

CRIMINAL LAW AND CRIMINOLOGICAL ASPECTS OF INTIMIDATION OF THE POPULATION CONCERNING TERRORIST THREATS

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Abstract

The article is devoted to the analysis of the types of threats in the commission of criminal offenses related to a terrorist act, namely: "Terrorist act", "Involvement in committing a terrorist act", "Public calls for committing a terrorist act", "Facilitating a terrorist act". The author analyzes the total number of criminal offenses committed in the field of public security, and then separately examines the corpus delicti of criminal offenses containing signs of a threat of a terrorist act. The study of this array of criminal proceedings, generalization of materials and highlighting of features and individual aspects provide sufficient grounds to assert that criminal offenses against public security are accompanied by certain types of mental violence: intimidation of the population (which is expressed in the demonstration and carrying of firearms, etc.); commission of terrorist acts with the aim of influencing the decision-making, actions or inaction of public authorities or local self-government bodies, including the threat of such acts. The article examines the elements of criminal offenses related to the threat of committing a terrorist act. The empirical study was conducted using statistical data obtained from the Unified State Register of Court Decisions and a survey of employees of the State Bureau of Investigation and the Security Service of Ukraine on the concept of threats and mental violence. The author also analyzes the percentage of criminal offenses related to threats of terrorist acts. Conclusions are drawn regarding the existence of an additional mandatory object, namely, the mental health of the population in cases of threats of a terrorist act.

Keywords: terrorism; threats; intimidation; terrorist act; involvement.

1. Introduction

The contemporary reality in which Ukrainian society exists is shaped not only by open military aggression but also by the complex influence of hybrid warfare, which encompasses political, economic, informational, and psychological dimensions. Among the most destructive tools of hybrid warfare are terrorist threats and associated forms of mental violence aimed at destabilizing public order, undermining trust in state institutions, and creating a widespread atmosphere of fear, panic, and demoralization (Hnietniev, 2009). For this reason, the study of criminal law and criminological aspects of intimidation of the population in the context of terrorist threats is both scientifically justified and socially necessary.

This article is of interest not only to specialists in criminal law and criminology but also to law enforcement professionals, judges, policymakers, and scholars in the fields of security studies, psychology, and sociology (Domenko & Turkevych, 2023). Historically, terrorist crimes have been viewed primarily through the lens of physical violence directed at killing individuals, damaging infrastructure, or causing material losses (Danylevskyi,

2009). However, global experience—especially the terrorist attacks of September 11, 2001, in the United States, subsequent attacks across Europe, and more recently, the military actions in Ukraine—has demonstrated that psychological impact can be equally or even more damaging. The widespread dissemination of fear and a sense of insecurity is a strategic tool of terrorist actors, turning terrorism into a form of psychological warfare (Dremyn, 2022).

Against the backdrop of an increasing number of crimes against public safety, Ukrainian legislation, despite notable efforts, does not adequately consider the psychological component of such crimes. An analysis of Articles 258 through 258⁴ of the Criminal Code of Ukraine reveals that although terms like «threat,» «involvement,» and «public calls» are present, the mental health of individuals or society is not explicitly recognized as an autonomous legal good.

The theoretical basis of this study is grounded in the works of leading Ukrainian legal scholars, including Yu.V. Baulin (2023), B.M. Burdin (2018), O.V. Kyrychenko (2005), S.M. Mokhonchuk (1999), M.V. Semykin (2004), O.M. Kostenko (2006) who have examined aspects of mental influence, pressure, and intimidation in the context of organized crime, terrorism, and crimes against public safety. However, there is still no comprehensive vision of intimidation as a form of mental violence that should be formally recognized as an objective element of terrorist offenses or as a distinct crime in its own right.

