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Criminal Prosecution as a Tool of Political Pressure on Opposition Forces by Authoritarian Regimes: From the Origins to the Present

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Abstract

The purpose of this publication is a comprehensive description of the features and forms of criminal prosecution of opposition forces by authoritarian regimes. The work comprehensively reflects the pressure of authoritarian regimes on the leaders of the opposition forces with the tools of criminal prosecution in Hungary, Singapore, Egypt, the Philippines, Argentina, Brazil, Chile, including in the Russian Federation, the Republic of Belarus, and the People's Republic of China. The experience of Ukraine in this context is also identified. The following methods were used in this research: analysis method, synthesis method, formal-logical method, system-structural method, and historical method. As a result of the study, the author proposed for the first time to consider the criminal prosecution of the opposition in authoritarian regimes in three aspects – legislative, criminal procedural and the aspect of direct criminal content. The work covers the content of the proposed aspects and states that in the fight against political opposition in authoritarian regimes, the judicial system is of particular importance, the activity of which can clearly demonstrate the application of selected theoretical aspects in practice.

Keywords: Crime, Leaders of Opposition Forces, Political Motives, Practice of the European Court of Human Rights, Political Opposition.

Introduction

It is a well-known fact that the 20th century was characterised by a significant prevalence of authoritarian regimes on the political map of the world. Effective and free activity of the leaders of opposition forces is an indispensable sign of a democratic system in the state, but, unfortunately, it was not always possible both in the 20th and in the 21st century. For authoritarian regimes, which are characterised by the presence of a so-called "usurper of power", it is natural to want to hold on to power as long as possible, and therefore the activity of opposition forces is extremely undesirable for such potential rulers, which can lead to unjust criminal prosecution of opponents of the regime for political reasons (Chunikhina, 2022; Merkotan, 2022). It should be noted that totalitarian regimes were characteristic of the 20th century, in which even the possibility of political

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opposition was absent conditioned upon political repressions. It is noteworthy that H. Thomson (2018), at the beginning of his scientific publication, devoted to the issues of opposition to the authoritarian regime in the context of the history of East Germany, mentions the mass riots in Kyiv in 2013. The scientist writes: "whether on the streets of Vienna in 1848, in East Germany in 1953, or in Kyiv in 2013, mass riots pose a real threat to the stability of non-democratic governments".

The majority of scientific publications are devoted separately to issues of the activity of the political opposition as a political institution, its typology, etc., and separately to the features of authoritarian regimes at various stages of human existence. Significant in the aspect of this study are the scientific works of T. Moustafa (2014).The scientist describes the role of law and courts in authoritarian regimes as institutions that allow resolving disputes between the government and society. Scientific work by A.J. Nathan (2020) focuses on four factors of legitimacy of authoritarian regimes (economic and political activities of the government, propaganda, nationalism and culture). P. Mair (2007) dealt with the specific features of the development of the opposition as a political institution in the European Union and identified the trends of such development. V.V. Kuhta (2020) investigated the features of authoritarian regimes in the region of Tropical Africa, the possible conditions for democratisation of this region. In his scientific work M. Chabanna (2003) considered the common and distinctive features of totalitarian and authoritarian regimes.

The author states that there is currently no comprehensive study of the criminal prosecution of opposition forces by authoritarian regimes. It seems necessary, at a minimum, to highlight the possible forms of such persecution and its features. In this context, the study of the decisions of the European Court of Human Rights (ECHR) acquires special importance, because the examination of the issues of political motivation for the use by authorities of the tools of criminal prosecution against the leaders of the opposition will increase the practical value of the work. Analysis of the practice of the European Court of Human Rights will allow persons who have suffered because of opposition to the government activities, have been illegally prosecuted, to protect their rights at the international level (Barabash et al., 2020; Getman et al., 2020; Stojarová & Felbermayr, 2022). The object of the study is the activity of authoritarian regimes aimed at criminal prosecution of opposition forces.

The purpose of this publication is a comprehensive description of the features of criminal prosecution of opposition forces by authoritarian regimes.

