

## Ukrainian civil society institutions in countering terrorism: International legal standards

Viktoriya Pylyp\*

PhD in Law, Associate Professor  
Uzhhorod National University  
88000, 3 Narodna Sq., Uzhhorod, Ukraine  
<https://orcid.org/0000-0001-6483-0749>

**Abstract.** Formalised structures of civil society are increasingly involved in the implementation of the law enforcement function, but the participation of such organisations in countering terrorism remains poorly studied in the theory of Ukrainian legal science. The research aims to determine the capabilities of civil society institutions in preventing and combating terrorism, following the proven international legal standards, and to outline the prospects for their use in shaping Ukraine's anti-terrorism policy. Analysis, induction, deduction, and synthesis, as well as systemic structural and generalisation methods were used in the study. Countering terrorism has long remained one of the main tasks of the State, which must guarantee peace and security of citizens. Based on the textual analysis of some international legal acts which constitute the legal basis for countering terrorism, it is determined that they do not explicitly provide for the possibility of involving formalised structures of civil society in these processes. This also applies to the national specialised legislation in the field of counterterrorism. The author proposes to consolidate the opportunities for civil society institutions at the regulatory level to implement a set of relevant educational and information activities aimed at raising the level of legal culture of citizens, establishing interreligious dialogue, and fostering multiculturalism; to carry out information activities to raise public awareness of the existence, causes, public danger and consequences of terrorist crimes and the threats they pose. The author substantiates the need to organise educational activities aimed at enhancing the competence of relevant professionals; to introduce the proven experience of using scientific and technical methods and techniques for conducting criminal law research; to conduct joint educational and scientific activities; to exchange relevant statistical and information data on national legislation, etc. The author outlines the prospects for introducing the proven international experience of countering terrorism into the law enforcement practice of Ukraine. The practical significance of the work lies in the fact that it proposes specific steps that civil society can take to prevent and combat terrorism

**Keywords:** law enforcement agency; regulatory support; international act; legal basis; interaction; prevention; extremism; radicals; media

### Introduction

By enshrining in the Preamble to the Constitution of Ukraine (1996) the irreversibility of Ukraine's European and Euro-Atlantic course, the legislator has defined and enshrined not only the strategic national course of state-building but also the relevant direction of development of the legal system. Ukraine's future membership in the European Union requires bringing its national legislation in line with the provisions of the organisation's legal acts. At the same time, international treaties form part of Ukraine's national legislation, which makes it mandatory to take them into account in practice and when drafting national legislation. And membership in the aforementioned Union may lead to Ukraine facing new challenges, including transnational crime, which has not yet become sustainable.

Given the difficult socio-political and economic conditions in which the country is living, it is not unreasonable to

note that the Ukrainian people are proving their determination, dedication, and commitment to fighting the aggressor country every day. This applies to both the Armed Forces of Ukraine, the Territorial Defence Forces, and civilians. Concerning the latter, it is worth noting the importance of the efforts of volunteer and charitable organisations that, without sparing their resources, provide logistical, psychological, financial, and other types of assistance to the military, victims of hostilities, people from the de-occupied territories, etc. All of this contributes to strengthening Ukraine's status in the international arena and lays the foundation for the development and further consolidation of civil society. After all, it is the formalised structures of the latter that constitute a kind of compass, a guide to future actions, characterised by appropriate forms of interaction, some of which have been actualised under martial law (Onishchenko & Suniehin, 2023).

### Suggested Citation

**Article's History:** Received: 10.06.2023 Revised: 19.08.2023 Accepted: 27.09.2023

Pylyp, V. (2023). Ukrainian civil society institutions in countering terrorism: International legal standards. *Social & Legal Studios*, 6(3), 127-134. doi: 10.32518/sals3.2023.127.

### \*Corresponding author



The importance of the participation of civil society institutions in state-building processes has been repeatedly emphasised by O. Tikhonova *et al.* (2022), M. Pivovar, & S. Kovalchuk (2022). Equally important is the participation of formalised civil society structures in the implementation of some state functions. Particular attention is drawn to the law enforcement function, in which developed countries are increasingly involving the public and formalised civil society structures. The need to study the legislative and regulatory framework and means of counteracting outlawing, identifying, and eliminating shortcomings in Ukrainian legislation; assessing the adaptability of international legislation to the conditions of Ukraine; testing managerial decisions in the field of regulatory policy and other factors is rightly emphasised by V. Vinichuk and N. Nakonechna (2017).

Counterterrorism is one of the transnational problems that requires a comprehensive approach. A significant drawback of law enforcement practice aimed at countering terrorism at the national level is the neglect of the capabilities of civil society institutions in countering terrorism. The legal and organisational basis for such counterterrorism remains unexplored, as well as the lack of ways to implement proven international experience and standards in the practice of national law enforcement agencies and other organisations, etc. At the same time, given that a significant part of the national legislation is made up of international legal acts, it is advisable to determine the peculiarities of the legal regulation of civil society institutions in the context of counterterrorism by the provisions of those acts ratified by the Verkhovna Rada of Ukraine, as well as to outline the prospects for implementing international experience in counterterrorism in Ukraine.

