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# Personality characteristics of the participant in an armed or paramilitary unit not provided for by law

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## Abstract

Through the documentary-based scientific method, the article is devoted to the study of the criminological features of the personality of a participant of a paramilitary or armed unit (ULPAU) not provided by law. In addition, the formation of his criminological portrait (criminal profile) on the basis of socio-psychological and legal classification features is discussed. The value of the determined parameters of the offender's characteristics for the formation of negative social and psychological attitudes has been analyzed and their impact on subsequent criminal activity was considered. A number of conclusions of theoretical and applied character have been formulated, among which the following characteristic features of the criminological portrait (criminal profile) of a participant of the ULPAU: man aged 25-35 years who has Ukrainian citizenship and is Ukrainian by nationality, urban resident, single, childless, has general secondary or vocational education, is unemployed, has not been previously convicted; being a member of the armed unit he guarded the checkpoints and the area of location of the units.

**Keywords:** paramilitary or armed unit; armed conflict; armed unit; criminal profile; crime prevention.

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## Características de personalidad del participante en una unidad armada o paramilitar no prevista por la ley

### Resumen

A través del método científico de base documental, el artículo está dedicado al estudio de los rasgos criminológicos de la personalidad de un participante de una unidad paramilitar o armada (ULPAU) no prevista por la ley. Además, se discute la formación de su retrato criminológico (perfil criminal) sobre la base de rasgos de clasificación socio-psicológicos y legales. Se ha analizado el valor de los parámetros determinados de las características del delincuente para la formación de actitudes sociales y psicológicas negativas y se consideró su impacto en la actividad delictiva posterior. Se han formulado una serie de conclusiones de carácter teórico y aplicado, entre las que destacan los siguientes rasgos característicos del retrato criminológico (perfil delictivo) de un participante de la ULPAU: hombre de 25-35 años que tiene la ciudadanía ucraniana y es ucraniano de nacionalidad, residente urbano, soltero, sin hijos, tiene estudios secundarios generales o de formación profesional, está desempleado, no ha sido condenado anteriormente; siendo miembro de la unidad armada vigilaba los puestos de control y la zona de ubicación de las unidades.

**Palabras clave:** unidad paramilitar o armada; conflicto armado; unidad armada; perfil criminal; prevención del delito.

### Introduction

The eight years running, an armed conflict is taking place in Ukraine, conducted by unprovided law paramilitary or armed unit by (farther – ULPAU) and supported by the Government of the Russian Federation. Despite a wide range of scientific research on the problem of hybrid warfare combating, separatism, etc., there are no detailed characteristics of a person who committed a crime related to ULPAU participation at a sufficient level of research at domestic science.

The study of the criminal personality is one of the main clusters of the criminology subject. It is impossible to determine the main crime determinants, as well as prevention measures without the criminal personality investigation. Studying the characteristics of criminals, scientists determine the link between the behaviour of the offender at the scene of the crime and his behaviour in society, taking into account behaviour during the previous crimes commission (Canter, 2000; Salfati, 2008). The main content of this theory is that the behaviour at the scene of the crime depends on the main character traits of such a person, which

remain unchanged (stable) in other aspects of the offender's life (Caspi and Bem, 1990).

Nowadays there are no detailed characteristics of the ULPAU participant at the sufficiently studied level in literature. Thus, the study of criminological characteristics of the ULPAU participant is of some interest for criminological science. Knowledge of the main (criminological) characteristics of the ULPAU participant will facilitate to a more accurate qualification of this type of criminal activity, high-quality investigation of such crimes, development of a systematic theoretical and methodological approach, which includes a set of legal, institutional and socio-psychological mechanisms aimed at strengthening the effectiveness of criminal law influence on the ULPAU participants.

### 1. Literature review

The study of the criminal personality is one of the areas of the positivist school of criminal law and criminology, whose supporters relied on the results of statistical analysis of crime, social characteristics of the criminal personality. The founder of anthropological criminology, Ch. Lombroso, was the first to initiate the study of the criminal personality (Lombroso, 1896). Despite the fact that during the 20th and 21st centuries, this theory has not obtained reliable data to determine who is a criminal and who is not, the study of the criminal personality (criminal profiling) is still relevant. There were not enough resources to conduct, for example, DNA tests in the time of Ch. Lombroso, and therefore, he could not rely on safer and more evidence-based scientific data (Mschado, 2021).

