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Adresas: Mykolo Romerio universiteto Viešojo saugumo akademija Maironio g. 27, LT- 44211 Kaunas

El. paštas: vsa@mruni.eu

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Address: Mykolas Romeris University Academy of Public Security Maironio st. 27, LT-44211 Kaunas

E-mail: ysa@mruni.eu

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CAREER MANAGEMENT CHALLENGES: CASE OF STATUTORY ORGANIZATIONS

Rūta ADAMONIENĖ

Mykolas Romeris University
Maironio str. 27, LT 44211 Kaunas, Lithuania
E-mail: rutadam@mrui.eu
ORCID ID: [0000-0002-7716-8093](https://orcid.org/0000-0002-7716-8093)

Kipras KUVEIKA

Mykolas Romeris University
Maironio str. 27, LT 44211 Kaunas, Lithuania
E-mail: kipras945@gmail.com
ORCID ID: [0000-0002-9806-0225](https://orcid.org/0000-0002-9806-0225)

Nijolė PETKEVIČIŪTĖ

Vytautas Magnus University
K. Donelaicio str. 52, Kaunas, Lithuania
E-mail: nijole.petkeviciute@vdu.lt
ORCID ID: [0000-0002-3281-9411](https://orcid.org/0000-0002-3281-9411)

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Abstract. *The article analyses career management challenges in organizations. We live in a constantly changing environment, where it is especially important to take care of your career. Scientific literature analyses various aspects of career planning and management of employees in organizations. Professional career is an important part of a person's life. Most workers today feel very stressed at work due to high levels of uncertainty and lack of meaning. The text provides an analysis of career elements. The concept of career can be described as the joint effort of an individual and an organization to achieve employee's satisfaction at work and good performance in the organization. Employee responsibility is more related to personal career planning. Meanwhile, career management is the prerogative of the organization. Aim of the article: to analyse career management and implementation opportunities in a statutory organization, identify problem areas and provide a model for career management and implementation in statutory organizations. The article reveals theoretical aspects of career management, the concept at the individual and organizational levels, examines career management models and the possibilities of their application. Career features in the statutory institution are also defined. Features of the statutory organization are revealed. The quantitative empirical research carried out presupposed the possibility of identifying the main factors that promote and hinder the development of careers in statutory organizations; identified problem areas and solution options and presented a formed model of career management and implementation opportunities in statutory organizations.*

Keywords: *career; career management factors; statutory organization.*

Introduction

In an ever-changing world, people have more opportunities to develop their careers. Career is a life-long continuous development of a person in order to acquire a higher "quality of compatibility" (Epstein, 2019). The more attention an individual pays to his search for "compatibility", the more satisfaction he feels when carrying out one or another activity. Career is one of the most important roles in human life. In order to establish himself and be significant and useful in the chosen organization, a person must expand limits of his capabilities, never stop learning and improving. Career opportunities depend not only on the wishes and efforts of the individual himself, but also on the chosen organization and its leaders. Employees career management in statutory organizations has some peculiarities since their activities are regulated

by the statute and other legal acts. This leads to different recruitment procedures and is characterized by strict requirements and career development opportunities.

Topicality. Career management and implementation in statutory organizations is a topic that is analysed in a narrow scope. There is very little research on how career management takes place in these organizations. It can be mentioned that there are still some inconsistencies between the current situation and the regulation of normative legal acts on career development opportunities for employees. A new paradigm of thinking was formed, certain phenomena and processes began to cause concern and internal conflict in statutory organizations between officials of the lower and higher ranks, due to unfair activities that affect career development. There are no properly defined actions, ways, methods, and tools that prevent the influence of negative circumstances to achieve high-quality, fair and equitable career development in this type of organization. Due to the influence of negative circumstances, a new approach and adjustment of legal norms are necessary to improve the situation in statutory organizations. To this end, it is necessary to carry out research in order to name the emerging problems and propose ways to solve them.

Scientific novelty and level of investigation of the problem under research. The topic chosen for the study is about the peculiarities of career management in a statutory organization. One of the first researchers, A. Laurinavičius, who conducted a research of the problems of career management of the country's police and customs officers (Laurinavičius, 2003). Although more extensive research was carried out, however, legal measures and ways of preventing the influencing negative circumstances remained unexplored, since the author's goal was "to clarify the problems of managing the career processes of statutory civil servants, to draw the attention of scientists and practitioners to the needs of the career of officials, the need of society (government) to maintain their legitimate interests (rights), taking into account the trends in the development of social relations" (Laurinavičius, 2003). This text aims to analyse the possibilities of career management and implementation in statutory organizations. Legal acts, documents were analysed for the research and a quantitative study was carried out. Questions on the topic are analysed in the works of various Lithuanian and foreign researchers (Petkevičiūtė, 2013; Valickas, 2012.; Sakalas, Šalčius, 1997; Greenhaus (Greenhaus, Callanan, Godshall, 2015; Adamonienė, 2017; Stanišauskienė, 2016; Bagdadli, Gianecchini, 2019; Heijden, Davie, Bozionelos, De Vos, 2022, etc.).

Research object. Career management and implementation opportunities in the organization.

Goal of the research. To analyse theoretical aspects of career management and implementation and present a model of career management and implementation opportunities suitable for statutory organizations.

Research tasks. To implement the objective, the following tasks were set out: to conduct analysis of scientific literature on theoretical aspects of career management; to conduct a study of employees' career management and implementation in a statutory organization, to identify problem areas; to provide a model of career management and implementation opportunities suitable for statutory organizations.

Career - an important factor in life and work

In today's world, careers are becoming an important dimension in the perspectives of both workers and organizations. Various Lithuanian and foreign researchers analyse this phenomenon in various aspects in different contexts. Some authors identify the concept of

career as a sequence of human activities, that is, a process that lasts throughout his life, which is conditioned by various economic, social, political, cultural, psychological factors (Greenhaus, Callanan, Godshah, 2015; Gumuliauskienė et al., 2014). Other researchers often associate career with success and describe it as "a stimulus that forces an individual to achieve better work results and that continues throughout life" (Petkevičiūtė, Balčiūnaitienė, 2017); others say that "career is a lifelong sequence of a person's work and learning experiences" (Jasiūnienė, 2019). Various scientists examine the concept of career in different ways, a career is an individual development in the direction of a successfully chosen activity and a positive assessment of it both from a personal and societal point of view. Others note that "career is an individually perceived sequence of attitudes and behaviours related to the work experience and personal life of an individual" (Sakalas, Šalčius, 1997); or "career is an advanced sequence of work and related learning experiences localized in the context of an individual's life, which develops as an individual maintains and develops working relationships with organizations" (Adamonienė, 2015). As the concept of career changes, different scientists, based on various theories, thoughts, and statements by different authors, presume and present several different interpretations of the concept of career (Table 1).

Table 1. Career concepts

Career is a totality of various roles performed in a person's life, positions held in workplaces, stages, and levels. Career involves assuming and fulfilling the five basic social roles (learner, worker, family member, community member, entertainer) at school, work, family, community, and leisure time (Super, 1980)
Career is a sequence of person's work experiences that develops over time (Arthur, Hall, & Lawrence, 1989).
Career is a totality of person's work-related responsibilities, roles, activities, and experiences (Arnold, 1997)
Career is evolution of employee's positions / jobs in the company(s). Although career is usually associated with the vertical rise of employees, it also includes horizontal movement. As the level of employee requirements rises, it is becoming increasingly important. When planning a career, personal aspects are necessarily combined with the needs of the organization. In the career, in parallel with the interests of the company, the aspect of personnel development is very prominent (Sakalas and Šalčius, 1997).
Career is a person's time spent working to build a meaningful model of life (Reardon et al., 2000)
Career is a change of qualitatively performed, socially significant professional and other roles in a person's life. It is a way of continuous personality development and self-expression with optimistic perspective, direction, and purpose of qualitative change (Kučinskienė, 2003)
Career is a sequence of achievements arising from a vocation and lasting throughout a person's life in various socially significant roles, jobs and the positions held in them, related to self-expression and individual development, and reflecting the vision and style of a person's life (Laužackas, 2005).
Career is a sequence of different socially significant roles of a person, arising from work, learning, self-expression, and leisure activities and covering professional life, jobs, positions and achievements of a person (Karjeros projektavimo vadovas. Sistemos, teorijos, praktika ir terminologija penkiose Europos šalyse, 2005)
Career is a long-term sequence of jobs or positions in a particular profession or organization in which status or salary growth is typically observed (Blyton and Jenkins, 2007)
A person's career is understood as all the duties performed by a person in different organizations (Bakanauskienė, 2008)

Source: compiled by the authors, according to, „Žmogiškųjų išteklių valdymas“ (Gražulis et al., 2015)

There is no general concept of a career, but it is emphasized, that „the concept of career in literature is used in four basic senses: 1) career is an *achievement* (this mainly applies to achievements at work); 2) career is a *profession* (some professions are more prestigious than others); 3) career is a *consistent continuation of permanent work* (in this regard, all working people have a work history – career); 4) career is a *consistent sequence of life-long experiences of various roles*“ (Petkevičiūtė, 2013). (Figure 1). As we can see from Figure 1, a career is a

profession, a continuous sequence of permanent work, life-long experience in various roles, learning, the whole process of which brings achievements. First of all, a profession and a permanent job must be understood as a person's satisfaction with the activity performed. It does not necessarily have to do with professional work, for which we receive a reward, but also what we do in our free time, without any additional pay. Secondly, this is not a short-term event. It is a process that lasts a lifetime, each action of which is not guaranteed towards a victorious career for life. Consistency in learning is also characteristic here. The development of the baggage of knowledge, skills, and abilities as a continuous work, as a result of which we gain experience and expand the limits of our possibilities. (Epstein, 2019). The above circumstances, life stages and actions presuppose that the concept of career is not characterized by profession or work only, it is also an ongoing self-development and strengthening of knowledge and skills in all cases of life, as a result of which a person can achieve a successful career.

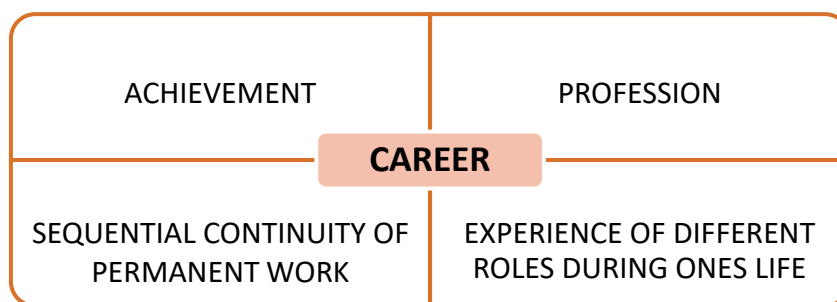


Figure 1. Career concept in four meanings

Source: according „*Career management: organizational perspective.*“ (Petkevičiūtė, 2016)

Why is career important? As already mentioned, career is a lifelong sequence of person's work and learning experiences. Many people consider work to be their priority in life. Indeed, work fulfils our physiological needs, provides a sense of security, encourages achievement, etc. Career consists of two elements: *objective* and *subjective*. Based on the idea that "the objective element of career is a noticeable, real environment" (Petkevičiūtė, 2006). Therefore, it can be concluded that this element is indeed the most easily assessed career result, which can be observed both in work results and in achievements in scientific fields, social activities, etc. We can manage our career by deepening our knowledge and skills, choosing activities that involve us. Therefore, the subjective element is associated with our perception, values, attitudes and change of motives at different age stages. These two elements must be related to each other: a career is a process, a sequential sequence of work-related experiences. Every job can be called a career (Petkevičiūtė, 2013). Objective career is described as movement in social space, which is compared to a pre-known reference point localized in a social structure or network of relationships (Valickas, 2012). And subjective career is understood by these authors as a movement from the identity of one person towards another. Thus, both subjective and objective factors are important in career planning: acquired knowledge, achievements, skills, inclusive choices, movement in the social space, and individual understanding of them is also important, since it is a continuous process associated with the activity, movement of each individual and is assessed as a subjective element of the career.

In the literature we can find that there are distinguished two career models: organizational (bureaucratic, traditional) and personal/individual (modern, variable). Organizational career "is characterized by the hierarchical nature of the career, the dominant role of the organization in

the development of the individual's career and in assessing its success" (Jasiūnienė, 2019). In short, organizational career includes a professional career for which the hierarchical nature of career, prevailing meaning of the organization is more acceptable. Others agree with the aforementioned author that "in organizations, employees can develop two important types of careers that are closely related to the organization and activities in it – *vertical* and *horizontal* career." (Petkevičiūtė, 2006). Most often, the prospect tends to the vertical direction of career, but horizontal direction is not left either. Vertical career is characterized more in the hierarchical system - organization, and the horizontal career is characterized as the activity of the individual in the organization: "*vertical career* is characterized by the rise of the individual in the organization according to the hierarchical system. The employee is assigned higher positions, more rights are given, and the salary is raised. <...> *Horizontal career* describes an individual's activity in an organization that does not end with promotion. <...> In this case, a person performs more functions in the organization, has more work. All this includes training qualifications, strengthening competence." Not always the organization provides conditions for the development of a personal career, the organization itself regulates the direction, speed of career movement of employees and employers are responsible for the career development of their employees. There are the cases when an individual stops in one place, since the time of the organizational career is limited, due to the dominance of the organizational structure. It is rare to see an organization providing steady, permanent employment that does not always encourage development. In the modern world, employees want to manage their lives and careers, are active and stubborn people. In this case, the individual career is most influenced by external factors, to be more precise, it is influenced by the organization itself, the goals, and values of the dominant organization. According to the authors, "the modern career is not identified with the profession. Its model does not have a stable structure and is not fixed in the organization" (Stanišauskienė, 2009). Other authors (Petkevičiūtė, 2006) distinguish several features of successful management of personal career, these are *flexibility*, *adaptability*, and *tolerance for uncertainty*. The author states that personal career is associated with the work activity of each individual and its continuous process. Management of personal career is a process in which an individual: "1) collects information about himself and the world of work; 2) creates goals; 3) creates a picture of his talents, areas of interest, values and desired life style; 4) provides alternatives to the field of work, specialization and organization; 5) develops realistic career plans; 6) develops strategies for achieving the set goals; 7) receives a reversible connection about the effectiveness of the strategy and the importance and relevance of the goals." (Petkevičiūtė, 2013). A comparison of bureaucratic and modern careers according to the criteria is presented in Table 2.

Table 2. Comparison of bureaucratic and modern career

CRITERIA FOR ANALYZING THE CONCEPT OF CAREER	BUREAUCRATIC CAREER CONCEPT	MODERN CAREER CONCEPT
Career model	A single hierarchical structure established in the organization; "career ladder"	Flexible disjointed structure not embedded in the organization
Measure of career success	Individual achievements (status, salary, etc.) at a certain age are compared with the achievements of other people of the same age	Satisfaction of self-realization, personal freedom, individual approach to success

Career future	Predictable, clear, related to the organization	Difficult to predict, related to human competence in relation to selected goals
Social (material) security	Stable in the context of a clear future progression	Relative, depends on many personal and social factors
Requirements for a person	Obedience, ability to perform a routine task well; specific professional skills are necessary	Innovation, initiative, creativity in an uncertain work environment; a necessary career "portfolio"

Source: compiled by the authors, according to "Lyčių studijos ir tyrimai" (Stanišauskienė, Stundžė, 2006)

Thus, it is possible to see the fundamental differences between bureaucratic and modern career (Table 2). The first major difference is that a bureaucratic career is dominated by an integral hierarchical structure, as a result of which a modern career does not have a stable structure. Also, personal career is dominated by personal freedom, self-realization, and in organizational career individual achievements at a certain age are compared with those of other people of the same age. From a positive point of view, organizational career foresees a clear and organizational career future in a stable context of progression, as can be said in contrast to the individual career model, where the future of career is difficult to predict, and social security depends on many personal and social factors (Table 2).

Each person pursues both *individual* and *organizational career*. A personal, individual career depends only on the person's own powers to develop his career. Individual career development is dominated by the peculiarities of person's individual values and perception, ability to consciously feel oneself and the environment. The whole life of a person is involved in a modern career, because only he is responsible for his actions and solutions. Only the individual himself decides at what speed and in what course his personal career will develop. The knowledge economy has inspired the need for workers with conceptualization and knowledge creation talents. A productive talent market has emerged as employees increasingly search for the quality of compatibility. Unfortunately, this market is more active in the private sector, while in bureaucratic organizations little attention is paid to the "quality of compatibility" of employees (Epstein, 2019).

Another aspect of career development is a career management - a lifelong learning process about oneself, work and organizations, it is individual setting of career goals, development of strategies for achieving goals, work and life experiences, revision of the main goals. "Career management can be defined as process by which an individual develops, implements and controls career goals and strategies" (Petkevičiūtė, 2013; Petkevičiūtė, Balčiūnaitienė, 2019). Career management is defined similarly by other authors: "career management is a person's self-knowledge and career opportunities, career decision-making, career planning, coordination with other areas of life and the process of realization" (Valickas, 2012, 2014). Employees must engage in a variety of career management factors that create career opportunities that enable them to meet their personal career goals and ensure their suitability for the organization. Changing attitude of individuals towards career development and its management is essential. It can be concluded that career management consists of knowing oneself and one's capabilities, developing goals, strategies and plans of the individual and organization and realizing them.

In a changing society, understanding of the career path in one organization also changes. In the environment of the knowledge and innovation economy, the individual is more concerned and more responsible for managing his career, which is why the general concept of career and its paradigm are changing.

The new career example is the opposite of the old career paradigm mutual loyalty agreement, in which workplace security transcends employee loyalty. Professional advantage is the long-term, continuous acquisition of knowledge and skills through learning and through practice. A person already identifies himself as a specialist in a particular profession, and not as a person belonging to an organization. In the previous career paradigm, the emphasis of one employer meant that improvement was rather the responsibility of the organization than of the individual himself.

Career management is important for both the individual and the organization. From the individual's perspective, the basis of career management is determined by ongoing environmental changes. It is very important to notice and understand changes in the environment, because only individuals who are able to do this achieve the heights of a successful career, creating favourable opportunities for themselves to learn from their mistakes and more confidently realize their career plan. Some authors point out that in today's changeable world, individuals need to be caring, active and responsible for their career, because "individual career management is the process of planning, coordinating, implementing and controlling a sequence of work and learning experiences with other areas of life" (Adamonienė, 2017).

Career management model focuses on the person who needs to make decisions that lead to career search and goal-setting process through the development of strategies and tactics (Greenhaus, Callanan, Godshalk, 2015). According to this model, the organization is only an external player in the system with environmental influences. Although it is typical to attribute career management to the responsibility of the individual, the organization is also obliged to form a relationship between the individual and the organization when forming the career implementation policy. Career management in the organization is also understood as a lifelong process in which an individual independently learns, draws experience, builds career goals. Career management in organizations includes a well-planned model of change, according to which the organization can prepare and improve employees for the expected future (Petkevičiūtė, Balčiūnaitienė, 2019). It is noted that "it is important for the organization that employees are the initiators of their own careers, as this leads to more favourable attitudes, productivity and lower staff turnover" (Balčiūnaitienė, Adamonienė, Svolkinaitė, 2017).

So, career management in an organization is conditioned by the interaction of objective and subjective factors. Subjective and objective factors that determine the development of career management in an organization are presented in Figure 2. *Subjective factors* - these are the life circumstances of a particular person, family, purpose in life, plans, talents, age, education, and so on. *Objective factors* - this is the prevailing environmental situation, opportunities to achieve personal goals.

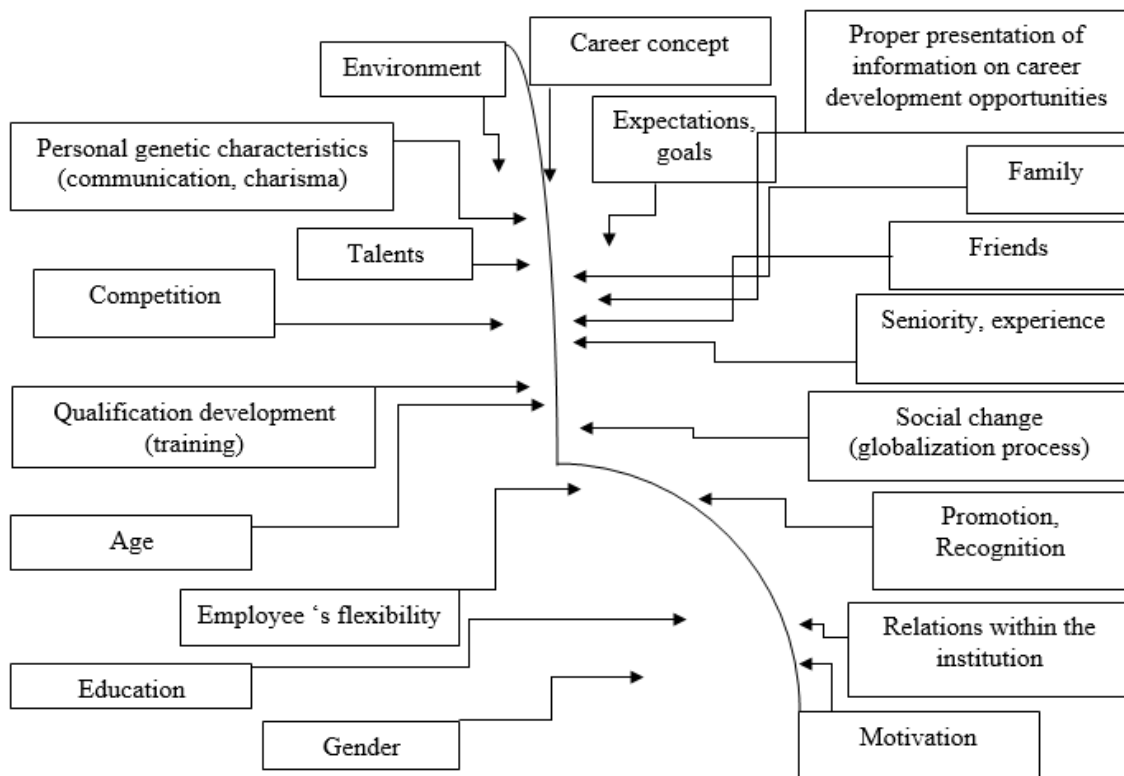


Figure 2. Factors affecting employees' careers

Source: Compiled by authors based on: Gražulis et al., 2017; Petkevičiūtė, 2013; Valickas, 2014; Gumuliauskienė et al. 2002

In conclusion, there is no general concept of career. Life stages and actions lead to the fact that career is not characterized only by work or profession, it is a lifelong learning and development of knowledge and skills. Objective factors are important in career planning, these are acquired knowledge, skills, movement in social space, individual perception, etc. Career management consists of knowing yourself and your potential, developing goals, strategies, and plans for the individual and organization and realizing them.

Research methodology

A quantitative study was conducted on the career of employees in a statutory organization, the purpose of which: to analyse career management and implementation opportunities in a statutory organization, identify problem areas and provide options for their solution. Questionnaire survey, legal acts and analysis of the content of documents were used to carry out the research. These methods were chosen because they allow to interview a larger number of people anonymously which promotes honesty, and more accurate data is obtained, the answers do not directly affect the interviewees, their reliability and validity are evaluated. To determine the sample of the study, the Paniotto formula (Kardelis, 2017) was used, with the help of which the number of respondents was calculated. 93 respondents participated in the study. The anonymous survey questionnaire consisted of 42 closed questions and 4 open questions. The website www.apklausa.lt was used to conduct the survey, and the data was processed using the Microsoft Word - Microsoft Excel computer program. The method of

document content analysis was chosen due to the fact that the characteristics and factors of many people's behaviour are recorded in documents that can provide objective information on one or another issue. By analysing the content of documents, statistical and official documents and regulatory legal acts on career opportunities in statutory organizations were examined. The method of empirical data collection was chosen because "empirical research can be described as obtaining various forms of information through contact between the researcher and the researched object" (Kardelis, 2017). The structured questionnaire survey made it possible to find out the real possibilities of career management and implementation and to study the factors that determine the career of employees in statutory organizations.

Analysis of research results

A total of 93 respondents of the statutory organization participated in the study. Demographic characteristics of respondents. A third of the study was female at 33.3%, with the other majority male at 66.7%. A total of 31 women and 62 men participated in the study. The majority of respondents are among the 35–55-year-olds, which makes 71 % of respondents. 6.5% of respondents belong to the group of persons whose age is 18-25 years. The second group aged 25-35 years makes 17.2% of respondents and the eldest group of people aged 55 and over accounted for 5.4 % of respondents.

In order to find out whether family status affects career success, respondents were asked about their marital status. 69.9% of respondents make up the majority which stated that they are currently married. The majority of respondents (78.5%) said they had children. The study revealed that 76% of respondents state that marital status affects career success.

In another question, respondents were asked to answer what they thought was a career. Respondents were given four answer options: 1) achievement; 2) profession; 3) consistent continuation of steady work; 4) consistent sequence of different experiences in various roles throughout their lives. Almost half of the respondents (45.2 %) chose a career as a consistent continuation of a steady job (Figure 3).

Since almost half of respondents perceive career as continuation of consistent steady work, it is important to find out whether the statutory organization offers favourable opportunities for career development. The survey found that 66% of respondents answered that the organization offers favourable opportunities for career development; 20% denied this and 14% said that they do not know whether there are favourable opportunities for career development in their organization.

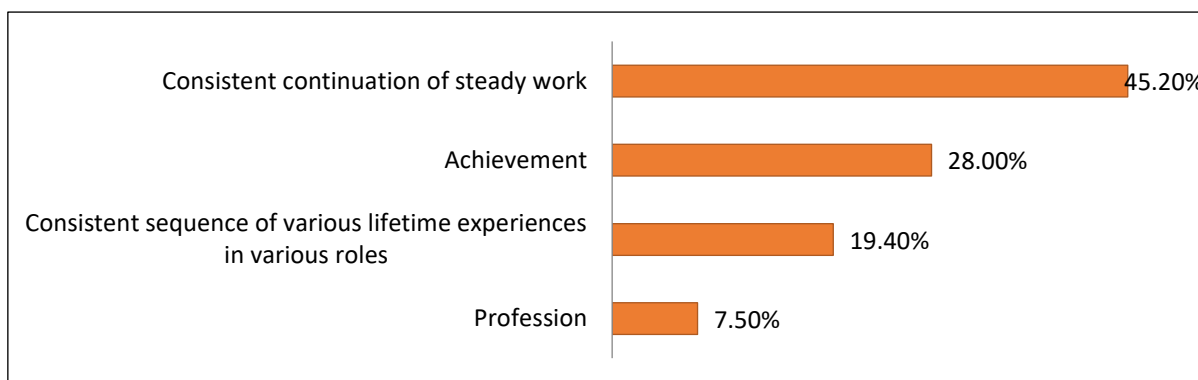


Figure 3. Distribution of respondents' answers on what they think career is.

In order for the respondents' results to express a certain influence of factors on career success and to represent it graphically, all the results of the respondents' answers to the question were calculated by entering numerical values. Let's consider that the numerical value of the answer option "strongly influences" is 5, the numerical value of "influences" is 4, "moderately influences" is 3, "poorly influences" is 2, and "completely does not affect" is 1. We also mark the votes of the participants who took part in the research accordingly: the votes of the participants who believe that they are very influenced – X_1 , statutory officers who believe that influences - X_2 , the number of respondents who believe they have average influence – X_3 , the number of participants who think it has little influence - X_4 and the number of respondents who believe that it absolutely has no impact is X_5 . Thus, by entering numerical values and marking the answers of the study participants accordingly, it is possible to derive the formula for calculating the average of the influence of factors:

$$\frac{(5 \times X_1) + (4 \times X_2) + (3 \times X_3) + (2 \times X_4) + (1 \times X_5)}{100}$$

Source: compiled by the authors, based on mathematical calculation formulas.

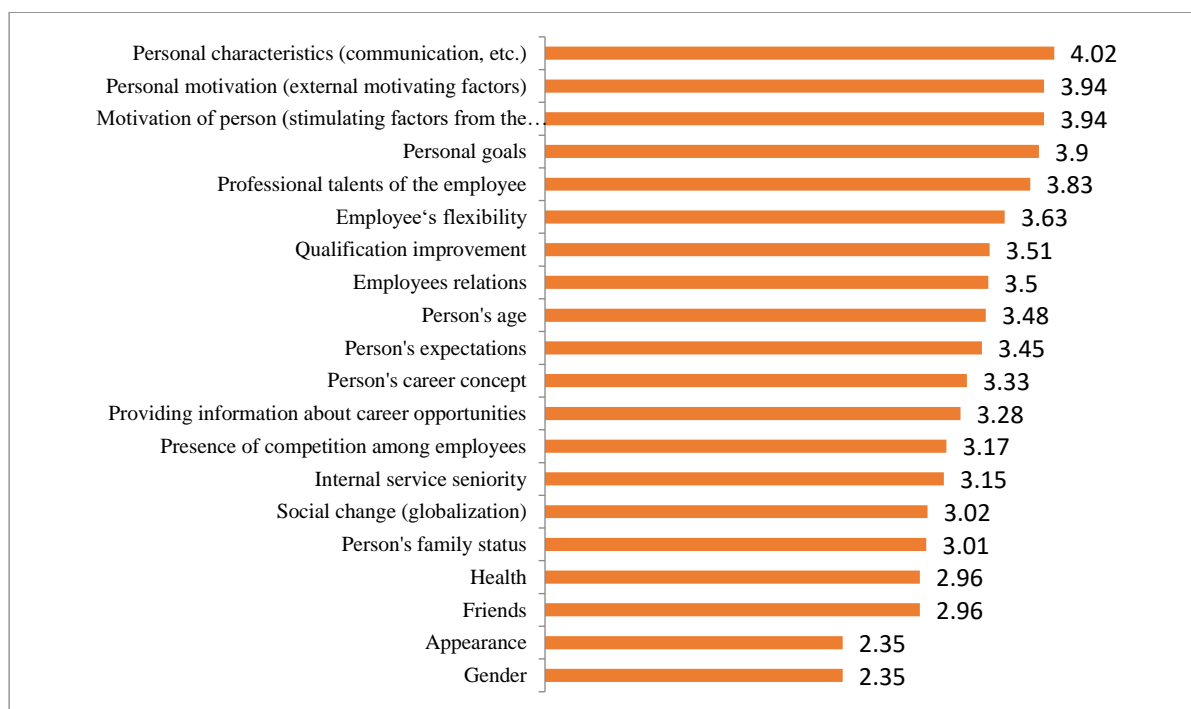


Figure 4. Factors affecting career success, expressed in numerical form, calculated by a compiled formula.

Based on the compiled formula, influence of the factors on career success is calculated and presented in Figure 4. According to respondents, career success is most influenced by: *personal characteristics (communicativeness, etc.)*, *personal motivation (external motivating factors)*, *motivation of person (motivating factors from the person's internal beliefs)*, *personal goal*. Meanwhile, the factors that least affect career success are: *gender*, *appearance*, *friends*, *health* (Figure 4).

In this way, it can be stated that the greatest impact on career success is made by *the individual himself, his personal characteristics, disposition and set goals*.

Further, in order to find out the factors affecting their careers, the officers involved in the study were asked which officers are promoted faster. Respondents were able to choose several answer options while answering this question. The answer options were arranged as follows:

- Those who have a higher legal education;
- Those who know how to get along better with the boss;
- Those who have set their goals and actively pursue them;
- Those who work a lot;
- Another option (respondents could write their own answer)

Most respondents (33.9%) chose the answer option that *the officials who are able to get along better with the boss are promoted faster*. 32.7% of respondents indicated that those, *who have set their goals and actively pursue them* rise in positions faster. The answer option that those with higher legal education chose 25.1 % of respondents. And 7.6% of participants indicated that those who work a lot are promoted faster. Summing up, we can say that career is influenced by the relationship with the subordinate and senior official, and the personal characteristics of the employee, e.g., *setting your own goals and actively and resolutely pursuing them*.

In another question, the aim was to find out whether general physical fitness has an influence on career development. More than half of the respondents (54.8%) answered that general physical fitness does not affect career development. 35.5% of the participants indicated that it does, and 9.7% of the respondents stated that they had no opinion when answering this question. From the answers given, it can be concluded that career development of employees is not affected by their general physical readiness.

A further question sought to find out what career in a statutory organization would provide to the research participants. When answering this question, the respondents were able to choose several possible answer options. Almost half of the respondents (47%) answered that career in a statutory organization would give them higher wages; 23.8% indicated that it would give them managerial positions; 18.5% indicated that career in a statutory organization would give recognition. It can be concluded that for the vast majority of statutory officers, career in the organization would provide higher pay, recognition, and possibly, for some, managerial positions.

The study on the factors that influence career development revealed what affects career development. Respondents could choose several answer options. Almost similar percentage of respondents, choose the answer option in question 29 that a career in a statutory institution would give them a higher salary, 45.5% of the respondents also answered that their career development is influenced by a higher salary. 24.8% answered that their career development is influenced by the possibility of promotion to a higher position. 29.1% stated that it is influenced by the desire to improve and 0.6% wrote a comment that *all the options* are correct, meaning that career development is influenced by the desire to improve, higher salary and the opportunity to rise to higher positions.

For another question, respondents had to leave a comment or choose one of the answer options: *they pay a lot of attention to their career and its development, or they just work in their immediate job without any larger career goals*. More than half of the respondents, 69.9%, stated that *they simply do their direct work without having any major career goals*. 24.7% of the survey participants answered that they pay a lot of attention to their career and its development. 1.1% did not answer the question and 4.3% of the respondents left comments: *working and assessing possible career opportunities; direct management does not even want to hear that you are leaving somewhere or are preparing to move, because they will need*

another person, they will need to be retrained to work, etc.; I am interested in the held selections, I am improving my competences; no one depends on effort in a statutory organization.

Thus, it can be concluded that many statutory officers simply do their direct work, without any higher ambitions for career.

The majority of respondents assess their career opportunities positively, as 62.4% of respondents answered positively to the question, "How do you assess your career opportunities in a statutory organization". 36.6% answered that they evaluate it negatively and 1.1% did not answer the question. Although a large number of respondents rate their career opportunities positively, 44.1% of respondents answered the following question that they believe they will not have the opportunity to develop career in the organization in the next 3 years, and 28% of statutory officials indicated that they will have the opportunity to develop career in the next 3 years. A significant number of respondents, 26.9%, refrained from answering and answered that they had no opinion, just as 1.1% of the participants did not answer the question. In summary, although most of respondents evaluate their career opportunities in the statutory organization positively, they believe that they will not have the opportunity to develop their personal career in the statutory organization in the next 3 years.

In a further question, participants in the study were asked their opinion, *whether a young employee who has received higher education has the opportunity to develop a career in a statutory organization*. As many as 83.9% of respondents indicated that a young employee who has received higher education has the opportunity to develop a career ; 7.5% of participants answered that a young employee who has received higher education does not have the opportunity to develop a career; 2.2% did not answer the question and 6.5% of respondents stated that they had no opinion. Thus, from the answers given, it can be seen that for young employees with higher education there are opportunities to develop their careers in the statutory organization.

Officials were also asked if they knew what career development opportunities there were in the organization, and if they would like to work there. More than half of the participants in the study, 59.1%, answered that they would go to work for the aforementioned statutory organization. 17.2 % of respondents indicated that they would not go to work. 21.5% marked the answer option that they have no opinion and 2.2% did not answer the question. In conclusion, the majority of respondents would still go to work in a statutory organization, even if they knew what career development opportunities are available.

In order to find out who is responsible for managing career processes, respondents were asked their opinion on who is responsible for managing career processes. 3 options for answers were given: 1) this is the official's own business; 2) managers of the institution where they work; 3) it is the concern of the personnel service to accept highly qualified employees for vacant positions. The first answer option was chosen by 34.4% of respondents that the officer himself is responsible for managing career processes. 41.9% of the study participants indicated that it is the responsibility of the managers of the institution where they work to manage career processes. 22.6% of respondents answered that it was the concern of the personnel service to accept highly qualified personnel for vacancies. It can be concluded that the management of career processes should be the responsibility of the heads of statutory organizations.

Although we found out in the previous question that managers should be responsible for managing career processes, the following question asked the respondents whether individual career plans are made in their organization. Only 4.3% of respondents indicated that career

plans are drawn up, but almost all respondents, 94.6% answered that their individual career plans in the police office are not drawn up and 1.1% of participants did not answer the question.

After conducting a study of the possibilities of career management and implementation in a statutory organization, it can be concluded that the organization has *created appropriate conditions for the development of individual skills, which correspond to the specifics of the nature of the work of employees*. After analysing the responses of the study participants, it also turned out that there are favourable opportunities for career development in the statutory organization, *employees receive information about the development of career opportunities from information published on the internet and receive answers to the questions of employees*. The research confirmed that career management is the responsibility of both the individual and the organization, since career success is influenced by the knowledge of the individual's capabilities, his personal qualities, disposition, as well as the goals of the individual and the organization, the development of strategies and plans of the organization and their implementation. Career in the studied statutory organization is mostly determined *by personal characteristics, personal motivation and motivation of the person and set goals*. The least impact on career success is made by *health, gender, appearance, friends*. However, it was noticed that although friends have the least impact on career, but with a deeper analysis, it turned out that *influential friends, acquaintances* affect career implementation opportunities. Also, *the problem area identified is that career development depends on relationships with a direct boss or with a subordinate and senior officials*. This shows that if there is a striving to pursue a fair and high-quality career, but relationship with a direct manager is bad, career development will be more difficult. This leads to the conclusion that career development is not entirely honest and correct. During the research, it was found that majority of employees of the statutory organization are familiar with the legislation establishing a career, *that regulatory legal acts do not properly regulate career and development opportunities in order to prevent unfair and incorrect career development*.

In summary, it can be concluded that after conducting the research in the statutory organization, it is possible to answer whether there are enough legal measures and ways to prevent the negative influencing circumstances to achieve high-quality, honest, and fair career development of employees.

Based on the research carried out on career management and implementation opportunities in a statutory organisation and theoretical aspects of career management, a model of career management and implementation opportunities in statutory organisations is presented (Figure 5). This model describes career management and implementation capabilities of statutory organization employees.

Career of an individual begins with the expressed desire to apply to the statutory body in the field of management of the minister of internal affairs of the internal service. A person applying to become a statutory civil servant must be a citizen of the Republic of Lithuania and know the Lithuanian language, having reached the age of not less than 18 years and not more than 60 years. Also, a person who has expressed a desire to work in a statutory institution must have an impeccable reputation, be loyal to the state of Lithuania and be in a state of physical fitness and health that would allow him to hold a position in the internal service system. If a person meets these requirements, he enters a statutory vocational training institution, another educational institution or passes the introductory training courses of a statutory vocational training institution. After graduating from any statutory institution in the management area of the Minister of Internal Affairs, the head of the central statutory institution or a person authorized by him appoints the person to a position in a specific statutory institution by order

and the person gives oath to serve the Republic of Lithuania. After completing these steps, the person acquires the status of a statutory police officer.

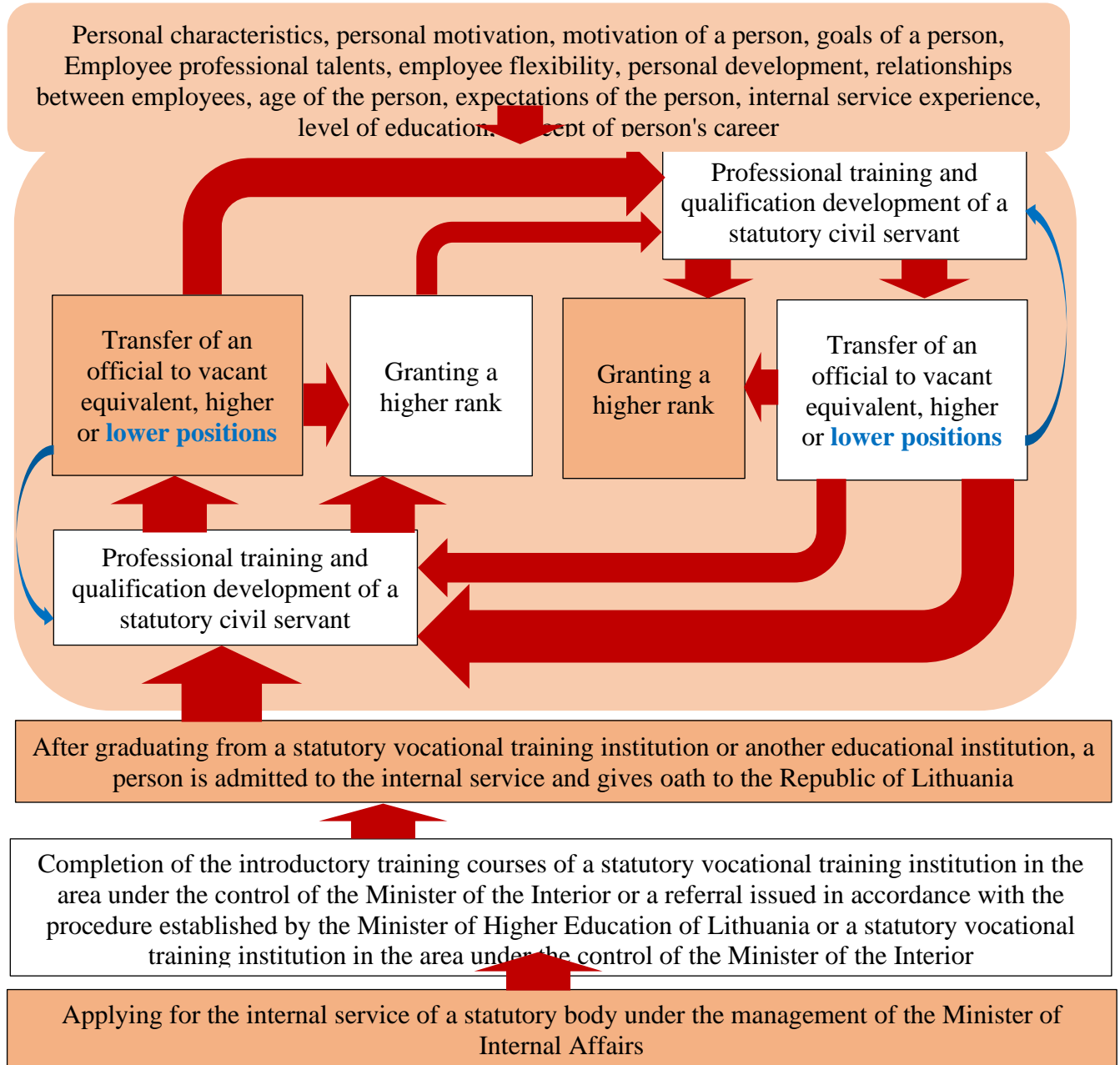


Figure 5. Model of career management and implementation opportunities in statutory organizations (compiled by the authors on the basis of a study of career management and implementation opportunities in the statutory organization)

After obtaining the status of a police officer, the person takes part in primary training in statutory vocational education institutions, and is also obliged to constantly improve his qualifications and meet the requirements for physical fitness, which are established by the minister or the head of the central statutory body authorized by him. Based on the drawn model (Figure 5), the official can be transferred to *vacant equivalent positions, promoted or relegated*

to lower positions. Also, a higher rank may be awarded. Officials may be transferred to higher positions by means of assessment or selection of official activities. The mentioned selection for the vacant position of an official may be attended by officials of the same or other statutory body seeking higher positions, holding lower positions. Also, a person wishing to participate in the selection for vacant senior positions must meet the general and special requirements for those positions.

Further, the stages of development of opportunities for managing and implementing the career of a police officer are repeated, an individual must actively work, qualify, participate in certain selections, and after obtaining the appropriate length of service in the internal service, he is awarded ranks. The career ladder is climbed until the person is awarded the appropriate rank according to the position he occupies, and time served in the internal service. Also, the position and rank of a police officer depends on the level of education.

After conducting a study of career management and implementation possibilities in the statutory organization, it was found that career management and implementation possibilities are influenced by various factors (Figure 4). In the course of the study, it was found out that career development is influenced by the level of education and, in particular, the level of legal education. Also, the career is most influenced by personal qualities, personal motivation, motivation of the person, personal goals, professional talents of the employee, flexibility of the employee, personal development, relationships between employees, age of the person, expectations of the person and seniority of internal service. In the course of the study, it was observed that in statutory organizations, the career of employees is also influenced by the circle of influential friends and relationships with the immediate boss or a senior official.

The presented model (Figure 5) could be divided into certain stages. The first stage, this is the stage of joining the internal service, when an individual acquires the status of an official in a statutory organization. The second stage, this is the stage of achievement, when an officer is promoted to a position or awarded a higher rank. And the third stage could be called, the stage of growth, when the statutory officer, while doing his job, gains experience, develops as a person, raises his qualifications, improves his skills and continues to rise in the position or earns a higher rank, thus moving again to the second stage and developing his career every time.

In conclusion, career management of an individual who wants to pursue career in a statutory organization begins with a stated desire to gain status. After obtaining the status, an individual can be given a higher rank or transferred to a vacant equivalent position, promoted and transferred to a lower position. The stages of the officer's career development are repeated and there are many factors that influence career, but an individual who wants to achieve career heights must be active, improve his skills, participate in certain selections. Also, an official's career depends on his acquired education and especially on his legal knowledge and competence.

Conclusions

After carrying out analysis of the scientific literature and normative legal acts regulating career management and the possibilities of its implementation in statutory organizations, and after evaluating the results of the research carried out in the statutory organization, the following conclusions are presented: the concept of career is usually used in the literature in four main senses: *career as an achievement*, *career as a consistent continuation of permanent work*, *career as a profession* and *career as a sequential sequence of experience of life-long various*

roles. Career consists of two elements: *subjective* and *objective*. In the scientific literature, two career models are distinguished: *organizational* (bureaucratic, traditional) and *personal* (modern, variable) career. Organizational career is characterized by a hierarchical nature, where the role of the organization prevails in the development of the individual's career. Personal career depends on the "quality of compatibility" of the person himself, the more person knows about himself – strengths and weaknesses, the stronger the values, and so on, the better he is able to manage his career in harmony with the goals of the organization.

The statute of the internal service of the Republic of Lithuania defines the requirements for persons wishing to become statutory officers, specifies the ranks of statutory officers and describes in a separate section the career of officials and the requirements for their selection for vacant positions. Employees of statutory organizations can develop their careers in vertical and horizontal directions.

Career management and implementation opportunities in statutory organizations are influenced by various factors: organizational and individual. After conducting a study of career management and implementation possibilities in a statutory organization, it was found that career is most influenced by *personal characteristics, personal motivation and motivation of the person and goals*. The least impact on career success is done by *health, gender, appearance, friends*. However, it was noticed that although friends have the least impact on the career, but it turned out that influential friends, acquaintances affect career implementation opportunities.

The study in the statutory organization found that the organization has adequate conditions for the development of individual skills, which correspond to the specifics of the nature of the work of employees. After analysing the responses of the research participants, it also became clear that there are favourable opportunities for career development in the organization, employees receive information about the development of career opportunities from information published on the Internet, and the statutory organization answers their questions. Also, in an organization, career management is the responsibility of both the individual and the organization, since career success is influenced by the knowledge of the individual's capabilities, his personal qualities, disposition, as well as the compatibility of the goals of the individual and the organization.

Career management and implementation opportunity model provides development directions that indicate that the beginning of career of an individual who wants to pursue career in a statutory organization is an expressed desire to gain status. After gaining status and becoming an official, career opportunities include obtaining a higher rank or transfer to vacant equivalent positions, promotion and transfer to lower positions. A person striving for career heights must be active, improve their skills, participate in auditions, seek legal education.

Suggestions are made for improving the problem areas identified in the research: 1) drawing up individual career plans; it is recommended to draw up individual plans with the participation of personnel and training department specialists, the immediate superior and the employee; 2) to establish a common procedure for selections to vacant or higher positions, in which it would not be possible to interfere with internal agreements, opportunities would be created for every official to pursue an honest, fair and high-quality career; 3) it is recommended for newly admitted employees to the statutory institution to appoint virtual seminars where each individual would be introduced to the normative legal acts regulating their career opportunities and to hold tests during which the employees would be asked about the processes of career management and implementation opportunities in a specific statutory institution.

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CIGAREČIŲ KONTRABANDĄ VYKLANČIŲ NUSIKALTĖLIŲ PROFILIS (PORTRETAS)

Jurgita BALTRŪNIENĖ

Mykolas Romeris University

E-mail: baltruniene.jurgita@gmail.com

ORCID ID: [0000-0001-8323-0570](https://orcid.org/0000-0001-8323-0570)

Vilma MILAŠIŪNAITĖ

Mykolas Romeris University

e-mail: v.milasiunaite@mrui.eu

ORCID ID: [0000-0001-9293-1192](https://orcid.org/0000-0001-9293-1192)

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Anotacija. Pagal Lietuvos Respublikos muitinės ikiteisminiuose tyrimuose sulaikytų prekių vertę eurais per pastaruosius trejus metus matomas ryškus tabako gaminių kontrabandos didėjimas, kurių vertė 2018 m. sudarė 19 mln. eurų, 2019 m. – 27 mln. eurų, 2020 m. – 59 mln. eurų. Vertinant kontrabandos mastą pagal surinktų cigarečių pakelių pobūdį nustatyta, kad iš visų 2019–2020 m. surinktų tabako gaminių pakelių 27,3 proc. buvo neapskaityti. Auganti kontrabandos apimtis daro didelę žalą Lietuvos ekonomikai, gyventojų sveikatai, didėja visuomenės pakantumas šiai nusikalstamai veiklai. Užkardant ir tiriant tokio pobūdžio nusikaltimus svarbu analizuoti kontrabandininkų asmenybės ypatumus, išskirti svarbiausias kriminalines charakteristikas bei identifikuoti skirtingus cigarečių kontrabandininkų profilius. Šiuo tikslu buvo išanalizuota 60 bylų, 2015 – 2022 metais nagrinėtų Kauno apygardos teisme ir išskirta 99 asmenys, pripažinti kaltais dėl cigarečių kontrabandos. Remiantis teorine analize išskirtos 9 socialinės ir demografinės charakteristikos ir 14 kriminalinių charakteristikų. Naudojant dviejų žingsnių hierarchinę analizę išskirti bei išanalizuoti trys teoriškai bei empiriškai skirtingi cigarečių kontrabandininkų profiliai.

Įvadas

Cigarečių kontrabanda arba nelegalus tabako gaminių įsigijimas, laikymas, gabenimas, naudojimas ar realizavimas pažeidžiant nustatytą tvarką¹ tampa vis aktualesnė problema. Neteisėta prekyba tabako gaminiiais apima skirtingus reiškinius, kurie turi tam tikrų skirtumų ir į kuriuos reikia atsakyti skirtingo lygmens skirtingais veiksmais². Neteisėta prekyba ES viduje apima neteisėtą (nesankcionuotą) gamybą ir platinimą ES muitų teritorijoje (įskaitant gamybą ir platinimą skirtingų mokesčių teritorijose). Neteisėtas platinimas apima veiklą, kai deklaruojama, kad ES pagamintos prekės bus eksportuotos arba pristatytos į kitą vietą ES viduje, ir joms pritaikomas PVM ir akcizų mokėjimo laikino atidėjimo režimas, tačiau šios prekės taip ir nepalieka ES muitų teritorijos arba nėra pristatomos ES esančiam gavėjui, nurodytam³ pateiktame akcizų dokumente arba PVM deklaracijoje, taip pat veiklą, kai

¹ Bikelis, S., Giedrytė-Mačiulienė, R., & Venckevičienė, J. (2016). Neteisėta cigarečių apyvarta: nubaustųjų administracine tvarka požymiai ir sankcijų proporcingumo problema. *Teisės problemos*, (1), 91.

² European Commission Communication from the Commission to the council and the European Parliament Stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products - A comprehensive EU Strategy {SWD(2013) 193 final}, COM(2013) 324 final; Brussels, 6.6.2013. (<https://www.infolex.lt/teise/default.aspx?id=1929&crd=243245>)

³ Pvz., CRMS (Muitinių rizikos valdymo sistema) ir RIF (Informacijos apie riziką forma) – Tarybos reglamento (EEB) Nr. 2913/92, nustatančio Bendrijos muitinės kodeksą (OL L 302, 1992 10 19, p. 1–50) 13 straipsnis ir Komisijos reglamento (EEB) Nr. 2454/93, išdėstančio Tarybos reglamento (EEB) Nr. 2913/92, nustatančio Bendrijos muitinės kodeksą, įgyvendinimo nuostatas (OL L 253, 1993 10 11, p. 1–766), 4g straipsnis; NCTS (Naujoji kompiuterizuota tranzito sistema) – Komisijos reglamento (EB) Nr. 2454/93 353 straipsnis; EMCS

importuotos prekės, pritaikius PVM ir akcizų mokėjimo laikino atidėjimo režimą, išleidžiamos į laisvą apyvartą ES viduje ir tada nelegaliai išplatintos nesumokėjus PVM ir akcizų. Neteisėtas platinimas taip pat apima veiklą, kai nutraukus tranzito režimą prekės nelegaliai parduodamos ES viduje (nesumokėti muitai, PVM ir akcizai)⁴.

Požymiai, nurodantys cigarečių kontrabandos egzistavimą, yra numatyti įstatymų normose, kurių pagrindu veikos yra kvalifikuotinos kaip nusikaltimai. Atsižvelgiant į tai, „Transcrime“⁵, atkreipia dėmesį į nelegalią prekybą tabako gaminiais. Cigarečių kontrabandos reiškinio egzistavimą nulemia ir istorinės bei geografinės priežastys, kultūriniai veiksniai ir nedideli atstumai nuo nelegalių cigarečių gaminimo šaltinių. Galimai šių aplinkybių visuma sąlygoja, kad Lietuva yra labai svarbiame bendrame Europos nelegalios prekybos tabako gaminiais akiratyje.

Paskutinius trejus metus Lietuva susiduria su rekordiniais cigarečių kontrabandos iš Baltarusijos mastais. Lietuvos muitinės duomenys patvirtina, kad beprecedenčiu mastu išaugo tiek cigarečių kontrabanda, tiek ir jos gabenimo būdų iš Baltarusijos įvairovė. 2020 metais buvo sulaikytas tuo metu didžiausias nelegalių rūkalų kiekis Lietuvos muitinės istorijoje – 16,6 mln. pakelių cigarečių. Šių rūkalų vertė 60 mln. eurų. Lyginant su ankstesniais metais, 2019 metais sulaikyta 8,2 mln. pakelių kontrabandinių cigarečių, o 2018 metais – 6 mln. pakelių cigarečių. 2020 metais beveik visos (93 proc.) sulaikytos nelegalios cigaretės buvo pagamintos Baltarusijoje. Tuo tarpu 2019 metais baltarusiški rūkalai sudarė 85 proc., 2018 metais – 61 proc. Remiantis Lietuvos muitinės informacija, pastaruosius keletą metų visiškai pasikeitė ir teritorinės cigarečių kontrabandos sulaikymų tendencijos. Jei dar 2018 metais didžioji nelegalių rūkalų dalis ikiteisminiuose tyrimuose buvo sulaikoma šalies viduje, tai nuo 2019 m. aktyviausia kovos su šešėliu zona tapo pasienis su Baltarusija, kur tais metais įkliuvo 54 proc. visos kontrabandos. 2020 metais čia sulaikyta jau 64 proc. bendro nelegalių rūkalų kiekio⁶ 2022 metų pradžioje Lietuvos muitinė paskelbė, kad preliminariais skaičiavimais muitinės pareigūnai 2021 metais gerokai viršijo cigarečių kontrabandos sulaikymų rekordus ir pasiekė per 10 metų didžiausius veiklos rezultatus. Muitinė sulaikė beveik 19 mln. pakelių nelegalių rūkalų, kurių vertė daugiau nei 73 mln. eurų. Rūkalų kontrabandos srauto sudėtis pastaraisiais metais nekinta – ir pernai didžiąją dalį sudarė baltarusiškos cigaretės, gaminamos Gardino „Neman“ fabrike. Muitinės analitikams įvertinus kovos su kontrabanda rezultatus, matyti, kad 2021-aisiais toliau stiprėjo ir ryškėjo pastarųjų metų tendencijos: didėjo bendras kontrabandos srautų mastas ir intensyvumas, cigarečių slėpimo būdų įvairovė, bandyti nauji nelegalių rūkalų

(akcizais apmokestinamų prekių gabenimo ir kontrolės sistema) – 2009 m. liepos 24 d. Komisijos reglamentas (EB) Nr. 684/2009, kuriuo įgyvendinamos Tarybos direktyvos 2008/118/EB nuostatos, susijusios su akcizais apmokestinamų prekių, kurioms pritaikytas akcizų mokėjimo laikino atidėjimo režimas, gabenimo kompiuterinėmis procedūromis (OL L 197, 2009 7 29, p. 24–64); VIES (PVM informacijos mainų sistema) – 2010 m. spalio 7 d. Tarybos reglamentas (ES) Nr. 904/2010 dėl administracinio bendradarbiavimo ir kovos su sukčiavimu pridėtinės vertės mokesčio srityje (OL L 268, 2010 10 12, p. 1–18); VIESCLO (centrinė su netiesioginiu apmokestinimu susijusių ryšių įstaiga).

⁴ European Commission Communication from the Commission to the council and the European Parliament Stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products - A comprehensive EU Strategy; supra note. 459.

⁵ Calderoni F., Angelini M., Aziani A., De Simoni M., Mancuso M., Rotondi M., Santarelli E., Vorraro A., 2014, The Factbook on the Illicit Trade in Tobacco Products. // Prieiga per internetą: <http://www.transcrime.it/wp-content/uploads/2014/05/FB-Lithuania-EX-LT.pdf>, [Žiūrėta 2015 m. vasario 8 d.]

⁶ Lietuvos muitinė, „Muitinė 2020: pernai sulaikytas didžiausias cigarečių kontrabandos kiekis institucijos istorijoje“,

https://lrmuitine.lt/web/guest/naujienos/aktualijos/aktualija?p_p_id=EXT_WPLISTALLNEWS&p_p_lifecycle=0&EXT_WPLISTALLNEWS_obj_id=090004d2801257db.

gabenimo maršrutai. Trigubai pagausėjo kontrabandos sulaikymų geležinkelio transporte, o didžioji dalis nelegalių rūkalų kaip ir anksčiau sulaikoma pasienyje su Baltarusija.⁷

Tabako gaminių kontrabanda turi neigiamą poveikį valstybės ekonomikai ir jos planavimui, didina rūkymo sukeltą socialinę ir ekonominę žalą, kompromituoja atsakingas institucijas ir taip silpnina piliečių pasitikėjimą valstybės valdysena. Vien tik dėl cigarečių kontrabandos 2020 m. į valstybės biudžetą nebuvo surinkta apie 55 mln. eurų. Pagal Lietuvos Respublikos muitinės ikiteisminiuose tyrimuose sulaikytų prekių vertę eurais per pastaruosius trejus metus matomas ryškus tabako gaminių kontrabandos didėjimas, kurių vertė 2018 m. sudarė 19 mln. eurų, 2019 m. – 27 mln. eurų, 2020 m. – 59 mln. eurų. Lietuvos sveikatos mokslų universiteto (toliau – LSMU) duomenimis⁸, per 2019 m. 10,7 proc. visų surūkytų cigarečių buvo nelegalios. LSMU atliktas tyrimas parodė, kad apžiūrėjus paskutinius įsigytus cigarečių pakelius pas fizinius asmenis, 9,7 proc. pakelių buvo nelegalūs. Iš visų 2019–2020 m. surinktų tabako gaminių pakelių 27,3 proc. buvo neapskaityti. Neapskaitytų įprastų cigarečių pakelių dalis Lietuvoje siekė 31,5 proc. Lietuvos pasienio savivaldybėse neapskaitytų pakelių dalis buvo statistiškai reikšmingai didesnė. Neapskaitytų cigarečių pakelių dalis didžiausia buvo vietovėse, esančiose savivaldybėse prie sienų su Baltarusija (44,4 proc.) ir Lenkija (41,3 proc.). Gardino tabako fabrike *Neman* gaminamos *Premier*, *Minsk*, *Fest* ir *NZ* prekės ženklų cigaretes sudarė didžiąją dalį (81,8 proc.) visų neapskaitytų cigarečių pakelių.

2020-aisiais tik dar labiau išryškėjo ir kita pastarųjų metų tendencija: vienu metu gabenamos kontrabandos krovinių stambėjimas. Nelegalūs rūkalai pernai dažniausiai gabenti krovniais vilkikais ar geležinkelio transportu (taip pat ir dėl pandemijos ar karantino apribojimų kelionėms lengvaisiais automobiliais). Tad muitinės kriminalistams vienos operacijos metu neretai įkliūdavo ypač dideli kiekiai cigarečių, pvz. 2020 m. kovo 19 – 23 dienomis Marijampolės apskrityje ir Šalčininkuose muitinės kriminalistai sulaikė tris vilkikus su 2 mln. pakelių cigarečių, kurių vertė 7,3 mln. Eurų; 2020 rugsėjo 16 d. vienos operacijos metu MKT pareigūnai Raigarde ir prie sienos su Lenkija sulaikė dar tris vilkikus su 1 mln. pakelių (vertė – 3,6 mln. eurų).⁹

Augančios cigarečių kontrabandos apimtys suponuoja, kad vis daugiau asmenų įtraukiami į tokio pobūdžio nusikalstamas veiklas.

Nusikaltėlio - kontrabandininko asmenybė kriminalistiniu aspektu domina kaip pėdsakus paliekantis objektas, kaip informacijos apie cigarečių kontrabandą šaltinis. Todėl būtina išskirti bruožus ir asmenybės ypatumus, būdingus cigarečių kontrabandos kiekvienam individualiam atvejui. Cigarečių kontrabandos dalykas ir kontrabandininko asmenybė yra glaudžiai susiję, o tai yra raktas į cigarečių kontrabandos vykdymo būdą. Šių dėsningumų kriminalistinis konkretizavimas leidžia tiksliau ir greičiau iširti atskirus cigarečių kontrabandos nusikaltimus. Kriminalinis profiliavimas yra vienas iš metodų, skirtų aprašyti ir klasifikuoti nusikaltėlio asmenybę atskirų nusikalstamų veiklų atžvilgiu. Kriminalinis profiliavimas yra technika, kuria nustatomos nusikaltėlio pagrindinės asmenybės ir elgesio charakteristikos, remiantis

⁷ LR Muitinė, „Muitinės sandėliai lūžta nuo sulaikytos cigarečių kontrabandos – antrus metus viršyti nelegalių rūkalų sulaikymų rekordai“,

https://lrmuitine.lt/web/guest/naujienos/aktualijos/aktualija?p_p_id=EXT_WPLISTALLNEWS&p_p_lifecycle=0&_EXT_WPLISTALLNEWS_obj_id=090004d2801592e9

⁸ Liutkutė-Gumarov V., Vaitkevičiūtė J., Galkus L., Štelemėkas M., Petkevičienė J., Miščikienė L., Neapskaitytų tabako gaminių vartojimo tendencijos Lietuvoje“, finansavimo sutarties Nr. PRM18-163-18/11/12/02. <https://lsmuni.lt/media/dynamic/files/21374/nepakaitytotabakogaminiproblemos.pdf>

⁹ Muitinė 2020: pernai sulaikytas didžiausias cigarečių kontrabandos kiekis institucijos istorijoje

https://lrmuitine.lt/web/guest/naujienos/aktualijos/aktualija?p_p_id=EXT_WPLISTALLNEWS&p_p_lifecycle=0&_EXT_WPLISTALLNEWS_obj_id=090004d2801257db

nusikaltimo (-ų) kuriuos jis padarė, analize.¹⁰ Kriminalinis profiliavimas neleidžia identifikuoti konkretaus asmens, tačiau palengvina ikiteisminio tyrimo procesą, nes žinodamas kokio tipo asmuo padarė nusikaltimą tyrėjas lengviau identifikuoja įtariamųjų ratą ir yra atidesnis tiems individams, kurie atitinka potencialaus nusikaltėlio profilį. Kriminalinis profiliavimas sulaukia nemažai kritikos, nes teismų praktikoje sudėtinga rasti bylą, kur nusikaltėlis būtų sėkmingai išaiškintas vien naudojant kriminalinio profiliavimo metodus.¹¹ Kita vertus, analizuojant nusikaltėlių asmenybes bei jų kriminalines charakteristikas išryškėja tam tikri tipai, ar profiliai. Daugiausiai dėmesio sulaukia serijinių žudikų,¹² seksualinių nusikaltėlių,¹³ teroristų,¹⁴ itin žiaurius nusikaltimus atliekančių asmenų,¹⁵ smurtautojų artimojoje aplinkoje¹⁶ kriminalinis profiliavimas. **Tyrimo problemą nusako tai, kad iki šiol mokslinėje literatūroje nebuvo bandymų profiluoti cigarečių kontrabandininkus.** Dalinai tai sąlygoja nusikalstamos veiklos specifiškumas: nusikaltėlis dažniausiai yra lengvai identifikuojamas, sulaikomas nusikaltimo vietoje, jo motyvai nėra tokie svarbūs, kaip pvz. disponuojamas kontrabandinių cigarečių kiekis. Kita vertus cigarečių kontrabandinių profilių identifikavimas leistų paneigti visuomenėje nusistovėjusius mitus apie kontrabandininkus, taikyti tikslesnes įsitraukimo į cigarečių kontrabandą prevencijos priemones ar vertinti riziką kiek potencialo pakartotinai nusikalsti turi konkretus cigarečių kontrabandininkas. **Straipsnio tikslai:**

1. Išskirti teoriškai svarbias socialines – demografines ir kriminalinio elgesio charakteristikas, kurios galimai prognozuoja įsitraukimą į cigarečių kontrabandą;
2. Naudojant antrinius duomenis iš teismų praktikos išanalizuoti už cigarečių kontrabandą teistų asmenų charakteristikas ir išskirti jų kriminalinius profilius.

Kriminaliniam profiliavimui reikšmingų cigarečių kontrabandinių asmenybės ir kriminalinių charakteristikų paieška

Cigarečių kontrabanda – aktuali tema, kurios aktualumą lemia augantys cigarečių kontrabandos kiekiai. Lietuvos mokslinėje literatūroje daugiau dėmesio tenka sankcijų už cigarečių kontrabandą adekvatumo ir pagrįstumo analizei,¹⁷ ¹⁸ ¹⁹ kontrabandos nusikaltimų tyrimo metodikai.²⁰ Cigarečių kontrabandininko asmenybė plačiau nagrinėta Baltrūnienės ir Šarausko tyrime, kur išskirti šie tipinio kontrabandininko požymiai: vyras, jauno amžiaus ar

¹⁰ Douglas, J. E., Ressler, R. K., Burgess, A. W., & Hartman, C. R. (1986). Criminal profiling from crime scene analysis. *Behavioral Sciences & the Law*, 4(4), 401-421.

¹¹ Devery, C. (2010). Criminal profiling and criminal investigation. *Journal of Contemporary Criminal Justice*, 26(4), 393-409.

¹² White, J. H., Lester, D., Gentile, M., & Rosenbleeth, J. (2011). The utilization of forensic science and criminal profiling for capturing serial killers. *Forensic Science International*, 209(1-3), 160-165.

¹³ Valliant, P. M., & Bergeron, T. (1997). Personality and criminal profile of adolescent sexual offenders, general offenders in comparison to nonoffenders. *Psychological reports*, 81(2), 483-489.

¹⁴ Dean, G. (2007). Criminal profiling in a terrorism context. In *Criminal profiling* (pp. 169-188). Humana Press.

¹⁵ Woodworth, M., & Porter, S. (2000). Historical foundations and current applications of criminal profiling in violent crime investigations. *Expert Evidence*, 7(4), 241-264.

¹⁶ Farrington, D. P. (2021). Psychopathy, intimate partner violence, offender profiling and explaining crime. *Psychopathy, intimate partner violence, offender profiling and explaining crime*, 17-25.

¹⁷ Bikelis, S. (2012). Permaštant sankcijas už kontrabandą: ProPorcingumo Problema (i). ProPorcingumo PrinciPas ir baumės už kontrabandą. *Teisės problemos*, (78 (4)), 5-24.

¹⁸ Bikelis, S. (2013). Permaštant sankcijas už kontrabandą: proporcingumo problema (II). Konfiskavimo ir mokesčių priemonių taikymo klausimai. *Teisės problemos*, (79 (1)), 43-57.

¹⁹ Stankevič, I. (2017). *Baudžiamoji atsakomybė už kontrabandą* (Doctoral dissertation, Vilniaus universitetas).

²⁰ Jokšas, L. (2013). Kontrabandinių nusikalstamų veikų tyrimo metodika: teoriniai ir praktiniai aspektai, tobulinimo kryptys (remiantis Pagėgių rinktinės ikiteisminių tyrimų medžiaga).

linkęs įtraukti nepilnamečius (dėl nepilnamečiams galiojančių švelnesnių sankcijų), nepasiturintis ar gaunantis mažas pajamas, priklausantis organizuotam nusikalstamam susivienijimui ir veikiantis su bendrininkais. Analizuojant užsienio mokslininkų tyrimus matome panašias tendencijas, o nusikaltėlio asmenybės ir kriminalinės charakteristikos nesulaukia deramo dėmesio. Įvertinant šią situaciją tikslinga apsibrėžti charakteristikas, kurios potencialiai yra svarbios analizuojant cigarečių kontrabandininkus.

