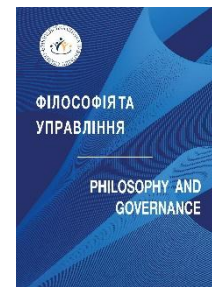




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The Transformation of State Policy in The Field of Administrative Responsibility of Military Personnel: From a Punitive to a Service-Oriented Model

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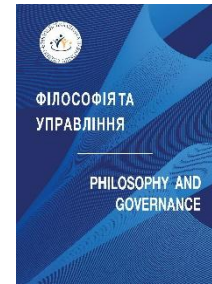
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The article provides a comprehensive study of the transformation of Ukraine's state policy in the field of administrative liability of military personnel in the context of the full-scale armed aggression of the Russian Federation. The objective necessity of a transition from an outdated punitive paradigm, focused on repressive impact and hierarchical coercion, to a modern service-oriented model of public administration is substantiated. Based on the analysis of statistical data and analytical reports (the Green Book of Military Justice), a critical increase in the number of military administrative offenses was revealed, indicating the exhaustion of the resource of purely forceful pressure. Special attention is paid to the integration into the text of the conceptual ideas of V. Zaluzhnyi regarding the human-centeredness of military management and the implementation of the "Innere Führung" (inner leadership) principle. A serviceman is considered a "citizen in uniform", whose discipline should be based on legal certainty and trust in state institutions. Within the framework of institutional restructuring, the expediency of creating the Military Police as an independent central executive body is proven, which will minimize conflicts of interest and provide a professional law enforcement service for commanders. The role of the Military Ombudsman is considered a guarantor of legal protection and a tool for preventing offenses by satisfying the basic needs of personnel. A special emphasis is placed on the digital transformation of administrative procedures. The mechanism of self-initiation of fines through the electronic cabinet ("Rezerv+") is analyzed, which transforms responsibility from a means of punishment into a stimulating service for voluntary data correction. The issues of anti-corruption compliance in recruitment centers (TCC) and medical expertise (VLC), as well as the need for judicial specialization to ensure high-quality legal arbitration, are studied. Conclusions are formulated that the new service model of public administration is the foundation for strengthening the army's combat capability and bringing Ukraine closer to NATO standards. The study proves that the effectiveness of military administration today depends on the transition from "punishment as a goal" to "responsibility as a tool for risk management". Further research is proposed to focus on the development of "disciplinary mediation" algorithms and the study of the impact of full automation of military-administrative procedures on reducing destructive behavior in military collectives.

KEYWORDS

military personnel, administrative responsibility, public administration, service-oriented model, Military Police, Military Ombudsman, digitalization, NATO standards, combat readiness.



Трансформація державної політики у сфері адміністративної відповідальності військовослужбовців: від каральної до сервісно-орієнтованої моделі

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У статті проведено комплексне дослідження трансформації державної політики України у сфері адміністративної відповідальності військовослужбовців в умовах повномасштабної збройної агресії РФ. Обґрунтовано об'єктивну необхідність переходу від застарілої каральної парадигми, орієнтованої на репресивний вплив та ієрархічний примус, до сучасної сервісно-орієнтованої моделі публічного управління. На основі аналізу статистичних даних та аналітичних звітів («Зелена книга» військової юстиції) виявлено критичне зростання кількості військових адміністративних правопорушень, що свідчить про вичерпаність ресурсу суто силового тиску. Особливу увагу приділено інтеграції в текст статті концептуальних ідей В. Залужного щодо людиноцентричності військового управління та впровадження принципу внутрішнього керівництва. Військовослужбовець розглядається як «громадянин в однострої», чия дисципліна має базуватися на правовій визначеності та довірі до державних інституцій. В межах інституційної перебудови доведено доцільність створення Воєнної поліції як незалежного центрального органу виконавчої влади, що дозволить мінімізувати конфлікт інтересів та забезпечити професійний правоохоронний сервіс для командирів. Розглянуто роль Військового омбудсмена як гаранта правового захисту та інструмента превенції правопорушень через задоволення базових потреб особового складу. Окремий акцент зроблено на цифровій трансформації адміністративних процедур. Проаналізовано механізм самостійного ініціювання штрафів через електронний кабінет («Резерв+»), що трансформує відповідальність із засобу покарання на стимулюючий сервіс добровільної корекції даних. Досліджено питання антикорупційного комплаєнсу в органах комплектування (ТЦК) та медичної експертизи (ВЛК), а також необхідність судової спеціалізації для забезпечення якісного правового арбітражу. Сформульовано висновки, що нова сервісна модель публічного адміністрування є фундаментом зміцнення боєздатності армії та наближення України до стандартів НАТО.