To achieve this goal, the following tasks were set: to clarify the meaning of the concept’s "opposition", "political opposition" and "authoritarian regime"; to investigate the genesis of the question; to outline the main forms of criminal

prosecution of opposition forces by authoritarian regimes; to consider the content of individual decisions of the European Court of Human Rights, which ascertained the political motive of the criminal cases of the opposition leaders.

Materials and Methods

The methodology of this research consisted of several stages. First of all, the author investigated the content of the concept's "opposition", "political opposition" and "authoritarian regime" as key concepts used in the work. This allowed stating that, in the classical sense, the opposition is actually a political force that opposes the current government and enjoys significant support in society, while the authoritarian regime is characterised by, at a minimum, the concentration of several branches of power in the hands of the head of state, the absence of political pluralism, etc. In modern realities, authoritarian regimes have a "personified" character. Next, the process of formation of the opposition and authoritarian regimes in the historical context was briefly described. Then the author singled out the features of the criminal prosecution of the opposition forces by the authoritarian regimes in a theoretical plan, and also considered the features of the political pressure of the authoritarian rulers on the opposition forces in Hungary, Singapore, Egypt, the Philippines, Argentina, Brazil, and Chile. The author did not ignore the high-profile modern criminal cases related to the imprisonment of the leaders of the political opposition in certain states (Oleksii Navalnyi in the Russian Federation, Serhii Tykhanovskyi in the Republic of Belarus, and Joshua Wong in the People's Republic of China).

The reviewed research materials allowed singling out several aspects of the criminal prosecution of opposition forces by authoritarian regimes (legislative, criminal-procedural, and the aspect of direct criminal content) and stating that courts in authoritarian regimes in the aspect of the government's struggle with opposition leaders acquire a special meaning and in practice apply all three in a comprehensive manner aspects described above. The decisions of the European Court of Human Rights served as the empirical basis of the study. Their significance was that in the text of the decisions considered in the work, the European Court of Human Rights not only singled out four signs that may indicate political persecution of opposition representatives, but also cited arguments in individual cases which may indicate a political motive for bringing the applicants to criminal responsibility. The result of the study was a comprehensive reflection of the features of the criminal prosecution of opposition representatives by authoritarian regimes.

At the beginning of the study, the author formulated the hypothesis "the criminal prosecution of opposition forces by authoritarian regimes is of a political

nature", which was confirmed not only by theoretical arguments, but also by the practical provisions of individual decisions of the European Court of Human Rights. The scientific publication uses the system of the following methods of legal research: analysis method – when considering the concepts of "opposition", "political opposition", "authoritarian regime" in scientific literature; synthesis method – when forming a system of signs that may indicate political persecution of opposition leaders, in the decisions of the European Court of Human Rights, when justifying the "personalized" nature of modern authoritarian regimes; formal-logical method – when establishing the ratio of authoritarian and totalitarian regimes, which allowed distinguishing between them; systemic-structural method – when summarising the features of the political pressure of authoritarian rulers on opposition forces in Hungary, Singapore, Egypt, the Philippines, Argentina, Brazil, Chile, establishing the meaning of the concept of "criminal prosecution" in the case of its use as a tool of influence on opposition forces; historical – in the study of the genesis of the development of the opposition and authoritarian regimes from the origins to the present.

Results and Discussion

Belgian scientists Sh. Weinblum & N. Brack (2011) note that the concept of political opposition is rarely clearly defined. Studies of classical literature on opposition contain a rather vague understanding of it. Sometimes, as scientists write, the concept of opposition is considered in the aspect of the system of "checks and balances", sometimes – in the aspect of institutional conflicts, and in some places – it is defined through the category of "minority party". P. Norton (2008) proposes to consider opposition through the construct of "confronting in some form of disagreement with another political force". R.A. Dahl (1966) visually demonstrates understanding of opposition. The scientist proposes to consider this concept through the following scheme: "opposition exists when political force B opposes its behavior to government A". G. Ionescu & I. De Madariaga (1968) consider the opposition as a dialectical counterpart to the current government, which is an advanced and institutionalized form of political conflict.

