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ANALYSIS OF THE LEGISLATION OF SOME FOREIGN COUNTRIES TO FIGHT AGAINST TERRORISM

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Religious extremism and terrorism were major global concerns in the late 20th and early 21st centuries, when they emerged as the most potent threats to social order and political stability¹. The spread of threats and hazards, deliberate killing, invasion, international terrorism, religious extremism, illegal immigration, human trafficking, and foreign ideas among young people nowadays create new challenges for internal affairs organizations to stop and eradicate in a timely manner².

It should be noted that the measures to increase responsibility for terrorism in the USA, France, Germany, Great Britain, Turkey, and Israel include strengthening the criminal-legal policy related to terrorist activities, including blocking financial sources of terrorism, strengthening criminal liability, and criminal-legal preventive measures aimed at increasing the size³.

Countries are constantly dealing with the phenomenon of terrorism and some of them have achieved considerable success. According to the scientific literature, it is possible to create a scientifically based system of combating terrorism, which takes into account regional specificities and relies on large-scale cooperation. Gilles de Kerchove, the former coordinator of the European Union's fight against terrorism, stated that "the threat of terrorism is not decreasing in Europe, and at the same time,

¹ *Yodgorov Sh.M.* The experience of fighting against religious extremism and terrorism in Egypt and Syria at the end of the 20th century - the beginning of the 21st century // Academic research in educational sciences. 2021. Special Issue No. 1. URL: <https://cyberleninka.ru/article/n/hh-asr-ohiri-xxi-asr-boshida-misr-va-suriyaning-diniy-ekstremizm-va-terrorizmga-arshi-kurash-tazhibasi> (data processing: 27.01.2024)

² Decree No. 5005 of the President of the Republic of Uzbekistan dated April 10, 2017 "On measures to fundamentally increase the efficiency of the internal affairs bodies, to strengthen their responsibility in ensuring public order, the reliable protection of the rights, freedoms and legal interests of citizens."

³ *Ibrohimov J.A.* Criminal-legal and criminological aspects of combating crimes related to terrorism. /Monograph/ – Tashkent 2020 – page 51.



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there are about 5,000 sites on the Internet that are used to incite radical sentiment among European youth”⁴.

In this regard, we shall examine below the collective experience, research findings, and cooperative frameworks of nations that are effectively combating terrorism.

Policy and legal framework for counter-terrorism in Germany.

Germany's counter-terrorism policy is primarily based on a clear, strict and comprehensive legal framework. The German Law on Combating Terrorism (Gesetz zur Bekämpfung des Terrorismus), which was adopted in December 1986 and entered into force on January 1, 1987, is still one of the main legal frameworks in this field. This law consists of only 6 articles, the main content of which is the criminalization of terrorist crimes and acts related to them, clarification and amendments to be made to the Criminal Code⁵.

Federal Law No. 35-L3 of March 6, 2006 "On the Fight against Terrorism" forms the updated version of German legislation in the field of combating terrorism. It defines important fundamental criminal-legal policy such as terrorist dangerous acts in the globalized world, the basics of fighting against them, and the concept of counter-fighting. At the same time, in January 2002, the Law "On Combating International Terrorism" (Gesetz zur Bekämpfung des internationalen Terrorismus) was adopted. However, its content may include a number of changes and additions to the current regulatory documents⁶.

This document, however, is only one part of Germany's anti-terrorism legislation; other sections contain guidelines for other kinds of investigations and the prosecution of terrorist offenses in numerous spheres of society.

Including:

The Law "On the Protection of the Federal Constitution" (Bundesverfassungsschutzgesetz (BVerfSchG), the purpose of which is to establish

⁴ Berg I.S. "Al-Qaeda" against Europe: the original attack // [Electronic resource]. – Mode is friendly: <http://mnenia.zahav.ru/>

⁵ Gesetz zur Bekämpfung des Terrorismus / dejure.org. URL: https://dejure.org/Drucksachen/Bundestag/BT-Drs._10/6635. (Date of application 10.01.2024)

⁶ Uups, diese Seite ist leider nicht auffindbar/Bundesministerium des Innern, für Bau und Heimat.



