

Protest, Disorder and the Autonomy of Duties: A Criminological Framework for Assessing Public-Order Risk in Wartime Ukraine

Viacheslav O. Tuliakov

Professor, National University “Odesa Law Academy”, Odesa, Ukraine
Doctor of Legal Sciences; Corresponding Member of the National Academy of Legal Sciences of Ukraine
ORCID: 0000-0002-2716-7244
E-mail: [tuliakov@onua.edu.ua]

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Abstract

This article examines the criminological dimensions of mass protest, disorder and political violence under conditions of war. Starting from the mass demonstrations that took place in France and other European states on 17 October 2026, it argues that mass protest as political expression, collective breaches of public order, and crime arising in the context of disorder are overlapping but non-identical phenomena. Recent European research on the 2023 French and 2024 British riots indicates that violence does not follow from grievance alone: it depends on institutional trust, policing tactics and perceived legitimacy. The article advances the concept of the autonomy of duties, the claim that a duty does not disappear together with the witness, and identifies a symmetrical error on the part of the state, which assumes that legality exists wherever its form is preserved (criminal non-law). It relies on the judgment of the European Court of Human Rights in *Chernega and Others v. Ukraine* (2019) to specify the state’s positive obligation to protect peaceful assemblies from violence, including violence by non-state actors. Applied to Ukraine, the analysis yields a four-variable model of public-order risk, supplemented by a victimological dimension of wartime victimization, a set of observable indicators, and cautions regarding hostile hybrid interference. The article concludes that the task of the state is to prevent lawful forms of participation from losing their meaning while ensuring accountability for specific crimes.

Keywords: protest; riots; mass disorder; legitimacy; policing; criminal policy; martial law; victimology of war; criminal non-law; autonomy of duties; Ukraine

JEL Classification: K14 (Criminal Law); K38 (Human Rights Law); K42 (Illegal Behavior and the Enforcement of Law); D74 (Conflict; Conflict Resolution; Alliances; Revolutions)

1. An allegory and a question

In a meme-famous frame from the CCTV footage of the London riots of the BlackBerry era, a man walks along a deserted street, stops beside a rubbish bin, looks carefully around,

makes sure that there are no witnesses, and only then forcibly knocks it over. He does not enter into open conflict, appropriates nothing, and breaches no obvious prohibition in the presence of a guard; he uses the visible absence of control as permission for arbitrariness. I described this image as an allegory of the dependence of behavior on external control, not as a ready-made legal qualification. Depending on the circumstances, knocking over a bin may constitute an independent offense, whereas abuse of right requires a different construction: the bad-faith exercise of an entitlement that genuinely belongs to a person. What the two have in common is a problem of attitude toward duty, not a legal identity of acts. In the scene, the absence of supervision is mistaken for permission; in abuse of right the substitution is different: an existing entitlement is used contrary to its purpose. The bin symbolizes here not another's property in the narrow civil-law sense but the boundary of the common legal order; the glance around symbolizes the mistaken belief that a duty exists only where someone able to punish is standing.

This allegory leads to the question that is central to the present article. Under what conditions do violence, looting and destruction arise alongside legitimate social protest, as they did in France, Belgium, Albania and Italy on 17 October 2026 (CNN, 2026)? Why is a society sometimes unable to convert accumulated discontent into institutional dialogue? And how is all of this connected with a fundamental error in understanding law: the notion that a duty disappears together with the witness, and that law exists only as long as someone punishes its transgression?

2. What was observed

According to reports by international agencies, the French demonstrations combined discontent over the rising cost of living, the state of education and social injustice. The French Ministry of the Interior estimated attendance at about 550,000 people, of whom about 110,000 were in Paris, while trade-union estimates were higher, up to 800,000 according to the General Confederation of Labour (Agence France-Presse, 2026; France 24, 2026). The largely peaceful marches were accompanied by clashes near the Place de la République in Paris, the looting and arson of a tourist office in Lyon, and a breach into the city hall of Marseille; by the end of the day the number of detainees reached 1,200, with 150 police officers injured (Agence France-Presse, 2026; Agencia EFE, 2026; CNN, 2026). The movement began in September with student protests against the state of schools and wretched conditions of study, and was later joined by trade unions, farmers and remnants of the yellow-vest movement, forming a coalition without a single program six months before the presidential elections (Al Jazeera, 2026; Reuters, 2026). In Brussels on the same day, youth actions against education reform and the high cost of study grew into clashes near the Brussels South railway station, where police used water cannon and tear gas (Anadolu Agency, 2026).

