

PROBLEMS OF CRIMINAL RELIGIOUS EXTREMISM IN MODERN SOCIETY REALITIES AND RUSSIAN LEGAL SCIENCE ADVANCEMENT

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Abstract: The objective of this research is analysis of extremism problems. The paper presents theoretical bases analysis of optimizing the system of penal-legal and criminological measures against extremism and development of specific proposals and recommendations on improving legislation and preventive measures against this criminal phenomenon. The questions of phenomenology and tendencies of criminal religious extremism were considered in the study. System-structural analysis of its criminological properties and penal characteristic peculiarities of separate institutionalized and extra-institutionalized forms of religious extremism was conducted. In the study, technical and historical-juridical methods were applied. The study and generalization of theoretical

materials of the study field were undertaken. Scientific novelty of the study is expressed, in particular, through such its provisions as definition of the authors' concept "religious extremism", "criminal religious extremism". The authors analyzed foreign legal models peculiarities of counteraction against religious extremism and its separate kinds. The authors' understanding of the criminological characteristic of social consciousness and religious extremism development tendencies in Russia is given. Specific personal character traits of an extremist and a factorial complex of criminal religious extremism were described, and limitations of modern Russian legislation, regulating different aspects of struggle against religious extremism, were revealed. Besides, propositions on improving current

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legislation, regulating liability for crimes, being a subject of this study, were formulated and substantiated, directions of improving penal and special criminological measures against religious extremism were determined; a set of specific revisions and amendments in the Russian Federation legislation was proposed.

Keywords: extremism, religious extremism, counteraction against religious extremism, struggle against religious extremism.

1. Introduction

Effective counteraction against criminal religious extremism – one of the most dangerous kinds of extremism, is connected with prospects of developing the system of obligatory and alternative criteria (features), allowing isolating it among other kinds of social deviations, creating prerequisites for consistent legislative securing norms of legal liability for separate types of crimes, connected with religious extremism, as well as for enhancing effectiveness of planning the measures against criminal extremism at all levels of government administration.

Problems of struggle against criminal religious extremism concern the interests of all countries since an essential doctrine element of the majority of extremist organizations is considered to be a principle of the all-out war for triumph of their ideas, without boundaries and rules. If in the 80s of the XX century, politologists touched upon “war zones” existence, focusing, in particular, on the Middle East, Northern Ireland, now they note that this phenomenon has acquired a global significance.

In view of the fact that criminal religious extremism has acquired a global organized nature, the role of legislative, law-enforcement, and judicial bodies’ cooperation of different countries in the struggle against this evil has been significantly enhanced.

As sociologists point out, in the past decade in Russia, a tendency of the mass consciousness extremization has appeared, which has been reflected in the spreading of nontraditional religiousness, neo-Nazi and nationalistic movements, and, consequently, in the growth of the number of crimes, connected with extremism. The study of etiology and modern regularities of this

phenomenon transformation creates the necessary scientific prerequisites for forecasting and preventing criminological changes in legal consciousness, as well as for development of legal and psychological instruments of social consciousness tolerance formation [1, p. 32].

Despite the fact that crimes, connected with religious extremism, make up an insignificant share among all registered crimes, their high degree of social danger is conditioned by, first of all, qualitative properties. Similar acts are objectively dangerous for a wide circle of public relations, providing personal immunity, proper activity of state and non-state institutions, environmental safety and other social values. The immediate and long-term consequences of such acts are even more socially dangerous.

Low efficiency of counteraction against criminal religious extremism is largely conditioned by the absence of an adequate organizational-legal mechanism, an integral part of which is an effective method of the criminological monitoring (search, collection, registration, analysis, assessment, and forecast) of the activity

of new religious movements, extremist organizations, neo-Nazi bodies.

The nationwide system of struggle against criminal religious extremism, including a control and supervision procedure over observing the legislation, regulating the activity of religious and public associations, political parties, as well as mass media, which would provide timely warning about these organizations “degeneration” into extremist societies or committing crimes by these organizations’ members, connected with religious extremism, needs improvement.

