

DEFINITIONS AND CLASSIFICATIONS OF HYBRID THREATS IN CRIMINAL LAW

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Abstract. *Hybrid threats are various types of hostile actions that attempt to undermine the security and democratic institutions of the attacked state without using armed aggression. Hybrid threats can be responded to in various ways, but one of the key countermeasure in the legal system is criminal proceedings against the perpetrator. Court verdict for criminal offense provide the legal epilogue of the conflict and the identification of those responsible for the attacks. For such purposes it is necessary to analyse how certain types of hybrid threats could be classified in criminal law. In the paper, the author presents some enemy activities that were committed against Croatia in 1990 with an aim of secession of territory, given that similar actions were repeated in Ukraine in 2014. In the paper, the author also analyses other forms of hybrid threats besides annexation and discusses legal classifications and attempts to explore areas for further progress in international or national criminal law. The results of the analysis show that since the period of the attack on Croatia, there has been no improvement in international criminal law in terms of more detailed regulation of criminal activities of this kind.*

Keywords: *hybrid threats, criminal offense, classification, terrorism.*

Introduction

The term hybrid threats is used to describe covert types of actions that seek to undermine the security of attacked states and the fundamental values of society. Such forms of hostile action are undertaken without an armed attack in order to avoid self-defence that is permitted by international law of war (*jus ad bellum*), and at the same time they try to avoid a reaction of criminal law institutions. Hybrid attacks are attempted to be organized in such a way that they do not fall under the description of serious crimes. Responses to hybrid threats can be through various countermeasures in the field of security operations for which intelligence services, diplomatic units, economic systems and similar institutions are responsible.

One of the key forms of response to hybrid threats, as well as to other types of conflict, is through the legal system in which the responsible perpetrators should be established by a court decision as the legal epilogue of the conflict should be delivered. Such a decision also represents the basis for the historical memory of the facts. A court ruling on hybrid actions has the function of re-establishing the legal order, resolving the conflict at the legal level, determining those responsible and determining appropriate criminal penalties. If we look at conflicts in history, for those for which criminal proceedings were conducted, the facts remain clear about the responsible person or state, the type of crime and other characteristics. The court's epilogue prevents different subsequent interpretations or positions that could arise in the case of disinformation or the presentation of different versions.

The legal classifications are being discussed more intensively after taking over certain parts of Ukraine in 2014, and in this sense, it would be appropriate for the analysis to compare them with similar activities of secession that were initiated in Croatia in 1990. For some hybrid threats, politicians have stated that they fall under provisions on terrorism, violations of sovereignty and similar colloquial names, however, it is necessary to distinguish that

international or domestic criminal proceedings are conducted on the basis of a strict legal system in which criminal behaviour should be prescribed in detail before it is committed.

For this reason, an appropriate legal classification is needed to encompass the harmful characteristics of these types of attacks. If criminal acts are not prescribed in advance, this would be contrary to the principle of legality because regardless of what qualifications individual social subjects express in their assessments of certain types of events, it is important how hybrid threats are regulated in national or international criminal law. The old proverb *nullum crimen sine lege* has been used to protect citizens' rights but also as a basis for the functioning of the legal system.

As one of the important countermeasures for hybrid threats in Ukraine, the possibility of applying criminal law to perpetrators was considered (Kryvytskyi, 2024). At first, it was not clear which category of law could be applied, since there was formally no external conflict between the two states, and it was believed that priority should be given to provisions on terrorism (Vlasiuk, 2015). Some called such situation a tragedy of the legal system.

Serious hybrid actions such as those used in Ukraine in 2014 were used much earlier, namely in 1990 in Croatia, and even then certain legal problems arise in qualifying individual events of illegal annexation. For this reason, this research presents some forms of hybrid actions in Croatia and shows which classifications in criminal law were used. The results will show the state of criminal law three decades later and whether any new approaches have been developed at the international level for these types of hybrid operations.

