

THE LAW ENFORCEMENT AGENCIES' RELEVANCE IN COUNTERING HYBRID ARMED CONFLICTS

A RELEVÂNCIA DAS AGÊNCIAS DE APLICAÇÃO DA LEI NO COMBATE AOS CONFLITOS ARMADOS HÍBRIDOS

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ordem pública intervenham adequadamente durante um conflito híbrido. Como alternativa, há recursos legais disponíveis e a legislação pré-existente oferece espaço suficiente para uma abordagem de última geração com o objetivo de garantir soluções eficazes de policiamento em tempos de guerra. O estudo também se aprofundará na abordagem que a Romênia e a República Tcheca delinearam para combater proativamente a guerra híbrida. Nesse contexto, o texto do especialista descreve os aspectos que regem as autoridades estatais e as ameaças que elas enfrentam. O presente documento discute a situação internacional atual com ênfase principal na implementação e no combate à guerra híbrida.

Palavras-chave: Cibernética. Guerra híbrida. NATO. Lei. Intervenção. Guerra.

Abstract: Law enforcement necessitates constant conceptual renewal, given the emergence of hybrid threats. The existing legal framework doesn't grant satisfactory legal leverage in order for public order agents to properly intervene during hybrid conflict. Alternatively, legal remedies are at hand and pre-existing legislation offers enough room for a state-of-the-art approach towards assuring effective policing solutions during war times. The study will also delve into the approach that Romania and the Czech Republic delineated in order to proactively counter hybrid war. In this context, the expert text outlines the aspects that govern state authorities and the threats they face. The present paper discusses the current international situation with the main emphasis on the implementation and combating of hybrid warfare.

Keywords: Cyber. Hybrid war. NATO. Law. Intervention. War.

Resumo: A aplicação da lei necessita de renovação conceitual constante, dado o surgimento de ameaças híbridas. A estrutura jurídica existente não oferece uma alavancagem legal satisfatória para que os agentes da

1. Introduction

The multiple outcomes of hybrid war deem a thorough understanding of this phenomenon, if law enforcement agencies are to properly intervene in real-life scenarios where hybrid intervention doesn't represent a remote tertiary concept anymore. And it doesn't, especially given the recent geopolitical developments, forcing Ukrainian law enforcement forces to face unprecedented affronts brought to the state's independence and sovereignty, not only by armed Russian forces, but also by rather more intangible and fickle forces, represented by cybernetic attacks, social media manipulation and propaganda, diplomatic and legal pressure etc. Therefore, the purpose of this study is firstly to emphasize the objective qualities of hybrid warfare, how it is perceived by military doctrine and briefly about how its perception has evolved throughout centuries (albeit the concept as such has only been coined recently). Secondly, we will focus on the subjective consequences of engaging in hybrid warfare, honing in on the qualitative and quantitative differences between conventional and hybrid warfare. In view of relating these concepts, we will outline how the Romanian and Czech law enforcement forces would behave in the event of hybrid warfare.

In order to deliver a complete and concrete image of the subject at hand, we chose to rely on research resources ranging from scientific articles emanating from prominent theoreticians on the matter, to treaties delving into the principles of International Humanitarian Law and International Public Law, besides fact-checking and cross-checking numerous websites for reliable information.

To conclude, this study aims at elaborating on preexisting hybrid war concepts in the context of a hypothetical law enforcement agencies' reaction to hybrid warfare. This academic process will hopefully lead to a higher awareness of the impending necessity of adapting legal and tactical training of police officers to arising hybrid threats.

2. Results and Discussion

The emergence of the hybrid war theory. Hybrid war and law enforcement

War, according to the now obsolete *jus ad bellum principle*, was never to be waged unless a legitimate national political interest was vitally endangered. The previous international law order legitimised inter-state aggression as the last available resort for reinstating regional equilibrium. Contemporary armed conflict cannot benefit from this simplified codification, especially

considering its multi-faceted character and given the ascendancy of modern IHL which deems recourse to war (excluding legitimate defence) as flagrant digression from the established international rule of law. This significant doctrinal shift represents the conceptual framework where from the concepts of 'hybrid war', 'asymmetric war', or 'non-linear war' were derived. Modern state actors and law theoreticians alike recently started using these almost interchangeable labels so as to emphasise a similar evolution concerning the manner both state and non-state actors choose to conduct novel military activities: that is, by deploying minimal operational resources (or a 'minor traditional military investment' (MOSQUERA, 2016, p. 68) that can yield a comparatively high impact, e.g., by means of employing state-of-the-art targeting mechanisms, extensive disinformation campaigns and cybernetic attacks on critical infrastructure that boast no apparent, immediate linkage to war efforts.

These unconventional approaches translate into a primacy of covert military endeavours, which are specifically outlined in view of maintaining a façade of abiding international and humanitarian law. In truth, the consequences of hybrid war blatantly cross the threshold between reasonable, legally sane and unreasonable, legally reprehensible behaviour, whilst paradoxically not crossing the threshold of traditional, overt hostilities, albeit with notable exceptions, when modern hybrid war escalates into full-blown military conflict (e.g., the Russian armed aggression against Ukraine, launched in February 2014 (RÁCZ, 2015, p. 14), was preceded and accompanied by hybrid interference). What's more, no distinction should be made between hybrid war repercussions amounting to a full-blown armed attack (e. g. the effects of cyberattacks compromising critical state assets) and the actual escalation of hybrid war into armed attack, as to the legitimacy of engaging defensive mechanisms against both types of hybrid threats emphasised. Similar legal remedies will not be implemented for as long as hybrid war will not be conveniently quantified and qualified within legally binding treaties and conventions. Consequently, attempts at harnessing this legal loophole will remain unsanctionable. There has to be a major overhaul of IHL principles and regulations so that they can stand up to the aforementioned recent developments.

Devising a relevant definition of hybrid war is intrinsically conditioned by possessing a deeper understanding of where this broad phenomenon fits in at a larger, systemic level. We venture to affirm, by broadening the scope of the study conducted by Professor Herfried Münkler, *Hybrid Wars. The Dissolution of the Binary Order of War and Peace, and Its Consequences* (MÜNKLER, 2015, p. 21), that hybrid threats come up as a genuine and definitive disruption

affecting the conventional binary equilibrium, which, inflexible and deficient as it is, can only offer adequate solutions to regulating past war efforts.

