

Legal and Cultural Foundations for Improving Criminal Liability for Wartime Collaboration in Ukraine

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Abstract

Following Russia's full-scale invasion of Ukrainian territories, there have been significant changes in Ukrainian criminal legislation, particularly regarding the liability of individuals for collaboration with the aggressor country. Prior to 2022, the law included provisions specifically addressing treason, which encompassed three forms of criminal behavior: defecting to the enemy during wartime, espionage, and aiding foreign entities in subversive activities against Ukraine. New provisions have been introduced to establish liability for wartime collaboration in addition to treason; however, these provisions lack legal clarity and precision. This study analyzes relevant court decisions under Article 111-1 of the Criminal Code of Ukraine to identify patterns in judicial practice and assess both the effectiveness and shortcomings of the current legal framework. Beyond the legal aspects, the paper also examines the cultural dimension of collaboration, focusing on the preservation of cultural heritage amid occupation and information warfare. This research aims to develop scientifically grounded principles for legislators to consider when amending the provisions related to criminal liability for wartime collaboration. The methodology of this research employs historical, comparative-legal, logical, and system-structural methods. This paper proposes the establishment of a special commission tasked with refining criminal law to address the complex nature of liability for wartime collaboration. The outcomes of this commission's work should produce well-founded legal norms that are economically, politically, and socially balanced, clearly defining the forms of criminally punishable wartime collaboration and establishing appropriate sanctions.

1. INTRODUCTION

Criminal liability for wartime collaboration concerns the application of legal sanctions to persons who voluntarily assist the occupying authorities or an enemy state in a manner that undermines national sovereignty, territorial integrity or public order during hostilities. Unlike high treason, which traditionally requires a direct intention to betray the state, collaborationism

encompasses a wider range of behaviors that support the enemy indirectly or under occupation. In Ukraine, this includes participation in illegal political, administrative, economic, military, educational, and informational activities organized by the aggressor state or its intermediaries.

Criminal liability for collaborationism is an essential element of protecting the national security of Ukraine in conditions of external aggression and occupation of part of its territory. Given the historical and political background of the Russian-Ukrainian war, this issue has become particularly relevant. Ukrainian and international studies focus on defining the boundaries of criminal responsibility, differences between wartime collaboration and treason, and on analyzing international experience in criminalizing such acts.¹ To date, many scholarly papers on criminal liability for wartime collaboration have already been published in Ukraine.² Several works have been published in which the authors revealed the objective and subjective features of wartime collaboration,³ distinguish them from related actions⁴ and solve the issue of a combination of criminal offences in cases of wartime collaboration.⁵

After the beginning of Russia's full-scale invasion in 2022, Ukraine criminalized war collaboration through Article 111-1 of the Criminal Code of Ukraine (hereinafter – CCU). Several studies⁶ show that these provisions differ significantly from the international approach because the majority of

¹ Andrii Andriyovych Vozniuk. *Novels of the criminal legislation of Ukraine, adopted in the conditions of martial law* (Kyiv: Norma prava, 2022), 110-112.

² Roman Movchan, "Criminal law novel about collaborative activity: law-making and law-enforcement problems," *Current Issues of Criminal-Legal Qualification, Documentation and Investigation of Collaborationism: Materials of the All-Ukrainian Scientific and Practical Conference* (2024): 75.

³ See Lyudmila Kulyk, "Concept and content of collaborative activity," *Current Issues of Criminal-Legal Qualification, Documentation and Investigation of Collaborationism: Materials of the All-Ukrainian Scientific and Practical Conference* (2023): 57 and Mykola Malanich, "The current state of the definition of the category of collaborationism in the conditions of martial law," *Current Issues of Criminal-Legal Qualification, Documentation and Investigation of Collaborationism: Materials of the All-Ukrainian Scientific and Practical Conference* (2023): 59.

⁴ See Valerii Gavrilyuk, "Peculiarities of distinguishing collaborative activity (Article 111 of the Criminal Code) from treason (Article 111 of the Criminal Code)," *Current Issues of Criminal-Legal Qualification, Documentation and Investigation of Collaborationism: Materials of the All-Ukrainian Scientific and Practical Conference* (2023): 28 and Kyu Honcharenko, "Treason or collaborative activity?" *Problems of qualification of crimes against the foundations of national security*, *Law: Collection of scientific works of Kharkiv National Pedagogical University named after H.S. Skovoroda* 36 (2022): 3.

⁵ See Evhen Pysmenskyi. *Investigating collaborative activities* (Kyiv: Dakor Publishing House, 2024), 96 and TS Vaida, "Collaborative activity in war conditions: concepts, documentation and criminal liability for illegal actions/activities," *Current Issues of Criminal-Legal Qualification, Documentation and Investigation of Collaborationism: Materials of the All-Ukrainian Scientific and Practical Conference* (2023): 44.

⁶ See for example Yulia Bohdan, Oleksandr Kalynovskyi, and Sofiya Shchur, "Civilian Hostage Legal Protection in Times of War: Pursuing Effective Tools to Ensure Their Constitutional Rights and Freedoms," *Journal of International Legal Communication* 11, no. 4 (2023): 84.

countries (for example, France, and Norway) define such actions as high treason. Moreover, critics emphasize the legal uncertainty of the new provisions, which complicates their application.⁷

The amendment to the Article 111-1 “Collaborationism” of the CCU was based on the Draft Law of Ukraine No. 5144 “On amendments to certain legislative acts (regarding the establishment of criminal liability for collaborationism)” dated February 24, 2022. According to the explanatory note, the objective is to limit access to occupy positions of state or local self-government bodies for a period of 15 years and to impose other penalties on those who have collaborated with the hostile state, its occupying authorities, and/or its illegal military and paramilitary units. It also prescribes to liquidate legal entities whose authorized representatives engaged in wartime collaboration, thereby establishing criminal liability for the actions specified in the mentioned provision.

However, this new legislative norm caused a lot of discussions among scholars, practitioners, and law enforcement agencies concerning the scope of its application and the differences between wartime collaboration and related crimes. Despite the critical remarks, the bill was adopted, and since then the legislator has been trying to improve the adopted provisions. A detailed examination of case law shows that due to the legal uncertainty of this provision, courts address the following issues differently: distinguishing collaborationism from related criminal offenses; the presence or absence of a combination of criminal offenses; boundaries of the illegality of the such actions; and their punishability.⁸

A comparative analysis of the criminal codes of other countries, among others the Czech Republic, Lithuania, and Denmark indicate different approaches to the definition and punishment for collaboration while countries, such as France and Norway, do not have special norms for wartime collaboration.⁹ This indicates the uniqueness of the Ukrainian approach, which requires detailed scientific analysis and reasonable improvement to ensure a clear understanding and uniform application in practice. To criminalize certain forms of wartime collaboration, it is necessary that international institutions recognize the occupation of parts of the territory of Ukraine by Russia and the possibility of applying EU sanctions against the Russian Federation.¹⁰

⁷ *Ibid.*, 7. See also Oleksii Malovatskyi, “The Correlation of the Responsibility of the Individual and the State within the Legal Framework as a Prerequisite for International Legal Responsibility of the state,” *Legal Horizons* 16, no. 1 (2023): 12.

