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CRIMINAL LIABILITY FOR DISCLOSURE OF STATE SECRETS

ABSTRACT OF THE DOCTORAL THESIS IN LAW

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CONCEPTUAL FRAMEWORK OF RESEARCH

Relevance and importance of the addressed issue. Access to information is a fundamental principle of functioning in a democratic state, which in turn represents a means of societal control over the activities carried out by authorities or public institutions.

The right of individuals to have free access to information originates from the provisions of the Universal Declaration of Human Rights, adopted on December 10, 1948, through Resolution 217A during the third session of the United Nations General Assembly. According to this declaration, every individual has the right to freedom of opinion and expression, which implies the right not to be disturbed for their opinions and the right to seek, receive, and impart information and ideas, regardless of frontiers, through any means of expression.

The aforementioned concepts are reflected in the provisions of the supreme law of the Republic of Moldova, which state that the right of individuals to have access to any information of public interest cannot be restricted, and public authorities, within their competences, are obliged to ensure accurate information to citizens regarding public affairs and matters of personal interest.

At the same time, the legislature, in the constitutional provisions of the Republic of Moldova, establishes some exceptions regarding the exercise of the right to information, suggesting that its excessive realization could prejudice measures for the protection of citizens or national security.

In the current conditions of society's evolution and globalization, where the phenomenon of crime is rapidly spreading and penetrating virtually all vital and social spheres, addressing issues related to criminal liability for offenses that undermine public authorities and national security carries particular importance.

According to statistics on the number of offenses related to the disclosure of state secrets, as provided in Article 344 of the Criminal Code of the Republic of Moldova, during the period from 2012 to 2022, a total of **23** offenses were recorded, with the majority occurring in 2013 (4 cases) and 2021 (5 cases).

From this perspective, the issue of legal and criminal protection of classified information in various areas of social life, such as national defense, economy, science and technology, foreign relations, state security, ensuring the rule of law, and the activities of public authorities, becomes increasingly important. This is due to the fact that unauthorized disclosure of such information can cause considerable harm to legitimate interests and/or the security of the Republic of Moldova.

The originality of the thesis topic arises from the insufficient scientific studies conducted to date in the field concerning the specific legal and criminal aspects of the offense provided in Article 344 of the Criminal Code, particularly in terms of the existing problems in judicial practice. These problems include issues related to the culpability of the offense, the distinguishing aspects of the offense from other similar criminal or non-criminal acts, the assessment of the criminal norm in terms of its quality criteria and the principles of humanism in criminal law, as well as the identification of solutions aimed at revising the legislative norm provided in Article 344 of the Criminal Code of the Republic of Moldova in order to align it with the criteria of quality and the principles of humanism in criminal law.

Description of the research field and identification of the research problem. This work is based on an in-depth study of the legal framework for the protection of state secrets, scientific materials analyzing the legal and criminal aspects of the offense of disclosing state secrets, as well as a comparative analysis of criminal liability for such offenses under the criminal legislation of European Union member states, countries in the Commonwealth of Independent States, and other states.

Significant scientific contributions and undeniable contributions to the study of the offense of disclosing state secrets have been made by both domestic and foreign authors, including Borodac A., Macari I., Barbăneagră A., Brînză S., Stati V., Ulianovschi X., Grosu V., Țurcanu I., Berliba V., Gurschi C., Loghin O., Toader T., Dongoroz V., Kahane S., Oancea I., Soboleva T., Martășin M., Corsun R., Criucov S., Dvornicov A., Bucalerova L., Rabkin V., Vus M., Fiodorov

A., Gatagonova R., Certoprud S., Averbah O., Rezanov S., Şumilov A., Diacov S., Rarog A., Stepaşin V., Şimov O., Cozacenco I., Neznamova Z., Novoselov G., Gauhman L., Maximov S., Lebedev V., Scuratov Iu., Ignatov A., Pratt F., Laurence D. Smith, etc.

Within the thematic scope addressed in the scientific works of the aforementioned authors, the objective and subjective elements of the offense defined in Article 344 of the Criminal Code of the Republic of Moldova are highlighted. Aggravating circumstances of the studied offense are elucidated, and some historical aspects regarding the evolution of the legal framework in the field of state secret protection and acts compromising such information are addressed.

In textbooks, monographs, scientific articles, and other publications, a variety of definitions of the disclosure of state secrets can be found. However, in most cases, authors use common conceptual elements such as illegal transmission, communication to unauthorized persons, and the disclosure of non-public classified information.

At the same time, through the study of specialized scientific materials, different opinions of authors regarding certain elements that constitute the criminal composition of disclosing state secrets have been identified, including the material/immaterial object of the offense, the form of expression of the objective aspect (action/inaction), the category of criminal composition (material/formal), and the forms of criminal intent of the offender.

Based on a comparative study of the criminal legislation of other states, it has been found that provisions related to compromising or disclosing classified information, as in the case of the offense defined in Article 344 of the Criminal Code of the Republic of Moldova, are included in chapters dedicated to offenses against security, constitutional order, or the defense capacity of the state. This reflects the increased potential for harm to legitimate interests and/or national security resulting from the commission of such offenses. Additionally, the types of criminal penalties applied for committing such offenses are varied and depend on the specific characteristics of each state's legislation.

At the same time, it was noted that the criminal norm provided in Article 344 of the Criminal Code presents practically similar regulations to the criminal legislation of the Russian Federation, which refers to both the normative ways of committing the studied offense and the structure of the offense, which is also formal and is considered consummated from the moment the information constituting state secrets becomes known even to a single person who was not entitled to know them, if this does not constitute treason or espionage.

Considering the experience of other states regarding the application of criminal penalties for compromising information classified as state secrets, as well as taking into account the level of harm caused by these acts to national interests and/or security, it has been determined that the current criminal punishment provided by the legislator in Article 344 of the Criminal Code is largely in line with the criminal legislation of other countries.

Regarding the contemporary provisions of the current legal framework in the Republic of Moldova concerning the protection of state secrets, some provisions are outdated and do not meet the necessary level of resilience in relation to current security challenges, which have been intensifying in recent times due to the geopolitical situation worldwide.

These gaps are manifested by the lack of regulations stipulating additional checks for candidates who are to be granted access to state secrets, concerning their integrity and professionalism in handling such information. Moreover, after assuming respective positions, there is a need to include them in a permanent training and development system, regularly focused on the field of state secret protection.

Moreover, through the analysis of domestic legislation, it has been revealed that in the Republic of Moldova, certain types of sensitive information managed by public authorities or other legal entities are not adequately protected. The disclosure or compromise of such information could damage both the institution's reputation and its functional capacity. In this context, it would be beneficial to revise the provisions of Law No. 245/2008 on state secrets by including a new classification "official secret," referring to information whose unauthorized disclosure could harm the interests of public authorities or other legal entities.

The aim and objectives of the study. The aim of the study consists of conducting a thorough analysis of the legal and criminal issues related to the offense of disclosing state secrets, based on theoretical and practical research. This includes elucidating the objective and subjective elements of the offense, establishing criteria for distinguishing it from other similar criminal and non-criminal acts.

To achieve the mentioned aim, the following objectives have been formulated:

- Studying doctrinal sources and reviewing international and national regulations concerning the offense of disclosing state secrets.
- Examining in detail the objective and subjective elements of the offense as provided in Article 344 of the Criminal Code of the Republic of Moldova.
- Clarifying the aggravating circumstances of the offense of disclosing state secrets as stipulated in paragraph (2) of Article 344 of the Criminal Code of the Republic of Moldova.
- Conducting a comparative analysis of the criminal legislation of other countries regarding criminal liability for the offense of disclosing state secrets.
- Evaluating the punitive regime for the offense of disclosing state secrets.
- Establishing strict criteria for distinguishing the disclosure of state secrets from other criminal or non-criminal acts.
- Proposing legislative revisions to the norm specified in Article 344 of the Criminal Code of the Republic of Moldova.

Methodology of scientific research. In order to achieve the aims and objectives of the present study, the current legal framework, doctrinal materials, as well as judicial practice regarding the offense of disclosing state secrets were used.

Regarding the research methodology employed in this work, the following methods were utilized: logical method (based on inductive and deductive analysis, generalization, and specification of the issues addressed); historical method (applied to study the etymology of state secrets, the evolution of legislation related to the criminalization of disclosing state secrets, both domestically and internationally); systemic method (used in the process of studying national and international legal acts related to the protection of state secrets); comparative method (employed to differentiate the offense specified in Article 344 of the Criminal Code of the Republic of Moldova from other criminal or non-criminal acts).

Novelty and scientific originality. This study represents one of the first complex and multi-aspect theoretical and practical research on the offense of disclosing state secrets. Its scientific novelty and originality are reflected in presenting a unique perspective on *state secrets* and *the disclosure of classified information*. This will contribute to a more accurate understanding of these terms. Additionally, proposals have been put forward to amend the legislation in the field by introducing a new level of classification called - *official secret* and suggesting revisions to the legal provisions specified in Article 344 of the Criminal Code of the Republic of Moldova. These proposals aim to align the legislation with criteria of quality and principles of humanistic criminal law.

The theoretical significance of this work arises from addressing legal and criminal issues related to the offense of disclosing state secrets. The conclusions formulated could enhance the theoretical foundations of criminal law, considering the fragmented approaches in the field that pertain to compromising such information.

The practical value of this work will be felt primarily by law enforcement agencies, both in terms of legally classifying the offense under consideration and resolving practical challenges in the application of criminal law norms.

