

Article

DOI: 10.17803/2713-0533.2024.1.27.142-158



Legal Expertise as a Tool of Countering Violent Extremism in the Web 2.0

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Abstract: The paper deals with the results of the study aimed to countermeasure violent extremism in Web 2.0. The paper focuses on the results of the research entitled “Russian Legal Concept of Media Security” and implemented within the framework of the “Priority-2030” Academic Strategic Leadership Program. The increased number of public crimes committed in the new media using telecommunications technologies makes the study relevant. The study is aimed to improve the understanding of current and future global media security challenges and to explain how to resist them based on legal expertise. Legal expertise is characterized as a tool that can contribute to raising the general level of legal culture and, in this regard, the authors highlight that availability of law and language knowledge is relevant in solving criminal law issues regarding implementation of basic rights and freedoms in the digital environment. The authors examine public relations in the field of education, family relations and youth policy related to those who share traditional morality and focus on countering a destructive ideological impact on children, adolescents, and the youth, carried out in order to neutralize inimical inculcation of spiritual values alien to Russian society. The authors scrutinized social networking, a combination of mini web pages, blogs and searchable communities, to detect signs of extremist propaganda shared via internet communication as a key challenge Russian society is facing nowadays. They elucidate the importance of undertaking effective measures to protect the population from harmful effect of destructive extremist ideology and its negative psychological impact. An interdisciplinary study of media security in the paradigm of criminal law sciences was conducted on the basis of

legal expertise — a comprehensive criminalistic, criminology, forensic, psychological and linguistic approach to counteracting a destructive ideological impact on adolescents and neutralizing the mechanisms of implanting alien moral values. The authors have systematized threats to traditional Russian spiritual values and proposed to amend legislation and law enforcement practice to improve media security. Deep efforts should be made to encourage zero tolerance for extremist actions in the information sphere among people, to form their competence to ensure media security, including effective recourse to legal (or forensic) experts and authorized entities in case of violations of the law.

Keywords: legal expertise; violent extremism; law and language; expert opinion; testimony; forensic examination; linguistic evidence

Acknowledgements: The research was carried out within the framework of the “Priority-2030” Strategic Academic Leadership Program.

Cite as: Galyashina, E.I. and Bogatyrev, K.M., (2024). Legal Expertise as a Tool of Countering Violent Extremism in the Web 2.0, *Kutafin Law Review*, 11(1), pp. 142–158, doi: 10.17803/2713-0533.2024.1.27.142-158

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I. Introduction

Web 2.0 allows users to interact in a virtual community and collaborate with each other through social media communication as creators of user-generated content. The web is a vast store of online information that is shared and surfed by the Internet-users. Nowadays in the information space of Web 2.0, as well as in the whole world, there is an escalation of international tensions caused by both hostile foreign and domestic policy conflicts. The concerns and challenges the

societies are facing now need comprehensive and systematic approach to develop effective ways and measures to counteract emerging threats. The paper focuses on the results of the study entitled “Russian Legal Concept of Media Security” and implemented within the framework of the “Priority-2030” Academic Strategic Leadership Program. The project demonstrates the results of the efforts of the interdepartmental team of researchers¹ under academic supervision and leadership of Professor Elena I. Galyashina.

An ongoing risk of violent extremism in the Russian Federation forms a critical concern for the national security, law enforcement agencies, and the public. The society is getting serious about hostile communication strategies that threaten international stability, social cohesion, and human rights. We witness increasingly unfriendly and even openly hostile actions that stem from attempts to discredit public institutions and public officials, to carry out negative (destructive) propaganda directed against the internal unity of the country and the stability of the political system.

There is no doubt that Web 2.0 is increasingly being used as a tool to promote violent radicalism and recruit its upholders. Social networking, a combination of mini web pages, blogs and searchable communities have expanded in recent years. They have exploded with the growth of Telegram channels, accounts in the VK social network, etc. The majority of users check their profiles and their online network at least twice a week and, in many cases, — several times a day.

