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## **THE NOTION OF MILITARY ADMINISTRATION**

### **ABSTRACT**

The following article refers to the notion of military administration. The cognitive procedure was focused around the definition of “military administration”, and research was focused on recognizing the elementary facts that are related to this notion.

The aim of the article is to present and organize the most important methodological approaches that refer to the notion of “military administration”. To achieve this goal, the method of document examination was employed, which made it possible to accumulate, sort, describe and scientifically interpret the issues of military administration. By pinpointing and justifying the problem, a stance was taken in the face of the views of other authors, who considered all the aspects of “military administration”. From a scientific point of view, the topic described below and the attempt at defining the notion of “military administration” can lead to conclusions which have not been a topic of discussion for many years.

Key words: military administration, government administration, National Defence Minister, National Defence Ministry.

### **INTRODUCTION**

The Armed Forces of the Republic of Poland [Siły Zbrojne Rzeczypospolitej Polskiej (SZ RP)] are obliged to prevent and counteract external threats. Because of the human resource, a proven directorial structure, equipment and training, the Armed Forces of the Republic of Poland are also trained to support the counteracting, fighting and removing the aftermath of existing crisis situations. For operational efficiency in times of peace, crisis and war, the

existence of military administration is crucial, as well as its co-operation with other public administration organs.

The processes occurring in the Armed Forces of the Republic of Poland, resulting from accepted programs regarding their professionalization, cause military administration to defer from a traditional, bureaucratic model aimed at performing simple tasks efficiently. It becomes increasingly oriented towards solving complex issues and administering the change in institutionalized co-operation with numerous public administration organs (central, territorial, self-government, entrepreneurs and foreign partners).

Today, the state possesses a vast public administration, which largely ensures external security, protects legal and constitutional order, performs tasks in the areas of protecting the well-being and safety of civilians.<sup>1</sup> Thus, the legal basis for the activity of particular administrative organs, which perform tasks in defensive matters, is determined by rules of law and government.

## DESCRIPTION

To describe the notion, firstly we need to take a look at some definitions regarding military administration. In available sources, we can find several explanations (quoted below):

- "Military administration, as a part of national economy, encompasses personal administration, monetary and material economy of the armed forces, conducted as a part of state economy. The task of military administration is to equip the armed forces with money, all sorts of materials and means of transport, as well as provide them with sanitary and veterinary aid, spiritual care and justice."<sup>2</sup>
- "Military administration: 1) field of military science which examines the organization, composition, reinforcement and mobilization of armed forces, as well as notions of service and existence of armies; 2) military leadership in times of war in controlled or occupied enemy territory; 3) the activity of military organs in times of peace, encompassing all sorts of

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<sup>1</sup> A. Misiuk, *Administracja porządku i bezpieczeństwa publicznego. Zagadnienia prawno-ustrojowe*, Wydawnictwa Akademickie i Profesjonalne Warszawa 2008, s. 12-21 [Administration of public order and safety. Legal and political issues, Academic and Professional Publishings, Warsaw 2008, p.12-21].

<sup>2</sup> *Administracja wojskowa. Część I ogólna*, Warszawa 1932, Biblioteka Narodowa sygn. I 838.299, s. 3. [Military administration. Part I general, Warsaw 1932, National Library, ref. I 838.299, p.3]

military issues that are not in the field of leadership or training, as well as the general outline of activities aimed at providing everything an army needs to live and fight”<sup>3</sup>;

- ”Military administration: 1) the entirety of action performer by military organs in the area of executive authority, excluding strategy and tactics; 2) internal management of a military unit”<sup>4</sup>
- ”Military administration – an element of public administration, which encompasses the organization and realization of processes oriented towards an all-round fulfillment of needs of the armed forces in the area of necessary resources to live and fight”<sup>5</sup>;
- „”Military administration – the activity of military organs in time of peace, encompassing all issues not included in the area of command and training, as well as all activities aimed at ensuring everything that is required for the army to function efficiently, according to its tasks”;
- Military administration – a field of military science, researching the organization, composition, reinforcement and mobilization of the armed forces and notions of service and existence of armies.”
- ”Military administration – military leadership in times of war on occupied enemy territory”<sup>6</sup>.

