

The legal mechanisms to counter terrorism: the international legal aspect

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Abstract. The article analyzes the content and meaning of the concept of international terrorism, as well as the functions of states to ensure the security and effectiveness of counter-terrorism. The study is based on the development of legal mechanisms to prevent terrorism through international law. In recent years, we have seen an international threat to state sovereignty by acts of international terrorism. The political structure and power methods of some states operate in such a way that all counteraction to international terrorism is reduced to minimization. Any civilized society cannot exist without legal support and protection of its citizens. A special task of the state in the field of international terrorism, appears to be the sustainable regulation of relations in modern society, in search of cooperation and compromise in solving global and regional problems, the effective operation of international legal acts. An analysis of doctrinal and normative sources has shown that the causes of modern terrorism lie in both the contradictions between states in defining the term "international terrorism" and the means of preventing terrorism. The findings on the nature of international terrorism suggest that legal mechanisms to counter international terrorism must be adopted in compliance with the doctrine of the rule of law and respect for the protection of citizens' rights, as well as the provisions of international law. Offers the author's answer to the research question on the legal mechanism and causes of ineffective counteraction to international terrorism. The goal of the modern state is to ensure the fullest realization of the rights of citizens against terrorism, by providing at the state and international level ways to ensure and protect them. Problems of international terrorism are addressed in both scientific and academic literature.

Keywords: international terrorism, international crimes, international relations, terrorist organization, security, cooperation, legal framework, regulations, international terrorist acts.

1 Introduction

International legal mechanisms to counter terrorism are very active at all levels, regional, state and global. Since 1937 up to the present time acts have been developed and adopted to regulate this phenomenon. All states must cooperate in suppressing terrorism and establish strict liability for such crimes in their legislation, so it is necessary to define the concept of international terrorism. This study shows that scholars on international terrorism cannot reach a consensus on a definition. This work gives the right to assert that the lack of a clearly developed conceptual apparatus and definition of the term in international and national acts complicates the solution of issues of countering international

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crime as terrorism. Let us consider several views of this question. For example, American professors M. Bassioni and V. Nandi define international terrorism as "an international crime that threatens human tranquility and security, offends the universal conscience, and harms human dignity. [1]. J. Dinstein (Israel) also argues that "the essence of terrorism in general and international terrorism in particular is manifested in indiscriminate violence, usually directed against people indiscriminately (innocent victims of a terrorist act) in order to create in the masses the idea that the end justifies the means: the more horrible the crime, the better from the terrorists' perspective. [2]. So, international terrorist acts are acts that not only affect international relations, international law and order, but serve to intimidate civilians with unlawful violent acts. The fact is that the serious danger of terrorism itself is the mass sacrifice of innocent civilians, and the cause and development of terrorism is the political and economic situation in the world, which exacerbates the economic development of states, thereby increasing the level of international terrorism. International organizations and states can combat terrorism in conjunction with political and economic development. The purpose of our study is to theoretically understand international terrorism and the implementation of legal mechanisms to ensure security at the international and state level against this type of threat.

The purpose of the study is due to the establishment and solution of certain tasks, namely:

- investigate the lack of a definition of the term "international terrorism" in legal acts;
- analyze the legal mechanisms and causes of ineffective counteraction to international terrorism;
- Consider the functions of the state to ensure the security and effectiveness of counter-terrorism.

The modern period of society's development is characterized by a growing threat, where terrorism in the traditional view is developing and acquiring new contours. The universal counter-terrorism instruments, the relevant United Nations Security Council resolutions, the United Nations Convention against Transnational Organized Crime, as well as the relevant regional legal instruments, in particular those of the Council of Europe, including its Convention on the Prevention of Terrorism [3], contains the legal framework for combating terrorism. The international conventions seek to use domestic criminal law to combat international terrorism, rather than establishing an appropriate definition of an international criminal offense [4]. The criminal law of states is based on national security, that is, the protection of all citizens, the protection of the interests of society, the protection against internal and external threats. The principle of national security is becoming the leading principle of legal regulation at the international level. The danger of a terrorist act lies in the fact that it is generated by social, national, religious problems; also, political, economic, social, ideological, ethno-national and legal factors and continuously transforming types of terrorist activity have a special impact.

2 Materials and methods

The basis of the methodology of research is the method of cognition of social phenomena, private scientific methods, such as the logical method, the method of analysis and scientific classification, formal-legal and comparative-legal. For the purposes of this study, the method used to collect empirical data to be analyzed is.

Let's consider each method of research in detail.