КЛЮЧОВІ СЛОВА

військовослужбовці, адміністративна відповідальність, публічне управління, сервісно-орієнтована модель, Воєнна поліція, Військовий омбудсмен, цифровізація, стандарти НАТО, боєздатність.

1. Introduction

The current stage of state-building in Ukraine is taking place in the context of an existential threat, which has led to a radical restructuring of the entire security and defense sector. Large-scale mobilization, which led to a significant increase in the number of defense forces, set a critical task for the public administration system: ensuring law and order and military discipline in the army, which in its composition has become mainly “civilian in uniform”.

Traditional state policy in the area of responsibility of combatants has long been based on a punitive paradigm inherited from the Soviet administrative school. This model considered the serviceman mainly as an object of power influence, and offenses as a pretext for repression for the purpose of intimidation. However, the statistics of 2023, which recorded almost 90 thousand military administrative offenses (an increase of 6.5 times compared to the period before the full-scale invasion), indicate that the resource of purely forceful pressure has been exhausted. More than 85% of misdemeanors are associated with destructive behavior, which is the result of not only psychological stress, but also the lack of an effective system of service support, prevention and legal hygiene.

For public administration and administration, this means the need to move to a service-oriented model. In this paradigm, administrative responsibility becomes not an end in itself, but a risk management tool, where the state acts as a “service center” that provides legal certainty, protection of social guarantees, and digitalization of procedures. The connection with practical tasks is obvious: the combat capability of the unit does not depend on the number of “landings” at the guardhouse, but on the speed of the soldier’s return to the ranks after correcting the violation and minimizing the time spent in litigation.

2. Literature Review

The theoretical foundation for the transformation of the system of military responsibility is laid in the works of V. Zaluzhnyi, who, in his research, substantiated the administrative and legal foundations of disciplinary responsibility as a complex regulatory mechanism [9]. In particular, in co-authorship with S. Shaptala and other scientists, the conceptual foundations of a perspective system of responsibility adapted to the context of Euro-Atlantic integration were developed [11]. The authors emphasize that military discipline in modern conditions should be based not on fear, but on the conscious fulfillment of a duty that requires an appropriate reform of public administration.

An important contribution to understanding the legal nature of military offenses was made by V. Zaluzhnyi, detailing the composition and features of the normative consolidation of military-disciplinary offenses [10]. The practical aspects of the qualification of such acts are highlighted in the scientific and practical commentary by S. Vitvitsky and M. Veselov [8], which focuses on the problems of law enforcement under martial law.

The institutional basis for the development of military justice is thoroughly analyzed in the analytical documents of the Research Service of the Verkhovna Rada of Ukraine [1; 2], which became the basis for the development of draft laws on the Military Police and the Military Ombudsman. However, despite the thoroughness of the available developments, the mechanism for integrating digital tools to stimulate lawful behavior into the overall strategy of public administration requires deeper study.

3. Problem Statement

The article is aimed at a scientific substantiation of the concept of transformation of state policy in the field of administrative responsibility of military personnel through the transition from a punitive to a service-oriented model. The task is to analyze institutional changes, the role of digitalization as a tool for humanizing state-military relations and to develop recommendations for improving the military justice system based on NATO standards and V. Zaluzhnyi’s conceptual ideas.

