

Research Article

ECOLOGICAL EXTREMISM IN THE SLOVAK REPUBLIC: CONCEPTUAL AND LEGAL FOUNDATIONS

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ABSTRACT

Background: *In recent years, climate change and environmental degradation have given rise to new forms of civic activism aimed at pressuring governments and corporations to take urgent action to protect the environment. While most environmental movements operate within the bounds of the law and democratic principles, a minority of activists resort to more radical and disruptive methods when they perceive existing legal and political processes as too slow or ineffective. This phenomenon, commonly referred to as ecological extremism, does not typically aim to overthrow democratic governance but rather seeks to accelerate environmental policy changes through acts of civil disobedience and sometimes illegal direct action. Despite its growing relevance, the legal aspects and boundaries of ecological extremism remain underexplored, particularly in the context of Central and Eastern Europe.*

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Methods: This article employs traditional methods of legal scientific (jurisprudential) research, combining general scientific methods with methods specific to the field of legal science. Among the general scientific methods applied in this article are primarily logical methods, namely the methods of analysis, synthesis, and description. The method of analysis was used in relation to relevant legal provisions, mainly Section 140, 140a and 140b of the Slovak Criminal Code, and also in relation to doctrinal sources such as various legal commentaries and monographs, studies, scientific articles, and relevant reports. The method of synthesis is closely related to the method of analysis and complements the analytical approach. The descriptive method was employed to define and clarify the concept of ecological extremism. As for the special methods of legal science, the comparative method was predominantly used, facilitating the exploration of the relationship between extremism and terrorism, as well as the concept of ecological extremism and related terms.

Results and Conclusions: For the purposes of further research on ecological extremism, it was first necessary to address the concept itself and related concepts such as ecoterrorism, ecofascism, as well as contrasting concepts like environmental terrorism and ecocide. For the purposes of this article, it is concluded that ecological extremism should be understood as a form of ecologically motivated conduct that exceeds the boundaries of lawful activism but does not necessarily meet the criteria for terrorism. It is distinguished from ecological activism primarily by its radicalised ideology, the use of illegal methods, and the rejection of institutional forms of environmental protection. To illustrate and clarify the distinctions between concepts related to ecological extremism, an overview table has been presented.

As for the criminal law classification of ecological extremism, it has been concluded that it is difficult to envisage ecological extremism falling within the scope of crimes classified as extremism under the Slovak Criminal Code. However, it is conceivable that any crime committed with an ecological motive could be included among crimes of extremism. Currently, however, Slovak criminal law does not recognise such a specific motive. An ecological motive itself does not alter the legal qualification of the act, but it may be relevant when assessing the nature of the crime and determining the sentence. *De lege ferenda*, the ecological motive could form part of a privileged element of a crime, thus lowering the applicable sentence, or it could be explicitly recognised as a mitigating circumstance.

1 INTRODUCTION

Ecological extremism, and the legal response it necessitates, undoubtedly represents a significant challenge for legislators in the coming years—not only at the national level, but also at the supranational and international levels. It is a relatively new, yet rapidly evolving, form of extremism.

In our geographical legal context, ecological extremism remains a relatively under-researched phenomenon. It is therefore necessary to address this issue. This article aims to

serve as a starting point for further legal research into ecological extremism, including areas such as the prevention and repression of ecological extremism, perpetrator profiling, and the role of eco-narratives in the process of radicalisation on social media.

A substantial body of literature on extremism already exists, addressing the topic not only from legal but also from political and sociological perspectives. This, however, does not apply to ecological extremism, which is characterised by certain specific features—such as the fact that it does not inherently oppose democratic principles, and that it is unlikely to fall under the existing definition of crimes of extremism in Slovak criminal law.

Ecological extremism brings with it several challenges that demand a legislative response. There are multiple areas where further research is needed, particularly within our national legal framework, where such research remains largely unexplored. From a legal perspective, ecological extremism has not yet received adequate attention, either at the national or supranational level.

Although ecological extremism remains underexplored in Slovak legal scholarship, it has begun to attract increasing attention in comparative literature. Studies from the United States and Europe illustrate that ecologically motivated conduct is not confined to a single jurisdiction, but constitutes an emerging challenge across legal systems.¹

As a starting point for further research on ecological extremism, it is essential to first clarify the concept of ecological extremism itself, along with related terms such as *ecoterrorism*, *ecofascism*, and opposing notions such as *environmental terrorism* and *ecocide*. This article focuses on defining ecological extremism and distinguishing it from lawful environmental activism and ecoterrorism. Furthermore, it examines the potential for ecological extremism to be subsumed under crimes of extremism as defined by Slovak criminal law.

It must be noted that potential risks arise from the insufficient legal distinction between ecological activism, extremism and terrorism. This ambiguity may result in the criminal prosecution of individuals whose actions are ecologically motivated, raising concerns about legal certainty, procedural safeguards, and the protection of fundamental rights. At the same time, sentences imposed on perpetrators of ecological extremism could be disproportionately harsh if courts fail to take the ecological motive into account.

1 For instance, see: Kristy Champion, 'Defining Ecofascism: Historical Foundations and Contemporary Interpretations in the Extreme Right' (2021) 35(4) *Terrorism and Political Violence* 826. doi:10.1080/09546553.2021.1987895; Brian Hughes, Dave Jones and Amarnath Amarasingam, 'Ecofascism: An Examination of the Far-Right/Ecology Nexus in the Online Space' (2022) 34(5) *Terrorism and Political Violence* 997. doi:10.1080/09546553.2022.2069932; Graham Macklin, 'The Extreme Right, Climate Change and Terrorism' (2022) 34(5) *Terrorism and Political Violence* 979. doi:10.1080/09546553.2022.2069928; Sadi Shanaah, Immo Fritsche and Mathias Osmundsen, 'Support for Pro-Climate and Ecofascist Extremism: Correlates and Intersections' (2023) 20(1) *Democracy and Security* 46. doi:10.1080/17419166.2023.2220111.

