

# ADMINISTRATĪVO TIESĪBU APAKŠNOZARE

## HONOUR\* OF THE SOLDIER

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### **Abstract**

*In the Republic of Latvia, a soldier performs public service in the field of national defence and his/her legal status is a right guaranteed by the state, statutory duties, restrictions, and disciplinary liability, which are currently regulated by military law, administrative law and administrative procedure law. In addition to the regulation of special and general legal norms, a soldier also has important and binding moral values, because in Latvia "honour" is a characteristic of a soldier, which is inextricably linked to the soldier's profession both historically and of military service.*

*Within the framework of the paper, the author has studied the concepts, essence, genesis and development of such values of a soldier as "honour" and "dignity", from the historical and modern point of view, both in civil life and military science. The author has also clarified their role in the legal status of a soldier and concluded that the existing legal status of a soldier should be elaborated and can be defined as a right guaranteed nowadays. Although not explicitly defined, it should be included in the legal status of a soldier as a military ethical requirement for his dignity and trust, integrity and duty in the performance by the state, statutory duties and restrictions, disciplinary liability and honor as a military ethical requirement.*

**Keywords:** *soldier's honour, soldier's legal status, soldier's values.*

### **Introduction**

A soldier is a defender<sup>1</sup> of the state, values determine his personality and motives for action, because values guide and develop people. A soldier needs values that guide his actions and life, values that are constant in the future and support the soldier's pursuit of perfection and the highest goals in life. A soldier's values are self-denial, courage, justice, dignity, trustworthiness and love, and a soldier's value, such as respect towards others forms the basis for trust among soldiers, and respect for each other means judging them fairly, regardless of status, faith, race or gender<sup>2</sup>.

Military law researcher V. Lubgans (Lubgāns) points out that in Latvia a soldier, unlike other citizens, has increased legal responsibility and is subjected to extremely high demands of military service<sup>3</sup> and, in the author's opinion, the soldier is undoubtedly an honorary man [Low German *gode lude, gude lude*], which meant a person whose honor as a citizen was not violated or undermined, and, as it is clear from ancient and medieval law, only such people were considered to be full subjects of law who, with a simple honor or oath in court, could dispel any suspicion and even offence in a crime<sup>4</sup>.

Foreign law researcher S. Gibson emphasizes that of all the values of the army, it is honor that embodies everything else and explains that honor is the demonstration and prevalence of the values of dignity, duty, loyalty, selfless service, integrity, and personal courage in everything a soldier does according to the army<sup>5</sup>.

In the Republic of Latvia, a soldier performs public service in the field of national defence and its legal status is a right guaranteed by the state, the duties, restrictions, and disciplinary liability<sup>6</sup> determined by law and today a soldier's disciplinary liability is regulated by military law, administrative law and administrative procedure. In addition to the regulation of special and general

\* British spelling of the term "honour" has been used in the paper (editor's note).



legal norms, the soldier also has important and binding moral values, and this is confirmed by the motto of the National Armed Forces "Honour to serve Latvia!", which protects families, the nation and state from aggression<sup>7</sup>, therefore, in the author's opinion, it is important to study the concept, essence, genesis and development of values of a soldier, such as "honour" and "dignity", from the historical and modern point of view, in civilian life and military science, ascertaining their role in the legal status of a soldier.

The theme is topical because the theoretical and legal aspects of military law, including moral values have not been studied in Latvian legal science since the restoration and development of the National Armed Forces (NAF). Regarding the soldier's disciplinary liability, its specifics and impact on the soldier's legal status, it must be acknowledged that it has not been practically in the scope of research of Latvia's legal scholars and, therefore the paper can be considered as an in-depth continuation of the research process already undertaken by the author within the framework of her doctoral thesis "Soldier's disciplinary liability", and also the Swedish war papers researching the concept and essence of a soldier and his legal status and the specifics of proceedings of a soldier's military discipline violation or military service investigation in theory and practice as well.

