regulation and consider the practice of other states, it is recommended that the meaning of the concept of *public order* is clearly defined in Lithuanian legal acts.

Article 283 of the Criminal Code does not explain the concept of *grave violation of public order*. It can be public violence, destruction of property and others. Public violence can take many forms. This can be physical violence - insolent behaviour, and psychological or verbal violence, which manifests itself in threats and taunting. There are no references in the

[99] Parliament of Canada, *Criminal Code (R.S.C., 1985, c. C-46)*, Justice Laws Website, last modified May 25, 2023, https://laws-lois.justice.gc.ca/eng/acts/C-46/page-7.html#h-116101

Lithuanian legal acts as to what other violations of public order can be. The low number of riot cases does not create conditions for the courts to fill the gaps in legal regulation.

Riots have to have the outcome of disrupting public peace or order. The analysis of survey results shows that Police officers lack knowledge about the effects of riots.

The aggressiveness of actions under Article 283 (riots) is higher than Article 284 (infringement of public order). *Grave violation* of public order is exclusively used in Article 283. Not all police officers know what criteria must be considered when assessing the gravity of the actions and what events are considered a gross violation of public order.

Considering the complexity of the riot cases, it is recommended to establish special riot recognition and qualification training for police officers; it is also recommended to provide definitions of a *gathering of people* and a *grave violation of public order* in the Criminal Code of Lithuania.

Criminal Code does not define the number of people who must gather to be considered a *gathering of people*. This is left to the discretion of the court. Considering the variety of court decisions and difficulties of police officers in determining the "*gathering of people"* and considering the practice of other states, it is recommended to abandon the existing concept of the *gathering of people* in the definition of the riot. Instead, it is recommended to focus on the number of active violators of public order. The Criminal Code should establish that a group of twelve people committing a *grave violation of public order* is enough for them to incur criminal liability for the rioting.

Complicity is a necessary feature in riot crimes. However, a detailed plan to commit a crime, a division of roles, or pre-arrangements are not required. Collusion can be predicted from conclusory actions, which show the person's will to participate in a gathering with others in criminal acts. The members' roles are riot organiser, riot instigator, and active riot participant.

It may be challenging to identify the riot organiser if he organises riots online on social media since the information may be posted in a closed group or on a web page visible only to a particular group of individuals.

It can be challenging to identify the actions of a riot instigator when he provokes people before the crowd gathers or when he does not express his thoughts in a public place. Such activities are only sometimes recorded on video or audio. In the video material, where the crowd's actions are recorded, it isn't easy to hear what a specific person is saying, urging, and the like.

It takes time to identify the active participants in a riot due to the significant number of footage and record review and a large amount of the facts to be recorded in the case documents; there are many active and passive participants in the riot, some of the rioters wear masks, a place of residence of participants does not match the declared place. The Criminal Code is recommended to provide stricter liability for persons who participate in riots by wearing masks without justifiable reason and concealing their identity.

References

1. "Convention for the Protection of Human Rights and Fundamental Freedoms," opened for signature November 4, 1950, *European Treaty Series* no. 5. https://www.coe.int/en/web/con-ventions/full-list/-/conventions/treaty/005.
2. 2nd District Court of Vilnius City, *Case of administrative law violation, No A2.11.-706-497/2009*, Ruling, March 17, 2009, https://e-teismai.lt/byla/4801423064448/A2_11_-706-497/2009.