⁸ Bohdan Holovkin et al, “Fight against Corruption-related Crimes in Wartime in Ukraine,” *International Annals of Criminology* 61, no. 3-4 (2023): 389.

⁹ Comparative analysis will be further explored in Section 2.3.

¹⁰ Vitaly Kuts and Yana Trynova, “Concerning the Concept of Criminal Offense and its Types,” *Legal Horizons* 21, no. 2 (2024): 46-52.

Apart from the legal dimension, the cultural aspect of collaborationism is significant. The CCU provides for responsibility for information support of the aggressor.¹¹ However, legal scholars emphasize the need to expand legal norms in the field of information security in order to counteract Russian propaganda and fake narratives more effectively.¹²

A comparative study conducted by Movchan et al (2025) regarding collaboration with the enemy under the criminal law of Ukraine and other European states seems have similarities with the present research. However, this manuscript focuses more on case law, based on an analysis of 300 court decisions, and examines the legal gaps in the Criminal Code on collaborationism and its compliance with international humanitarian law.¹³ Sobko et al (2024) discusses military violent crime in the Ukrainian criminal law system by focusing on legislative inconsistencies and classification of war-related crimes.¹⁴ Kovalchuk (2024) explores criminal liability for state treason through a comparative lens from Ukraine and other countries experiences and proposes ideas for improving Ukraine legal framework.¹⁵ Mishchuk (2023) highlights the problems of criminal law in Ukraine, including, the collaborative activities¹⁶ and identifies two legislative acts (Laws of Ukraine No. 2107-IX and No. 2108-IX), which were enacted to guarantee any persons who participated in collaboration activities is criminally liable.¹⁷

This paper aims to establish principles that legislators can use to enhance the laws that criminalize wartime collaboration. The recommendations provided in this study create a clearer and more transparent legislative framework that aligns with both national interests and international legal standards. This will improve the effectiveness of the legal system in Ukraine in addressing wartime collaboration. The novelty of this research lies in the need to ensure legal certainty and the effectiveness of criminal liability for wartime collaboration, which is particularly important for safeguarding Ukraine's national security. Additionally, it explores cultural aspects in the context of preserving national memory, protecting cultural heritage, and resisting ideological influence through education and media.

¹¹ The Criminal Code of Ukraine, Art. 111-1 (6).

¹² Ganna Sobko et al, "Military violent crime in the Ukrainian criminal law system: Analysis, gaps and prospects," *Archiwum Kryminologii* 46, no. 2 (2024): 15.

¹³ Roman] Movchan et al, "Collaboration with the Enemy under the Criminal Law of Ukraine and other European States: Comparative Research," *Amazonia Investiga* 14, no. 85 (2025): 49-51.

¹⁴ Sobko et al, *op.cit.*, 10-12.

¹⁵ Olena Kovalchuk, "Criminal Liability for State Treason: Domestic and Foreign Experience," *Bulletin of Lviv Polytechnic National University. Series: Legal Sciences* 11, no. 2 (2024): 74.

¹⁶ Mykola Mishchuk, "Features of Responsibility for Criminal Offenses during Martial Law in Ukraine: A Legislative Review 2022-2023," *Visegrad Journal on Human Rights* 5 (2023): 35.

¹⁷ *Ibid*, 36.

The study of the principles of improving criminal liability for collaborationism is based on an analysis of specialized empirical and theoretical materials. The material is comprised of the sentences passed by the Ukrainian courts under Article 111-1 of the CCU. It conducted a detailed analysis of 300 Ukrainian court decisions related to collaborationism, sourced from the Unified State Register of Court Decisions.¹⁸ This dataset covered cases from 2022 to 2024 across multiple regions of Ukraine, providing a broad and representative sample. The research was carried out over a two-year period, from early 2022 until mid-2024, allowing the authors to systematically examine how collaborationism was prosecuted and adjudicated in practice, identify patterns in legal interpretation, sentencing, and enforcement, and assess the consistency and effectiveness of the existing legal framework. The selection focused on first-instance criminal verdicts delivered under Article 111-1 of the CCU. Each case was analyzed using content analysis to determine the factual circumstances, legal qualification of the acts, models of judicial interpretation, and severity of the punishments imposed. This approach facilitated classifying the key forms of wartime collaboration, identify inconsistencies in the application of legal provisions, and assess the overall effectiveness of the current legislation.

Several methods were employed to analyze the data obtained. Specifically, the application of system analysis and the system-structural method helped identify the boundaries of prohibited behavior, distinguish between collaboration and related criminal offenses, and evaluate the public danger posed by individual actions. These methods also highlighted the shortcomings of existing laws and underscored the need for their improvement. The historical method pinpointed key moments when Russia was recognized as an aggressor state on a global scale to the changes in international institutions' attitudes toward the hostility in Ukraine since 2014. This understanding facilitated an examination of the societal factors that influence criminal responsibility for wartime collaboration under current conditions.

The comparative method was used to analyze the legislation of various countries that criminalize wartime collaboration. This involved investigating both objective and subjective indicators of acts that are comparable to collaborationism in the laws of other nations. This analysis identified a range of related acts that, within the legislative frameworks of these countries, are classified as crimes against state security. Additionally, the logical method was employed to identify gaps in the current legislation, formulate

¹⁸ Medirent, "The Unified State Register of Court Decisions," <https://medirentgroup.com/projects/project/yedynyi-derzhavnyi-reiestr-sudovykh-rishen>. As the 300 Ukrainian court decisions related to collaborationism are neither mentioned in the footnote nor listed in the bibliography, the authors declare that they have read and retained these court decisions in their research instruments.

recommendations for improving legal norms, and draw conclusions on enhancing criminal liability for wartime collaboration.