As in Latvia nowadays, in addition to special and general legal regulations, the moral values are important and binding upon a soldier, the aim of the paper is to find a meaningful understanding of the concept of a soldier's values such as "honour" and "dignity" in civilian life and military science based on theoretical and legal analysis, both from a historical and modern point of view and at the same time clarify their role in the legal status of a soldier, on the basis of which the author could then develop scientifically based proposals for the improvement of the legal regulation of military disciplinary liability in Latvia.

In order to achieve the goal, the author will carry out the following tasks: study the value, essence, genesis and historical development of the value of a soldier, such as "honour" and "dignity", as well as their interrelationship, analyse Latvian and foreign research sources and regulatory norms, ascertaining the role of values in the legal status of a soldier, will draw conclusions.

The following research methods will be applied in the paper: *analytical research method*, to ascertain the content of the findings expressed in research sources and legal norms, including explanations and interrelations of the concepts of "honour" and "dignity", as well as their role in the legal status of a soldier; *historical research method* – to study the essence, genesis and historical development of the concepts of "dignity" and "honour", which will enable the author to both understand the content of regulations and provide descriptions of concepts in the modern context and the *comparative legal research method* to clarify specifics of regulations and the content of the findings expressed in the scientific literature both in Latvia and abroad.

## **1. The concept and its understanding in civil life**

Nowadays, according to the Latvian legal scholar J. Neimanis (Neimanis) morality or moral norms determine the duties of human conscience and emphasizes that the observance of moral and ethical norms is of great importance in the process of creating legal norms.<sup>8</sup> J. Neimanis also points out that moral norms are often included in legal norms in order to strengthen their binding nature and strengthen certain moral values at the highest level or to help the law enforcer to resolve complex ambiguous cases, observing not only technical solutions but also moral categories<sup>9</sup>.

One of the foreign military law researchers, D. Luban<sup>10</sup> pointed to two approaches to military law, one represented by military lawyers and the other by civilian lawyers. He argued that military lawyers were convinced that the legal framework related to military law should be based solely on military necessity, whereas civil lawyers, in turn, believed that the key word in military law was human dignity and human rights.

The author, agreeing with D. Luban's understanding of the essential role of human dignity and human rights in military law, also in the Latvian context, focuses on the substantive explanation of soldier values such as "honour" and "dignity". The author, starting her research, bases her study on the findings of the Russian lawyer V. Kostyuk (Костюк) that in a broader sense these concepts should be understood as the state-guaranteed right to decent living conditions, decent pay for work done, as

well as the state's concern for human health and clarifying V. Kostyuk's stance emphasizes that, by guaranteeing these rights, the state promotes the free and progressive development of the individual<sup>11</sup>.

"Honour", as well as "dignity", as the concept of morality, have its origins in philosophy, where the ancient Greek scientist, philosopher and one of the most influential thinkers in Western culture, Plato<sup>12</sup> said that death in defence of a country is not a calamity, but happiness and honour<sup>13</sup>.

The ancient Greek scholar and philosopher Aristotle<sup>14</sup>, who was a student of Plato, explained the concept of "honour" as an integral feature of a virtuous person and acknowledged that a person's self-consciousness is a sign of self-esteem, and honour is the greatest of external benefits and a person's self-conscious attitude towards honour is as it should be, because self-consciousness is directly expressed in a sense of honour and self-esteem, as honour and dignity are values that are vital for a person to be considered happy<sup>15</sup>.

The concept of "honour" has also been explained by the 18<sup>th</sup> century Italian lawyer C. Beccaria, saying that the honour belongs to the set of words that have served as the basis for brilliant discussions, but which unfortunately did not give a clear understanding of the subject<sup>16</sup>, and he also acknowledged that, unfortunately, less socially important notions of distant celestial bodies were more important than the most important moral concepts, such as honour.<sup>17</sup> C. Beccaria admitted that "honour" consists of a large number of elements that interact in a way similar to algebraic formulas, but all were based on each individual's personality in the context of public opinion in their respective societies<sup>18</sup>.