The main scientific results put forth for support consist of the theoretical and practical analysis of the offense of disclosing state secrets as stipulated in Article 344 of the Criminal Code of the Republic of Moldova. This includes elucidating its objective and subjective elements, establishing criteria to distinguish it from other similar criminal and non-criminal acts, as well as formulating normative solutions that, from a perspective, will help address existing gaps in

legislation related to administrative offenses and criminal law concerning the protection of state secrets.

Implementation of scientific results. The issues addressed and conclusions formulated in this work can be used in the training process of students in the first, second, and third cycles of higher education institutions with a legal profile. They can also be utilized by participants in continuing education courses and consulted by any reader interested in the field of legal and criminal protection of state secrets.

Approval of results. The research conducted in this work has been discussed in several national and international scientific conferences. At the same time, the core ideas presented in this work have been published in various scientific journals, such as the Scientific Annals of the "Ștefan cel Mare" Academy of the Ministry of Internal Affairs, the Scientific-Practical Journal "Law and Life," the National Journal of Law, the Collection of Scientific Articles of the Academy of Public Administration, the materials of the Scientific Conference of the State University of Moldova, and the Editorial Office: International Journal of Legal Studies, Warsaw (Poland).

Publications related to the thesis. Twelve scientific papers have been published on the topic of the doctoral thesis.

Keywords: disclosure, illegal transmission, state secret, national defense, state security, treason, espionage.

CONTENT OF THE THESIS

In **Chapter I**, entitled "Analysis of the Situation Regarding the Crime of Disclosing State Secrets in the Doctrine of Criminal Law," which consists of three subsections, a study was conducted on scientific materials concerning the crime of disclosing state secrets, published both in the Republic of Moldova and abroad. This allowed for a comprehensive and multi-aspect study of the nominated crime in this work, a retrospective analysis of the regulatory framework for the protection of state secrets, and the incrimination framework of acts compromising such types of information. The study also examined the personality of the offender, their purpose and motives for committing such acts, as well as the differentiation of the studied crime from other similar criminal and non-criminal acts through a comparative analysis of objective and subjective characteristics.

The topics addressed in the scientific works studied primarily highlighted the objective and subjective elements of the crime specified in Article 344 of the Criminal Code of the Republic of Moldova. The aggravating circumstances of the studied crime were elucidated, along with historical aspects regarding the evolution of the regulatory framework in the field of state secret protection and acts compromising such information.

One of the works that is significant for the comprehensive study of the crime of disclosing state secrets in this thesis is "Manual of Criminal Law. Special Part (with amendments and additions until 22.04.2004)" by the author Borodac A. Through his scientific research, the author contributed to the proper understanding of the essence of criminal law and the socio-legal significance of criminal legislation norms.

During the legal and criminal analysis of the studied act, the author expressed his opinion regarding the expression of the objective aspect of the crime specified in Article 344 of the Criminal Code. According to the author, this aspect can be manifested not only through action (as argued by most authors) but also through inaction, taking into account the violation of rules regarding the preservation of secret documents. This violation can facilitate access to classified information, as well as the failure to take necessary measures to ensure their preservation or security measures required by the offender who has the right to access state secrets.

Furthermore, the author presented his own perspective on the necessary conditions for qualifying the crime of disclosing state secrets as stipulated in Article 344 of the Criminal Code. According to this perspective, the simultaneous presence of two conditions is necessary:

1. Violation of the rules regarding the preservation of state secrets, the order of which is established by certain normative acts to which the law enforcement agencies and courts must refer.
2. Disclosure of non-public information.

If one of these conditions is absent, criminal liability is excluded, and in the case of violation of the rules regarding the preservation of state secrets without disclosure, it may constitute an administrative offense [3, p. 537-538].

Similar practical views on the expression of the objective aspect of disclosing state secrets are shared by the author Macari I. in his manual "Criminal Law of the Republic of Moldova. Special Part."

According to the author's understanding, the act specified in Article 344 of the Criminal Code is not only expressed through *action*, i.e., the active behavior of the perpetrator, through which state secrets can be disclosed (any violation of the rules regarding the preservation of documents or material carriers containing state secrets, which would reveal the content of these documents or material carriers to foreign persons), but also through *inaction* on the part of the offender, manifested by the violation of rules regarding the preservation of documents, which facilitates access to classified information, as well as the failure to take necessary measures to ensure their preservation or security measures [15, p. 425].

Another work of no less importance for the conduct of this study is the "Commentary on the Penal Code of the Republic of Moldova (with amendments until August 8, 2003)" elaborated by the author Barbăneagră A.

Within the Commentary, the essential theses of each article (general part) as well as the elements of the offense's components (special part) were succinctly presented. At the same time, all notions, expressions, and qualifying signs of the incriminated act in the criminal law were rationally defined in the new code's understanding.

In addition, in the content of the work, the author proposed his own definition of the term "disclosure of state secret," which, in his opinion, occurs through "the publication of such data, as a result of which they become known to persons who, due to the nature of their activities or official duties, do not have access to them."

At the same time, based on domestic judicial practice, the author referred to serious consequences in the context of determining aggravating circumstances as a result of the disclosure of information attributed to state secrets. These consequences can be manifested by transmitting the data to the hands of a foreign intelligence service, thwarting important state actions, the death of a person involved in information gathering, counterespionage actions, or special investigative measures (confidential collaborator, agent, etc.) when such information becomes known to unauthorized persons etc. [1, p. 733].

Equally significant for the foundation of the research proposed to be carried out in this thesis is the work "Treatise on Criminal Law. Special Part. Vol. II" by authors Brînză S. and Stati V. It represents a valuable scientific research on the legal-criminal aspects of offenses included in the Special Part of the Penal Code. It serves as a multifunctional instrument that allows for the analysis of the effectiveness of special criminal law norms based on the solutions of judicial practice, as well as the comparative investigation of domestic and foreign incriminations.

When conducting the legal-criminal analysis of the offense of disclosing state secrets, the authors refer to a complex of organizational, legal, technical, engineering, cryptographic, investigative, and other measures aimed at preventing the disclosure of information attributed to state secrets. According to them, these measures do not always prove their effectiveness.

Therefore, as *ultima ratio*, the application of legal-criminal means provided for in Article 344 of the Penal Code is suggested, which are intended to ensure the effective defense of the rule of law against the offense of disclosing information that constitutes a state secret by a person to whom such information has been entrusted or has become known in connection with their service or work.

At the same time, the authors emphasize the importance of strictly preserving information that constitutes a state secret, the disclosure of which can endanger the security of the state, under the aspect of affecting the country's economic base and defense capacity. [4, p. 76, p. 90 și p. 92].

Equally important for this study is the manual by the team of authors Brînză S., Ulianovschi X., Stati V., Grosu V., and Țurcanu I. in their work "Criminal Law. Special Part. Volume II. 2nd Edition."

In that work, taking into account methodological recommendations for performance in modern doctrine, the authors have developed a typology of offenses provided for in the Special Part of the Penal Code and have highlighted solutions regarding the identification of differences and similarities between offenses.

In the context of the legal-criminal analysis of the disclosure of state secrets, the authors referred to the need to delimit the object of the offense incriminated in Article 344 of the Penal Code of the Republic of Moldova. According to their opinion, depending on the entity (which can be both material and incorporeal) directly targeted by the offense, through which the legal object of the offense is affected, the act can have both a *material* and an *immaterial* object. [5, p. 95].

In addressing certain signs of the subjective aspect of the studied offense, such as the purpose and motive of the offender, the manual titled "Criminal Law of the Republic of Moldova. Special Part" [15] by author Macari I. is of interest in this work. Its applicative value lies in

complementing the theoretical aspect of the study with practical results obtained from conducted investigations.

The mentioned work involves a comprehensive research on the *motive* and *purpose* of the offense from a correlational and compositional perspective in order to reveal their concepts, characteristics, modalities, and respective manifestations. It also puts forward proposals for humanizing the current criminal law, which would enhance the effectiveness of applying and individualizing penalties for certain categories of offenses where the legislator, through its incriminating text, qualifies such sub-elements of the subjective aspect of the offense, such as motive and criminal purpose.

In the perspective of the aforementioned, the author argues that, as a *motive* for the offense specified in Article 344 of the Criminal Code, self-glorification often appears, with the offender seeking to demonstrate their level of knowledge, competence, importance, and significance of their personality in solving practical problems.

In addition to the aforementioned works, the manual by the group of authors Barbăneagră A., Berliba V., Gurschi C., and others, titled "Annotated and Commented Penal Code," is relevant to the present study. It is a pioneering work and one of the first manuals in which the domestic Penal Code is annotated, based on the latest amendments to the domestic legislation, the most recent decisions of the Plenum of the Supreme Court of Justice, and significant national judicial rulings.

Considering that the offense of disclosing state secrets specified in Article 344 of the Criminal Code of the Republic of Moldova, in terms of its objective and subjective elements, may initially show some related or similar signs to other types of offenses against public authorities and state security (e.g., *treason* [Article 337 of the Criminal Code], *espionage* [Article 338 of the Criminal Code], or *loss of documents containing state secrets* [Article 345 of the Criminal Code]), the authors, in their juridico-criminal analysis of offenses in the special part of the Criminal Code, refer to distinguishing the studied offense from other similar acts through a comparative study of objective and subjective signs [2, p. 554].