2. RESULT AND ANALYSIS

2.1. Types of Collaborationism which Presuppose Criminal Liability and the Concept of Cultural Collaborationism

As of today, the issues of distinguishing collaborationism from acts of state treason, assisting the aggressor state as stipulated in Article 111-2 CCU, and denying the armed aggression by Russia against Ukraine as stipulated in Article 111-2 CCU, have not been resolved by existing scientific achievements, judicial practice, and legislative activity. Although Article 111-1 of the CCU provides for imprisonment for almost all forms of collaboration, in practice courts often apply suspended sentences or reduced penalties under Article 69 of the CCU, even in cases of clear ideological or material support for the aggressor state. Such a discrepancy between the gravity of the offense and the leniency of the sanctions undermines the preventive function of criminal law and public confidence in justice. Moreover, the current structure of Article 111-1 of the CCU does not differentiate between degrees of culpability sufficiently, treating passive administrative cooperation and active military support as equally punishable by imprisonment without a clear grading system.¹⁹ At present, depending on the sphere in which collaborationism is committed, the following types of collaborationism can be identified.

Education is one of the key areas in which culture intersects with criminal responsibility for war collaboration.²⁰ The use of propaganda in education and the implementation of the aggressor state's curricula are not just ideological acts; they serve as tools of cultural assimilation and political enslavement.²¹ For example, in the temporarily occupied territories of Donetsk, Luhansk, Zaporizhzhia, and Kherson regions, reports from the Ministry of Reintegration of Ukraine and civil society organizations indicate that Ukrainian curricula are being replaced by Russian educational standards in history, literature, and civic education. This policy is aimed at undermining national identity of the Ukrainians and legitimizing the Russian occupation regime by shaping the collective memory and values of future generations. In such a way, education becomes a means of wartime collaboration when teachers, school administrators or education officials implement the occupier's ideological policy voluntarily.

¹⁹ Oleksandr Babikov et al, "The Observance of Human Rights and Freedoms during the Covert Obtaining of Information in Criminal Proceedings," *Bialostockie Studia Prawnicze* 29, no. 4 (2024): 199.

²⁰ Ayesha Ahmad and Simon Dein, "Does culture impact on notions of criminal responsibility and action? The case of spirit possession," *Transcultural Psychiatry* 53, no. 5 (2016): 674.

²¹ The Criminal Code of Ukraine, Art. 111-1 (3).

This is in line with the concept of cultural collaborationism, which involves the dissemination of hostile narratives through state-sanctioned cultural and educational means.²² Moreover, the role of historical memory in resisting wartime collaboration is critical. When Ukrainian history is suppressed, and occupation narratives are promoted, for example, by calling the 2014 Revolution of Dignity a “coup” or denying the occupation of Crimea, such education contributes to the normalization of aggression. Therefore, legal mechanisms of criminal liability should go beyond punishment for specific actions and include a state-supported policy of national memory, as set out in the Law of Ukraine “On Condemnation and Prohibition of Propaganda of Russian Imperial Policy”, which aims to promote ideological cooperation in education and culture.²³

The information space is another area where legal and cultural aspects are closely intertwined. The dissemination of narratives that deny the armed aggression²⁴ and the information support for the aggressor country²⁵ harm the state security and change the cultural landscape of society. Using the media to disseminate the ideology of the enemy can affect the perception of war and legitimize aggression in the eyes of the population. In view of this, it is advisable to improve the legal mechanisms that allow to bring to justice those who disseminate propaganda and carry out information security measures by supporting independent Ukrainian media, developing critical thinking in society, and exposing fake narratives.

The preservation of cultural heritage during the war and occupation is also worth discussing. The destruction of historical monuments, the rewriting of history, the removal of Ukrainian artifacts from museums are forms of cultural collaboration that should have legal consequences.²⁶ These actions support the ideological goals of the aggressor state and destruct Ukrainian identity and historical continuity. Since the beginning of Russia’s invasion of Ukraine, UNESCO and national heritage institutions have documented extensive damage to cultural sites, including churches, museums, libraries, and monuments.²⁷ As of early 2024, more than 400 cultural sites were

²² Clara Rigoni, “Crime, Diversity, Culture, and Cultural Defense,” in Oxford Research Encyclopedia of Criminology, 34. Oxford: Oxford University Press, 2018. <https://doi.org/10.1093/acrefore/9780190264079.013.409>

²³ Verkhovna Rada of Ukraine, Law of Ukraine “On Condemnation and Prohibition of Propaganda of Russian Imperial Policy”, 2023, <https://zakon.rada.gov.ua/laws/show/3005-20#Text>

²⁴ The Criminal Code of Ukraine, Art. 111-1 (1).

²⁵ *Ibid*, Art. 111-1 (6).

²⁶ Marc Koscijew, “Endangered Cultural Heritage in the Russia-Ukraine War: Comparing and Critiquing Interventions by International Cultural Heritage Organizations,” *International Journal of Heritage Studies* 29, no. 11 (2023): 1158.

²⁷ Marc Koscijew, “Facing Threats to Libraries and Cultural Heritage in the Russia-Ukraine War: A Case Study and Comparative Review of the Library and Information Community’s Responses to the Conflict,” *Journal of Librarianship and Information Science* 57, no. 1 (2023): 193.

damaged or destroyed, including the Kuindzhi Art Museum in Mariupol and the Hryhorii Skovoroda Museum in Kharkiv region.²⁸ In addition, there is credible evidence of the forced transfer of Ukrainian cultural artifacts from museums in the occupied territories to Russian-controlled territories. This includes not only works of art and historical documents, but also digitized archives and library collections.²⁹

Such actions are reminiscent of cultural looting during armed conflicts that violate international norms such as the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, to which both Ukraine and Russia are parties³⁰ Cultural collaborationism in this context implies voluntary cooperation with the occupation authorities in facilitating the destruction, removal or reinterpretation of Ukrainian cultural heritage. Examples of such collaboration include museum staff assisting in the relocation of exhibits, local administrators authorizing the renaming or demolition of cultural monuments, and educators or historians publicly supporting the Russification of historical narratives. These actions constitute symbolic violence against the identity and memory of the Ukrainian nation. From a legal point of view, criminalization of collaborationism should include provisions for cultural cooperation, especially when such actions lead to the irreversible loss or falsification of heritage. From a legal point of view, criminalization of collaborationism should include provisions for cultural cooperation, especially when such actions lead to the irreversible loss or falsification of heritage.³¹

Criminalizing the cooperation with occupation administrations in destruction or appropriation of cultural heritage is an important mechanism for protecting national identity. For example, the legal liability should include sanctions for persons who facilitate the transfer of Ukrainian cultural property to the territory of the aggressor country or organize exhibitions that justify the aggression.

²⁸ UNESCO, "Emergency Monitoring of Cultural Property in Ukraine," <https://www.unesco.org/en/ukraine-war/emergency>. See also Council of Europe, "Destruction of Cultural Heritage in Ukraine," Congress of Local and Regional Authorities, 2023.

