

Bezsusudnia Yu. Criminalization of extremism in Ukraine

In the XXI century, extremism with signs of violence intensified in many countries. The problem of the struggle against the ideology and practice of extremism and terrorism is becoming very relevant in the world.

In Ukraine, there is no criminal liability for extremists activity. However, the current Criminal Code establishes a criminal code responsibility for actions that have signs of extremism, including actions attributable to crimes against the foundations of national security: actions aimed at violent change or overthrow of the constitutional order or the seizure of state power (art.109); An attack on the territorial integrity and inviolability of Ukraine (st. 110); Sabotage (p. 113).

Among scientists, there is no single approach to the question of whether it should be introduced criminal punishment of extremism. There are supporters of gain responsibility for extremism, and opponents. A number of scientists find extremism a dangerous phenomenon that shakes the basic foundations of society, and is potentially dangerous for the national security of the state. Among supporters of the legislative settlement in Ukraine, such phenomenon as extremism, scientists Ye.D.Skulish, V.L.Ortynsky, O.Pisarenko, E. Vasilchuk, I. Poddubsky, who mostly refer to the legislative regulation of combating extremism in post-Soviet states.

So, in 2016 a criminal case was introduced in the Republic of Belarus, responsibility for the creation of an extremist formation (Article 361-1) and for the financing of the activities of extremist formations (Article 361-2). These crimes are contained in Chapter 32 under the title "Crimes against the State".

The Criminal Code of the Republic of Uzbekistan provides criminal responsibility for actions of an extremist nature: Article 244-1 ("Production, storage, distribution or demonstration of materials that present a threat to public safety and public order", which provides for the responsibility for the distribution of materials containing ideas of religious extremism, separatism and fundamentalism) ; Art. 244-2 ("Creation, leadership, participation in religious extremist, separatist, fundamentalist or other prohibited organizations"). These crimes are referred to Chapter XVII "Crimes against Public Safety".

In the Criminal Code of the Republic of Kazakhstan, the legislator is the most dangerous crimes of extreme orientation referred to crimes against state security to Chapter 5 "Criminal Offenses Against the Basis of the Constitutional Order and Security of the State": Article 182 (Creation, Management of an Extremist Group or Participation in its activities, p. 183 ("Granting permission to publishing in the media of extremist materials"). Less crimes that are considered socially dangerous by the legislator are classified in Chapter 10 "Criminal offenses against public security and public order ": item 258 ("financing terrorist or extremist activity and other assistance to terrorism or extremism "), Art. 259 ("Recruiting, preparing or arming persons for the purpose of organizing terrorist or extremist activities"), Article 260 ("Terrorist or extremist preparation"); Chapter 16 "Criminal offenses against governance": Article 405 ("Organization and participation in the activities of a public or religious association or another organization after a court's decision prohibiting their activities or elimination related to extremism or terrorism") .

On the example of the post-Soviet states, some scientists are fair with caution refer to the introduction of criminal liability for extremism. So, VV Lunyev, V. Klymchuk believe that such legal norms the current government can use to fight the opposition and dissent. In addition, they believe that existing in Ukraine is normative the legal framework is sufficient to counteract extremist activity and to the introduction of criminal responsibility for extremist acts into the Criminal Code of Ukraine, such rules will create unwanted competition with the provisions of the anti-terrorist legislation of Ukraine and the relevant articles of the Criminal Code.

In the fundamental documents of foreign states regarding provision national security condemn manifestations of violent extremism and prosecution of the participants of the relevant extremist groups. Given the international practice, it is advisable to legislate in Ukraine the definition of "extremism" and the adoption of a law on settlement extremist activity. The author believes that at this stage more it is acceptable to impose criminal responsibility for the most dangerous manifestations of extremism, the creation, operation and financing of extremist organizations (groups) whose activities accompanied by violence (physical or psychological) at the same time it is expedient to attribute such crimes to crimes against the bases of national security of Ukraine, as extremism with signs of violence greatly threatens the national security of the state, contains the threat of violation of the integrity of society, state borders, the territory of Ukraine, the normal functioning of the supreme bodies of the state power.

Key words: national security, information security, extremism, threats to national security, terrorism.