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**VISUOMENĖS SAUGUMAS IR
VIEŠOJI TVARKA (35)**

Mokslinis žurnalas

PUBLIC SECURITY AND PUBLIC ORDER (35)

Research Journal

Kaunas 2024

VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA (35)

Mokslinis žurnalas

T U R I N Y S

THE ROLE OF FORENSIC MEDICINE IN THE SCENE OF CRIME

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Abstract. The role of forensic medicine in forensic investigations is to provide evidence on the basis of which suspects can be identified and the suspect's guilt can be proved or refuted.

Forensic experts must ensure that evidence is treated with the utmost care so that it is not contaminated, damaged or misused. Forensic experts restore the order of events in which the crime was committed, combining evidence, investigation and scientific recommendations. This order of action is used in order to understand the mechanism of the crime, the roles of the persons involved in it and the possible objectives of the commission of the crime and etc. The restoration of the crime helps legal experts and subsequently law enforcement representatives to create and present to the court a logical chain of events.

This article analyzes the role of forensic medicine at the place of death. The article analyzes the actions of a forensic expert after finding a corpse at the scene or recording the injury of a living person. The article presents the actions of a forensic expert on the basis of national legislation and the individual expertise gained, and describes the sequence of questions asked.

Keywords: forencic medicine, scene of crime.

Introduction

The place of occurrence in criminalistics is called the place where the crime was committed (murder, theft, robbery, rape, etc.) or where tools, traces, objects of the crime are found (parts of the corpse's body, a weapon with which a person was injured or killed, stolen objects, etc.).

Forensic medicine is a branch of medical science that focuses on the application of medical knowledge in solving legal issues. It is used to provide evidence in the investigation of crimes and to help determine the causes of death in cases of murder, suicide and accidental deaths. The role of forensic medicine in forensic investigations is to provide evidence on the basis of which it is possible to identify suspects and prove or refute the guilt of a suspect (CE, 2023).

Forensic medicine has a long history, reaching back to the beginning of the XIX century. At the beginning of the twentieth century, forensic medicine was used as evidence in the investigation of crimes, for example, in determining the cause of death in the case of murder. Over time, the field of forensic sciences has expanded to include DNA evidence, toxicology, histopathology, digital forensic medicine, forensic anthropology, and forensic psychology (CE, 2023).

This article will focus on discussing the role of a forensic medicine or more precisely, a forensic expert at the scene in the discovery of a corpse or an injured person, based on expert knowledge, in order to identify the suspects either to prove or to refute the guilt of the suspect.

Actions at the scene. **The presence of a forensic expert in the examination of the scene of crime**

Article 31(1) of the Constitution of the Republic of Lithuania establishes the presumption of innocence: "A person shall be presumed innocent until proven guilty in accordance with the procedure established by law and recognized by a final judgment" (Constitution of the Republic of Lithuania, 2019), which is based on evidence collected during the pre-trial investigation, performing the procedural actions specified in the Code of Criminal Procedure of the Republic of Lithuania (2024). When collecting significant data, when special knowledge is required from science, art, medicine, business or other areas of life, the investigating officers inevitably have to seek help from persons who are competent in these areas, such as specialists or experts.

A specialist who has the necessary knowledge and skills is assigned the task if during the pre-trial investigation it is necessary to conduct an examination of objects, and he is also invited to participate in the actions of the process (for example, the inspection of the scene of the accident) and to receive their conclusions and explanations on issues of his competence (Ažubalytė, Jukra, Zakančkauskienė, 2016).

An expert is a person who has the necessary special knowledge and is included in the list of forensic experts of the Republic of Lithuania, to whom the pre-trial investigation judge or the court appoints to conduct an examination in accordance with the procedure established by law. Data obtained as evidence in accordance with Article 20(2) of the Code of Criminal Procedure of the Republic of Lithuania (Code of Criminal Procedure of the Republic of Lithuania, 2024) are to be considered as evidence only if they are recognized as such by the court or judge in whose possession the case is located. Any evidentiary material (including the act of examination and the opinion of a specialist) only at this stage acquires the status of evidence in a criminal case (Ažubalytė, Jukra, Zakančkauskienė, 2016).

An inspection of the scene of an accident is usually an immediate act of the pre-trial investigation, which is carried out at the initial stage of the investigation of the crime. The organizer, manager and direct executor of the conduct of the inspection of the scene of the incident is the investigator, but he is actively assisted by specialists, criminal intelligence officers, police officers. A forensic expert is invited to the scene of the incident, if a corpse or other injuries is found (in his absence, a doctor of any specialty can be invited) (Ažubalytė, Jukra, Zakančkauskienė, 2016).

At the scene, forensic medicine is used to provide accurate evidence in a timely manner during the investigation of crimes (Figure 1.). Forensic medicine can help identify suspects, prove or disprove the guilt of a suspect, and determine the cause of death in cases of murder, suicide, and accident.

Figure 1. Evidence collected from a scene of crime
Source: Wilke, 2022. https://cen.acs.org/analytical-chemistry/forensic-science/Mining-proteins-crime-scene-clues/100/i1

Forensic medicine can also be used as evidence in cases such as medical errors and personal injury cases.

The benefits of using a forensic expert at the scene to investigate crimes are the accuracy of the evidence, the timely resolution of cases and economy. However, in some cases, the use of forensic medicine is also accompanied by certain difficulties, such as a lack of resources, an inaccurate interpretation of the evidence and unreliable witnesses.

The role of the forensic expert at the scene, first of all, it is the transfer of knowledge to the officers. The beginning of the actions of a forensic expert is recorded from the moment the official applies for an investigation of the object by asking questions (e.g., whether it is possible to confirm the fact, time, etc.) of the hit or death.

The forensic expert is obliged to appear in court and give an impartial opinion on the issues submitted to him. An expert who fails to appear in court without good reason or refuses to perform his duties without a legitimate basis may be subject to the procedural coercive measures provided for in Article 163 of the Code of Criminal Procedure of the Republic of Lithuania. The expert is liable for making a false conclusion in accordance with Article 235 of the Code of Criminal Procedure of the Republic of Lithuania.

A forensic expert is also asked to carry out forensic examinations within the scope of his or her competence. Forensic experts have the right to refuse to solve issues that are not within his or her competence and to perform tasks that do not require special knowledge. A forensic expert is also askesd to guarantee a thorough and impartial examination of all the data submitted, to protect the objects submitted for examination, the loss of which is responsible in the manner prescribed by law, to protect state, service, commercial and professional secrets, and not to publish examination data without the permission of the authority that appointed it (Ministry of Health, 2023).

The content of the forensic examination act must meet the following requirements:

1) after conducting the necessary examinations, the expert draws up an examination report. It consists of the introductory part, the exploratory part and the conclusions;

2) the introductory part of the examination act indicates: the date and place of the census of the act; an order to appoint an expert witness; material and questions submitted for examination; the expert's personal data – name, surname, education, specialty, qualification, length of service as an expert; the dates of the beginning and end of investigations; persons who participated in the examination;

3) the investigative part of the examination report indicates: the state of the objects of investigation; the results of their examination; the studies carried out, the methods and means used; the results obtained and their evaluation;

4) the conclusions shall formulate answers to the questions asked (Ministry of Health, 2023).

The conclusions of an expert cannot go beyond his special knowledge.

The qualifications of a forensic expert include the study of both living and deceased persons.

During a forensic investigation of a living person, the authorities that form the indictment ask the forensic expert four main questions:
- What injuries have been inflicted?
- Could the injuries have been inflicted at the time specified in the task?
- Could the injuries have been inflicted in the manner/circumstances specified in the assignment?
- What kind of impairment of health does injuries correspond to?

If the officer does not ask – in full , the forensic officer can ask additional questions, which are usually assigned to the group of defenders.

- What injuries have been inflicted?
- When were the injuries inflicted?
- What is the mechanism by which the injury is inflicted?
- What kind of impairment of health does injuries correspond to?

During the forensic examination of the deceased person, the forensic expert answers the following questions:

1. What is the cause of death?
2. When did death occur?
3. Are there any injuries in the corpse? If so, when and in what way are they done, and what kind of impairment of health do they correspond to?
4. Is there alcohol in the corpse's blood? If so, then what degree of drunkenness does this correspond to?

At the scene of death, a forensic expert is called when the fact of the death of a person has already been established.

Clinical death – circulatory (cardiac) *and* respiratory (lung) arrest, though the brain is alive, so the changes in the body are reversible, resuscitation (artificial respiration and heart massage) can be successful, i.e. resuscitation can restore blood circulation and respiration. Clinical death is the first stage of death. During clinical death there is cardiac and pulmonary arrest, loss of consciousness. After cardiac and pulmonary arrest for a certain period of time, the brain (and other organs) do not receive oxygen, the brain cells die, *biological death occurs,* after which the changes are *irreversible, so resuscitation cannot be successful, i.e. resuscitation cannot restore blood circulation and respiration* (Gentry, 2023).

Undeniable signs of death:

1) lividity;
2) rigidity;
3) injury incompatible with the treatment;
4) decay, there are posthumous alterations that claim that a person's death is biological and trying to resuscitate that person does not make sense Gentry, 2023).

At the scene, a forensic expert tries to determine the preliminary cause of death, the time of death, whether the position, location of the corpse has been changed, and answers other questions.

"*When did death happen?"* is the most difficult, the most important and the "most dangerous", because in the event of a violent death, the police are looking for the suspect, taking into account the time of death determined by the forensic expert at the scene, i.e. the suspects are persons who, during the period of death determined by the forensic expert at the scene, may have been with the deceased during the period of death determined by the forensic expert at the scene.

Body temperature, lividity, and postmortem rigidity are the main factors, which help estimate the time of death.

Body temperature: it is believed that after death, the body temperature of a clothed person found in a living remains the same for one hour, and then drops one degree °C every hour. However, this theory was refuted by Hutchins, who noticed that immediately after death, the body temperature does not remain the same as at the time of death, but rises slightly and after a while begins to fall. (Di Maio and Di Maio, 1992). The forensic expert (and the police) are not aware of the body temperature of the deceased found at the scene while he was alive, what his state of health was before his death (for example, with an infectious disease, the body

temperature can reach 41 °C), it is also not known in what environment the death occurred, what was the clothing of the corpse at the time of death, and other circumstances that may affect the change in the temperature of the corpse. Therefore, theories about determining the time of death by the body temperature of the corpse cannot be accurate (Di Maio, 2004), (Spitz, 2020).

Lividity (livor mortis, hypostasis). After death, blood circulation stops, blood due to gravidity accumulates (settles) in the blood vessels in the parts of the body that are closer to the ground. Lividity is usually appears in approximately 0.5-1.5 hours after death. The color of lividity is purple. In pressed areas of the body (e.g. buttocks, shoulder blade areas, etc.), blood vessels are pressed, so there is no corpses in those places, these places are pale.

Stages of corpses:

1) Stage I (up to 12 hours after death) – the blood is only in the blood vessels. When pressed with a finger, the blood in the blood vessels is pushed (pulled) to the sides, the lividity at the point of pressing fully disappear, and reappear in less than 60 seconds. When the position of the corpse is changed in stage I, the corpses disappear in the previous place, appearing in a new place;

2) Stage II (12-24 hours after death) –part of the blood is in the blood vessels, the other part of the blood through the wall of blood vessels has been ejected into the surrounding tissues. At that stage, when pressing the area of lividity with the finger, the blood that is already in the surrounding tissues cannot be pushed to the sides, as a result of which the lividity at the point of pressing becomes partially pale, and when the finger is pulled, the blood usually returns to the blood vessels in more than 1 minute, and lividity reappear in that place. When the position of the corpse is changed in stage II, the lividity remains in their previous place, and lividity appears in the new place;

3) Stage III (more than 24 hours after death) – when all the blood from the blood vessels through the walls of the blood vessels has been ejected into the surrounding tissues. At this stage, there is no blood in the blood vessels, so when pressed with a finger, the blood cannot be pushed to the sides, and the nature of the lividity does not change (the lividity does not disappear, does not fade). After changing the position of the corpse in stage III, the lividity remains in its previous place, does not appear in a new place (Siptz, 1993), (Knight, 2004).

In some cases, the colour of the lividity may not be purple, e.g. in the case of carbon monoxide poisoning (smoldering, CO), the lividity is light red. Lividity helps: determine the time of death, determine the (preliminary) cause of death, determine whether the position of the corpse was changed after death.

Postmortem rigidity (rigos mortis). Immediatly after death the muscles of the body relax, limbs, head and other parts of the dead body fall under the influence of gravity. Postmortem rigidity begins to be felt about 2-3 hours after death. Full rigidity is felt in all muscles approximately 6-9 hours after death. Rigidity begins simultaneously in all muscles, at the same speed, so the stiffness fully covers the smaller (shorter) muscles earlier (faster) than the larger (longer) muscles. For these reasons, stiffness in the smaller face and neck muscles is felt earlier (faster) than stiffness in the larger arms and legs muscles (Adelson, 2022).

Rigidity can be abolished by forced flexion and / or extention of the muscles. Rigidity may disappear by self-onset of decay.

In some cases, when severe physical or emotional exertion is experienced immediately before death, rigidity may occur immediately after death. This is known as „cadaveric spasm".

Rigidity can help: determine the time of death; determine whether the position, location of the body was changed after death.

Time of death:
- The body is warm and soft – <3 hours;

- The body is warm and stiff – 3-8 hours;
- The body is cold and stiff – 8-36 hours;
- The body is cold and soft – >36 hours.

Most often, the forensic specialist answers the investigator's questions orally, and later he can draw up his conclusions in the protocol of the examination of the scene. The conclusions made after examining the corpse at the scene are only preliminary and cannot be considered as final conclusions, detailed conclusions are given only after a forensic medical examination of the corpse.

Two stages of the examination of the corpse at the scene are being investigated: static and dynamic. During the examination of the barrel, the corpse is described without changing its pose, the position of clothing or body parts. At this stage, the pose of the corpse, the position of his clothes and individual parts of the body, as well as their position relative to the objects around them, are recorded. During the dynamic stage, the corpse is moved, turned over, his clothes are unfastened: a description of superficial injuries is given.

The corpse can be found in open ground (in the field, in the forest, on the street, on the square) or in a closed room (in a residential building, warehouse, factory). First of all, the position of the corpse in relation to other objects in its environment is determined - the distance of individual parts of the body from those objects is measured, its pose is indicated: horizontal (lying down), vertical (standing), sitting, and so on. If the corpse is lying down, it is indicated whether there is a high-rise, snoring, on the right or left side of the lie. The position of individual parts of the body is described. When describing the position of the head, it is indicated to which side it is tilted - to the right or left, reclined backwards or inclined downwards, its position relative to other parts of the body (for example: the chin is leaning against the chest). First the hands are described, then the legs. If both arms and legs are in the same position, they can be described together (e.g. arms extended along the torso, palms down, legs outstretched, spread out at an angle of 30%). When describing hands, the position of the hands and individual fingers is indicated. In particular, the unnatural position of the body needs to be described precisely (for example, the head is unnaturally backed, the right leg is turned outwards).

The act of examination does not have an advantage over other evidence, therefore it must be assessed on the basis of a full and objective examination of all the circumstances of the case. Thus, the assessment of the act of examination is an analysis of all the material, the nature of the questions asked, the compliance of the conclusion with the task and studies, the necessary tools and methods and their authenticity, the competence and objectivity of the expert.

Conclusions

Forensic medicine plays an important role in the investigation of criminal offenses. With the help of forensic medicine, it is possible to provide accurate evidence in a timely manner, which can be used to identify suspects and prove or refute the guilt of the suspect. With the help of forensic medicine, it is also possible to find out the cause of death in cases of murder, suicide, accidental death, and other cases. Although there are certain difficulties associated with the use of forensic medicine, the benefits of its use in the investigation of crimes outweigh the risks.

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DISINFORMATION SUPPORTED BY ARTIFICIAL INTELLIGENCE FROM DYNAMIC RESEARCH TO HOLISTIC SOLUTIONS

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Abstract. *This paper investigates the intricate interplay between artificial intelligence (AI) and the proliferation of disinformation, presenting a strategic framework to mitigate its impact in the digital era. The study encompasses diverse domains, contributing to a comprehensive grasp of AI-driven disinformation. It delves into the dynamics of disinformation, scrutinizing the mechanisms of creation and dissemination, with a particular focus on the role played by AI. The methods employed involve analyzing AI involvement, enhancing algorithms for real-time recognition and analysis of disinformation, and exploring social dynamics and human behavior.*
The research unveils the tactics employed by malicious entities, such as fabricating misleading naratives and manipulating information. Agile AI algorithms have been devised for assessing credibility, tracking geolocation, and implementing ethical privacy protection measures. The implications encompass identifying social structures and cognitive vulnerabilities, leading to the development of targeted interventions.
An AI-centric detection approach revolves around refining algorithms for real-time identification of disinformation, emphasizing credibility assessment, geolocation tracking, and privacy protection measures. The aim is to fortify systems with the capability to swiftly detect disinformation.
The assessment of social and psychological factors delves into the influence of social structures, group dynamics, and cognitive biases on the propagation of disinformation. Educational programs are being formulated to enhance awareness and critical thinking, with strategies tailored to address specific vulnerabilities.
Cross-sectoral collaboration underscores the importance of information exchange between sectors, pooling expert knowledge, and establishing communication channels. Collaborative efforts with technology companies, educational institutions, and others enable a comprehensive approach to combat disinformation.
Balancing regulation and fundamental rights grapples with the challenges of preserving freedom of speech and privacy. Defining the equilibrium of legal frameworks, considering the global context and the dynamic nature of technology, is essential. Transparency and ethical considerations play a pivotal role in regulatory measures.
Public awareness and education initiatives aim to reduce susceptibility to disinformation. Awareness campaigns inform about the existence of disinformation, while educational programs foster media literacy and critical thinking skills. Evaluation involves measuring the level of awareness and assessing changes in behavior.
In summary, this research offers insights for a holistic approach to address the challenges posed by AI-driven disinformation. The proposed framework encourages interdisciplinary collaboration, underscores ethical considerations in regulation, and advocates for education and awareness.

Keywords: disinformation, social, awareness, strategies, media

Introduction

This paper thoroughly investigates the intricate corelation between artificial intelligence (AI) and the proliferation of disinformation, laying the groundwork for constructing a strategic framework to effectively mitigate the impact of disinformation in the digital age. The research encompasses various yet interconnected domains, collectively contributing to a comprehensive comprehension and response to the challenges presented by AI-enabled disinformation.

Purpose. The aim is to scrutinize the mechanisms and tactics involved in the creation and dissemination of disinformation, with a specific emphasis on AI. Some fake news are so similar to the real ones that it is difficult for human to identify them. Therefore, automated fake news detection tools like machine learning and deep learning models have become an essential requirement (Jiang et al. 2021). The objective is to develop and enhance artificial intelligence algorithms tailored for real-time identification and analysis of disinformation.

Methods. Examine the multifaceted processes behind disinformation creation, including an in-depth exploration of AI involvement for enhanced understanding. Upgrade algorithms for real-time credibility assessment, integrate geolocation tracking, and implement privacy protection measures. Conduct thorough research on human behavior and the social dynamics fueling disinformation, highlighting group dynamics, cognitive biases, vulnerabilities, and emotional triggers. Facilitate information exchange, leverage sector-specific expertise, and establish real-time communication channels for coordinated responses. Evaluate the impact of regulatory measures on free speech, privacy, and ethical considerations. Employ surveys, focus groups, and analytics to measure awareness, behavioral change, and the long-term sustainability of knowledge. As (Demartini et al. , 2020) argued, human-in-the-loop AI (HAI) systems combine the best of both worlds, with humans filtering what will be implemented in practice by a machine that performs tasks based on databases and machine learning algorithms.

Findings. Uncover the intricate strategies employed by malicious entities, addressing the creation of deceptive stories, manipulation of information, and exploitation of vulnerabilities in communication channels. The development process includes agile AI algorithms for credibility assessment, geolocation tracking to understand dissemination patterns, and ethical privacy safeguards.

Implications. Identify social structures and cognitive vulnerabilities contributing to disinformation, leading to the development of targeted interventions. Emphasize collaboration in leveraging unique datasets, combining legal perspectives, geopolitical insights, and technological expertise. Address the delicate balance between countering disinformation and protecting individual rights, emphasizing transparent and democratic regulatory processes. Evaluate the effectiveness of initiatives in fostering media literacy, critical thinking, and responsible information sharing. The insights aim to enhance understanding of the evolving disinformation landscape, ultimately contributing to the development of effective mitigation strategies. The goal is to contribute to advanced tools combating the spread of false information in the digital domain. Strategies include educational programs, media literacy initiatives, and promoting critical thinking to address the root causes of disinformation consumption. Advocate for partnerships to develop comprehensive, interdisciplinary approaches to combat multiple disinformation campaigns. Call for international cooperation, the creation of ethical policies, and iterative adjustments to regulatory frameworks. Advocate for ongoing evaluation, collaborative efforts, and a nuanced approach to shaping an informed and resilient digital society.

This comprehensive research offers valuable insights for developing a holistic strategy to address the challenges arising from the interplay of AI and disinformation. The proposed framework encourages interdisciplinary collaboration, underscores ethical considerations in regulation, and aims to empower the public through education and awareness. Study discusses a long-term strategy to develop models for predicting fake news before it spreads and to research the effectiveness of personalized intervention mechanisms (Fátima C.(2023). The combination of AI and blockchain technologies, such as in the practice of fact-checking,

encompasses the three stages of fact-checking: identification, verification, and distribution (Graves, 2018); (Nakov et al., 2021), (Westlund et al., 2022) pointed out that the identification stage gathers the highest concentration of technologies.

Understanding the Dynamics of Disinformation

To comprehend the dynamics of disinformation, it is essential to delve into the mechanisms and tactics employed in the creation and dissemination of misleading information, including the role of artificial intelligence (AI) in these processes. Grasping the dynamics of disinformation necessitates an exploration of the methods and strategies utilized in its origination and circulation. This entails a thorough examination of how artificial intelligence (AI) contributes to these disinformation processes.

In this facet of investigation, the emphasis should be on revealing the intricate methods by which disinformation is generated and propagated. It is crucial to scrutinize the mechanisms utilized by malicious actors, such as fabricating false naratives, manipulating information, and exploiting vulnerabilities in communication channels. The inquiry should center on evaluating the involvement of artificial intelligence, understanding how advanced technologies enhance the sophistication and scale of disinformation campaigns. By scrutinizing these dynamics, the research aims to enhance our comprehension of the evolving disinformation landscape, ultimately contributing to the formulation of effective strategies and countermeasures to mitigate its impact. The objectives were to uncover the organization and dynamics of this "system" and provide insights into the content, strategies, and motivations driving the circulation of information.

The initial goals included:

Applying methods for examining online misinformation, as outlined in (Maddock et al., 2015), to identify multi-dimensional indicators of disinformation propagation on the internet.

Revealing the structure and tactics employed by the alternative media ecosystem that facilitates disinformation, such as mapping social media communities and the network of domains involved in creating, hosting, remixing, and sharing this content. This involves exposing connections between social media accounts, communities, web domains, authors, and more.

Investigating common disinformation trajectories, analyzing how information moves across different structures and understanding how these structures influence those trajectories.

Distinguishing between emergent and orchestrated properties of the ecosystem, addressing whether the dissemination of information is primarily driven by financial opportunists creating content for ad revenue or by political actors strategically spreading specific stories by seeding content on particular sites. The insights gleaned from this research will play a pivotal role in constructing a more resilient and informed digital society.

Developing an AI-Powered Detection Method

AI-powered threat detection and prevention technologies have become increasingly significant in cybersecurity. These technologies enable organizations to analyze vast amounts of data in real time, detect potential threats, and respond swiftly. Despite the challenges and ethical considerations, AI holds great promise for the future of cybersecurity, with advancements in threat detection and response systems expected to redefine the industry. By

harnessing the power of AI and fostering collaboration, organizations can enhance their cybersecurity capabilities and stay ahead of evolving threats. The development of an AI-based detection method involves the creation and enhancement of AI algorithms and tools tailored specifically for the identification and analysis of disinformation. The primary emphasis lies in augmenting capabilities that facilitate real-time credibility assessment, the incorporation of geolocation tracking, and the implementation of measures to safeguard privacy.

In the domain of real-time credibility assessment, the primary focus is on constructing artificial intelligence algorithms capable of swiftly and accurately evaluating the credibility of information as it surfaces. This encompasses the evaluation of the reliability and credibility of sources, content, and contextual information in real-time.

Regarding geolocation tracking, the crucial integration of this feature into artificial intelligence systems enables the analysis of the geographical origin and dissemination patterns of disinformation. This capability aids in comprehending the scope of disinformation campaigns and tailoring responses based on geographic trends.

As artificial intelligence tools become involved in the scrutiny of potentially sensitive information, ensuring privacy protection becomes paramount. The development process incorporates measures to uphold individuals' right to privacy while effectively identifying and countering disinformation.

Continuous refinement of AI algorithms is imperative to adapt to the ever-evolving nature of disinformation tactics. This involves the integration of machine learning techniques, monitoring emerging disinformation strategies, and adjusting algorithms accordingly.

The AI-centric approach transcends simple content analysis, encompassing a multifaceted examination that considers context, intent, and dissemination patterns. This holistic analysis significantly enhances the accuracy of disinformation detection.

Collaboration with experts in fields such as cybersecurity, data science, and privacy law is an integral aspect of the development process. Bringing together diverse perspectives ensures a comprehensive and effective AI-based detection approach.

The overarching objective of developing this AI-based detection approach is to empower systems with the capability to swiftly and accurately identify disinformation in real-time. By concentrating on credibility assessments, geolocation tracking, and privacy protection measures, the research aims to contribute to the creation of advanced tools that can play a pivotal role in countering the spread of false information in the digital realm.

Evaluating Social and Psychological Factors

The assessment of social and psychological factors entails a thorough examination of the elements within human behavior and social dynamics that play a role in disseminating disinformation. The objective is to comprehend these factors and subsequently devise strategies to counteract their influence. Key aspects of this evaluation include:
- Investigating how social structures, group dynamics, and interpersonal relationships contribute to the dissemination of disinformation. This involves understanding how disinformation can be amplified within echo chambers, social networks, and online communities.
- Analyzing cognitive biases, psychological vulnerabilities, and emotional triggers that render individuals susceptible to believing and sharing disinformation. Grasping these

factors is crucial for designing interventions that address the underlying causes of disinformation consumption.

➢ Developing educational programs with the aim of increasing awareness about common cognitive biases and logical erors. By equipping individuals with tools for critical information evaluation, these initiatives seek to empower the public to differentiate between true and false content.

➢ Initiating efforts to enhance media literacy skills among the general population. This includes educating individuals on how to navigate and critically evaluate information from various sources, encompassing online platforms, traditional media, and social media.

➢ Encouraging the development of critical thinking skills that enable individuals to question information, verify sources, and contextually analyze content. Critical thinking serves as a fundamental defense against the inadvertent or deliberate spread of disinformation.

➢ Tailoring strategies to address specific social and psychological vulnerabilities identified through research. This may involve targeted interventions for certain demographic groups or online communities particularly susceptible to disinformation.

➢ Collaborating with experts in psychology, sociology, and related fields to gain a deeper insight into human behavior. This interdisciplinary approach provides a more nuanced understanding of the social and psychological factors in play.

➢ Recognizing that countering disinformation requires not only short-term interventions but also long-term behavior change. This includes establishing sustainable educational efforts to foster a culture of critical thinking and media literacy.

There are basically three types of interventions that can be undertaken in the search for solutions, namely automation, education and regulation, which we can propose as a set of holistic measures to detect, and potentially control, predict and prevent the further spread of misinformation. Automated solutions help (but do not replace) human judgments about whether news is true and credible. Information literacy efforts require further in-depth understanding of the phenomenon and interdisciplinary collaboration beyond traditional library and information science, including media studies, journalism, interpersonal psychology, and communication perspectives. Through systematic research and understanding of the social and psychological factors contributing to disinformation spread, the aim is to promote the development of effective strategies. Rooted in education, media literacy, and critical thinking, these strategies seek to cultivate a more resilient and discerning public capable of navigating the complex information landscape of the digital age.

Collaboration Across Sectors

The collaborative approach across sectors underscores the significance of joint endeavors involving entities such as law enforcement, intelligence agencies, technology companies, and educational institutions to effectively combat disinformation. The key aspects of this collaborative strategy include:

➢ Essential facilitation of information exchange between diverse sectors. Law enforcement, intelligence agencies, and technology companies possess distinct datasets and insights that, when shared appropriately, enhance the collective ability to identify and counter disinformation campaigns.

➢ Integration of expertise from various sectors ensures a more comprehensive understanding of the multifaceted nature of disinformation. Law enforcement contributes legal perspectives, intelligence agencies offer insights into geopolitical contexts, and technology companies provide technical expertise.

➢ Establishment of real-time communication channels for information exchange enables swift responses to emerging threats of disinformation. Collaborative efforts enable a coordinated and effective response to mitigate the impact of false information before it spreads.

➢ Cooperation with law enforcement authorities aids in developing and implementing legal frameworks aimed at preventing and penalizing disinformation activities. This collaboration ensures that the response to disinformation is not solely technological but also legal and regulatory.

➢ Collaboration with technology companies is crucial for leveraging advanced tools and algorithms. This partnership can lead to the creation of innovative technologies for large-scale detection and countering of disinformation.

➢ Involvement of educational institutions is vital for implementing long-term solutions. These institutions can contribute to the development of educational programs that promote media literacy, critical thinking, and digital citizenship skills among the public.

➢ Encouragement of partnerships between the public and private sectors ensures a holistic approach. Private companies often possess insights into online behavior, algorithms, and user patterns, making their cooperation essential in the fight against disinformation.

➢ Collaboration helps manage ethical considerations associated with combating disinformation. Bringing together stakeholders from different sectors allows for a balanced approach that takes into account legal, privacy, and human rights implications.

➢ Acknowledging that disinformation is a global challenge, international cooperation is imperative. Coordination between countries and international organizations enhances the effectiveness of efforts to combat disinformation across borders.

➢ Joint efforts can support research and development initiatives to stay ahead of evolving disinformation tactics. This includes continuous innovation in technologies and strategies to counter new and sophisticated methods of disinformation.

(Kate Starbird et all, 2019) argue that strategic information operations (e.g. disinformation, political propaganda, and other forms of online manipulation) are a critical concern for CSCW researchers, and that the CSCW community can provide vital insight into understanding how these operations function-by examining them as collaborative "work" within online crowds. Through a sociotechnical lens, we contribute a more nuanced understanding of these operations (beyond "bots" and "trolls") and highlight a persistent challenge for researchers, platform designers, and policy makers-distinguishing between orchestrated, explicitly coordinated, information operations and the emergent, organic behaviors of an online crowd.

In summary, cross-sector collaboration is a strategic necessity in the battle against disinformation. By fostering collaboration among law enforcement, intelligence agencies, technology companies, and educational institutions, a more robust and holistic approach can be developed to address the multifaceted challenges posed by disinformation campaigns.

Balancing Regulation and Fundamental Rights

Navigating the delicate balance between regulation and fundamental rights entails a nuanced examination of challenges and ethical considerations associated with regulating disinformation while upholding core principles such as freedom of speech and privacy. The key facets of this intricate issue include:

➢ Balancing the counteraction of disinformation with the preservation of freedom of speech poses a significant challenge. Regulatory measures must be meticulously crafted to prevent encroachment on individuals' rights to express opinions and ideas, even if those opinions are unpopular or controversial.

➢ Privacy considerations must be factored into regulatory responses to disinformation. Measures like content moderation and data collection for monitoring disinformation raise concerns about safeguarding individuals' personal data. Striking a balance involves reconciling the need for information security with the right to privacy.

➢ Crafting regulatory frameworks effective in combating disinformation without infringing on fundamental rights requires finesse. Achieving balance necessitates defining clear guidelines, ensuring accountability, and incorporating transparent and democratic processes in regulatory formulation.

➢ Recognizing the global scope of disinformation, regulatory efforts should consider international standards. Collaborative endeavors between countries and international organizations can establish common principles and guidelines to address disinformation while respecting fundamental rights.

➢ Regulating disinformation requires careful consideration of how measures may impact public discourse. Excessively restrictive regulations could inadvertently stifle legitimate debate and dissent. Striking the right balance involves addressing disinformation without suppressing diverse opinions.

➢ The dynamic nature of technology adds complexity to regulation. The rapid evolution of online platforms and communication channels demands flexible and adaptive regulatory approaches that effectively combat disinformation without impeding technological innovation.

➢ Balanced regulation encompasses not only legal measures but also educational initiatives. Promoting media literacy and critical thinking empowers individuals to distinguish reliable information from falsehoods, reducing the reliance on overly restrictive regulations.

➢ Ethical considerations take center stage in disinformation regulation. Policymakers must navigate a fine line between protecting society from harmful disinformation and upholding ethical standards that respect the rights and dignity of individuals.

➢ Ensuring transparency in the decision-making processes of regulatory authorities is crucial. Transparent procedures build trust and ensure that regulatory actions align with democratic principles, being accountable, fair, and consistent.

➢ Acknowledging the evolving nature of the disinformation challenge, regulatory frameworks should undergo periodic assessment and adjustment. This iterative process allows for continuous improvement and adaptation to emerging threats.

The platforms should stick to their intermediary role and empower users to develop the information landscape through their choices. In this sense, platforms should ensure ideological

neutrality of their content moderation and refrain from discriminating, while respecting human rights.

In conclusion, exploring the challenges and ethical considerations in balancing regulations and fundamental rights demands a thoughtful and multidimensional approach. Striking the right balance entails crafting regulations that effectively combat disinformation while safeguarding the principles of free speech and privacy fundamental to democratic societies.

Public Awareness and Education

Public awareness and education focus on evaluating the effectiveness of campaigns and programs designed to inform and educate the public, aiming to reduce susceptibility to disinformation and cultivate a more informed digital society.

Fake news is present not only in alternative sources but also within mainstream media. Therefore, it is crucial for key figures in mainstream media, including journalists and editors, to enhance their abilities in identifying fake news. This is particularly important when utilizing online sources for news production to avoid the dissemination of misinformation. These media professionals should actively participate in Media and Information Literacy (MIL) education, informing their audiences about the phenomenon and assisting them in acquiring the skills necessary to discern the authenticity of news and information.

To address this, MIL should be integrated into mainstream educational curricula at all levels and regularly updated to meet current demands. It is essential for news consumers to seize opportunities to become media and information literate. Additionally, MIL programs should consider effective methods for training individuals without formal education. Identifying knowledgeable gatekeepers within communities can be one approach, as they can serve as reliable sources for authenticating the credibility and accuracy of news and information.

The study underscores the significance of fact-checking as a crucial skill for media and information consumers in combating misinformation, disinformation, and malinformation. Proficiency in techniques such as reverse image searches, assessing technical flaws in news stories, utilizing fact-checking websites, and identifying clone news websites is imperative.

Lastly, the research recommends further exploration into media and information literacy within both digital and traditional media realms. This should include investigating related issues like cyberbullying, privacy, and security in the digital sphere. Understanding cybersecurity, experiences with cyber theft and cyberbullying, and individuals' strategies for staying safe online are particularly relevant given the central role of digital technologies in contemporary lifestyles.

Here are the key components for comprehending and assessing the impact of these initiatives:

➢ Public awareness campaigns seek to educate individuals about the presence of disinformation, its potential impact, and methods to recognize and counter it. Utilizing various channels, including social media, traditional media, and community events, these campaigns aim to reach broad audiences.

➢ Education programs go beyond surface-level awareness, aiming to develop skills such as media literacy, critical thinking, and digital citizenship. These programs provide

individuals with tools to navigate the digital landscape, critically assess information, and differentiate reliable sources from disinformation.

➢ Evaluation involves gauging the level of awareness within the target audience regarding disinformation. Surveys, focus groups, and analytics from online platforms offer insights into the extent to which the public is informed about the challenges posed by disinformation.

➢ Identifying knowledge gaps is crucial for tailoring awareness campaigns and education programs. Assessing existing knowledge and pinpointing misconceptions helps refine the content and delivery methods of educational initiatives.

➢ The effectiveness of these initiatives can be gauged by observing changes in behavior. Are individuals becoming more discerning in their online interactions? Are they adopting habits that indicate an increased awareness of the risks of disinformation?

➢ Assessing long-term impact involves determining whether the awareness and skills gained through campaigns and programs have a lasting effect. This includes observing whether individuals continue to apply critical thinking skills and share information responsibly over an extended period.

➢ Community engagement initiatives, such as workshops and town hall meetings, contribute to stimulating discussions and building a collective understanding of the challenge of disinformation. The impact of such engagement can be assessed through participation levels and community feedback.

➢ The success of awareness and education efforts often hinges on partnerships with various stakeholders, including schools, community organizations, and online platforms. Evaluating the strength and effectiveness of this cooperation is integral to assessing the overall impact.

➢ A combination of quantitative metrics (such as survey data and analytics) and qualitative methods (such as interviews and focus groups) offers a comprehensive understanding of impact. Quantitative metrics provide numerical insights, while qualitative methods capture nuanced perceptions and experiences.

➢ Continuous evaluation allows for iterative improvement. Based on feedback and emerging disinformation trends, awareness campaigns and education programs can be refined to address new challenges and maximize their impact.

Principal stakeholders, who work within information, communications, and media ecology, must be concerned about fake news, disinformation, and misinformation, and contribute to their quota in making information users more discerning with the right Media and Information Literacy (MIL) training. Social media companies must be obligated to make their users aware of fake news and disinformation and give them the necessary skills, tools, and knowledge on how to spot them. Social media companies can consider periodically asking users evaluate the accuracy of randomly sampled stories or information and providing them with the right answers afterwards. This could be a subtle but a valuable way of conscientising their users about fake news and disinformation. They can also present users with MIL tips on a regular basis.

In summary, evaluating the impact of public awareness campaigns and education programs involves a multifaceted approach considering changes in awareness levels, alterations in behavior, and the long-term sustainability of knowledge. Through a blend of quantitative and qualitative assessment methods, stakeholders can enhance strategies for building a more informed and resilient digital society. Understanding the impact of public awareness and

education initiatives is crucial for creating a more informed and resilient society against AI-driven disinformation. Analyzing changes in awareness, behavior, and the long-term sustainability of knowledge provides a foundation for improving strategies to combat disinformation. The success of these initiatives is measured not only by the initial reaction of the public but also by long-term changes in behavior and attitudes toward information. Partnerships and collaboration with different stakeholders are key to achieving a broader and deeper impact in the fight against disinformation in the digital age.

Inter-Sectoral Collaboration

Cross-sector collaboration focuses on examining the necessity of cooperative efforts among diverse entities. The effectiveness of countering disinformation campaigns relies on a coordinated effort that involves the exchange of information, the integration of diverse expertise, establishment of real-time communication channels, cooperation with law enforcement authorities, and active engagement with technology companies. In summary:

➢ Facilitating smooth information exchange among law enforcement, intelligence agencies, and technology companies is crucial. This cooperation optimizes the use of diverse data sets and insights, thereby bolstering the collective capability to identify and combat disinformation more effectively.

➢ Integration of diverse expertise is essential, bringing together insights from different sectors, including legal perspectives from law enforcement, geopolitical understanding from intelligence agencies, and technical know-how from technology companies. This ensures a thorough comprehension of the multifaceted nature of disinformation.

➢ The establishment of immediate communication channels is crucial for responding promptly to emerging disinformation threats. This allows for a coordinated and swift response to minimize the impact of false information before it disseminates widely.

➢ Engaging in cooperation with law enforcement authorities is essential for the creation and implementation of legal frameworks designed to prevent and penalize disinformation activities. This guarantees a comprehensive response that takes into account both technological aspects and legal/regulatory considerations.

➢ Forming partnerships with technology companies is crucial for utilizing advanced tools and algorithms effectively. This collaboration enables the application of state-of-the-art technologies in the identification, analysis, and mitigation of disinformation campaigns.

In conclusion, a holistic and collaborative approach that incorporates the strengths of different sectors is essential to effectively address the challenges posed by disinformation in the modern era. By fostering information exchange, integrating diverse expertise, establishing real-time communication, cooperating with law enforcement, and partnering with technology companies, societies can enhance their ability to identify, prevent, and respond to disinformation campaigns.

Key components of comprehensive research in this field should encompass:

➢ To achieve a comprehensive understanding of the aspects of human behavior and social dynamics contributing to the spread of disinformation, it is essential to examine diverse facets. The goal is to thoroughly comprehend these factors and develop strategies to mitigate their impact.

➢ Examine the influence of social structures, group dynamics, and interpersonal relationships in the dissemination of disinformation. This entails understanding how

ISSN 2029-1701
ISSN 2335-2035 (Online)

Mykolas Romeris University

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

false information can gain traction within echo chambers, social networks, and online communities.

➢ Examine cognitive biases, psychological vulnerabilities, and emotional triggers that make individuals prone to believing and spreading disinformation. A thorough understanding of these factors is crucial for developing interventions that target the root causes of disinformation consumption.

➢ Create educational programs with the goal of raising awareness about prevalent cognitive biases and logical fallacies. These initiatives aim to provide individuals with the skills to critically evaluate information, empowering the public to differentiate between genuine and false content.

➢ Implement programs that improve media literacy skills in the broader population. This includes educating individuals on how to navigate and critically assess information from diverse sources, including online platforms, traditional media, and social media.

➢ Advocate for the cultivation of critical thinking skills that empower individuals to question information, verify sources, and conduct contextual analyses of content. Critical thinking serves as a fundamental defense against the unintentional and intentional spread of disinformation.

➢ Tailor strategies to target specific social and psychological vulnerabilities identified through research. This may include designing focused interventions for particular demographic groups or online communities that demonstrate specific susceptibility to disinformation.

➢ Collaborate with specialists in psychology, sociology, and related fields to acquire more profound insights into human behavior. This interdisciplinary collaboration ensures a nuanced comprehension of the social and psychological factors that impact disinformation.

➢ Acknowledge the requirement for persistent, long-term behavior change in combating disinformation, recognizing that it goes beyond short-term interventions. This entails establishing continuous educational initiatives to foster a culture of critical thinking and media literacy.

Through systematic research and a comprehensive understanding of social and psychological factors contributing to disinformation spread, the aim is to foster the development of effective strategies. Rooted in education, media literacy, and critical thinking, these strategies seek to build a resilient and discerning public capable of navigating the intricate information landscape of the digital age.

(Zach Bastick, , 2021.) Despite the enormous threats and high risks of behavior modification through fake news, there is a paucity of controlled studies on the direct effects of fake news on behavior. New evidence shaw on the ability of disinformation to change unconscious behavior. Short exposure to disinformation (as is typical online) can have moderate effects on unconscious individual behavior, raises immediate concerns for platforms, policymakers, and social media users. These findings raise deep concerns for the future of society and politics. Disinformation risks skewing individuals' worldviews and deleteriously informing their behavior. Deliberately produced and targeted disinformation aimed at behavior modification amplifies these risks, by introducing incentives and optimization. The democratization of AI and the means of producing disinformation further amplifies these risks beyond platforms to the entire ecosystem of social media users and content. The continual efforts by malicious actors to bypass disinformation detection mechanisms implies that we must

come to terms with the existence of disinformation on social networks and be open-minded about the forms and effects of disinformation.

Conclusions

In conclusion, this study provides a foundational examination of the dynamics associated with artificial intelligence (AI)-driven disinformation and offers a comprehensive framework for addressing these challenges in the digital era. A profound understanding of the mechanisms and strategies involved in the creation and dissemination of disinformation, particularly with a focus on AI, is crucial for formulating effective strategies to minimize its impact.

By scrutinizing the social and psychological factors influencing disinformation spread, the research identifies fundamental aspects of human behavior, cognitive biases, and emotional triggers. Recognizing the necessity for the development of educational programs and initiatives in media literacy becomes imperative to enhance societal and individual resilience.

Furthermore, an AI-centric approach to disinformation detection entails the creation of advanced credibility assessment algorithms and geolocation tracking, prioritizing privacy protection. The emphasis on cross-sector collaboration underscores the importance of cooperation among legislators, technology companies, intelligence agencies, and educational institutions for a holistic response to the disinformation challenge.

The delicate task of aligning regulations with fundamental rights, such as freedom of speech and privacy, necessitates a nuanced approach. Striking a balance between countering disinformation and upholding democratic principles emerges as a crucial focal point of the research. Public awareness campaigns and educational initiatives should target long-term effects, assessing the level of awareness, behavioral changes, and the sustained proficiency of acquired skills. Ultimately, the presented framework and insights from this study contribute to the formulation of a holistic strategy for addressing the complexities of disinformation. The integration of technological innovations, education, cross-sector collaboration, and regulatory frameworks is pivotal in creating an informed, resilient, and democratic society in the digital age.

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NEPALANKIŲ APLINKOS VEIKSNIŲ ĮTAKA VAIKŲ PSICHIKOS SVEIKATAI RAIDAI: MODELIAI IR TEORIJOS

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Anotacija. *Vaiko psichikos sveikata yra svarbi viešojo saugumo tema. Esant nepalankioms aplinkos sąlygoms, vaikams gali išsivystyti delinkventinis elgesys, agresija, kurie savo ruožtu gali nuvesti iki rimtų nusikalstamų veikų. Tyrimai nustatė, kad įvairios genų ir aplinkos sąveikos didina elgesio sunkumus, tame tarpe delinkventinį elgesį ir nusikalstamumą. Vaiko psichikos sveikatos raidai yra svarbi tiek aplinka, tiek ir pats vaikas bei jų tarpusavio sąveika. Nepaisant to, kad kasmet atliekama labai daug ir įvairių tyrimų analizuojančių vaikų elgesio, kognityvinių ir emocijų sutrikimų priežastis, gydymą, korekciją ir prevenciją, tačiau sutrikimų kasmet vis daugėja. Nepalankių aplinkos veiksnių įtakos vaikų psichikos sveikatai analizavimo svarbą rodo ir tai, kad tyrimų rezultatai rodo, kad maždaug 2,4 – 18,2 proc. vaikų turi nerimo sutrikimų, impulsų kontrolės sutrikimų – 1 – 6,8 proc. ir pan. Tyrimai rodo, kad genetinės variacijos sąveikauja su aplinkos kontekstu tokiu būdu nulemdamos įvairų elgesį tokį kaip pavyzdžiui nusikalstamas veikas. Taigi sistemingai analizuoti veiksnius, kurie susiję su vaiko psichikos sveikata yra itin svarbu. Tad šio straipsnio tikslas aptarti ir išanalizuoti nepalankių aplinkos veiksnių įtakos vaikų psichikos sveikatos raidai teorijas. Metodologiniu požiūriu straipsnyje taikoma teorinės literatūros sintezė. Taigi pagrindiniai šio tyrimo uždaviniai yra atskleisti tris svarbiausius nepalankių aplinkos įtakos vaikų psichinei sveikatai modelius: atskleisti streso – diatezės modelį. Išanalizuoti skirtingo imlumo teorinį modelį. Išanalizuoti biologinio jautrumo kontekstui teorinį modelį. Palyginti šiuos tris modelius, išskiriant esminius panašumus ir skirtumus. Išvados: streso – diatezės modelis teigia, kad kai kurie asmenys dėl padidinto jautrumo, kuris gali būti elgesinio pobūdžio (pvz.: sunkus temperamentas) arba fiziologinio/endofenotipinio pobūdžio (pvz.: padidintas biologinis reaktyvumas į stresą) arba genetinio pobūdžio (pvz.: turėjimas tam tikrų genų alelių) yra neproporcingai labiau pažeidžiami aplinkos stresorių nei kiti. Skirtingo imlumo teorija, visų pirma, kėlė klausimą ne kaip patirtis veikia vystymąsi, bet kodėl apskritai ji turėtų veikti jį. Vaikai skiriasi taip pat ir pagal savo jautrumą aplinkos poveikiams. Tai reikalinga taip pat tam, kad išliktų. Biologinio jautrumo kontekstui teorija teigia, kad vaikai, kuriems būdingas žemas reaktyvumas beveik vienodai reagavo tiek į stipriai neigiamą, tiek į mažai neigiamą aplinką. Abejose pastarosiose teigiama, kad itin jautrus asmuo su aukštu reaktyvumu bus jautrus tiek teigiamiems, tiek neigiamiems aplinkos poveikiams.*

Pagrindinės sąvokos : *Nepalankūs aplinkos veiksniai, vaikų psichikos sveikata, veiksnių modeliai.*

Įvadas

Psichologijoje, kaip ir kituose moksluose, tokiuose kurie analizuoja visuomenės saugumo ypatumus, vyksta diskusijos apie tai, kiek aplinka įtakoja įvairius psichikos sveikatos sutrikimus ir sunkumus ir kiek šie sutrikimai yra įgimti. Įvairiais istorijos laikotarpiais buvo laikomasi skirtingų požiūrių į šiuos du aspektus, tačiau iki galo niekuomet nebuvo aišku. Analizuojant vaiko raidos sutrikimus pastaraisiais metais vis dažniau laikomasi požiūrio, kad tiek įgimtos vaiko savybės (kaip pvz.:, genai), tiek vaiko artimiausia ar tolimesnė aplinka vienaip ar kitaip veikia vaiko psichikos raidą (Balsevičienė, Šinkariova, 2014). Pabrėžiama taip pat ne tik šie abu veiksniai – pats vaikas ir jo aplinka, bet ir jų tarpusavio sąveikos svarba (Brofenbrenner, 1979, Boyce, 2007; Ellis et.al., 2011b; Rende, 2012; Balsevičienė, Šinkariova, 2014). Nepalankių aplinkos veiksnių įtakos vaikų psichikos sveikatai analizavimo svarbą rodo ir tai, kad tyrimų rezultatai rodo, kad maždaug 2,4 – 18,2 proc. vaikų turi nerimo sutrikimų, impulsų kontrolės sutrikimų – 1 – 6,8 proc. ir pan. (Demyttenaere et.al., 2004). Nepaisant to, kad kasmet atliekama labai daug ir įvairių tyrimų analizuojančių vaikų elgesio, kognityvinių ir

emocijų sutrikimų priežastis, gydymą, korekciją ir prevenciją, tačiau sutrikimų kasmet vis daugėja (Balsevičienė, Šinkariova, 2014).

