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THE LEGAL INSTITUTION OF THE STATE OF WAR AND THE FUNCTIONING OF THE STATE
DURING AND AFTER THE WAR

Regardless of the changing threats, the state requires organized protection and defence. This should be achieved, inter alia, by the national security management system with its constituent bodies.

Science as well as practice have not yet provided exhaustive answers to numerous problems and difficulties related to the institution of martial law, but above all to the time of war and the functioning of the state during this period.

War is illegal under international law. The mere threat of using force has been subsumed as a prohibited act. Nevertheless, the sentence of Clausewitz, who pointed out that war is an extension of politics, still seems valid. Already after the First World War, the first Acts forbidding war solemnly stated that, to this end, the laws and general customs of war must be revised, either to define them more precisely, or to limit them to some extent, in order to weaken as far as possible their severity, that, while seeking means of preserving peace and preventing armed clashes between nations, it is important at the same time to attend to the event that the turning to arms would be due to events which their efforts could not avert. Further fiery declarations were made during the celebrations of the 50th anniversary of the Geneva Years.

William Edward Hall, writing in 1889 the preface to the third edition of his "Treatise of International Law" and already sensing the danger of the impending world war, was already quite skeptical about the value of international law in the period of future and inevitable historical revolution. He rightly argued that the set of norms indefinite, weak in its matrix, stretched in the frame, it will not withstand the load test.

In the normative acts in force in the Republic of Poland, there is a multitude of expressions of terms related to the threat to the state and war. However, they are not precise and are not always accompanied by legal definitions. Even when they are present, doubts still exist. Importantly, the legislator and the legislator use different formulations, which not only shows a lack of consistency, but also causes interpretation problems. Waldemar Kitler notes that there is a "lack of definitions of certain concepts" in the matter described, which only causes problems with their use. This creates a situation where the lack of a legal definition results in a multitude of interpretations. This is also the case with the discussed concepts, as they significantly affect the issue of national security, including state defense.

The main purpose of the research is to characterize the legal institution of martial law and the time of war in the Republic of Poland and to recommend changes in the legal and organizational dimension.

Taking into account the problematic situation, the main research problem can be distinguished, which is contained in the question: How would the current legal solutions in the field of martial law allow the state to function and take necessary actions during time of war and after the war?

The following main research hypothesis was adopted: It should be assumed that the aspects of martial law and the time of war are partly regulated by the norms of substantive and formal law, both at the international and national level, however, they are incomplete, often disproportionate to the current threats, and above all, they often do not together creating interpretive chaos. What's more, there are often legal definitions that deepen these doubts. The very procedure of introducing and promulgating should also change, which is associated with a change in the organization and competence of the highest authorities in the state.

The structure of the doctoral dissertation includes: introduction, methodological chapter, five substantive chapters and conclusion. The work also includes a list of abbreviations, a bibliography, a list of figures, tables and charts, as well as two appendices.

A handwritten signature in blue ink, appearing to read 'Jedyny' followed by a stylized flourish.