The 18<sup>th</sup> century philosopher and thinker I. Kant<sup>19</sup> believed that all things have either a price or dignity and explains that dignity always applies only to individuals, and never to things. Dignity was considered an intrinsic value by I. Kant, pointing out that only morality and humanity have dignity and in Kant's view moral law demands dignity<sup>20</sup>, but dignity is a tribute [*Tribut*] that cannot be denied merit whether a person wants it or not and in the expression of dignity a person may be outwardly restrained, but internally he irresistibly feels it<sup>21</sup>.

The 18<sup>th</sup> century German philosopher A. Schopenhauer believed that honour is the view of the community of the value of the human virtue and the person felt awe when faced with such opinion. Schopenhauer acknowledged that the honour is a virtue that everyone aspires and described honour as a public assessment because it depends on the standards of society about what is or is not good, and moreover honour as a virtue has to be constantly maintained; it is granted as a merit, and it is very important not to lose it<sup>22</sup>.

The 19<sup>th</sup> century German professor J. Ekstein assigned the term "honour" two basic characteristics: an extrinsic honour or a person's recognition, respect, and the intrinsic honour as realization of honour. In addition, intrinsic honour is fully isolated from the extrinsic honour, because it absolutely not dependent on the public opinion<sup>23</sup>.

Several theories have also been developed to understand the concepts of "honour" and "dignity" in the 19<sup>th</sup> century and the Russian law scholar and professor N. Rozin (Розин)<sup>24</sup> of Tomsk University comparing them, pointed out that Walter's theory emphasizes that honour is a state of inviolable legal dignity<sup>25</sup>, but in Buri's theory, honour consists of the degree of inner dignity that society demands from the individual<sup>26</sup>.

In the twentieth century, the connection between "honour" and "dignity" is pointed out by the Russian criminal law and criminology scholar, professor, Dr. iur. J. Noi (Ной), who believed that the concept of morality includes an assessment of human action, from which it follows that honour should be understood as a person's dignity determined by society depending on how a person fulfils the moral norms binding on him and how the individual harmonizes his behaviour with these<sup>27</sup> and it is J. Noi's explanation of the concept of Honour, which is according to the author the most accurate and comprehensive definition of the concept of honour in the context of military disciplinary liability in Latvia today. Moreover, it is fully consistent with the findings from a historical point of view, when Lieutenant Colonel Linde once explained that it is morality that regulates a person's inner life, determining his behavioural motives and influencing a person's external behaviour only to the extent permitted by one's inner life, and moral authority is internal, because people are forced by their own conscience and conviction to fulfil moral norms<sup>28</sup>.

The notion that “honour” as a public assessment of a person is also prevalent in the modern doctrine of Latvian law. Professor of the Department of Criminal Law, Faculty of Law, University of Latvia Dr. iur. V. Liholaja<sup>29</sup> defines honour as the society’s assessment of a personality, the measure of which is the individual's own behaviour, as well as his or her attitude towards social and spiritual values, society and fellow human beings. Associate professor of the Baltic International Academy Dr. iur. D. Mezulis (Mežulis) emphasizes that honour presupposes the external recognition and assessment of an individual and differentiates a person according to his merits and social status, and honour is related to the results and success of human effort as well<sup>30</sup>.

Regarding the clarification of the concept “honour” in the modern-day context, it should be acknowledged that the understanding is not as unambiguous as well. For example, the Russian lawyer S. Lipatova (Липатова) points out that the human right to dignity is the goal of all other fundamental human rights and therefore the source of all rights and freedoms<sup>31</sup>, whereas Dr. iur. Professor D. Mezulis defines dignity as the moral equality of all people and as the highest recognition of a person’s moral virtue<sup>32</sup>.

