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Criminal Liability for Crimes Against National Security

This research paper analyzes the current Legislation of Ukraine in the field of criminal liability for crimes against national security. It is noted that prevention of this type of crime is one of priorities of criminal law policy that aims to preserve national sovereignty and its independence proclaimed by the Constitution of Ukraine, as well as ensuring its economic and information security are the most important functions of the state.

Scientific achievements of leading scientists in the field of criminal liability, crimes against national security are analyzed. Their work on changes or additions to relevant provisions of the Criminal Code of Ukraine has been studied.

Keywords: criminal liability, national security, crimes against national security.

Introduction. Currently, combating crimes against the foundations of Ukrainian national security, preserving its sovereignty and independence is one of the main priorities of criminal law policy. Since 2014, our country has been experiencing aggression in the east, and the crime rate is gaining momentum. The need for enhanced state control and the introduction of effective mechanisms, to strengthen criminal liability for planned crimes is becoming urgent. This is due to the chosen research topic.

Analysis of publications where this problem solution is initiated. The problems of criminal liability have to some extent been studied by the following scientists: V. Ya. Tatsii, V. A. Lipkan, A. V. Kuchera, Yu. Ye. Maksymenko, M. I. Khavroniuk, V. M. Zhelikhovskiyi, S. Ia. Kravets, O. P. Dzoban, V. O. Navrotskyi, L. V. Moshniaha, Yu. V. Lutsenko, O. A. Chuvakova, O. F. Bantyshev, M. A. Rubashchenko, O. V. Shamara, N. S. Konchuk, O. S. Vlasiuk.

Aim. Development and improvement of current legislation for crimes against national security on the issue of criminal liability.

Results and discussion. Human, his life and health, honor and dignity, inviolability and security are the highest social values in Ukraine. Implementation of this norm of the Constitution of Ukraine is the main goal of the state national security policy¹.

According to the Constitution of Ukraine, Ukraine is a sovereign and independent, democratic, social, legal state (Article 1), and the territory of Ukraine within the existing border is integral and inviolable (Part 2 of Article 2). The right to determine and change the constitutional order in Ukraine belongs exclusively to people and cannot be usurped by the state, its bodies or officials (Part 3 of Article 5).

Article 17 of the Constitution of Ukraine regulates the protection of the sovereignty and territorial integrity of Ukraine, ensuring its economic and

¹ Про рішення Ради національної безпеки і оборони України від 14 вересня 2020 року «Про Стратегію національної безпеки України»: Указ Президента України від 14.09.2020 № 392/2020. Офіційний вісник України від 25.09.2020. № 75 Ст. 2377.



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CRIMINAL LIABILITY FOR CRIMES AGAINST NATIONAL SECURITY

This research paper analyzes the current Legislation of Ukraine in the field of criminal liability for crimes against national security. It is noted that prevention of this type of crime is one of priorities of criminal law policy that aims to preserve national sovereignty and its independence proclaimed by the Constitution of Ukraine, as well as ensuring its economic and information security are the most important functions of the state.

Scientific achievements of leading scientists in the field of criminal liability, crimes against national security are analyzed. Their work part changes or additions to relevant provisions of the Criminal Code of Ukraine has been studied.

General scientific (dialectical, systemic) and specific scientific methods became research methods. Dialectical method made it possible to determine the general state and prospects of research on the legal regulation of criminal liability for crimes against national security. Using the system method that was used in the research process, system of legislation of the outlined issue is determined. While analysis of current regulations in force in Ukraine in the field of criminal liability for crimes against national security formal and legal methods were used.

Definition by the Basic Law of the country of the most important functions of the state of the issue of protection of sovereignty and territorial integrity of Ukraine ensures this research relevance.

Due to the threat posed by aggression in the east, that began in 2014, the crime rate is gaining momentum. The need for enhanced state control and the introduction of effective mechanisms, in terms of strengthening criminal liability for planned crimes is becoming urgent.

Keywords: criminal liability, national security, crimes against national security.

information security are the most important functions of the state, business of the entire Ukrainian people. Thus, it is established: "... Defense of Ukraine, the protection of its sovereignty, territorial integrity and inviolability are entrusted to the Armed Forces of Ukraine. Ensuring state security and protection of the state border of Ukraine are entrusted to relevant military formations and law enforcement agencies of the state, the organization and procedure of which are determined by law. Armed Forces of Ukraine and other military formations may not be used by anyone to restrict the rights and freedoms of citizens or to overthrow the constitutional order, remove authorities or impede their activities. The state provides social protection to citizens of Ukraine who are serving in the Armed Forces of Ukraine and other military formations, as well as members of their families. Creation and operation of any armed formations not provided for by law is prohibited on the territory of Ukraine. Location of foreign military bases is not allowed².

