

ADMINISTRATIVE AND CRIMINAL LEGAL MEASURES TO PREVENT AND COMBAT COLLABORATIVE ACTIVITIES: PROBLEMATIC ISSUES

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INTRODUCTION

According to the Constitution of Ukraine, Ukraine is a sovereign and independent state. The sovereignty of Ukraine extends to its entire territory, which within the existing border is integral and inviolable¹. According to the Law of Ukraine "On National Security of Ukraine", threats to the national security of Ukraine are phenomena, trends and factors that make it impossible or difficult or may make it impossible or difficult to realize national interests and preserve national values of Ukraine². Such a threat is, in particular, the hybrid war waged by the Russian Federation against Ukraine.

With the beginning of the large-scale invasion of the Russian Federation into the territory of Ukraine, one of the pressing issues is the implementation of administrative and legal measures to prevent and counter collaborative activities. It should be noted that starting in 2014, the state has increased its activity in implementing criminal law measures in 2022 to 2026, introducing criminal liability for these acts into the Criminal Code of Ukraine. The Criminal Code of Ukraine indicates its forms of criminal liability, as well as the grounds for such liability in such articles as collaboration activities (Article 111-1) and aiding an aggressor state (Article 111-2), high treason (Article 111)³. Based on the analysis of Article 111-1 of the Criminal Code of Ukraine, within the framework of criminal legal qualification, collaborative activity covers seven main components of criminal offenses and one qualified component, which relates to parts 5-7 of the specified article of the Criminal Code of Ukraine, and also contains a note. At the end of 2024, more than 1,442 verdicts in cases of collaboration were registered in the Register of Court Decisions, and the largest number of them was about 484 under Part 1 of Article 111-1 of the Criminal Code of Ukraine, further to the Criminal Code of Ukraine – on public denial of Russian aggression. Thus, as of June 15, 2024, 9,179 criminal proceedings for collaboration were opened by law enforcement agencies of Ukraine. However, preventing and countering collaborative activities requires a comprehensive approach that combines both administrative and criminal law mechanisms.

¹ Constitution of Ukraine: Law of Ukraine No. 254k/96-VR dated 28.06.1996. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

² On National Security of Ukraine: Law of Ukraine dated 21.06.2018 No. 2469-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

³ Кримінальний кодекс України: Закон України від 05.04.2001 р. № 2341-III. URL.: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

1. Administrative and legal measures to prevent and counteract collaborative activities: theoretical and legal aspect

In the science of administrative law, there are isolated publications on countering collaborative activities from the perspective of administrative and legal analysis. Some authors attempt to analyze the reasons for "collaborative activity" from the standpoint of the theory of state and law. In particular, researchers include ideological pressure, socio-economic motives, and the influence of Russian propaganda. Forms of collaboration are: political collaborationism, administrative collaborationism, military collaborationism, economic collaborationism, ideological collaborationism⁴.

Political collaborationism is participation in the establishment or functioning of political authorities of an occupying regime; administrative collaborationism involves cooperation with the occupying authorities in governing occupied territories, including assistance in organizing the activities of state or occupation institutions; military collaborationism refers to participation in enemy armed formations or assistance to occupying military structures; economic collaborationism means cooperation with the occupying authorities in the economic sphere, particularly through the provision of resources, production capacities, or other economic assets; and ideological collaborationism entails support for and promotion of hostile ideology, as well as the dissemination of anti-state sentiments, disinformation, or propaganda that undermines state security⁵.

Administrative and legal measures for the prevention of and counteraction to collaborationist activities are encompassed by a system of regulatory legal acts. It should be noted that the Constitution of Ukraine enshrines the principles of public administration and the competences of state authorities. The Constitution of Ukraine proclaims the observance of Ukraine's sovereignty and territorial integrity (Articles 1 and 20), the обеспечение of state security (Article 17), the principle of legality in the activities of public authorities (Article 19), and the exclusive competence of laws in the sphere of offenses and legal liability (Article 92)⁶. The Law of Ukraine "On the Legal Regime of Martial Law" defines the specifics of the activities of public authorities during war. The Law of Ukraine "On National Security of Ukraine" defines the system of subjects of national security, their powers and coordination mechanisms⁷. We remind you that the Criminal Code of Ukraine provides for criminal liability, indicates its forms, as well as the grounds for liability in such articles as collaborative activity (Article 111-1) and aiding an aggressor state (Article 111-2), high treason (Article 111)⁸.

⁴ Турчин Р. Колабораціонізм в умовах воєнного стану в Україні: окремі проблеми та шляхи їх подолання. *Аналітично-порівняльне правознавство*. 2025. № 1. С. 71.

