



PRICELESS NETWORKS?

Jihadist financing and global
governance of crime

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Jihadist financing and global governance of crime

Lotta Järvinen

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To all working for safety and stability
Your work begins long before conflicts harden
It lingers long after they fade

This is for teachers, social workers, police and intelligence officials,
strangers with caring gestures and words

To all who weave resilient work and kindness where shadows start to form
You remind us that safety grows
not only from the absence of danger
but from the presence of good will

Abstract

This doctoral dissertation originates from a simple question which emerged from practical experience in working life: what can be inferred from the fact that there are no final convictions of terrorist financing in Finland? Does this suggest non-existence of the phenomenon, or might other underlying factors account for the lack of convictions? The matter is significant especially since during the last decades, there has been abundant international and European regulation aimed at countering terrorist financing, which is reflected in both private sector actors' and authorities' duties. In addition to legally binding regulation, the subject has been strongly addressed through other means, including international standard setting, mutual evaluations and countless cooperation forums. For the purposes of this dissertation, the global network of institutions and other actors producing legally binding, as well as recommendatory, norms is referred to as global governance of crime.

To address the lack of terrorist financing judgments in Finland, it is necessary to examine whether Finland has effectively implemented the global governance of crime framework, or more precisely global governance of terrorist financing framework, in the context of this dissertation. From the perspective of Finnish criminal law and its development, it is also important to assess what the findings about this implementation, or lack thereof, reveal regarding the current understanding and conceptualization of criminal law in Finland. These two issues form the first two research questions of this dissertation.

Since the ultimate objective of countering terrorist financing is not merely the incorporation of specific provisions into legislation, but rather effective prevention of terrorist activities, it becomes pertinent to inquire why, despite Finland's prompt and comprehensive implementation of its obligations under international instruments and European regulations, there remains an absence of judgments concerning terrorist financing. Accordingly, it is essential to analyze underlying factors contributing to this absence and to consider potential measures by which the current situation might be addressed or rectified in the future. These two issues form the third and fourth research questions of this dissertation. Thus, the research examines terrorist financing within the context of jihadist activity, adopting a global geographical framework with a primary focus on Finland.

Three articles comprising this dissertation contribute to addressing the overarching research questions by exploring a range of sub-questions. The first article lays the foundation for understanding financing of jihadist activity by examining global funding methods of three major jihadist groups and the evolution of the methods during the 2010's. The second article forms the basis for understanding jihadism in Finland and describes the

identified forms of financing jihadist activity within the country. In addition, the article offers a preliminary examination of the reasons why criminal accountability has not materialized in cases of jihadist financing in Finland, despite international instruments being implemented comprehensively. The phenomenon of jihadist financing is global and examining it in a national vacuum would not be meaningful. Therefore, the dissertation includes a third article which delves into one dimension of jihadist financing in the United States: al-Qaeda's financing methods during the 2010's.

Material used in this dissertation is unique, and to date, no prior comparable research on the subject has been conducted in Finland. The research is a modern legal work, which at times approaches social sciences both in terms of the chosen perspective and the methods utilized. The approach of the research is practical, and in addition to academic contribution, the aim is to support intelligence professionals, law enforcement officials, prosecutors and judges employed in the operational environment. Also, this research aims to support individuals practicing within the sectors of obliged entities under the Act on Preventing Money Laundering and Terrorist Financing (444/2017).

As regards to the findings of the dissertation, it can be concluded that Finland has indeed implemented legally binding as well as recommendatory global governance of terrorist financing mechanisms, which reflects internationalization and preventionism in the Finnish criminal law system. Although the global governance of the terrorist financing regime is far from perfect, since offering global solutions to different local regulatory environments is not unproblematic, terrorism threatens the core of democratic societies: the right to life and personal freedom, integrity, and security. Therefore, the range of means to combat terrorist activity must be broad. Jihadist financing does not require extensive networks to operate. However, the national, international and global governance-related countermeasures designed to prevent, detect, investigate and prosecute jihadist financing depend on interconnected networks making them, in practice, priceless.

Although Finland has implemented the required and recommended regulations to combat the financing of jihadism, legal practice does not support the notion that one would invariably be held criminally accountable for financing jihadism in Finland. To date, no final convictions for terrorist financing have been issued, and there have been a limited number of pre-trial investigations on the subject. This can not be attributed to a single cause, but contributing factors include a high threshold for initiating pre-trial investigations and challenging investigative environments characteristic of terrorist offences. To lower the threshold of pre-trial investigations and thus enhance criminal accountability, this dissertation advocates strengthening national and international cooperation, enhancing information exchange, and ensuring effective training, and, in particular, specialized expertise within the Police and the Prosecution Authority.

Keywords: terrorist financing, jihadist financing, global governance, FATF, Finland, the United States, al-Qaeda, al-Shabaab, ISIS

Tiivistelmä

Tämä väitöskirja on saanut alkunsa yksinkertaisesta, käytännön työelämässä heränneestä kysymyksestä: mitä voidaan päätellä siitä, että Suomessa ei ole annettu yhtään lainvoimaista tuomiota terrorismin rahoittamisesta? Eikö Suomessa rahoiteta terrorismia vai perustuuko tuomioiden puuttuminen muihin seikkoihin? Kysymys on merkittävä erityisesti siksi, että 2000-luvun ajan terrorismin rahoittamisen torjuntaan on kohdistunut runsaasti kansainvälistä ja eurooppalaista sääntelyä, mikä näkyy sekä yksityisen sektorin että viranomaisten velvollisuuksissa. Sitovien oikeudellisten normien lisäksi terrorismin rahoittamista on pyritty torjumaan myös kansainvälisillä sopimuksilla, suosittelujen ja standardien asettamisella, vertaisarvioinneilla sekä lukemattomissa yhteistyöforumeissa. Kyseiseen kehikkoon, joka muodostuu kansainvälisten instituutioiden ja muiden toimijoiden oikeudellisesti sitovista ja suosituksenomaisista normeista, viitataan termillä ”global governance of crime”.

Tarkasteltaessa syitä sille, miksi Suomessa ei ole annettu lainvoimaisia tuomioita terrorismin rahoittamisesta, on tarpeen selvittää, onko Suomi ensinnäkään implementoinut global governance of crime -kehikon, tai oikeammin tämän väitöskirjan kontekstissa global governance of terrorist financing -kehikon, vaatimat tai suosittamat normit. Koska väitöskirja laaditaan rikosoikeudellisessa viitekehyksessä, on syytä pohtia myös sitä, mitä havainnot mahdollisesta implementoinnista, tai sen puutteesta, kertovat rikosoikeuden nykytilasta ja hahmottamisesta Suomessa. Kysymykset global governance of terrorist financing -kehikon implementoinnista ja sen myötä suomalaisen rikosoikeuden ymmärryksestä muodostavatkin väitöskirjan kaksi ensimmäistä tutkimuskysymystä.

Terrorismin rahoittamisen torjunnan perimmäinen tavoite ei tietenkään ole vain tiettyjen pykälien sisällyttäminen lainsäädäntöön, vaan vaikuttava terrorismirikosten torjunta. Näin ollen on aiheellista palata kysymykseen siitä, miksi Suomessa ei global governance of terrorist financing -kehikon kattavasta implementoinnista huolimatta ole annettu terrorismin rahoittamista koskevia tuomioita. Väitöskirjassa arvioidaan tuomioiden puuttumisen syitä ja pohditaan keinoja, joilla nykytilaa voitaisiin parantaa. Nämä kaksi kysymystä muodostavatkin tämän väitöskirjan kaksi seuraavaa tutkimuskysymystä. Terrorismin rahoittamisen tarkastelu on rajattu vain jihadistiseen liikehdintään. Maantieteellisesti näkökulma on laaja, sillä viitekehys kattaa ajoittain globaaleja ulottuvuuksia, vaikka tarkastelun pääpaino on suomalaisessa toimintaympäristössä.

Väitöskirjan kolme artikkelia ja niiden valitut näkökulmat tukevat yllä eriteltyjen, laajojen tutkimuskysymysten tarkastelua käsittelemällä pienempiä osakysymyksiä. Ensimmäinen artikkeli luo perustan jihadismin rahoittamisen ymmärtämiselle tutkimalla kolmen merkittävän jihadistiryhmän globaaleja

rahoituskeinoja sekä näiden keinojen kehitystä 2010-luvulla. Toinen artikkeli muodostaa pohjan suomalaisen jihadismin rahoittamisen ymmärtämiselle ja kuvaa tutkimuksen myötä tunnistetut tavat, joilla jihadistista toimintaa rahoitetaan Suomessa. Lisäksi artikkeli tarkastelee alustavasti syitä siihen, miksi rikosoikeudellinen vastuu jihadismin rahoittamisesta ei täysimääräisesti toteudu Suomessa. Jihadistisen toiminnan rahoittaminen on globaali ilmiö, eikä vain Suomen tilanteen tarkastelu olisi mielekästä. Siksi väitöskirjaan sisältyy kolmas artikkeli, joka syventyy tiettyyn jihadismin rahoittamisen ulottuvuuteen Yhdysvalloissa: al-Qaidan rahoittamiskeinoihin 2010-luvulla.

Väitöskirjassa käytetty aineisto on ainutlaatuista, eikä aiheesta ole aiemmin tehty vastaavaa tutkimusta Suomessa. Väitöskirja on moderni oikeustieteellinen kokonaisuus, joka lähestyy ajoittain yhteiskuntatieteitä sekä valitun näkökulman että käytettyjen menetelmien osalta. Tutkimusote on käytännönläheinen, ja akateemisen panoksen lisäksi tavoitteena on tukea alalla työskenteleviä tiedustelu- ja lainvalvontaviranomaisia, syyttäjiä sekä tuomareita. Lisäksi tutkimuksen tarkoituksena on tukea myös henkilöitä, jotka työskentelevät rahanpesun ja terrorismin rahoittamisen estämisestä annetun lain (444/2017) mukaisissa ilmoitusvelvollisissa yhteisöissä.

Väitöskirjan johtopäätösten osalta voidaan todeta, että Suomi on tosiasiallisesti toimeenpannut sekä oikeudellisesti sitovia että suosituksenomaisia global governance of terrorist financing -normeja, mikä heijastaa kansainvälisten ja preventiivisten piirteiden pintautumista suomalaisessa rikosoikeudessa. Vaikka global governance of terrorist financing -järjestelmä on kaukana täydellisestä, sillä globaalien ratkaisujen tarjoaminen erilaisiin paikallisiin sääntely-ympäristöihin ei ole ongelmaton, terrorismi uhkaa demokraattisten yhteiskuntien ydinarvoja: oikeutta elämään sekä henkilökohtaiseen vapauteen, koskemattomuuteen ja turvallisuuteen. Siksi keinovalikoiman terrorismin torjumiseksi on oltava laaja ja global governance of terrorist financing -kehikko on oikeasuhtainen ja vaikuttava mekanismi. Jihadismin rahoitus ei välttämättä edellytä laajoja verkostoja. Sen sijaan kansalliset, kansainväliset ja global governance -yhteistyömekanismit, jotka on suunniteltu mahdollistamaan terrorismirikosten estämistä, havaitsemista, tutkimista ja syyttämistä, perustuvat kriittisen tärkeisiin verkostoihin.

Vaikka Suomi on implementoinut vaaditut ja suositellut sääntelytoimet jihadismin rahoituksen torjumiseksi, oikeuskäytäntö ei tue käsitystä siitä, että Suomessa lähtökohtaisesti joutuisi rikosoikeudelliseen vastuuseen jihadismin rahoittamisesta. Maassamme ei ole toistaiseksi annettu lainvoimaisia tuomioita terrorismin rahoittamisesta, ja aiheeseen liittyviä esitutkintoja on ollut vain vähän. Yhtä selittävää syytä tuomioiden puuttumiselle ei ole, vaan taustalla vaikuttavat useat tekijät, kuten korkea kynnys esitutkinnan aloittamiselle sekä terrorismirikosten tutkintaan liittyvät haasteet, joita lähes poikkeuksetta kansainväliset ulottuvuudet syventävät. Esitutkintakynnyksen madaltamiseksi ja sitä kautta rikosoikeudellisen vastuun toteuttamiseksi väitöskirjassa ehdotetaan kansallisen ja kansainvälisen yhteistyön sekä tiedonvaihdon tehostamista, sekä poliisin ja syyttäjälaitoksen henkilöstön riittävän koulutuksen ja erityisesti terroristisiin rikoksiin erikoistumisen varmistamista.

Asiasanat: terrorismin rahoittaminen, jihadismin rahoittaminen, FATF, Suomi, Yhdysvallat, al-Qaida, al-Shabaab, ISIS

Acknowledgements

During the past nine years, I have had the utmost pleasure of listening, asking questions and discussing terrorist activity and its counter measures with tens of experts on the matter. It is humbling as well as surprising how eagerly people share their views and experiences on the topic, both on the private and the public sector. My first thank you goes to all of you who engaged in discussions with me or were interviewed in the course of writing this dissertation.

Terrorism-related research is not easy, quite the contrary (as Ph.D. Katja Vallinkoski put it in her doctoral defense: “This is no rocket science – this is much harder”), and legal research is not easy either (starting from the “Is this a science at all” reflections). Combined with the fact that I have never had much of academic endeavors, it is an unpredictable twist of fate that this book exists.

Along with this expedition called writing a doctoral dissertation, I found myself in places and conversations where I never imagined to be. Eye opening seminars, methodological reflections, joy (and agony) when reading other people’s brilliant research, self-doubts, tears, excitement for the privilege of learning and developing my thinking. This work has been my travel companion at least in the cities of Tampere, Loviisa, Dakar, Kuhmoinen, Abu Dhabi, Sitges, Washington D.C., Brussels, Antibes, Reykjavik and Tallinn. I also got to experience premises of different authorities and a daily commute past 1600 Pennsylvania Avenue.

When I first started drafting the research plan (thank you for the inspiration, Otto) in 2018 and presented it to my soon-to-be-supervisors, Professor Sakari Melander and Docent Leena Malkki, they must have been shaking their heads after I left their rooms. My scribbling of a plan was probably one of the most modest ones these esteemed academics had encountered. However, for some peculiar reason, they agreed to act as my supervisors. Perhaps they saw my enthusiasm and commitment to finding out what jihadist financing really means in the Finnish domain. Actually, my original plan was to examine a very specific FATF recommendation (No. 8 regarding NPOs) and its application in Finland, but I soon learned that the understanding of jihadist support activities in Finland was so undeveloped, that a more general study on the topic was required.

Thank you, Sakari and Leena, for trusting my willpower to get answers to the research questions even though I obviously had quite a mountain to climb. I would like to thank Sakari also for steering me towards suitable theoretical choices and not letting me take any shortcuts. Sakari was also kind enough to act as my custos during the doctoral defence, which I’m very grateful for. Leena, you are the

definition of wisdom: calm, rational, reliable and kind. Combined with a brilliant sense of humour, one could not ask for a better supervisor. You pushed me forward when I was stuck and fought beside me the battles that needed to be fought. Thank you.

I would like to extend my heartfelt gratitude towards my opponent, esteemed Professor Ester Herlin-Karnell from the University of Gothenburg. Thank you for your thorough work. I look forward having the opportunity to defend my dissertation under your examination. I would also like to thank Professor Amir Rostami from the Södertörn University for serving as the other pre-examiner of my dissertation, it was an honour. I would also like to thank the anonymous peer reviewers of my articles for their insightful and helpful comments, which remarkably improved the quality of my dissertation.

When my younger daughter was only a few months old, during the hot summer of 2020, she had spent more time in the interrogation room no. 2 at the National Bureau of Investigation (NBI) than the most infamous criminals in Finland, since I was analyzing the NBI's data with my co-writer Juha Saarinen at the premises. Thank you AK for your cuteness, and thank you Juha, for all your wise ideas, immaculate editing and most of all: for your friendship. We made one helluva oddball team in which our differences kept the unity working!

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Associate Professor Tatu Hyttinen was the last person I met before the outbreak of the covid pandemic in March 2020. Thank you, Tatu, for listening and giving a light green light to my ideas. Thank you also for constantly keeping the AML/CFT community on its toes and aware of suggestions for improving the efficacy and legitimacy of the system.

I had the pleasure of utilizing an office at Porthania in 2019-2020. Since I completed my Master's Degree at the University of Turku, I was not familiar with the personnel of the faculty of law at the University of Helsinki. I learned a great deal about academic life and most of all, met talented and kind people, including fellow doctoral students and professors. Professor Kimmo Nuotio, in particular, made a profound impression on me. His academic excellence is something I already was familiar with, but his kindness and compassion which radiate everywhere around him, struck me. I even once called him when I had one of the most confusing moments during my research. Thank you, Kimmo, for not pressing the red button on the phone.

One of the pleasures of working at the university was to meet Associate Professor Heli Korkka-Knuts, who is another example of a brilliant, kind and warm academic. When I was presenting my work at a workshop at the early days of my research, Heli asked a vital question: "Very nice Lotta, but where is the jurisprudential relevance in this?" When conducting multidisciplinary research, one has to be careful not to end up with nondisciplinary research. So, Heli's

question has accompanied me all along while developing this research and I hope the forthcoming pages deliver an answer which satisfies also Heli's standards.

Thank you LL.D. Henna Marjosola for your peer-support at the early years of my work, and for letting me know that an article-based dissertation requires also a synthesis! Ph.D Katja Vallinkoski has been my role model in how to successfully finish a dissertation and truly rock the doctoral defence. Thank you, Katja, also for your practical tips during the final stretch of my dissertation journey.

I am very grateful to Fulbright Finland Foundation and its travel grant programme, which enabled me and my family an amazing opportunity to spend the winter 2021-2022 in Washington, D.C.. When reviewing options for universities or other academic communities which could host my research visit in D.C., I decided to aim for the best, George Washington University's Program on Extremism (PoE). For a reason I still can't believe, PoE's Director, Dr. Lorenzo Vidino saw some nascent potential in my research and agreed for the PoE to host me. PoE's personnel's academic brilliance and extreme hospitality made my research visit a fruitful and an intriguing one. And the premises! It is difficult to beat a location on the Pennsylvania Avenue... Thank You, Dr. Vidino. I owe a lot also to Andrew Mines for being always helpful and for organising data collection with the assistance of PoE's interns. A warm thank you! My appreciation goes also to Seamus Hughes and Jon Lewis. Your academic work (and network diagrams) are an inspiration.

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I consider myself particularly fortunate to have worked in communities where lifelong friendships have been formed. Thank you Jaska, for believing in me despite my "aggressive cheekiness". Amazingly, we're still oriented to time and place. Sometimes. Thank you, Mikko, for being honest and engaging in my questions even when we didn't yet know each other. Tuomo, thank you for organizing things so well at the NBI's interrogation room number 2. Vilma the Justice, thank you for the dark humour, unicorns and ginger shots and most of all, the best peer support and lunch breaks one could ask for. And for not singing in our room, at least all of the time. Thank you Krisu, Olli and Simo for the laughs, data protection and IT-support. Thank you Illi for stepping in when the duty called. Thank you Lillis and Jussi for the good times and for explaining the inner works of cryptos, at least a hundred times. (I still don't quite get it.) Thank you, you, remaining in the shadows – for sitting and talking with me through the rough and the good, challenges and festivals.

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advised me in the early days of my research that one of the keys to finishing a dissertation is to learn how to step over a vacuum cleaner without touching it. Against my nature, I have indeed had to learn to let some routines and (cleaning)standards go and focus only on writing. Thank you for the accurate advice, Hanna!

To my prosecutor gang: thank you for the in-depth, endless conversations regarding legal theories and prosecutorial paradigms in Helsinki, Split, Sitges, Hania and Antibes. However, I promise not to carry any articles with me on the next trip! Maybe. Thank you friends, near and far, for constantly asking me when I will finally be in the phase of organising the karonkka and why it's taking so long. We're pretty close now!

Thank you Team Mummi & Mummo for all of your love and help in keeping us fed and the garden immaculous! We miss your stories, Riitta. Thank you Henna and Aava for helping with Dey, among other things. Merci und Danke Schön also to Meline, Marie-Laure, Lolyne and Elina! Höyssä, thank you for helping me to keep everything somewhat together during the last 30 years.

For some unbelievable reason I've been lucky to receive absolutely limitless support at home. Ok, let me rephrase: I've been in the position of receiving limitless support from the father of my children, who has offered his literally never-ending support in organizing time and space for me to write. Your overall resilience and love is something I've not experienced before. Thank you, J. Whereas my dear, dear children may not have supported me by giving me time and space to write, quite the contrary. And I thank you for that: my life has been full of colour, laughter and wet kisses, and my priorities have never shifted. I love you.

I hope you enjoy the read,

Lotta

List of abbreviations

AI = Artificial Intelligence
AML = Anti-Money Laundering
ANF = al-Nusrah Front
AQ = al-Qaeda
AQAP = al-Qaeda on Arabian Peninsula
CFT = Countering the Financing of Terrorism
CHS = Confidential human source
CIA = Central Intelligence Agency (of the U.S.)
CTED = the United Nations Counter-Terrorism Committee Executive Directorate
ERW = Extreme right wing
EU = the European Union
FAMLIT = Finnish Anti-Money Laundering Taskforce
FATF = Financial Action Task Force
FBI = the Federal Bureau of Investigation (U.S.)
FININT = Financial Intelligence
FIU = Financial Intelligence Unit
FTF = Foreign terrorist fighter
FTO = Foreign terrorist organisation
HTS = Hayat Tahrir al-Sham
IMF = the International Monetary Fund
ISIS = Islamic State in Iraq and Syria
JMLIT = Joint Money Laundering Intelligence Taskforce
KFR = Kidnap for ransom
ML = Money Laundering
NATO = North Atlantic Treaty Organization
NBI = National Bureau of Investigation
NPA = National Prosecution Authority
OECD = Organisation for Economic Co-operation and Development
OSCE = Organization for Security and Co-operation in Europe
PKK = Partiya Karkerên Kurdistanê (Kurdistan Workers' Party)
PPP = Public-private partnership
SAR = Suspicious Activity Report
STR = Suspicious Transaction Report
Supo = Suojelupoliisi (Finnish Security and Intelligence Service)
TF = Terrorist Financing
TFTP = Terrorist Finance Tracking Program
TRF = Transnational Regulatory Framework
UN = United Nations
UNITAD = Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL
UNODC = The United Nations Office on Drugs and Crime
UNSC = United Nations Security Council
U.K. = The United Kingdom

U.S. = The United States (of the America)
VAT = value-added tax

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List of original publications

This dissertation is based on the following publications:

- I Lotta Tuomaala-Järvinen, Uhkailu, kiristys ja ryöstäminen – pysyvät metodit jihadistiryhmien varainhankinnassa, in Paronen, Antti – Saarinen, Juha (ed.), Karavaanin sotapolku – näkökulmia jihadismiin. National Defence University, Series 1: Research publications no. 42, Helsinki 2020, pp. 83-108
- II Lotta Tuomaala-Järvinen – Juha Saarinen, Crime and Punishment: Jihadist Financing and Criminal Accountability in Finland, Perspectives on Terrorism, Vol. 15, Issue 5, 2021, pp. 59-71
- III Lotta Järvinen, Al-Qaeda's Meager Lifeblood: Examining the Group's Financing Activities in the U.S. George Washington University, Program on Extremism publications, 2022

The publications are referred to in the text by their roman numerals.

1 Introduction

”Dear brothers: Jihad heavily relies on money. In Qur’an, the physical jihad is associated with jihad with one’s wealth in eight verses. In every verse but one, jihad with wealth preceded the physical jihad. That is because without wealth there can be no jihad.”

-Anwar al-Awlaki, a spokesperson for al-Qaeda (1971-2011)

This dissertation explores a particular form of terrorism, jihadism. Departing from a focus on jihadist attacks per se, attention is shifted to an enabling support activity: the collection and provision of assets to actors involved in jihadism. The collection and provision of such assets is commonly conceptualized under the established term terrorist financing.

Since the early 2000’s, considerable regulatory measures have been introduced to counter terrorist financing, which is reflected in both private sector actors’ and authorities’ duties, and the third sector, as well. The Finnish national regulation is largely based on European regulation, which in turn stems from international instruments. This extensive international framework covers inter alia private actors defined as obliged entities in the Act on Preventing Money Laundering and Terrorist Financing (444/2017), their supervisors, Financial Intelligence Units (FIUs), criminal investigation authorities, prosecutors and judicial authorities. This wide network of norms, including soft law and legally binding legislation, may be described as global governance of crime and for the purposes of this research, global governance of terrorist financing.

Global governance of terrorist financing consists of global regulations, standards, recommendations, information exchange, and monitoring of the set standards’ implementation and transposition. This framework is often eventually transposed to national law. Typical agreements and recommendations for the global governance system in the context of jihadist financing include United Nations Security Council (UNSC) resolutions, EU legislation, Council of Europe conventions, and recommendations and monitoring mechanisms of various committees and organisations such as the Basel Committee or the Financial Action Task Force (FATF).

Currently, there are no final judgments on jihadist financing in Finland.¹ It is necessary to examine why so few pre-trial investigations have been initiated and only a few charges have been pressed for terrorist financing crimes in Finland. Does jihadist financing not exist in Finland, has the international global governance framework not been implemented in the country or are there other explaining factors thereof? In this dissertation, the underlying factors contributing to the absence of judgments is analysed and suggestions are offered to help address the existing challenges.

The material utilized in this dissertation is unique, and to date, no prior comparable research on the subject has been conducted in Finland. The main focus of the research is on the national examination of jihadist financing, but the topic is also studied by placing it in an international context. The phenomenon is global and examining it in a national vacuum would not be meaningful. Therefore, in addition to the national perspective, the research is enriched by an article mapping the global financing methods of three significant jihadist groups and an article delving into certain forms of jihadist financing in the United States.

The anti-money laundering/countering the financing of terrorism (AML/CFT) framework does not differentiate between terrorist ideologies, let alone groups. However, when drafting the research plan for this dissertation, it was necessary to limit the examination of terrorism into a certain ideology, geographical area and timeline. Jihadist terrorism has been actively researched within the last decade, largely due to the ISIS (Islamic State in Iraq and Syria) Caliphate which was established in mid-2010's. However, in the Finnish context, there has not been significant amount of research on the matter, especially in the jihadist financing sphere. Also, Finnish authorities have designated "radical Islamist" as one of the most serious terrorist phenomenon -which arises mainly through support activities such as financing- and emphasized the harmful implications returning foreign terrorist fighters (FTF) may have.² Therefore, and due to personal inclinations, jihadist financing was a suitable direction for this research.

In this introductory chapter, motives for conducting the research, terminology, research questions, multidisciplinary approach, methodological choices, previous research, a review of terrorist court cases, limitations of the research and ethical considerations are presented. After the introduction, the theoretical framework is outlined, concentrating on the development and

¹ As of January 2026.

² The Finnish Security and Intelligence Service, Suojelupoliisi (Supo) 2021, pp. 10-11; Supo 2022, pp. 12-13; Supo 2023 a), pp. 12-13; Supo 2025, pp. 38-39.

legitimacy of global governance of terrorist financing. The third chapter presents the three research articles composed as part of the dissertation, focusing on key findings and examining how these outcomes align with and advance the overarching research objectives of the dissertation. The fourth chapter circles back to the main research questions and examines why there are so few pre-trial investigations and prosecutions of terrorist financing in Finland despite comprehensive implementation of global governance of terrorist financing framework. The fourth chapter also presents suggestions for enhancing the criminal accountability in cases involving jihadist financing. Since the phenomenon is researched from the perspective of criminal law in this dissertation, the fourth chapter also assesses reflections of global governance of crime framework in relation to the development and understanding of the Finnish criminal law. The fifth and final chapter shifts focus to unexplored, future research directions, identifying key questions and potential areas of interest related to jihadist financing and the broader context of global governance of terrorist financing.

1.1 Why does research on jihadist financing matter?

1.1.1 Phenomenal knowledge interest

Jihadism may be examined from multiple perspectives, including as a social phenomenon, a political matter, an issue of criminal justice, in the framework of religion or as a military concern. It is clear that disrupting financial flows alone will not be sufficient to address jihadism or broader forms of terrorism. Certain jihadist actors will inevitably perceive terrorist methods as beneficial to their cause. A strong will to execute a jihadist attack will most likely not be hindered if the perpetrator will not have access to significant assets and conversely: a group of people will not start utilizing violent methods merely because they have access to vast financial assets. Efforts to counter terrorism must take a comprehensive multi-layered approach that supports political, social and economic stability in societies. This includes preventive measures relating to violent extremism on many fronts, from child protection and youth-focused socio-political interventions, to engaging Muslim leaders in outreach programs for individuals in risk of radicalisation. It also requires sustained investment in de-radicalisation programs, alongside ensuring that all actors involved in countering terrorism are adequately resourced, including security and intelligence agencies, investigative authorities, prosecutors, the judiciary and prison and probation services.

One of the critical arguments aimed towards countering terrorist financing is a claim that despite extensive legislation and significant resources spent on the issue, the Western anti-terrorist financing community does still not quite

understand what the phenomenon is about.³ It appears that often money flows related to jihadist financing are similar to any transactions flowing through the international financial system.⁴ The ways of financing terrorist actors are so diverse and vary based on the financier and the recipient, that identifying the transactions and investigating the issue both operationally and academically proves challenging. It has also been argued that focusing on the financial aspects of terrorism is futile, because the majority of assets transferred for the purposes of terrorism, are actually not sent through the global financial system and even if they were, the sender and/or recipient are so well hidden that it is impossible to discover their authentic identities.⁵

It is essential to acknowledge that the tools available in combating jihadist financing, including efforts both on the private and public sector, were never intended to defeat jihadism, but rather to disrupt the terrorist actors' networks and operations, and consequently deny them the funding necessary to fully carry out their activities on a larger scale. Further, such tools will obviously have the strongest efficacy when employed as part of a larger strategy in tandem with diplomatic, political, law enforcement, judicial and military tools rather than instead of them.⁶

For jihadist groups, gaining funds is vital for their success and existence. Permanent operational activity conducted in an organised manner is impossible without an established collection of funds. By hampering financial capabilities of jihadist groups, it is possible to prevent their full-scale armed operations as well as weather their credibility and legitimacy, and consequently weaken their operational and organisational preconditions.⁷

All jihadist activity does not entail a financial dimension. However, a deeper understanding of the mechanisms behind jihadist groups' fundraising, ways to transfer, invest and store funds, as well as the formation of financial networks, enables a better grasp of the phenomenon of jihadism. In addition to investigating jihadist financing, it is also necessary to be aware of the financial ecosystem in order to detect and investigate other terrorist offences. When examining any terrorist offences, the financial footprint is essential to recognize. When security and intelligence services gather information on a specific individual, his/her purchases,

³ See e.g. Wittig 2011, pp. 1-2.

⁴ See e.g. Romaniuk 2014, p. 7.

⁵ See e.g. Neumann 2017.

⁶ Similarly in Bauer – Levitt 2020, p. 49.

⁷ Article I, p. 84.

money transfers and other financial data reveal facts about the individual's networks, connections and future plans. Consequently, it is possible to gather pieces of information regarding person's social life and possibly surprisingly accurate information regarding planned terrorist activities. Also, after a terrorist act, it is necessary to examine the financial background of the perpetrator.⁸

There are several examples in which following the money trail has provided valuable information. Among publicly reported cases, examples include the 2005 bombings of the London Underground. At the crime scenes of July 2005, credit cards and other financial data were used to identify not only the suspects, but also witnesses and victims. A Barclay card found at Edgware Road identified Muhammed Siddiq Khan, one of the suicide bombers, and led investigators to start to identify the network involved. Another example from the U.K. is an airline plot in 2006 which was foiled after the National Terrorist Financial Investigations Unit detected large money transfers disguised as "earthquake relief" from a British-based Islamic charity to the three suspected bombers.⁹

The September 11, 2001 attacks in the U.S. were also carefully investigated from the point of view of finances. The 9/11 Commission Report¹⁰ assessed the source and amount of finances, as well as the involvement -or the lack thereof- of state sponsorship. In 2003, transactions between a known al-Qaeda supporter and a previously unknown figure in South Asia allowed the U.S. government to trace Riduan Isamuddin, the mastermind of the 2002 Bali bombing.¹¹

In the Finnish context, investigations regarding terrorist financing are rare. Nonetheless -or perhaps precisely because of it- knowledge on the support structures behind jihadist activity are necessary for practitioners, including decision makers, intelligence agencies, law enforcement agencies, prosecutors and judges. Research-based information is also important for the general public to support meaningful discussions on the matter.

According to the National Counter-Terrorism Strategy 2022-2025, Finland is committed to combating terrorist financing by investigating cases of terrorist financing, detecting networks relating to counter-terrorism target individuals, and identifying ways in which terrorist financing functions. One of the

⁸ Ibid., pp. 84-85.

⁹ Dametto 2014.

¹⁰ Kean – Hamilton – Ben-Veniste – Kerrey – Fielding – Lehman – Gorelick – Roemer – Gorton – Thompson, 2004.

¹¹ Lichtblau – Risen 2006.

most important aims of the Finnish government regarding countering terrorist financing is to actively prevent asset transfers for terrorist financing and to protect the financial system.¹² It is one of the aims of this dissertation to support decision makers in comprehending the various aspects of jihadist financing and its counter-measures.

