

Magic Powers: Are There any Laws to be Made?

Fedorova D.A.

Tyumen State University, Tyumen,

e-mail: fedorowad2123@mail.ru

In the era of scientific discoveries and the daily development of information technology, humanity has learned to get rid of previously incurable diseases and finally began to conquer unattainable outer space, has already reached unprecedented heights. Development and constant progress was predetermined by the very essence of the human race.

In this situation, there should not be a place for pseudo-scientific thoughts and belief in extrasensory perception in people`s minds. But this assumption is fundamentally wrong. According to a survey conducted by the all-Russian center for the study of public opinion (VTSIOM) in October 2016, the belief in witchcraft is not alien to a significant part of Russian citizens: 36% of the respondents believe that some people are able to request the spell, the evil eye, etc., 27% of them said that they faced such manifestations personally. Women aged 45 to 59 tend to consider witchcraft to be real more often than others.

At first sight, excessive susceptibility to such a phenomenon is not appalling, because people from ancient times were prone to believe in the "inexplicable". Such faith has its roots in human psychology: the feeling of weakness and helplessness before the trials of life, the fear of the future is a quite common phenomenon. Anyway, this belief is not only unjustified, but often leads to irreparable consequences.

Any mass media, especially television, as the most widespread, has a great influence on the formation of opinions. No wonder that the media is even called the fourth branch of power.

Nowadays, many Russian TV channels just seem to be reliable, as they have all kinds of programs that demonstrate the audience evidence of the existence of superpowers, convincing that a person can always rely on ancestral psychic, healers and magicians in a seemingly hopeless situation. All helpless people have to do is make a call.

According to the analysis of "Medialogy" company, the theme of witchcraft on TV and in the press was mentioned more than 1 million times in 2011-2016.

Extrasensory business is widely spread in Russia. Nowadays, a person can easily get a state license to be engaged in magical activities. Thousands of Internet sites, hundreds of centers for the provision of various magical services are currently functioning, offering everyone to find the long-

awaited love, solve financial problems or get rid of the evil eye. There would be no problem at all, if not for the amounts of money a person will be asked to pay. People are ready to give everything they have. Moreover, some of them even take loans, sell real estate and then fall into the ongoing debt bondage and constant meetings with collectors without getting the desired result.

It is worth saying that there is a ban on advertising services of magical nature in the Russian Federation since 1995, but in practice this ban is not taken into consideration. On the other hand, it should be noted that the possibility of bringing psychics to responsibility in Russia still exists, but the other question is how effective it is.

Generally, Russian lawyers tend to turn to article 159 of the Criminal code of the Russian Federation, providing for liability for fraud, but in practice the presence of such a composition is very difficult to prove. There is no legal framework that would regulate relations in the occult-magical sphere in detail in Russia at the moment.

In fact, there are precedents when inept magicians fell into the hands of law enforcement agencies and subsequently brought to justice, but such cases, in comparison with the scale of the problem as a whole, are rare.

Some people tend to write everything off just on the Russian mentality, finding both the root and the solution to the problem in people themselves. In fact, the population of our country turns to the help of "higher forces" quite often. Russian lawyers advise to be very careful in such cases, urge citizens to observe the correctness of the documentary registration of transactions. But, in our opinion, this problem has reached catastrophic proportions by 2019 (the market of psychic services in Russia is about 2 billion rubles) and there is nothing to be done without state's participation.

The legislator does not have a clear position on the issue under consideration now. Despite the fact that in May 2017, the bill on criminal liability for illegal magic, if they caused harm to health or damage was considerable, was submitted to the State Duma of the Russian Federation. The matter of criminal liability for such actions still remains.

There is a view that the activities of the occult and magical nature are to be subject by law. It also must be clearly separated from traditional medicine. In this way, the government will have control over extra sensors. They, in turn, will act within the framework of the contract, bearing responsibility for breach of its terms. But on the other hand, the legalization of such activities can only lead to the removal of psychic business from the shadow. In other words, its expansion.

At the moment, in the Russian Federation, psychic activity is quite legal: the services of mediums are contained in the all-Russian classifier of economic activities, and there is a system of

voluntary certification of services of healers and esoterics. But that is where it ends. It remains unclear how this activity should be regulated at the next stages.

The bill about fraud in the field of occult-magical activities provides for various penalties for fraudulent actions of psychics. The maximum of them: imprisonment for up to 10 years and fines of up to 1 million rubles. Lawyers, commenting on this bill, say that absolutely all persons, providing magical activities, cannot be equated to fraudsters, it is necessary to develop a special method of their detection. Thus, there is a reasonable question that arises at this point: “How will this technique work? Will law enforcement agencies be able to implement it in practice?”

In our opinion, it seems pointless to consider the question of the need for licensing of extrasensory activity, as it happens, for example, with traditional medicine. It seems to be impossible to create additional bases for its legalization. This can be explained by the fact that today there is absolutely no way to prove the presence of psychic abilities in anyone. For many years, scientific methods and means of detecting paranormal forces in humans have not been invented, and there is no proven case of their existence. This is the main problem: how to check the reliability of the service, if psychic abilities cannot be identified and confirmed empirically? Besides, it is very difficult to prove to citizens who suffered from hands of psychics the caused harm to health. From the point of view of the Russian legislation, such harm is insignificant and not punishable. And even if the above mentioned bill would be adopted later, how such fraud would have to be proven in practice?

That is why it seems reasonable to have laws limiting the activities of psychics or even to prohibit the provision of paid services. The same applies to the media, which continue to popularize pseudoscience. It is necessary to establish a state-power ban on advertising occult-magical activities. This ban has to be seen not only theoretically, but has to be put into practice. For example, the law of Belarus about advertising contains this ban.

In conclusion it can be said that legislative power in Russia needs to be improved and developed.

Literature:

1. O garantiakh prava grazhdan na ohranu zdorovya pri rasprostraneni reklami: Ukaz Prezidenta RF ot 17.02.1995 № 161 (red. ot 23.04.2007) // Sobryanie Zakonodatel'stva RF. — 1995. — № 8. — st. 659.
2. Ugololovni kodeks RF ot 13.06.1996 № 63-Φ3 (red. ot 27.12.2018) // Sobryanie Zakonodatel'stva RF. — 1996. — №25. — st. 2954.

1. Vserossiyski zenter izycheniya obshchestvennogo mneniya [Electroni resurs]. Rezhim dostupa: <https://wciom.ru/index.php?id=236&uid=450>
2. Lobkov Denis. Nuzhen li zakon, reglamentiruyushi deyatel`nost` ekstrasensov? [Electroni resurs]. Rezhim dostupa: <https://pravo.ru/review/view/13229/>
3. Oreshkina Anna. Budet li v Rossii ministersvo magii? [Electroni resurs]. Rezhim dostupa: <https://www.if24.ru/budet-li-v-rossii-ministerstvo-magii/>
4. Tishenko Marina. Charodei za reshotkoi: v Gosdume rassmoryat zakonoproekt o lishenii ekstrasensov-moshennikov svobodi na srok do 10 let. [Electroni resurs]. Rezhim dostupa: [//russian.rt.com/russia/article/457608-ekstrasensy-shtraf-million-tyurma](https://russian.rt.com/russia/article/457608-ekstrasensy-shtraf-million-tyurma)