Binary equilibrium or binary *status-quo* represents the commonly acknowledged legal boundary between war and peace established by IHL treaties. Conversely, the binary equilibrium framework originating in IHL treaties dictates how conventional warfare is to be conducted and concluded. The unharmonized, debatable syntagm of hybrid war stands in fierce opposition to the firmly outlined, legally binding notion of binary equilibrium, which draws clear distinction between combatants and non-combatants, between state actors and non-state actors, between domestic and inter-state conflict, between regular and irregular forces and so on. To put it more simply, the disruption of the so-called binary equilibrium by hybrid threats has become a reality of the geopolitical landscape, which deems immediate attention from all legislators and political actors involved.

To begin with, the term ‘hybrid’ originates in the Latin term ‘hybrida’, which denominates the offspring of parents pertaining to different social groups, e.g., a Roman father and a foreign mother. Today, the adjective designates a homogenous assembly of two or more elements (or to be more specific, something that consists of or comes from a mixture of two or more other things, as outlined in The Longman Dictionary of Contemporary English). It can be deduced from the definition, that ‘the two or more elements’ are variables and have to be assigned a certain, autonomous meaning and/or purpose in order to determine synergistic effects. Once one coins the terms ‘hybrid’ and ‘threat’, the variables become easier to define or quantify. Delivering a precise definition of any theoretical concept whatsoever consistently poses the risk of leaving out constitutive elements that might seem critical to other authors. In order to avoid such incongruencies, it becomes ethically binding for our analysis to outline the ambivalent, paradoxically ‘hybrid’ definition of hybrid conflicts, which will incorporate both the ‘Western’ point of view, and the ‘Eastern’ point of view (pertaining to the Russian Federation). There is a causal relationship between the two perceptions, in that the U.S. military scholars were the first to theorize the term, hence the Russian academic reaction, substantiated by their referring to hybrid warfare as *gibridnaya voyna*. (FRIEDMAN, 2018, p. 100)

Firstly, hybrid warfare, a recently endorsed terminology, was originally reiterated by authors William Nemeth (NEMETH, 2002) and Frank Hoffman (HOFFMAN, 2007) in 2002 and 2007, respectively.

In his study, William Nemeth, labels the conflict in Chechnya as a trend starter with regard to what the future of war will represent; the gist is that hybrid war becomes apparent

whenever a society is degenerate enough so as to be considered hybrid in and of itself, meaning they are ‘unstable, highly violent, anarchic societies, as traditional norms are mixed with modern socio-political theories, norms, and technology’. (NEMETH, 2002)

On the other hand, Hoffman emphasises the emergence of hybrid threats as an inherent component of modern warfare, while alternatively making it clear that the conceptual shift is encompassing regular military strategy elements; his hybrid theory is built by means of extrapolating from the Hezbollah movement’s behaviour and development.

Furthermore, NATO made an attempt at defining hybrid threats, outlining the key concepts they are comprised of: a combination of both military and non-military, covert as well as overt operations, consisting of cybernetic attacks, economic sanctions and stratagems, deployment of irregular/guerrilla armed groups (including private military companies- PMCs- such as Wagner PMC (FAULKNER, 2022, p. 28), which hires mercenaries, whom are expressly forbidden by IHL norms (INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, 2001, art. 2) and use of conventional war forces. (BILAL, 2021)

The Russian military thinking has evolved towards including hybrid warfare as a reaction towards Western codification of the novel notion. General Valery Gerasimov, Chief of the General Staff of the Russian Federation, elaborated on the dual, conventional and non-conventional approaches that have become embroidered into Russian conflict settlement methods. His article, “The Value of Science Is in the Foresight”, offers a view on hybrid warfare (*gibridnaya voyna*) which is in no way a mere emulation of American military doctrine, despite sharing the same name. And that is due to various reasons. Firstly, Hoffman’s theory illustrates the intermingled nature of diverse military means, tactics and technologies, whereas the Russian view puts an emphasis on the role of non-military mechanisms, which are apt to impede lasting change in the geopolitical outcomes of different political disputes, at the expense of the long-established prevalence of military mechanisms. Therefore, according to the Russian paradigm, military efforts become secondary in obtaining military gains, and the main focus becomes destroying political cohesion by harnessing subversive techniques, whose detrimental potential ranges from amplifying political, ideological, economic, social polarisations within the adversary’s society to facilitating one state’s very internal collapse and the establishment of a puppet government, ruled by an external state. (FRIEDMAN, 2018, p. 7) At a closer look, *gibridnaya voyna* falls into the regulatory area of the Western *lanfare* concept, which is ‘weaponizing’ or manipulating available legal frameworks with the aim of attaining operational objectives that would otherwise be pursued by means of traditional military activities. (MOSQUERA, 2016, p.

69) Lawfare masks, among other things, the intention of confusing public opinion, which can end up representing an *abus de droit*, hence incurring state responsibility, in view of its having disregarded ratified international treaties and their legally-binding character emanating from the *pacta sunt servanda* international law principle. (MOSQUERA, 2016, p. 81) The Russian view on hybrid conflict also implies the notion of political warfare, perceived as the use of political methods to compel an opponent to do one's will. (SMITH, 1989, p. 3) The term was coined by George Kennan, who ascertained that political warfare 'is the logical application of Clausewitz's doctrine in time of peace.' (KATHLEEN AND STARLING, 2021, p. 6) Clausewitz's doctrine can be best exemplified by reinterpreting one of his famous assertions: "War is a mere continuation of policy by other means." (CLAUSEWITH, 1968, p. 159) This leads us to a broader definition of political warfare: the sum of non-military, overt and covert coercive mechanisms at the disposal of state forces, engaged in attaining national objectives.

