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COLLABORATIONISM DURING THE RUSSIAN-UKRAINIAN WAR: ACTIONS OF LAW ENFORCEMENT BODIES

As of today, the identification of collaborators, traitors and accomplices of the enemy in the de-occupied territories is a priority area the National Police of Ukraine work.

With the beginning of the armed aggression of the Russian Federation on the territory of Ukraine, the issue of criminal responsibility for the cooperation of Ukrainians with the Russian Federation, its administrations and the so-called «DPR» and «LPR» in the temporarily occupied territories of Donetsk and Luhansk regions, as well as in the Autonomous Republic of Crimea, became acute. During the year, three draft laws were registered in the Verkhovna Rada of Ukraine, in which Members of Parliament proposed establishing criminal liability for the so-called collaborationism.

The last time the issue of collaborationism on the territory of Ukraine was seriously discussed and resolved in professional literature in the context of the events of the Second World War. As of today, the Ukrainian scientific community has gradually returned to the study of relevant issues, the relevance of which was increasing and gaining momentum every year [2].

The concept of collaborationism found its further scientific development, which allowed scientists-historians to classify it, distinguishing it depending on the nature and level of cooperation and usually taking into account a wide range of actions that contribute to the establishment of the occupying power, the following types: household, economic, military, political, administrative ones.

Therefore, collaborationism is the intentional and voluntary cooperation of a citizen of Ukraine with the aggressor state or its representatives in any form, in the interests of the aggressor state and to the detriment of the national security of Ukraine or its allies [1].

For several years, scientists have been arguing about the separation of responsibility for collaborationism, namely for cooperation with the enemy, which is done with the aim of causing harm to one's state and (or) its allies, in a special part of the Criminal Code of Ukraine.

Some lawyers are convinced that there are almost no problems with collaborationist practices that have arisen in Ukraine. Thus, according to M. Rubashchenko, criminal responsibility for collaborationism has already been provided for in such a crime as treason, and therefore the introduction of an independent form of such an act will lead to confusion and pose a danger of violation of human rights and freedoms. The scientist emphasizes

that collaborative activity can acquire any of the provisions of Art. 111 of the Criminal Code of Ukraine forms of treason and be carried out in the military, administrative (management), economic and even domestic spheres. However, criminal liability for the relevant activity will be imposed only for such actions that are intentional and that cause significant damage to the sovereignty, territorial integrity and inviolability, defense capability, state, economic or informational security of Ukraine or create a real threat of such damage [2].

On February 24, 2022, a new phase of the Russian-Ukrainian war began with the full-scale invasion of the Russian army. Due to the large number of people who collaborate with the enemy against their own country, help the occupiers and directly participate in the persecution of the country's patriots, a decision was made to amend the Criminal Code of Ukraine to establish criminal liability for collaborative activity.

The Verkhovna Rada of Ukraine adopted the Law of Ukraine «On Amendments to Certain Legislative Acts (Regarding the Establishment of Criminal Liability for Collaborative Activities)» No. 2108-IX dated 03.03.2022.

In order to achieve this goal, the Criminal Code of Ukraine was supplemented with a new article. 111-1 «Collaborative activity», which provided criminal liability for cooperation with the aggressor state, its occupation administration and/or its armed or paramilitary formations in the military, political, informational, administrative, economic and labor spheres [3].

Thus, the consequence of the adoption of this law will be the introduction of criminal liability for cooperation with the aggressor state, its occupation administration and/or its armed or paramilitary formations, which will provide for the restriction of access to positions, to positions related to the performance of state or local functions self-government for a period of 15 years and the imposing other appropriate punishments for persons who carried out such cooperation, as well as the possibility of liquidation of legal entities whose authorized persons carried out such cooperation [1].

Currently, representatives of the National Police of Ukraine, namely the investigation and inquiry bodies, have documented more than 830 open criminal proceedings under the article on treason. As of today, 1,355 people have already received suspicions for their collaboration. And 55 such criminal proceedings were referred to the court by pre-trial investigation bodies.

Список використаних джерел

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