Here the criminologist must distinguish three phenomena that intersect but are not identical: mass protest as political expression, collective disturbance of public order, and crime arising in the context of mass disorder. A person who has come out to a demonstration does

not become a potential offender because someone nearby smashes a shop window; conversely, political motivation does not turn robbery into a lawful form of discontent. The error of the authorities is to treat every protester as a criminal; the error of the romanticizing observer is to treat every crime as a continuation of political struggle.

3. Protest, disorder and the limits of the data

The distinction has an empirical basis. In the Armed Conflict Location & Event Data Project's coverage of Europe for 2020, peaceful protests accounted for more than 97% of recorded demonstration events, and the dataset also recorded more than 1,200 cases of intervention or excessive force against peaceful protesters; demonstrations declined after the pandemic declaration in March but surged in the second half of the year, peaking in October amid women's-rights protests in Poland (ACLED, n.d.). Worldwide, about 94% of demonstrations in 2020 were peaceful (ACLED, 2021). Criminological analysis should therefore examine policing and the use of force by the state alongside crowd violence. These are event-monitoring categories, not official crime statistics, and the figures are a 2020 snapshot rather than an estimate of a trend over the whole period. For the years from 2020 onward the available monitoring does not establish a Europe-wide increase in riots, and comparable event-level research across European countries for 2021–2026 remains the main gap in the evidence base: what the sources support is case-based interpretation, not a claim about a continental trend.

4. What contemporary research says about European disorder

The most recent literature on riots in Europe gives this distinction an empirical footing. A study of the socio-territorial structure of the 2023 French riots, triggered by the police killing of the teenager Nahel Merzouk, found that the disorder covered almost nine hundred municipalities and that its spread was statistically associated with segregation, an imbalance of local control and social disorganization. For intense episodes, family structure and local delinquency proved significant: property delinquency correlated with higher intensity, drug trafficking with lower intensity. At the same time, the authors found weak support for the tested hypotheses of deprivation and of the social integration of young people (Oberti & Guillaume-Le Gall, 2026). The methodological caveat is essential: statistical associations at the municipal level do not explain the motives of an individual participant, and the findings of different studies on the role of deprivation diverge, so this literature cannot be presented as unanimous. A sociological study commissioned by the French ministries of justice and of the interior, conducted in eight cities on the basis of judicial data and almost one hundred and twenty interviews, characterized the riots as “riots of poverty,” linked to the share of socially alienated households and doubly political in motivation: a protest against a political killing that quickly merged with local grievances invisible at the national level (CESDIP, 2026). Chevalier (2023) rejects the rhetoric of “civil war” in favor of the concept of metacrisis, stressing that the administration of marginalized territories had increasingly been entrusted to the police as

compensation for the absence of economic prospects, and that the initial falsification of events by the police, exposed by a bystander's video, became the spark. A French Senate information report also assessed the riots of June 2023 (Buffet, 2024).

The English riots of 2024 after the murder of children in Southport provide mirror, though not identical, material. The actions included attacks on mosques and on housing for asylum seekers amid disinformation circulating online about the perpetrator (Drury et al., 2026; Godshaw & Singleton, 2025). The official inspection of policing in England and Wales concluded that no single factor explains the disorder; among the principal ones were social deprivation, the consequences of austerity policy, decisions on migration, and declining trust in the police (His Majesty's Inspectorate of Constabulary and Fire & Rescue Services [HMICFRS], 2025). A study of participants' motives underscores the role of the sense of injustice and of police tactics at the onset of disorder (Willmott et al., 2025), and Godshaw and Singleton (2025) warn against two symmetrical caricatures: "mindless hooliganism" and "legitimate protest." The evidence does not support treating every participant as a formally organized far-right activist, and the extensive criminal-justice response describes enforcement activity, not proof that punitive measures prevent recurrence.

