Shifting emphases of the Hungarian constitutional framework on defence from the democratic transition to the new Constitution

Synopsis

on the PhD Dissertation

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Part I

Theoretical focus

1) **The primary object of study from one side is the knowledge of the Hungarian public legal system, which is connected to the living conditions in the military.** In other words: How did the role of the law, especially of the constitutionality influence the development of the military behavioural and cognitive models, and the military life conditions: primarily in the definition of the operational framework. The theoretical background of this legal knowledge model for commands is the modified version of the structural differentiation theory built up in the professional institutional systems by Bela Pokol.[1] The subtype's theory[2] of defence is used to highlight the ambivalent relationship between the law and the military sector. Starting opposite our view, the military and law-oriented communications, and organizational systems have fundamental differences in meaning, which requires - as the connections of political and military spheres - military science-oriented analysis and awareness raising demand despite the definition of the borders is not a military issue.

Based on the approximation of our modified model of the professional institutional systems structural differentiation theory is the fundamental factor which influence the relations between communications of military life based on the hierarchical command transmission facilities, and command-execution obligation. This form of communication is asymmetric by nature: the subordinate's behaviour is determined by the superiors command to fulfil that obligation however – as a rule – the command cannot be criticized either. However, the basic type of military communications is considered to contain elements defined by law:

- the responsibility of commander, if it is necessary, be enforced
- the command executor, when it is appropriate, can refuse (or have to refuse) the command,

[1] See Pokol Béla: A professzionális intézményrendszerek elmélete. According to the basic thesis of this theory, the communication processes are organized on the basis of an evaluation of rationality. For the organization system of the state there are two different typical elements: one is the policy to remain in government or in the opposition, and the other is to be legitimate or illegitimate in the legal system. A further condition for becoming a professional institutional system is the degradation of the organizational closures, which can undermine the orientation-selective function of assessment-duality.

[2] The study „Till: Fogalmi kísérletek a katonai mező elemzésére I. / A mező makroszintű elemzése" 37-39. pp. attempted to examine "the world of soldiers" according to the professional institutional systems structural differentiation theory approach. In doing so, it was highlighted that in the case of military dimension the legitimate/illegitimate assessment of administration cannot be interpreted in the same way, and the degradation of organizational closure is missing as well. If it is possible to become a professional institutional system without this second aspect, "in the world of soldiers" the dominant communication form of the command would be in the centre.

- in the absence of the refusal of unlawful command the subordinate is (also) held liable, and
- enforcing the law or at advocacy activities of trade unions the otherwise lawful and implementable command is possibly called into question.

If only these four - clearly defined by law - types of communication are examined, the common feature is that they are considered as exceptional from military point of view: in such cases, instead of absolute nature of the command, the question being legitimate or illegitimate becomes dominant in the communication. The more legally regulated are the situations of military life, the greater the possibility of legal-oriented communications within the military sphere: so the consequences of the rule of law reduce the freedom of command so. At war, however, the degree of freedom of decision is growing, because the military tasks became more dominant compared to the limited legal communications about prohibitions. The relative distance of the rules of war and peace, however, also depends on deliberation.

After transition of the political system (1989-1990) the Hungarian regulatory practice fundamentally shifted towards the highest and detailed level of legal regulations for rights/obligations according to the "Citizen in Uniform" doctrine,[3] which doctrine later was changed to an adequate level, striving greater efforts to ensure stability of the fundamental guarantees and flexibility of the system at the same time. This factor can be evaluated as an excessive liberalism which undermines the effectiveness of military activity, but ultimately the typically restrictive political and legislative requirements are also reviewed by the public law aspects of deliberation.[4]

Tightening pursuits are usually and commonly justified by the military efficiency references in relation to which is encountered by the different degree of willingness to fund the basic law references by various levels of justice system. So the function of the defence institutions is eventually realized at a fundamentally legally regulated space, which, differently accepts performance needs of the defence sector depending on peacetime or wartime activities, or

[3] The military attitudinal change as an example, see the following: *"The professional soldier should be aware that the statutory bounded, 'one size fits all' subject is increasingly becoming an uniformed citizen, who may publish all of his rights regarding his problems with increasing lack of any surrounding obligations, which are not justified by any specific requirement of the military the effectiveness."* Szabó János: A tisztek viszonya egymáshoz és a legénységhez; In: Tóth Csaba (főszerk.): A TISZT Szolgálat és hivatás / A Magyar Tisztek Könyve 68-69.pp.