⁵ Дубонос М.І., Пашина Н.П. Сутність поняття колабораціонізм та його основні ознаки. *Вісник Маріупольського державного університету*. 2023. С. 60

⁶ Constitution of Ukraine: Law of Ukraine No. 254k/96-VR dated 28.06.1996. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

⁷ On National Security of Ukraine: Law of Ukraine dated 21.06.2018 No. 2469-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

⁸ Кримінальний кодекс України: Закон України від 05.04.2001 р. № 2341-III. URL.: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

With regard to the identified forms of collaborationist activity—namely political, administrative, military, economic, and ideological collaborationism—administrative and legal measures for the prevention of and counteraction to such activities must be provided. It should be noted that the etymological meaning of the term “measure” in the modern Ukrainian language is understood primarily as a set or system of certain actions or means⁹. Administrative and legal measures to prevent and counteract collaborative activities are implemented, primarily, in the law enforcement activities of authorized public authorities.

Administrative and legal measures for the prevention of and counteraction to collaborationist activity in Ukraine are implemented by a system of public authorities whose powers are defined by the Constitution of Ukraine and legislation in the field of national security. These include the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the National Security and Defense Council of Ukraine, the Security Service of Ukraine, the National Police of Ukraine, local self-government bodies and military administrations, institutions of civil society, international organizations, and others. Within their powers and competences, these actors exercise direct or indirect influence on the application of administrative and legal measures aimed at preventing and counteracting collaborationist activity. What needs to be improved and amended in legislative acts on these issues.

Among the administrative and legal measures for the prevention of and counteraction to collaborationist activity, measures of administrative legal coercion are of particular importance. Worthy of attention is the position of T. O. Kolomoiets, who classifies the system of administrative legal coercive measures according to several criteria and in several stages. First, depending on the grounds for their application, the author distinguishes two subsystems of homogeneous measures: measures related to unlawful acts and measures whose application is not connected with unlawful conduct (preventive measures). Subsequently, using the immediate purpose of application as the criterion, she divides measures related to unlawful acts into (a) administrative penalties and (b) measures of administrative cessation, while coercive measures not related to unlawful acts are divided into (1) those associated with emergency situations and (2) preventive measures¹⁰. Finally, measures of administrative cessation, depending on the nature of their action, are divided into (1) restorative measures, (2) securing measures, and (3) cessation measures proper¹¹.

It is advisable to propose the following legal construct: “administrative and legal measures for the prevention of and counteraction to collaborationist activity” constitute a system of organizational, legal, and managerial actions aimed at implementing state policy on the prevention, detection, response to, and neutralization of manifestations of collaborationism, carried out by competent subjects of public administration within the powers delegated to them by the regulatory legal acts of Ukraine. Such administrative and legal measures should be

⁹ Великий тлумачний словник сучасної української мови / Ред. В.Т. Бусел. Київ; Ірпінь : ВТФ «Перун», 2005. 433 с.

¹⁰ Коломосьць Т.О. Адміністративний примус у публічному праві України: теорія, досвід, та практика реалізації : моногр. Коломосьць Т.О. Запоріжжя : Поліграф. 2004. С. 20.

¹¹ Там само.

based on the principles of legality, proportionality, legal certainty, and the effectiveness of public administration.

2. Criminal liability for collaborative activities: national and international experience

Issues related to counteracting collaborationist activity have been studied by such scholars as V. Ya. Tatsii, V. I. Borysov, B. M. Holovkin, Ye. O. Pysmenskyi, O. M. Khavroniuk, and others. In addition, a number of other researchers have also paid attention to this issue.^{12,13,14}, which indicates increased attention to this issue in legal scholarship. However, certain problematic aspects of criminal liability for collaborationist activity have remained outside the focus of research, and some assertions are of a debatable nature. In particular, the category of “collaborationism” has not been defined at the legislative level, and the legal construct of “collaborationist activity” requires clarification in the context of excluding liability for cooperation with the enemy by civilians in situations of physical “survival” in the temporarily occupied territories of Ukraine, in accordance with international standards¹⁵. In particular, V. V. Kuznetsov and M. V. Siiploki, while studying criminal liability for collaborationist activity, point to the vagueness of certain elements of the relevant criminal offenses, which contradicts the principle of legal certainty. They propose the development of a transitional justice strategy, the primary objective of which is to find a balance between amnesty and the criminal prosecution of those responsible¹⁶.

According to some researchers, “**collaborationism**” (in the broad sense) is the cooperation of the population or citizens of a state with an enemy in the interests of the invading enemy, to the detriment of the state itself or its allies, as well as participation in the persecution of patriots of the country of which the collaborator is a citizen^{17,18}. Other researchers define collaborationism (in the general sense) as the

¹² Пундор Ю. О., Анішук В. В. Проблеми притягнення до відповідальності за колабораційну діяльність в умовах війни. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2025. Том 3. № 89. С. 177-181.