The main reason for such situations is crimes committed against the national security of Ukrainian state. At the legislative level, the latter is interpreted as protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine from real and potential threats. According to the Law of Ukraine: On National Security of Ukraine, the legal basis of state policy in the field of national security and defense is the Constitution of Ukraine, this and other laws of Ukraine, international treaties approved by the Verkhovna Rada of Ukraine and issued pursuant to the Constitution and laws of Ukraine other regulations (Article 2)³.

In professional readings, V. K. Matviychuk considers crimes against the foundations of national security to be socially dangerous acts determined by the Criminal Code of Ukraine, as well as committed with direct intent and specific purpose, encroaching on relations arising in the field of protection of national security of Ukraine from internal and external threats⁴.

For his part, O. A. Chuvakov believes that such crimes are provided by criminal law socially dangerous acts aimed at weakening or undermining the social order of Ukraine⁵.

In our opinion, thorough definition is provided by O. F. Bantyshev and O. V. Shamara interpreting a crime against foundations of national security as a socially dangerous act characterized by an act or omission committed with the direct intent of a sane individual who has reached the age of criminal liability and encroaches on the state and social order of Ukraine, its sovereignty, political system, inviolability, territorial integrity, defense, information and economic security, as well as national security in the field of ecology and military armaments⁶.

Regarding the criminal and legal qualification of crimes against the foundations of national security of Ukraine, it should be emphasized that they are interpreted as an assessment of socially dangerous acts under Section I of the Special Part of the Criminal Code of Ukraine and this is to determine which article (part of the article) Ukraine provides for this action. Qualify (in a broad sense) means to determine whether any criminal measures should be applied to a person and whether criminally significant behavior of a person

² Конституція України: Закон України від 28.06.1996 № 254к/96-ВР. *Відомості Верховної Ради України* від 23.07.1996. № 30. Ст. 141.

³ Про національну безпеку України: Закон України від 21.06.2018 № 2469-VIII. *Відомості Верховної Ради України*. Офіційне видання від 03.08.2018. № 31 Ст. 241.

⁴ Матвійчук В. К. Злочини проти основ національної безпеки: поняття та загальна характеристика. Київ : Юридична наука. 2013. Вип. 9. С. 86.

⁵ Чувakov O. A. Національна безпека як об'єкт кримінально-правової охорони : автореф. дис... канд. юрид. наук. Одеса, 2016. С. 39.

⁶ Бантишев О. Ф., Шамара О. В. Кримінальна відповідальність за злочини проти основ національної безпеки України (проблеми кваліфікації) : монографія [3-є вид., перероб. та доп.]. Луганськ : ТОВ «Віртуальна реальність», 2014. С. 35.



has any criminal consequences and if so, what exactly (punitive or incentive). In the narrow sense, it is only an analysis of the factual circumstances of the act in terms of the presence of signs of the composition provided for in the Criminal Code of Ukraine. Activities of the investigative security bodies, the prosecutor office and the court show that their tasks, functions and powers are not limited to the analysis of the presence of signs of a specific crime. Such activities also require defining the boundaries of lawful and unlawful conduct (especially in terms of guaranteeing the inviolability of the person and freedom of expression), the relationship of these crimes with each other and with adjacent structures and so on⁷.

Crimes against foundations of national security of Ukraine in accordance with current legislation include: actions aimed at forcible change or overthrow of the constitutional order or the seizure of state power, public appeals to forcible change or overthrow of the constitutional order or to seize state power, as well as distribution of materials with appeals to commit such actions (Article 109 of the Criminal Code of Ukraine); encroachment on the territorial integrity and inviolability of Ukraine (Article 110 of the Criminal Code of Ukraine); financing of actions committed for the purpose of forcible change or overthrow of the constitutional order or seizure of state power, change of borders of the territory or state border of Ukraine (Article 110-2 of the Criminal Code of Ukraine); treason (Article 111 of the Criminal Code of Ukraine); encroachment on the life of a statesman or public figure (Article 112 of the Criminal Code of Ukraine); sabotage (Article 113 of the Criminal Code of Ukraine); espionage (Article 114 of the Criminal Code of Ukraine); obstruction of the lawful activities of the Armed Forces of Ukraine and other military formations (Article 114-1 of the Criminal Code of Ukraine).

