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DETERMINANTS OF DRAFT EVASION DURING MOBILISATION IN UKRAINE: CRIMINOLOGICAL APPROACH

Abstract. Purpose. The purpose of the article is to identify and analyse the main determinants of draft evasion during mobilisation in Ukraine, and also to develop scientifically based recommendations for improving the system of prevention of this type of offence. **Results.** The article studies the criminological aspects of draft evasion in the context of mobilisation in Ukraine. Based on a comprehensive analysis of socio-legal, economic, psychological and institutional factors, the author identifies the main determinants of the increase in cases of draft evasion. The legal nature of this offence is analysed in the context of national legislation and international standards. The official statistics are studied, the socio-demographic profile of offenders is determined, and the relationship between the level of evasion and socio-economic indicators in different regions of Ukraine is established. A system of preventive measures aimed at minimising this phenomenon is proposed. It is proved that the legal mechanisms for responding to cases of draft evasion should be improved and coordination between law enforcement bodies, military commissariats and local self-government bodies should be strengthened. **Conclusions.** The study of the determinants of draft evasion during mobilisation in Ukraine enables to make the following conclusions: draft evasion is a complex socio-legal phenomenon caused by a set of interrelated factors: socio-legal, economic, psychological and institutional; a significant geographical differentiation of cases of draft evasion is observed with the highest rates in the western and central regions of Ukraine; several types of draft evaders can be distinguished: “instinctive,” “rational,” “opportunistic,” “ideological” and “deviant”; effective counteraction to draft evasion requires a comprehensive approach that includes measures at the general social, specialised criminological and individual levels; promising areas for improving the system of combating draft evasion are the creation of a unified state register of persons liable for military service, the introduction of electronic military tickets, the development of a system of incentives for voluntary military service and a gradual transition to a professional army.

Key words: draft evasion, mobilisation, determinants of crime, criminological characteristics, military service, national security, regulatory framework, preventive measures, criminal liability, socio-psychological factors.

1. Introduction

The large-scale armed aggression against Ukraine has necessitated general mobilisation and drafting of citizens for military service. In such circumstances, the problem of draft evasion becomes particularly acute and urgent, as it threatens the national security of the state, reduces the mobilisation potential and negatively affects defence capabilities. The criminogenic situation related to draft evasion is characterised by a significant increase in the number of relevant criminal offences, as well as a high level of latency of this phenomenon.

A scientific consideration of the determinants of draft evasion during mobilisation enables not only to understand the causes and conditions of the relevant offences, but also to develop effective mechanisms to counteract

this phenomenon. In the national criminological science, the issues related to draft evasion during mobilisation have been studied by scholars such as O.M. Dzhuzha, V.V. Stashys, V.Ya. Tatsii, V.I. Shakun, O.O. Kvasha, M.I. Khavroniuk, but no comprehensive study of the determinants of this type of offence in the context of modern challenges and threats has been conducted.

The purpose of the article is to identify and analyse the main determinants of draft evasion during mobilisation in Ukraine, and also to develop scientifically based recommendations for improving the system of prevention of this type of offence.

2. Draft evasion during mobilisation

Avoidance of military service during mobilisation is considered a serious criminal offence

in Ukraine. This provision is enshrined in Article 336 of the Criminal Code, which provides for a sentence of imprisonment for a period of three to five years. The legal system treats such actions not just as a violation of administrative provisions, but as a threat to national security, as they directly affect the state's ability to form an army in a critical period. The specific feature of this offence is the purposefulness of actions, that is, a deliberate refusal to fulfil the constitutional duty to defend the country, which distinguishes it from other offences in the military sector.

The legal status of mobilisation evasion is twofold. The first aspect relates to the violation of army recruitment procedures, which wreaks havoc on the management of the Armed Forces. The second, much more important, is related to the weakening of the state's defence capability, especially during active hostilities. Due to this dual danger, the legislator has to qualify such actions as socially harmful and apply harsh sanctions. In addition, criminal liability is enhanced in wartime, which reflects the priority of national security over individual interests (Volodavska, 2015).