The underlying foundation for countering jihadist financing is apparent: to prevent or reduce terrorist attacks motivated by jihadism. Terrorist attacks are aimed against the core values of Western societies which are coded also in the Constitution of Finland: right to life, personal liberty, integrity and security.¹³ Terrorist methods pose a threat to national security in various ways. In addition to threatening the health and life of citizens, a terrorist attack may target the leadership of a society, international organisations, critical functions of a state, critical infrastructure, public places, large crowds or people carrying out tasks that are critical to society. An act of terrorism can have both immediate and long-term consequences, extending beyond the incident itself by instilling fear in the population and prompting increased security measures. These responses affect the daily life of people and require authorities to allocate resources to address specific threats, thereby impacting their routine operations.¹⁴

At its essence, the criminalisation of terrorism-related offences serves to safeguard the integrity of a democratic society and the institutions that uphold its foundational principles. The victims of terrorist offences are not necessarily the actual targets of these crimes, but they are objectified and instrumentalized to achieve more general goals and shake the foundations of a democratic state. In addition to causing harm through violence, terrorism aims at psychological influence.¹⁵

The National Threat Assessment of Finland notes that an attack on the key vital functions of society, such as an act targeting a telecommunications network and power grid nodes, or an act targeting key persons or the deterioration of social order can cause significant repercussions on the functions of society. The attack may deteriorate social order, the operating capacity of authorities and citizens' crisis resilience. When threats relating to terrorism are combined with a social media campaign that contains exaggeration and threats, panic and chaos

¹² Ministry of the Interior 2022, p. 16.

¹³ The Constitution of Finland (731/1999), Chapter 2, Section 7.

¹⁴ See e.g. Ministry of the Interior 2023, pp. 45-46.

¹⁵ Government Proposal 163/2025, p. 13.

among the population may turn into forms that can shake society.¹⁶ Terrorist groups and networks are able to transform themselves and take advantage of other forms of criminality, and also make use of new technologies, for example data networks and materials used in creating weapons of mass destruction.¹⁷

In addition to setting counter-terrorism efforts high on the national security agenda, Finland is also committed to international counter-terrorism cooperation and prevention of the violent radicalisation that leads to terrorism. The EU's European Internal Security Strategy highlights a need for a "comprehensive counter-terrorism agenda to prevent radicalisation, secure online and public spaces, throttle financing channels and respond to attacks when they occur." The terrorist threat level in the EU remains high and is "closely linked to the spillover effects of geopolitical events, new technologies, and new means of terrorist financing, the strategy calls for a need to ensure that the EU is well equipped to anticipate threats, to prevent radicalisation (both offline and online), to protect citizens and public spaces from attacks, and to effectively respond to attacks when they occur."¹⁸

Apart from the European Union, the main global governance of crime actors on a global level are the UN, the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), North Atlantic Treaty Organization (NATO), the Global Coalition to Defeat Daesh/ISIS, Europol, Interpol, Eurojust and other international and European partners, including counterterrorism cooperation among the security and intelligence services.¹⁹ Thus, the political will and global governance instruments appear to be in place for both global and local measures against terrorism. This dissertation makes a practical contribution to meeting the escalating need for information regarding the trends and developments in jihadist financing, to be utilized by practitioners in the field of countering jihadist financing.

1.1.2 Academic knowledge interest

Apart from entailing significant practical knowledge interest as presented in the previous chapter, a doctoral dissertation must primarily offer answers and findings to academic knowledge interests. Such interests determine how a particular

¹⁶ Ministry of the Interior 2023, pp. 45-46.

¹⁷ Government Report on Finnish Foreign and Security Policy 2016, p. 16.

¹⁸ The European Commission 2025, pp. 22-23.

¹⁹ Ministry of the Interior 2022, p. 12.

research is situated within the ongoing evolution of scholarly outputs regarding a particular topic. The academic knowledge interest not only shapes the type of new information a researcher seeks to generate about a topic, but is also closely aligned with the methodological choices made in its examination.²⁰

The global governance of crime frameworks have not previously been reviewed in the domain of implementation and efficacy relating to countering jihadist financing in Finland. Similarly, the underlying reasons for the absence of convictions related to the financing of jihadism have not been examined on an academic level, nor have any proposals been put forward to enhance criminal accountability in this context. This dissertation also introduces a new perspective to Finnish criminal law research: what the comprehensive implementation of global governance of terrorist financing framework reveals about the current state and understanding of Finnish criminal law.

The findings of this dissertation create a basis which may be further developed by other academics, regardless of their disciplinary adherence. Since the topics intersect various academic disciplines, including law, political science, and political history, this multifaceted research topic invites versatile and creative interdisciplinary or multidisciplinary research opportunities which may be sparked by this particular dissertation.

Originality is one of the components considered when assessing the quality of academic work. It also has conjunction to academic knowledge interest. Originality is a way of assessing how research has yielded new insights to the academic community. Academic originality may stem from the substance of the research questions or from the specific context —such as the jurisdiction, time frame, or case study— within which those questions are posed and answered. Research may be methodologically original, answer similar research questions which have been answered before, but utilize different data or different methods.²¹ In this dissertation, academic understanding is advanced by posing several unique questions relating to jihadist financing in the Finnish context.

Another key aspect of academic work is identifying the appropriate audience for the knowledge produced. In the Finnish jurisprudence context, renowned academic Aulis Aarnio (1937-2023) has maintained discussion on the concept and importance of “auditorium”.²² A writer must always take their readers into consideration when planning and aligning a text. After being accepted as a

²⁰ Siltala 2003, p. 130.

²¹ Webley 2019, p. 66.

²² See e.g. Nuotio 2003, pp. 165-170.

Doctoral Candidate in the Faculty of Law, University of Helsinki, it was clear that the first and foremost objective of this dissertation was to contribute to the academic tradition and research demand of the faculty. Due to the multidisciplinary nature of this dissertation²³, the primary auditorium is, however, not merely the jurisprudential academics, but also other members of the wider, global academic community, including social scientists, political historians and anyone interested in academic research on jihadist financing.

Yet, perhaps the most meaningful discussions, argumentation and enlightenments regarding the research topic have been with the day-to-day practitioners including the personnel of the Financial Intelligence Units (FIUs), both in Finland and internationally, law enforcement officers, intelligence experts, prosecutors and compliance officers. Therefore, this dissertation draws inspiration and knowledge from identified real-life challenges and information needs, and I argue that therefore, all the articles included in this dissertation are relevant for multiple audiences including academics, as well as practitioners. Decision makers and the general public may also review this work in order to advance the quantity and quality of jihadist financing related conversations.

1.2 Key terminology

1.2.1 Jihadism and related concepts

It is evident that the terminology employed to describe radical Islamist or jihadist activities varies considerably and is contingent on the actor adopting the definition, as well as on the contextual and sometimes intentional framing of the publication. In this dissertation, the term 'jihadism' is used as the most suitable way to describe the ideology behind groups such as al-Qaeda, al-Shabaab, ISIS, and similar actors, even though its use is recognized as complex and not without constraints.

It is worthwhile to closely examine why in this dissertation the controversial term jihadism has been chosen to describe activities which derive from violently extremist (mis)interpretations of Islam. The controversy of the term jihadism derives from the disputes regarding the word 'jihad'. The essential meaning of jihad is the subject of extensive discussion both in academic debates and in practice, reflecting its diverse religious interpretations in Islam. To many Muslims, reducing the concept of jihad to simply the use of violence is incorrect and

²³ See Chapter 1.4.

therefore offensive. It is argued that the term may refer to any physical or mental struggle of trying to achieve something meaningful in a good cause. However, the term is also widely used in the Muslim world and elsewhere to describe groups that use religiously motivated violence to achieve their political goals. It is also argued that the term refers to religiously obligatory campaigns of conquest directed against non-Muslims, who should be conquered. A historical comparison with the Christian crusades of the Middle Ages has also been utilized to describe the current jihad: Sunni Islam is believed to be under attack from a global alliance, comprising Christians, Jews, people of other religions such as Buddhists and Hindus, and also secularists. According to this narrative, governments of the Muslim world who have allied with these 'takfirs', for example through membership of the UN, are declared non-Muslims and, therefore, legitimate targets.²⁴

Even though the term jihad may be traced back hundreds of years, the term jihadism begun to be used widely in connection with the conflict between the Soviet Union and Afghanistan and the flow of foreign fighters to the conflict zone in the 1980's, which established the base of classical jihadism. A few decades later, al-Qaeda introduced a global form of jihadism and shortly afterwards ISIS started to practise sectarian global jihadism.²⁵

Jihadism is sometimes used as a synonym for radical Islamism. Even though the two movements share similar ideas, for example that Islam and politics shall not be separated and both movements strive for a society which functions in accordance with their interpretation of Islam. Also, both movements share an ideology against the Western world and all other religions, and repeat a narrative that non-Muslims -and actually also moderate Muslims- are harboring a conspiracy to destroy their movements.²⁶

While radical Islamism and jihadism share certain similarities, they can also be distinguished in significant ways. In particular, contemporary jihadist groups, represented by al-Qaeda and its offshoot ISIS, place less emphasis on religious purity, which the jihadist movement has highlighted to forming a separating factor between themselves and Islamists. Jihadist movements also reject the legitimacy of states, the international political system, laws, and surrounding social and government structures, whereas radical Islamist movements accept them. A fine example of this kind of radical Islamist movement is Hamas, which

²⁴ On the controversy of "jihad", see e.g. Peters 1979; Sedgwick 2015; Maher 2016, pp. 46-85; Vidino – Marone – Entenmann 2017, p. 19.

²⁵ Malkki – Saarinen 2019, p. 35.

²⁶ See e.g. Maher 2016, pp. 46-85; Bunzel 2017, pp. 4-8; Malkki – Saarinen 2019, pp. 33-35.

traditionally has also taken part in Palestinian party politics. Jihadists aim to utilize terrorism and insurgency in order to establish an Islamic society.²⁷

It is important to comprehend that while conducting intelligence operations, preliminary investigations²⁸ and pre-trial investigations into jihadist financing, it is not always possible nor practical to ponder on whether the identified terrorist activities should be defined to be radical Islamist or jihadist or something else in their nature. The crucial factor is to prove the terrorist intent or awareness of the fact that certain funds are to be used by terrorist actors. Therefore, while this research partly utilizes the same material as intelligence and investigation professionals, it is impossible to conclude that 100% of the material examined in this research implies jihadist activity following the strict meaning of the word, and to declare as a fact that the perpetrator in question would not identify as a radical Islamist or, alternatively, adhere to a different extremist ideology instead of a jihadist.

When examining terms used by authorities, the Finnish Security and Intelligence Service (Supo) has traditionally used the term ‘radical Islamism’²⁹ but the term itself appears to remain undefined in their official materials, so it is challenging to determine why they have chosen the term and not for example salafi-jihadism or jihadism. Perhaps the agency seeks for an umbrella term to include all activity which is descended from violently extremist (mis)interpretations of Islam. The Ministry of the Interior has also used the term ‘radical Islamism’ in their publications, for example in the National Counter-Terrorism Strategies, but it has not been further clarified either, according to the knowledge of the author.³⁰

As for the Finnish FIU publications³¹, terrorist ideologies are not differentiated, so when describing received suspicious transaction reports (STRs) regarding terrorist financing, the Unit only refers to ‘terrorist financing’. Consequently, it is not possible to determine the distribution of different terrorist ideologies. There may be several reasons behind this practice. Reports received by

²⁷ Ibid.

²⁸ In the context of this dissertation, the term preliminary investigation (suom. esiselvittely tai esiselvitys) refers to actions taken by investigative authorities in order to discover the facts and circumstances of a potential case before a decision has been made to initiate a pre-trial investigation (suom. esitutkinta). The term pre-trial investigation refers to an investigation which is conducted based on the Criminal Investigations Act (805/2011), Chapter 3 Section 3.

²⁹ See e.g. Supo 2022; Supo 2023 b).

³⁰ See e.g. Ministry of the Interior 2022; Ministry of the Interior 2018.

³¹ See e.g. Financial Intelligence Unit 2023; Financial Intelligence Unit 2024.

the FIU are pieces of unverified intelligence information, delivered to the Unit usually by the obliged entities, which report ‘suspicious activities’ or ‘suspicious transactions’ which may have indications of terrorist financing. Therefore, it might not be productive or even possible for the FIU to create a breakdown of the reports based on the type of alleged terrorism in question.

An authority which stands out in its favor regarding defining used terms is Europol, which refers to ‘jihadist financing’ in one of its main products, a yearly TE-SAT (European Union Terrorism Situation and Trend Report) report. Europol has also included a compact definition of jihadism in the TE-SAT:

“For the EU TE-SAT, jihadism is defined as a violent sub-set of Salafism, a revivalist Sunni Muslim movement that rejects democracy and elected parliaments, arguing that human legislation is at odds with God’s status as the sole lawgiver. Jihadists aim to create an Islamic state governed exclusively by Islamic law (shari’a), as they interpret it. Unlike other Salafist currents, jihadists legitimise the use of violence by referring to the classical Islamic doctrines on jihad, a term that literally means ‘striving’ or ‘exertion’, but which jihadists treat as religiously sanctioned warfare. All those who oppose jihadist interpretations of Islamic law are considered as ‘enemies of Islam’ and therefore considered legitimate targets. Some jihadists include Shi’a, Sufis and other Muslims in their spectrum of perceived enemies.”³²

1.2.2 Financing

In academic research, policy documents, risk assessments and other outputs related to terrorist financing, the concept of ‘financing’ is seldom explicitly defined. According to the UN International Convention for the Suppression of the Financing of Terrorism 1999 Article 2: “Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out...” The term of ‘providing and conducting’ have been subsequently adopted to the European Union’s legislation and trickled down to national legislations, also in Finland.

³² Europol 2025, p. 23.

The Fourth Anti-Money Laundering Directive³³ (4th AMLD) defines terrorist financing as “the provision or collection of funds, by any means, directly or indirectly, with the intention that they be used or in the knowledge that they are to be used, in full or in part, in order to carry out any of the offences within the meaning of Articles 1 to 4 of Council Framework Decision 2002/475/JHA.” These offences entail terrorist offences³⁴ (Article 1), offences relating to a terrorist group (Article 2), offences linked to terrorist activities (3) and inciting, aiding or abetting, and attempting offences listed in Articles 1-3 (Article 4).

In the Criminal Code of Finland (39/1889, “Criminal Code”) terms ‘providing and collecting’ are employed. Chapter 34 a Section 5 (financing a terrorist offence), Section 5 a (financing a terrorist) and Section 5 b (financing a terrorist group) all refer to “A person who provides or collects funds, directly or indirectly...”.³⁵

In the context of criminalising terrorist financing, the term ‘funds’ play a significant role as well. The term ought to be understood in an expansive interpretation to include assets of every kind, tangible or intangible, movable or immovable, also documents in any form, including electronic or digital, which hold monetary value.³⁶

³³ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.

³⁴ Using and understanding terrorism-related definitions is not unproblematic. For the purposes of this dissertation, ‘terrorist offences’ refer also to terrorist financing offences and all other criminalised terrorist activities, not only offences with terrorist intent.

³⁵ Government Proposal 163/2025 vp. regarding terrorist offences was announced in a plenary session of the Finnish Parliament in November 2025. The legislative changes have been followed up until March 2026. The Finnish regulation in force in March 2026 regarding terrorist financing offences is further examined in Chapter 4.1 of this dissertation.

³⁶ In the UN International Convention for the Suppression of the Financing of Terrorism 1999 Article 1, funds are defined as “assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit.”

In the context of financing a terrorist group, counter-terrorist financing expert, Dr. Jessica Davis underlines the difference between organisational and operational financing.³⁷ This separation derives from the needs of the recipient of the funds and therefore, this granular approach is not required when considering terrorist financing on a global scale since the person sending the funds does not always know how they will be used and from the perspective of financing a terrorist or a terrorist group, criminal accountability does not require for the sender to know how exactly the funds will be used. However, when holding an individual accountable for financing a specific terrorist offence, the purpose of the funds use must be both considered and proven. This separation is also necessary to understand when forming an overall picture of local and global terrorist activities and comprehending how terrorist actors operate.

It must be noted that when examining jihadist support activities, not only the standard principles of complicity in a crime must be considered, but it may be difficult to differentiate between participation in financial and other support activities such as preparation of an offence committed for terrorist purposes, participation in the activities of a terrorist group complicity in a crime or facilitating travel for the purpose of committing a terrorist offence. Further, some jurisdictions include serving as a member of a terrorist group as “providing material support to terrorists” in their legislation which regulates terrorist financing. For example, the United States (U.S.) Code regarding providing material support to terrorists, covers also the provision of personnel as material support, including the individual him-/herself.³⁸ However, for the purposes of this dissertation, providing personnel or other services is not included in the definition of jihadist financing, even though one sub-study of this research, Article II, was created in the U.S., based on local data. Jihadist financing includes instances where funds, tangible or intangible have been transferred or attempted to be transferred to a terrorist actor.

1.2.3 Jihadist financing

If the concept of terrorism is difficult to define, the same applies to the financing of terrorism and, within the framework of this study, financing of jihadism. In this dissertation, it is important to note that jihadist financing is examined more widely than only as the terrorist financing offences regulated in the Finnish Criminal Code, Chapter 34 a, Sections 5 – 5 b. If the interpretation of jihadist financing would be

³⁷ Davis 2021, pp. 3-6.

³⁸ Title 18 U.S. Code § 2339A.

limited to the aforementioned legal definition, the phenomenon appears non-existent in Finland, since there are zero upheld convictions in the country.

Jihadist financing is comprehended in this dissertation as a multi-sited, societal phenomenon. In the early stages of this research project, I had difficulties as a lawyer to discuss certain events relating to sending money abroad to terrorist actors as 'jihadist financing' since the events had not been investigated by the police, prosecuted and consequently convicted as such in court proceedings. However, as delving deeper into the reality of terrorist financing and other support activities holistically, it has become evident that even without the ruling of a court, some events may and ought to be classified as jihadist financing. It may be defined as jihadist financing when a person commits an act by which she/he collects or provides funds to a jihadist actor, whether or not a judge has rendered a judgment.

The first case in Finnish history to involve charges of terrorist financing serves as an illustrative example. Four Somalis, three men and one woman, had constituted a cell that sought to raise and transfer funds to al-Shabaab between 2008 and 2011. The alleged cell members were suspected of several terrorist offenses, including financing of terrorism. The prosecution claimed that the defendants had raised and moved funds, reportedly approximately 2,000–3,000 euros in total, partly through charitable donations, via a Hawala service provider to Somalia and Kenya, with the intention of supporting al-Shabaab.³⁹

On December 19, 2014, the Helsinki District Court sentenced one person to suspended imprisonment for preparation of an offense to be committed with terrorist intent, recruitment for the commission of a terrorist offense, and terrorist financing, as well as three persons for terrorist financing. The Helsinki Court of Appeal, however, dismissed the charges on March 23, 2016. The Appellate Court deemed that the defendants' acts did not meet the offence description of terrorist financing, because even though the funds were funneled to al-Shabaab, which is a terrorist group, it also engages in activities other than terrorism, for example actions which could be classified as charitable work.⁴⁰ Under the current legislation, the same facts would lead to a different outcome: financing of a terrorist group was criminalised in 2015. Therefore, it is no longer necessary to demonstrate how the group utilizes funds sent to the sphere of its influence.

³⁹ Helsinki Court of Appeal, Judgment number 16/111925, 23 March 2016. Prior judgment: the District Court of Helsinki, judgment number 155462, 19 December 2014.

⁴⁰ Helsinki Court of Appeal, Judgment number 16/111925, 23 March 2016. Prior judgment: the District Court of Helsinki, number 155462, 19 December 2014.

Within the criminal liability paradigm, establishing guilt beyond reasonable doubt requires the prosecutor to present, and the judges to ascertain, the material truth of the case.⁴¹ The principle of material truth has traditionally been regarded as the leading principle of the Finnish criminal procedure. The pursuit of material truth in criminal proceedings aims, on the one hand, to ensure the effective enforcement of criminal liability and, on the other hand, to prevent the conviction of the innocent.

However, determining ‘the truth’ is an exceptionally difficult task. Especially in complex legal cases, professionals often differ in their views regarding what is, or should be, the correct outcome in a given matter. Uncertainty and disagreement may concern interpretation of the law, the use of legal sources, and legal argumentation in general, or, alternatively, the evaluation of evidence or the threshold for proof.⁴²

In contemporary times, it is well-established that a single correct solution to a legal question is not always possible to determine. Nevertheless, this does not mean that legal proceedings should not always strive, also in matters of legal interpretation, to reach the correct and most well-justified outcome, one that can be accepted by the parties involved and by the majority of the legal community. However, the court has a legal obligation to adjudicate every case they are referred to for determination. Thus, it is not possible to merely list various possible solutions in a judgment, but the court must choose the one it considers most well-founded.⁴³ The “beyond reasonable doubt” threshold for a conviction also indicates that the purpose of a criminal process is not to establish the material truth⁴⁴: the high threshold for conviction is well-founded because convicting an innocent person is

⁴¹ See e.g. Virolainen – Pölönen 2003, pp. 171-175, with references to e.g. Hormia 1978, pp. 3–7; Jonkka 1991, pp. 93–94; Klami - Rahikainen - Sorvettula 1987, pp. 18–19 , 83–85; and Huovila 2003, p. 165.

⁴² Virolainen - Pölönen 2003, pp. 171-172.

⁴³ Virolainen - Pölönen 2003, p. 172, referring also to: Virolainen - Martikainen 2003, p. 51.

⁴⁴ Although judges always strive to ascertain the material truth, some distinguished legal experts have presented starkly realistic views on the matter. For example, Lauri Lehtimaja has stated that procedural truth is the court’s view —based solely on admissible evidence presented according to evidentiary rules— that the charges are proven beyond reasonable doubt. In this light, what actually happened in reality is entirely irrelevant, and the criminal judge should focus on ensuring legal protection, leaving the search for “material truth to philosophers, historians, and the Bolivian secret police.” (Lehtimaja 1981, pp. 170–174)

considered more detrimental to both the individual and society than acquitting a guilty one.⁴⁵

Courts do not declare a defendant ‘innocent’ of the charged offence in their judgments. Instead, the court finds that a reasonable doubt remains concerning a defendant’s guilt. According to District Judge Teemu Vanhanen and Judge of the Court of Appeal Juha Hartikainen, a judge may be left with the impression after rendering a not guilty -judgment, that the facts established in the trial -the procedural truth- does not necessarily correspond to what actually occurred in reality. From a legal perspective, regardless of the grounds for dismissal, all individuals whose charges have been dismissed are considered innocent. The fact that charges are regularly, and not merely exceptionally, dismissed by the courts also demonstrates that the legal system in Finland is functioning as it should: a high standard must be met before someone can be found guilty of a crime.⁴⁶

Circling back to the original matter of defining jihadist financing, in the context of this research, a judgment from the court is not a requirement to consider an act jihadist financing. It is sufficient that a person commits an act by which she/he collects or provides funds to a jihadist actor, which may be validated by reliable sources. For example, even though in the light of rendered final judgments in Finland, jihadist financing is a non-existent phenomenon in the country, authorities have assessed on several occasions throughout the latest decade that financing is one of the prevalent support activities of terrorist actors in Finland. For instance, Supo has stated in its Year Books and National Security Overviews that significant terrorist support operations in Finland include financing and dissemination of ideology.⁴⁷ There are also even more granular statements regarding jihadist financing as one Supo official has assessed that sending assets to conflict zones has been one of the main forms of jihadist activism in Finland. She has stated in an interview in 2019 that this type of financing has typically consisted of raising small sums of money —both from individuals aware and unaware of the funds’ intended purpose or destination— and then bundling them together for transfer abroad, often utilizing Hawala networks.⁴⁸ In addition, several of the experts interviewed for Article II of this dissertation verified that raising and

⁴⁵ Virolainen – Pölönen 2003, p. 175.

⁴⁶ Vanhanen – Hartikainen 2021.

⁴⁷ See e.g. Supo 2020; Supo 2022.

⁴⁸ Pehkonen 2019.

transferring funds to armed groups abroad has traditionally been the most significant form of jihadist financing in Finland.

1.3 Research questions

The original incentive for this dissertation was to find out how jihadism is financed in Finland. Obligated entities listed in the Act on Preventing Money Laundering and Terrorist Financing (444/2017) are investing extensive amounts of resources, time and effort in order to fulfil their obligations of identifying and reporting suspected money laundering and terrorist financing. Government authorities are also undertaking substantial efforts to combat the financing of terrorism and other forms of terrorist support activities. Countering the financing of terrorism involves investigating cases of terrorist financing, uncovering networks related to individuals targeted by counter-terrorism efforts, and identifying methods used to finance terrorism.⁴⁹

Although Supo and other authorities have described a significant terrorist financing threat landscape, it has not been reflected in convictions for terrorist financing in Finland. To address this discrepancy, it was necessary to examine whether Finland has effectively implemented the global governance framework for countering terrorist financing. In particular, it was essential to assess whether the apparent absence of the phenomenon was due to gaps in legislation, rather than a genuine lack of terrorist financing activity in the country. Further, from the perspective of Finnish criminal law and its development, it was important also to assess what the findings about this implementation, or lack thereof, reveal regarding the current understanding and conceptualisation of criminal law in Finland.

Once it was established that Finland has, in fact, rather comprehensively implemented the global governance of terrorist financing framework, it became pertinent to inquire as to why there is a lack of judgments concerning jihadist financing remains. A thorough mapping of suspected jihadist financing cases in Finland was required in order to understand why criminal accountability was -and still is- absent in the country. Accordingly, it was also essential to analyse the underlying factors contributing to this absence and to consider potential measures by which the current situation might be addressed or rectified in the future.

⁴⁹ See e.g. Ministry of the Interior 2022, p. 16.

Acknowledging the aforementioned dimensions, the research questions of this dissertation are:

- 1) Has Finland implemented the global governance of terrorist financing framework?
- 2) How does the Finnish implementation of global governance of terrorist financing, or lack thereof, reflect the understanding of the Finnish criminal law framework and its development?
- 3) Is criminal accountability for jihadist financing lacking in Finland even after implementing global governance of terrorist financing framework? If so, why?
- 4) How could criminal accountability of jihadist financing be better ensured?

The main research questions are addressed in chapter four, which presents the core findings of this dissertation. Together, these questions form a trajectory which moves from the evolution of the terrorist financing framework to its concrete effects on Finnish criminal law and, ultimately, to an examination on criminal accountability in jihadist financing cases and potential future avenues to strengthen accountability.

Research question 1 is discussed primarily in section 4.1, which provides a concise historical overview of terrorist financing legislation and current initiatives; this sets the broader normative and institutional context within which the other questions are examined. Building directly on this context, research question 2 is examined mainly in section 4.2, which analyses specific developments in Finnish criminal law in relation to the global governance framework on terrorist financing, and the concepts of internationalisation and preventiveness.

Research question 3 is taken up in section 4.3, which explores why criminal accountability has largely been absent in jihadist financing cases, drawing on both the historical trajectory and the Finnish legal developments mapped in sections 4.1 and 4.2. Finally, research question 4 is discussed in section 4.4, which outlines potential future avenues for strengthening criminal accountability, thus responding to the accountability gaps identified in relation to the earlier questions.

1.4 Conducting multidisciplinary research

When undertaking research that does not examine its subject strictly from the perspective of a single academic discipline, a range of methodological options may be considered. The central question becomes: which approach offers the most

suitable and comprehensive framework for addressing the chosen research questions? Among research designs that draw upon multiple disciplinary perspectives, one may opt for a multidisciplinary, interdisciplinary, or crossdisciplinary approach, each offering distinct epistemological and methodological implications. During recent years, there has been a tendency to favour approaches which combine different disciplines in conducting and financing academic research and it is evident that legal research is no exception to this development.⁵⁰

The concept of multidisciplinary research involves convergence in a way that it addresses a common research topic from the point of view of several different disciplines. In the conclusion, different approaches come together and form coherent end results. A multidisciplinary approach examines a phenomenon from the perspective of different disciplines but there is not always authentic interplay as the approaches remain as separate paradigms.⁵¹ This particular dissertation represents multidisciplinary research as its research questions, underlying presumptions and research methods are viewed from the standpoint of criminal legal research and social sciences.

In the course of conducting this multidisciplinary research, it has been necessary to reflect on the divergencies between different disciplines when reviewing jihadist financing. The “disciplinary lenses” of jurisprudence and social sciences diverge in their language, typical methodologies, and interpretations regarding different phenomena. If one chooses to examine the very core of this research —jihadist financing— strictly from the jurisprudential perspective, it may be argued that the phenomenon does not exist in Finland, since there are zero upheld convictions.⁵² Whereas from the perspective of an academic practicing social sciences, when a person provides assets for jihadist actors, the transfer may be defined as jihadist financing, whether it meets the offence description of terrorist financing in the Criminal Code, and whether a final and non-appealable judgment of terrorist financing is passed or not.

This research represents primarily criminal law research. Even though the methodological framework is at times closer to social sciences than criminal law, the source material consists of jurisprudential documents, terrorist financing is a criminal offence, and all articles examine different aspects of committing jihadist financing. Therefore, this dissertation adds to the growing base of

⁵⁰ Ervasti 2017, p. 24, 316.

⁵¹ Mikkeli – Pakkasvirta 2007, p. 64.

⁵² This was the situation from the commencement of the research in 2017 until March 2026.

multidisciplinary socio-legal research which utilizes empirical, qualitative methods in order to achieve current and useful conclusions. Professor Kimmo Nuotio has offered an inspiring articulation of the methodological implications of criminal law scholarship and its multidisciplinary connections: “Criminal law scholars have the advantage that they can make use of all the various methods and approaches that are generally available in legal studies. Criminal law is also the field where there is a long tradition of interdisciplinary and multidisciplinary approaches. Thinking in alternatives and learning from others always remains an option.”⁵³

There are also downsides to multidisciplinary and multi-method approaches. It may be argued that such research lacks coherence and does not represent thoroughly any methodology or discipline. However, if this dissertation would have adopted only one disciplinary or methodological approach, for example criminal legal research and examined a certain paragraph of a particular terrorist financing offence from a legal doctrinal perspective, all the results which have been gathered through empirical legal research would not have been produced and the conclusion would have remained one-sided and limited. Professors John Baldwin and Gwynn Davis have aptly formulated that empirical legal research originates from the recognition of a gap between legal texts and the practical realities of how law functions in everyday practice.⁵⁴

Socio-legal research in the context of jihadist financing

It is worthwhile to further examine what is meant by socio-legal research in the context of this dissertation.⁵⁵ Socio-legal research is a versatile discipline, located at an intersection point between many sciences, including political research, political history research, economics, criminology and legal research. It examines different societal processes and their connections and interrelations.

Legal scholars have conventionally regarded the legal system as an autonomous regime. A longstanding distinction between legal scholarship and sociology lies in their respective orientations: legal academics tend to adopt an internal perspective, approaching justice as participants within the system, whereas sociologists typically maintain an external viewpoint, analyzing the system as outside observers. This may be veracious when considering doctrinal legal research,

⁵³ Nuotio 2021, p. 103.

⁵⁴ Baldwin – Davis 2003, p. 886.

⁵⁵ Regarding history and integration of jurisprudence and sociology, see e.g. Backman 1992, pp. 50-61; Cownie – Bradney 2017; Creutzfeldt 2019, pp. 9-34; Ervasti 2022, pp. 14-26.

which aims at systemizing and interpreting legal norms. However, legal scholarship is a much more comprehensive field of study than merely doctrinal legal research. It has even been argued that legal research as such is multidisciplinary in its nature and the internal perspective to justice is only one dimension of it.⁵⁶ When correctly understood, legal research is inevitably a multifaceted discipline and open to a variety of methods.⁵⁷

It is worth noting that law and the legal system constitute an essential foundation of modern Western societies. Any discussion of society necessarily entails consideration of its legal structures, just as an analysis of legal systems reflects broader societal contexts. The relationship between society and its legal order is inherently reciprocal and deeply interwoven.⁵⁸ Professor Emeritus Thomas Wilhelmsson has aptly stated that it is delusive to think that it would be possible to draw a clear line between for example legal dogmatics⁵⁹ and “Law and Society”⁶⁰ studies.⁶¹

Professor Lisa Webley has described socio-legal research as an examination of how law, legal phenomena affected by law and the legal system occur in the world, interact with each other and impact upon those who are touched by them. In this regard, the ‘socio’ is about the societal context or impact of law and legal phenomena, instead of law in books. Whereas the ‘legal’ is defined in more broadly than merely the text of law. All scholars related to socio-legal research seek to understand research subjects in a particular environment, some in theoretical terms and others in the field of making use of empirical research methods.⁶²

Socio-legal research is occasionally distinguished from legal research on the grounds that the latter is normative in nature, while the former relies on empirical methods. This dichotomy, however, appears increasingly outdated, as legal research now frequently incorporates empirical data, and socio-legal inquiry often engages with normative dimensions.⁶³ Within Finnish legal research, utilizing empirical methods and sociological perspective has been on the rise and utilized also in criminal law scholarship, which is well demonstrated by Krimo, the Institute

⁵⁶ Alvesalo-Kuusi – Kumpula 2021, p. 35.

