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The Status of the Armed Forces in Hungary, Poland and Slovakia*

Abstract

Every sovereign state protects its independence and territorial integrity. This objective is pursued through specialised organisational structures, with the state's armed forces acting as the principal unit competent for military security. Given the need to implement a range of tasks of fundamental importance to the state and society, each army must be competent and properly equipped. Without these attributes, the military domain will not be adequately protected. States must be focused on defence,

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especially since armed conflicts are leaving their imprint on Europe, posing a threat to European and global stability.

This article deals with the functioning of the Hungarian, Polish and Slovakian armed forces. As this topic is extensive, the authors have only addressed its selected aspects without undertaking a more in-depth analysis due to space constraints. The aim is to determine the status (including legal) of the armies in Hungary, Poland and Slovakia. The principal research method employed in the article is the legal dogmatic method. In addition to analysis, a synthesis is also used.

Keywords: armed forces, security, defence.

Introduction

The ongoing disintegration of the international order affects the security environment of many states, hindering the pursuance of national interests and strategic objectives. The security environment shaped by these changes is characterised by uncertainty and unpredictability. These, *inter alia*, result from non-compliance with international law and failure to fulfil international obligations. There are also increasing threats and challenges[1], among which military threats are particularly severe. The armed forces primarily have to ensure protection against such threats. The armed forces' tasks are extremely important given the need to protect military security. This is directly related to the need to ensure the entire state's independence and the complete stability of its institutions.

The armed forces must enjoy a solid constitutional standing due to the status they occupy in the security domain, as this formation is obliged to take action if specific threats materialise which cannot be countered by other formations.

The operational purpose of the armed forces is to ensure security, primarily in the military domain. This can be perceived as a three-stage process, i.e., protecting against threats (preventive measures), responding to threats once they occur (ongoing measures), and removing their consequences (remedial measures). Therefore, activities undertaken in the security sphere should prevent threats and, once materialised, eliminate their sources, protecting affected areas, and removing the consequences. Such measures must be

[1] *National Security Strategy of the Republic of Poland*, Warszawa 2020, p. 6.

launched to restore, as soon as possible, a situation that is free from threats exerting a significantly adverse impact on security[2]. Since it is impossible to achieve an entirely threat-free situation, it is important to ensure that the occurring threats are not severe enough to disrupt the normal functioning of the state and society.

Greater emphasis should be placed on developing defence measures. However, as this is a long-term process, it requires a solid foundation. This should be formed by political will, determination, consistent policies, a permanent defence budget with an effective allocation strategy, and integrated and technologically upgraded industrial defence capabilities, supported by investments in scientific and technological development[3]. These advancements should also extend to the armed forces, which are at the core of the defence sphere.

This article's purpose is to analyse the status of the armed forces in Hungary, Poland and Slovakia. The analysis presented herein does not exhaustively cover the topic but only its selected aspects. The principal research method employed in the article is the legal dogmatic method. It enables analysis of the legal regulations regarding the armed forces' standing in the security sphere. The theoretical-legal method is also used to explain the basic concepts underlying the functioning of the armies in the countries under consideration and to characterise the institutions that are significant in this field, based on the views supported by legal commentary. The article's title directly presents the underlying research problem, i.e., what is the armed forces' status in Hungary, Poland and Slovakia?

Armed Forces in Hungary

The Hungarian constitutional legislation basically deals with the fundamental organisational and operational issues of the Hungarian Defence Forces in two structural units, in a substantially dispersed form. These regulatory areas can be distinguished as follows: the declaration of the obligation to defend the national defence as a fundamental obligation (Article XXXI), and provisions relating to the legal status, basic tasks and powers of the army (Article 45).

[2] M. Karpiuk, *Ubezpieczenie społeczne rolników jako element bezpieczeństwa społecznego. Aspekty prawne*, „Międzynarodowe Studia Społeczno-Humanistyczne. Humanum" 2018, No. 2, p. 68.

[3] M. Fryc, *Polska strategia obronności wobec zagrożenia militarnego z elementami „wojny hybrydowej"*, „Bezpieczeństwo Narodowe" 2015, No. 33, p. 79.

Article XXXI (1) of the Fundamental Law points out in principle that the defence of the homeland is a national matter, and also states that „[e]very Hungarian citizen is obliged to defend his or her homeland". The obligation to defend the homeland is expanded in the next paragraph of the text, which makes it clear that Hungary maintains a voluntary reserve system for the defence of the homeland to provide a framework for the realisation of this obligation.[4] The legislation then differentiates between the obligations covered by the obligation to defend the national defence, as follows: 1) during a state of war, men of age and of Hungarian nationality who are resident in Hungary shall perform military service (subject to the guarantee and the applicable restriction determined by the exercise of freedom of religion and conscience as a fundamental right, the person liable to military service shall perform service without arms if the performance of armed service is incompatible with his or her conscience)[5]; 2) hungarian citizens of full age resident in Hungary may be subject to an obligation to perform military service during a state of war, as defined in a cardinal law (it is clear that the scope of this obligation is broader than that of military service, since it applies to both men and women); 3) paragraph 5 of the above-mentioned legislation also allows the Defence Act to impose a civil defence obligation on Hungarian citizens of full age residing in Hungary in order to perform defence and disaster management tasks; 4) the regulation also provides that anyone may be obliged to provide economic and material services in order to perform defence and disaster management tasks (this is the broadest category of persons subject to the obligation, since neither Hungarian citizenship nor age of majority is taken into account in the narrowing of the scope of the address)[6].

