

The Issues of Strengthening of the Preventive Measures in Resistance to Terroristic Crimes

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Abstract: The study is considered the main threats of the modern terrorism and examples testifying the increased public danger of modern terrorism. The researcher were suggested to increase the role and the responsibility of all civil society in resistance to terrorism. Thus, the main emphasis was put on strengthening of preventive measures of law enforcement agencies of the Republic of Kazakhstan in resistance to terrorism and involvement a broad cross-section of the population in this process.

Key words: Prevention of terrorism, modern terrorism, criminal offenses of a terroristic tendency, population, process

INTRODUCTION

Terrorism is one of the main and most dangerous problems which the modern world faces. This phenomenon in a certain degree, affects both the industrialized countries and countries which are in a process of development. At present, the terrorism threatens the safety of the majority of the countries, involving huge political, economic and moral losses. Any country and any person can be the victims of terrorism. In the course of last century, the terrorism as a phenomenon was changed considerably.

The terrorism already gained the international and global character. Not long ago it was possible to speak about terrorism as the local phenomenon. In 80-90th years of the 20th century, it already became the global phenomenon. It is explained by expansion and globalization of international relations and interactions in various fields.

The fundamental significance in research about the terrorism phenomenon is disclosed in the works by Jenkins (1975), Laqueur (1987) and Wilkinson (1997).

Among scientists of the Soviet and Post-Soviet periods the problem of terrorism is presented in the works by Antipenko (2004), Vardanyants (2005), Ivanov (2005), Karpets (1979), Litvinov (2003), Lyakhov (2001), Odessa and Reshetnikov (2005) and Trebin (2003).

The world community's anxiety about the growth of terroristic activity is caused by a large number of the victims of terrorists and the huge material damage caused by terror.

The necessity of resistance to terrorism is realized not only by certain states but also by the world community in general, particularly after the large-scale acts of terrorism in Russia, USA, Turkey, France, China, Iraq, Syria and other countries.

The mankind still remembers the acts of terrorism of the fall of 2015th (the crash of the Russian passenger A-321 plane in Egypt in October 31st, 2015 due to the explosion of the terroristic bomb; the terroristic act of 2015th in the Paris; the crash of the Russian SU-24 bomber which was brought down by Turkish Air Force in Syria and others) which caused a big loss of human life; when the terrorism showed its dangerous nature to all mankind again.

The modern international terroristic organizations are capable to work in a global scale and possess as practice shows, the powerful institutional and material capacity with enviable viability.

According to committee of legal statistics and special registration of the Prosecutor General's Office of the Republic of Kazakhstan 341 291 crimes have been registered in 2014th which was 5.2% less in comparison with last year. However, in a group of crimes against public safety and order the negative growth of a number of the registered terroristic crimes grew by 31.7% in a comparison with last year and made 79 cases in 2014.

The facts of involvement of new representatives of civil society in terroristic activity became so frequent and a widespread recruitment of people for the organization of terroristic activity became so widespread.

In law-enforcement practice of Russia, Kazakhstan and other CIS countries the cases of youth recruitment from unemployed students take place for their participation in the terroristic acts.

DISCUSSION

It is necessary to notice that forms and methods of terroristic activity are very different. So, by terrorism people understand criminal kidnappings for the purpose of repayment, taking of hostages, murders on ethnic ground, cruel methods of war and stealing of planes, particularly any acts of violence and also other actions creating favorable conditions and promoting terroristic activity.

According to scientists, the methods and the practice of terrorism represent the rough disregard of the law and morality it blocks the international cooperation and undermines the democratic basis of any state. Besides of economic damage and political consequences, the terrorism destroys spiritual and cultural values which cannot be restored within the centuries.

Moreover, the terroristic acts not only bring to the loss of human life and destruction of material and cultural values but it also creates the hostility between the states; provokes wars, mistrust and hatred among people.

It is no mere chance that in the law of the Republic of Kazakhstan “about resistance to terrorism” (with changes and additions from January 10th, 2015) in the Article 1 “the basic concepts used in the present law”, point 18 the concept of “terroristic activity” is expanded and the following acts are included:

- The organization, planning, preparation, financing and implementation of the act of terrorism
- The instigation to the act of terrorism
- The organization of illegal paramilitary force, criminal community (the criminal organization), organized group for commission of the act of terrorism and participation in such groups
- Recruitment, armament, training and use of terrorists
- Information or other complicity in the organization, planning, preparation and commissioning of the act of terrorism
- Promotion of ideas of terrorism, distribution of terroristic materials, including the use of mass media or networks of telecommunications
- Financial support, legal aid or other assistance to terrorists and also the organizations which activity is recognized as a terroristic one according to the legislation of the Republic of Kazakhstan with understanding that the specified actions would be used for implementation of terroristic activity or terrorist organization

Therefore, the articles of special part providing the responsibility for the criminal offenses of a terroristic

tendency are rather widely presented in the new Criminal code of the Republic of Kazakhstan of 2014th which came into force on January 1st, 2015 (the Article 255 the act of terrorism; the Article 256 the propaganda of terrorism or public appeals to commission of the act of terrorism; the Article 257 creation and management of terrorist group and participation in its activity; the Article 258 financing of terrorist or extremist activity and other complicity to terrorism or extremism; the Article 259 recruitment, training or arming the people for the organization of terrorist or extremist activity; the Article 260 terrorist or extremist training of the Criminal code of the Republic of Kazakhstan).

