

Correlation of concepts "extremism" and "terrorism" in countering the financing of terrorism and extremism

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ABSTRACT

The main threats to world order are terrorist and extremist activities. On the world stage, countries unite into a coalition with the aim to increase the efficiency of the fight against terrorism. At the local level, the terrorist threat is fought by the security services. In order to prevent global human victims, which may arise as a result of terrorist attacks, the government is taking a number of normative legal acts, which prevent the activities of militants. The main problem that arises in the preparation of the law is the lack of a clear understanding of what the "terrorism" and "extremism" are. Therefore, in this paper, a complete analysis of these terms will be made on the basis of normative legal acts of some countries such as the USA, Russia, Kazakhstan, and scientists specialized in the subject. Research of the terms "extremism" and "terrorism" has shown that these concepts are different, but at the same time interconnected. This relationship is expressed in the fact that terrorism is a continuation of extremism, its next step. The disengagement of these concepts will allow the legislator to create more specific laws, that will cover the entire field of criminal activities.

KEYWORDS

anti-terrorist activity, criminals financing, terrorist organization, terrorist act, extremist tendencies

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Introduction

Studying the international problems of combating the terrorism and extremism financing, as well as any scientific study should begin with a detailed analysis of the main concepts of the topic. The structure of our topic suggests the concepts of "terrorism" and "extremism".

Terrorism is derived from the word "terror". S. Ozhegov Explanatory Dictionary explains the word "terror" as "intimidating of political opponents, expressed in physical violence, up to the destruction" (Ozhegov, 1983).

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V. Dal Dictionary gives the following explanation: intimidation, intimidating by the death penalty, murder, and all the horrors of Fury (Dal, 1882).

However, the words "terror" and "terrorist" in origin are not native in Russian; they came from France.

Pavlenkova O.N., who explored the evolution of the etymological meaning of the word "terrorism", writes: "We know that the modern meaning of the words "terror" and "Terrorism" dates back to a particular moment in history – «La Terror», herewith, the period of the reign of Robespierre in 1793-1794 (Pavlenkova, 2009). The term «terrorism» is derived from the French word «terrorisme», which is related to the Latin words «terrere» (intimidate) and «deterere» (to be afraid). In 1795, the word «terrorisme» was first used to characterize the actions of the Jacobin Society, which came to power in post-revolutionary France. This was the so-called "Board of Terror" («Reign of Terror»). The acts, committed by the Jacobins and then described as a «terrorisme», include a description of arrests and executions of the opponents, considered as a means against possible protests and discontent with the regime in the society. Then came the term «terrorists», originally denoted the supporters of such a policy in the Convention. "Terror – according to the Robespierre – is nothing more than justice, cruel adequacy, the inevitability of retribution. It is the embodiment of virtue. "Over time, this aura of sublimity melted away: the combination of «enfant terrible» in the late XIX century, has had nothing to do with the word "Terrore", and it was only synonymous with the word "monkey". Meanwhile «terrore» carried a meaning of the strong fear, but was not linked to a particular social force" (Pavlenkova, 2009; Sopova, 2003).

Thus, from the beginning of the word "terrorism" was associated with the methods of political intimidation. There are various definitions of terrorism in the legal literature. Here are some of them.

Terrorism – the systematic use of intimidation, especially as a means of coercion (Kolosov & Krivchikovz, 1996; Tatarinova, Shakirov & Tatarinov, 2016).

Terrorism – complex of violent actions, carried out by the organization to create an environment of insecurity or to commit the government coup (ICJ Reports, 1996).

In our view, the definition of the term "terrorism" in a fully volume is disclosed in the modern dictionary of main terms and concepts in the field of fighting the international terrorism and other manifestations of extremism, which states that terrorism as a complex socio-political and criminal phenomenon, caused by internal and external contradictions of social development in different countries.

Terrorism is a multifaceted threat to the vital interests of individuals, society and the state, one of the most dangerous kinds of political extremism in the global and regional scales (Lepeshkov, 2010; Zavotpaev, 2005; Shanghai Convention, 2001).