In the criminological discourse, although researchers acknowledge the destructive psychological impact of terrorist acts, structural analysis of such crimes has often focused on institutional, financial, or operational aspects of terrorism (Iemeljanov, 2020). This has created a theoretical gap that limits the capacity to fully assess the scope of harm caused by these offenses and hinders the development of preventive mechanisms that prioritize psychological safety.

The core problem lies in the lack of normative and doctrinal recognition of mental violence—particularly intimidation—as an independent method of committing terrorist crimes. While Ukrainian law does incorporate certain features of psychological influence (e.g., involvement through blackmail or exploiting a vulnerable condition), the overall criminal law paradigm for protecting public safety remains largely focused on physical harm (Kvasha, 2014). Therefore, there is a need for a deeper conceptualization of terms such as «fear,» «intimidation,» «mental influence,» and «psychological health» within the framework of criminal legal qualification.

The purpose of this research is to conduct a comprehensive criminal law and criminological analysis of intimidation of the population as a form of mental violence in the commission of terrorist offenses and to justify the recognition of citizens' mental health as an additional legal object protected by criminal law in such cases.

The hypothesis of the study is that terrorist-related offenses involving mental violence—such as threats, involvement, public incitement, and recruitment—cause not only harm to public safety but also direct psychological harm to individuals and society. Therefore, mental health should be recognized as an additional protected legal interest in the criminal law provisions dealing with such offenses.

3. Result and Discussion

Intimidation, as a form of mental violence, constitutes a systemic and dangerous component of terrorism-related crimes. Its manifestations include not only overt threats or coercion but also more subtle methods of psychological manipulation, deception, and recruitment, all of which serve to undermine public safety and destabilize the mental health of citizens.

According to official data from the Prosecutor General's Office of Ukraine, in 2022 alone, 71,221 criminal offenses against public safety were registered, with 42,718 individuals receiving notifications of suspicion, and 30,139 indictments submitted to court. A significant portion of these offenses involved various elements of mental

violence—threats, public calls for violence, and recruitment tactics intended to coerce individuals into criminal activity under psychological pressure.

The study of this array of criminal proceedings, generalization of materials and identification of features and individual aspects provide sufficient grounds to assert that criminal offenses against public security are accompanied by certain types of mental violence:

1) intimidation of the population (which is expressed in the demonstration and carrying of firearms, etc.);

2) committing terrorist acts to influence the decision-making, actions or inaction of public authorities or local self-government bodies, including the threat of committing such acts;

3) threat of committing a terrorist act;

4) involvement in committing a terrorist act by deception, blackmail, vulnerable state of a person or threat of violence;

5) public calls for committing a terrorist act;

6) facilitating the commission of a terrorist act by recruitment, including knowingly false reports of preparations for explosions, arson or other actions that threaten the death of people;

Summarizing the above, first of all, intimidation as a type of mental violence that occurs in the commission of criminal offenses against public safety is noteworthy.

Intimidation is the commission of active actions by the perpetrator of an offense, such as threats of physical or mental violence against the victim or his or her close relatives in order to subdue the will of a person, which is similar in nature to blackmail. The difference between intimidation and blackmail is that intimidation does not use compromising information. Intimidation is most often used to:

1) obtaining information;

2) recruitment;

3) forcible coercion to a certain action;

4) correction of the victim's behavior (Katerynychuk, 2017).

For example, intimidation as a type of mental violence is evident from the materials of criminal case No. 710/437/23-k, in which the accused acted jointly and in concert, distributed criminal functions, the sequence of their implementation in the preparation and commission of a future attack, they also prepared the instruments of the criminal offense (a baseball bat to exert mental pressure on the victims, firearms, ammunition, a GDR-5 grenade, etc.), masks for disguise, gloves, etc (Yurkevych, 2023).

Considering the criminal offense provided for in Article 258 of the Criminal Code of Ukraine "Terrorist Act", the analysis of the disposition shows that, despite the fact that during the commission of terrorist acts property damage, damage to the physical and mental health of citizens is caused, only public safety is a mandatory object of a criminal offense.