If it proves that the legal system is not adequately prepared to address ecological extremism—as we presume—several legislative reforms may be necessary. It is therefore important to examine what ecological extremism is, how it is classified under criminal law, and what impact an ecological motive may have on judicial decision-making.

This article thus serves as a foundational contribution to a broader comparative research project currently underway, which explores how courts in different jurisdictions assess ecological motive in criminal proceedings—whether as mitigating circumstances or as grounds for more lenient sentencing.

2 METHODOLOGY

The primary objective of this article is to define the concept of *ecological extremism* and to distinguish it from lawful environmental activism and terrorism. This clarification represents a necessary first step toward further research that will examine the legal aspects of ecological extremism in greater depth. Another objective is to highlight the current options for criminal classification and prosecution of ecological extremism within existing legal frameworks in the Slovak Republic. Finally, the article concludes with *de lege ferenda* proposals intended to address current legal gaps and suggest potential improvements.

The main research question underpinning this research is: How can ecological extremism be legally and conceptually defined?

This central question is divided into the following sub-questions:

(RQ1): What distinguishes ecological extremism from legal environmental activism and from terrorism?

(RQ2): What is the relationship between the concept of ecological extremism and related concepts such as ecoterrorism, ecofascism, as well as contrasting concepts like environmental terrorism and ecocide?

(RQ3): How is ecologically motivated unlawful conduct addressed under Slovak criminal law, and what are the limits of the current framework?

The primary sources used in this article include scholarly sources—such as various legal commentaries and monographs, studies, scientific articles—and legislative instruments, particularly Slovak national legislation. Relevant reports were also examined, including the European Union Terrorism Situation and Trend Report 2022² and the European Union Terrorism Situation and Trend Report 2023.³

2 Europol, *European Union Terrorism Situation and Trend Report 2022* (European Union 2022).

3 Europol, *European Union Terrorism Situation and Trend Report 2023* (European Union 2024).

Regarding case law, it must be noted that in the past five years, there have been no proceedings in the Slovak Republic concerning ecological extremism or terrorism that resulted in a final conviction. As a result, the research does not rely on national judicial decisions. Instead, it draws upon relevant doctrinal and theoretical discussions, with particular attention to literature addressing extremism and terrorism, even where conceptual distinctions remain insufficiently developed. Accordingly, the article emphasises the relationship between these phenomena, drawing on the limited but existing academic contributions that focus—at least in part—on ecological extremism.

The primary legislative instrument analysed in this research is the Criminal Code of the Slovak Republic (Act No. 300/2005 Coll.),⁴ with particular focus on provisions related to crimes of extremism and crimes of terrorism, as well as the provisions relating to a specific motive. These provisions serve as the legal basis for assessing how acts that could qualify as ecological extremism are currently classified and prosecuted under Slovak criminal law.

Although the Criminal Code is a national instrument, the Slovak legal framework—especially its inclusion of specific motive-based provisions—may serve as inspiration or a comparative value for legislators and scholars in other jurisdictions examining similar phenomena in the context of growing ecological radicalisation.

The adopted methodology facilitated the identification and clarification of the legal and conceptual boundaries between ecological extremism, lawful environmental activism, and terrorism. This was a necessary foundation for addressing the research questions posed in the article. The combined doctrinal and comparative approach facilitated a thorough examination of existing legislation, scholarly literature, and official reports, revealing both terminological ambiguities and normative gaps in the Slovak legal framework.

The analysis of Slovak criminal law demonstrated that although certain ecologically motivated acts may be prosecuted under current provisions, no legal concept or category explicitly addresses ecological extremism. Furthermore, the lack of case law highlights the abstract nature of the concept in practice, which may lead to inconsistent application or overreliance on general provisions.

These findings provided the foundation for the article's *de lege ferenda* recommendations, which call for greater conceptual clarity in legislation and a more nuanced classification of motive-based crimes. The methodological integration throughout the article ensured that conclusions were grounded in systematic source analysis and aligned with the article's normative and comparative aims, thereby enhancing the credibility and practical value of the proposed recommendations.

4 Act No 300/2005 Coll Criminal Code 'Trestný zákon' (20 May 2005) <<https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2005/300/20250217>> accessed 29 June 2025.

3 THE CONCEPTUAL RELATIONSHIP BETWEEN EXTREMISM AND TERRORISM

To examine the concept of ecological extremism, it is first necessary to address the notion of extremism itself. However, extremism cannot be analysed in isolation; it must be considered within its international and European legal contexts, as well as in relation to closely connected concepts such as radicalisation and terrorism.

In the social sciences, extremism has gradually come to be understood as an umbrella term referring to anti-democratic political forces situated at the fringes of the left-right political spectrum.⁵ When it comes to defining and delineating the concept of extremism, a wide range of views exists among scholars, primarily due to the ambiguity and vagueness of the term itself.⁶ This lack of clarity can be traced back to the fact that the earliest authors who used the term *extremism* did so without providing a precise definition.⁷

In general, extremism can be described as a marginal and abnormal phenomenon that may manifest either as an internal attitude or as outward conduct.⁸ When a group begins to divide the world into “friends” and “enemies who must be destroyed,” it can be regarded as extremist; without this defining feature, such classification is difficult to justify.⁹ Confrontational narratives (“us vs. them”) are also present in ecological extremism. An example of this rhetoric could be: “The state and corporations are destroying nature – we must stop them!”

