CONTEMPORARY TERRORISM: PROBLEMS OF CONCEPT AND PREVENTION

INTRODUCTION
The problem of terrorism became especially relevant in the 20th century for Russia and the world community as a whole, when the contradictions in the socio-political sphere intensified, the transformation of public relations began, and violence became one of the effective tools in the struggle between criminal and nationalist groups, and political parties. The adoption by the UN General Assembly in September 2006 of the UN Global Counter-Terrorism Strategy in the form of a resolution and an annexed Plan of Action predetermined a new stage in the fight against terrorism in the context of the national security system. These documents characterize the actions of subjects of international law in the fight against terrorist activities, define the basic principles of countering terrorism and the particulars of applying measures to prevent it. Bringing to justice for terrorism (as a social phenomenon) should take place within the framework of the law in force within the territory of the respective state, with regard to the principles of the above conventions and other international acts, while respecting the rule of law and democratic values, human rights and fundamental freedoms, and other provisions international law. At the same time, the factors of crime should be taken into account.

The Federal Law of March 06, 2006 No. 35-FZ “On Countering Terrorism” is the fundamental document regulating the issue of combating terrorism in Russia. It superseded the repealed Federal Law of July 25, 1998 No. 130-FZ “On Combating Terrorism”. The current Federal Law regulates the principles of countering terrorism, international cooperation, the powers of the counter-terrorism bodies, the procedure for preparing and conducting counter-terrorism operations, and other issues of countering terrorism. However, there seems to be an existing drawback of this regulatory legal act. Little attention is paid to the issue of terrorism prevention. Everyone knows that it is better to prevent any crime in the early stages than to deal with the consequences that have arisen.

LITERATURE REVIEW
The issues of countering terrorism have always worried scientific community and the general public. As a rule, scholars explored broader topics, touching on the criminal law countering the activities of terrorist organizations as one of the problematic issues, but did not consider the peculiarities of the existing world legal order. Thus, for example, Lyakhov (1987) studied the diverse definitions of international terrorism.

Political and legal approaches to the definition of terrorism and measures to counter it are explored in the publications of Gavrilin and Smirnov (2003), Gorbunov (2008; 2012); Medvedev (2015), Luneev (1999); Petrishcheva (2013); Ponomareva, Dimitrovskaya (2018); Savin (2016); Stepanova (2011); and Chernyadyeva (2016); Golubovskii et al. (2016; 2020) studied interdisciplinary aspects of the problem.

Braithwaite (1979), Jacobs and Potter (1998), Bassioumi (2001), Saul (2006), Hegemann, (2014), Duffy (2015), and El-Said (2015) should be noted among foreign authors who have studied this issue. At the same time, specialized comprehensive studies on the criminal law countering terrorism, regarding the current geopolitical situation, have not been carried out to date.

MATERIALS AND METHODS
A set of scientific cognition methods used in the process of identifying problems and promising areas of interaction between governmental and civil institutions in the context of
countering terrorism made up the methodological framework of the study. In particular, the following scientific methods were applied: general scientific ones, the ascent from the abstract to the concrete, the unity of the historical and the logical, analysis, synthesis, induction, deduction, and modeling; systemic method for assessing public safety as a form of orderly and coordinated interaction of its constituent elements; structural and functional method, suggesting to highlight a set of stable communications between its components with the definition of their purpose and specific functions in the system of countering terrorism; institutional method, focused on the study of institutions that are involved in the process of countering terrorism; sociological methods, allowing for assessment of the effectiveness of technologies used in ensuring public safety based on evidence.

RESULTS
Terrorism is a complex and multifaceted phenomenon, it is a collective term, which forms the very notion of terrorism in its totality. The socio-conflict component implies that terrorism, being a complex phenomenon, is conditioned by social contradictions, which are transformed into a public conflict. Terrorism, as a phenomenon, is characterized by the emergence based on significant social contradictions. It is a response of socially deprived groups caused by prolonged delay in solving problems of a socio-political nature. Conflicts are closely related to terrorism, being its basis. But this does not mean that every conflict is destined to evolve into terrorism. However, any form of terrorism has its roots in conflict.

The psychological component indicates the psychological state of society, which is one of the main sources of such a phenomenon as terrorism. When a person lacks stability, the instinct of self-preservation turns on, which is based on uncertainty in personal safety and a sense of fear. This situation cannot but lead to the inevitable destabilization of society. Terrorism aims to form a general feeling of fear and panic. And this is also its characteristic feature, which serves as a means by which the ultimate political goals of terrorism are achieved.