⁵⁷ Backman 1992, p. 19.

⁵⁸ Ervasti 2017, p. 9.

⁵⁹ In Finnish legal terms “lainoppi”.

⁶⁰ In Finnish legal terms “oikeus- ja yhteiskuntatieteellinen tutkimus”.

⁶¹ Wilhelmsson 2020, p. 503.

⁶² Webley 2019, pp. 58-69.

⁶³ Laitinen 2002, pp. 8-13.

of Criminology and Legal Policy. Internationally, societal legal research has become a mainstream discipline⁶⁴.

This dissertation does not represent socio-legal research⁶⁵ in the narrow meaning of the concept. Nor does it represent social legal research⁶⁶ which focuses on law within a society or law in a societal context. Even though the object of this dissertation is not society or 'societal' per se, the approach and methods are largely grounded in societal perspectives. Therefore, in the context of this dissertation, the term 'socio-legal'⁶⁷ refers to the methods adopted in individual articles, as well as to the theoretical framework connecting these methodological choices and ultimately to the way in which jihadist financing is understood in this dissertation: as a multidimensional phenomenon which not necessarily results in criminal accountability. Therefore, all actions described in this dissertation do not meet the criteria of the offence description regarding terrorist financing but may still be considered as actions which de facto enable terrorist actors to gain access to certain assets.

Jihadist financing is a research subject which could be examined from the perspective of several disciplines. Even though it is reviewed as a criminal phenomenon in this dissertation, the activity occurs within societies and could be examined through the lenses of international politics, security studies, financial economics, human rights and many more. This is typical for research subjects within jurisprudence, since law is something that governs the activities of people living in societies. It has been stated that indeed, legal research does not only serve the legal profession but the society as a whole.⁶⁸

1.5 Methodological choices

Methodology comprises the mechanisms by which the goals and objectives of science are attained. However, no comprehensive or universally applicable definition can be given for the objectives of scientific research. Therefore,

⁶⁴ Ervasti 2022, p. 129.

⁶⁵ In Finnish legal terms "oikeussosiologia".

⁶⁶ In Finnish terms "yhteiskunnallinen oikeustutkimus" as described in e.g. Ervasti 2022. Ervasti accurately describes several terms utilized in combining the viewpoint of legal and societal research, such as "Law and Society", "Sociology of Law", "Socio-Legal Studies", "Empirical Legal Studies" and "Empirical Studies of Law". Ibid., pp. 26-29.

⁶⁷ In Finnish terms "oikeus- ja yhteiskuntatieteellinen".

⁶⁸ Minkinen 2017, p. 7.

discussions on scientific methodology must take into account the fact that different disciplines vary in their research objectives and interests. According to Professor Emeritus of the University of Helsinki Ilkka Niiniluoto, the term 'method' can be understood, for example, in its modern sense, referring to the ways or means within the scientific research process that can be applied in the search for and justification of new scientific knowledge.⁶⁹

In conducting academic research, it is necessary to thoroughly plan, understand and describe the methods which are utilized in a particular study, and which carry the research questions until they reach their destination: the conclusions or results of the research. Methods are the procedures and techniques which form the basis of a research. Using particular methods, one strives to acquire information on the object of the research.⁷⁰ In legal research, methods are not mechanical patterns or formulas utilized similarly as in, for example research of natural sciences, which enable reproducible and verifiable end results. Rather, methods in legal research refer to certain perspective, “weighing and balancing”⁷¹, even though empirical legal research is a few steps closer to methods utilized in ‘measurable’ scientific research.

It has been argued that the methodological self-understanding of the Finnish legal research community —as reflected in the classic volume *Minun metodini* (“My Methods”), edited by Docent Juha Häyhä— may be characterized by a dual dynamic: on one hand, methodological dispersion, and on the other, methodological pluralism, encompassing both diversity of methods and plurality of underlying values. Additionally, some of the conceptual tools of legal researchers are allegedly so slenderly structured, that the researcher ought to clarify what is meant, for example, by ‘legal principles’ in the context of a particular research.⁷²

The conversation regarding methods utilized in Finnish legal research is somewhat winding. For example, Professor Panu Minkkinen has pointed out, that in the guides written for authors of legal academic work, terms like ‘method’, ‘approach’, ‘research orientation’, and ‘perspective’ are often used as if they are interchangeable. However, in Professor Minkkinen’s view, legal dogmatics itself is not a research method but rather a legal research orientation, requiring the use of

⁶⁹ Niiniluoto 1980, p. 60, 78.

⁷⁰ See e.g. Siltala 2004, pp. 506-514; Aarnio 2006, p. 237.

⁷¹ See e.g. Aarnio 2006, p. 237.

⁷² Siltala 2003, p. 504.

specific research methods to address research questions related to studying legal phenomena in their social, political, economic, historical, and cultural contexts.⁷³

Professor Minkkinen continues, that varying conceptions of the epistemology underlying legal research methods further complicate the matter. In Finland, where there is “almost an amusing tendency to refer specifically to ‘methods’ in epistemological terms”, there is a strong adherence to the German scientific methodological doctrine. Nevertheless, a large portion of legal research conducted in Finland is epistemologically and methodologically closer to the Anglo-American ‘realistic’ and practical tradition, where the solution to a legal problem is based more on the interpreter’s experience and professional skill rather than on a scientifically controllable method.⁷⁴

Regarding multidisciplinary legal research, the knowledge it produces about law or the legal system is mainly non-dogmatic in nature. At times, it has been claimed that legal theory and multidisciplinary legal research would be auxiliary sciences to legal dogmatics. This is not the case. They are independent areas of legal science with their own theories, methods, and questions. However, this does not mean that the knowledge they produce about law could not support and serve legal dogmatics and be the basis for interpretations, balancing, and systematizations of legal dogmatics, or that they themselves could not present interpretative, balancing, and systematization statements.⁷⁵

In multidisciplinary legal research fields, research methods are derived from the methodological traditions of the underlying philosophy or science. Legal philosophy utilizes philosophical methods, legal history utilizes historical methods, socio-legal research utilizes social science’s methods, law and economics utilizes economics’ methods, and law and psychoanalysis utilize psychoanalytic methods. Comparative law combines methods from legal dogmatics, linguistics, and cultural studies, while gender and law research combines legal dogmatics and social science methods. Academic multidisciplinary research in general utilize methods from disciplines beyond their primary, underlying discipline.⁷⁶

The articles comprising this particular dissertation do not utilize traditional doctrinal analysis of jihadist financing but examine the topic as a multidisciplinary phenomenon. Accordingly, a range of research methods were employed across the articles. Jihadist financing is reviewed at three different sites:

⁷³ Minkkinen 2017, pp. 9-10.

⁷⁴ Minkkinen 2017, p. 10.

⁷⁵ See e.g. Hirvonen 2011, pp. 28-29.

⁷⁶ Ibid, p. 54.

at the global level in al-Qaeda's, al-Shabaab's and ISIS's financing methods (Article I); jihadist financing and related criminal accountability in Finland (Article II); and al-Qaeda's U.S. -related financing methods during the 2010's (Article III). At each site, research material differs and consequently, different methodologies are applied. The methods which are utilized in this criminal law research are empirical, qualitative methods.⁷⁷ In academic research, methodology should follow the research questions, not the other way around. Therefore, it was necessary to utilize different methodological approaches in the course of conducting this dissertation. Indeed, this dissertation is an illustrative example of methodological pluralism, which emphasizes methodological diversity and takes into account and combines different perspectives and approaches.⁷⁸

In the planning and formulation of this research, numerous experts recommended conducting traditional legal doctrinal research, given its widespread recognition and practical utility for everyday legal professionals, such as attorneys and judges. Especially the doctrinal variant of legal scholarship has traditionally examined and prioritized normative material and written sources. The emphasis within legal scholarship on normative sources has also been reflected in a notable reluctance among legal scholars to engage with non-legal documents as sources of data.⁷⁹ The normative orientation of legal scholarship may not be attributed solely to the dominance of doctrinal research. A contributing factor is also the limited formal training that law students typically receive in empirical research methods; methodological issues are often addressed only marginally during legal education. Doctrinal research has long prevailed as the dominant methodological approach in European law faculties, where students have traditionally been taught to perceive law as an internally coherent system, with instruction closely aligned with conventional models of legal and judicial reasoning.⁸⁰

The closest this dissertation comes to employing legal doctrinal method is in relation to research question 2 ("Has Finland implemented the global governance of terrorist financing framework?"). In addressing this question, it is necessary to consider whether certain international obligations have been transposed or implemented into Finnish legislation. As such, the task at least touches upon the interpretative and systematizing functions characteristic of legal doctrinal analysis, even though it may not be regarded as a typical application of

⁷⁷ The data and methods utilized in each sub-study are further presented in Chapter 3.

⁷⁸ Similarly as in Määttä 2015, p. 2, 7.

⁷⁹ See e.g. Webley 2010, p. 938; Korkea-aho – Leino 2019, p. 18.

⁸⁰ Korkea-aho – Leino 2019, pp. 18-19.

the method. However, the majority of the research questions of this dissertation require a divergence from the traditional doctrinal legal research. This dissertation serves as an illustrative example of multidisciplinary research at the intersection of legal scholarship and social sciences. Similar to socio-legal research in general, also this dissertation is methodologically inclusive and uses methods from the social sciences.⁸¹

A multimethod research structure is rather common in examining terrorist financing. Especially for analyses that are comprehensive in scope, there is often a dataset of case studies which are examined through quantitative and/or qualitative examination, building on pre-existing literature, studies and reports.⁸² This dissertation is no exception and all three research articles utilize different methods.

This dissertation initially began to take shape in Finnish, which was the language of Article I. However, as the second article was directed towards a larger audience and was published in an international journal and the third article was written in the United States based on local data, it was pertinent to change the language of the dissertation to English. This language choice is not intended to exclude Finnish readers. On the contrary, by opting for English, the work can be presented to a much wider international audience while still remaining accessible to Finnish readers, as well. Jihadist financing is a familiar research topic in the European and even global academic societies and carefully studied within the practitioners on the public and private sectors. Therefore, exposing the articles to a wider readership and evaluation among peer researchers has improved the author's understanding of the topic and also, contributed to international academic research on jihadist financing.

Conducting interviews

In social and political sciences, interviews have traditionally been extensively utilized as a research method especially in research on phenomena that are difficult to study solely on the basis of written data.⁸³ In contrast, their use in legal research is relatively limited, typically confined to the domains of empirical legal research or socio-legal research; subfields that integrate qualitative or quantitative

⁸¹ See e.g. Webley 2010.

⁸² See e.g. Davis 2021, p. 6.

⁸³ Malkki – Saarinen 2019, p. 24.

methodologies into the study of law.⁸⁴ However, interviews and other empirical methods are gaining ground also in more traditional legal research. A range of ethical considerations must be addressed already at the initial stages of conducting research, beginning with the planning phase of data collection through interviews.

For Article II, co-author Juha Saarinen and I conducted 16 semi-structured interviews with law enforcement and intelligence officials, prosecution authority, journalists, governmental authorities, and professionals working on countering terrorist financing in obliged entities. The primary aim of the interviews was to gather background information to help steer the research focus towards themes particularly relevant in the Finnish context of countering jihadism. The interviews employed open-ended questions, allowing respondents to reflect on practical issues encountered in their day-to-day work, offer insights into how the regulatory regime appears from their perspective, and describe the mechanisms, practices, and rationales that underpin it. This approach served as a way to identify core challenges in the field, map the operational landscape, and obtain information that would not have been accessible through other means. Interviews serve as a way to gather qualitative information not available simply through a thorough reading of written sources.⁸⁵

The interviewees were selected with the aim of obtaining as comprehensive a range of experts as possible from various sectors involved in countering jihadism. The selection of individuals was based on our prior knowledge of the topic and relevant stakeholders, as well as reviews conducted online. Although the selection process was guided by objective criteria, it is important to acknowledge that, as has been noted, “every expert is also to some degree the construct of a researcher’s interest.”⁸⁶ This observation underscores the inherently subjective dimension in defining who qualifies as an ‘expert’, which may in turn influence research outcomes.⁸⁷ Nevertheless, given the diversity of sectors represented and the number of interviews conducted, the findings derived from these interviews may be considered to be objective and reliable.

Expert interviews in general are adaptable to a variety of research contexts. One frequently encountered scenario is the use of exploratory expert interviews, which help researchers gain an initial understanding of a new or rapidly evolving field. In this approach, expert interviews assist the researcher in clarifying

⁸⁴ Korkea-aho – Leino 2019, p. 18.

⁸⁵ Ibid, p. 30.

⁸⁶ See e.g. Bogner – Menz 2009, referred to in Korkea-aho – Leino 2019, p. 32.

⁸⁷ Korkea-aho – Leino 2019, p. 32.

the research problem or serve as a preliminary step in developing the final interview framework. In such cases, experts provide essential background information and direct researchers to additional sources, thereby conserving both time and resources that would otherwise be spent on extensive data collection. However, this approach carries a potential limitation: the researcher may become overly reliant on the sources recommended by the interviewees, rather than conducting independent groundwork.⁸⁸ This particular dissertation utilized exploratory expert interviews, but since the phenomenon of jihadist financing in Finland needed a thorough mapping, it was also necessary to delve into extensive data which was gathered from a variety of sources, mainly police records, which are further presented in Chapter 3.2.

Expert interviews may be deemed as a challenging form to gather qualitative data. They require sensitivity to social dynamics and behavioural flexibility. The interviewer(s) must be thoroughly prepared and have comprehensive knowledge of the domain in which the experts operate. Demonstrating understanding on the topic is believed to generate trust, furthering the experts to respond in an open and non-defensive way.⁸⁹ In conducting research for Article II, the themes to be explored with the interviewees were carefully planned, and the level of preparation was likely reflected positively in the quality of the discussions. Interviewees were contacted well in advance and objectives of the dissertation and the interviews were described. Discussion topics were sent beforehand to the interviewees so that they could assess if they wanted to take part in the exercise or not. The quality and depth of the interviews were assessed to be higher when the interviewees could prepare and structure their responses beforehand.

Many interviewees spoke openly about the subject, sharing not only their insights but also their frustrations and the challenges encountered in the day-to-day efforts to counter the financing of jihadism. This openness was likely facilitated by the anonymity of the interviewees. Although the organisational affiliations of the participants were recorded, individual identities were not. In accordance with this consideration, the interview transcripts have been stored in such a way that only the research team members are able to access them. There were five companies and one authority which refused to be interviewed⁹⁰, but with

⁸⁸ Ibid, p.34; Bogner – Menz 2009, p. 49.

⁸⁹ Meuser – Nagel 2009, p. 18, referred to in Korkea-aho – Leino 2019, p. 33.

⁹⁰ The timing of refusals varied: in some cases, we were unable to establish initial contact; in others, we introduced our study and interview request via email but were unable to schedule a

discretion for their privacy, they are not identified. However, the refusals received in response to some interview requests also contributed to the contextual understanding of the topic. They highlighted the inherent challenges of researching this area and served as a reminder that the findings presented here do not provide a comprehensive account of the research questions, but rather a cautious yet steady step towards new insights into jihadist financing within the Finnish context.

1.6 Pre-existing literature

1.6.1 Jihadist financing

This dissertation has been written in a national academic environment in which research on jihadist financing remains rare. In contrast, the topic has been explored in myriad ways within the broader European, and especially global, context. Throughout the years in which this dissertation was written, research on jihadism and jihadist financing has predominantly centred on topics related to the ISIS Caliphate. Subjects examined have been versatile, but one of the most scrutinized one is examination of different aspects of foreign terrorist fighters (FTFs)⁹¹, including effects on societies repatriating FTFs⁹² and also critical examination relating to the term FTF to begin with, referring to the way in which states are implementing and transposing counter-terrorism laws and allegedly neglecting the aspects of human rights⁹³. It may be concluded based on the literature, that the European states have adopted various different ways in which the FTFs' criminal accountability has been approached. For example, there are yet no judgments in Finland relating to the ISIS Caliphate returnees⁹⁴, whereas elsewhere in Europe,

meeting; and on one occasion, the interviewee declined participation after reviewing the interview questions.

⁹¹ See e.g. Mehra 2023 a); van Ginkel 2016; Mehra – Herbach – Margolin – Doctor 2023.

⁹² See e.g. Keatinge 2015; Mehra 2016; See 2018, pp. 7-15.

⁹³ See Baker-Beall 2022.

⁹⁴ However, the NBI has conducted investigations with the crime title of aggravated human trafficking, regarding two women who took their children to the ISIS Caliphate in mid 2010's and were later transported to the al-Hawl camp. (Marttinen 2025; Kormilainen 2025).

there have been numerous convictions.⁹⁵

In the Nordic research space, Brynjar Lia and Thomas Hegghammer have contributed to the research of terrorism extensively, but in the context of jihadist financing, one of the most significant authors is Magnus Ranstorp, who has authored a landmark article *Microfinancing the Caliphate: How the Islamic State is Unlocking the Assets of European Recruits*.⁹⁶ Ranstorp presents a description of FTF financing in the context of travelling to the ISIS Caliphate addressing both raising of the funds and transferring of the funds. Before the aforementioned article, Ranstorp has co-authored, together with Magnus Normark, another significant report in 2015: “Understanding terrorist finance, Modus Operandi and National CFT-Regimes”⁹⁷. The report examines “terrorist finance modus operandi and national systems and regimes in order to understand new insights and knowledge as a frame of reference when Sweden develops more effective measures and cooperation when it comes to terrorist finance.”⁹⁸

Another dimension of concrete jihadist financing research is examining the functioning of terrorist actors on European soil. Emilie Oftedal has noted that jihadis who have plotted attacks in Western Europe most commonly relied on funding from the cell members’ own salaries and savings. She found that the vast majority of the cells studied (90 %) were involved in income-generating activities, and half of them were entirely self-financed.⁹⁹

Crime-enabled jihadist financing has been researched, and the findings are multi-faceted. Whilst the crime-terror nexus is emphasized, it is claimed that the connections are actually rather rare.¹⁰⁰ When pondering the connections regarding jihadist groups and traditional organised crime, the matter revolves around the mutual benefits that these actors derive from each other. If individuals are smuggled from prison camps to operational areas controlled by jihadist groups,

⁹⁵ Between 2015 and 2020, there were 108 terrorist financing related court proceedings in 18 EU member states. A majority of the cases dealt with jihadist financing and 95% of the prosecutions resulted in convictions. A majority of the cases concerned foreign terrorist fighters. (National Bureau of Investigation Finland/Financial Intelligence Unit 2021). France was the country with the most terrorist financing related cases (20). See e.g. Boutin 2017; Jones – Bell – Vandoorne 2017; France24 2017.

⁹⁶ Ranstorp 2016.

⁹⁷ Normark – Ranstorp 2015.

⁹⁸ Ibid, p. 3.

⁹⁹ Oftedal 2014.

¹⁰⁰ See e.g. Basra – Neumann – Brunner 2016; Basra – Neumann 2017; Saiz – Reimer 2023.

criminal groups' smuggling networks provide clear utility. Conversely, when it comes to executing terrorist attacks, criminal organisations would certainly be useful, for example, in acquiring weaponry, but operational security requires confining knowledge to the smallest possible circle, rendering traditional criminal organisations of limited utility to jihadists.

Especially the phase of collecting and transferring funds in the context of jihadist financing reflects the overall financing methods of societies: if a certain payment method is widely used, for example, it will most likely be utilized by jihadist actors, as well. This phenomenon is clearly visible in the research of 'emerging technologies' within terrorist financing, which has been a widely discussed topic during the last two decades. Pieces of research on this space include examining the use of crowdfunding, other means of utilizing social media, crypto assets and other 'new technologies'. Based on the vast body of literature on the matter, it may be concluded that terrorist actors are not generally in the front lines of new technologies but are adapting to the changing technological environment perhaps more swiftly than expected.¹⁰¹

In the context of advanced technologies and modern research themes, the application of artificial intelligence (AI) in countering terrorist financing is an area which may not be ignored. The majority of the literature on the topic has focused on the risks associated with the use of artificial AI, such as excessive government surveillance of citizens or malicious use of AI by terrorist actors.¹⁰² This perspective is undoubtedly significant and necessary to further examine, particularly since EU Member States are currently in the middle of the transposition and practical implementation of the AI Act¹⁰³. However, when it comes to countermeasures against jihadist financing, it remains imperative to further investigate how machine learning and AI-driven applications might be most effectively leveraged to detect behaviours indicative of terrorist financing. A surprising claim regarding recent terrorist events and failed implementation of AI is in relation to Hamas' October 7 2023 attack. Christopher Wall states in his article

¹⁰¹ See e.g. Jofre – Aziani – Villa 2024, pp. 1–14; Reimer – Redhead 2022; Davis 2020; Insight Threat Intelligence 2024; Jacobson 2010, pp. 353–363; the FATF 2015; the FATF 2021; the Egmont Group 2023; Teichmann 2022.

¹⁰² See e.g. Wall 2025, p. 2; UNODC 2021.

¹⁰³ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828.

that Israel was actively using AI or machine learning to identify terrorist threats: “In the years leading up to October 7, Unit 8200 – Israel’s signal intelligence (SIGINT) body – reorganized itself, moving away from relying on traditional human analysts in favor of AI/ML¹⁰⁴ tools designed to predict terrorist and insurgent activity. This system failed to alert Israeli leadership of the pending attack even as a human analyst detected the plot and raised alarms. This false-negative was not the only problem with Israel’s use of AI/ML. As it began targeting Hamas, it deployed an ensemble of tools to detect and anticipate militants, which had a high false-positive rate, contributing to the death toll in Gaza.”¹⁰⁵ It is evident that the utilization of AI will constitute one of the most significant technological advancements of the 2020s, potentially even of the entire 21st century. The contribution of the academic community is crucial in examining the applications of AI and delineating appropriate boundaries.

Returning to the core functions of jihadist financing, Rukmini Callimachi has researched the financial ecosystems of jihadist actors. She gathered, translated, analysed and published, in cooperation with the New York Times and George Washington University, “The ISIS Files”, which contain over 15.000 documents left behind by ISIS. Over several on-the-ground trips in Mosul and ten other cities and towns in Iraq, New York Times investigative journalists and translators, with permission from local military units, collected over 15.000 pages of documents left behind by the Islamic State. The documents include land deeds showing how property was stolen from religious minorities, financial reports documenting the millions of dollars passing through their coffers, manuals detailing their operations, and detailed arrest warrants. Each piece of paper often does little more than document a single, routine transaction: a land transfer between neighbors, the sale of a ton of wheat or a fine for improper attire. However, taken together, the documents reveal the inner workings of a complex system of ISIS government.¹⁰⁶ This particular research is one of the few which have been able to utilize primary sources as research data.

Another significant contributor to the research on jihadist financing is Audrey Alexander, the author of e.g. *Cash Camps: Financing Detainee Activities in Al-Hol and Roj Camps*¹⁰⁷, which is a tangible and intriguing description on the daily finances of a detaining camp. Also, Vera Mironova has conducted concrete and

¹⁰⁴ ML referring to machine learning in this context.

¹⁰⁵ Wall 2025, pp. 15-16; Bergman – Goldman 2023; Dwoskin 2024.

¹⁰⁶ Callimachi 2020.

¹⁰⁷ Alexander 2021.

current research on jihadist financing, such as crowdfunding methods utilized by women under the terrain of the ISIS Caliphate and detention camps.¹⁰⁸

In terms of more traditional research, several books have played a pivotal role in advancing the awareness of jihadist financing: Timothy Wittig's *Understanding Terrorist Finance*¹⁰⁹, Colin Clarke's *Terrorism Inc. – The Financing of Terrorism, Insurgency and Irregular Warfare*¹¹⁰ and *Illicit Money* by Jessica Davis¹¹¹, which is a very useful literary work in comprehending the wider concept of terrorist financing including both organisational as well as operational dimensions, and distinguishing methods of raising assets compared to methods using and storing assets.

It is worth noting that in addition to universities' scholars and publications, high quality journals and research institutes have invested a lot of effort in the subject of terrorist financing research, e.g. the International Center for Counter-Terrorism¹¹², RAND¹¹³, George Washington University's Program on Extremism¹¹⁴ and The Royal United Services Institute¹¹⁵.

When examining the Finnish academic context, it must be noted that even though national research on jihadist financing is lacking in Finland¹¹⁶, subjects

¹⁰⁸ See e.g. Mironova 2020 a) and Mironova 2020 b).

¹⁰⁹ Wittig 2011.

¹¹⁰ Clarke 2015.

¹¹¹ Davis 2021.

¹¹² See: <https://www.icct.nl/>.

¹¹³ See: <https://www.rand.org/>.

¹¹⁴ See: <https://extremism.gwu.edu/>.

¹¹⁵ See: <https://rusi.org/>.

¹¹⁶ Terrorism research in general is rather scarce and scattered in Finland. There is no single university which would offer a degree or even a whole study module on terrorism studies. Topics related to terrorism may be studied in faculties related to e.g. social sciences, political sciences, history studies, national defence studies, Middle-East studies or legal studies. The Centre for European studies, located in Helsinki, focuses on the diversity of Europe's historical, political and cultural traditions from a Nordic perspective, and includes studies on political violence. The scattered nature of jihadism research and terrorism research in general is understandable since it is a field of study which is incorporated by the research object, not research methods or a shared faculty. Nevertheless, the research community of terrorism researchers and the wider academic community, as well as the society as a whole, would benefit from a consolidated research center, either a faculty of its own or a research institute, which would focus merely on subjects related to terrorism. However, there are encouraging developments on the field, since a new knowledge

related to *terrorism* have been researched from multiple different angles in Finnish legal research. These include discussing the definition of terrorism and terrorist intent¹¹⁷, reflecting the effects of European criminal law on Finnish legislation and criminal policies and harmonizing rules addressing terrorism¹¹⁸, reviewing terrorist offences in relation to war crimes¹¹⁹, terrorism in relation to organised crime¹²⁰ and ensuring human rights in the criminal process related to terrorist offences.¹²¹ Terrorist offences are also generally presented in criminal law textbooks.¹²²

All in all, Finnish legal scholars have adopted an approach towards the criminal framework of terrorism which emphasizes human rights, the defensive tradition of Nordic criminal policies and a preference of well-considered and far-sighted legislation. It has been questioned whether adding more terrorist offences to the Criminal Code and creating stricter punishments prevent criminality in reality, or does it actually have counterproductive effects¹²³. Indeed, Professor Kimmo Nuotio has formulated the prevailing view promptly: “One does not achieve a higher degree of security by compromising or weakening legal protection. On the contrary, the core values of a constitutional state’s criminal law must be maintained.”¹²⁴

Since research on jihadist financing is rare in Finland, a fruitful source of information relating to terrorist offences in general, is material utilized in the drafting of legislation, i.e. government proposals, committee reports and statements of experts. Chapter 34 a in the Criminal Code has been amended repeatedly during the last twenty years, so there is a wide range of preparatory material available. In November 2025, a new Government Bill 163/2025 regarding

centre, RADIA, has been established in Finland in 2025. The centre is “dedicated to supporting evidence-based prevention of violent radicalization and extremism in Finland”.

(<https://www.helsinki.fi/en/researchgroups/the-prevention-of-violent-radicalisation-and-extremism>)

¹¹⁷ See e.g. Kimpimäki 2019, pp. 161-182; Lohse 2011, pp. 709-731; Jyrkkio-Shamsi: 2017, pp. 123-143.

¹¹⁸ See e.g. Nuotio 2006; Nuotio 2007, pp. 1102-1122; Nuotio – Malkki (ed.) 2010.

¹¹⁹ See Esko 2017, pp. 102-117.

¹²⁰ See e.g. Härkönen 2006, pp. 216-235.

¹²¹ See e.g. Melander 2002, pp. 938-961; Lindstedt 2002, pp. 436-451, 448; Ojanen 2007, pp. 1053-1074; Pirjatanniemi 2011, pp. 154-174; Pirjatanniemi 2015, pp. 748-761.

¹²² See e.g. Nuotio 2022 b).

¹²³ See e.g. Kimpimäki 2019, pp. 181-182.

¹²⁴ Nuotio 2020 a), p. 251. [Translation from Swedish to English by the author of this dissertation.]

terrorist offences was announced in a plenary session of the Finnish Parliament. The proposed legislative amendments are based on the government programme's entries on the overall reform of terrorism legislation, which highlight the need to clarify regulation, ensure its comprehensiveness and increase penalties. One rationale for the legislative reform was to compile the preparatory works for terrorist offences into a single document to make them easily accessible.¹²⁵

Reflecting on the original question of this chapter regarding the position of this dissertation within the framework of jihadist financing related academic research, it may be stated that this dissertation is pioneering empirical legal work regarding both jihadist financing in Finland as well as challenges identified in countering the phenomenon. The theoretical framework of this dissertation stems from examining the implementation and effectiveness of global governance of crime regulation in the sphere of jihadist financing offering a view thus far unexamined in Finnish academia.

1.6.2 Global governance of crime

In the area of terrorist financing, the global governance of crime framework has been studied mainly from the point of view of its legitimacy and efficacy, i.e. does the implementation *de facto* reduce terrorist activities. Whereas the research focus of this dissertation, the comprehensiveness of implementing global governance of crime within jihadist financing, is less studied.

The legitimacy and efficacy of the global governance system have often been critically examined, with concerns frequently raised about the unequal distribution of power among actors, as well as the ambiguous and non-transparent processes by which these instruments are developed. It has also been noted that the global governance regime should not erode domestic sovereignty and national legislative processes.¹²⁶

There have also been supporters of the global governance regime. As Professor Anne-Marie Slaughter has poetically put it: "...seeing the world through the lenses of disaggregated rather than unitary states allows leaders, policy makers, analysts, or simply concerned citizens to see features of the global political system that were previously hidden."¹²⁷ Professor Doron Goldbarsht and Hannah Harris

¹²⁵ Government Proposal 163/2025 vp. See Chapter 4.1.5 for a more detailed description.

¹²⁶ See e.g. Tsingou 2005; Tsingou 2020; de Oliveira 2018; Bures 2006; Goldbarsht – Harris 2024; Springer – Goldbarsht – Harris 2020, pp. 855-870.

¹²⁷ Slaughter 2004 b), p. 7.

have promptly formulated the view of the proponents suggesting that implementing global governance may solve the “globalisation paradox”: globalisation creates global problems that can only be addressed on a global scale, but world government is both infeasible and undesirable as it would not only fail to provide meaningful democratic representation but could also threaten individual freedoms. Thus, Goldbarsht and Harris state that a global governance regime may be used to effectively address global problems that individual governments cannot tackle alone. “Because the actors in the networks are domestically accountable, they do not risk eroding democracy or national sovereignty in a manner that would make world government undesirable.”¹²⁸

Researchers have also argued in favour of global governance provided that there is no single state dictating the prerequisites or end results of the norms created. Professor Samuel M. Makinda has noted that international institutions are the lynchpin of global governance and thus also have the potential to reduce the likelihood of terrorism.¹²⁹

Overall, the theme of implementing global governance in the area of CFT has been under scrutiny mostly by the institutions which have generated the regulation to begin with, i.e. the European Union and its affiliated institutions and the Financial Action Task Force (FATF). The institutions have published reports on how the counter terrorism framework has been implemented and transposed across Europe, whereas research regarding specifically Finland’s implementation of CFT global governance mechanisms appears rare. However, the topic has been under review in various legislative undertakings, for example by the Ministry of Justice and the findings have been encouraging.¹³⁰

In 2013, a SECILE project (Securing Europe through Counter-Terrorism—Impact, Legitimacy and Effectiveness) which was funded by the European Commission and coordinated by the university of Durham, concluded that between 2001 and 2013 there were 239 counter-terrorism measures introduced in the EU, 88 of which had a legally binding character. There were three key analytical conclusions drawn regarding the European counter-terrorism framework. *First*, the EU has been responsive to terrorist attacks and emerging threats. It responded quickly to the attacks of September, 11 by developing a counter-terrorism agenda and the acceleration of pre-existing plans for measures such as the European Arrest Warrant. The EU also responded quickly to the

¹²⁸ Doron – Harris 2020.

¹²⁹ Makinda 2003, pp. 55-56.

¹³⁰ Government Proposal 163/2025 vp. In more detail, see Chapter 4.1.5.

bombings in Madrid 2004 and London 2005, both of which resulted in unified action by the EU. *Second*, the EU's framework on counter-terrorism entailed a significant amount of general 'security' activity, such as cybersecurity, border control, and information management. *The third conclusion* of the project was that EU counter-terrorism measures have become so extensive, and include so many measures, programmes and sub-programmes, that it is challenging for citizens and civil society to keep track of them, a fact exacerbated by the extent to which such measures have been introduced without tangible European Parliament involvement.¹³¹

On the other hand, the European Parliament's Policy Department has produced a very concrete report regarding specific measures of the EU towards a tangible threat, ISIS. The report was published in 2017, and the subject was international network's ability to counter ISIS's financing. It was concluded that the international community's awareness at an early stage allowed the implementation of policies targeting ISIS's financing as several measures had been taken with a view towards cutting ISIS off from external funding.¹³²

Regarding Directive 2017/541¹³³, the transposition activities of the member states have been assessed to be overall satisfactory by two evaluations of the European Commission, in 2020¹³⁴ and in 2021¹³⁵. The report in 2020 highlighted a number of transposition issues resulting mainly from a restrictive application of the scope and definitions of the Directive. In 2021, it was considered that the Directive has functioned and largely achieved its objectives as expected,

¹³¹ European Commission 2014.