Our research indicates that extremism is not a legally defined term in all EU Member States. In this regard, the Slovak Republic is no exception. To this day, there is no legal definition of extremism in Slovak law, and the term does not appear *expressis verbis* in any international treaty or legal document of the European Union. Moreover, the legal codification of the term *extremism* is not expected in the foreseeable future.¹⁰

Within the theory of extremism, radicalism is used to describe views and attitudes that depart from the central, democratically conforming spectrum but have not yet crossed the threshold into extremism, although they remain in close proximity to it.¹¹ Radicalism is thus understood as an intermediate stage between democracy and extremism.¹² Eco-narratives can serve as a factor in the radicalisation process: when individuals perceive the world through a lens of apocalyptic urgency and helplessness, this perception may motivate them

5 Štefan Danics and Ladislava Tejchmanová, *Extremismus, Radikalismus, Populismus a Euroskepticismus* (Univerzita Jana Amose Komenského 2017) 17.

6 Jan Chmelík, *Extremismus a Jeho Právní a Sociologické Aspekty* (Linde 2001) 11.

7 Danics and Tejchmanová (n 5) 17.

8 Petr Černý, *Politický Extremismus a Právo* (Eurolex Bohemia 2005) 13-4.

9 *ibid* 16.

10 *ibid* 11.

11 Danics and Tejchmanová (n 5) 81.

12 *ibid* 17.

to engage in unlawful or violent actions. Radical environmental movements often employ apocalyptic eco-narratives that portray the current system as inherently destructive to the planet. Such narratives may contribute to a shift from civic protest toward extremism, or even to terrorist forms of resistance.

The connection between extremism and terrorism is frequently highlighted.¹³ During research, we observed that foreign literature and European legislation primarily focus on terrorism, while extremism tends to be addressed only marginally alongside it. The compound term “terrorism and violent extremism” is also often used. This prompted us to explore the relationship between terrorism and extremism more closely.

Terrorism involves, at a minimum, the intimidation or coercion of the public or governments through threats or acts of violence, causing death, serious injury, or taking hostages.¹⁴ However, individual national definitions may vary. Under Slovak legal conditions, there is no formal legal definition of terrorism.

The European Union Terrorism Situation and Trend Report 2022 employs the term “right-wing terrorism,” defined as “the use of terrorist violence by right-wing extremists. Violent right-wing extremist individuals and groups use, incite, threaten, legitimise or support violence and hatred to further their political or ideological goals. They seek to change the entire political, social and economic system on an authoritarian model and, in doing so, reject the democratic order and values as well as fundamental rights (...).”¹⁵

A distinction is made between violent and non-violent extremism. In most cases, the type of violence employed lies at the extreme end of the spectrum and may include terrorism, or in the most severe cases, genocide.¹⁶ As stated in the UN General Assembly’s 2015 Plan of Action to Prevent Violent Extremism, violent extremism is a broader phenomenon than terrorism and is not confined to any specific region, nationality, ideology, or belief system.¹⁷ Violent extremism that may lead to terrorism poses a serious threat to international peace and security.¹⁸ The United Nations frequently uses the term “violent extremism that may

13 Černý (n 8) 13.

14 ‘OHCHR and Terrorism and Violent Extremism’ (*United Nations Human Rights*, 2025) <<https://www.ohchr.org/en/terrorism>> accessed 29 June 2025.

15 Europol (n 2) 45.

16 Mathias Bak, Kristoffer Nilas Tarp and Christina Schori Liang, *Defining the Concept of “Violent Extremism”: Delineating the Attributes and Phenomenon of Violent Extremism* (Geneva Paper 24/19, Geneva Centre for Security Policy 2019).

17 ‘About Protecting Human Rights While Countering Terrorism and Preventing Violent Extremism: OHCHR and Terrorism and Violent Extremism’ (*United Nations Human Rights*, 2025) <<https://www.ohchr.org/en/terrorism/about-protecting-human-rights-while-countering-terrorism-and-preventing-violent-extremism>> accessed 29 June 2025.

18 ‘Preventing Violent Extremism Conducive to Terrorism’ (*United Nations, Office on Drugs and Crime*, 2025) <<https://www.unodc.org/unodc/en/terrorism/expertise/preventing-violent-extremism-conducive-to-terrorism.html>> accessed 29 June 2025.

lead to terrorism,” yet it does not provide a definition of this term nor evidence to substantiate this potential causal relationship.¹⁹

It has been noted that the emergence of the term “violent extremism” in public discourse is closely linked to terrorism and efforts to combat it.²⁰ The phrase “countering violent extremism” began to be used around 2005, when the United States moved away from the terminology of the “global war on terror.” The intention was to emphasise a shift toward solutions that were more diplomatic, economic, and political in nature, rather than purely military.²¹

In his article *Countering Violent Extremism: A Promising Response to Terrorism*, Schmid notes that the term “extremists” includes not only terrorists but also some of their radical—often (at least for now) non-violent—supporters who provide assistance and may pose a threat to democracy.²²

Although a definitive causal link between extremism and terrorism has not been definitively established, there are indications that the conceptual foundations for such a connection are gradually being laid.²³ The adoption of an extremist ideology increases the likelihood that an individual will seek to put this ideology into practice, potentially through the use of violence, and potentially—at the final stages of radicalisation—by resorting to terrorist means. We therefore hold the view that while extremism *may* evolve into terrorism, it does not necessarily do so.

Proponents of the concept of *militant democracy* and its expansion argue that acts of terrorism undermine not only public security but also fundamental democratic values and the rule of law.²⁴ Those who oppose incorporating counter-terrorism measures into the framework of militant democracy contend that “terrorists do not aim to destroy democracy by democratic means.”²⁵

Černý outlines the following distinctions between extremism and terrorism:

- Violence in any form, including terrorism, is considered an extremist method for achieving a goal;²⁶
- While extremism is primarily focused on ideological and programmatic aims, terrorism can be regarded more as a method of pursuing those aims;²⁷

19 Carmen Rocío García Ruiz and Nicolás García Rivas, *Extremismo Violento y Libertad de Expresión* (Iustel 2020) 36-7.

20 *ibid* 17.

21 *ibid*.

22 Alex P Schmid, ‘Countering Violent Extremism: a Promising Response to Terrorism’ (*ICCT International Centre for Counter-Terrorism*, 12 June 2012) <<https://www.icct.nl/publication/countering-violent-extremism-promising-response-terrorism>> accessed 29 June 2025.

