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## Public official as a victim of criminal assault: comparative approach

### Державний службовець як потерпілий від злочинного нападу: порівняльний підхід

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#### Abstract

This research paper aims to analyze criminal liability for assaulting law enforcement agents in different jurisdictions. A comparative approach is used to examine relevant criminal law provisions of several countries, including the United States, England, Germany, Canada, and Ukraine. The methodology combines statistical methods and comparative research to provide a detailed and comprehensive analysis. The most important findings indicate that some countries protect both public officials and law enforcement agents from illegal attacks, while others have a special liability regime for assaulting or threatening police officers only. In particular, it is argued that the Ukrainian approach is more balanced compared to other jurisdictions. Overall, the document provides a complete and detailed insight into criminal liability for assaulting law enforcement agents in various parts of the world.

#### Анотація

Це дослідження спрямоване на аналіз кримінальної відповідальності за напад на співробітників правоохоронних органів у різних юрисдикціях. Порівняльний підхід використовується для вивчення відповідних положень кримінального законодавства декількох країн, зокрема США, Англії, Німеччини, Канади та України. Методологія поєднує статистичні методи та порівняльні дослідження для забезпечення детального й всебічного аналізу. Найважливіші висновки свідчать про те, що деякі країни захищають як державних службовців, так і співробітників правоохоронних органів від незаконних нападів, тоді як інші мають спеціальний режим відповідальності лише за напад або погрози поліцейським. Зокрема стверджується, що український підхід є більш збалансованим порівняно з іншими юрисдикціями. Загалом документ дає повне та детальне уявлення про кримінальну відповідальність за напад на співробітників правоохоронних органів у різних юрисдикціях.

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**Key words:** criminal offense, criminal liability, authority of government bodies, assault, compensation for damage caused by criminal offense, victim.

## Introduction

Law enforcement officials are the embodiment of the state itself; they perform crucial functions for the wellbeing of the whole population at different levels of governance. Law enforcement agents are usually at the frontline of any criminal justice system. They are first to respond to a crime and are charged with the duty of keeping the public safe. Police officers and other law enforcement agents are usually the first ones to respond to acts of violence, such as murders, burglaries and other illegal acts – thus, it is reasonable to expect that their life and personal safety should be protected by the state as a priority.

This general rule applies virtually to any world jurisdiction with an established law enforcement system. Thus, assaults against peace officers (policemen) are taken extremely seriously by the state and society at large. The likely rationale here is that attacking a public servant is an attack against the state itself. Some might perceive attacking a police officer as an attack on the safety of any given community.

Since officials have to routinely make important policy decisions as part of their duty, it means some of their decisions can become very unpopular. It also means that they could find themselves a primary target for threats of violence and even physical attacks. In response, various lawmakers around the world have acknowledged this unique type of danger and passed a separate statute to address assault on a public official.

Under the current law, sentences reflect the seriousness of crime in order to have a deterrent effect in the future. Thus, jail terms are often imposed for these crimes.

A public official becomes offense victim in those cases, when there is an encroachment on his life, health, property, other legally protected rights, the authority of the agency he represents, in connection with the fact that he can issue orders to citizens. Also, public official receives the so-called “common victim” status without any special protection (California Legislature, 2022a).

However, there is a strict distinction between a public official and a police officer and, to a less

**Ключові слова:** злочин, напад, погроза, потерпілий, службова особа, поліцейський, насильство, Кримінальний кодекс.

degree, distinction between a police officer and a peace officer. The national crime statistics demonstrate that there are far less assaults and threats against public officials (both appointed and elected), when compared to law enforcement agents. Thus, our research will primarily focus on the legal status of a law enforcement agent (police officer) as a victim of certain violent crimes in the following sections of the paper.

*The goal* of this research is to reveal and compare criminal law provisions in several jurisdictions concerning protection of law enforcement officials from criminal assaults and threats.

## Methodology

The following research methods have been used extensively while working on the paper.

The *comparative law method*, which has become the key one for the purposes of this paper, enabled the authors to research criminal liability regime for assaulting a public official (law enforcement agent) in various jurisdictions and also to compare various liability models. Overall, the comparative method has been used actively in criminal law scholarship recently (Minchenko et al., 2021; Vozniuk et al., 2021).