If some criminal acts were not within the jurisdiction of the court, then a verdict cannot be passed, and some citizens may later perceive this as a failure to achieve fair justice. For example, The International Tribunal for War Crimes Committed in the Territory of the Former Yugoslavia (ICTY) have announced its verdict on Martić in the context of murders, torture, robbery, arrests, etc., but it did not have a mandate for the crime of terrorism or the crime of aggression on Croatia.

Definition of hybrid threats

In order to describe hybrid threats in criminal legislation, their clear definition is necessary. One of the problems is that under this term, in theory and practice, different interpretations and approaches are used regarding the types of events that could be included. Hybrid threats are characterized by the use of deception and concealment in various types of violent or non-violent activities that target critical infrastructure or other essential areas of societal functioning. Hybrid actions are individually adapted to the vulnerabilities of individual countries and can have a wide range of goals.

Hybrid threats include various phenomena such as assassinations, cyber attacks, disinformation, damaging communication cables, arson, explosive shipments, damaging energy systems, arming migrants, and the like. For the purposes of criminal law, it is useful to analyse the qualifications of hybrid activities in criminal law and the need to incriminate new forms of criminal offenses that could more comprehensively encompass such harmful activities in order to highlight the context of organized hostile actions. Such phenomena are significantly more serious in terms of the level of violation of rights than classical criminal offenses committed by ordinary perpetrators.

The concept of hybrid threats has become a broad concept that includes various hostile actions. The concept is composed of the word “hybrid”, which denotes something that contains mixed characteristics of various types, and the concept of “threat”, which refers to the possibility of endangering certain values or rights. The comprehensive concept of hybrid threats

was described by Mattis and Hoffman (2005), and according to their definition, hybrid threats represent simultaneous and adaptive combinations of conventional weapons, incoherent tactics, terrorism or criminal groups. According to such approaches, hybrid threats are various forms of violence, terrorism and organized crime with the aim of disrupting the order in society. Similarly, Gerasimov (2013) described covert operations based on psychological and propaganda influences, and the use of political, economic, informational, humanitarian, and other non-weaponized means, regardless of whether states are in peacetime.

After various types of hybrid attacks over the past decade, doubts have arisen about the classification in criminal law. An example of the most serious hybrid threats with an impact on territorial integrity is the takeover of parts of Ukraine in 2014. Such activities were carried out to avoid the reaction of criminal law or armed self-defence. They consisted of activities such as self-determination of ethnic minority, holding referendums or regional elections, declaring secession, spreading disinformation, involving armed “little green men” without visible signs of affiliation, taking over state institutions, and the activities of organized crime groups (*Korystin, Svyrydiuk, 2021*). In addition to such activities, numerous EU Member States were exposed to secondary hybrid threats after providing support to the Ukrainian authorities (destruction of communication links, sabotage of railway facilities, arsons, damage to military equipment, disinformation campaigns, etc.) in relation to which it was necessary to initiate criminal investigations and appropriate proceedings.

Hybrid threats are mentioned as a concept in some official documents of EU bodies, however, hybrid threats are not regulated in primary EU legislation such as treaties, judgments, declarations or resolutions. Hybrid threats are not defined in secondary legislation such as regulations, directives, decisions and similar level of legal sources. UN documents do not mention the term of hybrid threats or related concepts at all.

Comparative criminal law

According to an analysis of comparative criminal law, none of the major European countries has a separate criminal offense of hybrid threats. This shows that the incrimination of the aforementioned criminal offense is not recognized as a legal need, but rather qualifications from various other criminal offenses can be used for criminal proceedings, depending on the type of action of the perpetrator and the object attacked (terrorism, sabotage, etc.). To emphasize the harmful influence of foreign states, it would be useful to prescribe new forms of criminal offenses. Hybrid threats are a large set of various types of actions that have different objects of attack, methods of commission, and the severity of consequences, and they are not easily encompassed in a single criminal offense. A similar situation exists in some other types of crime that include various types of criminal offenses. An example is the problem of defining criminal activities such as organized crime, which can also include a large number of different types of illegal activities.