In its social and political nature terrorism is a systematic, socially or politically motivated, ideologically informed use of violence or threats of such, whereby through the intimidation of natural persons the control of their behavior is carried in a positive way for terrorists and the pursued terrorists objectives are achieved (ICJ Reports, 1996; Sopova, 2003; The Interparliamentary Assembly of CIS Members, 2009). Terrorism involves several interconnected elements: the

ideology of terrorism (the theory, the concept of ideological and political platforms); terrorist organizations (international and national terrorist organizations, extremist right-wing and left-wing, nationalist, religious and other public organizations, the structure of organized crime, etc.), as well as the actual practice of the terrorist (terrorist activity).

As a criminal phenomenon the terrorism is illegal criminal act, committed for the purpose of public safety contravention, influencing decision-making authority, intimidate the population. It is manifested in the form of violence or threat of violence against the natural or legal persons; destruction (damage) or the threat of destruction (damage) of the property and other material objects, endanger people's lives; causing significant property damage or approach of other socially dangerous consequences; encroachment on life of a state or public figure, committed to stop his state or other political activity or out of revenge for such activity; attack on a representative of a foreign state or an employee of an international organization, which are having the use of international protection, as well as on the office or transport of persons, which are having the use of international protection; other acts falling under the concept of terrorism in accordance with national legislation, as well as other generally recognized international legal instruments aimed at fighting the terrorism (Sopova, 2003; Shanghai Convention, 2001; The Interparliamentary Assembly of CIS Members, 2009).

Aim of the Study

The aim of this study was to reveal the concepts of "terrorism" and "extremism".

Research questions

The overarching research question of this study was as follows:

What is the difference between terrorism and extremism?

Method

As a methodological basis of the study the scientific works on philosophy, sociology, psychology, economics and general theory of law are used. There are used methods of logic and system analysis, historical, legal and comparative legal analysis of the main provisions of laws in the study, as well as the linguistic analysis.

As information sources, we used the laws and other regulations: the laws of the Republic of Kazakhstan, the UN General Assembly resolutions, CIS acts of regulation.

Data, Analysis, and Results

To give a clear definition of the term terrorism is quite difficult, especially because this concept very often has different meanings: terrorism got "politicized", or vice versa, was assessed as an ordinary criminal offense.

In the present conditions we are faced with different kinds of terrorism (individual and collective, national and international, nationalist, religious, social, bomb, nuclear, information, technology, computer (or as it is often called – "cyber-terrorism"), as well as various manifestations of terrorist activities (fighting the tyranny, diversion, extremism, separatism and others). In addition,



each of these varieties, each of the terrorism manifestations has certain, inherent only to them features (Lepeshkov, 2010).

The first attempt to reveal the content of the studied concept was made at the III International Conference on the Standardization of criminal law, held in 1930 in Brussels. In the presented for consideration and adopted by the Conference resolution the term terrorism was proposed to be understood as "the intentional use of agents capable of creating a common danger ... if the accused commits the acts that threaten the life, physical integrity, human health, or acts that threaten to destroy the valuable benefits, namely:

a) Deliberate arson, explosion, flooding, asphyxiating or lethal substances spreading. Destruction and damage of the signals, lights, structures or devices intended for firefighting and rescue;

b) unauthorized break of normal work of transport, means of communication, railways, telegraph, telephone, mail, vandalism of the hydraulic equipment, lighting, heating and motive power of public use or purpose;

c) The desecration, damage or poisoning of drinking water or power agents, agents of daily necessities, provocation or spreading of infectious diseases, epidemics and epizootic or plant diseases that are crucial for agriculture and forestry".

The League of Nations put this definition to the basis of the "Convention for the Prevention and Punishment Terrorism" in 1937.

According to the Convention, by acts of terrorism should be understood the "criminal acts, committed against another state or population of any state in order to cause fear among the individual persons of the population."

But soon after the formation in November 1937 in the League Council of the Committee for the development of an international convention to combat terrorism, as an act of terrorism has been defined any deliberate actions, aimed to murder the Head of a state; destruction or damage of the public property or transport; actions endangering human life (Zavotpaev, 2005).

"Terrorism" according to the Shanghai Convention on Combating Terrorism, Separatism and Extremism of June 15, 2001, is defined as:

a) An act, which is recognized as a crime in the contract, provided by the Convention;

b) Any other act, intended to provoke the death of a civilian or any other person, which is not taking an active part in the hostilities in a situation of armed conflict, or to cause grievous body harm and cause significant damage to any material object, as well as organization or planning of such an act, complicity in its commission, instigation, when the purpose of such act by its nature or context is to intimidate a population, to violate public security or to compel the authorities or an international organization to commit any act or to abstain from doing it. They are criminally prosecuted in accordance with the national legislation of the Parties (Shanghai Convention, 2001).