²⁹ Ministry of Culture and Information Policy of Ukraine, "Reports on Cultural Losses in Temporarily Occupied Territories," <https://mcsc.gov.ua/news/1453-pamyatky-kulturnoyi-spadshhyny-ta-2286-obyektiv-kulturnoyi-infrastruktury-postrazhdaly-v-ukrayini-cherez-rosijsku-agresiyu/>

³⁰ Harrell Brittan, "Cultural Conquest: Russia's Strategic Assault on Ukrainian Heritage as Both a Catalyst for and a Casualty of Conflict," *American University International Law Review* 40, no. 2 (2025): 541. See also International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law Database*, Rule 38: Attacks against Cultural Property.

³¹ Kristin Hausler and Berenika Drazewska, "How Does International Law Protect Ukrainian Cultural Heritage in War?" *London: British Institute of International and Comparative Law*, 2022.

One of the most dangerous forms of collaborationism is related to the military. During the war, any material or resource assistance to the enemy causes significant damage to state security. In particular, this applies to the transfer of material assets, including equipment and resources, to armed or paramilitary groups operating in the temporarily occupied territories;³² the transfer of material resources to military units or paramilitary groups representing the interests of the enemy state;³³ the voluntary involvement of citizens of Ukraine in illegal armed or paramilitary groups created in the temporarily occupied territories;³⁴ voluntary entry of citizens of Ukraine into the armed forces of the enemy state;³⁵ the assistance to illegal armed formations or regular military units of the aggressor country in hostilities against the Armed Forces of Ukraine and volunteer formations fighting for the independence of the country.³⁶ Such actions constitute direct support for military aggression and meet the criteria of high social danger. As a result, they are qualified as serious crimes under national criminal law and international humanitarian law.

Voluntary association with enemy forces or logistical support of their operations should be considered a form of deliberate subversion aimed at undermining state sovereignty and territorial integrity.³⁷ Therefore, the legal framework should differentiate passive behavior and active facilitation of military operations, as the latter should be regarded as an aggravating circumstance. Furthermore, the preservation of lenient penalties for such offenses may reduce the preventive function of criminal sanctions and cause public distrust of judiciary. Hence, criminal legislation of Ukraine should introduce more precise qualification criteria and sentencing principles to ensure proportionality and legal certainty in this category of crimes.

Occupation regimes seek to create the illusion of legitimacy of their power through political processes. Collaborationism in this area is manifested through the voluntary participation in the elections to unlawful authorities created in territories that have been temporarily occupied;³⁸ the involvement in the organization and implementation of illicit electoral processes, including referenda, in territories that are under temporary occupation;³⁹ the public incitement of illicit electoral procedures, including the organization of illegal referenda, in territories that are under temporary occupation;⁴⁰ the

³² The Criminal Code of Ukraine, Art. 111-1 (4).

³³ *Ibid.*

³⁴ *Ibid.*, Art. 111-1 (7).

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ Natalia Antonyuk, "A Criminal and Legal Assessment of Collaborationism: A Change of Views in Connection with Russia's Military Aggression against Ukraine," *Access to Justice in Eastern Europe* 5, no. 3 (2022): 137.

³⁸ The Criminal Code of Ukraine, Art. 111-1 (5).

³⁹ *Ibid.*

⁴⁰ *Ibid.*

organization and conduct of politically related events;⁴¹ active participation in political events.⁴² Such political cooperation serves the propaganda interests of the occupation authorities and undermines the constitutional order of Ukraine by simulating public support for illegal governance structures. The participation of Ukrainian citizens in political projects organized by the aggressor is aimed at destabilizing democratic institutions and spreading narratives of the legitimacy of the occupation, which poses a systemic threat to national sovereignty of Ukraine.⁴³

Illegitimate occupation structures also try to integrate Ukrainian citizens into their management systems. This is manifested through the economic activities conducted in cooperation with the illegitimate governing bodies established by an occupying power, including the administration responsible for governing the territory;⁴⁴ the involuntary assumption by a Ukrainian national of a role that does not entail the fulfilment of organizational, administrative and economic duties within illicit authorities established in territories under temporary occupation, including the occupation administration of the aggressor state⁴⁵ the voluntary assumption of a position by an Ukrainian citizen with duties associated with organizational and economic functions within illegal authorities established in territories under temporary occupation, including the occupation administration of the aggressor state;⁴⁶ the voluntary assumption by a Ukrainian national of a position in unlawful judicial or law enforcement bodies established in territories that have been temporarily occupied.⁴⁷ Such forms of administrative and economic cooperation are particularly dangerous because they normalize and institutionalize occupation regimes, undermining governance and facilitating the diversion of resources to the aggressor. In this regard, Honcharenko⁴⁸ and Nizovtsev,⁴⁹ claimed that voluntary participation of Ukrainian citizens in the occupation authorities, including their judicial and law enforcement agencies, provides the appearance of legitimacy to illegal regimes and accelerates the fragmentation of the national legal order.

Analyzing the issue of improving the legal response to collaborationism, it is worth mentioning that any legal provision has two dimensions: formal and substantial.

⁴¹ *Ibid.*, Art. 111-1 (6).

⁴² *Ibid.*

⁴³ Malovatskyi, *op.cit.*, 7–17.

⁴⁴ The Criminal Code of Ukraine, Art. 111-1 (4).

⁴⁵ *Ibid.*, Art. 111-1 (2).

⁴⁶ *Ibid.*, Art. 111-1 (5).

⁴⁷ *Ibid.*, Art. 111-1 (6).

⁴⁸ Honcharenko, *op.cit.*, 4.

⁴⁹ Yuriy Yu. Nizovtsev, Andrii M. Lyseiuk, and Mykhailo Kelman, “From Self-affirmation to National Security Threat: Analyzing Ukraine’s Foreign Experience in Countering Cyberattacks,” *Revista Científica General Jose Maria Cordova* 20, no. 38 (2022): 360.

Table. 1
Key challenges and recommended reforms for improving criminal liability for collaborationism in Ukraine

Component	Issue	Impact	Recommendation
Legal Clarity	Article 111-1 lacks structural and substantive precision.	Vague wording causes inconsistent rulings and legal uncertainty.	Conduct expert legal review of Article 111-1.
Crime Differentiation	Collaborationism, treason, and aiding the aggressor are conceptually blurred.	Misclassification leads to appeals and reduced trust in justice.	Clearly redefine and separate Articles 111, 111-1, and 111-2.
Collaboration Types	All forms are treated the same regardless of context or severity.	Fails to reflect varying harm and intent.	Add subcategories or tailored penalties.
Legislative Coherence	Reform efforts are fragmented and uncoordinated.	Causes confusion and weakens enforcement.	Form a unified expert group to streamline legislation.

