

FOREIGN EXPERIENCE OF ENSURING HUMAN RIGHTS DURING THE RECRUITMENT OF THE ARMED FORCES AS AN ELEMENT OF THE STATE'S NATIONAL SECURITY: A COMPARATIVE ANALYSIS

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Abstrak: Tujuan artikel ini adalah untuk melakukan kajian orisinal terhadap aspek-aspek utama penjaminan hak asasi manusia dalam perekrutan angkatan bersenjata sebagai salah satu unsur keamanan nasional negara. Empat metode rekrutmen (pengawasan) angkatan bersenjata telah ditetapkan di dunia, yaitu: berdasarkan tugas militer umum, dengan wajib militer warga negara untuk dinas militer; secara sukarela, dengan merekrut personel militer berdasarkan kontrak; campuran, berdasarkan undang-undang tentang tugas militer umum dan perekrutan sukarela prajurit berdasarkan kontrak; metode polisi, berdasarkan undang-undang tentang wajib militer umum. Artikel ini merupakan penelitian kualitatif dengan pendekatan historis dan komparatif. Disimpulkan bahwa argumen utama para pendukung tentara profesional di dunia adalah sebagai berikut: pertama, kepemilikan peralatan militer secara profesional dalam konteks perkembangan digital masyarakat, dan kedua, motivasi personel militer untuk menyelesaikan dinas militer. Saat ini, sebagian besar negara maju seperti Amerika Serikat (AS), Prancis, Israel, Jerman, Polandia, Republik Ceko, dan Swiss mengikuti program profesionalisasi angkatan bersenjata mereka dan merekrut tentara mereka secara sukarela.

Kata kunci: Pengalaman luar negeri, Penjaminan hak asasi manusia, Mobilisasi, Perekrutan angkatan bersenjata, Keamanan nasional negara.

Abstract: The purpose of this article is to conduct an original study of the main aspects of ensuring human rights during the recruitment of the armed forces as an element of the state's national security. Four methods of recruitment (manning) of armed forces have been established worldwide: on the basis of general military duty, by conscription of citizens for military service; on a voluntary basis, by recruiting military personnel under a contract; mixed, on the basis of the law on general military duty and voluntary recruitment of servicemen under contract; and police method, on the basis of the law on general military conscription. This article presents qualitative research with a historical and comparative approach. It was concluded that the main argument of supporters of a professional army in the world consists of the following: first, professional possession of military equipment in conditions of the digital development of society, and second, motivation of military personnel to complete military service. Currently, most developed countries such as the United States of America (USA), France, Israel, Germany, Poland, the Czech Republic, and Switzerland adhere to the course of professionalizing their armed forces and recruit their armies on a voluntary basis.



Key words: Foreign experience, Ensuring human rights, Mobilization, Recruiting armed forces, National security of the state.

INTRODUCTION

Occupation of a part of the territory of Ukraine, escalation of the armed conflict by Russia in the eastern and southern regions of Ukraine, destruction of the global and regional security system, and fundamental principles of international law have brought the issue of improving legal mechanisms of mobilization activities into focus. The extraordinary situation developing on the territory of Ukraine as a result of the full-scale invasion of the aggressor country affected the change in the nature of social relations and led to changes in the forms and methods of state administration under extreme conditions. To effectively improve and optimize mobilization measures on the territory of Ukraine, it is expedient to conduct an analysis of the international experience of mobilization in other states.

The problem of improving the system of mobilization training and mobilization is currently very important. Since 2014, the practical experience of implementing measures for ensuring mobilization in Ukraine has revealed the imperfection of Ukrainian legislation regulating this area, the lack of desire to do military service in conditions of mobilization among a large number of Ukrainian citizens, difficulty in recruiting volunteers for military service, and many other problems. To improve the process of implementing mobilization measures in the future, in our opinion, it is worth considering the experience of the world's leading countries in this sphere.¹

The issue of the international experience of mobilization and moments that can be borrowed by Ukraine remains open and controversial. What is the reason for this? First, with that, the experience of which countries can be borrowed? Analysis of open data and information from Internet sources (content analysis) shows that the largest armed conflicts arising on the planet after the Second World War have not stopped until now, especially in those territories with such resources as oil. More local ones have entered the phase of a frozen conflict, while some others managed to be localized or even stopped completely. Here are some examples: Jammu and Kashmir (India since 1947), Palestine (Israel since 1947), Kurdistan (Iraq since 1961), Chechnya (Russian Federation since 1991 2009), Kosovo (Serbia from 1998 to 2008), Transnistria (Moldova from 1990 to 1992), Nagorno-Karabakh (Azerbaijan from 1988 to 1994, 2016, 2020, 2022, 2023), Afghanistan (the USSR from 1978 to 1989, the USA from 2001 to 2021).

