Reforming Military Law and Service in Ukraine: Lessons from the Military Police of Other Countries

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This article analyses military police systems in various countries, including the gendarmerie, and proposes reforms for Ukraine's military legislation and order. It highlights the need to strengthen the role of the military police in maintaining discipline, given its current limitations in criminal investigations and operational activities. Currently, military personnel must transfer cases to civilian law enforcement, causing procedural delays and weakening internal oversight. By examining models from the United States, Spain, France, and Turkey, the study demonstrates the benefits of granting military police greater investigative powers and specialised training. These international examples integrate military and civilian law enforcement methods to enhance discipline and legal order. The article proposes reforms to empower Ukraine's military police, including independent investigations, operational intelligence, and preventive measures. Strengthening these capabilities would improve discipline, prevent offenses, and enhance law enforcement within Ukraine's armed forces, ensuring a more effective and autonomous system of military justice.

Keywords: legislation, justice, enforcement, defence, security, military police

1. Introduction

The military actions launched by the Russian Federation against Ukraine drastically reshaped the landscape of Ukraine's legal, military, and secu-

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rity institutions. Facing an existential threat, Ukraine's government and armed forces have had to navigate a range of challenges, including military strategy, territorial defence, and the functioning of its justice system during wartime. The need for a resilient and effective military justice system, capable of maintaining discipline and ensuring accountability, has become increasingly urgent.

Ukraine's law enforcement framework is intricate (Polivanyuk, Zavistovskyi & Aslamov, 2024). A recent draft law, introduced on the website of the Ukrainian Parliament, represents a significant step toward formalising and professionalising military policing (Ukraine's lawmakers on…, 2024). As Ukraine undergoes this transformation, it has looked to various models of military justice and law enforcement worldwide for guidance.

One of the most influential models under consideration is that of the United States of America (U.S.). The American military justice system, as explored by Breen and Johnson (2018), offers a comprehensive structure that has been honed through decades of experience across different conflict zones. This analysis focuses on how Ukraine can draw from the U.S. system to build a military judicial apparatus that aligns with the European Union (EU) and the North Atlantic Treaty Organization (NATO) standards. The U.S. system, which combines strict legal oversight with a clear chain of command, provides a framework that ensures discipline, fairness, and efficiency in military operations. Given the complexities of Ukraine's current conflict, adopting certain aspects of this system could help address the challenges of maintaining order and discipline within its armed forces, especially under the strain of active warfare.

The abolition of military courts in 2010 was based on the assumption that Ukraine's peaceful coexistence with its neighbours made such a system redundant. However, as Vashakmadze (2018) points out, the unforeseen perspectives of full-scale war have fundamentally altered this perception. The paralysis of Ukraine's civilian judicial system during the first days of the invasion exposed the vulnerabilities of a state lacking a specialised military justice apparatus. In this context, the restoration of military courts is viewed as essential for ensuring legal oversight and operational integrity within Ukraine's armed forces.

Kaplina, Kravtsov and Leyba (2022) argue that the revival of the Ukrainian military justice is not merely a wartime necessity but a critical component of long-term state-building. Their research emphasises that military courts play a pivotal role in ensuring that legislation and order work, especially during peacetime. By examining international precedent and case

law from the European Court of Human Rights, the researchers provide a strong argument for the reintroduction of military courts, noting that their absence in a conflict-ridden nation creates gaps in accountability and undermines the overall legal system.

Beyond military justice, the organisation of Ukraine's broader security forces, including the police officers and additional enforcement organisations, also requires reform. The French gendarmerie, as discussed by Zarosylo and colleagues (2020), provides an interesting model for Ukraine to consider. The gendarmerie operates as a hybrid institution, combining military and civilian law enforcement functions. This duality allows it to be flexible in peacetime and wartime operations, contributing to public order, crime prevention, and internal security.

De Maillard and Skogan (2020) examine the complexities of policing in France, highlighting the competition and cooperation between the police and gendarmerie within a centralised system. Their research demonstrates how these institutions, while often at odds, can function effectively within a pluralised security framework. For Ukraine, which is currently managing both internal unrest and external aggression, understanding the balance between different security institutions is critical.

Turkey presents yet another interesting case study for Ukraine as it reforms its security institutions. Yilmaz (2020) examines the historical tension between the military and the police, particularly during the country's period of military dominance in domestic affairs. Analysis reveals that internal power struggles among security institutions can pose significant challenges to state stability, but these struggles can also lead to clearer definitions of institutional roles and responsibilities.

The psychological and political dimensions of military justice hold considerable importance for the Ukrainian nation, particularly due to the moral and ethical challenges posed by wartime conditions. Fearer (2023) provides an in-depth analysis of American prisoners of war (POWs) during the Korean War and the impact of brainwashing on national security perceptions. This historical example raises important questions about how military justice systems handle issues of loyalty, indoctrination, and betrayal during times of conflict and build a robust military justice system.

