



PRACTICAL ANALYSIS OF LEGAL ACTS ON PREVENTING THE DISSEMINATION OF EXTREMIST IDEAS ON THE INTERNET

Abdulkasimov Mukhammadali Olimjon ugli

Senior Lieutenant in the Active Reserve of Personnel
of the Ministry of Internal Affairs of the Republic of Uzbekistan

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Abstract: This article provides a practical analysis of legal acts aimed at preventing the dissemination of extremist ideas on the Internet. It also examines the problems encountered in the prevention and counteraction of such types of crimes, identifies contradictions within certain legal norms, and analyzes specific shortcomings in criminal and related legislation. Furthermore, the article presents proposals and recommendations for amendments and additions to national legislation, as well as for the application of legal norms in judicial and investigative practice.

Keywords: extremism, extremist activity, extremist materials, dissemination, financing, religious extremism, foreign experience, investigative actions, internet.

In the first years of independence, our country directly experienced extremist threats. During this period, some extremist groups put forward demands such as changing the political system in the country, establishing an Islamic caliphate, and implementing state governance based on Sharia rules. These plans and aspirations were mainly aimed at undermining the foundations of interfaith tolerance and interethnic harmony and threatening the sustainable, peaceful development of our multinational society.

Currently, extremism is becoming an increasingly expanding phenomenon, encompassing complex socio-political problems of a political, economic, territorial, spiritual, moral, and religious nature. This shows that it is not enough to fight extremism only by means of force - by stopping the activities of certain groups or holding their "leaders" accountable. In today's conditions, the fight against extremism requires, first of all, the fight against its ideology. Because it is precisely as a result of the spread of extremist ideas and ideologies that the number of such groups is expanding.

In this regard, the President of the Republic of Uzbekistan Shavkat Mirziyoyev, in his political course, pays special attention to the protection of human rights and freedoms, ensuring security, as well as strengthening interfaith harmony and tolerance. In particular, approaches to combating extremism have conceptually changed. At the same time, the main attention was paid not to the consequences of extremism, but to the elimination of its causes and factors.

Based on the idea of "Enlightenment against Ignorance," the President set the task of preventing the spread of the "virus" of the ideology of violence. In particular, the formation of religious and moral consciousness among young people and their ideological education based on enlightenment have become the main link in this direction.

International organizations not only recognize the efforts being made in our country to combat extremism, but also support the initiatives put forward. In particular, on December 12, 2018, at the initiative of Uzbekistan, the UN General Assembly adopted the resolution "Enlightenment and Religious Tolerance." This resolution was unanimously approved by all

UN member states. It should be noted that at a time when interfaith conflicts are intensifying in the world and threats stemming from extremism are growing, we would not be wrong to say that the "Enlightenment and Religious Tolerance" resolution was a unique response to these modern challenges.

In recent years, a number of laws, measures, and practical work have been carried out in our country to prevent the spread of extremist ideas on the Internet. In this regard, we considered it necessary to dwell on our national legislation on preventing the spread of extremist ideas on the Internet.

First of all, one of the legislative acts adopted to prevent the spread of extremist ideas on the Internet is the Law "On Combating Extremism," adopted on July 30, 2018 [1]. This law regulates relations in the field of countering extremism. The law also defines key terms related to extremism, including "extremism," "extremist activity," "financing of extremism," "extremist," "extremist group," "extremist material," and "extremist organization."

Article 7 of this Law defines several measures to prevent extremism, which are:

- raising the legal awareness and legal culture of the population, forming an intolerant attitude towards extremism in society;
- issuance of an official warning about the inadmissibility of carrying out extremist activities;
- to submit a representation on the inadmissibility of carrying out extremist activities by a legal entity;
- prohibiting the import, production, storage, distribution, and demonstration of extremist materials;
- prohibition of the financing of extremism;
- suspension of the activities of a legal entity;
- recognition of an organization as an extremist organization.

If we talk about raising the legal awareness and legal culture of the population, which is the first measure to prevent extremism, and forming an intolerant attitude towards extremism in society, then these measures are carried out by conducting explanatory work among the population, organizing legal education and training, developing educational, methodological, and scientific literature on combating extremism, strengthening cultural traditions, spiritual, moral, and patriotic education, organizing and conducting scientific and practical events, and improving educational programs, taking into account the main directions of state policy in the field of combating extremism.

Issuance of an official warning about the inadmissibility of carrying out extremist activity is understood as the activity of an official of a state body carrying out activities to counter extremism, containing signs of extremist activity, in the presence of sufficient and pre-confirmed information about the unlawful actions being prepared, and in the absence of grounds for prosecution, consisting of issuing an official warning in writing to officials and individuals allowing the emergence of extremism, about the inadmissibility of such activity.

At the same time, our legislation stipulates that a person who has received an official warning, in case of disagreement with it, has the right to appeal this warning to a higher official of the relevant state body carrying out activities to combat extremism, or to the court.