W. Zartman (1998) understands the opposition through the prism of the concept of "role complementarity." According to the scientist, this means that both the government and the opposition have their own interests in the political system, and this complementarity of persecution strengthens the state. Neither exploits the other, but each serves the interests of the other, fulfilling its own role. N. Vinnychuk (2007) considers the political opposition as an organized political force that monitors and criticizes the actions of the government, makes proposals for an

alternative political course, and the goal of its activity may be to gain power, as a result of which the political regime may be changed. T. Tkachenko (2007) interprets political opposition as a legal form of opposition and opposition to the official political course, which implies the possibility and ability to exercise control, express positions and introduce alternative proposals to the current state policy. Summarizing the definitions of "opposition" and "political opposition" given above, it can be stated that the opposition is actually a political force that opposes the current government and enjoys substantial support in society.

Now let's analyze the understanding of the concept of "authoritarian regime" in legal doctrine. An authoritarian regime, or autocracy, is defined as a system of political autocracy, personal dictatorship, or group rule. Under an authoritarian regime, executive and often legislative power is concentrated in the hands of the head of state, and the role of the parliament is limited and becomes almost invisible. J.J. Linz (2003) characterizes an authoritarian regime as a system with limited political pluralism. M. Chabanna (2003) interprets authoritarianism as a non-democratic political regime, which involves the concentration of power in the hands of an individual or a group of individuals who do not seek to achieve social consensus regarding the legitimacy of their power. At the same time, the role of representative institutions of government and citizens in general is decreasing, they are removed from the process of making political decisions (Komarov & Tsuvina, 2021). S. Naumkina (2004) notes that the official declaration of democracy as the property of almost all countries of the world in modern conditions actually erases the differences between it and authoritarian regimes, because the authoritarian regimes that exist today are strikingly different from those that took place before, and they even have some democratic features. V.V. Kuhta (2020) clarifies this thesis, stating that in the modern world, it is more appropriate to call authoritarian regimes "personalized", which are characterized by a dominant feature in the form of personal dictatorship, which can be considered as the most visible form of manifestation of such a regime.

According to the author, it is necessary to distinguish between the traditional understanding of the authoritarian regime and the modern one. Thus, the traditional authoritarian regime was characterized by the concentration of at least two branches of power (executive and legislative) in the hands of the head of state, lack of political pluralism, etc. Such authoritarian regimes existed for the most part in the 20th century. Modern authoritarian regimes, which are common in the 21st century, even have certain democratic features, but their defining feature is the presence of a personal dictatorship. Thus, the author supports the position of V.V. Kuhta (2020), who proposes to call authoritarian regimes "personified" in modern realities. The beginning of opposition as a phenomenon of political life

dates back to Ancient Rome, since the institution of the tribunate had the authority to challenge the decisions of the authorities and protect the interests of the people. However, later the existence of the opposition as such disappears for quite a long period, because, the Middle Ages are characterized by the overwhelming majority of monarchical forms of government, for which only the influence of the head of state in the country mattered. In the case when the authority of the monarch was lost, there was simply the next leader who headed the state. The 19th century, and especially the 20th, is characterized by the development of the opposition as a full-fledged institution of the political systems of Western countries. In the 20th century, the Ottoman, German, Russian, and Austro-Hungarian empires ceased to exist. At the same time, both totalitarian regimes (in Italy, Spain, Russia, Germany) and authoritarian regimes (in Bulgaria, Yugoslavia, Romania, Poland) arise. At that time, countries of traditional democracy (Great Britain, France, USA) are strengthening their democratic values.

An important aspect of research is the distinction between totalitarian and authoritarian regimes, especially in the 20th century. M. Chabanna (2003) calls totalitarian regimes in Nazi Germany, in the USSR (pre-Stalin and Stalinist periods), in China under Mao Zedong, in Cambodia under Pol Pot, in Italy under Mussolini, and some others. Regarding the presence of opposition in the 20th century, the standpoint of P. Mair[4] is interesting, who notes: "in the post-war democracies there was a more or less unstoppable tendency to move away from the classical opposition, which led to a situation where the opposition was effectively liquidated. This phenomenon can be described as the "fading of opposition". In the 21st century S. Drachuk (2009) singled out five influential authoritarian regimes that support democratic values not only within their borders, but also at the international level. The researcher refers to them as the Russian Federation, China, Iran, Venezuela and Pakistan. It is noteworthy that A.J. Nathan (2020) conducted research in fourteen Asian countries in 2010-2016. The results of this study allowed stating that authoritarian regimes enjoy greater public support than democratic regimes.