Scientists-criminologists, whose scientific interests are in the field of personality of criminal studying, distinguish different classification features. The main of them are socio-psychological and legal. The first group include: sex, age, level of education, level of material security, social status, family relationships (wife, children), employment in socially useful work, occupation, specialty, place of residence, level of personal development, mental state, individual skills, abilities, habits (Salazar-Muñozet *et al.*, 2020; Kuryliuk and Khalymon, 2020; White and Lester, 2016; Kuryliuk *et al.*, 2021).

Legal features include: the severity of the crime, recidivism, group or single crime (complicity in the crime), duration of criminal activity, object of the offence, form of guilt, type and amount of punishment. Some studies also consider penal features (Khalymon *et al.*, 2021), but, in our opinion, they are relevant to determine the impact of punishment of a person and the possibility of correction and resocialization. Kushnir and Hutsuliak (2021) attempted to form a typical criminological portrait of

a person who committed a criminal offense in the field of state border of Ukraine protection (violation of the order of entry into and leaving from the temporarily occupied territory of Ukraine). In order to compare the characteristics, the obtained results will be compared with their results (Kuryliuk and Khalymon, 2020; Kushnir and Hutsuliak, 2021).

There were quite a bit scientific studies devoted to the study of the criminological characteristics of ULPAU participants. Only a few scientific studies devoted to this problem are known. Thus, Finlay (2017) in his scientific work raises the issue of legal protection of rebels. In particular, the scientist examines the observance of their right to resistance as persons who are not combatants and whose legal protection has not received proper legal regulation in international humanitarian law.

Asal *et al.* (2017), investigating the activities of specific ethnic organizations, made an attempt to explain why in some countries representatives of ethnic minorities unite in militias. And also, they tried to find out what leads to the fact that the members of these associations take up arms. These authors concluded that governments should be very careful about suppressing ethnic minority organizations with a nationalist-separatist orientation, as there is a high probability that these organizations will form illegal paramilitary or armed formations in response to such measures.

Cunningham (2013) investigated the processes of choosing ways to resolve disputes that concern the self-determination of certain groups by analyzing how various factors affect the improvement or deterioration of the impact of conventional political strategies, mass nonviolent campaigns and the development of civil war.

The study of the characteristics of persons participating in paramilitary or armed formations not provided for by law is also carried out by scientists in the post-Soviet space (Magomedov, 2004; Kononchuck, 2017; Kolianda *et al.*, 2017; Dudarets, 2020). However, the analyzed works do not contain such thorough empirical material as in our study.

## **2. Materials and methods**

The detailed analysis of the characteristics of criminals convicted of participating in illegal armed units operating in Ukraine from 2014 to the present will be conducted in this study. 129 sentences passed against persons who participated in the ULPAU in Donetsk and Luhansk oblasts have been studied.

The purpose of our investigation is to identify the characteristics of individuals who have participated in ULPAUs and to determine whether

it is possible to identify these individuals based on these characteristics. In addition, in our opinion, the identified characteristics that are common may be useful for investigative bodies in order to better study such persons, to develop prevention measures aimed at reducing the ULPAU participation.

### 3. Results and discussion

Among the people we studied, those who were prosecuted between the ages of 16 and 18 were not identified. 27,9% were young people aged 18–24, the largest number of 45,7% were aged 24–35, 10,1% were aged 36–45, 14,7% were aged 46–59 and only 1,5% were aged 60 years and older. The obtained results show that the ULPAU participants are quite different in terms of age, but the group of people whose age is the most productive was the most massive. In particular, these are young people whose consciousness must be fully formed and they must be aware of the illegality of such activities.