V. Piesliakas nusikalstamą veiką padariusio asmens asmenybę apibūdina dviem grupėmis požymių: *iki padarant nusikalstamą veiką asmenybę apibūdinantys požymiai* (požiūris į darbą, mokslą, elgesys buityje, gyvenimo būdas, ankstesnės padarytos nusikalstamos veikos ar kiti teisės pažeidimai, teistumas ir kt.) ir *padariusio nusikalstamą veiką asmenybę apibūdinantys požymiai* (požiūris į padarytą nusikalstamą veiką, pripažinta ar nepripažinta kaltė, nuoširdus gailėjimasis, savanoriškas žalos atlyginimas, padėjimas išaiškinti bendrininkus ir kt.)²¹. Visi minėti bruožai apibūdina kaltininko asmenybę ir jos pavojingumą. Be išvardytų požymių, nusikaltimą padariusio asmens asmenybę apibūdina daug kitų požymių, kurie neturi tiesioginės įtakos veikos pavojingumui, tačiau turi didelę reikšmę bendram nusikaltusio asmens asmenybės paveikslui sudaryti. Tai vadinamoji socialinė-demografinė nusikaltusio asmens charakteristika, į kurią įeina tokie duomenys – amžius, lytis, išsilavinimas, šeimninė padėtis, socialinė padėtis, užsiėmimas ir kt.

Nusikaltėlio asmenybės nustatymas turi apimti ne tik atskirus elementus, bet duoti ir visapusiškai išbaigtą nusikaltėlio asmenybės portretą: veiklos sritis visuomenėje, darbas, laisvalaikis, socialinis-psichologinis portretas, valinės-emocinės savybės. Asmenys, kurie užsiima šiais nusikaltimais, yra specifiniai mūsų bendruomenės nariai – kontrabandinių cigarečių platintojai. Jų tarpusavio santykiuose egzistuoja nuostata, kurios laikymasis daro neigiamą įtaką nusikaltimo atskleidimui. Asmenys atsisako duoti parodymus arba pateikia melagingus, keičia parodymų turinį ir esmę, daro poveikį liudytojams, versdami juos duoti neteisingus parodymus²².

Informacija apie nusikaltimo padarymo būdą – itin svarbus kriminalinės situacijos modelio elementas tiriant cigarečių kontrabandos nusikaltimus. Duomenys apie nusikaltimo padarymo būdą padeda ikiteisminio tyrimo pareigūnui teisingai nustatyti įvykio vietoje esmę ir apibrėžti nusikaltėlio paieškos kryptis. Tai patvirtina ir vienas iš žinomų tyrimo metodikos principų – „nuo nusikaltimo padarymo būdo prie jo atskleidimo būdo“²³.

Svarbūs yra ne tik asmenybės bruožai, socialinė aplinka, bet ir biologinės bei kitos savybės, charakterizuojančios nusikaltėlį. Analizuojant subjektą kriminalistiniu požiūriu, svarbu yra pastebėti žmogaus gebėjimus daryti nusikaltimus, numatant asmens fizinius duomenis ir dvasines savybes. Tyrinėjant asmens, užsiimančio cigarečių kontrabanda, asmenybę pažymėtina, kad jis turi ne tik socialiai ir dorovingai pasirengti nusikalstamai veikai, tačiau turi turėti reikalingos informacijos ir priemonių nusikaltimui daryti, žinoti, kaip prisitaikyti prie nusikaltimo darymo sąlygų, išmanyti nusikaltimo darymo techniką, numatyti reikalingus prietaisus, įrenginius. Asmuo, įvykdęs nusikaltimą, yra svarbiausias nusikaltimo sistemos komponentas. Nesant jo, negalimas ir nusikaltimas. Pastebėtina, kad asmenims, užsiimantiems cigarečių kontrabanda, būdingi ryšiai, žinios ir įgūdžiai, kurie leidžia jiems identifikuoti aplinką ir elgesį. Aiškinantis cigarečių kontrabandos nusikaltimus pareigūnui yra

²¹ Piesliakas V. Lietuvos baudžiamoji teisė. Pirmoji knyga, (Baudžiamasis įstatymas ir baudžiamosios atsakomybės pagrindai). // Vilnius. 2006. P.308

²² Шурухнов Н.Г. Криминалистика. Москва, 2002, с-538.

²³ Волчецкая Татьяна Станиславовна, „Криминалистическая ситуалогия“ (диссертация, Московский Государственный Университет имени М.В. Ломоносова, 1997) psl. 248

svarbu nustatyti, kokie yra asmens interesai, ryšiai su kitais asmenimis. Nustačius tokius bruožus lengviau nustatyti asmenis, kurie užsiima cigarečių kontrabanda.

Apibendrinant tikslinga išskirti du cigarečių kontrabandininkų charakteristikų tipus. Pirmasis iš jų – socialinės ir demografinės charakteristikos: lytis, amžius, išsilavinimas, šeimyninė padėtis, darbo statusas (dirba ar bedarbis), tautybė, pilietybė, materialinė padėtis ir sveikatos būklė. Antrasis – su kriminaline veikla susijusios charakteristikos, apimančios asmens požiūrį į įvykdytą nusikalstamą veiklą (t.y. prisipažinimas kaltu, gailėjimasis dėl nusikaltimo, bendra elgesio charakteristika), nusikalstamo elgesio istoriją (t.y. ar asmuo teistas, ar jis/ji recidyvistas, ar baustas administracine tvarka, o jei taip tai kiek kartų ir ar linkęs/usi susimokėti paskirtas baudas) ir nusikaltimo darymo būdą (t.y. ar jis/ji iniciavo nusikaltimą, ar veikė su bendrininkais, ar veikė organizuotoje grupėje, ar įtraukė į nusikalstamą veiklą nepilnamečius, kaip elgėsi sulaikymo metu, ar rastas nusikalstamai veiklai naudojamas mobilus ryšio telefonas, kas įtraukė asmenį į cigarečių kontrabandos veiklą). Išskirtos 23 socio demografinės ir kriminalinio elgesio charakteristikos tapo tyrimo pagrindu. Cigarečių kontrabandininkai lyginti tarpusavyje šių charakteristikų aspektu, sugrupuojant juos į tris klasterius.

Tyrimo metodologija

Tiriamieji. Tyrimui naudoti antriniai duomenys, surinkti išanalizavus 60 bylų, 2015 – 2022 metais nagrinėtų Kauno apylinkės teisme. Analizuojant atsitiktine tvarka pasirinktas bylas išskirta 99 asmenys, kurie buvo įsitraukę į cigarečių kontrabandos veiklą ir teismo sprendimu pripažinti kaltais. Remiantis teorine analize išskirtos 9 socialinės ir demografinės charakteristikos, reikšmingos tyrimui. Lyties atžvilgiu 90% tiriamųjų sudarė vyrai, 10% - moterys. Į imtį patenka įvairaus amžiaus asmenys: 18-29 metų amžiaus dalyviai sudaro 15%, 30-39 metų – 28%, 40-49 metų – 27%, 50-59 metų – 22%, o vyresnis nei 60 metų – 7% imties. 39% tiriamųjų buvo įgiję žemesnį nei vidurinis išsilavinimą (įgiję pagrindinį išsilavinimą ar šiuo metu besimokantys), 30% tiriamųjų buvo įgiję vidurinį išsilavinimą, 26% - baigę profesinę mokyklą, 4% - įgiję aukštąjį išsilavinimą kolegijoje arba universitete. 39% tiriamųjų buvo susituokę ar gyveno kohabitacijoje, 34% buvo vieniši, likę 26% - išsituokę. 77% tiriamųjų buvo Lietuvos Respublikos piliečiai, 33% buvo kitos šalies piliečiai arba ne lietuvių tautybės Lietuvos piliečiai. 36% tiriamųjų gyveno skurdo rizikoje, byloje fiksuota itin sunki jų materialinė padėtis. 40% tiriamųjų nusikaltimo padarymo metu buvo bedarbiai, likusieji – dirbo įvairaus pobūdžio darbus, vienas buvo ūkininkas. 61% tiriamųjų nesiskundė sveikata, o iš likusiųjų 39% tiriamųjų 19% buvo oficialiai nustatytas neįgalumo lygis.

Kita charakteristikų grupė – kriminalinio elgesio charakteristikos. 38% tiriamųjų turėjo galiojantį teistumą, 75% buvo bausti administracine tvarka, iš jų 39% administracine tvarka bausti keletą kartų. 36% buvo linkę susimokėti paskirtas administracines baudas. 26% buvo pripažinti recidyvistais. Remiantis bylos medžiaga 37% tiriamųjų charakterizuojami teigiamai, 33% - patenkinamai, o likusieji 29% - neigiamai. 80% tiriamųjų pripažino savo kaltę, 76% gailėjosi dėl padaryto nusikaltimo. Pas 56% tiriamųjų sulaikymo metu buvo rastas mobilus ryšio telefonas, liudijantis asmens ryšį su cigarečių kontrabandos organizatoriais. 35% priešinosi sulaikomi arba vengė sulaikymo. Skyrėsi ir tiriamųjų vaidmuo bei veikimo būdas. 44% pripažinti nusikaltimo iniciatoriais, 69% veikė bendrininkų grupėje, 8% veikė organizuotoje grupėje, 20% į nusikalstamą veiklą įtraukė nepilnamečius. Taip pat svarbia charakteristika laikytas įsitraukimo į šį šešėlinį verslą būdas. Tik 8% tiriamųjų įsitraukė į cigarečių kontrabandos organizavimą savo iniciatyva. Didžioji dalis, 65% tiriamųjų, įsitraukė paskatinti draugų, 17% - verslo partnerių, 10% - giminaičių.

Tiriamųjų pasiskirstymas pagal socialines – demografines bei kriminalines charakteristiką rodo, kad nors tyrimo imtis nėra didelė, ji apima platų spektrą asmenų, besiskiriančių teoriškai reikšmingomis charakteristikomis.

Duomenų analizės metodai. Remiantis byloje surinktais duomenimis kokybinės tiriamųjų charakteristikos buvo konvertuotos į kiekybinius duomenis, kurie analizuoti naudojant statistinių tyrimų programą IBM® SPSS® Statistics 29. Atlikta dviejų žingsnių statistinė analizė. Pirmojo statistinės analizės žingsnio tikslas – identifikuoti prasmingai atskirus cigarečių kontrabandininkų klasterius. Šiame žingsnyje vadovautasi prielaida, kad egzistuoja skirtingi cigarečių kontrabandininkų profiliai. Kriminalinis profiliavimas yra technika, kuri leidžia interpretuoti nusikaltėlio veiksmus, suprasti jo kriminalinio elgesio motyvą ir prognozuoti būsimą kriminalinį elgesį²⁴. Cigarečių kontrabandininkų kriminaliniai profiliai yra nepakankamai tyrinėta sritis, taigi nėra susiformavusios tyrimų tradicijos ar manomai geriausio duomenų analizės būdo. Dviejų žingsnių klasterinė analizė (angl. *Two-step cluster analysis*) yra vis plačiau naudojamas metodas įvairiose srityse, kai tyrėjams svarbu klasifikuoti tiriamuosius pagal žinomas jų charakteristikas: rinkodaroje²⁵, turizmo vadyboje²⁶, sveikatai palankaus elgesio tyrimuose²⁷ ar psichologijoje²⁸. Kai kurie autoriai naudojo šią statistinės analizės techniką kitų nusikaltimo rūšių profiliavimui.^{29 30} Dviejų žingsnių klasterinė analizė yra statistinė procedūra, kurios metu tiriamieji suskirstomi į grupes ar „klasterius“ pagal panašumą remiantis jų charakteristikomis.³¹ Toks metodas leidžia naudoti daug ir įvairių tiriamųjų charakteristikų išvelgiant dėsningumus apie tiriamųjų kriminalinio elgesio ypatumus ir jų skirtumus. Antrojo žingsnio tikslas – analizuoti kaip tarpusavyje skiriasi identifikuotos grupės (t.y. klasteriai). Įvertinant, kad duomenys yra nominalinio pobūdžio, taikyta chi kvadrato testo skaičiavimas. Chi kvadrato testas yra dažniausiai naudojama statistinė technika, siekiant įvertinti statinį reikšmingumą kuomet kintamieji yra nominaliniai³². Šios technikos dėka buvo atliktas išorinis rezultatų validavimas, leidžiantis pagrįsti ir išryškinti esminius skirtumus tarp nustatytų cigarečių kontrabandininkų kriminalinių profilių.

Rezultatai

Klasterinė analizė buvo atlikta įtraukiant numatytuosius tiriamųjų kriminalinius požymius: teistumas, baustumas administracine tvarka, paskirtų baudų susimokėjimas,

²⁴ Kocsis, R. N. (2006). *What Is Criminal Profiling?* Humana Press.

²⁵ Tkaczynski, A. (2017). Segmentation using two-step cluster analysis. In *Segmentation in social marketing* (pp. 109-125). Springer, Singapore.

²⁶ Hsu, C. H., Kang, S. K., & Lam, T. (2006). Reference group influences among Chinese travelers. *Journal of Travel Research*, 44(4), 474-484.

²⁷ Griffin, B., Sherman, K. A., Jones, M., & Bayl-Smith, P. (2014). The clustering of health behaviours in older Australians and its association with physical and psychological status, and sociodemographic indicators. *Annals of Behavioral Science*, 42, 205–214.

²⁸ Ulstein, I., Wyller, T. B., & Engedal, K. (2007). High score on the relative stress scale, a marker of possible psychiatric disorder in family carers of patients with dementia. *International Journal of Geriatric Psychiatry*, 22, 195–202

²⁹ Huynh, C., Beaulieu-Thibodeau, A., Fallu, J. S., Bergeron, J., Jacques, A., & Brochu, S. (2022). Typologies of Canadian young adults who drive after cannabis use: A two-step cluster analysis. *Behavioral Sciences & the Law*.

³⁰ Taylor, S., Lambeth, D., Green, G., Bone, R., & Cahillane, M. A. (2012). Cluster analysis examination of serial killer profiling categories: A bottom-up approach. *Journal of Investigative Psychology and Offender Profiling*, 9(1), 30-51.

³¹ Norusis, M. J. (2011). *IBM SPSS statistics 19 procedures companion*. Reading, MA, Addison-Wesley

³² Franke, T. M., Ho, T., & Christie, C. A. (2012). The chi-square test: Often used and more often misinterpreted. *American journal of evaluation*, 33(3), 448-458.

recidyvisto statusas, charakteristika, ar pripažįsta kaltas, ar gailisi dėl padaryto nusikaltimo, ar turėjo su savimi nusikaltimo tikslams skirtą mobilaus ryšio įrenginį, ar priešinosi sulaikomas, ar atliko nusikaltimo iniciatoriaus vaidmenį, ar veikė bendrininkų grupėje, ar priklausė organizuotai kontrabandininkų grupuotei, ar įtraukė nepilnamečius asmenis į nusikalstamą veiklą, koku būdu pats įsitraukė į cigarečių kontrabandos veiklą. Po pirminės analizės baudų susimokėjimas, mobilaus ryšio įrenginio turėjimas, nusikaltimo iniciatoriaus statusas bei nepilnamečių įtraukimas į nusikalstamą veiklą buvo pašalinti, kaip nereikšmingi kintamieji. Pašalinus šiuos kintamuosius gautas 3 klasterių sprendimas, kurio *Silhouette measure of cohesion and separation* reikšmė yra „fair“. Pirmąjį klasterį sudaro 23% tiriamųjų, antrąjį – 43%, trečiąjį 23% tiriamųjų. Klasterinės analizės rezultatai pateikti pirmojoje lentelėje.

1 lentelė: klasterinės analizės rezultatai

		Klasteriai						χ^2
		I		II		III		
		N	proc.	N	proc.	N	proc.	
Amžius	18-29 m.	4	9%	4	13%	7	29%	22.33**
	30-39 m.	9	21%	13	41%	6	25%	
	40 -49 m.	15	35%	10	31%	2	8%	
	50-59 m.	9	21%	5	16%	8	33%	
	Daugiau nei 60 m.	6	14%	0	0%	1	4%	
Teistumas	Teistas	10	23%	20	63%	8	33%	18.40***
	Neteistas	33	77%	12	38%	16	67%	
Recidyvizmas	Recidyvistas	6	14%	9	28%	11	46%	8.90*
	Nerecidyvistas	37	86%	23	72%	13	54%	
Administracinės baudos	Baustas	9	21%	7	22%	9	38%	26.07***
	Baustas ne kartą	11	26%	22	69%	6	25%	
	Nebaustas	23	53%	3	9%	9	38%	
Charakteristika	Teigiama	26	60%	0	0%	11	46%	32.87***
	Neigiama	5	12%	17	53%	7	29%	
	Patenkinama	12	28%	15	47%	6	25%	
Kaltės pripažinimas	Pripažįsta	43	100%	32	100%	4	17%	82.81***
	Nepripažįsta	0	0%	0	0%	20	83%	
Gailėjimasis	Gailisi	43	100%	31	97%	1	4%	83.19***
	Nesigaili	0	0%	1	3%	23	96%	
Elgesys sulaikymo metu	Vengė / priešinosi sulaikomas	3	7%	25	78%	7	29%	33.18***
	Nesipriešino	40	93%	7	22%	17	71%	
Bendrininkavimas	Veikė bendrininkų grupėje	23	53%	27	84%	18	75%	14.50**
	Veikė savarankiškai	20	47%	5	16%	6	25%	
Organizuota grupė	Veikė grupuotėje	0	0%	1	3%	7	29%	20.38***

	Veikė individualiai	43	100%	31	97%	17	71%	
Kaip įsitraukė į veiklą	Giminės pasiūlė	2	5%	4	13%	4	17%	25.26***
	Draugai pasiūlė	32	74%	23	72%	9	38%	
	Verslo partneris pasiūlė	7	16%	0	0%	10	42%	
	Pats sugalvojo	2	5%	5	16%	1	4%	
	Viso	43	100%	32	100%	24	100%	

Pastabos: * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$.

Antrojo analizės žingsnio metu vertinta kiek skiriasi 3 nustatytų klasterių atstovai ne tik pagal kriminalines, bet ir pagal socialines – demografines charakteristikas. Nustatyta, kad amžius yra vienintelė iš socialinių demografinių charakteristikų, kurios atžvilgiu skiriasi klasterių atstovai. Kaip ir reiktų tikėtis, svarbiausi skirtumai nustatyti kriminalinių charakteristikų atveju.

Pirmąjį klasterį sudaro vyriausi tiriamieji. Dauguma jų yra neteisti ir neturi recidyvisto statuso, tačiau nemaža dalis yra gavę administracinių baudų. Remiantis bylos medžiaga juos galima charakterizuoti teigiamai, šios grupės atstovai prisipažino kalti dėl įvykdyto nusikaltimo ir gailėjosi dėl savo veiksmų. Į cigarečių kontrabandos gabenimą dauguma jų pakliuvo tarpininkaujant draugams, nusikaltimo metu veikė bendrininkų grupėje. Jų kriminalinio elgesio apibūdinime atsispindi naivumas: tikėtina, kad šie žmonės tikėjosi būti nenubausti, o atskleidus jų nusikalstamą veiklą geranoriškai bendradarbiavo su teisėsauga ir gailėjosi dėl savo veiksmų. Antrąjį klasterį sudaro šiek tiek jaunesni asmenys, kurie remiantis bylos duomenimis gali būti charakterizuoti neigiamai arba patenkinamai, sulaikymo metu jie priešinosi ar vengė būti sulaikomi. Dauguma jų jau buvo teisti ir turėjo ne vieną administracinę nuobaudą. Jų kriminalinio elgesio apibūdinime atsispindi nebaudžiamumo įsitikinimai. Šie asmenys linkę tyčia pažeidinėti teisės normas, jie turi galiojančius teistumus, baudžiami administracine tvarka, tačiau nedaro išvadų ir nekeičia kriminalinio elgesio. Tikėtina, bendrauja su tokiais pačiais draugais ir pažįstamais, kurie juos įtraukia į kriminalines veiklas. Trečiąjį klasterį sudaro sąlyginai jaunesni nuteistieji, kurie išsiskiria tuo, jog neprisipažįsta dėl padarytos nusikalstamos veiklos ir nesigaili dėl savo elgesio. Dauguma jų įsitraukė į cigarečių kontrabandą per savo draugus ir verslo partnerius, dauguma veikė bendrininkų grupėje. Pažymėtina, kad būtent trečiojoje grupėje nuteistųjų yra dauguma tų, kurie veikė organizuotoje grupėje. Remiantis bylos medžiaga dauguma šių asmenų gali būti charakterizuota teigiamai, tačiau veikdami kartu su bendrininkais jie įsitraukė į nusikalstamas veiklas, dėl kurių nesutiko prisiimti kaltę ir atsakomybę. Ši tendencija kelia nerimą: tikėtina, kad jaunosios kartos cigarečių kontrabandininkai yra linkę veikti organizuotoje grupėje, nebendradarbiauja su teisėsauga ir neprisiima kaltės dėl savo įvykdytų veiklų, kas galimai atspindi veiklos organizuotoje grupėje vidines taisykles.

Rezultatų aptarimas

Tyrimo metu apimtas platus asmenų spektras iliustruoja, kad nėra vieno tipinio cigarečių kontrabandininko profilio. Visuomenėje gajį nuostata, kad cigarečių kontrabandininkai yra vyrai, gyvenantys skurde, neturintys kito pragyvenimo šaltinio, o dažnai ir besiskundžiantys

galimų darbų spektrą ribojančiomis sveikatos problemomis. Analizuotų tiriamųjų charakteristikos tai paneigia: tik 36% analizuotų cigarečių kontrabandininkų gyveno skurde ir skundėsi dėl sudėtingos materialinės padėties, 40% iš jų buvo bedarbiai, 39% turėjo daugiau ar mažiau sveikatos problemų, o nedarbingumas buvo nustatytas tik 19% tiriamųjų. Kita vertus, svarbus cigarečių kontrabandininkų išsilavinimas – tik 4% analizuotų asmenų buvo įgiję aukštąjį universitetinį ar koleginiį išsilavinimą, o 39% neturėjo nė vidurinio išsilavinimo. Profesijos neturėjimas gali būti ženkli kliūtis sėkmingam integravimuisi į darbo rinką, pasmerkti asmenį dirbti žemos kvalifikacijos darbą ir gauti už jį minimalias ar artimas minimalioms pajamas. Esant ekonominiam nestabilumui regione ar šalyje žemos kvalifikacijos darbo jėga yra pati pažeidžiamiausia darbuotojų grupė. Pažymėtina, kad 90% tirtų cigarečių kontrabandininkų yra vyrai. Lietuvos, kaip ir daugelio kitų šalių darbo rinkoje stebima atlyginimų segregacija, kuomet vyrai dirba geriau apmokamus darbus ir gauna aukštesnius atlyginimus nei moterys.³³ Galimai į cigarečių kontrabandos organizavimą ir gabenimą įsivelia asmenys, kurie turi sąlyginai aukštus lūkesčius atlyginimui, tačiau neturi aukštos kvalifikacijos ir gali užsiimti tik nekvalifikuotu ar minimalios kvalifikacijos reikalaujančiu darbu, nepriklausomai nuo jų gebėjimų ir lūkesčių darbo rinkos atžvilgiu. Svarbu ir tai, kad tik 8% tiriamųjų į cigarečių kontrabandos veiklą įsitraukė savo iniciatyva. Didžioji dalis, t.y. 65% tiriamųjų įsitraukė į šią veiklą paskatinti draugų, 69% veikė organizuotoje grupėje. Tai yra svarbi antroji dėlionės dalis. Asmuo, kuris neturi sąlygų vystyti poreikius ir lūkesčius atitinkančią karjerą darbo rinkoje pasiduoda neigiamai draugų įtakai ir patiki, kad cigarečių kontrabanda yra būdas užsitikrinti sau, geresnę materialinę gerovę. Šia idėja tikėtina dažniau susigundo asmenys, linkę į rizikingą ar nuskalstamą elgesį: 38% tiriamųjų turėjo galiojančią teistumą, 75% buvo bausti administracine tvarka, iš jų 39% administracine tvarka bausti keletą kartų ir tik 36% gavusių administracinės baudas buvo linkę jas susimokėti. Apibendrinant akcentuotina, kad įsitraukimas į cigarečių kontrabandą yra asmenybės ir situacijos sąveikos rezultatas: asmenys neturintys profesinės kvalifikacijos ar baigę profesinę mokyklą sunkiai integruojasi tiek visuomenėje (ką rodo teistumai ir administracinės baudos) tiek darbo rinkoje ir lengvai susigundo draugų siūloma galimybe įsitraukti į cigarečių kontrabandos organizavimą.

Iš 9 socio demografinių charakteristikų išskirtinis vaidmuo tenka amžiui. Klasterinė analizė atskleidžia, kad jaunesni ir vyresni nusikaltėliai skiriasi savo veiklos būdu ir požiūriu į įvykdytą nusikalstamą veiklą. Tyrimo imtis apėmė platų amžiaus spektrą, nuo 18 metų iki pensijinio amžiaus. Stebima tendencija, kad vyresni cigarečių kontrabandininkai linkę prisiimti kaltę, gailisi dėl padaryto nusikaltimo, nesipriešina suėmimo metu, kaip asmenys dažniau yra charakterizuojami teigiamai. Kita vertus jaunesni cigarečių kontrabandininkai yra linkę įsitraukti į organizuoto nusikalstamumo susivienijimus, kurie formuoja nesubrendusių asmenybių vertybes ir pasaulėžiūrą neigiama linkme. Jaunesni asmenys linkę neprisiimti kaltės dėl įvykdyto nusikaltimo, nesigaili, priešinasi suėmimui ar vengia jo. Jei vyresnės kartos kontrabandininkų kriminalinis elgesys gali būti teisinamas sudėtinga materialine padėtimi ar kitų pragyvenimo šaltinių stoka, jaunosios kartos kontrabandininkai sąmoningai renkasi nusikalstamą elgesį, dažniausiai jų elgesys gali būti charakterizuojamas neigiamai, neprisiima atsakomybės ir nesigaili dėl savo kriminalinio elgesio. Vienas iš pristatomo tyrimo trūkumų yra sąlyginai maža imtis, todėl rekomenduojama ateityje analizuoti kriminalinio elgesio požymius skirtingo amžiaus cigarečių kontrabandininkų grupėse, labiau išryškinant kartų įtaką kriminalinio elgesio raiškai.

³³ Zykienė, I., & Celiešiūtė, A. (2019). Darbo užmokesčio nelygybės privačiame sektoriuje lyties atžvilgiu aspektai. *Inžinerinės ir edukacinės technologijos*, (2), 135-140.

Klasterinė analizė leido atmesti kai kurias charakteristikas (polinkis susimokėti administracines baudas, cigarečių kontrabandos iniciatoriaus vaidmuo nusikaltime, nepilnamečių įtraukimas į nusikaltimą, mobilaus ryšio priemonės naudojimas bendravimui su kitais asmenimis) kaip nereikšmingas aprašant cigarečių kontrabandininkų tipus. Kita vertus išryškintos svarbiausios charakteristikos, kuo šios rūšies nusikaltėliai skiriasi tarpusavyje. Šias charakteristikas tikslinga skirstyti į tris grupes: vertybinės nuostatos atsispindinčios per požiūrį į nusikalstamą elgesį (t.y. ar gailisi, ar prisipažįsta kaltu, kaip asmuo charakterizuojamas byloje, kaip jis elgėsi sulaikymo metu), nusizengimų istorija (t.y. ar asmuo turi galiojantį teistumą, ar baustas administracine tvarka) ir įsitraukimo į nusikalstamą elgesį būdas, t.y. ar veikė organizuotoje grupėje ir kokių asmenų padedamas įsitraukė į cigarečių kontrabandos veiklą. Pirmąjį klasterį atstovaujantys tiriamieji yra sąlyginai pozityviausi: 100% jų prisipažino dėl nusikaltimo ir gailisi dėl padarytos veiklos, 100% jų nėra įsitraukę į organizuotą nusikalstamumą, o pagrindinis įsitraukimo į kontrabandos veiklas skatintojas – draugai (74% atvejų). Sulaikymo metu dauguma jų (93%) nesipriešino. 77% šių asmenų neturėjo galiojančio teistumo, 53% niekuomet nebuvo bausti administracinėmis bandomis. 60% šios grupės atstovų remiantis bylos duomenimis charakterizuojami teigiamai, dar 28% - patenkinamai. Tai vyriausių nusikaltėlių grupė – 70% jos atstovų yra vyresni nei 40 metų amžiaus. Ieškant šių asmenų kriminalinio elgesio priežasčių verta apimti daugiau situacinių, socialinių veiksnių, kurie tikėtina buvo praleisti šio tyrimo apimtyje, tačiau galėtų prasmingai paaiškinti pirmojo klasterio tiriamųjų įsitraukimą į kriminalinį elgesį. Neatmestina galimybė, kad šie asmenys atsitiktinai atsirado netinkamoje vietoje, dėl subjektyvių priežasčių susigundė dalyvauti nusikalstamoje veikloje, o suvokę savo elgesio pasekmes daugiau tokio pobūdžio veikla neužsiims. Antrojo klasterio atstovai nuo jų skiriasi logiškai ir empiriškai. Antrąjį klasterį sudaro karjeros nusikaltėliai: vidutinio amžiaus (72% sudaro 30-50 metų asmenys), iš kurių nei vienas negali būti apibūdintas teigiamai, 63% turi galiojantį teistumą, 91% bausti administracinėmis bandomis, o 63% bausti jomis ne kartą. 78% šių asmenų sulaikymo metu priešinosi ar slapstėsi nuo pareigūnų tikėdamiesi išvengti sulaikymo. 84% jų veikė bendrininkų grupėje, nors ir nepriklauso organizuotam nusikaltėlių susivienijimui. Nepaisant šių asmenų neigiamos charakteristikos, jie prisipažino dėl įvykdyto nusikaltimo ir teigė kad dėl jo gailisi. Kita vertus, prisipažinimas jų atveju gali būti instrumentinis, tikintis bausmės sušvelninimo, nes jų teisės pažeidimų ir kriminalinio elgesio istorija byloja, jog gavę sankciją šie asmenys savo elgesio nekeitė, o 28% antrojo klasterio tiriamųjų sudaro recidyvistai. Trečiąjį klasterį sudaro sąlyginai jauniausi nusikaltėliai: 54% šios grupės atstovų yra jaunesni nei 40 metų. Klasteris išskirtinis tuo, kad 83% jo atstovų neprisipažino dėl įvykdyto nusikaltimo, 96% - nesigailėjo. Nors teisti tik 33% klasterio atstovų, būtent šiame klasteryje didžiausia dalis recidyvistais pripažintų asmenų – 46%. 62% yra gavę administracines baudas, iš jų 25% jomis bausti ne kartą. 96% į nusikalstamą veiklą įsitraukė kieno nors pagalba, t.y. ne patys sugalvojo, 75% veikė bendrininkų grupėje, 29% dalyvavo organizuotame susivienijime. Tikėtina, kad iš visų trijų grupių tai yra įžūliausi nusikaltėliai, neprisiimantys atsakomybės už savo veiksmus ir dėl jų nesigailintys. Apibendrinant statistinės analizės rezultatus konstatuotina, kad tikslinga kalbėti apie tris cigarečių kontrabandininkų asmenybės profilius: atsitiktiniai asmenys, kurie įsitraukė dėl tikėtina socialinių veiksnių, karjeros nusikaltėliai linkę nuolat pažeidinėti įstatymus ar trikdyti viešąją tvarką ir dėl savo elgesio nesigailintys ir atsakomybės neprisiimantys asmenys linkę veikti organizuotoje grupėje.

Išvados

Nors cigarečių kontrabanda pagal LR Baudžiamąjį kodeksą klasifikuojama kaip sunkus nusikaltimas, užtraukiantis atsakomybę, cigarečių kontrabandos mąštai auga ir vis daugiau asmenų įsitraukia į šią nusikalstamą veiklą. Mokslinėje literatūroje, tyrimų ataskaitose kalbama apie žalą asmenų sveikatai, šalies ekonomikai, didėjančią visuomenės toleranciją nusikalstamumui, bet labai mažai analizuojama cigarečių kontrabandininkų asmenybė, t.y. kokie socialiniai – demografiniai ir kriminalinio elgesio veiksniai didina tikimybę įsitraukti į cigarečių kontrabandą. Tyrimo metu analizuota 9 socio demografinės charakteristikos ir 14 kriminalinio elgesio charakteristikų. Remiantis į imtį pakliuvusių cigarečių kontrabandininkų socio demografinėmis charakteristikomis galima apibendrinti, kad įsitraukimas į šią nusikalstamą veiklą yra asmenybės ir situacijos sąveikos rezultatas. asmenys neturintys profesinės kvalifikacijos ar baigę profesinę mokyklą sunkiai integruojasi tiek visuomenėje (ką rodo teistumai ir administracinės baudos) tiek darbo rinkoje ir lengvai susigundo draugų siūloma galimybe įsitraukti į cigarečių kontrabandos organizavimą. Išskirtinis vaidmuo tenka amžiaus faktoriui: tikėtina, kad jaunesni cigarečių kontrabandininkai labiau linkę veikti organizuotoje grupuotėje, neprisiima kaltės, nesigaili dėl padaryto nusikaltimo, yra labiau linkę į nusikalstamą elgesį.

Atlikus 99 cigarečių kontrabandininkų iš atsitiktinai pasirinktų bylų kriminalinio elgesio analizę ir apdorojus duomenis naudojant klasterinę analizę išryškėjo trys cigarečių kontrabandininkų profiliai. Pirmasis – tai atsitiktiniai asmenys, kurie įsitraukė dėl tikėtina socialinių veiksnių, tačiau neturi ankstesnės nusikalstamo elgesio istorijos, prisipažįsta ir gailisi dėl nusikaltimo, dauguma gali būti charakterizuojami teigiamai. Antrasis klasteris - karjeros nusikaltėliai, linkę nuolat pažeidinėti įstatymus ar trikdyti viešąją tvarką. Nors nei vienas iš jų bylos medžiagoje nėra charakterizuojamas teigiamai, šios grupės atstovai prisipažįsta dėl įvykdyto nusikaltimo ir dėl jo gailisi. Trečiasis klasteris dėl savo elgesio nesigailintys ir atsakomybės neprisiimantys asmenys linkę veikti organizuotoje grupėje. Nors jie sąlyginai jaunesnio amžiaus, būtent šioje grupėje daugiausiai recidyvistų.

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CRIMINAL CHARACTERISTICS OF CIGARETTE SMUGGLERS

Jurgita Baltrūnienė, Vilma Milašiūnaitė

Summary

Based on the value (in Euros) of goods seized within pre-trial investigations conducted by the Customs of the Republic of Lithuania, a sharp increase in the smuggling of tobacco products can be seen over the last three years, with the value amounting to 19 million Euros in 2018, 27 million Euros in 2019 and 59 million Euros in 2020. When assessing the volumes of smuggling on the basis of the nature of collected packs of cigarettes, it was found that out of all packs of tobacco products collected in 2019-2020, 27.3 percent were not accounted for. The growing volumes of smuggling cause substantial damage to the economy of Lithuania, the health of the population, and the tolerance of the public towards this criminal activity is increasing. When preventing and investigating this type of crime, it is important to analyse the personality characteristics of smugglers, to distinguish the most important criminal

characteristics and to identify different profiles of cigarette smugglers. For this purpose, the analysis covered 60 cases, which were heard by the Kaunas Regional Court in 2015 –2022, and singled out 99 persons who were found guilty of cigarette smuggling. The theoretical analysis distinguished 9 social and demographic characteristics and 14 criminal characteristics. Three theoretically and empirically different profiles of cigarette smugglers were distinguished and analysed using a two-step hierarchical analysis.

The first cluster includes random/accidental persons who became involved due to presumably social factors, but who have no previous history of criminal behaviour, confess and regret having committed the crime, and the majority can be characterized positively. The second cluster includes career criminals who tend to constantly break the law or disrupt public order. Although none of them is characterized positively in the case file, the representatives of this group confess to the commission of the crime and regret having committed it. The third cluster includes those who do not regret their behaviour and do not take any liability, and tend to act in an organized group. Although they are relatively younger, it is this group that has the highest number of repeat offenders.

Based on the socio-demographic characteristics of the sample of cigarette smugglers, it can be summarised that involvement in this criminal activity is the result of interaction between the personality and the situation. Persons without any professional qualifications or who have graduated from vocational schools have difficulty integrating both in the society (as evidenced by convictions and administrative fines) and in the labour market, and are easily tempted by the opportunity offered by their friends to get involved in the organization of cigarette smuggling. The age factor plays a special role: it is highly probable that younger cigarette smugglers are more likely to act in an organized group, do not admit guilt, do not regret the crime committed and are more likely to engage in criminal behaviour.

ATTITUDES TOWARDS COVID-19 ERA

José Marcos BUSTOS-AGUAYO

Universidad Nacional Autonoma de Mexico

E-mail: marcos.bustos@unam.mx

ORCID ID: [0000-0003-3423-596X](https://orcid.org/0000-0003-3423-596X)

Francisco ESPINOZA-MORALES

Universidad de Sonora

E-mail: francisco.espinozamorales@unison.mx

ORCID ID: [0000-0002-4552-5893](https://orcid.org/0000-0002-4552-5893)

Cruz GARCÍA-LIRIOS

Universidad Autonoma del Estado de Mexico

E-mail: cgarciali@uaemex.mx

ORCID ID: [0000-0002-9364-6796](https://orcid.org/0000-0002-9364-6796)

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Abstract: *The SARS CoV-2 coronavirus pandemic and the COVID-19 disease impacted the educational system and Higher Education Institutions (HEIs). University institutionalism, understood as academic, professional and labor regulations, can be explained from its attitudinal dimensions. In this way, the provisions against or in favor of anti-COVID-19 policies, consisting of distancing and confinement, anticipate risk scenarios of contagion, illness and death. Attitudes towards anti-COVID-19 institutionalism predict scenarios of stigma, entrepreneurship, innovation, training or performance. The importance of attitudes, as long as they are measured as anti- or pro-confinement and distancing dispositions in the face of pandemic, lies in their explanatory capacity for risk exposure behaviors. Therefore, the diagnosis of attitudes in students selected for professional practices and social services in public health institutions will allow us to appreciate the intentions and decisions of exposure to risks associated with the health crisis. The objective of the present work was to specify a model for the study of attitudes towards the effects of the pandemic on the environment. An exploratory, cross-sectional and correlational work was carried out with 100 students, considering their confinement and intensive use of electronic technologies, devices and networks. A factorial structure was found that explained 35% of the total variance, although the research design limited the results to the study setting, suggesting the extension of the work towards the contrast of the proposed model.*

Keywords: *information, theory, model, attitude, behavior*

Introduction

As of this writing, the pandemic caused by the SARS-COV-2 coronavirus and the COVID-19 disease have infected 10 million people, sickened five million, and killed half a million. In Mexico, 200,000 have been infected, 50,000 have fallen ill, and 25,000 have died (WHO, 2020). The health crisis has forced confinement and gradually led to a recession and economic crisis reflected in unemployment and inflation.

The anti-COVID-19 policies, consisting of the distancing and confinement of people, generated unfavorable attitudes towards government authorities (Carreon et al., 2020). In the educational field, the distance and asynchronous teaching strategies were an extension of the anti-pandemic policies. In this sense, the academic community; teachers, students and administrators faced a change in training management that reoriented the objectives, tasks and goals. The transition from the face-to-face classroom to the virtual classroom generated

provisions against or in favor of the management system. Therefore, the study of the attitudes of the parties involved became relevant as the pandemic intensified and spread.

The pandemic reached phases of distancing and confinement, both minimum and maximum depending on the anti-COVID-19 policy and the epidemiological traffic light (Sanchez et al., 2022). The red color signified a strict regulation of the flow of people in public and private spaces, as well as the intensive use of anti-COVID-19 devices such as masks, gloves, a face shield, gel alcohol, or an oximeter. The green color was translated as a permissive scenario of free movement of people with anti-COVID-19 devices and immunized.

In the educational field, the epidemiological traffic light defined the strategies of deregulated or intensive confinement and distancing, but the transition from face-to-face to virtual management was less conflictive than the return to the face-to-face system (Sandoval, Bustos & Garcia, 2021). Precisely, in this phase, the present work proposed to observe the dispositions of the parties involved. The literature from 2019 to 2022 notes a growing willingness as the pandemic intensified. In addition, attitudes predict specific, deliberate, and systematic behaviors.

The relationship between attitudes towards the pandemic and risk behaviors in a scenario of return to face-to-face management involves dimensions of analysis that the literature identifies as affective, cognitive and intentional variables (Garcia, 2021). It is a structure of provisions where it is possible to appreciate the impact of the pandemic through anti-COVID-19 policies on attitudes towards the return of face-to-face management.

The literature warns of the prevalence of the three affective, cognitive and intentional dimensions of attitudes towards the pandemic (Aguayo et al., 2021). Even factorial structures that explain between 67% and 74% of the variance are reported, but the dependency relationships between these dimensions are not modeled with respect to the return to face-to-face management.

In the case of the student community, studies of attitudes towards the pandemic have focused on stigma as an effect of media coverage of anti-COVID-19 policies (Coronado et al., 2022). In this way, the modeling of the dimensions of attitudes regarding the behavior of exposure to risks of contagion, illness or death in the face-to-face classroom and university academic spaces is relevant.

Faced with this bleak panorama, people have developed attitudes or dispositions against and in favor of the situation, the government, their jobs, their families and themselves in the face of the health and economic crisis, highlighting the emotions of anxiety, anger or fear, although also dispositions emerge to carry out actions that mitigate the effects of the pandemic, as well as strategies of entrepreneurship and supportive and fraternal collaboration before their peers (Bustos, 2020).

In this way, the theoretical and conceptual corpus that explain the appearance of attitudes towards risk events such as pandemics suggest; 1) anthropocentric and ecocentric emotions regarding health resources; 2) negative and positive evaluations regarding the health crisis ; 3) materialist and postmaterialist intentions regarding the use of health services (Hernández, 2020).

In this way, the most recent and specialized findings warn: a) anthropocentric emotions associated with the intensive use of water and toilet paper, as well as ecocentric emotions linked to the protection of visiting species of cities; b) negative evaluations of health management regarding the lack of tests, treatments, and vaccines, as well as positive evaluations regarding confinement, distancing, and the use of face masks; c) probabilities of avoiding self-care in

crowded groups, but following these health recommendations in small groups (Anguiano, 2020).

The validity and reliability of the answers to the instrument that measures the question warn; i) an internal consistency that ranges between 0.67 and 0.73 which suggests the exclusion of items to increase it; ii) the exploratory factorial composition of a structure explained between 32% and 46% of the variance, noting the inclusion of other dimensions; iii) the relationships between factors that range between 0.34 and 0.62, indicating the influence of other mediating factors such as risk perceptions and reasons for cost and benefit in the face of the pandemic (Carreón, 2020).

Precisely, the objective of the present work is to specify a model for the study of attitudes towards the pandemic, the rulers and the ruled, considering the effects of the health and economic crisis during a prolonged confinement that has lasted four months and another two are expected. months more with the expectation of a new outbreak of infections, diseases and deaths.

The hypothesis that guides the present work suggests an internal consistency higher than the indispensable minimum of 0.60, an exploratory factorial composition of three dimensions; affective, cognitive and intentional, as well as positive and significant relationships between latent and manifest variables, which reflect the dispositions towards the pandemic in students of a public university in central Mexico (Garcia, 2020). The contributions of this work to the state of the question are ; review of the conceptual and empirical theoretical framework, methodological approach to the problem, diagnosis of the phenomenon, discussion of the findings and reflection of contributions and implications (Perez et al., 2021).

Method

Design. An exploratory, cross-sectional and correlational study was carried out with a sample of 100 students ($M = 24.31$ $SD = 3.21$; $M = 9'975.32$ $SD = 743.23$ monthly income) from a public university in central Mexico. , considering the prolonged confinement, as well as the intensive use of technologies, devices and electronic networks.

Instrument. The Scale of Attitudes towards the Pandemic EAP-21) was built, which includes 21 statements around three preponderant dimensions; emotional-affective-sentimental (“The coronavirus affects consumerists”), cognitive (“The pandemic is an effect of climate change”) and intentional-behavioral (“Ecologists work more in this confinement”). All items are answered with one of five options ranging from 0 = “not at all likely” to 5 = “quite likely”.

Procedure. An intentional selection of 100 students from a public university was made, considering the classification of traffic lights (red = extreme risk, orange = high risk, yellow = moderate risk and green = manageable risk) for the observation of the pandemic in the State of Mexico. The invitations were sent to the institutional emails of the respondents. Once the acknowledgments were received, the informed consent was sent, emphasizing the non-payment for answering the questionnaire, as well as the guarantee of confidentiality and anonymity both in the coding and in the interpretation of the answers.

Analysis. The data was processed in the Statistical Analysis Package for Social Sciences (SPSS version 23.0) considering the requirements of normal distribution, reliability, adequacy, sphericity, validity, linearity, normality and independence for trajectory structures. and relationships between the variables in order to test the null hypothesis of significant differences between the structures reported in the literature with respect to the observations made in this study.

Results

Table 1 shows the values of normality, reliability, and validity between the variables that reflect the responses to the items that measure attitudes towards the pandemic, confinement, and government and civil action in the face of the health and economic crises.

Table 1. Instrument descriptions

R		M	SD	A	F 1	F2	F3
	<i>Emotional</i>			.781			
r1	The coronavirus affects consumers	4.32	1.34	.762	.365		
r2	The pandemic takes environmentalism away from people	4.15	1.45	.703	.397		
r3	Confinement is a solution to pollution	4.67	1.09	.771	.380		
r4	Wearing masks is for environmentalists	4.83	1.78	.751	.365		
r5	Asymptomatic also contaminate	4.05	1.56	.743	.387		
r6	Infected also contaminate	4.32	1.34	.702	.370		
r7	Breaking the quarantine is giving up mobility	4.34	1.21	.713	.365		
	<i>Cognitive</i>			.798			
r8	The pandemic is an effect of climate change	4.76	1.01	.743		.317	
r9	Animals and plants live with coronavirus	4.93	1.54	.715		.396	
r10	The coronavirus made it possible to reduce emissions	4.36	1.34	.703		.380	
r11	Confinement is to coexist with the species	4.16	1.55	.762		.385	
r12	Quarantine also affects species	4.30	1.76	.781		.394	
r13	The vaccine is in nature	4.19	1.80	.764		.372	
r14	Masks saturate the environment	4.03	1.25	.768		.367	
	<i>Intentional</i>			.783			
r15	Ecologists would be relevant in this confinement	4.17	1.54	.767			.360
r16	Environmentalists would contribute in this quarantine	4.15	1.61	.770			.386
r17	Recyclers would help in this confinement	4.15	1.17	.762			.369
r18	Savers would emerge in this health crisis	4.10	1.82	.751			.375
r19	Pedicabs would be essential in this pandemic	4.03	1.51	.751			.395
r20	Ecotaxis would be essential in this contingency	4.07	1.63	.703			.394
r21	Masks would contaminate in this epidemic	4.11	1.50	.732			.393

Note: Prepared with study data. Method: Principal axes, Rotation: Promax . Emotions (16% of the total variance explained and alpha of .780), Cognitive (12% of the total variance explained and alpha of .765), Intentions (7% of the total variance explained and alpha of .753). All the items are answered with one of five options ranging from 0 = “not at all in agreement” to 5 = “quite in agreement”.

Once the exploratory factorial structure of the three preponderant factors was established in relation to the 21 indicators, we proceeded to estimate the relationships between these three dimensions related to emotional, cognitive and intentional attitudes, which explained 35% of the total variance (see Table 2).

Table 2. Relations between variables

	M	SD	F1	F2	F3	F1	F2	F3
F1	23.12	13.24	1,000			1.986	.645	.532
F2	22.35	15.46	.325*	1,000			1,768	.418
F3	25.46	14.37	.478**	.541*	1,000			1,689

*Note: Prepared with study data; * $p < .01$; ** $p < .001$; *** $p < .0001$*

The relationship structure weighs the inclusion of another factor that the literature identifies as dispositional ambivalence to account for those attitudes against and in favor of an object, which may be the case of the pandemic. That is to say, on the one hand, negative provisions are built in the face of the health and economic crisis, but unusual job opportunities are also opened up, such as messaging. In this way, the possible emergence of this fourth factor was observed, although the adjustment of the three factors would also be an option to increase the percentage of explained variance (see Figure 1).

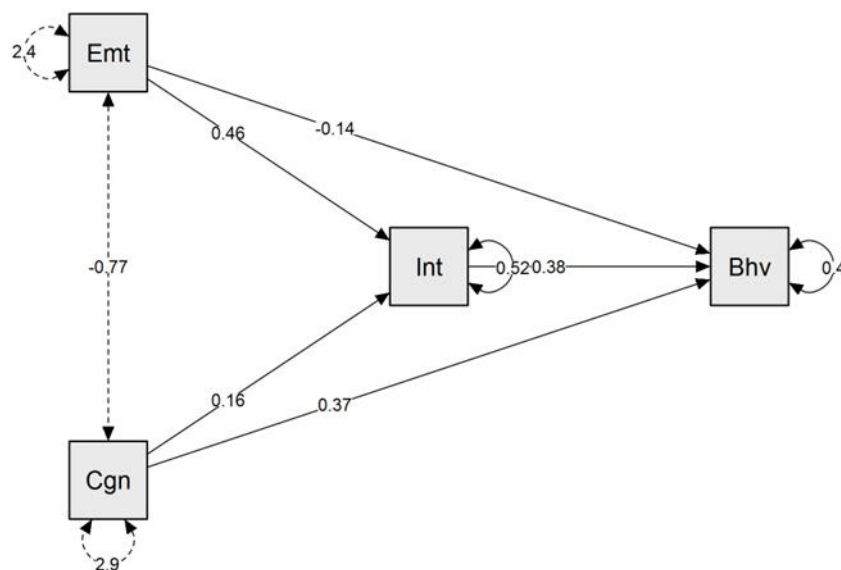


Figure 1. Factor structure reflecting attitudes
Note: Prepared with study data;

The fit and residual parameters [$\chi^2 = 234.13$ (24 df) $p > .05$; CFI = .990; GFI = .999; RMSEA = .008] suggest the non-rejection of the null hypothesis regarding significant differences between the structure of reflective trajectories subtracted from the literature with respect to the observed structure of relationships.

Discussion

The contribution of the present work to the state of the question lies in the establishment of the reliability and validity of an instrument that measures attitudes towards the effects of the

pandemic on the environment, suggesting the extension of the work towards the contrast of the model in other scenarios.

In relation to the theory of attitudes, which highlights the three emotional, cognitive and intentional components, the present work has demonstrated the prevalence of this structure of reflective trajectories in a model, but the percentage of total variance suggests the inclusion of an ambivalent factor (Garcia, 2021). This would increase the predictive power of the model. In the virtual classroom, the application of this finding in the didactic sequences will allow establishing dynamics oriented towards ambivalence; emotionality and reasoning about its effects on public resources and services.

Regarding the studies of attitudes, which highlight the hegemony of the emotional component in the face of risk events, the present work has shown that it is a multiple dimension in which indicators adjusted to anger, fear or anxiety converge in the face of the effects of the pandemic in nature (Garcia et al., 2021). These results will allow the design of pedagogical sequences related to education for sustainability, mainly in those concerning risk events.

Theoretical, conceptual and empirical frameworks seem to highlight the hegemony of cognitive dispositions to explain the emergence of attitudes in the face of risk events such as a pandemic (Garcia et al., 2022). In this sense, the present investigation has highlighted the factorial structure that explains the relationships between the affective, cognitive and intentional dimensions as a formative process of dispositions against or in favor of the effects of the coronavirus in nature.

Juárez (2020) found three cognitive subdimensions related to the incommensurability, unpredictability, and controllability of the effects of Covid-19. In this sense, the present work showed that this cognitive structure would be made up of seven indicators that measure the evaluations of the respondents with respect to their expectations in a situation of prolonged health crisis. Lines of study concerning the systematic observation of the cognitive structure will allow anticipating the organization of public and private sectors, as well as social and political actors.

Limón (2020) also observed the cognitive structure and its indicators regarding information needs regarding Covid-19 and its relationship with nature. It found that the surveyed sample attended the messages to compare information as long as the source had low prestige, or else, the contents were implausible. In the present work, it has been shown that this cognitive structure reflects rather ambivalent contents such as the generation of sanitary waste versus the reduction of carbon dioxide emissions in the atmosphere due to the confinement of people. Future areas of study related to the ambivalent structure will make it possible to anticipate conflicts between the rulers and the ruled in the face of the reduction of CO₂ emissions and the increase in sanitary waste.

Molina (2020) weighed the mobility of people from the prolonged confinement of one month and the immediate lack of confinement of people, finding effects in the reduction of the use of public transport, but the increase in isolation. In the present work, an intentional factor has been established that reflects ambivalence when using polluting transport, but that users consider safe to avoid crowds. Studies associated with the saturation of people in public transport will explain the effects of policies to escalate working hours.

Pérez (2020) observed significant differences between the audiences of traditional media; television, radio and press with respect to the agenda established in social networks such as Facebook, Twitter, Instagram, YouTube, WhatsApp, Tik Tok and Periscope. The first audiences focused their interest on the content dedicated to the visits of species in confinement, but the networks announced the mistreatment of domestic animals. In the present work, the same ambivalence was observed for the information disseminated in traditional media and social networks regarding public transport as a source of infection. Subsequent research should clarify the impact of social communication policies on the attitudes of citizens.

In summary, studies of the effects of Covid-19 on nature show an ambivalence derived from the negative and positive effects of the health crisis on nature, but the factorial structure observed in this study suggests that these attitudes reflect only part of that ambivalence. Future lines of

inquiry will reveal a fourth component that the literature states as ambivalent dispositions to explain the repudiation and support of citizens towards their rulers. Such an issue seems to intensify as the pandemic drags on.

Conclusion

The contribution of this work to the state of knowledge lies in the specification of a model for the study of attitudes towards pandemic effects in nature, although the research design limited the results to the work scenario, suggesting the extension of this to a context of risk events.

In the advisory, the research provides the central elements for the construction of an environmental policy focused on the cognition of the provisions. It is about the design of pedagogical sequences oriented towards local sustainability in the management of municipal resources and services. That is to say, from the construction of a public agenda it will be possible to discern between the deliberate, planned and systematic reasoning emerging from the pandemic, the confinement and the health and economic crises.

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LANGUAGE MOTIVATIONAL THEORY AND ITS IMPLICATION TO THE CLASSROOM

Aurelija ČEGLYTĖ

Vytautas Magnus University
Donelaičio str. 52, LT 44248 Kaunas, Lithuania
E-mail: aurelija.ceglyte@vdu.lt
ORCID ID: [0000-0002-5375-0484](https://orcid.org/0000-0002-5375-0484)

Vaida MISEVIČIŪTĖ

Vytautas Magnus University
Donelaičio str. 52, LT 44248 Kaunas, Lithuania
E-mail: vaida.miseviciute@vdu.lt
ORCID ID: [0000-0002-7764-9671](https://orcid.org/0000-0002-7764-9671)

Asta BALČIŪNAITIENĖ

Vytautas Magnus University
Donelaičio str. 52, LT 44248 Kaunas, Lithuania
E-mail: asta.balciunaitiene@vdu.lt
ORCID ID: [0000-0002-9807-1223](https://orcid.org/0000-0002-9807-1223)

Lina ABRAITIENĖ

Vytautas Magnus University
Donelaičio str. 52, LT 44248 Kaunas, Lithuania
E-mail: lina.abraitiene@vdu.lt
ORCID ID: [0000-0002-5926-5594](https://orcid.org/0000-0002-5926-5594)

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Abstract. *The researchers believe that language motivation is a crucial factor in L2 learning. Motivation is a multi-facet concept that different researchers have studied at different times. The presented study overviews students' English learning orientation from the perspective of various important L2 motivation concepts (from Gardner's integrativeness/instrumentality to Dörnyei's L2 motivational self system) and the notion of English as an international language. When looking through the history of language motivation research, language motivational research stages, namely a social-psychological research stage, a cognitive-situated stage, and the current stage, introduced by Al-Hoorie, are applied as the primary classification. The first stage covers the period between the 1970s and the 1980s with Gardner's and Lambert's theory exploring the elements of students' motivation and their achievements, while the second stage overviews the late 1980s – the early 2010s with Curran's communicative language learning, Lozanov's suggestopedia, Asher's total physical response, Gattegno's silent way, and Krashen's natural way introduced worldwide. The grammar approach was replaced by communicative language, where the teacher was viewed as a facilitator, activities manager, advisor, or co-communicator rather than a sole authority in the classroom. During this period, Dörnyei developed his conception of the L2 Motivational Self System, as well as the ideal L2 self was introduced. Such conceptual domains as L2 speaker, L2 language and L2 self were defined. The current stage, which started in the 2010s, does not highlight the leading topic in the issue under question. However, the relationship between teacher and student motivation remains relevant as well as the challenging reality of a classroom with multilingual and multicultural language learners is considered.*

Keywords: *cognitive–situated stage, language learning, motivation, social-psychological stage.*

Introduction

Contemporary language motivation theory and research have entered the seventh decade, yet the implications that this research brought to teaching are still a work in progress in many classrooms around the world. The Common European Framework of Reference (Council of Europe, 2001) strives to improve L2 learning to meet the needs of the 21st century. Both documents strongly encourage project-based learning as one of the essential components to student motivation. Through project work, teachers are invited to promote multiculturalism, cooperation, and social responsibility. The purpose of this article is to provide a brief history and directions of language motivational research with a focus on practical implications for the classroom. A valuable classification of language motivational research has been suggested by Al-Hoorie (2017), who proposed three clear stages in development – a social-psychological research stage, a cognitive-situated stage, and the current stage. Practical implications in the classroom will be discussed based on the classification suggested by Al-Hoorie.

The Social-Psychological Research Stage

The first stage of the research (the 1970s – the early 1980s) was dominated by Gardner and Lambert. In their book *Attitudes and Motivation in Second Language Learning* (1972), a socio-psychological theory of second language learning (L2) motivation explored the ingredients of students' motivation and their achievements. L2 language learning was situated as different from learning other subjects because of the unique social, psychological, behavioural and cultural aspects associated with language learning. Namely, the research focused on the cultural aspect of learning, individual language learner differences, the purpose of learning (formal vs informal context), and the importance of nonlinguistic clues. According to Dörnyei and Ryan (2015), this research stage focused mainly on the interrelationship between social groups and contextual variables.

The language motivation theory proposed by Gardner was revolutionary for its time. According to Oxford (2019), Gardner's ideas were part of the *Zeitgeist* spirit of the times (a tremendous temporal concept). Languages for many centuries were taught through the grammar translational method, which was designed to teach Latin, a dead language. This method was based on translating, memorizing vocabulary, and study of grammar without much consideration that most languages are dynamic and social. However, due to the scientific and linguistically complex style of writing followed by deep analysis of psychology, the classroom implications were not so easily attainable for the teachers, especially non-English speaking teachers.

Besides the strong call for a more communicative way of teaching, the motivational aspects were of utmost importance. The most integral part of the theory was the focus on the integrative motive, suggesting that language anxiety is the biggest obstacle to language learning and that motivation and aptitude are the essential elements for successful language acquisition. To make Gardner's research more accessible, decades later, Oxford (2019) simplified and put forth five important teaching implications that Gardner initiated: a) openness and positivity toward other cultures; (b) interest in the language; (c) positive attitudes toward and strong motivation for language learning; (d) low anxiety; and (e) contentment in the classroom. As can be seen, the central focus was on the affective domain and the comfortable classroom environment, along with the positivity about oneself, the other, and the language. These affective domain concepts are a pillar of successful teaching today and are clearly emphasized

in the Common Framework of References. However, since the language and research were overly complex, the classroom implications were minimal, especially for young teachers (Oxford 2019). It is reasonable to look at the implications for the classroom in the second stage, and those elements were introduced in second language teaching methodologies and practical work.

The Cognitive-Situated stage

The second stage of research (the late 1980s – the early 2010s) proposed by AL-Hoorie (2017) is the cognitive-situated stage or educational stage because there was a significant attempt to make these findings attainable to all. The beginning of the second stage of motivational research is marked by heavy criticism not only of Gardner's complexity in writing but also of conceptual ambiguity and the dynamic nature of language. The changing times called for spontaneous and unrehearsed communicative competence in various social contexts – not linguistic or grammatical but purposeful, cohesive, and coherent. The grammar approach to language was replaced by communicative language teaching, which addressed how language, teachers and students were viewed and how the purpose of learning a second language evolved. The teacher was viewed as a facilitator, activities manager, advisor, or co-communicator rather than a sole authority in the classroom. The students were not just empty vessels to be filled but active communicators, negotiators of meaning, responsible managers of learning. The learning process changed from passive memorization and translation to more active ways of learning – games, simulations, group work, role-plays, problem-solving, and feedback.

The educational stage may also be justified by the abundance of language teaching methods that the research inspired. Curran's communicative language learning, Lozanov's suggestopedia, Asher's total physical response, Gattegno's silent way, and Krashen's natural way were actively introduced in language classrooms worldwide. These methods heavily relied on the above-discussed concepts of motivational research and dominated most classrooms by the late 1980s.

Motivational research in this stage covered many aspects of motivation, including ingredients of student and teacher motivation and analysis of how different points affect learning of a second language. Gardner's influence in this stage continued to be vital as he built on his most elaborate aspect of motivational theory – the concept of the integrative motive, which is defined as a "motivation to learn a second language because of positive feelings toward the community that speaks that language" (Gardner, 1985, pp. 82-83). It is also one of the most challenging concepts to study as globalization and dominance of English refocus the identification model with the Anglophone native speaker. Gardner (1985) and later Dörnyei and Csizér (2002) pointed to three conceptual domains of identification that may affect L2 motivation: identification with (1) L2 speakers; (2) the L2 culture and (3) the L2 itself. The most influential research in this stage was carried out by Dörnyei and his conception of the L2 Motivational Self System.

One significant contribution to the practical application of the self-motivational theory is seen in the work of Dörnyei (2001), who summarized practical knowledge on motivating language learners and presented a comprehensible framework of a motivational teaching practice consisting of 4 components; each component further divided into subcategories:

1. Creating the primary motivational conditions (creating appropriate teacher behaviour, supportive classroom atmosphere, cohesive learner groups)

2. Generating initial student motivation (enhancing learners' attitudes and values (goal-orientedness, success), creating realistic beliefs, relevant teaching materials)

3. Maintaining and protecting motivation (making learning and tasks motivating and engaging, setting specific goals, protecting learner self-esteem, confidence and self-image, creating learner autonomy, self-motivating strategies and cooperative spirit)

4. Encouraging positive retrospective self-evaluation (promoting motivational attributions, providing motivational feedback, increasing learner satisfaction, and offering rewards and grades in a motivating manner).

From the point of view of a practitioner, many of the concepts above are desirable but not easily attainable practically. Furthermore, the whole burden of increasing student motivation lies on the shoulders of the teacher. A more specific analysis of the four essential elements only deepens understanding of how much is required from a teacher.

1. Teachers want to create a supportive classroom environment, yet old-fashioned norms from educational ministries continue to hinder the application of newer theories. The overcrowded curriculum, standardized testing, constantly growing classrooms, ambitious workload are just a few factors that teachers face. Additionally, outside factors like COVID-19 pandemic (learning new technologies, creating, and adapting curriculum) or war refugees (integrating students who do not speak the language and deal with psychological trauma) threaten a creation of a comfortable and cohesive classroom.

2. Regarding student motivation, creating realistic beliefs may be attainable by the teacher, yet many other factors also hinder the complete delivery of this concept. For one, creating relevant teaching materials from the abundance of bad materials on the internet is time-consuming, and the official teaching materials are not always updated or fit the institution's curriculum. Again, there is hope that the teacher will do all the work and make it relevant.

3. Maintaining and protecting motivation concepts asks teachers to be superheroes. It is possible to set specific goals to encourage cooperation and autonomy, but it is tough to be interesting when you work with the old textbooks, disconnected from reality standardized tests and evaluation system that kills the confidence of those who fall below the norm.

4. Regarding the positive retrospective self-evaluation, teachers face problems as well. Motivational and personal feedback requires a lot of time, and while the massive reward system may be motivational once, the students often understand the superficiality of it. Therefore, to increase learners' satisfaction, a teacher needs one-on-one time, an unrealistic concept. Many superb teachers provide personal feedback to multiple students sacrificing their families, leisure, or sleep.

Motivational language research draws on a somewhat idealistic classroom creation that is not easily attainable due to the bureaucratic educational systems in many countries. On the other hand, this research rather inspires teachers to be agents of change. Even if in small steps, it is crucial to make the educational system more student-centered, more project-based, and more multicultural.

Earlier it was assumed that the intrinsic teacher motivation is enough to forego teaching difficulties. Teaching as a vocational goal was often associated with the internal desire (pure joy) to educate people, share knowledge and impart values, and advance a community or a whole nation. The intrinsic value of teaching and the desire to make a social contribution, shape the future and work with children and young adults emerged among the highest-rated motivations for choosing teaching as a career. Even rewards that typically motivate people to do a good job do not apply in teaching as this profession forgoes high salaries and social recognition.

The researchers in the 1990s looked deeper into teacher's intrinsic motivation and how this motivation could affect teaching. Two concepts were coined: Teaching efficacy, referring to teachers' general beliefs about the possibility of producing student learning in the face of multiple obstacles (unsupportive home environment); and Personal efficacy, referring to the teacher's personal appraisal of his or her effectiveness as a pedagogue. Several research has shown that teachers with high levels of self-efficacy experience higher levels of satisfaction, less job-related stress, and fewer difficulties in dealing with students' misbehaviours (Tschannen-Moran et al., 1998; Caprara et al., 2003). Hoy (2000) observed that teachers with a low sense of self-efficacy see students as unmotivated, disregard student's diversity, and apply old-fashioned teaching methodologies.

Therefore, a popular trend in research looked at teacher training, suggesting that teachers who are trained to use new teaching methodologies would gain better self-efficacy and motivate students to learn. Teachers' self-efficacy has been viewed as a powerful predictor of teachers' behaviour and success in the classroom. Bernaus and Gardner (2008) contrasted teachers' motivation and classroom strategy use to learners' attitudes and motivation. 31 teachers and 694 ESL learners in Catalonia (Spain) rated 26 language learning strategies used in their classrooms. A mini AMTB (Attitude/Motivation Test Battery) was used to assess learners' attitudes, motivation and language anxiety. The results demonstrated that the teacher's motivation and not the strategy used had the most significant influence on the learners. The researchers concluded that research into improving teacher motivation is desperately needed in order to naturally increase student motivation and learning.

The research, therefore, creates a vicious circle. While teacher's motivation increases student motivation, the strategies for motivating a teacher remain unclear. Further research into student motivation and the search for the ideal self-put even more pressure on teachers. Two large-scale studies by Ryan et al. (2008) and Taguchi et al. (2009) supported the idea that student efforts to learn English are directly connected to the Ideal L2 Self. These studies further help to support the finding that attaining the Ideal L2 Self is a motivating factor which pushes students to put more effort into acquiring language. Even though other role models may inspire students, a teacher's role here is incredibly significant. Dörnyei (2009, p. 33), in his study, remarked that "having a powerful role model can 'ignite the vision' and activate motivation for learning a language via creation or enhancement of an ideal L2 self." Again, the burden to motivate students is placed on the shoulders of the teachers, who are overhauled today, and consequently lose their motivation to teach, therefore, to motivate students. In addition, it is important to understand that the ideal self of today may not be the language of Shakespeare or Dante. The ideal role model of today may be a native speaker of very poor grammar and vocabulary. The grammar textbooks with the idealistic answer key may not reflect the reality of the millions of real native speakers, and a strong push towards ideal grammar may demotivate students as they may want to identify with someone less perfect yet still very respectable in that community of native speakers. This starts another dilemma as how to deal with the real changes that are happening with every language of the world.

Ushioda (2011) also doubts the practicality of self-motivation research. She concludes that the research focused too much on generalized types of learner motivation, behaviour, and attitude rather than individuals. Furthermore, she claims that effective teachers had long known the importance of motivating the individual rather than an abstract learner and did so despite the motivational literature. The teacher's role emerged as one of the essential elements of student motivation, and yet the study did not reveal the strategies that would take care of the people who are essential in inspiring learning.

The current stage

The final stage in language motivation research started with the 2010s and, according to Al-Hoorie (2017), is called the current stage since there is no clear trend, leading topic or approach taken by the scholars in the field. In fact, the research scope of the current research concerns many different areas, including dynamic motivation, unconscious motivation, language acquisition of languages other than English, motivation in varied cultural contexts, technology influence on motivation, long-term motivation and others (Kubanyiova 2014). As a result, we can identify new practical suggestions on how language teachers can increase L2 motivation by following such research as Magid and Chan (2012), Hadfield and Dörnyei (2013) or Dörnyei and Kubanyiova (2014). Arguably, the novel techniques would have been impossible to invent without theoretical insights that emerged from interpreting new research data (for example, see Dörnyei and Ushioda 2009, Henry 2010 or Papi and Abdollahzadeh 2012).

Current studies (such as Claro 2016) seem to confirm that the Ideal L2 Self is “a most welcome and valuable addition to our current understanding of L2 motivation.” However, many pedagogical questions are raised regarding the creation of role models. While it is a motivating factor to provide access to role models who are living proof that an ideal L2 self is attainable and that with enough effort, they too can acquire the level of L2, what is that role model for each student? A native speaker, non-native speakers, students living abroad, students living locally? Dörnyei and Taguchi (2010) encouraged breaking the stereotype that a role model may only be a student living abroad and using English at work; instead, students may aspire to location-free role models who may use English not only for work but for one as a representation of personal liberation. No more straightforward practical guidelines can be offered as there are many aspects and possibilities for the ideal L2 self, the ideal L2 self is ever-changing, nor there is a precise scale to measure it.

Another set of studies is focused on the changing realities in the classroom. For example, the attention to the multicultural self is drawn in the study by Garcia and Sylvan (2011), who encourage teachers to build teacher-student relationships by recognizing multilingual and multicultural language practices and experiences while emphasizing the singularity of the individual experience. Furthermore, Komorowska (2019) argued that learners should be taught tolerance and openness to other languages and cultures. Therefore students’ home language should not be underestimated in the classroom as it may be a powerful tool in motivating to learn other languages. She also draws attention to the fact that teachers often teach the way they were taught themselves, and the teacher training programs first need to work on teacher motivation, self-reflection strategies, and independent decision-making strategies.