The *system-structural method* has been used to describe applicable criminal statutes and their structural interactions within national legal systems. Rulings by various national courts also helped to elaborate on the system of national criminal law with regard to protecting police officials from criminal assaults.

The *observation method* allowed to identify legislative trends throughout the world with regard to decriminalization of the offenses discussed and strengthening of the freedom of speech guarantees. The observation method has also revealed several blank areas in assault-related statutory framework required for future academic research.

Finally, the *statistical method* of collecting and summarizing legally relevant information was also used in the text of the paper with the purpose of illustrating how laws against criminal assaults

are formulated and practically operate in various jurisdictions.

Overall, the chosen combination of research methods has proved to be effective since it has allowed to conduct an in-depth comparative analysis, while also allowing the formulation of the author's conclusive remarks and observations.

### Literature Review

Scholars from various legal systems have actively researched issues of criminal liability for attacking or threatening a public official. Such approach makes good sense, since public authorities sometimes make unpopular decisions and thus officials can become victims of illegal actions at any moment.

Several authors of this research paper have also published on the issue (Tkachenko, 2022a; Borovyk, 2022b). In particular, in one of the papers it has been argued that the legal status of victims in the Criminal Code of Ukraine is significantly different from their status in the Criminal Procedure Code of Ukraine. However, the provisions of the Criminal Code and the Criminal Procedure Code of Ukraine should be unified in matters of the category of persons who are recognized as victims, as well as the infliction of harm on them or the threat of such harm. Also, as the authors stated, in both Codes, only natural and legal persons should be recognized as crime victims (Tkachenko, 2022b).

In his PhD in law degree thesis “Understanding Assaults against Police Officers: A Study of Conflict Escalation in Police Encounters with the Public” L. Johnson focuses “on the impact of the police role and the informal rules of the ‘occupational police culture’ on the risk of conflict escalation”. The study explores the importance of cultural talk as a way of demonstrating the police role. It also reveals the means and tools in which officers approach future similar incidents. (Johnson, 2019). Thus, this study provides some empirical foundations for criminal liability framework with respect to protecting law enforcement officials from assaults.

American commentators J. Shjarback & E. Maguire have conducted a detailed study of violence against American police by examining nonfatal assaults against officers. Using monthly data from the Federal Bureau of Investigation’s (FBI) Law Enforcement Officers Killed and Assaulted (LEOKA) reports for the years 2010 to 2016, the authors have used extensive data and in-depth analysis to compare trends in the number of injurious and noninjurious assaults on police officers in the United States (Shjarback & Maguire 2021).

Overall, examining relevant academic sources, we have reached a conclusion that in most cases legal commentators concentrate their analyses either on assaults committed by or against national police officers, while paying far less research attention to the protection of elected and appointed public officials by means of criminal law.

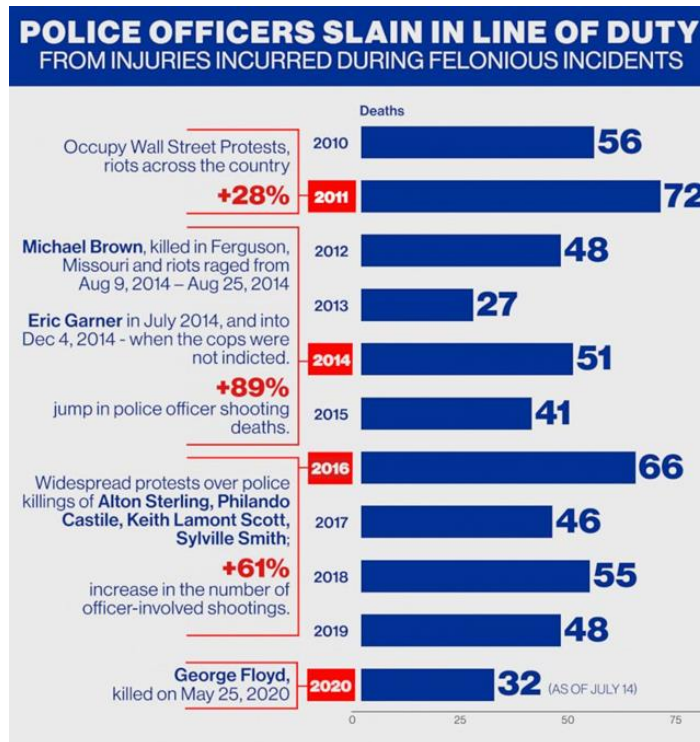
As a side remark, literature review is an important integrated element of any legal research (Vozniuk et al., 2022). Without understanding previous groundwork, foundations of any given issue it is impossible to elaborate on novel conclusions, recommendations and effective changes to current legislation.

