

## Psychological and Ideological Basis of Collaboration in the Conditions of Russian Aggression in Ukraine

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### Keywords:

collaborationism,  
collaborationist  
activity,  
legal awareness,  
ideology,  
psychology

**Abstract:** Russia's aggression against Ukraine gave rise to many problems, including in the field of legislative regulation and protection of the most important social relations, interests, benefits and values recognized as such by the society. At the same time, actions to which the legislation did not pay due (and sometimes no) attention were included in the circle of interests. Among such objects of protection and regulation by criminal law was collaborative activity. It should be noted that not only the criminal law of Ukraine, but also the criminal law of almost all European countries did not form the concept of collaborative activity and did not determine responsibility for it. Most often, collaborative activity was covered by the concept of "treason" without any further differentiation. Even among legal theorists to this day, there is no unity in the understanding of this phenomenon. The author notes that this problem is outside the scope of this publication and is not the subject of the discussion. A number of scientific publications in the Ukrainian scientific space have been dedicated to it. This study focuses on the criminal-legal basis of the legal awareness of people who have committed the actions provided for in Art. 1111 of the Criminal Code of Ukraine, which defines its concepts as well as psychological and ideological foundations that define it.

## 1. General Principles of Problem Analysis

The theory of criminal law in Ukraine defines legal awareness as a set of “subjective elements of a legal regulation: ideas, theories, emotions, feelings and legal guidelines, through which legal validity is reflected, attitudes towards law and legal practice are formed, value orientation towards legal behavior, vision of prospects and directions of development of the legal system.”<sup>1</sup> At the same time, one may conclude that based on the complexity of the country’s legal system and its division into separate branches, it is absolutely possible to distinguish sectoral components (subsystems) in the general legal consciousness, i.e. constitutional-legal, civil-legal, criminal-legal consciousness etc.

Each of the branch subsystems has its own unique ideas and theories, which are formed on the basis of emotions, feelings, and legal guidelines inherent in this subsystem. Of course, legal consciousness in each of them should be divided into positive legal consciousness and negative legal consciousness – inherent in persons who violate, do not adhere to generally accepted ideas, theories, feelings and legal guidelines inherent in the law-abiding majority of citizens.

Based on a sufficiently large number of people who committed collaborative acts during Russia’s aggression, the author will try to analyze the basic factors underlying the formation of negative legal awareness of collaborators. At the same time, despite the similarity of the actions committed by the collaborators, the factors that led to this illegal behavior vary in different regions of occupied Ukraine, although the element that they have in common is rejection of Ukraine as an independent sovereign country with the right to choose its own vector of socio-political development. This difference in formation is due to the difference in the historical path of these regions. To facilitate the analysis, the author will consider these factors separately for the region of Eastern Ukraine and Crimea.

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<sup>1</sup> “Legal awareness,” in *Great Ukrainian Legal Encyclopedia: in 20 volumes. Volume 3: General Theory of Law*, eds. Oleksandr V. Petryshyn et al. (Kharkiv: Pravo, 2016), 593. National Acad. rights Sciences of Ukraine; Institute of State and Law named after V.M. Koretsky National Academy of Sciences of Ukraine; National law Yaroslav Mudry University.

The factors that determined the formation of collaborative legal awareness of citizens can be divided into three groups:

- ethno-social;
- socio-political;
- socio-economic.

## **2. The Effect of the Factors Forming the Ideological and Psychological Basis of Collaboration**

The entire Ukrainian history after the actual annexation of Ukraine by Russia clearly testifies to Russia's attempts to destroy Ukrainians as a nation, to assimilate them into the Russian national space. There are many examples of this, ranging from legal prohibitions on language and belief to direct destruction. It was actually a policy of genocide in its modern sense. It did not end even after the Bolsheviks seized power in Russia, because they perfectly understood its role and importance in ensuring the potential development of the USSR.

The eastern region of Ukraine, historically always connected to the center, was essentially the cradle of the Ukrainian nation. It was where the Ukrainian Cossacks were born and existed, and in the XVI–XVII centuries formed a powerful Cossack state on these territories. After the actual annexation of Ukraine by Russia and the liquidation of the Cossacks, these territories nevertheless continued to be inhabited by Ukrainians.