Therefore, the research aims to clarify and summarise the international legal standards for the involvement of civil society institutions in countering terrorism, and to outline the prospects for their implementation in the law enforcement practice of Ukraine. Achieving this goal necessitated the following tasks: 1) to systematise and summarise international legal treaties ratified by the Verkhovna Rada of Ukraine that regulate the specifics of counterterrorism; 2) to identify the provisions governing the activities of formalised civil society institutions in this area and to assess them.

To achieve this goal and objectives, systematic and legal analysis methods are applied to such legislative acts as: Convention for the Protection of Human Rights and Fundamental Freedoms (1950), International Covenant on Civil and Political Rights (1966), European Convention on the Suppression of Terrorism (1977), United Nations Declaration on Crime and Public Security (1997), International Convention for the Suppression of the Financing of Terrorism (1999), European Security Strategy (2003), Council of Europe Convention on the Prevention of Terrorism (2005), Additional Protocol on Combating Terrorism to the Agreement Among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in Particular in its Organized Forms (2004), Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism (2005), Directive (EU) 2018/843 of the European Parliament and of the Council (2018), Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (2015), Law of Ukraine "On Combating Terrorism" (2003). Analysis and synthesis methods, as well as the comparative legal

method, were also used in the course of analysing the texts of these legal acts.

To determine the role and capabilities of civil society institutions in the context of countering terrorism, the publications of foreign authors were analysed, the subject of which was the above-mentioned problems, and which were published in reputable publications indexed in the Scopus and Web of Science databases. The analysis also included the works of Ukrainian scholars who considered ways, forms, and methods of countering terrorism.

### **Counterterrorism is an urgent global issue for all stakeholders in public relations**

Terrorism is inherent in any stage of social development. In the second half of the twentieth century, it became an essential element of international legal relations and was defined as a significant threat to national and international security. Currently, the term "terrorism" is understood as a large set of violent acts aimed at achieving a certain political, economic, social, or religious goal, etc. The result of terrorist actions is the destruction of infrastructure, killing of civilians, encroachment on the lives of law enforcement officers, violation of public safety and security in the state, intimidation of the population, and the purpose is to illegally influence the decisions of government officials to achieve their selfish illegal demands of various kinds. As a result, modern terrorism leads to the destruction of the foundations of international security, undermining the functioning of liberal democracies, forcible changes in state policy, administrative and territorial structure, etc. Terrorist attacks are increasingly affecting the geopolitical integrity of states, culture and morality. At the same time, as scholars rightly point out, terrorists act primarily to secure their interests, acquire material assets, and gain access to power (Tymoshenko, 2023).

According to the Global Terrorism Index 2023, compiled by the Institute for Economics & Peace (2023) using data from TerrorismTracker and other sources, in 2022 the number of deaths from terrorism decreased by nine per cent to 6,701 and is now 38 per cent lower than at its peak in 2015. This is caused by a decrease in the number of attacks, as there were 28 per cent fewer attacks in 2022-3955 (compared to 5463 in 2021). At the same time, terrorist attacks became more deadly in 2022, with an average of 1.7 people killed per attack compared to 1.3 deaths in 2021. This is the first increase in the death toll in five years. Afghanistan, the Sahel region of sub-Saharan Africa, Burkina Faso and Mali, Togo, Djibouti, the Central African Republic and Benin, and South Asia remain the regions with the worst average terrorism scores in 2022.

The ways of conducting conflicts are rapidly evolving and changing. Terrorists are now using unmanned aerial vehicles (drones) (Institute for Economics & Peace, 2023). The aforementioned highlights the need to expand the methods of countering terrorism, which requires more active involvement of civil society institutions in these processes. For Ukraine, which currently ranks 73rd in the world in terms of the number of terrorist acts, the issue of countering terrorism remains relevant, and it may become even more acute in the post-war reconstruction of Ukraine.

It is necessary to expand the mechanisms for countering terrorism and improve the relevant legal provisions, which is impossible without assessing the current legal framework. To reduce the level of terrorist threat, based

on the peculiarities of the modern world, scientists propose to apply forensic counteraction combined with the use of social and information technologies. Particular attention in this context is paid to counter-terrorism education, which should be combined with the use of virtual communities and network space to ensure the participation of civil society institutions, as well as the analysis of the state of terrorism and the determination of the effectiveness of counter-terrorism measures (Leonenko *et al.*, 2021).

In most countries, counterterrorism is one of the key tasks of law enforcement agencies. However, it is important not only to resolve and eliminate the consequences of the unlawful acts committed but also to prevent anti-social manifestations that may reach the appropriate level of public danger. The above makes it necessary to identify effective ways to use the capabilities of civil society institutions in countering terrorist manifestations and crimes of this nature.