To further complicate the practicality of the research, is that over 70% of the motivational research carried out in this stage is based on learning English (Ushioda and Dörnyei 2017). Researchers from languages other than English who join the dialogue on language motivation research argue that it is not universal and each country or even context brings different outcomes. This means that multiple factors in the L2 learners’ surroundings are making an impact on their motivation. Since the environment can be very different depending on available resources, culture, historical legacies, etc., we cannot claim that language motivation can be improved for every L2 learner and at any place or time by using the same exact approaches. This arguably makes language motivational research more complicated because teachers must deal with more variables and determine how they are interconnected. Furthermore, as presented

by Joe et al. (2017), Larsen-Freeman (2017), Dörnyei (2017) and others, variables can be dynamic and form a complex system where it becomes difficult to determine how L2 learners' motivation will be affected by their surrounding context.

The English dominance in the world is calling for proficient language learners. Furlong and Bernaus (2017) in their research propose "innovative sites of collaboration" that would help to transform language learners into language users. They aspire to create classrooms of change where learners become social agents and learn through engagement and communication with others. Similarly, Swain (2013) also insists on the social aspect of learning, where activities help learners "understand and appropriate the social and cultural conventions of emotional expressions".

The current trends in motivational research continue to analyze relations between student and teacher motivation, and teachers are provided even more suggestions on how to improve students' well-being and motivation in the classroom through project work and content-based teaching. For example, Bernaus (2020) reexamined the link between teacher and student motivation and discovered that a satisfied and happy teacher focused on humanism was an essential motivator for a happy and motivated learner. At the same time, Caruso (2019) brought awareness to the crisis in many educational institutions around the world that teachers experience burnout and display high rates of attrition and absenteeism. One practical suggestion to prevent teacher burnout and increase teacher motivation is implementing a Post method emotion-focused pedagogical framework.

Yet, parallel to these developments, there is a growing understanding that transforming classrooms into engaging environments for language learning demands more than a repertoire of innovative principles and techniques; it requires teachers who will be motivated to put the knowledge into practice. However, such research as Borg (2009) or Marsden and Kasproicz (2017) showed that considering the number of ideas already proposed and the lack of time and interest among the teachers, very few of the insights made in the LM research are actually applied in practice. Furthermore, as illustrated by Hiver et al. (2019), teachers have to dynamically assess the situation and make quick decisions suitable for the particular moment. This requires not only a lot of knowledge but also experience, self-reflection and mental capabilities. Teachers, who are constantly evaluating the process of L2 acquisition, might even be less reliant on LM research because they might be capable of "developing their theories of practice informed by their teaching experience and responding with effective classroom decisions at the appropriate time and place" (Hiver et al. 2019).

Another major group of current research is comprised of studies that question existing assumptions and counter entrenched arguments. Three examples of that can be provided. First, Al-Hoorie et al. (2020) argue that LM often relies on the field of psychology even though few LM researchers have a strong background in studying psychology or conducting psychology-focused research. As a result, LM scholarship lacks in-depth use of the leading findings of psychology or rigorous applications of its methodology. The second example is related to the statement that language learning is unique compared to other subjects. Therefore, LM deserves special treatment because it has peculiar characteristics. It is contested by such authors as VanPatten et al. (2019) or Al-Hoorie and Hiver (2020) as a very questionable self-imposed limitation preventing further innovative research of LM. Finally, the third example is the criticism expressed about the lack of variety in methodological approaches in LM studies, especially stressing the inability to break away from self-reporting tools such as surveys, questionnaires or interviews. Dissatisfaction with that was expressed by Ushioda (2016), Hiver

and Al-Hoorie (2020) and others, although it is worth mentioning that an equally good defence of the survey as a method was provided by Csizer and Simon (2022).

To sum up, thinking about implications for the classroom, the following findings still lead to the essential findings that come from the student motivational research: positive classroom environment and teacher student-relationships. Both of these factors can be achieved by respecting and treating students as individuals, each having a unique identity and contributing towards creating diversity. Acknowledging diversity as a norm rather than a limitation is key to increasing student motivation.

Dörnyei and Al-Hoorie (2017) claim that instructors will be most persistent when they have clear goals and teaching strategies. It makes sense since in the case of such a complex process as teaching, one needs standards to keep one's behaviour on track. Combining this performance feedback with intrinsic factors, it could be stated that work will be more motivating when: 1. It is meaningful (requires a multiplicity of skills, is a whole unit and is vital to others); 2. It allows autonomy (the person is given control of what, how, and when the work is done); 3. It provides feedback (the person has knowledge of the results).

The more current articles on motivational research look at the practicality of this research and call it overrated. The researchers overview some angry observations in their literature review who describe academic researchers as “parasitical”, unethical, disconnected from practice, the phrase “further research is needed” has long left teachers uninterested in the research as there are no conclusive and practical results. Sadly, the abundance of practical research in a specific context provides pedagogical implications that do not “logically and unambiguously follow from the results of the research – a classic case of misapplied linguistics.” The authors draw attention to the fact that teachers often misleadingly take the strategies and techniques as “recipies” of successful motivation rather than hypothesis that needs further investigation. (Al-Hoorie, et.al., 2021, pp. 137-140)

Conclusions

Literature review revealed the key elements in creating a motivating L2 learning experience: the curriculum, the L2 teacher, the peer group, and the teaching materials (Dörnyei, 2016); Ushioda, E. (2011). The results in this study confirm the importance of these elements as well as that for L2 learning experience such motivating L2 key elements as syllabus, peer group, teaching materials, teaching strategies and innovative methods have an important effect on learning. While earlier studies suggested teacher preference to move from discreet grammar points to communicative teaching approach before their students were ready to do so (Csizer, K., Simon, D. 2022), the literature analysis today reveal a similar direction. The teachers are pioneers in moving teaching beyond simple communication towards English for specific purposes, social, legal, cultural, and academic English issues. Consequently, teachers seem to be the role models for the constantly changing trends in L2 research in the current stage. As a matter of fact, teachers are more aware of the demands of English today needed to participate in the global world. Thus, one significant implication is to continue to raise awareness to the more academic demands of English through project work, library research, authentic reading, listening and writing tasks on social media. The study results revealed another important finding that the English language teaching is made practical and communicative as the students tend to be more motivated when learning practical English. Therefore, it is necessary to point out that the relationship between teacher and student motivation is significant to meet the reality for today's needs. The multilingual, multicultural and dynamic classroom challenges the

traditional L2 learning. Due to more cultural diversities and innovative techniques that are used in classrooms, it could be stated that language motivation in L2 learning has some space for the development at universities. Moreover, it is important to note that both teachers and students must have more theoretical and practical information about language motivation in L2 learning, with the focus that the teacher's motivation, but not the strategy used has the most significant impact on learners.

Based on literature analysis there are some recommendations, too. First, by eliminating the use of unfamiliar communication to provide a trustworthy and user-friendly motivational L2 learning strategy. Second, to build motivational capacity as a developmental issue. Third, to identify teacher and student's relationship as a source of motivation power. Fourth, to raise teachers' voices talking about the motivational importance for L2 learning because the improvement of teacher motivation is urgent in order to foster student motivation in learning. Finally, universities must be more willing to invest in the development of teachers and students' motivation in L2 learning.

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THE EFFECT OF THE MEDIA ON THE IMAGE FORMATION OF THE POLICE INSTITUTION

Rasa DOBRŽINSKIENĖ

Mykolas Romeris University
Maironio str. 27, LT 44211 Kaunas, Lithuania
E-mail: rasa.dobrzinskiene@mruni.eu
ORCID ID: [0000-0001-6590-4164](https://orcid.org/0000-0001-6590-4164)

Rimantė MOCKUTĖ

Mykolas Romeris University
Maironio str. 27, LT 44211 Kaunas, Lithuania
E-mail: rimante.mockute@gmail.com
ORCID ID: [0000-0003-1599-4768](https://orcid.org/0000-0003-1599-4768)

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Abstract. *The success of every organization and institution partly depends on image formation in society. The formation of the opinions of individuals in modern society is also influenced by the increasingly popular online media. These days, information on the Internet spreads much faster than through other sources of public information. Means of public information are very important nowadays in our society, they form an opinion about a certain object or create an image of a certain institution. The mass media, having an influence on public opinion, easily creates images about certain institutions. Having the right image and the trust of the citizens of the state, the institution can communicate properly and achieve its goals. Therefore, the goal of many organizations is to have a great image. It is not easy to do, it requires a lot of effort. The police, like every organization, has the goal of working usefully and having the public's trust, and with trust, the image of the institution can be created. In order to achieve this, the police often publish public information about the institution's activities, achievements or good works done to the largest possible audience of people, in this way the aim is to form a better reputation of the institution. The already existing image of the organization is like a representation, because it describes the institution itself, allows to evaluate and receive feedback, evaluates the favorability of the person, the behavior towards the organization.*

A police institution also strives to create an image and strives to make it a good one. This is quite difficult to do, but with a lot of effort not only from the organization itself, but also from its employees, it becomes an easier task. Employees are one of the links in creating the image of the organization in society. Employees of a police agency have rules that they must follow in order to ensure that their behavior is appropriate both when dealing with the media and with the public. Thus, the purpose of this article is to evaluate the influence of the media on the image of the police institution.

The research reveals the influence of the media on the image of the police institution, but the media is not the only influencing tool. Personal experience when dealing with this institution is also extremely important. And the most frequently mentioned means of public information are social networks, where respondents find both positive and negative information about the police institution.

Keywords: *police institution, image, influence, mass media.*

Introduction

The success of every organization and institution partly depends on image formation in society. Having the trust of the citizens of the state, the institution can communicate properly and achieve its goals. In order to form a positive public opinion, it is necessary to put a lot of effort into proper communication with the media. Because constantly published media information affects the public's attitude towards the police institution and its work. Public information media influence public opinion by disseminating information. In addition, the police institution, in accordance with the procedure established by law, must constantly disclose information about crimes or problems occurring in the country to the public. The

formation of the opinions of individuals in modern society is also influenced by the increasingly popular online media. These days, information on the Internet spreads much faster than through other sources of public information. Posting a publication online takes less time and effort, making information related to policing more readily available to the public.

Thus, the purpose of this article is to evaluate the influence of the media on the image of the police institution.

To achieve the goal of the work, the following tasks are set:

1. Reveal the concept of media influence.
2. Describe the concept of the image of a police institution.
3. To analyze the public's attitude towards the media's influence on the police institution.

Methods. The work is written based on the descriptive method, intended to discuss scientific material, legal acts related to the concept of the image of the media and the police institution. The quantitative research method is used to analyze the influence of the media on the image of the police institution. The results of the questionnaire survey were processed by graphical representation of the results.

The concept of media

Tools of public information are very important nowadays in our society, they form an opinion about a certain object or create an image of a certain institution. Glossaries, legislation, and creator's works describe the concept of media, which is usually understood very similarly. The concept of mass media is defined as the dissemination of organized information in the system of public information producers and public information tools; preparers of public information, means of public information; publications published in the press, radio and television programs (Žurnalistikos enciklopedija, 1997).

The Law on Public Information of the Republic of Lithuania states that means of public information are a newspaper, magazine, bulletin or other publication, book, television program, radio program, film or other audio and video studio production, means of informing the information society and other means by which information is publicly disseminated (Lietuvos Respublikos visuomenės informavimo įstatymas).

According to S. Mamedaitytė, the media can be treated both as an audience and as a means of implementing the public relations program (2003). This author stands out from other sources in her interpretation of the concept of media. S. Mamedaitytė emphasizes the media more as a tool used for relations with the public (2003). It also claims that the media can be understood as an audience that collects and publishes relevant information. It is claiming that it is a modern information technology that is firmly established in many media that disseminate information. Integrating digital information creations into the daily activities of a person rightly gives rise to the term - new media (Taraila, 2007).

The influence of the media can be varied and understandable. It can affect certain things positively and others negatively. Publishing articles to the public creates a multi-faceted opinion that can be bad or good about an organization, institution or just a person. However, public information measures only give meaning and strengthen existing social attitudes of the society, and do not suddenly change them, except in special cases.

Public information tools have a really significant influence on the opinion of individuals, by providing information, they shape attitudes. „The media has taken over the lives of modern people and has become not so much a means of information transmission, but a more powerful tool of manipulation. Manipulation can be two-fold: it can aim to influence

the user's attitude or to attract the user's attention by choosing between different types of media, in other words, for media trying to survive in the face of fierce competition, which in turn is only possible if the media has a large number of users" (Dobržinskienė, 2017). In order to remain popular public information media, a lot of effort has to be made to attract readers, listeners or viewers who would be interested in the information being disseminated and thus form their own opinions based on the material presented.

Today's media not only inform, but at the same time shape attitudes towards certain things. When the media covers events, it tells people what is important. Public information tools often focus only on a few important aspects and completely forget others. Thus forcing the public to believe that only what is mentioned is relevant and important, and only the opinion that is taught is correct. Media outlets publish information that attracts more readers. Public information tools are able to transmit information to a wide circle of society. Media content is a transmitted image of reality, so if some events are not described in public, they are considered as if they did not happen. It is believed that this is how the media shapes public opinion (Taraila, 2007). In most cases, the public receives information about global issues only from the media and does not have a preconceived opinion about it. It can be seen that public information tools influence the formation of public opinion. R. Dobržinskienė claims that the media has taken over the lives of modern people and has become not so much a means of information transmission, but a powerful means of manipulation. This is especially true of online media. This new kind of media i.e. internet or online media is the youngest these days, it has spread rapidly and gained acceptance among users. The newly emerged species changed the ways and forms of publishing information and the very understanding of journalism. Online media quickly accustomed users to presenting information using minimal means a short text, a photo or video, and a catchy headline (Dobržinskienė, 2017).

The mass media, having an influence on public opinion, easily creates images about certain institutions. However, in this case, the media also shape the image of the institutions accordingly. If a representative of a certain institution behaves properly and it is described, the society gets a much better image, and if an employee of the organization appears badly or does something that was inappropriate and it is described in the media, the public has a bad attitude towards this organization. James Schultz argues that the public's blind belief in the implicit bias created by the media only complicates the relationship between law enforcement and the people they protect (Schultz, 2019).

Concept of the image of the police institution

The goal of many people, organizations or companies is to have a great image. „Important here is the image of an organization that is the public perception that it has on the organization. Therefore, we can say that the image of an organization is the totality of perceptions that the public has about it“ (Vid, 2016). The police, like every organization, has the goal of working usefully and having the public's trust, and with trust, the image of the institution can be created. In order to achieve this, the police often publish public information about the institution's activities, achievements or good works done to the largest possible audience of people, in this way the aim is to form a better reputation of the institution. The already existing image of the organization is like a representation, because it describes the institution itself, allows to evaluate and receive feedback, evaluates the favorability of the person, the behavior towards the organization. An examination of the concept of organizational image is very wide (Massey, 2016; Frandsen, 2017).

The meaning of the concept of image is discussed by many authors, various opinions and elements of image understanding prevail. In order to describe the concept of image, it is important to understand what it is in general and how society, human consciousness understands it. It is believed that the concept of image is a direct translation of this term from the English language (image) meaning image, picture, image, reflection or form. When evaluating scientific positions, it is considered that the concept of image originates from the Latin concept "imago". This concept has two meanings - "aemulor" (to aim for something) and "imitari" (to imitate) (Drūteikienė, 2007). An image is like an image that is created to represent an object, i.e. person, organization, institution, etc. According to M. Čeikauskienė, an image is like a picture or a reflection, a representation, a form, a likeness, although all these descriptions cannot reveal the true form of this concept (1997). The image is never constant, it is dynamic, constantly changing, because opinions can change in people's minds, and external factors are not constant either. A. Glosienė describes the image in a very similar way, she states that "an image is a purposefully created or spontaneously created form that reflects a certain object in people's consciousness. Image is a dynamic phenomenon that changes depending on changes in the consciousness of an object or a group of people. <...> By its essence, the image can be active, i.e. to affect the consciousness, emotions, activities and actions of both individuals and groups" (1999). V. Titenienė, G. Žukauskienė say that image formation is a very complex and long process, one of the most complex organizational aspirations, which is implemented over a long period of time (2019). So creating an image is not an easy process, it requires a lot of effort. It takes a lot of time to achieve the result of a good image.

The image of the organization is interpreted as „the imagination of the audience, the formed opinion about the organization. It can be formed due to purposeful communication of the organization (how the organization presents itself) or spontaneously, randomly. It is determined by the totality of knowledge, experiences, feelings, impressions related to the organization of the organization's audiences“ (Lipskytė, 2019) Therefore, the image of the organization usually depends on the public's opinion, and it is formed by means of communication through means of public information, social networks, advertising - on television, on the Internet. On the contrary, D. A. Gioia and others write that the image of an institution is how the members of that organization think about it (2000). According to these authors, the image of the organization does not depend on the surrounding attitudes towards this institution, but on the members of the organization themselves. This is a more unconventional opinion, when it is stated that the image depends on the members of the organization themselves, and not on the society's attitude towards the institution.

A police institution also strives to create an image and strives to make it a good one. This is quite difficult to do, but with a lot of effort not only from the organization itself, but also from its employees, it becomes an easier task. Employees are one of the links in creating the image of the organization in society. Employees of a police agency have rules that they must follow in order to ensure that their behavior is appropriate both when dealing with the media and with the public. However, there are cases when the bad side of the image of the police institution is heard in the media. The offense is committed by one employee, but the society does not think that it is the fault of one person, it says that it is a problem of the whole organization. Most of the time, how the mass media shows the organization, such an opinion is formed by the majority of the society. The institution must understand the importance of interaction between other organizations and external factors, because the communication of the institution depends on it, which helps to create the image of the company. The majority of the public trusts the police, as evidenced by the 2021 October 15-22, "Vilmorus" survey data:

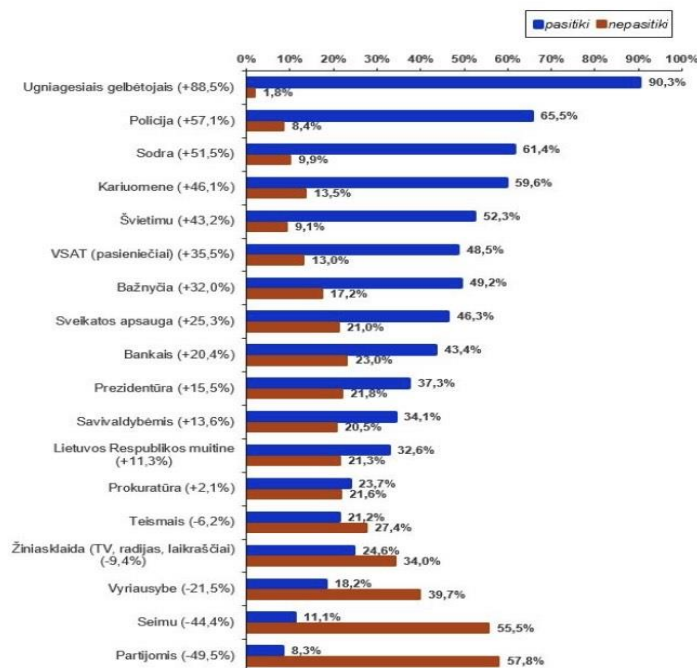


Figure 1. Public trust in institutions (Vilmorus, „Pasitikėjimas institucijomis“, 2021)

The police is the second most trusted institution. Respondents who made up 65.5% said that they trust the police, while 8.4% of the respondents said that they do not trust the police. Thus, the overall coefficient of trust in the police institution reaches 57.1%. The survey also mentions the media, but according to the respondents, it is more distrusted than trusted.

Police officers cooperate with the producers and disseminators of public information in accordance with the procedure established by laws and/or other legal acts. The police can prepare and publish public information measures themselves, which provide information about measures for the prevention of criminal acts and administrative law violations (misdemeanors), the implementation of police tasks and publish other information related to police activities (Lietuvos Respublikos policijos įstatymas). Communication and relations with the public help the institution to achieve a better image. Professional image strengthening is permanent, public relations, specialist work, the employee improves, adapts and expands professional activities, and creates public respect and trust in that organization (Dennis L. Et al., 2007). The success of an organization's image depends on systematic communication with the public and the media.

A police institution is a public institution that is accountable to both the government and citizens. Their activities are limited by law. When communicating with media representatives, the most important thing is to provide information only that corresponds to competence. The competence of officials is described in the official regulations. Relations between police officers and representatives of public information media must be based on mutual understanding, respect for duties and rights, and tolerance.

Representatives of every profession have personal freedom of speech, which is why people, who speak in public, should remember that public information tools have a "strong, indirect and long-term influence" on the opinion of the population. According to S. Rimkutė and R. Dobržinskienė, when communicating with society, the rules applicable to police

officers are exceptional. When communicating with the media, the employees of the police institution must inform the public about the police activities, because the police activities and other laws provide for such an obligation. The police publicize their activities through public information tools, and also seek the support and assistance of the population in crime prevention and investigation. However, it is important to pay attention to the fact that policemen's communication with media representatives is limited by the procedure established by laws and normative legal acts (2017). The General Commissioner of the Lithuanian Police in 2008 December 23 in order no. 5-V-796 "On the Approval of the Regulation on the Provision of Information to Compilers and Distributors of Public Information" specifies who are and can be entities providing information to the media, representing the Police Department, a police institution and specialized police and police professional education institutions. The order also specifies who and what information can be provided. Legal regulation is a very important factor in providing information to the public. If there was no legal regulation, then it would not be determined what information can and cannot be provided to media representatives. Police officers in particular need legal acts that regulate their public speech. Legislation restricts the provision of information, with the aim of not disclosing data that are personal and confidential - material of the pre-trial investigation, when the investigation is not completed, personal data of the participants in the case.

Aspects of the influence of the media on the image of the police institution

After conducting a public survey, an exploratory study, an attempt was made to assess the influence of the media on the image of the police institution. The survey was conducted on the website www.apklausa.lt and 130 respondents answered the questionnaire. The majority of respondents (66%) belong to the age group under 25 years, the second largest is the group of respondents aged 26-40 (22%). Other age groups form small groups in terms of percentages: middle-aged (41-50 years old) persons who took part in the survey were 6%, and the lowest percentages were older persons - 51-60 years old and over 60 years old - 3% of the respondents each (see Figure 1).

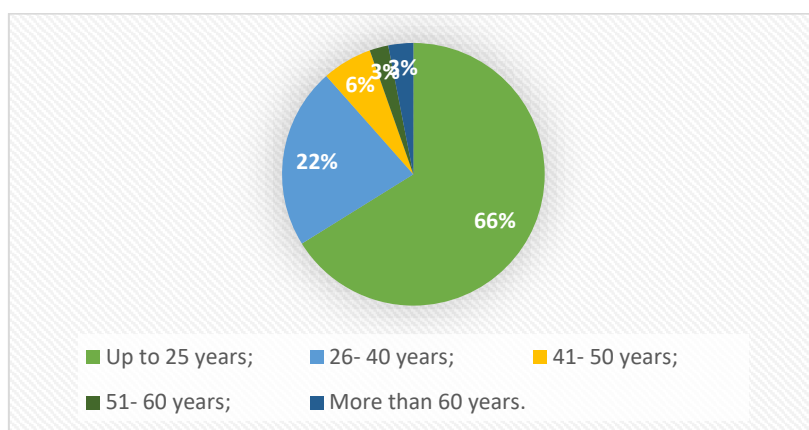


Figure 2. Distribution of respondents by the age groups

The distribution of respondents by gender is also not proportional: 70% of respondents are women, 30% are men. Out of all the respondents, 82% do not always believe the information provided by the media, even 10% of the respondents completely believe the

information provided by the media and only 8% do not believe the information that is published by public media.

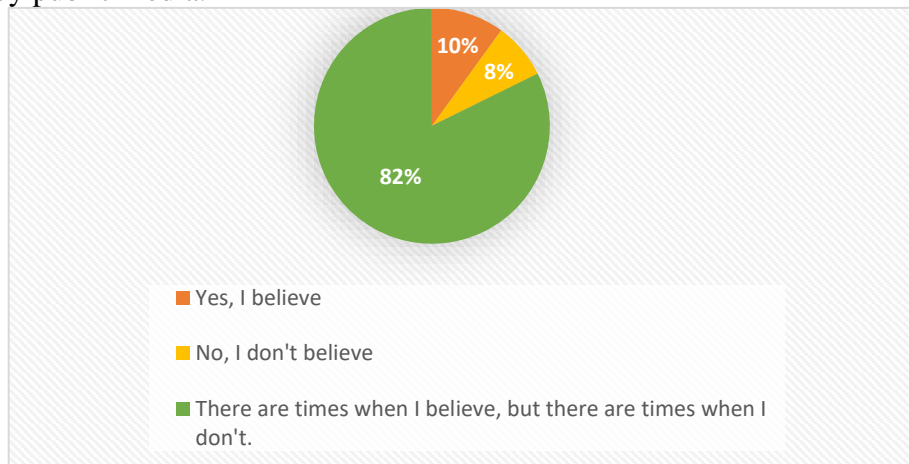


Figure 3. Trust in the information provided by the media

When the respondents were asked what influence the media has on creating the image of the police institution, even more than half of the respondents (52%) said that the influence of the media on the image of the police institution, in their opinion, is average; it depends on the situation. However, a considerable number of respondents (46%) said that the media has a great influence on creating the image of the police institution, only 2% of respondents answered that public information tools have little influence on the image of the police institution. that the public thinks that media influence plays an important role in creating the image of the police institution.

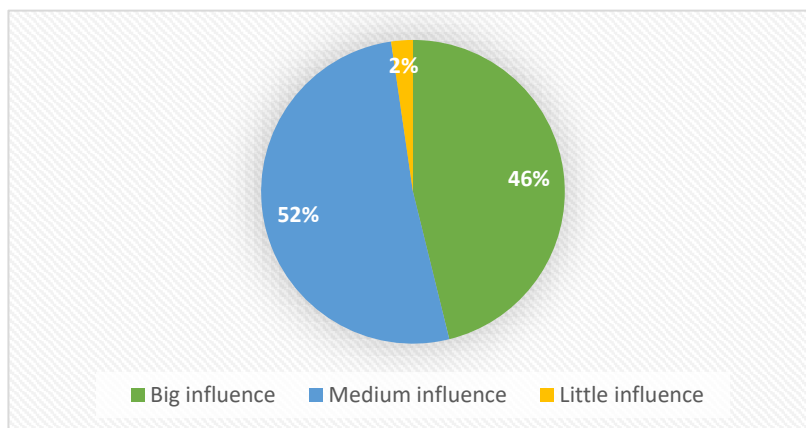


Figure 4. The influence of the media in creating the image of the police institution.

According to 69% of respondents, the most common influence on the image of the police institution through public information means is various - both positive and negative. As many as 31% of the respondents had a strong opinion that the media has only a positive or negative influence: 19% of the respondents noted that the media has a positive influence on the image of the police institution, while 12% say that the influence exerted by public information tools is of a negative nature.

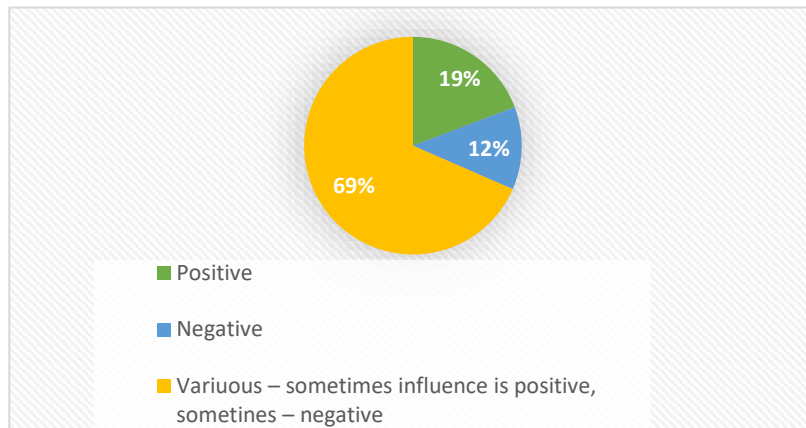


Figure 5. The image of the police institution is influenced by the media

The majority of the respondents who took part in the survey (85%) use online media, its popularity depends on one of the factors that it is the fastest and most conveniently available means of informing the public, and the survey involves a young audience. Television is characterized by a very low rate - only 13% of the respondents expressed the opinion that they mostly use this source to get information. As times change, so does the relevance of public information tools, they change with each other, some become popular, once at the bottom of the list, while others fall from the top of the list to the bottom. According to the survey data, it can be assumed that this happened specifically to the press and radio. These two public information tools each collected only 1% of respondents' answers. Summarizing this issue, it is concluded that the Internet is becoming an increasingly popular platform for disseminating relevant information to the public.

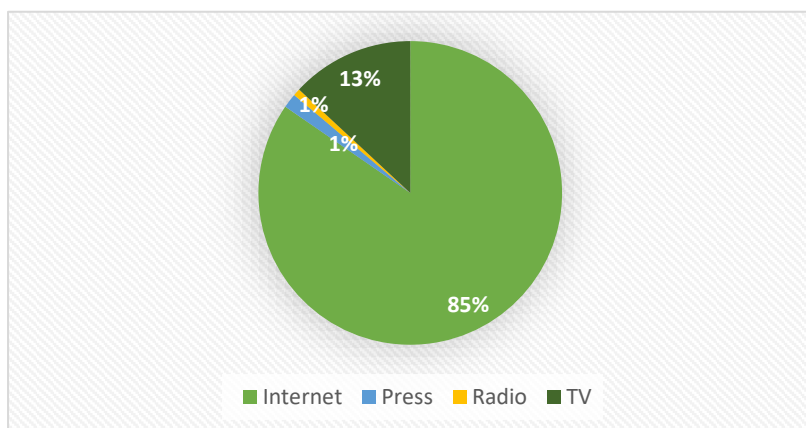


Figure 6. Public information tools mostly used by the respondents.

When assessing the importance of image for the police institution, more than half of the respondents (52%) say that image is important because it influences trust in the police institution. The respondents, who make up 42%, answered that image is important to the police because it shapes public opinion. The remaining 6% state two more reasons about the importance of image: 1% of respondents say that image has no influence, and 5% of those who took part in the survey believe that image is not particularly important, but it is really

necessary to take care of it. According to the received answers, it can be assumed that the public believes that the image of the police is really important, but different reasons are given.

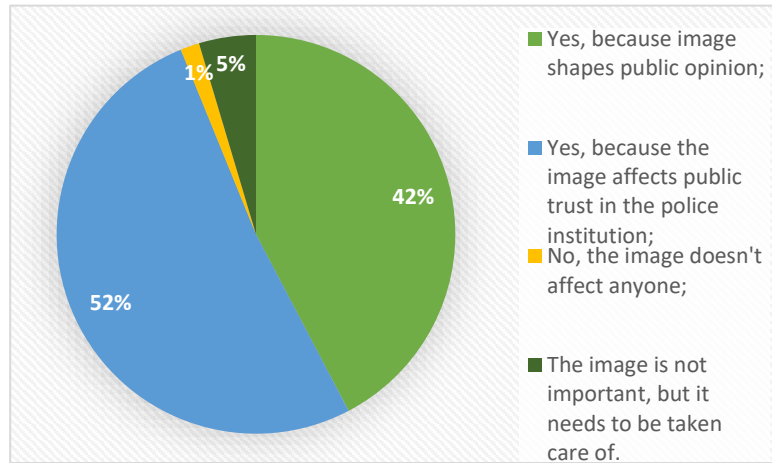


Figure 7. The importance of image for a police institution.

Respondents expressing their opinions about the influence of information published by the media on their personal opinion about the police institution were divided into two parts with very similar proportions: 51% of respondents say that information published by the media does not influence them because of their personal opinion about the police, while 49% of respondents believe that the public the information disseminated by the media affects their personal opinion.

And the opinion of the respondents about the police is shaped by their personal experience with this institution (54%), 40% of those who took part in the survey say that their opinion about the police is influenced by the media: internet, press, television, radio. Only 5% of the respondents mentioned the opinion of the people they know about this institution, and 1% of the respondents answered that all the given answers are acceptable to them.

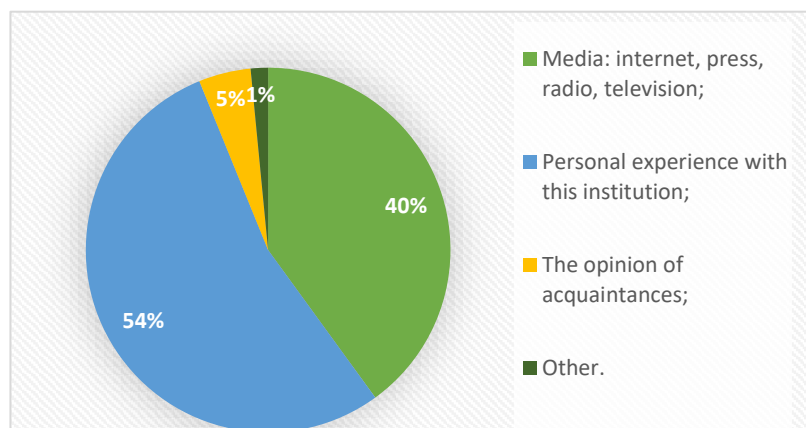


Figure 8. Factors influencing respondents' personal opinion about the image of the police

Respondents find the most positive information about the police and its activities in social networks, news portals and television. 39% of respondents notice a lot of positive

information about the police on social networks, and 25% of those who answered the question about positive information about the image of the police institution say that they hear and see the information on television. Meanwhile, a significant number of respondents who took part in the survey answered that news portals help them find positive information about the police (15%). The press is mentioned by 9% of the respondents, while only 4% of the respondents mentioned the benefit of the radio in receiving positive information about the police. The other 2% chose to record their answer themselves. One of the answers from the other option was that positive emotions and impressions for the respondent are created by actions during which flowers are distributed on March 8, and reflectors are distributed to schoolchildren on September 1. The second of the answers of the other option was that the respondent finds positive information on the official police websites. They describe the events that took place or actions organized by the police, which create the image of positive information.

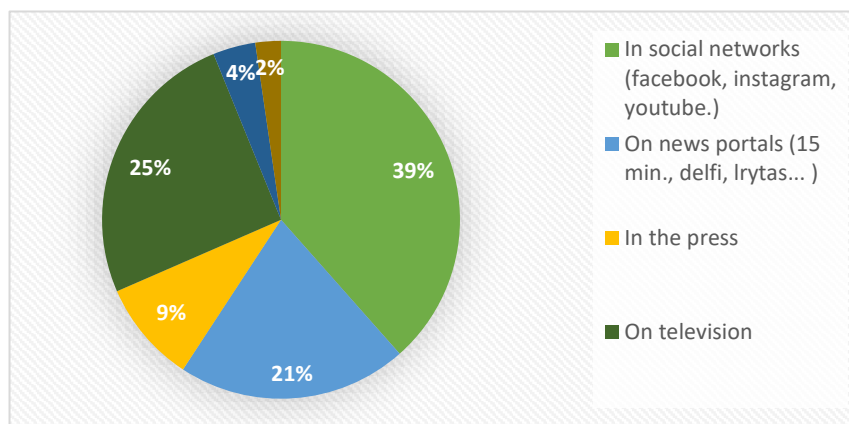


Figure 9. According to respondents, sources of positive information about the police

The respondents were also asked about the sources of information where they find negative information about the police. One of the most common answers (60%) is again social networks. In second place according to the answers given are news portals, chosen by 29% of the respondents. Only 6% go to TV and only 3% chose print. Also, 2% of those who took part in the survey gave their version that negative information is found in all mentioned sources. Radio did not collect a single percent on this issue.

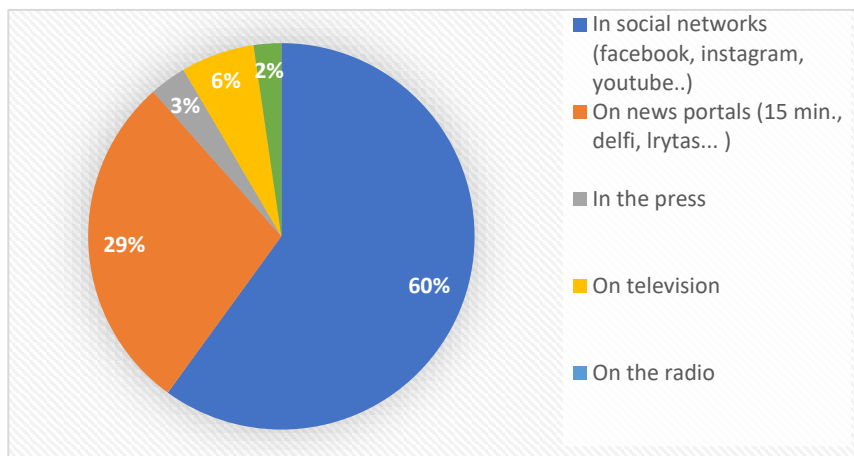


Figure 10. Sources of negative information about the police

The conducted research showed that many respondents learn about the police institution from online sources. The information published by the media has a moderate influence on the image of this institution. Public information tools influence the image of the police institution, but the influence exerted is not very strong compared to the public's personal experience of encountering this institution. More than half of the people who took part in the survey say that their opinion about the police is formed by personal contact, and not by the media. Therefore, the image of a police institution depends not only on the influence of the media, but also on people's personal experience with this institution.

Conclusions

After conducting a review of the scientific literature, aspects of the concept of media and the concept of media influence on the police institution emerged. As technology advances and society changes, so does the influence of the media on the image of the police institution. In today's society, online media is very common, which influences people's opinion about the police. The influence of the media on the image of the police institution is usually not direct through the formation of public opinion. Adequate legal regulation is necessary because police officers are guided by the relevant legislation when providing information to the media. The research revealed the influence of the media on the image of the police institution, but the media is not the only influencing tool. For many, personal experience when dealing with this institution is important. And the most frequently mentioned means of public information are social networks, where respondents find both positive and negative information about the police institution.

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BIONOMICAL TERRORISM: THE CHALLENGE FOR CONTEMPORARY NIGERIAN LEADERSHIP

Umezurike J. EZUGWU

Nigeria Maritime University Okerenkoko
E-mail: umezurikejohnezugwu@yahoo.com
ORCID ID: [0000-0003-4082-5368](https://orcid.org/0000-0003-4082-5368)

Uchenna A. EZEUGU

Nigeria Maritime University Okerenkoko
E-mail: ucheinchrist2000@gmail.com
ORCID ID: [0000-0001-6167-666X](https://orcid.org/0000-0001-6167-666X)

Joseph Z. OPUOWEI

Nigeria Maritime University Okerenkoko
E-mail: opuowei2014@gmail.com
ORCID ID: [0000-0003-3057-629X](https://orcid.org/0000-0003-3057-629X)

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Abstract. *This paper argues that the failure of contemporary Nigerian leadership is due to the extension and incessant activities of the terrorist groups in Nigeria. The prolonged violent acts of bombing, hostage-taking and genocide in Nigeria, by Boko Haram sect, kidnappers and bandits, have unleashed havoc on Nigerians, and, in turn, posed a great challenge to effective Nigeria leadership. As the paper acknowledges that the seemingly insurmountable leadership difficulty in Nigeria is in connection with 'bionomical' terrorism, it, however, maintains that Nigerian leaders, who have failed in providing for the Nigerian populace, are part of the problems. On this note, this paper provides an overview of the effects and factors responsible for the problems of the Nigerian leadership. It challenges the government's idea of recruiting and giving amnesty to the repentant terrorists. Hence, their repentance or denouncement could be a trick to accomplish their mystified missions. The paper recommends conversationalism, as a method, for inclusive leadership and aversion of the terrorists' pummeling threats, instigated by poverty, religious, political, ethnic cleavages and variables.*

Keywords: *Bionomical terrorism, Conversationalism, Boko Haram, Banditry, Kidnaping, Leadership*

Introduction

Nigeria has formed a topic of discussion in the whole world, as it is getting more terroristic, dreadful and unsecured, as a result of unending attack and bombing orchestrated by the Boko Haram sect, unknown gunmen, herdsmen, kidnappers and bandits. In Nigeria, bombing, ritual killing, kidnapping and ethnic skirmishes have become the order of the day (Egwu, 2001; Imhonopi and Urim, 2012). Nobody is safe anymore; the lives and properties of citizens of Nigeria are constantly jeopardized. It is difficult, if not impossible, to consistently predict what is likely to happen in Nigeria in the next second, minute or hour. This terroristic and horrible situation has, in no minimal way, brought about fear and civil unrest, in the lives of both followers and leaders of the nation. It is also the reason for the bad leadership, disharmony, rape and instability we experience today (Fukuyama, 2004; Achumba, et al; 2013, Igbozor, 2011). Additionally, the Nigerian security agencies that are to protect both lives and properties of the masses are equally being attacked and molested daily. This is evident in the way and manner, Police Station, Army Barracks, INEC buildings, prison custody and custodians are being carbonized, scorched and humiliated here and there. Ikeke (2014-2015, p.

231) was correct when he avers that “when there is an incidence of terrorism in any society, human life, property and bio-diversity are put in danger”.

In other words, terrorism affects all segments of human society. It destroys historical, physical, cultural and structural make up of a nation (Udama, 2013). This, suffice to say that a terrorist society is a destabilized or unstable society. In all, it is obvious that the leadership comatose in Nigeria, is as a result of terrible acts of terrorism, such as, incessant bomb attack by members of Boko Haram sect; kidnapping that is said to have been started by the Niger Delta militants; sporadic shootings by the bandits; intimidation, humiliation and genocide often committed by unknown gunmen and herdsmen. This, notwithstanding, Nigeria government’s insensitivity to the welfare of the Nigerian populace, contributes equally to the terrifying engulfment and untold hardship in leadership that is being experienced today. Although the government have put in tremendous efforts to stop terrorism, banditry, and unknown gunmen’s operations, such efforts are not good enough to end the proliferated terrorist activities in Nigeria. It is against this backdrop that government’s approaches to tackling terrorism, were described by some scholars as tactless, undiplomatic and inconsiderate (Aderonke, 2015, p. 131). This claim was substantiated by Adeleja et al (2018), who opines that the ineptitude on the side of the government can be linked to the existence of criminality, political instability, frustration, unemployment, economic imbalance and poverty, marginalization and repression in the country.

To attend to the issues raised above, it is imperative to regenerate, inject and bring the principles of conversationalism, which include respect of life, harmony, interdependence relationship, dialogue and inclusivity, to bear on discourse on terrorism. This will help in reeducating and pedagogical training of the mindsets of both terrorists and government/leaders, to see reality not in a bifurcated, exclusive and divisive manner, but as that that cannot exist without the existence of others. It is only when reality is understood in this mode that the long embattled terrorism in Nigeria can be addressed, and a new society created. This paper is divided into three major sections. The first section covers the historical background and concept of bionomical terrorism. The conceptualization of the above term, will perhaps, assists in knowing the ‘form’, and why all the efforts made to alleviating terrorism in Nigeria seemed to have proven abortive. In the second section, the causes of terrorism will be enumerated. Here, we shall establish that the various causes of terrorism can be addressed through inclusive leadership. That is, when the rich and the poor, majority and minority groups, are given an equal sense of belonging, in terms of appointments to government offices, quota systems, educational opportunities and sharing of the national cakes. Thirdly, we will show that terrorism is the ‘why’ of the susceptibility of the Nigerian Leadership, and can be quenched, through complementarity, interrelationship and interdependency, between and among existents or realities in Nigeria. When this happens, Igbo people will cease to agitate for Biafra Republic, Yorubas will not gun for Oduduwa Republic anymore and Hausa/Fulanis will shun Arewa Republic. In all, Christians and Muslims will live, wine and dine together, in expression of love and brotherhood. We will conclude by insisting that granting amnesty to the repentant terrorists is not, and can never be, the solution to the terrorist crises. And recommend complementarism; an inclusive philosophy of inter dependency and relationship that kicks against ‘I’-‘YOU’ or ‘WE-THEM’ mentality and hegemony, as a way forward.

Bionomical Terrorism in Nigeria

Bionomical terrorism here is simply referred to an act of violence or attack on not only human being but also other living things, such as animal, plant and environment (atmosphere). It could as well be seen as a state of ecological quagmire of biospheres. Terrorism in Nigeria can be linked to the self-determination campaign, for greater Niger Delta autonomy led by Isaac Adaka Boro, an Ijaw nationalist. In the course of this campaign, he introduced Niger Delta Volunteer Force (NDVF), an armed militia group trained in the use of firearms and explosive devices, to protect creeks and bushes. The said group, in February 23, 1966, attacked a police station and engaged officers in a gun battle, which led to the raiding of armory and kidnapping of some officers as well. To intensify the situation, they abducted expatriate oil workers, to demonstrate to the world how they were exploited and marginalized. “They equally blew up and damaged oil pipelines, and declared the Niger Delta, an independent republic” (Okafor, 2011; Odoh, 2010). As a matter of fact, insurrection, which is today called terrorism, in Nigeria, started as a result of the aforementioned incidences in Niger Delta. Thom-Otuya (2010), corroborates this, when he argued that kidnapping and hostage in Nigeria started in the Niger Delta region. Be that as it may, terrorism is a global phenomenon (Oladimeji, 2019; Alao, et al; 2012); hence, every nation of the world, in one way or another, experiences its untold disaster and mass casualties. On this note, it is difficult, if not impossible, to really say when and where terrorism started in Nigeria or elsewhere. As difficult as it is, as to the time and first place of terrorism, the frightening heat of it is being felt everywhere in Nigeria.

This is the case of contemporary Nigerian leadership; the vulnerability and susceptibility of the national leadership is due to the phobia, frivolity and unleashed havoc orchestrated by terrorists. Nevertheless, there are terrorists of various groups and camps, which have dealt with the Nigerian populace, but the most formidable and terrifying ones among them, in Nigeria, are the Boko Haram sects, kidnapers and bandits. Boko Haram, one of the terrorists groups in Nigeria, is an extremist sect; “a jihadist group that pledged allegiance to the Islamic State in March 2015” (Thurston, 2016). The Hausa name for Boko Haram is *Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad*. It is “a movement or an association domiciled in the North-east of Nigeria, which was founded by Mohammed Yusuf in 2002, to kick against man-made laws” (Eme and Ibieta, 2012). After the death of Yusuf in 2009, Abubakar Shekau, a former deputy to Yusuf took over and later died too in mid-April, 2009. This group is against the secular system of government, and seeks to enforce Sharia Law in the country. This they agitate for, believing that the existing law (s) has little or nothing to offer, as far as they are concerned. Boko Haram, an Hausa linguistic term, just like any other linguistic term, is a human creation, which depicts “Western education is a sacrilege” or “is forbidden” This is both comic and pathetic. It is comic because the Islamic sects claim to be against Western education; yet, they wittingly or unwittingly communicate to the world about their position (s), using English language, and operate phones and computers, made out of Western technological and scientific apparatuses and discoveries. In other hand, it is pathetic; hence, their virulent venom and intensive malignant acrimony have caused “insurgency-related conflicts that have claimed almost 350,000 lives in the North-eastern part of Nigeria” In fact, since 2009, according to Sanni (2021a), the North-east has been the abode of the violent campaigns of:

The so called Boko Haram, its breakaway group, the Islamic State’s West Africa Province (ISWAP), and counter-insurgency forces. United Nations Development Program me (UNDP), confirmed the above in their latest report that conflict has caused deaths of 350,000 people in

the States of Borno, Adamawa and Yobe, as a result of unending battle or one-sided friction or violence since 2009.

The affliction witnessed in the mentioned regions, due to unseasoned bombing and destruction of lives and properties, led to massive internal displacement of over 1.8 million Nigerians in Borno, Adamawa and Yobe, with the vast majority (nearly 1.5 million) located in Borno. Indeed, the Islamist group under review has instigated terror and fear among the masses. This is proven beyond doubt, when considered the incessant bombing that has even generated to suicide bombing, kidnapping and raiding of Chibok Girls, sometime ago. Upon the demonstration tagged “Bring Back our Girls”, and the use of powerful and imported microscopic and macroscopic devices, the extremists still hid the captives. With all these, and many more to enumerate, in mind, it is obvious that Boko Haram is the most dreadful terrorist group, and the ‘teacher’ to all other terrorist groups that have played down on the sanctity and value of life in Nigeria.

Moreover, the calamitous acts of kidnapping and banditry, also contribute immeasurably to the leadership problems in Nigeria. The issues of kidnapping and banditry are taken seriously, as they have caused brutalities, incited violence and bred social unrest, within and outside the international communities (Jesse, 2016). This implies that the kidnapping and banditry menaces have gained international recognition. That is to say that kidnapping and banditry are global phenomena, just as Boko Haram is, as we acknowledged elsewhere in this paper. However, other nations, may be experiencing the pathological hostility of kidnapers and bandits, no doubt, Nigeria is the host nation. In Nigeria, those who have money are not safe, just as those who do not have anything to offer in their coffers cannot be said to be free from it too. This is evident in Kaduna-Abuja train incident, and many other incidents, on the roads, churches, farms, markets and social gatherings. The bandits kidnap both the rich and the poor, and make demands based on the reason that led to their actions. In other words, kidnapping and banditry are done for multitude of reasons. It could be carried out for money, for political, religious gains or parochialism, hatred and so on. Mohamed (2008), traced kidnapping to have originated around 1682. For Turner (1998), “the menace originated in 17th century in England, where there exist the incidence of Children being kidnapped and sold as slaves or agricultural worker to colonial farmers”.

However, this work agrees with Ugwoke (2011) that kidnapping and banditry are shameless attitudes driven by political desires and self-aggrandizements. This instinct of self-preservation, in mind, is the very reason for the concealment that often thwart and infect the sense of judgments of the kidnapers, bandits, Nigerian government and leaders, in keeping with reality and understanding that the nearer is not always the best and safer (Asouzu, 2004), and every action has boomerang effects. Within this complementary mood and mode of understanding of reality, government/leaders will strive to protect and provide for the populace, while followers will be under obligation to reciprocate, irrespective of tribes, religions and affiliations.

Causes of Terrorism

Here, the ‘why’ of terrorism is divulged, to excavate the root factors responsible for various terrorist acts in Nigeria. It is of great importance to do this; hence, the terrorist deadly operations of kidnapping, banditry, suicide bombing, hostage-taking and sporadic shooting, in various villages, communities, local government areas, States and federal capital territory of the country, started for some reasons. The emergence of terrorism in Nigeria can be linked with

factors, such as bad governance, unemployment, poverty and economic marginalization, religious extremism and ethnicity, proliferation of weapons of war, etcetera. Each of the following factors is addressed below.

Bad Governance

The war of terrorism that the country is into today is orchestrated by bad governance. The corrupt practices in government such as looting, bribery and corruption, less concern about education, selfish interest and a host of others, fomented the incidence of terrorism in Nigeria. Adeleja et. al (2018), confirms this when he observed that the insensitivity of the Nigerian government on the welfare of its citizens is the cause of the high level of repression that exists in the country. In fact, it is worthy to note that poor governance led to the emergence of Boko Haram. Meagher (2014), testifies to this when he advances that Boko Haram emerged “as a protest against the poor governance and corruption of Northern leaders, which the movement sought to remedy through demands for an Islamic State and strict adherence to sharia law”. For Adedire et al (2016; Omede and Omede, 2015), terrorist groups, especially Boko Haram, came due to inability of the ruling government officials to perform their duties by creating wealth instead of amassing wealth, at the detriment of the society.

The morally bankrupt individuals in the government have been the problem of this nation, as they have incited violence that in turn brought about terrorism and insecurity in Nigeria. Anyway, it is an impossibility to expect anything good from the leaders, who have little or no value on the people they are representing, or entered into politics with the aim of enriching their pockets and acquiring wealth, for their generation and generations unborn. A mango tree cannot produce guava fruits. It is practically unattainable. Bad governance brings about disenfranchisement, marginalization, unemployment and poverty that have triggered and intensified the activities of terrorist groups in Nigeria. This was the reason we emphasized elsewhere in this work that leaders/politicians cannot be exonerated, hence, they exacerbate or incite terrorism and its acts of jeopardies, in different forms.

Unemployment

This is a strong factor that brought about terrorists activities in Nigeria. Unemployment or joblessness in Nigeria is a bad omen to both graduates and the aspiring students. It is as a result of this that many graduates are frustrated and the aspiring students discouraged, in keeping with the views and dreams of furthering their education. The maxim, “we go to school to be educated not for job” is the reason for yahoo business that has expanded to money ritual, Boko Haram, kidnapping and banditry activities that have engulfed the peace and decorum that ought to exist in the Nigerian society. Instead of being humiliated with series of exposure; first class and the likes, those who are not opportune to get employed, in the few available jobs that have been politicized and purchased over by the bourgeoisies, are forced to involve themselves in criminal and terrorist activities. This disheartening, pathetic scenario and laden tension is what informed the discouraging aphorism “education is a scam”, advanced by the Nigerian youths today.

Furthermore, the unavailability of jobs in Nigeria has led to the untimely death of many job seekers. Adedire et al (2016), supports this claim following his account that “over 16 job seekers died over a stampede that took place when 500,000 unemployed youths rushed to apply for about 5,000 vacancies at the Nigeria Immigration Service”. This can be further

substantiated with the incidence that led to the death of Umoren Iniubong, an Ikwa ibom lady, who was murdered in a cold blood by Uduak Akpan, and many others that were raped, kidnapped, humiliated and threatened, in a bid to secure meaningful jobs for themselves. A hungry man, they said, is an angry man. Poverty and economic marginalization associated with unemployment are drivers that have pushed many to register as Boko Haram members, involve in yahoo business, kidnapping, banditry and so many other social ills that have threatened contemporary leadership in Nigeria.

Poverty and Economic Marginalization

Poverty and economic marginalization are seen as common causes of terrorism. This is borne of the fact that people who are poor or economically marginalized or deprived “are more likely to resort to violence” (Bhatia and Ghanem, 2017), as a way to express unhappiness and showcase their grievances. A good example of this are the expressions that have often be made by Boko Haram sect, unknown gunmen, bandits and a handful of the Nigerian populace over the manner at which the government officials handle the national treasuries. Currently, the Accountant General of Federation (Ahmed Idris) is under a serious probe by the Economic and Financial Crimes Commission (EFCC) on allegation of diversion of funds and money laundering that amounts to 109 billion naira (Sanni, 2022b). This is a man who said that federal government does not have 18 billion naira for the revitalization of the Nigeria education and implementation of the 2009 ASUU-federation government agreed Memorandum of Understanding (MoU). Indeed, both lecturers and students have been deprived of what they ought to have for a long time. That is the reason for the ongoing strike and the grievance demonstrations that have been made by various students, in their various capacities and enclaves. This can lead to terrorism, as an idle mind is the devil’s workshop.

Poverty and poor economic conditions can “create the ambience for people to join terrorist organisations” (Kavanah, 2011). Poverty could be said to be the motivating factor of the Northern youths in joining Boko Haram. Aloziuwa (2014), collaborates this when he unveils “low life expectancy, endemic poverty and high illiteracy rates, as some fundamental socio economic indicators that support terrorism and its negative socio economic profiles. By implication, poverty and poor economic conditions are the reasons for the emergence of terrorism, *insurgentism* and social unrest in the nation. This, notwithstanding, religious extremism, bifurcation and ethnic cleavages contribute too to the disharmony and truncation that have befallen Nigeria leadership and governance.

Religious Extremism and Ethnicity

It is obvious that fundamentalists and fanatics cause terrorism. A case study is the Boko Haram sect, who holds extreme religious ideology, which they use as a yardstick to involve in all sorts of heinous acts. The group under review is so much interested in the dictates of sharia law, and is out to do away with any group or Western ideology, which it sees as an obstacle towards the fulfillment of the Islam law and teaching. The relationship between religious extremism and ethnicity lies in the facts that both are capable of creating tension, and are meant for self-aggrandizement and accomplishment. This is evident in the ethno-religious clashes or conflicts, which often occur between the Christian and Muslim faithfuls, in trying to prove or elevate their selves, beyond world immanent missing links of reality.

Conversely, Hoffman (2006), observed that “the Islamic religion is the instigator of terrorism in Africa. More so, the extreme-right Christian groups are also not free of this blame”, as they have in one way or another, instigated violence, in view of protecting their faith, and creeds they prophesy, propagate and believe in. The Islamic sects and ethnic cleavages, which our leaders often patronize, have caused war, and in defense of this unplanned crisis, Nigeria government aided or proliferated weapons, which they fill, can help basically to protect themselves from external or internal attacks. By so doing, their protectors or thugs during political campaigns are given these weapons, which become theirs after campaigns. Predominantly, the issue of terrorism is therefore, traceable to the proliferation of weapon of war by the government, and government agencies, that always collect bribes to open secluded borders for the terrorists to import their weapons.

Proliferation of Weapon of War.

This is the last but not the least, among the factors responsible for terrorism in Nigeria. Proliferation of small arms and light weapons can be said to be causes of Boko Haram’s insurgency in the North, unknown gunmen in the South East, banditry and kidnapping in all parts of the country. This is because no terrorist can make any headway without the availability of arms (Sagir, 2013). “Some borders, particularly in the North Eastern wing, are used for trafficking arms and can be taken to be an abode for drugs, terrorists and their collaborators”. The terrorists mostly champion their course and execute their mystified missions through the use of cutlasses, knives, ropes, A.K.47 rifles, sub-machine guns (SMGs), armored tanks (ATs) and other explosive devices (OED). It is with the above mentioned arms that the terrorist acts are being propelled.

Most importantly, the guided and unguided borders where the illegal arms or weapons are being smuggled in are what have boosted the terrorist activities in the Nigerian society. We emphasized on both guided and unguided borders because there are still borders that are guided yet the security agents that oversee the particular place collect bribe and allow the illegal arms to be brought in. More so, the unguided one could be as a result of settlements already made by the culprits. The terrorists having settled the security agents, in charge of a given border, are given express pass ticket, in spite of the aim and purpose at which the arms were deployed to serve. Above all, government, leaders or politicians have proliferated weapons, as they often sponsor personal guns for thugs, who will at the interim, protect them with the guns, but when the cheeps are down, run away with them, for their own usage, which in turn, lead to terrorism, and hiring of the guns for execution of kidnapping and banditry businesses. The above enumerated factors are responsible for terrorism and susceptibility or vulnerability of the Nigerian leadership.

Terrorism: The ‘why’ of Susceptibility of the Nigerian Leadership

The upsurge of terrorist organizations has made the Nigerian leadership susceptible. It is on this background that this work recommends that the Nigerian government should look into the above identified factors of terrorism; hence, the problems of terrorism, which have cost both lives and millions of naira, in Nigeria, can only be addressed by understanding of their root causes. When this is done, government will now understand how important it is to provide and create jobs for her citizens, as this will go a long way in enthroning peace and serving as a way of appraisal to the leaders and their governance. It is on this note that the vulnerability of the

Nigerian leadership can be checkmated. Under this sphere, the unemployment, poverty or hardship, ethnic chauvinism and religious bigotry that fueled terrorism in Nigeria will be curbed. But when otherwise, according to Meagher (2014), terrorism will persist, since; a good number of the terrorists were recruited by this conviction or promise that jobs or employment will be provided, feeding and their livelihood protected and guaranteed.

With this, in mind, leaders/ politicians are enjoined to abhor the mindset, which always make them to think in the web of bifurcation, ethno-religiosity, *alonism* and clandestineness, and fight for the interests of all that exist. It is only in this mode of life animated by good governance, charity and selflessness that the posed or staring question; “the ‘why’ for terrorism and susceptibility of leadership in Nigeria”, can be answered, and a change kick started.

Conclusion

This paper deduced that the growing onslaught, phobia and frustration in the Nigerian leadership are borne out of terrorism. The menaces and activities of Boko Haram sect, kidnapers and bandits, through bombing, hostage-taking and other heinous acts, have created anomalies and led to loss of lives and properties in the country. It is observed in this work that the various social vices mentioned, emanated or stemmed from bad governance, unemployment, poverty, marginalization, religious extremism and proliferation of weapons. The study reveals that bad governance is asymmetrical and incomparable with other scourges, in terms of intensity and gravity; hence, other upsurges would have been mitigated, if there were good governance and inclusivity, in the Nigerian leadership. In other words, the major reason for ‘bionomical’ terrorism (Boko Haram, kidnapping and banditry), which is the subject of consideration in this paper, is the government insensitivity on the needs and welfare of her citizenry.

To address these vices and annul or abrogate more volunteers from joining terrorist groups, radicalization and interethnic rivalry, this work recommends and enjoins government to create jobs or employment opportunities to the Nigerian youths. It equally establishes that only political aspirants with (soft and hard) qualities, who understand both Nigerians’ human nature, and the nature of the state, should be voted into power. And insists on the need to reposition the thoughts and values of the indoctrinated terrorists, as these will serve as antidote, and bring them out from the world of fundamentalism, regionalism, sectionalism and dogmatism, to a dialogical or conversational world, to appreciate inclusivity and complementarity, in ensuring of peace and harmony in the Nigerian leadership.

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INSTITUTIONALIZATION OF DISASTER RISK MANAGEMENT IN THE LOCAL ENVIRONMENT

Dr. João Luiz da Matta FELISBERTO

Military Police of Minas Gerais, FPL Educational

E-mail: jlmfelisberto@gmail.com

ORCID ID: [0000-0002-7917-6919](https://orcid.org/0000-0002-7917-6919)

Dr. Daniel Jardim PARDINI

FUMEC University

E-mail: pardini@fumec.br

ORCID ID: [0000-0003-0422-1639](https://orcid.org/0000-0003-0422-1639)

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Abstract. *This study aims to analyze the institutionalization of the organizational field of disaster risk management, at the local level, in Brazil. The research is developed through in-depth interviews. Data are interpreted using content analysis techniques. In particular, it appears that the civil defense units, in the organizational field researched, have structure and resources that are still inadequate and insufficient, lacking technical training and structure to develop the activity. There are entrepreneurial actions by the State, however, there is a need to foster partnerships with Education. Institutional legitimacy is still small in the social context in which it operates. There are no interfaces with urban planning for disaster mitigation. It is necessary to strengthen the process of institutionalizing disaster risk management at the local level in the researched territory.*

Keywords: *disaster management, disaster risk management, institutionalization, organizational field*

Introduction

Disaster Risk Management (DRM) is the way in which public authorities, media, the private sector and civil society coordinate at communities (local level) and at regional and national levels in order to manage and reduce risks related to disasters. disasters (Djalante & Lassa, 2019). Ishiwatari (2019) highlights that the integrated approach is one that involves a wide range of stakeholders from central and local governments, the private sector, academia, civil society organizations and local communities.

In fact, just as disaster risk management is essential for the prevention and reduction of disasters (Nyanga, et al., 2018), the institutional configuration is essential to increase the level of preparedness of a city. Furthermore, a municipality needs to implement preventive actions to deal with exposures and susceptibility and transform its institutional structure by developing coping and adaptation capacities (El-Kholei, 2019). In any case, it is widely recognized that public policies need to provide an enabling environment that not only guides stakeholders in developing the planning and execution of disaster prevention, adaptation and response interventions, but also enables communities to adapt to their risks. (Ampaire et al., 2017).

Institutional theory, an important theoretical support in management research, has as its central premise that individuals and organizations end up behaving in ways they do not do for economic efficiency, but rather to achieve and maintain legitimacy in a social context (Burton Jones et al., 2020). In this context, if the relevant public policies require an organized administration through well-established processes, media control and a professional and qualified technical staff, the new challenges and the evolution of contemporary demands indicate the need to add new managerial characteristics to the public administration, taking into account to the wishes of the citizen (Felisberto et al., 2019).

From this perspective, governed by a set of institutional logics and characterized by a particular set of technologies, rules, networks, relationships, expectations, habits, frameworks and meanings, the concept of organizational field encompasses individuals and organizational actors who consider each other in their categories. and symbolic practices (Jefferies et al., 2019). Anyway, Fakhrudin et al. (2019) highlight that effective disaster risk management requires comprehensive coordination, the establishment of strong partnerships and adequate urban development. Sanderson (2019) corroborates, highlighting that prevention and response to crises in urban areas must, first of all, belong to local governance structures, however imperfect they may be.

Based on the theoretical-empirical model developed by Felisberto and Pardini (2022), this study aims to analyze the institutionalization of the organizational field of disaster risk management at the local level in Brazil. The research is developed through in-depth interviews with players with privileged knowledge and extensive experience in the organizational field investigated. Data are interpreted using content analysis techniques. The collective subject discourse is constructed from the research findings. In particular, it appears that the civil defense units, in the organizational field researched, have structure and resources that are still inadequate and insufficient, lacking technical training and structure to develop the activity. There are entrepreneurial actions by the State, however, there is a need for state action in order to foster partnerships with Education. The institutional legitimacy of the empirical phenomenon researched is still small in the social context in which it is inserted. There is no culture of training in prevention, as well as there are no interfaces with urban planning with a view to mitigating disasters, factors that denote the need to strengthen the process of institutionalizing disaster risk management at the local level.

Materials and methods

The achievement of this study takes place from the theoretical-empirical model of disaster risk management validated by Felisberto and Pardini (2022). The aforementioned authors teach that the organizational field of disaster risk management is formed by the variables: civil defense units, social actors, institutional entrepreneurship, public policy networks, disaster dimensions and institutional legitimacy. Table 1 presents the characterization of the variables that make up the organizational field of disaster risk management, as validated by Felisberto and Pardini (2022).

Table 1. Variables of the organizational field of disaster risk management.

Source: Felisberto and Pardini (2022)

VARIABLES	DESCRIPTION
Civil defense unit	At the federal, state and municipal (local) levels, it is the body responsible for achieving disaster management and disaster risk in the respective territory. At the local level, it is the City Hall body that has the mission of coordinating all disaster prevention, preparation, response and recovery activities within the municipality – it is the central body of the civil defense system.
Social actors	The actors that act in disaster risk management, including government, citizens, companies, regulatory bodies, among others, are divided into: sectoral bodies - organizations and entities of the municipal, state and federal public administration headquartered in the respective municipality (Military Police, Military Fire Brigade, Municipal Departments, among others); and support bodies -

	community organizations and private companies operating in that particular municipality.
Institutional entrepreneurship	It encompasses individuals or organizations as actors who strive to implement and initiate institutional changes, regardless of initial intentions and final results, in short, it is a type of institutional work in which actors initiate and implement changes in an institution or create a new one (Battilana et al., 2009).
Public policy networks	Representation of symbolic relational spaces where all participants contribute to the choice and definition of strategies in a position of equality among themselves under the attribute of democratic governance, attributing meaning to the strategic content and the individual and collective actions of actors involved in public policies (Chaddad , 2012).
Dimensions of disaster management	<p>Prevention: actions focused on completely eliminating adverse impacts and threats, through structural and non-structural measures. It is not always possible to completely avoid losses and the preventive action can become mitigation in practice (UNISDR, 2016).</p> <p>Mitigation: structural actions aimed at reducing or limiting adverse impacts. It should be considered that the quality of public policies and the level of public awareness influence the results (UNISDR, 2016).</p> <p>Preparation: capacity to develop to know the risk and know how to act, through scientific and technological knowledge and the training of people (UNISDR, 2016).</p> <p>Answer: actions taken immediately after the occurrence of the disaster to save lives, reduce health impacts, ensure public safety and meet the basic survival needs of victims. They can extend and confuse with recovery (UNISDR, 2016).</p> <p>Recovery: starts shortly after the response and aims to restore and improve, where necessary, facilities, livelihoods and livelihoods. It must be guided by the principle of “rebuild better” (UNISDR, 2016).</p>
Institutional legitimacy	Perception that an organization's actions are desirable or appropriate within a socially constructed system of norms, values, beliefs and definitions (Burton-Jones et al., 2020).

In the first stage of the field research, twelve exploratory interviews were carried out, with key informants, individuals with privileged knowledge in the organizational field investigated. These interviews were not recorded, they served as a pre-test. In the second stage, fifteen players were interviewed with greater rigor and richness of detail (five municipal civil defense coordinators with extensive experience in disaster management, from small, medium and large municipalities in the state of Minas Gerais, Brazil; six civil servants of the executive branch of the state of Minas Gerais, Brazil, with activities affecting the environment, civil defense, and public security; a professional from a private company who works in the organizational field object of this study; and three community leaders from municipalities in the state of Minas Gerais , Brazil, affected by disasters). These interviews were recorded and transcribed. A script (protocol) of in-depth interviews with guiding questions was used as a data collection instrument. The interviewed players were chosen by criteria of capacity, competence and convenience.

The data obtained were analyzed and interpreted using content analysis techniques, using the NVivo 11 Plus software. Divided into stages: pre-analysis; material exploration; and treatment of results, inference and interpretation. The pre-analysis phase consists of a

preliminary reading of the entire content of the material collected in the field research (reading of the transcripts of the interviews carried out). In the stage of exploration and treatment of the collected material, there is an effort to point out the latent categories, focusing on the identification of the so-called “semantic nodes” (analysis of the text obtained with the transcription of the interviews - cut into recording units). In the stage of treatment of results, inference, and interpretation, the contents are compared through the juxtaposition of the categories that emerge from the analyses.

The grouping of speeches was classificatory. The starting point was raw speeches with submission to an analytical work of selection of the main central ideas of each of the individual speeches converging to a synthetic form providing the discursive reconstitution of the social representation. Thus, through the fragments of individual speeches, (synthesis-discourses) representative of the phenomenon under study, it was obtained that the speech of all was the one of only one – speech of the collective subject. Nevertheless, the discourse of the collective subject was constructed from the variables of the organizational field of disaster risk management proposed by Felisberto and Pardini (2022).

Discussion

Under the aegis of a perspective of shared responsibility with all stakeholders in disaster risk reduction, primarily States, the Sendai Framework presents a set of thirteen guiding principles and seven global goals, expanding the scope of disaster possibilities encompassing as such extensive threats, both technological and biological (UNISDR, 2015).

