

EXPERIENCE OF INDIVIDUAL NORTHERN EUROPEAN COUNTRIES IN PROVIDING PROTECTION OF JUSTICE (CRIMINOLOGICAL ASPECT AND CRIMINAL LAW ASPECT)

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Abstrak: Tujuan artikel ini adalah untuk mendeskripsikan pengalaman Denmark, Finlandia, Norwegia dan Swedia dalam memberikan perlindungan keadilan kriminologis. Artikel ini merupakan penelitian kualitatif dengan pendekatan historis dan komparatif. Dengan demikian, pada 1 Januari 2023, pegawai Dinas Keamanan Pengadilan di Ukraina memastikan ketertiban dan keamanan umum di 590 pengadilan banding dan lokal serta badan sistem peradilan, yang merupakan lebih dari 80% dari jumlah totalnya, dan pada 01 Januari 2024 keamanan terjamin di 639 (87%) objek sistem peradilan. Hal ini sebagian besar disebabkan oleh pemberlakuan pembatasan di Ukraina yang ditetapkan oleh darurat militer sebagai akibat dari agresi bersenjata Federasi Rusia. Hasil penelitian menyimpulkan bahwa telah ditetapkan bahwa saat ini di beberapa negara di Utara Di Eropa, berbeda dengan Ukraina, pemeriksaan keamanan permanen terhadap semua pengunjung dilakukan hanya di pengadilan di mana pemeriksaan tersebut diperlukan untuk alasan keamanan, dan pelaksanaan fungsi kriminologis tersebut dipercayakan kepada pengawas keamanan yang diwakili oleh petugas polisi, pegawai pengadilan, serta juga sebagai perusahaan keamanan. Berdasarkan hasil penelitian, arah yang menjanjikan untuk meningkatkan kegiatan Dinas Keamanan Pengadilan Ukraina ditentukan, dan kelayakan praktik perencanaan strategis di bidang memastikan perlindungan keadilan di Ukraina juga ditekankan.

Kata kunci: Perlindungan kriminologis keadilan, Keamanan pengadilan, Dinas Keamanan Pengadilan, Polisi Nasional Ukraina, Tindak pidana terhadap keadilan.

Abstract: The purpose of the article is to describes experience of Denmark, Finland, Norway and Sweden in providing criminological protection of justice. . This article is the qualitative research with a historical and comparative approach. Thus, as of 01 January, 2023, employees of the Court Security Service in Ukraine ensured public order and security in 590 appellate and local courts and bodies of the justice system, which is more than 80% of their total number , and as of 01 January 2024 security was ensured in 639 (87 %) objects of the justice system. To a large extent, this is related to introduction of restrictions in Ukraine provided for by martial law as a result of the armed aggression of the Russian Federation. The results of the study concluded that the it has been established that today in some countries of Northern Europe, in contrast to Ukraine, permanent security checks for all visitors are implemented only in those courts where such checks are needed for security reasons, and implementation of such a criminological function is entrusted to security inspectors represented by police officers, court employees, as well as security companies. Based on the results of the research, promising directions for improving activities of the Court Security Service of Ukraine were determined, and expediency of strategic planning practice in the sphere of ensuring protection of justice in Ukraine was also emphasized.



Key words: Criminological protection of justice, Court security, Court Security Service, National Police of Ukraine, Criminal offenses against justice.

INTRODUCTION

Relevance of the scientific and theoretical understanding of the experience of the the European region countries concerning ensuring protection of justice is due to the fact that at the moment three significant groups of priority tasks have coincided for Ukraine: the first task is related to the state's course towards European and Euro-Atlantic integration, this course brought to the agenda the urgent need to speed up judicial reform¹; the second task is related with the need to ensure protection of justice in the special conditions of martial law and deoccupation of the territories of Ukraine, which places an additional burden on the entities authorized to perform this criminological function and requires application of effective and coordinated measures in this area²; the third task is related with determination of new main principles and directions for the sustainable functioning and development of the justice system, taking into account the best international standards and practices in connection with the end of the validity period of the Strategy for the Development of the Justice System and Constitutional Judiciary for 2021-2023 in December 2023.³

The presented analysis of the experience of individual Northern European countries in this area is carried out based on the author's understanding of the provision of criminological protection of justice as an activity for formation of an effective system of countering criminogenic influences and criminal offenses against justice in order to ensure its independence and practical affirmation of the rule of law principle during administration of justice, in particular, regarding granting of powers to the subject determined to ensure security of justice for the purpose to stop and prevent offenses and crimes; regarding its interaction with other subjects in the system of combating criminal offenses against justice; regarding early detection and countermeasures against possible threats⁴, based on the study of foreign and Ukrainian legislation. That is, the criminological protection of justice, as well as prevention of crimes against justice, are an integral part of the criminological security of justice, as shown in Figure 1, and contributes to ensuring the state of justice security.⁵

¹ On accelerating judicial reform and overcoming corruption in the justice system: decision of the National Security and Defense Council of Ukraine. Law of Ukraine dated 23 June, 2023, implemented by the Decree of the President of Ukraine dated June 30, 2023. No. 359/20233. <https://zakon.rada.gov.ua/laws/show/n0033525-23#Text>

