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Units Competent for Defence Capabilities in Hungary, Ukraine and Poland*

Abstract

A defence system is an essential element that guarantees state independence. It comprises multiple components, including defence units which are mainly responsible for preventing military threats coming from other hostile states or terrorist organisations. The basic entity that is to ensure defence capabilities of individual states is their armed force. This uniformed and armed service constitutes the foundation of security in a vast majority of countries. Without an army, the state's stability might be undermined in a short time, and its independence could become uncertain.

The paper discusses the issue concerning the organisation and functioning of defence units in Hungary, Ukraine and Poland. As the subject-matter is extensive, the

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authors discuss only selected issues. The objective of the paper is to define the status of this type of entities in three countries – Hungary, Ukraine and Poland. The doctrinal legal research method was selected as the main approach in this paper. It was employed to analyse the legal acts governing the issues related to defence units. The law theory method was also applied to analyse the views of legal commentators in the subject-matter in question.

Keywords: defence capabilities, defence units, armed forces, military security.

Introduction

The discussion of defence organs is a topical issue of both organisational and personnel law, which calls for academic investigation, especially with regard to the regulatory nature of the state's organs of violence and the underlying legislative motives. In this context, we would like to draw attention to the dual nature of the organisation and operation of bodies with (national) defence functions: they are both armed services and also carry out the types of activities typical of „civil" public administration. This is a specific feature that can be identified in the legal status, staffing and operation of the bodies, on the basis of the regulations examined, but which requires a scientific analysis in order to meet the requirements of public administration under the rule of law.

The link between civilian and defensive public administrations is made inescapable by the realisation that the basic function of the bodies under study is to ensure internal order on the one hand and to defend the country against external aggression on the other. The former function is essentially linked to the operation of law-enforcement agencies, while the latter is primarily a feature of the state organisation system which performs defence functions. The actors of defence-type administration (and this is particularly true of the organisations involved in defence administration) operate in several respects along different lines from civilian public administration, and it is of crucial importance to briefly review these.

The most important of these characteristics is that the actors in the defence administration have a multi-level structured administrative activity. By this we primarily mean the fact that, while the Government, which is considered the supreme body of executive power, is at the apex of the civil administration, in the field of defence administration, for constitutional and

guarantee reasons, certain management rights are also exercised by other actors of the state organisation which, for reasons of constitutional and guarantee, operate according to a fundamentally different profile (e.g. the related powers of the National Assembly or the President of the Republic).

Another important characteristic is the status of being empowered to use legal coercion, which essentially means that these bodies are entitled to take coercive measures restricting individual freedom and, in the exercise of their activities, are also involved in enforcing the decisions of civil administrations, which can be interpreted as a further interconnection between the two spheres of public action[1].

Lastly, it should also be pointed out that the specific characteristics of the staff can also be identified as an argument in favour of scientific analysis: the number of people employed in this sector is much higher than the number of civil servants in the public administration, but the nature of the employment is also very different from that of other civil service staff. It is worth noting that in Hungary, one of the cardinal changes in the area under review was made in this very area[2].

It should also be noted that there have been major changes in the field of defence management in recent times, partly due to global political events (e.g. epidemics, challenges posed by mass immigration, war, increased cyber threats), but also as a result of legal policy at national level (e.g. In view of all this, we believe that it is not useless to review the – sometimes systemic – changes that have taken place in Hungary and Poland in recent years.

Theoretical background: a brief introduction to the basic concepts of policing

Before assessing the public administration's defence-type role, it is useful to review the conceptual framework and, more specifically, the way in which the legal systems of the various states considered to be models of law enforcement view the role of the police. In this respect, it seems appropriate to distinguish between the Anglo-Saxon, Francophone and German dogmatic approaches.

[1] For more on this, see M. Fazekas, *A rendvédelmi és honvédelmi szervek mint az állam erőszakszervezetei*, [in:] *Közigazgatási jog. Általános rész*, M. Fazekas [ed.], Budapest 2019, p. 217.

[2] Ibidem, p. 218.