Some experts believe that the current Web 2.0, may become obsolete in the near future due to the emergence of augmented reality (AR) technologies and metaverse concepts. Web 3.0 is expected to transform the way we interact with the Internet, with its focus on abolishing censorship and allowing anyone to publish any content including extremist posts. The Web 3.0 concept proposes creation of decentralized autonomous organizations (DAOs) that would determine the usefulness of content based on community consensus rather than corporate interests. This approach could potentially lead to increased freedom of expression and reduce the role of corporations in content

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moderation. However, there are concerns that the absence of strict oversight could allow extremist groups to exploit the metaverse for criminal purposes. Forensic techniques currently rely on empirical evidence gathered from social media platforms, which may not be effective in analyzing data collected in the virtual world of the metaverse. As communication continues to evolve in the digital realm, it will be crucial to develop new methods for analyzing information products in order to maintain public safety and security. Further research is needed to address these challenges and ensure that the metaverse remains a safe and inclusive space for all users.

Extremist propaganda shared via the Internet communication is a key challenge our society is facing nowadays. There have been only a few attempts (Schafer, 2002; Gerstenfeld, Grant, and Chiang, 2003) to analyze extremist websites systematically. In this regard, it is particularly important to undertake effective measures to protect the population, and especially young people, from harmful effects of destructive extremist ideology and its negative psychological impact.

Thus, the research “Russian Legal Concept of Media Security” within the framework of the “Priority-2030” Academic Strategic Leadership Program was carried out. An interdisciplinary study of media security in the paradigm of criminal law sciences was conducted on the basis of a comprehensive legal and linguistic approach to counteracting a destructive ideological impact on adolescents and neutralize the mechanisms of implanting spiritually alien values. The study was aimed to improve our understanding of current and future global media security challenges and their countermeasure on the basis of legal expertise.

The object of the research are public relations in the field of education, as well as the family and youth policy related to the development of a highly moral personality who shares Russian traditional spiritual values. The subject of the study is the activity of countering a destructive ideological impact on children, adolescents, and the youth, carried out in order to neutralize the inculcation of alien to Russian society moral values.

The relevance of the study is obvious due to the increased number of public crimes committed in the new media using telecommunications

technologies. Currently, there is a number of studies devoted to the issues of the integrated language and law approach in the world wide web (Goddard, 1996; Cotterill, 2003, 2004; Coulthard and Cotterill 2006; Coulthard and Jonson, 2007; Larner, 2014; Olsson, 2008; Olsson and Luchjenbroers, 2014; Shuy, 2002, 2006), but few are devoted to forensics ensuring media security (Galyashina, 2015, 2016, 2018).

The information security should be distinguished from worldview security; the first focuses on the specifics of the crime environment in the information space, the second — on protecting people's worldview from malicious intrusion of moral values that contradict Russian moral values (Galyashina, 2020a).

Theoretically, the comprehensive study was based on doctrinal foundations of criminalistics and criminology, forensic linguistics, expert and speech sciences developed by authoritative experts in the field: N.F. Bodrov, A.A. Bimbinov, and V.N. Voronin, K.M. Bogatyrev, J. Cotterill, M. Coulthard, A. Jonson, E.I. Galyashina, C. Goddard, S. Larner, J. Olsson, J. Luchjenbroers, R.W. Shuy, etc.

As a result, the researchers systematized threats to traditional Russian spiritual values and made proposals to amend legislation and law enforcement practice to improve media security. It was stated that a destructive alien ideology embraces cultivation of selfishness, permissiveness, immorality, denial of patriotism, destruction of the traditional family through the extremist activity, propaganda of non-traditional sexual relations, etc. (Levin, 2002). On the contrary, traditional Russian spiritual and moral values include, first of all, respect for life, dignity, human rights and freedoms, patriotism, citizenship, service to the Fatherland and responsibility for its fate, high moral ideals, a strong family, creative work, the priority of the spiritual over the material, humanism, mercy, justice, collectivism, mutual assistance and mutual respect, historical memory and continuity of generations, unity of the peoples of Russian Federation.

It has become obvious that deep efforts should be made to motivate citizens to zero tolerance for extremist actions in the information sphere, to form their competence to ensure media security, including effective recourse to legal (or forensic) experts and authorized entities in case of violations of the law.