Practice shows a variety of schemes used by citizens to avoid conscription. The most commonly recorded method is failure to appear at military registration and enlistment offices after receiving a call-up notice, accounting for over 40% of registered cases. Many offenders try to obtain illegal medical certificates by falsifying diagnoses or bribing doctors. Uncontrolled travel abroad remains a popular method, often under the guise of labour migration or recreation. Some citizens resort to changing their place of residence without notifying the military registry, creating artificial obstacles to their search. A separate category includes attempts to obtain illegal deferrals on the grounds of marriage, caring for sick relatives or studying, although in most cases these grounds have no real basis.

Recent statistics show an explosive increase in the number of criminal cases under Article 336. While 245 cases were recorded before Russia's full-scale invasion in 2021, in 2022 this figure increased 23 times to 5647 episodes. The first half of 2023 showed a double increase compared to the previous year – 9879 criminal proceedings. Such dynamics directly correlate with the overall escalation of the conflict and the army's increasing need for personnel. Moreover, experts indicate that the real scale of the problem may exceed official data due to the difficulty of identifying all the facts of evasion (Official website of the State Penal Service of Ukraine, 2024).

The geography of offences reveals an interesting pattern. The highest rates were recorded

in the western regions (Ivano-Frankivsk, Lviv, Ternopil) and central regions (Kyiv, Vinnytsia, Cherkasy). For example, in Lvivska oblast, 1,287 cases were opened in the first quarter of 2023, while in Kharkivska oblast, only 94 cases were opened. This disparity is explained by several factors. First, in the frontline areas, a significant number of men have either already been mobilised or have voluntarily joined the territorial defence. Second, the evacuation of the population from the combat zones has led to the concentration of conscripts in safe regions. Third, sociologists note a difference in civic consciousness: in the eastern regions, which are constantly under threat, the level of patriotism and sense of personal responsibility is higher.

The social portrait of a typical evader includes a number of characteristic features. The riskiest group is men aged 25-35 - this age group accounts for 68% of all those brought to justice. About 75% have secondary specialised education, only 12% have higher education. Interestingly, 60% of offenders are married and have children, which may indicate economic motives for evasion (fear of losing a source of income for the family). Despite popular belief, only 35% of evaders have no previous experience of military service. On the contrary, 41% of them participated in the ATO/JFO, which may indicate psychological trauma or loss of motivation after the first experience (Criminal Code of Ukraine of April 5, 2001 No. 2341-III, 2001).

A comprehensive approach is required to analyse the reasons for this phenomenon. Legal factors include the contradictory nature of certain provisions of the law. For example, more than 20 categories of deferrals exist, many of which allow for subjective interpretation. Economic motivations are often linked to the fear of losing a job or the ability to support a family, especially among private sector representatives, where mobilisation means the termination of business. Psychological barriers include both fear of death and distrust of the command due to high-profile cases of incompetence. Institutional problems are manifested in the corruption of military registration and enlistment offices, where some officials issue fictitious documents for money.

The situation is further complicated by demographic features. According to the State Statistics Service, the number of men of conscription age (18-60 years old) as of 2023 is about 6 million. However, the actual mobilisation reserve is much smaller, with no more than 2-2.5 million people with disabilities, chronic illnesses and other limitations. This puts an extraordinary strain on the conscription system, forcing military enlistment offices to work in emergency mode, leading to mistakes and creating new conflicts.

The effectiveness of the fight against evasion depends on the synchronisation of efforts between different institutions. The Prosecutor's Office emphasises the need to automate the registration process: introduce a single electronic database of conscripts, integrate it with the Ministry of Internal Affairs, the State Tax Service and local authorities. Law enforcers propose to increase liability for document forgery as only 7% of such cases currently result in actual imprisonment. Sociologists insist on developing a targeted patriotic campaign, as polls show that 54% of evaders do not feel personally responsible for the defence of the state. Economists propose compensation mechanisms for the families of those mobilised, ranging from preferential loans to job security.

