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EXTREMISM AND TERRORISM - BASIS OF CRIMINAL LIABILITY AND MECHANISMS OF PREVENTION

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Abstract
This article analyzes the legal nature of extremism and terrorism crimes, which pose a serious threat to modern security, as well as the grounds for liability in the criminal legislation of the Republic of Uzbekistan. The shift of radicalization processes into cyberspace amidst the development of digital technologies is examined, and practical proposals are put forward to improve prevention and early warning mechanisms, rather than relying solely on punitive measures.

Keywords: Terrorism, extremism, criminal liability, cyberterrorism, prevention mechanisms, radicalization, criminal legislation.

Introduction

The unprecedented rapid development of international relations and information technologies, along with the positive aspects of globalization processes, has led to the emergence of the most dangerous forms of transnational organized crime - extremism and terrorism - in a new guise. Today, terrorism has completely abandoned its traditional local character and has become a global threat that freely crosses state borders through social networks, messengers and dark web platforms [8]. This problem has also been recognized internationally, and UN Security Council Resolution 1373 of September 28, 2001 obliged all member states to take comprehensive measures against terrorism - in particular, to block financing channels, strengthen information exchange and bring domestic legislation into line with international standards [6].

The Republic of Uzbekistan, in view of its geopolitical location and strategic role in ensuring security in the Central Asian region, is pursuing a rigorous criminal-legal policy to combat these threats. In particular, the adoption of the "National

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Strategy of the Republic of Uzbekistan on Combating Extremism and Terrorism" for 2021–2026 served to systematize state policy in this area [3]. In addition, Uzbekistan, as a member of the Shanghai Cooperation Organization's 2001 Shanghai Convention on Combating Terrorism, Separatism and Extremism, is actively participating in strengthening regional security [7].

From the point of view of criminal law, extremism and terrorism are not just offenses directed against a person or property, but are also extremely serious crimes that directly undermine the constitutional order of the state, public security, and international peace [1]. Although the current Criminal Code of the Republic of Uzbekistan strictly defines the bases of responsibility for extremist and terrorist acts, as well as their financing and propaganda, a number of specific complexities are emerging in law enforcement practice [4]. Especially in modern cyberspace, identifying offenders, identifying sources of hidden financing (including through international money transfers and cryptocurrencies), and correctly qualifying the criminal element in their actions require highly modern approaches from investigative bodies. At the same time, international research has also proven that it is impossible to completely eradicate extremism and terrorism through strict punitive measures and legal prosecution alone [9]. Along with ensuring the inevitability of criminal liability, improving preventive mechanisms aimed at early prevention of radicalization processes among vulnerable segments of the population (in particular, youth and labor migrants) is one of the most urgent scientific and practical tasks of our time [2].

The main purpose of this article is to analyze the foundations of responsibility for extremism and terrorism in the current criminal legislation, to study the practical problems of qualifying these acts with a high level of social danger, and to develop scientifically based proposals to increase the inevitability of punishment and the effectiveness of preventive measures in the context of modern digital threats.

Main part

In the criminal legislation of the Republic of Uzbekistan, the legal mechanisms for qualifying crimes of extremism and terrorism are strictly differentiated depending on the degree of social danger of the act. In particular, Article 155 of

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the Criminal Code of the Republic of Uzbekistan recognizes terrorism, that is, the commission of bombings, arson or other similar actions with the aim of forcing state bodies to make decisions, causing panic among the population, as a particularly serious crime, and establishes sanctions up to life imprisonment [1]. The Law No. O'RQ-309 "On Combating Terrorism", adopted on December 15, 2000, expands the concepts of terrorism, its subjects and objects of attack, and determines the joint response measures of state bodies [5].

Currently, one of the most complex issues in judicial investigation practice is the identification and qualification of the offense of financing terrorism (Article 155-3 of the Criminal Code). The implementation of modern financial technologies, including cryptocurrencies, dark web platforms and international transit accounts, requires law enforcement agencies to widely use digital forensics to identify financial traces. According to a report by the Financial Action Task Force (FATF), informal money transfer networks (hawala) and digital assets are increasingly being used to finance terrorism in the Central Asian region, which necessitates the updating of financial intelligence and criminal procedure mechanisms [10]. In qualifying this article, it is also important to note that the fact that the funds are not directly intended for the implementation of a specific terrorist act, but for general support for an extremist organization, constitutes an important legal element [4].