MacDonald (2023) highlights the long, tumultuous evolution of Spain's police system, emphasising the close relationship between the military and police forces during Franco's regime. While Spain's journey toward democracy involved the gradual separation of military and civilian roles, the historical overlap between these institutions is a reminder of how deeply intertwined they can become.

The analysis of these sources revealed that Ukraine's military and security reforms must address both immediate wartime needs and long-term state-building goals. Drawing on international models, the revival of military courts and restructuring of security forces are critical to enhancing legal oversight, accountability, and operational effectiveness in a conflict-driven environment. Our research aimed to explore international models of military justice and law enforcement and provide recommendations for Ukraine's military justice reform by achieving the following: assessing the modern state of Ukrainian armed forces judiciary and analysing the role of military justice during wartime.

2. Materials and Methods

The research was conducted between January and July 2024, focusing on analysing the military police forces in various countries, including Turkey, U.S., Spain and France, and applying these insights to propose reforms for Ukraine's Military Law and Order Service, and identifying practices that may be adapted to enhance the effectiveness of Ukrainian military justice system, particularly in the areas of investigation and maintaining internal discipline.

The study was conducted as a comprehensive comparative analysis. The research utilised a wide range of sources, including legislative documents, military regulations, academic articles, and government reports from several countries. The primary materials included national laws and regulations governing military police systems, such as the Uniform Code of Military Justice (U.S.) from 2019, Spain's military police framework (Law No. 11/2007), the French gendarmerie system (de Maillard & Skogan, 2020; Zarosylo et al., 2020), and Turkey's military police regulations (Kocanli & Kasapoglu, 2021; Turkish Gendarmerie, 2024). These documents were obtained from online legal repositories, defence ministry publications, and academic libraries. In addition, Ukrainian legislation, including the 2002 legislation on the legal and order service in the Ukrainian army and various draft laws on military police reform, were analysed to understand the existing legal structure and limitations of the system of military legislation and order.

The research process was divided into several key phases. The first phase involved an extensive literature review, which included a historical analysis of military policing in Ukraine and other countries. This provided a foun-

dation for understanding how military police forces evolved, and how they function in different legal and administrative environments. The historical context of military policing in post-Soviet Ukraine was a particular focus, with emphasis on the dissolution of military justice structures in 2012, and the impact this has had on military discipline and law enforcement.

The second phase involved the comparison of the military police systems in the U.S., Spain, France, and Turkey, which were carefully examined to identify their structure, powers, and operational roles. An investigation of each framework was conducted in terms of its administrative framework, the level of investigative authority granted to military police, their interaction with non-military law enforcement authorities, and the effectiveness of these systems in maintaining discipline and order within the armed forces. This comparison was used to draw attention to the divergences and commonalities between these states' systems and the existing Ukrainian system of military legislation and order service.

The third phase of the research focused on synthesising the comparative analysis findings with Ukraine's current needs. The analysis was used to develop a set of proposals aimed at reforming Ukraine's Military Law and Order Service, with specific recommendations for granting it greater investigative powers and operational independence.

3. Results and Discussion

3.1. France

Throughout history, the military justice systems of various states have grappled with complex issues related to the detection and prosecution of criminal offenses committed by military personnel. Initially, the military was treated as a distinct entity, largely isolated from civilian legislation due to its operation within closed environments and minimal interaction with the general populace. Consequently, when military personnel committed crimes, the responsibility for investigating and addressing these offenses often fell upon the leadership within military units and garrisons.

Despite this system, instances of minor offenses and crimes among servicemen were not uncommon. Traditionally, such offenses were managed internally by military commanders, who enforced penalties according to military statutes. However, significant changes began to emerge as societies around the world underwent democratisation. In Ukraine, factors

such as the continuous military action by Russia, the broader democratisation of society, and a re-evaluation of legal education and philosophy within the Armed Forces contributed to evolving approaches to military justice.

Globally, particularly in countries like the U.S., Germany, and France, the establishment of formal military justice and military police systems demonstrated a crucial evolution in the handling of military offenses (Maurer, 2023). These systems were created to address the unique nature of crimes committed by military personnel within a dedicated framework. In many developing countries, gendarmerie units were established to enhance military justice by investigating offenses and maintaining order. Historically, gendarmes were elite soldiers renowned for their heavy arms and mounted cavalry, a tradition dating back to the medieval period. The term gendarmerie originates from *gens d'armes* (literally "men-at-arms") and has evolved to describe a specialised police force with military characteristics (Dahlberg & Stevnsborg, 2021).