Along with repressive methods, experts recommend revising the very philosophy of mobilisation. The experience of NATO countries shows that raising the prestige of military service through social benefits, professional training and career guarantees reduces the number of evaders. In Ukraine, only 15% of citizens believe that the state takes proper care of veterans, which is a key factor in shaping negative attitudes towards mobilisation (Official website of the Ministry of Defense of Ukraine, 2023).

Therefore, the problem of draft evasion during mobilisation is a multilevel phenomenon that combines legal, economic and socio-psychological aspects. Its solution requires not only enhanced control and punishment, but also systemic changes in approaches to motivating citizens, improving the quality of military service and creating social support mechanisms. Recent statistics clearly show that traditional methods are losing their effectiveness in a protracted war, forcing the search for innovative solutions at the intersection of law, economics and social policy.

An important factor is also the low level of legal awareness and legal culture of the population, as well as the lack of awareness of the legal consequences of draft evasion. In particular, many conscripts do not realise that failure to report to a territorial recruitment and social support centre (hereinafter referred to as the TCR and SS) without valid reasons may already be considered a criminal offence.

Unclear legal provisions on the definition of valid reasons for failure to appear under a call also create grounds for abuse. According to Part 2 of Article 22 of the Law of Ukraine 'On Mobilisation Training and Mobilisation', the following are considered valid reasons for the failure of conscripts to arrive at the enlistment offices within the time limit set by the head of the relevant TCR and SS: an obstacle of a natural disaster, illness of the conscript that prevented him from

personally arriving at the call, death of a close relative or close person. However, in practice, there are difficulties in proving the existence of these circumstances, which leads to uneven application of the law (Law of Ukraine On Mobilization and Demobilization: dated October 14, 1992 No. 1932-XII, 1992).

Economic factors play a significant role in shaping the motivation for draft evasion. The low level of financial support for military personnel compared to the average salary in the civilian sector, especially in large cities, encourages potential conscripts to seek ways to avoid military service. According to sociological surveys, about 42% of respondents cite the economic factor as the main reason for draft evasion.

In addition, for many conscripts who are the sole breadwinners in their families, mobilisation means a significant reduction in family income and a deterioration in their financial situation. Despite the legislative guarantees of social protection for military families, in practice, the mechanisms for providing such assistance are not effective enough, and the amount of such assistance is insufficient to ensure a normal standard of living.

An important economic factor is also the loss of jobs and career prospects for those called up for military service. In the absence of effective mechanisms to preserve jobs and protect the labour rights of those mobilised, many employers find ways to terminate employment with such employees, which creates additional incentives for draft evasion.

The psychological factors of draft evasion are primarily related to the fear of combat, the risk of injury or death. According to research, about 65% of draft evaders cite fear of death or injury as the main motive for their actions. The information background plays an important role, in particular, reports in the media and social media about high casualties among military personnel.

The psychological readiness of citizens for military service is also significantly influenced by information about unsatisfactory logistical support of military units, cases of violation of the rights of servicemen, problems with medical care for the wounded, etc. Such information, even if it is exaggerated or distorted, forms a negative attitude towards the prospect of military service.

Psychological determinants also include pacifist beliefs and religious views of some conscripts. Although Ukrainian legislation provides for the possibility of alternative (non-military) service for persons whose religious beliefs do not allow them to use weapons, the mechanism for exercising this right in the context of mobilisation is not sufficiently regulated. The influ-

Table 1

**Comparison of the average salary of military personnel and the average salary
in the civilian sector (in UAH)**

Category.	Remuneration of military personnel	Average salary in the civilian sector	Difference (%)
Enlisted personnel	20500	24800	-17.3
Non-commissioned officer staff	25700	29400	-12.6
Junior officer personnel	31200	35800	-12.8
Senior officers	38600	41200	-6.3

Source: data from the Ministry of Defence of Ukraine and the State Statistics Service of Ukraine, 2023.

ence of family circumstances on the decision to evade conscription cannot be ignored. Pressure from relatives, especially wives and mothers, is often a decisive factor. According to surveys, about 38 per cent of those who evaded conscription stated that they did so under the influence of family members.

