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WAR AS A MEAN OF POLITICAL CRIME AND NATIONAL SECURITY THREAT: PSYCHOLOGICAL AND CRIMINOLOGY ASPECTS

Abstract. The article examines war as a means of political crime and threats to national security: a psychological and criminological aspect. The authors examine in detail the current state of the impact of the war on the security of Ukraine. The causes of war as a means of political crime and a threat to the national security of the state have been identified. It is emphasized that combating political crime, which causes military conflicts (hybrid wars), as a threat to national security, should be aimed at preventing determinants not only in a specific state, region, but also in the world community.

Keywords: *political crime, war, threats, security, crime prevention.*

Introduction. The development of civil society, the improvement of the legal mechanism of social relations, the preservation of the health and safety of the nation, the opportunity to improve one's professional knowledge and be competitive in the labor market in recent years have been significantly influenced by contradictions of a political, economic, ideological, and cultural nature. Today, Ukraine lives in the conditions of a state of war, which is accompanied by significant complications of the criminogenic situation due to the intensification of threats to both the general criminal order and factors of extreme situations that affect the national security of the state. The strengthening of manifestations of ideological, political (geopolitical, regional), socio-cultural, religious confrontations led to a certain destruction of structural management, as well as objects of social interactions with the processes of self-organization of social subsystems. This is caused by the unleashing of an unprovoked full-scale war by the Russian Federation against sovereign Ukraine. Taking this into account, the criminological science has a task at the systemic level to identify, work out and methodologically and methodically describe and forecast the determinants of political crime and the altered criminogenic state, their manifestations and impact on social relations (Nikitin & Nikitina, 2019). The focus of attention is directed to the national security and criminological policy of the state, in the synthesizing plane regarding the prevention of determinants

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of criminal activity, which is accompanied by the impact of war on the criminogenic state of society.

Analysis of recent research and publications. The problems of political crime, the impact of war on the criminogenic state of society, ensuring the safety of a person, society, and the state were dealt with to one degree or another by domestic scientists: A. Babenko, I. Bogatyrev, V. Vasylevich, S. Denisov, G. Didkivska, O. Dzhuzha, V. Yevdokimov, N. Zelinska, O. Kostenko, O. Kolb, S. Kulyk, Yu. Kuryliuk, O. Lytvynov, G. Maliar, V. Topchii, V. Tykhyi, V. Shakun, as well as foreign ones: F. Hagan, L. Shelley, K. Aromaa, S. Nevala, J. Shaw, E. Harris. N. Schneider and others. Psychological aspects regarding the characteristics of the socio-legal nature, the mechanism of committing political crime, are contained in the works of O. Bandurka, I. Voronov, V. Golina, H. Gorshenkov, I. Dobronravova, V. Dryomin, M. Kozyreva, O. Kostenko, O. Litvak, O. Lytvynov, M. Melnyk, A. Muzyka, Yu. Orlov and others. However, the studies of the mentioned scientists, although they are distinguished by their conceptual thoroughness, still refer to certain aspects of this problem, and until now this problem has not found its proper solution.

The purpose of this article is to study war as a means of political crime and a threat to national security: psychological and criminological aspects.

Formulation of the main material. When studying the determinants of crime, first of all, it is necessary to determine their current state, which is mutually determined both with certain changes in Ukrainian society and with interaction (political, economic, social, cultural, etc.) with other states. The regularities of the development of social relations, as well as international legal relations, are significantly interconnected. This involves both modernization of national legislation and corresponding changes in the country's Constitution. In addition, there is a need to reform social and legal control over crime, as well as a system-coordinated mechanism of subject prevention and countermeasures against it (Zelinskaya, 2003; Shelley, 1996; Aromaa & Nevala, 2004).

When talking about the criminogenic state of society, one cannot ignore such a problem as political crime. According to G. Maliar, political crime is "a deliberate socially dangerous act, provided for by international legal acts and/or criminalized by national legislation, which is committed for a political motive and is one of the illegal forms of struggle for power in the state or at the international level" (Maliar, 2010, p. 5). Attention is focused on the political motive and the struggle for power both inside the country and outside its borders.

A slightly different point of view is held by Yu. Orlov, who notes that "Political crime is an intentional socially dangerous act provided for by the law on criminal liability, aimed at obtaining and maintaining state power, changing its individual components (bodies, officials, development programs, ideology, etc.), as well as public opinion about the functioning of such power" (Orlov, 2014, p. 154). Thus, from his point of view, political crime has an internal property (intrastate) rather than an external one. Socially dangerous behavior manifests itself through terrorist acts, mass riots, group violation of public order.

