

## FREEDOM OF THOUGHT, SPEECH AND EXPRESSION: SOME PROBLEMS OF FORMULATION AND DETERMINING BOUNDARIES IN RELATION TO THE IMPACT OF A RELIGIOUS FACTOR

Hussein V. Idrisov<sup>1,2,3</sup>

<sup>1</sup> Kadyrov Chechen State University, Grozny, Russia

<sup>2</sup> Chechen State Pedagogical University, Grozny, Russia

<sup>3</sup> Millionshchikov Grozny State Oil Technical University, Grozny, Russia

### Article info

Received –

2020 December 26

Accepted –

2021 December 10

Available online –

2022 March 20

### Keywords

Freedom of thought, freedom of speech and expression, Islam, religion, Holy Quran, code, European Court of Human Rights, provocation, extremism, terrorism, convention, rally

The subject of study. The article examines certain aspects to realize freedom of thought and expression, as well as the acceptable limits.

Freedom of thought, speech and expression issues are considered separately in the context of the religious component, its characteristics in the Islamic religion. The provisions of the main sources in the Muslim system of law – the Holy Quran and the Sunnah of the Prophet and Messenger of Muhammad (May Allah bless him) have been studied in sufficient details. The legal analysis on the issues under consideration was carried out based on doctrinal opinions, the current Russian and international legal acts, judicial practice, including the practice of the European Court of Human Rights.

The article describes extremism through the prism of freedom of thought, speech and expression. It is noted that extremist activity is one of the consequences of misinterpretation, true awareness and perception of freedom of thought, speech and expression.

The purpose of the study. The main purpose of the study is to clarify the origins of conflicts in the process of realizing freedom of thought, speech and expression, and substantiate the hypothesis that freedom of thought, speech and expression should have certain boundaries, especially in context of the influence of the religious factor.

The methodology of the study. The study is based on a dialectical approach to the disclosure of legal phenomena and processes using general scientific methods (systemic method, logical method, method of analysis and synthesis) and special scientific methods. Among the latter there are formal legal method, linguistic method, comparative legal method, which have found their application in the legal analysis to realize freedom of thought, speech and expression.

Conclusions. As a result, it is emphasized that freedom of thought, speech and expression is the achievement of modern mankind, one of the foundations of a democratic system and an element of civil society. The state-guaranteed opportunity for individuals to exercise these freedoms in society is a guarantee of a "healthy" society in the legal sense. However, as practice shows, unlimited freedom leads to its abuse, thereby infringing on the freedoms of other individuals and therefore, freedom of speech and its expression presupposes the existence of boundaries outlined by the state in the interests of society.

The specifics of freedom of thought, speech and expression in the Muslim system of law based on the Holy Quran and the Sunnah of the Prophet (May Allah bless him), is that this freedom ends where the border line begins, designated by the law of the Most High.

### 1. Introduction

A modern democratic state and civil society cannot be imagined without one of the fundamental freedoms – freedom of thought, speech and expression. Studies devoted to this issue suggest the need to study them from a legal perspective, first of all, but taking into account the socio-political and religious factors.

But, before conducting a legal analysis of this legal category, let us find out what is meant by the term "freedom". The etymological analysis of this concept shows that the concept of freedom is viewed as "one's own will, space, the ability to act in one's own way; lack of constraint, bondage,

slavery, submission to someone else's will" [1], and as we see, freedom acts as a certain state of the individual, accompanied by the absence of any framework, restrictions, constraints in anything.

The guaranteed realization of this freedom, provided by the state, enables individuals to express their own opinion, views on certain processes taking place in society and in the state. In this perspective, N.V. Skoryk rightly points out that restricting freedom of expression by means of a ban negatively affects the development of democratic processes in any state [2, p. 60]. Meanwhile, recent events that have taken shape both in the post-Soviet space and in the rest of the world show that manipulations

often occur in the socio-political space associated with various interpretations of freedom of speech and opinion, sometimes exceeding all conceivable boundaries. In this situation, a vitally important (in the literal sense of the word) question arose: does the freedom of thought, speech and expression have and should have any boundaries? The answer seems to be not so unambiguous and proof of this is the heated debates that continue to this day from various tribunes: from the highest political ones, continuing with “hot” television political talk shows and ending with street marches, rallies, demonstrations in defense of human rights and freedoms.

Recently, a considerable number of works have been devoted to study the problems of the right to freedom of thought, speech and expression. At the same time, the issue of such freedoms restriction remains insufficiently disclosed in scientific research [3, p. 26]. Of interest is the opinion of Tillo Sarrazin, who emphasized that “freedom of speech expresses freedom of thought, largely influencing the process of forming public opinion, therefore it is important to realize the boundaries of this freedom, including the formal legal framework enshrined in the Constitution” [4, p. 104].

A historical excursion into the subject of study reveals that all sorts of restrictions on freedom of thought, speech and expression are not “inventions” of the modern world. They found their embodiment back in the Medieval Europe during the period of the Inquisition, from where the concept of censorship takes its roots [5, p. 75]. The highest form of censorship development, according to some researchers, is self-censorship as a manifestation of self-responsibility in relation to one's own words, statements [6, p. 18].

A separate component in the study topic is the problem to express freedom of speech in the context of the religious component. The Islamic religion, which has recently been at the forefront of such a discussion, and its followers are increasingly receiving challenges when implementing freedom of thought, speech and expression. And sometimes these challenges are associated with a provocative background. Some of the causes and consequences of these problems

are discussed in this article.

## **2. Manipulation of freedom of thought, speech and expression as a reactionary opposition to the Islamic religion spread in the Western world**

The specific of the Islamic religion, which the Muslim system of law is based on, retains its fundamentally important postulate: the most important, primary sources of fiqh, Sharia and the legislation of Muslim countries are the Holy Quran and the Sunna of the Messenger (s.a.v.). In other words, the Holy Qur'an is the law for a Muslim, and Allah is the legislator. Accordingly, freedom of speech, thought and expression should not contradict the main sources of both social and religious life of Muslims - the Holy Quran and the Sunnah of the Messenger (s.a.v.). Man, as a creation of the Almighty, is a slave of Allah and the very fact of his existence is reduced to his worship of his Creator. As stated in the Holy Qur'an: *"I created jinn and people only for them to worship Me."*<sup>1</sup> However, as J.B. Weiss notes: “Despite the fact that the law (we are talking about Sharia - author's note), ascribes to people a fair amount of freedom and tries to protect their legal rights, this law is focused not so much on rights and freedom, as on responsibilities and restrictions. "And this law follows, among other things, from “an agreement in which all rights belong to God, and to man – only obligations. Any rights, any degree of freedom that a person can enjoy, must be granted to him or her by God” [7, p. 172]. Of course, one might get the impression that a person according to the Islamic religion is a creature, a creation of the Almighty, who has no choice, and therefore no freedom, but this is a completely superficial judgment that does not correspond to a deep understanding of the essence of the Islamic religion. As J.B. Weiss notes in this context: “Despite the fact that people, in principle, are slaves of God, it does not mean that their existence should be slavish. Slaves of God are in many ways independent, free individuals; they are in no way automatic. But in public life, freedom should be limited, and Islamic law in relation to the establishment of these restrictions takes a position

