

JOURNAL OF SECURITY AND SUSTAINABILITY ISSUES

ISSN 2029-7017 print/ISSN 2029-7025 online

2017 December Volume 7 Number 2

[http://dx.doi.org/10.9770/jssi.2017.7.2\(16\)](http://dx.doi.org/10.9770/jssi.2017.7.2(16))

THE PECULIARITIES OF MOTIVATION AND ORGANIZATION OF CIVIL DEFENCE SERVICE IN LITHUANIA AND UKRAINE

Andrejus Novikovas¹, Lina Novikovienė², Roman Shapoval³, Khrystyna Solntseva⁴

^{1,2} Mykolas Romeris University, Ateities str. 20, 08303, Vilnius, Lithuania

^{3,4} Yaroslav Mudryi National Law University, Pushkins'ka str. 77, 61024, Kharkiv, Ukraine

E-mails: ¹ andrejus@mruni.eu; ² linan@mruni.eu; ³ rvshapoval1@gmail.com; ⁴ kvsolntseva@gmail.com

Received 11 February 2017; accepted 18 October 2017

Abstract. With the changing global security situation, increase in external threats or emergence of new ones (cyberattacks, non-conventional warfare models, etc.), countries must feel concern regarding consolidation of their security. In this regard, both the Republic of Lithuania and Ukraine are taking measures to enhance and expand their military forces. One of the means to fortify military forces is attracting citizens to serve in the civilian national defence service. Authors of the article employ a comparative aspect to analyse the need for statutory servants serving in the civilian national defence service, as well as reveal the number and type of professionals to be required by the national defence system and explore benefits provided by such statutory servants as well as their purpose in the army. Additionally, in the article authors reveal administrative-legal status of civilian national defence services in both the Republic of Lithuania and Ukraine, its place in the system of other militarised or civil public administration institutions. Comparative aspect is also used to analyse administrative legal status of statutory servants of civilian national defence service, peculiarities of admission of statutory servants to the national defence system and their service therein, as well as possibilities for motivation and stimulation of citizens to exercise service in the civilian national defence service. Therefore, the article aims to answer the question of what could motivate citizens to carry out service in the civilian national defence service, what incentives (needs, interests, values, stimulus, realisation of importance of certain matters, remuneration, etc.) would result in motivation (attitude and interest in) to serve in the Lithuanian Armed Forces and to participate in international operations.

Keywords: civil defence, civil defence service, statutory servants, national defence.

Reference to this paper should be made as follows: Novikovas, A.; Novikovienė, L.; Shapoval, R.; Solntseva, K. 2017. The peculiarities of motivation and organization of civil defence service in Lithuania and Ukraine, *Journal of Security and Sustainability Issues*, 7(2): 369-380. DOI: [http://dx.doi.org/10.9770/jssi.2017.7.2\(16\)](http://dx.doi.org/10.9770/jssi.2017.7.2(16))

JEL Classifications: F52, H50, G18.

1. Introduction

With the changing global security situation and increase in external threats (terrorism, illegal migration, regional armed conflicts, militarisation of neighbouring countries, etc.), countries are under pressure to take additional measures in consolidating their land, naval, air and other forces. Especially high risk for the neighbouring countries is escalating from the Russian Federation, which has lately substantially funding and investing in militarisation and expansion of its army. Based on the report of Stockholm International Peace Institute, in 2016 Russia became the third-largest spender in terms of military expenditure worldwide (after US and China) (Tracevičiūtė, 2017). Considering this, Lithuania and Ukraine must respond to the situation and also

strengthen their armed forces as well as increase number of soldiers. The Republic of Lithuania has already taken certain measures in this respect and provided for higher number of soldiers in legislation for the period of 2016-2021. Law on Establishment of Principle Structure of the Army of the Republic of Lithuania in 2016 and Estimated Principal Structure of the Army in 2021, as well as on Approval of Marginal Numbers of Soldiers in the National Defence System and Marginal Number of Statutory Civil Servants in 2016 and 2021 of the Republic of Lithuania (Law No. 2015-10694, 2015) has established general marginal number of soldiers in 2016 from 17.890 to 22.760. This number includes the following: marginal number of professional military service soldiers has increased from 9.500 to 10.100; marginal number of military volunteers and other active reserve soldiers has increased from 4.800 to 6.300; marginal number of cadets has increased from 190 to 270; marginal number of initial mandatory military service soldiers has increased from 3.350 to 4.090 in one year; marginal number of the prepared reserve soldiers participating in exercises and training has increased from 500 to 2.000, while marginal number of statutory civil servants in 2016 has increased from 220 to 280.

In 2021, it is planned to additionally increase number of soldiers and establish general marginal number of soldiers from 23.550 to 30.210. This number includes estimated increase in marginal number of professional military service soldiers from 14.000 to 19.000; marginal number of military volunteers and other active reserve soldiers from 5.500 to 6.300; marginal number of cadets from 200 to 320; marginal number of initial mandatory military service from 3.850 to 4.590 in one year; marginal number of the prepared reserve soldiers participating in exercises and training from 2.000 to 4.000; while estimated increase in marginal number of statutory civil servants in 2021 is from 300 to 360.