Fernandez and Ahmed (2019) underline that disasters are recognized and leveraged as opportunities for change and improvement, and in some cases even considered a “useful interruption” to previously unchallenged inappropriate policies and practices. On another turn, Gebreyes (2018) points out that the role of institutions in natural resource management, disaster risk management, adaptation to climate change and related topics is well recognized. This angle of reasoning reinforces the view of institutional theory, which has as a basic premise that people and organizations behave to achieve and maintain legitimacy in a social context. These behaviors accumulate over time and become embedded in the way work is performed (e.g., structures, artifacts, values and habits), so that organizational networks emerge, which continually maintain and guide, constrain and enable the behaviors (Burton-Jones et al., 2020).

The concept of organizational field brings together organizational relationships and creates opportunities and spaces for value creation (Jefferies et al., 2019). From the perspective of the need to improve the performance of public policy management, with the key idea of sustainability and efficiency of disaster risk reduction, it appears that political, cultural and procedural conditions within a community can influence both the quality democracy and management in civil defense at the local level (Fernández, 2017). In this reasoning, it is important to present and discuss the findings of this research describing the practices observed among the actors involved in disaster risk management and the actions of agents present in the organizational field under study (interviewed players).

Institutions channel human behavior by creating stable structures to promote efficiency in human interactions and the reduction of uncertainties, aligning the actions and expectations of individuals in a society (Friel, 2017). In any case, legislation alone is not definitive in consolidating public policy, and between its formulation and implementation there are several necessary elements so that it can actually insert a culture of disaster risk reduction in the country (Nogueira et al., 2014). In this perspective, the research findings demonstrate that the

institutionalization of civil defense units at the local level is directly related to the size of each municipality, however, in most municipalities it is still incipient.

In any case, disasters should not be treated as unexpected fatalities, with a degree of surprise on the part of the actors who gravitate in their orbit. These actors must develop effective and efficient strategic alternatives in order to minimize the institutional pressures that impact this field (Pardini et al., 2018). It emerges from the findings of this study that the role of the state as a social actor in the organizational field under study strengthens civil defense units and provides greater learning and evolution in the above-mentioned field, while strengthening the process of institutionalizing disaster risk management. It is also possible to abstract the importance / need of social actors in the configuration of the organizational field in question. However, the findings point to the need to evolve the process of structuring the organizational field of disaster risk management in such a way that, through interorganizational links, values are shared, strengthening the respective institutionalization process.

It is imperative that the cross-cutting urgencies to address accelerating environmental pressures and entrenched structural inequalities seek to improve prospects for sustainable and equitable development, thereby stabilizing and reversing the global pressure built up in the face of an articulated, shared and protective vision to tackle a complex amalgamation of climate change, socioeconomic inequality and accelerated urban growth (Holloway et al., 2019). The findings denote the pressing need to act in public policy networks for the success of disaster risk management. The discourse of the collective subject points to the need to strengthen public policy networks in disaster risk management in such a way as to make them perennial, with greater organizational links, rather than being strengthened only in periods of higher incidence of disasters, on the other hand, it corroborates that acting in a network of public policies is the way to consolidate the process of institutionalizing disaster risk management.

Gimenez et al. (2017) point out that the level of resilience of an organization can be improved through collaboration and the development of partnerships before the occurrence of a disaster, therefore, it is fundamental, for the exercise of the above mentioned management, to seek spaces for local articulation, such as partnerships with universities, lines of international funding, in addition, of course, to articulated work within the local government. The results of this research indicate the importance and pressing need for action in public policy networks to include higher education and research institutions.

The lack of institutionalization process of public policy networks in the organizational field of disaster risk management is also evident, in the sense that the participation of science (universities) in the aforementioned field is still discreet. In this scenario, the urgent need to bring scientific knowledge, embodied in universities, to the fore of the organizational field of DRM is abstracted, promoting, therefore, advances and the strengthening of the institutionalization of the entire institutional environment that encompasses this field. Furthermore, as recommended by the United Nations, one of the essential steps to build a resilient city is precisely the strengthening of institutional capacity for resilience (UNISDR, 2015).

In this endeavor, it is important to highlight that in the organizational field of disaster risk management, establishing a mechanism for collaboration between interested parties and sectors is a challenge. Collaboration between various organizations requires proactive political entrepreneurs, bringing together concepts of disaster risk reduction visions, plans and programs, clear rules for sharing responsibilities and providing funding and knowledge resources (Ishiwatari, 2019). From this point of view, the research findings indicate that the organizational field of disaster risk management lacks greater organizational ties in such a way as to promote

the approximation of relationships and evolve towards the sharing of values and to the increase of its points of contact with in order to enhance the process of institutionalization of the field, since, as highlighted by Ishiwatari and Surjan (2019), from experiences around the world, it was found that in local bodies trust in stakeholders is essential to strengthen the mechanism of collaboration. The United Nations approaches risk management as the systematic approach and practice of managing uncertainties to minimize potential damage and loss (UNISDR, 2016). In this sense, Raikes et al. (2019) understand that disaster and disaster risk management require governance and management considerations. With regard to management and governance processes, the research findings indicate that the variables of disaster management, within the scope of the research carried out in this study, do not present institutional evolution in the same proportion of the international scope.

Mehta et al. (2017) believe that institutional legitimacy originates in the convergence between organization and culturally defined environment. In this endeavor, the context of disaster management and the risk of disasters occurring provides an interesting lens to examine trust, translated into institutional legitimacy, which takes on new meaning as people use information to make quick and critical decisions about how protect lives and property. The collective subject discourse reveals the need for actions oriented towards institutional legitimacy in the organizational field of disaster risk management. Despite entrepreneurial actions having emerged, the findings indicate that the institutional legitimacy of the empirical phenomenon under study is still incipient. The research results also indicate guidelines for obtaining/improving institutional legitimacy and, therefore, for the evolution of the process of institutionalization of disaster risk management, despite the incipience of institutional legitimacy in the field under study.

According to Rapeli (2017), disaster risk-oriented governance, based on the articulation and recognition of all stakeholders, is urgent as an element that strengthens disaster risk management capabilities, where local actors are crucial. Thus, discovering what can be developed at the local level in order to optimize institutional capacities for risk reduction is a measure that strengthens disaster risk management. With this in mind, it emerges from this study that entrepreneurial actions by the State are present in the field, such as the standardization of models of contingency plans and training for municipalities. On the other hand, the distancing of the State from municipalities emerges as a challenge. Additionally, there is a need for state entrepreneurial action to foster partnerships with Higher Education Institutions (HEIs), promote studies for critical analysis of lines of action and possibilities for innovation, promote technical/scientific knowledge for local civil defenses, and enable/foster the professionalization of the civil defense manager. Thus, there is a need for a requalification of know-how, requiring changes in practices and processes associated with the search for resilience and strengthening the field, which is permeated by challenges and uncertainties. Furthermore, it emerges from the results found that the action focused on disaster risk management, and especially its maintenance over time, depends on a structural conjunction expressed by elements and values necessarily shared between the social actors involved. There is a need to strengthen public policy networks in disaster risk management in such a way as to make them perennial, with greater organizational ties to the detriment of being strengthened only in periods of higher incidence of disasters. Acting in a network of public policies is the way to consolidate the institutionalization of DRM.

Regarding the issues of relational networks, numerous researchers emphasize that there is an urgent need for administrative reforms to advance the notion of collective resilience (Sukhwani et al., 2019). From the research carried out, it is possible to conclude that in the field

under study there are occurrences of political disputes, which make more effective and continuous actions impossible, harm organizational ties, and make it impossible to approach relationships. Furthermore, there is low integration of civil defense units with planning and budget teams, the articulation between organized civil society and government bodies is insufficient and, in general, HEIs are absent in the aforementioned network, such that there is incipience in the promotion of scientific knowledge for disaster management as a whole, despite the fact that some states have disaster research centers.

From experiences around the world, it appears that in local bodies, trust in stakeholders and the use of local knowledge are essential to strengthen the collaboration mechanism (Ishiwatari, 2019). In this same perspective, Vicari et al. (2019) underline that there is an emerging need for more integrated participatory planning approaches in order to enable resilient and healthy urban and rural environments. Another conclusive point is that there is no culture of training in prevention, as well as there are no interfaces with urban planning (urbanization works) with a view to mitigating disasters, factors that denote the need to strengthen the process of institutionalization of risk management. disasters at the local level.

Finally, it appears that the DRM has been gaining ground among public managers. It is imperative that they conceive the municipality from the perspective of disaster risk management, and know the risks and threats that plague their respective local scope. It appears that the institutional legitimacy of the empirical phenomenon researched is still small in the social context in which it is inserted. People only give credibility to what is said when they perceive changes in everyday life, thus, there is a need for cultural change in the population, which has a low culture of self-protection. It is concluded that there is a need for the involvement of the education area to promote community involvement and, finally, to evolve in the culture of risk. The main research findings are presented in Table 2.

Table 2. Systematic summary of the main research findings.

Source: Made by the authors from the research carried out.

VARIABLES	MAIN RESEARCH FINDINGS
Civil defense units / social actors	<ul style="list-style-type: none"> - The structure and resources of civil defense units are directly related to the size of each municipality, being still insufficient and inadequate in most of them. Municipalities, in general, are unprepared for disaster risk management, lack technical training and structure to develop the activity; - The municipal civil defense unit is the central body in the organizational field of disaster risk management. Support bodies (community organizations of the respective municipality). Sectoral bodies (bodies and entities of public, federal, state and municipal administration, operating in the respective municipality).
Institutional entrepreneurship	<ul style="list-style-type: none"> - The State strengthens the civil defense units and provides greater learning and evolution in the field. Distancing the State from the municipalities is a challenge. Military Police and Military Fire Brigade emerge as the main institutional entrepreneurs; - The disaster makes it possible to create local institutions and activities for the rehabilitation and repair of local damage, but it does not change the situation of low investment in risk prevention and management (institutional degradation); - There is a need to promote partnerships with HEIs, promotion of technical/scientific knowledge for municipal civil defenses, professionalization of civil defense managers. In some states there are disaster research centers;

	<ul style="list-style-type: none"> - There is standardization of models of contingency plans and training for the municipalities. There is no innovation in disaster risk management, there are few possibilities for actions that are presented, there is a need for more studies to critically analyze the lines of action and the possibility of innovation.
Public policy networks	<ul style="list-style-type: none"> - There is a need to strengthen public policy networks in disaster risk management in such a way as to make them permanent, with greater organizational ties, rather than being strengthened only in periods of higher incidence of disasters; - Absence of the HEIs to promote scientific knowledge for disaster management, in some states there are disaster research centers. Acting in a public policy network is the way to consolidate the process of institutionalizing the DRM; - There is a need for greater organizational ties – closer relationships, political disputes over space make more effective and continuous actions impossible. Low integration of civil defense with planning and budget teams, insufficient coordination between organized civil society and government agencies.
Dimensions of disaster management	<ul style="list-style-type: none"> - The dimensions of disaster management, within the scope of the research carried out, do not present institutional evolution in the same proportion as in the international scope, the focus is still on the response. There is no culture of prevention; - There are no interfaces with urban planning (urbanization works) with a view to mitigating disasters. Municipalities, in general, are unprepared regarding the stages of disaster risk management. There is a lack of technical training and structure to develop the activity.
Institutional legitimacy	<ul style="list-style-type: none"> - The institutional legitimacy of the DRM is still small in the social context in which it operates. DRM actions do not produce practical effects for the population, they are very much in the government's field (with debates about competences, actions to be developed, definitions of parameters, etc.), people only give credibility to what is said from the moment they begin to see changes in their daily lives; people don't really believe in civil defense; - International regulations are seldom applied due to factors such as culture, economy, politics. The theme needs to be the target of electoral and academic debates. Need for professionalization of the topic and development of research in partnership with universities; - There is a need for cultural change in the population. Low self-protection culture. Need for the involvement of the education area (civil defense at school and partnership with universities). Involvement of people and search for joint solutions and evolution of the risk culture; - Disaster Risk Management has been gaining ground among public managers. Need for the public manager to conceive the municipality from the perspective of disaster risk management, to know the risks and threats. Possibility of the topic being the target of upcoming electoral debates.

Conclusions

The research in question sought to analyze the institutionalization of the organizational field of disaster risk management, at the local level, in Brazil, developed by Felisberto and Pardini (2022). In fact, organizations must change the mindset and develop partnerships and the ability to listen instead of maintaining the attitude that they can develop strategies on their own (Hagelsteen & Becker, 2019). During the process of reviewing or formulating public

policies, it is necessary to apply meaningful participatory approaches that allow the inclusion of stakeholders from all levels of governance (Ampaire et al., 2017).

The findings corroborate that organizing and structuring civil defense units, based on disaster risk management, is an increasingly present strategy at the local level. In the organizational field itself, it is concluded that civil defense units have their birth and survival conditions favored by the institutional structure that emerged in the field, and that the structure and resources of civil defense units are directly related to the size of each municipality, however, in most municipalities it is still inadequate and insufficient, lacking technical training and structure to develop the activity. Additionally, it emerges that there are entrepreneurial actions on the part of the State, despite the need for entrepreneurial state action in order to foster partnerships with the area of Education. On the other hand, the institutional legitimacy of the empirical phenomenon researched is still small in the social context in which it is inserted.

As with any academic studies, this study has some limitations, thus providing opportunities for future research. There is a limitation of the nature of qualitative research, regarding restrictions on the generalization of results. In any case, future studies may benefit from different methods. Data obtained through quantitative methods can capture other relevant issues and enrich future work, analyzing the involvement of people in the search for joint solutions and the evolution of the culture of risk – the role of the State versus the participation and involvement of society.

This study contributes to the knowledge about the adoption of instruments that can institutionally add to the strengthening and maintenance of the activities of civil defense units and others involved in the organizational field of disaster management. It also contributes to the improvement of public policies and governance structures, offering reflections and perceptions that converge towards an improvement in the quality of life for society, strengthening disaster risk management in the direction of reducing human and material damages and economic, social losses. and environmental factors, thereby boosting resilience.

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CONSEQUENCES OF THE WAR FOR THE ECONOMIC SECURITY OF UKRAINE

Ganna IEFIMOVA

Admiral Makarov National University of Shipbuilding, Ukraine

E-mail hanna.yefimova@nuos.edu.ua

ORCID ID: [0000-0001-5271-2913](https://orcid.org/0000-0001-5271-2913)

Lusiiia MALTSEVA

Admiral Makarov National University of Shipbuilding, Ukraine

E-mail mmalceva563@gmail.com

ORCID ID: [0000-0002-4046-7866](https://orcid.org/0000-0002-4046-7866)

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Abstract *The article considers possible ways to restore the economy of Ukraine, based on the analysis of the destructive consequences of the war for the economy of Ukraine, proposals are made to strengthen economic security by its components. Systematized actions that have already been implemented by the state to support the economy of Ukraine and restore economic security. A set of measures to restore the Ukrainian economy based on economic security has been defined.*

Keywords: *economic security, war, consequences, state, international partners, ways of recovery, Ukrainian economics.*

Introduction

Russia's large-scale invasion of Ukraine has been ongoing since the morning of February 24. Russia denies that it is waging a war of aggression against Ukraine on its territory and calls it a "special operation" aimed at "demilitarization and denazification." The Kremlin has previously stated that during its so-called "operation" it will not touch civilians in Ukraine, instead it will fire at residential buildings, hospitals, kindergartens, schools and other civilian infrastructure, as there is a number of photo and video evidence and eyewitness accounts.

War at any time requires huge costs. The constant issue of financing the army and humanitarian issues in the conditions of a heavy burden on the country's budget and the banking system without reasonable decisions by the government and the help of partners can cause a real disaster.

The war takes on an incredible scale of destruction in infrastructure, industry, and the economy as a whole. As of April 11, the total losses of the Ukrainian economy due to the war range from 564 to 600 billion dollars. Some experts claim that the total economic losses of Ukraine in this war may reach the threshold of 1 trillion. dollars During the 47 days of Russian aggression in Ukraine, at least 23,000 kilometers of roads and 37,000 square meters of housing stock were damaged, destroyed or captured. 277 bridges and overpasses, 10 military airfields, 8 airports and 2 ports were affected (Yankovsky O., 2022)

Due to the war, Ukraine's GDP will decrease by 45% in 2022. This is stated in the forecast of the World Bank from April 10.

The purpose of this article is to analyze the damage caused to the Ukrainian economy and to determine ways to strengthen the economic security of the Ukrainian state. The main task, based on the analysis of the devastating consequences of the war for the economy of Ukraine, is to formulate proposals for strengthening economic security by its components.

Economic security is one of the most important components of national security, reflecting the causal relationship between the country's economic strength, its military and economic potential, and national security. This connection involves the conscious support in the state of certain proportions between the accumulation of gross domestic product and military construction. That is, economic security is a means of protecting the national interests of the state.

Along with the implementation of the policy of exiting the acute economic crisis, Ukraine must define a new, scientifically based strategy for economic security. It is about the activation of state support for the dynamic economic development of all economic entities, ensuring the guaranteed protection of national interests, and the implementation of socially oriented policies.

The essence of economic security is revealed in the system of criteria, indicators and threshold values. At the same time, first, it is necessary to classify threats. Threats to economic security are understood as factors that make it impossible or significantly complicate the process of realizing national interests, thereby creating a threat to the life support of the nation, its socio-economic and political systems. Identification of threats and their elimination should be priority elements of the state's economic policy.

Economic security can be assessed by an objective system of parameters, criteria and indicators that determine the critical values of the functioning of the economic system. The main ones are the level and quality of life of the population, the rate of inflation, the unemployment rate, macroeconomic indicators, the budget deficit and the state of ecology. The situation of economic security can be characterized as an ideal that should be approached. The main criterion of the economic security of the state is the ability of its national economy to maintain or quickly restore a critical level of social reproduction in the conditions of the termination of external supplies or crisis situations of an internal nature (Pustosviit R., 2016).

The concept of economic security should be formed considering all the diversity of factors and represent a set of internal and external conditions that contribute to the effective dynamic growth of the national economy, its ability to meet the needs of society, the state and the individual, and ensure the state's competitiveness in foreign markets. Economic security is ensured, first, by the efficiency of the economy itself, that is, the economy must protect itself on the basis of high labor productivity, product quality, competitiveness, etc. It should be provided by the entire system of state bodies, all links and structures of the economy.

Peace, as something more than the mere absence of war, does not appear out of nowhere. It must be acquired through skillful management of the consequences of war. But knowing what consequences to expect is important for success. The damage of war is usually expressed through the estimation of losses, erased economic potential and damage to the country's most important infrastructure. By these standards, the Kyiv School of Economics currently estimates such losses in Ukraine at 80.4 billion dollars, while they increase by 8 to 12 billion dollars every week. If the current Russian military concentration in eastern and southern Ukraine leads to an entrenched and protracted war, that figure will soon exceed the \$135 billion in current costs of the US-led Marshall Plan, which helped rebuild Europe after World War II, and the \$145 billion in reconstruction costs spent in Afghanistan (Yankovsky O., 2022).

Factors beyond the number of victims, economic shocks and infrastructure losses only increase the losses that have been obtained through traditional calculations. These include long-term development impacts in the form of forced displacement, the debilitating psychological effects of violence against ex-combatants and civilians, the punitive legacy of explosive remnants of war, and the loss of delayed education, health and livelihoods.

Economic consequences

Due to limitations in the collection of statistical data during the war, accurate data on economic activity are practically absent, but forecasts give Ukraine a drop in GDP in 2022 from -10% (IMF) to -35-40% (preliminary forecast of the Ukrainian government) provided that the occupied Russia will not expand its territories, and the active phase of the war will not last longer than a few months. Most think tanks, banks and rating agencies project their forecasts in this range.

Business activity stopped in the first weeks of the war, and is recovering very slowly. More than half of the member companies of the European Business Association in Ukraine stopped or suspended their activities during the war (57%). The situation is similar among small businesses. According to the survey of the Kyiv School of Economics (KSE) and the search company Gradus Research, about 39% of companies have stopped their activities and another 20% are practically inactive. A cautious recovery has been observed since mid-March when companies resumed operations in the relatively safe western and central regions. This wave intensified at the beginning of April after the liberation of Kyiv, Chernihiv and Sumy regions from Russian forces. (Tarasovsky Yu., 2022)

Export opportunities have been greatly reduced due to the blockade of Ukrainian ports by the Russian fleet, hostilities in the eastern and southern regions, and a large-scale logistical collapse. The Ministry of Economy reported in a press release about March exports in the amount of \$2.7 billion (50% of the February volume) and imports in the amount of \$1.8 billion (30% of the February volume). Iron ore accounted for a quarter of exports, while exports of metals almost stopped. The export of agricultural products decreased by four times compared to February (State Statistics Service, 2022).

Maritime logistics (62% of the total dollar value of goods exported in 2021) was effectively closed by Russia's blockade of seaports. Railway (12%) and road (23%) transportation were seriously hampered. Due to the mass evacuation of Ukrainians, traffic jams were formed on the western border and queues reached 5-6 days, numerous internal checkpoints delayed the movement of goods, and Ukrainian railways were overloaded with evacuation trains, leaving only a small space for commercial transportation. (Obukh V., 2022).

Imports decreased not only due to logistical problems and reduced demand, but also due to the ban on non-critical import operations introduced by the National Bank of Ukraine to avoid currency volatility. The import of only "critical goods" from a special list, as well as state operations, was allowed. Although the list of "critical goods" is gradually expanding, in the medium term consumer and investment demand will remain very depressed, preventing imports from recovering. (Ukraine returned to a negative foreign trade balance in April, 2022)

In the absence of a new large-scale escalation, the situation with export logistics should improve in April. As the initial response has passed and the wave of evacuations has subsided, road and rail transport should become more accessible for the export of commercial goods. However, the cost and duration of logistics will be significantly higher compared to last year.

Inflation data published by the State Statistics Service show a 4.5% increase in consumer prices in March compared to February. In annual terms, price growth is likely to be in the region of 15-20%. Currently, price increases are contained by administrative measures such as regulated prices for fuel, gas, heating and electricity, as well as a fixed exchange rate. With the gradual easing of restrictions, an increase in inflation is very possible. It will be caused by fuel and energy prices, an increase in production costs, a shortage of some goods,

including food products previously produced in the southern regions of Ukraine, as well as a significant easing of monetary policy, which is difficult to avoid under the current conditions. However, a significant decline in consumer demand caused by mass migration, falling incomes and a sharp change in consumer habits will put significant pressure on prices. (State Statistics Service, 2022).

Investments are frozen. New investments can only be related to relocation of production capacities of companies (more than 1,000 companies have applied for participation in the relevant state program), construction of housing for internally displaced persons, and state investments in the restoration of certain infrastructure facilities. Extremely high risks will deter significant private investment in new production capacity or modernization. The experience of the Donetsk and Luhansk regions of Ukraine, where Russian aggression began in 2014, shows that even under the conditions of a frozen conflict, without strong incentives and additional security guarantees, investments are unlikely to recover even in the horizon of several years.

The banking sector lost a significant portion of its assets in war-affected regions, as well as, according to preliminary estimates of several banks, 50-70% of the cash flow from loans (interest and repayment). Liquidity problems were successfully resolved by providing the NBU with blank refinancing loans. Before the end of the war, the norms of prudential regulation (requirements for capital, liquidity, credit risk) were abolished (Yankovsky O., 2022).

The devaluation of the currency was insignificant thanks to the lightning reaction of the National Bank of Ukraine. The official exchange rate immediately after the invasion was fixed at UAH 29.25/dollar. USA, and the immediate ban on transactions in foreign currencies eased the pressure on the hryvnia. The exchange rate of the black cash market at the beginning of April was 31-33 UAH/USD, within 10% of the official.

Damage to physical assets is difficult to assess while the war is ongoing. Hotspots are sometimes impossible to monitor, let alone investigate. For example, although it is known that a large proportion of buildings in Chernihiv, Sumy and Kharkiv were damaged, information about individual enterprises is extremely limited. Some asset owners prefer not to report that their assets are impaired (because their stocks/bonds are held overseas and they don't want to scare investors) or not impaired (they fear being the next target). Some objects are strategically important and access to information about their condition is limited. Some owners, on the contrary, exaggerate their losses in order to demand more compensation.

As of April 8, 2022, total physical damages were estimated at \$80 billion, as calculated by a consortium of the KSHE Institute (an analytical unit of the Kyiv School of Economics), the Center for Economic Strategy, the Anti-Corruption Headquarters, the Institute for Analytics and Advocacy, Transparency International Ukraine, and Prozorro.Sale. Most of this amount is for transport infrastructure such as roads, railways, bridges, ports and airports (\$39 billion) and housing (\$29 billion). About a hundred industrial enterprises were reported damaged or destroyed. (Modern threats to industrial safety in the Ukrainian industry, 2022).

In general, we distinguish two groups of damaged assets. The first group is collateral damage. The second group is strategic enterprises that were destroyed on purpose. This group mainly includes fuel supply enterprises (oil refineries and storage facilities) and military/defense production. The biggest assets on the list, metal producers, probably fall into both categories at the same time. We make this classification because we can expect further disruption based on either geographic or industrial allocation of assets (Table 1.)

Table 1. TOP-20 damaged industrial facilities and characteristics of their assets
Source: Gordiychuk D., 2022

An object	Location	Industry	Assets, \$ mln *
Ilyich Iron and Steel Works	Mariupol (Donetsk region)	Metallurgy	1,893
Azovstal Iron and Steel Works	Mariupol (Donetsk region)	Metallurgy	1 444
Ukrainian Energy Machines Antonov	Kharkiv Kyiv	Heavy industry Aircraft construction	417 385
Kremenchug Oil Refinery †	Kremenchuk (Poltava region)	Oil refinery	374
Avdiivka Coke Plant	Avdiivka (Donetsk region)	Coke	343
Odessa Oil Refinery	Odessa	Oil Refinery	171
Coca Cola Beverages Refinery †	Velikaya Dymarka (Kiev region)	Drinks	150
ZaryaMashproekt †	Nikolaev	Heavy industry	137
Linik	Lysychansk (Luhansk region)	Oil refinery	116
Монделіс Україна †	Trostanets (Sumy region)	Food industry	104
Plant im. Malysheva	Kharkiv	Defense industry	101
Vetropack Gostomel Glass Factory †	Gostomel (Kiev region)	Glass	92
Rubezhnysky Cardboard Factory	Rubezhnoye (Luhansk region)	Paper	82
Sumykhimprom	Amounts	Chemical industry	73
Zhytomyr Armored Plant	Zhytomyr	Defense Industry	72
Kharkiv Tractor Plant	Kharkiv	Vehicles	41
Popasnyansky Automobile Repair Plant	Popasna (Luhansk region)	Vehicles	40
Obio †	Zhytomyr	Insulation	28
Confectionery factory "Kharkivchanka" Kharkiv	Kharkov	Food industry	22

† Complete destruction or damage beyond repair

* Gross fixed capital, capital investments in progress and inventories as of the beginning of 2021

Metallurgy lost at least 30% of its assets. Azovstal and MMK Ilyich, the second and third largest metallurgical plants in Ukraine, respectively, and the Avdiiv Coke Plant, which complements them in the production chain, were at least badly damaged. Others, such as Ukraine's largest metallurgical plant ArcelorMittal Kryvyi Rih and Zaporizhstal, the fourth largest, were shut down to minimize losses in the event of shelling. Both plants are already gradually resuming production. Iron ore mining enterprises operate at 30-40% capacity, both for local processing (Kametstal, formerly DMK) and for export (2-3 million tons were reportedly exported by rail in March) (Gordeychuk D., 2022)

Fuel and energy. Damages in this sector were limited to the destruction of the Kremenchug Oil Refinery, some renewable energy facilities, electricity transmission and gas distribution networks. The oil refinery was the only working one in Ukraine and was an important source of cheap gasoline. Russia also deliberately attacked fuel storage facilities throughout Ukraine. As a result, fuel is now 100% imported (and from other countries, since Russia and Belarus used to be the biggest sources). Despite the horrific images of the attack on the Zaporizhzhya nuclear power plant, power generation is largely undamaged, except for a few thermal plants in the northeast. In the early days of the war, Ukraine disconnected from the russian/belarusian power system and connected to ENTSO-E, the single European electricity market (First victory on the energy front, 2022)

Agriculture. It is difficult to overestimate the importance of Ukraine for world food security. Ukraine is an important exporter of grain crops, i.e. wheat, corn, and barley. Ukraine is also the largest exporter of sunflower oil in the world. Some countries depend on Ukraine more than others: wheat imports from Ukraine are crucial for some countries in the Middle East, such as Egypt; the share of Ukraine in the total Chinese import of wheat flour is 44%, corn – 55%, sunflower oil – 59% (Yankovsky O., 2022).

Ukrainian agricultural exports, which are heavily dependent on sea transport, are almost at a standstill due to the Russian blockade of Ukrainian ports on the Black and Azov seas. Now that the railways are the only viable option, the volume of possible exports is only 0.6 million tons per month (from pre-war 5-6 million tons), although investment in transport infrastructure could allow this volume to increase.

Ukrainian agriculture is a direct victim of Russian aggression, as hostilities often take place in Ukrainian fields and on Ukrainian farms. There is a widespread problem of soil contamination by unexploded ordnance, improvised explosive devices and spilled fuel. But the biggest problem is definitely landmines. According to the latest estimates, about 13% of the territory of Ukraine has been mined by the Russians. Russian troops use remote demining systems "Zemledelie", which are designed for the rapid installation of mines in large areas and pose a great danger to farmers and their equipment (Kurpita T., 2022).

This is a global food security issue, as the regions affected by the Russian invasion play an important role in the country's agriculture. In 2021, the share of these regions in the production of wheat in Ukraine was 38%, corn – 34%, barley – 43%, sunflower seeds – 49%. There is a risk of a protracted war in the Kharkiv, Luhansk, Donetsk, Zaporizhzhya and Kherson regions – their share of wheat production is 23%, corn – 3%, barley – 21%, sunflower seeds – 20%. (Kholodnova A. 2022).

Russian marauders steal Ukrainian agricultural equipment and send it to Russia. In temporarily occupied territories, Russians often shoot farm animals before retreating. This will greatly complicate the post-war recovery for farmers in the affected regions.

Government support

Measures to restore the economy and increase the level of economic security must begin right now. Moreover, some first steps have already been taken.

Tax policy measures were introduced with the publicly announced goal of reducing the fiscal burden on business and the administrative burden on both business and state tax and customs authorities. However, the de facto transition of most enterprises to a simplified taxation system together with a significant reduction in other taxes will significantly reduce budget revenues. (Derevjanko A. 2022)

On March 17, 2022, the first package of amendments to the Tax and Customs Codes and 13 other related laws entered into force.

The key change was the extension of the possibility of switching to the Simplified Tax System (STS) to medium-sized and most large enterprises:

- increased the annual income limit for group 3 from 7.5 million to 10 billion hryvnias. Later, in the second package (see below), the limits were removed completely, and now any company can switch to STS;
- the single tax rate was reduced from 5% to 2%;
- removed restrictions on types of economic activity (except excise goods and gambling business).

Therefore, enterprises on the general taxation system got the opportunity to pay a tax of 2% of turnover instead of VAT (20%) and income tax (18%).

The Verkhovna Rada voted on the second package of amendments to the laws for the period of martial law on March 24, 2022. On April 5, 2022, the law was signed by the President of Ukraine. Deputies canceled customs duties on all goods, except for those imported from Russia, Belarus and temporarily occupied territories, and also introduced VAT-free imports for enterprises in the STS. The requirement to obtain all import permits: sanitary, environmental, etc., was also canceled. These changes confirm earlier assumptions about possible problems with the functioning of tax systems (The rear works – Ukraine is at war, 2022).

All subjects who are on the simplified taxation scheme were exempted from paying VAT and the income limit for the 3rd group of STS was removed. Such changes create incentives for most business entities (except those receiving VAT export refunds and those with a high share of VAT in costs) to switch to a simplified taxation system. As of April 1, 2022, 150,000 enterprises, including 30,000 legal entities, out of 1.2 million registered in Ukraine as of the beginning of 2022, submitted applications for the transition to STS. It should be noted that in this total number, a large share is made up of natural persons-entrepreneurs who have previously applied STS. (Tarasovsky Yu., 2022)

In addition to land tax, residential property tax liability requirements for properties in combat zones have been suspended. Another significant innovation is that local authorities have gained the right to introduce local taxes and to increase or decrease existing local taxes. We consider this a positive change, allowing local authorities to take into account the needs of local budgets, economic conditions and business activity, which are rapidly changing with changes in the military environment and the mass movement of citizens and businesses.

On 17.03.2022 the government announced a business relocation program, pledging to provide free relocation, necessary production facilities and help with the relocation of employees.

The five western regions also offer regional relocation programs. As of March 28, 2022, the Ministry of Economy received 1,164 applications for relocation, 108 enterprises were relocated, 50 are in the process, and 377 new business locations were found. Some of the relocated enterprises were quite large (140 wagons were needed to move one of them). In addition to official obligations, the ministry helped enterprises in connecting to engineering networks and even in finding customers.

The government also approved a few programs aimed at financial support of businesses through bank loans.

1. The expanded "5-7-9%" program – all previously established businesses, most of beneficiaries are Ukrainians, can receive up to UAH 60 million at an interest rate of 0%, which will be increased to 5% after the war. Investment loans and refinancing loans are issued for a term of up to 5 years and working capital financing is available for a term of up to 3 years.

2. Partial state guarantees for Ukrainian banks for SME loan portfolios (up to 80% of the total value).

3. Compensation of interest rates on loans (up to UAH 50 million) for small and medium-sized agricultural businesses (annual turnover up to EUR 20 million) for the sowing campaign.

4. The export credit agency is authorized to provide credit to Ukrainian exporters, which allows to reduce the cost of financing. The ministries have also created or initiated several platforms: to help food retailers find regional suppliers, to coordinate producers and retailers

with military-civilian administrations and international organizations, urgent financial assistance for planting, and others. (The rear works – Ukraine is at war, 2022)

The reaction of the National Bank was a quick reaction to the increased risks of currency and capital outflow. The NBU did its job brilliantly, and even at the height of the war, the Ukrainian banking system continues to work.

On February 24, 2022, the NBU decided¹⁵ to revoke the license of russian state-owned banks – two banks (subsidiaries of russian Sberbank and Vnesheconombank) were closed. Other banks owned by russian individuals (Alfa Bank, Forward Bank, PIN Bank) are awaiting a decision on their fate. Possible scenarios range from a temporary change of bank management to the nationalization of banks.

The NBU also froze all transactions with the state debt, except for the transactions of the Ministry of Finance and the NBU and some other transactions. All cross-border payments, including imports and dividends, were prohibited, except for government and those with special permission.

The NBU's foreign exchange reserves even slightly increased in March – from \$27.6 billion to \$28.1 billion. Cash withdrawal for amounts over UAH 100,000. and any cash withdrawals in foreign currency were immediately restricted. The latter was eased first on March 1, when daily withdrawals of the equivalent of UAH 30,000 (about \$1,000) were allowed, and then on March 21, when the limit was increased to UAH 100,000, as the panic subsided and the influx of foreign aid supported the hryvnia. Also recently, the Verkhovna Rada voted for a full guarantee of all deposits of individuals in Ukraine, including those exceeding the limit of UAH 200,000, in order to increase the liquidity of the banking system. To support the liquidity of Ukrainian banks, the NBU opened unlimited blank refinancing loans. (The rear works – Ukraine is at war, 2022)

From February 24 to April 7, such loans were issued for UAH 137 billion. Non-cash banking operations were not restricted, and the NBU, together with Ukrainian banks, managed to prevent panic and preserve the operation of the electronic payment system. When banks' foreign operations and transactions with related parties were strictly limited, prudential and reporting standards were dramatically relaxed.

In order for the system to work, the NBU removed sanctions for violations of capital requirements, liquidity and credit risk standards, currency position restrictions and reporting. At the same time, these violations must be explained, and resilience and recovery plans must be provided to the NBU within 14 working days. All measures of macroprudential regulation, including the assessment of bank stability and reserve management, were postponed until the end of the war. After the war, the problems of the banking sector will become one of the key obstacles to the recovery of the economy, as well as a challenge to the legalization of losses. Individuals and companies that have lost their assets and banks that have lost their collateral should be able to sue the aggressor instead of resolving the issue domestically, and this should be done in a government-controlled and supported manner.

Ways to strengthen economic security and restore the economy of Ukraine

A comprehensive description of the consequences of the war must now begin. These raw data can be updated over time, but understanding and anticipating the full impact of war (beyond calculating infrastructure damage) is a prerequisite for achieving peace. A good starting point would be to resume the joint efforts of the United Nations, the European Union, and the World Bank, which produced a comprehensive Assessment of Ukraine's Recovery and Peacebuilding in 2015. It will be time-consuming, difficult and necessary.

The recently created Fund for the Restoration of Ukraine, which is headed by the Prime Minister of Ukraine, Denys Shmyhal, needs technical knowledge to achieve its goals. Although no resources have yet been committed to the creation of this fund, it will help bring in the expertise and analysis needed to identify necessary reforms (in line with Ukraine's application to join the European Union), develop recovery plans, and coordinate domestic requests for assistance. This will help keep the Ukrainian government in a leading position with the identification of priorities for recovery and reconstruction. In parallel with the World Bank, the existing mechanism of the multi-donor trust fund in the country should be divided into two parts. One window should continue to receive and manage foreign funds that support Ukraine's linear budget commitments to continue government payments and services. Another window should be managed by an independent secretariat, which will include Ukrainian and international partners, who will manage the significant foreign aid needed to rebuild Ukraine. If properly designed, this second window can function in a similar way to the successful Economic Cooperation Administration (ECA) that managed the Marshall Plan, providing critical support to the Ukrainian government's priorities without the delays associated with working through the Ukrainian Treasury. (Reconstruction of Ukraine after the war, 2022)

Coordinating efforts is one of the biggest challenges in the post-war environment, as evidenced by the ill-conceived aid provided in post-conflict Sierra Leone, Liberia, the Democratic Republic of the Congo, Iraq and Afghanistan. Germany recently proposed the creation of a multi-stakeholder integrated response center that would be based in Poland and work with Ukrainian authorities to assist in post-war planning, provide ongoing technical assessments, prioritize response options and monitor recovery operations in hundreds of implementing organizations. It is an ambitious scheme conceived against the backdrop of hard lessons learned from previous post-war actions. This can work if bilateral donors can overcome their own barriers to participation.

Transparent and efficient contractual mechanisms for their use can now be developed, if conditions permit. The Center for Economic Policy Research recommends open contracts (with publicly available documentation), framework agreements (using pre-qualified and vetted suppliers), fixed-price contracts (with clear timelines, specifications, and deliverables), and whistleblower protections as measures to reassure donors and citizens through problems of corruption. Formulating these tools and safeguards is time-consuming and best done long before the pressure to respond to such challenges narrows the careful consideration of effective postwar procurement options. (Zanyda A., 2022)

Finally, one should not underestimate the power of self-organization and the important role played by public figures and professional media in the recovery of Ukraine. In addition to the responsibilities of those implementing recovery and reconstruction, clear and consistent information about the Ukrainian government's vision for recovery, rehabilitation priorities, timelines, compensation mechanisms, and access to services is extremely important for traumatized populations, many of whom make the most important decisions while living in the rubble of war. Community groups play a similar role in sharing information with local and national authorities about conditions, challenges and response options. The importance of these actors is often overlooked by governments and donors who are fixated on large-scale reconstruction. However, identifying new, effective community groups and supporting existing networks in advance of any resolution of hostilities helps ensure that their stabilizing influence is fully available when recovery begins.

As Russian forces continue to advance into eastern and southern Ukraine, the need to prepare for an end to the war may seem premature. But such scenarios rarely happen completely and immediately, the remnants of war can tear societies apart long after the

hostilities have ended. Making peace out of war is as much a result of resisting aggression as it is of the heroic effort required to prepare for and endure its consequences. One of the most famous poets of Ukrainian literature, Lesya Ukrainka, wrote: "He who has not lived in the midst of a storm does not know the price of strength." Knowing the fury of the storm, we understand how much power is needed.

Also, international financial support of our state helps us resolutely resist the enemy. On March 20, the Prime Minister announced that Ukraine will receive money not only from the EBRD, but also \$3 billion from the World Bank. On April 8, the European Commission granted Ukraine a grant in the amount of 120 million euros as part of the general package of emergency financial assistance to Ukraine, the Ministry of Finance reports. (Zinovieva S., 2022)

Any war ends and now you need to think about the future. The international community and Ukrainian government officials are already thinking about a plan to restore Ukraine and sources of funding. In an interview with the BBC, Prime Minister Denys Shmyhal said that after the end of the war with Russia, Ukraine is counting on three sources for the country's recovery:

- confiscation of assets of the aggressor country on the territory of all civilized countries,
- support of financial organizations and international partners,
- charitable contributions of international corporations and citizens.

A three-stage recovery plan for Ukraine called U-24 is also being developed. The plan includes 3 renewal stages. The 1st stage is already underway, the restoration of destroyed objects is temporary, efficient and fast. The 2nd stage of rapid recovery after the end of hostilities. It includes the restoration of water and electricity supplies in the devastated areas. The third stage is a complete renewal of cities, infrastructure and the country as a whole (Reconstruction of Ukraine after the war, 2022).

Conclusions

So, many trials fell on Ukrainians and independent Ukraine, but our nation, united and sovereign, was born in such a terrible and deadly way. Today, we can only observe the new destruction of industrial and infrastructure facilities, residential buildings, we can only guess at the amount of damage caused by terrorists, and we cannot predict what other destruction the crazy enemy is ready to cause us. But most importantly, we see how this enemy causes irreparable losses – kills people.

A war against an external aggressor is always a struggle for the country's political and economic independence. The main task of Ukraine now is to intensify economic processes. In particular, focus on supporting production, transferring it to relatively safe regions. In launching and supporting the economy today, the government and international partners of Ukraine play a very important role, because the challenges for the economy are enormous. An extremely important task is to attract the maximum number of able-bodied population to work. As the experience of countries that have survived military conflicts shows, the most successful is work based on the principle of public-private partnership, which allows business to be involved in targeted projects of economic stabilization and infrastructure restoration.

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DISSEMINATION AND IMPACT OF THE PREVENTIVE MEASURES PERFORMED BY THE POLICE ON THE PUBLIC

Raimonda MOCKUTĖ

Mykolas Romeris University
Maironio str. 27, LT 44211 Kaunas, Lithuania
E-mail: ramockute1@stud.mruni.eu
ORCID ID: [0000-0002-2458-7550](https://orcid.org/0000-0002-2458-7550)

Rasa DOBRŽINSKIENĖ

Mykolas Romeris University
Maironio str. 27, LT 44211 Kaunas, Lithuania
E-mail: rasa.dobrzinskiene@mruni.eu
ORCID ID: [0000-0001-6590-4164](https://orcid.org/0000-0001-6590-4164)

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Abstract. *The purpose of prevention and its implemented measures is to create a safer environment for society, to reduce the number of criminogenic cases. Preventive measures are very important in the police system, because their proper implementation can have a positive impact on society and strengthen its security. Prevention is aimed at eliminating the causes that lead to the occurrence of a criminal act. The purpose of community prevention is to unite society and law enforcement institutions in the fight against crime, to strengthen cooperation. So the police carry out many and various preventive measures, the effect of which can be seen by looking at today's crime statistics, and they are always looking for new means of dissemination. With proper implementation of preventive measures, their purpose is to reduce the level of crime, increase the sense of security in the country, and create a closer relationship with citizens. In this content, the **purpose** of the article is to discuss the impact of preventive measures implemented by officials on the citizens of the Republic of Lithuania.*

The concept of preventive measures is very similar in all fields of science, but law enforcement institutions usually fight crime by implementing preventive measures. The purpose of prevention is very specific - to prevent unwanted events from happening and to prevent them from happening. Preventive measures are usually used to eliminate the causes of unwanted events.

The emergence of the position of community officers helped to ensure greater public safety and increased confidence in law enforcement institutions. Community policing is essentially a collaboration between the police and the community to identify and solve community problems. It has even been argued that community policing is a philosophy that promotes organizational strategies that support the systematic use of partnership and problem-solving techniques to proactively address the immediate conditions that cause public safety problems such as crime, social disorder, and fear of crime.

It can be said that preventive measures can have an impact on creating a safer environment. Based on the answers given during the empirical study, it can be concluded that the majority of respondents feel safe where they live. However, it is quite confusing that preventive measures are not known or heard of by a considerable number of respondents. So the question arises, perhaps the officials do not spread enough information about the preventive measures being implemented. Particular attention should be paid to social networks, as the younger generation uses them very widely.

Keywords: *preventive measures, dissemination, impact, society.*

Introduction

Preventive measures are very important in the police system, because their proper implementation can have a positive impact on society and strengthen its security. The police carry out many and various preventive measures, the effect of which can be seen by looking at today's crime statistics, and they are always looking for new means of dissemination.

Dissemination of preventive measures is important to prevent crime. In this content, the **subject** of this article is the dissemination and impact of the preventive measures.

The **purpose** of the article is to discuss the impact of preventive measures implemented by officials on the citizens of the Republic of Lithuania.

To achieve the purpose of the work, the following **tasks** are set:

1. To disclose the concept and purpose of preventive measures.
2. To disclose the dissemination of preventive measures carried out by officers of the Lithuanian police community.
3. Assess the impact of preventive measures implemented by the police on society.

In order to implement the set goal and tasks, the **methods** of systematic-structural analysis of scientific literature, questionnaire, mathematical analysis and generalization were applied.

Concept of preventive measures

In Latin, prevention „*praevenire*“ is translated into the word to overtake, which perfectly corresponds to the perception of prevention, because the main function is to overtake what is undesirable. Prevention can be understood in broad and narrow senses. In a broad sense, prevention is a diverse activity, the purpose of which is to have a positive influence on social life based on facts. It covers many areas of life and is generally applicable. Helps maintain a proper law and order system by anticipating threats, eliminating negative causes, reducing crime or its harm. In the narrow sense, prevention is the impact measures that are applied to entities related to activities directed against unacceptable behavior. Prevention is applied to a certain group of people, individually taking into account aspects specific to that situation. And in a broad sense, prevention is understood as a tool used to prevent various activities that usually have a harmful effect. Many and various areas of prevention are distinguished, in which prevention is carried out and preventive measures are applied - the legal system, the field of education, preventive activities carried out by educational and medical institutions, the prevention measures implemented in these areas aim to prevent unwanted events from happening.

According to L. Jovaiša, prevention is „a set of various education methods aimed at preventing events that are against moral and legal norms“ (Jovaiša, 2007). Also, prevention is named as the best investment that every state can make, and it must be done now (Hawkins, 2016). According to V. Justickis, „crime prevention is an activity that aims to eliminate the factors that promote crime and thus prevent crimes“ (Justickis, 2000). According to the author, the implementation of prevention would help reduce the number of crimes. From the legal acts, the definition of corruption prevention is mentioned: „corruption prevention - uncovering and eliminating the causes and conditions of corruption by creating and implementing a system of appropriate measures, as well as the effect on individuals in order to deter them from committing criminal acts of a corrupt nature“ (Lietuvos Respublikos korupcijos prevencijos įstatymas). In the implementation of corruption prevention, the aim is to reveal and eliminate the causes that cause the effects of corruption.

Thus, the essence of prevention defined everywhere remains the same - to prevent an unwanted event from occurring. Prevention eliminates the factors that lead to inappropriate behavior. Prevention is more focused on what has not been done yet, on undone actions, which are given special attention. And the purpose of prevention measures is associated with the goals that are achieved by implementing prevention in various ways.

The implementation of crime prevention measures is closely related to the community, its activities and safety, because only by cooperating with the public and maintaining good relations can better results be achieved in the prevention of crime. After all, one of the many purposes of preventive measures is to ensure people's safety, so that they feel safe in their settlements, districts, and the country, so that they trust police officers and the work they do. According to S. Nikart, community prevention can be called a separate type of crime prevention, which is based on the assumption of a significant impact of the community on crime (Nikartas, 2014). The community's help in carrying out preventive activities, in cooperation with the authorities, would have a positive effect in the fight against crime, the living environment would become safer. S. Nikartas also states that

„in both Lithuanian and foreign scientific literature, relatively little attention is paid to the theoretical aspects of the concept of community crime prevention. It can be said that community crime prevention remains rather undefined: it is not always clear what forms of prevention it include“ (Nikartas, 2014). Thus, the problem arises that community-based prevention is not defined, which means that little attention is paid to involving the community in the implementation of prevention. The lack of definition of community prevention also leads to the fact that the activities in which the community participates are not accurately described, it is not clear what role the community plays in the implementation of preventive measures. There is a lack of a concrete, defined system that would indicate the responsibilities and duties of the community in participating and organizing prevention, together with law enforcement authorities.

T. Hope, one of the best-known community crime prevention researchers, defines community crime prevention as „activities or specific actions aimed at changing the social conditions that are believed to support crime in communities“ (Hope, 1995). According to T. Hope, community prevention includes two main goals: the first aimed at the promotion of informal social control, strengthening social relations with society and changing the social structure of the community, and the second goal is focused on the ultimate goal - the aspiration to reduce crime (Hope, 1995). In each different case, the goal depends on the needs or interests of the particular community. Often, community prevention is not limited to reducing crime, it is also focused on such factors as increasing the sense of security in a certain community, reducing antisocial behavior in society, or simply removing the feeling of fear in the community environment.

Despite the fact that there are not many scientific studies, the goals of community prevention in ensuring public safety are presented in the resolution of the Seimas of the Republic of Lithuania "On the approval of the public safety development program for 2015-2025". This resolution aims to pay more attention to the role of municipalities in the preventive activities of law enforcement institutions. The resolution considers that municipalities should coordinate and organize the prevention of criminal acts and other violations of the law at the municipal level. For this activity, it is recommended to gather state and municipal institutions and their institutions, business and non-governmental organizations operating in the county of that municipality and communities of residential areas located and operating in the territory of a certain municipality. As mentioned in the resolution, greater attention must be paid to the role of non-governmental organizations when organizing the prevention of crimes and other violations of the law with the involvement of municipalities, while on the contrary, the role of the police institution should be only expert and consultative in prevention when municipalities are involved. Further, this resolution mentions a safe living environment, the prerequisite for which is the implementation of preventive measures in municipalities (Dėl Viešojo saugumo plėtros 2015–2025 metų programos patvirtinimo). Thus,

the purpose of such regulations on preventive measures in communities would allow the residents themselves to become more familiar with the implementation of preventive measures and their organization. Thus, the purpose of preventive measures implemented in this way is to involve more members of society in the implementation of preventive activities, to increase the cooperation and trust of police institutions and municipalities, their institutions, non-governmental organizations and community groups.

Thus, the purpose of prevention and its implemented measures is to create a safer environment for society, to reduce the number of criminogenic cases. Prevention is aimed at eliminating the causes that lead to the occurrence of a criminal act. The purpose of community prevention is to unite society and law enforcement institutions in the fight against crime, to strengthen cooperation. Community prevention is aimed at greater involvement of municipal institutions, community groups, and non-governmental organizations in the organization and implementation of preventive activities. With proper implementation of preventive measures, their purpose is to reduce the level of crime, increase the sense of security in the country, and create a closer relationship with citizens.

Dissemination of preventive measures implemented by community officials

The emergence of the position of community officers helped to ensure greater public safety and increased confidence in law enforcement institutions. According to B. Palšis, the need for community officers was first understood by the police system itself, which was caused by insufficient attention to prevention, creating a safe environment (Palšis, 2014). Prior to the advent of community-based prevention, police focused heavily on the consequences of crime, which had little effect on crime reduction. Community policing is essentially a collaboration between the police and the community to identify and solve community problems. It has even been argued that community policing is a philosophy that promotes organizational strategies that support the systematic use of partnership and problem-solving techniques to proactively address the immediate conditions that cause public safety problems such as crime, social disorder, and fear of crime.

One of the most important preventive tasks of community officials is to try to involve as large a part of society as possible in the implementation of preventive activities, thereby ensuring the creation of a safer environment. Prevention activities that help to involve the public: creating safe neighborhood groups, offering to become young police supporters and police supporters. These implemented preventive measures help to increase public interest in preventive activities carried out by community officials.

In order for a larger part of communities to know about preventive measures, they must be published, publicized, in other words, the dissemination of preventive measures must take place. Before disseminating information, it is very important to determine the audience it will be intended for and to select the means of dissemination accordingly, which are currently many and varied: both traditional and new - online and social networks. Information dissemination tools usually aim to inform, remind, and convince the target audience about important security issues. The police currently use more modern means of disseminating information - Facebook and Instagram. In them, officers publish information related to prevention and their activities, hold contests, publish information about organized events, and upload photos of ongoing activities. You can also find the official police website on the internet. It also publishes current news, provides a summary of events in the country, uploads photos of various police events, provides preventive and representative videos of the police agency. The mass media and news portals could also be assigned to the sources of

information dissemination in the online space. Various online media portals also publish information created by police agencies about new fraud methods, preventive raids being carried out, criminal acts committed and many other topics related to the activities of law enforcement agencies.

The second group of means of disseminating information is when information is disseminated through printed products. Police agencies print brochures and leaflets with important information. Most of the time, brochures and leaflets contain information about cases of fraud, theft, and violent crimes. Leaflets and brochures contain information on how to act in the face of a criminal act, and who to turn to for help. Information can also be disseminated through stickers produced by the police. Bribery awareness sticker that says "I don't take bribes" to prevent corruption. There are also stickers that are placed on items marked by the police. This sticker informs that the item is flagged by the police.

The third group of information dissemination focuses on the communication of police officers with the public and children, during lectures and events. Police officers, organizing meetings in communities with local residents, read reports, inform about criminal acts and their prevention. When organizing events or participating in them, information stands with important and relevant information are set up next to police preventive tents.

The fourth information dissemination group related to raids and inspections. Police officers organize friendly raids where people can come and check their driving history and during these raids drivers are warned of potential road hazards such as wild animals that may enter the roadway and cause an emergency. During the raids, the officers inform the public about the KET requirements in force at a certain time, and inform that it is necessary to comply with all safety requirements when participating in traffic.

Thus, the dissemination of preventive measures is carried out by various means and methods in order to reach the largest possible part of society or users of social networks. The information disseminated by the police became more accessible when it began to be distributed on the Internet and social networks. The more members of society will be involved in the implementation, organization, and assurance of preventive activities, the less space will be left for crime, and there will be an opportunity to further expand safe environment settlements where it is good and safe to live.

Impact of preventive measures on society

When implementing preventive measures, it is expected that they will work effectively, and it is expected to determine the impact of preventive measures on society. Taking this into account, the purpose of the conducted research is to determine whether the public feels the impact of the preventive measures implemented by the police.

The research method used to achieve the research goal is questionnaire survey. An exploratory survey was carried out. The 18-question questionnaire was distributed online, and 127 respondents answered. Of them, 76.4 percent - women and 23.6 % - men. The apparent predominance of women may imply that women pay more attention to safety and are more active in expressing their opinions on matters of concern to them. Also, this survey is distinguished by the relatively young age of the respondents, almost half of them are 19-25 years old. The two age groups are similarly distributed: respondents belonging to the 26-35-year-old group and respondents belonging to the 36-45-year-old group account for 16-17 % each. Since this group already has more life experience, the total number of their answers in the survey is not small. This group is likely to be more and more frequently exposed to

preventive measures by the police. The lowest - 4.7 % - the group of respondents consists of persons aged 66 and elder.

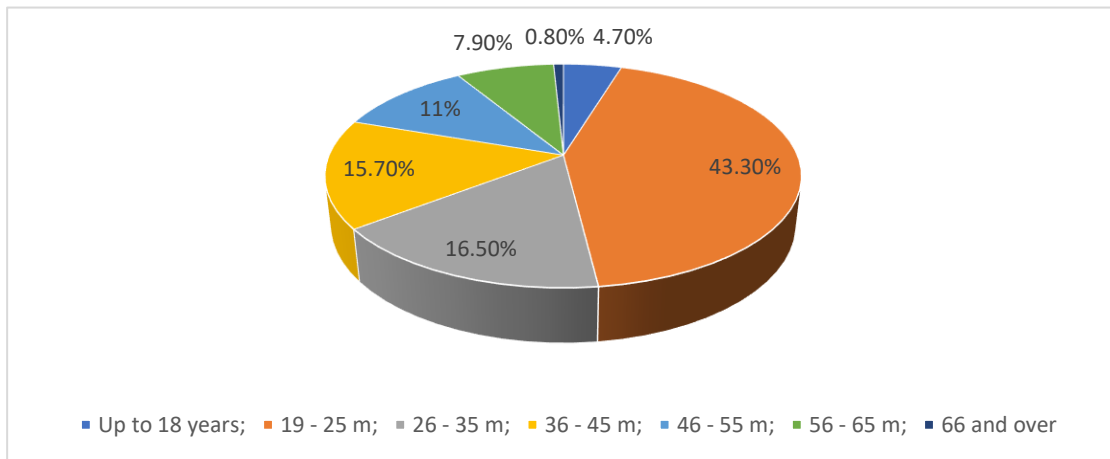


Diagram 1. Age of respondents

Many respondents (82.7 %), when asked if they feel safe in their place of residence, answered that they do. However, a large number of respondents - as many as 16.50 % - stated that they feel safe only partially in their living environment, and 0.80 % feel unsafe. In order to find out the reasons for the insecurity, you are asked to specify the reasons for this. The cited reasons are: lack of trust, too little patrolling by officers, antisocial people hanging around. There are also frequent answers about unlit streets, it is not safe for individuals when criminal acts are increasing in the country. Another reason is a lack of trust in other people, which causes a feeling of insecurity. The lack of preventive measures was also mentioned.

A significant sense of security can also be determined by the fact that a large number of respondents (91.30 %) indicated trust in the police. So if the public trusts police officers, it also trusts their activities. And those who indicated that they did not trust the police were asked to name the reasons. The most common reason given is a bad personal experience with the police. The reasons for corruption and negative events presented in the media are also mentioned. Some respondents associate police work with politics, according to them, police officers are reluctant to work for a person and listen to authorities.

A sense of community is also important for a sense of security, so belonging to a community has an impact on that. In a community where individuals trust each other, communicate, experience, information, etc. are shared more. Of the persons who participated in the survey, the majority of respondents - 80.2 % - replied that he considers himself a member of the community. And 19.8 % respondents do not identify themselves with any community.

After finding out about the sense of security and what people trust, whether they consider themselves part of the community, they were asked whether, to their knowledge, preventive measures are implemented where they live. 63.5 % answered the question. respondents answered that, to their knowledge, preventive measures are implemented in the living environment. Even 36.5 % of the respondents stated that no preventive measures are implemented in their environment, which could mean that individuals may have never encountered the implemented prevention or are not able to distinguish it.

During the empirical study, the aim was to find out how often preventive measures are carried out in the respondents' living environment.

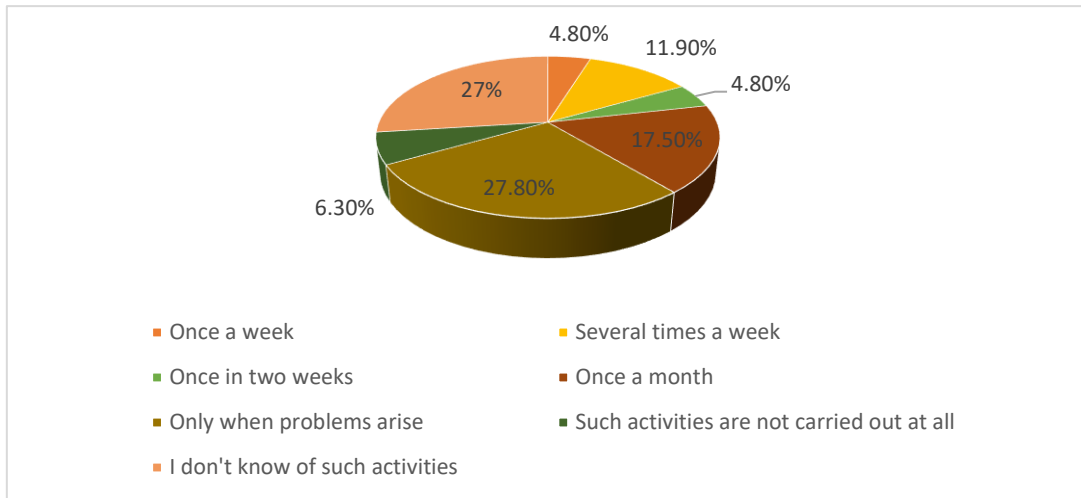


Diagram 2. Frequency of implementation of preventive measures

The largest share of respondents, 27.8 % indicated that preventive measures are implemented only when a specific problem arises. A similar share of respondents, 27 % do not even know such activities as prevention and its measures. It can be assumed that the respondents of this part do not have adequate access to information about the preventive measures being implemented, or the individuals have never encountered them. Part of the respondents 17.5 % indicates that such activities are carried out once a month.

The next question asked to the respondent is aimed at finding out what preventive measures they are aware of, which are carried out by law enforcement authorities. About (19.7 %) of the respondents stated that the best known preventive measure is raids. Also (10.2 %) of the respondents consider a safe neighborhood as a preventive measure. A significant number of respondents (15.8 %) include police patrols as preventive measures. Even about (15 %) of the respondents are aware of the educational preventive activities carried out by police officers.

Among the preventive measures known to the respondents, they primarily single out various police raids (19.7 %), police patrolling (18 %), education, meetings with residents, students, events (10 %), fewer respondents mention driver sobriety testing raids, speed control (5 %), safe neighborhood (4 %).

Despite these results, according to the respondents, solving community problems would be facilitated by more frequent communication between officers with the public (38.2 %), more frequent patrolling (24.4 %) or greater traffic control (17 %). A slightly smaller number of respondents singled out greater legal education (11.4 %), while greater enforcement of public order, increased attention to minors, effective development of a safe neighborhood, inspection of places specified by residents, and greater promotion of police support activities were indicated by just 3 % each.

During the conducted empirical research, almost half of the respondents (49.6 %) answered that they did not feel any impact. This answer could have been determined by the previously mentioned information that a significant number of respondents do not know what preventive measures are at all. Another part (50.4 %) of the respondents answered that the preventive activities carried out by the police have an impact on them personally.

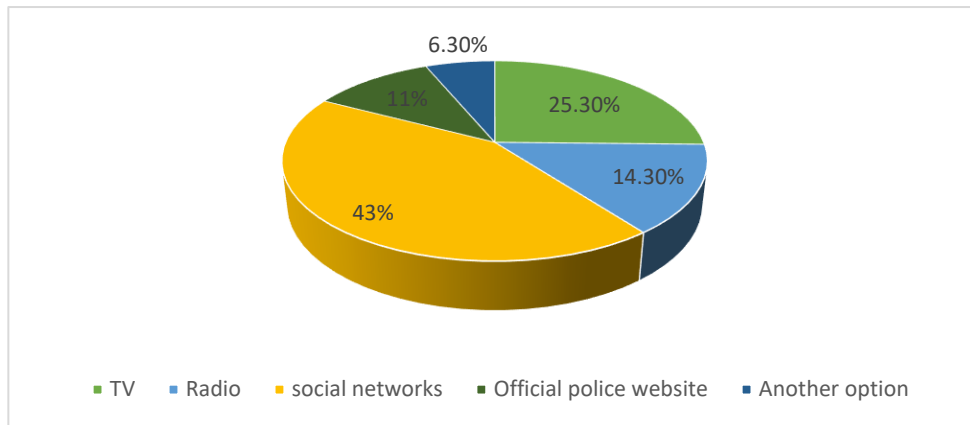


Diagram 3. Information dissemination sources

Almost half of the respondents (43 %) learn about preventive measures from social networks. Such a response could have been determined by the more active administration of police accounts in social networks. Also, a considerable number of respondents (14.3 %) indicated that they hear about preventive measures by listening to the radio, they hear about preventive measures. In this regard, it was also possible to choose another source of information through which information on preventive measures can be obtained. Neighbors' messages, newspapers, friends, email, the Waze app were also mentioned.

The last question for the respondents is intended to find out whether the respondents often encounter preventive measures carried out by police officers.

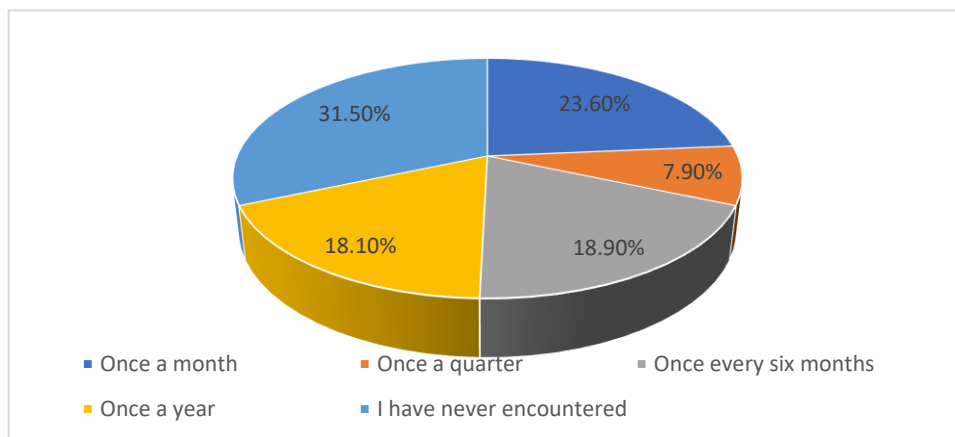


Diagram 4. Frequency of respondents' exposure to preventive measures

The largest share of respondents, 31.5 % have not encountered preventive measures. Part of the respondents, 23.6 % answered that he encounters preventive measures once a month. The other two groups of respondents answered similarly - about 18-19 % respondents indicated that one group encounters such preventive measures once a year, another group of interviewees encounters them once every six months.

In conclusion, it can be said that preventive measures can have an impact on creating a safer environment. Based on the answers given during the empirical study, it can be concluded that the majority of respondents feel safe where they live. However, it is quite confusing that preventive measures are not known or heard of by a considerable number of

respondents. So the question arises, perhaps the officials do not spread enough information about the preventive measures being implemented. Particular attention should be paid to social networks, as the younger generation uses them very widely.

Conclusions

The concept of preventive measures is very similar in all fields of science, but law enforcement institutions usually fight crime by implementing preventive measures. The purpose of prevention is very specific - to prevent unwanted events from happening and to prevent them from happening. Preventive measures are usually used to eliminate the causes of unwanted events.

Community officers carry out general prevention, which is defined in the calendar of general prevention activities that must be implemented by Lithuanian police community officers. Situational prevention is also carried out by community officials by planning preventive activities themselves and taking into account the criminogenic situation of a specific area and the safety of the environment. Community officials are officials who cooperate closely with the community and carry out joint activities in partnership.

During the empirical research, using the survey method, it was found that only half of the respondents personally feel the effect of about 50% of the preventive measures. Indicators of sense of security were discussed in this study. Most of the respondents who took part in the study feel safe in their living environment, trust the police, and often encounter preventive measures implemented by the police. Based on the data obtained during the research, it was established that the majority of respondents receive information about preventive measures through social networks.

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THE CRIMINALISATION PROBLEMS IN FINANCE AND BUSINESS ORDER IN LITHUANIAN LAW

Giedrius NEMEIKŠIS

Mykolas Romeris University

Maironio str. 27, LT 44211 Kaunas, Lithuania

Kazimieras Simonavičius University

Dariaus ir Girėno str. 21, LT 02189, Vilnius, Lithuania

E-mail: giedrius.nemeiksis@yahoo.com

ORCID ID: [0000-0003-3900-2559](https://orcid.org/0000-0003-3900-2559)

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Abstract. *The current wording of the 97th Lithuanian Criminal Law still has not solved significant problems related to a clearer definition of the limits of criminal liability in relation to administrative liability. The huge scale of business activities till the pandemic situation and especially present difficult situation regarding the long-term economic downturn because of the post-pandemic situation and military actions in Ukraine – all this naturally increase the risk of possible crime in finance and business order in order to survive this difficult situation. This grounds the topicality of this theme and necessity to re-examination of significant Lithuanian legal regulation. Therefore, the purpose of the research is to analyse the issues of the relationship between criminal and administrative responsibilities in the field of finance and business order and its application in Lithuanian case-law. So, the tasks of the research are based on three main area of this analysis, i.e. criminal and administrative responsibilities for illegal economic activity, fraudulent and negligent accounting, and for violating the procedure for submitting financial documents and data to institutions, according to legal regulation and case-law of the Court of Cassation. The article uses basic research methods such as document analysis, systematic analysis, comparative analysis, the deduction analysis and generalization methods. The analysis of this article substantiated the incompleteness of Lithuanian legal regulation on these questions, as the problems seen in the case-law of the Court of Cassation clearly require a substantial adjustment of the criteria for delimitation of criminal and administrative liabilities, i.e. legal regulation of criminal liability for unauthorised engagement in economic, commercial, financial or professional activities requires a serious consideration of the waiver of feature “the form of a business”, as well as the criminal liability for fraudulent and negligent management of accounts needs the establishment of a specific criterion defined in monetary terms, meanwhile the criminal liability for violation of the procedure for submission of financial documents and data to state institutions requires the increase of inadequately low the amounts of minimum standard of living.*

Keywords: *financial crimes, criminal liability, administrative liability, crimes against business*

Introduction

Administrative liability and criminal liability often compete with each other, however, the principle of *ultima ratio* in criminal liability obliges entities to apply this liability, which provides for the most restrictive measures on human rights, with the utmost responsibility. However, the current 97th edition of the Lithuanian criminal law has not substantially resolved all the significant problems related to a clearer definition of the limits of criminal liability in relation to administrative liability during the entire twenty years of its existence. By failing to formulate clear criteria for dealing with different responsibilities, the legislature has left everything to the prerogatives of the courts, which seek solutions to these problems by applying abstract rules of law, and the solutions they propose are often complex and overly confusing, especially for lower courts. However, such a mission entrusted to the courts is a clear distortion of the constitutional purpose of the courts, i.e. to apply the law rather than finish defining it, all the more so when it comes to applying the strictest legal liability. As a result, this study seeks to reassess some of the sensitive and hitherto unresolved issues of the delimitation of administrative and criminal liability in the areas of financial and business order. These areas

are significant in that the number of legal entities registered according to official data of the State Enterprise Centre of Registers (2022) has more than halved in twenty years and continues to grow steadily, and in 2020-2021, although the turnover of companies decreased due to the pandemic situation, it still amounted to 99.9 billion EUR (Business in Lithuania, 2021). Moreover, there is a difficult present situation regarding the long-term economic downturn because of the post-pandemic situation and military actions in Ukraine, which has affected negatively all economic indicators and especially considering the inflation, that reached 22 percent in Lithuania on October, 2022. Such huge scale of activity and difficult economic situation naturally increase the risk of crime in the areas of finance and business order in order to survive these difficult times. So, these grounds the topicality of criminalisation process in these areas and a necessity to re-examination of significant Lithuanian legal regulation in order to bring it into line. On this basis, and given the limited scope of this study, this paper aims to assess the problems identified in the case-law only in relation to three criminal offenses of illegal economic activity, fraudulent and negligent accounting, and violations of the procedure for submitting financial documents and data to public authorities. It is precisely because of these offenses that clear criteria for the delimitation of criminal and administrative liability and a coherent system of legal liability are most lacking today. Moreover, there is a lack of scientific research on this issue and only a several researchers have examined this topic in some specific aspects, such as G. Kuncevičius (2007), O. Fedosiuk (2013).