[4] In this respect, the role of the right protection organizations and in particular the control of the Constitutional Court has to be highlighted. It should be noted that the practice of the Constitutional Court in Hungary used to respect a more permissive regulatory perspective to interpret the subject matter of defence instead of the rigorous legal principles.

serving at - standing between the two of them - a peace mission, which has increasing importance, but which is not regulated legally in sufficient depth. So, the valid argument against the legal reasoning can be the real risk of the activity.

In practice, the overall needed military legal knowledge is significantly more complex than the law of war. At least the need arises in the course of a military career. However, the military law as a relevant legal knowledge is not a discipline with definable limits. Therefore, the present study approaches to delimitate the examined constitutional law from the dogmatic point of view: sentences, involved at least in one version of the different constitutional text versions, are analysed at least at the level and context of law, quite exceptionally, with the necessary range of adding the regulations / enforcement of instruction and decision-level body of law references.

The study is aimed to analyse the defence related Constitution-term shifts in emphasis from the transition (1989-1990) to the fifth amendment of the new Constitution together with connected Home Defense Act and Service Act regulations. There are shown the trends, the continued interest and fractions in the detection with the introduction of corrective needs. In doing so, the evaluations to be presented may not match the current or former official assessments of the Ministry of Defence, despite the author had more or less influence during their design.

However, the summary of the knowledge and the perspective of this length are associated with a perception of choice for the processing method, as it seems evident in the narrow sense application of the textual legal approach not satisfactory. Variability of legislation in some elements can be considered as common knowledge in the codification’s daily work. The opposite approach is that any idea by power can be transited into legislation, has been refuted by historical perspective as only part of the truth. The passing of this approach assumes the incorporation of that knowledge into the system, which indicates the role of dogmatic, which is behind and above the law, and prevail on the decisions of the constitutional court and affects the borderline for the functioning institutions.

So, the analysis of the continuous changes in the constitutional framework of the defence requires a complex approach: the causes and consequences in terms of the constitutional basis of the methodology are coloured by the policy theory and organizational sociology, as well as security- and military-political elements that sometimes determine the areas of each other. The specified object inside of legal disciplines has a boundary of the international law

(primarily international treaty law and humanitarian law), and from a national perspective - particularly in relation to the service law – it has a boundary of the legal rules affected by public legal sense of labour law. Without the examination of these complex correlations, the crude constitutional analysis - not even the primary level of regulation related, even after the engaging of laws directly affecting the national defence – is not suitable for the reconstruction in deep layers of principles, the space for movements and intentions.

The present study is aimed directly to the related parts of defence both in the earlier Hungarian Constitution and in the new one called Basic Law, which are summarized below:

- state organizational part:
  - purpose and context: the first priority subject examines the purpose of national framework, which basically is the fundamental orientation of the external protective function determined by the international legal environment;
  - management and organizational status: it examines the constitutional embedment of the institutional system while performing the tasks of defence, and it examines the immediate environment of the system among the state organizations;
  - the tasks and performing them: one of the implementing organizations for the purposes connected with the state violence monopoly is the institution of national defence, which can function only within the strict framework that - partly in conjunction with the governing bodies powers – is articulated and differentiated; but the tasks of each sector, are primarily defined by the management system;
- a complex-type subject, determined by the temporality, is the exceptional power: other than peacetime situations (used be known in law as ‘qualified periods’ and it is called as ‘special law’ in the new Constitution), which present the redistribution of tasks and management responsibilities, as well as it has impact on individual rights and obligations;
- personal status and duties: the constitutional determinations of rights and obligations of personnel while performing the outside protection of the country according to a specific legal obligation or on voluntary basis.