Model Law "On Counteracting Terrorism", adopted at the thirty-third plenary session of the Interparliamentary Assembly of CIS member states on 3 December 2009 №33-18 defines terrorism as an ideology of violence and the impact on the practice of decision-making by the government bodies, local authorities or international organizations related to the intimidation of the

population and (or) other forms of illegal acts of violence (The Interparliamentary Assembly of CIS Members, 2009).

Law of the Republic of Kazakhstan on July 13, 1999 № 416 "On counteracting terrorism" also gives a definition of this phenomenon: "Terrorism is the ideology of violence and the practice of decision-making by the state bodies, local governments or international organizations by the commission or threat of violence and (or) other criminal acts, related to the intimidation of the population and to cause damage to the person, society and state " (Parliament of the RK, 2010).

In our opinion, the Kazakh legislator managed to concisely explain in the laconically form the basic essence of terrorism, wherein to take into account all of its attributes, which were reflected in the Shanghai Convention on Combating Terrorism, Separatism and Extremism, adapting them in relation to a particular state. However, the inclusion in this definition of the phrase "the ideology of violence", is superfluous here due to the following below.

The definitions shown above occur mixture of very different concepts: ideology and terrorism.

For example, Ozhegov S.I. dictionary: 1. The idea – the thought, intention, plan; 2. The idea – the main thought, the plan, which determines the content of anything. According to the Ephraim T.F. dictionary: 1. The idea – the concept, the belief, reflecting the reality in the human mind, expressing his attitude to it and is an important principle of world view. 2. The main thought, the plan, which determines the content of anything (Dal, 1882).

The term "ideology" has been proposed by the French scientist A.D. de Tracy in his work "Elements of ideology» (de Tracy, 1801), who seek to create the science: the general principles of the formation of ideas and the foundations of human knowledge about the rules of the development of ideas for policy and other spheres of public life, the methods of influence and impact of social transformation.

By the middle of the XIX century ideology is defined as a political phenomenon, a set of ideas and theories, which express the interests of large social groups and are aimed at preserving or changing of the existing social relations.

The concept of ideology has received a rebirth thanks to Marx K., according to whom ideology is a superstructure dependent on the basis (way of material production and the category structures), expressing the specific interests of a particular category of social class, which are issued as the interests of the whole society through false consciousness (Vasnetsova, 2014).

Thus, ideology represents itself as an abstracted thought, theory and is expressed in the form of certain concepts – ideas. And ideas, ideology can have both negative and positive direction.

Terrorism is a practical manifestation of criminal activity. For the terrorists the violence is not an end, but a means and method to achieve certain goals, which may be different.

Terrorism is a way to achieve the goal, which is presented in the form of an idea. Terrorist actions are not carried out for the approval of the ideology of violence, and are used as a method of influence on any political power, the power to compel them to certain actions, decisions.



Based on the mentioned above, we believe that the definition of the concept of terrorism, enshrined in the Law of the Republic of Kazakhstan on July 13, 1999 № 416 "On Combating Terrorism", delete the words "ideology of violence" and finally shall read as follows: "Terrorism is the practice of influence on decision-making by public bodies, local authorities or international organizations by the commission or threat of violence, and (or) other criminal acts related to the intimidation of the population and to cause damage to the person, society and the state".

The next main concept of our study – extremism.

Ozhegov S.I., Shvedova N.Y. Dictionaries define extremism as a commitment to extreme views and actions (usually political) (Ozhegov, 1983).

Meaning of the word "extremism" in the Ushakov dictionary: extremism, (from the Latin. *Extremus* – *Extremely*) – the tendency, adherence to extreme views and actions, the primarily in politics (Ushakov, 1940).

According to the study of Kornilov T.A., the term "extremism" begins to be used first in the statements of the theory of the state. From the middle of the XIX century the terms «extremism» and «extremist» began to be used first in England, where they were widely used in the political press. In the USA, these concepts emerged during the Civil War (1861-1865), when the hardline members of both warring parties of North and South called "extremists on both parts of the country». The concept of "extremism" in France went into circulation during the First World War (1914 - 1918) after a confrontation with each other for several decades the left-wing and the right-wing political forces " (Kornilov, 2011).