3. 2nd District Court of Vilnius City. *Criminal case No 1-15-503/2011*, Judgment, February 25, 2011, https://eteismai.lt/byla/77529163092769/1-15-503/2011.
4. Alfa.lt. „Kaune dešimtys futbolo sirgalių sulaikyti, aštuoni – sužeisti,“, accessed April 15, 2023. https://www.alfa.lt/straipsnis/10875172/kaune-desimtys-futbolo-sirgaliu-sulaikyti-astuoni-suzeisti/.
5. Cambridge Dictionary. „Violence,“ accessed April 15, 2023. https://dictionary.cambridge.org/dictionary/english/violence
6. Colorado General Assembly. *Colorado Revised Statutes 2021*, accessed May 3, 2023. https://leg.colorado.gov/sites/default/files/images/olls/crs2021-title-18.pdf.
7. European Court of Human Rights, *Case of Laniauskas v. Lithuania*, Application no. 6544 /20, May 17, 2022, HUDOC database. https://hudoc.echr.coe.int/eng?i=001-217248;
8. Farlex, The Free Dictionary. „Vandalism,“ accessed April 15, 2023. https://legal-dictionary. thefreedictionary.com/Vandalizm
9. Fedosiukas Olegas. „Nusikaltimai ir baudžiamieji nusižengimai viešai tvarkai,“ infolex.lt., accessed May 1, 2023. https://www.infolex.lt/portal/diskusijos /docs/13_11_40_nBK%20 apzvalga%20specialioji%20dalis.doc.
10. Gruodytė Edita, et al. *Lietuvos Baudžiamoj teisė. Specialioji dalis. Antroji knyga* (Kaunas: Vytauto Didžiojo universiteto leidykla, 2022).
11. Gruodytė Edita. „Takoskyra tarp administracinio teisės pažeidimo ir nusikalstamos veikos viešosios tvarkos sektoriuje“ *Jurisprudencija Mokslo darbai* 2007 8(98); 89–94.
12. Hejduk Monika. „Zakres znaczeniowy porządku publicznego“ *Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona w Legnicy*. 2020:1(34).
13. Hornby A S. *Oxford Advanced Learner's Dictionary of Current English*, Sixth edition 2000, (Oxford University Press 2000). https://ojs.mruni.eu/ojs/vsvt/article/view/6179 / 5239.
14. Kaunas Regional Court. *Criminal case No 1A-137-317/2011*, Judgment, April 5, 2011, eteismai.lt. https://eteismai.lt/byla/178471027456575/1A-137-317-2011.
15. Klaipėda City District Court. Case of administrative law violations No A2.9.–594–889/2014, Resolution, March 14, 2014, https://eteismai.lt/byla/177352662858874/A2_9_-594-889/2014.
16. Klaipėda Regional Court. Criminal case No 1A-18-557/2020, Ruling, January 23, 2020, eteismai.lt. https://eteismai.lt/byla/255810361434008/1A-18-557/2020.
17. Lietuvių kalbos žodynas. „Riaušės,“, accessed April 15, 2023. http://www.lkz.lt /?zodis=riau% C5%A1%C4%97s&id=23047560000.
18. Lietuvos Policija, „Teismui perduota 2021 m. rugpjūtį prie Seimo vykusių riaušių byla“, policija.lrv.lt., accessed 28 April 2023. https://policija.lrv.lt/lt/naujienos/teismui-perduota-2021 -m-rugpjuti-prie-seimo-vykusiu-riausiu-byla.
19. *Lietuvos Respublikos Konstitucija*. Adopted by the citizens of the Republic of Lithuania in a referendum on October 25, 1992, last amendment No XIV-1030, April 21, 2022, https://www.e-tar.lt/portal/lt/legalAct/TAR.47BB952431DA/asr.
20. lrytas.tv. „Riaušės Prie Seimo. “, accessed April 15, 2023. https://tv.lrytas.lt/zyme/riauses-prie-seimo.
21. Oireachtas. *Criminal Justice (Public Order) Act, 1994*, eISB, accessed May 3, 2023. https://www.irishstatutebook.ie/eli/1994/act/2/section/14/enacted/en/html.

22. Parliament of Canada. *Criminal Code (R.S.C., 1985, c. C-46)*, Justice Laws Website, last modified May 25, 2023. https://laws-lois.justice.gc.ca/eng/acts/C-46/page-7.html#h-116101.
23. *Public Order Act 1986.* Legislation.gov.uk. accessed May 4, 2023. https://www.legislation. gov.uk/ukpga/1986/64.
24. Riigikogu. *Law Enforcment Act*. RT I, 22.03.2011, 4, Riigi Teataja, accessed May 3, 2023. https://www.riigiteataja.ee/en/compare_original/506112013015.
25. Saeima. *Latvian Republic Law on Safety of Public Entertainment and Festivity Events,* LIKUMI, accessed May 3, 2023. https://likumi.lv/ta/en/en/id/111963.
26. Seimas of the Republic of Lithuania. *Lietuvos Respublikos administracinių nusižengimų kodeksas,* approved by Lietuvos Respublikos administracinių nusižengimų kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo tvarkos įstatymas, No XII-1869, June 25, 2015, last amendment No XIV-1382, July 19, 2022, https://www.e-tar.lt/portal/lt/ legalActEditions/ 4ebe66c0262311e5bf92d6af3f6a2e8b.
27. Seimas of the Republic of Lithuania. *Lietuvos Respublikos baudžiamasis kodeksas*, approved by Lietuvos Respublikos baudžiamojo kodekso patvirtinimo ir įsigaliojimo įstatymas, No VIII-1968, September 26, 2000, last amendment No XIV-1925, April 27,2023, https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/asr.
28. Seimas of the Republic of Lithuania. *Lietuvos Respublikos policijos įstatymas*, No VIII-2048, October 17, 2000, last amendment No XIV-1208, June 28, 2022, https://www.e-tar.lt/portal/lt/ legalAct/TAR.CA89372D00AA/asr.
29. Seimas of the Republic of Lithuania. *Lietuvos Respublikos susirinkimų įstatymas,* No I-317, December 2, 1993, last amendment No XIV-1775, December 23, 2022, https://www.e-tar.lt/ portal/lt/legalAct/TAR.E59A4E24506E/asr.
30. Seimas of the Republic of Lithuania. *Lietuvos Respublikos triukšmo valdymo įstatymas*, No IX-2499, October 26, 2004, last amendment No XIV-694, November 23, 2021, https://www.e-tar.lt/portal/lt/legalAct/TAR.7E6F5E3523EA/asr.
31. Seimas of the Republic of Lithuania. *Lietuvos Respublikos Viešojo saugumo tarnybos įstatymas*, No X-813, September 19, 2006, last amendment No XIV-1207, June 28, 2022, https://www.e-tar.lt/portal/lt/legalAct/TAR.2E8452AA51C0.
32. Supreme Court of Lithuania. *Criminal case Nr. 2K-327-696/2016*, Ruling, October 18, 2016, https://eteismai.lt/byla/50528084947341/2K-327-696/2016.
33. Supreme Court of Lithuania. Civil case No 3K–3–546–915/2015, Ruling, November 11, 2015, https://eteismai.lt/byla/275484003091431/3K-3-546-915/2015.
34. Supreme Court of Lithuania. Criminal case 2K-452/2011, Ruling, October 18, 2011, https://eteismai.lt/byla/212675717164810/2K-452/2011.
35. Supreme Court of Lithuania. *Criminal case No 2K-410-693/2015*, Ruling, October 13, 2015, https://eteismai.lt/byla/265610887084591/2K-410-693/2015.
36. Supreme Court of Lithuania. *Criminal case No 2K-557/2014*, Ruling, December 30, 2014, https://eteismai.lt/byla/185692598673854/2K-557/2014.
37. Supreme Court of Lithuania. *Criminal case No 2K-89-139/2016*, Ruling, March 8, 2016, https://eteismai.lt/byla/77668317389247/2K-89-139/2016.
38. Supreme Court of Lithuania. *Criminal case No 2K-141/2015*, Ruling, January 13, 2015, https://eteismai.lt/byla/276938245650370/2K-141/2015.