Formalised structures of civil society can influence certain segments of the population, minimise the negative impact of certain factors that contribute to the commission of criminal offences, carry out preventive activities against certain types of offences using their methods, etc. For example, religious organisations play a significant role in combating drug-related crime, as pointed out by foreign scholars (Jainah, 2022; Yawan *et al.*, 2023). Similar methods can be implemented in the context of countering terrorism, as the motivating factors of a terrorist nature are often formed in people's minds. This demonstrates the need to influence them using educational, social, and other methods.

Examples of specific organisations that are actively involved in countering terrorism include, for example, the well-known Lebanese Association of Victims of Terrorism (hereinafter – LAVT), founded in 2006, which aims to help all those affected by a terrorist act (Hladkyi, 2023). However, such examples should not be isolated, as in many cases the consequences of terrorism are inevitable, so it is advisable to prevent them.

The objective of using the capabilities of civil society institutions in countering terrorism and their cooperation with law enforcement agencies and international organisations in this area should become a component of the foreign and domestic policies of states. For example, in 2021, the US government approved a new counterterrorism strategy that envisages cooperation between government agencies and civil society in this area (Malakhov, 2022). Thus, it is important to review national legislation and bring it in line with proven counterterrorism practices. Specific legal mechanisms for countering terrorism by civil society should be a key component of legislative changes.

### **Civil society as an active participant in the implementation of international and national counter-terrorism measures**

The key priority and value of democracy is civil society, one of whose tasks is to create and ensure the existence of an appropriate level of society, in which the rights of individuals remain protected without the need for coercive measures. It is necessary to strive for a level of democracy where members of society are endowed with a high level of legal awareness, which not only ensures their conscious refraining from committing torts of various types and nature but also ensures the formation of an active civic position that guarantees their involvement in the management of public affairs,

the formation of public policy, etc. All members of such a society should feel equal in exercising any of their rights. It is this approach that will guarantee both the formation of a security environment and civil society, which together, according to scholars, is a guarantee of human rights in the state (Kovalevska, & Karashchuk, 2023).

D. Ettang (2023), in his study of the role of civil society in countering organised crime in South Africa, concluded that it is a critical factor in the fight against organised crime for several reasons, including the following: 1) civil society representatives have a good understanding of organised crime and its impact on communities; 2) formalised civil society institutions, aware of their roles and responsibilities, including their strengths, act more coherently and competently in countering organised crime in the districts; 3) civil society institutions can perceive the problems existing in communities more realistically, as they have established relationships and enjoy the trust of community members (more so than state organisations); 4) they establish channels of communication across inter-community differences while supporting different communities equally.

Citizens' participation in many aspects of society is ensured by the existence of relevant regulatory provisions that embody the relevant functioning legal mechanisms for exercising the rights and legitimate interests of citizens, organisations, etc. One such document is the National Strategy to promote the development of civil society in Ukraine for 2021-2026 (2021). It stipulates that a strategic task in the context of building civil society is to establish effective communication between law enforcement agencies and civil society institutions. At the same time, the latter mostly cooperate in the form of public control over certain state bodies specially authorised by law to carry out such activities (Buranhulov *et al.*, 2023), as well as in joint educational, informational, and other activities with law enforcement agencies.

The recommendations concerning the interaction of civil society institutions and law enforcement agencies, in particular in the context of countering terrorism, exchange of information on terrorist offences, etc. have not been implemented. Moreover, countering the phenomenon of terrorist-related crime requires more substantial measures than the implementation of joint educational activities, due to the high level of public danger of such crimes. The social dangers of terrorist offences are that they make it impossible for civil society to develop harmoniously and sustainably. The international community has long been concerned about the problem of terrorism, and therefore develops relevant recommendations, enshrines certain provisions at the regulatory level and implements various measures to ensure proper counteraction to this anti-social phenomenon. At the same time, effective counterterrorism requires not only appropriate targeted activities of state law enforcement agencies but also the involvement of civil society institutions in these processes.

Public cooperation and the formation of national resistance to terrorist attacks, the need for civilians to acquire knowledge and practical skills to identify the facts of radicalisation or terrorist activity have long been emphasised in the legal literature (Chernadchuk & Berezovska, 2022). At the same time, it is worth noting that the procedure for conducting such activities should be enshrined in law, which requires a thorough analysis and targeted approach in this regard by both law enforcement agencies and civil society institutions.

