



## TYPES AND FORMS OF EXTREMISM AND ADMINISTRATIVE-LEGAL MECHANISMS FOR COMBATING IT

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**Abstract:** This article provides an in-depth analysis of various forms of extremism and their classification, and extensively covers the administrative and legal mechanisms used to combat it. Based on the study of law enforcement practices against extremism, the author has put forward relevant proposals and recommendations, highlighting existing shortcomings and problems in current legislation. The article also discusses the need to optimize existing laws and practices to identify effective methods for combating extremism.

**Keywords:** extremism, religious, society, responsibility, radical, evidence.

The field of jurisprudence is no exception and has many different interpretations of the term "extremism." The diversity of opinions and viewpoints is also explained by the fact that scholars, in the process of defining the concept of "extremism," highlight its specific features.

According to I. N. Senin, "extremism is one of the forms of nihilistic denial by an individual or a group of existing phenomena in order to destabilize and disrupt them, based on extreme views and actions characterized by violence or its threat, fanaticism, intolerance"[1].

According to D.M. Mirazov, "religious extremism can be called the twin of terrorism." A terrorist is a person whose consciousness has been poisoned, who has succumbed to fanaticism, who does not feel responsible for their criminal actions, who has become a puppet, carrying out someone's evil intentions. Crimes such as intimidation of people, taking their lives, harassment, intimidation, and hostage-taking may have political-religious or fanatical motives, and it is appropriate to call such crimes terrorism. Giving such actions a religious character leads to religious extremism. Religious extremism is a theory and practice based on the promotion of ideas that contradict religious values and beliefs that are traditional for society through deception and violence."[2]

It is noteworthy that V. A. Osipov characterizes "extremist activity as active manifestations of extremism, one of which is the commission of offenses of an extremist nature"[3].

This topic has been deeply studied by scholar Sh. As Pakhrutdinov noted, "the social base of religious extremism in all countries consists mainly of various elements, formed from 'remnants' who are filled with hatred for any kind of social and spiritual development, separated from society, state, community, relatives, and parents due to their actions, who oppose themselves to humanity and progress, and united in pursuit of an anti-human goal"[4].

S. A. Vorontsov indicates "the main feature of extremism as its worldview (ideological) origin"[5].

Similar views are put forward by K.D.Ridchenko. "Based on an active approach, it distinguishes within extremism: motive (extremist ideology), subject, object, and, in essence, the illegal act itself"[6].

According to M.A.Rajabova, "extremism literally means "to act decisively," while its terminological meaning is "an attempt to instill one's dogmatic ideas among the population in an uncompromising way." Its dangerous aspect is that they reject the doctrinal rules, customs and traditions that have been followed among our people for thousands of years, and instill beliefs that align with their interests. Such corrupt doctrine is aimed at instilling views that Muslims are "infidels," states are "states of disbelief," and such societies are "societies of disbelief." Such distortion of creed is dangerous because it aims to issue fatwas accusing a true believer of disbelief and shedding their blood. Such views, in turn, lead to the emergence of the basis for such a dangerous vice as terrorism"[7]. Although the definitions of these scholars emphasize the religious manifestation of extremism and reveal its meaning and essence, we can see that other manifestations of extremism are not covered.

In turn, A.G. Zaluzhny emphasizes that "the goal of extremist activity is to destabilize the world community"[8], while N.V. Stepanov specifically notes that "it strives to fundamentally violate the principle of legality, the rights, freedoms, and interests of the individual and the state"[9].

Analyzing the opinions of scholars on extremism, S.A. Ishchenko gives the following definition: "this is an antisocial, anti-state, illegal activity carried out by a person or group of persons (associations, organizations) with its own ideology, slogans, calls, and financing, motivated by social, political, racial, religious, national, and other forms of hatred, the purpose of which is to destabilize society, the political structure of the state, and to violently change the foundations of the constitutional order"[10].