Vaikai, kurie patiria lėtinį ar ankstyvojo periodo stresą turi didesnę tikimybę psichikos sutrikimams, impulsų kontrolės sutrikimams ir sunkumų mokymesi bei elgesyje (Liu, Fisher, 2020). Tačiau kol kas trūksta tyrimų, kurie analizuotų nepalankios aplinkos poveikį, tame tarpe, ir neurobiologinio jautrumo mechanizmus (Smith, Pollak, 2021). Ankstyvoji nepalankios aplinkos patirtis buvo tiriama kaip specifinė rizika arba susumuotoji rizika (Evans at al., 2013). Tyrimai, kurie analizuoja specifiškumą remiasi nepriklausomais poveikiais tam tikros nepalankios aplinkos patirtimis (pavyzdžiui, skurdas, smurtas ar atstūmimas), kurios lemia tam tikrus vystymosi kelius (Spinhoven et al., 2010). Ankstyvoji nepalanki aplinka nulemia ankstyvojo vystymosi sutrikimus, įtraukiant vaiko ir jo aplinkos sąsajas neurobiologiniam kontekste (Liu, Fisher, 2020). Tai kaip vaikas suvokia savo aplinką taip pat yra susiję su saugumo patyrimu ir nusikalstamumo patyrimu (Liu, Fisher, 2020). Pavyzdžiui, neseniai nustatyta, kad tam tikros smegenų dalių reakcijos yra susijusios su nusikalstamumo patyrimu meksikiečių paauglių grupėje (Cai et al., 2024). Žmonės turi nuolatos suvokti, interpretuoti ir reaguoti tiek į teigiamą, tiek į neigiamą aplinką ir socialinius stimulus tam, kad funkcionuotų (Greeven et al., 2019). Įvairiuose tyrimuose randama, kad netinkamai besielgiančių draugų patyrimas turi įtakos jauniems imigrantams daugiau nei tiems, kurie yra gimę konkrečioje vietovėje (Dipietro, McGloin, 2012). Kai socialinė aplinka buvo nepalanki, individai su tam tikru genetiniu jautrumu buvo labiau agresyvūs, kai tuo tarpu esant palankiai aplinkai buvo mažiau agresyvūs nei kiti, kurie buvo nejautrūs (Dipietro, McGloin, 2012). Dar daugiau, buvo nustatyta, kad jautrūs individai sąveikauja su aplinka ir iš to kyla tam tikros elgesio schemos ir emocijos paremiančios neurobiologinio jautrumo teorijas (Cai et al., 2024). Tie, kurie suvokia aplinką kaip labiau pavojingą ar nepalankią ir yra jautrūs aplinkos poveikiams, patiria daugiau internalių sunkumų ir miego sutrikimų, nerimo, depresijos, autizmo spektro sutrikimų, prastus susidorojimo su stresu įgūdžius, sunkumų reguliuoti savo elgesį ir emocijas , kai tuo tarpu mažiau jautrūs mažiau jautriai reaguoja į aplinkos saugumo pakitimus (Greven et al., 2019; Wiebe, 2021; Cai et al., 2024).

Netinkamas elgesys su vaiku gali privesti vaiką prie rimtų psichologinių problemų, agresyvaus elgesio ir nusikalstamumo didėjimo (IJzendoorn et al., 2020). Prie netinkamo elgesio su vaiku prisideda ir nusikalstamos veikos vaiko atžvilgiu (ten pat). Ne tik vaikai, bet ir tėvai, kurie yra ypač jautrūs aplinkos poveikiui, gali patirti teigiamus poslinkius savo elgesyje, jeigu pritaikoma kokia nors intervencija. Kitas skirtingo jautrumo rodiklis yra biologinis jautrumas kontekstui, tame tarpe ir padidėjęs stresas ir imuninės sistemos į negatyvius stimulus chaotiškoje ir stresą keliančioje aplinkoje ir tuo pačiu padidėjęs jautrumas teigiamiems stimulams struktūruotoje, palaikančioje aplinkoje (Boyce, 2019)

Galiausiai itin svarbu moksliškai tyrinėti ir sistemingai analizuoti veiksnius, kurie susiję su vaiko psichikos sveikata. Straipsnyje bus analizuojamos trys šiuo metu vyraujančios teorijos susijusios su vaiko raida. Tad šio *straipsnio tikslas* aptarti ir išanalizuoti nepalankių aplinkos veiksnių įtakos vaikų psichikos sveikatai ir raidai teorijas. *Metodologiniu* požiūriu straipsnyje taikoma teorinės literatūros sintezė. Atlikus paiešką pagrindinių trijų teorijų pagrindimo nebuvo rasta naujesniuose literatūros šaltiniuose, tad ir straipsnyje dažniausiai bus remiamasi senesniais nei 5 metų šaltiniais.

Taigi pagrindiniai šio tyrimo *uždaviniai* yra atskleisti tris svarbiausius nepalankių aplinkos įtakos vaikų psichinei sveikatai modelius: Atskleisti streso – diatezės modelį; Išanalizuoti skirtingo imlumo teorinį modelį; Išanalizuoti biologinio jautrumo kontekstui teorinį modelį; Palyginti šiuos tris modelius, išskiriant esminius panašumus ir skirtumus.

Aptariant genų ir aplinkos sąveikas, iš kurių kyla sekančios teorijos, teigiama, kad vieno geno, kuris nulemtų vaikų psichopatologijos išsivystymą, kaip ir nėra vienos aplinkos, kuri būtų vienintele priežastimi. Tačiau pastarųjų metų tyrimai vis dažniau atskleidžia tai, kad tiek genai ir jų išraiškos bei aplinka sąveikauja tarpusavyje. Dabar moksle vyrauja nuostata, apie tai, kad nėra vieno deterministinio mechanizmo ir trumpai apibrėžtos genų × aplinkos koreliacijos. Tačiau nėra aišku, kodėl vieni vaikai augdami toje pačioje aplinkoje ir turėdami tuos pačius genus suserga tam tikra liga, o kiti ne. Todėl toliau bus pereita prie dviejų pastaruoju metu populiarių teorijų aiškinančių genų × aplinkos tarpusavio sąveikas per vieną pagrindinį mechanizmą – neurobiologinį jautrumą, kuris padeda paaiškinti, kodėl taip nutinka. Tačiau, visų pirma, bus apibrėžta streso – diatezės paradigma, kurią galima laikyti pirmtaku kitoms dviems teorijoms. Buvo pasirinktos šios trys teorijos, nes jos labiausiai pagrįstos ir tyrinėtos.

Streso – diatezės modelis

Labiausiai ši paradigma yra išplėtota nagrinėjant aplinkos poveikį vystymuisi per temperamento – tėvystės tarpusavio sąveikas (Rothbart & Bates, 2006 cit. pgl. Ellis et.al., 2011b) ir psichiatrijos tyrimus genų×aplinkos tarpusavio sąveikas (Burmeister, McInnis, Zollner, 2008). Šie tyrimai remiasi streso – diatezės modeliu (Monroe & Simons, 1991; Zuckerman, 1999). Laikomasi požiūrio, kad kai kurie asmenys dėl padidinto jautrumo, kuris gali būti elgesinio pobūdžio (pvz.: sunkus temperamentas) arba fiziologinio/endofenotipinio pobūdžio (pvz.: padidintas biologinis reaktyvumas į stresą) arba genetinio pobūdžio (pvz.: turėjimas tam tikrų genų alelių) yra neproporcingai labiau pažeidžiami aplinkos stresorių nei kiti. Laikantis šio požiūrio asmuo, kuris turi bet kurį iš šių rizikos faktorių, patyręs neigiamą aplinkos poveikį (pvz.: emocinę deprivaciją) greičiausiai susirgs kokia nors psichikos liga ar turės kokį nors vystymosi sutrikimą. Pavyzdys susijęs su viešuoju saugumu yra pagal Barnes ir Jacobs (2013), kurie patvirtina streso – diatezės modelį tuo, kad genetinė rizika buvo labiau potencialus žiauraus elgesio prediktorius, kai buvo kartu su aukšto nusikalstamumo aplinka.

Streso – diatezės modelis teigia, kad jei asmuo nėra paveikiamas aplinkos neigiamų poveikių yra atsparus ir taip nutinka dėl to, kad jo temperamentas/genai tai nulemia. Galima numanyti, kad laikantis šios paradigmos visi asmenys turintys padidintą jautrumą aplinkos poveikiams, gana panašiai reaguos ir į teigiamus aplinkos poveikius. Tačiau remiantis šia perspektyva atlikti tyrimai rodo, kad asmenys skiriasi atsaku į neigiamą aplinkos poveikį, bet dažniausiai yra tiriami skirtingi aplinkos poveikiai ir skirtingos baigtys. Taip pat yra itin mažai tyrimų, kurie analizuotų teigiamą poveikį. Taigi atsižvelgiant į tai ir kilo skirtingo imlumo (DST) ir biologinio jautrumo kontekstui (BSCT) teorijos.

Skirtingo imlumo teorija

Skirtingo imlumo (*angl. Different susceptibility theory, DST*) teorija, visų pirma, kėlė klausimą ne kaip patirtis veikia vystymąsi, bet kodėl apskritai ji turėtų veikti jį. Žvelgiant iš evoliucinės perspektyvos, naudoti tą patirtį, kuri yra patirta vaikystėje yra naudinga tik tuomet, kai tai aiškiai duos naudos ir ateityje per kelias kartas (Pigliucci, 2001). Tačiau ateitis visuomet yra nenuspėjama. Į tai atsižvelgdamas Belsky (2000; 2005) teigė, kad vystantis atsiranda tokie genai, kurie padeda prisitaikyti prie skirtingų aplinkos sąlygų. T.y., nėra vienos tinkamiausios variacijos – vystantis atsiranda kelios variacijos, net jeigu kai kurios iš jų nėra adaptyvios tai aplinkai. Tačios tos neadaptyvios yra reikalingos tam atvejui, jei atsirastų kitokia alternatyvi aplinka. Jis išskiria sąlygines ir alternatyvias vystymosi strategijas (Belsky 2000; 2005). Sąlyginės atsiranda individui taikantis prie aplinkos, kurioje turi išlikti, o alternatyvios mažiau

kinta priklausomai nuo aplinkos ir yra labiau fiksuotos (ten pat). Kadangi ateitis tokia nenuspėjama, nė vienas tėvas nežino, kaip tinkamiausiai auklėti vaikus, kad šie išliktų, todėl sąmoningai ar nesąmoningai, jie turėtų vaikus auklėti skirtingai, kad išliktų bent vienas evoliucijos eigoje galintis pratęsti giminę (Belsky, 2005). Belsky (2005) taip pat teigė, kad ne tik tėvai mėgina auklėdami vaikus nesudėti „visko į vieną krepšį", bet tai daro ir patys vaikai. Vaikai skiriasi taip pat ir pagal savo jautrumą aplinkos poveikiams. Tai reikalinga taip pat tam, kad išliktų. Jei pvz.: tėvai yra netinkami, tai jei abu vaikai bus jautrūs, tuomet nė vienas jų neišliks, tačiau, jei vienas jų bus nejautrus – jis galės atlaikyti netinkamo auklėjimo pasekmes ir išlikti (ten pat). Nors Belsky kalbėjo apie vaikų skirtingą jautrumą aplinkai, tačiau jis neišskyrė, kaip tuos vaikus reiktų atskirti (Ellis et.al., 2011b).

Streso – diatezės modelis buvo naudojamas analizuoti tokį jautrumą, kuris nurodo, kad asmuo yra jautresnis neigiamam aplinkos poveikiui, nei teigiamam (Assary et al., 2021). Vieninteliai tyrėjai analizavę, kaip vaiko temperamentas moderuoja ryšius tarp motinos – vaiko tarpusavio sąveikų ir vėlesnių vaiko problemų mokymesi, lygindami DST ir streso – diatezės modelius, nustatė, kad tinkama tik streso – diatezės teorija, o ne DST (Monvinkel, 2020).

Tuo tarpu DST kelia hipotezę, kad jautrumas yra susijęs su mažiau ar daugiau jautriomis smegenimis (Movinkel, 2020). Didelis jautrumas siejamas ir su tuo, kad šie asmenys yra labiau jautrūs intervencijoms (Movinkel, 2020). Su DST modeliu siejamas ir kitas terminas – pranašumo jautrumas (*angl. vantage sensitivity*). Tai yra terminas naudojamas apibūdinti jautraus asmens ypatybę, kad iš teigiamos aplinkos jis gauna daugiau naudos nei nejautrus asmuo (Belsky, 2013). Kalbant apie nesaugią aplinką, jautrūs individai bus jautrūs nesaugios aplinkos poveikiui labiau nei nejautrūs (Cai et al., 2024). Tikėtina, kad į nusikalstamumą linkstantiems asmenims, kurie yra jautrūs, suteikus tinkamą pagalbą, polinkis bus kontroliuojamas arba visai išnyks.

DST teorija yra kritikuojama dėl genų x aplinkos tyrimų, nes tokiuose tyrimuose gaunami klaidingi teigiami atsakymai (Ellis, Del Giudice, 2019). Pastarųjų metų tyrimai, nustatė, kad DST teorija yra pritaikoma ne tik ankstyvoje vaikystėje, bet ir paauglystėje (Monvinkel, 2020). Tolimesni DST teorijos tyrimai yra reikalingi dėl keleto priežasčių – viena jų, kad būtų geriau suprasta, kaip vaikai yra veikiami aplinkos tiek vystantis normaliai, tiek vystantis psichopatologijai. Šios teorijos tyrimai turėtų būti naudojami ir terapinio efektyvumo nustatymui (Monvinkel, 2020). Remiantis DST teorija vieni yra labiau paveikūs gydymui nei kiti. Taip pat DST teorija pabrėžia ankstyvos patirties svarbą – jeigu vaikas patiria neigiamą aplinkos poveikį, tai suteikus pagalbą ir teigiamą poveikį, tikėtina, kad vaikas greičiau pasveiks nei nejautrus. Antra, DST teorija teigia, kad biopsichosocialiniai rizikos veiksniai gali būti ne universaliai rizikingi arba apsaugantys. Kaip tik, tam tikras biopsichosocialinis veiksnys tam tikroje aplinkoje yra rizikos, bet apsauginis kitoje.

Biologinio jautrumo kontekstui teorija

Biologinio jautrumo kontekstui teorija (*angl. Biological sensitivity to context theory, BSCT*) prasidėjo Boyce ir kolegų darbais (1995), kuriuose buvo analizuojama 3 – 5 metų vaikų sergamumo kvėpavimo takų ligomis prediktorius - biologinis reaktyvumas. Tyrimo rezultatai parodė, kad vaikai, kuriems būdingas žemas reaktyvumas beveik vienodai reagavo tiek į stipriai neigiamą, tiek į mažai neigiamą aplinką (ten pat). Be to, panašiai kaip ir streso - diatezės modelyje, vaikai, kurie turėjo didesnį reaktyvumą, statistiškai reikšmingai dažniau sirgo tada, kai patyrė stiprų neigiamą aplinkos poveikį, nei kiti vaikai. Tačiau netikėta buvo tai, kad vaikai, su aukštu reaktyvumu, gyvendami palankiomis sąlygomis sirgo rečiausiai netgi lyginant su tais vaikais, kurie turėjo žemą reaktyvumą ir gyveno geromis sąlygomis . Boyce ir kt. teigė, kad vaikai skiriasi savo jautrumu tokiu būdu, kurį būtų galima pavadinti – gėriui ir blogiui (*angl.*

for better and for worse), kur blogumas įvardijamas kaip psichopatologija ir/ar fizinės sveikatos problemos, bet nebūtinai blogesniu tinkamumu/ prisitaikymu (1995). Vėliau Boyce ir Ellis (2005) apibrėžė fiziologinį jautrumo aplinkos poveikiams mechanizmą – autonomišką, adrenokortiko ar imuninį reaktyvumą į fiziologinį stresorių ir teigė, kad neurobiologinis reaktyvumas moderuoja ankstyvųjų aplinkos ekspozicijų psichinės ir fizinės sveikatos pasekmes/rezultatus. Čia atsirado „orchidėjų" ir „kiaulpienių" metafora – vaikai, kurie jautrūs aplinkos poveikiui yra kaip orchidėjos, o nejautrūs – kiaulpienės (*angl. orchid and dandelions children*). Boyce teigia, kad vaikų – orchidėjų yra maždaug apie 20 proc. populiacijos (2007). Vaikai – „orchidėjos" gerai „auga" tik tinkamose sąlygose, o netinkamose – ne; tuo tarpu vaikai – „kiaulpienės" – gali augti tinkamai beveik visose sąlygose. Čia išsiskiria dvi paradigmos – streso - diatezės funkcijos hipotezė ir nauja – neurobiologinio jautrumo hipotezė, kurią apibrėžia Ellis et.al. (2011b) sujungdamas tiek Belsky, tiek Boyce darbus.

Biologinio reaktyvumo funkcija (iš streso – diatezės modelio) yra paruošti organizmą stresorių poveikiui ir reakcijai į juos – ji yra integruota centrinės ir periferinės sistemų funkcija. Tačiau BSCT teorijoje ši sistema veikia ne tik tada, kai yra koks nors pavojus, bet ir tuomet kai yra teigiama stimuliacija ir čia ji jau vadinama neurobiologiniu jautrumu. Iš čia atsirado poreikis naujai konceptualizuoti streso - diatezės hipotezę interpretuojant ją biologinio jautrumo kontekste. Tai Boyce ir Ellis (2005) apibrėžė kaip neurobiologinį jautrumą (angl. neurobiological susceptibility) tiek neigiamiems, tiek teigiamiems aplinkos poveikiams. Manoma, kad tai yra endofenotipinio pobūdžio vienos ar kelių streso atsako sistemų padidintas reaktyvumas (Obradovic et.al, 2010). Šios reakcijos gali būti apibrėžiamos u formos kreivės pagalba: B- ankstyvosios traumos padidina biologinį jautrumą aplinkai, padidindami gebėjimą ir tendenciją ieškoti aplinkoje pavojaus C ankstyvoji teigiama patirtis padidina taip pat jautrumą ir vaikas yra jautresnis socialiniam palaikymui (jis sukelia stipresnį atsaką) ir galiausiai A ankstyvoji patirtis, kuri nėra nei labai šilta nei labai neigiama, sumažina biologinį jautrumą aplinkai ir tampa kaip apsauginiu veiksniu, dėl kurio asmenys aplinką suvokia nei kaip labai grėsmingą nei kaip labai saugią (žr. 1 pav.).
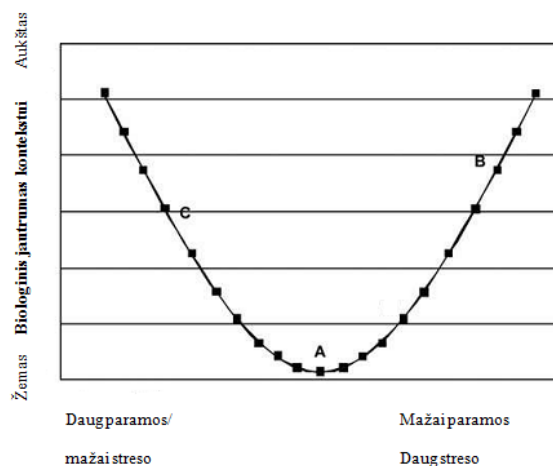
1 paveikslas. Biologinio jautrumo aplinkai modelis
pagal Ellis et.al. (2011)

Tyrimai rodo, kad mažiausiai aukšto reaktyvumo fenotipo buvo rasta vidutinio streso sąlygomis ir kad abu u raidės galai buvo būdingi tiems, kurie turėjo aukštą reaktyvumą (Ellis et.al., 2005; Gunnar et.al., 2009). Iš esmės, apibendrinant, BSCT teorija teigia, kad biologinis jautrumas atsirado evoliucijos eigoje, natūralioje atrankoje, nes tai buvo tinkamiausi būdai prisitaikyti toje aplinkoje, kurioje vaikas augo.

Jautrumo aplinkos poveikiams teorijų palyginimas

Jau anksčiau minėti biologinio jautrumo kontekstui (BSCT) ir skirtingo imlumo (DST) teorijos persidengia, nes jos abi teigia, kad vieni individai yra labiau jautrūs aplinkos poveikiams nei kiti kalbant tiek apie teigiamus poveikius (skatinančius pozityvų vystymąsi), tiek apie neigiamus (rizikos faktorius, riziką didinančius faktorius) (Ellis et.al., 2011 a; 2011b; Balsevičienė, Šinkariova, 2014; Cater, 2022). Šie du požiūriai iš esmės skiriasi nuo streso – diatezės požiūrio į asmens jautrumą ir aplinkos rizikos faktorius. Ellis et.al. (2011b) susiedami šias abi teorijas pateikia kitą – evoliucinę – neurovystymosi (angl. evolutionary - neurodevelopmental) teoriją, paremtą abejais šiais požiūriais – teoriją nusakančią neurobiologinį jautrumą aplinkos poveikiui evoliucijos kontekste (Balsevičienė, Šinkariova, 2014). Tyrimais nustatyta, kad tie, kas yra ypatingai jautrūs aplinkos neigiamiems poveikiams, dažnai yra lygiai taip pat neadekvačiai jautrūs teigiamiems poveikiams (Bakermans – Kranenburg & van Ijzendoorn, 2007; Movinkel, 2020; Nauman et al., 2020).

Tiek DST, BSCT koncentruojasi į evoliucijos eigoje atsiradusį jautrumą, kur DST įgimtus dalykus laiko svarbiausiu vystymosi plastiškumu, kai tuo tarpu BSCT remiasi labiau įgytu (Belsky, Pluess, 2009; Wiebe, 2021). Taip pat pastarųjų metų tyrimai nustatė, kad jautrumas yra labiau kaip kontinuumas (Greven et al., 2019). DST markeriai buvo labiau ištyrinėti nei mechanizmai (Greven et al., 2019; Lionetti et al., 2019)

Apjungiant šias abi biologinio jautrumo kontekstui (BSCT) ir skirtingo imlumo (DST) teorijas, galima teigti, kad (žr. 2 pav.): jautrūs asmenys yra jautrūs ne tik neigiamam, bet ir teigiamam poveikiui. Esantis jautrumas didina vystymosi jautrumą aplinkai, t.y. labiau jautrūs individai yra labiau linkę patirti ilgalaikį vystymosi pokytį nei tik trumpai trunkančius raidos pokyčius kaip atsaką į aplinkos poveikį. Jautrumas aplinkos poveikiams yra neurobiologinio pobūdžio. Genetinio jautrumo faktoriai veikia per neurobiologinius procesus ir jautrumo indikatoriai pasireiškiantys per elgesį remiasi neurobiologija. Patirtis gaunama vystymosi metu sąveikauja su genetiškai paveldėtais faktoriais ir sudaro neurobiologinį jautrumą. Asmenys visuose amžiaus tarpsniuose skiriasi pagal neurobiologinį jautrumą aplinkos poveikiams ir individų lygmenyje šis jautrumas kinta gyvenimo eigoje. Tas jautrumas turi evoliucinio prisitaikymo aspektą ir kinta ar bent jau kito evoliucijos eigoje. Jautrumas yra kaip centrinis mechanizmas norint paaiškinti tai, kaip vyks žmogaus vystymasis, nes net esant tokiam pačiam aplinkos poveikiui asmenys, besiskiriantys neurobiologinio jautrumo laipsniu turės skirtingas vystymosi baigtis.
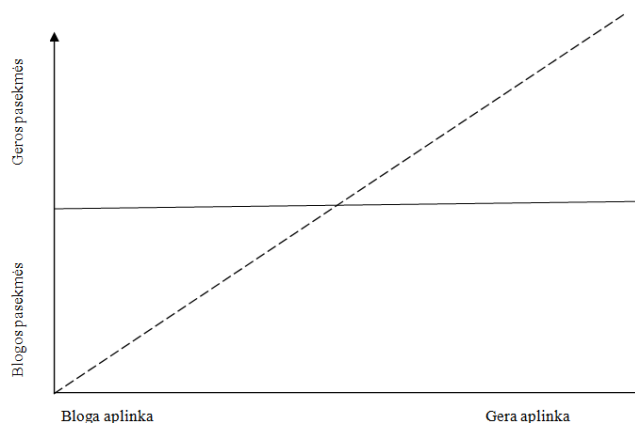
2 paveikslas. BSCT ir DST teorijų modelis.
Sudaryta autorės.

Prieš lyginant toliau šias abi teorijas, reiktų paminėti, kad jos abi remiasi evoliucijos teorijos pagrindais. Kitaip nei streso – diatezės modelyje, čia laikomasi nuostatos, kad vystymosi strategijos evoliucijoje natūralios atrankos būdu susiformavo kaip adekvatus atsakas į tiek teigiamus, tiek neigiamus aplinkos poveikius (Ellis et.al., 2011b; Belsky, 2005) (žr. 2 pav.). Taigi, kai žmonės susiduria su stresiniais įvykiais, tai nesutrikdo jų vystymosi, bet atsiranda adaptyvios susidorojimo su tuo strategijos, net jeigu jos nėra tinkamos kiekvieno individo atskirai ar visos visuomenės gerovės atžvilgiu (Naumann et al., 2020).

Apibendrinant evoliucinė vystymosi teorija išskiria sąlyginę adaptaciją. Žvelgiant iš šios perspektyvos vaikas, kuris auga nesaugioje aplinkoje ir jam išsivysto nesaugus prieraišumas ir kuris supranta aplinką kaip nesaugią ir turi nuostatą, kad pasaulis yra nesaugus yra nemažiau adaptyvus nei tas, kuris augdamas tinkamoje aplinkoje į pasaulį žvelgia kaip į saugų ir mylintį (Balsevičienė, Šinkariova, 2014). Jeigu yra teikiama pagalba vaikui, kuris turi elgesio sunkumų ar sutrikimų, reiktų atsižvelgti į tai, kad vaikai dažniausiai prisitaiko optimaliai gerai prie bet kokios aplinkos. Tad nesaugi aplinka gali iššaukti neigiamų pasekmių, tokių kaip delinkventinis elgesys. Tačiau tik toks elgesys yra tinkamas nesaugiuose rajonuose augantiems vaikams.

Taip pat šios teorijos remiasi U. Bronfenbrenner (1979, 1993) bioekologiniu teoriniu modeliu, kur teigiama, kad tėvystės ir kiti aplinkos veiksniai gali skirtis tuo poveikiu, kurį jie daro vaikui priklausomai nuo paties vaiko charakteristikų. Ir galiausiai čia naudojama ir Wachs & Gandour (1983) organizmo specifiškumo (angl. organismic – specificity) hipoteze, kuri teigia, kad kad vaikai reaguoja skirtingai į tokias pačias augimo sąlygas dėl savo atribucinių kognityvinių įsitikinimų, elgesio ir emocinių charakteristikų.

Nors šios dvi teorijos atsirado nepriklausomai viena nuo kitos ir kilo iš kiek skirtingų teorinių perspektyvų, tačiau jos iš esmės yra panašios:

1. kadangi abi paremtos evoliucine teorija, jos abi teigia, kad individai skiriasi biologiniu jautrumu sistematiškai ir siekia paaiškinti šių skirtumų priežastis. Svarbiausias konstruktas šiuose tyrimuose yra neurobiologinis jautrumas aplinkai.

2. abi teorijos teigia, kad žmonės turėtų skirtis jautrumo lygiu. Tą skirtumą abi šios teorijos laiko pagrindine koncepcija aiškinant, kodėl žmonės skiriasi, kai aplinkos poveikis būna toks pats.

3. abi šios teorijos teigia, kad šis jautrumo skirtumas nėra būdingas tik tam tikram vystymosi laikotarpiui ar tik kūdikystei. Tačiau kol kas yra labai mažai žinoma apie šio jautrumo pokyčius laikui bėgant (stabilus tai bruožas ar ne).

4. abi šios teorijos kalba apie nepertraukiamą/ pastovų/ilgalaikį atsaką į aplinką. Tuo šios teorijos skiriasi nuo kitų teorijų, kur teigiama, kad pvz.: individų skirtumas pagal jautrumą atsako į aplinką yra būtinas individualiems skirtumams išsivystyti, bet nepakankamas. Čia individai, kurie jautresni aplinkos poveikiui patirs daugiau to rezultatų nei tie, kurie mažiau jautrūs (BSCT ir DST teorijose). Aišku šios teorijos neteigia, kad griežtai būtinai bus toks rezultatas, tačiau jos teigia, kad rezultatas bus ir jis bus, jei ne visam gyvenimui, tai bent jau ilgalaikis. Tačiau, kaip jau minėta anksčiau, lieka atviras klausimas, ar tas jautrumas yra stabilus bėgant laikui ar ne.

Taigi abi šios teorijos (DST ir BSCT) koncentruojasi į asmens – aplinkos tarpusavio sąveikas, abi jos akcentuoja organizmo charakteristikų specifiškumą kaip moderuojantį efektą abejais atvejais – tiek neigiamo, tiek teigiamo aplinkos poveikio. Taip pat abi šios teorijos teigia, kad yra skirtumų tarp to, koks bus individo atsakas į aplinkos poveikį, tačiau skirtingai nei streso - diatezės teorijos, jie teigia, kad tie, kas jautrūs aplinkos poveikiui reaguos tiek į neigiamus, tiek į teigiamus aplinkos poveikius, ne vien tik į neigiamus. Tyrėjai nustatė, kad DST ir BSCT biologinis jautrumas kontekstui yra ne bruožo markeris, bet labiau laike kintantis procesas, kuris kinta tarp individų diena iš dienos (Armstrong - Carter, Telzer, 2022). Tyrimai

rodo, kad paaugliai yra labiau pažeidžiami neigiamų aplinkos poveikių žemo socioekonominio statuso šeimose tuo metu, kai kortizolio lygis pakinta nuo jų pačių normos nei nuo kitimo diena iš dienos.

Svarbu pastebėti, kad skirtingo reaktyvumo teorijos suprantamos skirtingai kalbant apie vystymosi – psichopatologijos ir evoliucines perspektyvas. Vystymosi – psichopatologijos požiūryje neurobiologinis jautrumas padidina galimybę ir tendenciją patyrus „gerą" patirtį sulaukti pozityvių rezultatų (saugaus prieraišumo, laimingumo, aukštos savivertės, emocinio pastovumo, sėkmės karjeroje ir pan.) ir „bloga" patirtis sukelia neigiamus rezultatus (nesaugus prieraišumas, depresija, ankstyvas nėštumas ir pan.) (Ellis et.al., 2011b; Armstrong – Carter, Telzer, 2022). Tačiau tai yra itin būdinga žvelgiant iš Vakarų perspektyvos. Tuo tarpu žvelgiant iš evoliucinės perspektyvos, kaip jau minėta anksčiau, šis jautrumas padėjo individams prisitaikyti taip, kad tai leido pasiekti geriausio reproduktyvumo. Čia prisitaikymas prie sąlygų konceptualizuojamas kaip evoliucionavusi vystymosi sistema suformuota natūralios atrankos tarnaujanti geriausio, tinkamiausio prisitaikymo tikslams (Ellis et.al., 2011a). Tačiau tie rezultatai nebūtinai yra laikomi sėkme vystymęsi Vakarų šalyse (tarkim, priklausymas gaujoms gali būti tinkamiausias būdas išlikti tuose rajonuose, kur yra itin nesaugu).

Fundamentalu abiems šiems požiūriams yra prielaida, kad optimalios vystymosi strategijos kitimas yra funkcija fizinių, socialinių ir ekonominių kiekvieno konkretaus individo sąlygų. Tai tarsi aplinkos heterogeniškumas, kuris suteikia ekologinę bazę tinkamiausiam fenotipui išsivystyti per atrankos balansą, prisitaikymą prie sąlygų ar pan. (Ellis et.al., 2006; 2011b).

Elgesio ir neurogenetiniai pagrindai skirtingo jautrumo teorijoje. BSCT kilo iš vaikų, kurie skiriasi autonominės ir adrenokortinės reaktyvumu į stresorių, stebėjimo. DST tuo tarpu neturėjo jokios hipotezės, kaip vaikai skiriasi pagal jautrumą, bet iš karto susikoncentravo į jautrių kontekstui vaikų temperamento, fenotipo aprašymus. Tačiau abi šios perspektyvos teigia, kad aplinkos – individo poveikis yra abipusis. Genetinis šio jautrumo pavyzdys yra tai, kad pvz.: vaikai, kurie patyrė neigiamą motinos poveikį patyrė elgesio problemų tik tie vaikai, kurie turėjo DRD4 geną (Bakermans – Kranenburg & van Ijzendoon, 2006). Neuroendokrininės sistemos lygmenyje tyrimo pavyzdys gali būti, kai vaikai su aukštu parasimpatiniu reaktyvumu augdami geroje aplinkoje buvo laikomi prosocialiais, o prastoje – mažiau prosocialiais, kai tuo tarpu su mažu reaktyvumu – augantys geroje aplinkoje buvo mažiau prosocialūs netgi augdami geroje aplinkoje (Obradovic et.al., 2010). Elgesio indikatoriumi čia dažniausiai laikomas temperamentas, kur, tarkim, „lengvu" temperamentu vaikai vystosi su daugiau teigiamų savybių nei su „sunkiu". Tačiau visuose šiuose inidkatoriuose nėra aišku ar pvz.: ar jautrumas nėra tiesiog didesnio neurobiologinio jautrumo markeris? Greičiausiai kiekvienas iš aukščiau išvardintų lygmenų yra skirtingi to paties jautrumo lygmenys.

Prieš tai trumpai buvo aptarti šių teorijų panašumai. Tačiau yra ir esminių skirtumų BSCT ir DST teorijose :

1. BSCT teorija laikosi požiūrio, kuris vadinamas prisitaikymu prie aplinkos sąlygų – individas prisitaiko prie aplinkos dėl tinkamumo – išgyvenamumo ir reprodukcijos per heterogenišką aplinką per visą žmonijos evoliuciją. Evoliucinė ekspozicijos heterogeniškos aplinkos patirtis, kurioje prisitaikančių skirtingų fenotipai skyrėsi laike ir erdvėje yra būtina, bet nepakanakama sąlyga sąlyginės evoliucijos adaptacijos. Teigiama, kad yra du tipai fenotipų – vienas, kuris padeda prisitaikyti tinkamiausiai toms sąlygoms ir kitas, kuris padaro viską ką gali iš „blogos" situacijos. Tai yra, kad gebėjimas aptikti neigiamas patirtis ir matyti aplinką kaip priešišką yra geriausia toje situacijoje, kurioje vaikas užaugo, kai ji yra grėsminga ir nepalanki. Taigi remiantis tuo BSCT teorija teigia neatsitiktinį tam tikro jautrumo vystymąsi ne tik tarp rūšių, bet ir pačios rūšies viduje. Remiantis U hipoteze, didelis jautrumas turėtų

vystytis tiek teigiamoje, tiek neigiamoje aplinkoje. Taigi tai turėtų vykti ir visos žmonijos atžvilgiu – t.y. aukštas jautrumas turėtų vystytis tiek neplankiomis sąlygomis gyvenant (pvz.: lūšnynuose), taip pat ir palankiose – visuomenėse, kur yra itin aukštas ekonomis lygis.

2. DST teorija laikosi požiūrio „nesudėk visų kiaušinių į vieną krepšį" – tėvai gimdo vaikus, kurie skiriasi pagal gebėjimą funkcionuoti tam tikromis sąlygomis – vienas gerai funkcionuos a sąlygomis, bet ne c, kitas c, bet ne a, o trečias, kuris gali funkcionuoti daug kur gerai, bet blogai funkcionuos a ir c sąlygomis ir taip nutinka dėl to, kad ateitis yra nenusakoma. Tai sumažina kiekvieno atskiro fenotipo pritaikomumą, nes tam tikras fenotipas negali būti tinkamas visoms įmanomoms sąlygoms. Taigi pagal šią hipotezę yra žvelgiama į ilgalaikę perspektyvą ir vystosi labai įvairių reakcijų puokštė, kuri bus naudinga evoliucijos eigoje, net jei ji sumažina produktyvumą konkrečioje kartoje. Tai leidžia pasiekti sėkmės kiekvienoje kartoje nors kiek nors ir apsaugo nuo to, kad būtų visiška nesėkmė visai nesėkmingais metais ir visiška sėkmė – sėkmingais. Tačiau tai kelia itin daug sunkumų tyrėjams, nes kiekviena šeima skiriasi savo viduje tuo, kaip auklėja vaikus ir skiriasi aplinkos, kuriuose jie auga, taigi numatyti paskemes ar suvaldyti tuos skirtumus tyrimų metu yra itin sunku.

Taigi apibendrinant, ilgą laiką manyta, kad kažkuris vienas arba aplinka, arba genai turi pagrindinę reikšmę tam, ar išsivystys psichopatologija. Tačiau pastarųjų metų tyrimai, integruojantys įvairių mokslų žinias, laikosi bendros prielaidos, kad vaikų psichikos sveikatą įtakoja tiek genai, tiek aplinka, tiek jų tarpusavio sąveikos. Nepalankios aplinkos sąlygos turi įtakos vaikų psichikos sveikatai, tačiau gali būti, kad vaikas nėra jautrus aplinkos poveikiui ir/arba neturi paveldėto polinkio sirgti kokia nors liga, todėl ja nesusirgs. Šiame straipsnyje aptarti genų × aplinkos tarpusavio sąveikos modeliai (DST ir BSCT), kurie specifiškiau apibrėžia nepalankių aplinkos sąlygų ir vaikų psichikos sveikatos sąsajas. Svarbus etinis klausimas kylantis iš šių tyrimų – ar intervencijos programas taikyti tik vaikams, kurie yra jautrūs aplinkos poveikiui yra svarus, tačiau derėtų atsiminti, kad dar nėra aišku, kaip jautrumas kinta raidos eigoje, o taip pat, nėra būdų nustatyti tiksliai kiekvieno vaiko jautrumo lygį. Kitas svarbus aspektas iškylantis apžvelgus šias teorijas yra tas, kad vaiko elgesys netgi būdamas neadaptyviu Vakarų visuomenės požiūriu, laikantis evoliucinės teorijos ir neurobiologinio jautrumo teorijų prielaidų, gali būti pačiu tinkamiausiu toje situacijoje, kurioje vaikas yra, todėl teikiant pagalbą vaikui ir keičiant jo elgesį derėtų atsižvelgti ir į šiuos aspektus. Taigi šiame darbe buvo trumpai pristatytos svarbiausios šiuo metu moksle vyraujančios teorijos, kurios analizuoja nepalankių aplinkos veiksnių įtaką vaikų psichologinei raidai. Vienas iš pagrindinių šio darbo ribotumų yra tas, kad nebuvo paminėta ir plačiau analizuota šių teorijų kritika. Tai nurodo galimas kitų mokslinės literatūros analizės kryptis.

Išvados

Streso – diatezės modelis teigia, kad kai kurie asmenys dėl padidinto jautrumo, kuris gali būti elgesinio pobūdžio (pvz.: sunkus temperamentas) arba fiziologinio/endofenotipinio pobūdžio (pvz.: padidintas biologinis reaktyvumas į stresą) arba genetinio pobūdžio (pvz.: turėjimas tam tikrų genų alelių) yra neproporcingai labiau pažeidžiami aplinkos stresorių nei kiti. Skirtingo imlumo teorija, visų pirma, kėlė klausimą ne kaip patirtis veikia vystymąsi, bet kodėl apskritai ji turėtų veikti jį. Vaikai skiriasi taip pat ir pagal savo jautrumą aplinkos poveikiams. Tai reikalinga taip pat tam, kad išliktų. Biologinio jautrumo kontekstui teorija teigia, kad vaikai, kuriems būdingas žemas reaktyvumas beveik vienodai reagavo tiek į stipriai neigiamą, tiek į mažai neigiamą aplinką. Taigi abi šios teorijos (DST ir BSCT) koncentruojasi į asmens – aplinkos tarpusavio sąveikas, abi jos akcentuoja organizmo charakteristikų specifiškumą kaip moderuojantį efektą abejais atvejais – tiek neigiamo, tiek teigiamo aplinkos

poveikio. Taip pat abi šios teorijos teigia, kad yra skirtumų tarp to, koks bus individo atsakas į aplinkos poveikį, tačiau skirtingai nei streso - diatezės teorijos, jie teigia, kad tie, kas jautrūs aplinkos poveikiui reaguos tiek į neigiamus, tiek į teigiamus aplinkos poveikius, ne vien tik į neigiamus. Abi paremtos evoliucine teorija, kurios teigia, kad individai skiriasi biologiniu jautrumu sistematiškai ir siekia paaiškinti šių skirtumų priežastis. Svarbiausias konstruktas šiuose tyrimuose yra neurobiologinis jautrumas aplinkai. BSCT teorija teigia neatsitiktinį tam tikro jautrumo vystymąsi ne tik tarp rūšių, bet ir pačios rūšies viduje. Remiantis U hipoteze, didelis jautrumas turėtų vystytis tiek teigiamoje, tiek neigiamoje aplinkoje. Taigi tai turėtų vykti ir visos žmonijos atžvilgiu – t.y. aukštas jautrumas turėtų vystytis tiek nepalankiomis sąlygomis gyvenant (pvz.: lūšnynuose), taip pat ir palankiose – visuomenėse, kur yra itin aukštas ekonominis lygis. Kai tuo tarpu, pagal DST yra žvelgiama į ilgalaikę perspektyvą ir vystosi labai įvairių reakcijų puokštė, kuri bus naudinga evoliucijos eigoje, net jei ji sumažina produktyvumą konkrečioje kartoje. Tai leidžia pasiekti sėkmės kiekvienoje kartoje nors kiek nors ir apsaugo nuo to, kad būtų visiška nesėkmė visai nesėkmingais metais ir visiška sėkmė – sėkmingais.

Rekomendacijos

Auginant vaikus, svarbu atpažinti ar vaikas yra jautrus aplinkos poveikiams ar ne. Atsižvelgiant į tai, reiktų planuoti vaikų auklėjimą, vaikų mokymąsi mokykloje ir kitus vaikui svarbius jo gyvenimo aspektus priklausomai nuo jo jautrumo. Jei vaikas yra itin jautrus aplinkos poveikiams, tai reiktų stengtis kiek įmanoma sumažinti neigiamus aplinkos poveikius. Tikėtina, kad į nusikalstamumą linkstantiems asmenims, kurie yra jautrūs, suteikus tinkamą pagalbą, polinkis bus kontroliuojamas arba visai išnyks.

Atsižvelgiant į neurobiologinį jautrumą, turėtų būti taikomos ir paslaugos vaikams, kurie yra linkę į netinkamą elgesį, silpną impulsų kontrolę ir kitus su viešojo saugumu susijusius aspektus. Žvelgiant iš šios perspektyvos vaikas, kuris auga nesaugioje aplinkoje ir jam išsivysto nesaugus prieraišumas ir kuris supranta aplinką kaip nesaugią ir turi nuostatą, kad pasaulis yra nesaugus yra nemažiau adaptyvus nei tas, kuris augdamas tinkamoje aplinkoje į pasaulį žvelgia kaip į saugų ir mylintį. Jeigu yra teikiama pagalba vaikui, kuris turi elgesio sunkumų ar sutrikimų, reiktų atsižvelgti į tai, kad vaikai dažniausiai prisitaiko optimaliai gerai prie bet kokios aplinkos. Tad nesaugi aplinka gali iššaukti neigiamų pasekmių, tokių kaip delinkventinis elgesys. Tačiau tik toks elgesys yra tinkamas nesaugiuose rajonuose augantiems vaikams. Jautriems vaikams atsparumo kūrimas ir labiau palaikančios aplinkos sudarymas, užtikrina greitesnį pasveikimą ir apsaugą nuo stresą keliančių veiksnių. Panašu, kad jautrūs asmenys yra labiau pasiduodantys gydymui nei nejautrūs, tad terapeutai turėtų į tai atsižvelgti teikdami savo paslaugas. Atliekant įvairias intervencijas, jautriems asmenims turėtų būti keičiama artimiausia aplinka – t.y., pavyzdžiui gerinami tėvų tėvystės įgūdžiai. Taip pat intervencijos galėtų būti susijusios su atsparumo stresui didinimu. Galiausiai, planuojant pagalbą vaikams, kad nebūtų atkritimų, reikėtų atsižvelgti į tai, kad jautrūs asmenys labiau yra linkę būti pažeisti netinkamos aplinkos ir vėl atkristi.

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ISSN 2029-1701
ISSN 2335-2035 (Online)

Mykolas Romeris University

Research Journal
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INFLUENCE OF ADVERSE ENVIRONMENTAL FACTORS ON CHILDREN'S MENTAL HEALTH DEVELOPMENT: MODELS AND THEORIES

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S u m m a r y

Child mental health is an important public safety issue. Under adverse environmental conditions, children may develop delinquent behavior and aggression, which in turn may lead to serious criminal acts. Studies have found that various gene-environment interactions contribute to behavioral difficulties, including delinquent behavior and crime. In psychology, as in other sciences, like public security, there has been a debate for a long time about the extent to which the environment influences various health disorders and the extent to which it is innate. In the analysis of child development disorders, in recent years, the view is increasingly taken that both the child's innate characteristics (such as genes) and the

child's immediate or distant environment affect the child's mental development in one way or another. It also emphasizes not only these two factors - the child himself and his environment, but also the importance of their mutual interaction (Brofenbrenner, 1979, Boyce, 2007; Ellis et.al., 2011; Rende, 2012). Therefore, the purpose of this article is to discuss and analyse theories of the influence of adverse environmental factors on children's mental health and development. From a methodological point of view, the article applies the synthesis of theoretical literature. The importance of analysing the impact of adverse environmental factors on children's mental health is also shown by the fact that research results show that approximately 2.4 - 18.2 percent of children have anxiety disorders and impulse control disorders - 1 - 6.8 percent, etc. (Demyttenaere et al., 2004). Although many and various studies are conducted every year analysing the causes, treatment, correction, and prevention of children's behaviour, cognitive, and emotional disorders, the number of disorders is increasing every year. Therefore, it is extremely important to systematically analyse the factors related to the child's mental health. The article analyses three currently prevailing theories related to child development.

Thus, the main objects of this study are to reveal the patterns of adverse environmental influences on children's mental health:
1. Reveal the stress-diathesis model
2. To analyse the theoretical model of different receptivity
3. To analyse the theoretical model of biological sensitivity to context
4. Compare these three models, distinguishing essential similarities and differences.