The recommendations of the Organisation for Security and Co-operation in Europe (OSCE) are quite appropriate in the context of establishing cooperation between civil society institutions and law enforcement agencies in countering terrorism, including the following: 1) building relationships with civil society on the basis of partnership, considering its experience and knowledge; 2) establishing communication at the national and local levels with civil society by creating and using official means and channels of communication; 3) conducting joint (for law enforcement officers and civil society representatives) regular educational programmes and trainings aimed at promoting and fostering a culture of ethnic diversity and the concept of human centrism; 4) creating a “safe space” for open discussions and debates aimed at highlighting different views on identifying the factors that lead to terrorist acts, assessing anti-terrorism policies, preventing and countering them; 5) avoiding legal restrictions and not to persecute civil society institutions involved in the study of conditions conducive to the spread of terrorism; 6) demonstration of one of the important components of an effective domestic and foreign policy of countering terrorism and enhancing public security is measures to protect and strengthen human rights; 7) introduction of programmes with allocated funds to enable civil society and non-governmental organisations to challenge anti-terrorism laws and practices in court, thereby strengthening democratic accountability; 8) cooperating with the Office for Democratic Institutions and Human Rights, using various methods and technical measures, implementing the proven experience of independent civil society institutions in the context of reforming anti-terrorism legislation; 9) providing regular assessment of anti-terrorism measures with the participation of representatives of formalised civil society structures and independent experts (OSCE, 2007). Based on the abovementioned and evaluating the above recommendations in the context of their compliance with the current state of state policy in Ukraine and the contribution of law enforcement agencies and NGOs to their implementation, it should be noted that a significant number of events held in Ukraine are dedicated to the issue of human rights, including protection from terrorist crimes. Some of them, in particular, organised by the European Union Advisory Mission, are dedicated to combating racial discrimination, building a culture of tolerance, etc. However, at the national level, the involvement of civil society institutions in countering terrorism is still insufficient.

### **International legal framework for countering terrorism: Assessment of effectiveness and prospects for implementation in Ukraine**

International treaties ratified by the Verkhovna Rada of Ukraine occupy a special place in the system of legal regulation, as they are part of national legislation. In addition, if they establish rules other than those provided for in the relevant act of Ukrainian legislation, international norms have priority (Law of Ukraine No. 1906-IV..., 2004). In assessing the legal provisions and mechanisms for countering terrorism, it should be noted that the most important regional conventional instruments aimed at countering terrorism include the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), adopted by the member states of the Council of Europe in Rome on 4 November 1950. Its provisions proclaim the inviolability and mandatory observance of such human rights as the right to life, prohibition

of torture, right to liberty and security of person, freedom of thought, conscience and religion, and freedom of expression. When committing unlawful acts of terrorism, criminals usually encroach on these rights and freedoms. It is worth emphasising the inalienability and impossibility of restrictions by member states on such rights as the right to life, the inadmissibility of torture, the prohibition of slavery, servitude and forced labour, and the inadmissibility of punishment in cases not foreseen by law, even during special periods such as a state of emergency or martial law. Such provisions are embodied in Article 15 of the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966). It should also be added that the exercise of the right to freedom of expression should not include the proclamation of calls and incitement of others to commit acts of terrorism, violence or other actions aimed at infringing on national security. National legislation fully complies with these provisions.

The European Convention on the Suppression of Terrorism (1977) was adopted on 27 January 1977 to ensure the inevitability of criminal liability, organisation, and prosecution of terrorism. Its provisions define the types of criminal offences for which a person or group of persons and the case against them may be transferred to another state for further consideration of the issue of bringing them to legal responsibility. It is also important to note that the same Convention also defines the procedural features of extradition, the principles of interaction between the parties concerned, and the specifics of judicial settlement of disputes that may arise between the parties involved.

The United Nations Declaration on Crime and Public Security (1997) states that to ensure the safety and well-being of citizens, Member States are encouraged to take effective national measures to combat dangerous transnational crime, in which terrorism, among other types, plays a significant role. To ensure the effectiveness of such measures, the importance of interstate cooperation in this context is emphasised. In this context, it is again worth emphasising the importance of expanding the scope of cooperation between Ukraine and such organisations as the EU Specialised Prosecutor’s Office, which provides judicial cooperation in criminal matters, the European Police Office (Europol), Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the EU Member States), etc.

In 2002, Ukraine ratified the International Convention for the Suppression of the Financing of Terrorism (1999), which criminalised several acts, including those related to the direct or indirect, unlawful, and intentional transfer or collection of funds to finance terrorism. It also sets out the criteria that financial institutions must meet to prevent money laundering and the use of funds for terrorist financing. Thus, the state has taken the task of counteracting those acts that have already been committed as a basis, rather than preventing such acts of terror.

On 3 December 2003, the European Security Strategy was adopted. Its provisions state that terrorism is one of the greatest threats to European security, and therefore the strategic goals of the European Union are: to eliminate threats based on a European arrest warrant, to prevent financial transactions aimed at logistical support of terrorist organisations, to prevent separatism, to resolve regional conflicts, to assist countries with low living standards, and to develop democracy (Council of the European Union, 2009;

Horbach & Sygidus, 2017). This focus on legal provisions again demonstrates the direction of state policy in the context of eradicating the economic basis of terrorist organisations. At the same time, the concept of regional conflict resolution is not sufficiently developed, but its implementation can be entrusted to civil society institutions.