---

<sup>1</sup> See: ayat 56 of Surah 51 of the Holy Quran. Available at: <https://quran-online.ru/51:56> ( date of access: 12.10.2020).  
Law Enforcement Review  
2022, vol. 6, no. 1, pp. 33–49

opposite to the Western one” [7, p. 173]. Of course, such an understanding of “the fundamental concept of Islam - a Muslim is a slave of Allah (slave of Allah) - fundamentally contradicts the mentality of the West, since “one who is a slave of Allah cannot be a slave of his own kind. “In Islam a person is free, not dependent on his own kind” [8, p. 276]. In the Sunnah of the Prophet (s.a.v.) there is a provision according to which “<...> He allowed what was permitted and forbidden what was forbidden, and what He allowed is allowed, and what He forbade is forbidden. And what he kept silent about is forgivable <...> (*that is, you are free in it - author's note*)”<sup>2</sup>. Based on this provision of the Sunnah of the Prophet (s.a.v.) L.R. Syukiyainen notes that “<...> it is enough for a Muslim to know the range of prohibited acts, and everything else is allowed for him. In this sense, the secular sphere of human behavior differs from the actual religious cult actions, in respect of which Islam has established the opposite principle - the permissibility to do only what is directly prescribed by divine revelation” [9, p. 57]. Thus, we can conclude that the very concept of Islam implies the provision that in the performance of religious rites, what is not commanded by Allah and His Messenger (s.a.v.) is prohibited, in the secular life of a Muslim, what is not forbidden by Allah and His Messenger (s.a.v.) is allowed. On the contrary, in the Western European values system, human rights and freedom (an element of which is freedom of thought, speech and expression) are presented as an achievement of the Western world, its way of life in the form of positive law, and they have little in common with the religious component, based on the fact that the church (and, accordingly, religion) in the West is separated from the state. That is, there are contradictions in worldviews (East and West, Islam and Christianity, faith and atheistic perception of the world), that by themselves impact on specific practical issues (on the same reception of the rule of law), form a mutually negative image of perception, including in relation to matter of law. Meanwhile, in the

context of the clash of civilizations, against the background of fundamentally different positions in various spheres of human life, the dialogue of cultures between the West and the East continues. It should be noted that at present there is a tendency of “Islamization of Europe”<sup>3</sup>. And the point is not only in the massively arrived migrants from the war-torn Middle East, but also in the fact that Islam is accepted by the indigenous inhabitants of Europe. It is important to emphasize that the Islamic religion not only claims that there is no coercion in religion on the basis of the following provisions of the Holy Quran, but demonstrates it: “*There is no coercion in religion. The direct path has already distinguished itself from delusion. <...>*”<sup>4</sup>; “*If your Lord had willed, then everyone on earth would have believed. Would you try to force people to become believers?*”<sup>5</sup>. In other words, the Muslim religion proclaims a commitment to freedom and its expression through the free acceptance of the Islamic religion. In the understanding of freedom of speech in the Islamic religion, such a scholar and theologian as A.G. Kharikhanov has a position according to which the forbidden (including interpreted through freedom of speech), viewed by the Shariah, cannot be considered permissible, and the permissible cannot be elevated to the rank of forbidden. Freedom of speech should not harm people; it should correlate with the religious feelings of believers, with their traditions, adats [10].

In carrying out the study, we tried to avoid politicization, excessive political and religious motivation in matters of Islam as a religion. However, the processes and events (I hate to say “provocations”) that have been taking place recently, linked to the Islamic religion and its place in the modern world, show that a whole system of counteraction has been built around the Muslim religion (due to its active dissemination and recognition all over the world), everywhere there are attempts at provocations on religious grounds

<sup>2</sup> Hadith 3800, Sunan Abi Daud. Available at: <https://isnad.link/book/sunan-abu-daouda/21-kniga-o-ede-hadisy-3736-3854/31-glava-o-tom-o-zapretnosti-chego-ne-bylo-upomyanuto> (date of access: 22.12.2020).  
Law Enforcement Review  
2022, vol. 6, no. 1, pp. 33–49

<sup>3</sup> When Muslims in Europe will outnumber Christians. Available at: <https://weekend.rambler.ru/crazy-world/38903348-kogda-musulman-v-evrope-stanet-bolshe-chem-hristian/> (date of access: 05.10.2020).

<sup>4</sup> See: ayat 256 of Surah 2 of the Holy Quran. Available at: <https://quran-online.ru/2:256> (date of access: 10.10.2020).

<sup>5</sup> See: ayat 99 of Surah 10 of the Holy Quran. Available at: <https://quran-online.ru/10:99> (date of access: 10.10.2020).

and outright humiliation of the religious believers' feelings, and sometimes even genocide on religious grounds (cases of massacres and oppression of Muslims, in particular, in Myanmar (Burma), North China, India and etc.). It is impossible not to respond to them by assessing these facts from political, legal and religious points of view.

One of the reactionary manifestations to the expansion of the Islamic religion influence in the modern Western world is various kinds of provocations against the values of the Islamic religion, Muslims. Against the background of ongoing attempts<sup>6</sup> to desecrate the Holy Qur'an and the honor of the Prophet Muhammad (s.a.w.) as symbols of Muslim faith, as well as other provocations aimed at desecrating the religious values of believers, there are periodic demonstrations and protests throughout the Muslim world aimed at protecting the values of Islam: from Asia and the Middle East to Europe and North America. The French magazine *Charlie Hebdo*<sup>7</sup> published cartoons of the Prophet Muhammad (s.a.w.) in a similar situation. Everybody knows what tragic events happened to the magazine artists as a result of this provocation [11, pp. 222-223; 12, p. 61; 13; 14; 6, pp. 18-19]. And as a result, all over the Muslim world there were multimillion protests of believers expressing their angry condemnation and impatience with this kind of criminal actions on the part of cartoonists. All this demonstrates the truth of the Muslim faith and the non-acceptance of any encroachment on the Islamic faith and symbols of faith. Imam Abu Ja'far al-Tahawi accurately expressed it in the context of love and respect for the Messenger of Allah (s.a.w.) and his associates: "We love the associates of the Messenger of Allah (blessings and

peace of Allah be upon him), but in our love we do not single out anyone of them, nor do we disown anyone of them. We hate those who hate them and do not say good things about them. We say only good things about them. Loving them is a sign of faith, conviction, and sincerity, while hating them is unbelief, hypocrisy, and oppression."

What, then, is the reason for the attacks on the religion of Islam and its values by individual representatives of enlightened Western democracy? The answer seems to be ambiguous and combines a number of factors. We assume that one of these factors is the decline, the crisis of the Christian Catholic religion in Western European culture and mass consciousness. Accordingly, the reaction to this is all kinds of provocations, mediated by the fear that other ideas, and even more so, another religion, will take the "vacated" place in the mass consciousness of people.

The above facts are a clear proof of it and there are many more examples, which we will do below. Note that the study of more detailed causes and consequences of this process is beyond the scope of the stated topic of this study, however, I would like to emphasize that Islam as a religion of peace and creation (in contrast to the preconceived picture presented by some media, politicians and other destructive forces) receives more and more its recognition and distribution in modern Europe, which literally 50 - 100 years ago it was impossible to imagine, in principle.