Today, the honour and dignity of the person are constitutionally protected rights and Dr. iur. Professor S. Osipova, analysing the principle of human dignity in the context of bioethics, which is also the protection of the quality of human life, points to the finding of the Constitutional Court<sup>33</sup> that human dignity and the value of each individual are the essence of human rights and therefore in a democratic state governed by the rule of law both the legislator, when adopting legal norms, and the law enforcer when applying the legal norms, must respect human dignity; moreover, human dignity is the highest virtue of a democratic state governed by the rule of law<sup>34</sup>. S. Osipova also admits that the essence of human being in all its nuances is legally protected by the concept of human dignity<sup>35</sup>.

Honour is crucial to the success of any organization and is an important component of enhancing the implementation of its mission. When you come to work, by focusing on the key goals and increasing the well-being of all the people you work with and serve, you are showing honour and setting an example, and it is important that people show honour by doing the honourable thing, even when no one is present and watching. Moreover, always strive to act properly as doing so creates a good reputation that allows people around you to trust you<sup>36</sup> and the author fully agrees to the mentioned above.

## **2. The concept and its understanding in military science**

The concept of "honour" in military science needs special analysis because, as Hobbes once wrote, peace and security, which civil society considers to be of paramount benefit, requires military personnel which is only possible based on the willingness to sacrifice oneself for the safety of others and essentially with regard to the armed forces, moral autonomy in modern ideology and human economic views has not diminished<sup>37</sup>.

Command Sergeant. Major Keith West, command sergeant major of Yuma Proving Ground (YPG) said that every day he wakes up, whether in uniform or civilian clothes, his actions and the way in which he behaves himself in military or civil society are always oriented towards and focused on his duty and obligation to respect the military profession<sup>38</sup>.

The author, studying the findings in foreign literature on the concept of honour and its significance in the military profession, agrees that if a person is considered honourable, people trust the information they provide and their actions, and honour helps to determine who you are and at the same time also serves as a roadmap for both human development and character. Minerva Peters, chief, Continuous Process Improvement at YPG has remarked that honour determines the virtue of each person to others. In her opinion, honour is also a commitment or the undertaking to defend what a person says and does, and it is simply the necessity of doing the right thing without waiting for reward or praise<sup>39</sup>.

The concept of honour is impressive. It is one of the most complex terms in English, which includes several levels of meaning, rich in moral connotations and emotional adjuncts, and honour in its various forms is the core essence of soldiers. The "honour" cited in Westpoint's motto "Duty,

Honour, Country" requires a high standard of internal conduct, and is a facet of personal and ethical honour, which means honesty and courage in a military environment<sup>40</sup>.

The author, in her search for the understanding and role of military honour in antiquity, shows that the opinion that courage needs reward was mainly found among the Romans. While the Greeks mainly debated the ideal depth of their phalanxes, the Romans turned to the question of what makes men fight, and they not only saw something noble in the desire for honour and fame that never dies, but also gave it an important function in war. The Romans thought that no one would risk their lives or give up their interests for a higher cause unless they could gain honour. This view encountered not only in the works of Roman historians, but also in the works of Roman philosophers, such as Marcus Tullius Cicero, the best-known and most sophisticated representative of the honorary ethics of Rome.<sup>41</sup>

Aristotle defined courage as the right attitude in relation to conviction and fear in pursuit of a morally justified goal. Aristotle's view is still relevant today, because the military depends on the willingness to sacrifice and accept losses for morally justified causes, such as defending one's country<sup>42</sup>.

In 1789–1815 in France in addition to the transition to the *esprit de corps* or the spirit of pride and mutual loyalty shared by the members of a group to gain success<sup>43</sup>, the Honour in the Army required placing more emphasis on the personal interests of both officers and soldiers, in any case, personal interests are considered to be a permanent factor of survival, but here it meant the desire to gain benefits and status. The grant of honour and military awards, which is necessary for this, involves a complex appeal to personal interests through a system of regulatory compliance and is in some respects not just personal as in order for an individual to appreciate them, they must belong to a specific community and share common values<sup>44</sup>.