Statutory civil servants, carrying out service in civilian national defence service, take a special place in the national defence system. Statutory civil servant (hereinafter – statutory servant) means a person who has concluded civilian national defence service agreement in accordance with the procedures and has been appointed to take position in respective authorities. Civilian national defence service is carried out: 1) in authorities of civilian national defence system, where execution of service functions does not require being a professional military service soldier, but it's mandatory to have expertise and/or experience of service in the national defence system, while nature of the service is subject to statutory relations; 2) in other public authorities; 3) in foreign and international military and defence authorities, where execution of service functions does not require being a professional military service soldier, but it's mandatory to have expertise and/or experience of service in the national defence system, while nature of the service is subject to statutory relations. Statutory civil servants are professionals from other areas (engineers, IT professionals, medics, etc.) and are required by the army for it to efficiently execute its defensive functions.

The need for the army to establish additional civil positions was also identified by the Ministry of National Defence back in 2015 (Ministry of National Defence, 2015). Based on the estimations, Lithuanian army required additional 220 public servants and workers, working under employment contracts, because of rising number of regular initial mandatory military service soldiers, constant increase in number of military exercises and soldiers (including NATO troops), participating the exercises, integration unit for NATO forces in Lithuania as well as other factors. According to the drafters, the need for new positions was mostly related to increase in number of regular initial mandatory military service soldiers. New employees were required to carry out military medical examination, selection and call-up procedures, to arrange food supply, provision and acquisition procedures as well as to ensure other functions.

Demand of professionals from medical area has grown due to significant increase in number of initial mandatory military service soldiers. It was estimated that the beginning of subscription to regular mandatory initial military service from May 2015, MD Jonas Basanavičius Military Medical Service of the Lithuania Army had to examine 2 thousand military subscribers per month, i.e. 100 persons per day. Therefore, military examinations required additional positions to be established, i.e. different healthcare specialists and psychologists. Demand of personal healthcare services has also increased.

According to the drafters, activities related to organisation of feeding conscripts have also expanded. Conscripts

had to be fed three times per day (including rest-days and public holidays), therefore military unit canteens had to be renovated and expanded, canteen staff had to be supplemented, as well as cooks, food technologists and additional canteen workers had to be hired. Demand for soldier clothing, equipment, weapons, cartridges, clerical and other goods has increased respectively, while organisation of procedures for provision and acquisition has also expanded and respective increase was observed in storage and accounting of transactions in relation with acquisition of these tangibles (Ministry of National Defence, 2015).

It was also mandatory to ensure hygiene standards for conscripts (washing, hairdressing). Living and everyday-life conditions of soldiers must meet the hygiene standards, therefore there was significant increase in amount of inventory to be washed and scope of utilities. With constant increase in number of military exercises soldiers participating therein (including NATO troops), logistical capabilities had to be developed accordingly: maintenance of infrastructure, feeding and servicing of soldiers. Considering the fact that integration unit for NATO forces has been established in Lithuania, several civil positions have been also established within the unit, i.e. interpreter, infrastructure specialist.

Considering such needs, in 2017 the Ministry of National Defence decided to increase marginal number of statutory public servants, carrying out civilian national defence service, from 240 to 300, and motivated the decision based on the fact that “marginal number of statutory public servants, carrying out civilian national defence service, is consistently increasing, considering the of the national defence system for professionals who have acquired enough expertise and experience for execution of specific defence functions and duties, i.e. such functions and duties that include consolidation of cyber intelligence and counterintelligence, as well as organisation of procedures for acquisition of military equipment and armament” (Ministry of National Defence, 2015)

Generally, Charles Moskos (Moskos, 1977) argued that civil servants were necessary for military forces already forty years ago. In the article he outlined the institutional versus occupational models of the U.S. military, as well as provided a framework to understand the degree to which the military is becoming more like civilian employment (i.e., occupational) or is maintaining its unique characteristics of a profession in arms motivated by notions of selfless service, honour, pride, and duty to contribute to the nation’s collective security (i.e., institutional). Several researches have been carried out on this topic, e.g. Ryan Keltz (Keltz, 2009) examined the effects of an all-volunteer force, but even more broadly it questioned the effects on the military of adopting fundamentally ‘civilian’ characteristics – for example, in relying on the free market for labour, competing for this labour through media and other forms of recruitment, and adjusting standards and regulations to increase retention. In his more recent writings, (Moskos, 2000) suggested that one of the ‘civilian’ characteristics of the new, post-modern era of the U.S. military is an increased reliance on civilian contractors.

The increasing sophistication of technology wedded to the military has also contributed to the rise in civilian contractors, given that it is often cheaper and easier to hire outside experts to maintain this technology than it is to retain the internal capacity to do so. As such, a mixture of political and economic decisions provided the main motivation for the steep increase in reliance on civilian contractors. In terms of the current Global War on Terror, the increased proportion of civilian contractors being used to execute military missions has been largely a reactive and ad hoc process (Keltz, 2009).

Civilian contractors are identified by the U.S. government (including Department of Defence) as part of the military’s ‘total force,’ often officially referred to as force multipliers. This raises several interesting issues. First, contractors are outsiders (i.e., ‘civilians’), yet are considered (at least by the higher leadership through institutional rhetoric) as inside the institution, contributing directly to the mission of the armed forces. Second, contractors are seen as a way to free up service members to focus on their core military (i.e., combat) mission (Bush, 2002; Kennedy et al. 2002; Light 1999). For this to happen, contractors must have the expertise needed to do the jobs they are given, as well as the trust of uniformed military personnel. Put simply, if these conditions are not met, the efficiency and effectiveness of the entire contracting system is at stake. Trust is eroded among service members if they do not view contractors as having the expertise needed for the job, potentially leading service members to circumvent the system and take on additional duties to ensure that the mission is

accomplished. Obviously, these practices directly contradict the intent and expectations of military outsourcing (Kelty, 2009).

