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The Role and Limits of Police Participation in All-out Defense under Taiwan's National Defense Act: Public–Private Collaboration, the Transition from Peace to War, and Social Trust

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ABSTRACT

All-out Defense requires the police to adapt their roles across public order maintenance, civil defense coordination, and military support. Focusing on Taiwan's National Defense Act, this article examines the legal status of the police as a resource for wartime defense. It employs doctrinal legal analysis and systematic statutory interpretation to examine Articles 3, 4(2), and 28 of the Act, drawing on scholarship on collaborative governance, police legitimacy, and crisis management to assess the role and limits of police participation in All-out Defense in Taiwan. The article argues that the police possess the professional capabilities and organizational foundations necessary to contribute to wartime defense. Specific police units that satisfy the statutory requirements, including qualification as legally constituted armed units, may be incorporated into the order of battle through the procedures prescribed by the Act. Civil defense support and incorporation into combat formations nevertheless require separate clarification of missions, command arrangements, and personnel status. The full scope of police powers cannot be inferred solely from the overarching concept of All-out Defense. The recent establishment of specialized security policing programs at Taiwan's police educational institutions reflects the growing importance of critical infrastructure protection and functional specialization in police education. The article further argues that public–private collaboration, procedural safeguards, and appropriate resource allocation can enable wartime police contributions and essential policing services to reinforce one another while sustaining social trust. Artificial intelligence can assist in forecasting resource needs and comparing allocation options, provided that its use remains within statutory authority, is subject to human review, and preserves equity in service provision.

Keywords: *All-out Defense, police powers, civil–military relations, civil defense, societal resilience*

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I. INTRODUCTION

The advancement of All-out Defense makes national security a shared concern across military institutions, civilian administrative agencies, and civil society organizations. Given their close ties to local communities and their capacity for organizational mobilization and emergency response, the police are often expected to undertake civil defense training, evacuation, and military support duties. Yet this expansion of responsibilities raises new questions about their institutional role. How should the police allocate their limited capacities when military demands and the need to maintain public order increase simultaneously? What legal basis is required for changes in their assigned functions? How can the state prevent defense policies from undermining public trust in the police?

This article's understanding of societal resilience draws on the work of Keck and Sakdapolrak, who distinguish three capacities through which social actors respond to crises: coping, adaptation, and transformation. Coping capacity concerns the management of immediate threats; adaptive capacity involves learning from experience and adjusting actions; and transformative capacity entails participation in institutional change to improve the conditions for addressing future crises.[1] Drawing on this framework, this article defines societal resilience as the capacity of a society to sustain and improve basic living conditions, public services, and cooperative relationships through crisis response, continuous learning, and institutional adjustment. In the context of policing, this article argues that ensuring that people can continue to report incidents, obtain protection, and access reliable information during a crisis constitutes a concrete expression of such resilience. Assessing police contributions to defense therefore requires consideration not only of the personnel assigned to military support but also of the continuity of essential services and social cooperation. This article distinguishes civil defense, military support, and incorporation into combat formations primarily according to their respective functions within the legal framework. Civil defense encompasses civilian self-defense and self-help, disaster prevention and emergency assistance, and wartime support, as provided for in Article 1[2] and Article 2[3] of the Civil Defense Act and Article 28 of the National

[1] Markus Keck & Patrick Sakdapolrak, *What Is Social Resilience? Lessons Learned and Ways Forward*, 67 ERDKUNDE 5, 10–11 (2013), https://doi.org/10.3112/erdkunde.2013.01.02.

[2] Minfang Fa [Civil Defense Act] art. 1 (as amended Jan. 20, 2021) (Taiwan), *translated in* Laws & Regulations Database of the Republic of China (Taiwan), https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080118 ("This legislation is enacted to effectively utilize civilian resources, enhance civilian self-defense and self-help capabilities, collectively protect the lives, bodies and property of the people, and achieve disaster prevention and relief during peacetime, as well as provide effective support for military missions during wartime. Matters not stipulated in this Act shall be governed by the provisions of other relevant laws and regulations.").

[3] Minfang Fa [Civil Defense Act] art. 2 (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2 ("The scope of civil defense work is defined as follows: 1. Disseminating air attack information, issuing alarms, and facilitating air defense evacuation and sheltering, and air attack disaster protection. 2. Assisting rescue operations

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Defense Act.[4] Military support is used here as a general term for activities that assist military missions. Support for military duties is a statutory civil defense task under Article 2, subparagraph 4, and Article 3(2) of the Civil Defense Act,[5] and the specific activities it comprises are set out in Article 3 of the Enforcement Rules for Civil Defense Act.[6] Incorporation into combat formations refers to the arrangements under Article 4(2) of the National Defense Act through which other legally constituted armed units are incorporated into the order of battle.[7] These three categories thus represent analytical distinctions grounded in existing law. When assessing a particular mission, it is necessary to identify whether the executing body is a police agency, a civil defense unit, or an armed unit already incorporated into the order of battle; whether the mission involves public order maintenance, military support, or combat; and which authority exercises command under which procedures.