In the Anglo-Saxon countries, policing is primarily concerned with maintaining public safety, with the prevention, detection and apprehension of offenders being at the heart of the policing function, thus highlighting the close link between policing and the administration of justice. Without going into the details of the system, it should be pointed out that the performance of the tasks concerned is essentially linked to local and regional authorities, but this does not imply strict exclusivity, and there are examples of the legislator delegating certain law enforcement tasks and powers to public administration bodies separate from the general law enforcement bodies[3].

A substantially different model is emerging in France, an approach that developed under the absolute monarchy and which focuses on the broader concept of public order (ordre public). In the Francophone approach, a distinction is made between the administrative police (police administrative), which is responsible for protecting public order and public safety, and the judicial police, which is responsible for protecting against crime. It is also important to stress that, in view of this dichotomy, a specific organisational structure has been developed within this system: judicial policing is carried out exclusively by the police (Police Nationale, Gendarmerie), while the former also performs administrative policing tasks. There is also a municipal role (Police Municipiale), which essentially takes the form of competence in local administrative policing matters.

Finally, the German concept of policing (Polizei) should also be highlighted, which, as a material concept, includes the overall protection of public safety and public order, while as a narrower (formal) concept, it considers the primary purpose of the police to be the protection against activities that violate (threaten) public safety and public order, as well as other threats. In organisational terms, there is also a duality: since the legislation regards these issues as a national public matter, the legislator primarily assigns the implementation of these tasks and powers to state administration bodies, the role of local government – essentially from the point of view of organisational practicality – can be considered typical in the field of disaster management[4].

[3] Cf. I. Hoffman, *A rendészte általános fogalmi kérdései*, [in:] *Közigazgatási*..., pp. 218-219.
[4] Ibidem, pp. 221-222.

The status of units competent for defence capabilities in Hungary

In the framework of the administration of the national defence, the organisation of the Hungarian Defence Forces and the management of the army are separated, based on the guarantee considerations mentioned above, and the latter is basically intended to implement the control provided by the civilian actors of the state organisation. The constitutional foundations are of cardinal importance for the regulation of the army, which is determined by its armed nature and its defence functions, and it is therefore essential to briefly review the highest level of regulation of the subject. Article 45 of the Fundamental Law of Hungary touches upon the cardinal issues related to the legal status, organisation and regulation of the Hungarian Defence Forces, of which only the regulation related to the subject will be highlighted.

According to the regulation, „the armed forces of Hungary shall be the Hungarian Defence Forces, whose fundamental tasks shall be the military defence of Hungary's independence, territorial integrity and borders, the performance of common defence and peacekeeping tasks arising from international treaties, and the performance of humanitarian activities in accordance with the rules of international law"[5]. Two comments are made on the regulation described: firstly, it should be stressed that the constitutional regulation refers first and foremost to the armed nature and the basic tasks, the first place of which is of guarantee significance. On the other hand, it should also be noted that there are a number of other constitutional provisions which are scattered throughout the normative regulation in other structural units, so that the legislator's coverage of fundamental issues cannot be considered complete (for example, the fundamental obligation to defend the national defence or the conditions of applicability in special legal systems[6], which are dealt with in other chapters of the Fundamental Law)[7].

Next, the regulation 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

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

[6] For more on this, see L. Lakatos, *Honvédelmi igazgatás*, [in:] *Közigazgatási jog. Szakigazgatásaink elmélete és működése*, A. Lapsánszky [ed.], Budapest 2020, pp. 211-214.

[7] For more information, see Article XXXI of the Fundamental Law of Hungary and Article 49.

Republic, the Government and the Minister with the powers and responsibilities are entitled to direct the Hungarian Defence Forces, unless otherwise provided by an international treaty, within the limits set 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 army[8]. It can be seen that, in this respect, there is a doctrinal confusion between the instruments of non-hierarchical control over the Hungarian Defence Forces, which are designed for guarantee considerations, and the instruments of hierarchical control linked to the Government[9], which, however, can be seen as a criticism of the legislation rather than of the theory.

