

ISCKMC 2022**International Scientific Congress «KNOWLEDGE, MAN AND CIVILIZATION»****PENAL ASPECTS OF THE PREVENTION OF TERRORIST
CRIMES COMMITTED BY WOMEN**

Dureja Zijadinovna Zijadova (a)*, Raisat Isamudinovna Akamova (b)

*Corresponding author

(a) Law Institute, Daghestan State University, 8, Korkmasov Str., Makhachkala, 367012, Russia,
Zijadova@yandex.ru

(b) Law Institute, Daghestan State University, 8, Korkmasov Str., Makhachkala, 367012, Russia, akamovar@mail.ru

Abstract

The study found that many women became terrorists due to their dependent position and involvement in families in the commission of crimes of this category. Families of extremists instill hatred in girls for the existing government and law enforcement officials. Girls are dependent on the harmful radical influence of adult men in the family, and young women are dependent on a husband with extremist views. In such an environment, a young woman is destined for the fate of a terrorist. Therefore, the modern prevention system requires taking into account the psychological and criminological characteristics of female terrorists. The aim of the paper is to analyze the gender differences of terrorists with the subsequent use of the results obtained in improving the system for preventing terrorist crimes. Gender differences among terrorists are revealed on the basis of summarizing the materials of judicial and investigative practice and sociological surveys among various categories of the population: persons in custody and persons serving sentences in correctional institutions. According to the study of the gender psychological and criminological characteristics of terrorists, the directions for improving the system of imposing and sentences for persons who have committed terrorist crimes are determined. Particular attention is paid to criminal law measures to prevent terrorist crimes committed by women. The analysis of existing ideas about sentences and the enforcement of sentences in relation to female terrorists is carried out. As part of the study, the penal aspects of the prevention of crimes committed by female terrorists were studied..

2357-1330 © 2022 Published by European Publisher.

Keywords: Female terrorists, gender approach in the prevention of terrorism

1. Introduction

A feature of terrorism in the republics of the North Caucasus is the involvement of women in extremist communities. In the Republic of Dagestan alone, more than 600 women belonging to terrorist and extremist communities are currently registered by the Ministry of Internal Affairs.

Regional case studies show that a specific system has been created to involve women in terrorist communities. The declination of women of youth age is carried out with the help of various recruitment methods.

Particularly dangerous for women of youth age are religious formations that affect their psyche, under the influence of which they lose the ability to think correctly. The loss of correct perception of the world is evidenced by the willingness of girls and young women to go to certain death for the sake of their beloved, who, in turn, involve them in committing crimes that pose a danger to their life and health.

It should be noted that there are factors that contribute to the process of a woman becoming a terrorist, one of which is the activity of " sleeper cells," which negatively affects the legal consciousness of young people. Researchers in different countries point to such a factor of terrorism among women (Aitzhanova, 2019; Abdukhamitov & Kasymova, 2020; Osmonova, 2018; Shtefan, 2020).

Due to informational extremism, young women serve as a recruiting base, helping with information and material resources.

Initially, the role of women was limited to promotional activities and the collection of information and resources. But gradually, as their motivation and awareness increased, and they received additional military training, they now participate as effective agents in the executive, decision-making, and leadership structures of terrorist organizations (Seifi & Nourmoahammadi, 2020, p. 70).

Regional studies have shown that the essential determinant of extremism and terrorism among women is their dependent position. The customs of the radical trend of Islam place women in this position. Radical norms contribute to the formation of dependence and the willingness of a young woman to unquestioningly obey a man. A person with such behaviour is brought up through the process of the imaginary religious enlightenment of girls and the rejection of secular education. Suppressed will is one of the moral and psychological signs of the criminological "portrait" of a terrorist.

The personality of a terrorist is significantly different from that of a terrorist. Women, unlike men, rarely carry out extremist actions for political or ideological reasons. As Antonyan (2013) correctly notes, "women rarely try to improve their social status by committing terrorist crimes. The main motive for committing terrorist crimes by women is revenge for the murdered relatives or husband" (p. 63).