According to Bernard *et al.* (2020), crime is a predominantly male activity. The number of males is significantly higher, especially in more serious offenses in all criminal groups. Our results also confirm the thesis that women are less criminally active. Our results are confirmed by previous studies (Kuryliuk and Khalymon, 2020), although the number of people who smuggled migrants across the state border of Ukraine is higher. Obviously, the obtained data indicate a different social role of women, one that should not be associated with criminal activity. The obtained data (Kushnir and Hutsuliak, 2021) also confirm the thesis that women are less likely to commit crimes related to border violations.

Clarification of the nationality and citizenship of ULPAU participants is important in determining the motivation to participate in such formations. According to the Ukrainian Helsinki Human Rights Union, in addition to Ukrainian citizens, ULPAU members who took part in the military conflict in eastern Ukraine are residents of other countries, primarily the Russian Federation. Thus, Russians make up about 10% of all ULPAU participants, except this, there is information about the participation of citizens of Belarus (44 people), Kazakhstan (38 people), Serbia (28 people), Moldova (20 people), Germany (19 people), Uzbekistan (15 people), Slovakia (12 people), France (12 people). In total, the Documentation Centre has information on more than 250 foreigners who participated in the ULPAU.

However, a study of available to us sample of sentences showed that almost 100% of ULPAU participants were citizens of Ukraine, only 0,8% (1 person) were citizens of the Russian Federation.

How such differences can be explained? Firstly, if the Ukrainian authorities applied punishment to foreigners, they were later included in

the lists for the exchange of prisoners, and sentences were removed from the Unified Register of Judgments, and some of these decisions were immediately marked “not for publication.” Secondly, there is the “problem of opportunities” of law enforcement agencies. It is obvious that foreign residents rarely enter the territory of Ukraine’s jurisdiction, and therefore are not detained by the competent authorities of Ukraine.

After participating in the ULPAU, they usually either return to their homeland and may be persecuted by the authorities, or are unpunished. Thirdly, some non-residents of Ukraine were prosecuted under other articles of the CCU, such as (257 – Banditry, 258 – Terrorist act, 258-3 – Creation of a terrorist group or organization). Nevertheless, the problem of mercenaries (combatants) is very painful and of particular interest due to the rise of extremist, terrorist, separatist sentiment in a number of regions using mercenaries, such as the Middle East and the former Soviet Union.

Among the studied sentences, 92,2% are ethnic Ukrainians, 2,3% Azerbaijanis, and 5,4% Russians. It is obvious that the nationality of the persons included in the sample also depends on the circumstances described above in relation to such a feature as citizenship.

Statistical indicators of crime in terms of the place of their commission convincingly show that rural residents are less likely to commit crimes than those living in cities. Our results confirm the statistical data: 85,3% of people at the time of the crime lived in cities, 10,9% lived in villages and 3,9% lived in urban-type settlements.

Glaeser and Sacerdote (1999) tried to explain why the crime rate in big cities is much higher than in small towns or in rural areas. Using data from the National Crime Victimization Survey, they empirically tested their hypothesis and found that: 45% of crime rates are affected by the fact that urban families are much less cohesive; in 26% it is caused by a much higher average level of income of city residents and in 12% the reason is a lower probability of identifying a criminal and bringing him to criminal responsibility when committing a crime in the city. This study explains the higher crime rate in big cities compared to towns and villages.

An important feature of the socio-demographic characteristics of the offender is marital status. Researches on the offender identity of have traditionally focused on social connections (family, children, etc.). It is believed that a family deters a person from breaking the law. In the study of Laub and Sampson (2003) it was also confirmed that the absence of marriage significantly affects the participation in criminal activities of adults (Laub and Sampson, 2003). The presence of a family and its structure are considered an important feature by other scientists (Glaeser and Sacerdote, 1999).

The results showed that the vast majority (66,7%) were single, 6,2% divorced, 0,8% widowed, 20,9% were officially married, 5,4% were in so-called civil marriage. Parental status can also indicate a person's serious life intentions. 86,8% of convicted ULPAU participants had no children, only one person (0,8%) had three children, 4,7% had two children and 7,7% had one child. The low percentage of married people with children could be explained by age, but not in our case, as the majority of 70% were between 25 and 60 years of age. This is the age when a person tries to make a family, to have children. The average age of first marriage in Ukraine is 23,5 years.

