



LEGAL MEANS OF ENSURING PUBLIC SAFETY AS A BASIS FOR THE PROGRESSIVE DEVELOPMENT OF SOCIETY

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ABSTRACT

Objective: The article investigates the key areas to improve the effectiveness of legal means for human rights protection in the conditions of spreading ideology that promotes the development of extremist and terrorist activities. **Methods:** Close attention is paid to the scale of spreading extremism and terrorism ideology at transnational, interstate and national levels. **Results:** The focus of activity in terrorist organizations is emphasized on destruction or disruption of transport infrastructure, life support facilities, intimidation of population and committing acts of nuclear terrorism. **Conclusions:** It is necessary to develop a legal policy that promotes the implementation of measures to protect human rights, regardless to the nature of the political and legal system in the state. The universality of measures for the protection of human rights implies their viability in various socially interactive legal systems. The necessity to develop new approaches to justify the formation of ideology of terrorism and extremism is determined. Attention is paid to the necessity to improve legal grounds for understanding terrorism and extremism.

Keywords: Human rights and freedoms; Human security; Ideology of terrorism and extremism; International legal instruments; Legal policy.



MEIOS JURÍDICOS PARA GARANTIR A SEGURANÇA PÚBLICA COMO BASE PARA O DESENVOLVIMENTO PROGRESSIVO DA SOCIEDADE

RESUMO

Objetivo: O artigo investiga as áreas-chave para melhorar a eficácia dos meios legais de proteção dos direitos humanos nas condições de disseminação da ideologia que promove o desenvolvimento de atividades extremistas e terroristas. **Método:** É dada muita atenção à escala de disseminação da ideologia do extremismo e do terrorismo nos níveis transnacional, interestadual e nacional. **Resultados:** O foco da atividade em organizações terroristas é enfatizado na destruição ou interrupção da infraestrutura de transporte, instalações de suporte à vida, intimidação da população e cometer atos de terrorismo nuclear. **Conclusões:** É necessário desenvolver uma política jurídica que promova a implementação de medidas de proteção aos direitos humanos, independentemente da natureza do sistema político e jurídico do estado. A universalidade das medidas de proteção dos direitos humanos implica sua viabilidade em diversos ordenamentos jurídicos socialmente interativos. A necessidade de desenvolver novas abordagens para justificar a formação da ideologia do terrorismo e do extremismo é determinada. É dada atenção à necessidade de melhorar os fundamentos jurídicos para compreender o terrorismo e o extremismo..

Palavras-chave: Direitos humanos e liberdades; Ideologia do terrorismo e do extremismo; Instrumentos jurídicos internacionais; Política jurídica; Segurança humana.

1 INTRODUCTION

Today's changing polycentric world is characterized by new challenges and threats to national security interests amid unfavorable globalization trends. Normative legal acts adopted at the international and national levels and law enforcement activities based on them do not have an adequate impact on reducing terrorist threats (Afanasyeva, 2006).

The growing pace of crimes of terrorist nature poses a real threat to public security. In this regard, the task of implementing the state and legal policy aimed at ensuring criminal and legal protection of key human rights and freedoms such as life, health, personal freedom and public security is becoming more important.

The problem of countering the ideology of terrorism is not limited to any state. In modern conditions, this problem is of special interest to the international community, given the comprehensive nature of spreading the ideology of terrorism. Taking into account the area of its spread at transnational, interstate and national levels, it seems expedient to harmonize international and national legislation, develop a balanced harmonized legal policy, predisposed to reproduction and having viability in socially interactive legal systems.

The national security strategy includes public and personal security as one of its



components. The most pressing issue is the spread of terrorism. Growth of armed conflicts leads to development of interethnic discord, religious enmity and various manifestations of extremism. Formation of international terrorist organizations and strengthening their influence are predetermined by the policy of double standards pursued by some states in the sphere of counteraction to terrorism.

Within the framework of main threats to public security, destabilizing activity of terrorist organizations aimed at destruction or disruption of functioning in transport infrastructure, life-support facilities for population, intimidation of population, committing acts of nuclear terrorism is considered. Activities involving the use of communication and information technologies to disseminate and promote the ideology of terrorism, damage civil peace and political and social stability in society deserve counteraction (Avdeev et al., 2019).

Among the tasks set, the improvement of law enforcement measures to prevent, detect, combat and reveal the spread of ideology that predetermines the manifestation of these negative processes deserves attention. As a result of this optimization, it is necessary to establish interaction of law enforcement and public security bodies with civil society, increase citizens' trust in judicial and law enforcement systems, expand international activities to counteract the ideology of violence, extremism and terrorism.