If the classification of ordinary criminal offences are applied to hybrid actions, the problem arises because ordinary criminal offences do not encompass the specific features of the planned actions of an enemy state. It would be useful to highlight the harmfulness and unacceptability of such interference in the affairs of another state by prescribing separate qualifications. An example of encompassing various types of incriminations could be a provision on a criminal organisation, which can include any criminal offence that is committed. Such an adjustment is necessary due to the emergence of new forms of conflict that were not previously used in this way.

If arsons, destruction of traffic safety devices or similar activities were viewed as ordinary criminal offences committed with the aim of property destruction, this would not reflect the specific features and the connection with the enemy state. In attempting to define a criminal offence of hybrid threats, the main difficulty is that they encompass actions of varying severity. Hybrid threats include minor acts that only affect property, as well as very serious acts that endanger lives. For this reason, it is difficult to standardize a single criminal offense, but it would be possible to structure it through several paragraphs that would include different ways of committing it or add qualified forms to various criminal offenses.

According to the state of comparative law, hybrid threats are currently more represented in the professional language of security, international relations or military strategies, but they have not yet been recognized at the level of legal sources in international or comparative criminal legislation. The concept of hybrid threats is general and undifferentiated, like the concept of organized crime, which does not represent a single criminal offense but encompasses a number of different types of criminal offenses depending on the specific case and can be defined in different ways in individual countries.

Classifications of some types of hybrid actions

Assassinations

Assassinations are forms of hybrid threats committed within the framework of planned and coordinated actions of foreign services and therefore they differ from ordinary murders in the characteristics of the perpetrators, the method of commission, the means of commission, the method of concealment, level of danger to other persons, the mass psychological effect, the motives for commission and other characteristics. Assassinations are not just ordinary murders, but a kind of theatrical criminal acts that serve to show power (Hänni, Grossmann, 2020). Assassinations are followed by other hybrid activities, such as attacks on facilities where evidence was kept, the construction of media disinformation, and the like.

During hybrid actions in Croatia, several assassinations or kidnappings of high-ranking political and military officials of the new government after 1990 were prepared or attempted. The assassination attempts were also followed by media disinformation and cover-ups from Serbian intelligence services, which makes such actions very similar to modern hybrid activities. For example, when the presidential wing of the government building was attacked in 1991 by rockets, Serbian media outlets claimed that the Croatian government had planted the explosives itself.

The assassination on Skripal in England was attempted using the rare military-grade poison Novichok. In the Litvinenko case, a very rare material called polonium was used, which doctors did not detect for three weeks in the hospital due to its specific radiation spectrum. In the Skripal 2018 poisoning case, the English prosecutor's office did not classify the event as a terrorist offense, but instead used four other classifications: conspiracy to commit murder, attempted murder of three people, use and possession of a poison, and grievous bodily harm. The terrorism qualification was not used for the 2006 murder of Litvinenko, but the investigative commission for the event used the qualification of murder (Owen, 2016). The perpetrator who attacked Chechen dissident Khangoshvili in Berlin's Kleine Tiergarten Park in 2019 was convicted in 2021 of two criminal offenses: murder and possession of an automatic firearm. The classification of the criminal offense of terrorism was also not used. In the

reasoning of the verdict, the court mentioned the commission of state terrorism, emphasizing that the crime was not committed for personal motives but for the needs of foreign services.¹

Cyberattacks, social networks and media

Cyberattacks are often cited as severe forms of hybrid threats that can cause significant property damage but can also lead to human casualties. As a result of a cyberattack carried out in 2020 on the servers of a hospital in Düsseldorf, Germany, a patient died because she could not be admitted in an emergency. Similar attacks on various other types of infrastructure can lead to multiple similar consequences. These types of attacks could meet the characteristics of a terrorist offense or other crimes in the area of causing danger to people and property. If such events were viewed only as ordinary crimes in the area of information system protection, the aspect of foreign state influence would not be sufficiently taken into account.