The idea that the less intelligent will also be less likely to foresee and appreciate the consequences of their acts remains so plausible that most contemporary textbooks in criminology still address the question of the intelligence of criminals (Hirschi and Rudisill, 1976).

We also drew attention to the educational level of ULPAU participants. As can be seen from 72,1% of people had secondary or secondary special or vocational education (graduated from secondary schools, lyceums or obtained working professions in vocational schools). 17% had basic secondary education (graduated from 9th grade), 2,3% had primary higher education (graduated from college, technical school, college), but 8,5% had higher education. The low level of education of ULPAU participants is noted in a study of young people who participated in such formations operating in Colombia (Hernández-Holguín and Alzate-Gutiérrez, 2016).

It is impossible not to pay attention to Usher's study (1997) in which he argued that education can also have a "civilizing" effect, contributing to a reduction in crime rates. Education increases people's skills and abilities, thus increasing the efficiency and profitability of legal work compared to illegal activities. Sometimes the presence of education does not have obvious property advantages, but it significantly affects the social status of a person.

This means that the social impact of education is higher than the personal one. Education has an indirect (non-market) effect that affects the preferences of individuals. Therefore, the decision to commit a criminal offense for a person who has an education is psychologically difficult (Buonanno, 2003). An important factor that has a criminological significance and influence on the determination of criminal activity and even the formation of the identity of a ULPAU criminal participant is the level of employment.

A number of scientific studies devoted to the study of the connection between unemployment and criminal behavior confirm that an increase in the duration of unemployment is significantly ( $P < 0.001$ ) associated with a number of indicators of delinquency among young people. Specifically, youth who have been unemployed for six months or longer have from 3,0



to 10,4 times higher rates of property crime, violent crime, arrests, and convictions than youth who have not been unemployed (Fergusson *et al.*, 1997).

Such a relationship was confirmed as early as 1963 in a study (Fleisher, 1963) who proved that unemployment has a significant effect on the level of crime. Witt *et al.* (1998) in their empirical study for England and Wales state that “the persistent fall in relative wages of unskilled men and the rise in male unemployment in England and Wales is an incentive to engage in criminal activity”. Verbruggen *et al.* (2012) also confirm that random effects models consistently show that employment reduces conviction rates among both men and women.

The results of our study showed that the vast majority (80,5%) of participants at the time of the crime were not engaged in socially useful work, 4,7% were retired, 0,8% were servicemen and only 14% worked in working professions. The large number of able-bodied people among ULPAU participants is also explained by socio-economic problems that began after the occupation and loss of control over part of Ukraine, as a result, loss of livelihoods pushed the socially unstable element to illegal activities.

The study of previous behaviour is important for a possible criminal trajectory in the future. Thus, Horning, Salfati and Crawford, studying the behaviour of murderers, concluded that there is a relationship between previous criminal specialization and future behaviour in relation to murder (Horning *et al.*, 2010).

Therefore, it is important to find out the criminal experience of ULPAU members. We were somewhat surprised by the results, as only 27,2% of those convicted of participating in the ULPAU had criminal experience (prosecuted). While there were many headlines in media publications (2014-2017) that a significant proportion of ULPAU members were former prisoners. Thus, we do not have convincing evidence of the mass participation of former prisoners in the ULPAU. Comparing the criminal history of ULPAU participants with those who violated the order of entry into and leaving from the temporarily occupied territory of Ukraine, it was found that only 12% of persons had a criminal past (Kushnir and Hutsuliak, 2021). Thus, ULPAU participants had at 15% more criminal experience than those who violated the procedure for entering and leaving the temporarily occupied territory of Ukraine.

Forms of ULPAU participation give us an idea of the quality of persons who have been prosecuted for such crimes. The objective side of the investigated crime is expressed in the following forms: creation of paramilitary formations not provided by the laws of Ukraine; participation in the activities of paramilitary formations not provided by law; creation of armed groups not provided by law; participation in the activities of armed groups not provided by law; leadership of these formations; their financing, supply of weapons,

ammunition, explosives or military equipment (logistics, etc.); participation in the composition of these formations in the attack on enterprises, institutions, organizations or citizens.

