

COUNTERING COLLABORATIONISM IN THE CONTEXT OF ARMED CONFLICT

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Abstract. *The purpose* of the article is to identify the peculiarities of combating collaborationism in the context of armed conflicts and to highlight the main areas for improving criminological policy in this area. It is established that collaborationism, in a broad sense, is a complex criminal phenomenon that arises as a result of the interaction of subjects of the communication process (individuals, certain organisations) or voluntary or forced cooperation with the aggressor. In a narrow sense, it is an act, the characteristics of which are defined, in particular, in Art. 111-1 of the Criminal Code of Ukraine and which undermine the national security of Ukraine, pose a direct threat to the state sovereignty, territorial integrity, constitutional order and other national interests of Ukraine, and/or constitute conscious, voluntary and deliberate cooperation with the enemy in its interests and/or to the detriment of the state and its allies in the form of public denial by a citizen of Ukraine of armed aggression against Ukraine, establishment and confirmation of the temporary occupation of a part of the territory of Ukraine, or public calls by a citizen of Ukraine to support the decisions and/or actions of the aggressor state, armed formations and/or occupation administration of the aggressor state, to cooperate with the aggressor state, armed formations and/or occupation administration of the aggressor state, not to recognise the extension of the state sovereignty of Ukraine to the temporarily occupied territories of Ukraine. It is emphasised that with the entry into force of the Laws of Ukraine "On Criminalisation of Collaboration" and "On Amendments to the Criminal Code and the Code of Criminal Procedure of Ukraine to Improve Liability for Collaboration and Peculiarities of Application of Preventive Measures for Crimes Against the Fundamentals of National and Public Security" (2022), Ukraine has generally created a legal framework for preventing collaboration in the state. *Results.* The analysis has revealed the existence of problematic issues in countering collaboration in the current context of the armed conflict in Ukraine and allowed to propose ways of solving them, in particular the need to amend the sanctions of the Criminal Code to classify collaboration as a serious crime, since according to the Criminal Procedure Code the vast majority of covert investigative actions are carried out exclusively in criminal proceedings for serious or particularly serious crimes. These amendments will make it possible to properly document the criminal actions of "collaborators" and to significantly expand the legal scope of evidence collection in these crimes to include not only educational, but also cultural, athletic and sports institutions in the scope of collaboration, which will make it possible to investigate the dissemination of information in educational, cultural, sports and physical culture institutions aimed at distorting facts, historical culture and/or events, as such assimilation of Ukrainian children may lead to the loss of their national identity. It is expedient to change the construction of the provision, which is in line with the principle of legal certainty, and define the prohibited types of legal activities. Such a list is also provided for in the Law of Ukraine "On Ensuring Civil Rights and Freedoms, and the Legal Regime on the Temporarily Occupied Territory of Ukraine" (2014); Article 111-1 of the Criminal Code of Ukraine provides for alternative jurisdiction for pre-trial investigation of a criminal offence. In particular, in criminal proceedings on collaboration, the pre-trial investigation is carried out by the investigator of the body that initiated the investigation.

Keywords: collaborationism, collaboration activities, armed conflict, martial law, security, counteraction, criminal liability, jurisdiction, pre-trial investigation, investigative (detective) actions, covert investigative (detective) actions.

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1. Introduction

The armed aggression of the Russian Federation against Ukraine, which began on April 14, 2014, and the full-scale war since February 24, 2022, has led not only to the temporary annexation and occupation of certain territories and regions of the country, destruction, significant economic, environmental and human losses, but also to a significant increase in criminal activity and, as a result, a rapid increase in certain types of crime, in particular, collaborationism (The Criminal Code of Ukraine of 05.04.2001. No. 2341-III).

According to statistics on the cooperation of the population or citizens with the enemy in the interests of the aggressor state (Article 111-1 of the Criminal Code of Ukraine), since 2022, 3,593 criminal proceedings have been initiated on the grounds of cooperation of the population or citizens with the enemy in the interests of the aggressor state (Article 111-1 of the Criminal Code of Ukraine), in which 1,118 people have been notified of suspicion. Jurisdiction over 1,330 criminal proceedings was transferred to other law enforcement agencies, and 793 were sent to court. (On registered criminal offences and the results of their pre-trial investigation. Office of the Prosecutor General).