¹³² European Parliament 2017, p. 12.

¹³³ Directive (EU) 2017/541 on the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, in Finnish "terrorisimirikسدirektiivi".

¹³⁴ The European Commission: Report from the Commission to the European Parliament and the Council based on Article 29(1) of Directive (EU) 2017/541 on the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, 30.9.2020; URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0619>.

¹³⁵ The European Commission: Report from the Commission to the European Parliament and the Council based on Article 29(1) of Directive (EU) 2017/541 on the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, 18.11.2021; URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0701>.

even though several issues limiting the efficiency of the Directive had been identified. While the 2021 evaluation report does not provide comprehensive information on the gaps identified in the earlier report, the Commission has initiated infringement proceedings against several Member States for failure to fulfil their obligation under the Directive. Between June and November 2021, infringement procedures had been initiated against nineteen Member States, urging them to ensure a sufficient transposition of the Directive. In December 2021, the Commission initiated infringement proceedings against three other Member States, Belgium, Estonia and Italy, for failing to transpose certain elements of the Directive.

In conclusion, the academic literature on the implementation of global governance mechanisms to counter terrorist financing in Finland remains notably sparse. This dissertation addresses this gap by providing an analysis of how international frameworks and standards, mainly European legislation, have been adopted and operationalised within the Finnish context. By examining both regulatory developments and practical challenges, this dissertation offers valuable insights into the unique features, shortcomings, and opportunities present in Finland's approach to the global governance of terrorist financing. In doing so, it contributes new knowledge to an underexplored area and serves as a foundation for future research and policy development on this field.

1.7 Background: jihadist activity on trial

Although the primary focus of this dissertation centers on jihadist financing, it is necessary to review Finnish court cases in order to understand the conditions and background for academic research as well as the practical realities of criminal investigation and prosecution of jihadist financing. Overall, it appears that Finnish authorities have been successful in foiling planned terrorist attacks¹³⁶, however, in August 2017, the inevitable occurred and Finland witnessed its first-ever jihadist attack. An ISIS-inspired perpetrator attacked ten people in the city of Turku, murdering two of them.¹³⁷

It took six years before the second judgment relating to jihadist terrorism was rendered, when in April 2023, a man was sentenced for committing

¹³⁶ See e.g. MTV Uutiset 19.6.2017; also EU Counter-Terrorism Coordinator Ilkka Salmi has stated on a European scale that it remains hidden from citizens how well authorities are able to foil terrorist attacks since it is rarely communicated publicly. (Sutinen 2022.)

¹³⁷ On the attack, see Safety Investigation Authority 2018.

an offence of receiving training for the purpose of committing a terrorist offence. The Helsinki District Court sentenced the defendant to a four-month suspended prison sentence for training for the commission of a terrorist offense. The verdict is final. According to the conviction, the defendant had, in order to commit an offense referred to in Chapter 34a, Section 1, Subsection 1, Paragraphs 2, 3, or 6-8 or Subsection 2 of the Criminal Code, or to prepare for these offenses as referred to in Section 2, trained in the lethal use of firearms against people and in transporting an assault rifle ready for use in a passenger car. According to the conviction, the defendant had carried out the training by acquiring and studying through the internet instructional materials and skills related to said actions, as well as mentally encouraging and motivating methods and materials for terrorist offenses produced and distributed by Islamist terrorist organisations. Additionally, the defendant had practiced using a firearm with an assault rifle-type airsoft gun and transporting an assault rifle immediately ready for use in his car.¹³⁸

There have been three other jihadism-related cases heard in courts, in which the defendants were found not guilty. On December 19, 2014, the Helsinki District Court sentenced one person to conditional imprisonment for preparation of an offense to be committed with terrorist intent, recruitment for the commission of a terrorist offense, and terrorist financing, as well as three persons for terrorist financing. The Helsinki Court of Appeal dismissed the charges on March 23, 2016. The financing aspect of the case was related to collecting and sending assets to al-Shabaab in Somalia.¹³⁹

On May 24, 2017, the Pirkanmaa District Court dismissed charges against two defendants for, among other things, terrorism offenses suspected to have taken place in Iraq (murders committed with terrorist intent and aiding and abetting them, as well as aiding and abetting aggravated assault committed with terrorist intent). The prosecutor appealed the district court's decision to the Turku Court of Appeal, which in its judgment on February 28, 2020, reached the same conclusion as the district court regarding the terrorism offenses.¹⁴⁰

On January 24, 2018, the Helsinki District Court dismissed charges of terrorism offenses against three persons. All were charged with preparation of an offense to be committed with terrorist intent, and additionally, one defendant was charged with providing training for the commission of a terrorist offense, and

¹³⁸ Helsinki District Court, judgment 23/117529, 28 April 2023.

¹³⁹ Helsinki Court of Appeal, Judgment 16/111925, 23 March 2016. Prior judgment: Helsinki District Court, Judgment 155462, 19 December 2014.

¹⁴⁰ Government Proposal 163/2025, p. 46.

another was charged with recruitment for the commission of a terrorist offense. The charges were based in chain of events centred around a group of people travelling from Finland to Syria in order to take part in battles in Syria.¹⁴¹

When it comes to other ideologies apart from jihadism, the Finnish courts have heard a few cases relating to extreme right-wing terrorism, which fall out of the scope of this dissertation.¹⁴² There is also one case pending which relates to separatist terrorism. In September 2025, the Päijät-Häme District Court sentenced an individual to six years' imprisonment for public incitement to an offence with terrorist intent and participation in the activities of a terrorist group, aggravated tax fraud and breach of the Advocates Act provisions. The case involved separatist activities against the Nigerian government, conducted from the Finnish city of Lahti.¹⁴³ The judgment has been appealed.

At the time of writing this dissertation, the NBI is investigating a case in which three men are suspected of participating in ISIS activities in Helsinki during 2023 and 2024. There does not appear to have been a direct terrorist threat against Finland, since the activities were connected to international undertakings. No charges have been brought as of the end of 2025.¹⁴⁴

The NBI is also investigating a terrorist financing case relating to suspected support activities of the Partiya Karkerên Kurdistanê (Kurdistan Workers' Party, "PKK"). Three men were imprisoned in November 2025 and subsequently released subject to an enhanced travel ban. The investigation is still ongoing at the end of 2025.¹⁴⁵

Statistics on terrorist offences

According to the National Police Board, there have been several cases entered into police register during the time frame of 2011-2024 with terrorist crime titles. These entries have been filed to the register by police units. It must be noted that often after the filing of the entry, the crime titles change during the course of conducting pre-trial investigations and sometimes the terrorist intent is dismissed in the court proceedings. Only a part of the recorded crimes listed below have proceeded to prosecution and further to court proceedings, in which terrorism offences have so

¹⁴¹ Helsinki District Court, Judgment 18/103187, 24 January 2018.

¹⁴² Joensuu – Viljanen 2024; Ranta 2023.

¹⁴³ District Court of Päijät-Häme, 1.9.2025, R 729/2025/1659, judgment number 1035 0805.

¹⁴⁴ Happonen – Horppu – Rautio 2024.

¹⁴⁵ Koskinen – Kirsi – Rautio 2025; Mäntysalo – Rautio 2025.

far been handled in a limited manner in Finland, although to an increasing extent in recent years.¹⁴⁶ The following data includes all terrorist offences, not only jihadist terrorism.¹⁴⁷

Illegal threat made with terrorist intent	12
Public incitement to crime committed with terrorist intent	1
Aggravated firearms offence committed with terrorist intent	1
Hostage taking committed with terrorist intent	1
Murder committed with terrorist intent	17
Attempted murder committed with terrorist intent	9
Preparation of an offence to be committed with terrorist intent	14
Promotion of terrorist group activities	2
Participation in the activities of a terrorist group	1
Providing training for the commission of a terrorist offence	1
Training for the commission of a terrorist offence	2
Recruitment for a terrorist offence	13
Financing of terrorism	2
Financing a terrorist offence	1
Financing a terrorist group	2
Traveling for the purpose of committing a terrorist offence	1

As further described in Chapter 1.8, there is no automatic research tool which could gather all relevant data from all relevant police registries in order to exhaustively detect cases in relation to jihadism or even terrorism. It is also pointed out in the Government Proposal in question that the numbers in the table as such do not reflect the number of potential terrorism offences that could be brought to criminal proceedings. It is difficult to estimate the amount of hidden crime in the context of terrorist offences.

1.8 Limitations

Research on jihadist financing presents numerous challenges. Among the most

¹⁴⁶ Government Proposal 163/2025, p. 46. It is out of the scope of this research, but it would be extremely interesting to conduct an analysis of these cases in order to examine how many of them have proceeded to prosecution or a conviction and has the terrorist intent or awareness been established.

¹⁴⁷ Government Proposal 163/2025, p. 45.

significant ones is the lack of access to primary source material. It is rarely possible to directly examine a jihadist organisation's financial records, such as accounting documents that detail the acquisition, transfer, and expenditure of funds.

In Finland, academic research on terrorist financing remains limited. Studies conducted in other contexts of terrorist activity predominantly rely on secondary sources, most often existing literature. The most detailed knowledge concerning jihadist financing resides naturally with the jihadist actors themselves. While it might have been theoretically feasible to identify certain individuals for anonymous interviews in the context of Article II, this approach was ultimately deemed unviable due to significant ethical concerns and security-related risks. Consequently, the selected methodology excluded direct interviews with jihadist actors.

The datasets utilized in the research presented in Article II are based on research permits granted by the National Police Board and the National Prosecution Authority and comprise elements of primary data, as the documents contain transaction records, statements, and other forms of evidentiary material related to funds transferred or intended for transfer to jihadist actors. Even though extensive in quality and quantity, there were some challenges in identifying and examining the data. *First*, there is no automatic research tool which could gather all relevant data from all relevant police registries. It is impossible to systematically search for cases relating to jihadist financing, or even related to terrorist financing, since the crime title chosen might not always be financing of terrorism -related, even if the case entails dimensions of TF. The crime title could be tax fraud, money collection offence or ultimately, any terrorist offence. It is possible, even likely, that all relevant documents and thus all relevant cases or suspected cases relating to jihadist financing in Finland during 2001-2019 are not included in this research. *Second*, after identifying relevant documents, it was not always possible to trace the life span of a particular suspicion or a case. For example, if a suspicion of jihadist financing was identified in the FIU data, it was not always possible to detect how the suspicion evolved or alternatively, proved to be a false positive. The same situation presented itself when examining the preliminary investigation and pre-trial investigation documents. At times, it was not always feasible to trace a particular case all the way to the prosecution's table and identify a decision not to prosecute, instead, in some cases it remained unclear as of why a particular investigation remained suspended or otherwise had not progressed to the prosecutor. Therefore, the analysis and conclusions regarding why jihadist financing rarely progresses to the phase of prosecution had to be made based on imperfect data.

Reviewing limitations regarding Article III, the main focus may be aimed at the dataset which lays the basis for the research and its conclusions. When gathering an extensive dataset, it is always possible to miss some relevant pieces of

information. In this instance, the dataset was compiled by a professional team from a prestigious university program, thereby minimizing the risk of incomplete information relative to data collection by a single doctoral candidate.

1.9 Ethical positioning of the researcher

Ethical considerations are an essential component of sustainable and credible academic research. Striving towards the elusive ideal of objectiveness has to be taken into account during all phases of the research project, starting from the research plan and continuing until the public defence and archiving of the research material and the dissertation. Challenges lay in subconscious decision-making regarding research methods, research material, interviewees and chosen interview questions, as well as determining the overall framework of the research. Reviewing one's own positioning, prior assumptions and possible confirmation bias towards the research topic is a challenging but necessary exercise.

Research methods should be designed to refute the so called confirmation bias, i.e. human beings' natural and unintended tendency to search evidence which confirms one's own preceding views. Therefore, when utilizing empirical research methods, research topics are examined in a way that the results do not reflect the author's own opinions.¹⁴⁸ However, no research is conducted in a vacuum which would be completely independent and unreflective of the author's world view and preconceptions regarding the research topic.

Researcher's self-understanding may be examined from at least the following perspectives: decision-making processes regarding the choice of discipline, research topic, academic knowledge interests, scientific self-understanding, and the manner in which results and conclusions are presented.¹⁴⁹ Researcher's background, work experience and personal interests inevitably effect her/his world view. I personally have a rather long experience in working with issues relating to terrorist financing, including jihadist financing. However, my background is versatile, since during the years of conducting this research (2017-2026), I have served as a Senior Compliance Officer in a financial institution, as a full time Doctoral Candidate and in three different positions within the Finnish Police. I have also been trained and acted as a FATF assessor in a mutual evaluation process. Therefore, I claim that I have viewed the AML/CFT framework from multiple different angles, and therefore, my professional background does not pose

¹⁴⁸ Kivivuori 2021, p. 54.

¹⁴⁹ Similarly in Siltala 2003, p. 742.

insurmountable challenges in striving towards objective research. Nevertheless, it must be noted that the majority of the discussions I have carried out regarding the research topic, have been with the representatives or former representatives of the Finnish police. It is possible that had I carried out a career as a full time academic, as a prosecutor or as a defence lawyer specializing in human rights, my perspective would likely be different, even though the intention and a prerequisite for publishing academic research is to remain objective throughout the entire research process.

As mentioned above, I have been trained and acted as a FATF assessor in a mutual evaluation process. Therefore, when assessing the credibility and effectiveness of the global governance of terrorist financing framework in relation to international organisations such as the FATF, it is possible that my experiences as an assessor, may they be positive, neutral or negative, effect my conclusions even though again, the intention and a prerequisite for publishing academic research is to remain objective throughout the entire research process.

It is pertinent to note also that I have been heard as an expert in the working group which the Ministry of Justice has established in November 2023 in order to update the legislation regarding terrorist offences. I would also like to note that this research has been financially supported by the Fund of Nordea Bank¹⁵⁰, the Finnish Lawyers' Association¹⁵¹ and the Fulbright Foundation. My employer at the time, the NBI has provided me with a paid study leave of twenty working days and an unpaid study leave of eight days. These forms of support have had no influence on the carrying out, substantive content or findings of this dissertation.

Even though conducting interviews was part of the research methods only in Article II, during the years of conducting this research, I have had the pleasure of carrying out informal conversations with an enormous number of professionals in the CFT regime, both in Finland and abroad. These conversations have widened my perspective on the research subject, helped in scoping and planning the themes of the research articles and sparked ideas for upcoming research. However, to the best of my knowledge, I have not utilized the views of this wide group of experts in any of the research articles or in this synopsis when formulating the research findings or any other chapters.

Finally, it should be noted that in the formulation of this synopsis, artificial intelligence has been used to a limited extent in order to finalise some complex sentence structures.

¹⁵⁰ Suom. Nordea Pankin säätiö.

¹⁵¹ Suom. Suomalainen Lakimiesyhdistys.

2 Theoretical framework

2.1 Global governance of crime

Global governance of crime is a complex construction which may be defined in various ways, depending on the perspective and the field of study reviewing it. The term is “notoriously slippery”¹⁵² but still used frequently by social scientists and practitioners. It has even been argued that its conceptual vagueness is the secret of its success.^{153 154}

The demand for and acceptance of global governance in general may vary from one jurisdiction to another, but globalisation has been a self-evident and crucial element driving its formation and development. Underlying the emergence of a multi-level model of global governance is the fact that the consequences of globalised interdependence of states can not be effectively addressed by isolated national solutions.¹⁵⁵ Especially in the field of terrorist financing, which is a transnational phenomenon, there has been increased pressure to harmonise and intensify regulation, and global governance mechanisms have been an efficient way to carry out the actions needed. Therefore, multiple transnational systems of regulation or regulatory cooperation have been established through international

¹⁵² Pierre – Peters 2000, p. 7.

¹⁵³ See e.g. Kohler-Koch – Rittberger 2006, p. 28; Schneider 2004, p. 25.

¹⁵⁴ Regarding the history of governance, it may be noted that a crucial factor which put it in the focus of international politics, was the end of the cold war and thus the termination of an ideological power struggle. This change in the international system elevated the concept of effective problem-solving which led to a system of international governance. Subsequently, there has been an emerging participation by private actors, such as transnational business corporations and NPOs, in fulfilling a large variety of government functions. (See e.g. Kohler-Koch – Rittberger 2006; Kohler-Koch 1993; Bütte 2004, pp. 281-290; Cutler – Haufler – Porter (ed.) 1999; Hall – Biersteker 2002.) Regarding applying the concept of global governance in the EU context and challenges thereto, see e.g. Herlin-Karnell 2012 a); Davies 2012, Esty 2006.

¹⁵⁵ Kingsbury – Krisch – Stewart 2005, p. 15.

treaties and informal cooperation networks, shifting regulatory decisions from the national to the global level.¹⁵⁶ In addition to committing to traditional multilateral treaties, states are committing to a series of major regional treaties in the field of security, such as treaties by the Council of Europe. These traditional regulation mechanisms have been complemented by the emergence of soft law initiatives, put forward especially by different formal inter-governmental organisations, such as the FATF.¹⁵⁷ Their recommendations and guidelines are not formally binding, and it may even be that their formal but non-binding nature advances their acceptance to begin with.¹⁵⁸

Professors Miguel Poiates Maduro and Neil Komesar have stated that interdependence has always led to governance, and therefore, while world interdependence grows, so does the need and claims for governance beyond the state. Simultaneously, the forms of governance beyond the state we see emerging face significant disputes and prove challenging to delineate and evaluate. Moreover, these supranational forms increasingly diverge from traditional state-delegated models, blurring the lines between a state's domestic and international roles. Even if the constitutional nature of the emerging forms of transnational and global governance is contested, what cannot be denied is their impact on state constitutionalism. Maduro and Komesar also note that states do not exist in a vacuum. Thus, in an interdependent world there are many common goods¹⁵⁹ and the actions of any state can and often do affect the welfare of other states. This existence of common global and transnational interests provide both the need and justification for governance beyond the state.¹⁶⁰

For the purposes of this research, the term global governance of crime refers to global regulation, standards, resolutions, recommendations, information exchange, and monitoring of the set standards' implementation and transposition.¹⁶¹ Thus, global governance of crime in the context of countering jihadist financing includes but is not limited to establishing conventions and treaties, codes of conduct and evaluations imposed by transnational organisations,

¹⁵⁶ Ibid, p. 16.

¹⁵⁷ Mitsilegas 2015, p. 153.

¹⁵⁸ Similarly, regarding the International Labour Organization in Klabbers 2023, pp. 133-142.

¹⁵⁹ Maduro and Komesar mention climate change and economic growth as "common goods", but in the context of this dissertation, the concept examined would be global governance of terrorist financing.

¹⁶⁰ Maduro – Komesar 2020, pp. 439-440.

¹⁶¹ Similarly as in Jakobi 2013, p. 3.

government networks, private and public standard-setting bodies, public-private partnerships and other cooperation networks. The United Nations Office on Drugs and Crime (UNODC), the UN, the EU, the European Council, the FATF, the International Monetary Fund (IMF), the Wolfsberg Group, and The Basel Committee, are examples of such actors.

Recommendations and information exchange initiatives by private international standard-setting bodies and public-private partnerships (PPPs), which in the context of terrorist financing may include representatives of financial institutions and other obliged entities, national governments and NPOs, have had a significant effect on countering terrorist financing practices throughout the Western world.¹⁶² One of the first anti-money laundering/countering financing of terrorism (AML/CFT) PPPs was the Joint Money Laundering Intelligence Taskforce (JMLIT) in the United Kingdom (U.K.), which was established in 2015 between law enforcement and the financial sector in order to exchange and analyse information relating to money laundering and wider economic threats.¹⁶³ There is a PPP established also in Finland. The Finnish Anti-Money Laundering Intelligence Task Force (FAMLIT) forum was set up in 2020 in the form of a joint expert group. Participants are from the FIU and obliged entities referred to in the Act on Preventing Money Laundering and Terrorist Financing (444/2017). The taskforce seeks to improve effectiveness of the prevention of money laundering and terrorist financing.¹⁶⁴

As previously noted, global governance of crime is construed as describing norms which are not usually legally binding as such. However, in many instances, norms produced by global governance mechanisms do trickle down to multiple legal systems at the supranational, regional and national levels. Thus, global governance of crime, for the purposes of this research, refers to attempts to counter jihadist financing by establishing worldwide regulation targeted at criminalising and enhancing prosecution and criminal accountability of specific terrorist financing activities.

It is also worth noting that a single, prevalent form of global governance does not exist. There are multiple, complementary and perhaps even contradicting forms of global governance operating in different thematic domains. As regards to contemporary counter-terrorism efforts, there are various governance

¹⁶² Kingsbury – Krisch – Stewart 2005, p. 16.

¹⁶³ The National Crime Agency 2024.

¹⁶⁴ Finnish anti-money laundering authorities' website, URL: <https://rahanpesu.fi/en/national-cooperation>.

terrains in place in addition to countering the financing aspect, including intelligence sharing, law enforcement cooperation and efforts to keep nuclear materials out of reach for terrorist actors, to name a few. Ideally, these mechanisms are mutually reinforcing but may also enable forum shopping or appear as mutually incompatible.¹⁶⁵

As for different spheres of global governance, Professor Kalypso Nikolaïdis has introduced a threefold coexistence of: 1) democratised governance which is based on ‘international politics’, backed up by domestic politics of democracy; 2) legal governance (courts), which base their legitimacy on the rule of law; and 3) insiders’ networks (expert bodies), which are based on technical expertise.¹⁶⁶ In the context of the Finnish CFT framework, these three layers appear to cover the global governance mechanisms implemented nationally. Perhaps the least studied aspect of the three global governance sources is 2) legal governance. The Finnish courts self-evidently base their decision making on the rule of law, however, this is based on the very core of (also) the Finnish legal system, not derived from the global governance framework. Accordance with the rule of law is associated with modern liberal societies and may be considered as a benchmark of good governance.¹⁶⁷

As for examining the EU and its member states’ criminal law legislations and their roots, the rise of global governance of crime has had a remarkable role to play. Valsamis Mitsilegas has divided EU’s contribution in global crime governance into four levels.¹⁶⁸

1) Global multilateral treaties

The first level is governance via global multilateral treaties, such as the relationship between the EU and the UN, which Mitsilegas considers as “the backbone for the emergence of a regime of global governance of crime”. For example, the definition of money laundering was introduced as a concept for the first time in the

¹⁶⁵ Biersteker 2011, p. 9.

¹⁶⁶ Nicolaïdis 2011, p. 51.

¹⁶⁷ See e.g. Murphy 2012, p. 34. On the rule of law in the framework of the EU, see e.g. von Bogdandy & Bast (ed.), 2009.

¹⁶⁸ Mitsilegas 2015, pp. 153-198.

Community legal order in 1991 in the first Money Laundering Directive¹⁶⁹, and was copied almost word to word from the 1988 UN Vienna Convention.

2) Regional multilateral treaties

The second level of EU's contribution in global crime governance is governance via regional multilateral treaties, such as the relationship between the EU and the Council of Europe, which Mitsilegas designates as a growing form of interconnections in the field of criminal law. Regarding countering terrorist financing, there have been two Council Framework Decisions, which have introduced new offences to be criminalised in connection with terrorist support activities and signalled a move towards the adoption of preventive criminal law in the EU.¹⁷⁰ Whereas the Council of Europe currently regards the 2005 Warsaw Convention on the Prevention of Terrorism and the Additional Protocol thereof as its main international legal instrument in the counter-terrorism field.¹⁷¹ Even though Finland has signed but not yet ratified the Convention, its legislation corresponds to a large extent with the demands of the Convention, including criminalisation of a number of terrorist activities, including participation in the activities of a terrorist group, receiving terrorist training, travelling abroad for the purposes of terrorism and financing or organising travel for this purpose.

3) Soft law instruments

The third level of EU's contribution to global crime governance is governance via soft law instruments, such as the relationship between the EU and the FATF. It is easy to agree with Mitsilegas when he states that nowhere are interconnections between global governance actors better illustrated than in the relationship between the EU and the FATF. The main "product" of the FATF are its 40 Recommendations in the AML/CFT domain, put forward originally in 1990 and revised repeatedly, the latest revision established in 2012. Although not binding in the perspective of international law, the Recommendations' actual influence on the

¹⁶⁹ Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purposes of money laundering [1991] OJ L166/77.

¹⁷⁰ See Council Framework Decision 2002/475/JHA on combating terrorism [2002] OJ L164/3 and Council Framework Decision 2008/919/JHA amending the 2002 Framework Decision on combating terrorism [2008] OJ L330/21.

¹⁷¹ The Council of Europe's website, URL: <https://www.coe.int/en/web/counter-terrorism>.

development of EU counter-terrorism legislation, and thus the Member States' legislation, has been tremendous. Starting from the Second EU Anti-Money Laundering Directive, all AMLDs have been justified by references to international developments in the field, usually specifically to the FATF Recommendations.¹⁷²

The expansion in FATF's mandate, standards and membership can be attributed to its informal nature and flexibility, which is enabled by the organisation's network structure.¹⁷³ The network in question also guarantees extensive opportunities to participate in the group's work. Currently, there are almost 40 member states in the FATF, as well as the European Commission and associated regional members. In addition to setting standards and recommendations, the FATF monitors countries in the form of mutual evaluations to ensure that states implement the 40 Recommendations fully and effectively. In total, more than 200 countries and jurisdictions have committed to implementing the Recommendations and are assessed with the help of FATF Associate Member organisations and other global partners, the IMF and the World Bank.¹⁷⁴ Therefore, a very broad group of participants in the FATF work enables hundreds of experts to contribute to the development and possible reconsiderations of the FATF's contributions, as well as enable the organisation to stay up to date with current

¹⁷²See Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purposes of money laundering [2001] OJ L344/76 (2nd AMLD), Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (3rd AMLD), Directive 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (4th AMLD), Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (5th AMLD); and Directive (EU) 2024/1640 of the European Parliament and of the Council of 31 May 2024 on the mechanisms to be put in place by Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Directive (EU) 2019/1937, and amending and repealing Directive (EU) 2015/849 (6th AMLD).

¹⁷³ Mitsilegas 2021, pp. 39-40.

¹⁷⁴ FATF website, URL: <https://www.fatf-gafi.org/en/topics/mutual-evaluations.html>.

criminal phenomena and ways to encounter them. Non-Member States have also been given an opportunity to comment before they are placed on a list of non-compliant states by the FATF¹⁷⁵, which increases the transparency and accountability of the Task Force's decisions.

The FATF is not the only instance within the global governance regime, where a dialogue has been established regarding its outputs. The Basel Committee on Banking Supervision is a global standard setter for the prudential regulation of banks and provides a forum for regular cooperation on banking supervisory matters, consisting of 45 members including central banks and bank supervisors from 28 jurisdictions.¹⁷⁶ The Committee has established a web-based process for example in developing its new capital adequacy requirements for banks; drafts are posted, comments are invited, and Committee's view explained in connection with suggested drafts. The World Bank has also followed a similar procedure for revision on its safeguards policies.¹⁷⁷ Dialogue, transparent drafting of recommendations and standards, and broad possibilities to participate alleviate claims of global governance organisations being "elite clubs" and accusations regarding their undemocratic processes and unaccountable decisions.

4) Global administrative law

Mitsilegas's fourth and final level of EU's contribution in global crime governance is global administrative law, for example in the form of the relationship between the EU and the UNSC. After the September 11 terrorist attacks, a global call for the "fight against terrorism" was made by the U.S. and counter-terrorism standards started to develop rapidly. The development in question did not result in traditional multilateral UN Conventions, but rather under the format of "global administrative law", of which UNSC Resolutions serve as a pertinent example. Resolution 1373 (2001) was adapted swiftly after September 11, less than three weeks after the attacks. It called upon all states to counter the financing of terrorist acts, to criminalise terrorist financing and extend the freezing of assets regime. The main message of the Resolution was to articulate clearly that any person participating in the financing, planning or perpetration of a terrorist act must be brought to justice, and that terrorist acts are criminalised as serious offences in the domestic

¹⁷⁵ FATF website; URL: <https://www.fatf-gafi.org/en/publications/Fatfgeneral/Aboutthenon-cooperativecountriesandterritoriesncctinitiative.html>.

¹⁷⁶ The Bank for International Settlements website, URL: <https://www.bis.org/bcbs/index.htm>.

¹⁷⁷ Kingsbury – Krisch – Stewart 2005, p. 39.

legislations and that the punishments reflect the seriousness of such terrorist acts.¹⁷⁸

The infiltration of global norms into legal orders at the supranational, regional and national levels has been ongoing. A key development of such norm production concerns the criminalisation of conduct by FTFs which was adopted in the UNSC Resolution 2178 (2014). In addition to the EU Directive on Combating Terrorism¹⁷⁹, the Resolution 2178 (2014) led also Finland to criminalise travelling for the purpose of committing a terrorist offence ¹⁸⁰, which came into force in December, 2016. Application of the criminalisation has been very limited, however. The most remarkable foreign fighting activity in Finland regarding jihadism took place in connection with the “ISIS Caliphate”, but most Finnish FTFs had left the country already prior to 2016, when travelling for the purposes of terrorism (and the facilitation of such travel) were not yet criminal offences.¹⁸¹

There has been a critical tone in describing the infiltration of the UNSC Resolutions to national legal systems, based on the fact that although there still is no global, international treaty on the criminalisation of terrorism at the UN level, the criminalisation of terrorism is being extended by other means. Mitsilegas has referred to a four-step process: the adoption of standards by the global executive (UNSC); their influence on the output of other global executive actors (the FATF); the transformation of global executive standards into legally binding standards in a regional multilateral treaty (in the Council of Europe); and the subsequent mirroring of these standards in supranational EU law via the revision of the EU counterterrorism Directive.¹⁸² This view is surely not the only critical one towards the EU’s participation, and implementation and transposition of the norms created by global governance of crime. Before proceeding to analysis of criticism regarding global governance (in Chapter 2.2), a more in-depth evaluation of the *legitimacy* of global governance framework is required in order to sufficiently assess its efficiency, credibility and alignment with the Finnish criminal law system.

¹⁷⁸ Mitsilegas 2015, pp. 179-181.

¹⁷⁹ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA. (“Terrorismirikosdirektiivi”).

¹⁸⁰ The Criminal Code Chapter 34 a Section 5 c.

¹⁸¹ Ministry of the Interior 2020, p. 24; Counter-Terrorism Committee Executive Directorate (CTED) 2019, p. 15.

¹⁸² Mitsilegas 2021, pp. 40-41.

Legitimacy of global governance mechanisms

The features of a widely accepted and functioning global governance system include indisputably aspects of inclusiveness, transparency, fairness and adaptability.¹⁸³ These features may also be described as ensuring the *legitimacy* of a global governance regime. The concept of legitimacy in general may be approached from various different angles, since the definition of the term depends on the perspective and disciplinary orientation of the person striving towards an (adequate enough) definition. The term has been described as “an opaque, intangible and inherently contested concept” and “academic literature on the theme fully reflects this ambiguity, with scholars expressing a range of epistemological and methodological views on the concept of legitimacy. Nevertheless, legitimacy will remain a wide-ranging and ambiguous concept which will not reach a conceptual “endpoint”.¹⁸⁴ Regarding the European criminal law regime, *legitimacy* resonates profoundly with the societies’ core values, including democracy, human rights, rule of law, and sound and rational criminal policy.¹⁸⁵

In the context of global governance of crime frameworks and governing counter terrorism measures, in particular, legitimacy of the system is self-evidently distinct from the legality of the system. For example, when a Finnish judge renders a verdict on financing a terrorist, the sentencing act is legal, requiring that the verdict is based on the definition of the crime title and other elements of criminal liability, but the legitimacy of passing a sentence on a particular financing act may be challenged. Especially so, if the verdict is rendered based on controversial conduct of the defendant, such as financially supporting a relative residing in a conflict zone. According to the Finnish traditional doctrine of legal sources, the audience assessing the rightfulness of a verdict, would first and foremost turn to the literal interpretation of the criminal code’s section, followed by exploring case law, government bills and other preparatory documents regarding the criminal code.¹⁸⁶ However, in the contemporary context of prevailing European law and global governance mechanisms, the public discourse may rapidly shift towards

¹⁸³ See similarly Biersteker 2011, p. 11.

¹⁸⁴ Eagleton-Pierce 2009, pp. 15-21.

¹⁸⁵ Nuotio 2020, pp. 20-39.

¹⁸⁶ On traditional Finnish doctrine of legal sources, see e.g. Aarnio 1989; Peczenik 1995; Siltala 2003; Tuori 2013. On contemporary Finnish doctrine of legal sources, acknowledging the effects of European and international binding norms, see Tuori 2014, pp. 11-58; Karhu 2020, pp. 1017-1034; Pihlajamäki 2020, pp. 1126-1145.

questioning the foundational principles and *legitimacy* of terrorist financing regulation and the international obligations upon which the legislation is based on.