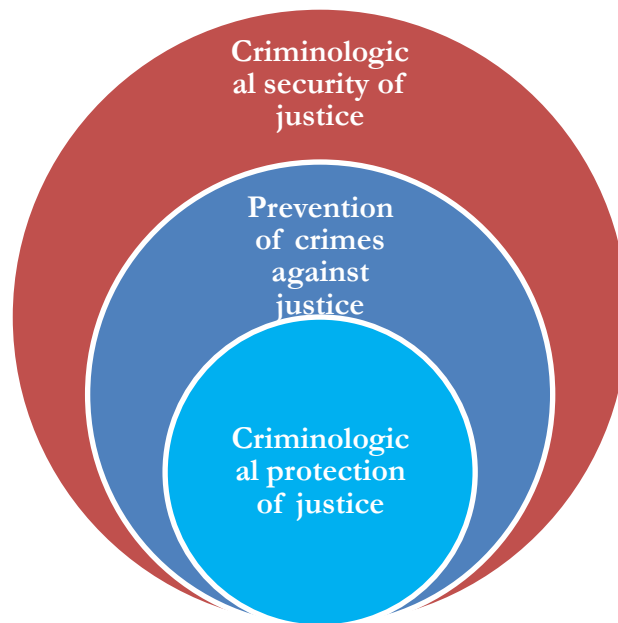
² Khrystova, Yu., Miroshnychenko, S., Kurbatova, Ir., Titarenko, Ol., Maksimentsev, M. "Experience of individual countries of the European region regarding implementation of international standards for ensuring criminological and criminallegal protection of justice". *Cuestiones Politicas*. Vol. 41, Issue 79, (2023). 213-227. DOI: <https://doi.org/10.46398/cuestpol.4179.14>

³ Strategy for the Development of the Justice System and Constitutional Justice for 2021 – 2023. Decree of the President of Ukraine: Law of Ukraine dated June 11, 2021. No 231/2021. (2021). Verkhovna rada information. <https://zakon.rada.gov.ua/laws/show/231/2021#Text>

⁴ Khrystova, Yu. "Foreign experience of criminological protection of justice". *Scientific Bulletin of Dnipropetrovsk State University of Internal Affairs*. Special Issue 1. (2022). 190-197. https://visnik.dduvs.in.ua/wp-content/uploads/2023/04/S1/NV_DDUVS_spec_1_2022-190-197.pdf

⁵ Reznik, O., Utkina, M., Starinskyi, M., Isaieva, N., & Kysil, L. "Judicial Protection Service and its analogues: a comparative legal research". *Amazonia Investiga*. 10 (47), (2021). 47-53.

Figure 1. Model of criminological protection of justice and criminological security of justice



The purpose of this work was to determine promising directions for increasing effectiveness of justice protection criminological function performed by authorized entities in the special conditions of martial law and de-occupation of the territories of Ukraine, taking into account positive foreign experience.

METHOD

The methodological basis of this work is presented as a set of general scientific and special scientific methods of cognition. In particular, with the help of the dialectical method, subjects authorized to ensure protection of justice in the above-mentioned European countries were established; the use of a special legal method of knowledge made it possible to reveal contents of normative legal acts that regulate their activities, and thanks to the comparative method, peculiarities regarding systematization of norms on liability for criminal offenses against justice in the criminal legislation of Ukraine, Denmark, Finland, Norway and Sweden were established.

In Sweden, liability for assault in court is provided for in section 10 of Chapter 17 “On Offenses against Public Activities”, and liability for obstructing (attempt to obstruct) judicial proceedings by an act of violence, noise or in another similar manner is presented in § 4 of section 3, located in Chapter 16 “On Offenses Against Public Order”, and liability for destruction or damage of property that is important for the administration of justice is presented in § 4 of Section 3, located in Chapter 13 “On Public Danger Offenses” of the

Criminal Code⁶. However, most of the articles on criminal offenses against justice are located in Chapter 15 “On Perjury, False Accusation and Other Untrue Statements”⁷.

Incidentally, we should note that the Criminal Code of Finland has a separate Chapter 15 “ On Offenses against the Administration of Justice”, which provides for criminal liability for various forms of giving knowingly false statements (§§ 1–6), falsification of evidence (§ 7–8), threatening a person to be heard in the administration of justice (§ 9), failure to report a serious offense (§ 10), harboring an offender (§ 11), a false statement made abroad or in an international court (§ 12), as well as offenses against administration of justice by the International Criminal Court (§ 12a).⁸ Along with this, a number of offenses that encroach on the established order of administration of justice are also located in different sections, where criminal liability is provided for encroachment on various groups of social relations.⁹ For example, in Chapter 34 “Endangerment” determined are constituent elements of offense concerning damage or destruction of property, which creates a serious danger to the administration of justice, is highlighted (§ 1); in Chapter 35 “Criminal Damage” determined constituent elements of offense concerning serious data damage that would jeopardize the administration of justice (§ 3 b); in Chapter 38 “Data and Communication Offenses” constituent elements of offense concerning serious obstacles to communication that can endanger the administration of justice (§ 6); in Chapter 38 “Data and Communication Offenses” constituent elements of offense concerning serious interference in the work of the information system, which would endanger the administration of justice (§ 7b).¹⁰

