

Criminal Liability for Mercenary Activity in Some European States

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Abstract

Knowing a continuous transformation, in line with the evolution of conflicts throughout history, mercenary activity represents a major threat to the peace and security of states. In this context, it is necessary that, alongside international legal instruments, each country criminalizes mercenary acts within its own legislation. The purpose of this study is to provide the Romanian legislator, who has long remained passive regarding this extremely important issue, with an overview of the legislation in several European states, in order to observe how these countries have chosen to define mercenary offenses in their national laws. By examining the various legal frameworks, one can identify both the differences and similarities between them, the more concrete or more elaborate forms of criminalization, the harsher or more lenient approaches to punishment, elements that may serve as a starting point for the future and necessary inclusion of such offenses in Romanian legislation.

Keywords: mercenary, mercenarism, offense, comparative law.

JEL Classification: K14, K33

DOI: 10.62768/PLPA/2025/14/3/04

Please cite this article as: Boboc, Ștefan „Criminal Liability for Mercenary Activity in Some European States”, <i>Perspectives of Law and Public Administration</i> 14, no. 3 (October 2025): 468-479.	Article History Received: 17 April 2025 Revised: 29 June 2025 Accepted: 14 September 2025
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1. Introduction

The phenomenon of mercenarism has always represented a threat to the peace and security of states; however, in recent decades, given the evolution and diversification of armed conflicts, this danger has intensified. Mercenarism is one of the oldest professions in the world², and mercenaries have evolved from being mere individuals without principles who participated in armed conflicts for material gain to becoming true professionals, experts in military conflict engagement. The danger posed by mercenary activity is evident, as it influences, both directly and indirectly, the development of terrorist aspirations.³ There are even authors who equate mercenaries

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² Thierry Garcia. 2005. „Privatisation du mercenariat et droit international” [„Privatization of mercenarism and international law”], *Cités*, 24(4), 119-131. <https://doi.org/10.3917/cite.024.0119>.

³ Alexandru Pareniuc, Vasili Beda. 2021. „Reglementarea activității mercenarilor din perspectiva aspectelor de drept internațional” [„The regulation of mercenary activity from the perspective of International Law”], *Legea și viața*, no. 1-2, 34-40. <https://journals.indexcopernicus.com/api/file/view/ByFileId/2018597#:~:text=The%20study%20is%20an%20overview,determination>.

with terrorists, going so far as to claim that the mercenary and the terrorist are twin brothers.⁴

Given the magnitude of the phenomenon, which is in constant development, a commensurate response is required, as the particular importance of the values and social relations endangered by mercenary activity necessitates the adoption of common measures at the international level, as well as the enactment of national legal provisions that impose criminal sanctions on such activities.

At the international level, relevant to the subject under analysis are Additional Protocol I of 1977 to the 1949 Geneva Conventions on the protection of victims of international armed conflicts⁵ and the International Convention against the recruitment, use, financing and training of mercenaries of 4 December 1989⁶, adopted by United Nations General Assembly Resolution 44/34. Additional Protocol I of 1977 to the 1949 Geneva Conventions is the first international instrument to define mercenarism and remains the only one with general applicability, *erga omnes*. According to the Protocol, mercenaries are not entitled to benefit from the provisions of the Convention, as they are not granted the status of combatant or prisoner of war. Although the Protocol has certain practical uses, among the most significant being the discouragement of mercenarism through the denial of rights, the definition it provides for mercenarism is impractical and unusable, given its overly restrictive nature.⁷ In response to these shortcomings, the International Convention against the recruitment, use, financing and training of mercenaries of 4 December 1989 broadened the definition of mercenaries - resulting in a more complex definition than that of Additional Protocol I of 1977 -, and introduced liability not only for mercenaries themselves, but also for accomplices to acts of mercenarism, as well as for those who recruit, use, finance, or train mercenaries.

Through the International Convention against the recruitment, use, financing and training of mercenaries, states were required to incorporate into their national legislation sanctions for violations of the rules concerning mercenarism. However, unfortunately, many states have not ratified the Convention and have therefore chosen not to criminalize these activities, despite the universally recognized danger that mercenary activity represents. Romania is among these states, with the national legislator remaining in a continuous and inexplicable passivity regarding this extremely important issue.