With regard to the normative and legal component, if we consider terrorism in its most general sense, it is a criminal activity expressed in intimidation of the authorities and the ordinary people, in pursuit of the goals of achieving criminal intentions.

The implementation of violent actions is the external manifestation of terrorism. However, it seems impossible to criminalize violent actions in general; criminal liability extends to various manifestations of violence: murder, harm to health, torture, etc., or threats to apply violent actions.

Terrorism is a political phenomenon, the main and most serious crime of which is the commission of a terrorist act. Article 3 of the Federal Law N35-FZ “On Countering Terrorism” determines that terrorism, in addition to being an ideology of violence, is a practice of influencing decision-making by state authorities, local governments, and international organizations. Thereby, the goals were excluded from the concept of terrorism at the level of legislation, which are indicated in the basic articles directly stipulating responsibility for committing terrorist acts.

When considering the signs and the very concept of terrorism, one cannot omit the questions concerning the delimitation and correlation of the concepts of terror, terrorism, and terrorist act. Thus, a number of specialists focus on the following in their discussions about the need to differentiate these concepts: terrorism is recognized as illegal political actions of a violent nature committed by the structures that do not belong to the governmental ones; in their opinion, terror is similar to the actions of state forces in the face of political regimes. Other authors do not differentiate between the definitions of the terms - terror and terrorism; they are inclined to believe that in this case the differentiation of the concepts is not necessary, since this leads to terminological redundancy, and the concepts themselves are determined by their common historical origin. Some researchers differentiate the semantic meaning of the concepts of terror and terrorism, but they do not try to adhere to this distinction in their studies.

Terror and terrorism should be distinguished by the following criteria: specificity of actions; the subject performing the actions; the object to which the actions are directed; and the ultimate goal of the criminal offense.
There is no unambiguous understanding of the presented theoretical concept of the relationship between the concepts of terror and terrorism; however, it was formed in the legal doctrine, shared by the authors. Clarification of the concepts under consideration from the indicated positions provides a system of guidelines in the course of the legal assessment of specific situations characterized by the use of violence and aimed at intimidation, and in establishing the circle of actors providing preventive actions.

DISCUSSION

The essence of terrorism is expressed through a classification that has significant applied and theoretical importance. Classification is a method of organization and acts as an element of distributing complexes into certain categories, groups, classes, categories; it concretizes the essential connections, relationships and properties of phenomena and objects. At the same time, the classification is distinguished by regularities and integrity; it is necessary to establish typical unbiased features for classification, enabling to group classified objects on their basis, establish their place in the total number of classified objects. The versatility and diversity of terrorism give rise to various grounds for classification thereof. There are the following types of terrorism: state-sponsored, criminal, military, political, religious, lucrative, ‘idealistic’, partisan, nationalist ones. The specialized literature proposes to classify terrorism according to eight criteria: the main subjects of political terrorism, the level of distribution, objects, ideological rationale, directionality, weapons of destruction, types of application, and scope of application.

Terrorist activity, being criminally punishable, contains subjective and objective characteristics, and preventive measures should be applied depending on which subjects commit the terrorist acts and which objects these acts are aimed at. Therefore, it is possible to single out the subject and subjective terrorist signs, the object and objective properties in the form of the classification arrays of political terrorism.

Terrorism subjects are individuals or groups of people, and organizations. On this basis, terrorism is structured into categories depending on the terrorist subjects’ organization: single and group terrorism. The specialized literature states that the degree of the threat of lone individuals’ terrorism because of the lack of material and financial bases, personnel opportunities, strategic goals, haphazard and spontaneity seems to be low. Group terrorism seems to be more dangerous, which has signs of professionalization and is carried out by close-knit groups through the solution of specific planned tasks. As a rule, in our time terrorism is carried out by organized criminal groups, moreover, by regional ones rather than local, interregional or even transnational and international groups. The following subjects of terrorism depending on the national characteristics: Armenian, Italian, Albanian, Chinese, Palestinian, Arabic, Japanese, Russian, Syrian, etc. In this group of subjective peculiarities, terrorism acts are subdivided into nationalist, separatist, pseudo-religious, etc., depending on the motivational factor. Similarly, terrorism is structured depending on the tasks the terrorists are pursuing.

The items and objects of terrorism offence enable its classification on the following grounds: depending on the object directionality: targeted (the object is established, typical for ‘classical’ terrorism); massive (addressless, blind, typical of contemporary terrorist acts); depending on the terrorists’ focus at the object of terrorist acts, including related goals: against state bodies and the state; against political, religious, public organizations and associations; against legal entities and other commercial firms; against individuals; depending on the object orientation: terrorism of the ‘left’ orientation, aimed at expediting the so-called bright future, and terrorism of the ‘right’ orientation, calling for the return of past attitudes.