For comparison, in Ukraine, liability for interfering in any form in the activity of a judge with the aim of preventing him/her from performing his/her official duties or obtaining an unjust decision is provided for in Article 376 “Interference with Activity of Judicial Authorities”. Also similar to the above-mentioned corpus delicti (body of the criminal offense) are provided, for example, in Article 376 “Illegal interference in the Work of Automated Systems in Bodies and Institutions of the Justice System”, Article 377 “Threats or Violence against a Judge, Assessor or Juror”, Article 378 “Willful Destruction or Impairment of Property Owned by a Judge, Assessor or Juror”, Article 379 “Trespass against Life of a Judge, Assessor or Juror in connection with their Activity Related to the Administration of Justice”, Article 384 “Knowingly False Testimony to the Court or other Authorized Body”, Article 386 “Preclusion of Appearance of a Witness, Victim or Expert, or Compulsion to Testify or Give an Opinion”, Article 398 “Threats or Violence against a Defense Attorney or Legal Agent” of the Special Part of the Criminal Code of Ukraine,

⁶ The Swedish Criminal Code 1962 : Law of Sweden dated December 21, 1962. № 1962:700. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700_sfs-1962-700/

⁷ The Swedish Criminal Code 1962 : Law of Sweden dated December 21, 1962. № 1962:700. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700_sfs-1962-700/

⁸ The Criminal Code of Finland. 1889 : Law of Finland dated December 19, 1889. <https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001#L15>

⁹ Dzhafarova, M., Ivanova, H., Zahorodniuk, S., Zaiets, U. “Ensuring Public Order during the Court Hearings in the Context of Reforming the Judicial System of Ukraine”. *Amazonia Investiga*. 9 (32), (2020). 10-17.

<https://amazoniainvestiga.info/index.php/amazonia/article/view/1471/1402>

¹⁰ The Criminal Code of Finland. 1889 : Law of Finland dated December 19, 1889. <https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001#L15>

which are located in Chapter XVIII of the Special Part of the Criminal Code of Ukraine “Criminal Offenses against Justice”.¹¹

RESULTS AND DISCUSSIONS

First of all, it should be noted that in many countries of Northern Europe, the issue of ensuring protection of justice has acquired strategic importance for activities of judicial institutions. For example, in Finland, ensuring security of court premises is one of the strategic goals for 2023-2033.¹² In this regard, the working group on the development of justice emphasized that in the future, even more attention should be paid to security, and each court premises should be provided with adequate security, with a sufficient number of personnel to carry out security checks¹³. And in Norway, in addition to the fact that the judicial administration pays great attention to ensuring protection of justice, the Strategic Plan for the Courts - Courts 2025 provides for introduction of a compensation scheme for court employees in the event of serious security incidents¹⁴. In Denmark, the Handlingsplan for Courts for 2024, compiled for the implementation of the corresponding Strategy for 2023-2027¹⁵ provides for measures aimed at strengthening the cyber and information security of courts.¹⁶ The issue of providing criminological protection of justice is also topical in Sweden.¹⁷

In particular, in June 2023, by a government decision, the Judicial Agency was tasked, in dialogue with the courts, to determine their needs for additional security measures that are appropriate to implement both in the short and long term, as well as to develop its support for the courts in this area in the future.¹⁸ In our opinion a positive experience belongs Sweden - experience regarding inclusion of the Judicial Administration in the Preparedness, Order and Security Sector, together with the police performing a coordinating role, and other state bodies, in order to ensure operation of courts in case of emergency situations, as well as experience regarding the obligation to carry out risk analysis and areas of activity vulnerable to threats at least every two years.¹⁹

¹¹ The Criminal Code of Ukraine. 2001 : Law of Ukraine dated April 05, 2001. Retrieved from: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

¹² Strategy of Activities of Judicial Institutions 2023-2033. https://oikeus.fi/material/collections/20230525145258/Hsdn6WUJz/Tuomioistuinelaitoksen_strategia_2023-2033.pdf

¹³ Huovinen, Je., Alanaatu, T. “Memorandum on the Assessment of the Working Group on Issues of Justice Administration”. (2022). <https://julkaisut.valtioneuvosto.fi/handle/10024/164391>

¹⁴ Strategic Plan for the Courts of Norway - Courts 2025. <https://www.domstol.no/no/strategisk-plan/>

¹⁵ Strategy for Danish Courts 2023–2027. <https://domstol.dk/media/lwdhr30/strategi-for-danmarks-domstole-2023-2027.pdf>

¹⁶ Handlings Plan of Danish Courts 2024. <https://domstol.dk/media/nosn5f3e/danmarks-domstoles-handlingsplan-2024.pdf>