### **3. Legal basis for the implementation of freedom of speech, thought and expression**

What do the norms of international law say about the protection of religious feelings? Article 20, paragraph 2, of the 1966 United Nations International Covenant on Civil and Political Rights provides: "Any propaganda of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law."<sup>8</sup>

<sup>6</sup> See: U.S. judge recognizes pastor's right to publicly burn copies of Koran. Available at: <https://ria.ru/20100916/276277717.html> (date of access: 19.10.2020); Two American priests burned copies of Koran on 9/11. Available at: <https://ria.ru/20100912/274842619.html> (date of access: 19.10.2020).

<sup>7</sup> French magazine printed cartoons of Prophet Muhammad. Available at: [https://www.1tv.ru/news/20120919/83972frantsuzskiy\\_zhurnal\\_napechatal\\_karikatury\\_na\\_proroka\\_muhammeda](https://www.1tv.ru/news/20120919/83972frantsuzskiy_zhurnal_napechatal_karikatury_na_proroka_muhammeda) (date of access: 19.10.2020).

<sup>8</sup> International Covenant on Civil and Political Rights (adopted on 16.12.1966 by Resolution 2200 (XXI) at 1496th plenary session of UN General Assembly). Available at: [www.consultant.ru](http://www.consultant.ru) (date of access: 20.10.2020).

Another fundamental act of the European Union - the Convention on Human Rights and Fundamental Freedoms (hereinafter - the Convention) establishes that "everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change one's religion or beliefs and the freedom to practise one's religion or beliefs, both individually and in community with others, in public or private, worship, teaching."<sup>9</sup> Paragraph 2 of this Convention establishes that the freedom to practise one's religion is subject to restrictions in cases established only by law and these restrictions are "necessary in a democratic society in the interests of public safety, to protect public order, health or morality, or to protect the rights and freedoms of others."<sup>10</sup>

This right includes the freedom to adhere one's own opinion and the freedom to receive and impart information and ideas without any interference from public authorities and regardless of state borders <...> ".<sup>11</sup> Nevertheless, such "provocateurs", knowing about "their rights", unfortunately forget about their duties, and they are clearly established in the next paragraph 2 of Art. 10 of the Convention: "the exercise of these freedoms, which imposes duties and responsibilities, may be subject to <...> conditions, restrictions or sanctions that are prescribed by law and are necessary in a democratic society in the interests of <...> public order, in order to prevent disorder or crime, for protection of health and

morality <...> ".<sup>12</sup>

Provocateurs, who try to denigrate the Islamic religion with their attacks, justify their position by referring to the following Article 10 of the Convention, which states that "everyone has the right to freedom of expression. This right includes freedom to adhere to one's opinions, receive and impart information and ideas without any interference by public authority and regardless of frontiers. However, such "provocateurs", knowing about "their rights", unfortunately forget about their obligations, and they are clearly established in the following paragraph. 2 of Art. 10 of the Convention: "The exercise of these freedoms that impose obligations and responsibilities, may involve <...> such conditions, restrictions or penalties as are prescribed by the law and are necessary in a democratic society in the interests <...> of public order, for the prevention of disorder or crime, for the protection of health or morals <...>.

In connection with the above, an obvious question arises: does freedom of speech, as one of the components of Western European legal consciousness and values of the democratic West, which is so pathetically proclaimed from various platforms, including the European Union (from the faculty chair to the rostrum of the European Parliament), have any boundaries and frames? Can a person say and show everything he wants if it violates the rights and freedoms of others, people like him, even if these persons adhere to other religious views, ideas, traditions than he does? Where are these notorious values of democracy and respect for human and civil rights and freedoms?

Now let us address the citadels of European democracy - the European Court of Human Rights with the question: what is its jurisprudence in the context of the problem we have indicated?

Within the framework of the study, the European Court of Human Rights formulates this aspect as follows: the issue includes weighing the conflicting interests of two fundamental freedoms,

<sup>9</sup> See: para. 1, art. 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS N 005) (Russian, English) (adopted 04 November 1950, Rome) (as amended on 13 May 2004). Available at: <http://docs.cntd.ru/document/1000003045> (date of access: 20.10.2020).

<sup>10</sup> See: para. 2, art. 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS N 005) (Russian, English) (adopted on 04 November 1950, Rome) (amended on 13 May 2004). Available at: <http://docs.cntd.ru/document/1000003045> (date of access: 20.10.2020).

<sup>11</sup> See: para. 1, art. 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS N 005) (Russian, English) (adopted on 04 November 1950, Rome) (amended on 13 May 2004). Available at: <http://docs.cntd.ru/document/1000003045> (date of access: 01.11.2020).

Law Enforcement Review  
2022, vol. 6, no. 1, pp. 33–49

<sup>12</sup> See: para. 2, art. 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS N 005) (Russian, English) (adopted on 04 November 1950, Rome) (amended on 13 May 2004). Available at: <http://docs.cntd.ru/document/1000003045> (date of access: 01.11.2020).

namely the right of one party to disseminate among the public its views on religious doctrine on the one hand, and the rights of others to respect for their freedom of thought, conscience and religion on the other hand.<sup>13</sup> There must be a certain balance between these rights, as the European Court of Human Rights points out.

Thus, there was a case in 2011 where a resident of Austria was convicted under article 188 of the Austrian Criminal Code for insulting religious doctrines (*Herabwürdigung religiöser Lehren*). The national court found her guilty of publicly insulting the object of veneration of the home church or religious community, namely Muhammad, the Prophet of Islam (s.a.v.), in a manner capable to cause justifiable resentment. In turn, the convicted woman lodged a complaint with the European Court of Human Rights, where the applicant claimed that her criminal conviction for insulting religious doctrines led to a violation of Article 10 of the Convention that we mentioned earlier, that is, she indicated that her conviction for the above statements amounted to unlawful interference with her right to freedom of expression; and that unlawful “attacks” on religious groups should be permitted, even if based on false facts, as long as they do not incite violence.

The European Court of Human Rights upheld the Austrian national justice assessment that “the domestic court’s interference with the applicant’s freedom of expression was to prevent disorder by ensuring religious peace and protecting religious feelings, which is appropriate to protect the rights of others within the meaning of paragraph 2 of Article 10 of the Convention”.<sup>14</sup> As the European Court of Human Rights further notes, and as recognized in paragraph 2 of Article 10 (*of*

*the Convention - author’s note*), the exercise of freedom of expression entails certain duties and responsibilities. Among them, in the context of religious beliefs, there is a general requirement to ensure the peaceful exercise of the rights guaranteed by Article 9 of the Convention for those who hold such beliefs, including the obligation to avoid, as far as possible, expressions that are unreasonably offensive to others in relation to objects of worship.<sup>15</sup> Moreover, Article 10 of the Convention, which is invoked by the provocateurs as their justification, as the European Court of Human Rights notes, is not valid and does not provide protection to the applicants in the event of the provocateurs’ expressions aimed at disseminating, inciting or justifying hatred based on intolerance including religious intolerance. Further, the European Court of Human Rights emphasizes that the state in some situations may legitimately find it necessary to take measures aimed at suppressing certain forms of behavior, including the dissemination of information and ideas deemed incompatible with respect for the freedom of thought, conscience and religion of others.

