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Military Criminal Law and Military Justice in Austria and Czechoslovakia during the Interwar Period

Wojskowe prawo karne i sądownictwo wojskowe w Austrii i Czechosłowacji w okresie
międzywojennym

INTRODUCTION

The collapse of the Austro-Hungarian Monarchy at the end of World War I represented one of the most significant political and legal turning points in the history of Central Europe. The disintegration of this multinational empire in 1918 led to the formation of several successor states, including Czechoslovakia and Austria. These newly established states (republics) faced the complex task of building their own political institutions, administrative structures, and armed forces while simultaneously addressing the legacy of the former imperial legal system.

Among the areas most directly affected by these transformations was military organization and military criminal law. The Austro-Hungarian Monarchy had developed a relatively sophisticated system of military law, including a distinct military criminal code, procedural regulations, and a specialized system of military courts. After 1918, the successor states initially relied on these inherited legal foundations, which provided a degree of stability during the early stages of state formation. However, the subsequent development of military institutions and military criminal law differed significantly in the two countries, reflecting their distinct political situations and international positions in the post-war order.

This study therefore focuses on the transformation of military organization and military criminal law in the aftermath of World War I, with particular

emphasis on Czechoslovakia and Austria as successor states of the former Austro-Hungarian Monarchy. It first outlines the structure of the Austro-Hungarian armed forces and the basic principles of its military criminal law at the end of the war. Subsequently, it examines the formation of the new national armies and analyses the development of military criminal law and military justice in both states during the interwar period. Through this comparison, the study seeks to highlight both the elements of legal continuity inherited from the monarchy and the divergent paths taken by the two states in response to their differing political and international circumstances.

FROM MONARCHY TO REPUBLICS

The Austro-Hungarian Empire was a multinational state and the third most populous state in Europe. The monarchy consisted of two large units: the Austrian part (i.e., Cisleithania), which comprised 18 different historical lands, and the Hungarian part (i.e., Transleithania), which was a unitary state with specific autonomy in domestic affairs within the Austro-Hungarian Empire. Over time, pressure for similar autonomy of other parts of the monarchy began to grow, but they were not heeded. A change for the better was supposed to come with the accession of Franz Ferdinand d'Este to the Habsburg throne, but he died in 1914 in the aftermath of the assassination in Sarajevo during an official visit to Bosnia and Herzegovina, which was under the protectorate of Austria-Hungary at that time.

The real possibility of autonomy for the historical Czech lands (i.e., Bohemia, Moravia and part of Silesia) within the Austro-Hungarian Monarchy only emerged with the accession of Emperor Charles I to the Habsburg throne in 1916¹, but it was already too late. The end of World War I also marked the end of the Austro-Hungarian Monarchy. Although the legal order in both parts of the monarchy was quite different (especially in private law), the issue of military law was regulated separately in each country, but the content was almost identical. The year 1918 brought not only the end of the war and the breakup of the monarchy into new independent states, but also marked a divergence in the development of military law, as Austria and Czechoslovakia chose different paths.

THE AUSTRO-HUNGARIAN ARMY AT THE END OF WORLD WAR I

The Austro-Hungarian armed forces consisted of four branches of the army and the gendarmerie. At the level of the entire monarchy, there was a joint army, which consisted of ground troops (*K.u.k. Heer*) and a navy (*K.u.k. Kriegsmarine*).

¹ In this context, it is appropriate to point out that Emperor Charles I had a relatively positive relationship with the Czechs.

At the next level, there was a territorial army, which consisted of two independent corps: Austrian (*K.k. Landwehr*) and Hungarian (*M.k. Honvéd*). The scope of both territorial army units was, in contrast to the scope of the joint defence force, territorially limited. It was basically unthinkable for *K.k. Landwehr* to operate in the territory of Hungary and vice versa. In the case of war, the emperor (with the consent of the government and parliament) could break this principle by issuing a special law². The Home Guard (*Landsturm*) was in a specific position, as it was at the lowest level in the hierarchy of the Austro-Hungarian army. In peacetime, the Home Guard existed *de facto* only as a register of men who were subject to compulsory military service but for some reason were not assigned to any of the permanent units of the Austro-Hungarian army or their reserve units (*die Ersatztruppen*). From an organizational (and also legal) point of view, the Home Guard was subordinate to the corresponding unit of the territorial army (*K.k. Landwehr* / *M.k. Honvéd*). The mission of the Home Guard was to defend the home territory at a time when the permanent units of the Austro-Hungarian Army were deployed elsewhere, and to provide support in the rear for units deployed in combat.

The gendarmerie was also a component of the Austro-Hungarian armed forces, being a militarily organized corps; therefore, military criminal regulations also applied to them. It primarily acted as a security force (similar to today's police), but it was also obliged to assist the army when necessary³.

AUSTRO-HUNGARIAN MILITARY LAW

The default principle of the entire Austro-Hungarian military criminal law was the affiliation of a person (soldier or gendarme) to a militarily organized armed corps (i.e., class exclusivity). It is appropriate to say at this point that military criminal law was a separate branch of law, independent of general (non-military) criminal law.

It should be noted that Austria-Hungary was divided into two distinctive legal domains (so-called legal dualism). The legal system of the Austrian part of the monarchy was different from its Hungarian counterpart because of the autonomy granted to the latter in 1867. Therefore, when a new Military Service Act (*Wehrgesetz*) was issued in 1912, it was published in both parts of the

² RGBl. No. 68/1869, Gesetz über die Landwehr für die im Reichsrathe vertretenen Königreiche und Länder, Section 3.

³ Here especially the combat of gendarmes and other civil servants under the command of Eduard von Fischer in Bukovina. See E. von Fischer, *Krieg ohne Heer: Meine Verteidigung der Bukowina gegen die Russen*, Wien 1935. To other deployments of gendarme in combat, cf. H. Hintererstoisser, P. Jung, *Geschichte der Gendamerie in Österreich-Ungarn: Adjustierung 1816–1918, Einsätze im Felde 1914–1918*, Wien 2000.

monarchy under its own number (in the Austrian part of the monarchy as Act No. 128/1912 RGBL., and in the Hungarian part of the monarchy as Statutory Article XXX/1912). The Austrian version of this law replaced the older legal regulation without exception, but in the Hungarian part of the monarchy, one section of the old military law remained in force. This was Section 54 of Statutory Article XL/1868, which explicitly prohibited the use of corporal punishment and punishment in chains⁴. In addition to the general military law, there were also special legal norms for the territorial army units and the Gendarmerie, which again reflected the territorial division of the Austro-Hungarian Monarchy.