23 García Ruiz and García Rivas (n 19) 32.

24 Danics and Tejchmanová (n 5) 164.

25 *ibid* 166.

26 Černý (n 8) 14.

27 *ibid* 46.

- Unlike extremism, terrorism (or terror) has been incorporated into the terminology of the (Czech) legal system;²⁸
- Whereas terrorism falls within the scope of criminal law, political extremism should also fall within the scope of constitutional and administrative law.²⁹

If extremism were to be understood solely as an ideology or as a set of goals that may be pursued through terrorism, then it would not be possible for the Slovak Criminal Code to include crimes classified as crimes of extremism. Ideas or beliefs alone cannot be criminalised; some form of conduct must occur in order for an act to fall within the scope of criminal liability for extremism. Such conduct may be either violent or non-violent in nature. Therefore, Černý's position does not fully correspond to the Slovak Criminal Code, as Slovak legislation explicitly recognises crimes of extremism and, in this regard, constitutes an exception compared with the legal frameworks of many other states. Under Slovak law, extremism thus also falls within the ambit of criminal law enforcement.

To conclude this section, it may be observed that, unlike Slovak legal scholarship, foreign literature and legislation primarily focus on terrorism, while extremism is often addressed only marginally. Even Slovak academic writing tends to mention extremism alongside terrorism, yet pays little attention to the conceptual distinction or connection between the two. Both extremism and terrorism pose threats to life, public safety, and ultimately, to the democratic functioning of society.

The fundamental difference, as we perceive it, lies in the use of violence—extremists do not necessarily resort to violent methods. Nevertheless, non-violent extremism still warrants a state response, as even a simple social media comment has the potential to radicalise, incite hatred, or influence others to commit crimes, thereby transferring online hate into real-world consequences. While extremism is sometimes regarded as an unavoidable part of democratic discourse, terrorism—owing to its inherently violent nature—clearly falls outside the acceptable boundaries of democratic society.

4 THE CONCEPT OF ECOLOGICAL EXTREMISM

Ecological extremism—and the legislative response it requires—undoubtedly presents a significant challenge for lawmakers in the coming years, not only at the national level but also at the supranational and international levels. It represents a relatively new yet rapidly evolving form of extremism, frequently classified as a variant of left-wing extremism. Its growing appeal lies in the fact that ecology as such does not, in principle, represent an anti-democratic idea.

28 *ibid* 47.

29 *ibid* 48.

Ecological extremism arises as a reaction to environmental degradation, the climate crisis, and the perception that “legal tools for addressing environmentally harmful activities are severely limited, and even when utilised, their results are not observable in the short term – if at all.”³⁰

Across Europe, including the Slovak Republic, groups such as the Animal Liberation Front, known for radical animal rights activism, are active. In recent years, there has been a noticeable increase in climate activist incidents across Europe and beyond, including the defacement of artworks, the blocking of roads, and the sabotage of power plants. Such conduct undoubtedly calls for a legislative response.

Currently, there is no available data concerning the number, organisation, or structure of ecological extremists operating within the territory of the Slovak Republic.³¹ However, it is important to mention the case of the so-called “first Slovak terrorist,” who, on 28 December 2011, placed a homemade explosive device in a rubbish bin near a McDonald’s restaurant on Protifašistických bojovníkov Street in Košice. This and other acts were committed with the declared aim of protecting the lives of dogs.³²

In the past five years, there has been no proceeding related to ecological extremism or terrorism in the Slovak Republic that has resulted in a final conviction.³³ However, it may reasonably be anticipated that such conduct will increase in the future—both as a consequence of continuing global warming and environmental pollution, and because these trends are gradually approaching the Slovak borders.

Further research into ecological extremism must begin with a conceptual clarification of the term itself, as well as related terms such as *ecoterrorism*, *eco-fascism*, and opposing concepts such as *environmental terrorism* and *ecocide*. The examination of ecological extremism necessarily involves a search for a legal definition—which, as we presume, does not yet exist. Accordingly, addressing the conceptual foundations of ecological extremism constitutes a necessary first step in this research.

Although some authors categorise ecological extremism as a form of left-wing extremism—primarily due to its anti-capitalist rhetoric, opposition to corporate interests, and calls for systemic change—others highlight its historical association with ultra-right ideologies. In interwar Germany, for instance, environmental narratives were intertwined with nationalist

30 Diana Repiščáková, ‘Žena vo Vojne’ (Medzinárodné a Európske Právo v Kinematografii II: XIII ročník študentského sympózia o medzinárodnom a európskom práve, Právnická fakulta Univerzity Pavla Josefa Šafárika v Košiciach, 6 marca 2020) 82.

31 Vladimír Lichner and others, *Extrémizmus a Radikalizácia v Sociálnych Kontextoch* (Šafárik Press 2018) 72.

32 Róbert Bejda, ‘Za výbuch pri McDonalde ho súdili ako prvého slovenského teroristu. Žiada prepustenie’ *Korzar* (Kosice, 2 July 2021) <<https://kosice.korzar.sme.sk/c/22693961/za-vybuch-pri-mcdonalde-ho-sudili-ako-prveho-slovenskeho-teroristu-ziada-prepustenie.html>> accessed 29 June 2025.

33 Lenka Letková, *Trestné Činy Extrémizmu z Pohľadu Štatistiky a Rozhodovacej Praxe od Roku 2017* (CH Beck 2023) 13.

and racist ideologies, a phenomenon now referred to as *eco-fascism*.³⁴ From a legal and criminological perspective, ecological extremism should be assessed on a case-by-case basis, considering the ideological framework, targets, and methods of action, rather than presuming a fixed placement on the political spectrum.