The method of cognition of social phenomena was used in the study of multiple meanings and legislative uncertainty of the concept of "international terrorism. It has been proven that international terrorism is a multidimensional concept, including international law and order and political changes in the country, which undermine international relations,

but it is also directed against innocent people, affecting the consciousness of society by force, but it is also aimed at the decision-making of government agencies and international organizations. The point is made that the concept of international terrorism is not defined in any international instrument. This method allowed us to determine that the lack of a well-developed conceptual apparatus as international terrorism in global multilateral international acts complicates the issue of combating terrorism

Particular scientific method, such as the logical method, the method of analysis has been applied in determining the legal mechanisms of countering terrorism. Theoretical understanding of the legal mechanism to counter international terrorism is carried out in order to preserve peace and ensure the security of the world community. This method made it possible to determine that responsibility for international terrorism occurs not only under the norms of national law of states, but is also considered in other international treaties. Using the method of scientific classification, the legislative and scientific basis of the study was determined, the study of the function of the state to ensure the security and effectiveness of counter-terrorism. The Russian Federation has established basic principles for combating terrorism, which are an expression of the Constitution of the Russian Federation, generally recognized norms of international law, conventions and treaties. Normative base in Russia consists of the Criminal Code of the Russian Federation, Federal Law No. 144-FZ dated 12.08.1995 "On Operative-Investigative Activity", Federal Law No. 61-FZ dated 31.05.1996 "On Defense", Federal Law No. 114-FZ dated 25.07.2002 "On Counteracting Extremist Activity", Federal Law No. 03.2006 No. 35-FZ "On Combating Terrorism", Federal Law of 09.02.2007 No. 16-FZ "On Transport Security", Federal Law of 28.12.2010 No. 390-FZ "On Security", and Presidential Decree of 15.02.2006 No. 116 "On Measures to Combat Terrorism". [5]. In particular, Russia's national interests lie in coordinating the country's political course aimed at combating the terrorist threat, including the prevention of terrorism, the minimization and elimination of its consequences, and the timely notification of the population of the occurrence of a threat of a terrorist act.

3 Results

The results of the study show:

Having analyzed the international acts developed by the international organization, which is an international system of collective security to maintain and strengthen international peace and which form the basis of the regulatory framework for international security in combating terrorist activity, we can say that there is no responsibility for this type of crime, as well as the concept of "international terrorism" itself. There is only a reference to national law to establish its jurisdiction over these types of crimes, where the term "international terrorism" is not specified. Consequently, the problem in the legal mechanism to counter international terrorism comes from the need to form the concept of "international terrorism" in the international instruments, which will be a legal norm in order to avoid differences in the definition of crimes of this kind. We have to admit that the lack of a universal definition of "international terrorism" prevents this phenomenon from being countered. It is necessary to create conditions conducive to the establishment and consolidation of peace, which must be effective, and the activities of international organizations and states that combat this type of crime must complement each other and be carried out simultaneously. It is necessary to constantly improve the legal mechanisms to combat such crimes. In the Russian Federation, ensuring security and the effectiveness of counter-terrorism is primarily the responsibility of the President of the Russian Federation, and then the Russian Government, federal executive bodies, the bodies of state power of the subjects of the Russian Federation and local authorities, whose competence includes the security of individuals, society and the state from terrorist manifestations on the territory of

the Russian Federation. A unified vertical antiterrorist system from federal to local level has been formed. It is the President of the Russian Federation who holds the central position in the formation of an effective system to ensure national security. It aligns the activities of the state aimed at combating the ideology of violence, which includes goals, objectives, development of a nationwide system to prevent terrorism, establishes the successful work of federal bodies of state administration. The main activity of the federal executive authorities is to quickly identify and suppress the activities of terrorist organizations, groups, their leaders and individuals involved in terrorist acts. Russia has developed a certain plan to counter terrorist ideology for 2019 - 2023, based on which legislative and organizational mechanisms to counter terrorist ideology are formed. It includes not only personnel, methodological, and scientific support of these activities, with the involvement of local self-government bodies, but also cultural and educational activities in educational organizations, development of mechanisms to protect the information space with limiting the possibility of penetration into the information and telecommunications network "Internet" of materials containing ideas that promote and justify terrorist activities [6]. Combating international terrorism at the national level is not only about educating civilians, but also about improving the legal framework and strengthening law enforcement and the armed forces of the state. However, international law plays a significant role in the coordination of states in the problem of international terrorism and, as mentioned earlier, in the international legal responsibility of states that help with their financial investment in terrorism and thereby have an impact on the economic and social policies of other countries. I would like to point out that some countries dictate their will of peace and security policies to the international community, using their not only military superiority.

