Criminology of war in the current realities and the need for its development in Ukraine

Criminología de la guerra en las realidades actuales y la necesidad de su desarrollo en Ucrania

Criminologia da guerra nas realidades atuais e a necessidade de seu desenvolvimento na Ucrânia

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Abstract

Many Ukrainian citizens have moved to safer regions of our country or gone abroad. This has led to rethinking of human values, crystallization of attitudes towards death, in particular, whether we are ready to "lay down our lives for our friends" (John 15:13), and thus to exercise the highest expression of love for our neighbour. Our grandfathers and great-grandfathers, who survived famine and other shocks, were most afraid of war. The main wish after 1945 was a peaceful sky on the Earth. What spiritual power and strength was laid in the words of peace? However, seventy years of freedom gradually contributed to the loss of this feeling. The human heart has become petrified, and people have become cruel and hateful to each other, when for certain reasons global circumstances condone war. No one could have thought that our northern neighbor would destroy cities and villages, critical infrastructure of our country, with such force and pace. History and time will give answers to all the questions and condemn the criminals.

Keywords: Criminology, development, protection, territorial integrity, Ukraine.

Resumen

Muchos ciudadanos ucranianos se han trasladado a regiones más seguras de nuestro país o se han ido al extranjero. Esto ha llevado a replantearse los valores humanos, a cristalizar las actitudes ante la muerte, en particular, si estamos dispuestos a "dar la vida por nuestros amigos" (Juan 15:13) y ejercer así la máxima expresión del amor al prójimo. Nuestros abuelos y bisabuelos, que sobrevivieron al hambre y a otros sobresaltos, temían sobre todo la guerra. El principal deseo después de 1945 era un cielo de paz en la Tierra. ¿Qué fuerza y poder espiritual había en las palabras de paz? Sin embargo, setenta años de libertad contribuyeron gradualmente a la pérdida de este sentimiento. El corazón humano se ha petrificado, las personas se han vuelto crueles y odiosas entre sí, cuando por determinadas razones las circunstancias globales condonan la guerra. Nadie podía pensar que nuestro vecino del norte destruiría ciudades y pueblos, infraestructuras críticas de nuestro país, con tal fuerza y ritmo. La historia y el tiempo darán respuesta a todas las preguntas y condenarán a los criminales.

Palabras clave: Criminología, desarrollo, protección, integridad territorial, Ucrania.

Resumo

Muitos cidadãos ucranianos se mudaram para regiões mais seguras de nosso país ou foram para o exterior. Isto levou a repensar os valores humanos, cristalizar as atitudes em relação à morte, em particular, se estamos prontos para "dar a vida por nossos amigos" (João 15:13) e assim exercer a mais alta expressão de amor pelo nosso próximo. Nossos avós e bisavós, que sobreviveram à fome e a outros choques, tinham mais medo da guerra. O principal desejo depois de 1945 era um céu pacífico na Terra. Que poder e força espiritual foi colocado nas palavras de paz? Entretanto, setenta anos de liberdade gradualmente contribuíram para a perda deste sentimento. O coração humano ficou petrificado, as pessoas se tornaram cruéis e odiosas umas às outras, quando por certos motivos as circunstâncias globais toleram a guerra. Ninguém poderia pensar que nosso vizinho do Norte destruiria cidades e vilarejos, infra-estrutura crítica de nosso país, com tanta força e ritmo. A história e o tempo darão respostas a todas as perguntas e condenarão os criminosos.

Palavras-chave: Criminologia, desenvolvimento, proteção, integridade territorial, Ucrânia.

Vitalii Sokurenko 3

Science carries the burden of both value component and educational moments, ideological meanings of state policy, worldview, which, as a result, solves many urgent problems of practice. Without awareness of integrity strategies, it is impossible to develop effective tactics. The question is only in the basis, in fact the core, because it is laid in the essence of everything. And, from our point of view, this is the idea of theocentrism, to which we should face when the time has come.