Regarding Article 110-2 of financing actions committed with the aim of forcible change or overthrow of the constitutional order or seizure of state power, change of borders of the territory or state border of Ukraine, it should be noted that it supplemented the Criminal Code of Ukraine in 2014⁸.

The generic object of crimes against the foundations of national security of Ukraine is public relations to protect the foundations of national security of Ukraine: its constitutional order, sovereignty, territorial integrity, defense, i.e. relations that ensure the very existence of Ukraine as a sovereign, independent, democratic, social and legal state. As for the main direct object of each individual crime, it is national security in the political sphere. And Article 112 of the Criminal Code of Ukraine contains an additional object: human life⁹.

From the objective point of view, the considered crimes are characterized mainly by socially dangerous actions. At the same time, legislator constructs most of them as crimes with a formal composition, so they are considered completed from the moment of the act itself, regardless of the actual damage to the foundations of national security of Ukraine. High danger of these crimes is expressed in their subjective features. The investigated crimes are committed intentionally and, as a rule, with direct intent, under which a person wishes to harm the foundations of Ukraine's national security in the political sector. Characteristic is the goal to harm this object: a person acts to change or overthrow the constitutional order, seize state power, damage the sovereignty, defense of Ukraine, change its territory, weaken the state, finance actions committed to forcibly change or overthrow constitutional

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КРИМІНАЛЬНА ВІДПОВІДАЛЬНІСТЬ ЗА ЗЛОЧИНИ ПРОТИ НАЦІОНАЛЬНОЇ БЕЗПЕКИ

У роботі проаналізовано чинне законодавство України у сфері кримінальної відповідальності за злочини проти національної безпеки. Зазначається, що запобігання такому виду злочинів є одним із пріоритетних напрямів кримінально-правової політики, котра спрямована на збереження суверенітету нації та її незалежності, проголошеної Конституцією України, а також забезпечення її економічної й інформаційної безпеки є найважливішими функціями держави, справою всього українського народу.

Вивчено наукові доробки провідних учених у сфері кримінальної відповідальності, зокрема злочинів проти національної безпеки. Досліджено їхні напрацювання щодо змін або доповнень відповідних норм Кримінального кодексу України.

Методами дослідження стали загальнонаукові (діалектичний, системний) і спеціально-науковий методи. Діалектичний метод уможливив визначення загального стану та перспектив дослідження питань правового регулювання кримінальної відповідальності за злочини проти національної безпеки. За допомогою системного методу, який було використано в процесі дослідження, визначено систему законодавства окресленого питання. Під час аналізу чинних нормативно-правових актів, що діють на території України у сфері кримінальної відповідальності за вчинення злочинів проти національної безпеки, було задіяно формально-юридичний метод.

Визначення Основним Законом країни найважливішими функціями держави питання захисту суверенітету і територіальної цілісності України забезпечує актуальність даного дослідження.

У зв'язку із загрозою, спричиненою агресією на сході, яка почалася у 2014 році, рівень злочинності набирає обертів. Стає актуальним необхідність посиленого контролю з боку держави та запровадження дієвих механізмів, зокрема щодо посилення кримінальної відповідальності за передбачені злочини.

Ключові слова: кримінальна відповідальність, національна безпека, злочини проти національної безпеки.

⁷ Рубашенко М. А. Забезпечення основ національної безпеки України кримінально-правовими заходами. Сталій розвиток 2030: правова, економічна, соціальна, екологічна та політична складові: матеріали доповідей Міжнародної міждисциплінарної конференції (Будапешт, Угорщина). Будапешт, 2017. С. 121–125.

⁸ Про внесення змін до Кримінального кодексу України щодо кримінальної відповідальності за фінансування сепаратизму. Закон України від 19 червня 2014 року № 1533-VII. *Відомості Верховної Ради України* від 08.08.2014. № 32. Ст. 1125.