4. Methods and Materials

The methodological basis of the study is a comprehensive system-structural approach to the analysis of the transformation of public administration in the field of military justice. The source of the work was the normative legal acts of Ukraine, draft laws on the creation of the Military Police and the Military Ombudsman, conceptual works by V. Zaluzhnyi, S. Shaptala, S. Vitvitskyi, as well as materials of the Research Service of the Verkhovna Rada of Ukraine ("Green Book" of Military Justice). The empirical array of the study covers official statistics of offenses for 2023–2026 (in particular, the analysis of the dynamics of 90 thousand cases and more than 85% of manifestations of destructive behavior) to substantiate the exhaustion of the resource of repressive pressure.

In the process of scientific research, an interrelated system of methods was used: comparative law — to compare the Soviet punitive paradigm with NATO service standards; formal and legal — to detail the composition of military disciplinary offenses; statistical — to assess the dynamics of offenses under martial law. With the help of modeling methods and system analysis, the institutional restructuring of military justice bodies, anti-corruption compliance algorithms in the CCC and the Military Medical Commission, as well as the specifics of digitalization of administrative procedures through the "Reserve+" platform within the framework of the implementation of the human-centric model "citizen in uniform" are substantiated.

5. Results and Discussion

The transformation of the system of administrative responsibility in the troops within the framework of public administration requires a change in object-subject relations. A serviceman should be considered as an entity to which the state provides a certain legal service, and not only as an object of sanctions.

The fundamental basis of the service model is the idea outlined in the works of V. Zaluzhnyi [9], according to which the administrative and legal status of a serviceman should not contradict his status as a citizen. Public administration should ensure a balance where the severity of military service is compensated by clear guarantees of protection against arbitrariness. V. Zaluzhnyi emphasizes that discipline is a derivative of trust in the management system [11]. Thus, the transformation of policy consists in the transition to "soft" methods of administration, such as "disciplinary conversation", which is already successfully used in NATO member states, in particular in Poland and the Czech Republic [1]. This allows you to eliminate minor offenses without triggering a heavy flywheel of prosecution.

The modern architecture of ensuring law and order in the troops, based on the functioning of the Military Law and Order Service (VSP) within the Armed Forces of Ukraine, contains a fundamental managerial flaw – the lack of institutional independence from the command [2]. V. Zaluzhnyi emphasizes that an effective system of accountability should be based on human capital and trust, where the law enforcement function is a stabilizing service, and not an instrument of hierarchical pressure [11].

The crisis of the existing model of public administration is confirmed by the statistics of the Green Book: 89.4% of criminal proceedings regarding military misconduct in the SBI remain unresolved due to the lack of specific knowledge of military tactics and the legal nature of military torture among civilian investigators [3]. As V. Zaluzhnyi notes, such misconduct encroaches not only on the formal order but also on the operational capacity of the unit [10], which requires highly specialized administration.

The transformation of the VSP into the Military Police as a central executive body (draft law No. 11306) means the introduction of NATO service standards (ATP 3.7.2) [4]. In this model, the law enforcement officer becomes a professional advisor to the commander, ensuring:

- relieving commanders of the responsibility of investigation, which allows them to focus on combat missions [11];
- minimization of procedural errors, due to which courts currently close up to 38% of cases of military administrative offenses [8];
- implementation of the concept of "citizen in uniform", where the rights of a serviceman are protected by an independent institution in accordance with the principles of democratic civilian control [1].

Thus, the creation of the Military Police is a transition from a punitive hierarchy to an autonomous service platform, which forms the legal foundation for the combat capability of the army [9; 11].

Digitalization is also a key tool for the transition from a punitive to a service-oriented model of public administration. V. Zaluzhnyi substantiates that in the context of modern challenges, discipline should be based on conscious lawful behavior and transparency of relations between the state and the person liable for military service [9; 11]. Instead of an outdated fiscal-repressive approach, digital transformation offers an algorithmization of responsibility that minimizes the subjective factor.

An important novelty in this context is draft law No. 12093, which introduces a mechanism for self-initiating a fine through an electronic cabinet ("Reserve+") [5]. The managerial essence of this initiative is a paradigm shift: the state ceases to be just a "punisher" looking for a violator and becomes a provider of a "voluntary correction service". The main advantages of this approach:

- the possibility of paying 50% of the minimum fine for voluntary clarification of data is a classic example of the "nudge theory", which legitimizes mobilization measures through convenience and benefit for the citizen;

- automation of the penalty process eliminates the need for personal contact with CCC officials, which neutralizes the ground for abuses, which are emphasized in the context of the reform of management bodies [7].