Thus, the European Court of Human Rights concluded that “the domestic courts comprehensively assessed the broader context of the applicant’s statements and carefully balanced her right to freedom of expression with the rights of others to protect their religious feelings and preserve religious peace in Austrian society.” ...> the applicant’s statements probably aroused justified indignation among Muslims <...> considering them as beyond the permissible bounds of objective discussion and qualifying them as an offensive attack on the Prophet of Islam (peace and blessings of Allaah be upon him - author’s note), capable of causing prejudice and to jeopardize the religious world, the domestic courts concluded that the facts contained elements of incitement to religious intolerance.”<sup>16</sup>

<sup>13</sup> Case EC v. Austria (on complaint No. 38450/12) (decision of the European Court of Human Rights (fifth section)). Available at: [https://hudoc.echr.coe.int/eng?i=001-187188#{"itemid":\["001-187188"\]}](https://hudoc.echr.coe.int/eng?i=001-187188#{) (date of access: 13.11.2020).

<sup>14</sup> Case EC v. Austria (on complaint No. 38450/12) (decision of the European Court of Human Rights (fifth section)). Available at: [https://hudoc.echr.coe.int/eng?i=001-187188#{"itemid":\["001-187188"\]}](https://hudoc.echr.coe.int/eng?i=001-187188#{) (date of access: 13.11.2020).

<sup>15</sup> See: Case of Sekmadienis LTD. v. Lithuania (application no. 69317/14). Available at: [https://hudoc.echr.coe.int/eng#{"appno":\["69317/14"\],"itemid":\["001-180506"\]}](https://hudoc.echr.coe.int/eng#{) (date of access: 13.11.2020).

<sup>16</sup> Case EC v. Austria (on complaint No. 38450/12) (decision of the European Court of Human Rights (fifth section)). Available at: [https://hudoc.echr.coe.int/eng?i=001-187188#{"itemid":\["001-187188"\]}](https://hudoc.echr.coe.int/eng?i=001-187188#{)

In another case, *Sekmadienis Ltd. against Lithuania*<sup>17</sup>, the Lithuanian limited liability company *Sekmadienis LTD* filed an application with the European Court of Human Rights in 2014, in which the applicant company argued that there had been an interference with its right to freedom of expression, contrary to Article 10 of the Convention, because it was fined 580 euros for publishing an advertisement that is considered contrary to public morality (violating the religious feelings of believing Christians). The content of the advertisement that sparked the dispute was that, as part of a promotional campaign, the applicant company, representing a clothing line, publicly featured three visual advertisements that were displayed on twenty advertising hoardings in public areas in Vilnius and on a special website on the Internet. The first of three advertisements showed a young man with long hair, a headband, a halo around his head and several tattoos, wearing jeans. A caption at the bottom of the image read: "Lord, what pants!" (*Jėzau, kokios tavo kelnės!*). The second ad showed a young woman wearing a white dress and headdress with white and red flowers. She had a halo around her head and was holding a string of beads. The caption at the bottom of the image read: "Dear Mary, what a dress!" (*Marija brangi, kokia suknelė!*). The third ad showed a man and woman together, wearing the same clothing and accessories as in the previous ads. The man was reclining, and the woman stood next to him, placing one hand on his head and the other on his shoulder. The caption at the bottom of the image read: "Jesus [and] Mary, what are you wearing!" (*Jėzau Marija, kuo čia apsirengę!*). This advertisement was followed by a negative reaction from people. They complained that the advertisement was unethical and offensive to religious people, that it demeans religious symbols, offends the feelings of religious people, and creates "a danger that society might lose the necessary sense of sacredness and basic respect for spirituality."

However, in the present case, the European Court of Human Rights considered that there had been a violation of Article 10 of the

Convention on Freedom of Expression and ordered the defendant to pay 580 euro (EUR) to the applicant company. However, the "Dissenting Opinion" of the Judge de Gaetano in this case is quite remarkable. In particular, he notes that it should be clear from paragraphs 79-83 of the court decision that the problem in this case was the insufficiency of the grounds given by the domestic courts in their considerations upholding the SCRPA (Lithuanian State Consumer Protection Authority) decision. This conclusion does not give carte blanche to use religious symbols, regardless of what medium, context or message is intended or seeks to be conveyed, whether explicitly or otherwise.<sup>17</sup> As Judge de Gaetano further points out, referring to the jurisprudence of the European Court of Human Rights: the state might <...> consider it lawfully necessary to take measures aimed at suppressing certain forms of behavior, including the dissemination of information and ideas, deemed incompatible with respect for freedom of thought, conscience and the religion of others <...>.<sup>18</sup>

Believers of the Chechen Republic are not indifferent to the ongoing events around the Islamic religion and express their condemnation and intolerance for actions directed against Islam and its values. In early 2015, after the well-known events in France and a number of other provocations against Islam as a religion, a peaceful demonstration was held in Grozny in defense of the Islamic religion under the slogan "Love for the Prophet Muhammad (peace and blessings of Allah be upon him) and protest against cartoons" that numbered about a million people participating in it.<sup>19</sup>

The rally was attended not only by residents of the republic (ranging from children to the elderly), but also by representatives of neighboring regions of the North Caucasus and even by delegations from central Russia, as well as from

<sup>17</sup> Case "*Sekmadienis Ltd. v. Lithuania*" (on complaint No. 69317/14) (decision of the European Court of Human Rights (fourth section)). Available at: [https://hudoc.echr.coe.int/eng#{"appno":\["69317/14"\], "itemid":\["001-180506"\]}](https://hudoc.echr.coe.int/eng#{) (date of access: 13.11.2020).

<sup>18</sup> See *ibid.*

<sup>19</sup> In Grozny a rally in defense of tolerance gathered more than a million people. Available at: <https://www.ntv.ru/novosti/1290656/> (date of access: 19.11.2020).

Moscow and other Russian cities.<sup>20</sup>

The participants gathered around the Heart of Chechnya central mosque in Grozny, where speeches were delivered by religious and political figures, and the rally ended with the largest collective prayer ever seen in Russia.

One of the media reactions to the Grozny rally was an article in the famous American newspaper "The New York Times".<sup>21</sup> The New York Times, whose author, Andrew Roth, gave a rather contradictory description of the events that took place in Grozny. The correspondent of the newspaper, commenting on the size of the rally, wrote: "It was impossible to independently estimate the size of the crowd at the march. The Russian Interior Ministry estimated it at 800,000 people - a figure which, to be precise, would have made the march one of the largest public demonstrations in Russia today. It would also mean that the crowd was three times larger than the population of Grozny, and that 60 percent of all Chechens were there."<sup>22</sup>

Commenting on the above words, based on the fact that the author of this paper was both a direct participant in this demonstration and a witness of these events, we note that the entire central part of the city was packed with people and in terms of numbers this rally was one of the largest in the history of post-Soviet Russia.

One more problem. Along with provocative actions against the Islamic religion and its adherents, there have recently been more and more cases of attacks on the Holy Book of Muslims

- the Quran. There are widespread and systematic attempts to portray the Holy Quran as a source of terrorism and violence. All this is due to the incorrect and sometimes deliberately distorted interpretation of the provisions of the Scriptures. As V.H. Akayev rightly points out on this occasion: "Quran, as the greatest source of Islamic spirituality, contains many provisions strongly condemning evil, violence, and the killing of innocents. In this regard, it is not at all clear why an unambiguous assessment of Quran as a source of terrorism is given? Presumably, this is done consciously; the authors of this position seek to recognize all of Islam as a universal evil and the main source of terrorism in the modern world. Muslims do not agree with the anti-Islamic position, and they certainly have grounds to do so [16, pp. 45-50].