5. Crowd and police: the social identity model

A theoretical key to these findings may be the social identity model of crowd behavior developed by Stott, Drury and Reicher, which is today regarded as a leading psychological theory of mass conflict and has been incorporated into official crowd-management guidance in the United Kingdom (Stott et al., 2018; University of Sussex, n.d.). Its main lesson is that the crowd is not an irrational beast releasing atavistic impulses: collective action is guided by shared social identity and norms, and the indiscriminate use of force, which participants perceive as illegitimate, can strengthen solidarity against the police, turning heterogeneous groups into a single opposition in which some participants come to regard violence as justified (Stott et al., 2018). This corresponds closely to the classical theories of relative deprivation and anomie: people react not to absolute poverty but to the gap between what is expected and what is actually available, and when culturally approved goals are unattainable by legal means, loyalty to the rules weakens. But none of these theories makes violence inevitable; they merely outline the conditions under which the limits of the permissible shift.

6. The autonomy of duties

Here criminology encounters a problem that I call the autonomy of duties. A duty is not merely the shadow of a subjective right, a technical appendix to an entitlement: it determines the boundary within which an entitlement remains lawful at all. A person who knocks over a bin may not have committed an act for which criminal liability arises immediately, yet the conduct reveals an attitude by which the absence of a victim, a witness or a sanction seems to abolish the very bindingness of the norm. Legally this is a fundamental error: a duty operates even when no one is watching, because its basis is not fear of punishment but a person's

membership in the legal community. The Ukrainian constitutional model does not set autonomy against social connectedness: Article 3 proclaims the human being the highest social value, Article 23 conditions the free development of the personality on not violating the rights of others, and Article 68 obliges everyone strictly to observe the Constitution and laws and not to encroach on the rights, freedoms, honor and dignity of other persons (Constitution of Ukraine, 1996). Every right of another is a limit on my arbitrariness, and every freedom presupposes responsibility for the manner of its exercise.

7. The symmetrical error: the simulation of legality

Most important, however, is that the error of the bin has a mirror image in the conduct of the state. If a citizen mistakenly believes that a duty exists only where someone able to punish is standing, the state may mistakenly believe that legality exists only where form is preserved. In my recent work I called this condition criminal non-law: a structural situation in which criminal-law institutions retain their formal appearance while losing the capacity to constrain coercive power in accordance with constitutionalism, human rights and the rule of law; norms and practices that violate fundamental rights operate under the guise of legality, and legality in transitional societies exists only in the interaction of codified and non-codified layers: legislative text, constitutional interpretation, professional culture, prosecutorial practice, supranational standards and public narratives (Tuliakov, 2026a). This is the symmetry that deserves to be formulated directly, bearing in mind that it is a comparison of different mechanisms by which the legal quality of conduct is replaced, not an equation of the responsibility of the citizen and that of the state: a participant in disorder uses the absence of supervision as permission for arbitrariness, while the state uses the formal permissibility of its acts as cover for arbitrary coercion; both substitute the external form of conduct for its legal quality. The French experience of 2023 illustrates this: the initial falsification of a police report, exposed by a chance video, could deepen distrust of the institution (Chevalier, 2023).

A practical conclusion for law-enforcement strategy follows. Because the social identity model gives grounds to claim that the indiscriminate use of force, perceived by participants as illegitimate, may not so much suppress disorder as contribute to its escalation, the state's duty to maintain order cannot be performed in a way that violates the duty to respect rights (Stott et al., 2018). Attacks on police officers can strengthen public support for harsh measures, while excessive force reinforces the perception that institutions are illegitimate; criminological analysis is obliged to study the actions of both sides and not to replace the establishment of facts with political labels.