4 Discussion

The definition of the term "international terrorism" in international relations is one of the most debated by international scholars and international organizations. The study of Professor E.A. Ivanov says that there have been attempts in international law to develop and adopt a universal convention against international terrorism, but so far they have not been successful. The main problem is the lack of an agreed definition of international terrorism that suits all states [7]. According to Sidorov B.V. numerous international documents that define terrorist acts and requirements for states to punish terrorist crimes under domestic jurisdiction are considered to belong to the domestic criminal penalties, and therefore are not perceived as an international phenomenon [8]. The reasons that constitute the legal definition of international terrorism are the legal and regulatory measures of the states themselves. As Professor B.V. Sidorov notes, the attempt to define terrorism through a list of terrorist acts, which are recognized as such simply because they are listed in the relevant international conventions and protocols relating to terrorism, does not allow us to define the essence and social and legal nature of the latter, especially since the list of these acts in the various sources varies [8]. N.V. Rakhmanov's own research has shown that the main distinguishing feature of modern terrorism is the blurring of boundaries between international and regional [9]. Also, some researchers offer their own theory of definitions of international terrorism, so most legal scholars consider international terrorism not only as a serious threat to modern society, but also as a discredit to the activities of authorities and international organizations. V.P. Miletsky's own research shows that a crime of an international nature, characterized by a high degree of public danger, impinging on the life and security of people, as well as on the diplomatic activity of states, international cooperation and international transport communication [10]. Г. Митен, S. Walkleit, have their position that international terrorism is a dangerous phenomenon in world politics that threatens the normal development of international relations by spreading terrorist ideology

and violent practices in the form of terrorist acts [11]. Despite the plurality of opinions on the definition of "international terrorism," most authors understand this type of crime as a type of political violence, in one way or another affecting international relations. Due to the wide variety of approaches to the term "international terrorism," there is no formulation of "international terrorism" in the norms of international and national law. The role of Russian state policy to ensure security and effectiveness of counter-terrorism is not only in the adoption of legal acts, but also in their very implementation. The reasons for their lack of action are in the form of theories and concepts. Consequently, they are not fully accessible to the civilian population. Public safety depends not only on institutional actors of the social environment, but also on ordinary citizens, ordinary people [12], also, the state's security functions are closely linked to migration and terrorism. The goal of any state is to implement collective measures to prevent the threat and suppress acts of aggression in its state.

5 Conclusion

The scientific synthesis of theoretical and practical material in the legal mechanism of countering international terrorism has shown the following:

Each state independently defines the crimes of international terrorism, which leads to differences in the regulation of this crime. If the countries of Europe were to unify such a crime as international terrorism in international acts, there would be no jurisdictional problem in bringing to international legal responsibility. The powers and functions of public authorities to ensure security and effectiveness of counter-terrorism consist of coordinated and united by a single plan of political, organizational, socio-economic, military, legal, informational, special measures [13].

Legal means of combating international crimes such as terrorism are designed to ensure a unified policy aimed at protecting the fundamental rights and freedoms of man and citizen. The totality of subjects of counter-terrorism and normative legal acts necessary to regulate activities to detect, prevent (prevention), suppress, disclose and investigate terrorist activity, minimize and (or) eliminate the consequences of manifestations of terrorism [14].

In order to effectively combat terrorism, the National Anti-Terrorist Committee was established in Russia in 2006, and anti-terrorist commissions were created in the subjects of the Russian Federation. The work of the National Anti-Terrorist Committee addresses issues related to the problems of countering acts of terrorism, taking into account national legislation and foreign experience. The main provision of state security in Russia, which is a state governed by the rule of law, is the formation and successful implementation of legal management mechanisms aimed at neutralizing terrorist threats and improving the anti-terrorist security of significant facilities. A unified vertical antiterrorist system from the federal to the local level was formed. The problems of countering acts of terrorism in many countries have similar features and are caused by homogeneous reasons with peculiarities peculiar to each state.

Coordination of all leading countries of the world with regard to the fight against terrorism should be based on a single anti-terrorist normative document. All over the world, the mechanism for countering terrorism is a priority, and this should be the basis for the development of new forms of interaction between states. At present, the interaction of states, to varying degrees, ensuring the implementation of the protection of civilians must be carried out in concert with the global community. In this regard, studying the process of implementing a mechanism to counter terrorism on the basis of full cooperation at the global and regional level is relevant and timely. Without effective counteraction to criminal networks themselves, the fight against terrorism will not be effective, since the roots of the most dangerous manifestations of terrorism should be sought in criminalized organizations,

which are often transnational in nature. Criminal groups establish extensive international ties in order to obtain financial and logistical support from abroad. Effective counteraction to the spread of terrorism can only be accomplished if a number of government agencies work together smoothly. It should be based on a system of regulations, including documents adopted at the federal, regional and departmental level [15]. International policy must improve the security outcomes of international terrorism. One of the directions can continue to create the International Court on the Crimes of Terrorism, which will be a security mechanism to unite efforts between states to combat international terrorism, as well as enshrine the concept of "international terrorism" in international instruments. The UN Security Council Declaration on Global Efforts to Counter Terrorism of 12.11.2001 noted that acts of international terrorism are one of the most serious threats to international peace and security in the twenty-first century, a challenge to all States and all mankind, endanger the lives of innocent people and human dignity and security everywhere, threaten the social and economic development of all States and undermine global stability and prosperity [16]. Not only can a comprehensive and worldwide fight against acts of terrorism make the appearance of such an act impossible, but the legal work must continue at all times. Summarizing the consideration of the legal mechanism of countering international terrorism, as well as regulatory and legal support of the fight against it in modern conditions, it is necessary to emphasize the practical and scientific significance of this kind of research.

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