

IS MARAUDING AN INTEGRAL COMPONENT OF WAR?

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Abstract. The article considers the problem of such a phenomenon as marauding. Explained the difference between theft and marauding. Suggested possible ways to deal with this phenomenon.

Keywords: marauding, war, theft, rules of war, humanity.

АНОТАЦІЯ. У статті розглянуто проблему такого явища як мародерство. Пояснено, в чому полягає різниця між крадіжкою і мародерством. Запропоновано ймовірні шляхи боротьби з даним явищем.

Ключові слова: мародерство, війна, крадіжка, правила ведення війни, людяність.

Introduction. Now our country is suffering from russian armed aggression. Not only the military, who are courageously defending our land, are suffering, but also civilians. They often face with the phenomenon of marauding, both on the part of the aggressor and on the part of some of our compatriots who are trying to profit from the war. «One man's war is another man's good fortune». This proverb perfectly reveals the disgusting nature of such a phenomenon as marauding.

It is no wonder that the enemy's military is stealing the property of the inhabitants of the occupied territories. Unfortunately, our «citizens» also often resort to this practice, which, in my opinion, is doubly disgusting. Such thieves rob the homes of people who have been forced to leave their homes, saving their own lives and the lives of their loved ones. Moreover, looters have time to «work out» even when property owners are in bomb shelters or shelters.

Analysis of the state of the issue. Let's try to understand what in fact is called marauding. Can this phenomenon be equated to ordinary theft? In connection with the imposition of martial law in our country, this issue is currently very relevant, as the act of marauding can be faced by any ordinary Ukrainian.

Purpose: to find out what marauding is and whether it can be prevented.

Methods, materials and research results. Ever since people started fighting, there have been reflections on the rules of any war. The war tends to end, and you have to sit down at the negotiating table with the enemy, sooner or later, regardless of the military superiority of one of the parties on the battlefield.

Marauding is one of those phenomenon that should not take place during war. This is a really horrible and very disgusting thing, which involves criminal liability during the hostilities or after the war. And history knows cases of the so-called «Lynch trial» of such thieves, when angry people eliminated the perpetrators without trial and investigation.

In fact, the term «marauding» comes from the French word marauder, which

translates as «robber» [1, 2]. The essence of this crime is to misappropriate someone else's property on or off the battlefield. This phenomenon involves the use of tragic circumstances, catastrophes, hostilities for their own gain, by robbing killed or wounded people, their homes, food or other stores, and so on.

It should be noted that marauding is considered a crime not only at the level of national law, but also recognized by international law as a war crime of an international nature. In the last century, marauding was recognized by law in various countries around the world as one of the most heinous crimes, punishable by death by firing squad.

Unfortunately, we must state that the topic of marauding and theft during the war is currently very relevant for Ukraine. This happens virtually every day. Even as we flee our homes, leaving all our belongings and saving our lives, looters come and steal property, destroy traces of their crimes, and sometimes flaunt trophies in front of their family members. Isn't that disgusting?

What is marauding in the literal sense? This is the theft on the battlefield of belongings of wounded or killed people, or the robbery of civilians in the war zone [3, 4]. Everything that happens outside of hostilities is considered a different form of theft and is not directly related to marauding.

On March 4 2022 the Verkhovna Rada of Ukraine entered into force the Law «On Amendments to the Criminal Code of Ukraine to strengthen the responsibility for marauding», №7124 [5]. According to this legislative document, the punishment for misappropriation of another's property on the battlefield and in other tragic circumstances is envisaged. Responsibility for robbing people, including those killed and wounded, has also been increased.

This is a crime for which Ukraine has a criminal liability of 3 to 10 years. From March 7, 2022, the minimum term of imprisonment for such an offense is 5 years [6].

We want to draw attention to the fact that there is a difference between theft and marauding. The difference is in the fact from whom exactly something was stolen. Each type of theft during the war has its own criminal implementation, the details of which we will not delve into, but it should be understood that the responsibility may vary, depending on the severity, extent and circumstances under which the act of marauding was committed.

What can we do about it and does it make sense to do anything? There are now many examples on the Internet of how Ukrainians themselves lynch looters and other thieves during the war. This is a perfectly understandable reaction of people angry and exhausted by the war, which some condemn and some support. Based on the letter of the law, criminals must be handed over to law enforcement. In the end, they will get what they deserve. In today's conditions and circumstances, none of the marauders will escape punishment.

Why is marauding so bad? When a soldier dies, his body is taken away and buried properly. This is happening with great sorrow and with all honors, according to the customs and rules of the country. People mourn the dead and take care of his body until he finds his eternal peace. However, it is not uncommon for a dead soldier to be robbed and abused. There are shameful cases when a wounded person is ridiculed and

abused. Many situations appeared in the public domain when, instead of helping the wounded soldiers, they did things that could not fit in the head of an adequate person. We believe that despite the war and hatred for each other, this is not normal.

In our opinion, marauding, as a phenomenon, cannot be completely eradicated. Unfortunately, it has become an integral part of the war, another disgusting factor. There will always be people who will not give up hope of making money on other people's grief. So it was and will be. Therefore, during the war you always need to be doubly careful when keeping valuable or necessary things with you or in some safe place. Marauding as a phenomenon, entirely on the conscience of man. Only a person will go for it, for whom the concept of humanity is a completely empty sound.

Conclusions. Thus, marauding is a war crime committed by a creature that has no moral right to call itself a human being. Marauders have no morals. Such a stratum of society has been and will be. It is impossible to prevent this phenomenon, it is only possible to reduce the risk of being robbed by looters: if you have time to prepare to leave, you should hide valuables or pass them on to other people you trust. However, it should be understood that in wars, it is usually necessary to make fateful decisions immediately in the event of a threat. There is usually no time for precautionary measures to preserve the property. It is often necessary to leave home in a matter of minutes, being able to take with you only the essentials. Therefore, there can be no guarantee that you will not fall victim to marauders.

References

1. Wikimedia project participants. Marauding – Wikipedia. Wikipedia. [Electronic resource] // Access mode: URL: <https://uk.wikipedia.org/wiki/Мародерство> (date of application: 19.04.2022).
2. Marauders: is There a Legal Limit to Punishment in War? [Electronic resource] // Access mode: URL: <https://zmina.info/articles/pokarannya-maroderiv-pid-chas-vijny-chy-ye-zakonna-mezha/>
3. Article 432. Marauding. Free service for solving legal issues № 1 in Ukraine! [Electronic resource] // Access mode: URL: https://protocol.ua/ru/kriminalniy_kodeks_ukraini_stattya_432/
4. Khmelnytska, V. Marauding – what is it? What is the punishment for this crime in martial law. TSN.ua. [Electronic resource] // Access mode: URL: <https://tsn.ua/ukrayina/maroderstvo-scho-ce-take-yake-pokarannya-za-maroderstvo-v-umovah-voyennogo-stanu-2003854.html>.
5. Law of Ukraine «On Amendments to the Criminal Code of Ukraine to strengthen the responsibility for marauding» № 2117-IX from 03.03.2022. Access mode: <https://zakon.rada.gov.ua/laws/show/2117-20>.
6. Marauding and other crimes committed during martial law: what liability is provided [Electronic resource] // Access mode: URL: https://jurliga.ligazakon.net/ru/news/210037_maroderstvo-i-drugie-prestupleniya-sovershennye-vo-vremya-voennogo-polozheniya-kakaya-otvetstvennost-predusmotrena.