### Results and Discussion

In the following paragraphs of the paper, we will explore criminal law provisions in several world jurisdictions, which detail the criminal law status of public officials in general, and law enforcement agents in particular, as potential victims of assaults. We will start with the U.S. federal and state criminal law provisions.

#### A. United States of America

Assaulting a public official and, even more so, a police officer is, unfortunately, hardly an extraordinary act of violence in the United States. Unfortunately. With aggressive clashes between various demonstrators and police forces, including the recent George Floyd mass protests, there have been assaults and killings on both sides. Here are some statistical numbers.



**Figure 1.** Police officers killed in the line of duty in the United States of America. Source: Hutchinson, B. (2020). Police officers killed surge 28% this year and some point to civil unrest and those looking to exploit it. ABC News. URL: <https://abcnews.go.com/US/police-officers-killed-surge-28-year-point-civil/story?id=71773405>.

Being a federal state, the United States recognize assault and other illegal actions against public officials as a crime both on a federal and state levels. We will start with the federal legislative approach.

Under 18 U.S. Code § 1114 “Protection of officers and employees of the United States”, whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished accordingly.

Secondly, 18 U.S. Code § 111 “Assaulting, resisting, or impeding certain officers or employees” provides that whoever (1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; or (2) forcibly assaults or intimidates any person who formerly served as a person designated in section 1114 on account of the performance of official duties during such person’s term of

service, shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and where such acts involve physical contact with the victim of that assault or the intent to commit another felony, be fined under this title or imprisoned not more than 8 years, or both. This statute also provides for enhanced penalty in in the commission of any acts described in subsection (a), *uses a deadly or dangerous weapon* or inflicts bodily injury – such person shall be fined under this title or imprisoned not more than 20 years, or both.

Thirdly, 18 U.S. Code § 112 “Protection of foreign officials, official guests, and internationally protected persons” provides for special liability regime for attacking an official representative of a foreign state: whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined under this title or imprisoned not more than three years, or both. Whoever during the commission of any such act

uses a deadly or dangerous weapon, or inflicts bodily injury, shall be fined under this title or imprisoned not more than ten years, or both (Legal Information Institute. (n.d.)).

As one might see from these three criminal statutes, the United States take attacking both national and foreign public officials seriously – the severe sanctions speak for themselves. Moreover, there is extraterritorial jurisdiction over the conduct prohibited by such provisions. The conclusion: protecting public officials in the U.S. is a positive practice while it is yet another indicator of the long-established overcriminalization policy, which heavily relies on severe sanctions even for minor offenses.

Now to the state level, with California Penal Code serving as a role model for the purposes of state level research.

The crime of “assault on a public official” is described under California Penal Code 217.1(a), which imposes more serious penalties compared to a simple assault as a routine misdemeanor. California Penal Code 217.1(a) provides a definition for assault on a public official: “Anyone who commits any assault upon the President or Vice President of the United States, the Governor of any state, judge, commissioner, judicial officer, or any state holding elective office, mayor, city council member, county supervisor, sheriff, district attorney, prosecutor, public defender, chief of police, peace officer, any juror in any local, state, or federal court, or their immediate family in retaliation for, or to prevent the performance of their duties” (Legislative Counsel of California, 2019). As one might see from this definition, the term “public official” is quite broad and includes official representatives at three levels of government – federal, state and local. The term “public official” includes a wide range of people who are employed by the federal or state government, but the most common victims in California include: current or former prosecutors or public defenders; judges, commissioners, or other bench officers; city council members; county supervisors; sheriff or peace officers (State and Federal Criminal Defense, 2022). It should be noted that a public official under PC 217.1(a) includes not only California government officials, but also officials of the United States government – thus an “all-inclusive” approach with respect to victims.