I. INTRODUCTION

Professor V. O. Tulyakov emphasizes that now the concept of Ukrainian war is considered by criminologists in purely linear parameters. However, such developments will not give a new impetus to the theory of criminology and the practice of crime prevention. The first methodological problem: What and why do we analyze? War as a phenomenon, as a process, as a result, as a factor. Its connection with death and the right to life, the legitimacy of which no one can deny. According to anthropologists and sociologists of deviant behaviour, over the last 5,600 years there have been more than 15,000 wars in the world, which resulted in more than 3.5 billion human lives. The world order is changing, and warfare is diversifying into global, local, military conflicts, partisan wars, information, terrorist, consensual (hybrid), preventive (preemptive), etc. Although the metaphor of war (e.g., the war on terror, the war on crime, the war on drugs) is prominent in contemporary criminological discourse, criminologists have generally lagged behind other disciplines in exploring the reality of war and its implications for crime, punishment, and ideology.¹

The topic of war criminology is quite important to study in the scientometric and globally present aspect. When this commitment is reinforced by the religious component, in conditions when there seems to be no one to expect support and assistance from, the research is at times actualized in the direction of identifying criminogenic conditions, which can only be done by criminological science. This branch of science is the only one of its kind that studies crime problems, except for the sociology of crime, which is just a separate area of scientific research of general sociology. Today, the spiritual and present nature and properties of man are so impoverished that it seems that the way out of the situation may be the Second Coming of Christ — the Last Judgment of God, which everyone fears because of the incorruptibility of the Just Judge. The apocalyptic era of the present day has especially spread due to the global development of the media.

DIXI

¹ V. O. Tulyakov. WAR AND CRIME: METHODOLOGY OF CRIMINOLOGICAL ANALYSIS. STUDY OF THE CRIMINOGENIC SITUATION IN UKRAINE AND FORECASTING ITS FURTHER DYNAMICS (IN-FLUENCE OF MILITARY FACTORS). Machulin. (2022). P. 21

Perhaps in this vein scientific research should be carried out when humanity is called to reflect on the values of the Good, Intelligent, Eternal. In this concept, it is important to carry out further scientific research from the standpoint of everything experienced by our peoples, when it seemed that in the hopelessness came the great power of God, and the help of Heaven in the key of high, valuable, divine, setting the rhythm, imprints the present and future generations when "the voice of one crying out in the wilderness" will still be heard through the great number of the heavenly army, and with its help one manages to fight the darkness of "a thousand, thousands of atrocities", if the time has come and the cup of the Lord's wrath is overflowing.

II. PURPOSE AND METHODOLOGY OF THE STUDY

The main purpose of the scientific research is to analyze many positions related to the military sphere in the direction of developing a new course, which is very relevant today – the criminology of war – due to its main trends in the context of the Russian-Ukrainian aggression, where it is possible that world players of a civilizational scale are involved. It is very important to resist evil in such conditions.

The methodology of the work is interdisciplinarity and scientometricity, as well as a set of general scientific and special scientific methods. The use of historical and theological methods made it possible to delve into the seven-thousand-year history of mankind, which significantly actualizes criminological science, makes it alive and true.

III. REVIEW AND DISCUSSION

3.1 The national security system under martial law

The methodology of studying crime as a social construct and crime and as a social institution undergoes significant changes during the war. The four horsemen of the apocalypse. Plague, War, Famine, Death...²

Thus, the cover of *The Economist* magazine 2019 interprets the apocalypse described by St. John the Theologian.³ The plague of COVID-19, the War and the associated Famine in a large part of the Global South, the unpredictability of world development in the dynamics of the bifurcation point make it possible to state that the

² Id. P. 20

³ Haqeeqat TV. The things have started for The Economist magazine 2019 cover [video]. YouTube. 2019.

World Apocalypse is a given that is subject to special analysis from the point of view of the development of criminological theory and practice. The general position is the relative unpredictability of the processes of nonlinear development and connections of social phenomena and processes.⁴

Only the lazy one has not written about the development of relations between organized crime and the COVID-19 pandemic.⁵ It can be seen that the development of this problem has brought many inventions in science.

The security and defence sector is a set of state organizations and institutions that are empowered to apply coercive measures to counter external or internal threats to the state and its citizens.⁶ V. Teremetskyi noted that the defense capability of the state is measured not only by material resources, but also by resistance to foreign propaganda and disinformation that can destabilize the political situation or change public opinion through manipulative operations. The development of digital technologies gives everyone more and more opportunities to create, distribute and receive information. At the same time, the risks of misuse of information are growing, but democratic processes and consolidation of efforts of states allow to effectively modernize the means of combating such phenomena.