The study of open information about the mentioned military conflicts makes it possible to positively single out only the USA and Israel (the IDF). As for the latter country, its experience is relevant given recent events—the war in the Gaza Strip since October 2023, associated with the latter's massive rocket attack on Israel and the invasion of its territory by militants. Therefore, in particular, in October 2023 in Israel, only reservists (that is, those who had already served) were subject to mobilization. Civilians cannot go to war in this country, even as volunteers.² This is just the case when the state takes care of the appropriate level of combat readiness of the army and when there is no time for long-term training of volunteers without military experience. It

¹ Boryslavska (Makukhina) Maryna Viacheslavivna. 'Military service under contract: world experience and prerequisites for introduction in Ukraine'. *Law of Ukraine*. No. 7 (2003). 141–146.

² Leena, Yeven, Volodymyr Shablysty, Irina V. Aristova, Ivan O. Panchenko, and Tatiana Korsakov. 'Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, Their Analogs and Precursors: Administrative and Criminal Aspect'. *Journal of Drug and Alcohol Research* 12, no. 4 (2023). doi:10.4303/JDAR/236240.

should be added that this is preceded by the policy of the country itself regarding the organization of military service as well as the high level of patriotism of the country's citizens. Thus, in this country, the "Army Recruitment in Israel" is active, which is a process of mandatory conscription of young people from the age of 18 (health, nationality is taken into account) into the ranks of the armed forces (men/women). Unfortunately, in Ukraine, this does not exist yet (although it did). Note that the IDF is an example of a people's army, where the entire population of the country equally fulfills its military duty in the ranks of the armed forces.³

The purpose is to conduct an original study of the main aspects of ensuring human rights during the recruitment of the armed forces as an element of the state's national security. To achieve the set goal, the following tasks were formed and solved: analyzing the foreign experience of equipping the armed forces as an element of the national security of the state; summarizing the modern practice of ensuring human rights during the recruitment of the armed forces; determining the prospects for improving the mechanisms of their implementation.

METHOD

The methodology chosen within the scope of the scientific article was determined by the specificity of the object and subject as well as the set goals and tasks of the research. For this purpose, within the framework of the thesis, general scientific and special methods of scientific knowledge are applied.

This approach was carried out and implemented through the use of general scientific methods such as the method of going from abstract points to concrete (definite) ones and the system-structural method.

Within the framework of the article, special research methods such as comparative legal, historical, and legal forecasting were also applied. Thus, in particular, the comparative legal method made it possible to determine the specifics of the legislative regulation of various special legal regimes in foreign countries and the specifics of recruitment for the armed forces.

In the development of territorial defense in continental NATO member countries, it is advisable to distinguish between two different approaches. Even fairly large NATO member states recognize the importance of territorial defense forces. The ability of such formations to reduce the secondary tasks of regular forces is especially valuable in the context of the general reduction in the number of armed forces and the transition to a contract system. The current views of the leaders of Germany and Poland on the role of territorial defense forces are presented in Table 1.

The Central European region is of strategic importance in continental Europe. It serves as a connecting link between Western, Eastern, and Southern Europe. Throughout history, there were many conflicts in the region, and the interests of European countries, in particular Germany and Russia, overlapped.

Table 1. Approaches to the development of territorial defense in Germany

³ voloshanivska, Tatiana, Inna Podihuna, Serhii Bosch, Olha Merdova and Yevhen Leena. 'Administrative and Criminal Law Aspects of Preventing Offenses Committed by Minors in the Sphere of Illegal Circulation of Narcotic Drugs, Psychotropic Substances and Precursors'. *Journal of Drug and Alcohol Research*, 12(10) (2023). <https://doi.org/10.4303/JDAR/236269>

