

VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA

Mokslinių straipsnių rinkinys (19)

PUBLIC SECURITY AND PUBLIC ORDER

Scientific articles (19)

Kaunas

MYKOLO ROMERIO UNIVERSITETO

VIEŠOJO SAUGUMO FAKULTETAS



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Scientific articles

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IVADINIS ŽODIS

Valstybės pažangos strategijos „Lietuvos pažangos strategijos „Lietuva 2030“ (patvirtintos LR Seimo 2012 m. gegužės 15 d. Nutarimu Nr.XI-2015)¹ Įžangoje² nacionalinis saugumas įvardijamas, kaip pagrindas darniai raidai. Pastebima³, kad be kiekvieno asmens, piliečio įsipareigojimo dalyvauti procese, raida nepasiekama, bet primenama, kad šiuos žingsnius žengs tik asmuo, kurio aplinka - saugi.

Visuomenės saugumo tyrimai paskutiniaisiais metais susilaukė teisės, vadybos, psichologijos, edukologijos, ekonomikos, informatikos ir kitų sričių profesionalų, tyrėjų dėmesio, nes, nors, akivaizdu, abejonių nekelia dar 20 a. vid. A. Maslow⁴ pateiktas saugumo, kaip pamatinio poreikio argumentavimas, šiandien visuomenės saugumo samprata plečiama.

Visuomenės saugumo sampratos apibrėžties konceptualizavimui turi poveikį jau minėtų mokslų sričių teoretikų darbai, tačiau, manytina, visuomenės saugumo klausimams tampant vis reikšmingesniems, diskutuojamiems plačioje ir nacionalinės bei tarptautinės politikos bendruomenių forumuose, atėjo metas aiškiau konceptualizuoti sampratą, gal net išryškinti visuomenės saugumo, kaip atskiros mokslinių tyrimo srities lokalizaciją kitų mokslo sričių žemėlapyje.

Manytina, kad pirminiais atspirties taškais konceptualizavimui skirtos mokslinės diskusijos organizavimui teiktini šie teiginiai. **Pirma**, visuomenės saugumas yra kompleksinė samprata. **Antra**, visuomenės saugumo samprata skleidžiasi mikro (individo), mezo (bendruomenės, nacionalinės ir tarptautinės organizacijos ar visuomenės institucijos) ir makro (valstybės ir tarptautiniame) lygmenyse; be to, šie lygmenys kaip veidrodyje reiškiasi tiek fizinėje/įprastoje, tiek skaitmeninėse erdvėse. **Trečia**, visuomenės saugumas turi bent dvi raiškos dimensijas: **subjektyviąją** (pvz., asmens pasirengimas rūpintis savo ir aplinkinių saugumu) ir **objektyviąją** (pvz., specializuotų organizacijų ir valstybės pasirengimas ginti nacionalinę saugumą, infrastruktūros patikimumas ir pan.). Akivaizdu, kad šie teiginiai tėra tik pirmieji bandymai konceptualizuoti ir apibrėžti sampratą, kurios atžvilgiu paskutiniaisiais metais intensyviai diskutuojama, tačiau manome, kad konceptualizavimui atėjo metas, nes diskusijos, dėl sampratos kompleksiško ir dalyvaujančiųjų joje įvairovės tampa tokios plačios, kad formuluoti išvadas ar vykdyti fokusuotus tyrimus šioje srityje tapo nelengvu iššūkiu.

Šiame, jau 19 mūsų leidinio tome analizuojami klausimai kaip tik ir lokalizuotini mikro (pvz., straipsniuose analizuojami asmens pasirengimas rūpintis savo asmeniniu saugumu, sveikata), mezo (straipsniuose analizuojamas organizacijų, pavyzdžiui žiniasklaidos ar teismų vaidmuo kuriant saugią aplinką) bei makro (pvz., tyrėjai nagrinėja politikos vaidmenį, kuriant darnią aplinką tarpvalstybiniu lygmeniu).

Tikėdamiesi, kad šiame tome pristatomų Lietuvos ir užsienio mokslininkų tyrimų paradigmomis ir empirinis laukai padės visuomenės saugumo sampratos kaip specifinės tyrimų srities konceptualizavimui, nuoširdžiai dėkojame visiems autoriams, recenzentams už nuoširdų, atsakingą ir konstruktyvų darbą.

Redakcinės kolegijos narių vardu
Prof. dr. Vaiva Zuzevičiūtė

¹ <https://www.e-tar.lt/portal/lt/legalAct/TAR.5EE74F9648A5>

² 1.3 punktą

³ 1.6 punktą

⁴ Maslow. A (2011). Būties psichologija. Vilnius, Vaga

INTRODUCTORY REMARKS

The Introduction of the Strategy on the Development of a State „Lithuania 2030“ (adopted by the Seimas of the Republic of Lithuania on 15 May, 2012; Decision No. XI-2015)¹ identifies national security as the foundation for sustainable development²; further on the Strategy emphasises the significance of each citizen’s participation in the development; it also notes that the participation, however, is only possible provided a person enjoys a secure environment³.

In recent years studies in the field of public security are at the focus of professionals and researchers in law, management, psychology, education, economics, information science and other sciences; however, though since the middle of the 20 c., when A. Maslow⁴ provided irrefutable arguments for security being a primary need for any person, the concept of public security is being enhanced today.

Theoretical considerations from all the science fields, enumerated above, influence conceptualisation of the concept of public security. However, the fact that public security has become a crucial concern in recent years, also, it has been situated at the centre of discussions and forums of general public, policy makers at national and international levels, we feel it is a moment when a concept has to be defined more clearly. It may well lead to localising research in public security in the landscape of other sciences.

The following statements may serve as the first stepping stones for the academic discussion for conceptualisation of the concept of public security. *Firstly*, the concept ‘public security’ is a complex concept. *Secondly*, concept ‘public security’ manifests itself at micro (individual’s), mezzo (organisation’s, community’s, public institutions’) and macro (state’s and international organisations’) levels; moreover, these levels mirror themselves in physical/traditional and digital spaces. *Thirdly*, the manifestation of concept ‘public security’ always has at least two dimensions: *subjective* (e.g., person’s readiness to take care of one’s security), and *objective* (e.g., the level of infrastructure and its quality for security; readiness of a state to ensure public and national security). Obviously, these statements illustrate just the first attempts to define a concept, and to provide it with the contents. We feel the necessity for the attempt though, because, due to the widespread discussions and a variety of voices and agents participating in discussions, it has become quite challenging to summarise those discussions into a set of conclusions and to organise focused research in the field of public security.

The papers presented in this, already, the 19th volume of our journal may be localised at micro level (e.g., papers analyse personal readiness to health and security), at mezzo level (e.g., papers analyse a role that organisations such as media or courts have on fostering secure environment), and at macro level (authors analyse to which extent international policy making may contribute to secure and sustainable development).

With the hope that research papers by Lithuanian and colleagues from other countries will provide paradigm and empiric foundations for conceptualising public security as a specific research field, we express our deepest gratitude to the authors and reviewers for a constructive and responsible joint effort.

On behalf of the Editorial Board,
Prof. dr. Vaiva Zuzevičiūtė

¹ <https://www.e-tar.lt/portal/lt/legalAct/TAR.5EE74F9648A5>

² Article 1.3

³ Article 1.6

⁴ Maslow. A (2011). Būties psichologija. Vilnius, Vaga

„ADMINISTRACINIO TEISMO PRADAI“ IKI LIETUVOS RESPUBLIKOS NEPRIKLAUSOMYBĖS ATKŪRIMO

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Anotacija. Seniai ieškoma receptų, kaip padaryti taip, kad viešoji administracija tarnautų žmogui, o ne demonstruotų savo galią; derintų privačius ir viešus interesus, o ne tenkintų stambių industrijų interesus. Svarbu ne tik suteikti kompetenciją, bet ir prižiūrėti, kaip ji įgyvendinama. Vienas iš tokių priežiūros metodų ir yra teisminė administracinė kontrolė. Straipsnyje analizuojama tarpukario Lietuvos mokslinė literatūra, dedikuota administracinio teismo steigimo galimybėms, Vyriausiojo Tribunolo jurisprudencija, administracinio proceso reglamentavimas, kiti teisės aktai, subjektai, galėję atlikti administracijos kontrolę, identifikuojama tarpukario Lietuvos teismų sistema. Taip pat apžvelgiama administracijos veiklos kontrolė sovietiniais laikais. Straipsnyje prieinama išvadų, kad tarpukario Lietuvos administracijos kontrolėje buvo nemažai šališkumo, administracinis procesas nebuvo aiškiai iškristalizuotas, atskirtas nuo kitų teisės šakų. Taip pat padaroma išvada, kad nepaisant to, jog pasaulyje pirmoji administracinė byla buvo išnagrinėta 1873 m., Lietuvoje viešosios administracijos teisminės kontrolės institutas pradėjo vystytis tik 1999 m. priėmus Administracinių bylų teisenos įstatymą.

Pagrindinės sąvokos: administracinis teismas, Vyriausiasis Tribunalas, Civilinės teisenos įstatymas, tarpukario administracinė jurisprudencija.

ĮVADAS

Straipsnio pavadinime vartojama sąvoka „administracinio teismo pradai“. Ši frazė nėra atsitiktinė. Pavadinimu „Lietuvos administracinio teismo pradai“ 1937 m. išleido savo straipsnį K. Račkauskas¹. Juo ir kitais šaltiniais remsimės aprašydami viešosios administracijos teisminę kontrolę iki Lietuvos Respublikos nepriklausomybės atkūrimo.

Lietuvoje administraciniai teismai pirmąkart buvo įsteigti 1999 m. Taigi, tarpukario Lietuvoje administracinio teismo nebuvo. Nors netoliese esančiose valstybėse tokie teismai egzistavo, pavyzdžiui, Lenkijoje Vyriausiasis administracinis tribunolas buvo įsteigtas 1922 m. (veikė iki 1939 m.)², Čekoslovakijoje Aukščiausiasis administracinis teismas buvo įsteigtas 1918 m. (veikė iki 1949 m.)³

¹ Račkauskas, K. Lietuvos administracinio teismo pradai. *Teisė*, 1937, Nr. 37, p. 55-65.

² Plačiau: Adamiak, B., Borkowski, J. *Postępowanie administracyjne i sądowoadministracyjne*. Warszawa: Wolters Kluwer, 2015), p. 70-81; Deviatnikovaitė, I. *Užsienio šalių ir ES administracinė teisė*. Vilnius: VĮ Registrų centras, 2017, p. 365.

³ Sládeček, V. Tomoszková, V. *et.al. Správní soudnictví v České republice a ve vybraných státech Evropy*. Praha: Wolters Kluwer, 2010, p. 34-41; Deviatnikovaitė, 2017, op. cit., p. 250.

Taigi, tarpukario Lietuvos mokslininkai analizavo viešosios administracijos teisminės kontrolės fenomeną, pasitelkdami Anglijos, Prancūzijos, Belgijos, Ispanijos, Italijos, Austrijos, Čekoslovakijos, Lenkijos, kitų šalių teisinės sistemos pavyzdžius. Išsamiausia įdirbį šioje srityje paliko profesorius M. Romeris, parašydamas iki šiol didžiausio masto veikalą lyginamosios teisės literatūroje „Administracinis teismas“⁴. Paminėtini ir kiti jo veikalai šia tematika – „Konstitucinės ir teismo teisės pasieniuose“⁵, „Lietuvos konstitucinės teisės paskaitos“⁶. Taip pat apie administracinius teismus be aukščiau minėto K. Račkausko rašė ir V. Fridšteinas⁷.

Kas yra administracinis teismas ir kam jis reikalingas? Iš šių laikų perspektyvų galima būtų teigti, kad administracinio teismo pagrindinė paskirtis yra nagrinėti administracinius ginčus. O administraciniai ginčai kyla iš administracinių teisinių santykių. Savo ruožtu administraciniai teisiniai santykiai atsiranda, kai subjektai atlieka viešojo administravimo veiklą, t.y. priima individualius ir norminius administracinius aktus, kitaip tariant – teisės aktus, sukeliančius teises pasekmes asmenims arba kuriančius elgesio taisykles. Taigi, administracinių ginčų nagrinėjimas yra tokių konfliktų nagrinėjimas, kuriame viena iš šalių būtinai yra viešojo administravimo subjektas. Kadangi tokie konfliktai kyla viešosios teisės erdvėje, tai ir jų nagrinėjimas yra reglamentuojamas bei vykdomas remiantis viešosios teisės normomis. Taigi, šie ginčai nėra privatinės teisinės prigimties, todėl jų nagrinėjimas yra patikėtas teisėjams, besispecializuojantiems viešojoje teisėje ir nagrinėjantiems ne civilines, ne baudžiamąsias, bet administracines bylas. Iš esmės visiškai nesvarbu, ar tai bus daroma atskirai įsteigtų administracinių teismų (kaip tai yra Prancūzijoje, Vokietijoje, Lietuvoje ir t.t.), ar bendrosios kompetencijos teismų (kaip tai yra JAV, Velse, Anglijoje, Š. Airijoje, Slovakijoje ir t.t.), kuriuose yra administracinių bylų skyriai, svarbiausia, kad būtų užtikrinta teisminė viešosios administracijos veiklos kontrolė.

Straipsnio temos aktualumą pagrįsti sudėtinga, nes jis parašytas iš istorinių perspektyvų. Visgi atkreiptinas dėmesys, kad ir tarpukaryje, ir šiuolaikinėje Lietuvoje nuolatos kyla diskusijos dėl teisminių institucijų sistemos reformavimo. Štai tokia įvyko 1933 m. (tiesa, tuo metu nebuvo įsteigti administraciniai teismai), o dabartinėje Lietuvoje paminėtini 1999 m. ir 2018 m. 1999 m. Lietuvos teisminių institucijų sistema buvo praplėsta, įsteigiant

⁴ Romeris, M. *Administracinis teismas*. Kaunas: Valstybės spaustuvė, 1928.

⁵ Romeris, M. *Konstitucinės ir teismo teisės pasieniuose*. Vilnius: Pozicija, 1994.

⁶ Romeris, M. *Lietuvos konstitucinės teisės paskaitos*. Kaunas: VDU, Spindulio spaustuvė, 1937.

⁷ V. Fridšteinas, Dėl administracinio teismo Lietuvoje. *Teisė*, 1937, Nr. 38, p. 187-205.

administracinius teismus. 2018 m. administracinių teismų skaičius mažinamas, o administracinių ginčų komisijų skaičius didinamas. Straipsnio tikslas – apžvelgti viešosios administracijos teisminės kontrolės institutą tarpukario Lietuvoje, trumpai atkreipiant dėmesį ir į sovietiniu laikotarpiu egzistavusius administracijos kontrolės instrumentus. Tiriant šią temą naudojamos teisės aktais, Vyriausiojo tribunolo jurisprudencija bei teisine literatūra.

TARPUKARIO TEISININKŲ KLAUSIMAS – ADMINISTRACINIS AR BENDRASIS TEISMAS?

Analizuodami administracinio teismo steigimo galimybes tarpukario Lietuvoje aukščiau minėti autoriai diskutavo apie valdininkų darbų kontrolės formas. Taigi, administracinių teismų tikslas buvo suprantamas kaip valstybės tarnautojų veiklos teisminė kontrolė.

M. Romeris išskyrė tris valstybės tarnautojų veiklos kontrolės formas⁸. Pirmą, kai viešosios administracijos veiklos kontrolę atlieka pati administracija. Toks suvokimas Lietuvoje buvo labai paplitęs: štai K. Laucius rašo, kad „<...> Vidaus Reikalų Ministerija laikosi pažiūros, jog jie (apskričių viršininkų baudžiamieji nutarimai – aut. past.) gali būti skundžiami vadovaujantis dėsniu, jog kiekvieną administracinį aktą galima apskųsti aukštesniam administracijos organui“⁹. Antra, kai šią kontrolę atlieka civilinis teismas. Trečiąją formą M. Romeris vadino kompromisine, t.y. kai kontrolę atlieka administracinis teismas. Pasak mokslininko, pirmoji forma nėra labai tinkama, nes nėra patikima ir negarantuoja teisėtumo. Antroji forma gali kenkti administravimo lankstumui. Tuo tarpu trečioji forma užtikrintų teisėtumą ir nekenktų administravimui.

Šias formas analizuoja ir K. Račkaukas¹⁰. Jis teigia, kad pati administracija savo veiklos teisėtumo kontrolės neužtikrins dėl dviejų priežasčių. Pirmą, administracija sąmoningai yra linkusi „aukoti teisėtumą tikslingumui“, nes administracija yra iš dalies „politinis organas“. Antra, „administracijos organas negali būti tiek paruoštas ir tiek patyręs teisės dalykuose, kaip teismo organai, kurie vien tais klausimais tesirūpina“¹¹. Maža to, pasak K. Račkausko, jeigu administracijos veiklos teisėtumo kontrolė būtų palikta patiems administracijos organams, tai jie būtų „teisėjai savo byloje“¹². Panašiai tvirtino ir V. Fridšteinas¹³. Taigi, K. Račkaukas darė

⁸ Romeris, M. *Administracinis teismas*. Kaunas: Valstybės spaustuvė, 1928, p. 70.

⁹ Laucius, K. Administracinis baudimas mūsų įstatymo leidyboje. *Teisė*, Nr. 45, 1939, p. 63.

¹⁰ Račkaukas, K. Lietuvos administracinio teismo pradai. *Teisė*, 1937, Nr. 37, p. 59.

¹¹ *Ibid.*

¹² *Ibid.*, p. 60.

¹³ Fridšteinas, V. Dėl administracinio teismo Lietuvoje. *Teisė*, 1937, Nr. 38, p. 187.

išvada, kad teisminė kontrolė būtų „palankesnė piliečiams, negu tarnybinė kontrolė“¹⁴. Dėl administracinių bylų nagrinėjimo bendrosios kompetencijos teisme K. Račkauskas nebuvo tikras. Jis tvirtino, kad „Piliečiams daugiau naudos, kai administracijos aktai yra svarstomi ne bendrųjų teismų, bet specialaus administracinio teismo“¹⁵, nes toks teismas netrikdytų administracijos darbo. Maža to, mokslininkas pabrėžia ryšio tarp administracinio teismo ir administracijos reikalingumą. Vienas iš būdų vystyti tokiam ryšiui – tai tokių teisėjų skyrimas, kurie yra dirbę valstybės tarnautojais¹⁶. Matyt, K. Račkauskas čia remiasi Prancūzijos Valstybės Tarybos narių skyrimo pavyzdžiu.

V. Fridšteinas nepritarė požiūriui, kad būtinas ryšys tarp administracinio teismo ir administracijos. Jis tvirtino, kad „grynai teisminė administracijos veiksmų kontrolė nekliudo administracijai būti lanksčiai, veikliai ir tinkamai“. Juk, pasak jo, teisėjai gali įgyti administracinės teisės žinių, pagaliau teismas gali kviesti ekspertus. Šią mintį jis užbaigia tokiu sakiniu: „Niekas <...> nesiims teigti, kad Anglijos administracija veikia blogiau“¹⁷ (tuo metu Anglijoje nebuvo administracinio teismo, kuris dabar yra Karalienės teismo sudėtine dalimi).

V. Fridšteinas iškelia klausimą ir dėl to, ar administracinis teismas, ar bendrosios kompetencijos teismas, kuriam būtų patikėta nagrinėti administracines bylas, turi būti įgaliotas nagrinėti bet kurį administracijos organo vykdomąjį nutarimą. Atsakydamas į šį klausimą, teisininkas pastebi, kad po didelių šalyje permainų (pvz., nepriklausomybės paskelbimas) administracijos darbas yra komplikuoatas, nenusistovėjęs, tad „rašytosios teisės kūryba nesusėja su gyvenimu, o reikalas tvarkytis pagal naujus gyvenimo reikalavimus yra būtinas“¹⁸. Tai reiškia, pasak minėto mokslininko, kad bet kurio administracijos organo vykdomųjų nutarimų teisminė kontrolė galėtų sukelti jaunos administracijos dezorientaciją.

ADMINISTRACINIO TEISMO STEIGIMO PROJEKTAI

Minėjome, tarpukario Lietuvoje nebuvo įsteigtas administracinis teismas, nepaisant to, kad politiniame lygmenyje būta tokių bandymų.

Štai 1922 m. Teisininkų draugija pateikė 1922 m. Konstitucijos projektą, kur siūlė teismo funkcijoms priskirti administracijos įsakymų teisėtumo tikrinimą¹⁹. Pasiūlymas projekte

¹⁴ Račkauskas, K. Lietuvos administracinio teismo pradai. Teisė, 1937, Nr. 37, p. 60.

¹⁵ Ibid., p. 65.

¹⁶ Ibid.

¹⁷ Fridšteinas, V. Dėl administracinio teismo Lietuvoje. Teisė, 1937, Nr. 38, p. 200.

¹⁸ Račkauskas, K. Lietuvos administracinio teismo pradai. Teisė, 1937, Nr. 37, p. 63.

¹⁹ Maksimaitis, M. Lietuvos valstybės konstitucijų istorija. Vilnius: Justitia, 2005, p. 150.

skambėjo taip: „Teismas sprendžia įstatymais Lietuvos Respublikos vardu. Teismas aiškina įstatymus ir žiūri įstatymų konstitucingumo ir administracijos įsakymų teisėtumo“²⁰.

Galbūt dėl šio pasiūlymo ar kitų priežasčių 1922 m. Konstitucijoje atsirado 68 straipsnis, įtvirtinantis, kad teismas sprendžia administracijos įsakymų teisėtumą. M. Romeris buvo įsitikinęs, kad ši nuostata nieko kita nereiškia „kaip tik administracinio teismo konstitucionalizavimą“²¹. Vienu iš pagrindų tokiam įsitikinimui M. Romeris laikė tai, kad 68 straipsnis reiškia teismą, kuris sprendžia dėl administracijos sprendimų teisėtumo. Visgi mokslininkas pripažino, kad 1922 m. Konstitucija įtvirtino administracinio teismo funkciją, bet ne pačią teisminę instituciją²². Taigi, administracinis teismas, kaip teisminė administracijos veiklos teisėtumo priežiūros institucija, Konstitucijoje neminimas ir vėliau nebuvo įsteigtas. Štai kaip apibūdina šią situaciją M. Romeris:

„Įstatymų gi leidėjas, ar tos spragos nepastebėjęs ar tyčia vengdamas šią spragą užkimšti, <...>, per visą 1922 m. konstitucijos veikimo laikotarpį, nebuvo įkūręs administracinio teismo organo nė kuriam nors esamų teismo organų šią pačios konstitucijos nustatytą teismo funkciją pavedęs. Tad spraga ir liko, ir 1922 m. konstitucijos 68 –fe nuostatas liko neįgyvendintas <...>, o dėliai to Lietuvoje įsivyravo t. vad. policinis valdymo metodas, nes administraciniai aktai, net ir būdami priešingi įstatymui, turėjo imperatyviškai veikti ir galėjo nukonkuruoti įstatymų imperatyvus, negalėdami būti jų teisėtumo atžvilgiu teismo tikrinami ir teismo sprendimai panaikinami; vienintelis galimas dėl jų neteisėtumo skundas buvo tarnybinis skundas aktą padariusio organo vyresnybei, vadinas – politinės galios organams, kurių veikloje teisėtumo motyvai turėjo varžytis su tikslingumo motyvais <...>: kaltas čia buvo konstitucinio įstatymų leidėjo apsileidimas“.

Maža to, 68 straipsnio nuostata nebuvo daugiau pakartota vėlesnėse konstitucijose. Kita vertus, 1922 m. Konstitucijos 18 straipsnyje ir 1928 m. Konstitucijos 20 straipsnyje buvo įtvirtinta nuostata, kad „<...> valdininko nuskriaustas pilietis turi teisės <...> traukti jį teisman <...> ir ieškoti nuostolių atlyginimo“²³. Ši nuostata siejasi su 1922 m. Konstitucijos 68 straipsniu²⁴. Vis dėlto M. Romeris, remdamasis Vyriausiojo Tribunolo jurisprudencija, pabrėžia, kad jeigu kas ir kreipdavosi į teismą dėl administracinio akto teisėtumo patikrinimo, tai teismas tokį prašymą turėjo atmesti, motyvuodamas 1922 m. Konstitucijos 66 paragrafu,

²⁰ Teisininkų draugijos Konstitucijos projektas, kiek jis liečia teismą. Teisė, 1922, Nr. 1, p. 51; Maksimaitis, M. Lietuvos valstybės konstitucijų istorija. Vilnius: Justitia, 2005, p. 150.

²¹ Romeris, M. Lietuvos konstitucinės teisės paskaitos. VDU, Spindulio spaustuvės: Kaunas, 1937, p. 378.

²² Ibid., p. 379-380.

²³ M. Romeris pateikia savo šio straipsnio interpretaciją: Romeris, M. Lietuvos konstitucinės teisės paskaitos. VDU, Spindulio spaustuvės: Kaunas, 1937, p. 231-235.

²⁴ Tą pastebi ir M. Maksimaitis: Maksimaitis, M. Lietuvos valstybės konstitucijų istorija. Vilnius: Justitia, 2005, p. 151.

nustatančiu, kad teismų organizaciją, kompetenciją ir jurisdikciją nustato įstatymas²⁵. Štai vienoje iš bylų²⁶, kurioje buvo apskūstas Kauno miesto burmistro sprendimas, Vyriausiasis Tribunolas nusprendė iš esmės nesvarstyti skundo, nes Savivaldybės įstatymo 300 ir 315 straipsniai nustato, kad miestų tarybų ir burmistrų nutarimai, kuriuos tvirtina, pavyzdžiui, ministrai ar kiti subjektai negali būti skundžiami. O įstatyme nuostatos dėl administracinių aktų teisėtumo teisminės priežiūros nebuvo. Taip pat M. Romeris atkreipia dėmesį į 1922 m. Konstitucijos 72 straipsnio 2 dalį, tvirtindamas, kad šis irgi yra susijęs su administraciniu teismu. Šioje dalyje įtvirtinta, kad savivaldybių ginčus su Vyriausybe sprendžia teismas. Šį straipsnį M. Romeris traktuoja kaip administracinės teisės ginčų tarp savivaldybės ir Vyriaybės institucijų dėl kompetencijos, aktų teisėtumo ir pan. institutą²⁷.

1932 m. Valstybės Taryboje buvo parengtas Lietuvos administracinio teismo įstatymo projektas²⁸. Tačiau įstatymas taip ir neįsigaliojo. M. Maksimaitis pastebėjo, kad „administracinio teismo reikalu <...> tarpukariu buvo daugiau diskutuojama nei daromi realūs žingsniai“²⁹.

SUBJEKTAI, GALĖJĘ ATLIKTI ADMINISTRAVIMO ORGANŲ VEIKLOS PRIEŽIŪRĄ

Nepaisant to, kad 1918-1940 metais Lietuvoje neegzistavo administracinis teismas, negalima tvirtinti, kad tarpukaryje visai nebuvo teisminės viešosios administracijos (arba, kaip tada sakydavo, administravimo organų) veiklos priežiūros.

Pirmiausia, sekant chronologine tvarka, reikėtų paminėti Laikinojo Lietuvos teismų ir jų darbo sutvarkymo 34 straipsnį, kuris įtvirtina nuostatą, kad „Visi valstybės valdininkai nusikaltę eidami savo pareigas Valstybės Gynėjo traukiami atsakomybėn tąja pat tvarka, kaip ir visi kiti kaltinamieji“³⁰. Tačiau ši nuostata labiau susijusi su baudžiamąja to meto valdininkų atsakomybe, o ne su jų priimtų teisės aktų teisėtumo kontrole. Taigi šios nuostatos giliau neanalizuosime³¹.

²⁵ Romeris, M. Lietuvos konstitucinės teisės paskaitos. VDU, Spindulio spaustuvės: Kaunas, 1937, p. 380-381.

²⁶ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas XII, žurnalo „Teisė“ 34 priedas. 1936 m., p. 327-328.

²⁷ Ibid., p. 381.

²⁸ Deja, autorei nepavyko rasti šio dokumento.

²⁹ Maksimaitis, M. Lietuvos valstybės konstitucijų istorija. Vilnius: Justitia, 2005, p. 151.

³⁰ Laikinasis Lietuvos teismų ir jų darbo sutvarkymas. LVŽ, 1919.I.16, Nr. 2/3-26.

³¹ Laikinojo Lietuvos teismų ir jų darbo sutvarkymo 34 straipsnį analizavo V. Mačys. Žr.: Mačys, V. Dėl valdininkų traukimo atsakomybėn. Teisė, Nr. 1, 1922, p. 45-49.

K. Račkauskas pabrėžia, kad būta „visa eilė administracijos organų, kurių veiksmai gali būti skundžiami teisminei įstaigai“³². Daugumą jų galima buvo apskusti Vyriausiajam Tribunalui, kuris atliko ir administracinio teismo vaidmenį. Pastarasis galėjo neteisėtą aktą naikinti arba atsisakyti jį taikyti. Tačiau Vyriausiasis Tribunalas galėjo naikinti tik tada neteisėtus aktus, jeigu toks įgaliojimas Tribunalui buvo numatytas įstatymais, t.y. Vyriausiasis Tribunalas negalėjo atlikti bet kokių administracijos aktų teisėtumo teisminės kontrolės.

Manytina, kad ir kiti teismai atlikdavo viešosios administracijos veiklos kontrolę (pvz., 1934 m. rugsėjo mėn. 25 d. Iciko ir Dobros Gempelių baudžiamoji byla). Tačiau dėl to, kad dar nebuvo išvystytos administracinės teisės atribojimo nuo kitų teisės šakų doktrinos, amžininkai žemesnės instancijos teismų nepriskirdavo subjektams, galintiems kontroliuoti administracijos veiklos teisėtumą.

K. Račkauskas taip pat pastebi, kad administracijos veiklos kontrolę galėjo atlikti ir vidaus reikalų ministras (pvz., Vyriausiosios socialinio draudimo valdybos, Vyriausiojo darbo inspektoriaus nutarimų atžvilgiu³³), Vyriausioji rinkimų komisija, kitos komisijos. Vidaus reikalų ministro priimti sprendimai galėdavo būti apskusti Vyriausiajam Tribunalui, Mokesčių departamento direktoriaus – pirmąją instancija apylinkės teismui, kasacine tvarka – Vyriausiajam Tribunalui. Vyriausiosios rinkimų komisijos nutarimai, komisijos muitų srityje sprendimai būdavo galutiniai. Vyriausiajam Tribunalui buvo galima apskusti ir Vyriausiosios žemėtvarkos tvarkymo komisijos, Vyriausiosios darbo pajamų mokesčio komisijos nutarimus³⁴. Savivaldybių departamento nutarimai, jeigu juos patvirtina vidaus reikalų ministras, būdavo galutiniai ir neskundžiami. Tačiau jeigu ministras keičia savivaldybių departamento sprendimą, tai tokį vidaus reikalų ministro teisės aktą galima buvo per dvi savaites apskusti ministrų kabinetui. Remiantis Savivaldybių įstatymo 122 ir 123 straipsniais (pagal 1919 m. spalio 10 d. redakciją) savivaldybių departamento nutarimai per mėnesį nuo jų paskelbimo dienos galėdavę būti apskusti apygardos teismui. Teismas savo ruožtu, kaip tada buvo rašyta, „riša šiuos skundus administraciniu keliu“³⁵.

Vis dėlto V. Fridšteinas išvelgia tam tikrų trūkumų to meto sistemoje. Jis teigia, kad skundų pateikimo teisė kai kuriais atvejais yra grynai „iliuzorinė“. Pavyzdžiui, skundai dėl vidaus reikalų ministro nutarimų, kuriais buvo patvirtinami arba panaikinami vietos

³² K. Račkauskas, Lietuvos administracinio teismo pradai. *Teisė*, 1937, Nr. 37, p. 60.

³³ Darbo inspekcijos įstatymas. VŽ, 1925.I.17, Nr. 179-1228.

³⁴ Fridšteinas, V. Dėl administracinio teismo Lietuvoje. *Teisė*, 1937, Nr. 38, p. 188.

³⁵ Savivaldybių įstatymas. LVŽ, 1919.X.28, Nr. 14-175.

savivaldybių nutarimai, kadangi tuo metu vidaus reikalų ministras savivaldybių nutarimus galėjo patvirtinti arba panaikinti tiek teisės, tiek tikslingumo atžvilgiais. Tuo tarpu skūsti galima buvo tik teisės atžvilgiu. Jis taip pat pastebi, kad skundų dėl muitų rinkliavų (tarifo pritaikymo, baudų už melagingą prekių deklaravimą) skūsti teismui nebuvo galima. Šiuos skundus nagrinėjo Finansų ministerijos įsteigta atskira komisija, o jos sudėtyje būdavę narių, kurie suinteresuoti, kad baudos būtų buvę skiriamos. Tokiu būdu, pasak V. Fridšteino, tie „asmenys patys atiteisia sau pinigus“. Visa tai įvardijęs mokslininkas tvirtino, kad „mes teturime silpną administracinio teismo užuomazgą“³⁶.

Taigi, tarpukario Lietuvoje buvo nemažai nevienodumų. Kai kuriuos sprendimus galima buvo skūsti teismams, kai kurių – ne. Štai ir neoficialiame leidinyje, pateikiančiame Civilinės teisenos įstatymo lietuvišką vertimą, prie „Bendrųjų nuostatų“ yra įterpta pastaba „Tokius administracijos įstaigų ir tarnautojų reikalavimus, kuriuos įstatymas laiko neginčijamais, prieš kuriuos negalima atsikirsti bylojimo tvarka, žiūri vyriausybės, o ne teismo įstaigos“³⁷.

ADMINISTRACINIO PROCESO REGLAMENTAVIMAS TARPUKARIO LIETUVOJE IR TO METO ADMINISTRACINĖ JURISPEUDENCIJA

Tais atvejais, kai buvo įstatymuose numatyta galimybė apskūsti administracijos sprendimus teismams, minėjome, kad teismas „riša šiuos skundus administraciniu keliu“. „Rišti administraciniu keliu“ šiuo atveju turėjo reikšti administracinio proceso tvarką.

Koks buvo administracinis procesas tuo metu? Žinia, tarpukario Lietuvoje nebuvo įstatymo, reglamentuojančio administracinį procesą. Maža to, Baudžiamasis statusas, Baudžiamojo proceso įstatymas, Civilinės teisenos įstatymas buvo carinės rusų įstatymai, priimti prieš Lietuvai atgavus Nepriklausomybę 1918 m. Todėl nelengva aptarti teisminę tvarką, kuria buvo vadovautasi nagrinėjant administracines bylas.

Manytina, kad dažniausiai remtasi Civilinės teisenos įstatymu, kadangi šio įstatymo 2 straipsnis skelbia, kad „Privatūs asmenys arba bendrovės, kurių teisės, kilusios iš įstatymo, bus vyriausybės įstaigų arba tarnautojų paliepimu pažeistos, gali pareikšti ieškinį teisme dėl pažeistų teisių atstatymo; bet toks ieškinys nesustabdo vyriausybės įstaigos arba tarnautojo

³⁶ Fridšteinas, V. Dėl administracinio teismo Lietuvoje. *Teisė*. 1937, Nr. 38, p. 188-189.

³⁷ Civilinės teisenos įstatymas su visais pakeitimais ir su Vyr. Tribunolo bei rusų Senato aiškinimais. Kaunas: D. Gutmano knygynas, 1938.

paliepimo, ligi teismas padarys apie tai sprendimą³⁸. Pagal Įstatymo 3 straipsnį, savo ruožtu vyriausybės įstaigos ar tarnautojai turėdavę pranešti asmeniui apie galimybę kreiptis į teismą.

Be to, Civilinės teisenos įstatymo trečiosios knygos, pavadintos „Išimtys iš bendros civilinės teisenos tvarkos“, antrosios dalies dėl atlyginimo išieškojimų už žalą ir nuostolius, padarytus valdininkų įsakymais, pirmasis skyrius yra skirtas atlyginimo išieškojimams už žalą ir nuostolius, padarytus administracinės žinybos valdininkų, taip pat ir rinktų tarnautojų įsakymais. Šio skyriaus 1316 straipsnyje įtvirtinta, kad atlyginimas už žalą ir nuostolius, padarytus administracinės žinybos valdininkų apsileidimu, neapsižiūrėjimu arba vilkinimu, ieškomas bendrais civilinės teisenos nuostatais. Neoficialaus leidinio sudarytojai pateikė paaiškinimą, koks teismo vaidmuo, sprendžiant tokias bylas:

„Teismo, sprendžiančio bylą 1316-1330 str. tvarka, uždavinys aprėžiamas tuo, kad jis turi apsvarstyti tik tai, ar valstybės tarnautojas veikė įstatymo jam suteiktos galios ribose, t.y., apsvarstyti valstybės tarnautojų veiksmų teisumo tik tiek, kiek jie apibrėžiami įstatymu <...>“³⁹.

Pastebėtina, kad galiojo nuostatos Baudžiamojo proceso įstatyme⁴⁰, susijusios su tarnybinais nusikaltimais. Įstatymo 1066 straipsnyje nurodyta, kad įspėjimai, papeikimai, išskaitos iš algos, perkėlimas iš aukštesnės tarnybos į žemesnę, pašalinimas iš tarnybos ir areštas iki septynerių dienų skiriami vyresnybės įsakymu, o visos kitos baudos bei bausmės skiriamos teismo. Teisminis procesas reglamentuotas Baudžiamojo proceso įstatymo trečios knygos trečiame skyriuje „Teisimas bylose dėl tarnybinių nusikaltimų“. Įstatymo 1077 straipsnyje skelbiama, kad bylos dėl tarnybinių nusikalstamų darbų keliamos privatinių asmenų skundais, valdininkų pranešimais, vyresnybės priežiūros tvarka. Teisiami valdininkai galėdavę būti laikinai arba visiškai atleisti iš tarnybos.

Darant šį tyrimą, buvo atsižvelgta ir į to meto valstybės tarnybą reglamentuojančius aktus. Deja, juose jokių nuorodų į tarnautojų atsakomybę nėra. Štai Įstatyme dėl Valstybės Tarnybos sutvarkymo⁴¹ tebuvo du straipsniai, skirti valdininko pasižadėjimui – priesaikai, kuria valdininkas pasižadėdavo saugoti įstatymus, pildyti vyresnybės įsakymus, sąžiningai ir teisingai eiti savo pareigas. Tuo tarpu kiti teisės aktai tebuvo susiję su atlyginimais, pavyzdžiui,

³⁸ Civilinės teisenos įstatymas su visais pakeitimais ir papildymais ir su Vyr. Tribunolo bei rusų Senato aiškinimais. Kaunas: D. Gutmano knygynas, 1938.

³⁹ Civilinės teisenos įstatymas su visais pakeitimais ir papildymais ir su Vyr. Tribunolo bei rusų Senato aiškinimais. Kaunas: D. Gutmano knygynas, 1938.

⁴⁰ Baudžiamojo proceso įstatymas su komentarais, sudarytais iš Rusijos Senato bei Lietuvos Vyriausiojo Tribunolo sprendimų ir kitų aiškinimų, liečiančių Didž. Lietuvos Klaipėdos krašto baudžiamojo proceso teisę. Kaunas: „Literatūros“ knygyno leidimas, 1933.

⁴¹ Įstatymas dėl valstybės tarnybos sutvarkymo. V.Ž. 1919.III.5.

Įstatymas dėl valdininkų pareigų ėjimo atlyginimo⁴², Ministerių ir Valstybės Kontrolieriaus atlyginimo įstatymas⁴³, Valstybės tarnautojų atlyginimo įstatymas⁴⁴, Atstovybių ir konsulatų tarnautojų atlyginimo įstatymas⁴⁵, Švenčių priedo išmokėjimo įstatymas⁴⁶, Kelionės išlaidoms atlyginti įstatymas⁴⁷, Valstybės tarnautojų pensijų ir pašalpų įstatymas⁴⁸ ir pan.

Taigi, administracinis procesas nebuvo išvystytas institutas tarpukario Lietuvoje – nebuvo atskiro administracinės teisenos reglamentavimo.

Pateikiame keletą to meto bylų, kuriose viena iš šalių buvo centrinės valdžios ar savivaldybės įstaiga, pavyzdžių:

„1934 metų rugsėjo mėnesio 25 dieną, Vyriausiasis Tribunolas, teisiamajame posėdy, Kaune, žiūrėjo Iciko ir Dobros Gempelių baudžiamąją bylą dėl jų kasacijos skundo prieš Kauno Apygardos Teismo 1934 metų sausio mėnesio 26 dienos sprendimą“⁴⁹.

Bylos aplinkybės: Kauno miesto savivaldybė patvirtino Gempelių namo statybos planą ir išdavė leidimą jį statyti. Išdavusi leidimą savivaldybė nustatė Linkuvos gatvės namų statybos liniją atitinkamu atstumu nuo grindinio. Apylinkės teismas savo sprendime nurodė, kad namas yra peržengęs statybos liniją, todėl turi būti nugriautas. Gempeliai kreipėsi į apygardos teismą. Apygardos teismas tokį apylinkės teismo sprendimą patvirtino. Gempeliai bylą nagrinėjimo teismuose metu prašė ekspertų pagalbos, kad šie pateiktų savo išvadas. Apylinkės teismas buvo nusprendęs vietos apžiūrą atlikti, bet to nepadarė. Byla buvo išspręsta nepatikrinus vietos. Apygardos teismas pasitelkė pagalbą ekspertą. Tačiau ekspertizė nebuvo baigta. O tai turėjo būti padaryta, remiantis Baudžiamojo proceso įstatymo nuostatomis. Maža to, Apygardos teismas nurodė nugriauti namą kaltininko lėšomis, tačiau nenurodė, kada tai turi būti padaryta. Vyriausiasis Tribunolas konstatavo, kad, pagal įstatymus, trobesys turi būti nugriautas, pataisytas ar atnaujintas, jei jis kenkia visuomenei, žmonių sveikatai. Jei statybas reglamentuojantys teisės aktai draudžia statyti atitinkamoje vietoj trobesius, tai jie turi būti nugriauti. „Tais atvejais nusižengimas prieš visuomenės tvarką pasireiškia netaisyklingu gatvių, grindinių, šaligatvių, aikščių sutvarkymu ir tokio nusižengimo paseka palieka liki nebus nugriautas neteisėtas arba netaisyklingai pastatytas trobesys bei atšlainis. Neteisėtai įkurtų pastatų palikimas reikštų padarytų tęstinių nusižengimų legalizavimą“. Vyriausiasis Tribunolas nusprendė panaikinti Kauno apygardos teismo sprendimą ir bylą grąžinti tam teismui iš naujo nagrinėti.

⁴² Įstatymas dėl valdininkų pareigų ėjimo atlyginimo. V. Ž. 1919.VII.

⁴³ Ministerių ir Valstybės Kontrolieriaus atlyginimo įstatymas. V. Ž. 1924.VIII. 20.

⁴⁴ Valstybės tarnautojų atlyginimo įstatymas. V. Ž. 1922.V.5.

⁴⁵ Atstovybių ir konsulatų tarnautojų atlyginimo įstatymas. V. Ž. 1924.V.17.

⁴⁶ Švenčių priedo išmokėjimo įstatymas. V. Ž. 1931.XII.22.

⁴⁷ Kelionės išlaidoms atlyginti įstatymas. V. Ž. 1931.III.28.

⁴⁸ Valstybės tarnautojų pensijų ir pašalpų įstatymas. V. Ž. 1936.IV.10.

⁴⁹ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas V, žurnalo „Teisė“ 34 priedas. 1936 m., p. 171-173.

„1935 metų rugsėjo mėnesio 25 dieną, Vyriausiasis Tribunolas, Civilinis Skyrius, teisiamajame posėdyje, Kaune, žiūrėjo Elzbietos Ramanauskienės-Vrubliauskienės ir Vandos Romanauskaitės skundą prieš Vidaus Reikalų Ministerio 1935 metų gegužės mėnesio 27 dienos nutarimą“⁵⁰.

Bylos aplinkybės: Ukmergės apskrities valdyba priėmė nutarimą, kuriuo patenkino Namiko prašymą jam vienam skirti kompensaciją už paimtą žvyrą keliams taisyti iš jo buvusių rėžių. Tokiu nutarimu buvo pakeistas Taujėnų Valsčiaus Kelių Komisijos nutarimas, kuriuo kompensacija buvo paskirta per puse buvusiam ir esama rėžių savininkui. Minėtos pareiškėjos prašė, kad tik joms būtų sumokėtas visas atlygis. Buvo kreiptasi į vidaus reikalų ministrą. Šis nutarimu panaikino Ukmergės apskrities valdybos nutarimą, nes ji nebuvo kompetentinga šio klausimo spręsti. Taip pat nutarė keisti Valsčiaus kelių komisijos nutarimą. Vyriausiasis Tribunolas padarė išvadą, kad pareiškėjų skundas yra „nepamatuotas“, nes Valsčiaus komisija nustato tik vietas žvyru paimti, t.y. nei Valsčiaus komisija, nei apskrities valdyba, remiantis Keliams laikyti ir tvarkyti taisyklių 24 paragrafu, nėra įgaliotos spręsti dėl kompensacijos už paimtą iš privačių subjektų žemių žvyrą. Tik teismas, vadovaujantis Civilinės teisenos įstatymo 1 straipsniu, gali spręsti tokį ginčą.

„1936 metų vasario mėnesio 26 dieną, Vyriausiasis Tribunolas, Civilinis Skyrius, teisiamajame posėdy, Kaune, žiūrėjo pensijas reikalų Prano Marcinkaus bylą dėl jo teisinio skundo prieš Kauno Miesto Burmistro 1935 metų liepos mėnesio 16 dienos nutarimą“⁵¹.

Bylos aplinkybės: pareiškėjas kreipėsi į Kauno apskrities viršininką dėl miesto burmistro nutarimo, kuriuo iš jam, kaip Kauno miesto savivaldybės tarnautojui, skirtos pensijos už tam tikrą laiką buvo sulaikyta 1112,10 Lt suma savivaldybės biudžetui subalansuoti. Kauno apskrities viršininkas nutarimu atmetė skundą pagrįsdamas tuo, kad miesto burmistro nutarimas teisėtas, nes jis buvo priimtas remiantis vidaus reikalų ministro raštu sumažinti savivaldybės tarnautojams atlyginimus. Tada pareiškėjas kreipėsi į vidaus reikalų ministrą, tačiau šis per du mėnesius nepateikė jokio sprendimo. Taigi, pareiškėjas kreipėsi į Vyriausiąjį Tribunolą, prašydamas panaikinti Kauno apskrities viršininko nutarimą ir neleisti Kauno miesto burmistrai sulaikyti pensijos dalies mokėjimą biudžetui subalansuoti. Vyriausiasis Tribunolas padarė išvadą, kad, remiantis Savivaldybės įstatymo 300 ir 315 straipsniais, miestų tarybų, burmistų nutarimai, kurie yra tvirtinami (šiuo atveju vidaus reikalų ministro) negali būti skundžiami. Taigi, tokio pobūdžio skundų Vyriausiasis Tribunolas nenagrinėja iš esmės. Tačiau šioje byloje teismas pateikė savo nuomonę: vidaus reikalų ministras, remdamasis Savivaldybės įstatymo 302 straipsniu, turi teisę daryti pakeitimus, tvirtinant biudžetą ir savivaldybės tarnautojų atlyginimą. Pasak teismo, Savivaldybės įstatymo 302 straipsnis yra susijęs ne tik su savivaldybės tarnautojais, bet ir su pensininkais.

⁵⁰ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas XII, žurnalo „Teisė“ priedas. 1934 m., p. 284-285.

⁵¹ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas XII, žurnalo „Teisė“ 34 priedas. 1936 m., p. 327-328.

„1936 metų gegužės mėnesio 27 dieną, Vyriausiasis Tribunolas, Civilinis Skyrius, teisiamajame posėdyje, Kaune, žiūrėjo Šocherio Fainšteino ir Giršo Gempelio skundą prieš Vidaus Reikalų Ministerio 1936 metų vasario mėnesio 20 dienos nutarimą“⁵².

Bylos aplinkybės: burmistras už ilgą laiką iki turto pardavimo ieškojo iš buvusių namo savininkų kanalizacijos ir vandentiekio mokesčių. Pareiškėjai tvirtina, kad jie jau pardavę namą ir mokesčių turi mokėti naujas namų savininkas. Vyriausiasis Tribunolas nusprendė, kad burmistro mokesčių išieškojimas yra teisėtas ir skundą atmetė, pabrėždamas, kad pirkėjas ir pardavėjas tokius klausimus galėjo išspręsti pirkimo-pardavimo sutartimi.

„1936 metų rugsėjo mėnesio 30 dieną, Vyriausiasis Tribunolas, Civilinis Skyrius, teisiamajame posėdyje, Kaune, žiūrėjo „Lietuvos Viešbučio“ Akcinės Bendrovės teisinį skundą prieš Vidaus Reikalų Ministerio 1936 metų balandžio mėnesio 21 dienos nutarimą“⁵³.

Bylos aplinkybės: Bendrovės sunkvežimis vežiojo Birštono šaltinio vandenį į Kauną. Ten „prigazuodavo“ vandenį ir vežiodavo Kauno vartotojams. Bendrovei buvo nustatyta dviguba rinkliava. Viešaisiais keliais judėjimo įstatymo 17 straipsnis nustato atskirą vežiojimo rinkliavą pirmiaučiuose miestuose ir atskirą rinkliavą už vežiojimą už tų miestų ribų. Pirmu atveju rinkliava eina į miesto savivaldybę, antru – į iždą. Pareiškėjas skundė dvigubos rinkliavos teisėtumą. Vyriausiasis Tribunolas konstatavo, kad Bendrovės sunkvežimiui buvo teisėtai nustatyta dviguba rinkliava, „nes jie ne tik vežiojo prekes iš Birštono į Kauną, bet tas prekes pagerinęs išvežiojo Kaune savo vartotojams“. Taigi, Bendrovės skundas buvo atmestas.

„1939 m. sausio mėnesio 27 dieną Vyriausiasis Tribunolas, Civilinis skyrius, teisiamajame posėdyje, Kaune, žiūrėjo inž. A. Jokimo administracinę bylą dėl Kauno Miesto Savivaldybės skundo prieš vidaus reikalų ministro 1938 m. lapkričio mėn. 24 dienos nutarimą“⁵⁴.

Bylos aplinkybės: Kauno apskrities viršininkas priėmė nutarimą, kuriuo panaikino Kauno miesto burmistro reikalavimą iš A. Jokimo papildomojo įkainojimo mokesčio už 1935 metus. Matyt, po to buvo kreiptasi į vidaus reikalų ministrą. Ministras priėmė tokį patį sprendimą kaip ir Kauno apskrities viršininkas. Todėl Kauno Miesto Savivaldybė apskundė vidaus reikalų ministro priimtą nutarimą. Savivaldybė nurodė, kad ministras, kaip ir Kauno apskrities viršininkas, klaidingai išaiškino Savivaldybių mokesčių įstatymo 34 straipsnio prasmę. Esą jis turi būti aiškinamas gramatiškai, kaip jis buvo priimtas Seimo trečiuoju skaitymu, o ne raidiškai, kaip buvo paskelbtas Vyriausybės Žiniose. Šioje

⁵² Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas XVI, žurnalo „Teisė“ 38 priedas. 1937 m., p. 422-423.

⁵³ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas XVI, žurnalo „Teisė“ 38 priedas. 1937 m., p. 425-426.

⁵⁴ Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. Tomas XII, žurnalo „Teisė“ 34 priedas. 1936 m., p. 284-285.

byloje Vyriausiasis Tribunalas pabrėžė, kad Kauno miesto savivaldybės skundas yra nepagrįstas, o vidaus reikalų ministras „taisyklingai samprotauja, kad Savivaldybių mokesčių įstatymo 34 straipsnis turi būti aiškinamas ta redakcija, kuri yra paskelbta Vyriausybės Žiniose, nes įstatymas įsigalioja, paskelbtas Vyriausybės Žiniose, o ne ta redakcija, kuri buvo priimta Seimo trečiuoju skaitymu“. Taigi, „išžiūrėjęs bylą, Vyriausiasis Tribunalas laiko Kauno miesto savivaldybės skundą nepamatuotu“ ir jį atmetė.

„1939 metų vasario mėnesio 2 dieną Vyriausiasis Tribunalas, Civilinis Skyrius, tvarkomame posėdyje, Kaune, žiūrėjo Antipo Krugliakovo skundą priežiūros tvarka prieš Vyriausiosios Žemės Tvarkymo Komisijos 1938 m. spalio mėn. 6 d. ir 1938.XI.14 d. nutarimus Kongušilų km. išsiskirstymo viensėdžiais byloje“⁵⁵.

Bylos aplinkybės: Vyriausioji Žemės Tvarkymo Komisija nutarimu panaikino jau įsigaliojusį Kauno Apygardos Žemės Tvarkymo Komisijos nutarimą. Tai darydama Vyriausioji Komisija vadovavosi Teismų santvarkos įstatymo 83 straipsniu ir tuo Vyriausioji Komisija priežiūros atžvilgiu prilygino save teismams. Tuo tarpu Žemės tvarkymo įstatymo 148 straipsnis nustato, kad žemės tvarkymo komisijos bylas nagrinėja civiline tvarka, jų sprendimai skelbiami Lietuvos Respublikos vardu, o įsigalioję sprendimai, remiantis Civilinės teisenos įstatymo 893 straipsniu, yra privalomi bylą šalims, komisijoms, kitoms Lietuvos valstybinėms įstaigoms ir valstybės tarnautojams. Taigi, Vyriausioji Komisija negalėjo šiuo atveju remtis Teismų santvarkos įstatymo 83 straipsniu ir naikinti Kauno Apygardos Komisijos sprendimą, o turėjo remtis Civilinės teisenos įstatymo 893 straipsniu. Dėl šių ir kitų faktinių bylos aplinkybių Vyriausiasis Tribunalas pripažino Vyriausiosios Žemės Tvarkymo Komisijos nutarimą „niekiu“ ir panaikino.

„1939 metų vasario-kovo mėnesio 20-6 dieną Vyriausiasis Tribunalas, Civilinis Skyrius, teisiamaajame posėdyje, Kaune, žiūrėjo akcinės bendrovės „Cotton“ administracinę bylą kompensacijos nenuolatiniams darbininkams reikalu dėl akcinės bendrovės „Cotton“ skundo prieš vidaus reikalų ministro 1938 metų spalio mėnesio 22 dienos nutarimą“⁵⁶.

Bylos aplinkybės: Vyriausioji socialinio draudimo valdyba priėmė sprendimą nubausti kojinių fabriką „Cotton“ 200 Lt pinigine bauda už tai, kad šis neįregistravo į ligonių kasą 32 darbininkų. Tokį sprendimą Bendrovė apskundė vidaus reikalų ministrui. Savo skunde ministrui Bendrovė paaiškino, kad šios darbininkės nėra fabriko samdinės Ligonijų kasų įstatymo prasme. Jų darbas yra nepastovus, jos taiso trūkumus (prikabinėja nuleistus gaminant mašinomis siūlus), kai jie atsiranda. Darbas gali būti atliekamas namuose, jį gali atlikti ir kiti šeimos nariai. Ministras skundą atmetė, tvirtindamas, kad

⁵⁵ Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. Tomas III, žurnalo „Teisė“ 47 priedas. 1939 m., p. 9-11.

⁵⁶ Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. Tomas I, žurnalo „Teisė“ 47 priedas. 1939 m., p. 18-20.

darbininkės atitinka Ligonių kasų įstatymo 8 straipsnį ir turėjo būti įregistruotos į ligonių kasą. Vyriausiasis Tribunolas konstatavo, kad Ligonių kasų įstatymas nenumato skirtumo tarp vietų, kur tokie pasamdyti asmenys dirba, neskiria pagrindinio darbo nuo šalutinio. Nebent kiltų klausimas dėl darbininkių, kurioms tai buvo antraeilis darbas, nes jos jau dirba kitur ir yra apdraustos. Tačiau šioje byloje tokių klausimų nėra iškeltų, maža to, iš pateiktų duomenų aišku, kad nei viena darbininkė nedirba kitur ir nei viena nėra apdrausta, tad jis nebuvo nagrinėjamas. Taigi, teismas atmetė Bendrovės skundą.

„1939 metų kovo mėnesio 20 dieną Vyriausiasis Tribunolas, Civilinis Skyrius, teisiama jame posėdyje, Kaune, žiūrėjo Alfredo Neimano įgal. adv. Bencelio Kolevzono teisinį skundą prieš Vyr. Darbo Pajamų Mokesčio Komisijos 1938 metų lapkričio mėnesio 9 dienos nutarimą“⁵⁷.

Bylos aplinkybės: A. Neimanis dirbo Latvijos valstybinio elektrotechnikos „Vef“ agentūroje vedėju. Atlyginimą gaudavo Latvijoje ir mokesčius A. Neimanis mokėjo Latvijoje. Vyriausioji Darbo Pajamų Mokesčio Komisija priėmė nutarimą, kad šis asmuo turi mokėti su darbo santykiais susijusias mokesťines prievoles Lietuvoje. A. Neimanis atsikirtu, teigdamas, kad kadangi atlyginimas buvo gaunamas Latvijoje ir kad su darbo santykiais susijusios mokesťinės prievolės buvo mokamos Latvijoje, tai Lietuvoje jis, pagal Darbo pajamų mokesčių įstatymo 4 straipsnį, turi būti atleistas nuo mokesťinių prievolių, susijusių su darbo santykiais. Komisija savo sprendimą mokėti su darbo santykiais susijusias mokesťines prievoles grindė tuo, kad minėtas fabrikas Latvijoje turėjo pelno Lietuvoje ir „kad išsiuntimas užsienin viso Lietuvoj gauto pelno ir to pelno dalies atgal Lietuvon gražinimas tarnautojui algai mokėti nėra pajamos iš užsienio“. Vyriausiasis Tribunolas konstatavo, kad tokie Komisijos samprotavimai nėra pagrįsti Darbo pajamų mokesčių įstatymu ir kad minėto įstatymo negalima aiškinti „praplečiamai“. Reikia, pasak teismo, išsiaiškinti, ar atlyginimas iš tikrųjų buvo siunčiamas iš Latvijos ir ar buvo mokamos mokesťinės prievolės, susijusios su darbo santykiais. Taigi, Vyriausiasis Tribunolas priėmė sprendimą panaikinti Komisijos sprendimą ir bylą gražinti Komisijai iš naujo nagrinėti.

„1939 m. balandžio mėnesio 21 dieną Vyriausiasis Tribunolas, Civilinis Skyrius, teisiama jame posėdyje, Kaune, žiūrėjo L.S.T. korp. „Neo-Lithuania“ adm. Bylą gatvės ir jos šaligatvių valymo reikalu dėl korp. buv. ūkio vedėjo Makauskos skundo prieš vidaus reikalų ministro 1939 m. sausio mėn. 12 dienos nutarimą“⁵⁸.