Legislative consolidation of liability norms for different manifestations of criminal religious extremism, as well as the practice of their official interpretation, requires improvement.

The object of the study is social relationships, emerging in the course of providing society security against the threat of criminal religious extremism, as well as state counteraction against criminal religious extremism and its separate types.

A system of notions, the essence of which is a category of criminal

religious extremism; phenomenology, and a factorial complex of criminal religious extremism; penal and criminological bases of counteraction against this phenomenon has become a subject of the study.

The purpose of this problem analysis is creating theoretical bases of system optimization of the penal and criminological measures against criminal religious extremism, as well as development of corresponding specific propositions and recommendations. During the study, the questions of phenomenology and tendencies of criminal religious extremism development were solved. A systemic-structural analysis of its criminologically significant properties, penal characteristic peculiarities of separate institutionalized and extra-institutionalized forms of criminal religious extremism has been made.

2. Materials and methods

The problems of operationalization of concepts “religious extremism” and “criminal religious extremism” are conditioned by multidimensionality of these phenomena. Religious extremism seems

to imply a social phenomenon, existing in the following four interconnected forms: 1) religious consciousness (public and individual), to which the features of totalitarianism and exaggerating the value of a definite set of religious ideas to the detriment of all other religious and secular ideas; nihilism – negation of all other ideas, including religious ones, except for one; religious fanaticism – absolute belief in validity of a single religious idea (a set of ideas) and readiness to follow it under any circumstances, are peculiar; 2) a religious ideology (religious doctrine), characterized by arbitrary declaring the only explanation of the existing world problems as truthful and by proposing unequivocal (truthful) ways of their solution; by unconditional separating all social phenomena into “the good” and “the evil”; by attributing an exclusively dominant position to one of the aspects of being to the detriment of all others; by negating the objectively prevailing hierarchy of common social (panhuman) values; ignoring or belittling the regulative significance of any social, including legal norms, inconsistent with a proclaimed truthful religious doctrine; 3) the activity on realizing a religious

doctrine, proclaimed as solely truthful; 4) organizational forms of realizing a religious doctrine, in particular, religious extremist organizations (totalitarian sects) [2, p. 27].

Extremist religious consciousness peculiarities are revealed in the fact that the human being, “having rejected everything else, clings to one of the peripheral problems, huddles in a corner or a nook of reality, intending to reduce all his life solely to it” [3, p. 51].

I.A. Sazonov considers ideologies, justifying the possibility of applying force for achieving one’s own political purposes, as such [4, p. 115]. In other works, the concepts of a “permanent revolution”, a “united continental revolution as a part of the world socialistic revolution”, race and national intolerance and animosity, neonazism, which are able to “undermine the state system and foundations of civil society”, are analyzed.

In the authors’ opinion, the “extremeness”, inherent in extremist consciousness, consists namely in this total subjection of life, of the value system and behavior to one religious idea. The majority of researchers of the

problem under consideration connect “extreme” to its content, basing on the semantic approach and explanatory dictionaries, implying “commitment to extreme views and measures” by extremism.

In this case, the presence of ideas, justifying violence, acts as a criterion of “extremeness”. At the same time, N.V. Stepanov considers rejection of norms and rules, adopted in society, and abidance by radical (unusual and immoderate) for this society views as such [5, p. 6]. The indicated position opens up an opportunity of referring any nontraditional or unknown ideological systems to extremist ones, as a result of which Islam can become “extreme” on the territories of historical spread of Christianity and vice-versa.

Much was said about an obligatory connection of extremism with violence and threat of its application in the literature.