It should be noted that this is most evident in the temporarily occupied territories of Ukraine under the influence of the armed groups and/or the occupation administration of the aggressor state, where since 2014 they have been trying to form an extremely negative attitude of Ukrainian citizens towards the Ukrainian authorities and the Armed Forces of Ukraine. The aggressor state does not stop, but rather intensifies its attempts to shape the negative attitude of Ukrainian citizens towards the Ukrainian government and the Armed Forces of Ukraine. Such a strategy is one of the components of Russia's aggression against Ukraine, which aims to ensure the loyalty of the local population to the occupation regime, and to form and spread a distorted view of Russia's military aggression against Ukraine.

Therefore, in an environment where the fight against crime remains one of the country's strategic priorities, the crime realities require an effective response mechanism from the state, in particular, ensuring coordinated, targeted actions to combat crimes against the foundations of Ukraine's national security using all legal means.

The theoretical basis of the article is the scientific achievements of V. V. Vasylevych, A. A. Vozniuk, O. O. Dudorov, V. V. Maliuk, R. O. Movchan, Yu. V. Orlov, Ye. O. Pysmenskyi, D. M. Tychyna, S. S. Cherniavskyi, K. P. Shevchyshena and others. The study also uses materials from various security sector institutions. At the same time, it should

be noted that in the context of the armed conflict, certain issues of counteracting the acts under Art. 111-1 of the CC of Ukraine remain relevant and do not have proper theoretical coverage, and therefore require a targeted, comprehensive theoretical and praxeological study.

The purpose of the article is to identify the peculiarities of countering collaborationism in the context of armed conflict and to highlight the main areas for improving the criminological policy in this area.

2. Doctrinal Approaches to the Definition of the Concept of Counteraction to Crime in the Context of Ordinary and Special Legal Regimes

Russia's full-scale invasion of Ukraine is accompanied by mass murder of civilians, destruction and damage of critical infrastructure, indiscriminate attacks on civilian objects, use of prohibited means and methods, mistreatment of prisoners of war and other serious violations of the laws and customs of war. Ensuring the inevitability of punishment for those responsible for these crimes against the people of Ukraine is a priority for all law enforcement agencies of Ukraine (War crimes, 2023).

The perpetrators of reconnaissance and subversive activities are known to attempt to gain access to information on state secrets and proprietary information, as well as other restricted information protected by law, including advanced technologies and developments in the defence industry, economic, scientific and technical spheres. This includes espionage, subversive and other illegal activities of foreign intelligence services, individual organisations, groups and individuals, including with the use of organised criminal groups and corrupt officials, aimed at destroying the mechanisms of state administration and local self-government (The Decree of the President of Ukraine "On the Strategy for Ensuring State Security" of 16.02.2022 No. 56/2022).

According to V. M. Kuts (2016), the essence of crime prevention is the implementation of social and administrative measures, including public and private initiatives and criminal justice efforts aimed at keeping crime within socially acceptable limits, and its content is the prevention of offences and legal response to them as interrelated continuous processes. As posited by O. M. Bandurka and O. M. Lytvynov (2015), crime prevention represents a distinct, integrated, multi-level object of social management. It encompasses a range of activities undertaken by relevant actors, including the state, non-state bodies and institutions, civil society groups, and individuals. These actors interact within a system comprising various measures designed to influence crime in a manner that reduces its prevalence, neutralises

its impact, and creates conditions for limiting the number of criminal manifestations to a socially acceptable level.

3. The Essence and Content of the Concept of Collaborationism

According to one of the encyclopaedic editions of Ukraine, *collaboration* is a conscious, voluntary and intentional cooperation with the enemy in its interests and to the detriment of one's state and its allies. In the legislation of most countries, collaborationism is qualified as a crime against one's state, treason (Encyclopedia of Modern Ukraine). Depending on the type of damage caused by the collaborator, the legal norms provide for either long-term imprisonment or the death penalty. Collaborationism as a phenomenon originated during the Napoleonic Wars, the first large-scale wars in Europe between nations rather than dynasties. For the first time, this concept was used in a positive sense by French Marshal Henri Petain, who headed the Vichy regime and called on the French to cooperate with Nazi Germany on October 30, 1940. During the Second World War, collaborationism was present in almost every country occupied by a totalitarian aggressor, so the term quickly entered other languages, but in a negative sense (Collaborationism. Encyclopedia of Modern Ukraine).

