DOI: https://doi.org/10.30525/2256-0742/2018-4-5-233-239

REALIZATION OF THE RIGHT OF REBELLION: FROM THE MANIFESTATION OF DEMOCRACY TO A CRIME AGAINST THE STATE

Yurii Orlov[1], Andrii Yashchenko[2], Yevheniia Hladkova[3]

Abstract. *The objective* of the article is to identify, describe, and explain the grounds and conditions for realizing the right of rebellion, delimitation of the relevant democratic procedures from anti-state crimes. The main *results of the research* are that we have established the liberal and democratic principles for the realization of the right of rebellion. It has been established that it can be realized only on the grounds of the extreme necessity in restoring the rule of law, that is, while having an exclusively criminal and preventive purpose. We have also discovered that both a democratic procedure of realizing the right of rebellion can be solely considered on condition of sufficient justification, proof of the long ineffectiveness of other means of influencing the criminalized apparatus of the state, in particular judicial ones. It has been substantiated that the essential condition for the realization of such a right is the critical level of nonconfidence to the personnel of the highest agencies of state power in the overwhelming majority of the population, as well as the actual impossibility to apply (implement) the statutory forms of influence on their personnel. It is mandatory to consider the requirement of ensuring national security on the basis of a scientifically grounded criminological forecast of the deployment of mass resistance, taking into account the probable reaction to it by the subjects of international law. Thus, the realization of the right of rebellion should be non-violent. In all other cases, there is a criminal seizure of state power. *The applied value* of the research is the fact that due to the developed system of grounds and conditions for realizing the right of rebellion, the latter, as it is, may be delimitated from political criminal practices aimed at dismantlement of the Constitutional statehood, the seizure of state power. The results of the research may also be taken into account by political actors, as well as law enforcement agencies, courts while criminological substantiation, prediction of mass resistance measures, and legal assessment of such actions. *Value/originality*. The authors of the work have improved the criminological vision of the movement of mass resistance, which can take place both in the form of the realization of the natural right of rebellion and in the form of anti-state crimes. The use of these developments can be useful in the retrospective legal assessment of the situation of mass protests, forms, means, and consequences of responding to them by the authorities, preventing abuse of the right of rebellion and related crimes.

Key words: the right of rebellion, seizure of state power, grounds, conditions, prevention of crimes, cessation of criminal activity.

JEL Classification: K19, H56

1. Introduction

The origin and establishment of the post-Soviet political and economic space of an independent state of Ukraine, as well as other former union republics, took place and occurs in rather specific, historically unconventional conditions related to a radical change of not only the political system, but also of the ideological principles of social development, system of management. The direct or indirect integration of organized criminal gangs with political institutions was one of the peculiarities of this process, which significantly influenced the further genesis of all spheres of sociodynamics without any exception. As a result the commercial, criminal basis in its essence was firmly established in the structure of the latter, which largely determines the real direction of the functioning of a large part of the state apparatus, and which has little in common with the implementation of high social standards, the liberal and humanistic

Corresponding author:
[1] Kharkiv National University of Internal Affairs, Ukraine.
E-mail: orlov1284@ukr.net
[2] Kharkiv National University of Internal Affairs, Ukraine.
E-mail: ua_law_2014@ukr.net
[3] Kharkiv National University of Internal Affairs, Ukraine.
E-mail: jenyagladkova27@gmail.com

philosophy of domination in the whole. In such circumstances, the threat of initiation of mass protest actions of anti-criminal nature seems quite legitimate. The indicated circumstance allows including the issue about the grounds, conditions for the realization of the right of rebellion in the criminological perspective of the analysis to the category of **urgent** theoretical and practical problems.

The objective of the article is to provide a scientific description and explanation of the grounds and conditions for realizing the right of rebellion, its delimitation from the criminal seizure of state power.

The empirical basis of this research was the statistics, expert assessments of the diplomatic service employees of Ukraine, the Security Service of Ukraine, as well as the results of the non-included sociological monitoring of the mass protest movement in Ukraine during November 2013 – February 2014, content-analysis of reports in mass media and communications.