At first sight, such stand seems to be based on a significant amount of empirical material. Let us recollect, for instance, the neuroparalytic gas “sarin” atomization in the Tokyo subway by members of the religious organization “Aum Shinrikyo”, terrorist acts,

regularly committed on the Russian territory by the participants of such terrorist organizations as the “Supreme military council (Madzhlisul Shura) of united forces of Caucasia mujahedeen”, “Lashkar-I-Taiba”, “the Taliban”; murders and massacre of non-Russian nationalities representatives by “skinheads”, or ruffian actions of football fans [6, p. 93].

However, paradoxically, violence was not always an obligatory extremism feature. In essence, only one criterion is taken into account when choosing methods – they must provide achievement of goals, formulated by the person in the shared extremist ideology. Thus, members of associations “Jehovah’s Witnesses” for the sake of saving their souls, in correspondence with the doctrine, refuse to serve in the army and from blood transfusion.

Therefore, the position of authors (B.B. Bidova [7, p. 145], V.I. Vlasov [8, p. 8], A.G. Zaluzhniy [9, p. 196]), considering that implementation of the statute-prohibited socially dangerous, anti-constitutional or immoral acts is an integral trait of extremism, seems more reasonable.

Along with it, this approach does not cover all possible forms of extremism as well. The same members of associations “Jehovah’s Witnesses”, following the religious doctrine, refuse to take part in secular holidays, to visit theaters, circuses. Such behavior is neither illegal nor immoral [10, p. 12].

The authors suppose that extremism as a set of actions on realization of the corresponding ideology can be expressed in the use of any accessible means.

Similar activity is frequently connected with numerous abuses of freedom of conscience and creed, which are expressed in the fact that a subject exceeds the limits of permissible behavior and his actions acquire the absolute freedom nature, thereby limiting the rights and freedoms of other participants of legal relationships, or not fulfilling the duties imposed on him [11, p. 23].

Thus, criminal extremism is an independent type of extremism, having its own determination and specific phenomenology. Physical violence and threat of physical violence are not essential and obligatory features of the activity form of criminal religious

extremism, which significantly complicates an effective solution of criminalization of the majority of its types [12, p. 2441]. An essential feature of the activity form of criminal religious extremism is a specific form of psychological violence, revealing itself in suppression of individual spiritual self-consciousness, freedom of his spiritual self-determination and imposing new (ideas, values) on him in spite of and against his will [13, p. 52]. Self-reproduction of criminal religious extremism, as a rule, is possible only by means of its organized forms, representing a qualitatively more dangerous form of this phenomenon. The phenomenology peculiarity of modern criminal religious extremism is abusing both legal organizational forms and legal means of realizing rights and freedoms of the human being and the citizen, in particular, freedom of consciousness and religious. The system of criminal religious extremism prevention can be effective only under condition that it contains enforcement measures, aimed at all its forms (extremist consciousness, ideology, activity, organizational structures) [14, p. 28].

Study of the foreign experience of establishing criminal liability for encroachment on public relationships, providing interdenominational and international equanimity, is evidence of the fact that a legislator, when describing an objective aspect of corresponding corpus delicti, uses constructions that fairly clearly describe a criminal act. Thus, in a number of countries the following was criminalized: threats or claims to violence with respect to representatives of one or another group (art. 8, the Swedish Criminal Code (CC); art. 135a, the Norwegian CC; art. 130, the German CC; art. 137a, the Dutch CC); insulting persons on the basis of their race, creed and other features (art. 135a, the Norwegian CC; art. 257, the Polish CC); national hatred propaganda (art. 249, the Chinese CC) [15, p. 106].

It should be noted that the experience of EU countries in formation of a unified legal basis, allowing struggling with organized criminality, terrorism and other grave crimes, is conceived as extremely important for Russia and CIS states-participants.

Unfortunately, it has to be stated that legislation in this field in the framework of the Commonwealth of

Independent States lacks consistency, systemacy, and is of fragmentary nature.