There is enough information in the Internet related to the attempts to publicly burn the Holy text. Of course, these actions of criminals, followers of destructive forces are aimed, among other things, to cause retaliatory aggression on the part of the Muslim community.

What is the legal basis for the question under study in Russian law? Article 29 of the Constitution of the Russian Federation guarantees everyone freedom of thought and speech. As established in Article 28 of the Constitution of the Russian Federation: "everyone is guaranteed freedom of conscience, freedom of religion <...> to freely choose, have and disseminate religious and other beliefs and act in accordance with them."<sup>23</sup> Further, in accordance with clause 2 of Article 29 of the Constitution of the Russian Federation: "propaganda or agitation inciting social, racial, national or religious hatred and enmity shall not be permitted. Propaganda of social, racial, national, religious or linguistic superiority is prohibited."<sup>24</sup>

As for the qualification of actions related, for example, to the burning of sacred texts, such actions are subject to criminal liability in the Russian

<sup>20</sup> A million-strong rally was held in Grozny against the cartoons of the Prophet Muhammad. Available at: URL: <https://www.stav.kp.ru/daily/26330.5/3213445/> (date of access: 19.11.2020).

<sup>21</sup> In Retort to Paris, Chechens Denounce 'Permissiveness' // Official website of the New York Times. Available at: <https://www.nytimes.com/2015/01/20/world/europe/chechens-march-to-protest-religious-caricatures.html?partner=rss&emc=rss> (date of access: 28.07.2020).

<sup>22</sup> See: In Retort to Paris, Chechens Denounce 'Permissiveness'. Available at: <https://www.nytimes.com/2015/01/20/world/europe/chechens-march-to-protest-religious-caricatures.html?partner=rss&emc=rss> (date of access: 28.06.2020).

<sup>23</sup> See: Art. 28 of the Constitution of the Russian Federation. Available at: [www.consultant.ru](http://www.consultant.ru) (date of access: 20.11.2020).

<sup>24</sup> See: item 2 of article 29 of the Constitution of the Russian Federation. Available at: [www.consultant.ru](http://www.consultant.ru) (date of access: 20.11.2020).



Federation (unlike in Europe and North America).<sup>25</sup> In accordance with Article 282 of the Russian Federation Criminal Code (Inciting hatred or enmity, as well as abasement of human dignity) and Article 282.1. Criminal Code (Organization of an extremist community)<sup>26</sup>, a person may be criminally liable for such criminal acts: from a fine of 300,000 to 500,000 roubles (of 3 600 to 6 000 Euro), to imprisonment for 3 to 6 years, and from 300,000 to 880,000 roubles (of 3 600 to 10 000 Euro) for a fine of 2 to 12 years, depending on their role in the crime, with respect to the classification of actions under article 282.1. Criminal Code of the Russian Federation). Russian judicial practice has precedents for such crimes<sup>27</sup>, but these precedents are not so widespread. The ban on defacement of the Holy Scriptures exists in a number of Muslim countries. One of the countries of the Middle East is Pakistan, where the law punishes damage to the Holy Quran.<sup>28</sup>

#### **4. Freedom of thought, speech and expression through the prism of extremism**

In the context of the mentioned problems, the situation with the manifestation of extremism factors deserves special attention. The study of freedom of thought, speech and expression always correlates with the problem of extremism. This topic requires a special approach, given the enormous importance attached to it in the national security strategy of the Russian state [17; 18, p. 132].

<sup>25</sup> If someone in Russia, as in the U.S., burned "Koran" <...>. Available at: <https://pravo.ru/review/view/38065/> (date of access: 20.11.2020).

<sup>26</sup> See: Art. 282, 282.1. Criminal Code of the Russian Federation of 13.06.1996 № 63-FZ (red. from 08.06.2020) // Available at: [www.consultant.ru](http://www.consultant.ru) (date of access: 09.12.2020).

<sup>27</sup> See, for example: A group of criminals were convicted for burning the Quran in the Moscow subway. Available at: <https://islam-today.ru/novosti/2016/07/19/gruppu-prestupnikov-osudili-za-sozhenie-korana-v-moskovskom-metro> (date of access: 20.11.2020).

<sup>28</sup> 20 interesting facts about the Quran. Available at: <https://zen.yandex.ru/media/id/5acc84524bf161ef0d740df8/20-interesnyh-faktov-o-korane-5afd45a57ddde868f3b0de29> (date of access: 20.11.2020).

But first, let us turn to an etymological analysis of the concept of "extremism. The literal meaning of this concept (from Latin "extremus" – "excessive," "critical," "incredible," "extreme") allows us to conclude that it is an ideology of commitment to extreme positions in views and the choice of the same means to achieve certain goals. Along with the concept of extremism, legal science and practice operates with such a category as "terrorism. The concept of "terrorism" (from Latin - "terror") means in translation – fear, horror. This is an activity (action) aimed at intimidating the population by committing explosions, arson or other actions of a criminal nature, in order to achieve political goals. It is no secret that these concepts and processes (extremism and terrorism) are always present literally "side by side. Ultimately, where there is extremism, sooner or later terrorism "appears". Moreover, we tend to adhere to the opinion that the notions of "extremism" and "terrorism" correlate as a whole and a part, since one of the forms of extremism is terrorism. Extremism and terrorism are naturally interrelated and organically complement each other [19]. A number of researchers argue about the need to distinguish between these concepts, arguing that extremism and terrorism differ in the ultimate goal of the committed actions. In the first case, the goal to incite hostility in society based on discrimination of its individual members on the ground of their belonging to a particular social group (gender, race, nationality, linguistic characteristics, religion practiced). And in the case of terrorism, the goal is to undermine the functioning of authorities, international organizations, to influence their decisions, to suppress and intimidate society.

However, as noted by I.S. Eremina and a number of other researchers in the Russian legislation there is no consistent legal definition of the concept of extremism. This gives rise to a number of problems of law enforcement nature [20, p. 17; 21, p. 95].

The danger of extremism is obvious due to its systemic nature, as it is aimed at destroying the peaceful coexistence of different ethnic groups, religions, political stability, and international legal norms. Extremism embraces the public consciousness, directing its influence to change the

ideology, moral norms and values between social groups, ethnicities, religions, political parties, etc.

As recent events have shown around the world and in the Russian Federation in particular, extremist sentiments not only maintain their presence in various social groups, but more, this problem is increasingly widespread and global in nature. Youth extremism deserves separate and heightened attention in this situation. Owing to young age, the representatives of young generation sometimes find it difficult to navigate in such acute topics for society as religion, faith, political institutions and a number of other fundamental elements of modern society and state. As noted by researchers, it is young people who react most acutely to the problems arising in society. Representatives of the younger generation tend to unite in groups (communities) based on interests, life views, and social orientation.

As part of these phenomena analysis the law enforcement agencies note that "since the beginning of the systematic struggle against extremism, it has largely evolved from rare, mostly hooligan manifestations, to mass illegal actions, explosions, arson, murders and other serious crimes. Single entities of extremist activity have been replaced by extremist communities involving a significant number of persons, primarily young people, in their activities."<sup>29</sup>

The younger generation is exposed to extremist influence and is most vulnerable at the stage of growing up and shaping their personality. The seeds of extremism are planted in the immature consciousness of the younger generation, which subsequently give a sad "harvest" in the form of specific crimes of extremist and terrorist nature. As life shows in most cases the representatives of young generation are exposed to extremist views and as a result young people aged 18-30 join the ranks of illegal armed groups.