Before investigating the criminal prosecution of opposition forces by authoritarian regimes, it can be defined what exactly is meant by the concept of "criminal prosecution". V. Horbachevsky (2014) defines criminal prosecution as the criminal procedural activity of law enforcement agencies to expose, identify, and detain persons who have committed a crime. The researcher clarifies: "criminal prosecution can be interpreted in broad and narrow terms.

According to the author, the understanding of criminal persecution of opposition forces, especially by authoritarian regimes, is somewhat different from the traditional vision of this concept, because, firstly, such persecution is inherent

in a "political" character, and secondly, the fact of the crime itself being committed by persons belonging to opposition forces, may be subject to serious doubts and be a common repressive tool. P.-H. Teitgen noted: "when the state defines, organizes, regulates, limits freedoms to better ensure the public interest, the state is simply fulfilling its duty. This is allowed and is legitimate. However, when the state intervenes to eliminate, limit freedoms for the sake of state interests, to protect itself, (…) against opposition that it considers dangerous, to destroy the fundamental freedom that the state should coordinate and guarantee, such state intervention directed against the public interest" (The specifics of the application of Article 18 …, 2017). Therefore, the question of the role of the judicial system in authoritarian regimes occupies an important place in the aspect of the subject under consideration. T. Moustafa (2009) writes that courts in authoritarian states were once considered mere pawns, but now the judicial system is turning into places of active resistance. T. Ginsburg & T. Moustafa (2008) calls the courts in authoritarian regimes a "double-edged sword" because the main problem for authoritarian rulers is to ensure support for their regime, which they achieve by influencing the courts, which in turn stop hearing cases in favor of the political opposition.

T. Moustafa (2009) draws attention to the fact that the law and courts are often used to exercise state power against the opposition. There are common cases when such activities are of a so-called "preventive" nature, that is, aimed at avoiding even the possibility of the opposition opposing the current government. T. Moustafa (2009) illustrates this thesis with events in Hungary in 2010. Then the Hungarian Fidesz party came to power, which formed a majority in the parliament, sufficient to amend the country's Constitution. In this way, a new constitutional order was established in the state and, according to K.L. Scheppele (2013) introduced more than 700 new laws that changed everything from the civil code to the criminal code, the code of laws on the judiciary, the constitutional court, national security, the media, elections, etc. Such changes effectively deprived the opposition of the opportunity to challenge the constitutionality of the main institutional reforms, which further contributed to the centralization of power. K.L. Scheppele's (2013) assessment of such laws is interesting. The scientist writes that "these laws are harmless in themselves, nevertheless they actually made it impossible for the political party Fidesz to be removed from power by opposition forces".

The experience of Singapore is also interesting in the aspect of this research. J. Rajah (2012) notes that the law and the courts have been used by the Singapore government as tools in the service of authoritarianism. Having analyzed in detail the law on public order, the law on the press and some other legislative

acts, the scientist comes to the conclusion that the law itself was a key tool for the destruction of opposition parties, dismantling the independence of the mass media, and hindered the development of an autonomous civil society. T. Ginsburg & T. Moustafa (2008), characterizing the situation with the opposition in Egypt during the reign of Hosni Mubarak, note that the activities of the opposition forces were actually restrained conditioned upon laws on political parties, on public associations, and on the activities of the mass media. D. Carmen (1973), exploring the authoritarian regime of the Philippines, writes that in 1972, Ferdinand Marcos, after seizing control of the Philippine government, quickly declared martial law, seized the media, arrested political opponents, and banned certain political parties. The scientist notes that the dictator did not close the Supreme Court, using it as a tool to legitimize his power.