The Criminal Code of Ukraine establishes criminal liability for collaboration – Article 111-1, which is structured in such a way that seven parts define different types of collaboration, and the eighth part contains a qualified crime based on the consequences of a criminal act that leads to the death of people or other serious consequences (The Criminal Code of Ukraine of 05.04.2001. No. 2341-III). This provision provides for responsibility for the main types (forms) of joint activities, which can be divided into the following: 1) Ideological, cultural and educational collaborationism: conducting propaganda and other information activities aimed at establishing and confirming the temporary occupation of a part of the territory of Ukraine, and so forth (Parts 1, 3, 6); 2) administrative and military-political collaboration: participation in the activities of illegal bodies, units of formations established by the aggressor state (Parts 2, 5, 7); 3) economic (financial) cooperation – material and other support for the activities of illegal bodies, units or formations of the aggressor state (Novelties of the criminal legislation of Ukraine, adopted in the conditions of martial law, 2022).

These forms of collaborationism suggest that the motivation for such actions may be the instinct of self-preservation, coercion to perform civilian duties, imprisonment, preservation of one's own life or

the life of a social group, and so forth (Dzhuzha, Vasylyevych, Tychyna, 2023).

The concept of collaboration should be associated with behaviour that consists of cooperation or interaction with the enemy (aggressor state), committed to the detriment of state interests (a specific type of betrayal of one's state). The interpretation of such activities as conscious, voluntary and intentional cooperation with the enemy in its interests and against the interests of one's state is generally accepted in international law (Novelties of the criminal legislation of Ukraine, adopted in the conditions of martial law, 2022).

Collaborationism is a complex, ambiguous socio-psychological, ethical and criminal phenomenon that arises as a result of the interaction of subjects of the communication process (individuals, certain political organisations within the occupying power). It is a voluntary or forced cooperation with the enemy in any sphere of life, including political, military, economic, domestic or socio-cultural. This phenomenon is based on a complex integral psychological force – motivation, which is based on needs as a driving force for choosing a certain behavioural option and political identity. The lack of opportunities to satisfy needs, interests and values gradually leads to crises, regression and the decline of the individual and society as a whole. The general crisis of society in the context of war and occupation causes an individual reaction, which in turn depends directly on a person's moral consciousness and reaction to punishment or reward, to the contradictions in a person's life, the latter being the driving force behind human behaviour in a period of crisis. The emergence of collaborationism is also influenced by the social manifestations of the individual, his or her desocialisation (Dzhuzha, Vasylyevych, Tychyna, 2023).

Yu. V. Orlov rightly notes that the restoration of law and order in the de-occupied territories is a complex matter, which includes the response to all crimes without exception, as well as other judicial, preventive and service activities. However, it is also important to be aware of the fact that the law enforcement bodies "entering" the de-occupied territories immediately after their liberation find themselves in a specific reality, where the primary factors determining the priority of service activities are those related to recording, documenting and investigating both the consequences of the war, the activities of the occupation administration and occupation forces, their accomplices and collaborators, and the documentation and investigation of acts of the ongoing, continuing aggressive war (Orlov, 2023).

In general, it should be noted that collaboration is an act, the signs of which are specified in particular in Article 111-1 of the Criminal Code of Ukraine,

which undermines the national security of Ukraine, poses a direct threat to the state sovereignty, territorial integrity, constitutional order and other national interests of Ukraine, and is conscious, voluntary and deliberate cooperation with the enemy in its interests and to the detriment of one's own state and its allies in the form of public denial by a citizen of Ukraine of the armed aggression against Ukraine, establishment and confirmation of the temporary occupation of a part of the territory of Ukraine or public calls by a citizen of Ukraine to support decisions and/or actions of the aggressor state, armed formations and/or the occupation administration of the aggressor state, to cooperate with the aggressor state, armed formations and/or the occupation administration of the aggressor state, not to recognise the extension of the state sovereignty of Ukraine to the temporarily occupied territories of Ukraine.