As regards the necessity or not of a kinetic element in a hybrid war, suffice it to say that the Russian military intervention in Crimea (2014), despite making use of decisively non-kinetic, remote manners of conducting war, wouldn't have led to satisfactory results on the Russian side, had it not been for the presence of special forces, auxiliary fighters, not to mention the constantly supplemented on-site Russian military presence. (RENZ AND SMITH, 2016, p. 11)

Another essential difference concerns the temporal projection of hybrid war. On the one hand, the American theory sees hybrid war as a tool certain groups resort to within a specific timeframe. *Per a contrario*, Russian scholars attribute no definite timeframe to hybrid efforts, saying they have to be ongoing for as long as state interests are at stake. (YAVOR, 2020, p. 249)

To cut a long story short, *gibridnaya voyna* constitutes, contrary to the Western school of thought and according to the view of numerous Russian scholars (FRIEDMAN, KABERNIK, PEARCE, 2019, p. 74), a perfect example of the achievement of the intended political objectives by non-violent means, without the use of armed struggle. (FRIEDMAN, KABERNIK, PEARCE, 2019, p. 74)

A myriad hybrid war definitions can be summoned, but hybrid war efforts can be best characterised when deciphering the end game of their employment: obfuscating the lines between war and peace, thus making target populations confused and demotivated, whilst making opponent governments doubt their available courses of action. A potential secondary objective consists in eliciting a favourable reaction from neutral state actors with regard to the utilization of minimal military force. (KOFMAN AND ROJANSKY, 2015, pp. 2-3.)

From the standpoint of representing a combination between conventional and non-conventional military operations (fig. 1), hybrid confrontation represents a recently endorsed terminology used to describe a phenomenon whose roots can be traced back to times immemorial. We acquiesce to the opinion of several authors (MURRAY AND MANSOOR, 2012), (MOSQUERA AND BACHMANN, 2016, p. 64), who affirm that, historically speaking, there have been numerous instances of engagement in indirect, covert, or mixed operations in view of obtaining military success, provided that their complexity level cannot match that of modern hybrid armed conflict. Consequently, it can be inferred that there indeed exists a historical dimension and evolution of the concept. Nevertheless, present-day hybrid conflict transcends military history throughout the manner in which technological progress has augmented the strategic implications of miscalculations and inaccuracies that couldn't have been possible during former hybrid war efforts.

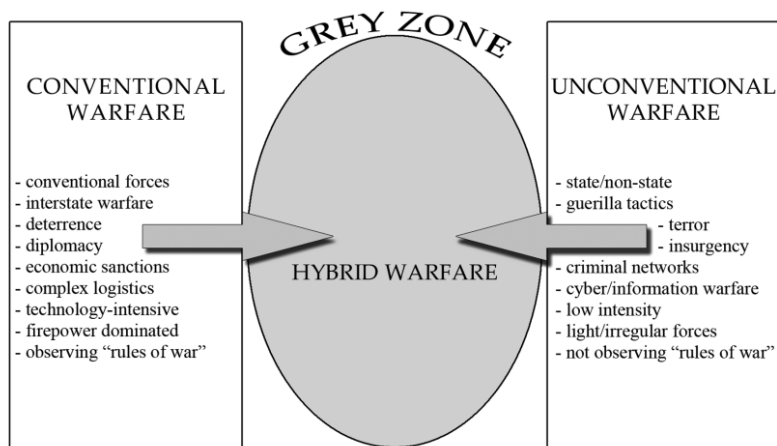


Fig.1 – Hybrid warfare is a blend of conventional and unconventional warfare.

Source: Najžer, Brin. *The Hybrid Age: International Security in the Era of Hybrid Warfare*.

Bloomsbury Publishing (2020): 31

To exemplify, we'll draw a parallel between hybrid warfare elements encountered in the Vietnam War (1 November 1955 – 30 April 1975) and those specific to the Russian military aggressions against Ukraine, which began on 20 February 2014 (Russian annexation of Crimea) and had a major escalation on 24 February 2022, once with the full-scale Ukraine invasion launched by Russian President Vladimir Putin. (THE WORLD FACTBOOK, 2023)

Firstly, the Vietnam War, an unwarranted Cold War episode that polarized the two main combatants (the U.S. and U.S.S.R.), implied the latest conventional tactics and weapons available (including CBRN capabilities), doubled by 'tools and techniques of irregular guerrilla activities

and counterinsurgency warfare'. (MURRAY AND MANSOOR, 2012, p. 254) Moreover, subversion, agitation and propaganda (SCHMID, 2021, p. 58), (enacted by Vietcong's specialised agitprop teams – agitprop, abbreviated from Russian agitatsiya propaganda (agitation propaganda), political strategy in which the techniques of agitation and propaganda are used to influence and mobilize public opinion), alongside targeted terror were purposefully combined for dismantling the binary equilibrium that was supposed to have been governing war efforts in the past.

Last but not least, the Russian military aggressions against Ukraine (2014 and 2022) boast similar traits to the Vietnam conflict (e.g. proxy troops engagement, information operations, harnessing the latest technological feats), all of which amount to the blurring of conventional and unconventional warfare, the hallmark of Russian hybrid warfare. As compared with the Vietnam conflict, the Russian intervention in Ukraine revolutionized hybrid warfare, by way of restoring the reality of an all-encompassing armed conflict at the very frontiers of the European continent for the first time since World War Two.

The 'little green men' invasion (FRIEDMAN, KABERNIK AND PEARCE, 2019, p. 136) represents a genuine archetype exemplifying the lack of transparency governing hybrid warfare. To be more precise, several academic resources (GALEOTTI, 2015, p. 2; AMBROSIO, 2017, p. 113) agree on the reality of the February 2014 intervention of Russian conceited troops which perpetrated the seizure of the Crimean parliament building and began neutralizing Ukrainian bases located in Crimea, thus giving way to the first successful hybrid military operation conducted by Russia. The crucial advantage gained by the denial of former involvement and by the usage of conceited troops was represented by the very ambiguity and uncertainty that was instilled among Kiev and NATO decision-makers. Despite the decidedly Russian provenience of the uniforms and weapons of the "little green men", the lack of insignia sufficed when it came to facilitating the swift Russian takeover of the entire economically strategic peninsula. (GALEOTTI, 2015, pp. 2-3)

