

# Methodological problems of countering terrorism: a theoretical-legal aspect

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**Abstract.** The article discusses the theoretical and methodological problems of studying terrorism and the system of measures to counter it. Traditional methodological approaches have remained the important ways of organizing legal knowledge; they do not fully provide a comprehensive, integrated and systematic analysis of the extremely destructive manifestations of terrorism. Taking into account the implicitness of the methodology of positivist jurisprudence, which assigns a dominant role to the legislative sphere in the prevention of offenses, including crimes, the authors substantiate a synergetic approach. The latter, defining social systems as open rather than closed formations, contributes to a significant expansion of ideas about the negative impact of many factors (political, economic, socio-cultural ones, etc.) on the formation and development of terrorist ideas, views, goals and ways of their implementation. Russian and foreign legislation also notes a multifactorial set of reasons that contribute to the spread of ideology and the transformation of terrorist views and ideas in different states. The interdisciplinarity of synergetics, which studies the phenomenon (system) under consideration, should contribute to the development of a unified scientific view of the nature and essence of terrorism, which is necessary to improve rule-making and law enforcement in matters of global counterterrorism.

**Keywords:** terrorism, methodology, synergetics, interdisciplinarity

## 1 Introduction

The processes of globalization, which have both a positive and a negative impact on the state and quality of the world order, affect the social-legal space of most state entities, despite differences in political, economic, social, cultural and, in general, civilized development. For several decades, the problems of countering terrorism have formed a wide scope of scientific interests of sociohumanitaristics, they are relevant and have scientific novelty, including legal science. The study of this extremely dangerous phenomenon is mainly carried out within the framework of criminal law and criminology, these disciplines study the effectiveness of legislation, the causes and conditions that

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determine the commission of such crimes, as well as the personality of a terrorist as a subject of terrorist crimes.

At the same time, obtaining a systematic, comprehensive, integrated knowledge about countering terrorism seems implicit without the participation of a cycle of fundamental legal sciences producing new general legal knowledge that significantly organizes the cognitive sphere of modern jurisprudence. Methodological issues, traditionally related to the theory of state and law in legal science, reproduce and translate into the legal scientific environment and practice the images, ideas, strategies and directives of those models of improving activities (scientific and practical ones), using which it becomes possible to most effectively and efficiently influence the destructivism of delinquency in its various forms, including radicalism, extremism, terrorism [1-4].

The research purpose is to obtain a systematic, comprehensive, integrated knowledge about countering terrorism, which seems implicit without the participation of a cycle of fundamental legal sciences producing new general legal knowledge that significantly expands the cognitive sphere of modern jurisprudence. Methodological issues, traditionally related to the theory of state and law in legal science, reproduce and translate into the legal scientific environment and practice the images, hypotheses, strategies and directives of those models of improving activities (scientific and practical ones), using which it becomes possible to most effectively and efficiently influence the destructivism of delinquency in its various forms.

Presenting innovative methodological approaches in the study of “terrorism”, one should pay close attention to the synergetic scientific paradigm, which explains in a new way many processes of interest to jurisprudence, occurring both inside and outside national legal systems. Synergetics, overcoming a certain archaism of the methodological strategies of positivist jurisprudence, considers various system formations (systems) as open, not closed formations, due to a multitude of heteronomous uncertainties. The latter act as those factors by which open systems undergo either a significant transformation (in a positive or negative way) or cease to exist. In terms of synergetics, the openness of the legal system and the impact of terrorist threats on it represent a considerable heuristic potential for legal science, the rejection of which looks unconvincing and illogical primarily in the praxeological sense of jurisprudence.

The research task is to lay the basis for the openness of the legal system and the impact of terrorist threats on it in terms of synergetics, this approach represents a considerable heuristic potential for legal science, the rejection of which looks non-causal and illogical in praxeological senses of jurisprudence.

## **2 Materials and methods**

The study was carried out using traditional general scientific and private scientific methods, as well as within the framework of N. Bohr’s complementarity principle, separate ways of organizing scientific knowledge of synergetics. The theory of self-organization, representing the idea of openness, non-linearity, non-equilibrium systems, including social ones, contributes through its conceptual-categorical framework to the acquisition of new knowledge both about the causal nature of “terrorism” and the nature of its impact on the balance of state-legal systems. Such methodological procedures (methods) as analytics and generalization contributed to the basis of the expediency of using new approaches and methods along with traditional methodological tools.