### **2.1. The Effect of the Factors Forming the Ideological and Psychological Basis of Collaboration in Eastern and Southern Regions of Ukraine**

The stormy events of the 20<sup>th</sup> century significantly influenced the national composition of the population of Eastern Ukraine. It should first be noted that as of 1931, Ukrainians exceeded Russians in terms of population (Ukrainians – 81,195,000, Russians – 77,791,000).<sup>2</sup> However, the “machine” deployed by Stalin to destroy the Ukrainian population by arranging an artificial Holodomor significantly affected the national composition in these lands. At the same time, it should be emphasized that it primarily affected the Eastern and Southern regions of Ukraine – the breadbasket of the country and the largest concentration of industry. This led to a change in

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<sup>2</sup> “On a Large Construction,” <http://zolotapalanka.blogspot.com/2013/05/blog-post.html>.

the ratio between Ukrainians and Russians on the scale of the USSR and Soviet Ukraine, as recorded by the 1937 census. Thus, during the inter-census period, the share of Russians increased (from 52.9 to 58% in the USSR and from 9.2% to 11.3% in the USSR), while that of Ukrainians decreased (from 21.21% to 16.3% for the USSR and from 80% to 78.2% for the USSR).<sup>3</sup> These significant negative changes in the population of Ukraine caused the need for an appropriate response from the authorities, which consisted in the forced resettlement of the population from Russia to the Eastern and Southern regions of the country. Only individual indicators will be given. Thus, only from the middle to the end of 1933, 109 echelons with immigrants and their stores were sent from the Western region of the RSFSR to the Dnipropetrovsk region, from the Central Black Earth region of Russia to the Kharkiv region – 80 echelons, from Ivanovo to Donetsk – 44 echelons, at the same time from the Byelorussian SSR to 61 echelons were sent from the Odessa region, 35 echelons with people from the Gorky region. Entire collective farms, entire villages were resettled. This significantly undermined national identity in the most economically developed regions of Ukraine at the time.

The next blow to the national structure of Ukraine was the “Great Terror” policy of 1937–1938, which cost Ukraine millions of lives of its citizens. At the same time, the main “blow” of terror was aimed, first of all, at the Eastern and Southern regions.

The Second World War dealt another blow to the population of Ukraine – millions of Ukrainian men died on the war fronts, sustained injuries that rendered them unfit for work at industrial enterprises, and millions of women were sent to forced labor in Germany against their will. Again, in order to restore the economic potential, the authorities applied the already justified method of resettlement to Ukraine from various regions of Russia, especially from the regions of Kuzbass and Siberia.

In the 70–80s of the 20<sup>th</sup> century, in connection with the demographic crisis and the lack of labor force (especially in the mines of the Donbas), the labor of people convicted of crimes and sentenced to conditional

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<sup>3</sup> Ярослав Гирич, “Табуйований перепис-1937: похована правда про Голодомор,” January 1, 2022, accessed June 16, 2023, <https://novynarnia.com/2022/01/06/perepys-1937/>.

imprisonment with referral to work in the national economy, as well as the labor of people released on parole with referral to work at the same places were used. Donbas once again received a significant contingent of the newly-arrived population, and it was far from the best in terms of moral and legal characteristics. All these events significantly affected the national composition of the population of Eastern and Southern Ukraine.

Today, in the Donetsk and Luhansk regions, Ukrainians constitute only 56–58% of the population. They prevail in most districts and cities, with the exception of Donetsk (46.7%), Yenakiev (45.3%), Makiivka (45.0%), Alchevsk and some other cities, as well as the southeastern districts of Stanichno – Luhansk, Krasnodonsk, Sverdlovsk. At the same time, a significant part of those who refer to themselves as Ukrainians are actually assimilated descendants of immigrants from the 1930s and have been connected to Ukraine for only 2–3 generations.<sup>4</sup> They, for obvious reasons, consider Ukrainians and Russians to be one people, maintaining ethnic, cultural and other ties with Russia. A large part does not know and does not want to know the Ukrainian language, does not know the history of Ukraine.