II. Web 2.0 as an Extremist Weapon

The Internet has made a range of extremist discourse activities faster and secure including communication, propaganda, radicalization and recruitment (Craven, 1998). There are numerous examples of how the Internet media are being used to promote violent extremism in the Russian language segment (Bodrov, Bimbinov and Voronin, 2022; Galyashina, 2020a, 2020b). Such extremist actions are condemned by the Russian legislation and are treated as felonies (Bodrov, Bimbinov and Voronin, 2022). The Internet is good in many respects but it also facilitates terrorist communication, provides an additional venue for extremists to spread their hateful and murderous propaganda. Young people with an unsettled worldview are most influenced and are the most vulnerable group of the population to the introduction of destructive ideas. Such qualities as increased activity, readiness for decisive action, categorical assessments and conclusions are the main interest for extremists to use its potential for violent radicalization in digital environment. The Internet discourse of extremist's communities serves as a virtual society where otherwise alienated and isolated individuals can meet for recruiting, reinforcement and social networking. The challenge posed to the society is to infiltrate and erode the extremist network. But powerful conspiracy and sophisticated tools of darknet anonymization make these communities hard to penetrate. Depersonalization leads to the fact that, in some cases, it is not possible to establish real data and extremists can easily hide their real location using modern software tools.

Currently, the content of many destructively oriented internet-sites is aimed at absolutization of individual freedom, active propaganda of permissiveness, immorality and selfishness, the cult of violence, consumption and pleasure, the formation of communities that deny the natural continuation of life, contains information, the distribution of which in the Russian Federation is prohibited (Bogatyrev, 2021). This category includes information that is aimed at inciting ethnic or religious

hatred and hostility, as well as other information, the dissemination of which provides for criminal or administrative liability.²

A typical extremist website has an original design, a well-thought-out navigation and information search system. It exhibits extensive information about the history, program of the organization, political and economic reviews. Users of such a site, as a rule, are given access to an extensive archive of previously published information, convenient search tools allow the users easily find a topic of interest. The main forms of providing messages are news (in the form of a news feed), articles, and analytical materials. Their content is presented in a way that is beneficial to extremists.

Another category is that it is online games that are used to attract children. Obviously, online games are targeted to young people. They help to inculcate a destructive mindset in young people and to transfer destructive ideology into a social policy supporting stringent extremist impact. Content of an extremist website is usually brightly decorated. News headlines are rather sensational. The most important information is placed in the first paragraph and does not repeat the information in the title, but only explains it. A news feed and a list of analytical articles are most often located on the main page of the site and are illustrated with specially selected photographs or thematic drawings. At the same time, the source from which the images were taken is not indicated. To make the information posted on the websites more reliable, it is often indicated that it was obtained from “independent” sources. In addition, sources that are introduced as authoritative for certain user groups are accompanied by fabricated (fake) photos and video materials. Blogs, chat rooms and message boards expose new recruits to a romanticized view of extremist ideology and terrorism as a violent means of internet communication. A violent extremist act itself is deliberately designed to attract attention and communicate an aggressive message to promote its longevity and ensure its very survival.

The problem of Web 2.0 radicalization is fairly well documented by a number of studies (Galyashina, 2021a, pp. 33–43), but the question

² Federal Law “On Information, Information Technologies and Information Protection” No. 149-FZ dated 27 July 2006. Available at: <http://www.consultant.ru/> [Accessed 08.05.2022]. (In Russ.).

remains. How can the media sphere be protected from destructive aggressive propaganda without damaging the free flow of information in the Internet media and harming the constitutional rights and freedoms of law-abiding people?

If we do not treat the Internet discourse as a crucial battleground in the war of extremism, we will not be able to defeat the actual threats to media security. Without an effective communicative strategy an extremist website stakeholder would be unable to assure a continued flow of new recruits, motivate and inspire existing followers, active supporters and passive sympathizers from which extremist organizations draw their sustenance (Schafer, 2002). It is not surprising that extremist leaders devote so much time and energy to multilanguage discourse, using Web 2.0 as an especially efficacious speech weapon. Thus, they produce a web corpus for forensic evidence extraction (Larner, 2014, pp. 14–15). Law enforcers need criminalistic recommendations to detect, investigate and counter efficiently destructive communication and extremist agitation in the Web 2.0. Creating a central criminalistics database where all instances of cybercrimes are reported for statistical purposes would be incredibly helpful. It could help to track cybercrime trends affecting adults, seniors and the youth and to design safer systems and best practices. It could be useful to guide legislation directed at a meaningful problem in a most meaningful way and to implement such techniques that are able to provide intelligence agencies with information that would lead to apprehension of would-be extremists.