¹⁷ Leheza, Yevhen. Pisotska, Karina. Dubenko, Oleksandr. Dakhno, Oleksandr. Sotskyi, Artur. 2022. The Essence of the Principles of Ukrainian Law in Modern Jurisprudence. *revista jurídica portualense*, December, 342-363. doi: [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15)

¹⁸ A mandate to strengthen security work in Swedish courts : Government decision: Danish Law dated June 29, 2023. <https://www.regeringen.se/contentassets/f63be226b82f41e68aa06b3cf29c872c/uppdrag-att-forstarka-sakerhetsarbetet-inom-sveriges-domstolar.pdf>

¹⁹ Resolution on Readiness of State Authorities : Swedish law dated May 19, 2022 No. 2022:524. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/forordning-2022524-om-statliga-myndigheters_sfs-2022-524/

Moving on to the analysis of the experience of the mentioned Northern European countries in ensuring protection of justice, it should be noted that in order to perform this criminological function in Ukraine, the Court Security Service was created in 2019; it is a new state body in the justice system, accountable to the High Council of Justice and under the control of the State Judicial Administration of Ukraine.²⁰ The summarized results of activities performed by this state body during the period 2020–2023 are presented in the following table.

Table 1. Summarized results of activities Performed by the Court Security Service of Ukraine for the period 2020–2023²¹

	2020	2021	2022	2023
The number of justice system units where security is provided	468	590	585	639
The number of prohibited items not allowed to be brought into the justice system units, including:	62.9 thousand	131.1 thousand	more than 136 thousand	almost 200 thousand
firearms, gas, pneumatic, traumatic weapons and devices for firing bullets with a rubber bullet	more than 5 thousand	more than 8 thousand	more than 10 thousand	more than 12 thousand
bladed articles	more than 27 thousand	more than 61 thousand	more than 44 thousand	more than 68 thousand
The number of judges subjected to state measures aimed at ensuring their personal security through personal protection and property protection	7	26	38	42

In addition to the specified special subject (which provides protection and maintenance of public order in courts, safety of participants in the court process, as well as personal safety of judges and their family members, court employees) other state security bodies may be additionally involved in the mechanism of ensuring criminological protection of justice law and order, in particular, the National Police of Ukraine, the National Guard of Ukraine, the State Service of Ukraine for Emergency Situations, the Security Service of Ukraine, including the formation of priority and phased acceptance of court premises under the protection of the Service.²² Stages of formation and priority areas

²⁰ On the Judiciary and the Status of Judges 2016 : Law of Ukraine dated June 02, 2016 № 1402-VIII. <https://zakon.rada.gov.ua/laws/show/1402-19#Text>

²¹ According to the annual reports of the Court Security Service of Ukraine 2020-2023. Official web portal of the judicial power of Ukraine. Retrieved from: <https://court.gov.ua/>

²² On the approval of the procedure for interaction of the Court Security Service with the National Police of Ukraine, the National Guard of Ukraine, the State Emergency Service of Ukraine, the Security Service of Ukraine during performance of tasks and functions by the Court Security

of development of the newly created entity in the justice system were defined in the Development Strategy of the Court Security Service, which covered the period from 2019 to 2022, but in the specified period its goal (creating and developing capabilities of the Service in order to ensure safety of judges and their family members, participants in the legal process, court employees, as well as protection of the premises of bodies and institutions of the justice system and maintenance of public order in them) was not achieved in full.²³

Thus, as of 01 January, 2022, employees of the Service ensured public order and security in 590 appellate and local courts and bodies of the justice system, which is more than 80% of their total number²⁴, and as of 01 January 2024 security was ensured in 639 (87 %) objects of the justice system.²⁵ To a large extent, this is related to introduction of restrictions in Ukraine provided for by martial law as a result of the armed aggression of the Russian Federation.²⁶

In contrast to Ukraine, in the researched Northern European countries daily security checks for all visitors are introduced only in those courts where there is a need for such checks.²⁷ So, according to the current Finnish law, checks on visitors for safety and order, protection of privacy and protection of property can be arranged in all courts, but courts are not obliged to arrange them. Such checks can be organized both regularly and as needed, for example, in connection with a specific legal proceeding related to a threat to security or order. The decision to conduct checks of the kind can be made by the head of the court after consultation with the police or in connection with the consideration of a separate case.²⁸ Such checks are authorized to be carried out by security inspectors (either police officers, or persons who have undergone appropriate training) employed by the court, or other persons in accordance with the court's decision, but upon approval of their candidacy with the police (Section 4 of the Court Security Act 1999) regarding their trustworthiness and professional suitability. The Finnish Court Security Act is based on the decision of the deputy parliamentary ombudsman dated 5 May 1997, DN 607/4/96 in the case of the police's actions concerning search of the applicant with a use of a metal detector at the entrance to the court premises in connection with the police knowing in

Service. 2020. Order of the State Judicial Administration of Ukraine, the Court Security Service, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine : Law of Ukraine dated February 27, 2020. No 96/112/194/60

