

Problems of Counteraction to Religious Extremism in the Russian Federation

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Abstract: The purpose of this analysis, problems of religious extremism is the creation of the theoretical foundations of optimization of the system of criminal law and criminological measures to combat religious extremism and the development of specific proposals and recommendations on improvement of legislation and prevention of this criminal phenomenon. The study addressed issues of phenomenology and criminal tendencies of religious extremism. A systematic and structural analysis of its criminological characteristics and features of the criminal-legal characteristics of individual institutional and extra-institutional forms of religious extremism. The study uses formal-legal, historical and legal methods. It carried out the study and synthesis of theoretical materials research areas. Scientific novelty of research is expressed in particular its provisions such as the definition of the author's concept of "religious extremism", "criminal religious extremism". The researcher analyzed the characteristics of the foreign legal models to counter religious extremism and its individual species. The researchers understanding of criminological characteristics of social consciousness and the trend of religious extremism in the development of Russia. Described specific personality traits of extremist and criminal factor complex of religious extremism and identified shortcomings of the modern Russian legislation regulating the various aspects of the fight against religious extremism. Additionally, it is formulated and justified proposals on the improvement of the current legislation regulating the responsibility for the crimes that are the subject of this study, the directions of improvement of the criminal law and special criminological measures to combat religious extremism; proposed a set of concrete changes and amendments to the Russian legislation.

Key words: Extremism, religious extremism, countering religious extremism, the fight against religious extremism, historical

INTRODUCTION

An effective response to criminal religious extremism is one of the most dangerous types of extremism associated with system development prospects of mandatory and alternative criteria (signs) that allow to differentiate it from other forms of social deviance, to create prerequisites for a consistent legislative consolidation of the rules on liability for certain types of crimes involving religious extremism, as well as for more effective planning to combat criminal religious extremism on all levels of government.

The problem of combating criminal religious extremism affects the interests of all countries as an integral part of the doctrines of the majority of extremist organizations is the principle of all-out war for the triumph of his ideas, without limits and rules. If the 80's, 20th century political analysts talked about the existence of a "war zone", highlighting in particular the Middle East, Northern Ireland but now they say that this phenomenon has taken planetary character.

In connection with the acquisition of a criminal religious extremism, global organized nature of cooperation greatly increases the role of the legislative, law enforcement and judicial authorities of different countries in the fight against this evil.

As noted by sociologists, in the last decade, Russia has been a tendency extremalization mass consciousness, which is reflected in the spread of non-traditional religious, neo-Nazi and nationalist movements and as a consequence-increase in the number of crimes involving extremism. The study of etiology and contemporary patterns of transformation of this phenomenon creates the necessary scientific background for the prediction and prevention of criminogenic changes in the sense of justice and to develop legal and psychological tools of formation of tolerance of public consciousness.

Despite the fact that the crimes associated with religious extremism constitute a small proportion of all registered crimes, their high degree of public danger is caused, first of all, qualitative properties. Such actions objectively dangerous for a wide range of public relations,

ensuring security of the person, the normal activities of governmental and non-governmental institutions, environmental safety and other social values. Even more dangerous are the public and the next long-term consequences of such acts.

Low efficiency of counteraction to criminal religious extremism is largely due to the absence in the law enforcement system of adequate organizational and legal mechanism, an integral part of which is an effective method of criminological monitoring (searching, collecting, recording, analysis, assessment and prediction) activities of new religious movements, extremist groups, neo-Nazi formations.

It needs to improve the national system to combat criminal religious extremism, including the procedure for the control and supervision of compliance with legislation regulating the activities of religious and public associations, political parties and the media which would provide timely warning of "rebirth" of these organizations in extremist community or members of these organizations committing crimes associated with religious extremism.

It requires improving the legislative consolidation of norms of responsibility for the various manifestations of religious extremism, crime and the practice of their official interpretations.