A relatively recent phenomenon is *militant environmentalism*, commonly referred to as *ecoterrorism*, the most extreme form of which is known as *eco-fascism*. The term *ecological extremism* is often used interchangeably with *ecoterrorism*; however, from a legal and criminological standpoint, terrorism is more accurately understood as a method of advancing certain aims, whereas extremism is seen as an ideological antithesis to democracy.³⁵ An example of ecoterrorism would be the arson of an oil refinery or the bombing of an extraction facility with the intention of disrupting its operations.

It is also essential to distinguish *ecoterrorism* from *environmental terrorism*. While ecoterrorism consists of attacks carried out “in the name of” the environment—that is, with the aim of protecting it—environmental terrorism involves attacks directed against the environment. In this context, it is also necessary to differentiate environmental crimes (i.e. crimes targeting the environment, such as illegal logging, pollution, or poaching), in which the protected legal interest is the environment itself, from the concept of an ecological motive, where the perpetrator commits another crime (such as vandalism or sabotage) with the declared aim of protecting nature, albeit through radical means.

Within the structures of the International Criminal Court (ICC), discussions have already begun regarding the possible application of existing legal definitions of crimes under international law to this category of attacks. However, most of these definitions are markedly anthropocentric in nature, or face other legal and conceptual obstacles, raising questions about whether the current legal framework is sufficient to enable the prosecution of individuals responsible for severe environmental harm before the ICC. As a result, growing attention is being given to the proposal for a new crime under international law—the crime of ecocide.³⁶

It is likewise necessary to differentiate *ecological extremism* from *ecological activism*, which is, in itself, a lawful activity. Ecological activism refers to efforts aimed at drawing attention to current environmental issues and generally carries a positive connotation. Environmental activists typically exercise their rights to assembly and association in pursuit of their objectives. For example, in Germany, members of Letzte Generation have been charged with forming a criminal organisation and obstructing the operation of critical infrastructure.³⁷

34 Danics and Tejchmanová (n 5) 73.

35 Černý (n 8) 40.

36 See more: Juraj Panigaj and Eva Berníková, ‘Ecocide: A New Crime under International Law?’ (2023) 13(1) Juridical Tribune 5. doi:10.24818/TBJ/2023/13/1.01.

37 Damien Gayle, ‘Alarm as German Climate Activists Charged with “Forming a Criminal Organization”’ *The Guardian* (London, 23 May 2024) <https://www.theguardian.com/environment/article/2024/may/23/alarm-as-german-climate-activists-charged-with-forming-a-criminal-organisation?utm_source=chatgpt.com> accessed 29 June 2025.

Nevertheless, even during peaceful environmental protests, unlawful conduct may occur—particularly where the legal elements of specific crimes or misdemeanours are met.

For the purposes of this article, as well as for future research in this field, ecological extremism shall be understood as a form of ecologically motivated conduct that exceeds the boundaries of lawful activism but does not necessarily meet the criteria for terrorism. What primarily distinguishes it from ecological activism is the presence of a radicalised ideology, the use of unlawful methods, and the rejection of institutional mechanisms for environmental protection.

To provide a clearer illustration and facilitate the distinction between concepts related to ecological extremism, the following table is presented:

Lawful Conduct	Unlawful Conduct				
	In the Name of the Environment			Against the Environment	
Ecological Activism	Ecological Extremism	Ecoterrorism	Eco-fascism	Environmental Terrorism	Ecocide

Supporters of ecological extremism primarily target objects, and more recently, have attacked, for example, works of art. Elements of extremism can be found in these actions, although it is questionable whether they could be subsumed under crimes of extremism.³⁸ However, this does not exclude the possibility that such actions may constitute elements of other crimes or misdemeanours. According to Letková, the actions of ecological extremists may, in certain situations, exhibit signs of radicalisation,³⁹ a view fully supported by existing research.

5 CRIMINAL LAW QUALIFICATION OF ECOLOGICAL EXTREMISM

When comparing the definition of extremism (on which there is no consensus within the academic community) and crimes of extremism (which are clearly defined in the Slovak Criminal Code), it can be concluded that the crimes of extremism do not encompass a significant portion of conduct that is considered extremism. However, it cannot be excluded that such actions could be classified under other crimes. Therefore, it is essential to acknowledge that extremism itself cannot be prosecuted in Slovakia.⁴⁰ Only those extremist acts that fulfil the elements of one of the crimes of extremism, or other crimes,

38 Vladimír Lichner, *Analýza Radikálnych a Extrémistických Skupín, Hnutí, Siekt a Kultov a Ich Pošobenie v Slovenskej Republike* (Šafárik Press 2020) 59.

39 Letková (n 33) 13.

40 *ibid* 4.

can be prosecuted. Not every form of extremism can be subsumed under the crimes of extremism. Thus, the concept of extremism is (substantially) broader than the definition of crimes of extremism.

Although this article primarily focuses on the Slovak legal framework, ecological extremism cannot be studied in isolation from the broader European and international contexts. At the EU level, ecological extremism has not yet been codified as a separate category of crime. However, it may fall within the wider framework of counter-terrorism and extremism policies, particularly the EU Directive 2017/541 on Combating Terrorism, which obliges Member States to criminalise terrorist offences, including those motivated by ideological or political objectives. Reports by Europol, such as the European Union Terrorism Situation and Trend Report 2023, have occasionally identified ecologically motivated attacks as part of the landscape of extremist threats, though they remain marginal compared to other forms of extremism.⁴¹

Internationally, there is no binding convention specifically targeting ecological extremism. Nevertheless, several international legal instruments indirectly cover such conduct. The Council of Europe Convention on the Prevention of Terrorism requires the criminalisation of public provocation to commit terrorist offences, recruitment, and training for terrorism—categories into which ecologically motivated extremist acts may fall if they involve violence or the threat thereof.