2. The right of rebellion as a mechanism of restraint of "Leviathan"

T. Hobbes, in his world-famous work, "Leviathan" (Hobbes, 2016), extensively argued the reasons for a social contract to delegate the right to legitimate violence to a "man-made divinity" and, finally, a sovereign one – for the state. According to the idea of the thinker, the latter should apply legitimate, impersonal violence (and therefore – coercion) as a result of sublimation of interpersonal violence. However, the construction of justice and the legitimacy of coercion collapse exactly at a time, when there is subjectification, appropriation of powers of the sovereign by individuals or groups of individuals, "privatization" of levers of public administration. The social project of "Leviathan" has repeatedly discredited itself in a similar way in various historical moments and in different cultural contexts, which prompted the concept of the right of rebellion to life.

In the famous "Treatise on Law," Thomas Aquinas explains in detail the right of peoples to political opposition. In our opinion, we must agree with the idea of the philosopher that "... the resistance of the tyrant's cruelty will be successful, as the action of any people not by their own initiative but by the decision of society. If the right of any large number of people reaches the point of imposing a king, then it is not unfair that the king put forward by them will be thrown down, or his power will be limited if he tyrannically abuses the royal power ..." (Aquinas). A similar ethical and theological system of coordinates, which defines the red line in the interaction of citizens and public administration as rational categories, has subsequently embodied in the constitutions and other legislative acts of some states. For example, Art. 7 of the Constitution of the Portuguese Republic dated from April 2, 1976, has consolidated that "Portugal recognizes peoples' right to self-determination and independence and to development, as well as the right of insurrection against all forms of oppression" (Constitution of the Portuguese Republic).

The concept of the right of rebellion (in some interpretations – to public disobedience, to the opposition) has also acquired some development at the doctrinal level. Scientific works focused on the development of this legal phenomenon belong to H. Arendt, V. V. Babin, E. Vitalie, V. B. Kovalchuk, S. P. Pohrebniak, O. O. Uvarova, D. Shtenberger and some others. Without making a detailed analysis of the existing points of view, we note only that their common feature is the recognition of the right of rebellion as a peculiar constitutional equivalent of the right to the necessary defence (Pohrebniak, Uvarova, 2013). In fact, it has a rational kernel of ethical justification for the possibility to realize the coup. However, following the indicated analogy, one should also admit that it can be applied only when the degree of oppression of the people has reached a critical point and is socially dangerous. In other words, the ethical basis of the coup is completely dependent on the criminological justification of the latter.

3. Popular uprising at the crossroads of law and morals

The realities of the present day prove that the most common scenario of the coup is the forced removal of heads of highest and central state authorities from performing official duties, which takes place without a pre-collected evidence base of their criminal activity, however, with subsequent objective investigation, proving the guilt and conviction In this case, there are two possible options: a) to use procedures stipulated by the law for dismissal from current positions, displacement, such as, for example, impeachment, no-confidence vote; b) without the usage of these procedures. The first of them – removes all questions about the legality of the dismissal of the relevant leaders and the coup in general, which is constitutional in the literal sense of the word. The second one leaves a lot of questions that quite often become the basis for political speculation and even military interventions by foreign countries under various motives: starting from restoration of the constitutional system to the protection of certain categories of people, who are really or mentally suffering from politically motivated harassment. In this case, some important evidence, considering a purely legal point of view, is obtained in a non-legal way, there are well-grounded remarks regarding non-compliance with the principle of presumption of innocence and the admissibility of evidence. This becomes possible in the context of the criminal proceedings on a general basis, without taking into account legal immunity, which the relevant head of state authority is deprived in an unforeseen by the law manner.