Through the present study, we aim, by presenting the legislation of several European states and by observing the similarities and differences among the domestic

⁴ Valentin Chiriță, Alexandru Drăgulean. 2021. „Personalitatea infractorului-mercenar”, [„The criminal personality of the mercenary”], Proceedings of the Conference on the Protection of fundamental human rights and freedoms in the process of ensuring public order and security, 1st ed., 509-516, https://ibn.idsi.md/vizualizare_articol/153603.

⁵ <https://legislatie.just.ro/Public/DetaliiDocument/50334>, accessed on 20 June 2025.

⁶ https://treaties.un.org/doc/Treaties/1989/12/19891204%2008-54%20AM/Ch_XVIII_6p.pdf, accessed on 20 June 2025.

⁷ Iulian Chifu, Teodor Frunzeti. 2020. „De la mercenari la private defence. Cazul companiilor militare private ruse”, [„From mercenaries to private defence: The Case of russian private military companies”], *Bulletin of the „Carol I” National Defence University*, no. 1, 48-59.

provisions of each state, to identify a starting point for the necessary initiative of the Romanian legislator to criminally regulate liability for the commission of such acts.

2. France

French legislation did not include any criminal offense related to mercenary activity until 2003, when Law No. 2003-340 of 14 April 2003 on the suppression of mercenary activity⁸ was adopted. This legislative act introduced into the French Penal Code⁹, under Title III of Book IV, a new chapter, Chapter VI, entitled *On participation in mercenary activity*. The chapter comprises five articles, numbered 436-1 to 436-5.

Article 436-1 provides a legal definition of a mercenary, designating as such any person specially recruited to fight in an armed conflict and who is neither a citizen of a state party to that conflict, nor a member of the armed forces of that state, nor sent on a mission by a state other than those parties to the conflict, to participate or attempt to participate directly in hostilities, with the aim of obtaining personal gain or remuneration substantially higher than that paid or promised to combatants of the same rank and function in the armed forces of the party for which they are to fight. Furthermore, according to paragraph (2), a mercenary is also any person specially recruited to take part in a concerted act of violence aimed at overthrowing institutions or compromising the territorial integrity of a state, and who is neither a citizen of the state against which the act is directed, nor a member of its armed forces, nor sent on a mission by a state, to take part or attempt to take part in such an act for the purpose of obtaining personal gain or significant remuneration. The definition in the French Penal Code is a broad one, similar to that provided in the International Convention against the recruitment, use, financing and training of mercenaries of 4 December 1989. The sanction provided under Article 436-1 for those falling within the above categories is five years' imprisonment and a fine of 75,000 euros.

The penalty is more severe (seven years of imprisonment and a fine of 100,000 euros) for the act of leading or organizing a group whose purpose is the recruitment, hiring, remuneration, equipping, or military training of a mercenary, as defined in Article 436-1 (Article 436-2). In cases where the offense is committed by a legal entity, it may be subject to a fine of up to 500,000 euros, as well as to the complementary penalties provided under Article 131-39 of the French Penal Code¹⁰.

In addition to the penalties mentioned above, individuals found guilty of committing these offenses may also be subject to complementary penalties: the prohibition of civil, civic, and family rights, in accordance with the modalities provided

⁸ <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000602805>, accessed on 20 June 2025.

⁹ https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT0000006070719/, accessed on 20 June 2025.

¹⁰ Dissolution, prohibition from engaging in certain activities, placement under judicial supervision, permanent or temporary closure (for a period of up to five years) of one or more premises involved in the commission of the offense, exclusion from public contracts, prohibition from issuing checks or using bank cards, confiscation, publication of the judgment, or its dissemination through the press or any means of electronic public communication, among others.

under Article 131-26¹¹; full or partial publication of the judgment or of a statement informing the public of its reasoning and content; and prohibition from being present in certain locations as determined by the court.

When the aforementioned acts are committed abroad by a French citizen or by a person who has habitual residence on French territory, French law shall apply even if the acts are not punishable in the countries where they were committed (by derogation from the provisions of Article 113-6, paragraph 2). Furthermore, in order to initiate criminal proceedings, neither a prior complaint by the victim or their legal successors nor an official denunciation by the authorities of the state where the offense was committed is required (by derogation from the provisions of Article 113-8).

As can be observed from the foregoing, French legislation in this area is robust, with the French legislator criminalizing in detail mercenary activity, starting from the definition of the term “mercenary” and regulating the liability of both natural persons considered mercenaries under the legal definition, and natural or legal persons who lead or organize mercenary activities. The sanctions are severe, commensurate with the gravity of the offenses, and are intended to deter both individuals and organizations from engaging in such illegal activities.

