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HIGHER MILITARY EDUCATION IN THE REPUBLIC OF POLAND: REGULATORY AND LEGAL SUPPORT

The article outlines the specificities of the regulatory framework for higher military education in the Republic of Poland. An analysis and characterization of legislative documents reflecting the key positions in organizing the higher military education system were conducted (Higher Education and Science Act, Poland 2030 Strategy, The Third Wave of the Present - Long-term Country Development Strategy, Responsible Development Strategy until 2020, Europe 2020 - Strategy for Sustainable, Resilient, and Inclusive Growth, Strategy for the Development of the National Security System of the Republic of Poland in 2022, Higher Military Education Act, Military Education Standards for Officer Candidates, Orders of the Minister of National Defense regarding the establishment of conditions and procedures for admission to higher military education institutions for candidates pursuing professional military service in the academic year). These mentioned documents formed the basis for developing programs aimed at providing services in the sphere of higher military education in Poland.

Key words: *higher education, higher military education, Republic of Poland, regulatory framework.*

Introduction. Education in public security is an immensely significant matter that necessitates involvement from the government, relevant agencies, organizations, and society as a whole. Only comprehensive, regular, and large-scale actions involving the entire society can yield the expected outcomes in enhancing awareness regarding security.

The establishment of the Polish state significantly contributed to laying the groundwork for the formation of national consciousness. The development of the Polish national community, as well as the sense of statehood, was strongly influenced by educational processes that reinforced organizational and social cooperation.

It's noteworthy that in a democratic rule-of-law state, the armed forces are one of the most critical elements of the national security system. Their primary task is to protect the independence and sovereignty of the state (by countering external threats).

Hence, the preparation of future military personnel in institutions of higher military education is both important and relevant. Consequently, it is prudent to clarify the regulatory principles of higher military education in the Republic of Poland.

Analysis of current research. Over the recent years, the issue of higher military education has been the subject of scientific inquiries both from foreign scholars (M. Auger, A. Waggener, J. Johnson-Freeze, K. Kelly, V. Kittler, J. Maxwell, W. Morrow, R. Taylor, V. Hedges, among others) and domestic researchers (O. Didenko, A. Zelnytskyi, O. Zabolotna, L. Kanova, I. Kozubtsov, A. Lyashkevych, O. Masliy, M. Neshchadym, O. Panfilov, Yu. Prykhodko, O. Prokhorov, V. Telelym, N. Teretnyeva, R. Tymoshenko, I. Tychna, O. Torychnyi, among others). However, higher military education in the Republic of Poland has not been the subject of separate research.

The aim of the article is to outline the specifics of the regulatory foundations for higher military education in the Republic of Poland.

Research methods. To achieve the research goal, the following methods were utilized: general scientific methods such as analysis, synthesis, abstraction, comparison, and generalization were used to elucidate the peculiarities in the development of theoretical approaches underlying the investigated phenomenon and to study official regulatory documents of the education system. Specific scientific methods including the method of terminological analysis facilitated the disclosure of the essence of the studied pedagogical phenomena by identifying and refining the meanings and senses of fundamental concepts. The structural-logical analysis enabled the determination of the normative foundations of the investigated phenomenon.

Results. There is no doubt that as a result of legal norms related to the principles of armed forces' functioning, they acquire particular importance. In the legal system of the Republic of Poland, the complex of legal norms regulating the fundamentals of armed forces' functioning is known as military law. On one hand, this is a highly specialized branch of law (applicable to a specific group—soldiers and civilian personnel of the armed forces), and on the other hand, it is an extensive field regulated by several hundred national legal acts of varying importance (both in global and domestic aspects) and in international law. Meanwhile, military law is both a separate part of national security law (related to military security) and a part of the defense legislation of the Republic of Poland.