In truth, this military stratagem wouldn't have been able to attain its goals if it weren't for the other hybrid attacks deployed by the Russians, ranging from alternative narrative building prior to the actual military intervention, cyberattacks affecting critical Ukrainian infrastructure and government websites, as well as mobile phones belonging to Ukrainian officials. Additionally, the Russian military build-up was accompanied by a systematic penetration of the local police and the Ukrainian Security Service (SBU), alongside amassing the support of the notorious Crimean political and criminal elite. (GALEOTTI, 2015, p. 3)

The ‘little green men’ were subsequently identified, by way of an OSCE report on the matter (WENTZELL, 2021, p. 44), as Russian Special Forces (KSO) and Crimean riot police. (GALEOTTI, 2015, p. 3) Russia’s Special Operations Command (KSO) consists of between 500 and 1500 soldiers (WENTZEL, 2021, p. 44; NIKOLSKY, 2014, p. 149), including service personnel. KSO is the Russian counterpart of the British Special Air Service or US Delta Force. KSO, a recently established (March 2013) special operations force subordinated to the Russian Ministry of Defence, is apt to perform military tasks both within and outside of Russian borders, during peacetime or during periods of armed conflict.

It is worth mentioning that this doesn’t represent a flagrant infringement of IHL standards, since the provisions of article 37, section 2) of the Additional Protocol I (1977) to the Geneva Conventions expressly permits ruses of war, which are ”acts which are intended to mislead an adversary or to induce him to act recklessly but which infringe no rule of international law applicable in armed conflict and which are not perfidious because they do not invite the confidence of an adversary with respect to protection under that law. The following are examples of such ruses: the use of camouflage, decoys, mock operations and misinformation.” (PROTOCOL ADDITIONAL, 1977, art. 37)

This demonstrates the remarkable operational flexibility and lawfare capabilities of the Russian military, which ultimately equals to misrepresenting the truth and legitimizing war efforts in the context of simulated external national security threats. Despite the fact that the Russian annexation of Crimea doesn’t benefit from international recognition, the fact still stands that Russia exerts the *de facto* control over the peninsula. Thus, Russia disregarded and even superseded the IHL order, through having invoked apparently legitimate reasons to intervene and restore peace in a region that was supposedly maladministered and kept in a perpetual state of anarchy by the Kiev government. This was the conceptual framework underlying a military operation that only took 19 days to cause the enactment of the treaty making Crimea a part of Russia. (BUKKVOLL, 2016, p. 14)

Hybrid hard power operational threats

The HW’s purpose is that of inflicting durable political and economic damage upon entire regions, states or communities, whilst engaging minimal military and logistical resources. According to this premise, direct, overt and large-scale military intervention becomes secondary in obtaining the subversion and destruction of other countries. This way conventional military

intervention ends up playing a smaller role, as compared with the destructive potential characterising alternative hard power operational threats, such as coercive diplomacy, entailing military threats and economic sanctions.

Alternatively, small-scale, covert military intervention maintains its relevance to HW, especially since it can be targeted at obtaining compelling evidence regarding one country's military, strategic capabilities, or at gathering information in diplomatically sensitive missions that are to influence the course and conclusion of HW. These goals accurately reflect the competency area of special operations forces. As can be inferred from ADP 3-05 (AMERICAN MILITARY DOCTRINE), the core role of special operations forces (similarly to that of HW, thus making SOP indispensable to the latter) is to 'create effects of a magnitude disproportionate to their small footprint'. The aforementioned document also clearly outlines the breadth and nature of special operations, in that they have to facilitate countermeasures against 'transregional, all-domain, and multifunctional threats and conflicts', besides aiding the 'Army operations over a multi-domain extended battlefield'.

The American military doctrine isn't singular in admitting the hybrid dimension and purposes of special operations forces deployment. General Valery Gerasimov, an exponent of modern Russian military thinking, concurs that, besides the manifestly hybrid means of warfare characterising modern armed conflict ('political, economic, informational, humanitarian and other non-military measures'), there also are concealed military activities, ranging from 'actions of informational conflict' to 'the actions of special operations forces'. His line of thinking is recognised and reflected in the latest 'Military Doctrine of the Russian Federation', issued in 2014, which, elaborating on the 'nature and characteristics of modern warfare', states that the crucial component of modern armed conflict is: 'a) Integrated use of military force, political, economic, informational and other non-military measures nature, implemented with the extensive use of the protest potential of the population, and special operations forces;'

Whilst formulating a definition of coercive diplomacy represents a compulsory theoretical endeavour, the practical relevance of coercive diplomacy is multi-faceted and demands extensive documentation on its central elements. To begin with, coercive diplomacy consists of acts or threats against states, intended at obtaining the ratification of a treaty's provisions. Coercive diplomacy represents a ground for absolute invalidity of treaties concluded disregarding IPL rules of conduct. Secondly, according to the UN Charter, the threat or use of force will likewise trigger the invalidity effect. Nonetheless, there has to exist irrefutable proof of

a state or non-state actor having made threats with the use of force, otherwise reasons for invalidity will not be met. (GIDEON, 2012, pp. 65-66)

The hybridisation of coercive diplomacy refers to an enhancement of the conventional coercion methods and to an emergence of unconventional coercion methods, all of which can be easily associated to hybrid warfare efforts. To exemplify, diplomatic and economic pressure can be exerted by way of lawfare, utilising cyberattacks on critical infrastructure, imposing embargos and even influencing target populations via covert psychological operations. Additionally, military pressure can be exerted through threats with the usage of WMDs, or through amassing troops on the border of other countries, without actual military intervention (on grounds of a geopolitically tense relationship with that particular state).

Soft power hybrid operational threats

The principle of distinction aims at establishing a clear, insurmountable boundary between military objectives and civilian persons, as well as between military objectives and personal property. Henceforth, means and methods of war shall be exclusively directed towards the former.

The principle of distinction doesn't normally afford protection to combatants, with the exception of combatants whom, due to various reasons or occurrences, become temporarily or permanently incapacitated (in French, "hors de combat" ⇔ "out of combat").

The principle of distinction consists in the obligation of the parties to an armed conflict to distinguish between members of the armed forces and civilians and between civilian and military objects. Military action may only be taken against combatants and military objects. Nothing can legitimise the conduct of offensive actions against civilians or objects.