In our opinion, when committing terrorist acts (terror from the Latin "terror" - "fear, horror"), systematic intimidation is carried out, destabilization of the mental health of the population, accompanied by a sense of fear and anxiety.

The objective side of the criminal offense is characterized by the commission of a terrorist act in the following forms:

1) the use of firearms, an explosion, arson, which creates a danger to the life and health of citizens or property damage, etc.;

2) a threat to commit the above actions;

3) the creation and leadership of a terrorist group (to commit one or more terrorist acts) or organization (created for an indefinite period to achieve the goal), participation in such or committing actions that contribute to the creation or operation of a terrorist organization (Filenko, 2015).

The subjective side is characterized by direct intent and a special purpose - violation

of public safety, intimidation of the population, provocation of a military conflict, etc. The subject of the criminal offense is a sane person who has reached the age of 14.

As a result of mental pressure (intimidation, coercion), victims experience feelings of fear, anger, indignation, etc.

In turn, as discussed in the previous subsection, coercion is a certain requirement of the subject of a criminal offense, which is realized by threatening, in order to break the will of a person and oblige the latter to perform certain actions (active or passive) to meet the needs of the offender.

Any type of mental violence (intimidation, coercion, threats, etc.) affects the victim as irritants that form in the person's mind the development of negative consequences in case the offender's needs are not met (threats to use firearms, commit an explosion or arson, which will endanger the victim's life and health or cause significant property damage, etc.), which actually harms mental health.

A logical continuation of the analysis of criminal offenses against public security committed with the use of mental violence is the criminal offense under Art. 258¹ of the Criminal Code of Ukraine "Involvement in a Terrorist Act". From the disposition of the article, it is clear that such involvement is carried out through active mental influence by the subject of the offense, namely coercion, deception, blackmail, use of a person's vulnerable state, and threat of violence.

The objective side is characterized by two ways of committing a criminal offense:

- involvement (defined as incitement (inducement) of a person to voluntarily participate in a terrorist act, i.e. the subject of the offense through active actions (bribery, incitement to revenge, hatred, envy, etc.) convinces a person of the expediency of committing a criminal offense, while simultaneously teaching certain techniques and methods of performing such active actions);

- coercion (committed against the person's will, namely by:

- 1) deception (i.e., reporting false information, etc.);

- 2) blackmail;

- 3) use of a person's vulnerable state (due to physical or mental characteristics of a person, both chronic (mild degree of debility, idiocy, etc.) and short-term (alcohol or drug intoxication, state of affect, depression, etc.), which limit the person's ability to realize and control their actions, make decisions independently or resist);

- 4) threat of violence (expressed in the form of psychological influence, intimidation regarding bodily harm, deprivation of life, rape, etc. and perceived by the person as real).

The subjective side of a criminal offense is characterized by direct intent. The subject is a natural person of sound mind who has reached the age of 16.

At the same time, the criminal offense is considered completed from the moment the subject of the offense performs any actions aimed at realizing the objective side of the criminal offense under Art. 258¹ of the Criminal Code of Ukraine, regardless of whether the person who was involved or forced committed a terrorist act.

According to the results of a survey of police officers conducted in the course of researching the topic of the dissertation, it was found that 70% of the respondents classified "coercion" as mental violence and 61.5% of police officers classified the criminal offense under Article 258¹ of the Criminal Code of Ukraine "Involvement in a Terrorist Act" as mental violence. At the same time, 32.7% of respondents believe that the criminal offense under Article 258¹ of the Criminal Code of Ukraine does not refer to violence at all and is a voluntary consent of a person, 5.8% of police officers classify this offense as physical violence (see Table 1).

Summarizing the above, it should be emphasized that such methods of committing a criminal offense as involvement and coercion are types of mental violence, since as a result of mental influence they change the consciousness and behavior of a person, and therefore, in the author's opinion, the mental health of citizens should be an additional mandatory object of a criminal offense under not only Article 258¹ of the Criminal Code

of Ukraine, but also all criminal offenses considered in the context of this subsection of the dissertation.