3. Italy

Italy is one of the few states that has ratified and implemented at the domestic level the UN Convention against the recruitment, use, financing and training of mercenaries. Thus, in 1995, Law No. 210¹² was adopted, a legislative act that introduces specific offenses related to mercenarism and penalizes both individuals who act as mercenaries and those who facilitate mercenary activity through recruitment, organization, financing, or training.

Article 3 of the law defines and penalizes the mercenary as follows: a person who, after having received economic remuneration or another benefit, or having accepted the promise thereof, participates in an armed conflict on a territory that is, in any form, under the control of a foreign state of which they are neither a citizen nor a permanent resident, without being part of the armed forces of one of the parties to the conflict or without having been sent on an official mission as a member of the armed forces of a state not party to the conflict, shall be punished, if the act does not constitute a more serious offense, with imprisonment from 2 to 7 years. Likewise, a person who, after having received economic remuneration or accepted the promise thereof, participates in a premeditated and violent act aimed at changing the constitutional order or violating the territorial integrity of a foreign state of which they are neither a citizen

¹¹ The prohibition of civil, civic, and family rights refers to: 1° The right to vote; 2° Eligibility (the right to be elected to public office); 3° The right to exercise a judicial function (e.g., judge) or to serve as an expert before a court, as well as to represent or assist a party before the courts; 4° The right to testify in court, except for simple declarations; 5° The right to serve as a guardian or curator; this prohibition does not exclude the right to be the guardian or curator of one’s own children, subject to the prior approval of the guardianship judge and after consultation with the family council.

¹² <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1995-05-12;210>, accessed on 20 June 2025.

nor a permanent resident, without being part of the armed forces of the state in which the act is committed and without having been sent on a special mission by another state, shall be punished, if the act does not constitute a more serious offense, with imprisonment from 3 to 8 years for mere participation in the respective act.

The criminalization of the acts provided in Article 3 aims to suppress any violation of the principle of international law concerning non-interference in the internal affairs of another state, committed by individuals who hold no legitimate title. This represents an extension of a principle traditionally addressed to states, which, through this provision, is also applied to individual conduct, conduct that thus falls within the scope of Italian criminal law.¹³

Article 4 of the legislative act provides for the offense of recruiting, organizing, financing, or training individuals with the purpose of causing them to commit any of the acts set out in Article 3. The offense is punishable by imprisonment from 4 to 14 years, unless the act constitutes a more serious offense.

It is noteworthy that, although the provisions clearly refer to mercenary activities, none of the above-mentioned articles explicitly use the term mercenary, instead employing the generic term - person.¹⁴ This is, in fact, a legislative drafting technique for this type of offense, which we will also encounter in the legislation of other states.

The legislative act also provides for a ground for exemption from punishment when the acts are committed with the approval of the Government, provided that such approval is granted in accordance with the obligations arising from international treaties (Article 5).

Through the same legislative act, the penalty thresholds were increased for the offenses provided under Articles 288 and 244 of the Italian Penal Code¹⁵, offenses that are closely related to mercenary activities.

Thus, Article 288 of the Penal Code provides for the offense of unauthorized enlistment or arming in the service of a foreign state, with the following legal text: anyone who, on the territory of the state and without the approval of the Government, enlists or arms citizens to serve or fight on behalf of a foreign state shall be punished with imprisonment from 4 to 15 years. The penalty is increased if among those enlisted there are active military personnel or individuals still subject to military service obligations.

Article 244 provides for the offense entitled “Hostile acts against a foreign state that expose the Italian state to the danger of war”: any person who, without government approval, carries out enlistments or commits other hostile acts against a foreign state in a manner that exposes the Italian state to the danger of war shall be punished with imprisonment from 6 to 18 years; if war occurs, the penalty shall be life imprisonment. Paragraph (2) states that if the hostile acts are such as to merely disturb relations with a

¹³ Francesco di Pietro. 2005. „Il mercenarismo moderno. Profili di diritto penale” [„The modern mercenarism. Profiles of criminal law”], *Diritto & Diritti*, 09, p. 18, https://www.diritto.it/wp-content/uploads/old2022/archivio/1/20542.pdf?utm_source=chatgpt.com.

¹⁴ Ibid, p. 21.