In despite of the fact that the supporters of extreme views and measures existed throughout the history of mankind, the term is widely received only in the first half of the XX century.

Sociology defines extremism as a "commitment to extreme views and actions, manifesting in an appropriate social behavior" (Kozlov, 2003).

Criminology suggests that criminal extremism is socially dangerous activities, which as expressed in crimes motivated by political, ideological, racial, ethnic or religious hatred or enmity, motivated by hatred or hostility toward a particular social group.

There are the following types of criminal extremism: political, ideological, ethnic, religious. Their differentiation is carried out by the nature of hatred or enmity (Artemov & Kleimenov, 2010).

International legal acts did not have a definition of "extremism" until 2001, although the term was used. For example, in the Resolution of the UN General Assembly on 09.12.1994 №49/60, which states that "... the General Assembly is deeply concerned by the fact that in many regions of the world are increasingly committed acts of terrorism, which are based on intolerance or extremism ..." (GA of UN, 1994).

The UN Security Council Resolution on 28.09.2001 №1373 (2001) also says: "The Security Council ... is deeply concerned that in the various regions of the world the acts of terrorism more likely to occur, motivated by intolerance or extremism ..." (Akhmetov, 2001).

The UN General Assembly Resolution on 22.12.2003 №58/174 determine extremism as a threat to the international rule of law (GA of UN, 2003).

In this document extremism is considered as the motif, and hence the driving force of terrorism.

Shanghai Convention on Combating Terrorism, Separatism and Extremism in June 15, 2001 for the first time gives the following definition of "extremism": Extremism is an act, aimed at the forcible seizure of power or forcible retention of power, as well as a violent change of the constitutional system of the state and a violent encroachment upon public security, including the organization of the above purposes of illegal armed formations and participation in them, and pursued under criminal law in accordance with the national legislation of the Parties (Shanghai Convention, 2001).

Model Law of CIS member states on combating extremism in Article 1 gives the definition of "extremism" as an assault on the foundations of the constitutional order and security of the state, as well as violations of the rights, freedoms and legitimate interests of man, citizen, carried out as a result of the denial of legal and (or) other generally accepted social behavior (The Interparliamentary Assembly of CIS members, 2009a).

The most complete, comprehensive definition of the phenomenon under discussion is given in the Law of the Republic of Kazakhstan "On Combating Extremism" on February 18, 2005 № 31-III LRK:

1) Extremism – organization and (or) the commission by:

Physical and (or) a legal person, association of individuals and (or) legal entities acting on behalf of organizations, duly recognized as extremist;

Physical and (or) a legal person, association of individuals and (or) legal person's actions, pursuing extremist following objectives:

1) violent change of the constitutional system, violation of the sovereignty of the Republic of Kazakhstan, the integrity, inviolability and inalienability of its territory, undermining national security and defense of the state, violent seizure of power or forcible retention of power, creation, governance and participation in illegal paramilitary organization of armed rebellion and participation therein , incitement of social class hatred (political extremism);

2) inciting of racial, ethnic and tribal hatred, including associated with violence or calls for violence (national extremism);

3) inciting of religious enmity or hatred, including associated with violence or calls for violence and the use of any religious practice, causing a threat of security, life, health or morals rights and freedoms of citizens (religious extremism) (Parliament of the RK, 2015).

The next stage of our analytical study of the concepts of "terrorism" and "extremism" is a comparison of them and, thus, finding the relation of these concepts. There are various statements on the issue in the literature. Let us consider some of them.

Between the terms "extremist" and "terrorist" a parallel distinction can be drawn only on the commission of a specific criminal offense, that is, until an extremist is an extremist, yet does not commit an act of terrorism and does not go into the more "significant" class in the category of terrorists. Extremist throughout the history of the development is a constant companion and the main terrorism: extremism is a mental attitude of a human to commit acts of terrorism.



Numerous facts of agitation and promoting terrorist and extremist ideas, production and distribution of materials, leaflets of certain content suggests that the CIS countries, including our country can become targets of international terrorism and extremism.

First of all, it should be noted that there is an opinion in the literature that extremism exposed to people from the wealthy strata of the population, and terrorism of the lower – poor. In this connection, the authors support the view at the lower danger of extremists compared with terrorists.