In the Slovak legal system, crimes of extremism are listed in Section 140a of the Criminal Code No. 300/2005 Coll.,⁴² while crimes of terrorism are listed in Section 140b of the Criminal Code. Any criminally liable individual may be the perpetrator of these crimes, and their commission requires intent as the form of fault. Legal entities may also be perpetrators of these crimes (see Section 3 of the Slovak Act No. 91/2016 Coll. on Criminal Liability of Legal Entities⁴³).

In the case of crimes of terrorism, the intent or goal is to damage the constitutional order of the Slovak Republic (Section 313, 314 of the Criminal Code), harm the defense capability of the state, disrupt or destroy the fundamental political, economic, or social structure of the state or an international organization, severely intimidate the population, or coerce the government of the state or any other public authority or international organisation to act, omit action, or tolerate certain conduct (Section 419 of the Criminal Code). The perpetrator's motivation in a terrorist attack, as defined in Section 419, is to severely intimidate the population by one of the aforementioned methods, interfere with

41 Europol (n 3).

42 Act No 300/2005 Coll (n 4).

43 Act No 91/2016 Coll on Criminal Liability of Legal Entities and on Amendments to Certain Laws 'O trestnej zodpovednosti právnických osôb a o zmene a doplnení niektorých zákonov' (13 November 2015) <<https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2016/91/20241217>> accessed 29 June 2025.

their lives, destabilise or destroy the constitutional, political, economic, or social order of the country or an international organisation, and influence legal and physical persons to act or refrain from certain actions.⁴⁴

The goal of terrorists is the destabilisation and destruction of key political, constitutional, economic, or public institutions and objects within the given state. Danics views terrorism as a clear political threat to the state's system, i.e., a threat to its democratic values and constitutional principles.⁴⁵ The ultimate goal of extremists is, ultimately, the same. While it is stated that terrorism aims to harm the constitutional order of the republic,⁴⁶ we argue that extremism also seeks to harm a democratic state.

Another important characteristic of terrorist acts is the presence of an objective, namely, to influence the actions of governments, international organisations, or other individuals.⁴⁷ Far-right extremist groups have different motives and goals compared to terrorist organisations such as Al-Qaeda, yet they also represent a unique threat to international democracy.⁴⁸

If the focus is on the object protected by law, in the case of crimes of terrorism, the object is the social order in its broadest sense and human life. In the case of crimes of extremism, the object is the protection of fundamental rights and freedoms, equality of people regardless of their national, ethnic, racial, religious, or other affiliation.⁴⁹ Both extremism and terrorism threaten the health and lives of individuals and, ultimately, the democratic functioning of society. Terrorists use extreme violence to achieve their goals, which are primarily the spread of fear and intimidation.⁵⁰ Extremists may or may not use violence.

In the case of ecological extremism, the situation is somewhat different. Ecological activities fundamentally do not represent anti-democratic behaviour. Environmental protection, as such, does not constitute an anti-democratic activity; however, certain radicalised groups may resort to illegal or violent means, thus crossing the line of legitimate activism.

Ecological activities themselves are primarily motivated by the protection of nature and sustainability. When actions cross the line of the law, ecological extremists aim to influence the actions of governments, as well as individuals. Their objectives are ecological, and their primary aim is not to endanger the lives and health of others. Nevertheless, radicalised forms of such activities can, in practice, lead to situations where public safety or the health of the population is genuinely threatened. For example, blocking highways and airports

44 Jozef Čentéš, *Trestný Zákon: Velký Komentár* (Eurokódex 2020) 913.

45 Danics and Tejchmanová (n 5) 164-5.

46 Černý (n 8) 47.

47 Tomáš Strémy, *Trestný Zákon: Komentár* (Wolters Kluwer 2022) 1304.

48 Imran Awan, 'Extremism, Radicalisation and Terrorism' in Imran Awan and Brian Blakemore (eds), *Extremism, Counter-Terrorism and Policing* (Routledge 2016) 10.

49 Eduard Burda and others, *Trestný Zákon*, vol 2 (CH Beck 2011).

50 Strémy (n 47) 1304.

(such as the case of the Letzte Generation movement in Germany), glueing themselves to runways, or attacking oil rigs or laboratories (as seen with the Earth Liberation Front and Animal Liberation Front cases).

As is typical for extremists, their common "enemy" consists of those who damage the environment, as well as those who, while not explicitly harming it, do not make sufficient efforts to protect it (governments or transnational institutions). The fundamental difference compared to other forms of extremism is that ecological extremism is generally non-violent towards people but uses violence against objects—for example, blocking roads, sabotaging mining equipment, and damaging infrastructure.

Elements of intimidation of the population can also be identified in ecological extremists' activities, through the spreading of catastrophic narratives about inevitable ecological collapses or climate apocalypse. These narratives serve both to mobilise sympathisers and to exert psychological pressure on society and political representatives, with the aim of accelerating the adoption of radical ecological measures.

Ecological extremism does not aim to overthrow the political system; its goal is to force the state or society to implement immediate ecological changes, not to alter the political regime. It is conceivable that, in extreme cases, the goal could involve changes to the constitutional order and the democratic functioning of society, but such cases would fall under the category of ecoterrorism. Ecological extremism does not reject democracy as a form of government, but rather radicalises protest methods when legal processes are perceived as too slow or ineffective. In the literature, it is therefore often referred to as disruptive or radicalised activism, rather than as an anti-democratic ideology.⁵¹

It is conceivable that eco-terrorism could fulfil the elements of crimes of terrorism under Section 140b of the Criminal Code. However, as mentioned above, the actions in the case of ecoterrorism are motivated by ecological reasons. For example, in a terrorist attack as defined in Section 419, the perpetrator's intent is clearly defined,⁵² which may not always be the case in ecoterrorism.

In the case of ecologically motivated criminal conduct, crimes such as damage to property under Section 245 of the Criminal Code, general endangerment under Section 284, or sabotage under Section 317 should also be considered. However, in the case of sabotage, there must be a clearly defined intent, namely to damage the constitutional order or the defence capability of the Slovak Republic, which is not the primary intent of eco-activists.