Subsequently, the normative text of the Fundamental Law of Hungary touches on the army in two further directions. With guarantee considerations in mind, it imposes a certain restriction on fundamental rights by stipulating that ‚professional members of the Hungarian Defence Forces may not be members of political parties or engage in political activity' and by prohibiting the formation and operation of trade unions in connection with the status of professional members of the Defence Forces[10].

Finally, the constitutional requirements for the development of sub-statutory regulation should be highlighted: 1) „The detailed rules concerning the organisation, tasks, management, leadership and operation of the Hungarian Defence Forces shall be determined by a cardinal law" (Article 45 (5)); 2) „The Government shall issue a decree on the legal status of professional members of the Hungarian Defence Forces, in which the Minister responsible for the tasks and powers may be authorised to lay down detailed rules" (Article 45 (6)); 3) „The rules concerning the fundamental rights and obligations of the professional members of the Hungarian Defence Forces in connection with their legal status may also be laid down in a Government decree pursuant to paragraph (6)" (Article 45(7)).

Two comments are added in relation to the above points. On the one hand, it is indicated that delegating to the legislature the competence to deal

[8] On the governance system of the previous regulation, see M. Molnár, J. Fazekas, *Honvédelmi közigazgatás*, [in:] *Közigazgatási jog. Különös rész*, M. Fazekas [ed.], Budapest 2011, pp. 363-364.

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

[10] Article 45(4) and (8) of the Fundamental Law of Hungary.

with fundamental matters not regulated by the Fundamental Law is a practical solution, while regulating them in a cardinal law (adopted by a two-thirds majority of all members of Parliament) ensures that the guarantee aspects are enforced. The Hungarian Parliament has fulfilled this task with Act CXL of 2021 on Defence and the Hungarian Defence Forces.

In contrast, the last two regulatory elements have already attracted much criticism in the relevant literature[11]. On the one hand, it risks a guarantee deficit and it is also unusual to open up the regulation of personnel issues at a lower level than the law: the rules on the personnel of the civil administration are placed in the law, while the presence of the armed forces means that the personnel law of the military is more likely to be regulated at a lower level than the law[12].

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: the National Assembly, the President of the Republic, and 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.

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

[11] For more on the restriction of fundamental rights, see F. Gárdos-Orosz, *Az alapjogok korlátozása*, [in:] *Internetes Jogtudományi Enciklopédia*, A. Jakab, M. Könczöl, A. Menyhárd, G. Sulyok [eds.], https://ijoten.hu/szocikk/az-alapjogok-korlatozasa, [accessed: 20.01.2025].

[12] Under the legislation, restrictions are imposed on the political freedoms of defence personnel, freedom of movement, the right to life because of the obligation to self-sacrifice, the right of association and freedom of expression (among others).

institution of counter-signature, does not imply the assumption of political responsibility[13].

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].

The status of units competent for defence capabilities in Poland

The Republic of Poland creates appropriate conditions for the advancement of national interests and fulfilment of strategic goals in the sphere of national security, in accordance with such values as state independence and sovereignty, safety of citizens, human and citizen rights and freedoms, human dignity, justice, national identity and heritage, democratic rule of law, solidarity, international order based on the rules of international law, and environmental protection. Given the above, national interests in the sphere of national security include: 1) guarding independence, territorial integrity, sovereignty and ensuring security of the state and its citizens; 2) shaping international order, based on solidarity and respect for international law, which guarantees safe and secure development of Poland; 3) strengthening national identity and guarding national heritage; 4) ensuring the conditions for sustainable and balanced social and economic development; and 5) environment protection. The above-listed national interests form the pillars of the national security of the Republic of Poland, and their implementation is ensured through the achievement of the strategic objectives resulting from them, which requires the planning and implementation of specific tasks, and the possession and use of appropriate forces, resources and capabilities[15].

[13] See more J. Petrétei, *Magyarország alkotmányjoga II. Kodifikátor Alapítvány*, Pécs 2014, pp. 121-122.

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

[15] *Strategia Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej*, Warsaw 2020, p. 11.