Cyberattacks during election campaigns were carried out with the aim of collecting and publishing documents (hack and leak). Perpetrators add incorrect documents to the original messages in order to influence the attitudes of voters. Other forms of influence through digital hybrid actions are also possible. In a report to the European Parliament regarding the 2024 Romanian presidential election, TikTok reported removing 60,000 fake profiles and around 10 million fake followers before the first round of the presidential election. The Constitutional Court annulled the presidential election and banned one politician from running in the repeat election, finding multiple irregularities and violations of electoral law that undermined the freedom and fairness of the election (*Mercescu, 2025*). The decision to annul the election was made as part of the oversight of the validity and legality of the election, based on declassified notes on information.

Attacks on communications

In a short period of time in 2024, a large number of submarine pipes and cables for communication or energy transmission were disrupted. The attacks targeted underwater routes for electricity, gas and communications, as well as connections to offshore wind farms. An example of the difficulties in qualifying such events in criminal law is the case of the explosion on the Nord Stream II offshore gas pipeline. A joint investigation team (JIT) was proposed to investigate the event between Denmark, Sweden and Germany, which in a joint letter stated that it was a criminal act of sabotage. Sweden later refused to participate due to the protection of intelligence that it would have to share with other participant states. Denmark conducted a criminal investigation and concluded that it was an intentional act of sabotage, but that there was no need to initiate criminal proceedings. This event could have been classified as terrorism because such an attack falls under the list of crimes against infrastructure that are explicitly included in that criminal offence (*Billing, Feldtmann, 2024*). After conducting an investigation, Sweden concluded that it had no jurisdiction to proceed with further criminal proceedings (the qualification of the event was not published). Germany conducted an investigation and issued an arrest warrant for the suspect, but the qualification was not publicly announced. In 2024, the German Chancellor publicly called the event a terrorist act, which would indicate a terrorist offense as a qualification in criminal law. This case shows differences in the classification of the event in terms of criminal law.

¹ KG, Urteil vom 15.12.2021 - (2)3 StE 2/20-1 (2/20), § 305.

In various European countries, perpetrators have been caught on charges of committing arson for which they received funds from foreign intelligence agencies. Some hybrid threats are aimed at disrupting the safety of railways or other types of transport, also in the interests of foreign services. In a number of European countries, cases of damage to traffic safety monitoring devices have been discovered. Such actions could be covered by the criminal offense of terrorism if the intention is to destroy infrastructure.

Hybrid threats aimed at annexation in Croatia 1990 and in Ukraine 2014

Annexation using hybrid actions

Unlike numerous forms of hybrid threats that target distant states but produce short-term harmful effects, annexation of neighbouring states territory has long-term negative effects on the security and stability. In the initial hybrid activities of the takeover of the Crimean peninsula in Ukraine in 2014 (before the open aggression), local authorities took power using the justification of the alleged protection of a self-determined Russian national minority, took over the parliament and main institutions, held a referendum and declared annexation to Russia (Petrov, 2016). After that, they took over further provinces (Donetsk and Luhansk) in a similar way. The attempt of covert takeover of Croatian territory was very similar to the case of Ukraine. The actions in Croatia during 1990 would be classified as hybrid threats according to modern nomenclatures. According to the Ukrainian point of view, classifications of terrorism could be used, but the problem arose in the different interpretation of terrorism at the national and international legal level (Vlasiuk, 2015).

The preparatory phase (before the open aggression) against Croatia began with an attempt to create a political pretext for the military action of a neighbouring country. After the democratic elections in Croatia in 1990 did not win the parties that were supported by the Serbian authorities, an extensive media campaign began, which characterized the new Croatian authorities as nationalist and extremist. With such media constructions and disinformation, discontent and feeling of vulnerability among a part of the Serbian population was incited.

Disinformation about the Nazi authorities

As part of the media attacks and disinformation campaign in Croatia in 1990, texts were published about the criminal nature of the new government. Fake news was spread about crimes allegedly committed against the Serbian population in order to cause fear and the impression of being seriously threatened. The spread of disinformation was carried out very extensively, including various categories of publications and media, up to scientific papers and professional books that wrote about imaginary atrocities and cruel acts of the new Croatian authorities (for instance, brutal attacks on Serbian children). A simple fact check made it possible to identify invented news.