The objective side of terrorist acts allows for classification thereof as follows: depending on the weapons (means) used as a method for infringing various objects: chemical, nuclear, biological, informational, missile, bomb, etc.; depending on the circumstances in which terrorist acts are committed: air, sea, land, cyber terrorism, etc.; depending on the principle of attack: controlling that has the goal of changing the behavioral actions of objects; excitative, drawing close attention to a specific object, and indicative, demonstrating the capabilities of terrorists or arising as a response (for example, conducting a preliminary investigation against participants in terrorist organizations); depending on the methods used by terrorists: physical
(direct violence against people) and psychological terrorism (violence against individuals by causing harm to material objects or the use of blackmail, threats, etc.) (GRACHEV, 2010).

From a legal standpoint, the division of terrorism by an international attribute is the most controversial and important problem. Many researchers single out international terrorism in their publications. Gorbunov (2012) systematized the types of terrorism, he differentiated between domestic and international terrorism, as the main classification array - the terrorists’ activities against the state, individual or organization. Lyakhov (1987), having studied the variety of definitions of international terrorism, concluded that they are very different from each other, many of them confuse the definitions of international terrorism and terrorism. According to the researcher, a number of provisions, for example, on recognizing the dangerous nature of international terrorism, on classifying the latter as a crime, etc., can be considered when developing the generally recognized concept of international terrorism.

Similarly, one can see an ambiguous approach in the literature to the study of the concept of international terrorism. The confusion in definitions can occur because of the of two similar definitions in legal science: an international crime and a crime of international significance.

International crimes are more dangerous delicts that infringe upon the international legal order and affect the international interests of communities in general; they are formed in connection with the violation of more significant international legal norms, set in motion criminal state policies, are prosecuted only by international justice, and, therefore, have importance for ensuring global security.

Crimes of international significance differ from international crimes; these actions are provided for by international agreements and do not relate to crimes against peace, society and security; however, they infringe upon normal relations between countries and damage normal international cooperation in various fields: economic, social, cultural, property and others. These crimes are punishable in accordance with the norms established in international agreements or the norms of international criminal law in compliance with these agreements.

Proceeding from the above, it can be argued that an international crime and a crime of international significance are criminal acts of different levels. Whereas international crimes infringe upon national security as a whole, are carried out on behalf of the state and relate to the jurisdiction of the International Court of Justice, crimes of international significance concern the interests of several countries, and only indirectly encroach on the international interests of the world community, they are carried out by individuals or organized groups of persons to achieve personal illegal interests not related to the expression of any state activity. The danger level of the former is much higher than the danger level of the latter.

International terrorism as an international crime is the most dangerous of all forms of terrorist acts, since it poses a particular danger to the international legal order and international relations. Terrorism of international significance is a separate classification component of terrorism and differs from international terrorism in its level of danger to society.

To date, the definition of a transnational crime is not enshrined in the legislation of the Russian Federation but is observed in international treaties. By the United Nations Convention against Organized Transnational Crimes (2000), ratified by the State Duma of the Russian Federation on April 2, 2004, crimes are transnational if they are committed in more than one State; if they are committed in one State, but a significant part of its preparation, planning or control takes place in another State; if they are committed in one State, but involves an organized criminal group committing that engages in criminal activities in more than one State; if they are committed in one State, but has significant effects in State.

The scientific literature considers that terrorism is related to transnational crimes, many authors in personal research tend to highlight the transnational type of terrorism. Speaking about international terrorism, Grachev (2010) divides it into two types: state-sponsored and transnational. From the scholar’s viewpoint, transnational terrorism refers to one of the types of international terrorism that infringe upon the international legal order, applying organized violence aimed at eliminating opponents (political, devout, ideological, religious enemies) and traitors to the idea in the territory of many countries. This crime is organized and committed...
independently by individuals or organized groups of individuals, regardless of various
countries and government agencies, including special services.

Thus, as the analysis shows, the scientific literature identifies a fairly large number of grounds
for the classification of terrorist crimes. At the same time, it should be noted that the
identification of specific types of terrorism is not only of theoretical importance, but also has
practical significance, since it allows, if necessary, to single out a separate aspect of terrorist
activity and criminalize it (or tighten the measures of criminal repression).