¹⁵ <https://www.gazzettaufficiale.it/sommario/codici/codicePenale>, accessed on 20 June 2025.

foreign government, or expose the Italian state or its citizens, wherever they may be, to the danger of reprisals or diplomatic retaliation, the penalty is imprisonment from 3 to 12 years. If diplomatic relations are severed or reprisals or retaliation actually occur, the penalty is imprisonment from 5 to 15 years.

From the foregoing, it is clear that the Italian state has fully recognized the importance of the issue and the danger posed by mercenary activity, criminalizing these acts in detail and establishing very high penalty thresholds, closely aligned with the gravity of the offenses.

4. Portugal

The Portuguese Penal Code¹⁶ does not contain any provision that explicitly criminalizes acts committed by mercenaries. However, Article 238 of the Code provides for the offense of recruiting mercenaries, which consists of the act of a person who recruits or attempts to recruit mercenaries: a) for the military service of a foreign state; b) for any armed organization, national or foreign, that seeks, through violent means, to overthrow the legitimate government of another state or to undermine the independence, territorial integrity, or normal functioning of that state's institutions. The offense is punishable by imprisonment from 1 to 5 years. Paragraph (2) stipulates that a mercenary is considered to be anyone recognized as such under international law, thereby incorporating into domestic law the definition provided by international conventions and treaties.

The offense of recruiting mercenaries was not continuously provided for in the Penal Code, having undergone a brief period during which it was repealed and incorporated into Law No. 31/2004¹⁷. Thus, on 22 July 2004, Portugal adopted Law No. 31/2004, a legislative act through which the Portuguese criminal legislation was aligned with the Statute of the International Criminal Court, criminalizing conduct that constitutes violations of international humanitarian law. This law incorporated the offense of recruiting mercenaries under Article 18, while simultaneously repealing Article 238 of the Penal Code. Subsequently, through Law No. 59/2007¹⁸, the offense returned to its historical position, namely within Article 238 of the Penal Code. Nevertheless, it must be noted that regardless of the legislative act under which it was provided over time, the offense of recruiting mercenaries has maintained the same legal content.

5. Poland

Within Chapter XVIII of the Polish Penal Code¹⁹, entitled Offenses against the system of defense, acts related to mercenarism are criminalized.

¹⁶ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/1995-34437675>, accessed on 20 June 2025.

¹⁷ <https://dre.tretas.org/dre/174040/lei-31-2004-de-22-de-julho#text>, accessed on 20 June 2025.

¹⁸ <https://diariodarepublica.pt/dr/detalhe/lei/59-2007-640142>, accessed on 20 June 2025.

¹⁹ <https://codexpenal.just.ro/downloads/Cod-Penal-Polonia-RO.pdf>, accessed on 20 June 2025.

Thus, Article 141 of the Polish Penal Code criminalizes the act of a Polish citizen who undertakes military duties in a foreign army or foreign military organization without the consent of the competent authority, an offense punishable by imprisonment from 3 months to 5 years. Paragraph (3) provides a ground for exemption from punishment in cases where the Polish citizen who commits the offense under paragraph (1) is also a citizen of another country, resides in its territory, and performs military service there.

Paragraph (2) of Article 141 addresses the act of a Polish citizen who undertakes obligations in a military service prohibited by international law, for which the prescribed penalty is imprisonment from 6 months to 8 years.

The general legal interest protected by the offenses set forth in Article 141 of the Polish Penal Code is the state's defense capability, in whose interest lies the prevention of Polish citizens assuming, without the consent of the competent authorities, positions in the army of a foreign state, in a foreign organization, or in a mercenary-type military service prohibited by international law.²⁰

In addition, the act of a person who, contrary to the provisions of the law, recruits Polish citizens or foreign nationals residing in the Republic of Poland for military service in a foreign army or foreign military organization constitutes an offense under Article 142 of the Polish Penal Code and is punishable by imprisonment from 3 months to 5 years. According to paragraph (2), any person who recruits Polish citizens or foreign residents in the Republic of Poland to serve in a military service prohibited by international law, or who finances, organizes, trains, or makes use of such a service, is punishable by imprisonment from 6 months to 8 years.