On March 16, 1802, the U.S. Congress passed an act establishing the Westpoint Military Academy<sup>45</sup>, whose credo was "Duty, Honour, Country," and its Code of Honour defines that a cadet will not lie, cheat, steal, or tolerate those who do. At Westpoint, honour is synonymous with integrity and the cadet abides by the code because he accepts it and not because he is worried about what others might think of him if he violates it.<sup>46</sup>

The author points out that the dictionary now defines a code of honour as "general rules recognized by a particular profession" and that in the military profession these rules are of particular importance in terms of courage and trust. In addition, the honour of a soldier also includes the qualities required of any honourable person, and these additional qualities include dignity and integrity<sup>47</sup>. Honour is a characteristic of a soldier, and in general, his overall reaction to the demands of duty and honour can be considered as the sum of the soldier's courage, trust, dignity and integrity, given that honour is an internal flame that nourishes and maintains the soldier's external behaviour and attitude, allowing him to act boldly when courage is needed, and always to show his best readiness and determination<sup>48</sup>.

But what if this ideal of sacrificing for abstract goals such as freedom and human rights proves excessive? Although traditional military ethics emphasize the importance of courage, some authors point out that in the Western world, the sense of community has diminished and the willingness to sacrifice is relatively low (MacIntyre, 1981)<sup>49</sup>.

According to the author, this finding is exactly in line with modern ideals and their interaction with disciplinary practice, where the German Federal Administrative Court ruled in the case of a naval officer no. BVerwG 2 WD 14.02. that the higher the officer's position, the higher the moral standards required for his dignity and trust, integrity and duty, while also pointing out the problems identified in the case, respectively, that lower officers do not take the initiative to inform the management of violations by senior officers because they are afraid of possible consequences, and it is not always possible to gather sufficient or irrefutable evidence of violations<sup>50</sup>.

Going back in history, it can be seen that human rights have often depended on belonging to a particular stratum, class or order, and, for example, in the context of disciplinary liability, it can be seen that according to the "Provisional Regulations on Latvian Military Courts" Russian military laws, as they were in force, were adopted in Latvia until February 1, 1917, and on the basis of the

regulations, the XXIII edition "Disciplinary Regulations" of collection of Russian military laws were also in force, where some of the provisions of the current disciplinary rules existed only formally because they were not in line with our military system at the time<sup>51</sup>, moreover, the author states that the existence of special norms such as the protection of honour and dignity already existed in the 1903 Penal Law<sup>52</sup>.