The Armed Forces of the Republic of Poland constitute the main defence service in Poland. According to the legislator, the Armed Forces guard state sovereignty and independence, as well as its security and peace. They are a hierarchical, uniformed, armed service, constituting a separate part of the state defence system. The Armed Forces of the Republic of Poland may take part in countering and remediating the effects of natural disasters, as well as in counter-terrorist activities, property protection activities, search operations, operations aimed at protecting and rescuing human health and life, cyberspace protection and defence, clearing areas of explosives and hazardous materials of military origin and neutralising them, as well as in performing crisis management tasks. In fulfilling their constitutional tasks in the sphere of protecting state independence, indivisibility of its territory, and ensuring security and integrity of its borders, they have the right to apply physical coercion measures and use weapons or other armament, taking into account the necessity and objectives of such tasks in a manner adequate to the threat concerned and within the boundaries of rules set out in ratified international treaties binding upon Poland and in customary international law[16].

As per the Polish Constitution, the Armed Forces of the Republic of Poland serve the protection of state independence and the indivisibility of its territory, and ensure the security and inviolability of its borders. They must remain impartial in relation to political affairs, and are subject to civil and democratic control[17]. The Polish Armed Forces form part of the state apparatus on which the legislator has imposed special obligations related to the performance of tasks concerning the guarding of Poland's independence and territorial integrity[18]. Poland's armed forces will matter as long as there is a potential or actual threat of an armed conflict at a local, regional, or global scale, which can be prevented or mitigated with the use of military forces[19].

[16] Article 11 of the Homeland Defence Act of 11 March 2022 (consolidated text, Journal of Laws of 2024, item 248, as amended). For more details on the status of the Armed Forces in Poland, refer to M. Karpiuk, *Prezydent Rzeczypospolitej Polskiej jako organ stojący na straży bezpieczeństwa państwa*, „Zeszyty Naukowe AON" 2009, No. 3.

[17] 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).

[18] B. Banaszak, *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warsaw 2009, p. 152.

[19] E. Czarkowska, *Międzynarodowe stosunki wojskowe*, [in:] *Podstawowe kategorie bezpieczeństwa narodowego*, A. Żukowski, M. Hartliński, W.T. Modzelewski, J. Więcławski [eds.], Olsztyn 2015, p. 118.

The Polish Armed Forces also include Military Police as a separate and specialised service. It has powers in respect of: 1) soldiers in active military service; 2) soldiers who are not in active military service while they are wearing uniforms, medals and military insignia; 3) soldiers in active reserve military service while on duty, 4) soldiers in passive reserve military service while participating in military exercise, counteracting natural disasters and mitigating their outcomes, and participating in search and rescue operations; 5) soldiers in passive reserve military service while they are wearing uniforms, medals and military insignia; 6) persons employed in military units: a) in relation to their conduct at work in such units, b) in relation to committing an offence that is punishable by law and related to their employment; 7) persons visiting military grounds or military unit premises; 8) persons staying on the grounds or in the premises of foreign posts of the Republic of Poland; 9) individuals posing actual or potential threat to a person subject to protection; and 10) soldiers of foreign armed forces staying in the territory of Poland and members of their civilian staff, if their stay is related to their professional duties – unless any international agreement of which Poland is a party stipulates otherwise[20]. As per Article 4 (1) of the MPA, the responsibilities of this defence service include: 1) ensuring observance of military discipline; 2) protecting public order on grounds and in premises of military units, and in public places; 3) protecting human life and health and military property against attacks violating these interest; 4) conducting counter-terrorist activities[21] on grounds and in premises belonging to organisational units and entities subordinate to, or supervised by, the Minister of National Defence, or grounds and premises supervised or managed by such organisational units and entities; 5) protecting foreign posts of the Republic of Poland in locations where Polish Military Contingents are stationed, and protecting the diplomatic and consular personnel in such posts; 6) investigating offences

[20] Article 3 of the Act of 24 August 2001 on Military Police and Military Law-Enforcement Authorities (consolidated text, Journal of Laws of 2023, item 1266, as amended), hereinafter the MPA.