and Poland

Criteria	Germany	Poland
Features of territorial defense	In territorial defense units, mainly security formations	Formations capable of solving a wider range of tasks than security formations
Task theroborones	<ol style="list-style-type: none"> 1. Protection (defense) of military infrastructure facilities. 2. Maintain public order and ensure internal security in the country. 3. Fighting terrorism in Germany's territory. 4. Elimination of the consequences of natural and man-made disasters disasters 5. Participation in operations On the settlement of crises in Germany. 6. Conduct search and rescue operations. 7. Strengthening the protection and defense of the state border. 8. Participation in engineering support for operational equipment in the country's territory 	<ol style="list-style-type: none"> 1. Participation in the mobilization of reservists and issuance of weapons and equipment. 2. Ensuring evacuation of the population and material resources. 3. Fortification equipment area 4. Assistance to regular forces in rear support. 5. Protection of important objects. 6. Struggle with DRG. 7. Combating airborne assaults and air attack using standard anti-aircraft means. 8. Protection of communications. 9. Defense of the area, fighting against enemy armored vehicles. Yu. Protection of the flanks of regular units. 11. Guerrilla actions. 12. Facilitating the offensive of the regular forces by operations in the rear of the enemy. 13. Participation in the disarmament of the enemy and protection of prisoners of war
full-time number	In peacetime, about 3,000 people; in wartime, their number can increase to 10,000.	According to peacetime states, it is planned to create 19 infantry battalions of ground defense, one in each voivodship and three central subordinates of 700 servicemen. There should be 3,500 servicemen in the wartime ground defense brigade
Financing theroborones	Funds for training and training of military personnel are allocated by regional budgets, and part of the costs for equipment and special equipment for reservists are entrusted to local self-government bodies.	The material provision of territorial defense is planned to be entrusted to both the Ministry of Defense and local budgets. In addition, it is proposed to exempt from taxes the purchase of necessary equipment by reservists

Austrian security policy was based on the strategy of “deterrence and persuasion”.

As in other systems of total territorial defense, general conscription was introduced for the entire male population from the age of 17; after six to nine months of basic

military training, all reservists were required to undergo regular retraining for the next 20 years. For certain categories, there was also the possibility of an alternative service.

Despite these powerful mobilization resources, at the end of the Cold War, the total number of troops after mobilization was planned at the level of 200,000 people, in contrast to the concept of total mobilization in Switzerland.

Accordingly, the number of personnel required to train reservists was constantly decreasing: in the early 1990s, the number of those mobilized decreased to 120,000. The duration of training and service in the reserve for Austrian citizens was shortened, and alternative services became more accessible.

In 1996, Austria joined NATO's "Partnership for Peace" program and participated in peacekeeping operations in Bosnia. Thus, thanks to its active participation in the CSDP, Austria fundamentally changed its status as a permanently neutral country. Today, according to the principles of international law, this status corresponds to the status of a non-aligned state and not a neutral state.

Since 2006, reserve service and planned retraining of reservists have been voluntary. Thus, today, reserve military service in the Armed Forces of Austria is voluntary and, in principle, is called up by the police.

Reservists are called up against their will only during mobilization and during general reservist meetings. Thus, Austria had the experience of organizing a full-fledged national territorial defense system based on a certain number of reserve forces during the Cold War. In January 2013, Austria held a referendum on the transition to a fully contract army. However, 60% of the population voted to keep the conscription (draft call).

Among the great powers of the 19th and 20th centuries, Britain was the last country to adhere to the voluntary method of organizing its armed forces, and its main allies and adversaries switched to conscription. The limitations of British mobilization capabilities were clearly demonstrated during the Anglo-Boer War of 1899-1902. The conquest of two small African republics with militia armies placed a significant strain on the imperial army.

At the end of the First World War, Great Britain returned to contract recruitment. However, in 1939, conscription into the army resumed and continued until 1960. After that, Great Britain returned to the voluntary principle of recruiting the army. Thus, in the event of major hostilities, the British contract army, together with the organized reserves, would not be able to provide the required number of personnel.

At the end of the Cold War, the UK reserve system has undergone some changes, which are enshrined in the Reserve Forces Act 1996. Under this Act, the UK Army Reserve consists of voluntary, regular, and contract components. In addition to the classification of reserve officers by composition and assignment, there is also a classification based on the degree of readiness of reserve officers to perform their official duties. There are two types of reserve officers: high-readiness reserve officers and low-readiness reserve officers, and voluntary and regular reserve officers.