Police militarization concerns a different analytical dimension. Kraska uses militarization as a concept for examining shifts in the boundaries between police and military organizations and the influence of military models on policing.[8] Accordingly, although the use of military-style

following serious disasters. 3. Assisting in maintaining local social order or undertaking civil self-defense. 4. Supporting military tasks. 5. Engaging in the organization, training, drills, and duty execution for civil defense manpower. 6. Taking responsibility for the organization, training, drills, and duty execution for vehicles, engineering machinery, ships, aircraft, and other equipment and materials relating civil defense affairs. 7. Undertaking civil defense education and promotion. 8. Ensuring the preparedness of civil defense facilities and equipment. 9. Other matters related to civil defense preparedness.").

[4] Guofang Fa [National Defense Act] art. 28 (as amended June 6, 2012) (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0010030 ("In order to realize all-out defense, safeguard the people and their properties, the Executive Yuan may establish civil defense organizations to offer civil defense trainings or implement exercises in accordance with the Law. Such organizations may in peacetime participate in disaster prevention or medical activities, and in wartime support military missions.").

[5] Minfang Fa [Civil Defense Act] art. 3, para. 2 (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2 ("Civil defense tasks related to military duties shall be executed by the central competent authority in conjunction with the Ministry of National Defense in time of peace. During wartime, the Ministry of National Defense shall coordinate the use of civil defense teams by the central-level competent authority in support of military duties."); *see also id.* art. 2, subpara. 4 ("Supporting military tasks.").

[6] Minfang Fa Shixing Xize [Enforcement Rules for Civil Defense Act] art. 3 (as amended Feb. 18, 2020) (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080123 ("The 'supporting military duty' in Subparagraph 4, Article 2 of the Law means that the members of civil defense teams cooperate with the military units of national defense to execute the following affairs: 1. First-aid repair of military airport, military port, military plant and warehouse and other important facilities. 2. First-aid repair of war-preparation road and runway as well as railway, highway, bridge, tunnel and other facilities related to movement of troops. 3. Assistance in loading, transportation and unloading of military goods. 4. Assistance in establishment of military obstacles. 5. Monitoring the air and reporting the dynamic conditions of enemy airplanes. 6. Monitoring and reporting airlanding enemies, missile attach and other conditions. 7. Assistance in medical operations for the wounded. 8. Other tasks designated by the Ministry of National Defense based on negotiation with the central regulating department.").

[7] Guofang Fa [National Defense Act] art. 4, para. 2 (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0010030 ("In wartime, the Ministry of National Defense (MND) may call up other legalized armed units to participate in the order of battle after the permission is granted by the Executive Yuan.").

[8] Peter B. Kraska, *Militarization and Policing: Its Relevance to 21st Century Police*, 1 POLICING 501 (2007), https://doi.org/10.1093/police/pam065.

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equipment or participation in tactical training may raise legal questions about police membership in military formations, neither is sufficient in itself to equate police personnel with military personnel. For example, security police trained to respond to armed attacks may continue to protect facilities under their police powers. Their subsequent incorporation into the order of battle would require a separate determination of the applicable conditions and incorporation procedures under the National Defense Act. This distinction recognizes that police capabilities can support wartime needs while clarifying the relationship among training, operational duties, and legal status.

II. A SYSTEMATIC INTERPRETATION OF THE NATIONAL DEFENSE ACT: SOCIETY-WIDE PARTICIPATION AND FUNCTIONAL SPECIALIZATION

A. Civil defense and national defense: distinct roles and responsibilities

An examination of the role of the police under the National Defense Act must begin by distinguishing the broad scope of national defense objectives from the specific powers granted to implementing authorities. Article 2 identifies the protection of the nation and its people as an objective of national defense,[9] while Article 3 invokes the concept of All-out Defense to encompass activities that contribute directly or indirectly to that objective.[10] Under the systematic interpretation advanced in this article, this broad definition serves to integrate national resources. It does not, however, imply that all activities contributing to national defense may be placed under direct military command or that the police may undertake such activities without regard to the existing limits of their powers. The scope of a policy objective and the means that individual agencies are legally authorized to employ remain distinct questions.

Furthermore, Article 3 recognizes contributions to national defense from diverse fields, including social, economic, psychological, and technological affairs. This recognition supports an interpretation of All-out Defense that accommodates multiple forms of participation. Police protection of crime victims and maintenance of local public order, the continued provision of care to the injured by the healthcare system, and the maintenance of essential supplies by businesses can each contribute to national defense capabilities. Reducing All-out Defense to a

[9] Guofang Fa [National Defense Act] art. 2 (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0010030 ("The national defense of the Republic of China is aimed at utilization of comprehensive national power to establish national defense military force, to assist disaster prevention and rescue, safeguard national security and maintain world peace.").

[10] Guofang Fa [National Defense Act] art. 3 (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0010030 ("The national defense of the Republic of China is of all-out national defense, involving affairs pertaining to military, civil defense, implementation of disaster prevention and rescue, and those in political, society, economic, psychological and technological domains, which may directly or indirectly contribute to the national defense.").