Over time, various states' military justice systems have faced intricate challenges in detecting and prosecuting crimes committed by military personnel. Initially, the military operated as a separate entity, largely insulated from civilian laws, due to its confined environment and limited engagement with the general public. As a result, when military personnel committed offenses, it was often up to the leadership within military units and garrisons to investigate and handle these matters.

Today, gendarmes are understood in two primary contexts: in a strict sense, as a police force with formal military status that is partially answerable to the ministry of defence, and in a broader sense, as any police force possessing military traits related to organisational structure, institutional affiliation, doctrine, or weaponry, regardless of formal military status. The concept of the gendarmerie first emerged in the French Republic in the medieval period and gradually spread to other European countries such as Denmark, Italy, Spain (Dahlberg & Stevnsborg, 2021), and Hungary (Piahanau, 2022). Originally created to maintain public order and conduct investigations, the gendarmerie served as a link between military and civil law enforcement.

In modern times, France continues to uphold its gendarmerie as a prominent institution with military status, operating alongside other law enforcement agencies, particularly the Police Nationale (Dahlberg & Stevnsborg, 2021). Gendarmes in France are responsible for investigating all offenses perpetrated by armed service members, and handling traffic

accidents and other events involving the military (de Maillard & Skogan, 2020). The gendarmerie's dual role as both a military and civilian police force highlights its unique position in enforcing law and order while adhering to military discipline and structure.

Despite this structure, minor offenses and crimes among soldiers were relatively frequent. Traditionally, these issues were addressed within the military hierarchy, with commanders enforcing penalties based on military rules. However, as global societies moved towards democratisation, significant shifts began to occur. In most countries of continental Europe, these units were subordinated to the command of the gendarmerie and were not under the direct command of military leaders (de Maillard & Skogan, 2020). Additionally, in European countries, separate units within the prosecutor's office were created to investigate criminal offenses committed by the military. The gendarmerie also tracked political criminals, identified them, and investigated offenses committed by the military.

The initial steps towards creating a force structure to address military offenses in France were taken during the Napoleonic Wars (Emsley, 2021). Napoleon recognised that his policies faced resistance from civilians and from within the military. Consequently, the gendarmes undertook operational measures not only in cities and villages among civilians but also within the army itself. This historical context underscores the evolution of military policing and its adaptation to both internal and external challenges.

The functions of the gendarmerie were extended to participation in peacebuilding missions. For instance, the French gendarmerie participated in a peacebuilding mission in Bosnia and Herzegovina and Kosovo territory in the 1990s (Duclos & Jouhanneau, 2019; Jagiełło-Szostak, 2019; Emous, 2023). The concept of the gendarmerie, a military force charged with police duties, has been adapted and adopted across various European and non-European countries, each tailoring it to fit their specific needs and contexts.

To enhance Ukraine's military justice framework, the establishment of a gendarmerie-like institution, modelled after the systems in France and other European nations, could prove beneficial. A specialised military police force would serve as an intermediary between military and civilian law enforcement, addressing offenses committed by military personnel within a structured legal framework. Such a system, which operates under the Ministry of Defence but retains partial autonomy, could promote adherence to both military discipline and civil law, ensuring accountability and transparency.

Furthermore, the creation of specialised prosecutorial units dedicated to investigating military offenses, as seen in numerous European countries, would provide Ukraine with an essential mechanism for upholding military legal standards. These units would be responsible for conducting thorough investigations and ensuring that military personnel are held accountable for any infractions, thus fostering a culture of legal integrity within the armed forces.

Additionally, incorporating a gendarmerie force into international peacekeeping operations, following the example of French participation in Bosnia and Herzegovina and Kosovo, would not only bolster Ukraine's global military standing but also enhance its capacity for conflict resolution and stabilisation missions. By adapting this model to its specific security and governance needs, Ukraine would further align with European legal and military norms, thus strengthening its domestic and international position in military governance.

3.2. Turkey

One of the examples of non-European countries with a developed gendarmerie system includes Turkey. The Turkish gendarmerie, a significant component of its law enforcement framework, reflects a complex and historical evolution of military-police functions. The Turkish gendarmerie is one of four key law enforcement services in Turkey, each with distinct responsibilities and operational domains (Kocanli & Kasapoglu, 2021). These services include the Military Gendarmerie, Urban, Traffic Control, and Market Law Enforcement.

The Military Gendarmerie is the largest and most comprehensive branch among Turkey's law enforcement organisations. Its primary mandate is to uphold stability and enforce laws in remote and mountainous regions where the reach of city police forces is limited. The Military Gendarmerie operates across the entire country, excluding urban centres, and is responsible for overseeing military units stationed in these regions. Its expansive jurisdiction means that it contributes to ensuring security and stability in areas that are less accessible and more challenging to patrol. As a branch of the Turkish military, the gendarmerie operates under a military structure but performs civilian police functions (Turkish Gendarmerie, 2024).