The essential criminal law standard for all branches of the Austro-Hungarian military was Act No. 19/1855 RGBL., the Military Criminal Code. This Code contained a list of the criminal offences, which mostly did not differ significantly from the facts of crimes listed in the general (non-military) criminal codes⁵. The only exception was Part II of the Military Criminal Code, which contained crimes that could not be committed by anyone other than a soldier (a member of the combat units of the army) who had sworn an oath to the so-called War Articles⁶. The War Articles were laws that contained the most important provisions of the Military Criminal Code, for the commission of which the death penalty could be imposed⁷. These include desertion, cowardice before the enemy, etc. After the outbreak of World War I, Emperor Franz Joseph I issued a decree that extended the validity of Part II of the Military Criminal Code to military personnel on active duty who had not sworn an oath to the War Articles (i.e., members of the non-combat units of the army). These included, e.g., officers of the medical or judicial service⁸.

In the field of military criminal procedural law, three new military criminal procedural codes were passed in 1912. These were Act No. 130/1912 RGBL. for the joint armed forces (*K.u.K. Heer and K. u. K. Kriegsmarine*)⁹, Act No. 131/1912 RGBL. for the *K.k. Landwehr*, and Statutory Article XXXIII/1912 for the

⁴ See Section 87(III) of the Act XXX of 1912 on the Defence Forces (Hungary).

⁵ RGBL. No. 117/1852; Act V of 1878 on the Hungarian Criminal Code (Felonies and Misdemeanours).

⁶ The military oath included the following passage: "(...) we always want to behave as required by military laws and as befits regular soldiers" (K.u.k. Kriegsministerium, *A-39. Eid und Kriegsartikel*, Wien 1913, p. 2).

⁷ *Vojín. Jeho povinnosti a práva: příčiny a účel války*, Wien 1916, p. 26.

⁸ RGBL. No. 157/1914, Kaiserliche Verordnung über die Unterstellung der auf die Kriegsartikel nicht beedeten, in aktiver Dienstleistung stehenden Militärpersonen unter die Bestimmungen des II. Teiles des Militärstrafgesetzbuches.

⁹ RGBL. Nr. 130/1912, Gesetz über die Militärstrafprozeßordnung für die gemeinsame Wehrmacht.

*M.k. Honvéd*¹⁰. These acts did not only regulate military criminal proceedings but also included the form of military judicial bodies: military courts and military prosecutors. The system of military courts and the military prosecutors' offices operating within them was three-tiered in all three cases (joint armed forces and both territorial armies). It consisted of brigade, divisional, and supreme courts – always for a given branch of the army. From the point of view of military justice, the gendarmerie was considered a part of the corresponding territorial army: *K.k. Landwehr* or *M.k. Honvéd*. The last part of the military criminal procedural codes was devoted to military criminal proceedings in the field.

SUCCESSOR STATES

1. Interwar Czechoslovakia

Independent Czechoslovakia was established on 28 October 1918. As a part of former monarchy, it also had to pay reparation to victorious powers. The newly established independent Czechoslovak state was built upon the idea of the right of a nation to self-determination. Based on this principle, this new state consisted of historical Czech lands and Slovakia with the addition of the territory of Subcarpathian Ruthenia, whose incorporation was decided during post-war negotiations and consequent rearrangement of Europe¹¹.

The first years of Czechoslovakia's existence were also influenced by the post-war situation in Europe and by separatist efforts of some minorities (especially Germans and Hungarians) in the border areas of historical Czech lands and Slovakia. The state economy was relatively quickly reoriented from wartime to peacetime production, and the social situation within the state stabilized¹². Czechoslovakia, unlike most neighbouring states, was a relatively well-functioning democracy throughout the interwar period, where German parties and even communists were represented in parliament.

The economic crisis of the 1930s had a very significant impact on the border regions, which led to the strengthening of radical and separatist tendencies among Germans, Hungarians, Poles, and Slovaks. The result was the de facto disintegration of Czechoslovakia in 1938 and 1939, which culminated in the creation of the Protectorate of Bohemia and Moravia and the independent Slovak State.

¹⁰ Statutory Article XXXIII of 1912 on the Military Criminal Procedure Code of the Honvédség.

¹¹ Article 10 of the 1919 Minority Treaty with Czechoslovakia.

¹² The biggest problem in the field of economy was in the territory of Slovakia and Subcarpathian Ruthenia, which was oriented primarily towards agricultural production.

2. Interwar Austria

Austrian efforts to separate from the monarchy began on 2 October 1918. The victorious powers opposed the original considerations of a common state with the Germans¹³, so an independent republic was established. On 10 September 1919, the Austrian government was forced to sign a peace treaty in Saint-Germain-en-Laye¹⁴, which in Article 80 explicitly prohibited the union of Austria with Germany without the prior consent of the Council of the League of Nations. As a result, the name of the state had to be changed to the Republic of Austria. This treaty also redefined the borders of the states in post-war Europe. The Austrian state did not escape post-war social and economic problems either. The imaginary top of this situation was the necessity to participate in paying reparations to the victorious states due to the alliance with the defeated Germany¹⁵.

As a result of the rising economic crisis, Austrian society began to radicalize. Voices calling for unification with Germany began to grow stronger. At the beginning of March 1933, Chancellor Engelbert Dollfuss had the Austrian parliament suspended. The National Socialists (NSDAP) subsequently demanded nationwide elections, which did not happen even after economic pressure from Adolf Hitler. The Austrian Chancellor hoped for an agreement with the moderate National Socialists, but this did not happen. The NSDAP was banned in Austria¹⁶. In March 1934, mutual economic cooperation between Austria, Italy and Hungary (The Rome Protocols) was negotiated. At the instigation of the National Socialists, a wave of assassinations spread through Austria, and even the Chancellor was not spared. Engelbert Dollfuss was shot in his office on 25 July 1934, and was succeeded by Kurt Schuschnigg, who sought an agreement with Germany¹⁷. This agreement was concluded on 11 July 1936. According to it, Vienna was to be independent, and Germany abolished all economic sanctions against Austria in exchange for Austria pursuing the same foreign policy as Germany. The definitive annexation of Austria by Germany was to take place on the basis of a referendum that Chancellor Kurt Schuschnigg wanted to call, but this did not happen¹⁸. During the night of 11–12 March 1938, Austria was occupied by the German army, and

¹³ StGBI. No. 5/1918, Gesetz über die Staats- und Regierungsform von Deutschösterreich; Article 80 of the 1919 Minority Treaty with Czechoslovakia.