III. Forensic Approach to Countering Extremist Activity

Although internationally inspired violent extremism has been actively studied by a number of researchers over the past several years, the results of the research have not been systematically applied to create forensic tools designed to help law enforcement practitioners to identify the signs of terrorist ideology in the Internet discourse and define the speech crimes (Galyashina, 2021b, pp. 7–13). Criminal cases on extremist acts are very resonant (Galyashina, 2021b, p. 6). The law enforcer has to ensure a balance of protected public interests (the foundations of the

constitutional order, integrity and security of the Russian Federation) and protection of human and civil rights and freedoms guaranteed by the Constitution of the Russian Federation, namely: freedom of conscience and religion, freedom of thought, speech, mass media, the right to free speech, the right to receive, transmit, produce and disseminate information in any lawful way, etc. Propaganda or agitation inciting social, racial, national or religious hatred and enmity is prohibited, no one may be forced to renounce their opinions.

The implantation of alien to the Russian youth spiritual values is carried out in a comprehensive manner and includes popularization of works of art, primarily films, cartoons, comics and other literature demonstrating such values in a favorable light, articles and collections of news reports, thematic discussions and communities on the Internet and informal interest groups outside it, creating an echo chamber effect, thematic events, periodicals and online publications, educational lectures and courses, statements made by influencers — media personalities who enjoy authority among young people, during which alien values are directly or covertly promoted. Hidden implantation could include promotion of values hidden behind the facade of ideas that are already receiving public support. Thus, behind the struggle for environmental friendliness or helping women who find themselves in a difficult life situation, there may be misandry and a mindset of refusing to start a family.

The responsibility for ensuring media security in the digital environment lies with law enforcement agencies. For its implementation, it is necessary to effectively carry out activities to identify upcoming and committed offenses, to disclose and investigate committed illegal acts of public danger, as well as to make decisions. Media security activities are not only carried out by government officials; this is also done by the administrations of social networks, different websites and digital platforms. Consequently, researchers who have both legal and linguistic skills are required to keep law enforcement informed of the risks to media security to be able to respond actually to what is online.

However, they cannot cope with their activities without expert support. The involvement of forensic experts is necessary both when working with traditional media and the media in the digital environment.

In order for the competent authorities to carry out their law enforcement functions effectively; they need the assistance of experts with specialized legal and linguistic knowledge. It is necessary both in the technical and content components of information security. A technical component related to the protection of information infrastructure (technologies, equipment and networks consisting of them, as well as systems and programs operating on their basis, software and hardware systems) implies the need to involve computer and technical forensic experts and specialists with appropriate technical education.

A content component that involves an information analysis requires the involvement of forensic speech experts. In order to properly analyze information products distributed through digital media (mostly being a speech product or containing a text component) for the special signs of offenses, it is necessary to involve a knowledgeable person with the appropriate competence.

A special role in cases of countering the ideology of terrorism and preventing extremism is played by forensic linguistic expertise that can be assigned to determine the target purpose of information materials.³ Expertly performed, objective and well-founded forensic linguistic studies of extremist information materials contribute to the protection of national security, state, society and its citizens. On the contrary, unprofessionally conducted research can damage people's faith in justice. First, this applies to teenagers, whose worldview is still being formed, and whose lifestyle is characterized by youthful maximalism and lack of life experience.

IV. A Comprehensive Law and Language Approach in Extremist Cases

There are several senses associated with the law and language approach incorporating the term "linguistic evidence" in extremist cases. The term "linguistic evidence" can be used in relation with some

³ Decree of the Plenum of the Supreme Court of the Russian Federation "On judicial practice in criminal cases on crimes of an extremist orientation" No. 11 dated 28 June 2011 (as amended on 28 October 2021). Available at: <http://www.consultant.ru/> [Accessed 08.05.2022]. (In Russ.).

language data — written text or oral messages, associated with a crime or a dispute. Such media may be submitted as material evidence in the legal proceedings. The second meaning refers to an expert interpretation of the language data involved in a case as a material evidence.