In the manual titled "Romanian Criminal Law. Special Part. 4th Revised and Expanded Edition with the Amendments to the Criminal Code by Law No. 197 of November 13, 2000, and Emergency Ordinance No. 207 of November 15, 2000," authors Loghin O. and Toader T. conducted a comprehensive study of criminal law norms in terms of their historical evolution and their correlation with the causes and conditions that explain their emergence, existence, and modification. They thoroughly analyzed the criminal acts in the special part of the Romanian Criminal Code in terms of their constituent elements.

In this manual, the authors elucidated the objective and subjective signs of offenses related to compromising state secrets. Similarly to some domestic authors, they believe that the object of the incriminated act can be both material and immaterial, depending on the entity (material or incorporeal) directly affected by the offense [14, p. 73].

Of unquestionable importance for this work, in the context of the comparative analysis of the offense of disclosing state secrets in relation to the criminal legislations of other countries, is the Penal Code elaborated by Romanian jurists under the coordination of magistrate and professor Toader T.

This Penal Code includes the translation and consolidation of all the criminal codes of the European Union member states (Romania, Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Croatia, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Grand Duchy of Luxembourg, Malta, Kingdom of the Netherlands (Netherlands), Sweden, Slovakia, Slovenia, Spain, Hungary, France, Italy, Greece, Poland, Portugal, etc.) into Romanian.

As a result of the analysis, it was found that in the vast majority of cases, the criminal legislations studied incriminate acts of compromising or disclosing state secrets. Furthermore, similar to the offense specified in Article 344 of the Criminal Code of the Republic of Moldova, these offenses are found in chapters dedicated to offenses against security, constitutional order, or

the defensive capacity of the state, based on the increased degree of harm that can be inflicted on legitimate interests and/or state security as a result of committing these offenses.

At the same time, considering the experience of other states regarding the application of criminal penalties for compromising information classified as state secrets, as well as the level of harm caused by these acts to national interests and/or security, it was established that the current criminal punishment provided by the legislator in Article 344 of the Criminal Code is largely in line with other states [6].

In the manual "Theoretical Explanations of the Romanian Penal Code. Special Part. Vol. III," the team of authors Dongoroz V., Kahane S., Oancea I., and others conducted a comprehensive study of the objective and subjective elements of offenses in Romanian criminal legislation, also referring to the legal and criminal analysis of acts related to the compromise of state secrets.

In this context, the authors emphasize the importance of complying with the provisions of the legislation regarding the protection of state secrets, stating that: "Preserving the secrecy of data or documents related to the national economy, the level of technological and scientific achievements, and the military structure of the country is one of the main conditions for ensuring the economic, political, and military independence and sovereignty of the state. Therefore, the disclosure or exposure of secret documents can create a risk to state security" [11, p. 138-139].

Referring to the specialized works of Russian authors used in this study, special attention is given to the scientific research conducted by author Soboleva T. In her manual "История шифровального дела в России" (History of Cryptography in Russia), the author conducted an extensive study on the historical premises of state secrets, the methods of encrypting such information used in ancient times, as well as the first appearance of specialists in secret writing who served in the public sector [37, p. 1-2].

In his doctoral thesis "Государственная тайна как объект конституционно-правового регулирования" (State Secret as an Object of Constitutional and Legal Regulation), author Martășin M. carried out a comprehensive analysis of the concept of *state secrets* from the perspective of constitutional provisions.

The author highlighted specific criteria that allow the distinction of state secrets from other types of secrets (such as banking, commercial, professional, etc.) regulated by the current legislation of the Russian Federation. The thesis also revealed the specificity of constitutional norms in regulating the institution of state secrets at the present stage.

Furthermore, within the thesis, the author conducted an in-depth study of the evolution of the term "state secret," noting that this type of information appeared simultaneously with the stages of human development during the formation of primitive communities. Through a detailed historical analysis of the formation of primary social relations, the author mentions that the term "state secret," which represented a type of information in the realm of secrecy, emerged from ancient times, coinciding with the appearance of the first state formations. This was conditioned by the necessity of excluding certain sensitive information related to the vital sphere of the state from open circulation and protecting it [32, p. 94].

At the same time, the author provided a retrospective of the stages of development of regulatory provisions in Russia regarding classified information, referring to the penalties applied for disclosure or loss during that period [32, p. 95].

Similarly, among the notable works for this thesis are the scientific research conducted by author Corsun R. In his doctoral thesis "Правовой институт государственной тайны и его отражение в законодательстве государств, входящих в СНГ" (Legal Institution of State Secrets and Its Reflection in the Legislation of CIS Countries), the author conducted a detailed analysis of the theoretical and normative issues related to the formation of institutions for the protection of state secrets. The thesis examined the historical stages of the development of the regulatory framework in the field of classified information in the Russian Federation and carried out a comparative study of the legal framework of CIS countries in the field of state secret protection.

According to the author's understanding, "state secret is one of the indispensable elements of the state power mechanism, which aims not only at the imperative of protecting certain specific categories of information from potential disclosure but also, with a political connotation, it is absolutely necessary for the exercise of state competences."

Furthermore, conducting a comparative analysis of the legal framework regarding the protection of state secrets in the member states of the Commonwealth of Independent States CIS, the author has reached the conclusion that the majority of countries (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Turkmenistan, Uzbekistan) have retained the authenticity of legal exposure of state secrets similar to the provisions of the former Soviet Union's legislation in its final stage, while the rest of the countries have adopted their own laws regarding state secrets.

However, in general terms, the meaning of the term "state secret" as expressed in the legislation of CIS member states in that field has a practically similar content [29, p. 197].

In-depth study and meticulous scientific research on constitutional regulations aimed at restricting the rights and fundamental freedoms of individuals for the protection of state secrets, as well as a comparative analysis of the constitutional provisions of other countries concerning the protection of classified information for national security, are carried out in the doctoral thesis titled "Конституционные основы ограничения основных прав и свобод человека и гражданина в целях защиты государственной тайны" by the author Criucov S.

In the content of the work, the author conducts a thorough analysis of the constitutional regulations of the United States in relation to the national system for the protection of state secrets. They address the normative methods of classifying information as state secrets, as well as the measures for their protection, in accordance with the provisions of the Executive Order of the President of the United States No. 12958, dated April 17, 1995, "Classified National Security Information." They also provide an interpretation of the term "classified information relating to national security" as defined in the mentioned executive order [30, p. 70].

The doctoral thesis "Уголовно-правовая охрана государственной и служебной тайны в органах внутренних дел" by the author Dvornicov A. plays an undeniable role in the completion of this work.

Within the thesis, the author carries out a comprehensive analysis of crimes related to compromising information classified as state secrets and those involving official secrets. Proposals for improving the incrimination framework regarding such types of offenses are also presented, in accordance with the provisions of the criminal legislation of the Russian Federation.

Furthermore, the author supports the idea that the meaning of the term "state secret" should be derived from its legal nature, which emerges from the specific character of such types of information.

In light of this, the author proposes clearly defined criteria that allow for the distinction between classified and non-classified information.

According to the author's perspective, a state secret is defined as "information, the confidentiality of which is established by normative acts (laws or government resolutions) regulating the military, foreign policy, economy, foreign information, counterintelligence, and special investigation activities, the compromise of which may pose a threat to national security and entails criminal liability" [25, p. 29-30].

At the same time, the author shares his view on the intangible object of the offense of disclosing state secrets, which, in his opinion, is represented by secret information that is established and managed through non-material carriers (human memory, verbal or non-verbal communication). The author presents the intangible object as intellectual bearers of state secrets, which pertain to types of information that cannot be exposed or fixed on objects with material properties [25, p. 86-87].

In the context of addressing the immaterial object of the crime of disclosing state secrets, the reflections of the author Bucalerova L. are of interest. In her monograph "Уголовно-правовая охрана официального информационного оборота" (Criminal and Legal Protection of Official Information Exchange), she conducted an extensive study of the phenomenon of criminality in the

field of information, accompanied by trends in the association of state institutions with criminal structures, for the purpose of accessing and unlawfully using classified information.

The author highlights some aspects related to the problem of supervising subjects with access to state secrets in order to prevent information compromise: "On the one hand, considering one of the capacities of the human brain, such as the absolute impossibility for a stranger to enter one's memory to access its content, makes it an ideal bearer of information. On the other hand, it is not possible to control and prevent the improper handling of information by the subject who has the legal obligation to keep such information" [21, p. 240].

Similar to the works discussed above, the scientific findings of the author Rabkin V., presented in his doctoral thesis "Конституционные основы защиты государственной тайны в Российской Федерации" (Constitutional Foundations of State Secrets Protection in the Russian Federation), are of importance for the present study. In his thesis, he conducted a comprehensive study on the practical application of constitutional norms in the field of state secrets protection in the Russian Federation.

Additionally, the thesis thoroughly analyzed the norms of the supreme law regulating social relations in the sphere of classified information protection, and it proposed some draft laws to address inconsistencies in the regulatory framework regarding state secrets.

The reflections of the author emphasize that state secrets, viewed from the perspective of the legal system, should be perceived as an institution with a "tricomponent" structure composed of a group of norms:

- regulating the conditions and criteria for assigning certain types of information to a system of restricted access (referred to as a sub-institution of state secrets);
- determining measures or mechanisms for the legal protection of information from illegal handling or compromise (sub-institution of state secrets protection);
- providing for the application of sanctions for the illegal handling or compromise of information assigned as state secrets (sub-institution of law enforcement) [33, p. 20].