As described in Table 1, this paper recommends 4 (four) future arrangements. First, there is a need to conduct expert review of Article 111-1 to align its content with formal drafting standards and ensure coherence with other related articles. Second, it is important to revise CCU Articles 111, 111-1, and 111-2, with clear legal definitions, mutually exclusive criteria, and examples of qualifying acts. Third, considering that collaborationism manifests in various domains, it is necessary to introduce sub-articles or aggravating/mitigating clauses based on the domain, voluntariness, and consequence of the act. Forth, it seems important to create a specialized working group or commission to consolidate reform proposals which Engage stakeholders (judges, prosecutors, civil society) to develop a coherent legislative package as well as emphasize compliance with international humanitarian and human rights standards.

2.2. Conceptual Approaches to Improving Responsibility for Collaborationism in the Draft Amendments to the CCU

It may be further divided into subsections and sub sub-sections. In Ukraine, for quite a long time, legislative activity did not have proper regulation. Only in August 2023, the Law of Ukraine “On legislative activity” was adopted. It entered into force the day after its publication. However, most of its provisions will be enacted one year after the suspension or cancellation of martial law in Ukraine. The Martial Law was introduced by Presidential Decree No. 64/2022 on February 24, 2022, and approved by Law No. 2102-

IX of the same date. Certain provisions, defined in paragraphs 1–5 of Part 1, Section XIV “Final Provisions,” are exceptions and will come into effect earlier. A key achievement of this legislative act is the formalization of stages in drafting regulatory laws, including impact assessment, explanatory notes, and public consultations. It also requires outlining alternative solutions, assessing their effects through specific indicators, and establishing methods and criteria for legal monitoring.⁵⁰

In this regard, the main attention will be drawn to the key provisions (conceptual foundations) for developing the text of the draft amendments to the CCU related to liability for collaborationism, without which it will be impossible to fulfill the provisions of Part 3, Article 29 of the Law of Ukraine “On law-making activity.” To provide the quality and stability of the law on criminal liability, it is necessary that the introduced norms be socially grounded. This, in turn, requires determining the range of socially dangerous actions for which it is advisable to respond with criminal-legal measures and to implement the relevant punishments.

Collaborationism, as a criminal offense, should involve acts that pose a social danger and threaten Ukraine’s national security, including sovereignty, constitutional order, and public stability. Military, political, economic, or informational cooperation with the enemy undermines these foundations by aiding efforts to destabilize the state. Thus, collaborationism must be legally defined as conduct that directly threatens Ukraine’s strategic and constitutional values.

Taking into account the diversity of wartime collaboration manifestations, their social danger is determined by the socio-political and socio-economic situation in Ukraine. First of all, it is necessary to recall that the part of Ukrainian territory occupied by Russia was seized as early as 2014. However, the law on collaborationism was adopted only in 2022, when the Russia launched a full-scale war against Ukraine.⁵¹ At the national level, the Russia was recognized as an occupying state by the Verkhovna Rada of Ukraine through Resolution No. 129-VIII,⁵² which approved the Address of the Verkhovna Rada of Ukraine to the United Nations (UN), European Parliament (EP), Parliamentary Assembly of the Council of Europe (PACE), the North Atlantic Treaty Organization Parliamentary Assembly (NATO PA), the OSCE Parliamentary Assembly, GUAM Parliamentary Assembly, and the

⁵⁰ Verkhovna Rada of Ukraine, Law “On law-making activity”, 2023, Art. 29.

⁵¹ Antonyuk, *op.cit.*, 137.

⁵² Verkhovna Rada of Ukraine, Resolution of the Verkhovna Rada of Ukraine No 129-VIII “On the Appeal of the Verkhovna Rada of Ukraine to the United Nations, the European Parliament, the Parliamentary Assembly of the Council of Europe, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, the GUAM Parliamentary Assembly, and the national parliaments of the world countries on the recognition of the Russian Federation as an aggressor state”, 2015.

national parliaments of the world to recognize Russia as an aggressor state (Verkhovna Rada of Ukraine, 2015).

Unfortunately, the UN did not consider that resolution at that time, as it regarded the events occurring in Ukraine as a governance crisis and an internal conflict. Although the words “occupation/occupier” and “aggression/aggressor” are not used in the UN General Assembly Resolution A/RES/68/262 (2014),⁵³ it can be argued that the resolution indirectly indicates the occupation of Ukraine’s territory.

The Russia, for the first time, is referred to as an aggressor country in Resolution 2067 (2015)⁵⁴ and Recommendation 2076 (2015) of the PACE.⁵⁵ The fact of Russian aggression against Ukraine is stated as the reason for the emergence of the issue of missing persons (Ukraine and the Parliamentary Assembly of the Council of Europe, 2024). In 2016, the PACE adopted Resolution 2112⁵⁶ and Resolution 2132⁵⁷ which addressed the illicit annexation of Crimea by the Russia and the commencement of hostilities in the Luhansk and Donetsk regions in the East of Ukraine.

In the context of international law, it is critical that the actions of the Russia against Ukraine are finally being called military aggression. In 2016, the UN General Assembly reaffirmed the non-recognition of the annexation. In this case, Russia is named an occupying country by the UN General Assembly. In particular, this legislative act uses certain phrases such as “temporary occupation”, “Russian occupying authority”, and the word “annexation”, indicating that the Russian Federation is an occupying country. It also uses the phrase “...reaffirming the non-recognition of the annexation”. Thus, by using the word “reaffirming”, the UN General Assembly refers to its previous resolution on the territorial integrity of Ukraine.⁵⁸

Subsequently, on January 23, 2018, the PACE adopted Resolution 2198⁵⁹ and Recommendation 2198 “Humanitarian consequences of the war

⁵³ UNGA, Resolution No. A/RES/68/262, 2014, Para. 1-6.

⁵⁴ PACE, Resolution No. 2067 “Missing persons during the conflict in Ukraine”, 2015, Para 1-3.

⁵⁵ PACE, Recommendation No. 2076 “Missing persons during the conflict in Ukraine”, 2015, Para. 2.

⁵⁶ PACE, Resolution No. 2112 “Humanitarian concerns regarding people captured during the war in Ukraine”, 2016, Para. 1-2.

⁵⁷ PACE, Resolution No. 2132 “Political consequences of the Russian aggression in Ukraine”, 2016, Para. 3.