In relation to the organisation of the army, the regulation at the level of the Basic Law is limited to the most fundamental issues of guarantee significance, and the constitutional legislator has entrusted the elaboration of the detailed rules to a cardinal law, which the Hungarian Parliament fulfilled its legislative obligation by enacting Act CXL of 2021 on Defence and the Hungarian Defence Forces (hereinafter: Defence Act). According to the legislation, „Hungary's armed forces are the Hungarian Defence Forces, (whose) fundamental task is the military defence of Hungary's independence, territorial integrity and borders, the

[4] Cf. L. Lakatos, *Honvédelmi igazgatás*, [in:] *Közigazgatási jog. Szakigazgatásaink elmélete és működése*, A. Lapsánszky [ed.], Budapest 2020, p. 211-214.

[5] Article XXXI (2) of the Fundamental Law of Hungary.

[6] Article XXXI (6) of the Fundamental Law of Hungary.

performance of joint defence and peacekeeping tasks arising from international treaties, and the performance of humanitarian activities in accordance with the rules of international law"[7]. With regard to the regulation described, we would like to point out that the constitutional regulation refers first of all to the armed nature and the basic tasks, the order of which is of guarantee significance.

The regulation then concerns the governance of the Hungarian Defence Forces. In this context, two directions are outlined in the regulation: on the one hand, Article 45(2) provides that the Parliament, the President of the Republic, the Government and the Minister with the powers and competences are entitled to direct the Hungarian Defence Forces, unless otherwise provided by an international treaty, within the framework defined by the Fundamental Law and the cardinal law, while paragraph (3) of the same Article specifically mentions the Government's power to direct the operation of the armed forces[8]. It can be seen that, in this respect, the instruments of non-hierarchical control over the Hungarian Defence Forces - established for guarantee considerations – and hierarchical control linked to the Government are merged in a dogmatic sense. The extensive nature of the regulation at the level of the law is of cardinal importance both for the development of a guarantee system and in view of the growing new challenges (e.g. cyber threats)[9].

In accordance with the provisions of the Basic Law, several constitutional bodies are involved in the governance of the Hungarian Defence Forces, not including the Minister of Defence: 1) the National Assembly; 2) the President of the Republic, 3) the Government.

As already mentioned above, the fact that there are not only hierarchical powers of control within the organisation, but that certain ‚civilian' components of the state organisation also exercise certain rights of control over the (functioning) of the Hungarian Defence Forces is of guarantee significance for the governance of the army. The most comprehensible form of this is the regulation on the Parliament's powers of control, which basically provides for three points of intervention in the activities of the army by the supreme body of state power and representation of the people. Of particular

[7] Article 45 (1) of the Fundamental Law of Hungary.

[8] Cf. M. Molnár, J. Fazekas, *Honvédelmi közigazgatás*, [in:] *Közigazgatási jog. Különös rész*, M. Fazekas [ed.], Budapest 2011, p. 363-364.

[9] See more A. Bencsik, M. Karpiuk, *Cybersecurity in Hungary and Poland. Military aspects*, „Cybersecurity and Law" 2023, No. 1, p. 83-86.

importance in this respect is the provision whereby Parliament determines the number of ranks that can be systematically assigned to the Armed Forces, which is clearly reflected in the legislative activity and, through this, influences the internal (rank) organisation of the army[10].

The legislation then contains two related provisions on parliamentary control, in addition to the narrowly defined legislative control: 1) on the one hand, the regulation stipulates that the Parliamentary Standing Committee on Defence shall continuously monitor the performance of the tasks of the Defence Forces, the quality of their training and equipment, and the use of the material resources provided; 2) on the other hand, the Law on National Defence assigns to the Standing Committee the right to hear the nominee for Chief of the Defence Staff before his appointment and to express an opinion on his suitability[11].

With regard to the so-called management powers of the President of the Republic, two preliminary remarks should be made: firstly, it should be stressed that, in a parliamentary system of government, the institution of the President of the Republic is more representative than operational; secondly, it should be pointed out that the powers in this area are exercised by the Head of State on the basis of a ministerial proposal, which, unlike the institution of counter-signature, does not imply the assumption of political responsibility[12]. In view of the above, the Head of State decides according to his or her relevant competences, as the subject matter requires: 1) the appointment and dismissal of the Chief of the Defence Staff; 2) the awarding of a flag of honour to the Head of the General Staff; 3) the appointment to the rank of First General, including appointment for a fixed term and posthumous promotion to the rank of General, and the promotion of a General to a higher rank of General, including promotion for a fixed term and posthumous promotion; 4) the establishment and termination (determination of termination) of service of a general; 5) the imposition of disciplinary measures on a general, the finding of unworthiness; 6) the recruitment of a general out of service and its termination; 7) the reinstatement of a general and the withdrawal of the uniform or rank of a retired general[13].

[10] Cf. M. Fazekas, *Irányítás, felügyelet és ellenőrzés a közigazgatási rendszerben*, [in:] *Közigazgatási jog. Általános rész*, M. Fazekas [ed.], Budapest 2019, p. 135.