The stress-diathesis model posits that some individuals, due to heightened sensitivity, which may be behavioural (e.g., difficult temperament), physiological/endophenotypic (e.g., increased biological reactivity to stress), or genetic (e.g., having true gene alleles) are disproportionately more vulnerable to environmental stressors than others. Different susceptibility theory (DST) primarily raised the question not of how experience affects development, but why it should affect it at all. Children also differ in their sensitivity to environmental influences. It is also necessary to survive. Biological sensitivity to context theory (BSCT) states that children with low reactivity reacted almost equally to both strongly negative and low negative environments. Boyce and Ellis (2005) defined neurobiological susceptibility to both negative and positive environmental influences. Existing sensitivity increases developmental sensitivity to the environment, i.e. more sensitive individuals are more likely to experience long-term developmental change than just short-term developmental changes in response to environmental exposures. Sensitivity to environmental influences is neurobiological. So, it can be said that all three theories have a fundamental similarity – i.e. all talk about a person's sensitivity to environmental influences. However, they differ in that the stress-diathesis model analyses only how a bad environment affects development, while the theory of differential susceptibility and biological sensitivity to context states that sensitivity is not only related to the reaction to negative environmental effects but also to positive ones.

The most important recommendation arising from these theories is that when raising children, it is important to recognize whether the child is sensitive to environmental influences or not. Taking this into account, it is necessary to plan child-rearing, children's schooling, and other important aspects of the child's life depending on his sensitivity. If the child is extremely sensitive to the effects of the environment, efforts should be made to reduce the negative effects of the environment as much as possible. It should also be considered that the child will be more sensitive to e.g. sounds, and light, so the child's environment should be created accordingly so that he feels good and grows in a suitable environment. Sensitive individuals appear to be more receptive to treatment than non-sensitive individuals, and therapists should take this into account when providing their services. Various interventions should change the immediate environment of susceptible individuals, i.e., for example, improving the parenting skills of parents. Also, interventions could be related to increasing stress resistance. Finally, when planning help for children to prevent relapse, it should be considered that vulnerable individuals are more likely to be damaged by an inappropriate environment and to relapse.

Keywords: Adverse environmental factors, children's mental health, factor models

IRREGULAR MIGRANTS IN LITHUANIA IN THE CONTEXT OF THE READMISSION AGREEMENT WITH LATVIA

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Abstract*. Due to the Lithuanian "push-back" policy, the number of persons irregularly crossing the Lithuanian-Belarusian border is decreasing. However, irregular migration remains significant in Lithuania. Migrants who irregularly cross the EU border in Latvia use Lithuania as a transit country to reach other EU countries. Such migrants in secondary migration found in Lithuania can be returned to Latvia following the readmission agreement and/or Dublin III Regulation. The paper aims to identify whether Lithuanian law and practice regarding irregular migrants in secondary migration from Latvia comply with international and EU law requirements. To achieve this aim, the paper defines the meaning of secondary migration of irregular migrants from Latvia, determines the International, EU and Lithuanian law and provisions of the Readmission agreement with Latvia applicable to secondary migration, and presents a practice of Lithuanian authorities in organising and performing the return to Latvia of migrants in secondary migration.*

Keywords: *irregular migrants, readmission agreement, Dublin III Regulation*

Introduction

Due to the Lithuanian "push-back" policy, the number of persons irregularly crossing the Lithuanian-Belarusian border is decreasing. However, irregular migration remains significant in Lithuania. Migrants who irregularly cross the EU border in Latvia use Lithuania as a transit country to reach other EU countries. Such migrants found in Lithuania can be returned to Latvia following the Readmission agreement with Latvia and/or the Dublin III Regulation.

When assessing the situation, questions arise about what rights of irregular migrants should be protected, how those rights should be protected, and how the rights of irregular migrants are ensured in practice during return/transfer proceedings. What is the legal status of these migrants in Lithuania? Do Lithuanian authorities' actions comply with international obligations and EU law?

The object of the research – the law and practice regarding irregular migrants in secondary migration from Latvia.

The research aims to identify whether Lithuanian law and practice regarding irregular migrants in secondary migration from Latvia comply with the International and EU law requirements.

The objectives of the research: To define the meaning of secondary migration of irregular migrants from Latvia; To determine the International, EU and Lithuanian law and provisions of the Readmission agreement with Latvia applicable to secondary migration; To present the practice of Lithuanian authorities in organising and performing the return to Latvia of migrants in secondary migration.

Methodology of the research: Analysis, comparison and generalisation methods were applied to the study. International, EU, and Lithuanian law, the Readmission Agreement with Latvia, the European Human Rights Court and the EU Court of Justice decisions were analysed.

By applying the generalisation method, the work summarises and highlights the gaps in the Lithuanian practice of transferring irregular migrants to Latvia. This method is also applied to present the conclusions.

Irregular migrants in secondary migration from Latvia

Irregular migrant and irregular migration

International, regional, or national laws do not define *irregular migration*. However, this term is used in theory and practice to describe the movement of people, not in a way defined by the countries' laws. Various international and EU organisations similarly define irregular migration and irregular migrants.

At the international level, IMO defines irregular migration as the movement of persons "that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit, or destination" (IOM, 2024) and speaking about irregular migrants, the UN General Assembly indicates that irregular migrants are those who cross the border of another country without authorisation to enter or stay in that country pursuant to that country's law and to international agreements to which that country is a party (UN General Assembly, 1990, Art. 5).

At EU level, the European Commission describes irregular migration as the 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" (European Commission, 2024) and the Directorate of Migration and Home Affairs of the European Commission indicates that an irregular migrant is "a person who, owing to irregular entry, breach of a condition of entry or the expiry of their legal basis for entering and residing, lacks legal status in a transit or host country" (European Commission, 2024a).

The Law of the Republic of Lithuania on The Legal Status of Foreigners describing irregular migration or irregular migrants uses the words "foreigners illegally staying in Lithuania," "a foreigner, shortly after illegally crossing the state border of Lithuania," "has entered Lithuania illegally," etc. (Seimas, 2004, Art. 3 (5), 5 and 140[8]). The Law indicates that the arrival of asylum seekers outside the procedure established by the Schengen Borders Code is considered illegal (Seimas, 2004, Art. 10 and 70). Such an approach does not correspond to the opinion of the IMO and the European Commission. In the opinion of the IMO and European Commission, the term "illegal" should not be used in relation to irregular migration or irregular migrants, especially those whose intent for crossing the border is to request asylum. Refugees, victims of trafficking, or unaccompanied migrant children should not be considered illegally crossing the state border (IOM, 2024).

There are many reasons for irregular migration. Poverty and social and political instability force people to migrate. According to the European Commission, the limited availability of legal migration routes often pushes people towards criminal networks to facilitate their unauthorised entry, transit, or stay in the EU. Most irregular migrants originally enter the EU legally on short-stay visas but remain in the EU for economic reasons once their visa expires (European Commission, 2024b).

Secondary migration from Latvia

At the beginning of the summer of 2021, irregular migrants began to flow to Lithuania across the Lithuanian-Belarusian border. On 1 July 2021, the number of such irregular migrants

reached 150 people per day (BNS and lrytas.lt, 2021). To manage the migrant crisis, Lithuanian authorities declared a state-level extraordinary situation on 2 July 2021 due to a mass influx of migrants at the Lithuanian-Belarusian border (Government, 2021).

A couple of months later, construction of a physical barrier on the Lithuanian border with Belarus began. The barrier was completed in August 2022. A physical barrier—a fence and cutting wire—has been installed in sections of about 502 kilometres. The total length of the Lithuanian border with Belarus is 679 km. More than 100 km of the border runs along the banks of rivers and lakes (BNS, 2022).

The practice of "push-back" was established by the Decision of the Minister of Interior and State Commander of National Emergency Operations on 2 August 2021. The State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania was responsible for executing the "push-back" from the border.

According to the Decision, persons could only cross the external land border at border checkpoints. Persons were not allowed to cross the state border in other places, and those who attempted to do so had to be directed (required to go) to the nearest border checkpoint (Minister of Interior and State Commander of National Emergency Operations, 2021).

It should be noted that the number of border points through which migrants could cross the border was constantly reduced. As of 1 May 2022, twelve border points were closed and movement was restricted in one border point (Government, 2022). From 18 August 2023, two more border points were closed (Government, 2023). As of 1 March 2024, four more border points were closed. In this way, the options for migrants to enter Lithuania through border points were constantly reduced (Government, 2024).

The aim of the Government to protect the European external border is understandable; however, implementing the measures created significant fundamental rights issues. On 30 June 2022, the European Court of Justice made a landmark judgment in case *C-72/22 (PPU) M.A. v State Border Guard Service,* indicating that immediate detention, denial of access to asylum, and practice of collective pushbacks on the Lithuanian-Belarus border are considered the grave violations of EU and International law.

The Court of Justice's decision regarding the practice of collective "push-back" at the Lithuanian-Belarus border and other remarks of EU and Lithuanian institutions and NGOs involved in protecting fundamental rights led to changes in Lithuanian legislation. However, Lithuania has not abandoned the collective "push-back" policy. Lithuanian legislation provides that this measure can be applied during a mass influx of migrants. In particular, the amendments of the Law on the State Border and its Protection, which came into force on 3 May 2023, foresee that the policy of "push-back" of irregular migrants may be applied in the event of a state-level extraordinary situation due to a massive influx of foreigners (Seimas, 2023, Art. 3)

According to the Law on the State Border and its Protection (Seimas, 2000, Art. 4 (13)), in cases where a state-level extraordinary situation is declared due to a massive influx of foreigners and the aim is to ensure the national security and public order of Lithuania, the Government, on the proposal of the National Security Commission, may decide that foreigners are not allowed into the territory of Lithuania when they are crossing the state border in violation of the state border crossing procedure. The presence of these persons in the border section is not considered to be in Lithuania's territory. The border section is a territory up to 5 km into the territory of Lithuania from the state border, across land and border waters (Article 11 (3)). The Government has defined the boundaries of the border section (Government, 2007). On 3 May 2023, the Government of Lithuania issued a Resolution *Regarding the state border protection of the Republic of Lithuania in the event of a state-level extraordinary situation*, declaring that foreigners are not allowed into the territory of Lithuania when they are crossing

the state border in violation state border crossing procedure and are in the border section (Government, 2023a).

The "push-back" policy continues to this day. Since the beginning of the migration crisis in 2021, border guards of the State Border Guard Service have prevented 22166 irregular migrants from entering the country (State Border Guard Service, 2024).

The implemented measures have decreased the number of irregular migrants willing to cross the Lithuanian border. In 2024, border guards did not allow 206 irregular migrants from Belarus to enter Lithuania. Meanwhile, in 2023, 2,643 migrants were not allowed to cross the border between Lithuania and Belarus, and in 2022, 11,211 migrants were not allowed to cross the border (State Border Guard Service, 2024).

However, such a change does not mean that there are no more irregular migrants in Lithuania. It has been noticed that more and more irregular migrants are coming to Lithuania from Latvia, having crossed the border between Latvia and Belarus. Migrants who illegally cross the EU border in Latvia use Lithuania as a transit country to reach other EU member states. Such migration is called 'secondary migration.'

The problem is that no one, except the Border Guard Service and possibly the Ministry of the Interior, knows the real number of irregular migrants from Latvia. These statistical data are not available publicly. However, the general trend can be observed from the statements of authorities' representatives in the media. In particular, the Minister of Interior, on 27 September 2023, in a press release, said that "[t]he number of irregular migrants arriving in Lithuania from Latvia has increased twentyfold this year" (BNS, 2023). The State Border Guard Service representative on 28 April 2024 said that the flow of secondary migration has slowed down this year; last year, over 1 thousand migrants from Latvia were intercepted in Lithuania during illegal secondary migration (ELTA, 2024). The State Border Guard Service's regular press releases in 2024 about intercepted irregular migrants show that migration from Latvia to other ES states through Lithuania as a transit country continues. (State Border Guard Service, 2024a) (State Border Guard Service, 2024b) (State Border Guard Service, 2024c). It should be noted that in crossing Lithuania, not only Lithuanian citizens but also migrants from non-EU countries who live in Lithuania assist the irregular migrants.

Summarising the analysis, irregular migrants from Latvia in secondary migration are those who crossed the Latvian–Belarus border in violation of Latvian law and are crossing Lithuania as a transit country to reach other EU member states. The number of such irregular migrants correlates with the strictness of the Lithuanian "push-back" policy. These irregular migrants intercepted in Lithuania have rights protected by International and EU law.

International, EU, and Lithuanian law and Readmission agreement with Latvia applicable to secondary migration

The fact that the above-mentioned migrants migrate irregularly does not relieve States from the obligation to protect their rights. There is no doubt that even when in an irregular situation, migrants are entitled to the respect, protection and fulfilment of their human rights embedded in international and EU documents as well as national laws and bilateral agreements. Considering that, the paper analyses international and EU law requirements in protecting the rights of irregular migrants and organising their reception and transfer to the states responsible for examining the asylum application.

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ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

International universal guarantees for migrants

The first international document aiming to protect irregular migrants' rights is the *Universal Declaration of Human Rights.* United Nations General Assembly in Paris on 10 December 1948, by General Assembly resolution 217 A, proclaimed the Universal Declaration of Human Rights as "a common standard of achievement for all peoples and all nations" (UN General Assembly, 1948).

The Declaration does not guarantee everyone's right to freely enter another country's territory. The Declaration foresee four rights for everyone in migration: 1) the right to freedom of movement and residence within the borders of each state, 2) the right to leave any country, including his own, 3) the right to return to his country, 4) the right to seek and to enjoy in other countries asylum from persecution. (Articles 13 and 14).

The provisions of the Declaration show that at least those who seek asylum from persecution should be able to enter and stay in other countries' territories. Therefore, to ensure that those seeking asylum from persecution are not overlooked, procedural safeguards for situation screening must be implemented in each State, including everyone's right to appeal any decision made against them.

Describing safeguards, the Declaration provides that everyone "has the right to recognition everywhere as a person before the law" (Article 6), everyone is entitled "without any discrimination to equal protection of the law" (Article 7) and "in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations" (Article 10) And finally, the Declaration indicates that "[n]o one shall be subjected to arbitrary arrest, detention or exile" (Article 9).

The second international document, the *Convention Relating to the Status of Refugees (1951)* and its *Protocol Relating to the Status of Refugees* (1967), focuses on the rights of refugees who not only can arrive in the country of asylum following the established procedure but also can apply for asylum after arrival as irregular migrants.

According to Article 1 of the Convention and Article 1 of the Protocol, everyone can ask for asylum in another country if they have a well-founded fear of being persecuted in the country of nationality or home country for reasons of race, religion, nationality, membership of a particular social group or political opinion. That State is obliged not to expel or return such refugee to the country where his life or freedom would be threatened because of the listed reasons (Article 33 (1)).

Every state is committed to not imposing penalties on refugees who enter and stay in its territory without authorisation when they come directly from a territory where their life or freedom is threatened. Only such migrants must promptly present themselves to the authorities and show good cause for their illegal entry or presence (Article 31(1)).

States cannot restrict the movements of such refugees except when it is necessary for good cause until decisions on their status in the country are made or another country allows them to enter and stay in its territory. The state can expel a refugee only after making a decision in due process of law. Refugees must be able to appeal the decision, submit evidence to clear themselves, and represent themselves before a competent authority or authorised person (Article 31(2)). They also must have free access to the court (Article 16 (1).

The third document, the *International Covenant on Civil and Political Rights* (UN General Assembly, 1966)*,* provides a list of rights, some of which must also be guaranteed for irregular migrants.

First, irregular migrants cannot be subjected to torture or cruel, inhuman, or degrading treatment or punishment (Article 7). It should be noted that deviation from protecting this right is prohibited under any circumstances (Article 4 (2)).

The Covenant also states that everyone has the right to liberty and security. Arbitrary arrest or detention is prohibited, according to Article 9 (1). Everyone who is deprived of his liberty by arrest or detention must have the possibility to take proceedings before a court that court may decide on the lawfulness of their detention (Article 9 (4)). Those deprived of their liberty must be treated humanely and respectfully (Article 10 (1)).

Notably, the Covenant requires that each state must ensure the protection of these rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2 (1)). Anyone whose rights or freedoms listed in the Covenant are violated must have access to an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity (Article 2 (3)(a)).

In addition, the Covenant specifies that a state can expel a foreigner only following the decision reached under the law. The foreigner must be able to submit the reasons against his expulsion, except where compelling reasons of national security otherwise require, and be allowed to have his case reviewed by the competent authority or an authorised person (Article 13).

However, it should be noted that in exceptional cases, states may not guarantee the protection of the rights provided for in this Covenant (except for the prohibition of torture or cruel, inhuman, or degrading treatment or punishment). Article 4 (1) of the Covenant specifies that in case of an officially proclaimed public emergency threatening the nation's life, the states may derogate from their obligations under the Covenant to the extent strictly necessary for dealing with the situation. Such actions must be in accordance with the state's other obligations under international law, and they cannot discriminate based on race, colour, sex, language, religion, or social origin.

The last universally applicable document to irregular migrants is the *Convention on the Rights of the Child (1989)*. This document is exclusively dedicated to protecting children, including accompanied and unaccompanied children, in migration.

The main requirement under this document is that a state must consider the best interests of the child when performing any action concerning children (Article 3 (1)). Following this, states must respect the child's opinion and create conditions for the child to be heard in any judicial and administrative proceedings (Article 12 (2)), as well as to ensure that a child who is an asylum seeker receives appropriate protection and humanitarian assistance (Article 22 (1)).

Regional international guarantees for migrants

In addition to the universally applicable international documents, Europe also has regional documents applicable to irregular migrants in secondary migration.

The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), with additional protocols (hereinafter – ECHR)*,* is the core document regarding the protection of the human rights of all persons, including the rights of irregular migrants. A group of rights stands out from the catalogue of rights presented in the convention and should be considered in the case of irregular migration.

Firstly, like the International Covenant on Civil and Political Rights, ECHR prohibits torture. Following Article 3, no one can be subjected to torture or inhuman or degrading treatment or punishment.

Secondly, respect for private and family life enshrined in Article 8 should be ensured for people in irregular migration. However, this right has limitations. A public authority can interfere with exercising this right when it is required by law and is necessary for the interests of national security, public safety, the economic well-being of the country, or the prevention of disorder or crime.

Regarding freedom of movement, the ECHR, like the Declaration of Human Rights, does not guarantee everyone's right to enter another country's territory freely. Article 2 of Protocol No. 4 of the ECHR indicates that everyone has a right to leave any country but with similar limitations as applicable to the right to respect for private and family life. Article 4 of Protocol No. 4 only prohibits the collective expulsion of foreigners. Article 1 of Protocol No. 7 foresees procedural safeguards against expulsion only for lawfully resident foreigners in a state's territory. Unfortunately, not all irregular migrants can enjoy the protection of this right.

In addition, the ECHR does not prohibit the deprivation of liberty of irregular migrants. Article 5 (1) (f) states that, following a procedure prescribed by law, the lawful arrest or detention of a person is allowed when the state is aiming to prevent his/her unauthorised entry into the country or of a person against whom action is being taken regarding deportation or extradition. However, it is worth noting that ECHR foresees some safeguards in the proceedings of deprivation of liberty. Article 5 (2) requires that everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him. Everyone arrested or detained must be brought promptly before a judge or other designated authority for a decision on their arrest or detention. Within a reasonable time, they must also have access to court to assess the lawfulness of their arrest or detention in speedily proceeding (Article 5 (3)).

Article 6 of the ECHR provides the right to a fair trial. This article clearly shows that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law to determine his civil rights and obligations or to scrutinise any criminal charge against him. The right to a fair trial applies to civil rights protection in administrative proceedings. The Grand Chamber of the European Court of Human Rights, in the case *Verein Klimaseniorinnen Schweiz and others v. Switzerland*, on 9 April 2024, provided such explanation regarding the applicability of Article 6 § 1 to administrative proceedings:

> *595. For Article 6 § 1 in its civil limb to be applicable, there must be a "dispute" ("contestation" in French) over a right which <…> to be recognised under domestic law, irrespective of whether that right is protected under the Convention. <…>. The dispute must be genuine and serious <…>; and <…> the result of the proceedings must be directly decisive for the right in question <…>. Lastly, the right must be a "civil" right.*

Regarding civil rights, the court said:

> *597. <…> the classification of the legislation (civil, commercial, administrative or other), or of the competent tribunal (ordinary, administrative court or other) are not as such decisive. What matters is that the right is exercisable by the person in question and can be characterised as a "civil" right.*

If the proceeding in its nature is punitive, the criminal limb of Article 6 § 1 is applicable (ECtHR, 2022) following the "Engel criteria" (ECtHR, 1976).

Finally, the ECHR prohibits discrimination. Article 14 of ECHR and Article 1 of Protocol 12 specify that any public authority cannot discriminate on grounds such as sex, race, colour,

ISSN 2029-1701
ISSN 2335-2035 (Online)

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language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Although the ECHR lists a considerable number of guarantees, it should be noted that the requirement to ensure the rights listed above (except the prohibition of inhuman or degrading treatment or punishment) is not strict. Article 15 of the ECHR foresees the possibility of derogation in times of emergency. The article states that, in times of war or other public emergency threatening the nation's life, any state may derogate from its obligations under ECHR to the extent strictly required by the exigencies of the situation.

The second regional document applicable in Europe is the *Council of Europe Convention on Action against Trafficking in Human Beings (2005)*. As the title of the convention shows, this international treaty is dedicated to protecting the victims of human trafficking. Notably, irregular migration is often intertwined with human trafficking. Therefore, this document should be considered when analysing the protection of the rights of irregular migrants.

Article 10 (1) of the Convention lays down the obligation for a state to have trained and qualified persons for preventing and combating trafficking and identifying and helping victims, including children. Each State must ensure that if the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking, that person shall not be removed from its territory until the victim identification process is completed and suitable assistance is provided to the victim (Article 10 (2)). If the victim of trafficking is a child, special protection measures for the best interest of the child should be implemented (Articles 10, 14 and 28).

In addition, the states must foresee, in their internal law, a recovery and reflection period of at least 30 days for the victims of trafficking. During this period, victims can stay in the state territory, and any expulsion order against the victim cannot be enforced (Article 13).

EU law applicable to secondary irregular migration

The foundation for EU law and policy regarding irregular migration is embedded in two so-called "constitutional" treaties: the *Treaty on European Union (2016)* and the *Treaty on the Functioning of the European Union (2016)* (TFEU).

The Treaty on European Union stresses in Article 2 that the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights. In Article 3 specifying the EU's aims, the EU Treaty indicates that the EU promotes peace, its values, and the well-being of its people. The EU offers its citizens an area of freedom, security, and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures regarding external border controls, asylum and immigration. The EU contributes to peace, security, solidarity, mutual respect among peoples, the protection of human rights, and respect principles of the UN Charter. In Article 6, the EU Treaty states that the EU recognises the rights, freedoms, and principles set out in the *Charter of Fundamental Rights of the EU*, which have the same legal value as the Treaties. Finally, in Article 6 (3), the EU Treaty indicates that fundamental rights, as the ECHR guarantees, constitute general principles of the Union's law.

The TFEU in Article 67 specifies that the EU constitutes an area of freedom, security, and justice where fundamental rights are respected. The EU ensures the absence of internal border controls for persons and defines a common policy on asylum, immigration, and external border control, which is fair towards third-country nationals. In Article 78 (1), the TFEU indicates that, following the Refugee Convention and other relevant treaties, the EU develops a common policy on asylum, subsidiary protection, and temporary protection while ensuring

compliance with the principle of nonrefoulement. For this purpose, the EU institutions, among other things, adopt measures for a uniform status of asylum for nationals of third countries, define criteria and mechanisms for determining which Member State is responsible for considering an application for asylum or subsidiary protection, and establish standards concerning the conditions for the reception of applicants for asylum or subsidiary protection (Article 78 (1)).

The *Charter of Fundamental Rights of the European Union (2016),* which, as already mentioned above, has the same legal power as the EU Treaties, provides a list of rights to be protected under the Charter. The Charter defines general rights applicable to all people, including migrants, and specific rights exclusively dedicated to protecting people in migration. General rights include rights to the inviolability of human dignity (Article 1), prohibition of torture and inhuman or degrading treatment or punishment (Article 4), and respect for private and family life (Article 7). Specific rights applicable to people in migration are the right to asylum following the Refugee Convention (Article 18) and protection in the event of removal, expulsion or extradition. Article 19 states that collective expulsions are prohibited. A migrant cannot be returned to a State where there is a serious risk that they would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment. In cases where migration involves a child, in all proceedings related to him, the child's best interests must be a primary consideration (Article 24). Finally, Article 47 of the Charter foresees everyone's, including irregular migrants in secondary migration, right to an effective remedy and a fair trial. Everyone is entitled to a fair and public hearing by an independent and impartial tribunal within a reasonable time. Everyone must have access to a lawyer and legal representation. Those who lack sufficient resources must have access to legal aid.

To implement Article 67 of TFEU requirements to ensure the absence of internal border controls for persons in the EU area and beyond, the *Regulation (EU) 2016/399 (Schengen Borders Code)* was enacted. The Regulation provides for the absence of border control for persons migrating inside the EU and lays down rules governing border control for persons crossing the external EU borders (Article 1). Article 6 of the Code specifies entry conditions for third-country nationals. When applying this Regulation, Member States must comply with EU law, including the Charter of Fundamental Rights and International law (Article 4).

However, it should be noted that free movement in the Schengen area is not without limitations. Article 25 of the Code foresees Member States' right to reintroduce border control at all or specific parts of its internal borders when there is a serious threat to public policy or internal security in the State. The restrictions should be for a limited period and shall not exceed what is strictly necessary to respond to the serious threat. Such measures should only be reintroduced as a last resort.

The Schengen Borders Code does not have provisions dealing with secondary irregular migration issues. Therefore, countries deal with those issues on an *ad hoc* basis. To implement uniform practice in EU countries, the European Commission prepared a proposal to amend the Schengen Borders Code (European Commission, 2021), introducing a new transfer procedure to address unauthorised movements.

Proposed changes to Article 23 would allow police or other authorities in the Member State to perform checks, inquiries, or investigations regarding possible threats to public security or public policy in combating cross-border crime or irregular residence or staying linked to irregular migration. New Article 23a specifies what could be done when in the territory of the Member State, the irregular migrant in secondary migration is found, who has no right to stay on its territory. Following this Article, the responsible authorities of that Member State can decide to immediately transfer the person to the Member State from which the person arrived.

ISSN 2029-1701
ISSN 2335-2035 (Online)

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New Article 25 specifies when a Member State may exceptionally reintroduce border controls at all or specific parts of its internal borders. Following this Article, the internal border can be reinstated in a situation of large-scale unauthorised movements of third-country nationals between the Member States, which would risk the area's overall functioning without internal border control. Such a measure can be established only when it is necessary and proportionate, and it must be the last resort (European Commission, 2022).

A new Annex XII to the Schengen Borders Code defines the procedure for transferring irregular migrants apprehended at the internal borders. First, the State authorities must make a decision in a standard form stating the grounds for finding that a person has no right to stay. Such a decision has effect immediately. A copy of this decision must be given to the migrant. The migrant must have the right to appeal the decision. The appeals should be conducted under national law. The lodging of an appeal does not have a suspensive effect. The migrant must be transferred to the competent authorities of the neighbouring Member State within 24 hours.

The EU institutions also enacted several directives aiming to develop the EU common policy on asylum, subsidiary protection, and temporary protection while ensuring compliance with the principle of nonrefoulement, as foreseen in Article 78 (1) of the TFEU.

Directive 2011/95/EU specifies conditions for providing international protection, such as refugee status, subsidiary protection and the scope of the protection granted. The Directive foresees special conditions for children.

Directive 2013/32/EU provides common procedures for granting and withdrawing international protection. Among other things, the Directive provides in Article 33 that Member States may consider an application for international protection as inadmissible when another Member State has granted international protection, a non-EU country is considered as a first country of asylum for the applicant or non-EU country is considered as a safe third country for the applicant. However, it should be noted that applying the concept of a safe third country is in line with the spirit of the Refugee Convention only when asylum is not refused solely on the ground that it could be sought from another State (Executive Committee of the High Commissioner's Programme,1979, para. (h)(iv)). When a State is considering applying a "safe third country" concept, asylum seekers must have an opportunity within the procedure to be heard and have the possibility to rebut any presumption showing that the state is not safe, considering circumstances related to the applicant (UN High Commissioner for Refugees, 2016, p.2).

Directive 2008/115/EC (Return Directive) sets out common standards and procedures for Member States regarding the return of illegally staying third-country nationals, including protecting fundamental rights as general principles of Community law and international law (Article 1).

Member States can decide not to apply the Return Directive to migrants who are apprehended or intercepted in connection with the irregular crossing by land, sea, or air of that State's external border and who have not subsequently obtained an authorisation or a right to stay in that State (Article 2 (2)(a)). However, such irregular migrants do not remain without any guarantees. The Directive provides a list of basic safeguards for them as well. Such safeguards are required to ensure that their treatment and protection are on a certain level, limitations on the use of coercive measures, postponement of removal, emergency health care and considering needs of vulnerable persons, and suitable detention conditions. In addition, the state must respect the principle of non-refoulement (Article 4 (4)).

Finally, it should be noted that the current version of the Return Directive does not provide for states' cooperation under bilateral or tripartite readmission agreements concluded by states. However, such cooperation takes place in practice. To close this gap, the European

Commission initiated amendments to the Directive. The proposal to amend Directive 2008/115/EC allows Member States to revise existing or conclude new bilateral readmission agreements (Article 4) (European Commission, 2018).

Unlike already discussed areas on irregular migration where the state authorities make decisions unilaterally, considering the conditions set in the directives, the state responsible for examining the application of irregular migrants is determined based on Regulation (EU) No 604/2013 (Dublin III Regulation). In addition, the Regulation foresees safeguards for protecting the rights of irregular migrants in secondary migration.

According to Article 3 (1) of the Dublin III Regulations, one Member State can examine an irregular migrant's application for any international protection. The responsible Member state is determined considering criteria set in Article 7 of the Regulation. Article 7 (3) explains that any Member State, after receiving a request from a migrant for any form of international protection, must check whether there are no family members or relatives in any form of family relations of the applicant in another Member State. When another Member State does not have the migrant's family members, then the Member State whose external border the migrant crossed irregularly is responsible for examining the application for international protection (Article 13 (1)). The border crossing should be proved by circumstantial evidence.

When an irregular migrant flees to another Member State after crossing the EU external border in one Member State, the first state remains responsible for examination 12 months after the date on which the irregular border crossing occurred (Article 13 (1)). In addition, when the irregular migrant lived for a continuous period of at least five months in the Member State before lodging the application for international protection, that Member State is responsible for examining the application (Article 13 (2)).

When the above-mentioned criteria are not applicable or are no longer applicable, or where it is impossible to transfer the migrant to the Member State primarily designated as responsible because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the EU, the Member State which received the irregular migrant's application for any international protection is considered responsible for examining the application (Articles 3 and 13). However, it should be mentioned that by derogating from Article 3(1), any Member State may decide to examine an application for international protection when it receives it. In such a situation, this Member State becomes responsible for the examination of the application for international protection (Article 17 (1)).

Article 18 of the Dublin III Regulation foresees that when an irregular migrant is found in any Member State, he/she is transferred to the responsible Member State, and the responsible Member State cannot refuse to accept that migrant.

The Dublin III Regulation also foresees safeguards for protecting the rights of irregular migrants in performing their transfer to the responsible Member State.

The first safeguard is the right to information (Article 4). This right foresees that the Member State, after receiving the irregular migrant's application for any international protection, must provide information about the objectives of the Dublin III Regulation, the consequences of making another application in another Member State, and the consequences of leaving the country during the determination of responsible Member State or examination of his/her application; the criteria for determining the Member State responsible; the personal interview and the possibility of submitting information about family members staying in the Member States; the possibility to challenge a transfer decision and, where applicable, to apply

ISSN 2029-1701
ISSN 2335-2035 (Online)

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for a suspension of the transfer; and other. Information must be provided in writing in a language the applicant understands or is reasonably supposed to understand.

The second safeguard foreseen in Article 5 is the requirement to interview the applicant to determine the responsible Member State and understand the information supplied by the applicant. The interview must be conducted in a language that the applicant understands or is reasonably supposed to understand and in which he or she can communicate. Where necessary, Member States must provide an interpreter. The interview must be conducted under conditions of appropriate confidentiality. The written interview summary must be provided to the applicant and/or his or her legal advisor in a timely manner.

The third safeguard in Article 6 foresees special guarantees for children. Legal provisions require ensuring the child's best interests in all procedures related to the child. Qualified representation and/or assistance must be ensured for an unaccompanied child.

The fourth safeguard in Article 26 requires the applicant and/or his or her legal advisor to be notified about the decision to transfer the applicant to the responsible Member State.

The fifth safeguard in Article 27 requires ensuring conditions for the applicant to appeal the transfer decision before a court or tribunal. Member States must provide a reasonable period of time for the migrant to exercise his or her right effectively. The migrant must have access to an interim measure to suspend the transfer until the final decision is made. They also must have access to legal and, where necessary, linguistic assistance. If a person cannot afford a lawyer, the State must ensure access to legal aid.

Finally, the Regulation foresees requirements for accommodating irregular migrants waiting for return/transfer. Article 28 of the Regulation specifies that a person cannot be detained for the sole reason that he or she is subject to the return/transfer procedure. Member States may detain the person only when there is a significant risk of absconding, and this can be done only based on an individual assessment, and only when detention is proportional and other less coercive, alternative measures cannot be applied effectively. The detention must be as short as possible, which is required to organise the return/transfer.

Lithuanian Law

As mentioned above, to manage the migrant crisis, Lithuanian authorities declared a state-level extraordinary situation on 2 July 2021 due to a mass influx of migrants at the Lithuanian-Belarusian border (Government, 2021). Therefore, special legal regulation is in place during the state-level extraordinary situation. When the state-level extraordinary situation due to the mass inflow of foreigners is declared in Lithuania, Chapter X^2 of the Lithuanian Law on the Legal Status of Foreigners shall apply (Seimas, 2004).

Following Article 140^8 of the Law on the Legal Status of Foreigners, if an irregular migrant applies for asylum, the Migration Department decides within 48 hours of the submission of this application to admit the asylum seeker to Lithuania and accommodate him without restricting his right to move freely in the territory of Lithuania. However, when the Migration Department decides to examine the application for granting asylum in a speedy proceeding or decides not to examine the application, and there are no special circumstances related to the asylum seeker's age, state of health, marital status or other, then the state authorities can make a decision to temporarily accommodate the asylum seeker in a designated place without the right to move freely in the territory of Lithuania. The law also provides the right to appeal institutions' decisions regarding accommodation.

During the procedure for finding the responsible Member State for processing the asylum application, asylum seekers have the right to remain in the territory of Lithuania until they are transferred to the responsible Member State (Article 140^9).

Article 125 (3) of the Law specifies that a decision on the return of a foreigner to another country or an obligation to leave Lithuania may not be taken when, following the international agreement concluded by Lithuania on the return (readmission) of illegally staying persons, an EU member state accepts back an illegally staying foreigner. The agreement must have entered into force before 13 January 2009.

Finally, Article 144 of the Law specifies that when the provisions of the international treaties of the Republic of Lithuania are different from those in this Law, the provisions of the international treaties shall apply.

Readmission agreement with Latvia

On 30 June 1995, the Governments of Lithuania, Estonia, and Latvia signed an agreement *On the return of persons living illegally*. Following Article 3 (1) of the agreement, if a person who crossed Latvia's external border with Belarus is found on the territory of Lithuania, Latvia undertakes to accept this person without any formalities after proving or having reasonable grounds to believe that the returned person entered the territory of Lithuania from Latvia.

Following Article 5 of the agreement, Latvia must submit a response to Lithuania within 15 days of receiving Lithuania's request to return persons intercepted in Lithuania. If Latvia expresses its consent to return these persons, the return must take place within 30 days from the receipt of the request. At Lithuania's request, this deadline can be extended for as long as it takes to remove legal and practical obstacles. Under this procedure, Lithuania must request Latvia accept/return a person within one year of Lithuania determining the illegal presence of that person in its territory (Article 6).

It should be noted that this agreement is valid for an indefinite period (Article 12).

Lithuanian practice regarding irregular migrants to be returned to Latvia

In 2023, 1,193 irregular migrants who came to Lithuania from Latvia were detained in Lithuania. 937 arrived in Lithuania directly after crossing the Latvian border and 256 after submitting the request for asylum in Latvia. Most of these foreigners were transferred to Latvia under the readmission agreement (Lithuanian Red Cross, 2024, p. 29). The fact that Lithuania prefers to carry out the transfer of irregular migrants not following the Dublin III Regulation but under the signed readmission agreements is partially confirmed by the data of the Asylum Information Database AIDA. The data shows that in 2022, Lithuania had 2,119 incoming requests but only 70 outgoing requests (Asylum Information Database, 2024, p. 7).

No one, except state institutions, knows precisely where and how many such persons were/are in Lithuania. NGOs such as the Lithuanian Red Cross can communicate with asylum seekers only. They cannot access those waiting to transfer to Latvia under the Readmission agreement (Lithuanian Red Cross, 2024, pp. 6 and 30).

Those irregular migrants who were intercepted in Lithuania cannot apply for asylum. Legal acts allow such requests to be not registered. In particular, as already mentioned above, Article 144 of the Law on the Legal Status of Foreigners (Seimas, 2004) specifies that when the provisions of the international treaties of the Republic of Lithuania are different from those in this Law, the provisions of the international treaties shall apply. Article 125 (3) of the Law indicates that a decision on the return of a foreigner to another country may not be made when,

following the international agreement, an EU member state accepts back an irregular migrant in secondary migration. Under the Readmission agreement with Latvia, Latvia must accept irregular migrants from Latvia in secondary migration without any formalities. In such a way, neither the request for asylum must be registered in Lithuania nor a decision regarding the transfer to Latvia must be made.

The Lithuanian Red Cross, in the Monitoring Report 2023, has indicated that information about the number of such irregular migrants is not publicly available. Information on whether these people apply for asylum and whether their requests are responded to is not collected. It is unknown whether the obligation to explain the asylum application procedure was followed in cases where there are indications that a migrant may wish to apply for asylum (Lithuanian Red Cross, 2024, p. 30).

The Lithuanian Red Cross also indicated that legal aid was not provided to these irregular migrants, and they were not guaranteed access to a lawyer. No one had access to such irregular migrants (or information about them). They were often detained incommunicado based on administrative decisions until handed over to Latvian border guards. As already mentioned, volunteers of NGOs such as the Lithuanian Red Cross were not allowed to contact these migrants; they could monitor living conditions and communicate with asylum seekers only (Lithuanian Red Cross, 2024, p. 30).

The requirements for conditions and procedures in organising transfer to Latvia under the Readmission agreement are unknown. If such regulation exists, it is not publicly available. It should be noted that most of the Orders of the Commander of the State Border Guard Service regarding standard operational protocols related to irregular migration are confidential. No one can access them; therefore, no one can evaluate whether regulation facilitates the protection of the fundamental rights of irregular migrants in secondary migration.

When discussing an accommodation issue, it should be said that migrants were usually accommodated at the State Border Guard Service's border checkpoints. They could not communicate with border guards in understood languages, and their vulnerability was not assessed (Lithuanian Red Cross, 2024, p. 32).

In Monitoring Report 2023, Lithuanian Red Cross observers identified cases where persons were kept in living conditions that did not satisfy at least the minimum personal needs. For example, irregular migrants discovered after a car accident were *de facto* detained and spent nine days in the container house located at the Padvarionis border checkpoint. For nine days, migrants could not brush their teeth or take a shower because they were not given essential hygiene items and were not allowed to use a shower. Only the portable toilet and sink were available. The State Board Guard Service officer explained that they "do not have information about the expressed desire of foreigners to take a bath", so access to the shower was not granted. In that situation, people also could not contact their loved ones for at least nine days after the car accident because they could not use their phones. The comment of the State Board Guard Service officer was similar: "State Board Guard Service has no information about the expressed desire of foreigners to contact their relatives" (Lithuanian Red Cross, 2024, p. 32).

The Lithuanian Ombudsperson for Child's Rights considerably analysed the issue regarding children in secondary migration. *In the Report on the Initiative of the Investigation of the Ombudsperson for Child's Rights on Ensuring the Rights and Legitimate Interests of Unaccompanied Foreign Children Passing Through Lithuania from Another European Union Country* (Ombudsperson for Child's Rights, 2023), on 8 August 2023 the Ombudsperson for Child's Rights indicated problems with the situation when the officers of the State Border Guard Service, after detaining unaccompanied children who came to Lithuania from Latvia, which they entered after crossing the Belarus-Latvia border, did not inform the Child Rights Protection

and Adoption Service about the arrival of these children or informed them about the children but refused to hand over the children to the service's employees or do not transfer them to the children's accommodation place designated by the Child Rights Protection and Adoption Service. These children immediately or after being detained for 1-2 days at the border checkpoint of the State Border Guard Service were handed over to Latvian officials without any inspection, following the Readmission Agreement. The State Border Guard Service officers mainly did not register or interview children. Accordingly, children's identity, legal status or family ties were not established, and they were not introduced to their rights. When children were transferred to Latvia based on the Readmission Agreement, the State Border Guard Service did not determine their legal status in Lithuania; therefore, the State Border Guard Service did not have statistical data about the number of children transferred to Latvia. The Ombudsperson for Child's Rights of Lithuania found that such a situation violated the child's rights.

When the Ombudsman started the investigation, only on 9 June 2023 did the State Border Guard Service and the Service agree that the State Border Guard Service will inform the Service about unaccompanied children who stay in Lithuania for more than one day. However, the Ombudsperson for Child's Rights stated that such an agreement is unacceptable, as the State Border Guard Service must notify about an unaccompanied child immediately. The Ombudsperson for Child's Rights of Lithuania also found other violations: Border guards at the Border checkpoints did not always allow unaccompanied children to meet representatives of NGOs or international organisations; It could not be determined whether the children were getting the help they needed (for example, on whether the unaccompanied children from Cameroon, one of whom may have experienced sexual abuse and was expecting a baby, were given the necessary help) and other.

The Ombudsperson for Child's Rights proposed that the Ministry of the Interior, the State Border Guard Service and the State Child Rights Protection and Adoption Service take measures to eliminate identified work deficiencies.

After this decision, the situation regarding unaccompanied children in secondary migration has improved significantly. Statistical data shows that the number of registered unaccompanied children in irregular migration increased more than threefold. From 1 January 2023 to 31 August 2023, 7 unaccompanied children were registered, whereas from 31 August 2023 to 31 December 2023, 21 unaccompanied children were registered. (Child Rights Protection and Adoption Service, 2024).

The decision in the *Supreme Administrative Court Case No. eAS-78-442/2024*, adopted on 31 January 2024, shows that the State Border Guard Service transfers migrants to Latvia, even in cases where the court establishes temporary protection measures, i.e. suspends the execution of the decision to transfer migrants to Latvia.

In this case, two migrants appealed to the court, asking for the annulment of the Migration Department decisions dated 24 November 2023, in which it was decided to hand them over to Latvia following the Dublin III Regulation. The Vilnius District Administrative Court applied temporary protection measures, i.e. suspended the execution of the decisions. The Migration Department appealed the temporary protection measures to the Supreme Administrative Court. Without waiting for the Supreme Administrative Court to decide on this issue, the transfer of the migrants to Latvia was finished on 18 December 2023. On 31 January 2024, the Supreme Administrative Court confirmed that the temporary protection measures applied by the Vilnius District Administrative Court were correct and must be enforced. However, since the migrants have already been handed over to Latvia, the court-ordered temporary protection measures could not be implemented.

Such a situation clearly shows that the fundamental rights of these persons are not ensured. Urgent implementation of new measures should be at national and EU levels.

Conclusions

Migrants who irregularly cross the EU border in Latvia use Lithuania as a transit country to reach other EU states are considered irregular migrants in secondary migration from Latvia. Irregular migrants are persons who move to a new residence or transit outside the regulatory norms of the sending, transit, and receiving countries. Such migrants should be called irregular migrants instead of illegal migrants. In Lithuania, the number of irregular migrants from Latvia is increasing due to the Lithuanian collective "push-back" policy and the established physical barriers at the Lithuanian-Belarusian border.

Safeguards for human rights protection of irregular migrants in secondary migration are defined at various levels: International, regional, EU and national. Safeguards established at various levels, starting with generally protected values foreseen in international and regional conventions and ending with the regulation of specific actions defined by EU regulations and directives, complement each other, forming a multifaceted protection of irregular migrants, including irregular migrants in secondary migration from Latvia.

The EU legal framework shows that the transfer of an irregular migrant to Lavia can be carried out under the Dublin III Regulation or the Readmission Agreement concluded with Latvia. Lithuanian practice shows that Lithuania prefers the Readmission Agreement to be followed in organising the transfer of irregular migrants to Latvia. Under the Readmission Agreement, Latvia has to accept irregular migrants without any formalities. In such a way, when the State is in a state-level extraordinary situation due to the mass influx of foreigners, Lithuania performing irregular migrant transfers to Latvia under the Readmission Agreement does not have to ensure access to safeguards established by EU law. Practice shows that sufficient protection of human rights is not ensured. Such a position is clearly inconsistent with Lithuania's obligations as an EU Member State. Such practices that do not protect human rights as defined in EU and International law should be abandoned. Urgent new measures are required at national and EU levels.

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Anotacija. *Ikiteisminio tyrimo įstaigų ir kitų valstybės institucijų pareigūnai bei tarnautojai nuolat susiduria su įvairaus pobūdžio iššūkiais tiek užkardant teisės pažeidimus įskaitant nusikalstamas veikas, tiek jas tiriant, tiek vykstant institucijos reorganizacijai. Visi paminėti iššūkiai sukelia didesnes ar mažesnes diskusijas tiek instituciniu, tiek tarpinstituciniu lygmeniu, ir gana dažnai įtraukia visuomenę į planuojamus pokyčius saugumo srityje.*

Sutinkamai su Maslow poreikių hierarchija, kuri yra psichologijos idėja pasiūlyta amerikiečių psichologo Abrahamo Maslow 1943 m. straipsnyje „Žmogaus motyvacijos teorija" žurnale „Psychological Review", saugumo poreikis yra vienas iš esminių žmogaus poreikių hierarchijoje. Tai ir paaiškina kylančias aštrias diskusijas apie numatomas reformas viename ar kitame valstybės kontroliuojamame sektoriuje, valstybinėje institucijoje. Taigi, iškeliant klausimą reformuoti ar nereformuoti instituciją, sietiną su visuomenės saugumu, būtina išsami diskusija įtraukiant ir reformuojamos institucijos personalą. Vienoje situacijoje tas pats veiksnys, pvz., geopolitinė situacija regione gali minimaliai įtakoti saugumo poreikį, kitoje situacijoje tas pats veiksnys gali ženkliai įtakoti visuomenės didesnį saugumo jausmo poreikį.

*Taigi, klausimo suformulavimas, **reformuoti, negalima sustoti ar reformuoti negalima, sustoti**, tampa labai aktualus. Atsakyti į šį klausimą vienareikšmiškai tampa labai sudėtinga, o pateikto klausimo plotmėje net padėto skyrybos ženklo vieta gali nulemti atsakymą, ir, žinoma, pakoreguoti planuojamų veiksmų seką siekiant užsibrėžto tikslo.*

Šio tyrimo objektas - Viešojo saugumo tarnybos prie Lietuvos Respublikos vidaus reikalų ministerijos reorganizacija. Siekiami viešojo saugumo tarnybos reorganizavimo tikslai yra šie: a) užtikrinti nacionalinį saugumą, b) optimizuoti viešojo saugumo tarnybos ir Lietuvos policijos atliekamas funkcijas; c) efektyvinti institucijos struktūrinių padalinių valdymą ir jų tarpusavio komunikavimą, sprendžiant iškeltus uždavinius; d) racionaliau naudoti institucijoms skirtus materialinius, finansinius ir žmogiškuosius išteklius.

Įstatymo leidėjo, vidaus reikalų ministerijos vadovybės pareikštos nuostatos dėl viešojo saugumo tarnybos reorganizavimo sukėlė daug diskusijų įvairiuose visuomenės sluoksniuose. Tai ir tapo paskata šio tyrimo autoriui atlikti numatomos reorganizacijos analizę geopolitiniu, tarptautinės humanitarinės teisės ir konstitucinės jurisprudencijos aspektais.