Speaking about recruitment to extremist and terrorist organizations via the Internet, some authors note that special websites and chats for

adolescents and young people, as the most suggested category of citizens, are widespread for involvement in extremist or terrorist organizations. Working with them is carried out in an accessible form to them - for example, Internet games [22].

Extremism and terrorism are destructive phenomena in any society. They affect not only legal conscious, but also in general the way of thinking and life of representatives of society, especially young people. It is necessary to develop the most effective measures to neutralize the most dangerous manifestations of negative trends. It is necessary to form an anti-terrorist ideology among young people.

Without help and support from the outside, first of all, from the family, and then from professional specialists (lawyers, theologians, sociologists, teachers), there is a high probability that representatives of the adolescent environment will become victims of propaganda and agitation by extremists and terrorists. These issues are especially relevant in the youth environment of the Chechen Republic. Within the framework of this study, a questionnaire survey was conducted among schoolchildren (grades 9-11) of educational institutions in Grozny in the amount of 250 people. According to the results of this survey, it turned out that only 14% (35 people) have a clear idea of the phenomenon of extremism, 20% (50 people) understand the essence, but do not have a clear idea, 26% (65 people) do not understand the essence of this phenomenon and 40% (100 people) have the opposite, misconception about extremism.

Without help and support from, first of all, the family, and then from professional specialists (lawyers, theologians, sociologists, educators), there is a high probability that teenagers will become victims of propaganda and agitation by extremists and terrorists. These issues are especially acute among young people in the Chechen Republic. As part of this study, a questionnaire survey of 250 students (grades 9-11) in Grozny educational institutions was conducted. The results of the survey revealed that only 14% (35 people) have a clear understanding of extremism, 20% (50 people) understand the essence of it, but do not have a clear idea, 26% (65 people) do not understand the essence of the phenomenon and 40% (100 people) have the opposite, wrong idea of extremism.

<sup>29</sup> Official Internet portal of the Main Department of the Ministry of Internal Affairs of Russia in the Kemerovo region. Available at: <https://42.мвд.рф/> (date of access: 04.02.2021).

Thus, as a result of the survey, it was found that knowledge about extremism and terrorism among schoolchildren of the Chechen Republic is not fully formed, and sometimes, vague idea of these negative phenomena, which in itself already carries risks and poses a danger in the context of the possible influence on adolescents.

According to Chechenstat data (dated 01.08.2019), about 358,840 people live in the Chechen Republic at the age of 15 to 29, most of whom live in villages remote from the city of Grozny. An analysis of the data provided by the Ministry of Education and Science of the Chechen Republic showed that there are 479 schools in the republic (in 17 districts) with a total number of children studying about 284,000, of which 49,636 are high school students.<sup>30</sup> According to information provided by the Information Center of the Ministry of Internal Affairs for the Chechen Republic, in 2019, about 40 young people were detained and prosecuted for terrorist and extremist manifestations.<sup>31</sup>

According to data from Chechenstat (State institution of statistics (as of 01.08.2019)), there are about 358,840 people aged 15 to 29 in the Chechen Republic, most of them live in villages remote from Grozny. An analysis of the data provided by the Ministry of Education and Science of the Chechen Republic shows that there are 479 schools (in 17 districts) with a total of population about 284,000 pupils, 49,636 of them are high school students. According to the information provided by the Information Center of the Ministry of Internal Affairs in the Chechen Republic about 40 young people were detained and prosecuted for terrorist and extremist manifestations in 2019.

Of course, the recent efforts made in the republic to solve the problem of extremism and terrorism has yielded positive results. These issues are also reflected in a number of legal acts adopted in the Chechen Republic, among which the

following can be highlighted:

1. Law of the Chechen Republic of June 15, 2010 No. 16-RZ "On the prevention of offenses in the Chechen Republic" (paragraph 5 of article 3).

2. Law of the Chechen Republic of May 08, 2008 No. 16-RZ "On Youth" (Articles 2, 4, 7).

3. A unified concept of spiritual and moral upbringing and development of the younger generation in the Chechen Republic (approved by the Head of the Chechen Republic on February 14, 2013).

Undoubtedly, this regulatory framework contributes to a better solution to the extremism and terrorism problem; however, it is not a sufficient measure to be limited only by legal regulation. There is a need for scrupulous theoretical and applied research in this area in order to fully understand this phenomenon and identify effective measures to combat it.

The solution of extremism and terrorism problems among the youth of the Chechen Republic is seen in the implementation of the following socio-economic measures:

- 1) Raising the general educational level among young people (forming an adequate sense of justice, overcoming legal nihilism);

- 2) Religious education and upbringing in the spirit of "moderate" Islam;

- 3) Solving the problems of youth employment, its involvement in the socio-economic activities of the republic;

- 4) Giving a new impetus to the processes for further development of national-cultural, traditional aspects of the life in the Chechen society (more attentive appeal to adats that do not contradict the basic tenets of the Islamic religion, the Chechen Code of Honor "Qonahalla", fostering self-identity in young people (language, "nokhchalla", "gi1kh", "gu1lakh", "ozdangalla" - in Chech.)) in the spirit of a tolerant attitude towards representatives of other social groups.

The regional authorities pay close attention to the implementation of the above measures, and they are being systematically implemented. And it is already possible to make intermediate results based on the results of the implemented activities. The number of extremist and terrorist related crimes has decreased several times in recent years in the

<sup>30</sup> Data on the number of schools in the Chechen Republic. Available at: <http://mon95.ru/schools> (date of access: 04.02.2021).

<sup>31</sup> The Ministry of Internal Affairs of the Chechen Republic summed up the results of activities for 6 months of 2019. Available at: <https://95.мвд.рф/news/item/17683696/> (date of access: 04.02.2021).

republic.

As a number of researchers studying this problem note that terrorism and extremism cannot exist "in isolation from terrorist and extremist ideology, since the commitment "to extreme views and measures" must have a certain ideological underpinning in order to obtain exactly a sociopolitical, and not a psychological assessment" [23, p. 22]. As for the aspects of guilt and responsibility, the subjects of extremist and terrorist activity have such qualities understated or transformed. In other words, they do not adequately correlate their actions in terms of awareness of guilt and responsibility for their behavior, or do not consider them as something unnatural and contrary to the normal state of affairs, their self-awareness and perception of the surrounding reality.

The opposite problem is an inadequate assessment of freedom by the subject, that is, an opinion of its permissiveness leads to a conflict with the freedom of others (overlapping freedoms), such as members of society. We will cite a number of doctrinal opinions within the framework of the indicated problems.

As N.S. Gromova rightly notes: "Uncontrolled freedom of speech entails permissiveness and crimes of first verbal and then other types <...>. Having granted broad freedom of speech, we exposed the vices of society and pointed to legal gaps, then it is necessary to systematize the problems and transform the existing system so that freedom of speech would stop generating verbal extremism and become a true weapon of the people in the struggle for democracy" [24, p. 140]. I. A. Ananskikh and A.S. Oleksenko have a similar position: "Returning to the problem of the boundaries in the implementation of freedom of speech, it should be noted that the degree of freedom should be inextricably linked to the degree of responsibility of the person who utters this word" [12, p. 62]. A.A. Smolyakov argues in a similar way: "<...> constitutionally established limits on the exercise of human and civil rights and freedoms are a necessary tool to guarantee other rights and freedoms <...>" [25, p. 14].