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uniform transition toward combat roles across all sectors could instead erode the specialized functions necessary to sustain society. This article therefore argues that functional specialization should be regarded as an essential means of implementing All-out Defense. The differences between Articles 4 and 28 are particularly useful in identifying this division of functions. Article 4 concerns the operational employment of the armed forces and other armed units in combat, whereas Article 28 provides for the establishment, training, and exercises of civil defense organizations, linking peacetime disaster prevention and emergency assistance with wartime support for military missions. Although these arrangements may complement one another in specific circumstances, they should not be conflated merely because both fall within the national defense framework. A legally established civil defense organization cannot be regarded as an armed unit incorporated into the order of battle solely because it supports military missions. Similarly, police activities must be assessed separately to determine whether they constitute ordinary policing duties, civil defense coordination, or combat missions assigned through the requisite statutory procedures.

B. Civil defense and security police: functional specialization and professional training

This interpretation of the National Defense Act also clarifies the relationship between specialized police education and the allocation of functions. According to official information published by Taiwan Police College, its specialized security policing program was established in August 2024 with the approval of the Ministry of Education and began admitting students with the forty-third cohort of its police officer training program. Its educational objectives include critical infrastructure protection and responses to wartime and disaster situations, while addressing both peacetime public order maintenance and wartime support.[11] Central Police University's specialized security policing department received approval from the Executive Yuan in November 2023 and was established on August 1, 2024, when it began admitting students. Its establishment responded to emerging security threats and the need to protect national critical infrastructure. Its curriculum emphasizes risk assessment, physical protection, information security, and emergency response.[12]

These official sources indicate that the establishment of specialized security policing programs is intended to equip designated police personnel, through professional education, with the capabilities required for high-risk security missions and infrastructure protection. This institutional development is consistent with the functional specialization advocated in this

[11] TAIWAN POLICE COLLEGE, *Bao'an Jingcha Ke: Benke Jianjie* [Department of Special Police: Department Introduction], https://dsp.tpa.edu.tw/p/412-1025-165.php?Lang=zh-tw (last visited Oct. 18, 2026).
[12] CENTRAL POLICE UNIVERSITY, *Bao'an Jingcha Xuexi: Xuexi Jianjie* [Department of Special Police: Department Introduction], https://sp.cpu.edu.tw/p/412-1088-56.php (last visited Oct. 18, 2026).

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article. Nevertheless, the objectives of educational programs, the legal authorization for individual duties, and decisions concerning incorporation into the order of battle operate at distinct levels. The establishment of these programs demonstrates that the state is developing relevant capabilities. Admission arrangements and curriculum content alone, however, do not establish that graduates have been incorporated into the order of battle for wartime service. This article therefore argues that educational objectives should be linked to unit missions, equipment allocation, and command procedures so that specialized education develops defense capabilities that can be lawfully employed.

III. THE NEED FOR PUBLIC–PRIVATE COLLABORATION AND THE LIMITS OF RESPONSIBILITY

A. Public–private collaboration in All-out Defense

Article 3 of the National Defense Act brings All-out Defense, disaster prevention and response, and related social and economic affairs within the scope of national defense. Article 28 provides for the lawful establishment of civil defense organizations and the conduct of training and exercises. Articles 1[13] and 10[14] of the All-Out Defense Education Act further link defense knowledge and awareness with education through mobilization exercises. These provisions establish an institutional basis for extending defense activities across society and underscore the need to integrate expertise and resources from different sectors.

Public–private collaboration can be understood through scholarship on collaborative governance and cross-sector collaboration. This article uses the term to describe joint planning and implementation by government, businesses, communities, and nonprofit organizations for public purposes. Its meaning extends beyond public–private partnerships for infrastructure procurement or concession arrangements. Ansell and Gash place consensus-oriented decision-making involving public agencies and nongovernmental stakeholders at the center of collaborative governance.[15] From this perspective, collaborative arrangements for All-out

[13] Quanmin Guofang Jiaoyu Fa [All-Out Defense Education Act] art. 1 (promulgated Feb. 2, 2005) (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0080014 ("In order to promote All-out defense education, advance national defense knowledge and awareness to defense our country of the public, complete national defense development, and to ensure national security, the Act was enacted.").

[14] Quanmin Guofang Jiaoyu Fa [All-Out Defense Education Act] art. 10 (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0080014 ("The competency agency at each level shall incorporate with drill exercises and plan educational activities or courses on national defense mobilizing exercises. In addition, during mobilized drill exercises, national defense education shall be conducted accordingly.").

[15] Chris Ansell & Alison Gash, *Collaborative Governance in Theory and Practice*, 18 JOURNAL OF PUBLIC ADMINISTRATION RESEARCH AND THEORY 543 (2008), https://doi.org/10.1093/jopart/mum032.

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Defense should allow nongovernmental participants to contribute to decisions concerning mission requirements, capacity constraints, and implementation methods, rather than merely receive government instructions. This article therefore argues that peacetime consultation and feedback from exercises should become established procedures within defense collaboration.