¹⁴ Treaty between the Principal Allied and Associated Powers and Czechoslovakia, signed at Saint-Germain-en-Laye on 10 September 1919, hereinafter: the 1919 Minority Treaty with Czechoslovakia.

¹⁵ E.B. Burkey, *Hitler's Austria – Popular Sentiment in the Nazi Era*, Chapel Hill 2000, passim.

¹⁶ Idem, *Hitlerovo Rakousko. Jedna říše, jeden národ*, Praha 2002, p. 29.

¹⁷ *Ibidem*, pp. 31–32.

¹⁸ *Ibidem*, pp. 33–35.

the following day it was officially annexed by the German Third Reich as the Ostmark¹⁹.

ARMED FORCES OF THE SUCCESSOR STATES

1. The army of interwar Czechoslovakia

Already during World War I, the so-called Czechoslovak Legions began to form abroad. These revolutionary military units were first formed by volunteers with Czech or Slovak origin in France and Russia. Later, the core of the Czechoslovak Legions was formed by Czechs and Slovaks from the ranks of the Austro-Hungarian Army who had been captured or had defected to the side of the Entente Powers. Of these military units of the yet non-existent state, the most numerous were those on the territory of Russia. Other units of the Czechoslovak Legions were formed in France and Italy²⁰. The second (and overall, most numerous) part of the new Czechoslovak Army were Czech and Slovak soldiers from all units of the army of the former Austria-Hungary. In the process of creating a unified Czechoslovak Army, the individual components of the former Austro-Hungarian Army were first merged, i.e. the joint defence force and both land defence forces. Later, these units were joined by units of the Czechoslovak Legions returning from Italy and France²¹. The return of the Czechoslovak Legions from Russia was delayed. Due to the ongoing civil war between the White Army and the Bolsheviks, the Czechoslovak units were forced to retreat further east. Most of their members reached their homeland via Japan and the USA only in 1920. Disputes between Czechoslovak legionnaires and former Austro-Hungarian officers were relatively frequent, mainly concerning disobedience to orders. However, the situation gradually calmed down over time. When the Czechoslovak army was created, the military units were reorganized so that they lacked the power of the crowd. The units of the Czechoslovak Legions were disbanded, and their members, who were considered national heroes, transferred to the newly formed units of the Czechoslovak army. The same procedure was followed for the former Austro-Hungarian military units.

¹⁹ BGBl. No. 75/1938, Kundmachung des Bundeskanzleramtes, womit das Bundesverfassungsgesetz über die Wiedervereinigung Österreichs mit dem Deutschen Reich neuerlicher verlautbart wird.

²⁰ M. Koldinská, I. Šedivý, *Válka a armáda v českých dějinách. Sociohistorické črty*, Praha 2008, pp. 142–143.

²¹ R. Kalhous, *Budování armády*, Praha 1936, pp. 33–35.

The consolidation of the interwar Czechoslovak army into its final form was only completed after almost two years in 1920²². Its structure was a matter of debate. The creation of a militia-type army was also considered²³, but in the end the concept of a standing army prevailed. The Czechoslovak army was not to be a war army, but a defence army²⁴. The army of interwar Czechoslovakia was disbanded after the establishment of the Protectorate of Bohemia and Moravia on 15 March 1939. Its role was taken over by the German *Wehrmacht*²⁵, and in order to maintain internal security in the state, the so-called Government Army was established²⁶.

2. The army of interwar Austria

In post-war Austria, returning soldiers were perceived as a symbol of defeat. In the first months after the end of World War I, not only did thousands of disorganized and demobilized soldiers return to German Austria, but many workers from factories oriented toward the war industry and employees of the Austro-Hungarian state administration also lost their jobs. The returning soldiers (including former prisoners of war) had practically no valuable possessions that could be exchanged for food. Frustrated soldiers therefore often resorted to theft and violence²⁷. As a counterbalance, company and municipal guard units gradually began to emerge. Later, their function was taken over by the *Volkswehr* (i.e., the People's Army), which became the only state-authorized and organized army.

At the end of October 1918, the State Office for Military Affairs was created and took over the agenda of the former Ministry of War (*K.u.k. Kriegsministerium*)²⁸.

²² More detailed information about this complicated process can be found, e.g., in R. Břach, J. Láník, *Dva roky bojů a organizační práce. Československá armáda v letech 1918–1920*, Praha 2013.

²³ Declaration of Independence of the Czechoslovak Nation by Its Provisional Czechoslovak Government (the Washington Declaration) of 18 October 1918. It can be found (including the original English version) in: E. Broklová (eds.), *Prohlášení nezávislosti československého národa zatímni vládou československou, osmnáctého října MDCCCCXVIII / Declaration on Independence of the Czechoslovak Nation by Its Provisional Government, October Eighteenth MDCCCCXVIII*, Praha 1998.

²⁴ R. Kalhous, *op. cit.*, p. 35.

²⁵ RGBl. I. No. 47/1939, Erlaß des Führers und Reichskanzlers über das Protektorat Böhmen und Mähren vom 16. März 1939 (published in the Protectorate of Bohemia and Moravia as Vládní nařízení / Sbírka zákonů a nařízení No. 75/1939 Sb. z. a n.), Article 7.

²⁶ Nařízení vlády č. 216/1939 Sb. z. a n., jímž se zřizuje vládní vojsko Protektorátu Čechy a Morava.

²⁷ D. Strong, *Austria (October 1918–March 1919): Transition from Empire to Republic*, New York 1939, p. 145.

²⁸ StGBI. No. 1/1918, Beschluß der Provisorischen Nationalversammlung für Deutschösterreich vom 30. Oktober 1918 über die grundlegenden Einrichtungen der Staatsgewalt, Section 3.