Documents, regulating legal relationships in this field, allow coming to a conclusion about practically total lack of unifying norms of the substantive right, which negatively affects the national legislations development. Thus, on the territory of the CIS states-participants, the question of the terrorism subject' age was solved differently: in Russia and Ukraine, criminal liability begins at 14, and in Belarus – at 16 [16, p. 465]. Special norms, criminalizing establishment of a terrorist group or organization, are included only into the Ukrainian Criminal Code (part 4, art. 258 “Terrorist act”) and the Georgian CC (art. 327 “Establishment of a terrorist organization or its supervision”, art. 328 “An association in a foreign terrorist organization or in a similar organization that is under control of a foreign state, or assisting it”). No commonality in approaches when establishing liability for assisting its activity is observed as well [17, p. 106].

The procedural support of the actions against terrorism also lags behind the European level. In particular, extradition is still the only instrument,

allowing implementing criminal prosecution of the person, having committed a crime in one of the countries of the Commonwealth and hiding on the territory of other.

As it seems, there are two ways of solving the problem of establishing a unified legal basis for struggle against different manifestations of extremism, including terrorism [18, p. 81].

The first way is an independent integration of each CIS state-participant into international space and, in particular, into the European legal space. Such approach will allow providing solution of the unification problem of the national legislative systems of the CIS states-participants at a higher geopolitical level.

The second (more preferable) way is improvement of the international treaties system in the field of struggle with extremism in the CIS framework, taking into account modern tendencies (refusal from the extradition procedure, the use of the “listing” approach when constructing concepts “terrorism”, and “extremism”, a wide application of confiscation as a type of a criminal penalty for committing crimes of

terrorist nature and of extremist orientation, etc.) [19, p. 33].

In the present study, the authors base on the premise, according to which criminal religious extremism prevention is simultaneously an important element of the common system of measures against this phenomenon and a priority direction in the criminal policy of struggle in this sphere.

In the criminological literature, theoretical bases of preventing crimes and its separate types are developed fairly well, which allows the authors to dwell on the analysis of only the most actual and controversial aspects, having specific importance for preventing criminal religious extremism.

In the modern criminological literature, it is accepted to differentiate between general and specific measures of crime prevention. In view of objective reasons, the development of general preventive measures against criminal religious extremism, i.e. measures, which objectively (separately from their goal-setting) provide prevention of this phenomenon, is realized beyond the framework of criminology and criminal policy science [20, p.44]. Along with it, the “weight of responsibility” for

comprehending preventive orientation and correcting scientific validity of general preventive measures against the considered kind of criminal activity lies namely on these sciences. Today, to such general measures specialists usually refer: elimination of economic, political and social inequality; redistribution of the world financial resources in favor of the countries with “declining economies”; construction of multi-polar political space; rejection from the policy of double standards in the international relationships sphere; establishment of extra-confessional institutions of spiritual development, etc. Correspondingly, experts usually refer the legal support of other general preventive measures, enumerated above, to general legal preventive measures against criminal religious extremism [21, p. 129].

Along with it, it is obvious that today the criminological analysis methodology of general preventive measures of criminal religious extremism is highly imperfect and deserves more than one fundamental research. In this connection, in this chapter, the candidate considered it valid to dwell on the problems of developing

the complex of special legal, organizational and informational (educative, educational and propagandistic) preventive measures against criminal religious extremism, which, as the system analysis of the criminal religious extremism factors showed, form the basis of the system of special preventive measures against criminal religious extremism [22, p. 105].

Special crime prevention implies a goal-directed activity of state authorities, civil society institutes, separate citizens on revealing, weakening, neutralizing and eliminating factors, generating, facilitating the spread and (or) growth of social danger of criminal religious extremism or its separate kinds [23, p. 68].

The activity, aimed at eliminating personality deformations, forming criminal behavior motivation, should be considered as an essential element of the system, preventing the crime, considered by the authors.

The problem of neutralizing ideological and propagandist influence of extremist organizations on population, namely banning the publicity of terrorism, fanaticism and extremism;

glorification of terrorists and extremists, justification of their activity; elimination from materials of the information that describes the ways of committing the crime in detail, still remains unsolved.