B. Society-wide mobilization and defense collaboration

Bryson, Crosby, and Stone identify cross-sector collaboration as an important means of addressing complex public problems, emphasizing joint participation by government, businesses, and nonprofit organizations.[16] Applied to defense preparedness, this perspective suggests that businesses can contribute knowledge of facility operations and supply chains, communities can identify local needs and provide mutual assistance networks, and the police can provide protection and emergency response capabilities within their statutory remit. These resources are complementary. Responsibilities should therefore be allocated according to expertise, rather than requiring all participants to conform to a single model of police operations. Thomson and Perry identify five dimensions of collaboration: governance, administration, organizational autonomy, mutuality, and norms.[17] Their analysis highlights that shared objectives do not extinguish the statutory responsibilities or autonomy of participating organizations. Accordingly, collaborative plans for All-out Defense should specify decision-making procedures, designated points of contact, information-sharing rules, and cost allocation, while ensuring that nongovernmental organizations understand the scope of their commitments. Voluntary business participation, requisition under law, and compliance with statutory protection duties should be treated as distinct legal arrangements, rather than subsumed under the general notion of collective defense.

Emerson, Nabatchi, and Balogh propose an integrative framework encompassing the institutional context, collaborative governance arrangements across organizational boundaries, and their internal dynamics. Their framework highlights the need for appropriate institutional arrangements and for examining how collaborative action produces effects and subsequent adaptation.[18] Drawing on this approach, this article argues that defense collaboration must extend beyond the signing of agreements. Joint training and periodic reviews should assess whether information can be exchanged, equipment can support assigned tasks, and conflicts

[16] John M. Bryson, Barbara C. Crosby & Melissa Middleton Stone, *The Design and Implementation of Cross-Sector Collaborations: Propositions from the Literature*, 66 PUBLIC ADMINISTRATION REVIEW 44 (2006), https://doi.org/10.1111/j.1540-6210.2006.00665.x.

[17] Ann Marie Thomson & James L. Perry, *Collaboration Processes: Inside the Black Box*, 66 PUBLIC ADMINISTRATION REVIEW 20 (2006), https://doi.org/10.1111/j.1540-6210.2006.00663.x.

[18] Kirk Emerson, Tina Nabatchi & Stephen Balogh, *An Integrative Framework for Collaborative Governance*, 22 JOURNAL OF PUBLIC ADMINISTRATION RESEARCH AND THEORY 1 (2012), https://doi.org/10.1093/jopart/mur011.

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between missions can be resolved. Environmental, social, and governance (ESG) policies may encourage voluntary participation, but specific obligations and responsibilities must derive from law or collaborative agreements; they do not arise from ESG principles alone. Public–private collaboration must also be accompanied by clearly defined limits of responsibility. Participants' duties, training requirements, allocation of risks, and compensation arrangements should be clarified in advance. If the state requires cooperation without providing necessary information and safeguards, collaboration may become a means of shifting responsibility onto nongovernmental participants. Article 3, subparagraph 2, of the All-out Defense Mobilization Readiness Act requires both support for military operations and the maintenance of the population's basic living needs.[19] The continuity of essential civilian services should therefore constitute a substantive objective of mobilization policy.

IV. THE LEGAL BASIS FOR POLICE PARTICIPATION IN MILITARY MISSIONS AND THE DIFFERENTIATION OF ROLES

This article argues that the police can serve as a national defense resource during wartime. Their local connections and capabilities in public order maintenance, infrastructure protection, and armed response enable them to perform important functions alongside those of the armed forces. Drawing on conflict settings such as Iraq and Afghanistan, Bayley and Perito examine the roles, training, and institutional reform of local police in peace operations and counterinsurgency. Their work supports the proposition that the police perform substantive security functions in situations of armed conflict.[20] Nevertheless, scholarship demonstrating the importance of police participation in conflict governance does not itself provide domestic legal authorization for Taiwanese police to engage in combat.

A. Legal framework

Police involvement in wartime defense should be calibrated to the intensity of the assigned missions. Public order maintenance, evacuation, and facility security may be undertaken pursuant to the applicable laws. Where specific units are to participate in combat, the conditions for their incorporation into combat formations must be separately established. In his study of occupation, Watkin observes that military and police activities may overlap, requiring careful

[19] Quanmin Fangwei Dongyuan Zhunbei Fa [All-out Defense Mobilization Readiness Act] art. 3, subpara. 2 (as amended June 19, 2019) (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0070013 ("Mobilization tasks are as follows: . . . 2. During the Mobilization Implementation Phase, synchronizing all of the civil power to support military operations and deal with emergencies, as well as to maintain the needs for government's emergency response and people's daily lives.").

[20] DAVID H. BAYLEY & ROBERT M. PERITO, THE POLICE IN WAR: FIGHTING INSURGENCY, TERRORISM, AND VIOLENT CRIME (2010).

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consideration of the rules governing law enforcement and the conduct of hostilities.[21] Drawing on this insight, this article advocates a mission-oriented regulatory framework for wartime policing, rather than categorically excluding defense functions merely because the personnel concerned are designated as police in peacetime. Articles 2[22] and 9, subparagraph 8,[23] of Taiwan's Police Act establish the general functions of the police and their authority to perform other duties prescribed by law. Incorporation into combat formations must, however, also be assessed in light of the specific procedures under the National Defense Act.