However, for the sake of justice, it should be noted that in the case, when the criminal activity of officials of highest and central state authorities has the massive nature and is extremely latent, then the possibilities of legalizing the process of preliminary collection of evidence base does not exist at all (at least within the limits of using national instruments of criminal justice). Then there is a logical question: how can one stop criminal activity in a situation, when law enforcement agencies at the highest political level are completely dysfunctional, and there is a lack of political will of the parliament, the president or other political actors to solve respectively the problem by using political means?

It seems that the answer to this question lies in the basics of the methodology of legal consciousness. From the point of view of legal positivism, this is absolutely a stalemate situation, which is characterized by a *permanent mass political victimization* in the scale of the overwhelming majority of the population of the entire state; the gap between the consistent patterns of sociodynamics and the functioning of state and imperious institutions becomes more and more relief contours, and public control over the public administration (including the use of mass media resources, the institution of public investigations, etc.) eliminated as it is, becomes ineffective. The conquest of the will of the ruling elite remains the only possible direction in the organization of social practices from the legal and positivist positions, and which is reduced to the widespread populism and abuse of law. However, trying to solve the problem of abusing the law by legal means (in the positivist sense) – it is nonsense. It is vitally necessary to get out of the dogmatic path of the ideological coordinate system. Without deepening, however, to the depths of the discussion about the most expedient and well-balanced types of legal consciousness, we note that in order to substantiate the strategy of eliminating a defined criminalized socio-political crisis situation, we consider it advisable to apply the integrative concept of the vision of the nature of law, the content of which can be expressed through the synthesis of positivism, natural and legal conception, communicative and a number of other theories of law. The proper legal substantiation of events that is launched in the context of social justice, but is not provided with an appropriate legislative assessment becomes possible, in our opinion, only with such an integrative legal paradigm of the perception of legally significant aspects of social interaction.

Without claiming to formulate heuristic provisions in this regard, we note only that when it comes to assessing the coup as a socially acceptable or socially dangerous one, one should take into account that this is the sphere of interaction between morality and law. However, one should immediately comment on the current danger of introducing moralizing innovations to legal reality. The fact is that the space of ethics, as reasonably noted by I. L. Zelenkova, is one of the few spheres of knowledge, where innovation often turns out to be threatening the very essence of this knowledge since moral laws must have inescapable value and significance. Nevertheless, a person is provided with the widest possibilities to choose (or to design) his own and, at the same time, universally valid samples and ideals, precisely in the field of morality. The most complicated task at the same time is to stay within the ethical framework; proceeding from traditional morals, not to push away morality in general (Zelenkova, 2001). Therefore, the moral justification of the coup involves a priori the significant risks of potential abuse presumably incorrect provisions in the future that can give a free hand in extremist, terrorist organizations. However, the source of law-formation, which should be maximally accompanied by the law-making process, should be in the depths of ethical comprehension of the state of things. Quite often, such an ideological and practical movement takes place in conditions of social conflict since any established system always strives for self-preservation. The same is applied to the political system and means of ensuring its stability, including legal ones.

There is a well-known ecclesiastical work of Sh.-L. Montesquieu "The Spirit of Laws" in science and journalism. Its key ideas about the relationship between the spirit and the letter of the law have become a trivial character at the present day, however, have not lost their relevance. The inconsistency of the legislative base (in particular, in the context of *effective and accessible* procedures of the influence of civil society institutions on state power in order to control its activities and, if necessary, the pre-term termination of the powers of individual officials), with the internal tendencies of social development – the essence of the law of dialectical contradiction, the visualization of the mechanism, the embodiment of which in the sociodynamics plane reveals internal sources of self-movement. The social system can only get rid of unacceptable for it elements of the system of law when effective channels of accumulation and articulation of its interests will be established by the institutions responsible for this process. Consequently, constructive legal changes are rarely possible only after reformatting the political system, in particular by radical means. This is a consistive pattern. At the same time, the key requirement is the reality and the need for restoration of social justice, the violation of which is directly related both to the characteristics of the positive and legal core of the legal system, and to the inappropriate allocation and implementation of political and state will, supported by legislative anachronism.