The object of the research – regulation of criminal and administrative liability for violations of the law in the field of finance and business order and its application in case-law.

The aim of the research – to analyse the peculiarities and problems of the regulation of criminal and administrative liability for violations of the law in the fields of finance and business order and its application in case-law.

The tasks of the research:

1) to analyse the issues of regulation of criminal and administrative liability for illegal pursuit of economic, commercial, financial or professional activities and its application in case-law;

2) to examine the issues of regulation of criminal and administrative liability for fraudulent and negligent accounting and its application in case-law;

3) to analyse the issues of regulation of criminal and administrative liability for violation of the procedure for submission of financial documents and data to state institutions and its application in case-law.

Methodology of the research: depending on the topic, goals and objectives of the scientific article, the following research methods are used: the document analysis method is used in detailing the analysed issues in legal regulation and case law; the systematic analysis and comparative analysis methods are used when comparing legal provisions and case law; the deduction analysis method made it possible to define specific problems arising in legal practice from the general requirements, while the generalization method helps to systematize the entire analysis and to provide structured conclusions.

Abbreviations in the research:

1. the Criminal Code – the Criminal Code of the Republic of Lithuania;
2. the Administrative Code – the Code of Administrative Offences of the Republic of Lithuania;
3. the Court of Cassation – the Supreme Court of Lithuania, Criminal division;
4. the MSL – the amounts of minimum standard of living.

The application of criminal liability and administrative liability for unauthorised engagement in economic, commercial, financial or professional activities

Lithuanian tax laws oblige subjects to register as taxpayers, to cooperate with the tax administration institutions and to fulfil the tax obligations, so in case of ignoring of these obligations the tax administrator loses control the taxpayers and this could damage the state's financial interests. As a result, the unauthorised (illegal) economic activities are criminalized, but they may differ in their danger nature considering their possible damages to state-regulated economic, commercial, financial order, so there are criminal and administrative liabilities for that.

The illegal engagement in economic activities is criminalized under Paragraph 1 of Article 202 of the Criminal Code while the administrative responsibility for that is established in Paragraphs 1 and 5 of Article 127 of the Administrative Code. After analysing of dispositions of these legal norms, it can be seen that the illegal acts are formulated similarly in both norms, i.e. the illegality of engagement in commercial, economic, financial or professional activities is related with such activities without a license or in any other illegal manner. Meanwhile, the distinction between criminal liability and administrative liability for these illegal activities is formulated in a less informative way, i.e., from a linguistic point of view Article 202 of the Criminal Code and Article 127 of the Administrative Code are distinguished by evaluative type and alternative features “the form of a business” and “on a large scale” provided in the Criminal Code. So, in order to have a better understanding of this distinction between different liabilities, the content of these both features need to be analysed in detail.

Because both entrepreneurial and large-scale criteria are not directly defined in criminal law, it is considered that the legislator, in view of the fact that criminal liability is perceived as an *ultima ratio* measure, has defined the criterion of “large scale” negatively, i.e. provided that this concept was to be followed by all cases where the turnover exceeded the ceiling laid down by administrative law. A systematic comparison of the provisions of the commented norms shows that this limit is linked to 500 MSL. The other criterion of “entrepreneurship” is not defined in the criminal law, thus, the legislature left the interpretation of this concept to the case-law. In case No. 2K-148/2015 the Court of Cassation defines the term “undertook an activity” established in Article 202 of the Criminal Code as the permanence of an activity and its permanent nature, especially as additional assessment criteria are indicated: the nature of the income from these activities (must be the main or ancillary source of livelihood) and may include other indications of how to carry out the preparatory work for organizing and carrying out illegal commercial or other activities, acquiring and possessing appropriate activities, managing these activities, etc. It should be noted that the case-law of the Court of Cassation does not contain an exhaustive list of circumstances, so as it was set in criminal case No. 2K-130-976/2018 the concept of entrepreneurship and must be reassessed each time in the case. This means that the same circumstances that shape entrepreneurship in one case will not necessarily be sufficient to justify it in another. Given that the characteristic of entrepreneurship is indefinite, the case-law takes the view that this characteristic must be applied very responsibly and only if the court has an internal conviction that this characteristic actually exists in a particular case. This is perfectly illustrated in criminal case No. 2K-515/2014, where the entrepreneurship of the illegal activity was based by the lower courts on the fact that the person had carried out preparatory actions and had established a system for issuing loans, which, at first sight, was in line with the Court of Cassation's previous interpretations in criminal case No. 2K-7-58/2013, that the carrying out of certain preparatory work for an illegal commercial

or other activity may constitute evidence of the entrepreneurial nature of such activity. However, in the present case, the Court of Cassation criticized the application of the entrepreneurial criterion, since criminal liability for illegal economic activity could only be imposed if the court was satisfied that the activity was genuinely dangerous, which the Court of Cassation did not consider in the present case. It should be noted that the subsequent case-law of the Court of Cassation has somewhat supplemented these interpretations, stating in criminal case No. 2K-262-697/2016 that the continuity and systematic nature of the activity alone are not sufficient, as these criteria are inherently inherent in an analogous administrative infringement and therefore do not play an identification role. Such a position has made it even more difficult to define the scope of the criminal liability in question, since certain relevant assessment criteria identified in the case-law become even more conditional, which must be assessed in the light of other circumstances which are not clearly defined.

Before analysing the individual characteristics of entrepreneurship and their interpretation, the significance of the determination of a large-scale characteristic in the application of the entrepreneurial characteristic should be assessed. It should be noted that in the case law of the Court of Cassation, e.g., criminal case No. 2K-303-507/2016 the scope of activities is quite clearly defined and is related to the developed infrastructure of illegal business, extensive relations with suppliers, active search for users, availability of employees, high organizational effort to conduct business, etc. It should be noted that in case-law (e.g. criminal cases No. 2K-240-696/2015, No. 2K-262-697/2016 etc.), the nature of the act itself may lead to a greater scale, i.e. activities with a complex infrastructure, scope, specific management, or activities involving complex and responsible economic operations requiring time and some professionalism. Meanwhile, the sign of entrepreneurship, as mentioned, is an alternative and independent qualifying sign, however, some of their links can also be seen in case-law, for example, when in criminal case no. 2K-515/2014, the Court of Cassation expressly stated its opposition to the case-law of artificially criminalizing small-scale illegal economic activities on the grounds of entrepreneurship. As a result, it seems at first sight that the application of the entrepreneurial criterion without the “large-scale” feature is not acceptable, however, its subsequent case-law, especially criminal case No. 2K-7-176-3-3/2015, shows a fairly clear position of the Court of Cassation that criminal liability is possible even in the absence of a large-scale feature, but in the presence of a clear entrepreneurial feature. In the light of these interpretations by the Court of Cassation and a comparison with the previous practice, it can be concluded that the application of criminal liability where the scale of the activity, which is not linked solely to the scale of the law, is not sufficient to conclude that the activity is more dangerous.

Returning to the features of the concept of entrepreneurship and the disclosure of its content, it should be noted that the first feature, the duration and permanent nature of the activity, is a necessary but not sufficient feature to justify entrepreneurship. The case-law does not distinguish between the long and short duration of an activity, which testifies to the permanent nature and intensity of the activity, for example, in one case No. 2K-303-507/2016, in the opinion of the Court of Cassation, the duration of one year is not relatively long. Meanwhile in another case No. 2K-347-696/2015 - recognized a period of less than 2 years as quite a long time. It is also noted that even a very long period of activity, when it is lacking in its stability and permanence, is not sufficient to justify entrepreneurship, for example, in one case No. 2K-27-689/2018 the Court of Cassation refused to apply criminal liability on the grounds that although the activity had been carried out for 8 years, it did not have sufficient intensity and stability. It should also be noted that the feature of basic or additional income is

equally important, which is quite logical, considering that the very idea of any activity is to receive income or other financial benefits. In view of this, the court must in all cases make sure that this feature is satisfied. Although examples can be found in the case law, in the procedural decisions of the Court of Cassation in criminal cases No. 2K-347-696/2015 and No. 2K-165-976/2018, when the income from illegal activities was the main and only source of personal income, however, in some cases the proceeds of crime are not the only source of income. So, the court basically assesses the percentage of the proceeds of crime, for example, in one of its case No. 2K-262-697/2016, the Court of Cassation ruled that the proceeds of crime should be classified as additional income, however, they accounted for about 58 percent of the revenue received each year, which accounted for a significant amount of revenue received. This naturally leads to even more uncertainty, where is a threshold at which such additional income will no longer constitute a “significant amount of the income received”. Furthermore, the conclusion that certain income constituted a person's main or additional regular income is not always reasoned by the courts, such as in case No. 2K-455-693/2016 the Court of Cassation criticized the lower courts for failing to assess what income a person could have received or received from a criminal offense, because in the absence of such data - the person's actions could not be criminalized. Thus, the case-law of the Court of Cassation, as mentioned above, takes the view that the first two characteristics (continuity and permanence of activity, nature of income, main or secondary source of livelihood) must be determined on a case-by-case basis, and the characteristics of the third category do not have an exhaustive list and are generally described in the case-law as indicating a higher risk of an act. Given that only those features, in principle, make it possible to distinguish between criminal and administrative liability, the case-law especially in criminal cases No. 2K-262-697/2016 or No. 2K-7-102-222/2018, takes the view that at least one such additional feature must be identified and, in the absence of such a feature, administrative rather than criminal liability should apply.

In summary, criminal and administrative liability for illegal economic activity is limited to the criteria of “large-scale” and “entrepreneurial”, which are not directly defined in the criminal law, and the interpretation of their content is left to the case-law. However, an analysis of the case-law reveals that the characteristic of entrepreneurship provided for in the Criminal Law is not informatively defined and is interpreted as a non-exhaustive list of circumstances, therefore, in order to establish that characteristic in an act on a case-by-case basis, it is necessary to establish the circumstances which indicate the seriousness of that act in comparison with the administrative offense. Unfortunately, the finding of this qualifying feature is essentially based only on the court's internal conviction that the activity is “more dangerous”. In this way, relatively wide limits are formed by the courts to subjectively interpret the content of the term “more dangerous” and allow for an unjustifiably extended application of criminal liability, especially considering that the case-law of the Court of Cassation constantly needs to correct procedural decisions of lower courts. Such circumstances should not be inherent in criminal law, which, as the strictest form of legal liability, must be characterized by objectivity. Therefore, in the light of that, the complex case law, there is a sufficient basis for considering the abandonment of the characteristic “entrepreneurship” character.

Application of criminal and administrative liability for fraudulent and negligent accounting

In the following, it is appropriate to take a broader look at the issue of the application of criminal and administrative liability in the financial field, in order to delimit this liability for

irregularities related to fraudulent and negligent accounting practices. Comparing the concepts of fraudulent and negligent accounting in Articles 222 and 223 of the Criminal Code with the provisions of Article 205 of the Administrative Code, it can be seen that these concepts do not acquire any distinctive features in comparison. Nor does the case law indicate that these acts could manifest themselves in any other way in the context of the Administrative Code, which would indicate their lower danger compared to the above-mentioned norms of the Criminal Code. The only delimitation of these acts is the legal consequences, i.e. all the alternative acts listed in Articles 222 and 223 of the Criminal Code are of a material nature, therefore criminal liability on the basis of these norms arises only if it has been established that the performed acts have had certain consequences – “The size and structure of a person's activities, assets, equity or liabilities cannot be determined in whole or in part”. It should be noted that the law formulates the latter consequences as alternatives, so it is sufficient to establish at least one of them in order for a person to be prosecuted, according to the Court of Cassation in criminal case No. 2K-7-176-3-3/2015. Meanwhile, Article 205 of the Administrative Code does not provide for the same consequences and here the consequences are only related to non-payment or evasion of taxes. The Court of Cassation also emphasizes the consequences as a criterion for delimitation in criminal and administrative competition matters, e.g. criminal cases No. 2K-144-788/2017 or No. 2K-11-648/2018 etc. Thus, given that the legislature defined fraudulent and negligent accounting practices in a similar way in both criminal and administrative offenses law, it is the criterion of consequences that must be regarded as a “cornerstone” in determining whether administrative or criminal liability is to be applied. The doctrine of law also states that in the law of administrative offenses, fraudulent and negligent accounting is formed exclusively as a way of tax evasion (concealment), whereas, in the meantime, Articles 222 and 223 of the Criminal Code provide for consequences of a broader content, which are not necessarily related to tax evasion (concealment) (Fedosiuk, 2013). In this respect, however, it is debatable whether these “wider consequences” do not, in principle, allow courts to criminalize less dangerous acts by distorting the application of the *ultima ratio* principle.

In the case-law of the Court of Cassation, i.e. in criminal case No. 2K-245-303/2017 the wording “The size and structure of a person's activities, assets, equity or liabilities cannot be determined in whole or in part” means not the abstract inability to identify such information, but the total or partial inability to do so on the basis of documents provided and held by the entity. Therefore, according to the Court of Cassation, in cases where this can only be done through cross-checks, pre-trial investigation, etc., the consequences mentioned in the criminal law are considered to have occurred. It should be noted that according to the above-mentioned wording of the norm, it is sufficient to conclude that at least Paragraph of the structure cannot be determined and no matter what indicator (assets, capital or liabilities) it is related to, which means that making at least one incorrect entry can in principle lead to criminal liability. In this context, there are examples of case law where the proportionality of criminal liability is in dispute, e. g. in criminal case No. 2K-159/2014 the Court of Cassation has considered the issue of criminalizing the one-off exclusion of income received from the accounts and concluded that, given the insufficient seriousness of such an act, the issue of administrative liability may be considered. The Court of Cassation also took a similar position in another case No. 2K-245-303/2017 where the issue of failure to submit one cash receipt order to the accounts was considered, although the expert's report directly stated the consequences of the criminal act. Meanwhile, in the case-law of lower courts, including the latter case, the norm provided for in Article 222 of the Criminal Code is formally observed and this offense is incriminated when the consequences provided for in this article are established. However, at present there is a clear

tendency developed by the Court of Cassation to tighten the interpretation of Articles 222 and 223 of the Criminal Code, e. g. in criminal case No. 2K-277-696/2017 the Court of Cassation has stated that in order to accuse the consequences provided for in these Articles, it is not sufficient to establish a single violation, however, “many” irregularities need to be identified, and the court explains this concept as a several or a dozen of accounting transactions. This may be due to the fact that this type of act is not committed through individual acts, which are episodes of such activity, but through a system of acts, according to the Court of Cassation position in criminal cases No. 2K-26-788/2017, No. 2K-245-303/2017. Although a stricter approach to these crimes is being developed as a continuing criminal offense, it makes it possible to apply criminal liability more responsibly, but at the same time this position makes it difficult to draw the line between the different types of liability. On the other hand, although the case-law developed by the courts restricts the ability of lower courts to interpret these legal consequences too broadly, such a situation is not acceptable when the boundaries of a criminal offense are substantially narrowed or widened by a court, especially when applying the strictest liability. Moreover, even the rules formed by the case-law can be interpreted very subjectively, because in one case the court may consider the same number of violations as sufficient to establish that the consequences established by the criminal law have occurred, in other cases, on the contrary, such violations cannot be classified as causing the consequences provided for in Articles 222 and 223 of the Criminal Code.

In addition, the case-law of the Court of Cassation states that the impossibility of determining the size and structure of an undertaking's activities, assets, equity or liabilities must be real. For example, in one case like in criminal case No. 2K-356-696/2017 the Court of Cassation ruled that the structure of assets and liabilities had been distorted because the falsification of a cash expense order had a negative effect on determining only the actual cash flow, but the transaction itself was recorded. In another case, like in criminal case No. 2K-26-788/2017 the Court of Cassation noted that all records of cancelled transactions remained in the cash register program, therefore, from the court's point of view, the main parameters of the company's activity, assets, equity or liabilities or the structure of the amount of unpaid taxes could also be calculated. It is these examples of case-law that unequivocally substantiate that the current definition of the consequences of Articles 222 and 223 of the Criminal Code is too abstract and creates preconditions for criminalizing less serious acts in comparison with an administrative offense.

Another related problem – the precise definition of the limits of criminal liability in question. It should be noted that Paragraphs 5 and 7 of Article 205 of the Administrative Code only provides for a lower limit of administrative liability under these parts - 50 MSL, which means, in principle that all acts, even in excess of that threshold, may fall within the scope of both administrative law and criminal law. The conclusion regarding the consequences of criminal law, as mentioned above, can be made only after the court has additionally assessed whether the actions of a person cause the consequences provided for in the criminal law. In this context, it is considered appropriate to amend the existing regulation focussing on the seriousness of the offenses and the resolution of criminal and administrative liability competition issues. Given that the consequences of Paragraph 7 of Article 205 of the Administrative Code are defined only by providing for a lower limit, it is appropriate to consider the question of setting an upper limit from which criminal liability could be imposed. The rates provided for in Paragraph 5 of Article 205 of the Administrative Code and Articles 222 and 223 of the Criminal Code should be adjusted accordingly, instead of abstract legal consequences enshrined in the criminal law, by introducing a new criterion of criminal liability, which would

be related to the amount of hidden taxes exceeding the upper limit set by the Administrative Code. Such a position can also be found in legal literature, noting that the criterion of criminality in question should not be linked to the criterion of establishing fairness in accounting, which lacks clarity and objectivity, and since these acts are criminal offenses in the financial system, the consequences of such acts should be linked to a reduction in the tax burden (Fedosiuk, 2013). Therefore, it is considered that a specific criterion defined in monetary terms would prevent an expanding interpretation of Articles 222 and 223 of the Criminal Code, and would resolve the issues of delimitation of criminal and administrative liability. Although such a solution would be quite effective, the question of the expression of a specific threshold definition, which would be related to the level of hidden taxes, remains open to discussion. In this case, it can only be pointed out that the legislature has also included specific monetary criteria in the definition of the limits of criminal liability in the case of other criminal offenses classified as criminal offenses in the financial system. The relevant provisions of Article 219 or Article 220 of the Criminal Code, which link the minimum level of criminal liability for non-payment of taxes and the submission of incorrect financial data to the avoidance of taxes in the amount exceeding 100 MSL, are relevant. Whereas, as already mentioned, it is expedient to define the boundaries of the acts defined in Articles 222 and 223 of the Criminal Code by using a specific criterion, which would be related to the amount of hidden taxes, and the position of the legislator expressed in Article 219 or Article 220 of the Criminal Code regarding the criminalization of tax law violations would be an important basis for consideration of the transfer of such a criterion and for criminal offenses related to improper accounting. However, it is not possible to elaborate precisely on the solution to this issue, as such a final decision can only be taken by the legislator, however, what is unequivocally clear is that the issue of the delimitation of criminal and administrative liability must be addressed in a more rational way, using specific criteria, so as not to unduly extend the scope of criminal liability.

Application of criminal and administrative liability for violation of the procedure for submission of financial documents and data to state institutions

It is further appropriate to focus the analysis on the provisions of the so-called tax fraud legislation, which also show the problems that arise in practice. First of all, it should be started from the fact that for a long time the criminal liability of Article 220 of the Criminal Code for submitting incorrect data on income, profit or property to state authorized institutions has been linked regardless of the amounts of taxes sought to be avoided, and subsequently, amendments to the criminal law introduced a criterion for the application of criminal liability for the purpose of avoiding (concealing) taxes in the amount of more than 10 MSL. Meanwhile, in Paragraph 1 of Article 221 of the Criminal Code, the threshold for the occurrence of criminal liability for failure to submit declarations, reports or other documents is established when the aim is to avoid (conceal) taxes in the amount of 500 MSL. Thus, despite the fact that the norms established in Articles 220 and 221 of the Criminal Code criminalize tax evasion, however, as can be seen from the previous regulation, the disproportion of these norms in determining the threshold for the occurrence of criminal liability was obvious, thus giving these relative norms a different danger. In the current criminal law, the amendments to Articles 220 and 221 of the Criminal Code have abolished these disproportions, i.e. the provisions of Articles 220 and 221 of the Criminal Code were last amended by the Law of Amending Articles 220 and 221 No. XIII-791 of the Criminal Code of the Republic of Lithuania adopted on November 21st, 2017, by which, the limits of criminal liability provided for in these two articles have been harmonized, linking

it to the clearly defined criterion of 100 MSL. Thus, criminal liability no longer depends on whether known data are entered in tax returns, certified statements or other documents in order to conceal taxes, and such data are provided to the authorities authorized by the State, or such data are not provided in order to conceal information about income, profits, assets or their use. In view of the current legal regulation, it can be stated that the amendments to the Criminal Law of 21 November 21st, 2017 were a rational step in establishing and enshrining a uniform criterion for the application of criminal liability, if the aim was to avoid taxes in the amount of more than 100 MSL. At the same time, it should be noted that the liability for the submission or failure to submit data on income, profits, assets or their use to the authorities authorized by the State is also provided for in Article 187 of the Administrative Code, which provisions, taking into account the amendments to Articles 220 and 221 of the Criminal Code on November 21st, 2017, were also adjusted and harmonized with the Criminal Law. Thus, a comparison of the dispositions of all these three articles of the law allows to conclude that the dividing line between criminal and administrative liability for similar acts is the amounts of taxes to be avoided (concealed). However, although the existing legal framework establishes and harmonises the criterion by linking it to a specific monetary amount, which has made it possible to clearly define the limits of tax fraud and has solved the significant problem of delimiting criminal and administrative liability, however, the criterion of 100 MSL, which limits these limits of liability, remains a matter of debate, the basis for which is dictated by the needs of the actual practice of applying this liability.

In particular, it is necessary to start with the fact that the specificity of tax evasion is characterized by the fact that it is usually a continuous criminal offense, and the amounts of hidden taxes are determined and calculated for the longer period during which no taxes were paid (Fedosiuk, 2013). It should be noted that the criteria for the application of criminal liability established in Articles 220 and 221 of the Criminal Code in order to avoid (conceal) taxes exceeding 100 MSL (5,000 EUR) can be established with sufficient ease in a short period of time, for example, with the current minimum wage per employee in the company, it is estimated that 2 years will be enough to prevent the company from paying more than 100 MSL per employee. Meanwhile, on November 21st, 2017, when the amendments to the criminal law currently in force were adopted, this term was 3 years. There are also other economic indicators, one of the most important being inflation, i.e. according to Lithuanian Department of Statistics (2022) the change in consumer prices in November 2022, as compared to January 2017, increased by as much as 18.5 percent. This means that almost a fifth of the increase in the general price level has naturally led to an increase in the financial performance of companies and, at the same time, in the scale of corporate tax fraud. In the recent case-law of the Court of Cassation alone, there is a clear trend in tax fraud cases that the monetary amounts involved in these offenses vary from several times to several dozen times: 1) in criminal case No. 2K-106-628/2021 persons deliberately did not declare 22,553.72 EUR and another 12,984.76 EUR VAT; 2) in criminal case No. 2K-49-1073/2021 organized the entry of known incorrect data in VAT declarations and submission of these declarations to the State Tax Inspectorate, as a result of which 988,943 LTL (286,417.69 EUR) of damage was caused to the state budget of the Republic of Lithuania; 3) in criminal case No. 2K-70-719/2021, in order to avoid value added tax payable by the company in the amount of 189,149.52 EUR, the person entered known incorrect data in the company's value added tax return and submitted it to the State Tax Inspectorate; 4) in criminal case No. 2K-272-511/2020 person did not intentionally declare and did not pay a total of 264,711.73 EUR in taxes etc. All these examples in the cases of the Court of Cassation show a clear tendency that in cases related to the application of Articles 220 and

221 of the Criminal Code, the amounts of hidden taxes payable sometimes even exceed 50 times the minimum threshold from which criminal liability arises, which is natural given the changing economic indicators mentioned above. Therefore, it is reasonably doubtful that the criterion for the application of criminal liability established in Articles 200 and 221 of the Criminal Code, which is related to the amount of 100 MSL, correlates with the real situation in criminal cases and the country's economic situation that has changed significantly over five years. Together with the evaluation of the tendencies and frequency of increasing the size of MSL, which was last increased by the Government of the Republic of Lithuania on August 30th, 2017 by Resolution No. 707 by only 12.34 EUR, it is clear that the problems in question will not be resolved in principle. Unfortunately, such an inadequately low criterion in itself presupposes wider possibilities for prosecuting individuals, and criminalizing less and less serious offenses. This situation is inappropriate when it comes to the most severe criminal liability, therefore, in order to ensure a significant balance between administrative and criminal liability for similar acts, which was achieved five years ago with the introduction of clear criteria for the application of Articles 200 and 221 of the Criminal Code, and in order to update the scope of criminal liability, the qualifying feature is that these criminal offenses seek to avoid (conceal) the amount of taxes, expressed in terms of MSL, should be unambiguously increased.

Conclusions

The analysis of relationship between criminal liability and administrative liability for unauthorised engagement in economic, commercial, financial or professional activities has shown that “the form of a business” and “on a large scale” as alternative features set in the Criminal Code for delimiting these both responsibilities are not clearly defined in case-law that provides only the non-exhaustive list of circumstances related with that. However, analysed case-law of the Court of Cassation raises a number of difficulties related with the identification and incrimination of feature “the form of a business” and even its assessment ways identified in case-law are still conditional, leaving its assessment to the court's internal conviction, that lead to an unjustified extension of criminal liability and the artificial criminalization. Considering this and the fact that the Court of Cassation constantly has to explain to lower courts in this regard, there is a sufficient basis for consideration of the waiver of feature “the form of a business”.

The systematic analysis of case-law on criminal liability and administrative liability for fraudulent and negligent management of accounts has revealed that the necessary legal consequences of an evaluative nature in the Criminal Code are extremely abstract and uninformative. Although in analysed case-law the Court of Cassation seeks to restrict the ability to interpret these legal consequences too broadly, but such situation is unacceptable when the limits of criminal liability are adjusted or even changed by the courts because of laconic and unclear statutory regulation. So, such uncertainty of statutory regulation must be resolved in more rational way by considering the establishment of a specific criterion defined in monetary terms in the Criminal Code and combining it with other provisions of this law.

Analysing the issue of the relationship between criminal and administrative liability for violation of the procedure for submission of financial documents and data to state institutions, it was established that in this case, the criterion established in the criminal law - the amount of taxes sought to be concealed (avoided), which is linked to a specific monetary expression, provides a basis for a clearer definition of the above-mentioned limits of legal liability, however, it is clear that the criterion of the current size, which is linked to the size of 100 MSL,

no longer correlates with the actual situation in criminal proceedings and with the substantial change in the country's economic situation over the last five years, especially in view of the continuity inherent in these crimes. As such an inadequately low criterion presupposes the application of criminal liability to less and less serious offenses, the value of this criterion should be unambiguously increased in order to ensure a significant balance between administrative and criminal liability and to update the scope of criminal liability.

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ŽMOGAUS ORUMAS KAIP ŽMOGAUS TEISIŲ PAGRINDAS

Giedrė PAURIENĖ

Mykolas Romeris University
Maironio str. 27, LT 44211 Kaunas, Lithuania
E-mail: pauriene@mrui.eu
ORCID ID: [0000-0003-2902-2855](https://orcid.org/0000-0003-2902-2855)

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Anotacija. Straipsnyje teoriniu aspektu analizuojama, kaip suvokiama žmogaus orumo samprata jos santykyje su žmogaus garbe? Ar siejasi žmogaus poreikis į orumą su jo savigarbos apsauga? Tema apie žmogaus orumą, jo garbę, savigarbą iš etinės pusės kalbama nepakankamai, todėl temos naujumas grindžiamas poreikiu išsamiau aptarti žmogaus orumo kaip žmogaus teisių pagrindo etinį aspektą. Tyrimo objektas: žmogaus orumo kaip žmogaus teisių pagrindo etinis aspektas. Tyrimo tikslas: atskleisti žmogaus orumo kaip žmogaus teisių pagrindo etinį aspektą. Tyrimo uždaviniai: 1. Aptarti žmogaus orumo sampratą, parodant jos ryšį su garbės etine kategorija; 2. Įvertinti žmogaus poreikį į orumą kaip savigarbos apsaugą. Tyrimo metodai: mokslinės literatūros analizės metodas, teisės aktų analizės metodas, lyginamosios analizės metodas, apibendrinimas.

Moralės ištakos stebimos žmonių socialiniame gyvenime. Žmogus yra kartu ir individuali (atskira, nepakartojama), ir visuomeninė būtybė (socialinio junginio narys). Toks žmogaus padėties dvilypumas sąlygoja moralės reikalingumą. Moralė bando suderinti asmeninius ir visuomeninius interesus. Tiek orumas, tiek garbė kyla iš to, kad žmonės yra socialinės būtybės, kurios gali gyventi tik žmonių bendruomenėje. Žmogaus noras būti pripažintam kitų veikia jį motyvuojančiai. Žmogaus pripažinimo poreikis įgyja dvi skirtingas formas: siekis savo vertės patvirtinimo ir siekis savo būties patvirtinimo. Tuomet, kai kalbama apie savivertę, atsiranda ir garbės etinė kategorija. O kalbant apie žmogaus būties pripažinimą, turima galvoje jo orumas kaip politinis ir teisinis pripažinimas. Pagarba žmogaus prigimtiniam orumui yra būtina sąlyga, kad žmogus gerbtų save ir galėtų šią savigarbą rodyti išoriniam pasauliui. Savigarba, kuri suprantama kaip orumas, galima pažeisti, ar net sunaikinti. Žmogaus orumas lemia žmogaus teises į sveikatą, laisvę, asmens neliečiamybę, apsaugą. Žmogaus orumas yra universali teisė, kurią turi kiekvienas žmogus nepriklausomai nuo religijos, lyties, rasės, pilietybės, išsilavinimo, todėl žmogaus orumas nėra individuali žmogaus savybė.

Pagrindinės sąvokos: žmogaus orumas, savigarba, garbė, žmogaus teisės, etika.

Įvadas

Žmogaus orumas yra visų atskirų žmogaus teisių pagrindas, šiandien tai yra įtvirtinta ne tik Lietuvos Respublikos Konstitucijoje, bet ir kituose nacionaliniuose bei tarptautiniuose dokumentuose. Jungtinių tautų chartija (1945), Visuotinė žmogaus teisių deklaracija (1948), Europos žmogaus teisių konvencija (1950) ir kitos tarptautinės sutartys remiasi žmogaus orumu, kad pagrįstų atitinkamus žmogaus teisių paaiškinimus (Tiedemann, 2010).

Tačiau daugiau nei pusanthro šimtmečio laikotarpyje, t. y. nuo 1776 m. Virdžinijos teisių deklaracijos akto paskelbimo, žmogaus teisių deklaracijose ir kodifikacijose nebuvo minima orumo idėja. Tik po Antrojo pasaulinio karo, patyrus sistemingą nacionalsocialistinės diktatūros vykdomą milijonų žmonių teisių atėmimą, pažeminimą ir žudymą, buvo suvokta, kad būtina užtikrinti pagarbą žmogaus pagrindinėms teisėms stipriu viršnacionaliniu mastu (Habermas, 2011, p.14).

Taigi orumo akcentavimas konstitucijose ir tarptautinėse teisinėse sutartyse grindžiamas sistemingo jo pažeidimo patirtimi. Sakinys – žmogaus orumas neliečiamas – reiškia reakciją į patirtį, kad šis orumas iš tikrųjų yra gana pažeidžiamas ir pažeidžiamas milijonus kartų. Visuotinė Žmogaus teisių deklaracija 1948 m. gruodžio 10d. nurodo, „kad niekas neturi patirti savavališko kėsینimosi į asmens garbę ir reputaciją ir kad kiekvienas asmuo turi teisę į įstatymo apsaugą nuo kėsینimosi į jo garbę ir orumą“. Konstitucijos straipsnis apie žmogaus orumo

neliečiamumą yra moralinis sakiny – jame ne aprašomas faktas, o nustatoma norma. Lietuvos Respublikos Konstitucijoje žmogaus orumas tiesiogiai paminimas trijuose straipsniuose:

„21 straipsnis. *Žmogaus asmuo neliečiamas. Žmogaus orumą gina įstatymas. Draudžiama žmogų kankinti, žaloti, žeminti jo orumą, žiauriai su juo elgtis, taip pat nustatyti tokias bausmes.*

22 straipsnis. *Įstatymas ir teismas saugo, kad niekas nepatirtų savavališko ar neteisėto kišimosi į jo asmeninį ir šeimyninį gyvenimą, kėsینimosi į jo garbę ir orumą.*

25 straipsnis. *Laisvė reikšti įsitikinimus, gauti ir skleisti informaciją negali būti ribojama kitaip, kaip tik įstatymu, jei tai būtina apsaugoti žmogaus sveikatai, garbei ir orumui, privačiam gyvenimui, dorovei ar ginti konstitucinei santvarkai.“*

Asmens garbės ir orumo gynimas yra specifinė fizinių asmenų teisė, ginama civilinės teisės ir viešosios teisės normų. Tai fizinio asmens neturtinė vertybė kuri yra neliečiama, pagal Europos Sąjungos pagrindinių teisių chartijos 1 straipsnį, kuriame nurodoma, kad „*žmogaus orumas yra neliečiamas, jį reikia gerbti ir saugoti*“. Kaip ir tarptautinėse teisės konvencijose, taip ir Lietuvos Respublikos Konstitucijoje reikalaujama pagarba žmogaus orumui, tačiau nepateikiama pati samprata. Theodoro Heusso nuomone, žmogaus orumo sampratos formavimą, galima suprasti tiek teologiškai, tiek filosofškai, tiek ir etiškai (Will, 2004). Jovaišas (2004) rašė apie žmogaus garbės ir orumo interpretacijos ir gynimo galimybes, Meškauskaitė (2004) tyrinėjo žmogaus orumo kategoriją žiniasklaidos teisėje, Vaišvila (2005) analizavo žmogaus orumo kategoriją ir teisę į orumą teisinio personalizmo požiūriu, Venckienė (2009) tyrinėjo žmogaus orumo terminologijos probleminius aspektus, Kaminskaitė ir Paurienė (2021) gilinasi į policijos pareigūno garbės ir orumo įžeidimo etinius aspektus.

Šio straipsnio tyrimo problema konkretizuojama šiais klausimais: Kaip suvokiama žmogaus orumo samprata jos santykyje su žmogaus garbe? Ar siejasi žmogaus poreikis į orumą su jo savigarbos apsauga?

Tema apie žmogaus orumą, jo garbę, savigarbą iš etinės pusės kalbama nepakankamai, todėl temos naujumas grindžiamas poreikiu išsamiau aptarti žmogaus orumo kaip žmogaus teisių pagrindo etinį aspektą.

Tyrimo objektas: žmogaus orumo kaip žmogaus teisių pagrindo etinis aspektas.

Tyrimo tikslas: atskleisti žmogaus orumo kaip žmogaus teisių pagrindo etinį aspektą.

Tyrimo uždaviniai:

1. Aptarti žmogaus orumo sampratą, parodant jos ryšį su garbės etine kategorija.
2. Įvertinti žmogaus poreikį į orumą kaip savigarbos apsaugą.

Tyrimo metodai: mokslinės literatūros analizės metodas, teisės aktų analizės metodas, lyginamosios analizės metodas, apibendrinimas.

Minėtų teorinių metodų naudojimas moksliniame darbe suteikia galimybę kurti naujas idėjas kaip mąstymo rezultata. Mokslinės literatūros analizės ir apibendrinimo metodas pritaikyti analizuojant mokslininkų nuomones apie žmogaus orumo sampratą, parodant jos ryšį su garbės etine kategorija, įvertinant žmogaus poreikį į orumą kaip savigarbos apsaugą. Lyginamosios analizės metodas suteikė galimybę lyginti informaciją, gautą iš skirtingų autorių. Lyginant objektas buvo suskaidomas į dalis, išskiriami ypatumai (žr. 1 lentelę ir 2 lentelę). Teisės aktų analizės metodas naudotas studijuojant LR Konstitucijos straipsnius apie žmogaus orumo neliečiamumą.

Skirtingos orumo sampratos

Pirmiausia reikia atsižvelgti į žodžio „orumas“ ir iš jo kilusių predikatų (vertas, nevertas, orus, neorus, pažemintas ir kt.) vartojimą (Tiedemann, 2010). Šiandieninėje kalboje žodis „orumas“ vartojamas įvairiomis reikšmėmis.

Peter Schaber (2012) pristato svarbų skirtumą tarp prigimtinio ir sąlyginio orumo sampratų. Prigimtinio orumo samprata kilusi iš Visuotinės žmogaus teisių deklaracijos (1948), kurios preambulėje kalbama apie visų žmonių šeimos narių prigimtinių orumą. Tarptautinis pilietinių ir politinių teisių paktas (1992) skelbia, kad „*kiekvienas žmonių bendruomenės narys turi prigimtinių orumą, o žmogaus orumas yra svarbiausias teisių šaltinis, nes žmogaus teisės kyla iš žmogaus asmenybei būdingo orumo*“. Konstitucinis Teismas (1998) pažymi, kad „*iš prigimtinių teisių tarptautinė bendruomenė išskiria žmogaus gyvybę ir orumą. Žmogaus gyvybė ir jo orumas sudaro asmenybės vientisumą, reiškia žmogaus esmę. Gyvybė ir orumas yra neatimamos žmogaus savybės, todėl negali būti traktuojamos atskirai*“. Taigi žmogaus gyvybė ir orumas išreiškia žmogaus vientisumą ir jo nepaprastą esmę, vertinami kaip ypatingosios vertybės.

Atsižvelgiant į konstitucinį pagarbos žmogaus orumui ir jo apsaugos principą, turimas omenyje prigimtinis orumo supratimas. Lietuvos Respublikos Konstitucija teigia, kad žmogaus orumą gina įstatymas, kad draudžiama žeminti žmogaus orumą ar kėsintis į jį, kad būtina apsaugoti žmogaus orumą, kitaip sakant, žmogaus orumas niekada negali būti prarastas.

Prigimtinis orumas reiškia idėją, kad visi žmonės turi teisę, kad jų orumas būtų gerbiamas vien todėl, kad jie yra žmonės. Pagal Venckienę (2009, p. 46), „*žmogaus orumo apsauga, tai siekis apginti žmogaus būtį, kuri smarkiai pranoksta individualų gyvenimą. Teisės į asmens orumą yra galimybė visuomenėje realizuoti prigimtines savybes, tokiu būdu susikuriant socialinį vertingumą*“. Priešingai, sąlyginis orumo supratimas reiškia ypatingą reikalavimą į pagarbą, kuris yra susijęs su iškilomis, ypač garbingomis pareigomis (pvz., prezidento, vyskupo orumas ir kt.), arba su asmeniniais pasiekimais (nuopelnų orumo samprata).

Įgimto orumo supratimas būtinai turi universalumo ir lygybės požymių, t. y. vienodai taikoma visiems žmonėms. Priešingai, sąlyginio orumo samprata tarnauja socialinei gradacijai ir hierarchizavimui. Reikalavimas į orumą suprantamas kaip socialinė garbė, kuri suteikiama ypač nusipelnusiems žmonėms. Tai gali būti pvz. ypatingas sportinis ar meninis pasiekimas, pavyzdinė charakterio stiprybė arba sėkmingas asmenybės ugdymasis (Luhmann, 1999), pavyzdžiui, kalbant apie žmogų, kuris oriai išstveria likimo smūgius, sunkią ligą ir su ja susijusį skausmą. Tai taip pat apima gebėjimą neleisti jausmams (ypač baimei) valdyti asmenį, o asmens gebėjimą valdyti save. Orumo samprata sietina su tam tikra fizinės laikysenos idėja, t. y. laikytis sudėtingose situacijose aukštai iškėlus galvą ir drąsiai žvelgiant, judėti pirmyn mažais žingsniais be panikos. Taigi sąlyginis orumas apibūdina pagarbos poziciją, kurią žmogus turi užsitarnauti savo elgesiu. Paprastai jis dažnai derinamas su terminu garbė.

Pagal Vaišvilą (2005, p.53), orumas yra suprantamas kaip žmogaus vertingumas, kuris kyla iš žmogaus gebėjimų tinkamai prisitaikyti ir gyventi visuomenėje. Autorius išskyrė du žmogaus vertingumo lygius: „*pirmasis lygis – vertingumas, kuris kyla iš formalaus asmens pripažinimo teisės subjektu, vertingumas visiems vienodas, nes įgyjamas iš pačios visuomenės be asmens pastangų (asmeninių pareigų vykdymo). Antrasis lygis – individualus žmogaus socialinis vertingumas, kurį asmuo gali susikurti tik pareigų vykdymu, reikalaujančių visuomenės grįžtamųjų pastangų. Atsižvelgiant į lygius, teisė į orumą skirstoma į du egzistavimo būdus, tai teismo ir subjektinės teisės*.“ Šias mintis atliepia ir toliau pateikiami filosofo Tzvetan Todorov (1998) teiginiai.

Tiek orumas, tiek garbė kyla iš to, kad žmonės yra socialinės būtybės, kurios gali gyventi tik žmonių bendruomenėje. Noras būti pripažintam kitų yra pagrindinis žmogaus veiklos motyvas. Filosofas Tzvetan Todorov (1998) teigia, kad žmogaus pripažinimo poreikis įgyja dvi skirtingas formas. Viena vertus, žmogus siekia savo vertės patvirtinimo, kurį jis gali gauti tik per kitų žmonių žvilgsnį. Tai socialinės garbės troškimas, kuris skatina konkurenciją ir kovą dėl garbingiausių pozicijų. Antra vertus, pastebi Todorov, kad kova dėl garbės nėra svarbiausia kovos dėl žmogaus pripažinimo forma. Veikiau tai yra noras būti pastebėtam ir matomam, kas jau atsiskleidžia ankstyvoje vaikystėje, kuomet dar žindomi kūdikiai stengiasi atkreipti motinos žvilgsnį į save. Siekiant ugdyti save, tobulėti kaip asmenybei, žmonėms reikia kitų žmonių žvilgsnio tarsi „veidrodžio“, t. y. kitų asmenų patvirtinimo apie jų egzistenciją. Todėl gerbti save kaip asmenį reiškia gerbti kitus (Todorov 1998). Todėl Todorov skiria tarp orumo kaip mūsų būties (buvimo) pripažinimo ir garbės kaip mūsų vertės patvirtinimo (žr. 1 lentelė).

1 lentelė. Orumas ir garbė (pgl. Todorov, 1998)

Žmogaus pripažinimo lygmenys	Mūsų būties pripažinimas: būti laikomu, „matomu“ žmogumi	Mūsų vertės patvirtinimas: įvertinti įgūdžiai ir pasiekimai
Visuomeninė reikšmė	Žmogaus orumas kaip politinis ir teisinis pripažinimas	Garbė, prestižas kaip nuveiktų darbų, pasiekimų kokybė
Noro būti pripažintam trikdžiai	Nuvertinimas dėmesio nekreipimas, pašaipos, paniekiamas elgesys	Atmetimas nuolatinė kritika, netgi kova

Meškauskaitės (2004, p.258) nuomone, „*orumas suprantamas, kaip savęs vertinimas, kurį lemia visuomenės asmens vertinimas. Orumas nėra tik subjektyvus savęs vertinimas, šio vertinimo pagrindinis kriterijus turi būti viešoji nuomonė apie asmenį. Įstatymas gina asmens garbę ir orumą kaip asmens moralinį vertinimą, bet toks gynimas asmeniui garantuoja tik tokį vertinimą, kokį asmuo savo veiksmais ir poelgiais pats užsitarnavo, o ne tokį kokį asmuo įsivaizduoja.*“ Minėtas mintis galima būtų apibendrinti rašytojo Seethaler (2022, p. 114) žodžiais apie žmogaus orumą: „*Be orumo žmogus yra niekas. Kol įmano, jis turėtų pasirūpinti tuo pats. Tačiau kai artėja prie pabaigos, orumą jam gali dovanoti tik kiti. Jis yra kitų žvilgsnyje.*“ Taigi orumo patvirtinimas ieškomas kitų žmonių žvilgsniuose kaip veidrodžiuose.

Reikalavimas į orumą kaip savigarbos apsauga

Panašiai, kaip ir minėtas filosofas Todorov, Avishai Margalit daro skirtį tarp orumo ir socialinę pagarbą (Margalit, 2012). Tai atitinka skirtumą tarp savigarbos, kurią žmogus turi tik dėl savo žmogiškumo, ir savivertės, kuri grindžiama žmogaus gebėjimais ir pasiekimais. Jovaišo (2004, p.73) nuomone, „*asmens orumas, tai paties žmogaus sugebėjimų, dvasinių ir dorovinių savybių, socialinio statuso, savo asmenybės įvertinimas.*“, kitaip tariant šiuo atveju orumas prilyginamas žmogaus savivertei. Remdamasis tuo, Margalit išskiria padorią visuomenę ir teisingą visuomenę. Visuomenė yra padori, kai jos institucijos nežemina joms pavaldžių žmonių. Margalit apibrėžia pažeminimą kaip „*visas elgesio ir elgesio formas, kurios suteikia asmeniui racionalų pagrindą jaustis, kad buvo pažeista jo savigarba.*“ (Margalit, 2012, p. 23). Margalit žeminimą skiria nuo jausmų įžeidimo, kurį apibrėžia kaip atsisakymą pripažinti veiklos rezultatus (žr. 2 lentelė). Jei kas nors negauna tinkamo atlygio už savo veiklą - profesinės pareigybės, atitinkamo atlyginimo ar paaukštinimo, tai yra teisingumo principų pažeidimas, taigi tai jausmų įžeidimas, bet ne orumo pažeidimas.

2 lentelė. Orumas ir socialinė pagarba (pgl. Margalit 2012)

Visuomenės tipas	Institucinio pripažinimo lygmuo	Pozityvus santykis	Negatyvus atribojimas
Teisinga visuomenė	Pagarba, garbė	Savivertės jausmas	Nėra jausmų įžeidimo iš institucijų pusės
Padori visuomenė	Orumo gerbimas	Savigarba	Nėra pažeminimo iš institucijų pusės

Kokios aplinkybės ar elgesys priveda prie žmogaus pažeminimo? Margalit apibrėžia pažeminimą iš institucijos pusės kaip laisvės ir savikontrolės praradimą, kai žmonėms taikomas valstybės režimas, kuris iš esmės kvestionuoja jų apsisprendimą. Tačiau jis mano, kad esminis kriterijus įtrauktas į žmogaus pažeminimo apibrėžtį laikytinas „atskyrimas“. Pagal šią apibrėžtį orumo pažeidimą sudaro „*individuo ar grupės išstūmimas iš žmonių bendruomenės*“ (Margalit, 2012, p. 131). Margalit turi omenyje kolonialistines, rasistines ir karines struktūras bei jų elgesį: kolonializmo kontekste dominuojančios tautos nariai ignoruojami kaip individai; žmogus žiūri pro juos, jų nepastebi, jie neskaitomi žmonėmis. Rasistinės nuostatos stigmatizuoja kitų etninių grupių narius kaip žemesnius, kaip ne žmones. Karinė propaganda demonizuoja priešą ir jį dehumanizuoja. Dėl atitinkamų grupių mentalinio išstūmimo iš „žmonių šeimos“ tampa įmanomas ir nežmoniškas elgesys. Tačiau kito pažeminimas nežmoniškai su juo elgiantis suponuoja būtent pažemintojo žmogiškumą (Margalit, 2012, p. 137). Gyvūnų negalima žeminti, su jais galima tik žiauriai elgtis. Pažeminimas yra psichinis žiaurumas, nukreiptas į auką, kuri gali save gerbti - tik dėl to ji gali būti žeminama. Taip Margalit teigia, kad net ir žeminantis asmuo negali nesuvokti savo aukos kaip žmogaus. Kas žvelgia į žmogaus veidą, mato žmogų, o ne gyvūną ar mašiną. Margalit (2012, p. 140) pavyzdžiu paima Heinrich Himmler slaptąją „Poznanės kalbą“, kuri buvo pasakyta 1943 m. Lenkijos Poseno miesto rotušėje (Poznanė), tada buvusioje Vokietijos Reicho dalyje. Himmler kalboje teigia, kad masinėse žydų žudynėse susiduriama su stipria psichologinio pasipriešinimo našta, kurią gali „išverti“ tik nedaugelis. Teiginys „(...) kad žmonės gali laikyti kitus, elgtis su kitais tarsi jie būtų daiktai, mašinos ar gyvūnai, bet (...) iš tikrųjų pastarieji juk nėra nei daiktai, nei mašinos, nei gyvūnai, o tai liudija apie jo karių našta, kurią sunku išgyventi“ (cit. pgl Margalit, 2012, p. 116).

Žemindamas smurtautojas siunčia aukai signalą, kad ji toli gražu nevaldo situacijos. Taip žeminantis asmuo parodo savo absoliučią galią. Tačiau Margalit (2012) pabrėžia, kad sprendimas, ar konkretus institucinis veiksmas yra orumo pažeidimas, negali priklausyti nuo kaltininkų motyvacijos, bet turi būti nustatomas tik pagal nusikaltimo požymius. Orumo atėmimas, sistemingas asmenų ar grupių dehumanizavimas, kas įgalina atskirus žmogaus pažeminimo veiksmus, sukuria pagrindą fizinei prievartai ir galiausiai taip pat teisės į gyvybę paneigimą ir fizinį sunaikinimą. Mintys apie žmogaus orumą holokausto ir pasikartojančių genocido atvejų fone, anot Margalit (2012), visų pirma turi funkciją ginti žmonių teisę į gyvybę.

Kapust (2009, p. 297) pažymi, kad „*kai žmogus negali išreikšti ar pateikti savo orumą atitinkančio įvaizdžio, jis susiduria su didesniais kėsšinimais į jo orumą pažeidimų pavojais.*“ Pasak Margalit (2012), tai, kad padori visuomenė neturi pažeisti savo narių savigarbos, taip pat reiškia, kad ji turi ne tik pagarbiai elgtis su žmonėmis kaip su individais, bet ir gerbti jų priklausymą tapatybę formuojančioms grupėms.

Margalit (2012) išskiria tapatybę kuriančioms grupėms būdingus bruožai: 1. jas sieja bendra kultūra; 2. jos socializuoja savo narius į šią kultūrą; 3. priklausomybė atsiranda dėl abipusio pripažinimo ir yra 4. svarbi narių savęs suvokimui; 5. priklausomybė neturi nieko bendra su veiklos rezultatais ir 6. išreiškiama simboliais, apeigomis ir ritualais. Tapatybę

kurianti grupė šia prasme gali būti, pvz., religinė bendruomenė, etninė grupė arba homoseksualų bendruomenė mieste. Visuomenė, nuvertinanti tokią tapatybę formuojančią grupę, gėdijasi žmonių, dėl jų priklausomybės šiai grupei. „*Kai visuomenės institucijos priverčia žmones gėdytis jų tapatybę formuojančios priklausomybės (...), tai nėra laikytina padoria visuomene*“ (Margalit 2012, p. 163). Grupės nariai nukentia dėl esminio savo žmogiškojo identiteto bruožo ir tokiu būdu pažeidžiama jų savigarba.

Ekstremalus skurdas taip pat kenkia savigarbai. Padori visuomenė, pasak Margalit (2012, p. 38) turi sukurti politines institucijas, kurios užtikrintų, kad galingos rinkos ekonomikos institucijos nežemintų žmonių. Kitas pažeminimas - politinė diskriminacija, kuomet tam tikroms žmonių grupėms atimamos teisės dalyvauti politikoje, pavyzdžiui, motyvuojant tuo, kad moterys, darbininkai, juodaodžiai ar arabai dėl savo mąstymo gebėjimų ar moralinės brandos negali dalyvauti politikoje. Tokiais atvejais Margalit išvelgia pažeminimą dėl to, kad su suaugusiaisiais elgiamasi kaip su vaikais, kuriais reikia rūpintis. Pagarba reikalauja, kad nebūtų „antrarūšių piliečių“ (Margalit, 2012, p. 188).

Iš esmės tai yra klausimas, kaip nepažeisti žmonių savigarbos. Tie, su kuriais elgiamasi žeminančiai, reaguoja su gėdos jausmu, nes jų, kaip žmonių, vertė yra sumenkinama. Tačiau auka neturi jokios racionalios priežasties jausti gėdą. Kodėl jis turėtų priimti kankintojo, neigiančio jo, kaip žmogaus, vertę, požiūrį? Savigarbos požiūriu tikimasi, kad „*auka turėtų bent jau jausti pasibjaurėjimą ir pasipiktinimą žmonėmis, kurie pamina jos teises*“ (Margalit, 2012, p. 54). Tačiau patirtis rodo, kad sistemingas teisių atėmimas ir spauda gali sunaikinti savigarbą ir savo teisių suvokimą, todėl auka susitapatina su smurtautojo požiūriu. Tada jie gali manyti, kad „užsitarnavo“ šio žeminančio elgesio dėl savo menkavertiškumo arba netinkamo elgesio. Šis reiškinys labai dažnas tarp seksualinio smurto aukų. Margalit pabrėžia spaudos pasekmes: „*Žmonės, turintys žemą socialinį statusą („vergai“), negali išsilaisvinti iš pažeminimo, išskeldami šeiminingą už savo vidinio pasaulio ribų - jie internalizavo šeiminingą*“ (Margalit, 2012, p. 43). Šis engėjo internalizavimas lemia nuolankų ir paklusnų elgesį, kuris tarsi sutrypia žmogaus tapumą savimi ir taip pat pasireiškia atviresniais savęs ignoravimo požymiais.

Šioje vietoje svarbu sugrįžti prie skirtumo tarp prigimtinio ir sąlyginio orumo. Schaber (2012) pabrėžia griežtą šių dviejų sąvokų atskyrimą ir neįtraukia į prigimtinio orumo sampratą sėkmingo savęs vaizdavimo idėjos, kuomet akcentuojamas „orus“ savęs fizinis pateikimas. Šiuo griežtu atskyrimu siekta užkirsti kelią tam, kad dėl konkretaus, nepagarbaus žmonių elgesio jiems nebūtų atimta teisė į pagarbą. Tačiau Margalit (2012) aiškiai nurodo priešingą ryšį: pagarbą (prigimtiniam) orumui ir žeminimo vengimas yra būtinos sąlygos, kad žmogus gerbtų save ir galėtų šią savigarbą rodyti išoriniam pasauliui, turėdamas orų habitus. Tiedemann, remdamasis nacionalsocialistinių koncentracijos stovyklų, moterų lytinių organų žalojimo ir prievartavimo pavyzdžiais, parodo, kaip žmonės praranda savo tapatybę, nes patiria bejėgiškumą ekstremalaus smurto sąlygomis (Tiedemann 2010, p. 325). Tai rodo, kad savigarba, kuri suprantama kaip orumas, iš tiesų yra ne tik pažeidžiama, bet net ir sunaikinama. Būtent dėl šios priežasties teisė į asmens orumą turi būti laikoma neliečiama ir saugoma.

Išvados

Moralės ištakos stebimos žmonių socialiniame gyvenime. Žmogus yra kartu ir individuali (atskira, nepakartojama), ir visuomeninė būtybė (socialinio junginio narys). Toks žmogaus padėties dvilypumas sąlygoja moralės reikalingumą. Moralė bando suderinti asmeninius ir visuomeninius interesus. Tiek orumas, tiek garbė kyla iš to, kad žmonės yra socialinės būtybės, kurios gali gyventi tik žmonių bendruomenėje. Žmogaus noras būti pripažintam kitų žmonių, veikia jį motyvuojančiai. Žmogaus pripažinimo poreikis įgyja dvi skirtingas formas: siekis savo vertės patvirtinimo ir siekis savo būties patvirtinimo. Tuomet, kai kalbama apie savivertę, atsiranda ir garbės etinė kategorija. O kalbant apie žmogaus būties pripažinimą, turima galvoje žmogaus orumas kaip politinis ir teisinis pripažinimas.

Pagarba žmogaus prigimtiniam orumui yra būtina sąlyga, kad žmogus gerbtų save ir galėtų šią savigarbą rodyti išoriniam pasauliui. Savigarbą, kuri suprantama kaip orumas, galima pažeisti, ar net sunaikinti. Žmogaus orumas lemia žmogaus teises į sveikatą, laisvę, asmens neliečiamybę, apsaugą. Žmogaus orumas yra universalios teisės, kurią turi kiekvienas žmogus nepriklausomai nuo religijos, lyties, rasės, pilietybės, išsilavinimo, todėl žmogaus orumas nėra individuali žmogaus savybė.

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HUMAN DIGNITY AS THE BASIS OF HUMAN RIGHTS

Giedrė Paurienė

Mykolas Romeris University, Lithuania

Summary

The article analyses from a theoretical point of view, how is the concept of human dignity perceived in its relationship with human honour? Is a person's need for dignity related to the protection of his self-esteem? The topic of human dignity, his honour, self-respect is not discussed enough from an ethical point of view, so the novelty of the topic is based on the need to discuss in more detail the ethical aspect of human dignity as the basis of human rights. Research object: ethical aspect of human dignity as the basis of human rights. The purpose of the study: to reveal the ethical aspect of human dignity as the basis of human rights. Research tasks: 1. Discuss the concept of human dignity, showing its connection with the ethical category of honour; 2. Assess a person's need for dignity as a protection of self-respect. Research methods: scientific literature analysis method, legislation analysis method, comparative analysis method, generalization.

The article presents the difference between the concepts of natural and conditional dignity. Considering the constitutional principle of respect for human dignity and its protection, the natural understanding of dignity is meant. The Constitution of the Republic of Lithuania states that human dignity is protected by law, that it is forbidden to humiliate or infringe on human dignity, and that it is necessary to protect human dignity, in other words, human dignity can never be lost. Natural dignity refers to the idea that all people have the right to have their dignity respected simply because they are human. In contrast, the conditional understanding of dignity refers to a special claim to respect, which is associated with prominent, especially honourable positions (e.g., the dignity of a president, bishop, etc.) or with personal achievements (the concept of merit dignity). The understanding of inherent dignity necessarily has features of universality and equality, i. e. applies equally to all people. In contrast, the concept of conditional dignity serves social gradation and hierarchization. The demand for dignity is understood as a social honour that is given to especially deserving people. Conditional dignity thus describes a position of respect that a person must earn through their behaviour. Usually, it is often combined with the term honour. The article also discusses the difference between dignity and social respect. This corresponds to the difference between the self-esteem that a person has only because of their humanity, and the self-worth that is based on a person's abilities and achievements.

Ethics is the science of human morality, and the origins of morality are observed in people's social life. A person is both an individual (separate, unique) and a social being (a member of a social unit). Such a duality of the human situation determines the necessity of morality. Morality tries to harmonize personal and social interests. Both dignity and honour arise from the fact that people are social beings that can only live in a human community and one's desire to be recognized by others motivates him. A person's need for recognition takes two different forms: the quest for validation of one's worth and the quest for validation of one's existence. Then, when it comes to self-worth, the ethical category of honour also appears. And when we talk about the recognition of human existence, we mean his dignity as a political and legal recognition. Respect for the natural dignity of a person is a necessary condition for a person to respect himself and be able to show this self-respect to the outside world. Self-respect, which is understood as dignity, can be damaged or even destroyed. Human dignity determines human rights to health, freedom, inviolability, and protection. Human dignity is a universal right that every person has regardless of religion, gender, race, citizenship, or education, therefore human dignity is not an individual property of a person.

Keywords: human dignity, self-respect, honour, human rights, ethics.

INFLUENCE OF DIGITAL TRANSFORMATION ON ECONOMIC SECURITY OF ENTERPRISES

Kateryna POLUPANOVA

Mykolas Romeris University
ORCID ID: [0000-0001-7310-0596](https://orcid.org/0000-0001-7310-0596)

Olena KHADZHYNova

Mykolas Romeris University
ORCID ID: [0000-0002-7750-9791](https://orcid.org/0000-0002-7750-9791)

Zaneta SIMANAVICIENE

Mykolas Romeris University
ORCID ID: [0000-0001-6008-2405](https://orcid.org/0000-0001-6008-2405)

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Abstract. *The article considers possible ways to reveal the impact of digital transformation on the economic security of companies. The analysis of theoretical and methodological approaches to the disclosure of the economic essence of economic security of the enterprise in a turbulent environment and digitalization of the economy has identified six vectors of modern scientific achievements on the economic security of the enterprise. The purpose of the study summarize theoretical studies of economic security, analyze and describe digital transformations, perform an assessment of the impact of digital transformations on the economic security of enterprises. It is determined that the development of the modern system of economic security of enterprises consists in its adaptation to application in the conditions of digital transformations. The theoretical basis of formation of the adapted system of economic safety of the enterprise is formed, the basic principles of adaptation are formulated; the main stages of adaptation are highlighted; a structured model of the adapted system of economic security of digital transformations of enterprises is developed.*

Keywords: *economic security, digital transformation, digital economy, levels of government.*

Introduction

The economic activity of enterprises in real time is carried out in a transformational environment, characterized by reforms in the political, economic, social spheres of life and the formation of a new worldview on the development of economic systems and digitalization. At the same time, the enterprise, as an open system, suffers from the destructive impact of threats and risks of transformation processes, where a digital transformations have a lead role, which requires the creation of an effective mechanism of economic protection and its adaptation to functioning in conditions of significant change.

The need to improve the theoretical and methodological basis of the economic security of enterprises is also due to the disorder and inconsistency of reforms in the national economy, the weakness of industrial policy to protect domestic business from threats to the internal and external environment, European integration transformations and processes of world globalization and increasing competition.

Nowadays, many scientists discuss different aspects of the growth of economic security and its impact on the economic growth in their works. Economic security is a key concept in international economic relations. Nowadays the analysis of economic security concept became as urgent as it has never been earlier. There are a lot of approaches exist to covering analysis of the economic security. The process of economic security maintenance is carried out differently

in each period of the history. That is why, economists have been keeping an eye on measuring it. When analyze such scientists as Zolkover (2020), Bloom (2010), Bjørnskov & Foss (2016), Chandra (2015), Muntiiian (1999), Huber, Rehm, Schlesinger, and Valletta (2014), Ocepek (2010), Tamošiūnienė (2015) and others we can see that various aspects of the theory, methodology and practice of formation, functioning and maintenance of the economic security system are presented in the scientific works of the scientists. After analyzing the scientific works, economic security can be seen as a preparatory state of the economy to ensure decent living conditions and the development of social and economic stability and military and political potential of society and the country in order to eliminate internal and external risks.

Many scientific works are also devoted to the study of the problems of digital transformation processes and their destructive impact on economic security, among which the works of Schwertner (2017), Tiutiunyk (2021), Kevin Zhu (2006), Tay (2021), Ioan-Franc (2012), Osberg (2009), Sedkaoui (2019), Ivančić (2019), Yang (2022) stand out. The authors emphasized that the priority task of ensuring economic security, which is especially noticeable in the context of digital transformation and rapidly changing conditions of the modern global world is to predict the challenges and threats of universal digitalization. It is shown that in the conditions of the development of the digital economy, which include the presence of intellectual assets, an increase in the significance of data, a network organization of management, a wide the introduction of the Internet and the global nature of data exchange. To the main problems of economic The problems of "digital inequality", lack of own element base, changes in the labor market, industrial espionage, manipulation of personal data are attributed to security and others.

However, despite the wide range of scientific interests in these areas and the importance of their results, the actual problem of adapting the system of economic security of an enterprise, its mechanisms and technologies to work in a digital economy remains unresolved. The relevance of this study, its practical orientation and the insufficient level of proper theoretical and methodological support determined the choice of the topic, purpose and objectives of the study.

The purpose of the study summarize theoretical studies of economic security, analyze and describe digital transformations, perform an assessment of the impact of digital transformations on the economic security of enterprises

To achieve this goal, it is necessary to solve the following tasks:

1. to conduct a critical analysis of the scientific and theoretical foundations of the system of economic security of the enterprise, to clarify the content of its main definitions;
2. find out theoretical and methodological foundations for the development of an enterprise economic security system adapted for use in the context of digital transformations;
3. systematize the risks of digital transformations and determine methods for their assessment;
4. develop methodological foundations for improving the economic security of enterprises in the context of digital transformations;
5. substantiate proposals on the directions of adaptive development of the system of economic security of enterprises in the context of digital transformations.

The object of research is digital transformations and their influence on the economics security of enterprises

The subject of the research is the methodological foundations and tools for ensuring the economic security of enterprises in the context of digital transformations.

Research methodology. Theoretical and methodological basis of research are the fundamental provisions of modern economic theory, general and special methods, techniques and principles of knowledge in the field of economic security, including: morphological analysis, abstraction and logical awareness (to clarify the conceptual and categorical apparatus in economic security), system analysis and synthesis (to determine the relationships), monographic and review-analytical (for the study of scientific views and concepts, abstract-logical generalization - to form goals, objectives, justification of relevance and concepts, formulation of conclusions and proposals).

Theoretical and methodological developments and proposals are based on empirical and dialectical study of scientific works of leading domestic and foreign authors on the application and development of economic security.

Theoretical and methodological basis formation of the adapted system of economic security of enterprises

Permanent changes and transformations in various environments influence over economic processes, highlighting the goals of ensuring a sustainable, secure economy and equalizing the impact on a number of multi-vector factors. Moreover, the urgent meetings need of economy, which is constantly transformed, is an immediate solution of the problems of continuous management improvement and rapid adaptation to current day management challengers. Modern market relations require a number of tasks. The management and assessment of economic security of the business structure are on the top of particular importance. Therefore, in order to have a clear understanding of efficiency in economic activity, it is necessary to study the economic category of "economic security of an enterprise."

Sustainable development of enterprises activity requires improvement of the economic security management system. Therefore, there is a need for a critical analysis of the scientific and theoretical basis of the system of economic security of business in order to clarify the content of its basic definitions. According ILO report (2004) economic security promotes happiness, and is beneficial for growth and social stability. In the human development report, "economic security" is one of the factors, which influence over human security. "Economic security" is provided as the basic income of each citizen from their own work as a contribution to society in this report (Human Development Report, (2020). In global point of view, economic security is a foundation of well-being. Economic security will ensure economic stability, which predictability enables people to plan and invest in their future and that of their children. They encourage innovation, reinforce social connections and build trust in others and in institutions.

Security and development of the economy are two main dimensions of the existence of humanity in common and modern communities in particular. The problems of the economy security is the field of researchers of number of the leading foreign and domestic scientists: Blank (2014), Schinasi (2014), Hough (2008), Kahler (2004), Kirchner (2013) Kenyon-Rouvinez (2017), Luciani (1988). However, the permanent digital transformation of the economy encourages entrepreneurs to constantly monitor changes in their areas of activity, the parameters of markets and competitors. Almost all researches on economic security to a greater or lesser extent provide an interpretation of this category. Every author's interpretations has the right to the existence, as it corresponds to the goals and objectives of a particular scientific study. But this does not solve the problem of the need to formulate a unified approach to awareness of economic security category.

The importance of the concept of economic security is also seen in the fact that researchers give it an important role in national security, as the economy is the driving force of planning, organizing and focusing on the best use of resources aimed to provide basic livelihoods and to the improvement of citizenship. National and international economic security has been studied in the same way as the security of the individual, because in today's globalized world there is no completely independent country Denoon (1986), Nemchenka (2018).

Analysis of scientific sources shows that there are several approaches to defining the definition of "economic security of the enterprise". To conduct a detailed analysis, there is a need to systematize of scientific approaches to this issue, provided by other scientists. It should be noted that each of the scientific views is based on the functional purpose of the system of economic security. The main functional tasks of economic security are (Sazonets (2015)):

- ensuring high level of the financial efficiency, financial stability and independence of the enterprise;
- ensuring technical independence and achieving high competitiveness of the technical potential of the facility;
- achieving a high level of staff qualification and its intellectual potential, proper efficiency of R&D;
- minimization of the destructive impact of the results of production and economic activities on the environment;
- high-quality legal protection of all aspects of the enterprise (organization) ;
- ensuring the protection of the information field, and achieving the required level of information support for the work of all departments of the enterprise and departments of the organization;
- effective organization of security of the enterprise' human resources, its capital, property and commercial interests.