Speech covers all fields of human endeavor related to his communicative, creative, professional, business, social activity. Traces of human speech activity, being imprinted on a storage device are widely involved in the field of legal proceedings as a source of evidence. Linguistic expertise based on the forensic speech science forms a specific trend in the classification of legal examinations. It is a synthetic field of oral and written speech knowledge (Galyashina, 2020b, pp. 12–13). Forensic speech science constitutes a general basis for expert researches of the speech activity products. These examinations are united by the commonality of the objects under study (products of speech activity), the unity of forensic methodology, and a set of specialized knowledge (including applied linguistics, speech acoustics, etc.).

However, recently there have been more and more situations when forensic linguists are involved as expert witnesses in the legal proceedings by different parties to give controversial testimonies in court proceedings. In this regard, we consider it is necessary to introduce into the law enforcement practice a new form of using specialized knowledge — legal expertise as a special scientific and advisory comprehensive study that allows the court to resolve a controversy in the opinions of knowledgeable linguists involved in the case.

The forensic linguistic analysis may take a form of a written document, reporting the result of an expert-linguist text examination or oral court testimony. Based on the forensic application of speech science we can talk about the formation of a new type of usage of specialized expert knowledge as a methodological basis for legal expertise and legal consulting. The subject of the scientific component of the legal expertise in the field of countering and preventing extremism covers signs of extremist activity as a threat to security of the information product turnover in the media environment.

The comprehensive legal and linguistic approach combines formal and semiotic expert analysis of the text based on jurist-linguistic research of the contested material consisting of utterances, texts, images,

messages or other manifestations of aggressive speech behavior (Durant and Leung, 2016, pp. 41–45). These are determined by the fact that the object of linguistic expertise is speech data of a dualistic semantic and legal nature (as a trace of speech activity and a *corpus delicti*). The application of a comprehensive legal and linguistic approach is in many ways crucial to qualify a speech act as an extremist one. Legal expertise can help to strengthen the party position, it can be useful to assess the compliance with procedural legislation, completeness and comprehensiveness of the expert-linguist examination, verifiability of its results based on generally accepted scientific and practical data. In the form of a scientific advisory expert opinion legal expertise could represent a comprehensive legal and linguistic (law and language) analysis of the case materials, including conflicting expert investigations (reports). It allows law enforcement agencies to determine the legal vector that will allow the court to assess their evidentiary value and make an informed decision on the case.

If there are conflicting expert's positions based on various linguistic approaches, the court may use a comprehensive law and language opinion in the status of scientific and consulting document, considering arguments of a specialist convincing.

It should be noted that under Art. 80 of the Criminal Procedure Code of the Russian Federation, a specialist with specialized legal knowledge in the field of forensic expert science and criminalistics can be engaged to provide analytical and consulting activities resulting in writing an opinion on the issues posed to the specialist by the party (Part 3 Art. 80 of the Criminal Procedure Code of the Russian Federation) and during examination of witnesses (Part 4 Art. 80 of the Criminal Procedure Code of the Russian Federation).

V. Criminalistic Revision of the Linguistic Evidence

It is indisputable that no form of human activity can be immune from mistakes. Linguist-experts also make mistakes that can and should be identified during the study of case materials with signs of extremism on the basis of a sophisticated and comprehensive forensic technique in all their diversity.

The linguist evidence does not have a pre-established probative value. It does not have an advantage over other evidences and it is evaluated in conjunction with others. However, its assessment still requires a specific approach, since this evidence is based on the use of specialized knowledge which the law enforcer does not have.

We believe that a revision of linguistic evidence in order to find and detect research errors belongs to the competence of the legal expertise carried out by knowledgeable persons in criminalistic, forensic expert and speech sciences.

On the one hand, competitiveness in the legal procedure allows the court to call up specialists to assess the expert's report on the subject of its robustness, scientific validity and proof. On the other hand, in cases of extremism, unscrupulous reviewers called by the defense very often aim to discredit the expert opinion in order to exclude it from the prosecution evidences.