Disinformation as a phenomenon of the information environment is unlikely to disappear completely, but it is possible to minimize its impact on individuals and the state to form an ideology of critical assessment of any news and messages. Globalization of the information space and informatization of society carry certain risks, the fight against which directly affects the security of the individual and the state. According to the scientist, proper legal regulation is the main tool in the fight against disinformation and cyber threats. Ukraine, as a direct participant in the information war, is obliged to support and involve European initiatives to strengthen information security at the national level. The first steps should be updating the legislation on information, increasing the role of information security in national security acts, approving the Strategy for Countering Disinformation and the Strategy for Information Security, improving the institutionalization of countering disinformation and cybersecurity, etc.⁷

- 6 A. A. Nikitin. Organization of the National Police as a subject of the security and defense sector. BULLETIN OF KHARKIV NATIONAL UNIVERSITY OF INTERNAL AFFAIRS 2. 2022. P. 207
- 7 V. Teremetskyi, K. Tokarieva, Iu. Dziuba, N. Shelukhin, O. Predmestnikov & U. Parpan. Combatting disinformation and cyber threats in the European Union and United States: Lessons for Ukraine. JOURNAL OF LEGAL, ETHICAL AND REGULATORY ISSUES 24. 2021.

⁴ V. O. Tulyakov, *supra*, note 2. P. 20-21.

⁵ M. M. Zabarnyi. Criminological analysis and crime trends in the period before and after the pandemic in Ukraine and some foreign countries. PRYKARPATTIA LEGAL BULLETIN 38. 2021. https://doi.org/10.32837/pyuv.v0i38; L.I. Arkusha. GENERAL CHARACTERISTICS OF CRIMINAL ACTIVITY UNDER QUARANTINE CONDITIONS. Helvetica. (2020). Pp. 201-204.

The essence of combat readiness of military units and subunits is their combat capability, which is determined by the totality of combat capabilities to perform certain tasks in accordance with the functional purpose. Combat capability depends on many factors, in particular, staffing and combat training of personnel and units in general, provision and state of combat readiness of weapons and military equipment, as well as availability and actual condition of material and technical means necessary for the performance of tasks. The combat readiness of weapons and military equipment is determined by the degree of its readiness for application (use) during the performance of combat tasks assigned to the military unit.⁸

In addition to the above, an important indicator is the level of material, technical and financial support of the army. It is an undeniable fact that the combat readiness of the army is virtually impossible without sufficient funding. An important factor is the quality of staffing of both the leadership and the rank and file of the army.

The image of the armed forces is a certain system of relations between the military and society. Its has six main elements: i) the official policy of the state in the spheres of defence and military construction; ii) functions performed by the armed forces in the state and society; iii) information policy and propaganda activities of the state in the promotion of military service; iv) corporate culture of military personnel; v) advertising and PR activities of military structures; vi) experience of communication of citizens with military structures or their representatives. To optimize the process of creating a positive image of the army, an effective strategy is needed. The strategy of forming a positive image of the army is a plan that combines priority tasks, means, forms, methods, resources, as well as a sequence of measures to achieve positive image characteristics of the armed forces as a state institution.⁹

3.2 Criminology of war within the national and European dimension

Ruth Jamieson, in the work "Towards a Criminology of War in Europe", noted that:

Contemporary criminology's reluctance to focus on war and armed conflict is all the more surprising when one considers (a) that war as an empirical field of study is a dramatic example of mass violence and

⁸ V. Zvonko. Suddenly there was a war, and the equipment was handed over for repair. Ukrainian Military Pages (website). May 17 2021.

⁹ V. Danilov. Peculiarities of image formation of the Armed Forces of Ukraine. POLITICAL MANAGEMENT 38. 2009. P. 88-95, 90.

Vitalii Sokurenko 7

victimization in extreme settings; (b) that these issues of violence and human rights violations are addressed, in particular, through state action. [...]; (c) that they often involve both concerted and individual (often gender-specific) human action and collusion; (d) that war and states of emergency entail massive increases in social regulation, punishment and ideological control [...]¹⁰

European and global practices are based on the fact that the relationship between war and crime, recognized throughout history, attracts the attention and concern of researchers, government officials, politicians and the general public. However, methodological problems limit the ability to identify the precise circumstances under which war and crime are causally linked. A wealth of evidence suggests that war is often followed by an increase in violence, but there are important exceptions to this pattern. On the one hand, chaos and instability have always been fertile ground for organized crime and the criminal networks that typically operate in Eastern Europe.

