

# *Sustainable protection of state authority: criminal liability for attacks on law enforcement, special state bodies, and military personnel*

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## *Abstract*

The sustainability of public institutions and the rule of law depends heavily on the safety and resilience of those entrusted with enforcing them, namely, law enforcement officers, members of special state bodies, and military personnel. These individuals, while performing their professional duties, are increasingly exposed to threats against their life and health, highlighting the urgent need for effective and consistent legal protection. This study analyses the criminal legislation of Kazakhstan, Ukraine, Mongolia, Belarus, China, Japan, and France concerning offences committed against these categories of public servants. Using dialectical, structural-functional, analytical, and synthetic methods, the research evaluates the extent to which national legal frameworks provide sustainable and targeted protection for state agents. The findings indicate that only a subset of these countries, Ukraine, France, Belarus, and Japan, have clear statutory provisions that establish criminal liability for such offences, while others treat them as general domestic crimes. This gap in legal protection risks undermining the operational sustainability of state institutions and signals a degree of decriminalization of threats against public officials. A key determinant in the criminal classification of these acts is often the offender's knowledge of the victim's official status. As states aim to reinforce institutional legitimacy and ensure uninterrupted service delivery, establishing strong, consistent legal protections for state agents becomes essential. The practical value of this study lies in its policy relevance: its conclusions and recommendations can inform legislative reform to strengthen institutional resilience and promote justice systems aligned with the goals of sustainable development.

*Keywords:* criminal liability, protection of law enforcement officers, offences against state officials, institutional resilience, sustainable governance, comparative criminal law.

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## Introduction

The sustained development of every state fundamentally relies on the robustness and stability of its institutional frameworks, especially those responsible for maintaining public safety, law, and order. Law enforcement agencies, specialised state entities, and military troops are essential in maintaining the rule of law, ensuring national security, and fostering societal unity. These institutions are vital for the prompt execution of laws and for promoting long-term social and institutional sustainability – fundamental elements of resilient, equitable, and peaceful communities.

The rising incidence of violent acts and threats against individuals in these roles underscores a critical weakness in the system. Such acts threaten the welfare of public personnel, damage trust in governance, destabilise institutions, and diminish public security (Zaiets et al., 2024). The absence of sufficient legal protections for these professionals undermines the credibility of law enforcement and justice systems, jeopardising the viability of public administration and social order (Cherleniak and Tokar, 2024).

Isabaev (2021) notes that the rapid proliferation of organised crime and the rise in violent acts have led to the intensification of the criminal environment, signalling a growing threat to state stability and public security. These trends are associated with heightened efforts to undermine state authority, underscoring the necessity for legal protections to maintain the continuation of institutional operations. Shayaxmetova (2022) asserts that the state's principal duty is to safeguard human rights and freedoms, with law enforcement and specialised agencies acting as primary implementers. Their capacity to function efficiently is largely contingent upon the safeguarding of their lives and welfare.

Moldabaev (2022) asserts that the legal and physical safeguarding of these people transcends a mere human resource concern; it is a structural need that ensures the enduring sustainability of state institutions. Shakerov (2023) observes that threats to law enforcement officers hinder all tiers of criminal justice operations, from investigation and prosecution to national security and forensic services, thereby compromising the state's ability to operate effectively and sustainably.

In light of these issues, the formulation of criminal legal standards that guarantee the safety and protection of law enforcement officials and military personnel is crucial for the viability of law enforcement infrastructure. Smyshlyaev and Kalkamanuly (2022) call for certain legal frameworks that offer both punitive measures and preventive precautions to deter such attacks and maintain the professional responsibilities of state personnel. These protections additionally fulfil a wider societal role: bolstering the legitimacy

of state power and guaranteeing that state officials can perform without fear or hindrance.

Presently, the congruence between national criminal statutes and advancing international standards for the safeguarding of public officials is insufficiently examined. This paper examines the legal frameworks of Kazakhstan, Ukraine, Mongolia, Belarus, China, Japan, and France, with a particular emphasis on criminal culpability for acts against law enforcement and military personnel. Accordingly, the central research question guiding this study is: to what extent do national criminal statutes in the mentioned countries align with international standards in providing effective and sustainable legal protection for law enforcement officers, special state bodies, and military personnel. The underlying hypothesis posits that countries with explicit statutory provisions criminalising offences against public officials demonstrate higher levels of institutional resilience and governance continuity than those where such acts are treated as general crimes.