On the other hand, the main legal instruments for curbing the initial stages of extremism and terrorism are Articles 244-1 (preparation, storage, distribution or display of materials that threaten public safety and public order) and 244-2 (establishment, leadership, participation in religious extremist, separatist, fundamentalist or other prohibited organizations) of the Criminal Code [1]. Today, downloading prohibited audio and video materials on social networks, clicking "like" on them or sending them to virtual groups by citizens, especially young people and labor migrants, often leads to serious criminal liability due to legal illiteracy. In investigative practice, the process of determining the subjective aspect of the crime - that is, the fact of intentional commission and the motive for the crime - in relation to such acts constantly relies on the conclusions of complex forensic psychological, linguistic and religious examinations [4].

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There are specific stages of the radicalization process, and identifying them at an early stage is the most effective way to prevent crime. According to Marc Sageman's research, the radicalization of an individual occurs at the intersection of the triad of social isolation, personal problems, and ideological influence - this aspect must be taken into account when developing prevention programs [9]. Taking into account this theoretical basis, the 2018 Law "On Combating Extremism", which is also in force in Uzbekistan, obliges state bodies not only to prosecute, but also to increase the legal and religious literacy of the population and provide targeted protection for vulnerable social groups [2]. Considering that criminal law sanctions alone cannot fully eliminate the threat of radicalization in the digital age, preventive mechanisms within the framework of criminal law must be radically modernized. In order to combat cyber threats, the introduction of digital monitoring systems that can detect the early stages of virtual radicalization of young people (from ideological processing to action), as well as the expansion of alternative social rehabilitation mechanisms for those who have mistakenly fallen under the influence of extremist groups, should become the most effective preventive method of criminal policy [3]. The 2006 UN Global Terrorism Strategy also identifies this principle - the combined use of prevention, cooperation and rehabilitation methods along with punishment - as the most effective approach at the international level [6].

Conclusion

The results of the study and the analysis of the process of implementing criminal law in practice show that the migration of the threats of extremism and terrorism to the digital space requires bringing the state's criminal and legal policy to a new level. Traditional punitive measures serve only to combat the consequences of the crime and are not sufficiently effective in eliminating the true roots of this complex socio-political evil. Based on this, the following scientific and practical proposals are put forward to improve the criminal legislation and prevention mechanisms of the Republic of Uzbekistan.

Firstly, it is necessary to strictly limit the criteria that clearly determine the level of social danger of an act when applying the sanctions of Articles 244-1 and 244-2 of the Criminal Code - in particular, the difference between the storage of extremist material for personal purposes and its deliberate public distribution - within the framework of the decisions of the Plenum of the Supreme Court [4]. This legal guarantee prevents young people and individuals with insufficient legal knowledge from being unjustifiably subject to extremely severe criminal liability for their carelessness in the virtual world.

Secondly, it is necessary to legalize the special institution of "digital forensics" in the qualification and investigation of terrorist financing crimes (Article 155-3) and to include modern legal mechanisms for monitoring international electronic payment systems and cryptocurrency transactions in the Criminal Procedure Code [10]. In accordance with FATF requirements and UN Security Council Resolution 1373, Uzbekistan should adapt its financial intelligence agencies to the requirements of the digital economy [6].

Thirdly, in order to strengthen early prevention instead of criminal prosecution, it is necessary to create alternative intellectual content on social networks that neutralize radical ideas and strengthen the mechanism for early detection of violations through regulatory documents by introducing "digital patrol" activities in cyberspace [2]. Expanding cooperation within the Shanghai Cooperation Organization, increasing the speed of information exchange, and legally regulating joint operations also serve to strengthen state security [7].

In conclusion, it should be noted that the principles of inevitability of punishment and legality in the fight against terrorism and extremism will only give the expected result in ensuring state security when applied in conjunction with strong social rehabilitation, increasing the legal and religious literacy of the population, and targeted preventive measures [5].

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