2 LEGAL FRAMEWORK FOR COUNTERING NEGATIVE PROCESSES IN THE FIELD OF HUMAN SECURITY

For national legal systems, the legal basis for countering the ideology of terrorism is international legal acts of universal and regional character. The Declaration on measures to eliminate International terrorism, the UN International convention for the suppression of terrorist bombings, the UN International convention for the suppression of the financing of terrorism, the UN International convention for the suppression of acts of nuclear Terrorism, the Council of Europe Convention on the prevention of terrorism, the European Convention for the suppression of terrorism, the Convention on mutual legal assistance and extradition for the suppression of terrorism, the Shanghai Convention on combating terrorism, separatism and extremism, the Convention on the elimination of all forms of racial discrimination, the Convention on the elimination of all forms of discrimination against women and the Convention on the elimination of all forms of discrimination against women deserve attention (Avdeev & Avdeeva, 2014).

In the context of aviation security, the Protocol for the suppression of unlawful acts

of violence at airports serving international civil aviation deserves a positive evaluation. The Annexes to the Convention on international civil aviation deserve attention. The Declaration of 12.12.1995 of the G8 Ministerial meeting on combating terrorism and The Agreement of 26.05.1995 of the CIS member states on cooperation in ensuring the protection of civil aviation from acts of unlawful interference are of practical significance. Particular attention should be paid to the Agreement ICAO Guide to security to protect civil aviation from acts of illegal interference which was adopted in 2011.

Convention on crimes and certain other acts committed on board aircraft was signed on 14.09.1963 in Tokyo and entered into force on 04.12.1969. 151 states take part in its implementation. Russia acceded to the Convention on 03.05.1988. The Convention applies to: 1) criminal offences; 2) acts threatening the safety of aircraft.

The Convention for the suppression of unlawful seizure of aircraft was signed on 16.12.1970 in The Hague (Netherlands) and came into force after the ratification by ten states on 14.10.1971. The Convention is included into the list of nineteen key conventions on terrorism. The Convention was subject to ratification by 185 states of the world. In 2010 an additional protocol to the Convention was to be signed in Beijing (PRC).

The Convention for the suppression of unlawful acts against the safety of civil aviation was signed on 23.09.1971 in Montreal (Canada) and entered into force after ratification by ten states on 26.01.1973. The Convention was subject to ratification by 188 states worldwide. The Convention is focused on preventing behaviors and crimes that pose a threat to aviation security. In accordance with the Convention, a person is considered to have committed an offence under the Convention: a) carrying out an act of violence against a person in flight; b) damaging or destroying an aircraft that threatens its safety in flight; c) imposing or placing on an aircraft a substance or device that poses a threat of damage or destruction; d) damage to or destruction of aeronautical means, interference with their operation, threatening aircraft safety; e) transfer of knowingly false information that endangers aircraft safety in flight; f) attempt to perform the above actions; g) complicity in any of the above actions. The Convention provides for the principle that a party to a treaty will be required to prosecute the person who has committed one of these offences or to send him/her to another requesting State.

The Convention on the marking of plastic explosives for the purpose of detection was signed on 01.03.1991 in Montreal (Canada) and entered into force after ratification

by 35 states on 21.06.1998. The Convention is included in the list of key conventions on terrorism. The Convention was subject to ratification by 150 states of the world.

Thus, the international legal basis for counteracting the ideology of violence is formed by a wide list of legal acts, as a rule, having a certain orientation. The main directions of counteraction to terrorism developed by the international community require additional theoretical reflection in order to be used when drafting national antiterrorism legislation.

3 THEORETICAL AND IDEOLOGICAL BASES OF COUNTERACTION TO NEGATIVE PROCESSES IN THE SPHERE OF ENSURING HUMAN SECURITY

In modern conditions it is noted the growth of terrorist acts and number of victims, transnational character of terrorism, use of ethno-religious factor, increasing the level of the organization and financing, formation of large terrorist formations, strengthening the interrelation between terrorism and organized crime, the desire to acquire weapons of mass destruction, use of terrorism as a means for interfering in domestic politics, absence of a unified international approach to determining the determinants of dissolution (Avdeev et al., 2021).

The purpose of states is to protect individuals, state and society from any manifestations of terrorism. One of the conceptual tasks is to counteract the spreading the ideology of terrorism and intensify activities to ensure the implementation of antiterrorist measures.