¹³ Лігун А.І. Суб'єктивні ознаки колабораційної діяльності. *Науковий вісник київського інституту національної гвардії України*. 2024. № 1. С. 99–10. doi.org/10.59226/2786-6920.1.2024.99-104

¹⁴ Rubashchenko M, Shulzhenko N. Reflections on the Legal Features of Collaborationist Activity: Theory and Practice in Terms of the Russian Occupation of Ukrainian Territory. *Access to Justice in Eastern Europe*. 2024. № 7(3), pp.10–40. doi:10.33327/AJEE-18-7.3-a000315

¹⁵ Додатковий протокол до Женевських конвенцій від 12 серпня 1949 року, що стосується захисту жертв міжнародних збройних конфліктів URL.: https://zakon.rada.gov.ua/laws/show/995_199#Text

¹⁶ Кузнецов В.В., Сийплові М.В. Кримінальна відповідальність за колабораційну діяльність як новий виклик сьогодення. *Науковий вісник Ужгород. Нац. Унів-ту. Серія Право*. 2022. Вип. 70. С. 381.

¹⁷ Пацкан І.І. Особливості кримінальної відповідальності, передбаченої за колабораційну діяльність. *Електронне наукове видання «Аналітично-порівняльне правознавство»*. 2024. № 6. С. 771.

¹⁸ Пундор Ю. О., Анішук В. В. Проблеми притягнення до відповідальності за колабораційну діяльність в умовах війни. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2025. Том 3. № 89. С. 177.

conscious, voluntary, and deliberate cooperation with an enemy in its interests and to the detriment of one's own state¹⁹.

As is already known, the Criminal Code of Ukraine provides for criminal liability and identifies its forms, as well as the grounds for liability, in such articles as collaborationist activity (Art. 111-1), aiding an aggressor state (Art. 111-2), and state treason (Art. 111). Thus, criminal liability for collaborationist activity in Ukraine is established under Art. 111-1 of the Criminal Code of Ukraine and provides for punishment ranging from a fine to life imprisonment, depending on the severity of the offense. Based on the analysis of Art. 111-1, within the framework of criminal law qualification, collaborationist activity encompasses seven main types of criminal offenses and one aggravated type, which relates to Parts 5–7 of the said article, and also includes a note.

Based on the analysis of Article 111-1 of the Criminal Code of Ukraine, the forms of collaborationist activity can be distinguished as follows: **Public denial** by a citizen of Ukraine of the fact of armed aggression against Ukraine, or public calls to support the decisions and/or actions of the aggressor state, or to cooperate with the aggressor state. **Voluntary assumption of a position** by a citizen of Ukraine that does not involve the performance of organizational, administrative, or managerial functions in illegal authorities established in temporarily occupied territories. **Conducting propaganda** by a citizen of Ukraine in educational institutions, regardless of ownership type or form, with the aim of facilitating armed aggression against Ukraine. **Transfer of material resources** to illegal armed or paramilitary formations. **Organization and conduct of political events**, as well as engaging in informational activities in cooperation with the aggressor state. **Voluntary assumption of a position** by a citizen of Ukraine in illegal judicial or law enforcement bodies established in temporarily occupied territories, as well as voluntary participation in illegal armed or paramilitary formations²⁰.

Regarding foreign experience in criminal liability for this offense, there is also scholarly interest in studying collaborationist activity. In particular, M. Mozgawa and M. Shupyan, in their article, attempted to analyze issues related to amendments both to the general part of the Criminal Code of Ukraine (primarily concerning the so-called combat immunity) and to its special part, where new types of crimes were defined (for example, cooperation with the enemy – Art. 111¹, denial of the fact of aggression against Ukraine – Part 1 of Art. 111¹). They also examined changes to the legislative criteria of certain existing offenses (e.g., Article 361) and the strengthening of sanctions for specific crimes committed during martial law (e.g., Part 2 of Art. 1)²¹. Attention should also be drawn to the work of S. Darcy, who

¹⁹ Vyhivskiy I. Countering collaborationism in the context of armed conflict. *Baltic Journal of Economic Studies*. 2024. No.10(3) pp.96.