4. Problematic Issues of Countering Collaboration in the Context of the Armed Conflict in Ukraine

Pursuant to Article 246 of the CPC of Ukraine, covert investigative (detective) actions are a type of investigative (detective) actions, information on the fact and methods of which are not subject to disclosure, except as provided for by the Criminal Procedure Code (hereinafter – the CPC) of Ukraine. Such actions are carried out exclusively in criminal proceedings concerning serious or especially serious crimes (The Criminal Procedure Code of Ukraine of 13.04.2012). Their covert nature means that they are not obvious, hidden from persons not involved in them, including employees of investigative and operational units, but above all from the "objects" in respect of which they are conducted. Conducting investigative (detective) actions in this form is intended to ensure the collection of information about the crime and the person who committed it, establishing its location and the location of things and documents relevant to criminal proceedings, preventing counteraction to the investigation of the crime, ensuring the safety of participants in criminal proceedings and their families in situations where it is impossible to carry out such measures through "open" investigative (detective) actions, and so forth (Tatarov, 2015).

The introduction of the institute of covert investigative (detective) actions has changed the mechanism for ensuring pre-trial investigation. The purpose of covert investigative (detective) actions in criminal proceedings on collaboration is to obtain certain types of evidence, conduct procedural actions as a means of obtaining evidence, and provide organisational and tactical support,

which in turn helps to create conditions for ensuring the effectiveness and efficiency of further procedural actions.

Based on the foregoing, it should be noted that, firstly, there is a need to amend the sanctions of Article 111-1(1) and (2) of the Criminal Code of Ukraine, which classify these criminal offences as serious crimes, since, according to Article 246(2) of the CPC of Ukraine, the vast majority of covert investigative (detective) actions are conducted exclusively in criminal proceedings for serious or especially serious crimes. This will allow for proper documentation of the criminal actions of "collaborators" and will significantly expand the legal framework for collecting evidence in these criminal offences.

As an alternative, it is necessary to consider amending Article 246(2) of the CPC of Ukraine to provide for the exclusive possibility of conducting covert investigative (detective) actions in criminal proceedings regardless of the qualification of criminal offences, highlighting the possibility of conducting them in crimes under Section I (Crimes against the foundations of national security of Ukraine) of the Special Part of the Criminal Code of Ukraine.

In addition, according to experts, the current version of Art. 111-1 of the Criminal Code of Ukraine requires a systematic review of all its provisions, primarily to overcome existing legal conflicts, in particular, actions related to the exercise by a citizen of Ukraine in the temporarily occupied territory of Ukraine and on the basis of the legislation of the aggressor state of professional activities related to the provision of legal services, auditor, appraiser, expert, insolvency officer, private enforcement officer, independent mediator, member of labour arbitration, arbitration court, as well as performing the powers of a notary, state registrar or subject of state registration of rights, or providing other public services (Dzhuzha, Vasylevych, Tychyna, 2023).

Collaborative activity of Ukrainian citizens in the field of education, which consists of cooperation with representatives of the aggressor state and its occupation authorities, poses an increased public danger, as it can actually create a false impression of the legitimate authority of the aggressor state in the temporarily occupied territories, level the spread of Ukraine's sovereignty and is associated with the refusal to regulate educational activities in accordance with Ukrainian legislation.

Propaganda is the purposeful and active dissemination of specially selected arguments, facts, opinions, statements and other forms of information for the purpose of ideologically influencing public opinion and forming certain views among the relevant segments of the population, social, national or other groups of people with certain views and beliefs. At the same time, propaganda is distinguished from, for example,

appeals by the concept of thoughts to be ideologically promoted, a certain programme, and possibly the availability of relevant materials, which have been formed and agreed upon in advance by representatives of the aggressor state or occupation administration.