Pagrindinės sąvokos: *valstybinės institucijos, reorganizavimas, saugumo poreikis, valstybės tarnautojai.*

Įvadas

Kiekvieno žmogaus gyvybė reikalauja besąlygiškos pagarbos. Žmogaus gyvybės ir sveikatos apsauga akcentuojama daugelio pasaulio šalių pagrindiniame įstatyme – Konstitucijoje. Tam tikslui pasiekti yra sukuriamos institucijos, kurių pagrindinis uždavinys yra ginti, saugoti ir padėti. Pvz., policija, nacionalinė gvardija, karabinierių pajėgos. Siekiant kilnaus tikslo – gerinti visuomenės saugumą, atliekamos institucinės reorganizacijos, kurių metu sukuriama arba patobulinama jau veikiant organizacinė struktūra.

Šio mokslinio tyrimo naujumas yra tas, kad teisėsaugos institucijos reorganizavimas geopolitiniu, tarptautinės teisės aspektais nebuvo nagrinėtas Lietuvoje išskyrus policijos reformos klausimai organizaciniu aspektu buvo analizuoti Ž. Navickienės, E. Šilerio, šio tyrimo autoriaus mokslinėse publikacijose. Atliekant tyrimą, šio tyrimo autorius siekė išanalizuoti

esamą geopolitinę situaciją nacionalinio saugumo plotmėje, įvertinti numatomą reorganizavimą tarptautinės humanitarinės teisės ir konstitucinės jurisprudencijos aspektais, atlikti planuojamos reorganizuoti institucijos funkcijų lyginamąjį tyrimą su policijai pavestomis vykdyti funkcijomis.

Tyrimo tikslas - dabartinės geopolitinės situacijos poveikis ir tarptautinės humanitarinės teisės nuostatos reorganizuojant viešojo saugumo tarnybą prie Lietuvos Respublikos vidaus reikalų ministerijos.

Tyrimo objektas – Viešojo saugumo tarnybos (toliau - tarnyba) veiklos modelio pakeitimo (reorganizacijos) poveikis Lietuvos Respublikos nacionaliniam saugumui, tarnybos darbuotojams.

Tyrime sprendžiami uždaviniai:

➢ išanalizuoti tarnybos reorganizavimą geopolitiniu aspektu;

➢ išanalizuoti tarnybos reorganizavimą tarptautinės humanitarinės teisės ir konstitucinės jurisprudencijos kontekstuose;

➢ išanalizuoti geopolitinio veiksnio svarbą reorganizuojant valstybinę instituciją, kuri yra nacionalinio saugumo struktūrų sudėtinis elementas;

➢ palyginti viešojo saugumo tarnybos ir policijos vykdomas funkcijas;

Darbe buvo naudojami kokybiniai ir kiekybiniai tyrimo metodai: dokumentų analizės, lyginamasis, abstrakcijos, loginis ir kiti tyrimo metodai.

Experience is the teacher of all things

Julius Caesar

Lietuvos Respublikos Konstitucijos, priimtos Lietuvos Respublikos piliečių 1992 m. spalio 25 d. referendume, Preambulėje yra *įtvirtintas siekis atviros, teisingos, darnios pilietinės visuomenės ir teisinės valstybės.* Prieš pradedant institucijos reorganizaciją civilinio saugumo sektoriuje privalu išsamiai išanalizuoti visus **_pros_** ir **_cons_,** sietinus su numatomais pokyčiais, tam tikslui pasitelkiant stiprybių, silpnybių, galimybių ir grėsmių (toliau - SSGG, angl. SWOT) analizę (strateginio planavimo technika), kuria yra siekiama identifikuoti institucijos stiprybes, silpnybes, galimybes bei grėsmes. *Scenario based modeling* technika kaip kompasas gali padėti suvokti kaip institucija veiks po reorganizacijos ar restruktūrizacijos.

„*Pradedant reorganizaciją civiliniame saugumo sektoriuje, būtina pradėti nuo klaidų analizės, kurios buvo padarytos anksčiau vykdant institucijų reorganizacijas. Pirmiausiai, būtina atkreipti dėmesį apie valstybės pareigūnų, tarnautojų, visuomenės, įstatymų leidėjų ir politikų informatumą apie būsimos reorganizacijos esmę ir detales svarbą. Kiekvienas žmogus žinią apie pokyčius savo gyvenime sutinka skirtingai. Nesant aiškaus būsimų permainų institucijų sistemoje vaizdo, susidaro palanki dirva įvairių gandų, spėlionių ir netikrų naujienų apie būsimas permainas sklaidai. Kai kurie valstybinės institucijos vadovai nenori prarasti savo komforto zonos, pareigų ir įgaliojimų, kuriais naudojosi daugelį metų. Jie gali įpilti dar daugiau alyvos į nepasitenkinimo būsimomis reformomis ugnį įvairiais būdais - nuo informacijos apie planuojamą reorganizaciją detales slėpimo ar kitokio jos esmės interpretavimo iki klaidingų pranešimų politikams, kad šie sustabdytų reorganizacijas ar ją pakoreguotų. Kai kurie politikai, visuomeniniai judėjimai, atskiros visuomenės grupės dėl skirtingų interesų gali pasinaudoti šiuo netikrumu savo siauriems tikslams siekti.*

Apibendrinant galima teigti, kad prieš pradedant civilinio saugumo sektoriaus institucijos reorganizavimą, jos rėmėjai (asmenys, atsakingi už reorganizacijos kontūrų kūrimą) turi pradėti informacines kampanijas, kurių tikslas - paprastais žodžiais perduoti tikslinei auditorijai žinią apie planuojamus pokyčius. Kiekviena reorganizacija yra iššūkis ne

tik jos iniciatoriui ar iniciatoriams, bet ir žmogui, tiesiogiai ar netiesiogiai susijusiam su sritimi, kuri bus keičiama, koreguojama. Kiekvienas žmogus yra didžiausia vertybė ir kartu labiausiai pažeidžiama būsimo tobulinimo dalis. Tai daro didžiulį spaudimą Homo Sapiens psichinei sveikatai, pradedant baime būti atleistam iš darbo, pareigų arba prarasti užimamas pareigas, netikrumu, galimos komforto zonos pabaiga, baigiant nepasitikėjimu savimi, ypač jei reikės įgyti naujų įgūdžių ir žinių. Taigi, gyvybiškai svarbus kiekvienos reorganizacijos elementas yra žmogaus mąstysenos koregavimas, įtraukiant jį į reorganizacijos procesą nuo pat pradžių, suteikiant pakankamai laiko prisitaikyti prie gyvenimo naujovių (Bučiūnas, G., *Administrative and Criminal Justice*, 2022, p. 8-9).

Geopolitinė situacija

Lietuvos Respublikos Nacionalinio saugumo strategijos (toliau – strategija) nauja redakcija įsigaliojusį nuo 2021-12-22, paskelbta TAR 2021-12-21, III sk. 14 p. nurodo, kad "*didžiausia grėsmė Lietuvos Respublikos nacionaliniam saugumui ir nacionalinių interesų užtikrinimui kyla iš augančio Rusijos Federacijos valdžios autoritarizmo, agresyvumo ir imperialistinių ambicijų įgyvendinimo karinėmis ir kitomis, nekonvencinėmis hibridinėmis priemonėmis.*" 16 p. nurodoma, kad „*Autoritarinio Baltarusijos Respublikos politinio režimo priešiškumas ir vykdomos provokacijos prieš Lietuvos Respubliką bei kitas demokratines valstybes didina nenuspėjamumą ir kelia naujų saugumo grėsmių. Auganti Rusijos Federacijos įtaka Baltarusijos Respublikai, politinės, ekonominės ir karinės abiejų valstybių integracijos stiprinimas neigiamai veikia Lietuvos Respublikos ir viso regiono saugumo aplinką.*" Strategijos IV sk. 34.4 p. akcentuojama būtinybė *užtikrinti ypatingos svarbos infrastruktūros saugumą, stiprinti ginkluotąsias pajėgas sudarančių institucijų parengtumą veikti su Lietuvos kariuomene, aprūpinant NATO standartus atitinkančia ginkluote, amunicija ir ekipuote.*"

Lietuvos Respublikos Valstybės saugumo departamento ir Antrojo operatyvinių tarnybų departamento prie Krašto apsaugos ministerijos grėsmių nacionaliniam saugumui vertinime pateikiamos svarbiausios artimoje perspektyvoje (2023–2024 m.) Lietuvos nacionaliniam saugumui galinčios kilti grėsmės ir rizikos veiksniai, ir pateikiamas ilgalaikių tendencijų vertinimas, apžvelgiant iki 10 metų perspektyvą. Šiame vertinime pabrėžiama, kad *didžiausią grėsmę Lietuvai kelia uždara, agresyvi ir dialogo galimybes neigianti Rusija, nes ją vis mažiau varžo ne tik tarptautinės normos, bet ir tarptautinė opinija, Rusijos Federacijos vykdomas agresyvus karas Ukrainoje. Beprecedentis Baltarusijos jėgos demonstravimas, siekiant pagrįsti tariamą Vakarų grėsmę, Rusijos rėmimas kare prieš Ukrainą ir A. Lukašenkos pasiryžimas bet kokia kaina išlikti valdžioje kelia riziką Lietuvos saugumui. Rusija savo tikslams pasiekti pasitelkia prokremliškų pažiūrų asmenis Lietuvoj*e.

Bučiūno G., (2023) teigimu, *Baltarusija yra labai svarbi Rusijos Federacijai strateginiu požiūriu. Rusijos anklavą – Kaliningrado sritį skiria tik 120 kilometrų nuo Baltarusijos Respublikos. Suvalkų koridorius karo ekspertų laikomas Šiaurės Atlanto sutarties organizacijos Achilo kulnu. Geografinis reljefas ir greičiausiai tebevykstanti kontrabanda iš Baltarusijos į Lietuvą gali būti panaudota Rusijos Federacijos specialiųjų tarnybų operacijoms prieš Lietuvos Respubliką vykdymui. Taip pat migracijos procesai A. Lukašenkos režimo jau buvo panaudoti prieš Lenkiją, Lietuvą ir Latviją, kaip „minkštosios galios" ginklas". Niekas negali paneigti, kad ateityje toks ginklas nebus vėl ištrauktas į dienos šviesą. Rusijos Federacijos papildomų karinių pajėgumų dislokavimas Baltarusijoje didina konfliktinių situacijų atsiradimą* (*Journal of advanced security research „Security spectrum"*, p. 140-170).

Tarnybos vykdomų funkcijų dalis vienaip ar kitaip yra susijusios su nacionaliniu saugumu. Pvz., Lietuvos Respublikos viešojo saugumo tarnybos (toliau – viešojo saugumo tarnybos) įstatymo 7 str. skelbia, kad *tarnyba, įgyvendindama jai pavestus uždavinius:*
....2) ypatingųjų ir ekstremaliųjų situacijų atvejais užkerta kelią veiksmams, keliantiems pavojų žmonių gyvybei ar sveikatai, turtui, gamtai arba šiurkščiai pažeidžiantiems viešąją tvarką...
*7) **saugo svarbius valstybės objektus pagal Vyriausybės patvirtintą sąrašą**...*
*9) **ginkluotųjų pajėgų sudėtyje gina valstybę karo metu**.*

Tarnybos strateginis tikslas – operatyviai atkurti viešąją tvarką ekstremalių bei ypatingų situacijų metu ir užtikrinti tinkamą svarbių valstybės objektų, ir konvojuojamųjų asmenų apsaugą.

Viešojo saugumo tarnybos įstatymo 3 str. nurodoma, kad „*Tarnyba – Lietuvos Respublikos vidaus reikalų ministrui atskaitinga **nuolatinės specialiosios parengties valstybės įstaiga**, kurios paskirtis – atkurti ir (ar) užtikrinti viešąją tvarką ypatingų ir ekstremaliųjų situacijų atvejais, **o karo metu ginkluotųjų pajėgų sudėtyje ginti valstybę**, taip pat atlikti kitas šio ir kitų įstatymų nustatytas funkcijas.*" Tai leidžia daryti išvadą, kad tarnyba, būdama viena iš Lietuvos Respublikos nacionalinį saugumą užtikrinančių subjektų, prisideda prie nacionalinio saugumo strategijos realizavimo, tame tarpe ir Vidaus reikalų ministrui pavestų valdymo sričių 2022-2024 metų strateginio veiklos plano priemonių įgyvendinimo, o **karo metu tampa Lietuvos Respublikos ginkluotųjų pajėgų struktūriniu vienetu.**

Taigi, Lietuvos Respublikos ginkluotąsias pajėgas sudaro ne tik kariuomenė, Valstybės sienos apsaugos tarnyba, Vadovybės apsaugos tarnyba, Antrasis operatyvinių tarnybų departamentas, koviniai Lietuvos Šaulių sąjungos būriai, bet ir **Viešojo saugumo tarnyba**. Karo padėties metu minėtos tarnybos ir organizacijos tampa pavaldžios ir atskaitingos ginkluotųjų pajėgų vadui bei vykdo valstybės ginkluotos gynybos ir ginkluotųjų pajėgų mobilizacijos planuose numatytas užduotis, glaudžiai sąveikaudamos su Lietuvos kariuomene ir sąjungininkų pajėgomis, taip pat vykdo ir savo specifines užduotis.

Lietuvos Respublikos Nacionalinio saugumo pagrindų įstatyme nurodoma, kad karinei valstybės gynybai naudojamos visos ginkluotosios pajėgos. Jos privalo būti parengtos greitam reagavimui ir persigrupavimui, gerai sąveikai tarpusavyje ir su NATO sąjungininkų pajėgomis. Tarnyba modernizavo individualia ginkluote ir ekipuote, pereidama prie NATO standartų. Pvz., Tarnybos ginkluotė pritaikyta 5.56x45 mm kalibro šoviniui. Tarnyba įgijo specialiosios paskirties šarvuočius, suformavo naują operatyvaus reagavimo kontratakos būrį ir aktyviai dalyvauja mokymuose, pratybose, kurių metu yra glaudžiai sąveikaujama su kitais ginkluotųjų pajėgų vienetais, kitomis institucijomis. Pvz., Priešgaisrinės saugos ir gelbėjimo departamento struktūriniais vienetais. Atkreiptinas dėmesys į tai, kad sutinkamai su Viešojo saugumo tarnybos įstatymo 8 str. 3 d. ...*Tarnybos padaliniai turi būti dislokuoti taip, kad būtų užtikrintas Tarnybos pareigūnų atvykimas į ypatingos ar ekstremaliosios situacijos vietą ne vėliau kaip per **2 valandas nuo vidaus reikalų ministro įsakymo** dėl Tarnybos pareigūnų panaudojimo ypatingai ar ekstremaliajai situacijai likviduoti priėmimo momento.*" Taigi, kaip matome, ši institucija yra pasirengusi operatyviai reaguoti į iškilusias grėsmes.

Tarptautinė humanitarinė teisė

Esant karo padėčiai, tarnybos veikla patenka į tarptautinės humanitarinės teisės reguliavimo sferą, o būtent į Ženevos Konvencijos ir jos papildomais protokolais, taip pat kitų Lietuvos Respublikos pasirašytų ir ratifikuotų tarptautines teisės aktų reglamentuojamus santykius. Sutinkamai su 1949 m. rugpjūčio 12 d. Ženevos Konvencijos sudaryto 1977 m. birželio 8 d. I papildomo protokolo dėl tarptautinių ginkluotų konfliktų aukų apsaugos 43 str. 3

d. nuostatas, šaliai leidžiama įtraukti t**ik paramilitarinę ar ginkluotą teisėsaugos organizaciją į savo ginkluotąsias pajėgas.**

1977 m. birželio 8 d. Ženevos Konvencijos I ir II papildomų protokolų komentare, parengtame 1987 m. Claude Pilloud, Jean De Preux, Yves Sandoz, Bruno Zimmermann, Philippe Eberlin, Hans-Peter Gasser, Claude F. Wenger ir kt. yra pateikiamas sąvokos „**policijos pajėgos**" reikšmės paaiškinimas. Tai apima tiek uniformuotus policijos padalinius, tiek policininkus su paprastais/kasdieniniais (neunifomuotais) drabužiais (angl. *which can cover uniformed units as well as plain clothes policemen*). Sąvoka „**policijos pajėgos**" buvo keistina į terminus „**sukarinta organizacija/sukarintos pajėgos/paramilitarinė organizacija**", „**ginkluota teisėsaugos institucija**". Tai buvo padaryta atsižvelgiant į daugelio valstybių vidaus institucijų organizavimo skirtumus. Taip pat komentare nurodoma, kad „*jei valstybė turi įstatymą, numatantį automatinį policijos pajėgų įtraukimą į savo ginkluotąsias pajėgas karo metu, pranešimo reikalavimas gali būti įvykdytas, pranešant visoms Protokolo Šalims per depozitarą*".

Pagrindiniai reikalavimai institucijos statuso pasikeitimui ginkluoto konflikto metu yra šie:

a) *valstybės teisinis reguliavimas turi atitikti tokio vieneto/institucijos inkorporavimą į ginkluotąsias pajėgas;*

b) *apie tai pranešama konflikto šaliai.*"

Taigi, teisėsaugos institucijos, prie kurių priskirtina policija, gali būti priskirta prie šalies ginkluotųjų pajėgų, jei apie tai buvo pranešta priešiškai nusiteikusiai Šaliai (konflikto šaliai). Kitą vertus, esant karo padėčiai, klausimas nėra visiškai aiškus, kaip ir kokiu būdu apie tai bus informuojama kita konflikto šalis, ypač jei viena šalis staigiai užpuola kitą valstybę.

Viešojo saugumo tarnybos prijungimas prie Lietuvos policijos, o karo atveju šios tarnybos automatinis tapimas Lietuvos Respublikos ginkluotųjų pajėgų struktūriniu padaliniu sukels didesnę riziką policijos įstaigoms įsikūrusiomis visose šalies savivaldybės centruose tarp civilinių pastatų, tankiai gyvenamuosiuose rajonuose, tapti kariniu taikiniu. Juk ir dabar tarnybos struktūriniai padaliniai yra išdėstyti ne vienoje Lietuvos Respublikos vietovėje.

Esant įtemptai geopolitinei situacijai, Rusijos Federacijai tęsiant agresyvų karą Ukrainoje, Rusijos Federacijos oficialių pareigūnų vieši pareiškimai apie koridoriaus į Kaliningrado anklavą formavimą per Lietuvos Respublikos teritoriją karinėmis priemonėmis, turėtų būti atsakingai išanalizuojami ir apsvarstomi visi *prieš* ir *už* argumentai, prieš priimant galutinį sprendimą dėl tarnybos jungimo prie Lietuvos policijos.

Šio vertinimo plotmėje kyla klausimas, ar Lietuvos Policija pagal nacionalinę teisę laikytina paramilitarine (sukarinta), ginkluota teisėsaugos organizacija? Aiškus atsakymas pateikiamas Lietuvos Respublikos policijos įstatymo 5 str., kuriame nurodyti policijos uždaviniai, tarp kurių šalies gynimas nėra įtrauktas. 1949 m. rugpjūčio 12 d. Ženevos Konvencijos I Papildomo protokolo dėl tarptautinių ginkluotų konfliktų aukų apsaugos, sudaryto 1977 m. birželio 8 d., 60 str. 4 d. leidžia demilitarizuotoje zonoje (kurioje draudžiama atlikti karo veiksmus) būti policijos pajėgoms viešosios tvarkos palaikymui. I papildomo protokolo 61 str. a) ir d.) XI p. nustato tipinę policijos funkciją – viešosios tvarkos atkūrimas ir palaikymas, o pagal I papildomo protokolo 61 str. b) ir d.) p. policija yra priskiriama civilinei gynybos organizacijai.

Vadinasi, policijos pajėgos pagal Ženevos Konvencijos I papildomą protokolą yra priskiriamos atlikti tvarkos palaikymo ir įstatymų saugojimo funkcijas, kurias vykdant policijos pajėgoms yra draudžiama atlikti karines pareigas, tiesiogiai dalyvauti karo veiksmuose (I papildomo protokolo 67 str. 1 d. b), e) punktai). Be to, I papildomo protokolo *travaux préparatoires* medžiagoje atskleidžiama tikroji I papildomo protokolo prasmė, nurodant, kad,

formuluojant I papildomo protokolo 43 str. 3 d. nuostatas, buvo išreikšti nuogąstavimai, jog priskiriant policiją prie ginkluotųjų pajėgų būtų susiduriama su dviejų pagal savo esmę nesuderinamų funkcijų (t. y. įstatymų saugojimo funkcijos ir kombatanto funkcijos) koncentravimo vienoje institucijoje (policijoje) problema.

Jau minėtame papildomų protokolų komentare, parengtame 1987 m., pateikiamas išaiškinamas, kad viešosios tvarkos palaikymo užduoties vykdymas neabejotinai priklauso policijos kompetencijai. Komentaras paaiškina termino "**civilinės saugos organizacija**" reikšmę, nurodydamas, kad *„Civilines saugos organizacijos statusas yra suteikiamas pagal vykdomas funkcijas, o ne pagal narystę organizacijoje."*

Taigi, jungiant tarnyba prie Lietuvos policijos, viešosios tvarkos palaikymas demilitarizuotose zonose taptų labiau komplikuotas.

Europos Tarybos Parlamentinės Asamblėjos Rezoliucijos Nr. 690 (1979) „**Dėl deklaracijos apie policiją**" priedo C sk. „**Karas ir kitos nepaprastosios situacijos – užsienio valstybės okupacija**" 1 p. numato, kad *„karo atveju policijos pareigūnas privalo tęsti asmenų ir turto apsaugos funkcijų vykdymą, užtikrindamas civilių gyventojų interesus, policijos pareigūnas negali turėti kombatanto statuso ir jo atžvilgiu netaikomos 1949 m. rugpjūčio 12 d. Ženevos Konvencijos dėl elgesio su karo belaisviais nuostatos."* O jau minėtos rezoliucijos priedo C sk. 2 p. nurodo, kad „*Civilinei policijai taikomos 1949 m. rugpjūčio 12 d. Ketvirtosios Ženevos Konvencijos nuostatos dėl civilių asmenų apsaugos karo metu."*

Atlikus Lietuvos Respublikos Policijos įstatymo sisteminę analizę matyti, kad policija nelaikytina nei sukarinta, nei ginkluota teisėsaugos organizacija. Pagal Ženevos Konvencijos ir jos papildomus protokolus **policijos pajėgos atlieka viešosios tvarkos palaikymo ir įstatymų saugojimo funkcijas, ir karo veiksmuose nedalyvauja**. Atkreiptinas dėmesys, kad Lietuvos Respublikos Seimui siūlomu Policijos įstatymo keitimo projektu nesiūloma keisti ir papildyti šio įstatymo 5 str. nauju uždaviniu policijai – *ginti valstybę karo atveju*.

Tuo tarpu tarnyba karo metu vykdys valstybės ginkluotos gynybos ir ginkluotųjų pajėgų mobilizacijos planuose numatytas užduotis. Reorganizacijos metu, jungiant tarnyba prie policijos, ji taptų policijos sudėtine dalimi. Tada iškils funkcijų persipynimas ir dubliavimas, kuomet tos pačios institucijos struktūriniai vienetai vykdys užduotis kaip ginkluotųjų pajėgų sudėtinė dalis ir kaip policijos struktūriniai vienetai atsakingi tik už viešosios tvarkos palaikymą karo metu, o tai galimai prieštarautų Ženevos Konvencijai ir jos papildomiems protokolams.

Tarptautinio baudžiamojo teismo Romos Statute, priimtame 1998 m. liepos 17 d., 8 str. 2 d. pateikiamas veikų sąrašas, kurios laikytinos karo nusikaltimais. Pvz., a) *Sunkūs 1949 m. rugpjūčio 12 d. Ženevos konvencijų pažeidimai...b) Kiti rimti, tarptautinės teisės nustatytų tarptautinių ginkluotų konfliktų įstatymų ir papročių pažeidimai, būtent šios veikos: ....ii) civilinių objektų, t .y. ne karinių objektų tyčinis užpuldinėjimas.* Šiuo atveju kyla didesnė rizika, kad policijos struktūrinis vienetas – viešojo saugumo tarnyba gali tapti taikiniu karo metu, ir tuo pačiu padidėtų rizika tapti kariniu taikiniu tiems policijos struktūriniams vienetams, kurie netiesiogiai yra susiję su tarnyba, kaip policijos struktūriniu vienetu.

Nacionalinė teisė ir Lietuvos Respublikos Konstitucinio Teismo jurisprudencija

Atliekant reorganizaciją, privalu atsižvelgti į Lietuvos Respublikos Konstitucinio Teismo ne kartą minėtus teisinės valstybės principo elementus: **teisėtų lūkesčių apsauga, teisinis tikrumas ir teisinis saugumas**. *Konstituciniai teisėtų lūkesčių apsaugos, teisinio tikrumo ir teisinio saugumo principai suponuoja valstybės pareigą užtikrinti teisinio reguliavimo tikrumą ir stabilumą, apsaugoti asmenų teises, gerbti teisėtus interesus ir teisėtus lūkesčius. Šie principai inter alia suponuoja tai, kad valstybė privalo vykdyti prisiimtus įsipareigojimus*

asmeniui. Neužtikrinus asmens teisėtų lūkesčių apsaugos, teisinio tikrumo ir teisinio saugumo, nebūtų užtikrintas asmens pasitikėjimas valstybe ir teise. Atsižvelgiant į tai, teisinio reguliavimo pakeitimai turėtų būti daromi taip, kad asmenims, kurių teisinei padėčiai jie gali turėti įtakos, būtų užtikrinta reali galimybė prisitaikyti prie naujos teisinės situacijos. Vienas esminių Konstitucijoje įtvirtinto teisinės valstybės principo elementų yra ir teisinis aiškumas, kuris suponuoja tam tikrus privalomus reikalavimus teisiniam reguliavimui: jis privalo būti aiškus ir darnus, teisės normos turi būti formuluojamos tiksliai, jose negali būti dviprasmybių (Konstitucinio Teismo 2003 m. gegužės 30 d., 2004 m. sausio 26 d., 2008 m. gruodžio 24 d., 2009 m. birželio 22 d. nutarimai).

Teisėtų lūkesčių apsaugos principo esmė atskleidžiama Lietuvos Respublikos Konstitucinio Teismo 2010 m. vasario 3 d. nutarime, kuris nurodo, kad „*Teisėtų lūkesčių apsaugos principas suponuoja valstybės, taip pat valstybės valdžią įgyvendinančių bei kitų valstybės institucijų pareigą laikytis valstybės prisiimtų įsipareigojimų. Šis principas taip pat reiškia įgytų teisių apsaugą, t. y. asmenys turi teisę pagrįstai tikėtis, kad jų pagal galiojančius įstatymus ar kitus teisės aktus, neprieštaraujančius Konstitucijai, įgytos teisės bus išlaikytos nustatytą laiką ir galės būti realiai įgyvendinamos (*Konstitucinio Teismo 2008 m. gruodžio 24 d. nutarimas*).* "

Lietuvos Respublikos Konstitucinio Teismo 2003 m. gruodžio 3 d. nutarime byloje Nr. 47/2001-08/2003-20/2003-32/2003-38/2003 konstatuota, kad Konstitucijos 29 str. yra įtvirtinta „*formali visų asmenų lygybė, asmenų nediskriminavimo ir privilegijų neteikimo principas. Konstitucinis asmenų lygybės įstatymui principas reiškia žmogaus prigimtinę teisę būti traktuojamam vienodai su kitais.* Konstitucinis Teismas savo nutarimuose ne kartą yra konstatavęs, kad šio principo turi būti laikomasi ir leidžiant įstatymus, ir juos taikant. Pažeidžiant valstybes tarnautojo teisėtus lūkesčius, kyla problemos tiek valstybės tarnyboje dirbantiems fiziniams asmenims, tiek pačiai institucijai. Ši Konstitucinio Teismo pozicija visiškai atitinka EŽTT praktiką, *expressis verbis* pripažinusią, kad pasitikėjimas valstybe ir jos institucijomis yra teisėtų lūkesčių apsaugos pagrindas. Pvz., Europos Žmogaus Teisių Teismas. 2013 m. gegužės 14 d. sprendimo N.K.M. prieš Vengriją, pareiškimo Nr. 66529/11.

Moksliniais tyrimais įrodyta, kad pažeidus darbuotojų teisėtus lūkesčius mažėja motyvacija, produktyvumas ir pasitenkinimas darbu. Didžiausias turtas kiekviename ūkio subjekte, institucijoje yra – **Žmogus**. Vykdant reorganizaciją, ir nesant teisinio tikrumo, dalis kvalifikuotų valstybės tarnautojų palieka instituciją ir sukauptos žinios, įgytą patirtis, valstybės biudžeto investuotos lėšas į jų - valstybės tarnautojų (toliau – tarnautojas) „išteka" į kitus ūkio subjektus, institucijas. Taigi, kitos galimos neigiamos reorganizacijos pasekmės – darbo santykių nutraukimas ir dalies valstybės tarnautojų su specifinėmis žiniomis ir patirtimi „nutekėjimas" į kitas institucijas, ūkio subjektus, institucijos reputacijos sumažėjimas visuomenėje.

1 lentelė. Policijos ir tarnybos funkcijų lyginamoji lentelė

Lietuvos Respublikos policijos įstatymas (Žin., 2000, Nr. 90-2777; TAR, 2015-07-03, Nr. 2015-10818) https://www.infolex.lt/ta/100125?ref=1#X07f5d855558143a7918bacfcc45fdf10 6 straipsnis. Pagrindinės policijos funkcijos	Lietuvos Respublikos viešojo saugumo tarnybos įstatymas (Žin., 2006, Nr. 102-3935) https://www.infolex.lt/ta/21051#Xaf6d91670e214217b00fc142e12f9035 7 straipsnis. Tarnybos funkcijos
1) pagal kompetenciją rengia ar dalyvauja rengiant prevencijos ir kontrolės, teisėsaugos stiprinimo priemonių projektus ir šias priemones įgyvendina;	1) slopina riaušes, masinius neramumus, grupinius veiksmus, kuriais pažeidžiama viešoji tvarka ar priešinamasi teisėsaugos pareigūnams, riaušes laisvės atėmimo vietų įstaigoje

14) pagal kompetenciją įgyvendina nusikalstamų veikų ir administracinių teisės pažeidimų (nusižengimų) prevenciją, atskleidimą ir atlieka jų tyrimą, analizuoja ir atskleidžia padarytų nusikalstamų veikų ir administracinių teisės pažeidimų (nusižengimų) priežastis bei sąlygas ir imasi teisės aktuose nustatytų priemonių joms pašalinti;

14) renka, kaupia, analizuoja ir apibendrina informaciją apie kriminogeninių procesų (nusikalstamų grėsmių) įtaką valstybei, teikia šią informaciją ir siūlymus dėl neigiamos kriminogeninių procesų (nusikalstamų grėsmių) įtakos valstybei mažinimo suinteresuotoms institucijoms;

4) registruoja ir nagrinėja pareiškimus ir pranešimus apie rengiamas, daromas ar padarytas nusikalstamas veikas ir administracinius teisės pažeidimus (nusižengimus);

5) taiko administracinio poveikio ir kitokias prevencijos priemones;

6) atlieka pasislėpusių įtariamųjų, kaltinamųjų, nuteistųjų, be žinios dingusių asmenų ir pasišalinusių iš sveikatos priežiūros įstaigų asmenų, kuriems teismas taikė priverčiamąsias medicinos priemones, kitų asmenų paiešką, nustato asmens tapatybę, taip pat rastų neatpažintų lavonų asmens tapatybę;

7) vykdo kriminalinę žvalgybą;
8) sudaro kriminalistines kartotekas ir kolekcijas;
9) pagal kompetenciją įgyvendina Europos Sąjungos ir tarptautinių teisės aktų nuostatas, dalyvauja Europos Sąjungos institucijų, įstaigų, tarnybų, agentūrų ir tarptautinių organizacijų veikloje;

10) vykdo asmens ir jo turto apsaugą nuo nusikalstamo poveikio;
11) NETEKO GALIOS:
2018 12 20 įstatymu Nr. XIII-1866 (nuo 2019 07 01)
(TAR, 2018, Nr. 2018-21877)
12) pagal kompetenciją atlieka Rusijos Federacijos piliečių vykimo iš Rusijos Federacijos teritorijos į Rusijos Federacijos Kaliningrado sritį ir atgal per Lietuvos Respublikos teritoriją kontrolę;
KEISTA:
2018 12 20 įstatymu Nr. XIII-1866 (nuo 2019 07 01)
(TAR, 2018, Nr. 2018-21877)
13) organizuoja ir įgyvendina viešosios tvarkos ir visuomenės saugumo užtikrinimo priemones;

ar grupinius pasipriešinimus laisvės atėmimo vietų įstaigos administracijai, taip pat kitokius tyčinius veiksmus, šiurkščiai pažeidžiančius laisvės atėmimo vietų įstaigos vidaus tvarką, išlaisvina įkaitus;
KEISTA:
2022 06 28 įstatymu Nr. XIV-1207 (nuo 2023 01 01) (TAR, 2022, Nr. 2022-15571)

2) ypatingųjų ir ekstremaliųjų situacijų atvejais užkerta kelią veiksmams, keliantiems pavojų žmonių gyvybei ar sveikatai, turtui, gamtai arba šiurkščiai pažeidžiantiems viešąją tvarką ar laisvės atėmimo vietų įstaigos vidaus tvarką;
KEISTA:
1. 2011 06 22 įstatymu Nr. XI-1504 (nuo 2011 07 13) (Žin., 2011, Nr. 86-4146)
2. 2022 06 28 įstatymu Nr. XIV-1207 (nuo 2023 01 01 (TAR, 2022, Nr. 2022-15571)

3) vidaus reikalų ministro nustatyta tvarka konvojuoja suimtuosius ir nuteistuosius į laisvės atėmimo vietų įstaigą, iš vieno laisvės atėmimo vietų įstaigos padalinio į kitą;
KEISTA:
2022 06 28 įstatymu Nr. XIV-1207 (nuo 2023 01 01) (TAR, 2022, Nr. 2022-15571)

4) vidaus reikalų ministro nustatyta tvarka konvojuoja sulaikytuosius, suimtuosius ir nuteistuosius iš laisvės atėmimo vietų įstaigos į Lietuvos Aukščiausiąjį Teismą, Apeliacinį, apygardos teismus, Lietuvos vyriausiąjį administracinį ir apygardos administracinius teismus, o ypatingo konvojaus atvejais (kai konvojuojami nuteistieji, kuriems įsiteisėjęs teismo nuosprendis dėl laisvės atėmimo iki gyvos galvos, taip pat kitais įstatymų nustatytais atvejais) – ir į miestų ir rajonų apylinkės teismus ir atgal į laisvės atėmimo vietų įstaigą, saugo juos per teismo posėdžius;
KEISTA:
2022 06 28 įstatymu Nr. XIV-1207 (nuo 2023 01 01) (TAR, 2022, Nr. 2022-15571)

5) vidaus reikalų ministro nustatyta tvarka konvojuoja sulaikytuosius, suimtuosius ir nuteistuosius jų ekstradicijos atvejais, juos deportuojant, perduodant Tarptautiniam baudžiamajam teismui, perduodant pagal Europos arešto orderį, taip pat nuteistuosius perduodant toliau atlikti bausmės;
KEISTA: 2022 06 28 įstatymu Nr. XIV-1207 (nuo 2023 01 01)(TAR, 2022, Nr. 2022-15571)

14) teikia nukentėjusiems nuo nusikalstamų veikų ir administracinių teisės pažeidimų (nusižengimų) ar bejėgiškos būklės asmenims neatidėliotiną pagalbą, reikalingą gyvybei, sveikatai ar turtui išsaugoti;

15) atlieka eismo automobilių keliais priežiūrą ir patruliuoja viešose vietose;

16) įstatymų nustatytais atvejais išduoda licencijas, leidimus ir kontroliuoja, kaip laikomasi nustatytų licencijuojamos veiklos sąlygų;

17) įstatymų nustatytais atvejais ir tvarka vykdo teismų nuosprendžius, nutarimus ir nutartis;

18) nustatyta tvarka užtikrina policijos įstaigose laikomų sulaikytų, suimtų ir nuteistų asmenų apsaugą ir priežiūrą;

19) vidaus reikalų ministro nustatyta tvarka atlieka sulaikytų, suimtų ir nuteistų asmenų konvojavimą;
KEISTA:
2022 06 28 įstatymu Nr. XIV-1208 (nuo 2023 01 01)

(TAR, 2022, Nr. 2022-15572)

20) saugo Lietuvos Respublikoje esančias užsienio šalių diplomatines atstovybes ir konsulines įstaigas;
KEISTA:
2020 05 07 įstatymu Nr. XIII-2923 (nuo 2020 07 01)

(TAR, 2020, Nr. 2020-10931)

21) atlieka pretendentų į policijos profesinio mokymo ar kitas švietimo įstaigas atranką;

22) rengia pareigūnus ir tobulina jų kvalifikaciją;

23) vidaus reikalų centrinių įstaigų vadovų prašymu padeda atlikti vidaus reikalų statutinėms įstaigoms pavestas funkcijas. Pareigūnų pasitelkimo tvarką ir konkrečias užduotis nustato vidaus reikalų ministras.
KEISTA:
14. 2016 05 19 įstatymu Nr. XII-2366 (nuo 2017 01 01)
(TAR, 2016, Nr. 2016-14168)
2. 2022 06 28 įstatymu Nr. XIV-1208 (nuo 2023 01 01)
(TAR, 2022, Nr. 2022-15572)

2. Policija atlieka ir kitas įstatymuose jai pavestas funkcijas, skirtas policijos uždaviniams įgyvendinti.

6) teisės aktų nustatyta tvarka dalyvauja ieškant iš laisvės atėmimo vietų įstaigos pabėgusių ar konvojavimo metu pabėgusių asmenų ir juos sulaiko;
KEISTA: 2022 06 28 įstatymu Nr. XIV-1207 (nuo 2023 01 01) (TAR, 2022, Nr. 2022-15571)

7) saugo svarbius valstybės objektus pagal Vyriausybės patvirtintą sąrašą;

8) vidaus reikalų centrinių įstaigų vadovų prašymu padeda atlikti vidaus reikalų statutinėms įstaigoms pavestas funkcijas. Tarnybos pareigūnų pasitelkimo tvarką ir konkrečias užduotis nustato vidaus reikalų ministras;
KEISTA:
2016 05 19 įstatymu Nr. XII-2371 (nuo 2017 01 01) (TAR, 2016, Nr. 2016-14174)

9) ginkluotųjų pajėgų sudėtyje gina valstybę karo metu;

10) padeda likviduoti ekstremaliąsias situacijas ir jų padarinius;
KEISTA:
2011 06 22 įstatymu Nr. XI-1504 (nuo 2011 07 13) (Žin., 2011, Nr. 86-4146)

11) dalyvauja Jungtinių Tautų, kitų tarptautinių organizacijų, Europos Sąjungos, užsienio valstybių operacijose ir misijose Lietuvos Respublikos Vyriausybės nustatyta tvarka;
KEISTA:
2011 06 22 įstatymu Nr. XI-1504 (nuo 2011 07 13) (Žin., 2011, Nr. 86-4146)

12) bendradarbiauja su Lietuvos Respublikos ir užsienio valstybių teisėsaugos ir kitomis institucijomis ir įstaigomis, tarptautinėmis organizacijomis Tarnybos kompetencijos klausimais;

13) kaupia, saugo ir analizuoja informaciją, reikalingą Tarnybos uždaviniams atlikti;

14) įgyvendina kitas įstatymų nustatytas funkcijas.
(Žin., 2011, Nr. 86-4146)

3. Naujos funkcijos policijai pavedamos tik užtikrinus jų finansavimą iš valstybės biudžeto.	

Lyginant tarnybos ir policijos atliekamas funkcijas, galima pastebėti įstatymo leidėjo naudojamus panašius arba tapačius žodžių junginius, apibūdinant tarnybos ir policijos atliekamas funkcijas. Pvz., Policija **saugo** *Lietuvos Respublikoje esančias užsienio šalių diplomatines atstovybes ir konsulines įstaigas.* Tarnyba **saugo** *svarbius valstybės objektus pagal Vyriausybės patvirtintą sąrašą.*

Tai sudaro prielaidą teigti, kad tarnybos ir policijos veikla objektų fizinės apsaugos užtikrinime iš esmės nesiskiria, o netgi funkcijos dubliuojasi. Visgi, Lietuvos Respublikoje esančios užsienio šalies diplomatines atstovybės ir/ar konsulinės įstaigos ir svarbaus valstybes objekto apsauga labai skiriasi tiek pagal apsaugos objekto pobūdį, fizinius matmenis, tiek pagal personalo atliekančio minėtą funkciją įgūdžių, žinių specifika, naudojamų techninių, organizacinių, teisinių priemonių turinį, ir kt. kriterijus. Pvz., saugoti Švedijos Karalystės ambasados pastatą Vilniuje ir akcinę bendrovę „Lietuvos oro uostai", ar Ignalinos AE Radioaktyviųjų atliekų tvarkymo įrenginius Visagino savivaldybės teritorijoje, besiribojančia su Baltarusija yra labai dideli skirtumai. Įvedus karo padėtį, padidėja diversijos tikimybė svarbiuose valstybės objektuose. Šis teiginys patvirtinamas realiais faktais iš antrosios karo fazės Ukrainoje. Pvz., Rusijos diversinių grupių veikla Kijevo mieste 2022 m. vasario 24 d. – 2022 m. kovo pradžioje.

Kitas pavyzdys, kai vykdomos funkcijos atrodo persipina yra Lietuvos policijos liudytojų ir nukentėjusiųjų apsaugos tarnybos (Lietuvos kriminalines policijos biuro struktūrinis vienetas) atliekama veikla asmens ir turto apsaugoje, ir Vadovybės apsaugos tarnybos prie Lietuvos Respublikos vidaus reikalų ministerijos atliekama asmenų apsauga. Lietuvos policijos liudytojų ir nukentėjusiųjų apsaugos tarnyba saugo baudžiamojo proceso ir kriminalinės žvalgybos dalyvių, teisingumo ir teisėsaugos institucijų pareigūnų, kitų su baudžiamąja byla susijusių asmenų gyvybę, sveikatą ir turtą nuo nusikalstamo poveikio. Vadovybės apsaugos tarnyba užtikrina Lietuvos Respublikos Prezidento, Lietuvos Respublikos Seimo Pirmininko, Lietuvos Respublikos Ministro Pirmininko ir kitų saugomų asmenų saugumą.

Viešojo saugumo tarnyba sukurta 1991 m., sunkiu Lietuvos Respublikai laikotarpiu. Šios tarnybos institucinė atmintis patvirtina jos efektyvumą, darbuotojų profesionalumą įgyvendinant pavestus uždavinius nacionalinio saugumo užtikrinime, glaudų savo veiksmų koordinavimą su kitomis institucijomis tiek Lietuvoje, tiek užsienyje. Veiksmų planai pagal tarnybai priskirtas funkcijas parengti, ir patikrinti praktikoje. Viešojo saugumo tarnyba, bendradarbiaudama su kitomis Europos Sąjungos giminingomis teisėsaugos institucijomis ir siekdama prisidėti prie Lietuvos Respublikos indėlio įgyvendinant Europos Sąjungos saugumo ir gynybos politiką, yra Europos žandarmerijos pajėgų (EUROGENDFOR) partnerė. Pasikeitus viešojo saugumo tarnybos statusui, jai tapus policijos struktūriniu padaliniu, gali kilti grėsmė, kad bus prarasti užmegzti kontaktai, kurie leidžia nuolat ir pastoviai keistis patirtimi, žiniomis su analogiškomis institucijomis Europos Sąjungos valstybėse narėse naujaisiais technikos ir technologijų pasiekimais vykdant pavestus uždavinius.

Viešojo saugumo tarnybos mokymo centre tarnybos darbuotojai nuolat kelia kvalifikaciją specifinėse srityse. Pvz., Riaušių slopinimas pataisos namuose, mieste; neramumų slopinimui naudotini būdai ir priemonės; svarbių valstybės objektų apsaugos organizavimo specifika ir pan. Tarnybos mokymo centre sukurtos sąlygos tobulinti specifinius įgūdžius, įgyti žinias, kurios būtinos pavestų funkcijų vykdymui. Planuojama reorganizacija kelia susirūpinimą darbuotojų rengimo tęstinumu ateityje, tarnybos mokymo centrą gali palikti kvalifikuoti

specialistai, ir tai sukels grėsmę tolimesniam tinkamam funkcijų, kurios bus perduotos iš tarnybos į policiją, vykdymui. Nesant tinkamai parengtų, kvalifikuotų darbuotojų, padidėja tikimybė, kad vykdant pavestus uždavinius bus grubiai pažeidžiamos žmogaus teisės, pvz., slopinant riaušes. Taip pat padidėja rizika darbuotojų, dalyvaujančių riaušių slopinime, sveikatai bei gyvybei dėl jų nepakankamumo parengimo ir pan.

Išvados

Prieš pradedant civilinio saugumo sektoriaus institucijos reorganizavimą, patartina pradėti nuo esamos geopolitinės situacijos pasaulyje, regione išsamios analizės nacionalinio saugumo kontekste.

Tarptautinė humanitarinė teisė leidžia ginkluotą teisėsaugos organizaciją įtraukti savo ginkluotąsias pajėgas. Tuo pačiu atkreiptinas dėmesys, kad kyla didesnė rizika ir padidėja tikimybė, kad policijos struktūrinis vienetas – šiuo atveju prijungta viešojo saugumo tarnyba prie policijos, kuri karo metu vykdys valstybės ginkluotos gynybos ir ginkluotųjų pajėgų mobilizacijos planuose numatytas užduotis, gali tapti taikiniu karo metu.

Vykdant reorganizaciją, ir nesant teisinio tikrumo, egzistuoja didelė tikimybė, kad nemaža dalis kvalifikuotų valstybės tarnautojų gali nutraukti darbinius santykius su viešojo saugumo tarnyba prie Lietuvos Respublikos vidaus reikalų ministerijos ir jų sukauptos žinios, įgyta patirtis „ištekės" į kitus ūkio subjektus, institucijas.

Lietuvos Policijos ir Viešojo saugumo tarnybos kai kurių atliekamų funkcijų pavadinimai yra panašūs ar atskirais atvejai net sutampa, tačiau atliekamų aukščiau minėtų institucijų funkcijų turinys gerokai skiriasi.

Prieš pradedant civilinio saugumo sektoriaus institucijos reorganizavimą, privalu įtraukti į reorganizavimo procesą institucijos, analizuojamu atveju viešojo saugumo tarnybos personalą, mokslininkus, politikus, visuomenę. Tai būtų vieną iš pagrindinių sąlygų, priimant vėliau subalansuotą sprendimą dėl institucijų reorganizavimo, kuris geriausiai atitiktų nūdienos geopolitinę situaciją ir kylančius poreikius optimaliau valdyti valstybės resursus, efektyviau vykdyti reorganizuotai institucijai jai pavestas įstatymu funkcijas.

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(NO) REFORM. PROS AND CONS

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Summary

Officials and employees of pre-trial investigation bodies and other state institutions are constantly faced with various types of challenges, both in the prevention and investigation of violations of law and criminal offences, as well as in the reorganization of institutions. All of these challenges give rise to greater or lesser debate at both institutional and inter-institutional level, and quite often involve the public in the planned changes in the security field. According to Maslow's hierarchy of needs, which is a psychological idea proposed by the American psychologist Abraham Maslow in his 1943 article *'A Theory of Human Motivation*' in the Psychological Review, the need for security is one of the most fundamental in the hierarchy of human needs. This explains the fierce debates that arise about the planned reforms in one or other of the state-controlled sectors and public institutions. Thus, when raising the question of reform or don't reform an institution related to public security, a thorough discussion involving the staff of the institution to be reformed is necessary. In one situation, the same factor may have a minimal impact on the need for security, in another situation the same factor may become a major factor. Thus, the question of reform cannot, stop or reform, cannot stop becomes very relevant. It becomes very difficult to answer this question unequivocally, and in the context of the question posed, even the position of the punctuation mark can determine the answer, and of course the sequence of actions to achieve the goal.