At the national level, the problem of forming a state-legal mechanism for countering crimes with a terrorist nature is actual where a special place is given to the prevention and suppression to the ideology of terrorism.

Countering the ideology of terrorism involves revealing the content of relevant definitions. Thus, counteraction forms an action that prevents another action. Ideology means a worldview, a system of ideas and views (Ovchinsky, 2004). This begs the question, what supposed illegal actions should be prevented by regulations and law enforcement activities?

The traditional definition of terrorism, which is understood as the use of violence to create a socio-psychological atmosphere with the aim of influencing the adoption of decisions that are beneficial to terrorists, deserves further analysis (Avdeev et al., 2020). Thus, based on the etymological content of this term, terrorism is a policy and tactic of terror. Terror means a policy of intimidation, suppression of political opponents by violent means. Terrorism is understood in two senses: 1) to persecute, threatening

with violence, killing; 2) to intimidate, keeping in constant fear.

The analysis of legal acts shows the lack of unity in approaches to the definition for terrorism. In the preamble of the Declaration on measures to eliminate international terrorism of 09.12.1994, the manifestations of terrorism are considered to be acts that threaten life or lead to death and have harmful consequences for the security of states and international relations.

The European Convention for the suppression of terrorism of 27.01.1997 criminalizes terrorist acts: 1) related to the application of the Convention for the suppression from the criminal seizure of aircraft; 2) related to the application to the Convention for the suppression from criminal acts against the safety of civil aviation; 3) consisting in the attempt on life, bodily integrity, freedom of persons having the right of international protection; 4) expressed in the seizure of hostages or illegal deprivation of liberty; 5) consisting in the use of bombs, missiles, grenades, automatic firearms, parcels and parcels dangerous for people. This list is supplemented by attempts to commit one of the listed offences.

At the same time, the Shanghai Convention on combating terrorism, separatism and extremism of 15.06.2001 defines terrorism as an act (its organization, planning, other facilitation) aimed at causing death, serious bodily injury, significant damage to a material object, organization of an act (its organization, planning, other facilitation), aimed at violating public security, intimidating the population, coercion of an international organization or authorities to an act prosecuted by the national criminal legislation of the parties.

The definition introduced by the Convention of the Shanghai cooperation organization against terrorism of 16.06.2009 is of practical importance. However, the proposed definition for the concept of terrorism leads to problems of its legislative formalization in national legislation and subsequent interpretation at the international and interstate levels.

It is noteworthy that the Concept of counteraction to terrorism which was approved in the Russian Federation on 05.10.2009 defines principles, goals, objectives and key directions of the main countermeasures. The Integrated plan of counteracting the ideology of terrorism in the Russian Federation for 2019-2023 was approved on 28.12.2018 No. Pr-2665 provides certain assistance in achieving the set objectives. Formed legislative and organizational mechanisms of counteraction to the ideology of terrorism allow now to involve local authorities in these activities.

Therefore, terrorism means the ideology for violence and the practice of influencing

the decision making in international organizations or authorities by threatening or committing violent acts aimed at causing harm to a person, state or society involving the intimidation of the population and other criminal acts (Kartashkin & Lukasheva, 2002).

However, the absence of mandatory signs of terrorism in this definition may lead to the regulation for ambiguous definitions in the regulation for the norms of national legislation. Also, the absence of a universal definition of terrorism at the international level precludes the possibility for a unified approach to the concept in this social and legal phenomenon.

Implementation at the national and international levels requires a set of targeted preventive measures aimed at achieving educational and cultural goals directly within educational organizations. This will allow students to become aware of the criminal nature in the ideology of terrorism and extremism. Countering the ideology of terrorism involves preventing the dissemination in the media of material that calls for terrorist activities and justifies terrorism (Avdeev & Avdeeva, 2019).

The observed regional and national legal multiplicity points to the need to consolidate legal and regulatory resources. In this regard, the adoption by the United Nations of a universal instrument containing the doctrinal and organizational and practical grounds for terrorism is relevant. Formation of international standards to counter terrorism will make it possible to consolidate legal and organizational and practical state resources taking into account the interest in neutralizing the determinants of this social and legal phenomenon. Standardization of the universal formula on terrorism creates conditions for the development and implementation in criminal law policy in the field of counteraction to terrorism based on the peculiarities of national legal systems (Ananidze, 2006).

Thus, it can be concluded that counteraction to the ideology of terrorism is ensured by suppression and prevention of the worldview, system of ideas and views aimed at implementing policies and tactics of intimidation, suppressing by violent measures the activities of legitimate international organizations, public authorities and management in order to achieve certain goals.