Extremist is the way, the route of which can be designated as "extremism – terrorism." Starting with extremism, the person moves toward terrorism and turns into a terrorist.

Avdeev Y.I., attempting delimitation of terrorism and other manifestations of extremism, considers terrorism as a particular socio-political phenomenon, and extremism as a socio-political phenomenon, which is a collection of various extreme forms of political struggle. Thus, this approach to terrorism and extremism ratio can be described as the ratio of private and general, specific and generic (Avdeev, 2000).

Terrorism is also regarded as an extreme form of extremist activity, mainly realized in the political sphere and manifested in acts of violence that have the purpose of creating an atmosphere of tension in society and ensuring that terrorists favorable political decisions. This allows to conclude that the term extremism is much broader concept of terrorism and the acts are not always punishable (Artemov & Kleimenov, 2010).

In academic circles, there is a common understanding and clear common positions in the definition of extremism and terrorism, the ratio of these concepts, there is no fixed objective and subjective symptoms (Avdeev, 2000).

Extremist and terrorist manifestations are associated with exposure to the decisions of the authorities. Political extremism or commitment to extreme views and actions to a policy are more volumetric, a broader concept than political terrorism. Terrorism acts under certain conditions as one of the socially dangerous forms of extremism.

Political extremism and political terrorism are means to achieve political goals of radical groups seeking violent influence on the decisions, which re taken by the authorities.

The word comes from the Latin "extremus", which means "extreme." Achieving specific policy objectives is carried out by any means, including violent. Extremism as a complex political-legal phenomenon can have different content and focus depending on the purpose.

Indeed, the statement that extremism is a ground for terrorism is well substantiated, as it is reflected even in such international document as the Declaration on Measures to Eliminate International Terrorism, adopted by the Resolution 49/60 on December 9, 1994 at the 84th plenary meeting of the General Assembly UN.

In the preamble of the document it is said that the deep concern is expressed that the acts of terrorism are increasing in many regions of the world, which are based on intolerance or extremism (GA of UN, 1994).

The Military Encyclopedia stated that international terrorism is generally used by extremist organizations as a method of political struggle for exerting pressure on the various subjects of international activities primarily on the power of a state.

Sometimes the whole state commits acts of international terrorism or participate in them (or encouraging the extremists).

The international terrorism forms are the undeclared wars, assassinations, bombings of diplomatic representations and other objects, the taking of hostages, the destruction of the international transport systems, seizure of aircraft and ships, and others.

In order to combat international terrorism within the United Nations a number of agreements was adopted, including the International Convention "Against the Taking of Hostages" in 1979 and Montreal Convention "For the suppression of unlawful acts" against the Safety of Civil Aviation in 1971 and others.

At the regional level, cooperation in the fight against international terrorism is carried out in the frame of the OSCE, the CIS, the DAO and other organizations.

Extremism and terrorism are links of the same chain, where extremism is a preparatory "theory" and terrorism is the executive "practice". Extremism is commitment to extreme forms of resolving social conflicts, so it allows and justifies the need to use violent means, including terrorism and different manifestations (Zakaryaeva, 2013).

Discussion and Conclusion

In the scientists' statements listed above common features are traced – these two concepts of "extremism" and "terrorism" are inseparable (Zakaryaeva, 2013).

If we talk about the sequence of occurrence of these phenomena in the society, it is obvious that extremism appeared first in the form of some very radical idea, which opposes to the recognized by the society, government of morality, foundations, and after that goes the terrorism.

Describing these phenomena from the perspective of the roles they perform, the extremism can be presented as the main driving idea, strength, purpose, and the terrorism in this tandem serves as a way, a means, a method for achieving this goal.

If we consider these phenomena in terms of their structure, extremism is the main internal content, while terrorism is the external manifestation of this phenomenon.

Rooted (unfortunately) in the sociological, political, legal field, these two concepts – terrorism and extremism became the basis for a number of derivatives of these definitions, such as a terrorist attack, terrorist activities, terrorist organization, terrorist group, etc.

Due to the fact that the definition began to be used in the legal acts of legislation of certain states and the international community, many of them have received normative interpretation.