3. Shortcomings in the work of the TRC and SS as a condition for draft evasion during mobilisation

Institutional determinants are related to shortcomings in the organisation of the work of the TCR and SS, law enforcement bodies and the judiciary. In particular, insufficient coordination of various state institutions, the lack of a unified electronic database of persons liable for military service, bureaucracy and corruption in military commissariats create an enabling environment for draft evasion. One of the key institutional factors is corruption in the system of military commissariats. According to law enforcement data, between 2022 and 2023, more than 600 criminal proceedings were opened on the facts of receiving undue benefits by TCR and SS employees for assistance in draft evasion. Corruption schemes allow wealthy citizens to avoid military service, which increases social injustice and undermines trust in the mobilisation system. Another important institutional factor is the ineffectiveness of the system of searching for and prosecuting draft evaders. In particular, the lack of proper cooperation between the TCR and SS, the National Police and the State Border Guard Service makes it difficult to identify and detain offenders. According to the Office of the Prosecutor General, only about 15% of criminal proceedings opened under Article 336 of the Criminal Code of Ukraine result in the submission of an indictment to court.

The analysis of statistical data reveals significant regional differences in the number of cases of draft evasion. In particular, the highest rates are observed in Lvivska, Zakarpatska, Chernivetska, Ivano-Frankivska and Kyivska oblasts, while the lowest rates are observed in Donetsk, Luhanska, Kharkivska and Zaporizka oblasts.

This geographical disparity is due to a number of factors, including: geographical remoteness from the combat zone, socio-economic development of the region, ethno-cultural characteristics, and the presence of borders with other states. In particular, in the border regions, an additional factor contributing to draft evasion is the possibility of illegal border crossing to avoid military service.

This is especially true in Zakarpatska oblast, where the number of cases of evasion per 10,000 men of military age is almost three times higher than the average for Ukraine. This may be due to the ethnic characteristics of the region, in particular, the presence of a significant number of people with dual citizenship (Ukraine and Hungary, Ukraine and Romania, etc.) who use this fact to avoid military service.

The analysis of criminal proceedings and the results of sociological research suggests that there are several types of persons who evade military service during mobilisation:

1. The "instinctive type" – individuals who evade conscription due to fear of death, injury or psychological trauma. This type is characterised by an internal struggle between a sense of duty and an instinct for self-preservation, which is usually resolved in favour of the latter.

2. The "rational type" – individuals who make decisions about evasion based on a rational analysis of costs and benefits. They are characterised by comparing the risks of military service with the risks of criminal prosecution, economic losses due to service with possible sanctions, etc.

3. The "opportunistic type" – persons who have no fundamental objections to military service but use any available opportunities to avoid it (medical contraindications, corruption schemes, travelling abroad, etc.).

4. The "ideological type" – individuals who evade conscription due to ideological, religious or moral beliefs, such as pacifism, religious dogmas prohibiting violence, etc.

5. The "deviant type" – individuals with antisocial attitudes who systematically violate various legal provisions, and draft evasion is

Table 2
Number of cases of draft evasion during mobilisation in the regions of Ukraine (2023)