ANALYSIS OF ISSUES

Problems of operationalization of the concepts of "religious extremism" and "religious extremism criminal" due to multidimensionality of phenomena. It appears that under the religious extremism should be understood social phenomenon that exists in the following four interrelated forms: Religious consciousness (social and individual) which is characterized by symptoms totalitarizatsii and exaggeration of the value a certain set of religious ideas to the detriment of all other religious and secular ideas; nihilism-the denial of all other ideas, including religious ones, but one; religious fanaticism-unconditional belief in the truth of the only religious ideas (ideas together) and the willingness to follow it in all circumstances; Religious ideology (religious doctrine), characterized by arbitrary declaration of a true single explanation for the problems of the existing world and offer one (true) for their resolution; unconditional separation of all social phenomena on the "good" and "evil"; giving exceptional dominant position of one of the aspects of being at the expense of everyone else; denial of an objective hierarchy of general social mainstream (universal) values; ignoring or belittling the importance of the regulatory any social, including the rule

of law, not in accordance with the declared true religious doctrine; activities for the implementation of religious doctrine, proclaimed the only true; organizational forms of the religious doctrine, in particular, religious extremist organization (totalitarian sects).

Features extremist religious consciousness manifested in the fact that man is "rejecting all else, clinging to one of the peripheral problems, hammered into a corner or nook reality, intending to bring him alone all his life".

This is the total submission of the life, values and behavior of one religious idea and is, in our view, "extreme" (Vlasov, 2003), inherent extremist consciousness. Most researchers of the problem, based on the semantic approach and dictionaries, understanding extremism 'commitment to extreme views and actions, "binds" extreme "with their content.

Sazonov (2000) said those ideologies that justify the possibility of using violence to achieve their political goals. Analyzes the concept of "permanent revolution" in other studies, "one of the continental revolution as part of the world socialist revolution," racial, ethnic intolerance and hatred, neo-Nazism, which are able to "undermine the political system and civil society foundations." In this case as "extreme" criterion is the existence of ideas justifying violence. At the same time, the N.V. Stepanov said that of the denial of the rules and regulations adopted in the society and following a radical (and exceedingly unusual) for the views of society. This position opens the possibility to refer to any unconventional extremist or unknown ideological systems, resulting in "extreme" Islam may be in areas of the historical spread of Christianity and vice versa.

On compulsory contingency extremism, violence or threat of violence there was much talk in the literature. At first glance, such a position seems based on a considerable volume of empirical material. Let us recall the spray neuroparalytic gas "sarin" in the subway of Tokyo members of the "Aum Shinrikyo" religious organization, acts of terrorism, regularly committed in the territory of Russian participants of such terrorist organizations as the "Supreme Military Majlis al-Shura of the Mujahideen of the Caucasus united forces", "Lashkar-e-Taiba", "The Taliban movement"; murder and beating of "skinheads" representatives of non-Russian nationalities, or bullying football fans.

However, paradoxically, violence is not always obligatory sign of extremism. In fact, only one criterion is taken into account when choosing methods-they must ensure that the objectives set out in the face of shared extremist ideology. So, members of the Jehovah's

Witnesses associations for the salvation of his soul in accordance with the doctrine of refusing military service and blood transfusions.

Therefore, we see a more reasonable position of the researcher (Bidova, 2013; Vlasov, 2003; Zaluzhniy, 2004) believe that the implementation of socially dangerous prohibited by law, unconstitutional or immoral acts is an essential feature of extremism. At the same time, this approach does not cover all possible forms of extremism. The same members of the association of Jehovah's Witnesses, following a religious doctrine, refused to participate in the secular holidays, go to the theater, circuses. Such behavior is neither illegal nor immoral.

We believe that extremism as a set of actions for the implementation of the respective ideologies may be expressed using any of the available methods. Such activity is often associated with numerous abuses of freedom of conscience and religion which are expressed in that entity or outside the scope of permissible behavior and his actions acquire the character of absolute freedom, thereby limiting the rights and freedoms of other participants of legal relations or fails to fulfill its responsibilities.