Although Polish legislation does not explicitly refer to the notion of mercenary, Articles 141 and 142 of the Polish Penal Code nevertheless criminally sanction both those who engage in mercenary activities and those who recruit, organize, train, or use such prohibited services. Moreover, the provisions of these two articles, through the manner in which they are drafted, are significantly broader in scope than those found in international law.²¹

6. Germany

Although Germany has not ratified the UN Convention against the recruitment, use, financing and training of mercenaries and does not directly criminalize offenses

²⁰ Krzysztof Chmielarz. 2022, „Odpowiedzialność karna obywatela polskiego za podjęcie służby w obcym wojsku lub w obcej organizacji wojskowej” [„Criminal liability of a Polish citizen for taking up service in a foreign army or in a foreign military organization”], *Wojskowy przegląd prawniczy*, 3, 5-21.

²¹ For details see Alexandru Drăgulean. 2021. „Analiza comparativă a reglementărilor privind răspunderea penală pentru activitatea mercenarilor în diferite state occidentale” [„Comparative analysis of legal provisions on criminal liability for mercenary activity in various western states”], *Proceedings of the Conference „Dezvoltarea Armatei Naționale în contextul aprofundării reformelor democratice” (The Development of the National Army in the Context of Deepening Democratic Reforms)*, 6th ed., Chisinau, https://ibn.idsi.md/sites/default/files/imag_file/270-276_9.pdf.

related to mercenary activity, the German Penal Code²² nevertheless penalizes both the recruitment of German citizens and the facilitation of such recruitment.

Thus, Article 109h of the Penal Code provides for the offense of a person who, on behalf of a foreign power, recruits a German citizen for military service in a military or paramilitary organization. Also criminalized is the act of a person who presents a German citizen to recruiters of such an organization or to the military service of such an organization. The prescribed penalty for these acts is imprisonment from 3 months to 5 years.

As has been noted²³, although mercenary activity is widely recognized as a threat primarily to the military security of the state and the need to criminalize such acts is evident, the legal provision remains extremely limited. It does not penalize mercenary activity itself, but only the recruitment of mercenaries; it restricts the concept of mercenary to German citizens; and it fails to address the use, financing, and training of mercenaries.

7. Republic of Moldova

On 13 October 2005, the Republic of Moldova adopted Law No. 223 on the accession of the Republic of Moldova to the International Convention against the recruitment, use, financing and training of mercenaries²⁴. The ratification of the Convention reaffirmed the Moldovan state's position in the fight against mercenaries, as both the definition of the term mercenary and the criminal liability for mercenary activity had already been introduced into the legislation of the Republic of Moldova in 2002, with the adoption of the new Criminal Code of the Republic of Moldova²⁵. Following its adoption, both the definition and the legal text of the offense underwent changes, as a result of successive amendments to the Criminal Code.²⁶

Under the current legal framework, according to Article 130 of the Criminal Code of the Republic of Moldova, a mercenary is defined as a person specially recruited, either domestically or abroad, to fight in an armed conflict, who takes part in military operations with the aim of obtaining personal gain or remuneration promised by or on behalf of a party to the conflict, and who is neither a citizen of the party to the conflict, nor a resident of the territory controlled by a party to the conflict, is not a member of the armed forces of any party to the conflict, and has not been sent on an official mission as a member of the armed forces of a state other than a party to the

²² https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p1222, accessed on 20 June 2025.

²³ Alexandru Drăgulean. 2020. „Aspecte comparative privind răspunderea pentru activitatea mercenarilor în legislația penală a unor state europene” [„Comparative aspects of liability for mercenary activity in the criminal legislation of selected european states”], *Legea și viața*, January, https://ibn.idsi.md/sites/default/files/imag_file/35-37_42.pdf.

²⁴ https://www.legis.md/cautare/getResults?doc_id=26341&lang=ro, accessed on 20 June 2025.

²⁵ https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro, accessed on 20 June 2025.

²⁶ For details see Igor Soroceanu. 2022. „Răspunderea penală pentru infracțiunea de activitate a mercenarilor” [„Criminal liability for the offense of mercenary activity”], Collected papers presented at the International Conference “Offense - Criminal Liability - Punishment. Law and Criminology”, 2nd ed., Chișinău.

conflict.

Within Chapter I of the Special Part of the Criminal Code of the Republic of Moldova, entitled Crimes Against Peace and Security of Humanity, War Crimes, Article 141 provides for the offense concerning mercenary activity. This offense consists in the participation of a mercenary in an armed conflict, in military actions, or in other violent actions aimed at overthrowing or undermining the constitutional order or violating the territorial integrity of the state, and is punishable by imprisonment from 5 to 10 years. Paragraph (2) criminalizes the recruitment, training, financing, or other support of mercenaries, as well as their use in an armed conflict, in military actions, or in other violent actions aimed at overthrowing or undermining the constitutional order or violating the territorial integrity of the state. The commission of the acts provided in paragraph (2) is punishable by imprisonment from 10 to 15 years.