4 CONCLUSION

At the same time, active propaganda and recruitment activities of international terrorist organizations are disseminated through labour migration channels. The

scientific and methodological support for countering the ideology of terrorism deserves improvement. There are untapped reserves in the organization of activities for executive authorities and local governments to counteract the ideology of terrorism.

In this connection, the goal is to counteract the ideology of terrorism, protect the population from the propaganda influence of individuals, communities and international terrorist organizations. The following will be considered priorities: a) to increase the efficiency of preventive activities with persons influenced by the ideology of terrorism; b) to form the antiterrorism consciousness; c) to protect the information space from the ideology of terrorism; d) to increase the effectiveness of counteraction to terrorism.

The following comprehensive measures will be implemented: 1) preventive work with persons influenced by the ideology of terrorism; 2) measures to form antiterrorist consciousness in the population; 3) modernization of propaganda measures and protection for the information space from the ideology of terrorism; 4) organizational and other measures to improve the effectiveness of counteraction to terrorism.

Within the framework of preventive work with those influenced by the ideology of terrorism, attention is focused on the implementation of social and economic measures in respect of persons who have served their sentence for crimes of a terrorist nature; clarification for the criminal nature of terrorism to persons who have served their sentence in penal institutions; implementation for preventive measures in respect of persons who have served their sentence for crimes of a terrorist nature; conversations with family members of persons involved in terrorist activities including those who have served their sentence in penal institutions; organization of work on bringing the norms of legislation stipulating responsibility for assistance and participation in terrorist activity to persons coming from the states with increased terrorist activity for labor activity and temporary residence; conducting preventive conversations with young people including those characterized by deviant or delinquent behavior to form a firm rejection to the ideology of terrorism and instill spiritual and moral values.

To form antiterrorist consciousness, measures should be taken aimed at developing among the population, mainly young people, an active civic position that excludes the perception for the ideology of terrorism; reducing the vulnerability among young people to the influence from the ideology of terrorism; preventing the use of religious factors in spreading the ideology of terrorism and supporting antiterrorist nature.

Modernization of outreach measures and protection of the information space provides for the creation and dissemination in the Internet and mass media materials in the field of countering the ideology of terrorism including appeals from individuals

who have renounced terrorist activities; use of equipment installed in public places and outdoor advertising means to convey information materials on terrorism prevention to the population; placement of information materials on the official portal creation of antiterrorist films; holding press conferences covering the activities of government agencies in the area of countering terrorism; monitoring the Internet for detecting terrorist materials and blocking their distribution; responding to actions by international terrorist organizations; and developing measures to conduct expert examinations for information materials of a terrorist nature.

Organizational and other practical measures include the development of a program to improve the skills of municipal and civil employees within the authority to counteract this ideology, the holding of interdepartmental training courses to obtain practical skills by representatives of interested government agencies, press services, mass media of activities in the conditions of terrorist threat, bringing to the students in educational organizations the norms of legislation governing the following activities.

The introduction requires methods of timely identification among students exposed to the ideology of terrorism; conducting sociological surveys on the impact of the ideology of terrorism on the socio-political situation; to assess the impact of interreligious and interethnic relations on the situation in the field of countering the ideology of terrorism.

In conclusion, it should be noted that the legal mechanism for countering the ideology of terrorism provides for solving problems related to improving the effectiveness of special services, law-enforcement bodies, controlling and supervising bodies and modernization of system for preventing crime of terrorist orientation including among youth, implementation of special measures on decreasing the criminal level of public relations in the mentioned sphere.

Optimization requires a system of prevention, detection and suppression of destructive activities of international and foreign terrorist organizations taking into account the antiterrorist security of defense, chemical, nuclear, fuel and energy state complexes, transport infrastructure, life support facilities for the population, other potentially dangerous and critical facilities. It is required to increase the protection of citizens and society from the negative information influence of terrorist organizations.

In addition to these tasks, measures are to be taken to ensure protection for the common information space and improve the system of information counteraction to the development of this negative phenomenon. Practical importance is given to information-analytical counteraction to the dissemination of the ideology of terrorism

through the collection, systematization, analysis, evaluation, exchange of information obtained in which it is relevant to create at the international and national levels a common antiterrorist information space.

Information and analytical support involves the development by scientific institutions of the methodological and theoretical basis for countering the spread of the ideology of terrorism, conducting research and studies of practical importance, studying the experience of foreign countries, making proposals to improve the system of preventive measures and prevention.

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