This research enhances a sustainable criminal justice model by comparing legislative norms and analysing their actual application, so safeguarding the rights of individuals serving and preserving the institutions vital for enduring governance and social stability.

## **Materials and Methods**

The structural and functional method was employed to explore key concepts central to this study, namely “criminal responsibility,” “law enforcement agency,” and “special state body”, in order to assess the global crime landscape and analyse crime indices in the selected countries: Mongolia, Kazakhstan, Japan, Belarus, France, China, and Ukraine. The selection of these countries was determined by the need to represent diverse legal traditions, governance models, and levels of institutional development. These countries collectively encompass civil law systems with varying degrees of adherence to international legal norms, providing a robust comparative foundation for analysing the criminal protection of public officials. Kazakhstan, Ukraine, and Belarus exemplify post-Soviet transitional systems; Mongolia represents a hybrid legal order influenced by both socialist and democratic traditions; China provides a model of state-centred criminal justice; while Japan and France serve as examples of mature and institutionally stable legal frameworks grounded in codified law and human rights protection. This cross-national design allows for a comprehensive assessment of how differing legal and political contexts

shape the sustainability and effectiveness of criminal safeguards for state officials.

This approach allowed for the examination of how offences against state officials threaten not only individual safety but also the stability and functionality of public institutions. These crimes disrupt managerial processes, erode trust in governance, and weaken the structural integrity of state power, thereby posing long-term risks to institutional sustainability. The study investigated the pressing need for robust criminal-legal protections for law enforcement personnel, members of special state bodies, military personnel, and their close relatives

It further identified why these actors are particularly vulnerable in conflict situations and categorized the types of encroachments that represent the greatest threat to public sector resilience. The analysis considered the broader societal and institutional consequences of such offences, including operational disruptions and the economic costs incurred by state agencies – factors that directly undermine the sustainability of public service delivery and state governance systems. The dialectical method was used to investigate the views of other scientists on this problem, helping to formulate a unified idea about the criminal-legal protection of employees of law enforcement, special state bodies, and military personnel, as well as responsibility for encroachment on their lives and health.

Criminal codes of different countries were analysed based on the Caspian Public University of Almaty. Logical methods were used, namely methods of analysis and synthesis. For an in-depth study of the topic, the work was conditionally divided into several parts. In the first part the criminal codes of those countries, where clear standards of responsibility for encroachment on the life of an officer are fixed, were analysed. The norms of Articles 345 and 348 of the Criminal Code of Ukraine (2001) and provisions of Section 13 of the Penal Code of the Republic of Belarus (1999) were studied. The Penal Code of the French Republic (1990), chapter I, section I, paragraph II “On encroachment on the person of a person”, and article 95 “Obstruction or coercion in the performance of official duties”, section 5 “Offences related to obstruction of official duties”, Penal Code of Japan (2006) were also studied. The measures of responsibility, which are provided for offences against the employee of law enforcement, special state body and serviceman considering the norms of criminal legislation of the above-mentioned countries, have been investigated. It is highlighted which party the legislator gives priority to in case of conflict situations.

The second part of the study employed the analysis method to examine the criminal codes that lack unambiguous laws concerning criminal liability for offences against the life of law enforcement officers, special state bodies,

and military personnel. Such are normative-legal documents in Kazakhstan, China, and Mongolia. The study addressed how the offences against the life of employees of the above-mentioned bodies or physical harm to them are qualified in the absence of specific norms. With the help of the second method, synthesis, all the received information was formed into a logically structured study.

Results

Crime persists and poses serious challenges to the political, economic, technological, and socio-cultural transformations that are rapidly reshaping contemporary societies (Pak and Gannon, 2023). Exploring ways to effectively ensure security for individuals, society, and the state is therefore essential, given the instability of the political, ideological, economic, social, environmental, and informational foundations of the modern world order (Thomas et al., 2022; Spytska 2023). Globally, there is great variation in crime rates (Table 1).

Table 1 – Crime rates in the surveyed countries in 2023

Country	Crime index
Mongolia	4.01
Kazakhstan	4.26
Japan	4.53
Belarus	5.08
France	5.66
China	6.01
Ukraine	6.18

Source: Most Violent Countries (2024).