The subject of this research is the reorganization of Public Security Service under the Ministry of the Interior of the Republic of Lithuania. The objectives of the reorganization of service are: (a) to ensure national security; (b) to optimize the functions performed by the Public Security Service and the Lithuanian Police; (c) to improve the efficiency of the management of the institution's structural units and their communication with each other in order to solve the set tasks; (d) to rationalize the use of material, financial and human resources allocated to the institutions.

The provisions on the reorganization of the Public Security Service, as expressed by the legislator and the leadership of the Ministry of the Interior, have given rise to a lot of debate in various circles of society. This has prompted the author of this study to analyze the envisaged reorganization from a geopolitical, international humanitarian law and constitutional law perspective.

Keywords: public institutions, reorganization, security needs, civil servants.

VADOVO ELGSENOS IR DARBUOTOJŲ REIKŠMIJAUTOS SĄSAJOS ĮTRAUKIOSIOS LYDERYSTĖS KONTEKSTE

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Anotacija. *Straipsnyje pristatomi įtraukiosios lyderystės ir reikšmingumo suvokimo (reikšmijautos) konstruktai bei jų taikymo žmogiškųjų išteklių valdymui galimybės, grindžiamos teorine tiriamųjų reiškinių analize bei empiriniu tyrimu Lietuvos organizacijų kontekste. Šie organizacinės vadybos fenomenai tampa vis svarbesni dėl socialinės politikos, tvarumo ir ekonominių tikslų, svarbių organizacijoms ir jų darbuotojams. Teorinėje straipsnio dalyje apžvelgiami nagrinėjami konstruktai, jų tyrimais pagrįstos organizacinės naudos ir prielaidos jų bendro taikymo galimybėms, kuriomis grindžiama empirinio tyrimo logika. Empirinėje dalyje pristatomas kiekybinis tyrimas, kuriuo buvo siekiama išnagrinėti įtraukiosios lyderystės ir darbuotojų reikšmijautos sąveiką bei pasiūlyti įtraukiosios lyderystės organizacijose stiprinimo reikšmingumo suvokimu modelį. Tyrimo metu surinkti apklausos duomenys buvo analizuojami statistiniais metodais (faktorine analize ir struktūrinių lygčių modeliavimu). Faktorine analize nagrinėtos įtraukaus vadovų elgesio ir darbuotojų reikšmijautos koreliacijos, o galimybės stiprinant darbuotojų reikšmijautą kartu vystyti jų įtraukiosios lyderystės suvokimą buvo modeliuojamos struktūrinėmis lygtimis. Tyrimo metu buvo nustatytos teigiamos abipusės koreliacijos tarp tirtų kintamųjų. Stipriausia koreliacija pastebėta tarp bendrosios ir tarpasmeninės reikšmijautos darbe, taip pat tarp socialinės ir tarpasmeninės reikšmijautos darbe dimensijų. Kiek silpnesne koreliacija pasižymėjo įtraukiosios lyderystės ir reikšmijautos kintamieji. Struktūrinių lygčių modeliavimas leido nustatyti, kad darbuotojų reikšmijauta gali paaiškinti nuo 5 iki 15 % įtraukiosios lyderystės dispersijos, o tarpasmeninė reikšmijauta tarp kolegų įtraukiosios lyderystės suvokimą veikė stipriau už kitas reikšmijautos rūšis (bendrąją ir socialinę). Pateikiamos tyrimo išvados ir rekomendacijos.*

Pagrindinės sąvokos: *Organizacinė įtrauktis, įtraukioii lyderystė, vadovo elgsena, reikšmingumo suvokimas, reikšmijauta*

Įvadas

Temos aktualumas. Šiuolaikinėms organizacijoms būdinga auganti įtampa, kylanti siekiant suderinti augimo, socialinės atsakomybės ir tvarumo tikslus su darbuotojų gerove. Pandemijos sąlygota skaitmenizacija sustiprino neapibėžtumą, pakeitė bendravimą, darbuotojų ir klientų poreikius, ir tai tapo dar aktualiau tęsiantis polikrizėms ekonomikos letėjimo sąlygomis. Socialinės politikos formuotojai vis garsiau kalba apie būtinybę telkti ir motyvuoti įvairių sektorių darbuotojus, skirti dėmesio jų psichinei gerovei, mažinti socialinę atskirtį. Tokiomis aplinkybėmis ypač svarbios tampa organizacinės įtraukties ir darbuotojų motyvacijos įsitraukti siekiant organizacijos tikslų idėjos. Įvairovės įtrauktis ne tik suteikia galimybę organizacijoms kurti įvairiems klientų poreikiams tinkamų produktų ar paslaugų, kūrybiškiau organizuoti veiklą, bet ir gali kelti iššūkių, kuriuos atliepti gali įtraukioji organizacijų lyderystė. Kita vertus, būti įtrauktiems nebūtinai reiškia jaustis svarbiems, taigi siekiant tvarių vadybos sprendimų verta ieškoti galimybių ne tik įtraukti ir įgalinti darbuotojus, bet ir stiprinti jų reikšmingumo pojūtį darbe.

Tyrimo aktualumas. Įtraukioji lyderystė ir darbuotojų suvokiamas reikšmingumas yra vadybos ir socialinės psichologijos tyrimų objektai, kurių nagrinėjimo drauge moksliniuose darbuose neaptikta. Izoliuoti šių konstruktų tyrimai leidžia kelti prielaidas apie panašų šių

reiškinių poveikį bei artimas organizacines naudas. Reikšmingumo suvokimas (reikšmijauta) yra socialinės psichologijos konstruktas, išryškėjęs savigarbos tyrimuose pastebėjus socialinius jos elementus (Rosenberg and McCullough, 1981), t. y., kad individo savigarba yra veikiama individo suvokimo apie kitų, jam svarbių individų, požiūrio į individo reikšmingumą. Ilgainiui reikšmijauta nagrinėta įvairių savybių populiacijas ir organizacines aplinkas (Ellington, 2023; Flett & Zangeneh, 2020; Heimburg ir kt., 2022; Jung & Heppner, 2017; Pychyl ir kt., 2022; Prilleltensky, 2020; Prilleltensky ir kt., 2023). Reikšmingumo dimensija lyderystės literatūroje nagrinėjama kaip vienas darbuotojams svarbių darbo santykių aspektų (Mohamed *et al.*, 2022; Bonhag and Upenieks, 2023), nesiejant jos su konkrečiu lyderystės stiliumi.

Tuo tarpu įtraukioji lyderystė, konceptualizuota Nembhard ir Edmondson (2006) ilgainiui buvo tiriama siekiant apibrėžti organizacinės įtraukties formavimo gaires ir tokios aplinkos teikiamas naudas (Al-Atwi & Al-Hassani, 2021; Javed, Naqvi, ir kt., 2019; Randel ir kt., 2018). Įtraukiosios lyderystės privalumai siejami su sustiprėjusiu darbuotojų psichologinio saugumo jausmu, jo sąlygojama drąsa pasisakyti, įsitraukti ir jaustis reikšmingiems savo nuomone (Carmeli ir kt., 2010; Javed, Naqvi, ir kt., 2019; Nembhard & Edmondson, 2006; Sjöblom ir kt., 2022; Zeng ir kt., 2020), bet nepavyko aptikti darbų, kuriuose būtų siūlomi tokių darbuotojų pojūčio matavimo ar modeliavimo būdai ar įtraukties vystymo gairės, siekiant suteikti nuolatinį reikšmingumo jausmą įtrauktiems ir įgalintiems darbuotojams. Lietuvos tyrėjų įtraukties diskursas nagrinėjamas beveik vien edukologijos kontekstuose, o reikšmingumo suvokimui skirtų publikacijų nebuvo aptikta. Šiame straipsnyje pristatoma įtraukiosios lyderystės ir reikšmingumo suvokimo (reikšmijautos) fenomenų analizė bei Lietuvoje atliktas empirinis jų sąveikos tyrimas. Taip siekiama bent iš dalies užpildyti šią spragą ir pristatyti teorine medžiaga grįstą reikšmijauta papildytą įtraukiosios lyderystės modelį ištiriant jo prasmingumą empiriškai.

Tyrimo objektas – įtraukiosios lyderystės (vadovų atvirumo, pasiekiamumo ir prieinamumo darbuotojų poreikiams) ir darbuotojų reikšmijautos santykis.

Tikslas – išanalizavus įtraukiosios lyderystės ir darbuotojų reikšmijautos sąveiką, pasiūlyti įtraukiosios lyderystės organizacijose stiprinimo modelį.

Uždaviniai: Apibūdinti įtraukiosios lyderystės ir individų reikšmijautos fenomenus moksliniu požiūriu; Pasitelkus kiekybinę respondentų apklausą empiriškai nustatyti įtraukiosios lyderystės ir darbuotojų reikšmijautos sąsajas Lietuvos kontekste; Remiantis atlikto tyrimo rezultatais pasiūlyti darbuotojų reikšmijauta papildytą įtraukiosios lyderystės modelį.

Tyrimo metodai. Teorinėje dalyje pristatoma teorinė nagrinėjamų konstruktų mokslinės literatūros analizė. Empiriniam įtraukiosios lyderystės ir darbuotojų reikšmijautos tyrimas atliktas taikant kiekybinę apklausą, kurios duomenų statistinei analizei atlikti naudotos IBM SPSS ir IBM SPSS AMOS programos.

Įtraukioji lyderystė

Dėmesys socialinei įvairovei, lygiavertiškumui ir įtraukčiai itin sustiprėjo pastaraisiais dešimtmečiais. Dėl medicinos pažangos ilgėjant gyvenimo trukmei, globalizacijai, kariniams konfliktams, skirtingam pragyvenimo lygio ir klimato kaitai didinant migracijos srautus visuomenės tampa vis įvairesnės. Gebėjimas sugyventi ir dirbti su įvairiais žmonėmis tampa kaip niekada svarbus gebėjimas, sėkmės atveju leidžiantis drauge pasiekti daugiau nei atskirai. Įtraukioji lyderystė padeda skleisti įtrauktį įvairove pasižyminčiose komandose (Ashikali et al., 2021). Šis lyderystės stilius atliepia poreikį organizacijoms rūpintis savo darbuotojais, o kartu atskleidžia galimybes individualius jų skirtumus paversti tvaria organizacine stiprybe ir sėkme, vis svarbesne šiandienos krizių ir pokyčių pasaulyje.

Įtraukiosios lyderystės stilius siejamas su organizacinės vadybos ir elgsenos tyrėjomis Ingrid Nembhard bei Amy Edmondson. Pasak jų, *lyderių kuriama įtrauktis žodžiais ir veiksmais kviečia ir vertina kitų indėlį* (Nembhard & Edmondson, 2006, p. 947), taip nusakant šio lyderystės stiliaus esmę bei veikimo principus. Įtraukieji lyderiai siekia į diskusijas ir sprendimų priėmimą įtraukti, kurdami psichologiškai saugią aplinką pasisakyti, kviesdami išsakyti savo nuomonę ir ją vertindami nepriklausomai nuo statuso skirtumų (Zeng, Zhao & Zhao, 2020). Darbuotojų įsitraukimą stiprina ir aktyvi sekėjystė, drąsa prisiimti atsakomybę bei savilyderystė.

Šiuolaikinis įtraukiosios lyderystės modelis remiasi optimalaus išskirtinumo modeliu (angl. *Optimal Distinctiveness Model,* toliau – OIM), kuris plėtoja socialinės tapatybės teoriją. Brewer (1991) pasiūlytas OIM aiškina individų savivoką grupėje vengiant per daug individualizuotų arba per daug įtraukiančių savikonstrukcijų, ir polinkį save apibrėžti dvejopai: pagal priklausomybę socialinei kategorijai, bet išlaikant savo unikalumą. Pagal tokį įtrauties modelį lyderiai suvokia sekėjų skirtumus kaip galimybes ir leidžia jiems būti savimi kartu būnant grupės dalimi (Randel et al., 2018). Skirtumai ne skiria vienus individus nuo kitų, o tampa individualiomis savybėmis, būdingomis kiekvienam grupės nariui ir visai grupei. Be to, kuriama psichologiškai saugi aplinka, kurioje sumažėja grėsmių ir padaugėja laisvės būti savimi (Carmeli, Reiter-Palmon & Ziv, 2010; Randel et al., 2018; Shore & Chung, 2022), taip individams papildant socialinę grupę savo unikalumu.

Taigi sėkmingai įtraukios organizacijos veiklai nepakanka vien įvairovės ir darbuotojų skirtumų, jiems būtina dirbti drauge, panaudojant savo individualias savybes bendriems tikslams (Ashikali et al, 2021). Toks modelis geriausiai veikia organizacijoje su įvairove pasižyminčiais darbuotojais ir įtraukiąja lyderystės kultūra.

Hierarchinis, individualistinis lyderystės stilius itin stipriai stabdo įtrauktį. Jeigu organizacijos kultūra skiria *mąstančius* vadovus nuo *atliekančių* sekėjų, pastariesiems tenka derintis prie vadovų, o ne dalintis savo mintimis ar patiems inicijuoti inovacijas. Nepaisant deklaruojamo skatinimo pasisakyti, darbuotojai tokioje aplinkoje dažnai nedrįsta būti atviri ir prieštarauti vadovams (Nembhard & Edmondson, 2006; Randel et al., 2018). Įtraukiai veikiantys lyderiai santykiuose su sekėjais demonstruoja atvirumą, prieinamumą ir pasiekiamumą, taip skatindami sekėjus išsakyti savo nuomonę, vertindami jų indėlį bei būdami atviri jų poreikiams.

Kuriant įtraukią organizacijos aplinką vertintina susijusi nauda. Remiantis tyrimais, įvairovė ir įtrauktis nėra naudingos vien tik darbuotojams. Įvairove ir įtraukiąja kultūra pasižyminčių organizacijų darbuotojai dažniau dalijasi žiniomis, yra kūrybingesni (Choi et al., 2015), inovatyvesni (Fang et al., 2019; Javed, Naqvi, et al., 2019), jaučia psichologinį saugumą (Carmeli, Reiter-Palmon & Ziv, 2010), dėl to lengviau mokosi, sklandžiau sprendžia problemas ir taip sudaro sąlygas procesų kokybei gerinti (Nembhard & Edmondson, 2006). Be to, įtrauki organizacinė aplinka stiprina darbuotojų įsitraukimą į darbą (Choi, Tran & Park, 2015), jų prisiimamą atsakomybę. Tokioje aplinkoje darbuotojai jaučia klestėjimą darbe (Zeng, Zhao and Zhao, 2020), o tai mažina darbuotojų kaitą (Fang et al., 2019). Tokie tyrimų rezultatai patvirtina, kad organizacijoms gali būti naudinga investuoti į įtraukios kultūros diegimą bei puoselėjimą.

Reikšmijauta

Individų įvairovė yra demografinis faktas, o ją įgalinus organizacine įtrauktimi tyrimai rodo teigiamus poveikius įvairių individų grupių emocinei gerovei, elgesiui ir darbo rezultatams. Antra vertus, siekiant šių poveikių tvarumo svarbu siekti, kad individai ne tik jaustųsi ir

priklausantys grupei, ir unikalūs savo asmenybėmis, bet ir reikšmingi savo indėliais bei darbu. Šiuos daugeliui žmonių svarbius kintamuosius nagrinėja reikšmijautos (angl. *mattering*) konstruktas.

Reikšmijauta konceptualizuota kaip „tiesioginis reikšmingumo abipusiškumas" (angl. *direct reciprocal of significance*) (Rosenberg & McCullough, 1981, p. 163), pabrėžiant individų poreikį jaustis reikšmingiems žmonėms, kurie yra reikšmingi individams. Šis socialinis pojūtis veikia dviem lygmenimis: tarpasmeniniu (bendruoju), apibūdinant suvokiamą reikšmingumą patiems artimiausiems žmonėms (šeimai, partneriui (-ei)) ir visuomeniniu (socialiniu), nurodant suvokiamą savo socialinį reikšmingumą ir galią keisti pasaulį (Prilleltensky, 2020; Prilleltensky et al., 2023; Rosenberg & McCullough, 1981). Abi reikšmijautos rūšys grindžiamos abipusiškumu ir juntamos tik bendraujant su kitais žmonėmis bei reaguojant į suvokiamą jų požiūrį į individą.

Individų lygmeniu tarpasmeninė reikšmijauta yra panaši į socialinių grupių įtrauktį, nes abiem atvejais patenkinami individams svarbūs psichologiniai poreikiai, kurie sukelia teigiamą poveikį jų elgesiui. Dėl abipusiškumu grįsto reikšmijautos veikimo gali ne tik įtraukti, bet ir įreikšminti individus į socialines grupes ir visuomenę (Prilleltensky, 2020). Darbo santykių atžvilgiu veikia abu reikšmijautos lygmenys. Veikdama panašiai kaip priklausymo jausmas, reikšmijauta darbinėse situacijose svarbi, kad individai nesijaustų svetimi ir nereikšmingi. Iš humanistinės vadybos perspektyvos, visuomeninė reikšmijauta gali būti vertinama kaip reikšmijauta organizaciniuose kontekstuose (Prilleltensky, 2020; Matheson et al., 2021).

Jung ir Heppner (2017) pasiūlė išsamią sistemą darbinei reikšmijautai matuoti, apimančią tarpasmenę reikšmijautą bendraujant su kolegomis ir socialinę reikšmijautą, kuri reiškia savo darbo visuomeninės reikšmės suvokimą. Šiuo atveju individo reikšmijautą stiprina ne tik asmeninė reikšmijauta, bet ir pojūtis, kad individo atliekamas darbas yra svarbus visuomenei.

Darbinės reikšmijautos tyrimais buvo nustatytos teigiamos reikšmijautos darbe koreliacijos su prasmingo darbo pojūčiu, pasitenkinimu darbu ir gyvenimu apskritai, o taip pat – įsipareigojimu organizacijai. Nustatyti efektai stiprina lojalumą organizacijai ir sukuria teigiamais afektus (Jung & Heppner, 2017).

Reikšmijauta yra svarbi darbuotojų įsitraukimui, motyvacijai, pasitenkinimui darbu, taip sąlygodama teigiamą poveikį organizacijos veiklos rezultatams. Dėl tokio ryšio rekomenduojama kurti organizacijos kultūrą, skatinančią reikšmijautą ir humanizuoti reikšmingumo patirtį darbe (Ellington, 2023). Stipresnis savo ir darbo svarbos suvokimas gali tapti darbuotojų gerovės rodikliu, mažinančiu neigiamą didelio darbo krūvio įtaką (Smilovsky, 2024). Įvairiose šalyse atliktais skirtingų sektorių organizacijų tyrimais nagrinėtos ir nustatytos įvairūs teigiami reikšmijautos poveikiai. Mohamed et al. (2022) nustatė sąveikas tarp įsitraukimo į darbą, tarpasmeninės ir socialinės reikšmijautos bei perdegimo rizikos. Įsitraukimui padedant mažinti perdegimo rizikas, reikšmijauta tai daro stipriau. Haizlip ir kt. (2020) pažymi ne tik reikšmijautos efektą mažinant rizikas perdegti, bet ir jos teigiamą poveikį įsitraukimui. Šiuo tyrimu buvo nustatytos teigiamos slaugytojų reikšmijautos koreliacijos su prasmingo darbo pojūčiu, socialine parama ir įsitraukimu, o neigiamos – su perdegimo rizika. Reikšmijauta didina pasitenkinimą darbu, įsipareigojimą ir įsitraukimą, taip prisidėdama prie darbuotojų psichologinės gerovės ir stiprindama organizacinį įsipareigojimą (Prihadi, Chang & Goo, 2021). Dadfar et al. (2021) nustatė reikšmijautą mažinant socialinę izoliaciją, stiprinant tarpusavio komunikaciją ir priklausymo jausmą. Pojūtis, kad vadovai gerbia darbuotoją, ir suvokiamas bendradarbių artumas yra teigiamai susiję su darbuotojų reikšmijauta. Be to, reikšmijauta veikia kaip tarpininkas tarp socialinių santykių darbe ir psichologinio distreso, taip

gerindama darbuotojų psichikos sveikatą ir atsparumą stresui (Bonhag & Upenieks, 2023; Flett, 2022).

Vadovų vaidmuo reikšmijautai yra svarbus ne tik dėl darbuotojų psichologinės gerovės, bet ir geresnių darbo rezultatų. Nagrinėdami reikšmijautos ir vadovavimo stiliaus sąsajas Pychyl ir kt. (2022) nustatė svarbos pojūčio skatinimo organizacijoje svarbą darbo rezultatams. Organizacijoms svarbu padėti darbuotojams jaustis svarbiems. Kurdami svarbos jausmą organizacijoje vadovai pagerina ne tik organizacijos veiklos, bet ir savo pačių vadovavimo rezultatus.

Nors neretai tyrėjai kalba apie lyderių ir sekėjų sąveikos svarbą reikšmijautai, jie paprastai neįvardija konkretaus lyderystės stiliaus, kuris galėtų padėti siekti tokių tikslų. Vis dėlto reikšmijautos abipusiškumas organizaciniu lygmeniu labai artimas įtraukiosios organizacinės kultūros ir lyderystės principams, ir pateikia nemažai argumentų siekti tvarių žmogiškųjų išteklių valdymo tikslų ne tik įtraukti, bet ir įreikšminti darbuotojus, tokia sąveika įgalinant juos kurti ir gauti reikšmijautą vieniems iš kitų.

Įtraukiosios lyderystės ir darbuotojų reikšmijautos empirinis tyrimas

Remiantis literatūros analize išryškėjo prielaidos nagrinėti tiriamųjų reiškinių sąveikos galimybes. Įtraukioji organizacinė aplinka grindžiama abipuse pagarba grįsta tarpusavio sąveika, kuria siekiama įgalinti, nepriklausomai nuo savybių ar požiūrių. Reikšmijauta kreipia dėmesį individų ir jų grupių poreikį būti matomiems, sulaukti dėmesio ir kelti pasitikėjimą. Ankstesniuose tyrimuose esama įžvalgų apie įtraukiančius ir priklausymo jausmą stiprinančius reikšmijautos poveikius.

Šiuo tyrimu siekiama papildyti tiriamų reiškinių ir jų sąveikos supratimą žmogiškųjų išteklių valdymo kontekste. Tyrimui keliami dvejopi tikslai:

1. Nagrinėti reikšmijautos ir įtraukiosios lyderystės tarpusavio sąveikas organizacijų kontekste. Šiuo tikslu keliama H1: *Darbuotojų reikšmijautos ir įtraukiosios lyderystės suvokimo kintamieji koreliuoja tarpusavyje.*
2. Statistiškai išbandyti galimybę darbuotojų reikšmijauta vystyti įtraukiosios lyderystės suvokimą. Siekiant šio tikslo keliama H2: Reikšmijautos kintamieji gali sustiprinti įtraukiosios lyderystės suvokimą.

Empirinio tyrimo organizavimas ir eiga

Empirinis tyrimas vykdytas Vilniuje veikiančiose finansinių technologijų (fintech) įmonėse. Tokį pasirinkimą lėmė šiam sektoriui būdinga darbuotojų įvairovė, inovatyvi lyderystės kultūra, nuotolinio ir hibridinio darbo galimybės, bei pasirinktose įmonėse veikiantys įtraukties, įvairovės ir/ar lygiavertiškumo padaliniai. Siekiant išnagrinėti tiriamųjų konstruktų raišką kitų sektorių organizacijose su panašaus išsilavinimo, darbo kultūros, užduočių ir atsakomybių įvairovės savybių darbuotojais anketa sniego gniūžtės principu platinta socialiniuose tinkluose *Facebook* ir *LinkedIn*, o taip pat – grandininiais elektroninio pašto kanalais su šalies ministerijų ir universitetų darbuotojais.

Remiantis teorinės analizės rezultatais sudaryta keturių dalių 28 uždarų klausimų anketa. Anketos pradžioje supažindinama su apklausos tikslu ir vartojamomis sąvokomis, prieš kiekvieną dalių pateikiama trumpa informacija, ko bus klausiama toje dalyje.

Pirmoji dalis apima 1-5 klausimus, kuriais respondentų prašoma pateikti informaciją apie jų demografines savybes pasirenkant vieną variantą ar rėžį iš pateiktų. *Antroji dalis* (6-10 klausimai) skirta bendrajai (tarpasmeninei) reikšmijautai matuoti, pvz., „Kaip svarbūs jaučiatės kitiems?“. *Trečiojoje dalyje* (11-20 klausimai) respondentų prašoma įvertinti jų reikšmijautą darbe, pvz., „Mano darbas veikia kitų žmonių gyvenimus“. *Ketvirtoji dalis* (21-28 klausimai) skirta įtraukiosios lyderystės suvokimui vertinti, pvz., „Galiu pasitarti su savo vadovu (-e) dėl problemų“. 2-4 dalių klausimais prašoma įvertinti savo pojūčius/situacijos aktualumą 5 balų Likerto skalėje nuo *Visai ne* iki *Labai.*

Apklausos klausimyno patikimumas nustatytas apskaičiuojant Cronbach alpha koeficientas. Bendras klausimyno Cronbach alpha koeficientas lygus 0,932, o atskirų klausimyno dalių koeficientai svyruoja nuo 0,8 iki 0,96.

Apklausos etika

Tyrimas vykdytas vadovaujantis etikos principais. Respondentai informuoti apie tyrimo tikslą, duomenų panaudojimą ir apytikslę anketos pildymo trukmę. Jie buvo informuoti, kad jų dalyvavimas tyrime yra savanoriškas, o atsakymai anonimiški. Sklaida elektroniniais kanalais leido klausimyną pildyti respondentams patogiu metu. Klausimai formuluoti be jautrių asmeninių duomenų, kuriais galima būtų identifikuoti respondentų tapatybes. Surinkti duomenys analizuoti apibendrintai, taip užtikrinant respondentų konfidencialumą.

Apklausa vykdyta 2023 m. spalio 18 – lapkričio 8 dienomis. Sulaukta 364 anketų, iš kurių 341 (94 %) buvo užpildytos kokybiškai (atsakyti visi 28 klausimai). Pagal paprastosios atsitiktinės imties skaičiavimo metodologiją pagal oficialiosios statistikos portalo duomenis, reprezentatyvią visos Lietuvos dirbančių gyventojų populiacijos tyrimo imtį taikant 95 proc. patikimumo ir 5 proc. paklaidos ribas sudaro 385 respondentai (skaičiuota www.calculator.net/sample-size-calculator). Nors sulaukta šiek kiek mažiau atsakymų nei būtina užtikrinti matematinį imties reprezentatyvumą, remtasi generalinės aibės homogeniškumo principu, pagal kurį vienalytės imtys gali būti mažesnės dėl tikėtinos mažesnės paklaidos. Tyrimo imtis pasižymi homogeniškumu pagal išsilavinimo, protinio darbo ir didesnio nei vidutinio atlyginimo kriterijus. Šios respondentų savybės siejamos su kognityviniu kompleksiškumu ir galimybe skirti dėmesio psichologiniams poreikiams (Prilleltensky, 2020; Randel ir kt., 2018; Rosenberg & McCullough, 1981), svarbiems šio tyrimo kontekste. Tyrimo respondentų demografiniai duomenys pateikiami 1 lentelėje.

1 lentelė. Respondentų demografiniai duomenys

Klausimo nr.	Kategorija	Variantai	Dažnis	Dalis, %
	Respondentai	Visi respondentai	341	100
1.	Amžius	<24	57	16,72
		25-34	132	38,71
		35-44	119	34,90
		45-54	24	7,04
		55-64	9	2,64
		65+	0	0
2.	Lytis	Moterys	216	63,34

		Vyrai	123	36,07
		Kita/Nenori nurodyti	2	0,59
3.	Darbo patirtis	< 1 metai	56	16,42
		1-3 metai	121	35,48
		4-6 metai	63	18,48
		7-9 metai	50	14,66
		10 ir daugiau metų	51	14,96
4.	Užimama pozicija	Vadovas (-ė)	85	24,93
		Nevadovas (-ė)	256	75,07
5.	Tautybė	Lietuvis (-ė)	253	74,19
		Užsienietis (-ė)	88	25,81

Tyrimo rezultatai

Faktorių analizė. Siekiant patikrinti hipotezę apie reikšmijautos ir įtraukiosios lyderystės tarpusavio santykį atlikta faktorių analizė, skirta atskleisti tiriamųjų faktorių tarpusavio santykių statistinį reikšmingumą. Modelio adekvatumas (duomenų tinkamumas struktūroms aptikti) patikrintas Bartletto sferiškumo kriterijaus testu, kuriuo tikrinama hipotezė, kad kintamųjų koreliacijų matrica yra vienetinė ir stebimi kintamieji nekoreliuoja. Gauta *p*-reikšmė lygi 0,000 yra mažesnė už 0,05, todėl faktorinė analizė yra galima. Ar tarpusavyje koreliuojantys kintamieji tinka faktorinei analizei, taip pat tirta Kaiser-Meyer-Olkin (KMO) empirinių koreliacijos koeficientų reikšmių ir dalinių koreliacijos koeficientų reikšmių palyginamuoju indeksu. Didelės (ne mažesnės kaip 0,7) KMO reikšmės rodo, kad faktorių analizė gali būti naudinga duomenims. Gauta reikšmė 0,928 reiškia aukštą faktorinės analizės tikslingumą (2 lent.).

2 lentelė. Kaiser-Meyer-Olkin ir Bartletto sferiškumo testų rezultatai

Kaiser-Meyer-Olkin imties adekvatumo matas		.928
Bartletto sferiškumo testas	Apytikslis chi kvadratas	5984.011
	Laisvės laipsnis	253
	p-reikšmė	.000

Patvirtinus faktorinės analizės prasmingumą surinktiems duomenims buvo atlikta tiriančioji ir patvirtinančioji faktorinės analizės. Skaičiuojant komponentus išsiskyrė keturi faktoriai:

- F1: bendroji reikšmijauta
- F2: reikšmijauta darbe, socialinė dimensija
- F3: reikšmijautos darbe tarpasmeninė dimensija
- F4: įtraukiosios lyderystės suvokimas

Įvertinus koreliacijas tarp atskirų faktorių pastebėta keletas dėsningumų: pirma, visi ryšiai yra statistiškai reikšmingi, *p*-reikšmė < 0,05. Visų išskirtų faktorių tarpusavio koreliacijos pavaizduotos 3 lentelėje.

3 lentelė. Faktorių tarpusavio koreliacijos

F1	F2	F3	F4

F1	Pearsono koreliacija	1	.679**	.839**	.313**
	p-reikšmė (dvipusė)		.000	.000	.000
	N	341	341	341	341
F2	Pearsono koreliacija	.679**	1	.709**	.218**
	p-reikšmė (dvipusė)	.000		.000	.000
	N	341	341	341	341
F3	Pearsono koreliacija	.839**	.709**	1	.384**
	p-reikšmė (dvipusė)	.000	.000		.000
	N	341	341	341	341
F4	Pearsono koreliacija	.313**	.218**	.384**	1
	p-reikšmė (dvipusė)	.000	.000	.000	
	N	341	341	341	341

** Koreliacija reikšminga 0,01 lygmeniu (dvipusė).

Antra, pastebėti skirtumai tarp išskirtų faktorių tarpusavio koreliacijų: stipriausiai teigiamai koreliuoja F1 su F3. Tai reiškia, kad, stiprėjant bendrajai reikšmijautai didėja tarpasmeninė reikšmijauta darbe. Kita stipri teigiama koreliacija pastebėta tarp F2 bei F3. Jaučiant savo darbo socialinę reikšmę didėja darbuotojų tarpasmeninė reikšmijauta. Visos nurodytos koreliacijos yra abipusės, t. y., abu faktoriai veikia vienas kitą vienodai. Taip pat žymi teigiama koreliacija tarp F1 ir F2, reiškianti, kad bendroji reikšmijauta teigiamai veikia socialinę reikšmijautą darbe. Kiek silpnesnė teigiama koreliacija nustatyta tarp F4 (įtraukiosios lyderystės suvokimo) ir kitų faktorių.

Siekiant patikrinti H2 ir nustatyti priežastinius ryšius tarp reikšmijautos ir įtraukiosios lyderystės suvokimo faktorių modeliuotos struktūrinės lygtys (angl. *Structural equation modeling*, SEM). SEM yra skirtas vertinti socialinius modelius nustatant jų atitiktį tiriamiems duomenims ir jų krypties santykius.

Sudarytu modeliu F4 ~ F1+F2+F3 buvo tiriama, kiek įtraukioji lyderystė yra sąlygojama visų trijų reikšmijautos tipų. Modelio tinkamumo kriterijai pateikiami 4 lentelėje.

4 lentelė. F4 ~ F1 +F2 +F3 modelio tinkamumo kriterijai

	SRMR	RMSEA	CFI	TLI
F4~F1+F2+F3	0.062	0.079	0.906	0.904

Skaičiavimai atskleidė, kad vienintelis statistiškai reikšmingas kintamasis, turintis F kriterijaus *p*-reikšmę, mažesnę už 0,05, šiame modelyje yra tarpasmeninė reikšmijauta F3 (5 lent.).

5 lentelė. F4 ~ F1 +F2 +F3 modelio skaičiavimai

Koeficientai:				
	Įvertis	Stand. paklaida	T vertė	Pr (>|t|)
(Sankirta)	3,651e-13	4.091e-02	0.000	1.000
F1	-1.768e-03	1.140e-01	-0.016	0.988
F2	-1,192e-01	7.970e-02	-1.496	0.136
F3	3.861e-01	8.199e-02	4.708	3.65e-06***

MRU
Mykolas Romeris
University

ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

Gauta determinacijos koeficiento reikšmė R^2 yra lygi 0,15, taigi pagal tyrimo duomenis visų trijų reikšmijautos tipų faktoriai bendrai paaiškina 15 % įtraukiosios lyderystės dispersijos (1 pav.).
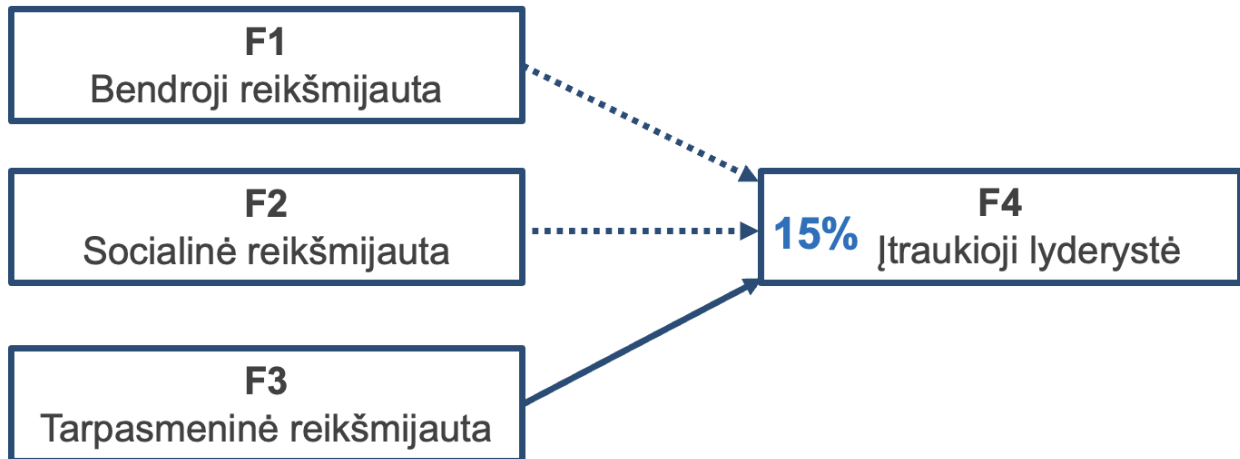
1 paveikslas. Bendras reikšmijautos faktorių poveikis įtraukiajai lyderystei

Kadangi sąveikaujant trims kintamiesiems tik vienas jų pasižymėjo statistiškai reikšmingu poveikiu, buvo sudaryti atskiri modeliai kiekvieno kintamojo izoliuotam poveikiui įtraukiosios lyderystės suvokimui nagrinėti:

Modeliu F1 ~ F4 buvo tikrinama bendrosios reikšmijautos (F1) įtaka įtraukiajai lyderystei F4. Kintamasis ir modelis statistiškai reikšmingi. Esant tik vienam kintamajam F kriterijaus *p*-reikšmė sutampa su kintamojo *p*-reikšme (6 lent.).

6 lentelė. F1 ~ F4 modelio skaičiavimai

Koeficientai:				
	Įvertis	**Stand. paklaida**	**T vertė**	**Pr** (>|t|)
(Sankirta)	8.798e-12	3.486e-02	0.000	1
F4	2.588e-01	4.271e-02	6.061	3.61e-09***

Gauta determinacijos koeficiento reikšmė R^2 lygi 0,1, taigi izoliuotas bendrosios reikšmijautos poveikis gali paaiškinti 10 % įtraukiosios lyderystės dispersijos (2 pav.).

2 paveikslas. Bendrosios reikšmijautos poveikis įtraukiajai lyderystei

Modeliu F2 ~ F4 buvo nagrinėta socialinės reikšmijautos darbe (F2) įtaka įtraukiajai lyderystei F4. Kaip ir praeitame modelyje, kintamasis ir modelis yra statistiškai reikšmingi, esant tik vienam kintamajam F kriterijaus *p*-reikšmė sutampa su kintamojo *p*-reikšme (7 lent.).

7 lentelė. F2 ~ F4 modelio skaičiavimai

Koeficientai:				
	Įvertis	Stand. paklaida	T vertė	Pr (>|t|)
(Sankirta)	2.933e-12	3.954e-02	0.000	1
F4	1.992e-01	4.844e-02	4.112	4.92e-05***

Gauta determinacijos koeficiento reikšmė R^2 lygi 0,05, taigi socialinė reikšmijauta darbe, veikdama izoliuotai, gali paaiškinti 5 % įtraukiosios lyderystės dispersijos (3 pav.).
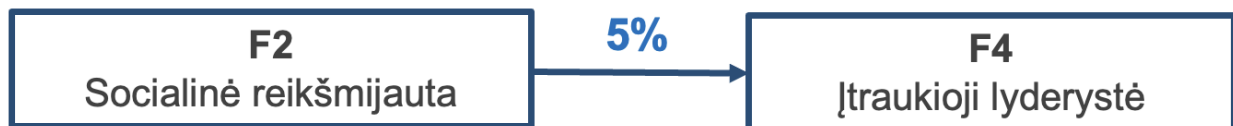
3 paveikslas. Socialinės reikšmijautos darbe poveikis įtraukiajai lyderystei

Galiausiai modeliu F3 ~ F4 buvo tiriama tarpasmeninės reikšmijautos darbe (F3) įtaka įtraukiajai lyderystei F4. Kintamasis ir modelis yra statistiškai reikšmingi. Esant tik vienam kintamajam F kriterijaus *p*-reikšmė sutampa su kintamojo *p*-reikšme (8 lent.).

8 lentelė. F3 ~ F4 modelio skaičiavimai

Koeficientai:				
	Įvertis	Stand. paklaida	T vertė	Pr (>|t|)
(Sankirta)	1.298e-12	4.905e-02	0.000	1
F4	4.603e-01	6.009e-02	7.661	1.96e-13***

Gauta determinacijos koeficiento reikšmė R^2 lygi 0,15, taigi izoliuota tarpasmeninė reikšmijauta darbe išlaiko bendrame modelyje stebėtą galimybę paaiškinti 15 % įtraukiosios lyderystės dispersijos (4 pav.)
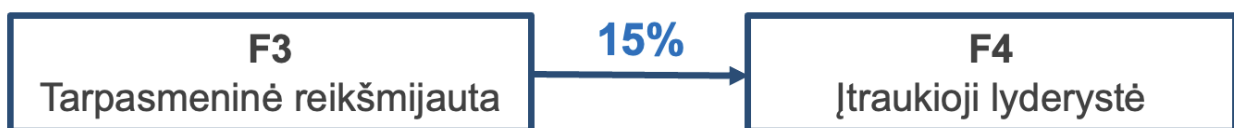
4 paveikslas. Socialinės reikšmijautos darbe faktoriaus poveikis įtraukiajai lyderystei

Iš aprašytų modelių galima daryti prielaidą apie nežymią, bet teigiamą įvairių reikšmijautos tipų įtaką įtraukiosios lyderystės suvokimui organizaciniame kontekste. Remiantis tyrimo rezultatais galima teigti, kad kiekvienas individų reikšmijautos veiksnys, nepaisant jo įtakos apimties, yra veiksmingas ir gali padėti stiprinti įtraukiosios kultūrą organizacijoje. Pastebėtina tai, kad skirtingų tipų reikšmijautos bendras poveikis įtraukiosios lyderystės suvokimui nėra kumuliacinis – netgi priešingai, veikdamos kartu su tarpasmenine reikšmijauta, bendroji ir socialinė reikšmijautos netenka savo poveikio, o tarpasmeninė reikšmijauta darbe išlaiko 15 % poveikį ir veikdama atskirai, ir kartu su kitų tipų reikšmijautos faktoriais. Tai gali būti paaiškinta faktorių tarpusavio koreliacijomis, o taip pat kad bendroji reikšmijauta ar suvokiama socialinė darbo reikšmė neturi didelės įtakos tam, kaip darbuotojas suvokia savo vadovų įtraukų elgesį. Tai daug stipriau veikia tarpasmeninė reikšmijauta darbe, nurodanti į kolegų tarpusavio bendravimą. Tai patvirtina tikslingumą organizaciniuose

kontekstuose matuoti darbinę reikšmijautą, t.y., nagrinėti kolegų ir darbo teikiamą reikšmingumą individui. Apibendrintas reikšmijautos tipų ir įtraukios lyderystės suvokimo sąveikų modelis pateikiamas 5 pav.
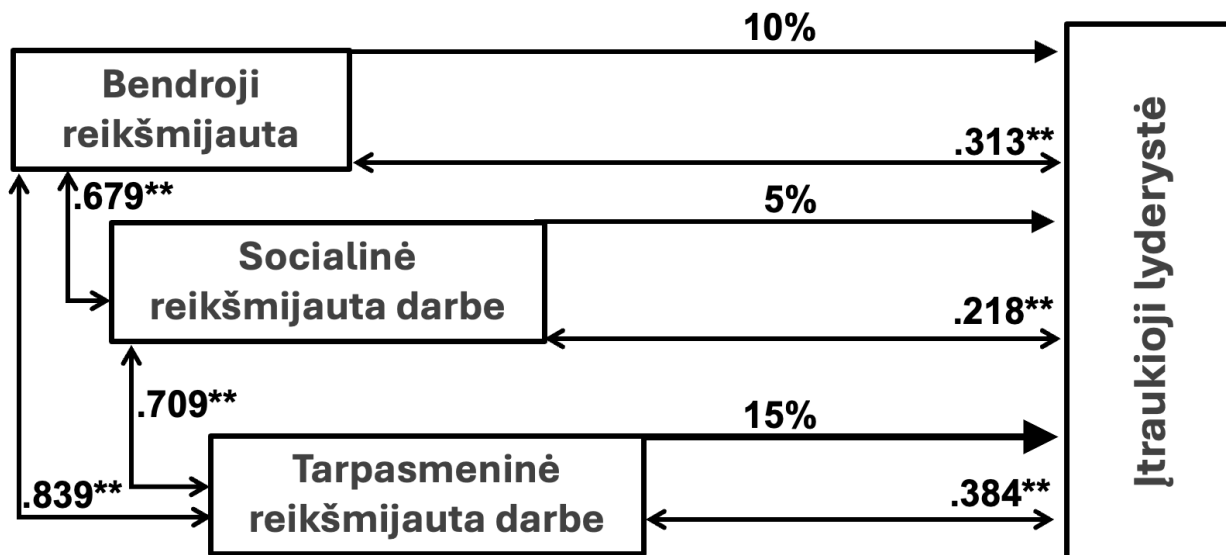
5 paveikslas. Reikšmijautos ir įtraukiosios lyderystės sąveikų modelis
Šaltinis: sudaryta straipsnio autorės
*** Koreliacija reikšminga 0,01 lygmeniu (dvipusė).*

Apibendrintas modelis apima dvikryptėmis rodyklėmis pažymėtas koreliacijas tarp kintamųjų ir paprastomis rodyklėmis rodomus vienpusius priežastinius ryšius, reikšmijautos elementams veikiant įtraukiosios lyderystės suvokimą. Dėl 1 pav. aptarto prarandamo bendrosios ir socialinės reikšmijautos poveikio sąveikoje su tarpasmenine reikšmijauta ir dėl abipusės koreliacijos tarp atskirų reikšmijautos tipų šis modelis su atskirai įtraukiosios lyderystės suvokimą veikiančiais ir tarpusavyje koreliuojančiais reikšmijautos elementais šio tyrimo kontekste atrodo prasmingesnis. Jis suteikia galimybę panaudoti abiejų tipų sąveikas tarp tiriamų konstruktų ir prisitaikyti tinkamiausią jų konkretiems organizaciniams tikslams.

Išvados ir pasiūlymai

Šiuo tyrimu buvo siekiama teoriškai išanalizavus įtraukiosios lyderystės ir darbuotojų reikšmijautos fenomenus identifikuoti empirines prielaidas jų gretinimui organizacijų kontekste.
Pirma, apibendrinant įtraukiosios lyderystės ir reikšmijautos kintamuosius mokslinės literatūros analizė leidžia kelti prielaidas apie galimą teigiamą reikšmijautos poveikį įtraukčiai dėl kelių priežasčių. *Pirma,* įtrauktimi siekiama įgalinti įvairius darbuotojus, įvairovę paverčiant organizacijos stiprybe. *Antra,* reikšmijauta grindžiama abipusiškumu, galimu per individų santykį. *Trečia,* įtraukioji lyderystė siekia atliepti darbuotojų poreikį jaustis unikaliems ir priklausyti grupei, skatindama ne tik įtraukti, bet ir stiprinti darbuotojų reikšmijautą, kuri, savo ruožtu, įgalintų juos jaustis vertingus ir kurti vertę kitiems.
Antra, empirinio tyrimo rezultatais nustatytos statistiškai reikšmingos įtraukiosios lyderystės ir darbuotojų reikšmijautos sąsajos. Statistinė analizė patvirtino H1 apie *darbuotojų reikšmijautos ir įtraukiosios lyderystės suvokimo kintamųjų tarpusavio koreliacijas*. Nustatytos teigiamos abipusės koreliacijos tarp tiriamų kintamųjų, ypač žymi teigiama trijų reikšmijautos

dimensijų tarpusavio sąveika. Dėl savo abipusiškumo reikšmijauta yra tvarus žmogiškųjų išteklių valdymo sprendimas, leidžiantis tikėtis, kad, skiriant dėmesio darbuotojų reikšmijautos stiprinimui, jie patys skleis tokią organizacinę kultūrą ir prisidės prie jos puoselėjimo.

Trečia, vertinant reikšmijautos faktorių įtrauktį stiprinantį poveikį struktūrinių lygčių modeliavimas parodė galimybes atskiromis reikšmijautos dimensijų ar jų kombinacijų dedamosiomis sustiprinti įtraukiosios lyderystės suvokimą nuo 5 iki 15 procentų. H2, teigusi, kad *reikšmijautos kintamieji gali sustiprinti įtraukiosios lyderystės suvokimą,* buvo patvirtinta nustatytais teigiamais darbuotojų reikšmijautos efektais jų įtraukiosios lyderystės suvokimui. Tyrimas taip pat atskleidė, kad darbo kontekstuose stipriausiai įtraukiosios lyderystės suvokimą veikia tarpasmeninė reikšmijauta darbe, kuri vertinant kartu su bendrąja ir socialine reikšmijaitos dimensijomis panaikina jų poveikį įtraukiosios lyderystės suvokimui.

Tokie tyrimo rezultatai patvirtina reikšmijautos įtraukimo į žmogiškųjų išteklių valdymo paradigmą prasmę ir tolesnių tyrimų tikslingumą. Nustatyti teigiami reikšmijautos faktorių poveikiai įtraukiosios lyderystės suvokimui sudaro prielaidas organizacijoms susipažinti su šiais konstruktais ir įvertinti galimą jų taikymą žmogiškųjų išteklių valdymo srityje. Šio tyrimo rezultatai parodo, kad skirtingų dimensijų reikšmijauta turi skirtingą poveikį įtraukiosios lyderystės suvokimui ir *daugiau nereiškia geriau.* Svarbu pažinti savo organizaciją ir/ar komandas bei pasirinkti tinkamą reikšmijautos tipą, jeigu norima sustiprinti darbuotojų suvokimą, kad jų vadovai veikia įtraukiai, t. y., yra atviri, prieinami ir pasiekiami savo darbuotojams. Vis dėlto apibendrinant tyrimo rezultatus pažymėtina tarpasmeninių santykių svarba, kuri nurungia jaučiamą savo atliekamo darbo reikšmingumą. Tai parodo, kad darbuotojams svarbu tiesioginių vadovų įtraukus elgesys ir savitarpio pagalba, o taip pat – galimybė keistis reikšmingumu, stiprinant savo ir kolegų tarpasmeninę reikšmijautą.