A review of scientific publications for the period 2010-2021 such authors as Del Bo(2017), Graf (2020), Ritter (2013), Shulga (2011), Lyashenko (2012), Schinasi (2014), Bjørnskov (2016), Gromyko, O.I. (2016) Ianioglo (2016) Yang (2022) allowed to systematize chronologically the approaches of the economic security category. The review identifies several such approaches:

- 1) providing conditions for the safety of commercial confidential information;
- 2) as protection against the negative impact of the external environment;
- 3) as protection of economic interests of the enterprise;
- 4) as protection of a particular aspect (type) of activity;
- 5) as protection of a certain type of business entity;
- 6) as a complex of economic relations.

This systematization, in our opinion, gives an idea of economic security as a complex of relations to protect the enterprise, its interests and activities from disclosure of commercial confidential information and threats to the environment. The author shows how scientific interests regarding the objects of economic security have evolved over time (Figure 1):

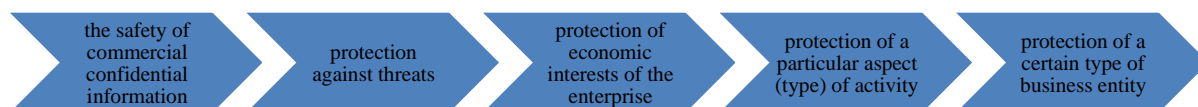


Figure 1. Evolution of approaches to the interpretation of the category "Economic security of the enterprise"

(Source: created by the author, based on the systematization of the previous research)

Analyzing the changes in approaches to interpretation, taking into account the chronology of Zachasova (2017), it is proposed to consider different types of approaches with the definition of the period of their appearance: resource (2002); capable (2003); procedural (2008); complex (2009); harmonization (2010); mixed (2010); system (2014).

The result of the review of the existing systematizations of scientific approaches to the definition of the category "economic security of the enterprise" is presented in the form of a matrix (Table 1) and allows highlighting four logically ordered groups of approaches, namely:

1) Economic security of the enterprise as a state of protection from threats to the internal and external business environment (activities) and corporate interests.

2) Economic security of the enterprise as a state of safety of commercial confidential information and property

3) Economic security of the enterprise as a state of use of corporate potential.

4) Economic security of the enterprise as its identification with the management system of the enterprise.

Now it possible to provide the following conclusions:

1) There are several approaches to defining the definition of "economic security of the enterprise" in scientific research which are used in the scientific literature based on the objectives of scientific research and the preferences of their authors.

2) We consider the most rational approach to the definition of this category based on the main function of the economic security system - protection against threats.

3) The definition of terminology is only the beginning of painstaking scientific work in the research areas of the economic security of the enterprise.

At the same time, the system of enterprise management should deal with the issues of ensuring the realization of economic interests.

Similarly, the system of economic security can not provide competitive advantages of the enterprise, but can protect them. As for protection against economic crimes, in the system of economic security of enterprises it should be considered as a component of protection against internal and external threats.

Thus, the system of economic security can not "replace" the management system of the enterprise, performing its functions. This understanding should be reflected in the interpretation of the category of "economic security of the enterprise".

As the analysis of the definition of "economic security of the enterprise" has shown, this definition becomes more complicated with each new research. Each next authors tries to add and bring elements of novelty in the interpretation of this category. On the one hand, it reveals in more detail the individual structural components of the category, which allows to expand the boundaries of the worldview of users. On the other hand, it complicates the perception of information about the essence of the category, because it contains too much information.

Table 1. Matrix of systematization of approaches to the definition of the category "economic security of the enterprise"

(Source: created by the author, based on the systematization of the previous research)

Scientific approach	Components									
	protection from threats	protection of corporate interests	protection from mercenary crimes	ensuring the safety of property	preservation of trade secrets	state of use of corporate resources	identification with the stability of the enterprise, ensuring stability and progressive development, the ability to reproduce	providing competitive advantages	harmonization of interests	measure of economic freedom
Economic security as a state of protection from threats to the internal and external business environment (activities) and corporate interests	+	+	+	+		+	+		+	
Economics security as a state of protection from threats to the internal and technical business environment (activities) and corporate interest			+					+	+	+
Economic security as a state of use of corporate potential				+			+		+	+
Economic security as an identification with the management system of the enterprise	+		+			+	+	+	+	+

In our opinion, the interpretation of the category should be concise, short-spoken and most certainly provide the main message to the user. That is why we propose in the interpretation of this category to separate the essence of security from the need to provide appropriate management functions.

We believe that the most significant content load is borne by such structural components that most accurately reflect the main task of the economic security of the enterprise: to protect the economic interests of the enterprise from threats of various sources.

Thus, the economic security of the enterprise - a state of protection from external and internal threats in the economic space of the enterprise, which are caused by reasons of different sources, which are connected to the realization of its economic corporate interests.

To clarify the content of the category "economic security of the enterprise", the model of conceptual structuring of this category was built (Figure 2).

The study of the organization and functioning of the economic security system is multi-vector, which significantly expands the knowledge of the processes of protection of the

economic system from threats and dangers of endogenous and exogenous environment, which negatively affect the financial condition of the enterprise, competitiveness and sustainable development. The choice of the vector of scientific preferences determines the structure and content of the theoretical basis of the study. The choice of scientific direction is formed according the degree of mastery of various areas of economic security and the relevance of the accentuated problem aspects of the selected vector of research. In such circumstances, it is important to study the range of scientific interests in the field of ensuring the safe operation of the country, its individual regions and enterprises.

Many fundamental works in the form of dissertations, monographs, scientific manuals and individual scientific and popular science articles and reports of foreign and domestic authors are devoted to the study of topical issues of organization, functioning, management, support and other aspects of economic security.

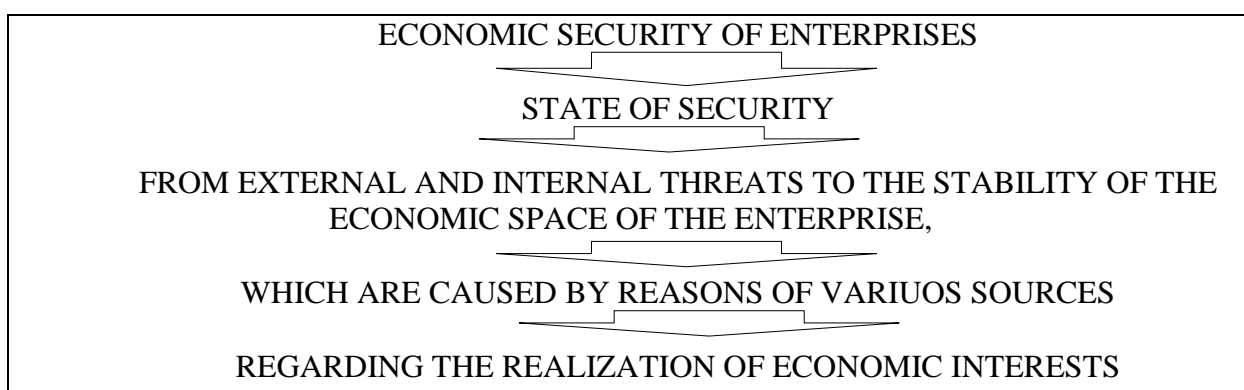


Figure. 2. Basic model of conceptual structuring of the category "Economic security of the enterprise" *Source: own development*

The modern market conditions industrial and non-industrial enterprises are operating under pressure from both pre-planned and unpredictable processes, which have both positive and negative impact on the economic system of the enterprise. In such conditions, there is a growing need for an effective mechanism for protection against the negative consequences of such processes. At the same time, the economic system of the enterprise is a reduced version of the economic system of the country as a whole, like each individual family, which presents a model of society.

According the researchers of Cable (1995), Tamošiūnienė (2015), Blank (2014), Pugach (2014), Osberg (2009), Tsevukh (2010), Franchuk (2010), Voynarenko (2008), the studying the theoretical foundations of the economic security system at the enterprise it is possible to provide an effective system of protection against threats and dangers, which can be partially implemented for more complex economic systems.

Thus, six vectors of modern scientific achievements on economic security of the enterprise are defined:

- 1) research of theoretical aspects of the system of economic security, systems of its provision and management at the level of enterprise;
- 2) research of economic security of the enterprise according separate functional components;
- 3) research of economic security of enterprises in various industries;
- 4) research of economic security in certain areas of activity;

- 5) research of economic security by certain types of enterprises;
- 6) research of economic security under different conditions of the economic environment of the enterprise

The relevance of the research of the security of the economic space of enterprises under the conditions of digital transformations is based on the general economic destabilizing factors, factors of industrial development and business security factors.

Thus general economic destabilizing factors are:

- 1) Lack of domestic or adapted to national conditions for example in Ukraine model of market transformation on a market basis (Radchenko (2014), Pogorelov (2017), Shulga, I.P. (2011), which provokes disorder and unsystematic changes in the economic and financial system and threatens the economic system and financial condition of the enterprise.

- 2) The processes of globalization and European integration accelerate the integration of Ukraine's economy and its enterprises into the world community, intensify foreign economic activity, and increase pressure from international corporations and the influence of world organizations (e.g. the International Financial Bank). Establishing new business relationships, mastering new rules of the business game act as a catalyst for increasing the probable riskiness of business projects.

- 3) The growth of competition in the food market and the challenges of food security require qualitative changes in the technology of cultivation and processing of agricultural raw materials, production, transformed quality management systems, inventory management and more. The introduction of technological innovations is a kind of challenge for the system of economic security.

- 4) Unavailability of industrial policy in country to protect the domestic food business from threats to the internal and external environment.

According to the results of research, the following conclusions can be made:

- research of economic security of the enterprise is multi-vector;
- globalization and European integration changes expand the range of scientific interests on the security of transformations of internal and external nature.

The development of the economic system of society in real time constantly provokes the creation of various transformational models. Institutions of property, investment and innovation development and foreign economic activity, the monetary system, the system of taxation and social insurance are subject to transformation. The external transformation processes that take place affect the economic system of the enterprise indirectly through changes in current legislation. Such changes can have a significant impact on the business of the enterprise and lead to transformations of its financial and economic system.

The economic system of a modern enterprise is an open system, the functioning of which is significantly affected by the transformation processes of endogenous and exogenous environment, leaving negative consequences, reducing business efficiency and justifying the growing need to protect corporate interests.

In our opinion, it is interesting for this study to define "transformation" as a process of "qualitative and quantitative transformations" in the economic system, "changes in its form and content, adequate to the historical stages of society" (Gromyko (2016)). We believe that considering these two categories, taking into account the nuances of business organization, you can create a comprehensive system in which the threats and risks of transformation processes are leveled with the tools of the economic security system.

The economy of the enterprise is necessarily affected by changes and transformations that occur at different levels of economic development of society: global, macro, meso and macro.

Conversely, the transformation of specific enterprises as a whole, through the impact of their results on the higher-level economic system, contributes to the creation of new institutions, reforms, namely causes the need for appropriate transformations, including legislation and institutional support. At the same time, the change in the worldview of business owners regarding the goals and basic concept of business contributes to the evolutionary transformation of corporate policy and directions of strategic approach to transformation processes and their provision. At its own discretion, transformations are carried out that contribute to the implementation of strategic plans of the enterprise to ensure its corporate interests. The driving force for "internal" transformations can also be crises in the enterprise itself, which are seen as "an opportunity for change" according Pgorlov (2017).

In its turn, the digital transformation of different levels of the economic system affects the economic (financial and economic) system of the country, industry, region, enterprise, respectively, and also necessitates transformations of this system. Analysis of research on the mutual influence of transformations and systems of economic security of different levels (Tkachuk (2019) allowed to build a flow chart. On the other hand, transformational processes can begin under the influence of market processes (inflation, fierce competition, the course of European integration, the global food supply problem, etc.) in accordance with the adopted corporate policy. For food companies, a market competition is a powerful impetus. On the way to ensuring a decent level of competitiveness, companies significantly change (transform) the concept of business, corporate policy, their strategy, transform technology and methodology.

Under such conditions, the company has a need to ensure the safety of such processes, namely the need to minimize the negative impact of these processes on the business of the enterprise and its financial condition. The system of economic security of the enterprise is a guarantor of the security of his business from the negative impact of threats.

The study shows that the economic security of enterprises is strongly influenced by:

- digital transformation processes that take place at higher levels of the economy;
- digital transformational transformations, which can be both internal, caused by the requirements of modern market economy, are evolutionary in nature, often initiated by the enterprise itself, and external, which are often forced on the enterprise, often have a revolutionary character;
- digital transformational transformations of different nature.

The processes of transformation that take place in the economic space of the enterprise carry with them certain risks and threats, namely are reflected in the level of economic security of the enterprise as a whole and complicate the system of its provision. In order to prevent the negative impact of probable threats, the current system of economic security of the enterprise can be used, which should be investigated and tested accordingly.

The study of the economic security management system at the enterprise in the scientific literature is proposed to be carried out in three aspects: "formation and operation of the economic security system, economic security activities, assessment of the achieved level of economic security" according Tay (2021).

In our opinion, it is necessary to study the system of economic security of the enterprise, given the capabilities of this system to provide the necessary level of security against potential threats, provided the operation of the business in a period of significant transformation. In view of this, the methodological approaches to the study of economic security, taking into account the impact of transformational transformations should be expanded by studying the characteristics of the transformations themselves.

The algorithm for creating a system of economic security of the enterprise in terms of transformational transformations involves the implementation of sequentially ordered steps: development of the concept, development and approval of corporate economic security policy; development of a system of economic security and its management

Thus, the object of the conceptual approach is the probability of achieving the maximum possible stability of the economic system of the enterprise in the presence of risks and threats of transformational transformations. The subjects of ensuring the security of enterprise transformations are the management of the enterprise, structural units for economic security.

Given the above, we believe that “the proposed concept of safety (security) of transformations of the enterprise is that transformations can be considered safe if the existing system of economic security of the enterprise is able to predict, identify and assess potential threats and negative trends. these transformations, to provide the maximum possible protection against their influence, to develop and promptly implement measures to prevent and eliminate their consequences.

Since our approach is based on the assumption that the company already has a system of economic security, we consider it appropriate to take as a basis its system of support and methods and pay special attention to improving the methods of monitoring, diagnosis and testing of the system.

Methodological principles of diagnosis and assessments of economic security of the enterprise in conditions of digital transformation

Digital transformations for a modern enterprise are significant, large-scale and profound changes. These changes are happening in the digital transformation environment of the enterprise under the influence of endogenous and exogenous factors and lead to significant transformations of type, form, content, functions and corporate policy. In a crisis economy, the most common digital transformations are forced ones, because such kind of economic transformations arise from changes in existing legislation.

Classification of modern enterprise’ transformations is a basis for formation of the effective mechanism of maintenance of the identification processes of threats of transformational processes, an estimation of negative influence of their consequences, formation of an investment portfolio of protection measures. Thus, the chosen topic of research is relevant for modern business, and its study will contribute to the development of economic security of the enterprise.

The beginning of the XXI century can be called "the Era of digital transformation". Many scientific articles, conference abstracts and monographs are devoted to the transformation processes, namely the problems of their organization, implementation, classification, etc. Thus, we can also include such scientists as Tiutunyk (2021), Yang (2022), and others to the number of scientists concerned with the transformation of economic systems.

To be in line with transformations’ research, we will have further study the scientific approaches to the classification of digital transformational processes of enterprises in the point of view of their impact on the economic security of the economic structure.

We will study the typology of digital transformations of the enterprise in terms of the functioning of enterprises in a certain transformational environment. Under the environment of digital transformations that affect the level of economic security of the enterprise, we understand the set of conditions for the functioning of the business entity (enterprise), which

are provided under the influence of threats and dangers of external and internal transformation processes.

External factors of influence for enterprises can be political, financial, economic, market and social. It is necessary to highlight the factors that arise in accordance with the processes of globalization and European integration, the problems of food security of non-European countries and its individual regions.

Internal factors are driven by corporate business goals, financial condition of the enterprise, requirements of technical, technological and resource provision of economic activity (production) and problems of ensuring a healthy socio-psychological climate.

In terms of the impact on the danger level and the depth of significant changes that arise from transformation processes, we propose to study the transformation and their impact on the economic security of the enterprise in two directions:

- exogenous transformation processes caused by external causes;

- endogenous transformation processes, arisen from internal causes. We propose to build a typology of transformations that affect the economic security of the enterprise, based on the following statements (postulates):

- 1) Transformation processes of an economic entity is being driven by the influence of external and internal factors and may be mandatory (compulsory) or carried out on the digital initiative of the enterprise.

- 2) Any digital transformations affect the level of economic security of the enterprise due to the risks and dangers that arise.

- 3) The impact of digital transformation processes on the safety of activities and business in general can be different in form, duration, cyclicity, degree and depth of impact, level of materiality and content. For the organization of an effective system of economic security at the enterprise the main role is played but by its consequences, but not by the content of transformations.

- 4) External digital transformations have an impact on the economic security of the enterprise directly or indirectly through having the need for internal transformation processes.

- 5) Each individual enterprise has an individual system of priority digital transformations of its economic system, which arise from specifics of the organization, operation and management of business.

- 6) The process of digital transformation of the growing economic system of an enterprise is constant, often cyclical, may change, but never ends.

It is necessary to choose classification features in view of usefulness for construction of effective adaptive system of economic security of digital transformations.

The following criteria can act as assessments for the effectiveness of an adaptive economic security system:

- 1) the ability to predict (forecast) digital transformation processes and their threats;

- 2) the ability to identify current threats in a timely manner;

- 3) the ability to assess the level of negative impact of digitalization (if any);

- 4) the ability to form an effective mechanism for ensuring the security of digital transformations;

- 5) the ability to promptly implement protection measures;

- 6) the ability to implement preventive measures.

Table. 2 provides priority features of the classification of digital transformations in view of their impact on the level of economic security of the enterprise, according to which]:

- the input information on digital transformations is determined in accordance with the criteria of efficiency of the system of economic security of digital transformations;
- the classification features of digital transformations are determined according to the composition of the basic characteristics

The selected criteria for the effectiveness of the economic security system in the conditions of digital transformations are based on the principle of adaptability. They include: the ability to predict (forecast) digital transformational processes and their threats; ability to identify current threats in a timely manner; ability to assess the level of negative impact; ability to form an effective mechanism for ensuring the security of transformations; ability to promptly implement protection measures; ability to implement preventive measures.

Table 2. Priority features of classification of digital transformations in view of their influence on the level of economic security of the enterprise.

(Source: created by the author, based on the systematization of the previous research)

Criteria for the effectiveness of the system of economic security of digital transformations	Basic characteristics of digital transformations	Classification features of digital transformations
1. Ability to predict (predict) digital transformation processes and their threats	The period and timing of the digital transformation Probability of its implementation	Probability of prediction Duration Cyclicality Nature of influence
2. Ability to identify current digital threats in a timely manner	Objects of digital transformation Priority directions of digital transformation processes The main features of transformations	Transformation objects due to the digitalization process Priority Duration Cycle The nature of the impact Initiatives
3. Ability to assess the level of negative impact	Consequences and types of negative impact of digital transformations	The results of the impact on business security
4. Ability to form an effective mechanism for ensuring the security of digital transformations	Objects of digital transformations The purpose of transformations	Objects of digital transformations The purpose of transformations
5. Ability to promptly implement protection measures	Types of economic danger Probable consequences of negative impact	Types of economic danger Consequences of negative impact
6. Ability to implement preventive measures	Motives of digital transformation processes and factors (reasons) that caused them	The purpose of implementation

Based on certain features, we propose to implement the classification of digital transformations of the enterprise, which contains 6 classification groups. These groups are the

basis for the formation of theoretical and methodological foundations of economic security of the enterprise: the content of priority digital transformations, the depth of impact on economic security, the duration of the digital transformation process, the probability of prediction, the cyclical nature, the types of economic hazards, the consequences of negative impact (Table 3).

As shown in Table. 3 the purpose of digital transformations of the modern enterprise can be various, namely:

- liquidation of consequences of crisis processes or events (losses) (liquidation digital transformation);
- ensuring a stable state (compensation);
- ensuring sustainable digital development (progressive, innovative);
- ensuring economic breakthrough (revolutionary).

In a crisis economy, the most common digital transformations are forced ones, as such economic transformations are due to changes in existing legislation.

To form a classification group of digital transformations by types and content, the well-known approach of four types of enterprise transformation is taken as a basis: "transforming from market mechanisms to domestic economic and vice versa (integration and disintegration), reform of rights (reorganization), regrouping of resources (restructuring), regrouping of processes (reengineering).

Table 3. Classification of digital transformations that affect the economic security of the enterprise.

(Source: created by the author, based on the systematization of the previous research)

Ref	Signs of classification	Types of digital transformations
1	For the purpose of digital transformations	- liquidation of consequences of crisis processes or events (losses) (liquidation transformation); - ensuring a stable state (compensatory); - ensuring sustainable development (progressive, innovative); - ensuring economic breakthrough (revolutionary);
2	By the nature of the impact	- under the influence of the external environment (exogenous transformation); - under the influence of the internal environment (endogenous transformation);
3	According to the priority of the direction of digital transformation	- priority; - regular (non-priority); - random;
4	According to the objects and content of priority digital transformations	- integration transformations; - transformation of the form of ownership of state property (privatization in the form of corporatization); - transformation of rights (reorganization); - transformation of resources (restructuring); - technology transformation (reengineering); - digital transformations;
5	The depth of the impact on economic security	- cardinal; - moderate; - significant; - insignificant;
6	The duration of the process of transformation	- current; - long-term;

The following conceptual bases shows the author's vision of rationale of the enterprise of a choice of priority directions of digital transformations:

1. Possessing the prerequisite conditions for digital transformations. Such objective prerequisite conditions, in our opinion, are:

- consequences of world economic crises of the period of independence of non-European countries;

- reforming the economic management system of the number of the countries in order to build market relations – such as Ukraine's integration into international cooperation, focusing on cooperation with the European Union;

- the purpose and goals of economic development of the enterprise itself.

2. The existence of an objective reason for the implementation of digital transformations. We believe that the digital transformation of the enterprise may be caused by the need to:

- elimination of the consequences of crisis processes or events (losses);

- ensuring a stable condition;

- ensuring sustainable development;

- ensuring economic breakthrough;

- compliance with current legislation in other cases.

3. Availability of financial and resource potential, special institutions and tools for digital transformational processes. Transformations, which represent a qualitative change in the form and depth of structural elements of the system and the content of the system itself, require not only the need and desire to change something for the better. Nevertheless, they also need the real digital resource opportunity, manifested in the presence of appropriate production, human and financial potential, specific institutions (design bureaus, problem laboratories and business incubators) and relevant tools.

4. Theoretical consent of the owners of the enterprise to carry out the transformation. Any entrepreneur in accordance with the classical provisions of economic theory (A. Smith, J. Schumpeter), aims to generate income (in the modern sense - profit) and to achieve this goal is able to innovate and develop new technologies. These theoretical principles of entrepreneurial activity are inherent in modern industrial enterprise. Thus, business owners (entrepreneurs) should theoretically be ready for innovative changes, changes in outdated forms and methods of organization and management of basic economic processes, that is for transformations. However, such theoretical agreement occurs only in cases where the transformation contributes to the realization of the main goal of the enterprise (obtaining additional profits, strengthening the financial condition, increasing the level of competitiveness, etc.) and is not coercive in nature. There are cases of unforeseen force majeure (natural disaster, man-made accident, hostilities, economic crisis), when the owners of the enterprise agree to the transformation compulsorily. According to the above, in our opinion, we can highlight three types of the consent of business owners to carry out transformations. They can be voluntary, forced and compulsory. At the same time, events related to changes in economic policy at the state level are forced.

5. Ensuring economic security of digital transformational processes. Diagnosis of risks and threats that may be caused by digital transformations, assessment of the level of economic danger and development of measures to address, eliminate or prevent threats of such danger and eliminate their consequences.

Thus, we believe that digital transformations at the enterprise are carried out with the appropriate prerequisites and consent of the owners, due to objective reasons, the availability

of financial capacity and resource potential, special institutions and appropriate tools in the presence of economic security.

The growing enterprises are constantly changing. The organizational structure of production, business process management system, business technologies, scheme of communication with various contractors, etc. are changed or transformed. Even an enterprise that has slowed down or is in the process of liquidation, repeatedly feels the impact of the digital transformation processes, which take place in the national economy and society as a whole.

Such influence leads to both positive and negative consequences and brings with it threats to the safe operation of the enterprise.

Internal threats to the efficiency and economic security of the enterprise are related to the quality of the management system, timeliness and reliability of information for management decisions.

In our opinion, the portfolio of internal economic risks of the enterprise should include: property risk; personnel risk; corporate governance risk; information risk; innovation risk; commercial risk; financial risk; liability risk.

In our opinion, an important role should be given to the group of risks associated with the management system, because the competence of managers and the quality of their management decisions significantly affect the security of business processes and efficiency.

Undoubtedly, a special place is occupied by risks of financial and economic nature, which are the logical result of a set of the above-mentioned areas of risk. To this group we include the risks of reduced the level of profitability and loss-making, reduced solvency, increased likelihood of bankruptcy and liquidation of the enterprise.

An uncompetitive, financially unstable enterprise, which has no enough resources, does not implement innovative technologies of production and management, has very little chance to attract additional investment funds and realize corporate interests.

In this way, in the areas of economic risks, we can figure out the following groups of threats to the economic security of the enterprise:

- 1) threats to market risks;
- 2) threats to information and communication risks;
- 3) threats to resource and property risks;
- 4) threats to innovation and technological risks;
- 5) threats to financial and economic risks;
- 6) threats to investment risks

Conclusions

According to the results of the researches of approaches to the definition of the categorical apparatus in the system of economic security, the concept of "economic security of the enterprise" has been clarified. The economic security of the enterprise in the conditions of digital transformations is considered as a state of protection from external and internal threats to the stability of the economic space of the enterprise, which are caused by transformational processes of different origin, in relation to its corporate interests.

It is determined that the development of the modern system of economic security of enterprises consists in its adaptation to application in the conditions of digital transformations. The theoretical basis of formation of the adapted system of economic safety of the enterprise is formed, the basic principles of adaptation are formulated; the main stages of adaptation are highlighted; a structured model of the adapted system of economic security of digital

transformations of enterprises is developed. The content of the category "adapted system of economic security of the enterprise" is formulated.

The main threats of priority digital transformations in view of the levels of economic interests and resource-functional determinants (constituent elements) of economic security of the enterprise are highlighted.

The constructive and destructive consequences of these threats to ensure the economic security of the enterprise are identified

According to the results of the study, the scientific understanding of the application of technologies in the system of economic security of a modern enterprise through the introduction of basic technologies has been expanded. The functional task of such technologies is to ensure the implementation of the main goal of the economic security of the enterprise, and support technologies, the functional task of which is to ensure the implementation of the tasks of basic technologies.

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LEGAL LIABILITY FOR QUARANTINE VIOLATIONS: LEGAL REGULATION AND CASE LAW IN LITHUANIA

Birutė PRANEVIČIENĖ

Mykolas Romeris University

Maironio st. 27, LT-44211 Kaunas, Lithuania

E-mail: praneviciene@mrui.eu

ORCID ID: [0000-0001-7122-6005](https://orcid.org/0000-0001-7122-6005)

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Abstract. *The article analyzes the legal responsibility for quarantine violations in Lithuania. An analysis of legal acts establishing the quarantine regime and various restrictions on personal rights and freedoms during quarantine is presented, as well as administrative and criminal liability for violations of the aforementioned restrictions are discussed. The practice of applying administrative responsibility to legal entities is analyzed separately. And an analysis of the practice of applying administrative responsibility to natural persons is presented. The case analysis method was applied, during which 200 cases of administrative offenses were analyzed.*

Keywords: *quarantine, responsibility for quarantine violations, administrative legal responsibility*

Introduction

In 2020 following the announcement by the World Health Organization of a pandemic due to the spread of the Covid-19 virus, countries facing this dangerous disease had to make decisions that affected the management of the spread of the virus. As a result, many states declared a state of emergency - a state of extreme situation or quarantine, and introduced certain restrictions on individual rights. The measures to stop various activities of individuals were taken in order to slow down the spread of COVID-19.

The Government of the Republic of Lithuania in 2020 March 14 adopted a resolution, announcing the third (full readiness) level of civil protection system readiness in the territory of the Republic of Lithuania and from 2020 March 16 until March 30 introduced a quarantine regime in the country. Subsequently, the quarantine was extended several times by government decrees. Quarantine regime allows for unusual, radical and non-routine restrictions on activities. Such restrictions are related to the epidemiological situation in the country

The Government Emergency Commission of the Republic of Lithuania proposed to the Cabinet to lift the quarantine from June 17, 2019, but to extend the state-level emergency. Due to the deteriorating epidemiological situation in the country, a second quarantine was introduced by a Government decree from 2020 November 7 until 2021 January 31. Restrictions on personal freedoms have also been tightened several times.

The objective of the article is to analyse the changes in the legal framework that have taken place to prevent the spread of coronavirus and the practice of implementing legal regulation in the application of administrative legal liability for quarantine violations in Lithuania.

During the preparation of the article national legal acts and scientific literature were analyzed. An analysis of the case law on administrative liability for quarantine violations has also been carried out.

Quarantine as an extreme public administration regime and the introduction of the restrictions on personal freedoms and activities due to quarantine in Lithuania

In simple terms, quarantine means a period of time during which a person who might have a disease is kept away from other people in order to prevent the spread of the illness. Dorland's Illustrated Medical Dictionary defines quarantine as "restriction of freedom of movement of apparently well individuals who have been exposed to infectious disease, imposed for the usual maximal incubation period of the illness". Separating those who are exposed to an infectious disease in order to stop the spread of infection is called quarantine, whereas separating those with the disease is called isolation"¹.

Historically quarantine has been defined as the detention and segregation of subjects suspected to carry a contagious disease². More recently, the term quarantine has changed and could indicate a period of isolation imposed on persons or animals that might spread a contagious pathology.

„The term and the concept of quarantine are profoundly rooted in culture and world health procedures, and have periodically recalled peak interest in the course of epidemics.“³ If in the past the concept of quarantine was used to refer to the period of isolation of people, then nowadays the term quarantine is applied to animals and things as well.

“In public health practice, “quarantine” refers to the separation of persons (or communities) who have been exposed to an infectious disease. “Isolation,” in contrast, applies to the separation of persons who are known to be infected. In U.S. law, however, “quarantine” often refers to both types of interventions, as well as to limits on travel. Isolation and quarantine can be voluntary or imposed by law.”⁴

¹ A.V. Raveendran ir Rajeev Jayadevan, „Reverse quarantine and COVID-19“, *Diabetes & Metabolic Syndrome: Clinical Research & Reviews*, Volume 14, Issue 5 (2020):1323-1325, <https://doi.org/10.1016/j.dsx.2020.07.029>, (<https://www.sciencedirect.com/science/article/pii/S1871402120302770>).

² AA. Conti, „Quarantine Through History“, *International Encyclopedia of Public Health*, (2008):454–462, DOI: 10.1016/B978-012373960-5.00380-4, <https://www.sciencedirect.com/science/article/pii/B9780123739605003804?via%3Dihub>.

³ AA. Conti, „Quarantine Through History“, *International Encyclopedia of Public Health*, (2008):454–462, DOI: 10.1016/B978-012373960-5.00380-4, <https://www.sciencedirect.com/science/article/pii/B9780123739605003804?via%3Dihub>.

⁴ Wendy E. Parmet ir Michael S. Sinha, „Covid-19 — The Law and Limits of Quarantine“, *The New England Journal of Medicine* (2020):28, <https://www.nejm.org/doi/full/10.1056/NEJMp2004211>.

As already mentioned, Government implemented the provisions of the Law on the Prevention and Control of Communicable Diseases of the Republic of Lithuania⁵, and responded to the epidemiological situation in Lithuania and the world, by declaring a quarantine by decrees: the first quarantine was introduced from March 13, 2020, which ended on June 17, the second quarantine was **introduced from 7 November 2020, 00:00, until 31 January 2021, 24:00.**

Both the first and the second quarantine regimes essentially restricted individual rights in a similar way and foresaw analogous duties.

The measures to limit Covid-19 provided for in the government resolutions can be divided into the following categories:

RESTRICTIONS	
Events	<p>There will be no indoor or outdoor commercial or non-commercial cultural, entertainment, sporting events, celebrations, fairs, festivals or other mass gatherings arranged in public locations of a certain duration at a scheduled time except:</p> <ul style="list-style-type: none"> • high-performance sporting events without spectators; • funerals attended by maximum 10 persons except family and/or household members and persons providing funeral services.
Dining establishments (restaurants, cafés, bars, nightclubs, other entertainment venues) and other public venues	<p>Public dining facilities, restaurants, cafés, bars, nightclubs, other entertainment venues, casinos, arcades, bingo halls, betting places will be closed except in the case of:</p> <ul style="list-style-type: none"> • takeaway food or where food can be otherwise delivered to natural and legal persons; • catering provided to the staff of enterprises, establishments or organisations working on shifts, in the territories and/or premises of such enterprises, establishments or organisations; • catering provided in educational, social care, healthcare, national defence, penitentiary establishments, remand prisons, the Foreigners' Registration Centre or other establishments, where catering is required by the operational profile of these establishments. <p>It was prohibited to provide leisure services, the use of fitness equipment, gyms, fitness centers, entertainment, recreation, swimming pools, saunas (except public baths for personal hygiene), clubs, dance halls, and movie theaters. There will be no visits to leisure establishments, nor will the premises intended for leisure</p>

⁵ „Law of the Republic of Lithuania on the Prevention and Control of Human Infectious Diseases“, *Valstybės žinios*, 104-2363 (1996), 112-4069 (2001).

	<p>services be leased for arranging private events, celebrations and other gatherings. It will not apply in the case of:</p> <ul style="list-style-type: none"> • high-performance sports training. <p>There will be no visits to cultural establishments, and no physical services will be provided to visitors, except in the cases where the conditions for the management of the flow of people, safe physical distance, and other key requirements for public health, safety, hygiene, and the provision of persons with necessary personal protective equipment are met by the designated State Commander of National Emergency Operations.</p>
<p>Protective face masks</p>	<p>Protective face masks are mandatory in all public places (for all persons over the age of 6). Exceptions will apply in the following cases:</p> <ol style="list-style-type: none"> 1. exercising individuals; 2. high-performance sports training; 3. during the provision of a service where a service cannot be provided when a customer is wearing a mask; 4. persons with disability who cannot wear a mask due to their health condition or where it can adversely affect their health condition. They are recommended to wear a face shield instead. 5. when outside populated areas (cities, towns, villages, single-homestead settlements and dacha (garden) settlements) and when there are no other people within the radius of 20 metres, except for family members; 6. children under the age of 6 who are educated under pre-school, pre-primary and primary education programmes will not be required to wear protective equipment covering nose and mouth (face masks, respirators or other equipment) while in education establishments and/or their territories. <p>Face masks are mandatory in common areas.</p> <p>It is recommended to wear a face mask at a private party, if held, or when socialising with members of other families /households.</p>
<p>Movement within the country during the festive period from 16 December 2020, 00.00, until 31 January 2021, 24.00</p>	<p>Travelling between municipalities is restricted.</p> <p>Except:</p> <ul style="list-style-type: none"> • to go to/from airports, seaports, bus stations serving international passenger routes; • to go to the municipality where you live; • for the death of close relatives; • to do work, where the place of employment is in another municipality; • for health care services;

	<ul style="list-style-type: none"> • for other objectively justified reasons of urgency, where travelling to a municipality other than the place of residence is absolutely necessary. <p>This restriction does not apply to members of one family and/or household travelling to a municipality other than the place of their residence where they have real estate property that is owned by a member of that family and/or household.</p>
<p>Movement within the country</p>	<p>It is required to stay at home except:</p> <ul style="list-style-type: none"> • to go to work (for work purposes); • to go shopping; • to go to/from airports, seaports, bus stations serving international passenger routes; • to go to your real estate property; • to go to a funeral; • for health and other essential services; • for other essential services or for objectively justified reasons where it is absolutely necessary; • to go for a walk in open spaces only with members of your family or household; • to attend to the sick or to those unable to take care of themselves. <p>Passengers travelling by public transport (city, long-distance and suburban) will be required to travel seated maintaining the distance of at least one meter between each other.</p> <p>Transport vehicles other than regular public transport (city, long-distance and suburban) or transport vehicles to commute to work may carry groups of no more than 2 persons or groups of members of one family and/or one household. When providing passenger transportation service for a fare by a passenger car on call and by a taxi passenger car, the driver of the vehicle will not be counted.</p> <p>It is allowed to be in public places in groups of no more than 2 persons or in groups of one family and/or one household.</p> <p>It is prohibited:</p> <ul style="list-style-type: none"> • to have close contacts between members of more than one family and/or one household except: <ul style="list-style-type: none"> ○ emergencies, where it is necessary to provide assistance; ○ attending to the sick or to those unable to take care of themselves; • to hold private parties in public and private venues with the participation of more than one family and/or household.

<p>Public and private sector</p>	<p>State and municipal institutions and bodies and state and municipal enterprises and the private sector will organise work and provide customer services remotely, except where relevant functions (work) have to be performed at the workplace, while ensuring conditions laid down by the State Commander of National Emergency Operations for the management of the flow of people, safe physical distance, and other key requirements for public health safety, hygiene, and the provision of persons with necessary personal protective equipment. It is obligatory to ensure the performance of the essential and urgent functions (work) as provided by law.</p> <p>Stores, including those in shopping and/or entertainment centres, marketplaces and other public points of sale will be closed except:</p> <ul style="list-style-type: none"> • stores (including those in shopping and/or entertainment centres), whose main business is the retail of food, veterinary, animal feed, pharmacy, optical goods and orthopedic technical devices; • selling food in marketplaces and public points of sale; • remote commerce (by internet or other means of communication), where goods are delivered to natural and legal persons or collected at collection points; • funeral stores; • outdoor trade in Christmas trees and other festive trees. <p>Stores that remain open will be required to:</p> <ul style="list-style-type: none"> • ensure 15 sq. m. of retail space per visitor or serve only one visitor at a time and ensure other conditions laid down by the State Commander of National Emergency Operations are met. <p>It is recommended to:</p> <ul style="list-style-type: none"> • refrain from short-term sales promotion measures (sales, discount hours, tastings, etc.) in all shops, supermarkets, marketplaces and other public points of service. This does not apply to e-commerce; • to increase the number of checkout points to reduce the line to five shoppers; • shopping by one member per family and /or household; • longer working hours. <p>It is prohibited:</p> <ul style="list-style-type: none"> • to provide beauty services; • to provide other services that require more than 15 minutes contact between the service provider and the customer; • to lease, sublease or lend premises intended for accommodation services (owned by both natural and legal
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	<p>persons by the right of ownership or other legal grounds) for holding private events, parties and other gatherings.</p> <p>Except:</p> <ul style="list-style-type: none"> • passenger transportation for a fare by a passenger car on call and by a taxi passenger car; • provision of legal services by lawyers; • financial services and provision of qualified certification services by qualified trust service providers, which cannot be provided remotely. <p>The exempted service practitioners will be required to ensure 10 sq. m. service space per visitor or serve only one visitor at a time and ensure other conditions laid down by the State Commander of National Emergency Operations.</p> <p>Requirements for accommodation sector:</p> <ul style="list-style-type: none"> • accommodation of members of no more than one family and/or one household in one room; • ensuring that everyone wears a face mask and maintains a distance of at least 2 meters between people or groups of people in common areas; • ensuring other conditions laid down by the Commander of Operations' decision. <p>It is prohibited to rent, sublease or to lend premises intended for accommodation services (owned by both natural and legal persons by the right of ownership or other legal grounds) for arranging private events, parties and other gatherings.</p> <ul style="list-style-type: none"> • Wellness centres providing recreational services will be closed. • There will be no visits to cultural, leisure, entertainment and sports facilities, and no physical services will be provided to visitors, except high-performance athletic training and physical provision of services in libraries, while ensuring the conditions laid down by Commander of Operations' decision.
<p>Education</p>	<ul style="list-style-type: none"> • pre-school, pre-primary education will be provided following the conditions laid down by the Commander of Operations' decision, in-person pre-school and pre-primary education is recommended only for those children whose parents (adoptive parents or guardians) have no possibilities of working remotely; • primary, pre-secondary and secondary education will be provided remotely, except for special needs schools and special needs classes in general education schools following the programmes of primary, pre-secondary, individualised

	<p>primary and pre-secondary education, and secondary education, programmes of development of social skills;</p> <ul style="list-style-type: none"> • non-formal education for children will be provided remotely or discontinued; • non-formal adult education and non-formal vocational training will be provided remotely or suspended, except for practical training in aviation and seafaring, as well as foreign language proficiency assessment examinations (credits) for those applying to higher education establishments abroad with a maximum of five participants, while ensuring the conditions laid by the Commander of Emergency Operations for the management of the flow of people, safe physical distance, and other key requirements for public health safety, hygiene, and the provision of persons with necessary personal protective equipment; • during the school holidays, children can get services in special needs schools and special needs classes in general education schools. However, the conditions laid down by the Commander of Emergency Operations for the management of the flow of people, safe physical distance, and other key requirements for public health safety, hygiene, and the provision of persons with necessary personal protective equipment must be met. • education assistance will be provided in accordance with the conditions laid down by the Commander of Operations' decision in the same way as education is provided at schools and by other education providers, or remotely; • children over the age of 6 who are educated under pre-school, pre-primary and primary education programmes will not be required to wear protective equipment covering nose and mouth (face masks, respirators or other equipment) while in education establishments and/or their territories; • primary education schools will have school holidays from 14 December 2020 to 3 January 2021; • municipal administrations will ensure that children in primary education can have remote education, care and catering in school in accordance with the conditions laid down by the State Commander of National Emergency Operations for the management of the flow of people, safe physical distance, and other key requirements for public health safety, hygiene, and the provision of persons with necessary personal protective equipment, where parents, adoptive parents, guardians, legal representatives need to perform relevant functions (work) at the workplace and cannot ensure the care of their children at home. Effective as of 4 January.
Health	<ul style="list-style-type: none"> • There will be no visiting of patients in health care establishments, except when visiting terminally ill patients, children under 14 years of age and patients in maternity wards at the permission of the manager of that establishment or his authorised person;

	<ul style="list-style-type: none"> • an outpatient health care professional will have to choose the method of service provision that best suits the patient's interests - contact or remote. Contact services will include: <ul style="list-style-type: none"> ○ dental services; ○ health care services for pregnant women, mothers and their newborns; ○ vaccination services for children and adults under the National Immunoprophylaxis Programme; ○ disease prevention programmes; ○ preventive health screening services for individuals applying for a job in an area of activity that involves exposure to certain risk factors; ○ psychological support and psychotherapy services. • Inpatient personal health care services for COVID-19 (coronavirus infection) (hereinafter 'COVID-19 services') will be organised on a clustering-territorial principle in accordance with the Annex to this Resolution and in accordance with the requirements laid down within the remit of the Minister for Health and the State Commander of National Emergency Operations. The provision of COVID-19 services will be organised by health care establishments (hereinafter 'organising health care establishments') listed in the Annex to this Resolution, which have units for infectious diseases or human resources to organise the containment of infectious diseases, and which organise and coordinate COVID-19 services in the territory of operation specified in the Annex to this Resolution. To ensure the provision of COVID-19 services, the organising health care establishments will mobilise other health care establishments that are in the territory of operation and that are listed in the Annex to this Resolution (hereinafter 'mobilised health care establishments') for the provision of COVID-19 services. Instructions given by the organising health care establishments on COVID-19 services to the mobilised health care establishments will be mandatory (unless otherwise provided by law). The procedure for organising COVID-19 services is laid down within the remit of the Minister for Health and the State Commander of National Emergency Operations; • The State Commander of National Emergency Operations takes a decision to appoint a coordinator for the activities of the organising health care establishments (hereinafter 'coordinator') to coordinate the provision of COVID-19 services. The coordinator organises the provision of COVID-19 services in cooperation with mayors and directors of administrations. The instructions of the coordinator are obligatory for both the organising health care establishments and the mobilised health care establishments (unless otherwise provided by law).
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	<ul style="list-style-type: none"> • Mobilising health professionals, university and non-university students and residency students and using infrastructure, regardless of their subordination. If necessary, health professionals and staff working with them (personnel serving the medical staff) may be temporarily transferred to another health establishment or their job functions may be temporarily changed in order to ensure the proper organisation of health services. • Inpatient health services for patients with COVID-19 (coronavirus infection), will be provided as follows: <ul style="list-style-type: none"> ○ operational reorganisation in managing patient flows, infrastructure and material and human resources; ○ where necessary, increasing the number of beds and / or the scope of health care services for the treatment of patients with COVID-19 (coronavirus infection) and / or mobilising staff - reducing the scope of routine inpatient and/or outpatient health care services or suspending these services, with the exception of services, where failure to provide them would result in patient's need for medical emergency or a significant deterioration of his condition. ○ there will be no visiting of patients, except terminally ill patients and children under 14 years of age, at the permission of the treating physician.
Social care	<ul style="list-style-type: none"> • There will be no visits to residential social care establishments, foster families, group and community homes, except when visiting residents in terminal condition or when a visit is related to the performance of duties; • social care services will be provided in residential social care establishments and in person's home in accordance with the conditions laid down by the State Commander of National Emergency Operations for public health safety, hygiene and the provision of persons with necessary personal protective equipment.
Prison visits	<p>Long-term and short-term visits in penitentiary establishments and remand prisons will be restricted.</p>
Visiting refugees	<p>In Foreigners' Registration Centre ('FRC'):</p> <ul style="list-style-type: none"> • asylum seekers staying in the FRC and holding the right to move in the territory of the Republic of Lithuania will not be allowed to leave the FRC for more than 2 hours per day; <p>Exceptions will apply in the following cases:</p> <ul style="list-style-type: none"> • asylum seekers that are involved in daily education activities;

	<ul style="list-style-type: none"> • asylum seekers entitled to work, who are employed and who have filed with the FRC administration their valid employment contract. • asylum seekers who are allowed, with the permission of the FRC administration, to leave the FRC for more than 2 hours a day. • foreigners staying in the FRC will not be visited except their lawyers.
Religious gatherings	<ul style="list-style-type: none"> • Religious communities are recommended to hold religious services remotely (except funerals attended by maximum 10 persons except members of the family and/or household or in such a way as to avoid gatherings (while ensuring 10 sq. m. per person and maintaining a distance of at least 2 meters between people or groups of people (up to 2 people or family members); or to refrain from performing religious services.⁶

Legal liability for quarantine violations in the Republic of Lithuania.

On March 14th, 2020, the government **declared a level of a fully prepared civil protection system** in the country and established a quarantine regime that allows for the application of unusual, radical, and non-routine restrictions on daily activities. Such restrictions inevitably involve measures to ensure that the restrictions are enforced.

a) Administrative liability for quarantine violations

The introduction of a quarantine restrictions is the basis for the application of certain provisions of the Code of Administrative Offenses⁷, and non-compliance may lead to criminal liability.

Paragraph 1 of Article 45 of the Code of Administrative Offenses (CAO) provides basis for administrative liability for anyone who has violated the Law on the Prevention and Control of Communicable Diseases of the Republic of Lithuania, which serves as the basis for the establishment of the quarantine and for the appropriate restrictions.

The non-compliance with these restrictions entails administrative liability. Stricter liability, as provided by paragraph 3 of this article, may be applied for anyone who, in violation of the law, has created a risk of spreading dangerous or particularly dangerous communicable diseases to others. For this administrative misconduct, a fine of up to EUR 560 may be imposed on a natural person and up to EUR 3,000 on the manager or responsible person of the legal person. Under this article of the CAO, persons who do not comply with the requirement of self-isolation, arbitrarily leave the medical institution, refuse to test for a dangerous infectious disease, etc. can be punished. This article of the CAO may also apply to the manager of a legal

⁶ Resolution of the Government of the Republic of Lithuania „On Proclamation of Quarantine in the Territory of the Republic of Lithuania“ with amendments, TAR, 2020-05466(2020-03-14), <https://www.e-tar.lt/portal/lt/legalAct/73c0b060663111eabee4a336e7e6fdab>, 2020-11175(2020-05-27), <https://www.e-tar.lt/portal/lt/legalAct/e2edc330a01d11ea9515f752ff221ec9>.

⁷ „The Code of Administrative Offenses of the Republic of Lithuania“, TAR, 2015-11216(2015-07-10), <https://www.e-tar.lt/portal/lt/legalAct/4ebe66c0262311e5bf92d6af3f6a2e8b>.

person, such as a catering provider, who, despite the prohibitions, carries on trade, organizes public events and so on.

According to Article 46 of the CAO, administrative liability may apply for those who do not comply with the requirements of subordinate legal acts - decisions of municipal councils or orders of directors of municipal administrations on combating outbreaks and epidemics of human infectious diseases. This violation, especially if committed repeatedly, shall result in a fine of up to EUR 150 for a natural person and up to EUR 600 for the manager or responsible person of the legal person.

b) Criminal liability for quarantine violations

A violation of the quarantine regime that caused or could have had serious consequences for human health entails the most severe – criminal – liability. Article 277 of the Criminal Code⁸ (CC) establishes that criminal liability is appropriate for violations of the rules for combating epidemics or communicable diseases. Paragraph 1 of this article states that criminal liability may apply for a person who has violated the requirements of health legislation or the rules for the control of communicable diseases, and if these violations has led to the spread of an illness or resulted in an epidemic. Therefore, in this case, it is necessary to identify the specific consequences - the infection of the other person or persons or the outbreak of the epidemic. Paragraph 2 of the same article states that criminal liability may be applied to a natural person who, having been informed by a medical institution of his illness and warned of the required protective measures related to interaction with others, has put another person at risk of contracting a dangerous infectious disease. Such a person may be sentenced to community service, fine, house arrest or imprisonment. Paragraph 2 of Article 277 of the CC shall be applied if it has been established that a person who has been duly informed about his / her health condition and warned about the need to take protective measures, deliberately did not follow those measures as shown by his / her actions (visiting public places, leaving a medical institution, interacting with other persons, etc.) and thus acted riskily and irresponsibly, creating a real possibility of endangering another person or persons. In this case, the determination of the consequences is not a necessary condition for the application of criminal liability; a person, properly informed of his illness and its threats to others, who may endanger others through negligent and reckless behavior poses a significant risk. When considering the application of criminal liability under Article 277 (2) of the CC, the court has a duty to assess whether a person's actions were so dangerous as to entail the most severe criminal liability or whether the application of administrative liability under Article 45 (3) of the CAO may be appropriate.

It should be noted that the crime described in Article 277 of the CC is committed in a careless form of guilt. If an investigation reveals that a person had the intent to infect another person with a serious illness, then, depending on the consequences, he or she may be held liable for assault or even murder.

c) Sanctions

First of all, we should briefly mention the sanctions provided by law for non-compliance with the requirements of the quarantine. If the quarantine restrictions established at the state level are not followed, but such actions did not cause a risk of the spread of the coronavirus,

⁸ „Criminal Code of the Republic of Lithuania“, *Valstybės žinios*, 89-2741 (2000).

individuals are fined EUR 60-140 according to Article 45 of the Code of Administrative Offenses of the Republic of Lithuania, and managers of legal entities or other responsible persons are fined EUR 140-600. Some of the decisions regarding the quarantine regime have been delegated to municipalities, and fines for non-compliance are lower. According to Article 46 of the ANK, non-compliance or late compliance with the decisions of municipal councils or orders of directors of municipal administrations regarding the fight against outbreaks of infectious diseases and epidemics may result in fines of EUR 250-800 for individuals, and EUR 800-1500 for managers of legal entities or other responsible persons.

If there was a risk of the spread of the coronavirus due to non-compliance with the quarantine restrictions, stricter liability is applied: 500-1500 EUR for individuals, and 1500-6000 EUR for managers of legal entities or other responsible persons.

Case law analysis

This article separately analyzes decisions related to the administrative responsibility of legal entities and provides examples of violations of the quarantine restrictions for which administrative responsibility was applied:

a) Safety requirements

The manager of the flower shop was fined for the fact that the distances between customers were not marked, it was not ensured that the customers kept their distances, information was not provided at the entrance that it is not recommended to visit the shopping place for high-risk individuals and about the need to observe good hygiene, partitions were not installed, the temperature of the employees was not measured, the seller was not wearing disposable gloves, and store's cleaning and disinfection was not ensured. 1500 Eur.⁹

At the butcher shop, the cashiers worked without a mask, the flow of customers was not controlled, customers did not keep a safe distance, there were no restrictive signs, no disinfectants. The cashiers were informed about the quarantine restrictions only verbally. The director was fined. 500 Eur¹⁰

An inspection conducted by the National Center for Public Health found that a store clerk did not check the temperature in the workplace and did not fill out an activity log. In the instructions, the employer instructed the employees to check the temperature and fill in the records independently, but there was no thermometer in the workplace. The store manager was fined. 1500 Eur¹¹

The manager of the gas station was fined for the fact that the customer bought and prepared coffee at the gas station without wearing a face and protective equipment, despite warnings. 1500 Eur (reduced to 500 Eur)¹²

⁹ „Šiaulių apygardos teismo 2020 m. spalio 21 d. nutartis administracinio nusižengimo byloje Nr. AN2-126-282/2020“, INFOLEX, <https://www.infolex.lt/tp/1936805>.

¹⁰ „Vilniaus miesto apylinkės teismo 2020 m. birželio 29 d. nutarimas Nr. A1.-1709-1057/2020“, INFOLEX, <https://www.infolex.lt/tp/1917512>.

¹¹ „Klaipėdos apygardos teismo 2020 m. lapkričio 18 d. nutarimas administracinio nusižengimo byloje Nr. AN2-235-557/2020“, INFOLEX, <https://www.infolex.lt/tp/1944407>.

¹² „Klaipėdos apygardos teismo 2020 m. liepos 16 d. nutartis administracinio nusižengimo byloje Nr. AN2-141-651/2020“, INFOLEX, <https://www.infolex.lt/tp/1905811>.

b) Prohibited activities

A mobile phone seller was selling phones in the marketplace, which was prohibited during the quarantine. The seller was punished 250 Eur.¹³

During the quarantine, the store of pet supplies and veterinary supplies operated in physical premises. During the quarantine, physical trade in pet products was restricted, but not in veterinary medicines, which was the store's primary activity. Veterinary products accounted for 61 percent of the store's assortment. When the manager left, she left a power of attorney for the pharmacy manager to run the store during the quarantine. Administrative proceedings against the manager have been terminated. Opened a store when trading in physical premises was prohibited; during the inspection, there were potential buyers on the premises. Warning was issued to the manager.¹⁴

The construction goods store was operating in the physical premises. The director was fined. 1500 Eur¹⁵

The funeral service company sold flowers for 15 EUR to the Financial crimes investigation office officer performing the inspection. The director was fined. 500 Eur¹⁶

The journalist entered the homeless shelter for journalistic purposes without separate permission and contacted its residents. At that time, visits to social service companies were restricted. Punished as a natural person. 500 Eur¹⁷

This article separately analyzes decisions related to the administrative responsibility of natural persons and provides examples of violations of the quarantine restrictions for which administrative responsibility was applied:

a) Masks

At night, an individual was in the common areas (hallway) of the apartment building without a mask. 1000 EUR (reduced to 500 EUR)¹⁸

The buyer did not wear a mask in the shopping center, arguing that the store is not a public shopping place. 500 EUR¹⁹

An individual walked the dog in the yard without a mask. 250 Eur (changed to warning)²⁰

¹³ „Kauno apygardos teismo 2020 m. spalio 7 d. nutartis administracinio nusižengimo byloje Nr. AN2-411-290/2020“, INFOLEX, <https://www.infolex.lt/tp/1930877>.

¹⁴ „Utenos apylinkės teismo Visagino rūmų 2020 m. gegužės 21 d. nutarimas Nr. A18.-262-758/2020“, INFOLEX, <https://www.infolex.lt/tp/1902067>.

¹⁵ „Utenos apylinkės teismo Visagino rūmų 2020 m. gegužės 22 d. nutarimas Nr. A1.-267-844/2020“, INFOLEX, <https://www.infolex.lt/tp/1893109>.

¹⁶ „Klaipėdos apylinkės teismo Klaipėdos rajono rūmų 2020 m. birželio 11 d. nutarimas Nr. A1.-670-729/2020“, INFOLEX, <https://www.infolex.lt/tp/1900936>.

¹⁷ „Šiaulių apygardos teismo 2020 m. spalio 21 d. nutartis administracinio nusižengimo byloje Nr. AN2-126-282/2020“, INFOLEX, <https://www.infolex.lt/tp/1936805>.

¹⁸ „Alytaus apylinkės teismo Varėnos rūmų 2020 m. rugpjūčio 6 d. nutartis Nr. II-78-547/2020“, INFOLEX, <https://www.infolex.lt/tp/1917864>.

¹⁹ „Utenos apylinkės teismo Utenos rūmų 2020 m. rugpjūčio 13 d. nutartis Nr. II-69-958/2020“, INFOLEX, <https://www.infolex.lt/tp/1937474>.

²⁰ „Kauno apylinkės teismo Kauno rūmų 2020 m. liepos 30 d. nutartis Nr. II-348-720/2020“, INFOLEX, <https://www.infolex.lt/tp/1915115>.

An individual from rural village came to the city store to buy a mask, but got caught before having time to do so. 500 EUR (changed to a warning).²¹

A person was without a mask outside, near a residential building. 1000 EUR (reduced to 500 EUR).²²

An intoxicated person did not wear a mask in the store, resisted the officers, violated public order, tried to remove the mask from another customer. 100 EUR²³

A minor was in a public place without a mask. 250 EUR²⁴

Four minors played basketball in an open space without masks. 20 EUR²⁵

An intoxicated person went to smoke without a mask. 550 EUR.²⁶

A person without a mask took out the garbage. In the argumentation, the court relied on the public statements of the prime minister and the head of operations regarding the specifics of wearing masks. 1050 Eur (reduced to 300 Eur)²⁷

A person was walking on the district road without a mask. 500 EUR (reduced to 100 EUR).²⁸

A person did not wear a mask in the store, he put on a rubber one when he was warned. 500 EUR.²⁹

An intoxicated person was in a public place without a mask. 500 EUR³⁰

The buyer did not wear a mask covering his face and nose or other protective equipment in the supermarket, began to conflict with the security guard, refused to leave the store, started filming with his mobile phone, refused to buy a mask in the supermarket, later categorically refused to accept and wear the mask offered by the officials, and by his actions caused the risk of the spread of the COVID-19 disease. Buyer was fined. 500 EUR³¹

The buyer did not wear a mask covering his face and nose or other protective equipment in the shopping center but claimed that it was the security worker who bore the responsibility for violation because he allowed the buyer inside when he should have prevented him from entering the store and prevented the violation. Buyer was fined. 500 EUR³².

²¹ „Panevėžio apylinkės teismo Rokiškio rūmų 2020 m. liepos 29 d. nutartis Nr. II-113-233/2020“, INFOLEX, <https://www.infolex.lt/tp/1915544>.

²² „Panevėžio apylinkės teismo Rokiškio rūmų 2020 m. liepos 29 d. nutartis Nr. II-113-233/2020“, INFOLEX, <https://www.infolex.lt/tp/1915544>.

²³ „Vilniaus miesto apylinkės teismo 2020 m. birželio 23 d. nutarimas Nr. A18.-1675-818/2020“, INFOLEX, <https://www.infolex.lt/tp/1907679>.

²⁴ „Marijampolės apylinkės teismo Vilkaviškio rūmų 2020 m. birželio 22 d. nutarimas Nr. AN1.-605-831/2020“, INFOLEX, <https://www.infolex.lt/tp/1904675>.

²⁵ „Marijampolės apylinkės teismo Vilkaviškio rūmų 2020 m. birželio 22 d. nutarimas Nr. AN1.-605-831/2020“, INFOLEX, <https://www.infolex.lt/tp/1904675>.

²⁶ „Alytaus apylinkės teismo Varėnos rūmų 2020 m. birželio 17 d. nutartis Nr. II-72-445/2020“, INFOLEX, <https://www.infolex.lt/tp/1901891>.

²⁷ „Alytaus apylinkės teismo Varėnos rūmų 2020 m. liepos 7 d. nutartis Nr. II-79-922/2020“, INFOLEX, <https://www.infolex.lt/tp/1909690>.

²⁸ „Panevėžio apylinkės teismo Rokiškio rūmų 2020 m. liepos 2 d. nutartis Nr. II-91-233/2020“, INFOLEX, <https://www.infolex.lt/tp/1921808>.

²⁹ „Telšių apylinkės teismo Mažeikių rūmų 2020 m. liepos 1 d. nutartis Nr. II-33-853/2020“, INFOLEX, <https://www.infolex.lt/tp/1918535>.

³⁰ „Panevėžio apylinkės teismo Rokiškio rūmų 2020 m. liepos 29 d. nutartis Nr. II-113-233/2020“, INFOLEX, <https://www.infolex.lt/tp/1915544>.

³¹ „Panevėžio apygardos teismo 2020 m. lapkričio 3 d. nutartis administracinio nusižengimo byloje Nr. AN2-124-879/2020“, INFOLEX, <https://www.infolex.lt/tp/1940153>.

³² „Telšių apylinkės teismo Mažeikių rūmų 2020 m. liepos 1 d. nutartis Nr. II-33-853/2020“, INFOLEX, <https://www.infolex.lt/tp/1918535>.

The buyer did not wear a mask covering his face and nose in the shopping center due to his subjective beliefs, although he had one and put it on only when the police officers arrived. Buyer was fined.500³³

The shopper in the shopping center did not wear a mask covering her face and nose, insulted the store employee with gestures and words, and did not comply with the demands of legal officials. Buyer was fined.500 EUR³⁴

The buyer did not wear a mask covering his face and nose in the shopping center.250 EUR (half of the minimum fine).³⁵

An intoxicated person fell asleep in the cafe. When the officers were called and woken him up, he did not have a mask, resisted the officers, insulted their honor and dignity. 500 EUR³⁶

A person was negotiating with a car salesman in the parking lot without wearing a mask. The court took into account the fact that all the people present in this situation live in the same household except for the car salesman and that the negotiations lasted for a short period of time. Therefore he received a smaller fine than the minimum. 200 EUR.³⁷

A person in a group of three people was drinking vodka in the corridor of a residential building, and when the neighbors called the authorities about the noise, he was fined for not wearing a mask. 250 EUR.³⁸

A minor was at the bus stop without a mask. 50 EUR³⁹

The resident of the dormitory, while talking to the police officer in the public areas (kitchen of the dormitory), disobeyed the lawful order of the officer to put on protective equipment covering her nose and mouth. The resident was fined. 1000 EUR⁴⁰ He did not wear a mask at the gas station and tried to cover his face with a sweater, violating public order.1000 Eur (reduced to 600 Eur).⁴¹

A person was running on the side of the regional road without a mask. The court took into account the different level of risk when compared to the shopping centers and the statements of the Government representatives regarding the wearing of masks in secluded places. 500 EUR (reduced to 100 EUR)⁴²

³³ „Šiaulių apygardos teismo 2020 m. rugpjūčio 31 d. nutartis administracinio nusižengimo byloje Nr. AN2-107-519/2020“, INFOLEX, <https://www.infolex.lt/tp/1929444>.

³⁴ „Kauno apygardos teismo 2020 m. liepos 23 d. nutartis administracinio nusižengimo byloje Nr. AN2-290-478/2020“, INFOLEX, <https://www.infolex.lt/tp/1908152>.

³⁵ „Utenos apylinkės teismo Utenos rūmų 2020 m. spalio 12 d. nutarimas Nr. II-101-373/2020“, INFOLEX, <https://www.infolex.lt/tp/1940946>.

³⁶ „Plungės apylinkės teismo Plungės rūmų 2020 m. spalio 26 d. nutarimas Nr. A1.-503-363/2020“, INFOLEX, <https://www.infolex.lt/tp/1944832>.

³⁷ „Marijampolės apylinkės teismo Marijampolės rūmų 2020 m. spalio 26 d. nutartis Nr. II-150-416/2020“, INFOLEX, <https://www.infolex.lt/tp/1945256>.

³⁸ „Šiaulių apylinkės teismo Šiaulių rūmų 2020 m. spalio 23 d. nutartis Nr. II-277-322/2020“, INFOLEX, <https://www.infolex.lt/tp/1943930>.

³⁹ „Plungės apylinkės teismo Kretingos rūmų 2020 m. birželio 4 d. nutarimas Nr. AN1.-229-1081/2020“, INFOLEX, <https://www.infolex.lt/tp/1898404>.

⁴⁰ „Šiaulių apygardos teismo 2020 m. spalio 1 d. nutartis administracinio nusižengimo byloje Nr. AN2-121-354/2020“, INFOLEX, <https://www.infolex.lt/tp/1928622>.

⁴¹ „Vilniaus apygardos teismo 2020 m. rugsėjo 7 d. nutartis administracinio nusižengimo byloje Nr. AN2-322-932/2020“, INFOLEX, <https://www.infolex.lt/tp/1920169>.

⁴² „Panevėžio apygardos teismo 2020 m. rugsėjo 2 d. nutartis administracinio nusižengimo byloje Nr. AN2-85-334/2020“, INFOLEX, <https://www.infolex.lt/tp/1920127>.

A person was drunk in a public place on the Palanga city bridge without wearing a face mask. 500 EUR (reduced to 250 EUR).⁴³

He was eating kebabs in a public place, and when asked by the police to put on a mask, he said that he would put it on when he had eaten. At that time, there were no exceptions for not wearing a mask while eating. 500 EUR (reduced to 100 EUR).⁴⁴

The person was without a mask on the street. The court took into account the fact that there were no other persons and reclassified it to Article 45 of the Code of Administrative Offenses. 1 part.70 EUR⁴⁵

A person was reading a book in the park and wearing a mask that did not cover the nose. When interviewed by the officers, he did not want to repair the mask, citing illness. 500 EUR (reduced to 100 EUR)⁴⁶

b) Isolation

After returning from abroad, a person left the place of self-isolation and was fined 500 EUR (reduced to 250 EUR)⁴⁷

c) Gathering

A minor was in a group of 3 persons in a public place - on the street. 250 (125) EUR (half of the statutory minimum fine)⁴⁸.

A minor who already had a prior violation was in a group of 3 persons in a public place, was fined - 350 EUR⁴⁹.

The person was in a group of 3 people at the gas station. The court recognized that the gas station is not an "open public place", the data on the violation of the obligation to observe a safe distance of 2 meters and safe contact (<15 years) was not proven, therefore the lawsuit was justifiably terminated⁵⁰.

Four persons were travelling by car. The court clarified that the car should not be considered an open public place where assembly is restricted. The defendant also stated that the person who was in the car with her corresponded with the General Commissioner of Lithuania and the latter explained to him that a fine should not be imposed for his actions and that the case against him should be terminated due to the lack of composition of the violation, but the police officers did not consider this and still fined him. The court explained that it does not

⁴³ „Plungės apylinkės teismo Palangos rūmų 2020 m. rugsėjo 1 d. nutartis Nr. II-64-588/2020“, INFOLEX, <https://www.infolex.lt/tp/1925616>.

⁴⁴ „Marijampolės apylinkės teismo Marijampolės rūmų 2020 m. rugpjūčio 27 d. nutartis Nr. II-134-610/2020“, INFOLEX, <https://www.infolex.lt/tp/1924203>.

⁴⁵ „Vilniaus apygardos teismo 2020 m. rugpjūčio 24 d. nutartis administracinio nusižengimo byloje Nr. AN2-307-873/2020“, INFOLEX, <https://www.infolex.lt/tp/1916211>.

⁴⁶ „Kauno apylinkės teismo Kauno rūmų 2020 m. rugpjūčio 17 d. nutartis Nr. II-350-917/2020“, INFOLEX, <https://www.infolex.lt/tp/1920748>.

⁴⁷ „Klaipėdos apylinkės teismo Klaipėdos miesto rūmų 2020 m. rugpjūčio 27 d. nutartis Nr. II-194-903/2020“, INFOLEX, <https://www.infolex.lt/tp/1924316>.

⁴⁸ „Kauno apygardos teismo 2020 m. rugpjūčio 3 d. nutartis administracinio nusižengimo byloje Nr. AN2-314-919/2020“, INFOLEX, <https://www.infolex.lt/tp/1910794>.

⁴⁹ „Vilniaus apygardos teismo 2020 m. rugpjūčio 24 d. nutartis administracinio nusižengimo byloje Nr. AN2-307-873/2020“, INFOLEX, <https://www.infolex.lt/tp/1916211>.

⁵⁰ „Kauno apygardos teismo 2020 m. liepos 23 d. nutartis administracinio nusižengimo byloje Nr. AN2-292-317/2020“, INFOLEX, <https://www.infolex.lt/tp/1908153>.

consider the comments of the Commissioner General of Police submitted with the complaint, but points out that in the announcements made in the public space, the Commissioner General of Police emphasized that there is no ban on having more than 2 people in the car, i.e., such information was still disseminated to the public when presenting the quarantine measures.⁵¹

Two young men played basketball outside without wearing masks. The court annulled the penalty, because the duration of the video filmed by the police was short and insufficient to confirm that the persons >15 min. did not keep a safe distance.⁵²

Two young men played basketball outside without wearing masks and explained that they were not wearing them due to the remoteness of the place, but the police recorded the passers-by. 500 EUR⁵³

4 people walked in a group, were intoxicated, resisted the officers. 500 EUR⁵⁴

Conclusions

After reviewing more than 200 court procedural decisions for the 2020-2021 period regarding non-compliance with the requirements of the quarantine regime, several trends emerged.

Most common court cases were due to not wearing the masks, gatherings, and performance of economic activities when doing so was restricted. Courts tended to award minimal or milder fines and reduce the fines given by officials in most of the reviewed cases for violations of the quarantine restrictions. Even in cases of complex violations of quarantine requirements, a minimum fine was imposed on legal entities. Thus, it can be assumed that an effort was made to maintain a general balance of the system of fines established in the Code of Administrative Offenses and to observe the principles of reasonableness and proportionality. On the other hand, in the reviewed cases, there were also arguments that ten times higher fines are imposed in other states.

