

# **Criminological Analysis of Terrorism**

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doi: 10.19044/esj.2016.v12n29p1 [URL:http://dx.doi.org/10.19044/esj.2016.v12n29p1](http://dx.doi.org/10.19044/esj.2016.v12n29p1)

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## **Abstract**

This article discusses the terrorism origin history, its types and forms, prevention issues and analysis of its concept from the historical and criminological aspects. The classification of the main features and elements of the terrorism is set out. The terrorism structure and methods of commitment of criminal acts are studied.

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**Keywords:** Terrorism, violence, prevention, fight against terrorism

## **Introduction**

Terrorism by its form and manifestations, size and intensity, barbarity and cruelty has become one of the most acute and burning issues of global importance. It is accompanied by a great number of victims, it generates the hatred and distrust. For many people, a political group or organization the terrorism is the method of solution of political, religious and national problems and therefore it belongs to the type of a crime, where innocent people could become victims.

## **The History of Terrorism**

In the modern legal literature, terrorism (Lat. “terror”- fear, horror) means violence or threat of violence against an individual, group of individuals or facilities in order to achieve political, economic, ideological or other goals desirable for the terrorists.

Terrorism dates back to the ancient times. One of the earliest terrorist groups was the unit called the Sikarii, which operated in Palestine in the 1<sup>st</sup> century CE. At about the same time various secret societies operated in India. In the 11<sup>th</sup> century the sectarian neoislamic organization of Assassins acted in the Western Asia. The word “assassin” in European languages comes from the Assassins and means a hired killer and terrorist.

Over time, the weapons of terror had progressed along with the social development and it became more and more perfect. The scale of terror and its goals have also changed. Terrorism appears when a society is

experiencing a deep crisis. This crisis is often ideological in nature and is linked to the state and legal system, where the groups united on the political, social, ethnic or religious grounds break out in such a society and they are disposed in opposition to the government and question its legitimacy.

### **The Concept of Terrorism**

Definition of terrorism is one of the difficult problems of the world science and practice of the fight against crime. At present there are about 200 definitions of terrorism, but none of them is universally recognized.

The term of “terrorist” is often used selectively and subjectively. The one who is considered a terrorist by one person, in someone else’s opinion can be a fighter for freedom. In the literature sources the terrorism is defined as the systematic use of terror and its synonyms are “violence”, “intimidation”. The first attempt to define the concept of terrorism was made on the 3<sup>rd</sup> International Conference for the Unification of Penal Law held in Brussels, Belgium, in 1930.<sup>1</sup> The range of acts covered with this definition is quite broad.

After World War II the world countries returned to the issue of terrorism. In particular, on February 2, 1971 there was adopted the First International Convention for the Prevention and Punishment of the committed terrorist acts, when the terrorist acts and related extortions obtained the form of a crime against people and the combat against terrorism gained the international nature. The Convention was executed at the regional level.

According to the Convention, the liability for a murder, kidnapping and other attempts of infringement of human security was established, as well as the punishment for all related kinds of extortion. The special protection measures are guaranteed taking into account the norms of international law.

In December 1972, the UN General Assembly, in frames of the elaboration of the measures for eradication of terrorism and other forms of violence adopted a Resolution N3034. In accordance with paragraph 9 of this Resolution, in 1973, a special committee for combating international terrorism was set up.

According to the version proposed by the UN experts, in 1932, all non-military attacks, including not only the taking of hostages and the seizure of civil aircraft, but also for the murder of prisoners of war should be considered acts of terrorism. According to experts, the terrorism should be assessed as “a war crime committed in a peacetime.”

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<sup>1</sup> [www.revolution.allbest.ru/law](http://www.revolution.allbest.ru/law)

In 1999, the United Nations, based on the League of Nations project<sup>2</sup> adopted the following wording for the terrorism: “Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them”.

According to the definition of the US Federal Bureau of Investigation, terrorism is “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”

Experts assert that terrorism is not only inhuman and unforeseen violence, but a terrorist action always embodies the strategy, irrespective of a form of crime. Like all the crimes, terrorist acts are committed in order to achieve certain goals, though in this respect, it has its specifics. Some definitions of terrorism imply the intimidation of public (terrorization) as a goal. However, the majority of researchers note the fact that terrorism is a crime, if committed to achieve the political goal. Some researchers links it to only political goals. This is one concept. E.g.:”Terrorism is a crime only when it is implemented for political purposes”, in particular, for tension in international relations, destabilization of public order and so on.