2. Motivating Persons to Admit to Service in the Civilian National Defence Service

It is mandatory to create suitable and efficient motivational system in order to attract civilians to the civilian national defence service. Motivation serves as an impulse that makes you move toward your goal (Pathak, 2007). Military sociology literature distinguishes two different trends for research on motivation, i.e. entry motivation and combat motivation (Medvedevas, 2009). The first one is related to individual motivations to join the national armed forces, mostly during a period of peace, or when citizens are gathering around the flag in case of national crisis or danger. The other trend of research on motivations is most commonly related to combat motivation to put effort, to not resist and survive during military conflicts (Wong, 2006). This form of motivation is being actively researched by military psychologists, since it is closely related to concentration, unity and efficiency of a military unit.

Based on the theory by A.Maslow, the following needs can be distinguished: physiological – to have a job and receive salary that is higher than average; security – to have guaranteed and stable income, social guarantees, qualification increase courses and internships, possibility to retire earlier. Research carried out in the U.S. has revealed that absolute majority of federal servants emphasize occupational safety (70%) and social guarantees (80%) as especially significant factors, leading to self-determination to stay in this sector (Palidaukaitė, 2007); social – to be a part of a community of servicemen, educated, disciplined and cultured people, social status, actively interact with foreign colleagues, to have possibility to go abroad; respect (recognition, appreciation) – to receive military rank at the beginning of service, to be regularly awarded for good results and impeccable service with gratitude letters and medals; self-expression (realisation of potential possibilities, development of creativity and personality, preparedness to execute tasks in different conditions, during military operations and in extreme situations (Medvedevas, 2009).

In order to exploit person's potential, it necessary to assess his/her personal approach to the service, attitude of fulfilment of the service, to determine his/her needs, interests, wishes, what is the most important for him/her at a particular moment, as well as to allow ensuring stimulating fulfilment of one's needs. The way in which individuals shall be informed about the service and international operations may also be of significant importance. Their decisions and actions would be affected even by consequences of previous experiences of people they know or particular people they have found out about from other information sources, therefore dissemination of positive information would also serve in increasing motivation. It is important to know about the objectives of individuals aiming to attain preferred profession, e.g. to have an interesting, non-monotonous work, to get high salary, independently of nature of work, since that respectively shift their behaviour, etc. Besides, motivation among people is determined by expectations that are based on one's opinion on his/her abilities, potential for success; confidence that the service shall allow to achieve expected objectives, as well as realisation of value of proposals and motivators (Medvedevas, 2009; Davydenko et al., 2017; Tvaronavičienė, Razminienė, 2017; Trofimovs, Ivančiks, 2017; Fernández et al., 2017, Grenčíková et al., 2017; Kendiukhov, I.; Tvaronavičienė, M. 2017).

However, motivation can also be determined by hygienic factors causing dissatisfaction. State of demotivation may result from disgust in respect of the work task or conditions, negative emotions, negative information, fear, unsafe environment, military discipline, non-regulated working hours, frequent trips, disconnection from family, etc. (Handy, 1993). Additionally, in accordance with the theory of two factor motivation by F.Herzberg, external motivation will increase due to hygienic factors, such as policy in place in respect of professional within the organisation, their working conditions, remuneration and status (Handy, 1993). According to V. Medvedev, candidates will be even more motivated if the organisation is going to commit to ensure optimal organisation of work, decent remuneration, additional benefits, as well as optimal work and rest conditions, occupational safety, as well as democratic principles for internal life. In general, work must be adapted according to the employee rather than adapting employee to the work, especially in case of shortage of professionals, therefore

suggested opportunities to additional work in public healthcare institutions, maintain and develop practical skills as well as increase qualifications during the service should have motivational effect (Medvedevas, 2009).

As a general practice, special staff administration, recruitment services, units are established within foreign organisations, institutions and systems, or a regular staff if appointed to carry out these functions, who are in direct contact with the candidates, organise targeted meetings, conversations, seminars, assess their determination, needs, interests, expectations, agitate and motivate them to join the organisation. The best results are demonstrated when agitational work is carried out by professionals who are from the same area and of the same social category as the ones being recruited (Dertouzos, 2006).

Rational aim to benefit may encourage individuals to engage in any public activity (independently if it's civilian or military. Content with remuneration for active public activity may result in continuity of the activity, while discontent may lead to cancellation of the activity, therefore it is mandatory to revise possible methods of remuneration for serving in the civilian national defence service. These matters have been broadly discussed by Y. Levy, (Levy, 2007). Scholarly literature distinguishes two principle socially acceptable methods how to remunerate soldier for his/her service, i.e. symbolic reward and material remuneration (Vasiljevas, 2015). Material remuneration is usually provided in direct monetary expression (salary, pension, severance allowance) or in compensatory/funding form, i.e. compensation of additional expenses by a soldier for education, accommodation, medical treatment, food and other social services. Symbolic reward is limited to a prestige, respect, social recognition, promoting and maintaining social status as a result of the service (e.g. during both of World Wars, significant numbers of social minorities, ethnical in particular, have battled on the side of allies. They hope for better freedoms and social guarantees once the war is over). Forms of material remuneration are easy to command with civilian environment, while symbolic reward has bigger value among soldiers themselves, since honour and prestige provided to a soldier from civilian environment highly depends on the social context the soldier is situated in (Levy, 2007). For symbolic reward to be valued in the civilian environment, it usually must be easy to convert to other types of rewards, thus it is necessary to emphasize that compensation for the service must be primarily socially acceptable for the civilian part of the society (Levy, 2007).