However, it is important to note that EU legislation, as an example of a binding element of global governance, is not unilaterally or surprisingly thrown over the Finnish political and legal systems. The Finnish Constitution (Section 96) states that the parliament is involved in the national preparation of legal matters of the EU. Further, the Parliament will be involved a second time in the process of implementing EU law when the negotiated EU instruments are transposed as part of the national legislation.¹⁸⁷ Professor Kimmo Nuotio has noted that the terrorism legislation has certainly tested national legislative procedures and their ability to ensure the quality and constitutionality of norms. For example, parliaments may play a certain role in overseeing the positions taken by the government and various ministries when they represent the member state in negotiations. It is precisely during this initial stage that decisions are often made about what will later be implemented.¹⁸⁸ Although the European legislative bodies are comprised of representatives from the Member States and the legislative process involves certain involvement of national parliaments, the EU's decision-making has consistently sparked academic debate over a "legitimacy deficit."¹⁸⁹

The EU's claimed legitimacy deficit has manifested itself as both empirical findings regarding citizens' attitudes towards the EU and normative assessments of its institutions. Trust towards the EU has been measured for example through Eurobarometer data on support for the existence of the European Community.¹⁹⁰ Nordic scholars in particular have criticized EU criminal law based on the notion that it represents a far more instrumental approach than that which is characteristic of the criminal policies of the Nordic countries, and therefore, it could risk leading to increased repression if implemented in full.¹⁹¹ The criticism often points in the directions of unawareness of common European values, deficiencies in the decision-making processes and transparency thereof. There are also frequent calls for the commitment to strengthening of human rights and fundamental freedoms.¹⁹²

¹⁸⁷ Nuotio 2006, p. 1013.

¹⁸⁸ Nuotio 2020, p. 260.

¹⁸⁹ Eagleton-Pierce 2009, p. 17, with references to Amull – Wincott (ed.) 2003; Beetham – Lord 1998; Howse – Nicolaïdis 2001.

¹⁹⁰ Follesdal 2006, pp. 441-468.

¹⁹¹ Nuotio 2020 b), pp.20-39. Nuotio also refers to Elholm 2009, pp. 191-226.

¹⁹² See e.g. Lahti 2023, p. 5.

One of the most insightful and fresh approaches to engagement with the EU's common criminal law, and to formulating a constructive proposal for its theoretical foundation, is that of Professor Kimmo Nuotio's: "...we may have been using too simplistic a model of how law works and becomes effective in a society. We might have to add a bit of idealism to our realism. Maybe we have not yet realized that as criminal policy matures, it must also change substantially. We may need a bit of social theory to see this point. Broadening our perspective on European criminal law enables us to see more of its nuances." The point Nuotio makes has to do with the legitimacy of EU's criminal law. Acknowledging that the potential of European criminal law is still rather limited and there are structural limitations and fragmentations which still characterize the field of European criminal law, it should not be viewed only from the perspective of its shortcomings and deficits, but from the point of view of its achievements and its potential.¹⁹³

Nuotio proposes looking back at the development of European criminal law and recognizing that it has matured in several ways. European law today takes into consideration the distinct character of criminal law, a recognition which has come after many years of intense debates of whether criminal law deserves to be treated differently from other fields of law. Noting also the developments of human rights and fundamental rights on the European level¹⁹⁴, it is appropriate to take a fresh look at the actual and potential legitimacy of European criminal law. Nuotio also draws attention to the increased involvement of the European Parliament in the decision making of the EU. Overall, Nuotio wishes to challenge "the dominance of narrow effectiveness thinking and the view that general deterrence is the leading understanding of the mechanisms of how criminal law works in the society."¹⁹⁵ In the context of the global governance of crime, the EU measures taken within the framework of European criminal law are of course only a few pieces in a larger puzzle. From the Finnish perspective, however, those pieces do form the central picture. Many standards developed at a global level also trickle down to national laws through the EU's legislative framework, for example the FATF Standards.

Professors Robert Howse and Kalypso Nicolaïdis have examined ethics and democracy, which both have an inherent connection with legitimacy, in implementing global governance in the framework of global trade and the World Trade Organization (WTO). These reflections apply aptly also in reviewing the legitimacy of global governance of crime, particularly when reviewing the

¹⁹³ Nuotio 2020, pp. 20-39.

¹⁹⁴ Nuotio 2022 a), p. 475.

¹⁹⁵ Nuotio 2020, p. 38.

legitimacy of international organisations such as the FATF. Howse and Nicolaïdis highlight that democracy requires moving beyond consensus, or at least formal consensus in the shadow of power asymmetries, and pose a question of what makes it legitimate for those who disagree, the opposing minorities, to nevertheless be subject to the outcome and to even be legitimately coerced by the laws and policies in question. Further: “What kinds of norms and practices permit persons who disagree with or lose from particular outcomes nevertheless to view the outcomes in question as consistent with the political ideal of selflegislation or nonsubordination?”¹⁹⁶

From those questions, Howse and Nicolaïdis derive eight principles, which are presented as “the beginning point of a conversation, not an end”. The principles are: 1) Inclusiveness – participation and internalisation; 2) Reversibility – review and revision; 3) Control – checks and balances; 4) Flexibility – compromise and compensation; 5) Empowerment – adjustment and reverse conditionality; 6) Pluralism – global deals, horizontality, and discretion; 7) Contestation – embracing agonistic politics; and 8) Regionalism – allocation of power to intermediaries.¹⁹⁷

One of the principles which resonate strongly to the work of global governance of terrorist financing initiatives among international organisations such as the FATF, is principle 1) Inclusiveness – participation and internalisation. Inclusiveness needs not, naturally, entail the demand of participation of every relevant group or its representatives in all of the decision-making of the organisation in question. With even moderate opportunities to participate in the work, groups speaking for a range of values may gain the attention of the core organisation. A recent FATF’s outreach event to the private sector was a Private Sector Collaborative Forum, organised in Mumbai in March 2025, which aimed to reinforce the importance of public-private collaboration. At the forum, participants were able to share their views on the FATF’s ongoing public consultation on proposed revisions to its recommendations.¹⁹⁸ Another recent undertaking aimed at receiving input from the private sector and civil society was in regards to a FATF study aimed at improving country and private sector understanding of current

¹⁹⁶ Howse – Nicolaïdis 2016, pp. 259-283; Howse – Nicolaïdis 2008, pp. 163-191.

¹⁹⁷ Howse – Nicolaïdis 2016, pp. 268-282.

¹⁹⁸ FATF’s website: <https://www.fatf-gafi.org/en/publications/Fatfgeneral/pscf-march-2025.html>.

Proliferation Financing risks.¹⁹⁹ Concurrently, FATF invited “interested stakeholders” to provide comments on its proposals for the update of the FATF Guidance on AML/CFT measures and financial inclusion. The undertaking was part of FATF’s programme to address the unintended consequences of AML/CFT measures.²⁰⁰ It is evident that inclusiveness, including the right and ability to participate in its work, is taken into consideration in the organisation’s strategy.

The second Howse’s and Nicolaïdis’s principle which closely relates to the global governance of terrorist financing regime is 2) Reversibility: review and revision. Again, it is most relevant in the work of non-binding standard setting bodies, such as the FATF. The possibility to review and revision allows parties which suffer unintended consequences of the set standards, to have confidence that a particular outcome unfavorable to their values or interests does not indicate permanent policies and impacts thereof.²⁰¹ One revision which has gained plenty of attention in the context of the FATF, is the reshaping of Recommendation number 8 (R. 8) regarding Non-Profit Organisations (NPO). R. 8’s previous formulation and its implementation had led countries to apply disproportionate measures on NPOs, impeding their ability to operate and pursue their missions effectively, to access financial services, and even continue their legitimate operations. Efforts to clarify the language of the R. 8 had resulted in many improvements, but serious issues remained. In 2021, the FATF started a project to analyse and understand the unintended consequences resulting from “incorrect implementation” of the R. 8. Amendments to R. 8 were released in November 2023, and the revised R. 8 and its Interpretive note now require countries to protect NPOs from terrorist financing abuse through the risk-based implementation of strengthened measures.²⁰² The measures taken up by the organisation demonstrate an ability to review and revise its recommendations and other outputs. It is clear that the revision measures stem

¹⁹⁹ FATF’s website: <https://www.fatf-gafi.org/en/publications/Fatfrecommendations/Recommendation-1-CPFSES-Public-Consultation-Feb-2025.html>.

²⁰⁰ FATF’s website: <https://www.fatf-gafi.org/en/publications/Financialinclusionandnpoissues/aml-cft-financial-inclusion-public-consultation-february-2025.html>.

²⁰¹ Howse – Nicolaïdis 2016, pp. 273-274.

²⁰² FATF’s website: <https://www.fatf-gafi.org/en/publications/Fatfrecommendations/Fatfrecommendations.html>.

not only from the organisation's capacity for self-reflection but also from external pressure and criticism directed at it.²⁰³

Even though all of the eight principles presented by Howse and Nikolaïdis have connections in applying global governance of crime, the last one mentioned within this discussion is 6) Pluralism – global deals, horizontality, and discretion. Taking into consideration the “global” nature of global governance, it is easy to agree with Howse and Nikolaïdis when they state that “If pluralism is central to mainstream liberal democratic theory à la Ronald Dworkin, its import for global governance has been strikingly under-theorized. Under a pluralist imperative, ‘global subsidiary’ requires not only respect for policy space to experiment with different approaches to economic governance²⁰⁴, but also a sensitivity to the fact that some policy instruments may be appropriate or inappropriate given particular cultural contexts or commitments.”²⁰⁵ The perceived legitimacy of particular standards is highly contingent upon the viewpoint from which they are assessed. Many of the mechanisms of global governance stem from Northern and Western initiatives, and any attempt to regulate on that basis must thus face the challenge of intellectual and political bias. Further, the models of administrative law in Europe and in North America are closely connected to the rise of the liberal state and the rise of their regulatory and administrative activity in the late nineteenth and early twentieth centuries. An international order based on individual and economic rights may be too liberal to be universally acceptable and it may be necessary to accept that global governance models will have to be limited to actors which operate on regions or sectors that share common values to a sufficient extent.²⁰⁶

2.2 Critique and consequent remarks

After reviewing the legitimacy of global governance of crime, or in the context of this dissertation, global governance of terrorist financing, it is appropriate to examine other critique presented towards applying global governance mechanisms, and also reflections on the criticism.

Professor Ester Herlin-Karnell has pointed out that the FATF, in particular, has issued a set of special recommendations targeting terrorist financing

²⁰³ See e.g. Pavlidis 2023; Keatinge – Reimer – Chase 2021; Pisa 2019; Chakrabarty 2023, pp. 402–427.

²⁰⁴ In the context of this dissertation: global governance of crime.

²⁰⁵ Howse – Nicolaïdis 2016, p. 280.

²⁰⁶ Kingsbury – Krisch – Stewart 2005, pp. 51-52.

which have been largely reflected in the EU's own framework. The Union's mandate was consequently broadened to encompass terrorist financing alongside money laundering, following the adoption of nine FATF special recommendations. This extension of EU competences has been primarily justified by the perceived need to align EU legislation with evolving FATF standards. Herlin-Karnell continues that questions of coherence between the Union's internal values, objectives and standards and its external action arise in several constellations: when the EU exports its own standards, when it engages in cooperation with third states on ostensibly equal terms, and when it must transpose into its internal legal order standards it has agreed to within international organisations. One of Herlin-Karnell's concerns is EU's "one-sided focus on prevention and enforcement, while the adequate protection of the individual has been largely ignored."²⁰⁷

It ought to be noted that the EU has not simply "aligned" itself with the FATF standards but has also actively co-shaped them. The European Commission is a full FATF member and participates in plenary meetings and working groups, where standards and mutual evaluation methodologies are negotiated. Indeed, the Commission helps draft, comment on and revise recommendations and guidance, rather than merely implementing them.²⁰⁸ The FATF indisputably is a strong driver for the EU's counter terrorism competence expansion, but not without relevance are political demands after major terrorist attacks, international commitments and the demand for internal market's integrity contribute to the independent functional justifications for extending EU powers on countering terrorist financing either. Thus, the FATF standards are a significant reference point, but not the core constitutional rationale for the EU's action. Further, as any effort to counter criminality, the EU's counter-terrorist financing framework is a constantly re-balanced compromise between effectiveness and ensuring basic rights. The key challenge is not the mere fact of FATF influence or the expansion of EU criminal law, but ensuring greater transparency, parliamentary involvement and ex post review of how preventive tools are applied in practice.

Harnessing of instruments such as the UNSC resolutions for the purposes of countering criminality, also undisputably carries risks. Indeed, the production of normative standards by the Security Council, for example, has been criticized as undemocratic based on the selective membership, limited transparency of negotiations, and adoption of the resolutions swiftly in a "state of emergency". Resolutions have also been criticized for serving to promote the interests of only a

²⁰⁷ Herlin-Karnell 2012 a), pp. 1241-1242, with references to Mitsilegas 2009, Herlin-Karnell 2012 b); Gilmore 2004.

²⁰⁸ See e.g. the European Commission 2025.

few states. Further, it has been claimed that the resolutions leave international actors such as the EU with very limited discretion regarding their implementation.²⁰⁹ The production of norms by the FATF has also raised questions regarding challenges of democratic participation, transparency and accountability.²¹⁰

As described in chapter 2.1, even though the FATF has a limited membership, it still includes an extensive group of participants, which enable hundreds of experts to contribute to the work of the Taskforce. This work is conducted on many levels by the FATF Secretariat as well as experts from the member states and regional bodies. Further, as mentioned in chapter 2.1, non-Member States have also been given an opportunity to comment FATF's publications. Nevertheless, decisional transparency and access to information which forms the basis of certain recommendations or evaluations, are important foundations for the effective exercise of participation rights and rights of review. They also promote accountability by exposing decisions and relevant documents to public and peer scrutiny.²¹¹

In addition to existing intergovernmental global networks, there is intensifying cooperation within the EU. The Union and its member states are in the process of delegating institutional powers in the AML/CFT framework into a function-specific agency, the Anti-Money Laundering Authority (AMLA).²¹² AMLA is a decentralised EU agency, which will coordinate national authorities to ensure the correct and consistent application of EU rules. The aim of the authority is to intensify the AML/CFT supervision in the EU and enhance cooperation among FIUs. The authority has legally existed since June 2024 and is planned to be fully operational by the beginning of 2028. AMLA is likely to intensify cooperation between EU member states in the field of CFT and utilize its broad network of experts in supporting European FIUs by facilitating joint cross-border cases analyses, enabling controlled information exchange, providing capabilities, advanced data analytics and managing the common FIU.net information system.²¹³

One remarkable contribution of the global governance of crime framework is information sharing. Networks contribute to international crime

²⁰⁹ See e.g. Mitsilegas 2015, pp. 182-183; Talmon 2005, pp. 175-193; Johnstone 2008, pp. 275-308; Alvarez 2003, pp. 873-888; Gingsborg 2018, pp. 195-99.

²¹⁰ See e.g. Mitsilegas 2016, p. 47.

²¹¹ Kingsbury – Krisch – Stewart 2005, p. 38.

²¹² Similarly in Kohler-Koch – Berthold 2006, regarding the European Central Bank.

²¹³ AMLA's website: https://www.amla.europa.eu/about-amla_en.

prevention by enhancing the scope, quality and nature of international cooperation.²¹⁴ Different intergovernmental networks, PPPs and other channels within the global governance of crime are valuable avenues in sharing and receiving current information regarding ways jihadist networks collect and use funds. The information exchange may also take place through technical assistance, such as developing and finetuning common IT-systems and training programs provided by one country's officials to another²¹⁵.

Anne-Marie Slaughter has stated that "Networked threats require a networked response" She continues by describing how public attention focused primarily on military cooperation after September 11.²¹⁶ However, networks of financial regulators, law enforcement officials and intelligence operatives were equally significant. One example of an active network sharing regarding both operative as well as phenomenal information is the Egmont Group, a global organisation aiming at facilitating and prompting the exchange of information, knowledge, and cooperation amongst FIUs. Since the Egmont Group consists of a staggering figure of over 160 FIUs, the number of experts involved in the information exchange and training events is remarkable.²¹⁷

In addition to reliable dissemination of information, global crime governance networks also promote international convergence. This convergence enables informed divergence, as well, in areas where national governmental institutions acknowledge a fundamental standard or principle which contradicts the suggested regulation, and therefore choose to diverge from it for legal, national, historical, cultural or political reasons.²¹⁸ When a country in a governmental network or other global governance instrument has the option of harmonising its regulation or standards to converge with other nations but chooses not to, it is making a statement about the uniqueness of its national tradition or its political principles.²¹⁹ Indeed, exceptions to applying recommendations or policies issued by formal inter-governmental organisations are necessary. Countries must be able to take the fundamental values or procedural rights of their citizens into consideration. In the Finnish context, for example, these fundamental values

²¹⁴ Similarly regarding government networks contributing to "new world order" in Slaughter 2004 a), p. 24.

²¹⁵ Ibid., p. 19.

²¹⁶ Ibid., pp. 1–2.

²¹⁷ The Egmont Group's website: <https://egmontgroup.org/>.

²¹⁸ Slaughter 2004 a), p. 24.

²¹⁹ Slaughter 2004 a), p. 182.

include the principle of proportionality, the ultima ratio principle and the rule of law.²²⁰

It is not difficult to agree with Slaughter's conclusion: "What better source on how to run a securities system, regulate commercial banks, protect the environment, pursue different types of criminals, safeguard human rights or foster business competition than networks of government officials from around the world charged with precisely those functions?"²²¹ However, extensive geographical coverage -or non-coverage- of participants depends on political will, capabilities regarding the substance and: resources. Since resources are not evenly distributed among the governments globally, the more prosperous countries or regions tend to set the pace and substance of expert networks. Even though resources will likely never be distributed evenly, there are other ways to support broad participation opportunities. Remote participation in meetings, on-line working spaces and written procedures in drafting and commenting documents, for example, create more balanced participation opportunities.

In the domain of global governance of terrorist financing, the evolving interconnections between actors have enabled harmonized legal frameworks, industry standards, recommendations and mutual evaluations, which on one hand educate the network regarding its recommendations and on the other hand create peer pressure in implementing the recommendations. Partly due to the different networks, national authorities as well as the private sector, at least to a large extent, use similar language in describing the *modus operandi* of terrorist activity and in describing particular controls and indicators utilized in monitoring financial transactions. Further, since the legislation regarding countering terrorist financing is harmonized in Europe, there are no significant 'judicial safe havens' for terrorist actors.

Rather than seeking to regulate the activities of a single state or a single financial institution, it is more sensible to regulate the ecosystem of terrorist financing as a coherent, evolving entity. This is significant to note, since the results of this research conclude that the Finnish jihadist financing activities are almost without exception related to activity conducted abroad (see Chapter 3.2). Obviously, setting counter terrorist financing measures through global governance networks to a wide ecosystem instead of individual states is challenging, due to

²²⁰ Even though the rule of law principle is usually invoked in discussions concerning governments' obligations to protect their citizens, Murphy has appropriately pointed out that the first challenge to the rule of law is posed by the act of violence itself. (Murphy 2012, p. 5)

²²¹ Slaughter 2004 a), p. 178.

variable legislative, political, cultural and commercial environments, however, it is necessary because of the international nature of terrorist financing activity.²²²

In the context of transnational constitutionalism and global governance structures, Maduro and Komesar wish to set out “an approach to understanding how state constitutions and the governance mechanisms or, even, constitutionalism of the world interacts” and how we might begin to understand and reconsider both the “is” and “ought”—the positive and the normative—of the role of states.” Perfectionism or single institutionalism are to be avoided since according to Maduro and Komesar, it is all too common to display grave deficiencies that constitutes any accurate description of existing institutional alternatives and then to claim that some solution or actually any solution would be an improvement. Different alternatives are frequently presented in idealized terms or, at best, subjected to far less rigorous scrutiny than that applied to existing arrangements. Yet every institutional design is imperfect and such imperfections are only intensified in the vast domain of global governance. What is required, therefore, is not a search for flawless models but a careful comparative analysis of institutional alternatives.²²³

Ultimately, Maduro and Komesis conclude that they see state decision-making as generally the best political structure on which to form governance beyond the state, which is both qualified and paradoxical. It is indeed the imperfections of state decision-making which produce the need for global governance mechanisms. Nevertheless, states persist as the primary, albeit flawed, institutional mechanism for global decision-making. Importantly enough, Maduro and Komesis highlight that none of the afore mentioned suggests that “forming international structures for transnational governance is not a good idea”. In fact, variations in mutual externalities and participation conditions may create circumstances where the state ceases to be the most suitable governance framework for particular issues and common goods. Maduro and Komesis formulate promptly the final conclusion by stating that “The fact is that governance beyond the state cannot aspire to reflect the democratic and constitutional model of the states, but, instead, its normative value can be found in providing new institutional alternatives to correct some of the malfunctions of states in a context of increased interdependence.”²²⁴

²²² Similarly as regarding global governance of finance in Held – Young 2013, pp. 355-380.

²²³ Maduro – Komesar 2020, p. 440

²²⁴ *Ibid.*, p. 441,472.

Slaughter sums up the advantages of global governance aptly by stating that government networks that encourage and even require multilateral discussion prior to decision making are likely to produce creative, reasoned, and legitimate solutions to many problems that network's member states face. All problems will not be suitable for resolution in these forums and in many cases, no one solution may prove "the best" for all members, but a set of preferred possibilities can likely be identified. "[E]ven in those cases where contending interests are too strong to allow a reasoned outcome, present conflict can be transformed into the stuff of future compromise."²²⁵ Kalypso Nicolaïdis also provided a thought provoking idea suggesting that the alternative for a world of interdependence may be a "world of growing zones of chaos or new hierarchies, isolated poles, jealously guarded sovereignty, unilateral action galore and rival states or regions."²²⁶ Further, it ought to be recognized that if global mechanisms prove to be insufficient or unrecognized, there is a significant risk that powerful states such as the United States, choose to engage in unilateral actions against terrorist entities²²⁷, which may weaken the consensus on balanced and proportionate measures in combating terrorism.²²⁸ If state authorities have already imposed severe, illegitimate²²⁹ measures in furthering its objectives, global governance mechanisms may support citizens', or a group of citizens', efforts to resist these unilaterally imposed actions or to prevent such actions in the future. Additionally, global governance of crime mechanisms may support national minorities in reminding the state authorities or the majority of citizens why established European values should be defended.

Global governance of crime theory has proven to be a suitable framework in which to examine jihadist financing. Indeed, it would be challenging to review the theme without considering CFT-measures based on global governance. After concluding the theoretical framework's challenges and advantages, the most significant question still remains: how has the global governance framework been implemented in Finland and has the implementation intensified or strengthened criminal accountability of terrorist financing offences? Further, it is academically interesting to examine the subject in the wider context of Finnish criminal law: how does the implementation of global governance of crime

²²⁵ Slaughter 2004 a), p. 208

²²⁶ Nicolaïdis 2011, p. 48.

²²⁷ Similarly in Nuotio 2006, p.999.

²²⁸ Which of course remains an option irrespective of global governance operating efficiently or not.

²²⁹ Legitimacy or illegitimacy being dependent on the viewpoint, of course.

in countering jihadist financing reflect the understanding of the Finnish criminal law framework and its development? These matters will be discussed in chapter 4.2.

2.3 Other applicable theories

When examining jihadist financing and its counter measures in Finland, there are several theoretical frameworks that may be applied. One viable option would be to select an approach which reviews the criminalisation of terrorist financing from the perspective of preventionism. The nature of criminal justice systems has transitioned from reactive measures to various preventive measures, and from a rights-based approach to amore “effective” measures.²³⁰ For at least two decades, there has been a predominantly critical academic discussion regarding whether European legislative measures concerning terrorist offences are consistent with the core values and principles of the Finnish legal system.²³¹ One of the issues has been whether the contemporary legislation in Finland increasingly focuses on preventive measures. In the context of terrorist offences, the further criminalisation extends beyond the actual terrorist act itself and shifts towards the prevention of such attacks, the more crucial it becomes to safeguard citizens’ fundamental rights and to uphold the core values of our criminal justice system, including the principle of proportionality, the ultima ratio principle, and, perhaps most importantly, the rule of law. Professor Kimmo Nuotio has framed the spearhead argument against legislation in which the harm prevented (a terrorist act) seems to be temporally and in other aspects remote from the criminalised act (terrorist financing) itself: “Preventionism has often been understood as a problem and even as a threat, since setting such a vague goal on our criminal justice, we might risk loosening all the limiting principles concerning what can be done by means of criminal law”.²³²

Even though it would be intriguing to examine whether preventive criminalisations may be fairly and appropriately applied by ensuring sufficient protective mechanisms and limiting principles, it is not the theoretical framework of this dissertation. However, the preventive turn in Finnish criminal law is

²³⁰ Melander 2023, p. 11.

²³¹ See e.g. Nuotio 2003, pp. 1213-1235; Nuotio 2006, pp. 998-1016; Melander 2007; Nuotio 2007; Melander 2010; Melander 2013.

²³² Nuotio 2023, pp. 35-46; Melander 2023, pp. 11-23; Yli-Hemminki 2023. On international literature regarding preventive criminal law, see Jareborg 1995; Ashworth – Zedner 2014; Ashworth – Zedner – Tomlin 2013.

reviewed in Chapter 4.2, when analysing the implications of applying global governance mechanisms in the Finnish criminal law system.

It would be equally interesting to review countering jihadist financing from the perspective of securitisation, which refers to a concept initially developed by Ole Wæver to make a significant contribution to the “widening-deepening” debate in security studies, which had begun in the 1980s and intensified with the end of the Cold War.²³³ It has been argued that the securitisation of terrorism in the EU began after September 11²³⁴, the concept referring to actions of reasoning certain political decisions, policies and strategies by emphasizing and framing terrorism as an existential threat to Western civilization. Thus, through securitisation, it is possible to reason extreme and exaggerated responses to the illustrated terrorism threat. Although the securitisation theory is an important factor to consider when reviewing legislative undertakings and their implementation, it does not fall within the scope of this dissertation.

²³³ Christian Kaunert and Sarah Léonard: Collective securitization and crisification of EU policy change: two decades of EU counterterrorism policy, *Global Affairs*, 7:5, 2021; URL: <https://www.tandfonline.com/doi/pdf/10.1080/23340460.2021.2002098>, p. 688.

²³⁴ Christian Kaunert and Sarah Léonard: The Collective Securitisation of Terrorism in the European Union, 42 *West European Politics*, 2019; URL: <https://pure.southwales.ac.uk/en/publications/the-collective-securitization-of-terrorism-in-the-eu>, pp. 261-277. Regarding Finnish legislation and analysis of securitization in harmonizing money laundering provisions, see Tatu Hyttinen and Salla Heinikoski: Justification of supranational criminal law: analysis of collective securitization in the EU-level harmonization of money laundering provisions, *Maastricht Journal of European and Comparative Law*, vol. 26, no. 5, 2019, <https://journals.sagepub.com/doi/abs/10.1177/1023263X19879048>, pp. 815-832.

3 Overview of the sub-studies

Table 1 Overview of the sub-studies

	Article I	Article II	Article III
Author and publication year	Tuomaala-Järvinen in Paronen & Saarinen (ed.) (2020)	Tuomaala-Järvinen & Saarinen (2021)	Järvinen (2022)
Title	Threats, Extortion, and Robbery – Enduring Methods of Fundraising Among Jihadist Groups (originally in Finnish: Uhkailu, kiristys ja ryöstäminen – pysyvät metodit jihadistiryhmien varainhankinnassa)	Crime and Punishment: Jihadist Financing and Criminal Accountability	Al-Qaeda's Meager Lifeblood: Examining the Group's Financing Activities in the U.S.
Journal	National Defence University, Series 1: Research Publications no. 42	Perspectives on Terrorism	George Washington University, Program on Extremism publications
Research questions	-What are the primary funding sources of al-Qaeda, al-Shabaab and ISIS at the heart of their operational areas? -How have these sources evolved during the 2010's? -Could the emergence of cryptocurrencies mark a turning point in the financial practices of al-Qaeda, al-Shabaab and ISIS?	-Is jihadism financed in Finland? If so, how? -Is criminal accountability of jihadist financing lacking in Finland? If so, why?	-How were al-Qaeda's U.S.-related activities financed during the 2010's? -How do the identified financial dynamics from the 2010's compare to the financing modus operandi of al-Qaeda-related actors during the 2000s? -How do the identified financial dynamics from the 2010's compare to the

	Article I	Article II	Article III
			financing modus operandi of American Islamic State supporters.
Utilized data	Extensive set of academic literature, official reports and case studies addressing jihadist financing structures, historical development, and regional specificities.	16 semi-structured interviews, a data set from the Finnish Police, a data set from the Prosecution Authority, two reports from the FIU.	A dataset of 107 criminal cases.
Key findings	Criminal means of generating revenue have remained key sources of financing for the groups throughout the 2010s, with various forms of threats, extortion, and robbery being widely employed. Cryptocurrencies are unlikely to become the primary means of fundraising or fund transfers for jihadist groups in the 2020s. Their role will presumably remain secondary, primarily facilitating transactions outside core operational areas or for specific purposes like purchasing online infrastructure.	A three-fold typology of jihadist financing activities in Finland was detected: -Raising and moving assets for armed jihadist groups abroad -Raising assets for traveling to, and engaging in, jihadist activities in conflict zones abroad -Raising and moving assets for other individuals engaging in jihadist activities abroad. Finland has faced challenges in investigating and prosecuting terrorist financing, mainly due to reactive legislation, a relatively high threshold for initiating investigations and challenges in utilising different type of data.	Financial support for al-Qaeda from the U.S. during the 2010s was limited in scale, unsophisticated in method, and largely disconnected from the group's core leadership. It was mainly directed abroad, particularly toward al-Shabaab, and typically involved individual or small-group efforts rather than coordinated organisational strategies.

The purpose of this chapter is to present the research questions, data utilized, and findings of the three sub-studies. It is also essential to understand how the research questions and results of these sub-studies are related and positioned within the dissertation's overall research questions and findings. Table 1 presents an overview of the sub-studies.

3.1 Article I: Threats, Extortion and Robbery – Enduring methods of Fundraising among Jihadist Groups

In order to comprehend the concept of jihadist financing in a local ecosystem, such as Finland, it is beneficial to take a step back and consider how the entire phenomenon manifests elsewhere in the world, where the geographical core areas of operational activities exist, how do the most successful jihadist actors finance themselves and are there some future implications that would be possible to derive from the past. Therefore, in Article I, various funding models of armed groups affiliated with the jihadist movement and their development are examined. The research questions were formulated as:

- 1) What are the primary funding sources of al-Qaeda, al-Shabaab and ISIS at the heart of their operational areas?
- 2) How have these sources evolved during the 2010's?
- 3) Could the emergence of cryptocurrencies mark a turning point in the financial practices of al-Qaeda, al-Shabaab and ISIS?

The article concludes that criminal methods of revenue generation have been particularly prominent in the funding sources of the groups examined during the 2010s. In particular, various forms of threats, extortion, and robbery are employed by all three groups, while donations have also played a significant role, originating either directly from diaspora communities or indirectly via charitable organisations.

The article also demonstrates that the sources of funding for the groups under examination have largely remained consistent throughout the 2010s. When examining an individual group, the limited availability, partial unreliability, and at times contradictory nature of open-source information present significant challenges. Nevertheless, it is possible to discern certain general patterns and

trends. Although the range of methods for transferring assets has diversified over time, there have been no significant changes in the primary means by which the jihadist organisations examined in this article —Al-Qaeda, Al-Shabaab, and ISIS— generate revenue within their respective areas of operation. The financing of their activities continues to rely predominantly on the exploitation of territories under their control, rather than on external transfers of assets through the international financial system.

Kidnapping for ransom has emerged as a central fundraising mechanism for al-Qaeda and its affiliates, generating substantial revenue, particularly in conflict zones across the Middle East and Africa. U.S. and international authorities have highlighted the scale of these operations, noting that ransom payments have provided jihadist groups with tens of millions of dollars. Despite the diversification of methods, al-Qaeda's core financial strategies continue to rely on exploiting both local resources and global networks of supporters.

Al-Shabaab, affiliated with al-Qaeda since 2012, operates mainly in an environment characterized by chronic administrative and economic instability in Somalia. The group has established a parallel governance system, providing inter alia social services and infrastructure in areas under its control, which has led some Somalis to voluntarily relocate to these territories for greater predictability and order. Al-Shabaab's primary revenue streams are based on systematic taxation and extortion within its territories. The group levies tolls on commercial transport routes, taxes agricultural production, trade of goods, and livestock sales. Even in areas outside its direct control, al-Shabaab functions as a shadow authority, extracting funds through organised criminal methods. The group's taxation system is rather developed and centrally managed, with revenues funnelled to a financial hub in Qunyo Barrow for redistribution. Charitable organisations, essential to Somalia due to the state's weakness, are both a threat and a resource for al-Shabaab, which subjects them to registration fees, protection payments, and various taxes. Humanitarian actors must often cooperate with al-Shabaab to operate safely, inadvertently contributing to the group's finances.