The authors consider that it is possible to introduce the following amendments:

1) in art. 4 of the Law “On mass media” – to add words “and propaganda” after the word “implementation”;

2) to amend part 2 of art. 29 of the Federal Bill “On combating terrorism” with paragraph 6, having stated it in such revision: “information, containing detailed description of the ways of committing crimes of terrorist nature”.

Simultaneously, the authors consider it necessary to note that effective prevention of criminal religious extremism is impossible without solution of the whole complex of social (integration of marginal elements, migrants into society), political, economic problems (poverty, migration).

In this scientific paper, the authors touched upon only some problems of preventing criminal religious extremism, revealed conditions of insufficient effectiveness of this

activity, proposed a three-level system of establishing a legal basis of preventing different forms of extremism, as well as formulated the directions of developing organizational, informational, educative bases of extremism prevention.

3. Results

Criminal religious extremism implies, in the authors opinion, an integral set (system) of socially dangerous acts that are recognized as crimes, aimed at formation and dissemination by any means of religious ideas (sets of religious ideas), arbitrarily claimed as truthful to the detriment of all other religious or secular ideas, as well as at realization of these ideas by criminally liable ways.

Its five typical forms were identified in the paper: 1) institutionalized criminal religious extremism, i.e. extremism, possessing organizational forms that are directly forbidden by the criminal law (art. 239, 282¹, 282² of the RFCC); 2) separate extra-institutionalized criminal religious extremism, as applied to which the features of relation to religion or of a religious motive are explicitly indicated in the consolidated text (art. 282 of the

RF CC); 3) non-separate extra-institutionalized criminal religious extremism as applied to which the features of a religious motive or relation to religion are not directly indicated in the consolidated text (art. 280 of the RF CC); 4) terrorism and other crimes of terrorist nature, committed by religious motives; 5) socially dangerous abuses of freedom of consciousness and creed.

Socially dangerous abuses of freedom of consciousness and creed in correspondence with the Russian criminal legislation imply the encroachment, having religious goals and motives, on human life and health; human physical freedom (freedom of choice of residence and movement); sexual immunity and sexual freedom of the human being; legitimate interests of the family, rights and freedoms of the minors, including those connected with realization of the right to general education; constitutional rights and freedoms of the human being and a citizen; property and economic activity procedure; population health and morality; state safety bases regarding the provision of citizens equality; interests of the public service and the service in local bodies; the interests of service in

other organizations; an administrative procedure, connected with securing realization of civic responsibilities; human peace and security.

The factors of criminal religious extremism can be classified with the use of the authors' concept of a two-dimensional factorial complex, implying dividing all factors of the phenomenon under study into general (in essence being the factors of religious extremism on the whole) and specific, i.e. belonging to the essence of criminal religious extremism [24, p. 2282].

The authors pointed out the following main tendencies in criminal extremism development in Russia: a) formation of stable social groups, supporting extremism ideology; b) formation of social beliefs about permissibility of using violence for any conflict resolution; c) growth of the number of the “national” religious groups, the activity of which is connected with encroachment on personality, human and citizen rights; d) a rise of the organization level of extremist groups, including establishment of a peculiar system of succession and personnel training; e) the merging of extremist associations with

organized criminal groups of transnational, conventional criminal and economic nature; f) institutionalization and legalization of extremist organizations, their leaders; penetration of such organizations and their members in the political elite of the country; g) extremism globalization; h) using constitutional rights and freedoms for the purpose of extremism ideas propaganda; i) using traditional religious institutes for disseminating radical ideas.

Optimization of the norm system about responsibility for separate manifestations of criminal religious extremism can be realized based on the authors' theoretical model of a compound object of criminal encroachment and a two-dimensional classification of criminal encroachment objects.

In its present appearance, the legislation is unable to provide a necessary protection level of citizens' rights and freedoms, society and state interests against criminal religious extremism.