The task of this office was to build a new Austrian army (*Volkswehr*)²⁹, which would not be tied to the old regime. Soldiers who were familiar with local conditions and had a positive attitude towards the new state system were given option to voluntarily (not out of obligation) join the new national army. The new army could not be built without former Austro-Hungarian officers, so the so-called military councils were elected as a control body, which participated in the appointment of new officers to positions. The main prerequisite for appointment to an officer position was ability and professional knowledge. It was not nationwide from the beginning. Its “task was to ensure the financial security of both individuals and the state, which was threatened by the decline in morale after the end of World War”³⁰. However, it soon became the armed wing of the Social Democratic Party, and its military councils, in cooperation with the workers’ councils, became a powerful political factor³¹, which was considered undesirable. In February 1919, the parliament, on a proposal from the government, passed an Act³² that changed the concept of the army. The Austrian army was transformed into a militia army, and universal conscription was introduced. However, this concept contradicted the provisions of the Treaty of Saint-Germain-en-Laye and therefore had to be changed again after 10 September 1919.

Austria was allowed to have an army based solely on the principle voluntary service. The maximum number of army members was limited, and the armament was also subject to restrictions (setting the maximum number and type of permissible weapons, including the determination of the maximum amount of ammunition). Everything exceeding these quotas had to be destroyed or handed over (surrendered) to the victorious powers. The only activities of the army permitted were the maintenance of public order and the protection of the state’s borders. This was followed by the dissolution of the *Volkswehr* and the adoption of the (new) Military Service Act³³, which established the new organization of the federal army (*Bundeswehr*). The federal army was “commissioned with the protection of the borders of the republic”³⁴ and at the same time “with the protection of constitutional institutions, the maintenance of order and security within the country and the provision of assistance in emergencies”³⁵. The Austrian federal army was subordinate to the National Council and, unless otherwise

²⁹ D. Strong, *op. cit.*, p. 145.

³⁰ *Rakouská armáda a její organisace*, “Vojenské rozhledy (Revue militaire tchechoslovaque)” 1935, no. 9, p. 1051.

³¹ *Ibidem*, pp. 1051–1052.

³² StGBI. No. 91/1919, Gesetz betreffend vorläufige Bestimmungen über die Bewaffnete Macht.

³³ StGBI. No. 122/1920, Wehrgesetz.

³⁴ *Ibidem*, Section 2.

³⁵ *Ibidem*.

provided by law, was administered by the government or an authorized minister³⁶. After the international control commission based on the Treaty of Saint-Germain-en-Laye was abolished in 1927, the militia (*Heimwehr*) began to be formed. These associations supplemented the federal army in the sense that they provided military education for young people and subsequently also military training for possible military reserves. However, their political neutrality did not last long. The subsequent civil conflict in 1933 led to their dissolution due to their association with left-wing and Greater German tendencies. During the state of emergency in 1933, disciplinary penalties for members of the Austrian army were expanded and tightened. By 1934, parliamentary control over the army had been abolished³⁷. In 1938, a protection corps (*Schutzkorps*) was created for the needs of the government from the reliable military associations³⁸.

In connection with the imminent German danger, the victorious powers allowed Austria to change the military system – military service could be increased from 6 months to 1 year in exceptional cases. Subsequently, a further reorganization of the army into a standing army was initiated. However, the Austrian army had a relatively significant problem with the officer corps during this period. Given the limited regime in which the Austrian federal army (*Bundeswehr*) could function, it was practically impossible to expand or at least rejuvenate the officer corps. Most of the officers in the command of the Austrian army in the 1930s were officers of the army of the former Austro-Hungarian monarchy³⁹.

INTERWAR MILITARY CRIMINAL LAW IN BOTH COUNTRIES

The basis of interwar military criminal law (both substantive and procedural) in the two countries under review was the legal framework of the former Austro-Hungarian monarchy as it existed at the end of World War I. However, its subsequent development followed different paths in each country.

In particular, the Czechoslovak Legion in Russia (sometimes referred to as the “army of a non-existent state”) had its own criminal law standards and judicial bodies. Its military criminal law was largely a combination of local legal regulations and Austro-Hungarian military criminal law, supplemented by sui

³⁶ See BGBl. No. 1/1920, Gesetz, womit die Republik Österreich als Bundesstaat eingerichtet wird (Bundes-Verfassungsgesetz), Articles 79 and 80; StGBI. No. 120/1920, Gesetz, womit Maßnahmen zur Ausscheidung der überzähligen Berufsmilitärpersonen aus dem aktiven Militärdienstverhältnis getroffen werden (Militärabbaugesetz), Section 2.

³⁷ M. Lichtenwagner, *Militärstraßgerichtsbarkeit in Österreich im Wandel der Zeit*, https://deserteursdenkmal.at/wordpress/wp-content/uploads/2014/02/Layout-1-Lichtenwagner_Militärgerichtsbarkeit-in-Österreich-im-Wandel-der-Zeit.pdf (access: 23.3.2026), p. 55.

³⁸ *Rakouská armáda...*, p. 1052.

³⁹ *Ibidem*, p. 1054.

generis legal norms⁴⁰. The legal system of the Czechoslovak Legion in Russia ceased to exist upon its dissolution without a successor.

1. Changes in material law

On 28 October 1918, the newly formed Czechoslovakia adopted Act No. 11/1918 Sb. z. a n. (Coll.)⁴¹, as amended, on the establishment of an independent Czechoslovak state. Based on this Act, Czechoslovakia took over the legal system and state administration of the former Austro-Hungarian monarchy, thus creating the so-called legal dualism. This also applied to military criminal law and military judiciary. The basic legal regulation was the Military Criminal Code in the version valid at the end of World War I. In October 1919, Act No. 556/1919 Coll. was passed in Czechoslovakia⁴². According to that, the possibility of converting a prison sentence into a monetary penalty and counting the time that the convicted person spent in custody through no fault of his own was newly regulated. Changes were also made to the crimes of theft and embezzlement to eliminate the difference between the military and civil criminal codes⁴³ (e.g., the minimum amount of damage justifying a stricter legal qualification was changed)⁴⁴. Czechoslovakia was not the first state to adopt the above-mentioned amendments to the Military Criminal Code. In Austria, a similar law was adopted in December 1918. This is Act No. 89/1918 StGBI.⁴⁵ (First Amendment to the Military Criminal Code).

However, it is worth noting that the aforementioned Austrian law was more comprehensive. The most fundamental provision appears to be that contained in Article II of this law. The condition of taking a military oath (the oath on the articles of war) as a basis for applying criminal liability under the Military Criminal Code was explicitly abolished here⁴⁶ – it was now valid for all military personnel without

⁴⁰ For more information on the legal system and administration of justice of the Czechoslovak Legion in Russia, see J. Novák, *The Draft of the Military Criminal Code and the Law of the Czechoslovak Legion in Russia*, “Annales UMCS sectio G (Ius)” 2023, vol. 70(3).