Authors Vus M. and Fiodorov A., in their monography "Государственная тайна и её защита в Российской Федерации" (State Secrets and Their Protection in the Russian Federation), provide interpretations and comments on the current provisions of Russian legislation regarding the protection of state secrets, as well as an in-depth analysis of its practical application.

The authors refer to the first historical mentions found in the General Regulations of 1720, which contain regulatory provisions regarding the protection of secrets in the public service in Russia, as well as the application of penalties for those who "secretly take something from official letters and documents" [22, p. 13].

In the scientific article "Legal Support for Entrepreneurial Activity, Corruption. Formation and Development of the State Secret Protection Institute in Russia" published by author Gatagonova R., a historical overview is provided on the development of criminal legislation regarding the protection of state secrets in pre-revolutionary Russia.

The author points out that for the first time, these aspects were reflected in the Criminal and Correctional Code of 1845, which included the section "On Crimes against the State" containing a list of illicit acts constituting high treason, such as the communication of "state secrets to a foreign government" by a Russian official, abuse of trust by a diplomat or another state official "with malicious intent against the homeland," and others [23, p. 116].

Moreover, important works referring to the early historical appearances of state secrets, the historical development of regulatory acts in the field of protecting such information, and the criminal norms incriminating the compromise of state secrets are found in the works of Russian authors Certoprud S. [38], Averbakh O. [20], and Rezanov S. [35].

Among the works that significantly contributed to the present study is the manual by author Shumilov A. – „Преступления против основ конституционного строя государства: Комментарий к главе 29 УК РФ. С постатейным приложением нормативных актов и документов” ("Crimes against the Foundations of the Constitutional System of the State: Commentary on Chapter 29 of the Criminal Code of the Russian Federation. With post-article

appendix of regulatory acts and documents"), which provides a theoretical and practical commentary on offenses included in the chapter "Crimes against the Constitutional Order and National Security" of the Russian Federation's Criminal Code, as well as references to judicial practice related to crimes in the aforementioned chapter.

The author conducted a thorough analysis of the objective and subjective elements of the offense of disclosing state secrets, including situations that exclude the criminal nature of the offense. These circumstances include cases where the recipient or sender of information attributed to state secrets cannot be considered legally responsible for their disclosure. For example, individuals who lack the capacity to understand or perceive the nature of the information they have become aware of as state secrets (e.g., minors, illiterate or semi-literate persons, individuals with chronic mental illnesses, temporary mental disorders, or other pathological conditions, citizens of a foreign state who do not understand the language in which the information was addressed).

Similarly, the author discusses circumstances in which individuals who come into possession of information constituting a state secret without any intention to acquire it (e.g., accidentally finding documents with a secrecy stamp or receiving secret information during private conversations with a colleague) cannot be held criminally liable [39, p. 72-73].

Another significant work for this study is the monograph by author Diacov S. „Государственные преступления против основ конституционного строя и безопасности государства и государственная преступность” ("State Crimes against the Foundations of the Constitutional System and State Security and State Criminality"), which provides a comprehensive juridical and criminological analysis of offenses that undermine the constitutional order and national security, as well as a retrospective examination of such crimes in different historical periods.

Furthermore, the author conducted a detailed analysis of the objective and subjective elements of the offense of disclosing state secrets, provided their own definition of disclosing state secrets, and referred to judicial practice in the Russian Federation regarding acts compromising information attributed to state secrets.

The study also addressed the issue of assessing the harmfulness of such acts by competent authorities or the court and the necessary activities to neutralize any negative consequences for the country's interests and/or security [26, p. 320].

The manual „Уголовное право. Особенная часть в вопросах и ответах” ("Criminal Law. Special Part: Questions and Answers") by the author team Rarog A., Stepashin V., and Shimov O. provides useful legal support, including extensive discussions on the objective and subjective elements of the specific provisions in the criminal legislation of the Russian Federation, with references to relevant judicial precedents.

In the context of clarifying the objective and subjective elements of the offense of disclosing state secrets, the authors also address the characteristics of the subject of the offense, who attributes the special quality to it [34, p. 244].

Therefore, we can observe that the signs described by Russian authors are practically identical to the signs of the subject of the offense of disclosing state secrets specified in Article 344 of the Criminal Code of the Republic of Moldova, considering the signs that attribute the special quality to the subject and the minimum age required by the legislator to hold them criminally responsible.

In the authors' manual Cozacenco I., Neznamova Z., Novoselov G., „Уголовное право. Особенная часть: Учебник для вузов” ("Criminal Law. Special Part: Textbook for Universities"), the description of the legal and criminal aspects of the norms in the Russian criminal legislation, the classification of crimes, is presented in a non-traditional and specific manner. Depending on their nature and harmfulness, certain aspects are addressed regarding the exemption from criminal liability in the case of disclosure of data or information that constitutes a state secret.

As an example, the authors refer to situations where the perpetrator was deceived by the person who received classified information, presenting false documents indicating the right of access to state secrets. In such cases, the perpetrator is released from criminal liability [28, p. 782].

Authors Gauhman L. and Maximov S. in their manual „Уголовное право. Особенная часть” (“Criminal Law. Special Part”), addressing the legal and criminal aspects of crimes in the Russian criminal legislation, believe that the expression of the objective element of the crime of disclosing state secrets is characterized only by actions manifested through disclosure.

At the same time, the authors' opinion regarding the composition of the offense of disclosing state secrets is debatable, according to which it constitutes a material element, stating that the objective aspect of the act is characterized by actions, harmful consequences, and a causal link between them [24, p. 299].

Author Lebedev V. in his manual „Комментарий к Уголовному кодексу Российской Федерации (2-е издание, дополненное и исправленное)” (“Commentary on the Criminal Code of the Russian Federation (2nd edition, supplemented and revised)”), conducted a legal and criminal study of offenses in the special part, based on existing judicial practice. In his work, the author also addressed the multiple aspects and constitutive signs of the offense of disclosing state secrets [31, p. 599].

Authors Scuratov Iu., Lebedev V., Ignatov A., and others, who are well-known in the circles of theorists and practitioners in the field of law, for their contributions to the development and improvement of the criminal legislation of the Russian Federation, as well as their contribution to the science of criminal law, conducted an extensive analysis of each article in the special part of the Russian Criminal Code in their monography „Комментарий к Уголовному кодексу Российской Федерации” (“Commentary on the Criminal Code of the Russian Federation”), based on both the existing normative framework and archives from judicial practice in the field.

The monography also addressed situations that constitute an attempt to commit the offense of disclosing state secrets, which, according to the authors, is manifested by the possession of information attributed to state secrets for the purpose of subsequent disclosure [36, p. 723].

The work of author Pratt F., "Secret and Urgent: The Story of Codes and Ciphers," is of indisputable importance for the present study and for the science of contemporary cryptography in general. It is dedicated to a study of the evolution of methods of encrypting information used by humanity in different historical stages [17].

In the mentioned work, the author provides a retrospective of the first regulatory provisions related to the protection of secret information, their historical role in consolidating statehood, as well as the categories of penalties applied for compromising information attributed to state secrets.

Equally noteworthy is the monography "Cryptography: The Science of Secret Writing" by author Smith L.D., who conducted an extensive historical study of the early appearances of encrypted information, providing detailed accounts of the systems and methods of encrypting secret information that existed in different historical periods [19].

In light of the aforementioned, it should be noted that in textbooks, monographs, published scientific articles, etc., a plurality of definitions of the disclosure of state secrets are encountered. However, in the majority of cases, authors use some common conceptual elements, such as illegal transmission, communication to unauthorized persons, disclosure of secret information not intended for public use, etc.

In the given context, the comparative analysis of the normative framework regarding the protection of state secrets of the CIS member states, conducted by the author Corsun R., is of interest. The author concluded that the majority of countries (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Turkmenistan, Uzbekistan) have retained the authenticity of the legal presentation of *state secrets* in their legislation, similar to the provisions of the legislation of the USSR in its final stage, while the rest of the countries have adopted their own laws on state secrets.

However, in general terms, the meaning of the term "state secret" as expressed in the legislation of the CIS member states in that field has practically similar content [29, p. 197].

Referring to the contemporary provisions of the current normative framework in the Republic of Moldova regarding the protection of state secrets, as a result of the analysis, it was found that some provisions are outdated and do not correspond to the necessary level of resilience in relation to the current security challenges, which have recently been increasing in intensity, considering the geopolitical situation in the world.

Such gaps are evident in the lack of regulations stipulating additional checks on candidates who are to be granted the right to access state secrets regarding their integrity and professionalism in handling such information. After their appointment to respective positions, they should be included in a permanent system of training and improvement, with a pre-established regularity, in the field of the protection of state secrets.

Furthermore, as a result of the analysis of domestic legislation, it was revealed that in the Republic of Moldova, certain types of sensitive information managed by public authorities or other legal entities are not protected, and their disclosure or compromise could harm both the institution's reputation and its functional capacity. In this context, it would be welcome to revise the provisions of Law No. 245/2008 on state secrets by adding a new classification label "official secret, comprising information whose unauthorized disclosure could harm the interests of public authorities or other legal entities."

At the same time, the study of specialized scientific materials revealed different opinions among authors regarding certain elements that constitute the criminal components of the disclosure of state secrets, such as the material/immaterial object of the offense, the form of expression of the objective aspect (action/inaction), the category of the criminal component (material/formal), and the forms of guilt of the offender.