The examined components of the Constitution and the Basic Law basically are outside the general outlining chapters, although the contents are connected. We believe that these inter-linkages of the chapters are relevant not only for the soldier's perspective as a user: since the military oath was challenged after the abolition of death penalty, the Constitutional Court has

found the military issues as a kind of ’constitutional litmus paper‘-test, although the systemic defence approach has been functioning only since 2001.

Therefore the process is very complex: the conceptual parts of the constitutional doctrinal system have been incorporated with some different regulatory paradigms over the past 25 years from time to time with not entirely coordinated accents, to then - after a partial review - in the new Constitution about consolidated systematically appear. During the main time of the process, the decisions of the Constitutional Court and the variants of the constitutional texts had a space for movement and were constantly corrected by the current political compromises, but from 2012 the regulatory process ‘seems to be frozen’. The Basic Law had the chance to describe the subjects of the defence control consistently and coherently, even if the used methods or technics based on the previous constitutional text and the urgent adoption resulted smaller coherence disorders in the formation.

All in all the national defence related parts of the new Constitution, as consolidated closure of former regulatory attempts are predominantly positively evaluated, unlike the general debate concerning the legitimacy of the Basic Law.

2) **The reading of political science: if the national defence is a matter for the nation, than the constitutional system of rules designed to implement at it is needed to be systemically and critically analysed.** The present study intends to provide input to this request, to show the direct needs of national defence which is filters by constitutional values – and to compare this needs to the requirements of the basic legal principles. The defence is atypical matter of the constitutional regulation at least from the perspective of time horizon: while the period of peace is typical from the viewpoint of the constitutional operation, at the same time it is not ultimately the case for the real military operations, which are supposed to manage or to correct extraordinary situations.

As what is permitted at war, that it typically cannot be accepted in peace. However, the reverse statement is equally relevant: what is natural position in peace, in war that can be self-destructive behaviour and self-restraint from the logic of the war. Based on this starting point this research seeks to answer the following key questions.

1. Over the past 25 years have the subjects of the defence, which required control on constitutional level, been presented on a sufficient level? Or was the involvement of the national defence (approximately 10% of the full

content) in the former Constitution and in the Basic Law excessively large? According to our hypothesis a clear answer to the question cannot be given, the content of the constitutional level needs partial review.

2. Whether contents of the Constitution and of the Basic Law are uniformly judged, or regulatory models of the state organization and the basic legal section are basically different from each other? Our hypothesis is that some of the areas are simultaneously detectable by the excessive level of detail (typically at state organization and at obligations), and there are not sufficiently detailed constitutional legal regulations about fundamental rights.
3. According the quarter-century perspective of defence-related constitutional regulation and modifications is the content discontinuity the typical method of the regulatory, or is the appearance of continuity the dominant system based on the Basic Law? Our hypothesis is that the stability of the regime is the dominant feature in the case of rules relating to the defence due to several small-scale constitutional amendments.
4. Has the 'defence constitutionalism' reached a national model-level, in which all the regulatory elements can be analysed, and without this model the basis for the functioning of defence would be lost? Our hypothesis is that there is an identifiable core of defence-related regulations in Hungary, which cannot be ignored from the constitutions.

The dynamic unity of the continuity and the discontinuity, and the evaluation of that dynamism, which developing from over-regulation and under- regulation. Therefore the hypothesis of this study can be summarized as follows:

- the Basic Law according to its defence interpretation strove for systematical organization and consolidation of the Constitution without a radical overhauling of the institutions,
- as a result of this the differences of the methodology subsisted, and based on this differences the parts of the state organizations are judged from the viewpoint of the over-regulation, while the basic legal section is under-regulated, at least at the level of the fundamental rights,
- the intention of the Article 1 (3) to correct the previous situation is strictly necessary to protect the constitutional values, and in the range of the restriction, which is

proportional to the purpose, this creates only an expectation that may acts as a reason for the destruction or for the protection of the specific regulatory element. But this rule is not exact enough from the viewpoint of the design of the system advancement in varying degrees of strict restrictions, but it does not select the optimal version.