Penalties for offences such as murder, rape, torture, and other violent crimes must be contextually varied, particularly when these atrocities are perpetrated against individuals in law enforcement, special state agencies, or the military (Ogbe, 2023). These professionals serve not only as individual victims but also as emblematic representatives of the state's ability to administer, safeguard, and uphold justice. Consequently, criminal activities directed at them jeopardise institutional survival by endangering the entities that maintain public order. Although others denounce the escalated severity of penalties, such as the tripling of punishment levels when the victim belongs to such entities (Ogbe, 2022), this distinction underscores the

amplified social repercussions of assaults that undermine fundamental governmental operations.

Law enforcement agencies constitute a fundamental element of the criminal justice system, responsible for implementing laws, investigating offences, and maintaining public order (Umam et al., 2022). Specialised state agencies, reporting directly to high-ranking state leaders such as the President, are frequently tasked with national security responsibilities, including intelligence, counterintelligence, and safeguarding public officials and state resources (McCollister et al., 2010). Ensuring the physical protection of these individuals is essential for sustaining long-term public faith in institutions, mitigating violence, and bolstering the legitimacy of governance (Pilyukov et al., 2023). The criminal protection of public officials directly enhances institutional resilience and sustainable justice systems.

Criminal protection of officials is seen not only as a guarantee of individual rights and security, but above all as a mechanism for ensuring the continuity, legitimacy, and stable functioning of management structures. Although the protection of the life and health of law enforcement officers and civil servants is recognized as a moral and legal imperative, the article emphasizes that such protection serves a broader institutional function: preserving the stability of the state, public order, and citizens' trust in the justice system. Attacks on officials are interpreted as an attack on the operational viability of the government itself, rather than as isolated acts of interpersonal violence. Thus, criminal liability for crimes against public officials is seen as an instrument of institutional stability, designed to protect the functional and symbolic foundations of state power and maintain the integrity of the legal and administrative systems necessary for sustainable development and the rule of law.

Research performed at Caspian Public University in Almaty indicates that the penal codes of Kazakhstan, Ukraine, Belarus, Mongolia, China, Japan, and France encompass broad culpability for acts of violence or threats directed at public officials. Nevertheless, only a limited number, specifically France, Ukraine, Belarus, and Japan, have implemented explicit rules that impose increased culpability for assaults on the lives of such officials. These explicit legal frameworks function as instruments for both punishment and prevention, so enhancing a more sustainable judicial infrastructure by preventing targeted violence and maintaining institutional efficacy.

Article 348 of the Criminal Code of Ukraine (2001) establishes criminal culpability for acts of violence or threats against law enforcement officers, military members, and other public officials. This statute aims to protect persons and preserve institutional credibility by allowing public servants to

execute their responsibilities without apprehension. Legal academics have observed that when state agents perceive a threat, they may respond with excessive caution or even engage in unlawful behaviour to safeguard themselves and their family. In this context, Article 348 is crucial in fostering accountable governance and maintaining the operational integrity of state institutions.

Article 362 of the Penal Code of the Republic of Belarus (1999) similarly criminalises the homicide of law enforcement or special state agency personnel committed in connection with the performance of their official duties. Additional pertinent provisions further classify such offences as intentional murders of persons performing official functions, thereby recognising the aggravated nature of attacks on representatives of state authority. These legal distinctions fulfil both punitive and preventive functions – strengthening social respect for public officials, a fundamental component of healthy government.

The Penal Code of the French Republic (1990) embraces a comprehensive and inclusive methodology. Chapter 1, Section 1, Paragraph 2 delineates safeguards for various public authorities, encompassing magistrates, jurors, police officers, and customs officials. French criminal law emphasises the safeguarding of human life and dignity, irrespective of an individual's particular public position. This adherence to constitutional values signifies a profound acknowledgement that safeguarding those who maintain the state's legal and ethical foundations is crucial for the state's sustainability and moral validity (Sharifi, 2023).

In Kazakhstan, although Chapter 14 of the Penal Code (2014) lacks explicit provisions for the protection of law enforcement personnel, Chapter 15 offers pertinent safeguards as delineated in Article 340. This article penalises assaults against judicial and investigative officials and their family members. Nevertheless, significant disparities persist: there are no specific safeguards for law enforcement officials engaged in general public safety duties. This judicial oversight may jeopardise both the safety of state actors and the robustness of institutions responsible for public protection.