For example, as we have noted, there is no clear definition of many main concepts of the studied subject in the documents of the UN. However, analysis of



these documents leads to the conclusion that a terrorist organization may include organizations, which activities include:

- Unlawful seizure of aircraft;
- Crimes against the safety of civil aviation (including crimes at airports);
- Crimes against the safety of maritime navigation and stationary platforms, located on the continental shelf;
- Attacks on persons, which use international protection;
- Terrorism financing;
- Crimes involving radioactive materials;
- Implementation of explosions in public places, state or government facility, infrastructure facility.

According to USC terrorist activity – performance of any of the following acts:

- Organization, planning, preparation and commission of a terrorist act;
- Promotion of terrorist ideas, dissemination of materials or information, calling to terrorist activity or substantiating or justifying the necessity of such activity, including using of information and telecommunications networks and the Internet;
- Organization of an illegal paramilitary formation, a criminal organization or groups in order to commit an act of terrorism, as well as participation in such structures;
- The recruitment, arming, training and use of terrorists;
- Aiding in the organization, planning, preparation and commission of a terrorist act;
- Incitement to an act of terrorism;
- The financing of terrorist activities;
- All forms of assistance the organizations that are recognized as terrorist, in accordance with state law;

International terrorist activity – terrorist activity carried out by:

- A terrorist or a terrorist organization on the territory of more than one state or causing damage to the interests of more than one state;
- Citizens of one state against citizens of another state or in another state;
- Outside the territory of the state, where the terrorist and the victim live.

The crime of a terrorist feature is socially dangerous act prohibited by the Criminal Code of the State under the threat of punishment, committed for the purpose of terrorism (Vasnetsova, 2014).

The danger of terrorism and extremism is obvious. These phenomena confront the established in centuries experience of human civilization to the methods of interaction between the individual, groups of individuals, organizations, society and the state. The danger posed by terrorism is not limited to the territory of a single state; it has a global, worldwide scale. The political, economic and social institutions of the state are at stake. Taking into account the fact of raising in recent years of the problem of the possibility of nuclear terrorism, the phenomenon acquires the character of a deadly threat to all humanity.

Implications and Recommendations

The conducted analysis leads to the conclusion that:

- a) Extremism and terrorism are different, though they are closely related by concepts;

b) Extremism as a phenomenon precedes terrorism; it is its main driving force.

Taking into account the fact that extremism and terrorism are different independent concepts, Kazakhstan made differentiation of these phenomena at the level of legislation. As it is shown above, the Republic of Kazakhstan adopted a separate Law of the Republic of Kazakhstan of July 13, 1999 № 416 "On Combating Terrorism" and the Law of the Republic of Kazakhstan "On Combating Extremism" of February 18, 2005 № 31-III ZRK.

However, the fact that extremism as a phenomenon precedes terrorism, and therefore counter-terrorism must be preceded by countering extremism, Kazakh legislator has not taken into account. So the Criminal Code provides criminal responsibility for an act of terrorism (p. 255), and then for the terrorist or extremist activities financing and other assistance to terrorism or extremism (Article 258). However, there is no criminal responsibility for acts, which are characterized as extremist.

The Criminal Code provides only responsibility for the creation, the extremist group governance or participating in its activities (Art. 182) and for giving permission to publish the extremist materials in the media (Article 183).

Article 258 of the Criminal Code provides the responsibility for the terrorist or extremist activities financing and other assistance to terrorism or extremism. In other words, in modern conditions the criminal law of the Republic of Kazakhstan unites these two concepts. This situation, in our opinion, is a significant omission. Thus, if the extremism precedes terrorism in time, it is advisable to provide criminal-legal and criminological measures to prevent the escalation of the extremism into terrorism. This requires a differentiated approach in selection of the countermeasures.

For example, the Russian Federation provides the differentiated approach, according to which two independent corpus delicti laid down in the Criminal Code: Article 205.1 "Promotion of terrorist activity" and Article 282.3 "Extremist activities financing."

We believe that it is necessary to provide rules in the Criminal Code that will criminalize separately:

- a) For the extremist activities financing and other assistance to extremism;
- b) The terrorist activities financing and other assistance to terrorism.

In addition, in order to provide the prevention of terrorism it is necessary to provide criminal responsibility for extremist activities, the definition of which is enshrined in the Law of RK "On Combating Extremism".

Disclosure statement

No potential conflict of interest was reported by the authors.

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