In the definitions mentioned above, the term ”military administration” refers to numerous topics which can be viewed from an objective, subjective and functional standpoint.

And so, from an objective (material) viewpoint, military administration is, and has been, understood as: ”a field of military science”, ”a part of national economy”, ”an element of public administration”, ”a universal fulfillment of needs of the armed forces”, ”all issues concerning the armed forces that are not included in command and training”.

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<sup>3</sup> Leksykon wiedzy wojskowej, Wydawnictwo MON, Warszawa 1979, s. 11. [Lexicon of military knowledge, MOD Publishings, Warsaw 1979, p.11].

<sup>4</sup>Dictionary of Military and Associated Terms, Department of Defense, US Government Printing Office. Washington 1989, s. 4.

<sup>5</sup> Ibidem, s. 8.

<sup>6</sup>The last three definitions were obtained from the website and in fact do not differ from the dictionary definitions mentioned before. See: [http://pl.wikipedia.org/wiki/Administracja\\_wojskowa](http://pl.wikipedia.org/wiki/Administracja_wojskowa). Besides, it should be noted that R. Kalinowski (Military administration in the implementation of defence tasks, AON, Warsaw 2002, p. 12) uses the term „non-integrated military administration”.

In a subjective (organizational) sense, these are: "military organs", "different entities, organs and institutions". This point of view allows us to comprehend the internal composition of military administration.

In a functional sense, this is: "the majority of activities regarding executive authority", "general actions which are supposed to ensure everything an army needs to fight and survive", "military leadership in times of war on occupied territory", "internal guidance of a military unit", "organizing and realizing processes that are geared towards a universal satisfying of the needs of the armed forces" and "the activity of military organs in times of peace".

The fullest degree of knowledge about public administration can be found in a historical and comparative context, which points to a connection between administrative instruments and their social and doctrinal environments, the subjective element of the above definitions is a key factor, as it refers directly to the state's administrative system, whereas for the administrative law, the most important constituents are the subjective and functional elements.<sup>7</sup>

Assuming the things mentioned above, in order to discuss the essence of military administration, we need to look at it from a historical standpoint. The first of the above definitions of military administration was taken from an inter-war period publication. At that time, the tasks of military administration in time of peace were fulfilled by: administering personnel, reinforcing the army with men and horses, administering credits, the acquisition, production, processing, gathering and giving out of all sorts of materials to the army, as well as hiring functional organs, training administrative personnel and preparing material mobilization in case of war. In times of war, military administration provided soldiers with everything they needed to live and fight, making it easier for them to fulfill their task, i.e. combat, and relieved the armed forces of unnecessary burdens by performing tasks involving the evacuation of civilians, animals and used material.<sup>8</sup>

In the inter-war period, the armed forces had functioning terms of: personal administration, reserve administration, administration and provision of the armed forces. Personal administration encompassed the administering of assets, i.e. privates performing active military service, as well as military school cadets, professional and civilian personnel, as well as reserve administration. The task of personal administration was to properly use military and civil personnel by designating a position for everyone in the armed forces. Supplying the armed forces, to be more precise: material and financial administration, was supposed to fulfill all material needs of the army by all available means, given to military authorities by legislative authority organs. The manner of ma-

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<sup>7</sup>H. Izdebski, M. Kulesza, *Administracja publiczna. Zagadnienia ogólne*. LIBER, Warszawa 2004, s. 12. [Public administration. General issues. LIBER, Warsaw 2004, p. 12].