51 Michel Forst, *State Repression of Environmental Protest and civil Disobedience: A Major Threat to Human Rights and Democracy* (UNECE 2024).

52 The intention to damage the constitutional order or the defence of the Slovak Republic, or to disrupt or destroy the fundamental political, economic or social structure of a State or an international organisation.

The situation becomes more complex when it comes to ecological extremism. Ecological extremism is unlikely to fall under the crimes of extremism. The crimes of extremism under Section 140a of the Criminal Code include the following:

- founding, supporting, and promoting a movement aimed at suppressing fundamental rights and freedoms (Section 421);
- the expression of sympathy for a movement aimed at suppressing fundamental rights and freedoms (Section 422);
- the production of extremist material (Section 422a);
- the dissemination of extremist material (Section 422b);
- the possession of extremist material (Section 422c);
- Holocaust denial and the approval of crimes committed by political regimes and crimes against humanity (Section 422d);
- the defamation of nations, races, and beliefs (Section 423);
- incitement to national, racial, and ethnic hatred (Section 424);
- apartheid and discrimination against a group of people (Section 424a); and
- the commission of a crime with a specific motive (Section 140(e)).

Ecological extremism is unlikely to fall under any of the listed crimes of extremism. However, the exception may be the crime committed for a specific hate motive, as a crime committed for an ecological motive could conceptually be included among the crimes of extremism. However, such a specific motive is not yet recognised in the Slovak Criminal Code. The motive of nature protection itself does not change the legal qualification, but may be relevant when assessing the nature of the crime and determining the sentence. *De lege ferenda*, the ecological motive could be incorporated as a privileged element of a crime, potentially lowering the applicable sentence, or explicitly recognised as a mitigating circumstance.

Why should the ecological motive be considered? The proposal to recognise an ecological motive as a privileged element of a crime or as a mitigating circumstance rests on both legal and philosophical principles. From a theoretical perspective, modern criminal law acknowledges that the offender's motive may influence the degree of culpability and the proportionality of punishment. In line with the principle of justice and humanity in sentencing, motives driven by altruistic or socially beneficial considerations may be distinguished from purely selfish or profit-oriented motives.⁵³ Ecological ethics further reinforce this argument, as actions motivated by a desire to protect the natural environment reflect an orientation toward the common good.

53 Carissa Byrne Hessick, 'Motive's Role in Criminal Punishment' (2006) 80(1) Southern California Law Review 89.

Comparative perspectives provide valuable analogies. In some jurisdictions, certain crimes committed out of compassion are treated differently.⁵⁴ These examples demonstrate that the law is capable of differentiating between motives, acknowledging that the moral gravity of a crime is not uniform but depends on the underlying purpose of the act. Such analogies support the view that ecological motives could, under carefully defined conditions, be recognised as mitigating.

Nevertheless, the proposal is not without risks. One concern is the possibility of abuse, where offenders might justify unlawful conduct by invoking purported ecological ideals. Another is the risk of trivialising illegal actions, thereby undermining the rule of law and eroding public trust in the consistency of criminal justice. These risks can, however, be mitigated through carefully crafted safeguards. Recognition of the ecological motive as a mitigating circumstance should be limited to non-violent offences and applied only where the ecological motive is clear, genuine, and demonstrable. Judicial discretion would play a central role in assessing whether the ecological motive is both sincere and proportionate to the unlawful means employed.

As mentioned above, in the past five years, there has been no proceeding related to ecological extremism or terrorism in the Slovak Republic that has resulted in a final conviction. The absence of Slovak case law on ecological extremism or terrorism-related offences with an ecological motive creates a significant degree of uncertainty for practitioners. Without judicial interpretation, practitioners lack guidance on how to subsume ecologically motivated conduct under the existing provisions of the Criminal Code. This legal vacuum may lead to inconsistent classification without reference to the ecological motive. From a *de lege lata* perspective, Slovak courts would likely rely on analogies with other forms of extremism when faced with an ecological motive. Ecological motives, however, are often intertwined with altruistic or ethical considerations, distinguishing them from the hate-based or profit-driven motives typically present in other extremist contexts.

Comparative perspectives from jurisdictions such as Germany or the United Kingdom, where climate activism has already led to prosecutions, could undoubtedly enrich this discussion. However, such an analysis exceeds the scope of the present article. The primary aim here is to conceptualise ecological extremism as a legal category and provide a doctrinal foundation for further research. A systematic comparative study of how other legal systems classify and prosecute ecologically motivated conduct remains an important avenue for future scholarship.

Finally, ecological extremism raises important human rights questions, particularly regarding the balance between repressing radical illegal acts and safeguarding

54 For instance see: Chrystala Fakonti, 'Motivated by Compassion: Reviewing the Proposed Public Interest Guidance for Prosecuting Mercy Killings' (2023) 89(2) *The Journal of Criminal Law* 91. doi:10.1177/00220183231191477.

legitimate protest. A full analysis of this dimension exceeds the scope of the present article but remains a crucial subject for future research at the intersection of criminal law, democracy, and civic activism.

6 CONCLUSIONS AND RECOMMENDATIONS

In order to address the concept of ecological extremism, we first considered it necessary to deal with the concept of extremism itself. However, extremism cannot be examined in isolation, and it was essential to focus on its international and European legal contexts, as well as on closely related concepts such as radicalisation and terrorism. Unlike Slovak literature and legislation, foreign literature and legislation primarily focus on terrorism, with extremism receiving only marginal attention alongside terrorism. Slovak literature also often discusses terrorism alongside extremism, but it does not pay attention to the differences or connections between these concepts. Both extremism and terrorism pose a threat to the health and lives of individuals, and ultimately, to the democratic functioning of society.