The statistical method is used in the article when referring to the countries' budgets to the allocation of the armed forces of the state. For example, the Czech Republic is considered a reliable and predictable partner in the world and a respected state in the international arena. In 2022-2023, the Czech Republic actively worked not only to support Ukraine but also to increase its own defense capabilities and increase the volume of weapon production. The results of the first two years resulted of an increase in defense spending up to CZK 111.8 billion, or 1.53% of GDP of 2023. The Czech Republic has adopted a new law on defense financing. In 2024, defense spending will reach CZK 151.2 billion. For the first time in recent history, the defense budget for 2024 was drawn up on the basis of the number of defense expenditures guaranteed by law. This made it possible to plan and finance important strategic projects throughout the

entire cycle: the Government's policy of spending at least 2% of GDP on defense is thus being implemented in practice. This is not just an obligation to NATO, but a minimum requirement for ensuring the defense and security of the country.⁴

Since "investment in defense is investment in the economy", special attention is paid to the development of the defense industry and cooperation with foreign partners in the production of weapons.⁵

The Czech Republic is strengthening the defense of NATO's eastern flank with the help of its combat units in Slovakia, Lithuania, and Latvia. It expanded its existing mandate to manage troops and gendarmerie abroad and to provide assistance to the International Criminal Court in the investigation of crimes committed by Russia during its aggression against Ukraine.⁶

In 2023, the Ministry of Defense of the Czech Republic planned to train more than 28,000 military personnel and 4,500 active reservists; according to the latest official information for 2021, there are 26,928 military personnel in the Czech Republic; virtual recruiting centers introduced in 2023 are bound to help increase the numbers.⁷

RESULTS AND DISCUSSIONS

The US armed forces are recruited on a voluntary basis. This is a professional army, where servicemen receive a decent salary and many benefits and privileges. The American army acquired its modern appearance because of the reforms that occurred after the Vietnam War. In general, throughout the history of the United States, the form of conscription into the army was changed several times from conscription and mandatory army to hired army.

It is worth noting that a feature of most countries that have a voluntary army is the presence of a reserve. The American army reserve is recruited exclusively on a voluntary basis, although, for example, in Japan, it also includes people who have completed regular military service. Persons enrolled in the reserve receive a monthly allowance from the state; this allowance is based on the contract for staying in the reserve. At the same time, countries such as Luxembourg and Burma, which have a professional army, do not have a reserve.⁸

The principle of voluntary recruitment of the armed forces in the United States was applied even in the days when the United States was a colony of the British Empire. Unwilling to introduce conscription, the authorities used various lures to recruit residents for military service. In his research, I.V. Bukovsky draws attention to the fact that in the history of the United States, there were alternating periods of the hired and conscript

⁴ beschastnyi, V., Sklar, S., Fomento, A., Evtushenko, N., & Nalyvaiko L. (2019) 'Place of court precedent in the system of law of the European Union and in the system of law of Ukraine'. *Journal of Legal, Ethical and Regulatory Issues*, 6(22), 1-6. Retrieved from <https://www.abacademies.org/articles/place-of-court-precedent-in-the-system-of-law-of-the-european-union-and-in-the-system-of-law-of-ukraine-8893.html>

⁵ Leheza, Yevhen. Olena Sinkevych, Zorina Kravtsova, Olena Kudriavtseva, and Ievgeniia Cherniak. 'The human right to an environment safe for life and health: legal regulation, contemporary challenges and comparative perspectives'. *Syariah: Jurnal Hukum dan Pemikiran*, 2023, 23(2) (2023): 138–150. <https://doi.org/10.18592/sjhp.v23i2.12257>

⁶ Onyshchuk. 'Formalization of human rights to dignified living conditions in international and national legal acts'. *Philosophy, Economics and Law Review*, 1(2) (2021), 172-182

⁷ Petrenko, P., Stetsenko, V., Fomenko, A., Yunin, O., & Shevchenko, S. (2019). 'Legal framework for competitive selection for positions of civil servants under the legislation of Ukraine and European countries'. *Journal of Legal, Ethical and Regulatory Issues*, 5(22), 1-6. <https://www.abacademies.org/articles/Legal-framework-for-competitive-selection-for-positions-of-civil-servants-under-the-legislation-of-Ukraine-and-European-countries-1544-0044-22-5-415.pdf>

⁸ Boryslavska (Makukhina) Maryna Viacheslavivna. 'Military service under contract: world experience and prerequisites for introduction in Ukraine'. *Law of Ukraine*. No. 7 (2003). 141–146.

army.⁹

To raise the prestige of military service (it was significantly lost due to the unpopular US war in Indochina) and to increase the level of combat readiness of the army, the US government decided to transfer its armed forces entirely to a voluntary recruitment system.¹⁰

Therefore, as we can see, the USA has almost the greatest experience in the field of building a professional army staffed on the basis of voluntary recruitment. In the opinion of many scientists, this experience should be used during the reforming of the Armed Forces of Ukraine and their transfer to the professional ranks. The experience accumulated by the Americans of encouraging and stimulating voluntary recruitment into the army, the experience of training and distribution of command personnel, their promotion, and the organization of periodic renewal of contracts with them are particularly interesting.¹¹