Under the New York Penal Code, Sections 120.08 through 120.18 provide for various types and threats (menaces) against public officials,

judges and police officers in particular. For example, Section 120.08 of the Code provides: a person is guilty of assault on a peace officer, police officer, fireman or emergency medical services professional when, with intent to prevent a peace officer, police officer, a fireman, including a fireman acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such fireman, or an emergency medical service paramedic or emergency medical service technician, from performing a lawful duty, he causes serious physical injury to such peace officer, police officer, fireman, paramedic or technician.

Furthermore, Section 120.09 states that a person is guilty of assault on a judge when, with intent to cause serious physical injury and prevent a judge from performing official judicial duties, he or she causes serious physical injury to such judge (New York Penal Law, 1965).

As one might see, there are similar approaches to protecting public officials both in the states of California and New York, with some minor differences.

## B. Canada

As in most other world jurisdictions, in Canada assaulting a Peace Officer has always been a serious crime – such offense can result in a prison sentence of up to 14 years. Assaulting a peace officer often involves using violence, sometimes in aggravated forms, against a public servant or public official. Thus, the prosecution might seek a jail sentence if convicted.

The charge of assaulting a peace officer, provided by s.270 (1) of the Criminal Code, is not limited to police officers only. The law also protects “prison guards, sheriffs, duty sheriffs, sheriff’s officers, fish and game officers, bylaw officers, justices of the peace, court bailiffs, members of the Canadian Forces, customs agents, pilots in command of aircraft and public officials such as mayors, wardens and Reeves” (Government of Canada, n/d).

Current Canadian criminal law recognizes three major types of assaulting a peace officer.

1. Assault in the line of duty. If a person assaults a peace officer in the performance of their job or if one assaults a person who is helping that officer to carry out their duties, such person could face criminal charges. The Crown must prove the offender was

aware of the fact that the victim was not only a peace officer but that they were acting in an official capacity.

2. Resisting arrest. Criminal charges can also be brought if a person uses force to resist arrest or if such person assaults a person in an attempt to prevent a peace officer from making a lawful arrest or detaining someone else. An arrest can be made by both a peace officer or a private citizen.
3. Preventing the execution of duty. This criminal law provision protects those who enforce a civil law matter, such as an eviction. If a person assaults someone engaged in the lawful execution of a seizure of lands or goods, he or she could face assaulting a peace officer charges. A person can also be criminally charged if an assault occurs when trying to reclaim something that has been seized (Criminal Code Help, 2022)

Unlike in the United States, Canadian legislator does not specifically provide for criminal liability for assaulting public officials, other than peace officers. Thus, public officials do not constitute a distinct group of victims of assault, intimidation or threats. Instead, criminal assault in Canada is divided into four different categories: simple assault, assault with a weapon, assault causing bodily harm and aggravated assault (SainiLaw (n/d)). Sexual assault, including its aggravated form, constitutes a distinctive type of assault.

Once again, with reference to the above discussed material, we would like to stress on the importance of comparative method in modern legal research (Movchan et al., 2022).

### C. England

Assaulting a constable in the execution of his duty is a statutory offence of aggravated assault in England and Wales, Scotland, Northern Ireland, and Hong Kong (a former British colony).

Since Great Britain does not have codified criminal legislation, like in continental European jurisdictions, assault crimes have to be located in various specific Acts passed by the Parliament.

As in many other world jurisdictions, in England the statutes on assaulting a police officer (constable) have evolved from the general assault

provisions. Also, we could not identify a separate provision on assaulting or menacing a public official, which means that they are probably protected at the same level as ordinary citizens.

**Common assault occurs** when a person inflicts violence on someone else or makes them think they are going to be attacked. It does not have to involve physical violence. For example, threatening words or a raised fist is enough for the crime to have been committed provided the victim thinks that they are about to be attacked. Contemptuous spitting at someone is yet another example.