²⁰ Кримінальний кодекс України: Закон України від 05.04.2001 р. № 2341-III. URL.: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

²¹ Mozgawa M. Shupyan M. Changes in the Ukrainian Criminal Code Related to the Ongoing War with the Russian Federation. *Studia Iuridica Lublinensia*. 2024. Vol. 33, 3, pp.113.

examined the legal challenges of collaborationist activity during wartime²². The category of “collaborationism” first appeared in France, where part of the political class refused to resist the German invasion in 1940 and began cooperating with the Nazi government. According to historians, the first collaborationist government was the government of Marshal Henri-Philippe Pétain, established in Nazi-occupied France (the Vichy regime), which concluded an agreement of cooperation with Germany. This officially marked the nature of the relationship between Nazi Germany and the Vichy regime²³. In Norway, members of the German police and armed forces among Norwegians were also convicted of treason in the 1950s. For example, in Poland, after the end of the war, liability was introduced for cases of collaboration with the occupying authorities through participation in the suppression of civilians and prisoners of war for political, national, ethnic, or racial reasons, or causing harm to others on Polish territory. This included actions such as demanding acknowledgment of guilt, threatening to report individuals to the occupier’s authorities, and facilitating the incitement of the aforementioned crimes. Punishments for these offenses included the death penalty, imprisonment, confiscation of property, and temporary restriction of civil rights²⁴.

An analysis of the criminal laws of some European countries shows that, in most cases, collaborationism is not criminalized in a separate article, and its elements are instead covered by other provisions. Only Article 120 of the Criminal Code of the Republic of Lithuania establishes criminal liability specifically for collaborationism. Under this provision, a citizen of Lithuania who, under conditions of occupation or annexation, assisted illegal state structures in establishing occupation or annexation, suppressed resistance by the Lithuanian population, or otherwise aided an illegal government in acting against the Republic of Lithuania, is punishable by imprisonment for up to five years²⁵. The specificity of this article lies in the fact that the Lithuanian legislator explicitly provides for such cooperation in the form of suppressing population resistance or providing other assistance, and highlights a particular context- conditions of occupation and annexation. These are constructive elements of collaborationism and provide a basis for a clear distinction from other forms of citizen actions that harm state interests²⁶.

For example, in France, collaboration is provided for under Article 411-1 of the Criminal Code and is punishable by imprisonment for up to ten years and a fine of up to 150,000 euros. In Germany, cooperation with the country’s enemies is punishable

²² Darcey S. Coming to Terms with Wartime Collaboration: Post-Conflict Processes & Legal Challenges. *Brooklyn Journal of International Law*. 2019. Vol. 55, 1 URL: <https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1944&context=bjil>

²³ Hoffmann, Stanley. Collaborationism in France during World War II. *The Journal of Modern History*. 1968. vol. 40, no. 3, pp. 379.

²⁴ Шайкан В. Колабораціонізм в Україні у роки Другої світової війни: причин виникнення, особливості, масштаби. Друга світова війна і доля народів України: матеріали Всеукраїнської наукової конференції. Київ. 2005. С. 49.

²⁵ Lietuvos Respublikos baudžiamojo kodekso patvirtinimo ir įsigaliojimo įstatymas. 2000 m. rugsėjo 26 d. Nr. VIII-1968. Vilnius. URL: <https://www.e-tar.lt/portal/en/legalAct/TAR.2B866DFF7D43>

²⁶ Ibid.

under Article 80 of the Criminal Code and can result in life imprisonment²⁷. The Republic of Lithuania, whose criminal legislation includes Article 120 of the Criminal Code of Lithuania, provides for liability as a distinct form of conduct, as also defined in Articles 117 (“**State Treason**”) and 118 (“**Providing Assistance to Another State in Conducting Activities Hostile to the Republic of Lithuania**”) of the Criminal Code of the Republic of Lithuania, which address actions that facilitate another state in carrying out activities hostile to Lithuania²⁸.

2. Analysis of individual court decisions for collaborative activities

It should be recalled that, based on the analysis of Article 111-1 of the Criminal Code of Ukraine,²⁹ we have already identified the forms of collaborationist activity. Here, we highlight the problems of law enforcement in the field of criminal liability for collaborationist activity in education, which arise due to the insufficient clarity of criminal legislation, complicating the qualification of such crimes and the differentiation between their various types.

It should be noted that the conduct of a citizen of Ukraine in propagating within educational institutions to facilitate armed aggression against Ukraine (Part 3, Article 111-1 of the Criminal Code of Ukraine) must be distinguished from public calls for aggressive war or the initiation of an armed conflict (Article 436 of the Criminal Code of Ukraine)³⁰. While the acts described in Part 3, Article 111-1 are aimed at propagating approval and justification of the aggressor’s actions among youth, the acts covered by Article 436 are aimed at recruiting youth and citizens of other generations to participate in war. It is worth noting that some scholars have criticized the criminalization of actions by Ukrainian citizens aimed at implementing the educational standards of the aggressor state in educational institutions.