<sup>8</sup>*Administracja wojskowa...*, op. cit. s. 4. [Military administration..., op.cit. p.4].

terial and money administering for fulfillment reasons of all military needs was called the military force economy.<sup>9</sup> To sum it all up, it needs to be noted that the first of all the above military administration definitions refers to national economy, and its division was conditioned by the field it directly concerned, i.e. resources (human, financial, material), used to ensure the proper functioning of the armed forces in times of peace and war.

The authors of the Dictionary of Military and Associated Terms provide two meanings of this term. Military administration can thus on one hand be understood as “the general outline of activities performed by military organs in the scope of executive authority, excluding strategy and tactics”, on the other hand it is “the internal management of a military unit”.<sup>10</sup> Both definitions are functional in character. A similar explanation was provided in the “Dictionary of Basic Military Terms”, where one of the definitions indicates that military administration is “military management in times of war on seized or occupied enemy territory”<sup>11</sup>.

The functional approach is not the only one through which military administration can be viewed, as part of the definitions are objective in character. From that point of view, military administration can be treated as “a field of military science, researching the organization, composition, armament and mobilization of the armed forces, as well as the notions of service and existence of armies”<sup>12</sup> or as “an element of public administration, encompassing the organization and realization of processes aimed at a universal fulfillment of needs of the armed forces in regards to the means that are necessary to live and fight”<sup>13</sup>

Military administration was similarly defined In the Inter-war period. In a script, intended for vocational school detachments, it was defined as “a part of

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<sup>9</sup>R. Starzyński, R. Starzyński, *Zarys nauki organizacji sił zbrojnych*. Wojskowy Instytut Naukowo-Wydawniczy, Warszawa, s. 86–123. [Outline of the study of the armed forces organization. Military Institute of Science and Publishing, Warsaw, p. 86-123].

<sup>10</sup>Dictionary of Military ..., op. cit., p. 4.

<sup>11</sup>Słownik podstawowych terminów wojskowych, Warszawa 1997, s. A-1, [za:] R. Kalinowski, K. Dorosz, *Wojskowa administracja niezespolona w systemie obronności*, AON, Warszawa 2001, s. 7. [Dictionary of basic military terms, Warsaw 1997, p. A-1, [after:] R. Kalinowski, K. Dorosz, *Military administration non-integrated in a defensive system*, AON, Warsaw 2001, p. 7].

<sup>12</sup>Leksykon wiedzy wojskowej ..., op. cit., s. 11. [Lexicon of military knowledge..., op.cit, p.11].

<sup>13</sup>Słownik terminów z zakresu bezpieczeństwa narodowego, AON, Warszawa 2002, s. 8. [Dictionary of national security terms, AON, Warsaw 2002, p. 8].

national economy, encompassing personal, monetary and material administration of the armed forces, managed within the confines of national economy”<sup>14</sup>.

In literature, there are mixed, objective-functional definitions. Military administration is ”the activity of military organs it times of peace, encompassing all issues of the armed forces that are not included in the framework of command and training, as well as the overall activities aimed at supplying the army with everything that is necessary to live and fight”<sup>15</sup>.

The discussion above leads to a question arising: What does military administration actually deal with, or rather, what is its essence. Assuming that ”the military system creates everything that is connected with preparing and maintaining the means for armed conflict”<sup>16</sup>, then, from an objective stand point: the military system is all the means that were prepared for armed conflict. Human force as an acting entity has an established power, i.e. is able to perform a certain effort.<sup>17</sup> Forces will be regarded as people, commanded and organized into troops, companies, detachments, operational entities, groups, armies etc. The armed forces are, in an organizational sense, a complex system, where a basic unit is the human factor. The essence of the functioning of the armed forces in times of peace is primarily to reinforce military units to their designated level. The completion of military units is realized by volunteers, who perform their duty as professional soldiers, as well as compulsory forms of military service, resulting from the Constitution of the Republic of Poland, within the framework of the bill on the universal defensive obligation. The ensuring of completion shall be the basic task of personal administration of the armed forces. Personal administration shall encompass: professional soldiers, army employees, personal reserves.