Based on the analysis of the regulatory foundations in the Republic of Poland, we have concluded that the main normative legal documents regulating the organization of higher military education in the researched country are as follows: Law on Higher Education and Science (Prawo o szkolnictwie wyższym i nauce, 2018), Strategy - Poland 2030. The Third

Wave of Modernity. Long-term strategy for the country's development (Długookresowa Strategia Rozwoju Kraju „Polska 2030. Trzecia fala nowoczesności”, 2013), Strategy for Responsible Development until 2020 (with a perspective until 2030) (STRATEGIA na rzecz Odpowiedzialnego Rozwoju do roku 2020 (z perspektywą do 2030 r.), 2017), Europe 2020 - A European strategy for smart, sustainable and inclusive growth, Strategy for the development of the national security system of the Republic of Poland in 2022 (Strategia Rozwoju Systemu Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej, 2022), Law on Higher Military Education (Ustawa z dnia 31 marca 1965 r. o wyższym szkolnictwie wojskowym).

Let's consider the mentioned regulatory documents regarding the organization of higher military education.

In the Law on Higher Education and Science, Article 434 specifies that:

1. The Military University is concurrently considered a military unit within the meaning of the provisions of the Law of March 11, 2022, on the defense of the Homeland (Dz. U. poz. 2305 oraz z 2023 r. poz. 347)).

2. The Minister responsible for higher education and science, based on the submission of the Minister of National Defense, issues, liquidates, or changes the name of the institution of higher military education by order, if it corresponds to the needs of defense and state security.

3. The Military University conducts qualification courses, professional development, and other forms of education.

4. The scope of the Military University's activities as an organizational unit of the relevant state service is determined by separate regulations.

5. The higher education institution of public service, functioning as a professional university, forms, liquidates, or changes its name based on the minister responsible for higher education and science's order, upon the submission of the minister responsible for internal affairs or the minister of justice, considering the needs of public security (Law on Higher Education and Science, 2018).

In Article 435, it is indicated that the controlling minister of higher military education institutions is the Minister responsible for all higher education institutions.

Furthermore, the document regulates the activities of the administration of higher military education institutions. In both the institution of higher military education and the institution of public

service, the administrative bodies are the rector and the senate. The institution's statute determines the bodies of the institution performing the duties of the academic council.

The Law also defines the peculiarities of the election and activities of the rector of the higher military education institution, such as:

1. The Minister of National Defense appoints the rector of the military university: among professional military personnel or appoints among former professional military personnel who meet the conditions.

2. To hire the rector of the military university, the provisions of Article 24, Section 10 are applied, stating that the individual elected or appointed to the position of rector is employed at the university as the primary place of work within the meaning of the law, no later than the commencement of the term. When determining the basic salary and functional allowance for the rector, the provisions of Article 140, Section 1 regarding the application are not applicable, meaning that the salary and functional allowance of the state university's rector are established by the minister upon the recommendation of the academic council.

The Minister of National Defense appoints among professional military personnel an individual responsible for carrying out the tasks of the military university as a military unit.

The rector of the military university mentioned in point 1 and the individual referred to in point 3 are academic instructors. When deciding on the appointment of the rector or the individual in point 3, the Minister of National Defense determines their affiliation with one of the groups of employees described in Article 114 and with one of the positions mentioned in Article 116, paragraph 1, or determined based on Article 116, paragraph 4, item 1. The provisions of Article 116, paragraphs 2-3, and Article 451, paragraph 2, are applied.

The Minister of National Defense may dismiss the rector of the military university and the individual referred to in point 3 from their positions or revoke their appointments.

Article 440 of the Law on Higher Education and Science states that the rector of a higher military education institution and the institution for higher education of public service concurrently serve as the commandant of the educational institution within the meaning of the respective legislative acts regarding military service or the relevant public service.

The statute of the higher military education institution comes into effect from the date of issuance of the decision by the respective minister

overseeing the institution, which approves the statute, unless a later date is specified. The decision is made within 3 months from the date of submission of the statute by the senate.

Article 444 regulates the specifics of admission to institutions of higher military education. It states that the Minister of National Defense will determine, by order, restrictions on admission to study in a specific field for candidates for professional military personnel in individual military universities, taking into account the educational capabilities of the universities and the need for graduates of these programs.

The Law on Higher Education and Science also provides details regarding the employment of academic staff in higher military education institutions. Article 451 specifies the following provisions:

1. In an institution of higher military education, military personnel are appointed to the position of academic instructor under conditions and in the manner specified in the military legislation governing professional military personnel.