Bylos aplinkybės: L.S.T. korp. „Neo-Lithuania“ atsisakė valyti Parodos gatvę ir jos šaligatvį, kadangi Kauno m. taryba buvo priėmusi nutarimą Nr. 115, kuriame nustatyta, kad gatves ir šaligatvius turi valyti tik tie nekilnojamojo turto savininkai, kurių žemės sklypai prieina prie gatvės. Savo ruožtu

⁵⁷ Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. Tomas I, žurnalo „Teisė“ 47 priedas. 1939 m., p. 34-35.

⁵⁸ Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. Tomas I, žurnalo „Teisė“ 47 priedas. 1939 m., p. 46-47.

Kauno apskrities viršininkas priėmė nutarimą, kuriuo korporacija yra atleidžiama nuo prievolės valyti Parodos gatvę ir jos šaligatvį, nes iš Parodos gatvės pusės yra šlaitas. Vidaus reikalų ministras tokį apskrities viršininko sprendimą panaikino, nes nebuvo išaiškinta, ar tas šlaitas yra gatvės sudėtinė dalis, ar atskiras sklypas. Vyriausiojo Tribunolo nuomone, vidaus reikalų ministro sprendimas neatitiko Kauno miesto tarybos nutarimo Nr. 115, nes tokios nuostatos, kad nekilnojamojo turto savininkai turėtų valyti gatves ir šaligatvius, kurių žemė yra atskirta nuo gatvės nestatybiniais sklypais, tame nutarime nėra. Taigi, Vyriausiasis Tribunalas panaikino vidaus reikalų ministro sprendimą ir grąžino jam bylą nagrinėti iš naujo.

TARPUKARIO LIETUVOS TEISMŲ SISTEMA IR JŲ KURIAMI PRECEDENTAI BEI PROCESINĖS TAISYKLĖS

Pagal 1919 m. patvirtintą Laikinąjį Lietuvos teismų ir jų darbo sutvarkymą⁵⁹, Lietuvoje buvo įsteigti Vyriausiasis Tribunalas, apygardų teismai ir taikos teisėjai.

Vyriausiojo Tribunolo jurisdikcija apėmė visą Lietuvos teritoriją (nuo 1924 m. apėmė ir Klaipėdos kraštą).⁶⁰ Iki 1933 m. Vyriausiasis Tribunalas nebuvo kasacinė instancija, o teismas, apeliacinė tvarka nagrinėjantis civilines ir baudžiamąsias bylas. Apygardų teismai buvo įkuriami apygardos (buvusios gubernijos) mieste teisingumo ministro nuožiūra. Taikos teisėjai buvo skiriami miestuose, kuriuose gyveno daugiau kaip 20 000 gyventojų. Taip pat buvo skiriami teismo tardytojai kiekvienai apskričiai ir miestui po vieną, jei ten gyveno virš 25 000 gyventojų. Prie apygardos teismų bei Vyriausiojo Tribunolo buvo skiriami valstybės gynėjai (prokuratoriai), jų padėjėjai.

Vyriausiojo Tribunolo, apygardų teismų teisėjus, valstybės gynėjus skyrė Valstybės Tarybos prezidiumas, teisingumo ministrui pasiūlius. Taikos teisėjus, teismo tardytojus, valstybės gynėjų padėjėjus skirdavo teisingumo ministras.

Teismo kalba buvo lietuvių kalba, teisėjai turėję mokėti ir lenkų, ir gudų kalbas, kad galėtų susikalbėti su bylos dalyviais, nemokančiais lietuvių kalbos. Tačiau galėjo būti pasitelkiamos ir vertėjo paslaugos. Būdavo imamas žyminis mokestis (mokesniai).

Taikos teisėjų sprendimams apeliacinė instancija buvo apygardų teismai. Čia apygardos teismo sprendimas buvęs galutinis. Apygardų teismų sprendimams apeliacinė instancija buvo Vyriausiasis Tribunalas. Jo sprendimai būdavę galutiniai ir neskundžiami.

⁵⁹ Laikinasis Lietuvos teismų ir jų darbo sutvarkymas. LVŽ, 1919.I.16, Nr. 2/3-26.

⁶⁰ VŽ, 1924.II. 23, Nr. 51-1078.

Pagal Teismo kandidatų įstatymą⁶¹, taikos teisėjais, teismo tardytojais, valstybės gynėjų padėjėjais tapdavo asmenys per metus ar du išbuvę teismo kandidatais. Per tą laiką jie turėjo susipažinti su teismų praktiniu darbu, teisių teorijos mokslais, baudžiamąja, civiline teise ir jų procesais, Romos teise ir teisės enciklopedija.

1933 m. įvyko teismo reforma. Tada buvo priimtas Teismų santvarkos įstatymas⁶². Pagal jį, tuometę Lietuvos teismų sistemą sudarė apylinkių, apygardų teismai, Apeliaciniai Rūmai ir Vyriausiasis Tribunolas. Taigi, buvo keturių pakopų teismų sistema:

1 lentelė. Lietuvos teismų sistema priėmus Teismų santvarkos įstatymą 1933 m.

Vyriausiasis Tribunolas Civilinis skyrius, Baudžiamasis skyrius, Klaipėdos krašto skyrius, nuo 1935 m. Vyriausiajame Tribunole veikė Statutinis teismas ⁶³
Apeliaciniai Rūmai
Apygardų teismai Civilinis skyrius, Baudžiamasis skyrius
Apylinkių teismai

Šioje sistemoje pirmosios instancijos teismas civilinėms ir baudžiamosioms byloms (dėl veikų, už kurias nustatyta bausmė lengvesnė nei sunkių darbų kalėjimas) buvo apylinkių teismai. Pereinamuoju laikotarpiu taikos teisėjai buvo inkorporuoti į apylinkių teismus.

Apygardų teismai buvo pirmoji instancija baudžiamosioms byloms, kurios nepriklauso apylinkių teismų jurisdikcijai, taip pat apeliacinė instancija apylinkių teismų priimtiems sprendimams.

Apeliaciniai Rūmai buvo apeliacinė instancija apygardų teismų sprendimams bylose, kurias apygardos teismas išnagrinėjo pirmąja instancija. Taip pat Apeliaciniai Rūmai buvo teismas baudžiamosioms byloms dėl priešingų teisei veikų, padarytų prieš valstybės saugumą.

Vyriausiasis Tribunolas buvo kasacinis teismas apylinkių, apygardų teismų, Apeliacinių Rūmų, karinių teismų byloms, Klaipėdos krašto teismų baudžiamosioms ir civilinėms byloms. Taip pat tai buvo aukščiausiasis teismas Klaipėdos krašto administracinėms byloms, Klaipėdos krašto magistratūros drausmės byloms. Vyriausiasis Tribunolas buvo teismas byloms dėl valstybės vadovo, ministro pirmininko ir kitų ministrų, valstybės kontrolieriaus tarnybinių

⁶¹ Teismo kandidatų įstatymas. LVŽ, 1919.XII.23, Nr. 18-223.

⁶² Teismų santvarkos įstatymas. VŽ, 1933.VII.11, Nr. 419-2900.

⁶³ VŽ, 1935.III.13, Nr. 474-3326.

nusikaltimų, kaip tą numatė 1922 m. Konstitucijos 63 straipsnis ir 1928 m. Konstitucijos 64-65 paragrafai⁶⁴.

1935 m. Vyriausiajame Tribunole buvo įsteigtas Statutinis teismas, „sudaręs tikslią tiek valstybės centro valdžios, tiek autonominės Klaipėdos valdžios aktų statutingumo <...> teisinę kontrolę (konstitucinio teismo sui generis rūšis)“⁶⁵.

Vyriausiasis Tribunolas savo visuotiniame susirinkime aiškino teisės klausimus, kuriuos iškeldavo teisingumo ministras, Vyriausiojo Tribunolo pirmininkas. Šie aiškinimai būdavo skelbiami, kad klausimai būtų vienodai suprantami visuose teismuose. Pavyzdžiui, 1934 m. vasario 22 d. Vyriausiasis Tribunolas nagrinėjo teisingumo ministro iškeltą klausimą dėl to, „kaip turi būti nustatoma kūno sunkaus ir lengvo sužalojimo rūšis <...>?“⁶⁶. 1934 m. lapkričio 15 d. Vyriausiasis Tribunolas nagrinėjo Vyriausiojo Tribunolo civilinio skyriaus teisėjų iškeltą klausimą, „ar taikos (apylinkės) teisėjas civilinėje byloje <...> turi teisę reikalauti iš bylininkų pristatyti pinigus apmokėti dienpinigius ir kelionpinigius savo sekretoriui, kurį jis ima sau padėti rašyti protokolus?“⁶⁷. 1937 m. kovo 11 d. Vyriausiasis Tribunolas nagrinėjo Vyriausiojo Tribunolo civilinio skyriaus teisėjų iškeltus klausimus, „1) ar valdžios mokyklos tėvų komitetas yra juridinis asmuo ir 2) jei yra juridinis asmuo, tai ar jis yra tokia valdžios įstaiga, kuri pagal Civ. Teis. Įst. 879 str. atleista nuo teismo ir žyminio mokesčių?“⁶⁸.

Teismo kalba buvo lietuvių kalba. Jeigu bylos dalyviai nemokėjo lietuvių kalbos, buvo privalu naudotis vertėjo paslaugomis. Rašytiniai įrodymai turėjo būti pateikti lietuvių kalba.

To meto Lietuvoje būta ir ypatingųjų teismų, pavyzdžiui, pulkų teismai, karo lauko teismai, Kariuomenės Teismas, kurio sprendimams kasacinė instancija buvo Vyriausiasis Tribunolas. Kariuomenės Teismo jurisdikcijai patekdavo tokio pobūdžio bylos, pavyzdžiui, 1933 m. spalio mėnesį, per karo padėtį, du lietuviai suteikė lenkų karinei žvalgybai žinių apie

⁶⁴ Viena žymesnių to meto bylų, susijusių su aukštųjų pareigūnų nusižengimais, yra Vyriausiojo Tribunolo 1932 m. rugsėjo 27-29 dienų sprendimas buvusio užsienio reikalų ministro Augustino Voldemaro byloje. Šiame sprendime teismas išteisino buvusį pareigūną. Žr.: Vyriausiojo Tribunolo 1932 metų rugsėjo mėn. 27-29 dien. Sprendimas Augustino Voldemaro byloje. Teisė, Nr. 22, 1932, p. 153-163.

⁶⁵ M. Romeris, Lietuvos konstitucinės teisės paskaitos, (VDU, Spindulio spaustuvės: Kaunas), 1937, p. 385.

⁶⁶ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas V, žurnalo „Teisė“ priedas. 1934 m., p. 85.

⁶⁷ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas V, žurnalo „Teisė“ priedas. 1934 m., p. 99.

⁶⁸ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas XVI, žurnalo „Teisė“ 38 priedas. 1937 m., p. 223.

devinto pėstininkų pulko organizaciją, apsiginklavimą, žmonių skaičių, pasienio policijos II rajoną, šaulius, sudėtį ir t.t.⁶⁹

To meto bylose buvo kuriami teismų precedentai, tam tikros procesinės taisyklės, kurių nenumatė įstatymai. Pavyzdžiui:

1. dėl proceso vilkinimo ir terminų atnaujinimų skundams pateikti: „įstatymas nenumato tų atsitikimų, kai skundas reikiamu laiku negalėjo būti paduotas dėl teismo kaltės. Šiais atsitikimais nėra reikalo padavinėti tokių prašymų ir laukti, kol teismas paduotą prašymą išžiūrės ir atnaujins praleistą terminą. Priešingos šalies interesai geriau bus apsaugoti, jei skundėjas tiesiog paduos skundą teismui, nurodydamas pavėlavimo priežastį, o teismas, matydamas savo kaltę dėl skundo pavėlavimo, skundą priims ir tuo pat laiku atnaujins praleistą terminą. Tuo bus išvengta bylos vilkinimo, kaip tai jau yra Vyr. Tribunolo pasisakyta 1938.II.14 d. Feldšteino ir Šato bylos sprendimu“⁷⁰.

2. dėl liudytojų apklausos ir kaltės nustatymo: „Apylinkės Teismas, apklausęs 4 liudytojus, nutarė „likusių neklausti“, paaiškindamas savo sprendimo motyvuose, „kad kaltė jau nustatyta“. <...>. Tais atvejais, kai kaltininkas tyli, arba kai jo atsakymai neaiškūs, arba nesutampa su bylos aplinkybėmis, teismas turi tęsti tardymą. Jei kaltinamasis nepripažįsta kaltas, arba jo prisipažinimas sukelia abejonių, teismas turi paklausti kaip jį patį, taip ir jo nurodytus liudytojus (92 str.). išsprendimas bylos nepaklausus pašauktus liudytojus tuo pagrindu, kad byla pakankamai aiški, - „kaltė jau nustatyta“, sudaro esminį prasilenkimą su B. Teis. Įst. 91 prim, 92 ir 119 str. str.“⁷¹.

3. dėl sprendimų priėmimo nedalyvaujant bylos eiga suinteresuotam asmeniui bei dėl užsienio valstybės teismo sprendimo galiojimo: „Apygardos Teismas, <...>, teisėtai atmetė ieškinį, nepripažindamas galios Maskvos Liaudies Teismo 1930 metų kovo 10 dienos sprendimui, kuris atsakovui neprivalomas jau dėlto, kad tas sprendimas padarytas jam nedalyvaujant, nekalbant jau apie tai, kad Lietuvoj negali turėti galios svetimos valstybės sprendimas, nesant atitinkamos sutarties“⁷².

⁶⁹ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas V, žurnalo „Teisė“ priedas. 1934 m., p. 167.

⁷⁰ Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. Tomas III, žurnalo „Teisė“ 49 priedas. 1939 m., p. 134.

⁷¹ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas XII, žurnalo „Teisė“ 34 priedas. 1936 m., p. 491.

⁷² Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas XII, žurnalo „Teisė“ 34 priedas. 1936 m., p. 304.

4. dėl teisėjų statuso byloje: „<...> turi būti nušalinami tie teisėjai, kurie pirmą kartą sprendė bylą, kai jų sprendimas yra panaikintas ir bylą žiūrима iš naujo“⁷³.

5. dėl procesinių dokumentų įteikimo: „<...> Teismo Antstolis gali atiduoti raginimą ne pačiam atsakovui į rankas tik tada, kai Antstolis, atvykęs į atsakovo gyvenamąją vietą, neranda atsakovo namie. Bet ir tada raginimas gali būti paliktas tik atsakovo namiškiams, arba namų šeimininkui, arba kaimynui, kuris sutinka priimti raginimą“⁷⁴.

ADMINISTRACIJOS VEIKLOS KONTROLĖ SOVIETINIAIS METAIS

Minėta, Lietuvoje nebuvo įtvirtintos administracinės teisminės institucijos iki 1999 m. Akivaizdu, nebuvo jos ir tarybiniais laikais.

Remiantis Lietuvos TSR 1978 m. Konstitucijos 149 straipsniu, Lietuvos TSR teismai buvo Lietuvos TSR aukščiausiasis teismas ir rajonų (miestų) liaudies teismai.

1980 m. K. Lapinskas ir P. Petkevičius teigė, kad „teismas <...> taip pat vykdo kontrolines valstybinio valdymo veiklos teisėtumo funkcijas“⁷⁵. Mokslininkai tvirtino, kad teismas „nustatydamas neteisėtus valdymo organų ar pareigūnų veiksmus bei kitus trūkumus <...>, savo aktais“ nurodo juos pašalinti arba „pripažįsta pareigūnų aktus negaliojančiais“. Taip pat teismas galėjo patvirtinti ir atitinkamų faktų teisėtumą⁷⁶.

Minėti specialistai administracinėmis bylomis vadino tai, ką mes šiais laikais vadiname administracinių nusižengimų bylomis. Tačiau tvirtinama, kad teismai, nagrinėdami tokias bylas, tikrindavo, ar jos buvo pagrįstai iškeltos, ar pareigūnų veiksmai administracinėse bylose buvo teisėti⁷⁷.

Apskritai sovietiniais laikais viešosios administracijos sąvokos nebuvo. Egzistavo administracijos sąvoka, kuri apimdavo ir įmones, ir butų organus, ir valstybinio valdymo organus, ir darbininkus, ir tarnautojus. Manytina, to priežastis yra ta, kad tuo metu neegzistavo privatus ar viešas sektorius, viskas buvo „visų“ ir „vieša“. Todėl to meto mokslininkai, rašydami apie teisminę administracijos veiksmų kontrolę, mini bylas dėl ginčų, kylančių iš baudžiamųjų, civilinių, šeimos, darbo teisinių santykių, nes „ginčai šiose bylose ir kyla dėl tų

⁷³ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas XVI, žurnalo „Teisė“ 38 priedas. 1937 m., p. 653.

⁷⁴ Vyriausiojo Tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai. Tomas XVI, žurnalo „Teisė“ 38 priedas. 1937 m., p. 452.

⁷⁵ Lapinskas, K., Petkevičius, P. *Tarybinė administracinė teisė*. Vilnius: Mintis, 1980, p. 252.

⁷⁶ *Ibid.*, p. 253.

⁷⁷ *Ibid.*, p. 253-254.

organų ar pareigūnų priimtų aktų“⁷⁸. Kukliai paminimi ir ginčai, kylantys iš administracinių teisinių santykių, t.y. iš santykių tarp valdymo organo ir piliečio.

Pagrindiniai teisės aktai, reglamentuojantys tokių administracijos organų veiklą priežiūrą, buvo Lietuvos TSR Baudžiamojo proceso kodeksas ir Lietuvos TSR Civilinio proceso kodeksas⁷⁹.

K. Lapinskas ir P. Petkevičius savo veikale mini ir kitus ginčų nagrinėjimo būdus. Pavyzdžiui, ūkinius ginčus tarp įmonių, įstaigų ir organizacijų sprendavo valstybinis arbitražas, kurį sudarė ministrų taryba ir liaudies deputatų tarybos vykdomasis komitetas. Veikdavo ir žinybiniai arbitražai ministerijose ar kitose įstaigose⁸⁰.

Įstatymo dėl Liaudies kontrolės TSR Sąjungoje 3 straipsnyje minimi ir dabar dažnai vartojami terminai „vilkinimas“, „biurokratizmas“. Taigi, kalbama apie sąjunginius, kraštų, sričių, rajonų, miestų, miestų rajonų liaudies kontrolės komitetus, į kurių sudėtį įeidavo visuomeninių organizacijų atstovai, kolūkiečiai, kultūros veikėjai ir t.t. Tai nebuvo teismai, tačiau tai buvo organai, disponuojantys gan plačiais valdiniais įgaliojimais. Jie galėjo stabdyti neteisėtus pareigūnų sprendimus, skirti nuobaudas, šalinti iš pareigų, kreiptis į valstybės valdymo organus, prokurorus. K. Lapinskas ir P. Petkevičius teigė, kad liaudies kontrolės komitetų pagrindinė paskirtis buvo kontroliuoti įvairias valstybinio valdymo sritis, kolūkius, įstaigas ir kt.⁸¹

Paminėtina ir visuomeninė kontrolė, reiškianti darbo žmonių kontrolę dėl valstybinio valdymo veiklos teisėtumo. Šią kontrolę vykdė profsąjungos, komjaunimas, įvairios draugijos, kūrybinės sąjungos, visuomeniniai inspektoriai, darbo kolektyvai ir piliečiai⁸². Atsakyti, kiek realios visos įvardytos kontrolės buvo⁸³, nėra šio straipsnio tikslas.

IŠVADOS

Tarpukario Lietuvoje buvo nemažai diskutuojama dėl to, kokios formos organizacinis darinys turėtų nagrinėti administracinius ginčus – ar turi būti įsteigtas atskiras administracinis teismas, ar tokio teismo nereikia ir ginčus gali nagrinėti patys administravimo organai, jeigu administracinis teismas, tuomet, kokie kvalifikaciniai reikalavimai turėtų būti keliami

⁷⁸ *Ibid.*, p. 254.

⁷⁹ Detaliau žr.: *Ibid.*, p. 252-256.

⁸⁰ *Ibid.*, p. 256-258.

⁸¹ Plačiau: *Ibid.*, p. 243-247.

⁸² Plačiau: *Ibid.*, p. 247-252.

⁸³ Amžininkai tvirtina, kad nebuvo realios (bent jau centrinės administracijos) kontrolės. Aut. past.

teisėjams, nagrinėjantiems administracines bylas, koks turėtų būti ryšys tarp viešosios administracijos ir administracinius ginčus nagrinėjančiųjų.

Nepaisant to, kad administraciniai teismai nebuvo įsteigti Lietuvoje, tvirtinti, kad visai nebuvo teisminės viešosios administracijos veiklos priežiūros tarpukaryje, negalima. Kai kuriuos sprendimus buvo galima apskųsti Vyriausiajam Tribunalui, bet tik tuo atveju, jei tai buvo numatyta įstatymuose. Taip pat administracijos veiklos kontrolę atliko gausybė viešojo administravimo subjektų. Vis dėlto to meto mokslininkai išvelgė nešališkumo trūkumą tokioje sistemoje.

Administracinis procesas nebuvo aiškiai iškristalizuotas, atskirtas nuo kitų teisės šakų institutas tarpukario Lietuvoje. Nebuvo atskiro administracinės teisenos reglamentavimo. Buvo remiamasi dviem rusų įstatymais, priimtais prieš Lietuvai paskelbus nepriklausomybę. 1918 m. Civilinės teisenos įstatymu būdavo remiamasi, išieškant žalą už nuostolius, padarytus valdininkų. Tuo tarpu Baudžiamojo proceso įstatymu būdavo remiamasi, nagrinėjant tarnybinius nusikaltimus. Taip pat teismai remdavosi specialiaisiais teisės aktais, pavyzdžiui, Darbo pajamų mokesčių įstatymu, Ligonių kasų įstatymu ir t.t.

Tarybiniais laikais teisminės administracijos veiksmų kontrolės institutas nebuvo vystomas.

Nepaisant to, kad pasaulyje pirmoji administracinė byla buvo išnagrinėta 1873 m., Lietuvoje viešosios administracijos teisminės kontrolės institutas pradėjo vystytis po daugiau nei 100 metų – 1999 m. priėmus Administracinių bylų teisenos įstatymą.

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THE ORIGINS OF ADMINISTRATIVE COURT BEFORE THE RESTORATION OF INDEPENDENCE OF THE REPUBLIC OF LITHUANIA

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Summary

The dilemma how to make a public administration to serve the people, to manage public affairs rather than to demonstrate its ‘power, to reconcile private and public interests rather than satisfy the interests of big industries has been a long debate. Monitoring of the implementation of power is equally important to the empowerment. One such method is a judicial review. This article examines the legal literature of the Interwar period, which assessed the possibilities of establishing an administrative court, laws, and case-law of the Senior Tribunal, the legal order of administrative proceedings, the entities that could supervise the administration. Also the article explores the control of the administration in Soviet times. The study concludes that there was a significant degree of bias in the supervision of the Interwar Lithuanian administration, the administrative process was ambiguous and not separated from other branches of law. Further, in spite of the fact that the very first administrative case in court was examined in 1873, the evolution of judicial review in Lithuania began only in 1999 with the adoption of the Law on Administrative Proceedings.

Keywords: administrative court, Senior Tribunal, Civil Proceedings Law, Interwar period administrative case-law.

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ASSESSING CRIMINAL INCIDENTS THROUGH HEADLINES OF ELECTRONIC MEDIA

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Annotation. Media has overwhelmed the life of modern people and become not so much a means of information transmission but more a powerful tool of manipulation. Internet or online media is the youngest type of media so far which has become rapidly widespread and gained recognition among users. It can also be said to have changed entire understanding of journalism as well as ways and forms of information transmission. Moreover, it has got users accustomed to fast presentation of information by using minimum means – a brief text, a photo or video and a catchy headline. The headline becomes sort of a brand in online media – if it is attractive the product will be chosen.

The collected headlines of crime articles are discussed depending on their functions and structure, Analysis of headlines of crime stories showed that depending on their functions, they can be both neutral and expressive, whereas based on their structure, they obtain a form of factual or evaluative propositions. The headlines written in a form of the factual propositions normally indicate the location (city) of the incident and persons by their positions occupied or the type of a crime committed. The headlines written in a form of the evaluative propositions are prevailed by the adjectives and numerals capable of forming a significant emotional load of a headline. Consequently, a study under consideration confirmed theoretical assertions that a headline is an important point of an article as it determines resolution by a reader to read through the article or not. Meanwhile, both neutrality and expressiveness serve to give a certain emotional load to the headline.

Keywords: online media, headlines of criminal articles, neutrality, expressiveness.

INTRODUCTION

Media is highly important in modern world as it covers so many different functions from information transmission to manipulation. Currently, one of the most popular forms of media is the internet or online media. Among other characteristic functions performed by online media, one must add manipulating the readers with the pursuit of popularity that is directly linked to the fierce competition. Not surprisingly, headlines of articles are used as the main tool in this battle. A headline serves as a bait to catch the reader. Taking into account that modern person is often impatient and continuously in a hurry, the presentation, structure and length of headlines used in online media changes accordingly. The tendency is observed to attract readers' attention by using expressive headlines or headlines written in a form of composite sentence covering nearly all the information to be conveyed. One of the manipulation techniques is so-called 'blood wanted' when the information carrying strong emotional effect about murdering, violence, other crimes is presented suggesting that this is a normal part of

everyday life¹. Thus, the purpose of headlines of crime stories is to present the information in such a way that makes the reader want to read news on aggression, criminal incidents, etc., that evoke mainly negative emotions, and makes the reader to accept the information provided as an integral part of life. This study discusses means and measures used for creating headlines of such articles and ways of using them to catch readers' attention.

The subject of the study – the headlines of articles on crimes in online media.

The objective of the study – to analyse the headlines of articles on crimes in online media.

Tasks set for the study:

1. To discuss the role of headlines in online media.
2. To examine the suggestibility and manipulative power of the headlines of crime articles in online media.

Descriptive and analytical **methods** were used for discussion and analysis of the material in the study. The *pilot study* was undertaken enabling to confirm or to deny the theoretical aspects of headline functions as well as to examine if headlines of crime stories in online media carry an emotional load. The material for this study was collected in September-October of 2017 from websites of *delfi.lt*, *15min.lt* and *lrytas.lt*. Total 150 headlines were collected that were further classified based on their function performed (neutral or expressive) and the structure. Based on this particular aspect, headlines of crime articles have been further addressed in this study.

HEADLINE AS A MAIN TOOL OF MEDIA

Media has overwhelmed the life of modern people and become not so much a means of information transmission but more a powerful tool of manipulation. The manipulation can be twofold: it can be aimed at influencing the attitude of a user or to attract user's attention while selecting among different types of media, in other words, for the media striving to survive after getting over fierce competition, which is in turn possible only if media has many users. It should be noted that when assessing manipulative power of media, it is not a 'no lie' – a conformity with the truth or what is considered to be the truth, i.e., the fact, reality, etc., – that is considered to be one of the essential components of the manipulative discourse, but rather an inconspicuous delusion enabling to benefit in a roundabout (indirect) way². It is the inconspicuousness that

¹ „Manipuliavimas visuomenės nuomone“, <https://ruvi.lt/2013/02/06/manipuliavimas-visuomenes-nuomone>.

² Juodytė, A. Manipuliacinės įtraukimo į komunikaciją strategijos periodinėje spaudoje, *Žurnalistikos tyrimai*, 2008, 1, p. 25.

represents a core element here – user is supposed not to feel or understand that he/she is being deceived, “media impact is made not by obvious propaganda or publications expressing a single attitude but through indirect effects such as interlinked details of news, arrangement of words in a heading, the size of a headline, selection of illustrations”³.

Internet or online media is the youngest type of media so far which has become rapidly widespread and gained recognition among users. It can also be said to have changed entire understanding of journalism as well as ways and forms of information transmission. Moreover, it has got users accustomed to fast presentation of information by using minimum means – a brief text, a photo or video and a catchy headline. The latter determines if reader decides to read an article, to be more precise, to open an article because that’s what determines the number of users. The article can then remain not read till the end or not read at all; what matters is its activation only. In this respect, the headline becomes sort of a brand in online media – if it is attractive the product will be chosen. The function of a headline in media is usually to reflect the main idea behind the article, however following such a tradition, the article may end up with attracting no one’s interest. Theory of communication states that heading is commonly characterized by neutrality. However, “recently this function attributed to headlines remains more or less a concept of the theoretical level due to the desire of information providers and producers to manipulate the accents of information provided. Headlines tend to become a tool used to control attitudes and choices of the audience”⁴. This idea is also endorsed by Ž. Pečiulis stating that purpose of the heading is to express the main idea of the publication in a single sentence, however in Lithuanian media this aim often remains unrealised as publishers and journalists are often of the opinion that attracting attention is more important than informing⁵. Eventually, headlines assumed a rather different purpose – to attract the attention of a reader at any price, and subsequently it has even become not important if the headline reflects the main idea or not, or even go to extremities when the content of the article does not match its heading at all. On the other hand, such an information can hardly be called an article as it rather often happens that the headline is longer the content followed after it. “That’s how a certain insignificant fact taken out of its context or some hyperbolic idea becomes a headline despite the fact that such a headline does not reflect the content of a publication at all.”⁶

³ Pečiulis, Ž. *Medijos, žiniasklaida, žurnalistika tradicinėje ir tinklaveikos visuomenėje*, Vilnius: Vilniaus universiteto leidykla, 2012, p. 22.

⁴ Nugaraitė, A. Antraštės poveikis ir įtaka medijų komunikacijoje, *Agora: politinių komunikacijų studijos* 3, p.117.

⁵ Pečiulis, Ž. *supra note* 3, p. 169.

⁶ *Ibid*, p. 170.

In analysing headlines and reviewing their concepts, researchers (A. Bitinienė, R. Marcinkevičienė, R. Koženiauskienė) emphasized the importance of the headline for the text by discussing its essence in different ways. According to R. Marcinkevičienė the headline is “the highest level of a hypertext”⁷. Meanwhile, A. Bitinienė (2007, 64) sees the headline as undisclosed content of the text presented in a condensed form used to encode the deep meaning of the text⁸. R. Koženiauskienė defines a headline (2013, 46) as a brief text presented in a single sentence which is used to depict the matter of the publication, its main contents. Furthermore, she has suggested that a headline can be equated with a rhetorical piece existing individually on its own, and also emphasized the briefness of a headline⁹. Changes in information conciseness reach their peak when a heading alone is used to express certain news. However, to prevent it from looking poor, a huge photography is presented alongside. Despite the fact that such an information is void, online media does not seem to lose its popularity so far, on the contrary – its popularity keeps increasing. Subsequently, responsibility borne by journalists keeps decreasing as online information can be modified, changed, corrected, and mistakes can be removed from it at any moment in time – after all, the most important thing is to be the first to present the sensational news be it a single sentence. Formation of such a situation is determined by ever increasing pace of life when the society has no time for reading long, although well-developed articles. Meanwhile, media publishers while refining articles, can lose their chance to stand the first with the news. Current situation has formed in result of such a vicious circle. Headline still remains the core component used to manipulate the attention of a reader. According to Ž. Pečiulis, “the headline of a publication, whatever genre category it is attributed to, is probably the single important element of the journalistic piece that determines choice of a reader *to read it or not*”¹⁰. However, the heading must be a catchy, shocking and activating the feelings and emotions of a reader leading to his/her increased curiosity. And if the articles themselves tend to shorten, their headings often tend to grow in length. And the function their impact is associated with the expressive language conveyance¹¹. According to J. Pikčilingis, language is characterised by the triple purpose of use: communication, conveyance and impact. Function of emotional impact takes the first place in stylistics.

⁷ Marcinkevičienė R. *Žanro ribos ir paribiai. Spaudos patirtys*. Vilnius: Versus aureus, 2008, p. 73.

⁸ Bitinienė A., 2007, *Publicistinis stilius*. Vilnius: Vilniaus pedagoginio universiteto leidykla.

⁹ Koženiauskienė R. *Retorinė ir stilistinė publicistinių tekstų analizė*. Vilnius: Vilniaus universiteto leidykla, 2013, p. 10.

¹⁰ Pečiulis, Ž. *supra note 3*, p. 169.

¹¹ Bitinienė A. *Publicistinis stilius*. Vilnius: VPU leidykla, 2007, p. 15–16.

Subsequently, when trying to engage or convince a reader a certain way of expressing thoughts is selected: an indicative sentence is replaced by the exclamatory or interrogative one, sections of a sentence are arranged in a specific order, combined and matched in unusual ways, one or several of them are omitted, or on the contrary, various ‘additives’ and ‘insertions’ are used that matter-of-factly are unnecessary, etc.¹² Natural links of a heading to the contents of a text enable to give the text a heading, and to clearly describe it.

There are several Lithuanian researchers (R. Koženiauskienė, D. Liepinytė-Kytrienė, D. Kalinauskaitė) from different fields (linguistics, communication, journalism) who have addressed headlines, several different classifications for the analysis of headlines have been proposed all of them being related to the functions performed by them, the purpose of which – the created emotional load. Based on them headlines are being classified by scholars, Furthermore, headlines can be grouped based on their structure. Depending on its function, a headline can be *neutral* and *expressive*¹³; based on the structure, headlines can obtain a form of a *proposition*, a *quote* or a *question*; respectively, propositions are further classified into *evaluative* and *factual* ones, and quotes – into *explicit* or *rephrased* ones.¹⁴ D. Kalinauskaitė offers a similar classification of headlines with some modifications applied.¹⁵ Taking into consideration that headlines represent a linguistic formation, they can be analysed depending on the comprising parts of the speech, elements of syntax, prevailing tropes, etc.

THE HEADLINES OF CRIME STORIES – FROM NEUTRALITY TO EXPRESSIVENESS

Headlines were collected from 3 websites of online media – *lrytas.lt*, *15min.lt* and *delfi.lt*. Headlines of articles falling under criminal rubric were selected with the aim to assess what functions performed and what structure was characteristic for them. In total 150 headlines were analysed. The pilot study was undertaken in order to assess the theoretical aspects of headline functions as well as to examine if headlines of crime stories published in online media carry an emotional load. Respectively, further and more extensive studies of other rubrics are possible

¹² Pikčilingis, J. *Lietuvių kalbos stilistinė sintaksė. Kalbos figūros*. Kaunas: Šviesa, 1969, p. 3.

¹³ Koženiauskienė, R. *Retorinė ir stilistinė publicistinių tekstų analizė*. Vilnius: Vilniaus universiteto leidykla, 2013, p. 46.

¹⁴ Liepinytė-Kytrienė D. Antraščių–faktinių teiginių poveikio priemonės interneto portale delfi.lt, *Taikomoji kalbotyra*, 2013 12 16. Prieiga per internetą: <http://taikomojikalbotyra.lt/azalija.serveriai.lt/lt/2013/12/antrasciu-faktiniu-teiginiu-poveikio-priemones-interneto-portale-delfi-lt>.

¹⁵ Kalinauskaitė, D. Trumpojo teksto žanro specifika: naujų portalų antraščių tyrimas, *Darbai ir dienos*, 2014, t. 62, p. 30–31.

with the aim to compare functions performed by the headlines as well as their structure and emotional load. As it was already mentioned above, headlines are being studied by Lithuanian researchers but pretty sparsely. This study might be treated as a small contribution to further investigations of headlines. Although a headline is a small piece of language, it “can be seen as a novel autonomous genre of text which is evidenced by the revealed peculiarities of headlines found in various news portals, and first of all – by their functions. There are various functions performed by headlines: they are used to inform, to tell, to analyse, to comment, to express an attitude, emotions, to convince, to assess and to appeal someone. Such a functional autonomy of headlines found in several news portals is associated with the changes that took place in their structure: headlines have evolved from having a form of a single-word or phrase to the ones forming an entire sentence”¹⁶. As it was already mentioned above, sometimes headlines happen to be shorter than the information presented afterwards or even equivalent to it. Such changes might have been determined by the strong establishment of online media, and pursuit of catching reader’s attention, which is feasible by simply presenting almost all the available not so copious information in a single well-formed extensive sentence. According to D. Kalinauskaitė, “the headlines presented in a form of a sentence are often formulated as propositions that are supported not only by the factual information (factual propositions) but rather often by certain evaluation made by the author of the headline (evaluative propositions)”¹⁷. It means that the headline moves away from its initial function to indicate the main idea of the article, and becomes a manipulative tool that instantly intrigues, catches eye and forms attitude. Furthermore, a study found the headlines having negative connotations to prevail¹⁸. On the other hand, when analysing headlines of stories falling under crime rubric, probably the headlines having a positive connotation cannot be expected to prevail as the very topic bears a negative implication. Meanwhile anyone’s attention is easily attracted by the ills of life suffered by someone else, thus information having a negative connotation remains in memory for a longer period of time.

The collected headlines of crime articles are discussed depending on their functions and structure, while distinguishing among neutral and expressive headlines in the first place. Based on their structure, the neutral headlines can obtain a form of *a factual proposition*, *a precise* or *rephrased quote*, whereas expressive headlines can be further classified into *evaluative*

¹⁶ Kalinauskaitė, D. *supra note* 15, p. 23.

¹⁷ *Ibid.*

¹⁸ Pečiulis, Ž. *supra note* 3, p. 170.

*propositions, precise or rephrased quotes, questions, and factual propositions*¹⁹. The classification offered by D. Kalinauskaitė is based on similar principles. Analysis of the collected headlines of crime articles instantly reveals that headlines are formulated using no questions, precise or rephrased quotes. Factual and evaluative propositions prevail both in neutral and expressive headlines. According to D. Krasauskaitė, factual propositions should be used for conveying not far-fetched, not exaggerated information that reflects the reality in an objective manner. The fact is something that has already happened, has a rational explanation why it is proposed so but not somehow otherwise²⁰. In other words, a specific incident, circumstances, etc., is indicated that are known and has already happened. In this case, there should be no place for manipulation, as such headlines should not be aimed at making the emotional impact. Frequency, such headlines are used to indicate the place (a city) where the incident discussed below took place, following by what has happened and for what reason or under what circumstances. Such absolutely neutral headlines are used to highlight less shocking traffic accidents (In Vilnius, a car owned by ‘eTransport’ crashed into a truck [Lith. orig.: „Vilniuje susidūrė „eTransport“ automobilis ir sunkvežimis“] (delfi.lt); In Vilnius, Antakalnio street was totally jammed up after a traffic collision involving 4 vehicles in a constant car crash location [Lith. orig.: „Vilniuje, nuolatinėje avarių vietoje, susidūrus 4 automobiliams, užsikimšo Antakalnio gatvė“] (delfi.lt)) as well as to provide the relevant information about the criminals wanted and arrested by the police or raids carried out (The Police of Tauragė are looking for a man who left without paying for fuel [Lith. orig.: „Tauragės policija ieško už degalus nesusimokėjusio vyro“] (15min.lt); Kaunas’ Police officers caught two robbers [Lith. orig.: „Kauno pareigūnai sučiupo du plėšikus“ (lrytas.lt); Total 15 police officers took part in a police operation that enabled finding hundreds of thousands of euros and 50 kg of gold [Lith. orig.: „Policijos operacijoje dalyvavo 150 pareigūnų: rasta šimtai tūkstančių eurų, 50 kg aukso“] (delfi.lt); The illegal chain of pawnshops discovered located all over the territory of Lithuania [Lith. orig.: „Išaiškintas nelegalus lombardų tinklas visoje Lietuvoje“ (lrytas.lt)). Neutral headlines are also used to inform about the penalties and prison sentences that may be incurred as well as their impositions (Three citizens from Šakiai district may be imprisoned for using counterfeit money [Lith. orig.: („Trims Šakių rajono gyventojams už netikrų pinigų realizavimą gresia laisvės atėmimas“] (delfi.lt); In Molėtai, a record-breaking car thief was

¹⁹ Liepinytė-Kyrienė, D. Antraščių-faktinių teiginių poveikio priemonės interneto portale *Delfi.lt*. *Taikomoji kalbotyra* 2013 (2), p. 6.

²⁰ *Ibid*, p. 38.

sentenced [Lith. orig.: Molėtuose nuteistas automobilių vagis rekordininkas“] (delfi.lt)) as well to inform about other disasters, criminal and legal incidents (In Kaunas, a flat has burst in flames [Lith. orig.: „Kaune užsidegė butas“] (15 min.lt); Two cases of January the 13th were united into a single case by the Court [Lith. orig.: „Teismas į vieną sujungė dvi sausio 13-osios bylas“] (15 min.lt); In Zarasai, a drunk policeman was beaten [Lith. orig.: „Zarasuose sumuštas neblaivus policininkas“] (lrytas.lt)). As the above-presented instances show, neutrality is expressed through only identifying the incidents and saying what has happened – such headlines are formulated avoiding any evaluative words. A bare fact is stated, sometimes circumstances are identified and persons while indicating their professions or type of a crime committed, a city is identified, too. Such headlines serve to simply inform a reader without unduly impacting on his/her emotions and not aiming at triggering an excessive response. Sometimes, this is sufficient, given the fact that readers are attracted by so-called manipulative technique ‘blood wanted’. The neutral headlines can also have an inverse technique – they can serve to intrigue by the situation outlined in an abstract fashion with the details possibly being discussed in the article itself. For that portion of the society who treats criminal incidents as integral part of everyday life, the very fact about the incident that has happened is a strong enough motive to read through the article on it.

The expressive headlines tend to affect the reader emotionally, to manipulate his/her attitudes, make him/her read through the article about the incident even though he/she is not interested in the incident at all. Such headlines form reader’s prior opinion, thrust the evaluation of the incident, manipulate the importance of the information being provided and its necessity for the reader. The evaluative propositions are characterised by the subjectivity, transmission of the surplus information, however there comes a refusal to accept the assertion by D. Kalinauskaitė that the evaluative propositions used in headlines contrast the reality of facts and reflect facts that not actually exist in reality²¹. It is understood that it would be more precise to suggest that the evaluative propositions tend to impart the peculiar tendentious colour having manipulative features, but they are still closely related to the fact being described that has actually happened. Usually they refer to what and where happened as well as under what circumstances whereas the evaluative attitude is being created by means of adjectives (sometimes together with the adverbs) (The Court has been exceptionally kind for the drug dealer but the Prosecutor holds her ground [Lith. orig.: „Narkotikų prekeiviui teismas buvo

²¹ Kalinauskaitė, D. Trumpojo teksto žanro specifika: naujienų portalų antraščių tyrimas, *Darbai ir dienos*, 2014, t. 62, p. 17.

išimtinai švelnus, bet prokurorė nepasiduoda“ (...)]; The Customs have destroyed 656 kg of hashish which is the maximum amount recorded in the history of the institution [Lith. orig.: „Muitinė sunaikino didžiausią institucijos istorijoje hašišo kiekį 656 kg“]; Money were found by the thieves in even weird holout (Lith. orig.: „Pinigus vagys aptiko net keistoje slėptuvėje“]; In Vilnius, a car accident was caused by a drunk police patrol [Lith. orig.: „Vilniuje avariją sukėlė poilsiaujantis girtas policijos patrulis“]), numerals (The Prosecution aims at putting in prison for twelve years the citizen of Širvintos who was caught growing 256 pieces of hemp [Lith. orig.: „Prokuratūra siekia 256 kanapes auginusį širvintiškį į kalėjimą uždaryti dvylikai metų“]; In Šilutė district a 15 thousand euros worth watch was stolen [Lith. orig.: „Šilutės rajone pavogtas 15 tūkst. eurų vertas laikrodis“]), less often – by using verbs (Mass manhunt of paedophiles: most of them caught in Vilnius, Kaunas, Klaipėda and Šiauliai [Lith. orig.: „Masinės pedofilų gaudynės: daugiausia jų įkliuvo Vilniuje, Kaune, Klaipėdoje ir Šiauliuose“]; Policemen were recorded on video throwing out thieves from minibuses [Lith. orig.: „Nufilmuota: policininkai vagis išmėtė iš mikroautobusų“]). And sometimes a general context of a headline’s text is simply intriguing in itself (Mother knocked out her daughter’s tooth and cut off her hair [Lith. orig.: „Motina dukrai išmušė dantė ir nukirpo plaukus“]; A woman stabbed her husband in N. Akmenė [Lith. orig.: „N. Akmenėje moteris peiliu badė savo vyrą“]; 656 kg of hashish ended up in a furnace and were transformed into electric power [Lith. orig.: 656 kilogramai hašišo atsidūrė krosnyje ir pavirto elektros energija“]; A businessman complained that the entire apartment block was stolen from him turning its residents into hostages [Lith. orig.: „Verslininkas skundžiasi: iš manęs pavogė visą daugiabutį, kurio gyventojai liko įkaitais“]). The expressiveness, the imagery can be conveyed by personifying actions and objects being described (In Kaunas road safety barriers continue to suffer [Lith. orig.: „Kaune ir toliau kenčia kelio atitvarai“]); readers are also highly interested in disclosure of the alleged secret (Police officers involved in massive searches of pawnshops told about the operation accomplished: both the team of ARAS and fire brigade suddenly became necessary [Lith. orig.: „Masiškai lombardus krėtę pareigūnai papasakojo apie operaciją: prireikė ir „Aro“ pareigūnų, ir ugniagesių“]; Participants lifted up their voice about the suspected kidnapper of the biker [Lith. orig.: „Dalyviai prabilo apie įtariamą baikerio pagrobėją“] (Irytas)). Accordingly, the expressive headlines presented by means of the evaluative propositions are distinguished by more vivid expression, use of adjectives that denote exclusiveness of the certain incident or object as well as use of numerals that mainly denote something unusual and use of other parts of speech that form an emotional load carried by the headline under

consideration. The impression is intensified by using certain words that serve to add variety to headings used to name the articles describing the incident. Headlines gain the emotional load, and convey the expressive function while striving to catch the reader's attention.

CONCLUSIONS

When evaluating the importance of media in modern word it is substantial to take into consideration its functions. Being one of the most popular media, online or internet media in pursuit of catching reader's attention usually tends to use headlines as a bait. Headlines manipulate readers' attention and for this reason they are being formulated in a way that makes it impossible to resist the intriguing information contained. However, this is characteristic not for all the headlines; some of them simply convey the information on the incidents. Headlines are classified based on their functions being performed and the structure. Analysis of headlines of crime stories showed that depending on their functions, they can be both neutral and expressive, whereas based on their structure, they obtain a form of factual or evaluative propositions. The headlines written in a form of the factual propositions normally indicate the location (city) of the incident and persons by their positions occupied or the type of a crime committed. The headlines written in a form of the evaluative propositions are prevailed by the adjectives and numerals capable of forming a significant emotional load of a headline. Consequently, a study under consideration confirmed theoretical assertions that a headline is an important point of an article as it determines resolution by a reader to read through the article or not. Meanwhile, both neutrality and expressiveness serve to give a certain emotional load to the headline.

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KRIMINALINIŲ ĮVYKIŲ VERTINIMAS ELEKTRONINĖS ŽINIASKLAIDOS ANTRAŠTĖMIS

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Santrauka

Medijų svarba šiuolaikiniame pasaulyje yra labai svarbi, jų funkcija – nuo informacijos perdavimo iki manipuliavimo. Viena populiariausių šiuo metu medijų forma – internetinė žiniasklaida. Tarp jai būdingų funkcijų taip pat reikia įterpti ir manipuliavimą skaitytojais siekiant populiarumo, kuris tiesiogiai susijęs su aršia konkurencija. Pagrindinė priemonė tokioje kovoje tampa straipsnių antraštė. Ji yra masalas, ant kurio turi užkibti skaitytojas. Atsižvelgiant į dabartinį nuolat skubantį, nekantrų šiuolaikinės visuomenės žmogų, kinta ir antraščių pateikimas, ir jų struktūra bei ilgis. Linkstama skaitytojo dėmesį patraukti ekspresyvia antrašte arba sudėtinio sakinio tipo antrašte, kurioje sutalpinama beveik visa norima pasakyti informacija.

Vienas iš medijų manipuliacijos metodų yra vadinamasis „reikalingas kraujas“, kai pateikiama stipraus emocinio poveikio informacija apie nužudymus, smurtą, kitus nusikaltimus įteigiant, kad tai yra normali gyvenimo dalis. Taigi kriminalinių straipsnių antraščių tikslas – informaciją pateikti taip, kad skaitytojas norėtų skaityti netgi daugiausia neigiamas emocijas keliančias naujienas apie agresiją, kriminalinius įvykius ir pan. O pateiktą informaciją priimtų kaip neatsiejamą gyvenimo dalį. Atsižvelgiant į tai, pasirinktas šio straipsnio objektas – internetinės žiniasklaidos kriminalinių straipsnių antraštės. Tyrimo tikslas – išanalizuoti internetinės žiniasklaidos kriminalinių straipsnių antraštes. Atliktas žvalgomasis tyrimas norint praktiškai įvertinti teorinius antraščių funkcijų aspektus, taip pat iširti, ar internetinėje žiniasklaidoje pateikiamų kriminalinių straipsnių antraštės turi emocinį krūvį. Analizuojant surinktas kriminalinių straipsnių antraštes, galima iš karto pastebėti, kad antraštės sudaromos nenaudojant klausimų, tikslų ir perfrazuotų citatų. Vyrauja faktiniai ir vertinamieji teiginiai – tiek neutraliose, tiek ekspresinėse antraštėse. Faktinius teiginius perteikiančiose antraštėse paprastai nurodoma įvykio vieta (miestas), asmenys pagal pareigas arba pagal nusikaltimo pobūdį. Vertinamuosius teiginius perteikiančiose antraštėse vyrauja būdvardžiai ir skaitvardžiai, galintys sudaryti nemažą emocinį antraštės krūvį. Taigi atliktas tyrimas patvirtina teorinius teiginius, kad antraštės yra svarbi straipsnio vieta, nes jos yra tai, kas lemia skaitytojo apsisprendimą skaityti ar neskaityti straipsnį. O jų tiek neutralumas, tiek ekspresyvumas sudaro tam tikrą emocinį krūvį.

Pagrindinės sąvokos: elektroninė medija, kriminalinių straipsnių antraštės, neutralumas, ekspresyvumas.

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THE ASPECTS OF POLICE OFFICER'S COMMUNICATION CULTURE (BASED ON TV SHOW „THE COPS“)

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Annotation. People use communication to exchange the information, to socialize, to share their views, impressions, etc. One of the instances is the communication of police officers with the society under various circumstances. In this case both proper speaking and professional etiquettes are important. One of the core elements determining success of communication is saying hellos and goodbyes properly. These are normally used to start and end the conversation. The study is aimed at finding out if police officers meet the requirements set for them by the etiquette, if they communicate in a polite and formal manner, if they follow at least minimum communication respect regardless of the social status of their collocutors, and if they observe the communication culture. Forms of saying hello and goodbye normally depend on the person's age, closeness of communication, position occupied, etc. Police officers must obvious communicate in a polite and formal manner just as required by different official documents regulating their duties. The pilot study and the review of some series of TV show 'The Cops' led to the conclusion that in most of the cases police officers followed the established rules of speaking and conduct, said hello by using official forms such as 'Good afternoon' and 'Good evening', and only in some cases police officers did not use greeting at all or used familiar forms thereof. Specificity of reportages and situations involved determined that forms of saying goodbye remained unaddressed in this particular study.

Keywords: police officers, communication skills, ethic of language, TV show "The cops".

INTRODUCTION

The communication plays a vital role in human life. People use communication to exchange the information, to socialize, to share their views, impressions, etc. An extremely significant role is played by the communication during interaction among unfamiliar persons, representatives of distinct institutions. One of the instances is the communication of police officers with the society under various circumstances. In this case both proper speaking and professional etiquettes are important. The latter is defined in various documents, meanwhile speaking etiquette remains a matter of education in general, a part of general culture. Police officers must communicate with any person in a polite and professional manner, regardless of the social group this person belongs to, and always follow the rules of communication culture. One of the core elements determining success of communication is saying hellos and goodbyes properly. These are normally used to start and end the conversation. The success of any further communication is especially dependent on the manner in which the communication is started.

In that regard, **the subject** of this paper is the relation of a police officer's speaking etiquette to his/her ethics in TV show 'The Cops' (Lith., Orig.: *Farai*). **The objective** – to assess the speaking etiquette of police officers in realistic situations. To achieve this objective the following **tasks** are set: 1) to review the meaning of speaking etiquette in a process of communication; 2) to discuss the significance of the Code of Ethics of police officers in a process of communication; 3) to study the spread of the relation of speaking ethics to conduct ethics in a realistic situation.

Descriptive and analytical **methods** were used. The pilot research was undertaken based on the reportages shown in the TV show 'The Cops'. The latest series of September-October 2017 were viewed containing 5 to 7 reportages each.

COMMUNICATION AND SPEAKING ETIQUETTE

Most of the speaking (or conversation) etiquette comprises components of everyday communication. On the other hand, they form a foundation for a successful communication. Greeting, saying goodbye, wishing somebody something, addressing others, etc. – all of it determines the attitude of communication participants towards each other. Speaking or conversation etiquette should also include the choice of proper intonation – the tone of our communication determines how someone else sees us and what judgement he/she will form about us. In everyday non-public communication, all the above-mentioned determines only the judgment about the person, enables formation of the attitude towards him/her, deciding if we want to keep communicating with this person further or not. However, when in a public sphere, this is going to determine formation of the image of the institution represented by one of the participants of the communication. In public institutions, aspects of communication and service are of huge importance, ways of resolving conflict situations, etc. Society forms the impression regarding certain institution depending on the communication with its employees. For this reason, recently public relations became highly important for every public institution. However, they will not be a rescue, if the society keeps spreading an opposite word of mouth. This reveals a highly important role that the communication plays in social life although it seems to be a simple, everyday phenomenon¹. According to J. Almonaitienė, people tend to satisfy their basic needs through communication: exchange in information; communication enables to better understand and know yourself; communication is being promoted by so-called social needs.²

¹ Plg. Almonaitienė, J. *Bendravimo psichologija*, Kaunas: Technologija, 2007, p. 9.

² *Ibid.*, p. 11.

Similar communication aspects are distinguished by other scholars such as Misevičius and Urbonienė³, Velentzas, Dr. Georgia Broni⁴, Leonas Jovaiša⁵, I. Jansonė⁶, B. Railienė⁷. Interpersonal interaction is extremely important when comprehending your interlocutor is critical as well as conveying information clearly and receiving the same back. And when the communication performs a managerial function, in other words, when the communication is defined as a proper spread of information by an organized subject (enterprise, association, etc.) both inside of it and outside which is necessary for the members of this organization to properly conceive the processes in progress and bear the responsibility⁸, it can be seen as the professional communication. It is extremely important in the analysis of police officers' communication with citizens. A properly communicating police officer stays on a safe side, as the probability of physical confrontation is reduced. Meanwhile, the police officer who lacks proper communication skills can be seen as hostile and opposing while shaping a poor attitude of society towards police work.⁹ In their communication with citizens, police officers often face difficult issues that can only be resolved having a sound psychological background as they often have to encourage citizens do what they normally would not be willing to; more often than representatives of any other profession police officers increasingly have to deal with persons who possess personal qualities that make communication even more complicated; a policeman often has to have a contact with citizens under unfavourable conditions when there's no time for getting to know him/her better and interaction takes place under psychological stress.¹⁰ The police officer is believed to achieve better performance in his/her occupational activities when opts for polite communication, increases prestige of the police, improves the image of this entire institution, discourages and prevents provoking discontent of the general society.

In respect that every institution is willing to improve its image in the eyes of society and seeks its personnel to help it to do so, for this purpose various regulations, rule books, and codes

³ Misevičius, V. ir Urbonienė, R. Dalykinio bendravimo pagrindai, Šiauliai: Šiaulių universiteto leidykla, 2006, p. 9.

⁴ Velentzas, J., Broni G., Communication cycle: Definition, process, models and examples, Technological Institute of Western Macedonia, <http://www.wseas.us/e-library/conferences/2014/Istanbul/FINANCE/FINANCE - 17.pdf> [žr. 2016-10-01].

⁵ Jovaiša, L. Ugdymo mokslas ir praktika, Vilnius: Agora, 2001, p. 17.

⁶ Jansonė, I. Komunikaciniai testai: suprantama ir nesuprantama. Meniniai tekstai ir komunikaciniai tekstai. Mokslinės konferencijos tekstai, Šiauliai, 1997.

⁷ Railienė, B. Komunikacija mokslinėje veikloje. Komunikacijos ir informacijos procesai, Vilnius: Vilniaus universiteto leidykla, 1996, p. 121.

⁸ Stoner, A. F., Freeman, F. E., Gilbert, D. R. Jr. Vadyba, Kaunas: Poligrafija ir informatika, 2000.

⁹ Patvirtinta Lietuvos policijos generalinio komisaro 2011 m. birželio 13 d. įsakymu Nr. 5-V-532, Kvalifikacijos tobulinimo programa „Bendravimas su asmenimis“, Vilnius, 2011, p. 2.

¹⁰ Justickis, V. ir Navikas, G. Bendravimo psichologija, Vilnius: Lietuvos policijos akademija, 1995, p. 13.

are introduced defining conduct of staff members at work and after work. The institution of a police has approved the Code for Conduct of Police Officers¹¹ that besides the instructions on official duties the information regarding speaking and behaviour etiquette is presented as well. For instance, it claims that “4.13 police officers must interact with other persons in a polite and business-like manner, always remain self-contained and discreet; 4.25 continuously improve their language and communication culture; 4.28 follow the accepted principles of morality, to endeavour to set an example for others through personal behaviours”. One of the politeness forms characteristic for both formal, official and familiar communication is saying hellos and goodbyes properly. These are used to start and end any conversation. Another important thing is respect. V. Žemaitis distinguishes between three following types of respect: basic respect (equally shown to any individual), exceptional respect (for persons preeminent in their achievements and merits), and minimum respect (for rakes, robbers, hooligans, etc.). As the author puts it, even such persons have to be respected more than they deserve it¹². The Lithuanian Code of Ethics for Police Officers also points out that police officer must unconditionally respect every person regardless of his/her nationality or origin, social status, political, religious or philosophical attitudes¹³; must act honestly, with respect for the society, properly take into consideration situations when facing groups of most vulnerable persons”¹⁴. Even the Specification of Police Patrol Operation states that communication culture is one of the criteria used for evaluation of patrol’s performance (Clause 104.5). One of the main features of speaking etiquette and general etiquette is saying hellos and goodbyes. Certain forms thereof are used depending on the age, closeness of communication, family relationships, subordination, etc. Taking into account the fact that communication by police officers is characterised by formality and keeping distance, as most of the individuals they have to communicate with are complete strangers, official forms of saying hellos and goodbyes should prevail. On the other hand, sometimes on purpose of extracting relevant information police officers opt to imitate friendly interaction, and consequently use more familiar forms, too.