## **3 Results**

A synergistic approach, the use of which for legal science in the study of terrorist threats can be extremely useful, allowing “cooperating” the efforts of various scientific disciplines in an interdisciplinary space. It is necessary to study the features, regularities and accidents of the emergence of terrorist manifestations (political, economic, socio-cultural, spiritual-moral ones, etc.), as well as the everyday phenomena that accompany terrorism and pose a threat to all mankind. Knowledge of these factors allows legislators not only to strengthen prohibitions and sanctions against those who commit terrorist crimes, but also to predict the consequences of certain political, economic, socio-cultural and other actions and preferences of a particular state-legal entity. Today, forecasting both in science and in practice is clearly paid insufficient attention. Using a synergistic approach is an adequate and timely modernization of the methodology for studying modern terrorism, which is characterized by trends towards certain changes in motives (shift towards self-interest), forms of manifestation, etc. [5].

## 4 Discussion

The feeling of fear, which genetically forms and transmits “terrorism” into society through threats of violence, has a devastating effect on the bio-psychological and socio-cultural nature of man. The intimidation and achievement of the ultimate goal – a breakdown of law and order, the destruction of the balance of social relations, the establishment of instability and imbalance (political, economic, socio-cultural, moral, interethnic, interfaith one, etc.) of legal systems are accompanied by various types of illegal actions (murders, physical and mental violence, hostage taking, explosions, hostilities, etc.).

From the standpoint of synergetics, the elements of various destructive systems in terrorist locations (units, organizations, other associations that play the role of catalysts for criminal behavior) are dissipative structures that constantly exchange the accumulated destructive energy with the external environment. Discharging entropy into the external environment by committing terrorist acts, this system holds ground by exerting a frightening pressure on the individual, society, state (states). The openness of this system presupposes its differentiation and expansion through ideological propaganda and economic “infusions”, other assistance and support for illegal conditions carried out by popularizers of terrorism, which have an extremely destructive effect on other open systems. The role of synergetics to study causality (causal nature) and numerous factors involved in the development (growth, expansion) of terrorism in time and space, allowing the use of terrorism as a means to achieve certain goals, is beyond doubt. Understanding the impossibility of solving these problems by purely legal means and methods, which is of particular relevance in the conditions of building a welfare state [6], draws the researcher’s attention to the methodology of interdisciplinarity, which can be adequately represented by the synergetic paradigm of science.

The socio-philosophical and philosophical-legal study of terrorism as a consequence of multicomponent factors supporting the destabilized states of state-legal systems (“cascade” of cultural, political, economic, social, environmental, and other crises) is represented in the sphere of one of the historical and fundamental foundations of culture – the opposition “own” – “alien”: the diversity of manifestations of the latter is the essence of the strategy and tactics of terrorism, where interdenominationalism, interethnicity, tolerance of social relations and interactions are the object of its permanent encroachments. The intolerance of religious and nationalist syncretism excludes any possibility of smoothing out opposition sentiments “own” – “alien”, predetermining the impossibility of “the unity of many diverse cultures” [7], almost openly using the potential of the information space to achieve its criminal goals.

For practical jurisprudence, the understanding that terrorism and its manifestations cannot be justified, as noted in the Council of Europe Convention on the Prevention of Terrorism of 16.05.2005 (ratified by the Federal Law of the Russian Federation on 20.04.2006 No. 56-FZ), by “political, philosophical, ideological, racial, ethnic, religious or other similar considerations” [8], it is important to study these “considerations” in order to prevent their implementation. It should be noted that the scientific literature has already studied the causality of certain types of terrorism, including religious one [9]. The specification of the provisions in the Decree of the President of the Russian Federation of December 26, 20015 No. 664 and the imposition of duties on officials of specific regions of the Russian Federation to counter terrorism, the definition of priority counterterrorism [10], [11] means that the authorities are seriously concerned about the problem under study, which should be thoroughly studied at the doctrinal level. In the authors’ opinion, special attention should be paid to working with the younger generation with the active participation of educational organizations that have significant potential in preventing the spread of the ideology of terrorism and extremism [12, 13].

## 5 Conclusion

Taking into account the fragility and vulnerability of today’s world order, insecurity and instability, disequilibrium and openness of the entire system of interpersonal relations, the participation of legal science in the research on preventing the terrorist threat is mandatory. In turn, the development and expansion of the methodology of jurisprudence show its relevance and novelty, as well as through the introduction of synergetic tools. “The non-linear instrumentalism of synergetics is interdisciplinary, intersubjective and can appear as a multipolar communicative network of interrelated metaphors, analogies, models, concepts” [10], which is important to take into account for the scientific legal community when starting to study the problems under study.

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