The attempt to specify the content of social injustice in the context of the grounds of the coup certainly leads to the necessity of its criminological substantiation.

4. Criminological goal for realizing the people's right of rebellion

It should be borne in mind that the definition of a crime or non-criminal nature of the coup as a political crime or an act of restoring justice and a radical manifestation of direct democracy is essentially a political assessment, which besides political factors, must be based on legal, ethical, and criminological principles. Therefore, the resolution of the possibility or impossibility of using the political and criminological technology of the coup, as an extreme measure for the cessation of the activities of organized criminal groups within highest and central government agencies should in any case be solved separately and should necessarily take into account its exceptional nature. This makes us talk about the possibility of operating it only in the case when the use of other measures for a long time did not contribute to the achievement of the criminal and preventive purpose.

In such a situation, the logic of reasoning can be built according to the scheme "by contradiction": the genesis of the criminalization of the highest and central agencies of state power and, finally, its apogee in the form of merging the apparatus of the state with organized criminal groups can be represented as a kind of coup. Capture of power occurs gradually and latently, using quasi-democratic procedures as means of covering and legalizing the criminalization of the state apparatus. The characteristic features of the latter's functioning are the ultra-high level of corruption, political and legal populism, the commercialization of public benefits (first of all – among natural resources), poverty of the population, economic recession, and the constant growth of external debt obligations.

O. M. Bandurka pondering on the problem of the formation of criminalization as a social system has expressed commendable in this aspect opinions. He has noted that political struggle is changing by the internecine struggle of criminal groups. It is impossible to break beyond this process. The whole legal system, the constitution and laws serve the interests of the criminal world. The law does not prevent crime and does not restrain it, but only regulates the rules between the clan rivalry. Social parasitism is growing, incentives for productive labour are eliminated ... Society involved into a crater of criminality is quickly plunged into the abyss and the opportunity to escape to the surface becomes all the more glamorous (Bandurka, 2013). It is obvious that such characteristics of the social system have nothing similar to the state's implementation of its tasks, which are enshrined, in particular, in the Constitution of Ukraine. There is a complete or significant dysfunction of the main state institutions, and the sphere of dominance becomes closed. Entrance to it (including through the elections) becomes possible only through the system of criminal (corruption) practices. Conquering the activities of public administration at all levels to narrow-minded interests made it possible for some theoretician in the law field to speak about the emergence of the form of state – corporate state, which was previously unknown to science.

The number of appeals of citizens of Ukraine to the European Court of Human Rights can be a casual confirmation of the severity of the stated problems. There are about 10,500 complaints from the citizens about their violated rights and freedoms by Ukraine. The vast majority of cases deal with such issues as: the right to liberty and personal integrity; the right to a fair trial; the right to peaceful possession of the property; the right to free elections; the right to a fair trial in relation to the right to execute a court decision, etc. (Rumiantseva).

And this is a reflection of only the part of the population that manifests the highest legal activity. The real scale of the systematic violation of human rights and freedoms in Ukraine – have gained impressive parameters in recent years. Whether the systematic enforcing of such a policy is a real coup when the very essence of the state is changed, and the direction of the activities of its organs acquires social parasitic features? Rhetorical question ... Whereas its subtext – is a real humanitarian tragedy, both in its manifestations, and the only possible way of solution within the life of one conditional generation of people. The latter is, somewhat, in the secondary coup (in fact – in the *restoration of the rule of law*), the purpose of which is to release the apparatus of the state, bringing it to a proper functional status, which would correspond to the social, legal, democratic vector of the country's development.

It is the stated criminal and preventive purpose, along with the requirements of legality, is one of the main criteria for distinguishing between a criminal coup (the forms of criminal tyranny) and the extraordinary manifestation of direct democracy. A criminal coup takes place in the presence of an exclusively political purpose or its significant predominance when the criminalization of state power is only used as an occasion for reformatting its personal composition.