⁹ Бурак М. В. Злочини проти основ національної безпеки України у політичній сфері. URL: [http://elar.naiu.kiev.ua/bitstream/123456789/7231/1/%2B АКТУАЛЬНІ ПРОБЛЕМИ ДОСУДОВОГО_p346-349.pdf](http://elar.naiu.kiev.ua/bitstream/123456789/7231/1/%2B%20АКТУАЛЬНІ%20ПРОБЛЕМИ%20ДОСУДОВОГО_p346-349.pdf)

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УГОЛОВНАЯ ОТВЕТСТВЕННОСТЬ ЗА ПРЕСТУПЛЕНИЯ ПРОТИВ НАЦИОНАЛЬНОЙ БЕЗОПАСНОСТИ

В работе проанализировано действующее законодательство Украины в сфере уголовной ответственности за преступления против национальной безопасности. Отмечается, что предотвращение такого вида преступлений является одним из приоритетных направлений уголовно-правовой политики, которая направлена на сохранение суверенитета нации и ее независимости, провозглашенной Конституцией Украины, а также обеспечение ее экономической и информационной безопасности являются важнейшими функциями государства, делом всего украинского народа.

Изучены научные труды ведущих ученых в области уголовной ответственности, в том числе преступлений против национальной безопасности. Исследованы их разработки относительно изменений или дополнений соответствующих норм Уголовного кодекса Украины.

Методами исследования стали общенаучные (диалектический, системный) и специально-научный методы. Диалектический метод сделал возможным определение общего состояния и перспектив исследования вопросов правового регулирования уголовной ответственности за преступления против национальной безопасности. С помощью системного метода, который был использован в процессе исследования, определена система законодательства обозначенного вопроса. При анализе нормативно-правовых актов, действующих на территории Украины в сфере уголовной ответственности за совершение преступлений против национальной безопасности, был задействован формально-юридический метод.

Определение Основным Законом страны важнейшими функциями государства вопрос защиты суверенитета и территориальной целостности Украины обеспечивает актуальность данного исследования.

В связи с угрозой, вызванной агрессией на востоке, которая началась в 2014 году, уровень преступности набирает обороты. Становится актуальным необходимость усиленного контроля со стороны государства и введение действенных механизмов, в частности относительно усиления уголовной ответственности за предусмотренные преступления.

order or seizure of state power, changes in the boundaries of the territory or state border of Ukraine established by the Constitution of Ukraine. The subjects of crimes against foundations of national security of Ukraine may be sane persons who have reached 16 years of age (the subject of the crime under Article 112 of the Criminal Code of Ukraine - 14 years)¹⁰.

According to I. O. Tomchuk, the disposition of Art. Art. 109, 110 of the Criminal Code of Ukraine, entitled "Actions aimed at forcible change or overthrow of the constitutional order or the seizure of state power" and "Encroachment on the territorial integrity and inviolability of Ukraine" provide criminal liability not only for the above actions but for public appeals to such actions, as well as distribution of materials with appeals to commit such actions. In addition, Part 1 of Art. 109 of the Criminal Code of Ukraine provides for liability for conspiracy to commit such acts, i.e. this crime is considered complete at the stage of preparation for it that in our opinion, is a positive moment in prevention of these crimes. It is proposed to consider the same actions as criminal in Article 110 of the Criminal Code of Ukraine, as criminalization of such a conspiracy will give a new impetus to the further prevention of such crimes. In addition, considering the constant threat to the national security of Ukraine in all its spheres during the last year, scientist considers it necessary to become responsible for public appeals to all other crimes against national security foundations¹¹.

In professional readings it is proposed to amend Article 109 of the Criminal Code of Ukraine to replace the concept of *forcible* change of the constitutional order of Ukraine or *seizure* of state power in Ukraine by illegal change of the constitutional order of Ukraine or illegal acquisition of state power. The expediency of these changes is seen in the fact that the concepts of *overthrow* and *capture* in their essence in their practical implementation are violent, so Article 109 of the Criminal Code of Ukraine traces the incorrect position of the legislator during the legislative settlement of criminal law and state power of Ukraine. For example, the referendums of the DPR and LPR on the independence of these pseudo-republics. The referendum does not qualify as a violent act, so the state power in these territories: *non-violently* passed to self-proclaimed leaders. That is why there is a need to criminalize such actions without the use of violence¹².

The system of crimes against foundations of national security, according to V. K. Matviychuk should be as follows: 1) crimes that encroach on relations under conditions that ensure protection of national security foundations in the political sphere. These include: actions aimed at forcible change or overthrow of the constitutional order or seizure of state power (Article 109 of the Criminal Code); encroachment on the territorial integrity and inviolability of Ukraine (Article 110 of the Criminal Code); encroachment on the life of a statesman or public figure (Article 112 of the Criminal Code); 2) crimes that encroach on relations on terms that protect the foundations of national security of Ukraine in the field of state sovereignty, territorial integrity and inviolability, defense, state, economic, scientific, technical and information security of Ukraine. These include: treason (Article 111 of the Criminal Code); espionage (Article 114 of the Criminal Code); 3) crimes that encroach on relations on terms that ensure the protection of the foundations of national security in the economic, environmental and defense spheres. These include sabotage (Article 113 of the Criminal Code)¹³.