For example, during the action of the Croatian police in the city of Pakrac, disinformation was spread about numerous Serbian victims, when in fact there were not a single victim at all. This was only later confirmed by the Serbian Secretariat of the Interior. As part of the disinformation in the Zadar area, physical injuries to members of the Serbian minority were staged. For the purposes of filming, the marks on the body had been made up with the help of a doctor (ladies makeup was used). Similarly, in the early stages, disinformation about the Nazi character and the need of denazification of Ukrainian authorities was spread. In Russian approach, Nazism is corresponding with liberal democracy and Western values (Tolz, 2023).

Certain activities towards the media in this segment may also fall within the jurisdiction of other regulatory bodies.

Criminal legislation contains certain acts relating to the punishability of content that incites violence, hatred and extremism, and the dissemination of false or disturbing content. Such criminal acts could be prescribed in a qualified form with a more severe punishment because they are not about ordinary perpetrators but about systematic subversion by a foreign state.

Political self-determination of ethnic minorities

Along with the spread of disinformation about the threats, activities began on self-determination and separation through new illegal representative bodies organized by local politicians. Hostile activities in Crimea in 2014 also began under the guise of self-determination of a national minority in elections. Such hybrid actions were actually an attempt to hide open aggression, present hostile actions as an internal political conflict, to provide assistance to local authorities of the so-called people's republics, and present external military intervention as humanitarian action. According to the practice of the International Court of Justice, self-determination can be implemented through democratic and public procedures only, and it can therefore be distinguished from acts of violence and terrorism. In 1992, the European Community Commission concluded that minorities in Croatia can be recognized through political participation within the internationally recognized borders of the state. The Security Council has also adopted resolutions on several occasions on that issue (*Chadwick, 2023, 50*).

In such cases, as soon as it happened to use armed violence instead of democratic procedures, such forms can be classified as criminal offenses. An Ukrainian example of a counter-response was the ban of several political parties due to their connections with Russia, using the provisions of the Law on the Prohibition of Pro-Russian Parties. The Croatian legal system also used similar form of ban when it was determined that one political party was directly participating in terrorist activities (SDS). Hybrid actions sought to show that it was an internal ethnic conflict, and that the rules of international war law should not apply (*Sayapin, Tsybulenko, 2018*). In Ukraine, during the first phases of hybrid actions before an open aggression, it was difficult to determine whether national or international law was applied, and which category of law ranging from terrorism to the law of war could be applied (*Billing, Feldtmann, 2024*).

Decisions on annexation to a neighbouring country

After the political organization into separate local communities, the next level was bringing of decisions on the secession of self-proclaimed areas from Croatia. An example is the Declaration on Autonomy 1990, which declares the takeover of certain parts of Croatian territory. A separate territorial unit of Serbian Krajina was proclaimed, in which the Secretariat of Internal Affairs and a separate Serbian militia were subsequently established. After the referendum on secession, a decision was made to join Serbia, and local politicians were asking the Serbian authorities for military assistance in order to protect them from the Croatian authorities. Such decisions were following in other villages, that is, the fake municipal assemblies decided on annexation to the Serbia. In this way, the foreign country that organized the attack takes over other state's territory without direct armed action. The Constitutional Court of Croatia has repeatedly ruled on the nullity of such decisions of unauthorised local authorities

on the secession of territory. In criminal law, this can represent various criminal offenses against the constitutional order.

The classification of the criminal offense of terrorism and armed rebellion were used. Indictments were brought against the self-proclaimed president of the Serbian province Martić (a former police officer in the Croatian police) for inciting terrorism, and much later, for war crimes by the ICTY. Similarly, after one of the rallies in Croatia, the Serbian extremist politician Šešelj was arrested and he was criminally charged with inciting religious and national hatred and calling for the violation of territorial integrity of Croatia. Serbian political parties organized gatherings of nationalist groups with the aim of spreading Serbian nationalism and inciting armed rebellion. At that time, digital technologies were not available, and they held a large number of public rallies and protests. At these, they openly threatened to call in volunteer military units from Serbia to protect the Serbian minority.