In this way. Criminal religious extremism-independent kind of extremism that has its own determination and specific phenomenology. Physical violence and the threat of physical violence are not the essential and optional features of activity-criminal forms of religious extremism which greatly complicates the effective solution to the problem of criminalization of most of its species. The essential feature of criminal activity-related form of religious extremism is a specific form of psychological violence, manifested in the suppression of the spiritual identity of the individual, freedom of his spiritual self-determination and the imposition of his new (ideas, values) against or in spite of himself. Self-reproduction criminal religious extremism, as a rule is possible only through its organized forms which are qualitatively more dangerous form of the phenomenon. A feature of modern phenomenology of the criminal misuse of religious extremism is a legal organizational forms and legal means the rights and freedoms of man and citizen, in particular, freedom of conscience and religion. Warning System of criminal religious extremism can only be effective provided that it contains measures of influence aimed at all of its forms (extremist consciousness, ideology, activities, organizational structure).

The study of international experience of establishing criminal liability for infringement of the social relationships underpinning interfaith and interethnic

peace of mind, suggests that the legislator in the description of the objective side of the crimes compositions using design, quite clearly describing the criminal act. For example, in some countries criminalized: threats or incitement to violence against members of a particular group (Article 8 of the Criminal Code of Sweden, Article 135a of the Criminal Code of Norway, Article 130 of the Criminal Code of Germany, Article 137e of the Netherlands); insulting people based on race, religion and other characteristics (Article 135a of the Criminal Code of Norway, Article 257 of the Criminal Code of Poland); promotion of ethnic hatred (Article 249 of the Criminal Law).

It should be noted that the experience of the EU on the formation of a uniform legal framework enabling to fight against organized crime, terrorism and other serious crimes, it is extremely important for Russia and the states-participants of the CIS. Unfortunately, it must be noted that the standard-setting activities in this field within the framework of the Commonwealth of Independent States lacks consistency, consistency and fragmented.

Documents regulating relations in this field, allow to come to a conclusion about the almost complete absence of unifying the rules of substantive law which is detrimental to the development of national legislation. So, in the states-participants of the CIS differently resolved the question of the age of the subject of terrorism: in Russia and Ukraine, the responsibility is 14 years and in Belarus 16 year. Special regulations that criminalize the creation of a terrorist group or organization, are only included in the Criminal Code of Ukraine (Article 4 and 258 "terrorist act") and the Criminal Code of Georgia (Article 327 "Creating a terrorist organization or its management", "Business Combinations foreign terrorist organization or in the same organization controlled by a foreign state or help it"). Do not be traced and commonality of approaches in establishing responsibility for the promotion of its activities.

It lags behind the European level and procedural support of activities to combat terrorism. In particular, the extradition is still the only tool that allows to prosecute the person who committed the crime in one of the countries of the Commonwealth and hide themselves in the territory of another. It appears that there are two possible solutions to the problem of creating a unified legal framework for the fight against various forms of extremism including terrorism.

The first-an independent integration of each state CIS member states in the international space and in particular, in the European legal space. Such an approach

would provide a solution to the problem of harmonizing national legal systems of states-participants of the CIS at a higher geopolitical level.

The second (more preferable-improvement of the system of international treaties in the sphere of the fight against extremism in the CIS in accordance with modern trends (the rejection of the extradition proceedings, the use of "listing" approach in the design of the concepts of "terrorism" and "extremism", the widespread use of confiscation as a form of criminal punishment for terrorist crimes and of extremist orientation, etc.).

In the present study, we proceed from the premise, according to which the criminal religious extremism warning is both the most important element in the overall system of measures to combat this phenomenon and the priority of the criminal policy of fight in this area.

In the criminological literature, the theoretical foundations of crime prevention and its individual species developed very well, allowing us to focus on the analysis of only the most urgent and controversial issues and having a specific value for the prevention of criminal religious extremism.