The Turkish Gendarmerie, also known as *Jandarma Genel Komutanliği*, is a unit constituting the law enforcement system together with the Turkish General Directorate of Security (Madenüs, 2024). It is integrated into

the Armed Forces of Turkey, reflecting its military roots and structure. The head of the gendarmerie is directly accountable to the head of Home Affairs, highlighting the close coordination between military and civilian leadership in managing law enforcement responsibilities (Yilmaz, 2020).

The Turkish Gendarmerie represents a sophisticated model of military-police integration, combining traditional military discipline with civilian law enforcement duties. Its extensive jurisdiction and specialised functions across remote and metropolitan areas illustrate the versatility and importance of this institution in upholding societal stability and ensuring national protection. By drawing on historical precedents and adapting them to modern needs, Turkey's gendarmerie system remains pivotal in the country's law enforcement landscape, embodying a unique blend of military rigor and civilian oversight.

Drawing on the Turkish Gendarmerie model, Ukraine could significantly enhance its law enforcement framework by developing a similar military-police institution tailored to rural and hard-to-reach areas. Such a system would provide a robust mechanism for maintaining public order in regions where conventional police forces face operational limitations, particularly in rural and conflict-affected zones. The Turkish Gendarmerie's integration of military discipline with civilian law enforcement roles demonstrates a versatile and adaptive approach, which Ukraine could replicate to improve security and governance in geographically challenging regions.

Additionally, establishing clear distinctions between various law enforcement agencies, akin to Turkey's division of responsibilities between the military gendarmerie, city police, traffic police, and market police, would enable Ukraine to address specific security issues more efficiently. A specialised and segmented law enforcement structure allows for targeted responses to different types of threats, thereby optimising resource allocation and enhancing overall operational effectiveness.

Moreover, fostering coordination between military and civilian authorities in the management of law enforcement, as demonstrated by the Turkish model, would enhance accountability and operational oversight. By implementing these strategies, Ukraine could strengthen its law enforcement capacity, ensuring greater resilience in maintaining public order while aligning its security institutions with international standards for military-police integration.

3.3. The United States of America

Military police have been established in several other nations. The U.S. Military Police are considered the most famous and experienced military police. The establishment of military policing institutions started over two centuries ago. However, as an independent unit, the American Military Police Corps (2024) began performing tasks only in September 1941. At that time, America was already participating in World War II.

The practical tasks addressed by military police units have been refined and adapted based on the lessons learned from various contemporary armed conflicts involving American servicemen. In addition to these tasks, the military police have also taken on critical responsibilities, such as securing troop movement routes, conducting patrols in demilitarised zones, and facilitating the exchange and care of captured soldiers. Notably, during the early stages of the Korean War (1950–1953), the 55th Company of the U.S. Army's Armed Forces Law Enforcement was deployed to the region. In the initial months of combat, additional personnel from the American defence law enforcement, previously stationed in Japan as part of the occupation forces after World War II, were redeployed from Japan to support operations in Korea (Military Police Corps, 2024; Willbanks, 2008).

It is worth pointing out that the Military Police of the United States of America already after World War II began to encounter rather specific offenses committed by servicemen of the defence sector. For example, while the Korean War was ongoing, crimes such as the illegal sale of military equipment, fuel, food, etc., became quite widespread among American servicemen (Fearer, 2023).

During the Vietnam War, the spectrum of operations executed by the American armed forces law enforcement increased. Its establishment started to focus on combat-related tasks aimed at supporting and facilitating troop operations. This included overseeing the movement of refugees, safeguarding convoys and transport routes, dismantling enemy underground passages, and participating in defensive engagements (Allison, 2007; Hester et al., 1968).

In the present context, the significance of the military police in the U.S. has increased even more. As reported by American sources, during the Operations Desert Shield and Desert Storm, military police played a crucial role in ensuring security in combat zones and overseeing Iraqi prisoners of war (Carmichael & Anderson, 2021). Additionally, military police

units were actively involved in the operations of the American armed forces in Somalia, Haiti, and Bosnia and Herzegovina.

Following the Iraq invasion, units of the U.S. Armed Forces policing institutions guarded prisoners of war held by coalition forces, provided assistance to the troops during raids, provided convoys, and performed patrol functions. Currently, they are involved in rebuilding the local police in this country and training its personnel in community engagement and managing inmates in correctional facilities (Military Police Branch, 2024).