S.V. Mamontov endorsed the above said:

"Before exercising freedom of thought and speech, a person must determine - whether his actions may offend a person or dislike him, what is immoral or immoral, legal or illegal" [26, p. 319].

B.V. Plyasunov, conducting a legal characterization to reveal cases of abuse of freedom of speech, notes the following: "Absolute freedom inevitably leads to the fact that its subjects, using their powers, intrude into the sphere of the powers of other persons, thus violating their subjective rights" [27, p. 125]. A number of other authors adhere to a similar opinion [20, p. 13; 5, p. 74; 28, p. 215; 13; 29, pp. 64-65; 30, p. 100; 25, p. 14].

On the example of the analysis of French legislation, K.A. Ivanova and A.A. Stepanov: "<...> it is obvious that freedom of speech and freedom of the media are not absolute. Neither society nor person should become hostages of these freedoms, and their implementation should have the limits established by law" [6, p. 21].

K.A. Ivanova and A.A. Stepanov state about the possibility to restrict freedom of speech by analyzing French legislation: "<...> it is obvious that freedom of speech and freedom of the mass media are not absolute. Neither society nor the individual should become hostages to these freedoms, and their implementation must have limits established by law".

Of course, there must be a balance between freedom of thought, speech and expression and its limitation in order to protect the rights and freedoms of others [31, p. 346]. However, the problem is that everyone understands and draws the line between freedoms and their restrictions in their own way, and even the state does not always manage to do it in such a way as to maintain a "golden mean" - to preserve the principles of democracy, while maintaining the public interests of the state, all social groups and political movements. As noted in this regard, restrictions of any nature and in particular restrictions on freedom of speech should be carried out without falling into extremes and imposing a nationwide ideology [32, p. 70].

Subjects of extremist and terrorist activity in some situations deviantly react to the results of freedom of thought, speech and expression by other representatives of society due to direct contradiction of such processes, first of all, formal

provisions of law, as well as to their internal beliefs, attitudes, values, including religious ones. First there is an internal conflict of ideas, ideologies, which subsequently, due to unbiased and inadequate approach and analysis of the situation by public authorities [21, p. 97], turns into open confrontation expressed in acts of extremism and terrorism.

On this basis, the extremism and terrorism must be combated in a comprehensive manner [33, p. 36]. The ideology of extremism must be opposed to another ideology - an ideology based on a "sober" analysis of the situation by the state, tolerance, true religion and faith, on the intellectual and educational component. In addition, it is important, through law and overcoming legal nihilism, to take measures to strengthen inter-ethnic interaction through education in the spirit of equality and tolerance among young people. The target indicator of the new ideology should be a qualitative change in the psychology of the younger generation and forming effective leverage on the worldview of young people. Moreover, the measures within the framework of the outlined ideology should be more developed, understandable and adaptable than the campaign and distribution channels of extremist and terrorist ideas. And in this process, it is important to work on prevention of deviant behavior, rather than on combating its negative consequences. This opinion is shared by a number of researchers of these negative phenomena in the society [34, p. 79].

## 5. Conclusion

As a result, we note the following fundamental aspect of the problem under consideration. There is no doubt that freedom of thought, speech and expression are the achievements of modern mankind, one of the foundations of the democratic system and an element of civil society. The state-guaranteed opportunity for individuals to exercise these freedoms in society is the key to a "healthy" society in the legal sense. However, the question arises about the limits of such freedoms. Are they limitless, or is it still, as Kant so vividly put it, "the liberty to swing my arms ends where other man's

nose begins"? The Muslim system of law, based on the Holy Qur'an and the Sunnah of the Prophet (s.a.w.), assumes that such freedom ends where the boundary line marked by the law of Allah Almighty begins.

One of the consequences of the wrong interpretation, the true understanding of freedom of thought, speech and expression is extremist activity, which is seen at this stage of Russia development as a threat to its national security. And this is a very serious challenge, which must be dealt with comprehensively: from the educational component to the socio-economic one.

Of course, we realize that the issue outlined in the study, goes beyond the legal interpretation and to a greater extent this problem has a political background than the legal one. Distancing ourselves as far as possible from political and provocative speculations on this topic, and calling others to do the same, we hope that this negative situation and trend will be overcome together, within the established dialogue, tolerance and respect for each other's feelings, including religious ones. There is no other way and cannot be.

## REFERENCES

1. Skorik N.V. Constitutional regulation of freedom of speech in the United States and the United Kingdom. *Otechestvennaya yurisprudentsiya = Domestic Jurisprudence*, 2018, no. 7 (32), pp. 60–69. (In Russ.).
2. Fatalizade A.A. Right to freedom of expression in the 21st century and its modern realities. *Otechestvennaya yurisprudentsiya = Domestic Jurisprudence*, 2016, no. 2 (4), pp. 24–26. (In Russ.).
3. Mironov V.V., Mironova D.V.G. Virtuous terror, or who defines the boundaries of freedom of speech (reflecting on the works of Thilo Sarrazin). *Eticheskaya mysl' = Ethical Thought*, 2018, vol. 18, no. 2, pp. 99–115. DOI: 10.21146/2074-4870-2018-18-2-99-115. (In Russ.).
4. Suslov E.V. Freedom of speech and freedom of the press as factors of generation conflicts in society. *Vestnik Mariiskogo gosudarstvennogo universiteta = Vestnik of Mari State University*, 2016, no. 1 (21), pp. 74–81. (In Russ.).
5. Ivanova X.A., Stepanov A.A. Restrictions of the freedom of speech in France in the digital technologies era. *Pravoprimenie = Law Enforcement Review*, 2019, vol. 3, no. 1, pp. 15–23. DOI: 10.24147/25421514.2019.3(1).15-23. (In Russ.).
6. Weiss B.G. *The spirit of Muslim law. Usul al-fiqh*. Moscow, St. Petersburg, Dilya Publ., 2008. 320 p. (In Russ.).
7. Kerimov G.M. *Sharia: the Law of life of Muslims. Sharia answers to the problems of our time*. St. Petersburg, Dilya Publ., 2009. 512 p. (In Russ.).
8. Syukiyainen L.R. General principles of fiqh as reflection of judicial features of Islamic law. *Pravo. Zhurnal Vysshei shkoly ekonomiki = Law. Journal of the Higher School of Economics*, 2018, no. 3, pp. 50–80. (In Russ.). DOI: 10.17323/2072-8166.2018.3.50.80. (In Russ.).
9. Kharekhanov A.G. *Personal views of Sheikh Shamsuddin al-Birmawi in the science of the foundations of Islamic law through the prism of his book "al-Fawa'id al-Sunniya: a comparative study"*, Doct. Diss. Cairo, 2019. 1200 p. (In Arabic).
10. Yuzbashieva E.M., Los' L.V. Freedom of speech and toleration. *Novaya nauka: Problemy i perspektivy = Modern Science: Problems and Prospects*, 2015, no. 1 (1), pp. 221–224. (In Russ.).
11. Ananskikh I.A., Oleksenko A.S. Freedom of speech and its limits. *Yuridicheskaya nauka: istoriya i sovremennost' = Legal Science: History and Modernity*, 2015, no. 7, pp. 60–65. (In Russ.).
12. Romanovsky V.G. Restrictions of the human right to freedom of speech in order to counter terrorism. *Nauka. Obshchestvo. Gosudarstvo*, 2018, vol. 6, no. 1 (21), pp. 60–66. (In Russ.).
13. Ségur Ph. Terrorism and freedoms on the Internet. *L'Actualité Juridique Droit Administratif*, 2015, no. 3, pp. 160–165. (In French).
14. Akaev V.Kh. Attitude to the Koran: incompatibility of the security and dogmatic interpretations of the Koran. *Vestnik GGNTU. Gumanitarnye i sotsial'no-ekonomicheskie nauki = Bulletin of the GSTU. Humanities and socio-economic sciences*, 2019, vol. XV, no. 4 (18), pp. 45–50. DOI: 10.34708/GSTOU.2019.18.4.016. (In Russ.).
15. Belyakova L.P. Freedom of speech in the context of information security, in: *Zhurnalistika-2018: stanovlenie, problemy i perspektivy*, proceedings of the 20th international scientific-practical conference, Minsk, 2018, pp. 79–81. (In Russ.).
16. Mukhammadiev Zh.U. The role of freedom of word and information in construction of civil society and problems of securing information security. *Gosudarstvo i pravo = State and Law*, 2018, no. 11, pp. 130–134. DOI: 10.31857/S013207690002189-9. (In Russ.).
17. Bel'skii V.Yu., Satsuta A.I. (eds.) *Terrorism in historical retrospect and modern conditions*, Monograph. Moscow, 2017. 479 p. (In Russ.).
18. Eremina I.S. Theoretical analysis of legal restrictions of freedom of speech for the counteract on the extremist activity, in: *Gosudarstvenno-pravovye osnovy protivodeistviya ekstremizmu*, collection of scientific works with international participation, Khabarovsk, 2015, pp. 10–18. (In Russ.).
19. Isaev R.A., Borenov A.Yu. Freedom of speech in Russia under the conditions of countering extremism. *Teoriya i praktika obshchestvennogo razvitiya = Theory and Practice of Social Development*, 2015, no. 23, pp. 95–97. (In Russ.).