Nevertheless, qualification of the terrorism goals by only possible political goals is not reasonable, because in this case the possibility of its implementation for social, religious or other purposes should be excluded. I think these two components are equally important. First of all, terrorism is characterized by the fact that it creates a common threat or danger of such threats. Terrorism by its objective grounds is a delict creating a concrete threat. It is manifested in the explosion, arson, the use of a weapon or other actions that may harm an unlimited number of people and cause serious consequences. The other feature is the public character of its implementation. Terrorist attacks, as a rule, are carried in public places, which in many cases, lead to victims. The main thing here is its heinousness which should serve as a warning, alarm to the addressees. The next feature of the terrorism is conceiving fear, constant tension and a sense of vulnerability in the population. This is a specific feature of terrorism which distinguishes it from other similar crimes.

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<sup>2</sup> The League of Nations also provided the definition of terrorism in 1937 and concluded that “acts of terrorism” are “criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public”.

## **Types of Terrorism**

During the 1970 conference, 3 types of terrorism were identified: social, political and ideological terrorism. Further, this number has increased. According to the American researchers, there are the following types of terrorism:

- mental and criminal;
- revolutionary, sub-revolutionary and oppressive;
- nuclear, economic, technological, environmental and so on.

The most common are:

Political terrorism - terrorist actions of various kinds, which aim to influence political leaders, government or the policy pursued by it and force them to implement this or that political act.

Informational terrorism is a direct impact on people's psyche and consciousness to purposefully control their behavior.

Economic terrorism is various discriminatory economic activities aimed against economic competitors, social groups and strata of the population, the states and their leaders to gain economic benefits favorable for the terrorists

Some authors also identify the so-called selfless terrorism and bring as an example the activities of revolutionary terrorists in early 20<sup>th</sup> century. In their opinion, the fanatical activity of revolutionary terrorists contains positive elements as well, which are expressed in the unselfishness.

The legal literature includes the concept of a suicide terrorism, which is defined as a readiness to sacrifice own life to achieve a political goal. All terrorist acts have two aspects: the rational and the irrational. The rationality of terror is manifested in the fact that as a result of the extremely violent action, when the system temporizes with terrorists, a particular political or social goal can be achieved. For example, the release of other terrorists, recognition of some ethnic or political freedoms, and so on; and the second aspect is irrational, when a terrorist act is carried out by a terrorist-suicide.

Also a technological terrorism is identified, which includes illegal use of nuclear, chemical, bacteriological substances or its components for the political, economic or other purposes.

Scientists believe that terrorism could be political, international, national and religious. The terrologiya (the science about terrorism) considers neo-colonialism, racism, aggressive policies, non-democratic political regime, separatism, religious fanaticism, drug business, injustice and so on to be the reasons of terrorism. The motivation of terrorist activities has substantially changed. If the activities of the first generation of terrorists had an ideological basis, for the next generation it has not been determined and included criminal and political offences. At the same time the domestic terrorism has distanced itself from the international terrorism. A

characteristic feature of the modern terrorism is that the experience of terrorists of one country is actively used by terrorists of other countries. Terrorist action is a multi-crime. Irrespective of the form of its manifestation terrorism is an intentionally committed crime and its motive and purpose are of great importance. A terrorist act could be aimed at changing the political order, provoking hostilities etc. The motive may be completely different. In particular, fundamental or sectarian, religious, nationalist idea, social fanaticism, greed, revenge and more.

By scale of acts there is distinguished domestic (homegrown) and international terrorism.

- a) Homegrown terrorism is illegal use of force or violence against a person or property, for intimidation of the existing authorities, government, civilian population or any its segment in order to achieve political or social goals.
- b) International terrorism is a terrorist act organized and funded by one state against the other one. International terrorism against this or that country is managed from outside by the countries or organizations supporting terrorism. These countries consider terrorism as a foreign policy tool, though today it is carried out covertly, in particular, through establishment, financing, coordination of terrorist organizations, training of terrorist groups and other.

According to the motivation there are distinguished political, religious, national, biological, and other forms of terrorism, as mentioned above, but now we need to define the religious terrorism.

