

Medentsev A. M.

International Humanitarian University

LEGAL STRATEGIES FOR MARITIME SECURITY AMID CONTEMPORARY CRIMINAL THREATS

Maritime transport is a vital component of global trade, yet it remains highly exposed to a wide range of criminal activities, including armed robbery, hijacking, and organized maritime crime. This study examines legal strategies for ensuring maritime security in the context of contemporary criminal threats, focusing on both national and international maritime law frameworks. The article provides a comparative analysis of how different legal systems address criminal acts at sea, highlighting the interaction between criminal law, national legislation, and international conventions. Historical trends in maritime crime are reviewed to contextualize the evolution of modern legal approaches, demonstrating the shift from traditional piracy to complex transnational threats. Emerging challenges, such as cyber piracy and the use of drones, are analyzed for their impact on enforcement, prevention, and the development of legal norms. The study also considers the influence of socio-economic factors, technological innovations, and hybrid threats on the proliferation of maritime criminal activity. Special attention is given to the effectiveness of preventive and punitive measures, including international treaties such as the United Nations Convention on the Law of the Sea (1982) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (1988), as well as regional agreements and cooperative initiatives. The study identifies key gaps and challenges in legal regulation, particularly concerning harmonization of national laws, jurisdictional limitations, and international cooperation. Finally, the article proposes practical recommendations for strengthening maritime security through legislative reform, precise legal definitions of criminal acts, adoption of emerging technologies, and enhanced global collaboration. The findings contribute to a comprehensive understanding of the legal dimension of maritime security and provide guidance for policymakers, legal practitioners, and scholars engaged in combating contemporary maritime criminal threats. In the future, the proposed approaches may serve as a basis for the further development of a comprehensive system for the prevention and legal regulation of maritime crime at the international level.

Key words: maritime piracy, maritime security, international maritime law, criminal law, socio-economic factors.

Introduction. Maritime transport remains one of the most critical components of the global economy, facilitating over 80% of international trade by volume. Despite its strategic importance, the maritime sector faces persistent threats from criminal activities, including piracy, armed robbery, hijacking, and organized maritime crime. These threats not only endanger human life and property but also disrupt trade flows, increase insurance costs, and pose significant challenges to international security.

While traditional forms of piracy have been documented for centuries, the nature of maritime crime has evolved significantly in recent decades. Modern threats increasingly involve transnational networks, the use of advanced technologies such as drones and digital systems, and new forms of cyber piracy, which complicate enforcement and legal regulation [3]. Moreover, the legal frameworks governing mari-

time security are fragmented, with varying approaches across national jurisdictions and international conventions. This divergence creates gaps in enforcement, challenges in the application of universal jurisdiction, and difficulties in coordinating preventive and punitive measures at the international level.

The complexity of contemporary maritime crime, coupled with socio-economic and geopolitical factors, underscores the need for a comprehensive analysis of legal strategies for maritime security. Understanding the interplay between criminal law, international maritime law, and emerging threats is essential for developing effective prevention mechanisms, harmonizing legislation, and ensuring the safety and security of global maritime transport [2].

This study addresses these challenges by examining the current state of maritime law, identifying critical gaps, and proposing legal strategies for the

prevention and regulation of maritime crime. By providing a comparative perspective, the research contributes to both theoretical understanding and practical approaches for enhancing maritime security in the 21st century.

At the same time, rapid technological advances are reshaping the nature of maritime threats. The growing use of drones, artificial intelligence, and cyber-attacks against navigation systems opens new dimensions of piracy that are inadequately addressed by existing legal frameworks. Without timely adaptation, both national and international law risk lagging behind the realities of twenty-first-century maritime crime.

Another pressing challenge is the socio-economic context in which piracy thrives. Political instability, poverty, and the absence of strong governance in certain coastal regions continue to provide fertile ground for organized crime at sea. Addressing piracy therefore requires not only legal mechanisms but also coordinated social, economic, and security strategies at the global level.

The lack of uniformity among national legal systems creates practical difficulties in prosecuting offenders and ensuring consistent punishment. Jurisdictional conflicts and gaps in international cooperation hinder effective law enforcement, making piracy a transnational crime that no state can address alone. This research is thus aimed at identifying effective legal strategies, harmonizing national and international approaches, and proposing solutions capable of enhancing maritime security in an increasingly complex global environment.