The issue of ecological extremism has not received sufficient attention from a legal perspective, neither at the national nor at the transnational level. For further study, it was first necessary to address the concept of ecological extremism itself, along with related terms such as ecoterrorism, eco-fascism, as well as opposites like environmental terrorism or ecocide. For the purposes of further research, ecological extremism should be understood as a form of ecologically motivated conduct that exceeds the boundaries of legal activism, but does not always meet the characteristics of terrorism. It is primarily distinguished from ecological activism by a radicalised ideology, the use of illegal methods, and the rejection of institutional forms of environmental protection. To illustrate and facilitate the distinction of terms related to ecological extremism, a clearly arranged table has been presented.

Regarding the criminal law qualification of ecological extremism, it appears unlikely it would fall under any of the crimes of extremism under the Slovak Criminal Code. However, any crime committed for an ecological motive could theoretically be included among crimes of extremism. Such a specific motive, however, is not yet recognised in the Criminal Code. The motive of nature protection itself does not change the legal qualification, but it could be relevant in assessing the nature of the crime and determining the sentence. *De lege ferenda*, the ecological motive could be part of the privileged elements of a crime, thus lowering the applicable sentence, or explicitly recognised as a mitigating circumstance.

The *de lege ferenda* proposal to recognise the ecological motive as a mitigating circumstance must, however, be approached with caution. While such recognition may reflect the altruistic dimension of certain ecologically motivated acts, it also carries risks of abuse and inconsistency. Any policy development in this direction would therefore require narrowly defined safeguards to ensure proportionality, legal certainty, and compatibility with broader European criminal policy.

Although ecologically motivated crimes are generally not specifically codified in legal systems as a separate crime, in practice, the criminal law response relies on general crimes such as damage to property, sabotage, or general endangerment. In exceptional cases, ecologically motivated violent actions may be subsumed under the crimes of terrorism if the elements of intimidating the population or coercing the state are fulfilled. From a *de lege lata* perspective, the current framework appears adequate. From a *de lege ferenda* perspective, however, explicit codification of ecological extremism could enhance legal certainty, signal the seriousness of this phenomenon, and provide clearer guidance for practitioners.

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Дослідницька стаття

ЕКОЛОГІЧНИЙ ЕКСТРЕМІЗМ У СЛОВАЦЬКІЙ РЕСПУБЛІЦІ: КОНЦЕПТУАЛЬНІ ТА ПРАВОВІ ЗАСАДИ

Діана Репіцакова

АНОТАЦІЯ

Вступ. В останні роки кліматичні зміни та погіршення стану довкілля спричинили появу нових форм громадянського активізму, що спричиняє тиск на уряди та корпорації, щоб спонукати їх до вжиття невідкладних заходів для захисту довкілля. Хоча більшість екологічних рухів діє в межах закону та демократичних принципів, меншість активістів вдається до більш радикальних та деструктивних методів, якщо вони вважають наявні правові та політичні процеси надто повільними або неефективними. Це явище, яке зазвичай називають екологічним екстремізмом, як правило, не має на меті повалення демократичного уряду, а скоріше прагне прискорити

зміни в екологічній політиці через акти громадянської непокори, а іноді й незаконні прямі дії. Незважаючи на його актуальність, що зростає за останній час, правові аспекти та межі екологічного екстремізму залишаються недостатньо дослідженими, особливо в контексті Центральної та Східної Європи.

Методи. Автор використовує традиційні методи дослідження у правовій науці (юридичного дослідження), поєднуючи загальнонаукові методи з методами, характерними для галузі юридичної науки. Серед загальнонаукових методів, застосованих у цій статті, насамперед є логічні методи, а саме методи аналізу, синтезу та опису. Метод аналізу був використаний стосовно відповідних правових положень, здебільшого щодо статей 140, 140а та 140б Кримінального кодексу Словаччини, а також стосовно доктринальних джерел (різні юридичні коментарі до Кримінального кодексу та монографії, дослідження, наукові статті тощо) та відповідних звітів. Метод синтезу тісно пов'язаний з методом аналізу і доповнює аналітичний підхід. Описовий метод був використаний для визначення та уточнення поняття екологічного екстремізму. Що стосується спеціальних методів юридичної науки, то переважно використовувався порівняльний метод. Цей метод сприяв дослідженню взаємозв'язку між поняттями екстремізму та тероризму, а також дослідженню поняття екологічного екстремізму та пов'язаних з ним термінів.

Результати та висновки. Для подальшого дослідження спочатку необхідно було розглянути саме поняття «екологічного екстремізму» та пов'язані з ним поняття, такі як екотероризм, екофашизм, а також протилежні за значенням, такі як екологічний тероризм та екоцид. З огляду на цілі цієї статті зроблено висновок, що екологічний екстремізм слід розуміти як форму екологічно мотивованої поведінки, яка виходить за межі законного активізму, але не обов'язково відповідає критеріям тероризму. Екологічний екстремізм відрізняється від екологічного активізму насамперед своєю радикалізованою ідеологією, використанням незаконних методів та відмовою від інституційних форм охорони навколишнього середовища. Для ілюстрації та пояснення відмінностей між поняттями, пов'язаними з екологічним екстремізмом, було представлено оглядову таблицю.

Що стосується кримінально-правової класифікації екологічного екстремізму, було зроблено висновок, що важко уявити, щоб екологічний екстремізм підпадав під дію злочинів, класифікованих як екстремізм згідно зі Словачьким кримінальним кодексом. Однак можна припустити, що будь-який злочин, вчинений з екологічною мотивацією, може бути включений до злочинів екстремізму. Однак на цей момент кримінальне право Словаччини не визнає таку конкретну мотивацію. Екологічний мотив сам собою не змінює юридичної кваліфікації діяння, але може мати значення під час оцінки характеру злочину та визначення покарання. *De lege ferenda*, екологічний мотив може бути частиною привілейованих елементів злочину, що знижує міру покарання, або може бути прямо визнаний пом'якшувальною обставиною.

Ключові слова. Екстремізм; тероризм; екологічний екстремізм; екотероризм; екологічний мотив; злочини на екологічному ґрунті.