One can only partially agree with this definition. First of all, when assessing its objectivity, it should be understood that the author proceeds from the generally recognized principles of "normality" and "correctness." How should such activity be interpreted if it is carried out by a group of individuals, supported by the current state apparatus and the majority of society, based on political, religious, national, and other hostility, and aimed at destabilizing and violently changing the social, political, or economic environment, the foundations and generally recognized principles of exercising rights and freedoms, including in the territory of other states, and manifested in calls, financing, and the implementation of certain actions?

Within the circle of persons carrying out such activities, no one considers themselves an extremist, on the contrary. It should be noted that when universally recognized norms and rules change, the location of political forces also changes, and the established and established balance in society is disrupted. What was previously considered one or another form of extremism has become commonplace for many today.

In addition, S.A. Ishchenko limits extremism as a phenomenon and tries to include it in the sphere of "activity." Therefore, should the inaction of individuals who do not hinder its manifestation and development be considered extremism? Should the thoughts and feelings of people, not expressed in the form of active behavior, but inherently extremist, be considered extremism? As can be seen, for S.A. Ishchenko, the answers to all these questions are positive. However, it should be noted that the emerging contradiction lies in the fact that the author, when formulating the definition of extremism, allows for the confusion of categories of different nature: activity (having an objective result) and ideology (existing at the level of an idea, not having an object in the real world).

Therefore, it is logical to conclude that activity cannot be expressed in the form of an ideology. If ideology finds external expression (propaganda, distribution of materials, attracting supporters, etc.), it should be said that ideology is expressed in activity, but not vice versa.

S.A. Ishchenko does not clarify whether the concepts of "extremism" and "extremist activity" are the same or different.

In our opinion, the difference between them is obvious, since the concept of "extremism" is a more comprehensive legal phenomenon than "extremist activity," therefore the latter can be only a part of the former.

Undoubtedly, extremist activity is a part of general extremism. At the same time, it is impossible to deny the existence of aspects of extremism that do not fit into the definition of activity: ideas, worldview, principles, etc. As noted, extremist activity is extremism that manifests itself in the external environment, that is, in the final result. This activity is assessed by the state as illegal and unacceptable, although ideas that have not yet manifested themselves in reality are no less dangerous. The most striking proof of this is the Second World War (from September 1, 1939 to September 2, 1945), which became a real tragedy for the entire world community, which arose as a result of attempts to implement the idea of totalitarian fascism.

Thus, the researcher believes that his attitude to the definition of extremism proposed in the work of S.A. Ishchenko, from the point of view of the theory and practice of applying administrative law, can be expressed as follows:

firstly, from the point of view of the theory of administrative law, the considered definition of extremism cannot be accepted, since it defines the essence of extremism through activity, which significantly narrows the boundaries of the phenomenon under consideration. In addition, it should be recognized that it is unacceptable to confuse the categories of activity and ideology;

secondly, from the point of view of the practice of applying the norms of administrative law, the specified definition should be generally recognized as correct and sufficient. However, the shortcomings of this definition are the part that allows for the confusion of categories of activity and ideology, as well as the exclusion of the opinion about the reasons for the imperfection of legislation.

The above-mentioned dual position in relation to the proposed definition of the concept of extremism is explained, first of all, by the fact that the task is set to consider the problem defined in this work not only from a practical, but also from a theoretical point of view. Therefore, within the framework of this study, extremism is considered both as a phenomenon and as an activity. This approach is chosen depending on whether the theory of law or the practice of its application is being discussed.

It should be especially noted that, although the author is a supporter of the position of interpreting extremism as an activity, in this dissertation research he allows himself to define it through the category of phenomenon. This approach is applied only for the purpose of a comprehensive and in-depth theoretical study of this issue.

Thus, extremism is a social phenomenon manifested in the striving of the most radical and excluded members of society to destabilize the social environment, destabilize the political system of the state, and violently change the foundations of the constitutional order. This phenomenon is based on the ideas of political, racial, religious, national, and other social hatred and enmity (extremist ideology) and is expressed through the support, promotion, other

provision, and direct implementation of antisocial, anti-state, and illegal activity (extremist activity).