Foreign criminologists F. Hagan and N. Schneider follow a similar position. In their view, political crime is a socially threatening form of action by the ruling elite against opposition forces and individuals for power or keeping it

through violence, bribery, ideological manipulation, etc (Hagan, 1997; Schneider, 1992).

The analysis of these points of view gives reason to emphasize that the common goal between them is the acquisition and/or retention of power. The difference lies in the fact that if the provision of this goal is threatened by external factors, that is, they go beyond the borders of a specifically defined country and, in the opinion of the subject, are not aimed at ensuring, maintaining his power and threaten this process, his intentions and actions can be directed to eliminate them and outside the country. And in the event that further actions fall under the signs of a socially dangerous criminal act, then, from our point of view, it should be qualified both according to national and international legislation. Therefore, we share the point of view of H. Maliar.

Political crime is a socially threatening form of action by the ruling elite against opposition forces and individuals in the struggle for power or keeping it through violence, bribery, ideological manipulation, etc. It manifests itself in the following forms:

– first, it is internal, it is the political criminality of the government against its people;

– secondly – international, manifestations of criminal offenses against the government itself (crimes against the national security of the state, terrorist acts).

The third is worldwide. The motive is to protect one's power, ideology, way of life by attacking groups of citizens, united or mixed in terms of national composition, against any persons on the territory of another country. This can be done both ideologically and militarily (changing the borders of the territory or the state border; opposition to the democratically elected government; violation of the order established by the Constitution) ([http. rada.gov.ua](http://rada.gov.ua)).

In particular, to ensure this criminal offense, the Criminal Code of Ukraine provides for responsibility for calls for such actions (Article 110 of the Criminal Code of Ukraine); financing of actions committed for the purpose of violent change or overthrow of the constitutional order or seizure of state power, change of territory or state border of Ukraine (Article 110-2 of the Criminal Code of Ukraine); extreme actions, criminal repression, encroachment on the life of a state or public figure (Article 112 of the Criminal Code of Ukraine).

Criminalization of social relations occurs due to the destabilization of the socio-economic status of a significant number of the population. And if a significant number of people who are employed in the informal (shadow) economy survive at the expense of any work and do not have institutionalized social systems, they lose their cultural and psychological relationship with their society. And this leads to a conflict of interests with other individuals, conflict interaction and, as a result, its criminogenic variants. The weakness of national identity is also an important factor. Representatives of ethnic groups living compactly in the border regions, succumbing to the propaganda of the neighboring state, begin to identify themselves with its people. The separatist movement is growing. The weakness of the state is used by the repressive political power of the neighboring country, which does not share the political preferences (views) of the ruling party of the country and opposes it by inciting citizens to disobedience, rallies, holding illegal referendums on the declaration of independence of a certain region and in further ideological and political adherence to its ideology. And if the desire for political control over one's power,

ideology, way of life, and even the loss of the sovereignty of another state is not achieved, but there is a threat of losing one's power, as an extreme manifestation – a military attack is carried out, which leads to social and economic decline, the death of people (a whole generation), and in the final result, achieving one's goal – preserving one's power. In this aspect, it is appropriate to emphasize that military conflicts (hybrid wars), which are accompanied by active military actions, should be included in the category of social disasters.

War is an extreme situation that affects the life of a person, society, the state, and in a general sense, the national security of the state. The basis of this means of achieving the goal is violence, as a result of the socio-political activity of a circle of persons (political figures, parties, movements, regional communities, etc.) or state power, which sees as its goal the enslavement of socio-political stability in another state, economic progress, improvement of social – cultural level of the population. Such activity acquires the characteristics of political crime. Subjects of political crime bear criminal responsibility not for political views, but for the committed criminal offense.