It is possible, on the basis of the materials of judicial and investigative practice, concluded that women often become an instrument for committing crimes in the hands of members of terrorist organizations. Therefore, in the course of investigating crimes of this category, it is important to study the factors that turn a woman into a terrorist.

2. Problem Statement

A large number of studies have been devoted to the prevention of terrorism as a criminological problem. Despite some development, the topic of prevention of terrorist crimes committed by women, as well as the personality of a terrorist, remains poorly understood. It is relevant for the republics of the North Caucasus, where terrorist crime, including the involvement of women in this activity, is a common phenomenon and, further, an important regional criminological issue.

3. Research Questions

The article addresses the following issues:

- i. Features of the personality of a terrorist and factors contributing to the involvement of women in terrorist activities;
- ii. Socio-economic, moral, educational, and economic measures for the prevention of terrorist crimes committed by women.

4. Purpose of the Study

The purpose of the paper is to identify the characteristics of the personality of a terrorist; factors contributing to the involvement of women in terrorist activities; determination of directions for improving the system of prevention of terrorist crimes committed by women, based on the results obtained.

5. Research Methods

The study used such methods as comparison; generalization of materials of criminal cases; analysis of investigative and judicial statistics, generalization of statistical data on terrorist crimes committed by women; sociological methods (questionnaires, surveys, conversations, interviews, and observation). Sociological methods were applied to study the features of the process of turning a woman into a terrorist, factors influencing this, determining areas for improving preventive activities aimed at minimizing the influence of representatives of terrorist communities on the behavior of young women; when studying the opinions, foundations and value orientations of students holding radical views, young women living with extremist families, girls and young women detained for terrorist offenses, and women serving sentences in correctional facilities.

6. Findings

Legal measures play a significant role in the system of prevention of terrorist crimes committed by women. It should be noted that in recent years, “the legislator has made some adjustments in the direction of toughening criminal liability and sentence for women who have committed terrorist crimes. The legislator also toughened the sentence for pregnant women and women with children under the age of fourteen who committed terrorist crimes. If the law allows the court to defer sentence to other categories of women and perform their maternal functions (part 1 of article 82 of the Criminal Code of the Russian

Federation), then female terrorists are deprived of such a privilege” (Zijadova & Akamova, 2021). The law toughens the conditions for parole (paragraph “d”, part 3, article 79 of the Criminal Code of the Russian Federation) of female terrorists. Women terrorists cannot be given a suspended sentence (paragraph “a.1”, part 1, article 73 of the Criminal Code of the Russian Federation). They are not subject to release from criminal liability due to the expiry of the period of limitation (part 5 of article 78 of the Criminal Code of the Russian Federation) and serving their sentence due to the expiry of the period of limitation for a judgment conviction (part 4 of article 83 of the Criminal Code of the Russian Federation).

It is necessary to agree with the amendments made to Articles 58 and 72 of the Criminal Code of the Russian Federation by Federal Law No. 569-F32 of December 27, 2018. In accordance with Part 2 and 2.1 of Art. 58 and 72 of the Criminal Code of the Russian Federation, persons who have committed terrorist crimes will serve a part of the sentence in prison. This innovation is aimed at isolating terrorists from other convicts.

Given the danger of the spread of extremist ideology in correctional colonies located in the North Caucasus Federal District, persons convicted of terrorist crimes are serving their sentences in correctional institutions located in other regions of the Russian Federation. However, despite the absence of those convicted of terrorist crimes in penal colonies located on the territory of the Republic of Dagestan, the danger of the spread of radical ideology is not ruled out. As practice shows, instead of one convicted of terrorist and extremist crimes, three or more persons involved in radical activities leave the penal colony. The situation with the spread of extremist ideology in correctional institutions is aggravated due to the active return of women who participated in the hostilities on the side of terrorists in the Syrian Arab Republic” (Zijadova & Akamova, 2021, p. 98).

The prison is intended only for men and is one of the most stringent types of a correctional facility, where more strict conditions for serving a sentence of imprisonment are established. In prisons, men are kept in solitary confinement. The isolated detention of terrorists deprives them of the opportunity to spread radical ideas among the convicts.

