

On the issue of criminal responsibility for crimes of extremist nature among youth

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Abstract. Changes that took place at the turn of the 20th and 21st centuries made extremism a global problem. The scale and nature of the extremist movements of our time indicate that the problem under consideration has turned from a private human into a general social one, and has reached the world level. At present, the issues of extremism occupy one of the key places. The ideology of extremism has a destructive effect on the future of our country, thereby undermining the territorial unity and political balance of the Russian Federation. As a result, the ideology formed among young people not only distorts the worldview, but also affects the consciousness, turns the young generation into a “time bomb”, the purpose of which is to destroy the established social order. It should be noted that the state policy of the Russian Federation is primarily aimed at identifying cases of extremism, and not at all on preventive measures to combat it, which is a huge disadvantage in working with the younger generation. Despite the difficulties in considering this issue, judicial practice demonstrates a fairly large number of examples of bringing young people to criminal responsibility for crimes of an extremist nature.

Keywords: extremism, religious extremism, extremist crimes, criminal responsibility for extremism, a destructive phenomenon among the youth

Introduction

Today, extremism is a challenge to world civilization, a threat to the national security of the state and stable development of society. Recently, religious extremism has become one of the most acute problems of the world community, has turned into a fragment of politics and an instrument for conducting foreign policy activities to solve geopolitical problems of certain countries, upsetting the balance of power in the world arena. Vivid examples of this are the military operations on the territory of the Chechen Republic, and nowadays in Syria. We hear a lot about dissatisfaction with such a phenomenon as extremism. This phenomenon appears to public opinion all over the world, but if we intend to control such a negative

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phenomenon, we need to point out the reasons that contributed to its occurrence and designate the subject that caused it. In this way, we can etymologize causes to counter this phenomenon. Values, teachings and symbols of people are defiled in the name of irrational freedom of expression without taking into account people's feelings for their sacred symbols, which leads to irrational and irresponsible behaviour that turns into extremism.

In modern Russia, extremism is aimed at undermining the territorial unity and political balance of the country. The ideology of extremism has a destructive effect on the future of our nation - youth, forms a distorted worldview among the younger generation, and leads to serious mental pathologies. Religious extremism has a destructive effect on the consciousness of people, especially the younger generation. It is necessary to refer to the definition of the term. Religious extremism is a predisposition of people to extreme in the religious and political aspect of views, this phenomenon is receiving increased public attention due to the growth of Islamist groups and terrorist attacks. Religious extremism in the form of Islamism, like the left-wing extremist and right-wing extremist ideologies, rejects democracy as a political system.

2 Materials and Methods

This scientific article is based on the analysis of theoretical material and is subordinated to the logic of the law enforcement process, which made it possible to consider extremism through the prism of threats to national security and social development on the territory of Russia. In addition, it becomes necessary to consider the social essence of extremism, its internal structure and social basis.

3 Results

The problem of countering youth extremism has repeatedly become one of the topics of scientific discussions, however, at the present time, it has acquired particular relevance. Youth extremism is causing increasing concern in terms of the scale of its spread [1]. People in the process of radicalization are getting younger and younger. Extremist groups increasingly manage to influence and attract young people at the stage of their development via the Internet. Identifying, understanding and concluding about youth extremism in social spaces are essential elements of protecting vulnerable youth. Preventive measures are needed that are more differentiated and adapted to different audiences. The environment of young people plays a decisive role in the development of extremist beliefs. There is no psychopathological profile of an extremist. Rather, it hides multi-layered individual and social processes. Often, radical people feel outcast. They are embittered and prone to polarization. The phenomenon, summarized under the term extremism, actually has many completely different aspects and causes: extremism can be, for example, a consequence of emotional problems. Constant experiences and oppression, insecurity, humiliation and anger lead to conflicts among people and groups. Criminals are no longer helpless. It is therefore not surprising that the ideology behind the extremist scene is rather secondary to most of its members, while social aspects such as cohesion, recognition and approval, as well as social participation, are at the forefront. Thus, extremism fulfils a certain function here, uniting radical forces against a common enemy[2]. Acts of extremist violence are also committed within the framework of certain myths and ideologies, and then are a consequence of the apocalyptic ideologies of the “end of life”. Some of these ideologies glorify their own righteousness and seek to destroy differently minded worldly orientations. Such systems view martyrdom as an act of self-purification and justice. At the same time, they highlight the benefits of martyrs in the afterlife. Participants feel they are part of a high cause. On the basis of this self-praise arises, which leads to a radical rejection of the existing order.