On 31 July 2006, Ukraine ratified the Council of Europe Convention on the Prevention of Terrorism (2005). According to its provisions, effective prevention of terrorism is possible through the adoption and implementation of appropriate national measures. Such measures relate to the professional training of relevant specialists and may be carried out in the educational, cultural and media spheres. The focus of such measures is to raise the level of legal culture, in particular public awareness of the negative consequences of terrorism and the prevention of terrorist crimes, and to implement preventive measures. The provisions of the Convention also define certain aspects of the activities of non-governmental organisations and other civil society actors tasked with fostering multiculturalism and a culture of tolerance, eliminating any manifestations of discrimination in society, raising awareness of the causes, threats, and consequences of terrorist offences, etc. Thus, this Convention is one of the first legal acts to proclaim the need to involve the public in preventive measures to counter-terrorism.

On 17 December 2008, Ukraine approved the Additional Protocol on Combating Terrorism to the Agreement Among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in particular in its Organised Forms (2004). It is positive that in addition to measures that can be implemented exclusively by law enforcement agencies, other forms of cooperation between the participating states are also identified, in particular, the exchange of statistical and information data, data on preventive measures taken, educational programmes on counterterrorism, and current areas of scientific research.

In 2010, the Council of Europe also ratified the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism (2005), which regulates in detail the procedure for suppressing these facts. Concerning the suppression of terrorist financing, it is worth noting Directive 2018/843, the provisions of which define effective legal frameworks and mechanisms for resolving issues related to the confiscation of money and property obtained or used for terrorist purposes. The purpose of such measures is to ensure that national policies of the Member States are formulated in such a way that they prevent the occurrence of consequences due to the financing of terrorism (Directive (EU) 2018/843..., 2018).

The latest documents also include the Strategic Programme for 2019-2024, which also proclaims the inadmissibility of money laundering through cryptocurrencies, and will complicate their use for criminal purposes, including terrorist financing (Chernadchuk & Berezovska, 2022). The criminalisation of acts defined by the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (2015), in particular, terrorist training, crossing the state border to implement the intention to commit unlawful acts of a terrorist nature, and financing of such acts, should also be considered significant changes.

The main international legal acts aimed at countering terrorism are listed above, but this is not an exhaustive list. Based on these provisions, it should be noted that only a few

of them mention civil society institutions as entities that may be involved in countering terrorism, at least in a descriptive manner. Based on the above, we believe it is appropriate to cite the provisions of the current legislation that ensure the participation of formalised civil society structures in countering terrorism. Thus, following the Law of Ukraine "On Combating Terrorism" (2003), one of the duties of associations of citizens, organisations and their officials is to report information about terrorist activities or any other circumstances, information about which could be used by law enforcement agencies to counteract these anti-social phenomena. It is likely that the legislator, when enshrining these provisions, focused on human rights NGOs, which, in the course of their activities, will be able to obtain information about citizens with an anti-social stance whose intention is to commit a terrorist act. However, the approach of both international organisations and the Ukrainian legislator does not cover other key aspects, which, if known and implemented in practice, could minimise the number of terrorist acts.

The above shows that there is insufficient legal support for the activities of civil society institutions in the context of countering terrorism at both the international and national levels. In this regard, it is worth emphasising the peace-keeping functions of civil society, including: 1. Prevention of crime through the development of intervention – early system response using known scientific methods and research. 2. Implementation of laws and development of the legal system, by laws and international conventions. 3. Providing education, training, and development of institutional and civilian capacity in conflict-affected countries to prevent crime. 4. Promoting and advancing research in criminal law, criminology, forensics, and other disciplines related to the further development of cooperation and coordination of all governmental and non-governmental organisations in the context of combating crime, including terrorism. 5. Establishing cooperation with other institutions, organisations, and associations in crisis countries, as well as in conflict and post-conflict countries, which have the same or similar programme objectives, such as education and training, to implement policies to counter extremism and radicalism. 6. Implementation of scientific and professional contributions to the policy of preventing and combating extremism and radicalism that lead to terrorism. After all, combating violent extremism requires a general understanding of its dimension and ideological nature, as well as an objective and detailed assessment of the local and dynamic driving forces of radicalism and extremism that lead to terrorism.

As for positive examples of the activities of NGOs in the world, it is worth noting the activities of the Lebanese Association for Women and Children. It fights radicalisation and extremism and aims to counteract discrimination on any grounds. The members of this organisation are Lebanese citizens and residents who promote the concept of human-centredness. The organisation's activities include seminars with psychologists, art therapists, social workers, and victims of terrorist attacks. Such events are also aimed at raising awareness of citizens about such phenomena so that they can develop and build an algorithm for their actions if they find themselves in similar situations (Hladkyi, 2023). This example is positive and can be implemented in the activities of other states, as measures to minimise the negative effects of terrorism should be comprehensive and systematic. Terrorism does not end with bringing perpetrators to justice;

among other things, it requires the elimination of factors that affect the social and psychological spheres of life.

Concerning the experience of foreign countries, in particular, their civil society institutions in the context of implementing anti-terrorism measures, for example, the United States has created relevant organisations whose members are experts in relevant fields of knowledge or proactive members of society. One such organisation is the International Association of Anti-Terrorism Officers, which is represented by representatives of various law enforcement agencies, civil protection services, and the security sector. Its members are citizens of the United States and other countries. Israel prioritises public education on the terrorist threat. As a rule, such educational activities are carried out mainly by non-governmental organisations.