2. At the institution of higher military education, an individual may be approved for the position of professor-instructor who does not meet the requirements outlined in Article 116, Point 2, Point 2, but holds a rank no lower than that of a general or rear admiral.

Therefore, as we can see, the Law on Higher Education and Science of the Republic of Poland regulates the specifics of operations in institutions of higher military education. It defines the procedure for electing rectors, admission to studies and employment, and also designates the responsible Minister for various aspects of the military university's activities.

Before delving into the characteristics of the Law on Higher Military Education in Poland, let's underscore its strategic importance. The purpose of this law is to prepare highly professional personnel and strengthen the national defense of the country, marking a significant modernization of the Polish military education system since 1965.

The primary objective of institutions of higher military education is to train command personnel, specialists for military units, and academic staff for military educational and research units subordinate to the Minister of National Defense. In fulfilling these objectives, military universities are tasked with the following:

1. Cultivating in students a spirit of patriotism, engagement in matters concerning the homeland, and fortification of its defense;

fostering attitudes towards the independence and security of the Republic of Poland as paramount values.

2. Educate students to become highly qualified officers of the Armed Forces of the Republic of Poland, equipped with comprehensive general military and specialized knowledge, along with pedagogical skills.

3. Foster in students the particularly vital attributes and values essential for military professions, including courage, a sense of honor and responsibility, discipline, leadership qualities, autonomy in decision-making and actions in complex situations, initiative, mental resilience, physical preparedness, as well as the ability for creative thinking and perseverance in work.

According to the provisions regarding the protection of secrets within the Armed Forces of the Republic of Poland, higher military schools have the right to:

1. Conduct research and participate in the implementation of their results.

2. Disseminate the results of scientific research and provide scientific consultations.

Higher military schools collaborate in the development of science, technological progress, and culture, particularly in fields of science that have practical significance for the defense of the state, including the activities of the Armed Forces of the Republic of Poland, with: other universities, scientific research institutions of the Polish Academy of Sciences, scientific research units, central institutions of the Ministry of National Defense and other military units, entrepreneurs, healthcare institutions, other units of the national economy.

Higher military education institutions are subordinate to the Ministry of National Defense, which, in turn:

- Establishes long-term and periodic work plans for military schools.
- Sets framework educational plans and regulations for education in higher military education institutions.
- Defines research plans in higher military education institutions and rules for the organization and funding of such research, as well as rules for interaction between these educational institutions and units specified in Article 2, paragraph 5 of the Polish Law "On Military Education."
- Issues statutes to higher military education institutions.

- Addresses significant matters regarding collaboration between higher military education institutions and foreign countries.
- Executes other tasks as defined by the Law and specific provisions.

The framework educational plans and programs in non-military sciences are determined by the Minister of National Defense in consultation with the Minister of National Education. In the field of medical sciences, these plans also require approval from the Minister of Health and Social Welfare.

The Higher Military Education and Science Council operates under the Ministry of National Defense, serving as an advisory and expert body concerning education, scientific development, and research within the military. The Council is chaired by the Minister of National Defense, and its composition is established by the Minister of National Defense. The scope of activities, principles, and procedures of the Higher Military Education and Science Council are defined in regulations issued by the Minister of National Defense.

1. Individuals holding a secondary school diploma may voluntarily enroll in higher military education institutions. These institutions accept:

- Professional military personnel and other active-duty service members.
- Civilian individuals.

Hence, it can be affirmed that the provisions declared in the Law on Higher Military Education and the Law on Higher Education are correlated and encompass all aspects of higher military education institution activities and the organization of higher military education in the Republic of Poland.

Within the defined regulatory framework of higher military education in Poland, it's essential to emphasize the existence of the Military Education Standard for officer candidates, which was adopted in 2014 (Decision No. 289/Mon Ministra Obrony Narodowej..., 2014).

Primarily, the Military Education Standard applies to officer candidates who have received education from higher education institutions and undergone military training as part of officer training.

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- Professional military personnel and other active-duty service members.
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- Hence, it can be affirmed that the provisions declared in the Law on Higher Military Education and the Law on Higher Education are correlated and encompass all aspects of higher military education institution activities and the organization of higher military education in the Republic of Poland.