Corruption and corruptibility in hybrid and asymmetric warfare

Corruption isn't the defining feature of failed states exclusively. In fact, it is a malleability that affects each and every state, regardless of its size or political relevance. In the context of hybrid warfare, corruption represents an entryway for covert threats to one state's national security and territorial integrity.

Relevant legal solutions to corruption are provided by the *United Nations Convention against Corruption* (UNITED NATIONS CONVENTION AGAINST CORRUPTION, 2004), the only

legally-binding, multilateral agreement aiming to combat corruption, whatever its legal manifestation is. Whereas corruption isn't expressly referred to in Criminal Codes internationally, it's a priori manifestations are: accepting bribes, bribery and indirect bribery. (VÍŠEK, HRUDKA, KRULÍK AND KRULÍKOVÁ, 2017, pp. 222-223) Other criminal acts can also be regarded as corruption acts, given the specificity of their material element: Machinations in insolvency proceedings; Breach of regulations on rules of economic competition; Arranging undue advantage in the award of public contracts, in public tenders and public auctions, etc. The aforementioned corruption acts are closely linked with the public procurement (public contracts) area, where, given the large sums of money gravitating around public projects, foreign interference is prevalent and can have a detrimental outcome on economic independence, as was the case in the Czech Republic, according to one recent study. (VÍŠEK, HRUDKA, KRULÍK AND KRULÍKOVÁ, 2017, pp. 222-223)

Whilst there is no all-encompassing definition of corruption, there is, on the other hand, a set of essential elements pertaining to corruption: 1) it involves a person or group elected or appointed in a public office; 2) it involves a decision-making role of the respective public organism or public figure; 3) awareness of illegal conduct by perpetrators; 4) the at least partially covert manner of conducting illicit acts; 5) the action or inaction must be quantified as "corrupt" by the majority of that state's population. (HOLMES, 2015, p. 46) Once these criteria are cumulatively met, corruption becomes yet another liability that hybrid war methods can exploit and further exacerbate.

Therefore, corruption generally implies people or organisms elected or appointed in public office. In other words, political actors as well as law enforcement forces are the main subjects of corruption. This can be inferred from the "International Human Rights Standards for Law Enforcement", issued by the U. N. High Commissioner for Human Rights, which states, with regard to Police Command and Management, that "Law enforcement officials shall not commit any act of corruption. They shall rigorously oppose and combat all such acts."

But when it comes to hybrid corruption, any subject possessing legal capacity can become an active subject of corruption acts, for as long as he or she is endangering national security with his or her action or omission. The passive subject of corruption acts comes from the private sector, where natural persons, national legal entities, as well as multinational companies supported by foreign, adversary states possess enough political and economic leverage to determine the outcome of hybrid confrontation, through disinformation campaigns,

financing subversive movements and corrupting political actors. (WIGELL, MIKKOLA AND JUNTUNEN, 2021, part viii)

Corruption has a tripartite effect on hybrid warfare. Firstly, it opens up the way for efficient engagement of various other hybrid methods. For instance, corrupted officials stand a higher chance of allowing illicit access to state secrets and other defence documents, which is not in compliance with the fourth article of the "Code of Conduct for Law Enforcement Officials" (CCLEO), adopted by the General Assembly of the United Nations in 1979, emphasising that law enforcement officials have the duty of securely storing confidential, sensitive information, *unless the performance of duty or the needs of justice strictly require otherwise*. Perhaps one of the most relevant examples in recent times is represented by the upload of hundreds of classified files on the Discord messaging platform, by Jack Teixeira, a 21-year-old member of the intelligence wing of the Massachusetts Air National Guard. Whilst there's an ongoing investigation on the matter, the classified files have become widely available and revealed sensitive topics ranging from the hybrid war in Ukraine to CIA reports on a wide array of global issues.

Secondly, corruption has a considerable destructive potential, in that it widens the gap between government and population, thus weakening trust in public institutions, which facilitates the attainment of hybrid goals. To be more specific, each and every wrong step made by law enforcement officials is accounted for in mass-media. Due to widespread awareness of such incidents, police corruption will inevitably lead to a plummeting public trust score, which is apparent in Ukraine, where endemic corruption that went unaddressed and unpunished led to a growth in public distrust in the police. For instance, the rape of a woman at the police unit in Kagarlyk increased public distrust in the police from 44.3% to 55.6%.

Romania is also affected by plummeting trust in police intervention capabilities, considering the fact that, despite having initiated prosecution regarding certain cases of police abuse and corruption, the celerity principle wasn't abided to, resulting in delayed legal deadlines and eventually in the prescription of criminal liability. An example of this is the wrongful 2009 killing of Sorin Pârvu by police: in August 2022 the European Court of Human Rights (ECHR) ruled on the matter, stating that the prolonged investigations (2009-2021) were a direct cause of persistent omissions and lack of diligence. Besides requesting the Romanian government to pay compensations to the victim's family, the Court underscored the necessity of enacting legal remedies for preventing unjustified and disproportionate use of potentially lethal force by public order officers and also the necessity of guaranteeing the fulfilment of the legal proceedings'

celerity principle when confronted with future incidents. (COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES, 2022)

Last but not least, highlighting corruption enhances dissatisfaction with living standards and makes the population more vulnerable to foreign alternative narratives about ongoing events in their own country. Once large groups of people stop being contempt with their own personal situation, national stability is at risk, and the government has to put considerable effort into reassuring citizens of its capability of taking on both internal and external threats and interferences. In this respect, Russia's military intervention in Ukraine comes to mind: Russian disinformation campaigns adroitly create false information about the ongoing military struggle and internal problems (e.g. prevalent corruption; allegedly wasting war-effort funds coming from foreign partner states; police misbehaviour and brutality) of Ukraine that are to divert from the objective image and evolution of the Ukrainian war, diplomatic and economic efforts. Consequently, the Ukrainian government has to be reactive and proactive in combating false corruption narratives through all available official communication channels, especially mass-media. Nonetheless, the institution of martial law in Ukraine as a result of Russian military intervention cannot represent a mitigating circumstance, let alone an exemption from the democratic duty of safeguarding press freedom, which has the right to outline genuine instances of law infringement carried out by government officials. *"The NGO Freedom House rated Ukraine's press as "partly free." Independent media and internet news sites were active and expressed a wide range of views, but the government took some actions to restrict media and freedom of expression, reportedly to counter Russian disinformation and address other wartime security concerns."* (HUMAN RIGHTS REPORT, 2022, p. 24)