¹¹ *Lietuvos policijos pareigūnų etikos kodeksas*, TAR, <https://www.e-ar.lt/portal/lt/legalAct/dd8b5be083c211e5b7eba10a9b5a9c5f>

¹² Žemaitis, V. *Elgesio kultūra: žodynelis*, Vilnius: Lietuvos filosofijos ir sociologijos institutas, 1998, p. 52.

¹³ *Lietuvos policijos pareigūnų etikos kodeksas*, TAR, <https://www.e-ar.lt/portal/lt/legalAct/dd8b5be083c211e5b7eba10a9b5a9c5f>

¹⁴ *Ibid.*

EXPRESSION OF GREETING AND SAYING GOODBYE BY POLICE OFFICERS IN THEIR OFFICIAL ACTIVITIES

Assessment of police officers' communication culture is made through analysis of forms of saying hello and goodbye and by discussing the intonation used for this purpose. The study is aimed at finding out if police officers meet the requirements set for them by the etiquette, if they communicate in a polite and formal manner, if they follow at least minimum communication respect regardless of the social status of their collocutors, and if they observe the communication culture.

For the purpose of the study, total 8 series of TV show 'The Cops' were reviewed in the period from September to October 2017. Each series contained 5–7 episodes of incidents. This show usually features various quarrels, domestic violence, fighting in a public place, thefts, cases of hooliganism, etc. Depending on the situation, police officers have to communicate with the representatives of at least two of three possible groups of persons: victims, infringers and witnesses. Each of these groups may respectively lead to a different form of communication to be chosen. Of course, there's no time for police officers to say hello or goodbye when they have to promptly respond to acts being committed by violent and aggressive persons. Sometimes, assessment is made even more complicated by specific nuances of TV show arrangement, when the incident or conversation is being shown not from its very beginning. Such cases were not addressed in this particular study. Analysis of the reviewed reportages suggests that in most of the cases police officers do say hello and often they are the first ones to do so. It's worth noting that only one officer out of two makes greeting – the one who is the first to arrive to the person; the second one does not greet him/her. Regarding the forms of greeting, the official ones prevail as follows: 'Good afternoon', 'Good evening', depending on the time of the day. Sometimes a neutral form of greeting 'Hello' is used, too. Even when the angry man asked 'What do you want' while swearing through half-opened door, the police officer managed to remain formal and polite, and first of all greeted him by saying 'Good evening'. Once, when addressing a potential violator the police officer is observed using irregular form of greeting 'Hello, Mister', which is rather familiar, sort of inconsonant with the appeal. In this situation, a little bit ironic shade can be envisaged as the greeting is made only for the sake of formality, but not because of the respect for that person. However, no more such cases were observed. Police officers were observed to greet both victims and suspected infringers, even witnesses and representatives of other institutions (for example, emergency medics) in the same manner. However, there were

several cases when police officers did not greet at all. For instance, the victim and even the perpetrator say hello, but none of police officers tend to respond. There were several cases when police officers approached and directly asked what happened, etc., i.e., started conversation not with a greeting. Such a behaviour was observed in respect of both perpetrators and victims. Thus, a conclusion follows that police officers say or do not say hello to persons involved in an incident not based on the social status of the latter but rather depending on their own norms of communication ethics. Such police officers cannot be considered as respecting the rules of etiquette, moreover such a behaviour shows that their polite and formal communication has some shortcomings. They do not observe the communication culture. Unfortunately, it has not been possible to assess another aspect of communication culture – saying goodbye – due to the structure of reportages or the situations involved. Reportages often seemed to lack this final part, and sometimes the very situation occurred so that in the end there was nobody to say goodbye to. This is especially true when participants of incidents are transported to some police headquarters. It can be assumed that even in cases when there is a potential space for saying goodbye, police officers do not do so, while ending conversations in giving some advices, orders, etc.

CONCLUSIONS

Communication plays an important role in everyone's life both when interacting with close people and strangers. Communication enables individuals not only to convey a particular information but also to show their attitude towards the person they are communicating with. Observing the conversation etiquette together with the professional and general etiquette is extremely important for the representatives of public services. Their communication determines attitude of the society towards the entire institution they belong to. One of the core elements of successful communication is greeting and saying goodbye properly. These elements are supposed to express the attitude towards the collocutor, too. Forms of saying hello and goodbye normally depend on the person's age, closeness of communication, position occupied, etc. Police officers must obvious communicate in a polite and formal manner just as required by different official documents regulating their duties. The pilot study and the review of some series of TV show 'The Cops' led to the conclusion that in most of the cases police officers followed the established rules of speaking and conduct, said hello by using official forms such as 'Good afternoon' and 'Good evening', and only in some cases police officers did not use

greeting at all or used familiar forms thereof. Specificity of reportages and situations involved determined that forms of saying goodbye remained unaddressed in this particular study.

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POLICIJOS PAREIGŪNŲ BENDRAVIMO KULTŪROS ASPEKTAI (TV LAIDOS „FARAI“ ATVEJIS)

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Santrauka

Komunikacijos vaidmuo žmonių gyvenime atlieka labai svarbią funkciją. Ypač svarbus komunikacijos vaidmuo, kai bendrauja nepažįstami asmenys, įvairių įstaigų atstovai. Vienas iš tokių atvejų yra policijos pareigūnų ir visuomenės bendravimas įvairiais atvejais. Čia svarbus yra tiek kalbos etiketas, tiek profesinis etiketas. Pastarąjį apibrėžia įvairūs dokumentai, o kalbos etiketas lieka bendro išsilavinimo, bendrosios kultūros dalis. Policijos pareigūnai privalo bendrauti su visais asmenimis dalykiškai ir mandagiai, nepaisydami asmenų socialinės grupės, laikytis bendravimo kultūros. Vieni iš pagrindinių sėkmingos komunikacijos elementų – pasisveikinimas ir atsiveikinimas. Jais dažniausiai pradedamas ir baigiamas pokalbis. Atsižvelgiant į tai, šio straipsnio objektas – kalbos etiketo ir policijos pareigūno etikos santykis TV laidoje „Farai“. Tikslas – įvertinti policijos pareigūnų kalbos etiketą realiose situacijose. Tikslui pasiekti keliami šie uždaviniai: 1) apžvelgti kalbos etiketo reikšmę komunikacijos procese; 2) aptarti policijos pareigūnų etikos kodekso svarbą komunikacijos procese; 3) iširti kalbos ir elgesio etikos santykio sklaidą realioje situacijoje.

Bendraujant su piliečiais, dažnai policijos pareigūnui iškyla sudėtingų problemų, kurioms spręsti būtinas stiprus psichologinis pasiruošimas, nes dažnai tenka skatinti piliečius daryti tai, ką jie ne visada

norėtų daryti; policininkui daug dažniau nei kitų profesijų atstovams tenka susidurti su žmonėmis, kurie turi sunkinančių bendravimą asmenybės ypatybių; policininkui tenka nepalankiomis aplinkybėmis palaikyti kontaktą su piliečiais, kai nėra laiko geriau pažinti pilietį, bendraujama psichologinės įtampos sąlygomis. Mandagiai ir dalykiškai bendraujantis policininkas pasieks geresnių savo veiklos rezultatų, kels policijos prestižą, gerins visos institucijos įvaizdį, neskatins ir neprovokuos visuomenės nepasitenkinimo.

Paprastai sveikinimosi ir atsisveikinimo formos priklauso nuo pašnekovo amžiaus, bendravimo artumo, užimamų pareigų ir pan. Akivaizdu, kad policijos pareigūnams, siekiant būtų dalykiškiems ir mandagiems, kaip to reikalauja įvairūs jų tarnybą reglamentuojantys dokumentai, reikėtų bendrauti dalykiškai ir mandagiai. Atlikus žvalgomąjį tyrimą ir peržiūrėjus TV laidos „Farai“ serijas, galima daryti išvadą, kad daugeliu atvejų policijos pareigūnai laikosi kalbos ir elgesio taisyklių, sveikinasi vartodami oficialias formas „Laba diena“, „Labas vakaras“, tik kai kuriais atvejais policijos pareigūnai nesisveikina arba vartoja familiarias svikinimosi formas. Dėl reportažų ir rodomų situacijų specifikos atsisveikinimo formų liko neištirtos.

Pagrindinės sąvokos: komunikacija, policijos poareigūnas, kalbos etiketas, TV laida „Farai“.

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ANALYSIS OF FINDINGS ON THE PERSPECTIVES OF STUDENTS ON INDEPENDENTLY ORGANISED SPORTS/PHYSICAL ACTIVITIES

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Annotation. The results of the study, where the 2 and 3 year students at the Faculty of Public Security at Mykolas Romeris University were invited to participate. The study was focused on revealing students' perspective on health, physical activity, its organisation and the duration and their interdependence. Also questions about the other factors for health and well-being, the channels of getting information about methods of improving health. Study used quantitative methodology, that is a questionnaire that was created, piloted and firstly used in 1999.

Keywords: future law-enforcement officers; physical education; interests.

INTRODUCTION

A healthy life style potentially may have a positive impact on a variety of aspects of human life. Physical activity comprises one of the many elements of a healthy life style¹. As opposed to physical passiveness that is associated to factors that contribute to quite many diseases². Moreover, the study that encompassed³ analysis of life styles of residents in 105 revealed that one third of residents were physically passive; furthermore, the proportion has a tendency to increase (women were less active than men)⁴. Similar tendency is identified in Europe⁵, including the situation in Lithuania⁶. As a dominant cause of death in Lithuania, a malfunction of a cardiovascular system was identified during the period of 2014 – 2016^{7,8,9}; a lack of physical activity is reported to be one of the causing factors (or at least contributing

¹ Valintėlienė R., Varvuolienė R., Kranauskas A. Lietuvos gyventojų fizinis aktyvumas, vertinant GPAQ metodu. *Visuomenės sveikata*. 2012, 4(59):67-75.

² *Global action plan for the prevention and control of NCDs 2013-2020*. WHO. 2013.

³ Hallal P.C., Andersen L.B., Bull F.C. et al. *Global physical activity levels: surveillance progress, pitfalls, and prospects*. *Lancet*. 2012 Jul 21;380(9838):247-57.

⁴ Hallal P.C. *Ibid*.

⁵ *Sport and physical activity*. Report. Eurobarometer. 2014. http://ec.europa.eu/public_opinion/archives/ebs/ebs_412_en.pdf [interactive] [accessed 2017-04-06].

⁶ Grabauskas V, Klumbienė J, Petkevičienė J ir kt. *Suaugusių Lietuvos žmonių gyvenimo tyrimas, 2014*. Lietuvos sveikatos mokslų universitetas, 2015.

⁷ Mirties priežastys 2014. Higienos instituto Sveikatos informacijoscentras, Vilnius. 2015, p. 189.

⁸ Mirties priežastys 2015. Higienos instituto Sveikatos informacijoscentras, Vilnius. 2016, p. 188

⁹ Mirties priežastys 2016. Higienos instituto Sveikatos informacijoscentras, Vilnius. 2017, p. 130

factors)¹⁰. Data shows that education, informing people about healthy life style and participation in activities has a significant impact on the quality of life^{11, 12}. In order to enhance physical activities of residents, a number of actions, media event was organised¹³, though the level of their effectiveness remains to be explored. In 2014, a Decision by the Seimas of the Republic of Lithuania¹⁴ was adopted 2014, the main purpose of which was to provide prerequisites for improving health level of citizens, and, consequently, contribute to a longer life expectancy; emphasis on physical activity was among the measures. Moreover, the change of the focus from treatment to prevention became evident in recent years¹⁵.

In the light of moderate demographical situation in¹⁶, a special attention should be given to holistic education of young people, including positive attitudes to healthy life style and physical activity. During studies, young people may be additionally encouraged to manage their time, to balance studies and leisure time, and to invest in their own health^{17, 18, 19, 20, 21, 22, 23, 24}; the dynamics of data is versatile in many cases: quite positive. This paper aims at presenting results of the study that was completed in recent years.

¹⁰ Global action plan for the prevention and control of NCDs 2013-2020. WHO. *supra* note 2, p.55.

¹¹ Dunn A. L.Garcia M. E., Marcus B. H. et al. Six-month physical activity and fitness changes in Project Active, a randomized trial. *Medicine & Science in Sport & Exercise*.1998, 30: 1076 – 1083.

¹² Taylor A.J., Watkins T., Bell D. et al. Physical activity and the presence and extent of calcified coronary atherosclerosis. *Medicine & Science in Sport & Exercise*. 2002, 34: 228 – 233.

¹³ Radzevičiūtė I., Janonienė R., Valintėlienė R. ir kt. Suaugusių asmenų fizinį aktyvumą skatinančių Intervencijų taikymo praktika Lietuvoje. *Visuomenės sveikata*. 2015, 4(71): 94-100.

¹⁴ Lietuvos Respublikos Seimo 2014 m. birželio 26 d. nutarimas Nr.XII-964 “Dėl Lietuvos sveikatos 2014–2025 metų strategijos patvirtinimo”. *TAR*, 2014-07-01, Nr.9403. [interactive] [accessed 2017-09-08] <https://www.e-tar.lt/portal/lt/legalAct/85dc93d000df11e4bfca9cc6968de163/EqCSvuXXpG>

¹⁵ Proškovienė, R. *Sveikatos ugdymo įvadas*. Vilnius: VPU leidykla. 2004

¹⁶ Stankūnienė V., Baublytė M. Lietuvos demografinė situacija: galimybė atgimti. [interactive].Kaunas: Vytauto Didžiojo universitetas, 2016 [accessed 2016-09-06] <http://www.vdu.lt/lt/lietuvos-demografinė-situacija-galimybes-atgimti/>.

¹⁷ Karkockienė D. Medicinos ir sveikatos mokslų studentų patiriamas streso ypatumai ir jo įtaka miego kokybei. *Visuomenės sveikata*. 2011, 2 (53): 83 – 92.

¹⁸ Muliarčikas A., Kazlauskas V. Sportuojančiųjų ir nesportuojančiųjų Lietuvos veterinarijos akademijos studentų požiūrio į fizinį aktyvumą tendencijos. *Socialinių – humanitarinių mokslų vaidmuo universitetinio ugdymo sistemoje: mokslinių straipsnių rinkinys*. Kaunas: LŽŪU, 2000, p. 350-353.

¹⁹ Muliarčikas A., Stanislovaitis A. Kauno miesto gyventojų požiūrio į sveikatą ir fizinį aktyvumą tendencijų aspektai. *Visuomenės sveikata*. 2003, 4 (23): 57-63.

²⁰ Muliarčikas A. Kauno studentų laisvalaikio fizinis aktyvumas ir jį lemiantys veiksniai // *Ugdymas. Kūno kultūra*. Sportas. Kaunas: LKKA, 2003, Nr.5(50): 44-52.

²¹ Muliarčikas A., Ivanovas D., Butavičius A., Mikalauskas R. Būsimų pareigūnų – MRU I kurso studentų požiūrio į fizinį aktyvumą ypatumai. *Jurisprudencija*. 2004, 62 (54):27-37.

²² Muliarčikas A., Morkūnienė A., Štarevičius E., Mickevičius V. Būsimų pareigūnų – LTU studentų – požiūris į fizinės sveikatos būklės kontrolę ir valdymą. *Ugdymas. Kūno kultūra. Sportas*. 2005, 2 (56): 21-27.

²³ Muliarčikas A., Veršinskas R., Stanislovaitis A. Studentų fizinės sveikatos tausojimo, gerinimo, pulso bei kraujospūdžio kontrolės ir mankštinosi laisvalaikio sąsajos analizė. *Ugdymas. Kūno kultūra. Sportas*. 2006, 2(61): 32–38.

²⁴ Gudžinskienė V., Armonienė J., Pocevičius A. Fizinis aktyvumas kaip vienas sveikatą lemiančių veiksnių. *Pedagogika*. 2012, 105: 86-93.

The purpose of this paper – to identify perspectives of students, future law-enforcement officers on health, physical activity and their interdependence.

Methodology - 156 students (76 men and 80 women), average age: 21 years, participated in the study; they were asked to provide their perspective by answering a 40 items anonymous questionnaire (which was created and piloted while implementing a programme “Physical Activity”, carried out by Kaunas Municipality²⁵). Only the data on students’ perspective on leisure physical activity are presented further on. For quantitative data processing a non-parametric coefficient (χ^2) was used.

ANALYSIS OF DATA

The responses show that more than a half 74,36% respondents engage into physical activity; the responses are statistically significant ($p < 0,001$); among the respondents a higher percentage of men (84,21%; $p < 0,01$) than women (65%) exercise.

47,62% of those who do not engage in physical activity/sports state that reason for that - the lack of time, 38,1% - shared the laziness being a reason, 4,76% ($p < 0,001$) do not know how to do that (sports) while doing sports; the same percentage are self-conscious doing sports in front of the others. The laziness and lack of time were equally often mentioned by both men and women. Though the difference was not statistically significant, nevertheless, among men laziness was identified more often, and among women: the lack of time. The majority of respondents (58,62%; $p < 0,001$) exercise 3-4 times per week, 36,21% - 1 or 2 times, and 5,17% - 6 times per week.

Table 1. The distribution of answers to a question “How much time do you dedicate for exercising?” (%)

	Up to 10 min.	Up to 20 min.	Up to 30 min..	More than 30 min.
All respondents	17,19%	17,19%	14,06%	51,56% ***
Women	11,54%	19,23%	7,69%	61,54% ***
Men	19,44%	16,67%	19,44%	44,44% ***

***($P < 0,001$)

²⁵ Muliarčikas A., Stanislovaitis A., *Visuomenės sveikata*, supra note 19, p.57.

Among women (57,7%) and men (59,4%) the responses on frequency of exercising are similar ($p>0,05$).

Table 1 indicates the time that respondents reported to be giving to exercising.

Almost half of respondents ($p<0,001$) dedicated more than 30 min. for physical activity: 61,54% women and 44,44% men ($p>0,05$) (Table 1) indicated this duration. Other respondents dedicate from 10 to 20 minutes for the task.

Majority of respondents (42,37%; $p<0,01$) were engaged in regular exercising from a year to three years prior to the survey. The smallest proportion (10,17%; $p<0,001$) during their free time engage in physical activities/sports for more than 5 years (Table 2).

Table 2. Distribution of responses to question “What is your experience of regular exercising”? (%)

	1 year	1-3 years	3-5 years	More than 5 years
All respondents	22,03%	42,37% **	25,42%	10,17% ***
Women	30,77% *	42,31%	15,38%	11,54%
Men	15,15%	42,42%	33,33% *	9,09%

*($P<0,05$); **($P<0,01$); ***($P<0,001$)

Many respondents exercise of prefer to exercise alone (34,67%; $p<0,001$) or together with friends (28%; $p<0,05$) (Table 3).

Table 3. Distribution of answers to question “With whom do you prefer to exercise”? (%)

	Alone	With a group	With family	With friends	Does not matter
All respondents	34,67% ***	14,67% **	6,67% *	28,00% ***	16,00% **
Women	32,50%	22,50% **	12,50% ***	10,00%	22,50% **
Men	37,14%	5,71%	0,00%	48,57% ***	8,57%

*($P<0,05$); **($P<0,01$); ***($P<0,001$)

For more women than men statistically significantly does not matter with whom they engage in sports activities: with a group in an academic setting ($p < 0,01$), or with family members ($p < 0,001$). Significantly more men than women prefer sports together with friends ($p < 0,001$).

Among those who do not exercise, and would like to start:

- „would choose the sports that they like, even if the sessions are paid“ (43,75%, $p < 0,05$ of all who do not go to sports; 47,37% women; 38,46% men);

- „would choose specific way of physical activity that fits them“ (25%; 30,77% - men; 21,05% women);

- „would choose activity that requires the least of financial expenses“ (15,63%; 26,32% - women);

- „would choose activities without expenses“ (23,08% men).

Among the eleven forms of sports activities, respondent chose: running/jogging; weight lifting; cycling; swimming; team games; aerobics. Choices for men and women were slightly different. Statistically significantly more men choose weight lifting ($p < 0,001$) (Table 4).

The least number of respondents engage in sports activities outdoors ($p < 0,001$): “Only outdoors” (12,82%‘ totally; 15% women; 10,53% men). The distribution into two groups about sports *outdoors* and *indoors* was identified: (38,46% and 48,72%; men: 42,11%; 47,37%) ($p > 0,05$).

Table 4. Distributions of answers to the question: “What kind of exercises you do, or what kind of sports you would like to start” (%)

	All respondents	Women	Men
Running/jogging	51,28% ***	60,00% *	42,11%
Swimming	28,21% ***	35,00% *	21,05%
Team games	16,67%	10,00%	23,68% *
Weight lifting	48,72% ***	27,50%	71,05% ***
Aerobics	14,10%	***	-
Riding a bicycle	30,77% ***	40,00% **	21,05%

*($P < 0,05$); **($P < 0,01$); ***($P < 0,001$)

The majority of respondents engage in sports in evenings 51,28% ($p < 0,001$) (55% of women; 47,37% of men). Significantly lower numbers engage in sports in the morning ($p < 0,001$) (13,16% of men; 17,5% of women). Other students prefer day time/noon.

Answers to the question: „When is it time to start sports?“ were grouped into three groups ($p < 0,001$). Majority - 67,95% (70% women; 65,79% men) noted the answer “Systematically”; – “When you start a school”- 21,79% ($p < 0,001$) (20% women; 23,68% men), the least thought “From kindergarten” 6,41% ($p < 0,001$) (5% women; 7,89% men). There was no significant difference between answers by women and men.

DISCUSSION

The majority of respondents (future law-enforcement officers/students) responded to be exercising during their free time. Other researchers received similar findings²⁶. Professor V.Grabauskas and his team, while researching various aspects of life of the citizens of Lithuania noted the lack of engagement into sports activities²⁷. Their studies showed men being slightly more active than women. The findings of this survey and similar surveys add to the same conclusion^{28, 29, 30}. Among the reasons for not engaging into sports, students noted lack of time and laziness; similar tendencies are noted among responses from students at other universities, which illustrate the fact that young people do not comprehend the use of physical activity for health and holistic well- being^{31, 32, 33}.

Half of our respondents (more women than men) reported to engage in sports for a sufficient time. Majority of respondents engage in sports 3-4 times per week. This frequency is

²⁶ Šulnienė R. Studentų požiūris į fizinį aktyvumą ir sveikatą kaita. *Jaunųjų mokslininkų darbai*. 2012, 5 (38): 57-61.

²⁷ Grabauskas V, Klumbienė J, Petkevičienė J ir kt. Suaugusių Lietuvos žmonių gyvenimo tyrimas, supra note 6, p. 147.

²⁸ Proškuvienė R., Černiauskiene M. Būsimų kūno kultūros specialistų sveikata ir gyvenimas. *Visuomenės sveikata*. 2009, 2(45): 67-72.

²⁹ Poteliūnienė S. Studentų fizinį ugdymą ir sportininkų rengimą skatinantys veiksniai. Vilnius: Vilniaus pedagoginio universiteto leidykla, 2010.

³⁰ Haase A, Steptoe A, Sallis JF, Wardle J. Leisure-time physical activity in university students from 23 countries: associations with health beliefs, risk awareness, and national economic development. *Preventive Medicine*. 2004, 39(1):182-190.

³¹ Poteliūnienė S., Ibid.

³² Muliarčikas A. supra note 20, p.46-52.

³³ Muliarčikas A., Ivanovas D., Butavičius A., Mikalauskas R. supra note 21, p. 25-37.

in line with methodology of sports, and provides sufficient foundation for positive physiological reactions in human organism^{34, 35}.

Men indicated they engage in sports with friends, for women this choice was in the second place. Women prefer sports on their own³⁶. Financial considerations are important for both choice of sports and in general: status of Lithuanian citizens' physical well-being and health^{37, 38}.

Though majority of respondents think that systemic engagement into sports activities is most beneficial, however, we note the increase of number of health problems among young people³⁹, which seems to be associated to some degree with insufficient physical activity (the same applies to many citizens in Lithuania)^{40, 41}.

While comparing data from this survey and the survey from 2003^{42, 43} these tendencies were noted:

- appr. 12% more of 2-3 year students at the Faculty of Public Security engage in sports activities during their free time;
- appr. 12% decrease the number of students who devote more than 30 minutes for sports, by 2 % decreased the number of those who engage in sport 5 times per week.;
- by 12% decreased number of students whose experience in sports is more than 5 years; and by 11% increased the number with experience of 1-3 years;
- by 11% increased the number of respondents who indicated ,laziness' being a reason not to exercise;
- by 10% increased the number of those who prefer to go to sports activities alone, by 16% decreased the number of those who answered "With friends";

³⁴ Muliarčikas A. ir kt Lietuvos gyventojų fizinio pajėgumo testavimo ir fizinės būklės nustatymo metodika. Vilnius: Lietuvos sporto informacijos centras, 2007

³⁵ Kenneth H. Cooper. Aerobics Program for Total Well-Being: Exercise, Diet, and Emotional Balance. Amazon: Bantam, 1985.

³⁶ Šulnienė R. supra note 26, p.60-61.

³⁷ Čingienė V., Laskienė S. Lietuvos visuomenės sveikatinimo per sportą politikos įgyvendinimo aktualijos „Europos sąjungos fizinio aktyvumo gairių“ kontekste. Sveikatos politika ir valdymas. Health Policy And Management. 2014, 1(6): 116–124

³⁸ Radzevičiūtė I., Janonienė R., Valintėlienė R. supra note 13, p. 97-100.

³⁹ Poteliūnienė S. supra note 29.

⁴⁰ Grabauskas V., Klumbienė J., Petkevičienė J. ir kt. Suaugusių Lietuvos žmonių gyvenimo tyrimas 2012. Kaunas: Lietuvos sveikatos mokslų universitetas, 2013

⁴¹ Grabauskas V., Klumbienė J., Petkevičienė J. ir kt. Suaugusių Lietuvos žmonių gyvenimo tyrimas 2014. supra note 6.

⁴² Muliarčikas A., Ivanovas D., Butavičius A., Mikalauskas R supra note 21, p.25-35.

⁴³ Muliarčikas A., Morkūnienė A., Štarevičius E., Mickevičius V supra note 22, p. 23-25.

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- by 21% increased the number of those who would chose: „A preferred sports activity, even if paid“, and by 13% decreased the number of respondents who indicated an answer: „Specific sports that fits me“;
 - The preferences of sports remained the same: running/jogging, weight lifting, riding a bicycle, and swimming;
 - by 4% decrease the number of those who prefer outdoors activities; by 8 % increased the number of those who prefer sports indoors;
 - by almost 8% increased the number of those who think that the best way is to engage in sports systematically.

CONCLUSIONS

Approximately three fourths of respondents (future law-enforcement officers) engage in sports activities during their free time, that is they understand the significance of physical activity.

The majority of respondents dedicate sufficient time for sports, they seem to know the main methodological requirements for sports, perform the exercises that are in a system with practical-professional activity and duties.

Retrospectively the approach to physical activity of students is more positive, they know more about the methodology of sports and its significance for the well-being and their profession, however, some competence is still lacking in choosing particular exercises for general effectiveness of physical activity.

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STUDENTŲ POŽIŪRIO Į SAVARANKIŠKĄ FIZINĮ AKTYVUMĄ ASPEKTAI

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Santrauka

Staipsnyje apžvelgiami Mykolas Romeris universitete Viešojo saugumo fakultete, studijuojančių kovinės savigynos dalyką, studentų anketinės apklausos rezultatai. Atsakymai refleksuoja respondentų fizinio aktyvumo ypatumus laisvalaikiu, požiūrį į fizinį aktyvumą ir jo poveikį sveikatai. Apklauso duomenys sudarė galimybę išskirti ir kitus aspektus, kurie betarpiškai įtakoja studijuojančiųjų fiziškai aktyvaus gyvenimo būdo formavimo bei realizavimo ypatumus.

Straipsnio tikslas - išsiaiškinti Mykolas Romeris universiteto Viešojo saugumo fakulteto studentų, būsimųjų statutinių pareigūnų, požiūrį į fiziškai aktyvų gyvenimo būdą bei sankyčio su juo aspektus.

Straipsnyje analizuojami vyrų (n=76) ir moterų (n=80), įstojuusių 2014 metais į Mykolas Romeris universiteto Viešojo saugumo fakultetą, požiūrį į fiziškai aktyvų gyvenimo būdą bei su juo susiję ypatumai. Anketa aprobuota įgyvendinant Kauno miesto Sveikatos skyriaus programą „Fizinis aktyvumas“.

Statistiškai patikimai didesnė respondentų (74,36%) dalis teigė, kad laisvalaikiu mankština. Taip teigė atitinkamai daugiau vyrų nei moterų. 47,62% nesportuojančiųjų atsakė, kad nesimankština dėl laiko trūkumo, kiti - tiesiog tingi, o mažiausia dalis, kad nežino kaip mankštintis arba varžosi kitų dėmesio. Lyginant nesportuojančių moterų ir vyrų atsakymus, dominavo panašios priežastys – tingumas ir laiko stoka. Nors statistiškai patikimo skirtumo tarp atsakymų kiekio nenustatyta, santykinai didesnė vyrų dalis teigė, kad tingi, o moterų, kad neužtenka laiko fizinėms mankštoms. Dauguma respondentų mankština 3-4 kartus per savaitę, 36,21% - 1 ar 2 kartus ir 5,17% - 6 kartus per savaitę. Moterų ir vyrų atsakymai apie mankštinimosi dažnį per savaitę buvo panašūs ir atitiko bendrąją respondentų atsakymų tendenciją. Besimankštinantys studentai savo fizinį gebėjimą lavinimui skyrė skirtingą laiko kiekį. Beveik pusės respondentų mankštų trukmė didesnė nei 30 minučių. Kiti respondentai atsakė, kad fizinei mankštai skiria iki 10 ar iki 20 minučių. Didžiausią respondentų dalį sudaro tie, kurių reguliarių mankštų stažas siekia nuo 1 iki 3-jų metų. Mažiausias studentų skaičius laisvalaikiu sportuoja ilgiau nei 5 metus. Daugiau moterų nei vyrų mankština tik vienus metus ir atitinkamai daugiau vyrų sportuoja 3-5 metus. Didesnė respondentų dalis mankština ar pageidautų mankštintis arba su draugais. Statistiškai patikimai didesnei daliai apklausoje dalyvavusių moterų nei vyrų, nesvarbu su kuo mankštintis arba pageidautų mankštintis (ar sportuoja) su akademinės grupės draugais arba su šeima. Lyginant su moterimis, ženkliai didesnė vyrų dalis pageidauja mankštintis arba mankština tik su draugais.

Laisvalaikiu nesimankštinančių respondentų nuomene, jų pasirinkimą sportuoti lemtų įvairūs aspektai:

- „mokami patinkančios sporto šakos užsiėmimai“;
- „konkretus, jiems tinkamas judėjimo būdas“;
- „veikla, reikalaujanti mažiausiai išlaidų“;
- „užsiėmimai, už kuriuos nereikia mokėti“.

Iš pateiktų vienuolikos fizinio aktyvumo formų, respondentų labiausiai vertinamos tokios: bėgimas, svorių kėlimas, važiavimas dviračiu, plaukimas, žaidimai ir aerobika. Moterų ir vyrų pasirinkimai šiek tiek skiriasi. Statistiškai patikimai didesnė dalis vyrų renkasi svorių kėlimą ir žaidimus, o kitos fizinio aktyvumo formos labiau patinka moterims.

Mažiausia respondentų dalis mankština tik lauke. Bendrai visų apklaustų studentų atsakymai, kad mankština tik patalpoje bei lauke ir patalpoje, pasidalino į dvi statistiškai panašias grupes.

Didžiausia apklausoje dalyvavusių studentų dalis mankština vakare. Atsakdami į klausimą „Kada reikėtų pradėti mankštintis?“ – dauguma respondentų pažymėjo atsakymą „Pastoviai“.

Pagrindinės sąvokos: būsimoji pareigūnai; fizinis ugdymas; interesai.

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DATE RAPE DRUGS A NEW KIND OF RAPE AND A NEW KIND OF VIOLENCE

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Abstract. Rape is a very serious offense, and the study of its victims indicates that they experience serious consequences of trauma. It is any kind of sexual intercourse (vaginal, oral or anal) that is committed against a person's will or is committed with physical force or for instance with a threat to hurt the victim or another person or committed using traps. Today, more and more often the victims of rapes are intoxicated by perpetrators who use special substances described as a *date rape drug*.

Keywords: rape, date rape drug, victim, perpetrator.

INTRODUCTION

The term *date rape drug* (drd)¹ is widely used. *Date rape drug* – it is any psychoactive substance which excludes victim's free will in the area of undertaking a sexual intercourse and excludes the defence against the perpetrator of the rape. In addition, the *date rape drug* features cause the difficulties in collecting evidence of a crime, which makes it difficult to detect the perpetrator of any kind of crimes for instance robbery.

Therefore, the name *date rape drug* is only a mental shortcut because this category of substances are also used by perpetrators for committing other kind of crimes.

In English literature these drugs are also referred to as "the pill rape "or" tablet rape ", "drug – facilitated sexual assault" and the "predatory drug" because it is a method of "hunting down" the unsuspecting victim. The date rape drugs are also connected with other group of narcotics, namely "club drugs", "party drugs" and "rave drugs" because when they are taken at a reduced dose – they do not have an anaesthetic but relaxing effect. Moreover, they can be easily purchased in discos or nightclubs.

The first mention of the *date rape drug* in the Polish press comes from March 1996. The published material concerned the ban issued by the US government for using imported hypnotic drug named Rohypnol. This drug gained bad fame as a pill for rape because young men learned how to dose it in the drinks served to women in the pubs for sexual assault purpose. The **aim**

¹ drd in this material doesn't mean drug related deaths.

of the study is to analyze the situation of *date rape drug* usage in Poland taking into account direct connection between drug and crime.

In Poland, *date rape drug* appeared several years later. At the beginning Poles were involved in the smuggling of Rohypnol, and then the press reported criminal use of this kind of pills in criminal case (rape or robbery)². In the nineties Polish authorities such as Police, National Bureau for Drug Prevention, the Main Pharmaceutical Inspector, the Office for Registration of Medicinal Products, Medical Devices and Biocidal Products, the National Medicines Institute and even Human Right Defender - began to analyse this issue³ But Police statistics have not confirmed that it is a common phenomenon till now. There are annually approx. 1400 reported rape cases in Poland⁴ but only a small percentage are committed with *date rape drugs*. This is also reflected in the court data - only a few such cases have had its final in court so far.

However, the above statistics does not reflect the actual threat of this kind of crime. The assessment of the real situation is very difficult because not all incidents are reported to law enforcement authorities in Poland.⁵ Furthermore, various non-governmental organizations involved in helping victims of sexual crimes estimate that in Poland up to 1000 rapes with *date rape drug* e may be committed very year. The Police also confirm the fact that the black market of these substances is growing. Law enforcement agencies confiscate thousands of drd every year as well as attempts of smuggling Rohypnol or ketamine also concerned a large amount of pills. But we still do not have many rape cases involving drd. Thus, perhaps Poland is not the main target but only a transit country for this kind of products.

WHAT KIND OF SUBSTANCES CAN BE INVOLVED IN THE DATE RAPE DRUGS?

As mentioned before - it is any psychoactive substance which can intoxicate a victim and excludes victim's free will and possibilities of defence against the perpetrator.

² Bibliography of articles about date rape drug developed by P.J. contains 326 articles from 1997 to 2011 but most of them was published after 2005. P.J. Nowakowski, *Polish bibliography of articles about drd issue related issues*, (in:) P.J. Nowakowski (ed.), *Around date rape drug*, ed. Polish Sociology Society, Warsaw 2011, pp. 257-283.

³ P.T. Nowakowski, *Introduction*, (in:) P.T. Nowakowski, *Around date rape drug*, ed. Polish Sociology Society, Warsaw 2011, p. s. 9

⁴ The data of the Police: number of reported rapes (Art. 197 of the Penal Code) decreases year after year. In 2010 r. - 1567 rapes were reported, in 2011 – 1497, 2012 - 1432, and in 2016 – 1383. , www.policja.gov.pl access 10 of November 2017

⁵ L. J. Buller, *Personal safety in the context of date rape drug* (in:) P.J. Nowakowski (ed.), *Around date rape drug*, ed. Polish Sociology Society, Warsaw 2011, pp. 123-127

So these drugs cause in people who use them dizziness, drowsiness and amnesia, which often makes it difficult to identify and arrest offenders.⁶

Literature describes various substances of this kind. For example, Peter Adamowicz and Maria Kała list about 20 kinds of *date rape drugs*, Izabella Michalewicz over than 40 different specifics, and Isabella Filc-Redlińska mentions about 70 substances that may be used as a pill for rape.⁷

The forms of the *date rape drugs* are varied:

- liquid - introduced into a drink immediately mixed with it,
- powder - also rapidly dissolves in most liquids and it is easy to store and to hide it, for example, in a pocket,
- tablets - as a rule, dissolving them in a drink takes time, but is also convenient for hiding and storage.

Other features of this category of substances:

- no smell, no taste, or faint smell, taste,
- easy to dissolve in liquids, the victim does not notice anything suspicious,
- cause severe state of intoxication or unconsciousness and amnesia,
- are rapidly metabolized in the body, and after a short time cannot be detected in the blood and urine. It makes it difficult to collect evidence of a crime,
- some of these substances (e.g. GHB) in the initial phase of intoxication, have sexually stimulating effect and make an intoxicated person's behave vulgarly.

The *date rape drugs* often used by the perpetrators of rape are: GHB, flunitrazepam and ketamine. They are thoroughly described in the literature.⁸

Gamma - hydroxybutyric acid (GHB) is a psychotropic substance that belongs to depressants. It stimulates releasing of dopamine - a neurotransmitter which activates in humans a state of euphoria. In medicine, this specific was applied as an anaesthetic in the past.⁹ Today it is used in the treatment of narcolepsy and more rarely alcoholism.

GHB is difficult to detect because it is practically undetectable after 8 hours in the blood and after 12 hours in urine. Components necessary for the production of GHB may be legal,

⁶ B. Szukalski, *Drugs, compendium of knowledge about the addictive*, (ed.) Institute of Psychiatry and Neurology, Warsaw 2005, p. 169

⁷ J. Daszykowska, P. Witek, *Overview concepts and definitions relating to drd*, (in:) P.J. Nowakowski (ed.), *Around date rape drug*, ed. Polish Sociology Society, Warsaw 2011, pp. 39-40.

⁸ E. Sobutkowska, K. Sędkiewicz, *Deceptive use of date rape drug in the crime of rape*, <http://www.skk.lzl.pl/images/podstpnewykorzyst.pdf> access 10 of February 2015

⁹ J. Daszykowska, P. Witek, op. cit., pp. 44-46.

easy to acquire, for instance, GBL (γ -Butyrolactone) is a common chemical used as a stain remover and it converts to GHB in the stomach.

GHB is often taken because users find that it enhances their experiences of being in a club, party, or rave. Small doses of GHB can act as a stimulant and aphrodisiac. GHB can produce euphoria and it is used in the dance party. GHB model of action can be compared to MDMA (ecstasy), so in a small dose it is a stimulant not a depressant.

GHB is also used by people exercising in the gym. It has been used by bodybuilders to aid in fat reduction and muscle building. GHB also has anabolic effects (it stimulates protein synthesis).¹⁰ Regular use of GHB leads to physical and psychological dependence. In the USA, there are numerous recorded cases of deadly overdose of GHB.¹¹

Another frequently used *date rape drug* is flunitrazepam (the trade name - Rohypnol). It is a psychotropic substance from the group of benzodiazepines, but used much more often than the other benzodiazepines (eg. clonazepam) because of its extremely strong sedative effect. The combination with alcohol causes amnesia and increases the toxic results. In medicine, flunitrazepam is used in sleep disorders and as an introductory to narcosis.¹²

Psychotropic substance with a different mechanism of action is ketamine. It is dissociative substance like PCP. Synthesis of ketamine is complicated, so the source of ketamine is always a legal drug factory. Currently, ketamine is often used in veterinary medicine. Typical effects arising after the intake of this substance are e.g.: hallucinations, problems with coordination, slow reaction time, dizziness, euphoria, a feeling of being someone else, numbness, amnesia, coma. Katamina can be used also as a party drug but is very short-acting. It takes effect within about 10 minutes, while its hallucinogenic effects last 60 minutes when insufflated or injected. Overdose can lead to death.¹³

Legal and criminological aspects of rape with *date rape drug* involve the use of deception (deceit, trick) in the crime of rape. Sexual freedom is a value protected by all modern legal systems.

¹⁰ <http://www.drugabuse.gov/publications/drugfacts/club-drugs-ghb-ketamine-rohypnol> access in 10 of February 2015

¹¹ A. Basińska – Szafrąńska, Date rape drug in medicine, (in:) P.J. Nowakowski (ed.), *Around date rape drug*, ed. Polish Sociology Society, Warsaw 2011, pp. 81-84.

¹² M. Jędrzejko, P. Polak, *Narcotics used used in committing sexual offenses*, Drug Addiction Problems Bulletin, No 3/2006, pp. 13-14.

¹³ B. Szukalski, *op. cit.*, pp. 63-65.

First of all, rape damages the sexual freedom of man, with her/his right to make free decisions concerning her/his life in this area. An individual's right to freely decide about their sexual life is unquestionably one of the most important aspects of human freedom.¹⁴

The rape as a crime is defined in Art. 197 of the Penal Code .¹⁵

It involves actions:

- whoever, by force, illegal threat or trick subjects another person to sexual intercourse (Art. 197§1 of the Penal Code),
 - or if the perpetrator, in the manner specified in § 1, makes another person submit to other sexual act or to perform such an act (Art. 197§2 of the Penal Code),
 - or if the perpetrator commits the rape in common with other person, or against a child under 15 or against descendant, ascendant, adoptee, adoptive parent, brother, sister (Art. 197§3 of the Penal Code),
 - or if the perpetrator acts with particular cruelty (Art. 197§4 of the Penal Code),
- all these actions are consider as a rape.¹⁶

The doctrine of criminal law, as well as the jurisprudence of the Supreme Court describes the deception (trick) as an introduction to an error/ misleading or using a mistake of victims in the field of victim's motivation process, or creating the situation when the victim has eliminated the decision-making or locomotors system.¹⁷

However, the most common cases of rape with deception element are situations when the perpetrator intoxicates the victim by giving her/him a substance (*date rape drug*). Victims lack the opportunity to express their will? in the field of sexual contact and their do not have the ability to defend against the actions of the perpetrator. The victim is not aware of the use of substances which suppress consciousness.

If the victims intentionally used this kind of substances and introduced themselves into a state of intoxication or drunkenness and then became a victim of sexual crime - it is a crime defined in Art. 198 of the Penal Code¹⁸ - not in Art. 197.

¹⁴ F. Cieply, *Law aspects of date rape drug*, (in:) P.J. Nowakowski (ed.), *Around date rape drug*, ed. Polish Sociology Society, Warsaw 2011, p. 109.; A. Michalska-Warias, *Legal aspects of rape*, (in :) Mozgawa M. (ed.), *The crime of rape*, ed. Wolters Kluwer, Warsaw 2012, p. 35.

¹⁵ The Act from 6 of June 1997 – Penal Code, Dz. U. z 1997 r., Nr 88, poz. 553 with amendment.

¹⁶ M. Filar, *Crimes against sexual freedom and morality* (in :) M. Filar (ed.), *Penal Code. Commentary*, ed. Lexis Nexis, Warsaw 2008. pp. 816-817.

¹⁷ M. Bielski, *Crimes against sexual freedom and morality* (in :) A. Zoll (ed.). *Penal Code. Volume II*, ed. Wolters Kluwer, Warsaw 2013, pp. 692-693.

¹⁸ Article 198 of the Criminal Code: whoever, taking advantage of the vulnerability of another person, or of the lack of ability to recognise the significance of the act or ability to control his/her conduct, resulting from mental disability or disorder, subjects such a person to sexual intercourse or makes him/her submit to another sexual act

Criminal liability for the rape with *date rape drugs* can be connected with cumulative liability for violation of other provisions of the Penal Code. For example, if the offender leaves the victim in such circumstances in which the victim dies (e.g. by freezing), the responsibility for the murder is possible (Art. 148 of the Penal Code). When the victim of rape after consuming *date rape drug* dies because of toxic level of this measure, the offender may be held liable for unintentional manslaughter (Art. 155 of the Penal Code) or if the result of the consumption of these measures are bodily injury or an impairment to health, it is the violation of Art. 156 of the Penal Code, or Art. 157 of the Penal Code. Undoubtedly, if the perpetrator exposes a human being to an immediate danger of loss of life, a serious bodily injury, or a serious impairment of health, they will be responsible for the violation of Art. 160 of the Penal Code, or if the perpetrator knowing that he or she is infected with the HIV virus, or another sexually transmitted disease (venereal disease) directly exposes another person to the infection with those diseases, he/she can be cumulatively responsible for the rape and violation of Art. 161 of the Penal Code.¹⁹

The rape defined in Art. 197 of the Penal Code is prosecuted *ex officio*.

Classification of crimes relating to drugs. Understanding the links between drugs and crime is not merely of theoretical interest but has profound implications for public policy as the knowledge of these links determines how society responds to drug-related crime.²⁰

The term 'drug-related crime' is used here to encompass four types of crimes:

- Psychopharmacological crimes: crimes committed under the influence of a psychoactive substance, as a result of its acute or chronic use. According to the psychopharmacological model, the acute or chronic use of psychoactive substances may result in aggression and violence, which may lead to criminal behaviour.²¹ Unfortunately, this group also includes crimes when the drug was given to the victim insidiously and then the same person became a victim of another crime such as rape. Without a doubt, these crimes are fundamentally different from all other in psychopharmacological crimes categories. Therefore, we should consider the possibility of separation to the new category of "drug-related crimes" such acts, when the victim is intoxicated by the drug, but taking the drug was without her/his awareness.

or to perform such an act shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

¹⁹ F. Cieply, *op. cit.*, pp.117-118

²⁰ Chloe Carpentier, *Drug and crimes – a complex relationship. Towards a definition of drug – related crime, in Drug in focus*, Briefing of the European Monitoring center for drugs and Drug Addiction, No 16/2007, <http://www.emcdda.europa.eu/html.cfm/index36331EN.html> access in 20 of February 2015

²¹ *Ibidem*

It is a part of the modus operandi of the perpetrator. This category would contain e.g.: rape with date rape drugs, some kinds of robberies and blackmail, for instance, by threatening the disclosure of embarrassing photos taken when the victim was intoxicated.

- Economic-compulsive crimes: crimes committed in order to obtain money (or drugs) to support drug use. Dependence on an expensive substance can lead users to engage in criminal acts to obtain the money they use to fund their drug habit. They may resort to consensual crimes, such as drug selling or acquisitive crimes (e.g. shoplifting, robbery, burglary).

- Systemic crimes: crimes committed within the functioning of illicit drug markets, as part of the business of drug supply, distribution and use. Systemic criminality refers mainly to violent acts (e.g. assaults, homicides) committed within the functioning of illicit drug markets, as part of the business of drug supply, distribution and use.

- Drug law offences: crimes committed in violation of drug (and other related) legislations. Violations of drug-related legislation may include drug law offences such as drug use, possession, cultivation, production, importation and trafficking. Some of date rape drug are part of the anti drug regulation, so its production, possession and trafficking are prohibited as a crime.²²

The psychological consequences of rape are very serious. Victims of sexual crimes experience serious trauma. As a rule, two phases of trauma can be observed. First, the initial phase is dominated by fear for personal safety. In the second phase, there are consequences in various areas of life of the victim, e.g. the depression, phobias, chronic stress, insomnia, difficulty in establishing and maintaining interpersonal relationships.²³ Additionally, the victim does not remember what has happened and who is responsible for it - this enhances the trauma. Many victims also fear the reaction of the society. They feel co-responsible for what has happened to them.

Paradoxically, for the perpetrators of rape with date rape drug it is an insignificant incident. The offender does not regard his/her act as a serious crime because the victim did not defend themselves, did not call for help.²⁴

From the criminological and victimological perspective, defining the role of the victim of rape in this crime is very important for a better understanding of the mechanism of such an

²² Ibidem

²³ M. Budyń-Kulik, *Selected victimological (and psychological) aspects of rape*, (in :) Mozgawa M. (ed.), *The crime of rape*, ed. Wolters Kluwer, Warsaw 2012, pp. 255 - 257

²⁴ Ibidem

incident. There are various theories about this role but when we consider a rape with date rape drugs, the role of victim involves a form of carelessness (random victim) - the victim was in the wrong time and in the wrong place.²⁵

Dangerous places particularly where a person is exposed to *date rape drug* include discos and other entertainment venues. Women more often than men become victims of this type of crime.

Everyone should undertake a few simple rules to avoid to become a victim of a crime with *date rape drug*:

- Don't accept drinks from other people.
- Open containers yourself.
- Keep your drink with you all times, even you go to the bathroom.
- Don't drink from punch bowls or other common, open containers. They may already have drugs in them.
- Have nondrinking friend with you to make sure nothing happens.
- If you feel drunk and haven't drunk any alcohol – or, if you feel like the effects of drinking alcohol are stronger than usual – get a help right away.²⁶

There are also a lot of drink testers on the market for instance "Date Rape Detector", "Drink Guard" or "Drink Spike Detector" but preventative actions "mind your own drink" or "zero tolerance for drink spiking" are very helpful too. All these rules and measures could help to avoid a very serious crime.

CONCLUSIONS

The paper is dedicated to the analyses of the situation of *date rape drug (drd)* usage in Poland taking into account direct connection between drug and crime. It is noted that in Poland, *date rape drug* appeared several years later. It is emphasised that at the beginning Poles were involved in the smuggling of Rohypnol: the press reported criminal use of this kind of pills in criminal case (rape or robbery). As the author points out one of the main problems in the field is the difficulty to monitor situation, because there are even some doubts about that the statistics, available to the law enforcement (as not all the incidents are reported). Paper provides some

²⁵ Ibidem

²⁶ <http://www.4woman.gov/faq/date-rape-drugs.cfm> access in 20 of February 2017

practical and legal suggestions in order to avoid (or at least minimise) the risk associated with the drd.

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16. www.policja.gov.pl
17. <http://www.drugabuse.gov/publications/drugfacts/club-drugs-ghb-ketamine-rohypnol>
18. <http://www.streetdrugs.org/html%20files/Rohypnol.html> access in 10 of November 2017
19. <http://www.4woman.gov/faq/date-rape-drugs.cfm>

IŠŽAGINIMAS APSVAIGINUS NARKOTIKAIS – NAUJA PRIEVARTOS IR AGRESIJOS RŪŠIS

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Santrauka

Išžaginus auką, apsvaigintą narkotikais, padaroma didelė žala, kuri nagrinėjama straipsnyje, be to, atsižvelgiama į tai, kad agresijos aukos patiria didelės traumos sąlygotas pasekmes. Tai visų rūšių lytinis santykiavimas (vaginalinis, oralinis, analinis), įvykdytas prieš asmens valią ar naudojant fizinę prievartą, gąsdinant auką ar kitą asmenį sužaloti. Nusikaltimas gali būti įvykdytas naudojant pinkles.

Pastaruoju metu prievartos aukos vis dažniau apsvaiginamos nusikaltėlių, naudojančių specialias medžiagas, vadinamas *išžaginimo periodo narkotikais*.

Pagrindinės sąvokos: išžaginimas, išžaginimo periodo narkotikai, auka, nusikaltėlis

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BIOGRAFIJOS SUFORMUOTOS SAVAIMINIO MOKYMOSI STRUKTŪROS ŠAŠAJA SU PEDAGOGO PROFESINĖS KOMPETENCIJOS UGDYMUSI

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Anotacija. Šiame straipsnyje akcentuojamos biografinių aplinkybių nulemtos patirtys, sąlygojusios pedagogo individualią savaiminio mokymosi struktūrą. Remiantis žmonių biografijomis, galima teigti, kad didelė dalis žmogaus gyvenimo etapų, žvelgiant į juos kaip į visumą, pateikia prasmingą kontekstą, padedantį suprasti pedagogų savaiminio mokymosi procesus ir atskleidžiantį jų sąsajas su profesinės kompetencijos ugdymusi. Straipsnio tikslas – atskleisti biografinių aplinkybių sąlygojamą pedagogo individualią savaiminio mokymosi struktūrą, vedančią į pedagogo profesinės kompetencijos ugdymąsi. Kokybinio tyrimo duomenų analizė ir rezultatai remiasi abdukcinės teorijos konstravimo tyrimo logika pagal Peirce bei Grindžiamosios teorijos metodologija pagal Strauss ir Corbin.

Pagrindinės sąvokos: pedagogas, savaiminis mokymasis, mokymosi struktūra, biografija, profesinės kompetencijos ugdymasis.

ĮVADAS

Nuolat besikeičiantis pasaulis suaugusiems yra mokymosi aplinka, kuri palaipsniui prasiplečia tiek, kad apima visas darbo ir kasdienio gyvenimo situacijas. Todėl suaugusiųjų mokymasis, kuris tradiciškai buvo laikomas nuosekliojo švietimo dalimi, palaipsniui įgauna savarankiškumo ir peržengia nuoseklaus švietimo ribas. Mokymasis ir sugebėjimas mokytis nulemia visus žmogaus gyvenimo aspektus. Formalusis mokymasis apima mažesnę suaugusiojo mokymosi dalį, tuo tarpu neformaliajam ir savaiminiam mokymuisi dažnas suaugęs skiria didesnę dėmesį. Tai atsispindi ir daugelyje tyrimų ir teoriniuose moksliniuose darbuose. Tyrimų temų, susijusių su savaiminiu mokymusi, spektras – platus: analizuojama savaiminio mokymosi genėzė¹, savaiminio mokymosi procesų apraiškos formaliajame

¹ Rohs, M. (2016). Genese informellen Lernens, Iš M. Rohs (sud.) Handbuch Informelles Lernen (p. 3-38). Wiesbaden: Springer VS; Werquin, P. (2016). International Perspectives on the Definition of Informal Learning, Iš M. Rohs (sud.). Handbuch Informelles Lernen (p. 39-64). Wiesbaden: Springer VS.

mokymesi², į savaiminį mokymąsi žvelgiama iš filosofinės³, psichologinės⁴, ekonominės⁵ perspektyvų.

Pedagogui, kurio veiklos objektas – kito žmogaus ugdymas, visuomenė vis didina reikalavimus profesionalumo, veiklos efektyvumo, asmeninių savybių ir kitais aspektais. Reikia alternatyvių mokymosi formų, kurios įgalintų nuolatinį, individualų ir lankstų mokymąsi⁶, o pedagogų profesinis tobulėjimas turėtų būti laikomas visą gyvenimą trunkančiu procesu, į kurį reikėtų atsižvelgti jį organizuojant ir finansuojant⁷. Pabrėžiama būtinybė tobulinti pedagogo profesines kompetencijas, nes žinios sensta, atsiranda naujų, keičiasi ugdymosi turinys⁸, pripažįstami tiek savaiminio mokymosi pasiekimai, tiek ir savaiminiu mokymusi įgytų kompetencijų reikšmingumas⁹. Dėl žmonėms keliamų vis įvairesnių ir sudėtingesnių reikalavimų, reikia skirti savaiminiam mokymuisi didelę reikšmę, tačiau ne visi žmonės turi vienodas sąlygas tobulėti visą gyvenimą, ir todėl reikalingos įgalinančios struktūros, kurios padėtų vystyti kompetenciją¹⁰. Tačiau norint padėti, pirmiausia reikia suprasti, kas sąlygoja kompetencijos ugdymą savaiminiu mokymusi. Mokslininkai teigia, kad lyginant su formalioju mokymusi, kur kas mažiau dėmesio skiriama kitom dviem mokymosi visą gyvenimą formoms – neformaliajam ir informaliajam mokymuisi - „tokiose socialinėse

² Molzberger, G. (2016). Informelles Lernen in der Berufsbildung: Berufsbildung, Weiterbildung, Institutionalisierung, Informelles Lernen, Disziplin, Iš M. Rohs (sud.) Handbuch Informelles Lernen (p. 89-105). Wiesbaden: Springer VS.

³ Ladenthin, V. (2016). Informelles Lernen aus philosophischer Perspektive, Iš M. Rohs (sud.) Handbuch Informelles Lernen (p.165-206). Wiesbaden: Springer VS.

⁴ Alkemeyer, T. ir Brümmer, K. (2016). Körper und informelles Lernen, Iš T. Burger, M. Haring, M. D. Witte (sud.) Handbuch informelles Lernen. Interdisziplinäre und internationale Perspektiven (p. 493-509). Weinheim: Beltz Juventa

⁵ Garrick, J. (1998). Informal Learning in the Workplace. Unmasking Human Resource Development. London.

⁶ Laužackas, R., Teresevičienė, M. ir Stasiūnaitienė, E. (2005). Kompetencijos vertinimas neformaliajame ir savaiminiame mokymesi. Kaunas: VDU leidykla; Baier, L. (2016). Pädagogische Professionalisierung und Professionsentwicklung von Lehrern. München, GRIN Verlag.

⁷ Dačiulytė, R., Dromantienė, L., Indrašienė, V., Merfeldaitė, O., Nefas, S., Penkauskienė, D., Prakapas, R. ir Railienė, A. (2013). Pedagogų kvalifikacijos tobulinimo Lietuvoje būklė ir plėtros galimybės. Mokslo studija. Vilnius: MRU.

⁸ Juodaitytė, A. ir Kvedaraitė, N. (2010). Mokytojų savivaldaus mokymosi kompetencijų raiška besimokančioje mokykloje. Mokytoju ugdymas, 15(2), 80-94; Kunter, M., Kleickmann, T., Klusmann U. ir Richter, D. (2011). Die Entwicklung professioneller Kompetenz von Lehrkräften, Iš M. Kunter, J. Baumert, W. Blum, U. Klusmann, S. Krauss ir M. Neubrand (sud.). Professionelle Kompetenz von Lehrkräften. Ergebnisse des Forschungsprogramms COACTIV (p. 55-68). Münster: Waxmann.

⁹ Gnahn, D. (2007). Kompetenzen – Erwerb, Erfassung, Instrumente. Bielefeld; Gräsel, C. ir Trempler, K. (2017). Einleitung, Iš Entwicklung von Professionalität pädagogischen Personals (p. 1-13). Springer Fachmedien Wiesbaden.