⁴¹ *Sb. z. a n. (Sbírka zákonů a nařízení)* in English could be translated as Collection of Laws and Regulations.

⁴² Zákon č. 556/1919 Sb. z. a n., kterým se mění některá ustanovení vojenského trestního zákona.

⁴³ Civil Criminal Code (RGI. No. 117/1852) was amended in 1910 by the Act concerning the Amounts Relevant for the Criminal Assessment of an Offence (RGI. No. 73/1910., Gesetz betreffend die Höhe der für die strafrechtliche Beurteilung einer Tat maßgebenden Beträge). See G. Lelewer, R. Hecht, *Die neuen militärstrafrechtlichen Gesetze*, Wien 1919, p. 2.

⁴⁴ Before the change, the amounts were as follows: 200 crowns under the Civil Criminal Code (Section 173) and 25 gulden, i.e. 50 crowns, under the Military Criminal Code (Section 459).

⁴⁵ StGBI. No. 89/1918, Gesetz, womit mehrere Bestimmungen des Militärstrafgesetzes abgeändert und ergänzt werden (Militärstrafgesetznovelle vom Jahre 1918).

⁴⁶ See Section 148 of the Military Criminal Code in the original version.

distinction⁴⁷. At the same time, the validity of all criminal law regulations (i.e., those that had previously only applied to civilians) was also extended to military personnel. According to Georg Lelewer, this was a logical consequence of the introduction of military service for all citizens of the state, regardless of their will. Whereas the previous oath on the so-called war articles was essentially a contract concluded by a soldier (formerly a mercenary) upon joining the military force with his supreme commander⁴⁸. In Czechoslovakia, taking a military oath for the purposes of applying military criminal jurisdiction was replaced by “inclusion in the military force”. Unlike the Austrian legislation, however, this provision is not found in the amendment to the Military Criminal Code, but in the amendment to the Military Criminal Procedure Code from November 1918 (see below).

The second amendment to the Military Criminal Code (No. 34/1920 StGBI.) was adopted in Austria in January 1920. This amendment abolished the right of officers to self-defence and, because of the abolition of the death penalty, moderated the provisions of the Military Criminal Code concerning the crime of defamation between officers (i.e., Section 516 ff.)⁴⁹.

The process of reforming substantive military criminal law in Austria reached a climax in mid-July 1920, when Act No. 323/1920 StGBI.⁵⁰ was adopted. With effect from 1 October 1920, the Military Criminal Code was abolished in Austria. All soldiers were subordinated to civilian criminal justice, which was not possible without expanding the general (non-military) Criminal Code⁵¹ by more than 120 paragraphs. Its general part was expanded to include special provisions applicable to active military personnel (e.g., in principle, the impossibility of invoking orders, etc.)⁵², and (purely) military crimes were added to the special part of the law in a modified form (e.g., mutiny, breach of subordination, desertion, etc.). The civil Criminal Code also basically took over the punishments from the Military Criminal Code, to which forced labour and police supervision were newly added⁵³. The possibility of imposing more severe punishments for committing crimes during a state of war was still maintained⁵⁴.

⁴⁷ In Czechoslovakia, this was done by the decision of the Supreme Military Court No. 289 (P 93/24) of 19 May 1924, published in *Sbírka zásadních rozhodnutí Nejvyššího vojenského soudu*.

⁴⁸ G. Lelewer, R. Hecht, *op. cit.*, p. 8.

⁴⁹ M. Preuschl, *Österreichische Militärstrafgerichtsbarkeit 1914 bis 1918. Rechtliche Grundlagen und Judikatur*, Wien 1999 (Dissertation, Rechtswissenschaftliche Fakultät, Universität Wien).

⁵⁰ StGBI. No. 323/1920, Gesetz über die Unterstellung der aktiven Heeresangehörigen unter die allgemeinen Strafgesetze.

⁵¹ RGBI. No. 117/1852.

⁵² M. Preuschl, *op. cit.*, p. 161.

⁵³ M. Moll, *Militärgerichtsbarkeit in Österreich (Circa 1850–1945)*, 2016, <https://austriaca.at/0xc1aa5572%200x00349625.pdf> (access: 23.3.2026), p. 334.

⁵⁴ M. Preuschl, *op. cit.*, p. 161.

In interwar Czechoslovakia, the Military Criminal Code remained in force with certain modifications. A more fundamental change took place in 1923, when the Act on the Protection of the Republic⁵⁵ was adopted⁵⁶. It contained criminal law provisions for the protection of the integrity of the republic, the republican democratic system, and the lack of protection of constitutional officials (until then, it was necessary to proceed analogously in these matters). With the adoption of this Act, the provisions of Part III of the Military Criminal Code were suspended⁵⁷. The newly adopted Act had priority in application. However, the opposite situation could also occur if certain conditions were met. If a crime was committed during wartime and at the same time the Military Criminal Code provided for a more severe punishment for such an offence, it was applied accordingly.

In April 1936, in interwar Austria, Act No. 102/1936 BGBl. introduced federal compulsory military service for public purposes⁵⁸. This compulsory military service also covered military service. On 11 July 1936, Austria concluded an international treaty of alliance with Germany (the so-called *Juliabkommen*). In August of the same year, a Federal Act was passed amending the special provisions of criminal law and the disciplinary code for military personnel on active duty⁵⁹. After Austria was annexed to Germany in March 1938, the Austrian Federal Army became part of the German army (*Wehrmacht*). The Reich Governor's decrees extended the validity of the Reich Military Criminal Code, the Military Criminal Code, the Disciplinary Code and the disciplinary regulations applicable to military personnel on active duty to the territory of Austria.

In Czechoslovakia, in the 1920s, judicial officers and the Ministry of National Defence attempted to recodify the field of substantive military criminal law, but this effort was unsuccessful⁶⁰. A similar fate befell the recodification efforts of the Ministry of Justice and the Ministry for Legislative Unification in the field of general (non-military) criminal law. Two drafts of (new) criminal code were prepared, in 1926 and 1937. According to both drafts, there should have been one criminal code as *lex generalis* and the military criminal code as (only) *lex*

⁵⁵ Zákon č. 50/1923 Sb. z. a n., zákon na ochranu republiky.

