

COMPARATIVE ANALYSIS OF CRIMINAL LIABILITY FOR THE CRIME OF DESERTION IN UKRAINE AND IN THE INTERNATIONAL LEGAL ORDER

КОМПАРАТИВІСТСЬКИЙ АНАЛІЗ КРИМІНАЛЬНОЇ ВІДПОВІДАЛЬНОСТІ ЗА ВЧИНЕННЯ ДЕЗЕРТИРСТВА В УКРАЇНІ ТА В СВІТІ

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According to the Constitution of Ukraine, the protection of the sovereignty and territorial integrity of Ukraine, ensuring its economic and information security are the most important functions of the state and the business of the entire Ukrainian people. The defence of Ukraine, protection of its sovereignty, territorial integrity and inviolability are entrusted to the Armed Forces of Ukraine. One of the most important issues at the present stage (during the russian-Ukrainian war) of our country's development is the reform of the Armed Forces of Ukraine, transition to a new qualitative and professional level, to an improved legislative framework, which, in turn, requires a review of the current military legislation, the establishment of new military legal norms based on the rich experience of developed and promising modern countries. One of the important methods of scientific knowledge is comparative, which is most often used in criminal law research. Moreover, the use of the comparative legal method is extremely important given our country's aspirations for European integration and full membership in the European Union. Among the fundamental social values protected by criminal law, an important place is occupied by the country's defence capability, which is an important guarantee of the key attributes of the state: unity, sovereignty and independence. Desertion is a criminal offence and is considered by the military to be one of the most serious forms of breach of military duty. Desertion has also proved to be a controversial and emotionally charged socio-political issue. Although in peacetime desertion usually receives little attention, emotions can run high in times of conflict or crisis when a nation relies on its military to ensure peace or even to fight for its survival. This article provides a comprehensive analysis of criminal liability for the criminal offence of desertion under Article 408 of the Criminal Code of Ukraine, taking into account legislative changes that have been made to both the General and Special Parts of the current Criminal Code of Ukraine. The author also provides a comparative analysis of criminal liability for the crime of desertion under the Criminal Code of Ukraine, as well as an analysis of criminal liability for the said crime under the laws of other countries. The author also actively emphasises the unacceptably low number of scientific publications on the legal regulation of desertion as a war crime in Ukraine compared to the imposition of punishment and criminal liability for committing such a crime, especially during martial law.

Key words: desertion; crime in the Armed Forces of Ukraine; crime in the army; military personnel; national legislation on criminal liability; foreign legislation on criminal liability; comparative studies.

Відповідно до Основного Закону України, захист суверенітету й територіальної цілісності України, забезпечення її економічної та інформаційної безпеки є найважливішими функціями держави, справою всього Українського народу. Оборона України, захист її суверенітету, територіальної цілісності й недоторканності покладаються на збройні сили України. Одним із найважливіших питань на сучасному етапі (від час російсько-української війни) розвитку нашої країни є реформування Збройних Сил України, перехід на новий якісний та професійний рівень, на вдосконалену законодавчу основу, що, своєю чергою, зоб'язує перегляд чинного військового законодавства, встановлення нових військово-правових норм на основі багатого досвіду розвинених та перспективних сучасних держав світу. Одним із важливих методів наукового пізнання є порівняльний, який найчастіше й використовується у кримінально-правових дослідженнях. Біль-

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Table of Contents An Analysis Of Criminal Liability

1. Understanding the eBook An Analysis Of Criminal Liability
 - The Rise of Digital Reading An Analysis Of Criminal Liability
 - Advantages of eBooks Over Traditional Books
2. Identifying An Analysis Of Criminal Liability
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an An Analysis Of Criminal Liability
 - User-Friendly Interface
4. Exploring eBook Recommendations from An Analysis Of Criminal Liability
 - Personalized Recommendations
 - An Analysis Of Criminal Liability User Reviews and Ratings
 - An Analysis Of Criminal Liability and Bestseller Lists
5. Accessing An Analysis Of Criminal Liability Free and Paid eBooks

- An Analysis Of Criminal Liability Public Domain eBooks
 - An Analysis Of Criminal Liability eBook Subscription Services
 - An Analysis Of Criminal Liability Budget-Friendly Options
6. Navigating An Analysis Of Criminal Liability eBook Formats
 - ePub, PDF, MOBI, and More
 - An Analysis Of Criminal Liability Compatibility with Devices
 - An Analysis Of Criminal Liability Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of An Analysis Of Criminal Liability
 - Highlighting and Note-Taking An Analysis Of Criminal Liability
 - Interactive Elements An Analysis Of Criminal Liability
 8. Staying Engaged with An Analysis Of Criminal Liability
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers An Analysis Of Criminal Liability
 9. Balancing eBooks and Physical Books An Analysis Of Criminal Liability
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection An Analysis Of Criminal Liability
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine An Analysis Of Criminal Liability
 - Setting Reading Goals An Analysis Of Criminal Liability
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of An Analysis Of Criminal Liability
 - Fact-Checking eBook Content of An Analysis Of Criminal Liability
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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