In modern criminological literature to differentiate between general and specific crime prevention measures. Due to objective reasons for the development of general measures preventing religious extremism, crime, i.e., measures that objectively (without reference to their goal-setting) provide warning of this phenomenon, takes place outside the framework of criminology and criminal policy science. At the same time, it is in these sciences is the "burden of responsibility" for the understanding of the preventive focus and adjust the scientific validity of general measures preventing criminal activity of this species. Such general measures specialists today usually include: elimination of economic, political and social inequality; re distribution of the world's financial resources for the benefit of countries with "economies falling"; the construction of a multipolar political space; rejection of the policy of double standards in international relations; the creation of non-denominational spiritual development institutions, etc. Accordingly, to the general legal measures preventing religious extremism, crime experts are usually related to legal support other common preventive measures listed above (Bidova, 2012).

However, it is apparent that the methodology of criminological analysis of general measures preventing criminal religious extremism today is very flawed and deserves not one fundamental research. In this regard, the applicant in this chapter are considered reasonable to dwell on problems of development of complex special legal, organizational and informational (educational,

training and advocacy) measures for the prevention of criminal religious extremism which (as shown by analysis of the factors of the system of criminal religious extremism, made in a previous chapter of the thesis). They form the basis of a system of special measures of criminal prevention of religious extremism.

Under the special crime prevention refers to the purposeful activity of state bodies, civil society organizations and individuals to identify, weaken, neutralize and eliminate the factors leading to the spread and (or) increase in criminal social danger of religious extremism or its individual species.

An essential element of warning before us type of crime should be recognized as work to eliminate personality deformations forming motivation of criminal behavior. The problem of neutralizing the influence of ideological and propaganda of extremist organizations on the population, namely the prevention of terrorism, advertising, fanaticism and extremism; the glorification of terrorists and Ekstremistov 2, justify their activities; exception of material information which describes in detail how the crime remains unsolved to this day. We consider it is possible to make the following changes:

- In Article 4 of the Law "On mass media", adding after the word "implementation" the words "and promote"
- Add the h. 2 tablepoons. 29 of the draft Federal Law "On Combating Terrorism" Paragraph 6 amended to the following wording: "information that contains a detailed description of methods of committing terrorist crimes"

At the same time, we consider it necessary to note that the effective prevention of religious extremism, crime is impossible without solving the whole complex of social (social integration of marginalized elements, migrants), political and economic problems (poverty, migration). In the scientific article, we touched on only some of the problems of religious extremism prevention of crime, revealed the conditions of insufficient efficiency of these activities, we have proposed a three-tier system to create a legal framework for the prevention of various forms of extremism and to formulate directions of development of organizational, informational, educational foundations of extremism prevention.

AREAS OF IMPROVEMENT OF THE PROVISIONS OF THE CRIMINAL CODE OF THE RUSSIAN FEDERATION

The best solution to eliminate competition between the offense under Article 239, 282, 282.1 of the Criminal

Code may be an exception to the Criminal Code Article 282, 282.1 and introduce respective amendments and additions to Article 239 of the Criminal Code (the second model).

It is advisable, in our opinion, to transfer aggravating circumstance provided for in Part 2 tbsp. 280 of the Criminal Code (“committed with the use of media or information and communication networks including the “network”, “internet”) in h 1 of this study by analogy with Article 282.

It is necessary to formulate h. 2 tablespoons. 280 of the Criminal Code as follows: “The same actions committed by a person using his official position”. To exclude from the Criminal Code notes to Article 282.1 and 282.2 of the Criminal Code as contrary to the objectives of general prevention of terrorism and extremism.

The proposed revision would allow to bring to responsibility for creating, leading or participating in religious or public association or other organization, the activities of which is associated with any manifestations of extremism such as terrorism which would put an end to unproductive discussions about the feasibility of the construction and consolidation in the Criminal Code a special rule the creation of a terrorist organization.

It is also necessary to increase the severity of penalties for organized forms of extremist activity. This position was expressed in a number of studies regarding the punish ability of creating a terrorist organization.

This approach corresponds to the international standards. In Art. 5 Council of Europe's Framework Decision on combating terrorism (June 13, 2002.) Indicates that the upper limit of the penalty of deprivation of liberty for directing a terrorist group may not be <15 year. In this connection, it is advisable to increase the size of penalties, sanctions laid down in the rules referred to in Article 282.1 and Article 282.2 of the Criminal Code (the first reform of the model). Based on the extent and nature of public danger of the acts, the penalty can not be less than specified in Article 210 of the Criminal Code.