⁵⁶ The law had been prepared since 1920, but it was adopted after the assassination of the Czechoslovak Minister of Finance, Alois Rašín, which was committed on 4 January 1923.

⁵⁷ Specifically, these are Sections 306–331 of the Military Criminal Code (RGBl. No. 19/1855, Militär-Strafgesetz über Verbrechen und Vergehen vom 15. Jänner 1855).

⁵⁸ BGBl. No. 102/1936, Bundesverfassungsgesetz über eine allgemeine Dienstpflicht für öffentliche Zwecke (Bundesdienstpflichtgesetz).

⁵⁹ BGBl. No. 364/1936, Bundesgesetz, womit die strafgesetzlichen Sonderbestimmungen und die Disziplinarvorschriften für Militärpersonen des Präsenzdienstes abgeändert werden (Militärstrafrechtsänderungsgesetz).

⁶⁰ H. Matulová, *Vojenské trestní právo*, [in:] *Československé právo a právní věda v meziválečném období (1918–1938) a jejich místo ve střední Evropě*, eds. K. Malý, L. Soukup, Praha 2010, p. 847.

specialis with some special modifications for army members⁶¹. The merger of military criminal law with general (non-military) criminal law in Czechoslovakia took place only after World War II, in 1950.

2. Changes in formal law

In the field of Czechoslovak military criminal procedure law, the military criminal procedure codes were in force: Act No. 130/1912 RGBl. (for the *K.u.k. Heer*), Act No. 131/1912 RGBl. (for the *K.k. Landwehr*), and Statutory Article XXXIII/1912 (for the *M.k. Honvéd*). In Czechoslovakia, only Act No. 131/1912 RGBl., the Military Criminal Procedural Code for the former *K.k. Landwehr*, whose official text was in German⁶², was to continue to be used; in practice, in Slovakia and Subcarpathian Ruthenia, the Hungarian Statutory Article XXXIII/1912, the Military Criminal Procedural Code for the *M.k. Honvéd*, whose official text was in Hungarian, continued to be used. The content of these regulations did not differ in any fundamental way⁶³, and they also applied to the gendarmerie.

Shortly after the establishment of the Czechoslovak Republic, the military criminal codes were amended. First, Act No. 9/1918 Coll. amending the Military Penal Code and the Military Criminal Procedure Code⁶⁴ eliminated the difference between the military judicial authorities of the former joint military power (*K.u.k. Heer*) and both territorial armies (*K.k. Landwehr* and *M.k. Honvéd*), and at the same time it was stipulated that enlistment in the Czechoslovak army has the same effects as a previously taken military oath. The second amendment, carried out by Act No. 89/1918 Coll., abolished the institution of the competent commander in the criminal law area and transferred his powers to the military prosecutor's office. After the bad experiences from World War I⁶⁵, the entire Chapter XXVII

⁶¹ Komise pro reformu československého trestního zákona, *Přípravné osnovy trestního zákona o zločinech a přečinech a zákona přestupkového II. Odůvodnění osnov*, Praha 1926, p. 5; *Osnova zákona, kterým se vydává trestní zákon*, Praha 1937, p. 166.

⁶² Regulation of the Ministry of National Defence No. 179/1919, Implementing Regulation to the Act of 19 December 1918, No. 89 of the Collection of Laws and Regulations of the Czechoslovak State (Nařízení Ministerstva národní obrany č. 179/1919, prováděcí nařízení k zákonu ze dne 19. prosince 1918, č. 89 Sbírky zákonů a nařízení státu československého).

⁶³ A. Miříčka, *O příslušnosti soudů vojenských a jich kolisích se soudy obecnými podle nových vojenských řádů trestních*, Praha 1913, p. 4.

⁶⁴ Zákon č. 9/1918 Sb. z. a n., jímž se pozměňuje vojenský trestní zákon a řád.

⁶⁵ The necessary simplifications resulting from wartime needs (especially the speed of proceedings and the lack of judicial officers in the field) often resulted in some of the basic principles of judicial procedure not being observed, e.g. presumption of innocence or independent judge. See J. Kepert, *Vojenské polní trestní řízení*, "Všehrd" 1937, no. 4, pp. 129–132; *Důvodová zpráva k vládnímu návrhu zákona o vojenském trestním řízení*, https://www.psp.cz/eknih/1935ns/ps/tisky/t0851_01.htm (access: 23.3.2026).

of the military criminal codes dealing with field criminal proceedings was abolished. Provisionally, the provisions of regular military criminal proceedings were extended to this situation. The original draft from 1918, prepared by the Ministry of National Defence⁶⁶, was withdrawn from the interdepartmental comment procedure and revised. It was not until 1937 that Act No. 115/1937 Coll. on Military Field Criminal Proceedings was adopted. It contained a completely new legal regulation of this issue.

In Austria, the first amendment to the military procedural regulations was also carried out shortly after the end of World War I. In December 1918, Act No. 137/1918 StGBI., Law on Military Criminal Proceedings⁶⁷, was adopted, which brought several fundamental changes. Only the Military Criminal Procedural Code originally intended for *K.k. Landwehr* (No. 131/1912 RGBI.) was to be used. Another fundamental innovation in Austrian military criminal procedure from 1918 was the exclusion of the gendarmerie from the personal jurisdiction of the Military Criminal Procedural Code. Gendarmerie officers were now subject to general (non-military) criminal justice. In Czechoslovakia, the gendarmerie remained subject to military judicial jurisdiction⁶⁸.

Military criminal justice in Austria was found to be necessary for the army and fully in accordance with the principles of a democratic state⁶⁹. There was therefore no reason to abolish it completely, but it underwent significant changes. The judicial panel in the divisional courts (i.e., the second branch of the military judicial system) was now composed of a chairman (a judicial service officer), a staff officer with the rank of major or higher, an officer with the rank of captain, and two non-commissioned officers as assessors⁷⁰. For comparison, in Czechoslovakia the judicial panel in the divisional court was composed of two judicial officers (the chairman was the one with the higher rank or older) and two assessors according to the class affiliation of the defendant (i.e., officers, non-commissioned officers,

⁶⁶ Ministry of National Defence – Presidium – I – 1918–1923, Military Central Archive – Military Historical Archive Prague, archival reference no. 408, file: Novela k voj. tr. řádu – Vyjádření pres. pol. 2, fol. 9.

⁶⁷ StGBI. No. 137/1918, Gesetz über das Militärstrafverfahren (Militärstraßprozeßnovelle vom Jahre 1918).