Besides, a number of the innovations for the improvement of the existing criminal legislation of the Republic of Kazakhstan are provided in the new Criminal code of the Republic of Kazakhstan which strengthens the criminal liability for manifestations of extremism and terrorism, distribution of radical ideologies on the basement of new technologies.

The government of Kazakhstan pays very serious attention to the problem of terrorism. There is a legal basis of the resistance to crime-mobile law-enforcement system and above all the negative attitude of the biggest part of the population to criminal manifestations and manifestations connected with terrorism.

The modern theory of criminal law should continue the research of the criminal legislation and law-enforcement practice in order to establish and resolve the existing problems in the field of criminal law, morality, rationality and justice.

Therefore, the prevention of terrorism has to be the priority due to its practical value for our society. It is possible to allocate the following priorities of preventive measures strengthening.

First, the predicting character of the precautionary measures of terrorism allows avoiding the victims of encroachments (as well as for the public tranquility and safety in general).

Secondly, the efficiency of the prevention of terrorism: resisting to commissioning of concrete crimes and their certain types; the state and society influence on roots of their growth blocking future terroristic acts. Thirdly, it is the retrenchment of the resources due to the reduction of its unproductive “expenses”.

According to scientists, the terrorism of unprecedented scope in the second half of the 20th century is one of the burning issues for present humankind. The intensive negative impact of terrorism on development of the international relations and interstate life of many countries testifies that the terrorism became one of the most dangerous defiance to the international security which turned into a global problem.

The terrorism became an object of research for scientific criminologists of the foreign and neighboring countries. Master's and doctoral dissertations are defended according to this problem; manuals, monographs and scientific articles are published. The majority of them is supported an idea of terrorism prevention and then fight against it. Terrorism as serious disease, would be easier to prevent, than cure and eliminate its consequences.

In spite of complexity of a contemporary situation in our society, the existence of the crisis phenomena, producing the reasons and conditions of terrorism, kept the powerful ant criminogenic potential. Its realization is connected first with the prevention of crime in general and terrorism particularly.

The adoption of the law of the Republic of Kazakhstan "about prevention of offences" of April 29th, 2010 demands a new vision of this problem because the law has a huge potential including the issues of terrorism as one of the untapped reserves of resistance to crime is the necessity to increase the preventive measures from the part of the government and its departments.

So, in the Article 3 of the law of the Republic of Kazakhstan "about prevention of offences" the purpose of the law is the establishment of the integrated state policy in the field of offences' prevention and the following tasks are specified:

- The ensuring the protection of the rights, freedoms and legitimate interests of the person and citizen from criminal encroachments
- The decrease in the level of offenses
- The improvement of the system of offences' prevention and identification, studying, elimination of the reasons and conditions promoting them
- The social adaptation and social rehabilitation of the people who have difficult life situation
- The coordination of the activity of participants who deal with prevention of offenses
- The increase of level of legal culture of citizens
- The providing of citizens and the organizations in prevention of offenses

In Article 1 of the Constitution of the Republic of Kazakhstan there is a norm which maintains the Republic of Kazakhstan as a democratic, secular, constitutional and social state with values of people, their life, rights and freedoms.

In order to realize the provisions of the basic law of the country it is necessary to activate the work and process of terrorism prevention.

According to the famous scientific criminologists, the modern society has a serious confrontation between crime and the state (Kudryavtsev, 2003).

In addition, the forms and methods of criminal activity become perfect; the activity of law enforcement agencies is observed more actively.

The modern theory of criminal law should investigate the criminal legislation and law-enforcement practice in order to establish and resolve the existing problems in the field of criminal law, morality, rationality and justice.

The understanding and the usage of the rights stipulate an adequate perception of the reality and the application of the theory to the needs and requirements of law-enforcement activity.

The modern conception of the understanding of the rights has to have an idea allowing the increasing of the efficiency and quality of law-enforcement agencies in order to solve the issues of resistance to crimes and offences of a terrorist tendency in Kazakhstan.

In scientific literature, essays, official documents and regulations devoted to opposition of the crime the various conceptual frameworks and terminologies are used. They are borrowed from various areas of scientific knowledge and urged to express the essence of this activity fully. It includes a criminal policy, fight against crime (with its concepts and strategy), control of the crime, reaction, impact on it and resistance to crime.