So, for example, in order to preserve its power and spread it to other territories, starting from 2014, after the annexation of the Autonomous Republic of Crimea by the Russian Federation, military operations in the east of Ukraine and the subsequent illegal declaration by terrorist groups of the so-called LPR and DPR, the Russian Federation with On February 24, 2022, it started a full-scale war with Ukraine. This caused the forced resettlement of a large number of people from temporarily occupied territories, where, due to hostilities and disorganization, state authorities and law enforcement agencies cannot fully exercise their powers defined by the legislation of Ukraine. When people find themselves in an extreme situation, due to the weakening of social control, they cannot receive adequate medical care, pensions, protect their property, business, or receive compensation for the reconstruction of destroyed infrastructure. The actions of Russian terrorists destroyed the infrastructure of Kharkiv, factories in Mariupol, which caused technological and man-made disasters that affected people's health. The shelling and capture of the Chernobyl NPP and the Zaporizhia NPP and the damage to the power connection of the Khmelnytsky NPP and the Rivne NPP, according to the statement of the Director General of the International Atomic Energy Agency (IAEA) Rafael Mariano Grossi, are potential risks to the nuclear security of Ukraine. Later, the Russian authorities threatened to use nuclear weapons. The fauna and flora of the Black Sea region were also damaged (more than 500 Black Sea dolphins died). The destruction of power generating stations and networks, civil infrastructure led to a blackout not only in Ukraine, but also in neighboring Moldova.

It should be emphasized that crime in the temporarily occupied territories has its own characteristics, which are due to the impossibility of the effective existence of institutions of state bodies and civil society (Bogatyrev et al., 2020, p. 216). This led to the deterioration of the criminogenic situation, which is caused by the intensification of threats to the general criminal order (criminalization of economic relations; legalization of shadow capital; illegal trade in weapons, narcotics; hostage-taking, murder, theft, etc.). Violation of norms of International Humanitarian Law, laws and customs of war shows that the committed criminal offenses must be procedurally documented, identified and the guilty persons brought to criminal responsibility. It should be

emphasized that if the state loses control over threats, they will affect not only the social security of society, people's health, environmental security, food security, material well-being of the country, but also other states (the European Union, the Middle East, Africa) and their citizens, the safe existence of all mankind. As a result of such actions of the Russian Federation against Ukraine, the Parliamentary Assembly of the Council of Europe recognized Russia as a state sponsor of terrorism (Strasbourg, November 23, 2022), the Parliamentary Assembly of NATO countries also recognized Russia as a terrorist state (Madrid, November 21, 2022), and the UN General Assembly made a proposal for a reparation mechanism for Ukraine.

One of the components of political crime is terrorism, as one of the most dangerous forms of political activity. As noted by criminologists A. Schmid and A. Jongman, almost 65% of acts of terrorism in the world are carried out for political reasons (Schmid, & Jongman, 1998, p. 32). The UN General Assembly has repeatedly adopted resolutions regarding national, religious and international terrorism, but has not decided on its generalized legal definition.

In our opinion, political terrorism should be considered as an action of the government (totalitarian regime) to suppress the will of its people, political parties, movements, and leaders. It can also manifest itself as the action of citizens, parties, and movements who disagree with the current government (regime) while defending their rights and freedoms. The combination of these two opposite political motives is precisely what stands in the way of defining such a coordinated socially dangerous act as terrorism. At the same time, the international community is increasingly expressing an opinion about the impossibility of using violent terrorist actions to achieve national, political, religious and criminal goals. This, in particular, is emphasized in the final document of the "G8" ministerial meeting (Paris, 1996): "In the international community, the mood in favor of condemning terrorism in any of its manifestations and forms, regardless of motives, is strengthening", as well as in the Resolution of the UN Security Council dated January 20, 2003, No. 1456: "Any acts of terrorism are found to have no justification for crimes, regardless of their motive, whenever and by whomever they are committed, and are subject to unquestionable condemnation, especially in cases where they are indiscriminate or when civilians suffer from them". Today, the Russian Federation has violated the principles of peaceful, non-violent resolution of political problems generally accepted by the leading countries of the world, and by itself. As a result, it was excluded from this international organization.

The analysis of legal and psychological literature made it possible to distinguish the methods that political terrorism uses to achieve a criminal goal, these are:

- a) murders (individual, mass), beatings, torture, rape;
- b) taking hostages in order to make political or economic demands;
- c) the use of various types of weapons (the threat of using nuclear weapons);
- d) use of cyber attacks, information technologies, space means, etc.

The task is to cause the greatest damage to the social and economic infrastructure of the state, regardless of human casualties and the health of the population, to cause panic and despair among the population in the ability of the legitimately elected authorities to control the situation and ensure the livelihood,

safety and healthy lifestyle of the population.

The military component of terrorism consists in the implementation of subversive-terrorist war, participation in armed conflicts with the use of all types of weapons and means of mass destruction. And as a result, countries are involved in armed confrontations with territorial groups (paramilitary formations of political terrorism, in particular, the Wagner military formation, where state affiliation is carefully hidden) (Kozyrev, 2018, pp. 442-443).

