

Features of Special Prevention Measures of Extremist Crimes in the Republic of Tajikistan

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Abstract—The paper considers the features of special prevention measures of extremist crimes in the Republic of Tajikistan and presents the analysis of domestic and foreign studies concerning this matter. The problem of extremist criminal law standards is lack of the uniform approach to special prevention measures and concerning some issues – the application of such measures by law-enforcement agencies. In the analysis of special prevention measures of extremist crimes in the Republic of Tajikistan the authors of the study make suggestions and describe events, which took place in the Republic during the civil war in order to eliminate the gaps in the legislation. The researches in this field is also required to strengthen criminological preventive practice regarding extremism.

Keywords—*extremism; extremist activity; extremist focus; criminology; prevention*

I. INTRODUCTION

The Republic of Tajikistan faced drastic changes in its socio-economic and political perspective. These changes led to various negative events, namely to extremist cases.

The Republic of Tajikistan takes various active measures to identify and prevent extremist crimes. In his regular address the President of the Republic of Tajikistan, the Leader of the Nation Esteemed Emomali Rahmon Majlisi Oli of the Republic of Tajikistan "... currently our country takes efficient measures to develop the corresponding internal and external potential for timely response to global challenges and threats.

The extremist crimes cause many concerns both within the country and beyond its boundaries thus raising concern of the entire international community and increasing the role of the world countries in their fight against all forms of extremism in general.

We need to emphasize that our society faced such social phenomenon as extremism, which represents a potential public threat to personality, society, and the state.

In this respect, the ever-bigger integration with international and regional community, international and regional organizations and broad cooperation with them is critical for the Republic of Tajikistan.

Considering the present situation and to ensure sustainability of safety measures, we are ready for extensive cooperation with international and regional organizations and partner countries in the prevention of the growing threats of terrorism, extremism and other challenges of the modern world" [1].

According to the statistics of the Main Information and Analysis Center of the RT Ministry of Internal Affairs, in total 271 extremist crimes implied by Article 307² of the RT Criminal Code were recorded in the republic during 2004-2016 (including in 2010 - 3, 2011 - 1, 2012 - 2, 2013 - 13, 2014 - 43, 2015 - 112 and 2016 - 97), of which 29 criminal cases were initiated under Part 1 and 2 of Article 307², Part 2 of Article 238 and 4 cases under Part 3 of Article 307² of the RT Criminal Code [2].

With regard to the above, the International Conference on Joint Fight against Terrorism, Extremism and Radicalism was held in May 2018 in Dushanbe.

A. Problem Statement

The development of democratic and constitutional state is impossible in living conditions of national religious, social political mistrust, hostility, and lack of civil consent.

Prevention of extremist crimes is a targeted process aimed to detect and eliminate the crime reason taking into account criminological features of the persons involved.

It shall be noted that the state policy of the country plays a special role in the prevention of extremist crimes since one of its priorities is to ensure national security.

The role of the state in extremism prevention and counteraction is critical since it shall take adequate measures and protect the personality and society at large.

At the same time it shall be borne in mind that the prevention is merely one of the tools of the system that fights against crime. It is not efficient if separated from cross-organizational and law-enforcement practice of the corresponding agencies. Considering the fact that the prevention as the main objective aims to decrease the crime rate, it shall be noted that it is universal and performs a criminal function being part of a general system of social prevention.

At present, there is a fairly large number of regulations governing the prevention of extremism, which were analyzed in detail during the study. In particular, such regulations include the following international law acts: International Covenant on Civil and Political Rights (1966) and Shanghai Convention on Combating Terrorism, Separatism and Extremism (2001).

The national legislation on counter extremism includes the following documents: Constitution of the Republic of Tajikistan (approved on 6 November 1994 by the nationwide referendum as amended on 26 September 1999, 22 June 2003 and 22 May 2016); Criminal Code of the Republic of Tajikistan (No. 574 of 21 May 1998 as amended on 14.11.2007); Law of the Republic of Tajikistan “On Fight against Extremism” (Emomali Rahmon Majlisi Oli of the Republic of Tajikistan, 2003, No. 12, Article 697; 2007, No. 3, Article 158; Law of the Republic of Tajikistan No. 1146 of 27.11.2014); Law of the Republic of Tajikistan “On Information” No. 55 of 10 May 2002 // Emomali Rahmon Majlisi Oli of the Republic of Tajikistan. – 2002. – No. 4, Part 2. – Article 320; 2012. – No. 7. – Article 698; Law of the Republic of Tajikistan “On Non-Governmental Organizations” No. 258 of 12 May 2007 // Emomali Rahmon Majlisi Oli of the Republic of Tajikistan. – 2007 – No. 5. – Article 363; 2008. – No. 3. – Article 202; 2010. – No. 7. – Article 554; 2013. – No. 3. – Article 202; Law of the Republic of Tajikistan “On Safety” No. 1283 as amended on 15.03.2016 [Text] // Emomali Rahmon Majlisi Oli of the Republic of Tajikistan. – 2011. – No. 6. – Article 434; 2014 – No. 11. – Article 646; as well as the Decree of the President of the Republic of Tajikistan No. 776 of 12 November 2016 “On the National Strategy of the Republic of Tajikistan on Counter Extremism and Terrorism for 2016-2020 [3]”, etc.