Significant features of a criminal coup are the personalization of actions of the managerial, organizational character and their focus on the seizure of power in the literal sense of the term. This, first of all, means the desire to change the personnel of certain government agencies through the use of controlled influence, but not as a result of spontaneous acts of participants in mass protests. Secondly, the seizure of power itself should be a desirable outcome of the actions of political actors and to be in the structure of the intellectual moment of direct intent as a form of guilt within the structure of the subjective aspect of the legal composition of their criminal activity. These are not the actions that led to the forced temporal acceptance of the powers of a certain state authority to prevent the

occurrence of serious social and physical consequences.

However, if we want the criminal and preventive purpose to be a sufficient ground for legalizing the coup, it is necessary that the goal of restoration of social justice corresponds to it. In other words: it is the large-scale political criminal activity should be the main reason for the violation of social justice. Only under this condition, the criminological basis of the coup will be sufficient since it is considered in an inseparable tandem with an ethical basis. The latter will obviously be visualized in the presence of the critical mass of the population in the state (a conditionally qualified majority), which is the bearer of a kind of politically determined cognitive dissonance, a conflict of the real and desirable within the ideological aspect of state domination in the structure of mass political consciousness and collective and unconscious intersubjective emotionally resonance practices. Such a combination of rational and irrational in substantiation of ethical and criminological unity is due to differences in various types of societies, even those that are linked by a common historical past. Therefore, a significant criminalization of state power is not a sufficient reason for every society to legitimize the coup and bring it to the extent of permissible political and criminological technology. It should be mandatory noted on the intolerance of the vast majority of the population to the ruling political elite based on its adherence to organized crime and the absence of effective national mechanisms of decriminalization stipulated by the law (within the criminological sense) of highest and central state authorities.

5. Foreign policy influence as a factor of the delegitimization (criminalization) of mass resistance

In the context of the prevalence of the political goal of the coup, a separate scientific and purely practical interest raises the question about the significance of foreign policy influence on initiation and/or its occurrence, as well as legal, political, and criminological assessment in this regard. We believe that the presence of the indicated influence alone indicates either about exclusive nature, or at least about the predominance of the very political goal. Indeed, it is hard to imagine the mode of an exclusively altruistic subject of a geopolitical format, which does not have a remote strategic goal by making substantial capital infusion while supporting the counterpart political actors within a certain country. However, in this situation, it is also important to determine its role within the general course of protest events, the significance for achieving the final result, besides establishing the very factor of external influence and its political goal, which is no less important for its correct assessment and the coup in general. The latter, in order to legitimize the researched technology, should be no more than a condition that in a certain, not essential way contributes to the implementation of the technological program. In all other cases – it is about the criminal coup.

If there is a significant external influence (direct military, or veiled with the use of technologies of unstructured management), we believe that there is no realization of the people's right to resistance (rebellion). Consequently, there can be no discussion about legitimization, recognition of the coup as an acceptable political and criminological technology of combating crime that has occurred as a result of such influence. International regulatory acts are also based on the same positions. In particular, the Resolution of the UN General Assembly dated December 20, 2012, No. 67/170, effectively condemns "unilateral application and provision of execution of unilateral coercive measures by certain states" to the countries violating human rights. Thus, a foreign state itself, without UN sanctions, cannot apply unilateral coercive measures to a state, where people try to realize jus resistendi (Babin, 2013).

Such a placement of emphases in assessing the significance of the coup, depending on foreign policy influence, lies in the in-depth theoretical principles of national security, which is correspondently based on the concept of a national state. The stated concept, on the background of processes of globalization, holds strong positions in the structure of public administration strategies almost in all European countries and the world in general. According to W. Beck, the policy of "gold handcuffs", the creation of a dense network of transnational dependencies within the age of global crises and risks, leads again to the conquest of national independence – in contrast to the imperious achievements of a high-growth world economy (Beck, 2011). One cannot argue this.