A key responsibility of these units during military conflicts is the work of maintaining discipline among military personnel and providing for captured soldiers. The tasks of the military police in peacetime are determined by carrying out a set of measures related to maintaining discipline and stability and legal authority in the troops, ensuring internal security, and sometimes eliminating the consequences of natural disasters. The legal power of the U.S. military police today also includes the task of investigating crimes committed by military personnel outside of their professional duties. In wartime, the U.S. military police is responsible for ensuring security and protection at division and corps command posts, managing traffic, overseeing the movement of refugees, and apprehending deserters.

As outlined in the governing documents, in a combat scenario, the U.S. military police are assigned several key responsibilities. These include facilitating troop movements during military operations, maintaining law and order throughout these operations, safeguarding critical areas and assets, assisting refugees and displaced individuals, and conducting operational intelligence activities (Demographics of the…, 2020).

Therefore, throughout its entire history, this force structure has had to tackle some of the most challenging tasks, and it continues to be one of the most essential branches of the U.S. Armed Forces. Each branch of the U.S. Armed Forces forms its own military police force. In addition, its own law enforcement structure was created as part of the Coast Guard. Simultaneously, the coordinated authority of military police units is absent in America.

The active personnel of the military, including the military police, comprised 1.9 million in 2019 (Babikov et al., 2024). A vast majority of people who have graduated from the Military Academy are recruited to the armed forces law enforcement institutions.

Candidates for service in the U.S. military police undergo appropriate basic training before taking up primary positions in the military police. This

foundational course spans 20 weeks and consists of both classroom instruction and practical field training. Throughout the programme, candidates undergo rigorous military training while also exploring various legal subjects. Aspiring military policemen study criminal and civil law, develop investigative techniques, learn how to collect evidence, understand crowd management, and practice the procedures for detaining suspects.

Based on the operational framework of the U.S. military police, Ukraine can implement several aspects to strengthen the effectiveness of military justice. Firstly, similar to the U.S. model, Ukraine should formalise a distinct military police corps with clearly defined roles and responsibilities. This structure would facilitate specialised training and operational effectiveness tailored to military contexts. Secondly, Ukraine can implement rigorous training programmes for military police personnel, mirroring the U.S. 20-week basic training course. This should encompass military operations, legal studies, crowd control, evidence gathering, and investigative techniques to prepare them for the diverse challenges faced in both times of peace and times of war. Thirdly, Ukrainian government can adapt the U.S. approach by integrating law enforcement functions within the military police, including the examination of crimes involving serving members, ensuring discipline, and managing internal security. This would allow for a more holistic approach to maintaining order within the armed forces. Besides, Ukraine can emphasise the importance of maintaining discipline within the armed forces, akin to the U.S. military police's focus on internal security, and establish clear mechanisms for addressing misconduct and ensuring accountability to build trust and integrity within the military police ranks.

3.4. Spain

The units of the armed forces policing institutions of Spain perform the same duties as the U.S. military police. The military police was created in the country in 1960. The entire personnel strength of the military police of the Spanish military structure is about 4,000 servicemen (Makeev, 2016).

In peacetime and wartime, units of the Spanish military police perform the following tasks: maintaining peace and discipline within the military; organisation of security at armed forces' facilities, territory patrolling, protection of servicemen and their relatives; control over the behaviour of personnel and the operation of vehicles on the territory of compounds, parts, and subdivisions; prevention, identification, resolution, and re-

porting of offenses within the scope of expertise; ensuring the safety of the road traffic of military vehicles in the areas of military facilities, and outside the protected facilities during the advance of military echelons (columns) with equipment; searching, guarding, detaining and arresting servicemen who have committed disciplinary offenses or criminally punishable acts, to institutions of temporary detention and (or) execution of punishments; conducting inquiries or urgent investigative actions without the presence of policing authorities and under their mandatory mandate to carry out such measures; preparation of reports on the state and conditions of security at military facilities (MacDonald, 2023). Besides, the Spanish Civil Guard has exclusive authority in the areas of fiscal protection, custody of land communication routes, ports, and borders, and the inter-urban transport of prisoners (Europol Member States…, 2023). The duties of the Spanish military police also involve the country's safety in extraordinary cases, including the referendum initiated by the Catalan Parliament in 2017 (Bernat & Whyte, 2020).

The units of the Spanish military police do not have a common structure. Organisationally, they are part of the land forces, aerial forces, and maritime forces. In addition, in wartime, the Civil Guard (*Guardia Civil*) comes under the operational control of the primary headquarters of the Spanish ground forces and performs the functions of the armed forces policing institutions.