Wars, massacres, and revolutions, waged on a religious or political basis, are well known to history: the bonfires of the Inquisition, the ideas of military jihad, anarchism, the revival of idolatry - all these are manifestations of radicalism, which, reaching its extreme level, turns into extremism. It is impossible to say that the history of extremism as a phenomenon began at some specific point. Rather, it would be appropriate to say that it has always existed.

With the development of society, new areas of legal relations have emerged. They formed within themselves certain principles and rules of existence. This, in turn, led to discontent and resistance. As the conflict intensified, it inevitably transitioned to a stage of confrontation, thus manifesting a new type of extremism.

The easiest and most obvious example for understanding is political extremism, which, according to some scholars, "can take the form of left-wing and right-wing, religious and nationalist"[11]. "Left extremists accuse the capitalist system of social inequality and the exploitation of the labor of the masses, and the socialist system of the rule of bureaucrats. Conservative-minded right-wing extremists condemn bourgeois society for moral corruption, consumerism, "mass culture," and other vices"[12].

The policy of Nazi Germany can be cited as a historical example of nationalist extremism. However, it should be noted that the political views of the Third Reich were recognized as extremist by the entire world community, with the exception of supporters of the established regime, where the ideas of fascism became the leading political ideology.

"Often political and nationalist extremism is combined with the ideas of separatism, which encourages multinational states to disintegrate and separate into several parts"[13].

Throughout the development of society, extremism has changed its appearance, putting on new masks, and began to manifest itself in environmental, anti-globalization, sports, youth-related, Internet, and other spheres.

S. A. Ishchenko emphasizes that "extremism in all its manifestations is a form of political violence, the symptoms of which always remain cruelty, decisiveness, and effectiveness"[14].

Such a definition is difficult to call indisputable, but it must be acknowledged: the emergence of new types of extremism does not change its essence and main characteristics. These include: extreme radicalism; approval of the use of violent methods; ideology; existence at the expense of the fanaticism of followers; intolerance; aimed at violating existing orders (in any form).

Within the framework of this study, various manifestations of extremism (extremist activity) were considered. However, for a deeper study of the issue, it is advisable to pay special attention to the forms of extremism.

According to the research results, a conceptual and etymological analysis of legal literature and legislation in the field of combating extremism allows us to formulate some features of extremism as follows:

firstly, extremism implies the use of not only violent (as a rule, radical) but also non-violent methods: the dissemination of extremist materials, incitement of national, religious, or ethnic hatred and discord.

secondly, extremism is a systemic social phenomenon that unites ideological beliefs (which serve as the motive and goals of extremist crimes and offenses) that consider themselves superior to others on religious, racial, national, gender, or political grounds[15].

Thirdly, extremism refers to actions prohibited by law (administrative or criminal offenses).

Fourthly, extremism is, first of all, a set of actions aimed at achieving goals that violate the rights and freedoms of citizens, the democratic foundations of the state.

fifthly, the concepts of "extremism" and "extremist activity" are closely related and can be clarified depending on the law enforcement practice of a particular state.

In a general sense, the forms of extremism should be understood as the external expression of a particular type of extremism as an ideology, defined by the legislator and reflected in the disposition of the legal norm. It should be noted that the categories "concept," "essence," or "type" are interconnected and have a theoretical and practical character, while the category "form" has a purely practical character within the framework of the issue under consideration and is aimed at increasing the effectiveness of law enforcement practice.

In the course of our research, we analyzed extremist activity as a form of manifestation of extremist ideology and distinguished its main and auxiliary types as follows:

1) The main forms of discrimination against a social group, separated from society by any characteristic: violation of the rights, freedoms and legitimate interests of a person and citizen due to political, ideological, racial, national, religious enmity or hostility, or due to hatred or hostility towards any social group; obstruction of the lawful activity of public and religious associations or other organizations through the use of violence or the threat of its use due to political, ideological, racial, national, religious enmity or hostility, or due to hatred or hostility towards any social group;