[11] Defence Act Article (4)1-3

[12] See more J. Petrétei, *Magyarország alkotmányjoga*, Pécs 2014, p. 121-122.

[13] Defence Act Article (5)1-1b

The President of the Republic shall, as part of his constitutional status, refuse to do the foregoing if the legal conditions are not fulfilled or if he has good reason to believe that this would result in serious disruption of the democratic functioning of the State. The power of control, which is an inherent part of the powers of governance, should also be emphasised, whereby the President of the Republic may request information from the Minister responsible for defence on any matter concerning the operation of the Defence Forces.

The Government's powers of control give it much more complex possibilities to intervene in the functioning of the army, which are summarised below: 1) exercising regulatory functions (e.g. defining the defence management functions of the Minister responsible for defence; defining and coordinating the defence functions of ministers and, with the exception of autonomous state administration bodies and autonomous regulatory bodies, central state administration bodies and other bodies involved in defence; defining the functions of civil defence training in times of armed conflict, etc.); 2) has a wide range of powers to issue specific decisions (e.g. on the coordination of government tasks related to the conduct of military operations; on the definition of the Defence Forces' military equipment and the financial resources required for this; on tasks related to the preparation of military operations on the territory of the country, etc.); 3) exercising budgetary powers through budgetary planning instruments; 4) may order the implementation of tasks related to NATO's Permanent Defence Plans and, in this context, introduce an accelerated decision-making procedure.

Finally, it is worth noting the cooperation between the Government and the National Assembly, which is based on the relationship of responsibility between them, under which the Government is obliged to report annually to the National Assembly on the implementation of defence tasks, the training, state and development of the Defence Forces, and to report to the relevant committees of the National Assembly on the implementation of international treaties governing the status of foreign armed forces in Hungary and on the operations of the Defence Forces abroad[14].

[14] Defence Act Article (6)1-5.

Armed Forces in Poland

The Polish legislators plainly indicate that the Republic of Poland Armed Forces serve to protect the state's independence and territorial integrity to ensure the security and inviolability of its borders. They shall maintain neutrality in political matters and are subject to civilian and democratic scrutiny[15]. The political neutrality of the Polish Armed Forces means that they must not support any party, organisation or person seeking to seize power in the state[16]. Neutrality should be understood as an obligation to be guided by the common good of all citizens and not specific groups. It arises from the fact that the Polish Armed Forces, as the only part of the state's structure, have the core and inalienable function of ensuring external security. They also fulfil a specific role in ensuring internal security, although their involvement in this process can only be auxiliary[17]. The exercise of civilian scrutiny over the army requires the cooperation of all authorities involved, as any rivalry between them could jeopardise the supervision process[18].

The Polish Armed Forces cannot have their own operational objectives independent of the state's. Rather, they are an instrument at the state's disposal, serving to safeguard the state's independence and territorial integrity[19].

The legislators have assigned the Polish Armed Forces with the essential tasks of ensuring independence and territorial integrity. No other formation has been given these tasks. The Polish Armed Forces' status is also determined by their constitutional standing – the Polish army's mission has been defined in Poland's supreme legal act – the Constitution of the Republic of Poland. Therefore, any lower-rank regulations shaping the status of this formation must take into consideration the constitutional objectives.

As stipulated in Article 134 (1)-(2) of the Polish Constitution, the President of the Republic of Poland is the Supreme Commander of the Polish

[15] Article 26 of the Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws of 1997, No. 78, item 483, as amended), hereinafter: „the Polish Constitution".

[16] W. Skrzydło, *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warszawa 2013, LEX/el., Article 26.

[17] Judgment of the Constitutional Tribunal of 7 March 2000, K 26/98, OTK 2000, No. 2, item 57.

[18] B. Banaszak, *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warszawa 2009, p. 154.

[19] P. Sarnecki, [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, L. Garlicki, M. Zubik [eds.], vol. I, Warszawa 2016, LEX/el., Article 26.

Armed Forces. Through the Minister of National Defence, the President, in peace times, has authority over the Armed Forces[20]. This provision defines how the President exercises supreme authority over the army. Its primary purpose is to prevent a situation where the President exercises authority over the Polish Armed Forces without the involvement of the relevant minister. While the Polish Constitution requires that the relevant defence powers be vested in the Minister of National Defence, it does not explicitly define their scope or exclude the vesting of such powers in other bodies, including the President, provided that such powers do not interfere with those of that Minister, or lead to the President's exercising authority over the Polish Armed Forces other than through the Minister of National Defence[21].

The fact that the President of the Republic of Poland exercises authority over the Armed Forces through the Minister of National Defence means that the latter is a link between the President and the staff and organisational units of the Polish Armed Forces[22].