In our opinion, the Law of the Republic of Tajikistan “On Fight against Extremism” (Emomali Rahmon Majlisi Oli of the Republic of Tajikistan, 2003, No. 12, Article 697; 2007, No. 3, Article 158), defining its main objectives, is of particular importance.

In particular, these objectives include the following: countermeasures on extremism disruption, including measures to detect and subsequently address the reasons and conditions contributing to extremism, as well as to identify, prevent and suppress the extremist activity of public and religious associations, other organizations, and natural persons.

Another important document is the Decree of the President of the Republic of Tajikistan No. 776 of 12 November 2016 “On the National Strategy of the Republic of Tajikistan on Counter Extremism and Terrorism for 2016-2020”, which defines the priority areas of counter extremism and terrorism such as the increase of the level of legal culture within a society and socio-legal security of a personality, elimination of social and economic prerequisites of extremism and radicalization that lead to terrorism, as well as the development of the national idea and strengthening of political outreach, etc.

The Ministry of Internal Affairs of the Republic of Tajikistan also plays its role in general and special prevention

of extremist crimes. Within its scope, the prevention of extremist crimes is the focus area of law-enforcement bodies.

Thus, the existing system of Tajik legislation reflecting the legal strategy of counter extremism has a relatively full set of legal measures ensuring efficient fight against this phenomenon and its prevention. However, the potential of legal counteraction to extremism is not always fully utilized due to insufficient law-enforcement practice and the existing gaps in the legislative control, which requires further improvement of these measures. A well-drafted regulatory framework is the most important condition contributing to the efficiency of crime prevention.

We believe that there is a need to address the scientific doctrines of extremism prevention to ensure the efficiency of anti-extremism legislation.

II. RESULTS AND DISCUSSION

The nation-wide ideology can and shall play a special role in the prevention of extremism since it is aimed to the unity of society and state, to socially useful objectives, one of which will be the intolerance to criminal behavior in general and to extremism in particular from the entire society.

The individual prevention of crimes becomes quite relevant within this system of measures. Individual prevention is “the complex system of state, legal and public measures to force, convict and assist persons demonstrating anti-social behavior. Besides, these measures are focused on identification, elimination, neutralization or weakening of objective or subjective factors leading to crimes”. The persons that may commit violent crimes concerning officers of the Department of Internal Affairs due to aggressive and violent behavior of the first ones are the subjects of individual prevention [4].

The public danger of such crimes is not only that any of them undermines the authority and value of the government, but also that people committing such crimes challenge the government and its entire law-enforcement system. They disrupt and impede the proper functioning of governing bodies, lead to disorganization of management relations, foster uncertainty, fear and concern of the future. At the same time it shall be noted that one of the most widespread crimes against the administrative order is the infringement of life and health of law enforcement officers, criminal liability for which is implied by Article 317 of the Criminal Code of the Russian Federation. [5].

In this regard it is fair to agree with K.E. Igoshev emphasizing that the ideology is one of the main tools ensuring the general focus of the prevention system [6]. This requires various preventive measures involving the younger generation such as conferences, round tables, meetings with law enforcement agencies and clergy members. As practice shows, the ideology of extremist crimes represents the generation of conscious and assessed motivation as the ideal basis and justification of criminal illegal behavior of a person.

This was reflected during the civil war in the Republic of Tajikistan after the collapse of the USSR. Then, the followers

of Wahhabism were not that dangerous. Their main priority objective was to work with the youth [7].

Mass media is another important factor of extremist crimes prevention [8], as reflected in Article 1 of the Law of the Republic of Tajikistan "On Information" No. 55 of 10 May 2002 // Emomali Rahmon Majlisi Oli of the Republic of Tajikistan.