Thus, summing up the above, we note that the coup is not always criminal and, while the compliance with the relevant conditions of legality and justice, the existence of criminological justification, can be studied as an accepted political and criminological mean of combating crime in the context of realizing the people's right to oppose. However, its acceptability should have temporary (ideally – single-action) character. The use of the technology of the coup for decriminalization (in the criminological sense) of the state apparatus, that is, the removal of persons among political criminals from its management should entail the further systematic reform of the basic principles of the activities of public administration, including the legal consolidation of the mechanism of termination of authorities of the heads of the state power in a non-radical way, for example, by expressing distrust, recalling elected positions, etc.

We are convinced that the people's right of rebellion in modern conditions should be transformed by appropriate legal means into the people's right to a broad and effective control over state authorities, which must be ensured by effective procedural instruments

for bringing the highest officials to responsibility. No wonder that the preamble to the Universal Declaration of Human Rights dated December 10, 1948, determined whereas "it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law" (General Declaration).

Therefore, one of the most urgent tasks of the latest strategy for the development of state-building in Ukraine, as well as in other European countries in the context of the latest challenges of the post-modern era, deprival of legitimacy, should be among other things: a) the integration of legal and criminological policy in the whole and in the defined aspect by the Universal Declaration of Human Rights, in particular; b) the development of political and anti-criminal activity of the population. According to A. Kaufmann, the right to resistance is, first of all, not great, heroic deeds. It is everyday life. Resistance is a small extent. This "small" resistance must be constant in order to make the "big" opposition obsolete (Kaufmann). Thus, the main instrument of political and criminological influence on crime, which should exclude the burdensome practice of state coups in all aspects, should be the developed political consciousness of all levels of the population and its constant participation in detection, recording, signalling and active counteraction to criminal practices of both general and political orientation.

6. Risks of realizing the right of rebellion in the conditions of globalized world

One cannot also ignore the essential condition for the implementation of the decision to apply political and criminological technology of mass resistance, namely, to its *compliance with the requirements of ensuring national security*. It should be noted that such a social problem in this aspect as the criminalization of power cannot be considered fragmentarily, exclusively at the national, regional level. It is comprehensive. Therefore, the prediction of the results of applying political and criminological technology of mass resistance should also be comprehensive rather than sectoral in nature and take into account possible effects in the sphere of internal and external politics, both within Ukraine and in relation to it.

It is well known that any action generates counteraction. A significant change in the configurations of the political system of one country within the globalized world cannot affect the interests of other countries. Hence there is a fundamental dependence of criminological policy on national security policy. We emphasize that the latter should be made on an integrated basis, take into account the geopolitical risks, as well as the composition, the character of the activity (in particular, criminal) of local political and economic elites. Consequently, the use of various complex radical means and measures to combat crime should always be analysed for possible intensification of threats to territorial integrity, constitutional system and other components of national security (economic, informational, etc.).

Therefore, while determining the possibility or impossibility of applying political and criminological technology of mass resistance, even if there are necessary ethical, socio-psychological, legal, and criminological grounds, we should mandatorily forecast the actualization of risks for the national security system and to form the necessary countermeasures in advance. If it is impossible to do this, the specified technology cannot be applied until the occurrence of corresponding changes in the structure of external threats in relation to the protective potential of the state.

7. Conclusions

1. The realization of the right of rebellion is a form of consolidation of civil society institutions in counteracting the deep, institutionalized criminalization of the political system and the dysfunction of law enforcement agencies when the form and content of the state enter into a complete (or substantial) dialectical contrary, that is, antagonistic relations.

2. The realization of the right of rebellion involves the radicalization of political and social confrontation, essentially aimed at the coup (in the social and criminological sense of the term), that is, to remove from administrative authority of the state by a group of persons for whom there is a reasonable suspicion (that is, who actually discredited themselves) in prolonged criminal activity, including political one.

3. The right of rebellion can only be realized on the grounds of the urgent need to restore law and order, that is, by having an exclusively criminal and preventive purpose.