A prominent lawyer Rafal Lipkin, the author and creator of the theory of genocide, who paid special attention to the Ukrainian genocide carried out by the Bolsheviks against Ukrainians, identified among its main characteristics: the destruction of the Ukrainian intelligentsia – the brain or mind of the nation; liquidation of the Ukrainian Orthodox Autocephalous Church – “the soul of Ukraine”; The Holodomor of the Ukrainian peasantry – the custodian of Ukrainian culture, language, traditions, etc. He especially highlighted the settlement of Ukraine by non-ethnic elements for a radical change in the composition of the population.<sup>5</sup>

As a result of this policy, a large part of the population of Eastern and Southern Ukraine (especially, and this should be emphasized separately, the urban population) is mentally oriented towards Russia, considers Russians and Ukrainians to be one nation or brother nations, and believes that

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<sup>4</sup> <https://uk.wikipedia.org/wiki>, accessed June 16, 2023.

<sup>5</sup> Рафал Лемкін, “Радянський геноцид в Україні,” accessed June 10, 2023, [https://chtyvo.org.ua/authors/Lemkin\\_Rafal/Radianskyi\\_henotsyd\\_v\\_Ukraini/](https://chtyvo.org.ua/authors/Lemkin_Rafal/Radianskyi_henotsyd_v_Ukraini/).

the existence of an independent Ukraine as a state, a political entity, is unnecessary and even harmful to the interests of Russia.

The presented facts (far from complete) give every reason to claim that Russia's policy in relation to Ukraine has been purposeful, aimed at Russification of its population, deprivation of national self-identity. According to their political and legal characteristics, Russia's actions cannot be recognized as anything other than a policy of genocide, the purpose of which was the liquidation of the Ukrainian nation. This policy continues today, as evidenced by the known facts related to the activities of both the top state political leadership of the aggressor country, as well as individual units of the Russian armed forces and individual officials, which were carried out and are carried out in the temporarily occupied territories of Ukraine (Bucha, Irpin, Gustomel, Borodyanka and other settlements).

## 2.2. The Effect of the Factors Forming the Ideological and Psychological Basis of Collaboration in Crimea

Crimea, which historically was the cradle of the Crimean Tatar people, was annexed to the Russian Empire in the second half of the 18<sup>th</sup> century as a result of direct annexation. The national composition of the peninsula's population after the Civil War was as follows: Russians – 301,400 (42.2%); Tatars – 179.1 thousand (25.1%); Ukrainians – 77.4 thousand (10.8%); Germans – 43.6 thousand (6.1%). Other national groups covered from 0.6% to 5.6%. As can be clearly seen, the population of Russians was almost four times bigger than that of Ukrainians.<sup>6</sup>

The policy of terror employed by the leadership of the USSR in the 1930s and 1940s, and the consequences of World War II, significantly affected the quantitative and national composition of the population – in 1939 its population was 1 million 126 thousand people, but by 1944 it had decreased to 379 thousand (!).<sup>7</sup> In the years 1941–1945, the German population (1941) and Crimean Tatars (1944) were deported from Crimea.

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<sup>6</sup> “«Русский Крым»? Национальный склад региона у 1897, 1926, 2001 гг.», ИСТОРИЧНА ПРАВДА, November 20, 2011, accessed June 18, 2023, <https://www.istpravda.com.ua/blogs/2011/11/20/62567/>.

<sup>7</sup> Danylenko Viktor, “How Did the National Composition of the Crimean Population Change in the Second Half of the 20<sup>th</sup> Century?,” <http://history.org.ua/LiberUA/978-966-02-7228-6/110.pdf>

In the post-war period, Crimea was part of the Russian Federation, based primarily on its military-strategic position (Sevastopol as the base of the Black Sea Fleet of the USSR, and Crimea itself as an “unsinkable aircraft carrier”). The population of Crimea, for obvious reasons, was dominated by Russians. However, from an economic point of view, a catastrophic situation developed on the peninsula: the lack of water did not give the opportunity to develop agriculture, there was virtually no industry.

After the transfer of Crimea to Ukraine (April 26, 1954),<sup>8</sup> in order to eliminate the catastrophic demographic situation, a flow of immigrants from densely populated regions of Ukraine was organized in Crimea, which did not bring the desired consequences – only 8% of the immigrants settled on the peninsula.<sup>9</sup>

The long-term policy of economic development of Crimea employed by Ukraine brought positive results. Thanks to the construction of the North Crimean Canal, the issue of water supply to the peninsula was solved, huge investments were made in the development of industry, in recreation infrastructure, etc.