In the context of Article 111-1(3) of the Criminal Code of Ukraine, the purpose of propaganda is to facilitate: 1) the commission of armed aggression against Ukraine; 2) the establishment and consolidation of the temporary occupation of part of the territory of Ukraine; 3) avoidance of responsibility for the commission of armed aggression against Ukraine by the aggressor state.

Teachers (lecturers) who do not perform organisational and administrative duties and are not involved in the implementation of educational standards cannot be considered subjects of the implementation of educational standards of the aggressor state.

Also, the direct teaching of subjects by teachers (lecturers) based on the already implemented education standards of the aggressor state in the temporarily occupied territories does not form the objective side of the criminal offence under Article 111-1(3) of the Criminal Code of Ukraine in the form of "actions aimed at implementing the education standards of the aggressor state", since teaching is not a means of ensuring the implementation of the requirements for the content of education.

At the same time, it should be noted that in some cases, the actions of teachers who deliberately and actively carried out propaganda in educational institutions in order to facilitate armed aggression against Ukraine, establish and confirm the temporary occupation of part of the territory of Ukraine, and avoid responsibility for the armed aggression of the aggressor state against Ukraine, may constitute a criminal offence under Article 111-1(3) of the Criminal Code of Ukraine (Criminal collaboration in conditions of armed aggression, 2023).

The analysis of the problematic aspects of the application of this criminal offence reveals different interpretations of the concept of "educational standards of the aggressor state", as well as the scope and nature of the actions, the totality of which constitutes the process of "implementation", and accordingly the circle of persons who are the subject of this criminal offence. The implementation of the educational standards of the aggressor state is the action of the employees and officials of the illegal authorities in the field of education, the management of educational institutions and the initiative groups of teachers to provide education in accordance with the educational standards of the aggressor state, in particular: the development of educational standards in the temporarily occupied territories, standard educational programmes, standard curricula,

their approval and the organisation of control over the implementation of these standards, plans and programmes. In other words, the implementation of educational standards should be understood as an activity to ensure the implementation of certain requirements for the content of educational activities. This means ensuring that a given level of education meets the educational standards of the aggressor state by participating in the development of a curriculum and/or educational programme (relevant components), approving it and providing guidance on its implementation.

The subjects of implementation of the aggressor state's education standards can be not only officials of such institutions who perform the relevant organisational and administrative functions (rectors, vice-rectors, deans, school directors and their deputies), but also those teachers, pedagogical staff and other persons who assisted the occupation authorities in developing the educational programme, curriculum of the aggressor state and/or the educational programme of the aggressor state (Criminal collaboration in conditions of armed aggression, 2023).

In view of the above, the dissemination of information in educational, cultural, sports and physical culture institutions aimed at distorting facts, historical culture and/or events, despite the fact that such assimilation of Ukrainian children could potentially lead to their loss of Ukrainian identity, cannot be considered the implementation of the educational standards of the aggressor state in accordance with the current legislation.

Given these gaps, it would be desirable to draw attention to one more. In author's opinion, Article 111-1(3) of the Criminal Code of Ukraine should be amended to read as follows: *"Propaganda by a citizen of Ukraine in educational or cultural institutions, or physical culture and sports institutions, regardless of the type and form of ownership, with the aim of facilitating armed aggression against Ukraine, establishing and confirming the temporary occupation of a part of the territory of Ukraine, or avoiding responsibility for the armed aggression against Ukraine by the aggressor state, as well as actions by citizens of Ukraine aimed at introducing and implementing the educational standards of the aggressor state in educational or cultural institutions, or physical culture and sports institutions"*. The adoption of the proposed wording will make it possible to investigate the dissemination of information aimed at distorting facts, historical culture and events.

Liability under Article 111-1(4) of the Criminal Code of Ukraine is imposed for the so-called economic cooperation with the enemy in the form of transferring material resources to illegal armed or paramilitary groups established in the temporarily occupied territory and/or armed or paramilitary groups.