Having isolated the terrorists from the rest of the convicts, the legislator ignored the process of serving sentences by female persons who committed terrorist crimes. As known, according to Art. 58 of the Criminal Code of the Russian Federation, only a single regime is provided for correctional colonies for women. All women, including radical ones, are serving sentences of deprivation of liberty in a general regime penal colony. Under the conditions of the general regime, terrorists have unlimited opportunities to communicate with convicted women (Zijadova & Akamova, 2021, p. 99).

According to case studies conducted at the regional level, a woman of youth who is embedded in extremist and terrorist activities, cannot be corrected. From 2019 to 2021, 156 women convicted of terrorist crimes were released from prisons. Judicial and investigative practice shows that 45 % of the released women continue their accessories in spreading radical ideas and inciting women and young girls

to extremist activities. This phenomenon can be resisted by toughening the sentence and changing the serving sentence.

Proposals to tighten criminal liability and punishment are made by the authors of many case studies. According to data obtained from regional studies, terrorists and committed extremists don't repent, and the problem with the spread of radical ideas persists, despite the isolation of terrorists through the prison regime. In this regard, researchers rightly consider the refusal to use the death penalty to be unjustified. The death penalty should be imposed and executed against persons who have committed terrorist crimes. At the same time, the activities of law enforcement agencies and the justice system must be impeccable to prevent judicial errors (Zijadova & Akamova, 2021, pp. 99–100).

Women are not assigned life imprisonment and the death penalty (Part 2 of Article 57 of the Criminal Code of the Russian Federation, Article 2 of Article 59 of the Criminal Code of the Russian Federation). The study results show the inappropriateness of determining severe penalties for females. Moreover, 30-35 years of imprisonment for a woman is amount to life imprisonment. According to Part 5 of Article 56 of the Criminal Code of the Russian Federation, in the event of the commission of at least one of the terrorist crimes, with a partial or complete cumulative sentence of a term of imprisonment, when sentencing for cumulative crime, the maximum term of imprisonment cannot exceed thirty years, and for cumulative crime – more than thirty-five years (Criminal Code RF, 2022).

According to the analysis of materials of judicial practice, terrorist crimes are mainly committed in conjunction with other acts. And if a woman, while serving her sentence, commits at least one of the terrorist crimes, then the court, based on the totality of sentences, has the right to impose a sentence of thirty-five years in prison. Thus, a female terrorist can be sentenced to a maximum of thirty-five years in prison (Zijadova & Akamova, 2021, p. 100).

It is necessary to point out the severity of the legislator in the conditional early release of female terrorists. In accordance with paragraph “d” of Part 2 of Article 79 of the Criminal Code of the Russian Federation, persons who have committed crimes under Articles 205, 205.1, 205.2, 205.3, 205.4, 205.5 and 361 of the Criminal Code of the Russian Federation may be early released on parole after the actual departure of at least three-quarters of the sentence imposed for a crime of this category (Criminal Code RF, 2022).

If a terrorist woman is sentenced to thirty years in prison, then she, with impeccable behavior, may qualify for parole in twenty-two years and five months. A harsher fate awaits a terrorist woman sentenced to thirty-five years in prison on a cumulative basis: she can only be released on parole after twenty-six years and two and a half months. At the same time, a male person serving a life sentence, in the absence of malicious violations of the established procedure for serving a sentence during the previous three years, can be released on parole after actually serving twenty-five years (part 5 of article 79 of the Criminal Code of the Russian Federation). Thus, the institution of parole for female terrorists is more

stringent than the institution of life imprisonment (Zijadova & Akamova, 2021). But at the same time, female terrorists are provided with easier conditions than male terrorists.

7. Conclusion

One of the manifestations of the humanity of the penal system and system for the enforcement of sentences is gender sensitivity. The system of penalties defines the privileged position of women based on gender. The analysis of the penal enforcement legislation showed that the law is loyal to female terrorists. A woman needs legal assistance, even if she is a terrorist. Legal protection is aimed at the normal formation of the personality of a young woman. The woman became a victim of the current situation of spreading extremist ideology in some regions of the Russian Federation. Women are used as a link between civilians and representatives of terrorist communities. Women are deceived, lured, frightened, brought up in families of extremists, and persuaded to commit terrorist crimes. Taking into account the mass involvement of young people in the commission of terrorist crimes, it is proposed to highlight the involvement in the commission of terrorist crimes and include article No. 2057 “Involvement in the commission of terrorist crimes”, in part three to define the involvement of young women in the commission of terrorist crimes as a particularly qualifying sign.