**Actual bodily harm (ABH)** means the assault has caused some hurt or injury to the victim. "Physical injury does not need to be serious or permanent but must be more than "trifling" or "transient", which means it must at least cause minor injuries or pain or discomfort. Psychological harm can also be covered by this offence, but this must be more than just fear or anxiety".

**Grievous bodily harm (GBH)** means the assault has caused serious physical harm. It does not have to be permanent or dangerous. For example, "a broken bone would amount to GBH – in some cases a broken bone might lead to permanent disability but, in others, it might heal without leaving any long-term effects. GBH can also include psychiatric injury or someone passing on an infection, for example through sexual activity" (Sentencing Council (n/d)).

The offense becomes much more serious, if the victim of the assault is an emergency worker. This includes police, prison officers, custody officers, fire service personnel, search and rescue services and paramedics (The Crown Prosecution Service, 2018). One might see legal similarities here between the Canadian and British approaches.

Some relevant statistics behind this Act. In 2019, there has been a lower proportion of males in the affected group of Assault of an Emergency Worker offenders relative to the comparison group of all Common Assault and Battery offenders. Of the 11,091 offenders proceeded against for Assault of an Emergency Worker, 70.7% were male and 29.3% female, compared to 84.8% male and 15.2% female in the comparison group of Common Assault and Battery offenders.

**Table 1.**  
*Assaults on Emergency Workers in England in 2019.*

		<b>Assault of an Emergency Worker</b>	<b>Common Assault and Battery</b>
Total	Number	11,091	44,733
Males	Number	7,839	37,946
Males	%	70,7	84,8
Females	Number	3,252	6,787
Females	%	29,3	15,2

**Source:** HM Government. (2021).

In particular, in England and Wales Section 89(1) of the Police Act 1996 provides: “any person who assaults a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both” (The National Archives, 1996).

The constable must be acting “in the execution of his duty” for the purposes of charging this offense. If one exceeds the limits of his duty (e.g., acts unlawfully in assaulting the Defendant), the elements of this offence are absent. As a practical matter, the Defendant does not actually have to be aware that the person, who has been assaulted, was a constable.

#### **D. Germany**

The following example demonstrates that assaulting a public official (police officer in particular) is a serious offense in Germany.

According to the news reports, in February of 2022 “German police arrested two suspects for the murder of two officers shot dead during a traffic stop after launching a massive manhunt. The two officers, a man and a woman, were shot dead during a routine traffic check on a road near Kusel, a town not far from Kaiserslautern in the German state of Rhineland-Palatinate”. Upon arrival, reinforcements were unable to help the officers. The shooters had been apprehended some time later. As the interior minister Nancy Faeser stated with reference to that shocking crime of violence, “regardless of the motive, this crime is reminiscent of an execution and shows that the police risk their lives for our security every day” (Euronews, 2022).

One more example. The German government had previously condemned illegal incidents on 2023 New Year’s Eve in which emergency response teams were attacked, mostly with previously

banned fireworks. “In Berlin, the fire service counted at least 38 such attacks and said 15 officers were injured. Police said they had 18 injured officers” (Voanews, 2022).

Two sections of the German Penal Code deal directly with assault offenses against law enforcement agents and officials of similar duties.

Section 114 “Assault of enforcement officers” of the German Penal Code further provides that “whoever assaults a public official or a soldier in the Federal Armed Forces charged with enforcing laws, statutory instruments, judgments, judicial decisions or directions in the performance of an official act incurs a penalty of imprisonment for a term of between three months and five years”.

Furthermore, Section 115 “Resistance to or assault of persons equal to enforcement officers” provides as follows: “1) Sections 113 and 114 apply accordingly to protect persons who are vested with the powers and duties of police officers or who are investigators of the public prosecution service without being public officials; 2) Sections 113 and 114 apply accordingly to protect persons who are called upon to assist in the performance of the official act; 3) Section 113 also applies to persons who, in the case of accidents, a common danger or an emergency, use force or the threat of force to hinder the members of the fire brigade, the civil protection service, one of the rescue services or emergency medical services or a hospital emergency department who are rendering assistance. Persons who assault those who are rendering assistance in such situations incur a penalty pursuant to section 114” (German Federal Ministry of Justice and Consumer Protection, 1998).