Differentiation of various terms and concepts designating a certain kind of activity has not only theoretical but also an applied value, particularly for rule-making for the organization of resistance to crime, differentiation of competence of the parties which are carrying out this task for elimination of their mixture and duplication of their functions.

Taking into account all information mentioned above the conceptual terms of legal practice in the sphere of resistance to crimes of a terroristic tendency must have the terminological concepts connected with fight against terrorism from the positions of ensuring a national security of the country. Therefore, in the law of the Republic of Kazakhstan from June 26th, 1998 "about national security of the Republic of Kazakhstan" (with changes and additions of January 13th, 2014) it is legislatively fixed that along with other crimes "the terrorism, extremism and separatism of any forms and manifestations" are the main threats of the national security.

It means that we have all legal grounds to consider the offences of a terroristic tendency as one of the main sources of threat of national security of the country and to consider the process of fight against terrorism as process of ensuring national security of the Republic of Kazakhstan.

CONCLUSION

What is the practical value of the interpretation of the process of fight and resistance to offences of a terroristic tendency? In the international agreements of the universal character (for example, the international convention on the suppression of the financing of terrorism, the shanghai convention on combating terrorism, separatism and extremism), the term “fight against crime” is used by the United Nations during seminars and congresses on fight against crimes and the treatment of offenders (Galperin and Kurlyandsky, 1975; Borodin and Laykhov, 1983; Volevodz, 2001).

It is assumed that proposed assessment of the process of resistance to terrorism from the positions of ensuring national security has the following advantages.

First, the attitude of society to fight against terrorism will be changed in general. For citizens the importance of the process of resistance to terrorism will be increased. It will be considered not as an ordinary phenomenon connected with fight against concrete types of offences of a terroristic tendency but as a process aimed at providing national security of the state.

In addition, each citizen participating in this process or rendering the assistance will realize that fight against terrorism promotes the performance of the major national objective the ensuring national security of the country.

Secondly such consideration of the process of resistance to terrorism will increase the role of the law enforcement agencies which are compelled within the frames of their functions and power not only to carry out the fight against terrorism but also to provide the preservation of the national security of the state along with special bodies of the Republic of Kazakhstan.

Thirdly, on the basement of such approach the certain citizens, various bodies and institutions which are not obliged to participate in the process of fight against offences of a terroristic tendency and terrorism in general, simply will not have the moral right not to participate in this process as it is the issue of ensuring national security of the country in which they live.

It is known that resistance to terrorism is carried out not only by specialized subjects of the prevention of terrorism but also by other bodies and the organizations which do not possess law-enforcement functions and apply other measures complicating commissioning of crimes or interfering it.

Taking into account above-mentioned circumstances it is possible to note that the offered approach of reconsideration of separate aspects of resistance to terrorism will promote the solution of many tasks of law

enforcement agencies and increase the efficiency of their participation in this process and activation of a role of all civil society.

Moreover, the law of the Republic of Kazakhstan “about prevention of offences” is a motor of such activity. From our point of view it would be necessary to oblige all bodies specified in the law to execute all its requirements with reclamation of the annual reports of its realization.

To use the possibilities of the law of the Republic of Kazakhstan “about prevention of offences” for the formation of new ideology in the sphere of resistance to terrorism. To explain to all society that resistance to terrorism is a task of all society and not just the law enforcement agencies. Citizens must understand that fight against offences of a terroristic tendency including terrorism itself is aimed at providing national security of the state as the crime and terrorism represent one of the threats of national security of the state (January 13th, 2014).

Our law-enforcement system focused the attention only on that part of the population which commits crimes on potential offenders and criminals. Moreover, the main parts of the society, law-abiding citizens are remains out of the sight.

This process has to assume the broad and large-scale actions the realization of which would promote not only the eliminations of the concrete reasons and conditions of terrorism but also would have a great impact on a healthy, law-abiding part of society. There is a need of the systematic, evidence-based and economically planned work from the part of state.

However, one active civil position for the fight against extremist and terrorist ideas is not sufficient. The knowledge allowing the estimating the threat of manifestations of extremism and terrorism is necessary.

Therefore, it would be necessary to continue the profound learning in the higher educational institutions and colleges the course: “religions studies” and young people will be able to estimate the threat from activity of this or that destructive religious and extremist organizations.

Besides, it would be expedient to create the public organizations on prevention of the extremism and terrorism.

It would be expedient to set a strict control under the process of departure and training of our youth in theological educational institutions outside of Kazakhstan.

It is necessary to have the interrelation between the state and civil society. Therefore, every citizen has to bring a feasible contribution to the prevention of extremism and terrorism.

It is necessary to attract all bodies, public organizations and citizens for implementation of the address of the president of the Republic of Kazakhstan, the leader of the nation, N.A. Nazarbayev to the people of Kazakhstan "Kazakhstan-2050". A new political course of the established state" about the principle of a zero tolerance to a disorder.

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