39. Supreme Court of Lithuania. *Criminal case No 2K-19-511/2020*, Ruling, February 2, 2020, eteismai.lt. https://eteismai.lt/byla/72941671512005/2K-19-511/2020?word=priverstinis 20darbas.
40. Supreme Court of Lithuania. Criminal case No 2K-134/2014, Ruling, January 14, 2014, eteismai.lt. https://eteismai.lt/byla/40842212711138/2K-134/2014.
41. Supreme Court of Lithuania. Criminal case No 2K-159/2009, Ruling, May 12, 2009, eteismai.lt. https://eteismai.lt/byla/272217236359181/2K-159/2009.
42. Supreme Court of Lithuania. *Criminal case No 2K–160-697/2019*, Ruling, June 6, 2019, https://eteismai.lt/byla/163174713687052/2K-160-697/2019?word=turto%20sugadinimas%20privataus%20kaltinimo.
43. Supreme Court of Lithuania. Criminal case No 2K-264/2003, Ruling, April 8, 2003, https://www.teisesgidas.lt/modules/paieska/lat.php?id=19238.
44. Supreme Court of Lithuania. Criminal case No 2K-334/2004, Ruling, May 4, 2004, https://www.teisesgidas.lt/lat.php?id=25308.
45. Supreme Court of Lithuania. *Criminal case No 2K-552/2012*, Ruling, December 4, 2012, https://eteismai.lt/byla/142907711661131/2K-552/2012.
46. Supreme Court of Lithuania. Criminal case No 2K-652/2007, Ruling, October 30, 2007, https://eteismai.lt/byla/68969738312096/2K-652/2007.
47. Supreme Court of Lithuania. *Criminal case No 2K-7-393/2005,* Ruling, October 4, 2005, https://www-infolex-lt.skaitykla.mruni.eu/tp/58917.
48. Supreme Court of Lithuania. *Criminal case No 2K-7-404/2014*, Ruling, December 2, 2014, https://eteismai.lt/byla/201223916673628/2K-7-404/2014.
49. Šiauliai District court. *Case of administrative offenses No A17-1416-874/2019*, Ruling, August 7, 2019, https://e-teismai.lt/byla/220668037529670/A17_-1416-874/2019.
50. Šimkaitytė – Kudarauskė Rūta. „Viešosios vietos sąvokos samprata ir problematika“, *Visuomenės saugumas ir viešoji tvarka, No 5 (*2011): 199-219, Mykolo Romerio universitetas.
51. Švedas Gintaras, ed. Lietuvos Respublikos baudžiamojo kodekso komentaras. Specialioji dalis (Vilnius: VĮ Registrų centas, 2009).
52. U.S. Code (2006), Legal informatikon institute, accessed May 4, 2023. https://www.law.cornell.edu/uscode/text/18/2102.
53. Veršekys Paulius. „Vertinamieji nusikalstamos veikos sudėties požymiai“. (PhD diss., University of Vilnius, 2013), eLABa talpykla. http://talpykla.elaba.lt/elaba-fedora/objects/elaba:2027563/datastreams/MAIN/content.
54. Vilnius Regional Court. *Criminal case No 1A-152-303-2012*, Judgment, April 5, 2012, https://eteismai.lt/byla/259422086628826/1A-152-303-2012.
55. Visuotinė lietuvių enciklopedija. „Riaušės,“, accessed April 15, 2023. https://www.vle.lt/straipsnis/riauses/.
56. Visuotinė Lietuvių enciklopedija. „Viešoji tvarka“, accessed May 3, 2023. https://www.vle.lt/straipsnis/viesoji-tvarka/
57. Žodynas.lt. „Šiurkštus,“ accessed April 15, 2023. https://www.zodynas.lt/terminu-zodynas/SS/siurkstus.