Legal information is the set of documentary or publicized data on the law, its system, sources of realization and legal facts, relations, order, offenses and fight against them, their prevention, etc.

We think that in order to prevent the negative impact of mass media on public opinion, there is a need for censorship covering the representatives of the state and public organizations to decrease the extremalization level.

At the same time special attention shall be paid to electronic resources in the Internet. Quite often, the extremist crimes are committed by online publishing of materials containing appeals to extremist acts exclusively based on the promotion of intolerance against race, nationality, religion, etc.

The impunity of extremism create the impression of permissiveness, which, undoubtedly, leads to its increase. Social differentiation, low legal safety of the society, lack of control over mass media, in particular the Internet publicizing the corruption, including within authorities, also create conditions and prerequisites for extremism.

It shall be noted that successful efforts of police officers in prevention of offenses by the specified group depends on many factors, including the ability to timely detect and correct the elements of national, religious or political crimes and offenses. Police officers shall be aware of methods that make it possible to detect these antisocial phenomena immediate, understand internal and external stages of such dangerous offenses. Hence, the law-enforcement bodies face the task to develop the training program for police officers to teach methods and tool to detect and prevent crimes and offenses committed due to this antisocial phenomena [9].

Tolerant consciousness is developed by the system of early prevention of offenses and other antisocial acts. Police is responsible for the the prevention of these negative social processes. Besides, there is a service of district police officers responsible for initial prevention of public organizations, ethnic groups and other antisocial associations.

Tolerant attitude also plays an important role in the prevention of extremist crimes. The main measures aimed to develop the sense of patriotism among the younger generation and thus prevent extremist are as follows:

- Legal education of youth;
- Cultural communication between the representatives of different confessions;
- Club associations focusing on patriotism;
- Patience, tolerance and understanding of different cultures, customs and traditions [10].

Taking into account the specific feature of extremist crimes prevention, it is also necessary to consider scientific approaches defining measures of social prevention of extremist crimes. Thus, in this regard Markov Yu.V. considers the following measures:

- social and economic measures;
- ideological measures;
- political measures;
- cultural and educational measures;
- legal measures;
- information security measures [11].

The above opinion is quite universal since there is no clear division into groups covered by the study.

When classifying the prevention of extremist crimes some scientists consider certain areas. In particular, Aminov D.I. and Oganyan R.E. identify three main areas, namely:

- a) elimination of criminogenic factors through social and economic measures;
- b) promotion of patriotism;
- c) neutralization of criminal group leaders [12].

Such division into areas allows concluding that there is a need to recognize the first two areas as priority and fundamental. We believe that the third area is debatable since for objective reasons their full neutralization will be impossible.

Thus, it shall be noted that such measures can only be successful with the uniform system approach, namely: legal, economic, social, political, ideological, educational, organizational, as well as other measures of special and criminological prevention of extremist crimes in the Republic of Tajikistan.

In many respects the key to efficient prevention depends on specific legal nature of the considered social and negative phenomenon. It also implies targeted efforts of public authorities, institutes of civil society, certain citizens on identification, relaxation, neutralization and elimination of factors leading to the distribution and (or) growth of public danger of certain types of extremism [13].

III. CONCLUSIONS

Extremism, being typical for all spheres of life of the society, such as culture, international and inter-confessional relations, economy and politics, undermines the system of the state and threatens national security.

Therefore, one of the key tasks of the government is to ensure national security. The creation of inter-confessional climate, communication and tolerance towards the representatives of other faiths is the key to success and peace in the country.

Different sources refer to various special and criminological measures of extremist crimes prevention, which demonstrates lack of uniform and accurate scientific and legal direction fully revealing the prevention of extremist crimes.

The study showed a considerable public danger of extremism and its growing destructive capacity at the modern stage of development of the Republic of Tajikistan.

Among diverse extremist activities the most widespread forms in Tajikistan are such forms, which pose a threat to life, health, constitutional rights and freedoms of a person. They include initiation of religious strife and intolerance, promotion of exclusiveness, superiority or inferiority of citizens based on their religion, public appeals for violent seizure of power or change of the constitutional system.

First of all, any criminological measures of extremism prevention depend on bilateral agreements and close relations with international organizations.

The given study reflects the problems of special and criminological prevention of extremist crimes in the Republic of Tajikistan and at the international level. It also covers the most disputable issues, opinions and views of Tajik and foreign scholars on defining the elements of extremist crimes, as well as illegal and socially dangerous actions stipulated in the criminal law.

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