The author considers it necessary to mention the main results of the research conducted by A. Pereira (2005). The scientist notes that in Argentina (1976-1983), Brazil (1964-1979) and Chile (1973-1989), the authoritarian regimes that were in power used the ordinary judicial system to one degree or another to remove political opponents. P. Aguilar (2013)emphasizes the role of the judicial system in political repression of opposition forces in authoritarian regimes. In our time, perhaps the most high-profile cases regarding the criminal prosecution of opposition forces by authoritarian regimes are the criminal cases that effectively led to the imprisonment of Oleksii Navalnyi in the Russian Federation, Serhii Tsykhanovskyi in the Republic of Belarus, and Joshua Wong in the People's Republic of China. Thus, in 2021, Oleksii Navalnyi was charged with fraud and sentenced to two years and eight months in prison. Serhii Tykhanovskyi has more serious qualifications. The leader of the opposition forces in the Republic of Belarus was found guilty of organizing mass riots, inciting social enmity, preventing the work of the Central Election Commission and organizing actions that grossly violate public order. The total term of Serhii Tykhanovskyi's imprisonment is 18 years. Joshua Wong was charged with organizing unauthorized gatherings and inciting others to participate in such events. The court sentenced the representative of the opposition forces of the People's Republic of China to imprisonment for one year and one month (Hrubinko & Fedoriv, 2023).

This study would be incomplete without the study of Ukraine's experience. In particular, Z. Frys (2004) singled out three directions of the fight against the opposition in Ukraine, namely, when cases are fabricated against opposition leaders and activists, when exploratory material is collected from their private lives, and any sources of funding for the opposition are destroyed. That is, the first direction of suppression of opposition forces in Ukraine – fabrication of cases, and in fact criminal prosecution of opposition leaders – took place in the early 2000s,

if not earlier. The circumstances of bringing Yulia Tymoshenko and Yurii Lutsenko to criminal responsibility had a resonant character. These cases were considered during the reign of Viktor Yanukovych, which, to some extent, had an authoritarian character. Yulia Tymoshenko was found guilty of abuse of power and official authority and sentenced to seven years in prison with a ban on holding public office for three years. Later, this criminal case was closed conditioned upon the refusal of prosecutors to file charges. Yurii Lutsenko was found guilty of exceeding official authority and sentenced to four years of imprisonment with confiscation of property, with the deprivation of the right to hold positions related to the performance of organizational-administrative or administrative-economic duties for a period of up to three years (Cherniei et al., 2022). Nevertheless, the European Court of Human Rights recognized the illegal arrest of Yurii Lutsenko and indicated the political motivation of this criminal proceeding. Having analyzed the stated provisions regarding the struggle of authoritarian regimes with opposition forces, the author can single out the following aspects of the investigated issues:

1. Legislative aspect. The authorities in authoritarian regimes, first of all, can restrain the influence of opposition forces in society through the legislative framework (by adopting laws concerning the activities of political parties, public associations, mass media, conducting elections, amending constitutions, laws on the judiciary, criminal codes, etc.) (Nesterovych, 2020).

2. Criminal procedural aspect. Arrest of opposition leaders is a common tool of criminal prosecution of opposition forces in authoritarian regimes. Such an arrest is a criminal-procedural preventive measure, which can be the basis for politically motivated prosecution of opposition leaders.

3. The aspect of directly criminal content. It happens when in authoritarian regimes representatives of opposition forces are sentenced to real criminal punishment, and the crimes for which oppositionists are prosecuted can be different: from official to organizations of mass riots.

Courts play a special role in such a system of fighting opposition forces in authoritarian regimes. And here already the three aspects mentioned above (legislative, criminal-procedural and the aspect of direct criminal content) are applied in a complex: courts, on the basis of current legislative acts, not only approve the detention of opposition leaders in the form of arrest, but also find them guilty of crimes, despite on the possible "political" nature of such justice. The European Court of Human Rights in Case of Rashad Khasanov and others v. Azerbaijan (2018) singles out four signs that may indicate political persecution of opposition representatives:

1. Expressing hasty, public statements by officials in which the events investigated by law enforcement agencies are subject to evaluation (qualification). The ECHR draws attention to the fact that the General Prosecutor's Office made a public statement stating the fact of illegal attempts by some radical destructive forces aimed at overthrowing socio-political stability in the state, the day after the detention of the activists. According to the judges of the ECHR, such a statement shows the political subtext of the initiation of criminal proceedings against the activists, namely, the establishment of the fact of finding narcotic substances and twenty-two Molotov cocktails in the apartments of the applicants, was aimed at bringing the guilty to criminal responsibility not so much for such actions, but for their political activity.