Examining the verdicts, we found that only 3,1% of convicts were prosecuted for creating (leading) the ULPAU, with the largest number (90,7%) participating in the ULPAU as militants. The vast majority of them, according to the verdicts, guarded checkpoints, unit locations, etc. Obviously, such a picture does not fit into the general idea of participation in the activities of the ULPAU, which have operated and continue to operate in eastern Ukraine. After all, Ukrainian officials, addressing the international community, including the UN General Assembly, note that Ukraine lost more than 15,000 citizens in this war, 30,000 were wounded (Speech by President of Ukraine Volodymyr Zelenskyy, 2021).

The results of our study showed that courts did not find any case with consequences in the form of deaths of people. In one case, there were serious consequences (0,8%), by which the court recognized injuries and infliction of bodily injuries of various severity (including severe) inflicted to 13 servicemen during the attack on the Luhansk Border Guard Detachment. At the same time, the report of the OSCE Special Monitoring Mission states that the total number of civilian casualties since the beginning of 2021 has reached to 78 people (15 dead and 63 wounded) (OSCE SMM Report, 2021).

Life damage and human health is usually caused by the detonation of explosives and shelling. In particular, 4,193 ceasefire violations were recorded by the SMM from 4 to 17 October. In view of this, on the one hand, we can state a high level of latency of committing criminal offenses under Part 5 of Article 260 of the CCU, on the other hand – difficulties in qualifying under Part 5 of Article 260 of the CCU, separation from related offenses under Article 255, 257, 258-3 of the CCU. Such acts (attacks), related to the death of people or the occurrence of other serious consequences are often classified as a set of criminal offenses under Article 258 and Article 258-3 of the CCU.

Mostly the criminological characteristics of the criminal offender determine the type of criminal association, the creation or participation to which it relates, and the purpose of its activities. Article 260 of the CCU distinguishes two types of criminal associations – paramilitary formations and armed formations not provided by the laws of Ukraine, defining their structure and features in the note to the article. In the terminology used in the UN documentation, “non-state armed groups” are understood as “organizations that are parties to an armed conflict, but are not subject to by one or more states” (McQuinn and Oliva, 2014; Petersohn, 2014).

From the analysis of court decisions we come to the conclusion that most of their activities are aimed at seizing certain territories and their maintenance, participating in attacks on enterprises, institutions and organizations, conducting military operations to support illegally created structures,

suppressing organized resistance in the occupied territories, confrontation the Armed Forces of Ukraine, law enforcement agencies, state authorities of Ukraine, destruction of their manpower and material resources, as well as the commission of serious and especially serious criminal offenses, including the use of firearms, explosives and other weapons. Studying the sentences, we found out that the vast majority of persons convicted under Article 260 of the CCU, were members of non-statutory armed / paramilitary formations of the “DPR” – 82 people (63,6%), 44 people (34,1%) – “LPR” and 3 people (2,3 %) were part of the armed formation, whose activities were aimed at creating the “Odesa People’s Republic”.

Obviously, if the participants of private military companies are dominated by selfish motivation the participants of illegal armed / paramilitary formations “DPR” and “LPR” have mostly political motives (Kononchuck, 2017), separatist motives, often their actions are subject to additional qualification as crimes against the foundations of national security of Ukraine (Articles 109, 110 of the CCU) (although in Article 260 of the CCU the purpose of the ULPAU is not specified). We will study the issue of motivation of criminally illegal behaviour in more detail below.

The analysis of studied sentences showed that the majority of persons (121 persons (93,8%) convicted under Article 260 of the CCU were members of armed groups not provided by the laws of Ukraine and only 8 (6,2%) – paramilitaries (as a rule training units where military training was conducted).

Taking into account this feature, it should be borne in mind that an armed formation is a type of paramilitary formation characterized by the availability of usable firearms, explosives or other weapons (Article 260 of the CCU) and a military-type organizational structure, some of which try to copy the attributes of a legitimate military formation, such as name, hierarchical structure, and military discipline. For example, armed formation “military unit L-73438”, which was part of the “2nd separate motorized infantry brigade” of People’s Militia of the LPR”. Some have only certain features of the military formation: “People’s militia of Dzerzhynsk” (DPR), battalion “Leshiy” (“LPR”), “Sevastopol Self-Defence Detachment” (ARC).