The ambiguity can be traced back to the differentiation of criminal liability for collaboration,

legal scholars argue, in particular, the commission of political (administrative) collaboration in the form of holding leadership positions and organising elections to illegal bodies (Part 5 of Article 111-1 of the Criminal Code of Ukraine), provides for the main penalty of imprisonment for a term of five to ten years, while the main penalty for ideological collaboration in the form of carrying out relevant political and informational activities (Part 6 of Article 111-1 of the Criminal Code of Ukraine) is imprisonment for a term of ten to twelve years (Pysmenskyi, 2022; Batrachenko, 2023).

Therefore, for the correct application of the provisions of Article 111-1(4) of the Criminal Code of Ukraine regarding the qualifying feature of conducting economic activity in cooperation with the aggressor state and/or illegal authorities established in the temporarily occupied territory, the author considers it appropriate to apply a construction of the provision that complies with the principle of legal certainty.

It should be noted that civil society is guided by the liberal democratic principle known in international practice: "what is not prohibited by law is permitted". It applies primarily to individuals and legal entities as subjects of market, economic and civil law activities and in no way applies to public authorities and officials who are obliged to follow a different rule: "Only what is expressly permitted by law is permitted." For them, the law should serve as a "stop sign" – no further, because the law does not allow it.

Article 42 of the Constitution of Ukraine guarantees everyone the right to engage in entrepreneurial activity that is not prohibited by law (The Constitution of Ukraine of 28.06.1996. No. 254k/96-VR). Accordingly, it is advisable to build a rule that clearly defines the prohibition of the relevant types of economic activity, rather than providing for what is allowed. For example, the Criminal Code of Georgia contains a provision that defines liability for economic activity in the occupied territories, namely "Article 322-2 Carrying out prohibited economic activities in the occupied territories":

1. Conducting economic activities in the occupied territories prohibited by the Law on Occupied Territories of Georgia is punishable by a fine or imprisonment for a term of three to five years.
2. The same act committed: a) by a group of persons; b) repeatedly; c) by a person previously convicted of such an offence shall be punishable by a fine or imprisonment for a term of four to six years.

Note. 'A legal entity, after being brought to administrative liability for the acts provided for in this Article, shall be liable to a fine with deprivation of the right to engage in activities or liquidation and payment of a fine.' (Criminal Code of Georgia of 22.07.1999, № 2287-vs).

Accordingly, when drafting the provision of the Law of Ukraine "On Ensuring Civil Rights and Freedoms and the Legal Regime on the Temporarily Occupied Territory of Ukraine", it is advisable to clearly define the types of economic activities that are prohibited.

The analysis of the corpus delicti of criminal offences under Article 111-1 of the Criminal Code of Ukraine shows that Ukraine has finally adopted a legislative solution to the problem of criminal law counteraction to collaborationism.

In cases where signs of an offence under Article 111-1 of the Criminal Code of Ukraine are detected during the investigation of other criminal offences, authorised persons are obliged to enter the relevant information into the Unified Register of Pre-Trial Investigations (URPTI) (Tatarov O., 2015; The Order of the Office of the Prosecutor General of Ukraine "On Approval of the Regulation on the Unified Register of Pre-trial Investigations, Procedure for its Formation and Maintenance" of 30.06.2020. No. 298). At the same time, the issue of determining the jurisdiction of acts under Article 111-1 of the Criminal Code of Ukraine is complex.

With the entry into force of the Laws of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Criminalisation of Collaboration Activities" of 03.03.22 No. 2108-IX (The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Criminalisation of Collaboration Activities" of March 03, 2022. No. 2108-IX) and "On Amendments to the Criminal Code and the Code of Criminal Procedure of Ukraine to Improve Liability for Collaboration and Peculiarities of Application of Preventive Measures for Crimes Against the Fundamentals of National and Public Security" of 14.04.22 No. 2198-IX (The Law of Ukraine "On Amendments to the Criminal Code and the Code of Criminal Procedure of Ukraine to Improve Liability for Collaboration and Peculiarities of Application of Preventive Measures for Crimes Against the Fundamentals of National and Public Security" of April 14, 2022. No. 2198-IX), the country has generally created a legal framework for preventing collaboration in the country. As amended, the current version of Article 216(2) of the CPC of Ukraine provides that pre-trial investigation of acts under Article 111-1 of the Criminal Code of Ukraine is carried out by investigators of security agencies. However, in practice, information about signs of collaboration is entered into the URPTI by the authorised persons who have discovered them. In cases where such information is discovered and entered into the URPTI by investigators of the National Police of Ukraine, such persons are obliged to notify the prosecutor and conduct a pre-trial investigation of the criminal offence before determining its jurisdiction. In turn, the prosecutor's office, taking into account the level