The Spanish armed forces institutions, including law enforcement, also participate in peacemaking missions and missions on establishing security to the world's poorest regions (de Castro et al., 2024). Spain has played a significant role in Operation Enduring Freedom, the International Security Assistance Force (ISAF), and the Resolute Support Mission, with the latter two being led by NATO forces (Rosendo, 2020). The initial group of 350 Spanish service members was dispatched in January 2002, in the aftermath of the September 11 attacks, signifying the start of a significant effort that eventually engaged more than 27,100 individuals devoted to promoting peace and stability in Afghanistan.

Throughout the ISAF operation from 2002 to 2014, the Spanish military made various contributions, involving elements from the army, navy, and air force to support the Afghan interim administration in upholding security. The army led the Badghis Provincial Reconstruction Team in Qala-e-Naw, integrating both military and civilian staff via the Spanish Agency for International Development (AECID). The navy sent Tactical Air Control Teams (TACPs) and Mentor and Liaison Teams (OMLTs), while the

air force oversaw the Forward Air Base in Herat and the Medical Unit for Deployment Support.

The *Guardia Civil* also contributed to enhancing the functionality of the Afghan police through various contingents. Their efforts focused on training and mentoring local law enforcement, which made efforts to create the overall stability of the region and supported the Afghan government's initiatives to improve security infrastructure.

In 2015, NATO's Resolute Support Mission shifted focus to providing training, counsel, and assistance to Afghan security institutions and military forces. The Spanish government adjusted its participation in this operation in 2018 by deploying a special operations force, which has since been withdrawn. This comprehensive engagement highlights Spain's commitment to international security and its collaborative efforts in Afghanistan (Last Spanish Troops…, 2021). The last military troops, including police deployed from Afghanistan, returned to Spain in 2021.

In light of the operational framework and contributions of the Spanish military police, several strategic recommendations can be proposed for Ukraine to enhance its military policing capabilities and overall security infrastructure. Firstly, Ukraine should consider establishing specialised military police units that reflect the operational structure seen in Spain. These units would be tasked with enforcing law and order within the armed forces, ensuring security at military installations, and conducting regular patrols to maintain public order. Such an approach would facilitate a more disciplined military environment, contributing to overall stability within the armed forces.

Moreover, comprehensive training programmes tailored for military police personnel are essential. These programmes should emphasise investigative techniques, crowd control strategies, and effective law enforcement practices. By collaborating with international partners, including Spanish military police, Ukraine can enhance the training curriculum, incorporating the best practices and lessons learned from international deployments.

Inter-agency collaboration between military police and civilian law enforcement agencies is another crucial area of focus. This cooperation would ensure a coordinated response to security challenges, enabling effective prevention and investigation of crimes and disciplinary offenses. The establishment of a national civil guard or gendarmerie could further enhance this effort, allowing for operational flexibility in both civilian and military contexts.

Engagement in international peacekeeping missions, similar to Spain's contributions to ISAF and the Resolute Support Mission, would not only improve operational readiness but also foster experience among Ukrainian military police. Additionally, adopting community policing strategies that prioritise relationship-building with local populations can significantly enhance trust and cooperation between military and civilian entities.

To support these initiatives, a solid approach for monitoring and evaluating the impact of military police actions should be implemented. This would ensure continuous improvement based on empirical evidence and best practices from both domestic and international contexts.

3.5. From Soviet Legacy to Modern Military Law: Analysing Ukraine's Military Justice System

Before Ukraine's independence in 1991, its military justice bodies, including the prosecutor's Department of Armed Forces Affairs, were under Soviet control, with no independent Ukrainian entities overseeing military offenses or legal matters (Law No. 328-I…, 1989). After independence, the *Verkhovna Rada* (Ukraine's parliament) passed legislation to continue military courts for addressing military legal issues (Resolution of the Supreme Council of Ukraine No. 2979-XII…, 1993). Between 1993 and 2010, specialised military courts operated as part of Ukraine's general court system (Vashakmadze, 2018). However, the creation of a military police force was not addressed.

The increasing size of Ukraine's military after independence highlighted the need for a specialised body to handle traffic offenses by servicemen. The regular police lacked jurisdiction and expertise for such cases. In 1999, Ukrainian deputies passed legislation creating the Military Automobile Inspection, which created the Military Traffic Safety Inspection under the Ministry of Defence (Law of Ukraine No. 557-XIV…, 1999). This body was empowered to handle military traffic offenses and impose fines or refer cases for disciplinary action under the armed forces' Disciplinary Statute (Code of Ukraine…, 2024).

Despite these measures, a wider range of administrative offenses in the military remained unaddressed. Unit commanders, focused on operational duties, struggled to manage internal discipline. In response, Ukraine enacted the legislation, which regulated law enforcement within the armed forces in 2002, establishing the service system of armed forces leg-

islation and order (Law of Ukraine No. 3099-II…, 2002). This special law enforcement unit was tasked with upholding stability, enforcing discipline, and guaranteeing servicemen's rights within the military (Kaplina, Kravtsov & Leyba, 2022).