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- Status of the Armed Forces of the Republic of Poland.
- Substantial content of civic education.
- Primary directions of military training (military prevention and discipline, general tactics, theory and practice of shooting, peculiarities of military affairs in other states, joint anti-aircraft defense, engineering-sapper training, defense against weapons of mass destruction, communication, terrain orientation, protection and defense of objects, physical education, medical training, environmental protection, fire prevention, labor protection training, protection of classified information).
- Specifics of final assessment/control.
- Minimum requirements for the content and results of education necessary to achieve the proper competencies of future officers.
- Key aspects of general preparation (educational activities in the army, social communication, fundamentals of pedagogy, team leadership, history of warfare), and so on.

Additionally, each year, an Order of the Minister of National Defense is issued regarding the establishment of conditions and procedures for admission to higher military education institutions for candidates pursuing professional military service in the academic year. This order outlines the admission procedures for specific military academies and rules for scoring during the admission process.

Conclusions: To outline the regulatory framework of higher military education in the Republic of Poland, an analysis and characterization of regulatory documents reflecting the leading positions in the organization of the higher military education system were conducted (Higher Education and Science Act, Poland 2030 Strategy, The Third Wave of the Present. Long-term Country Development Strategy, Responsible Development Strategy until 2020, Europe 2020 - Sustainable, Resilient, and Inclusive Growth Strategy, National Security System Development Strategy of the Republic of Poland

2022, Higher Military Education Act, Military Education Standards for Officer Candidates, Orders of the Minister of National Defense regarding the establishment of conditions and procedures for admission to higher military education institutions for candidates pursuing professional military service in the academic year). These aforementioned documents formed the basis for developing programs aimed at providing services in the field of higher military education in Poland.

REFERENCES

- USTAWA z dnia 20 lipca 2018 r. Prawo o szkolnictwie wyższym i nauce. URL: <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180001668/U/D20181668Lj.pdf>
- Długookresowa Strategia Rozwoju Kraju „Polska 2030. Trzecia fala nowoczesności”. Warszawa, 11 stycznia 2013 r. URL: <http://polska2030.pl/dlugookresowa-strategia-rozwoju-kraju-polska-2030-trzecia-fala-nowoczesnosi/>
- STRATEGIA na rzecz Odpowiedzialnego Rozwoju do roku 2020 (z perspektywą do 2030 r.). Warszawa.. URL: <https://www.gov.pl/web/fundusze-regiony/informacje-o-strategii-na-rzecz-odpowiedzialnego-rozwoju>
- Strategia Rozwoju Systemu Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej 2022
- Ustawa z dnia 31 marca 1965 r. o wyższym szkolnictwie wojskowym. URL: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19650140102>
- Europe 2020 – A European strategy for smart, sustainable and inclusive growth. Режим доступу: <http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf>
- DECYZJA Nr 289/MON MINISTRA OBRONY NARODOWEJ z dnia 8 lipca 2014 r

АНОТАЦІЯ

Драга Інна. Вища військова освіта в Республіці Польща: нормативно-правове забезпечення.

У статті окреслено особливості нормативно-правового забезпечення вищої військової освіти в Республіці Польща. Проаналізовано та схарактеризовано нормативно-правові документи, у яких відображено провідні позиції організації системи вищої військової освіти (Закон про вищу освіту і науку, Стратегія – Польща 2030, Третя хвиля сучасності. Довгострокова стратегія розвитку країни, Стратегія відповідального розвитку до 2020 року, Європа 2020 – Стратегія зі сталого, стійкого та інклюзивного зростання, Стратегія розвитку системи національної безпеки Республіки Польща 2022 рік, Закон про вищу військову освіту, Стандарт військової освіти для кандидатів в офіцери, Накази Міністра національної оборони про встановлення умов та порядку прийому на навчання до закладів вищої військової освіти для кандидатів на професійну військову службу в академічному році). Зазначені документи стали підґрунтям для розробки програм з надання послуг у сфері вищої військової освіти Польщі.

Ключові слова: вища освіта, вища військова освіта, Республіка Польща, нормативно-правове забезпечення.