Crisis phenomena in Russia in the 1990s in the economy, politics and other spheres of public life led to the impoverishment of a large part of the population, to a decrease in income levels, to problems of a spiritual and moral nature, to a decrease in the population, to a demographic vacuum and, as a consequence, serious problems in youth politics. The value orientations have changed significantly. Such concepts as honour, dignity, patriotism, tolerance, national unity, social trust, and interpersonal understanding were deformed. A large number of young people were involved into a criminal lifestyle, including extremist crimes [3].

The well-established expression “youth is our future”, in modern realities, acquires special significance and imposes a huge responsibility on the state. Youth are the building blocks of a nation. And it is a fact that the stronger the youth, the more developed is the nation. Young people are central to the role of building the rule of law. The energy and brightness of the minds of young people serve the prosperity of the country. States that do not understand the importance of youth are lagging behind in all areas of life. If young people do not move in the right direction and do not care about the future of the nation, it will become a burden on all citizens. Therefore, as a state, we must work with young people. An integrated approach is needed to work with the younger generation [4]. In particular, in the field of protecting the younger generation from the influence of extremist beliefs and influences. Below are the norms contributing to the above.

Within the framework of the Criminal Code of the Russian Federation [5], crimes related to extremism are crimes committed based on political, ideological, racial, national or religious hatred; they are envisaged by the relevant articles of the Special Part of this Code and paragraph "e" of Part 1 of Art. 63 [6].

One of the most common crimes is the crime under Article 280 of the Criminal Code of the Russian Federation "Public appeals to carry out extremist activities". Public appeals in Article 280 of the Criminal Code of the Russian Federation should be understood as appeals expressed in any form (for example, oral, written, using technical means) to other persons in order to induce them to carry out extremist activities ” [7].

Certain difficulties in practice arise in connection with the establishment of the sign of "publicity". Explanatory dictionary of S.I. Ozhegov reveals the concept of public as being carried out in the presence of the public, open. The plenary session of the Supreme Court pointed out that "the issue of the publicity of appeals should be decided by the courts, taking into account the place, method, situation and other circumstances of the case". Thus, the FSB of the Russian Federation in Moscow opened a criminal case under Part 1 of Art. 280 of the Criminal Code of the Russian Federation, in relation to the head of the public movement "Artpodgotovka" V.V. Maltsev [8]. The materials of the criminal case indicate that the public movement "Artpodgotovka" has symbols in the form of a red "V" sign, the slogan - "We are not waiting, but getting ready!" as well as the digital mix "5.11.2017", its own print publication and a website. The organizers promoted revolutionary ideas and called on people to take to the streets en masse. This association had its cells in thirty-five regions of our country [8].

Let's give another example of judicial practice. Citizen S.R. Khalilov sentenced to imprisonment under Part 1 of Art. 280 of the Criminal Code of the Russian Federation for a period of 2 years with the deprivation of the right to engage in activities related to the management of Internet resources for a period of 2 years [9]. The specified person repeatedly demonstrated videos on the smartphone screen, where there were clips of terrorist acts, sermons on the fight against "infidels", which he commented in a positive way. Also S.R. Khalilov repeatedly called on his friend E., who is serving a sentence in a correctional institution, after returning from prison to go to Syria and take part in hostilities as part of ISIS, an organization recognized as terrorist in our country [10]. The organization adjusts its advocacy at the regional level to best reach potential members. In addition, recruitment is

carried out in several languages, thus attracting more people than if it was carried out with the help of propaganda in English or Arabic. In this way, various extremist groups raise recruitment language communication to a more personal level. Unlike recruitment in the Middle Eastern countries, where the Islamization of the country is advertised and the deliverance from dangerous and sinful changes in the life of the West, in Russia, as in Europe, propagandists are looking for hopeless, labile young people who do not have support and recognition in their society and are looking for their destiny and want to see their importance in society. Modern information technologies and mass media are very suitable for broadcasting these postulates to the youth environment. Next, we will consider the application of domestic legislation in criminal cases related to the above.

Part 2 of Art. 280 of the Criminal Code of the Russian Federation provides for liability for public calls for extremist activity committed using the media or information and telecommunication networks, including the Internet [11].