2) the main forms of discrediting or unlawful sabotage of state power, its components, civil servants: obstruction of the lawful activities of state bodies, local self-government bodies by using or threatening to use violence, motivated by political hatred or hostility; deliberate false accusation of a person holding a state position of the Republic of Uzbekistan or a state position of a subject of the Republic of Uzbekistan in the commission of a crime or administrative offense, motivated by political hatred or hostility, as well as in order to damage the official reputation of a body of power and (or) disrupt the state-power activity it carries out;

3) the main manifestations of extremist activity encroaching on the foundations of the constitutional order of the Republic of Uzbekistan: violent change of the principles of democracy and popular sovereignty, sovereignty and territorial integrity, republican form of government, rule of law, social and secular state, diversity of forms of ownership and the Constitution of the Republic of Uzbekistan; terrorist activity; obstruction of the lawful activities of election commissions in connection with obstruction of the exercise of citizens' electoral rights and the right to participate in a referendum or violation of the secrecy of voting, as well as the threat of violence or its use;

4) informing the main forms of extremist activity by: inciting hatred and hostility towards a person, as well as promoting the individuality, supremacy or incompleteness of a person based on his/her racial, national, religious, ideological, linguistic or other social affiliation; preparing, storing, transmitting, disseminating, promoting, and publicly demonstrating extremist materials, symbols and attributes of Nazism, fascism, and extremist organizations, including symbols and attributes similar to them to the point of confusion; publicly justifying or calling for the commission of the above-mentioned acts;

5) financial, logistical, printing, information and communication, or other organizational support.

6) carrying out or otherwise facilitating the organization, preparation, and implementation of the main forms of extremist activity.

Despite the peculiarities of the presented typology, from the point of view of law enforcement practice, it should be recognized that the subsequent classification of forms of extremism depending on legal responsibility is the most relevant. Thus, it is possible to distinguish forms, the manifestation of which entails criminal, administrative, or civil liability for a subject of legal relations carrying out extremist activity.

Let us consider in detail the forms of administrative offenses of an extremist nature, defined by the Code of the Republic of Uzbekistan on Administrative Responsibility.

Having analyzed the norms of the Code of Administrative Offenses of the Republic of Uzbekistan, we have developed the following classification of administrative offenses of an extremist nature:

the first group includes the production, storage, or distribution of materials promoting national, racial, ethnic, or religious hatred (Article 1843), appearing in public places in a form that does not allow for the identification of a person (Article 1844), production, import, distribution, advertising, demonstration of products promoting harassment, violence, or cruelty (Article 1891), promotion of discrimination based on sex (Article 1892),

the second group includes incitement to participate in the activities of illegal non-governmental non-commercial organizations, movements, sects (article 2021), illegal use of flags and vimpels, production, distribution or wearing of posters, emblems and symbols (article 203).

the third group includes violation of legislation on religious organizations (article 240) and violation of the procedure for teaching religious doctrine (article 241) [16].

It can be noted that the presented classification is sufficiently simple for understanding, since it highlights the immediate object of the offense as the main classifying feature. The related object of administrative offenses of an extremist nature is public order and public safety. Their normal functioning is subject to instability, which arises in any form of extremist behavior.

It should be noted that the acts falling under the provisions of these articles should not contain elements of a criminally punishable act.

Thus, administrative legislation includes a complete list of known forms of extremism at the present stage of the development of the country's legal system. This list complements the forms of extremist activity, which provide for criminal liability. They did not become the subject of analysis in this work, as they went beyond the scope of the dissertation research topic.

Thus, analyzing the presented arguments, it can be noted that among administrative scholars, the idea of separating the concepts of extremism and extremist activity as separate categories prevails. However, the legislator does not fully support the views of researchers on this issue and considers these concepts to be the same in order to increase the effectiveness of legal regulation of the fight against extremist activity and prevent gaps and contradictions in law.

The forms of manifestation of extremism in the administrative law of our country are reflected in the provisions of the articles of the Code of the Republic of Uzbekistan on Administrative Responsibility.