Thus, in accordance with current US legislation, US citizens who are fit for health and general development are accepted for voluntary military service. Men are accepted from the age of 17 to 35, and women are accepted from the age of 18. The selection of candidates is carried out throughout the year at recruitment centers throughout the country by specially trained recruiting sergeants.¹²

It is worth noting that favorable economic conditions allowed the USA to successfully solve the task of materially stimulating the attraction and retention of military service volunteers. However, it should be noted that since 2001, in the course of military operations within the framework of the "global war on terrorism", serious problems have arisen in the system of recruiting the US armed forces. The difficulties faced by American servicemen in Iraq and Afghanistan, as well as the high level of casualties among them, have led to a decrease in the number of volunteers who express a desire to serve in the US armed forces.

In our opinion, gradual and purposeful transformation of the system of motives for entering military service in the United States is a useful experience. Military leadership offers recruits several specialties useful in civilian life and seeks them to enjoy their service. In the US Army, all tasks (duties) not related to military affairs (that is, cleaning barracks, the territory of military bases, cooking, etc.) are performed by civilian personnel.

Successful recruitment of volunteers for military service in the USA results not only from activities performed by recruitment centers but also, first of all, from the well-thought-out and active military-professional orientation of young people. A rather high level of material security and social protection for military personnel has always been an important motive.

Social security of servicemen occupies a significant place in the effective and efficient structure and functionality of the US Armed Forces. Note that the Americans

⁹ Brodsky, Ivan. 'Historical experience of building professional armies of the world's leading countries'. *Bulletin of the Lviv Polytechnic National University*. No. 724 (2012), 215–220.

¹⁰ Leena, eugeny, Maryna Savelieva, and Olena dzhafarova. 'Structural and Legal Analysis of Scientific Activity Regulation in Developed Countries'. *Baltic Journal of Economic Studies*, 4, no. 3 (2018): 147–57. <https://doi.org/10.30525/2256-0742/2018-4-3-147-157>.

¹¹ Zhukova, Yevheniia, Kostyantyn Bryl, Larysa Svystun, Yevheniia Kobrusieva, and Yevhen Leheza. 'Legal Regulation of Public Administration of Education and Science'. *Cuestiones Políticas* 41, no. 76 (2023): 336–46. doi: 10.46398/cuestpol.4176.18.

¹² Leena, Yeven, Tatiana Filipino, Olha kovalenko, Valerii Darshan, and Oleksii cherenkov. 'Ensuring Human Rights in Ukraine: Problematic Issues and Ways of Their Solution in the Social and Legal Sphere'. *Cuestiones Políticas* 37, no. 64 (2020): 124–36. <https://doi.org/10.46398/cuestpol.3764.10>.

pay considerable attention to the provision of military personnel, who are highly respected. Therefore, the US system of social protection for military personnel and veterans is quite well-adjusted and effective.¹³

At the same time, despite the prevailing positive aspects of the voluntary principle of recruiting the armed forces, in our opinion, one of the main disadvantages of such a system is the lack of a large number of trained reserve personnel in the event of full-scale hostilities on the territory of the state.¹⁴

However, the United States has an effective mechanism for solving this problem. For this purpose, the Military Selective Service Act is in force in the United States. Under this Act, the Department of Defense registers all Americans of both sexes who have reached the age of 18. To ensure the training of this potential conscript contingent, the country's army training centers are staffed exceeding the training needs of peacetime professional army personnel. these additional "powers" are sufficient for the release of the first batch of 200,000 trained soldiers and sergeants in 90-120 days after the announcement of mobilization.

It is worth paying attention to the fact that there are four types of mobilization in the US Armed Forces: selective, partial, full, and general. In addition, in the interests of national security and if partial or full mobilization is undesirable because of possible internal or external negative consequences, a presidential draft may be carried out. It can become the basis for the next larger-scale mobilization activities. Because of its holding, up to 200,000 people of the organized reserve and individual reservists may be called up within five days for a period of up to 270 days. At the same time, during this period, the Secretary of Defense has the right to suspend dismissal from the ranks of the regular troops, which in total will ensure the increase of the armed forces by 250,000-300,000 people.¹⁵

According to its intensity, each type of mobilization can be performed sequentially (all measures are implemented in full and on schedule), in an accelerated manner (the pace of measures taken exceeds established norms and schedules), and urgently (in the event of a threat of a nuclear attack or an enemy attack on the territory of the United States). In the event of small-scale regional conflicts, none of the above-mentioned types of mobilization will be used, and the formation of groups will be carried out at the expense of existing regular armed forces.