Later, on March 16, 1931, the "Law on the Officer's Honour Courts"<sup>53</sup> was proclaimed (the honour court was a public institution established in a collective of a militarized formation to which, after the decision of the commander or chief on its formation, a disciplinary violation or an offense committed by a member of this collective that violates the honour of a military formation may be referred to so as to influence collectively<sup>54</sup>). The Article 1 provided that honorary courts exist to protect the dignity and honour of officers, and the stipulations of Article 2 regulated the jurisdiction of the honorary court in a manner that it did not hear cases for disciplinary offenses and offenses covered by the Penal Code, except where the charge against an officer indicated his conduct which was incompatible with the honour and dignity of officers from a military ethical point of view. Article 7 provided that the courts of honour shall be divided into: the lower court of honour for officers up to and including the rank of captain, and for colonels and lieutenant colonels who have not been granted the authority of a commander of a separate unit and the higher court of honour for colonels and lieutenant colonels with the rights of the commander of a separate unit, generals, and admirals. Under Article 19, a charge statement had to be made before the case was heard by an honorary court, requesting explanations from the accused and Article 22 stipulated that after reviewing the statement, the person in charge of the court of honour had to decide whether the perpetrator should be transferred to the court of honour or not and in case of the transfer of jurisdiction the case was referred to the chairperson of the court of honour for further action. If someone was handed over to the court of honour, the person was shown the charge statement and the person had the right to request the Chairperson of the Court to call upon new witnesses, request documents and gather testimonials and if the honour court found the request to be significant, it granted the request, but otherwise drew up a decision stating the reasons for the rejection in accordance with Article 24. Article 28 provided that the activities of the court of honour shall include the examination of all information gathered in the case, the summoning of the accused himself to the court, the hearing of his explanations, the examination of witnesses and the examination of other evidence provided by the accused. The accused, on the basis of Article 30, could ask the court to dismiss one of the members of the court, clearly stating the grounds for the rejection, submitting or presenting evidence to support such a request. Similarly judges could also request that they be excused from hearing the case. The judgment of the Honour Court made in accordance with Article 36 and signed by its Chairperson and members, was to be immediately pronounced to the accused and, on the same day, all annexes and a report signed by the Chairperson should be handed over to the officer who had ordered the court to be convened. The officers who have been sentenced to dismissal or transfer to another part of the army shall have the right, within three days from the date of pronouncement of the judgment to file a complaint with the Officer under whose jurisdiction the Honour Court was established, regarding a violation of court rules, as provided for in Article 37 and, and, in accordance with Article 39, when appealing on the merits of a judgment of the lower court of honour (Article 34), the convicted person had to appeal within three days of the judgment to the Officer to whom the court of honour was subordinated who, in turn, immediately had to submit a complaint to the Minister of War for transfer to a higher court of honour, whose decision was final, and could be revoked only in the cases referred to in Article 37 by the Minister of War. If the judgment on the dismissal of the guilty officer had come into force, the superior in charge of the court of honour shall propose to the offender that he or she resign, in accordance with Article 40. The "Law on the Officer's Honour Courts" was repealed as of 16<sup>th</sup> March 1931 from the Chapter XIV of 23<sup>rd</sup> edition of the Collection of Russian military laws.

Continuing the historical deviation in the Latvian context, the author also found out that on October 16, 1921, a new commission of fifteen people was established to draft a new Penal Law of the Republic of Latvia. The composition of the commission changed several times with only P. Jacob

and Professor P. Mincs (1868–1941) working without interruption<sup>55</sup>, and the draft was examined several times. This law entered into force on 1 August 1933<sup>56</sup> at the same time as the Disciplinary Penalty Act, which applied to persons in the service of the state, state autonomous enterprises and local governments, who committed service violations within the country or abroad<sup>57</sup>, which contained a total of 28 articles, from which it followed that the substantive part of that law was to be regarded as a continuation of the Penal Code, since the two codes had been harmonized, and therefore, in cases involving service violations, the court could, if necessary, switch from criminal to disciplinary rules<sup>58</sup>. Prosecutor T. Udris (Ūdris) also commented on the Penal Law at the time, pointing out that Latvia's first national penal law, being in many ways a peculiar fruit of labour of Latvian legislation borrowed the articles of its first chapter on "the limits of application of the Penal Law" (Articles 4-12) largely in a unchanged form from the former Russian Penal Law of 1903, which had been in force for the whole of Latvia from December 6, 1918 until August 1, 1933. T. Udris pointed out that the most important norm in this principal sense is Article 4 of the law, which determined that the sanction of the Latvian Penal Law is equally applicable to all criminal offenses committed in the territory of Latvia, from which it stemmed that the penal law was based on the territorial principle of punishment<sup>59</sup>.