⁵⁸ UNGA, Resolution No. A/RES/71/205 (2016) on “Situation of Human Rights in the Temporarily Occupied Autonomous Republic of Crimea and the City of Sevastopol, Ukraine”, Preamble, Paras. 1, 5, <https://docs.un.org/en/A/RES/71/205> See also Office of the United Nations High Commissioner for Human Rights. Situation of Human Rights in the Temporarily Occupied Autonomous Republic of Crimea and the City of Sevastopol (Ukraine), Paras. 10, 11, 14, 25, 28. https://www.ohchr.org/sites/default/files/Documents/Countries/UA/Crimea2014_2017_EN.pdf

⁵⁹ PACE, Resolution No. 2198 “Humanitarian Consequences of the War in Ukraine”, 2018, Para. 1.

in Ukraine, Russia's military actions against Ukraine.”⁶⁰ The existing violations are certified for the first time in the context of Article 49 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949).

In response to the UN Security Council's call for an emergency session, the UN General Assembly adopted a resolution on March 2, 2022. This resolution condemned the Russian Federation's declaration of a "special military operation" in Ukraine.⁶¹ It demanded the immediate withdrawal of Russian forces from Ukrainian territory⁶² and expressed regret over Belarus's involvement in the unlawful use of force against Ukraine.⁶³ Since then, the UN has adopted several additional resolutions addressing Russia's actions.

The International Criminal Court (ICC) has also responded, reinforcing the importance of legal accountability under international humanitarian law. Ukraine signed the Rome Statute in 2000 and ratified it in 2024. Nevertheless, this has not precluded Ukraine from twice petitioning the ICC concerning transgressions that have occurred within its borders. The initial statement, presented by the Government of Ukraine, acknowledged the ICC's jurisdiction over purported crimes perpetrated on Ukrainian territory between 21 November 2013 and 22 February 2014. The second statement broadened the temporal scope to encompass the ongoing purported crimes committed on Ukrainian territory from February 20, 2014 onwards.⁶⁴ As early as 2016, the Office of the Prosecutor of the ICC published an assessment of the situation on the territory of Crimea and Sevastopol, which it classified as an international armed conflict between Ukraine and the Russian Federation, arising no later than February 26, 2014. Moreover, the Office of the Prosecutor noted that in Crimea and Sevastopol, the occupation status is effectively maintained, providing a legal basis for ongoing analysis of information on crimes likely to have been committed in Crimea since February 20, 2014.⁶⁵

On March 2, 2022, the Prosecutor of the ICC formally initiated an investigation into the circumstances currently unfolding in Ukraine. On the strength of petitions submitted by the Office of the Prosecutor on February 22, 2023, the Pre-Trial Chamber II of the ICC on March 17, 2023, issued arrest warrants for two individuals: the President of the Russian Federation and the Commissioner for Children's Rights in the Office of the President of the Russian Federation. These two individuals have been held responsible for

⁶⁰ PACE, Recommendation No. 2198 "Humanitarian Consequences of the War in Ukraine, Russia's military actions against Ukraine", 2018, Para. 2.

⁶¹ UNGA, Resolution No. A/RES/ES-11/1 (2022) "On Aggression against Ukraine, Preamble.

⁶² *Ibid.*, Para. 4.

⁶³ *Ibid.*, Para. 5.

⁶⁴ International Criminal Court, Situation No ICC-01/22 "The situation in Ukraine", 2022.

⁶⁵ *Ibid.*

war crimes involving the illicit deportation and improper transfer of minors from occupied Ukrainian territory to Russia.⁶⁶

On March 16, 2022, the International Court of Justice (ICJ) ordered provisional measures in response to allegations of genocide. The ICJ instructed Russia to suspend its military operations in Ukraine immediately.⁶⁷ Additionally, Russia must ensure that any military units, irregular military formations, and any organizations or individuals under its control or direction immediately cease all actions supporting military operations.⁶⁸

The Organization for Security and Co-operation in Europe (OSCE) focuses on security, and has documented unlawful, aggressive, and occupying actions by the Russian Federation in its declarations and resolutions from 2014 to 2023. In addition to political monitoring, the OSCE has played a key role through its Special Monitoring Mission to Ukraine (SMM), which collected and verified facts on the ground, facilitated dialogue, and helped reduce tensions between the parties. The organization's reports have served as an important source of information for the international community and have supported broader diplomatic and humanitarian responses.⁶⁹

The European Court of Human Rights (ECtHR) is an intergovernmental judicial body with jurisdiction over all member states of the Council of Europe that have ratified the European Convention on Human Rights. It has competence in relation to all matters pertaining to the interpretation and application of the Convention, including cases involving two or more states and individual applications by or on behalf of natural persons.⁷⁰ In the ECtHR format, the focus is not on individual war crimes but on the state's responsibility for violations of human rights and freedoms as provided for by the Convention.⁷¹ It bears noting that Russia was expelled from the Council of Europe on September 16, 2022. As a result, any subsequent violations perpetrated by Russia will not be subject to consideration by the ECtHR.⁷²

⁶⁶ *Ibid.*

⁶⁷ International Court of Justice, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, Provisional Measures, Order of 16 March 2022, I.C.J. Reports 2022, p. 211, Para 86 (1).

⁶⁸ *Ibid.*, Para 86 (2).

⁶⁹ OSCE Parliamentarians debate crisis in Ukraine, Annual Session News, 2014.

⁷⁰ Chernohorenko Illia, "Implementation of the European Court of Human Rights Judgements as an Instrument for Recovery of Ukraine and its Accession to the European Union," in *Ukraine's Journey to Recovery, Reform and Post-War Reconstruction*, ed. Silviu Nate (Cham: Springer, 2025). 144.

⁷¹ Ministry of Justice, "Armed aggression of the Russian Federation against Ukraine is an Undermining of the International Legal Order," 2022. <https://www.kmu.gov.ua/news/marharyta-sokorenko-zbroina-ahresiia-rf-proty-ukrainy-tse-pidryv-mizhnarodnoho-pravovoho-poriadku>

⁷² See Paul Lemmens, "The European Court of Human Rights—Can there be too much Success?," *Journal of Human Rights Practice* 14, no. 1 (2022): 169-190 and Kanstantsin

The fact of Russia's aggressive and annexationist actions towards Ukraine, including the occupation of parts of its territory by Russian military forces, is noted in the NATO Strategic Concept 2022, as well as in Resolutions 483-488 of the NATO PA in 2023. Therefore, leading international organizations focused on ensuring global security, such as the UN General Assembly, PACE, the ICC, the NATO PA, and the OSCE have recognized Russia as an aggressor and occupier in relation to Ukraine long before criminal responsibility for collaborationism arose.