The analysis of materials of criminal cases shows that direct calls to extremist activity are rare. However, the propaganda of extremism, justifying the need for such action is very common. Saturation of the information field such material changes of justice of citizens, forming a sense of legitimacy of the violent methods of resolving the conflict. In our view, the expansion of the content of the disposition of Article 280 of the Criminal Code would have a beneficial effect on the state of protection of the constitutional order.

In this regard, we consider it possible to propose the following editorial article here. 280 of the Criminal Code:

“The propaganda of extremist activity” while using the expanded definition of “propaganda” in the text of that article.

CONCLUSION

The current state of public safety, the level of protection of the rights and freedoms of man and citizen indicate a lack of effectiveness of the control measures as the extremism in general and criminal religious extremism, in particular. Practice shows that in itself criminal repression is not able to exert a significant influence on this phenomenon, to protect the interests of society and the state. In this regard, implementation of proposals to toughen the criminal law, as a rule, does not give the expected results without a change of the social environment and social policy, without measures to improve the spiritual and moral health of the nation.

Religious extremism is a complex phenomenon which is realized in four forms: as a state of consciousness, ideological system, a set of actions for its implementation, as well as the organizational structure. Based on the ruling today in Russian criminal law doctrine and the concept of the rights and freedoms of man and citizen, prohibition and punishment by the criminal law to be only the act but an ideology and a state of consciousness can be (to some extent) are reflected only as a motive or action goals (based on racial, national or religious hatred or enmity).

However, it is appropriate motives and goals, understood in a broad sense as a system of human motives to activity can “transform” any criminal act in an extremist. This fact led to our appeal and to the analysis of the state of public consciousness. Based on data from various sociological studies on tolerance made by other specialists as well as taking into account the results we obtained in the course of surveys of students of law schools and law enforcement officials, we came to the following conclusions.

Russian society in general intolerance towards representatives of various nationalities and religions. “Caucasus-phobia” and “Islamophobia” however, are clearly seen against this background. Unfortunately, the same trend is observed and for law students and law enforcement officers. Getting professional legal knowledge and skills in modern Russian educational environment does not provide the assimilation of democratic and humanistic standards on equality of rights and freedoms of man and citizen, citizens of non-discrimination.

Described state of consciousness creates a favorable psychological basis for the spread of various extremist ideologies therefore, we can predict increase in the number of crimes associated with the various types of extremism (religious, political, ethno-political, etc.). The study of personality extremist showed that young people and adolescents due to age-related psychological characteristics, social vulnerabilities represent the most favorable environment for the cultivation of extremist ideologies: they come in religious extremist organizations, not being able to cope with everyday problems become members of neo-Nazi groups. It is they, ultimately and falls all the "power" of criminal repression while its instigators-"professional" fighters for the purity of the faith of the nation, remain practically unpunished.

Modern Russian anti-extremism legislation is extremely complex and contradictory. In our opinion, in this form it is objectively unable to provide a sufficient level of efficiency in combating crime manifestations of religious extremism. This is true not only for Russia but also for other countries of the Commonwealth of Independent States.

Gaps and contradictions inherent to the Russian anti-extremism legislation exacerbated by the influence of the following factors:

- The law enforcer is in very difficult situation, not being able to make the right choice between bad delineates standards
- Lack of professional training of law enforcement personnel to the use of anti-extremist legislation;
- Too low a level of analytical support of the anti-extremist law-making process
- Lack of judicial interpretation of the norms of anti-extremist legislation (especially for the rules on the extremist nature of the crime of criminal responsibility)

Highly effective prevention and suppression of criminal manifestations of religious extremism is not possible without the involvement of specialists in different fields (psychologists, sociologists, theologians, psycholinguists, etc.). However, it is still not resolved the issue of training of relevant personnel, the establishment of specialized expert institutions.