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the status of the Federal Office for the Protection of the Constitution (Bundesamt für Verfassungsschutz) within the Ministry of the Interior as an independent organizational unit⁷;

The law “On Military Counterintelligence Service” (Gesetz über den Militärischen Abschirmdienst - MAD-G) determines the status of this body in the system of the German Ministry of Defense⁸;

The Federal Intelligence Service Act (Gesetz über den Bundesnachrichtendienst (BND-Gesetz - BNDG)) defines the status of this body, known throughout the world by its abbreviation - BND, and its powers in the fight against terrorism⁹;

The “Gesetz zur Beschränkung des Brief, Post-und Fernmeldegeheimnisses” Act of August 13, 1968 on the Restriction of Secrets of Posts, Parcels and Telecommunications lays down the rules for conducting operational measures in the event of external threats, especially considering the importance of shipments in the prevention and detection of terrorist acts¹⁰;

The law “On the conditions and methods of federal security checks and the protection of classified information” (Gesetz über die Voraussetzungen und das Verfahren von Sicherheitsüberprüfungen des Bundes und den Schutz von Verschlussachen (Sicherheitsüberprüfungsgez)) defines the forms, methods and forms of checks of persons working with classified information¹¹.

⁷ Law on the cooperation of the federal government and the states in matters of constitutional protection and on the Federal Office for the Protection of the Constitution (Federal Constitutional Protection Act - BVerfSchG) / Federal Ministry of Justice and Consumer Protection. — URL: <http://www.gesetze-im-internet.de/bverfschg/BJNR029700990.html>

⁸ Law on the Military Counterintelligence Service (MAD Law - MAD) / Federal Ministry of Justice and Consumer Protection. — <http://www.gesetze-im-internet.de/madg/BJNR029770990.html>

⁹ Law on the Federal Intelligence Service (BND Law - BNDG) / Federal Ministry of Justice and Consumer Protection. — <http://www.gesetze-im-internet.de/bndg/BJNR029790990.html>.

¹⁰ Law restricting the secrecy of letters, posts and telecommunications (Law on Article 10 of the Basic Law) (G 10) / dejure.org. <https://dejure.org/BGBI/1968/BGBI.I.S.949>.

¹¹ Romanovsky G. B. Restrictions on human rights to counter terrorism in Germany. Citizen and Law, 2018, no. 3, pp. 18-29.



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These laws form part of the legal framework of the German federal government's anti-terrorism policy.

In particular, according to the German scientist I. Wiegand, Germany's long-standing anti-terrorist policy is primarily aimed at ensuring the rights and freedoms of individuals along with security, that is, not limiting rights and freedoms under the pretext of security, and at the same time important factors such as clearly and correctly distributed authority, not departing from the established legal framework implemented on the basis of which is achieving a very successful result¹².

The “special” law of December 25, 2008 expanded the powers of the criminal police to use special programs to access the computers of persons suspected of involvement in the activities of terrorist organizations. The preventive purpose of the law is to control the actions of persons whose actions do not show themselves to be active members of a terrorist organization, but who have such a potential danger.

The law of July 30, 2009 “On Liability for Preparation of Serious Violent Acts Threatening the State”¹³ extended the scope of the criminal law to persons who prepare and support terrorist acts without connection to a terrorist organization. The activities of preparation for possible terrorist activity created a legal basis for criminal prosecution under this law. For example, "terrorist training camp training"; preparation, acquisition or storage of materials for terrorist activities; purchase of materials for the production of weapons or tools used in terrorist activities, etc. Also, another law of July 31, 2009 expanded the powers of the Federal Intelligence Service (BND) to monitor telecommunications communications. According to this law, the Federal Intelligence Service was able to monitor activities related to terrorist activities outside the territory of German jurisdiction.

¹² Wiegand, Irina. “National counter-terrorism (CT) policies and challenges to human rights and civil liberties”: case study of Germany. *International Human Rights and Counter-Terrorism* (2019): 385-408

¹³ Law on the prosecution of the preparation of serious acts of violence endangering the state / dejure.org. — URL: https://dejure.org/BGBI/2009/BGBI_I_S_2437. (Date of application: 8.11.2023).



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The experience of the People's Republic of China

China has joined or ratified a number of conventions since the late 1970s to strengthen international cooperation and effectively prevent and combat terrorist activities.

Drawing on the best practices of the international community, China has accelerated its efforts to create a domestic anti-terrorism legal framework, amend and improve its criminal law since the 1990s.

Since April 2014, in order to generalize the experience against terrorist crimes, improve the mechanism of fighting against terrorism, and put an end to terrorist activities, the drafting of the draft law on fighting against terrorism has been started. On December 27, 2015, the Standing Committee of the People's Republic of China adopted the Anti-Terrorism Law. According to him, the concept of "terrorism" includes several means, goals and forms, which causes social panic by means of violence, subversion or intimidation, harms public safety, violates personal and property rights, or coercive actions.¹⁴

This law is a comprehensive normative legal document, establishing China's provisions on the identification, security, intelligence identification, processing, international cooperation, and legal responsibility of terrorist organizations and individuals associated with them, defining China's basic principles and position on the fight against terrorism, and provided a legal guarantee for the prevention of terrorist acts and responsibility for them.