ISIS, originally a part of al-Qaeda but publicly separated in 2013, became the most prominent jihadist group of the past decade, especially following the declaration of its caliphate in 2014. The group's expenditures during its territorial peak were exceptionally high, reaching hundreds of millions, and at its height, up to a billion dollars annually. The primary distinction in ISIS's fundraising, compared to its predecessors, was not the methods themselves but the unprecedented scale at which they were employed. While earlier revenues were under a million dollars per month, by 2014, ISIS generated an estimated \$1–3 million daily. Unlike many jihadist groups, ISIS's funding was not predominantly sourced from external donors. Instead, the group exploited the natural resources, populations, and businesses within the territories it controlled. This included the

systematic confiscation of property, extortion under the guise of taxation, and the provision of services or protection. Such local resource extraction enabled ISIS to maintain control over its finances and project itself as a quasi-state actor. In summary, ISIS's financial strength at its peak derived from its ability to systematically exploit the resources, people, and businesses within its territories, supported by a highly organised taxation and extortion apparatus, diversified criminal activities, and, to a lesser extent, external donations. Even following the loss of its territorial holdings, ISIS has demonstrated a persistent capacity to adapt its financial strategies in order to sustain its operations—both at the time of writing Article 1 in 2019 and continuing to the present day.

Although cryptocurrencies have received considerable attention, it was assessed in Article I that they are unlikely to become the primary means of fundraising or fund transfers for jihadist groups in the 2020s. Further, their role was assessed to remain secondary, primarily facilitating transactions outside core operational areas or for specific purposes like purchasing online infrastructure. Ultimately, while technological advancements and new payment methods have diversified, the toolkit available to jihadist groups, traditional fundraising methods—such as exploiting local populations, criminal activities, and abuse of charitable organisations—remain central to their financial sustainability. The significance of new technologies was evaluated to be limited, particularly within the groups' primary areas of operation. At present, six years after the publication of Article I, this assessment has proven to be rather accurate.

Key findings' alignment with the overarching research objectives of the dissertation

The key findings of Article I, concerning financing strategies of al-Qaeda, al-Shabaab, and ISIS, provide valuable context which advances the overarching research questions of this dissertation. By systematically analysing macro-level methods and the evolution of jihadist financing during the 2010s in the core operational areas of the groups in question, these findings establish a conceptual foundation for evaluating actions related to jihadist financing in Finland or any other Western country. In order to form a relatively overall picture of jihadist financing, it was essential to examine the funding activities of these three significant groups.

The examination demonstrates how major jihadist organisations sustain their activities through diversified, adaptive, and locally embedded financial strategies, which underscores the complexity and resilience of terrorist financing networks. By situating jihadist financing within a broader, transnational phenomenon, the aim of this dissertation is to avoid the pitfalls of a purely domestic analysis and instead highlight the necessity of understanding jihadist financing as

a dynamic and globally networked activity. The patterns observed in financing of the three groups in question also illuminate the investigative and evidentiary obstacles that may similarly hinder ensuring criminal accountability regarding Finnish operators, as financing activities are frequently concentrated within the groups' primary areas of operation. It should be noted, however, that in cases involving Finnish foreign fighters or other jihadist actors residing in Finland, it can be assumed that they seek to utilize Finnish or other international networks or contacts for fundraising purposes and in such cases, authorities and obliged entities must have the capacity to monitor the transfers of assets.

As Article I concludes that the three jihadist groups continue to rely mainly on traditional local fundraising mechanisms such as gaining assets by threatening, extortion and robberies, there was no reason to direct the research focus toward any specific method of fundraising from Scandinavia or toward particular forms of utilising new technologies. Furthermore, despite the global increase in usage of cryptocurrencies, they did not appear to play a significant role in the fundraising the jihadist groups in question. Consequently, there was no justification for directing the research toward examining particularly cryptoasset service providers or the suspicious transaction reports they have filed to FIU Finland.

Ultimately, the comparative analysis of al-Qaeda, al-Shabaab, and ISIS financing not only contextualises the Finnish case within the global governance of crime but also advances the dissertation's contribution to both legal scholarship and policy development. The findings affirm that effective counter-jihadist financing measures require not only implementation of global governance of crime norms but also a nuanced understanding of the operational realities and adaptive strategies of jihadist organisations. This notion connects the efforts to counter jihadist financing with other efforts, including but not limited to diplomatic, political, social, law enforcement, judiciary and military tools in order to affect the root causes of jihadist activity, to de-radicalise individuals and to alleviate its effects.

3.2 Article II: Crime and Punishment: Jihadist Financing and Criminal Accountability in Finland

Since the primary focus of the dissertation is the Finnish context, after examining the financing methods of three major jihadist groups in their core operational areas, it was appropriate to shift attention to Finland and map out what indications of jihadist financing have emerged in the country. The chosen time period was between the years 2001 and 2019 and I was fortunate enough to co-author with Juha Saarinen.

In order to grasp a comprehensive understanding of the potential Finnish jihadist financing activities, it was necessary to examine all available data regarding reported, preliminary investigated or investigated jihadist financing cases in the country. That is what we set out to examine in Article II, which provides the first-ever empirical overview of patterns of jihadist financing in Finland. The research questions were formulated as:

- 1) Is jihadism financed in Finland? If so, how?
- 2) Is criminal accountability of jihadist financing lacking in Finland? If so, why?

Article II is based on primary and secondary data gathered from a variety of sources. First, we conducted 16 semi-structured interviews with law enforcement and intelligence officials, prosecution authority, journalists, governmental authorities and private sector professionals working on countering terrorist financing. The main objective of the interviews was to collect background information that would guide the research focus toward themes of particular relevance. Open-ended questions were used, enabling participants to discuss practical challenges they face in their daily work, share their perspectives on the regulatory framework, and explain the mechanisms, practices, and reasoning that support it. This method was instrumental in pinpointing key challenges in the field, mapping the operational environment, and accessing information that would not have been available through other sources. Interviews thus provided qualitative insights that cannot be obtained solely by analysing written materials. Indeed, qualitative expert interviews proved to be particularly suited for the task.

After conducting the interviews, an extensive set of research data was gathered. The authors were granted access to all Finnish Police's initial and pre-trial investigation records concerning suspected cases of jihadist financing during 2001–2019. Additionally, access was provided to suspicious activity reports and suspicious transaction reports submitted to FIU Finland between 2012 and 2019 (more limited time scope due to extensiveness of the material). The authors also reviewed documentation from the National Prosecution Authority regarding all prosecutorial decisions on suspected terrorist financing cases from 2001 to 2019. Furthermore, two classified FIU reports on terrorist financing were examined: one analysing the characteristics of such activity in Finland between 2017 and mid-2019, and the other reviewing European convictions for terrorist financing from 2015 to 2020, both of which have since become partially available to the public.

Based on the findings of the Article, it became evident that jihadist financing does occur in Finland, even though there are zero upheld convictions on the particular offence description. Indeed, support activities, including financing, have emerged as the most significant form of jihadist activity in the country. Based

on the results of the Article, it is possible to detect a three-fold typology of jihadist financing activities in Finland. It is worth noting that all of these financing methods involve an international aspect and require at least some type of a network.

1) Raising and moving assets for armed jihadist groups abroad

Finnish authorities have long regarded the financing of armed groups abroad as a primary form of jihadist activity in Finland. Since the early 2000s, individuals in Finland have raised and transferred funds, often small amounts collected from various sources, to groups operating in conflict zones, typically using Hawala or other money service business networks. Both legitimate businesses and NPOs have been involved in these efforts. Notable cases include support for Ansar al-Islam in the early 2000s and a high-profile investigation in the early 2010s, linked to al-Shabaab, in which suspects raised and sent funds to Somalia and Kenya. Law enforcement officials continue to identify the transfer of funds to armed groups abroad as the most significant form of jihadist financing in Finland.

2) Raising assets for traveling to, and engaging in, jihadist activities in conflict zones abroad

These so-called self-financing²³⁵ activities include foreign fighters raising funds in Finland to cover their travel, equipment purchases, and other related expenses before departing to a conflict zone, as well as funding terrorist activity while residing in the conflict zone. In the 2010s, self-financing became a significant method for Finnish foreign fighters traveling to Syria and Iraq, with individuals raising funds domestically to cover travel and related expenses. While earlier conflicts have also attracted Finnish FTFs, data on the financial aspects of those cases is lacking.

²³⁵ It should be noted that even though self-financing of FTFs is academically researched and provide valuable information regarding preparation of travel for purposes of committing terrorist offences, according to the Finnish Criminal Code, one is primarily criminally accountable for the terrorist offence committed, not the financing of it. For example, if a FTF first collects funds in order to purchase an explosive and then detonates the explosive and kills a person, he/she would primarily be accountable for murder/manslaughter with a terrorist intent, not financing a terrorist offence. This of course applies also to travelling for the purposes of committing a terrorist offence; one would be accountable for the travelling offence, not for financing the travelling offence.

Most self-financing has relied on legal sources such as personal savings, salaries, business income, and social benefits, but some individuals also turned to criminal activities like credit fraud, VAT fraud, and petty theft to fund their travel and equipment. Jihadist groups, particularly ISIS, encouraged such practices. Large-scale financing operations appear to be uncommon; most criminal self-financing schemes appear to have been small in scale and carried out by individual persons, with some exceptions.

3) Raising and moving assets for other individuals engaging in jihadist activities abroad.

As an increasing number of individuals from Finland have been actively engaging in jihadist activities abroad, it has opened opportunities and needs for domestic extremists -and others- to raise and transfer funds to conflict zones. As Finland-originated individuals have predominantly joined or lived under the ISIS Caliphate in the 2010s, the destination of funds has mostly been Syria and Iraq, with transfers mostly routed through Turkey.²³⁶ According to the Finnish legislation, in order for the sender to be criminally accountable, he/she must provide or collect funds, directly or indirectly, with the *intention* that they be used, or with the *knowledge* that they are to be used, to finance terrorist offences or a terrorist. When reviewing the jihadism-related cases heard in the Finnish courts²³⁷, it is evident that it is not merely the financing dimension of jihadism in Finland which has significant ties to international groups or operations, but jihadist activity on the whole.

During the 2010s, there was an increase and diversification of financing activities in Finland, yet only three terrorist financing investigations were initiated during the decade, with just one since 2015. Several factors contribute to this discrepancy, including the inherent challenges of investigating such crimes, and a somewhat reactive approach to complying with global governance of terrorist financing. A more proactive and thorough approach to investigating and prosecuting jihadist activities, including financing, would enhance criminal accountability, an area where Finland has also faced international criticism. Initiating investigations when credible suspicions arise not only strengthens legal responses but also expands institutional knowledge and expertise in handling such cases. As the Finnish jihadist scene has grown more active and internationally connected, addressing these shortcomings should be a top priority for policymakers

²³⁷ See Chapter 1.7.

and authorities. Neglecting to do so risks emboldening extremists within Finland to operate with greater confidence and visibility in the future.

Key findings' alignment with the overarching research objectives of the dissertation

The key findings of Article II were intended to directly address and illuminate the overarching research objectives concerning Finland's compliance on global governance of jihadist financing framework and particularly the aspect of criminal accountability on jihadist financing.

The findings underscore a need for a more proactive and comprehensive approach to investigating and prosecuting jihadist financing. Lowering investigative thresholds when there is reason to suspect jihadist financing and enhancing institutional expertise are essential steps in improving appropriate criminal accountability. In summary, the key findings of Article II not only provide empirical evidence of jihadist financing activities in Finland but also highlight critical gaps and challenges in the country's legal responses.²³⁸ These insights directly inform the dissertation's research objectives and point toward actionable recommendations²³⁹ for enhancing Finland's ability to counter and prosecute jihadist financing effectively.

3.3 Article III: Al-Qaeda's Meager Lifeblood: Examining the Group's Financing Activities in the U.S.

After having examined macrolevel jihadist financing activities and the local context in Finland, it was beneficial to research another local jihadist financing ecosystem in order to compare patterns and mechanisms across different environments, identify context-specific and universal features of jihadist financing, and deepen the overall understanding of how local factors shape financing strategies and networks.

The chosen comparative environment was the United States. The Program on Extremism at George Washington University had produced an excellent report regarding ISIS-related mobilisation in the United States, which provided unprecedented insight into the phenomenon.²⁴⁰ Regarding al-Qaeda, even though studies have examined the group's activities in the U.S., including

²³⁸ Discussed more widely in chapter 4.3.

²³⁹ Discussed more widely in chapter 4.4.

²⁴⁰ Vidino – Hughes 2015.

some attention to financing, reviewing al-Qaeda's financing methods in the U.S. during the 2010s evidently enrich the comparative analysis of jihadist financing. As a result, examining the financial activities of U.S.-based al-Qaeda networks offered a valuable opportunity to address this gap and enrich the comparative analysis of jihadist financing. The research question formed into:

- 1) How were al-Qaeda's U.S.-related activities financed during the 2010s?
- 2) How do the identified financial dynamics from the 2010s compare to the financing modus operandi of al-Qaeda-related actors during the 2000s?
- 3) How do the identified financial dynamics from the 2010s compare to the financing modus operandi of American Islamic State supporters?

The article is based on a comprehensive dataset of 107 criminal cases involving individuals in the United States linked to al-Qaeda and al-Shabaab, collected by George Washington University's Program on Extremism staff, from open sources such as news reports, court documents, Department of Justice press releases, Freedom of Information Act requests, and expert interviews. Of these 107 cases, 33 (31%) were identified as involving concrete financial connections to al-Qaeda or affiliated groups, according to three criteria: (1) a clear financial component, (2) a U.S. connection (assets, sender, or recipient located in the U.S.), and (3) charges filed between 2010 and 2021. The dataset includes both completed and attempted terrorist financing activities, as well as conspiracies, with almost all defendants found guilty of financing-related charges in U.S. courts (except for four cases: one pending trial, three with fugitives).

The article finds that U.S.-based al-Qaeda-related financial support activities during the 2010s were relatively rare and unsophisticated. Out of 107 criminal cases reviewed, only 33 involved the raising or transferring of funds, or the purchase of equipment for al-Qaeda or its affiliates. The majority of the 107 cases instead focused on personnel-related support, such as individuals traveling to conflict zones, recruiting others, or facilitating travel. Over time, particularly after the mid-2010s, instances of financial support appeared to decline, possibly due to the rise of ISIS during 2014–2017, which diverted attention and allegiance away from al-Qaeda.

The financial activities that were detected typically involved modest amounts of money, often just a few hundred to a few thousand U.S. dollars. These operations were usually carried out by individuals or very small groups, and the methods used were conventional, such as cash handoffs, transfers through money service businesses, or direct delivery of goods. The reliance on standard financing methods rendered these transactions more susceptible to detection and disruption by law enforcement agencies and financial institutions.

A defining characteristic of the financing activities of the cases examined was the consistent flow of funds outward from the U.S. All identified cases involved money being sent from the United States to foreign terrorist organisations or fighters abroad. No evidence was found of money being brought into the U.S. to support terrorist activities domestically. Some cases involved individuals who wanted to support jihadist efforts financially without directly participating, while others combined funding with plans for foreign fighting or domestic plots.

Al-Shabaab, the al-Qaeda affiliate based in Somalia, was particularly prominent among the financing targets. A notable number of cases were tied to Somali-American communities, especially in Minnesota. Most of these cases were minor in scale and complexity, but one significant exception was the so-called “Group of Fifteen.” This network, primarily composed of women, conducted an organised conspiracy to send funds to al-Shabaab in Somalia and Kenya. They used coded language and broke up larger sums into small, undetectable batches. Their coordinated efforts involved regular online meetings and demonstrated an exceptional level of organisation.

In general, the financial activities examined showed little to no direct connection to al-Qaeda’s senior leadership. Most individuals were radicalised or inspired by peers, local influencers, or online content, rather than through official contact with the group’s hierarchy. The primary exception was the Group of Fifteen, which had links to senior al-Shabaab members. Another notable case was that of Barry Bujol Jr., who directly corresponded with Anwar al-Awlaki, a prominent al-Qaeda figure. Al-Awlaki advised Bujol on how to support jihad financially without attracting attention and encouraged violent jihad through ideological material.

In conclusion, financial support for al-Qaeda from the U.S. during the 2010s was limited in scale, unsophisticated in method, and largely disconnected from the group’s core leadership. It was mainly directed abroad, particularly toward al-Shabaab, and typically involved individual or small-group efforts rather than coordinated organisational strategies.

Key findings’ alignment with the overarching research objectives of the dissertation

While the U.S.-focused findings of the Article do not represent the core focus of the dissertation’s research questions, they provide a useful comparative point of reference to the global examination of jihadist financing and also the local examination of jihadist financing in Finland. Given the scale and complexity of the United States law enforcement and judiciary systems, it was not feasible to conduct an equally comprehensive examination of all jihadist financing cases investigated by U.S. authorities, which was the methodology conducted in the Finnish context

in Article II. It must be noted that the timeframes in Articles II and III were also different since the Finnish context was focused on the timeframe of 2001–2019 whereas the U.S. al-Qaeda examination was limited to the timeframe of 2010–2021. However, it is worthwhile to present some common denominators and differences which were detected.

Common factors in the financing of jihadism in Finland and the financing of al-Qaeda in the U.S. were the international nature of the cases and the fact that the actors operated alone or in small groups. While both countries encountered financial support activities linked to jihadist actors, the visibility of these activities in relation to the legal and investigative responses to them, diverged significantly. One of the most salient contrasts lies in the legal outcomes of jihadist activities. While the U.S. has pursued a considerable number of jihadism-related prosecutions, including financing activities, Finland has yet to secure a single conviction for terrorist financing under the applicable legal provisions, despite evidence pointing towards such activities. Although the finding is unsurprising given the divergent legislations and legal traditions of the countries involved, the discrepancy does suggest significant enforcement and institutional shortcomings in Finland's response, despite the country's formal adoption of global governance of terrorist financing standards.

In summary, while both countries experienced relatively small-scale and outward-directed jihadist financing, the U.S. engaged in more visible enforcement actions and exhibited stronger institutional mechanisms for addressing these threats. In contrast, Finland's approach has remained largely reactive, resulting in a gap between observed behaviour and legal accountability. This comparison underscores the need for more systematic and proactive counter-financing measures in Finland, particularly given the evolving international dimensions of jihadist activity in the country.

4 Findings and discussions

4.1 Implementing global governance of terrorist financing

The first research question presented in the introduction is:

- 1) Has Finland implemented the global governance of terrorist financing framework?

Finland has been a member of the EU since 1995 and the country's CFT legislative framework is harmonized with EU legislation to a large extent. The regulation provided by the UN and the Council of Europe plays a significant part in the global governance regime, as well. The most relevant national laws regarding the international framework in question are the Act on Preventing Money Laundering and Terrorist Financing, the Criminal Code of Finland Chapter 34 a²⁴¹, the Act on Crypto-Asset Service Providers and Markets in Crypto Assets (402/2024), the Act on the Freezing of Funds with a View to Combating Terrorism (325/2013) and the Act on the Financial Intelligence Unit (445/2017). All of the laws referred to have their roots in EU legislation.

Currently, there are the following three different offences regarding terrorist financing in the Finnish Criminal Code.

Chapter 34 a

Section 5

Financing a terrorist offence

²⁴¹ As mentioned in Chapter 1.6.1, a Government Proposal 163/2025 regarding terrorist offences was announced in a plenary session of the Finnish Parliament in November 2025. The proposed amendments are scheduled to take effect in 2026.

A person who provides or collects funds, directly or indirectly, with the intention that they be used, or with the knowledge that they are to be used, to finance any of the offences referred to in section 1, 1a, 2–4, 4a–4c, 5c – 5e shall be sentenced for financing a terrorist offence to imprisonment for at least four months and at most eight years.

A person who provides or collects funds, directly or indirectly, with the intention that they be used, or with the knowledge that they are to be used, to finance any of the following offences shall also be sentenced for financing a terrorist offence:

- 1) hostage taking or hijacking,*
- 2) such criminal mischief, aggravated criminal mischief or preparation of endangerment that is to be deemed an offence referred to in the International Convention for the Suppression of Terrorist Bombings (Finnish Treaty Series 59–60/2002),*
- 3) such criminal mischief, criminal traffic mischief, aggravated criminal mischief or preparation of endangerment that is to be deemed an offence referred to in the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Finnish Treaty Series 56/1973), the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Finnish Treaty Series 43/1998), the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Finnish Treaty Series 11/1999) or the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Finnish Treaty Series 44/2000),*
- 4) such a nuclear device offence, endangerment of health, aggravated endangerment of health, a nuclear energy use offence or another punishable act directed at nuclear material or committed through the use of nuclear material that is to be deemed an offence referred to in the Convention on the Physical Protection of Nuclear Material (Finnish Treaty Series 72/1989), or*
- 5) murder, manslaughter, killing, aggravated assault, criminal deprivation of liberty, aggravated criminal deprivation of liberty, aggravated trafficking in human beings, hostage taking, or an*

aggravated violation of privacy relating to public premises, or the threat of such an offence, when the act is directed against a person referred to in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Finnish Treaty Series 62–63/1978).

An attempt is punishable.

The provisions of this section do not apply if the act is punishable as an offence referred to in subsection 1, paragraphs 1–5 or as an attempt at or complicity in such an offence, or under section 1, 2 or 4b, or if a more severe punishment for the act is provided elsewhere by law.

Section 5a

Financing a terrorist

A person who provides or collects funds, directly or indirectly, with the intention that they be used, or with the knowledge that they are to be used, to finance a person who commits offences referred to in section 1 or 1a or participates in the commission of such offences as an accomplice referred to in chapter 5, sections 3–6 shall be sentenced for financing a terrorist to imprisonment for at least four months and at most six years.

An attempt is punishable.

The provisions of this section do not apply if the act is punishable under section 5 or if an equally or more severe punishment for the act is provided elsewhere by law.

Section 5b

Financing a terrorist group

A person who provides or collects funds, directly or indirectly, with the intention that they be used, or with the knowledge that they are to be used, to finance a terrorist group referred to in section 6, subsection 2 shall be sentenced for financing a terrorist group to imprisonment for at least four months and at most six years.

An attempt is punishable.

The provisions of this section do not apply if the act is punishable under section 5 or if an equally or more severe punishment for the act is provided elsewhere by law.

The Finnish terrorist financing criminalisations are based on international commitments. The offence of “financing terrorism” was introduced in 2002 in connection with the implementation of the United Nations International Convention for the Suppression of the Financing of Terrorism (Treaty Series 74/2002, “UN Convention”). The offence was then placed in Chapter 34, Section 9b of the Criminal Code. The European Council Framework Decision on combating terrorism (OJ L 164, 22.6.2002) led to the addition of Chapter 34a on terrorist offences to the Criminal Code in 2003 (Act on Amending the Criminal Code 17/2003). The previously enacted penal provision on the financing of terrorism was incorporated, with some modifications, into Section 5 of the new chapter.²⁴²

In addition to fulfilling the criminalisation obligation arising from the UN Convention, the obligation to criminalise the financing of terrorism stemming from Security Council Resolution 1373 (2001) was implemented concurrently.²⁴³ In September 2001, the UN Security Council adopted the Resolution 1373 on measures against terrorism and its financing. The resolution requires states to take action to criminalise the financing of terrorism. According to paragraph 1(b) of the resolution, all states must criminalise the wilful provision or collection of funds by their nationals or in their territories, by any means, directly or indirectly, with the intention or knowledge that they will be used to carry out terrorist acts. Paragraph 2(e) of the resolution requires states to ensure that those who participate in the financing, planning, preparation, perpetration, or support of terrorist acts are brought to justice. Additionally, paragraph 1(d) of Resolution 1373 (2001) obliges states to prohibit making funds available to individuals who commit or attempt to commit terrorist acts, or facilitate or participate in their commission. This also applies to funds provided to legal entities owned or controlled by such individuals. The freezing mechanism for terrorist funds required by this paragraph has been

²⁴² Government Proposal 18/2014 vp, p. 3.

²⁴³ Government Proposal 43/2002 vp, p. 3.

implemented through the Act on the Freezing of Funds with a View to Combating Terrorism (325/2013).²⁴⁴

Government Proposal 43/2002 led to the criminalisation of financing terrorism for the first time in Finland, also referring to the then-current Special Recommendations I and II on Terrorist Financing by the FATF. These recommendations required:

1. The ratification and full implementation of the UN Convention
2. The implementation of UN Security Council counter-terrorism resolutions, especially Resolution 1373 (2001)
3. The criminalisation of financing terrorism, terrorist acts, and terrorist organisations.

In 2001, FATF adopted altogether eight special recommendations on combating the financing of terrorism (“FATF Special Recommendations on Terrorist Financing”), which were to be implemented by June 2002. According to the interpretative guidelines for FATF’s special recommendations, the offence of terrorist financing should extend to all who wilfully provide or collect funds by any means, directly or indirectly.²⁴⁵

In addition to and alongside the legislative undertakings presented in the coming chapters, there have been other changes relating to technical amendments and amendments which have enhanced the consistency of Chapter 34 a, as well as changes in penal scales to better correspond with the international requirements. Due to these legislative changes and fragmentation, the regulatory framework governing terrorist financing is challenging to present coherently. To frame the context of this dissertation, however, a review of the three key sections of terrorist financing remains essential. The following chapters introduce these provisions in a logical sequence that diverges from both their statutory order and chronological development.

4.1.1 Financing a terrorist group

The Criminal Code defines a terrorist group as “a structured group of at least three persons established over a period of time and acting in concert to commit offences

²⁴⁴ Government Proposal 18/2014 vp, p. 9.

²⁴⁵ Ibid.

referred to in section 1 or 1a.”²⁴⁶ Digitalisation enables faster and shorter-term activities that may be relevant when assessing the permanency of a group. When assessing the permanency of a group in general, a duration measured in weeks would generally not yet indicate permanence, but a year's activity would clearly meet this requirement. The significance of the duration falling between these for permanence would be considered on a case-by-case basis.²⁴⁷

Subsequently, Chapter 34 in the Finnish Criminal Code regarding terrorist offences has been amended several times to better fulfil international commitments and also to correspond with the national Finnish requirements to combat serious criminality. Regarding financing offences, the offence of financing a terrorist group came into force in 2015. The grounds for this piece of legislation also stemmed from international commitments. However, the criminalisation may also be regarded as serving effective Finnish criminal accountability since there was a case regarding terrorist financing in Finland, in which the District Court's guilty verdict (2014) was overturned as the Helsinki Court of Appeal argued (2016) that there had not been sufficient evidence presented concerning the defendants' intention to send funds to be used for offences with terrorist intent, even though the recipients were members of al-Shabaab.²⁴⁸

From 2015 onwards, it has been sufficient to prove that assets have been sent to a terrorist organisation, in order to prove financing a terrorist group, regardless of how the funds have actually been used. It is sufficient from the point of view of criminal accountability, that funds are provided or collected for a terrorist group. The core issue of financing a terrorist group is that once funds have been delivered to a terrorist group, the use of funds for acceptable purposes can no longer be effectively controlled. Even if the intention was not to finance terrorist crimes, the funds may still end up being used for such purposes. Further, even if the funds made available to the terrorist group were to be used for an acceptable purpose, this in turn could free up other funds for the terrorist group to commit terrorist crimes.

²⁴⁶ Criminal Code, Chapter 34 a, Section 6, momentum 2. The definition of a terrorist group is further clarified in the Government Proposal 188/2002 vp, p. 61/II and 62/I. Government Proposal 89/2021 (p. 37) emphasizes that the definition of a terrorist group adopted in the Criminal Code flexibly applies to regional or smaller parts and cells of terrorist groups, as well as to individual groups entirely separate from organisations. The definition is based on the European Council Framework Decision on combating terrorism (OJ L 164, 22.6.2002).

²⁴⁷ Government Proposal 163/2025, p. 191.

²⁴⁸ Helsinki Court of Appeal, Judgment number 16/111925, 23 March 2016. Prior judgment: the District Court of Helsinki, number 155462, 19 December 2014.

On the other hand, this means that for it to be punishable, making funds available for use by a terrorist group must have the potential to increase the commission of terrorist crimes. This is usually the case, but for example, the quality of the funds is relevant in this assessment.²⁴⁹

Prior to the afore mentioned change in the Criminal Code, the United Nations Counter-Terrorism Committee Executive Directorate (CTED) visited Finland in 2012 to examine, among other things, how Security Council Resolution 1373 (2001) has been implemented. The delegation's report states that according to Chapter 34a, Section 5 of the Criminal Code, only providing or collecting funds to finance or with the knowledge that they will be used to finance certain crimes listed in the section (not providing funds to a terrorist group or individual) appears to be punishable as terrorist financing. The report recommends that Finland assess and, in case of legislative gaps, amend Chapter 34a, Section 5 of the Criminal Code to comply with international obligations.²⁵⁰

Further, already in its 2007 mutual evaluation of Finland, FATF considered Finnish legislation “largely compliant” with FATF's second special recommendation on combating terrorist financing. The reason for the lower classification than full compliance was, among other things, that financing a terrorist or terrorist group without an explicit connection to a terrorist act was not punishable in Finland. FATF recommended that Finland expand the definition of terrorist financing in the Criminal Code to cover the financing of an individual terrorist or terrorist organisation also when there is no connection to a future terrorist act or acts.²⁵¹

At the beginning of December 2016, Section 5b of Chapter 34a of the Criminal Code came into force, criminalising travel for the purpose of committing a terrorist offence. At the same time, Section 5 of the same chapter was amended so that financing such travel became punishable as terrorist financing. These changes were based on UNSC Resolution 2178 (2014) on foreign terrorist fighters.²⁵²

It is also worth noting that in November 2018, there were changes made to Chapter 34a, Section 5, Subsection 2 of the Criminal Code, i.e. the financing of new terrorist offences and new forms of terrorist offences became punishable as terrorist financing. The changes were part of a bigger package, legislated based on the Directive (EU) 2017/541 of the European Parliament and of the Council on

²⁴⁹ Government Proposal 18/2014 vp, p. 32.

²⁵⁰ Ibid, p. 17.

²⁵¹ FATF 2007, p. 192, 195.

²⁵² Ibid., pp. 16- 17.

combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA²⁵³.

The Directive in question has been referred to as the flagship EU legislative instrument for harmonising the definition of terrorist and terrorist-related offences by means of criminal law. The Directive was adopted to strengthen the EU legal framework by extending terrorist offences and by better addressing the specific needs of victims of terrorism. The Directive imposed minimum rules in the area of terrorist offences. Member States can apply the definitions provided by the EU legislation in a strict way while they can also go beyond the requirements of the Directive, providing that they do not contradict with the substance of the Directive. While the primary objective was to facilitate judicial cooperation based on a common definition of terrorism, the scope of the Directive extends to serving as a benchmark for information exchange as well as for the implementation and transposition of other EU legislative instruments, such as adoption of the regulation (EU) 2021/784 on addressing the dissemination of terrorist content online or for freezing the assets of foreign terrorist organisations and individuals. The adoption of Directive 2017/541 reflects the ongoing battle to adapt the EU legislation combating terrorism to the evolution of the terrorist threat. Since adopting the EU's first binding instrument defining terrorism, the Council Framework Decision 2002/475/JHA²⁵⁴, two major modifications were made to take into account the evolving nature of the terrorist threat. Amendments to this Council Framework

²⁵³ In Finnish 'terrorismirikosdirektiivi'.

²⁵⁴ This framework decision was significant in the sense that it was the first time terrorism was defined in an international instrument. It states that:

"Each Member State shall take the necessary measures to ensure that the intentional acts referred to below in points (a) to (i), as defined as offences under national law, which, given their nature or context, may seriously damage a country or an international organisation where committed with the aim of:

- seriously intimidating a population, or
 - unduly compelling a Government or international organisation to perform or abstain from performing any act, or
 - seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation".
- The definition lacks, however, the traditional social scientific reference to political stance or religious ideology, which has typically been central when considering the motives for terrorism. The same definition has been adopted to the Finnish Criminal Code (Chapter 34 a Section 6), although formulated in a 4-point list, defining a terrorist intent (see Government Proposal 188/2002).

Decision were introduced in 2008²⁵⁵ and 2017²⁵⁶, with the object of widening the scope of offences related to terrorist activities, thus confirming a shift towards the criminalisation of acts at a very preparatory stage to better prevent any future terrorist activity.²⁵⁷

4.1.2 Financing a terrorist

In April 2021, the offence of financing a terrorist came into force also in Finland. It is punishable to finance a person who commits crimes mentioned in the Criminal Code's Chapter 34 a Sections 1 or 1 a, or participates in their commission as an accomplice. Similarly, as for financing a terrorist group, the decisive factor in criminal accountability regarding financing a terrorist is the intention or knowledge of the person providing or collecting funds at the moment of giving or collecting. There must be externally observable or otherwise verifiable facts known to the person providing or collecting funds, based on which it can be concluded that the person being financed is committing crimes with terrorist intent or participating in their commission as an accomplice.²⁵⁸

The prosecutor must be able to prove that the person being financed is acting for or participating in the commission of terrorist offences. Regarding the financier, his/her criminal accountability may not generally be inferred from any single fact or piece of information. It is a matter of overall assessment regarding all facts that have emerged during the investigation, focusing particularly on the information available about the person being financed. Factors to be considered in the overall assessment may include, for example, statements and threats made by the person being financed, both publicly known and those made within a smaller circle of people. Conclusions could also be drawn from the fact that the person being financed encourages others to commit crimes with terrorist intent. When assessing the significance of statements and threats made by a person, attention should also be paid to the circumstances in which they were made and how seriously they should be taken considering the circumstances of their presentation.²⁵⁹

²⁵⁵ The Council Framework Decision 2008/919/JHA.