8. Conclusions

As can be observed, the legislation of the analyzed countries varies significantly, some states have opted to incorporate the provisions of the Convention into their national legislation and to expressly establish sanctions for mercenary acts, while others have chosen to criminalize offenses related to mercenarism. Thus, countries such as France and Italy have created an extensive legislative framework, with provisions concerning the definition of the term mercenary, the criminalization of mercenary acts, as well as those committed by individuals who recruit, organize, finance, or train mercenaries. There are states, such as Poland and the Republic of Moldova, which, although they do not have legislation as complex as that of France or Italy, criminalize both the act of enlisting as a mercenary and the recruitment of mercenaries. Other states, such as Portugal and Germany, have opted to criminalize only the recruitment of mercenaries, without imposing criminal liability for the act of being a mercenary.

By contrast, as noted in the introductory section, Romania has entirely ignored the phenomenon; its domestic legislation neither currently nor previously includes any offense related to mercenary activity.

Given this, and following the example of states that have chosen to criminalize mercenary acts, it is imperative that Romania also establish a legal framework aimed at protecting the social values represented by peace and national security against the threat posed by mercenary activity, especially now, as this phenomenon is expanding and diversifying in various forms, being linked not only to organized crime networks involving arms trafficking, drug trafficking, and money laundering, but also to acts of terrorism.

In this context, it must be noted that there have also been two legislative initiatives in Romania regarding the subject under analysis. Thus, in the past, in 2007, a legislative proposal was put forward which, although relatively comprehensive, providing a definition of the term mercenary and proposing the criminalization of

various mercenary-related acts²⁷, was ultimately rejected by both Chambers of Parliament. More recently, at the beginning of 2025, a new legislative initiative was launched, which is currently undergoing parliamentary procedures. Although the initiative is welcome in light of the existing legislative vacuum, it is extremely limited in scope, as it concerns only the activity of active personnel within the defense, public order, and national security structures, by prohibiting their participation in mercenary activities. Clearly, even if this bill were to be adopted, the issue of mercenary activity in Romania would remain unresolved, as mercenary acts can also be committed by reservists or by individuals without any connection to military structures. Moreover, the bill does not address individuals who recruit and train others to become mercenaries, nor does it consider natural or legal persons who organize or finance such activities. Under these circumstances, it is evident that the legislator must intervene and create a much broader legal framework, capable of ensuring adequate protection against the danger posed by mercenary activity.

The need for legislation in this area can also be viewed from another perspective. As has been rightly argued²⁸, a state that tolerates acts of aggression committed by its own citizens on the territory of another state, without taking reasonable measures to protect against and sanction such actions, disregards its own obligations to respect the territorial integrity and political independence of other member states of the international community, and thus fails in its responsibility to ensure that its citizens do not act in ways that undermine those obligations. Certainly, at this point, states cannot be held internationally responsible for the acts of their citizens, as the Convention against the recruitment, use, financing and training of mercenaries does not establish state responsibility for such conduct. However, adopting a domestic legal framework for the criminalization of mercenary activities would demonstrate, on the one hand, good faith in international relations, and on the other hand, maturity in addressing this phenomenon.

It is essential that, by observing the international framework and taking as an example the legislation of other states, far more advanced in this area, the Romanian legislator addresses the issue with the seriousness it requires, ceases to ignore the existing warning signs, and acknowledges the threat posed by such activities. The ultimate goal must be the creation of a legal framework that genuinely protects the social values endangered by the phenomenon of mercenarism.

²⁷ The proposal sought to criminalize the following acts: engaging in mercenary activity; initiating, organizing, or establishing paramilitary structures on the territory of Romania that are not subject to state authority and control, as well as providing any form of support to such structures; recruiting and training mercenaries; hiring and using mercenaries; providing goods or raising and collecting funds for the purpose of supporting or financing illegal paramilitary structures or mercenary activity; managing assets belonging to paramilitary structures; and supporting mercenary activity.

²⁸ Christopher Kinsey. 2003. „International law and the control of mercenaries and private military companies”, *Cultures & Conflicts*, 52, 11, <https://journals.openedition.org/conflicts/11502>.

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