As for the media, in Ukraine, non-governmental media are equated with civil society institutions. The fourth branch of power has quite broad capabilities in shaping the legal culture of the population and raising legal awareness, and therefore it is advisable to involve them in the implementation of anti-terrorism policy, spreading a culture of tolerance, etc. It is important to use the capabilities of such civil society institutions as the media, the Internet, and social networks. The need to counteract the spread of terrorist ideas on the Internet has been repeatedly discussed at meetings of the United Nations and the European Union (Security Council resolution 2374..., 2017).

The policy of "Safe Internet" as a national priority was first shaped by the Macron administration. As a result, it became widespread, and in June 2017, a French-British action plan against the use of the Internet by terrorists was launched (Borelli, 2023). Such activities are driven by the fact that criminals are now actively using the Internet to promote and impose their "politics" and even recruit foreign fighters. For example, terrorist organisations have used geo-referenced census data and personnel records of the Islamic State in Iraq and the Levant to recruit foreign fighters from Tunisia (Do *et al.*, 2023).

The orientation of the international security sector to develop active measures to counter the use of the Internet has been repeatedly emphasised by Ukrainian researchers. As S. Kudinov (2019) notes, to carry out terrorist activities, it is important to combine the efforts of the authorities and law enforcement agencies of states, on the one hand, and civil society, on the other, since anti-terrorism policy will not be effective without the support of civil society, which is an integral lever of interaction between society and the state.

The peacekeeping functions of civil society are: 1. Preventing crime through the development of interventions - early system response using known scientific methods and research. 2. Implementation of laws and development of the legal system, by laws and international conventions. 3. Providing education, training, and development of institutional and civilian capacity in conflict-affected countries to prevent crime. 4. Promoting and advancing research in criminal law, criminology, forensics, and other disciplines related to the further development of cooperation and coordination of all governmental and non-governmental organisations in the context of combating crime, including terrorism. 5. Establishing cooperation with other institutions, organisations, and associations in crisis countries, as well as in conflict and post-conflict countries, which have the same or similar programme objectives,

such as education and training, to implement policies to counter extremism and radicalism. 6. Implementation of scientific and professional contributions to the policy of preventing and combating extremism and radicalism leading to terrorism. This list is not exhaustive and therefore requires further research and implementation.

## Conclusions

An analysis of the provisions of international treaties ratified by the Verkhovna Rada of Ukraine shows that counterterrorism is one of the main tasks of a modern state governed by the rule of law. The key and effective measure for the authorities of most countries in combating terrorist crimes is the criminalisation of those acts that have signs of terrorism. This is evidenced by the provisions of international legal treaties that provide for criminal liability for legalisation (laundering) of the proceeds of crime, their use for the financing of terrorism, training in terrorism, undergoing such training, arrival in the country with the intent to commit a terrorist act, financing of such acts, etc. The direct implementation of these tasks is entrusted to law enforcement agencies, which are vested with the relevant powers. The author emphasises that it is advisable to improve the professional competence of employees of the relevant law enforcement agencies, which can be done by involving their representatives in the activities of relevant international organisations, one of which is the International Association of Anti-Terrorism Officers.

It is substantiated that the provisions of current international legal acts do not regulate the procedure for the participation of civil society institutions in countering terrorism. However, the national legislation of Ukraine does contain provisions obliging civil society institutions to counterterrorism. The Law "On Combating Terrorism" stipulates that it is the duty of associations of citizens, organisations, and their officials to report information on terrorist activities or any other circumstances related to this anti-social phenomenon, but no other legal mechanisms for countering terrorism are defined.

The peacekeeping functions of civil society are defined in the article, including the formation of a system of early response to unlawful acts, unification of the legal system with the provisions of international conventions and other legislative acts of foreign countries, expansion of communication networks, using the possibilities of institutional and civil potential with the relevant countries to prevent such crimes; intensifying relevant research to address current problems of law enforcement practice; establishing effective cooperation between national and international organisations to implement policies to counter extremism and radicalism, etc. The need to involve non-state media in countering terrorism, which can be active implementers of a secure Internet policy, was also emphasised.

The research novelty is determined by the outline of certain aspects of participation of formalised civil society institutions in countering terrorism. Several possible forms of their participation in this area are identified, and the need for their regulatory regulation by expanding the provisions of international and national legislation is emphasised. These issues require further in-depth research, the subject of which should be proposals and recommendations of a legal nature on real mechanisms for using the capabilities of civil society institutions in countering terrorism.

**Acknowledgements**

None.

**Conflict of interest**

None.