²⁵⁶ Directive (EU) 2017/541 on the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

²⁵⁷ European Parliament 2022, pp. 36-37.

²⁵⁸ Government Proposal 135/2020, p. 44.

²⁵⁹ Ibid, p. 44.

Criminalising financing a terrorist has its background in global governance of crime. The FATF conducted a country inspection of Finland in the summer of 2018. The resulting mutual evaluation report of Finland was published in April 2019. Regarding the investigation and prosecution of terrorist financing, one key finding was that the legal framework for the terrorist financing offence does not criminalise the financing of an individual terrorist without a link to the use of funds to finance a specific crime. According to the FATF's view, this in turn limits the investigation and prosecution of terrorist financing, leading to a small number of cases processed in criminal proceedings. Related to this key finding is a recommendation for action, according to which Finland should clarify the provisions of the Criminal Code so that the terrorist financing offence does not require a connection to a specific terrorist offence when it comes to financing an individual terrorist.²⁶⁰ Therefore, after adding the offence of financing a terrorist, Finland is more compliant with the FATF's recommendations. However, as discussed in 4.3, the change has not been accompanied by advanced criminal accountability in the form of rendered judgments.

In addition to the FATF's requirements, the UNSC has underlined the importance of the Security Council resolution 1373(2001) in its later resolutions 2462 (2019) and 2482 (2019). The Resolution 2462 (2019) paragraph 3 emphasizes paragraph 1(d) of Resolution 1373 (2001). The referenced section requires states to prohibit their nationals and persons and entities within their territories from making funds, financial resources, or related services available, directly or indirectly, to persons who commit, attempt to commit, facilitate, or participate in terrorist acts, entities owned or controlled by such persons, and persons and entities acting on behalf of or at the direction of such persons. Paragraph 3 of Resolution 2462 (2019) further states that paragraph 1(d) of Resolution 1373 (2001) applies to making funds available to terrorist organisations or individual terrorists for any purpose, including but not limited to recruitment, training, or travel, even in the absence of a link to a specific terrorist act. Paragraph 4 of Resolution 2462 (2019) strongly urges all states to implement the comprehensive international standards set out in the FATF recommendations, including their Interpretive Notes. This call is reiterated in paragraph 9 of Resolution 2482 (2019) on threats to international peace and security, which also calls for strengthening compliance with the recommendations and interpretive notes.²⁶¹

²⁶⁰ Ibid, p. 6.

²⁶¹ Ibid, p. 7.

In addition to the FATF's mutual evaluation report of Finland in 2019, the UN's CTED conducted a country visit to Finland in spring 2019. According to its report, terrorist financing offence in Finland largely meets the requirements of UN Security Council Resolution 1373 (2001), but some minor technical deficiencies remain. The financing of an individual terrorist without a link to the use of funds to finance a specific crime was found not criminalised, and the available punishment for financing a terrorist group (three years' imprisonment) was found relatively lenient. The Committee recommended that Finland clarify its terrorist financing offence to ensure that it also applies to the financing of an individual terrorist who is not connected to a specific terrorist group, regardless of whether they later commit a terrorist act.²⁶² Thus, the remarks made by the Committee were corresponding to the FATF's findings.

4.1.3 Financing a terrorist offence

In the same Government Proposal²⁶³ as financing a terrorist, updated legislation was introduced regarding financing a terrorist offence, previously "financing terrorism". This piece of legislation came into force in April 2021. The legislator deemed necessary to clarify that the act of financing a terrorist offence must be targeted at particular offences mentioned in the section in question. Concurrently, the order of terrorist financing offences was updated for advanced consistency of the chapter.²⁶⁴ The provisions concerning the financing of a terrorist group were moved, with clarifications, to Chapter 34a, Section 5b of the Criminal Code. The penalty scale for this crime was significantly changed to be more severe, i.e. previously it was a fine to three years imprisonment, after the change it is imprisonment for at least four months and at most six years.²⁶⁵ The penalty scale is identical to financing a terrorist, which is consistent considering the nature of the offence. Whereas the maximum penalty of financing a terrorist offence is eight years in Finland.

The Government Proposal in question underlined that even though the background of the Bill is based on assessments by international bodies regarding Finland's compliance with their recommendations, the changes in legislation are not merely about implementing international obligations. The changes also ensure

²⁶² Ibid., p. 7.

²⁶³ Government Proposal 135/2020 vp.

²⁶⁴ Ibid., p. 1.

²⁶⁵ Government Proposal 163/2025, p. 31.

that the criminalisations regarding terrorist financing are comprehensive in relation to the objective of the regulation, which is to combat crime that very seriously endangers people's lives, health and safety, and that the provisions are precise as required by the principle of legality in criminal law.²⁶⁶

The most recent significant changes regarding terrorist offences came into force at the beginning of 2022. As a new terrorist offence, public incitement related to terrorism offences was criminalised in Chapter 34a, Section 5e of the Criminal Code. Through an amendment to Section 5 of the same chapter, financing such incitement also became criminalised as financing of a terrorist offence.

4.1.4 Conclusions

The chapters afore clearly indicate that the Finnish terrorist financing legislation is profoundly based on global governance of crime. Finland's effectiveness regarding the implementation of international obligations was assessed in 2020 by a working group appointed by the Ministry of Justice.²⁶⁷ The task of the working group was to assess the currency of national terrorist offences regulation and its correspondence with the regulations of key European comparison countries. In particular, the working group evaluated the criminal accountability relating to belonging to or participating in the activities of a terrorist group or organisation and to prepare necessary legislative changes concerning the issue. Regarding the correspondence of penal provisions with international obligations, the report concluded that the FATF and the CTED had recommended reviewing the provisions concerning terrorist financing offences.²⁶⁸

Global governance has thus proven to be an effective and rather swift way of incorporating international requirements as part of national legislations. The regulatory framework exhibits clear shortcomings (see Chapter 2.2). Nevertheless, its ultimate objective —safeguarding the core values of democratic societies by protecting individuals' right to life free from random violence— remains worthy of pursuit, even if the global governance framework is far from perfect.

²⁶⁶ Ibid, p. 5.

²⁶⁷ The Ministry of Justice 2020.

²⁶⁸ Ibid., pp. 57-58.

4.1.5 Current undertakings

As mentioned in Chapter 1.6.1, a new Government Proposal 163/2025 vp. regarding terrorist offences was announced in November 2025 in a plenary session of the Finnish Parliament. The proposed legislative amendments are based on Petteri Orpo's government programme's entries on the overall reform of terrorist offences, which highlight the need to clarify regulation, ensure its comprehensiveness and increase penalties. Numerous individual amendments have been made to the penalty provisions on terrorist offences over the past 20 years without conducting a comprehensive review.

Regarding specifically terrorist financing offences, a new section 10 of Chapter 34 a of the Criminal Code is suggested to regulate the financing of terrorist crimes. This provision would replace the current section 5 on the financing of terrorist crimes. A particular provision of the financing of certain offences referred to in international agreements would be transferred to section 12 of Chapter 34 of the Criminal Code, as this change would clarify the regulation of Chapter 34 a of the Criminal Code and because the financing of such offences is not linked to the terrorist purpose and danger requirement under subsection 1 of section 2 of the new Chapter 34 a of the Criminal Code.

The first subsection of the new section 10 of Chapter 34 a of the Criminal Code would no longer include references to other offences in the chapter as in the current subsection 1 of section 5. It would be punishable to directly or indirectly provide or collect funds for the commission of an offence stipulated as punishable in Chapter 34 a of the Criminal Code. According to the reasoning of the provision, this would concern the financing of criminal activity stipulated as punishable in Chapter 34 a of the Criminal Code, so the financed offence would not necessarily need to be identifiable with precision by its name (specific offence). Section 11 of the new Chapter 34 a of the Criminal Code would regulate the financing of terrorism. This provision would combine the regulation on financing a terrorist and financing a terrorist group, currently in sections 5 a and 5 b. No substantive changes affecting the content would be made to the regulation upon combining the provisions.

What is noteworthy also from the perspective of terrorist financing offences, is that it is suggested that the clause in current Criminal Code (Chapter 34 a Section 7) regarding the right of the Prosecutor-General to decide on the bringing of charges for terrorist offences, would be eliminated.²⁶⁹ The grounds for this elimination are not further clarified in the Government Proposal so it is impossible

²⁶⁹ Government Proposal 163/2025, p. 154.

to conclude which party has suggested this amendment. Nevertheless, the elimination of the clause might further initiation of prosecutions regarding terrorist offences since the previous threshold for initiating pre-trial investigations of terrorist financing was set relatively high, which has led to (also public) debates between the officials from the Police and from the National Prosecution Authority.²⁷⁰

Finland's next FATF mutual evaluation will be conducted in 2026-2028 (onsite in 2027). The latest evaluation was conducted in 2019 and concluded that the country has "a sound framework to combat money laundering and terrorist financing which is delivering some good results, but there are some areas to improve the effectiveness of the country's framework, especially with regard to the AML/CFT supervision of financial and non-financial institutions."²⁷¹ Regarding TF investigation and prosecution, FATF stated that the number of prosecutions of TF activity in Finland is low, since there has only been one TF case prosecuted. Even if the number of convictions is lower than in several of its neighbour countries which present similar TF threat environments, it remains broadly in line with Finland's TF risks.²⁷² Further, FATF stated that TF related investigations and prosecutions do not reflect the changes that have affected the TF environment over the past years, which focused on risks related to ISIS and FTFs.²⁷³ When FATF assesses investigating and prosecuting TF cases in the next round, Finland will be able to show more activity as described in Chapter 1.7.

4.2 Reflections on the Finnish criminal law framework and its development

After reaching the conclusion that Finland has indeed implemented the global governance of terrorist financing framework comprehensively, analysis shifts to the next research question:

²⁷⁰ See e.g. Manner – Teittinen 2021; Teittinen 2019, see also Government Proposal 163/2025, p. 62.

²⁷¹ FATF web page: <https://www.fatf-gafi.org/en/countries/detail/Finland.html>.

²⁷² FATF 2019, p. 84.

²⁷³ Ibid., p. 85.

- 2) How does the Finnish implementation of global governance of terrorist financing reflect the understanding of the Finnish criminal law framework and its development?

The criminal law framework of a particular country is never isolated from other parts of the legal system, or more accurately: other parts of the society. Therefore, in order to review developments of a certain criminal law framework, it is pertinent to review developments in the wider society. Even though far from the core subject of this dissertation, it is necessary to note one of the pivotal changes in the development of the Finnish history, a development entailing elements of politics, economy and the legal system: globalisation. One of the reasons why global governance in general has been developing during the last few decades, is that globalisation has been a dominant factor in world politics. Finland, as a small, open market economy, dependent on export, has utilized the integration of global economy and other aspects of societies. Through globalisation, it has been possible to access larger markets, attract foreign investment, and benefit from technological advancements and information exchange. One significant aspect in this regard is also the globalisation of criminality, in the forms of cross-border crime and crime-as-a-service market, utilising the dawn of modern financial technology industry, including neo-banks and crypto asset service providers.

Joining the EU in 1995 was a formative development in the Finnish history and it embodied acceptance regarding Finland's political, economic and legislative systems becoming integrated into broader European frameworks.²⁷⁴

²⁷⁴ Originally, even before the formation of the EU, the so-called Europeanisation in legal norms concerned other areas of law than criminal law. Nevertheless, throughout history, European states have shared many commonalities in their approaches to criminal law matters. For example, Enlightenment-era critical thinking on criminal law, the general doctrines of criminal law, and the fundamental choices in penal systems have remained rather similar across many European countries. Influences have spread from one country and society to another over centuries through various means, including the unifying role of Christianity. This convergence has been supported by long-standing legal and criminal policy cooperation conducted across different forums. For instance, participation in regional and international criminal law cooperation has brought legal practices and perspectives closer together. (Lappi-Seppälä – Hakamies – Helenius – Melander – Nuotio – Ojala – Rautio 2022, p. 239) From this perspective, some aspects of global governance have been practiced already for centuries.

Membership in the EU, intensified by the Treaty of Amsterdam²⁷⁵ and subsequently, the Treaty of Lisbon²⁷⁶, have shaped the Finnish criminal law significantly, mainly in the form of material criminal law²⁷⁷, but also regarding criminal procedural law²⁷⁸, as well as by creating a demand of interpreting national legislation in accordance with EU law²⁷⁹. The latter is connected to developments in the EU criminal law which point towards approximation of the general doctrines of criminal law, including doctrines of criminal liability, doctrines on criminal attempt and complicity, and the doctrine on interpretation of legal norms.²⁸⁰ Professor Sakari Melander has aptly noted that “Nationally, it should be recognised that national authorities are not just the authorities of a certain Member State but are also charged with ensuring the effectiveness of EU law. This difficult task may, however, require balancing between the effective implementation of EU law and, for instance, fundamental rights.”²⁸¹

In addition to the EU’s legal framework, Finland applies the instruments of the European Council, the most significant being the European Convention on Human Rights. The European Court of Human Rights oversees compliance with the Convention. In the space of countering terrorism, a significant Convention has also been created by the European Council—the Convention of Terrorism²⁸², adopted in Warsaw in 2005.

²⁷⁵ Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts (OJ C 340), accepted in 1997 and entered into force in 1999.

²⁷⁶ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (OJ C 306), accepted in 2007 and entered into force in 2009.

²⁷⁷ In the context of countering terrorist offences, this includes criminalising certain acts and setting certain maximum penalties.

²⁷⁸ One of the most significant developments being the principle of mutual recognition of judgments and judicial decisions. (Treaty on the Functioning of the European Union, TFEU, Article 82) Also, the European Convention of Human Rights and its case-law have had an important role in developing the criminal procedure.

²⁷⁹ Directives, Framework decision as well as the decisions of the Court of Justice of the European Union.

²⁸⁰ Melander 2014, p. 277.

²⁸¹ *Ibid.*, p. 300.

²⁸² CETS No. 196. In comparison with the EU instruments, the Convention emphasises relatively more respecting the aspects of human rights.

In the light of globalisation, joining the EU and participating in other European legislative undertakings, it is not surprising that also developments in the Finnish terrorist financing framework have evolved in the direction of internationalisation. There is also another significant theoretical development which Finnish criminal law has followed in recent decades: shifting the orientation of criminal law in the direction of prevention. That is shifting the orientation of criminal law into the direction of preventiveness. Implementing global governance of crime structures appears to support this orientation. The crime of terrorist financing is a supporting act which facilitates the actual terrorist attack. The financier has either an intention to finance the act or the actor, or he/she is aware that the assets will be utilized by a terrorist actor. Therefore, the support activity, financing, temporally precedes the terrorist attack and can be understood not as a preparatory act in a judicial sense, but as facilitating the act or other actions of the terrorist or terrorists.

These two dimensions of the Finnish criminal law, internationalisation and preventiveness, represent just two among the many perspectives through which contemporary Finnish criminal law is understood, the latter prompting more critical assessments than the former. Both concepts are extremely multifaceted and wide-ranging, however, for the purposes of this research, their examination must be relatively cursory and tailored specifically to address the research question discussed in this chapter, i.e. how does the Finnish implementation of global governance of terrorist financing reflect the understanding of the Finnish criminal law framework and its development.

Internationalisation of Finnish criminal law

It is clear that developments in the field of countering terrorist financing in Finland have been triggered by international activity in this area.²⁸³ Further, it has already been concluded that the global governance mechanisms are widely applied within countering terrorist financing. I claim that these developments reflect a wider trend of internationalisation within the Finnish criminal law framework.

Since the 1990s, there has been a strong development of international criminal law and an increase of the importance of the UN's activities in global criminal policy. At the same time, similar regional tendencies have arisen, in particular regarding the mechanisms of the Council of Europe and the EU. These institutions' legal instruments have reflected and developed common principles based on the values on the continent: democracy, human rights and the rule of law.

²⁸³ Nuotio 2006, p. 1001.

The intensified internationalisation, Europeanisation and regionalisation of criminal law have changed the role of Finnish comparative law and criminal sciences in general.²⁸⁴

The intensifying interaction between European and global legal regulatory regimes have materialised inter alia as an enlargement of legal sources of national criminal laws, for instance: (a) the effect of the supranational criminal law, that is, international criminal law in *sensu stricto* ('core crimes'), and transnational (treaty-based) criminal law; and (b) the effect of European law. Reciprocally, the national legal orders may have an impact on the global and European regulatory regimes.²⁸⁵

The assessments regarding trends to harmonise criminal law as a result of globalisation and the underlying driving forces behind the phenomenon resemble to a large extent the underlying reasons for global governance systems. For example, Ulrich Sieber has described the drivers of harmonising criminal law as a result of globalisation as follows: "the increasing development and international recognition of common legal positions for the protection of human rights and for the political and economic aims; the growth in international security interests; the growing influence of actors other than nation states; and the increasing international cooperation based on new institutions with new instruments of legal approximation."²⁸⁶ Especially references to shared international security interests (terrorism), growing influence of non-state actors and enhanced cooperation via institutions with new instruments reflect the developments and advantages of global governance of crime.

Internationalisation has been one of the major trajectories within Finnish criminal law and therefore, naturally, has prompted plenty of appropriate challenges and even criticism. The steady development of a shared or even similar legal orders is challenging, because criminal justice systems are traditionally closely linked to states' sovereignty and their value systems, which form the very core of any society. Therefore, irrespective of the general trend to harmonise criminal law, there is an obvious risk of decrease in the legitimacy, consistency and coherence of national legal orders.²⁸⁷ The Nordic academics' criticism against the harmonisation of European criminal policies has concentrated on the concern that the basic values of the 'Nordic model' would be endangered. Professor Emeritus Raimo Lahti has

²⁸⁴ See e.g. Lahti 2023, pp. 1–6; Husa 2018; Lahti 2020, pp. 7-19; Sieber 2008, pp. 385-417.

²⁸⁵ Lahti 2020, p. 8.

²⁸⁶ Sieber 2008, p. 385, 387, as referred to in Lahti 2020, p. 8.

²⁸⁷ Lahti 2020, p. 8.

summarised the issue: “In the Scandinavian thinking, for example, the role of crime prevention is particularly emphasized; specific criteria of rationality in criminal policy such as legitimacy and humaneness are applied; and the level of repression in criminal sanctions is relatively low. Especially the EU-criterion of dissuasiveness is criticized for its strong connotation with deterrence (negative general prevention) and high level of punitiveness and repression.”²⁸⁸

Turning to the subject of preventiveness in relation to Finnish criminal law, it is interesting that there appears to be a linkage between preventionism and a rise of transnational²⁸⁹ criminal law.²⁹⁰

Preventiveness of Finnish criminal law

Focusing on the preventive function of criminal law has by no means been a development unique to Finland. The subject has been monitored and discussed rather globally within the past two decades.²⁹¹ In the European context, during the latest two decades, the Union’s internal security strategies have gone hand in hand with the development of EU criminal law, simultaneously with the emergence of a European criminal law regime, also built on the concepts of pre-emption and prevention. In addition to countering terrorist financing and money laundering, the preventive approach has been embraced also in the spaces of countering organised crime, cyber-crime and freezing and confiscating proceeds of crime.²⁹² The trajectory of preventiveness in the context of the EU was strengthened by the Lisbon Treaty which emphasises the EU’s preventive approach in the area of freedom, security and justice in that Article 84 of the TFEU²⁹³ states that the European Parliament and the Council may establish measures to promote and support the actions of Member States in the field of crime prevention, excluding any harmonization of the laws and regulations of Member States.²⁹⁴

²⁸⁸ Lahti 2023, p. 5.

²⁸⁹ Transnational and international criminal law are of course not synonyms but both concepts do require that national jurisdictions should consider the criminalisations and other criminological issues also in other countries and regions.

²⁹⁰ Nuotio 2023, p. 36.

²⁹¹ See. e.g. Ashworth – Zedner 2012, pp. 542-571; Herlin-Karnell 2016; Melander 2023, pp. 11-23; Nuotio 2023, pp. 35-46; Tyulkina – Williams 2017, pp. 136, 145–51.

²⁹² Herlin-Karnell 2016, p. 216.

²⁹³ Treaty on the Functioning of the European Union.

²⁹⁴ See e.g. Herlin-Karnell 2016.

Preventing unwanted behaviour as such is undoubtedly in the interest of the society and the state and typically, criminal law is seen as a means of delivering a formal response to acts considered harmful to society.²⁹⁵ Traditionally, prevention has been understood to have various meanings and various objectives within the criminal justice system. Preventing individuals from committing crimes by strengthening their acceptance and adherence to the norms of criminal law constitutes the general justifying aim of the criminal justice system. Alongside with punitive and retributive theories, prevention theories, which may appear in various forms with various contents²⁹⁶, have traditionally had a central role as one of the main lines of punishment theories.²⁹⁷ Approaching the new millennium, the new contexts of countering terrorist offences and other security-related issues, such as organised crime, came from the shadows to the fore.²⁹⁸ Subsequently, preventive theories started to gain ground and have led to discussions regarding their legitimacy, since the prevention of criminality and other unwanted behaviour must not be carried out at any cost.

Professors Andrew Ashworth and Lucia Zedner have examined the concept of preventive criminal law commendably and one of the crucial questions they have posed is as follows: is it possible to identify where the limits to liability ought to lie, and to determine when the conduct that is criminalised is simply too remote from the harm to be prevented to justify criminalisation?²⁹⁹ Returning to the subject of this dissertation, within the framework of global crime governance measures adopted in Finland, the criminalisation of terrorist financing exemplifies a form of preventive criminalisation. The Finnish legislator has not deemed the financing act too remote from the terrorist act and therefore, different forms of terrorist financing have been criminalised.

Professor Kimmo Nuotio has pointed out that: “Terrorist criminal law is an extreme form of preventive and proactive criminal law. The aim is to eliminate the conditions for terrorist acts altogether by intervening with criminal law measures much earlier than would be the case with ordinary crime. The intention is, therefore, not to have to apply the core provisions, since the risk of such activity

²⁹⁵ See, e.g. Ashworth – Zedner 2012, p. 542; Melander 2023, p. 14.

²⁹⁶ It is not possible to thoroughly explore different aspects of preventive theories within this Dissertation, but it is important to acknowledge that there are several elements in the concept, including positive and negative and general and special prevention theories.

²⁹⁷ Melander 2023, p. 14.

²⁹⁸ Nuotio 2023, p. 39.

²⁹⁹ Ashworth – Zedner 2012, p. 547.

arising has already been eliminated. From a criminal policy perspective, terrorist offences resemble organized crime, but terrorism is generally considered even more dangerous; organized crime seeks economic gain, whereas terrorism pursues something else, primarily political objectives.”³⁰⁰

As mentioned earlier, it is clear that prevention of crime (even the most serious forms of crime, or perhaps especially even the most serious forms of crime) must not be carried out at any cost. It is vital to ensure sufficient protective mechanisms and limiting principles which are built into our democratic rule of law system. Ashworth and Zedner have developed concrete limiting principles which, in their view, must be adopted in order to maintain the legitimacy of the application of preventive offences:

- 1) All offences, included those enacted on a preventive rationale, ought to comply with rule-of-law values, such as maximum certainty of definition, fair warning, and fair labelling, so as clearly to identify the wrong that they penalize, for the purpose of guiding conduct and publicly evaluating the wrong done; and
- 2) All offences, including those enacted on a preventive rationale, should be so drafted as to require the court to adjudicate on the particular wrong targeted, and not on some broader conduct.³⁰¹

In the Finnish context, it may be assessed that the terrorist financing criminalisation meets both criteria. There is a particularly ambiguous issue in terrorist financing criminalisation which was detected in the course of conducting this research. The theme is discussed in Chapter 4.3.3, i.e. the concept of awareness when family members or friends send assets to individuals residing in conflicts zones. Where should the boundaries be drawn regarding how much family members ought to know or ascertain about the activities of the funds’ recipient residing on a conflict zone? Furthermore, even in cases where it is known that the recipient might meet the criteria of “a terrorist”, when is the limit of committing a crime exceeded: can the funds transferred be regarded as covering only vital living expenses and thus be classified as humanitarian aid.

³⁰⁰ Nuotio 2020, p. 248. [Translation by the author of this dissertation.]

³⁰¹ Ashworth – Zedner 2014, pp. 95–118. Ashworth and Zedner have also developed a set of 11 requirements which may form a basis for evaluating the legitimacy of certain preventive criminalisations, see Ashworth – Zedner 2012, pp. 549-562.

Ashworth and Zedner's framework regarding preventive criminal law and its limiting principles have since been further developed and applied in order to evaluate preventive criminalisation and their application, including measures aimed at countering terrorism.³⁰² In the Finnish context, Professor Sakari Melander has posed a question of whether it is evitable that classical liberal criminal law has come to its end, or would it be possible to retain most principles of criminal law within the inevitable development of preventive justice? He concludes that the traditional foundations and presuppositions of liberal criminal law and constitutional restraints developed for criminal law can offer a useful starting point in constructing a rights-based approach to preventive justice.³⁰³

Preventive criminal law may not be characterised as an inherently positive or negative phenomenon, but it rather comprises numerous dimensions and considerations that require careful evaluation. Most importantly, it is crucial to maintain an acute awareness of the trajectory of the Finnish criminal law. In Finland, restrictive measures and limiting principles are both thoroughly acknowledged and effectively implemented also in practice, such as the principle of *ultima ratio*, whereby criminal law is employed only as a measure of last resort, and the principle of legality.

At the European level, concerns have been voiced regarding excessive convergence to international governance mechanisms such as the FATF and its risk-based approach including limited transparency and strong preventive focus. The EU has been criticized by fostering a “one-sided focus on prevention and enforcement” while largely overlooking the imperative to safeguard individual rights. It has been claimed that the emphasis on international security has overshadowed the imperative to uphold due process rights and that the prevailing security discourse calls for a more refined recognition of what the stakes actually are. Professor Ester Herlin-Karnell concludes that “The general problem in the AFSJ³⁰⁴ discourse is that the security agenda has been pursued at the expense of the concepts of freedom and justice and that the EU has consequently concentrated almost exclusively on the prevention aspect”.³⁰⁵

In relation to both the EU and the Finnish criminal law regimes, a quote from Ashworth and Zedner is suitable:

³⁰² See e.g. Zedner 2021; Kendall 2023.

³⁰³ Melander 2023, pp. 13-14, 22.

³⁰⁴ Area of Freedom, Security and Justice.

³⁰⁵ Herlin-Karnell 2016, p. 218.

“These preventive and punitive rationales are intertwined. It makes no sense to suggest that the criminal law’s purpose is simply to declare the most serious wrongs and to provide for the conviction and punishment of those who commit them, as if the prevention of such wrongs is not also part of the rationale. Surely it is because these wrongs are so serious that it is important to reduce the frequency of their occurrence: the ‘backward-looking’ justification for making these wrongs punishable must imply a ‘forward-looking’ concern that fewer such wrongs should occur in the future.”³⁰⁶

4.3 Lacking criminal accountability

The third research question presented in the introduction is:

- 3) Is criminal accountability for jihadist financing lacking in Finland even after implementing global governance of terrorist financing framework? If so, why?

Finland, as a conscientious member of the UN, the EU, the Council of Europe and the FATF, has been a part of the global crime governance regime during the past decades. However, even though having implemented the relevant international regulations, it seems that Finland has not been able to tackle the phenomenon of jihadist financing, at least when reviewing the issue based on judgments rendered. To date, there are no upheld convictions on jihadist financing, nor terrorist financing in general, despite the findings of Article II and Finnish authorities stating that there are significant terrorist financing operations occurring in Finland.³⁰⁷

Based on the data gathered for this dissertation, it is clear that jihadist financing is an under-investigated phenomenon in Finland. As described in Article II, activities regarding jihadism and its financing in Finland have evolved and become more common in the 2010s. In addition to the more traditional money transfers to armed groups abroad, developments in mid-2010s include assets sent to, or taken by, foreign fighters to the conflict zone in Syria and Iraq. Furthermore, assets have been raised and transferred or attempted to be transferred to individuals participating in jihadist activities abroad.

³⁰⁶ Ashworth – Zedner 2011, p. 281.

³⁰⁷ Supo 2021, pp. 10-11; Supo 2022, pp. 12-13; Supo 2023 a), pp. 12-13; Supo 2023 b), Supo 2025, pp. 38-39.

There is no one simple explanation to the lack of investigations, prosecutions and judgments, rather several contributing factors, which are presented next. Professor Kimmo Nuotio's accurate description of the broader picture may serve as an introduction. He considers it to be a common Nordic problem that the legislation on terrorist crimes is complex and difficult to grasp. The challenge may not primarily be any obvious deficiencies within the legislation itself, but rather for various reasons, the existing legal norms are proving difficult to apply.³⁰⁸

4.3.1 High threshold for pre-trial investigations

According to the Finnish Criminal Investigation Act³⁰⁹, a criminal investigation authority *shall* conduct an investigation when, on the basis of a report made to it or otherwise, there is reason to suspect that an offence has been committed. Thus, the police have no discretionary power once the threshold of 'reason to suspect' is crossed, which is deemed to happen when a conscientious person arrives to the conclusion based on his/her observations. When considering initiation of a criminal investigation, crossing the threshold does not require strong probability, not to mention certainty about an offence having been committed, since whether a crime has been committed or not, is resolved once the criminal investigation is concluded. It has also been noted that if much time is spent considering the initiation of an investigation, it might endanger solving the crime.³¹⁰

It has also been suggested in legal literature that the threshold of initiating a criminal investigation ought to be "very low" based on the points that the initiation of a criminal investigation is only the first step of a criminal process and the initiation itself is not a procedure which would interfere with individual's basic rights.³¹¹ A criminal investigation may only be initiated on a concrete basis, with a key consideration being the level of interest in solving the crime—which naturally increases with the offence's severity. Anticipated difficulties in solving or proving an offence provide no legitimate grounds for declining to launch an investigation.³¹² Therefore, even though merely invariably there are challenging

³⁰⁸ Nuotio 2020, p. 259.

³⁰⁹ Criminal Investigation Act 805/2011, Chapter 3 Section 3 Count 1).

³¹⁰ Government Proposal 14/1985 vp., p. 16.

³¹¹ Helesvirta 2020, p. 28.

³¹² Government Proposal for renewal of legislation regarding pretrial investigations and coercive measures, 222/2010 vp., p. 177.

evidentiary issues in terrorist financing cases, the seriousness of terrorist offences ought to have substantial weight and foreseeable challenges in the investigation should not prevent opening the case.

It must be noted that often the National Prosecution Authority in practise which decides whether or not an investigation ought to be initiated in suspected terrorist financing cases, since according to the Criminal Code Chapter 34 a, Section 7, the Prosecutor-General decides on the bringing of charges for terrorist offences.³¹³ In doing so, the Prosecutor General shall also designate the person who is to bring the charges. Further, according to the Criminal Code Chapter 1 Section 12, a criminal matter may not be investigated without an indictment order issued by the Prosecutor General in cases in which the crime has been committed abroad, unless the defendant has affiliation to Finland and the target also has an affiliation to Finland.³¹⁴ According to the last sentence of Chapter 3, Section 8, Subsection 1 of the Criminal Investigation Act, the prosecutor decides on initiating a pre-trial investigation if the investigation of crimes committed abroad requires a prosecution order from the Prosecutor General as referred to in Chapter 1, Section 12 of the Criminal Code. This is related to the fact that it cannot be considered appropriate to initiate a pre-trial investigation in a matter where a prosecution order from the Prosecutor General would not be obtained.³¹⁵

The fact that the threshold of initiating pre-trial investigations of terrorist financing, as well as terrorist offences in general, seems to be set relatively high, has led to (also public) debates between the officials from the Police and from the National Prosecution Authority.³¹⁶ The latter appears to have adopted an approach which favours a person's right not to be placed as a suspect of a crime as serious as a terrorist offence without sufficient cause, over the interest of solving a crime.³¹⁷ As stated in Chapter 4.1.5, it is noteworthy that in Government Proposal 163/2025 vp. it is suggested that the clause in current Criminal Code (Chapter 34 a Section 7) regarding the right of the Prosecutor-General to decide on the bringing

³¹³ However, this section has been proposed to be erased according to the Government Proposal 163/2025 vp. Should the section be erased, it will be interesting to monitor whether the amendment has an impact on the initiation of pre-trial investigations in terrorist offences.

³¹⁴ There are also other exceptions in the Chapter but they are not relevant for the purposes of this research.

³¹⁵ Government Proposal 163/2025 vp., p. 41.

³¹⁶ See e.g. Manner – Teittinen 2021; Teittinen 2019; see also Government Proposal 163/2025, p. 62.

³¹⁷ Manner – Teittinen 2021.

of charges for terrorist offences, would be eliminated.³¹⁸ This elimination of the clause might further initiation of prosecutions regarding terrorist offences if the police authorities show preparedness to take on challenging pre-trial investigations and to map out the domestic legal framework on the limits of the criminalisation of terrorist financing.