B. Civil defense support

Article 3(2) of Taiwan's Civil Defense Act provides that, during wartime, the Ministry of National Defense shall coordinate with the central competent authority to deploy civil defense units in support of military duties.[24] Article 3 of the Enforcement Rules for Civil Defense Act identifies activities falling within "supporting military duty," including emergency facility repairs, the loading, unloading, and transportation of military supplies, and medical care for the wounded.[25] This support framework is legally distinct from incorporation into combat formations. Civil defense units likewise cannot simply be equated with police agencies. The duties of individual police officers or units must therefore be determined by reference to the applicable rules governing their organization and powers.

C. Participation in combat

Article 4(2) of Taiwan's National Defense Act provides an institutional pathway for incorporating other legally constituted armed units into the order of battle. In wartime, the Ministry of National Defense may, where military needs so require, call up such units to participate in the order of battle after obtaining permission from the Executive Yuan. This article accordingly argues that specific armed police units satisfying the statutory requirements may lawfully be incorporated into the order of battle. This interpretation recognizes that the police can form part of the state's combat defense capabilities, subject to the units' legal eligibility, military necessity, and Executive Yuan approval. Article 7 of Taiwan's Criminal Code of the

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[21] Kenneth Watkin, *Use of Force During Occupation: Law Enforcement and Conduct of Hostilities*, 94 INTERNATIONAL REVIEW OF THE RED CROSS 267 (2012), https://doi.org/10.1017/S1816383112000513.

[22] Jingcha Fa [Police Act] art. 2 (as amended June 12, 2002) (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080001 ("The mission of the police is obligated to maintain public order, protect social security, prevent all hazards, and promote public welfare according to applicable laws.").

[23] Jingcha Fa [Police Act] art. 9, subpara. 8 (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080001 ("The police exercise the following powers according to applicable laws: . . . 8. Other matters enforceable according to applicable laws.").

[24] Minfang Fa [Civil Defense Act] art. 3, para. 2 (Taiwan); *see supra* note 5.

[25] Minfang Fa Shixing Xize [Enforcement Rules for Civil Defense Act] art. 3 (Taiwan); *see supra* note 6.

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Armed Forces[26] and Article 3 of the Military Trial Act[27] provide that personnel in legally constituted armed units incorporated during wartime into the "order of battle" and "combat formations," respectively, are deemed to be active-duty military personnel. Together, these provisions provide an important basis for understanding incorporation procedures and status under military law, although each must be applied according to its own statutory requirements.

D. Comparative legal perspective

Article 43(3) of the 1977 Additional Protocol I to the Geneva Conventions expressly addresses the incorporation of paramilitary or armed law enforcement agencies into the armed forces, requiring notification to the other parties to the conflict.[28] This provision recognizes the possibility of such incorporation. This article invokes it as a comparative reference within international law. Its significance lies in the need for identifiable institutional arrangements governing changes in wartime roles, so that personnel are not left uncertain about their functions or legal status.

Accordingly, this article adopts a position that recognizes police participation, requires lawful incorporation, and allocates responsibilities according to mission. Police participation in wartime defense is institutionally feasible, and specific units may become combat forces where the relevant conditions and procedures are satisfied. The extent of their involvement should nevertheless reflect their training, equipment, and existing public order responsibilities. For incorporated units, command arrangements, rules governing the use of force, responsibility, and protections and benefits in the event of injury or death should be clarified in advance. Police personnel who are not incorporated should retain the capabilities necessary for law enforcement and public protection. This division of functions can translate police expertise into effective defense capabilities while enabling frontline personnel to understand their missions and responsibilities clearly.

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[26] Lu Hai Kong Jun Xingfa [Criminal Code of the Armed Forces] art. 7 (as amended Dec. 27, 2023) (Taiwan) (providing that legally constituted armed units incorporated into the order of battle in wartime are deemed active-duty military personnel), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0120001.

[27] Junshi Shenpan Fa [Military Trial Act] art. 3 (as amended Apr. 3, 2019) (Taiwan) (providing that legally constituted armed units incorporated into combat formations in wartime are deemed active-duty military personnel), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0120008.

[28] Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) art. 43(3), June 8, 1977, 1125 U.N.T.S. 3, https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-43 (last visited Oct. 18, 2026).

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V. Social trust from a transitional justice perspective

A. Implications for defense governance

Police participation in All-out Defense also raises the question of how the state can secure public trust in the exercise of security powers. Transitional justice is concerned not only with addressing past abuses but also with ensuring that institutional reform prevents the recurrence of practices that undermine rights. In examining disasters and transitional justice, Bradley observes that some disaster situations may involve serious rights violations, making accountability, recognition of victims, and institutional strengthening particularly important. She also cautions against treating every disaster as a transitional justice issue.[29] This article draws the following institutional implication from her analysis: a crisis does not exempt the exercise of public power from scrutiny, and defense preparedness should include procedures designed in advance to protect the public. This is an application of her argument to defense governance, rather than a claim that her research establishes specific abuses within Taiwan's civil defense system. Tyler, in turn, highlights the importance of public assessments of procedural justice in shaping police legitimacy and voluntary support and cooperation.[30] From this perspective, the police should clearly explain the reasons for measures adopted during defense exercises, evacuations, and security checks, consider relevant views, and apply rules consistently. This article argues that these procedural arrangements can provide an institutional foundation for sustained cooperation. The importance of security objectives cannot substitute for requirements governing how those objectives are pursued.