The criminal legislation of Mongolia has a comparable challenge. Article 91 of the Penal Code (2002) stipulates harsh punishments, including life imprisonment and the death penalty, for homicide related to official duties; nevertheless, it lacks clarity about law enforcement officers and military members. The imposition of these sanctions depends on the offender's established awareness that the victim was a public official. In the absence of clear legal classification, such offences may be regarded as domestic rather than institutional risks, undermining both deterrence and the overall viability of law enforcement frameworks.

Article 135 of China's Penal Code (1997) criminalises acts of violence against officials performing their duties. However, the variation in punishments based solely on the level of harm reflects an absence of clear differentiation between offences committed against ordinary citizens and those directed at state officials, thereby underscoring the need for a more stratified legal framework and potential legislative reform. Sustainable governance necessitates legal frameworks capable of proportionately addressing assaults that compromise state authority, particularly when such assaults possess symbolic and systemic significance. Japan provides a more explicit illustration of focused legal safeguarding. Article 95 of the Penal Code (2006) criminalises the obstruction of official activities via force or intimidation, stipulating specific punishments. This legislative strategy enhances deterrence and bolsters the operational sustainability of state institutions by safeguarding their personnel. The concept of "institutional stability" is understood in a broad sense, covering not only legal and criminal protection through legislative guarantees and accountability mechanisms, but also broader socio-political aspects such as institutional legitimacy, public trust, and the stability of governance structures.

While numerous countries acknowledge offences against public officials as criminal acts, only a limited number have developed legal systems that distinctly differentiate these offences from ordinary violent crimes. This difference is essential for the longevity of state institutions, especially those tasked with justice, public order, and national security. Establishing strengthened legal protections deters potential offenders and demonstrates society dedication to upholding the rule of law and institutional resilience – essential components of sustainable development and democratic government.

## Discussion

The actions of law enforcement agents are crucial for the institutional resilience, the preservation of order, and the effective implementation of the rule of law. Their efforts directly facilitate the establishment of stable, peaceful, and inclusive societies are essential components of sustainable development. Nonetheless, the nature of their duties inevitably subjects them to increased dangers of violence and targeted assaults. According to Roach and Thomaneck (2023), this requires enhanced criminal legal protection to both protect these professionals individually and to maintain the continuity and credibility of public administration. Legal systems must recognise the distinct societal functions of these players and provide protections to



safeguard them, thereby enhancing the sustainability of institutional operations.

This necessity is emphasised by study conducted by Jetelina et al. (2022), which illustrates the everyday exposure of law enforcement and special state agency staff to violence while enforcing citizens' rights, public safety, and constitutional order. Criminal law provisions are essential in fortifying these rights, serving as a regulatory barrier against actions that jeopardise the health, life, and stability of state actors. Kramarczyk (2022) asserts that law enforcement agents must swiftly react to unanticipated and volatile situations, which frequently expose them to physical peril. Their capacity to perform efficiently, without doubt or trepidation, is essential for preserving institutional efficacy and hence guaranteeing sustainable governance.

Crimes targeting state officials are especially harmful to societal sustainability (Hunko 2023). They not only erode the legitimacy of public authority but also impair the efficient functioning of governmental organisations and diminish public trust. Such transgressions engender instability, fear, and insecurity within the social fabric – elements that can swiftly undermine state-society ties. Nanan (2023) and Goulette et al. (2022) underscore that violent assaults on police officers jeopardise both the persons directly engaged and the wider community they serve. Officers frequently cannot withdraw from such encounters owing to their sworn duties, heightening the risk of harm, escalation, and wider societal repercussions.

These assaults also incur substantial financial and social burdens on governmental institutions. Prolonged investigations, medical treatment, administrative obligations, and diminished labour capability post-incident impact the operational and financial viability of law enforcement agencies (Bekishev et al., 2019) Furthermore, public opinions can swiftly change based on the application of force in certain circumstances – eroding trust in the criminal justice system even when police officers operate legally. The erosion of legitimacy presents enduring threats to the sustainability of governmental power and the rule of law, which are essential to democratic society (Ketners 2025; Kushenova et al., 2025).