When exercising authority over the Armed Forces, the President of the Republic of Poland in particular: 1) determines, at the request of the Minister of National Defence, the main directions of the development of the Polish Armed Forces and their preparations for national defence; 2) approves, at the request of the Minister of National Defence, by way of a decision: (a) the national plans for using the Polish Armed Forces for national defence purposes; (b) the organisation and operational principles of the command system of the Polish Armed Forces during wartime; 3) indicates, at the request of the President of the Council of Ministers, the person to be appointed Commander-in-Chief of the Armed Forces; 4) may participate in the management briefings of the Ministry of National Defence and the Polish Armed Forces[23]. The President of the Republic of Poland does not exer-

[20] See also: M. Serowaniec, *Rola Ministra Obrony Narodowej w cywilnym modelu zwierzchnictwa nad Siłami Zbrojnymi RP*, „Gdańskie Studia Prawnicze" 2018, No. 2, p. 566-567; M. Karpiuk, *Prezydent Rzeczypospolitej Polskiej jako organ stojący na straży bezpieczeństwa państwa*, „Zeszyty Naukowe AON" 2009, No. 3, p. 392-393.

[21] Judgment of the Constitutional Tribunal of 27 June 2008, K 52/07, OTK -A 2008, No. 5, item 88.

[22] P. Winczorek, *Komentarz do Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 roku*, Warszawa 2008, p. 292.

[23] Article 25 (1) of the Homeland Defence Act of 11 March 2022 (consolidated text, Journal of Laws of 2024, item 248, as amended), hereinafter: „the HDA".

cise authority over the Polish Armed Forces directly and independently but, as stipulated in the Polish Constitution, through the Minister of National Defence. The legislators indicate that certain actions related to exercising such authority are based on cooperation with the President of the Council of Ministers. The Council of Ministers also influences some actions taken as part of the command over the Polish Armed Forces.

In accordance with Article 11 (2) of the HDA, the Polish Armed Forces is a hierarchical, uniformed and armed formation, creating part of the state's defence system that is organisationally separate. The fact that this formation is hierarchical means its internal subordination, both organisational and personal.

The types of the Polish Armed Forces are outlined in Article 15 (1) of the HAD. They include: 1) Land Forces; 2) Air Forces; 3) Naval Forces; 4) Special Forces; and 5) Territorial Defence Forces. Article 15 (4) of the HDA indicates that they also include: 1) the Military Gendarmerie as a separate specialised service; and 2) the Cyberspace Defence Forces as a specialised component of the Polish Armed Forces. The latter have the powers to carry out a wide range of activities in cyberspace, including proactive protection and active defence of the elements and resources of cyberspace, relevant to the Polish Armed Forces.

With the Cyberspace Defence Forces being part of the Polish Armed Forces, it is evident that cyberspace is an important element of Poland's state policy and also belongs to the domain of interest of the army, especially as cyber attacks may compromise the stability of the state and undermine its security (including military security).

The emerging IT threats to society's functioning have increasingly serious implications, and attacks perpetrated in cyberspace can be used to exert economic and political pressure. In the event of major crises, actions in the IT space can constitute tools of powerful influence[24]. Due to the nature of threats occurring in cyberspace, especially those related to its use for public tasks, the Polish Armed Forces must be able to take specific measures to neutralise cyber attacks, especially as some of them target the state's defence system.

[24] K. Kaczmarek, *Zapobieganie zagrożeniom cyfrowym na przykładzie Republiki Estońskiej i Republiki Finlandii*, „Cybersecurity and Law" 2019, No. 1, p. 145. Regarding cyberthreats, see also M. Czuryk, *The Legal Status of Digital Service Providers in the National Cybersecurity System*, „Cybersecurity and Law" 2024, No. 1, p. 45; K. Kaczmarek, *Digital Competencies of the General Public and the State's Vulnerability to Cyberspace Threats*, [in:] *The Public Dimension of Cybersecurity*, M. Karpiuk, J. Kostrubiec [eds.], Maribor 2022, p. 34-36.

As stipulated in Article 11 (3) of the HDA, the Polish Armed Forces may participate in combating natural disasters and remedying their consequences, as well as in anti-terrorist operations, property protection activities, search operations, actions to save or protect human health and life, protection and defence of cyberspace, clearing areas of and neutralising explosives and hazardous military materials, and implementing crisis management tasks. However, as this is not their primary domain of activity, but a complementary one, the involvement of the Polish Armed Forces in such tasks must not weaken the state's defence system. First and foremost, they must fulfil their constitutional objective of protecting the state's independence and territorial integrity and ensuring the security and inviolability of its borders.

In Article 11 (3) of the HDA, the legislators do not explicitly mention crisis management as an additional domain of Polish Armed Forces activities. However, the scope defined in this provision appears to correspond to crisis management tasks, including protecting critical infrastructure. It is important to ensure the effective protection of critical infrastructure responsible for the state's strategic sectors. Effective protection of such infrastructure also means securing ICT systems against cyberthreats[25]. Critical infrastructure protection – defined as all activities aimed at ensuring the functionality, operational continuity and integrity of critical infrastructure, to prevent threats, risks or vulnerabilities, mitigating and neutralising their consequences, as well as ensuring the rapid restoration of such infrastructure in the event of failures, attacks and other events disrupting its proper functioning[26] – is such an essential task that the Polish Armed Forces can support other bodies in its implementation.