Based on a comparative study with the criminal laws of other countries, it was found that the provisions of criminal norms regarding the compromise or disclosure of classified information, as in the case of the offense specified in Article 344 of the Criminal Code of the Republic of Moldova (CC RM), are placed in chapters dedicated to offenses against security, constitutional order, or the defense capacity of the state, based on the increased potential harm that can be caused to legitimate interests and/or state security as a result of committing such offenses. At the same time, the categories of criminal penalties applied for the commission of such offenses are quite varied, based on the specific characteristics of the legislation of each state.

It was also noted that the criminal norm provided in Article 344 of the Criminal Code has practically similar regulations to the criminal legislation of the Russian Federation, which refer both to normative methods of committing the studied offense and to the structure of the criminal components, which are also formal and considered consummated from the moment when the information constituting a state secret became known to even a single person who was not entitled to know it, unless it constitutes treason or espionage.

Considering the experience of other states regarding the application of criminal penalties for the compromise of information classified as state secrets, as well as taking into account the level of potential harm caused by these acts to national interests and/or security, it has been established that the current criminal punishment provided by the legislator in Article 344 of the Criminal Code largely corresponds to the criminal legislation of other countries.

In **Chapter II** of the work, entitled "Defining and Normative Aspects Regarding the Crime of Disclosure of State Secrets," which includes four subchapters, a retrospective analysis of international and national regulatory frameworks regarding the crime of disclosure of state secrets was conducted, addressing evolutionary and etymological aspects of the term "secret."

The concept of state secrets and the levels of classification were presented, as well as the principles of attributing information as state secrets and their classification. Additionally, the methods of attributing information to state secrets were discussed in accordance with the current legislation.

Simultaneously, a comparative study of the crime of disclosing state secrets was conducted, considering the criminal laws of other countries such as Romania, Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Croatia, Denmark, Estonia, Finland, Germany, Latvia, Lithuania,

Luxembourg, Malta, the Netherlands, Sweden, Slovakia, Slovenia, Spain, Hungary, France, Italy, Greece, Poland, Portugal, Russia, Kazakhstan, Uzbekistan, Tajikistan, Kyrgyzstan, Belarus, and Ukraine. It was found that, for the most part, these countries provide for criminal liability for offenses related to compromising or disclosing state secrets. Similarly to the criminal legislation in Moldova, these offenses are classified in chapters dedicated to offenses against security, constitutional order, or the defense capacity of the state, considering the increased potential harm that can be caused to legitimate interests and/or state security as a result of committing these crimes.

Retrospectively examining the term "state secret," it was observed that such types of information have accompanied humanity throughout its development, and each state has attempted to protect them from possible loss or leakage through various methods. One of the oldest methods of protecting such information was cryptography, a term of Greek origin that translates as "secret writing" or "hidden writing," with "κρυπτός" (*kryptós*) meaning hidden and "γράφειν" (*gráfein*) meaning to write. The exact historical period when cryptography emerged, its original forms, and its creator have not been determined. American cryptographer L.D. Smith mentioned that cryptography predates the Egyptian pyramids [19].

Historical documents from ancient civilizations, such as India, Egypt, and Mesopotamia, contain information about systems and methods of encrypted message transmission.

It is noteworthy that ancient Indian manuscripts documented more than 60 methods of writing, including those that can be considered cryptographic, ensuring the secrecy of correspondence. During that period, there was a description of a system that replaced vowels with consonants and vice versa.

Based on this historical overview, it was observed that the protection of secret information was ensured not only through encryption but also through the adoption of certain laws or codes, violation of which carried criminal penalties. Such offenses were considered serious and fell into the category of crimes against the state, along with treason, conspiracy, rebellion, etc., sometimes punishable by death.

During the process of developing the current domestic legislative framework on state secrets, the legislator aimed to align it with European Union standards, particularly the provisions of the EU Council Security Regulation adopted on March 19, 2001 (2001/264/EC) [10], as well as the legislation of European states concerning classified and public interest information. Special attention was given to the Law of the Republic of Lithuania on State Secrets and Official Secrets, the Law of the Republic of Latvia, and the Law of the Czech Republic on State Secrets [16].

Law No. 245-XVI of November 27, 2008, repealed Law No. 106 of May 17, 1994, on state secrets.

The repealed law [13] defined state secrets as "information protected by the state in the military, economic, technical-scientific, foreign policy, reconnaissance, counterintelligence, and investigative activities, the dissemination, disclosure, loss, theft, or destruction of which could jeopardize the security of the Republic of Moldova."

Conceptually, the definition of state secrets in the old law was borrowed from the provisions of the Russian Federation Law No. 5485-1 of July 21, 1993, on state secrets (Закон Российской Федерации «О государственной тайне» от 21.07.1993 N 5485-1), according to which state secrets consist of information protected by the state in the military, foreign policy, economic, reconnaissance, counterintelligence, and investigative activities, the dissemination of which could harm the security of the Russian Federation [27].

Taking into account the opinions and views expressed in the specialized literature, as well as the provisions of the current regulatory framework, the definition of *state secret* has been proposed as follows: information protected by the state in the field of national defense, economy, science and technology, foreign relations, state security, maintenance of the rule of law, and the activities of public authorities, as well as the physical carriers in which such information is presented in the form of texts, signs, symbols, images, signals, technical solutions, processes, whose transmission, disclosure, or loss would allow unauthorized individuals or those without the

right to access state secrets to become the owners of such information, thereby compromising the legitimate interests and/or security of the Republic of Moldova.

Considering that in the Republic of Moldova, certain types of *sensitive* information managed by public authorities or other legal entities are not protected by the existing regulatory framework, and their disclosure could harm both the institution's reputation and its functional capacity, it is argued that the provisions of Law No. 245/2008 on state secrets should be revised by adding the classification "official secrets," which represents a level of classification assigned to information whose unauthorized disclosure could prejudice the interests of public authorities or other legal entities.

Regarding the contemporary provisions of the current regulatory framework in the Republic of Moldova regarding the protection of state secrets, an analysis revealed that some of these provisions are outdated and do not correspond to the necessary level of resilience in relation to the current security challenges, which have recently experienced an increasing intensity, considering the geopolitical situation in the world.

Such gaps are evident in the absence of regulations that stipulate additional checks on candidates who are to be granted access to state secrets, specifically regarding their integrity and professionalism in handling such information. Furthermore, after assuming respective positions, these individuals should be included in a permanent training and improvement system, with pre-established regularity, in the field of protecting state secrets.

In this context, it would be beneficial for the legislature to regulate such additional checks on candidates for positions with access to state secrets, as well as to create distinct systems for training officials (after their appointment to positions with access) within the content of the current regulatory framework in the field of protecting state secrets.

At the same time, based on a comparative study of the offense of disclosing state secrets with the criminal laws of other countries, the following conclusions can be drawn:

In the provisions of the criminal codes of the European Union member states, some CIS countries, and other foreign countries (Romania, Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Croatia, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Netherlands, Sweden, Slovakia, Slovenia, Spain, Hungary, France, Italy, Greece, Poland, Portugal, Russia, Kazakhstan, Uzbekistan, Tajikistan, Kyrgyzstan, Belarus, and Ukraine), similarities and differences were identified regarding the methods of disclosing secret information, as well as the categories of criminal liability prescribed for such offenses, which are applied based on the specific characteristics of each country's legislation.

Conceptual similarities were found regarding the significance of state secrets, which are defined in the legislations of these countries as "facts, objects, writings, information, etc., in the field of national security, defense of the country's territory, economy, important public or private interests, the sphere of domestic or international political interest, the disclosure or compromise of which is likely to harm the legitimate interests and/or security of the state."

Similar to the criminal legislation in the Republic of Moldova, criminal liability for offenses related to compromising or disclosing state secrets is largely found in chapters dedicated to offenses against security, constitutional order, or the defense capacity of the state, considering the increased potential harm that can be caused to legitimate interests and/or state security as a result of committing these crimes.

Regulations that are practically analogous have been attested, referring to both the normative methods of committing the studied offense and the compositional structure of the offense in the criminal legislation of the Russian Federation, which is also formal and considered consummated from the moment the information constituting state secrets became known even to a single person who was not authorized to know them.

At the same time, it has been found that Romanian criminal legislation is more varied in terms of incriminating acts related to the compromise of information classified as state secrets, compared to domestic criminal legislation.

The harshest criminal penalties for the disclosure or compromise of information classified as state secrets have been identified in the Criminal Code of the Czech Republic, the Criminal Code of the Grand Duchy of Luxembourg, the Criminal Code of Greece, etc.

Relatively milder sanctions for the mentioned offenses are found in the criminal codes of the Kingdom of Denmark, Cyprus, Slovenia, etc.

Chapter III of the thesis, titled "Objective and Subjective Elements of the Offense of Disclosure of State Secrets," which includes six subsections, elucidates the elements and signs of the offense of disclosing state secrets, such as the legal object, the material/immaterial object, the objective aspect with a detailed description of its methods and signs, the subject and the subjective aspect, and presents real cases that have occurred in national judicial practice.

In addition, aggravating circumstances have been addressed as a result of the disclosure of information classified as "top-secret" or "secret." In this context, a critical analysis of the phrase "serious consequences," an evaluative sign used in the studied criminal norm, was conducted.

Considering the different opinions of criminal law experts and authors of specialized literature regarding the signs of the subjective aspect characteristic of the offense of disclosing state secrets, as well as to exclude any extensive and sometimes erroneous interpretation of this sign by the investigating body, it would be welcome to expressly stipulate in the criminal norm the form of culpability that characterizes the studied offense.