¹⁰ Бурак М. В. Злочини проти основ національної безпеки України у політичній сфері. URL: [http://elar.naiu.kiev.ua/bitstream/123456789/7231/1/%2B АКТУАЛЬНІ ПРОБЛЕМИ ДОСУДОВОГО_p346-349.pdf](http://elar.naiu.kiev.ua/bitstream/123456789/7231/1/%2B%20АКТУАЛЬНІ%20ПРОБЛЕМИ%20ДОСУДОВОГО_p346-349.pdf)

¹¹ Томчук І. О. Порівняльно-правова характеристика відповідальності за злочини проти національної безпеки за вітчизняним та зарубіжним кримінальним законодавством. *Право і суспільство*. 2015. № 4(3). С. 189–194.

¹² Там само.

¹³ Матвійчук В. К. Злочини проти основ національної безпеки: поняття та загальна характеристика. *Юридична наука*. 2013. № 9. С. 80–87.



Among the urgent problems of improving the criminal legislation providing for liability for crimes against the foundations of national security are: 1) place of this category of corpus delicti in the system of the Criminal Code of Ukraine; 2) boundaries and certainty of the of criminal protection object; 3) structure (content) of the relevant section of the Criminal Code of Ukraine and the classification of crimes against the foundations of national security of Ukraine; 4) technical, legal and substantive components of individual corpus delicti from the standpoint of identifying gaps in legal regulation, conflicts of law; 5) qualification of these acts¹⁴.

We propose to make the following changes to Section I of the Special Part of the Criminal Code of Ukraine: 1) to replace the concept of *forced* change of the constitutional order of Ukraine or *seizure* of state power in Ukraine with illegal change of the constitutional order of Ukraine 1 Art. 109 of the Criminal Code of Ukraine and the title of the article “Actions aimed at illegal change or overthrow of the constitutional order or the seizure of state power”; 2) to supplement Part 1 of Art. 109 of the Criminal Code with the text of the following content: “..., as well as illegal retention of state power by an official who is a representative of the government, in case of expiration of his powers”; 3) provide for criminal liability for conspiracy to commit intentional acts committed to change the boundaries of the territory of Ukraine or the state border of Ukraine in Part 1 of Art. 110 of the Criminal Code of Ukraine; 4) criminal punishment should be defined as “inaction of officials of public authorities, which had or could have resulted in illegal change of boundaries of the territory or state border” and provide for appropriate changes in a separate part of Article 110 of the Criminal Code of Ukraine; 5) establish criminal liability for public appeals to crimes under Art. Art. 111, 112, 113, 114-1 of the Criminal Code of Ukraine; 6) provide for a more severe punishment under Part 1 of Art. 110 of the Criminal Code of Ukraine in the form of imprisonment for a term of ten to fifteen years, and in the event that such actions led to the death of people - life imprisonment; 7) to supplement the disposition of Part 1 of Art. 111 of the Criminal Code of Ukraine as follows: “..., as well as preparation for a crime: treason”; 8) establish responsibility for public insult by any person of the nation or state of Ukraine in a separate article of Special section I of the Criminal Code of Ukraine¹⁵.

Conclusions. Crimes against the foundations of Ukrainian national security are serious or particularly serious, as they pose a threat to the state, the preservation of sovereignty and independence. Currently, protection of one's country and its borders are of importance. To achieve this goal, criminal liability is a necessary security mechanism. However, over time, it is necessary to revise the established norms.

Thus, we consider it expedient to agree with the proposed changes to the Criminal Code of Ukraine in terms of strengthening responsibility; filling with meaningful components of separate structures of crimes from positions of revealing of gaps of legal regulation, conflicts of legal norms; expanding the scope of existing legislation.

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Ключевые слова: уголовная ответственность, национальная безопасность, преступления против национальной безопасности.

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RESPONSABILITÉ PÉNALE POUR LES CRIMES CONTRE LA SÉCURITÉ NATIONALE

Le document analyse la législation actuelle de l'Ukraine dans le domaine de la responsabilité pénale pour les crimes contre la sécurité nationale. Il est à noter que la prévention de ce type de crime est l'une des priorités de la politique de droit pénal, qui vise à préserver la souveraineté de la nation et son indépendance proclamée par la Constitution de l'Ukraine, ainsi qu'à assurer sa sécurité économique et de l'information ce qui sont les fonctions les plus importantes de l'Etat.