Relying on more than 40 years of experience, China has gradually formed the legal framework for the fight against terrorism based on the Constitution. Anti-terrorism law is central to this, and criminal laws and national security law play a key role, and other laws include, in addition, administrative regulations, judicial interpretations, local regulations, departmental and local government regulations.

In order to facilitate citizen and public scrutiny of law enforcement procedures and results in terrorism-related circumstances, public security agencies have become more transparent in their police and administrative accountability actions.

¹⁴ Galitskaya N.V. legal aspects of anti-terrorist security: experience of modern China. // Administrative and municipal law. 2022. #3. URL: <https://cyberleninka.ru/article/n/pravovye-aspekty-antiterroristicheskoy-bezopasnosti-opyt-sovremennogo-kitaya> (Date of application: 14.12.2023).



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By encouraging and supporting scientific research and technological innovation in the fight against terrorism, developing and popularizing new technical devices, training personnel and applying them in practical work, China has been increasing its scientific and technological potential. Including control of artificial intelligence, encrypted communication and virtual currencies.

China also relies on the public in addition to special efforts to fight terrorism. These are seen in extensive outreach and outreach and education on campus, in workplaces, and in residential areas. In addition, the general public is involved in the distribution of booklets in the form of a "Citizen's Guide" on combating terrorism, or is distributed directly to them.

This practice encourages people to report terrorist-related activities to the appropriate authorities and improves public safety and the ability of security services to respond to terrorist-related incidents in a timely manner.

Modern China has imposed restrictions on the Internet in order to combat terrorism-related crimes. In particular, a mandatory registration procedure has been introduced in Internet cafes, and **Internet police** (unofficially known as "Internet sanitation") has been launched to detect illegal materials posted on the Internet¹⁵.

Also, according to China's experience, the destruction of the ideological foundations of terrorism will have a severe impact on terrorism-related activities. People's awareness of the harm caused by terrorism and religious extremism when they follow the rule of law, they are able to distinguish the specific aspects of terrorism and religious extremism, and the ability to resist the intrusion of terrorism and religious extremism in the country is much strengthened¹⁶.

¹⁵ *Ibrohimov J.A.* Criminal-legal and criminological aspects of combating crimes related to terrorism. /Monograph/ -Tashkent 2020. - page 57.

¹⁶ *Panasenko V.N.* Assessing the experience of countering extremism and terrorism in the People's Republic of China // Proceedings of the Academy of Management of the Ministry of Internal Affairs of Russia. 2020. No. 4 (56). URL: <https://cyberleninka.ru/article/n/otsenka-opyta-protivodeystviya-ekstremizmu-i-terrorizmu-v-kitayskoy-narodnoy-respublike> (Date of application: 14.12.2023).



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Policy of the State of Israel to fight against terrorism.

Israel has an extremely powerful system that includes the most advanced technologies for combating terrorism. In addition, terrorist acts in Israel are very complex, regular and growing in nature.

Israel perceives terrorism as an act close to military action that directly threatens the very state of Israel. Therefore, a state of emergency has been introduced in the country, and the fight against terrorism is mainly under the leadership of the Ministry of Defense. Israel responds very harshly to acts of terrorism. This approach is facing a lot of criticism in the international arena. Most of the countries of the world believe that Israel is disproportionately reacting to what is happening to them.

On June 16, 2016, the Knesset approved the third reading of the Anti-Terrorism Law, which entered into force on November 1, 2016.

The difficulties in the fight against terrorism in the State of Israel for a long time are explained by the following:

- persons who have committed terrorist crimes;
- organizations that should be classified as terrorist;
- crimes that should be treated as terrorist attacks.

Israel has a number of special forces that directly and actively participate in the fight against terrorism¹⁷.

In addition to the activities of these special forces in the areas where terrorists are located, they are active in two geographical directions.

First, in places where there is a potential attack by suicide terrorists; secondly, in the direction of identifying, monitoring and destroying “safe houses” of terrorist-suicides in Israeli cities.

Special forces have a number of other advantages in tracking individuals recruited by Israeli special services when they come into contact with terrorists or their associates¹⁸:

the possibility of separating terrorists from civilians;

¹⁷ Falk O, Kroitori H. The Internationalization of Suicide Terrorism // Eds. O. Falk, H. Morgen-shtern. // Suicide terror: understanding and confronting the threat. — N.J.: John Willey Sons, Inc., Hoboken, 2009. — P. 225-300.