In order to analyse these problems, the present paper has the following breakdowns:

- the introductory chapter contains the conceptual, historical and theoretical introduction, ,
- the following three chapters analyse the subjects of the state organization,
- the qualified periods / special law are separately analysed based on their mixed nature,
- the following two chapters (separated to general and especial parts) cover the basic legal subjects, while
- the final chapter is directed to summary the conclusions.

Given that the study basically relies on recently published working versions of the chapters, some parts of the chapters have been mentioned only in summary form for space reasons. There is another reason for imbalance between the individual chapters: the constitutional doctrinal dogmatic are differently deep at various topics. Taking on the space limitations the study strives for completeness examination the full content belonging to the development closed by the 2014 parliamentary Election Day, April the 6th. The subsequent developments-changes are exceptionally examined in the respect of the international boundary conditions.

Part II

Theoretical background and interpretive method

The study deliberately combines the methodologies of the political science and the public law-science. Basically to summarize the literature: the analysis is aiming to examine the argumentation of constitutional court decisions and orders, successive versions of the constitutional text and the related ombudsman's arguments.

The chapter structure of the study was basically determined according to the analysis of content junctions, taking into account the separated, but related defence components of the constitutional content. In doing so, synthesize arguments particularly appearing in the final chapter seeks to explore and to introduce the further contact systems, which previously vere non researched. In this round the study goes beyond the jurisprudential reasoning

methodology to interpret and to evaluate standards used for effective response needs, emphasizing the typically latent candidate's efficiency element of the subsystem. In this way the requirements of the Alliance or secondarily of the European Union can be built into the constitutional system of regulation. Ultimately, the text is encountered with the expectations defined by the security environment and it was encountered with political expectations expressed earlier in the preparation period of accession to NATO.

The study also seeks to identify why the necessary individual constitutional review has been completed according to the used sequence, and the pursuit of coherence can be prevailed on the regulation on a sufficient way or not. In some cases expressing with more extreme wording: whether did the regulation have an effect in the subsystems based on the content determined by defence, or based on some other regulatory logic?

Comparing the constitutional version designed in transition period's and the version of the new Constitution from 2012, the second one is ultimately achieved a constitutional statement with higher complexity of regulatory content, while leaving some repetitive elements and partial separating the sub-system of defence and disaster management in addition to the . Overall, however, proportionality of rights and obligations professional and contracted soldiers was affected by abolition of conscription in peacetime, proportionality has been distorted due to negative changes of the basic service pension scheme:: not resulted the rules to become impossible, but in the term of the organization the imbalance resulted an immediate danger of inability in the system. The answer given to this challenge has effects on the budget during the re-creation of the systems for the entitled staff.

The actuality of the study just carries a coincidence: the danger being inadequate to fulfil the extended basic task became immediate at the same moment, when the North Atlantic Treaty Organization was faced with a higher complexity and more danger than ever before, and this situation led to the possibility of direct requisition in an external situation. Based on this, the relationship with the changing needs of the interpreted international policy documents has become the main dimension of the security-policy in the standard text-assessment.

However it has to be stressed from the methodological side, that the study refrains from the re-interpretations of the conceptual system for ensuring the system operability: the study does not attempt to correct the legal definitions of either the translation or the conceptualization. The investigation remains descriptive at this point. The proposer or prescriptive attitude appears on the level of the coherence problem of the conceptual system, as well as the level

of the operational inefficiencies. According to the basic starting point, the probability of the activation of the institutional system of protection is never equal to zero. Moreover, as a result of the deterioration of the international conditions the needs of adaptation may arise in respect of all elements of the regulatory 10% text of the Constitution / Basic.

However, it is more appropriate to perform a preliminary analysis of the neuralgic points of the system, as opposed to the method previously used: ignoring the rationality-based rules, and solve the problem by destroying the law. Despite the regulatory hierarchy and the relatively consistent rationale of content there is a raison d'etre of suggestions for corrections or of the other aspects of balance. This is especially true of the basic legal matters, where the legal restrictions determined by the operational aspects are typically used, but some examples of unnecessary and disproportionate restrictions can be detected too.