It should be noted that, along with the USA, many countries are also gradually abandoning the general draft or mixed method of recruitment in favor of voluntary army recruitment.

It is worth noting that from 1996, the French Armed Forces entered a period of deep transformation, the goal of which was to create a new army model by 2015. Because of the changes occurring in the world and in international relations, France had to fundamentally revise the tasks and composition of its armed forces.¹⁶

¹³ Shkuropatskyi, Oleksandr Ivanovych. 'World experience of administrative and legal regulation of officer social protection of the Armed Forces of Ukraine'. *Bulletin of Kharkiv National University named after V.N. Karazhyn. "Law" series*. No. 22. (2016), 118–122.

¹⁴ Leheza, Yevhen. Shablysty, Volodymyr. Aristova, Irina V. Kravchenko, Ivan O. Korniakova, Tatiana. 2023. Foreign Experience in the Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, their Analogs and Precursors: Administrative and Criminal Aspect. *Journal of Drug and Alcohol Research*. 12, 4, 1-8. DOI: <https://doi.org/10.4303/JDAR/236240>

¹⁵ Volobuieva, O., Yevhen, L., Vita, P., Yevhenii, P., and Roman Pichko. 'Criminal and Administrative Legal Characteristics of Offenses in the Field of Countering Drug Trafficking: Insights from Ukraine'. *Yustisia Jurnal Hukum* 12, no. 3 (2023): 262–77. doi:10.20961/yustisia.v12i3.79443

¹⁶ Leheza, Yevhen. Pisotska, Karina. Dubenko, Oleksandr. Dakhno, Oleksandr. Solskyi, Artur. 2022. the

It indicates that the conscription system in the French Armed Forces generated social tension. This was because not all young men who reached the conscription age joined the ranks of the military. The ranks of the armed forces were filled with representatives of the least protected sections of the population. Because of this and other factors, in 1996, France decided to transition the army to a professional basis. The reform of the armed forces included the abolition of conscription, reduction of the number of the armed forces, and reorganization of the reserve and professional army of France.

In recent years, the reserve of the Armed Forces of France has undergone noticeable changes in its organization, staffing, and military service training. Since 1993, work has been carried out to “update” the military reserve with the aim of professionalizing it and bringing it closer to regular troops. A few years later, a course was taken to comprehensively reform the armed forces, increase the role of the reserve, and strengthen the training of reservists.¹⁷

It should also be noted that, if previously the reserve of the French Armed Forces was considered as reinforcement in case of general mobilization and the last link in the chain of countering external aggression, now the tasks assigned to it must be performed in peacetime on a permanent, more professional basis.

It is also worth noting that French legislation defines the status of a reservist and the sources of formation and replenishment of the reserve. Citizens who are part of it have the right to payment in the form of wages and bonuses, mainly on the same terms as military personnel of regular troops. They are also guaranteed preserved jobs in the civilian sector during their reservist duties.

As in other developed countries, in France, an adequate level of social protection for officers is also considered to be an important motivating factor for successful service and subsequent rehabilitation of military personnel, especially those participating in military operations. Therefore, the French state actively promotes support and development of the social protection of its officers of armed forces, namely: increasing the level of wages; allowances for special conditions of service intended for risk compensation; relocation and long-term stay abroad; assistance in buying or renting housing; assistance to family members in employment; assistance in rehabilitation after discharge from service, etc.

It is worth noting that the problem of mobilization in France remains relevant. The goal of active service in the French armed forces is not only to prepare combat-ready units but also to create mobilization reserves.¹⁸

However, the need for mobilization is not yet obvious to all French. Indeed, given that the basis of France's defense is formed by strategic nuclear weapons, many people have doubts about whether the call-up of reservists is still appropriate; whether it makes sense to increase the effect of the above weapons by deploying a mass army, and whether it is necessary. The terms required for the organization of conscription,

essence of the principles of ukrainian law in modern jurisprudence. *Revista jurídica portugalensis*, december, 342-363. doi: [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15)

¹⁷ Leheza, Yevhen, Larysa Nalyvaiko, Oleksandr Sachko, Victor Shcherbyna, and Olha Chepik-Trehubenko. 'Principles of Law: Methodological Approaches to Understanding in the Context of Modern Globalization Transformations'. *Ius Humani. Law Journal*, 11, no. 2 (2022): 55–79. <https://doi.org/10.31207/ih.v11i2.312>.