B. Human rights-based policing

Building trust requires clearly identifiable institutional safeguards. The purposes of civil defense activities, the scope of data use, and the responsibilities of the agencies involved should be clearly explained. Participants should also have access to mechanisms for raising objections and seeking remedies. In addition to emergency response skills, police education and training should incorporate human rights protection, political neutrality, and community communication, enabling frontline personnel to explain the legal basis and limits of their actions. Article 2 of the United Nations Code of Conduct for Law Enforcement Officials requires law enforcement officials to respect and protect human dignity and uphold human

[29] Megan Bradley, *More than Misfortune: Recognizing Natural Disasters as a Concern for Transitional Justice*, 11 International Journal of Transitional Justice 400 (2017), https://doi.org/10.1093/ijtj/ijx024.
[30] Tom R. Tyler, *Enhancing Police Legitimacy*, 593 Annals of the American Academy of Political and Social Science 84 (2004), https://doi.org/10.1177/0002716203262627.

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rights. It can therefore serve as an international normative reference for this approach to training.[31]

A transitional justice perspective also contributes to institutional prevention. Historical memories of authoritarian governance[32] underscore the need for contemporary civil defense arrangements to demonstrate their foundations in democracy and the rule of law through procedural safeguards. These commitments should be reflected in observable practices, including alignment between training objectives and the purposes of data collection, safeguards against the arbitrary repurposing of registers compiled for emergency assistance or evacuation, and mechanisms for external oversight and accountability. These proposals identify directions for institutional reform; the legality of any particular use of data must still be assessed against its specific legal basis and factual circumstances. The police should also distinguish policy communication from demands for ideological conformity. People who question exercise arrangements, the scope of mobilization, or the use of resources should not, on that basis alone, be regarded as lacking defense awareness. Allowing debate and scrutiny can help identify institutional shortcomings and ensure that participation rests on an informed understanding. Police professionalism and political neutrality thus serve both to protect rights and to foster cooperation.

VI. The Transition from Peace to War and the Continuity of Essential Policing Functions

A. Advance preparedness

This article uses the term "the transition from peace to war" to describe the process of adjusting missions, command arrangements, and resource allocation in response to defense needs, rather than a single legal status. Boin and 't Hart situate crisis management within a process encompassing prevention, preparedness, response, and reconstruction, highlighting tensions between public expectations of crisis leadership and its practical operation.[33] Although their study does not specifically address the wartime transition of Taiwan's police, it offers a relevant

[31] G.A. Res. 34/169, annex, Code of Conduct for Law Enforcement Officials, art. 2 (Dec. 17, 1979); Office of the United Nations High Commissioner for Human Rights, Human Rights and Law Enforcement: Manual on Human Rights for Law Enforcement Officials ch. 4, at 12–13, U.N. Doc. HR/P/PT/5/Rev.1 (2025), https://searchlibrary.ohchr.org/nanna/record/35441/files/manual-hr-for-law-enforcement-officials-ch4.pdf (last visited Oct. 19, 2026).

[32] Cujin Zhuanxing Zhengyi Tiaoli [Act on Promoting Transitional Justice] arts. 1, 3, subpara. 1 (as amended May 27, 2022) (Taiwan) (providing for the handling of illegal acts, and the resulting harm, that occurred during the period of authoritarian rule, defined as the period from Aug. 15, 1945 to Nov. 6, 1992), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0030296.

[33] Arjen Boin & Paul 't Hart, *Public Leadership in Times of Crisis: Mission Impossible?*, 63 Public Administration Review 544 (2003), https://doi.org/10.1111/1540-6210.00318.

insight: effective response requires preparation before a crisis occurs, rather than leaving the difficulties of institutional reform to be resolved during the crisis itself. The capacity of the police to manage this transition therefore also depends on prior coordination between national defense institutions and civilian administrative agencies. Article 2 of Taiwan's All-out Defense Mobilization Readiness Act establishes statutory conditions for the mobilization implementation stage,[34] while Article 5 distinguishes the authorities responsible for administrative and military mobilization readiness.[35] Routine preparedness, mobilization implementation, and incorporation into combat formations each rest on distinct legal grounds. Changes in authority across these stages cannot be subsumed under a single notion of "entering wartime." Institutional arrangements should link statutory activation conditions to procedures for the transfer of command, personnel reporting for duty, and replacement staffing, making transitions between stages operationally feasible. Exercises should accordingly test specific conflicts between missions. For example, when the same police personnel are simultaneously required to provide military support and assist residents with evacuation, who determines the order of priority? How will their existing public order duties be covered? Which procedures should frontline personnel follow when communications fail or instructions from different agencies conflict? These questions require advance institutional arrangements and should not be left entirely to personnel at the scene.