2. Discrediting the opposition organization, which is factual in nature (public evaluation of the activity without proper evidence). In the investigated case, the representatives of the prosecutor's office described the activities of the applicants as illegal, without substantiating this statement with any arguments and without citing any evidence. This happened a few days before the detention of representatives of the public organization. In this context, the ECHR notes that the prosecutor's office aimed to present to the public the image of the organization and its members as "destructive forces" and an organization engaged in "illegal activities." The discovery of narcotic substances and Molotov cocktails in the applicants' apartments should have served as confirmation of this image. Nevertheless, the ECHR judges draw attention to the fact that the case files do not contain evidence that the prosecutor's office has objective information that would indicate a bona fide suspicion of the members of the public organization at the time these statements were made (Shynkar, 2023).

3. Demeaning and de facto attitude towards the opposition. According to the representatives of the state during the trial at the ECHR, the fact that the detained persons were not opposition leaders indicates the absence of a political motive for the criminal proceedings. However, this argument did not convince the ECHR judges. The latter recognized the irrefutable fact that the applicants belonged to a public organization, which was not only a political current, which consisted mainly of young people, but also participated in many protests against the government. The timing of the initiation of criminal proceedings against the applicants attracted the attention of the ECHR judges – the criminal proceedings were opened after a series of demonstrations against the government took place, in which members of the organization were also active participants.

4. Special attitude to the investigation. During the trial at the ECHR, the government representative tried to convince the judges that the purpose of the applicants' arrest and detention was solely to investigate the criminal offenses

alleged to have been committed by them. According to the judges of the ECHR, this approach only shows the special attitude of law enforcement agencies to the case under consideration. In this aspect, it is necessary to refer to the requirements of the national legislation, which provides for the investigation of an open criminal case by the police. However, at the national level, the investigation of this criminal case was carried out by the Serious Crimes Department of the General Prosecutor's Office with the involvement of the Ministry of National Security.

In general, in the practice of the ECHR, the criminal prosecution of opposition leaders is considered through the lens of Article 18 of the European Convention on Human Rights (1950). This article provides: "restrictions permitted under this Convention on the specified rights and freedoms shall not be applied for purposes other than those for which they are established". Nevertheless, the ECHR has repeatedly drawn attention in its decisions to the fact that Article 18 of the European Convention on Human Rights (Case of Rushad …, 2018) does not have an inherent independent character and is applied in conjunction with other articles of the Convention. In Case of Lutsenko v. Ukraine (2012), the ECHR unanimously found a violation of Article 18 in conjunction with Article 5 of the European Convention on Human Rights (Case of Rushad …, 2018). According to the ECHR, Yurii Lutsenko, who at one time led the opposition, had frequent appearances in the mass media, was definitely in the increased attention of society. The ECHR is convinced that the applicant had a legitimate right to respond to accusations of abuse of office through mass media. Unfortunately, at the national level, this right was not recognized for Yurii Lutsenko, because the prosecutor's office considered his communication with mass media representatives as grounds for his detention. Yurii Lutsenko was accused of distorting public opinion about the crimes he was accused of, discrediting the prosecutor's office, and influencing the future trial to avoid criminal liability. In this aspect, the ECHR ruled a violation of Article 18 in conjunction with Article 5 of the European Convention on Human Rights(Case of Rushad …, 2018) precisely because the prosecutor's office charged Yurii Lutsenko with crimes as a punishment for the public expression of the latter's disagreement with the criminal prosecution and defense of his innocence, which he had the right to do.