²³ Yerofieienko, L. Komashko, V. Leheza, Ye. (2023). Peculiarities of Legal Regulation of Intellectual Property Protection in Ukraine under Martial Law: Administrative and Civil Aspects. *Law of Justice Journal*, 37(3), 157-172. <https://doi.org/10.5335/rjd.v37i3.15233>

²⁴ Melnikova, M. "Report on the Activities of the State Judicial Administration of Ukraine for 2021". (2021). https://dsa.court.gov.ua/userfiles/media/new_folder_for_uploads/dsa/2021.pdf

²⁵ Report of the Court Security Service of Ukraine for 2023. <https://sso.court.gov.ua/sso/pres-centr/news/1538022>

²⁶ Leheza, Yevhen. Shablysty, Volodymyr. Aristova, Irina V. Kravchenko, Ivan O. Kornikova, Tatiana. 2023. Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, their Analogues and Precursors: Administrative and Criminal Aspect. *Journal of Drug and Alcohol Research*. 12, 4, 1-8. DOI: <https://doi.org/10.4303/JDAR/236240>

²⁷ Leheza, Y., Shcherbyna, Bogdan. Leheza, Yulia. Pushkina, Olena & Marchenko O. (2023). "Features of Applying the Right to Suspension or Complete/ Partial Refusal to Fulfill a Duty in Case of Non-Fulfilment of the Counter Duty by the Other Party According to the Civil Legislation of Ukraine" *Revista Juridica Portucalense*, 340–359. Retrieved from <https://revistas.rcaap.pt/juridica/article/view/29662>

²⁸ The Court Security Act 1999 : Law of Finland dated December 3, 1999. No 1121. <https://www.finlex.fi/fi/laki/ajantasa/1999/19991121>

advance that violence might occur during the proceedings. According to the complainant, this was illegal.²⁹

Based on the results of the investigation, the deputy ombudsman concluded that in this case the performance of the security check was indeed justified, even though there was no clearly defined authority. The ombudsman also sent a letter to the Government, in which he brought the mentioned situation to the attention of the Government, noting that “interference with fundamental rights can only take place on the basis of a law adopted by the Parliament, and when there is no such a legal basis for court security checks, in my opinion the defect must be corrected without delay”. This decision led to adoption of the aforementioned law, which made it possible to conduct security checks in courts and by security companies.³⁰

It should be noted that the legislator paid attention to the normatively regulated powers of the police officer during performance of security checks in court and in the Law “On Police”, in particular, regarding the right to examine anyone who has arrived at a court session in order to establish whether a person has at his/her disposal objects or substances that may pose a threat to the safety of the participants in the court session or those who are in the court premises, or which are prohibited to be possessed at the court session and, accordingly, the right to remove such objects or substances (if necessary) (Chapter 2 “General Powers” of Section 12a “Security Check in Some Cases”).³¹

For comparison, in Sweden, the issue of security measures in courts was normatively regulated at the legislative level, in particular, in the Act (1981:1064) on security checks in courts. In particular, the decision to introduce a security check (for a period of no more than six months) can be taken by the head of the court or another competent judge after consultation with the police authority or the prosecutor (if necessary) in order to limit the risk of committing crimes that pose a serious threat to life, health, freedom or significant destruction of security check property. Such checks may be carried out by a security guard under the direction of a police officer or by a police officer.³² At the same time, based on information from the Swedish Court Administration concerning the fact that the number of courts performing daily security checks for all court visitors, is increasing annually (42 courts in 2020, 46 courts in 2021, 47 courts in 2022) and, secondly, the fact that the courts, which, in agreement with the police authorities, made a decision on permanent security checks, after the expiration of their validity period, bring up for consideration the decision on introduction of such checks, it can be stated that such security measures are effective and are increasingly in demand in practice.³³

²⁹ Leheza, Ye. O., Filatov, V., Varava, V., Halunko, V., Kartsyhin, D. “Scientific and Practical analysis of Administrative Jurisdiction in the Light of Adoption of the New Code of Administrative Procedure of Ukraine.” *Journal of Legal, Ethical and Regulatory Issues* Vol. 22, Issue 5. (2019). 1-8. Retrieved from <https://www.abacademies.org/articles/scientific-and-practical-analysis-of-administrative-jurisdiction-in-the-light-of-adoption-of-the-new-code-of-administrative-proced-8634.html>

³⁰ Kerttula, T. “Security Guards and Community Service Officers as Public Authority Agents”. University of Helsinki. (2010). 172-173. <https://core.ac.uk/download/pdf/14914242.pdf>

³¹ The Police Act : Law of Finland dated July 22, 2011. No 872. <https://www.finlex.fi/fi/laki/ajantasa/2011/20110872#L2P12>

³² The Court Security Act 1981 : Law of Sweden dated November 26, 1981. № 1981:1064. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-19811064-om-sakerhetskontroll-i-domstol_sfs-1981-1064/

³³ Dymko I., Muradian A., Manzhula, A. Rudkovskiy, O., Leheza Ye. “Integrated Approach to the Development of the Effectiveness Function of Quality Control of Metal Products” *Eastern European Journal of Enterprise Technologies*. 6/3 (90). (2017). 26-34. doi: 10.15587/1729-