The feature of armament increases both the social danger of these criminal groups and the social danger of the acts committed by their members. This is proved by a comparison of sanctions under Part 1 and Part 2 of Article 260 of the CCU. Thus, if the upper limit of punishment set for the creation and participation in paramilitary formations not provided by the laws of Ukraine is 5 years, then for the same acts in armed groups – 8 years of imprisonment.

The length of time when a people take part at ULPAU largely depends on why they joined them. As noted, (Kolianda *et al.*, 2017) the ULPAU composition is carried out on a voluntary basis. Forced “mobilization” of the male population in a certain area is also possible. However, forcibly mobilized individuals are significantly worse than volunteers in combat training, levels of psychological readiness for combat with state military formations and law enforcement agencies (Kolianda *et al.*, 2017), in addition, they leave ULPAU at the first opportunity. Part 6 of Article 260 of the CCU gives the possibility of release from criminal liability in case of voluntary withdrawal from such formation and notification about its existence to public authorities or local governments.

From the content of the analyzed verdicts we can conclude that most of the convicted ULPAU participants voluntarily left them, but only over time their illegal activities have come to all knowledge, and they were detained. The study of court verdicts showed that 89,9% of convicts (116 people) were in the ULPAU from 1 to 6 months, 8,5% (11 people) – from 6 to 12 months. And only one person was there from 12 to 18 months and from 18 to 24 months and more than 2 years was not detected.

These data are slightly different from the obtained data (Dudarets, 2020). Studying the materials of criminal proceedings, the researcher concluded that the duration of participation in non-statutory paramilitary or armed groups is: 14% – up to one month, 40% – from one month to one year, 46% – over a year (Dudarets, 2020). However, in general, they confirm the thesis that the majority of ULPAU participants are in their membership for up to 1 year.

The criminological significance of a person’s duration of stay at the ULPAU should also be taken into account. The longer the time – the more persistent negative attitudes are formed regarding further illegal activities both within and outside the formations.

For a deeper understanding of a person’s mental attitude to the commission of a crime, it is necessary to study his inner motivation, i.e., the motive for the crime. The peculiarities analysis of the specific motivation of the crime affects the reasonable solution of issues related to establishing the degree of public danger of the act, individual criminal assessment, determining ways to prevent criminal acts and resocialization of convicts (Kozyriev, 2012).

Theories of crime causation have attracted criminologists long ago. Traditional approaches to the causation of crime (biological, psychological, sociological) cannot be considered monolithic and are periodically criticized. According to (Hirschi and Rudisill, 1976) obviously only the biological theory has retained its influence (its unchanged form), although mainly outside the academic environment, where it is periodically fueled by the popular press.

Three groups of people who had the following motives for ULPAU participation have been revealed as the results of our study. 84,5% participated in ULPAU in order to change the government in Ukraine, 9,3% wanted to earn money, and 6,2% during the investigation said that they were deceived and joined ULPAU not to commit criminal activity, but vice versa, in order to protect their territories from possible encroachments. However, in the process of being in such formations, they realized that the purpose of their creation is aimed at overthrowing the constitutional order, and therefore is criminally illegal.

During 2014–2015, one of the authors of this article had the need to stay in certain periods in the temporarily occupied territories of eastern Ukraine, which allowed studying this issue. The gained experience allowed us to conclude that one of the components of the motivational sphere of persons convicted of ULPAU participation (84,5% participated in order to change the government in Ukraine), is that this category of persons, despite the fact, that the vast majority of them had Ukrainian citizenship, did not identify themselves as real citizens of Ukraine.

We think that their lack of national self-identification is due to the fact that, unfortunately, during the entire period of Ukraine's independence, the Ukrainian socio-cultural environment was not created in these territories, the full functioning of the state language was not ensured, the symbolism of the "Russian world" was actively cultivated. Also, the so-called "Donbas mythologists" were actively spread ("the hard-working Donbas feeds Ukraine", "Russian has always been the main language in the Donbas", etc.) in the information environment. The consequence of this is the denationalization of a large part of the population of eastern Ukraine, which, in turn, allowed introducing into its consciousness a negative attitude towards the state, contributed to the formation of a fundamental ideological thesis "the need to fight Ukrainian fascism for Donbas participation in ULPAU".