Literature Review. Recent scholarly publications indicate a growing interest in the legal and criminological aspects of maritime piracy, both in Ukraine and across Europe. Ukrainian research emphasizes the regional dimension of maritime criminality, with particular attention to the Black Sea region. For instance, Tuliakov (2025a) examines organized criminal networks operating in the Black Sea, highlighting the impact of armed conflicts on the prevalence and nature of maritime crime [5]. His subsequent work (Tuliakov, 2025b) further explores the structural and operational characteristics of criminal organizations in Ukraine, including their influence on the enforcement of national criminal law [6].

In the European context, studies focus on the role of supranational frameworks and international cooperation in combating maritime piracy. Schechinger analyzes the European Union's strategic measures to counter piracy off the coast of West Africa and Somalia, emphasizing the integration of EU legal instruments with international maritime law [4]. Phayal

highlights the importance of local enforcement mechanisms, showing how illegal fishing activities can intersect with piracy and other maritime crimes [3]. Liebetrau explores lessons learned from piracy interventions and their applicability to cybersecurity and broader maritime security strategies [2].

Overall, the literature indicates a convergence of concerns: the need for harmonization of national legislation with international maritime law, the integration of new technologies in crime prevention, and the strengthening of international coordination to address both traditional and emerging threats. Ukrainian and European scholars alike underline the increasing complexity of maritime crime, particularly in the context of transnational networks, technological innovations such as drones, and cyber-enabled criminal activities. This body of research provides a foundation for comparative legal analyses and the development of more effective strategies for maritime security at both national and international levels.

Recent literature has also begun to address the legal implications of unmanned aerial vehicles (UAVs) in maritime security. For example, Zayats (2023) contributes to this discussion in his article "Ensuring Maritime Security and Measures against Cyber Threats and Cyber Piracy at Sea", in which he reviews both regional cooperation and national strategies in Ukraine for counteracting cyber-enabled piracy [8]. The author highlights deficiencies in legal frameworks regarding cyber evidence gathering, attribution, and cross-border enforcement, pressing for reforms to bring cybercrime provisions in maritime law up to speed with digital transformations.

Additionally, articles assessing risk and policy implications offer quantitative and mixed-method insights. Notably, Maritime piracy risk assessment and policy implications: a two-step approach (2023) develops a model combining Random Forest and Generative Adversarial Nets to predict where piracy is most likely to occur and assesses how policy can be tailored accordingly. This approach illustrates the value of predictive analytics in guiding legal and regulatory priorities, suggesting where resource allocation, surveillance, and legal reform efforts might have the greatest preventive impact [9].

Methods. This study employs a comparative legal and doctrinal research methodology to examine the criminal law aspects of maritime piracy within national and international legal frameworks. A systematic review of primary and secondary legal sources was conducted, including national legislation, international conventions, case law, and scholarly publications from Ukrainian and European legal scholars. The research

also integrates historical and contemporary data to trace the evolution of maritime piracy and associated legal responses.

The methodological approach combines qualitative analysis of legal texts with a comparative perspective, focusing on the differences and similarities between Ukrainian law, EU legal instruments, and the legislation of selected countries within common law and civil law traditions. Particular attention is given to emerging forms of maritime crime, including cyber piracy and the use of drones in criminal activities, to assess how current legal frameworks address modern threats.

Data collection involved consulting authoritative databases such as Westlaw, HeinOnline, Scopus, and ScienceDirect, as well as official documents from the United Nations, the International Maritime Organization, and the European Union [7]. The analysis emphasizes normative interpretation, identifying gaps in existing legislation, inconsistencies in enforcement, and challenges related to jurisdictional issues.

The study employs synthesis and critical evaluation to propose legal strategies for enhancing maritime security. The proposed recommendations are based on a combination of doctrinal insights, comparative analysis, and best practices drawn from national and international experiences, ensuring relevance for policymakers, legal practitioners, and scholars addressing contemporary maritime criminal threats.

