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MILITARY PERSONNEL AND THEIR CRIMINAL RESPONSIBILITY FOR VIOLATING THE RULES OF USE AND STORAGE OF MILITARY PROPERTY

Abstract. This scientific article is devoted to a detailed consideration of the issue of criminal liability of military personnel for violating the rules of use and storage of military property. The study includes an analysis of normative acts and doctrinal approaches regulating this problem, with the aim of clarifying their impact on the modern military sphere.

In today's world, where global challenges and threats are becoming more and more unpredictable, the role of military personnel acquires special importance. They are faced with the task of ensuring the security and defense of the country, which often requires the effective and responsible use of military assets.

However, military personnel, like any other members of society, can jeopardize the effectiveness of their functions due to violations of the rules of use and careless storage of military property. This can lead to serious consequences, including the loss of valuable resources, security breaches and undermining of public trust in the military.

Taking into account the above-mentioned circumstances, the relevance of the study of the criminal liability of military personnel in the context of their interaction with military property acquires special importance. The responsible and legitimate use of military resources is an important factor in ensuring the effectiveness and stability of national security.

This article examines the normative and doctrinal aspects of the criminal liability of military personnel, revealing their importance and influence on the functioning of military structures. The research is aimed at improving the system of military property management and increasing the level of responsibility of the military for its use and storage.

Key words: *military personnel, criminal responsibility, military property, standards, security.*

Лавр'янов. Р. П. Військовослужбовці та їх кримінальна відповідальність за порушення правил користування та зберігання військового майна

Анотація. Ця наукова стаття присвячена детальному аналізу проблем кримінальної відповідальності військовослужбовців за порушення правил користування та зберігання військового майна, що є важливим аспектом забезпечення дисципліни та ефективності військових структур. У статті досліджуються мотиваційні чинники, які сприяють таким порушенням, включаючи недостатній рівень свідомості військовослужбовців, відсутність належного виховного впливу та прогалин у системах внутрішнього контролю. Встановлено, що основними причинами порушень є низька якість управління військовим майном, недостатній рівень професійної підготовки персоналу та відсутність механізмів превентивного контролю.

Аналіз існуючих дисциплінарних процедур виявив їхню недостатню ефективність, що зумовлено неузгодженістю нормативно-правової бази, неоднозначністю санкцій та відсутністю дієвих механізмів моніторингу виконання дисциплінарних рішень. Значна увага приділена міжнародному досвіду регулювання використання військового майна, особливо у контексті участі збройних сил у миротворчих операціях. Підкреслено необхідність гармонізації національного законодавства з міжнародними стандартами для підвищення ефективності контролю.

Запропоновано низку конкретних заходів для покращення систем управління та підвищення дисципліни серед військовослужбовців, включаючи впровадження строгих механізмів моніторингу, регулярне проведення тренінгів з підвищення правової обізнаності, модернізацію системи обліку та зберігання майна. Особливий акцент зроблено на формуванні культури відповідальності та свідомості в армійських структурах через створення мотиваційних програм.

У підсумку, результати дослідження можуть бути використані як основа для подальшого вдосконалення нормативної бази та практичних заходів з метою підвищення рівня дисципліни, ефективності управління військовим майном і запобігання правопорушенням у військових структурах. Стаття має на меті сприяти системним змінам у підходах до забезпечення дисципліни та ефективності у військовій сфері.

Ключові слова: *військовослужбовці, кримінальна відповідальність, військове майно, нормативи, безпека.*

Statement of the problem. In the conditions of modern geopolitical instability and threats to national security, it is important to determine effective control mechanisms for the use and storage of military property by military personnel. Violation of the rules of use and insufficient attention to the preservation of these resources can lead to serious consequences, such as loss of material values, undermining of combat readiness and violation of public trust in military structures.

However, today there is a need for a deep understanding and analysis of the normative and doctrinal aspects of the criminal liability of military personnel for violating the rules for the use and storage of military property. This problem becomes even more urgent in the conditions of the impoverishing nature of military conflicts, where effective management and responsible use of resources determine the success of the defense strategy.

Thus, solving this problem involves a thorough analysis of current regulations and principles, as well as the determination of optimal doctrinal approaches to determining the criminal liability of military personnel. The urgent need to strengthen military governance and ensure a high level of discipline in the army makes this study extremely important to ensure national security and stability in the country.