of workload and staffing of the relevant investigative unit of the security body, entrusts the pre-trial investigation of collaboration to either investigators of the Security Service of Ukraine or investigators of the National Police of Ukraine. It is not uncommon for the prosecutor's office to change the jurisdiction of the acts under Article 111-1 of the Criminal Code of Ukraine after the initial investigative (search) actions by the investigators of the Security Service of Ukraine and entrust the continuation of the pre-trial investigation to the investigators of the National Police of Ukraine (Investigation of collaborative activities, 2023).

The main reason for the change of jurisdiction is the overload of SSU investigators and the lack of staff in some SSU investigative units. The heads of regional prosecutor's offices, their deputies or first deputies, using the powers provided for in Article 36 of the CPC of Ukraine, change the jurisdiction of criminal proceedings under Article 111-1 of the Criminal Code of Ukraine with the wording "ineffective investigation" and entrust the pre-trial investigation to the investigative unit of the National Police of Ukraine.

Therefore, it is appropriate to consider the issue of amendment of Art. 216 of the Criminal Procedure Code of Ukraine (The Criminal Procedure Code of Ukraine of 13.04.2012), which determines the alternative responsibility for conducting a pre-trial investigation of a criminal offence under Art. 111-1 of the Criminal Procedure Code of Ukraine, which stipulates that in criminal proceedings on collaborative activity the pre-trial investigation shall be conducted by the investigator of the body that initiated the pre-trial investigation.

5. Conclusions

Thus, the study has led to the conclusion that collaborationism is a complex criminal law phenomenon arising from the interaction of subjects of the communication process (both individuals and certain organisations), which includes voluntary and forced cooperation with the aggressor.

Firstly, it is necessary to amend the sanctions of Article 111-1(1) and (2) of the Criminal Code of Ukraine, which classify these criminal offences as serious crimes, since according to Article 246(2) of the CPC of Ukraine, the vast majority of covert

investigative (detective) actions are conducted exclusively in criminal proceedings on serious or especially serious crimes. Such changes will allow for proper documentation of criminal actions of "collaborators" and will significantly expand the legal framework for collecting evidence in these criminal offences.

Alternatively, consider amending Article 246(2) of the CPC of Ukraine to provide for the exclusive possibility of conducting covert investigative (detective) actions in criminal proceedings regardless of the classification of criminal offences, highlighting the possibility of conducting them in relation to crimes under Section I (Crimes against the foundations of national security of Ukraine) of the Special Part of the Criminal Code of Ukraine.

Secondly, in the author's opinion, Article 111-1(3) of the Criminal Code of Ukraine should cover not only educational institutions, but also cultural, physical culture and sports institutions. The adoption of the proposed wording will allow investigating the dissemination of information in educational, cultural, sports and physical culture institutions aimed at distorting facts, historical culture and events through the assimilation of Ukrainian children, which could potentially lead to the loss of their Ukrainian identity in the future.

Thirdly, for the correct application of the provisions of Article 111-1(4) of the Criminal Code of Ukraine regarding the qualifying feature of conducting economic activity in cooperation with the aggressor state, illegal authorities established in the temporarily occupied territory, it is advisable to apply a construction of the provision that complies with the principle of legal certainty: to clearly define which types of economic activity are prohibited. Such a list should be provided for in the Law of Ukraine "On Ensuring Civil Rights and Freedoms, and the Legal Regime on the Temporarily Occupied Territory of Ukraine".

Fourthly, it would be advisable to consider amending Article 216 (Jurisdiction) of the CPC of Ukraine by defining an alternative jurisdiction for the pre-trial investigation of a criminal offence under Article 111-1 of the Criminal Code of Ukraine, providing that in criminal proceedings for collaboration, the pre-trial investigation is carried out by the investigating authority that initiated the pre-trial investigation.

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