8. A Convention benchmark: *Chernega and Others v. Ukraine*

The symmetry described above acquires concrete legal expression in the case-law of the European Court of Human Rights. In *Chernega and Others v. Ukraine* (2019), the Court examined complaints by participants in the 2010 protests against tree-felling in Gorky Park in Kharkiv, protests that were accompanied by clashes with municipal and private security

personnel, the use of force and the detention of activists. In respect of individual applicants, the Court found a violation of the freedom of peaceful assembly (Article 11), a failure to investigate effectively the infliction of bodily injuries, and a violation of the right to a fair trial.

The key significance of the judgment lies in the concretization of the state's positive obligation to protect participants in peaceful assemblies from violence, including violence by non-state actors. The Court concluded that the respondent State had failed to ensure the peaceful nature of the protests on 27 and 31 May 2010 because it had not adequately regulated the use of force by security personnel, had not properly organized the division of responsibility for maintaining order between private security personnel and the police (which would also have allowed the security personnel to be identified), had not enforced the rules on the identification of persons authorized to use force, and had not meaningfully explained the police decision not to intervene on those dates (*Chernega and Others v. Ukraine*, 2019, § 281). The involvement of security structures therefore does not relieve the authorities of responsibility for the proper regulation of the use of force, for effective intervention by law-enforcement officers and for the effective investigation of violations.

For the present analysis the judgment matters in three respects. First, it confirms that the duty to maintain order and the duty to respect rights are not alternatives, which is the practical conclusion of the preceding section. Second, it shows that delegating force to non-state actors does not relocate responsibility: a duty does not disappear together with the identifiable bearer of coercive power. Third, it supplies a Ukrainian Convention reference point for the indicators discussed below, in particular for persistent conflicts between participants and persons exercising force, and for the requirement that those persons be identifiable and accountable.

9. Ukraine: a system of factors, not a forecast

Is a similar course of events possible in Ukraine? Unfortunately, yes. Mass social mobilization is possible, but a mechanical transfer of the French scenario would be a mistake, because the causes of discontent are different, as are the institutional environment and the experience of collective action, and, above all, there is war and the hybrid influence of the enemy's manipulative narratives. War reconfigures the criminogenic situation itself, including the structure of crime, its determinants and the logic of anti-criminal policy, which calls for a methodology for analyzing wartime factors (Tuliakov, 2022) and for a European-integration dimension of the state's responsibility (Tuliakov, 2026c). The country's own historical experience suggests that mass mobilization here has already grown into lethal violence (the Maidan of 2013–2014; on its diverse actors and phases of protest see Onuch & Sasse, 2016), and it should therefore be distinguished both from riots in the Western European sense and from the wartime violence that followed Russia's full-scale invasion in 2022. In my assessment, the mobilization of 2013–2014 was predominantly value-driven and oriented toward institutions rather than toward their destruction. Hostile hybrid manipulation of mass consciousness is undoubtedly present among the determinants of the dynamics of mass

disorder, but its presence must be proven in each case and cannot be inferred from the content of criticism of the authorities.

The Ukrainian situation is best assessed through four interrelated variables: socio-economic strain, that is, the gap between incomes, prices and expectations, and the sense of a just distribution of the burden of war; the legitimacy of institutions, that is, citizens' conviction that the decisions of the authorities can be challenged by lawful means and that rules are applied without selectivity; the capacity of local discontent to join with the demands of other social groups; and the security situation, that is, the effect of martial law, air threats, mobilization and the activity of law-enforcement bodies on the form of public expression. War changes the structure of discontent: questions of justice here are connected with the distribution of risks and losses, with the supply of servicemembers and with support for families, and such claims can generate demands for investigations, court decisions and legislative change. At the same time, the limited and local character of wartime protests cannot be read as the absence of tension, nor can the Ukrainian experience of mass self-organization be read as a guarantee that all future public action will be peaceful.