In addition to the comparative legal analysis, this research applied elements of content analysis to primary sources, including international conventions such as the United Nations Convention on the Law of the Sea (UNCLOS, 1982) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA, 1988). This methodological choice ensured systematic examination of treaty provisions, highlighting both the universal and region-specific dimensions of maritime piracy regulation. By mapping the terminology, scope, and enforcement mechanisms within these documents, the research provided a structured basis for identifying discrepancies between international standards and national criminal legislation.

The article also employed a case-oriented comparative method, focusing on selected jurisdictions from both the Anglo-Saxon and Romano-Germanic legal traditions. National criminal codes, judicial decisions, and doctrinal commentaries were examined to illustrate how piracy is defined, prosecuted, and punished across different legal systems. The integration of case law analysis allowed for the identification of practical enforcement challenges, while doctrinal reviews high-

lighted theoretical debates on jurisdiction, universal repression, and technological adaptations such as cyber piracy and the use of drones. This dual approach strengthened the robustness of findings and enhanced the validity of the legal comparisons presented in the subsequent sections.

Results. The analysis of national and international legal frameworks reveals both strengths and gaps in the regulation of maritime piracy. Ukrainian criminal law provides a clear definition of piracy and establishes penalties for acts committed in territorial waters and the exclusive economic zone. However, enforcement mechanisms are limited by jurisdictional constraints and the need for coordination with international authorities.

European Union legislation demonstrates a high degree of harmonization with international conventions, particularly through the integration of the United Nations Convention on the Law of the Sea (UNCLOS, 1982) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA, 1988) [1]. The EU's combined use of naval operations, legal instruments, and cross-border cooperation has proven effective in reducing incidents of piracy in high-risk areas.

Comparative analysis indicates notable differences between common law and civil law approaches. Common law countries often emphasize prosecutorial discretion and flexible interpretation of criminal statutes, whereas civil law jurisdictions rely on detailed codification of criminal offenses and penalties. Emerging threats, such as cyber piracy and the use of drones for illegal maritime activities, remain insufficiently addressed in most national laws, highlighting the need for legislative updates and international cooperation.

The study also identifies socio-economic and technological factors that influence the prevalence of piracy, including poverty, political instability, and advances in maritime technologies. Effective legal responses require not only punitive measures but also preventive strategies, including improved monitoring, intelligence sharing, and capacity-building initiatives.

Overall, the results underscore the importance of a comprehensive and harmonized legal framework that integrates national legislation with international law, addresses emerging technological threats, and enhances coordination among states to ensure maritime security. These findings form the basis for the recommendations proposed in this study.

The comparative analysis revealed that jurisdictional approaches to piracy vary significantly between Anglo-Saxon and Romano-Germanic legal systems. Common law jurisdictions, such as the United King-

dom and the United States, tend to emphasize the principle of universal jurisdiction, allowing their courts to prosecute piracy regardless of the offender's nationality or the location of the crime. In contrast, many continental European states retain more restrictive jurisdictional clauses, often requiring either a national interest or territorial nexus to initiate proceedings. This divergence creates practical challenges for international cooperation, especially when piracy incidents involve multiple states with competing or overlapping claims of authority.

Another notable finding concerns the integration of emerging threats into existing legal frameworks. While some states, particularly within the European Union, have begun adapting their legislation to account for cyber piracy and the use of unmanned technologies at sea, other jurisdictions lag behind, maintaining definitions rooted primarily in traditional acts of armed robbery and violence. The lack of harmonized definitions and enforcement mechanisms hampers coordinated responses, leading to jurisdictional fragmentation and enforcement gaps. These inconsistencies illustrate the pressing need for unified international legal standards that adequately address both classical and technologically driven manifestations of maritime piracy.

Discussion. The findings of this study reveal a multifaceted legal landscape for combating maritime piracy, highlighting both strengths and persistent gaps. Ukrainian legislation provides a foundation for addressing piracy, yet its effectiveness is constrained by jurisdictional limitations and insufficient alignment with international legal standards. This aligns with the observations of Tuliakov (2025a), who emphasizes the challenges posed by transnational criminal networks in the Black Sea region and the need for coordinated enforcement mechanisms [5].