Only a small proportion of the cases were tried in court, although the media reported that hundreds were fined in one weekend. This is probably due to not only the traditional reasons, such as the sluggish realization of the right to go to court due to lack of legal knowledge, but also the slowdown of all processes in the state during the quarantine and uncertainty about the work of the courts during the quarantine period. Legal regulation was constantly and quickly changing, so the same actions were punished during some periods but not others. There were plenty of quick but absolute decisions that received widespread criticism from the public. Later, correcting the situation the prime minister and the head of operations issued statements about the quarantine restrictions, which were formulated as absolute in the legal acts, but according to their interpretation – they were not absolute, which allowed the courts to rely on the authentic interpretation of the law and to assign more lenient fines.

From the factual circumstances presented in the court decisions, a more pronounced trend is that the officials, after tightening the fines for the violations of the quarantine restrictions, gained more serious criminal power against repeat offenders, or those offenders who committed

⁵¹ „Vilniaus regiono apylinkės teismo Širvintų rūmų 2020 m. rugsėjo 1 d. nutartis Nr. II-141-522/2020“, INFOLEX, <https://www.infolex.lt/tp/1925112>.

⁵² „Marijampolės apylinkės teismo Šakių rūmų 2020 m. rugsėjo 28 d. nutartis Nr. II-122-876/2020“, INFOLEX, <https://www.infolex.lt/tp/1935762>.

⁵³ „Klaipėdos apylinkės teismo Klaipėdos miesto rūmų 2020 m. rugsėjo 14 d. nutartis Nr. II-250-890/2020“, INFOLEX, <https://www.infolex.lt/tp/1929938>.

⁵⁴ „Panevėžio apylinkės teismo Rokiškio rūmų 2020 m. rugsėjo 7 d. nutarimas Nr. A18.-437-504/2020“, INFOLEX, <https://www.infolex.lt/tp/1930376>.

several administrative offenses at the same time. If previously the fine for natural persons after consolidation amounted to tens of euros, now fines of 500 or even 1000 euros were imposed. It was also noticed that procedural violations, insufficiently accurate and biased protocols, and insufficient evidentiary material were used quite successfully in the court proceedings.

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DEEPPFAKE, PROPAGANDA, DISINFORMATION: IS THERE A DIFFERENCE, AND HOW LAW ENFORCEMENT CAN DEAL WITH IT

Aurelija PŪRAITĖ

Mykolas Romeris University
Maironio str. 27, LT 44211 Kaunas, Lithuania
E-mail: aurelija.puraite@mruni.eu
ORCID ID: [0000-0001-9228-1396](https://orcid.org/0000-0001-9228-1396)

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Abstract. *The number of cyber incidents in Lithuania, as in the whole world, is increasing every year. According to the National Cyber Security Center at the Ministry of National Defense, in 2020 cybernetic incidents of a different kind increased by 25 per cent, and the number of incidents related to the distribution of malware increased by as much as 49 per cent, the same trend being observed in other states. Such categories as deep fake, propaganda, and disinformation are related to cybersecurity as well. Propaganda, systemic disinformation campaigns and deep fake content are designed to misinform the public, influence politics and democratic processes, and contribute to fraud and other crimes. It's amazing when deep fake images created with the help of AI add value to a movie but is very threatening and provocative when a fake and heavily manipulated video depicting Ukrainian President Volodymyr Zelenskyy circulated on social media and was placed on a Ukrainian news website by hackers in early March 2022. Is law offering at least some tools that can help victims of crimes that can be incriminated when using deep fakes (such as defamation, intentional infliction of emotional distress, privacy tort, and some others) to protect themselves, and— are law enforcement officials ready to identify and prevent these possible violations, and what other possible threats deep fakes can have on law enforcement activities is being discussed in this article. The author of this article raised a hypothesis that Lithuanian law enforcement institutions, despite being late and reacting to post-incident manifestations of information warfare, have a clear strategy for combating this type of activity, at least to monitor and prevent it. Law enforcement authorities can take specific legal actions only if one or another activity is defined as criminal at the legislative level. Therefore, a methodological decision was made to conduct qualitative research, that is, interviews with two experts who, due to their positions, could discuss the topic of the research. The results of the interviews were unexpected and required the adoption of non-traditional scientific decisions by the author of this article.*

Keywords: *informational warfare, propaganda, disinformation, deep fake, law enforcement.*

Introduction

Recently, due to the geopolitical processes taking place in the world, with the research of hybrid threats receiving special attention, we hear more and more about information threats, and information wars, which can manifest in very different forms. Information threats to national and public security can manifest themselves in various information-based operations, information attacks (IA) can be carried out at any time (especially in special situations when societies face economic or political crises, military or climatic disasters, etc.), they can be directed both at separate individuals, social groups and at society as a whole. Only the object, intensity and level of danger of such attacks differ, as well as the means chosen. Information attacks in peacetime are aimed at selfish political goals, for example, to destroy democratic processes, or to break the will of the citizens of a state to resist in the event of an apparent invasion. Actions of information warfare are manifested in large-scale disinformation campaigns, the course of politics is controlled with the help of social networks, individuals can be radicalized and recruited, they can be given instructions to destabilize society, incite discord between various groups in society and commit crimes against individual groups. The

information space has become a standard platform that allows hostile state or anti-state entities to convey an image of „their reality “, shaping public attitudes in a beneficial direction and motivating or correcting people ‘s behaviour. The significance of the information war that is taking place in Ukraine's war with Russia awaits a very detailed and deep analysis in the future, because disinformation, propaganda, and deep fakes have never had such an impact as they do now.

It must be mentioned that recently the discourses on information wars have moved from more theoretical topics to be attributed to the research field of communication and political technology specialists to a completely different level. The war in Ukraine that started in 2022 showed that the biggest mistake recognized not only by the world ‘s politicians, scientists, and experts but also by Russia's opposition and journalists continuing their activities abroad, was the belief that Russian propaganda is ridiculous, that it is impossible to believe it, that the majority of Russian citizens understand that it is a lie. The reality turned out to be quite different, and very frightening. As some Russian opposition journalists very rightly observed about the middle-aged generation, while protecting our children from the harmful effects of the Internet, we did not notice how our parents became addicted to television and propaganda. Indeed, this lesson is significant - propaganda is not something to be laughed at, to be seen as a tool to bully the stupid and uneducated masses. Such social snobbery and underestimation contributed greatly to the complete moral degradation of Russian society. It became obvious that these phenomena should not only be analyzed theoretically, not only their psychological and political effects should be assessed, but also appropriate legal actions should be taken to prevent information that has the characteristics of propaganda, disinformation, deep fake and poses a threat to the security of the state and society.

Information warfare is a term used to describe the collection, distribution, modification, disruption, interference with, corruption, and degradation of information to gain some advantage over an adversary (Marlatt, 2008; Prier, 2017; Khalilzad et.al., 1999). It should be mentioned, that information warfare does not necessarily need to be related to cyber attacks or technologies in general, more conservative means of spread of disinformation or propaganda is often used as well. The concept of information warfare used in the 1990s accounted for both the psychological and technical factors in digital warfare long before the term “cyber” became so widely used. This article will focus on information warfare methods and the response of law enforcement not relating it with any type of spread channels, however, during the qualitative research (interviews with experts), it became obvious that it is propaganda, disinformation and deep fakes that are spread in cyberspace that are the object of attention of law enforcement authorities. The object of this research is propaganda, disinformation and deep fake, which are part of specific criminal activities, and the ability of law enforcement authorities in Lithuania to react to such acts by implementing innovative monitoring, prevention and investigation actions. The question was raised, whether a law is offering at least some tools that can help victims of crimes that can be incriminated when using, for example, deep fakes (such as defamation, intentional infliction of emotional distress, privacy tort, and some others) to protect themselves, and– are law enforcement officials ready to identify and prevent these possible violations, and what other possible threats deep fakes can have on law enforcement activities is being discussed in this presentation.

The author of this article raised a hypothesis that Lithuanian law enforcement institutions, despite being late and reacting to post-incident manifestations of information warfare, have a clear strategy for combating this type of activity, at least to monitor and prevent it. Law enforcement authorities can take specific legal actions only if one or another activity is defined

as criminal at the legislative level. Therefore, a methodological decision was made to conduct qualitative research, that is, interviews with two experts who, due to their positions, could discuss the topic of the research. The results of the interviews were unexpected and required the adoption of non-traditional scientific decisions by the author of this article.

Methodology. Qualitative research. The work is written based on the descriptive method, intended to discuss scientific material and legal acts related to the concept of information warfare, propaganda, disinformation, and deep fakes. The qualitative research method is used to analyze the readiness of law enforcement institutions to recognize and investigate this type of criminal activity. The qualitative research - interviews with two experts - were conducted in September 2022. Both interviews were conducted remotely using the Microsoft Teams platform and lasted 1,5 hours each, the conversations were recorded, later transcribed using MAXQODA software. Experts were selected according to the areas of their professional competencies. The experts agreed to reveal their identities. One expert was Arūnas Paulauskas, then Deputy General Commissioner of the Lithuanian Police (from December 2022 appointed by the Minister of Internal Affairs as a temporary Head of Public Security Services), who supervised the field of cybercrimes in the Lithuanian police system. Another expert was the Head of the Lithuanian Police School, Robertas Šimulevičius (previously the head of the Training Center of the Criminal Police Bureau), with whom there was a discussion about the training and competence development of officers in the field of cybercrimes and crimes related to the informational system.

The results of the interview of experts were described and commented on by the authors of the research, making assumptions about the reasons for the insights provided by the experts. The discussion is not presented as a separate part of the article but is incorporated mostly as examples in other parts of the research.

The concept of information warfare

The idea that information is crucial to success in warfare is a truism that dates back at least to the ancient Chinese writings of Sun Tzu (2016). In strategic information warfare, the battleground is the information infrastructure and everything related to it. Although the information infrastructure encompasses much more than just the cyber environment, however, for many, they are essentially equivalent terms. In the pre-internet era, information warfare was relatively the threat of narrow action due to both limited distribution and slow impact. Cyberspace has removed the first limitation - the spread of information has become uncontrollable and embraceable. However, the second limitation - the effect on the masses - has become extremely dependent on the information warfare tool. If propaganda is a slow-acting weapon whose effect is not felt immediately, then deep fake is a tool that can have an immediate effect. It's amazing when deep fake images created with the help of artificial intelligence (AI) tools add value to a movie, but it is very threatening and provocative when a fake and heavily manipulated video depicting Ukrainian President Volodymyr Zelenskyy circulated on social media and was placed on a Ukrainian news website by hackers in early March 2022.

When it comes to Information Warfare (IW), it is important to pay attention to an obvious but essential feature - it is a way of warfare that does not have a front line because the purpose of this warfare is not to conquer territory, but to conquer people's minds, and this way „to destroy „the enemy“ not physically attacking the target group, but the minds of the target group, the psyche“ (Ganser, 2005, p. 28). In this research, we do not aim to define information warfare,

this is not the subject of our article; it will suffice to mention that there is no universal or generally accepted definition of 'information warfare', but it is important for us that information warfare is not a single, simple thing, that it has many complex dimensions (Bellamy, 2001). Libicki already in 1995 articulated that „Coming to grips with information warfare...is like the effort of the blind men to discover the nature of the elephant: the one who touched its leg called it a tree, another who touched its tail called it a rope, and so on. Manifestations of information warfare are similarly perceived...[T]aken together all the respectably held definitions of the elephant suggest that there is little that is not information warfare.“ (Libicki, 1995, p. 3). Information warfare could be understood as a „class of techniques, including collection, transport, protection, denial, disturbance, and degradation of information, by which one maintains an advantage over one's adversaries“ (Burns, 1999). During the last decade, IW has become a much-politicised term and keeping in mind the swift of communication channels to internet area and digitalization of media, much related to term „cyber“.

It should come as no surprise that Russia's information attack campaigns have often been the subject of research in recent years when it comes to information warfare. As Whyte analysed, „since at least 2013, nearly two dozen countries across the West and the former Soviet sphere have been victims of interference operations conducted by the Russian Federation“ (Whyte, 2020, p. 167). Russia, of course, is not the only country that uses different information means, the most diverse information channels, as well as dark technologies, such as manipulative use of social media platforms, troll farms, and fabricated news content, but it is undoubtedly an information war, manifested in propaganda, disinformation, fake news, leader. Over the past ten years, and especially actively since 2014 (the beginning of the Russian invasion of Crimea and the start of the war in Syria), social media has served as a battleground for states and non-state actors to spread competing narratives about the war and portray the ongoing conflict on their terms. But since 2022, with the start of Russia's open, aggressive, a wide-scale war in Ukraine, information has become one of the most important weapons off the battlefield like never before. As the war continued, the avalanche of information attacks became even more intense and manifested itself in all classic forms - digital ecosystems were flooded with disinformation, open and hidden propaganda, and fake news. Strategic propaganda campaigns in wartime are by no means new, but a feature of the 21st century is that these campaigns are carried out on social media (Twitter, Facebook, Instagram, TikTok, YouTube, etc.) and these channels have been chosen as the main distribution channels. Therefore, information attacks become the addressee of everyone, which changes the conduct of information warfare, as well as who can participate in ongoing conversations to shape new narratives. The new trend in this war is the beginning of using deep fake (machine learning techniques used to create deep fake media content, where fabrication is immensely difficult to distinguish from reality, most often used in advertising or cinematography).

Summarizing, as it is difficult to say better than Giles (2016) “information warfare can cover a vast range of different activities and processes seeking to steal, plant, interdict, manipulate, distort or destroy information. The channels and methods available for doing this cover an equally broad range, including computers, smartphones, real or invented news media, statements by leaders or celebrities, online troll campaigns, text messages, vox pops by concerned citizens, YouTube videos, or direct approaches to individual human targets” (p. 4). The best response to propaganda is the truth. As expert A. Paulauskas emphasized, recently in the Lithuanian media there could be found quite a few publications about propaganda and disinformation (for example, about how to recognize it), and this is a positive phenomenon,

because public education is the first step for society to become more resistant to information attacks.

The concept of propaganda, disinformation, and deep fake in the context of public security

Content designed to influence behaviour, influence process outcomes, exists and has been used for centuries, but in the 21st century, manipulating information and mass behaviour has become easier as mass communication methods have enabled the wider dissemination of propaganda. French philosopher Jacques Ellul noted the simplicity of propaganda in 1965; according to Ellul, “*propaganda ceases where simple dialogue begins*” (1965, p. 6). For propaganda to work, there must already be a foundation, i.e. a pre-existing narrative to build upon. It also requires at least a minimal historical, logical, cultural, religious or similar basis on which to build a propaganda narrative. There must also be at least a minimum network pre-existing of those who would believe such a narrative for any reason (social environment, personal experiences or traumas, etc.). Such first believers of propaganda very easily believe the very first created propaganda narratives and become their spreaders. When it comes to disinformation, one of the main reasons for the existence of disinformation is people's ignorance, their inability to recognize partial or selective truths and lies. Social networks help spread the created narrative at an incredible speed, especially with modern methods (bots, troll farms, etc.). By definition (Wardle 2018), disinformation is the information created and distributed with the express purpose of causing harm. “Producers of disinformation typically have political, financial, psychological, or social motivations” (Gradon, 2020, p. 136).

Of course, the starting point remains the classic rules of psychology and anthropology - the human tendency to believe the information in social networks that corresponds to his/her already existing beliefs. Those persons, in turn, are likely to share information with others in their network, who are like-minded. Thus, a particular social network accepts the narrative created by propaganda and disinformation as fact. However, creators of propaganda and fake news with criminal goals usually aim for the greatest possible effectiveness, i.e., they aim to not limit themselves in terms of impact to only those addressees who are inclined to believe the specific content. The aim is to spread as widely as possible. Meanwhile, the individuals to whom the full power of social media is directed will never fully understand that the ideas they have are not entirely their own.

What is new in the 21st century is that propaganda is increasingly being talked about as a part of the state's strategic policy, it is no secret that recently a lot of attention has been paid to Russian propaganda and disinformation campaigns managed at the state level (Wagnsson & Hellman, 2018). Propaganda uses a variety of techniques of influence. The aim is to create images (for example, “us vs. them”, and “us vs. the enemy”), to work on target audiences, to divide society, to create hatred, to sow fear, etc. People are influenced by massive information flows containing disinformation and psychologically processed by playing on emotions. Information warfare aims to reshape/ change the perception of reality, to break down the sense of security and the unity of society/state/organization (for example, against NATO/EU), and to provoke emotional reactions -hatred, fear and panic. As Tüür indicated, „The interpretation of reality by the target group to be influenced is altered using a combination of psychological operations, disinformation and propaganda, to shape the target group's views in such a way that it is perceived as an objective reality“ (2020, p. 15).

Why can propagandistic narratives be dangerous precisely when it comes to public safety? Despite the seemingly obvious answer to this question, researching the scientific literature, as well as the statements of the representatives of law enforcement institutions in the public space, it is clear that propaganda and disinformation are still mostly perceived as political tools, and not as a potential threat to public safety. When presenting specific counterexamples, law enforcement representatives do not dispute them, but their reactions show that these institutions lack education and methodical and systematic training in the areas of phenomenon recognition and potential threat identification.

For example, in 2018 during the World Cup football matches, Russian football hooligans attacked British fans and openly declared violence, and the Russian authorities supported the violence and perceived the hooligans as patriots defending the motherland. The same authorities also made several xenophobic, racist and homophobic statements to the press. For example, a senior official from the Russian Investigative Committee said: "They [Europeans] are surprised when they see a real man looking the way he should. They are used to seeing only 'men' in gay parades" (Sterling, 2016). It is worth noting that before the above-mentioned event, a particularly high number of anti-European discourses were observed in the Russian mass media, pitting Russian football fans against the football fans of European countries, inciting openly racist and homophobic sentiments, and presenting the usually aggressive behaviour of Russian fans as defending "traditional" values (which is a common narrative for Russian propaganda) (Andriukaitis, 2028). Analyzing this example, expert A. Paulauskas was asked if there is a monitoring strategy in the Lithuanian police that would be able to identify the propaganda of preparation for state-sponsored violence, especially during certain sensitive events (in Lithuania, such situations periodically recur during former Soviet memory dates, especially May 9th, on a day which in the Soviet Union, unlike in other allied countries, was considered the Victory Day of World War II). The expert indicated that on historically sensitive days, the presence of police forces is traditionally increased in certain parts of the city (for example, in cemeteries where soldiers of the Soviet Army are buried), but it is not separately observed whether any special propaganda or disinformation campaign is carried out in the public space during that particular period.

Russian propaganda is also characterized by the repetition of narratives, when an effective and effective narrative is discovered, it is repeated in various situations, artificially linking it to actual circumstances. This trend of Russian propaganda towards the Baltic countries is known and analyzed by experts (for example, Andriukaitis, 2020). Expert A. Paulauskas noted that this trend is known to Lithuanian law enforcement institutions as well, but law enforcement cannot take specific actions due to gaps in the relevant laws. The expert also indicated that the Lithuanian Police activities in the prevention of information threats are exclusively associated with ensuring cyber security, and there is no official institutional cooperation related to other forms of IW.

According to the Law on Cyber Security of Lithuania, a cyber incident is an event or action in cyberspace that may cause or causes a threat or a negative impact on the availability, authenticity, integrity and confidentiality of electronic information transmitted or processed by communication and information systems, disrupt the operation, management and provision of services through them (Law on Cyber Security). In other words, the concept of cybercrime is quite narrow and focused on the protection of the systems themselves. The analysis carried out by the State Audit of Lithuania indicates that even though Lithuania is among the countries of the world according to the 2021 United Nations International Telecommunications the cyber security index published by the union is sixth in the world, however, information about cyber

security entities identified by cyber security risks are not accumulated and managed at the national level. More than a third (38 per cent, 81 out of 212) surveyed cyber security entities do not perform cyber security risk assessment, as a result of which new or recurring ones may be missed threats affecting the security status of entities and their activities (State Control, 2021). The independent police activities are very limited in the field of cybersecurity, according to the Law on Cyber Security, the police, while preventing and investigating cyber incidents that may have signs of criminal acts: 1) collects, analyzes and summarizes information about cyber incidents that may have signs of criminal acts; 2) determines the procedure for submitting to the police the information necessary for cyber security entities to prevent and investigate cyber incidents that may have signs of criminal acts; 3) has the right, when the service recipient is possibly participating or the communication and information technology equipment used by him is possibly being used for a criminal act, without a court sanction, to give an instruction to the provider of public electronic communication networks and/or public electronic communication services, the provider of electronic information hosting services and digital to the service provider for no longer than 48 hours, and for a longer period - with the sanction of the district court, to limit the activities. The Criminal Code of Lithuania (Criminal Code of the Republic of Lithuania, 2000) foresees only 5 articles related to information security (Articles 196 – 198, Articles titled “Illegal exposure to electronic data”, “Illegal impact on the information system”, “Illegal interception and use of electronic data”, “Illegal access to the information system”, “Illegal disposal of devices, software, passwords, codes and other data”), and there are articles that could be related only indirectly with IW (for example, article 122 “Public calls to violate the sovereignty of the Republic of Lithuania by violence”), however, propaganda, disinformation, fake news usually are more sophisticated than simply open and loud calls to fight against the state of Lithuania. All the said above indicates, that there are no direct legal tools to prevent possible actions of IW.

Recent years the spread of disinformation against the Republic of Lithuania was widely acknowledged by governmental institutions and society. False news from Russian and Belarusian propagandists regarding the migration crisis was designed to quickly arouse negative emotions and to discredit Lithuania as a democratic state. As presented by Lithuanian State Security Department and Defence Intelligence and Security Service “National Threat Assessment” of 2022 indicates, “Russian and Belarusian propaganda production on the topic of the migration crisis is characterized by war and hate rhetoric, which was abundant not only in the statements of propagandists themselves but also by the interviewed officials of the regimes” (p. 52). However, law enforcement institutions gave no legal tools to tackle this type of disinformation, as it formally does not violate any legal provision. However, speaking about propaganda of war, there are some legal tools prescribed by law. War propaganda is prohibited by Article 135 of Lithuania’s Constitution. Article 170-2 of the Criminal Code states that public support for international crimes entails criminal liability. This article notes that a person who has publicly approved genocide or other crimes against humanity or war crimes recognized by the legal acts of the Republic of Lithuania or the EU or recognized by the decisions of the Republic of Lithuania or international courts, denied them or grossly belittled them, if this was done in a threatening, insulting or insulting way or as a result, public order was disturbed, punishable by a fine or restriction of liberty, or arrest, or deprivation of liberty for up to two years. The Criminal Code also provides for liability for public mockery, contempt or incitement against any national, racial, ethnic, religious or other group of people. However, it is worth noting that these actions investigate the signs of a criminal act only if they are carried out in public. Expert A. Paulauskas acknowledged, that law enforcement responds to received

complaints, but often faces information attacks allegedly countering freedom of speech. This statement is confirmed by Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda (OSCE, 2017), General prohibitions on the dissemination of information based on vague and ambiguous ideas, including “false news” or “non-objective information”, are incompatible with international standards for restrictions on freedom of expression” (Para. 2.a). Officials lack confidence and knowledge, often fearing to exceed their authority and be accused of human rights violations, they do not take proactive steps to prevent disinformation and propaganda.

However, the expert revealed that more attention is paid to deep fake technologies. Deep fakes are created using generative adversarial networks that use artificial intelligence (AI) and two machine learning algorithms: a generator (image creator) and a discriminator (image checker). The police representative revealed that it is the content created with deep fake technologies that have recently been recognized as criminalized, often not only violating personal data protection standards but also aimed at more serious criminal offences - fake pornography, defamation of reputation, identity theft, lately more and more news reports talk about the use of deep-fake images for disinformation, scams, activism and even espionage. The expert revealed that there are fears that the risk of criminal programs with synthetic sound will increase significantly in the coming years, partly due to the growth in the use of voice assistants. This means that, on the one hand, it becomes more and more difficult to reach people with your message, and on the other, it becomes more and more difficult to find the right information as a person. It will also make it increasingly difficult for the police to rely on videos as evidence. As Frederick Dauer (2022) points out, “Deep fake (...) threaten public trust in video and present challenges for law enforcement with new types of investigations, evidence management, and trials. Deep fake media have already been used to commit crimes from harassment to fraud, and their use in crimes will likely expand”. Expert A. Paulauskas admits that many police officers are still unaware of how easy it is to create deep forgeries using reasonably accessible databases or programs. The expert stressed that the only way to combat deep fakes is the relevant, systematic education of law enforcement, supported by a holistic approach to the phenomena.

Response of law enforcement. Qualitative research results

The number of cyber incidents in Lithuania, as in the whole world, is increasing every year. According to the National Cyber Security Center at the Ministry of National Defense (NCSC) (2022), 11,659 cyber incidents were registered by the National cyber security centre in 2019-2021, 2020 cybernetic incidents of different kinds increased by 25 per cent, and the number of incidents related to the distribution of malware increased by as much as 49 per cent, the same trend being observed in other states. Such categories as deep fake, propaganda, and disinformation are related to cybersecurity as well, NCSC, applying technical cyber security measures, found the most cases of malware spread in the energy (27 per cent), public safety and legal order (22 per cent) and foreign affairs and security policy (21 per cent) sectors (government of the Republic of Lithuania, 2021). Speaking generally about the use of the latest technologies in organized crime, as well as new crime modus operandi, expert A. Paulauskas noted that law enforcement feels that they are always one step away from the criminal world.

Here it is crucial to mention, and it has been confirmed by the expert A. Paulauskas that especially disinformation, fake news and deep fake can be countered with education, not just in regards to the topics being communicated, but also education about the tactics and methods

used to create these types of IW tools (Morelli & Archick, 2016). This theoretical statement was also confirmed by the expert head of the Police School Robert Šimulevičius, who revealed in an interview that future police officers who study at the Police School, as well as already working officers who participate in training to improve their competencies, receive minimal information about cyber threats, and no information is provided about propaganda and disinformation spread by other means. Officers are trained to work with information systems, but only a very small number of officers who are trained to work in the cyber-police unit are trained in more detail on how to recognize the mechanisms of information attacks. The expert noted that in the fight against disinformation and deep fakes, it is extremely important to combine education (covering a significantly wider range of topics than it is now, the education campaign should include basic information on ways deep fakes are created, how criminals can already utilize deep fake media, and methods to identify it) at all levels with initiatives of the legislature for laws that could help address the threat posed by especially deep fake media. Expert A. Paulauskas also noted that it is necessary to develop partnerships at all levels to use state funds as efficiently as possible because the creation of IT laboratories and the development of activities require significant financial investments. The expert referred to Joint Declaration of the European Police Chiefs, adopted in 2022, which declares that “for law enforcement to bring criminals to justice, mitigate crimes and adequately protect victims in the digital age, the use of AI-supported tools is not a choice but a necessity”, and expresses the clear need for more adequate regulation, not leading “to a situation where the police cannot use AI at all or only with considerable effort or delay” (Joint Declaration of the European Police Chiefs on the AI Act, 2022), as it is now in national regulation of Lithuania.

Answering a question could there be a situation soon when a police officer will not be able to collect evidence from a crime scene (as den Dunnen indicated, “It is still unclear what the new meaning of fake and real will be, but it is about the contribution to truth-finding in a certain context, the evidential value” (2021, p. 17)), the expert responded positively. The expert also noted that there is a lack of cooperation with scientific institutions when researchers share the results of project activities and present the latest research insights. Such projects, implemented by Mykolas Romeris university, such as NAAS (a joint project to create a National Information Impact Identification and Analysis Ecosystem, the project is funded by the European Union Funds Investment Operational Program 2014-2020), AGOPOL („Algorithmic Governance and Cultures of Policing. Comparative Perspectives from Norway, India, Brazil, Russia, and South Africa”, the project is financed by the Research Council of Norway), are of the primary interest of law enforcement institutions.

The experts were asked to simulate a situation where a controversial incident of police use of force is recorded, and captured by an outsider's mobile phone. Would it be possible that such a video can be manipulated to make it appear that the official made biased, aggressive, insulting statements, and violated fundamental human rights. It may be possible to manipulate the video, edit out citizen resistance, or simulate apparent force used by the officer. The experts answered that such a situation is possible, but with the help of police communication specialists, the impact on society could be neutralized. The author of this article doubts such a perspective expressed by experts, because as evidenced by numerous studies, trust in the police is very fragile and can be destroyed by one irresponsible example, and a deliberate, targeted attack on the reputation of the police would have fatal consequences for public trust in law enforcement. According the survey carried out by the MRU on the order of the Ministry of the Interior in 2021, 78 percent of Lithuanian residents’ trust law enforcement institutions, which ranks 7-8 in the European Union according to the relevant indicator (Official Statistics Portal, 2022). For

the police, such an erosion of trust would mean that it would be necessary to work even more transparently, even more openly, in order to restore trust, so it can be assumed that experts underestimate the possible impact of deep fakes on police activities.

Conclusions

It is obvious that the information war as a hybrid threat to the growth of the state and society is becoming more and more sophisticated, manifesting itself in more and more diverse forms, from the political and diplomatic level, propaganda, disinformation is moving into the criminal space, because the consequences of such information attacks can be extremely dangerous. For law enforcement, those cases are particularly relevant when some forms of disinformation and propaganda may harm individual reputations and privacy, or incite to violence, discrimination or hostility against identifiable groups in society. Therefore, at the level of legislation, as well both at the level of training law enforcement competencies, and the awareness of law enforcement officers, they must be prepared to identify, prevent, and prosecute such acts. Interviews with experts revealed that its law enforcement is currently focusing mainly on cybercrimes related to illegal economic and financial activities, hate crimes, but activities that are based specifically on informational attacks (propaganda, disinformation, fake news) are poorly understood and harder to recognize. Currently, law enforcement officers are more often trained to recognize content created by deep fake technologies, especially related to revenge pornography. The experts emphasized that, considering the geopolitical processes taking place in the neighbourhood of Lithuania, it is necessary to increase the awareness of officials about propaganda, disinformation, which can pose a threat to public safety (for example, by initiating riots, disturbances, inciting hatred towards specific individuals).

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THE CONCEPT OF DISINFORMATION IN THE PRACTICE OF INTERNATIONAL ORGANIZATIONS

Harald Christian SCHEU

Charles University

Nám. Curieových 7, 11640 Praha 1, Czech Republic

E-mail: scheu@post.cz

ORCID: [0000-0001-8639-5442](https://orcid.org/0000-0001-8639-5442)

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Abstract. *This paper deals with a conceptual understanding of the term disinformation as it used in the political documents and strategies of international organizations. While fully acknowledging that various risks related to the spreading of disinformation in the “digital ecosystem” are very serious, we find that a precise definition of the term disinformation is difficult to draw. As a consequence of certain ambiguities in the various definitions used by international organizations, there is a high risk of human rights violations, especially of the freedom of expression. Unprecise and ambiguous legal terms leave a broad space for abuse by state bodies. Ultimately, the cure might be worse than the disease.*

Keywords: *European convention, human rights, fundamental freedoms*

Introduction

The Digital Revolution, sometimes also called the Third Industrial Revolution, has fundamentally changed the media sector. As a result of the development of the Internet and the digitalization of communication processes on a global scale, new forms of media emerged which permit the unprecedentedly fast creation and sharing of information. Innovative business models have significantly strengthened this trend. Academic literature sometimes speaks about the so-called digital ecosystem, in which users like “organisms” are connected to each other in online communication (Van De Hoven, Comandè, Ruggieri, Domingo-Ferrer, Musiani et alii, 2021). The definition of the rights and responsibilities of individual actors in this system has become the subject of several legal disciplines. The enormous dynamics of changes have attracted the particular attention, for example, of experts on competition law (Lundqvist, Gal, 2019). However, the areas of human rights protection and public security are equally affected.

In the new digital ecosystem, citizens of European countries have access to a confusing multitude of different resources. The significant increase in the potential to disseminate information may certainly have a positive impact on freedom of expression, which traditionally includes not only the possibility to publicly communicate one's positions, but also the possibility to receive information. However, new communication technologies have also tremendously increased the risks associated with the abuse of freedom of expression and experts point, among other things, to the “viral spread of disinformation and hate speech on an unprecedented scale” (Parcu, Brogi, 2021). This phenomenon not only divides society, but can also undermine the very fundamentals of democracy.

For this reason, the current state of the digital ecosystem is increasingly perceived as a security problem as disinformation may form an integral part of hybrid threats as it is intended to weaken the enemy by disorienting, destabilizing and disrupting its political structures, undermining the functioning of state bodies, and influencing the population's morality (Ivančík, Nečas, 2022). Addressing the risks associated with digital communications is a key challenge for democracies in Europe and other parts of the world. Due to the global nature of current

communication processes, European states are no longer able to manage these risks on their own and, therefore, solutions need to be considered at a pan-European and international level.

In this contribution, we focus on a conceptual understanding of the term disinformation as it appears in the political documents and strategies of international organizations. At the EU level, various tools have been designed and adopted against the spread of disinformation. In the interest of a transparent and effective approach, EU measures should be based upon a clear and generally understandable definition of disinformation not leaving space for abuse. In the context of mass communication, efforts to influence public opinion and the behavior of a large number of people are not a new phenomenon. Therefore, it is questionable which forms of influencing public opinion and which concrete expressions can be subsumed under the concept of illegal disinformation.

With due regard to the principle of legality (*nullum crimen sine lege* and *nulla poena sine lege*) repressive measures such as restrictions on communication or sanctions need to be conceived in a precise and predictable manner. Possible ambiguities connected with the legal definition of disinformation can cause a conflict with basic human rights. This applies all the more if various restrictions shall be imposed not directly by competent state bodies but by private business corporations. It is necessary to clarify according to what criteria operators of digital platforms shall identify and subsequently remove deceptive and dangerous context.

So, the aim of this article is to outline terminological problems related to the concept of disinformation, in particular with a view to the practice of international organizations. We are not going to deal with specific procedures concerning the identification of disinformation and the imposition of legal sanctions as we believe that any legal definition of disinformation needs to be generally valid and it should not depend on the specific goals of international or national institutions applying and interpreting it.

In this article we are going to use a comparative method in order to identify the content of international documents related to the definition of disinformation. Further, we will deal with the relevant elements of a legal definition from an analytical perspective. Academic legal literature will be used as well as reference to human rights case law.

1. Historical dimensions of the problem

When it comes to the analysis and categorization of various forms of unwanted influence on the public, legal science is dependent on the findings of academic disciplines which focus on interpersonal communication and its social effects. Within the framework of social sciences, a rich academic literature has been developed on such phenomena like, for example, propaganda, agitation and manipulation. Recently, the new term “fake news” has come into the center of professional and public interest. The exact distinction between these forms of communication is certainly not easy to make as the boundaries between information and disinformation campaigns can be very thin in reality, and their determination may largely depend on the subjective perceptions or moral attitudes of both communicators and recipients.

Academic literature cites numerous historical examples in which untruths were used in order to achieve political or military goals. From ancient Greece, there are stories about the use of targeted manipulation by Athens against Persia an external enemy (Marr, 1995) as well as against Sparta an internal enemy (Gelfert, 2021). In their Short Guide to History of Fake News and Disinformation, Julie Posetti and Alice Matthews (2018) point at the example of the Roman emperor Octavian waging a propaganda campaign against his rival Mark Antony.

After the invention of the printing press, more sophisticated forms of communication led to more sophisticated forms of manipulation of public opinion. Axel Gelfert (2021), a professor at the Technical University of Berlin, dryly noted that in times of war and armed conflicts, adversaries regularly deployed disinformation campaigns and political actors often manipulated the truth when it suited their purposes. Various authors have dealt with the so-called “Great Moon hoax” of 1835 which is supposed to be “the first large scale news hoax” (Ireton, Posetti, 2018). The series of articles on the alleged discovery of civilization on the Moon which was published in the New York newspaper *The Sun* is often seen as a turning point in the development of the American press (Thornton, 2000).

According to Miroslav Mareš and Petra Mlejnková (2021), the historical evolution of propaganda has been driven, among other things, by advancements in communication technologies. Naturally, such technologies as radio, television, mobile phones and wi-fi had a dramatic impact on the spreading of both information and disinformation. Among experts there is a general consensus that the Internet is the communication space which is least immune to false news as anyone can become a sender of a message (Hömberg, 2020). Undoubtedly, in the light of technological progress, propaganda and disinformation have become part of a new threat dimension. A noticeable securitization of communication issues seems to be the logical consequence of this development (Mareš, Mlejnková, 2021).

From a normative point of view, it is noteworthy that propaganda as a form of targeted manipulation was not always perceived negatively. Indeed, the original meaning of the term propaganda was clearly positive when in 1622 Pope Gregor XV established the so-called *Sacra Congregatio de Propaganda Fide* (Sacred Congregation for the Propagation of Faith). Its purpose was to spread Catholicism through well-organized missionary activities (Gregor, Mlejnková, 2021).

One of the founders of the discipline of public relations, Edward Bernays, who was born in Vienna in 1891, in his world-famous book “Propaganda” from 1928 established a rather positive concept of controlling masses of people through targeted manipulation. Bernays argued that the conscious and intelligent manipulation of the organized habits and opinions of the masses is an important element in democratic society and that invisible manipulators constitute the invisible but true ruling power of the country. According to Bernays (1928), democratic society cannot function smoothly without certain manipulation techniques.

However, also undemocratic and totalitarian regimes used the term propaganda with a positive connotation. Whereas in Nazi Germany, the infamous *Reichsministerium für Volksaufklärung und Propaganda* (Ministry for Public Enlightenment and Propaganda) was created, in the Soviet Union, a special propaganda committee of the Communist Party had the task to indoctrinate the educated people by using scientific arguments (Gregor, Mlejnková, 2021). With a view to the Communist (Marxist-Leninist) concept of propaganda and its practical implementation, it is understandable that Western democratic countries avoided to call their official institutions propagandist, and the term propaganda received a negative connotation.

Similarly, the term disinformation, which has been traditionally associated with the activities of the Soviet intelligence service KGB, has acquired a clearly negative meaning. According to Deen Freelon and Chris Wells (2020), the Anglicization of the Russian term “*dezinformatsiya*” dates back to at least 1955. Extensive Western literature on Soviet disinformation emerged during the Cold War (Bittman, 1985). According to Max Holland (2006), disinformation as a covert activity of the Soviet intelligence service was always accorded with overt Soviet propaganda. While overt propaganda turned out to be less

persuasive, defamatory fabrication gained an “aura of authenticity” by wrong reference to Western media. Holland concluded that “the defining characteristic of dezinformatsiya was that it was not deployed simply to defame or confuse an adversary” but that its ultimate purpose “was to cause the adversary to reach decisions beneficial to Soviet interests”.

It seems that propaganda has been very often dealt with in publications on communication science. However, until recently, only a rather small number of historical studies was focusing on the functioning of disinformation as a method used during the Cold War. Only after 2017 social sciences have shown an increased interest in the problem of disinformation. Deen Freelon and Chris Wells (2020) found that, in the period between 2010 and 2019, more than 70% of all publications on disinformation were published after 2017, and they suggested that this rush of interest was due to the alleged manipulation of the 2016 US presidential elections.

In summary, we can state that, from a historical perspective, the use of the term disinformation in legal documents causes considerable embarrassment. It may be true that current technological progress and the rapid development of the digital ecosystem call for new theoretical concepts and new practical solutions. However, it should be noted that various forms of propaganda and manipulation of public opinion have been part of the political struggle for a long time and there has always been uncertainty about the criteria according to which permitted forms of manipulation shall be distinguished from the prohibited ones.

2. The concept of disinformation in the practice of universal international organizations

With a view to these conceptual problems, we will briefly address the problem of disinformation from a universal level. Until the outbreak of the COVID-19 pandemic, the United Nations did not view disinformation as a crucial security problem and did not adopt political resolutions on this issue. When, in 2021, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Irene Khan, presented her report “Disinformation and Freedom of Opinion and Expression” (A/HRC/47/25), she did not make any reference to UN major documents.

As for the definition of disinformation, the UN Special Rapporteur only quoted from a submission from the United Nations Educational, Scientific and Cultural Organization (UNESCO) which found that the lack of clarity and agreement on what constitutes disinformation, including the frequent and interchangeable use of the terms misinformation and disinformation, reduces the effectiveness of responses (para. 14).

According to the report of the UN Special Rapporteur, there is no generally accepted definition of the concept of disinformation as it is inherently political. The report added that the boundary between truth and falsity, as well as the boundary between negligent handling of information and the intent to cause damage, is subject of dispute. Various forms of expression, such as personal opinions and religious beliefs, scientific theories, or parody and satire, do not correspond to the binary model of truth and falsehood. Moreover, in complex communication processes, not everyone who spreads a certain information may be aware of its falsity, and not all communicating entities necessarily act in bad faith (para. 9-10).

In the light of these findings, the UN Special Rapporteur presented a working definition according to which disinformation shall be understood “as false information that is disseminated intentionally to cause serious social harm”. In this sense, disinformation differs from misinformation which means “the dissemination of false information unknowingly” (para. 15).

On 24 December 2021, the UN General Assembly (GA) adopted a resolution with the title “Countering disinformation for the promotion and protection of human rights and fundamental freedoms” (A/RES/76/227). While it is understandable that the GA resolution makes explicit reference to the report of the UN Special Rapporteur, the reference to the so-called United Nations Strategy and Plan of Action on Hate Speech, which had been launched by UN Secretary-General Antonio Guterres in May 2019, is very interesting as this Strategy did not mention at all the issue of disinformation. In the preamble to its resolution of December 2021, the General Assembly explains that “hate speech and disinformation are distinct phenomena which may overlap in some cases”.

Pointing at the security dimension of disinformation, the General Assembly expressed concern about the use of digital technologies which can enable new pathways for intentionally false or misleading information for political, ideological or commercial motives by both State and non-State actors. In the above-mentioned resolution, special attention is paid to the proliferation of disinformation about the COVID-19 pandemic and the GA stressed the importance of providing science- and evidence-based data and information to the public. At the end of its resolution the GA requested the UN Secretary-General to collect the views of relevant stakeholders and to submit a report on best practices in the fight against disinformation (para. 16).

The Secretary-General presented his report “Countering disinformation for the promotion and protection of human rights and fundamental freedoms” in August 2022 (A/77/287). In this report, he recalled that disinformation is not a new concern as, in the past, states did, in various ways, criminalize the propagation of falsehoods. However, he also stressed the new dimension of the phenomenon in the light of innovative technologies “that enable the dissemination of unparalleled volumes of content at unprecedented speeds” (para. 2).

The Secretary-General further recalled that “there is no clear definition of, or shared common understanding and approach to, the term disinformation”. According to the Secretary-General, three elements are characteristic of disinformation: information that is inaccurate, intended to deceive and shared in order to cause serious harm. While recognizing the danger of disinformation, the Secretary-General also recalled that any definition of disinformation must not unduly restrict expressions that take the form of irony, satire, parody or humour and that seek to question or even ridicule individual or societal norms. Censorship under the guise of combating disinformation “risks suppressing artistic, scientific and journalistic work and public debate more generally” (para. 3-4).

With a view to the challenges in defining disinformation, the Secretary-General further pointed out that, in recent years, some states adopted measures which have resulted in undue restrictions on freedom of expression, e.g. by restricting access to information, particularly online, and by targeting journalists, political opponents, whistle-blowers and human rights defenders. Therefore, “vague definitions of disinformation” remain a specific concern for the UN Secretary-General as „many laws fail to define with sufficient clarity and precision what information is within their scope”. Referring to the experiences of UN human rights bodies, the Secretary-General listed a number of problematic cases in which states started to prosecute “false, offensive or harmful information”, “information that may be provoking public opinion”, “information that may be prejudicial to the country’s public tranquillity or public finances”, “information that damages the reputation of public institutions” and “rumours and untrue reports” (para. 41 and 45).

In a resolution of March 2022 (A/HRC/49/L.31/Rev.1), the UN Human Rights Council shared the concern of the Secretary-General when it stated that “condemning and countering

disinformation should not be used as a pretext to restrict the enjoyment and realization of human rights or to justify censorship, including through vague and overly broad laws criminalizing disinformation”. However, the Human Rights Council did not address the specific problem of vague definitions and their application in legal practice. It rather contributed to legal uncertainty when, in the preamble to its resolution, it recalled that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”. We find that blurring the boundary between disinformation and hate speech (or hate crime) may have a dangerous effect on freedom of speech.

From the above-mentioned UN documents, it can be concluded that the concept of disinformation remains rather unclear at the universal level. In practice, it is problematic to grasp the individual elements of these definitions, which on the objective side relate to the truth of the information and on the subjective side to the intent to harm. Admittedly, such criteria may take on a more concrete form in a specific political or ideological context. However, it is a question whether the political qualification of a certain speech as disinformation may also serve as a legal definition for the purpose of conceiving restrictive measures.

3. The concept of disinformation in the practice of European regional organizations

3.1 Council of Europe

If the fight against disinformation shall become a European agenda, the relevant regional organizations must take a transparent and convincing stance on this problem. Besides finding a precise and transparent definition of the term disinformation, it will be crucial to draw a correct balance between security interests and the obligation to protect human rights and fundamental freedoms.

Within the framework of the Council of Europe, the European Convention on Human Rights and the related case law of the European Court of Human Rights serves as the main point of reference. Already in 1986, the European Court of Human Rights, in a case from Austria, found it necessary to carefully distinguish between facts and value judgments. Whereas the existence of facts can be demonstrated, the truth of value judgments is not susceptible of proof.¹ This means that, unlike opinions and speculations which fall under the freedom of expression within the meaning of Article 10 ECHR, wrong factual claims are not protected. The failure to make a distinction between facts and value judgments has been repeatedly considered as a violation of Article 10 ECHR.

However, as František Kasl (2021) has pointed out, disinformation cannot be easily categorized in terms of facts and value judgments because very often the authors of disinformation partly manipulate provable facts and, partly, they present value judgements. According to Kasl “most media news consists more of socially agreed truths and reasoned subjective opinions rather than proven absolute truths”, and, therefore, “the issue of truthfulness in disinformation is a matter of scale rather than bipolar assessment”.

The European Court of Human Rights has admitted that value judgments need to be based upon a sufficient factual basis. The link between facts and value judgments is, nevertheless, problematic. In the case of *Feldek v. Slovakia*,² the Court was satisfied that the value judgment made by a Czech publicist was based on information which was well-known to the general

¹ *Lingens v. Austria* (application no. 9815/82).

² Application no. 29032/95, judgment of 12 July 2001.

public. In other cases, this link was less convincing. Therefore, there remains a certain degree of uncertainty when it comes to the objective truthfulness of a statement.

As for the subjective element of disinformation, i.e. the intent to harm, the European Court of Human Rights has sometimes referred to the concept of good faith. According to the Court, the safeguard afforded by Article 10 ECHR to journalists is subject to the proviso that they are acting in good faith and on an accurate factual basis and provide reliable and precise information in accordance with the ethics of journalism.³ In a more recent judgment of December 2018, the Court has dealt with the use of hyperlinks which do not present a concrete content but only draw the attention of the recipients to a specific website. According to the Court, in such cases the domestic courts need to ascertain whether the author of an information acted in good faith and respected the ethics of journalism.⁴

With a view to the criteria established by the European Court of Human Rights, it appears that at least some forms of disinformation may fall under the protection of Article 10 ECHR. Such finding does not exclude that in other cases, maybe even in many cases, measures against disinformation can be adopted out in line with the freedom of expression. However, the proportionality of such interventions needs to be examined with a view to the circumstances of each individual case. In the light of ECHR case law, it is difficult to define specific categories of disinformation that shall be considered illegal under all circumstances.

With reference to an expert study from 2017 (Derakhshan, Wardle, 2017), the Council of Europe started to distinguish between three main forms of unwanted expressions. Firstly, “mis-information” means false information that is not disseminated with the intent to harm, secondly, “dis-information” encompasses false information that is disseminated with the intent to harm and, thirdly, “mal-information” is understood as true information that is disseminated with the intention of harming.

However, in 2019, the Committee of Ministers of the Council of Europe adopted a Declaration on the Manipulative Capabilities of Algorithmic Processes,⁵ in which it did not use at all the term disinformation. In the context of the risks related to the use of artificial intelligence technologies, the Committee of Ministers called on Member States to provide guidance on the distinction between “permissible persuasion” and “unacceptable manipulation”, following an open and inclusive public debate. According to the Committee of Ministers, manipulation “may take the form of influence that is subliminal, exploits existing vulnerabilities or cognitive biases, and/or encroaches on the independence and authenticity of individual decision-making” (Article 9c).

Further, the Committee of Ministers explicitly dealt with the issue of disinformation in its Declaration on the Financial Sustainability of Quality Journalism in the Digital Age, which was adopted the same day.⁶ In this document, the distinction between disinformation and other forms of unwanted or harmful communication remained unclear. On the one hand, Article 2 of the declaration perceives quality journalism as a counterweight to “propaganda, misinformation and disinformation” spread via social media. On the other hand, Article 10 of the declaration lists “manipulation, disinformation and the spread of hateful messages” side-by-side. Both provisions, however, do not contain any criteria according to which disinformation can be defined and distinguished from the other forms of unwanted content. Finally, Article 13 of the declaration which confronts journalistic quality content with “disinformation and other

³ Stoll v. Switzerland (application no. 69698/01), judgment of 10 December 2007.

⁴ Magyar Jelti ZRT v. Hungary (application no. 11257/16).

⁵ Adopted by the Committee of Ministers on 13 February 2019 at the 1337th meeting of the Ministers' Deputies.

⁶ Adopted by the Committee of Ministers on 13 February 2019 at the 1337th meeting of the Ministers' Deputies).

manipulative, malicious or blatantly false content” does not provide any guidance on this issue either.

In the context of a more recent recommendation of 2022,⁷ the Committee of Ministers elaborated on so-called Guidelines on Promoting Quality Journalism in the Digital Age. Article 2.5.4 of the guidelines states that disinformation undermines trust in the media and threatens the reliability of information that influences public debate and democracy. Member States should therefore coordinate their efforts to tackle the problem of “disinformation and propaganda”. However, a more detailed definition of the term disinformation is not included in the document. It is also interesting that the Committee of Ministers, in this new document, did not mention “mis-information” and “mal-information”.

3.2 The European Union

In January 2018, the European Commission (EC) set up a high-level expert group on fake news and online disinformation which was tasked to analyze issues arising in the context of false information spread across traditional and social media and to advise the Commission on possible ways to cope with its social and political consequences. In its report of March 2018, the high-level expert group pointed out that the cooperation of all major stakeholders is a condition for the effective handling of disinformation problems in full compliance with freedom of expression. The high-level expert group, further, concluded that since disinformation is a multifaceted and evolving problem not having one single root cause, it won't be possible to find one single solution. According to the high-level expert group, the Commission should avoid simplistic solutions such as censorship or the fragmentation of the internet (European Commission. 2018).

As a first step, the high-level expert group recommended the adoption of a “Code of Practices” to which all relevant stakeholders like online platforms, news media organizations (press and broadcasters), journalists, fact-checkers, independent content creators and the advertising industry should commit. In terms of a self-regulatory approach, such Code of Practices should reflect different roles and responsibilities and promote “an enabling environment for freedom of expression by fostering the transparency and intelligibility of different types of digital information channels” (ibidem, p. 36)).

As for the concept of disinformation, the high-level expert group, using a reference to the above-mentioned Council of Europe study of 2017, defined disinformation as “false, inaccurate, or misleading information designed, presented and promoted to intentionally cause public harm or for profit” (ibidem, p. 10). According to the report, the term disinformation has been distinguished not only from fake news, as in the case of disinformation we often deal with information that is not actually or completely fake but “fabricated”, but also from defamation, hate speech, incitement to violence because these forms of speech are already being criminalized under established law. The high-level expert group further admitted that the character of disinformation depends on the concrete actors involved such as state or non-state political actors, economic entities and groups of citizens and also on the infrastructure of communication involving “news media, platforms, and underlying networks, protocols and algorithms” (ibidem, p. 11).

⁷ Recommendation CM/Rec(2022)4 of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age (adopted by the Committee of Ministers on 17 March 2022 at the 1429th meeting of the Ministers' Deputies)

One month later, in April 2018, the European Commission presented a communication entitled "Tackling Online Disinformation: A European approach".⁸ Although the Commission made explicit reference to the work of the high-level expert group and expressed support for the project of an ambitious Code of Practice, it used a slightly modified concept of disinformation. According to the EC, disinformation is understood as a "verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm". Regarding the false or misleading nature of certain information, the EC added that the concept of disinformation does not include "reporting errors, satire and parody, or clearly identified partisan news and commentary". The communication is further without prejudice to ongoing approaches and actions in relation to illegal content, including terrorist content online and child sexual abuse material. In other words, the concept of disinformation used by the EC does not fall under criminal law. As for the issue of public harm, the EC communication lists "threats to democratic political and decision-making processes as well as public goods, such as the protection of EU citizens' health, the environment or security" (ibidem, Article 2.1).

In December 2018, this concept of disinformation was also supported by a joint communication of the European Commission and the High Representative of the Union for Foreign and Security Policy, which contains an Action Plan against disinformation.⁹ However, already in a communication of December 2020, the EC, presenting a European democracy action plan,¹⁰ modified its own definition of disinformation and, in addition to protecting the integrity of elections and strengthening the freedom of the media, the fight against disinformation constituted a key part of the new action plan. Therefore, with a view to the definition of disinformation, the Commission drew attention to the need to distinguish between four different phenomena that are sometimes referred to as disinformation. First, for the concept of "misinformation", the EC explains that false or misleading content can be harmful, even if it is shared without harmful intent. Second, disinformation (in the narrow sense) is understood as "false or misleading content that is spread with an intention to deceive or secure economic or political gain and which may cause public harm". According to the Commission, the third category concerns so-called "information influence operations" which shall be understood as coordinated efforts by either domestic or foreign actors to influence a target audience using a range of deceptive means. Apparently, such operations can take place "in combination with disinformation". The fourth danger is represented by "foreign interference in the information space" which encompasses "coercive and deceptive efforts to disrupt the free formation and expression of individuals' political will by a foreign state actor or its agents" (ibidem).

Obviously, the possible negative influence of foreign actors, i.e. non-EU actors, on the democratic process in European societies is being reflected in this new concept of disinformation to a greater extent. Furthermore, the EC tried to grasp the role of disinformation within broader campaigns, or "operations". In this sense, the 2020 Action Plan represents an important modification of the definition of disinformation. While the use of such concept of disinformation in a political document may not cause problems, it remains questionable whether it shall be the basis of a legal regulation aiming at establishing preventive and sanctioning mechanisms and introducing human rights restrictions.

In the legal context, the new regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending

⁸ COM(2018) 236 final.

⁹ JOIN(2018) 36 final.

¹⁰ COM(2020) 790 final.

Directive 2000/31/EC (Digital Services Act) is of utmost importance. This regulation shall apply from 17 February 2024. It is interesting to observe that while the preamble of the draft regulation contains several references to risks associated with disinformation (recitals 83, 84 and 88), the normative text of the draft regulation does not use the term disinformation. The central concept of the regulation is "illegal content" which is defined as "any information that, in itself or in relation to an activity, including the sale of products or the provision of services, is not in compliance with Union law or the law of any Member State which is in compliance with Union law, irrespective of the precise subject matter or nature of that law" (Article 2 lit. h).

In view of the fight against disinformation, it will be crucial to clarify whether any specific content which is false and harmful shall be automatically treated as illegal in the sense of the Digital Services Act. In other words, shall harmful information be always considered as an illegal content? Given the ambiguities surrounding the concept of disinformation, such approach would be very restrictive. Unfortunately, the legislative proposal of the EC¹¹ does not deal with this issue at all.

This legal uncertainty is exacerbated by the fact that in its joint communication of 2020 with the title "Tackling COVID-19 disinformation – Getting the facts right" the Commission confirmed that it is important "to distinguish between illegal content, as defined by law, and content that is harmful but not illegal". According to the Commission misleading healthcare information is not necessarily illegal but can directly endanger lives and severely undermine efforts to contain the pandemic.¹² In a study of November 2021, Ronan Ó Fathaigh, Natali Helberger and Naomi Appelman (2021) found that according to the leading EU policy definitions the concept of disinformation is "outside of current categories of illegal content" and that EU policy seems to make a distinction „between, on the one hand disinformation as harmful content and, on the other, already regulated forms of illegal content“. The authors of the study further pointed out that Lithuania was the only EU member state explicitly criminalizing disinformation in its national law. As the definition of illegal content refers to national legislation, disinformation would fall under the Digital Services Act in Lithuania, but not in other member states.

4. Criticism

A brief overview of several working definitions used at the level of international organizations has shown that the international community is still quite far from a unified and generally recognized concept of disinformation. From a legal perspective, unclear political concepts shall not be used as legal definitions, in particular in the context of criminal prosecution or administrative sanctions. Several key questions need to be answered before so-called disinformation can be countered by a system of legal sanctions and repression. As a common ground, the above-mentioned definitions include three key elements, namely falsity and harmfulness of the content and the bad intention of the communicating subject.

As far as the issue of truthfulness or falsity is concerned, the assessment is definitely not easy. Leaving aside complex philosophical considerations about the concept of truth and ways of finding it, we have to focus on some practical questions. From our brief analysis we have learnt that disinformation very often appears as a mixture of facts, manipulated facts, lies and value judgments. It is at least doubtful if the whole content be declared illegal if it contains a

¹¹ COM(2020) 825 final.

¹² JOIN/2020/8 final.

small part of untruthful statements or errors. There is also uncertainty on how to define the relevant degree of untruthfulness. This problem might be even more compelling when a specific content includes pictures or videos.

We have seen that the case law of the European Court of Human Rights has repeatedly referred to the ethics of journalism and clarified that it may be expected that journalists use reliable sources. However, even the most trustworthy sources may contain errors or inaccuracies. Conversely, sources which are in general less reliable may produce true content. In a Handbook for Legal Practitioners edited by the Council of Europe, Dominika Bychawska-Siniarska (2017) found that, if reasonable efforts are made to verify the facts, the press shall not be liable, even if the respective facts later prove to be untrue. Given such a margin of tolerance in favor of the press, it would be inappropriate if anti-disinformation laws imposed stricter requirements for authors who are no professional journalists.

In any case, it would be quite naïve to believe that all public statements can be properly verified in a scientific manner. A study of 2021, carried out on request by the European Parliament's LIBE Committee, found that whereas some content, e.g. in the context of advertising, may be easier to verify, "the same does not apply to the news media that is not based on unassailable truth claims but on socially negotiated truth-finding processes (Batura, Holznagel, Hartmann, Bayer, Katsirea, Lubianiec, 2021). In other words, professional mechanisms rather focus on the trustworthiness of sources and procedures than the quality of the content itself.

Another issue with facts is that they are open to different interpretations. As a matter of principle, what we understand as political, social, historical and economic facts may be seen from different perspectives. It is a key element of democracy that not only one correct interpretation will be permitted but people are allowed to share interpretations which are less correct and less convincing. We agree with František Kasl (2021) that "the right of each individual to a subjective perception and interpretation of events or actions provides for a democratic divergence of opinions, but it also serves as a protective shield for disseminators of disinformation". In this sense, any removal of this protective shield may put in danger the fundamentals of democracy.

Dealing with the truthfulness of an information we further have to take into account that a strict differentiation between true and false content would be a dangerous simplification of standard communication processes. As has been put by Martin Potthast, Johannes Kiesel, Kevin Reinartz, Janek Bevendorff and Benno Stein (2017), a binary distinction between fake and real news is infeasible, "since hardly any piece of fake news is entirely false, and hardly any piece of real news is flawless". With a view to the efficiency of so-called fact-checking, the authors found that, given this unclarity, specific content was rated "mostly true", "mixture of true and false" and "mostly false". Therefore, content shall be conceptualized rather in terms of a continuum than of simplified models of truth and falsity.

These problems related to the identification of false information are amplified by including so-called "misleading content" into the definition of disinformation because such criterion links the objective quality of a content to its subjective perception by or its effect on the receiving subject. According to Miloš Gregor and Petra Mlejnková (2021), disinformation is misleading information because it creates false beliefs. From this perspective, however, the illegality of a content would need to be defined according to the intellectual capacity of the receivers or their level of education because it is generally assumed that less educated receivers are more vulnerable to manipulation.

As for the harmfulness of the content, the European Commission pointed at threats to democratic political and decision-making processes as well as public goods, such as the protection of EU citizens' health, the environment or security. Without doubt, measures against these threats are, in principle, legitimate. From a human rights perspective, it is the obligation of the state to protect national security, public order and public health. Therefore, we find that this part of the definition is the least problematic. Nevertheless, it is irritating that the EC in its definition of disinformation included also information which is disseminated for economic gain. Such an element widens the scope of anti-disinformation legislation as any type of misleading advertisement might be understood as disinformation (Ó Fathaigh, Helberger, Appelman, 2021). It is certainly for good reasons that the definitions discussed at the level of the UN and the Council of Europe do not contain a reference to economic gain.

Last but not least, the above-mentioned definitions include the intent to harm as a clearly subjective criterion. However, it is unclear whether the malicious intent shall be focused on causing a public harm and, in the case of the Commission's definition, also economic gain, or whether it shall be directed at deceiving the public. Whereas the definition used by the UN Special Rapporteur supports a link between the intention and the harm, it seems that the approach of the European Commission connects the intent of the communicating subject to the deception of the public. It might also be considered whether the malicious intent shall actually include both public harm and the element of deceiving the public.

In any case, it is difficult to identify the subjective intention behind a piece of information when different actors are involved in its production and dissemination. An operable legal definition should clarify this issue as, unlike the definitions used at the UN level and the level of the Council of Europe which explicitly refer to the "dissemination" of harmful content, the Commission's definition includes the designation, presentation and promotion of information. A precise regulation of the legal responsibility of different stakeholders is required in all situations in which the authors of draft legislation do not only want to provide for the removal of disinformation but also want to sanction concrete actors involved. Further, appropriate legislation should also take into account that, as suggested by the UN Special Rapporteur, it may be difficult to distinguish cases of negligent handling of information from a real intent to cause damage or to deceive the public.

Conclusions

To conclude, various risks related to the spreading of disinformation in the "digital ecosystem" are very serious. The relevant risks have been clearly pointed out by international organizations such as the UN, the Council of Europe and the European Union. There is a legitimate concern that the systematic use of disinformation has the potential to threaten national sovereignty and the public and political order of democratic countries as waves of lies and manipulation may undermine the very fundament of mutual trust on which democratic societies are built upon.

On the other hand, we have found that a precise definition of the term disinformation is difficult to draw. It is revealing that concepts used by various international organization differ in some regards. The distinction between truthfulness and falsity leaves significant grey areas which might cause legal uncertainty for both norm addressees and public authorities applying the norm. In legal practice, also the intent to harm will be difficult to grasp. As a consequence of such ambiguities there is a high risk of human rights violations, especially of the freedom of expression. What is more, unprecise and ambiguous legal terms open a broad space for abuse

by state bodies so that, ultimately, the cure might be worse than the disease. Therefore, international and national stakeholders have to approach the concept of disinformation with great caution.

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IRREGULAR MIGRATION: NEW CHALLENGES AND ISSUES

Danguolė SENIUTIENĖ

*Mykolas Romeris University
Maironio str. 27, LT 44211 Kaunas, Lithuania
E-mail dseniutiene@mrui.eu
ORCID ID: [0000-0002-7572-5239](https://orcid.org/0000-0002-7572-5239)*

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Abstract. *This article presents actualities of issues of migration. Migration is a highly discussed and contested issue in most transit or destination States. The analysis of current trends in migration leads to the conclusion that this issue increased in the last decade and have tendencies to continue in near future. It means that more people will decide to change their place of living, and every country will become a source of transit or final destination of migration. Migration processes taking place within state borders. Control of national borders is seen as an essential aspect of the sovereign State.*

States adopt increasingly restrictive rules, same times fueled by popular hostility to immigrants. The main task, by using content analysis method is to show, that migration issues remain important in today's context and require continuous focus and adaptation of common instruments to manage migration flows. As illustrative example was taken data collected by Frontex.

Keywords: *migration, irregular migration, illegal migration, migration flows.*

Introduction

The European Union has become one of the most important destinations for migration movements, resulting in a serious debate among Member States on migration control and prevention on irregular migration. Migration patterns differ widely among Member States. Reasons for this are the history of colonialism, recruitment of migration workers policies, national differences in the recognition of asylum seekers, and geographical facts.

Migration, forced displacement and flight have been part of human experience from the earliest times (Mol & Walk, 2016). From a human rights perspective, migrants, people displaced within their own countries (internally displaced persons) and refugees are groups that require special protection because they have been deprived of the security normally enjoyed by people who can remain in their homes. Movement of persons can be voluntary or coerced and can occur within a person's own country or across international frontiers. Four distinct groups of people in need of human rights protection may be derived from combinations of these elements:

- 1) those who leave their homes voluntary for economic, family-related, or other reasons to settle elsewhere within their country;
- 2) migrants, i.e. those who move to another country for the same reasons;
- 3) internally displaced persons, i.e. those who are forced to leave their homes to seek refuge in another part of their own country;
- 4) refugees, i.e. those who are forced to seek protection against persecution by fleeing abroad. (European Commission, 2009).

In principle, states are free to exercise their territorial sovereignty in regulating the entry, residence, and departure of foreigners. However, this freedom of action is limited not only by bilateral treaties and EU provisions concerning the free movement of persons but also in

specific cases by human rights such as the prohibition of discrimination or the right to family reunification (Kälin & Künzli, 2009).

Spaces of Freedom, Security and Justice reinforcement

To create an area of Freedom, Security and Justice is one of main priorities tasks of the Europe's Union. Its importance has increased significantly in the last decade. The role of the European Union in creating harmonized external border control has also strengthened immigration and asylum policy and policing, customs and judicial enforcement cooperation (Seniutienė, 2021).

The human right to free movement is defined of United Nations in the “Universal Declaration of Human Rights” at 1948. It states "Everyone has the right to freedom of movement and residence within the borders of each State" and "everyone has the right to return to and from any country, including his own."

Freedom of movement and residence for persons in the European Union is the cornerstone of EU citizenship, established by the Treaty of Maastricht in 1992. The gradual phasing-out of internal borders under the Schengen agreements was followed by the adoption of Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the EU.

The free movement of persons was the conclusion of the two Schengen agreements, i.e. the Agreement proper of 14 June 1985, and the Convention implementing the Schengen Agreement, which was signed on 19 June 1990 and entered into force on 26 March 1995. Initially, the Schengen implementing Convention (signed only by Belgium, France, Germany, Luxembourg and the Netherlands) was based on intergovernmental cooperation in the field of justice and home affairs. A protocol to the Amsterdam Treaty provided for the transfer of the “Schengen acquis” into the Treaties. Today, under the “Lisbon Treaty”, it is subject to parliamentary and judicial scrutiny. As most Schengen rules are now part of the EU acquis, it has no longer been possible, since the EU enlargement of 1 May 2004, for accession countries to ‘opt out’ (Article 7 of the Schengen Protocol).

The free movement of persons is guaranteed in the Schengen area territory (Bendson & O’Reilly, 2015). Single external border checks and common rules were created in line of control between each of Member State. Apart from external borders, rules and procedures with regard short stay visas and asylum request were established too. Moreover, simultaneously in order to achieve appropriate level of security compensatory measures were provided. The Schengen acquis was incorporated into the EU legal framework by the Amsterdam Treaty in 1997.

The European Union policy in the area of justice and home affairs was developed since the 1999 European Council meeting in Tampere, under the general program. Although not all program objectives have been met, but significant progress has been made. Contribute general immigration and fundamentals of asylum policy, coordinated border control, strengthened police cooperation, as well as cooperation on internal security and criminal policy in the field.

Next step was Hague Program approved by the European Council. This a multi-annual work program providing for actions to strengthen border protection, combating trafficking people and illegal recruitment, ensuring the return of migrants and cooperation with third countries. The Hague Program includes all with an area of freedom, security and justice aspects of related fields, i.e. citizenship and fundamental rights, asylum and immigration, borders governance, integration, the fight against terrorism and organized crime, etc.

The tasks outlined in the Hague program and its action plan correspond to Lithuania's aspirations. The provision of the program regarding the sharing of responsibility and the financial one is particularly important for Lithuania the principle of solidarity when deciding on migration policy and the external borders of the European Union security issues.

It is likely that the main policy directions of the European Union in the field of freedom, security and justice established in the Hague Program, especially related to the improvement of the management of migration flows, exchange of information, cooperation and crisis management, remain relevant in the next decade. However, it is understood that the priority tasks will have to be reviewed and adjusted. The Hague Program is designed to solve cross-border problems with full respect for the fundamental rights of national citizens. Its objectives are as follows:

- to strengthen the joint capacities of the European Union and its member states, guaranteeing fundamental rights, the necessary procedural safeguards and the right to go to court;
- in accordance with the Geneva Convention on the Status of Refugees and other international agreements to provide protection to persons who need it;
- regulate migration flows and control the external borders of the European Union;
- fight against organized cross-border crime and suppress the threat of terrorism;
- to use the potential of Europol and Eurojust;
- to recognize court decisions and certificates in civil and criminal cases;
- remove legal and judicial barriers to litigation in foreign-related civil and family matters.

Through the Hague Program, the European Union has implemented its visions in the following areas: access to justice, international protection, migration and border control, terrorism and organized crime, police and judicial cooperation and mutual recognition.

Further priorities determined in the next multiannual Stockholm program and the European Union 2020 strategy taking into account achievements.

It should be noted and emphasized that in the last decade, the cooperation of the member states in the above-discussed issues also started to play an important role. The Frontex, as agency also plays an important role in border security issues as a coordination unit, especially after migration crises in 2015.

Irregular or illegal migration?

Irregular migration understandable as movement of persons to a new place of residence or transit that takes place outside the regulatory norms of the sending, transit and receiving countries.

As defined by the European Commission, there is no universally accepted definition of irregular migration. From the perspective of destination countries, it is entry, stay or work in a country without the necessary authorisation or documents required under immigration regulations. From the perspective of the sending country, the irregularity is, for example, seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country.