¹⁸ Zapyrana, Natalia, Yevhen Leena, Mykola Bykowskii, Yevhenii zheliezniak, and Yulia Leena. 'Correlation of Legal Concepts of Administrative Procedure and Administrative Liability in the Sphere of Urban Planning'. *Jurnal Cita Hukum* 11, no. 1 (2023): 33–44. <https://doi.org/10.15408/jch.v11i1.31784>.

concentration, and equipping of reservists the French to be incompatible with the suddenness and transience of a nuclear conflict.

At the same time, mobilization is as necessary today as it was in the past. Undoubtedly, its scope and methods of implementation must correspond to the new goals. Nowadays, there is no need to deploy a “wartime army” and advance it to the borders under the cover of fortifications and personnel organizations while carrying out large-scale transportation of troops and military equipment.

In our opinion, for the purposes of our research, an interesting example is the experience of recruiting the armed forces of a country such as Israel, where manning still takes place on the basis of general military duty by conscripting citizens into military service.

It is interesting that the Israel Defense Forces (IDF) has come a long way from poorly armed irregular formations to one of the strongest armies in the world. It is clear that the nuclear power of the USA and Russia is much greater than that of this country, but nuclear power, as you know, is useless in a “standard” war. It is in terms of a set of qualities (with the level of combat training and moral and psychological training of personnel, competence and initiative of the command, and a number of others being the most important ones) that the IDF has no peers in the world.

Note that the IDF is an example of a people’s army—the entire population of Israel equally fulfills its military duty in the ranks of the armed forces. As mentioned above, the IDF is recruited through conscription. According to the Defense Service Law of 1986, active military service, and after its completion, service in the reserves, are mandatory. The term of conscription for men is 36 months, and for women it is 24 months. Under Israeli law, men between the ages of 18 and 29 years and unmarried women between the ages of 18 and 24 years are eligible for military service (for physicians, including dentists, the age limits are higher).

Israel’s military successes can be by its effective mobilization and reserve system. After the end of active military service under contract or conscription, all men and women are enrolled in the reserve. Reservists are called up for military service for one month every year.¹⁹

It is interesting that given the geographical location and territorial features of the state, Israel cannot prosecute a long-lasting war. This leads to the need to mobilize a large percentage of the population.

Thanks to this, the Israeli army is able to mobilize the majority of reserve units within 24 h, which to some extent compensates for Israel’s strategic weaknesses—a small territory, a limited number of the regular army, and long borders—allowing in a matter of hours to deliver reinforcements to the units of the regular army holding the front.

In the case of general mobilization, the IDF is transformed in a matter of hours from a peacetime army including approximately 200,000 servicemen into one of the most combat-capable armies in the world with up to 800,000 well-trained soldiers and commanders ready for combat missions.²⁰

It is worth noting that the Israeli army has a relatively small number of regular

¹⁹ Korniienko, Maksym, Anatolii Desyatnik, Galina Didkivska, Yevhen Leheza, and Oleksiy Titarenko. ‘Peculiarities of Investigating Criminal Offenses Related to Illegal Turnover of Narcotic Drugs, Psychotropic Substances, Their Analogs or Precursors: Criminal Law Aspect’. *Khazarah Hukum* 5, no. 3 (2023): 205–15. <https://doi.org/10.15575/kh.v5i3.31742>.

²⁰ Leheza, Yeven, Larysa Yerofieienko, and Volodymyr Masako. ‘Peculiarities of Legal Regulation of Intellectual Property Protection in Ukraine under Martial Law: Administrative and Civil Aspects’. *Revista Justiça Do Direito* 37, no. 3 (2023): 157–72. <https://doi.org/10.5335/rjd.v37i3.15233>.

servicemen and consists mainly of conscript and reserve servicemen. For this reason, the Israeli armed forces, unlike most other armies, do not form a closed professional corporation, but are a nationwide army. As a result, the Israel Defense Forces are interested in raising the professional and general educational level of the country's population.

It is worth noting that deferment from being drafted into the Israeli army can be granted only to particularly successful students of higher educational institutions. Pupils of religious schools who have fully devoted themselves to religious studies are also exempted from military service (or serve a shorter term), as are girls from religious families (upon request).