Making alterations and amendments in the statutory legal acts, regulating: 1) publishing activity; 2) information safety; 3) control over

religious or non-governmental organizations' activity, must become the main directions of reforming a criminological anti-extremist legislation.

4. Discussions

Different aspects of the problem of criminal liability for implementing extremist activity (mainly for committing crimes of terrorist nature) were analyzed in the works of Yu.I. Avdeed, A.I. Alekseev, D.I. Aminov, Yu.M. Antonin, A.A. Aslakhonov, A.S. Bazarbaev, T.A. Bogolyubova, T.S. Boyar-Sazonovich, V.I. Vasilenko, E.G. Gurieva, Yu.N. Deryugina, S.Yu. Dikaev, A.I. Dolgova, V.N. Dremin, A.L. Edelev, V.P. Yemelyanov, V.I. Zamkovi, M.Z. Ilchikov, O.V. Zubova, P.A. Kabanov, M.P. Kireev, V.B. Kozlov, V.S. Komissarov, M.V. Korotkova, V.A. Krasnopeeva, N.D. Litvinov, V.V. Luneev, Ye.G. Lyakhov, A.F. Maidikov, L.A. Modzhoryan, M.V. Nazarkin, G.V. Ovchinnikova, V.S. Ovchinskiy, R.E. Oganyan, A.V. Pavlinov, V.Ye. Petrishchev, E.F. Pobegailo, S.V. Pomazan, V.P. Revin, A.A. Robinov, K.N. Salimov, M.A. Sarkisyan, N.V. Stepanov, A.N. Trainin, S.V. Trofimov, V.V. Ustinov, S.N.

Fridinskiy, V.S. Shukshin, S.A. Efirov. In particular, personality traits of an extremist (terrorist) were studied; proposals about system formation of the preventive measures against criminal extremism, on international cooperation improvement in this sphere were made.

Separate aspects of the problems, covered within the present paper and relating to the legal content of the consciousness freedom institute in Russia and penal guarantees of its provision, were studied by E.S. Abdulaeva, A.B. Agapov, Yu.A. Babinov, G.R. Golst, Yu.A. Dmitriev, Yu.N. Demidov, P.N. Dozortsev, S.V. Dyakov, L.I. Zalikhanova, A.G. Zaluzhniy, I.A. Kunitsyn, V.V. Klochkov, A.S. Lovinyukov, S.P. Poznyshev, I.N. Ponkin, A.V. Portnov, A.R. Ratinov, F.M. Rudinskiy, M.A. Shapiro, Ye.M. Shevkoplyas.

Monographs of G.L. Luparev and A.A. Mogilevskiy were devoted to peculiarities of religious legal awareness.

Culturological, religious, medical, penal and criminological problems of non-traditional religiousness were studied in the papers of L.D. Bashkatov, R.R. Galiakbarov,

A.L. Dvorkin, I.P. Dobaev, Ye.A. Dimitrova, F.V. Kondratev, G.L. Kastorskiy, Ye.V. Kastorskaya, T.N. Kuznetsova, A. Kuraev, S.A. Lukyanov, V.V. Pilyavets, Yu.I. Polishchuk, O.V. Starkov, E.G. Filimonov, A.I. Khvylya-Olinter.

Political, social, geopolitical aspects of different types of extremism (political, religious, ethno-religious) were considered by V.N. Arestov, Z.S. Arukhov, Yu.A. Brusnitsyn, I.M. Vakula, A.M. Verkhovskiy, A.S. Grachev, L.M. Drobizheva, A.S. Zainalabidov, M.M. Makhkamov, S.G. Moskalenko, Ye.S. Nazarov, D.V. Novikov, E.A. Pain, V.V. Pribylovskiy, P.A. Romanov, T.A. Skvortsova, M.P. Telyakavov, V.A. Tishkov, V.Ts. Khudaverdyan, V.V. Chernousov, A.A. Yarlykapov.

Nevertheless, criminal religious extremism proper, as an integral socially dangerous phenomenon, was not subjected to complex penal and criminological study.