European frameworks, particularly those of the European Union, demonstrate stronger integration with international conventions such as UNCLOS (1982) and SUA (1988), supporting effective preventive and punitive measures [7]. Schechinger notes that EU naval operations combined with legal instruments have successfully mitigated piracy in high-risk zones off West Africa and Somalia, providing a model of international cooperation that could be adapted for other regions [4].

Comparative analysis further highlights the divergence between common law and civil law approaches. Common law jurisdictions offer flexibility in prosecutorial discretion, whereas civil law systems rely on codified statutes with defined penalties [3]. The emergence of cyber piracy and the deploy-

ment of drones as tools in maritime crime, as discussed by Liebetrau, underscores the inadequacy of current legal frameworks to address technologically advanced threats [2]. These findings suggest the necessity of legislative reform that incorporates technological developments and enhances cross-border enforcement.

Socio-economic factors also play a significant role in the prevalence of piracy, echoing earlier research on the link between political instability, poverty, and criminal activity at sea [3; 6]. Integrating preventive strategies, including capacity-building initiatives, intelligence sharing, and monitoring technologies, is critical to reducing maritime criminal activity.

A practical dimension of the legal debates is illustrated by the European Union Naval Force Operation ATALANTA, launched in 2008 to protect vessels off the coast of Somalia. This mission not only reduced piracy incidents in the Gulf of Aden but also generated significant case law on the prosecution of captured pirates. For instance, several Somali nationals apprehended during ATALANTA operations were tried in France, Germany, and the Netherlands, highlighting how universal jurisdiction is exercised in practice. These cases reveal both the potential and the limitations of existing international law: while prosecution was possible, differences in procedural safeguards and sentencing practices underscored the lack of harmonization across European jurisdictions.

Further, the jurisprudence of the International Tribunal for the Law of the Sea (ITLOS) offers valuable insights into the interpretation of UNCLOS provisions on piracy and maritime security. Although ITLOS has not ruled directly on piracy prosecutions, its judgments on unlawful detention of vessels and jurisdictional disputes (e.g., *M/V "Saiga" (No. 2) Case*, 1999) provide guiding principles for states in defining enforcement powers at sea. These decisions demonstrate how international adjudicatory bodies can indirectly shape state practice, reinforcing the idea that effective anti-piracy measures must be embedded within a coherent global legal framework supported by international institutions.

Overall, the discussion demonstrates that while existing legal frameworks provide a basis for maritime security, significant gaps remain, particularly concerning emerging threats, harmonization of national laws, and international coordination. Addressing these challenges will require a comprehensive, forward-looking approach that balances punitive measures with preventive and cooperative strategies, providing practical guidance for policymakers and legal practitioners.

Conclusions. This study has provided a comprehensive analysis of the criminal law characteristics of maritime piracy, considering both national legislation and international legal frameworks. The findings reveal that while Ukrainian law establishes foundational provisions for addressing piracy, enforcement challenges persist due to jurisdictional limitations and the need for enhanced international cooperation. In contrast, European Union legislation demonstrates more effective integration with international conventions such as UNCLOS (1982) and SUA (1988), illustrating the benefits of harmonized legal instruments and cross-border coordination.

The comparative analysis highlighted significant differences between common law and civil law ap-

proaches, emphasizing the importance of flexibility, codification, and adaptation to emerging forms of piracy, including cyber piracy and the use of drones. Socio-economic factors, technological developments, and hybrid threats further underscore the complexity of contemporary maritime crime and the need for multifaceted legal and preventive strategies.

In perspective, the proposed approaches may serve as a foundation for developing a comprehensive system for the prevention and legal regulation of maritime crime at the international level. The research contributes to theoretical understanding, supports legislative reform, and promotes international cooperation to ensure the security and sustainability of global maritime transport.