4. It is also important to observe the combination of such conditions of realization of the right of rebellion: a) the long-term inefficiency of other means of influence on the criminalized apparatus of the state, which dysfunctions are evident in the sphere of protection of the rights and freedoms of the person, the fight against crime and justice, has been retrospectively proved; b) the lack of confidence of the personnel of the supreme agencies of state power in the overwhelming majority of the population; c) the actual impossibility to apply (implement) the democratic procedures stipulated by law for the influence on the personnel of the supreme agencies of state power, including the cases of massive actual blocking of instruments of non-state control over the course and result of their application; d) compliance with the requirements of ensuring national security on the basis of scientifically substantiated criminological forecast of the deployment of mass resistance, taking into account the probable reactions to it by the subjects of international law; e) the use of exclusively non-violent, legitimate methods of influence.

5. The procedure for establishing and substantiating these conditions depend on nature, the degree of criminalization of the state apparatus, the development of civil society institutions, the specific socio-political and criminal situation.

6. Lack of necessary and sufficient grounds and conditions does not allow identifying a complex of appropriate measures with a democratic procedure for the realization of the right of rebellion. Depending on the nature and meaning of the acts that constitute the content of such measures, they may be qualified as offenses, in particular, crimes.

7. Essential features of a criminal coup are the personification of actions of the managerial, organizational character and their orientation to the seizure of power.

References:

Hobbes, T. (2016). Leviafan [Leviathan]. M.: Ripol Klassik. (in Ukrainian).

Akvinskii, F. O pravlenii hosudariei [On the reign of sovereigns]. Retrieved from: http://www.unavoce.ru/library/aquinas_ruling.html (access date: July 15, 2018)

Konstitutsiia Portuhalskoi Respubliki ot 02.04.1976 [The Constitution of the Portuguese Republic dated from April 2, 1976]. Retrieved from: http://www.concourt.am/armenian/legal_resources/world_constitutions/constit/portugal/portug-r.htm (access date: July 15, 2018)

Pohrebniak, S. P., Uvarova, S. P. (2013). Soprotivleniie uhneteniiu. Vosstaniie. Revoliutsiia (teoretiko-pravovoi analiz v svete doktriny prav cheloveka) [Resistance to oppression. Rebellion. Revolution (theoretical and legal analysis in the light of the human rights doctrine)]. *Pravo i hromodianske suspilstvo,* 2, 4-61. (in Russian)

Eticheskaia mozaika: opyt netraditsionnoi interpretatsii etiki [Ethical mosaic: the experience of non-traditional interpretation of ethics]. (2001). Minsk: OOO «Medzhyk Buk». (in Russian)

Zlochynnist v Ukraini: ekonomiko-kryminolohychnyi analiz [Crime in Ukraine: Economic and Criminological Analysis]. (2013). Kharkiv: Zolota Mylia. (in Ukrainian)

Rumiantseva, V. V. Ohliad stanu zvernen hromadian Ukrainy do Yevropeiskoho sudu z prav liudyny [Review of the state of appeal of citizens of Ukraine to the European Court of human rights]. Retrieved from: http://www.minjust.gov.ua/1957 (access date: July 15, 2018)

Babin, B. V. (2013). Pravo na soprotivleniie kak hlobalnoie pravo [The Right to opposition as a global right]. *Voprosy prava i politiki,* 5. Retrieved from: http://e-notabene.ru/lr/article_817.html (access date: July 15, 2018)

Bek, U. (2011). Vlada i kontrvlada u dobu hlobalizatsii. Nova svitova politychna ekonomiia [Power and counter-power on the eve of globalization. New world political economy]. «Nika-Tsentr». (in Ukrainian)

The Universal Declaration of Human Rights: UN Declaration dated from December 10, 1948. Retrieved from: http://zakon4.rada.gov.ua/laws/show/995_015 (access date: July 15, 2018)

Kaufmann, A. (1985-1986). Small Scale Right to Resist. *New England Law Review*, 21(3), 571-580.