In our view, the existing legislative approach to the assessment of activities as extremist should be recognized as acceptable and possibly the only possible way. Nevertheless, this does

not mean that there are no shortcomings in the legislation in the field of combating extremist activity and that it is not necessary to improve it. The fight against extremism has always been and remains the most important area of activity of religious organizations and government bodies that condemn the ideology promoted by its followers. Because this phenomenon has a comprehensive impact on various aspects of society and state life, shaping the worldview of ordinary citizens. For this very reason, it is extremely important to pay sufficient attention to this problem.

"As is known, the system of organizing activities to counter extremism consists of a set of measures of a political, social, legal, organizational, informational, and other nature"[17].

With the development of society, state, and legal institutions, new types of extremism are constantly emerging, which forces the state apparatus to improve existing methods and create innovative ways to counter such activity.

Undoubtedly, due to the fanaticism of supporters, the deep ideology and intolerance of extremist ideas, it is impossible to control them as a phenomenon. The only way is to actively counteract the development of extremism and the implementation of extremist activities.

In our opinion, for the development of an effective system of means and methods of combating extremism in the Republic of Uzbekistan, it is necessary: first of all, to identify the essential features of each specific type of extremism, for example, methods of interaction between participants in activities, means used to spread extremist ideas, ways of financing, algorithms for concealing traces of illegal activity, etc. The solution to these issues will allow for the effective organization of the fight against extremism both within the country and abroad. Although the solution of the main tasks within the framework of the fight against extremism has been theoretically understood and practical experience has been accumulated

Firstly, it should be noted that when determining the main characteristics of a particular type of extremism, it should be borne in mind that there are no material boundaries within it that justify radicalism and cruelty.

Secondly, the status of a legal and democratic state requires the use of methods and means of struggle that correspond to the principles of legality, expediency, strict regulation, and proportionality, which puts law enforcement agencies in an unfavorable position towards extremists.

Based on the foregoing, the concept of "countering extremism" can be defined as follows: the fight against extremism is an activity aimed at protecting the rights, freedoms, and legitimate interests of society and the state from actions of an extremist nature, using a set of means based on a combination of persuasion and coercive measures by public associations and organizations, religious institutions, and state authorities. Special attention should be paid to preventive countermeasures, in particular, administrative control over the observance of legal and technical-legal norms by citizens and organizations. At the present stage of the fight against extremism, we believe it is necessary to strengthen control over persons held legally liable for committing offenses and crimes of an extremist nature. The widespread use of the capabilities of telecommunication technologies makes the activities of law enforcement agencies on the Internet, which includes a multitude of information resources, platforms, and platforms that can be used to carry out actions that openly or covertly promote the ideas of extremism, even more relevant.

"It is very important to understand that combating extremist activity should ensure not only the cessation of offenses and the elimination of their consequences, but also the non-

functioning economic foundations for the functioning and revival of extremist activity"[18]. Therefore, it is necessary to take measures to strengthen control over the "cleanliness" of financial transactions carried out, to expand the scope of control over the economic activities of citizens and organizations in compliance with the constitutional principles of organizing private life.

"Extremism cannot be physically destroyed, because it exists at the level of an idea"[19], with which one must agree. Also, the idea of Y.S. Skrebets that "it is necessary to discredit extremist ideology in the eyes of its supporters and followers using various propaganda methods"[20] seems valid.

The described measures, in particular, strengthening the attention of law enforcement agencies to the implementation of preventive measures against extremism, establishing administrative control over the observance of legal and technical-legal norms by citizens and organizations, widespread use of the capabilities of telecommunication technologies, strengthening control over persons held liable for offenses and crimes of an extremist nature, strengthening control over the "cleanliness" of financial transactions, measures to expand the scope of control and observation of the economic activities of citizens and organizations, as well as discrediting extremist ideology - all this contributes to increasing the effectiveness of activities to counter extremism in the Republic of Uzbekistan. These measures will contribute to the eradication of the promotion of cruelty, radicalism, and violent methods in all spheres of life, which will be the starting point for efforts to eliminate extremism in general.

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