Analysis of recent research and publications. During the period of the first criminal laws, a theory equating criminal responsibility and punishment was formed, the supporters of which were M. I. Zagorodnikov, M. M. Kaplin, S. V. Poznyshev, M. S. Tagantsev, M. Kh. Farukshin, O. E. Leist, I. S. Samoschenko. Investigating the mentioned legal institute of criminal law, M.I. Zagorodnikov and O.E. Leist determined: "Criminal responsibility is a sanction and a real application (action) of a criminal law norm, the result of which is a just decision to commit a crime by a person, through a negative assessment of the behavior of this persons by a special body of the state and the application of measures of state coercion to the guilty" [6, с. 124-123]. Gradually, with the doctrinal improvement of criminal legislation, this theory lost its meaning, and today, directly in the law itself, the legislator clearly distinguishes between the concepts of

criminal liability and punishment. Another theory equates criminal responsibility with any restrictions on the rights and freedoms of a person who has committed a criminal offense, the representatives of this legal idea are A. V. Naumov, M. O. Ogurtsov.

However, this theory also raises certain doubts, since preventive measures provided for by criminal procedural legislation (including detention, house arrest, etc.) have a different purpose and are related to ensuring criminal proceedings and establishing the truth in the case. In addition, the noted measures are applied to persons who have not yet been found guilty by the court of a criminal offense, as they are only suspected of having committed it [3, p. 45].

Selection of unresolved aspects. Despite the considerable amount of research in the field of criminal liability of military personnel for violating the rules of use and storage of military property, there are several aspects that remain unresolved and require additional scientific attention.

First, there is a need for a detailed study of the motivations and factors that lead to violations of the rules of property use by servicemen. Understanding these aspects can contribute to the development of effective preventive strategies and disciplinary measures.

Secondly, it is important to analyze the effectiveness of existing systems of internal control and legal responsibility of military structures. Determining the shortcomings of such systems will allow to propose improvements to ensure compliance of military personnel with the established norms.

Thirdly, it is important to consider the international aspect of the criminal liability of military personnel, especially in the context of peacekeeping missions and participation in international operations. Defining uniform standards and international rules may be key to ensuring consistent and legal justice [5].

This article examines these unresolved aspects in order to fill the gaps in current research and to identify ways forward in developing strategies aimed at improving the effectiveness of military discipline and ensuring the reliable use and storage of military property.

Formulation of the goals of the article. This scientific article sets a number of important

goals for a deeper understanding and resolution of unresolved aspects of the criminal liability of military personnel for violating the rules of use and storage of military property. Specific article objectives include:

1. Analysis of motivations and factors of violations. Study of the main motivations and factors that lead to violations of the rules for the use of military property by servicemen in order to develop preventive strategies.

2. Assessment of the effectiveness of internal control systems. Thorough analysis of existing systems of internal control and legal responsibility in army structures to identify shortcomings and develop proposals for improvement.

3. Study of international aspects. Consideration of international standards and rules in the context of criminal liability of military personnel, in particular during participation in peacekeeping missions, to determine possible ways of unification and improvement.

4. Development of proposals for improving the system of management and discipline: Based on the received results, the formulation of specific recommendations and strategies aimed at increasing the effectiveness of military discipline and improving the use and storage of military property.

5. Contribution to the development of modern science: Provision of new scientific information and perspectives for further study of the problems of criminal responsibility of military personnel and management of military property.

Presentation of the main research material.

1. *Analysis of motivations and factors of violations:*

The first stage of our research was determined by the analysis of motivations and factors that encourage servicemen to violate the rules of using military property. Surveys and structured interviews allowed to identify the key psychological, social and economic aspects behind such violations. Based on the results of the analysis, it was found that lack of adequate control, low awareness and lack of incentives for responsible behavior are the main factors of violations [4].

2. *Evaluation of the effectiveness of internal control systems:*

The second stage of the study focused on evaluating the effectiveness of existing systems

of internal control and legal responsibility of military structures. Through the analysis of statistical data and a comparative review of internal regulations, it was found that the lack of sanctions and the uncertainty of disciplinary procedures play an important role in the formation of a state of indiscipline.

3. *Study of international aspects:*

The third stage of our research included the study of international aspects of the criminal responsibility of military personnel. Analysis of the participation of Ukrainian servicemen in peacekeeping missions and their legal responsibility before international tribunals showed the importance of improving national legislation in accordance with international norms and standards.

4. *Development of proposals for improving the system of management and discipline:*

The last stage of the study was aimed at developing specific proposals for improving the system of management and discipline in army structures. Taking into account the identified factors of violations and deficiencies in control systems, it is proposed to implement strict monitoring mechanisms, develop awareness-raising programs and define clear procedures for disciplinary responsibility.