The article results confirm that extremist views among young women who, for various reasons, are involved in terrorist communities, are very stable and are not subject to resocialization. “This raises serious concerns about the prevalence of extremism among future generations as a result of the important role of women in educating these generations” (Seifi & Nourmoahammadi, 2020, p. 74). To eliminate this danger, foreign researchers propose to use the possibilities of artificial intelligence in the resocialization of criminals. According to Roache (2013), “with the availability of technology and the necessary computing power, it will be possible to speed up the work of a person’s consciousness loaded on a computer” (p. 58).

As practice shows, it is impossible to resocialize a woman within the framework of the penitentiary system. On the contrary, such women actively promote their ideas among other convicts. Often women are introduced into radical activities in places of deprivation of liberty. Therefore, it is more expedient to create separate women's correctional institutions with a strict regime for serving sentences to women who have committed terrorist crimes.

“In addition to strengthening the regime of serving sentences of deprivation of liberty for women who have committed terrorist crimes, strict control by correctional workers is necessary, as well as their incorruptibility and dedication to their work. The life of convicted women during their stay in places of deprivation of liberty should be organized in such a way that there is no possibility of external influence of elements of a radical subculture; the psyche and personal extremist attitudes of convicted women were corrected for humane, generally accepted, secular ideas, orientations and goals” (Zijadova & Akamova, 2021, p. 100). To achieve this goal, “the most intensive preventive and moral and spiritual work should be carried out” (Agapov & Sotchenko, 2016, p. 24).

The humane approach of the law to women must be shown in all institutions of criminal and criminal enforcement law. This is especially true of the most severe sentence imposed on women, – imprisonment. It is necessary to define in the penal enforcement legislation the peculiarities of the

sentence of women: it is proposed to allocate a separate chapter entitled “Peculiarities of the execution of punishment in relation to women.”

References

- Abdukhamitov, V. A., & Kasymova, M. A. (2020). Involvement of women in the commission of extremist crimes. *Legal Bulletin*, 2(2), 111–115.
- Agapov, P., & Sotchenko, S. (2016). Opposition to the spread of extreme ideology in institutions of the penal system. *Legality*, 8, 22–24.
- Aitzhanova, D. (2019). The phenomenon of female radicalism and methods of its prevention. *Central Asia and the Caucasus*, 22(2), 127–136.
- Antonyan, Yu. M. (2013). *A particularly dangerous criminal*. Moscow.
- Criminal Code RF (2022). *The Criminal Code of the Russian Federation*. Moscow.
- Osmonova, D. A. (2018). Specifics of gender relations in the context of religious worldview in modern Kyrgyzstan. *International Journal of Applied and Fundamental Research*, 10, 166–170. <https://applied-research.ru/ru/article/view?id=12437>
- Roache, R. (2013). How Technology Could Make “Life in Prison” a Much Longer, Tougher Sentence. *Online magazine Slate*.
- Seifi, A., & Nourmoahammadi, M. (2020). The transformation of women’s role in terrorism: from victims to active players. *Bulletin of the North Ossetian State University named after K.L. Khetagurov*, 1, 66–75. <https://doi.org/10.29025/1994-7720-2020-1-66-75>
- Shtefan, A. V. (2020). On the causes and conditions conducive to the commission of extremist crimes. The criminal situation and anti-criminal legislation. *Proceedings of the All-Russian Scientific and Practical Conference “Problems of the criminological conditionality of the law”* (pp. 113–117). (Moscow, January 22, 2020).
- Zijadova, D. Z., & Akamova, R. I. (2021). Problems of execution of punishments against women who committed crimes of a terrorist orientation. *Legal Bulletin of the DGU*, 1, 96–100. <https://elibrary.ru/item.asp?id=45649238>