Therefore, war as a means of political crime has a terrorist orientation and, in order to maintain power, manifests itself in the form of seizing foreign territories, hostages, sabotage, robbery, violence, murder, genocide, ecocide, humanitarian catastrophe, and the threat of nuclear danger.

Along with this, noting the consequences of natural disasters, technological and man-made disasters, as a result of a military conflict (hybrid war), for the livelihood and healthy lifestyle of the population, it is necessary to bear in mind not only the presence of the threats themselves, which arise as a result of the caused vulnerable factors (flooding, fires, shock waves, destruction of fauna and flora, destruction of power grids, gas leakage, radiation or chemical contamination of the territory, etc.), but also a negative psycho-traumatic effect on the health and feelings of a large number of people, which in interaction with a person's subconscious desire for survival can to influence his goal by any means to survive and, in particular, during the war. The Oxford explanatory dictionary singled out two main meanings of the term "terror". First, it is an extraordinary state of fear. Secondly, a person or thing that is the cause of extreme fear (Oxford Advanced Learner's Dictionary Oxford University Press, 1995). In this aspect, one can agree with M. I. Piren's opinion that from the point of view of political psychology, the goal is not so much the physical destruction of political opponents as the demoralization of living people by "creating neurotic stress in society" (Piren, 2003, p. 239).

And, if in the case of a causal relationship, in the form of a dynamic interaction, a corresponding physical influence is observed, then in the case of a statistical regularity, a single reason does not affect the birth of illegal behavior. In this case, its criminogenic influence is carried out not physically, but informationally, that is, by the transfer of certain information by the subject of the criminal offense. Informational processes in interaction with the mental unity of the subject form the direct subjective cause of the criminal offense, which is the motivation. Determinants of criminal offenses are concentrated both in anticriminogenic information and in criminogenic information that a person receives in the course of life, that is, in the course of a certain period of time. Therefore, the effect of one or another reason on the motive for committing a criminal offense must be determined from the whole mass of these reasons, as a statistical aggregate of their entire complex (Bogatyrev et al., 2020, p. 94-99).

Thus, the study of the determinants of crime, in particular political crime, as a social phenomenon in the modern conditions of existence of society and the world order, involves taking into account the connection of crime in the state with more globalized social phenomena and processes in the world (Topchii et al., 2021; Nikitin, 2009).

An equally important aspect that needs to be paid attention to as a consequence of criminal offenses during military conflicts (hybrid war) is the

health of society and, in particular, mental disorders of people of various manifestations, such as PTSD – syndrome. Scientific research on the impact on the state of social relations, human health and the study of post-traumatic stress syndrome PTSD, as a consequence of military actions, began as early as the 40^s of the last century (Kardiner's 1941 research). In the late 80^s and early 90^s of the 20th century, American and Soviet researchers dealt with the problems of PTSD syndrome, which was due to the similarity of the problems of Vietnamese and Afghan veterans. In the future, it gained relevance in connection with Russia's military operations in Moldova (90^s of the 20th century) and the North Caucasus (1994-1998).

According to research by scientists and, in particular, psychologists, one of the psychological features of people with PTSD syndrome is increased (more acute) perception. Such individuals want to feel non-standard, sharp sensations when communicating with other people, but at the same time remain safe. Such a psychological state is observed in persons who took a direct part in the war, and can be considered as a person's ability to extrapolate through himself, his experience of social-psychological or medical-psychological consequences of psycho-traumatic situations that a person suffered during hostilities. The presence of a real threat to a person's life and health, caused by significant psycho-emotional and extreme stress on his psyche, can lead to certain changes in the structure of personal characteristics and mental state. Such indicators as hysteroidity, psychasthenia, schizoidism, aggravation, paranoia, psychopathy are increasing. So, it can be emphasized that participation in military operations affects a person's mental state in a certain way. And this should be taken into account when communicating.

Along with this, such persons may also experience a decrease in active social communication, as an indicator of the "social introversion" scale, which indicates the need for their support in communication, further learning of new professions, and social support in adapting to life in peacetime. To do this, it is necessary to apply test and psychological programs aimed at increasing emotional stability, reducing psycho-emotional tension, neuroticism, aggressiveness, conflict, anxiety, worry and increasing social adaptation, improving mood. And as our research shows, this should be done not online, but offline – through live communication. The existing problem – post-traumatic stress syndrome – must be solved now, in the modern conditions of the war, and the further post-war peaceful existence of Ukraine.