Detailed analysis of motivations and factors leading to violations by military personnel:

In the section devoted to the analysis of motivations and factors that push military personnel to violate the rules of use and storage of military property, an in-depth review of the key aspects affecting this problem is carried out.

1. Lack of effective control:

One of the main factors of the violations turned out to be an insufficient level of control on the part of the military leadership. The lack of a system of monitoring and control over the use of military property creates conditions for unauthorized use and abuse.

2. Low awareness and insufficient preparation:

Some cases of violations are related to insufficient awareness of military personnel regarding the importance of observing the rules of property use. A low level of preparation and clarification of the importance of disciplinary norms can lead to a careless attitude towards property.

3. Psychological factors:

Some violations may be caused by psychological factors, such as stress, depression, or an aversion to military service. It is important to consider psychological aspects as they can affect discipline and accountability.

4. Lack of incentives to comply with the rules:

The lack of a system of incentives and rewards for compliance with the rules for the use of military property may lead to the fact that servicemen will not see concrete advantages in responsible behavior.

5. Corruption aspects:

In some cases, violations may be related to corrupt practices, such as bribery or use of official position for personal gain.

The mentioned analysis revealed various and interrelated motivations and factors that influence the observance by military personnel of the rules for the use and storage of military property. Understanding these aspects allows for the development of effective measures to prevent violations and increase the level of discipline in army structures.

A detailed assessment of the effectiveness of internal control systems in army structures [2-5]:

1. Shortcomings in sanctions and liability:

One of the key aspects revealed during the evaluation is the lack of clear and properly simplified sanctions for violations of the rules on the use of military property. The uncertainty of the degrees of responsibility can create an atmosphere of impunity, which leads to an increase in violations.

2. Inefficiency of disciplinary responsibility mechanisms:

Internal control systems often face the problem of ineffective mechanisms of disciplinary responsibility. Delays and difficulty in conducting disciplinary procedures can lead to a loss of efficiency in the use of these mechanisms.

3. Lack of transparency in reporting systems:

In many cases, reporting systems for the use of military property can be ambiguous and lack sufficient transparency. Deficiencies in reporting make it difficult to identify violations and implement measures to prevent them.

4. Absence of a monitoring and audit system:

Inadequacy of monitoring and audit systems increases the risk of non-detection of

violations. An effective control system should include well-defined monitoring and auditing procedures to identify and resolve problems in a timely manner.

5. Education and training system:

The low level of the education and training system can lead to the improper use of property due to the military personnel's incorrect understanding of the rules and the consequences of their violation.

6. Lack of incentive system:

The lack of a system of incentives and rewards for compliance with the rules can reduce the motivation of military personnel to treat military property responsibly.

The assessment of the effectiveness of internal control systems in army structures revealed a number of shortcomings and weaknesses that contribute to violations of the rules for the use of military property. Recommendations for further action are aimed at improving these systems in order to increase discipline and accountability in army units.

A detailed study of the international aspects of the criminal liability of military personnel:

1. Participation in peacekeeping missions:

The chapter is devoted to the study of international aspects of the criminal liability of military personnel, in particular during their participation in peacekeeping missions. Analyzing the experience of Ukraine and other countries, the study revealed that participation in peacekeeping can create special challenges and requires adaptation of national legislation to international standards.

2. International legal norms:

The main goal was to study the compliance of national legislation in the field of criminal liability of military personnel with international legal norms. It was found that differences in approaches can affect the effectiveness of management and discipline in army structures.

3. Interaction with other participants of peacekeeping missions:

The interaction of military personnel with representatives of other countries in peacekeeping missions was studied. The study made it possible to determine the need to harmonize legal norms and procedures to ensure common understanding and responsibility.

4. Studying the experience of leading countries:

An analysis of the experience of the leading countries that contribute their military contingents to peacekeeping missions has been carried out. It was found that some innovations and practices can be successfully implemented to improve management and accountability systems in the Ukrainian army.

5. Cooperation with international organizations:

The role and cooperation of military personnel with international organizations in the field of peace and security has been studied. It was determined that establishing clear standards of cooperation and interaction is a key aspect of improving the system of criminal responsibility.

6. Adaptation of national legislation:

Attention was drawn to the need to adapt national legislation to international standards in ensuring the criminal liability of military personnel, in particular, taking into account the specifics of peacekeeping missions.

This study of international aspects made it possible to identify the need for harmonization and adaptation of legislation to ensure effective criminal liability of military personnel in the international context.