¹⁰ Hamacher, W., Eickholt, C., Lenartz, N. ir Blanco, S. (2012). Sicherheits- und Gesundheitskompetenz durch informelles Lernen im Prozess der Arbeit: Abschlussbericht zum Projekt „Ansätze zur betrieblichen Förderung von Sicherheits- und Gesundheitskompetenz durch informelles Lernen im Prozess der Arbeit“. Forschung Projekt F 2141. Dortmund/Berlin/Dresden. Internetinė prieiga: https://www.baua.de/DE/Angebote/Publicationen/Berichte/F2141.pdf?__blob=publicationFile&v=8

institucijose kaip šeima, įvairios organizacijos, klubai, bendruomenė ir kt. Šioms sritims dar trūksta švietimo politikų ir tyrėjų dėmesio.“¹¹

Išsakyti teiginiai rodo, kad aktualu atskleisti savaiminio mokymosi vaidmenį mokymosi visą gyvenimą kontinuumo erdvėje, nes savaiminio mokymosi reikšmė, jo vaidmuo pedagogo profesinei kompetencijai dar nepakankamai suprasti. Nėra skirtas pakankamas dėmesys profesinės kompetencijos ugdymosi procesualumui ir kontekstualumui. Todėl svarbu suprasti pedagogų profesinės kompetencijos ugdymo procesą savaiminiu mokymusi, išanalizuoti jį sąlygojančius veiksnius, pedagogo profesinės kompetencijos ugdymo savaiminiu mokymusi galimybes. Šiame straipsnyje pristatomo **tyrimo mokslinio problemiško pagrindo** detalizuojamas šiais klausimais: Kokios biografinės sąlygos lemia savaiminio pedagogų mokymosi pasireiškimą, individualią savaiminio mokymosi struktūrą? Kaip ugdoma pedagogo profesinė kompetencija savaiminiu mokymusi?

Straipsnyje aptariama empirinio tyrimo metu išskirta viena iš centrinių kategorijų „Biografijos suformuota mokymosi struktūra“. Autorės ankstesniuose darbuose išanalizuota savaiminio mokymosi samprata¹², pristatytos teorinės nuostatos, aktualios analizuojant pedagogų profesinę kompetenciją savaiminio (informaliojo) mokymosi erdvėje¹³.

Tyrimo objektas: pedagogo profesinės kompetencijos ugdymas savaiminiu mokymusi.

Straipsnio tikslas – atskleisti biografinių aplinkybių sąlygojamą pedagogo individualią savaiminio mokymosi struktūrą, vedančią į pedagogo profesinės kompetencijos ugdymąsi.

Tiksliui pasiekti iškelti šie **uždaviniai**:

1. Iliustruoti pedagogo savaiminio mokymosi procesų ryšį su pedagogo biografijos individualumu.
2. Apibūdinti pedagogo profesinės kompetencijos ugdymąsi individualiais savaiminio mokymosi būdais, sąlygotais biografinių aplinkybių.

Tyrimo metodai: teoriniai – mokslinės pedagoginės, psichologinės literatūros analizė, apibendrinimas, empirinis – kokybinio tyrimo metodas: biografinis naratyvinis interviu.

¹¹ Teresevičienė, M., Gedvilienė, G. ir V. Zuzevičiūtė (2006). *Andragogika*. Kaunas: Vytauto Didžiojo universiteto leidykla. P. 35.

¹² Paurienė, G. (2013). Savaiminio (informaliojo) mokymosi sampratos analizė // *Visuomenės saugumas ir viešoji tvarka* (10): mokslinių straipsnių. Kaunas: MRU Viešojo saugumo fakultetas. P.181-197.

¹³ Paurienė, G. (2013). Pedagogų profesinė kompetencija: teorinės nuostatos, analizuojant jos sampratą informalaus mokymosi erdvėje // *Šiuolaikinio specialisto kompetencijos: teorijos ir praktikos dermė : 7-osios tarptautinės mokslinės – praktinės konferencijos straipsnių rinkinys*. Kaunas: Kauno kolegija. P. 331-335.

TYRIMO METODOLOGIJA

Tyrimo metodologinės nuostatos. Atliekant tyrimą, vadovautasi kokybinio tyrimo dizaino modelių¹⁴, grindžiamu socialinio konstruktyvizmo ir pragmatinių žinių pozicijomis¹⁵. Tyrimo tikslui pasiekti pasirinkta biografinė – abdukcinė (grindžiamoji teorija) tyrimo strategija.

Tyrimo imtis. Tyrime dalyvavo 14 dalyvių (13 moterų ir vienas vyras), kurių amžiaus vidurkis 44 metai. Tyrimo populiacija – pedagogai, turintys ne mažesnę nei 7 metų pedagoginio darbo stažą nepriklausomai nuo to, kokioje švietimo institucijoje dirba. Informantų atrankos kriterijus - pedagoginio darbo stažas - pasirinktas remiantis Hubermann (1991) pateiktu Pedagogų profesinės kompetencijos vystymosi modeliu¹⁶, kuris pedagogų profesinę kompetenciją siejo su pedagoginio darbo stažu, teigdamas, kad po 7 metų pedagoginio darbo jaučiamasi savo profesijoje stabiliai, užtikrintai, atsiranda noras eksperimentuoti, o taip pat ir save naujai įsivertinti. Tyrimo dalyviai atrinkti netikimybinės atrankos būdais, t.y. naudojant patogiąją atranką, „Sniego gniūžtės“ principu atliekama atranką. Tyrimo tinkama imtimi laikomas toks tyrimo dalyvių skaičius, kuomet aprašius fenomeną galima teigti, kad papildomi duomenys nebesuteiks naujų žinių tiriamam fenomenų paveikslui (duomenų prisotinimas).¹⁷

Duomenų rinkimo metodas: biografinis naratyvinis interviu. Mokymasis ir kompetencijos ugdymasis laikytini naratyviai atkuriami biografine patirtimi.¹⁸ Mokslininkai akcentuoja darbą su biografija, kaip vieną iš tyrimų strategijų, siekiant susekti informaliai mokantis įgytas kompetencijas. Biografinis tyrimas tuomet leidžia pamatyti gyvenimo eigos ir ugdymosi procesų sąryšį.¹⁹

¹⁴ Blaikie, N. W. H. (2010). *Designing social research*. Cambridge: Polity Press.

¹⁵ Creswell, J. W. (2007). *Qualitative inquiry and research design – Choosing among five traditions*. SAGE Publications.

¹⁶ Huberman, M. (1991). *Der berufliche Lebenszyklus von Lehrern. Ergebnisse einer empirischen Untersuchung*. In: Terhart, E. (1991) (Hrsg.): *Unterrichten als Beruf. Neuere amerikanische und englische Arbeiten zur Berufskultur und Berufsbiographie von Lehrerinnen und Lehrern*. Köln. P. 249 - 267.

¹⁷ Bitinas, B. (2006). *Edukologinis tyrimas: sistema ir procesas*. Vilnius: Kronta; Lamnek, S. (2005). *Qualitative Sozialforschung*, 4. Auflage. Beltz.

¹⁸ Alheit, P.; Dausien, B. (2005). *Biographieorientierung und Didaktik. Überlegungen zur Begleitung biographischen Lernens in der Erwachsenenbildung*. In: *Report. Literatur- und Forschungsreport Weiterbildung*, 28, H. 3.P. 27–36.

¹⁹ Geißler, K, A., Orthey, F. M. (2002). *Kompetenz: Ein Begriff für das verwertbare Ungefähre; Iš Nuissl, E. ir kt. (sud.). Kompetenzentwicklung statt Bildungsziele? Report Nr. 49, Juni 2002 (p. 69-79)*. Internetinė prieiga: http://www.die-bonn.de/esprid/dokumente/doc-2002/nuissl02_02.pdf

Duomenų analizės metodai. Gautų duomenų analizė ir rezultatai remiasi abdukcinės teorijos konstravimo tyrimo logika pagal Peirce (1991)²⁰, Strauss ir Corbin (1996)²¹ Grindžiamąją teoriją (toliau – GT) ir „formuluojančiąją interpretaciją“ pagal Bohnsack (2014)²². Panaudota kokybinių tyrimų analizei skirta kompiuterinė programa *Maxqda 12*.

TYRIMO REZULTATAI

Mokymosi motyvacija, pažinimo poreikiai, įsisavintos mokymosi strategijos, emocijos ir socialinė aplinka – visa tai kartu lemia, kaip pastebi mokslininkai²³ ar mokymasis vyks, ar ne. Šie faktoriai sudaro kiekvieno žmogaus „individualią mokymosi struktūrą“²⁴. Žinoma, tai sietina ir su savaiminiu mokymusi, nes gyvenamąją aplinką galima traktuoti kaip paskatą savaiminio mokymosi procesams. Savaiminio mokymosi gebėjimas yra susijęs tiek su pažinimo sąlygomis, tiek ir su biografiniais socializacijos bei patyriminiais procesais, darančiais poveikį besimokančiajam.

Besimokančiojo pažinimo poreikiai formuoja jam būdingą mokymosi, informacijos priėmimo ir apdorojimo būdą, kuris dar vadinamas mokymosi stiliumi: „Mokymosi stilius yra tik vienas iš daugelio veiksnių, darančių įtaką asmens mokymosi procesui“²⁵. Įvertinti mokymosi stilių skirtumus galima bandant suprasti, kaip besimokantieji mokosi, kaip priima naują informaciją ir kaip ją apdoroja. Vis dėlto, švietimo sistemoje vis dar nėra pakankamai strategijų, leidžiančių įvertinti kiekvieno besimokančiojo poreikius ir mokymosi stilių bei į juos atsižvelgti²⁶, identifikuoti mokymosi stilių yra sudėtinga, kadangi jis yra paslėptas, latentinis kintamasis, kuris gali būti matuojamas tik netiesiogiai, nes jį lemia kiti kintamieji²⁷.

Atsižvelgiant į anksčiau išsakytas mintis, šiame tyrime išryškėjo tam tikros mokymosi stilių tipologijos, kurios gali būti laikomos individualiais savaiminio mokymosi būdais. Toliau

²⁰ Peirce, C. S. (1991). *Peirce on Signs: Writings on Semiotic*. University of North Carolina Press, Chapel Hill NC.

²¹ Strauss, A. L., Corbin, J. (1996). *Grounded Theory. Grundlagen qualitativer Sozialforschung*. Weinheim

²² Bohnsack, R. (2014). *Rekonstruktive Sozialforschung* (9., überarbeitete und erweiterte Auflage). Opladen: Budrich.

²³ Betz, D. ir Breuninger, H. (1998). *Teufelskreis Lernstörungen: Theoretische Grundlegung und Standardprogramm*. 5. Aufl. Beltz: Psychologie VerlagsUnion; Riegel, Ch. (2014). *Legasthenie und sozialpädagogische Handlungsmöglichkeiten: Der Stellenwert der Sozialpädagogik im Konflikt zwischen Familie und Schule*. Hamburg: Diplomica Verlag.

²⁴ Riegel, Ch. (2014). *Legasthenie und sozialpädagogische Handlungsmöglichkeiten: Der Stellenwert der Sozialpädagogik im Konflikt zwischen Familie und Schule*. Hamburg: Diplomica Verlag. P. 23

²⁵ Honey, P. ir A. Mumford (2000). *The learning styles helper's guide*. Maidenhead: Peter Honey Publications Ltd.

²⁶ Jadzgevičienė, V. (2015). *Mokymosi stilių ir mokymosi metodų dermė kaip studento programavimo gebėjimų ugdymosi veiksnys* (daktaro disertacija). Vilnius: Lietuvos edukologijos universiteto leidykla.

²⁷ Marton, F. (1988). *Describing and improving learning*, Iš R. R. Shmeck (sud.). *Learning Strategies and Learning Styles* (p. 53-82). Plenum Press.

kiekvieną jų atskirai aptarsime pasiremami Honey ir Mumford (1992) sukurta tipologija. Šie autoriai identifikavo keturis mokymosi stilius²⁸. Pedagogų tarpe galima identifikuoti *Aktyvisto* ir *Pragmatiko* mokymosi tipus. *Aktyvisto* tipas sutinkamas, kuomet kalbama apie pirma įgytų asmeninių patirčių, o vėliau teorinių žinių sintezę, t. y. pirmenybė teikiama mokymuisi per aktyvią veiklą.

„(...) ten atidirbau tris metus. Tai buvo gyvenimo mokykla didelė. Patekau į gerą kolektyvą, nuoširdų. Jaunų žmonių buvo labai daug, ne aš viena, bet tie žmonės gyveno ten, tam kaime. .. Jie, na, kaip pasakyt, kodėl gyvenimo mokykla. .. Aš gi miesto .. tokia asfalto mergaitė, ne ne .. Trakai anoks ten miestas. Aš asfalto mergaitė. Aš išvažiavau į kaimą, .. mačiau, kaip .. žmonės sunkiai iš tikrųjų dirba, tuo metu ten kolūkiai dar tie buvo. Kaip tos pačios mokytojos, kiek jos turėjo jėgų, energijos ne tik ateiti atidirbti mokykloje, bet ir .. ūkiškai gyventi, šeimomis rūpintis.“ (interviu Nr. 8, 31-37)

„Ta, matyt, mokykla buvo mano .. mano sritis, o socialinis darbas .. dar smulkesnis. Tais laikais, kai aš pradėjau dirbti, tokio socialinio darbo pedagogo ir nebuvo, ir negalvojo apie tai niekas, bet mes mokytojai vis vien dirbom, vis vien sprendėm tas problemas. Labai prisimenu tokius sunkius atveju, sakysim, tėvo priekabiavimas seksualinis prie dukros. Tais laikais net neprasi(?) [nesuprantama], bet mergaitė atėjo, pasisakė .. (...) Tyliai, be jokio triukšmo padarėm, kad ta mergaitė išeitų po 8 klasių į profesinę ir jos gyvenimas tikrai neblogai susiklostė. Mes iki šiol .. palaikom ryšį su ja. Aš mokinau jos sūnų. Buvo ir tų nėštumo atvejų mokykloje, kas tuo metu tikrai negalėjo būti. Buvo .. draudžiama. Tai tyliai, be triukšmo padėjau kelioms mergaitėms pereiti į vakarinę mokyklą, jinai čia irgi veikė šitoj mokykloj. Ir .. darbus surasdavau joms .. toms mergaitėms. Dabar .. mokinu jų vaikus ... Vienos tai visi vaikai

²⁸ Šiuos mokymosi tipus Honey ir Mumford (2000) apibrėžia taip:

Aktyvistas veikia, daro, įgyvendina, organizuoja veiklas, susidoroja su probleminėmis situacijomis, reikalaujančiomis greitos adaptacijos prie besikeičiančių aplinkybių; daugiau remiasi intuicija negu logika, problemas linkęs spręsti intuityviai mėgindamas ir klysdamas naudojasi kitų sukurtomis teorijomis ir analizių rezultatais, todėl mėgsta dirbti komandose; labiausiai linkęs rizikuoti; moka bendrauti su žmonėmis, tačiau kartais gali pasirodyti nekantrus, reiklus.

Pragmatikas transformuoja teoriją, norėdamas pasirengti konkrečiai veiklai; plėtoja idėjas; linkęs daryti hipotetines-dedukcines išvadas; domisi teorijomis (kurias mėgsta patikrinti), specifinių problemų sprendimu; entuziastingai išbando idėjas, teorijas ir technikas, kad praktiškai nustatytų jų veiksmingumą. Jis ryžtingai ieško naujų idėjų, išnaudoja visas galimybes pritaikyti jas eksperimentuose. Mėgsta sėkmę, greitai ir ryžtingai įgyvendina idėjas, kurios jį patraukia. Nekenčia ilgų apmąstymų ir begalinių diskusijų, tai praktiškas, žemiškas žmogaus, kuris priima konkrečius sprendimus ir įveikia problemas.

Teoretikas remdamasis stebėjimais ir patirties refleksija formuoja kartais gana sudėtingas, bet logiškai korektiškas teorijas. Jis nagrinėja problemas vertikaliai, etapais, vadovaudamasis logika, sujungia pavienius faktus ir stebėjimus į darnias teorijas, siekia tobulumo ir nenurimsta, kol visi duomenys nebus klasifikuoti ir įtraukti į racionalią schemą. Jam patinka analizės ir sintezės procesas, sekasi kurti fundamentinius spėjimus, teorijas, modelius ir sisteminį mąstymą.

Mąstytojas pirmenybę teikia konkrečiai patirčiai ir reflektyviam stebėjimui; geba įsivaizduoti, įvertinti konkrečias situacijas iš įvairių perspektyvų; plati vaizduotė, geba improvizuoti situacijose, reikalaujančiose rasti idėjų; noriai bendrauja su žmonėmis, yra emocionalūs.

išmokyti, baigė vidurinę mokyklą, kitų .. kitos dar mokinu. Kelis išleidau .. Vienu žodžiu, .. tą darbą mes dirbom. Buvo, kad ir savo batus atiduodavau vaikams, kad .. ypač kai ta krizė prasidėjo, tas lūžis, .. santvarkos pasikeitimas. Tai kaime žmonės liko be jokio darbo ir ... šitas darbas mums buvo žinomas, mes jį darėm, kaip ir dabar mokytojai dirba, klasių vadovai dirba šitą darbą. Na, o aš prie šitos praktinės veiklos savo dar pridėjau žinias iš universiteto." (...) "Universitete turėjau labai daug puikių dėstytojų .. X - socialinė psichologija. Labai puikus dėstytojas ir kitų .. (...) Tai manau, kad prie mano praktinės veiklos universitetinės žinios labai pravertė." (interviu Nr. 13, 39-55, 70-72)

„Dabar reiktų pasakyti, kur aš to išmokau, nes iš tikrųjų aš tokių, .. sakysim, .. labai įdomu, kad .. aš pedagoginiam nesu .. studijavusi,.. pedagoginių studijų grynai nesu turėjusi, aš netgi nesu turėjusi praktikos mokykloje .. Tai, sakysim, viskas yra įgyta kažkokiu tai savaiminiu būdu, .. per praktiką, per įžvalgas kažkokias savo pačios, nes aš tokių, sakysim, žinių aš nesu gavusi. .. Netgi konkrečiai ir dėl laiko planavimo, sakysim, mes žinom, kad pedagoginėse studijose yra ir pamokos planavimas. Tai, sakysim, aš visa tai jau sužinojau .. tiesiog realiai jau iš kolegų .. ir iš seminarų, kuriuos vėliau lankiau, bet studijose aš vėlgi to negavau. Tai dabar, kodėl taip man sekasi gerai, aš tai manau vis dėlto, kad tai yra žmogaus įgimti kažkokie tai dalykai; ne įgyti, bet įgimti, nes .. nu, .. aš nesiginčiju, gal galima tai .. ir įgyti, ta prasme (3) išmokti to.“ (interviu Nr. 2, 335-345)

Kita grupė pedagogų pasireiškė kaip mėgstantys praktiškai išbandyti teorijas, idėjas, metodus, sužinotus formaliojo ar neformaliojo mokymosi metu, todėl priskirtini mokymosi stiliui -

Pragmatikas:

„(..) yra mokytojų, kurios nueina, atsėdi, dėlto, kad reikia ten tų penkių ar šešių valandų, .. mmm grįžta čia .. ir padeda tą popieriuką, kur kvalifikacijos tas baigimo pažymėjimas, o mane tas užkabina, kad aš .. kad aš išbandau, nesakau, kad viskas tinka, jokiais būdais, kartais numeti, kartais grįžti ir sakai „Jėzus, kokia nesąmonė, kad aš gyvenime daugiau eičiau“. Būna ir tokių momentų.“ (interviu Nr. 3, 417-420)

„Jeigu rengiesi seminarą vesti, va tos asociacijos, vėl gi .. turi pasirengti, .. vėl gi yra domėjimasis, kaip perteikti, ką iš savo patirties .. tokia sintezė gaunasi .. žinių, ką iš išorės, ką savo patirties (3) ir .. ko dar, na ir iš aplinkos .. tiesiog sintetini tą visą per patirtį savo .. per savo gebėjimą perteikti, nes tą pačią medžiagą kitas mokytojas visai kitaip pateiks. (...) aš individualistė .. jeigu man ir bus kažkokia medžiaga .. aš vis vieną kažką tai .. per save ir truputį vis vien kažką kitaip...“ (interviu Nr. 4, 168-173)

„(...) kai atvažiuodavo iš Švedijos .. tik dabar neatsiminsiu pavardės .. to lektoriaus, tai jis ten tuos visus reikalavimus specialiujų mokymo priemonių rengimo labai gerai į galvelę sudėjo. Dar ir pasitikrini, vis išsibandai, ar ir mūsų vaikams taip reikia.“ (interviu Nr. 6, 82-84)

Atkreiptinas dėmesys, kad dalis informantų baigė pedagogines studijas prieš pradėdami profesinę veiklą, todėl praktika jiems buvo tarsi jų įgytų žinių patikrinimas ir vėliau tobulinimas. Jie ir atstovauja daugiau mokymosi stilių *Pragmatikas*. Pedagogai, kurie pradėjo savo profesinę veiklą neturėdami pedagoginio išsilavinimo, kurie savo žinias, įgūdžius, gebėjimus įgijo profesinės veiklos metu, labiau atliepia mokymosi stilių *Aktyvistas*. Taip pat egzistuoja galimybė, kad toks mokymosi stilius yra nulemtas ir specifinių asmeninių individų savybių, t. y., ar jis labiau linkęs teikti pirmenybę aktyviai veiklai, atnešančiai žinias per patyrimą, ar labiau mėgsta vadovautis teorinėmis žiniomis, išbandydamas jas praktikoje. Abi šios galimybės rodo savaiminio mokymosi sąsajas su informantų biografijos individualumu.

Individo mokymosi stilius gali kisti, jei besimokantysis tame jaučia prasmingumą. Mokymosi stiliui daro įtaką besimokančiojo motyvai, savijauta. Informantas, pradėjęs savo pedagoginį kelią nuo praktinio darbo mokykloje, kuriam buvo būdingas *Aktyvisto* mokymosi stilius, vėliau linksta į mokymosi stilių *Teoretikas*, kuomet žinojimas, suvokimas apie priežastis, sąvokas, sąryšius, šiuo atveju sukuria, iš subjekto perspektyvos žvelgiant, tam tikrą mentalinę struktūrą, kuri suteikia praktikoje saugumo jausmą.

„(...) ir gyvenimiška patirtis iš tikrųjų, bet ta .. neapčiuopi, o kai mokaisi formaliai tada atsiranda apčiuopimas kažkoks, atsiranda suvokimas, o tai yra .. daug.“ (interviu Nr. 10, 492-494)

Informantas vertina ir savo įgytas teorines žinias formaliojo švietimo įstaigose, ir teigia, kad šios žinios pasitarnauja turimų žinių, įgytų savaiminiu mokymusi, susisteminiui, kompetentingumo tam tikroje srityje atsiradimui:

„Iš visų universitetų va šitas, Lietuvos Edukologijos universiteto Profesinių kompetencijų tobulinimo instituto kursas Mokyklinės pedagogikos buvo pats įdomiausias. O pats įdomiausias buvo todėl, kad tuo metu man tų žinių, kurias turėjau, buvau sukaupęs per septyni metus, tų tokių va savaiminiu būdu įgytų žinių (4) padėjo va šitas universitetas susisteminti ir suvoti viską į vieną (3) kažkokį tai vieną komplektą, kur tu gali dabar šiandien turbūt pavadinti savo kompetencija. .. Nežinau, ar galima taip pavadinti .. Tos žinios mano dabar yra tokios .. tvirtos, nes iki to universiteto .. jos nebuvo tvirtos, jos buvo apgraiptom žinomos. Tu žinai, kaip elgtis, kad gautum tam tikrą rezultatą, kažkokį tai, bet gal nežinai, kodėl, .. ir toj mokykloj kai dirbi, ..

tai nuo antrų metų aš jau turėjau ir vienuoliktokus, ir dvyliktokus, ir egzaminams ruošėmės ir visą kitą. Ir tu lyg ir žinai, ką daryti, bet va nežinai kodėl.“ (...) „Dabar tiktai, turbūt, aš galiu citatas pateikti tų žmonių, kurie apie tai rašė, kalbėjo. Tarkim, Meilė Lukšienė, ar kažkoks tai kitas žmogus. Ir kaip tai atrodo dabar mūsų klasėj, iki to laiko tu jauti, kad kažkas tai turėtų būti kitaip, bet tu negali to suorganizuoti, tai va tas mokymasis universitete, formalusis mokymasis, formalios paskaitos, seminarai davė tai, kad tu jau gali dabar aiškiai pasakyti, kad yra šitaip, ir gali nurodyti skyrius knygų, kuriuose apie tai yra rašoma, tu negali ginčytis su teorija.“ (interviu Nr. 10, 331-340, 485-490)

Mokymosi struktūros analizė rodo, kad tai konstruktas, apimantis sąveikaujančias pažinimo (kognityvines) struktūras, motyvaciją, socialinę ir pedagoginę aplinką. Mokymosi struktūros sąvoka akcentuoja mokymosi procesualumą. Ryšys tarp besimokančiojo ir jo tėvų bei pedagogų yra esminis momentas, apsprendžiantis pozityviąją mokymosi struktūrą ir mokymosi kokybę²⁹. Jei besimokantysis padrąšinamas, juo tikima, tai jame irgi atsiranda pasitikėjimas, jis mano, kad jam norima padėti, jis suprantamas, auga jo savivertė. Tokiu atveju, mokymasis tampa džiaugsmu, smalsumu, o tai veda į gerus mokymosi rezultatus, geri rezultatai veda vėl į smalsumą, pasiryžimą dar daugiau mokytis, kas vėl daro įtaką mokymosi pasiekimams.

Individo mokymosi struktūrą nulemia socialiniai santykiai, išryškėję tokiose biografinėse sąlygose, kaip šeimos gyvenimo būdas:

„Tai atėjo, tai kad .. aaa (3) iš tėčio ir senelio turbūt, mamos tėčio tai toks smalsumas ir akcentavimas išsilavinimo. Kad tai yra svarbu, kad noriu .., kad svarbu tie žmonės, kurie mokosi. Svarbu tie, kurie išsilavinę, kažkaip na, jie tokie, nežinau. Įdomesni, geresni, svarbesni, su jais reikia kažkaip tai .. Na, kad jie gerbtinesni, na nežinau, va kažkoks toks bendras, turbūt ... (3) Kitas, galvoj dėliojau, kad .. pati vaikystė mano skirtinga nuo mano bendraamžių, kad aš augau su seneliais, aa .. kaime, nelankiau darželio. Iki mokyklos aš jokio ugdymo formalus neturėjau. Kažkaip augau tarp to, kas aplinkui, ir beveik su vaikais neturėjau visiškai kontakto, ta prasme. Kad aš atėjau į pirmą klasę, praktiškai nemačius savo bendraamžių vaikų.“ (interviu Nr. 5, 18-26),

Toliau su didele meile prisimenamas bendravimas su tėčiu, atskleidžiamas tas ypatingas ryšys, apsprendžiantis mokymosi struktūrą. Savaiminis mokymasis, mokymasis bendraujant su šeimos nariais informantei pakeitė formalųjį mokymą. Tėčio paveikslas piešiamas kaip

²⁹ Betz, D. ir Breuninger, H. (1998). *Teufelskreis Lernstörungen: Theoretische Grundlegung und Standardprogramm*. 5. Aufl. Beltz: Psychologie VerlagsUnion.

apsiskaičiusio intelektualo, savamokslio poligloto, neabejotinai dariusio įtaką informantės mokymosi stiliui ir ateityje:

„Tėtis mano buvo, ta prasme, iki man gimstant, tėtis tapo neįgaliu. Dar ir .. ne tik, kad nevaikščiojo, bet ir nevaldė rankų .. ir .. iš kitos pusės, namuose buvo .. krūvos knygų visą laiką. Be šitos lentynos, buvo dar palei šitą sieną dviem eilėm knygos. Čia mano jau dabar knygos .. Tada buvo tėčio knygos ir pas jį kambary visą laiką būdavo na kelios krūvos įvairiose vietose daug daug knygų sudėta .. aa (3) Žavėjo tai, kad jisai, tarkim, tapęs .. po to, kai tapo neįgaliu, pats savaime, be mokymosi oficialaus išmoko devynias kalbas papildomai .. ir tą darė, tokiu va, tarkim, lenkų kalbą, labai specifiniu būdu, kad jis tiesiog ee .. turėjo lenkų-lietuvių žodyną, skaitydavo .. skaito knygą ir virš žodžio užsirašinėja vertimą ir tokiu būdu, žodžiu, mokosi kalbą. Tai va kažkaip tas mokymasis kaip toks, tai turbūt, jeigu dabartinius intelekto testus padarytų, tai turbūt tėtis tikrai buvo gabus, ta prasme, ir, kad va tiesiog matė tame prasme, .. nors atrodė, kad to niekur nepanaudos, nes jis su išorės pasauliu visiškai nekontaktavo, po negalios jis užsidarė namuose.“ (...) "Kitas dar kažkaip įstrigęs, tai irgi, galvoju, akcentas, tėčio (3) ee prie tėčio lovos žemėlapis kabantis, kur viso pasaulio didžiulis atlasas su su smulkiam .. kiekvienais miestais, ta prasme, sužymėtais ir panašiai, ir jo akcentas, kad reikia .. mokytis taip, kad žinotum, kur .. pasižiūrėti. Ne mintinai iškalti, bet va pasižiūrėti. Paskui aš jau, kai pati studijavau, pagavau, kad jis mane mokė mokytis, paties .. principo. Ne tai, kad atkalk, bet, nežinau, mes sėdim prie jo lovos ir jis man žaidimo būdu sako: „Nu, tai kur ten kokioj Afrikoj ten koks miestas? Užsimerkus parodyk.“ Va tokių kažkokių visokių žaidimų“(...) "Tėtis dažnai juokaudavo, kad maždaug .. gali būti politike, nes labai su tėčiu ginčydavausi labai tokiais .. ir tėtis mane provokuodavo ginčijantis ne šiaip išrėkti nuomonę, bet tai, kad .. bet mes ginčydavomės, apie .. nežinau, apie politinius, valstybinius dalykus, istorinius, ta prasme, daugiau apie tuos .. ne apie tarpusavio santykius, bet, žodžiu, apie tokius dalykus, ir jisai .. prvuokudavo mane sakyti tą nuomonę ne tai, kad na, nežinau, .. nesutinku ir viskas, bet nesutinku, nes .. ir punkteliais išdėstyti kodėl.“ (interview Nr. 5, 46-58, 65-71, 93-98)

Šeimos uždaras gyvenimo būdas nulėmė ir mokymosi stilių – stebėjimą, kas vyksta, kaip vyksta, o tėčio ir senelio įskiepytas noras mokytis ir smalsumas informantę lydi visą gyvenimą, kaip ji sako, tai tiesiog *„dažnai bandymas pamatyti; ieškojimas, kad nebūtų nuobodu“*. Ji džiūgauja bendraudama su žmonėmis, kurie irgi nori mokytis:

„(...) viena gyvenimo dalis labai atskirta nuo pasaulio, o kita dalis ... Jau tiesiog tada teko prie jo kažkaip prisitaikyti. Nežinau, tai gal tada visa laiką žiūrėjimo į tą .. tai, kas vyksta aplinkoj, tuos kultūrinius procesus, ne iš kart įsitraukiant, o tokio stebėjimo iš šono.“(...)

"kaifuoju, būdama šalia tų žmonių, kurie panašūs, nesako „ai, nesigilink“, o sako „o tai kaip ten vis dėlto tas?“ (interviu Nr. 5, 430-433, 349-350)

Interviu vis pasikartoja tema, kuomet būtent tėvai, jų išsilavinimas daro didelę įtaką būsiamiems pedagogams. Informantai akcentuoja gražius santykius su tėvais, jie laikomi gyvenimo pavyzdžiais, jų pomėgis, kaip pavyzdžiui, literatūros skaitymas, tampa supratimu, kad knygos – tai mokytojai, o skaitymas laikytinas tiesiog tėvų perduotu mokymosi stiliumi.

„Mūsų namų biblioteka.. Visas kambarys, palei dvi sienas dvi didžiulės sekcijos su antresolėmis pilnos knygų.. Tai tėčio darbo kambarys.. Vaikų kambarys – vėl gi palei visą sieną didžiulės tėčio darytos lentynos – vaikiškai literatūra. Atsimenu, išvažiuoja tėtis į miestą, į leidyką savo darbus nuveždavo – grįžta, o čia kalnas naujų knygų, (...) Šventė namuose... Visas knygas iš serijos “Pasaulio pasakos” esu perskaičiusi... Ir šiaip.. tiesiog visas namų knygas. Knyga man yra didelis malonumas.“ (interviu Nr. 12, 44-50)

„Mano tėtis labai labai .. nu, (3) knygas myli, labai daug skaitė, skaito ir dabar labai labai daug ir jis labai labai .. mane prie tų knygų atvedė, sunkiai atvedė, bet kai atvedė, tai jau tada buvo sunku nutraukti. Tikrai labai daug skaičiau knygų ir norėjau skaityti. Knyga man didelis malonumas buvo, tai va. (...) Aš atsimenu, kaip tėtis mane prie tų knygų vedė, jisai labai daug pasakodavo ir jisai man labai gražiai pasakojo apie Žaną Valžaną iš „Vargdienių“ ir apie tas sidabrinės žvakides.“ (interviu Nr. 7, 42-45, 502-503)

Gyvenimo istorijos atskleidžia savaiminio mokymosi pasirinkimą, nulemtą emocijų ir socialinės aplinkos, t.y. nepakeliamos mokymosi aplinkos mokykloje, persmelktos baimės jausmu ir patyčiomis, ten dirbusių pedagogų nekompetencijos bei pačios informantės mokymosi interesų:

„Pirmoje klasėje buvo 41 mokinys, mokytoja buvo griežta, tik tas jos rėkimas kartais ir dabar skamba man ausyse. O antroje klasėje atėjo muzikos mokytoja, pravardė buvo Kaukolė. Nuo tada aš susirgau migrena. Tas nuolatinis baimės jausmas einant į mokyklą. Ironiška, bet turėjau absoliučią klausą, mama vedė į tuometinius Pionierių rūmus, į chorą.., bet muzikos pamoka mokykloje man buvo kažkas tai tokio .. neišgyvenamo. Nustojau eiti ir į chorą, nes bijojau viešai dainuoti, balsas drebėdavo. Bijojau pasakoti prieš klasę. Geriausia būdavo namie.“ (...) "O man atsirado didžiulis noras išmolti groti pianinu, bet į muzikos mokyklą eiti aš bijojau. Pati sužinojau per drauges, kad netoliese gyvena konservatorijos mokytoja, kuri privačiai moko groti pianinu. Ir štai aš jau jos mokinė, o tėtis nuperka pianiną." (...) "Mano auklėtoja, galbūt, matydama mano jautrumą, o gal dėl to, kad tėtis būdamas dailininku vis kažką turėdavo piešti auklėtojai paprašius, mane nuolat vadina mažybiniu vardu. Klasiokams

tai užkliūva, na, aš tai tyliai pakenčiu. Labai aiškus klasėje susiskirstymas į besimokančius ir kitus. Turiu vieną draugę. Žiurkė ... Tai lydi iki dešimtos klasės. Išeinu iš mokyklos, nebegaliu. Išeinu dirbti į tuometinį X kombinatą, siūti lėlėms sukneles. Mokyklos direktorius nenori mamai atiduoti mano dokumentų, .. kaip gi, pirmūnė ir išeina.“ (interviu Nr. 12, 16-21, 31-33, 52-58)

„(...) vienintelė, .. besimokanti dešimtukais, tai aš visą laiką buvau ta keistulė, kuriai kažkaip čia vat kažko tai reikia. Tai ir mokytojom galbūt tada kontraste labai atrodydavau, kad aš čia labai gerai mokausi ir .. tuo pačiu klasiokam, nes tas toks atotrūkis visą laiką buvo labai stiprus tarp manęs ir jų. (...) vaikystės žaizda – visos mokyklos laiku iš manęs tyčiodavosi.“ (interviu Nr. 5, 85-88, 377-378)

Individas, kuriam patinka mokytis ir, jei jis mato, kur teorines žinias galės panaudoti praktikoje (iš čia ir smalsumas, ir motyvacija), renkasi kompetenciją ugdančią savaiminį mokymąsi:

„Man tuo metu buvo 16 metų. Aš jau turėjau savo gyvenimo viziją. Planavau dirbti, nes labai reikėjo pinigų ... Tėtis pasimirė, kai man buvo 13 metų, sesuo sirgo, mama kitaip sirgo .. depresija. Mano planas buvo dirbti ir mokytis vakarinėje, o tuo pačiu savarankiškai ir privačiai mokytis vokiečių kalbos. Aš norėjau tapti vokiečių kalbos mokytoja. Tai aš ir sumąstau, kad man reikia palikti mokyklą, dirbti ir mokytis tai, ko man tikrai reiks norint įstoti į universitetą.“ (interviu Nr. 12, 59-62)

Galima rasti pavyzdį, kuomet, priešingai, „nuolatinės sėkmės mokykloje išgyvenimas“ ar mokytojos profesionalumas paskatina dar daugiau mokytis, gilintis savarankiškai į mėgstamą dalyką:

„Kodėl, kas tai lėmė, kas tai darė, .. nežinau. Turbūt, tai buvo sėkmės išgyvenimas mokykloje. Dėl to, kad tu pastoviai išgyveni sėkmę, .. mokydamasis kalbas, sakykim, apskritai visus dalykus. (...) Tai tiesiog, nuolatinės sėkmės išgyvenimas skatino, kad tu dar labiau mokaisi, dar labiau skaitai, dar labiau darai kažką tai .. ir tuo pačiu pradėjau mokytis kitas kalbas, visiškai savarankiškai.“ (...) „Pagalvojus, to žmogaus asmenybės, tos rusų kalbos mokytojos .., nežinau, kaip pavadinti, gal profesionalumas turbūt buvo, kuris užkabino ir tave vedė į priekį .. dar labiau mokytis. .. Ir tada dar labiau skaitai, pradedi skaityti savarankiškai, .. ir kiekvieną dieną iš tikrųjų rusų kalba. Per metus laiko pasiruošiau, gavau 95 įvertinimą valstybinio egzamino, kaip ir neblogai.“ (interviu Nr. 10, 49-55, 277-281)

Motinstė taip pat gali nulemti individo mokymosi proceso struktūrą. Motinstė gali tapti išbandymu, tiek dėl vaiko ligos, tiek dėl vienišumo išgyvenimo dėl nepilnos šeimos, tiek dėl ilgesio savo profesinei veiklai. Šios patirtys atneša tam tikrus pasikeitimus, vyksta mokymasis

per motinystės patirtis, mokymasis „savo ieškojimų dėka“. Atsiranda kitas požiūris į darbą, sustiprėjama kaip asmenybė:

„Aš .. grįžau kitokia, nes mano motinystė nebuvo lengva, kadangi mergaitė .. mes labai sirgom, tai aš .. grįžau tokia brandesnė, tvirtesnė kaip asmenybė. Ir grįžus, savo darbą pamačiau visiškai kitom akim.“ (...) "Tai tokie asmeniniai įvykiai, tai, kad vyrui teko keisti darbą ir išvykti į tolimus reišius. Aš likau viena, likau viena dideliame name su dviejom dukrom. Aplinkui neturiu artimų. Šituose kraštuose, kaip sakau, esu svetimšalė. Esu visiškai .. visiškai viena šitam krašte ir .. mano dukros .. nuolatiniai .. kas dvi savaitės būdavo ūmūs bronchitai. (3) Aš iš pradžių galvojau, kad aš .. nesugebėsiu, aš nesu tokia .. ir mane tas bejėgiškumas, kad tu esi viena .. tu privalai, tu privalai .. tvirtai .. tu privalai kovoti už vaiką. Va tas mane labai sustiprino kaip žmogų, nes aš iki tol buvau .. Na, atrodo, aš nieko negalėčiau .. negalėčiau būti viena, negalėčiau .. kažko tai daryti viena .. O kai gyvenimas staiga tave palieka vieną, ir tau .. tikrai buvo daug įvykių, kai sakydavau, Dieve, o kodėl man .. kodėl man. Ir man labai įstrigo mano draugės pasakymas, sako, žinai (5) Dievas deda tiek, kiek jis žino, kad tu pakelsi, .. kai nebekelsi, tai tikrai nebedės. Tada staiga tu supranti, kad gal tikrai tai buvo tau išbandymas, parodymas, kad tu gali. Ir kai aš sustiprėjau va savo šeimoj, kai staiga tapau tvirtu .. tvirta mama, tvirta žmona, kuri gali, geba ir .. aš, kai ėjau į darbą, pas mane tas toks pasitikėjimas savy. Ir aš tikrai .. aš visada sakiau, na, jeigu aš išgyvenau tą sunkų periodą, aš .. ir darbe.“ (interview Nr. 11, 100-102, 214-227)

„Motinystė duoda kažką Jums tokio .. mmm .. svarbaus, ką po to bus galima panaudoti ir pedagoginiame darbe? Arba ir galima? - Taip, kantrybę, .. kad ir tas rūpestis. .. Viską iš tikro, viskas yra susieta, nes namuose aš – mama, čia aš irgi – mama. .. Viskas, .. turi paguosti vaiką, suprasti, manau, kad čia viskas susieta.“ (interview Nr. 9, 188-193)

Informantai teigia, kad jų dalykinės žinios geros, nes jie „nuolat mokosi“, „iš visko mokosi“:

„(...) aš tikrai džiaugiuosi ir galiu pasakyti, kad mano dalykinės žinios yra labai geros .. ir ne tik dėl to, kad kažkada gyvenau kažkur, bet dėl to, kad .. aš nuolatos mokausi. Aš visą laiką ir skaitau, ir mokausi, ir .. ieškau informacijos, žiūriu .. viskas anglų kalba vyksta.“ (...) “Jisai, turbūt, vyksta visą laiką ištisai, nesustoja tie dalykai, pavyzdžiui, ką tu bedarytum, su kuo bekalbėtum, su kuo bebendraitum, kokią laidą interneto ar bet kur kitur žiūrėtum .. Iš visko mokaisi, ir aš galvoju, gavau labai daug dalykų, kuriuos galiu pritaikyti profesinėj veikloj. Tas apskritai savaiminis mokymasis.“ (interview Nr. 10, 1050-1053, 1099-1102)

„Taigi, metodinę kompetenciją tarsi perėmiau iš savo mokytojos, dalykinė buvo gilinama nuolatinio skaitymo bei kelionių metu.“ (interviu Nr. 12, 101-102)

Apibendrinant galima teigti, kad pedagogų mokymosi struktūrą nulemia socialiniai santykiai, išryškėję tokiose biografinėse sąlygose, kaip šeimos gyvenimo būdas, artimųjų netektis, motinystės patirtys, mokymosi aplinka mokykloje - sutikti pedagogai ir jų profesionalumas ar, priešingai, nekompetencija. Mokymosi struktūra yra paveikiama biografinių aplinkybių, ji gali kisti dėl subjektyviai patiriamo mokymosi prasmingumo. Mokymosi stilius turi sąsajas su informantų pedagoginio išsilavinimo prieš pradėdant profesinę veiklą turėjimu bei asmeninėmis individo savybėmis, tai rodo savaiminio mokymosi ryšį su informanto biografijos individualumu. Savaiminio mokymosi procesai apima įvairius mokymosi stilius bei atspindinti pedagogo profesinės kompetencijos ugdymąsi.

DISKUSIJA

Empirinio tyrimo rezultatai atskleidžia pedagogo savaiminio mokymosi procesų vyksmą individualios biografinės patirties fone. Siekiant atsakyti į klausimus, kokios biografinės sąlygos lemia savaiminio pedagogų mokymosi pasireiškimą, individualią savaiminio mokymosi struktūrą bei kaip ugdoma pedagogo profesinė kompetencija savaiminiu mokymusi, visų pirma paminėtina, kad savaiminio mokymosi procesai identifikuojami biografinėse aplinkybėse, susijusiose su artimais šeimos nariais bei autoritetingais asmenimis. Šeimos nariai ar/ir vaikystėje sutikti pedagogai tampa orientyrais, pavyzdžiais profesiniame kelyje, iš jų buvo mokomasi juos stebint, dažnai net nesąmoningai, ir yra mokomasi tikslingai juos prisimenant.

Biografiniai socializacijos bei patyriminiai procesai, asmens poreikiai, interesai bei jo individualios savybės formuoja besimokančiajam būdingą mokymosi struktūrą, kas parodo savaiminio mokymosi procesų sąsajas su pedagogo biografijos individualumu. Savaiminio mokymosi procesus nulemia tokios biografinės sąlygos, kaip šeimos gyvenimo būdas, mokymosi aplinka mokykloje, artimųjų netektis, motinystės patirtys bei paties savaiminio mokymosi prasmingumo suvokimas siekiant prisitaikyti, keistis ar savirealizacijos profesinėje veikloje. Biografiniai procesai sąlygoja ir savaiminio mokymosi motyvacijos kaitą. Tyrimo rezultatai patvirtina mokslininkų išvalgas³⁰, kad profesinis tobulėjimas yra stimuliuojami

³⁰ Overwien, B. (2005). Informelles Lernen: Ein Begriff zwischen ökonomischen Interessen und selbstbestimmtem Lernen, Iš K. Künzel (sud.). *Internationales Jahrbuch der Erwachsenenbildung. Band 31/32* (p. 3-18). Köln: Böhlau; Gedvilienė, G., Laužackas, R. ir Tūtlys, V. (2010). *Bendrojo ugdymo mokytojų kvalifikacijos tobulinimo poreikiai*. Kaunas: Vytauto Didžiojo universitetas.

vidinės ir išorinės motyvacijos. Atliktas tyrimas leidžia papildyti minėtas įžvalgas teiginiu, kad pats savaiminis mokymasis gali sąlygoti tolimesnio mokymosi motyvaciją, norą tobulėti ne tik savaiminiu, bet ir formaliuoju mokymusi, pavyzdžiui, refleksyviojo savaiminio mokymosi procese suvokus savo kompetencijas ir jų trūkumus.

Atliktas tyrimas atskleidžia, kad per patirtinį savaiminio mokymosi procesą vaikystėje, tolimesnes biografines patirtis tiek asmeninėje, tiek ir profesinėje aplinkoje asmuo kuria savo žinojimą, kuris nėra visada sąmoningai iškart suvokiamas. Šis procesas sąlygotas aplinkos, dažnai paveiktas ir inicijuotas atsitiktinumo, vyksta neplanuotai ir laikytinas latentiniu savaiminio mokymosi procesu. Taip pat ir individualių profesinės veiklos patirčių pagrindu formuojasi naujas profesinės veiklos supratimas, o pedagogų klaidingi sprendimai, poelgiai, juos apmaščius, veda prie veiksmingų mokymosi procesų. Būtent asmens refleksija pasitarnauja kaip asmeninio ir profesinio tobulėjimo metodas, kas atliepia mokslininkų tyrimus³¹. Refleksyvusis savaiminio mokymosi procesas leidžia naujai pažvelgti į turimą žinojimą, atėjusį per patirtį. Ankstesnės patirties žinių įvertinimas ir suvokta buvusi patirtis laikytini pedagogų savivaldaus savaiminio mokymosi proceso komponentais. Retrospektyvus žvilgsnis į savo patirtis vaikystėje mokantis iš artimos ir tolimos aplinkos, noras atliepti naujos kartos ugdytinių poreikius atsižvelgiant į savo šalies pokyčius, į ateities tendencijas veda į individualią savaiminio mokymosi proceso struktūrą, sąlygojančią pedagogo profesinės kompetencijos ugdymąsi.

IŠVADOS

Tyrimo dalyvių gyvenimo istorijos atskleidžia, kokie reikšmingi resursai pedagogo profesinei kompetencijai bei jo savaiminio mokymosi veikloms egzistuoja biografinėse sąlygose. Šie resursai tampa pagrindu profesinės kompetencijos ugdymo savaiminiu mokymusi procesams, jie lemia pedagogo profesinės kompetencijos ugdymosi poreikį. Tiek socialinė ir emocinė aplinka – šeimos gyvenimo būdas, artimųjų netektys, motinystės patirtys, mokykliniais metais sutiktų pedagogų profesionalumas, tiek ir mokymosi motyvacija, pažinimo interesai – siekis kompensuoti pedagoginio išsilavinimo trūkumą, išgyvenamas mokymosi

³¹ Dehnpostel, P. (2016). Beruf und informelles Lernen, Iš M. Haring, M. D. Witte ir T. Burger (sud.). *Handbuch informelles Lernen. Interdisziplinäre und internationale Perspektiven* (p. 372-385). Weinheim und Basel: Beltz Juventa; Bubnys, R. ir Žydžiūnaitė, V. (2012). *Reflektyvusis mokymas(is) aukštosios mokyklos edukacinėje aplinkoje: dėstytojų mokymo patirtys: mokslo studija*. Šiauliai: Lucilijus; Dačiulytė, R. ir kt. (2013). *Pedagogų kvalifikacijos tobulinimo Lietuvoje būklė ir plėtros galimybės. Mokslo studija*. Vilnius: MRU.

prasingumas, savirealizacijos siekis nulemia pedagogų savaiminio mokymosi procesus, atskleidžia jų ryšį su informantų biografijos individualumu.

Išryškėję savaiminio mokymosi stiliai, kaip mokymasis veikiant, išbandant, mokymasis stebint, mokymasis skaitant – laikytini individualiais pedagogų mokymosi būdais, kurių pasireiškimui turi poveikį biografiniai socializacijos bei patyriminiai procesai. Šiais individualiais savaiminio mokymosi būdais įgyjamos ne tik dalykinės žinios, bet ir ugdoma socialinė-komunikacinė, metodinė kompetencijos kaip integralios profesinės kompetencijos dalys.

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THE RELATIONSHIP BETWEEN THE STRUCTURE OF INFORMAL LEARNING FORMED BY BIOGRAPHY AND THE DEVELOPMENT OF THE PEDAGOGUE'S PROFESSIONAL COMPETENCE

Giedrė Paurienė*

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Summary

This article emphasizes experiences that shaped the pedagogue's individual structure of informal learning. While talking about lifelong learning and constantly growing requirements for pedagogue's professionalism, initially it is important to understand how development of pedagogue's competences occurs by learning informally. Only then one can talk about structures enabling this process. The aim of the article is to reveal the pedagogue's individual structure of informal learning determined by biographical circumstances leading to the development of the pedagogue's professional competence. The analysis and outcomes of the obtained data are grounded on the theory of abductive research logic according to Peirce and theory-based methodology according to Strauss and Corbin (1996).

The life stories of the participants in the research reveal the significant resources for the pedagogue's professional competence and their informal learning activities in biographical conditions. These resources are the basis for the development of professional competence for informal learning processes. Social and emotional environment - family lifestyle, loss of relatives, maternity experiences, professionalism of pedagogues in individual's school years, as well as learning motivation, cognitive interests - the desire to compensate for the lack of pedagogical education, the meaningfulness of learning, the striving for self-realization determine the process of informal learning of pedagogues, reveal their connection with the individuality of the subjects' biography. The emerging styles of informal learning, such as learning by acting, testing, learning through observation, learning through reading, are regarded as individual learning ways for pedagogues, the manifestation of which is influenced by biographical processes of socialization and experience. By these individual ways of informal learning, not only the knowledge of the subject is acquired, but also the social-communicative and methodological competencies are developed, as integral parts of professional competence.

Keywords: pedagogue, informal learning, the structure of learning, biography, the development of the pedagogue's professional competence.

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EVALUATION OF SUSTAINABLE DEVELOPMENT POLICY IN THE CONTEXT OF GOOD GOVERNANCE: COMPARATIVE ANALYSIS OF BALTIC COUNTRIES

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Annotation. Principles of good governance in evaluating sustainable development policies are highly important because they contribute to the long-term commitment and strategic objectives, policy coherence through vertical and horizontal coordination, open and transparent stakeholder participation and consultation process, and brings sustainable development policies and strategies closer to local communities and humans. The inclusion of good governance framework into sustainable development policy evaluation phase would increase the effectiveness of social, economic and environmental policies, strengthen the role of democratic institutions according to people's needs and improve infrastructure. Analysis of legislation and strategic documents of the Baltic countries revealed the Lithuanian, Latvian and Estonian mutual sustainable development and good governance objective of seeking human well-being, quality of life and cultural integrity in strengthening society and government, encouraging good behavior of citizens. An evaluation of sustainable development policy based on the analysis of sustainable development indicators revealed that in comparison with Latvia and Estonia, sustainable development policy in Lithuania is not sufficiently effective and there is a lack of trust and participation among citizens.

Keywords: sustainable development, policy evaluation, good governance, Baltic countries.

INTRODUCTION

Growing economic problems that affect the interests of social groups, increasing environmental requirements and emergent global institutional network have turned sustainable development into a very important process, which is based on targeted policy on sustainable development. This policy must promote and ensure economic, social and environmental mainstreaming. This has become especially important in the beginning of the global finance crisis as countries faced economic difficulties, which have inspired politicians to review sustainable development policy, to reallocate state funds, to take unpopular decisions and to create anti-crisis strategies and programs. In these political changes, an important role is taken

by the public and stakeholders participation, openness, publicity, transparency, democracy – principles which indicate good governance^{1 2}.

An analysis of scientific literature and research (Kilis, 2007; Toots, Reetz, Jahn, 2014; Bartle, Vass, 2006; Dunn, 2006; Giovanni, 2004; Hametner, Steurer, 2007; Strandenaes, 2012; Dvorak, 2011; Vilpišauskas, Nakrošis, 2005; Juknevičienė, Kareivaitė, 2012) on sustainable development, policy evaluation and good governance revealed scientific contribution's lack of evaluation of sustainable development policy in context of good governance. Most scientists are researching the process of sustainable development, good governance concepts and principles of adaptability in different areas of public policy and its evaluation process and models. While broadly analyzing sustainable development in economic terms an analysis of process indicators or indices is often performed but no scientific papers or studies, which analyzed sustainable development policy in the context of good governance, were found. Such analysis is particularly important because the policy of sustainable development evaluation is institutionalizing in the European Union's and the Baltic countries' that are in it - Lithuania, Latvia and Estonia - administrative systems.

The success of sustainable development policy and the importance of good governance in this policy cycle is defined by one of the main functions of policy analysis - *policy evaluation*^{3,4}. Sustainable Development Policy Evaluation in the context of good governance in the Baltic countries is necessary because the post-communist states have moved to a different - democratic - mode, management models have changed, the needs of society have grown and constantly evolved. Wagener⁵ states that the former socialist countries inclusive transformation is a process which includes not only its economic but also the legislative and political systems. It is difficult to perform effectively their functions for countries where the state and the market have entered the recovery process at the same time. Sustainable development policy's need for evaluation is justified because thanks to this function state agencies are provided with information about whether this policy intervention has been significant, efficient, effective and

¹ Bartle, I., Vass, P. Economic regulators and sustainable development: promoting good governance. The University of Bath, 2006.

² Weiss, T. Governance, good governance and global governance: conceptual and actual challenges Third World Quarterly, 2000, Vol 21, No 5, p. 795–814. http://upeaceap.org/hando_upfiles/GGPD_RM_04-2.pdf. [2016 07 06].

³ Dunn, W.N. Viešosios politikos analizė. Įvadas. Vilnius: Homo liber, 2006.

⁴ Parsons, W. Viešoji politika: politikos analizės teorijos ir praktikos įvadas. Vilnius: Eugrimas, 2001.

⁵ Wagener, H.J. Good Governance, Welfare, and Transformation. The European Journal of Comparative Economics, 2004, Vol. 1, n. 1, p. 127–143, European University Viadrina Frankfurt. <http://eaces.liuc.it/18242979200401/182429792004010106.pdf>. [2016 07 06] p.128.

acceptable to civil society as well as to other interested parties and what consequences has it brought. According to Dvorak⁶, the evaluation helps make better decisions and with specific evaluation approaches contribute to the strengthening of democracy which encourages citizen participation, guarantees transparency and support public welfare. For this reason when evaluating sustainable development policy it is important to evaluate good governance as well because, it has a significant impact on all stages of this policy's process.

The aim of the paper: to evaluate the sustainable development policy of the Baltic countries in the context of Good Governance. **Objectives of the paper:** to reveal the theoretical aspects of policy evaluation in the context of Good Governance; to examine the legal and strategic documents of sustainable development and Good Governance in the Baltic countries; to identify the interaction between the Sustainable Development indicators in the context of Good Governance in the Baltic countries. **The following methods were used:** analysis of scientific literature, legal and strategic documents, comparative analysis of secondary data (Eurostat statistics).

Sustainable development policy evaluation associated with good governance is a new phenomenon in the Baltic countries, thus very few studies have been carried out. The civil society participating in good governance as well as the public and private sectors all seek the same objective, which would ensure the well-being of people and the state, would seek to protect the natural resources, and economy, would solve the issues of economic growth and poverty reduction, would reduce the environmental harm. For these reasons, good governance is an integral part of sustainable development policy process. In order to determine the degree of success of sustainable development policies achieving their goals and objectives, it is necessary to carry out the evaluation of sustainable development policy in the context of good governance.

IMPORTANCE OF SUSTAINABLE DEVELOPMENT POLICY EVALUATION

By analyzing the concept of sustainable development it was noted that scientists (Ryden, 2008; Bourdeau, 2007, Yoon Lee, 2007 and so on.) provide some of the same sustainable development features accentuating the long-term national economic development in order to rationally reconcile society's economic, social and environmental interests, ensuring the welfare of present and future generations within the authorized limits of environmental impact.

⁶ Dvorak, J. Viešosios politikos vertinimas Lietuvoje: diegimas, mastas ir reikšmingumas. Daktaro disertacija (Socialiniai mokslai, politikos mokslai (02 S)). Vytauto Didžiojo Universitetas, 2011. http://vddb.laba.lt/fedora/get/LT-eLABa-0001:E.02~2011~D_20111122_092627-49436/DS.005.0.01.ETD. [2016 06 19].p.10.

The main problems of globalization, such as *poverty, unemployment, gender inequality, environmental pollution, unstable economics, social exclusion, changing needs of society, demographic change* - led to the emergence of a sustainable development policy, one of the key areas of public policy. Even 20 years after the adoption of sustainable development ideology in Rio de Janeiro (1992 m.), the same challenges had to be analyzed again: "How to ensure the quality of life while solving not only economic growth but also poverty reduction issues, reducing the environmental harm, i.e. seeking natural resource conservation and protection"⁷. Lack of completed sustainable development policy objectives is associated with inefficient activities of institutions at all levels. Wagener⁸ notes that the transformation from a totalitarian, administratively coordinated system (which Baltic countries belonged to) into a democratic system coordinated by markets and competition was caused by the lack of understanding of welfare and happiness.

Sustainable development policy is defined as a process during which the problems are identified and the decisions to solve those problems are taken, the agendas are organized, the objectives are formed, the strategies, programs and objectives to implement the decisions are devised so the policy of sustainable development can be analyzed on the basis of public policy analysis. Public policy analysts^{9,10} (Parsons, 2001; Dunn, 2006) agree that the policy is a political process or a cycle consisting of distinct stages (elements), each of which can be studied separately. The last stage of this process - evaluation - is an important policy process indeed, because the information of the evaluation reveals that the policy has been effective or the objectives, tasks, to meet the needs and expectations have been implemented. Policy evaluation is relevant to the policy process because, as stated by Dunn¹¹, provides relevant information concerning the expected and the actual implementation of the policy inconsistencies: conclusions about the scope of reducing problems; it contributes to the values on which policy is based on the disclosure and criticism; it helps to adapt or reformulate policies; it forms the basis for the restructuring of problem.