Another measure to prevent extremism is a submission on the inadmissibility of extremist activity by a legal entity, according to which, in the event of a violation of the law by

a legal entity, indicating the presence of signs of extremism in its activities, the prosecutor or other official of the state body carrying out activities to counter extremism submits a submission to the official of this legal entity on the inadmissibility of the indicated violations and sets a deadline for their elimination. If these violations are not eliminated within the established timeframe, as well as if new facts indicating the presence of signs of extremism are discovered within one year from the date of submission, based on the submission of the prosecutor or another official of the state body carrying out activities to counter extremism, the activities of the legal entity are suspended for a period of up to six months or prohibited by a decision of the Supreme Court of the Republic of Uzbekistan.

Also, one of the main measures to prevent extremism is the prohibition of the import, production, storage, distribution, and demonstration of extremist materials.

The import, production, storage, distribution, and display on the territory of the Republic of Uzbekistan of extremist materials, attributes and symbols of extremist organizations, as well as their distribution and display in the mass media or telecommunication networks, including the World Wide Web, are prohibited. Materials imported into the territory of the Republic of Uzbekistan, produced, stored, distributed, and displayed, as well as distributed and displayed in the mass media or telecommunications networks, including the World Wide Web, are recognized as extremist materials in the manner prescribed by law. Extremist materials, attributes and symbols of extremist organizations are subject to destruction or removal in the prescribed manner. When it is impossible to destroy or remove extremist materials, attributes and symbols of extremist organizations posted in the mass media or telecommunications networks, including the World Wide Web, their use is restricted. Failure to comply with the requirement of the state body carrying out activities to counter extremism to destroy, remove, or restrict access to extremist materials by a person providing services for access to telecommunications networks and the World Wide Web entails liability in the manner prescribed by law.

Also, the financing of extremism is prohibited on the territory of the Republic of Uzbekistan. During such measures, organizations carrying out operations with monetary funds or other property, in order to prevent the financing of extremism, carry out control over operations with monetary funds or other property, internal control, and take appropriate verification measures. Organizations carrying out operations with monetary funds or other property are obliged to immediately and without prior notification suspend the operation and (or) freeze the funds or other property of persons involved in extremist activity.

At the same time, another measure to prevent extremism is the suspension of the activities of a legal entity, according to which, if a legal entity is involved in extremist activity, its activities are suspended by a court decision upon the application of the state body carrying out activities to counter extremism.

One of the most important and currently relevant measures to prevent extremism is recognizing this organization as an extremist organization. Recognition of an organization as an extremist organization in the Republic of Uzbekistan is carried out in court. An organization is recognized as extremist if at least one of its structural subdivisions (subdivision, branch, and representative office) carries out extremist activity. An application for recognition of an organization as an extremist organization is submitted by the Prosecutor General of the Republic of Uzbekistan to the Supreme Court of the Republic of Uzbekistan. The list of organizations in respect of which there is a legally effective court decision recognizing



them as extremist and prohibiting their activities in the territory of the Republic of Uzbekistan is published on the official websites of the Ministry of Justice and the Supreme Court of the Republic of Uzbekistan.

Combating any offense requires the imposition of punishment. In this regard, it can be noted that the issues of responsibility for crimes committed using the Internet are being gradually regulated in our national legislation.

In this regard, the Law of the Republic of Uzbekistan dated December 11, 2003 "On Informatization"[\[2\]](#) was amended and supplemented by the Law of the Republic of Uzbekistan dated September 4, 2014 No. 3PY-373 and supplemented with Article 121.

According to part 1 of this article, the owner of a website and (or) website page, including a blogger, has the right to use their website and (or) website page on the World Wide Web, where publicly accessible information is posted:

- Call for the forcible change of the existing constitutional order, territorial integrity of the Republic of Uzbekistan;
- propaganda of war, violence and terrorism, as well as the ideas of religious extremism, separatism and fundamentalism;
- disclosure of information constituting state secrets or other secrets protected by law;
- dissemination of information inciting national, racial, ethnic, or religious hatred, as well as discrediting the honor and dignity or business reputation of citizens, allowing interference in their private lives;
- promotion of narcotic drugs, psychotropic substances and precursors;
- propaganda of pornography;
- must not be used for the purpose of committing other actions that, in accordance with the law, entail criminal and other liability.

In addition, due to the increasing development of the Internet on a global scale, as crimes committed using the Internet begin to pose a threat to public safety, the Law of the Republic of Uzbekistan dated April 25, 2016 No. 3PY-405 [\[3\]](#) introduced Article 2441 of the Criminal Code, Part 3 "Preparation, storage, distribution or demonstration of materials that pose a threat to public safety and public order," as an aggravating clause if the preparation or storage for the purpose of distribution of materials imbued with the ideas of religious extremism, separatism and fundamentalism, calling for massacre or forced displacement of citizens, or aimed at creating panic among the population, as well as the preparation, storage, use of mass media or telecommunication networks, as well as the World Wide Web for the purpose of distribution or demonstration of attributes or symbols of religious-extremist, terrorist organizations.