It should be noted that such an experience is already used in the criminal legislation of the Republic of Belarus, where the legislator has expressly provided for the form of culpability characteristic of the offenses of compromising classified information. Specifically, Article 373 of the Criminal Code of Belarus establishes criminal liability for "Intentional Disclosure of State Secrets," and Article 374 incriminates "Reckless Disclosure of State Secrets."

In this context, it is proposed to make modifications to the provisions of the criminal norm as follows:

- Add the word "intentional" after the phrase "Disclosure" in the title of Article 344 of the Criminal Code, with the following content: "Intentional Disclosure of State Secrets";
- Supplement the textual provision of the normative text of art. 344 CP after the phrase "Disclosure" with the word "intentional", and after the phrase "if" with the word "the fact", having the following content:

"The disclosure intentional of information constituting a state secret by a person to whom such information has been entrusted or has become known in connection with their service or work, if the fact does not constitute treason or espionage".

- Reformulate the title of Article 345 of the Criminal Code from "Loss of Documents Containing State Secrets" to "Reckless Disclosure of State Secrets";
- Modify and supplement the textual provision of Article 345 of the Criminal Code with the following content:

"The reckless disclosure of information constituting a state secret, including the loss of documents containing state secrets, as well as the loss of objects whose data constitutes a state secret, by a person to whom such documents or objects have been entrusted, if the loss was a result of the reckless violation of the established rules for the preservation of the mentioned documents or objects and has caused a danger to state security, if the fact does not constitute treason or espionage."

Additionally, it is absolutely necessary to revise and supplement the provisions of Article 344 of the Criminal Code in terms of humanizing criminal legislation, a tendency that has become more pronounced in recent years, manifested by the establishment of alternative mechanisms for mitigating criminal penalties and, in the case of certain offenses, exemption from criminal liability.

In this context, attention is drawn to the notification of the Council of Europe, in the preamble of the European Prison Rules, reiterating that deprivation of liberty should be a measure *ultima ratio*, and in another recommendation addressed to member states, the Council states that "deprivation of liberty should be considered an extreme sanction or measure and, therefore, should

only be imposed when, due to the gravity of the offense, any other sanction or measure would clearly be inadequate." [18].

The need to revise the provisions of Article 344 of the Criminal Code derives indirectly from the provisions of Article 1(3) of the Constitution of the Republic of Moldova, which states that the dignity of the individual, their rights and freedoms, and the free development of human personality are supreme values guaranteed by the state [9].

The principle of humanism is expressly provided for in Article 4 of the Criminal Code of the Republic of Moldova, which states that the entire legal regulation is aimed at protecting the individual as the supreme value of society, as well as their rights and freedoms. At the same time, criminal law does not aim to cause physical suffering or violate human dignity [7].

According to the author Gladchi Gh., in the field of criminal law, the principle of humanism manifests itself in two ways: by ensuring the security of society members against crimes and by respecting the dignity and rights of the person who committed the offense. The offender, as a member of society with whom they are in conflict, should benefit from certain rights inherent to the human being. Measures should be taken to reintegrate them into society and change their behavior [12, p. 49-50].

The Criminal Code contains a series of provisions explicitly stated in articles of its special part, such as those regarding exemption from criminal liability, which are not reflected in Article 53 of the Criminal Code, which deals with exemption from criminal liability. For example, special notes are included in Article 337(2) of the Criminal Code on "Treason," which states that "a citizen of the Republic of Moldova recruited by a foreign intelligence service to carry out hostile activities against the Republic of Moldova shall be exempt from criminal liability if they have not taken any actions to carry out the criminal assignment received and have voluntarily disclosed their connection to the foreign intelligence service". Another example is found in Article 371(5) of the Criminal Code on "Desertion," which states that "a military person who deserts for the first time under the conditions of paragraph (1) shall be exempt from criminal liability if the desertion occurred due to difficult circumstances" [7].

It should be noted that in a comparative study of the offense of disclosure of state secrets in some European countries, it is evident that the legislator has provided conditions under which a person may be exempt from criminal liability for such acts.

For example, in Romanian criminal law, Article 303 on "Disclosure of State Secret Information" describes one of the normative ways of disclosing secret information, which includes "the unauthorized possession outside of duty of a document containing state secret information that could affect the activities of one of the legal entities mentioned in Article 176." Furthermore, Article 303(3) of the same article provides a note stating that "a person who possesses a document containing state secret information that could affect the activities of one of the legal entities [...] shall not be punished if they immediately surrender the document to the issuing authority or institution" [8].

In light of the above, it is considered absolutely necessary to supplement Article 344 of the Criminal Code with paragraph (4) containing a special note with the following content:

"A person who has disclosed a state secret shall be exempt from criminal liability if they have timely reported the committed act to the authorities and actively contributed to preventing harmful consequences, provided that their actions do not constitute another criminal offense."

Through this note, the legislator, respecting the principle of humanism towards the offender, will encourage positive behavior in resolving the criminal conflict, thereby guaranteeing certain inherent rights and freedoms of the human being.

In **Chapter IV** of the thesis, entitled "Delimitative Aspects and the Sanctioning Regime of the Crime of Disclosing State Secrets," the delimitation of the crime of disclosing state secrets from other similar criminal acts included in the same group of offenses in the Special Part of the Criminal Code was carried out. These include Chapter XVII "Crimes against Public Authorities and State Security" (*treason* [Art. 337 of the Criminal Code of the Republic of Moldova], *espionage* [Art. 338 of the Criminal Code of the Republic of Moldova], and *loss of documents*

containing state secrets [Art. 345 of the Criminal Code of the Republic of Moldova]). This delimitation was based on a comparative analysis of their constituent elements, such as the object, objective aspect, subject, subjective aspect, as well as some extrapenal acts that may share certain similarities.

Furthermore, the chapter also evaluated the sanctioning regime of the crime of disclosing state secrets, both in terms of its compliance with the criteria established in Art. 75 of the Criminal Code (Individualization of the Penalty) and the principle of humanitarianism in criminal law.

As a result of delimiting the studied offense from other similar acts, it was revealed that the offense specified in Art. 344 of the Criminal Code of the Republic of Moldova, in terms of its objective and subjective elements, shares certain related or similar features with other types of crimes against public authorities and state security (such as treason [Art. 337 of the Criminal Code of the Republic of Moldova], espionage [Art. 338 of the Criminal Code of the Republic of Moldova], loss of documents containing state secrets [Art. 345 of the Criminal Code of the Republic of Moldova]), certain contraventions that undermine public order and public security (such as violation of the secrecy regime within public authorities and other legal entities [Art. 3651 of the Contravention Code of the Republic of Moldova]), or the unwarranted classification/declassification of information [Art. 3652 of the Contravention Code of the Republic of Moldova]), as well as other unlawful acts such as disciplinary offenses manifested by the violation of norms in the field of state secret protection.

Considering the proposal to amend Law No. 245/2008 on state secrets by adding the classification "official secret," it becomes necessary to criminalize the disclosure or compromise of such types of information.

Given that the unauthorized disclosure or compromise of official secrets implies lower harmfulness and reduced social danger compared to similar acts in criminal legislation (affecting only certain public authorities or other legal entities), the criminalization thereof should be included in the content of the Contravention Code of the Republic of Moldova.

Therefore, it would be appropriate to amend the Contravention Code of the Republic of Moldova by adding Article 365⁶, entitled "Disclosure of Official Secret Information," with the inclusion of the following normative modalities:

"(1) Disclosure, without right, of official secret information by a person who became aware of it due to their official duties, if it prejudices the interests or activities of a public authority or other legal entities, shall be punished with a fine ranging from 15 to 60 conventional units for individuals, a fine ranging from 30 to 120 conventional units for persons holding positions of responsibility, with or without the deprivation of the right to hold certain positions for a period of 3 months to 1 year, and a fine ranging from 60 to 180 conventional units for legal entities, with or without the deprivation of the right to carry out a certain activity for a period of 3 months to 1 year.

(2) Possession, without right, outside the scope of official duties, of official secret information, if it may prejudice the activities of a public authority or other legal entities, shall be punished with a fine ranging from 15 to 60 conventional units for individuals, a fine ranging from 30 to 120 conventional units for persons holding positions of responsibility, with or without the deprivation of the right to hold certain positions for a period of 3 months to 1 year, and a fine ranging from 60 to 180 conventional units for legal entities, with or without the deprivation of the right to carry out a certain activity for a period of 3 months to 1 year."

In the context of evaluating the sanctioning regime of the studied offense, it was found that in the criminal legislation of other states, to a large extent, the legislator has provided for criminal liability for offenses related to the compromise or disclosure of state secrets. Similar to the criminal legislation of the Republic of Moldova, these offenses are included in chapters dedicated to crimes against security, constitutional order, or the defense capacity of the state, based on the increased harmfulness they can bring to legitimate interests and/or state security.

In turn, the categories of criminal penalties provided for the commission of offenses related to the compromise or disclosure of state secrets are different and are applied based on the specific characteristics of each state's legislation.