A distinct place belongs to the victimology of war. Mass victimization, that is, losses, displacement, destruction of property and psychological trauma, is distributed unevenly, and the sense of a disproportionate burden is itself an independent source of discontent. Victimological policy, comprising the protection of victims, compensation of harm, the prevention of repeated and secondary victimization, and equal access to justice, is not a social supplement but a factor in preventing disorder: the state's failure to recognize the needs of those harmed weakens trust in lawful protection mechanisms, although victimization in itself does not produce a propensity to violence (Tuliakov, 2026b).

As to so-called cardboard marches, a symbolic action is not fictitious by definition: it can be a full-fledged form of civic participation, but it also has a limit of effectiveness. Under martial law, the symbolic format is not a surrogate for protest but an adaptation to security constraints: restrictions on assembly and movement introduced in accordance with the procedure established by law, and air threats, narrow the space of publicity but do not abolish discontent. If demands are formulated, society hears them, institutions respond and negotiation is possible, protest remains a channel of feedback. If an action is held, photographs are published, participants disperse, and decisions do not change and there is no mechanism for further influence, protest becomes a ritual, and the risk lies not so much in the ritual as in the loss of trust in the very format of public participation. Finally, if several conflicts are united by a shared sense of injustice while the existing channels of dialogue are perceived as ineffective, protest widens and becomes more confrontational, although a transition to violence is not predetermined. The problem is not the cardboard from which the placard is made but what happens after the placard has been folded away.

For this reason, what should be observed in Ukraine is not the number of placards or the loudness of slogans but the dynamics of several indicators: the recurrence of actions on

different but interconnected grounds; the broadening of the social composition of participants beyond one group; the shift from specific demands to generalized distrust of institutions; the presence or absence of real negotiations and institutional responses; the emergence of persistent conflicts between participants and law-enforcement bodies; the spread of threats, attacks and damage to property that can be documentarily linked to specific episodes, including the use of force by private or unidentified persons, which the Convention standard in *Chernega and Others v. Ukraine* (2019) makes a matter of state responsibility; and, finally, a change in public perception of legality, justice and the non-selectivity of law enforcement. These indicators should be read with hybrid interference in mind: hostile information operations can exploit real discontent, so conclusions about the external manipulation of a movement require evidence and do not follow from the content of criticism of the authorities. The number of detentions does not by itself measure the scale of a movement: without data on the number of participants, the character of their acts and subsequent court practice, it reflects the intensity of law enforcement rather than a threat to order. Individual videos of violence do not permit conclusions about the conduct of all participants.

10. Conclusion

The French events matter not because Ukraine must repeat them but because they demonstrate a complex connection between social deprivation, trust in institutions, collective mobilization and situational crime, while contemporary research literature adds a further dimension: the interaction of police and crowd, in which legitimacy is not an ornament of public order but its load-bearing structure. Social discontent can remain within the bounds of lawful political action, and it can grow into acute conflict if demands receive no institutional response; but mass violence cannot be derived from the mere fact of discontent.

The dangerous combination is persistent discontent, the loss of trust in lawful ways of resolving it, and the emergence of conditions for group unlawful conduct. There is no automatic causal link among these phenomena, but their coincidence deserves particular attention from both scholarship and the state. I would put it this way: if a citizen no longer believes that he will be heard in the office, he goes to the square; if the square, too, becomes a stage set, the question is not when he will begin to smash shop windows but what other ways of influencing the authorities remain open to him. Most people do not choose violence even in deep disillusionment; the task of the state is to prevent lawful forms of participation from losing their meaning and, at the same time, to ensure accountability for specific crimes. For Ukraine this is neither a reason to await French-style disorder nor a ground for declaring peaceful marches futile: it is a reason to study the effectiveness of feedback between society and the state before a crisis of trust becomes a crisis of public order. For in the end the bin, the shop window and the law share one property: they rest not so much on the fear of punishment as on the fact that someone nearby believes in common rules even when the camera is switched off.

Declaration of the use of artificial intelligence

In preparing this manuscript, the author used AI-based tools (Claude by Anthropic, ChatGPT, Perplexity, Grammarly, Elicit and Scite) for literature search, translation, language editing and drafting support. The author reviewed and edited all content and bears sole responsibility for the text, the arguments and the references.

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