⁷ Domarkas, V. ir kt. Institucinės dimensijos vaidmuo darnaus vystymosi koncepcijoje. Viešoji politika ir administravimas, 2012, T. 11, Nr. 3, p. 461–472. <http://erem.ktu.lt/index.php/PPA/article/viewFile/2503/1876>. [2016 07 06]. p. 462

⁸ Wagener, H.J. Good Governance, Welfare, and Transformation. The European Journal of Comparative Economics, 2004, Vol. 1, n. 1, p. 127–143, European University Viadrina Frankfurt. <http://eaces.liuc.it/18242979200401/182429792004010106.pdf>. [2016 07 06]. p. 142.

⁹ Parsons, W. Viešoji politika: politikos analizės teorijos ir praktikos įvadas. Vilnius: Eugrimas, 2001.

¹⁰ Dunn, W.N. Viešosios politikos analizė. Įvadas. Vilnius: Homo liber, 2006.

¹¹ Ibid., p. 70.

Since the policy evaluation concepts are quite different because of the multiplicity of policy, it cannot be evaluated by the same criterion. Dunn¹² provides several types of policy evaluation criteria: *effectiveness* - expressed in service units; *productivity* - expressed as a cost per unit, net benefits and cost - benefit ratio; *sufficiency* - as a fixed cost and fixed-effectiveness; *justice* - as a criterion for Pareto, Kaldor-Hicks criterion, Rawls criterion; *the ability to respond* - as a compliance studies of citizens; *suitability* - public programs must be impartial and productive. According to Parsons¹³, the key aspects of policy evaluation are: evaluation of policy and its components programs and evaluation of the people who work in organizations which are responsible for policy and program implementation. Performance indicators and figures that can be attributed to data analysis of secondary sources (e.g. Eurostat) in itself does not mean anything, thus policy analysts should be interested in the values and political relations on the basis of which indicators are constructed as well as the interpretation that they are given¹⁴. The advantage of such indicators is a crucial policy evaluation, since they help determine the level of progress in moving to set goals and reveals problem areas. Lyytimäki¹⁵ notes that the indicators should provide accurate and reliable information, depending on changing environmental, social and economic conditions, pressures and responses related to the objectives of the strategy. According to Hardy Zdan (cit. By Lyytimäki¹⁶), chosen policy evaluation indicators should also identify trends and changes, track progress, and, if possible, to anticipate future developments.

Representative social, economic and environmental indicators reflect the selected period's results of sustainable development areas that can be used to evaluate sustainable development policy. Such indicators are listed by Eurostat (the EU statistical office) and provide comparable, reliable and objective panorama of the changing Europe. Eurostat collects data from national statistical authorities and combines them in a single methodology (Eurostatguide, 2014). This methodology for the evaluation of sustainable development policy in accordance with the social, economic and environmental areas of indicators in line with Dunn¹⁷ is relevant to one of the ways of evaluation - *pseudo evaluation* - some descriptive

¹² Dunn, W.N. Viešosios politikos analizė. Įvadas. Vilnius: Homo liber, 2006. p. 356.

¹³ Parsons, W. Viešoji politika: politikos analizės teorijos ir praktikos įvadas. Vilnius: Eugrimas, 2001. p. 481.

¹⁴ Ibid. p. 485

¹⁵ Lyytimäki J. Evaluation of sustainable development strategies and policies: The need for more timely indicators. United Nations. Natural Resources Forum 36, 2012, p. 101–108. https://www.academia.edu/8432599/Evaluation_of_sustainable_development_strategies_and_policies_The_need_for_more_timely_indicators. [2016 06 06].

¹⁶ Ibid. p. 101

¹⁷ Dunn, W.N. Viešosios politikos analizė. Įvadas. Vilnius: Homo liber, 2006. p. 357

techniques are used to provide reliable and valid information about policy consequences without trying to question the value of these consequences to the whole of society (evaluation units are obvious and indisputable). From these methods, according to Dunn¹⁸, sustainable development policy evaluation by outcome indicators as analytical elements is assignable to one - *social systems reports* - which expresses the importance of social, economic and environmental indicators to policy and are oriented to the objective and changes. It is also dependent on other variables, and expresses the objective and subjective conditions for sustainable development. As submitted by Eurostat (2014), each sustainable development indicator has its own meaning which is the value corresponding to the sustainable development policy objective set (Table 1).

Table 1. Sustainable development indicators value (made by European Commission, Eurostat, 2014)

Indicator	Definition
Socioeconomic development	with the strategic objective to “promote a prosperous, innovative, knowledge-rich, competitive and eco-efficient economy, which provides high living standards and full and high-quality employment throughout the European Union”.
Sustainable consumption and production	with the strategic objective to “promote sustainable consumption and production patterns”.
Social inclusion and demographic changes	has the strategic objective of “creating a socially inclusive society by considering solidarity between and within generations and to secure and increase the quality of life of citizens as a precondition for lasting individual well-being”.
Public health	has the strategic objective “to promote good public health on equal conditions and improve protection against health threats”.
Climate change and energy	has the strategic objective “to limit climate change and its costs and negative effects to society and environment”. This area has two indicators.
Sustainable transport	has the strategic objective “to ensure that our transport systems meet society’s economic, social and environmental needs whilst minimizing their undesirable impacts on the economy, society and the environment”.
Natural resources	has the strategic objective of “improving management and avoid over-exploitation of natural resources, recognizing the value of ecosystem services”.
Global partnership	has the strategic objective “to actively promote sustainable development worldwide and ensure that the EU’s internal and external policies are consistent with global sustainable development and its international commitments”.
Good governance	has the strategic objective “to promote coherence between all EU policies and coherence between local, regional, national and global actions in order to enhance their contribution to sustainable development”.

Overview of indicators reveals their meaning and importance of sustainable development in policy evaluation stage because their detailed elaboration allows to see the effectiveness of the policy and the effects of each of the areas in Table 1.

¹⁸ Ibid.

IMPACT OF GOOD GOVERNANCE ON EVALUATION OF SUSTAINABLE DEVELOPMENT POLICY

According to Domarkas and others¹⁹, the sustainable development concept usually covers three main aspects (social, economic and environmental) but the role is not highlighted although it has a significant impact on the economic, social and environmental objectives' coordination and their merger in this total. This is illustrated by the Johannesburg Implementation Plan²⁰ which states that the international institutions systems ensure that sustainable development strengthening is an evolutionary process so it is necessary to keep relevant arrangements under review, identify gaps, eliminate duplication of functions, constantly strive for a more integrated efficiency and coordination of sustainable development areas - environmental, social and economic.

In all Member States, including Lithuania, Latvia and Estonia, efforts were made to identify territorial needs and shape strategies to mitigate the disparities in regions and within them. The implementation of stated objectives of sustainable development policy must be achieved by integrating them into regional and sub-regional institutions, including the development of strategies, peer review and monitoring regional cooperation. At a national level, the state must implement a sustainable development strategy within the set period of time and to coordinate civil society, local authorities and the private sector after forming a business coalition²¹ Clark (2012) argues that *an active and effective good governance* enables the governing bodies, which can provide reliable quality services where and when appropriate. It also enables the public administration which can collect taxes fairly, wisely allocate and invest public funds and to manage public goods, including land and natural resources to global benefits. Good governance concept interpretation and integration into sustainable development policy evaluation phase will make it easier to orientate and to achieve the objectives set: *to make all efforts to create a Baltic socio-economic enabling environment; increase productivity; reduce the outflow of capital; strengthen the private sector; attract and effectively use international investment.* Bartle and Vass²² in the concept of sustainable development in the

¹⁹ Domarkas, V. ir kt. Institucinės dimensijos vaidmuo darnaus vystymosi koncepcijoje. Viešoji politika ir administravimas, 2012, T. 11, Nr. 3, p. 463.

²⁰ Strandenaes, J. G. Sustainable Development Governance towards Rio+20: Framing the Debate. London, 2012. http://www.stakeholderforum.org/fileadmin/files/SDG%20Paper%20Jan%20Gustav%20_2_.pdf. [2016 07 06].p.4.

²¹ European Commission. Good Governance for Sustainable Development. Brussels, 2002. http://ec.europa.eu/environment/archives/wssd/pdf/good_governance.pdf. [2016 07 06].p.2.

²² Bartle, I., Vass, P. Economic regulators and sustainable development: promoting good governance. The University of Bath, 2006.p.44.

historical and scientific review says that sustainable development inclusion takes place with the help of political power which helps discern the problems of humanity, such as resource constraints on the growth of population. Figure 1 shows the integration of sustainable development in the process of good governance. This integration ensures human, natural, economic and financial resource management for sustainable development policy-making process.

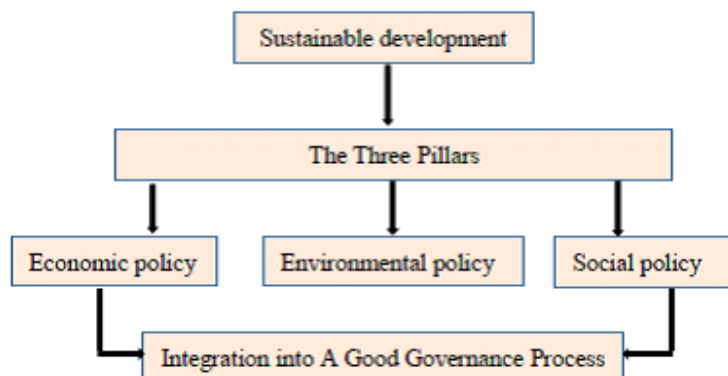


Figure 1. Integration of sustainable development in the process of good governance scheme (made by Bartle ir Vass²³)

Additionally, *good governance gets clear decision-making procedures of public bodies at the level of civil society participation in decision-making processes and the ability to enhance the rights and responsibilities through legal mechanisms*. Legal mechanisms are very important for a sustainable development policy implementation since most of the national legislature and the courts fully recognize the links between environmental protection, economic development and human rights²⁴. With better coordination and greater support every effort - with regard to legal and good governance, environmental requirements and the empirical data collection and analysis - will be able to accelerate progress towards sustainable development. It can be argued that the correct management and organization, a stable legal framework and the implementation of justice, a mutual communication and dialogue of private sector and civil society, social movements, effective resolution of disputes and negotiations, general and public opinion, harmonization of ideas, social, political and cultural ethics and accountability are the features which can be attributed to good governance which is inseparable from the policy of sustainable development process (Figure 2). For this reason, when evaluating a sustainable development

²³ Ibid. p.51.

²⁴ Segger, M.C.C., Khalfan, A. Strengthening Environmental Governance & Law for Global Sustainable Development. The Centre for International Sustainable Development Law 2002. <http://cisdl.org/public/docs/news/brief4.pdf>. [2016 07 01]. p.2.

policy, a good governance must also be taken into account, so this value must be treated as an extremely important tool to achieve better results.

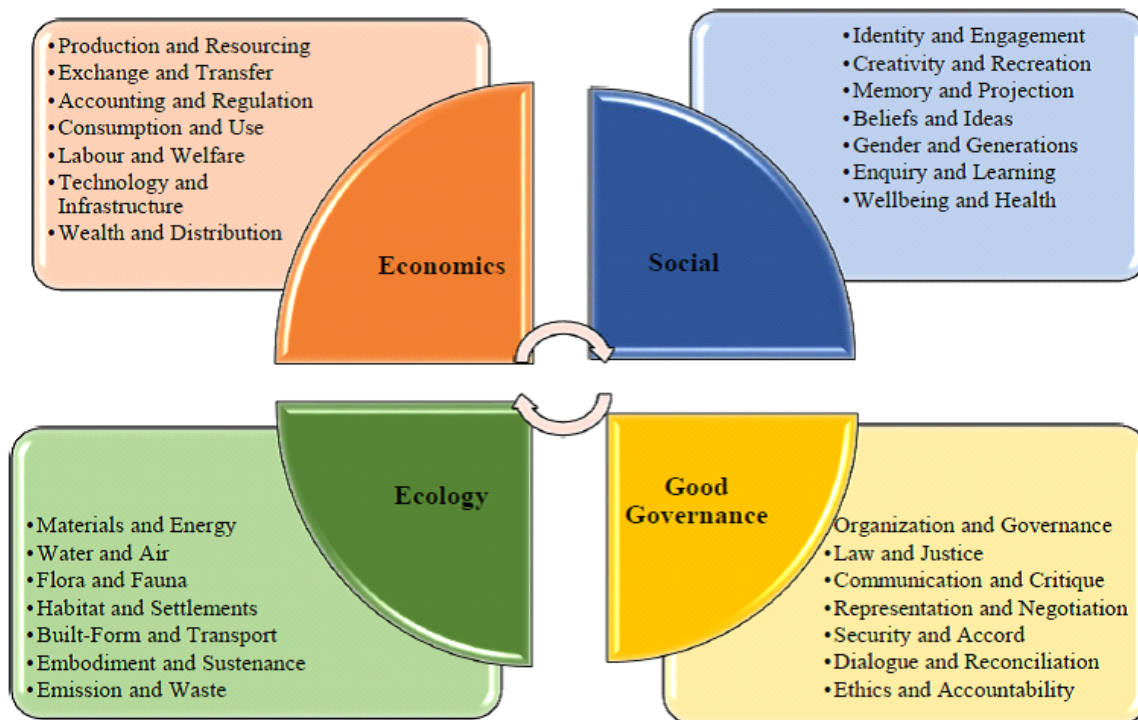


Figure 2. Sustainable development policies and good governance component ratio (adapted to Global Impact Cities Programme, 2014, p. 10–12)

This figure shows a policy of sustainable development and good governance in the ratio, to which many scientists studying the impact of good governance in this process²⁵. The researchers say that good governance affects the efficient management of resources in which each country's government, business and the community work to determine the capacity of society to operate in a complex development process. This is confirmed by Kemp, Parto and Gibson²⁶ arguing that in good governance and sustainable development policies of mutual interaction process there should be included as many different stakeholders that are participating in the decision-making processes as possible who would make a commitment to create a harmonious and functioning process. This means that sustainable development is the

²⁵ Ghosh, R., Gabbay, R., Siddique, A. Good Governance Issues for Sustainable Development: The Indian Ocean Region. Delhi, 1999. https://books.google.lt/books?id=Qy6fYaAnJ0sC&pg=PR7&lpg=PR7&dq=7.%09Ghosh,+R.,+Gabbay,+R.,+Siddique,+A.+Good+Governance+Issues+for+Sustainable+Development:+The+Indian+Ocean+Region.&source=bl&ots=Gu-ltmq808&sig=V0z3jBQ4Cb33ZfzK6soYxBT_1nI&hl=lt&sa=X&ved=0ahUK EwiF8L6on6_WAhWmB5oKHZOXBWQQ6AEIJjAA#v=onepage&q=7.%09Ghosh%2C%20R.%2C%20Gabbay%2C%20R.%2C%20Siddique%2C%20A.%20Good%20Governance%20Issues%20for%20Sustainable%20Development%3A%20The%20Indian%20Ocean%20Region.&f=false. [2016 05 06]. p. 6–7

²⁶ Kemp, R., Parto, S., Gibson, R.B. Governance for sustainable development: moving from theory to practice. *Int. J. Sustainable Development*, 2005, Vol. 8, No. ½. p.17

starting point of interaction between the government, private sector and the citizens of the country.

In summary, it can be said that the main condition of long-term sustainable development is meaningless without good governance in any country because in spite of the resources the country would not be able to successfully deal with sustainable development challenges faced by the current generation and which the next generation will be inevitably faced against.

A COMPARATIVE ANALYSIS OF INDICATORS OF SUSTAINABLE DEVELOPMENT IN THE CONTEXT OF GOOD GOVERNANCE IN THE BALTIC COUNTRIES

Baltic Countries Strategy Papers presented similar strategic goals. These goals are related to economic development, improving the quality of public life, environmental protection, environmentally friendly vehicles, renewable energy sources in all sectors, the promotion of cultural values and national identity preservation. It is noted that Estonia takes great care of its people and the preservation of culture and this goal has become a Sustainable Estonia 21 strategy foundation. Latvia takes care of the preservation of national identity but pays close attention to the innovative society, youth, human resources development and education. Lithuania's strategic documents provide the option of maintaining their national identity among all the cultures of the European Union and emphasizes the regional and economic development, safe for the environment and human energies and public education. Although national strategies of the Baltic countries have differences all of them are connected by one and the most important task - to ensure human well-being which describes those aspects that people consider important in their lives, i.e. consumption and income, nutrition, health, work, education, housing, leisure, physical security, land and ecosystems, water, air quality, trust and authority. The overall context of the National Sustainable Development Strategies of the Baltic countries provides a long-term perspective of the most important challenges of sustainable development they face and indicates the options addressing priority issues in problem areas. Therefore, Lithuanian, Latvian and Estonian national sustainable development strategies can be identified as a catalyst for change, which gives reason to improve sustainable development policies.

The aim of the studies was to evaluate the implementation of the policy of sustainable development in the Baltic countries in the context of good governance. In order to carry out the study one of the empirical research methods was selected - quantitative study, which was carried out on the basis of secondary data already collected. A quantitative study was selected

from Eurostat statistics - *economic, social and environmental protection and good governance indicators*. The study analyzes sustainable development indicators of Baltic countries in the period of 2008 - 2012. This period is important because the global economic and financial crisis took place in this period. The indicators of this period revealed the impact of global crisis impact to sustainable development policy, how differently Baltic countries were affected in economic, social and environmental areas. The list of statistical indicators supplied by Eurostat is extensive, so the indicators of work efficiency and productivity, of people at risk of poverty and social exclusion, climate change, energy, environmental pollution, biodiversity protection, citizens' participation and confidence in the government rates were chosen. These indicators allowed to undertake a study of the sustainable development policy in the context of good governance.

1. Socio-economic development. The indicators such as total real Gross Domestic Product per capita; total investment to Gross Domestic Product ratio; common household paint rate; real labor productivity per hour worked; the level of employment; the level of unemployment were analyzed in this area of development. It was found that in real GDP per capita in 2009, the Baltic countries' status has dropped (Table 2). This decline relates to the worldwide financial and economic crisis in 2008. Most real Gross Domestic Product per capita has decreased in Estonia (EUR 1 400 per capita) while in Lithuania and Latvia - EUR 1 100 per capita. This means that the economic decline failed to halt during this period. In 2011-2012, Gross Domestic Product per capita grew evenly in all three Baltic countries – EUR 400 per capita. It can be assumed that this change has been affected by the rapid introduction of fiscal incentives and the anti-crisis policy in national and European Union level: suspended increasing wages of employees of state apparatus and private sector in order to prevent job cuts, cropped costs of public administration, reduced payments transfer to compulsory pension fund, reforms of public sector and higher education have been taken more seriously. Sustainable development policy is evaluated positively because timely economic measures have been able to avoid more severe consequences - high unemployment, poverty and social exclusion, a large number of emigrants.

The access to foreign capital has become extremely difficult because of the financial crisis that stifled the world's economic growth. The financial crisis has reduced household and business confidence in economic stability, so the business sector savings and household savings decline have been highlighted.

Table 2. Socio-economic development indicators of changes in the Baltic countries in 2008-2012

	2008	2009	2010	2011	2012
1. Socio-economic development					
<i>1.1. Real GDP per capita (EUR per inhabitant)</i>					
Lithuania	8000	6900	7100	7700	8100
Latvia	7000	5900	5900	6400	6800
Estonia	9500	8100	8400	9100	9500
<i>1.2. The total investment to GDP ratio (percent)</i>					
Lithuania	25.35	17.18	16.29	18.03	16.65
Latvia	29.65	21.58	18.22	21.33	22.79
Estonia	30.31	21.19	18.97	23.59	25.22
<i>1.3. Common household savings rate (percent)</i>					
Lithuania	1.1	5.41	8.24	4.19	0.89
Latvia	4.91	10.67	4.71	1.31	1.8
Estonia	11.94	10.48	10.11	11.12	4.53
<i>1.4. Real labor productivity per hour worked (EUR per hour.)</i>					
Lithuania	8.8	8.3	9.4	10.1	10.3
Latvia	7.3	7.2	7.6	7.9	8.2
Estonia	10.0	10.3	10.9	10.8	11.2
<i>1.5. Employment rate (thousands) woman./man (20-64 years of age group)</i>					
Lithuania	68.7/75.6	67.2/66.8	65.0/63.5	66.6/67.2	67.9/69.1
Latvia	71.9/79.3	66.5/66.8	64.5/64.0	65.3/67.5	66.4/70.0
Estonia	72.9/81.5	69.0/71.0	65.9/67.8	67.8/73.5	69.4/75.1
<i>1.6. The unemployment rate (percentage) woman./man (25-74 years of age group)</i>					
Lithuania	4.9/5.2	9.5/15.0	13.2/19.3	11.7/16.2	10.8/13.7
Latvia	6.4/7.4	12.4/18.5	14.2/20.7	12.2/17.0	12.5/14.7
Estonia	4.4/4.8	9.1/14.7	12.6/17.3	10.7/11.8	8.2/9.5

This led to the investment decrease, which had a significant impact on sustainable development in all areas. It was found that in the Baltic countries after the financial crisis in 2008, the investment to Gross Domestic Product ratio has decreased significantly (Table 2): compared to the year 2008, all three countries fell by almost 8 percent and continued to decline in 2009. A slight recovery was observed in 2011 compared to 2010. These changes were caused by rising average wages, decreasing unemployment, low inflation and unfavorable savings interest rates. In 2012, investments grew in Estonia -1,63 percent and Latvia – 1,46 percent. Meanwhile, compared with 2011 the investment to Gross Domestic Product ratio in Lithuania fell to 1,38 percent in 2012. Changing laws, high levels of corruption, unstable tax environment, and high tax rates discourage foreign investors to set up companies in Lithuania. For these reasons, Lithuania's sustainable development policy which deals with economic and social areas is evaluated negatively because the parties concerned are not sufficiently encouraged to get involved in socially responsible activities and public education and information for development. Estonian and Latvian indicators allow a positive evaluation of sustainable development policy because this policy creates a more attractive environment for investment.

In order to find out the Baltic household savings volumes, the overall household saving rate which will identify the countries the standard of living in 2008 - 2012 period was analyzed. The analysis of data showed that the total household savings rate in the Baltic countries varied very unevenly. In 2009, this figure has risen (in Estonia – 8,54 percent, Latvia – 5,76 percent, Lithuania – 6,52 percent). This means that total household saved more and consumed less. In 2010, Lithuania's total household savings rate grew which means that private consumption fell due to reduced funding. Deteriorating expectations and confidence in the government has increased the total household savings rate. However, this ratio decreased in Estonia and Latvia. In 2011, despite the weak signs of economic recovery the Lithuanian households' overall savings rate started to decline again. Compared to 2011 the total household savings rate decreased by 3,3 percent in 2012 which shows that Lithuanians began to save less due to lower household income. Latvian overall savings rate is negative in the period of 2011-2012. This shows that the Latvians in the economy look casual and spend everything they earn. In 2012, Estonia's total household savings rate fell by 6,53 percentages. This can be explained by the fact that Estonia's salaries are much higher because Estonians have higher financial cost saving opportunities. Therefore, Estonia's common household savings rate in the period of 2008-2012 is much higher than in Lithuania and Latvia. Estonia's sustainable development policy which affects the growth and development of the area can be evaluated positively because post-crisis suspension of the economic downturn proves to be a better preparation to solve the crisis. Meanwhile, Lithuania and Latvia indicators results evaluate sustainable development policy of these countries negatively.

Real labor productivity per hour worked index means one worker per hour worked in the added value expressed in euro. Increasing productivity allows creating more services or products and leads to growth in earnings. The analysis of data showed that in 2009 compared to 2008 labor productivity in Lithuania and Latvia fell respectively 0,5 euro per hour worked and 0,1 euro per hour worked while in Estonia it rose by 0,3 euro per hour worked (Table 2). This shows that Estonia was more prepared to deal with the crisis, preserving the jobs and productivity. It is observed that in all three Baltic countries labor productivity per hour worked increased steadily in 2010-2012. It should be noted that the Latvian labor productivity during the period of 2008-2012 remained low in comparison with Lithuania and Estonia. Estonia's minimum wage as well as labor productivity per hour worked was ahead of Lithuania and Latvia all the time. In Latvia, even though labor productivity was the lowest the minimum wage was increasing continuously. Meanwhile, in Lithuania, the labor productivity per hour worked

was significantly higher than in Latvia and grew gradually in 2009-2012 but the minimum wage remained the same, i.e., the lowest compared with Latvia and Estonia. Based on these results, Lithuania's sustainable development policy can be viewed as negative.

Employment and social situation is one of the biggest problems in the Baltic countries, especially in the financial crisis period and after it because a loss of the employment increased poverty and social exclusion. In order to find out the changes to employment of the population and the existence of gender inequality in Baltic countries in the period of 2008-2012, the employment rate among men and women aged between 20-64 was analyzed. The analysis of data showed that after the 2008 crisis, both men and women employment rate fell heavily. The overall women and men employment rate that fell in Estonia in 2009 – 14,4 thousand, Latvia – 17,9 thousand, Lithuania – 10,3 thousand. The employment rate in the Baltic countries also decreased in 2010. This means that the economic crisis has led to job cuts and suspended the creation of new jobs in these countries. It should be noted that in the Baltic countries the employment rate for women declined more slowly than for men. The reason for this is the fact that women in the labor market in Baltic countries are less active than men. There has been a slight growth of men and women employment because of the economic recovery and Gross Domestic Product growth in the Baltic countries in the period of 2011-2012. The sustainable development policy for economic and social development in the area of employment in Baltic countries is evaluated negatively because during the crisis the necessary political decisions that would have suspended the drastic decline in the employment rate and promote the wider use of its growth in the after-crisis period has not been taken timely. Sustainable development policy is evaluated negatively as well because there is still an obvious gender inequality which exists when the economy grows, the new jobs in the market emerge and the employment levels rise.

Further analysis of the changes in the unemployment rate shows that the drastic increase in the unemployment rate occurred in 2009 during the economic crisis (Table 2). This fact is directly related to a decline in the employment rate, which was analyzed earlier. The unemployment level had seen noticeable growth in the Baltic countries in 2010 but at a reduced rate. This means that political decisions and actions taken by the Baltic countries led to the suspension of economic decline that followed the decrease of unemployment rate's growth. It should be evaluated by the fact that the increased unemployment rate led to an increased number of emigrants in the Baltic countries. During 2011-2012 the level of unemployment declined in the Baltic countries, in Latvia - female unemployment rate increased by 0,3 percent in 2012. Based on unemployment in the Baltic countries data analysis, sustainable development policy

is evaluated negatively. Sustainable development policy failed to decline in the unemployment rate, effective active labor market policy measures, and labor relations in the modernization.

2. Sustainable consumption and production. For the analysis of this area of development indicators such as the generation of waste, air pollution and passenger cars were analyzed. The waste is a significant problem throughout the world, including the Baltic countries. Humans are the only producers of waste, so they are responsible for the correct consumerist attitude. For analyzing the effectiveness of sustainable development policy concerning environmental welfare, the amount of waste generated (expressed in thousands of tons) has been analyzed in the Baltic countries in 2008, 2010 and 2012 (Table 3).

Table 3. Sustainable consumption and production indicators of changes in the Baltic countries in 2008-2012

	2008	2009	2010	2011	2012
2. Sustainable consumption and production					
<i>2.1. Waste generation (tonnes)</i>					
Lithuania	6333352	-	5583082	-	5583082
Latvia	1495084	-	1498200	-	2309581
Estonia	19583855	-	19000195	-	21992343
<i>2.2. Air pollution (tonnes)</i>					
<i>Sulfur Oxides</i>					
Lithuania	33178	-	31514	-	36399
Latvia	9706	-	9153	-	7461
Estonia	76572	-	89436	-	45040
<i>Oxides</i>					
Lithuania	63385	-	60173	-	57782
Latvia	55196	-	57781	-	55638
Estonia	55497	-	53976	-	49591
<i>Ammonia</i>					
Lithuania	37420	-	38062	-	37971
Latvia	17669	-	18851	-	19021
Estonia	10786	-	10120	-	10755
<i>2.3. Passenger cars (per 1,000 population)</i>					
Lithuania	525	540	554	570	0
Latvia	431	426	307	299	305
Estonia	413	409	416	433	456

An analysis of the data showed that compared to Lithuania and Latvia in 2008, 2010 and 2012, most waste is produced in Estonia. In 2008, the amount of waste generated in Estonia exceeded the amount of waste generated in Lithuania by 3 times, and in comparison with Latvia - 13 times. In 2012, waste produced in Latvia grew but in comparison with Estonia, the number ratio decreased slightly. It should be noted that in Estonia and Lithuania, the amount of waste generated compared to 2008 decreased in 2010. It was influenced by the financial and economic crisis, the slowdown in economic activity. It should be noted that Estonia has a lot of waste

imported from Finland, whereas waste incineration plants of its own waste is not enough because such large amounts of waste can affect the imported waste. Meanwhile, Latvia compared to 2008 slightly increased in 2010. It can be argued that the economic activity has been particularly affected by the crisis. In all three Baltic countries, with the exception of Lithuania in 2010, waste produced grew. This fact can be justified by the recovery from the economic crisis, industrial strength, high material and energy losses. An important fact is that the waste generated by households also contributes to Table 3 presented characteristics. The growing amount of waste depends on household consumption. It can be said that Latvia and Lithuania have not sufficiently developed recycling as well as efficient use of resources. Sustainable development policy is closely related to human and nature ratio's balance. Waste generation has an extremely negative impact on the environment. Growing amount of waste generation suggests that sustainable development policy does not sufficiently promote the introduction of new technologies which can reduce the environmental pollution and damage to public health. No efficient production and consumption patterns were developed in the Baltic countries. It is obvious that there is a lack of effort in Lithuania to develop a sustainable economy, separate resource and waste generation from economic growth, use waste as a resource, regulate waste streams, to promote the public good behavior in support of environmental well-being and reduce the indiscriminate use of resources. Lithuania's sustainable development policy is not effective and efficient in economic terms – waste recycling would potentially create more jobs. This factor would reduce poverty, social exclusion, growth trends, promote employment and thus contribute to the socio-economic well-being. This policy is evaluated positively.

Emissions, which contribute to the formation of ground-level ozone, are particularly harmful to the environment, air, soil and public health. The increase in health care expenditure is affected by the air pollution harmful impact on public health. The adverse pollution effects on the ecosystem increase costs of soil, water treatment and environmental quality improvement. In order to evaluate a sustainable development policy of emission reduction in this area indicators of air emissions and their quantity (tons) were analyzed in the period of 2008-2012 (Table 3).

Analysis of the data showed that air pollution, ammonia and nitrogen oxides are highest in Lithuania in the period of 2008-2012 while the air emissions of sulfur oxides in the period of 2008-2012 are the largest in Estonia. Emissions of sulfur oxides promote fuel combustion and heat generation plants. Emissions of sulfur oxides in Latvia are the lowest compared to

Estonia and Lithuania. In Latvia, this rate influences extremely low production capacity. In 2009, Estonia and Lithuania have seen noticeable air pollution from sulfur oxides decreases. This fact is influenced by the economic recession and reduced demand for energy. In 2012, a sudden decrease of sulfur oxides air emissions in Estonia shows that this country began to use more renewable energy sources, thereby reducing the emission of pollutants into the environment. Meanwhile, the Lithuanian indicators in 2012 unlike in Latvia and Estonia show a sharp increase in air emissions of sulfur oxides, as compared to 2011. This shows that Lithuania has insufficiently implemented modern technologies that produce energy in a less polluting way.

An analysis of changes in the number of passenger cars in the Baltic countries found that in Lithuania, the number of cars per 1 000 inhabitants is the largest compared to Latvia and Estonia. This fact justifies the highest emissions into the environment in Lithuania compared to Latvia and Estonia. This means that the air pollution and the number of cars per 1 000 inhabitants is closely related to each other. Based on this data, the Lithuanian sustainable development policy is evaluated negatively because the public does not promote the use of cars that are eco-friendly, which emit fewer pollutants into the environment. It also does not facilitate the use of electric cars and public transport (Table 3).

Summarizing the air pollution indicators in the Baltic countries, sustainable development policy effectiveness in Lithuania compared to Latvia and Estonia can be evaluated the worst. Knowing that the state of the environment affects human social development, ecological safety and reliable state development perspective, Lithuanian policy on sustainable development does not promote modern and the use of clean power generation sources, the use of environmentally-friendly vehicles, eco-industrial development of any economic activity including agriculture, the organization of activities towards the people surrounding environmental improvement and pollution prevention measures to reduce the negative impact of anthropogenic activities on the environment well enough.

3. Social inclusion. Analysis of this development area has been considered as an indicator, such as poverty and social exclusion. Poverty is linked to the economic well-being and is identified as monetary poverty, material deprivation, and low labor intensity while social exclusion affects communication, connectivity, recognition in any activity and barriers to participation in society. Social inclusion is related to socio-economic development, reduction of poverty and social exclusion, the likelihood of labor market segregation, long-term unemployment, and gender inequality. It is known that the wages and low employment rate are

very low in the Baltic countries. In order to figure out how the poverty and social exclusion occurs at certain groups of age and gender, the indicators of men and women in different age groups, poverty and social exclusion were analyzed (Table 4).

Table 4. Women and men at risk of poverty and social exclusion in the Baltic countries, a percentage of total population (Eurostat, 2014)

	2008	2009	2010	2011	2012
<i>3. Social inclusion</i>					
<i>3.1. Women at risk of poverty and social exclusion (24-54 year age group)</i>					
Lithuania	22,5	25,2	32,1	30,6	29,1
Latvia	26,6	30,7	35,1	39,3	35,3
Estonia	15,2	18,7	20,3	22,4	21,9
<i>3.2. Men at risk of poverty and social exclusion (24-54 year age group)</i>					
Lithuania	20,6	25,8	34,4	32,9	29,8
Latvia	25,9	31,8	37,4	40,1	34,7
Estonia	16,4	18,5	20,8	24,7	21,5

The analysis of the data showed that the economic recession has dealt the biggest blow in the Baltic countries for women and men in the age group 25-54 in 2009. They are working-age people, so it can be concluded that people who suffered from poverty and social exclusion are individuals who have lost their jobs during the crisis. During 2010-2011, a growing percentage of men and women in 25-54 age group suggest that because of the delayed effects of the crisis poverty and social exclusion not only did not stop but also gradually increased. It can be said that those who became unemployed have the highest poverty and social exclusion risks because this ratio was growing in this working-age group. In 2012, due to the strong economic recovery and the fight against poverty and social exclusion in the Baltic countries, the number of people aged between 20-64 balancing on the edge of poverty and social exclusion has decreased slightly. The data suggests that unlike in Estonia, in Lithuania and Latvia men who were living on the edge of poverty and social exclusion make up a higher percentage of the population, which means that the number of men who have lost their jobs is higher. This confirms the existing gender inequalities in labor market, so women's intensity is much lower. This explains that the economic recession has affected a higher percentage of men. It is evident that gender inequality in Lithuania is the largest because the number of women living on the edge of poverty and social exclusion during the crisis was almost two times higher than men. In Estonia, gender inequality in the labor market has settled more since the economic recession affected both women and men almost equally. The percentage of men living on the edge of poverty and social exclusion decreased more than women because of the recovery of the economy. This suggests that the more active job market, the more men were employed more

often than women. Based on the data it appears that sustainable development policy of gender equality issues are solved better in Estonia than in Latvia or Lithuania. However, the overall summary of these results does not allow the Baltic countries' sustainable development policy to be evaluated positively because of the drastic amount of working-age people dropping out of the labor market. For these reasons, it can be said that a sustainable development policy did not protect the people's needs at a critical time and did not provide social security systems, which would reduce the number of individuals living on the edge of poverty and social exclusion. For these reasons, Lithuania's sustainable development policy is evaluated negatively.

4. Demographic change. Nation, language and cultural survival depends on the demographic situation in the country. Sustainable development policy of Baltic countries pays particular attention to preserving the national identity and the problem of aging population. Low birth rates are a problem in each state. In order to find out how the demographic situation is in the Baltic countries, the indicator of total fertility rate which is measured by number of births per woman will be analyzed (Table 5).

Table 5. The number of births per woman in the Baltic countries (Eurostat, 2014)

	2008	2009	2010	2011	2012
<i>4. Demographic changes</i>					
<i>4.1. The total fertility rate</i>					
Lithuania	1,45	1,50	1,50	1,55	1,60
Latvia	1,58	1,46	1,36	1,33	1,44
Estonia	1,72	1,70	1,72	1,61	1,56

The analysis of data showed that the birth rate has gradually increased only in Lithuania (2008 – 2012) but this rate is very small and does not provide changes of generations and demographic balance. In all three countries, a noticeable decline in birth rates was seen in 2009, which means that the financial and economic recession has negatively affected decisions to have children. In 2010, in Estonia, the birth rate increased slightly, decreased in Latvia but Lithuania remained the same as in 2009 – 1,5 newborn baby per woman. In 2011, in Estonia and Latvia, the birth rate declined while in Lithuania it has slightly increased. Compared with 2011 the birth rate in Estonia decreased, in Latvia and Lithuania it increased in 2012. Despite such fluctuations, the birth rate surpassed the pre-crisis level of fertility in Lithuania only but in other Baltic countries, it remains low. In 2012, the economy was already recovering hence other factors not only economic instability regulate the birth rate. These reasons can be attributed to unfavorable attitude of employers towards families with children, unresolved extracurricular and recreational activities in schools, the issue of housing for young families,

maternity benefits, a modified approach to family values. The changed approach of women to their role as mothers has had an impact on the birth rates. Modern women seek an education, career development, maturity. Based on the indicators the sustainable development policy in Lithuania, Latvia and Estonia can be evaluated as ineffective in terms of family creation, i.e. negatively.

5. Climate change and energy. One of the key policy objectives of sustainable development is installation and use of renewable energy in all energy spheres. This is an extremely important issue as currently used resources - oil, natural gas and fossil fuels are damaging the environment, public health, energy security, drive a climate change. Renewable sources in Baltic countries are wind, solar, aerothermal, hydrothermal, hydropower, and biomass, biogas, including landfill and sewage treatment plant gas. In order to evaluate how sustainable development policy promotes renewable energy consumption in the Baltic countries, indicators of climate change and energy are analyzed in the heating and air-conditioning sectors, energy and transport sectors and are expressed in percentages (Table 6).

Table 6. Climate change and energy indicators of the Baltic countries in 2008-2012 (Eurostat, 2014)

	2008	2009	2010	2011	2012
5. Climate change and energy					
<i>5.1. The share of renewable energy in heating and cooling sectors (percent)</i>					
Lithuania	32,8	34,4	33,2	33,7	35,5
Latvia	42,9	47,9	43,8	44,8	47,4
Estonia	35,5	41,8	43,3	44,1	43,1
<i>5.2. The share of renewable energy in the electricity sector (percent)</i>					
Lithuania	4,9	5,9	7,4	9,0	10,9
Latvia	38,7	41,9	42,1	44,7	44,9
Estonia	2,1	6,1	10,4	12,3	15,8
<i>5.3. Renewable energy in the transport sector (percent)</i>					
Lithuania	4,2	4,3	3,6	3,7	4,8
Latvia	0,9	1,1	3,3	3,2	3,1
Estonia	0,1	0,2	0,2	0,2	0,3
<i>5.4. Greenhouse gas emissions (thousands tons)</i>					
Lithuania	24.932	20.462	21.119	21.680	21.622
Latvia	11.496	10.850	11.987	11.140	10.978
Estonia	19.546	16.189	19.892	20.484	19.188
<i>5.5. Natural gas imports (thousand tons of oil equivalent)</i>					
Lithuania	2.499,7	2.189,3	2.484,5	2.752,2	2.655,6
Latvia	1.095,3	1.399,8	903,1	1.409,7	1.378,2
Estonia	770,5	525,1	562,5	503,3	545,4

An analysis of the data (Table 6) found that the share of renewable energy in heating and cooling sectors compared to 2008 increased significantly (in Estonia – 6,3 percent, in Latvia - 5 percent, Lithuania – 1,6 percent) in 2009. Strongly influenced by the Russian natural gas

supply reduction in Europe the Baltic countries have also been forced to look for alternative energy sources. High dependence on one country whose economy is not stable, strategic raw materials and energy affects not only economic prosperity but also the country's national security. In 2010, apart from Estonia, in Latvia and Lithuania the share of renewable energy in the percentage of heating and cooling sectors decreased (in Latvia – 4,1 percent, Lithuania – 1,2 percent) in relation to the continuing economic crisis and its impact on the country's energy stability. Apart from Estonia, in Latvia (2,6 percent) and in Lithuania (1,8 percent) this indicator has increased in 2012 which means that with the recovering economy and the opportunities that arise these countries have started to use more renewable energy sources for heating and cooling sectors. It should be mentioned that the development of renewable energy sources increases the amount of energy extracted and the variety of energy sources in the Baltic countries. For these reasons, the need for imported energy and the dependence on energy exporting countries (in Lithuania's case - dependence on Russia) is reduced. Lithuania compared with Estonia and Latvia in the period of 2008-2012, uses the smallest amount of renewable energy in heating and cooling sectors. Based on this data, it can be said that a sustainable development policy in Lithuania is not sufficiently effective and efficient and does not consider the needs of users as there are no increases for heating and cooling energy from renewable sources resulting in not creating new jobs, improving the environment, not lowering conventional energy species, not intending to search for ways to reduce Lithuania's dependence on oil and gas. These factors may be associated with a lack of good governance not only in state institutions but also among political authorities who are responsible for a coherent energy. Lithuania's sustainable development policy in this sector is evaluated negatively.

An analysis of the share of renewable energy in electricity data (Table 6) found that the Latvian share of renewable energy in electricity is several times ahead of Estonia and Lithuania in 2008-2012. It should be noted that Latvia generates a lot of electricity from its own waters. Estonia (2,1 percent.) in 2008 was significantly behind Lithuania (4,9 percent.) in this area. However, since 2009 Estonia has overtaken Lithuania and significantly increased the use of renewable energy. Lithuania is quite far behind from Estonia and Latvia. It can be stated that Lithuania's sustainable development policy does not guarantee the development of renewable energy sources in electricity production to an economically, technically and environmentally useful level, does not fulfil the expectations of people on the main electricity production from renewable energy sources development criteria - competitive, available for consumers at

reasonable prices, so this sustainable development policy in this area can be evaluated negatively.

An analysis of the share of renewable energy in transport data (Table 6) showed that the share of renewable energy in the transport sector in Lithuania was higher than in Latvia and Estonia 2008-2012. It can be explained by the fact that the structure of the fuel significantly changed and the consumption of less polluting fuels increased. This means that the production of biodiesel, bioethanol and the agricultural areas used to grow plants for this production increased. It is noted that bio-fuel production rates did not decrease during the crisis period in the Baltic countries. This means that a significant part of the biofuel was exported. It appears that bio-fuel production capacity has increased in Lithuania. Lithuania's sustainable development policy for renewable energy in the transport sector can be evaluated positively because it promotes plant-based biofuels, aims to minimize pollution of the environment and also public welfare in respect of health.

Carbon dioxide is the main greenhouse gas. This waste is generated during the manufacturing process and extensive use of transport. These emissions have a significant impact on climate change and the consequences can adversely affect not only economy, but also social welfare and health. Greenhouse gas emissions are one of the main objectives of the Baltic countries for implementing sustainable development policy. To evaluate sustainable development policy in the Baltic States, the indicator of greenhouse gas emissions expressed in thousands of tons was analyzed (Table 6). The analysis of the data showed that Lithuania during the period of 2008-2012 was ahead of Estonia and Latvia. It is noted that this indicator decreased in Lithuania after 2009 (in 2008 - 24 932 thousand tons, in 2009 - 20 432 thousand tons). This was influenced by the shutdown of the Ignalina Nuclear Power Plant. In 2009, there is a significant decline of this indicator which could be related to the global economic and financial crisis that reduced the production and use of transport in the Baltic countries. In 2008 - 2012 period, the greenhouse gas emission values differ very slightly in Lithuania and Estonia while the Latvian rate is almost two times lower. This might be because of the "Riga syndrome" which was the center of the entire production, transport and high population density (up to 30 percent Latvian population) in the city of Riga. Meanwhile, the rest of Latvia is very sparsely populated, there is no intensive production, the business is not being developed, and there is no intense traffic. Based on the current results, Lithuania's sustainable development policy can be evaluated negatively because of poor promotion of measures that ensure the potential of low-cost energy saving and wind power plants and small hydro operation, insufficient carbon

capture and storage. Sufficient attention has not been paid to informational measures either - social advertising which form the ecological populations and behavior of employees to save energy and modernization of housing.

The energy dependency continues to be one of the biggest problems in the country and that could have a negative impact on economic security, public socio-economic needs and expectations. A particularly important task is to meet the energy consumers' expectations - competitive price interactions, variety of resources for energy production allowing choosing the cheapest and most readily available energy resource in households and industry. To evaluate sustainable development policy in relation to energy dependence, indicator of imported natural gas in the Baltic countries, expressed in thousands of tons of oil equivalent, was analyzed (Table 6). The analysis of the data obtained showed that Lithuania has imported more natural gas than Latvia and Estonia during the period of 2008-2012. The big difference is observed between the Lithuanian and Estonian indicators. This difference can be explained by the fact that Estonia is rich in oil and shale gas - the resources that are processed in the country itself so there is no need to import large quantities of natural gas as there is in Lithuania or Latvia. Latvia generates a lot of electricity from its own waters as was mentioned earlier. Meanwhile, Lithuania has failed to extract tangible benefits from its own soil. Compared to 2008 natural gas imports in the Baltic countries decreased in 2009. This is an effect of the economic and financial crisis on reduced production, which caused lower imports of natural gas. Latvia is also dependent on imports of natural gas because of its bearing and oil, yet they started pumping. Based on these results, sustainable development policy in Lithuania and Latvia can be evaluated negatively. Both Baltic countries did not use all possibilities to pump oil. It appears that in order to ensure energy independence in Lithuania, its sustainable development policy is formed and implemented poorly, does not ensure economic security, does not look for ways and solutions for renewable energy production, does not care about public health, environmental quality, better air quality, job creation, does not fulfil people's expectations in regards to lower energy prices. For these reasons, the sustainable development in this area is evaluated negatively.

6. Sustainable transport. The transport sector has a considerable impact on the sustainable development process particularly in the economic and social development. Developed and functioning transport infrastructure is an integral part of the modern economy. This is related to production and service companies supplying raw materials, personnel, the final product and services. Transport in Baltic countries is very important since the economic growth and improved living standards depend largely on the growth of the number of employees

and employee productivity. However, the Baltic countries are facing social problems such as an aging population, declining birth rates and emigration. These factors do not allow to increase the number of employees. This means that the economic growth and better living standards can be achieved by increasing employee productivity in the Baltic countries. This factor contributes to transport infrastructure's exploitation and development. In order to evaluate sustainable development policy in the transport sector the indicator of the modal split in various areas was analyzed. The unit used for measuring the transport performance is the passenger-kilometer. Passenger-kilometer represents one passenger travelling a distance of one kilometer. This indicator is defined as the percentage of transport by passenger cars, buses, coaches and trains in total inland passenger transport performance, measured in passenger-kilometer (Table 7).

Table 7. Sustainable transport indicators in the Baltic States 2008-2012 (Eurostat, 2014)

	2008	2009	2010	2011	2012
6. Sustainable transport					
<i>6.1. Modal split of passenger transport</i>					
<i>Passenger cars (passenger-kilometer, percent)</i>					
Lithuania	90,9	92	91,7	90,8	91
Latvia	78,7	80,2	78,2	76,2	76,9
Estonia	81,4	83,1	83,6	84,1	83,6
<i>Motor coaches, buses and trolley busses (passenger-kilometer, percent)</i>					
Lithuania	8,2	7,1	7,6	8,3	8,2
Latvia	16,1	15,1	17,1	18,9	18,3
Estonia	16,5	15	14,4	14	14,6
<i>Trains (passenger-kilometer, percent)</i>					
Lithuania	1	0,9	0,7	0,8	0,8
Latvia	5,2	4,7	4,7	4,9	4,8
Estonia	2,1	2	2	2	1,8
<i>6.2. Modal split of Freight Transport</i>					
<i>Road transport</i>					
Lithuania	58	59,9	59,1	58,8	62,3
Latvia	38,7	30,2	38,1	36,2	35,8
Estonia	55,3	47,3	45,8	48,5	53
<i>Rail transport</i>					
Lithuania	41,9	40,1	40,9	41,2	37,7
Latvia	61,3	69,8	61,9	63,8	64,2
Estonia	44,7	52,7	54,2	51,5	47
<i>6.3. Air pollution by particulate matters <10µM (all sectors of the issue, tons)</i>					
Lithuania	25.475	24.660	24.530	24.740	25.426
Latvia	36.102	37.567	36.492	33.952	36.634
Estonia	26.869	24.605	33.110	42.846	21.957

The analysis of data showed that the most common passenger transportation means in the Baltic countries are cars, which include minibuses up to 9 seats. Table 7 shows that the financial crisis in 2009 has not affected the passenger traffic flow of cars (Estonia – 83,1 percent, Latvia – 80,2 percent, Lithuania - 92 percent) but the percentage was lower in 2008. This result could

be affected by the financial crisis that caused reduced passenger number (e.g. tourists and employees) and more people used cars rather than coaches, buses and trains. This factor is related to the negative impact of the crisis of tourism and public transport sectors. In 2009, the percent of kilometers traveled of one passenger by coach, bus and train dropped in the Baltic countries. In Lithuania compared to Estonia and Latvia the train, coach and bus transport modes have the least passengers per kilometer traveled. Low use of trains may be impacted by worn out and not up to the European Union standards railway infrastructure, an underdeveloped electrified railway network and shortages of the interaction with other means of transport. The high number of passenger cars and vans determine low coach and bus travel rate. Based on these results, Lithuania's sustainable development policy in the transport sector can be evaluated negatively because of slow economic growth, sluggish railway reform that discourages passengers from using environmentally favorable measure - trains. The decrease of passengers traveling by train or bus is determined by the number of Lithuanian residents own dependence on light-duty vehicles which are convenient and lead to more comfortable and convenient communication. Sluggish sustainable development policy in the transport sector is determined by the disproportionate distribution of passenger transport in Lithuania and causes not only environmental but also social problems. This isolates the problem of rural and suburban areas of major population centers, creates jobs, reduces people's integration into society, displacing vulnerable groups of people from the labor market, exacerbating social exclusion, and increases social benefits costs. Most people are forced to choose their own car for work but this could be a problem for low-income earners. Great car traffic causes noise, promotes environmental pollution, and emits more carbon dioxide – factors which negatively affect public health. Sluggish Lithuania's sustainable development policy is evaluated negatively because it does not encourage people's good behavior and ecological approach by choosing a less hostile environment measure - the train or bus instead of a car.

The indicator of modal split of freight transport (railways and roads) is defined as the percentage of each inland mode in total freight transport performance measured in ton-kilometers. Not only passengers' transformation is relevant and significant in the Baltic countries in the sustainable development process. A crucial factor for the Baltic countries economic growth and social development is the freight traffic, which has the highest share of the transport services export. For this reason, the road and rail infrastructure in the Baltic countries has to be adapted to the free movement of freight transport in these countries. This is particularly true in Lithuania because this country is a transit corridor between neighboring

Western, Central and Eastern European countries as well as Belarus, Russia and other countries. To evaluate sustainable development policy for freight transport distribution in respect to each mode percentage of the country's freight transport expressed in ton-kilometers in size is analyzed (Table 7). The analysis of the data obtained showed that in Lithuania unlike in Estonia and in Latvia the road, freight transport flows are larger than rail freight. Freight traffic on the rail is concentrated two times more than on the road in Latvia. This fact leads to the fact that Latvia is carrying more freight to Russia than to Western Europe and the connections between the two countries by rail is more developed. Lithuania is closer to Western Europe and therefore has a greater chance to carry more freight than in Latvia or Estonia. The higher percentage of freight transported by road in Lithuania is determined by country's poor railway infrastructure that does not meet European Union standards, i.e. the railways are not adapted to the direct transport of goods from Lithuania to Western Europe. For this reason, the freight traffic is more directed towards the road and this factor has a negative impact on the environment especially air pollution, road life and quality and public health. Based on the results, Lithuania's sustainable development policy for freight transport in this area can be evaluated negatively because political decisions to modernize and develop railway infrastructure in the transport of goods from Lithuania to Western Europe have not been taken timely. There was no improvement of the railway infrastructure inside Lithuania in order to promote freight transport of the greenest and cheapest means of transport - container trains. Lithuania's sustainable development policy does not take into account the sustainability of public health, consumer expectations and interests, environmental improvement, job creation, economic growth opportunities because freight traffic is not diverted to rail transport.

The vehicle is the biggest source of air pollution by far. This air pollutant is the most damaging to the human health. The growing number of vehicles respectively increase the burden on the atmosphere. Air pollution by particulate matter negatively affects ecosystems and loss of biodiversity. The analysis of data (Table 7) shows that Latvia in comparison to Lithuania and Estonia (with the exception of Estonia in 2011), in 2008 - 2012 period has the highest air pollution. There are more passenger cars per 1 000 inhabitants and road load in Lithuania than in Latvia but air pollution is not higher. This fact is influenced by the fact that in Latvia, unlike in Lithuania's and Estonia's industry, energy companies, the traffic volume and population density are concentrated in the city of Riga and the suburbs ("Riga syndrome"). This factor is evenly distributed throughout the territory in Lithuania resulting in a smaller concentration of particles so it quickly fades. Nevertheless, in Lithuania, emissions levels are

high. This means that residents of Lithuania under-use public transport, electric cars and bicycles. Passenger and freight traffic flow is more directed to roads and the motors activate the flow of solid particles. Based on the analysis of data, Lithuania's sustainable development policy is evaluated negatively. The companies do not have access to freight transport by rails because of the poor rail infrastructure. If that were not the case, air pollution would be much lower than it is now because of widely used road transport. Remaining public transport problems contribute to the population's dependence on private transport which results in a large number of cars that promote the release of particulate matter. The quality of the environment and public health is deteriorating because of this weak sustainable development policy in the transport sector. This makes socially vulnerable groups suffer - the elderly and children, due to growing public costs of combating these problems.

7. Natural resources. Preserving biodiversity areas is particularly important to the Baltic countries and it is an integral part of sustainable development policy in economic, social and environmental aspects. The protection of biodiversity is essential in order to preserve the natural and cultural heritage, which is an important value in each Baltic country (it has been often mentioned in the national strategies). This way, the landscape and biodiversity are preserved, the ecological balance in the landscape (the environment and the quality of the environment) is ensured, the use of natural resources is balanced, the conditions are formed for educational tourism (economic development), entertainment and spiritual rest (social development). It also allows scientific research. To evaluate sustainable development policy in this area, the indicator of the biodiversity of protected areas expressed in square kilometers is analyzed (Table 8).

Table 8. Protected biodiversity areas in the Baltic countries in 2008-2012 (km²)
(Eurostat, 2014)

	2008	2009	2010	2011	2012
Lithuania	65200	65200	65200	-	-
Latvia	64589	64589	64589	-	-
Estonia	45226	45226	45226	-	-

The data analysis showed that protected biodiversity areas in the period of 2008 - 2010 compared to Estonia and Latvia are the greatest in Lithuania. This does not mean that Lithuania cares more about the preservation of biodiversity than other Baltic countries. Protected biodiversity areas in the Baltic countries are proportionally distributed according to the size of the country. In Estonia, protected biodiversity areas are the smallest (45,226 square kilometers) because this country is the smallest of the three Baltic countries. Latvia is smaller than Lithuania

as well so this indicator varies slightly (Latvia - 64 589 square kilometers, Lithuania - 65 200 square kilometers). It should be noted that protected areas have not changed in 2008 - 2010 which means that the country's economic activity is strictly controlled, i.e. it is not allowed to develop the road transport infrastructure, residential areas and the farming in these areas. It appears that the Baltic countries pay the same attention to the protection of biodiversity. Based on the analysis of data, Lithuania's sustainable development policy in this area is evaluated positively. This policy helps increase public awareness of the importance of biodiversity and the natural resources, to reduce the loss of biodiversity and ensures an uninterrupted ecosystem service flows - nature's resources which provide economic or social benefits.

8. Good governance. Indicators such as policy coherence and efficiency, openness and participation of citizens' trust in this area of development were analyzed. The indicator of policy coherence and effectiveness involves the new cases before Court of Justice of European Union, which are linked to Member State failure to fulfill its obligations. Two of the biggest common market irregularities related groups are made up of tax and environmental issues under the policy of sustainable development sector. Baltic national strategies emphasized that policy coherence and effectiveness should be based on better regulation. One of the ongoing policies of sustainable development issues are new infringement cases relating to the common market. This indicator shows how many pending cases exist in the Baltic countries. To evaluate sustainable development policy in regulation the vertical dimension of this policy, i.e. the coherence of the European Union and national level is analyzed. Baltic national strategies and targets cannot contradict with the provisions of the European Union so it is important to encourage the European Union's sustainable development policy coherence in all areas and the consistency of the Baltic countries' national actions to strengthen cooperation to achieve sustainable development. The analysis of data (Table 9) showed that in the period of 2008 - 2012, Latvia is the only state of the Baltic countries, which had no cases that led to failing its obligations. Lithuania had two cases, one in 2008 and one in 2012. Estonia has the largest number of infringements related to the common market of European Union. This means that Estonia during the process of implementing the sustainable development policy at the national level, unlawfully implemented the common market rules related to taxes and the environment. It appears that Estonia has difficulties in implementing sustainable development policy and good governance. This fact leads to a lack of interaction between economic, social and environmental areas and good governance among different levels of government. Based on these results, Lithuania's sustainable development policy is evaluated positively because of an

apparently harmonious interaction between economic, social and environmental areas and close coordination of the authorities at local, regional, national and Community levels.