Due to events being created by use of certain devices in actions that lead to reaching goals, the name „means” is transferred to objects.<sup>18</sup> By means, we should understand: fighting devices - weapons, gear, equipment, military infrastructure. The preparation of means is any action connected with preparing:

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<sup>14</sup>Administracja wojskowa: skrypt do użytku hufców szkolnych szkół zawodowych, Część I ogólna, wyd. TZWW, Warszawa 1938, s. 3. [Military administration: textbook for school troops of vocational schools, Part I general, red. TZWW, Warsaw 1938, p. 3].

<sup>15</sup>Słownik podstawowych terminów..., op. cit.,p. 7. [Dictionary of basic military terms...op.cit., p.7].

<sup>16</sup>Ch. C. Moskos [w:] International Military and Defense Encyclopedia. Brassey’s Inc., Washington, New York 1993, vol.4, s.1746.

<sup>17</sup>T. Pszczołowski, Mała encyklopedia prakseologii i organizacji. Zakład Narodowy imienia Ossolińskich Wydawnictwo, Wrocław-Warszawa-Kraków-Gdańsk 1978, s.218 [Small encyclopedia of praxeology and organization. National Institute of Ossolisnki Publishing House, Wrocław-Warsaw-Krakow-Gdansk 1978, p.218].

<sup>18</sup>Ibidem, p. 242.

territory for military needs, military infrastructure, production of weapons and equipment (including the arms industry), developing strategies and predicting potential threats. Maintaining means is an action in time, regarding objects, i.e. equipment, arms, supplies, military infrastructure etc., as well as methods at the level of immediate use. These functions will be realized by the administration for supply of the armed forces, whose task is to satisfy all material needs of the army with the help of any available legal means (as written by R. Starzyński, "given by the legislative to be administered by military authorities")<sup>19</sup>. This administration encompasses financial administration, i.e. the way of obtaining, maintaining, expending money, the way of counting up financial reports, and material administration, i.e. the way of delivering, processing and storage of materials and usage and checks of military material.

We need to assume that military administration, in the area of asset administration (organizational, human, competences, material, informational) in the armed forces will encompass: personal administration as well as supply administration of the armed forces.

From the definitions of military administration mentioned above arises its subjective perspective. Those are "[military organs" or "different organs and institutions". Here, it needs to be emphasized that, in the case of this type of administration, we mainly deal with one-person organs, collegial organs are rare. The subjective criterion allows us to understand the internal organization of military administration. Moreover, it allows to indicate its place in the structure of public administration. If we take into consideration the present legal order, this place should be traced to the division of public administration, viewed from a subjective point of view.

Administration can be composed solely of state-level organizational units (as an element of the state apparatus), of state-level units and other institutions/organizations, or solely of non-governmental institutions/organizations, created by bills and entitled to perform public tasks. In the first case, we talk about a narrow-scoped government administration, the second – broad-scoped administration, third – public administration<sup>20</sup>.

It can be stated that public administration is a connection of different kinds of administration, working within the field of public matters, primarily state administration, government and self-government administration. Public administration is a term used to describe the structures, actions and people involved in those sorts of administration. This term is a sort of bond for all

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<sup>19</sup>R. Starzyński, *Zarys nauki organizacji sił zbrojnych*, op. cit., s. 123. [Outline of the study of the armed forces organization, op. cit., p. 123].

<sup>20</sup>*Prawo administracyjne. Część ogólna*, red. M. Chmaj, Warszawa 2003, s. 10. [Administration law. General part, red. M. Chmaj, Warsaw 2003, p. 10].

characteristic elements of administration in general, including public administration<sup>21</sup>.

This causes all military organs to be included in the general state administration system and realize the same tasks as other organs of public administration, with the use of the same forms, means and methods<sup>22</sup>. Their basic tasks include the direct execution of defensive tasks, which is present in two forms of action: realization and organization. There is a tight interdependence between the aforementioned forms of acting of military organs, one could not be realized without the other.