According to E. Vasiljevas, the army is based on the principle of employee rotation as much as any other public authority. Soldiers worldwide usually retire earlier than civilian employees. Therefore, they usually look for ways to establish themselves in the civilian labour market while they are of working age. Symbolic reward (prestige, respect) is converted to certain practical skills, that are acquired indirectly during the service, yet are stereotypically attributed to soldiers as positive characteristics of a current or former soldier (Vasiljevas, 2015). According to different authors, employers value the following characteristics of former soldiers: 1) discipline, responsibility and ability to orient in bureaucratic structures (Booth B., Kestnbaum M., Segal R. D., 2001); 2), as well as developed ability to work in teams and groups (Levy, 2007).

Levy (2007) states that these two military service motivations cannot be considered as isolated in respect of each other, since they usually do not exist one without the other and act simultaneously. Theoretically, there has never been a single motivation; there has always been such individuals who had a calling to serve, while at the same time for others service was just a way to provide for oneself. Based on the terminology of Moskos (1977), importance of occupations decreases along with increase in significance of institutional motives and vice versa.

Different forms of reward for the service act as certain motivational factors when a soldier is to decide whether to start, continue or cancel military service. Besides the form of material remuneration (e.g. remuneration, pension, severance allowances, accommodation and food expenditure compensation), symbolic reward form is also available in military institutions that usually provides a soldier with prestige, respect or easier access to social services within civilian environment. The symbolic reward form is also significant because it allows social minorities to covert the fact of military service fulfilment to a higher social status of full-fledged member of society (Vasiljevas, 2015).

3. Specific Features of the Civilian National Defence Service: Experience of Lithuania

The Constitutional Court has ruled within its jurisprudence (Constitutional Court, 2002) that the content of each state function and their execution circumstances must be different in terms of their status and nature of activities. Some state functions are firstly or mostly executed through civil public (and municipal) authorities. Based on the Constitution, both military, militarized and security services are excluded from the civil service. The Constitution provides for differentiated concept of civil public authorities and military as well militarized public authorities. This leads to legal prerequisites to apply differentiated regulation by legislation to relations concerning activities of civil public authorities and military as well as militarized public authorities, also, to establishment of such legal status of persons, working in civil and military as well as militarized authorities, that would have certain specific features (Supreme Administrative Court of Lithuania, 2013).

Law on the Organisation of the National Defence System and Military Service (Official Gazette No. 49-1325, 1998.) (hereinafter – the LONDSMS) establishes the basic principles of organisation, management and control of the national defence system, the procedure for fulfilling military service and provision of servicemen, also specific features of civilian service within the national defence system (Article 1 of the LONDSMS). In accordance with paragraph 1 of the Article 71 of the LONDSMS, civil servants of the national defence system are categorised into: 1) statutory civil servants fulfilling civilian national defence service under contracts on civilian national defence service; 2) other civil servants. Civilian national defence service shall, in accordance with the established procedure, be fulfilled at institutions of the national defence system, other state institutions, also at the military and defence institutions of foreign states and international military and defence institutions, when it is not necessary to be a professional military serviceman to perform official functions, however it is necessary to possess a special knowledge and/or experience in the national defence system, and statutory relations are required due to the specific features of services or the functions performed (paragraph 2 of the Article 71 of the LONDSMS). Taking into account the conditions of paragraph 2 of this Article and the necessity to ensure the high qualification and stability of the civilian personnel of the national defence system, the Government may establish restrictions regarding a part of civil servants of the national defence system who may be subject to the terms and conditions of a contract on civilian national defence service. In compliance with these restrictions, the Minister of National Defence shall establish positions of statutory civil servants of the national defence system (paragraph 3 of the Article 71 of the LONDSMS). The service relations of other civil servants of the national defence system shall be regulated by the Law on Civil Service (paragraph 4 of the Article 71 of the LONDSMS). (Supreme Administrative Court of Lithuania, 2013)

The Statute of Civilian National Defence Service (Official Gazette, No. 73-3348, 2003) (hereinafter – the Statute) regulates conditions and procedure for the civilian national defence services provided for under the Law on Organisation of the National Defence System and Military Service, as well as status and service relations of the persons admitted into active military service (Article 1 of the Statute). Civilian national defence service is a part of the public service that has specific features established by the Statute and the Law on Organisation of the National Defence System and Military Service (Paragraph 1 of the Article 2 of the Statute). When assessing the significance of legal norms, established in the General provisions of the aforementioned legislation, in applying specific legal regulation mechanisms for public services in practice, it should be taken into consideration that these laws are considered as systemic legislation. It should be noted that, besides the specified principal legislation, significant part of the Civilian National Defence Service relations is regulated by the Law on Public Service. This is the law that regulates individual relations of the Civilian National Defence Service, such as: provides for admission requirements for civilian national defence service; provides for activities inconsistent with civilian national defence service; provides for certain grounds for dismissal of statutory servants from the civilian national defence service (for instance, for outrage or when a person, who had admitted statutory servant to take position, fails to fulfil his/her duties); regulates conditions and procedure for transferring statutory servant to another position; provides for conditions for imposition of disciplinary sanctions; provides for material responsibility of statutory servants; regulates remuneration for work of statutory servants; provides for unpaid leave, leave for increasing qualifications, leave for participating in aid provision projects financed by the European Union and international organisations, or projects for development cooperation and democracy support

projects, leave for transferring statutory servant to other position; provides for social and other guarantees for statutory servants; provides for procedure for execution of trainings for statutory servants.