Solutions to hybrid corruption can only be synthesised after extensive debates on where hybrid interference stems from and on what its exact purposes are. Given that we've covered the hybrid conflict topic extensively throughout this study, we can elaborate on a set of effective ways of combating hybrid corruption: 1) enhancing one country's intelligence analysis capacity so that corruption doesn't have the attempted hybrid repercussions (WIGELL, MIKKOLA AND JUNTUNEN, 2021, part viii); 2) dismantling organized crime groups that might infiltrate the government apparatus; 3) putting the focus on transparency when informing the population on genuine corruption issues; 4) reforming central law enforcement institutions that have a negative corruption record and 5) adhering to international organizations aimed at preventing and fighting corruption (e.g. The Group of States against Corruption – GRECO, which is the European Council's anti-corruption monitoring organism). (AVAILABLE, ON-LINE, ABOUT GRECO)

Romanian law enforcement forces during hybrid warfare

While taking into account the fact that successful countermeasures to hybrid warfare can only be the result of achieving broader political consensus (given the geopolitically extensive action range of hybrid interference) and therefore of compliance with obligations deriving from international treaties, we cannot disregard the relevance and necessity of a synergistic response of national law enforcement agencies, when it comes to handling hybrid threats.

Internationalisation plays a vital role in constantly defining the way law enforcement agencies choose to counteract hybrid threats and vulnerabilities. Romania's affiliation with international peace-keeping organisations (particularly The EU, The United Nations and OSCE), as well as with collective defence military alliances (NATO), means that it has become a common occurrence for the military to perform internal public order missions. Alternatively, it is more common for public order and safety forces to take part in international missions. Given the multidimensional, both internal and external context in which police and army forces operate, it can be inferred that, during the past few decades, we've witnessed a sizeable conceptual shift from the traditional roles of police and military personnel, in that occasionally, both of them fulfil similar functions in exerting and maintaining national, regional or global public order. (DRAGOMAN AND UNGUREANU, 2018)

Nonetheless, the non-interference of military forces in civil affairs remains the legally enacted rule of conduct that has to be abided by in times of peace. Only in exceptional cases can the Romanian military forces support the law enforcement forces in maintaining public order, whilst it remains clear that there always will be boundaries that the military force cannot cross. To exemplify, arresting persons or police house raids are exclusively performed by those legally entitled to, whereas militaries don't have these prerogatives and besides, are required to cooperate with public order forces, during joint missions, without superseding their competence area.

In the event of hybrid interference, Romanian law enforcement firstly has to be well aware of its constitutional range of rights, obligations and objectives. Public order and public safety are to be guaranteed by the Ministry of Internal Affairs, which has to provide effective means of maintaining, exerting and restoring public order. This operational desideratum lays the groundwork for the subsequent law enforcement peacetime attributions: countering violent acts, preventing and countering corruption, criminality and organised crime, countering national security risks and other illegal behaviours during the missions, or regarding the property and

personnel of the Ministry of Internal Affairs. During the state of emergency or calamity, police work concentrates on gathering information and data regarding terrorist criminal intentions, ranging from attacking public institutions' headquarters, military buildings or state dignitaries to instilling and cultivating a state of public disorder and violence.

Whether during peacetime or war, hybrid threats can have a major impact on Romania, national security wise, because they can be generated by diverse groups of people, united by religion, ethnicity, ideology or political views, all of which can efficiently merge conventional and non-conventional, asymmetric and symmetric, lethal and non-lethal tools, techniques and courses of action, in order to attain their purposes and goals. These groups benefit, more often than not, from the support of foreign actors and are redoubtably resistant towards military intervention (Adrian Ivan), which points towards the necessity of devising common action plans between the military, security and public order national sectors in Romania, so that hybrid threats are confronted with hybrid, coordinated institutional responses.

However, there is a Romanian institutional framework that can be put to use in order to elicit a joint response to hybrid pressure exerted by other states. Specifically, during military mobilisation and war, the Romanian Gendarmerie, the fraction of the Romanian police force that is part of the armed forces, has to perform a wide array of tasks, such as: overseeing, protecting and defending locations set by military authorities, other than those locations regularly secured by military watch; uncovering, capturing and neutralizing paramilitary troops illegally stationed in Romania; civilian rescue and relocation missions; cooperation with the other institutions pertaining to the national defence and security system. Given the dire situation that armed conflict is, the Romanian legislature saw it fit to state that during warfare, the Romanian Gendarmerie is operationally subordinated to the national military authority. (ACT, ROMANIA, 2004, art. 22)

As previously emphasised, according to the present legal and military standpoint, a state of hybrid warfare isn't enough in itself to justify an extension of the police force operational range, especially since the concept of hybrid warfare isn't officially regarded as part of military dogma and thus cannot trigger significant strategic impacts. Nonetheless, given the implication of successful hybrid operations, it becomes imperative for the Romanian government (and for allied state actors at large) to adapt to the new geostrategic reality and to reconceptualise the police mission, in order for police forces to become adept at identifying and neutralizing hybrid initiatives. Evidently, we are not referring to an unwarranted extension of the police forces' resolve to use brute force when it comes to maintaining public order and countering hybrid

threats, nor are we advocating for an indirect breach of constitutionally acquiesced rights, throughout broadening police prerogatives.

Rather, we are in favour of initialising a reform aimed at reducing discrepancies between the rapidly evolving, so-called hybrid methods aimed at destabilising national unity and the legal limitations of Romanian law enforcement agencies in attuning with the imaginative, multi-faceted hybrid threats, which might at times seem disparate and inconsequential, if not viewed from the right angle. Once a critically important law enforcement institution cannot fill in the gaps and access the overall image of hybrid foreign interference in internal affairs, chances are that one important strategic challenge has already been lost: the strive for delineating an undisputable, objective geostrategic reality, the reality of hybrid warfare demanding its tribute, the reality of hybrid warfare waiting for rampant institutional ignorance to prevail over common sense.