Religious terrorism is when the representatives of different religions oppose each other and the representatives of one belief intimidate the followers of other belief by violence. For example, it is the opposition between the Catholics and Protestants in Ireland. Religious terrorism is often based on political motives. This occurs when the people who follow one or the other religion have lost or cannot gain political status and are trying to achieve their goal through violence, intimidating their opponents. National (ethnic) terrorism is based on ethnic differences and implies intimidation by the people of one ethnic group of the people of other ethnic group in order to reach a dominant position, to demand separation of territorial units from the state authorities, to create government bodies, to gain various privileges.

Ethno-terrorism is a form of ethnic conflict. Ethno-political conflictology recognizes that ethnic conflicts are based on ethnic pluralism. The problem of conflicts is most severe in a multinational society and the majority of ethnic conflicts in the world take place right there.

## **Suicide in Modern Terrorism**

The history from the early period contains the facts of the type of attacks, which should result in the death of attackers. During World War II, Japan has used suicide pilots who were called the “divine wind”.

During the Jihad the suicide is considered a meritorious and exemplary affair by jihadists. They claimed that suicide for the faith is somewhat similar to the Mujahed death. In both cases they serve one cause, in both cases they are jihad warriors but just in different circumstances.

As a rule, a person carrying Western moral values comes to the suicide during the moral destruction and mental disorder. The Western culture considers suicide as a shameful thing while a Mujahed experiences no moral destruction when committing suicide, on the contrary he achieves the highest edge of the moral perfection being able in mind and standing firm. His suicide is regarded as a meritorious affair and self-sacrifice for the faith and God. A Mujahed suicide is considered as a martyr for God. Suffering is the most important spiritual aspect of Jihad.<sup>3</sup> This most important aspect derives from the belief that for a martyr Jihad is the greatest mission imposed by Allah on a fighter who has suffered for jihad.

In recent years, more and more women have been involved in the terrorist activities. Women’s participation in the attacks is seemingly strange, but just this suddenness makes women a fatal weapon in the hands of terrorist organizations. This phenomenon is relatively new and therefore it is difficult for scientists to judge its general characteristics. One thing is clear - as in case of male suicide attacks, the women are also young, 16-26 years old on average. Other trends do not allow generalization: some of those women are widows, illiterate, unemployed, from poor families, while others on the contrary are married, educated, middle class representatives, successful professionals. Female terrorists are recruited similar to male terrorists. Terrorist organizations take advantage of naivety, enthusiasm of candidates. The first woman suicide bomber<sup>4</sup> appeared on April 9, 1985. A 16-year-old Lebanese girl, member of the Syrian<sup>5</sup> Social Nationalist Party crashed with a car loaded with explosives into an Israeli military convoy. Two Israeli soldiers were killed and two were wounded in the accident. After this case the suicide bomber women have become a new, non-conventional weapon of the warfare. Within the Islamic resistance more and more suicide bomber women became involved in the terrorist attacks organized by Hamas, Hezbollah, Palestinian Islamic Jihad and the Al-Aqsa Martyrs Brigades.

The Institute for Counter-Terrorism defines that the use of “live bombs” is “the operating method, in which the attack is directly linked to the

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<sup>3</sup> Jihad means fight for faith, holy war in Arabian.

<sup>4</sup> <http://pulemjotov.livejournal.com/205634.html>

<sup>5</sup> The member of the Syrian Social Nationalist Party - Sana’a Mehaiddi.

criminal's death. A terrorist is fully aware that if he or she does not commit suicide, the planned attack will not be executed". According to researchers, the "live bomb" behavior for women is the method of emancipation. In this case they become equal to men. The spiritual leaders offer them a hope that men and women equally deserve reward in case of martyr's death. Previously, such privilege in "the otherworld" was inaccessible for women.

The modern media mostly describe suicide bombers as young, desperate, poor and mentally unbalanced men. This is a wrong concept. According to the researchers, the majority of the terrorists have normal education, solid psyche and, in many cases, a better social status than the representatives of those groups, on which behalf they are acting. 15 attackers out of those 19 who participated in the September 11 terrorist act were from wealthy Arab families, and most of them lived or studied in the West. Suicide bombers, as a rule, are volunteers.