2.3. Comparative Analysis of Collaborationism in Criminal Legislation of Various Countries

In fact, collaborationism as a phenomenon has existed in contemporary Ukraine since 2014. Since then, the scientific community has begun to extensively discuss the issue of criminal responsibility for collaborationism. However, as noted at the very beginning of this work, legislation criminalized collaboration only in 2022. It is worth noting that some actions currently considered collaboration were previously treated as treason by judicial practice.⁷³ In light of this, there is a need to distinguish between state treason and collaborationism.

The experience of other states, such as the Czech Republic, is relevant for understanding different legal approaches to collaborationism. Article 319 of the Czech Criminal Code criminalizes "Cooperation with the enemy" during war or even in times of threat, without specifying concrete acts—thus allowing broad interpretation by law enforcement.⁷⁴ Unlike Ukraine's Criminal Code, which limits collaborationism to acts committed amid actual aggression, the Czech model permits criminal liability based on intent or attempted cooperation with an enemy state once it is officially recognized as such.⁷⁵ Before Ukraine adopted Article 111-1, similar actions were typically prosecuted under the general treason provision (Article 111 CCU), which also allowed for wide interpretation, particularly in cases of aiding subversive activities.

The Lithuanian Criminal Code takes a concise approach to collaboration.⁷⁶ Article 120 defines collaboration as assisting an unlawful

Dzehtsiarou, "What is Law for the European Court of Human Rights?," *Georgetown Journal of International Law* 49, no. 1 (2017): 101.

⁷³ Andrii Benitskiy, "Features of Criminal-Legal Qualification Crimes Provided for in Part 4 Article 1111 of the Criminal Code of Ukraine and Their Relationship with Related Elements of Crimes," *Law of Ukraine* 11, no. 88 (2022): 31-32.

⁷⁴ Czech Republic, Criminal Code of the Czech Republic, 2009, Art. 319. See also Daria Balobanova, "Criminal liability for collaborative activity under the legislation of the Czech Republic," *Current Issues of Criminal-Legal Qualification, Documentation and Investigation of Collaborationism: Materials of the II All-Ukrainian Scientific and Practical Conference* (2014): 259.

⁷⁵ *Ibid*, 12.

⁷⁶ Republic of Lithuania, Criminal Code of the Republic of Lithuania, 2000, Art. 120.

regime in establishing control during occupation or annexation, without specifying exact actions—allowing broad interpretation. Article 117 treats siding with or assisting the enemy during war as treason, while other provisions also criminalize aiding hostile states during peacetime. Thus, collaborationism in Lithuania is addressed across multiple articles, covering both wartime and peacetime conduct.⁷⁷

Denmark takes a more detailed approach to criminalizing collaboration-related acts compared to Ukraine, Lithuania, and the Czech Republic.⁷⁸ While the Danish Criminal Code does not use the term “collaborationism,” it defines specific actions that qualify as aiding the enemy during war or occupation.⁷⁹ Article 102 criminalizes assistance through advice, propaganda, financing, military or police service, and media involvement, with penalties of up to 16 years in prison. Article 104 further addresses economic cooperation with the occupier. In contrast, the Lithuanian and Czech codes⁸⁰ define collaboration more generally, without specifying concrete behaviors.⁸¹

Given that parts of Georgia have been under Russian control since 2008, its approach to collaborationism is worth examining. The Georgian Criminal Code⁸² criminalizes aiding foreign entities in actions against state interests but excludes offenses like espionage or terrorism already covered under other articles. Acts resembling collaborationism are prosecuted under Article 319, while Chapter XXVIII, introduced after the 2008 conflict, addresses violations related to occupied territories. Article 322-1 covers illegal entry, and Article 322-2 targets prohibited economic activities—closely aligning with the concept of economic collaboration. This reflects Georgia’s tailored response to ongoing occupation.

In the Spanish Penal Code,⁸³ Section XXIII “Crimes of treason and against the peace or independence of the state and related to national defense” is divided into three chapters: “Crimes of treason”, “Crimes threatening the peace or independence of the state”, and “Disclosure and revelation of secrets and information related to national defense”. For the qualification of acts with characteristics of collaboration, the most suitable articles are those from the first two sections: 581-584, 589-590, and 594. From the perspective of the subject of the crime, Article 586 of the Spanish Penal Code states that a foreigner living in Spain who commits any of the crimes listed in Articles 581-588 will be punished with a lesser penalty than the one prescribed for citizens, except in cases established by agreements or legislation regarding diplomatic,

⁷⁷ *Ibid.*, Art. 118.

⁷⁸ Kingdom of Denmark. The Danish Criminal Code, 2013, Arts. 98-105.

⁷⁹ *Ibid.*

⁸⁰ Czech Republic. Criminal Code of the Czech Republic, 2009, Art. 319.

⁸¹ Republic of Lithuania, Criminal Code of the Republic of Lithuania, 2000, Art. 120.

⁸² Republic of Georgia, Criminal Code of Georgia, 1999, Art. 319.

⁸³ Kingdom of Spain, Criminal Code of the Kingdom of Spain, 1995, Arts. 581-584, 589-590, and 594.

consular, or official persons. Actions similar to what we understand as collaborationism are found in the Italian Penal Code in Book Two, Section I “Crimes against the personality of the state”, Chapter I “Crimes against the international legal personality of the state”, specifically in ten articles. In some of these, the subject may be an Italian citizen, a foreigner, or a stateless person.⁸⁴

In Norway,⁸⁵ collaboration is classified as treason under Section 119 of the Penal Code,⁸⁶ covering assistance to the enemy during war, occupation, or imminent threat. The Code also defines “serious treason” based on factors like severe national consequences, involvement of high-ranking officials, organized uprisings, or risk to human life. Penalties range up to 10 years for treason and 21 years for serious treason.

Under the Turkish Penal Code, collaboration with the enemy is specifically qualified as such only if a Turkish citizen has joined the enemy’s armed forces and engaged in armed combat against Turkey.⁸⁷ It also address various forms of cooperation with the enemy.⁸⁸ Responsibility for economic collaboration is also specifically defined in Article 308 of the Turkish Penal Code which regulates “Material and Financial Aid to Enemy States”. In countries most associated with issues of collaboration after World War II (France and Norway), the criminal legislation addresses collaboration within the framework of norms related to treason and other criminal offenses against national security. Different countries convey their own approaches to the issue of collaboration, either by providing a formal definition in one way or another, or by describing the unlawful act under other concepts traditionally used in criminal law, such as treason.

A comparative analysis of criminal legislation across different countries reveals varying interpretations of the concept of wartime collaboration. In most countries, including France, Norway, the United States, Canada, and Spain, this issue is addressed under laws concerning treason or crimes against national security. However, some jurisdictions, such as Ukraine, Lithuania, and the Czech Republic, have a specific legal definition of collaboration. The Czech Republic and Lithuania codes offer broad wording, allowing for wide interpretations. In contrast, Denmark takes a more detailed approach, explicitly distinguishing different forms of cooperation with the enemy, such as propaganda, financing, and participation in military structures.