V. V. Kuznetsov and M. V. Siiploki argue that this form of collaborationist activity has been interpreted broadly in judicial practice, and that such “imprudent criminalization of this form creates conditions for citizens – who find themselves in difficult circumstances in occupied territories –to reject the state.” They warn that, ultimately, this “could lead either to selective justice or to the complete non-application of this form of the offense.” Therefore, the authors propose excluding this form of the crime from Part 3 of Article 111-1 of the Criminal Code of Ukraine.³¹

However, O. V. Zaitsev does not support this approach, noting that judicial practice has taken the path of holding accountable those educational officials who

²⁷ Козаченко О.В. Мусиченко О.М. Окремі аспекти кваліфікації та застосування кримінально-правових заходів за колабораційну діяльність в Україні, передбачену ч. 1 ст. 111-1 КК України. *Юридичний науковий електронний журнал*. 2022. № 9. С. 409.

²⁸ Топоркова М.Н., Понаморенко С.О., Онищенко О.Т. Проблемні питання законодавчого регулювання кримінальної відповідальності за колабораційну діяльність (стаття 111-1 КК України). *Журнал «наукові інновації та передові технології». Серія «Право»*. № 7(9). 2022. С. 270.

²⁹ Кримінальний кодекс України: Закон України від 05.04.2001 р. № 2341-III. URL.: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

³⁰ Ibid.

³¹ Кузнецов В.В., Сийплові М.В. Кримінальна відповідальність за колабораційну діяльність як новий виклик сьогодення. *Науковий вісник Ужгородського Національного Університету. Серія Право*. 2022. Вип. 70. С. 385.

made or implemented decisions to switch to the educational standards of the aggressor state. This includes actions such as the exclusion of Ukrainian state standards and curricula, the introduction of instruction in Russian, and the provision of library resources with textbooks based on the educational program of the Russian Federation, which, according to their content and reference information, correspond to the educational standards of the aggressor state³².

For example, in the judgment of the Kherson City Court of Kherson Oblast dated June 10, 2025, in case No. 2202423000000249, a citizen of Ukraine, Person_5, a local council deputy and former director of a Ukrainian lyceum, was found guilty in absentia. She was charged with crimes against the foundations of national security, namely collaborationist activity (Part 3, Article 111-1 of the Criminal Code of Ukraine) and aiding an aggressor state (Part 1, Article 111-2 of the Criminal Code of Ukraine)³³. The court established that the defendant, while on temporarily occupied territory in July 2022, voluntarily agreed to head an educational institution (“Novotroitsk School No. 1”) illegally established by the occupying authorities on the basis of a Ukrainian lyceum. While in this position, she actively implemented the educational standards of the Russian Federation, organized the transition to instruction in Russian, ensured the supply of Russian textbooks, sent teachers to “professional development courses” in occupied Crimea, and encouraged students to join the Russian military organization “Yunarmiya.” Since the defendant is hiding in occupied territory, the case was heard under the special judicial proceedings procedure.

Thus, after analyzing the evidence presented by the prosecution—including testimonies of colleagues, protocols reviewing Russian state registries and Telegram channels, and conclusions of portrait expertise—the court found the evidence sufficient and proving the guilt of Person_5. The defendant’s actions were qualified under two articles: her work organizing the educational process according to Russian programs fell under Part 3, Article 111-1 of the Criminal Code of Ukraine, while her broader activities (supporting the decisions of the occupation administration and leading the illegally established institution) fell under Part 1, Article 111-2 of the Criminal Code of Ukraine. When determining the sentence, the court took into account an aggravating circumstance (Article 67 of the Criminal Code of Ukraine) – committing the crime during martial law. The final sentence of 12 years imprisonment (with a 15-year prohibition on holding positions and confiscation of property) was imposed by merging the lesser punishment into the more severe one, in accordance with Article 70 of the Criminal Code of Ukraine³⁴. In another case, the defendant, a citizen of Ukraine, voluntarily assumed a managerial position in an educational institution established by the occupying authorities of the Russian Federation. Her actions were qualified under Part 3, Article 111-1 of the Criminal Code of Ukraine as the implementation of the educational standards of the aggressor

³² Зайцев О.В. Щодо кваліфікації дій, спрямованих на впровадження стандартів освіти держави-агресора у закладах освіти (ч. 3 ст. 111-1 КК України). Колабораціонізм на тимчасово окупованих територіях: проблеми правової оцінки, гарантування прав і свобод людини та реінтеграції територій: матеріали наук.-практ. круглого столу, м. Харків, 6 жовт. 2023 р. Одеса, 2023. С.71.