The prevention of crime of religious extremism in the teenage and youth should be given a special place educational measures. School can and should be one of the key subjects of early prevention of this phenomenon by implementing the principle of "education through education." This involves the inclusion of moral and spiritual education in the school curriculum segments. It

requires not only the development of new teaching materials, manuals and textbooks to educational and education (not just education) content but also the adoption of new state standards in the field of general secondary education which would be "legalized" the function of anti-extremist school education. Educating the younger generation in the spirit of recognition and respect for the diversity of religious, national, ethnic traditions, the desire for the realization of their rights and duties without violating the rights of others will contribute to the destruction of myths and prejudices, the formation of habits of use legitimate ways of resolving conflicts.

LIMITATIONS

However, such activities will not bring the desired results with these unresolved problems.

- The rising homelessness and neglect of minors, a new marginalization of vast sectors of the population
- Untimely or inadequate law enforcement response to offenses, including offenses associated with religious extremism (as evidenced by historical experience, these criminological studies, including ours, in situations of ethnic tensions any offense can trigger serious consequences)
- Deficit of professionals capable of conducting Religious Education in schools and religious education in specialized educational institutions;
- The absence of a system of psychological rehabilitation of persons involved in the activities of totalitarian sects
- No state ideology that can unite the Russian society, to give incentives for the formation of a new (post-Soviet) identity outside the context of religion or ethnicity

SUGGESTIONS

The Russian government should officially recognize that in a multicultural and multi-national Russian society, integration efforts exclusively on the basis of the revival of a particular religious tradition is not only unproductive, but also lead to the aggravation of existing contradictions in this area.

Leisure activities of minors and young people, employment assistance, social support for disadvantaged families-integral parts of the activities on early prevention of criminal manifestations of religious extremism.

State policy in the sphere of regulation of media activities should be limited, not only to prevent the spread

of extremism through the media but also include the possibility of their use for the promotion of tolerance, to promote tolerance.

Preventive activities can lead to the desired effect to eliminate or reduce the influence of the factor of the complex crime of religious extremism, neutralize its negative consequences only if the conditions of its complexity, the socio-economic conditionality, systemic, systematic, rule of law, the presence of an appropriate legal framework. Therefore, in this study it was the necessity of forming a three-tier system of legal support crime prevention of religious extremism and developed a conceptual model of the system, including:

The federal law on the prevention of crime, creating a legal basis for general, special and individual prevention of all types of crime, including through the use of not only measures justified restrictions on rights and freedoms of citizens who have committed administrative offenses, but also measures of social and psychological patronage in relation to persons who find themselves in difficult living conditions.

Sub-system of normative legal acts regulating the prevention of certain types of crimes and other offenses creating criminogenic background of religious extremism (terrorism, organized crime, money laundering (legalization) in cash and other assets from crime, corruption, illicit trafficking in narcotic drugs and psychotropic substances, arms trafficking, illegal migration, etc.).

Sub-system of normative legal acts providing a comprehensive legal framework for the reform of the special criminal prevention of religious extremism (criminological anti-extremist legislation) with a view to removing inconsistencies and gaps in the system. The major directions of such reforms should be the elimination or minimization of information and organizational and structural factors of criminal religious extremism.

Despite the fact that the threshold of effectiveness of criminal repression as a means of combating religious extremism criminal law, the legislator, according to the applicant, can not neglect their duty to constantly

improve the criminal-legal measures to combat the mentioned type of crime. However, the major landmarks such improvement should be the idea:

- Capacity constraints for arbitrary interpretation enforcer signs of extremist crimes
- Formation of the system of criminal-law measures that are adequate to the nature and social danger of the crime of religious extremism (in particular, the inclusion in the system of compulsory measures of a psychological nature)
- Additional guarantees for the purpose of fair punishment for extremist crimes
- The maximum limit of the objective of negative consequences of the use of criminal liability to persons found guilty of crimes of an extremist nature (the creation of an extremist prison subculture, stigma and random situational extremists promoting the emergence of new rogue, and others.)
- Bringing the Russian criminal legislation on responsibility for the crimes covered by the notion of a criminal religious extremism, in accordance with international standards to combat extremism in its various manifestations

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