In Case of Tymoshenko v. Ukraine (2013), the ECHR also unanimously ruled on the violation of Article 18 in conjunction with Article 5 of the European Convention on Human Rights (Case of Rushad …, 2018). In this context, the ECHR often refers to the aforementioned Case of Lutsenko v. Ukraine (2012). Nevertheless, in the justification of the violation of Article 18 in conjunction with Article 5 of the European Convention on Human Rights (Case of Rushad …, 2018), such facts are noted as the applicant holding the post of Prime Minister of

Ukraine in the past and the status of Yulia Tymoshenko as the leader of the strongest opposition party, however, shortly after the change of power, the applicant was arrested to criminal liability and accused of abuse of power. Ukrainian and international observers, including various non-governmental organizations, mass media, diplomatic circles and individual public figures, viewed the situation with the criminal prosecution of Yulia Tymoshenko as politically motivated persecution of opposition leaders in Ukraine.

The Case of Navalnyy v. Russia No. 2. (2019), which was considered by the ECHR in 2019 regarding the illegality of applying a preventive measure in the form of house arrest to Oleksii Navalnyi, is also interesting in terms of the violation of Article 18 of the European Convention on Human Rights (Case of Rushad …, 2018). Finding a violation of Article 18 of the European Convention on Human Rights (Case of Rushad …, 2018), the ECHR noted that the detention of Oleksii Navalnyiunder house arrest was not only too strict a preventive measure, the application of which did not comply with national legislation, but also aimed at controlling the political activities of the opposition forces led by the applicant. During his stay under house arrest, the applicant was not only actually restricted in his freedom of movement, but was also prohibited from using communication and the Internet, receiving correspondence. The ECHR stated that, in this context, the application of house arrest to Oleksii Navalnyi was aimed at depriving him of the opportunity to actually carry out public activities of an oppositional nature, and led to the absence of political pluralism in Russia. And in this case, the ECHR ruled on the violation of Article 18 in combination with Article 5 of the European Convention on Human Rights (Case of Rushad …, 2018).

Conclusions

The work provides a comprehensive analysis of the criminal prosecution of opposition forces by authoritarian regimes. The author provides arguments for the justification of the so-called transformation of classical authoritarian regimes in the 20th century to "personalized" ones in the 21st century. The specific features of the content of the concept of "criminal prosecution" in the case of using the latter as a tool of influence on opposition forces have been established. Thus, the specific features of criminal prosecution in this aspect, according to the author, are its political nature, and the fact that the leaders of the opposition forces committed the crime can be seriously questioned. The publication examines the specific features of the political pressure of authoritarian rulers on opposition forces in Hungary, Singapore, Egypt, the Philippines, Argentina, Brazil, and Chile. Attention is also paid to the most high-profile modern cases regarding the criminal

prosecution of opposition forces by authoritarian regimes, which led to the actual imprisonment of Oleksii Navalnyi in the Russian Federation, Serhii Tsykhanovskyi in the Republic of Belarus, and Joshua Wong in the People's Republic of China. In this context, the experience of Ukraine is also studied.

For the first time, the author propose to consider the criminal prosecution of the opposition in authoritarian regimes in three aspects – legislative, criminal procedural and the aspect of direct criminal content. The work covers the content of the proposed aspects and states that in the fight against political opposition in authoritarian regimes, the judicial system is of particular importance, the activity of which can clearly demonstrate the application of selected theoretical aspects in practice. The criminal prosecution of opposition forces was also the subject of consideration in the practice of the European Court of Human Rights. The work identifies four signs that may indicate political persecution of opposition representatives, and their content is identified. High-profile cases "Lutsenko v. Ukraine", "Tymoshenko v. Ukraine" and "Navalnyi v. Russia" were considered precisely in the aspect of the political motive for the deprivation of liberty of the applicants. It was established that in all cases the European Court of Human Rights unanimously ruled on the violation of Article 18 in conjunction with Article 5 of the European Convention on Human Rights. This part of the author's research has a special practical significance, because its analysis will allow the leaders of opposition forces to defend themselves by legal means at the level of the European Court of Human Rights in the event of a violation of their rights by criminal instruments from the current government.

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