³³ Вирок Херсонського міського суду Херсонської області від 10 червня 2025 року у справі № 2202423000000249. <https://reyestr.court.gov.ua/Review/128078177>

³⁴ Ibid.

state. The defendant carried out organizational and administrative functions, including hiring personnel, preparing schedules, and ensuring the transition of the educational institution to Russian curricula and teaching methods³⁵.

In another case, according to the court's verdict, citizen Z. voluntarily assumed the position of the so-called "director of a state secondary vocational education institution of the Luhansk People's Republic." The defendant planned, prepared, and organized the educational process at the institution in accordance with the "Education Law" of the so-called "Luhansk People's Republic," issued diplomas for secondary vocational education, and conducted propaganda at the institution aimed at supporting the armed aggression against Ukraine. His actions were qualified as implementing the educational standards of the aggressor state. He was sentenced to imprisonment and the maximum term of disqualification from holding positions (15 years)³⁶.

In the verdict of the Uzhhorod City District Court of Zakarpattia Oblast dated May 29, 2025 (Case No. 127755809), the offender was a citizen of Ukraine who committed acts of collaboration in a temporarily occupied territory, subsequently went into hiding, and was apprehended in a government-controlled area. The defendant, a Ukrainian citizen, carried out activities in the field of education that justified the armed aggression of the Russian Federation. The court established the specific intent of this crime: to assist the occupation by the aggressor state³⁷. Thus, in 2025, for collaboration in the field of education, courts consistently imposed actual (albeit in absentia) imprisonment – typically up to three years – combined with the maximum restrictive supplementary penalty. This supplementary measure is the maximum disqualification from holding public office (up to 15 years), which serves as a significant means of protecting the educational sphere from the ideological influence of the aggressor state.

The analysis of investigative and judicial practice regarding collaboration in the field of education raises concerns in terms of the social danger of the act and the proportionality of punishment. According to Articles 50 and 65 of the Criminal Code of Ukraine³⁸, a person who commits a crime must be subjected to a punishment that is necessary and sufficient for their correction and for preventing the commission of new offenses. Punishment for collaboration in the field of education must adhere to the principles of legality, validity, fairness, proportionality, and individuality. For example, it is appropriate to refer to the position of the Supreme Court, which established criteria for punishability of collaboration consisting of holding a position that involves implementing the educational standards of the aggressor state in educational institutions during martial law.

³⁵ Вирок Вільнянського районного суду Запорізької області від 29.04.2025. URL.: <https://vl.zp.court.gov.ua/sud0805/pres-centr/novunu/1801038/>

³⁶ Вирок Васильківського районного суду Дніпропетровської області від 17.03.2025 року. URL.: <https://vs.dp.court.gov.ua/sud0405/pres-centr/general/1774807/>

³⁷ Вирок Ужгородського міськрайонного суду Закарпатської області від 29.05.2025 р. (справа № 127755809) URL.: <https://youcontrol.com.ua/catalog/court-document/127755809/>

³⁸ Кримінальний кодекс України: Закон України від 05.04.2001 р. № 2341-III. URL.: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

Yes, in the Ruling of the Criminal Cassation Court of the Supreme Court dated January 29, 2024, in case No. 183/184/23 (proceeding No. 51-5942km23)³⁹, the appellate court's verdict was overturned. The Cassation Court noted that since the convicted person committed a crime against the foundations of Ukraine's national security, which represents significant social danger, and carried out actions aimed at implementing the educational standards of the aggressor state in educational institutions during martial law, the main punishment imposed—detention for the criminal offense under Part 3 of Article 111-1 of the Criminal Code of Ukraine—did not correspond to the general principles of sentencing, nor to the principles of legality, fairness, justification, and individualization of punishment, and would not contribute to the correction of the convicted person or the prevention of further offenses.

It should be noted that under the actions specified in part 3 of Article 111-1 of the Criminal Code of Ukraine, the punishments include corrective labor for up to 2 years, arrest for up to 6 months, or imprisonment for up to 3 years, combined with the deprivation of the right to hold certain positions or engage in certain activities for a period of 10 to 15 years⁴⁰. From the perspective of O. P. Riabchynska, a problematic legislative decision is the inclusion of corrective labor as a type of punishment in the sanction of part 3 of Article 111-1 of the Criminal Code of Ukraine. Assigning this type of punishment to educators (teachers) who propagated armed aggression, justified it, or promoted anti-Ukrainian ideology among the younger generation is, in the researcher's view, at least inappropriate. The author also argues that this type of punishment cannot be applied to individuals involved by the occupiers in the educational process who neither have pedagogical education nor relevant experience⁴¹.