Part III

Theoretical results

Between the scientific results of the study is the presentation of the consolidated continuity emphasized as element of the continuity / discontinuity relationship with the importance of showing how the new Constitution's regulatory content was adapted coherently to the previous regulatory content. The elements going beyond the examined study touch on the general issues of separation of powers and interpretations of roles like constituent and Constitutional Court judge, and these elements touch on the question of the temporal impact of dogmatic system..

The second issue is the division of responsibilities between the constitutional level and two-thirds / pivotal (cardinal) level laws, meaning the necessary and sufficient way of constitutional regulation. The study demonstrates the differentiated perception of the subjects:

- the primary consequence of the original concept of the task system regulation is outdated,
- the basic legal part is a bit unpredictable argumented due to the more abstract wording and the absence of general responsibilities, and
- the uncertainties of arguments are based on necessity and proportionality.

Therefore in a subsequent regulation the conditioning method of the task system - also to extend it on the Basic Law – has to be considered: the amount of the basic tasks, with possible inclusion of new elements, would erode the base of the hierarchy in the task system, and makes probable needs for ability to focus the tasks more efficiently and economically, but this may cause abandonment of traditional elements as well. However, in order to the military protection of the country more various Scenario should be developed than in the past, because this is the consequence of the returning of the geopolitical approach in Europe. However this geopolitical approach belongs primary to the enforcement and interpretation of the law and it is not a regulatory function.

The clear separation of management responsibilities from the organizational themes of Basic Law resulted more focused and transparent regulatory techniques than earlier. Also the same is applicable for the certified special law, in which the deliberation according the complex rule system of assessment is becoming increasingly important segment. In this regards, due to the two-way definition, the critical segment of the conceptual system is the concept of the law enforcement agencies. Similarly, there are operational risks carried by the integrated defence ministerial structure without the constitutional references, as a combined command and control formations determined by functional considerations as well. However, the way of the shared decision-making and control system will be confirmed on the system level, and also the ensuring the highest degree of autonomy in the professional military are confirmed is the special features of the regulation regarding the weapon use in Air Force. . However the latter one is clearly connected to international relations.

The primary reference point for the international cooperation in defence is the allied interoperability of NATO, compared to which the EU legislation is only gives a colour tone to the assessment. Evaluation of the integration practice is at a crossroads, which raises fundamental orientation questions.

The aspect of the human rights in the assessment, nevertheless - as opposed to the dominant organizational rules of the cardinal (pivotal) level laws – affects the items of fundamental limitation that are excluded from the cardinal legal level. In this regard, four recurring problems can be highlighted by different problem-direction and hypothetical answers:

- the conscientious objector institution,
- the prohibition of the traditional political activity since 1993,
- the pension service and

- incompatibility of working time regulation.

The Basic Law Article XXXI neglected the alternative civilian service from the regulations connected with conscription. Although a restore is possible only in an exceptional condition of war or in a specific preventive security situation, this may result difficulty regarding the injury of fundamental rights. This situation cannot be fended off by the pivotal level regulations; this regulation is only suitable for limiting the circle of the affected people. The likehood of using the regulations is low, although the chance the vindicability in an armed conflict is limited at the European level.

Standards the service performance from interruption to termination connected with Article 45 (4) of the Basic Law relating to the prohibition of the political activities of service have returned to the certified level of the Rekvenyi-precedent, but the restriction of the staff's active voting can be challenged by the exercise of the general rules of the voting on abroad. However it is also possible to build up a coherent operational order without the prohibition of political activity.

The way of removal of the service pension result a mass of petitions from the group of ex-soldiers, and it made the active ones uncertain. Although the basic institutions of the service law cannot be re-established, but according the 70/2009 Constitutional Court decision to restore the proportionality credible and long-term measures have to be taken. On the other hand, the current privileges of the contracted staff also can be decreased too, if it is needed.