Table 9. Good governance indicators in the Baltic countries in 2008-2012 (Eurostat, 2014)

	2008	2009	2010	2011	2012
7. Good governance					
<i>7.1. New with the EU Single Market, infringement cases (item)</i>					
Lithuania	1	-	-	-	1
Latvia	-	-	-	-	-
Estonia	2	5	7	1	-
<i>7.2. Individuals use of e-government services (inhabitant, percent)</i>					
Lithuania	18	-	18	-	18
Latvia	14	-	22	-	31
Estonia	33	-	43	-	47
<i>7.3. Citizens' confidence in the European Parliament (inhabitant, percent)</i>					
Lithuania	57	52	57	51	56
Latvia	41	41	45	48	43
Estonia	61	65	62	53	57

An open and democratic society and citizen participation is an especially important aspect in the sustainable development policy process. This indicator shows that people use internet to communicate with the authorities. This figure includes citizens aged between 16 to 74 years and is expressed as a percentage of the total in this age group of persons. To evaluate sustainable development policy interaction and communication between the public and the authorities' indicator of citizens' use of e - government services were analyzed. The analysis of data showed that in the period of 2008 - 2010, Estonian citizens compared to Lithuania and Latvia mainly used e - government services. It should be noted that the citizen communication with public authorities to obtain the information has increased in Estonia and Latvia while remaining stable in Lithuania (18 percent in 2008, 2010 and 2012). Based on the data obtained, Lithuania's sustainable development policy is evaluated negatively because of the absence of encouraging citizen participation in this process. The reasons may be that the benefits of electronic services are not sufficiently explained to people, they distrust the quality or Lithuanians are more conservative than the Latvians and Estonians. The use of e-government services have economic and social aspects – they allow managing affairs of the public administration institutions in more comfortable places at convenient times and provides quicker service.

Another important aspect is the Baltic countries' people's trust in the European Union institutions. Citizens' trust in these institutions is relevant for an effective and democratic sustainable development policy implementation because it increases the likelihood of a more active participation in the elections, encourages politicians and political parties to make

decisions that are acceptable to civil society. This indicator reveals the image of the European Parliament. To evaluate sustainable development policy, the indicator of citizens' trust in the European Parliament ratio expressed as a percentage of the Lithuanian, Latvian or Estonian population was analyzed. The analysis of the data (Table 9) showed that Lithuania's compared to Estonia's and Latvia's the number of citizens who trust the European Parliament decreased by 5 percent in 2009. Such a result could be influenced by the economic frustration which led to the closure of the Ignalina nuclear power plant, emigration and economic crisis which the politicians were not ready for. Distrust and frustration in the national government could give rise to the chagrin in the European Parliament. Despite suffering from economic difficulties in 2010, citizens' trust in the European Parliament noticeably increased in Lithuania (57 percent) and Latvia (45 percent). It appears that the trust of the Baltic countries' citizens in the European Parliament's competence has increased so the acceptance of the European Union has increased as well. In 2011, this indicator shows a sharp decline in the Baltic countries. Such a result could be influenced by the economic downturn, increased taxes, higher unemployment and wage decline. Another reason may be that the Baltic people believed in the benefits of European Union membership too much but membership in the European Union did not protect against the negative effects of the crisis so the population was disappointed. This data indicates that in the Baltic countries, citizens' approach to sustainable development policy and its ability to ensure public welfare and economic security has changed. In 2012, the number of people trusting the European Parliament has risen again. This result was influenced by the recovery of the economy, increased employment, the solving of economic and social problems. The higher the citizens' trust in government, the more positive sustainable development policy is. There are also more people engaging in public welfare development, environmental improvement, economic growth, good behavior promotion.

The study results revealed that according to the socio-economic development, quality of the environment and good governance indicators provided by Eurostat, it is possible to evaluate a sustainable development of the Baltic countries and to carry out a comparative analysis. These indicators revealed problem areas in these countries, which despite the Lithuanian, Latvian and Estonian similarities are different. It shows that a sustainable development policy is unequally effective in different areas, has different impacts on public welfare, quality of life, people's motivation to participate in sustainable development and good governance processes. Citizen participation, trust, communication with the authorities, interaction and collaboration at national, regional and local levels affect a sustainable development policy in the process of

coordinating political action, decision-making, involving the public. The study analysis revealed that the indicators of sustainable development are important and relevant to the evaluation of sustainable development policy in the context of good governance.

CONCLUSIONS

Sustainable development process requires a variety of interrelated decisions and actions related to the economic and social development and environmental protection. Public policy is directed towards the achievement of the objectives and purposeful seeking of solutions. The changes brought about the Globalization led to poverty, unemployment, gender inequality, economic instability, social exclusion, the emergence of the increasing environmental pollution, and the growing and changing needs of society, demographic changes. These problems have led to the emerging of a sustainable development policy as a public policy. Sustainable development policy is intended to ensure the general public welfare, education and employment opportunities, a stable economy, the successful implementation of pollution reduction programs. In this context, it appears that the policy covers a wide scope of activities and influence the general welfare and the development of society. So this policy must be structured to draw attention and combat socio-economic problems, improve the environmental status and the level of the population's needs.

An analysis of the sustainable development policy concept showed that the scientific literature often places a great deal of emphasis on the democracy, respect for human rights and freedom of citizens in the national, regional and local levels in the economic, social and environmental spheres, as well as confidence in the government, also the consensus between the government, civil society and the business in achieving the objectives of sustainable development policy. These are the signs of good governance that appear in sustainable development policy. An analysis of the concept of good governance shows that this phenomenon is related to the social and economic welfare of citizens and communities, also to transparent, accountable and democratic institutions at the national, regional and local levels. Good governance in sustainable development process is as an instrument that inspires citizens for responsible behavior, social justice and labor productivity, competitive regional integration, the authorities' expansion and social protection, renewable energy deployment and use and also calls to respond to climate change, improves infrastructure-based competition and social well-being.

An analysis of legal acts and national strategies of the Baltic countries confirms that these countries are interested in the welfare of its citizens' economic, social and environmental areas. An analysis of quantitative indicators supplied by Eurostat in the period of 2008-2012 revealed that despite the historical and demographic similarities the Baltic countries have achieved different results. Detailed analysis of the Baltic countries sustainable development indicators revealed that Lithuania has worse results in many areas compared to Latvia and Estonia. These results do allow evaluating Lithuanian sustainable development policy negatively. Due to the lack of good governance indicators, it is difficult to evaluate sustainable development policy in the context of good governance.

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SUBALANSUOTOS PLĖTROS POLITIKOS VERTINIMAS GERO VALDYMO KONTEKSTE: LYGINAMOJI BALTIJOS ŠALIŲ ANALIZĖ

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Santrauka

Augančios ekonominės problemos, veikiantys socialinių grupių interesai, didėjantys aplinkosauginiai reikalavimai ir besiformuojantys pasauliniai instituciniai tinklai darnų vystymąsi pavertė itin svarbiu procesu, kurio pagrindas yra kryptinga darnaus vystymosi politika. Ši politika privalo skatinti ir užtikrinti ekonominių, socialinių ir aplinkosauginių klausimų integravimą. Šiuose politiniuose pokyčiuose ypatingą vaidmenį vaidina visuomenės ir interesų grupių dalyvavimas, atvirumas, viešumas, skaidrumas, demokratija, pasireiškiantys kaip gero valdymo principai. Darnaus vystymosi politikos sėkmę ir gero valdymo reikšmę šios politikos cikle apibrėžia viena pagrindinių politikos analizės funkcijų – politikos vertinimas. Darnaus vystymosi politikos vertinimo poreikis grindžiamas tuo, kad šios funkcijos dėka valstybinėms institucijoms yra suteikiama informacija apie tai, ar šios politikos intervencija buvo reikšminga, efektyvi, veiksminga ir priimtina pilietinei visuomenei bei suinteresuotosioms šalims, kokių jos padarinių sulaukta. Gero valdymo principai vertinant darnaus vystymosi politiką užima itin svarbią vietą, kadangi prisideda prie ilgalaikių išpareigojimų ir strateginių uždavinių, politikos nuoseklumo per vertikalių ir horizontalių koordinavimą, atviro ir skaidraus suinteresuotųjų pusių dalyvavimo ir konsultavimo proceso, taip pat priartina darnaus vystymosi politiką ir strategijas arčiau vietinių bendruomenių ir žmonių. Gero valdymo konteksto įtraukimas į darnaus vystymosi politikos vertinimo stadiją padidintų socialinės, ekonominės ir aplinkos apsaugos sričių politikų veiksmingumą, stiprintų demokratinę institucijų atsaką žmonių poreikiams bei pagerintų infrastruktūrą. *Straipsnio tikslas* – įvertinti darnaus vystymosi politiką Baltijos šalyse gero valdymo kontekste. *Straipsnio uždaviniai*: 1) atskleisti darnaus vystymosi politikos vertinimo teorinius aspektus darnaus vystymosi kontekste; 2) išnagrinėti Baltijos šalių darnaus vystymosi bei gero valdymo teisinius ir strateginius dokumentus; 3) identifikuoti Baltijos šalių darnaus vystymosi rodiklių sąveiką gero valdymo kontekste. *Straipsnyje naudoti tyrimo metodai*: mokslinės literatūros, teisinių bei strateginių dokumentų analizė, lyginamoji antrinių duomenų analizė (Eurostato statistiniai duomenys). Atlikta Baltijos šalių teisės aktų ir strateginių dokumentų analizė patvirtina, kad šios šalys yra suinteresuotos savo piliečių gerove ekonominėje, socialinėje ir aplinkosaugos srityse. Kiekybinio tyrimo metu surinktų Eurostato rodiklių analizė atskleidė, kad, nepaisant istorinių ir demografinių panašumų, Baltijos šalys pasiekė skirtingų rezultatų, ko pasekoje darnaus vystymosi politika buvo vertinama labai įvairiai. Išsami Baltijos šalių darnaus vystymosi rodiklių analizė atskleidė, kad Lietuvos rezultatai Latvijos ir Estijos atžvilgiu daugelyje sričių yra prastesni. Dėl tokių rezultatų Lietuvos darnaus vystymosi politika yra vertinama neigiamai. Trūkstant gero valdymo rodikliams yra sunku įvertinti darnaus vystymosi politiką gero valdymo kontekste.

Pagrindinės sąvokos: subalansuota plėtra, politikos vertinimas, geras valdymas, Baltijos šalys.

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SENSE OF THREAT IN THE CONTEXT OF BEHAVIOURAL AND SOCIAL BEHAVIOUR PATTERNS

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Annotation. For a long time action of a person in emergency situations have been of interest to social sciences. The work refers to the interpretation of one's behaviour in emergency situations juxtaposing it with the context of sense of security. The authors put emphasis on the subjective process of experiencing threat and security which is called in psychology a sense. In search for instruments that serve coping with challenging and emergency situations the category of Type A Behaviour Pattern was indicated (TABP). It was considered a mechanism which paradoxically plays an adaptive and non-adaptive role. The factor differentiating the level of adaptation is the result of action in the form of a success or failure. The indicated mechanism was also interpreted in the context of cultural conditions. In the presented work the authors also assessed the efficiency of coping with emergency situations by people with this behavioural pattern.

Keywords: sense of threat, sense of security, Type A Behaviour Pattern, adaptive mechanism, difficult situation

INTRODUCTION

For a long time action of a person in difficult situations have been of interest to psychology. There were descriptions and attempts to explain behaviour of people examining both subjective determinants of an individual as well as external factors. Various classifications of difficult situations were presented accenting their burdensome meaning for a subject. Different adaptive mechanisms were indicated in the form of behaviour mechanisms and personality mechanisms which are attempts to cope with requirements of a situation based on available means. Under conditions of adequacy between difficulty of a situation and a range of available means and abilities to use them the relation between a person and his environment is stable. However, in the absence of such adequacy as in case, for example, of emergency situation a person looks for adaptation instruments.

The purpose of the paper is to discuss what are the prerequisites and contributing internal and external factors for the sense of experiencing threat.

Methods of critical and systemic references analysis are used for the development of this paper.

THE SENSE OF THREAT AND THE SENSE OF SECURITY

In common interpretations concerning effective operation of a person it is claimed that speed of action can be such a measure. Brief analysis of many situations in which suddenly occur threats to security of a person or community leads people to a conclusion that only quick, immediate response can prevent threats or combat them. Without prejudice to the rank of such measures and their usefulness in many situations we should indicate interpretations in which automatic and instinctive actions are distinguished from those reflective and intellectual ones. This is related to twofold forms of knowledge possessed by a person and differing in the level of its availability to a subject. They refer to declarative knowledge which is sometimes called “knowledge that” (factual knowledge) and procedural knowledge which is called “knowledge how”. The declarative knowledge is easily accessible, easy to modify, however, information processing with its participation is slow. The procedural knowledge is contained in the procedures for processing information and behaviour management. In contrast to the previous one this kind of knowledge is basically not available to the consciousness of a person and difficult to modify. Regardless of that by means of this knowledge information is processed very quickly. Excellent examples of procedural knowledge are defensive mechanisms and interpersonal behaviour scripts. With these two types of knowledge are associated two types of information processing: controlled processing and automatic processing. Let us indicate characteristics of controlled processing:

- it is dependent on cognitive resources (attention, working memory),
- it is sequential in nature,
- it runs slowly,
- it requires a cognitive effort.

Automatic processing is characterized by the following features:

- it is independent of cognitive resources,
- it is parallel in nature,
- it runs very quickly,

-
- it runs without a cognitive effort ¹.

Indicated interpretations related to declarative and procedural knowledge refer to information processing mechanisms that can vary by the pace of their implementation and affect the speed of action in emergency situations. So, it is worth remembering that effectiveness may not necessarily be strictly linked to a quick response since in various situational conditions it may turn weighty when both forms of information processing are combined (an automatic form and controlled form). The carried out interpretation refers to the distinction made by Kahneman² who wrote about quick and slow thinking. In the first case, these are acts carried out in an automated way, not available in insight mechanisms being at disposal of a subject of an action. In the other case, thinking refers to the acts taken by a subject in such a way that is fully controlled by the same subject in an introspective way³.

People living in certain cultural conditions acquire certain patterns of behaviour that, on the one hand, have preconditions associated with individual properties (for example, in the form of temperament traits), on the other hand, they are stimulated by social and cultural pressure. Such an instrument for raising effectiveness is increase in intensity and speed of behaviour called Type A Behaviour Pattern that forms a peculiar set of behaviour appropriate for a particular group of people occurring in certain situations. In the undertaken analysis we assess how effectively people with this behavioural pattern cope in emergency situations.

In such a context, it is worth making a comparison between the important concepts of sense of threat and sense of security. A weighty interpretation of security issues is made by Piwowarski who when writing about security culture sees in it three mutually interpenetrating elements in the form of a mental and spiritual stream, rational, organisational and legal stream and material stream. He understands security culture as a phenomenon that allows a person to achieve principal objectives of his activities regarding control of threats, recovery of security in the situation when it has been lost, optimization of development in the context of security, taking action that serve the growth of potential that serves security⁴.

A reference to the proposed by Piwowarski concept in the form of security culture requires indicating the following terms that are significant both in developing issues of security

¹ Cf. Czajkowski, W. *Psychologiczne mechanizmy działania w warunkach zagrożenia*. Kraków: Wyższa Szkoła Bezpieczeństwa Publicznego i Indywidualnego APEIRON w Krakowie, 2014, p. 48-50.

² Kahneman, D. *Pułapki myślenia. O myśleniu szybkim i wolnym*. Poznań: Media Rodzina, 2012.

³ Czajkowski, W. *Psychologiczne mechanizmy działania w warunkach zagrożenia*, p. 36.

⁴ Piwowarski, J. *Fenomen bezpieczeństwa. Pomiędzy zagrożeniem a kulturą bezpieczeństwa*. Kraków: Wyższa Szkoła Bezpieczeństwa Publicznego i Indywidualnego „Apeiron” w Krakowie, 2014, p. 41-42.

sciences and those present in theoretical conceptualisations and empirical studies undertaken in psychology. The first of them is the term of threat. Threat in the meaning proposed by Zięba is “a state of mind or consciousness elicited by the perception of phenomena that are evaluated as adverse or dangerous”⁵. In turn, Kalina believes that threat ... “is in reference to a certain subject a danger that he is aware of or not, loss of a particular good or value (for example, life, health, property, sovereignty, a loved one, etc.) or temporary or relatively durable loss of capability of development in its broad sense”⁶. It seems that in the proposed interpretations, especially in case of Zięba’s conceptualization it would be better to call threat the sense of threat by exposing personal, subjective nature of this state relativized to its perception or awareness by a subject. In this case, the definition is a broad interpretation embracing also such situations in which threat is of external, objectified nature.

Therefore, it seems that in psychological interpretation sense of threat should be defined as a subjective state of a subject tantamount to negative emotional experiences arising from the stimuli affecting a subject. In such interpretation are understood the stimuli widely affecting a subject putting in this category also the stimuli limited solely to internal states of a person in the form of experience, observations and ideas. Such interpretation is important insofar as the sense of threat can be a subjective state not having objectivised, external conditions. The situations can be pointed out in which someone suffers an extremely strong the sense of threat in the situation when others do not experience such a state. Indicated difficulties in interpretation and definition associated with the concept of threat and sense of threat suggest the need to take into account multiple points of view in organizing this issue. It seems clear that raising the issue of threat in terms of international relations is something different when analysing the sense of threat experienced by a particular subject being in an extreme situation. Moreover, the analysis of the concept of threat should be relativized to the concept of security. Piwowarski draws attention to such understanding of the issue pointing out the interrelationship between these concepts⁷. In psychological interpretation the two concepts are inextricably interlinked conditioning each other. This is especially true when the concept of the sense of threat is used. Feeling threatened a person loses the sense of security. Feeling secure they do not feel threatened. In these interpretations it is also worth remembering about specific cases of

⁵ Zięba, R. Kategorie bezpieczeństwa w nauce o stosunkach międzynarodowych. *Bezpieczeństwo narodowe i międzynarodowe u schyłku XX wieku*. Warszawa: SCHOLAR, 1997, p. 4.

⁶ Kalina, R. M. Ogólne kategorie klasyfikacji i charakterystyki zagrożeń zewnętrznych. *Człowiek w sytuacji trudnej*. Warszawa: Polskie Towarzystwo Higieny Psychiczej, 1991, p. 80-81.

⁷ Cf. Piwowarski, J., p. 9.

unusual experiences not typical for an average person. The case concerns such situations in which one feels a lack of the situations which are characterised by a high level of the sense of security. This level is so high for them that it is no longer a comfortable state. Due to it in such situations these people feel the need to find themselves in the contexts that provide a certain level of the sense of threat. Carrying out such activities leads to such a situation when experiencing threat they feel comfortable⁸. The category of people described here is determined as people with increased need for stimulation. The level of the need for stimulation makes a temperamental variable being, as a rule, a permanent characteristics of that person. The way of acting of such people is associated with their extremely interesting psychological characteristics called Type A Behaviour Pattern (TABP) making a permanent behavioural functioning scheme⁹.

SUCCESS AND FRUSTRATION IN ACTION. ADAPTABILITY AND UNADAPTABILITY OF TYPE A BEHAVIOUR PATTERN

At this point we refer to the issue of the activity level of a person interpreting its adaptability. We would like to draw your attention to the term of Type A Behaviour Pattern (TABP) in psychological theory of human functioning.

Type A Behaviour Pattern is described as:

- intensive pressure to achieve independently chosen but usually poorly defined goals,
- a deeply perpetuated tendency to an intense rivalry,
- permanent pursuit to success and confirmation of one's own value,
- constant engagement in numerous and diverse activities which usually contain completion deadlines,
- habitual propensity to speeding up the pace of doing multiple physical and mental activities,
- extraordinary physical and mental alertness¹⁰.

It seems that such behaviour characteristics can be relatively easily associated with people who play roles of leaders. However, it is worth pointing out that these are characteristics related to a set of behaviours and not to a description of personality properties.

⁸ Czajkowski, W. *Psychologiczne mechanizmy działania w warunkach zagrożenia*, p. 9-10.

⁹ Czajkowski, W. *Type A Behavioral Pattern and Coronary Heart Disease: Theoretical and Methodological Dilemmas. Studies on Communication and Stress*, Kraków: Wydawnictwo Naukowe Akademii Pedagogicznej, 2006.

¹⁰ Rosenman, R.H., Friedman, M. Neurogenic factors in pathogenesis of coronary heart disease. *Medical Clinics of North America*. 1974, 58: 269-279.

The cited authors also indicated a set of behaviours that make up Type B Behaviour Pattern as opposed to Type A Behaviour Pattern with particular emphasis on a relative lack of the sense of pressure, excessive ambition, the need for urgency of action, tendency to rivalry and a fight with deadlines. In positive characteristics there is emphasised the ability to relax, easiness in experiencing satisfaction, undertaking activities consistent with the course of activity of the nearest social environment. The third set of behaviours was also indicated which is called Type C Behavioural Pattern which was similar to B Pattern but it additionally contained a chronic feeling of anxiety and feeling of threat. It seems that this characteristic is particularly important at the time when we describe action of a person in an emergency situation. In the cited work¹¹ Rosenman and Friedman drew attention to the impact of the self-defined behaviours on the increase in the risk of developing coronary heart disease. They warned that examination of the problem of coronary heart disease as the effect of individual risk factors evidences at least of negligence apart from the attractiveness of a transparent cause-effect relationship. The conducted research incline us to accept that emerging health risks result from the interaction of many factors of a long-lasting nature.

Behaviours that make up A Pattern are characterised by ambition, aggression, tendency to rivalry even in situations which are not competitive. In the 1980s Friedman wrote about people who present “the chronic pattern of type A behaviour” calling it emotional syndrome characterised by constantly gnawing feeling of time pressure and easily provoked hostility. Equally specific behaviours are related to excessive vigilance, impetuosity and affectivity in the manner of speaking, excessive muscle tension, quick performance of many actions, the feeling of tense pressure, impatience to slowness of other people, preoccupation with oneself and excessive sense of responsibility. These people usually focus on several issues at the same time. In general these behaviours can be defined as increasing the pace of life. The main "axial" behavioural components of Type A Pattern are:

- a high degree of aggressiveness,
- easily provoked hostility,
- feeling of time pressure, and obsessive even competitive striving for achievements¹².

¹¹ Ibid.

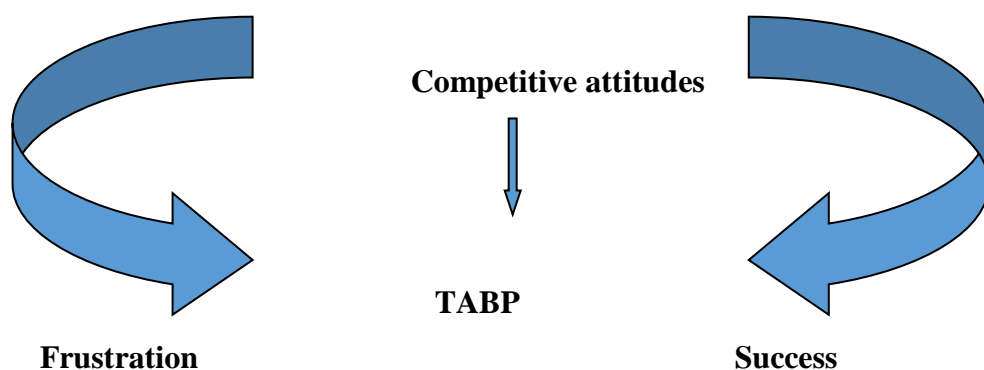
¹² Matthews K.A. Psychological perspectives on the Type A behavior pattern. *Psychological Bulletin*. 1982, 91: 295; O'Connor, N.J., Manson, J.E., O'Connor, G.T., Buring, J.E. Psychosocial risk factors and nonfatal myocardial infarction. *Circulation*, 1995, 92(6): 1462.

In the recently developing concept Byrne claims that to TABP of crucial importance is competitive attitude. This concept is understood as motivational predisposition to demonstrating many behaviours such as:

- achievement-oriented behaviours,
- behaviours expressing time pressure,
- behaviours related to appropriation and collection (with features of compulsivity),
- unyielding behaviours in situations of confrontation with others¹³.

In case of competitive attitudes Byrne interchangeably uses the term of motivation predisposition and a set of the cognitive beliefs conditioning the indicated behaviours. Competitive attitude as a motivation predisposition is related to nonspecific increase of agitation of the autonomic nervous system. In psychological characteristic of competitive attitudes their consequences appear to be important. Successfully completed actions resulting from competition are of adaptive importance as a result of expression of commitment of a person to their objectives. In turn, the actions facing difficulties leading to frustration as a result from blocking an effective implementation of the objectives are of non-adaptive importance leading to negative health consequences associated with coronary heart disease. Context of the operation of an effective leader functions in public awareness by means of the term “a man of success”. The indicated interpretation suggests a possibility of dual interpretation of leader’s behaviour depending on the results of his action in the environment.

The interpretation proposed by Byrne finds its clear reflection in the following scheme.



Pic. 1 Frustration and success as consequences of interdependence of competitive attitudes¹⁴

¹³ Byrne, D.G., The frustration of success: Type A behaviour, occupational stress and cardiovascular disease. *Stress and health: Research and clinical applications*. Sydney: Harwood Academic Publishers, 2000.

¹⁴ Ibid.

Therefore it is worth referring to this issue taking into consideration both possibilities of interpretation. TABP can lead a person to success resulting largely from the competitive actions incorporated into socializing mechanisms and transferred in social relationships and determined by their individual abilities and expertise. On the other hand TABP can lead to failure due to situational conditions and possible deficiencies in person's expertise.

Presented interpretations seem to be a useful key allowing to answer the question how TABP affects person's behaviour and why some of the people having this instrument at their disposal achieve success and others experience frustration with its all emotional consequences.

The indicated characteristics of Type A Behaviour Pattern are well tailored to stereotypical understanding of a person who serves as a leader, manager by showing his commitment, the intensity of the efforts taken by him and psychological and somatic cost borne in connection with physical and emotional burden. Perceiving of a leader as a very active person, involved in their actions creates a constructive picture of a person who can influence others in emergency situations.

In the presented interpretation of the instruments used by a person in order to defend against the sense of threat and loss of security it is also worth referring the issue of coping with challenges arising from emotionally demanding situations. In various interpretations this issue is raised in categories of mechanisms of dealing with stress, collecting and developing the means which serve meeting numerous challenges and threats arising from physical and social environment. The indicated issue is a significant and important complement in the process of understanding of actions of someone who experiences the sense of threat.

THE SENSE OF THREAT AND COPING MECHANISMS

Stress, anxiety and coping with them are inalienable aspects of human life. Strategies and styles of coping play a central role in determining physical and psychological comfort of a person when they are a subject to negative or stressful events in their lives. Treating the issue historically we should indicate and recognize Freud's research who looked to the process of forming defensive mechanisms that serve distancing to difficulties and risks emerging in life. The question that appears is the question about adaptability of such forms of action which are initially unaware and directed at minimizing of psychological cost appearing in such situations.

In more recent studies coping is understood as a reaction to external stressors or negative events. These reactions are usually aware strategies or styles. In the older literature unaware

mechanisms were emphasized which have to be exposed by clinicians in order to build adaptive forms of action in difficult situations.

Comprehending stress usually referred to one of the three interpretations of the concept of stress:

- stress as an incentive,
- stress as a state of body (body's reaction to incentives),
- stress as a relationship between an environment and a subject.

In the latter sense the concept of stress was used by Lazarus and Folkman who wrote about stress as follows: "[...] a special kind of relationship between a person and an environment which is appraised by a person as overtaxing or exceeding his abilities and threatening his good"¹⁵.

The indicated ways of understanding stress are usually partial and conditioned by interpretation in the context of a specific paradigm. Mainly in the interpretation of stress attention was drawn to negative consequences of its action as it usually happens in the models of the biometrical model group. In the case of the concepts referring to coping models, struggling, remedial processes, overcoming the focus was rather on person's efforts aiming at coping with difficulty of a situation. In the field of stress and coping significant changes were introduced, highlighted, for example, by Heszen¹⁶:

- emphasising subjective aspects of a person,
- conducting research in natural conditions,
- emphasising phenomenological data – activity of a person is rather determined by a subjective interpretation, personal perception than objective reality,
- analysis according to a circular scheme (approach of the general theory of systems).

By such understanding of stress and coping issues it is much easier to build biopsychosocial models of activity of a person referring to the concept of Engel¹⁷ than it used to be by using different than the above four assumptions.

The concept of coping is usually a direct consequence of an accepted definition of stress. Thus, for example, in Lazarus and Folkman's perception coping is "... constantly changing, dynamic cognitive and behavioural efforts aiming at mastery of external and internal demands

¹⁵ Cf. Lazarus, R.S., Folkman, S. *Stress, appraisal and coping*. New York: Springer, 1984.

¹⁶ Heszen, I., Ratajczak, Z. *Człowiek w sytuacji stresu*. Katowice: Wydawnictwo Uniwersytetu Śląskiego, 2000.

¹⁷ Engel, G.L. The clinical application of the biopsychosocial model. *American Journal of Psychiatry*. 1980, 137(5): 535-544.

appraised by a person as overtaxing or exceeding his resources”¹⁸. It is worth noting that under this concept there is a possibility to bring defensive mechanisms within the scope of the concept of coping.

According to Lazarus’s transactional concept coping with stress is a function of the process of the initial cognitive threat assessment. If, on the basis of this assessment, a subject interprets a transaction as a stressful one, a basic adaptive process in the form of coping is launched. In turn, the process of coping with stress depends on the secondary threat assessment in which a subject analyses what he can do to cope with the requirements of a situation.

The process of coping contains behavioral and cognitive acts of action which have to fulfil the following functions:

- to change a situation for better by changing one’s own destructive action (concentration on *I*) or by changing destructive or threatening environment,
- to regulate emotions (calming down)¹⁹.

Under certain conditions the both indicated functions can enter into conflict with each other reducing the likelihood of coping with threat. Implementation of the function of calming down in certain conditions can block the ability to take action that is necessary for adaptation. Examples of such actions could be avoiding unpleasant thoughts, denial, rationalisation, use of sedatives. Efforts to calm down can be useful if they do not block adaptation actions.

Heszen-Niejodek basing on empirical research distinguished such dimensions of coping as:

- searching for information *versus* avoiding information,
- searching for social support *versus* avoiding social support,
- activity *versus* refraining from activity,
- striving to cause changes in oneself *versus* striving to cause changes in one’s environment,
- realistic perception of the reality *versus* unrealistic perception of the reality,
- temporal presentist orientation (focusing on ad hoc goals) *versus* temporal futuristic orientation (focusing on future goals)²⁰.

¹⁸ Cf. Lazarus, R.S., Folkman, S. *Stress, appraisal and coping*, p. 141.

¹⁹ Terelak, J.F. *Stres psychologiczny*, Bydgoszcz: Oficyna Wydawnicza Branta, 1995, p. 282-283.

²⁰ Heszen-Niejodek, I. Radzenie sobie z konfrontacją stresowa (wybrane zagadnienia). *Nowiny Psychologiczne*. 1991, 72-73 (1-2): 13-26.

Terelak in the interpretation of such a set of dimensions of coping considers that their distinction is not useful due to a high degree of specificity of stressful situations²¹.

There were also attempts of meta-analyses of the definition of stress which created an integral model of coping with stress. Matheny together with his colleagues as a result of meta-analysis of thirty-five definitions of stress and related results of empirical research suggests understanding of coping as [...] “an effort, conscious or unconscious, related to prevention, elimination or reduction of stressors or to toleration of their effects in a way least harmful”²². In this interpretation, it is necessary to distinguish between coping as a quality (related to temper and personality) and coping as a style (related to cognitive styles, dependency on a field). The attention is also drawn to the need to distinguish between coping as a process and coping as a result. Coping is considered as a special case of general adaptive abilities taking into account all predispositions of biological, psychological and social nature.

There is also a distinction between coping and automated adaptive reactions concerning implementation of learned routine behaviour. An important criterion here is newness of a situation. Lazarus in his conception identifies four ways of coping with stress each of which has a dual function: a function of solving a problem and a function of regulation of emotions. They can be directed to one’s own *self* or to an environment. They are:

- searching for information,
- direct action,
- refraining from action,
- intrapsychic processes (cognitive processes regulating emotions including defensive mechanisms).

In addition to these basic categories in empirical studies there was distinguished a number of other ones as, for example, confrontation, distancing, taking responsibility, reevaluation, wishful thinking, escape, blaming.

Taking action of such a nature that orders terminology and conceptualisation of the issues of security threats creates opportunities to build a model of action of a person in the conditions of the sense of threat. Such a model should provide opportunities to cover with its scope a few essential floors for interpretation of a dangerous situation. First, it is a matter of analysis of situational factors through the prism of risk and possessed broadly defined resources. Secondly,

²¹ Terelak, J.F. *Stres psychologiczny*, p. 284.

²² Matheny, K.B., Aycock, D. W., Pugh, J.L., Curlette, W.L., & Canella, K. Stress Coping: A Qualitative and Quantitative Synthesis with Implications for Treatment, *The Counseling Psychologist*, 14(4): 499–549.

it is a matter of analysis of situational factors related to personality, temper and behavioural predispositions. Thirdly, it's a matter of acquired patterns of reacting at somatic, vegetative and immunological levels. Fourth, it is a matter of behavioural factors perceived in terms of their healthy or unhealthy nature.

Creation of such a model may give chances and possibilities to efficiently analyse, interpret and promote actions of people and groups of people who are professionally associated with the context of acting in situations of threat to essential values.

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GRĖSMĖS POJŪTIS ELGESIO IR SOCIALINIO ELGESIO MODELIŲ KONTEKSTE

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Santrauka

Socialiniuose moksluose jau seniai domimasi individo elgesiu įtampos, grėsmės kupinose situacijose. Tyrinėjant asmens saugumo svarbu suvokti, kaip paprastai individas reaguoja į grėsmę ar išskirtinę situaciją. Straipsnyje pristatoma individų elgesio pobūdžio tokiose situacijose analizė, akcentuojant, kaip šis elgesys susijęs (ar nesusijęs) su saugumo jausmu, kaip individas adaptuojasi, kokių strategijų imasi individualiu lygmeniu. Atskiriamas instinktyvus elgesys (momentinė reakcija į grėsmę) ir adaptyvus elgesys, nepalankioms aplinkybėms tęsiantis. Straipsnyje pabrėžiama, kad svarbios (gal net svarbesnės) procedūrinės žinios (tai yra žinios, esmingos elgesio kontrolei, bet jas sunku ar net neįmanoma sąmoningai (ar bent greitai) keisti), deklaratyviųjų atžvilgiu. Elgesį apibūdina dvi determinantės. Pirmoji susijusi su individo temperamentu, antroji - civilizuoto žmogaus savybės, išsilavinimas. A elgesys yra sudėtingas elgesių kompleksas, jam svarbus kontekstas, ką asmuo apibrėžia, kaip saugią aplinką, ar saugumo kultūrą.

Pagrindinės sąvokos: grėsmės jausmas; saugumo jausmas; A elgesys; adaptaciniai

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UNDERSTANDING THE CONCEPT OF SECURITY: THEORETICAL APPROACH

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Annotation. It is necessary to admit that people's understanding of what security is has changed over the years. Now the concept has a broader meaning and it is not associated with military only. The changed understanding of the concept of security has been influenced not only by better legal regulation of people's behavior, but also by technological breakthrough in our daily lives, by highlighting the importance of protection of fundamental rights and by critical approach to various things. The authors of this article seek to adjust appropriate concept for society's security, encompassing various aspects, for example, environmental, military, economic, etc.

Keywords: concept of security, societal security.

INTRODUCTION

Significance of people's security is undisputed: „since times immemorial, man has sought security.”¹ However, the times when people could have been equally afraid of both: animals and people (for example, from other tribes), have passed as people's behavior has become more regulated not only by ethical, moral, but also by legal norms. In such way it has become more predictable because a person threatening to somebody else's security understands that punishment or any other form of sanction is a consequence of unlawful behavior. Similarly, with the subjects of international law (mostly, sovereign states):² their behavior is governed by the norms of international law and is influenced by the sanctions that are determined by it. In order to ensure people's security, various institutions and organizations have been established, hardly countable number of legal national and international acts have been adopted – some dealing with public security, some – with social matters, some – with climate control

¹ Baillier, C. (2009). *Security: A Multidisciplinary Normative Approach*. Leiden. Boston: foreword.

² Vadapalas, V. (1998). *Tarptautinė teisė. Bendroji dalis (International Law. General Part)*, Vilnius: Eugrimas: 172.

(which also makes a great impact on people's security).³ It could be said that besides military international organization, such as NATO, even the largest international organization – European Union – has been created for the purpose of security insurance.⁴

It is obvious that normally any individual does not want to be hurt in an accident, or killed, be infected with fatal diseases. But most of individuals want to have a decent living, social insurance, properly functioning health system, live safely, therefore there are many aspects that people's security is based upon.

The question of security has always been relevant and the concept itself has been understood differently through certain periods of times. For example, in the XVIIth century, when the Treaty of Westphalia was signed, security was understood as a peaceful settlement of disputes among the states.⁵ According to the survey of European Union open data, economic and financial matters are one of the biggest challenges to the security of European Union citizens after the terrorism⁶. This proves that nowadays, when people seek for more comfortable living, use more technologies, such as CCTV cameras, unmanned aerial vehicles, which have overtaken a part of our privacy, without the traditional security perception, new forms of security have evolved.

Various concepts connected with security are used by international organizations and academics. Some of them insist that security is one of the concepts whose meaning is inherently a matter of dispute because no neutral definition is possible.⁷ Others state that the concept has been neglected.⁸ Furthermore, international acts (especially European Union law) often use term “public security” which in some way could be also associated with people's security as it

³ The North Atlantic Treaty. Signed in the USA, Washington, 4 April 1949; Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47–390 (its Chapter XX is dedicated to environmental issues); The Kyoto Protocol. Signed in December 1999, Kyoto, Japan; Montreal Protocol. Signed on 16.09.1987, Montreal; etc.

⁴ Art 3(2) of the Treaty of the European Union: „*The Union shall offer its citizens an area of freedom, security and justice*”; „*The European Union is set up with the aim of ending the frequent and bloody wars between neighbours*” (Treaty of the European Union, OJ C 326, 26.10.2012, p. 13–390).

⁵ “*Treaties of Peace of Westphalia provided for a very advanced mechanism of dispute settlement: a state that became a victim of a violation, was supposed to claim to the state – offender and the conflict must have been resolved by peaceful means arbitration*” (Vadapalas, 1998: 76).

⁶ EU Open Data Portal, „Special Eurobarometer 432: Europeans' attitudes towards security.” (2015). Retrieved 25.11.2017 from http://data.europa.eu/euodp/en/data/dataset/S2085_83_2_432_ENG/resource/ae0b54bc-3974-4165-9f7d-c2907cb3f41f.

⁷ Smith, S., Acharya, A. *The Concept of Security Before and After September 11* (2002). Institute of Defence and Strategic Studies, Working Paper No. 23: 1, retrieved 10.11.2017 from https://www.rsis.edu.sg/rsis-publication/idss/23-wp023-the-concept-of-security/#.WiFPvklp_IV.

⁸ For example, Barry Buzan, (Buzan, B. (1991). *People, States and Fear: An Agenda for International Security Studies in the Post – Cold War Era*, 2nd edn (Boulder, Co, 1991): 7-11; Baldwin, A. D. (1997). *The Concept of Security, Review of International Studies*, 23: 9.

was described in previous paragraphs (security in a broad sense), as well. Thus, there is a need of summarizing how security, based on various aspects, could be conceptualized. This determines the relevance of the topic and the necessity to analyze various concepts of security in order to find out the one, mostly suitable to describe a state when society feels safe taking into account many aspects (for example, not only military, but economic, social and others as well) together.

The goal of this research is to adjust appropriate concept of security to a particular state of a society when it feels safe: protected from various forms of threats (economic crisis, military intervention, environmental disasters). In order to achieve this goal, the authors have set themselves the **objectives** to analyze various academic articles, national and international legislation, compare the concepts analyzed and used and disclose their true meaning.

The **research object** is various forms of security and its concepts.

Research methods used in this article are: analysis of legislation and scientific literature, conceptual analysis, analytical – critical and comparative methods.

THE CONTEXT IN WHICH SECURITY COULD BE ANALYSED

Some authors insist that when using concept of security certain dimensions must be specified. The possible dimensions are: “*actors whose values are to be secured, the values concerned, the degree of security, the kinds of threats, the means of coping with such threats, the costs of doing so, and the relevant time period,*”⁹ but “*not all of the dimensions need to [be] specified all the times.*”¹⁰ Thus, “*meaningful scientific communication would seem to require at least some indication of how much security is being sought for which values of which actors with respect to which threats.*”¹¹ Adjusting this formula to the context chosen by the authors of this paper, it could be said that this is the security of the society, which encompasses its (society’s) protection, provided by the government, from any threats to the main values that are essential for society to achieve normal living.

However, there are authors who claim that “*if security is specified in terms of threats to all acquired values of a state, it becomes almost synonymous with national welfare or national interest and is virtually useless for distinguishing among policy objectives.*”¹² Thus, discussing about the security which encompasses safety of a few various values on which society’s security

⁹ Baldwin, 1997: 17.

¹⁰ Baldwin, 1997: 17.

¹¹ Baldwin, 1997: 17.

¹² Baldwin, 1997: 17.

is based would still require description of precise values that are to be protected. When indicating them, the discussion would not be pointless as these values are usually interconnected.¹³ For example, Art 36 of the Treaty on the Functioning of the European Union states that “*The provisions of Articles 34 and 35 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property.*”¹⁴ Comes out that the security of various types of just listed values is connected with economic matters and in such way – these values closely interconnected.

Furthermore, the European Court of Justice in one of its decisions stated that “*the concept of public security within the meaning of Article 36 of the Treaty covers both a Member State's internal security and its external security. It is common ground that the importation, exportation and transit of goods capable of being used for strategic purposes may affect the public security of a Member State, which it is therefore entitled to protect pursuant to Article 36 of the Treaty.*”¹⁵ Thus, it proves that security and economy are related.

THE MOST RELEVANT APPROACHES OF SECURITY DOCTRINE

The word “security” in Cambridge dictionary is described as a noun, meaning “*protection of a person, building, organization or country against threats such as crime or attacks by foreign countries.*”¹⁶ Some authors insist that “*More recently, the concept has been divided into safety, which is about threats from natural causes or harm inflicted unintentionally, and security, which is about harm caused deliberately by human beings.*”¹⁷ Such approach probably could not be confirmed by the description of security provided in the dictionary, which says that it is “*a state in which or a place where you are safe and not in danger or at risk,*”¹⁸ as it does not exactly indicate the subject (a source) of that danger or risk. Furthermore, in Lithuanian

¹³ See EU Open Data Portal, „Special Eurobarometer 432: Europeans’ attitudes towards security.” (2015). Retrieved 25.11.2017 from http://data.europa.eu/euodp/en/data/dataset/S2085_83_2_432_ENG/resource/ae0b54bc-3974-4165-9f7d-c2907cb3f41f.

¹⁴ Treaty on the Functioning of the European Union, 2012: Art 36.

¹⁵ Judgment of 4 October 1991, Richardt (C-367/89, ECR 1991 p. I-4621) (SVXI/I-415 FIXI/I-433) ECLI:EU:C:1991:376, paragraph 22.

¹⁶ Cambridge Dictionary. Retrieved 15.11.2017 from <https://dictionary.cambridge.org/dictionary/english/security>.

¹⁷ Baillier, C. (2009): foreword.

¹⁸ Cambridge Dictionary. Retrieved 15.11.2017 from <https://dictionary.cambridge.org/dictionary/english/safety>.

both: security and safety are translated as “*saugumas*”, as well as in Latvian – “*drošība*.” Such apportionment of the concept would not be rational when analysing particular situation, when it is not known who/what caused the damage or is known, but it is not clear whether it was caused deliberately or not (for example, a few people are injured in a car accident: deliberate or not could be found out only after a detailed investigation or even final court decision). However, people living around area of an accident right after it understand that they are not safe. Thus, for the clarity purpose the concept security used in this work shall not be analysed in the context or associated only with deliberately caused harm.

Societal Security

One of the most striking legal approaches to the concept of security in recent times, which has led to a great debate, was the one expressed by Barry Buzan (one of the pathfinders of the so-called “Copenhagen school”). As S. Smith has summarized, “*for the “Copenhagen School” the focus is as follows: ‘securitization’ studies aim to gain an increasingly precise understanding of who securitizes, on what issues (threats), for whom (referred objects), why, with what results, and, not least, under what conditions (i.e. what explains when securitization is successful). This securitization approach is then related back to the five sectors ...*”¹⁹ These five sectors, broadening the concept of security, include not only military, but also political, economic, societal and environmental aspects.

The linguistic analysis of “societal security” concept could mistakenly presuppose an idea that the term is suitable to the earlier described situation, when society feels safe taking into consideration many various aspects of safety, including not only military (being afraid of war and its consequences), but also economic, environmental, political aspects. For example, “society” is described as “*a large group of people who live together in an organized way, making decisions about how to do things and sharing the work that needs to be done.*”²⁰ Meanwhile “societal” means „*relating to or involving society.*”²¹ However, as societal security was mentioned only as one among the five different types of security, it could not encompass, under the Copenhagen Schools’ approach, neither economic, nor any other of the rest three types of security (political, environmental and military). The most important reference object of societal security, under the approach of Copenhagen School, is national identity.²²

¹⁹ Smith, S., Acharya, A. (2002): 3.

²⁰ Cambridge Dictionary. Retrieved 15.11.2017 <https://dictionary.cambridge.org/dictionary/english/society>.

²¹ Cambridge Dictionary. Retrieved 15.11.2017 from <https://dictionary.cambridge.org/dictionary/english/societal>.

²² Panic, B. (2009) Societal security – security and identity, *Western Balkans Security Observer*, No. 13: 31.

Under Copenhagen School's approach, among the five earlier mentioned dimensions, societal security is different as the subject of it is not only a state, but society as well.²³ Still, the "Copenhagen school's" approach summoned a huge discussion, especially its theory of societal security. One of the critics of Buzan's theory, B. Mcsweney insists that "*attempts to expand the security definition and perception into directions such as societal security can be politically dangerous. From the perspective of traditional security, the state would intervene and promote objective security for the society.*"²⁴ However, from the European Court of Justice case law it will be seen that society could be the subject of security.

Nordic approach to societal security

The debates of the earlier mentioned findings of Copenhagen School and its critics, "*open up difficult and complex questions <...> of the relationship of theory to practice, and of the constitutive place of particular forms of knowledge and conceptions of identity in the political constitution of modern societies.*"²⁵ As „*weak states are often ill-equipped to deal with differences in identity and culture*“, it is obvious that „*societal security is deeply connected with political and even military security.*"²⁶ The fact that security is also closely connected with political matters, could be confirmed not only by Copenhagen school, but also by analysis of the concept "societal security" in political terms which could be found reading writings of advocates of Nordic approach. Meaning of the concept "societal security" under Copenhagen School differs from the one of political understanding (precisely Nordic approach). Under the latter, societal security could be best described by its functions: "*Societal security comprises the ability of a society to sustain vital societal functions and secure its population's life, health, needs and basic values under extraordinary stresses, known as crises.*"²⁷ For example Norwegian setting treats societal security as national security, but not stopping at the geographical border, encompassing protection of immaterial social values which "*society holds as dear*".²⁸ Thus, it is not concentrated mostly on national identity.

²³ Chifu, I. Societal Security: An Agenda for the Eastern Europe. Retrieved 30.11.2017 from http://www.cpc-ew.ro/pdfs/societal_security.pdf.

²⁴ Quoted from Panic., B. (2009): 35.

²⁵ Michael C. Williams, C. M. (1998). Modernity, identity and security: a comment on the „Copenhagen controversy." *Review of International Studies*, 24: 439.

²⁶ Stone, M. (2015). Security According to Buzan: A Comprehensive Security Analysis, *Security discussion papers series* retrieved 31.10.2017 from, http://www.geest.msh-paris.fr/IMG/pdf/Security_for_Buzan.mp3.pdf.

²⁷ NordForsk policy paper 1 (2013), Societal Security in the Nordic Countries, retrieved 15.11.2017 from https://www.nordforsk.org/en/publications/publications_container/policy-paper-1-2013-societal-security-in-the-nordic-countries/download.

²⁸ Burgess, J. Peter, Mouhleb, N. (2007). Societal Security: Definitions and Scope for the Norwegian Setting, *PRIO Policy Brief*, 2. Oslo: PRIO.

Furthermore, under Nordic approach, the “*societal values are not the same as individual values. Though society is obviously made of individuals, it is the socially shared values that engage the society in collective actions of variety of different kinds, among others, self-preservation.*”²⁹ From all this it could be concluded that societal security under the Nordic approach encompasses various aspects of society’s security, including not only military, but also economic, health, value, environmental aspects. This, so far, best describes the security that people of modern society seek for.

SECURITY IN THE EU LEGISLATION AND EUROPEAN COURT OF JUSTICE CASE LAW

Besides above-discussed concept of societal security (*Lithuanian translation - “visuomeninis saugumas”*), it is worth analysing a term, often used in the EU legislation and European Court of Justice case law – “public security.” The latter concept in all Lithuanian texts of the EU legislations and ECJ cases is translated as “visuomenės saugumas” which in Lithuanian language actually corresponds with the earlier analysed concept “societal security.” However, as it will be seen, the meaning of Lithuanian “*visuomenės saugumas*” used in the EU legislation is different from that analysed in previous part of this paper.

Even though the EU law does not provide for an accurate description of so often-mentioned concept “public security”, a few of explanations could be found though. The ECJ analysing the concept “public security” used in the Directive 2004/38 stated that “*It should also be noted that European Union law does not impose on Member States a uniform scale of values as regards the assessment of conduct which may be considered to be contrary to public security (see, by analogy, Case C-268/99 Jany and Others [2001] ECR I-8615, paragraph 60)*”³⁰. Article 28(3) of Directive 2004/38 provides that imperative grounds of public security are to be “defined by Member States.” Thus, “*While Member States essentially retain the freedom to determine the requirements of public policy and public security in accordance with their national needs, which can vary from one Member State to another and from one era to another, particularly as justification for a derogation from the fundamental principle of free movement of persons, those requirements must nevertheless be interpreted strictly, so that their scope cannot be determined unilaterally by each Member State without any control by the*

²⁹ Burgess, J. Peter, Mouhleb, N. (2007).

³⁰ Judgment of 22 May 2012, I. (C-348/09, *Publié au Recueil numérique*) ECLI:EU:C:2012:300, paragraph 21.

institutions of the European Union.”³¹ It is also stated by the ECJ that “In order to determine whether offences <...> may be covered by the concept of ‘imperative grounds of public security’, the following factors must be taken into account³²:“ there must be „particularly serious threat to one of the fundamental interests of society, which might pose a direct threat to the calm and physical security of the population,“³³ „personal conduct of the individual concerned must represent a genuine, present threat affecting one of the fundamental interests of society or of the host Member State, which implies, in general, the existence in the individual concerned of a propensity to act in the same way in the future,“³⁴ and finally, „how long the individual concerned has resided on its territory, his/her age, state of health, family and economic situation, social and cultural integration into that State and the extent of his/her links with the country of origin.“³⁵

In another case the European court of justice allowed Irish government to apply measure equivalent to a quantitative restriction on imports (derogation from the rule of free movement of goods) on the grounds of public security. The court stated that “*It should be stated in this connection that petroleum products, because of their exceptional importance as an energy source in the modern economy, are of fundamental importance for a country's existence since not only its economy but above all its institutions, its essential public services and even the survival of its inhabitants depend upon them. An interruption of supplies of petroleum products, with the resultant dangers for the country's existence, could therefore seriously affect the public security that Article 36 allows States to protect.*”³⁶ This proves that the term “public security” could be associated not only with protection of the society from crimes, but also from other threats, such as the breakdown of fuel supply.

Analysis of case law of the European court of Justice³⁷ and EU’s primary law (particularly Treaty on the functioning of the European Union) discloses that the term “public security” is essentially connected with member state’s internal and external security which could be

³¹ Ibid 30:22, 23.

³² Ibid 30: 24.

³³ Ibid 30: 28.

³⁴ Ibid 30: 30.

³⁵ Ibid 30: 34.

³⁶ Judgment of 10 July 1984, *Campus Oil* (72/83, ECR 1984 p. 2727) (ES1984/00651 SVVII/00633 FIVII/00615) ECLI:EU:C:1984:256: paragraph 34.

³⁷ Judgment of 23 November 2010, *Tsakouridis* (C-145/09, ECR 2010 p. I-11979) ECLI:EU:C:2010:708.

endangered if the EU norms are applied in areas such as free movement of people,³⁸ goods,³⁹ capital, freedom of establishment⁴⁰ and such security must be of one of the fundamental interests of society, which might pose a direct threat to the calm and physical security of the population.

It could be seen that the term “public security” encompasses various unspecified interests, but of such importance that their absence could cause a threat to the calm and physical people’s security. Thus, the term “public security” could also be used to describe security which is based on various aspects, however, with indication what precise values in particular context need to be protected (for example, uninterrupted supply of vital resources, physical safety, etc.).

CONCLUSIONS

Security is a concept which is very broad and as S. Smith states, impossible to define neutrally. The concept may vary depending on which values it is intended to protect, therefore it is impossible to conceptualize security, encompassing all values together, by one or two words. So, discussing this concept, the context is essential: whether it is “security” used in the EU legislation (mainly, but not necessarily, national security), whether it is security of particular fundamental interest of society or whether it is security undertaking a few of them. So, if willing to describe security, when all values, important for society, are taking into consideration, the words “societal” or “public” could be added before the word “security.” However, the authors of this article tend to agree with D. A. Baldwin’s view that when using concept of security in academic analysis, certain dimensions, such as “*how much security is being sought for which values of which actors with respect to which threats*”⁴¹ must be specified.

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SAUGUMO SĄVOKOS TEORINĖ PARADIGMA

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Santrauka

Tiek įvairios tarptautinės organizacijos, tiek akademikai vartoja įvairias saugumo sąvokas. Kai kurie iš jų tvirtina, kad saugumą apibrėžti neutraliai yra neįmanoma, o kai kurie šią sąvoką vadina „apleista“, nes ji mažai analizuojama. Akivaizdu, kad saugumo sąvoka su laiku kito, o šiais laikais saugumas suprantamas daug plačiau, t. y. kaip apimantis ne tik fizinį valstybių saugumą (apsaugą nuo karo), bet saugumą ir kitose srityse: ekonominėje, politinėje, aplinkosauginėje ir kt. Siekiant apibrėžti saugumą taip, kaip jis suprantamas dabar (t. y. apimantis įvairias saugotinas vertybes, ne tik fizinį asmenų ar valstybių saugumą), analizuojamos įvairios saugumo sąvokos, kurios galėtų būti labiausiai susijusios su tokiu visaapimančiu saugumu.

Straipsnyje pirmiausia analizuojama B. Buzano teorijoje apie valstybių saugumą minima viena iš saugumo rūšių – visuomenės saugumas (ang. „*societal security*“), tačiau pažymėtina, kad būtent šios krypties požiūriu, visuomenės saugumas iš esmės susijęs su nacionalinio identiteto išsaugojimu, bet ne su kitomis vertybėmis (kadangi kitų vertybių apsauga įvardijama kaip atskiros saugumo rūšys). Kad ir kaip būtų, analizuojant Šiaurės valstybių požiūrį į minėtą sąvoką (ang. „*Nordic societal security*“) padaryta išvada, kad visuomenės saugumas šiuo požiūriu yra apimantis daugiau vertybių, reikalingų visuomenei išgyventi.

Europos Sąjungos teisės aktuose minima visuomenės saugumo sąvoka (ang. „*public security*“), išanalizavus Europos Teisingumo teismo praktikos pavyzdžius, taip pat apima ne tik fizinį valstybės narės ar jos gyventojų saugumą, bet ir kitus aspektus (pvz., gyvybiškai svarbių išteklių tiekimo nepertraukiamumo apsaugą). Taigi darytina išvada, kad sąvoka „visuomenės saugumas“ galėtų būti vartojama siekiant apibrėžti ne tik fizinį visuomenės saugumą, bet ir saugumą kitais aspektais. Kad ir kaip bebūtų, kadangi neįmanoma visaapimančio saugumo apibrėžti vieno ar dviejų žodžių sąvoka (konceptualizuoti), autorės rekomenduoja, net ir vartojant sąvoką „visuomenės saugumas“, apibrėžti, kokias visuomenei reikšmingas vertybes jis apsaugo.

Pagrindinės sąvokos: saugumo samprata, visuomenės saugumas.

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CONDITIONS OF EUROPOL'S FORCE IN COMBATING TERRORIST THREATS

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Abstract. Europol is the main platform of EU Member States crime intelligence cooperation, which use the information potential and experience of EU Member States national security agencies. The cooperation is vital for the public security of the EU area - understood as a form of multilateral international connections and channels of exchanging criminal information between national police forces, special services and other state and EU institutions responsible for public security. Europol has been present in policing for over 20 years, but its power to combat terrorism is still relatively unknown. In recent years there were many changes in the legal framework of Europol.

To enhance Europol's mandate as the EU's central law enforcement agency and enable it to respond more rapidly to emerging international terrorist threats and serious and organised crime, the European Commission proposed a new regulation being line with the Lisbon Treaty. The proposal aimed to place the Agency under a new legislative framework and enhance its role as the central hub for information exchange. The new Regulation entered into force on 13 June 2016 and is being applied since 1 May 2017.

The author presents the analyses of conditions influencing on Europol's force in combating terrorist threats. The issue is extremely complex due to Europol specific legal status, scope of operations and its location within the institutional system.

Keywords: Europol, crime intelligence, crime analysis, operational analysis, strategic analysis, terrorism, multiagencies, international cooperation.

INTRODUCTION

The establishment of Europol was foreseen in art. K 1 of the Treaty of Maastricht (Treaty on European Union signed on 7 February 1992, entered into force on 1 November 1993)¹. In 1998, the Europol Convention was ratified, and it entered into force in October of the same year². Europol received operational capacity and began official operations on 1 July 1999. Since the date Europol has had the authority to deal with terrorist activities. Over recent years the organisation's involvement in this area has changed.

The importance of the Europol's anti-terrorism force is the fact that it has its basis in the EU treaties. Pursuant to Art. 88 paragraph 1 of the Treaty on the Functioning of the European

¹ OJ of EU C 191 of 29 July 1992. Pursuant to this provision, the EU Member States have recognized as common interest the police cooperation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime in connection with the organization of an EU-wide system for exchanging information within Europol.

² OJ of EU C 316 of 27 November 1995.

Union, Europol's mission is to support and strengthen actions taken by the police and other law enforcement authorities of the EU Member States (including special services), as well as their mutual cooperation in preventing and combating serious crime affecting two or more EU Member States, terrorism and forms of crime affecting a common interest covered by a EU policy³. In line with the treaty, any operational actions are carried out by Europol in liaison and in agreement with the authorities of the EU Member State or States whose territory is concerned. The application of coercive measures is the exclusive responsibility of the competent national authorities⁴.

Europe is currently facing a new form of international terrorism, which includes a significant number of Europeans travelling as foreign terrorist fighters to the conflict areas in Syria and Iraq, the intensive use of the internet and social media in propaganda and recruitment activities, and the terrorist attacks in EU Member States directed or inspired by jihadist terrorist organisations.