A key component of Ukraine's military justice system is the dedicated prosecutor's office for issues concerning the military and defence sector, which handles pre-trial investigations of war crimes and prosecutes these cases (Kaplina, Kravtsov & Leyba, 2022). However, the office faces challenges due to martial law and ongoing Russian aggression, which complicates case management. The broader military justice system also lacks a dedicated military police force, and military courts remain underdeveloped, raising concerns about balancing human rights with military discipline (Maican, 2022).

The Military Law and Order Service plays a crucial role in military law enforcement. It prevents crime and administrative offenses within military settings, ensures public order in military units, enforces curfews, and handles military traffic safety. The service also handles specialised tasks such as guarding duty enforcement, administering criminal punishments, and overseeing prisoners of war. However, its authority and structure have limitations, particularly regarding its investigative functions. There have been calls to grant the law and order enforcement service in the military investigative powers similar to those of Ukraine's National Police, as its current framework is insufficient for addressing serious military offenses (Niebytov et al., 2022).

The post-independence development of Ukraine's military justice system has been slow, and improvements are needed in preventing, detecting, and addressing criminal offenses in the military. The Ukrainian legislation, which regulates the work of the prosecuting system, preserved the system of military prosecutors and courts (Law of Ukraine No. 1789-XII…, 1991). However, significant changes occurred in 2012 when a new Criminal Procedure Code eliminated the prosecutor's office for issues concerning the military and defence sector, affecting the management of legal matters pertaining to the armed forces (Law of Ukraine No. 1697-VII…, 2015).

In 2014, amidst Russian aggression, the Ukrainian legislation regulating the prosecuting sphere reintroduced prosecutors within the defence sector (Ignatieva, 2021; Criminal Procedure Code…, 2013). Despite this restoration, military courts remain absent, and serious military cases are adjudicated in regular district courts, impacting the efficiency of legal

proceedings in war crimes cases. Efforts to establish military courts have stalled, although their necessity is recognised in light of the ongoing conflict (van Landingham, 2023). Creating military courts would enhance legal proceedings, particularly for war crimes, drawing on the experiences of countries like the U.S., France, and Spain (Mihr, 2024).

Discussions about creating a military police force to replace the legal and order enforcement service in the military have occurred in the Verkhovna Rada, and several draft laws have been introduced (Draft Law of Ukraine No. 1805…, 2015; Bogutskyi et al., 2022; Zarosylo et al., 2020). However, none have advanced. Establishing a military police force is considered urgent, as it would formalise a full-fledged law enforcement body with investigative powers and strengthen Ukraine's military justice system.

To address these issues effectively, Ukraine must pass a comprehensive law on the military police to replace the Military Law and Order Service. This new law should define the armed forces policing as a regulatory institution with the authority to conduct pre-trial investigations and apply investigative techniques used by the National Police. Additionally, the establishment of armed force judiciary and the restoration of the office dedicated to prosecuting matters should be prioritised for enhancing the defence judiciary. Implementing these reforms, informed by international models, would enhance the efficiency of Ukraine's military justice system during a time of war (Baker, 2023).

Lastly, the handling of military violations during wartime requires careful consideration. Publicising the work of the legal and order enforcement service in the defence and other military law enforcement agencies should be limited to prevent the enemy from exploiting this information in propaganda efforts.

4. Conclusions

The trajectory of military justice and law enforcement in Ukraine, from its Soviet-era roots to its current state, underscores the significant need for reform to address both historical challenges and contemporary demands. The evolution of the defence judiciary system has been marked by efforts to modernise and adapt to the realities of an independent Ukraine, but it remains encumbered by inefficiencies and overlapping responsibilities.

Initially, Ukraine's military justice system was tightly controlled and integrated with Soviet practices, which centralised authority and constrained

the autonomy of Ukrainian institutions. This system, characterised by the office dedicated to prosecuting matters and defence judiciary institutions, was intended to maintain order and address criminal activities within the armed forces. However, the collapse of the Soviet state and the rise of Ukraine as a sovereign state necessitated a reconfiguration of these institutions to align with new national and military priorities.

The enactment of the Ukrainian legislation regulating the legal and order enforcement service in the army in 2002 was a pivotal step in reforming the military justice system. This law established the legal and order enforcement service, responsible for upholding law and order within the military, protecting the rights of servicemen, and safeguarding military property. Despite these advancements, the service has struggled with overlapping functions and inefficiencies that have impeded its effectiveness.

