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THE CONDITIONALTY OF CRIMINALIZATION THE EXTREMISM IN UKRAINE

In the XXI century, extremism with signs of violence intensified in many countries. The problem of the struggle against the ideology and practice of extremism and terrorism is becoming very relevant in the world. Feature of violent extremism is that it seems to prior terrorist activity because it forms the ideological foundation.

At present, extremism is represented by different groups: Left radicals in Western Europe, Japan, El Salvador, Guatemala, Peru and a number of other countries; radical Islamists in Algeria, Afghanistan, Iraq, Iran, Pakistan, Russia and other countries; extreme right radicals in El Salvador, Colombia, France, Israel, Haiti; motions of national liberation in Argentina, Great Britain, Ireland, Spain, India, Peru, China, Germany and a number of African countries. According to a BBC study, since the beginning of 2016, the number of deaths from terrorist attacks in Western Europe has reached its highest level since 2004. During the first seven months of 2016, the lives of 143 people have been decimated.

Looking at indicators across Europe, from January to July 2016, 892 people were killed in the whole European region (including

Turkey) as a result of the terrorist attacks. In recent years, the issue of combating extreme crime has also been seriously raised in Ukraine.

In connection with the situation with the DPR and LNR, and the intensification of relations with Russia. However, the current legislation does not contain an official definition of extremism. Moreover, the law of Ukraine «On the Fundamentals of National Security of Ukraine» (Article 7) provides for among other threats to national security of Ukraine «the possibility of conflicts in the field of interethnic and interconfessional relations, radicalization and expressions of extremism in the activities of certain unions, national minorities and religious communities.» The definition of extremism in encyclopedic editions outlines this phenomenon as a tendency toward extreme views and actions, mainly in ideology and politics.

From the international standpoint, the concept of extremism (and the distinction between terrorism) is used in the Shanghai Convention on the fight against terrorism, separatism and extremism (of June 14, 2001). Here, extremism is regarded as an activity aimed at forcible seizure of power or forcibly retention of power, as well as forcibly changing the constitutional order of the state, forcible encroachment on public security, including organization for or participation in illegal armed formations».

In Ukraine, there is no criminal liability for extremists activity. However, the current Criminal Code establishes a criminal code responsibility for actions that have signs of extremism, including actions attributable to crimes against the foundations of national security: actions aimed at violent change or overthrow of the constitutional order or the seizure of state power (art. 109); An attack on the territorial integrity and inviolability of Ukraine (st. 110); Sabotage (p. 113).

Among scientists, there is no single approach to the question of whether it should be introduced criminal punishment of extremism. There are supporters of gain responsibility for extremism, and opponents.

A number of scientists find extremism a dangerous phenomenon that shakes the basic foundations of society, and is potentially dangerous for the national security of the state. Among supporters of the legislative settlement in Ukraine, such phenomenon as extremism, scientists Ye.D. Skulish, V.L. Ortynsky, O. Pisarenko,

E. Vasilchuk, I. Poddubsky, who mostly refer to the legislative regulation of combating extremism in post-Soviet states.

So, in 2016 a criminal case was introduced in the Republic of Belarus, responsibility for the creation of an extremist formation (Article 361-1) and for the financing of the activities of extremist formations (Article 361-2). These crimes are contained in Chapter 32 under the title «Crimes against the State».

The Criminal Code of the Republic of Uzbekistan provides criminal responsibility for actions of an extremist nature: Article 244-1 («Production, storage, distribution or demonstration of materials that present a threat to public safety and public order», which provides for the responsibility for the distribution of materials containing ideas of religious extremism, separatism and fundamentalism); Art. 244-2 («Creation, leadership, participation in religious extremist, separatist, fundamentalist or other prohibited organizations»). These crimes are referred to Chapter XVII «Crimes against Public Safety».

In the Criminal Code of the Republic of Kazakhstan, the legislator is the most dangerous crimes of extreme orientation referred to crimes against state security to Chapter 5 «Criminal Offenses Against the Basis of the Constitutional Order and Security of the State»: Article 182 (Creation, Management of an Extremist Group or Participation in its activities, p.183 («Granting permission to publishing in the media of extremist materials»)) Less crimes that are considered socially dangerous by the legislator are classified in Chapter 10» Criminal offenses against public security and public order»: item 258 («financing terrorist or extremist activity and other assistance to terrorism or extremism»), Art. 259 («Recruiting, preparing or arming persons for the purpose of organizing terrorist or extremist activities»), Article 260 («Terrorist or extremist preparation»); Chapter 16 («Criminal offenses against governance»): Article 405 («Organization and participation in the activities of a public or religious association or another organization after a court's decision prohibiting their activities or elimination related to extremism or terrorism»).

On the example of the post-Soviet states, some scientists are fair with caution refer to the introduction of criminal liability for extremism. So, V.V. Lunyev, V. Klymchuk believe that such legal norms the current government can use to fight the opposition and

dissent. In addition, they believe that existing in Ukraine is normative the legal framework is sufficient to counteract extremist activity and to the introduction of criminal responsibility for extremist acts into the Criminal Code of Ukraine, such rules will create unwanted competition with the provisions of the anti-terrorist legislation of Ukraine and the relevant articles of the Criminal Code.

In the fundamental documents of foreign states regarding provision national security condemn manifestations of violent extremism and prosecution of the participants of the relevant extremist groups. Given the international practice, it is advisable to legislate in Ukraine the definition of «extremism» and the adoption of a law on settlement extremist activity. The author believes that at this stage more it is acceptable to impose criminal responsibility for the most dangerous manifestations of extremism, the creation, operation and financing of extremist organizations (groups) whose activities accompanied by violence (physical or psychological) at the same time it is expedient to attribute such crimes to crimes against the bases of national security of Ukraine, as extremism with signs of violence greatly threatens the national security of the state, contains the threat of violation of the integrity of society, state borders, the territory of Ukraine, the normal functioning of the supreme bodies of the state power.

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GENERAL QUALIFICATION IS QUALIFICATION OF CRIMES AGAINST ACTIVITY OF JOURNALISTS

Journalist - a man that collects creates, edits, prepares and designs information for the release of the registered medium of communication, that is related to her or by other contractual relations, - or does it on own initiative. Person that can not have journalistic education, but must execute will of proprietor of newspaper, magazine, теле- or to the radio channel, web-site. For today this profession is under the special type of threat, as now in the world plenty of «hot points» and one of tasks of journalists - to report it society about all events that take place there.