Following the study of the criminal legislation of other countries [6], it was found that the harshest criminal penalties for the disclosure or compromise of information classified as state secrets are observed in:

- The Criminal Code of the Czech Republic, where the legislator provides for deprivation of liberty from 5 to 12 years for the disclosure of information in the field of defense capacity of the Czech Republic classified as "Strict Secrets" according to the provisions of another normative act.
- The Criminal Code of the Grand Duchy of Luxembourg, which stipulates imprisonment from 5 to 10 years for the offense of disclosing state secrets. Similarly, in the Criminal Code of Greece, imprisonment of up to 10 years is provided for such offenses.
- The French Criminal Code, which prescribes imprisonment for up to 7 years and a fine of 100,000 euros.

Relatively milder sanctions for the mentioned offenses are observed in the criminal codes of the Kingdom of Denmark (imprisonment of up to 6 months), Cyprus and Slovenia (imprisonment of up to 1 year), Malta (imprisonment of up to 2 years), and so on.

Taking into account the experience of other states regarding the application of criminal penalties for compromising information classified as state secrets, as well as considering the level of harm these offenses can cause to national interests and/or security, it has been established that the current criminal penalty provided by the legislator in Art. 344 of the Criminal Code largely corresponds to the criminal legislation of other states.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The scientific results obtained as a result of the present study are materialized through the retrospective analysis of international and national regulatory provisions regarding the offense of disclosing state secrets; conducting a comparative study of the offense of disclosing state secrets in the context of criminal legislation of other countries; elucidating the objective and subjective elements of the offense provided for in Article 344 of the Criminal Code of the Republic of Moldova (RM); distinguishing the offense of disclosing state secrets from other criminal and non-criminal acts; evaluating the sanctioning regime of the offense provided for in Article 344 of the Criminal Code of the RM, in terms of its conformity with the criteria established in Article 75 of the Criminal Code of the RM (Individualization of punishment) and the principle of humaneness of criminal law; proposing *law amendments* in order to improve the studied criminal norm, ensuring its compliance with quality criteria and the principles of humaneness of criminal law.

Within the framework of this doctoral thesis, the following **general conclusions** have been formulated:

- **State secrets** constitute information protected by the state in the field of national defense, economy, science and technology, foreign relations, state security, maintenance of the rule of law, and the activities of public authorities, as well as their material carriers, in which such information is expressed in the form of texts, signs, symbols, images, signals, technical solutions, processes, the transmission, disclosure, or loss of which allows these types of information to become the property of unauthorized persons or those who do not have the right of access to state secrets, thus compromising legitimate interests and/or the security of the Republic of Moldova.
- The **disclosure of state secrets** encompasses any action or inaction of a person who, in connection with their service or work, has the right of access to information constituting a state secret, which, as a result, becomes known to unauthorized persons or those who do not have the right of access to such information.
- Depending on the entity (which can be both material and immaterial) directly affected by the offense and through which the legal object of the offense is violated, the act incriminated in Article 344 of the Criminal Code of the RM may have both a *material* and an *immaterial* object.
- The act of disclosing state secrets can manifest itself through both **action** and **inaction**. *Action* refers to the active behavior of the perpetrator that leads to the disclosure of state secrets, while *inaction* refers to the violation of document preservation rules, which facilitates access to classified information, as well as the failure to take necessary measures to ensure their preservation or security.
- it was established that the subjective side of the offense provided for in art. 344 of the Criminal Code of the RM, is characterized by guilt, manifested by direct intent. At the same time, the intention to disclose the state secret, depending on the moment of its appearance and formation, can be premeditated or sudden (simple sudden or sudden affected).
- It has been revealed that according to Article 344(2) of the Criminal Code of the RM, an aggravating circumstance of the offense of disclosing state secrets is "the same action resulting in serious consequences," the estimated sign of which does not correspond to the quality criteria of criminal law. In this regard, proposals for *law amendments* have been put forward to avoid the risk of extensive interpretation of this provision.
- a series of criteria have been identified that allow the delimitation of the disclosure of state secrets from other similar crimes, which are included in Chapter XVII "Crimes against public authorities and state security" of the Special Part of the Criminal Code, namely treason (art. 337 of the Criminal Code of the Republic of Moldova), espionage (art. 338 of the Criminal Code of the Republic of Moldova) or the loss of documents containing state secrets (art. 345 of the Criminal Code of the Republic of Moldova) of some contraventions

from the Criminal Code of the Republic of Moldova, included in Chapter XIX "Contraventions that attempt to public order and public security", i.e. violation of the secret regime within public authorities and other legal entities (art. 365¹ Contravention Code of the Republic of Moldova) or unfounded secrecy/declassification of information (art. 365² CC of the RM), as well as illegal acts of another nature.

Summarizing the results of the present study, we consider it appropriate to propose a set of recommendations for the completion or modification of the current regulatory framework, which, in our opinion, will contribute to the effectiveness of criminal and contraventional protection measures regarding state secrets. These recommendations are as follows:

Reformulation of the title and modification of the wording of Article 344 of the Criminal Code of the Republic of Moldova (RM) as follows:

Article 344. Intentional Disclosure of State Secrets

(1) The disclosure intentional of information constituting a state secret by a person to whom such information has been entrusted or has become known in connection with their service or work, if the fact does not constitute treason or espionage,

shall be punishable by a fine ranging from 550 to 950 conventional units or imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to 5 years.

(2) The same act committed:

a) with the disclosure of "strictly secret" information;

b) by two or more persons;

c) causing significant material damage,

shall be punishable by imprisonment from 2 to 5 years, in both cases with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to 5 years.

(3) The acts provided for in paragraphs (1) or (2), which:

a) have caused particularly significant material damage;

b) resulting in serious bodily injury or the unintentional death of the victim,

shall be punishable by imprisonment from 3 to 7 years with the deprivation of the right to hold certain positions or engage in certain activities for a period of 2 to 5 years.

(4) A person who has disclosed a state secret shall be exempt from criminal liability if they have timely notified the authorities about the committed act and actively contributed to preventing harmful consequences, provided that their actions do not contain another criminal component.

Reformulation of the title and modification of the wording of Article 345 of the Criminal Code of the RM as follows:

Article 345. Reckless Disclosure of State Secrets

The reckless disclosure of information constituting a state secret, including the loss of documents containing state secrets, as well as the loss of objects whose data constitutes a state secret, by a person to whom such documents or objects have been entrusted, if the loss was a result of the reckless violation of the established rules for the preservation of the mentioned documents or objects and has caused a danger to state security, if the fact does not constitute treason or espionage,

shall be punishable by a fine ranging from 500 to 750 conventional units or imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to 5 years.

Introduction of a new level of classification - "official secret" - in the Law on State Secrets No. 245-XVI of November 27, 2008, by amending Article 11, with letter e) having the following content: "official secret - a classification level assigned to information, the unauthorized disclosure of which may harm the interests of public authorities or other legal entities."

Completing the Contravention Code of the Republic of Moldova, as follows:

Article 365⁶. Disclosure of Classified Service Information

(1) The unauthorized disclosure of classified service information by an individual who becomes aware of it due to their official duties, if it harms the interests or activities of a public authority or other legal entities,

shall be punishable by a fine ranging from 15 to 60 conventional units for individuals, a fine ranging from 30 to 120 conventional units for individuals holding a responsible position, with or without the deprivation of the right to hold certain positions for a period of 3 months to 1 year, and a fine ranging from 60 to 180 conventional units for legal entities, with or without the deprivation of the right to carry out certain activities for a period of 3 months to 1 year.

(2) The unauthorized possession of classified service information outside the scope of official duties, if it may harm the activities of a public authority or other legal entities,

shall be punishable by a fine ranging from 15 to 60 conventional units for individuals, a fine ranging from 30 to 120 conventional units for individuals holding a responsible position, with or without the deprivation of the right to hold certain positions for a period of 3 months to 1 year, and a fine ranging from 60 to 180 conventional units for legal entities, with or without the deprivation of the right to carry out certain activities for a period of 3 months to 1 year.

Considering the mentioned amendments, it has been proposed to include the respective contravention under Article 423¹ of the Contravention Code of the Republic of Moldova, thus assigning the responsibility of establishing such contravention to the Information and Security Service of the Republic of Moldova.

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2. **CHIRIȚA V., GAINA A.** *Noțiunea secretului de stat în contextul încadrării juridice a infracțiunii prevăzute de art. 344 din Codul penal al Republicii Moldova.* În: Revista Națională de Drept, nr. 2(248), **tipul „B”** Chișinău, 2022;
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2. *Subiectul infracțiunii de divulgare a secretului de stat.* În: materialele Conferinței științifice internaționale „Infracțiunea – Răspunderea penală – Pedepșa. Drept și Criminologie”, Ediția a II-a, din 24-25 martie 2022, organizată de Facultatea de Drept a Universității de Stat din Moldova, pag. 152-161;
3. *Delimitarea infracțiunii de divulgare a secretului de stat de trădare de Patrie.* În: materialele Conferinței științifice interuniversitare internaționale a studenților-doctoranzi cu genericul „Prevenirea și combaterea criminalității – probleme, soluții și perspective”, ediția a I-a, din 24 ianuarie 2020, organizată de Academia „Ștefan cel Mare” a MAI, pag. 43-46.

ADNOTARE

**Gaina Alexandru. Răspunderea penală pentru divulgarea secretului de stat.
Teză de doctor în drept. Chișinău, 2023.**

Structura tezei: introducere, patru capitole, concluzii generale și recomandări, bibliografie din 226 de titluri, 195 de pagini de text de bază. Rezultatele obținute sunt publicate în 10 lucrări științifice.

Cuvinte-cheie: divulgare, transmitere ilegală, secret de stat, apărare națională, securitate de stat, trădare de Patrie, spionaj.