Les réalisations scientifiques d'éminents scientifiques dans le domaine de la responsabilité pénale, en particulier les crimes contre la sécurité nationale, ont été étudiées. Leur évolution en termes de modifications ou d'ajouts aux dispositions pertinentes du Code pénal ukrainien a été étudiée.

Les méthodes scientifiques générales (dialectiques, systémiques) et scientifiques spéciales sont devenues des méthodes de recherche. La méthode dialectique a permis de déterminer l'état général et les perspectives des recherches sur la réglementation juridique de la responsabilité pénale pour les crimes contre la sécurité nationale. À l'aide de la méthode du système, qui a été utilisée pour la recherche, le système de législation de la question décrite a été déterminé. Lors de l'analyse de la réglementation en vigueur en Ukraine dans le domaine de la responsabilité pénale pour les crimes contre la sécurité nationale, la méthode formelle-légale a été utilisée.

La définition par la Loi fondamentale du pays des fonctions les plus importantes de l'état de la question de la protection de la souveraineté et de l'intégrité territoriale de l'Ukraine garantit la pertinence de cette recherche.

En raison de la menace posée par l'agression dans l'est, qui a débuté en 2014, le taux de criminalité s'accélère. La nécessité d'un contrôle étatique renforcé et de la mise en place de mécanismes efficaces, en particulier en termes de renforcement de la responsabilité pénale pour les crimes planifiés, devient urgente.

Mots-clés: responsabilité pénale, sécurité nationale, crimes contre la sécurité nationale.

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**STRAFRECHTLICHE
VERANTWORTUNG FÜR
VERBRECHEN GEGEN
NATIONALE SICHERHEIT**

In der Abhandlung analysiert man die aktuelle Gesetzgebung der Ukraine im Bereich der strafrechtlichen Verantwortung für Verbrechen gegen nationale Sicherheit. Es wird darauf hingewiesen, dass die Verhütung dieser Art von Straftaten eine der Prioritäten der Strafrechtspolitik ist, die darauf abzielt, die Souveränität der Nation und ihre Unabhängigkeit, die im Grundgesetz der Ukraine verankert sind, zu wahren, und die Gewährleistung ihrer Wirtschafts- und Informationssicherheit die wichtigsten Funktionen des Staates, die Sache des gesamten ukrainischen Volkes ist.

Die wissenschaftlichen Untersuchungen führender Wissenschaftler im Bereich von der strafrechtlichen Verantwortung, bzw. vom Verbrechen gegen die nationale Sicherheit, werden untersucht. Ihre Arbeiten in Bezug auf Änderungen oder Ergänzungen der entsprechenden Bestimmungen des Strafgesetzbuches der Ukraine werden untersucht.

Allgemeine (dialektische, systemische) und spezielle wissenschaftliche Methoden wurden zu Forschungsmethoden. Die dialektische Methode ermöglichte es, den allgemeinen Stand und die Perspektiven der Forschung zur rechtlichen Regelung der strafrechtlichen Verantwortlichkeit für Verbrechen gegen die nationale Sicherheit festzustellen. Mit Hilfe der systemischen Methode, die im Forschungsprozess angewendet wurde, wurde das System der Gesetzgebung der vorstehenden Frage bestimmt. Bei der Analyse der derzeit in der Ukraine geltenden normativen Rechtsakte im Bereich der strafrechtlichen Verantwortung für Straftaten gegen die nationale Sicherheit wurde die formalrechtliche Methode angewendet.

Die grundgesetzliche Feststellung der Frage des Schutzes der Souveränität und territorialen Integrität der Ukraine als wichtigste Staatsfunktion sichert die Aktualität dieser Untersuchung.

Aufgrund der Bedrohung durch die Aggression im Osten, die 2014 begann, gewinnt die Kriminalitätsrate an Dynamik. Die Notwendigkeit der verstärkten staatlichen Kontrolle und Einführung wirksamer Mechanismen, insbesondere im Hinblick auf die Stärkung der strafrechtlichen Verantwortlichkeit für geplante Straftaten, wird aktuell.

Schlüsselwörter: strafrechtliche Verantwortung, nationale Sicherheit, Verbrechen gegen nationale Sicherheit.

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