Next, we will examine the problematic issues regarding the qualification of criminal liability for collaborationist activities in the information sphere, taking into account judicial practice. According to part 6 of Article 111-1 of the Criminal Code of Ukraine, liability for information-related activities arises in the absence of signs of state treason. Similar actions may also be qualified under other articles of the Criminal Code of Ukraine, for example, "Justification, recognition as lawful, or denial of the armed aggression of the Russian Federation against Ukraine" (Article 436-2)⁴². Thus, liability under part 6 of Article 111-1 of the Criminal Code of Ukraine arises provided that there are no other signs of state treason in the conduct of the subject of the criminal offense, as defined in Article 111 of the Criminal Code of Ukraine. These include, in particular, actions such as siding with the enemy,

³⁹ Постанова ККС ВС від 29 січня 2024 року у справі № 183/184/23 (провадження № 51-5942км23). URL.: <https://reyestr.court.gov.ua/Review/116705036>

⁴⁰ Кримінальний кодекс України: Закон України від 05.04.2001 р. № 2341-III. URL.: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

⁴¹ Рябчинська О.П. Заходи кримінально-правового характеру за колабораційну діяльність: реалії та перспективи. Кримінальне право України перед викликами сучасності і майбуття: яким воно є і яким йому бути: матер. міжнар. наук. конференції, м. Харків, 21–22 жовт. 2022 р./редкол.: В.Я. Тацій, Ю.А. Пономаренко, Ю.В. Баулін та ін. Харків: Право, 2022. С. 73.

⁴² Кримінальний кодекс України: Закон України від 05.04.2001 р. № 2341-III. URL.: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

espionage, and providing assistance to a foreign state, foreign organization, or their representatives in carrying out subversive activities against Ukraine⁴³.

Next, we will present an analysis of a series of court cases under part 6 of Article 111-1 of the Criminal Code of Ukraine. For example, one case involved the voluntary assumption of a managerial position in the occupation administration and the systematic dissemination of information propaganda. These are the materials of case No. 333/2910/24 (proceeding No. 1-кп/333/307/25) dated April 28, 2025, which was under the jurisdiction of the Komunar District Court of the city of Zaporizhzhia⁴⁴. The court, having examined the submitted evidence (protocols of Telegram channel reviews, expert reports, testimonies), found that the guilt of person_7 was fully established under both relevant parts of the Criminal Code of Ukraine. The court determined that the accused, as an informed city council deputy, was aware of the socially dangerous nature of her actions and acted with direct intent⁴⁵.

When determining the sentence, the court took into account the severity of the committed crimes (serious crimes), their social danger, and the absence of mitigating or aggravating circumstances (except for the martial law factor, which the court recognized as inherent to this crime). The court decided to impose a cumulative sentence (pursuant to Article 70 of the Criminal Code of Ukraine) consisting of: 10 years of imprisonment, deprivation of the right to hold any positions in state authorities or local self-government for 15 years, and confiscation of property (an apartment and a car)⁴⁶.

In the case materials of case No. 3/712/295/25 (proceeding No. 1-кп/712/295/25) dated June 16, 2025, the court proceedings were conducted under a special in absentia procedure. This case involved systematic and voluntary cooperation with the occupation authorities through a public organization and the conduct of political events. Osoba_5 gave interviews to occupation Telegram channels, publicly calling for the integration of the Kherson region into the Russian Federation, justifying the aggression, and created her own Telegram channel to disseminate the main slogans of Russian propaganda. The court, having examined the evidence presented (protocols of publication reviews, video materials, conclusions of linguistic and portrait examinations), found Osoba_5's guilt fully proven. The court rejected the defense's argument regarding the lack of proof of her functional duties, as numerous pieces of evidence demonstrated her active informational and political role⁴⁷.

When determining the sentence, the court took into account the exceptional gravity of the committed crime (against the foundations of national security) and the presence of an aggravating circumstance – committing the crime under conditions of martial law. The court ruled to impose the following penalties: imprisonment for 12

⁴³ Мокроусова О.Ю. Кримінальна відповідальність за колабораційну інформаційну діяльність. *Юридичний науковий електронний журнал*. 2024. № 10. С. 383.

⁴⁴ Вирок Комунарського районного суду міста Запоріжжя у справі № 333/2910/24 (провадження № 1-кп/333/307/25) від 28 квітня 2025 року URL.: <https://reyestr.court.gov.ua/Review/126902209>

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Вирок Херсонського міського суду Херсонської області у справі № 3/712/295/25 (провадження № 1-кп/712/295/25) від 16 червня 2025 року. URL.: <https://reyestr.court.gov.ua/Review/128316448>

years, deprivation of the right to hold any public office for 15 years, and confiscation of all property belonging to the convicted person⁴⁸. It should be noted that the practice of special court proceedings in absentia is the primary procedure for cases of collaborationist activity that occurred in temporarily occupied territories. This allows courts to issue guilty verdicts and impose sentences, ensuring the principle of accountability. For example, verdicts under Part 6 of Article 111-1 of the Criminal Code of Ukraine in court decisions concerned the organization of political events and the conduct of informational activities in cooperation with the aggressor state. The actions of individuals were qualified for attaching the flag of the Russian Federation to a multi-apartment residential building, as well as taking photos and videos for subsequent transfer to representatives of the Russian Federation⁴⁹; ...as well as the conduct of informational activities, such as the production of leaflets to support the “spirit of Russian soldiers,” with their subsequent distribution in the territory of Luhansk⁵⁰.