The army's status is also determined by the ability of military units to conduct operations outside Poland. The Polish Armed Forces may be de-

[25] M. Czuryk, *Cybersecurity and Protection of Critical Infrastructure*, „Studia Iuridica Lublinensia" 2023, No. 5, p. 50. The purpose of the crisis management system is also to protect critical infrastructure from threats affecting its functioning. Its operation can be disrupted by threats occurring in cyberspace; therefore, the protection of critical infrastructure must take into consideration the principles of cybersecurity to ensure its proper functioning, thus not only anticipating and eliminating threats, but also repairing the damage caused by adverse events, M. Karpiuk, *Crisis management vs. cyber threats*, „Sicurezza, Terrorismo e Societa" 2022, No. 2, p. 115-116. Regarding critical infrastructure protection, see also M. Czuryk, K. Dunaj, M. Karpiuk, K. Prokop, *Prawo zarządzania kryzysowego. Zarys systemu*, Olsztyn 2016, p. 25; M. Czuryk, *Status prawny samorządu terytorialnego w sferze zarządzania kryzysowego*, „Cybersecurity and Law" 2024, No. 2, p. 177.

[26] Article 3 (3) of the Act of 26 April 2007 on Crisis Management (consolidated text, Journal of Laws of 2023, item 122, as amended).

ployed outside the state's borders in connection with 1) an armed conflict or strengthening the military capabilities of the state or allied countries; 2) a peace-keeping mission; 3) an operation to prevent acts of terrorism or their consequences; 4) evacuating Polish citizens, when necessary to protect their lives or health, from a country that is not a member state of the European Union or the European Economic Area, or a party to the North Atlantic Treaty. These units may also be deployed outside the state's borders to participate in 1) drills and military training; 2) rescue, search or humanitarian operations; and 3) activities of a representative character[27].

In Poland, emphasis is placed on strengthening the operational capabilities of the Polish Armed Forces in terms of deterrence and defence against security threats, with a particular focus on increasing levels of mobility and technical modernisation. In this regard, the following postulates have been made: 1) accelerating the development of the operational capabilities of the Polish Armed Forces by increasing the rate at which defence expenditures grow; 2) continuing the adaptation of the command structure of the Polish Armed Forces, both in peacetime and wartime, to the needs arising from the evolving security environment; 3) strengthening the operational capabilities of the Polish Armed Forces by increasing their staff and equipment levels; 4) enhancing the mobility capabilities of the troops and the effectiveness of their support and logistic security systems by emphasising investments in the necessary infrastructure and means of transport; 5) improving the management of personnel resources of the Polish Armed Forces; 6) ensuring the state's ability to provide efficient air defence, including missile defence; 7) ensuring the operational capability to conduct military operations in cyberspace; 8) strengthening the mobilisation system, including staff reserve training; and 9) creating the conditions enabling the Polish arms industry to secure the long-term needs of the Polish Armed Forces, including through putting the research and development work outcomes into practice[28].

To support the development of the Polish Armed Forces, emphasis should be placed on the industrial defence capabilities, defined as both physical and non-physical assets available within the Polish industry, meeting the state's

[27] Article 2 of the Act of 17 December 1998 on the principles of using or deploying the Armed Forces of the Republic of Poland abroad (consolidated text, Journal of Laws of 2023, item 755, as amended).

[28] *Strategia*..., p. 18-19.

defence needs, including those of the Polish Armed Forces, related to armaments or military equipment[29]. Without an adequate industrial base, Poland (including the Polish Army) will not resist better-equipped aggressors.

Armed Forces in Slovakia

The position of the Armed Forces of the Slovak Republic can be examined on two levels: on the legal level, by anchoring them within the legal order of the Slovak Republic, and on the praxeological level, as part of the state's security system[30].

Legal level of the status of the Armed Forces of the Slovak Republic Since its inception, the Slovak Republic has adopted and implemented measures to ensure the basic function of a modern state, namely ensuring its security, defending its sovereignty and identity, territorial integrity, inviolability of borders and democratic social order. To ensure the independence and territorial integrity of the state, the Army of the Slovak Republic was established (since 2002, according to Act No. 321/2002 Coll. on the Armed Forces of the Slovak Republic, the name – Armed Forces of the Slovak Republic has been used[31]). The Armed Forces of the Slovak Republic are a significant element of the security system of our state, a decisive executive element of the state defense system, and in foreign policy terms they represent the basic symbol of its sovereignty and the guarantor of its international legal subjectivity.

The building of the Armed Forces of the Slovak Republic was a complex process of qualitative changes, implemented in difficult domestic political and economic conditions. After the division of the Czechoslovak Federal Republic (CSFR), the Slovak Republic had to build the management structures of the army of the newly constituted state in a very short time – the Ministry of Defense, the General Staff, etc., build and reorganize the Army of the Slovak Republic. It was also a complicated process of transferring equipment and part of

[29] Article 4 (4) of the Act of 7 October 1999 on support for the restructuring of the industrial defence capabilities and technical modernisation of the Armed Forces of the Republic of Poland (consolidated text, Journal of Laws of 2020, item 1663, as amended).

[30] M. Kelemen, V. Blažek, *Obrana a krízový manažment vo verejnej správe*, Liptovský Mikuláš 2023, p. 274.