To establish the fact of using the media, including the Internet, it is necessary to study the provisions of the Law of the Russian Federation of December 27, 1991 No. 2124-1 "On the Mass Media"[12] and the Federal Law of July 27, 2006 No. 149-FZ "On Information, Information Technologies and Information Protection" [13]. In this normative act, the concepts of mass media and information and telecommunications network are fixed[14].

For example, according to the verdict of the North Caucasus District Military Court of January 23, 2019, citizen S. was found guilty of posting a video on his personal page on a social network, which contained calls for terrorist activities, as well as this person on November 23, December 15, 2014 and December 26, 2015 posted videos containing calls for extremist activities. For the totality of crimes under Part 1 of Art. 205.2 and Part 2 of Art. 280 of the Criminal Code of the Russian Federation, citizen S. was convicted in accordance with Part 2 of Art. 69 of the Criminal Code of the Russian Federation by partial addition of the sentences imposed to imprisonment for a period of 4 years with deprivation of the right to engage in activities related to the administration of sites of electronic or information and telecommunication networks, including the Internet, for a period of 1 year [15].

4 Discussion

An analysis of the normative legal acts on countering extremism shows that the national policy is aimed at identifying cases of extremism, as well as the formation of civic identity among young people and at building harmony in ethnic cultural groups. Identity is formed, in particular, through identification with a culture defined by origin, language, religion and traditions. This is where the transition to collective identity takes place. This ensures the strengthening of trust in social relations and is the main prerequisite for maintaining the state and legal order [15].

One of the ways to prevent the spread of extremist manifestations among the youth is to establish criminal liability for crimes of an extremist nature.

5 Conclusion

As a result, let us note that the practice is replete with examples of criminal prosecution for crimes of an extremist nature. On the one hand, this testifies to the effective work of law enforcement agencies, the implementation of the principle of inevitability of punishment. on the other hand, about the shortcomings in working with the younger generation, youth, But our task is to educate a harmoniously developed personality, aimed at creation.

References

1. A.P. Nekrasov, V.P. Karlov, Face to face with extremism and radicalism [Bulletin of the V.N. Tatishchev Volga State University]. 2(1). 207-216 (2021)
2. M.H. Mashekuasheva, E.R. Makoeva, Z.Z. Mazdogoeva, Some aspects of extremism prevention [Education and Law]. 8. 281-283 (2021)
A.P. Osipov, Countering terrorism and extremism [Law and Law]. 6, 23-25 (2021)
3. Dialogue of Cultures in a Globalizing World [Proceedings of the IV All-Russian Scientific and Practical Conference] (Dagestan State University of National Economy Publishing House Dagestan, 2021)
4. V.A. Yurtaev, Internet extremism and youth: trends and consequences [Issues of Russian Justice]. 12(4), 448-456 (2021)
5. Federal Law No. 63-FZ of June 13, 1996 "Criminal Code of the Russian Federation" (1996, June 13). Collection of Legislation, 25 [in Russia]
6. Resolution of the Plenum of the Supreme Court of the Russian Federation dated June 28, 2011 No. 11 (ed. dated 09/20/2018) "On judicial practice in criminal cases of extremist crimes" (2011, June 28). Bulletin of the Supreme Court of the Russian Federation, 8. [in Russia]
7. N.S. Zorina, On the factors and prevention of extremism among young people [Law and Law]. 11. 109-112 (2021)
8. S.A. Tambiev, Extremism: criminological aspects of counteraction [Education and Law]. 6. 341-346 (2021)
9. O.A.Ulyanina, A.M. Zinatullina, E.I. Lobka, Countering terrorism : psychological assistance to students and the formation of a safe type of personality [Moscow, 2021]
10. S.A. Tambiev, Extremism: criminological aspects of counteraction [Education and Law]. 6. 341-346 (2021)
11. S.D. Grinko, Prevention of youth extremism [Public service and personnel]. 3(7), 12-14 (2021)
12. Federal Law No. 149-FZ of July 27, 2006 "On Information, Information Technologies and Information Protection" [2021, March 09]. Rossiyskaya Gazeta, 165. [in Russia]
13. RF Law No. 2124-1 of December 27, 1991 "On Mass Media" [2020, December 30]. Rossiyskaya Gazeta, 32. [in Russia]
14. Z.G. Ramazanova, Some features of youth extremism in Russia [Law and Law]. 5. 35-37 (2021)
15. E.E. Kiseleva, State Policy of the Russian Federation on countering extremism [Young scientist]. 12(59). 787-788(2013). <https://moluch.ru/archive/59/8443/>