Jihadist actors can be both directed by Islamic State (IS) or merely inspired by IS ideology and rhetoric. Jihadist terrorists have been found to use a range of weapons to include bladed weapons, automatic rifles, explosives and vehicles, and are expected to continue to do so. Attacks can be both carefully prepared and carried out spontaneously. Terrorists acting in the name of IS have proven to be able to plan relatively complex attacks – including those on multiple targets - quickly and effectively. Jihadist terrorists are expected to continue using mostly low-tech smaller improvised explosive devices (IEDs) and improvised incendiary devices (IIDs) consisting of readily available products.

The influx of refugees and migrants to Europe from existing and new conflict zones is expected to continue. IS has already exploited the flow of refugees and migrants to send individuals to Europe to commit acts of terrorism, which became evident in the 2015 Paris attacks. IS and possibly other jihadist terrorist organisations may continue to do so⁵.

The clear shift in IS's strategy of carrying out special forces-style attacks in the international environment, with a particular focus on Europe, as well as the growing number of foreign terrorist fighters, demonstrates the new challenges facing the EU Member States and Europol as such⁶.

³ Treaty on the Functioning of the European Union (consolidated version), OJ of EU C 115 of 09.05.2008 (TFEU).

⁴ Art. 88, *ibidem*.

⁵ EU Terrorism Situation and Trend Report (TE-SAT) 2017, p. 5 -10.

⁶ <https://www.europol.europa.eu/about-europol/european-counter-terrorism-centre-ectc> [access: 22.11.2017].

Assuming that one of the elements that determines the effectiveness of the combating terrorism is to obtain information about a planned or performed terrorist act, it is important to consider what is the role of Europol's activities in this regard. Hypothetically, the actions of Europol should allow in reconnoitring and prevention of terrorism threats, since the primary role of this EU agency is to inspire EU Member States to exchange criminal information and share intelligence concerning the danger. Theoretically as a result of Europol criminal intelligence activities there should be more opportunities for cross-border cooperation between EU Member States in the field of joint anti-terrorism undertakings. And how is it in practice?

During the preparation of the article a research problem was formulated and it took the form of a question: can Europol - in the current context of legal, organizational, and political aspects – be effective in combating terrorist threats?

The basic techniques of document analysis, source materials and dogmatic legal analysis were used to obtain empirical material. Author conducted statistical analysis of the EU Terrorism Situation and Trend Reports (TE-SAT) published in period 2007-2017.

Purpose of the article is to present the main elements of Europol's force in combating terrorist threats and to analyse its impact on the security in EU.

Methods of research included: critical analysis of scientific literature, comparative analysis of documents and source materials, and own experience as former Europol insider.

SUPERVISION AND CONTROL OVER THE ACTIVITIES OF EUROPOL

Dogmatic analysis of law regulations requires us to recognise Europol as a sui generis EU agency specialized in cooperation between EU Member States in the fight against cross-border threats, in particular organized crime and terrorism. The legal basis for Europol operation is the Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ⁷.

⁷ OJ of EU L 135 of 24 May 2016.

Europol similarly to other EU agencies (e.g. Frontex⁸, Eurojust⁹) is financed from EU budget¹⁰. However, in international relations Europol represents itself, not the EU. In addition, Europol was created on the basis of the Convention, which was a classic international agreement. Thus, Europol originally had the status of an international organization operating at the intergovernmental level. All other EU agencies were created on the basis of acts of secondary EU law. Dogmatic legal analysis indicates that Europol has been a subject of public international law. Europol in EU Member States has the legal capacity and capacity to act within their territories. The attributes of Europol's legal personality on the international level are: maintaining international relations (including the right of active and passive legation), contracting, taking responsibility for violations of the law, the use of the immunities and privileges. However from operational point of view Europol representatives do not have the basic powers of the classical special services (e.g. wiretapping, secret observation), police forces (e.g. detention, interrogation, securing forensic evidence, luggage checks, cargo checks at ports or airports). These competences are exclusive to the competent national authorities.

The model of control and supervision of Europol is connected with its powers. From an institutional point of view, control and supervision of Europol are divided. As to external control the following bodies should be distinguished: Council of the European Union, European Parliament, European Commission, European Court of Justice, European Data Protection Supervisor, national parliaments, national supervisory authorities. Manifestation of internal control is control exercised by Management Board of Europol.

In the system of control and supervision of Europol, the supreme position of the EU Council and the European Parliament should be indicated, which stems from the fact that these institutions are empowered to define the structure, function and scope of its activities and tasks. Consent of the EU Council and the European Parliament is required to finance Europol. Europol submits an annual report to the European Parliament, to the Council, to the Commission and to national parliaments on the basis of information provided by the individual Member States.

The different mechanisms of legal control and supervision of Europol shall be considered appropriate to the nature of the powers of the agency. However, combined together, these mechanisms reduce the effectiveness of Europol's operational activities. This system

⁸ It coordinates operational cooperation between EU Member States in the field of management of external borders.

⁹ Responsible for proper coordination cooperation between public prosecutors in EU Member States, including supports criminal investigations of serious cross-border crimes.

¹⁰ Art. 58 of the Regulation (EU) 2016/794.

involves too many elements, and consequently criminal intelligence activities are prone to be revealed.

LEGAL COMPETENCES OF EUROPOL REFERRING TO COMBATING TERRORISM

The Agency deals with terrorism and international serious crime such as cybercrime, drug smuggling and people trafficking and currently has 1,000 staff members within its headquarters in The Hague, the Netherlands. Pursuant to Regulation (EU) 2016/794, Europol has the following primary tasks:

- collect, store, process, analyse and exchange information, including criminal intelligence;
- notify the EU Member States, via the national units (ENU), without delay of any information and connections between criminal offences concerning them;
- coordinate, organise and implement investigative and operational actions to support and strengthen actions by the competent authorities of the EU Member States, that are carried out jointly with the competent authorities of the EU Member States or in the context of joint investigation teams, where appropriate, in liaison with Eurojust;
- participate in joint investigation teams, as well as propose that they be set up;
- provide information and analytical support to EU Member States in connection with major international events;
- prepare threat assessments, strategic and operational analyses and general situation reports;
- develop, share and promote specialist knowledge of crime prevention methods, investigative procedures and technical and forensic methods, and provide advice to EU Member States;
- support EU Member States' cross-border information exchange activities, operations and investigations, as well as joint investigation teams, including by providing operational, technical and financial support;- provide specialised training and assist Member States in organising training, including with the provision of financial support, within the scope of its objectives and in accordance with the staffing and budgetary resources at its disposal in coordination with the European Union Agency for Law Enforcement Training (CEPOL);

- cooperate with the Union bodies established on the basis of Title V of the TFEU and with OLAF, in particular through exchanges of information and by providing them with analytical support in the areas that fall within their competence;

- provide information and support to EU crisis management structures and missions, within the scope of Europol's objectives;

- develop Union centres of specialised expertise for combating certain types of crime falling within the scope of Europol's objectives, in particular the European Cybercrime Centre;

- support EU Member States' actions in preventing and combating forms of crime included within Europol's mandate (listed in Annex I to Regulation (EU) 2016/794) which are facilitated, promoted or committed using the internet, including, in cooperation with EU Member States, the making of referrals of internet content, by which such forms of crime are facilitated, promoted or committed, to the online service providers concerned for their voluntary consideration of the compatibility of the referred internet content with their own terms and conditions¹¹;

- provide strategic analyses and threat assessments to assist the Council and the Commission in laying down strategic and operational priorities of the EU for fighting crime and assist in the operational implementation of those priorities¹²;

- provide strategic analyses and threat assessments to assist the efficient and effective use of the resources available at national and EU level for operational activities and the support of those activities¹³.

Substantial part of Europol's tasks is performed by liaison officers who are staff members of national institutions. They are not subordinated to Director of Europol, who does not have the authority to control their activities. It seems to be some kind of organizational weakness as comes to Europol's force in combating terrorist threats.

EUROPOL ANTI-TERRORISM CAPACITY

Europol is the main platform of EU Member States crime intelligence cooperation, which use the information potential and experience of over 300 national security agencies.

The starting point in the process of combating terrorism threats is always information. Europol is continually adapting the latest advances in technology to hone its advanced

¹¹ Art. 4. 1 of the Regulation (EU) 2016/794.

¹² Art. 4.2, *ibidem*.

¹³ Art. 4.3, *ibidem*.

analytical capabilities. Europol is continually assessing these capabilities and the technology behind them so as to ensure that its analysts are always working with state-of-the-art tools. These activities are financed from the budget, which was raised to 114 623 613 EUR¹⁴.

That way, Europol's analysts can use the latest techniques and methods, among other things, to identify links between international investigations. Therefore systems and databases managed by Europol (Information System, Europol Analysis System, dedicated databases e.g. Europol Bomb Database System) should have been valid source of information in terms of internal security.

The primary role of Information System (EIS) is to detect links between criminal information introduced by the EU Member States and Europol. EIS functionalities include search, visualization and linking of information. The latter is based on cross-checking, which automatically detects information about the same objects (persons, means of transport, means of communication, addresses). The system allows for the determination of any common element in different cases (investigations) and to exchange them in a safe and reliable manner. For this reason, EIS is used primarily for supporting investigations.

The Europol Analysis System (EAS) is an operational information system that hosts data contributed by Europol's stakeholders. With it, information can be managed centrally, and the use of a wide range of analytical tools ensures that analytical capabilities are as effective as possible. From technical point of view EAS is based on analysis work files (AWF), which serve collecting operational and personal data for the purposes of analysis. AWF's provide a comprehensive operational information for the analysis of criminal activities. AWF can be considered in two dimensions. In terms of technical means tool the parameters of the database (in this sense the following terms are used interchangeably "analytical database", "analytical work files", "working files", "working files for analysis", "analysis files"). In terms of tactics, AWF is a basic form of Europol's operational activities in the area of criminal intelligence, implemented by application of criminal analysis and targeted exchanged of information (in this sense is used the term "analysis project"). The abbreviation AWF is commonly used for all the terms.

EBDS is a database of seized explosive devices. Data are collected in a structured manner in the form of text and multimedia (e.g. images and diagrams of electronic devices). Operation of the database is pursuant to European law enforcement, in particular in the scope of special

¹⁴ Statement of revenue and expenditure of the European Police Office for the financial year 2017 (2017/C 84/35), OJ of EU C 84/167 of 17 March 2017.

pyrotechnic units, constant access to all data related to explosive devices, pyrotechnic materials or their components.

Cooperating states obliged themselves to transfer certain information in connection with terrorist threats. Europol's task is the systematization and then subjecting the collected information to criminal analysis processes. Intelligence resulting from information processing, depending on its nature, is provided to the EU Member States as operational support in the prevention, diagnosis or detection of terrorist threats.

The overall concept of operational support is founded on the assumption that Europol on the basis of information contribution from the EU Member States, thanks to criminal analysis, creates a strategic diagnosis of risks associated with terrorism, the so-called TE-SAT (The EU Terrorism and Situation and Trend Report)¹⁵. Then, the strategic diagnoses are used to draw up the analytical projects (AP) with the participation of EU Member States¹⁶. The examples of such projects are: AWF Dolphin¹⁷ and AWF Islamic Terrorism¹⁸ aiming at exploring the identified risks at the tactical level. As a result of operational analysis, Europol achieves tactical reconnoitring related to specific features of terrorism, terrorist organizations or individual terrorists operating in certain EU Member States. Intelligence can be an impetus for the security services of EU Member States to initiate investigations or police operations. With the use of this type of material, security services of the EU Member States shall take measures related to direct combating of established terrorist organizations. This takes place also with the

¹⁵ The annual report drawn up by Europol on the basis of data transferred from the EU MS and partner countries (among others: Russian Federation, Norway, Switzerland, Iceland, USA, Colombia, Turkey, Interpol, Eurojust). The report provides the most comprehensive, open analysis of the current level of terrorist threat to the area of the European Union.

¹⁶ The analytical project (AP) is a tactical and forensic venture carried out by Europol based on the analytical work files (AWF), which consists of the targeted use of criminal analysis and exchange of information and intelligence to support investigations carried out in the EU MS against the same or similar threats. Projects are based on the assumption that criminal cases or investigations conducted against international terrorist organisations in different national jurisdictions often have various types of linkages between them (subjective, objective and mixed).

¹⁷ The project aimed at combating terrorist groups identified by the EU Council as posing a serious threat to the EU MS (participating states: Austria, Belgium, Czech Republic, Denmark, Greece, France, Finland, Germany, Spain, Ireland, Hungary, Italy, Lithuania, Latvia, Malta, Netherlands, Portugal, Sweden, United Kingdom).

¹⁸ The project is aimed at combating crime related to the activities of Islamic extremist terrorist groups or organizations (participating states: Austria, Belgium, Czech Republic, Cyprus, Denmark, France, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal).

involvement of Europol's operational capacity, among others: through further exchange of information, expert support and task forces actions (e.g. CCTF¹⁹, Taskforce Fraternité²⁰).

Effectiveness of Europol's operational support in combating terrorism threats is dependent on cumulative use of its intelligence products and services suitable for the operational situation. The use of individual services (e.g. project Check the Web)²¹ in isolation from each other greatly reduces the effectiveness of Europol. An important assumption is the fusion of all measures that can be jointly used to neutralize the threat.

In 2016 Europol created the European Counter Terrorism Centre (ECTC), an operations centre and hub of expertise. The ECTC has 39 staff members and 5 seconded national experts (January 2016).

The ECTC focuses on:

- operational support to Member States in investigations;
- tackling foreign fighters;
- sharing intelligence and expertise on terrorism financing (through the Terrorist Finance Tracking Programme and the Financial Intelligence Unit);
- online terrorist propaganda and extremism (through the EU Internet Referral Unit);
- illegal arms trafficking;
- international cooperation among counter terrorism authorities.

The ECTC's principal task is to provide operational support to Member States in investigations, such as those following the Paris, Nice and Brussels attacks. It cross-checks live

¹⁹ CTF was created in the aftermath of attacks of 11 September 2001 in the USA. Operational activities were undertaken from 15 November 2001. CTF was active to the end of 2002. It was relaunched in October 2004 as CTF2 following the attacks of 11 March 2004 in Madrid. CTF 2 includes representatives of the police and special services of the EU MS who are seconded to Europol headquarters. The main tasks of CTF 2 comprises the collection of information and intelligence about terrorist threats and carrying out the targeted operational and strategic analyses, indicating the potential targets, threats, harm and implications for the security of the EU MS. CTF2 is much more efficient and useful than CTF1. Its actions are aimed at strengthening cooperation in situations of major terrorist attacks, including the emphasis on the development of best practices. For example, after the attacks in London, CTF2 launched the 24/7 operation center, sent contact officers to Scotland Yard in London and to the Joint Situation Center (SitCen) and prepared a strategic assessment of the situation, which received positive assessment by the British authorities.

²⁰ Set up after the Paris attacks, Europol set up under which it assigned up to 60 officers to support the French and Belgian investigations. By early 2016, the two countries had provided Europol with many terabytes of information, resulting in 800 intelligence leads and more than 1 600 leads on suspicious financial transactions.

²¹ Check the Web is a project for controlling the Internet, in which Europol collects information on Islamic extremist websites and declarations of terrorist organizations published there. Check the Web was created in order to cooperate in the prevention of radicalization and recruitment to terrorist groups using the Internet. The main element of the project is a special web portal for exchanging information in the field of counter-terrorism. The portal includes three main areas: 1) a list of contact points involved in the Check the Web in the EU MS; 2) a list of websites of Islamic extremists, 3) a list of declarations of terrorist organizations. All Europol National Units (ENU) have the access to the portal Check the Web.

operational data against the data Europol already has, quickly bringing financial leads to light, and analyses all available investigative details to assist in compiling a structured picture of the terrorist network.

The ECTC's specialist teams of analysts and experts collate operational information from law enforcement from all Member States as well as from third parties. The teams work on this information to establish the wider EU perspective on counter terrorism for both operational and strategic goals.

The ECTC works closely with other operational centres at Europol, such as the European Cybercrime Centre (EC3) and the European Migrant Smuggling Centre (EMSC).

As regards Europol several methods of combating terrorism may be specified, most of them are similar to each other. A significant part of these methods is the use of information or data management. The system seems to be coherent from data management point of view. An example of activities that EU Member States cannot effectively do without Europol's support are strategic analysis for risk prediction as comes to terrorism.

CONCLUSIONS

Europol's anti-terrorism activities are based mainly on criminal intelligence processes, including the collection, processing, analysis, evaluation and interpretation of data. Europol also provides a well-functioning apparatus for the swift and secure exchange of information.

It is true that anti-terrorism intelligence cooperation within Europol framework at the beginning has given a new impetus to strengthening combating this kind of threat. But the truth is also that EU Member States have slowed this impetus by starting peculiar games with each other and Europol, that have resulted in limited contributions of sensitive information to Europol. Good example of this game is strong use of direct cooperation between liaison bureau officers (ENU's)²², which in fact constitutes the practice of bypassing Europol's central intelligence functions. In this way the bulk of intelligence passing between ENU's and Europol is managed by liaison bureau officers without finding way into IS or EAS²³. Without sensitive crime information Europol is not able to produce effective anti-terrorism intelligence.

²² Europol national unit should be set up in each Member State (ENU). The national unit should be the liaison link between national competent authorities and Europol, thereby having a coordinating role in respect of Member States' cooperation with Europol, and thus helping to ensure that each Member State responds to Europol requests in a uniform way. To ensure a continuous and effective exchange of information between Europol and the national units, and to facilitate their cooperation, each national unit should designate at least one liaison officer to be attached to Europol.

²³ A. James, Understanding police intelligence work. Vol. 2. Policy Press, 2016, p. 45.

It is difficult to establish real effects of the anti-terrorism intelligence actions taken by Europol. In most EU Member States, it is impossible to make a clear distinction, if results of anti-terrorism operations were obtained through crime intelligence cooperation within Europol, or resulted from direct cooperation between the competent national services.

The most important condition of effectiveness of Europol's anti-terrorism force is the number and the quality (accuracy, relevance) of the criminal information. The main providers of criminal information and the recipients of intelligence derived from the analyses carried out by Europol are the EU Member States. Europol is not able to effectively carry out its anti-terrorism tasks without the proper information contribution from national services. Europol operates in proportion to the commitment of the Member States. The quality and format of the operational data received from the Member States are not as good as they should be. Another problem is the lack of feedback from Member States. Without the transfer by Member States of data to analysis conducted on the basis of analytical work files, without seeking the assistance of Europol and use the right tools assigned to it, Europol will not be effective in the field of anti-terrorism intelligence. The situation is partly the result of still limited trust of practitioners in the organization, who reluctantly provide information to Europol. The situation can be compared to the “vicious circle” because without adequate information Europol has limited ability to provide the necessary support²⁴.

In fact, the information dependence of Europol on the Member States is to be considered as complete. Therefore, the results of anti-terrorism operations are dependent on the full multiagency cooperation between the Member States, which is crucial for the overall Europol intelligence activity. Without the Member States information contribution, Europol is not able to meet the expectations placed upon it by the EU Council, the European Commission and the Member States²⁵.

The most important obstacle to the Europol's force in combating terrorist threats effectiveness is still limited confidence of practitioners (officers) to such cooperation who reluctantly provide information for operational criminal analysis purposes. It is impossible that practitioners can be trusted in the transferring highly sensitive data of counterterrorism in multilateral cooperation²⁶. Europol is unable to provide information that would prevent the

²⁴ T. Safjański, Barriers to the Operational Effectiveness of Europol, *Internal Security* no. 1/2013, p. 60.

²⁵ T. Safjański, *Europejskie Biuro Policji Europol: geneza, główne aspekty działania, perspektywy rozwoju*, Warsaw: Wolters Kluwer, 2009 p. 432-442.

²⁶ O. Bureš, Europol's Fledgling Counterterrorism Role, *Terrorism and Political Violence* 20(4), p. 498–517.

terrorist attack. As comes to operational criminal analysis, Europol can only track the flow of terrorist finance and links between terrorist suspects and criminal sources of (illegal) firearms and counterfeit documents after the terrorist attack.

In my opinion Europol's force in combating terrorism threats can be effectively developed only on the area of strategic criminal analysis. It means that Europol can only produce strategic insights into terrorism. Europol is located at the junction of three levels: national, European and international. This makes it possible to integrate anti-terrorism strategic intelligence from the three levels of cooperation. For this reason, I can see the justification for the existence of ECTC as highly-specialized strategic intelligence hub.

In order to ensure Europol's effectiveness as a hub for strategic intelligence, EU Member States should be more involved in providing Europol with the data necessary for it to fulfil its objectives. EU Member States should pay particular attention to providing data relevant to the fight against terrorism threats considered to be strategic and operational priorities within relevant policy instruments of the Union, in particular the priorities set by the Council in the framework of the EU Policy Cycle for organised and serious international crime. Member States should also endeavour to provide Europol with a copy of bilateral and multilateral exchanges of information with other EU Member States on crime falling within Europol's objectives. When supplying Europol with the necessary information, EU Member States should also include information about any alleged cyber-attacks affecting Union bodies located in their territory. At the same time, Europol should increase the level of its support to EU Member States, so as to enhance mutual cooperation and the sharing of information.

In conclusion, Europol does not have the appropriate capacity for implementation anti-terrorism activities. Due to the costs of obtaining criminal information related to terrorism threats and its sensitivity the combating of the threats is based on direct relationships between the anti-terrorist services of EU Member States. This fact contradicts the general idea of multilateral cooperation within Europol. Definitely anti-terrorism operations cannot be effectively coordinated by ECTC.

The evaluation seems to be confirmed by Denmark, which is excluded from Europol as of 1 May 2017²⁷. This fact undermined Europol's ability to support Member States in the fight against terrorism²⁸.

²⁷ Respecting the result of the December 2015 vote, in which people rebuffed more integration of security operations.

²⁸ Denmark made over 70.000 inquiries into the EIS database in 2015.

It is necessary to build in EU stronger anti-terrorism intelligence network in the field of operational criminal analysis using synergy potential of EU Member States. A key criterion for the construction of new anti-terrorism intelligence structure or redefining the existing Europol structure should be functionality, which provides a focus on the result as far as identification, localization and neutralization of terrorism threats to public security is concerned, not the political visibility of cooperation.

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EUROPOLO ANTITERRORISTINIŲ OPERACIJŲ VYKDYMO SĄLYGOS

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Santrauka

Straipsnio tikslas yra susiteminti žinias apie Europolo slaptą veiklą siekiant kovoti su tarptautiniu terorizmu. Straipsnyje pateikiama keletas Europolo veiklos pavyzdžių, kuriomis Europolas remia ES valstybių narių atitinkamų tarnybų pastangas kovoje su terorizmu ir jo prevencijos srityje. Taip pat autorius įvertina šias veiklas, ką nėra lengva padaryti, atsižvelgiant į ypatingą Europolo slaptų veiklų prigimtį ir svarbą, ir jo vietą ES institucinėje sistemoje.

Pagrindinės sąvokos: Europolas, nusikalstamumo žvalgyba, nusikalstamumo analizė, operatyvinė analizė, strateginė analizė, terorizmas, daugialypė veikla, tarptautinis bendradarbiavimas

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COOPERATION BETWEEN UNIVERSITY AND STAKEHOLDERS IN LITHUANIA: A CASE OF FUTURE OF EDUCATING LAW- ENFORCEMENT OFFICERS

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Abstract. The paper is dedicated to analysis of cooperation between University and stake holders in Lithuania. Based on critical analysis of references of research literature and documents, the perspective of governmental agencies on cooperation between University and stake holders with the special emphasis on educating law-enforcement officers in Lithuania is analysed. The general forms of cooperation are being analysed and also examples of good practices are presented (based on the case of educating professionals, especially, future law-enforcement officers, at Mykolas Romeris University). Methods of critical references analysis, documents ‘analysis and analysis of situations and cases are employed for the development of this paper. This study revealed that cooperation between universities and stake holders is necessary in the context of globalisation. Universities are expected to go beyond the traditional tasks of providing studies and get engaged in research. Moreover, the pressure from stake holders on universities becomes increasingly evident. Representatives from professional world require teachers, and especially, students, to be confident in applying knowledge into practical situations. Study revealed that the cooperation is only possible with sufficient facilities and resources, development of which is prompted by positive perspective of governmental agencies and programmes and a focused input.

The number of forms of cooperation signifies the fact that there is no universal understanding or consensus on the concepts or terms; moreover, certain terms are being used for describing one forms, and other – for other forms. Nevertheless, the general agreement on the necessity for cooperation itself is universal. Please, be advised that a more extensive and analysis with the employment of more numerous examples from professional world was presented by these authors in the presentation at the International Conference in Danang, Vietnam, October, 2017, as an integral part of activities in the project Hub4Growth.

In this paper, however, an aspect of the analysis is presented in greater detail in section 3.1, 3.2, though the concepts and the context are presented and analysed extensively in the 1, 2, 3 sections of the paper.

The examples of good practices of cooperation between University and stake holders at Mykolas Romeris University revealed that the main orientation was toward innovation, and enabling students at practicing the skills that are necessary for professional career. The paper is developed as an integral activity while implementing the Erasmus+ project Hub4Growth (for the action Capacity Building in Higher Education (reference number 561978-EPP-1-2015-1-UK-EPPKA2-CBHE-JP)).

Keywords: Cooperation; Forms of cooperation; Support; Entrepreneurship.

INTRODUCTION

Higher education today receives probably the most intensive attention in last decades. The activities performed by universities - studies and research - have an important role for the society at large: universities contribute to the economic and social advancement of a society. This advancement is more effective if universities cooperate with business or stake holders (used as synonyms in the paper further on). Both research literature and the strategic documents indicate that this cooperation provides a necessary and vital foundation for competitiveness and an impetus for economic growth, and also the cooperation contributes to enhancement of quality of education. Both in Asia, in Europe and globally the cooperation between business/stake holders and University is analysed carefully due to the reasons enlisted above.

The purpose of the paper is to analyse examples of good practice (of cooperation between a university and stake holders) based on the case of a specific university (Mykolas Romeris U-ty, Lithuania).

Methods of critical references analysis, documents 'analysis and analysis of practical situations and cases are employed for the development of this paper

OUTLINE OF THE POLICIES AND ACTIVITIES OF GOVERNMENTAL AGENCIES FOR COOPERATION BETWEEN UNIVERSITY AND BUSINESS/STAKE HOLDERS

The analysis of studies and research literature on cooperation between university and business/stake holders revealed that the focused attention to this theme has been given for some time. Researchers in different countries emphasise and observe different forms of cooperation between university and business/stake holders. Nelson (Nelson, 1996) states that cooperation between university and business is best described as national innovation systems. Other researchers characterise cooperation between university and business as a new mode of knowledge production (Gibbons et al, 1994), others - as the entrepreneur university (Clark, 1998), or (inter)national innovation systems (Freeman, 1987, Lundvall, 1992, Nelson, 1992),

and there are those that see the cooperation as the triple helix model (Etzkowitz et al, 2007). Shane (2002) characterised cooperation as a process of commercialisation and links to new businesses. However, all the concepts hold the main prerequisite that cooperation between university and business in one way or another contributes to the quality of studies and a subsequent professional career of graduates (Pavlin, 2016).

What is the role of a university, and what is the role of business in the process, some researchers ask? (Hannon, 2013). It seems that University is expected to provide innovative solutions on ways to perform in a stochastic environments, where the only parameter that can be predicted with any degree of certainty is unpredictability. Globalisation, investments, qualitative research endeavours, advancements in technologies: these and other factors have to be constantly monitored in order to achieve competitiveness; therefore, the cooperation university-business has a third actor: government and public strategies. Wilson enumerates science parks, joint research projects, fostering student's' entrepreneurship as examples (Wilson, 2012, p. 23-24). However, in a world of fierce competitiveness, universities in many countries face difficulties in securing private financing of their initiatives and projects (Perkmann et al., 2013).

Lithuanian universities cooperate with business/stake holders also. Both governmental agencies and researchers analyse the factors for effectiveness for the cooperation. Miškinienė B. (2015) emphasises that readiness, disposition and competencies of the faculty as an important factor for effective cooperation should not be overlooked. Competencies for teaching in a blended mode, the quality of the IT infrastructure of a given university become quite important. V. Stokaitė (2012) analysed this cooperation as an integral educational experience and fostering of entrepreneurship in studies. Author provides arguments that such approach enables achieving outcomes that are relevant to a person, to university and also may potentially have a long-term impact for social and economic development of a state.

Private investment into higher education remains limited, therefore universities have to market their services twice as intensively. Šimanskienė L. (2009) compared management of universities in the US and Lithuania; the comparison revealed the lack of support by governmental agencies. Similar concerns were raised in a study concluded by MOSTA (Research and higher education monitoring and analysis centre (in Lithuania)) in a study carried out in 2014-2017.

The Ministry of Economy; the Ministry of Education and Science, and the Agency for Research, Technologies and Innovations are agencies that among their tasks have a

responsibility to implement policies for cooperation between universities and business/stake holders (Verslo ir mokslo bendradarbiavimas, 2017). For the purpose, in 5 regions in Lithuania integrative centres (valleys) for synergy between research, studies and business were established in recent years. On 25 Febr. 2015, the Government adopted a concept for the Research and Technologies Parks. This concept emphasised fostering creation of services with a high added value, commercialisation of ideas, innovative business, auditing innovations. Two years later in 2017, there were 8 parks.

Agency for Research, Technologies and Innovations (MITA, 2017) provides free of charge consultations for representatives from business, enterprises, public sector, also consultations for international cooperation between research and business, starting up new projects are among most often required. The Ministry of Education and Science together with Research and higher education monitoring and analysis centre (in Lithuania)) outlined the documents for development strategy in the country. Also, the action plan was adopted; the strategy on smart development emphasised certain directions, focus and orientation, based on the potential and acquired research resources in the country; also, fields that needed additional attention in the years to come were identified.

THE FORMS FOR COOPERATION BETWEEN UNIVERSITIES AND BUSINESS/STAKE HOLDERS

Different authors emphasise different aspects of the cooperation: some note cooperation with enterprises (Etzkowitz et al., 2000), the others note importance of researchers' involvement into entrepreneurship activities (Laredo, 2007); however, these and other authors together emphasise the same dimension, and namely, the necessity to introduce innovative and entrepreneurship orientated learning experiences already during studies (Gibb & Hannon, 2006). Consulting, joint project's, startups are several examples of those innovations (Perkmann et al, 2011).

Davey et al, (2011) enumerate the following forms for cooperation between universities and business/stake holders:

- Development and implementation of programmes;
- Lifelong learning;
- Students' mobility;
- Academic mobility;
- Cooperation in research;

-
- Commercialisation of research outcomes and products;
 - Entrepreneurship;
 - Effective and supporting management.

However, the forms for cooperation supplement each other, few lines for illustration from activities at MRU will be presented with a greater emphasis on the education of future law-enforcement officers.

MRU cooperates with more than 300 universities, governmental agencies and private enterprises (including: "Barclays", "Elsevier", "Western Union", "Swedbank", SEB bank, "Telia", "Albars", "BlueBridge" and other enterprises, organisations, such as Confederations of Employers, America's Trade Agency and other). MRU participates in academic, professional and inter-sectorial networks with an aim to provide the public with the research evidence based solutions, and to consult public and agencies. The library is one of the most advanced in Lithuania, open-access to hundreds of data bases and e-books, all these aspects add to attractiveness of MRU as of a partner for cooperation. Moreover, due to a beautiful and convenient location and infrastructure, MRU serves often as a venue for symposiums and conferences.

Even if there is a variety of concepts for defining cooperation, there are similarities in all cases, with the dissemination of knowledge for all interested agencies and the public at large being at the core. MRU engages in mentioned cooperation activities with a varied degree of involvement.

DEVELOPMENT AND IMPLEMENTATION OF STUDY PROGRAMMES

MRU offers joint master degree studies and support joint, or double degree studies. This university was the first one in Lithuania that offered international studies, with an opportunity for graduates to receive a double degree. Those studies are offered and delivered together with universities in France, Austria, Finland, South Korea - to name just a few countries.

However, for our analysis the fact that a university offers study programmes specifically tailored for business/stake holders is important. The Faculty of Public Security is the delivering unit at MRU of the two programmes listed below. Among such, well-tailored for specific needs of stake holders these study programmes may be enumerated: Strategic Management of State Border Guard (joint master degree programme for senior state border guards, financed by FRONTEX) and Policing in Europe (joint master degree programme for senior police officers, financed by CEPOL). Both programmes were developed in a close cooperation with

representatives of professional field all over the EU, however, attention to rigorous research is also evident. E.g, in 2016 the UN Member States took three historic decisions at the UN Summit for Refugees and Migrants in New York (19 September). The International Organization for Migration was integrated into the UN system, the New York Declaration for Refugees and Migrants was adopted and a global plan for saving the lives of migrants and protecting their rights was discussed (<http://www.osce.org/> Organisation for Security and Cooperation in Europe). Already the theses, defended in 2017 (March, September) in programmes mentioned above took into consideration the aspect of implementation of those new challenges. These only examples, the thesis of graduates of joint programmes covered a variety of innovations in the field.

Moreover, the other I and II cycle study programmes delivered by Faculty of Public Security are also tailored with a great emphasis (as much as legal frameworks allows for that) on consultations with the representatives of the profession. Representatives of Police Department and the State Border Guards Service at the Ministry of Interior are the members of the committees of study programmes, also, the consultations are of regular nature. As the challenges for future (or acting) law-enforcement officer are ever increasing in a contemporary world (the crime going into cyber-space, going internationally, challenges associated with migration and increasingly so, the challenges that may be posed by robotisation and the global warming), constant attention to the changes and advancements, also, expectations of employers are of utmost importance.

LIFELONG LEARNING

The European Higher Education Area is built on several pillars, one of them being an openness of universities for people of all ages. With an ever increasing pace of changes in labour, social and political walks of life, life-long learning has a crucial role in helping people to participate fully in the changing context. One of the big projects implemented by MRU was dedicated to Validation and Recognition of Learning outcomes while learning non-formally and informally. The system was established at the university; this system:

1. System provides adult people with an opportunity to acquire higher education during a slightly shorter period (if some of the learning outcomes acquired non-formally or informally get accredited); sometimes the financial investment is a bit lower than via the regular route.

2. System enables attracting new groups of people to higher education, the ones with career and family commitments.

Moreover, the Faculty of Public Security is the delivering unit for in-service training for law-enforcement officers nationally and internationally at MRU. Since 2016 the Faculty has a status of the Framework partner of the CEPOL, and already in 2017 participated an in-service training seminar for acting police officers and state border guards in the EU.

STUDENTS' MOBILITY

Students' mobility is one of the most important vehicles for internationalisation of higher education, and thus building up a generation that is culturally open and ready for experiencing and acting in a meaningful and rewarding way in the world of diversity and globalisation.

Students at MRU have a Facebook page for Erasmus, and they share impressions from the visits.

For the mobility of students (including employability) a Career centre is established at MRU. The main activities of the Career Centre encompass:

- Dissemination of information on studies at MRU; the activities include meeting alumni, high school students, general public.
- Consulting students and alumni on career, and professional development, helping them to develop their CV and the skills for job-interview.
- Analysis of labour market and the prognoses for the future employment prospects..
- General dissemination activities, such as conferences, organising Round tables and meetings with employers.

MRU established a systemic monitoring of career-employability of its graduates; for the purpose, a cooperation between the governmental agency for social security of employed people (SODRA; see more: sodra.lt) was created; therefore university receives (not-personalised) data on employability status of its graduates, their average salary.

ACADEMIC MOBILITY

International dimension in studies in a contemporary globalised world has become an integral part of studies at any university; moreover, it serves as a factor for defining aims of a given university and in planning activities, in defining the reputation of a university and in many cases it is a factor that influences the career of its graduates. South Korea (Dongseo), India, China (Huazong University of Technologies), Japan (Josai University) are among few to enumerate. However, MRU also gives attention to neighbours, including universities in the EU

and the neighbours in East Europe, also, in Mediterranean countries. University has a lot of Erasmus+ projects, which are implemented together with a number of countries.

In 2016 MRU had 319 contracts under the Erasmus+ programme. Students from 30 universities in 20 countries (also including bilateral agreements with Japan, China, the Ukraine, Azerbaijan, South Korea, Georgia) used opportunities for mobility during that period. In total (Erasmus academic mobility, Erasmus Intensive Programmes, traineeships) 717 students and 247 faculty members benefited from mobility mechanisms (944 in total in 2016).

A number of teachers and researchers give targeted classes at MRU: dr. P. Ambrus, dr. P. Ferencikova from Police Academy in Bratislava gave classes at the Faculty of Public Security; assoc.prof.dr. Aleksandras Klesovs from University of Latvia gave a series of classes “Community and the Feeling of Belonging”, prof. dr. H.C. F. Schneider gave classes on „The scope and causes of Shadow economy in Baltic States“, prof.dr. Andreas Stoffers in an open class discussed various forms of cooperation between Asia and Europe.

Moreover, MRU invites business people to share their experiences. The President of Personal Risks and Pensions Management Fund Mr. Šarūnas Ruzgys discussed with students of the master degree study programme about future prospects of the pension funds and schemes in Lithuania, and Mr. Marius Dubnikovas (The Vice-president of „Mandatum Life“ for development) gave series of classes on inter-loan packaged and platforms.

COMMERTIONALISATION OF RESEARCH PRODUCTS AND ENTREPRENEURSHIP

MRU (on its own or with partners) implements projects that foster integration of researchers into global market, and also, in fostering innovative and advancements- orientated economy and society. In recent year MRU implements 55 projects and programmes in the field financed by different beneficiaries.

One of the examples is the competition (organised together with “Versli Lietuva” (Entrepreneurship in Lithuania)) for best business idea. Students comprise teams and organise think-tanks for an innovative and prospective business idea.

Another example: at the Faculty of Economics an international project „International Anti-Fraud Training of VAT Fraud Prevention as EU’s Financial Stability Support Measure” (No. OLAF/2016/D1/017, financed by the European Commission, Directorate for Anticorruption and Fraud) is being implemented. As an integral part of the project, an international Conference was organised where issues for anti-fraud activities were analysed.

MRU organises an entrepreneurship day: a Day of a Professional (in Lithuanian: PROFADIENIS). Both students of university and high schools participate. The day is organised around 5 themes/business challenges. Case studies, tasks for teams that encourage participants to analyse the logics of business are formulated. Participants analyse main processes of business: planning, marketing, commercialisation, innovation, leadership. The team that finalises the tasks in a most compelling way receives a great prize: a visit to the European Parliament (founder: Mr. Petras Auštrevičius). This project is implemented together with partners, other universities in Lithuania, and the Company PROFAT, also, mass media and distinguished members of Lithuanian society contribute to the competition.

EFFECTIVE MANAGEMENT

Environmental Management Centre (EMC) was established at the Faculty of Policy and Management at MRU in 2013; this is the centre orientated to implement interdisciplinary research of environment (the head of the Centre: prof. dr. Paulo Alexandre da Silva Pereira). Members of MRU are invited to join research projects, and to participate in scientific events.

The Network of Research Laboratories (established in 2016) provides a platform for students and teachers, also, representatives of non-governmental organisations, representatives from business to engage in research and innovation building for fostering new, innovation and responsibility orientated culture. Both national and international research projects are being implemented by this Network, also, a number of scientific events is organised, and a large number of consultations for different agencies and actors in different sectors is provided. The results of the project (implemented by Northampton U-ty (the UK), U-ty of Iceland, and Collegium Civitas U-ty (Poland)): “Building the Culture of Social Innovation in Higher Education” revealed that MRU is a leader in

CONCLUSIONS

The study on cooperation between universities and business revealed that in the context of globalisation and constant economic and social changes, universities are expected to perform beyond their traditional roles (which included studies and research). It would seem that the ‘pressure’ from business/stake holders on teachers and students increases with the ambition to have graduates who are competent in applying knowledge in practice and in introducing viable and effective innovations, and therefore, in fostering social and economic advancements in their societies.

The study revealed that a successful cooperation requires certain resources and facilities, which in many cases are easier to acquire with the positive perspective of governmental agencies.

On the other hand, it is important not to get too much orientated on a financial dimension of the process, because today the main engine for advancements resides also in ideas; moreover, recent tendencies seem to indicate that the success in business relies now more on ideas (or at least as much), as it relies on financial investment.

Though the critical analysis of references revealed the lack of universal concepts and terms for describing and explaining the cooperation between university and business, however, a universal similarity was noted, and namely, the fact that the cooperation itself is considered an absolute necessity for advancements in professional activity, and consequently, economy and society.

Analysis of good practices of one of the universities in Lithuania revealed that a contemporary university provides an array of opportunities for students to get acquainted with the realities of professional activities nationally and internationally.

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BENDRADARBIAVIMAS TARP UNIVERSITETO IR SUINTERESUOTŲJŲ ORGANIZACIJŲ LIETUVOJE: PAREIGŪNŲ ŠVIETIMO ĮGYVENDINIMO ATEITIS

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Mykolo Romerio Universitetas

Santrauka

Straipsnis skirtas universiteto ir suinteresuotųjų organizacijų bendradarbiavimo Lietuvoje analizei. Remiantis mokslinė literatūros ir dokumentų analize, analizuojamas universitetų ir suinteresuotųjų šalių bendradarbiavimas, ypatingą dėmesį skiriant teisėsaugos pareigūnų švietimui Lietuvoje. Analizuojamos bendros bendradarbiavimo formos, pristatomi gerosios praktikos pavyzdžiai (paremti Mykolo Romerio universiteto profesionalų, ypač būsimų teisėsaugos pareigūnų). Šio straipsnio rengimui buvo naudojami mokslinės literatūros analizės metodai, dokumentų analizė, situacijų ir atvejų analizė. Šis tyrimas parodė, kad universitetų ir suinteresuotųjų subjektų bendradarbiavimas yra būtinas globalizacijos kontekste. Universitetams nebeužtenka rengti aukštos kvalifikacijos specialistus, atlikti mokslinius tyrimus. Didėja vyriausybinių organizacijų “spaudimas” dėstytojams ir studentams, noras, kad studentai išmoktų žinias sėkmingai pritaikyti praktinėje veikloje, kurtų naujas darbo vietas. Atliktas tyrimas parodė, kad sėkmingas mokslo ir suinteresuotųjų asmenų bendradarbiavimas neįmanomas be tam tikros materialinės bazės, o ją gali sukurti valstybės remiamos programos. Lietuvoje yra nemaža tokių programų įvairovė ir jos nuolat tobulinamos, atsižvelgiant tiek į universitetų, tiek į suinteresuotųjų asmenų poreikius. Mokslo ir suinteresuotųjų asmenų bendradarbiavimo formų įvairovė rodo, kad nėra vieningos mokslininkų nuomonės dėl vartojamų sąvokų, dažnai vienu autorių atskirų formų mechanizmai priskiriami prie vienos formos, kitų – prie kitos. Tačiau vieningai sutariama, kad universitetų ir suinteresuotųjų asmenų bendradarbiavimas yra būtinas. Išanalizuoti Mykolo Romerio universiteto gerosios praktikos pavyzdžiai parodė kad universitetas glaudžiai bendradarbiauja su suinteresuotaisiais asmenimis, ieško inovatyvių sprendimų, kuriant naujas inovatyvias paslaugas, siekia sudaryti sąlygas studentams lengviau adaptuotis praktinėje veikloje.

Straipsnis parengtas pagal Erasmus+ projekto Hub4Growth metu atliktas situacijos analizės.

Pagrindinės sąvokos: bendradarbiavimas, bendradarbiavimo formos, parama, verslumas.

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VALUE-BASED TEACHING/LEARNING OF THE PROFESSIONAL ENGLISH LANGUAGE AS THE SIGNIFICANT GROUNDS FOR GLOBAL PEACE

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Abstract. Teaching of the professional English language is sustainable grounds for peace on the planet. Therefore, it should not rely only on developing habits and skills but also take into consideration other factors such as moral and ethical values. This principle is applied in Mykolas Romeris University for teaching students who are future law enforcement officers at Faculty of Public Security, as they need to develop their personality not only from moral but also emotional point of view, which is closely related to nature of their future job, i.e. ensuring peace. The paper emphasizes the importance of developing values in education and describes the process of rendering universal values via teaching of the professional English language. In addition, it introduces several practical suggestions for developing students' values when teaching/learning professional English.

Keywords: professional English language, values, skills, strategies

INTRODUCTION

Values constitute the relationship between an individual and existence, help him/her adjust to the surroundings, distinguish between the most significant social, cultural, economic life aspects, which have become essential in his/her life. According to Maslow, values of existence are the most significant and, thus, one should be able to evaluate the surroundings and at the same time have spiritual potential, which may help him/her develop as a personality.¹ As Giddens states, values are ideas, fostered by single individuals and their groups, defining which is acceptable and which is not.² Different values reveal the most important attitudes of human culture. Human values are clearly affected by existing culture, surrounding the individual. "Values are defined as the main beliefs that people use for determining what is right or wrong, good or or bad, fair or unfair. As a result, human values such as tolerance, respect and cooperation affect people's personal perceptions and judgments, motives and actions toward others in different situations in varying cultures, societies and religions".³ Thus, human

¹ Maslow, A.H. (2006). *Motyvacija ir asmenybė*. Vilnius:Apostrofa.

² Giddens, A. (1991). *Modernity and self-identity*. Stanford University Press, p. 210.

³ Baba, S. (2011). *Human values as common ideals and practical rules of behaviour*. Retrieved from http://www.saibaba-x.org.uk/4/Human_Value_as_Common_Ideals.html. (Accessed July 5, 2017).

consciousness lies within values. They indicate what is important in culture, politics and social environment. There are numerous values that are common to all individuals but they gain significance only if they are connected into one system.⁴ Not occasionally the law on Education of the Republic of Lithuania as well as the conception of Lithuanian education give huge significance to human dignity, individuality, humanity, democracy, moral and national uniqueness.⁵

Values mostly help an individual not only be oriented in the world but also select what is really important for him/her. Therefore, during education process it is of crucial importance to help the learner envisage real values. A. M. Juozaitis in his book “Learning Adults” writes that learning is related to external activity and people not only learn something individually but also learn from each other as they communicate, discuss, make decisions, i.e. employ their moral values.⁶ Thus, it is extremely important to base curricula on values. According to Juozaitis, developing of values in education basically means identifying values with responsibility. It is related to encouragement, fostering, changing and development of responsibility. In adulthood personal values are newly found whereas different/hostile values are reevaluated. Martišauskienė, Schiller and Brayant claim that the primary aim of our education is development of creativity, value orientation as well as rendering of political, ethical and national culture.⁷ These aims are related to competences possessed by an individual, encompassing knowledge, moral values and abilities. Kuehn⁸ strongly feels that teaching of human values at school encourages students to become more sensitive to the problems common to a community or society. This method is likely to better prepare students for their roles within the society.

Today civic education in Lithuanian schools has lost its significance without any obvious reason. The lessons themselves do not seem important whereas the content of the subject is not related closely enough to issues of Lithuanian society as well as values and ideas necessary for its citizen.⁹ In addition, development of human values in the process of learning/teaching foreign languages has not been researched in Lithuanian educational institutions.

⁴ Kuzmickas, B. (2001). *Laimė, asmenybė, vertybės*. Vilnius.

⁵ Lietuvos Respublikos švietimo įstatymas, 3 str., p. 15 pakeitimo įstatymas. 2011 03 17 d., Nr. XI-1281, Vilnius.

⁶ Juozaitis, A.M. (2005). *Besimokantys suaugusieji*. Lietuvos suaugusiųjų švietimo asociacija, Vilnius.

⁷ Schiller, P., Brayant, T. (2010). *Vertybių knyga*. Kaunas.

⁸ Kuehn, P.R. (2016). *Moral values for students: a necessary part of the curriculum*. Retrieved from <https://soapboxie.com/social-issues/Teaching-Moral-Values-in-School> (Accessed September 15, 2017).

⁹ Bujanauskienė, V., et al. (2015). *Pilietinių galių stiprinimas*. Pilietinės visuomenės institutas, Vilnius.

The aim of the paper is to propose the method by which a teacher could include the issue of values into the process of learning/teaching professional English as well as to show how values like lawful and professional conduct, respect for people, fairness and impartiality, compassion, etc. can be taught via developing different skills such as listening, reading, speaking and writing of the language learnt/taught.

The objectives of the research are as follows: a) define the concept and significance of values b) describe value-based teaching c) introduce how human values can be incorporated into the curriculum of the professional English language.

Methods used: review of literature and scientific publications, observation.

VALUE-BASED EDUCATION

Value-based education encompasses universal values that are known and maintained by all human beings. Such education implies training of an individual to behave in an appropriate way as well as formation of his/her habits on the basis of certain values. Value-based education as such primarily focuses on maintaining positive relationship with people achieved via respect, tolerance and collaboration.

The curricula of value-based education are based on the values, which emphasize holistic approach and students' responsibility. It encourages a person to lead harmonious life and its friendly relationship with nature and other individuals. However, advancement of technologies and science has recently led to devaluing process. Thus, it is essential to involve the youth in community life and societal problems.¹⁰

One may question the introduction of values into the process of education. The answer to those in doubt could be the conception of education as a preparatory step towards one's future career in the contemporary world. Today's education cannot be separated from global issues and social problems. Being educated means not only gaining knowledge of the subject or mastering the content but it also includes real-to-life situations that require a different type of knowledge and wider context.

The study focuses on the methodology of introducing values into the process of teaching professional English. Thus, the paper describes what methods should be used and how to apply them in reality, i.e. by learning/teaching professional English formally. It also explains the

¹⁰ Lietuvos Švietimo koncepcija, principai ir struktūra. Retrieved from www.mokslas.net/pedagogika/lietuvos-svietimo-koncepcija/ (Accessed October 2, 2017).

correlation between development of one's reading, listening, speaking and writing skills and value-based education.

TEACHING VALUES THROUGH THE PROFESSIONAL ENGLISH LANGUAGE

Probably one of the most widespread methods to teach values via the English language is communication and introducing varieties of the language peculiar to certain regions. Bill Johnson states that "the essence of language teaching, like the essence of all teachings, lies in values".¹¹ On the other hand, value-based education does not limit itself only to speaking practice as it encompasses all linguistic skills.

Professional English classes create favourable conditions for value development due to specific content and learning activities. During classes students are mainly focused on improvement of their linguistic skills and proficiency via social activities such as dialogues, role-plays, discussions and debates as well as individual work like essay, letter and report writing. All these productive activities prepare students for specific situations that they may encounter in the future, for example, while studying or working abroad.

However, there is one problem related to coursebooks of the English language, which mainly concentrate on training of skills as they are published in English-speaking countries. Thus, they pay little or no attention to introduction of values. Focusing only on the content and the main purpose, which is to teach a language, they exclude value teaching, which is of crucial importance and should be included in the curricula of each country to develop responsible citizens.

The study is non-empirical. It only provides examples and instructions of how to include values in the content and aids of the professional English language, involving development of basic linguistic skills.

TEACHING VALUES THROUGH SPEAKING

Teaching of the professional English language focuses on development of one's speaking competence, which is improved by discussions, debates, dialogues, etc. It also implies the use of real-life situations addressing human values. In addition, the activities mentioned above often require acting or imitating. Thus, the students are supposed to be acquainted with the basic rules of communication, including tone and manner of speech, the register, etc. If they use the wrong

¹¹ Johnston, B. (2003). Values in English language teaching. NJ:Erlbaum.

tone, for instance, sound too rude, it is the teacher's responsibility to correct them by providing a suitable way to express themselves. In other words, value-based education starts playing its role here. Debates is another example where the significance of values is undeniable. Each participant is supposed to observe the rules of debates, based on respect towards each other. Moreover, during professional English lessons students discuss the issues concerning human values, i.e. tolerance, social problems, human rights, etc.

TEACHING VALUES THROUGH READING

Teaching of reading involves texts with a wide range of universal topics about our world and values observed by the majority of its human beings. Teachers should put much effort into providing their students authentic texts from a variety of digital and printed sources.

Reading strategies such as scanning the text, skim-reading, finding the details and clues as well as summarizing the main ideas can be developed while analyzing texts based on value content.

Stories describing real-life situations and based on a variety of characters give students knowledge about human relationships. They explicitly show the patterns of human behaviour in different life-like situations and implicitly render human values and morals. As a result, taking them into consideration, students try to improve their own behaviour and relations with other people

TEACHING VALUES THROUGH LISTENING

While training one's listening skills, teachers should use authentic audio or video recordings, which are focused on human values common to all mankind.

The issues such as illegal immigration, child abuse, domestic violence, terrorism, corruption, human trafficking, etc. could be provided for students, which they reflect upon after listening. Afterwards the issues listened could be employed as the topics for role-plays or individual long talks.

Listening comprehension tasks may be focused on the issues discussed by the speakers that are relevant to the community as well as express agreeing or disagreeing in a polite manner on provocative topics. Afterwards the students are asked to reflect upon the information they have heard by gap filling, choosing the correct option, etc.

TEACHING VALUES THROUGH WRITING

Writing while teaching/learning professional English is often based on reading of certain texts. As it has been mentioned above, teaching of reading includes a variety of value-based texts and, therefore, writing reflects students' attitudes towards human values. These may include writing essays, crime reports, articles for a magazine on crime prevention measures, writing about a problem and suggesting solutions, preparing a crime map displaying information obtained or developed from received reports of criminal activity.

STRATEGIES TO LEARN VALUES THROUGH PROFESSIONAL ENGLISH LANGUAGE

In addition to all the skills, learning of professional English develops one's cultural awareness. It assists in promoting cultural tolerance and diversity. Beside to improvement of language acquisition skills, value-based teaching of the professional English language develops learners' emotional, moral and spiritual dimensions. The recommendations concerning value-based teaching of the English language are listed below:

1. Provide students with a writing assignment, which asks them to reflect the text they have read from a different perspective including morals and human values.
2. Ask the students to write a crime report based on their own experience by providing their analytical point of view emphasizing morals or values and their role during the incident or crime.
3. Encourage learners to contemplate on controversial issues and observe how they express their attitude towards the values involved.
4. Introduce students to current law enforcement issues, which imply involvement of moral correction. Simultaneously evaluate students' attitudes.
5. Evaluate students' attitudes expressed via oral communication.
6. Promote cultural diversity and intercultural sensitivity of your students by introducing them to the situations which require direct involvement and empathy.
7. Involve your students into discussions, debates and brainstorming activities which encompass cross-cultural situations and experiences to train your students to be more responsible by implementing the values for assuring security and public order in the society.

CONCLUSION

Value-based education encompasses numerous aspects, namely organization of the lesson, the content, the methods used and the assessment system. The article basically deals with the classroom content. It can be clearly noticed that teaching/learning of the professional English language is inseparable from value education. However, the values taught should be of universal nature, i.e. commonly accepted by all humanity. By value-based education teachers develop their students' emotional, moral and spiritual dimensions. It is important to note that values should constitute a part of the curriculum in the form of texts, video/audio recordings, communicative tasks, written assignments. Teachers may use the material on values that is already available or adjust it or even design new material to students' needs.

One learns a language more easily if different teaching/learning strategies are employed, which depend on learners' personality, learning styles, and a situation.¹² Therefore, in order to help students develop values during professional English practice a teacher should assure appropriate management of learning/teaching and communication strategies.

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VERTYBĖMIS PAGRĪSTAS PROFESINĖS ANGLŲ KALBOS MOKYMAS(IS) KAIP GLOBALIOS TAIKOS PALAIKYMŲ VEIKSNYS

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Santrauka

Užsienio kalbų mokymas(is) neturėtų remtis vien tik kalbinių gebėjimų ugdymu. Būtina atsižvelgti ir į kitus veiksnius, tokius kaip moralinės ir etinės vertybės. Straipsnyje pabrėžiama vertybinių nuostatų ugdymo svarba studentus mokant profesinės anglų kalbos Mykolo Romerio universiteto Viešojo saugumo fakultete.

Pirmoje straipsnio dalyje pateikiama vertybių samprata ir reikšmė, apibūdinamas vertybėmis pagrįstas mokymas(is), besiremiantis morale ir vertybėmis, kurios yra visuotinai pripažintos ir vertinamos.

Antroje straipsnio dalyje pagrindinis dėmesys skiriamas profesinei anglų kalbai kaip veiksmingai priemonei, padedančiai būsimiesiems teisėsaugos pareigūnams plėtoti asmenybę intelektualiu, moraliniu ir emociniu požiūriu, glaudžiai susijusiu su būsima jų veikla, pvz. taikos palaikymu. Pratybų metu studentai turi galimybę ugdyti savo vertybes, prisidedami prie produktyvios, sveikos ir taikios visuomenės kūrimo. Straipsnyje pateikiami keli praktiniai pasiūlymai studentų vertybių ugdymui(si) atliekant skaitymo, rašymo, klausymo ir kalbėjimo užduotis.

Paskutinėje straipsnio dalyje pateikiamos tinkamą vertybėmis pagrįstą užsienio kalbos mokymą(si) skatinančios strategijos, kurios padeda studentams tobulinti savo vertybines nuostatas, reikalingas bet kurioje tarnybinės veiklos srityje, - tiek tarnybos, tiek ne tarnybos metu.

Apibendrinant galima teigti, kad profesinės užsienio kalbos mokymas(is) yra neatskiriama susijęs su besimokančiųjų pamatinių pilietinių vertybių ugdymu, sudaro sąlygas asmenybei skleisti, ir gali prisidėti prie pasaulinės taikos.

Pagrindinės sąvokos: anglų kalba, vertybės, įgūdžiai, gebėjimai, startegijos

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GIMTOSIOS KALBOS, TAUTINIO TAPATUMO IR DALYKINĖS KALBOS SĄSAJA UGDANT BŪSIMUS STATUTINIUS PAREIGŪNUS

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Anotacija Tautinis tapatumas paprastai grindžiamas tam tikrais bruožais, kuriuos turėdamas individas gali suvokti savo tautinį tapatumą. Be kultūros, papročių, tradicijų, apibrėžtos teritorijos, bendros istorijos ir kt., kalba yra stiprus individo susitapatinimo su tam tikra tautine grupe pagrindas. Statutiniai pareigūnai (policijos pareigūnai, valstybės sienos apsaugos pareigūnai, kariai) taip pat yra atitinkamai siejami su tautiniu identitetu, nes jie atlieka tiek tautos saugojimo funkciją, tiek reprezentuoja šalį kaip tam tikros tautos teritoriją.

Atlikus būsimų statutinių pareigūnų apklausą, sužinota, su kuo jie sieja tautinį tapatumą ir gimtąją kalbą, kokią sąsają išvelgia tarp gimtosios kalbos, tautinio tapatumo ir savo būsimos profesijos, bei kaip suvokia ir vertina dalykinės kalbos santykį su tautinio tapatumo ugdymu: daugelis respondentų tautinį tapatumą sieja su kalba, taip pat su papročiais, kultūra ir istorija; gimtoji kalba daugiausia siejama su istorija, taip pat su papročiais ir pilietybe. Nemaža dalis respondentų įvardijo bendrų sąsajų tarp gimtosios kalbos, tautinio tapatumo ir savo būsimos profesijos. Dalykinės kalbos mokymasis vis dar kai kurių studentų siejamas su gramatikos tobulinimu, tačiau nemaža dalis jų minėjo ir esant bendrumų tarp dalykinės kalbos ir tautinio tapatumo.