¹⁸ Yehezkeli P., Horowitz Y. The Struggle of the Israeli Police Against Terror, 2000-2009 / Eds. G. Hagai, Sh. Shaul // Ticking Bombs — Confronting Suicide Attacks. — T. Avive, 2006.



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to pursue them, that is, to follow them until the capture or destruction of the object; obtaining additional information by monitoring all the behavior of the object and sharing this information with other structures participating in the anti-terrorist operation immediately.

Methods of interaction with the population.

In the fight against terrorism, Israel uses a series of methods called passive defense, which includes three types of tactics. These are:

1. establishment of crossing points at the borders of population crossing;
2. creation of complex security structures;
3. implementing security measures in urban centers with the help of the police.

The experience of the United States of America.

The United States of America conducts its policy in the fight against terrorism based on a special strategy. According to him, this strategy has two main missions:

the United States to protect its citizens and allies;

creating the most unfavorable environment for terrorist attacks in the international environment around the world.

To accomplish these tasks, the US administration developed and presented the "four D" strategy (defend, defeat, deny, reduce).

1. Defense is the most important line of effort and includes the protection of the people and interests of the United States. Strengthening America's defense capabilities at home and abroad, as well as neutralizing terrorist threats as early as possible while recognizing them.

2. Defeat (destruction) - The United States intends to attack terrorist organizations operating on a global scale, destroying the shelters and command posts of their leaders, and cutting off the sources of material supply.

The expected result is that interconnected networks become fragmented. The next step will be to intensify cooperation with regional partners in the fight against terrorism.

3. Refusal (refusal) - The United States strives to receive assistance from all its allies who fulfill their obligations in accordance with the UN anti-terrorism legislation, and carries out multifaceted efforts in the fight against terrorism. For countries that



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do not want to cooperate in this direction, the United States will implement necessary coercive measures.

4. Reduction (reduction) - The United States seeks to minimize the conditions for the existence of terrorism¹⁹.

In the United States, there is a Department of Homeland Security in the fight against terrorism, and its main tasks include:

prevention of terrorist acts;

Reducing threats directed against the United States and the so-called domestic terrorism of the United States²⁰.

In addition, the Department of State, together with the FBI and the Central Intelligence Agency, develops a strategy for ensuring the national security of the United States to combat future terrorist threats, as well as sets priorities in the field of combating terrorism.

The experience of the United Arab Emirates

The UAE Ministry of Interior has special counter-terrorism forces and is constantly training them. Currently, it is considered one of the best in terms of their equipment and combat training. The emirate has gained a lot of experience from German specialists in training special forces in the field of combating terrorism. Examples include rapid operations, disaster response, search operations, security, and hostage release.

In addition, the special forces of the Emirates Ministry of Internal Affairs carry out their activities in close cooperation with the armed forces units. Every year, more

¹⁹ Vinov D.D. American experience in the fight against terrorism // Economics and management: analysis of trends and development prospects. 2014. No. 12. P. 127-130. Garusova L.N. Strategy of the US fight against international terrorism: experience, new challenges, projection on the Asia-Pacific region // Russia and the Asia-Pacific region. 2016. No. 3 (93). pp. 119-133. Zalyzin I. Yu. Countering terrorism: goals, subjects, models // Questions of national and federal relations. 2021. T. 11. No. 1 (70). pp. 158-164.

²⁰ Alekseev O.G. Countering terrorism in the USA: experience and problems // Theory and practice of social development / RAS. Institute of Sociology. – Moscow, 2012. – No. 7. – P. 201–203.



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than 100 employees of the UAE Ministry of Interior undergo a special training course in Germany.

Although the police force in the United Arab Emirates is based on the British model, it is constantly striving to adopt modern innovations and systems to suit the needs of the Ministry of Interior.

The Turkish experience

The fight against terrorism is one of the main foreign policies of Turkey. Turkey has been fighting various forms of terrorism for years.

In 2007, a new law was adopted in Turkey in the field of anti-terrorism. In addition to the traditional crimes classified as terrorism, this law equates prostitution, human smuggling and trafficking, drug and weapons sales, credit card fraud, environmental pollution, hacking computer systems, intentional homicide, and obstruction of education to this crime. Also, the publication of appeals and statements of terrorist organizations in the press, as well as the promotion of their ideas, are also considered criminal liability.²¹

At the heart of Turkey's fight against terrorism are the principles of regional and international cooperation. In addition to Turkey's developed bilateral and multilateral relations with the aim of establishing more active mechanisms in the fight against terrorism, Turkey is taking a more active position on various international platforms. Turkey is actively supporting the UN Global Strategy on Combating Terrorism, adopted in 2006, and is implementing its goals on the basis of general and special strategies to combat terrorism. In this context, it can be said that Turkey continues to implement special measures taking into account the principles of national security, regional stability and the fight against global terrorism.

