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CRIMINAL LAW REGULATION OF CITIZENS' PARTICIPATION IN THE DEFENSE OF UKRAINE

Criminal law regulation of citizens' participation in the defense of Ukraine is an important part of national security and ensures the country's defense capability. Citizens' participation in the defense of Ukraine involves both a constitutional obligation and special legal regulations that determine liability for certain actions or omissions in this process.

The main provisions of such regulation are enshrined in the Constitution of Ukraine, the Criminal Code, as well as in special laws on defense, mobilization preparedness, and state security [4].

The general principles of criminal law stipulate that participation in the defense of Ukraine is not only a duty but also a right of every citizen. To ensure this process, the legislation establishes special rules that regulate both liability for evasion of military duty and legal guarantees for persons participating in hostilities.

Article 65 of the Constitution of Ukraine stipulates that it is the duty of every citizen to protect the Motherland, independence, and territorial integrity of Ukraine, and to honor its state symbols. This provision forms the basis for the legal regulation of citizens' participation in defense activities. In particular, it stipulates that every citizen is obliged to participate in the defense of the state if there is a threat to its sovereignty or security [1].

According to Article 43-1 of the Criminal Code of Ukraine, an act (action or inaction) committed under martial law or during an armed conflict and aimed at repelling and deterring armed aggression by the Russian Federation or another country is not a criminal offense if it caused harm to the life or health of the person carrying out such aggression or harm to law enforcement interests, provided there are no signs of torture, use of means of warfare prohibited by international law, or other violations of the laws and customs of war under treaties ratified by the Verkhovna Rada of Ukraine [2].

In addition, everyone has the right to defend the Motherland, independence, and territorial integrity of Ukraine, regardless of the possibility of avoiding a confrontation, causing damage, or seeking assistance from other persons or public authorities, including the Armed Forces of Ukraine.

A person shall not be subject to criminal liability for the use of weapons (armaments), ammunition or explosives against persons who carry out armed aggression against Ukraine, and for damage or destruction of property in this regard [3].

With regard to conscription and mobilization, the Law of Ukraine "On Military Duty and Military Service" establishes the rules for conscription for regular service, mobilization during a special period, and the procedure for service by reservists. In case of refusal to be called up without legal grounds or evasion of mobilization, criminal liability is provided under Article 336 of the Criminal Code of Ukraine, namely, imprisonment for a term of three to five years [3].

The participation of volunteers in the defense of Ukraine is also regulated by law. Citizens may voluntarily join the Armed Forces of Ukraine, territorial defense units or other

paramilitary formations operating within the law. The law protects volunteers from criminal liability for their actions if they act in accordance with orders and within the framework of martial law [4].

Under martial law, liability for crimes that violate the state's defense capability is increased. In accordance with Article 111 of the CCU, treason is an act intentionally committed by a citizen of Ukraine to the detriment of the sovereignty, territorial integrity and inviolability, defense capability, state, economic or information security of Ukraine. Such acts include defection to the enemy during an armed conflict, espionage, assistance to a foreign state, foreign organization or their representatives in conducting subversive activities against Ukraine, shall be punishable by imprisonment for a term of twelve to fifteen years with or without confiscation of property. The same acts committed under martial law shall be punishable by imprisonment for a term of fifteen years or life imprisonment with confiscation of property [2].

Article 111-1 of the Criminal Code of Ukraine defines collaboration as a crime punishable by imprisonment, and in some cases confiscation of property, fines, correctional labor, and deprivation of the right to hold certain positions or engage in certain activities [2].

Article 111-2. Aiding and abetting the aggressor state, intentional actions aimed at assisting the aggressor state (aiding and abetting), armed formations and/or the occupation administration of the aggressor state, committed by a citizen of Ukraine, a foreigner or a stateless person, except for citizens of the aggressor state, with the aim of causing damage to Ukraine by implementation or support of decisions and/or actions of the aggressor state, armed formations and/or occupation administration of the aggressor state; voluntary collection, preparation and/or transfer of material resources or other assets to representatives of the aggressor state, its armed formations and/or occupation administration of the aggressor state shall be punishable by imprisonment for a term of ten to twelve years with deprivation of the right to occupy certain positions or engage in certain activities for a term of ten to fifteen years and with or without confiscation of property [2].

Article 402 of the CCU, namely disobedience, i.e. the open refusal to execute an order of a superior, as well as other intentional failure to execute an order committed in a special period other than martial law, is punishable by imprisonment for a term of five to seven years. Disobedience committed under martial law or in a combat situation is punishable by imprisonment for a term of five to ten years. Pursuant to Article 408 of the CCU, desertion, i.e. unauthorized leaving of a military unit or place of service with the intent to evade military service, as well as failure to report for service for the same purpose in case of appointment, transfer, business trip, vacation or from a medical institution, if committed in a special period other than martial law, is punishable by imprisonment for a term of five to ten years. The same act, if committed under martial law or in a combat situation, shall be punishable by imprisonment for a term of five to twelve years [2].

To summarize, the criminal law regulation of citizens' participation in the defense of Ukraine is an important tool for ensuring state security and order. Establishing liability for evasion of military duties and enhanced liability during martial law creates legal conditions for citizens to participate in the defense of Ukraine. Such regulation contributes to the formation of legal awareness, increases discipline, and ensures proper preparation for fulfilling civil and military duties, thereby strengthening the state's defense capability in the face of modern challenges and threats [4].

REFERENCES

1. The Constitution of Ukraine. Official website of the Verkhovna Rada of Ukraine.
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2. The Criminal Code of Ukraine. Official website of the Verkhovna Rada of Ukraine.
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