There is, however, a tendency to restrict the use of the term to cases of smuggling of migrants and trafficking in human beings.

Defining irregular migration has been the subject of considerable debate. Terms such as illegal, undocumented, non-documented, and unauthorized migration can have different

connotations in national policy debates. Due to this and the association with criminality the term 'illegal migration' should be avoided, as most irregular migrants are not criminals. Being in a country without the required papers is, in most countries, not a criminal offence but an administrative infringement (European Commission, 2019).

While the UN use the term 'irregular' or 'undocumented' migration, the European Commission favoured for a long time the term 'illegal immigration', but more recently refers to 'irregular migration' as well.

The Council of Europe differentiates between illegal migration and irregular migrant. Referring to Resolution 1509 (2006) of the Council of Europe Parliamentary Assembly, 'illegal' is preferred when referring to a status or process, whereas 'irregular' is preferred when referring to a person.

Migration flows: situation and tendencies

In the last decade, migration phenomenon has become one of the most discussed and contested issues (Abel, 2010). in European Politics. After the "migration crisis" of 2015, when Europe saw an unprecedented amount of people seeking refuge at its shores and physical borders, the pressure on the European Union to restrict access to Schengen territory grew drastically. The physical border practices of the EU have grown increasingly more repressive and the possibilities for migrants to access asylum processes.

Increased migration flows in 2015 exposed the shortcomings of the EU asylum system and forced the EU to take appropriate action. The European Parliament sought to improve it by proposing reforms to the Dublin system, which determines which country is responsible for examining an asylum application. In 2020 September 23 the European Commission has presented a new Pact on Migration and Asylum, which aims to replace and improve current procedures by ensuring shared responsibility and solidarity. The Parliament also participated in the preparation of new management measures to combat illegal immigration and stricter border control. The Parliament also contributed to the preparation of a more effective system for collecting and storing information on persons who have arrived in the EU.

However, the same question always remains whether these measures are sufficient, effective and in a timely manner?

According statistical data collected by Frontex, Member States reported a total of 87 485 detections of illegal border-crossing on the green borders in 2021, the highest reported figure since 2016. This is a 124 % increase on 2020 and a 146 % increase on the pre-pandemic year, 2019. However, a substantial part of this growth was due to detections of repeated attempts on the Western Balkan route. At the Western Balkan borders, an increasing trend of reported IBCs by migrants who are being allowed visa-free entry to select Western Balkan countries, has been registered (Frontex, 2022; IOM, 2022).

While in 2020, these nationalities were responsible for just over 400 IBCs, their numbers grew in 2021 to over 3 000 (consult Figure 1). According to Europol, facilitated crossings of the green borders on foot either occurred with the people smugglers accompanying the irregular migrants, acting as local guides, or the people smugglers providing instructions to the migrants remotely. An outsized share of 60 599 illegal border-crossings on entry were reported on the EU's borders with Serbia (69 % of all crossings at the land borders) (Europol, 2022; IOM, 2022).

Joining the ranks of the most used land routes was the Belarusian border, which reported significant detections (7 528) for the first time since data collection records commenced. At the EU's land borders with Turkey, the number of arrivals (5 692) was similar to 2020.

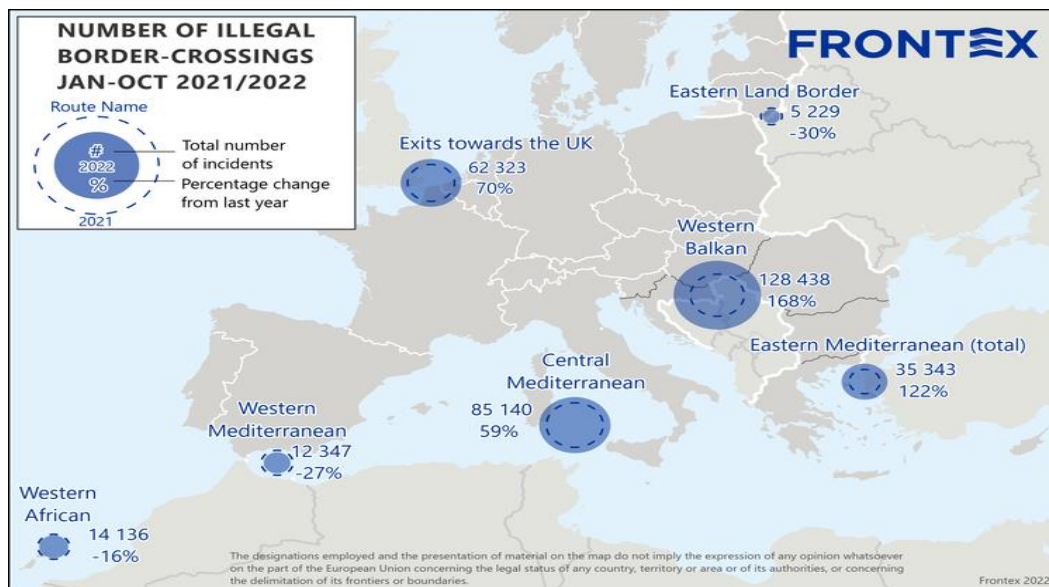


Figure 1. Illegal border- crossings, 2022
Source: FRONTEX, 2022

Belarus' abrupt decision to cease cooperating on border management and its aggressive instrumentalisation of migration in a hybrid campaign were the most significant developments at the external land borders in 2021.

Let's evaluate the case of Lithuania after the adopted measures. 2021 for Lithuania was an exceptional year recording the number of migrants, and especially the number of illegal migrants. Since Lithuania is an external state of the EU, it was an exceptional year for the all EU. Comparing the statistical data of 2020 and 2021 on the Lithuanian-Belarusian border in 2021 23 times more migrants tried to cross than in 2020. It was not an ordinary migration crisis, it was a purposeful act of hybrid aggression against Lithuania. Almost 4.2 thousand migrants arrived illegally from Belarus to Lithuania (consult Figure 2). Lithuania calls this influx of migrants from Belarus a hybrid attack by the Minsk regime and accuses it of organizing illegal migration.

Illegal migrants in Lithuania by nationality, 2021 (as of 9 November 2021)			Illegal migrants crossing the Belarus–Lithuania border	
Nationality	Region of origin	Number	Year	Number
Iraq	Western Asia	2,811	2015	280 ^[59]
Republic of the Congo	Central Africa	204	2017	72
Syria	Western Asia	147	2018	104
Cameroon	West-Central Africa	134	2019	46
Afghanistan	South-Central Asia	101	2020	81 ^[100]
Russia	Eurasia	93	2021 (June)	470 ^[50]
Belarus	Eastern Europe	91	2021 (late July)	ca. 2,600 ^[50]
Iran	Western Asia	87	2021 (by 7 August) ^[101]	4,112
Other		444	2021 (by 9 November) ^[101]	4,220
Total		4,220		

Figure 2. Illegal migrants crossing the Belarus-Lithuanian border, 2021

Source: FRONTEX, 2021

In the case of Lithuania, the current international, regional and national legal regulation could not offer any instrument for the control and prevention of irregular migration flows, therefore it was necessary to introduce a separate regime and propose amendments to national legal acts, so that officials of state institutions could properly fulfill the functions assigned to them, that is, to protect the state border and ensure public safety. As a result, a state of emergency was introduced, the Law on the Legal Status of Aliens was changed, and the policy of reversal was introduced.

If to look in perspective for 2022/2023 it will likely see an increase in migratory pressure at the land borders. Some of this pressure will be the ordinary knock-on effect of increased pressure on sea routes (e.g., traffic on the Eastern Mediterranean route leading to more secondary migration via the Western Balkans). Significant lingering political risks (low likelihood/very high impact) remain in the Western Balkans (Frontex, 2022).

Russia's aggression on Ukraine has in the subsequent months resulted in the orderly crossing of millions of Ukrainian refugees via BCPs into the EU. The EU's Temporary Protection Directive has been activated for the first time. As it was mostly vulnerable groups (women, children and the elderly) comprising this refugee inflow, challenges to protect those vulnerable groups of size have arisen and may well rise again.

The protraction or potential escalation of the conflict in the east, as well as the impact of Western sanctions acting as economic push factors, could impact the EU's land borders with Russia.

The impact may materialise in the form of illegal border-crossings (or via other means, for instance by using document fraud when leaving Russia).

In addition to the above-mentioned measures, again taking in account case of Lithuania, the installation of a physical border protection barrier has also begun - the construction of a physical fence has begun. The physical barrier between Lithuania and Belarus began to be built after the dictator-led regime of the neighboring country organized an influx of illegal migrants to Lithuania. Various measures have been taken to prevent migrants from entering the territory of Lithuania, and if migrants do enter Lithuania, to return them to the territory from which they crossed the border, that is, to Belarus. In other words, migrants trying to enter the territory of Lithuania illegally are not allowed, and they are instructed to cross the border through border

points, as stipulated in the Law on the Status of Foreigners. The law stipulates that an asylum application can only be submitted at border checkpoints after legal arrival or at Lithuanian embassies abroad.

As asserts Frontex, concerning developments in some countries of origin, the situation in Afghanistan under Taliban rule remains of great concern. This is not an exclusive concern for land borders, although 82 % of all IBCs of Afghans in 2021 were recorded at the land borders. Available data indicate that Afghans largely flee to neighbouring countries, mainly due to their geographic proximity and linguistic and religious similarities, as well as migrants' lack of financial resources. The precarious situation in Afghanistan, where the Afghan banking and financial systems are close to collapse while the economy continues to freefall, could lead to a further outflow of migrants (Frontex, 2022; IOM, 2022).

This would add to the pressure on Afghanistan's neighbours, who are increasingly demanding the international community share responsibility for managing migration flows. In view of the strengthening of border management at important border sections on the established migration routes from Afghanistan to Europe, it is conceivable that new migration routes to the external borders of the EU will form.

The rise in the number of asylum applications lodged in EU Member States by Afghan nationals towards the end of 2021 is likely foreshadowing a trend.

Syrians are another top nationality detected for irregular migration at the land borders. In Syria, violence continued throughout 2021 and hostilities have intensified. In January 2022 the Islamic

State conducted its largest attack since 2019 amid ongoing insecurity in north-west Syria, suggesting that the security situation will likely continue to be volatile.

This comes on top of Syrian economic woes and the failure to make any breakthroughs towards peaceful reconstruction. In 2021, the number of asylum applications lodged by Syrian nationals in EU Member States was over 70 % higher than in 2020 and almost 50 % higher than in 2019 (Frontex, 2022; IOM, 2022).

Beyond Afghanistan or Syria, developments in many other countries of origin are pointing towards increased migratory pressure on Europe: Ultimately the route chosen – be it over the external land or sea borders – will be determined to a large degree by migrants' cost-benefit analysis under imperfect information. In addition to the migration routes supplied by people smugglers, migration movements caused and organized by state actors in third countries will create new challenges in the future.

Conclusions

The Member States, with the help of Frontex or other EU agencies must collect not only illegal border-crossing facts, but also to **collect, analyse and use of credible data** and information on, among other things, demographics, cross-border movements, internal displacement, diasporas, labour markets, seasonal trends, education and health is essential to create policies based on facts, that weighs the benefits and risks of migration.

National, Regional and International cooperation, can help minimize the negative consequences of migration and preserve its integrity. Especially when the EU Treaty enables law enforcement and other institutions to cooperate through the most diverse means and channels.

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THE MELNO PEACE - BUILDING SUSTAINABLE SECURITY IN CENTRAL EUROPE: A SOCIO-CULTURAL APPROACH

Vytautas ŠLAPKAUSKAS

Mykolas Romeris University

E-mail: slapkauskas@mruni.eu

ORCID ID: [0000-0002-9637-6672](https://orcid.org/0000-0002-9637-6672)

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Annotation. *The Melno peace is a peace treaty between the Kingdom of Poland, the Grand Duchy of Lithuania (GDL) and the German (Teutonic) Order signed on September 27, 1422, which established the border between GDL and the Order. It is one of the oldest and most stable cross-border borders in Europe, which has remained unchanged for 600 years. Now it is the state border between the Republic Of Lithuania, the Russian Federation and the external border of the European Union. Such long-term stability of this border leads to the need to reveal the prerequisites and reasons for the observance of the Melno peace.*

The long-term nature of the Melno peace is examined not from a historical but from a socio-cultural point of view. This is due to the internal relationship between peace and security. Security is a state of protection and self-protection from dangers and confidence in own knowledge. This threefold interpretation of the meaning of security is conditioned by the fact that security itself expresses a relationship in which there are no threats to the participants in the relationship. Peace is a form of security functioning. This is the absence of violent conflicts between individuals and their groups. The socio-cultural point of view is the interpretation of human relations, their interaction and expression of activity, based on the protection of natural rights.

From a socio-cultural point of view, the signing of the peace of Melno marks the beginning of real integration of the Grand Duchy of Lithuania into Latin European civilization. This approach differs from the historical approach, since according to it, the integration of GDL begins from 1387, when the King of Poland and the Grand Duke of GDL Jogaila baptized the entire land. However, real conditions for integration were formed and developed only with the weakening of the aggression of the German (Teutonic) Order and its transformation into a secular one, the Duchy of Prussia. The secular Duchy of Prussia actively participated in creating socio-cultural changes in the western part of GDL.

The weakening of the Order's power is a primary but insufficient prerequisite for the longevity of the Melno peace. Other reasons for the longevity of the Melno peace are revealed while examining the integration of GDL into European culture and civilization. From a socio-cultural point of view, the integration of GDL into European civilization took place through the development of economic and cultural relations with the states of Central Eastern Europe and targeted adoption of their experience. It was the Melno peace that opened the real paths of integration of GDL into European culture and civilization. The main features of this integration were gradual establishment of sustainable security in Užnemunė (Sudovia), adoption of the western experience of state economic management, changes in law, culture and education in the context of dissemination of Renaissance and Reformation ideas.

Keywords: *Peace, Melno peace, sustainable security, socio-cultural approach, Grand Duchy of Lithuania, Teutonic Order, Statutes of Lithuania.*

Introduction

The terrorist war of the Russian Federation in the Ukraine actualizes the need to develop a narrative of peace. The Cold War in Europe ended with the victory of market economy and liberal democracy. The countries of Central Eastern Europe that struggled free from the Soviet empire successfully created market economy and liberal democratic civil societies. In less than 77 years after the World War II, the narrative "If you want peace, prepare for war" almost fell into disrepute in the social thinking of Western European countries. Especially after the end of the Cold War, the illusion of lasting peace gradually developed in Europe. But brutal military

aggression of the Russian Federation in the Ukraine awakened the people of Europe from the illusion that enveloped them.

This illusion has permeated the social sciences as well, as the narrative of peace was only episodically developed. Therefore, the creation of a peace narrative is now an elaborate and complex challenge, because neither the categories of "peace", nor the classification of the states of peace, nor the regularities of its creation have been thoroughly examined in scientific circulation. Peace never coincides with the truce of war, annexation and occupation, because external and internal security is based on military coercion. Such security is never sustainable. However, there have always been and are ideological attempts to call annexation and occupation peace, for example, during the period of Soviet occupation. Such ideological attempts may become more frequent as modern geopolitical and social tensions grow. It is therefore necessary, at geopolitical and societal levels, to develop and implement in mutual relations such a narrative of peace that will help to avoid war, to guide the further civilisation of humanity towards the international legal protection of human rights and freedoms and the creation of sustainable security. This is especially true in the era of the development of information technology and globalization in adulthood, since the further existence of mankind has faced complex dynamic challenges of a complex nature (Šlapkauskas, 2022(a), p.17-23).

Therefore, it is no coincidence that creation of local, regional and global security in the form of long-term peace is the most important issue for the consideration of the G20 geopolitical entities at their meeting on the island of Bali in in 2022. It is becoming increasingly clear in the geopolitical space that all modern wars, whether by hybrid warfare or threatened by nuclear weapons, not only destroy the achieved quality of sociocultural life, but can also lead to long-term threats to the existence of humanity.

On the other hand, in the 21st century, there are still countries whose political elite's thinking is based on imperial thinking, especially typical of antiquity and the Middle Ages, when peace was understood as a short-term truce between increasingly renewed hostilities. Even in the late Middle Ages, wars lasted tens and even hundreds of years. For example, the Hundred Years' War between England and France, which took place in 1337-1453 (Šimtametis karas - Visuotinė lietuvių enciklopedija (vle.lt)). This war ended with the victory of France, which caused this kingdom to become a centralized state at the end at the end of the 15th century. The defeat of England also did not pass without consequences: after internal civil wars, known as the wars of the Roses, in 1455 - 1485, it was also finally centralised at the end of the 15th century.

However, after the war, even in a period of fragile peace, the aim was to resurrect the devastated land to life. Therefore, it is necessary to develop peace studies, which should examine various examples of past peace. An example of lasting peace is the Melno Peace. Its long-term observance was conditioned by the socio-cultural integration of the Grand Duchy of Lithuania and its part Uznemune (Sudovia) into European civilization.

Object of study - integration of the Grand Duchy of Lithuania into European civilization during the period of the Melno peace.

Purpose of the study - to reveal the Melno peace's role in creating sustainable security in Lithuania and Central Eastern Europe. The study is based on methods of document analysis, comparison, interpretation and generalization.

Definition of sustainable security and peace from a socio-cultural point of view

Security is a state of protection and self-protection from dangers and confidence in own knowledge. This threefold interpretation of the meaning of security is conditioned by the fact that security itself expresses a relationship in which there are no threats to the participants in the relationship. There can be various relationships: the person with himself, with other people, their groups and between them, with objects of nature, work and his tools, with God. The reasons for the emergence of threats can also be various: 1) subjective, for example, the subjective interpretation of the behavior of the participant(s) in the relationship as posing a threat; 2) objective, e.g., the emergence and functioning of threats independent of the will of the participants in the relationship; 3) mixed, for example, relationships arising from subjective efforts to control threats generate new threats. Therefore, security includes both objective security, and a sense of security (subjective security), and confidence in security (absence of doubt).

Security is one of the basic human needs, the necessity of satisfying which is beyond doubt. It was the constant pursuit of primary communities to control the state of security that led to the formation and development of social control as a mechanism of social regulation. Therefore, it is no coincidence that the creator of humanistic psychology A. Maslow outlined the main human needs in a hierarchical order and stressed that “these needs, or values, are related hierarchically and evolutionarily – according to strength and primacy. For example, security is more powerful and stronger, a more urgent, earlier arising, more vital need than love, and the need for food is usually stronger than every other. Moreover, all these needs can be considered as steps along the time path towards a common self-actualization, which includes all basic needs” (Maslow: 343). Therefore, it is reasonable to say that security is, or must be, implicit in society's sociocultural contexts and human activities.

Sustainable security is a long-term balance between subjective freedom and social security, which is embodied in the general or social rules of behavior ingrained in society's culture and the implementation of which we call justice (Šlapkauskas, 2022 (b), p.163). When subjects adhere to common norms of behavior and base their interactions on the pursuit of common security, the concept of freedom functioning within the boundaries of a just social order and the expression of freedom itself is formed. This state is peace. Peace is the absence of violent conflicts between individuals and their groups and creation of social relations in accordance with natural rights, i.e. respecting human freedom, life, health and property. It is a form of the quality of the state of external and internal security of any social formation and the trend of its development.

Socio-cultural approach to security and peace - this is an interpretation of the relationship, interaction and performance of people and their formations, based on the analysis of their security status and trends in its development. Interpretation can include various aspects of the existence of mankind, since they are in one way or another related to security control. Security is a dynamic phenomenon, variability of which is determined by natural environmental and socio-cultural factors and their interaction. Therefore, the socio-cultural interpretation of security is based on the analysis of the social order of any social entity (e.g., community, tribe, organized group of people and state) and the social control that ensures its functionality.

Social order is a set of characteristics of communal ties and relationships that occur and develop in individual societies or social groups, the practice of which helps to survive and achieve a higher standard of living for as many members of a society or social group as possible. Its emergence and development is conditioned by the need to constantly meet the basic needs

of human survival. Therefore, social order is a human creation, existing as a product of human activity.

Functionality of the social order is always in the sights of the social sciences. As early as in the second half of the 18th century, A. Ferguson pointed out that social order was expressed by a number of institutions "which are indeed the result of human activity but are not the result of human thought" (1767, p. 187). However, only in the second half of the 20th century, attention was paid to the difference between these two categories of the phenomena - "the result of human activity that is not the result of human thought" and "the result of human thought". Based on this, F. A. Hayek pondered self-creating systems and distinguished two varieties of social order: a) a self - (spontaneously) grown social order (as if it had arisen from within without a prior purpose), and b) a social order created by specific people (as if it had been created consciously from outside) (Hayek, 1998, p. 65-67).

From a socio-cultural point of view, the strength of the social order is determined by the existing and changing social control. Social control is a mechanism of social regulation of people's behavior, which ensures compliance with certain general restrictions, the violation of which interferes with the implementation of basic human needs and functioning of the social system (society) itself. General restrictions on behavior can be custom, moral, religious, legal. Social control is based on material and symbolic resources, with which the society at its disposal promotes positive behavior among its members and condemns its deviation.

There are distinguished two aspects of the social control functioning: value-normative and organizational-institutional. They are directly related to the varieties of social order. Functioning of value-normative regulators of human behavior (systems of moral, religious and legal norms) expresses the normative functioning of social control, realized by subjects in compliance or non-compliance with general rules of behavior. Organizational-institutional functioning of social control is expressed by specialized state institutions, e.g., military and other organizational formations of security supervision created by the state, whose functions are determined by the political regime of the state. Therefore, three main types of social control processes "take place" in social life: 1) processes in which individuals are encouraged to internalize normative expectations (social norms) of their society; 2) processes in which the social experience of individuals is organized (managed); 3) processes in which various formal and informal social sanctions are applied (Šlapkauskas, 2022(a), p. 28-30) .

Socio-cultural interpretation of security and peace is based on the analysis of interaction between value–normative control and organizational–institutional control. In a state of peace, these aspects of social control usually work together and complement each other, if the authorities do not seek to impose a new regulation of social relations on the basis of political - ideological requirements that are unacceptable to society or its individual communities. In this case, the stronger the subjects of behavior adhere to the general rules of behaviour, the less organizational-institutional power is required. However, in a state of war and occupation, the political-ideological and economic power of the state apparatus usually leads to a conflict of value-normative control and organizational-institutional control. In this case, the state apparatus constantly strengthens the organizational–institutional control of society in various ways and means in order to change its social consciousness and the behavior of resistance groups.

Political and ideological assumptions of Melno peace in Central Eastern Europe

The Melno peace is a peace treaty between the Kingdom of Poland, the Grand Duchy of Lithuania and the German (Teutonic) Order signed on September 27, 1422, which established the border between GDL and the Order. It is one of the oldest and most stable cross-border borders in Europe, which has remained unchanged for 600 years. Now it is the state border between the Republic of Lithuania, the Russian Federation and the external border of the European Union.

Such a long-term settlement of the historical border with the German Order presupposes the question of why the militant order, unlike most medieval states of that time, complied with the obligations of the Melno peace treaty? In fact, the Order was forced to accept and sign the obligations of the Melno treaty, under the conditions of forced observance of which it weakened and finally transformed into a secular state. Therefore, it can be assumed that in the 15th century in Central Eastern Europe new political-military forces and the socio-cultural conditions leading to their formation began to develop, which were not favourable for further military expansion of the Teutonic Order. To reveal this assumption, we will briefly discuss the development of the Teutonic Order's military power in Central Eastern Europe.

The origin of the Teutonic Order is the German hospital brotherhood of the participants of the Crusade to Palestine, founded in 1190 by the merchants of Bremen and Lübeck under the mantle of Akko (otherwise known as Acre, which is now in Israel). Initially, the brotherhood was subordinate to the Grand Master of the Ioanite order. In 1198 the German princes reorganized the brotherhood into an independent Teutonic Order - a military order of knights subordinate to the pope and the emperor of the Holy Roman Empire. Its purpose was to patronize crusaders arriving from Germany, to nurse the sick and fight the enemies of the Catholic Church. In the 13th century the Teutonic Order fought in Palestine against the Muslims. In the beginning of the 13th century, supported by the pope, emperors and princes of the Holy Roman Empire it acquired lands mainly in Germany, as well as in Asia Minor, Southern Europe (Vokiečių ordinas - Visuotinė lietuvių enciklopedija (vle.lt)).

After defeat of the crusades in Palestine, in 1211 the Teutonic Order was invited to Hungary to help defend against nomads but was kicked out for an attempt to establish a separate state in 1225. Then the Order settled on the Land of Kulm (now in Poland), which was granted by the Duke Konrad I of Masovia after the 1226-1230 agreements with the Order's Grand Master Hermann von Salza. From the Duke Konrad I, the Order received the right to expand its possessions from the Prussian lands that it would conquer. The right of the Teutonic Order to rule the conquered Prussian and Lithuanian lands was approved by the pope Gregory IX in 1234, the emperors of the Holy Roman Empire Frederick II in 1226 and 1245, and Louis IV the Bavarian in 1337. The pope Gregory IX in 1236 issued a bull announcing a crusade to Lithuania. The pope Innocent IV in 1245 also urged the Teutonic Order to fight against the Lithuanians and Prussians. Thus, the aggression of the Teutonic knights was blessed by the two most powerful forces - the popes and the Holy Roman emperors (Bumblauskas, 2005, p. 46-47; Vokiečių ordinas - Visuotinė lietuvių enciklopedija (vle.lt)).

The creation and functioning of the Teutonic Order state in the Prussian tribal lands from 1230 to 1525 can be divided into three periods from religious-ideological and intensity of wars viewpoints:

1. From 1230 until 1387 - the period of the baptism of the Lithuanian state: the Order's intense wars with the Baltic tribes and the Grand Duchy of Lithuania under the pretext of defending Catholicism and fighting pagans.

2. From 1387 until 1410 - the period of the battle of Grunwald: the Order's wars with Christian States at the turn of the 14th and 15th centuries.

3. The period from 1410 until 1525: political, military and economic weakening of the Order, culminating in its transformation into the secular Duchy of Prussia.

During the first period, the Teutonic Order conquered all the Prussian tribes in 53 years, because they were caught not only without creating their own state, not only without forming a stronger confederation of lands, but even without princes inheriting power. Although the Prussian tribes fiercely defended and organized two powerful uprisings in 1242-1249 and 1260-1274, but the resistance was broken and most of the Prussian nobles went over to the side of the Germans. After examining this situation, Alfredas Bumblauskas argues that the probable reason for the defeat of the Prussians was that their political order had not yet reached the state-specific level of development of society. He points out that in 1283 the Teutonic Order, having conquered the Skalvians, Nadruvians and Yotvings and coming to the Nemunas river, faced not another Baltic tribe, but the Lithuanian state (Bumblauskas, 2005, p. 54).

From 1286 under the pretext of defending Catholicism and fighting the pagans, the Teutonic Order began to intensively attack Lithuania, sought to gain a foothold in the lower reaches of Nemunas, occupy Samogitia and unite its possessions in Prussia with its vassal Livonia into one state. At the beginning of the 14th century, the Order also attacked Poland. But the greatest power was reached by the Teutonic Order in the middle and second half of the 14th century. During the reign of Grand Master Winrich von Kniprode (1351-1382), aggression against GDL intensified. In the years 1345-1370 the Teutonic Order organized about 70 larger expeditions to Lithuania from Prussia and about 30 from Livonia. In the years 1360-1380, big expeditions to Lithuania took place every year (Vokiečių ordinas - Visuotinė lietuvių enciklopedija (vle.lt)).

The second period of power of the Teutonic Order is the wars with the Christian states. They were forbidden by the Roman Catholic popes. In 1387 Jogaila baptized the whole land, which Mindaugas had not done. According to Tomas Veclova, "Jogaila baptized without waiting for the bishop to come. He is sometimes said to have translated the most important Christian prayers himself, but he probably really took care of the translation (Veclova, 2018, p. 143).

Baptism changed the religious status of the GDL and opened the way to the Latin European civilization. In 1403 the pope Boniface banned the Teutonic Order from going to war with GDL. Alfredas Bumblauskas drew attention to the fresco of the beginning of the 15th century in Strasbourg's St. Peter's new church, depicting the Europe of the time. In the fresco, there are a dozen figures personifying the states: Germany is the first to ride, followed by France, Italy, England... The last one on horseback is Poland, and a newly baptized foot follows behind *Litavia* (Veclova, 2018, p. 145). This is a picturesque illustration of Lithuania's integration into Latin European civilization.

The Teutonic Order ignored the pope's prohibitions and actually ruled Samogitia in 1404-1409. Samogitian uprising in 1409 gave the Teutonic Order a pretext for a decisive war with GDL and Poland. According to Alfredas Bumblauskas, "the Teutonic Order was only a powerful force that threatened the Lithuanian state. <...> Jogaila did not go to war with the Teutonic Order, because if he lost, he could lose the Polish throne. Vytautas, through his agents in Poland, began to form the notion that war with the Teutonic Order was necessary. The effort paid off. At the beginning of July, 1410, GDL army joined forces with the Polish army at the Vistula (Vysla) river. <...> Plan of Vytautas was unusual and even audacious. The attacking side was usually the Order. Meanwhile, in the 1410s, the territory of the Teutonic Order was

invaded and marched directly towards the capital“ (Bumblauskas, 2005, p. 148). Vytautas' plan worked and in July 15, 1410 the Teutonic Order lost the long-term war with GDL in the battle of Grunwald. This victory of the united armies of the Kingdom of Poland and GDL shattered the hegemony of the Teutonic Order, which no longer posed an existential threat to either Poland or Lithuania.

Although the military and economic weakening of the Teutonic Order began after the battle of Grunwald, it still retained its geopolitical influence in Central Eastern Europe. This is evidenced by the political theme of the General Council of the Catholic Church held in Constance (on Lake Constance, on the current German-Swiss border) in 1414-1418. The council first decided the confusing question of who should rightfully occupy the papal throne, as there were even several popes and anti-popes at the same time. The new Pope Martin V, recognized by all, also examined the dispute between Lithuania and Poland with the Teutonic Order regarding Samogitia. Lithuanians and Poles offered to move the order to the Turkish border. But both issues were not resolved, since the Order's side at that time was supported by the patron of the assembly St. Roman (German) emperor Sigismund I and the pope recognized by all. Less often, attention is paid to the reasons why the church reformer Jan Hus, who arose in Prague, was convicted at this meeting and burned at the stake in Constance right there. In the late Middle Ages, the early sprouts of the Church Reformation had already arisen, which St. Rome and the pope tried to root out. The outraged Hus supporters (Hussites) fought for power in the Czechia for a long time and Vytautas' interests were entangled in this fight (Veclova, 2018, p. 160).

When a new short-lived Lithuanian-Polish war with the Teutonic order flared up in 1422, the Crusaders were already hesitant to defend themselves in the open field and tried to hold out in the castles. After the allies ravaged the land, the Order agreed to negotiate peace. The peace treaty between GDL and Poland with the representatives of the Teutonic Order was concluded on September 27, 1422, in the camp of the allied troops at Lake Melno (near Toruń). GDL and Poland, taking advantage of the Hussite movement in the Czechia (where Vytautas' viceregent Žygimantas Kaributaitis (Sigismund Korybut) was active), prevented St. Roman (German) emperor Sigismund I effectively support the Teutonic Order, forced the Crusaders to conclude peace (Melno taika - Visuotinė lietuvių enciklopedija (vle.lt)).

Thus, it can be stated that the peace of Melno was a clear message to all the countries of Central Eastern Europe that the Teutonic Order, after the defeat in the battle of Grunwald, is not capable of continuing to fight and base the development of its state on war trophies. This is confirmed by the subsequent unsuccessful wars of the Order with Poland and Czechia (1431-33.), which only exacerbated the internal political and economic crisis of this state. They tried to solve it by raising taxes. This did not correspond to the interests of the nobility and townspeople of the Order state. Their dissatisfaction with the government, the arbitrariness of the knights, and the obstruction of the development of cities and trade grew stronger. Therefore, they established the Prussian Confederation – a political organization of the nobility and townspeople, which in 1440 -1466 defended their personal and estate rights and actively sought to participate in the Order's state governance. Persecuted by the authorities of the Order, the Prussian confederation appealed for help to the King of Poland, who granted patronage. This led to the Thirteen Years' War (1454–66), in which the Confederation fought on the side of Poland. Poland, which won the war, attached the western and southern parts of the Teutonic Order according to the Peace of Torun in 1466 (the second Peace of Torun). The reduced Order moved its capital to Königsberg in 1466. In 1470, the Grand Master Heinrich Richtenberg swore vassal allegiance to the King of Poland. The order, which lost the potential for military

aggression, in its further development increasingly acquired the features of a secular state. In 1525, the last Grand Master of the Order Albrecht Brandenburg with most of the brothers of the Order switched to Lutheranism and Prussia was declared a secular duchy. On April 10, 1525, in Krakow, he took the oath of vassalship to his mother's brother – the King of Poland and Grand Duke of Lithuania Žygimantas Senasis (Sigismund the Old). The Teutonic Order state ceased to exist in Prussia (Prūsijos sąjunga - Visuotinė lietuvių enciklopedija (vle.lt); Vokiečių ordinas - Visuotinė lietuvių enciklopedija (vle.lt)).

Socio-cultural effects of Melno peace

All the results of human connections and activities are socio-cultural in nature. But the socio-cultural approach to security and peace seeks to distinguish and interpret the results of the activities of people and their formations, which are most closely related to the development of their security situation. Therefore, first of all, it should be emphasized that the Melno peace treaty itself was an essential geopolitical achievement for GDL and Poland: it legitimized the victory of Grunwald. The first peace of Torun, between Poland-Lithuania and the Teutonic Order, signed on 1st of February, 1411, after the Battle of Grunwald, did not meet the expectations of the winners. Alfredas Bumblauskas writes, "it seems a paradox: such a great victory and relatively small consequences" (Bumblauskas, 2005, p. 149). This was significantly influenced by St. Roman (German) Emperor Sigismund I and the pope's support for the Teutonic Order.

The victory of Grunwald and the Treaty of Melno "forced" the most important figures of the European Latin civilization - the pope of the Roman Catholic Church and the emperor of the Holy Roman (German) empire Sigismund I to recognize GDL and Poland as very important subjects of Central Eastern European geopolitics. Important issues of the region were no longer resolved without the participation of the rulers of Lithuania and Poland – Vytautas and Jogaila. On the initiative of Holy Roman Emperor Sigismund I in January 9-29, 1429, the Lutsk Congress was convened to discuss the problems of Central and Eastern European politics – especially relations with the Hussites. This was the only case when the Holy Roman ruler came to the territory of the Grand Duchy of Lithuania. The Congress was attended by the envoys of the Byzantine emperor, the Papal Legate, the Polish king Jogaila, the Pskov and Novgorod Princes, representatives of the Order, the Golden Horde, Moscow, Tver, Ryazan, Moldavia, Denmark. Thus, the Lutsk convention shows the increased role of GDL and Vytautas in the region, and it entered the history of Lithuania primarily because of the plan to crown Vytautas as a king, which was supported by Sigismund I and the Teutonic Order, in order to create a counterbalance to Poland in the region (Bumblauskas, 2005, p. 154; Veclova, 2018, p. 168).

One of the most important socio-cultural achievements of the MelnoPeace is the fact that the path of Lithuania's integration into European civilization was completely opened. This path provided wide opportunities to modernize the Lithuanian state and society by focusing on the achievements of economic management and cultural expression that prevail in Europe. In many Central European countries, in the 15th and 16th centuries, the Renaissance era was already spreading, in which important changes took place in various areas of social life. The changes were greatly influenced by the flourishing of trade with the East, the emergence of a new bourgeoisie – merchants, bankers, industrialists. The increase of its power destroyed the feudal, middle-age social order, characterized by hierarchy, workshop production, and restrictions on trade. The growing needs of manufacturing, trade, seamanship, construction, warfare also led to the development of science. Extremely significant achievements were achieved in the fields

of astronomy, geography, anatomy. Great geographical discoveries gave new knowledge in geography, geology, botany, zoology, ethnography. The disintegration of feudalism was promoted by the processes of centralization of national states and the formation of national self-consciousness, the intensifying struggle between secular and religious power. Therefore, the integration of new ideas for the interpretation of social relations into the social space of Lithuania could differently affect the further development of internal security.

In Lithuania, the forms of thinking and culture of the Renaissance era already began to emerge at the end of the 15th century and lasted until the middle of the 17th century, but the most mature were in the 16th century. They got start with studies of children of Lithuanian grandees and nobles in western European universities. After returning to Lithuania, they worked as clerks, lawyers, diplomats, teachers, secretaries of kings and grand dukes, and spread the ideas of the Renaissance and humanism. Humanists from other countries who lived in Lithuania also helped to spread them. The intellectual atmosphere of the Renaissance, the established traditions of patronage led to the emergence of the Press in Vilnius (Renesansas - Visuotinė lietuvių enciklopedija (vle.lt)).

In Lithuania, similar to Germany and other European countries, the Renaissance was closely linked to the Reformation. The first representatives of the Lithuanian Reformation (A. Kulvietis, S. Rapolionis, V. Agrippa) spread in Lithuania the ideas of the most famous figures of the Western European Reformation and humanists (M. Luther, Ph. Melancthon, Erasmus of Rotterdam), grounding them in a unique and original way, interpreting them with local realities. With the spread of Renaissance and Reformation ideas, the emergence of higher-level schools in Lithuania is also associated. A. Kulvietis tried to establish the first such school in Vilnius in 1541 (Renesansas - Visuotinė lietuvių enciklopedija (vle.lt))

Counter-reformation actors, supported by bishop V. Protasevičius, founded a Jesuit college in Vilnius in 1570, which in 1579 was reorganized into a university - the first higher education institution in Lithuania. The University gave start to Lithuanian science, contributed to the development of writing in the Lithuanian language, became the most important focus of intellectual thought in the Grand Duchy of Lithuania, and increased the number of scientists in various fields (mainly philology, philosophy, history). (Renesansas - Visuotinė lietuvių enciklopedija (vle.lt)).

Alfredas Bumblauskas emphasizes that "Lithuania, during the 15th century very quickly adopted the values of Western Latin culture, and in the 16th century finally became an integral part of Central Europe (2005, p. 254). In Lithuania, the military counter-establishment of the Reformation and Counter-Reformation was avoided, as a confessional tolerance corresponding to the spirit of the Renaissance prevailed. It can even be argued that the relatively peaceful intellectual and political opposition of these forces promoted rapid changes in the modernization, culture and education of Lithuanian life. But on the other hand, these changes have not yet been explored in terms of creating sustainable security.

For the creation of sustainable security in Lithuania, the most important achievement of the peace of Melno was the end of GDL wars with the Teutonic Order. After almost 200 years of intense wars with the Teutonic Order, existential threats to the Grand Duchy of Lithuania no longer arose from the western part. Therefore, it could pay attention to the colonization of Užnemunė (Sudovia), because this previously inhabited territory of the Yotvings (Sudovians) was turned into wasteland. Wasteland is a strip of sparsely inhabited or completely uninhabited lands in Lithuania Minor, Sudovia (Užnemunė), in the west and north of Samogitia, in the north of Highlands (Aukštaitija), separating the more densely populated and castle-protected areas of

Lithuania from Prussia and Livonia, the same stretch of the border of the latter lands with Lithuania in the 14th - 15th centuries (dykra - Visuotinė lietuvių enciklopedija (vle.lt)).

Lithuanians colonized Užnemunė and security and peace functioned in this territory of GDL for as long as 393 years (1422 - 1815). Due to the efforts of the Queen Bona, the political-administrative colonization of Užnemunė, territory settlement policy, farm management, trade and legal experience were increasingly based on the experience of Western and Central European countries. The achievements of the colonization of Užnemunė not only created sustainable security in Sudovia, but also influenced the multifaceted modernization of GDL, for example, the Wallach reform took place in Užnemunė at the beginning and following it, Sigismuns Augustus (Žygimantas Augustas) implemented such a reform throughout the Grand Duchy of Lithuania. However, the process of colonization of Užnemunė has not yet been fully explored in the aspect of creating sustainable security.

Examining the process of creation and development of sustainable security in Užnemunė allows us to distinguish three periods of security development:

1. Spontaneous development of social order and security in the period 1422-1529. At the beginning of this period, Užnemunė's forest cover could reach about 70 percent, i.e., much more than the average in the entire ethnographic Lithuania of that time. The establishment of the border between GDL and Prussia took more than a century and was finally legalized only in 1529 by the Treaty of Prince Albrecht of Prussia with Sigismund the Old. This hindered colonization processes in the western part of the land. They took place more intensively only on the eastern side of Sudovia, especially in the forests of Grodno, Merkinė, Alytus and Punia (Brukas, Deltuvas, Mankus, 2019, p. 26).

According to Jonas Tatoraitis, it can be argued that during this period, newcomers from Samogitia, Highlands (Aukštaitija), Belarus (Gudija), Masuria and Prussia spontaneously moved to live in Sudovia, i.e., from neighboring lands around Užnemunė. Sigismund the Old had ordered the colonization of Paprūsė (border area with Prussia) to be carried out by the Samogitian elder until 1526 (Totoraitis, 2003, p.79-112). According to Algirdas Brukas, Romualdas Deltuvas and Romualdas Mankus, unregulated colonization of the forests of Sudovia took place before the Wallachian reform (p. 26-28). Therefore, inevitably, a social order should have developed between the new inhabitants of the land and their villages, which could guarantee at least minimal connections and security for them.

However, in the process of colonization of Užnemunė, there were cases of possession of foreign property and its theft. Due to the migration of people, the customary law was no longer sufficient to prevent property theft. Therefore, the Casimir's Code was prepared, which was confirmed by the Grand Duke of Lithuania Kazimieras Jogailaitis (Casimir IV Jagiellon) in 1468. This is the first attempt to compile a collection of court decisions. The Code consists of 25 articles, most of which are devoted to the classification of the act of theft and the imposition of punishment for it (Kazimiero teisyas - Visuotinė lietuvių enciklopedija (vle.lt)).

2. The growth of spontaneous and organized security creation in the period 1529-1569. During this period, an increasing organizational initiative "from above" was introduced into the spontaneous colonization of Sudovia. In 1527, Sigismund the Old took direct control of Jurbarkas and instructed his wife, the Queen Bona Sforza, to organize the colonization of the Užnemunė and, in particular, of Paprūsė. Two colonization initiatives - "from below" and "from above" - merged. The energetic and clever queen corresponded with the Prince Albrecht of Prussia, founded new towns, estates and villages in strategically important places of Prussia, so that their functioning would increase the ruler's treasury. She founded the Nova Volia town (later renamed Verbolova and finally Virbalis) and granted it the City rights, Vištytis town,

Wizajny village. Persuaded Albrecht to build a road from Insterburg to Virbalis (Totoraitis, 2003, p.113-133).

Before the Wallachian reform, Užnemunė had a unique social structure. It consisted of free subjects - nobles, lords, townspeople and free farmers - and serfs. In the beginning, there were few of them, since there was always the possibility of a real escape to the newly founded towns or Prussia. Specialized services were created and functioned perfectly in the estates - beekeepers, beaver keepers, hunters, fishermen, horsemen and others. Next to them, the services of forest scouts and guards functioned and expanded. Most of the villages on border with Prussia originated from the homesteads of forest scouts and guards (Totoraitis, 2003, p.142-144).

The strengthening of Lithuania's state sovereignty, changes in the structure of the economy and society led to changes in the legal environment. Due to the abundance of various privileges of the Grand Duke and the decisions of the Council of Lords, which were not properly coordinated, administrations and courts at all levels had difficulties in making correct decisions. Therefore, the need for codification of law inevitably arose. The first Statute of Lithuania began to be drafted in 1501, however, submitted to the Seimas only in 1522 and the final version was approved by the Vilnius Seimas in 1529. The structure of the society changed very rapidly: the Wallachian reform took place in Užnemunė, which in 1547 began to be implemented throughout Lithuania, estate reform took place, the nobles demanded to reduce the privileges of the lords. Therefore, in 1566, the second Statute of Lithuania was prepared, which legalized the reforms of the nobility, formalized the representation of the nobility in the Seimas and a consistent judicial structure with an elected nobility Land Court. Thus, the 2nd Statute of Lithuania fixed the transition of GDL society from oligarchic system of lords to the estate monarchy (Bumblauskas, 2005, p. 254).

In the fourth and fifth decades of the 16th century the first wave of the Reformation uprising in Lithuania Proper. It relied on Lutheran ideas, but they did not cause unrest in society. The evangelicals were still few in comparison, but their activities were extremely productive. The first followers of Lutheranism in Lithuania Proper were representatives of all noble classes, townspeople and town-dwellers: rich landowners Kęsgailas, Jonas Radvila, middle nobles Venclovas Agripa, Abraomas Kulvietis, poor nobles Stanislovas Rapolionis, Jurgis Zablockis and others. The latter - poor, but personally free people who earned their bread through mental work - were the most creative part of the Lithuanian Protestants who left the most significant mark on Lithuanian culture of that time. Personalities originating from the Grand Duchy of Lithuania laid the foundations for three fundamentally new phenomena in Lithuanian culture: 1) the emergence of non-scholastic theology, 2) the public legalization of writing in the Lithuanian language, i.e., for the preparation of books in the Lithuanian language, 3) the reorganization of the education system, its institutions and content (Lukšaitė, XVI–XVII a. Reformacijos Lietuvoje reikšmė: naujovių keliai – Reformacija (reformacija500.lt)).

The second wave of Reformation started in the 5th decade of the 16th century. As the evangelical reformed faith dominated in Lithuania, this wave of reformation developed the way of applying innovations and their creation in Lithuania quite controversially. However, this creation, application or inculcation of innovations necessary for the development of Lithuanian society dominated the active layer of the evangelical society; evangelical activities remained a programming force in the cultural life of the entire GDL. This programming power was the great significance of the Reformation in Lithuania (Lukšaitė, XVI–XVII a. Reformacijos Lietuvoje reikšmė: naujovių keliai – Reformacija (reformacija500.lt)).

3. State organized and supervised security in 1569 - 1795 period. This is a radically new period in the development of sustainable security. The strong growth of Russian-Turkish military aggression and the dangers arising from them to the statehood of GDL and the Kingdom of Poland led to the need for Lithuanians and Poles to create a Polish–Lithuanian Commonwealth. This process was greatly influenced by historically formed ties and former union agreements in the period 1385-1569. In 1569 a treaty was concluded in Lublin, whereby the Grand Duchy of Lithuania merged with the Kingdom of Poland into the Federal Republic of Poland and Lithuania, or the state of Poland and Lithuania .

The analysis of the creation of sustainable security in the region of GDL and Central Eastern Europe after the Lublin union suggests that in the long term the republic of the two nations has stabilized geopolitical relations in the region. The Union of Lublin provided an opportunity for the Lithuanian - Polish Commonwealth to win the Livonian war (1558-1583). The implementation of the Union resulted in a special, unprecedented United State. Due to the opposition of the nobility of GDL, the Polish lords failed to unite those countries. The state was officially divided into the so-called Crown (Poland) and GDL. GDL remained a separate state with a name, coat of arms, territory, governing apparatus, treasury, laws, courts, army, seal. In the Seimas of the Lithuanian - Polish Commonwealth, representatives of GDL discussed the affairs of GDL and prepared draft laws at their separate meetings; some of the laws were adopted separately in GDL, the nobility of the Crown could not receive state services in GDL, as this was not allowed by the Statute Of Lithuania (<https://www.vle.lt/straipsnis/liublino-unija>).

In defending the independence of GDL, the 3rd Statute of Lithuania of 1588 was of great importance. It was prepared in the spirit of the Renaissance – it was based on the principles of humanism of that time. For example, it banned the death penalty for minors. Statues of Lithuania were used in Polish and Livonian courts. In 1649, the Russian courts were directly edited in accordance with the 3rd Statute of Lithuania. In the era of Union and Confederation with the Polish state, the 3rd Statute was in force until 1840. (Bumblauskas, 2005, p. 254).

Conclusions

The peace of Melno was successful and long-lasting due to the following socio-cultural reasons: 1) after the baptism of the Lithuanian state, the Teutonic Order lost the ideological-religious reason and the pope's support to continue fighting with the Lithuanian state; 2) the military power of the Teutonic Order was radically broken in the Battle of Grunwald. The Order failed to restore its military power, as the burden of reparations plunged it into a prolonged crisis; 3) the winners of the wars with the Teutonic Order - the Grand Duchy of Lithuania and the Kingdom of Poland - gained a new geopolitical status in the Central Eastern European region. Without the participation of their rulers, regional problems were not solved; 4) the peace of Melno paved the way for the integration of Lithuania into the Latin civilization of Europe. The Lithuanian state, which is actively following this path, has become an integral part of Central Europe.

The peace of Melno ended the war with the Teutonic Order. The peace treaty legally enabled the Grand Duchy of Lithuania to colonize Užnemunė (Sudovia). Examining the process of creation and development of sustainable security in Užnemunė allows us to distinguish three periods of security development: 1) spontaneous development of social order and security in the period of 1422-1529; 2) growth of spontaneous and organized security creation in the period of 1529-1569; 3) state organized and supervised security in the period of 1569 - 1795.

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MELNO PEACE - BUILDING SUSTAINABLE SECURITY IN CENTRAL EUROPE: A SOCIOCULTURAL APPROACH

Vytautas Šlapkauskas
Mykolas Romeris University, Lithuania

Summary

The Melno Peace is a treaty between the Kingdom of Poland, the Grand Duchy of Lithuania and the German (Teutonic) Order of September 27, 1422. A peace treaty was signed, which established the border between the LDK and the Order. It is one of the oldest and most stable cross-border borders in Europe, remaining unchanged for 600 years. Now it is the state border between the Republic of Lithuania and the Russian Federation and the external border of the European Union. Such long-term stability of this border leads to the need to reveal the assumptions and reasons for the observance of the Melno Peace.

The durability of the Melno Peace is examined not from a historical but from a sociocultural point of view. This is due to the inner connection of peace and security. Security is a state of protection and protection from danger and confidence in one's knowledge. This threefold interpretation of the meaning of security is conditioned by the fact that security itself expresses a relationship in which there are no threats to the participants of the relationship. Peace is a form of security functioning. It is the absence of violent conflicts between individuals and their groups. The socio-cultural approach is the interpretation of human relations, their interaction and expression of activity, based on the protection of natural rights.

From a socio-cultural point of view, the conclusion of the Peace of Melno marks the beginning of the real integration of the Grand Duchy of Lithuania (GDL) into the Latin European civilization. This approach differs from the historical approach, because according to it, the integration of the GDL began in 1387, when the King of Poland and Grand Duke Jogaila of the GDL baptized the entire land. However, the conditions for real integration were created and expanded only when the aggression of the Teutonic (Teutonic) Order weakened and its transformation into the secular Duchy of Prussia took place. The secular Duchy of Prussia actively participated in creating socio-cultural changes in the western part of the GDL.

The weakening of the Order's power is a primary but insufficient prerequisite for the longevity of the Melno Peace. Other reasons for the longevity of the Melno Peace are revealed when examining the integration of the LDK into European culture and civilization. From a socio-cultural point of view, the integration of the LDK into European civilization took place through the development of economic and cultural relations with the countries of Central Eastern Europe and purposeful adoption of their experience. It was the Peace of Melno that opened real ways for the integration of LDK into European culture and civilization. The essential features of this integration were the gradual establishment of sustainable security in Užnemune (Sūduva), the adoption of the western state economy management experience, changes in law, culture and education in the context of the spread of ideas of renaissance and reformation.

Keywords: Peace, Melno peace, sustainable security, socio-cultural approach, Grand Duchy of Lithuania, Teutonic Order, Statutes of Lithuania.

CITIZENSHIP, SECURITY AND A YOUNG PERSON'S PERSPECTIVE

Vaiva ZUZEVIČIŪTĖ

Mykolas Romeris University, Lithuania

E-mail: vaiva.zuzeviciute@mruni.eu

ORCID ID: [0000-0001-5768-1626](https://orcid.org/0000-0001-5768-1626)

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Abstract. *The discussion is focused on critical analysis of sources, with an emphasis on analysis of the contents of a concept of democracy, its perceptions, assessments and forms of contemporary experiences by young people, also, on conceptualisation of the concept of security and implications.. The aim of this paper is to present the theoretical considerations and results of the pilot empiric study on perspectives on security (the paper analyses the concepts of citizenship and democracy, its history and current state, also some findings of a pilot empiric study on security are presented). Methods of critical reference analysis and survey were used for the development of this paper.*

Keywords: *citizenship;, citizenship education, democracy, security, young adults.*

Introduction

After the collapse of Soviet Union several countries Lithuania regained and cherished the possibility for progress and democracy as independent states. In Lithuania, after the occupation of five decades, Independence was declared on 11 March, 1990; at the moment of developing this paper (2022) the Independence counts more than three decades. Together with 9 more countries, the Republic of Lithuania joined the European Union (EU) in 2004. It is a democratic country, more specifically, according to one perspective, which will be addressed later, it is an electoral democracy. The structure of governance is defined in the Constitution (adopted in 1992), which clearly identifies separation of legislative, executive, judiciary powers, which, as a consequence, serves as a tool for checks and balances to ensure the overall oversight over governing bodies and government's actions. The elections to municipal and state bodies are free with almost no breaches registered in the last elections, moreover, the level of participation in most recent elections of four years cycle to the main legislative body (Seimas (Parliament)) even under the pressure of pandemic reached 47,2% (LR Seimo Rinkimai, 2020). Thus the activities and impact of each individual, a citizen gain an increasing weight on the events and their direction.

It would seem that the country is on the path to prosperity, security, growth. However, the recent external, and thus-inevitably- internal tensions and threats force us to re-think the achieved level, its price and the ways forward.

Thus the **aim** of this paper is to present the theoretical considerations and results of the pilot empiric study on perspectives on security. **Methods** of critical reference analysis and survey were used for the development of this paper.

Short historical overview and the situation today

Though democracy and the role of citizens have been under the scrutiny of intellectual discussions for millennia, but the intensity of discussions varied.

At some instances of human history, the discussions were welcome, and there were other instances, even in very recent history, when the discussions warranted fierce opposition or even sanctions.

While most of us may refer to democracy as having the history of at least 2500 years, and give the example of Ancient Greece, however, the democracy in Athens, while a beacon of hope and pride for democratic thought, still was quite limited. Plato, the founder of much of what is considered the pillars of Western civilization, went as far as call it very bad form of governance (Plato, here from Platonas, 1981). On the one hand, we may agree with the reserved sentiment, because the democracy that was built 500 years BC certainly had its misgivings, e.g., it did not include women among citizens, also there were a number of other limitations, thus, it was rather limited (Sale, 1980). On the other hand, after the collapse of the Ancient Greek system, it took more than 2000 years to start discussing this particular form of governance again in order to formulate the productive, effective approaches, the role of citizens and the mechanisms that enable co-existence of ideas and ambitions, and – yes - individuals. Thus, democracy is a very recent human invention, which deserves to be cherished. While criticism is always welcome, but the fact that this innovation accounts for just the smallest fraction of human history may explain the need for a constant attention and reflection on it and the efforts to stabilize democracy and empower citizens' role.

While the works of thinkers of 17th and especially 18th century in re-birth of the idea of democracy, and consequently, the establishment of democracy as an experienced human reality is of utmost importance, but, due to the limitations for the scope for the paper, just a glimpse on more recent theoretical considerations is provided.

After almost a total dramatic collapse of democracies in 20th century, manifested by cruel world wide wars, then the entrenchment of the Soviet influence after the WWII in a large part of the world, the attention to democracy's founding pillars was acutely renewed. Among many theoreticians the ideas of the depth of democracy, characteristics and the relation between characteristics, the role of citizens were very important in shaping a contemporary, more inclusive idea of democracy (Schumpeter, 2003 (first edition: 1943); Dahl, 1971, Dalis, 1994).

For Schumpeter the democracy mainly was characterized by free elections and freedom to vote, that is, the mechanism of fair representation was more important, which is not surprising as these ideas were formulated in mid-20th century (the primary source was published in 1943 and was re-published decades later, which is referenced here). For Dahl, as his ideas were formulated three decades later, democracy was attributed more characteristics. Among them: the possibility for all the citizens to voice their expectations and needs, the opportunity for citizens to make those expectations publicly known and considered with equal attention and seriousness; therefore, citizens must have the rights to associations, rights to vote, to elect representatives, to be elected as a representative. It was also noted that it is imperative to have a number of impartial news outlets, elections must be free and the elections must have consequences (that is, the policies that were voted for must be followed through).

These ideas were expanded further; later it was added that each and any structure of governing apparatus must be accountable for citizens (including military), moreover, the accountability must be before citizens and among different branches of power, moreover, political and civil pluralism is essential in order to have the arena of competing ideas and policies (Diamond, 1999).

Due to the ideas of these thinkers (and others, including, e.g., Zakaria, 1997), the democracy is viewed today as something complex and multifaceted rather than a solid entity. Democracy may be liberal, or it may be electoral, moreover, there is dynamics, when one form

of democracy may change into another, or certain aspects of, let us say, liberal democracy, may change: sometimes the aspects may expand, sometimes – shrink, thus changing the overall quality and depth of democracy. Electoral democracy is based on fair and free representation in governing; but when it is strengthened by attention to civic rights and liberties, rule of law, independent media, then liberal democracy may emerge (Dahl, 1994).

Lithuania enjoys a functional democracy, thriving economy, even if economy suffered blows by pandemic of 2020 and again more recent blows due to fall-out with China in 2021, and then again another, most recent energy crises due to the war in the Ukraine in 2022. Still, Lithuania participates in international community with a clear voice and solid reputation as being on the side of democracy and respect for human rights, which became especially evident during 2022, when Lithuania offered its support for the Ukrainian refugees and other cases.

According to a recent V-Dem Annual Democracy Report (Lührmann et al, 2019), Lithuania is ranked at the 29th place; which accounts for ranking among the the top 10-20% countries globally in the Liberal Democracy Index ((LDI=0.730); a scale of 01 to 1, where 1 denotes the highest LDI score is used). Various arguments, counterarguments and opposing critical comments may be used regarding the undertaken research methodology, but the fact that just over a third (35%) of the global population lived in democratic countries in 2018 (13% in liberal democracies and 22% in electoral democracies in 56% of countries around the world) indicates that Lithuanian citizens enjoy a privileged status. Lithuania is an electoral rather than a liberal democracy due to the balanced relations between judiciary, executive and legislative powers and the fact that all citizens are equal before law. In the last decade, numerous attempts have been made to increase the transparency and accountability of the judiciary system and especially eradicate political corruption. The attempts resulted in several pre-trial investigations and trials, even legislative changes. However, these factors could have had an opposite effect on the citizens' subjective perceptions, because these incidents attracted media attention, and as a consequence the events could have disproportionately sensitized the citizens to the extent of judicial and political corruption. As a result, several measures were implemented to minimize political corruption, including amendments to the Act on Financing Political Parties and Campaigns (Act on Financing Political Parties, 2013), which strictly define the entities and amounts eligible for contributions.

Another instrument, used by Economist Intelligence Unit (Democracy Index, 2021), employs another methodology and the classification. The instrument identifies four types of governance globally: Full democracies (21 countries, which account for 12.6% of countries), Flawed democracies (53 countries, which account for 31.7% of countries globally), Hybride regimes (34 countries, that is, 20.4% of countries) and Authoritarian regimes (59 countries, which account for 35.3% of all countries globally). The highest index possible in this instrument is 10, and the first rank (the same as in the previously presented instrument) is given to Scandinavian country, Norway: 9.75 out of 10). Generally, the top countries in both instruments are allocated very similarly, thus we may safely conclude that the picture given by both instruments about situation in other countries is also adequate and is as precise as it is possible to achieve precision in such cases.

Lithuania is ranked lower in this instrument (in comparison to a previously presented instrument); it is enlisted among the Flawed democracies, at the 40th place (the index is: 7.18 out of 10). Interestingly, the previous year, the same instrument (Democracy index, 2020) classified 23 countries (13.8% of countries globally) as Full democracies and 52 (31.1%) as Flawed democracies. 35 countries (21% of countries globally) were classified as Hybride regimes. Among Authoritarian regime 57 countries (34.1% of countries) were enlisted; thus, it

seems, the number of both Full democracies and Authoritarian regimes decreased, even if by small number just recently, in the last year. According to the instrument, the quality of democracy in Lithuania is developing, because in 2020 it was ranked 42nd (index was:7.13), as opposed to the 40th rank in 2021, which adds to general sentiment about the right direction that the state has taken.

In Lithuania, positive perceptions of the state and the quality of democracy, are also evidenced in the nationally constructed instrument, that is, by Lithuania's rank in the Civic Empowerment Index (CEI). The Civic Empowerment Index (CEI) was developed by the Civil Society Institute. The Civil Society Institute (CSI) is a foundation representing the third sector, therefore its findings may be considered low-biased, if not completely bias-free, because, once it is not a government organization, the CSI does not have agendas to defend or promote its policies and strategies. In 2019, Lithuania scored 39.7 out of 100 points in the CEI, which was the highest value since the first survey had been first conducted in 2007 (Pilietinės galios indeksas, 2019). Voter turnout in national elections, the depth and coverage of national citizenship education policies, strategies and actions indicate that Lithuanians are willing to exercise their civic rights and participate in public life. According to the authors of the CEI Report, this result reflects on the growing potential of civic engagement as Lithuanian citizens are increasingly aware that community and civic organizations as well as individual citizens can significantly influence public decisions. The CEI score in this particular dimension increased from 55.2 points in 2016 to 61.2 in 2019. The mean score measuring Lithuanian citizens' readiness to solve societal problems increased from 34.3 points in 2016 to 36.8 in 2019. Interestingly, even during the pandemic, the CEI score further increased, and in 2020 it was 41.3 (out of 100); the authors of the survey explained the dynamics due to an increased citizens' interest in their lives, policies that were adopted due to pandemic (both in support, and, in many cases one may argue - against the policies for managing the global health crises) (Pilietinės galios indeksas, 2020).

It is important to note that the three referenced instruments – two international and one national - take into account a multitude of factors, while providing the ranking. The increasing ratings of the country illustrate that in Lithuanian society there are many aspects that we must be appreciative of and grateful for.

However, there are still tasks to be aware of. Among the latter young person's relations to democracy and security may be important dimensions, especially in the recent context of looming, almost palpable threats that citizens of this region experience at the time of developing this paper (Autumn, 2022).

Due to technological advancement, globalisation, young people have wider opportunities both to experience and to exercise their rights, responsibilities of a citizen, to experience security, to reflect on it or to share their concerns. Emergence of IT assisted social networks and the enhancement of a second generation human right to education may be useful in trying to frame a contemporary young adult's perception on state, on democracy, on the rights and the duties. The IT assisted social networks are not much older than a young adult, because the internet itself counts just 30 years (Butrime, Zuzeviciute, 2014). The gigantic platforms that constitute so much of contemporary person's life, such as Facebook, counts as many years as our students' age. Thus it may seem that the role of an educator is diminishing and fades away in many aspects of education, including citizenship education. Yet, I disagree.

Surely, the manifestations of citizenship entitlements and activities, where young people are involved are initiated, motivated, planned and implemented using IT assisted social networking platforms. For example, Lithuanian youth organised a series of events to support

BLM movement, thus joining international like-minded community (LRT, 2020, <https://www.lrt.lt/naujienos/pasaulyje/6/1185531/vilniuje-palaikymo-jav-protestams-eitynes-surenge-aktyvistai-musu-zinute-igirs-ir-amerikoje>). Nationally, a lot of attention and actions, to the extent that some of those even caused some friction with the national legal framework, were dedicated to animals' rights (LRT, 2020 <https://www.tv3.lt/naujiena/video/1058543/po-i-viesuma-kylanciu-nelegaliose-veisyklose-kankinamu-sunu-skandalo-vilniuje-protestas>).

Those and other actions were organised mainly horizontally, they were peer based, organised using IT assisted tools, without much centralised input (Zuzeviciute, Krzywosz-Rynkiewicz, 2022). Proliferation of IT assisted social networks and expansion of their role in young adults' life-fabric, including his/her involvement in democracy's functioning became increasingly evident. But at the same time, those citizenship and morality orientated activities also resulted in breaches of legal frameworks, for example, at times they led to trespassing or breaching private property, which is contrary to rule of law (Zuzeviciute, Krzywosz-Rynkiewicz, 2022).

Thus the role of citizenship education, discussing the limits and rules, reflection on good and evil, on the context and the balance in actions are still important. Exactly the task for an educator to perform. Also, citizenship education may (or must?!) incorporate discussion about supremacy of law, which provides the foundation for security within the country and internationally. These discussion, reflections on what constitutes security and how we may add to it, however, should not add too much stress for our students.

Students' perspectives on security

In the light of the contemporary context, a pilot study was implemented in Autumn 2022 on the perspective of students. 97 students shared their opinions in a questionnaire on security, the Likert scale was used (with '1' denoting the slightest agreement, and '5' denoting the strongest agreement with specific pre-formulated items). Participants study in study programmes related to law enforcement, they represent I study cycle.

Some of the results are surprising in the context of recent events; but not surprising if the age of participants is factored in.

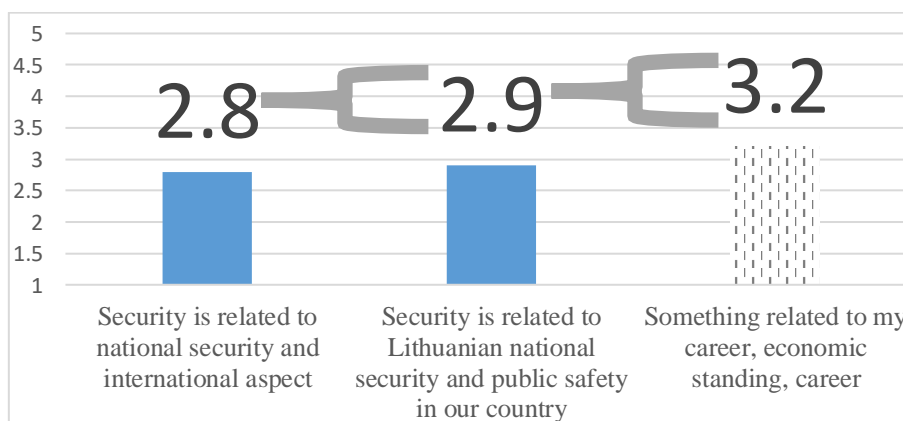


Figure 1. Some perspectives on security and safety: personal aspect

Interestingly, the notions that we – mature people, professionals – take for granted, such as the idea that national and international security are interrelated – were not strongly supported

by students, as it is illustrated in Fig.1. Respondents assessed their ‘career, economic standing’ higher (3.2) than they did ‘security related to national security and public safety’ (2.9).

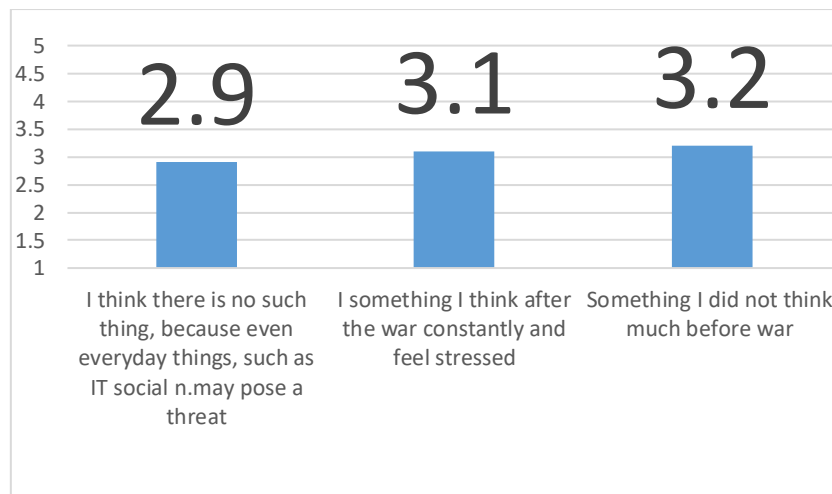


Figure 2. Perspectives on security: impact of war

On the one hand, it was interesting that participants themselves noted the security being related to many aspects in life, e.g., they noted (as it was indicated and discussed in depth in theoretical part of the paper), that even IT networks may (and serve) nefarious purposes. Students’ assessment (agreement with this statement): 2.9.

Not surprisingly, young people did not think too much about security before the war, as it illustrated in Fig.2 (3.2) Now they constantly feel stressed about that (3.1), which reflects well the current situation yet does not add to the quality of life of young people (or any person for that matter).

Conclusions

Contemporary young adult may enjoy the most privileged life in human history (in countries, where the technological advancements and the societal achievements are evident). The high level of education, access to public services, connectivity to the body of readily available body of knowledge and the people globally may be enumerated among many other.

Some of these aspects serve as building blocks for citizenship activity for a young person. The ecology, social justice, moral causes may be enumerated among the pursuits the young people engage easily and in an effective way due to IT social networking. However, the same actions for noble causes may lead – and do - to breaches of legal frameworks and harming other citizens’ rights, thus the role of educator even in this world of abundant information remains important.

The empiric findings quite strongly suggest that security and safety is not something a young person constantly frets about (the definitions and differences between concepts of security and safety are not analysed here in depth; the issue is addressed elsewhere: Šlapkauskas, Zuzevičiūtė, 2022).

The results of empiric pilot study show that only after war security came into forefront of focus, moreover, young people conceptualise ‘security’ being clearly related to career, salary, prospects.

Moreover, I would argue - and it is especially important for educational professionals - a young person should not fret about that (security) too much. On the contrary: a young person should think about friendship, about building social networks, starting a career, establishing oneself as his or her own person. However, we – educational professionals- should still find the way to start discussions about citizenship, security, because any contemporary person should be aware of the situation and his/her place in it. The discussions are necessary, yet there should be a balance between building awareness and stressing young people too much. The first one is necessary. The second will not add to final goal and even may be detrimental to overall security in society.

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