The potential dispute about the organization of working time, after the 70/2009 Constitutional Court decision, became directed by EU judicial or regulatory in nature, in which the interconnected scoop of the guidelines and the absence of an explicit military field precedent results uncertainty, still typical for the Allies. This question regulated below on pivotal level, due to its potential financial impacts, could become significant, and there are a couple of pivotal connections of service system which may influence the act on national defence.

But there are other legal questions connected with human rights and military obligations: particular level assessments will be held of each of the basic legal restrictions of right to life, human dignity, freedom of speech, some uncertainties of the rule of law and law enforcement, or in respect of the allowances. At this special part of the research paper from the authorised use of weapons to the constitutional legal significance of allowances, those items gain constitutional significance, where the competing interests are different from the civilian

world. For example the military training, which is designed to promote the survival skill increase, however it may tend to stretch the limits of human dignity, or the specific enforcement of the freedom of speech including the political significance of wearing the uniform at public places, or even the evaluation of the balance of specific obligations and additional rights. Without contesting the political responsibility and the freedom of decision-making on these issues, the functioning systems dependency on legal restrictions requires a signal.

Overall, from the regulatory side the Basic Law and the cardinal laws currently are working together as a system: only the fine-tuning is needed. If the basic security conditions do not deteriorate dramatically, the status quo will remain sustainable. However the reconsideration of some areas, like the law enforcement function, as well as the frontier of the military defence, assumes a relaxed political atmosphere and a long-term reflection.

Most of the examples in this study suggest that the lack of time to respond to the situations is typical. However, the 'real-time decision-making' suitability became an unquestionable requirement. In this regard, the study addresses element of uncertainty resulting from the maintenance of the National Defense Council.

Legal articulation of the interest coming from the functionality of national defence system, together with systematization and greater articulation of arguments are needed. Further scientific result of the study is the comparison of the previous elements with legal arguments of the proportional and necessary level of restriction of rights. It is the time to increase the operational ability of the defence institutional system.

References

The primary sources of study material are the text versions of the both last two Hungarian Constitutions published between 1989 and 2014, up to and including the fifth amendment of the Basic Law, approximately 10% of the overall content of the constitutional provisions.

However, in the domain of the dogmatical constitutional review the following arguments are evaluated: the Constitutional Court decisions collected during the last twenty-five years and related the state defence in organizational and fundamental rights sense, and also the connected Ombudsman practice. Overall about 230 Constitutional Court decisions and 55 of the ombudsman investigations are thematically compared with the analysis of the commentary of the Constitution and with other literary included the related NATO documents too.

In this respect, the examination of the adaptability to the operating environment of the Alliance goes clearly beyond the constitutional legal question assumptions. The consequences caused by the alliances political narratives and the ability to meet them are also analysed in the more precise legal text by content analysis.

Part IV

List of relating publications

Till (1995): Fogalmi kísérletek a katonai mező elemzésére I; Elméleti Szociológia 1995/3-4. 31-40.pp.

Till (1996): Szolgálatmegtagadás Magyarországon (A Dialógustól az Alba Körig); Horváth Csaba (szerk.): Konfliktus, konszenzus, kooperáció / Tanulmánykötet II. Országos Politológus Vándorgyűlés, Pécs 1996-1997. 263-273. pp.

Till (1997): A honvédség alapjogi helyzete – az állampolgári jogok országgyűlési biztosa általános helyettesének tapasztalatai alapján; Konferencia az állampolgári jogok országgyűlési biztosa általános helyettese által a honvédségnél folytatott átfogó vizsgálat tapasztalatairól; BHKK Alapítvány 1997. november 46-61. pp.

Till (1998): A honvédelmi alkotmányosság alapjogi trendjei; Balogh-Bartha-Geretovszky-Mucsi-Osvay-Vinkó (szerk.): Előadások a Pro Scientia Aranyérmesek IV. Konferenciáján; Szeged 1998. november 6-7.; 33-37.pp.

Till – Kovács István (1999): A honvédelmi alkotmányosság egyes kérdéseiről; Új Honvédségi Szemle 1999/3. 19-28. pp.

Till (1999/a): Felülvizsgált teóriák / Válasz dr. Kelemen László és dr. Zséli János hozzászólására; Új Honvédségi Szemle 1999/8. 97-101.pp.