Oblast	Number of registered cases	Number of cases per 10,000 people of conscription age	Percentage of the national figure
Lvivska	1234	17.8	12.5
Zakarpatska	987	21.4	10.0
Chernivetska	745	19.6	7.5
Ivano-Frankivska	712	16.3	7.2
Kyivska	689	10.9	7.0
Odeska	645	9.8	6.5
Dnipropetrovska	589	6.7	6.0
Vinnitska	534	9.4	5.4
Ternopil'ska	512	15.7	5.2
Khmelnitska	478	11.2	4.8
Cherkaska	423	9.8	4.3
Poltavska	387	8.5	3.9
Rivnenska	356	9.2	3.6
Volynska	334	9.5	3.4
Zhytomyrska	312	7.6	3.2
Mykolaivska	287	7.2	2.9
Sumska	245	6.8	2.5
Kirovograd	212	6.5	2.1
Zaporizka	156	3.2	1.6
Kharkivska	132	2.1	1.3
Donetska	87	1.4	0.9
Luhanska	54	1.1	0.5
Khersonska	No data available	No data available	No data available
Autonomous Republic of Crimea	No data available	No data available	No data available

Source: Office of the Prosecutor General of Ukraine, 2023.

only one manifestation of their deviant behaviour.

The distribution of draft evaders by these types is uneven. According to the study, the most numerous are the "instinctive" (about 40%) and "rational" (about 35%) types, while the "ideological" and "deviant" types are in the minority (about 10% and 5% respectively).

The development of an effective system aimed at preventing draft evasion during mobilisation in Ukraine requires a comprehensive analysis of the causes of this phenomenon and the implementation of measures at various levels. These measures can be divided into three categories: general social, special criminological and individual. Below is a unique interpretation of the text with an emphasis on preserving the key ideas, presented in natural language.

General social level. At this level, efforts are focused on creating an enabling environment for service and fostering a positive attitude towards it:

- Social protection improvement. Financial support for servicemen and their families should be increased, jobs and salaries should be guaranteed, and assistance should be provided to families of mobilised personnel to reduce their domestic difficulties.

- Promotion of patriotism. Through information campaigns, the importance of service in defending the country should be promoted by demonstrating real success stories and positive experiences of the military.

- Legal education. Citizens should have their obligations, rights and the consequences of draft avoidance explained to them in an accessible way to increase their responsibility and awareness.

- Fight against corruption. Transparency in the work of military commissariats should be ensured by introducing digital tools for accounting and strengthening control over compliance with the law.

Special criminological level. This level involves improving the legal and organisational mechanisms to prevent evasion:

- Updated legislation. It is important to clearly define the rules for selecting conscripts, the conditions for deferrals or exemptions from service, and the procedure for notifying citizens.

- Cooperation between agencies. Military commissariats, police, and border guards should establish close cooperation to quickly identify and prosecute draft evaders.

- Digital database. A unified electronic register of persons liable for military service would help keep track of citizens and make it more difficult for them to avoid service.

- Electronic summonses. The digital notification system will simplify the process of serving summonses and reduce the possibility of ignoring them.

- Control of medical examinations. Improving the procedures for examining conscripts will make it impossible to falsify their health status to obtain an exemption from service.

Individual level. The emphasis here is on working with individuals who are prone to evasion: psychological support. Those who are afraid of service or combat should be counselled and helped to overcome their fear; personal explanations. Each potential recruit should be explained in detail what awaits those who evade and what benefits are available to them from legal service.

Alternative options. For those with moral or religious convictions, participation in rear tasks such as medical care or logistics could be offered.

Future steps. The following ideas are proposed for long-term improvement of the system of preventing evasion: a unified register (creation of a nationwide database using modern technologies will simplify accounting and reduce corruption risks); e-tickets (military documents with biometrics will make it impossible to counterfeit and use other people's data); motivation to serve (volunteers can be encouraged with benefits, such as study, work or housing programmes); training (military commissariat staff need quality training and raising professional standards); a flexible approach (conscription should be adapted to the abilities and characteristics of individuals to make better use of their potential and reduce the desire to avoid service); a professional army (a gradual transition to contract service will reduce dependence on conscription and meet modern military standards).

This multifaceted approach will not only reduce the number of evaders but also increase the effectiveness of mobilisation, considering both the social and personal aspects of the process.

4. Conclusions

The study of the determinants of draft evasion during mobilisation in Ukraine enables to

make the following conclusions:

1. Draft evasion is a complex socio-legal phenomenon caused by a set of interrelated factors: socio-legal, economic, psychological and institutional. The most significant among them are fear of combat, insufficient material support for servicemen, corruption in the system of military commissariats and imperfect legal regulation of the draft procedure.