The Ukrainian legal framework represents an intermediate approach; while it outlines specific areas of responsibility—military, political,

⁸⁴ Republic of Italia, Criminal Code of Italy, 1993, Art. Sec. I.

⁸⁵ Kingdom of Norway, Criminal Code of Norway, 2005, Sec. 119.

⁸⁶ *Ibid.*, Sec. 120.

⁸⁷ The Turkish Penal Code, Art. 303.

⁸⁸ *Ibid.*, Arts. 302 and 304–308.

informational, and economic—it requires further specification and categorization. The experiences of Georgia and Turkey illustrate the importance of special regulations governing cooperation during occupations.

This study indicates that Ukrainian legislation is currently in the process of developing its own model of criminal liability for collaborationism. By comparing various approaches, it can identify general trends and potential improvements that could be made through the introduction of explicit criteria, categorization of actions based on their degree of public danger, and balanced sanctions.

2.4. Legal Aspects of the Criminalization of Collaborationism and Compliance with International Humanitarian Law

When criminalizing a specific act, several key aspects need to be considered: a) establishing the facts of socially dangerous manifestations of human behavior; b) justifying the admissibility, feasibility, and necessity of combating these behaviors through criminal law measures; c) defining specific types of acts in the criminal law that should be recognized as criminal and punishable. An extremely important aspect is that, when constructing a legal norm regarding responsibility for collaborationism, it is essential to consider the principles of international humanitarian law.⁸⁹

It is evident that the stipulations set forth in international humanitarian law are not taken into account in the sections of Article 111-1 CCU that pertain to the activities of illegal armed or paramilitary groups operating in territories that are temporarily occupied. In particular, the CCU uses several terms, namely “armed formations”;⁹⁰ “armed or paramilitary formations of the aggressor state”;⁹¹ and “illegal armed or paramilitary formations established in the temporarily occupied territories” and “armed formations of the aggressor state.”⁹² The interpretation of these terms affects whether a person is classified as a combatant.

Therefore, individuals who joined illegal armed groups created on the temporary occupied territories of Donetsk and Luhansk regions are charged under Article 260 of the CCU concerning “Creation of unauthorized paramilitary or armed formations”. However, this provision is a general criminal statute, and thus individuals who are part of such formations are not recognized as combatants, even though they are effectively engaged in combat activities. To eliminate such ambiguous interpretations of Article 111-1 CCU, its text must be aligned with the provisions of international humanitarian law. The need for its alignment with international

⁸⁹ Dimas Agung Prasetyo and Siti Masitoh, “Empowering Millennial Generation through Literacy of Historical Awareness,” *Jurnal Sosial Humaniora* 6, no. 1 (2023): 125.

⁹⁰ The Criminal Code of Ukraine, Art. 111-1 (1) and (6).

⁹¹ *Ibid.*, Art. 111-1 (4).

⁹² *Ibid.*, Art. 111-1 (7).

humanitarian law must also be addressed in relation to collaboration in economic activities and the educational sector. The latter form of collaboration evokes the most discussion from the perspective of law enforcement.⁹³

The diversity of judicial practice in the issue of qualification of acts committed classified as collaborationism on the territories that have been temporarily occupied is attributed to the imperfection of the provisions of Article 111-1 “Collaborationism” CCU, Article 111-2 “Assistance to the aggressor state” CCU, and the long-existing norm in criminal legislation of Ukraine, which prescribes criminal responsibility for treason as stipulated in Article 111 CCU. The legislative formulation of treason is so non-specific that it does not allow the enforcer to determine the boundaries of lawful or unlawful behavior. Such wording used by the legislator as “going over to the enemy”, “assisting in subversive activities against Ukraine” make it possible to widely interpret the text of the law on criminal responsibility. Resolving the imperfection of certain provisions of the law on criminal responsibility for acts encroaching on the foundations of national security is possible through a systematic analysis of criminal legislation on this issue and by conducting a comprehensive criminological study of the social predetermination of the punishability of all provided forms of collaboration.⁹⁴

The effectiveness of the types and amounts of punishments provided for committing criminal offenses needs special attention. The analysis showed that although most forms of collaboration are punishable by imprisonment, courts usually give collaborators probation, allowing them to avoid actual jail time. Furthermore, courts frequently use Article 69 CCU, which permits a less severe penalty than that prescribed by Article 111. This practice may be an indication of an imbalance between the criminal sanctions imposed and the degree of public danger posed by the offence committed.

3. CONCLUSION

Collaborationism in the war in Ukraine is not only a legal issue but also deeply intertwined with cultural identity, historical memory, and information security. The criminalization of collaboration after Russia’s full-scale aggression was a vital step to protect sovereignty and public order, yet analysis of court cases under Article 111-1 of the CCU reveals legal inconsistencies and lenient punishments that undermine deterrence. This situation highlights the need for a comprehensive legislative overhaul distinguishing collaboration from high treason and aiding the enemy, while differentiating forms of collaboration by sector, voluntariness, and social

⁹³ Yasemin Koçak Bilgin and Eda Hazarhun, “The Cultural Heritage Impact of The Russia-Ukrainian War,” *Turizm Akademik Dergisi* 10, no. 2 (2023): 308.

⁹⁴ Andrzej Jakubowski, “Safeguarding Ukraine’s Cultural Heritage in War: Identifying the Obligations of Nonparties to the Conflict, with Special Focus on the European Union,” *Polish Review of International and European Law* 12, no. 2 (2023): 151.

danger to tailor punishments appropriately. The cultural aspects of collaboration, such as ideological propaganda, alteration of education, and attacks on cultural heritage, must be explicitly addressed in law, aligning with international humanitarian standards like the 1954 Hague Convention. To accomplish this, it is recommended to establish an interdisciplinary commission that will revise Article 111-1. This commission should formulate clear definitions, precise elements of the crime, and qualifying features for systematic collaboration. It should also include cultural and informational offenses, ensure proportional sentencing, and comply with international law. Overall, this research advocates for strengthening Ukraine's criminal legislation to enhance legal clarity, deliver justice, bolster national security, and protect victims while also emphasizing the importance of integrating cultural resilience into legal frameworks in the context of hybrid warfare.

Acknowledgment and Disclaimer

As the 300 Ukrainian court decisions related to collaborationism are neither mentioned in the footnote nor listed in the bibliography, the authors declare that they have read and retained these court decisions in their research instruments.

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