- the transition to a digital algorithm corresponds to V. Zaluzhnyi's ideas about the specifics of military disciplinary offense, where the clarity of the rules is the basis of the internal stability of the system [10].

The digital transformation of procedures turns administrative responsibility into a part of a transparent public service. This makes it possible to effectively administer military records without creating excessive tension in society, and forms a new quality of public administration, where responsibility is not a stigma, but an instrument of rapid legal correction [3; 8].

The effectiveness of public administration in the military sphere is impossible without an effective feedback mechanism and independent oversight. A study of European experience (in particular, the models of Belgium, Ireland and Norway) shows that the institution of the Parliament Commissioner for the Rights of Military Personnel (Military Ombudsman) is a fundamental element of democratic civilian control and a guarantor of human rights in the armed forces [1]. The full functioning of such an institution in Ukraine marks the final departure from the "closed" punitive system to an open service model.

The creation of the Central Directorate for the Protection of the Rights of Military Personnel under the Ministry of Defense of Ukraine in April 2024 was a transitional stage to a full-fledged office of the Ombudsman [9], which was established in September 2025. However, according to the Law of Ukraine "On the Military Ombudsman" [6], he is appointed by the President of Ukraine for a period of five years. The Military Ombudsman is an official through whom the President of Ukraine exercises democratic civilian control over the security and defense sector to ensure compliance by military command and control bodies. This, in turn, gives rise to a legal conflict, since the President is the Supreme Commander-in-Chief of the Armed Forces of Ukraine and under such conditions, the issue of independence of this institution remains open, which can be ensured only when the Ombudsman is appointed by the Verkhovna Rada of Ukraine. In any case, the managerial emphasis in this transformation shifts to the "protection service", which covers critical issues for combat capability:

- the work of the Ombudsman with requests regarding the order of vacations and the quality of treatment is not just human protection, but a form of managerial prevention of offenses;

- the Ombudsman acts as an arbitrator who checks the legality of the command's requirements, ensuring the transformation of the military from the object of the order to a conscious subject of the performance of a combat mission [11];

- service-oriented management includes control over gender equality and prevention of abuse of power, which meets Euro-Atlantic standards of service [2; 4].

The transformation of state policy through the institution of the ombudsman allows us to consider a military complaint not as a manifestation of disloyalty, but as a signal of a systemic failure in management. This turns supervision into an intellectual service that strengthens the internal stability of the army and minimizes the number of administrative offenses by promptly resolving conflicts in the legal field [3; 8].

The transformation of state policy covers not only the object of management (serviceman), but also the military administration bodies themselves – territorial centers for recruitment and social support (TCC and SP) and Military Medical Commissions (VLK). The transition to a service model requires impeccable legitimacy of the recruitment process itself. In this aspect, draft law No. 12442 acts

as a tool for systemic compliance, proposing to expand the circle of subjects of corruption crimes (Article 368-5 of the Criminal Code of Ukraine) at the expense of heads and members of freelance military commissions [7].

The managerial significance of this reform is realized through three vectors:

1. Justice as the basis of mobilization service is based on the fact that public administration in a democratic state is based on public trust. Strengthening responsibility for “trafficking” in the status of unfitness is a form of social justice protection. As the Green Paper points out, the inevitability of punishment for officials for abuse is a necessary condition for citizens to perceive their duties as legitimate demands of the state [3].

2. Ensuring high-quality human capital is based on the scientific views of V. Zaluzhnyi, who in his conceptual works, emphasizes that the conscription of persons who are unable to perform combat missions for health reasons creates critical risks for the operational capability of troops and undermines the morale of the team [11]. Therefore, severe punishment of members of the Military Medical Commission for poor-quality medical examinations is the duty of the state to the army in terms of maintaining combat capability.

3. Automation of control, in the context of a service-oriented approach, assumes that the quality of the work of the CCC and the Military Medical Commission is monitored through digital registers, which allows detecting anomalies in conclusions about unsuitability without involving a subjective factor. This corresponds to the ideas of professionalization of the managerial level as the foundation of military discipline [9].