[21] Counter-terrorist activities should be understood as actions taken by public administration authorities consisting in the prevention of terrorist incidents, preparation for taking over control as part of planned undertakings, response after such an incident occurs, and remediation of its outcomes, including the restoration of resources intended for response to terrorist incidents; Article 2 (1) of the Act of 10 June 2016 on Counter-Terrorist Activities (consolidated text, Journal of Laws of 2024, item 92, as amended),

and petty offences (including fiscal offences) committed by persons subject to Military Police jurisdiction, identifying and prosecuting their perpetrators, and securing evidence of such offences and petty offences; 7) conducting analyses of asset declarations filed by regular soldiers, and submitting conclusions in this respect to the Minister of National Defence; 8) preventing offences and petty offences committed by persons subject to Military Police jurisdiction, and other misconduct (in particular, alcohol and drug abuse) in the Polish Armed Forces; 9) cooperating with Polish and foreign authorities and services competent for security and public order, and other military police forces; and 10) counteracting natural disasters and other emergency threats to the natural environment, and mitigating their outcomes, as well as actively participating in search, rescue and humanitarian operations aimed to protect human life and health as well as property[22].

Polish legislators established the Military Counterintelligence Service as a secret service competent for the protection against internal threats to state defence capabilities, the security and combat capabilities of Polish Armed Forces and other organisational entities subordinate to, or supervised by, the Minister of National Defence. In turn, the Military Intelligence Service is a secret service competent for the protection against external threats to state defence capabilities, the security and combat capabilities of Polish Armed Forces and other organisational entities subordinate to, or supervised by, the Minister of National Defence[23].

Military intelligence plays a crucial part in collecting information concerning enemy activities, analysing the geopolitical situation, and evaluating potential security threats. The effectiveness of intelligence operations affects the state's capability to detect and neutralise threats at an early stage. Counterintelligence is focused on counteracting espionage operations and preventing interference of hostile countries in state policy[24].

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[22] See also J. Rajchel, *Żandarmeria Wojskowa w systemie bezpieczeństwa i porządku publicznego (wybrane zagadnienia)*, [in:] *Służby i formacje mundurowe w systemie bezpieczeństwa wewnętrznego Rzeczypospolitej Polskiej*, E. Ura, S. Pieprzny [eds.], Rzeszów 2010, p. 271.

[23] Articles 1 and 2 of the Act of 9 June 2006 on Military Counterintelligence Service and Military Intelligence Service (consolidated text, Journal of Laws of 2024, item 1405, as amended).

[24] K. Wąsik, *Siły Zbrojne Rzeczypospolitej Polskiej jako filar stabilności państwa polskiego w erze zagrożeń cybernetycznych*, [in:] *Bezpieczeństwo narodowe Rzeczypospolitej Polskiej. 25 lat członkostwa w NATO*, K. Chałubińska-Jentkiewicz, K. Gawkowski, Z. Nowak, Ł. Piątkowski, K. Wąsik [eds.], Gliwice 2024, p. 287.

The status of units competent for defence capabilities in Ukraine

The primary component of Ukraine's military security assurance system is, without doubt, the security and defense sector of the Ukrainian state. The security and defense sector constitutes a system comprising state authorities, the Armed Forces of Ukraine, other military formations established in accordance with Ukrainian legislation, law enforcement and intelligence agencies, state special-purpose bodies with law enforcement functions, civil protection forces, and the Ukrainian defense-industrial complex. The activities of these entities are subject to democratic civilian control and are, pursuant to the Constitution and laws of Ukraine, functionally oriented towards the protection of Ukraine's national interests against threats. Additionally, this sector includes citizens and public associations who voluntarily participate in ensuring national security of Ukraine[25].

The security and defense sector of Ukraine consists of four interrelated components: security forces, defense forces, the defense-industrial complex, and citizens along with public associations voluntarily involved in national security. The functions and authorities of these components are defined by Ukrainian legislation, which establishes their legal status.