The conflict in Ukraine is a golden opportunity for nefarious groups to exploit desperate and vulnerable people who are tired of death and destruction. It is no coincidence that the rise and empowerment of organized crime syndicates around the world have always been closely linked to some form of chaos such as social, political or economic. Russian President Vladimir Putin's war in Ukraine has created risks much like those that have given life and breath to the powerful criminal organizations that have plagued both countries in the past. Each phase of the conflict, from active confrontation to the cessation of hostilities, presents specific risks that must be carefully monitored.

By the way, these are common risks in relation to other phenomena of the apocalyptic environment. To this end, back in May 2021, the European Union Council adopted conclusions setting out the European Unions's priorities for 2022-2025 in the fight against serious and organized crime through the European Multidisciplinary Platform against Criminal Threats (EMPACT).

It is proposed to monitor ten targets with increased risks of adverse dynamics in times of social disasters (pandemic, war, famine, deaths) and the recovery period: i) high-risk criminal networks with a special focus on those who use corruption, acts of violence, firearms and money laundering through parallel underground financial systems; ii) cyber attacks; iii) human trafficking and sexual exploitation of children;

¹⁰ R. Jamieson. *Towards a criminology of war in Europe*. In: V. Ruggiero., N. South & I. Taylor (eds.). THE NEW EUROPEAN CRIMINOLOGY: CRIME AND SOCIAL ORDER IN EUROPE. Routledge. (1998).

iv) smuggling of migrants (Africa and enclaves); v) drug trafficking; vi) fraud, economic and financial crimes, including Internet fraud, excise fraud, intellectual property crimes, counterfeiting of goods and currencies, criminal finance; vii) organized property crimes, with particular emphasis on theft and robbery, motor vehicle crimes and trafficking in cultural property; viii) environmental crimes; ix) illicit trafficking in firearms; x) production and presentation of forged and false documents.¹¹

The European vector of development requires that the elaboration of new criminal legislation and criminological science of Ukraine should be based on the use of modern European discourses of the development of public understanding of the importance of criminal law influence, taking into account the system of European legislation in the public law plane, judicial practice and legislative and drafting work of the European Union.

Thus, these EMPACT priorities are perhaps the basis for the development of a methodology for the criminological study of the relationship between war and crime in modern conditions.¹² Regarding the separation of "criminology of war" as opposed to "military criminology", we emphasize that the amorphousness of the categorical apparatus and the multi-vector nature of military risks cannot make the concept of war a criminological constant.¹³

A separate issue is the problems of victimology of military operations from the victimization of the civilian population, issues of reparations and compensation, to the coverage of the problem of "soldier as a victim" (consent to violence, necessary defense, combat immunity and compensation), and the state as a victim (victimization of social communities, reparations and sovereignty, destructive victimization). Such an analytical challenge may affect the development of theoretical and conceptual effectiveness of victimology in the problem of the concept of "victimological other" in extreme situations.

Returning to the methodological origins of the criminological study of war, the study of the problem should be comprehensive, from the destructive behaviour of the state and social communities to individual risks of victimization and their prevention.

¹¹ Council of the European Union. Fight against organised crime: Council sets out 10 priorities for the next 4 years. EU Monitor. May 26 2021.

¹² See V. O. Tulyakov, supra, note 2. P. 20-23.

¹³ Ross McGarry. *Why a criminology of war*? Centre for Criminological Research Seminars, University of Sheffield. 2016.