Tyrimo apribojimai

Šio tyrimo apribojimai apima apklausos vykdymo trukmę, pasirinktą specifinę populiaciją ir demografinius kintamuosius. Nustatytos faktorių koreliacijos ir įtraukiosios lyderystės suvokimo stiprinimo darbuotojų reikšmijauta modeliai leidžia pateikti tokias rekomendacijas šiems apribojimams ateities tyrimuose įveikti:

▪ Tirti įtraukiosios lyderystės ir reikšmijautos sąveiką kitose populiacijose.
▪ Tiriant įtraukti demografinius kintamuosius ir nagrinėti kintamųjų sklaidą tarp jų.
▪ Nagrinėti reikšmijautos ir kitų lyderystės stilių sąveikas.
▪ Siekiant nustatyti įtraukiąją lyderystę stiprinančius faktorius įtraukti papildomų ją galinčių teigiamai veikti kintamųjų.

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NEXUSES BETWEEN MANAGERIAL BEHAVIOUR AND EMPLOYEE MATTERING IN THE CONTEXT OF INCLUSIVE LEADERSHIP

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Summary

The paper explores the constructs of inclusive leadership and mattering, examining their potential application in human resource management. It includes a theoretical analysis of these phenomena and an empirical study conducted within Lithuanian organisations. These organisational management constructs are increasingly important in the context of social policy, sustainability, and the economic objectives of organisations and their employees. The theoretical part offers an overview of the constructs under study, their research-based organizational benefits, and the assumptions for their general applicability. It underpins the logic of the study, emphasising the importance of inclusive leadership and mattering in contemporary organizational environments. The empirical part presents quantitative research. Survey data collected was analysed using statistical methods such as factor analysis and structural equation modelling. The aim was to examine the correlations between inclusive management and employees' mattering, as well as to model the possibility of enhancing employees' mattering perception through the development of inclusive leadership. The study concludes with recommendations based on the findings.

Keywords: Organisational inclusion, inclusive leadership, managerial behaviour, mattering

APPLICATION OF LEAN CONCEPT: THE CASE OF RETAIL COMPANY

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Abstract. *Retailing comprises an important portion of the economy both in Lithuania and EU in general, since it contributes significantly to the gross domestic product and labour creation. Globalisation and changing market demands are increasing competitiveness in retail, and as a result companies are adopting different improvement methods and techniques to assure their ability to compete in the market. Lean thinking is one of the wide-ranging ways to promote efficiency, while emphasizing a high level of awareness on customer. The paper aims to reveal the possibilities and barriers of Lean application in retail. In order to achieve this aim, the authors of the paper present the theoretical conceptual model which illustrates Lean implementation in retail. The research design applies a multi-method approach, combining systematic and comparative scientific literature analysis, and a semi-structured interview. The results of empirical research revealed that retail company implements Lean concept aiming to reduce waste, to improve on-shelf availability, to optimize inventory management and space utilization, to increase customer service and satisfaction, and therefore to increase sales margins and profitability. The most successful Lean tools are 5S, Value stream map, Visual management, and Kanban. The primary barriers, impeding or slowing down Lean transformations most often are related to people: insufficient knowledge and engagement; the old ways of working and resistance to change; lack of effective leadership; inadequate communication. Therefore, training of employees, explanation of Lean benefits, creating an enabling culture, and motivating staff to provide suggestions for improvement could be the first steps to successful Lean implementation.*

Keywords: Lean concept, retail, Lean tools, barriers.

Introduction

Currently, in a world characterized by globalization, highly competitive markets, and unforeseen crises, businesses encounter a multitude of complex influencing factors that force companies to analyze their processes and operations and adopt new strategies that encourage creativity, innovation and efficiency (Zelga, 2017; Dillinger et al., 2021; Farida & Setiawan, 2022; Benkarim & Imbeau, 2021; Metha & Dave, 2020; Amine & Hadri, 2021).

The aforementioned challenges become more and more important in retail, powerful economic, technological and even societal force source of change. Retail plays a crucial role in country's economy due to several reasons. First of all, it is a significant source of employment offering jobs at various skill levels - from sales associates to managers. Retail also contributes significantly to the gross domestic product (GDP), encourages entrepreneurship, allowing individuals to start small businesses, is interlinked with other industries such as manufacturing, agriculture, transportation, and drives demand throughout the supply chain (Bedoya et al., 2021; Dagilienė et al., 2022). In addition, retail businesses generate substantial tax revenues for governments, contributing to public services and infrastructure development. The development

of retail promotes the production sector, lowers prices for consumers, increases the variety of services and products, and fulfils the changing needs of customers.

Considering its impact on the economy, many researchers have focused on various topics related to retail management. As demonstrated by many years of experience and examples of good practice, Lean is not limited to a specific type or size of business, but is acceptable by various types, sizes and industries that strive to improve their operations, increase competitive advantage, and enhance profits (Gebeyehu et al., 2022, Vienažindienė & Čiarnienė, 2023). Retailers also try to optimize their processes with the eventual goal of achieving "leanness" and increasing the quality of their services (Madhani, 2020). The capability to overcome trade-offs among costs, quality and time has become a must in high-margin businesses. Lean thinking here may be a solution. Despite the transition of Lean philosophy to service industries, including retail, relatively few publications have been published on the application of Lean concept to retail (Marques et al., 2022). In order to enhance the effectiveness and productivity of their in-store, online and/or supply chain operations, some retailers are adopting Lean principles, methods and tools to improve performance and customer satisfaction (Marques et al., 2022). World famous retailers as Wal-Mart, Tesco, Mercadona have become famous examples of lean retailing when adopting Lean principles in this sector.

Research works conducted by Daine et al. (2011), Carmignani and Zammori (2015), Jaca et al. (2012), Domingo (2013), Onetto (2014), Noda (2015), Evans and Lindsay (2015), Robinson (2015), Minh and Anh (2015), Carmignani (2016), Özkavukcu and Durmuşoğlu (2016), Myerson (2017), Kroes et al. (2018), Morcillo-Bellido and Duran (2018), Chuang et al. (2019), Madhani (2020), Abdelhadi (2021), Bedoya et al. (2021), Silva et al. (2021), Marques et al. (2022) illustrate various improvement initiatives in the retail sector applying Lean principles, methods and tools. By developing closer supplier relationships, improving distribution processes under a "pull" vision, retailers have been able to increase their levels of service to consumers, reduce inventory and operational costs, enhance productivity and product quality, and reach good outcomes in terms of employee attitudes, and participation.

While the scientific community has extensively explored different topics related to Lean management and retail management, there is a gap in scientific studies examining Lean application within retail sector.

Research object: the application of Lean concept in retail companies.

The purpose of the research: to reveal the possibilities and barriers associated with Lean implementation in retail settings.

Research objectives: To develop theoretical conceptual model for Lean implementation in retail; Empirically investigate the possibilities and barriers associated with Lean implementation in the retail company.

Research methods: systematic and comparative analysis of scientific literature, semi-structured interview, data systematization and summarization.

The paper is organized around four sections: theoretical background, research methods, research results, and finally, the main conclusions of the paper are summarized.

Theoretical background

The origins of Lean can be found on the shop floors of Japanese manufacturers, in particular at the Toyota Motor Corporation (Marques et al., 2022). Lean philosophy is based on defining value from the customer's viewpoint, and continually improving the way in which value is delivered, by eliminating every use of resources that is wasteful, or that does not contribute to the value goal (Čiarnienė & Vienažindienė, 2015; Leksic et al., 2020, Marques et

al., 2022; Skhmot, 2017). Lean thinking increased in popularity in the end of the 1980s and since then has disseminated to different countries and industries across the globe (Čiarnienė &Vienažindienė, 2015; Lima et al, 2023; Marques et al., 2022). Lean concept has a multifaceted nature, manifesting at different levels of abstraction. At the strategic level, it presents itself as a philosophy or a mindset; at the tactical level, it encompasses a collection of principles; and at an operational level, it materializes through an extensive array of practices and tools, that are adoptable across diverse organizations to eliminate anything that does not create value (Čiarnienė &Vienažindienė, 2015; Leksic et al., 2020, Marques et al., 2022). Lean tools are used to deliver products and services better, to improve quality, increase productivity, speed and reliability, while reducing inventories and costs (Madhani, 2020; Silva et al., 2021).

Currently, retail is crucial in the context of gross domestic product and labor creation, and its role in the economy is growing. Retail success can be defined as achieving high gross margins and customer service levels in the context of stock availability at stores (Domingo, 2013). Managers in retail every day have to make a whole series of decisions that affect retail store performance. The most important of them are presented in table 1.

Table 1. The main retail store operations decisions
Source: elaborated by the authors based on Mou et al., 2018

Decision area	Explanation
Demand forecasting	Integral to retail store operations, stands as a crucial component in managing inventory and labour effectively. Customer demand is shaped by a multitude of factors such as promotions, seasonal fluctuations, holidays, and evolving customer preferences.
In-store logistics: backroom storage and shelf replenishment	Products sourced either from internal distribution centres or external suppliers are transported to the store's backroom. Shelf replenishment involves the actions carried out by store employees to transfer these items from the backroom onto the retail shelves.
Inventory management	Ensuring product availability is critical in the retail sector. Nevertheless, Out-of-Stock (OOS) occurrences are frequently documented issues. These instances of unavailability lead to lost sales, discrepancies in inventory records, challenges in determining optimal pricing, and significant implications for inventory planning - all of which significantly influence store sales and profitability.
Assortment and display	Providing an adequate range of products within the constraints of limited shelf space stands as a key concern for attracting and retaining customers. Effectively utilizing this confined shelf space holds significance due to its impact on marketing effectiveness and operational workload.
Product promotion	There exists a multitude of strategies for this, encompassing price discounts, coupons, complimentary items, gifts, and other promotional tactics.
Checkout operations	The checkout process is an indispensable aspect of the customer's shopping journey, where speed and friendliness are pivotal contributors to the overall shopping experience. Self-checkout systems have increasingly become a standard feature in numerous shopping centres, marking an evolution in the payment process.
Employee management	Frontline employees play an important role in driving store sales. Aligning store associates with both customers' demands and store requirements stands as a critical factor in enhancing retail store performance. It's worth noting that after the cost of ordered products, payroll typically represents the second-largest expenditure for businesses.

In an ideal world, retailers aim to anticipate customer preferences accurately, providing precisely what they seek with lead times ranging from one to two weeks. This vision encompasses a seamlessly integrated supply chain, relying on warehouses primarily functioning as cross-docking centers (Cooper, 2017). In real globalized world marked by fiercely competitive markets, unforeseen crises, the proliferation of Internet and mobile technologies,

ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
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as well as evolving customer needs and preferences, the retail sector is transitioning from a product-focused approach to a customer-centric model and facing a variety of challenges, and complexities. According to Domingo (2013), Cooper (2017), Mou at al. (2018), Madhani (2020), Bedoya et al. (2021), Marques et al. (2022), major challenges faced by retailers are:

- Huge competition;
- Customers switching to competitors;
- Considerable losses in value chains;
- Inadequate stores replenishment processes;
- Poor on-shelf availability (OSA);
- Out-of-stock (OOS) products,
- High inventories, overstocks and returns,
- Large number of independently operated retail stores;
- Tight labor budget;
- Lack of data or inaccurate data;
- Unnecessary complex logistics;
- Long lead-times;
- Lack of sufficient storage space;
- Stock in wrong place or wrong time;
- Pushing not pulling stock;
- Defects in products and machinery;
- Non-availability of service staff for customer contact;
- High employee turnover;
- Constantly evolving consumer demographics and needs, and others.

These challenges and complexities lead to poor business performance, increased operating costs, customer dissatisfaction, uncompetitive market positioning, and lost market share (Domingo, 2013; Mou at al., 2018; Marques et al., 2022). In order to ensure on-shelf availability, enhance the effectiveness and productivity of their in-store and supply chain operations, retailers are looking for new methods and tools to improve performance and customer satisfaction (Marques et al., 2022). For these reasons, Lean principles and tools are being introduced to retail business. Attempts to apply Lean concept in retail are quite recent - it dates from 90s of the last century (Lukic, 2012; Marques et al., 2022). In relation to this, the term "Lean retailing" emerged in recent years. This term has initially become associated with Wal-Mart's early adoption of management practices and information technology systems to strengthen the relationship with its suppliers (Bloom & Hinrichs, 2017).

Myerson (2014) defines the shift towards Lean retail as a dramatic change in the way products are ordered and distributed that is far more data-centric and focused on understanding and meeting customer demand. Chuang et al. (2019) links Lean retailing philosophy to retail industry patterns showing decreasing and historically low retailer inventories. Lukic (2012) describes Lean retailing as transforming the traditional way of a retail business to a new and more effective. He emphasizes operating strategy which requires maximum efficiency coupled with identification and elimination of waste. Specific waste reduction areas may include (Jaca et al., 2012; Kroes et al., 2018):

- Enhancing inventory management practices,
- Consolidating unprofitable store locations,
- Maximizing retail space efficiency within the store,
- Focus on high-demand products,
- Better utilization of employee potential,
- Enhancing transportation and logistics,

- Preventing defective merchandise from reaching stores, and others.

Ultimate goal of Lean retailing is to ensure a rapid and efficient flow of goods to the customers, thus ensuring quick replenishment of shelves and other points of sale (Lukic, 2012; Daine et al., 2011; Marques et al., 2022). It means operating without waste through building a series of simple innovations that make it possible to provide continuity in process flow, seamless, fast value chain, and a variety of product offering, that is personalized to the customer (Lukic, 2012; Cooper, 2017).

Research works indicate that Lean principles can be effectively applied in the retail industry by using different Lean tools and techniques, such as 5S, Value stream mapping, Kaizen, Kanban, Visual management, Standardization, Just in time, Stand-up meetings, and others (Minh & Anh, 2015; Noda, 2015; Evans & Lindsay, 2015; Özkavukcu & Durmuşoğlu, 2016; Bedoya et al., 2021; Marques et al., 2022). They help enterprises to identify activities that add no value and thus reduce waste, improve operational flow, produce operations and services at the lowest cost and as fast as possible, improve resource efficiency, improve on-shelf availability, increase customer satisfaction and sales margins, increase productivity, and thus increase profitability (Jaca et al., 2012; Lukic, 2012; Minh & Anh, 2015; Cooper, 2017; Kroes et al., 2018; Madhani, 2020).

Despite above mention potential benefits, when implementing Lean concept in the retail sector, there is a range of barriers to consider. Noda (2015) explains that applying Lean to retail and to service industry in general is more complicated because of the nature of the business, including different adjustment factor that is needed between supply and demand, simultaneous production and consumption of services, and customer's involvement in service production. Based on research works conducted by Čiarnienė and Vienažindienė (2015), Čiarnienė and Smilgevičiūtė (2017), Amine and Hadri (2021), Asadian et al. (2021), Benkarim et al. (2021), Maware and Parsley (2022), Schulze and Dallasega, (2023), Vienažindienė and Čiarnienė (2023), there should be emphasized three main categories of barriers to Lean implementation:

1. People-related barriers. These barriers come from human behavior and attitudes within an organization. Resistance to altering established workflows, processes, or systems by both employees and management can hinder the integration of Lean principles. Without strong leadership support and commitment, initiatives may lack direction and fail to gain traction throughout the organization. Additionally, inadequate training in Lean principles could lead to misconceptions or improper application, diminishing their efficacy.

2. Organizational barriers. Organizational barriers mainly relate to the company's structural setup and policies. Rigid hierarchical structures and an absence of a culture promoting continuous improvement may hinder the development of a mindset conducive to ongoing enhancement, thereby complicating the integration of Lean principles into daily operations.

3. Process-related barriers. Arising from unclear, inefficient, or undefined operational processes, outdated technologies, poorly designed workflows, and poor data management, these barriers impede Lean implementation. The complexity of retail operations, such as diverse product lines, multiple locations, and varying customer demands, can also make Lean implementation more challenging. Recent disruptive events, like those triggered by the COVID-19 pandemic have highlighted vulnerabilities in supply chains, necessitating adaptations in Lean strategies to address volatility and ensure resilience.

In addition to the aforementioned barriers, focus on short-term results rather than long-term sustainable improvements should be acknowledged. Solely prioritizing short-term gains may hinder the comprehensive benefits achievable through successful Lean implementation. Cooper (2017) notices that Lean retail requires a lean process, lean culture and lean technology.

Based on the literature analysis, authors of the paper present theoretical conceptual model for Lean implementation in retail (see figure 1).

Readiness and success factors

- Need/reasons for change
- Target areas identified
- Training and motivating of employees
- Top management commitment and support
- Culture promoting continuous improvement
- Appropriate resources
- The goals are clearly set and measurable

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Lean tools and techniques

- Value stream mapping
- 5 S
- Kaizen
- Kanban
- Standardization
- Visual management
- Just in Time
- Stand-up meeting
- Others

Benefits and progress dimensions

- Improved on-shelf availability
- Increased customer satisfaction
- Enhanced inventory management and space efficiency
- Better utilization of employee potential
- Enhanced transportation and logistics
- Reduced waste and cost
- Increased sales margins and profitability

Figure 1. Theoretical conceptual model for Lean implementation in retail
Source: elaborated by the authors

Implementation of Lean concept within the retail company entails a systematic approach that involves identifying need for change and areas for improvement, developing a clear plan, training, motivating and supporting employees, establishing a culture for continuous improvement, allocating suitable resources, as well as consistently monitoring, and evaluating the progress.

Research methods

To investigate the possibilities and limitations of Lean application in retail, qualitative research was used in the form of semi-structured interviews based on open-ended questions. The agenda for the interview guide was developed based on the analysis of scientific literature. Interview guide covered the following areas: reasons to implement Lean concept; the main Lean tools and techniques in retail; barriers to Lean implementation in retail.

Numerous researchers agree that the semi-structured interview serves as a versatile and universally accepted method fostering a bilateral exchange between the interviewer and participant. This approach enables adaptability, facilitating the exploration of additional questions based on the responses given (Kallio et al., 2016; Gaižauskaitė & Valavičienė, 2016; DeJonckheere & Vaughn, 2019; Vienažindienė & Čiarnienė, 2023). Interviews enable us to

learn things that we cannot see directly, such as behaviors or interactions that occurred in the past. Within interviews, one delves into opinions, attitudes, experiences, motives, and emotions, shedding light on these nuanced aspects (Gaižauskaitė & Valavičienė, 2016).

Participants for the interview were selected using targeted sampling representing managerial staff of retail company engaged in the retail of food products, mainly meat and meat products. Codes I1, I2 .... I7 were assigned to research participants to ensure privacy. More information about participants is presented in table 2.

Table 2. Information about the respondents
Source: elaborated by the authors

Code	Position in the company	Gender
I1	Sales manager	Female
I2	Store manager	Female
I3	Store manager	Female
I4	Sales manager	Male
I5	Store manager	Female
I6	Store manager	Female
I7	Head of the company	Male

Participants were initially contacted to arrange suitable timings and locations for the interviews. Individual interviews were conducted both in-person and remotely via Teams platform in 2022-2023. At the outset, interviewees were briefed on the research's objectives. Throughout the interviews, ethical guidelines were strictly adhered to: the interviewer refrained from expressing personal opinions, followed a predetermined interview structure, and ensured that respondents understood the questions and had ample time to respond. On average, each interview lasted approximately 40 minutes. Subsequently, the interviews were meticulously recorded, transcribed, and translated. The raw data underwent multiple readings and thorough content analysis. The data collected from the interviews were systematically processed through interpretation, systematization, analysis, and categorization of the responses.

Research results

Evidence citations were used to support the viewpoints expressed by interview participants, aligning with specific categories and subcategories identified during the content analysis process. The first category - Reasons for implementation of Lean concept covers three subcategories: 1) waste minimization, 2) process improvement, 3) increased profitability. Supporting statements are presented in Table 3.

According to the informants, there are many different reasons to implement Lean concept. One of the most important is to reduce different types of wastes such as excess inventory, expired products, and write-offs. Informants note that within a retail company, goods might not be adequately arranged, with fresher items often positioned closer or higher than those with a shorter shelf life. Consequently, newer products, designed for a longer shelf life, tend to sell out faster, whereas items with a shorter shelf life are purchased later, leading them to expire more rapidly and necessitating their removal from the market. More efficient replenishment of products, improvement of inventory management, better space utilization, standardized work practices and process improvements help to achieve more efficient use of resources, better on-shelf availability, improved customer service, and all this allows to reduce costs and increase profitability.

ISSN 2029-1701   Research Journal
ISSN 2335-2035 (Online)   PUBLIC SECURITY AND PUBLIC ORDER
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Table 3. Reasons for Lean implementation

Source: elaborated by the authors based on the answers of the respondents

Subcategory	Statements
Waste minimization	*"Positive experience of other organizations to reduce waste… "* [I1], [I5], [I7] *"Large write-offs of food products..."* [I6] *"Goods not sold on time..."* [I4] *"Over-ordering of products, as a result of which their write-offs are growing"* [I5] *"Reduce fresh wastes"* [I2], [I6] *"Poor on-shelf availability"* [I3], [I6], [I7] *"Lean could reduce losses due to supply. As an example, product shortages or, conversely, expired products"* [I4]
Process improvement	*"Lean allows optimizing the use of existing resources by eliminating unnecessary and/or inefficient processes"* [I4] *"Ensure better quality of work and reduce company costs"* [I3], [I2] *"Improvement of inventory management"* [I3], [I6] *"Aim to improve space utilization..."* [I7] *"Lean provides more efficient customer service…"* [I1] *"Desire to organize sales more effectively"* [I1] *"Facilitate ordering processes, inventory management"* [I2] *"Greater efficiency in the replenishment of fresh products"* [I5] *"Allows to improve the performance of in-store operations"* [I7] *"Standardized work and process improvements help to save time"* [I7]
Increased profitability	*"Positive experience of other organizations to achieve better work results"* [I2], [I5], [I7] *"Increase profitability with available resources"* [I1], [I7] *"Lean optimizes the company's operations, which automatically increases profits"* [I3] *"Lean concept allows not to waste resources and, as a result, earn more profit"* [I4] *"Attracting customers through competitive selling prices while reducing costs"* [I5] *"Efficient use of resources increases competitiveness and profitability"* [I6]

The second category – most successfully used Lean tools and techniques (four subcategories). Table 4 presents the interviewees' responses on the subject.

Table 4. Most successfully used Lean tools and techniques

Source: elaborated by the authors based on the answers of the respondents

Subcategory	Statements
5S	*"5S standardizes the work environment, allows it to be efficiently organized so that everything is in its place"* [I1] *"Regardless of which shift is being worked, the goods and tools used in the shop must have constant and most suitable places"* [I3] *"5S, because it ensures the standardization of the workplace"* [I7] *"5S is a very necessary tool"* [I2] *"5S help organize workplaces so that work can be done optimally"* [I4], [I5] *"5S … encourages employees to improve their working environment and teaches them to see and reduce losses"* [I6]
Value stream map	*"With the value stream map, we see the biggest waste when the employee serves customers inefficiently, where most of the time is wasted"* [I1] *"Process mapping allowed to understand a process and its components more clearly"* [I2], [I5] *"The value stream map allows you to concentrate your efforts where it hurts the most instead of wasting energy on eliminating low-value losses"* [I4] *"Value-stream mapping helped to identify and reduce waste"* [13], [I7] *"Process mapping allowed to disclose inefficiencies"* [I6]

Kanban	*"Kanban helps ensure inventory management"* [I3] *"Kanban ensures efficient ordering of goods and maintenance of the balance in the warehouse"* [I1] *"With the help of this tool, we could significantly optimize our supply chain and reduce the volume of stored products"* [I4] *„Kanban helped to improve ordering of goods"* [I5]
Visual management	*Visual management would allow all participants in the process, especially new employees, to clearly understand the Lean system* [I2] *"Visual management is the tool that makes Lean so effective"* [I4]

Every informant within this category unanimously stressed the importance and usefulness of 5S and Value Stream Mapping. Additionally, Visual Management and Kanban have been successfully used within retail companies. One respondent highlighted the necessity of a composition of various Lean tools and techniques, arguing that on their own they serve more as „glitters" without creating much value.

The third category - barriers to Lean implementation. This category was divided into three subcategories: 1) People – related barriers, 2) Organizational barriers, 3) Process-related barriers. Explanatory statements about the main barriers and difficulties when implementing Lean concept in retail are presented in table 5.

Table 5. Barriers to Lean implementation
Source: elaborated by the authors based on the answers of the respondents

Subcategory	Statements
People – related barriers	*"Failure to communicate to employees about the benefits of Lean"* [I1] "*Employees don't want to change, don't accept innovations"* [I1] *"Lack of trained employees, passivity of employees"* [I2] *"Uncertainty, fear of innovation, little information about the system"* [I2] *"Not everyone will be able and open to innovation and may not agree to work according to the new system, this can result in the loss of an employee"* [I3] *"Lack of management involvement and leadership"* [I4] *"People are hostile when measured their work progress*" [I4] *"Employee passivity, unwillingness to change and improve "* [I5] *"Managers' indifference <...> Employees are not inclined to get involved"* [I6] *"Only resistance to change"* [I7] *"Lack of employee engagement"* [I1]
Organizational barriers	*"Non-compliance with the agreed system, missing important meetings due to the abundance of work"* [I2] *"The potential costs of implementing Lean can cast considerable doubt on the potential benefits in the future"* [I4] *"The most common doubts before starting to implement Lean is that it is an expensive system"* [I1] *"The biggest obstacle when implementing Lean is because of the fad, not really believing in Lean ideas"* [I4] *"Incorrect understanding of Lean philosophy and inflexible application of Lean methods"* [I6] *"Employees may be reluctant to change their work processes"* [I6] *"The system reduces the company's flexibility"* [I7] *"You need a specialist who knows this, you need investment, you need time, you need strong leadership"* [I7] *"The entire organization must be involved. Otherwise it will be chaos"* [I7]
Process-related	*"Resistance to alter work processes and methods"* [I1] *"Certain processes lacked clear descriptions"* [I2] *"Inadequate emphasis on data collection and result measurement"* [I7]

As per the feedback from informants, the primary barriers, slowing down Lean transformations include: insufficient knowledge and engagement; the old ways of working and resistance to change; lack of effective leadership; lack of resources; inadequate communication; weak link between organizational strategy and Lean principles; cost of implementation; and challenges in data collection and result measurement.

In order to reach progress and improve on-shelf availability, optimize inventory management and space efficiency, maximizing employee potential utilization, increase customer service and satisfaction, minimize wastes, increase sales margins and profitability, a retail company should first of all concentrate on people-related barriers. Training of employees, explanation of Lean benefits, motivating staff to implement successful ideas, and creating an enabling culture could be the first steps to successful Lean implementation.

Conclusions

Lean is a fundamental concept, not limited to a specific type or size of business. Research works conducted by Jaca et al. (2012), Noda (2015), Evans and Lindsay (2015), Robinson (2015), Minh and Anh (2015), Carmignani (2016), Özkavukcu and Durmuşoğlu (2016), Myerson (2017), Kroes et al. (2018), Morcillo-Bellido, Duran (2018), Chuang et al. (2019), Madhani (2020), Abdelhadi (2021), Bedoya et al. (2021), Silva et al., (2021), Marques et al. (2022) illustrate various improvement initiatives in the retail sector applying Lean principles, tools and techniques. The findings indicate that adopting Lean concept leads to the improved on-shelf availability, minimized wastes, optimized inventory management and better space utilization, increased customer service and satisfaction, increased productivity, sales margins and profitability.

From theoretical perspective, this research contributes by elaboration of the theoretical conceptual model for Lean implementation in retail. The model consists of the following elements: readiness and success factors, barriers to Lean implementation, Lean tools and techniques, and benefits, and progress dimensions. Implementation of Lean concept within the retail company entails a systematic approach that involves identifying need for change and areas for improvement, awareness of possible barriers and responding to them, developing a clear plan, training, motivating and supporting employees, establishing a culture for continuous improvement, allocating suitable resources, as well as consistently monitoring, and evaluating the progress.

Empirical research disclosed that there are many reasons why retail companies tend to implement Lean concept. Retailers want to ensure on-shelf availability, reduce different types of wastes, such as excess inventory, expired products, and write-offs, and improve customer service. These results confirm and complement the results determined by Lukic (2012), Carmignani and Zammori (2015), Kroes et al. (2018), Cooper (2017), Madhani (2020), Marques et al. (2022).

Analysing which tools from the Lean toolbox are most commonly used and have proven successful, it was found that most successful Lean tools in retail are 5S, Value stream map (VSM), Visual management, and Kanban. It can be argued that these results are in line with research works previously conducted by Evans and Lindsay (2015), Minh and Anh (2015), Robinson (2015), Bedoya et al. (2021), Marques et al. (2022). We also strongly agree with the opinion expressed by Minh and Anh (2015), that 5S, Kaizen, Visual management or other tools will not have any meaning if they exist only as slogans, or on paper, and are not the daily practice at the company level.

The analysis of results revealed that the primary barriers impeding or slowing down Lean transformations in retail companies are first of all related to people. Lack of employee knowledge on Lean concept, insufficient engagement, the old ways of working, resistance to change, lack of effective leadership, inadequate communication are serious obstacles to Lean success. Therefore, education and empowerment of retail employees, involving employees in the process, valuing their input, strong support and involvement from leadership, and fostering a culture of continuous improvement can significantly enhance the success of Lean implementation. These suggestions are in line with findings of Minh and Anh (2015), Madhani (2020). Lack of resources, weak link between organizational strategy and Lean principles, cost of implementation, challenges in data collection and result measurement should be also considered.

The results of this research provide practical implications for managers who are involved in the implementation of Lean concept in business, particularly in retail, as well as for scholars who are analysing this topic from both a theoretical and an empirical perspective.

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CBRN RISK COMMUNICATION WITH THE PUBLIC: MINIMISATION OF HEALTH EFFECTS CAUSED BY ACCIDENTS OR TERRORIST ATTACKS

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Abstract. *CBRN (Chemical, Biological, Radiological, and Nuclear) risk communication with the public is critical to emergency preparedness and response. Effectively communicating with the public during and after incidents or terrorist attacks involving CBRN hazards is essential for minimising health effects and ensuring public safety. Fundamental principles and strategies for CBRN risk communication include some of the following key elements: timeliness and accuracy, transparency, empathy and understanding, consistent messages, plain language, media coordination, and feedback mechanisms. Applying this approach, emergency responders and authorities can enhance CBRN risk communication with the public, ultimately minimising health effects and fostering community resilience in the face of any emergency involving the uncontrollable release of CBRN agents. By incorporating these aspects into risk communication strategies, authorities can enhance their ability to effectively convey information, build trust, and promote public safety when dealing with dangerous substances. The paper reflects on the latest situation in this area where effective risk communication is crucial when dealing with CBRN and other dangerous substances to ensure the safety of individuals and the community.*

Keywords: CBRN, risk communication, agents, release, accidents, attacks.

Introduction

The paper addresses the role of CBRN risk communication in choosing and considering appropriate safety measures to protect the public by following relevant instructions of rescue teams and other professionals dealing with the accident or attack. Accidental or deliberate CBRN events are widely considered low-probability events, which might significantly impact citizens and society. Whenever and wherever they happen, they usually deserve a gradual (regional, national, international) and multi-faceted approach as they tend to provoke severe and unexpected physical, psychological, societal, economic and political effects that might also easily cross the borders. In that context, detection, protection and decontamination against potentially harmful CBRN agents is particularly important. It is needed for military staff but also for civilians, including an extensive range of users like firefighters, health services, police,

and civil protection operators who might be involved in such events, whether they are due to terrorism attacks, accidents or natural disasters.

In order to characterise the concept of risk communication, it is also important to clarify its relation to risk assessment and risk management, including their role in the minimisation of CBRN hazards.

On the research side, last but not least, considerable investments in CBRN detection, protection and decontamination are carried out under the umbrella of national and international security research cooperation programmes (EU, NATO, etc.). They provide testing and validating complementary new solutions, tools, equipment, protocols, and systems as well as draft standards for CBRN reference materials, reference sampling, and analytical methods. The EU is indeed currently supporting tens of CBRN-related projects financially.

Risk communication measures serve to raise awareness of various issues. First of all, it is imperative need to define the information one wants to report precisely. Combining a specific activity (measure) with examples of good practice will motivate the persons and institutions concerned to reduce risks and provide additional incentives. On the one hand, the target groups should be aware of the possible dangers and understand the potential risks. It must be apparent where the problems are and who is affected by them. In addition, it must also be presented which steps can be taken to minimise risks and which risks cannot be avoided.

Risk is an almost ubiquitous term with many different terminological and conceptual connotations. In modern society, threat perception has changed from a rather one-dimensional focus on war to multidimensional threats. Thus, applying the concept and meaning of risk to the civil protection system is necessary.

In the assessment of the risk, it is essential to define how this quantity can be defined, where the damage, reflecting the consequence or impact of the event and the probability that such a case happens, should be considered as their quotient, i.e.

$$\text{Risk} = \text{Probability} \times \text{Damage}.$$

This concept can also be applied to any dangerous substances, including CBRN, which, under specific situations, may potentially present danger to people and the environment (KEMI, 2021). Here, we have to distinguish between the risk affecting the general public, which is usually unaware of the possible threat, and those who are trained to work with such substance and are familiar with the essential danger relevant to the use of dangerous agents and fundamental protection measures to minimise the risk associated with such materials. Qualified workers dealing with individual components of CBRN agents know how to protect themselves and others from the danger associated with the production, transport, use, storage and disposal of these materials.

Of course, the safety is never absolute (100%), or there is no risk at the zero level. Among other factors and reasons, such as accidents, terrorist attacks or natural events (earthquakes, tornadoes, etc.), the cost of countermeasures plays an important role to reduce the risk, where the probability that something dangerous happens is always above zero.

It is evident that the public informed about dangerous situations and their consequences in terms of their health impact will be better prepared for such events since they can apply some protection measures to reduce the risk and actively cooperate with the rescue teams during emergencies. For these reasons, communication with the population is crucial in dealing with dangerous events to achieve the best results and reduce the number of casualties and people affected by the accident. In order to respond to such situations, the public has to be familiar with the basic protection measures applied to reduce the risk to the very minimum under the

circumstances. In order to achieve this goal, those who are supposed to communicate the risk to the public have to be trained in how to do it professionally. Different dangerous substances require specific protection measures, and even differences among individual components of the CBRN agents have to be considered since they differ substantially.

In general, risk communication strategies aim to increase awareness regarding different issues. Initially, it is crucial to outline precisely the information intended for dissemination. Pairing specific actions (measures) with instances of successful implementation will encourage relevant individuals and organisations to mitigate risks and offer further motivation. On the one hand, diverse audiences should grasp potential hazards and comprehend associated risks. At the same time, it is essential to delineate the nature of problems and identify those that are impacted. Conversely, it is also imperative to outline steps available for risk mitigation and acknowledge risks that cannot be completely mitigated.

Characteristics and danger of individual CBRN components

Individual CBRN agents differ enormously in terms of their properties, chemical and physical parameters, health effects, behaviour, dispersion, etc. (UNODC, 2018).
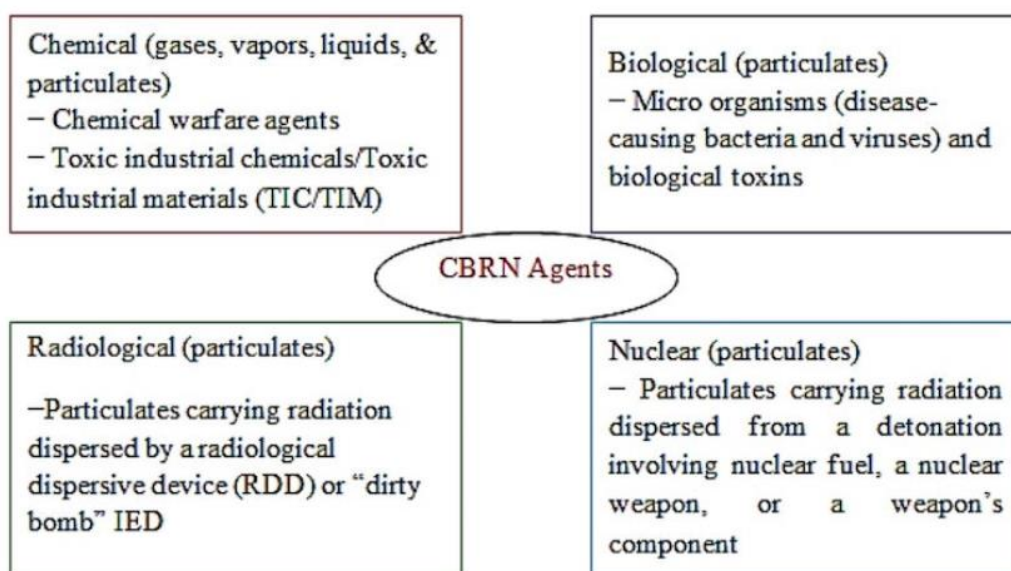
Figure 1. Brief overview of CBRN agents

These factors must be emphasised when communicating the risks and proposed protection against their dangerous consequences. Therefore, it is desirable to summarise some basic characteristics of each CBRN component. The basic overall characteristics of individual agents are shown in Fig. 1 -based on (KTJ, 2023). Their more detailed description follows.

Chemical agents

Chemical agents, such as solids (dust, fumes, fibres, powders), liquids (vapour, mists) or gases, can exist in different forms. Various forms of a chemical may present diverse hazards. Chemical agents fall into four categories: choking agents, blister agents, blood agents, and nerve agents. Choking agents irritate the nose, throat, and lungs when inhaled and include chlorine (Cl), chloropicrin (PS), diphosgene (DP), and phosgene (CG). The effects of chemical agents include runny nose, watery eyes, drooling, excessive sweating, difficulty breathing, dimness of

vision, nausea, and vomiting. At first sight of symptoms, immediately remove the victim's clothing and flush eyes and skin with plenty of water, then seek medical attention. There are antidotes for specific chemical agents. Chemical agents are hazardous substances that usually would make you sick immediately. Examples of chemical agents include mustard gas, cyanide, and sarin.

A chemical substance is considered extremely toxic if it has an LD50 of fewer than 5 mg/kg of animal body weight. The Lethal Dose - LD50 – is the abbreviation used for the dose which kills 50% of the test population. This is the equivalent of a taste (less than 7 drops) to humans. It is highly toxic if it has an LD50 of between 5 and 50 mg/kg of animal body weight to a human, this would be about a teaspoon. The Lethal Dose - LD50 – is the abbreviation used for the dose which kills 50% of the test population.- It represents the quantity corresponding to the exposure concentration of a chemical substance lethal to half of the affected population. LD50 is expressed in mg per kg of body weight of the test animal, which must be mentioned (Tate, A., 2021).

Some chemicals are specially developed to be as toxic as possible, can kill more people than any soldier with a machine gun could ever hope to. It doesn't take a cloud of bullets to cause mass death. Now, all it takes is a cloud. This is where the world of chemical weapons enters the fray. Chemical Warfare Agents (CWA) made their brutal introduction in modern theatres at the Second Battle of Ypres in World War I. Although many in the developed world think of chemical warfare as a relic of the past, the threat from these agents never truly went away. If anything, the risk of being a victim of chemical weapons has only increased with time. Part of the problem is that the general population lacks knowledge regarding chemical weapons. You cannot prepare to survive a threat you do not know is out there. Among the world's most toxic chemicals are chlorine, mustard, phosgene, lewisite, hydrogen cyanide, tabun, sarin, soman, VX, and ricin (SWA, 2023). A chemical weapon is any toxic chemical that can cause death, injury, incapacitation, or damage to the senses. It is deployed via a delivery system, such as an artillery shell, rocket, or ballistic missile. A chemical weapon can be deployed via a delivery system, such as an artillery shell, rocket, or ballistic missile. Exists in three states: solid, liquid, and gas.

Biological agents

Biological agents include bacteria, viruses, fungi, and other microorganisms and their associated toxins. They can adversely affect human health in various ways, ranging from relatively mild allergic reactions to severe medical conditions—even death.

A biological threat is an infectious disease with the potential to spread and cause an outbreak. Infectious diseases are illnesses caused by germs (such as bacteria and viruses). These agents include deliberately using pathogens or toxins against humans, livestock, or crops for military purposes. The primary pathogens (infection micro-organisms) are viruses, bacteria and fungi.

Many of the micro-organisms and toxins (organically produced poison) that may be used as such biological weapons can easily be acquired and mass produced. The dissemination of aerosols of ~~from~~ these biological agents can result in mass casualties. The most dangerous biological agents/diseases include anthrax, botulism, plague, smallpox, and Ebola.

The most used bioweapon includes bacillus anthracis, a spore-forming bacteria that causes disease in humans and livestock. The bacteria are found in two forms: cutaneous anthrax and inhalation anthrax. An important distinction is between the infectious agents and the toxins

(which are non-infectious and can be regarded as a form of chemical agent). Infections take a variable time to develop and become evident. Some biological hazards, such as mould growth following a flood, may develop due to an incident.

Offensive biological warfare in international armed conflicts is a war crime under the 1925 Geneva Protocol and several international humanitarian law treaties. In particular, the 1972 Biological Weapons Convention (BWC) bans the development, production, acquisition, transfer, stockpiling and use of biological weapons (Wikipedia, 2024).

Biological weapons disseminate disease-causing organisms or toxins to harm or kill humans, animals or plants. They can be deadly and highly contagious. In effect, biological warfare is using non-human life to disrupt — or end — human life. Because living organisms can be unpredictable and incredibly resilient, biological weapons are difficult to control, potentially devastating on a global scale, and prohibited globally under numerous treaties.

Biological agents include bacteria, bacterial spores, bacterial and other toxins and virus particles.

Due to the potential exposure to deadly micro-organisms, a bioterrorism incident poses a considerable health risk to those exposed and "first responders". These responders may include public health officials, law enforcement, firefighters, paramedics, and military personnel.

In the pre-planning stage, the following issues related to biological agents have to be considered:

- Contamination may not be detected for at least several days until people start to show common symptoms;

- Occupants may be infected by agents in air, water, food or on surfaces, or by contact with other infected people;

- Infection is generally more likely to occur the higher the level of contamination, but for many agents, exposure to only a small amount of material is required to cause infection;

- Contamination within the building may remain active for periods of up to several weeks or even years, depending upon the agent;

- Once contamination is known to be present, the agent must be identified by sampling;

- Decontamination methods will depend upon the agent; and

- The effectiveness of decontamination will need to be verified. This will include sampling by specialist agencies and analysis by independent laboratories.

Radiological agents

These agents are nothing else but radioactive materials. In fact, the name used for this category of dangerous substances is not strictly correct since radiological sources also include radiation generators, such as machines producing X-ray radiation or particle accelerators. The latter two categories of radiation sources do not produce any radiation if they are switched off, while radionuclides emit radiation continuously, and this process cannot be stopped.

Radioactive sources are either permanently sealed in a capsule or bonded in a solid form, or they are in the form of unsealed substances in various physical and chemical forms. The closed sources may expose persons externally, so they have to be in an appropriate shield when stored, transported or not in use. On the other hand, unsealed radioactive sources may present internal exposure after they enter the body via ingestion or inhalation.

Radionuclides find broad applications in many areas where they are very useful, e.g.:

- Medical – cancer therapy and blood irradiation;
- Non-medical irradiation of products – sterilisation and food preservation;
- Gauging systems – material thickness, material density, and fluid level;
- Imaging systems – radiography of welds and other materials;
- Materials analysis – moisture gauge;
- Miscellaneous uses – smoke detectors, lightning rods, and self-luminous signs;
- Common sealed radioactive sources for other non-medical uses include the following Gamma sources:

Cs-137 – calibration source, radiography, gauges, and well logging;
Co-60 – radiography, sterilisation, gauges, and lightning rods;
Ir-192 – radiography;
Ra-226 – gauges, some smoke detectors, and lightning rods.

To assess radiation risks to estimate health effects, it is important to use adequate radiation protection quantities and their units correctly. Since we have more than ten quantities defined in a rather complicated way for this purpose, there is a lot of confusion on how to apply these quantities, even among those working with radiation sources or responsible for radiation protection at workplaces. For illustration, the most important radiation quantities include the activity, absorbed dose, exposure, kerma, dose equivalent, equivalent dose, effective dose, ambient dose equivalent, directional dose equivalent, committed dose equivalent, committed effective dose and collective dose (Sabol, J., 2023; Sabol, J., 2022) [7,8]. A further complication is related to the problem of distinguishing between the assessment of stochastic and deterministic effects. One has also to realise that some quantities can be used only for specific types of radiation (photons, charged particles, neutrons). Confusion may also arise from conditions under which some quantities can be used (in free space, in phantoms, etc.).

Nuclear agents

Nuclear weapons based on fission and fusion are the most dangerous weapons on earth. One can destroy a whole city, potentially killing millions and jeopardising the natural environment and lives of future generations through its long-term catastrophic effects. The dangers of such weapons arise from their very existence. The fission process is also used in nuclear reactors as a major source of energy in nuclear power plants. Nuclear reactors are widely applied in research. In both cases (nuclear weapons and nuclear reactors), huge amounts of various radioactive materials are produced. At a normal situation, the release of radioactivity from nuclear reactors is strictly controlled and regulated, but in case of an accident or terrorist attack, radioactive substances are dispersed to the environment and contaminate areas far away from the source of radioactivity.

Considering the above-mentioned characteristics of nuclear agents produced by the fission and fusion result, they finally become radioactive materials. In fact, the CBRN component N then contributes to component R.

A summary of the fundamental properties of ensuring adequate protection against individual CBRN agents is presented in Fig. 2 - based on (RK, 2016).

AGENTS	SUMMARY CHARACTERISTICS		
	Time to effects	Potentional impact	Availability
BIO	Days to weeks	Local to global	Low
RAD	Minutes to Hours	City to Region	Medium
CHEM	Seconds to Hours	City Blocks	High

Figure 2. Some specific differences between biological (BIO), radiological (RAD), and chemical (CHEM) agents

CBRN risk assessment and communication

CBRN risk communication with the public is critical to emergency preparedness and response. Effectively communicating with the public during and after incidents or terrorist attacks involving CBRN hazards is essential for minimising health effects and ensuring public safety. Fundamental principles and strategies for CBRN risk communication include some of the following key elements: timeliness and accuracy, transparency, empathy and understanding, consistent messages, plain language, media coordination, and feedback mechanisms. Applying this approach, emergency responders and authorities can enhance CBRN risk communication with the public, ultimately minimising health effects and fostering community resilience in the face of any emergency involving the uncontrollable release of CBRN agents. By incorporating these aspects into risk communication strategies, authorities can enhance their ability to effectively convey information, build trust, and promote public safety when dealing with dangerous substances.

There are some relations between risk assessment, risk management and risk communication (Fig. 3). The public has to be informed about the risk of any potentially dangerous materials produced or used near the installations engaged in such activities. If any accident happens, the rescue teams are involved in minimisation of its impact on the local population and the environment. Risk assessment is essentially based on science and technology analysis, while risk management relies on the supervision of the police in critical situations that appear after accidents or terrorist attacks. Both these components are essential to risk communication.
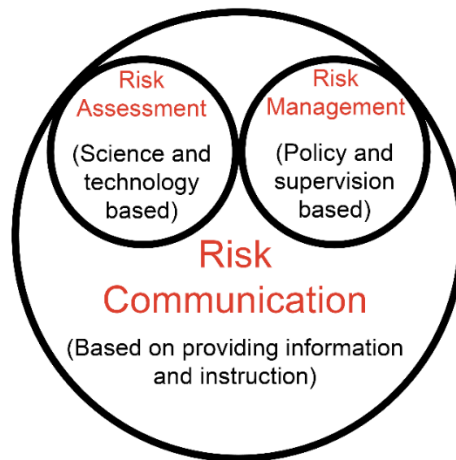
Mykolas Romeris University

Figure 3. Relation between risk communication and its two important tools - based on (Yoe, Ch. et al. 2010)

CBRN dangers come from the release, or potential release, of harmful chemicals, germs, radiation, or nuclear materials. These threats can be accidental, due to poor safety practices, or intentional, like a terrorist attack. CBRN events are tough to spot and deal with because they can happen anywhere. However, incidents in cities are especially risky for civilians.