The legal status of defense organizations in Ukraine is regulated by a set of legislative acts, the most fundamental of which include the Constitution of Ukraine (notably Articles 17, 64, and 65)[26], the Law of Ukraine „On Defense of Ukraine", which outlines the principles of state defense policy, forms the system of state governance in this sphere, and provides the legal basis for the functioning of the Armed Forces[27], and the Law of Ukraine „On National Security of Ukraine"[28]. It is noteworthy that the activities of national security actors, primarily the state, are conducted solely through the

[25] Law of Ukraine „On National Security of Ukraine", No. 2469-VIII, 21 June 2018, https://zakon.rada.gov.ua/laws/show/2469-19#Text, [accessed: 29.04.2025].

[26] Constitution of Ukraine, adopted by the Verkhovna Rada on 28 June 1996, https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text, [accessed: 12.05.2025].

[27] Law of Ukraine „On Defense of Ukraine", No. 1932-XII, 6 December 1991, https://zakon.rada.gov.ua/laws/show/1932-12#Text, [accessed: 12.05.2025].

[28] Law of Ukraine No. 2469-VIII, 21 June 2018, URL: https://zakon.rada.gov.ua/laws/show/2469-19#n378.

application of law within the limits prescribed by legal norms[29]. National security traditionally reflects the national interests, goals, and values enshrined in normative-legal acts, which determine the political and socio-economic organization of society, state and cultural development, as well as the unity and cohesion of the nation[30].

A distinctive normative legal act defining the legal status of defense organizations is the Law of Ukraine „On the Armed Forces of Ukraine", which comprehensively regulates the organization, functions, and tasks of the Armed Forces[31].

According to this law, the Armed Forces of Ukraine constitute a military formation tasked with defending Ukraine, safeguarding its sovereignty, territorial integrity, and inviolability. The Armed Forces are responsible for deterring and repelling armed aggression against Ukraine, protecting the country's airspace and underwater territory within its territorial sea, and participating in counterterrorism operations as prescribed by law.

The structure of the Armed Forces includes the General Staff as the commanding authority; three branches of the military – the Air Force, the Navy, and the Ground Forces; as well as separate branches such as the Signal Troops, Air Assault Forces, and Cybersecurity Troops. The Armed Forces also comprise specialized units: Special Operations Forces, Territorial Defense Forces, Medical Forces, Support Forces, and Logistics Forces. Additionally, the structure encompasses military units, formations, military management bodies, and higher military educational institutions. The total number of personnel is determined by the Verkhovna Rada.

Statistical data regarding the size of the Armed Forces is of particular scholarly interest. At the end of 2012, the Armed Forces comprised approximately 184.000 personnel. Following the 2014 Russian invasion of Donbas and the occupation of Crimea, the Ukrainian military engaged in combat operations and began expanding its personnel. By February 2016, the number of service members reached approximately 275.000. New units

[29] V.Y. Pashynskyi, *On the Problem of Defining the Concept of "Defense of the State" within the National Security System of Ukraine*, „Administrative Law and Process: Scientific-Practical Journal" 2017, No. 1, p. 14.

[30] *Legal Foundations of Ukraine's Military Security*, Y.L. Streltsov [ed.], Lviv 2022, p. 13.

[31] Law of Ukraine No. 1934-XII, 20 December 1991, https://zakon.rada.gov.ua/laws/show/1934-12#Text, [accessed: 12.05.2025].

including brigades, regiments, and battalions were formed, and the command structure was reformed. As of July 2021, the authorized strength was 261.000 personnel, including 215.000 military servicemen. The creation of the Territorial Defense Forces added approximately 11.000 personnel.

Following the escalation to full-scale war in 2023, the Armed Forces comprised approximately 700.000 personnel, triple the size of the 2014–2021 period. By 2024, the strength is estimated at around 800.000 active-duty personnel, with one million reservists.

As of October 2023, women constituted 43.500 military personnel and over 18.000 civilian staff; around 5.000 women served in combat zones, and nearly 13.500 hold combatant status. In comparison, in 2014, women accounted for approximately 50.000, including 16.600 service members. Ukrainian legislation provides that, during special periods and martial law, the size of the Armed Forces increases in accordance with mobilization decrees[32].