[31] Zákon No. SR č. 321/2002 Z. z. o ozbrojených silách Slovenskej republiky, v znení neskorších predpisov.

the command corps from the Czech Republic to Slovakia, as well as the transformation of mainly training units and military schools into military combat units, respecting the optimal dislocation of military units and equipment[32]. The change in the political situation in Europe at the beginning of the 1990s presented political leaders and top military officials with the requirements of solving new tasks that they had not faced in the past, namely the building of a new modern army capable of fulfilling its internal and external functions. These requirements were confronted with the implemented security policy, personnel options, the development of the security environment in Europe and the world, but especially the economic options of the state, where the privatization and liquidation of the arms industry, the significant technical and scientific-technical background of the armed forces, and the resulting possibility of their flexible modernization played a negative role.

At the end of the 1990s, a new domestic political situation arose, which made it possible to take measures to partially eliminate the negative development in the defense sector, resulting from its several years of financial undersizing and transformation failures. The transformation of the armed forces began and the state's attention was focused on ensuring Slovakia's overall preparation for NATO membership. In 2004, the process of fundamental transformational changes in the Armed Forces of the Slovak Republic was completed and, based on the fulfillment of the set criteria, the Slovak Republic became a full-fledged member of the North Atlantic Alliance. In the following historical period, a number of specific measures were implemented, such as: the requirement to shorten the length of basic military service and the gradual professionalization of the army was established (since the beginning of 2006, Slovakia has had a fully professional army). The focus of the reforms is gradually concentrating on the modernization of weapons and equipment, the use of the potential of professionalization to achieve the desired operational readiness and combat power. It was the state of the armed forces that enhanced the expected advantages of joining NATO, that the process of modernization of the army would be significantly accelerated, and that membership in the organization would create the prerequisites for building and using its own current defense infrastructure.

[32] For example: At the beginning of its existence (January 1993), the Slovak Army had tabulated numbers for 53,000 soldiers, 995 tanks, 1,370 infantry fighting vehicles (IWV) and armored vehicles, 1,059 artillery systems, 146 combat aircraft and 19 combat helicopters.

NATO membership allows the Armed Forces of the Slovak Republic to specialize more, and thus use limited resources on the one hand, and to increase the level of usability of the Slovak Armed Forces in a wide range of NATO operations on the other. The Armed Forces began to focus on increasing the capability of deployment in operations, especially in capacities for: special forces intended for the fight against terrorism; engineer units; radiation, chemical and biological protection units; military police, but also the designated capabilities of air force units.

The process of development and advancement of the Armed Forces of the Slovak Republic as a significant defense tool in the new conditions also encountered the process of clarifying a number of theoretical postulates, political approaches and economic limits. From the subject of solving the issues of defense and crisis management of public administration, we consider it essential to emphasize in particular the issue of: 1) clarification of the essence of defense and the place of the armed forces in the defense system. From a socio-security perspective, defense represents a set of political, military and economic measures that, in addition to defense against military and non-military threats, ensure the defense of the democratic system of the state, the fundamental rights and freedoms of its citizens guaranteed by the state constitution, the spiritual values of society, the lives, health and property of individuals, as well as public property and the environment in the event of an attack or threat to the state by an external enemy. From the perspective of ensuring state security, defense represents a comprehensive system of activities of military, political and economic elements of the state, fulfilling tasks in the field of external security, with a focus on maintaining a state that enables the functioning, stability and development of the state, maintaining peace, sovereignty, territorial integrity and inviolability of borders, internal order in the state, constitutional rights and freedoms of citizens along with the protection of their lives, health and property. At the same time, it ensures the functioning of a social, economic, political, technical, technological or other system that, in specific internal and external conditions, enables the fulfillment of the established functions and tasks of the state and their development in the interests of man and security. The above-mentioned characteristics of defense become a binding limit for the development and direction of the activities of the Armed Forces; 2) defense as part of the public sector, defense – a public good. The public sector, of which defense is an integral part, represents an inseparable part of society (economy), because together

with the private sector it plays a significant role in ensuring the functioning and existence of the state[33]. It is a product of the public policy of the state (government) as an economic entity and its purpose is to fulfill tasks in the public interest and administer public affairs. The government finances the defense of the state and its citizens against external adversaries through specific public sector institutions, of which the state's armed forces play a decisive role. However, with the development of society, not only the volumes of public funds intended to satisfy the needs of the population increase, but also the requirements for the provision of public goods and services. Since the provision of defense is one of the basic tasks of the state, the growth of requirements has not escaped this area of public interest. From the point of view of economic theory, defense represents one of the few cases of a pure public good[34]. This means that as a public good, which is formed by the state's defense (military) potential, it is beneficial for all residents of the state, since every citizen benefits from it. It is a public good, which cannot be prohibited to any resident and, if the government provides it, is used by all residents[35]; 3) defense as a public good is distinct from private goods. Defense, once provided, can be enjoyed by all citizens. Every citizen is entitled to the same share of defense and security as every other citizen of the country receives from the armed forces[36]. From the perspective of the classification of economic goods, defense is an example of a collective (public) good[37]. This means that its consumption, based on the principle of excludability, is not, unlike a private good, fully divisible between individual consumers. Defence as a collective good cannot be divided into partial units, because each consumes it as a whole. The benefit (benefit) that an individual derives from it does not reduce the benefit (benefit) for other members of society. From the point of view of satisfying the needs of citizens, which are collective, societal and national needs, and whose satisfaction is ensured through public goods, defence ensures, in connection with the close connection of the public sector with the fulfillment of the tasks of the state, the performance of the security and defence function of the state. Within the framework of the division of the

[33] J. Benčo, L. Lašček, *Verejný sektor*, Liptovský Mikuláš 2002, p. 136.