According to the Constitutional Law Committee's established practice, terrorism-related offences pose a very serious threat to the basic functions of society, the legal order, and the life, health, and safety of individuals. In view of the nature of this type of criminality, it is necessary to ensure that the regulation is sufficiently comprehensive, while at the same time taking into account fundamental and human rights obligations and Finland's binding international obligations, such as those relating to international humanitarian law.³¹⁹ A particular view of the Constitutional Law Committee encompasses a stance that criminalising other terrorist offences that promote the commission of offences committed with terrorist intent ('terrorist attacks') makes it possible to prevent the commission of such offences, which applies also in terrorist financing.³²⁰ Also, in a recent government proposal, certain covert coercive measures were recommended to be broadened to include more terrorist offences, taking into consideration the extremely dangerous nature of terrorist crime and the significant interest in solving such crimes.³²¹ In the Government Proposal in question, it is also highlighted that the threshold for pre-trial investigation of terrorism offences is the same as for other crimes, which is considered "not high".³²²

Based on the findings of Article II, jihadist financing in Finland relates to activities abroad almost without an exception. The fact that attacks are not executed in Finland, does not entitle Finnish actors to overlook the issue. We have a moral, political and judicial obligation to prevent jihadist financing in Finland, regardless of where the eventual attack takes place. Reviewing the issue from a Finnish national security perspective, it is also worth noting that if jihadist activity increases remarkably anywhere in the world, it is highly likely that there will be a ripple effect also in Finland. This was well demonstrated in the emergence of the

³¹⁸ Government Proposal 163/2025, p. 154.

³¹⁹ See e.g. Government Proposal 163/2025, p. 9; Memorandum of the Constitutional Law Committee of the Finnish Parliament (PeVL) 26/2014 vp, p. 2/I, PeVL 37/2016 vp, s. 2, PeVL 20/2018 vp, p. 2, PeVL 1/2021 vp, chapter 3 and PeVL 34/2021 vp, chapter 3.

³²⁰ Government Proposal 163/2025, p. 54.

³²¹ *Ibid.*, p. 157.

³²² *Ibid.*, p. 109.

ISIS Caliphate in the mid-2010s, when almost a hundred individuals left Finland to join the Caliphate. The Finnish Security and Intelligence Service Supo has assessed that the number of persons interested in violent radical Islamism might increase in Finland as a result of people returning from the conflict zone.³²³

Activities initiated or not initiated by investigative and prosecution authorities are factually affected also by political will, at least from the point of view of resourcing and legislative measures. Based on the Finnish National Counter-Terrorism Strategy 2022–2025, criminal accountability in terrorist offences should not lack political motivation. It is noted in the strategy, that preventing terrorism entails activities by the authorities to detect, prevent and investigate, as early as possible, terrorist offences by means of comprehensive intelligence gathering, analysis of data and observations, investigative measures, and national and international cooperation. Further, it is stated in the Strategy that terrorist financing is countered by investigating cases, detecting networks relating to counter-terrorism target individuals, and identifying ways in which terrorist financing functions and that one of the most important aims is to actively prevent asset transfers for terrorist financing and to protect the financial system.³²⁴ So far, actions taken by the investigative authorities and the National Prosecution Authority have not mirrored the stated priorities.

4.3.2 Demanding nature of investigating jihadist financing

The lack of criminal accountability in jihadist financing may also be attributed to a concrete practical issue: investigative processes are often inherently complex and demanding. The FATF conducted a mutual evaluation of Finland in 2019 and noted that national authorities are mobilised on the terrorism threat, and intelligence on TF shared between the FIU and Supo results in TF leads, but the changing environment related to FTFs and returnees is not adequately reflected in TF cases investigated.³²⁵ These shortcomings may in part derive from issues which law enforcement officials face in identifying and investigating cases, in which funds have been either transferred or used abroad —particularly in conflict zones. Indeed, identifying the recipient of the transferred funds, let alone establishing for which activities the money has been or was intended to be used, is exceedingly challenging. Also, the intentions and the awareness of the sending party is

³²³ Supo 2016, p. 20.

³²⁴ Ministry of the Interior 2022, pp. 15-16.

³²⁵ FATF 2019, p. 5.

challenging to solve and prove. Typically, individual investigations involve rather modest sums of funds, which may raise the threshold for launching potentially lengthy and expensive - investigations into jihadist financing in a situation where other investigations –for example into organised crime– may have to be prioritised.

Challenges in investigating jihadist financing derive also from the fact that even though the authorities have information on certain activity, the information may not always be available for evidentiary purposes. This may result from the fact that even though security and intelligence agencies both in Finland and abroad possess and share intelligence with law enforcement authorities regarding terrorist activities, the data is often classified and may not be utilized, at least in full, in pre-trial investigations and in court proceedings. This may arise either from securing Supo's own activities, the information barrier under Chapter 5a, Section 44 of the Police Act, or the fact that the information in question was obtained from a foreign partner and cannot be disclosed. International intelligence cooperation is characterised by the originator control (ORCON) principle, which embodies the trust required for cross-border information exchange. Unlike other intelligence principles, the trust-based ORCON principle is unwritten, lacking the institutional backing or ties to fundamental and human rights, and more broadly, the rule of law, that emphasize other principles in the national legal order. The core content of the ORCON principle is to protect the original holder of the information (the disclosing party) by granting the originator the right to determine the information's protective classification and conditions for further dissemination.³²⁶

As most suspected jihadist financing cases are international, and assets are either moved or used abroad, gathering evidence is extremely demanding and dependent on cooperation from local authorities, which may not have the willingness or capacity to assist in ensuring criminal accountability. However, these features are not characteristic of Finnish authorities alone. Quite the contrary, the same challenges are posed for terrorist offences' investigation and prosecution globally. Nevertheless, there are many EU member states which have been more active and effective in investigating and prosecuting terrorist financing offences.³²⁷

³²⁶ See e.g. Widlund 2022, pp.570–595.

³²⁷ For example, between 2015 and 2020 there were 94 jihadist terrorism-related court proceedings in EU member states. More than 90% of the prosecutions resulted in convictions and concerned foreign terrorist fighters. (National Bureau of Investigation/Financial Intelligence Unit 2021).

4.3.3 Particular question on sending assets to conflict zones

“It is one thing for parents to be optimistic for and about their children and I do acknowledge that this was your son, who you love very much, and that it is in the nature of both of you to hope for and to look for the best in others, but, in this context, you did lose sight of the realities”.³²⁸

–Judge Hilliard QC in the case of John and Sally Letts

One particular issue regarding jihadist financing has proven to be problematic from the point of view of criminal accountability. Does it meet the criteria of terrorist financing when relatives or friends send assets abroad to individuals taking part in jihadist activity? Indisputably, there are occasions where the sender does not act out of a terrorist motive but is concerned about the well-being of the receiver. Given that a number of children have been taken to conflict zones, it is comprehensible that family members are committed to alleviating their distress and seeking their safe return to Finland. If terrorist intent is missing, the core of the question lies in the concept of *awareness*, since it is criminalised to collect funds, with the intention that they be used, *or with the knowledge* that they are to be used in terrorist activities.³²⁹

³²⁸ Anwar – de Goede 2021, p. 155, (Judge Hilliard QC, op. cit., n. 90, p. 2.)

³²⁹ In a recent Government Proposal 163/2025, it is suggested that “financing an offence referred to in an international agreement” would cover particular parts of the current “financing a terrorist offence” criminalisation (Chapter 34 a Section 5) and be transferred to Chapter 34 Section 12. Also, the regulation is proposed to be amended upon its transfer to the new chapter so that it would be criminalised to directly or indirectly provide or collect funds for the commission of the offence in question. Under the current subsection 2 of section 5 of Chapter 34 a, the perpetrator acts to finance or with the knowledge that the funds are used to finance an offence. The formulation “for the commission of an offence” in the new Chapter 34 a would express that the perpetrator may act not only to promote their own future offence but also to promote the future offence of another person or other persons. The purpose of this amendment is not to expand the scope of criminal liability beyond the current regulation, as the existing provision can already be interpreted in this manner. Also, the legislator states that in addition to an intention to finance an offence referred to in an international agreement, awareness of the fact that assets are intended to be used for the specific purpose, creates criminal accountability in the matter. A person acting for the commission of such offences would already fall under the current regulation's requirement of financing intent or awareness. Also, a new suggested formulation relating to terrorist financing of a particular offense (previously Chapter 34 a Section 5) is formulated similarly and also the explanatory reasoning is identical as mentioned above. (Government Proposal 163/2025, pp. 182-183, 223)

This is not merely an academic question but has relevance in practise, as well. Elsewhere in Europe, there have been family members and friends convicted of sending money to individuals residing in conflict zones.³³⁰ According to open sources, similar cases have not been investigated in Finland. It is possible to claim that family members wishing to send money to support an individual residing in a conflict zone abroad may not constitute terrorist financing.

Regarding financing a terrorist offence, the police and later the prosecutor would have to be able to prove that the sender has been aware of a specific offence executed with terrorist intent, regardless of whether the funds have actually been ultimately used for the offence in question. In financing a terrorist offence, the person sending funds abroad needs to have intent or be aware that he/she is financing a specific offence, for example in the form of enabling recruitment or enabling training aimed at committing a certain offence. The crime does not have to be specified by its time or place. What the sender intended or knew at the time of sending or otherwise disposing of the assets is decisive, thus what consequently was actually done with the assets is irrelevant.³³¹ Regarding the question of relatives or friends sending assets to conflict zones, this form of financing is perhaps the least relevant, since individuals sending the assets without intention to support terrorist activity rarely engage in financing of a specific terrorist offence knowingly.

When examining the offence of financing a terrorist, the evaluation becomes more demanding. In order to be criminally accountable for financing a terrorist, the person sending the assets must be aware that the recipient participates in terrorist offences. There has to be outwardly observable circumstances of which the sender is aware, which serve as evidence of the fact that the recipient is actively participating in terrorist offences.³³² The FATF has recommended that “Countries should ensure that the intent and knowledge required to prove the offence of terrorist financing may be inferred from objective factual circumstances.”³³³ The scope of criminalised terrorist activity at the time of the financing act bears much weight, and this is not always easy to assess.

³³⁰ On the Netherlands, see Anwar – de Goede 2021, on United Kingdom, see ie. BBC News 2019 a); Adams 2019; BBC News 2019 b), on France, see ie. Boutin 2017; France24 2017.

³³¹ Government Proposal regarding the changing of terrorist financing legislation, 135/2020 vp., pp. 42-43.

³³² Government Proposal regarding the changing of terrorist financing legislation, HE 135/2020 vp., p. 44.

³³³ FATF 2023, p. 41.

Ultimately, it is a matter of an overall assessment, directed towards all available information on the suspected terrorist and his/her actions known to the sender of the funds. Issues to consider include the suspected terrorist's statements and possible threats in which the person has expresses his/her intentions to commit terrorist offences or possessing a history of having committed them. Conclusions may also be drawn if the alleged terrorist has participated in incitement to commit a terrorist offence or otherwise spreading propaganda, or if they had already been under criminal investigation or prosecution regarding terrorist offences or had committed terrorist offences.³³⁴

The Criminal Code defines financing of a terrorist group as directly or indirectly giving or collecting funds with the intention that they be used, or with the knowledge that they are to be used to finance a terrorist group.³³⁵ A terrorist group is defined as "a structured group of at least three persons established over a period of time and acting in concert to commit offences referred to in Section 1 or 1 a."³³⁶ In the instance of "giving" funds, the actions constitute an offence when the assets are in the possession of the terrorist group. In the instance of "collecting" funds, the actions constitute an offence when the collector has received the funds and has the intention of sending or giving the assets to the terrorist group. Thus, the collector must have decided beforehand, that he/she is collecting funds in order to deliver them or have them delivered to a terrorist group.³³⁷

Attempting to give or collect funds to a terrorist group is criminalised and therefore, in the case of "giving", the attempt may be regarded as fulfilled when the person makes the act of "giving", for example making a transaction from a bank account, regardless of where the funds actually end up. If the account number has for example been incorrect or the sender a victim of a fraud plot merely pretending to deliver assets to a certain group, the attempt may still be effective, unless a futile attempt. Assessing the case of attempting to collect appears more challenging. It may be argued either that the attempt of "collecting" has been fulfilled already when a person makes it public that he/she wishes to collect assets for the purposes of delivering them to a terrorist group, for example a crowdfunding page on social media, or that the attempted "collecting" requires actually receiving assets but not the act of sending them forward. I support the former interpretation since after announcing the collection of funds for the purposes of supporting a terrorist group,

³³⁴ Government Proposal 135/2020 vp., p. 44-45.

³³⁵ Criminal Code, Chapter 34 a Section 5b.

³³⁶ Criminal Code, Chapter 34 a, Section 6.

³³⁷ Government Proposal for legislation regarding terrorist offences, HE 18/2014 vp., p. 32.

if all necessary information has been delivered in the announcement (including account holder and account number), there may be potential funds delivered to the account, regardless of the actions of the collector. In this case, it should also be evident that the collector had the will and capabilities to deliver the funds to a terrorist group.

It is essential to comprehend that when the assets are transferred to the possession of a terrorist group, it is impossible to control how they will be used.³³⁸ This is relevant when the sender claims that the assets were sent with the intention of providing food, medicine or a plane ticket home. Even if the sender's *intention* is to help the recipient of the funds, if the sender *is aware* that at least some part of the assets will end up in the possession of a terrorist group, the sender is, at the very least, approaching the threshold of committing a crime. It must also be noted that even if the terrorist group would use the assets for acceptable causes, such as feeding children or providing for their leisure activities, it would release the group's other assets for terrorist purposes. However, in the Finnish preparatory legislative materials, it is noted that even though there's reason to criminalise behaviour which increases the potential of a terrorist group to commit offences, providing or sending assets to a terrorist group must have the potential to actually increase the group's capabilities to commit crimes in order to account for an offence.³³⁹ Therefore, if a terrorist group or other actor is provided teddy bears, it would most likely not be considered financing a terrorist group. Nevertheless, as always in criminal matters, each case has its own specific circumstances, and the overall assessment of the case is decisive.

4.4 Suggestions for improving criminal accountability

4.4.1 Ensuring national cooperation and information exchange

In Finland, where existing laws provide a sufficient basis for ensuring criminal accountability in jihadist financing and a limited number³⁴⁰ of capable authorities

³³⁸ Ibid.

³³⁹ Ibid.

³⁴⁰ In this context, a limited number of authorities may be regarded as a positive thing. There are countries, for example the United Kingdom and the United States which have tens of different authorities detecting and investigating terrorist offences. The more authorities there are involved

sharing responsibilities combined with clear roles in countering terrorist financing, the prerequisites for effective detection, investigation and prosecution of jihadist financing are excellent. A customary recommendation for improving any unsatisfactory situation in the context of carrying out authorities' duties, is enhancing cooperation and information exchange. Nevertheless, in enhancing the detection, investigation and prosecution of jihadist financing, the recommendation in question is extremely relevant. Real-time, accurate and adequate information exchange between Supo, in some cases the FIU and almost invariably the investigative police unit and prosecution, is crucial. It is unavoidable that some information will always remain for intelligence purposes only but, if possible, it would further the execution of criminal accountability if Supo ensures that the information it gathers or receives, including from international counterparts, could be used for evidentiary purposes, as well.

The dissemination of jihadist financing related information by the FIU to investigative units is crucial for enabling timely pre-trial investigations and also for disrupting illicit financial networks. Reporting entities submit suspicious transaction reports to the FIU optimally in real time, enabling rapid information dissemination to law enforcement for swift action. It is noteworthy that FIUs possess the unique capability to initiate real-time suspension of assets³⁴¹, halting TF flows immediately upon detection and facilitating asset seizures pursuant to the Coercive Measures Act (806/2011).

In cases where regulations on competences and data protection allow, it is also important to ensure that relevant authorities outside the Police forces are included in the real-time, accurate and adequate information exchange. These authorities may include the Border Guard, Customs or the Financial Supervision Authority. The Border Guard and Customs carry out controls at airports, ports and land-border crossing points, which play a key role in the detection and monitoring of terrorist financing. Customs is also an essential authority when detecting and investigating individuals bringing remarkable sums of cash to Finland or out of the country. For example, in the domain of hawala service providers³⁴² and their cash couriers, it is vital that information is shared between Customs and relevant

in TF detection and investigations, the higher the risk of insufficient information sharing, territorial disputes and unclear roles may be.

³⁴¹ Act on the Financial Intelligence Unit 445/2017 Section 6.

³⁴² The hawala system is an informal value transfer system that enables the movement of funds from one place to another through agents known as hawaladars, regardless of the nature of the transaction or the jurisdictions involved. See e.g. El-Qorchi 2002.

investigative authorities. In its update to the National Risk Assessment on Money Laundering and Terrorist Financing, the Ministry of Finance highlighted that ML/TF risk associated with hawala services is considered remarkably high.³⁴³

In the wider context of protecting the financial system, it is stated in the National Counter-Terrorism Strategy, that one of the most important aims is to actively prevent asset transfers for terrorist financing.³⁴⁴ This includes efforts -not only from authorities- but also from obliged entities, such as financial institutions, money service businesses and crypto asset service providers. One national initiative which has been developed in this context, following the example of many European countries, is the FAMLIT group³⁴⁵, which encompasses representatives both from the public and the private sector. The group's objectives are to share information regarding current trends and risks within the ML/TF framework and strive towards operational information exchange.³⁴⁶ Initiatives where all sectors involved in countering jihadist financing come together and exchange information are essential in developing further the understanding of TF risks across the borders of the public and the private sector. The more concrete and pragmatic this cooperation is, the more it benefits the detection and investigation of potential TF transactions. FAMLIT is a great illustration of the broad significance of a functioning information exchange network.

In the newly issued EU's AML Regulation³⁴⁷, which is part of a wider AML-package including also the Sixth Anti-Money Laundering Directive³⁴⁸, AMLA

³⁴³ Ministry of the Finance 2024, p. 10.

³⁴⁴ Ministry of the Interior 2022, p. 16.

³⁴⁵ Finnish Anti-Money Laundering Intelligence Taskforce.

³⁴⁶ Finnish AML-authorities' website Rahanpesu.fi: <https://rahanpesu.fi/kansallinen-yhteistyö>.

³⁴⁷ Regulation (EU) 2024/1624 of the European Parliament and of the Council of 31 May 2024, recital 147.

³⁴⁸ Directive (EU) 2024/1640 of the European Parliament and of the Council of 31 May 2024 on the mechanisms that Member States should put in place to prevent the use of the financial system for the purpose of money laundering or terrorist financing, amending Directive (EU) 2019/1937 and repealing Directive (EU) 2015/84.

Regulation³⁴⁹ and the MiCA Regulation³⁵⁰, exchange of information in the framework of partnerships for information sharing is enabled. According to Article 75, “Members of partnerships for information sharing may share information among each other where strictly necessary for the purposes of complying with the obligations under Chapter III and Article 69 and in accordance with fundamental rights and judicial procedural safeguards.” Further, recital 147 states that “The exchange of information among obliged entities and, where applicable, competent authorities, might increase the possibilities for detecting illicit financial flows concerning money laundering, the financing of terrorism and proceeds of crime.” The recital continues to elaborate that obliged entities and competent authorities should be able to exchange information in the framework of the partnership, when they deem such sharing to be necessary for compliance with their AML/CFT obligations and tasks. It is noteworthy that information sharing should be subject to robust safeguards relating to confidentiality, data protection, use of information and criminal procedure. It remains to be seen how boldly authorities and obliged entities will begin to apply the aforementioned regulation, and under which conditions the Financial Supervisory Authority and the Data Protection Ombudsman will permit the exchange of information.

Regarding national cooperation among authorities, should there be differences in opinions, weightings or priorities between the Police and the National Prosecution Authority, it is clear that real-time and sufficient communication and cooperation is key in understanding each other’s points of view and accurate prerequisites for a criminal investigation. As mentioned in Chapter 4.1.5, a recent Government Bill, it is suggested that the clause in current Criminal Code (Chapter 34 a Section 7) regarding the right of the Prosecutor-General to decide on the bringing of charges for terrorist offences, ought to be eliminated.³⁵¹ The grounds for this elimination are not further clarified in the Government Bill. It remains to be seen whether the Parliament agrees on the suggested elimination and whether it has an effect on more active investigation and prosecution of terrorist offences.

³⁴⁹ Regulation (EU) 2024/1620 of the European Parliament and of the Council of 31 May 2024 establishing a European Authority for Anti-Money Laundering and Countering the Financing of Terrorism.

³⁵⁰ Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937.

³⁵¹ Government Proposal 163/2025, p. 154.

4.4.2 Ensuring international cooperation and information exchange

Since Finnish jihadist financing appears to entail almost invariably international connections, it is vital to be able to detect and investigate the phenomenon, regardless of country borders. It is essential to maintain comprehensive, close, and confidential relationships with international partner authorities, not least because national authorities' resources are limited. Through such cooperation, relevant information from countless other authorities can be accessed and utilized in the detection and investigation of jihadist financing. In addition to the traditional information exchange channels of the Police and other authorities, there have been international initiatives established only for the purposes of enabling more successful terrorism related investigations and prosecutions. It ought to be ensured that the Finnish authorities are utilising the support from international networks to the fullest.

One example of an international initiative was UNITAD³⁵², established in 2017, based on a UNSC Resolution 2379 (2017), in order to support governments worldwide to investigate and hold criminally accountable individuals who had participated in the actions of ISIS. The office of UNITAD was located in Iraq until the end of its mandate in 2024.³⁵³ The core of the group's ways of working was to actively cooperate with the government of Iraq and governments of other countries. The key responsibilities of the group were to gather and document pieces of evidence, for example digitalizing documents and examining mass graves.³⁵⁴ UNITAD has assisted, for example, in the prosecution of Lina I. in Sweden by having an expert testify in court on evidence collected and analysed by the group. Lina I. was convicted for failing to prevent the recruitment of her own child as a war crime and sentenced to six years of imprisonment.³⁵⁵

Further, the European Commission, together with Eurojust³⁵⁶, have stated that they will assess the possibility to store evidence gathered by UNITAD in Eurojust's Core International Crimes Evidence Database in order to ensure that member states maintain access to the battlefield evidence collected by the UNITAD. The Commission has also highlighted that the new European Judicial

³⁵² Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL.

³⁵³ United Nations Meeting Coverage and Press Releases:

<https://press.un.org/en/2024/sc15718.doc.htm>.

³⁵⁴ UNITAD: <https://www.unitad.un.org/content/our-mandate>.

³⁵⁵ UNITAD 2022; Mehra 2023 b).

³⁵⁶ European Union Agency for Criminal Justice Cooperation.

Counterterrorism Register will continue supporting Member States' judiciaries in quickly identifying cross-border links in terrorism cases.³⁵⁷

Another successful international initiative is a FININT³⁵⁸ program called the Terrorist Finance Tracking Program (TFTP), which the U.S. Treasury Department set up shortly after the terrorist attacks of September 11, 2001. The EU signed an EU – US TFTP Agreement, which took effect on August 2010³⁵⁹ and may be regarded as an “early example of the EU’s internal security agenda in interaction with the external sphere”, as Ester Herlin-Karnell puts it.³⁶⁰ The Agreement on TFTP was established in response to legal concerns triggered by revelations that the CIA had been covertly accessing financial messaging data within EU territory to trace terrorist financing.³⁶¹ The TFTP collects data on international financial transactions to gain information about terrorist networks and plots and has successfully intercepted many illegal transactions and thwarted plots.³⁶² For example in investigating attacks such as the attack in August 2017 at the La Rambla in Barcelona, the August 2017 knife attack in Turku, and the February 2020 attack in Vienna, the TFTP provided valuable lead information.³⁶³

Regardless of the fact, or perhaps due to the fact, that detecting and investigating jihadist financing is a demanding task, one must ensure that all possible assistance and network support available is utilized. After all, evidentiary issues are similar in all jurisdictions and experiences gathered in other countries may help in solving national challenges.

In relation to EU-wide cooperation between authorities involved in countering terrorism, Professor Oldrich Bures has pointed out that while specific data on the actual outcomes of the EU counterterrorism policy is often lacking, the available academic research has demonstrated that when it comes to the practical use of transposed EU legislation and cooperation through EU agencies, promises and public rhetoric of national and EU politicians are one thing, and the deeds of national counter-terrorism agencies are quite another thing. The reluctance of national experts to utilize EU-level networks and mechanisms largely stems from a

³⁵⁷ The European Commission 2025, p. 24.

³⁵⁸ Financial Intelligence.

³⁵⁹ The EU: https://home-affairs.ec.europa.eu/policies/internal-security/counter-terrorism-and-radicalisation/fight-against-financing-terrorism_en.

³⁶⁰ Herlin-Karnell 2019, p. 149.

³⁶¹ Ibid.

³⁶² U.S. Department of the Treasury.

³⁶³ Ibid.

prevailing preference among practitioners for more established bilateral and multilateral cooperation channels. As Professor Bures argues, this hesitation is rooted in several factors: divergent legal and cultural traditions across Member States in the field of security, bureaucratic and technical impediments, particularly in smaller Member States with weaker administrative capacities; persistent coordination challenges between government ministries, national security bodies, and local counter-terrorism agencies; and, critically, the absence of a shared perception of the terrorist threat within the EU.³⁶⁴ Professor Bures continues to state that an interviewed EU Commission official made a remark that CTF-measures may not be overlooked even though they are claimed to be rather ineffective. One option in enhancing preventiveness of CTF measures, according to the interviewee, is “better cooperation between FIUs and obliged entities, better sharing of information.”³⁶⁵ A claim impossible to argue with.

4.4.3 Ensuring training and specialisation

While each criminal case presents its own particularities, there are recurring investigative and legal challenges in the detection, investigation, and prosecution of terrorist financing that are essential to understand and address effectively. As presented in Article II, the concept of terrorist intent, the concept of awareness, the right jurisdiction for the investigation and prosecution, gathering information and evidence from conflict zones, and effective avenues for international and national information exchange, are issues which TF investigators and prosecutors ought to master and on which they should be able to reach consensus.

The research outcome of Article II highlighted the need for enhanced training in countering jihadist financing: to ensure that investigators and their superiors, as well as prosecutors, understand the wider context of jihadism. In order to ask the right questions, and perhaps more importantly right follow-up questions when interrogating the suspect, one must understand the core reasons for his/her behaviour and the basis of the jihadist ideology the suspect represents. Important pieces of “contextual evidence” might also be overlooked in searches of premises and crime scenes if the investigators are unaware of the types of items, materials, or artefacts typically related to radicalisation and jihadist ideology. Specialized educational modules addressing the identification, investigation, and prosecution of terrorist offences would significantly advance the investigation of terrorist

³⁶⁴ Bures 2025, pp.20–21, with a reference to Bures 2011.

³⁶⁵ Bures 2025, p. 24.

financing. These modules could be produced by the Police, for example the Police University College, the NBI, the National Police Board, the National Prosecution Authority, or by a third party, for example a specialised think tank or other team of experts. The training could also include concrete case studies and available investigation plans so that when a case emerges, the whole investigative team would be immediately up for the task, which would enable ensuring criminal accountability.

In addition to understanding jihadist activities, it is important that the investigators and their superiors are aware of other crime titles related to terrorist activity, including offences such as fundraising crimes, unauthorised payment institution activities, various economic crimes, and human trafficking offences. These kinds of alternative working directions or crime titles are useful to sketch prior to initiating a particular investigation. Further, the investigating team ought to master the concepts of attempt and complicity in the context of terrorist offences.

Sufficient training is integrally bound to the possibility of specializing and gathering in-depth expertise in investigation and prosecution of terrorist offences. If the composition of the team varies each time an investigation into terrorist financing is initiated, the training is likely to be less effective than it would be if the same personnel were consistently involved in terrorism-related investigations. This also necessitates adequate resources to ensure that team members are not overburdened and thus reassigning to other units. Maintaining a relatively stable team structure is important from a human factors perspective as well: cooperation with stakeholders is facilitated when the team remains consistent and the same personnel engage with stakeholder representatives.

5 Looking ahead

There are several relevant unanswered questions regarding jihadist financing in relation to global governance of terrorist financing which will hopefully be examined in the coming years. One current issue in particular is the implementation of the EU's AML-package³⁶⁶ and its effects on countering terrorist financing in Finland, as well as the newly proposed changes in the national Criminal Code regarding terrorist offences³⁶⁷. The academic community must also remain vigilant regarding how the application of the global governance framework on terrorist financing impacts the development of national criminal law, including on one hand safeguarding traditions of the Finnish criminal justice system and on the other hand, reviewing how effective global governance of terrorist financing frameworks are in practise.

Looking ahead, global politics are undergoing a turbulent phase, and the international regulatory and operational landscape is difficult to foresee. While EU-level regulation has been strengthened, notably via the AML package, one potential course of events is also that international regulation regarding AML/CFT would begin to be dismantled.³⁶⁸ This would inevitably influence the development and implementation of the global governance of terrorist financing, with potentially detrimental consequences. On the other hand, given the substantial investments already made in the global governance of AML/CFT and the longstanding, deeply rooted nature of many related institutions within global governance mechanisms, it is unlikely that existing legislation or structures will be rapidly or completely dismantled. In the long term, however, growing pressure either to reduce the burden placed on obliged entities or, at the very least, to demonstrate the effectiveness of current preventive measures, will certainly arise. This is an under-explored perspective and research on how the dismantling of regulation might impact European societies would be of considerable interest and a challenging but

³⁶⁶ Further examined in chapter 4.4.1.

³⁶⁷ Further examined in chapter 4.1.5.

³⁶⁸ In the Finnish context, see e.g. Hyttinen 2021.

worthwhile research topic, either from the perspective of private sector cost structures or the effectiveness of crime prevention.

Setting aside the global governance of terrorist financing perspective, there remain numerous avenues for research focusing on how jihadism is financed across different contexts, including the geographical and a group-specific dimension. For example, in relation to identifying macro-level financing trends, Article I of this dissertation focuses merely on the core financing methods of three particular jihadist groups. There are many more groups which are interesting and current from the perspective of gathering and transferring funds. One such group is Hamas, which has been conducting hostilities against Israel from Gaza, a war zone where the humanitarian crisis has reached catastrophic levels. Hamas is calling upon people to join their 'jihad'. However, the group's ideology differs from that of ISIS, for instance. Both are radical Islamist groups, which use violence in order to achieve the goal of a society ruled by sharia law. However, the end goals of the groups, and how they seek to achieve those goals, are different.³⁶⁹ Currently, there is a need to learn more regarding Hamas's financing methods and how they have changed after the October 7, 2023 attack. In addition to Hamas, there are plenty of other currently active jihadist groups worth examining, such as the nationalist jihadist group in Afghanistan, the Taliban, and its changing operational environment. ISIS's and al-Qaeda's regional affiliates would also be useful to examine in detail in order to more comprehensively understand group-specific differences and their underlying causes.

Another current jihadist group whose financing operations and methods would be interesting to review is Hayat Tahrir al-Sham (HTS)³⁷⁰, which launched a rapid offensive against Bashar al-Assad's regime in Syria, resulting in its overthrow in less than two weeks in late November 2024. In 2018, the group was added to the U.S. State Department's existing designation of its predecessor, the al-Qaeda affiliate Jabhat al-Nusra, as a Foreign Terrorist Organization (FTO).³⁷¹ As for the EU, its stance on HTS is more complex. The EU does not directly designate HTS as a terrorist organisation on its autonomous list³⁷², however, HTS is indirectly designated as a terrorist group through the EU's adherence to the UN's sanctions

³⁶⁹ Cook – Margolin 2023.

³⁷⁰ Regarding HTS's history, see e.g. Holtz 2023; Solomon 2022.

³⁷¹ CSIS: Hay'at Tahrir al-Sham.

³⁷² The situation at the end of 2025.

list.³⁷³ HTS may be currently viewed as a relatively localised Syrian terrorist group, which retains a jihadist ideology despite its public split from al-Qaeda in 2017.³⁷⁴

Regarding empirical legal research, a similar examination was conducted along with Article II, regarding different jihadist financing activities reviewed by authorities during a particular time frame, would be beneficial to carry out in any European country, particularly in the Nordics, since the history and culture of the criminal legislation is similar to the Finnish one. The data presented in Article II is a helpful premise in order to conduct comparative legal research between Finland and any other country. Also, since the updated terrorist legislation in the Criminal Code of Finland will enter into force during 2026, it will be important to review what are the consequences of the new legislation, at least from the perspectives of initiating pre-trial investigations and ensuring criminal accountability.

Although crypto assets are unlikely to dramatically alter the methods of jihadist financing in the 2020s, the subject remains topical and requires constant attention. Scholars interested in the subject could conduct, for example, empirical research regarding judgments rendered in Europe in which jihadist groups have been financed utilising crypto assets. It would be interesting to explore what is the effect of the “sharia-compliant” crypto asset service providers on jihadist financing, if any.³⁷⁵ A scholar with capabilities in tracing crypto assets, could be able to trace particular transactions of certain currency in the blockchain and connect certain transactions to terrorist groups and other terrorist activity and thus draw conclusions regarding the scale and intensity of financing jihadism utilising crypto assets.

³⁷³ Liboreiro 2024.

³⁷⁴ CSIS: Hay’at Tahrir al-Sham.

³⁷⁵ See e.g. Ahmed 2023.

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