Next, we propose to consider the criminal offense of “Public calls for committing a terrorist act”, liability for which is determined by Art. 258² of the CC of Ukraine.

From the objective side of the criminal offense, psychological violence can be traced both directly in public calls to commit a terrorist act and in the dissemination of such materials, since the offender tries to exert psychological influence on the mind by inciting, inducing, coercing through deception or through distortion of information regarding an indefinite number of persons in order to convince the latter of the need and expediency of committing terrorist acts, which can be used to achieve certain individual goals.

Due to the fact that the active actions of the subject of the criminal offense are aimed at an indefinite number of persons, this criminal offense differs from the criminal offense under Art. 258¹ of the Criminal Code of Ukraine “Involvement in a terrorist act”.

The subjective side is characterized by direct intent and purpose - dissemination of materials calling for the commission of a criminal offense under Article 258² of the Criminal Code of Ukraine. The subject is a natural person of sound mind who has reached the age of 16.

The criminal offense is considered completed from the moment the calls are disclosed (proclaimed), including the production or storage of relevant materials.

Based on the results of monitoring the register of court decisions, it was found that only 112 guilty verdicts were delivered in Ukraine for committing a criminal offense under Art. 258² of the Criminal Code of Ukraine, of which: in 2021, 14 guilty verdicts were delivered by the Nakhimov District Court of Sevastopol. Sevastopol; in 2022 - 21 guilty verdicts by the Kyiv-Svyatoshynskyi District Court of Kyiv Region; in 2023 - 31 guilty verdicts by the Prymorskyi District Court of Mariupol; and in 2024 - 46 guilty verdicts by the Prymorskyi District Court of Odesa.

The next type of mental violence in the commission of criminal offenses against public security is recruitment under Article 258⁴ of the Criminal Code of Ukraine “Facilitating a Terrorist Act”, which should be understood as activities to search for, agitate and select persons who have expressed a desire, and send them to training, etc.

In the literature, there is an opinion among scholars that the peculiarity of recruitment is the exclusion of any kind of violence. However, this conclusion cannot be unequivocally accepted. The author agrees with the position that recruitment excludes the use of physical violence, including coercion or intimidation, as a form of mental violence, since in such cases the criminal offense should be qualified under Article 258¹ of the Criminal Code of Ukraine “Involvement in Terrorist Activities”, and not under Article 258⁴ of the Criminal Code of Ukraine “Facilitating a Terrorist Act”.

In the author’s opinion, recruitment is a separate type of mental violence and involves the offender’s prior influence on the psyche of the person to be recruited. When communicating with “potential” candidates for recruitment, offenders find the weaknesses of the opponent, which they use to manipulate them. Potential victims of recruitment are most often girls and boys who were not in love in childhood, or were deprived of something in childhood, or for religious reasons.

For example, when a young girl becomes a target of recruitment, the recruiter illusory satisfies her need for love and care, thereby formulating psychological dependence on the recruiter and, as a result, the recruited person becomes an instrument of criminal offenses. That is why, having analyzed the dispositions of Articles 258¹ and 258⁴ of the Criminal Code of Ukraine, the author believes that it would be appropriate to refer “recruitment” to the methods (forms) of committing a criminal offense under Article 258¹ of the Criminal Code of Ukraine “Involvement in a Terrorist Act”.