Everything that is directly connected to keeping the armed forces in full combat readiness, which is understood as the state of current preparation of the armed forces, as well as all the conditions, material acts that ensure its correct shape, swift development and organized use in an ordained timespan to realize battle tasks or non-military threats, anticipated in times of crisis and war – it all belongs to the technical scope of military activity, especially in times of peace. It enables optimal army readiness for further combat activity (training and commanding soldiers, proper use of military equipment, armaments etc.)

Activity which directly concerns maintaining combat readiness is the organizational activity of these organs. This includes, among others:

- Supplying the army with food, uniform, equipment and financial resources;
- Organizing land and air transport;
- Organizing and administering a military education system;
- Administering personal and material reserves, as well as providing the armed forces with personnel;
- Organizing the production of factories that are subordinate to the Minister of Defense<sup>23</sup>.

Reassuring, it can be said that military administration organs belong to government administration, thus they perform the same tasks as other organs of public administration, using the same forms, means and methods. Basic tasks of military administration include the direct execution of military and defensive tasks of the state. The execution of defensive tasks by military administration is performed in two ways: organizational and realizational. Organizational activity manifests itself in keeping the armed forces battle ready, whereas realizational activity is directly connected with keeping the armed forces battle ready,

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<sup>21</sup>E. Zieliński, *Administracja rządowa w Polsce*, Warszawa 2001, s. 12. [Government administration in Poland, Warsaw, p. 12].

<sup>22</sup>*Leksykon wiedzy wojskowej* ..., op. cit., s. 289. [Lexicon of military knowledge...op.cit., p. 289].

<sup>23</sup>Por.: T. Lesko, M. Szadkowski, *Prawo wojskowe PRL*, Warszawa 1985. [Cf.: T. Lesko, M. Szadkowski, *Military law of the Polish People's Republic*, Warsaw 1985].



so keeping the current state of military readiness. The indicated functions are interdependent, which means that their autonomous execution is impossible.

Taking into consideration the previous considerations regarding military administration, for the sake of the following article, it is worthy to have an attempt at creating a single definition to describe it. It should consider the following elements: the subject of action, the purpose, the object, the characteristics of action, and the manner and addressee in particular<sup>24</sup>.

Taking the above points into consideration, it can be admitted that military administration is the activity of military organs, being an element of public administration, the aim of which is to provide the military with all necessary means to fulfill their basic needs connected to existence, as well as fighting, by means of organizational activity, regarding keeping full battle readiness. The battle readiness system is an organized set of ideas and rules, realized in the Armed Forces of the Republic of Poland, and allows the army to undertake action to ensure the safety of the state. The idea of the system is to keep a given battle potential of the armed forces to immediately react to emergency situations and threats, as well as to ensure a development of military units and allow them to realize their tasks in a short period of time<sup>25</sup>.

Organizational and realizational activity requires the functioning of an appropriate administrative apparatus. One of the characteristics of administration is that, within its structures, there are organs, not physical entities. In the legal doctrine, the term "public administration organ" is used, which refers to every entity that was given administrative law competences, regardless if it is a part of state structure or part of another subject<sup>26</sup>. Thus, in military administration there are organs that are separate elements of the military apparatus, organization- and competence-wise (central institution, command, field HQ, station etc.), performing given directorial functions in the process of command and administration of armed forces, or in other fields of activity of the Ministry of Defence, as well as designated post holders of military units (i.a. command-

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<sup>24</sup>Zob.: *Administracja publiczna*, red. J. Boć, Kolonia Limited, Wrocław 2003, s. 15 oraz M. Oleś, *Fakultatywne działania administracji publicznej*. Warszawa 2017. [See.: *Public administration*, re. J. Boć, Kolonia Limited, Wrocław 2003, p. 15 and M. Oleś, *Facultative activities of public administration*, Warsaw 2017].