In order to carry out service in the civilian national defence service, particular requirements must be met. Applicants are subject to strict requirements, established in several legal acts. In accordance with the Law on Public Service, only natural persons subject to following requirements can be admitted to the civilian national defence service: being a person of integrity; Lithuanian citizenship; command of the Lithuanian Language; education necessary for discharging the duties of a public servant (Official Gazette No. 66-2130, 1999). Additionally, a person must meet the requirements imposed for candidates under the Law on Approval and Implementation of the Statute of the Civilian National Service: must have basic military qualification or had special military training course or is specifically trained to serve in the civilian national defence service; must have sufficient expertise and experience to fulfil specific functions and duties in the national defence system; must be suitable for the civilian national defence service based on the health state; must comply with the requirements necessary to issue permission to work or familiarise with classified information, given that it is mandatory to have such permission according the position; must be at least 18 years of age and not older than the old-age retirement age provided for in the Law on State Social Insurance Pensions. The Minister of National Defence can define additional requirements, such as physical stamina, knowledge of foreign languages, etc., for persons joining the civilian national defence service in certain institutions of the national defence system (Official Gazette, No. 73-3348, 2003).

As mentioned above, persons applying to the civilian national defence service must conclude an agreement. The civilian national defence service agreement is a written agreement concluded between the civilian national defence service and a person, pursuant to which the Ministry of National Defence admits a person to the civilian national defence service and the person voluntarily commits to fulfil the service following the condition and procedure provided for under legislation, to admit into civilian national defence service for at least 3 years, and not less than 2 years following the last training or qualification increase under the funds of the civilian national defence or with its referral, but not longer than the old-age retirement age provided for in the Law on State Social Insurance Pensions, i.e. 65 years for males and 62 years for females. Shorter agreement validity period, as defined by the Minister of National Defence, can be applied when concluding agreements with statutory servants within the international operation military unit. Upon expiration of the agreement, it can be extended by will of the parties for a new term (3 or 2 years). Civilian national defence service agreements are concluded by the Minister of National Defence and his/her authorized persons. Statutory servants are appointed to positions by the Minister of National Defence and his/her authorized persons (Official Gazette, No. 73-3348, 2003). Service agreement must be concluded pursuant to the provisions of the Directive 533/91/EEC. Part 2 of the Article 2 of the Directive provides for list of information that is required to be provided to an employee (parties of the employment agreement; place of work; title, nature and rank (grade) or category of the position and employee is hired for; detailed definition of the nature of work; work start time; period of placement in case of temporary placement; total amount payable for employee's work; defined warning period that must be observed by the employer and during which an employee has a right to terminate the employment agreement; given that such period is not possible to define when providing information to an employee, then approach for defining such period must be specified; additional amounts of money that a working person may receive; length of employee's working day or week; where possible, information about working conditions, etc. provided for in the collective agreement) (Council Directive 533/91/EEC, 1991). Since the Directive applies both to the employment agreement and employment relationship, conclusion of the service agreement is also subject to the provisions of the Directive 533/91/EEC by including the requirements specified under the agreement into the standard form of the agreement.

4. Specific Features of the Civilian National Defence Service: Experience of Ukraine

National defense as one of the spheres of protection of vital interests of a man and citizen, society and the state, in which sustainable development of society is ensured, timely detection, prevention and neutralization of real and potential threats to national interests as a component of national security is regulated by the Law of Ukraine «On Fundamentals of National Security of Ukraine» (2003). In particular, the Law of Ukraine «On Fundamentals of National Security of Ukraine» refers to the priorities of national interests “protection of state sovereignty, territorial integrity and inviolability of state borders, prevention of interference in internal affairs of Ukraine” (Article 6); identifies threats to the national interests and national security of Ukraine in particular in the area of state security, military and security of the state border of Ukraine (Article 7), and also outlines specific directions of the state policy in addressing the corresponding threats, including those in the specified areas (Article 8).

The relevant laws determine the list and scope of competence of specific subjects for the provision of national defense. In turn, the definition of the sphere of civil service in the national defense sector is defined in the area of assessment of the relevant subjects through the prism of the content of the category «civil service».

According to one of the most widespread views on the classification of the public service, the civil service along with the militarized service is one of the components of the public service. So the definition of the limits of content and belonging to the civil service lies in the plane of the ratio of civilian and militarized service. The militarized service is characterized by special tasks and purpose, a special order of formation and service, special requirements for vocational training. The special characteristics of the militarized service are: the implementation of the security function, which is to protect and defend the rule of law and order, the territorial integrity and defense of the state, the protection of the life and health of citizens; the possibility of coercion; the existence of a clear system of subordination, mandatory orders. In addition, employees of the militarized service have special external attributes (uniforms, external honors), they are given special titles. Civil service is a service of the professional staff of officials, that is, persons providing the functioning of state authorities and local self-government bodies. In Europe, this kind of service is usually called a civilian service, which also allows distinguishing it from the militarized service and fulfilling the main duty of these officials – to serve the community (Kuzmenko, 2012).