3.3 Military medicine (review of the basic requirements for the quality of medical materials for medical and preventive and military hospital needs)

Criteria for evaluating the properties of medical sorbents. In medicine, sorbents based on natural and synthetic resins, synthetic polymers, indigestible lipids, silicon, natural organic sorbents based on dietary fibers, cellulose and its derivatives, hydrolyzed lignin, chitin, pectins, alginates, etc., are mainly used for entero-, hemo- and immunosorption. Since ancient times, mankind has been using charcoal as a therapeutic agent, and today carbon sorbents occupy a special place in medicine. In particular, due to their high sorption qualities, activated carbon fibers from hydrate cellulose are used in the manufacture of filters for purification of biological fluids from toxic substances, for respiratory protection, etc.¹⁴

Two positions of research of this topic from the criminological and theological positions are crystallized for us, namely: the military sphere (hence the corresponding direction will be formed such as "criminology of war" in terms of developing strategies, policies and ideology), and the military sphere as a guarantee of developing tactics, methods in achieving victories. Here we will have to delve deeper into the trends and features of war crimes and crime in a state of war (the cities of Bucha, Gostomel and others, where there were the most victims), since strategies and tactics are inseparable from each other in building the present and future prospects. On the other hand, it is important to prevent the spread of war as a fact and global phenomenon.

A large amount of scientific material, primarily from national libraries, needs to be summarized in the key of searching for the common root words "war" and "army" from an interdisciplinary perspective, the formation of the current security environment of the country in this key, etc. This problem is especially important for the study of war crimes from the criminological and criminal law positions, which occupy a separate role in the Criminal Code of Ukraine, which, in fact, is carried out by us.

As for scientometrics, it should be noted that the library named after V.I. Vernadskyi alone has more than 8,000 scientific articles devoted to the military sphere, and more than 4,000 to the war. In total, it is more than 12,000 scientific articles. Here, it is necessary to make a scientometric cut of scientific works of Ukrainian authors and choose the rationality, which over the years of work with scientific sources is visible and immediately catches the eye of the scientist. Undoubtedly, such work will certainly

¹⁴ I. V. Kononko, V. P. Sergeev, V. D. Klimov & N. V. Kononko. Review of the basic requirements for the quality of medical materials for medical and preventive and military hospital needs. Applied aspects. BULLETIN OF THE NATIONAL ACADEMY OF SCIENCES OF UKRAINE 9. 2022. Pp. 50-63.

give a result that is important and requires efficiency of actions, sharpness of thinking to fulfill the tasks, because time is limited to succeed in doing so much. Perhaps now some scientific works will determine the foresight in solving the problems of war and achieving the long-awaited peace. History is cyclical, it repeats itself, the answers to many questions are already laid in the past. However, each epoch must give its goldsmiths, "thinking figures", whose words will be listened to by others.

IV. CONCLUSIONS

People have lost their homes, everyday items that have been accumulated over the years in the conditions of impoverishment; the attitude of a person to the value of human life in the aspect of sacrifice for his neighbor is being manifested. Especially striking is the dedication of individuals, the flower of the Ukrainian people and nation – the scientific community – to leave everything and go to the front just when so much could be done in science. As we can see, the profession does not choose, and fate and conscience calls everyone in due time for the sake of the neighbour.

On the other hand, the acquired competencies are of great importance for the further development of the scientific school, as it was in the post-war years, when most professors came from the front to study and teach in educational institutions. The figure of a great man, the first vice-rector of Yaroslav the Wise University Volodymyr Stashys is worth mentioning. Perhaps in this way the best qualities of a person, their professionalism can appear. And let us remember the blockade of big cities, those who survived it, how much kindness and compassion there was for the neighbour, which dissipated in the course of the years, when a person is ready to share the last piece of bread, because if a neighbor die, then his or her death is on our conscience.

Since all the attention of the world community is focused on Ukraine, which has become a kind of buffer zone to protect the civilized world from Russian aggression, we are increasingly thinking about geopolitical strategies and tactics of a new division of territories, when the world ceases to be the way we used to perceive it until now. This is a kind of a given and a reality to which the civilization of the xxi century has come. On the other hand, the winter is ahead, where Russia's aggressive attitude towards European countries and the United States is manifested in constant terrorism against heat. Attempts are being made to create an artificial global famine, where the world players of the hegemonic powers are involved, and as a result of the relevant policy, a person, an ordinary citizen suffers.

The reason for these processes is its spiritual impoverishment in many respects. Hence the troubles and upheavals. How to get out of such states. It is a matter of regularities, not accidents. For more than 7,000 years of the history of mankind, there is no other way than repentance for their own crimes before God, so in these processes it is so important to develop criminology as the latest direction of scientific research, which is able to make dramatic changes in the minds of the intellectual elite of society, and hence many nations of the present and future.

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