<sup>25</sup>J. Wojnarowski, *Gotowość systemu bezpieczeństwa narodowego*. AON, Warszawa 2010, s. 108. J. Wojnarowski, *Gotowość systemu bezpieczeństwa narodowego*. AON, Warszawa 2010, s. 21-22. [J. Wojnarowski, *Readiness of national security system*, AON, Warsaw 2010, p. 108. J. Wojnarowski, *Readiness of national security system*, AON, Warsaw 2010, p. 21-22].

<sup>26</sup>*Prawo administracyjne. Część ogólna*, red. M. Chmaj, Warszawa 2003, s. 92. [Administration law, General part, red. M. Chmaj, Warsaw 2003, p. 92].

ers, chiefs, marshals)<sup>27</sup>. All military administration organs can perform administrative functions, but only those that have been permitted by bills or executive acts based on those bills can be active in that field. Military organs, understood as above, with ascribed competences, make use of their legal authority measures<sup>28</sup>. A characteristic of military administration organs is that they were permitted to perform commandeering duties, allowing them to issue orders and executing them by available state enforcement measures. These means include, in particular: the right to incur disciplinary penalties, enforcing obedience, requesting persecution of subordinates' crimes. To clarify the notion of an administrative organ is vital, because, in practice, to describe the same organs, a unit of organization or its chief is mentioned (e.g. when referring to military administration, military district – head of military district, garrison command – garrison commander, etc.). In practice, there are coinciding names, particularly when collegial organs are discussed, e.g. medical committees.

The following criteria can be adopted when making a division of the military administration bodies into: functional (administering the armed forces affairs requires appropriate knowledge in this field), territorial (takes a territorial division of the country into account and consequently a different significance at the levels of this division), organizational (includes connections between administrative organs). These criteria allow the following division of the administrative organs: centralized and decentralized, central and territorial, decisive and auxiliary, individual and collective<sup>29</sup>.

Depending on the adopted measure of the division, we can divide the following administrative authorities operating in the department of the National Defence into:

- individual- monocratic (commanders, commandants, chiefs);
- collective (committees),

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<sup>27</sup>M. Szadkowski, *Zarys prawa wojskowego. Część III*. WAP, Warszawa 1979, T. Leško, M. Szadkowski, *Prawo wojskowe PRL. Tom I*. Wydawnictwo MON, 1985, T. Leško, M. Szadkowski, *Prawo wojskowe PRL. Tom I*. Wydawnictwo MON, 1985, T. Leško, M. Szadkowski, *Prawo wojskowe PRL. Tom I*. Wydawnictwo MON, 1985, M. Szadkowski, *Zasady ogólne prawa administracyjnego i powszechny obowiązek obrony PRL*. WAP, Warszawa 1983, *Leksykon wiedzy wojskowej*, Wydawnictwo MON, Warszawa 1979, s. 289.

[M. Szadkowski, *Outline of military law, Part III*. WAP, Warsaw 1979, T. Leško, M. Szadkowski, *Military law of the Polish People's Republic, Volume I*. MOD Publishings, 1985, M. Szadkowski, *General principles of administration law and national obligation to defend the Polish People's Republic*. WAP. Warsaw 1983, *Lexicon of military knowledge*, MOD Publishing, Warsaw 1979, p. 289].

<sup>28</sup>E. Ura, E. Ura, *Prawo administracyjne*, Warszawa 2001, s. 37. [Administration law, Warsaw 2001, p. 37].

<sup>29</sup>*Prawo administracyjne ...*, op. cit., s. 97. Zob.: *Kierunki zmian w administracji publicznej*, red. W. Fill, M. Mędrala, A. Mitus. Warszawa 2018.

- central (minister, chiefs of central institutions of the MOD),
- territorial (commanders of military districts, garrisons, chiefs of voivodeship military staffs),
- command (commanders of the types of the armed forces, tactical associations, units and sub-units),
- functional (financial , personnel, quarters, supply, health service),
- administration of personal reserves (commanders of military districts, chiefs of voivodeship military staffs and commanders of Military Replenishment Councils/Army Recruiting Commands),
- relatively independent (commanders of military units and commanders of other organizational units of the armed forces equated with them),
- economic (so-called economic entities),
- auxiliary (service and advisory units)<sup>30</sup>.