The administration of responsibility in the recruitment bodies is transformed from intradepartmental control into an open system of state audit. This demonstrates the transition to a model where the state guarantees the military team the arrival of motivated and suitable comrades, and society, transparency and the absence of privileges, which is critical for the stability of the security sector [8; 10].

Another aspect of the transition to a service-oriented model of public administration in the military sphere is the need for deep professional specialization of all subjects of responsibility administration. The problem of poor quality of “procedural hygiene” today is one of the main barriers to effective justice. According to S. Vitvitskyi and M. Veselov, a significant share of administrative proceedings (up to 38% in some categories) are closed by courts not because of the absence of an offense, but because of gross errors in the protocols and violations of the procedure for their preparation [8].

In the context of public administration, this indicates an inefficient use of public resources: the work of law enforcement agencies and courts is spent on processes that end in zero results. To remedy this situation, in our opinion, state policy should be transformed by:

1. Specializations of the judicial branch of government. Civilian judges who currently consider military administrative cases often do not have experience in understanding the specifics of military regulations and the realities of the combat situation. The most rational option is not the immediate restoration of the cumbersome system of military courts, but the introduction of a clear specialization of judges within the general courts [2]. Such judges must undergo additional training in military law, which will allow them to assess not only the formal side of the protocol, but also the context of the combat mission. This corresponds to the principle of “professional arbitration”, where the court’s decision is perceived by the military team as fair and professional [3].

2. Development of the “Military Bar” as a protection service. The state is obliged to provide a serviceman with qualified legal support. The service model assumes that the protection of the rights of the defender is the responsibility of the state. After all, the development of initiatives such as “Lawyers of the Armed Forces of Ukraine” demonstrates a high demand for specialized legal assistance [3]. The creation of Free Legal Aid Centers directly at military formations will minimize procedural violations at the stage of recording a misdemeanor.

3. Professionalization of the managerial level. V. Zaluzhnyi, in his writings, emphasizes that the foundation of military discipline is the professionalism of the sergeant and officer corps [11]. From the point of view of management, this means that the commander must be trained not only in tactics but also in the basics of administrative law. The professional specialization of Military Police officers as consultants for commanders (according to NATO experience) [4] will make it possible to transform the prosecution process from a conflict situation into a transparent legal procedure.

Thus, the specialization and reform of justice in this area directly implement V. Zaluzhnyi's thesis that military disciplinary liability has a legal nature as a means of strengthening combat capability through legal certainty [9]. When a military man knows that his case will be considered by a professional judge, and defended by a knowledgeable lawyer, the level of trust in the public administration system increases, and the number of procedural errors that neutralize the educational role of punishment decreases [8; 10]. Accordingly, judicial and professional reform is the final stage of creating a service model, where the quality of the process guarantees the stability of the military organization.

6. Conclusions

Based on the results of the analysis, it has been established that the transformation of state policy in the field of administrative responsibility of military personnel consists in the transition from a repressive to a service-oriented management model. The transition from the model of "suppression" to the concept of V. Zaluzhnyi "citizen in uniform", where discipline is based on legal certainty and trust, and responsibility is a tool of risk management, and not only punishment, has been determined. The need for separation law enforcement and supervisory functions from the military command through the creation of an independent Military Police and the Military Ombudsman, which provides a professional service for maintaining order and protecting rights. It has been proved that the introduction of electronic services (electronic cabinet, "Reserve+") transforms administrative responsibility into a stimulating service for voluntary data correction, which minimizes corruption and social tension. Strengthening the responsibility of officials of the CCC and the Military Medical Commission is defined as an act of cleaning up the public administration system, which guarantees the fairness of the "mobilization service" and the quality of human capital in the army. It has been established that ensuring high-quality legal arbitration and minimizing procedural errors directly depend on the introduction of specialization of judges and the development of the military bar. Therefore, the new state policy, under such conditions, has the opportunity to turn the punitive system into a transparent service, where legality becomes the foundation of the state's combat capability.

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