Having evaluated the statistical data of 2022-2024, it can be concluded that the most common and dangerous criminal offenses against public safety involving the use

of mental violence are:

“Terrorist act” (art. 258 of the Criminal Code of Ukraine) - 10%, including such qualifying signs of a terrorist act as threats to commit a terrorist act - 8%, committing terrorist acts to influence decision-making, actions or inaction by public authorities or local self-government bodies, including threats to commit such actions - 0.3%;

“Involvement in committing a terrorist act”, using deception, blackmail, vulnerable state of a person or threat of violence (Art. 258¹ of the Criminal Code of Ukraine) - 2 %;

“Public calls to commit a terrorist act” (Art. 258² of the Criminal Code of Ukraine) - 0.9 %;

“Facilitating the commission of a terrorist act” (Art. 258⁴ of the Criminal Code of Ukraine) - 2.5 %;

This statistical overview confirms that mental violence is not peripheral but central to terrorism-related criminality in Ukraine. Thus, there is sufficient evidence to propose that mental health be formally included as an additional mandatory object of protection under Articles 257, 258, 258¹, 258², 258⁴, 259, 262, 265, and 266 of the Criminal Code of Ukraine.

In summary, mental violence—intimidation, coercion, threats, psychological manipulation—must be acknowledged not only as an auxiliary method in the commission of terrorist crimes but as a core mechanism that produces profound and lasting harm. A criminal law framework that fails to account for this dimension remains incomplete and ineffective in addressing the full spectrum of terrorist threats.

5. Conclusions

The conducted study has demonstrated that terrorism-related criminal offenses pose a complex threat not only to public safety but also to the psychological well-being of individuals and society. While traditional legal interpretations primarily address the physical consequences of such offenses, the analysis clearly reveals the central role of mental violence, particularly intimidation, as an instrument of psychological pressure and destabilization.

The analysis of Articles 258, 258¹, 258², and 258⁴ of the Criminal Code of Ukraine reveals that these norms inherently contain elements of psychological impact: threats, coercion, deception, and manipulation. These acts are not only preparatory or secondary tactics but rather constitute independent forms of violence that result in the formation of fear, psychological trauma, and emotional dependency among victims. These consequences should be recognized as direct harm and not merely side effects of terrorism.

Empirical data, including statistical reports and law enforcement surveys, confirm the prevalence of mental violence in the mechanism of terrorist crimes. The involvement of individuals in terrorist acts through blackmail or psychological manipulation, public incitement to violence, and recruitment based on emotional vulnerability represent forms of intentional psychological influence, the legal significance of which remains underestimated in current doctrine and practice.

Therefore, the following conclusions and proposals can be made:

- Intimidation as a method of committing terrorism-related offenses must be formally recognized as a type of mental violence with legal implications equal to those of physical violence.
- Mental health of citizens should be defined as an additional mandatory legal object in the structure of terrorism-related criminal offenses, particularly under Articles 258, 258¹, 258², and 258⁴ of the Criminal Code of Ukraine.
- It is necessary to revise criminal legislation to include psychological violence—especially intimidation, coercion, and recruitment through manipulation—as explicit elements of terrorism-related crimes.
- In practical terms, law enforcement and judicial authorities should take into account the psychological harm inflicted upon victims when qualifying and sentencing

for such offenses. This includes emotional trauma, behavioral changes, and long-term psychological effects on individuals and communities.

- The findings support the broader criminological view that terrorism is not only a physical threat but also a psychological weapon that aims to alter public behavior, instill fear, and erode state authority by destabilizing collective mental resilience.

In conclusion, a comprehensive response to terrorism must integrate both physical and psychological dimensions of criminal activity. Legislative, institutional, and theoretical frameworks should evolve to protect not only the bodily integrity of citizens but also their mental and emotional security, thus ensuring the full realization of the constitutional principle that human dignity and safety are the highest social values.