**References**

- [1] Additional Protocol on Combating Terrorism to the Agreement Among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in Particular in its Organized Forms. (2004, December). Retrieved from <http://www.bsec-organization.org/UploadedDocuments/StatutoryDocumentsAgreements/AddPrtTerrorism%20071120.pdf>.
- [2] Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism. (2015, October). Retrieved from <https://rm.coe.int/168047c5ea>.
- [3] Borelli, M. (2023). Social media corporations as actors of counter-terrorism. *New Media & Society*, 25(11), 2877-2897. doi: 10.1177/14614448211035121.
- [4] Buranhulov, A.V., Herashchenko, O.S., Zalievska, I.I., & Udrenas, H.I. (2023). Quality control over the activities of the National police of Ukraine as a requirement and condition for the successful European integration process of Ukraine. *South Ukrainian Law Journal*, 1, 18-22. doi: 10.32850/sulj.2023.1.3.
- [5] Chernadchuk, T.O., & Berezovska, V.O. (2022). The policy of the European Union on the fight against terrorism: the analysis of the European Union legislation and some national antiterrorism programs. *Constitutional State*, 48, 66-76. doi: 10.18524/2411-2054.2022.48.267964.
- [6] Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.
- [7] Convention for the Protection of Human Rights and Fundamental Freedoms. (1950, November). Retrieved from [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).
- [8] Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism. (2005, May). Retrieved from <https://rm.coe.int/168008371f>.
- [9] Council of Europe Convention on the Prevention of Terrorism. (2005, May). Retrieved from <https://rm.coe.int/16808c3f55>.
- [10] Council of the European Union. (2009). *European Security Strategy: A secure Europe in a better world*. Brussels: General Secretariat of the Council. doi: 10.2860/1402.
- [11] Directive (EU) 2018/843 of the European Parliament and of the Council Amending Directive (EU) 2015/849 on the Prevention of the Use of the Financial System for the Purposes of Money Laundering or Terrorist Financing, and Amending Directives 2009/138/EC and 2013/36/EU. (2018, May). Retrieved from <http://data.europa.eu/eli/dir/2018/843/oj>.
- [12] Directive of the European Parliament and of the Council No. 2018/843 Amending Directive (EU) 2015/849 on the Prevention of the Use of the Financial System for the Purposes of Money Laundering or Terrorist Financing and Amending Directives 2009/138/EU and 2013/36/EU. (2018, May). Retrieved from <http://data.europa.eu/eli/dir/2018/843/oj>.
- [13] Do, Q.-T., Gomez-Parra, N., & Rijkers, B. (2023). Transnational terrorism and the internet. *Journal of Development Economics*, 164, article number 103118. doi: 10.1016/j.jdeveco.2023.103118.
- [14] Ettang, D. (2023). Exploring the role of civil society in countering organized crime in South Africa. In M. Vieira (Ed.), *Global Approaches on State Fragility & Organized Crime* (pp. 187-207). San José: University for Peace.
- [15] European Convention on the Suppression of Terrorism. (1977, January). Retrieved from <https://rm.coe.int/16800771b2>.
- [16] Hladkyi, A.O. (2023). International institutional support for victims of terrorism. *Analytical and Comparative Jurisprudence*, 3, 400-404. doi: 10.24144/2788-6018.2023.03.72.
- [17] Horbach, O., & Sygidus, K. (2017). Comparative analysis of the European Security Strategy (2003) and Global Strategy of the European Union (2016). *Humanitarian Vision*, 3(2), 57-62. doi: 10.23939/shv2017.02.057.
- [18] Institute for Economics & Peace. (2023). *Global Terrorism Index 2023: Measuring peace in a complex world*. Sydney: IEP.
- [19] International Convention for the Suppression of the Financing of Terrorism. (1999, November). Retrieved from <https://treaties.un.org/doc/db/terrorism/english-18-11.pdf>.
- [20] International Covenant on Civil and Political Rights. (1966, December). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.
- [21] Jainah, Z.O. (2022). Law enforcement policy: Narcotics crime in Indonesia. *Baltic Journal of Law & Politics*, 15(2), 89-99.
- [22] Kovalevska, D.V., & Karashchuk, M.H. (2023). Investigating the functioning of civil society in a state governed by the rule of law in a deliberative democracy. *National Technical University of Ukraine Journal. Political science. Sociology. Law*, 1, 89-96. doi: 10.20535/2308-5053.2023.1(57).280801.
- [23] Kudinov, S.S. (2019). [International experience against terrorism and its importance for Ukraine](#). *Scientific Notes of Taurida National V.I. Vernadsky University. Series: Juridical Sciences*, 30(1), 117-123.
- [24] Law of Ukraine No. 1906-IV "On International Treaties of Ukraine". (2004, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/1906-15#Text>.
- [25] Law of Ukraine No. 638-IV "On Combating Terrorism". (2003, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/638-15>.
- [26] Leonenko, O.A., Levytskyi, V.V., & Shevelev, K.E. (2021). [Features of information and criminalistic counteraction to terrorism and drug business](#). *Bulletin of the Criminological Association of Ukraine*, 2, 142-148.
- [27] Malakhov, H. (2022). New strategy for combating terrorism in the USA. *Information and Law*, 1, 119-123. doi: 10.37750/2616-6798.2022.1(40).254350.