CBRN defence encompasses efforts, methods, and measures aimed at reducing the dangers posed by such incidents and shielding against their consequences. These incidents, while regrettable, are a tangible threat capable of inflicting extensive harm. They necessitate tailored CBRN defence tactics to limit their potential harm. The most effective course of action involves equipping responders with comprehensive planning resources to bolster CBRN training and develop well-informed, pre-emptive response plans. By leveraging intelligence tools effectively, teams can guarantee readiness to address various CBRN scenarios.

Comprehending CBRN dangers and their effects on individuals is crucial for developing knowledgeable strategies. It is necessary to explore CBRN incidents and their implications for public health, while also discussing how responders can be enabled to respond with efficacy and efficiency. The extent of CBRN effects hinges on various factors, including the nature of the hazard, the setting, and the response's effectiveness. Urban CBRN incidents possess significant potential to inflict enduring and severe harm on individuals, locations, and economies.

Short-term ramifications encompass immediate effects on public health and the economic resources allocated towards managing the fallout. In contrast, the enduring consequences of such incidents can extend over many years. They encompass broader economic implications, the emergence of health hazards and pollution in affected regions, as well as enduring psychological trauma. Safeguarding public health stands as the foremost priority when responding to CBRN events. This responsibility falls upon emergency services, first responders, governmental bodies, and private organizations, all tasked with mitigating the impact on affected communities. Enhanced response efficacy hinges on comprehensive understanding, from established protocols to nuanced insights into the nature and dynamics of the incident. Acquiring and leveraging extensive information thus emerges as a critical imperative, empowering responders to safeguard as many lives as possible. While certain aspects of CBRN events may be anticipated through training and existing knowledge, a deeper

comprehension of the event's nuances and characteristics remains indispensable for effective response.
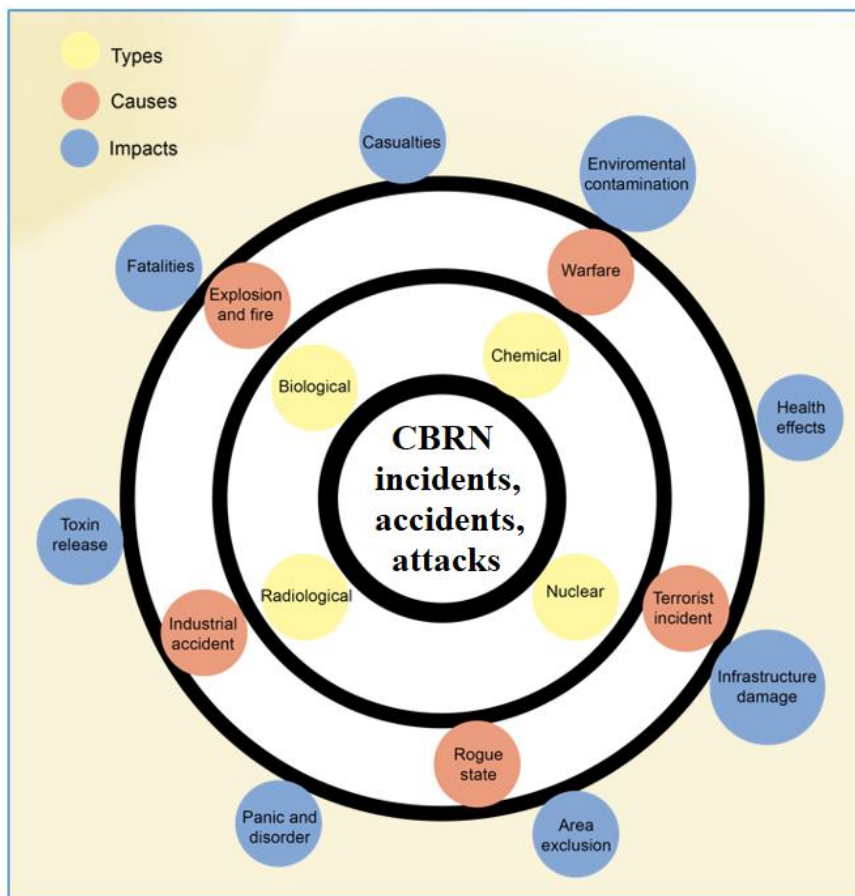
Figure 4. CBRN threats and the tools to manage them

The essential details responders require are:
- The type of incident and substance involved;
- Where and how large the incident is;
- The seriousness of the situation; and
- Potential spread of the incident.

Likely impacts Figure 4, modified from (Riskware Ltd., 2023), illustrates various factors crucial in CBRN emergencies and tools for managing them to mitigate the overall risk posed by these agents.

How to communicate CBRN risk to the public effectively

Effective communication is crucial during crises, especially in situations involving nuclear CBRN threats. Instances of such CBRN incidents (Morton, H., Johnson, Ch., 2021) include the coordinated Sarin nerve agent attacks on the Tokyo metro system in 1995, the bombings in Madrid and London in 2004 and 2005, and the ricin-based biological attack in Salisbury in 2018, all of which impacted the public. However, CBRN incidents can be triggered not only by terrorist acts but also by natural disasters like the 2011 tsunami in Japan, which resulted in a nuclear crisis at the Fukushima nuclear power plant (IAEA, 2015).

The following key principles will be applied to all communications activities undertaken under this plan:

The forthcoming communications activities within the risk communication process will adhere to the following core principles:

- Prioritising openness and transparency within the boundaries of security constraints;
- Ensuring accurate communication of risks, especially in situations of uncertainty;
- Engaging in two-way communication processes;
- Utilising established communication channels and protocols whenever feasible;
- Maintaining consistency and clarity in messaging;
- Providing tailored information regularly and promptly;
- Releasing public messages at an early stage;
- Addressing queries in a timely manner;
- Handling personal or confidential information with sensitivity;
- Employing social media judiciously when appropriate;
- Employing specialised communication methods to engage vulnerable populations;
- Adapting communication methods flexibly according to the current situation; and
- Employing a diverse range of communication methods to reach a wide audience.

There have been identified several individual factors associated with CBRN prevention and management strategies that affect public behaviour in CBRN incidents, which included communication. The public's perception of and the behaviour during CBRN incidents is strongly influenced by the overall crisis communication of CBRN events. It was confirmed that confusion due to a lack of knowledge about CBRN incidents affects compliance with instructions given.

Crisis communication traditionally pertains to communication during an emergency. Yet, it's important to note that recent research is broadening its scope to encompass communication before and after the crisis. This expansion aligns crisis communication research with studies on risk communication, which addresses potential future occurrences and strategies for readiness.

The diverse nature of individuals impacted by CBRN incidents highlights the necessity for tailored communication approaches that consider specific requirements. Past studies reveal a wide array of vulnerabilities linked to such incidents, encompassing various groups such as individuals with physical or mental impairments, children, non-native speakers, and ethnic minorities. These vulnerabilities stem from multiple factors, underscoring the importance of further investigation to enhance support for vulnerable populations in disaster scenarios. Given their significant communication and language hurdles, these groups require specialized assistance to engage effectively in communication processes.

For elderly individuals, utilizing various communication methods beyond media may be essential, considering potential challenges with hearing and vision. Similarly, children and individuals with mental health issues might benefit from messages tailored with simpler language due to their communication limitations. In addition to selecting suitable communication channels, it's crucial to convey messages using appropriate language and readability levels to promote inclusive communication. Plain language is particularly vital in crisis communication to ensure broader accessibility within diverse communities. Tailoring language formats to cater to vulnerable groups is pivotal for achieving successful outcomes in crisis communication efforts. The EU is currently funding numerous Security Research projects focused on improving the safety and security of CBRN agents, with an emphasis on risk communication, e.g., (Gromek, P., Szklarski, L., 2022).

Conclusions and recommendations

Accidental or deliberate occurrences involving CBRN materials are often viewed as unlikely but can have significant impacts on individuals, communities, and the environment. These incidents necessitate a comprehensive response at various levels - local, national, and international - due to their potential to cause severe and unforeseen physical, psychological, societal, economic, and political consequences that can transcend borders. Detecting, protecting against, and decontaminating hazardous CBRN agents is crucial in addressing such incidents, involving not only law enforcement, rescue teams, and workers but also civilians, including healthcare professionals and civil protection teams, who may be affected by terrorist attacks, accidents, or natural disasters.

Considerable investments in CBRN detection, protection, and decontamination are being made through international and national programmes, aimed at providing, testing, and validating new solutions, tools, equipment, protocols, systems, and draft standards for CBRN materials, sampling, and analysis methods. The EU is currently funding numerous Security Research projects focused on improving the safety and security of CBRN agents, with an emphasis on risk communication (e.g. [12]).

Existing research highlights the often overlooked communication needs of communities at risk during crises. Providing ample information enhances public understanding and encourages appropriate responses. Effective communication can increase adherence to provided instructions during CBRN incidents, thereby mitigating adverse emotional and behavioural outcomes.

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THE RELATIONSHIP BETWEEN LAW AND MORALITY IN THE PROFESSIONAL ACTIVITY OF AN OFFICIAL

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Abstract. *The relationship between law and morality is important in the professional life of an official. An official must be aware of the importance of morality and find a balance between his or her own inner moral convictions and the law. He must be concerned with moral norms derived from custom, but they must not overshadow the importance of the law in his professional activities. The aim of this research is to show the importance of the relationship between law and morality in the professional activities of officials.*

The review of literature sources and legal acts shows that in the Lithuanian legal system a law is an act issued in accordance with the Constitution and the Seimas, expressing the will of the legislator. The concept of law is very old, but the concept of law has not changed very much; since ancient times, law has meant a certain norm that must be followed. Understanding the concept of morality is important in order to determine the relationship between law and morality in the professional activities of an official. The concept is also an old one, but it is still relevant in our society today. Morality is the generally accepted rules of life, which are often not codified in law, but which are a very important part of social relations and an important part of the work of employees of statutory bodies.

An empirical study conducted to determine the attitude of officers towards the relationship between law and morality found that officers are guided by both the law and morality during their service. Many officers are willing to disregard moral values in certain situations, especially during their service. However, another part of them state that they would put moral norms above the law when the law is unjust, disproportionate, inhuman or when it concerns their family and close people. The results of the survey show that officials agree that laws are designed to ensure that moral values are upheld in society.

Keywords: legal, morality, officer.

Introduction

Both law and morality are important in everyone's life. In many cases, it is important for a person to obey the law, to not transgress and to be a moral person. This is especially important for an officer, because a law enforcement officer cannot be immoral or inhuman, he serves the state and must therefore be an example to all. After all, an officer is "a statutory civil servant, a natural person who has authority over persons under his or her authority. A person appointed or elected to act as an agent of the government or a person with organisational powers" (Visuotinė lietuvių enciklopedija 2023). Both law and morality are important in everyone's life. In many cases, it is important for a person to obey the law, to not transgress and to be a moral person. This is especially important for an officer, because a law enforcement officer cannot be immoral or inhuman, he serves the state and must therefore be an example to all. After all, an officer is "a statutory civil servant, a natural person who has authority over persons under his

or her authority. A person appointed or elected to act as an agent of the government or a person with organisational powers" (Lietuvos Respublikos vidaus tarnybos statutas 2003). The Statute of the Internal Service of the Republic of Lithuania defines an officer as "a statutory civil servant employed in statutory bodies, performing statutory functions which ensure the implementation of the tasks and functions laid down by law for the statutory body, exercising public administrative powers in respect of persons not under his/her authority, and (or) directing other officials (Lietuvos Respublikos vidaus tarnybos statutas 2003). Thus, an officer is required by law to carry out certain tasks, to comply with the rules and regulations laid down by law, and to perform certain functions assigned to them. Law and morality are closely related to professional activities. Laws are rules derived from moral norms, which are the basis of human life. And an officer has the right to ensure that these rules and laws are not violated, so that every citizen of Lithuania, and not only, can feel free and safe in his country. It is obligatory for an officer to observe moral norms, and by swearing to serve the homeland, an officer swears to respect the Constitution and laws of the Republic of Lithuania, swears to protect human rights and freedoms, the interests of society and the State, swears to perform his/her duties in good faith, and, of course, to protect the good name of the officer of the internal service system (Lietuvos Respublikos vidaus tarnybos statutas 2003). For officials to do their job properly, citizens and others must have confidence in the country's law enforcement system, in the officials and civil servants who do their job. In their professional activities, officers often have to make individual, conscious decisions that are just and fair to every citizen. After all, in their professional activity, officials are faced with many difficult situations in which they may be exposed to many different stimuli that may overwhelm their feelings and make them behave inappropriately. Therefore, an officer should not forget the moral norms, because the purpose of morality is to regulate human behaviour, to orientate oneself in the variety of feelings and emotions (Laurinavičius 2001, 30), which is an important part of an officer's work, and the officer's work requires managing emotions, which sometimes arise in many different forms. Officers must not forget the moral principles that are the basis of a decent and honest officer.

This article seeks to highlight the importance of morality in the professional life of an officer and to establish the relationship between law and morality. The relevance of the chosen topic is determined by the fact that there is no comprehensive scientific literature that analyses the relationship as such, rather than each element separately. Therefore, this article should help to reveal the relationship between morality and the law and its importance in the professional activity of an official.

The scientific literature often goes to great lengths to describe each object - law and morality - separately and to compare them, but the relationship between them is not analysed. Therefore, the problem of this article is formulated in the form of a problematic question: is every official able to maintain an appropriate relationship between law and morality when applying the law in his/her professional activity?

Object of the paper. The importance of the relationship between law and morality in the professional activity of an official.

Aim of the paper. To highlight the importance of the relationship between law and morality in the professional activity of officials.

Tasks of the paper:

1. To discuss the concepts of law and morality, their importance and influence in the professional activity of an official.

2. To analyse the attitude of officials towards the importance of the relationship between law and moral norms in their professional activity.

Descriptive, survey and data systematisation and graphical methods were used. The descriptive approach sought to clarify concepts by analysing national legislation, laws, codes of ethics and scientific literature. The survey method was used to reveal the attitudes of officials towards the relationship between law and morality. The methods of data systematisation and graphical representation were used to organise and calculate the results obtained from the survey and to present a graphical representation.

The concept of the law

Laws are usually referred to as general rules, as acts that fix legal norms, and as a specific category of legal acts - "law in the strict sense" (Ragauskas 2005, 159). Law is also often identified with the legislative process, and it is not uncommon to hear that law is an instrument of justice, or that law is a set of general rules that ensure harmony and peace in society. Such statements are not incorrect, because certain rules have been followed since ancient times, when the law was only oral, passing from one generation to the next.

In the legal literature and other literature, law is usually defined as a primary legal act adopted by a representative authority in a special order, which establishes legal norms regulating the most important social relations and which has supreme legal force (Vaišvila 2001, Jarašiūnas 2005). The main and most important law of the Republic of Lithuania, which has the supreme power in the Lithuanian legal system, is the Constitution of the Republic of Lithuania, which was adopted by referendum on 25 October 1992. The law is usually a clearly formulated, specific and unqualified text. Similarly, Article 6 of the Declaration of the Rights of Man and of the Citizen of 1789 declares: 'The law is the expression of the general will. All citizens have the right to participate in its making, either directly or through elected representatives. The law, whether it punishes or protects, must be the same for all" (European Union Agency for Fundamental Rights 2007-2023). The concept of law as an expression of the general will was pioneered by Ž. Ž. Rousseau. The philosopher believed that the law was an act of the political community, imposed on itself. Several conclusions were drawn from the concept of the law as an expression of the general will: the will of all citizens is equal; the law must be applied to all (and to the representatives of the people who passed it); political factions are not recognised (Jarašiūnas 2006). Thus, the law has always been seen as an act of the common will, derived from the good and intended to maintain the common order.

Law is a social phenomenon, a historical trait derived from custom. According to the German jurist Zitelmann, every law is historically determined by the past and can therefore only be correctly understood through the mediation of history (Vaišvila 2000). The roots of the law are old, but the concept has not changed much. It is known that the Western legal structure began to take shape in ancient Rome, so the roots of the concept of law can be traced back to the realities and theories of ancient Roman legal practice (Jarašiūnas 2005). Many authors such as P. Ragauskas, E. Jarašiūnas and others argue that the law has always meant a certain norm that is intended for everyone and must be followed. Initially, the term *lex* (law) in ancient Rome referred only to a decision of the assembly of the people conferring certain powers (Jarašiūnas 2005). In late Roman history, with the proliferation of legal norms adopted directly or indirectly by the emperor, the concept of the word lex also changed. Lex came to refer not only to acts of the assembly of the people, but also to any written norm adopted by the emperor or his administration (Jarašiūnas 2005). Law is a social phenomenon, a historical trait derived from custom. According to the German jurist Zitelmann, every law is historically determined by the past and can therefore only be correctly understood through the mediation of history (Vaišvila 2000, 38). The roots of the law are old, but the concept has not changed much. It is known that

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So, even today, we consider the law to be a kind of decision by a government that was elected by the people. In the Lithuanian legal system, a law is an act issued in accordance with the Constitution and the procedure established by the Seimas, expressing the will of the legislator, and the legislator is supposed to be elected by the citizens of the state in order to enable everyone to participate in the governance of the democratic state.

The concept of morality

Morality (Latin: *mos mores*, meaning *custom, habit*, from this *moralis*, meaning *right, moral*) is one of the most important social institutions and the main means of regulating the normative behaviour of human beings. At the same time, it is a special form of social consciousness and a type of social relations (moral relations), which is studied by the science of ethics (Pruskus 2003, 14). First of all, it is important to mention that morality is of great importance both in society and in the legal environment. "Morality, like law, sustains society, integrates individuals into it, and promotes useful patterns of behaviour that are necessary for society" (Bakševičienė and Beinoravičius 2004, 14). It has been argued that 'the term morality was first used by the 1st century BC Roman politician and philosopher Marcus Tullius Cicero. It was he who found the equivalent of the Greek word ethos in Latin, moralis." (Kanišauskas 2009, Ruzgytė 2017, Beržinskas 2006). In those days, ethos and moralis were identified and used synonymously. Beržinskas argues that ethics is morality based on cognition and mature reason, while morality is the essential norms of behaviour traditionally generally accepted in a given local culture, which are not codified in law (Beržinskas 2006). Morality can be said to derive from ethics, and ethics is like an umbrella term that encompasses a broad understanding of morality. Thus, the concept of morality is an old one, but it is still used in our society today. The Lithuanian dictionary defines morality as "morality - the rules governing human behaviour, morality" (Lietuvių kalbos žodynas 2018). The Commentary to the Civil Code defines morality as "Morality, as the totality of ideas and attitudes about right and wrong, good and bad, just and unjust, right and wrong, is a philosophical matter" (Lietuvos Respublikos civilinis kodeksas: pirmieji dešimt metų galiojimo, 2013). Morality is thus essentially understood as a form of rules that define right and wrong, right and wrong. Vaišvila himself describes morality as a person's inner conviction to respect another person's interests (rights) and the voluntary expression of such respect (2000, 205). Philosopher, Lithuanian sociologist Valdas Pruskus said that "Morality is one of the most significant social institutions, a way of regulating normative human behaviour" (Pruskus 2010, 8). It is argued that morality emerged from human nature, developed as a kind of social phenomenon. "Morality is, of course, human. It did not come down to us from heaven. It grew out of human nature and is related to it." (Stace, 2017). It can be seen that the concept of morality can accommodate a wide variety of statements about norms of behaviour, ethics, humanity and other moral qualities that both civilians and public officials are expected to possess. As Laurinavičius argues, "a large part of the legal norms are derived from

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ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

basic moral principles, and those that are not included in the legal norms are called unwritten laws" (Laurinavičius 2001, 89–90). Unwritten moral norms could include respect for others, having a sense of conscience, telling the truth, opposing bullying, honesty, friendliness, etc. These are rules that are common in everyday life, but nowhere can we find them specifically stated. However, it should be acknowledged that many moral norms are enshrined in law, but may not be apparent.

"Let us agree that showing consideration and respect for every human being is a sign of humanity and civility. However, if we want others to believe this, we need to back it up with appropriate norms of behaviour." (Wrede-Grischkat 1996, 41). It is this statement that is important for law enforcement authorities. Courts, police forces and other statutory bodies must not undermine their reputation by behaving in an uncivil or inhumane manner. As already mentioned, officers are bound by codes of ethics, which essentially set out the moral values to which an officer must adhere in the course of his or her duties. Laurinavičius argues that certain rules must be observed in order to be able to live together and get along in various activities, for example, in the performance of the duties of a police officer or a customs officer (Laurinavičius 2001). It is sometimes said that a person's ethics, actions and manner describe their morals, values and beliefs - how a person or official behaves, what they say and do describes their inner self, and reflects their inner beliefs. If an official behaves in an unprofessional manner, is rude, unethical, how can he or she be moral in the public service.

In order for an officer to act appropriately, to assess the situation well, his or her personal beliefs about right and wrong, good and bad, must be in line with the requirements of the law. "<...> The challenge is to navigate between the law and ethics in order to do the job properly, as well as to implement the law itself and to understand what the limits of an officer's action should be" (Aleknavičiūtė and Paurienė 2022, 20). As in many other literatures, the authors here argue that the boundary between the law and the officer's limits of action, between the law and the officer's inner conviction, is not definitively clear.

It can be concluded that morality does play an important role in the professional activities of officials. As already mentioned, a wide range of legal provisions can be found both in codes of ethics and in other legislation which regulate the importance of morality in the professional activities of officials. It can be said that an official must be a moral and upright person, and that he or she must comply with a wide range of requirements and rules in his or her activities, in order to demonstrate that he or she is honest, fair, exemplary, professional and, above all, an upright and moral person.

The importance of the relationship between morality and the law in statutory bodies

It is said that an officer must be moral, just and honest, but a look at an officer's job may raise the question of how much morality is required in such a job. After all, an officer's job is very specific, to prevent and detect crime, to take preventive measures to reduce crime, to provide assistance, to carry out pre-trial investigations and so on. It may seem that everything an officer has to do is listed in one law or another. However, it has already been mentioned that moral norms are often not codified in law, but are handed down from one generation to the next, by word of mouth, deeds and actions. It can be argued that in the professional life of an official, each situation is individual, and there are no repetitive factors that would allow an official to perform his or her work in an identical way without being guided by his or her own inner convictions or by moral norms. Therefore, when an official examines each situation individually, it may sometimes be difficult to determine the relationship between morality and the law. The author states that "morality is a historically conditioned social phenomenon, one

of the forms of social consciousness" (Laurinavičius 2001, 97). Laurinavičius also says that morality manifests itself through people's actions, and he argues that morality determines the style of action of various social institutions (Laurinavičius 2001). In the author's opinion, morality is one of the most important factors in the functioning of various institutions. One cannot disagree with this, if there is no morality, the officials occupying high positions will not follow moral values, will not observe the norms of honesty and justice, chaos will arise. Moral values are very important in the professional life of officials, and it is well known that officials have to obey the law, but there are situations in which officials can slip up and violate both the law and the moral standards.

Sometimes ethical, moral and moral issues are very important in the professional activities of officers, for example in operational activities, as this is a specific type of activity in the fight against crime (Mulevičius and Petrošius 2005). In implementing the tasks of operational activities, methods of gathering information of a non-public nature are used, which allow obtaining information against the will of the holder (deception), secret operations and operational combinations are performed. The authors question whether all these actions are justified from an ethical and moral point of view (Mulevičius and Petrošius 2005).

They question certain activities of officials. They and many officials, when carrying out covert actions such as secret surveillance or eavesdropping, or monitoring text messages, question whether this violates moral norms and whether it is right to interfere in a person's private life. Although it is argued that moral norms are not codified in law, even the Constitution itself mentions that "A person's private life is inviolable" (Constitution of the Republic of Lithuania 1992). Thus, the use of non-public procedural coercive measures is contrary to the Constitution itself and also violates moral norms. But a line must be drawn between what is legal, what is allowed, and what already violates individual rights and freedoms. The Law on Criminal Intelligence of the Republic of Lithuania (hereinafter - the Law on Criminal Intelligence) draws precisely this line. Article 5 part 1 of the Criminal Law states that "Criminal intelligence shall not infringe human rights and freedoms. Individual restrictions on these rights and freedoms shall be temporary and may be applied only in accordance with the procedure laid down by law, in order to protect the rights and freedoms of another person, property, or the security of society or the state." (Lietuvos Respublikos kriminalinės žvalgybos įstatymas 2012). Thus, although the use of procedural coercive measures of a non-public nature is contrary to certain norms, in order to protect people's rights and freedoms, property, society and its security, officials are allowed to overstep the boundaries by a decision of the prosecutor. In conclusion, the relationship between morality and the law becomes very important in the professional activity of an official in order to protect certain values. It is up to the official to understand the relationship between law and morality, the limit which he may cross at certain moments. Thus, in this context, it is possible to assess the opinion of the Lithuanian population on the performance of police officers in the country. Every year, surveys are carried out to determine whether the public has confidence in the police officers in the country. More and more people in Lithuania have a positive view of the criminogenic situation and feel safe, and trust in the police is above the European Union (EU) average - we are not far behind the Northern European countries, and we are eighth out of the 28 EU Member States (Lietuvos Respublikos Vyriausybė 2020). And according to a 2022 public opinion poll commissioned by the Ministry of the Interior, 82% of the country's population trusts the police. This means that citizens believe that this statutory institution is still fulfilling its objectives and mission well. It can be concluded that the population of Lithuania trusts this statutory body, which means that officers do their job well and are able to behave morally in their professional activities.

It is well known that an employee of a statutory body may not abuse his or her authority and power even when off duty. The official must be able to distinguish between work and personal activities. As mentioned earlier in the paper, an officer has more duties and requirements than an ordinary citizen, which means that he cannot behave irresponsibly and negligently in his off-duty hours. He must strike a balance between his professional life and his professional life, and he must also strike a balance between the law and morality. Neither in his professional life nor in his private life may he cross the line and be immoral. He must always be an example to others, because one wrong act by an official can tarnish the whole name and reputation of a statutory body.

Study on the attitudes of officials towards the relationship between law and morals in their professional activities

The aim of the study is to investigate the attitudes of officials towards the relationship between law and morals in their professional activities. It aims to reveal the importance of the law and moral norms in an officer's service.

The questionnaire survey was addressed to officials of statutory institutions: officials of the Police Department under the Ministry of the Interior, officials of the State Border Guard Service under the Ministry of the Interior, officials of the Fire and Rescue Department under the Ministry of the Interior, officials of the Financial Crime Investigation Service under the Ministry of the Interior, officials of the Public Security Service under the Ministry of the Interior, officials of the Lithuanian Prison Service, officials of the Customs Department under the Ministry of Finance, and officials of the Headquarters Security Service under the Ministry of the Interior. Replies were not received from: the Fire and Rescue Department under the Ministry of the Interior, Financial Crimes Investigation Service under the Ministry of the Interior, Dignitary Protection Service under the Ministry of the Interior authorities.

A 17-question questionnaire was developed for the survey. Of the 17 questions, the survey consisted of 3 open-ended questions (where the respondent can write in his/her own answer) and 14 closed-ended questions (where the respondent can either choose an answer that has already been given or write in his/her own answer, which is expected to provide more complete, reliable and accurate data). The survey also included 5 demographic questions, which grouped respondents by gender, age, education, years of experience and occupation. The survey is exploratory and not representative of each statutory body individually.

Demographic data of respondents

The questionnaire survey was completed by 226 officials. In terms of gender, men were more active in the survey - 60.6%, while women participated slightly less - 39.4%.

Looking at the age distribution of the respondents, the majority of respondents were officers aged between 18 and 20 years old - 26.1%, with a slightly lower percentage of respondents aged between 35 and 40 years old - 24.3%. A significant number of respondents aged 50 years and over made up 21.7%, 13.3% of respondents aged 30 - 35 years, 8.4% of respondents aged 25 - 30 years and the smallest group of respondents was made up of 6.2% of respondents aged 20 - 25 years (see Figure 1).
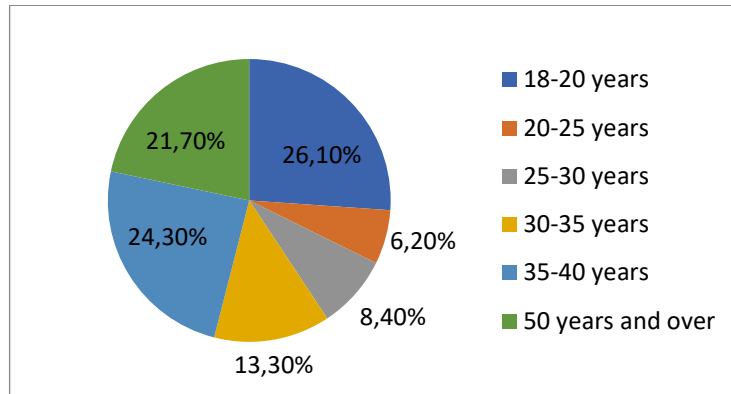
Figure 1. Distribution of respondents by age

Looking at the distribution of respondents by education, it can be seen that the majority of respondents have a university degree - 75.2% of respondents, 10.2% of respondents have a college degree, 7.5% of respondents have a secondary degree, 6.6% of respondents have a post-secondary degree, and 0.5% of respondents have a basic level of education (see Figure 2).
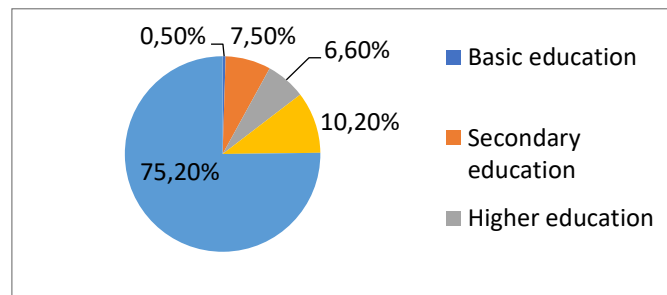
Figure 2. Distribution of respondents by education.

The survey responses on length of service show that the majority of officers - 51.8% - have been working in statutory bodies for more than 20 years, 13.7% have been working in statutory bodies for between 15 and 20 years, a slightly lower number - 11.9% - have been working in statutory bodies for between 5-10 years, 11.5% have been working in statutory bodies for between 10-15 years, and only 11.1% of the officers in statutory bodies have been in the statutory bodies for fewer than 5 years of service (see Figure 3).
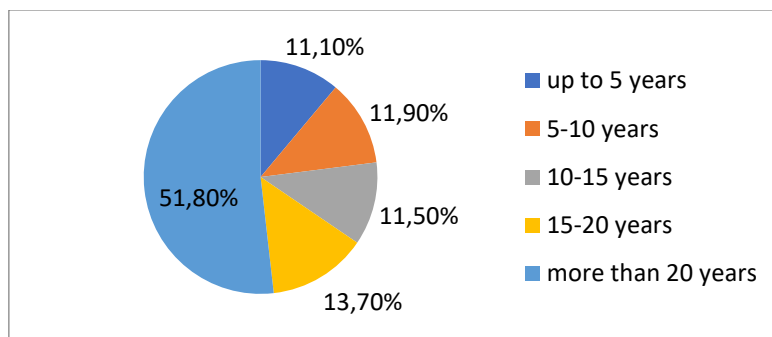
Figure 3. Distribution of respondents by length of service

The questionnaire was used to establish the precise occupation of the officials and their affiliation to a statutory body. More than half of the respondents are police officers - 52%, slightly less - 40% of the respondents are border guards, 4% of the respondents are officers of

the Public Security Service, 3% of the respondents are officers of the Prison Service, and only 1% of the respondents are officers of the Customs Department (see Figure 4).
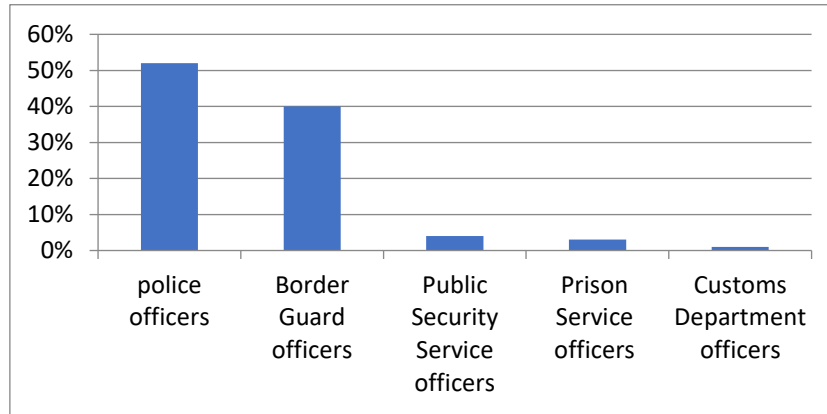
Figure 4. Distribution of respondents by position.

Thus, more men than women took part in the survey, with the highest number of respondents having a university degree and the lowest number of respondents having a primary education. The majority of respondents have more than 20 years of service and the largest proportion of respondents are police officers and border guards.

Analysis of the survey results

The relationship between law and morality in the professional life of a public official is still an issue today. The study attempted to shed light on attitudes towards the relationship between law and morality and its relevance in the professional life of an official. The study tried to find out whether officials are guided by moral norms or obey the law.

Officials are obliged to be guided by both the law and moral norms in their professional activities. Although the work of an officer is quite demanding, officers often find themselves in stressful situations where they have to manage their emotions. However, it can sometimes appear that officers are indifferent and very serious people who are only interested in doing their duty. This raises the question of whether moral values are important to them in their professional activities and whether they are upheld by officers.

The first question to the respondents, which aimed to determine the attitude of the officers towards the relationship between law and morality in their professional activities, was formulated as follows: "Have you ever thought about the lack of morality in the course of your duties? A large majority of 54.9% responded negatively and 45.1% responded positively (see Figure 5).

Figure 5. Respondents' views on the lack of morality in the profession.

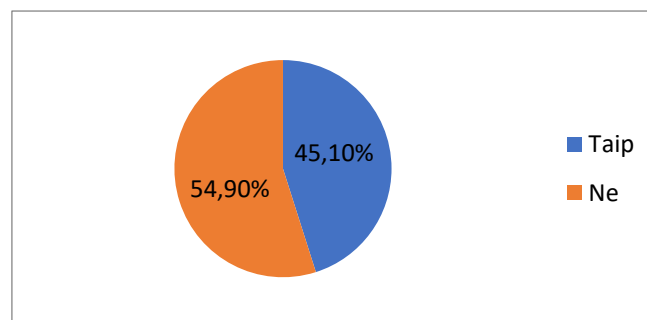It can be concluded from the responses that more than half of the respondents do not have any doubts about the lack of morality in their professional activities, but it can be said that not all officers think about morality or the lack of morality in their official activities.

While it is well known that officials are expected to comply with all laws and regulations applicable to them and their profession, as well as with all laws applicable to civilians, it is sometimes reported in the media that an official of one or other statutory body has broken a law or a rule of law. In order to find out the reason for the misconduct of officials, the question was put to the officials - In which cases would you dare to break the law?

The results show that 55% said they would never break the law. A smaller proportion of respondents, 27%, say that they would break the law if they believe that the person subject to liability is 100% free from the law. Only 8% of respondents said that they would not break the law if it would help a family member, while 5% of respondents formulated their answer in the following way: they would break the law if they knew that there was a threat to human life, public interest or territorial integrity of the Republic of Lithuania, and that the legislation in force did not foresee this situation. Even fewer respondents, only 2%, say that they would disregard the provisions of the law if they saw that the level of punishment was disproportionate to the offence committed. Similarly, 2% of officials say that they have not encountered or thought about such a situation. The lowest, 1%, would break the law in case of necessity or necessary defence (see Figure 6).

Looking at the responses to the question, more than half of officials (55%) would not break the law in any way, but as many as 43% would find an exception to why they might not comply with certain rules of law.
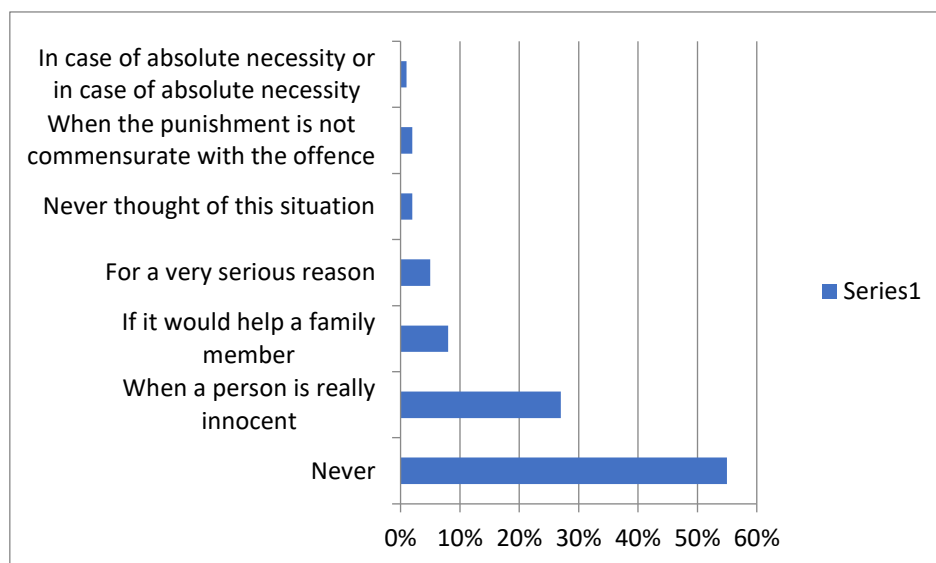
Figure 6. Officials' views on when they would dare to break the law

The importance of codes of ethics for statutory bodies has already been mentioned. Codes of ethics define the rules and various provisions to be observed by an official in the exercise of his or her professional activity. They often refer to rules which are not mentioned in the civilian legislation. For officials, codes of ethics often refer to rules such as: to be guided by the principles of justice, reasonableness, fairness, morality, ethics and professionalism, to uphold the reputation of the institution and to observe discipline. In essence, it can be argued that codes of ethics define more broadly the moral values that an official must uphold in the course of his or her duties. Thus, the question - Have officers ever violated the code of ethics of their

profession during the course of their work, for certain reasons - can help to understand whether officers, for their own well-being, for the well-being of others, or for any other reasons that are important to the officer himself, are nonetheless violating the internal (statutory bodies only) norms. The majority of respondents (63.7%) indicated that they had not violated the norms of the Code of Ethics, but it can be seen that more than a third, 36.3%, of officials have not complied with the norms of the Code of Ethics of their profession.

As already mentioned, officials are obliged to be guided in their professional activities by the law and legal norms. However, there may be situations in their work when the law seems too harsh for the misconduct committed, or when an officer's intrinsic moral values dictate that it is unfair to blame a person for an act committed. In the interview, officials were asked in which case they would put morality before the law.

Respondents could write in their answer, there were no multiple choice answers. Respondents were divided into 10 main groups. The largest group of respondents - 31% - said that they would put morality above the law when the law was contrary to normal moral norms, when it was manifestly contrary to justice, when "humanity clearly tells us to do otherwise". Fewer respondents (23%) chose not to answer this question, while 13% of respondents said that they would put moral norms above the law if the life and health of their relatives or others were at risk. There were also some respondents (12%) who answered that they would never put morality before the law, while 7% of officials gave a similar answer, stating that the law is above everything.

Only 4% of respondents gave the opposite answer, saying they always put morality above the law. Officials (3%) also said in the survey that they would only put moral norms above the law if a certain situation was not described in the law and they had to rely on their own inner conviction, and 3% said that moral norms become more important when the guilty blame the innocent. Slightly fewer (2%) said that they would put morality above the law if the offence was a minor, insignificant one. Similarly, 2% of respondents said that both the law and morality were equal. It can be concluded that many of the officers surveyed have various reasons for putting morality before the law, but there are also some who say that the law is above everything and that it should be obeyed no matter what.

As has already been established, many officials find reasons to put morality before the law. This may lead to the question of whether officials have reasons for putting the law before moral norms. To this end, respondents were asked a similar question - in which case would you obey the law in spite of moral norms/laws?

A higher proportion (30%) of respondents say that they always put the law before morality. Slightly fewer (29%) say that they would not follow moral norms and would obey the law for a specific reason, for example, "if the law is acting for the benefit and well-being of the state and society", "for the defence of the Republic of Lithuania", "in the performance of an official duty", "in the performance of an official activity". These officials argue that moral norms become partly irrelevant when it comes to the professional activity of serving the homeland. Some (19%) of the respondents chose not to answer this question. In the survey, a part (9%) of respondents say that they would disregard moral norms when they know that the law is 100% right. Also, as in the previous question, 7% said that the rule of law should be followed. A few officials (4%) said that they would never obey the law regardless of moral standards. And only 2% said, as in the previous question, that the law and moral norms are equal. The results suggest that many officers place the law above moral norms, and that officers put aside their own internal moral convictions and follow the rules of law in the course of their duties.

It is known from the survey results that many officials find various reasons to put morality before the law, many officials advocate that the law is more important and that moral values should not get in the way of service. In order to further explore the attitude of officials towards the relationship between law and morality in their professional activities, respondents were asked about the importance of morality in the professional activities of an official. Respondents were asked to rate the statement 'the importance of morality in an official's professional life' on a scale of 5 to 1, with 5 indicating that morality is very important in an official's professional life and 1 indicating that morality is not at all important in an official's professional life. The vast majority of officials (70.8%) say that morale is a very important aspect of an official's job. A much smaller number of officials (22.1%) say that morality is important in the official's professional activities. Only 5.3% of respondents think that morale is necessary and 0.4% think that morale is not a very important aspect of an officer's professional activity. 1.3% of the officers surveyed support the view that morality is not at all important in an officer's professional activity.

In the light of the results of the survey, it can be concluded that, nevertheless, the vast majority of the officials surveyed see the importance of morality in the professional activities of an official and only a small proportion of the respondents consider that moral norms are not relevant in the performance of their duties.

Officials were also asked to rate the importance of the law in their professional activities on a scale of 5 to 1, with 5 being very important in their professional activities and 1 being not important at all in their professional activities. The data obtained from the survey shows that 81.4% of the respondents consider the importance of the law in the professional activities of an official to be very important, while 17.3% of the respondents consider the law and its observance to be important in the professional activities of an official. A very small proportion of officials (0.4%) consider that the law is important in the official's professional life, while only 0.9% of respondents consider that the law and its observance in the official's professional life is very unimportant.

From the survey results presented above, it can be concluded that officials consider the importance of the law in their professional activities to be higher than the importance of moral values. The previous survey results also support this conclusion, and it can be concluded that compliance with the law and legal norms in the course of duty is very important to officers. It is only in exceptional cases, if the law is contrary to normal moral norms, that they are inclined to transgress and disobey it.

The codes of ethics of statutory bodies state that an official must be courteous, tactful, truthful, orderly and observe all the rules laid down in the code of ethics. It is also laid down that civilians must treat officers with respect and obey instructions. However, it is understood that all people are not created equal and many people, such as drunken persons, may behave inappropriately in different situations. This raises the question for officers - do they take into account a person's personal characteristics, behaviour, communication, etc., before punishing them (e.g. when stopping them for speeding, or when they encounter a drunken person in a public place). The survey results show that 51.3% of respondents say they do not take into account a person's inner qualities, but 48.7% say that a person's personal qualities determine their decision (see Figure 12).

It can be said that many officers follow the rule of law and no matter how polite and appropriate a person is, this does not make it possible to exempt him/her from responsibility.

In order to find out how officers view the relationship between morality and the law in their professional activities, respondents were allowed to choose from a number of statements. In the survey, the largest number of respondents (56.6%) ticked the first statement - the norms

of the law are closely linked to the norms of morality. The results of the survey show that there were also some officials (23.8%) who thought that the law was in conflict with morality. Slightly fewer respondents (10.1%) said that the law is not in line with moral standards, while the lowest number of officials (7.1%) indicated that the law is only sometimes not in line with normal moral standards. There was no response from 2.4% of respondents (see Figure 7).

It can be noted that the most popular answer is "the law is closely related to moral norms". It is somewhat surprising that many officials believe that the law is at odds with morality, given that laws are often derived from moral values.
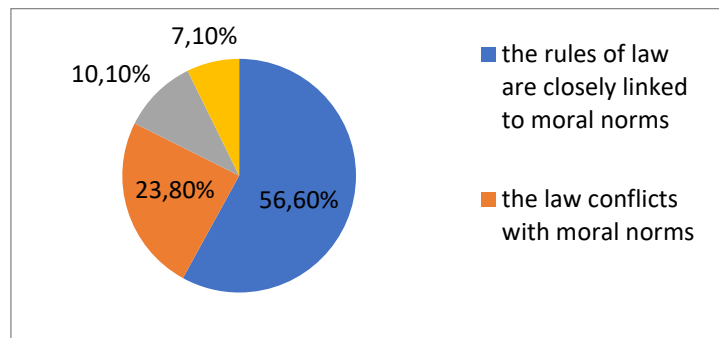
Figure 7. Officials' views on the relationship between the law and moral norms.

To determine the relationship between the law and moral norms, another similar question was put to the officials: do the law and moral norms always coincide? In the survey, respondents could choose from 4 possible answer options. The predominant answer (60.2%) was yes, law and morality usually always coincide. However, a much smaller number of officials (19%) said that law and morality usually do not coincide, while 15% said that law and morality do not coincide at all. The lowest number of respondents (5.8%) stated that law and morals always coincide (see Figure 8).
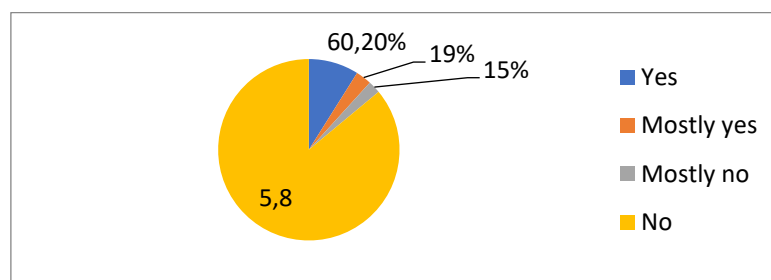
Figure 8. Officials' views on the identity of legal and moral norms.

Looking at the results of this question and the previous one, it can be assumed that many officials believe that the law and morality and its norms are closely linked. Although the results of the survey show that there are some officials who believe that the law and moral norms do not coincide at all. While there are philosophers and lawyers who argue that laws are born out of moral norms, officers who do practical work, who interact every day with victims of crime or those who have committed misdemeanours, think otherwise. There are those who argue that not all laws are closely related to morality and its norms.

Given the views of the officials, it must be assumed that morality and the law do not always coincide. It is also known that the law in Lithuania is not the same for all persons. Although there are a few known exceptions where the law does not apply to certain persons, in most cases it is still argued that the law is the same for all and that everyone must obey it.

Therefore, in order to understand the attitude of officials towards the relationship between law and morality from their practical point of view, a question was put to officials - should moral norms, like laws, be the same for everyone? It is argued that moral norms are derived from customs, it is argued that morality is about the inner qualities of a person, about decency. However, it must be acknowledged that in life all people are not always equal, because a person who has been convicted will never be on the same level as a person who has never been convicted, and in civil life, for example, a person who lies will never have the same level of trust from the people as a person who has never been convicted of lying. But a review of the results shows that the vast majority of respondents (88.1%) said that moral standards should be the same for all persons, while 11.9% said that moral standards should not be the same for everyone. It can be assumed that the majority of officials believe that all people should be treated equally without any exceptions.

Respondents were asked whether you agree with the statement that laws are designed to ensure that moral norms are upheld in society. The vast majority of respondents - 76.1% - agree that yes, laws are made to ensure that our moral values are upheld. However, there were also some officials - 23.9% - who believe that laws are made and created for other reasons.

It can be concluded that the majority of the respondents agree with the opinion of lawyers and philosophers that laws are based on moral values, and in order to protect them, it is necessary to create and legislate legal norms and acts.

While many officials agree that laws are created to ensure that moral norms are upheld in society, even more officials agree that laws and moral norms share a common goal. The majority of respondents (81.9%) agreed with the statement 'laws and moral norms share a common goal', and only 18.1% of respondents thought that morality and laws do not share a common goal.