It should be noted that the concept of "review of the expert opinion" is not explicitly laid down by the law. A specialist involved in reviewing an expert's report, like a forensic linguist, must be proficient in criminalistics and forensic speech science as substantiating knowledge for forensic linguistic examination.

The involvement of a specialist in the court proceedings is carried out pursuant to the procedure set forth in Parts 3 and 4 Art. 80 of the Criminal Procedure Code of the Russian Federation. Under Part 2.1 Art. 58 of the Criminal Procedure Code of the Russian Federation, the party for the defense may not be denied a request to involve a specialist in the court proceedings in order to clarify issues within his professional competence (expertise), unless there are grounds provided for in Art. 71 of the Criminal Procedure Code for his recusal. Taking into account the provisions of the Criminal Procedure Law on equality of Rights of the parties, the prosecution's request to involve a specialist cannot be denied.

The court has the right, under Part 1 Art. 69, Para. 3 of Part 2 Art. 70, Part 2 Art. 71 of the Criminal Procedure Code of the Russian Federation, to decide on the withdrawal of a specialist in case of failure to submit documents ensuring the expertise of a person whose witness testimony was requested by a party. Any amount of either critical or positive expert reviews could be prepared by any party for the trial but

they would hardly contribute to the effectiveness of the court's decision on the case. According to Art. 17, 87, 88 of the Criminal Procedure Code of the Russian Federation, verification and evaluation of expert evidence falls within the exclusive competence of the court. But a legal expertise based on criminalistic analysis can help a party to strengthen its prosecuting or defending position.

Thus, in extremism cases the court is increasingly faced with a situation where contradictory linguistic evidence could be provided by different parties: by both the defense and the prosecution. So, the criminalistic revision of different linguistic opinions in a form of advisory report containing a sophisticated and comprehensive analysis of the case materials, is advoked, since it will allow the law enforcements to maintain a balance between the right to freedom of expression, freedom to seek and receive information and abuse of these rights.

Not being a party to the case, a knowledgeable criminalist (jurist-linguist) is able to give a scientific advisory review that can be accepted by the court as evidence in the situation of opposite opinions given by two or more linguists invited by the parties. In this regard, we consider it is necessary to introduce into the law enforcement practice a new form of specialized knowledge, namely, legal expertise as a special scientific and advisory criminalistic study that helps to resolve contradictions in linguistic evidences involved in the case.

Thus, in conflict situations, in cases that cause a special public outcry, it can be quite effective to provide assistance of a specialist with dual legal (criminalistic) and linguistic (speech science) competence, attracted by the court on the initiative of the defense or the prosecution to revise contradictory expert conclusions. This form of using specialized legal and linguistic knowledge will increase the validity of the court decision.

It should be noted that legal expertise is not exclusively criminalistic or forensic. Its key feature is that the specialized knowledge is synergy (criminalistic, criminology, forensic, linguistic, psychology, etc.). Thus, in relation to cases of extremist acts, legal examination will be treated as a scientific and advisory *linguo-legal* opinion.

VI. Conclusion

We believe that legal expertise in the form of scientific and legal advisory report complies with the requirements of procedural legislation. It is based on specialized legal (criminalistic, forensic, etc.) knowledge and contains the results of comprehensive research on certain issues of law, representing a reasoned position concerning the intricacies of modern legislation in the field of law, as well as the methodology of criminalistics and forensic science.

Legal examination is an effective means of helping the law enforcer to solve difficult situations related to the conflict of positions of knowledgeable persons involved in the case. This is especially true in high-profile cases, such as cases of extremist and terrorist crimes. In view of seriousness of the charge and the severity of the punishment, it is especially important to avoid mistakes in establishing the facts of the case, to protect the innocent from responsibility and to ensure that the perpetrators are brought to justice.

In addition, the conclusions of legal examination, carried out at the request of public authorities, also contribute to raising the general level of legal culture and solving legal issues that arise within the framework of their current work. In this regard, the availability of law and language knowledge also seems to be very relevant in solving criminal law issues regarding implementation of information rights and freedoms in the digital environment.

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