Significant legislative changes, such as the 2012 Criminal Procedure Code, which excluded the institution dedicated to prosecuting matters, further complicated the situation. Although defence prosecutors were reintroduced in 2014, the lack of dedicated military courts has meant that serious military-related cases are adjudicated by ordinary district courts, compromising the quality and efficiency of legal proceedings.

International experience provides valuable insights for Ukraine's reform efforts. The U.S. Military Police, with its extensive history of handling duties both during war and peace, offers a model of how specialised military law enforcement units can operate effectively within a broader military structure. Similarly, Spain's Military Police, though integrated within the branches of its armed forces and the Civil Guard, demonstrates a decentralised approach that could be adapted to Ukraine's context.

The demand for a specialised military police force in Ukraine is urgent. By addressing current inefficiencies, learning from international practices, and implementing necessary reforms, Ukraine can enhance its military justice system to better manage discipline, ensure security, and uphold legal standards within its Armed Forces. These reforms are essential for strengthening military governance and effectively addressing the complex challenges faced by Ukraine's military today. The limitation of this study involves the absence of investigation of the police systems of Eastern European and Asian countries with structures more similar to Ukraine's.

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REFORMING MILITARY LAW AND SERVICE IN UKRAINE: LESSONS FROM THE MILITARY POLICE OF OTHER COUNTRIES

Summary

This article offers an in-depth analysis of the military police systems in various countries, including the gendarmerie, and provides concrete proposals for reforming the Ukrainian system of military legislation and order. The study underscores the urgent need to strengthen the service's role in maintaining law and order within the Ukrainian Armed Forces, particularly given its current limitations in conducting criminal investigations and engaging in operational activities. At present, when criminal offenses are identified, military personnel are compelled to hand over cases to civilian law enforcement bodies such as the main police institution or the State Bureau of Investigation. This has not only caused procedural delays but also limits the military legislation and order system's ability to ensure effective oversight and discipline within the military ranks. By drawing on the experiences of military police structures in countries such as the United States, Spain, France, and Turkey, the article demonstrates the advantages of granting military police forces greater investigative powers and specialised training to handle military-specific offenses. The analysis highlights how these international models combine military and civilian law enforcement techniques to maintain discipline and legal order. The article proposes a series of reforms aimed at empowering Ukraine's system of military legislation and order, including granting it the authority to conduct independent investigations, engage in operational intelligence activities, and implement preventive measures. These reforms were intended to enhance the service's capacity to maintain discipline, prevent offenses, and improve the overall effectiveness of law enforcement within Ukraine's armed forces.

Keywords: *legislation, justice, enforcement, defence, security, military police*

REFORMA VOJNOG ZAKONODAVSTVA I VOJNOPOLICIJSKE SLUŽBE U UKRAJINI: ŠTO SE MOŽE NAUČITI OD VOJNIH POLICIJA DRUGIH ZEMALJA

Sažetak

Članak nudi dubinsku analizu organizacije sustava vojnih policija u raznim zemljama te daje konkretne prijedloge za reformu ukrajinskog sustava vojnog zakonodavstva i poretka. Studija naglašava hitnu potrebu za jačanjem uloge vojnopolicijske službe u održavanju zakona i reda unutar Oružanih snaga Ukrajine, posebno s obzirom na trenutna ograničenja u provođenju kaznenih istraga i sudjelovanju u operativnim aktivnostima. Trenutno, kada se utvrde kaznena djela, vojno osoblje prisiljeno je predati slučajeve civilnim represivnim tijelima kao što su policija ili Državni istražni ured. To ne samo da je uzrokovalo proceduralna kašnjenja nego ograničava i sposobnost vojnog zakonodavstva i sustava reda da osigura učinkovit nadzor i disciplinu unutar Oružanih snaga. Oslanjajući se na iskustva organizacije vojne policije u zemljama poput Sjedinjenih Američkih Država, Španjolske, Francuske i Turske, članak ukazuje na prednosti osiguravanja snagama vojne policije većih istražnih ovlasti, kao i specijalizirane obuke za rješavanje vojnih prekršaja. Analiza ističe kako navedeni komparativni modeli kombiniraju vojne i civilne tehnike provedbe zakona kako bi održali disciplinu i pravni red. Članak predlaže niz reformi usmjerenih na jačanje ukrajinskog sustava vojnog zakonodavstva i reda, uključujući davanje ovlasti za provođenje neovisnih istraga, sudjelovanje u operativnim obavještajnim aktivnostima i provedbu preventivnih mjera. Cilj je ovih reformi poboljšati sposobnost vojnopolicijske službe da održava disciplinu, sprječava prekršaje i poboljšava ukupnu učinkovitost provedbe zakona unutar ukrajinskih oružanih snaga.

Ključne riječi: *zakonodavstvo, pravda, provedba, obrana, sigurnost, vojna policija*