Article 6 of the Law of Ukraine «On Military Duty and Military Service» (1992) stipulates that military positions (staff positions to be replaced by servicemen) and their respective military titles shall be envisaged in states (staffed drawings) of military units, ships, military units management, institutions, organizations, higher military educational institutions and military training units of higher educational institutions. In turn, individual military positions in peacetime may be replaced by civilians in accordance with the procedure established by the Ministry of Defense of Ukraine or by reservists in accordance with the procedure established by the General Staff of the Armed Forces of Ukraine (under terms of a fixed-term employment contract). In particular, the Provisional list of military positions of the Armed Forces of Ukraine, which in peacetime may be replaced by civilians (on terms of a fixed-term employment contract) to positions which, in peacetime, may be replaced (by the terms of a fixed-term employment contract) by civilians, for example: on-board aircraft technician, on-board engineer, instructor, geodesist, chief engineer, energy engineer, engineer-inspector, inspector, cartographer, helicopter commander, ship commander, ship commander-pilot instructor, pilot, Chief of Officers' House, officer-political scientist, officer-psychologist, assistant flight officer, assistant ship commander, assistant leading engineer, leading engineer, leading test engineer, senior aviation instructor, senior aircraft technician, senior aircraft technician-instructor, senior flight engineer, senior in-flight engineer-instructor, senior technician, deputy head of the commission, doctor, chief of the cabinet, intern, leading surgeon, leading therapist, senior doctor, engineer, chief engineer, chief engineer - deputy chief of unit, deputy chief of the hospital, chief of medical service, head of the faculty, aircraft specialist (total 601 names of military posts) (2017).

A fixed-term employment contract, with the help of which the replacement of certain military positions is

carried out, is made between the employee and the commander (chief) of military units, institutions, establishments and organizations, which includes posts that may be substituting. In case of necessity to appoint an employee to a military post, which according to the nomenclature of positions for appointment of servicemen is assigned to the authority of another official, replacement of this post is carried out only after obtaining written permission of such official.

In this case, if the corresponding position is subject to replacement on the basis of the conducted competition, the latter shall be announced only after obtaining a written permit of an official, to the nomenclature of positions for the appointment of servicemen which assigned such a post.

The term of a fixed-term employment contract with employees who replace vacant military positions is determined prior to appointment to this position of a serviceman. In the case of the acceptance of employees for positions, staffed by female servicemen, for the period of their pregnancy and childbirth, as well as for posts, staffed by servicemen for the period of their child-care leave, the term of the fixed-term employment contract is determined until the return of servicemen, who hold these positions, from pregnancy and childbirth or childcare leave.

The statement indicates that civilians may substitute military positions and, accordingly, perform the functional duties of servicemen (in the national defense sector), mainly as an exception, and only in peacetime, in accordance with the List of Professional Names of Workers of the Armed Forces of Ukraine (2016) developed on the basis of the Classifier Professionals of DK 003:2010, approved by the order of the State Consumer Standard of Ukraine dated 28.07.2010 № 327 (2010).

However, according to the general rule, the work, which may be provided by specialists, including civilian professions, in the Armed Forces of Ukraine should carry out by servicemen.

The above provides grounds for arguing that the civil service in the national defense sector is inextricably linked with passing militarized service. These types of public service are conducted within the framework of one public administration. For example, the personnel of the State Service for Special Communications and Information Protection of Ukraine include servicemen, state officials and other employees (2006). A similar approach to the structuring of personnel is also characteristic for the National Guard of Ukraine, civil protection agencies and the State Border Guard Service of Ukraine.

Moreover, in case of the district, regional state administration's acquisition of the status of a district or regional military administration, the posts of state officials in such administrations may be replaced by servicemen of military formations established in accordance with the laws of Ukraine, by persons of ordinary and commanding members of law enforcement agencies, civil defense services, who are sent there in accordance with the procedure established by law for the performance of tasks in the interests of the state's defense and its security (Article 4 of the Law of Ukraine «On the Legal Regime of Martial Law») (2015).

A general conclusion can be drawn, that the status civilian national defence service (civil service in the national defense sector) in Ukraine is understood and defined in a similar way to Lithuania: These officials have fixed-term contracts, they become subordinate to the officers of the National Defense System, and they occupy the positions of those specialists who are lacking in the national defense system.

Conclusions

1. With increase in external threats, there is a need to consolidation and expand armed forces of both the Republic of Lithuania and Ukraine, including increase in number of statutory servants in the civilian national defence service. Professionals from other (non-military) areas are to be admitted that are required by the army in order to efficiently perform defence functions.

2. Different forms of reward for the service also act as certain motivational factors when a soldier is to decide whether to start, continue or cancel military service. Besides the form of material remuneration (e.g. remuneration, pension, severance allowances, accommodation and food expenditure compensation), symbolic reward form is also available in military institutions that usually provides a soldier with prestige, respect or easier access to social services within civilian environment. The symbolic reward form is also significant because it allows social minorities to covert the fact of military service fulfilment to a higher social status of full-fledged member of society

3. Civilian national defence service can be defined both as quasi-military and as quasi-civilian at the same time. The service there is carried out by civilians turned into statutory servants, while service relations are regulated not only by the legislation attributable to the national defence system, but also by the Law on Public Service, which is considered as a civilian legislation.