As a brief conclusive remark, the German legislator, in its typical precise manner, has construed statutory assault offenses against

public officials and military officials while performing their duties.

### E. Poland

Yet another example from law enforcement practice. In April of 2021, a Polish court acquitted a prominent senior citizen activist of charges that she insulted and assaulted a police officer who tried to detain her during an anti-government protest. The activist, Katarzyna Augustynek, “has participated in many street demonstrations against the right-wing government, and has had several run-ins with police. According to Polish media reports, the judge at the District Court in Warsaw said evidence indicated that Augustynek had been protesting peacefully. *Gazeta Wyborcza* daily said on its website the judge stressed that the constitution guarantees the right to protest. The judge also argued that there was no justification for the way police had treated Augustynek, who resisted detention during the protest” (AP News, 2021).

Similar to American legal approach and in contrast to European models, Polish legislator recognizes a crime of assaulting the President or foreign public official.

In particular, Article 135 provides: “1) whoever commits an active assault on the President of the Republic of Poland shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years (§ 1); 2) whoever insults the President of the Republic of Poland in public shall be subject to the penalty of the deprivation of liberty for up to 3 years (§ 2)”.

According to article 136: “§1. Whoever on the territory of the Republic of Poland, commits an active assault upon the head of a foreign State, upon the head of the diplomatic representation of a foreign State, who is accredited to the Republic of Poland, or upon a person enjoying similar protection by virtue of law, treaty or generally accepted international custom, shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years; § 2. Whoever on the territory of the Republic of Poland, commits an active assault upon a person belonging to the diplomatic personnel of a mission of a foreign country to Poland, or on a consular official of a foreign country in connection with the performance of their official duties” (Parliament of Poland, 1997).

Thus, apart from special protection regime for police officers, the Criminal Code of Poland

directly recognizes the need to protect those in public office from assaults and insults.

As Polish commentators Julia Kuczur and Tomasz Kuczur write, crimes related to the attack on a public official in the 1997 Criminal Act were included in Chapter XXIX of the Penal Code. They add: “Criminalization of acts directed against the state is dictated by the legislator’s intention that the penal law of 1997 is to safeguard the values presented in the Constitution, such as the rule of law, and also aims to protect the constitutional bodies of the Republic of Poland. The key element for their separation is the conjunctive fulfilment of two conditions, that is, they must at the same time be constitutional bodies, i.e. at least those mentioned in the constitution and government bodies of the Republic of Poland” (Kuczur & Kuczur, 2019).

### F. Ukraine

Finally, we will turn to the status of public official as a victim of criminal assault and physical threat in Ukraine. We will start with the official legislative provisions.

Article 346 of the 2001 Criminal Code of Ukraine “Threats or violence against a statesman or a public figure” provides (official text of the law): “threats of murder, impairment of health, destruction or impairment of property, kidnapping or confinement made in respect of the President of Ukraine, the Chairman of the Verkhovna Rada (Parliament) of Ukraine, a National Deputy (Member of Parliament) of Ukraine, the Prime Minister of Ukraine, a member of Cabinet of Ministers of Ukraine, the Chairman or a judge of the Constitutional Court of Ukraine or the Supreme Court of Ukraine or High Specialized Courts of Ukraine, the Procurator General of Ukraine, the Human Rights Commissioner of the Verkhovna Rada of Ukraine, the Head of the Accounting Chamber, the Chairman of the National Bank of Ukraine, or a leader of a political party, committed in relation to their government or public activity, - shall be punishable by imprisonment for a term up to five years”.

As construed by the national legislator, the crime provided for in Art. 346, consists in: threat (part 1); beatings; committing other violent acts (Part 2); causing bodily harm – nonessential, moderate (part 2) or severe (part 3).

Liability under part 1 of Art. 346 comes for the threat of murder, causing harm to health,



destruction or damage to property, kidnapping or deprivation of liberty the public officials specified in it. The threat of harm to health occurs when the victim is threatened with beatings, causing bodily harm of any degree of severity, including through the use of narcotics, psychotropic, poisonous, potent substances, electric current, etc. (Melnyk & Havronyuk, 2018).