Crimea’s affiliation in Ukraine has always been determined at the international level and has not been contested by anyone, including Russia. This was confirmed in a number of international agreements. This situation continued until 2014, the year of the beginning of Russia’s aggression against Ukraine.

However, despite all the steps taken by Ukraine to develop the economic and cultural potential of Crimea, its national composition remained dominated by the Russian population. As a result of these processes, according to the 2001 census, 2,024,000 people lived in Crimea. The population consisted of Russians – 58%, Ukrainians – 24%, Crimean Tatars – 12%, Belarusians – 1.4%.<sup>10</sup>

This national composition of the population was the result of a number of processes. Firstly, even in the independent Ukraine, Crimea remained

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<sup>8</sup> The state-political status of Crimea as a part of sovereign Ukraine has never been questioned at the international level, which is recorded in a number of international documents that were also recognized by Russia.

<sup>9</sup> Danylenko, “How Did the National Composition of the Crimean.”

<sup>10</sup> Ibid.

the base of the Russian fleet. And this is the infrastructure with the “army” of many thousands of civilian employees, and the families of military personnel, etc. Secondly, a large number of military personnel (mainly officers) remained to live in Crimea after retirement. It should also be mentioned that the filling of Crimea with former military personnel also took place during the times of the USSR, as there was a provision according to which, after retirement, a former officer had the right to choose the place of permanent residence where he was provided with housing. Many chose Crimea as their place of residence. Thirdly, the infrastructure of the Crimea required specialists in certain fields who were not trained in the higher education institutions of Ukraine, but were dispatched there via distribution.

Preparations for the annexation of Crimea, according to various sources, began already in the early 1990s. It was carried out in various directions: by placing branches of educational institutions (Lomonosov Moscow State University, Moscow State Technical University, MIFI, etc.), organizing tours of leading creative groups and performers, active work of Russian mass media, etc. In the 1990s and 2000s, the Russians carried out a number of provocations (Tuzla Spit, etc.) that were repelled by Ukraine. They were, in essence, combat reconnaissance.

To conclude, it is worth noting, that the analyzed purposeful actions of Russia led to the situation when the national composition of the Crimean population was not and could not be oriented towards Ukraine. Those actions had been performed for a certain time and, therefore, enabled reorientation of the ideological and psychological components of legal awareness of the population of the peninsula, and its involvement in separatist actions. Being politically, ethnically, and mentally Russia-oriented, the majority of the population considered themselves Russians. It played a significant role in the processes of Russification, both in the Donbass and in the Crimea in the 1990s, organized crime, the activities of which were carried out in close contact with large organized criminal entities of Russia. Powerful criminal communities in Ukraine actively cooperated with well-known organized Russian criminal associations – Solntsevsky, Dolgoprudnensky, Izmailovsky, etc. which invested significant funds in the economy of Ukraine.



### 3. General Conclusions

The analysis of sufficiently representative material allows one to draw the following conclusions and confirm the existence of a long-term purposeful activity of Russia in preparation for the annexation of Ukraine, its liquidation as an independent subject of international legal relations, as a sovereign, independent state.

These and other processes became the basis for the spread of the psychology of collaborationism, the formation of relevant legal interests, values and attitudes that lie at the core of the criminal-legal consciousness of collaborative orientation, the main characteristics of which are related to:

- denial of independence of Ukraine as a state;
- hatred towards legitimate government in the state, its rejection as an institution;
- love for the aggressor state, recognition of its dominance over Ukraine;
- national issues – humiliation attitude and hatred directed at the Ukrainian people;
- perceiving the Ukrainian people as the “younger brother” of the Russian people, denial of their right to independence in choosing their own path of development, to national identity;
- non-acceptance of the pro-Western vector of Ukraine’s development;
- denial of the independence (and existence in general) of the Orthodox Church of Ukraine and the Greek Catholic Church.

Of course, the details given above are only the main characteristics that determine the criminal-psychological component of legal awareness of collaborators. However, it should be emphasized that this is the foundation on which the criminal-political ideology of collaborationism is formed, the ideology that defines it, that justifies it.