- [28] National Strategy to Promote the Development of Civil Society in Ukraine for 2021-2026. (2021, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/487/2021#n23>.
- [29] Onishchenko, N.M., & Suniehin, S.O. (2023). Law ensuring the interaction of the armed forces of Ukraine with civil society: Conceptual basic. *Scientific Innovations and Advanced Technologies*, 5, 313-321. doi: 10.52058/2786-5274-2023-5(19)-313-321.
- [30] OSCE. (2007). *The role of civil society in preventing terrorism: Informal working level meeting: Report*. Barcelona. Retrieved from <https://www.osce.org/files/f/documents/9/9/25142.pdf>.
- [31] Pivovar, M., & Kovalchuk, S. (2022). Directions of reforming civil society and public authorities in the conditions of war in Ukraine. *Analytical and Comparative Jurisprudence*, 1, 173-178. doi: 10.24144/2788-6018.2022.01.32.
- [32] Security Council Resolution 2354 (2017) on Implementation of the Comprehensive International Framework to Counter Terrorist Narratives. (2017, May). Retrieved from <https://digitallibrary.un.org/record/1289209?ln=en>.
- [33] Tikhonova, O.V., Holdovskiy, A.H., Bratasyuk, O.B., Chornohor, N.S., Herbut, N.A., & Serohina, N.K. (2022). The efficiency of tools for social interaction between public authorities and civil society. *Amazonia Investiga*, 11(51), 161-170. doi: 10.34069/AI/2022.51.03.15.
- [34] Tymoshenko, V.I. (2023). Determinants of modern terrorism. *Uzhhorod National University Herald. Series: Law*, 75 (Pt 2), 130-135. doi: 10.24144/2307-3322.2022.75.2.21.
- [35] United Nations Declaration on Crime and Public Security. (1997, January). Retrieved from <https://digitallibrary.un.org/record/234810?ln=en>.
- [36] Universal Declaration of Human Rights. (1948, Desember). Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.
- [37] Vinichuk, M.V., & Nakonechna, N.V. (2017). *Economic security of the state: Socio-economic dimension*. Lviv: Liha-Pres.
- [38] Yawan, F.R., Hasibuan, F.Y., Ismed, M., & Ariyamang, W. (2023). *Narcotics crime in Indonesia: Examining law enforcement, politics, and human rights*. *Novateur Publications*, 2, 42-48.

## Інститути громадянського суспільства України в протидії тероризму: міжнародно-правові стандарти

**Вікторія Василівна Пилип**

Кандидат юридичних наук, доцент

Ужгородський національний університет

88000, пл. Народна, 3, м. Ужгород, Україна

<https://orcid.org/0000-0001-6483-0749>

**Анотація.** Формалізовані структури громадянського суспільства все частіше долучаються до реалізації правоохоронної функції, однак малодослідженою в теорії української юридичної науки залишається участь таких організацій у протидії тероризму. Мета дослідження – визначити можливості інститутів громадянського суспільства в попередженні та запобіганні тероризму, відповідно до апробованих міжнародно-правових стандартів, та окреслити перспективи їх використання у формуванні антитерористичної політики України. У роботі застосовувалися методи аналізу, індукції, дедукції та синтезу, а також системно-структурний та узагальнення. Констатовано, що протидія тероризму протягом тривалого часу залишається одним з головних завдань держави, яка повинна гарантувати мир та безпеку громадян. За результатом текстуального аналізу деяких міжнародних нормативно-правових актів, які становлять правову основу протидії тероризму, визначено, що вони прямо не передбачають можливості залучення до цих процесів формалізованих структур громадянського суспільства. Це стосується і національного профільного законодавства у сфері протидії тероризму. Запропоновано закріпити на нормативному рівні можливості для інститутів громадянського суспільства реалізувати комплекс відповідних освітніх та інформаційних заходів, мета яких – підвищити рівень правової культури громадян, налагодити міжрелігійний діалог, формувати полікультурність; провадити інформаційну діяльність задля підвищення рівня обізнаності населення стосовно існування, причин, суспільної небезпеки та наслідків учинених терористичних злочинів, загроз, які вони зумовлюють. Обґрунтовано необхідність організувати освітні заходи щодо підвищення компетентності відповідних фахівців; упроваджувати апробований досвід використання науково-технічних методів і прийомів проведення досліджень кримінально-правової спрямованості; проводити спільні освітні й наукові заходи; обмінюватися відповідними статистичними й інформаційними даними щодо національного законодавства тощо. Окреслено перспективи впровадження апробованого міжнародного досвіду протидії тероризму в правозастосовну практику України. Практичне значення роботи полягає в тому, що запропоновано конкретні кроки, які може здійснити громадянське суспільство для попередження та боротьби з тероризмом

**Ключові слова:** правоохоронний орган; нормативно-правове забезпечення; міжнародний акт; правова засада; взаємодія; запобігання; екстремізм; радикали; медіа