### **Terrorism Manifestation Forms**

Dividing terrorism by types is conditional as any other classification, but identification of specific properties of its certain types is necessary for the lawmaking and legal activities in this field.

In practice, the following types of terrorist acts are mainly used in terrorist activities:

1. Assassination
2. Explosion, arson and their organization
3. Hijacking
4. Kidnapping
5. Taking hostages

Division of terrorism by types cannot be strictly dogmatized, since it could emerge based on such grounds that has not taken place so far in human history. It is important that in view of the criminal law dogmas we provide criminalization of every act on the basis of the objective aspect of the act. That is why when we talk about the types of terrorism, it is necessary to take into account the objective side of the crime and, therefore, to define its type and form. The motive is attributed to a subjective aspect of the act and it cannot be the ground for division of terrorism as certain crimes (types) of the event. It is also important to distinguish between a type of terrorism and the form of its manifestation, which is based on the objective aspect of the act, and enables us to make its criminalization according to the form of its manifestation.

Terrorism is different from all other violent murders, physical destruction, and other crimes. It is a criminal phenomenon causing mass fear, destruction of physical and material values. It cannot be equated to a murder,

violence and other criminal activities, which of course cause fear, but not to such the extent and quality, as it is typical for terrorism. A terrorist act is the most dangerous crime, as it leads to destabilization of the political situation, aggravates the social, political, and economic contradictions of a country or between countries. That is why it is not occasional that to achieve such goals terrorist acts were used in the past and are still used.

As mentioned above, the central element of terrorism is a terrorist act as a specific goal. Terrorism is genetically closest to the terrorist act, and in many cases their relationship is presented as a part and a goal, especially when it comes to the actual act of violence which creates a general threat, endangers an indefinite number of people or leads to severe consequences. A terrorist act shall necessarily include all the signs of terrorism.

### **Conclusion**

Terrorism is not always a specific case of a terrorist act, because:

- terrorism can be expressed not only in a violent action, but in a threat of such action. In this part, in the best sense, the term terrorism is included in the definition of a terrorist act, where acts of violence are actually carried out but not a threat thereof;
- a violent action of committing terrorist act is directed at the indefinite number of victims;
- a victim of a terrorist act is strictly personified, it poses a threat not only to a particular person and not only to those around. The features of terrorism will be manifested in process of a terrorist act. A terrorist act is a variety of terrorism and it is considered separately in the science;
- terrorism is always carried out by a threat-creating means. It not only results in victims, but also causes property damages.

Currently, the following causes of terrorism in described the legal literature:

1. Visible drop in the living standards along with the unprecedented growth of social differentiation, which promotes human resentment, emerging or strengthening of such socio-psychological factors as envy, hatred, and so forth.
2. Critical status of a number of social and professional groups, especially of military personnel or those persons who have a work experience with explosive devices and substances.
3. The increase in the unemployment rate, which promotes migration, vagrancy, psychological and professional degradation, personal disorientation in market conditions and so on.
4. The national self-assertion.

Today, the religious fanaticism is especially widespread. Corruption must be named a factor for the spread of terrorism. Corruption is a peculiar



catalyst of the organized crime and its effects on the expansion of terrorism as well.

**References:**

1. Special Part of the Criminal Law, Book II, collective of authors. "Meridian" Publishing House, 2008.
2. M. Turava. Criminal Law. Review of the General Part, Tbilisi, 2010.
3. Adams J. The Financing of Terror: How the Groups that are Terrorizing the World Get the Money to Do It, NY, 1986
4. Atran S. Genesis of Suicide Terrorism, Science, Vol. 299, 2003.
5. Gettleman J. "Prisoner of Jihad", Los Angeles Times, July 21, 2002.
6. Hoffman Bruce "Inside Terrorism", Columbia University Press.
7. Vityuk VV, esters SA "Left" terrorism in the West: history and modernity. - M: Nauka, 1987.
8. Kochoi SM Terrorism and extremism: criminally-legal characteristic. - M: Prospect, 2005.
9. Antonyan YM Terrorism. criminological and criminal-legal research, M., 2001 G. Ghlonti. Terrorism. Criminology and Law Enforcement, Chapter 12
10. UN Security Council Resolution 731
11. UN Security Council Resolution 748
12. UN Security Council Resolution 883
13. Council of Europe 2003 Protocol.
14. Council of Europe 2006 Protocol.