[34] J.E. Stiglitz, *Ekonomie veřejného sektoru,* Praha 1997, p. 664.

[35] J. Benčo, L. Lašček, *Verejný*..., p. 136.

[36] L. Lašček, *Ekonomické zabezpečenie obrany štátu*, [in:] *Spoločnosť, armáda, osobnosť*, Bratislava 1999, p. 40.

[37] J. Liptak, *Verejné financie*, Bratislava 1999, p. 257.

public sector, defence, which satisfies the defence needs of the state and its inhabitants, is included in the group of sectors of social needs[38]; 4) acceptance of the economic and political basis of defense. From an economic and political perspective, defense represents a complex multifaceted activity that involves the use of a significant amount of economic, military and diplomatic means, forces and resources of a society in the interest of its survival in the event of a threat to its existence or the existence of its members[39]. From a military-economic perspective, defense represents the active activity of the armed forces of a state and their members in war or in preparation for war for the purpose of defending the state and its inhabitants in the event of or against attack by a foreign power, using the allocated human, material and financial resources of the state. Currently, in all developed countries there is a mixed economy, which is based on the coexistence of the private and public sectors[40]. In a mixed economy, it is assumed that the public sector, which is financed from public funds, plays a very important and at the same time constructive role in the economy[41]. Public budgets, especially the state budget, which also finances defense, together with local budgets, distribute huge amounts of public funds in every country. Their volume is constantly increasing, as the public sector uses them to provide public goods and services that serve the entire society and all its citizens[42]. Therefore, the public sector represents a very important factor that significantly affects people's living conditions and at the same time influences the economic development of society[43]. In terms of consumption of purely public goods, defense services, together with services in the areas of security, justice or public lighting, are classified as purely collective goods with automatic consumption[44]. For this reason, it is necessary for citizens to pay taxes to the state, including for defense services. It is the task of the public sector to motivate or ensure the production of public goods[45]. The production of public goods is an economic

[38] J. Benčo, *Ekonomika a manažment verejnej správy*, Trenčín 2006, p. 319.

[39] L. Odehnal, *Ekonomika obrany státu*, [in:] *Ekonomika obrany státu, Vybrané kapitoly*, Brno 1998, p. 325.

[40] J. Liptak, *Verejné*..., p. 257.

[41] Ibidem.

[42] R. Ivančík, *Ekonomika a obrana*, „Obrana" 2009, No. 10, p. 36-37.

[43] J. Benčo, *Verejný sektor a verejné služby*, Kunovice 2005, p. 186.

[44] E. Neubauerová, J. Petrenka, K. Beličková, A. Zubaľová, R. Tóth, *Teórie vo verejných financiách*, Bratislava 2001, p. 155.

[45] P.A. Samuelson, W.D. Nordhaus, *Ekonómia*, Bratislava 1992, p. 425.

activity that brings greater or lesser benefit to society and cannot be left to private enterprise[46]. Therefore, not only defense, but also other goods belonging to a small group of pure (true) public goods, such as goods and services for ensuring public order, law, public internal and external security, are directly destined to be the subject of public financing. Private initiative is insufficient in these cases, because it is highly unlikely that people will voluntarily provide enough funds from their pensions to ensure defense or other public goods, and therefore the state must ensure their production from public resources[47]. By deciding, within the framework of its operations and the performance of its functions, to which areas, including defense, a certain portion of available resources will be directed, the state also ensures that the weapons, weapon systems, ammunition, military equipment, armaments and equipment that the state purchases to ensure defense will be effectively used for the security and development of the defense potential and capabilities of the Armed Forces of the Slovak Republic.

We perceive the legal position of the Armed Forces of the Slovak Republic in the context of current strategic documents, such as: Security Strategy of the Slovak Republic 2021, Defence Strategy of the Slovak Republic 2021, and Doctrine of the Armed Forces[48].

The Armed Forces are a specific complex of material and human factors, created to use military means, forms and instruments of armed struggle to ensure the security of the state and fulfill international obligations arising from international treaties on mutual defense.

The Armed Forces of the Slovak Republic (AFS SR) are intended to defend the state against external military attack and to fulfill tasks aimed at maintaining or establishing peace by the Constitution of the Slovak Republic and relevant laws, as well as international obligations. The Armed Forces participate in maintaining public order, the internal security of our state, its sovereignty, territorial integrity, and inviolability of borders. Within the scope and conditions stipulated by law, the Armed Forces of the Slovak Republic may be used to eliminate non-military threats or crises, to perform tasks during a state of emergency or state of emergency in which the lives, health and property of citizens are at risk, to eliminate the consequences of extraordinary events and crises. These tasks are performed by the Armed Forces of the Slovak Republic

[46] R. Sivák, *Verejné financie*, Bratislava 2007, p. 316.
[47] P.A. Samuelson, W.D. Nordhaus, *Ekonómia*..., p. 555.
[48] Available online: https://www.mosr.sk/defence-documents/, [accessed: 15.12.2024].

independently with its forces, or in cooperation with the armed forces and rescue services, state and local government bodies, natural and legal persons, citizens, in resolving national threats or crises, and with allied forces in resolving crises of a scope exceeding the state framework or our capabilities.