This is evidenced by the decrease in the number of incidents in courts in 2022 by 12.3% compared to 2021 (from 749 incidents to 657 incidents). As for the spectrum of threats to justice, according to the Norwegian Courts Administration it is quite broad and includes both minor violations of order, thefts as well as serious incidents. In particular, in 2022, the courts reported 15 cases of harassment, 64 threats, and 5 cases of violence.³⁴

In Norway, conducting security checks in courts is based on the Law “On Courts”. Article 132a of this Law states that in order to prevent items that pose a security threat to court premises, anyone who wishes to gain access to the court premises may be subjected to a security check according to the decision of the court chairman. It is indicated there that the issue of organization and implementation of permanent security checks belongs to the competence of the Courts Administration.³⁵ In addition, according to the Law on National Security, courts must implement appropriate preventive measures to maintain an adequate level of security, determined by the results of a risk assessment³⁶. Currently, regular security checks are carried out at the Supreme Court (since 2016) and the Oslo District Court (since 2017). Along with this, the need to establish permanent security control in other court buildings is emphasized in the financial plan of courts for 2024-2027 and the investment proposal for 2024. In particular, it is proposed to introduce permanent security checks in the buildings of the Bergen Court, Trondheim Court, Stavanger Court, Skien Court, Borgarting and Gulating Courts of Appeal.³⁷

In Denmark, legal norms regarding organization and implementation of security measures in courts are also reflected in the Act “On Administration of Justice”.³⁸ In particular, in connection with growing problems with security in courtrooms, in particular, too much resource-intensive security measures related to transportation of defendants between the pretrial detention center and the courthouse and further ensuring their protection, as well as security in the courthouse during consideration of the cases³⁹ in 2013, the Law “On Administration of Justice” was supplemented by a new Chapter 1 b “Security Measures in Courts” (§§ 27 a and Chapter 27 b)⁴⁰ which entered into force in June 2015. In particular, firstly, a system was introduced, according to which courts can be located in a specially guarded courtrooms, if security considerations require it; secondly, the presiding judge was given the authority to control the access of persons to the court building in the form of searching their clothes and inspecting the things they bring with them.⁴¹ More

4061.2017.119500.

³⁴ Rolén, T., “Annual Report for 2022”. 2022. https://www.domstol.se/globalassets/filer/gemensamt-innehall/styrning-och-riktlinjer/arsredovisning/arsredovisning_2022_sverigesdomstolar.pdf

³⁵ The Courts Act : Law of Norway dated August 13, 1915. https://lovdata.no/dokument/NL/lov/1915-08-13-5/KAPITTEL_9#%C2%A7132a

³⁶ The Security Act : Law of Norway dated June 01, 2018. № 24. https://lovdata.no/dokument/NL/lov/2018-06-01-24/KAPITTEL_5#%C2%A75-3

³⁷ Urke, S., Berget, J. “The Proposal of the financial plan of courts for 2024-2027 and the Investment proposal for 2024”. (2022). <https://www.domstol.no/contentassets/e757b844af6e4c19ba5abeb8e9e6fe07/da-sty22-sak-41-forslag-til-okonomiplan-for-domstolene-2024-2027-og-satsingsforslag-for-2024.pdf>

³⁸ The Administration of Justice Act 2022 : Law of Denmark dated December 25, 2022 № 1655. <https://www.retsinformation.dk/eli/lta/2022/1655>

³⁹ Proposal for an Act on amendments to the Administration of Justice Act (Security in Courtrooms) : Law of Denmark dated December 12, 2013. <https://www.retsinformation.dk/eli/ft/201314L00326>

⁴⁰ The Act on Amendments to the Court Administration Act (Security in Courtrooms) : Law of Denmark dated 26 December, 2013. No 1621 <https://www.retsinformation.dk/eli/lta/2013/1621>

⁴¹ The Administration of Justice Act 2022 : Law of Denmark dated December 25, 2022 № 1655. <https://www.retsinformation.dk/eli/lta/2022/1655>

detailed rules for visits to the court were established by the order of the Ministry of Justice of Denmark No. 665 dated 19 May, 2015; according to this order control of access to the court can be established either permanently or temporarily, including for certain periods of time, or it may refer to certain parts the court building, and for implementation of this control the head of the court can either appoint court employees or involve employees of security companies.⁴²

The same order states that searches of visitors' clothes and belongings may be carried out either by scanning or other security equipment, or by patting or feeling the outside of clothing to check whether persons have hidden items in their clothing, in their pockets, or on their body under the clothing. In particular, the security inspector is authorized to ask a person to remove outer clothing, including shoes, and to show the things that a person has in his/her pockets, to present, open and empty things for the purpose of inspecting the contents. A person's refusal to carry out search his/her clothes and inspect his/her belongings shall be grounds for his/her removal from the court premises and it is equivalent to non-appearance.⁴³

Thus, a characteristic feature of the mentioned security measures in Danish courts consists in proportionality of such measures, i.e., firstly, ensuring a balance between the proper use by the police of their resources and compliance with the basic legal principles of the security of defendants through implementation of guarded courtrooms near prisons.⁴⁴