20. Gaivoronskaya I.B., Fomina T.F., Amanzholova B.A. Online recruitment into extremist and terrorist organizations. *Psikhologiya i pravo = Psychology and Law*, 2020, vol. 10, no. 4, pp. 152–165. DOI: 10.17759/psylaw.2020100411. (In Russ.).
21. Sunyaikina D.A. Extremism in modern Russia, in: Zolotukhin V.M., Mikhailov V.G. (eds.) *Problemy ekonomiki i upravleniya: sotsiokul'turnye, pravovye i organizatsionnye aspekty*, collection of articles by undergraduates and teachers of Kuzbass State Technical University, Kemerovo, Kuzbass State Technical University Publ., 2019, pp. 181–189. (In Russ.).
22. Isaev V.D., Gavlitsky E.M., Terentyeva A.N. Religious extremism and terrorism: social-philosophical and psychological aspects. *Akademik = Academician*, 2019, no. 1, pp. 17–24. (In Russ.).
23. Gromova N.S. Verbal extremism as a consequence of freedom of speech, in: *Nauka i obrazovanie*, materials of the 3rd International Scientific and Practical Conference, Taganrog, 2015, pp. 134–140. (In Russ.).
24. Smoliakov A.A. Problems of determining the limits of freedom of speech. *Zakon. Pravo. Gosudarstvo = Lex. Jus. Civitas*, 2018, no. 3 (19), pp. 12–21. (In Russ.).
25. Mamontov S.V. Freedom of thought and speech, in: *Aktual'nye voprosy razvitiya Rossii v issledovaniyakh studentov: upravlencheskii, pravovoi i sotsial'no-ekonomicheskii aspekty*, proceedings of the 15th all-Russian scientific-practical conference, Chelyabinsk, 2017, pp. 317–320. (In Russ.).
26. Plyasunov V.V. Abuse of freedom of speech (constitutional and legal aspect). *Vestnik Moskovskogo universiteta MVD Rossii = Bulletin of the Moscow University of the Ministry of Internal Affairs of Russia*, 2018, no. 1, pp. 125–127. (In Russ.).
27. Volkova I.V. Constitutional and legal boundaries of freedom of speech in Russia. *Nauchnye issledovaniya: ot teorii k praktike = Scientific Research: from Theory to Practice*, 2016, no. 2-2 (8), pp. 213–215. (In Russ.).
28. Bolshakov L.M. Importance of constitutional freedom of speech for the implementation of human rights and freedoms, the development of civil society and legal state. *Vestnik Yuzhno-Ural'skogo gosudarstvennogo universiteta. Seriya: Pravo = Bulletin of the South Ural State University. Series: Law*, 2018, vol. 18, no. 4, pp. 62–67. DOI: 10.14529/law180411. (In Russ.).
29. Kiurdzhidu R.D. The limits of freedom of speech in constitutional and international law. *Voprosy rossiiskogo i mezhdunarodnogo prava = Matters of Russian and International Law*, 2018, vol. 8, no. 11A, pp. 98–103. (In Russ.).
30. Ovcharov S.A. Legislative restrictions of the right to freedom of speech in the Russian Federation, in: *Molodaya nauka*, collection of scientific papers of the scientific and practical conference for students and young scientists, Yevpatoria, 2018, pp. 345–346. (In Russ.).
31. Bobrova E.R., Bannova Ju.S. Legal regulation of fight against extremism in the ratio of constitutional freedom of speech and thought. *Mariiskii yuridicheskii vestnik = Mari Legal Bulletin*, 2018, no. 2 (25), pp. 68–70. (In Russ.).
32. Adylhanov M.G. Implementation problems international standards of ensuring the right to freedom of speech in Russian criminal law. *Vestnik Krasnodarskogo universiteta MVD Rossii = Bulletin of the Krasnodar University of the Ministry of Internal Affairs of Russia*, 2019, no. 2 (44), pp. 33–36. (In Russ.).

#### INFORMATION ABOUT AUTHOR

**Hussein V. Idrisov** – PhD in Law, Associate Professor;

<sup>1</sup>Associate Professor, Department of Civil Law and Process; <sup>2</sup>Associate Professor, Department of Legal Disciplines; <sup>3</sup>Associate Professor, Department of Information Law and Jurisprudence; Actual State Counsellor of the Chechen Republic, 3rd class

<sup>1</sup> Kadyrov Chechen State University

<sup>2</sup> Chechen State Pedagogical University

<sup>3</sup> Millionshchikov Grozny State Oil Technical University

<sup>1</sup> 38, A. Sheripova ul., Grozny, 364024, Russia

<sup>2</sup> 62, Kh. Isaeva pr., Grozny, 364068, Russia

<sup>3</sup> 100, Kh. Isaeva pr., Grozny, 364068, Russia  
E-mail: huseyn23@rambler.ru  
ORCID: 0000-0002-7008-8904  
RSCI SPIN-code: 1346-5721  
ResearcherID: AAV-9553-2020

#### **BIBLIOGRAPHIC DESCRIPTION**

Idrisov H.V. Freedom of thought, speech and expression: some problems of formulation and determining boundaries in relation to the impact of a religious factor. *Pravoprименение = Law Enforcement Review*, 2022, vol. 6, no. 1, pp. 33–49. DOI: 10.52468/2542-1514.2022.6(1).33-49. (In Russ.).