Historically, the largest number of prisons were at the Donetsk and Luhansk regions of Ukraine (since Soviet times). As of 2013, 34 penal institutions operated in these regions, it was more than 18% of all penitentiary institutions in Ukraine (Babenko, 2015).

Former prisoners, being released from prisons, remained to live in these regions, and the assimilation of the local population with former prisoners took place. Donetsk and Luhansk regions have traditionally been characterized by a high level of crime intensity per capita. According to Babenko (2015) the average coefficient of the intensity of general crime per 100,000 population recorded in the Donetsk and Luhansk regions for the period 2001-2013 was 1172 and 1363, respectively, which is considered a very high indicator compared to the average for Ukraine of 1024.

In 1974 See Edwin (1974) proposed the theory that criminals estimate the crime positively. That is, the environment in which they live, grow and develop positively relates to criminal behavior.

An example of a positive assessment by the environment of criminal behavior was the frantic support of the voters of the fugitive former president of Ukraine V. Yanukovych, who, having two confirmed convictions for committing intentional crimes, was supported by the overwhelming majority of residents of Donetsk and Luhansk regions in the presidential elections in 2004 and then in 2010. In our opinion, it is precisely this attitude towards the commission of crimes by the inhabitants of these regions that explains their easy participation in the activities of the ULPAU.

In addition, it is necessary to pay attention to the role of the mass media that functioned in the territory of these two regions, as well as to the simultaneous suspension of broadcasts of state TV channels and the inclusion of broadcasts of Russian TV channels. Since the beginning of the conflict, the Russian Federation has been making enmity between the western part of Ukraine and the eastern part. False stories about “nationalists” who seek to destroy the residents of Donetsk and Luhansk regions have been fixed in the minds of the residents of these regions.

This influence continues to operate even today during the full-scale Russian invasion of Ukraine. An example of the negative influence of mass media (incitement of enmity) is the activity of the radio station “Radio of thousand hills”, which worked in Rwanda. American scientist David Yanagizawa-Drott (2014) examined the role of the media during the conflict in Rwanda. Using a unique dataset on the Rwandan genocide, the author assessed the impact of a then-popular radio station (Radio of thousand hills) that encouraged violence against the Tutsi minority. The results showed that broadcasts of this radio had a significant effect on participation in murders.

The high intensity of activity of combat units and mass killings of Tutsis was observed in those territories of Rwanda, where the radio station “Radio of thousand hills” made deep coverage. The author provides evidence of how mass media can influence participation in violence directly through appeals to violence and indirectly through social interactions (Yanagizawa-Drott, 2014).

Mass propaganda of Russia is also one of the determinants of the participation of residents of Donetsk and Luhansk regions in ULPAU activities.

However, it should be noted that the ULPAU also included persons who did not hate the state, but they were forced to do so due to the difficult economic situation in the occupied territories, the inability to otherwise earn money to support their families.

For example, ULPAU participants in Colombia were motivated by a desire for recognition, power, and money. Their violent and illegal actions have become a strategy to achieve their goals. Belonging to an armed group was an alternative that gave work and money to participants. Thus, the armed group was an environment in which they gained public recognition, which they lacked (Hernández-Holguín and Alzate-Gutiérrez, 2016). Apparently, the ULPAU members operating in the temporarily occupied territories of Ukraine were also guided by such motives to some extent.

The quality of pre-trial investigation and judicial examination of such cases should be studied separately. Examining the motives for such crimes, we found out that 9,3% of people joined the ULPAU with the aim to earn money, some – because they had no means of subsistence, and some actually believed that will have “big money” as mercenaries. However, only in 6 verdicts we found information about the amount of money received by the ULPAU participants. On the average, such individuals received between \$ 200 and \$ 500 per month. It is obvious that there were more such people, but in our opinion, in order to mitigate their responsibility, they tried not to testify about the fact of “earning” money for ULPAU participation.