Till (1999/b): A honvédelmi jogalkotás egyes általános és különös szintű problémái; Magyar Közigazgatás 1999/10. 567-576. pp.

Till (1999/c): Osznovnüje práva i zasíta otecsesztva: tocska zrenyija zakono datelej; Kiss Ilona (szerk.): Grazsdanyin v voennoj forme COLPI Bp. 1999. 53-68. pp.

Till (2000/a): A hadköteles katonák alapvető jogairól és kötelezettségeiről szóló kutatás tézisei; Horváth-Kiss (szerk.): Tanulmánygyűjtemény / Válogatás a Honvédelmi Minisztérium 1999. évi kutatási eredményeit összegező tanulmányokból 125-146. pp.

Till (2000/b): Metodikai adalékok a hatpárti egyeztetések elemzéséhez (Esettanulmány kudarc után); Tanulmányok Dr. Bérczi Endre egyetemi tanár születésének 70. évfordulójára / Acta Universitatis Szegediensis Acta Juridica et Politica; Szeged 2000. 467-473. pp.

Till (2000/c): A jog szerepe napjaink hadtudományos műveltségében; Társadalom és Honvédelem / ZMNE 2000/3. 56-65. pp.

Till (2000/d): Az Alkotmány honvédelmi novellája, illetve a kapcsolódó közjogi és biztonságpolitikai problémák; Magyar Közigazgatás 2000/10. 627-636. pp.

Till (2000/e): A Szolgálati Törvény elmúlt négy éve / Eredmények és kudarcok; Dr. Jánoska Ferenc (szerk.): Pro Scientia Aranyérmesek V. Konferenciája; Sopron 2000. november 5-7. 3-8.pp.

Till (2002/a): A katonák alapvető jogaira vonatkozó szabályok összehasonlításáról; Humán Szemle 2002/2. 2-30. pp.

Till (2002/b): Folytonosság és megszakítottság (Az alapvető jogokra vonatkozó szabályozás a Magyar Honvédség hivatásos és szerződéses állományú katonáinak jogállásáról szóló törvényben); Társadalom és Honvédelem / ZMNE 2002/3-4. 9-52. pp.

Till (2002/c): A honvédelmi tárca szabályozási tevékenysége; A honvédelem négy éve 1998-2002; 45-51.pp.

Lakatos László – Till (2006): Védelempolitika; Pesti Sándor (szerk.): Szakpolitikák a rendszerváltás utáni Magyarországon 1990-2006. Rejtjel Kiadó 2006.; 346-428. pp.

Till – Dankó István (2009): A tagság közjogi kérdései; Szenes-Tálas (szerk.): Tíz éve a NATO-ban; Zrínyi Kiadó 2009. 61-68.pp.

Till (2011): A külföldi fegyveres erők magyarországi jogállásának aktuális kérdései / Elvégzett és jövőbeli jogalkotási feladatok; Hadtudomány – A Magyar Hadtudományi Társaság folyóirata, XXI. Évfolyam 3. szám 2011. október 57-63. pp.

Jakab András – Till (2012): A különleges jogrend; In: Trócsányi László – Schanda Balázs (szerk.): Bevezetés az alkotmányjogba / Az Alaptörvény és Magyarország alkotmányos intézményei; HVGOrac 2012. 429-453. pp.

Till (2014/a): A funkcionális szükségesség, mint érvelési keret elfogadása a honvédelemre vonatkozó szabályozásokban az alapjogi tárgyú alkotmánybírósági és ombudsman-gyakorlat fényében – Magyar Katonai és Hadijogi Társaság; http://www.hadijog.hu/wp-content/uploads/2014/06/Katonai-szemle-2014-1.pdf; 47-123. pp.

Till (2014/b): Tézisek az Alaptörvény és a honvédelem sarkalatos törvényi szintjének összefüggéseiről – MTA Jogtudományi Intézet; http://jog.tk.mta.hu/uploads/files/mtalwp/2014_42_Till.pdf; 22 pp.