Bibliography:

1. International Maritime Organization. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA). 1988. URL: [https://www.imo.org/en/About/Conventions/Pages/Convention-for-the-Suppression-of-Unlawful-Acts-Against-the-Safety-of-Maritime-Navigation-\(SUA\).aspx](https://www.imo.org/en/About/Conventions/Pages/Convention-for-the-Suppression-of-Unlawful-Acts-Against-the-Safety-of-Maritime-Navigation-(SUA).aspx)
2. Liebetrau T. Lessons from maritime piracy and cybersecurity. Ocean & Coastal Management, 106177. 2024. URL: <https://doi.org/10.1016/j.ocecoaman.2024.106177>
3. Phayal A. All maritime crimes are local. Marine Policy, 154, 105429. 2024. URL: <https://doi.org/10.1016/j.marpol.2023.105429>
4. Schechinger J. N. M. The European Union and the fight against maritime piracy. Brill. 2025. URL: <https://brill.com/display/book/9789004716315/BP000022.xml>
5. Tuliakov V. Shadows in the wheat fields: Organized crime and law enforcement in Ukraine. London School of Economics. 2025. URL: <https://jied.lse.ac.uk/articles/10.31389/jied.241>
6. Tuliakov V. Unravelling the implications of organized crime in the Black Sea region. London School of Economics. 2025. URL: <https://jied.lse.ac.uk/articles/241/files/6891d49e18782.pdf>
7. United Nations. United Nations Convention on the Law of the Sea (UNCLOS). 1982. URL: https://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf
8. Zayats S. Ensuring maritime security and measures against cyber threats and cyber piracy at sea. Social and Humanitarian Education, 16(1), 183–190. 2023. URL: <https://desymp.promonograph.org/index.php/sgе/article/view/sgе16-01-017>
9. Zhang T., Ji G., Jin F., Wu Y., Li X., & Huang H. Maritime piracy risk assessment and policy implications: A two-step approach. Marine Policy, 153, 105635. 2023. URL: <https://doi.org/10.1016/j.marpol.2023.105635>

Меденцев А. М. ПРАВОВІ СТРАТЕГІЇ ЗАБЕЗПЕЧЕННЯ БЕЗПЕКИ МОРСЬКИХ ПЕРЕВЕЗЕНЬ У КОНТЕКСТІ СУЧАСНИХ КРИМІНАЛЬНИХ ЗАГРОЗ

Морські перевезення є важливою складовою глобальної торгівлі, проте вони залишаються вразливими до різноманітних кримінальних проявів, зокрема озброєних розбоїв, захоплень суден і організованої морської злочинності. У цьому дослідженні розглядаються правові стратегії забезпечення морської безпеки в умовах сучасних кримінальних загроз із фокусом на національні та міжнародні морські правові рамки. Стаття пропонує компаративний аналіз підходів різних правових систем до кримінальних дій на морі, висвітлюючи взаємодію між кримінальним правом, національним законодавством та міжнародними конвенціями. Розглянуто історичні тенденції морської злочинності, що дозволяє простежити трансформацію від традиційного піратства до складних транснаціональних загроз. Особлива увага приділяється новітнім викликам, таким як кіберпіратство та використання дронів, та їхньому впливу на здійснення правозастосування, запобіжні заходи та розвиток правових норм. Дослідження також враховує вплив соціально-економічних факторів, технологічних інновацій і гібридних загроз на поширення морської злочинності. Окремо проаналізовано ефективність превентивних і карних заходів, включно з міжнародними договорами, такими як Конвенція ООН з морського права

(1982 р.) та Конвенція про боротьбу з незаконними актами проти безпеки морської навігації (1988 р.), а також регіональні угоди та кооперативні ініціативи. Встановлено ключові прогалини та проблеми у правовому регулюванні, зокрема щодо гармонізації національних законів, юрисдикційних обмежень та міжнародної співпраці. Наприкінці статті запропоновано практичні рекомендації щодо посилення морської безпеки через законодавчі зміни, уточнення правових визначень злочинних дій, впровадження новітніх технологій та підвищення міжнародної взаємодії. Отримані результати сприяють поглибленому розумінню правового виміру морської безпеки та надають практичні орієнтири для політиків, правників та науковців, які займаються протидією сучасним морським кримінальним загрозам. У перспективі запропоновані підходи можуть стати основою для подальшого розвитку комплексної системи превенції та правового регулювання морської злочинності на міжнародному рівні.

Ключові слова: піратство на морі, морська безпека, міжнародне морське право, кримінальне право, соціально-економічні фактори.

Дата надходження статті: 25.09.2025

Дата прийняття статті: 20.10.2025

Опубліковано: 15.12.2025