Military administration bodies are characterized by one-person structure, whereas collective organs occur here occasionally. Therefore, a commander (commandant, chief, head) of a specific organizational unit of the armed forces is also the organ of the military administration.

The separate place in this division belong to the authorities of the state enterprises subordinate to the Minister of National Defence and the bodies of establishments located in the army (organizational units of military academies, hospitals). The activity of these bodies is based on general principles on the one hand (the same as civil organs), and on the entitlements granted to the commanders of military units, on the other hand.

The division of the military administration authorities presented above is arbitrary and incomplete. It included only more interesting and typical criteria of the division. Its purpose is only to give an idea of the nature of military administration bodies depending on tasks, range and area of operation and defined by general or departmental regulations. It is possible to make other divisions, considering different configurations (the military administration is often identified only and exclusively with the military administration personnel, including professional soldiers who are serving, i.a. in the Voivodeship Military Staffs or Army Recruiting Commands).

The activity of the military administration organs which is aimed at implementing tasks faced by the armed forces, is based on the following fundamental rules: hierarchy, single command (leadership), centralization, rule of law and military discipline. Therefore, the military administration bodies will subordinate in different ways to the Council of Ministers or to a minister. Their position is defined by relevant acts, which regulate in details the range, principles and extent of this subordination.

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<sup>30</sup> Por.: T. Lesko, M. Szadkowski, Prawo wojskowe PRL, Warszawa 1985.

The entire activity of the state administration bodies within the scope of organizational functions is divided into external and internal spheres. The external sphere is the activity of administration bodies in relation to people and organizational units who are not linked by the professional subordination with the operating organ (e.g. military medical committee - patient, military replenishment commandant - military qualification). On the contrary, the internal sphere operates within the specific set of administrative organs bound by subordination (e.g. Chief of the Voivodeship Military Staff - military replenishment commandant).

In the external sphere, the work of the administration organs is limited to:

- establishing generally applicable regulations,
- issuing administrative acts (decisions),
- reaching administrative agreements,
- concluding treaties,
- carrying out organizational activity (e.g. promoting professional military service in a civil environment, organizing a recruitment to military schools),
- performing material and technical activities.

Under specific conditions of the military service, the organizational activity of military administration bodies, manifested through concluding administrative agreements and treaties, has a limited character. Also, the way of making generally applicable regulations and issuing administrative decisions takes on the form of imposing orders.

The management of a specific department of the government administration must be consistent with the general policy of the government and takes place through : issuing legal acts (bills and regulations), supervising legal persons of the state within a specific department and some central institutions, as well as issuing administrative decisions and other administration acts in the course of an administrative proceeding, in which the minister acts as a supreme authority. The minister who manages a specific government administration department, undertakes, in relation to subordinate units, institutions and organs, resolutions and actions necessary for implementing tasks imposed by the law and resulting from the policy of the government<sup>31</sup>.

In fact, all the administrative organs are entitled to issue normative acts within the range and limits set by the law regulations. On the basis of the regulation of the article 7 of the Constitution of the Republic of Poland stating that „ public authority organs operate on the basis and within the limits of the law”, it should be assumed that each body of the administration, including military administration, resolving a certain issue by means of a normative act, is obliged to constitute a legal basis which entitles it to act in this matter and in this

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<sup>31</sup> System organów państwowych w Konstytucji Rzeczypospolitej Polskiej, red. H. Zięba-Załucka, Warszawa 2005, pp. 124–126.

form, not other. The legal bases for issuing normative acts by the public administration bodies are formulated in the system of our law, depending on whether we are dealing with the act concerning:

- internal configurations of relations in a specified department of administrative bodies;
- property management;
- directly-rights and responsibilities of citizens.