As a result, the police and penitentiary services have become able to reduce the cost of resources for performance of transport and security tasks. Overall annual savings were estimated at DKK 8 million (DKK 6 million for the police and DKK 2 million for the penitentiary services).⁴⁵ A positive feature consists in close cooperation of the Danish Judicial Administration with the National Police, the Prosecutor General and the Directorate of Correctional Services during taking the decision on creating and equipping one or more specially guarded courtrooms, taking into account modern technical protection requirements and the requirements for separating participants in the case as in the courtroom itself and outside it. The actual decision to place the court in a specially guarded courtroom is made by the court based on the presence of specific risks, for example, in relation to possible armed and/or liberation actions during the court hearings in the case, including in connection with transportation of the defendants to the court and back, or in cases where there are reasonable suspicions and/or specific serious threats against defendants or witnesses, or when an increased security risk is due to the consideration of a certain type of case or when such a risk relies on police information about the accused, witnesses, victims and other persons involved in the case, or on the

⁴² Korniienko, M. Desyatnik, A. Didkivska, G. Leheza Ye. Titarenko, O. (2023). Peculiarities of Investigating Criminal Offenses Related to Illegal Turnover of Narcotic Drugs, Psychotropic Substances, their Analogues or Precursors: Criminal Law Aspect. *Khazanah Hukum*. Vol. 5. No. 3, 205-215 DOI: <https://doi.org/10.15575/kh.v5i3.31742>.

⁴³ On the rules for visits to the court. Order of the Ministry of Justice of Denmark: Law of Denmark dated May 19, 2015. No. 665. <https://www.retsinformation.dk/eli/fta/2015/665>

⁴⁴ Leheza, Y., Sinkevych, O., Kravtsova, Z., Kudriavtseva, O., Cherniak, I. The Human Right to an Environment Safe for Life and Health: Legal Regulation, Contemporary Challenges and Comparative Perspectives. *Syariah: Jurnal Hukum dan Pemikiran*, 2023, 23(2), 138–150 <https://doi.org/10.18592/sjhp.v23i2.12257>

⁴⁵ Proposal for an Act on amendments to the Administration of Justice Act (Security in Courtrooms) : Law of Denmark dated December 12, 2013. <https://www.retsinformation.dk/eli/ft/201314L00326>

experience of working with them.⁴⁶ In addition, in accordance with the rules provided for in Section 2.2 of the Administration of Justice Act, for security reasons, the court session can be held via telecommunications (remotely).⁴⁷

Secondly, permanent access control shall be introduced only in those courts where there is a need for it for security reasons. In particular, in 2015 the Danish Court Administration introduced permanent access control first in five city courts, namely in Copenhagen, Glostrup, Aalborg, Aarhus, and in 2020 in Kolding, Odense and the Eastern High Court. It should be noted that such control can have three levels of security: normal readiness, enhanced security and the highest level of security. Police officers (with consent) participate in the second-level of control. Features of the highest level of security are that, firstly, everyone who has business in the court premises, including court employees and the guard shall be subject to a search at the direction of the police; secondly, police officers shall participate or take over (after agreement with the head of the court) implementation of access control, and special measures shall be agreed upon by the head of the court with the police task force. In addition, regardless of the level of security introduced, the head of the court can at any time decide to carry out random inspections of visitors for preventive reasons, and video surveillance is carried out in the court premises and in open areas, such as, for example, in the court in Aarhus.⁴⁸

Other Danish courts do not have permanent access control, for example in Sønderborg, security measures are generally limited to video surveillance in the court premises and in open areas, as well as to the obligation of visitors to follow the instructions of court officials and other court personnel, and to follow rules of internal procedure, and if they violate these rules they can be expelled from the courtroom or prosecuted by the police.⁴⁹ Along with this, in special cases, the head of the court may decide to introduce temporary access control. That is, in such courts, the police forces are involved (if necessary) to ensure order during the consideration of specific cases, in accordance with the Act on the Police.⁵⁰

Another positive example is Denmark's experience in introducing new and strengthening existing cybersecurity and information security requirements in order to protect professional systems and digital equipment of courts, as well as to counter threats and risks of attacks on IT systems of courts.⁵¹

Regarding the criminal-law aspect of the protection of justice, in particular, in terms of the peculiarities concerning systematization of norms on liability for criminal offenses against justice in the legislation of the Northern European countries one should point out the fact that in the Criminal Codes of Denmark, Norway, Sweden, Finland (unlike the criminal legislation of Ukraine) the rules on liability for encroachment on public relations in this sphere are presented not in one separate section, but in several sections.