In 1934, the Penal Law was issued with detailed comments and motives of the legislation, stating that Articles 508–518 of Chapter Thirty-Two of the Penal Law<sup>60</sup> regulated "Defamation" (defamation is the humiliation of a person's honour and self-esteem by treating him or her inappropriately, despising his or her feelings of self-esteem, which may be expressed orally, in writing or by actions<sup>61</sup>), which, as Professor P. Mincs, acknowledged, is the most abstract of the violations of individual rights, because the benefit against which it is directed is abstract and the object of the criminal offense here is usually called "honour"<sup>62</sup>, which is a virtue in the eyes of others («*der Verkehrskurs des Menschen*», «*Verkehrswert*»)<sup>63</sup>, moreover, Article 54 of the Penal Law determined the necessity to determine guilt, for example, minors between the ages of twelve and eighteen who were found guilty of a criminal offense<sup>64</sup> were subject to special rules, such as being reprimanded by issuing a warning instead of arrest or a fine; or being placed in an institution of upbringing or correction instead of all other sentences of imprisonment.

The Article 3 of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950<sup>65</sup> provided that no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, and Article 10 provides for the individual's right to freedom of expression with the restriction of this right to protect the dignity of other individuals.

Other international instruments, such as Article 12 of the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948, included a prohibition on endangering human dignity and reputation.<sup>66</sup>, and Article 17 of the International Covenant on Civil and Political Rights<sup>67</sup>, adopted by the UN General Assembly on 16 December 1966, provided that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.

Article 95 of the Constitution of the Republic<sup>68</sup> stipulates that the state protects human honour and dignity, but the introduction to its comments indicates both that a person's normal existence cannot take place without respect for his or her personality or with unworthy treatment and that Article 95 declares the state's determination to protect a person's honour and dignity<sup>69</sup>, and that in Latvian case law, honour is understood as the public evaluation of a person that has developed as a result of a person's activities, and dignity - the reflection of a person's public evaluation in his or her own consciousness, i.e. self-assessment<sup>70</sup>, which implies that the notion of "honour" rather than "dignity", should be the component element of a soldier's legal status thereby elaborating it.

## Conclusions

1. In Latvia, "honour" is a characteristic of a soldier - it is inextricably linked to the profession of a soldier and both historically and nowadays, although not directly defined, "honour" is

included in the legal status of a soldier as a military ethical requirement for his dignity and trust, integrity and a sense of duty in military service.

2. The legal status of a soldier may be defined as a right guaranteed by the state, statutory duties and restrictions, disciplinary liability and honour, as a military ethical requirement.

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## Anotācija

Latvijas Republikā karavīrs pilda pienākumus valsts dienestā valsts aizsardzības jomā, un tā tiesiskais statuss ir tiesības, ko garantē valsts, likumā noteiktie pienākumi, ierobežojumi un disciplinārbildība, ko mūsdienās regulē gan militāro, gan administratīvo, gan administratīvā procesa tiesību normas. Turklāt bez speciālo un vispārējo tiesību normu regulējuma karavīram būtiskas un

saistošas ir arī morālās vērtības, jo Latvijā „gods” ir karavīra pazīme – tas ir neatraujami saistīts ar karavīra profesiju un gan vēsturiskā aspektā, gan mūsdienās, lai arī tieši nav definēts, gods ir iekļaujams karavīra tiesiskajā statusā kā militāri ētiska prasība, kas tiek izvirzīta viņa cieņai un uzticībai, godprātībai un pienākuma apziņai, pildot militāro dienestu.

Autore raksta ietvaros izpētīja tādu karavīra vērtību kā „gods” un “cieņa” jēdzienus, būtību, ģenēzi un attīstību gan no vēsturiskā, gan mūsdienu skatupunkta, gan civilajā dzīvē, gan militārajā zinātnē, noskaidroja arī to vietu karavīra tiesiskajā statusā un secināja, ka esošais karavīra tiesiskais statuss ir paplašināms un to var definēt, nosakot, ka tās ir tiesības, ko garantē valsts, likumā noteiktie pienākumi un ierobežojumi, disciplinārbildība un gods kā militāri ētiska prasība.