⁶⁸ Section 12 of the Act No. 299/1920 Coll. on the Gendarme (Zákon č. 299/1920 Sb. z. a n., o četnictvu).

⁶⁹ M. Lichtenwagner, *op. cit.*, p. 53.

⁷⁰ Section 55 of the Act No. 131/1912 on the Military Criminal Procedure Code for the Landwehr (Gesetz über die Militärstraßprozeßordnung für die Landwehr), as amended in 1918. See also G. Lelewer, R. Hecht, *op. cit.*, p. 31.

or members of the ranks)⁷¹. The Austrian Supreme Military Court (institution) was retained, but the position of the chairman of the judicial panel was abolished.

As in Czechoslovakia, the institution of the competent commander⁷² was abolished in Austria in 1918 with regard to his powers in criminal proceedings. His former powers were transferred to the military prosecutor, partly also to the court of first instance (i.e., the brigade court in less serious cases and the divisional court in more serious cases), as well as to the disciplinary superior. Unlike in Czechoslovakia, the institution of the private prosecutor was abolished in Austria⁷³.

New constitutions were adopted in Czechoslovakia and Austria in 1920. While the Czechoslovak constitution concerned only a limited extent the issues of the army and military justice, the Austrian federal constitution had a fundamental impact on their form. The Czechoslovak Constitutional Charter contained a single civil obligation – military service⁷⁴, which was further specified by the (new) Military Service Act⁷⁵. In contrast, the Austrian Federal Constitution practically abolished military justice – the only exception was a state of war, which had to be officially declared by the government⁷⁶.

In interwar Czechoslovakia, the separate military criminal justice system was maintained, although initially it was considered to merge it with the general (non-military) criminal justice system. The reason for maintaining the separate military criminal justice system was the fear of overloading the general (non-military) criminal justice systems. It would therefore be necessary to increase the number of professional staff in the courts concerned⁷⁷. In this context, it is worth noting that the military judicial system was subject to the Ministry of National Defence, while the general (non-military) judicial system was under the jurisdiction of the Ministry of Justice. If the military and general (non-military) criminal judicial systems were to be merged, it would also be necessary to resolve the issue of its

⁷¹ Article XII of the Act No. 89/1918 Coll. Temporarily Amending Certain Provisions of the Military Criminal Procedure Code (Zákon č. 89/1918 Sb. z. a n., jímž se prozatímně mění některá ustanovení vojenského trestního řádu).

⁷² Article V of the Act No. 89/1918.

⁷³ Some crimes could only be prosecuted at the request of one of the parties to the proceedings. This request was authorized to be filed by the so-called private prosecutor. This was true not only in military but also in civil criminal law. See Section 104 of the Military Criminal Procedure Code of 1912 and Section 46 of the Code of Criminal Procedure (RGBl. No. 119/1873, Gesetz vom 23. Mai 1873, betreffend die Einführung einer Strafproceß-Ordnung).

⁷⁴ Section 127 of the Act No. 121/1920 Coll., Constitutional Charter of the Czechoslovak Republic (Zákon č. 121/1920 Sb. z. a n., Ústavní listina Československé republiky).

⁷⁵ Zákon č. 193/1920 Sb. z. a n., Branný zákon..

⁷⁶ Article 84 of Federal Constitutional Act (BGBl. No. 1/1920).

⁷⁷ Ministry of National Defence – Presidium – I – 1918–1923, Military Central Archive – Military Historical Archive Prague, archival reference no. 418, file: Vojenská justice – Návrhy, fol. 9.

financing (from the state budget). In addition to the above-mentioned unification of the system of military judicial bodies in the territory of the Czechoslovak Republic, it remained in virtually unchanged form until its forced liquidation after the establishment of the Protectorate of Bohemia and Moravia in 1939. It was necessary to choose a new seat for the Supreme Military Court, the existence of which was assumed by the above-mentioned military criminal procedural codes⁷⁸. The seat of the Supreme Military Court was established in Prague, the capital of the Republic. The gendarmerie remained subject to military judicial jurisdiction in interwar Czechoslovakia throughout its duration. This was logical, also considering that the Czechoslovak Gendarmerie Act adopted in 1920 explicitly stipulated that in time of war part of the gendarmerie would be placed under the direct command of the army (Section 6).

In 1934, an ad hoc military court was established in Austria in connection with the assassination of the Austrian Chancellor Engelbert Dollfuss⁷⁹. The jurisdiction of this court applied exclusively to the crimes listed in the law, which were committed in connection with the attempted coup d'état on 25 July 1934 during martial law (including the aforementioned assassination). It was a special military court with nationwide jurisdiction at the level of the highest provincial court. It consisted of four judges: one professional judge as president and three officers, and one public prosecutor as prosecutor. The verdict had to be delivered within 72 hours of the filing of the indictment. If the defendant was found guilty, he was sentenced to the death penalty⁸⁰.

After the military occupation of Austria and its subsequent annexation to the German Reich in 1938, the German military criminal law⁸¹ was introduced for the territory of the so-called "Eastern Mark" by two decrees⁸². Given its completely different history of development, it differed significantly from Austrian military criminal law even in peacetime⁸³.

The area of military criminal law was also affected by many secondary criminal laws. Among those adopted in Czechoslovakia after 1918, it is possible

⁷⁸ It is Section 61 of the Military Criminal Procedural Codes of 1912.

⁷⁹ BGBl. II No. 152/1934, Bundesverfassungsgesetz vom 26. Juli 1934 über die Einführung eines Militärgerichtshofes als Ausnahmegerichtes zur Aburteilung der mit dem Umsturzversuch vom 25. Juli 1934 im Zusammenhang stehenden strafbaren Handlungen.

⁸⁰ M. Moll, *op. cit.*, p. 335.

⁸¹ On German military criminal law, see, e.g., E. Schmidt, *Militärstrafrecht*, Berlin 1936.

⁸² GBlÖ. No. 337/1938, Kundmachung des Reichsstatthalters in Österreich, wodurch das Militärstrafgesetzbuch, die Militärstraßgerichtsordnung, die dazu gehörenden Einführungsgesetze sowie die Disziplinarstrafordnungen für das Heer und für die Kriegsmarine bekanntgemacht werden; GBlÖ. No. 347/1938, Kundmachung des Reichsstatthalters in Österreich, wodurch die Verordnung zur Änderung der Militärstraßgerichtsordnung vom 24. Juli 1938 bekanntgemacht wird.