Creating a robust legal framework for countering hybrid threats is no easy feat, but the Romanian legal system is flexible and transparent when it comes to implementing pieces of EU and NATO legislation aimed at synchronizing its proactive response capabilities to both internal and external deterrence factors. With this in mind, ample remedies are within reach, regardless of whether we're referring to corruption, digital vulnerability of public institutions, disinformation campaigns aimed at amplifying certain political views within the Romanian people or covert foreign military operations. The dissatisfactory amount of regulation regarding the aforementioned areas is not limited to the Romanian legislation, which can be concluded from the fact that disinformation campaigns aimed at subverting the enemy's willingness to resist or at influencing the enemy's discipline, for as long as they don't encourage criminal behaviour or trespass international law, are permitted by art. 21 of *The 1923 Hague Rules of Air Warfare*. Romania and its allies can nonetheless initiate a robust and reliable set of measures meant to right the wrongs of inadequate legal codification on the matter. Lest legal measures be taken, law enforcement officials will be obliged to stare the "hybrid" villain right in the eye, without even being able to deter him/her from building up their criminal empire. Bereft of legal ways to intervene, not even the most skilled of law enforcement representatives will stand a chance against emerging hybrid threats.

On the other hand, Romania has indeed made a pledge to address hybrid threats, by publishing the *The National Defence Strategy of the country for the period 2020-2024*, where there's an immediate concern with the enhancement of the national deterrence and defence capabilities, alongside enhancing the national military interoperability with Romanian allies and last but not least, the institutional capacity to counteract hybrid actions. Other consequential measures

include issuing Law no. 362/2018 dealing with improvements to the national cybersecurity infrastructure, which resulted in the establishment of a National Cyber Security Incident Response Center (later renamed the National Directorate for Cybersecurity). Furthermore, by means of law no. 141/2010, the Romanian Parliament implemented access to the Schengen Information System (SIS) nationally. The purpose of SIS is to facilitate law enforcement cooperation, cooperation on vehicle registration and border control cooperation, police cooperation and judicial cooperation in criminal matters and the return of illegally staying third country nationals. These developments transformed Romania into a reliable partner on the international stage, a progress-driven partner in interinstitutional collaboration, which are firm commitments towards fighting and eventually abolishing significant hybrid interventions aimed at destabilising national and regional strategic planning that is oriented towards democratic values and decision-making transparency.

To cut a long story short, in view of the fact that countering hybrid threats is part of the national security, defence and law-enforcement policy, Romania's primary responsibility consists of identifying its specific, statal vulnerabilities, which vary from country to country. But that would only be in vain, a laudable effort without practical consequences, in the absence of Romania's willingness to go a step further on the international stage by way of promoting revolutionary, imaginative approaches towards collective self-defence, where the concept of war transcends any and all of its previous delimitations, so as to include the infinitely expanding mechanism of modern warfare, where the traditional rules of conduct can't even come close to rectifying the myriad situations during which the malevolent behaviour of hybrid military adversaries can manifest itself.

Only after having attained utter international cooperation with key actors will Romanian law enforcement agencies be able to effectively address hybrid encroachments on the fundamental rights of its citizens, performed by other international actors that act either individually or as a group. Nonetheless, Romania is en route to achieving soaring levels of international cooperation within well-established military and political frameworks, coupled with internal institutional development predictability. Although the hybridisation of armed conflict would leave its mark on the Romanian society, its debilitating long-term effects could well be averted, if only some additional fine-tunes were to be enacted by decision-makers, thus granting law enforcement officials comprehensive tools against hybrid intervention.

Czech law enforcement and ensuring internal and external security

The internal and external levels of state security are interdependent. Internal security is strongly influenced by external security (currently the biggest threats are areas where people are fleeing from and also terrorism). Conversely, states that have low levels of internal security may pose a threat to the security stability of their neighbours or the region as a whole. The Ministry of the Interior's Glossary of Terminology defines the term internal security of a state as *"a state in which threats to the state and its interests from within are eliminated to the lowest possible degree, and in which the state's existing and potential internal security conditions and the legislative norms and measures by which the state ensures democracy, economic prosperity, and social consciousness are eliminated."* (TERMINOLOGICAL DICTIONARY OF CRISIS MANAGEMENT AND NATIONAL DEFENCE IN CZECH REPUBLIC, 2016, pp. 5-6) Conversely, the definition for external security of a state is "a state where threats to the state and its interests from without are eliminated to the lowest possible degree and where that state is effectively equipped and willing to combat existing and potential external threats.

Threats may be military or economic in nature, they may be in the form of, for example, a migration or refugee wave, etc. It is also the sum of a state's international political, economic and military relations with neighbouring states and coalitions through which it promotes its national interests. Furthermore, we can talk about the so-called strategic cycle in ensuring national security. It consists of the following parts: 1. determination of the basic premises of security and security policy; strategic analysis of the internal and external security environment; 3. development of security strategies; 4. implementation of security strategies and security status. (TERMINOLOGICAL DICTIONARY OF CRISIS MANAGEMENT AND NATIONAL DEFENCE IN CZECH REPUBLIC, 2016, p. 6)

The Ministry of the Interior of the Czech Republic plays a key role in relation to the internal security of the state. The Ministry of the Interior is the central state administration body for internal affairs, in particular for public order and other matters of internal order and security. The Ministry of the Interior performs tasks in the field of emergency preparedness, the integrated rescue system and population protection. It also carries out tasks in the area of the Czech Republic's involvement in international rescue operations during emergencies abroad and the provision of humanitarian aid abroad in cooperation with the Ministry of Foreign Affairs. Humanitarian aid is defined as measures implemented to assist the population affected by an

emergency, in the framework of which human and material resources are used. For example, the Ministry of the Interior also carries out the following tasks:

- unifies the procedures of ministries, regional authorities, municipal authorities, legal entities and natural persons carrying out business activities;
- directs the integrated rescue system;
- controls and coordinates the alarm plans of the integrated rescue system of the regions and prepares the central alarm plan of the integrated rescue system, which is approved by the Minister of the Interior;
- manage the construction and operation of information and communication networks and services of the integrated rescue system;
- develops the concept of population protection;
- organises briefings and training in the field of population protection and for the preparation of the components of the integrated rescue system aimed at their mutual interaction, and establishes educational facilities for this purpose;
- for example, directing the procedure for establishing civil protection facilities.