The president of neighbouring Serbia (Milošević) then publicly wrote about unjustified repressive measures by which Croatia revokes the freedom of expression of the Serbian national minority. Milošević later ended up on trial at the ICTY, and it was shown that he have concealed his hybrid activity in the supposed concern for national minorities. A very similar form of self-organization and the holding of fake elections or referendums was committed in Crimea in Ukraine in 2014, and decisions on secession were made too.

Blocking roads and railways

A group of hybrid activities in Croatia in 1990 was carried out with the aim of blocking railways, road routes and other types of traffic communications. This area of traffic communications is protected by criminal legislation primarily in the area of incriminating endangerment, and in the most serious aspects in the area of terrorism. There are no milder forms of action that would include violent disruptions of a lower intensity than terrorism. Sometimes it is difficult to prove all characteristics of terrorism, and in criminal law there could also be a new form that would include violent groups that did not cause such widespread consequences for security but have harmful effects and hostile intentions.

It is also not possible, according to the established facts, to observe such hybrid activities separately as individual occurrences of the actions of independent perpetrators, but as systematic actions of enemy units, and such actions should be prescribed as a more serious criminal offense. In areas of Croatia where Serbian terrorists tried to take power, they began road blockades called “*the log revolution*” because they placed logs across the roads. Such obstacles were manned by armed volunteer guards who occasionally robbed and searched citizens vehicles.

The mining of railway lines is specific because the use of explosive devices is a type of action that is different from other hybrid actions. In terms of the method of commission and severity, it causes significantly more serious consequences for security and should be classified as terrorism. Since October 1990, two railway lines in Croatia were mined, a few days later a third line, and six months later three more lines. At that time, numerous punishable activities were also carried out in relation to other types of transport, such as planting explosive devices, blowing up bridges, setting fires, systematic robberies at roadblocks and other violent actions.

Attacks on police stations or police officers

The most severe form of resistance to the legitimate authorities of Croatia was daily violent attacks on the police officers and other official bodies. After the declaration of secession,

Serbian terrorists began taking over government institutions, and then attacking police patrols and police stations, stealing weapons from police warehouses and organizing their own security units, the so-called *militia*. There were dozens of attacks on the Croatian police. Sometimes hundreds of armed rebels would gather and violently enter police stations, demanding the release of arrested Serbian terrorists, and threatening police officers with automatic weapons. Two police officers were wounded at a Catholic funeral, several cases of shooting from barricades were reported, and shooting at traffic police. One unusual case of confusion happened when Serbian terrorist have shoot at a police vehicle in which three Serbian police officers working for the Croatian police were at the time, and one of them died at the crime scene near Obrovac.

Several cases of throwing explosive devices at police stations, arson of police vehicles, and attacks on private homes of police officers were recorded (*Antić, 1991, 128*). Since 1991, systematic attacks on police stations have begun, the most serious of which was in Borovo Selo with 12 victims in May 1991. Weapons were stolen from police stations, as well as heavy war weapons from the World War II Memorial Centre.

Here too, the activities cannot be viewed as ordinary criminal acts of preventing officials or individual attacks, but rather as systematic hostile actions against the state. This should also be classified as terrorism or armed rebellion in terms of criminal law. If these are hostile activities related to another state, it would also be useful to highlight this aspect in a separate new qualification, because it makes a significant difference if the police officers are prevented by a group that has systematic support.

Power and water supply disruptions

Serbian rebels disrupted power supplies to neighbouring areas, damaged power lines, bridges, waterworks, and similar resources. Cutting pipelines or electrical connections is a form of action that, in criminal law, can be classified as property damage for ordinary perpetrators, but if an organized form has the aim of disrupting security, classifications from the field of terrorism would be justified. For example, the Zadar waterworks were blown up near the Maslenica Bridge in 1990, and the power lines were blown up near Josipdol in 1991. The both were classified as terrorism. These forms of action should also be viewed as part of a broader organized activity by an enemy state.