And it is impossible to obtain legal facts of obtaining such funds in the manner prescribed by law. Also, it was probably not part of the pre-trial investigation task, taking into account that more than 92,2% of such persons pleaded guilty and entered into a plea agreement. The low quality of the pre-trial investigation obviously leads to the fact that courts are forced to apply non-custodial sentences and pretend to achieve the goal of punishment – to prevent new crimes from being committed by both convicts and others (individual and general prevention).

It is necessary to pay attention to the problems of sentencing for ULPAU participation. For the purpose of comparison, we studied the results of a study conducted by T. Magomedov on the ULPAU participants based on the materials of the Republic of Dagestan. Thus, according to his data, out of studied 84 people, 3 people were sentenced to probation, 27 people to 2 years of imprisonment, 42 people to 5 years of imprisonment, none to more than 5 years; 8 people were acquitted (Magomedov, 2004). Thus, 82,1% were sentenced to real terms of punishment.

A study of our sentences showed that 65,9% of people were released from probation and only 34,1% were sentenced to imprisonment for a term: 6,2% – for a term of 1 to 3 years, 21,7% – from 3 to 5 years, 6% – from 5 to 10 years and 1,6% – for a term from 11 to 15 years imprisonment. Does it correspond to the logic and principle of fairness of sentencing? The question is quite complicated, because assessing how much grief the fighting in the east of the country has brought to the Ukrainian people, how many innocent victims have died, the sentencing of ULPAU participants looks like mockery of such victims.

However, other principles of sentencing must be kept in mind: individualization of punishment and humanism. We want to believe that the people who were included in the sample were not involved in the massacres, so such lenient punishments are enough to correct them and prevent new criminal offenses.

Obviously, the general trend towards the humanization of criminal justice and the liberalization of the judiciary does not forget those who are prosecuted for ULPAU participating.

However, one should remember the inevitability of punishment, because unpunished evil returns. Buonanno (2003) based on an analysis of the literature on socioeconomic determinants of crime, concluded that criminal behavior is influenced by the probability of punishment and detention. That is, a person who knows that he will be punished for committing a crime will probably refrain from committing a crime.

## **Conclusions**

Thus, our study allowed us to form a typical criminological portrait (criminal profile) of a person – a ULPAU participant on the basis of two groups of classification features – socio-psychological and legal, which is characterized by the following features: male (98%), 25–35 years old (46%), who has Ukrainian citizenship (99%) and is a Ukrainian by nationality (92%), urban resident (85%), single (66%), do not have children (87%), has a general secondary or vocational education (72%), do not work (85%), was not previously convicted (73%).

According to the functional distribution, the majority of the studied persons were members of armed formations (94%) of the pseudo-state formation “DPR” (64%) and guarded checkpoints, locations of units, being in the formation from 1 to 6 months (90%).

ULPAU participants are also characterized by a set of negative social and psychological traits that lead to the commission of criminal acts on ULPAU creation or participation and are intensified by negative motivations associated with the desire to change government in Ukraine. At the same time, the instability of criminal attitudes is manifested in the fact that the majority of those who were surveyed showed sincere remorse and admitted their guilt (92%).

We have found out that the difficulties in studying the person – an ULPAU participant are largely due to the unresolved criminal law aspects of ULPAU combating, in particular the vagueness of the criteria for distinguishing the crime under Article 260 of the CCU, from terrorist crimes, the widespread practice of applying (sometimes unjustified) release



from serving a sentence (66% of sentences), as well as the low quality of certain pre-trial investigations and litigations of penal proceedings on criminal activities of ULPAU participants, as a result, convictions do not contain sufficiently detailed information to conduct an in-depth analysis of the personal characteristics of ULPAU participants.

After the Russian Federation's full-scale unprovoked invasion into Ukraine on February 24, 2022, it became clear that the occupying forces would continue to use the residents of the occupied territories as proxy troops. The mildness of the punishment, as evidenced by the results of our research, will contribute to the involvement of residents of the DPR and LPR in ULPAU. After all, their previous experience of participating in ULPAU showed that the state of Ukraine treats such violators too humanely.

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