On the official pages of law enforcement agencies in the fight against terrorism, including the official website of the Ministry of Internal Affairs, videos are posted under the column "ALO 140" about actively involving citizens in the fight against terrorism. In the Ministry of Internal Affairs of the Republic of Uzbekistan, there are no videos and achievements in the activities of the Anti-Terrorism Service.

²¹ Ibrohimov J.A. Criminal-legal and criminological aspects of combating crimes related to terrorism. /Monography/ -Tashkent 2020. - P.57.



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Also, on the official page of the Ministry of Internal Affairs of Turkey, there is information about special operations and arrests. It can be seen that 678 special operations were conducted during the past years, and 1225 people were arrested as a result of these operations.²²

The current strategy in the fight against terrorism

Classical strategy: taking terrorism as a "war threat" with the participation of military units (infantry, air and navy), continuous special operations are carried out to "eliminate" the leaders of terrorist organizations. In this regard, cross-border practice is being conducted. As an example of this, we can cite the Kurdistan Workers' Party, which is located on the border of Iraq with Turkey, because it is not possible to fight against it only inside Turkey, and in some cases, it fights with the air force at its border points with Iraq.

Victimological strategy: in which terrorist organizations focus on attracting new members to the organization or against providing the organization financially, and in the implementation of this strategy, working with individuals from weakly developing social sectors takes a key place. Publicity activities in this direction are continuously carried out by the state. It is worth noting that it is not the military units, but the police emergency services and the gendarmerie (prevention structure) that actively organize the work. At the same time, in the cases of serious and extremely serious crimes, it is checked whether these crimes are related to terrorist activities.

Anti-radicalization strategy: this strategy is intended to prevent radicalization and extremist ideas by working with each individual individually. In this, the most effective way is to influence the individual through narrations, hadiths and other examples that are opposite to extremist ideas, as well as through religious education and "soft" initiatives (socialization). In the development of these measures, a "risk analysis" activity was introduced, which includes research into the lives of people

²² <https://www.egm.gov.tr/> (Date of application 10.01.2024).



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who may be radicalized through government agencies and non-governmental organizations working in areas such as security, youth, education and health.²³

The experience of the Central Asian countries

In order to strengthen the online fight against terrorism, the countries of Central Asia are improving their means of combating various types of extremist activities. For this, cyber security strategies are being developed. For example, in Kazakhstan, in 2017, the "Cyber Security Concept" was developed, and in Kyrgyzstan, the "Network Security Strategy for 2019-2023" was developed.²⁴

At the same time, the governments of the countries of the region understand well that the development of education and the implementation of propaganda on the topics of extremism and terrorism are important ways to increase the immunity of people to radical ideas. Based on this, the Central Asian countries apply the principle of universal specialization, active propaganda and warning the population of negative consequences in the fight against terrorism. It will be necessary to focus on educating the youth and women, developing ideas of secularism, while promoting among the population about the harm of terrorism and extremism.

Today's terrorist organizations are distinguished by their organizational structure, lack of borders, and the breadth of their interactions. Also, another characteristic of terrorist organizations is to attract young people to their ranks and turn them into manqrts by providing them with mental and combat training.

Based on the above, it is advisable to implement the following in order to form ideological immunity in citizens:

- revising the activities of pedagogues teaching the history of religions, psychology and national ideology in secondary schools, academic lyceums and higher education institutions and improving their qualifications;
- to regularly carry out ideological propaganda activities aimed at preventing the harmful effects of terrorism and extremism among young people;

²³https://www.tasav.org/media/k2/attachments/TASAV_Kitap_Türkiyenin_Terörle_Mücad_lesi_2._Baskı.pdf. (Date of application 11.12.2023).

²⁴ <https://cbd.minjust.gov.kg/15479/edition/962966/ru>. (Date of application 10.12.2023).



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- prevent young people from falling under the influence of various extremist and terrorist ideas by training specialists who can make reasonable conclusions about the level of socio-psychological danger (security) of harmful ideology, doctrine, movement or organizations;
- terrorist groups are increasingly using new methods and tools, creating problematic situations in front of the international community, and the need to improve the legal framework for combating this, etc.



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