

Summary

The year: 2020.

Specialty / field of study (code and full name): 40.04.01-Law

Level of study: master's degree.

Institute or Higher school: Law University.

Department of criminal law disciplines and forensic expertise

The subject of the final qualifying work:: "Criminal law and criminological aspects of countering extremism".

Author: Tliy Azamat Aslanovich, 2th year student Institute of distance learning, information technology and online projects - 441-18.

Scientific supervisor: kand.yus. sciences, associate professor, head of the Department of Criminal Law Disciplines and Forensic Expertise Yury Nikolayevich Shapovalov.

The relevance of the research topic.Extremism as a product of society has long attracted the attention of researchers of various specialties: political scientists, sociologists, psychologists. Presenting a special danger to the state, society and the individual, this phenomenon has become the object of study and legal sciences, primarily criminology and criminal law.

Penetrating into all spheres of the life of society, extremism has now gained proportions that, without exaggeration, make it one of the threats to Russia's national security. However, there is every reason to believe that the category of crimes under consideration has an extremely high degree of latency.

The range of harm caused by extremist crime to society is extremely wide. Its manifestations range from psychological and material damage to society and the state to the deprivation of life of specific individuals. It should also be noted that as a result of the spread of extremism significant harm is caused to the moral principles of society, its cultural, religious, national values, the policy of the state and its individual autonomous entities.

The consequences of the criminal manifestations of extremism can occur both immediately after the commission of the relevant acts (for example, such as some violent crimes that harm the life and health of an individual), and have long-term prospects. For example, the consequences of the acts provided for by the compositions of Article 280 (Public calls for extremist activity) and 282 (Arousal of hatred or enmity, as well as humiliation of human dignity), can manifest themselves through generations, resulting in sharp social conflicts of a xenophobic nature.

In this regard, the importance of studying the process of determining this phenomenon, searching for optimal measures for its prevention, including by means of criminal law and criminological nature, sharply increases.

The purpose of the work:consists in developing recommendations to improve the effectiveness of the system of measures to counter extremism based on a comprehensive criminal law and criminological analysis of this phenomenon.

Objectives: studying the development of Russian legislation on countering extremism; analysis of the definitions of extremism; identification of forms of extremism; classification of crimes of an extremist nature; analysis of the criminal law aspects of countering extremism; consideration of the problem of the determination of extremism in modern Russia; determination of the main directions for the prevention of extremism; formulation of proposals to improve criminal law standards of an anti-extremist nature.

Theoretical and practical significance of the research:

It consists in the fact that the totality of the results obtained during its implementation contributes to the development of criminological and criminal law doctrine of extremism. The work formulates a system of concepts in the field of countering extremism, determines the totality of the determinants of this phenomenon and the main directions for its prevention, justifies the need to amend the current criminal law. In addition, the results of the study can be used to improve the regulatory framework for countering extremism, in law enforcement and in the educational process when studying the disciplines “Criminal Law” and “Criminology”.

Results of the study:

1. Extremism is a social, negative phenomenon, manifested in the totality of socially dangerous criminally punishable acts committed in accordance with a certain system of views, opinions, beliefs, in order to achieve a certain result, corresponding to a system of views in any area of public relations in which the existing order is denied by extremists.

2. Extremist activity - the commission of crimes aimed at seizing or illegally changing the government or making decisions by the authorities in the interests of extremists, as well as for reasons of political, ideological, racial, national or religious hatred or enmity, or for reasons of hatred or hostility towards any social group.

3. Depending on the activities of extremists in one sphere or another, one can distinguish: domestic political extremism (extremist activities in the field of domestic policy) and foreign (international) extremism (extremist activities in the field of foreign policy). Each of these types, in turn, can be classified depending on the content of the directions of foreign and domestic policy (pure political extremism, confessional, ethnic, economic, social extremism, etc.).

4. The classification of extremist crimes can be represented as follows.

1) Crimes, the main part of which provides for extremist motives as mandatory signs of the subjective side.

2) Crimes, the compositions of which provide for extremist motives as qualifying features.

3) Other crimes when establishing the fact of their commission on the grounds of political, ideological, racial, national or religious hatred or enmity, or on the grounds of hatred or enmity against any social group.

5. The following definitions of an extremist community (organization) and an extremist organized group are proposed:

an extremist community (organization) is a criminal community (organization) created to carry out extremist activities or an association of organized groups created for the same purposes. A criminal community is recognized as extremist if at least one of its structural divisions carries out extremist activity with the knowledge of at least one of the leaders (governing bodies) of the community;

extremist organized group - a criminal organized group created to carry out extremist activities. An organized group is recognized as extremist if at least one of its structural divisions carries out extremist activity with the knowledge of at least one of the leaders (governing bodies) of the bodies of this group.

6. We believe that it is possible to agree with the arguments of the supporters of the exclusion from the concept of a criminal community (criminal organization) of such a sign as the purpose of its creation - “for the commission of serious or especially serious crimes”.

7. It is not possible to single out any universal determinant of extremism. The combination of certain groups of such determinants (historical, geopolitical, socio-economic, socio-cultural, informational) entails the intensification of extremist views in society. Socio-psychological factors can be recognized as leading in the mechanism for determining extremist crime. The

determinants of the phenomenon under study can be conditionally classified into factors of extremist ideology and factors of extremist crimes.

8. Prevention of extremist crime will be facilitated by:

1) increasing the anti-extremist potential of domestic and foreign policies implemented by the state (the formation in the public mind of the principle of the inadmissibility of social and other hatred and hostility; improving the state-territorial structure; minimizing the negative effects of migration, improving youth policy, etc.);

2) improving the system of early individual crime prevention (identification of persons in socially dangerous situations, their re-socialization, early detection of interpersonal domestic conflicts, etc.);

3) activation and improvement of the quality of operational-search measures (recording and recruiting leaders of extremists of all levels, their discrediting at the level of an extremist group, suppression of financing channels and communications of extremists, etc.).

Recommendations

- It seems appropriate to amend the existing version of Note 2 to Art. 282.1 of the Criminal Code and supplement it with Note 3, stating them as follows:

“... 2. Extremist motives and goals in this Code include:

a) motives and goals related to the misappropriation, seizure, retention or change of power, as well as the impact on decision-making by authorities in the interests of extremists;

b) motives and goals related to hatred or hostility towards citizens, depending on their belonging to a certain gender, race, nationality, language, religion, political beliefs, origin, official or social status, membership in any other social group” ;

3. Crimes of an extremist nature in this Code are understood to mean crimes committed on extremist grounds and (or) for extremist purposes. ”

- It seems possible to combine the norms provided for in Article 282.1, 282.2 into a single universal rule establishing responsibility for the creation, leadership and participation in an extremist organized group and extremist community, as follows:

“Article 282.1. Organization of an extremist organized group or extremist community (organization).

1. The creation of an extremist organized group, as well as the leadership of such a group or its structural unit, shall be punished ...

2. Participation in an extremist organized group is punishable ...

3. The creation of an extremist community (organization), as well as the management of such a community or its structural unit, are punished ...

4. Participation in an extremist community (organization) is punishable ...

5. The acts provided for by the first or second parts of this article, committed by a person using his official position, shall be punished ...

6. The acts provided for by parts three or four of this article, committed by a person using his official position, shall be punished ...

Notes. 1. A person who voluntarily ceases participation in an extremist organized group or extremist community (organization) shall be exempted from criminal liability unless his actions contain a different corpus delicti... ”