5. Conclusion

The modern condition of social security, of the security level of human and citizen rights and freedoms is

evidence of insufficient efficiency of the used measures against both extremism as a whole and criminal religious extremism in particular.

Practice shows that criminal repression in itself is unable to exert significant influence on this phenomenon, to provide protection of society and state interests. In this connection, realization of proposals on toughening criminal law, as a rule, does not give expected results without changing social environment and social policy, without measures on improving spiritual and moral health of the nation.

Religious extremism represents a complex phenomenon, realized in four forms: as a consciousness state, an ideological system, a set of actions on its realization, as well as organizational structures.

Basing on the penal doctrine and the concept of human and citizen rights and freedoms that are dominating in Russia today, only the acts themselves are subject to banning and punishing by means of the criminal law, but the ideology and the state of consciousness can be (to some degree) reflected only as motives and goals of actions (“by the

motives of race, national or religious hatred or animosity”) [25, p. 105].

However, namely corresponding motives and goals, understood in a broad sense as a system of human incentives to activity, can “transform” any criminal act into an extremist one.

The indicated circumstance determined the authors’ addressing the analysis of the social consciousness state. Basing on different social studies data on the problems of tolerance, performed by other specialists, as well as taking into account the results, obtained by the authors during questioning law school students and law-enforcement agencies workers, the authors have come to the following conclusions.

The Russian society on the whole is intolerant with respect to representatives of a wide variety of nationalities and creeds. However, “Caucasianphobia” and “Islamophobia” reveal themselves clearly against this background. Unfortunately, the same tendency is also typical of law school students, as well as for law-enforcement agencies workers. Receiving professional juridical knowledge and skills in the modern Russian educational environment does not provide

acquisition of democratic, humanistic norms about equality of human and citizen rights and freedoms, inadmissibility of citizens discrimination.

The described consciousness state creates a favorable psychological basis for dissemination of different extremist ideologies; consequently, it is possible to forecast the growth of a number of crimes, connected with different extremism kinds (religious, political, ethnopolitical, etc.)

Extremist personality study showed that youth and adolescents in view of age psychology peculiarities, social vulnerability present the most favorable environment for cultivating extremist ideologies: they join religious extremist organizations, being unable to deal with the problems of everyday life, and become members of neo-Nazi groups. In the end, all “might” of criminal repression hurls namely at them, while their inspirers – “professional” fighters for purity of the nation belief, remain practically unpunished.

The modern anti-extremist Russian legislation is extremely complex and contradictory. In the authors’

opinion, in such condition it is objectively unable to provide a sufficient level of struggle effectiveness against religious criminal extremism manifestations. This is typical not only of the Russian Federation, but also for other countries belonging to the Commonwealth of Independent States.

Gaps and contradictions, peculiar to the Russian anti-extremist legislation, are aggravated by the influence of the following factors:

- a law enforcer finds himself in very difficult situation, not having an opportunity to make the right choice between badly differentiated norms;

- insufficient professional preparedness of law enforcement officials for application of the anti-extremist legislation;

- a very low level of analytical support of the anti-extremist lawmaking process;

- deficiency of judicial interpretation of anti-extremism legislation norms (first of all, criminal liability norms for crimes of extremist nature).

Highly effective prevention and suppression of criminal religious extremism manifestations are impossible

without involving specialists of very different fields of knowledge (psychologists, sociologists, religious scholars, psycholinguists, etc.). However, there are still unsolved questions of the corresponding staff preparation, of establishing specialized expert institutions

In prevention of criminal religious extremism in adolescent and youth environment, a special place should be assigned to educative measures. The school has to become one of the key entities of early prevention of this phenomenon, realizing the principle “upbringing through education”. This implies introduction of the segments of moral and spiritual upbringing in school curricula. Hence, both the development of new teaching materials, manuals and textbooks with upbringing and educational (but not only educational) content and adoption of new state standards in the field of general secondary education, which would “legalize” the anti-extremist school educative functions, are necessary. Oncoming generation upbringing in the spirit of recognition and respect of the variety of religious, national, ethnic traditions, striving for realization of its

rights and liabilities without violating other people's rights, will facilitate myths and prejudices destruction, formation of a habit to use lawful means of conflicts resolution.