Furthermore, Art. 347 of the Criminal Code of Ukraine provides liability for “willful destruction or impairment of the property owned by a law enforcement officer or his/her close relatives, in connection with his/her official duties”. Such illegal actions “shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or arrest for a term up to six months, or imprisonment for a term up to five years”.

Art. 348 further provides, in its part, “that murder or attempted murder of a law enforcement officer or his/her close relatives in connection with his/her official duties, and also of a member of a community formation for the protection of public order, or a military servant in connection with their activities related to the protection of public order, – shall be punishable by imprisonment for a term of nine to fifteen years, or life imprisonment”.

Art. 349 provides that “taking or holding of a representative of public authorities, or a law enforcement officer, or their close relatives as hostages for the purpose of making a public or any other institution, business or organization, or any official to take or refrain from any actions as a condition for release of the hostage, - shall be punishable by imprisonment for a term of eight to fifteen years”.

Finally, Art. 350 forbids “threats of murder, grave bodily injury or destruction or impairment of property by a generally dangerous method, made in respect of an official or his close relatives or a citizen who performs his/her public duty, where these acts are committed to preclude the activities of the official or the citizen who performs his/her public duty, or to change their nature in the interests of the persons who makes such threats” (Verkhovna Rada of Ukraine, 2010).

Comparing these legislative provisions with those of other countries reveals that Ukrainian criminal regulatory mode has a balanced approach to protecting both public officials and law enforcement agents from assault offenses. Both life, liberty, health and property of a public

officials are protected by the Criminal Code provisions.

The country’s Supreme Court has made several precedential rulings addressing the elements of such crimes. First, the Court has ruled, that fact that a person is unaware of the performance of specific official duties by a police officer does not exclude the possible presence of the elements of crime under Art. 348 of the Criminal Code of Ukraine in the actions of the accused person (Court of Appeal of Ukraine. (n.d.)). Second, attack on the life of a law enforcement officer (Art. 348 of the Criminal Code) is considered completed from the moment of the attempt on the victim’s life, regardless of the occurrence of any consequences. When distinguishing between encroachment on the life of a law enforcement officer (Art. 348 of the Criminal Code) and a threat to kill a law enforcement officer in connection with the performance of official duties (Art. 345 of the Criminal Code), it should be taken into account that the threat is not characterized by actions, which are directly aimed at the intentional killing of the victim. A shot from a rifle in the direction of a law enforcement officer indicates that the accused has begun to implement the intention to kill police officers, and his actions are subject to criminal liability under Art. 348 of the Criminal Code (Post de Advokat, 2022).

The national criminal law doctrine also analyses various legal aspects of assault-related offenses at length. In particular, V. Chaika has extensively explored a wide spectrum of such issues while working on his PhD thesis (Chaika, 2012). It is worth adding that Ukrainian legal scholars have been actively studying foreign experience to criminal law regulation in their treatises (Movchan et al., 2021).

Other Ukrainian commentators mention that assault offenses against public officials are aimed at harming social relations that provide authority and normal operation of the entire system of law enforcement agencies. As a justification for the specified provisions, they note that when an offense is committed against an individual law enforcement officer or his close relative, the guilty person does not encroach on an individual person (employee), but rather on the existing system of government bodies called to ensure law and order in the state (Gladkov, 2016). This makes good sense since law enforcement function does not belong to any single official but rather to the state (or government) itself.

## Conclusions

Our study has been based on multijurisdictional approach to understanding the elements of assault and threat crimes against public officials in general and law enforcement agents in particular in several world jurisdictions. The active employment of comparative research method has allowed to analyze relevant criminal law provisions of several jurisdictions (United States, England, Germany, Canada, Poland, Ukraine etc.). In particular, it has been demonstrated that while some states protect both public officials (like Presidents and other top officials) and law enforcement agents from illegal attacks, other countries provide special liability regime for assaulting or threatening police officers only. It is argued that legislative approaches similar to the Ukrainian one are more balanced, when compared to other jurisdictions.

Reference to several cases of assaults and threats against public officials allowed to demonstrate that this is not a theoretical but rather a practically significant issue. Also, further research in the discussed direction is both theoretically and practically significant – it will allow to elaborate on new improved models of criminal liability for offenses against public officials and law enforcement agents, in particular.

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