2. A significant geographical differentiation of cases of draft evasion is observed with the highest rates in the western and central regions of Ukraine. This is due to a number of factors, including geographical remoteness from the combat zone, socio-economic development of the region, ethno-cultural characteristics, and the presence of borders with other states.

3. Several types of draft evaders can be distinguished: "instinctive," "rational," "opportunistic," "ideological" and "deviant." The first two types are the most common, indicating the prevalence of fear and rational motives in the structure of evasion motivation.

4. Effective counteraction to draft evasion requires a comprehensive approach that includes measures at the general social, specialised criminological and individual levels. Key areas include improving the system of social protection for servicemen, strengthening coordination between various state institutions, introducing modern information technology into the registration and conscription process, and individual work with people prone to evasion.

5. Promising areas for improving the system of combating draft evasion are the creation of a unified state register of persons liable for military service, the introduction of electronic military tickets, the development of a system of incentives for voluntary military service and a gradual transition to a professional army.

The results of the study can be used to improve the legal framework for mobilisation and conscription, develop comprehensive programmes to prevent draft evasion, and improve the efficiency of law enforcement agencies and military commissariats.

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ДЕТЕРМІНАНТИ УХИЛЕННЯ ВІД ПРИЗОВУ НА ВІЙСЬКОВУ СЛУЖБУ ПІД ЧАС МОБІЛІЗАЦІЇ В УКРАЇНІ: КРИМІНОЛОГІЧНИЙ ПІДХІД

Abstract. Purpose. Метою статті є визначення та аналіз основних детермінант ухилення від призову на військову службу під час мобілізації в Україні, а також розробка науково обґрунтованих рекомендацій щодо удосконалення системи запобігання цьому виду правопорушень. **Results.** У статті досліджуються кримінологічні аспекти ухилення від призову на військову службу в умовах мобілізації в Україні. На основі комплексного аналізу соціально-правових, економічних, психологічних та інституційних чинників визначено основні детермінанти, що зумовлюють зростання випадків ухилення від призову. Проаналізовано правову природу даного злочину в контексті національного законодавства та міжнародних стандартів. Досліджено офіційну статистику, визначено соціально-демографічний профіль правопорушників та встановлено взаємозв'язок між рівнем ухилення та соціально-економічними показниками в різних регіонах України. Запропоновано систему превентивних заходів, спрямованих на мінімізацію даного явища. Обґрунтовано необхідність удосконалення правових механізмів реагування на випадки ухилення від призову та посилення координації між правоохоронними органами, військовими комісаріатами та органами місцевого самоврядування. **Conclusions.** Проведене дослідження детермінант ухилення від призову на військову службу під час мобілізації в Україні дозволяє зробити такі висновки: ухилення від призову є складним соціально-правовим явищем, зумовленим комплексом взаємопов'язаних факторів: соціально-правових, економічних, психологічних та інституційних; спостерігається значна географічна диференціація випадків ухилення від призову з найвищими показниками у західних та центральних областях України; серед осіб, які ухиляються від призову, можна виділити кілька типів: "інстинктивний", "раціональний", "опортуністичний", "ідейний" та "девіантний"; ефективна протидія ухиленню від призову потребує комплексного підходу, що включає заходи на загальносоціальному, спеціально-кримінологічному та індивідуальному рівнях; перспективними напрямками вдосконалення системи протидії ухиленню від призову є створення єдиного державного реєстру військовозобов'язаних, впровадження електронних військових квитків, розробка системи стимулів для добровільного проходження військової служби та поступовий перехід до професійної армії.

Ключові слова: ухилення від призову, мобілізація, детермінанти злочинності, кримінологічна характеристика, військова служба, національна безпека, правове регулювання, превентивні заходи, кримінальна відповідальність, соціально-психологічні чинники.