B. Post-mission restoration mechanisms

Post-conflict recovery is often among the most neglected areas of legal concern, yet one of the most challenging in practice. Although a ceasefire may bring hostilities to a temporary halt, the resulting loss of life, injuries, displacement, property damage, institutional breakdown, and social divisions persist. The formulation "arms precede law; law accompanies their advance; and law moves forward when arms fall silent" provides a conceptual framework for understanding this challenge. Its final proposition underscores the need for more active legal

[34] Quanmin Fangwei Dongyuan Zhunbei Fa [All-out Defense Mobilization Readiness Act] art. 2 (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0070013 ("Mobilization phases are divided into the following phases: 1. Mobilization Preparation Phase: refers to the time period of mobilization preparation. 2. Mobilization Implementation Phase: refers to the time period of assembling reserve forces for active duty in times of war or the coming of national emergency upon the president may promulgate emergency decrees in accordance with the Constitution to enforce overall or partial mobilization.").

[35] Quanmin Fangwei Dongyuan Zhunbei Fa [All-out Defense Mobilization Readiness Act] art. 5 (Taiwan), *translated in* Laws & Regulations Database, *supra* note 2, https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=F0070013 ("Mobilization Preparation proceedings are classified as either Administrative Mobilization or Military Mobilization, whereas the corresponding enforcement authorities are as follows: 1. Administrative Mobilization Readiness: by central authorities, municipal city governments, and county (city) governments. 2. Military Mobilization Readiness: by Ministry of National Defense, in cooperation with other relevant central authorities.").

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engagement once hostilities cease. At this stage, the role of law extends beyond establishing accountability for violations to creating concrete mechanisms for victim redress, property restitution and compensation, assistance to displaced persons, the restoration of public services, and the rebuilding of judicial institutions. Post-conflict societies, however, frequently confront the simultaneous challenges of lost evidence, scarce resources, shifting power structures, and eroded trust, creating unavoidable tensions among accountability, immediate relief, and long-term reconciliation. Post-conflict recovery should therefore be incorporated into legal and institutional planning in advance, rather than treated merely as a reactive undertaking after hostilities have ended. Such an approach enables law both to constrain destruction during armed conflict and to restore rights and rebuild institutional order in its aftermath, helping transform a ceasefire into a durable peace in which people can live in safety and stability. Within this broader framework, the police play a crucial role in post-conflict recovery by restoring public security, protecting rights, and supporting the re-establishment of lawful and accountable governance.

The transition from peace to war should also encompass mechanisms for restoring ordinary operations after missions end. Procedures should specify when regular duty arrangements are to resume, how data and equipment are to be handed over, and how temporary measures are to be reviewed once military support requirements diminish or particular missions are completed. If institutional planning focuses solely on activating mobilization without providing for withdrawal and restoration, temporary missions may continue to absorb police resources, allowing exceptional operating arrangements to shape routine administration. This article therefore recommends that exercises test not only activation capacity but also mission handovers and the restoration of ordinary operations. Planning should take the continuity of essential policing services as a prerequisite and distinguish among duties available for support missions, personnel available for reassignment, and local public order capabilities that must be retained. For units whose missions are lawfully reassigned, command arrangements, equipment and training requirements, and protections and benefits in the event of injury or death should also be clearly specified. Even during a crisis, the public continues to require protection of personal safety and essential public order services. If extensive commitments to military support disrupt policing services, the foundations of social cooperation may also be weakened.

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VII. Resource allocation and artificial intelligence assistance

A. Resource assessment

The expansion of police responsibilities involves the allocation of duties across agencies and the distribution of administrative resources. Lipsky observes that public service personnel who interact directly with the public exercise discretion but frequently face shortages of time, information, and other resources, leading them to develop routine ways of handling their work.[36] This analysis helps explain why assigning additional duties without corresponding resources may cause policy implementation to diverge from its intended objectives. In the context of All-out Defense, the organizational capacity of the police to maintain continuous operations and mobilize rapidly does not mean that they can absorb an unlimited volume of work from other sectors. If demands for military support, civil defense coordination, and routine public order maintenance increase simultaneously while staffing levels and training time remain unchanged, frontline personnel must make trade-offs among competing missions. This article therefore argues that assessments of police capacity available for wartime duties should be grounded in actual operational workloads. Before expanding police defense responsibilities, the state should assess their necessity under the applicable legal framework, their compatibility with police expertise, and alternative arrangements for implementation. Clear divisions of responsibility should be established for tasks that other competent authorities or specialized organizations can perform. Duties that require police involvement should be supported by adequate personnel, funding, rest, and safety measures. Resource allocation should also be evaluated against the continuity of essential services and the public's understanding and willingness to cooperate, rather than solely by the number of personnel mobilized or exercises conducted.