The Ministry of the Interior also ensures the central coordination of rescue and liquidation work if the emergency extends beyond the state borders of the Czech Republic and coordination of rescue and liquidation work is necessary beyond border contacts, or if the emergency extends beyond the territory of the region and the commander of the intervention has declared the highest level of alarm, or if the commander of the intervention, the mayor of a municipality with extended jurisdiction or the governor requests such coordination. Further competences of the Ministry of the Interior in relation to the integrated rescue system are laid down in Section 7 of Act No 239/2000 Coll., on the integrated rescue system. Among other things, the Ministry of the Interior performs a coordinating role in the area of the service of members of the security forces. The Ministry of the Interior is also a key entity in relation to the provision of communication infrastructure for the Police of the Czech Republic, the integrated rescue system units and territorial state administration bodies, and operates an information system for handling classified information between public authorities. (GERLOCH, ZOUBEK AND HREBEJK, 2013, pp. 194-195)

The Ministry of Defence and the armed forces play a key role in ensuring the external security of the Czech Republic. The Ministry of Defence is the central state administration body, in particular for the security of the Czech Republic, the management of the Army of the Czech

Republic and the administration of military bases. All the competences of the Ministry of Defence are laid down in Section 16 of Act No 2/1969 Coll:

- participates in the elaboration of the draft military defence policy of the State;
- prepares the concept of operational preparation of the State territory;
- proposes the necessary measures to ensure the defence of the State to the Government of the Czech Republic, the Security Council of the State and the President of the Czech Republic;
- coordinates the activities of central bodies, administrative and local government bodies and legal entities important for the defence of the state in preparing for defence;
- directs the Military Intelligence Service;
- ensures the inviolability of the airspace of the Czech Republic;
- organises and implements measures for the mobilisation of the Army of the Czech Republic, for keeping records of citizens subject to conscription and for keeping records of material resources to be provided for the needs of the Army of the Czech Republic under conscription;
- conscripting citizens of the Czech Republic to fulfil the conscription obligation.

The meaning and role of the armed forces is the set of all state or state-supported armed organisations whose mission is to ensure the sovereignty, territorial integrity, principles of democracy and the rule of law, the lives of the population and their property against external threats and to contribute to the promotion of the vital, strategic and other important security interests of the Czech Republic in cooperation with alliance and coalition partners and in accordance with international law. The Armed Forces of the Czech Republic represent one of the main instruments of power of the executive branch of the State and its security system.

The army is the foundation of the armed forces. It is divided into military departments, military installations and military rescue services. These basic elements may merge into higher organisational units (brigades, bases, etc.). The Army of the Czech Republic performs the general tasks of the armed forces, and may be further used, pursuant to Section 14 of Act No 219/1999 Coll:

- to guard objects important for the defence of the state;
- to perform the tasks of the Police of the Czech Republic in securing the protection of the state borders or to perform the tasks of the riot police service or the protection service, if the forces and resources of the Police of the Czech Republic are not sufficient to ensure internal order and security, for the time strictly necessary;
- for rescue work during disasters or other serious situations threatening life, health, considerable property values or the environment, or for the liquidation of the consequences of a disaster;

- to eliminate other imminent danger using military equipment;
- for the air transport of constitutional officials;
- to provide air medical transport;
- the provision of air services;
- the provision of transport on the basis of a Government decision;
- to provide cultural, educational, sporting and social events;
- to perform humanitarian civil protection tasks. (GERLOCH, ZOUBEK AND HREBEJK, 2013, pp. 197-198)

In the future, the security authorities in the Czech Republic must be careful about fighting disinformation and possible violations of the law in the Czech Republic, such as blocking disinformation servers, which is specified in more detail in this article. (VÍŠEK, KUDRNA, BAJURA, HABICH, KROUPA AND NAJMAN, 2023, pp. 109-110)

The issue of punishment is also related to security. They dealt with this issue, in the context of social work, for example Stárek and Víšek (STÁREK AND VÍŠEK, 2022, pp. 20-35), who define punishment is one of the basic corrective means and at the same time measures that follows on from an offence where social conventions, rules or norms were seriously breached, and it also serves as a deterrent against this behaviour and conduct. The system of punishments is defined by social norms, primarily the law. The punishment should be handed down as early as possible after the offence, and the crime should be appreciable and, with exceptions, clear to the perpetrator.

3. Conclusion

‘War is never to be undertaken except to assert rights, and when undertaken is never to be carried on except within the limits of rights.’, states David J. Hill in his Introduction to ‘The rights of War and Peace’, by Hugo Grotius. There’s a double facet to war, consisting in both an ending of previous legal order and a beginning of a new legal framework: the conflict of arms silences civil laws, those that govern in times of peace. It is only them that become ineffective, whereas the laws that originate in the nature of man as man, the laws relying on basic human decency and common sense continue even during times of distress and coalesce into the non-amenable laws of war. Not abiding by these rules represents an implicit rejuvenation of barbarism and a despicable repudiation of human nature itself.

Hugo Grotius is among the theoreticians of war whose words have never faded away, not even centuries or millennia later. That's perhaps because he was the first to attempt quantifying war beyond mere convenience, hence putting what everyone else already knew or felt as being true into words.

But how can Hugo Grotius' words be put into perspective, when confronted by the ever-disruptive force of hybrid warfare? The answers are few and far between for now, because hybrid warfare doesn't even have a specific beginning or end, making it difficult to decide which rule of law is to be legally binding during this type on conflict.

This study chose to put an emphasis on finding solutions to these legal and doctrinal contradictions that presently prevent effective law enforcement initiatives from countering hybrid threats. The law enforcement agencies' fundamental, state safeguarding purposes cannot be accomplished in the absence of comprehensive national strategies recognising the existential threat posed by hybrid interference, which can turn a perfectly thriving state into nothing more than a chaos-ravaged, malleable puppet state.

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