CONCLUSION

Terrorism is a socio-political criminal phenomenon based on ideology and expressed in the
creation of an all-encompassing atmosphere of fear through the implementation or threat to
implement socially dangerous criminal acts of violence aimed at achieving ultimate political
goals: negative impact on the activities and decisions of state bodies or international
organizations, peaceful coexistence of states and peoples, or directed against the interests of
a state (group of states). The definition of a terrorist crime should be enshrined in the Federal
Law of the Russian Federation “On Countering Terrorism” with the following content: it is a
guilty socially dangerous act aimed at achieving terrorist goals, i.e., a negative impact on the
activities and decisions of state bodies or international organizations, peaceful coexistence of
states and peoples, or directed against the interests of the state (group of states).

Terrorist crimes always infringe upon the main object – public safety. At the same time, this
statement is not indisputable. As the analysis of scholars’ opinions and the legislation of a
number of foreign states has shown, terrorist crimes are often recognized as crimes
encroaching on the state (institutions of state power), and crimes encroaching on the peace
and security of the whole mankind (in a number of states this notion makes them related to
international crimes, which is not entirely true in my opinion). As for the objective side of
terrorist crimes, their diversity presupposes almost the entire spectrum of signs of the objective
side (depending on the specific components of the crime), which it seems incorrect to disclose
within the framework of a single research. As the analysis shows, there are a huge number of
problems in the field of delimiting terrorist crimes.

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Contemporary terrorism: problems of concept and prevention

Terrorismo contemporâneo: problemas de conceito e prevenção

Terrorismo contemporáneo: problemas de concepto y prevención

Resumo
O artigo enfatiza que o problema do terrorismo, sendo relativamente independente, age como parte de desvios globais que afetam processos significativamente sociopolíticos nos níveis global, nacional e regional. terrorismo refere-se a um dos problemas vitais da sociedade atual. Em virtude do perigo social especial, a pesquisa científica desse fenômeno é de alta importância e relevância. Assim, o exposto e uma série de outras questões teóricas e práticas relacionadas ao combate ao terrorismo como principal direção da política de direito penal determinam a importância e relevância do tema deste estudo. O objetivo da pesquisa é conduzir uma análise jurídica abrangente da essência do impacto do terrorismo nos processos sociopolíticos atuais, no conceito de terrorismo e na sua classificação, elaborar recomendações para aumentar a eficácia das atividades antiterroristas; e obter novos conhecimentos sobre a natureza social e jurídica, peculiaridades e tendências no desenvolvimento de crimes terroristas.

Keywords: Terrorism. Contention. Sistema de medidas. Problema interdisciplinar. Legislação criminal.

Abstract
The article emphasizes that the problem of terrorism, being relatively independent, acts as part of global deviations that affect significantly socio-political processes at the global, national and regional levels. terrorism refers to one of the vital problems of current society. In virtue of the special social danger, scientific research of this phenomenon is of high importance and relevance. Thus, the above and a number of other theoretical and practical issues related to the fight against terrorism as the main direction of criminal law policy determine the importance and relevance of the topic of this study. The research purpose is to conduct a comprehensive legal analysis of the essence of terrorism impact on current socio-political processes, the concept of terrorism, and its classification, elaborate recommendations for increasing the effectiveness of anti-terrorist activities; and obtain new knowledge about the social and legal nature, peculiarities and trends in the development of terrorist crimes.

Keywords: Terrorism. Counteraction. System of measures. Interdisciplinary problem. Criminal legislation.

Resumen
En el artículo se hace hincapié en que el problema del terrorismo, al ser relativamente independiente, forma parte de las desviaciones mundiales que afectan significativamente a los procesos sociopolíticos en los planos mundial, nacional y regional. el terrorismo se refiere a uno de los problemas vitales de la sociedad actual. En virtud del especial peligro social, la investigación científica de este fenómeno es de gran importancia y relevancia. Así pues, lo anterior y otras cuestiones teóricas y prácticas relacionadas con la lucha contra el terrorismo como orientación principal de la política de derecho penal determinan la importancia y pertinencia del tema de este estudio. El objetivo de la investigación es realizar un análisis jurídico exhaustivo de la esencia de los efectos del terrorismo en los procesos sociopolíticos actuales, el concepto de terrorismo y su clasificación, elaborar recomendaciones para aumentar la eficacia de las actividades antiterroristas; y obtener nuevos conocimientos sobre la naturaleza social y jurídica, las peculiaridades y las tendencias en el desarrollo de los delitos de terrorismo.

Palabras-clave: Terrorismo. Neutralización. Sistema de medidas. Problema interdisciplinario. Legislación penal.