B. AI-assisted resource analysis

Under these resource constraints, artificial intelligence (AI) may serve as a decision-support tool for identifying needs, comparing allocation options, and assessing gaps in service provision. Mukhopadhyay and colleagues distinguish four components of emergency response management: incident prediction, incident detection, resource allocation, and computer-aided dispatch. Their review emphasizes that these activities involve spatial and temporal decision-making under uncertainty.[37] Drawing on this research, this article proposes an institutional

[36] Michael Lipsky, Street-Level Bureaucracy: Dilemmas of the Individual in Public Services xi–xiii (30th anniversary expanded ed. 2010), https://www.russellsage.org/sites/default/files/Lipsky_Preface.pdf (last visited Oct. 18, 2026).

[37] Ayan Mukhopadhyay et al., *A Review of Incident Prediction, Resource Allocation, and Dispatch Models for Emergency Management* (arXiv:2006.04200v7, Nov. 18, 2021), https://doi.org/10.48550/arXiv.2006.04200,

approach to using AI in police defense preparedness. This proposal extends insights from emergency response research; it does not establish that AI has demonstrated empirical effectiveness in Taiwan's wartime policing environment. A technical distinction should also be drawn among predictive models, optimization methods, and generative AI. Predictive models can help estimate demand, optimization methods can compare allocation options within specified constraints, and generative AI can assist in organizing incident reports and explaining results. The fluency of generated text alone does not establish the reliability of a dispatch plan.

This article first proposes using AI to support peacetime resource inventories and demand forecasting. Subject to lawful data acquisition and use, competent authorities could integrate information on workloads, available personnel, equipment readiness, shelter capacity, and transport disruptions into simulations of service demand under different crisis scenarios. Incoming reports could be classified and summarized, with potential duplicates flagged for human verification, thereby reducing the burden of information processing. Second, demand estimates could be combined with constrained allocation models to generate alternative plans for comparison. Relevant constraints should include minimum staffing requirements for essential policing services, personnel qualifications, rest requirements, transport accessibility, and the scope of statutory duties. Such models could indicate how much existing personnel capacity a support mission would absorb and where resulting service gaps might arise. Allocation objectives and priorities must nevertheless remain matters for the competent authorities to determine. For example, when several shelters simultaneously require public order support and some roads are impassable, a decision-support system could compare the effects of alternative deployment plans on arrival times, local service coverage, and personnel workloads. Evaluation should not focus exclusively on minimizing average arrival times; it should also preserve essential services for remote areas and groups with substantial service needs. Peacetime scenario simulations could test alternative arrangements for communication failures, personnel shortages, and disruptions to support across jurisdictions, helping authorities prioritize investment in training and equipment. The value of these proposals lies in making resource trade-offs and their consequences explicit, thereby providing a basis for deliberation over budgets and operational decisions, rather than assuming that technology can eliminate staffing shortages.

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C. Risk assessment in AI-assisted decision-making

Within the national defense legal framework, AI provides information and recommends options; it cannot independently confer command authority, alter the legal status of police personnel, or replace the incorporation procedures required by Article 4(2) of the National Defense Act. This article argues that recommendations involving interagency deployment or substantial reductions in service provision should be reviewed by personnel vested with the relevant statutory authority, with reasons recorded for accepting or modifying those recommendations. Institutional design may draw on the requirements concerning reliability, transparency and accountability, privacy, and the management of harmful bias set out in the 2023 Artificial Intelligence Risk Management Framework issued by the United States National Institute of Standards and Technology. The framework may serve as a voluntary governance reference.[38] Accordingly, this article recommends clarifying in advance the legal basis for data access, model validation, human review, and the allocation of responsibilities, while retaining the capacity to disable the system and resume manual dispatch.

VIII. Conclusion

An examination of police participation in All-out Defense through the National Defense Act reveals that the concept of All-out Defense under Article 3, the procedures for incorporation into combat formations under Article 4(2), and the civil defense framework under Article 28 address distinct dimensions of national defense. This article recognizes that the police can serve as a wartime defense resource and that specific armed police units satisfying the statutory requirements may lawfully be incorporated into the order of battle. The state should translate this potential into concrete arrangements for missions, training, and command, while sustaining essential civilian support through civil defense collaboration. The establishment of specialized security policing programs at Taiwan's police educational institutions demonstrates that the development of relevant professional capabilities is underway. Their effectiveness will depend on aligning educational objectives with statutory duties.

Institutional reform should address the limits of police responsibilities, personnel safeguards, and service continuity together. The state should not demand greater police involvement as military needs increase while leaving frontline personnel to manage gaps in local public order services and the resulting risks to personnel. Future research should examine specific exercises

[38] Elham Tabassi, Artificial Intelligence Risk Management Framework (AI RMF 1.0) (Nat'l Inst. of Standards & Tech., NIST AI 100-1, 2023), https://doi.org/10.6028/NIST.AI.100-1.

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and operational deployments to assess how different levels of support affect routine policing, providing an evidence base for adjustments to missions and budgets.

To sum up, the development of All-out Defense requires a policing system capable of sustained operation. Clearly distinguishing civil defense support from incorporation into combat formations, building trust through human rights protection and community cooperation, and aligning missions with resources are essential to enabling the police to protect the public effectively during crises. These are also fundamental conditions for police participation in the governance of societal resilience. AI-assisted resource allocation should operate within this institutional framework, pursue verifiable improvements in service provision, and preserve clear responsibility for decisions.

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