As Grabowska and Kresiński (2023) elucidate, deliberate assaults on public officials frequently incite retaliatory legal or administrative actions that might subsequently curtail rights more extensively, resulting in a cycle of resistance and repression. Neglecting the fundamental political and socio-economic factors contributing to this violence may further erode public trust in the justice system. Thus, specialised criminal law safeguards serve not merely as reactive instruments but also as proactive strategies that safeguard the efficacy and integrity of state institutions (Auanasova et al., 2024).

Borovyk et al. (2023) assert that these protections are essential for maintaining a secure working environment for public officials, allowing them to perform their responsibilities successfully and ethically. This facilitates the reliable provision of services, public safety, and legal order – results consistent with the objectives of institutional and social sustainability. The resilience of law enforcement agencies is closely linked to the degree to which the state ensures their safety, dignity, and operational autonomy free from intimidation or intervention (An et al., 2024; Auanasova and Auanassova 2024). Therefore, protection must be afforded not only to officials but also to their families, who frequently become targets of indirect coercion or violence.

Recent patterns identified by Shjarback and Maguire (2021) indicate a worldwide increase in assaults on police officers. These tendencies jeopardise the essence of institutional resilience by eroding the authority and operational efficacy of public entities. In numerous civilisations, increasing opposition to state initiatives signifies underlying concerns such as inequality, distrust, or political polarisation (Fedorchenko et al., 2020; Khamzina et al., 2021). In these situations, a prompt and legal response is crucial not only to maintain order but also to reinstate confidence in the court system. Nonetheless, when officers operate without adequate legal safeguards, they may resort to reactionary or disproportionate measures, thereby exacerbating the erosion of public trust (Apakhayev et al., 2017; Buribayev and Khamzina 2025).

The ongoing operation of public institutions depends on a robust framework of legal and procedural protections for law enforcement and other state officials. As governments enhance these systems, they must acknowledge the vital role these entities play in promoting sustainable development, especially concerning peace, justice, and robust institutions (Sustainable Development Goal 16). Guaranteeing the physical and legal protection of law enforcement personnel is not solely an issue of professional safety; it is a fundamental necessity for establishing robust institutions that can facilitate enduring societal advancement.

## Conclusions

The comparative analysis of the criminal protection of law enforcement officers, members of special state bodies, and military personnel across Kazakhstan, Ukraine, Mongolia, Belarus, China, Japan, and France reveals significant variation in the scope and precision of legal safeguards. All seven countries recognise criminal liability for violence or threats against public

officials; however, the degree of legal specificity and institutional protection differs substantially. Ukraine, Belarus, Japan, and France have enacted explicit statutory provisions that directly criminalise such offences, thereby reinforcing both individual security and the institutional legitimacy of state authority. In contrast, Kazakhstan, Mongolia, and China address these crimes within broader categories of offences against the person, which reduces the deterrent effect and blurs the distinction between attacks on private individuals and those targeting state representatives. This inconsistency weakens the sustainability of law enforcement and governance systems in contexts where institutional stability is closely linked to the perceived inviolability of state agents.

While the French legal framework remains notable for its comprehensive and humanistic orientation, it represents only one model among several effective approaches. The Japanese Penal Code, through its precise categorisation of obstruction and violence against officials, demonstrates a pragmatic deterrent model, whereas Ukraine and Belarus emphasise the dual function of legal protection – safeguarding individuals and preserving state credibility. The absence of detailed statutory provisions in other jurisdictions underscores the need for harmonisation with international standards to enhance institutional resilience and the rule of law. Overall, the findings suggest that sustainable governance depends not solely on punitive norms but also on coherent, clearly codified systems that protect public officials as embodiments of state authority. Such convergence between legal precision and institutional legitimacy forms the foundation for enduring stability, public trust, and justice-oriented governance across diverse legal traditions.

This study's scholarly contribution is its comparative analysis of criminal culpability for attempts on the lives and health of law enforcement officials, special state agents, and military personnel across various legal systems. This analysis critically examines the scope and uniqueness of legal standards safeguarding these groupings, focussing on institutional integrity and sustainability. Future research should further investigate the legal protections afforded to military personnel, whose susceptibility in high-risk environments is crucial for maintaining national security and the continuity of state operations.

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