The above and other psychological and legal views, emotions and feelings constitute the basis of the formation of an ideology called “russism.” Russism is an independent type of totalitarian ideology and practice built on recognition of superiority of the Russian nation over other nations, a symbiosis of the basic principles of fascism and Stalinism; therefore it

is, like the ideology of the Russian world associated with racism, a type of syncretic politics.<sup>11</sup>

The most significant ideological ideas, theories, and concepts that lie at its core include the following:

- the Russian world is a special, higher historical form of existence of a community of people;
- the Russian world needs constant protection from various encroachments;
- the ideas of the Russian world should receive constant support in their proliferation, especially among Russian-speaking people.

The ideology of racism in relation to Ukraine is most vividly formulated in the writings of Oleksandr Dugin, who asserted the need for the annexation of Ukraine by Russia because Ukraine does not have geopolitical significance, special cultural importance or universal significance, geographical uniqueness, ethnic exclusivity, its certain territorial ambitions pose a huge danger for all of Eurasia, and without solving the Ukrainian problem any talk about continental politics is generally meaningless. Ukraine cannot be allowed to remain independent if it is not a sanitary border, which would be unacceptable.<sup>12</sup>

The ideology of racism found “fertile soil” among Ukrainian citizens who did not feel their genetic connection with the country. The psychological characteristics of this part of the population are strengthened by the active Russian propaganda in the media, which actively contributed to this mindset.

In connection with this, a specific criminal and political legal consciousness was formed in the specified environment, which excluded the vision of cooperation with Russia as collaboration. The bearers of this legal consciousness believed that cooperation with Russia is useful both for them and for those around them, as well as for Ukraine, and cannot be

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<sup>11</sup> Decree of Ukrainian Parliament “On the Statement of the Ukrainian Parliament About the Use of Political Regime of the Russian Federation, of Ideology of Russism, Condemnation of the Principles and Practices of Russims as Totalitarian and Misanthropic” adopted on May 2, 2023.

<sup>12</sup> Aleksandr Dugin, *Fundamentals of Geopolitics*, 3<sup>rd</sup> ed. (Moscow: «ARKTOGEO-CENTR», 1999).

recognized as a criminal activity. According to the data received from the Office of the Prosecutor General of Ukraine and the Department for the Execution of Criminal Punishments of the Ministry of Justice of Ukraine, for the period from February 2022 to September 2023, 6,426 people were held accountable for committing crimes provided for in Article 111–1 of the Criminal Code of Ukraine “Collaboration”. However, this number absolutely does not reflect the full picture of the deformation of the ideological and political components of the criminal and political legal awareness of individual citizens of Ukraine in matters of cooperation with the enemy. The above indicator should be increased by the number of those who committed criminal offenses that by their characteristics are close to collaboration (e. g. crimes provided for in Articles: 111–2 “Assistance to an aggressor state”, 114–2 “Unauthorized dissemination of information on the transfer, transfer of weapons, armaments and military supplies to Ukraine, the movement, transfer or placement of the Armed Forces of Ukraine or other military formations formed in accordance with the laws of Ukraine, committed under conditions of war or a state of emergency”, 436–2 “Justification, recognition as legitimate, denial of the armed aggression of the Russian Federation against Ukraine, glorification of its participants”). For committing these crimes, 3,672 people were held accountable for the specified period. The deformation of criminal and political legal awareness under the influence of purposeful activities of the aggressor country also led to other particularly serious crimes committed in cooperation with the enemy, which form components of other crimes of Articles: 109 “Actions aimed at a violent change or overthrow of the constitutional order or at the seizure of state power,” 110 “Encroachment on the territorial integrity and inviolability of Ukraine,” 111 “State treason” and others. 35,350 people have been charged with the crimes provided for by these articles of the Criminal Code of Ukraine since the initial active phase of Russia’s aggression against Ukraine. It is clear to everyone that, unfortunately, as the occupied territories are liberated, these indicators will only increase over time.

The preliminary results of the study, which is being carried out today by scientists from Poland and Ukraine (the Academy of Justice of the Republic of Poland and the Vasyl Stefanyk Prykarpatsky National University), with more than 100 people arrested for collaborative activity surveyed to date, fully confirm the expressed theoretical positions.

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