Organized Crime in Hybrid Threats

Serbian organized crime groups have also been involved in supporting armed hostile activities and should be seen in this context as part of terrorist or violent activities. Organized crime groups that have been involved in supplying weapons using smuggling routes, may also fall under the criminal offenses of preparation of terrorism or armed rebellion. In several cases, leaders of such criminal activities have been captured in Croatia. For example, the Serbian organized crime leader Arkan was arrested after entering in Croatia in December 1990 with a group of perpetrators and a large amount of military equipment. According to the information gathered, they intended to prepare an assassination on the President of Croatia. He was convicted, but managed to escape from prison in an unknown manner. Croatian police discovered a large number of smuggled military weapons in warehouses, hotels and similar facilities. Serbian radio stations advertised the distribution of weapons to Serbian population. Later it turned out that organized crime groups were establishing their own forms of governance

on the occupied area among the Serbian population, and that they occasionally committed criminal acts against the Serbian population that remained in those areas.

Attacks on citizens

During the attempt to take over parts of the Croatian territory, violent attacks on citizens were also classified as part of armed rebellion or terrorism. This group of attacks includes various types of threats to the security, life or property of citizens. In Croatia in 1990, Serbian terrorists committed numerous house invasions and robberies, assaulting and wounding citizens of Croatian nationality. They planted explosives in schools, radio stations, warehouses, churches, courthouses, monuments, post offices and similar facilities (*Antić, 1991*). According to reports from citizens, Serbian terrorists shot at citizens in catering establishments, construction workers, railway maintenance workers, priests, mentally ill citizens, funeral processions, and in one case they took football fans off a train and beat them. Various types of buildings were attacked, windows were broken, bombs were thrown at parked vehicles, family graves, restaurants, discos, flower shops, gas stations, and the like. For such actions, the classifications from the chapter on criminal offenses against life and body can be applied, but it would also be necessary to connect them with systematic hostile action, since this is a more serious act. In Croatian case law, the classification of the criminal offense of terrorism has been used in court judgments for blocking of traffic and seizing vehicles, making explosive devices, preparing a large number of explosive devices to be planted around the city, and similar violent acts.

Conclusions

The analysis show that the main problem for definition of hybrid threats within the framework of a criminal offence lies primarily in the great diversity of the methods of perpetration, the severity of the consequences and the different types of attacks. Hybrid threats differ in intensity and type depending on whether they are applied to a country that is in the immediate neighbourhood on the front line of attack, or to other distant states that play only a secondary role in the goals of the attacking state. Due to these differences, it is complex to define a single criminal offence in national or international law that would encompass all feasible forms and methods of perpetrating hybrid threats. Structurally, it would be possible to encompass most of them in a single criminal offence similar to terrorism, listing a larger number of methods of perpetration and protective objects.

However, since not all forms represent equally serious consequences, grouping them into paragraphs according to severity would be necessary. For this reason, several forms of hybrid threats should be graded depending on whether they cause human casualties, property damage, secession, extensive security breaches or other types of consequences. International law should designate such hybrid activities as new crimes in order to clearly emphasize their international unacceptability and to improve prevention. Secession actions such as those taken against Croatia in 1990 were repeated in Ukraine almost two and a half decades later. No new legal approaches had been developed in the meantime at the level of international or comparative criminal law that would adapt to such illegal forms of secession.

Hybrid threats are broad-based hostile actions that can cause various types of harmful phenomena. Hybrid activities represent the organized actions of a hostile state and should be regulated separately in order to emphasise such intentions. The function of criminal proceedings

is very important and without a final court verdict, various subsequent interpretations and disinformation about the persons or states responsible for the attacks would be possible.

The results of the analysis show that hybrid actions are currently not included in separate legal provisions on criminal offenses, nor the most serious forms of taking over territory by alleged self-determination, illegal annexation to other states, armed attacks or taking over institutions. As it currently stands, criminal offenses under national terrorism or armed insurrection legislation may apply to such cases.

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