The reserve includes those who served military service under the draft and were enrolled according to the military specialty they received in the army. Note that the reserve service lasts for men until the age of 55, and for women until the age of 38. During this time, each of them shall hold an annual meeting in their military unit, which lasts up to 6 weeks. Usually, reservists are assigned to those units that they can reach no later than 12 h after the announcement of mobilization. For those who are abroad, the period is increased to two days. Such a high level of combat readiness in the IDF ensures the pace of deployment of the wartime army in 48 h.²¹

It should also be mentioned such a recruiting of the armed forces as the militia. Switzerland is currently a representative of this type of recruitment. Militia army is an army in which military units in peacetime consist only of the accounting apparatus and a few cadres of the command staff. Instead, the entire rotating rank and file and part of the command staff are assigned to military units located in the area of their residence and perform military service by undergoing short-term training sessions.

The conscription age in Switzerland is 18–21 years. Citizens aged 18–33 years are considered eligible for service. Women have had the right to serve under a contract since 2007, but their share is only 0.6%. The annual conscription contingent is 40,000-50,000 men. Basic training for privates (common soldiers) is called “recruit school” and lasts 18-21 weeks. With a population of 8.5 million, Switzerland has significant mobilization resources. Swiss citizens who do not wish to perform either military or civil service must pay an appropriate fee.²²

Note that reservists are assigned to militia military units located in the area of their place of residence to attend training. In the future, all reservists will keep personal weapons, military uniforms, and necessary equipment at home, which will allow them to take a place in the ranks in the shortest possible time. It is worth noting that the deployment of territorial militia units (formations) to wartime states is carried out during the training period and when mobilization is announced. According to expert estimates, more than 500,000 people can be mobilized in Switzerland within two days.

On the basis of the above, it can be concluded that each method of equipping military formations has its own characteristics, advantages, and disadvantages. Also, without a doubt, the advantage of the contract army is the possibility of professional selection of citizens who really meet the requirements of service in the armed forces in terms of education and health and also have an interest in military service.

²¹ Dymko, Iegor, Arsen Muradian, Yevgeny Leheza, Andrii Manzhula, and Oleksandr Rudkovskiy. ‘Integrated Approach to the Development of the Effectiveness Function of Quality Control of Metal Products’. *Eastern-European Journal of Enterprise Technologies* 6, no. 3 (90) (2017): 26–34. <https://doi.org/10.15587/1729-4061.2017.119500>.

²² Leheza, Yevhen, Karina Pisotska, Oleksandr Dubenko, Oleksandr Dakhno, and Artur Sotskyi. ‘The Essence of the Principles of Ukrainian Law in Modern Jurisprudence’. *Revista Jurídica Portuguesa* 32 (2022): 342–363. [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15).

Motivation of military personnel is the main element of recruiting the armed forces of the state. Thus, the motivation of conscripts is at a rather low level, and they treat service as a temporary obligation. We believe that the motivation of a military serviceman performing his military service under a contract is fundamentally different from that of a conscript, at least in that a person who entered into a contract for military service has made a conscious choice and will treat the performance of his duties responsibly.²³

Of course, the transition of the Armed Forces of Ukraine to a fully contractual form of recruitment would be considered positive. However, at the moment, given the presence of Russia's armed aggression against Ukraine, such a transition is considered impossible, especially given the advantage of conscription such as the presence of a massive and numerous army to protect the state from large-scale aggression.

CONCLUSION

Summarizing the above and based on the experience of the world's leading countries (the United States of America (USA), France, Israel, Germany, Poland, the Czech Republic and Switzerland), it can be concluded that all types of recruitment of the armed forces have significant disadvantages and advantages.

Four methods of recruitment (manning) of armed forces have been established in the world, namely: 1) on the basis of general military duty - by conscription of citizens for military service; 2) on a voluntary basis - by recruiting military personnel under a contract; 3) mixed - on the basis of the law on general military duty and voluntary recruitment of servicemen under contract; 4) police method, on the basis of the law on general military conscription.

Currently, the draft ensures the constant renewal of the Armed Forces of Ukraine and contributes to the constant training of military-trained mobilization resources. Pursuing the goal of transferring the Ukrainian army to a completely voluntary basis, one should take into account the significant cost of implementing such measures, the need to solve the housing problem among military personnel, and increase the monetary and social security of military personnel, which in the future may lead to the competitiveness of the military profession in the labor market, improving the image of the military services and the motivation of citizens.

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²³ Shkuta, O., Leheza, Y., Telelym, I., Anosienkov, A., & Yaroshak, O. (2024). National Security in the Conditions of the Russia-Ukraine War: Legal Regulation and Islamic Law Perspectives. *Al-Ahkam*, 34(1). 99-120. doi: <https://doi.org/10.21580/ahkam.2024.34.1.20413> URL: <https://journal.walisongo.ac.id/index.php/ahkam/article/view/20413/5516>

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