Scopul lucrării: Scopul prezentei teze de doctor constă în realizarea, în baza cercetărilor teoretico-practice, a unui studiu minuțios al spectrului de probleme juridico-penale referitoare la infracțiunea privind divulgarea secretului de stat, elucidarea elementelor obiective și subiective ale infracțiunii, stabilirea criteriilor de delimitare de alte fapte penale și extrapenale similare, fapt ce va permite soluționarea problematicilor existente în practica aplicării normelor legii penale.

Obiectivele lucrării: În vederea atingerii scopului vizat, au fost formulate următoarele obiective: studiul surselor doctrinare și retrospectiva reglementărilor normative internaționale și naționale ale infracțiunii de divulgare a secretului de stat; examinarea elementelor obiective și subiective ale infracțiunii prevăzute la art. 344 CP al RM; elucidarea circumstanțelor agravante ale infracțiunii de divulgare a secretului de stat; analiza comparativă a legislațiilor penale ale altor state; stabilirea unor criterii rigide de delimitare a divulgării secretului de stat de alte fapte penale sau extrapenale similare; înaintarea unor propuneri de *lege ferenda*.

Noutatea și originalitatea științifică. Prezentul studiu reprezintă una dintre primele cercetări teoretico-practice complexe și multiaspectuale ale infracțiunii privind divulgarea secretului de stat, noutatea și originalitatea științifică a căreia este reflectată prin redarea viziunii proprii asupra *secretului de stat, divulgării informațiilor secrete*, fapt ce va contribui la o percepere mai justă a acestor termeni, totodată, fiind înaintate propuneri de completare a legislației în domeniu cu un nou grad de secretizare – *secretul de serviciu* și unele soluții ce vizează revizuirea legislativă a normei prevăzute la art. 344 CP al RM, în vederea consonanței acesteia cu criteriile de calitate și principiile umanismului legii penale.

Problema științifică importantă soluționată constă în determinarea naturii juridice a divulgării secretului de stat în sistemul infracțiunilor contra autorităților publice și a securității statului, cât și identificarea unor soluții normative, care, într-o perspectivă, vor facilita acoperirea lacunelor existente în legislația contravențională și penală pe segmentul protecției secretului de stat.

Semnificația teoretică a tezei rezultă din soluționarea unor probleme de ordin juridico-penal cu referire la infracțiunea privind divulgarea secretului de stat, iar concluziile formulate ar putea completa bazele teoretice ale dreptului penal, având în vedere abordări fragmentare ale domeniului ce vizează compromiterea unor astfel de informații.

Valoarea aplicativă a lucrării va fi resimțită din punct de vedere practic, în mod special pentru organele de drept, atât din perspectiva încadrării juridice a infracțiunii ce reprezintă obiect de preocupare, cât și soluționării problematicilor existente în practica aplicării normelor legii penale.

Implementarea rezultatelor științifice. Problemele abordate și concluziile formulate în conținutul acestei lucrări pot fi utilizate în procesul de instruire a studenților ciclurilor I, II și III din cadrul instituțiilor de învățământ superior cu profil juridic, a audiențelor cursurilor de formare continuă, precum și pentru a fi consultate de oricare cititor interesat de domeniul protecției juridico-penale a secretului de stat.

АННОТАЦИЯ

Гаина Александр. Уголовная ответственность за разглашение государственной тайны.

Докторская диссертация по праву. Кишинев, 2023 год.

Структура работы: Введение, 4 главы, общие выводы и рекомендации, библиография (226 источников), 195 страниц основного текста работы. Результаты исследования опубликованы в 10 научных работах.

Ключевые слова: разглашение, незаконная передача, государственная тайна, оборона страны, государственная безопасность, измена Родине, шпионаж.

Цель научной работы: Целью данной докторской диссертации является проведение на основе теоретических и практических исследований глубокого изучения спектра уголовно-правовых вопросов, связанных с преступлением разглашения государственной тайны, выяснение объективных и субъективных признаков состава преступления, установление критериев отграничения от других аналогичных уголовных и внеуголовных преступлений, что позволит разрешить существующие вопросы в практике применения уголовного закона.

Задачи исследования: Для достижения поставленной цели были сформулированы следующие задачи: изучение доктринальных источников и ретроспективы международного и национального нормативного регулирования преступления разглашения государственной тайны; рассмотрение объективных и субъективных признаков состава преступления, предусмотренного ст. 344 УК Республики Молдова; выявление отягчающих обстоятельств преступления разглашения государственной тайны; сравнительный анализ уголовного законодательства других государств; установление критериев отграничения разглашения государственной тайны от других аналогичных уголовных или внеуголовных преступлений; представление предложений по *lege ferenda*.

Научная новизна и оригинальность. Данное исследование является одним из первых комплексных и многоаспектных теоретических и практических исследований по преступлению разглашения государственной тайны, новизна и научная оригинальность которого выражается в изложении личностного видения *государственной тайны и разглашения секретных сведений*, тем самым способствуя более точному восприятию этих терминов, предложения по дополнению законодательства в этой области новой степенью секретности - служебной тайной, а также некоторых решений, направленные на законодательный пересмотр нормы, предусмотренной статьей 344 Уголовного кодекса Республики Молдова, с целью приведения ее в соответствие с критериями качества и принципами гуманизма уголовного права.

Важными научными вопросами, решаемыми в работе, являются определение правового характера разглашения государственной тайны в системе преступлений против государственной власти и безопасности государства, а также выявление нормативных решений, которые в перспективе будут способствовать устранению существующих пробелов в уголовном законодательстве и законодательстве о проступках в сфере защиты государственной тайны.

Теоретическая значимость диссертации заключается в решении уголовно-правовых вопросов применительно к преступлению разглашения государственной тайны, а сделанные выводы могут дополнить теоретические основы уголовного права, учитывая фрагментарность подходов к сфере компрометации подобной информации.

Практическая значимость работы состоит в том, что с практической точки зрения, особенно для правоохранительных органов, будет ощущаться как с точки зрения юридической квалификации преступления, являющегося предметом рассмотрения, так и разрешения существующих вопросов в практике применения уголовного законодательства.

Внедрение научных результатов. Рассмотренные вопросы и сформулированные в содержании данной работы выводы могут быть использованы в учебном процессе студентов I, II и III циклов высших учебных учреждений юридического профиля, слушателей курсов повышения квалификации, а также для ознакомления любым читателем, интересующимся областью уголовно-правовой охраны государственной тайны.

ANNOTATION

Gaina Alexandru. Criminal liability for disclosure of state secrets. Law PhD Thesis. Chisinau, 2023.

Thesis structure: Introduction, 4 chapters, General Conclusions and Recommendations, Bibliography of 226 sources, 195 pages of basic text. The results are published in 10 scientific papers.

Keywords: disclosure, illegal transmission, state secret, national defence, state security, betrayal of Homeland, espionage.

Purpose of the paper: This PhD thesis aims to conduct, based on theoretical and practical research, a thorough study of the spectrum of legal-criminal issues related to the crime of disclosure of state secrets, elucidating the objective and subjective elements of the crime, establishing the criteria of delimitation from other similar criminal and extra-criminal offences, which will allow the resolution of existing issues in the practice of criminal law enforcement.

Objectives of the research: To achieve the intended purpose, the following objectives were formulated: study of doctrinal sources and retrospective of international and national normative regulations of the offence of disclosure of state secrets; examination of objective and subjective elements of the offence provided for in Article 344 of the Criminal Code of the Republic of Moldova; elucidation of aggravating circumstances of the offence of disclosure of state secrets; comparative analysis of criminal legislation of other states; establishment of rigid criteria for delimiting the disclosure of state secrets from other similar criminal or extra-criminal offences; submission of proposals for a *lege ferenda*.

Scientific novelty and originality. The present study is one of the first complex and multi-aspectual theoretical and practical researches on the offence of disclosure of state secrets, the novelty and scientific originality of which is reflected in the presentation of a personal vision of state secrecy and disclosure of secret information, which will contribute to a fairer perception of these terms, while proposals are put forward to complete the legislation in this field with a new degree of secrecy - service secrecy - and some solutions aimed at the legislative revision of the rule provided for in Article 344 of the Criminal Code of the Republic of Moldova, to bring it into line with the criteria of quality and the principles of humanism of criminal law.

The important scientific issues addressed is to determine the legal nature of the disclosure of state secrets in the system of offences against public authorities and state security, and to identify normative solutions, which, in a perspective, will facilitate the closing of existing gaps in the criminal and misdemeanour legislation on the protection of state secrets.

Theoretical significance of the thesis derives from the resolution of legal-criminal issues with reference to the offence of disclosure of state secrets, and the conclusions drawn could complement the theoretical foundations of criminal law, given the fragmented approaches to the field of compromising such information.

Practical value of the paper will be experienced from a practical point of view, especially for law enforcement agencies, both from the perspective of the legal classification of the crime that is the subject of concern, and the resolution of existing issues in the practice of criminal law enforcement.

Implementation of the scientific results. The issues addressed and the conclusions formulated in the content of this work can be used in the training process of students of cycles I, II and III of higher education institutions with a legal profile, of the audience of continuing education courses, as well as for consultation by any reader interested in the field of legal-criminal protection of state secrets.

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CRIMINAL LIABILITY FOR DISCLOSURE OF STATE SECRETS

ABSTRACT OF THE DOCTORAL THESIS IN LAW

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