The Armed Forces may be used to: protect the state border; protect and defend structures and buildings as well as objects of special importance for the defense of the state; eliminate the consequences of crises; combat terrorism; search for aircraft and save human lives; ensure air transport of constitutional officials; ensure air medical transport.

Given the expected development of the security situation, the Armed Forces will probably be deployed in peace support operations and counter-terrorism operations, which are primarily aimed at preventing crisis situations and stabilizing the security environment of interest.

The Armed Forces carry out strategic defense tasks through combat and non-combat activities in cooperation with allied forces, as well as with the special support of the armed forces, rescue services, legal entities and individuals, humanitarian organizations and citizens, and they carry them out in the territory outside our state and outside the territory of allies, in the territory of allies, as well as in the territory of our own state.

The Armed Forces carry out crisis management support tasks through active activity, the core of which is the fulfillment of basic activities in cooperation with NATO allies, expressed in operations aimed at creating and maintaining the international security environment, sovereignty, territorial integrity and external security of our state. Indirect support for crisis management is also provided by the armed forces through support and assistance to individual crisis management entities, by providing comprehensive material and non-material assistance. Support for the armed forces in the performance of defense tasks by crisis management entities creates a complex but controlled system, ensuring its high efficiency and the ability to flexibly respond to changing security situations at home and abroad.

Assistance tasks in support of public authorities are focused on cooperation in obtaining information for the national warning system in the event of a threat on the territory of the state, by allocating forces and technical means to prevent the emergence of crisis situations or to eliminate the consequences, by supporting the Police Force in maintaining public order, as well as by fulfilling the national task of the ground and air search and rescue service.

The armed forces on the territory of their own state usually carry out operations to eliminate the consequences of mixed and non-military crisis situations, including operations to support public administration and local government bodies (also referred to as national crisis management operations). They act as reinforcements provided to eliminate the consequences and as a result of natural disasters or industrial accidents, when the current basic forces and means are insufficient. They provide support to public administration and local government bodies in maintaining public order, as well as assistance in the fight against terrorism, etc.

Conclusions

The state has entrusted the armed forces with an essential mission. It is to protect the state's independence and guarantee its security. No other formation has the competencies and powers to tackle this challenge. A modern state without an army is exposed to numerous dangers which may lead to losing its sovereignty. As a result of the army's position in the defence sphere, it is necessary to make adequate investments in its functioning and to consider its tasks in public policies. An adequately equipped army is an important factor in protecting the security of both the state and society, allowing them to persist and develop.

A modern army must be open to new technologies. Without these, nowadays, it is problematic to ensure security, including external. Artificial intelligence, which can effectively support the defence sphere, will be of particular importance in this respect. To meet modern military challenges, the armed forces must make use of artificial intelligence tools; otherwise, they may not be able to fulfil their mission in case of a conflict.

Thanks to artificial intelligence, practically all areas of the armed forces functioning, i.e., command, reconnaissance, combat, protection and troop survival, and logistic security of operations, will undergo far-reaching optimisation enabling the development of offensive and defensive systems. This can also contribute to increasing striking precision. One can also expect to increase the effectiveness of air defence systems, including anti-aircraft and missile defence systems[49].

[49] M. Fryc, *Nowoczesne technologie kształtujące rozwój sił zbrojnych i ich operacyjne użycie do 2039 roku*, „Bezpieczeństwo Narodowe" 2023, No. 42, p. 170.

Based on the analysis presented in this article, the answer to the question stated in the introduction, regarding the armed forces' status, is clear: the armed forces are a fundamental element of the defence system and without them, it would be impossible to ensure state military security.

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Status sił zbrojnych na Węgrzech, w Polsce i na Słowacji

Streszczenie

Każde suwerenne państwo strzeże niepodległości i nienaruszalności swojego terytorium. Cel ten realizuje za pośrednictwem wyspecjalizowanych struktur organizacyjnych, do których należą również siły zbrojne, jako podstawowa jednostka właściwa w sprawach bezpieczeństwa militarnego. W związku z koniecznością realizacji zadań mających podstawowe znaczenie dla państwa i społeczeństwa każda armia musi posiadać nie tylko odpowiednie kompetencje, ale też być odpowiednio wyposażona. Bez tych atrybutów sfera militarna nie będzie należycie chroniona. Państwa muszą stawiać na obronność, zwłaszcza czasach, gdy konflikty zbrojne wyciskają piętno na Europie, zagrażając zarówno europejskiej, jak i światowej stabilności.

W artykule przedstawiona jest problematyka funkcjonowania sił zbrojnych na Węgrzech, w Polsce i na Słowacji. Jest ona bardzo obszerna, dlatego też Autorzy odnieśli się jedynie do wybranych jej aspektów, gdyż ramy artykułu nie pozwalają na głębszą analizę. Jego celem jest określenie statusu (w tym statusu prawnego) armii na Węgrzech, w Polsce i na Słowacji. Podstawowa metoda badawcza wykorzystana w artykule to metoda dogmatyczno-prawna. Zastosowano również, obok analizy – syntezę.

Słowa kluczowe: siły zbrojne, bezpieczeństwo, obronność.