President Volodymyr Zelensky has confirmed ongoing mobilization measures until the end of the war. In an interview with American journalist Ben Shapiro, the President stated that between 600.000 and 800.000 volunteers serve in the Armed Forces[33].

In the context of the ongoing large-scale war waged by the Russian Federation against sovereign Ukraine, the legal status and organization of Territorial Defense units assume particular importance, embodying the constitutional principle that the people are the sole source of state power and sovereignty. Current Ukrainian legislation, specifically the Law "On the Fundamentals of National Resistance" (No. 1702-IX, 16 July 2021), establishes the legal and organizational framework for national resistance, including preparation and conduct, the functions and powers of security and defense forces, and the legal status of Territorial Defense[34].

A notable feature of martial law is the imposition of certain restrictions on citizens registered with the Ministry of Defense, Security Service of

[32] Y. Haydutska, *What is the Size of the Armed Forces in 2025: Number of Troops on the Front Line*, https://fakty.com.ua/ua/ukraine/20240223-yaka-chyselnist-zsu-u-2024-roczi-skilky-vijskovyh-perebuvaye-na-fronti/, [accessed: 14.05.2025].

[33] https://fakty.com.ua/ua/ukraine/20250424-zelenskyj-skazav-skilky-dobrovolcziv-sluzhat-u-zsu/, [accessed: 14.05.2025].

[34] Law of Ukraine „On the Fundamentals of National Resistance", Verkhovna Rada Bulletin 2021, No. 41, Art. 339.

Ukraine, or Foreign Intelligence Service, including prohibitions on changing residence without permission from relevant authorities. During martial law, compulsory alienation of property for state needs may be enacted within legal procedures[35].

Overall, the Armed Forces of Ukraine, the National Guard, and the State Border Guard Service primarily fulfill critical defense functions. However, a significant challenge remains the absence of a unified normative act regulating interinstitutional coordination within the security and defense sector in the execution of state defense tasks. The subordination of military and law enforcement institutions to different ministries and authorities can negatively impact their coordination in fulfilling statutory duties. Legislative refinement in this area is essential for effective defense function implementation.

The primary objective of existing normative acts is to provide a legal framework for the activities of armed forces and defense structures, ensuring the protection of Ukraine's national interests. Attention must also be given to several legal regulation challenges: 1) existing legislation does not adequately define the legal framework for volunteer and paramilitary organizations, creating legal conflicts that impede proper coordination with state bodies; 2) insufficient funding for the Armed Forces and other national security entities remains a critical issue. Although the state aims to stimulate defense production development domestically, actual investments are insufficient for full modernization of the military, partly due to international uncertainty regarding assistance and conflict resolution; 3) given global threats, strengthening the legal basis for cooperation with international defense organizations and alliances is crucial. Prior to the U.S. presidential elections of Donald Trump, cooperation with NATO was emphasized. Ukraine has initiated legislative harmonization with NATO standards to facilitate integration into European military structures. However, cooperation mechanisms often remain unbalanced, requiring improved legal regulation. Potential shifts toward more pragmatic or isolationist U.S. policies could prompt European NATO members to reconsider military support mechanisms, possibly relying more on the European Defense Fund and EU mechanisms than NATO alone. This would necessitate increased European production

[35] Law of Ukraine „On the Legal Regime of Martial Law" No. 389-VIII, 12 May 2015, https://zakon.rada.gov.ua/laws/show/389-19, [accessed: 15.05.2025].

of ammunition and military equipment to reduce dependence on U.S. supplies. European NATO countries recognize Ukraine's stability as critical for EU security and must seek new support formats despite potential funding and coordination difficulties. Current assistance is progressively transforming toward more European-oriented mechanisms, underscoring the importance of Ukraine's interaction not only with NATO but also with the EU in security matters[36]; 4) low social protection for servicemen and their families remains systemic. Despite statutory social guarantees, practical mechanisms are insufficient to ensure adequate living standards for military personnel and their relatives.