Pagrindinės sąvokos: gimtoji kalba, dalykinė kalba, tautinis tapatumas, būsimi statutiniai pareigūnai.

ĮVADAS

Dalykinės kalbos terminas lietuvių kalbotyroje yra pakankamai naujas. Apskritai dalykinės kalbos lingvistika kaip savarankiška kalbotyros mokslo šaka susiformavo tik 20 a. 6–7 dešimtmetyje, atsiradus komunikaciniam-funkciniam, pragmatiniam požiūriui į kalbą. Terminu *dalykinė kalba* sampratą išplėtojo vokiečių lingvistai (Hoffmann, 1976; 1985; Möhn, Pelka, 1984; Buhlmann, Fearn, 1987), o lietuvių kalbininkai, deja, šiam terminui yra skyrę nedaug dėmesio.¹ Paprastai lietuvių kalbininkai dalykinę kalbą įvardija administracinės kalbos sinonimu ar siejama su mokslo kalba. Vokiečių lingvistai dalykinę kalbą traktuoja kaip

¹ Kontutyte, E. „Ką apima sąvoka „dalykinė kalba“? Kalbotyra, 2007, 57 (3), p. 149–151.

bendrinės kalbos atmainą, kurios kalbos priemonių visuma leidžia komunikuoti ne tik specialistams tarpusavyje, bet, svarbiausia – specialistams su nespecialistais. O bendrinė kalba yra per šimtmečius dėl tinkamų sąlygų susiformavęs visuotinai priimtas kalbos variantas, kuris ir yra vienas iš tautinio tapatumo bruožų.

Tautinis tapatumas suvokiamas labai plačiai ir įvairiai vertinami jo atskiri aspektai skirtingose mokslo šakose. Tautinis tapatumas paprastai grindžiamas tam tikrais bruožais, kuriuos turėdamas individas gali suvokti savo tautinį tapatumą. Be kultūros, papročių, tradicijų, apibrėžtos teritorijos, bendros istorijos ir kt., kalba yra stiprus individo susitapatinimo su tam tikra tautine grupe pagrindas.

Statutiniai pareigūnai (policijos pareigūnai, valstybės sienos apsaugos pareigūnai, kariai) taip pat yra atitinkamai siejami su tautiniu identitetu, nes jie atlieka tiek tautos saugojimo funkciją, tiek reprezentuoja šalį kaip tam tikros tautos teritoriją. Jų atliekamos pareigos, elgsena, kalbėsena tiek tarp kolegų, tiek bendraujant su visuomene yra traktuojama kaip tos šalies reprezentacinis braižas, glaudžiai siejamas su tautiniu tapatumu. Taigi straipsnio **objektas** – sąsaja tarp gimtosios kalbos, dalykinės kalbos, tautinio identiteto ir būsimos statutinių pareigūnų profesijos. Atsižvelgiant į tai, straipsnio **tikslas** – atskleisti gimtosios kalbos, tautinio identiteto ir dalykinės kalbos sąsajas bei pastarosios vaidmenį ugdant būsimus statutinius pareigūnus. Tikslui pasiekti skiriami keli **uždaviniai**: 1) aptarti dalykinės kalbos ir tautinio tapatumo santykį; 2) įvertinti tyrimo, kurio metu buvo apklausti būsimi policijos pareigūnai, valstybės sienos apsaugos pareigūnai ir kariūnai, duomenis, padedančius atskleisti būsimų statutinių pareigūnų požiūrį į gimtosios kalbos ir tautinio tapatumo santykį, lemiantį dalykinės kalbos svarbą ugdymo procese. Tyrimas **aktualus** šių dienų kontekste vertinant tiek šalies saugumo klausimus, tiek sprendžiant globalizacijos keliamus iššūkius. Gimtosios kalbos kaip vieno iš stipriausio tautinio identiteto bruožų svarba suvokiama nuo senų laikų, tik šiuo metu ji vis stipriau konkuruoja viena iš tarptautinių kalbų – anglų kalba.

Medžiaga rinkta apklausiant Generolo Jono Žemaičio Lietuvos karo akademijos kariūnus, Mykolo Romerio universiteto Viešojo saugumo fakulteto studentus – būsimus policijos ir valstybės sienos apsaugos pareigūnus. Apklausos būdas – anketa, kurioje pateikti 2 uždari ir 4 atviri klausimai, kuriais siekiama sužinoti būsimų statutinių pareigūnų požiūrį į gimtąją kalbą ir atskleisti jų sampratą apie gimtosios kalbos ir tautinio tapatumo santykį. Straipsnyje naudojami **metodai**: aprašomasis, skirtas mokslinės literatūros apžvalgai atlikti, analitinis – surinktai medžiagai vertinti, matematinio skaičiavimo – siekiant parodyti gautus rezultatus procentais.

Tiriamas gimtosios kalbos, dalykinės kalbos, tautinio tapatumo ir būsimos specialybės santykis gali atskleisti bendrąją būsimų statutinių pareigūnų tautinio tapatumo sampratą, jų požiūrį. Atitinkamai galima įvertinti dalykinės kalbos dėstymo aspektus, kurie leistų išryškinti kalbos ir tautinio tapatumo bruožus.

KALBA – VIENAS IŠ TAUTINIO TAPATUMO BRUOŽŲ

Tautinio tapatumo kilmė, samprata tyrinėta ne vieno mokslininko ir gana išsamiai šie aspektai yra aptarti įvairiuose moksliniuose veikaluose, tačiau stiprėjant globalizacijai, tyrinėtojai priversti kai kuriuos dalykus vertinti ir aptarti naujai. Šiuolaikinio žmogaus – išsiveržiančio iš mažos kultūrinės erdvės ribų, atsiduriančio informacijos ir globalizacijos virsmuose, naujuose socialiniuose judėjimuose – požiūris į save, savo istoriją, kultūros paveldą, kultūros politiką kinta. Moksle iškyla nauja žmonių tapatybės priklausomybės savitai erdvei, vietai ir savitam kultūriniam regionui tam tikru laiku problema². Globalizacija trina įvairių tautinio tapatumo bruožų – kultūros, teritorijos, papročių, religijos, vertybių, kalbos ir kt. – ribas. Emigracijos ir imigracijos procesai, tarpkultūrinis bendravimas, verslas lemia kiekvienos tautos žmonių tautinių skirtumų niveliaciją. Šie pokyčiai susiję ir su kalba. Tautinė kalba pradeda prarasti savo vertę, jeigu ta kalba kalbama mažoje teritorijoje, nes ji siaurina žmogaus galimybes: tautinė kalba reikalinga tik tam tikroje apibrėžtoje teritorijoje, ja negali komunikuoti su kitų šalių žmonėmis ir pan. Tai tampa visiška priešybe globalizacijos iššūkiams, tarptautiškumui. Atsižvelgiant į tai, jaunesnė karta dažnai pradeda nesuvokti savos kalbos prestižo, svarbos, gero kalbos išmanymo būtinumo. Apskritai neretai jaunam žmogui tampa iššūkiu rasti, suprasti savo individualų tapatumą, o ką jau kalbėti apie bendresnius bruožus, siejančius su tam tikros valstybės teritorija, kultūra ir pan. Todėl tautinio identiškumo aktualumas yra itin svarbus šių dienų žmogui. Netgi globalizacijos metu kiekvieno žmogaus savęs, kaip tam tikros tautos nario, suvokimas yra svarbus ir reikalingas. Anot D. Antinienės, tautinis tapatumas – tai sudėtingas identifikacijos procesas, kuris yra tam tikra įgyta ar susikurta, palyginti pastovi individo būseną, susijusi su daugiau ar mažiau sąmoningu įsitraukimu į tautos reikalus³. Tik tas suvokimas nėra statiškas, jis priklauso nuo daugelio aplinkybių ir įvykių, kurių metu gyvena žmogus. Taigi tautinis tapatumas nėra statiškas ar duotas, jis „turi būti vis iš naujo įgyjamas ir iškovojuojamas, o tai verčia naujųjų amžių žmogų

² Savoniakaitė, V. Įvadas. Tapatybė erdvėje ir laike: kintantys regionai. Lietuvos etnologija, 2007, Nr. 7 (16). Vilnius: Pradai, p. 19–36.

³ Antinienė, D. Lietuvos akademinio jaunimo tautinis tapatumas. Kaunas: Technologija, 2011, p. 23.

ieškoti kitokių savo egzistavimo visuminės prasmės šaltinių.⁴ Tautinis tapatumas beveik tuo pačiu metu formuojasi, kinta, yra konstruojamas, perkuriamas ir išsaugomas⁵. Nors yra ir nuomonių, kad tautinis identitetas yra genetiškai nulemta asmens savybė, kurią jis gauna atėjęs į gyvenimą⁶. Galbūt kai kuriuos bruožus ir būtų galima tokiais laikyti, bet vis dėlto šiuolaikinio gyvenimo pobūdis net ir anksčiau neliečiamus tautinio identiteto bruožus verčia kintamais.

Tyrinėtojų manymu, tautinis identitetas – tai aiškiai apibrėžti konkretūs bruožai, kurie skiria vieną tautą nuo kitos, pvz.: kalba, religija, istorija, pilietybė ir kt. Svarbiu tautinio identiteto požymiu laikoma gimtoji kalba⁷. Nuo seno kalba laikoma vienu iš tautos, netgi valstybingumo, pagrindų, nors šiuolaikiniame kontekste, kaip buvo minėta, mažose teritorijose vartojama kalba praranda tą ankstesnę prasmingumą, nes globalaus pasaulio kontekste ji tampa reikšminga tik toje teritorijoje likusiems gyventi žmonėms. Tačiau tai ir yra esminis tautos išlikimo požymis. A. Maceina teigia, kad „kalboje tauta įkūnija savo pasaulio suvokimo būdą, savo pažiūras į daiktus, savo istoriją, žodžiu, visą savo individualybę“⁸. Kalba, istorinė praeitis, bendra kultūra, viena teritorija paprastai yra tai, kas žmonėms leidžia save sieti su savo tauta. Ypač pabrėžtinas kalbos vaidmuo kaip itin stiprus individo identifikacijos su tam tikra tautine grupe aspektas. Atsižvelgiant į tai, kas išdėstyta, galima teigti, jog netgi globaliame pasaulyje gimtoji (tautinė) kalba išlieka labai svarbus tautinio tapatumo elementas.

Tautinio tapatumo samprata svarbi ne tik tam tikros apibrėžtos teritorijos (valstybės) gyventojams, bet ypač tam tikrai daliai, susijusiai su tos teritorijos saugumu, t. y. statutiniams pareigūnams. Jų tautinis tapatumas turi būti labai ryškus ir išsiskiriantis, nes jie atstovauja tautos ir jos apibrėžtos teritorijos saugumui. O dalykinės kalbos dėstymas būsimiems statutiniams pareigūnams turėtų ne tik suteikti žinių apie specialybės kalbos savitumą, terminų vartojimą, bet ir praplėsti gimtosios kalbos sampratą. Tačiau labai svarbus ir jų pačių suvokimas ir nuomonė apie dalykinės kalbos svarbą bei gimtosios kalbos sąsajas su tautiniu tapatumu ir būsima profesija. Dalykinės kalbos mokymas(is) turėtų tam tikra dalimi būti susijęs su minėtaisiais požymiais.

⁴ Blockytė, K. „Mažosios Lietuvos lietuvininkų tautinis tapatumas: istorija ir vieta“, Klaipėda, 2012, p. 113.

⁵ Taljūnaitė, M., Labanauskas, L. Lietuviai svetur: tautinio tapatumo išsaugojimas, Vilnius, 2009, p. 15.

⁶ Diržinauskytės, V. „Muzikinė veikla – asmens tautinio identiteto formavimo veiksnys“, 2013, p. 119.

⁷ Ibid.

⁸ Maceina, A. Raštai, t. 8, Vilnius, Mintis, 2002, p. 121.

TAUTINIO TAPATUMO SĄSAJA SU GIMTĄJA KALBA IR DALYKINE KALBA

Būsimų statutinių pareigūnų nuomonei apie tautinio tapatumo bruožus, jo sąsajai su gimtąja kalba bei dėstoma dalykine kalba (specialybės kalba, kalbos kultūra) sužinoti 2017 m. lapkričio mėn. buvo atlikta Generolo Jono Žemaičio Lietuvos karo akademijos kariūnų, Mykolo Romerio universiteto Viešojo saugumo fakulteto Teisės ir policijos veiklos bei Teisės ir valstybės sienos apsaugos programų studentų – būsimų statutinių pareigūnų apklausa. Tyrimo tikslas – išsiaiškinti būsimų statutinių pareigūnų tautinio tapatumo suvokimą, sąsajas su gimtąja kalba ir jos mokymu universitete bei su pasirinkta profesija. Iš viso apklausti 85 studentai ir kariūnai. Duomenims apdoroti taikytas matematinio skaičiavimo metodas. Respondentai pasirinkti atsitiktinės atrankos būdu.

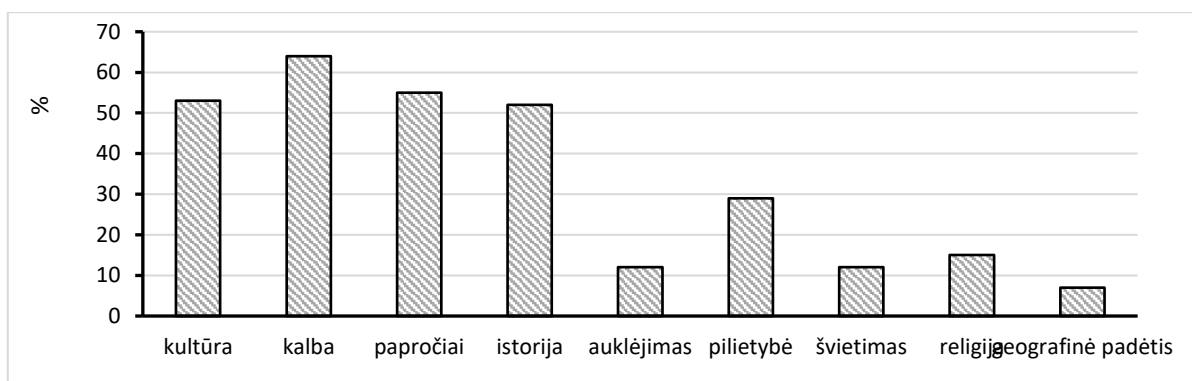
Respondentams buvo pateikta anketa, kurią sudarė 2 uždaro ir 4 atviro tipo klausimai. Vienu iš atviro tipo klausimų norėta pasitikslinti, kokia apklausiamųjų kalba yra gimtoji, kadangi kituose klausimuose šis terminas buvo vartojamas. Kitos gimtosios kalbos vartotojas gali skirtingai vertinti gimtosios kalbos ir dalykinės kalbos santykį su tautiniu tapatumu, taip pat su savo būsima profesija. Peržiūrėjus pateiktus duomenis, galima teigti, kad daugelio respondentų gimtoji kalba yra lietuvių. Vienas respondentas į šį klausimą neatsakė, o vienas – nurodė rusų kalbą. Nors tai sudaro labai nedidelę dalį respondentų, vis dėlto atsižvelgiant į galimą kitų atsakymų interpretavimo netikslumą, šios anketos neįtrauktos į tolesnių rezultatų aptarimą.

Pateiktais dviem uždaro tipo klausimais siekta išsiaiškinti, kokius požymius respondentai priskiria tautiniam tapatumui ir kokius – gimtajai kalbai (juos galėjo pasirinkti iš pateikto sąrašo, kuriame palikta galimybė įrašyti savo variantą). Susumavus jų atsakymus, galima pastebėti, kad tautinį tapatumą daugiausia respondentų sieja su kalba, net 75 % respondentų pažymėjo šį bruožą. Vadinasi, daugeliui tautiškumas, savęs kaip tautos nario identifikavimas sietinas su kalba (žr. 1 pav.). Kalbą galima vertinti kaip pagrindinį elementą, leidžiantį save priskirti tautai. Tokie rezultatai tik patvirtina V. Diržinauskytės (2013), A. Juškevičienės (2007) straipsnyje minėtas mintis, kad kalba skatina žmogų tapatinti save su tam tikra tauta. Antropologai taip pat pritaria tokiai pozicijai ir teigia, kad kalba padeda saugoti ir perduoti kolektyvinę (tautos) patirtį.⁹

Šiek tiek mažiau respondentų pažymėjo papročius (64 %), kultūrą (62 %) ir istoriją (61 %) kaip bruožus, sietinus su tautiniu tapatumu. Akivaizdu, kad tautiškumas, savęs siejimas su

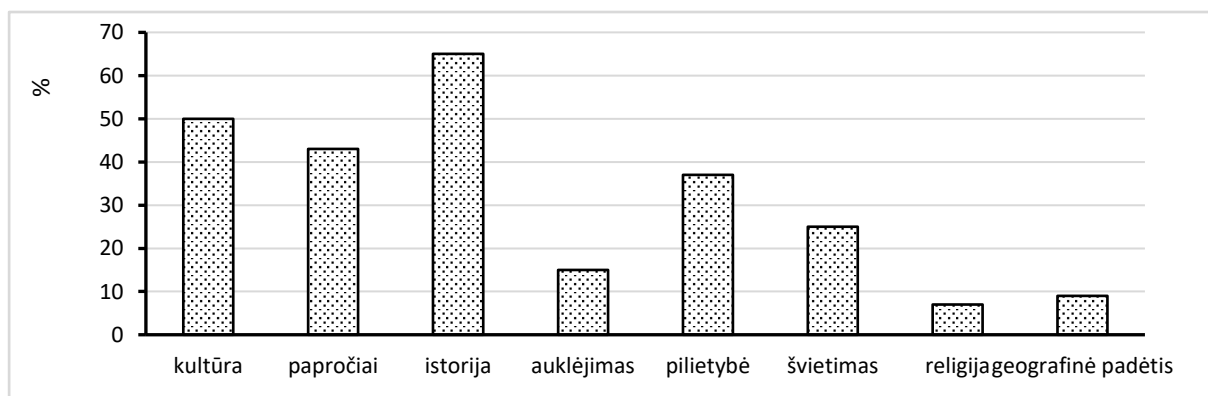
⁹ Antinienė, D. „Asmens tautinio tapatumo tapsmas“, Sociologija, 2002, Nr. 2, p. 105.

tauta, grindžiamas etniniais ir istoriniais aspektais. Iš tikrųjų tai vieni pagrindinių bruožų, kurie skiria tautas vienas nuo kitų. Papročių laikymasis, bendroji kultūra tampa skiriamaisiais bruožais, leidžiančiais diferencijuoti žmones pagal jų priklausymą tautai. Šie dalykai, kaip ir kalba, yra ugdomi nuo mažų dienų, todėl vėliau jie tampa neatsiejama tam tikros tautos narių dalimi. O istorija, nors ir yra tarsi duotybė, kurią tautos narys turi priimti, vienija tautos narius ir sieja juos praeities šleifu. Galima pradėti kalbėti kita kalba, priimti kitos tautos papročius, kultūrą, tačiau vargu ar įmanoma negalima pasisavinti kitos tautos istorijos.



1 pav. Tautinio tapatumo požymiai.

Pilietybė (34 %), religija (18 %), auklėjimas ir švietimas (po 14 %), geografinė padėtis (8 %) respondentams neatrodė tinkamiausi bruožai, susiję su tautiniu tapatumu. Ko gero, tai labiausiai kintantys požymiai, kurie formaliai priskirti tam tikrai tautai, išskyrus galbūt religiją. Viena vertus, galima manyti, kad religija, nors ir yra tarsi nuo mažumės įgyjamas bruožas, vis dėlto dabartinio jaunimo taip giliai nepaveikia ir jie nevertina šio požymio kaip esminio tautiniam tapatumui identifikuoti. Antra vertus, pagrindinės religijos paplitusios gana plačiai ir, tarkim, katalikybės negalima vertinti kaip lietuvių tautos išskirtinio bruožo.



2 pav. Gimtosios kalbos požymiai.

Gimtąją kalbą respondentai daugiausia sieja su istorija (76 %) (žr. 2 pav.). Iš tikrųjų valstybės istorija glaudžiai susijusi su kalbos raida. Kiekvienas mūsų šalies istorinis laikotarpis turėjo įtakos ir lietuvių kalbai, jos vystymuisi. Ne veltui tautinis tapatumas turi glaudžias sąsajas su gimtąja kalba ir istorija. Mažiau respondentų rinkosi kultūros požymį (59 %). Kultūra dažnai istoriškai vystėsi kartu su kalba, tad nenuostabu, jog šis požymis pasirenkamas kaip susijęs su gimtąja kalba. Šiek tiek mažiau bendrumo respondentai išvelgė tarp gimtosios kalbos ir papročių (51 %), pilietybės (44 %), švietimo (29 %). O visai nedaug bendrumo mato su geografine padėtimi (11 %) ir religija (8 %). Galima daryti prielaidą, kad dalykai, kurie yra tarsi duotybė, pavyzdžiui, pilietybė, švietimas, nelaikomi požymiais, turinčiais sąsajų su vidiniais, gimstant įgyjamais požymiais.

Jeigu aptartais uždaro tipo klausimais siekta sužinoti respondentų nuomonę apie, jų manymu, požymius, sietinus su tautiniu tapatumu ir gimtąja kalba, tai atviraisiais klausimais norėta sužinoti išsamesnį kai kurių gimtosios kalbos ar dalykinės kalbos ir tautinio tapatumo santykį bei minėtų kategorijų santykį su pasirinkta būsima profesija. Taigi ketvirtuoju klausimu teirautasi respondentų, kaip šie apibūdintų gimtosios kalbos ir tautinio tapatumo santykį. Galima pastebėti, kad daugelis respondentų atsakė, jog tai susiję dalykai, esantys vienas kito dalimi: „Tai neatsiejami dalykai, nes tai tautos ir valstybės elementai“, „Jie yra vienas nuo kito priklausomi“, „Gimtoji kalba yra tautinio tapatumo dalis“, „Gimtoji kalba yra neatsiejama tautinio tapatumo dalis. Todėl santykis tarp šių dalykų yra neatsiejamas“, „Tautinis tapatumas susideda iš daugelio komponentų, o vienas iš jų yra gimtoji kalba“, „Gimtoji kalba ir yra vienas iš tautiškumo požymių, taip pat ji kaip mūsų kultūra dėl ko esame tautiškai tapatūs“, „Gimtoji kalba yra vienas iš tautinio tapatumo požymių, skiriantis valstybes“, „Gimtoji kalba yra viena svarbiausių tautinio tapatumo dalių“, „Gimtoji kalba yra viena iš pagrindinių tautinio tapatumo sąlygų“, „Gimtoji kalba simbolizuoja tautiškumą“. Kai kurie net save identifikuoja kaip tautos narį („Gimtoji kalba vienas iš dalykų, kuris tapatina mane su mano tauta“, „Taip, kad nuo mūsų gimtosios kalbos priklauso mūsų tautinis tapatumas. Gimtąją kalbą mes suprantame kaip paprotį, tradiciją, kurią stengiamės vertinti ir saugoti, o tai ir yra tautiškumo jausmas“) ar kalba bendru daugiskaitos pirmuoju asmeniu („Be gimtosios kalbos neturėtume ir tautinio tapatumo“). Galima rasti ir išsamesnių atsakymų, išplėtojančių gimtosios kalbos ir tautinio tapatumo santykio sampratą: „Abu siekia auklėti dorą ir atsidavusį savo šaliai asmenį, kuris neužmirštų savo tikrųjų šaknų ir neleistų savo tautai išnykti“, „Tauta, susijusi su gimtąja kalba, jei nebūtų tautos, kuri plėtotų kalbą, tai ir kalbos nebūtų“, „Gimtoji kalba turi įtakos tautiniam tapatumui. Per kalbą atsiskleidžia tautinis tapatumas, visa tautos istorija, papročiai, kultūra,

kalba“. Taigi tokie atsakymai patvirtina, kad gimtoji kalba ir tautinis tapatumas yra tarpusavyje susiję, netgi pastebėtinas savęs, kaip tautos nario, identifikavimas kalbant apie šiuos dalykus ar netgi visos tautos vaidmens išskyrimas. Vis dėlto pasitaiko ir priešingų nuomonių: „Gimtoji kalba ir tautinis tapatumas vienas kito nepildo“. Galima daryti prielaidą, kad asmuo tuos dalykus vertina kaip galbūt atskirus, savaimė egzistuojančius elementus, kurie tarpusavyje nėra susiję. O galbūt mano, kad net ir kalbant negimtajai kalba, galima išlaikyti tapatumą. Bet čia, ko gero, reikėtų prisiminti Vydūno žodžius: „išmoktoji ne sava kalba tegalinti išreikšti tik žmogaus paviršiu, bet ne gelmę. O gelminiai dvasiniai dalykai esantys suaugę su tauta, kurios kraujas paveldimas.“¹⁰

Penktuoju klausimu respondentų teirautasi apie tai, ar gimtosios kalbos ugdymas ir tautinis tapatumas susijęs su pasirinkta respondentų profesija. Būsiami statutiniai pareigūnai turėtų tiek gimtąją kalbą, tiek tautinį tapatumą sieti su savo pasirinkta profesija, nes jų veikla vienaip ar kitaip bus susijusi su valstybės ir joje gyvenančios tautos saugumu. Kuo stipriau išreikštas tautinis tapatumas, kuo daugiau jam priskiriama jį sudarančių požymių, tuo patriotiškesni jausmai puoselėjami, o tokių jausmų kupinas statutinis pareigūnas linkęs tvirčiau ginti savo valstybės teritoriją ir jos gyventojus. Itin stiprias gimtosios kalbos ir tautinio tapatumo sąsajas su savo būsima profesija pateikia Generolo Jono Žemaičio Lietuvos karo akademijos kariūnai: „Taip, nes tarnauju Lietuvos kariuomenei“, „Taip, susijęs. Kariuomenė gina Lietuvą, tuo pačiu gina ir kalbą, ir tautą“, „Taip. Gindami valstybę, giname ne tik teritoriją, bet ir kalbą“, „Taip, nes iš jų kyla patriotiškumas, kas tarnyboj yra itin aktualu“, „Taip, nes karys turi saugoti valstybę, kalbą, piliečius, taip pat siekti išsaugoti tautinį tapatumą“, „Susijęs. Gimtoji kalba ir tautinis tapatumas skatina patriotiškumą, kuris yra svarbi vertybė mano pasirinktoje profesijoje“, „Taip, tautinis tapatumas daugiausiai ir lėmė apsisprendimą. Didžiavimasis savo šalies istorija, pagarba gimtajai kalbai ir papročiams skatina tarnauti Lietuvai“. Deklaratyvus profesijos įvardijimas kalbant apie gimtosios kalbos ir tautinio tapatumo santykį su būsima profesija rodo kariūnų atsidavimą profesijai, respondentai suvokia ją kaip reprezentuojančią tautiškumą, kad ginant savo šalį ginama ir tauta, ir kalba, kad patriotiškumas, pagarba kalbai yra vertybė. Tokio tiesmuko profesijos pabrėžimo, įvardijimo sunkiau rasti Mykolas Romeris universiteto Viešojo saugumo fakulteto studentų atsakymuose, tik vienas kitas anketoje bent pateikia užuominą apie savo būsimą profesiją: „Taip, susiję. Nes esam pareigūnai, todėl, manau, turime išmanyti savo gimtosios kalbos vartojimą, ir būti

¹⁰ Vydūnas Raštai, t. 1, Vilnius: Mintis, 1990, p. 146.

pavyzdys kitiems vertinant vertybes, kurios susijusios su tautiniu tapatumu“, „Nors gimtoji kalba yra labai svarbi mūsų profesijoje, tačiau mes turime mokėti ir kitų kalbų norint dirbti. Bet tautinis tapatumas tikrai yra labai didelis, nes pasienietis gina savo valstybės sieną, savo papročius, savo tradicijas ir, žinoma, tuo pačiu ir savo gimtąją kalbą“. Oponuojančių nuomonių atsakant į aptariamą klausimą yra daugiau nei atsakant į kitus du atviro tipo klausimus. Kiekvienas iš jų turi savų argumentų tai pagrįsti: „Nelabai susiję, nes aš šią profesiją matau kaip gyvenimo mokyklą“, „Ne, nes aš tarnauju ne tautai, o Lietuvos valstybei, man nesvarbu, kurios tautos esi, kokia kalba kalbi, kokią religiją išpažįsti. Jeigu žmogus yra Lietuvos pilietis, jis mano brolis“, „Ne, mano pasirinkta profesija nesusijusi su gimtosios kalbos ugdymu“. Matyt, šie respondentai savo profesiją sieja su kitais aspektais, tad, jų nuomone, nei gimtoji kalba, nei tautinis tapatumas nėra svarbūs.

Paskutiniuoju klausimu siekta išsiaiškinti, ar dėstoma dalykinė kalba (specialybės kalba, kalbos kultūra) aukštojoje universitetinėje mokykloje susijusi su tautinio tapatumo ugdymu. Juk dalykinės kalbos paskaitų, seminarų metu yra analizuojami gimtosios kalbos raidos, teisėtumo, komunikaciniai, kultūriniai aspektai, o kalbos normos tėra kalbos istorijos sukurtas pamatas, kuris būtinas norint išlaikyti ir saugoti gimtosios kalbos sistemą ir struktūrą. Dalykinė kalba yra gebėjimas taisyklingai ir tinkamai komunikuoti gimtąją kalbą. Jeigu pripažįstame ryšį tarp gimtosios kalbos ir tautinio tapatumo, tad dalykinės kalbos ugdymas analogiškai susijęs su tautiniu tapatumu. Respondentų anketose vyrauja teigiami atsakymai: „Taip. Nes kalba yra vienas iš svarbiausių tautinio tapatumo aspektų“, „Susijęs. Net ir aukštojoje mokykloje asmuo mokosi tautiškumo, kurio moko per dalykines paskaitas“, „Susiję, žinoma, nes dalykinės kalbos ugdymas labai panašus ir net tapatus kaip ir gimtosios kalbos ugdymas, be abejo, skatina ir tautinį tapatumą“, „Taip, susijęs, nes dalykinės kalbos seminarų metu studentai yra mokomi, kaip reikia teisingai kalbėti gimtąją kalbą, kaip reikia ją skleisti ir rodyti pavyzdį kitiems, o tai ir yra tautinis tapatumas“, „Taip, susijęs, nes kalbame apie savo šalies kalbą, o kalbėdami apie ją tuo pačiu aptariame tautinius dalykus“, „Taip, nes yra kalbama apie kalbos vartojimą, taisyklingumą, kalbinius papročius, jos kultūrą visa tai glaudžiai siejasi su tautiniu tapatumu“. Dažnam nekyla abejonių, kad dalykinė kalba nėra vien tik gramatika, kurios mokėsi mokykloje. Aukštoji universitetinė mokykla suteikia galimybę plačiau pažvelgti į gimtosios kalbos reikšmę, į jos sąsają su daugeliu kitų komunikacinių dalykų. Vis dėlto kai kuriems respondentams dalykinės kalbos mokymas siejasi su siaura kalbos dalimi („Manau, kad ne, nes specifiskai besimokant kalbą, neugdomas tautinis tapatumas, svarbiausia yra gilintis į valstybės papročius ir istoriją, pažinti savo protėvius ir valstybės gynėjus“) arba jaučiamas minėtas

globalizacijos poveikis („Nesusijusi, nes reikia ne tik savo kalbą, bet ir kitas. Anglų gal net svarbesnė“). Pastarasis respondentas savo ateitį mato globaliame kontekste, kuriame vyraus anglų kalba. Tai rodo, kad jaunam žmogui tampa sudėtinga įvertinti kitų kalbų ir gimtosios kalbos svarbos santykį.

Apibendrinus gautus rezultatus, galima teigti, jog daugelis respondentų tautinį tapatumą sieja su kalba, o šią – su istorija. Visi šie elementai susiję ir sąlygoja vienas kito buvimą. Nors pasitaiko oponuojančių nuomonių, vis dėlto daug respondentų randa sąsajų tarp gimtosios kalbos ir tautinio tapatumo bei jų ryšį su būsima profesija. Taip pat nenuvertinamas ir dalykinės kalbos santykis su tautinio tapatumo ugdymu.

IŠVADOS

Tautinis tapatumas paprastai grindžiamas tam tikrais požymiais, kuriuos turėdamas individas gali suvokti savo tautinį tapatumą. Be kultūros, papročių, tradicijų, apibrėžtos teritorijos, bendros istorijos ir kt., kalba yra stiprus individo susitapatinimo su tam tikra tautine grupe pagrindas. Statutiniai pareigūnai (policijos pareigūnai, valstybės sienos apsaugos pareigūnai, kariai) taip pat yra atitinkamai siejami su tautiniu identitetu, nes jie atlieka tiek tautos saugojimo funkciją, tiek reprezentuoja šalį kaip tam tikros tautos teritoriją. Gimtoji kalba ne tik įgyjama gimstant, bet yra nuolat jos mokomasi. Aukštojoje universitetinėje mokykloje dėstomas dalykinės kalbos (specialybės kalbos, kalbos kultūros) kursas tęsia ne tik kalbos vartojimo ugdymą, bet ir praplečia kalbos, kaip tautiškumo požymio, sampratą.

Atlikus Generolo Jono Žemaičio Lietuvos karo akademijos kariūnų, Mykolo Romerio universiteto Viešojo saugumo fakulteto Teisės ir policijos veiklos bei Teisės ir valstybės sienos apsaugos programų studentų apklausą, gauti rezultatai atskleidė, jog daugelis būsimų statutinių pareigūnų tautinį tapatumą sieja su gimtąja kalba, randa tarp jų bendrų sąsajų, taip pat bendrų bruožų su savo būsima profesija. Dalykinės kalbos mokymasis vis dar kai kurių studentų siejamas su gramatikos tobulinimu, tačiau nemaža dalis jų minėjo ir esant bendrumų tarp dalykinės kalbos ir tautinio tapatumo.

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THE LINK OF NATIVE LANGUAGE, NATIONAL IDENTITY AND LANGUAGE FOR SPECIFIC PURPOSES EDUCATING FUTURE STATUTORY OFFICERS

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Summary

Language for specific purposes linguistics as an autonomous branch of Linguistics of science was formed only in the 20th century, with the emergence in the sixties to seventies communicational-functional, pragmatic approach to language. The concept of the term technical terminology has been developed by German linguists who are treated by the indication of the language as a part of everyday language, which measures a variety of the language allows to communicate both – professionals and non-professionals.

In addition to the culture, customs, traditions, and history of the territory defined in a common language, there is a strong identification of the individual with a particular national group. Statutory officers (police officers, border guards, cadets) are also associated with the national identity, because they carry out the function of nation's protection and represents the country as some of the nation's territory. After the interviewing the future statutory officers about the relationships of national identity, native language and their future profession, it became evident that majority of respondents linked national identity with their native language and native language with history. Thus, the subject of the article – the link of national language, language for specific purposes, national identity and profession of future statutory officers. In this context, the aim is to give an overview of the language of the article subject, as one of the features of the importance of developing national identity, the future statutory officers. Purpose shall be appointed for a few tasks: 1) to discuss the relationship between the language for specific purposes and national identity; 2) to evaluate the data of the inquiry; 3) to link theoretical insights with test results.

In conclusion the results obtained, it can be argued that many of the ethnic identity of the respondents associate with language, and this is with a story. All of these elements are linked and lead to the presence of one another. The research results also show that a lot of respondents find the links between language and national identity. The research participants also admitted that the relationship between the development of national identity and language for specific purposes is also of great importance.

Keywords: native language, language for special purposes, national identity, future statutory officers.

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THE ANTI-TERRORIST FORMATIONS OF THE POLISH POLICE

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Abstract: In practice, sometimes there are situations in which ordinary police officers are not able to operate because of the complexity of the task. In such cases, police anti-terrorist subdivisions are involved in the action. Their tasks mainly involve neutralization of terrorist threats, but also the detention of particularly dangerous, armed criminals and liquidation of bomb threats. In Poland, there are seventeen local special police units at the provincial police headquarters and the biggest one centrally located, which is designed for operations in the whole country and abroad. The Anti-Terrorist Operations Bureau is a member of the ATLAS group, which collaborates with special units from all over Europe.

Keywords: Police, Poland, special operations, anti-terrorist subunit, ATLAS group.

INTRODUCTION

One of the forms of counteracting terrorism is its physical combating. In Poland, special police groups, called anti-terrorist units, deal with this. They are the subject of analysis in this study. The main purpose of the present article is to answer the question: how are the special units of the Polish Police organized and how do they function? The subject is as timely as the current terrorist threats in Europe, including Poland.

The police is a uniformed and armed formation, serving the society and designed to protect the people and the public order¹. According to the Police Act, its primary tasks include, among others, protection of human life, health, and property against unlawful attacks that violate these goods, public order, and security protection, as well as detection of crimes and prosecution of their perpetrators. In their practical actions, the Police often encounter particular situations in which normal actions are not sufficient enough to perform its basic functions. Wherever the average policeman is not able to intervene in an effective and safe way, the anti-terrorist units of the Police (AT) take over. Their use is determined by both the degree of the complexity of the task, as well as the risk associated with its implementation. The anti-terrorist police units have been created as a kind of counterweight to the increasingly spreading terrorism. The police organizational units for physical terrorism combat currently consist of:

- Polish Police BOA KGP Bureau of Counter Terrorist Operations;

¹Art. 1, para. 1 of the Act of 6 April 1990. on Police, Journal of Laws from 2015, item 355.

- seventeen independent anti-terrorist police units (SPAP) in Gdansk, Bialystok, Lodz, Katowice, Cracow, Poznan, Szczecin, Rzeszow, Wroclaw, Bydgoszcz, Gorzow Wlkp., Kielce, Lublin, Olsztyn, Opole, Radom and Warsaw.

In the framework of these counter-terrorism structures 13 sapper-pyrotechnic teams function, taking action in case of a bomb threat. The biggest, 14th sapper-pyrotechnic Police team is located in the structure of the Department of the Implementation of the Metropolitan Headquarters of the Police, as the Sapper-Pyrotechnic Section. Since 2005 in the Police Training Centre's structures in Legionowo, in the Special Training Institute, functions the permanent Sapper-Pyrotechnic Team, with its basic form of activity being training actions.

Perpetrators of crimes for which the AT subunit action is targeted at can represent all social groups and each of them can be in its own way dangerous both for the surroundings as well as the police officers on duty. For various reasons, they can be determined to resolve the situation in the worst way. They often have a criminal past and a clear anti-social attitude, the pathological values usually top the generally accepted moral norms. The criminals, whose escape path was cut off, depending on the seriousness of the offense, in the face of the impending punishment are capable of desperate attempts, even without any chance of success. Another category consists of political terrorists or fanatics with a different motive, often intelligent and educated. Deeply convinced of the rightness of their actions, they are ready to sacrifice the highest value, which is human life, for the so-called "Idea"². As police practice shows they can also be prisoners starting a riot in prisons, their aggression, usually directed at the officers, may take different forms. When a public nuisance breaks out during a demonstration, or even a sporting event, the anonymity of the participants raises aggression, while ensuring the impunity of the pathological behaviour directed at the law enforcing officials. Finally, they may act unpredictably or be mentally ill³.

The list of categories of persons whom the AT subdivisions carry out their activities against has not been completed here, however all of them pose a great danger to the lives and health of police officers. Thus, their interventions are associated with a lot of emotions and stress. The AT assault detachment, as a form of police intervention, is characterized by unprecedented dynamics and is a potential threat for almost all persons within the place of the action. During the operation a wide variety of methods, means and techniques is used which

² J. Pawlik, *Negotiations with people taking hostages*, KGMO, Warsaw 1988, p. 6.

³ *Ibid.*, p.16.

often makes detailed planning not possible. There may be a number of different situations that influence the course of events, the behavior of their participants and their decisions, which precludes the use of the invariable patterns.

Methods and forms of activities performed by the units of the AT and sapper-pyrotechnic cells, as well as the procedure and manner of directing them is determined by the Chief of Police Decree No. 19 of 14th of July 2015 *on the methods and forms of action of the counter-terrorist and sapper-pyrotechnic units of the Police*⁴. It also indicates the principles of combat activities commands and the way to conduct them, as well as the support of the rescue operations, for which the AT subunit officers are also prepared.

SELECTION OF CANDIDATES FOR SERVICE IN ANTI-TERRORISM SUB-UNIT OF THE POLICE

Service in the anti-terrorist subdivision is extremely cumbersome and requires special predispositions from the officers who are on duty. To be qualified for it, you have to have the specific physical and personal characteristics, thanks to which the service is based on your preferred lifestyle rather than the official duty. The large physical workload, working under considerable stress and risking losing one's health and life are its characteristic factors, distinguishing it from other types of services⁴. A huge role is played by their psychophysical features, therefore strict⁵ criteria should be used in the process of selection of the candidates for service in the anti-terror subdivision⁶.

Recruitment for the anti-terrorist subunits of the Police is currently based on the Regulation of the Ministry of Interior of 20 March 2007 *on the procedure and the requirements of the determination of the physical and mental capability of the police officers who are to serve on certain positions or in specific organizational units of the Police*⁷. The Regulation establishes the procedures and conditions for establishing the physical and mental ability to serve in the subunits, including the departments performing combat missions. In accordance with provisions of the regulation, the process of recruitment of candidates to serve in the anti-terrorist subunits only applies to police officers and takes place in two stages. The first one involves a psychological examination, the second is a physical agility test, which determines

⁴Journal of KGP Laws from 15 July 2015, item 52.

⁵W. Zubrzycki, *The anti-terroristic police unit combating terrorism*, National Defence University Scientific Quarterly, addition from 2011, p. 93.

⁶Ibid., p. 78.

⁷Journal of Laws from (07.62.423) 10 April 2007.

the physical aptitude to serve in the subdivision of the person being tested.

An important element of the recruitment of the police officers to serve in the special unit is meticulous examinations, determining the state of health of the candidates. The policemen, who pass the abovementioned strict health tests are directed to the territorially relevant regional medical board, subordinate to the Minister of Internal Affairs and Administration, in order to determine the candidates degree of ability for this type of service.

Completion of recruitment of a positive result does not confirm having the ability to perform the tasks assigned to anti-terrorist subdivisions. Quite the contrary, it starts a long lasting process, involving both varied training and participation in the actual operations, which improves the technical and tactical skills and above all shapes the rational acting under a lot of psychological burden.⁸

TRAINING AND EQUIPMENT OF POLICE ANTITERRORISTS

Preparing officers to perform the tasks assigned to the anti-terrorist subdivisions is based on the *Program of training the full-time police subunits*⁹ from 1995. The idea behind the program and the main task of training the anti-terrorist subunits is to obtain knowledge of carrying out activities on explosive devices, hijacking planes, aircrafts, other means of transport, unlocking objects, taking hostages and stopping dangerous criminals¹⁰. It takes place in police colleges, special training camps as well as locally, as part of independently organized classes, including the ones taking place in the course of daily service¹¹.

Preparing for combat operations is carried out through perfecting the skills in: the anti-terrorist tactics; special tactics; shooting training; use of coercive measures; sapper-pyrotechnics; working in an environment exposed to the influence of the biological or chemical agent, ionizing or nuclear radiation; work at heights; intervention techniques; emergency medicine; conduction and use of the means of transport necessary to perform the tasks; police negotiations; use of service dogs; observation; masking operations; scuba diving and underwater work; swimming and water rescue; physical fitness; skiing techniques; parachuting¹². A complete cycle of training a good anti-

⁸ W. Zubrzycki, *The anti-terrorist unit...*, op. cit., s. 80.

⁹ The Chief of Police Decree No. 86 Chief of Police of 7 July 1995 on the introduction of the official use of the program of training and professionally salaried anti-terrorist police subunits.

¹⁰ *The full-time training program of the anti-terrorist police subunits*, the Police Headquarters's Prevention Office, Warsaw 1995, p. 4.

¹¹ P. Gula, P. Tarnowski, W. Zubrzycki, *Terrorism – risks and prevention*, released by Health and Management, Cracow 2005, p. 55.

¹² Order No. 19, the Chief of Police of 14 July 2015 on the methods and forms of action of the anti-terrorist police

terrorist subdivision officer is estimated at 3 to 5 years, this period is dependent on many external factors and the psychophysical features of the policeman¹³.

The analysis of the anti-terrorist police subunits use cases shows that they fall into action wherever the vocational training and the equipment of the average police officer is not sufficient enough to carry out the task. Their actions are directed against terrorist and criminals of the highest caliber, therefore the measures, although extreme, are adequate to the potential threat. The use of such measures, often in the face of active resistance, carries the danger of loss of health and even the lives of those whom these activities are addressed to, the policemen and finally the public. For all of the above reasons, the measures which should be executed by the anti-terrorist subunits, should include a whole range of versatile equipment, from individual pieces of apparatus, through different means of fight supplies to the materials used to overcome natural, technical and construction obstacles¹⁴.

According to the Regulation of the Minister of Internal Affairs of 28 November 2014 *on the armed police*¹⁵, it is composed of primarily combat firearms: pistols, revolvers, shotguns, machine guns, rifles and grenade launchers¹⁶. Wherever the objective is not possible to achieve in close combat because of distance, position, short-term exposure or poor visibility, precision fire is used. The main task of the marksman in the anti-terrorist operations is to support the assault group by the elimination of the selected targets by firing precise shots from a distance. Therefore, sharpshooters must have certain psychophysical characteristics, undergo an appropriate training and have specialized equipment. In addition to the standard police department of combat equipment, they also have other, specific apparatus, including suitably adapted firearms, measuring instruments, several varieties of masking costumes¹⁷, night vision means, means of communication and other accessories needed to perform the assigned tasks.

Specific elements of the anti-terrorist tactics are based on special techniques, which require the appropriate equipment. Both altitude training of the anti-terrorist subunit police officers (in the form of rock climbing and urban mountaineering) and the use of altitude techniques in combat operations require to dispose specialized equipment of adequate strength and reliability. These

subunits and the sapper-pyrotechnic cells, §8.3.

¹³ J. Pawlik, M. Żywczyk, *The organization and purpose of the Militia special subunits*, The Department of Education and Vocational Training MSW, Warsaw 1989, p. 15.

¹⁴ W. Zubrzycki, *Subunits...*, op. cit., p. 67.

¹⁵ Journal of Laws from 8 December 2014, item 1738.

¹⁶ § 1.1.

¹⁷ W. Zubrzycki, *The crisis situation as a condition of appointment and special preparation of the police anti-terrorist subunits*, *Police No. 1-2/2003*, WSPol. Szczytno, p. 18.

techniques were borrowed from the mountain rescue services and enriched with regard to their own needs, the equipment used by both services is also similar. Equipment used in the anti-terrorist subunits to work under water can be broadly divided into floating devices and water operations technical security devices, diving equipment, as well as a complementary set of water rescue apparatus. It is worth paying attention to the possibility of its use for purposes other than combat, for example – rescue¹⁸.

Completely different, unique to only these units of the police, is the equipment of the sapper-pyrotechnic teams. They have the accouterment capable of locating, recognizing, neutralizing, removing, transporting and destructing the explosive materials and devices. Particularly noteworthy are the robotic devices capable of replacing man in life- or health-threatening situations¹⁹. Remote controlled robots, equipped in cameras and manipulators are able to perform precise tasks related to detecting and transferring or neutralizing dangerous goods²⁰.

The vehicle fleet and other means of transport are very important to the anti-terrorist subunits, as they determine the mobility of the anti-terrorist subunits. They consist of passenger, general-purpose, combat and special cars. Among the means of transport are also helicopters, as well as the police aviation units which are a particular element of the increasing reliability and effectiveness of the anti-terrorist formations²¹.

TASKS OF POLICE ANTI-TERRORISTS SUBUNITS

The primary objective of maintaining subunits is their preparation for physical combat of the terrorist acts, physical reaction to the commission of a terrorist act caused by a political or other motive²². These subdivisions carry out tasks in situations such as: holding hostages captive in a building and ground, air or water transportation means. They block buildings and protect them from attacks. Their competence is also stopping especially dangerous criminals²³.

The anti-terrorist police subunits and the sapper-pyrotechnic cells conduct combat actions or support rescue operations. The militant activities are implemented as: counter-terrorism, salvage,

¹⁸ W. Zubrzycki, *Subunits...*, op. cit., p. 71-72.

¹⁹ <http://www.antyterroryzm.com>, 15 November 2017.

²⁰ W. Zubrzycki, *Subunits...*, op. cit., p. 78.

²¹ Ibid, p. 79.

²² J. Szafranski, *Security and defense of the state in terms of terrorist threats* [in:] J. Szafranski (edit.), *Todays threat of terrorism and the methods of anti-terrorist measures*, Szczytno 2007, p. 29.

²³ K. Jałoszyński, *National anti-terrorist units - history and present*, „Police” 2000, No. 1-2/00, p. 98.

executive tasks and sapper-pyrotechnic actions²⁴. The sapper-pyrotechnic activities consist particularly of locating, recognizing, neutralizing, removing, transporting and destroying explosive materials or devices made at a factory or in an improvised manner, constituting a threat to life, health and property, as well as security and public order, overcoming construction locks and other obstacles using explosive materials²⁵.

The Anti-terrorist Operations Bureau KGP was called to counteract terrorism, physically fight with it, but also to organize, coordinate and supervise the actions of the police in that area, in particular:

- 1) conducting combat operations and reconnaissance, aimed at eliminating the terrorist attacks, as well as the prevention of incidents of this nature, including those of particular complexity and those in an environment exposed to a chemical or biological agent, ionizing or nuclear radiation and explosive materials;
- 2) carrying out activities that require the use of special forces and means, or the use of special tactics;
- 3) conducting negotiations;
- 4) performing tasks in support of the protective measures taken against protected persons;
- 5) supporting the activities of the police and KGP organizational units in the conditions of a specific threat or the requirement of certain qualifications and skills;
- 6) coordinating the preparations for the police to conduct combat and sapper-pyrotechnic operations as well as police negotiations;
- 7) analysing various aspects of the fight against terrorism and taking initiatives affecting the proper implementation of the tasks of the police in that area;
- 8) cooperating with domestic and foreign formations competent in matters of preventing and combating terrorism²⁶.

The scope of the independent anti-terrorist police subdivision contains, in particular, the physical fight against terrorism by carrying out reconnaissance and combat tactics using anti-terrorism measures to suppress terrorist attacks and prevent incidents of this nature, carrying out sapper-pyrotechnic activities and performing other activities that require the use of special forces and means, which the sub-divisions are supplied with or the need to use the special tactics,

²⁴Order No. 19, the Chief of Police of 14 July 2015 *on the methods and forms of action of the anti-terrorist police subunits and the sapper-pyrotechnic cells*, §5.

²⁵Ibid, §6.1.

²⁶<http://www.policja.pl/pol/kgp/biuro-operacji-antyter>, 15 November 2017.

especially detaining particularly dangerous persons.

The anti-terrorist subunits have been covered by the *Emergency response procedure*, which relate to the following events:

1. the threat of a terrorist attack on facilities important to the national safety and defense as well as the public buildings;
2. terrorist acts:
 - a) planting an explosive charge;
 - b) abducting an air transportation mean;
 - c) abducting a water transportation mean;
 - d) abducting a land transportation mean;
 - e) seizure of a facility including taking hostages;
 - f) abduction of a person or persons²⁷.

COOPERATION OF POLICE SPECIAL UNITS IN THE AREA OF THE EUROPEAN UNION

The Antiterrorist Operations Bureau also participates in the international cooperation of the interventional police units in special activities and rescue operations in the European Union. The first initiative in the field of the cross-border co-operation of specialized anti-terrorist formations in Europe dates back to the mid-90s. Several international projects in which from a few to a dozen anti-terrorist units of European countries co-operated with each other were conducted. After the events of September 11, 2001, which caused a worldwide re-evaluation of the perception of the threat of terrorism and the fight against it, a lot of decisive steps were taken to unify the multi-faceted activities in the area of almost the whole continent. This led to the first meeting of representatives of the anti-terrorist police formations of the European Union countries, which took place on 15 October 2001 in Brussels. This created a group, whose members were the commanders of all central units of the member states, and it was named ATLAS²⁸. The polish special central unit – BOA KGP – was invited to participate in the meetings of the group, even before the official Polish accession to the European Union, as an observer, in order to introduce its commander to the work of the group and therefore help with the process of the EU enlargement. BOA was accepted to the ATLAS in June 2005.

²⁷ The Chief of Police Decree No. 1429 of 31 December 2004. *on the introduction of the Police response procedures in crisis situations*, Journal of KGP Laws from (No. 3) 28 January 2005.

²⁸W. Zubrzycki, *ATLAS, Europe united against terrorist attacks*, Jografika 2009, p. 41-42.

At present, the ATLAS includes 35 special police units, called for the physical terrorism combat, from 27 European Union countries but also Norway and Switzerland. The basic aim set by the group is to achieve a comparable level of the highest possible level of quality by all European Union countries special force units. Active co-operation of individual members, exchanging information and conducting joint projects within the Group is supposed to help achieve that goal. In circumstances that demand it, mutual force and resource support is also possible as well as joint operation conduction in crisis terroristic situations on a large scale.

The intervention taken together by different police forces in one of the member states requires an appropriate legal framework, regulating the individual task implementation areas in a foreign country. The Council of the European Union Decisions *provides with border cooperation intensification, particularly with combating terrorism and cross-border crime*²⁹ and on its implementation³⁰, as well as the *Council of the European Union Decision on the improvement of cooperation between the special intervention units of the European Union member states in crisis situations*³¹, referring to, for example, issues related to the conduct of joint operations, the use of weapons, ammunition and equipment, civil and criminal penalties, and costs of such actions³². The legal basis for the participation of special units of the Polish Police outside of Poland can be found in the Article 145a of the Police Act. In the light of its provisions a police officer may be assigned to duty outside of the country in order to carry out the tasks specified in a police contingent separated to participate in:

- 1) peacekeeping missions,
- 2) actions to prevent acts of terrorism or their effects,
- 3) rescue, exploration or humanitarian operations,
- 4) police training and exercises,
- 5) representative ventures.

These provisions of legal acts allow for technical, logistic and manual support during conducting activities. This means that - in case of a terrorist attack in Poland or another EU country – special police forces will not be alone in dealing with a crisis situation, but can expect help from their foreign counterparts, taking advantage of their expertise, experience, as well

²⁹Journal of the UE Laws from (No. 210) 6 August 2008 r., decision No. 2008/615/WSiSW.

³⁰Journal of the UE Laws from (No. 210) 6 August 2008 r., decision No. 2008/616/WSiSW.

³¹Journal of the UE Laws from (No. 210) 6 August 2008 r., decision No. 2008/617/WSiSW.

³²W. Zubrzycki, *Physical terror and terrorism combat in Poland*, [w:] W. Zubrzycki (edit.), *Countering the terrorist threaten Poland*, Jografika, Warsaw 2011, p. 324.

as specialist equipment and physical support³³.

CONCLUSIONS

The effectiveness of the operations depends not only on external factors. The uniqueness of the situations, events, behaviors, circumstances and prevailing conditions puts very high demands on the officers, who are responsible for the resolution of these difficult occurrences. The psychophysical features of the policemen play a big part in that process. High physical efficiency, sensory perception, reaction speed, courage and decisive action, intelligence, common sense and maturity, mental discipline and consistency in the proceedings, mental strength, composure as well as control over their aggression, honesty, and finally a highly developed sense of camaraderie - which is very important in teamwork; those are the traits required from the special unit officers. They, however, do not determine the final success of the action. Each steps performed under high tension, require specific habits, or even automation, which can only be obtained by long practice. In the conducted actions, there is little to no room for improvisation and randomness; the efficient and effective attack - especially in the case of many unknowns - is preceded by hours of painstaking exercise, a huge number of hypothetical tasks and their practical solutions. They allow, even in unique situations, a controlled and as secure as possible course of action. Therefore, the basic and almost only, apart from the executing tasks of the battle, subdivision officers duty is a continuous professional development and training³⁴.

Very important is also the experience acquired during active terrorism combat, daily fight against organized crime and other forms of common banditry. It complements the training process, verifies the skills level and eliminates these cells, which failed during the operation. Such experience also makes it easier to operate in conditions of mental tension, caused by the threat of loss of life.

By carrying out their daily tasks, the AT units counteract the threats, such as terrorism and organized crime. But the scope of their activities, beyond the need to intervene with a high degree of danger, also includes other tasks, requiring special skills or special equipment³⁵. They are not mass units and their equipment, comprehensive training and special skills predispose them to perform specific tasks, differing greatly from those appropriate for the

³³ Ibid., p. 323.

³⁴ J. Pawlik, M. Żywczyk, *The organization and purpose...*, op. cit., p.13.

³⁵ W. Zubrzycki, *Subunits...*, op. cit., p. 97.

conventional police forces. Their combat activity is mainly based on the violent attacks, which involve a direct threat to life and health, therefore the taken steps have to be bold and decisive. The skills disposed by the anti-terrorist formations officers allow for mastering all of the objects that could be used by the enemy and to conduct combat under various conditions, using a variety of measures³⁶.

Poland is not free from the threat of international terrorism in the strict sense of the term. The arrangement of political forces is changing at a fast pace in the world, the constant complication of the international relations is taking place, the persisting separatist and national liberation trends in many regions as well as the religiously motivated actions – all the above mentioned factors are a favorable climate for the international terrorist activities. The efficiency and effectiveness of the special police units in situations of serious threats related to terrorism may not only decide on the level of internal security of Poland, but also about the perception of it in the international arena.

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INFORMACIJA APIE LENKIJOS POLICIJOS ANTITERORISTINĘ VEIKLĄ

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Santrauka

Praktikoje, kartais pasitaiko situacijų, kai įprasti policijos pareigūnai negali veikti, nes jiems kylanti užduotis yra pernelyg sudėtinga. Tokiais atvejais policijos antiteroristiniai padaliniai įtraukiami į tokios situacijos sprendimą. Jų užduotys dažniausiai apima teroristinių grėsmių neutralizavimą, taip pat ypač pavojingų ginkluotų nusikaltėlių sulaikymą, sprogmenų neutralizavimą. Lenkijoje yra septyniolika vietinių specialiųjų policijos pajėgų skyrių, kurie yra provincijos policijos štabų sudėtyje ir vienas centrinis skyrius, kurio įgaliojimai apima teisę veikti visos šalies viduje ir užsienyje. Antiteroristinių operacijų biuras yra ATLAS grupės narys, joje bendradarbiauja su specialios paskirties skyriais visoje Europoje.

Keywords: Policija, Lenkija, specialiosios operacijos, antiteroristiniai daliniai, ATLAS grupė

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