Thus, the objective aspect of the criminal offense under Part 6 of Article 111-1 of the Criminal Code of Ukraine is manifested in four forms: (1) organizing political events; (2) conducting political events; (3) engaging in informational activities; and (4) active participation in such events. It is noted that such activities include the creation, collection, receipt, storage, use, and dissemination of information to the detriment of Ukraine, in the absence of elements constituting state treason.

CONCLUSIONS

Collaborationist activity is the conscious, forced, or voluntary, deliberate cooperation with an enemy in its interests and to the detriment of one’s own state. It encompasses both the public and private spheres. Preventing and counteracting collaborationist activity requires a comprehensive approach that combines administrative and criminal law mechanisms. Administrative and legal measures for the prevention of and counteraction to collaborationist activity are primarily implemented through the law-enforcement activities of authorized public authorities. The implementation of such administrative and legal measures must occur within the competences of the relevant public administration bodies, which should be explicitly established at the legislative level. An analysis of the criminal laws of several European countries shows that, in most cases, collaborationism is not criminalized in a separate article; rather, its elements are covered by other provisions of the criminal law.

The main criteria for distinguishing collaborationist activity from other criminal offenses, such as state treason or aiding an aggressor state, are the object of the criminal encroachment, the objective and subjective elements of the act, and the characteristics of the perpetrator. In particular, one criterion for qualification is that state treason involves siding with the enemy, espionage, and providing assistance to a

⁴⁸ Вирок Херсонського міського суду Херсонської області у справі № 3/712/295/25 (провадження № 1-кп/712/295/25) від 16 червня 2025 року. URL.: <https://reyestr.court.gov.ua/Review/128316448>

⁴⁹ Вирок Київського районного суду м. Одеси від 25.11.2022 р. у справі № 947/26981/22: <https://reyestr.court.gov.ua/Review/107502058>

⁵⁰ Вирок Держинського районного суду м. Харкова від 28.12.2022 р. у справі № 638/7303/22: <https://reyestr.court.gov.ua/Review/108152933>

foreign state in conducting subversive activities against Ukraine. Important criteria for distinguishing the crime of aiding an aggressor state from collaborationist activity include the existence of an international armed conflict and its application in cases where specific citizenship is absent. The features of collaborationist activity include actions by individuals (typically citizens of Ukraine) aimed at cooperating with an aggressor state to the detriment of Ukraine, occurring during periods of temporary occupation by the enemy. Collaborationist activity may be either forced or voluntary.

SUMMARY

The article identifies specific theoretical and legal issues in the application of administrative and criminal law measures for the prevention of and counteraction to collaborationist activity, outlines problems in judicial practice, and proposes ways to improve legal regulation. A comprehensive set of research methods was used. The system-comparative method allowed for the comparison of national norms with international standards, while the analytical method enabled the assessment of the effectiveness of existing legal instruments and the analysis of court decisions. A legal construct of **“administrative and legal measures for the prevention of and counteraction to collaborationist activity”**. Based on the analysis of Article 111-1 of the Criminal Code of Ukraine, the forms of collaborationist activity are distinguished as follows. It is stated that punishment for collaborationist activity must comply with the principles of legality, justification, fairness, proportionality, and individuality. The article highlights problematic issues in qualifying criminal liability for collaborationist activity in the information sphere, taking into account judicial practice. An analysis of investigative and court practice regarding collaborationist activity in the field of education points to inconsistencies in terms of the social danger of this criminal act and the proportionality of punishment. It is emphasized that effective counteraction to collaborationist activity requires a comprehensive approach combining administrative and criminal law mechanisms. Prospects for further research lie in the development of preventive legal mechanisms, strengthening cooperation between state authorities and civil society institutions, and improving the regulatory and legal framework for the application of measures to counter collaborationist activity.

Key words: collaborationist activity, collaborator, administrative and legal measures, criminal law measures, national security of Ukraine, criminal liability, judicial practice, international experience

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P.S. Author's contribution: Shevchuk O.M. – chapter 1. Mykhailenko O.O – chapters 2 and 3.