⁴⁶ The Administration of Justice Act 2022 : Law of Denmark dated December 25, 2022 № 1655. <https://www.retsinformation.dk/eli/lta/2022/1655>

⁴⁷ Volobueiva, O. Leheza, Ye. Pervii, V. Plokhuta, Ye. Pichko, R. "Criminal and Administrative Legal Characteristics of Offenses in The Field of Countering Drug Trafficking: Insights from Ukraine. " *Yustisia*. Vol 12, No 3. (2023). 262-277 <https://doi.org/10.20961/yustisia.v12i3.79443>

⁴⁸ Danish Courts. 2024. Court in Aarhus. Practical conditions. Access control: Website. <https://domstol.dk/aarhus/praktiske-forhold/>

⁴⁹ Danish Courts. 2024. Court in Sønderborg Rules of Order and Security. Access control: Website. <https://domstol.dk/soenderborg/praktiske-forhold/>

⁵⁰ The Police Act 2019. The Act on the Police : Law of Denmark dated November 29, 2019. <https://www.retsinformation.dk/eli/lta/2019/1270>

⁵¹ Agreement on Court Finances 2024-2027 : Law of Denmark. <https://www.justitsministeriet.dk/wp-content/uploads/2023/11/Aftale-om-domstolenes-oekonomi-2024-2027.pdf>

For example, in the Danish Criminal Code liability for any actions aimed at forcing the Supreme Court to make a decision or prevent it from freely exercising its activities by the use of force or by threat of using force, is provided for in Article 113 of the Criminal Code located in Chapter 13 “Crimes against the Constitution and the Supreme Authorities, Terrorism”, and liability for the threat of violence, deprivation of liberty, or accusations of criminal or dishonest behavior against a person who was appointed by the state power as a judge, with the aim of preventing such a person from performing a lawful service or forcing him/her to perform the act of service, is presented in Article 119 of the Criminal Code, located in Chapter 14 “Crimes against the Public Authority”.⁵²

Article 146 of Chapter 16 of the Danish Criminal Code “Crimes in Public Officials” provides for the liability of a person with judicial powers for unfairness in the decision or consideration of a case. In Chapter 17 “Perjury and False Accusation” of the Danish Criminal Code liability is provided for providing a false statement/testimony (perjury) to the court (Article 158); for providing false information to a state authority, providing false evidence with the intention that an innocent person is thereby accused, convicted or held criminally liable for a criminal offense, (Article 164); as well as for not disclosing circumstances that unequivocally testify to the innocence of a person accused or convicted of a crime (Article 164a); for notifying a state authority about a non-committed criminal offense (Article 165 a).⁵³

Chapter 19 “Protection of Public Authority and Confidence in it” of the Criminal Code of Norway provides for liability for opposition to judicial authority (§§ 157–159), as well as for evasion of the prescribed punishment (§ 161); violation of a court decision (§ 170). At the same time, criminal law norms on liability for false statement (§ 221); false accusation (§ 222); aggravated false accusation (§ 223); unfounded accusation (§ 224); accusation of a fictitious criminal act (§ 225), was placed by the legislator in another structural part of the Criminal Code, Chapter 22 “False Statement and Accusation”.⁵⁴

CONCLUSION

Based on the results of analyzing experience of individual Northern European countries (Denmark, Finland, Norway and Sweden) regarding provision of criminological protection of justice, the following can be stated: 1) today, in these countries, in contrast to Ukraine, permanent security checks for all visitors are introduced only in those courts where there is a need for such checks. The implementation of this criminological function is entrusted to security inspectors represented by police officers, court employees, as well as security companies. However, the police have been given more powers to provide criminal justice protection; the legislative regulation of the competence of security inspectors in courts is carried out both within the laws (acts) on courts, on the administration of justice and on the police (in Norway and Denmark), and by a separate

⁵² Titarenko, O. “Judicial Protection Service in the system of national security entities (issues of attribution and determination of competence)”: *International and national security: theoretical and applied aspects*: materials of the V International Scientific and Practical Conference of the Dnipropetrovsk State University of Internal Affairs (Dnipro, Ukraine, March 12, 2021). 135-137. <https://er.dduvs.in.ua/handle/123456789/6259>

⁵³ The Danish Criminal Code : Law of Denmark dated September 28, 2022. <https://www.retsinformation.dk/eli/lta/2022/1360>

⁵⁴ The Criminal Code of Norway : Law of Norway dated May 20, 2005. <https://lovdata.no/dokument/NL/lov/2005-05-20-28?q=adgang%20til%20domstolens%20lokaler>

Court Security Act (in Finland and Sweden); regarding the peculiarities of the systematization of norms on liability for criminal offenses against justice, it was established that in the Criminal Codes of Denmark, Norway, Sweden, Finland, norms on responsibility for encroachment on public relations in the sphere of justice are located not in one separate section, but in several sections. For comparison, in Ukraine, the norms on criminal legal protection of justice are placed in a separate Chapter XVIII of the Special Part of the Criminal Code “Criminal Offenses against Justice”.

To enhance the Court Security Service of Ukraine's efforts in providing criminological protection of justice, it is proposed to draw from the experiences of Denmark, Norway, Sweden, and Finland by incorporating the protection of justice as a strategic goal within judicial institutions, engaging non-state actors like private security companies if necessary, reinforcing cybersecurity measures, establishing specially guarded courtrooms within the service area of state criminal executive service institutions, and granting presiding judges authority to implement access control measures, particularly in high-profile cases.

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