References

- Bakhnevych, Ye. F. (2014). Basic concepts and characteristics of contemporary terrorism. Combating crime. *Practical Problems and Scientific and Methodological Safeguards*, 4, 29–32.
- Baulin, Y. V. (2023). Problems of qualification of criminals, involved in criminal organization. In *Problems of liability for crimes against public safety under the new Criminal Code of Ukraine: Materials of the international scientific and practical seminar* (Kharkiv, 1–2 zhovtnia 2002 r., pp. 163–165). Kharkiv: Skhidno-rehionalnyi tsentr humanitarno-osvitnikh initsiatyv.
- Burdin, B. M. (2018). Criminal-legal significance of physical coercion. *Scientific Bulletin of the Lviv State University of Internal Affairs*, 5, 23–29.
- Danylevskiy, A. O. (2009). *Criminal liability for material, organizational or other support for the creation or activities of a terrorist group or terrorist organization*. Luhansk: RVV LDUVS imeni E. O. Didorenka.
- Domenko, S. V., & Turkevych, I. K. (2023). Problematic questions of criminal liability for the detection of crimes, revised article 255 of the Criminal Code of Ukraine. In *Problems of liability for crimes against public security under the new Criminal Code of Ukraine: Materials of the international scientific and practical seminar* (pp. 145–147). Kharkiv: Skhidno-rehionalnyi tsentr humanitarno-osvitnikh initsiatyv.
- Dremyn, V. N. (2022). Gangs and criminal organizations: the problem of delimitation. In *The New Criminal Code of Ukraine: Questions of use and study. Materials of the international scientific and practical conference* (pp. 180–182). Kharkiv: Skhidno-rehionalnyi tsentr humanitarno-osvitnikh initsiatyv.
- Filenko, V. V. (2015). The social and psychological essence of terrorism and the peculiarities of its definition in the Criminal Code of Ukraine. *Problems of Jurisprudence and Law Enforcement Activities*, 2, 249–256.
- Hnietniev, M. K. (2009). *Criminal liability for assisting members of criminal organizations and concealing their criminal activities*. Luhansk: TOV “Virtualna realnist”.
- Iemeljanov, V. P. (2020). Concepts and signs of a terrorist act in criminal law. *Journal of the Kharkiv National University of Internal Affairs*, 10, 131–136.
- Katerynychuk, O. V. (2017). Posiahannia na zhyttia ta zdorovia hromadian z metoiu zaliakuvannia: poniattia, zmist ta kryminalno-pravove znachennia. *Yurydychnyi visnyk*, 1(42), 168–173.
- Kostenko, O. M. (2016). Terrorism: criminological and criminal-legal aspects. *Bulletin of Criminal Law of Ukraine*, 2, 3–8.
- Kvasha, O. O. (2014). The basis of criminal identity of crime participants. *Interdisciplinary Humanitarian Studies*, 1, 22–29.
- Kyrychenko, O. V. (2015). *Criminal law and criminological aspects of the fight against false reports of threats to public safety*. Kharkiv: Skhidno-rehionalnyi tsentr humanitarno-osvitnikh initsiatyv.
- Mokhonchuk, S. M. (1999). *Criminal case for terrorism*. Kharkiv: Skhidno-rehionalnyi

tsentr humanitarno-osvitnikh initsiatyv.

Prosecutor General's Office of Ukraine. (2024). For registered criminal offenses against property and the results of their current investigation from 2022 to 2024. Retrieved from: https://old.gp.gov.ua/ua/stst2011.html?dir_id=113897&libid=100820&c=edit&c=fo

Semykin, M. V. (2014). *Criminal liability for the creation of a terrorist group and terrorist organization*. Kharkiv: Skhidno-rehionalnyi tsentr humanitarno-osvitnikh initsiatyv.

Unified State Register of Court Decisions. (2022). Verdict after the report No. 645/3612/15-k. Retrieved from: <http://reyestr.court.gov.ua/Review/86718700>

Yurkevych, O. (2023). Terrorist act: a logical and juridical analysis of the criminal-legal qualification of the crime (on the example of Part 1 of Article 258 of the Criminal Code). *Journal of the Yaroslav Mudryi National University. Series: Philosophy, Philosophy of Law, Politics, Sociology*, 4(59), Retrieved from: <http://fil.nlu.edu.ua/article/view/289693>