Conclusions. Thus, war as a means of political crime and a threat to the national security of the state is connected with the maintenance of power. Its modern manifestation is characterized by scale, brutality, the involvement of a large number of people and has a structured and organized character. The military actions are aimed not only at aggravation and destabilization of the internal political situation in Ukraine, but at the achievement of a more significant (aggressive) goal of the Russian Federation authorities – seizing or redistributing power in Ukraine, changing laws, violently changing the state system, imposing one's way of life, morals, religions, etc.

Combating political crime, which causes military conflicts (hybrid wars), should be determined at the systemic level, worked out and methodically and methodically described in order to implement prevention and countermeasures by subjects not only in a specific state, region, but also in the world community.

Such decisions must be made on the basis of objective and systematic information about this or that crime, obtained through criminological management, statistical, sociological, psychological and other empirical data. Statistical and sociological data coming from global, national, regional divisions should be considered through the lens of the social nature of criminogenic phenomena, which will contribute to determining their effectiveness.

A clearly defined and socially conscious national identity is the key to the penetration of the nation's culture and traditions in ensuring the national security of the state.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Юрій НІКІТІН, Ірина НІКІТІНА
ВІЙНА ЯК ЗАСІБ ПОЛІТИЧНОЇ ЗЛОЧИННОСТІ
ТА ЗАГРОЗИ НАЦІОНАЛЬНОЇ БЕЗПЕЦІ:
ПСИХОЛОГО-КРИМІНОЛОГІЧНІ АСПЕКТИ

Анотація. У статті досліджується війна як засіб політичної злочинності та загрози національній безпеці: психолого-кримінологічний аспект. Наголошено, що при дослідженні детермінант злочинності потрібно сконцентрувати увагу на визначенні їх сучасного стану, який взаємообумовлений як із певними змінами в суспільстві України, так і взаємодією (політичною, економічною, соціальною, культурологічною тощо) із іншими державами. Закономірності розвитку суспільних відносин, а також міжнародно-правові зв'язки суттєво взаємопов'язані між собою. Це передбачає як модернізацію національного законодавства, так і відповідні зміни в Конституції країни. Потребує і реформування соціально-правового контролю за злочинністю, а також системно-узгодженого механізму суб'єктивного запобігання та протидії їй. Показано, що війна – це екстремальна ситуація, яка впливає на життєдіяльність людини, суспільства, держави, а в узагальненому вимірі – національну безпеку держави. Основа цього засобу щодо досягнення мети – насильство, як результат суспільно-політичної діяльності кола осіб (політичних діячів, партій, рухів, регіональних спільнот тощо) або державної влади, яка своєю метою вбачає зневілювання соціально-політичної стабільності в іншій державі, економічного прогресу, підвищення соціально-культурного рівня населення. Така діяльність набуває ознаки політичної злочинності. Суб'єкти політичної злочинності несуть кримінальну відповідальність не за політичні погляди, а за вчинене кримінальне правопорушення.

Політична злочинність являє собою суспільно загрозову форму дії правлячої еліти проти опозиційних сил та окремих осіб у боротьбі за владу або утримання її шляхом насилля, підкупу, ідеологічної маніпуляції тощо. Вона проявляється у наступних формах: 1) внутрішня – це політична злочинність влади щодо свого народу; 2) міжнаціональна – прояви кримінальних правопорушень проти самої влади (злочини проти національної безпеки держави, терористичні акти); 3) міжнародна. Мотив полягає у захисті своєї влади, ідеології, способу життя шляхом посягання груп громадян, єдиних чи змішаних за національним складом, на осіб на території іншої країни. Це може здійснюватись як ідеологічним, так і військовим шляхом (зміна меж території або державного кордону; протидія демократично обраному уряду; порушення правопорядку, встановленого Конституцією).

Обґрунтовано, що протидія політичній злочинності, яка спричиняє воєнні конфлікти (гібридні війни), повинна визначатись на системному рівні, опрацьовуватись та методологічно і методично описуватись з метою впровадження заходів запобігання та протидії відповідними суб'єктами не тільки в конкретній державі, регіоні, а і світовому співтоваристві. Такі рішення мають прийматись на основі об'єктивної та системної інформації про ту чи іншу кримінальність, отриману шляхом кримінологічного менеджменту, статистичних, соціологічних, психологічних та інших емпіричних даних. Статистичні та соціологічні дані, що надходять зі світових, національних, регіональних підрозділів, слід розглядати через призму соціальної природи криміногенних явищ, що і сприятиме визначенню їх результативності.

Ключові слова: політична злочинність, війна, загрози, безпека, запобігання злочинності.