Today, under the guise of religious beliefs, extremist organizations continue to spread violence and radical views in society by inciting young people to violence, the loss of national identity, cultural, educational, and family values. In this regard, defining more effective measures aimed at preventing and suppressing extremism, as well as eliminating sources and channels of its financing, and combining efforts at the national and international levels in this area is one of the important directions of state policy.

In this regard, the Decree of the President of the Republic of Uzbekistan dated July 1, 2021 No. UP-6255 "On Approving the National Strategy of the Republic of Uzbekistan to Counter Extremism and Terrorism for 2021-2026"[\[4\]](#) was adopted and the "National Strategy

of the Republic of Uzbekistan to Counter Extremism and Terrorism for 2021-2026" was approved.

The main tasks of this strategy are defined as defining the priority areas of activity of state bodies in the field of combating extremism and terrorism, developing proposals for improving the regulatory framework and methodological and practical framework in this area, uniting the efforts of state bodies, the general public, and the international community aimed at combating extremism and terrorism, ensuring interfaith and interethnic harmony in society, developing a system of measures aimed at protecting the state from the involvement of the population, especially young people, in extremist and terrorist activities, introducing effective mechanisms to combat the financing of extremism and terrorism, and improving regional and international cooperation in the field of combating extremism and terrorism.

Based on this strategy, 9 main priority areas of activity of state bodies in the field of combating extremism and terrorism have been defined.

Today, there are many cases of distributing materials imbued with extremist ideas through social networks on the Internet, in particular, "Facebook," "Instagram," "Telegram," and others. In most cases, the perpetrators disseminate materials imbued with extremist ideas by sending them to various channels, groups, or posting them on their personal profiles on social networks such as Facebook, Instagram, Telegram, etc. After these cases are identified by the authorized bodies in the fight against extremism, documents are drawn up, and copies of materials sent to various channels, groups on social networks such as "Facebook," "Instagram," "Telegram," etc., or posted on the personal profiles of the guilty persons are copied for research. Thus, pre-trial investigation and preliminary investigation actions are carried out. The conducted surveys show that at the stage of pre-trial proceedings, that is, during the pre-investigation check or preliminary investigation, the persons responsible for the proceedings are not taking measures to temporarily restrict the activities of channels, groups, or personal profiles of the perpetrator on social networks such as "Facebook," "Instagram," "Telegram," in which materials containing extremist ideas are sent by the perpetrator. Only these cases are assessed in the court's verdict. Failure to take such measures creates opportunities for other persons to use materials imbued with extremist ideas. This means that conditions are being created for the commission of this type of crime.

In order to prevent such cases, it is proposed to introduce a system of sending a request to the competent authorities in the appropriate order to resolve the issue of temporarily restricting the activities of channels, groups, or personal profiles of the guilty person on such social networks as "Facebook," "Instagram," In accordance with Article 11 of the Law of the Republic of Uzbekistan "On Combating Extremism" [\[5\]](#), the import, production, storage, distribution, and display on the territory of the Republic of Uzbekistan of extremist materials, attributes, and symbols of extremist organizations, as well as their distribution and display in the mass media or telecommunications networks, including the World Wide Web, are prohibited.

At the same time, part 4 of this article states that "failure to comply with the requirement of a state body carrying out activities to counter extremism to destroy, remove, or restrict access to extremist materials by a person providing services for access to telecommunications networks and the Internet entails liability in the manner prescribed by law."

However, the Criminal Code of the Republic of Uzbekistan or the Code of the Republic of Uzbekistan on Administrative Responsibility do not establish norms establishing liability for failure to comply with the requirement of a state body carrying out activities to counter extremism to destroy, remove, or restrict access to extremist materials.

This, in turn, can lead to untimely fulfillment of the requirement of the state body carrying out activities to combat extremism to destroy, remove, or restrict the use of extremist materials, in case of non-fulfillment, the issue of liability may not arise, the subsequent dissemination of extremist materials, and similar negative consequences.

True, in this case, the issue of liability can be resolved by some articles of the Code of the Republic of Uzbekistan on Administrative Responsibility. For example, the issue of liability under Article 194 of the Code of Administrative Offenses of the Republic of Uzbekistan, namely "Failure to comply with the lawful demands of an employee of internal affairs bodies," can be considered. However, norms of responsibility for non-compliance with the requirements of state bodies carrying out activities to counter other extremism have not been established.

Therefore, it is advisable to introduce a special norm into the Code of Administrative Offenses of the Republic of Uzbekistan establishing liability for failure to comply with the requirement of the state body carrying out activities to combat extremism to destroy, remove, or restrict access to extremist materials..

References:

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