Depending on a specific situation, the legal basis for operating through a normative act constitute a legitimacy for ministers to act in the form of:

- regulation on internal organization of a given department of administrative organs which settles the entitlements of higher level authorities to manage the work of lower organs;
- regulation authorizing the management of state assets ;
- regulation, included in the act (bill) and authorizing to issue a normative act in a given situation.

The fundamental normative acts regulating the overall relationships between military organs and between these organs and professional soldiers and citizens, are the general legal acts issued by the Minister of National Defence as a head of supreme military administration body. These documents, together with laws and normative acts of the Council of Ministers are the main source of legal norms existing in the army.

They appear in different forms. However, the most important are bills and regulations. Apart from them, the Minister of National Defence issues other normative acts such as: instructions, statutes, regulations, directives, guidelines and circular letters, as well as orders. A characteristic feature of normative acts issued by the Minister of National Defence such as: regulations, instructions and statutes, is that they are implemented by means of separate regulations or orders, in which a legal basis for issuing them is established. The normative acts issued at a lower level of command and management have also a different form and subject range. The legal basis for issuing these regulations is usually a delegation included in a relevant legal act of the Minister of National Defence. The regulations issued by them are instructive in nature and serve to ensure appropriate execution of the normative acts of the Minister of National Defence and military organs at the central level. In this form these commanders also transmit their orders related to the course of training and the rules of service in their military units.

All normative acts issued by the state administration authorities, including military administration bodies, must be communicated to the interested organs and natural persons to come into force. The most commonly used form of submitting a normative act is its publication in the promulgatory organs. In addition to the Journal of Law (Dziennik Ustaw) and Polish Chronicle (Monitor

Polski) such organs are: official gazette of the central bodies of the state administration and voivodeship official journals. Issued by other than above mentioned military bodies and especially by the supreme commanders, they are sent to the interested entities (recipients of the normative act). At the lower level of command and management, familiarizing with the legal act can also take place by reading it out at the assembly (at the front) of soldiers of the unit or sub-unit. The military bodies mentioned above, also issue administrative decisions on matters regarding military service of professional soldiers, under the terms specified in separate regulations.

## CONCLUSIONS

The aim of this publication was to present the military administration issues. The problems introduced in this article have revealed many difficulties resulting from the specific nature of the military sphere as well as from a small number of theoretical studies and publications discussing the subject. Existing studies and monographs describing the military administration in Poland come from the eighties of the last century. The concept of military administration as well as the administration itself, can be examined from different points of view and perspectives. Generally speaking, it can be understood as an activity of military authorities and an element of public administration, which aim is to provide the armed forces with the resources necessary to meet their basic life needs as well as the means essential for the combat, through organizing activities regarding a maintenance of combat readiness of the armed forces and operations directly related to the maintenance of the full combat readiness of the armed forces. The work of the military administration is based on the acts (law) and within the limits set by them. The characteristic of the military administration bodies is also the fact that they were authorized to perform command functions, allowing them to issue orders and enforce them by means of the state coercive measures that were granted to them. The implementation of the military administration tasks related to defence and armed forces requires coexistence and cooperation of the military administration within the public administration, and especially due to their increasing role in undertaking extraordinary and anti-crisis tasks as well as preventing the threats and also carrying out duties resulting from the allied obligations.

The current structure of the military administration and tasks performed by its respective elements will continue to be transformed. The conditions in which the military administration operates, have a changing nature which affects and will continue to influence the need to adapt in order to perform new tasks. The analysis of changing conditions of operation as well as adjusting existing legal solutions to them and creating the new ones, adequate

to the current situation, will serve to improve planning and implementing tasks. Because of the changes in a way of completing the military service obligation by citizens, as well as due to the transformations in the system of supplementing the Armed Forces of the Republic of Poland with personnel, based on voluntary and professional character of the military service in peace time, the role of territorial organs of the military administration increases

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