In conclusion, the legal status of defense organizations in Ukraine in 2025 requires a systemic legislative approach focused on strengthening cooperation chains among state bodies, non-governmental organizations, and international partners. Comprehensive reform of the legal framework in defense is vital not only for adapting to new realities but also for creating proper conditions to ensure national security.

Strengthening the legal status of defense organizations should be viewed not merely as an end in itself but as an integral part of Ukraine's national security strategy. This approach demands analytical efforts by state authorities, incorporating expertise from military professionals and civil society to establish an effective and equitable defense system upon which the nation's future depends.

Conclusions

The security environment is not uniform but complex and difficult to diagnose in an explicit way. The dynamic changes taking place in this sphere and the need to counteract diverse threats compel us to approach the issue of security from a multidimensional perspective. Changes taking place in the political, economic and social spheres exert a significant influence on the security environment which requires not only an appropriate approach to the problem of local, national and global threats, but also the understanding of its significance – both to the state and the world, and to society and

[36] O. Yevsyukova, T.M. Mykhailova, *Prospects of Ukraine-NATO Relations Configuration: Political-Diplomatic Context*, „Current Issues in Modern Science" 2025, No. 4, pp. 237-252.

individuals as well. A vast part of obligations related to assuring proper military protection has been entrusted to public administration authorities[37]. Numerous uniformed services, some of which are competent for defence capabilities, operate as part of the administration.

The functioning of specialised bodies competent for security guarantees professionalism and effectiveness of their actions[38]. This also pertains to defence services. The fact that specified services perform a narrow scope of tasks covering military security contributes to the effective functioning of the state military system that encompasses various units specialising in different spheres of security. The specialisation of given services in the sphere of security allows them to better protect us against military threats that might even compromise state independence.

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[37] M. Karpiuk, *Miejsce organizacji pozarządowych w sferze obronności, bezpieczeństwa i porządku publicznego*, Warsaw 2023, p. 11.

[38] S. Pieprzny, *Zasady organizacji i funkcjonowania służb umundurowanych odpowiedzialnych za ochronę bezpieczeństwa wewnętrznego*, [in:] *Dylematy bezpieczeństwa współczesnego państwa. Księga jubileuszowa dedykowana Profesorowi Kazimierzowi Rajchelowi*, M. Polinceusz, M. Pomykała [eds.], Rzeszów 2015, p. 344.

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Formacje właściwe w zakresie obronności na Węgrzech, w Ukrainie i w Polsce

Streszczenie

System obronny jest podstawowym elementem gwarantującym niepodległość państwa. W jego skład wchodzi wiele elementów, w tym formacje obronne, których zadaniem jest przede wszystkim zapobieganie zagrożeniem militarnym, w tym ze strony innych, wrogich państw czy organizacji terrorystycznych. Podstawowym podmiotem mającym zapewnić obronność poszczególnych państw są ich siły zbrojne. Ta umundurowana i uzbrojona formacja stanowi fundament bezpieczeństwa zdecydowanej większości krajów. Bez armii nie tylko stabilność państwa może być dosyć szybko zachwiana ale też suwerenność jest niepewna.

W artykule podjęta jest problematyka dotycząca organizacji i funkcjonowania formacji obronnych na Węgrzech, w Ukrainie i w Polsce. Tematyka ta jest bardzo obszer-

na, w związku z czym Autorzy omówili jedynie wybrane zagadnienia. Celem artykułu jest wskazanie statusu tego rodzaju podmiotów w trzech państwach: na Węgrzech, w Ukrainie i w Polsce. Główną metodą badawczą wykorzystaną w artykule była metoda dogmatyczno-prawna, która posłużyła do analizy aktów prawnych regulujących kwestie dotyczące formacji obronnych. Zastosowano też metodę teoretyczno-prawną, za pośrednictwem której przeanalizowano poglądy doktryny w przedmiotowym zakresie.

Słowa kluczowe: obronność, formacje obronne, siły zbrojne, bezpieczeństwo militarne.