4. Thus, the peculiarities of civil service in the national defense sector in Ukraine are as follows:

1) civil service in the sphere of national defense as a public professional activity combines two levels: internal (organizational) - refers to personnel service and external issues (law enforcement) - concerns the performance of tasks and functions in the national defense sector;

2) civil service in the national defense sector is inextricably linked with a militarized service that manifests itself: a) in the joint service within a single public administration; b) in case of the replacement of the positions of civil servants of military administrations by militarized service representatives; c) when replacing certain military positions in the Armed Forces of Ukraine by civilians (on terms of a fixed-term employment contract);

3) civil service in the national defense sector is often called upon to perform a secure role in the implementation of the main tasks by specially authorized subjects (their officials) in this area;

4) the legal regulation of civil service in the national defense sector is characterized by dualism, which consists in regulating the issues of passing in two directions: general (Law of Ukraine «On Civil Service») and special (for example, the Law of Ukraine «On Prosecutor's Office»).

5. The status civilian national defence service (civil service in the national defense sector) in Ukraine is understood and defined in a similar way to Lithuania: These officials have fixed-term contracts, they become subordinate to the officers of the National Defense System, they occupy the positions of those specialists who are lacking in the national defense system.

References

Booth B.; Kestnbaum M.; Segal R. D. 2001. Are Post-Cold War Militaries Postmodern?, *Armed Forces & Society*. 27(31): 319-342. DOI: <https://doi.org/10.1177/0095327X0102700301>

Bush, George W. 2002. The President's Management Agenda. Retrieved October 15, 2007. Available on the Internet: <www.whitehouse.gov/omb/budget/fy2002/mgmt.pdf>

Classifier of professions DK 003: 2010 (Annex A): Order of State Consumer Standard of Ukraine dated 07.28.2010 № 327. Available on the Internet: <http://zakon2.rada.gov.ua/rada/show/va327609-10>

Council Directive of 14 October 1991 On an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (91/533/EEC). Available on the Internet: <<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31991L0533&from=LT>>

Davydenko, V.; Kaźmierczyk, J.; Romashkina, G. F.; Żelichowska, E. 2017. Diversity of employee incentives from the perspec-

tive of banks employees in Poland - empirical approach, *Entrepreneurship and Sustainability Issues* 5(1): 116-126. DOI: [https://doi.org/10.9770/jesi.2017.5.1\(9\)](https://doi.org/10.9770/jesi.2017.5.1(9))

Dertouzos J.N.; Garber S. 2006. Human Resource management and army recruiting: Analyses of Policy Options. Available on the Internet: https://www.rand.org/content/dam/rand/pubs/monographs/2006/RAND_MG433.pdf

Establishment of additional civilian positions suggested with an increase in a number of soldiers in the Lithuanian Army. *The Ministry of National Defence. Vilnius*. Available on the Internet: http://kam.lt/lt/naujienos_874/aktualijos_875/didejant_kariu_skaiciui_lietuvos_kariuomenes_poreikiams_bus_siuloma_steigti_papildomas_civiliu_pareigybes

Fernández, A.; Calero, S.; Parra, H.; Fernández, R. 2017. Corporate social responsibility and the transformation of the productive matrix for Ecuador sustainability, *Journal of Security and Sustainability Issues* 6(4): 575-584. DOI: [https://doi.org/10.9770/jssi.2017.6.4\(4\)](https://doi.org/10.9770/jssi.2017.6.4(4))

Grenčíková, A.; Guščinskienė, J.; Španková, J. 2017. The role of leadership in motivating employees in a trading company, *Journal of Security and Sustainability Issues* 7(2). DOI: [https://doi.org/10.9770/jssi.2017.7.2\(6\)](https://doi.org/10.9770/jssi.2017.7.2(6))

Handy, Ch. 1993. *Understanding Organizations*. London: Penguin Books.

Kaźmierczyk, J.; Aptacy, M. 2016. The management by objectives in banks: the Polish case, *Entrepreneurship and Sustainability Issues* 4(2): 146-158. [https://doi.org/10.9770/jesi.2016.4.2\(3\)](https://doi.org/10.9770/jesi.2016.4.2(3))

Kendiukhov, I.; Tvaronavičienė, M. 2017. Managing innovations in sustainable economic growth, *Marketing and Management of Innovations* No 3: 33 – 42. DOI: <https://doi.org/10.21272/mmi.2017.3-03>

Kennedy, J. F.; Holt, T.D.; Ward, M. A.; Rehg, M.T. 2002. The Influence of Outsourcing on Job Satisfaction and Turnover Intentions of Technical Managers, *Human Resource Planning* 25(1): 23-33. Available on The Internet: <<http://www.dtic.mil/dtic/tr/fulltext/u2/a377083.pdf>>

Kuzmenko O.V. 2012. *Course of administrative law of Ukraine. Tutorial*. Gen. Ed. V.V. Kovalenko. Kharkiv: Yurincom Inter.

Law on Approval and Implementation of the Statute of the Civilian National Service of the Republic of Lithuania, 2003. *Official Gazette*, 73-3348.

Law on Establishment of Principle Structure of the Army of the Republic of Lithuania in 2016 and Estimated Principal Structure of the Army in 2021, as well as on Approval of Marginal Numbers of Soldiers in the National Defence System and Marginal Number of Statutory Civil Servants in 2016 and 2021 of the Republic of Lithuania, 2015. *TAR*, 2015-10694.