⁸³ M. Preuschl, *op. cit.*, p. 166.

to mention, e.g., the Act on Juvenile Criminal Justice⁸⁴. It was a *lex specialis* in relation to both general (non-military) and military criminal law regulations. Its scope covered proceedings on criminal offences committed by juveniles, i.e., persons aged 14 to 18, taking into account their intellectual and moral development. In the case of persons subject to military jurisdiction (e.g., military school students), the military judicial authorities were competent to handle the proceedings (Section 69). Juvenile offenders could be imposed an educational measure to prevent their possible recidivism in the future⁸⁵. Another such law was, e.g., the Act on Conditional Sentencing and Conditional Release⁸⁶.

CONCLUSIONS

The collapse of the Austro-Hungarian Monarchy at the end of World War I brought fundamental political, military, and legal changes to Central Europe. The successor states that emerged after 1918 inherited a relatively sophisticated legal system, including the system of military organization and military criminal law. Both Czechoslovakia and Austria initially relied on these legal foundations, which ensured a certain degree of continuity during the early years of state formation. However, the further development of military institutions and military criminal law in these two countries gradually diverged.

The newly established Czechoslovak state was ranked among the victorious powers. Its economic situation was stabilized very quickly, and it can be said that until the Munich Crisis in September 1938 it was a stable democratic state. The Czechoslovak army was built as a standing defensive force. It was not subject to the strict international limitations imposed on the defeated states after the war and enjoyed respect in it. As a result of this situation, the existence of a separate system of military criminal law and military courts was maintained throughout the interwar period. Despite the proclaimed effort to de-Austracize and the legionary tradition, similarly to other branches of law, military criminal codes from the Austro-Hungarian era remained in force. Although attempts were made to reform and unify criminal law legislation, a comprehensive recodification of military criminal law was not successful in the interwar period. Only partial issues were unified, with the most significant impact on military criminal law in 1923 being the Act No. 50/1923 on the Protection of the Republic and in 1937 the Act on Military Field Criminal Proceedings⁸⁷.

⁸⁴ Zákon č. 48/1931 Sb. z. a n., o trestním soudnictví nad mládeží.

⁸⁵ *Důvodová zpráva k vládnímu návrhu zákona o trestním soudnictví nad mládeží*, https://www.psp.cz/eknih/1929ns/ps/tisky/t0539_03.htm (access: 23.3.2026).

⁸⁶ Zákon č. 562/1919 Sb. z. a n., o podmíněném odsouzení a podmíněném propuštění.

⁸⁷ Zákon č. 115/1937 Sb. z. a n., o vojenském polním trestním řízení.

The situation in Austria developed differently. As a defeated state, Austria faced significant restrictions imposed by the Treaty of Saint-Germain-en-Laye, which limited the size, organization and functions of its armed forces. These limitations, together with strong antimilitarist tendencies in the early post-war period, led to a gradual transformation of the legal framework governing the army. One of the most significant changes was the abolition of the separate Military Criminal Code in 1920 and the subordination of members of armed forces to general (non-military) criminal law. Nevertheless, the political developments of the 1930s, including the growing authoritarian tendencies, led to the restoration of military law (including military criminal law) in 1936. The eventual annexation of Austria by Germany in 1938 resulted in the introduction of German military criminal law⁸⁸.

Overall, the comparison of the interwar development of military criminal law in Czechoslovakia and Austria demonstrates how strongly the development of military criminal law was influenced by the broader political and international context of the period. While Czechoslovakia largely maintained legal continuity with the Austro-Hungarian tradition, Austria underwent a more radical transformation due to both external constraints and internal political developments.

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⁸⁸ See the two regulations of the Reich Governor in Austria: GBlÖ. No. 337/1938 and GBlÖ. No. 347/1938.

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- Zákon č. 89/1918 Sb. z. a n., jímž se prozatímně mění některá ustanovení vojenského trestního řádu.
- Zákon č. 556/1919 Sb. z. a n., kterým se mění některá ustanovení vojenského trestního zákona.
- Zákon č. 562/1919 Sb. z. a n., o podmíněném odsouzení a podmíněném propuštění.
- Zákon č. 121/1920 Sb. z. a n., Ústavní listina Československé republiky.
- Zákon č. 193/1920 Sb. z. a n., Branný zákon.
- Zákon č. 299/1920 Sb. z. a n., o četnictvu.
- Zákon č. 50/1923 Sb. z. a n., zákon na ochranu republiky.
- Zákon č. 48/1931 Sb. z. a n., o trestním soudnictví nad mládeží.
- Zákon č. 115/1937 Sb. z. a n., o vojenském polním trestním řízení.

ABSTRACT

The article focuses on the degree of continuity and the conceptual changes in military criminal law and military justice in interwar Czechoslovakia and Austria, thereby addressing the question of the subsequent fate of Austro-Hungarian military criminal law and independent military justice. The differing political and economic developments in the two countries during the interwar period also influenced the further evolution of their legal systems. Interwar Czechoslovakia was regarded as one of the victorious states (although it was required to contribute to the payment of reparations), and its army enjoyed respect. By contrast, interwar Austria was regarded as a defeated state and (especially its armed forces) was subject to restrictions imposed by the victorious powers.

Keywords: interwar period; military criminal law; Austria; Czechoslovakia; Austria-Hungary; armed forces

ABSTRAKT

W artykule analizie poddano stopień ciągłości i zmiany koncepcyjne w dziedzinie prawa karnego wojskowego i sądownictwa wojskowego w okresie międzywojennym w Czechosłowacji i Austrii, podejmując tym samym kwestię dalszych losów austro-węgierskiego prawa karnego wojskowego oraz niezależnego sądownictwa wojskowego. Odmiennej rozwój polityczny i gospodarczy w okresie międzywojennym również odegrał rolę w dalszym rozwoju prawa. Czechosłowacja w okresie międzywojennym była uważana za jedno ze zwyciężonych państw (choć musiała dokładać się do spłaty reparacji), a jej armia cieszyła się szacunkiem. Z kolei Austria w okresie międzywojennym była uważana za państwo pokonane i podlegała (zwłaszcza jej armia) ograniczeniom ze strony państw zwyciężonych.

Słowa kluczowe: okres międzywojenny; wojskowe prawo karne; Austria; Czechosłowacja; Austro-Węgry; armia