However, similar activity will not give anticipated results in case of the following unsettled problems:

1. Growing homelessness and neglect of juveniles; new marginalization of large segments of population.

2. Untimely or inadequate response of law-enforcement agencies to law violations, including crimes, connected with religious extremism (as historical experience and criminological studies data, including this one, show, in the situations of national tension any law violation can provoke grave consequences).

3. Shortage of professional personnel capable of implementing theological education at schools, as well as theological education in specialized educational institutions.

4. Absence of the psychological rehabilitation system for persons, participated in the totalitarian sects' activity.

5. Absence of state ideology capable of uniting the Russian society, providing incentives for new (post-soviet) identity formation irrelatively of creed or ethnicity.

The Russian state should recognize officially that in the multi-confessional and multinational Russian society, the attempts of integration, based exclusively on rebirth of one or another religious tradition, are not only unproductive, but also lead to antagonism aggravation in this field.

Arrangement of minors and youth leisure time, assistance in employment, social support of disadvantaged families are inseparable constituents of the activity on early prevention of criminal religious extremism manifestations.

The state policy in the sphere of regulating mass media activity should be brought to not only exclusion of extremism dissemination by means of mass media, but also imply a possibility of their use for tolerant consciousness attitude formation, for tolerance propaganda.

Preventive activity can lead to the desired effect on eliminating or weakening the factorial complex

influence of criminal religious extremism, neutralization of its negative consequences only when observing conditions of its complexity, socio-economic conditionality, systemacy, systematic character, legitimacy, presence of a corresponding legislative basis.

In this connection, in this study the necessity of three-level system formation of legal support of criminal religious extremism prevention was substantiated, and a conceptual model of such system was developed, which includes:

1) the federal law on preventing crimes, creating a legal basis for general, special and individual prevention of any kinds of criminality, including by means of applying not only measures of reasonable limiting rights and freedoms of citizens, having committed administrative infractions, but also social and psychological patronage measures with respect to persons, finding themselves in grave living conditions;

2) the subsystem of normative legal acts, regulating prevention of separate kinds of crimes and other law violations, creating a criminological background of religious extremism

(terrorism, organized criminality, laundering (legalizing) money or other property, obtained by criminal means, corruption, illegal circulation of narcotic and psychotropic substances, illegal gun circulation, illegal migration, etc.);

3) the subsystem of normative legal acts, providing complex formation of a legal basis for special preventing criminal religious extremism (criminological anti-extremist legislation), for the purpose of eliminating contradictions and lacuna in this system. At that, elimination or minimization of information, organization and structural factors of criminal religious extremism must become basic directions of such reformation.

Despite the fact that the effectiveness threshold of criminal repression as a means of struggle against criminal religious extremism is low; a legislator, in the candidate's judgment, must not disregard his duty to constantly improve criminal legislative measures against the mentioned crime type. At that, the following ideas must serve as the main orientations of such improvement:

-limitations of opportunities for arbitrary interpretation of constituent element of offence of extremist nature by an executor of law;

-formation of the penal measures system adequate to the essence and social danger of criminal religious extremism (in particular, introduction of coercive measures of psychological nature into this system);

-establishing additional guarantees for infliction of just punishment for committing the crimes of extremist nature;

-maximal limitation of objective negative consequences of applying the criminal liability measures to persons, found guilty of committing crimes of extremist nature (establishment of extremist prison subculture, stigmatization of occasional and situational extremists, facilitating appearance of new social outcasts, etc.);

-bringing the Russian criminal legislation on liability for crimes, covered by the criminal religious extremism concept, in correspondence with international standards of struggle against extremism in its different manifestations.

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