Law on Organisation of the National Defence System and Military Service of the Republic of Lithuania, 1998. *Official Gazette*, 49-1325.

Law on Public Service of the Republic of Lithuania, 1999. *Official Gazette*, 66-2130.

Levy Y. 2007. Soldiers as laborers: A theoretical model. Houten: Springer Science + Business Media B. V.

Light, P. C. 1999. *The True Size of Government*. Washington, DC: Brookings Institution Press.

Medvedevas, V. 2009. *Kaunas medical university student motivation to serve in the Lithuanian armed forces*. Kaunas: Kaunas University of Medicine.

Moskos, Ch. C. 1977. From Institution to Occupation: Trends in Military Organization, *Armed Forces & Society* 4(1): 41 -50.

Moskos, Ch. C. 2000. Toward a Postmodern Military: The United States as a Paradigm. In *The Postmodern Military: Armed Forces After the Cold War*, ed. Moskos, C.; Williams, J.A.; Segal, D.R. New York: Oxford University Press.

Order of the Ministry of Defense of Ukraine dated 19.10. 2015, № 543 “On Approval of the List of Professional Names of Work of the Armed Forces of Ukraine and the List of Accounting Specialties of the Armed Forces of Ukraine”, 2016. *Official Bulletin of Ukraine*, № 91.

The Law of Ukraine “On Military Duty and Military Service”, 1992. *Bulletin of the Verkhovna Rada of Ukraine*, № 27.

Law of Ukraine “On the Fundamentals of National Security of Ukraine”, 2003. *Bulletin of the Verkhovna Rada of Ukraine*, № 39.

Law of Ukraine “On the Legal Regime of Martial Law”, 2015. *Bulletin of the Verkhovna Rada of Ukraine*, № 28.

The order of the Ministry of Defense of Ukraine dated 29.05.2017, № 292 “On the replacement in peacetime of certain military positions

in the Armed Forces of Ukraine by civilians”. *Official Bulletin of Ukraine*, № 57.

Law of Ukraine “On the State Service for Special Communications and Information Protection”, 2006. *Bulletin of the Verkhovna Rada of Ukraine*, № 30.

Palidaukaitė, J. 2007. Uniqueness of Motivation in the Public Service, *Public Policy and Administration*, 19: 33-45.

Pathak B. V. 2007. *Industrial Psychology and Sociology*. Pune: Nirali Prakashan.

Resolution of the Constitutional Court of the Republic of Lithuania of 24 December 2002 “On Competence of Representative and Administrative Municipal Institutions”. Available on the Internet: <<http://www.lrkt.lt/lt/teismo-aktai/paieska/135/ta313/content>>.

Tracevičiūtė, R. *Leap of Russia that will Cause Concern in Lithuania*. Vilnius. Available on the Internet: <<http://lzinios.lt/lzinios/lietuva/rusijos-suolis-kuris-sukels-nerima-lietuvoje/242802>>

Kelty, R. 2009. Citizen soldiers and civilian contractors: soldiers’ unit cohesion and retention attitudes in the “total force”, *Journal of Political and Military Sociology*, 37(2) (Winter): 133-159.

Summary No. 24 (Part I) of the practice of Supreme Administrative Court of Lithuania in having sittings in cases on service disputes. 2013. Vilnius: Supreme Administrative Court of Lithuania.

The Ministry of National Defence suggests increasing number of professionals in the army, 2015. Available on the Internet: <<http://www.15min.lt/naujiena/aktualu/karo-zona/kam-siulo-toliau-didinti-profesionalu-skaiciu-kariuomeneje-784-566305>>

Trofimovs, I.; Ivančiks, J. 2017. Psychological aspects of operational and investigative activities as a factor of strengthening of national security, *Journal of Security and Sustainability Issues* 7(1): 55-65. [https://doi.org/10.9770/jssi.2017.7.1\(5\)](https://doi.org/10.9770/jssi.2017.7.1(5))

Tvaronavičienė M., Razminienė K. 2017. Towards competitive regional development through clusters: approaches to their performance evaluation, *Journal of Competitiveness*, 9(4): 133 – 147. <https://doi.org/10.7441/joc.2017.04.09>

Vasiljevas, E. 2015. *Military service in the Lithuanian National Defense Volunteer Forces motives analysis*. Kaunas: Vytautas Magnus University.

Wong, L. 2006. Combat Motivation in Today’s Soldiers: U.S. Army War College Strategic Studies Institute, *Armed Forces & Society*, 32: 659-663.

Andrejus NOVIKOVAS is Associate Professor of Public Law Institute at Faculty of Law of Mykolas Romeris University, Lithuania and attorney at Law. Research interests: national security, administrative law, legal regimes, public law.

Lina NOVIKOVIENĖ is Associate Professor of Private Law Institute at Faculty of Law of Mykolas Romeris University, Lithuania and attorney at law. Research interests: national security, civil service, consumer’s rights, public law.

Roman Volodymyrovich SHAPOVAL is Professor at the Department of Administrative Law and Administrative Activities at Yaroslav Mudryi National Law University, Ukraine. Research interests: public law, administrative law, national security.

Khrystyna Volodymyrivna SOLNTSEVA is candidate of Legal Sciences, Associate Professor at the Department of Administrative Law and Administrative Activities at Yaroslav Mudryi National Law University, Ukraine. Research interests: public law, administrative law, national security.