Development of specific proposals for improving the system of management and discipline in army structures:

1. Creation of the Unified Central Register of Military Property:

It is proposed to create a centralized electronic database that will combine all data on military property. This will ensure a high level of transparency and availability of information for the military leadership and supervisory authorities.

2. Improvement of reporting and audit procedures:

New, more transparent and effective reporting procedures have been developed, which include a systematic audit of the use of military property. This will help ensure timely detection of violations and effective response.

3. Introduction of a system of fines and incentives:

It is recommended to introduce a system of fines for violators and incentives for those who follow the rules. This will contribute to increasing

the internal motivation of servicemen to responsible use of property.

4. **Establishment of the Inter-military Control and Audit Office:

It is proposed to create a special office that will be responsible for control and audit in the field of the use of military property. This office will be independent and will have the authority to perform periodic inspections and audits of military units.

5. Strengthening educational programs:

It is recommended to expand educational programs for military personnel with an emphasis on disciplinary norms and responsible use of property. Including these aspects in the preparation process will help prevent violations.

6. Increasing international cooperation:

It is proposed to strengthen cooperation with international partners in the field of military property management. Sharing experiences and adopting best practices will help to solve common problems and implement effective control methods.

7. Creation of a Reporting Hotline:

It is recommended to introduce a confidential "hotline" through which servicemen can anonymously report violations and deficiencies in the property use system.

These specific proposals are aimed at a comprehensive solution to the problems of management and discipline in the army structures, providing a system of control that will be effective, transparent and motivating for military personnel.

Conclusions from this study and perspectives. This study highlighted a number of key aspects of the criminal liability of military personnel for violating the rules for the use and storage of military property. Analyzing various aspects of this problem, we came to a number of important conclusions.

1. Control and reporting system. The study revealed shortcomings in the system of control and reporting of military property. Proposed proposals, such as the creation of a Unified Central Register of Military Property and the improvement of reporting procedures, are aimed at eliminating these shortcomings.

2. International aspects. The study of international aspects of the criminal responsibility of

military personnel revealed the need to harmonize national legislation with international standards. Cooperation and exchange of experience with other countries can contribute to solving common problems.

3. System of incentives and responsibility. Recommendations regarding the introduction of a system of fines and incentives, as well as the creation of the Inter-Military Office of Control and Audit, intended for independent control, are aimed at improving the discipline and responsibility of military personnel.

4. Educational programs and training. It is proposed to expand educational programs for military personnel with a focus on disciplinary norms. This can improve understanding of property rules and reduce the likelihood of violations.

5. Anti-corruption measures. The conclusion of the study emphasized the importance of implementing anti-corruption measures in army structures, such as the creation of a "hotline" for anonymous reporting of violations.

The overall goal of this study was not only to identify problems, but also to develop concrete and practical recommendations for improving the system of management and discipline in army structures. The implementation of the proposed measures can contribute to the strengthening of the disciplinary culture and the efficiency of the use of military property by servicemen.

Research perspectives.

1. A deeper study of motivations and factors. A detailed study of the psychological, social, and organizational motivations and factors that influence military personnel's use of military property can aid in the development of personalized approaches to enhancing discipline.

2. Analysis of the effectiveness of implemented measures. A detailed analysis of the effectiveness of the proposed measures should be carried out, including the creation of a reg-

istry, a system of incentives and accountability. This will allow us to determine how successfully new approaches affect the management system and disciplines.

3. International comparative analysis. Expanding the research to the international level can provide an opportunity to compare approaches to the criminal responsibility of military personnel in different countries. This is important for identifying best practices and opportunities for improvement.

4. Adaptation to changes in threats and strategies. Taking into account the dynamics of modern threats and strategies for the use of military assets is a key element of the study. Monitoring changes in contemporary conflicts and adapting the governance system to new challenges is an area that requires further research.

5. Economic impact and cost effectiveness. The study of the economic impact and effectiveness of the costs of military property management will allow to assess the rationality and productivity of the proposed measures, as well as to determine the possibility of their optimization.

6. Ensuring cyber security in the control system. Due to the development of cyber threats and abuses, it is important to study aspects of cyber security in systems of control and storage of data on military property to prevent unauthorized access and changes.

7. Study of ethical aspects. The study of ethical aspects of the criminal liability of military personnel, in particular in the context of peacekeeping missions, is an important direction that allows taking into account not only legal, but also moral aspects.

Research perspectives indicate the need for further large-scale research to implement effective and sustainable management and discipline solutions in army structures.

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