Taking into account the results of this question as well as the previous question, it can be concluded that officials consider the relationship between morality and the law to be a close one, with many of them stating that they share a common goal - the law should ensure moral values in people's lives.

Summarising all the results of the study, it can be concluded that officials maintain a stable relationship between the law and moral norms in their professional activities. They are able to separate their work from their personal life, they are able to restrain their emotions and they are able to comply with the legislation that is relevant to their work. From the point of view of the officers, the relationship between law and morality is important in their professional activities and it can be said that many officers are aware of the need to be guided by the rules of law in the course of their duties, rather than by their own moral values, which may be compromised by the performance of their official duties. The results of the study show that officers are aware of what morality is in their professional activities and adhere to moral values to the extent that the law allows them to do so.

Conclusions

Law is a successful social phenomenon. An analysis of the concept and notion of morality reveals that morality is a set of generally accepted rules of life that are not codified in law. As a result, various disagreements can arise over the observance of moral norms. It is argued that laws and legal norms derive from moral values. Moral values such as honesty, justice, respect for human dignity, etc. are the basis for the professional conduct of an official. He must observe moral standards in order to uphold the good name of the statutory body, to be professional and to be respectful to people at all times.

In their professional activities, the staffs of a statutory body and officials are confronted every day with the application of the law and moral norms. The analysis of the results of the study shows that officers are aware of moral values and tend to put them above the law in certain situations. However, many officials are guided by the principle of the rule of law and tend to follow the legal norms that are binding in their professional activities. Furthermore, officials agree that laws are rooted in moral values and the desire to protect them. Officials consider both the law and moral norms to be very important aspects of their professional activities.

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PUBLIC ORDER POLICE IN SPECIALISED POLICE ENGLISH LANGUAGE EDUCATION

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Abstract *The Department of Police Sciences at the Academy of the Police Force in Bratislava is one of the key departments that provide education and training in the central subjects preparing students for their future law enforcement occupation. Covering theoretical, practical and legal aspects of the performance of public order police activities in the field of road safety, security of premises, responding to reports of crimes, dealing with public disorder, police canine service and other related issues makes it one of the most complex fields in police education. The Department of Foreign Languages of the Academy of the Police Force in Bratislava has reflected the topics related to public order police in its specialised police English textbook – English for Police I – in several chapters, thus providing the students with the necessary material to gain and extend their knowledge of the related specialised lexis as well as language skills. The present article provides an insight into the relation and reflection of the key police subjects in the English language textbook designed for the students of the Academy of the Police Force.*

Keywords: *public order, public order police, English language, ESP, textbook*

Introduction – explanation of terms

Before explaining the process of building the textbook for English for specific purposes (ESP) used by the Department of Foreign languages at the Academy of the Police Force in Bratislava for teaching specialised English, let us provide the background to building the specialised English language units on the topics related to the Slovak public order police service.

The service of the public order police is one of the key services of the Police Force of the Slovak Republic. Its mission is to carry out tasks which ensure the maintenance of public order and its restoration at times when it is disturbed by criminal activity. The term *public order* is largely used in legal and policing contexts, but also discussed in academic sources. However, there are not many definitions or explanations of what *public order* as such is. It stems from the fundamental word *order* which is defined in recognised English language dictionaries as:

- a controlled state; the state that exists when people obey laws, rules or authority (Oxford dictionary)[1]
- correct behaviour; a situation in which rules are obeyed and people do what they are expected to do (Cambridge dictionary) [2]
- a peaceful or harmonious condition of society (Dictionary.com)[3]

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[1] Oxford Learner's Dictionaries. Online at https://www.oxfordlearnersdictionaries.com/definition/english/order_1?q=order
[2] Cambridge Dictionary. Online at https://dictionary.cambridge.org/dictionary/english/order
[3] Dictionary.com. Online at https://www.dictionary.com/browse/order

The definition of *public order* by the United States Institute of Peace states that "public order is a condition characterized by the absence of widespread criminal and political violence, such as kidnapping, murder, riots, arson, and intimidation against targeted groups or individuals. Under this condition, such activity is reduced to an acceptable minimum, perpetrators are pursued, arrested, and detained, and the local population—no matter which party to the conflict they may belong to—is able to move freely about the country without fear of undue violence."[4]

Another definition coming from the South African National Instruction of 2014 for the Public order police: Crowd management during public gatherings and demonstrations, which in the section of definitions provides: "Public order means the state of normality and security that is needed in a society and that should be pursued by the state in order to exercise constitutional rights and to thus benefit a harmonious development of society."[5]

When looking for the definition of public order in the context of the UK, the term is applied widely, however, definitions or explanations are hard to find. It is used extensively in collocations such as *public order offences*, or *public order disturbances, Public Order Act*.

The UK Public Order Act 1986 stipulates the offences which may be charged under this act, such as riot, affray, violent disorder, harassment and others.[6]

Public order in Slovakia is a legally vague concept. Its definition does not appear in the legislation, however, it is used in the law (Act No. 300/2005 the Criminal Code, Act No. 171/1993 on the Police Force, Act No. 404/2011 on the Stay of Foreigners etc.). Authors agree that the concept is rather complex and therefore very difficult to define.

Augustín (2013) explains *public order* as a state created by harmonising the social relations between individuals, groups and the society. The author states that it is a complex socio-political, psychological, moral, social and legal category where the needs of the society and the individuals overlap. Public order is regulated by legal standards that create the framework for the functioning of all units and institutions taking part in creating, maintaining and restoring of public order. That means that observation of the rules of public order is a result of observing the laws which regulate public order and secure the protection of the constitutional system, life, health, property and the rights and freedoms of the citizens.[7]

Public order is therefore the background and the goal for the work of the police.

Tasks and mission of the Police Force

The legislative background for the work of the Police Force is Act No. 171/1993 on the Police force as amended. The Police Force is an armed security force which carries out the tasks in the area of public order, security, fight against crime including its organised forms and international forms as well as tasks following from the international commitments of the Slovak Republic. The Police Force is in its activities regulated by the Constitution, constitutional laws, laws and other generally binding legal regulations and international treaties by which the Slovak Republic is bound. The Act No. 171/1993 on the Police Force stipulates the tasks of the Police force as follows:

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[4] United States Institute of Peace. Public Order. Online at https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/rule-law/public-order

[5] National Instruction 4 of 2014 Public Order Police: Crowd management during public gatherings and demonstrations. p. 3. Online at https://protestguide.org.za/national-instruction.pdf

[6] Public Order Act 1986. Online at https://www.legislation.gov.uk/ukpga/1986/64

[7] Augustín, P. 2013. Poriadková polícia. Akadémia PZ. Bratislava. p. 31-32.

- Protection of fundamental rights and freedoms, mainly the protection of life, health, personal freedom and security of persons and protection of property
- Detection of criminal offences and offenders
- Detection of tax evasions, illicit financial operations, money laundering and financing of terrorism
- Investigation and summary investigation of criminal offences
- Fight against terrorism and organised crime
- Providing protection of to the President of the SR, Speaker of the Parliament, the Prime Minister and other designated persons
- Provides protection to the diplomatic missions and designated premises
- Protects the state border of the SR
- Participates in maintaining and restoring public order
- Supervises the safety and fluency of road traffic and directs traffic
- Detects minor offences and the offenders, carries out investigation into the offences
- Searches for persons and objects
- Provides protection to witnesses at risk and protected witnesses
- Carries out forensic activities
- Provides protection to civil aviation
- Reports the breach of alcohol prohibition by a minor (younger than 15) or a juvenile person (younger than 18) to the municipality
- Supervises the safety and fluency of rail traffic in the railroad areas
- Detects and investigates the causes of risk to the safety and fluency of road traffic in the railroad areas
- Provides security to rail transport of nuclear materials and other special materials and devices in cooperation with transport companies.

The Police Force consists of the service of criminal police, financial police, **public order police**, traffic police, railway police, premises protection service, border and foreign police, SWAT team, service of protection of designated persons and inspection service. The Institute of Forensic Science is also part of the Police Force in the Slovak Republic.[8]

Public order police service

As follows from above, public order police service is one of the services of the Police Force. It is the most numerous police service and the number of public order police officers accounts for approximately a half of all Police Force personnel. This police service may be seen as the dominant one as it carries out a particularly wide range of tasks. It is also the contact point between the police and the citizens – as it carries out its tasks publicly and transparently wearing the police uniform. This principle obliges the officers to perform their tasks responsibly to create to a positive public image and contribute to the credibility of the Police Force.

In terms of structure and organisation, the public order police section is part of the Police Force Presidium. The Section of Public Order Police is divided into departments of public order police, department of supervision over municipal police and the river patrol department. The Section of Public Order Police at the Presidium has a managerial function and is in charge of

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[8] Act No. 171/1993 on the Police Force – Zákon 171/1993 o Policajnom zbore – Online at https://www.zakonypr eludi.sk/zz/1993-171

MRU
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ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

eight regional directorates (Bratislava, Trnava, Nitra, Trenčín, Žilina, Banská Bystrica, Prešov, Košice) of the Police Force, particularly their public order police sections.

The regional directorates are in charge of 53 district directorates (in district towns). These are further in charge of the local police departments and police stations in smaller towns and villages in their territory.

As has been mentioned, one of the characteristic features of the service is its immediate contact with the public. By protecting the public order and fight against crime, by performing a complex set of tasks in the given territory, it is one of the most important police services and creates conditions for the work of the other police services.

As stipulated in the Regulation No. 80/2018 of the Presidium of the Police Force on the basic units of the public order police service of the Police Force, the basic units of the public order police service are

- Local police departments
- Emergency motorised units.

Other units of the public order police service include

- River patrol department
- Special response teams

There are also units belonging to other specialized sections of the public order police service, such as:

- K-9 service
- Departments of documents.

Units participating in public order protection also include

- Mounted police
- Riot units
- Railway police.[9]

The **local police departments** (local PDs), or police stations are the fundamental and the key units of the public order police service. It is because the citizens who need to communicate with the police force regarding any problems, incidents or seek help or advice, they most frequently turn to the officers at the local police departments. They either arrive at the station in person, or report an incident and the police arrive at the scene. The range of tasks the local police departments have to perform is wide. The protective function in the territory of the local PDs includes the protection of public order, fight against crime, supervising the safety and fluency of road traffic, dealing with minor offences, border areas control etc. The public order is protected mainly through the protection of persons and property, especially protection from damage and thefts, dealing with disruptions of public order, taking measures for its restoration especially in large public, sports and cultural events, preventing disruptions to civil coexistence and supervising the measures taken for the protection of the natural environment. The area of fight against crime includes interventions against criminal offenders, detection of crime, gaining knowledge on criminal activities and offenders, prevention of cross-border crime, searching for persons and offenders. The detection of crime is carried out mainly by the search performed by the officers, by obtaining information from natural persons, legal persons, municipalities and institutions or from their own records.

Another important, the so-called basic unit of the public order police services is the **emergency motorised unit**. It is a specialised unit created to perform certain tasks of the public order service in the form of patrol service in the designated territories and locations. Its main

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[9] Kočan, Š., Löffler, B., Zámek, D. 2013. *Poriadková polícia.* p. 104-105

purpose is to perform an active preventive and repressive fight against crime committed in the streets.[10]

All these activities and responsibilities of the public order police service and its individual units determine the activities and contents of the curriculum of the Department of Police Sciences which teaches all the related subjects at the Academy of the Police Force in Bratislava.

The Department of Police Sciences is one of the profiling departments At the Academy of the Police Force in Bratislava. The subjects covered by the department and the activities of the department are in line with the requirements resulting from the profile of the Academy graduate and the requirements arising from the profile of a police officer for individual functions in police services. The focus is on the subjects and professional development of knowledge in the areas of public order and traffic police, protection of premises, security technologies and service cynology (K-9 departments) and hippology (mounted police). The education also covers the work of the basic units, work in communities, protection against domestic violence, detection of offences and their perpetrators and supervision of road safety etc.

All of the above information on public order, public order police and the fact that these are taught by the Department of Police Sciences served as our background and source of key information to be included in our ESP textbook.

English for Police I (2021)

The Department of Foreign Languages of the Academy of the Police Force in Bratislava carries out foreign language teaching in the study field Security Sciences in the study programmes of Security and Legal Protection of Persons and Property and Security and Legal Services in Public Administration at the Bachelor's and the Master's level of study. The foreign languages are taught in the subjects aimed at providing specialised English language where the content reflects the needs of the study programmes and the Police force, Ministry of the Interior and other related fields. One of the foreign language subjects is the compulsory subject *Professional Communication I* and *II*, which is provided in the full-time Bachelor's study programmes to the 2nd year students of Security and Legal Protection of Persons and Property and Security and Legal Services in Public Administration. There are 36 lessons in the third semester and 48 lessons in the fourth semester available for this subject.

As specialised study literature covering the security and legal subjects in our territory is generally absent, the development of materials for the teaching of specialised English language is in the hands of the Department of Foreign languages of the Academy of the Police Force. Since 2011, the English language was taught using the textbook *English for Police (2011)*, or its revised version of 2012.[11] The publication focused on the specialised language and required the target audience to be at least at B2 CEFR level of language competency. The individual units were compiled to cover the matters of the police services, basics of the criminal law and crisis management. The textbook effectively served its purpose, however, the changes in the society and in the Police Force, new facts emerging in the area of criminality, fight against crime, international cooperation as well as organisational changes in the structures of the Ministry of Interior required consideration on these facts and updating of the teaching materials. Based on these needs a new textbook – ***English for Police I*** by authors Binderová, Ferenčíková and Nováková (2021) – for teaching English for specific purposes (ESP) was created and has

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[10] Ibidem. p. 112-116

[11] Nováková, I., Ferenčíková, P. 2011. *English for Police*. Bratislava. Akadémia PZ. ISBN: 978-80-8054-510-9, Nováková, I., Ferenčíková, P. 2012. *English for Police*. Plzeň. Aleš Čeněk. ISBN: 978-80-7380-406-0).

been used for teaching specialised English in the subject *Foreign language I – Professional Communication I and II – English language* since 2021/22.

Needs analysis and the materials design

The teaching of specialised English language which is also denoted as English for specific purposes (ESP), is an approach to language learning based on the learner need.[12] The learners of ESP are adult students learning the language for the purpose of their profession and more effective work in international cooperation. In our case the need of the learners is to gain knowledge of specialised English language for the purposes of the police and other related areas. The study of specialised English language requires a certain level of competence in the foreign language on which the students can build their specialised vocabulary or extend the knowledge in the specialised language. According to Čuriová (2016)[13] it is motivating to interconnect the knowledge of the field of study with the foreign language learning – what students learn in the English language classes they can apply in their main field of study (e.g. Security Services) and vice versa – the knowledge gained in the professional subjects improves their ability to acquire the foreign language. The professional knowledge gives the students the context necessary to acquire and understand the specialised English.

With regard to the basic characteristics of ESP teaching it was necessary to take into account the current needs of the police practice as well as the linguistic needs of the students in creating the contents of the *English for Police I*, and thus create a work that would enable the students to acquire specialised English language usable in their future occupation. According to Dobiášová (2019) the specifics of the foreign language teaching to (future) police officers follow from the fact that there is a rising number of foreigners in our territory.[14] Nováková (2018) specifies that foreign language communication is necessary also for correct e-mail communication, phone calls, one-to-one conversation etc. Police officers should understand specifically oriented text, understand the information provided orally and join formal as well as informal discussions. Therefore, the language training at the Academy is aimed at professional topics such as the structure and mission of the Police Force, Ministry of Interior, criminal law, police services and other related topics.[15]

As part of the analysis of needs, the team of authors carried out a survey among students of the Academy of Police Force. The aim was to identify their needs within specialised foreign language and then reflect them in the creation of the new textbook of specialised English language. The respondents of the survey were 114 students of the 2nd year of Bachelor's studies in the study program Security and Legal Protection of Persons and Property (69.3 %) and Security and Legal Services in Public Administration (30.7 %). The students answered questions about the importance of language skills as well as professional knowledge in foreign language study. The responses were carried out on a five-degree scale – very important, important, partially important, less important and least important.

In the first question, the survey looked at priorities in the language skills among the students. The students marked their priorities in five language skills: speaking, oral interaction, writing, reading comprehension and listening comprehension. The most respondents identified the independent speaking skill as very important (71 students). Oral interaction (60

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[12] Hutchinson T., Waters, A. 2010. *English for Specific Purposes*. p. 19
[13] Čuriová, H. Úlohy učiteľa a študentov vo vyučovaní ESP. Online at:
https://www.pulib.sk/web/kniznica/elpub/dokument/Gogova1/subor/Curiova.pdf
[14] Dobiášová, A. 2019. *Rozvoj jazykovej gramotnosti u polície*. p. 165
[15] Nováková, I. 2018. *Analysis of ESP in the Context of Rapid Border Teams*. p. 250

respondents) was also very important. 63 students identified reading comprehension as important, 59 students marked listening comprehension and 57 students marked writing as important.

Another question asked: *The subjects of which department do you consider important for the study of the English language*? Students had the opportunity to identify more options. The top five places were the subjects of the Police Sciences Department (56.3 %), Criminal Law Department (50.9 %), Criminal Police Department (46.4 %), Investigation Department (41.1 %) and European Integrated Border Management Department (36.6 %)

In the last question we focused on identifying the expected use of the professional English language in their professional practice. The assignment was *Mark the subjects whose professional focus and terminology should be reflected in professional foreign-language classes in view of the possible needs of your future professional position*. Marked as the most important were the subjects of Border and foreign regime, Substantive criminal law, Criminalistics, Operative-search activity and Constitutional law of the Slovak Republic.[16]

The results of the survey among students and the needs of police practice, which were consulted with experts, were considered in the design of the content framework of the textbook. The final content of the textbook consists of 28 lessons that provide topics for two semesters of the study. Their thematic focus includes activities of the Ministry of Interior, Police Force, individual police services, international police cooperation, provides information on substantive and procedural criminal law, as well as information on different types of crime. The specific titles of the units are:

- *Ministry of Interior*
- *Police Force of the Slovak Republic*
- *Police Recruitment and Training*
- *Police Services*
- *At a Police Department*
- *Police Uniform*
- *Policing in English-speaking Countries*
- *Criminal Code – General Part*
- *Criminal Code – Special Part*
- *Code of Criminal Procedure I*
- *Code of Criminal Procedure II*
- *Description of a Person*
- *Crisis Management in the Slovak Republic*
- *Fire and Rescue Corps*
- *Criminal Police*
- *Cyber crime*
- *National Crime Agency*
- *Organised Crime*
- *Interrogation*
- *Criminology*
- *Border and Foreign Police*
- *Traffic Police*
- *Traffic Police – Rules of the Road*
- ***Public Order Police***
- ***Public Order Police – Dealing with Offences***
- ***Section of Cynology and Hippology***
- *International Police Cooperation – EUROPOL, INTERPOL*
- *International Police Cooperation – FRONTEX, CEPOL*

Hutchinson and Waters (2010) suggest several principles in designing ESP materials, such as:

a) Materials provide a stimulus to learning. Good materials encourage the learners to learn, therefore they should contain interesting texts, enjoyable activities,

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[16] Ferenčíková, M. 2021. *English for Police I – parametre zostavovania aktuálnej učebnice odborného anglického jazyka pre potreby polície.* p. 81

opportunities for learners to use their existing knowledge and skills and content which the learners and teachers can cope with;

b) Materials help to organise teaching-learning process. Good materials provide a clear and coherent unit structure which will guide the teacher and learner through various activities in such a way as to maximise the chances of learning. The material should be clear and systematic, but flexible enough to allow for creativity and variety;

c) Materials should reflect what the author/teacher thinks and feels about the learning process, in other words, they should reflect what the teacher believes will work in the classes;

d) Materials reflect the nature of the learning task. The tasks may be complex, but should be manageable;

e) Materials could introduce the teachers to new techniques;

f) Materials provide models of correct and appropriate language use.

Moreover, the authors provide a model for designing ESP materials which consists of the *input, content focus, language focus* and *task*. [17]

Respecting the above-mentioned principles, we created a uniform structure of the units in the textbook, which consists of the following parts:

- *In this unit*
- *§*
- *Warm up*
- *Reading*
- *Reading comprehension*
- *Vocabulary*
- *Speaking / Writing / Discussion*
- *Glossary*

Every unit begins with brief information on what will be covered in the lesson (*In this unit*). Under Section (*§*), the related legislative information is provided – the name of the law related to the subject, a specific section from the law, or the definition of the phenomenon that is the subject of the lesson. The *Warm up* part allows the students to explore the topic through initial discussion questions, brainstorming, or by familiarising themselves with new vocabulary, which will be further used in the main text of the lesson. The text, *Reading*, is central to every lesson. It provides the students with professional information, is a source of professional lexis and provides a starting point for further activities and work with vocabulary. Binderová (2017) states that a well-chosen professional text contributes significantly to the motivation and stimulation of learners of a professional foreign language. The text in the unit may be of various lengths, or there can be multiple texts if they are shorter. Binderová adds that the text should be a challenge for students, but a challenge at their level of language competency.[18] Taking this into account, our texts were selected or modified to an appropriate level. In some units, the text also includes an activity to fill in vocabulary or match pieces of information. Each text is followed by an exercise to verify the students' understanding of the text they have read (*Reading comprehension*). It can take the form of open questions, exercises with statements that are true or false based on the reading, or an exercise verifying the meaning of the vocabulary. The *Vocabulary* section contains exercises to work with the lexis from the text, but they can also be the source of other relevant expressions. Visual material (assigning images to words, describing pictures...) is often used in this section, which also contributes to the diversity of exercises and the stimulation of learners. The final part of the lessons includes activities focused on the student own production. This can be a stimulus for speaking on a topic (*Speaking*),

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[17] Hutchinson T., Waters, A. 2010. *English for Specific Purposes*. 2010. p. 107-108
[18] Binderová, M. 2017. *Učebné stratégie v práci s odborným textom.* p. 166

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ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

writing, creation of mini projects on a relevant topic, discussion and others. The unit is always closed by a list of vocabulary related to the topic (*Glossary*).

Public order police units

The particular units related to the public order police service are the ones in bold and underlined in the content of the book presented above (*Public Order Police, Public Order Police – Dealing with Offences, Section of Cynology and Hippology*).
Working on the units required familiarisation with both the work of the public order police and its individual departments as well as identifying the required language and terminology in the English language. The contents and identifying the essential facts to be covered in the limited space were discussed with the experts at the Department of Police Sciences who were able to provide a deep insight into the work of the police, as well as to provide guidance when it was necessary. The consultations with the Police Sciences Department were especially valuable for identifying the most important pieces of information and providing guidance in finding the relevant sources (legislation, literature etc.) for creating the contents. Our main sources of information were the following:

- Act No 171/1993 on the Police Force as amended
- Regulation No. 80/2018 of the Presidium of the Police Force on the basic units of the public order police service of the Police Force.
- Kočan, Löffler, Zámek. 2013. Poriadková polícia *(Public order police)*
- Augustín, P. 2013 Poriadková polícia *(Public order police)*
- Relevant parallel texts in the English language: e.g. Public Order Act 1986
- Consultations with experts at the Police Sciences Department

The procedure which we followed corresponds with the model of materials design suggested by Hutchinson and Waters (2010) and can be summarised in the following steps:

Table 1 Model of materials design. *Source: author*

1. Identifying the sources of information,	
2. Selecting the information to be included in the units	*Input*
3. Consultation and cross-checking with the experts at Police Sciences Department of the Academy of the Police Force	
4. Building the unit in the pre-defined structure (details below)	*Content focus*
5. Identifying, collecting and creating relevant visual material	
6. Adjusting the reading text and the lexical items for the language competency level and the needs of the ESP lesson	*Language focus*
7. Summarizing the key vocabulary of the unit	
8. Creating exercises for: – comprehension checks for reading assignments, – practicing the relevant terminology, – developing the language skills (reading, speaking, writing)	*Task*

Samples of the textbook units and the descriptions of how the specialised information on public order police was incorporated in the contents of the units can be found in Figures 1 – 4 below.

Figure 1. Sample of textbook unit. *Source: author*

As can be seen in the first sample (Figure 1.), the unit starts by introducing the topic by providing the key pieces of information that provide the outline and will be discussed in the unit. The Section sign (*§*) part provides a piece of legal information – Regulation No. 80/2018 of the Presidium of the Police Force on the basic units of the public order police service of the Police Force is a key piece of legislation governing the work of the public order police service. The first article introduces the basic units of the service of public order police, i.e. the local police departments and the emergency motorised unit. This piece of information may, or may not be new for the students, however, it may serve for introductory brainstorming or discussion on the information they are or are not familiar with regarding the public order police service, using the language they are capable of using at the beginning of the lesson. The *Warm up* part introduces the basic organisational hierarchy of the Police Force. The visual material is designed to remind the students of the designation plates commonly used on the police force premises and buildings, such as police stations or police departments. The students match the pictures with the correct English translations. This task builds on the students' previous knowledge of the hierarchical levels, therefore it is usually done successfully and serves as a good motivating stimulus to further tasks. The discussion in exercise 2 draws on the students' personal experience/knowledge and encourages them to think and express their own opinions. Depending on their language competency the students may express their ideas in a simple or a more sophisticated way using only the vocabulary acquired previously. If some specific lexis needs to be introduced during the discussion, it gives a good opportunity to pre-learn the expressions that may be used later in the unit. The text for reading (*Reading I*) is a source of new information, or rather it provides information that the students may be familiar with, however, it is a source of new specific language. Before detailed reading, the students are encouraged to skim and scan the text in order to fill in the blanks with the headings for the individual parts of the text. Then, during proper reading, the students learn the basic facts about the organisation, units and tasks of the public order police. The text provides the vocabulary

that will help the students to explain the facts about the Slovak public order polices service in the English language when the need arises. After reading, there is a comprehension check (Figure 2). Students try to recall the information from the text to answer the questions. They are encouraged to formulate their answers using the new vocabulary. Lower level students may return to the text and try to find the answers to the questions.

Reading comprehension I

4 Answer the questions.
1. What are the main tasks of the public order police?
2. What categories of offences do they deal with? What type of investigation do they carry out?
3. Which units / bodies carry out the tasks of the public order police?
4. Which are the basic units of the public order police?
5. Name the hierarchical levels where the sections of the public order police are based.

Reading II

5 Match the units / bodies with their translations. Read and match them with their activities.
Dobrovoľný strážca poriadku, Obvodné oddelenie policajného zboru (OO PZ), Pohotovostná motorizovaná jednotka (PMJ), Pohotovostný policajný útvar (PPÚ), Poriečne oddelenie, Policajný špecialista pre prácu s komunitami, Poriadková jednotka.

UNITS OF THE PUBLIC ORDER POLICE	
UNIT	**ACTIVITIES**
1. Local police department	a. is a basic unit carrying out the patrol service using vehicles, fighting against crime and preventing crime in the street, carrying out service interventions as a unit of first response.
2. Emergency motorised unit	b. is a citizen who assists with a broad range of public order activities, such as patrol service, supervision over safety and fluency of road traffic; the activities are carried out together with a police officer; the citizen must be approved by the director of a regional directorate.
3. Special response team	c. is a unit acting under united command; it is used in extraordinary situations such as a mass disturbance of public order and related crowd control.
4. River patrol department	d. is a unit used to eliminate violence endangering public safety; it is deployed to combat crime and offenders, deal with high-profile incidents, cooperate in search operations, cooperate in escorts of persons, finances, restoring public order with the use of special technical means etc.

5. Riot control unit	e. is the basic and key unit of the public order police; it is a unit of first contact with the citizens who either contact the department in person or call the department to report a crime; they provide services to the public; protect public order, fight against all kinds of crime, detect and deal with infractions; they may have a police station as a field office.
6. Volunteer public order guard	f. mainly manages the diving activities in the Police Force; carries out its tasks along rivers or water dams; the activities may include checking for poaching, rescuing of drowning persons, or recovering criminal evidence from water.
7. Community specialist officer	g. works with communities, especially the Roma minority; has good knowledge of the local area, establishes contacts with the leaders of the settlements, carries out prevention and addresses the problems of the community; maintains public order, guarantees that human rights are respected by police officers.

Reading comprehension II

6 Answer the questions.
1. Which police units serve as first responders and what are their tasks?
2. Which body is not part of the Police Force and what is their role?
3. Which unit is deployed in special and potentially dangerous situations?
4. What is the role of the community specialist officer?
5. Which unit is responsible for crowd control?
6. What are the responsibilities of the river patrol department?

7 How do you recognize members of the units above? Match the pictures below with the units. Describe what you see in the pictures.

A.___   B. ___

Figure 2. Sample of textbook unit. *Source: author*

The unit continues with one more reading (***Reading II***). This reading introduces and describes various units and bodies that fall under the public order police service (*local police department, emergency motorised unit, special response team, riot control unit, volunteer public order guard, river patrol department, community specialist officer*). The task works with both languages – English and Slovak. As the assignment brings a lot of new specialised vocabulary, the students first match the Slovak expressions with their English translations to make sure they know what is being discussed. Next they read the text for more specific information and match the descriptions in the Activities column with the name of the unit. The content follows the structure of the public order police sections and presents the students with the key information on the individual units and bodies. Understanding of the text is again checked in the reading comprehension task. The topic is further developed through visual material. Students keep working with the same pieces of information, but they have an opportunity to practice the newly acquired vocabulary in a variety of exercises. The images in Exercise 7 illustrates all the public order units and bodies described earlier. Students match the pictures with the pieces of information read before and the study may continue with more language work such as picture description in oral or written form, pair work in guessing what is being described, group work elaborating on when or where may the work of the individual

public order units be needed with a continuous assistance of the teacher providing language help when necessary.

Figure 3. Sample of textbook unit. *Source: author*

After the readings which provided all the new information and related lexis, the vocabulary is practiced in exercises. Figure 3 presents the exercises in the *Vocabulary* section. These include matching exercises (word + definition, word + word to create a meaningful expression – a collocation), gap fill exercise and a multiple choice. New vocabulary is practiced in different context which gives the students an opportunity to check what they have learned. The final part of the unit – *Speaking*, as can be seen in Figure 4 below, gives the students an opportunity to "play". They do the wordsearch looking for vocabulary from the lesson (another way to revise the vocabulary).

Figure 4. Sample of textbook unit. *Source: author*

The result of the wordsearch is the word *trustworthiness*, which is always a strongly discussed issue in relation to the police. The discussion questions give the students an opportunity to think and share their ideas and opinions in class. The unit concludes with the *Glossary* of the key terms introduced in the unit.

From a terminological point of view, it was not always easy to find the corresponding term in English when creating the units on public order police service. This was due to the differences between the criminal law systems, as well as non-existence of equivalent facts in the English-speaking countries. Moreover, there is no unity in the translation of the terms, which required searches in parallel sources in the English language, analysis of terms based on their dictionary definitions, other expert interpretations and their functioning in relevant contexts.

Conclusions

Teaching a foreign language at the Academy of Police Force in Bratislava has its peculiarities.

Changes in the society, new trends in crime, as well as changes in the Police Force required a response of the foreign language teachers in creating an up-to-date textbook that would reflect the current situation. The evaluation of the current police needs and the results of the survey among students of the 2nd year of the Bachelor's degree of study formed the background for the building of the new *English for Police I* textbook. The subject of public order police that is covered in three units of the book is built upon the knowledge of the mission, tasks and organisation of the public order police and the related bodies and units. The aim of the book is not to teach the specialist police subjects, but to provide a pool of materials that would serve as a source of specialised language and terminology that can be further utilised in the police work. The development of the teaching materials, or building of the individual units was done by collecting of authentic materials, sources of the Ministry of Interior, studying legislation and renowned experts on public order police as well as consulting the experts of the Police Sciences Department. They cover the basic facts of the public order police from its organisational structure, cooperating units and departments, tasks, receiving of reports of domestic abuse, dealing with public disorders to police k-9 units and mounted units. An example and description of a public order police unit for the purpose of an ESP class is provided in our article. We believe that it reflects the English language needs of the students and todays' policing. The variety of exercises, attractive visual and relatable content provide a lot of stimulating opportunities for the students to express their ideas, interact and practice the newly acquired vocabulary, which encourages the students' interest and motivation and contributes to a more effective language learning. Our experience so far proves that the book has become a good tool for the ESP classes and effectively serves its purpose in the English language classes at the Academy of Police Force in Bratislava.

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PERSONAL CAREER DEVELOPMENT CHALLENGES: CULTURAL ASPECT

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Abstract. *The article analyses the challenges of personal career development in an organization that is operating in different cultures. The ever-changing global environment encourages development of personal careers with an appreciation of cultural contexts. In the context of globalization, organizations often develop their activities in different cultures. Undoubtedly, the personal career development of employees working in this type of organization depends in many aspects on the individual's ability to recognize and respond appropriately to cultural nuances. A frequent employee working in a cross-cultural organization experiences great stress at work due to the lack of proper knowledge and understanding of another culture. This text presents an analysis of personal career development and its expression in different types of cultures. The personal responsibility of the employee for the development of his personal career rests with the individual himself, who combines personal aspirations with the goals of the organization. The purpose of the article: to present and analyze employees' opinions about the concept, possibilities, similarities, and differences of personal career development in different cultures when working in an intercultural organization and to identify problem areas. The text reveals the theoretical aspects of the personal career development of employees at the levels of the individual and the cultural environment, examines the models of personal career development and their application possibilities in different cultures. The article presents the analysis of the results of quantitative (empirical) and qualitative (interview) research, which assumed the possibility of determining the main factors that either encourage or hinder the development of a personal career in an organization that operates in both Lithuanian and Swedish cultures; employee evaluations about the concept of personal career and development opportunities are listed and recommendations are presented for improving personal career development in intercultural organizations.*

Keywords: Personal career; personal career development; cultural context; cross-cultural organization.

Introduction

The process of globalization encourages most modern service providing organizations to operate in more than one cultural environment, thus crossing cultural boundaries and employing a diverse workforce, as in a new market's organizations have the opportunity to find new, specialized talent that is not available in their current market. Globalization process has significantly increased the popularity of outsourcing and offshoring activities of organizations, due to which organizations fully or partially transfer their production and service tasks, such as customer service, to countries, in which labor costs are lower (Grossman, Rossi-Hansberg, 2006). In such organizations, it is extremely important to take into account the career development of employees in a cross-cultural context, because representatives of different cultures must interact with each other in order to achieve the best results in personal and organizational contexts, and to harmonize different approaches to such work aspects as time

planning, information exchange, activity planning, decision-making, communication style, conflict resolution, leadership and motivation development (Petkevičiūtė, 2013). Due to the increased competition and the changing context of career development, now more than ever it is important for people to be pro-active in their personal career development process and adapt to the modern world context where different cultures interact with each other.

Scientific novelty and level of investigation of the researched problem. By analyzing literary sources, this text aims to define the concept of career and the assumptions of its formation. By examining the course of career development in modern society presented in literary sources this paper aims to determine which career development perspectives are most relevant today, how career development is affected by the cross-cultural aspect, what challenges employees working in an cross-cultural environment face and what is the role of organizations in career development. To determine the challenges of cross-cultural development that employees of service-providing organizations are faced with while operating in a cross-cultural context, quantitative and qualitative research was conducted and the analysis of the obtained results was presented, as well as the conclusions of the data collected and analyzed during the research together with the recommendations formed on their basis. Issues of personal career development are analyzed by various Lithuanian and foreign researchers (Petkevičiūtė, 2007; 2013; McDonal, Hite, 2023; Korsakienė, Smaliukienė, 2013 ; Greenhaus, Callanan, Godshalh, 2019; Adamonienė, 2017; Robertson, Hooley , McCach, 2021; Ekine -Ogunlan, 2021; Brown, 2020; Burtnett , 2019, etc.)

Research object. Challenges of employee career development in a cross-cultural context.

The aim. To determine what career development challenges are faced by employees developing their careers in a service-providing organization operating in a cross-cultural context.

In order to achieve the goal the following tasks were set: carry out an analysis of literary sources about the concept of career and relevance of career and career development in modern society; evaluate organizations employees' opinions about personal career development in an organization operating in a cross-cultural environment; determine what influence the cross-cultural context has on career development ; identify problem areas; provide personal career development recommendations suitable for organizations operating in various cultures.

The concept of career development and the formation process

Despite the fact that people have been involved in various work activities for many centuries, according to authors studying career development, career itself is a relatively new concept that was not used until the beginning of the 19th century, when society began to transition from an economy based on agricultural work and crafts to an industrial, machine-based economy and in turn in search of work, people began to move to urbanized areas, closer to industrial centers (McDonald, Hite, 2023). As the processes of industrialization, urbanization and democratization intensified in the countries of Western Europe and North America, the concept of career "<...> acquired the meaning of an advanced and developing path of work and professional activity." (Gražulis et al., 2015). In literary sources examining the origins of the concept of career, it is stated that before the industrial revolution, the prevailing view was that work is a set of certain activities that a person engages in throughout his life in order to earn a living (McDonald , Hite, 2023), and the emergence of the concept of career was influenced after the industrial revolution when a free-thinking individual with little dependence on the community emerged and was formed during the revolution and had to take care of himself (Gražulis et al., 2015). According to Donald and Hite (2023), with the Industrial Revolution

and the Reformation movement, work came to be seen as a means to grow and improve and to change one's position in society or one's social class. According to the authors, this is how the concept of career was born, which is described by the authors as personal involvement in the world of work, which is characterized by the exercise of will and determination of personal suitability, requiring preparation and specialization for continuous improvement throughout life (McDonald, Hite, 2023).

Greenhaus, Callanan and Godshalk (2019) present two dominant approaches to careers, where, according to proponents of one approach, a career is considered a structural part of a profession or organization, so that a career in a chosen field can be considered as a sequence of positions occupied by a typical or "ideal" representative of certain profession. The authors also provide a description of another basic approach to career, when career is viewed as a personal property, rather than a component of a certain profession or organization. According to this point of view, the authors assume that each person actually pursues a unique career, since during their lifetimes people accumulate a unique experience of jobs, responsibilities and experiences, which is considered to be their career (Greenhaus, Callanan, Godshalk, 2019). Other authors propose to examine the concept of career based on two aspects: individual - when talking about personal/individual career and specialty or organization, when talking about specialized or organizational career (Petkevičiūtė, 2007). According to Petkevičiūtė, every individual seeks both an individual and an organizational career, when an individual career includes not only a professional career, but also other types of careers that are related to other human activities, while an organizational career includes a professional career developed in an organization (Petkevičiūtė, 2013). When examining career development in a person's life Balčiūnaitienė, Barvydienė and Petkevičiūtė (2013) distinguished four main aspects of the career concept, when in one case the career is perceived as mainly a professional achievement, and in the other - a position a in the organization. Career, according to the authors, can also be perceived as the result of different duties and experiences in various fields and organizations, or as a lifetime accumulated experience with all the roles of an individual in his life, including such roles as family, social activities, lifestyle, etc.

Some authors tend to claim that career is everywhere around us and it is impossible to escape from it, as it can be considered as a fusion of individuals' life, learning and work activities (Robertson, Hooley, McCach, 2021).

In the literary sources published at the beginning of the 21st century, a change in the attitude towards career can be observed, when, according to the authors, it is more and more common to talk about a personal career managed by the individual himself, while in previous works the subject of career management was more often the organization (Petkevičiūtė, 2007). Traditional definitions of career were focused only on professional activity and the promotion that comes with successful professional activity, but now the concept of career is expanded to include aspects related to time and personal life (Korsakienė, Smaliukienė, 2013). In the literature that examines the concept of career in today's context, career is not limited to promotion, but also includes human development and learning as important components of a career.

The concept of career in literary sources is inseparable from career development analysis. Career development is a topic that spans many disciplines, including psychology, business, education, and human resources. The changing concept of career development in a challenging environment shows that individuals are increasingly expected to proactively manage and develop their careers, seeking opportunities to move seamlessly between different workplaces, take greater personal responsibility for their career development and take proactive actions that could help develop their career (Jian, Wang, Li, Peng, Wu, 2022). Contemporary literature

emphasizes the dynamism of careers due to people's changing skills, circumstances, and motivation, as these factors influence what people want from their professional lives (Coursera, n.d.). In contemporary literature, career development is often associated with the metaphor of a journey where an individual travels through education, work and other aspects of life while developing their career. Epstein (2019) defines career and career development as a personal journey in which one of the most important aspects is self-discovery, analysis of one's skills and career compatibility with personal values and interests. The author tends to argue that career development is not a linear process, giving career development the definition of an "exploratory process". When talking about personal career development in literary sources, the authors tend to state that, in principle, each individual is responsible for creating his own career, since his individual choices, actions and expectations shape the individual's career development path and how he seeks personal career development, and what he gets out of it. expectations are formed by an individual's subjective opinion about what constitutes a successful career (Ekine-Ogunlan, 2021).

McDonald and Hite (2023) state that career development can be considered a process of acquiring and experiencing planned and unplanned activities that help achieve life and work goals. According to the authors, the differences in the definition of career development highlight one of the interesting aspects of the field of career development, where in one case career development is evaluated based on an individual perspective, focusing on the individual's personal interests, abilities and goals, and in the other case, career development is evaluated through the perspective of organizational productivity, focusing attention to how employees can better meet the expectations of the organization and contribute to the achievement of the organization's goals (McDonald, Hite, 2023).

The concept of career defines that every person has only one career, that is , despite the fact that a person may change jobs or move to different industries during his life, all his accumulated experience contributes to the development of the same career, and the individual's career path develops in steps over time, which do not necessarily have to be linear and can include several professional areas and different organizations (McDonald, Hite, 2023). This concept of career development is supported by other authors who study career development in modern society, who state that career development is a dynamic and constantly changing and lifelong process that begins in childhood and includes formal and informal experiences during which skills are developed, talents are acquired and the values on which a person is based are formed. Career development, according to the authors, is further seen in the progression of a person's life when he begins to participate in work activities, progresses through the career ladder and ends when a person retires (Brown, Lent, 2020).

In the majority of literary sources published in recent decades, two main perspectives of modern career development are distinguished: Protean career and Boundaryless career. The definition of Protean career emphasizes the individuality of this career perspective, because according to this definition of the career perspective it is controlled and directed by the individual himself when individual makes decisions based on his inner values. A Protean career takes its name from the Greek sea god Proteus, who could change his form, and from a career perspective, it indicates a person who can adapt to a turbulent and ever-changing career environment and remain flexible (McDonald, Hite, 2023). Literary sources provide insights indicating that the individual and his inner values are at the center of this career perspective, so the authors examining this career perspective claim that the individual's role and initiative in making decisions related to career development are extremely significant, since the Protean career perspective emphasizes the active role of employees defining what is personally meaningful to them in their career and life (Greenhaus, Callanan, Godshalk, 2019)

Regarding Boundaryless careers and based on the information provided in the literature, it can be assumed that the concept of borderless careers has emerged as a result of changes in the workforce and organizations that have taken place over the past few decades, such as the aforementioned rapid technological advances, increasing globalization and changing economic conditions, which have led to career development paths have become more dynamic and less predictable. According to the authors examining the development of the perspective of Boundaryless career development, the concept of Boundaryless career was presented as an alternative to a career in an organization, that is, a career that is formed and developed in exactly one company (Korsakienė, Smaliukienė, 2013). McDonald and Hite (2023), while presenting the perspective of a Boundaryless career and analyzing the definition of a borderless career by other authors, emphasize the independence of this perspective from possible constraints of organizational structures and mobility, which can manifest itself in various forms, for example, easily moving from one organization to another or organizing one's work in such a way that it would better suit individual life needs and interests. (McDonald, Hite, 2023). Greenhaus, Callanan, and Godshalk (2019) also support this definition of a Boundaryless career when they define employees who pursue a boundaryless career as going beyond the boundaries of their current organization in pursuit of employment opportunities. According to the authors, employees seeking to develop a borderless career place a lot of emphasis on social contacts and the search for their identity, and move from traditional, linear career paths within one organization to more fluid and dynamic career movements outside the organization. (Greenhaus, Callanan, Godshalk, 2019).

The analysis of scientific sources enables us to assume that Protean and Boundaryless career approaches to career development emphasize the need for the workforce to be flexible, mobile and proactive in order to achieve good results in the modern career development environment, since in the modern labor market loyalty to one organization is no longer the only way of career development and being proactive and managing your career development based on your personal values is extremely relevant in today's society. Examining the topics of career, organizational culture and employee commitment, the authors summarize the insights made by career researchers in recent decades, according to which it is noticeable that careers in several organizations are becoming more common than careers in one company, and that employees of the organization are more likely to pursue careers outside the organization, but occupying more positions in order to develop skills that would help them become more attractive in the labor market, thus improving their employment opportunities (Surplytė, 2020). The concepts of Protean and Boundaryless career have a lot of similarities, but the authors examining these concepts note that the concept of Protean career is associated with psychological orientation, which indirectly determines a certain individual's behavior in the career, since the ability to adapt can be attributed to the individual's personal characteristics (Korsakienė, Smaliukienė, 2013).

When examining the concept of career development, in literary sources we can meet the division of the career development process into four main stages, which are based on the age of a person and the career tasks specific to the stage as he moves from one stage to the next. Each of these stages has its own characteristics, which are presented in Table 1, compiled according to the description of Greenhaus, Callanan and Godshalk (2019).

In the 21st century, a new approach began to take shape, which states that career stages, unlike their definitions established in the scientific literature, not only differ in duration, but also tend to repeat themselves at various moments of personal career development.

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ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

Table 1. Stages of career development

Career development stage	The stage is characterized by an age range	The main tasks of the stage
Occupational and organizational choice	Initially 18-30 years, then it can change	Create a professional self-image, evaluate alternative professions, develop an initial choice of profession, pursue the necessary education, receive job offer(s) from desired organizations.
Early career	25-45	Learn the job, learn the organization's rules and norms, adapt to the chosen profession and organization, increase competence, achieve career goals.
Mid-career	40-60	Assess early career and youth, confirm or change career goals, make decisions appropriate for middle of life, remain productive at work.
Late career	55 - retirement	Remain productive at work, maintain self-esteem, prepare for an effective retirement, both financially and psychologically.

Source: according: Greenhaus , Callanan , Godshalk , 2019

In the literature, the idea of career development as a cyclical process is raised, based on which the authors claim that the career development process is a series of stages during which the individual determines, chooses, prepares and finally enters a profession or career and makes progress in it (Burtnett, 2019). According to literally sources career development can be seen as a not linear process, because of that, in the course of their career development, people can return to the previous stage and repeat it, changing their access to this stage, thus influencing the results obtained.
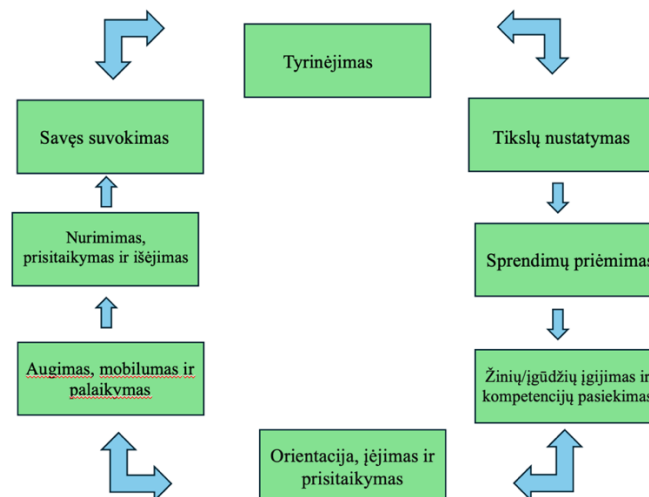
Figure 1. Career development cyclical process
Source: according to: Burtnett , 2019.

These stages and their cyclical movement are depicted in Figure 1, based on Burnett's (2019) cyclical career development process. As shown in Figure 1, eight different stages of

career development are distinguished, in which a person can enter, leave and return to them many times during his career development, constantly moving in a cyclical circle. The following stages of the career development process are distinguished in the literature: Self-awareness, exploration, goal setting, decision making, knowledge/skill acquisition and competence acquisition, orientation, entry and adaptation, growth, mobility and maintenance, termination, adaptation and exit.

Personal career development: A cross-cultural perspective

When examining the concepts of career and career development, it is important to assess the prevailing cultural differences in different regions, which, despite the strong development of globalization in recent decades and the ever-increasing availability of information, still have a significant impact on people's wishes and aspirations and their perception of a "successful career", because according to literary sources, the way an individual engages in a career can vary depending on the context (Arulmani, Bakshi, Leong, Watts, 2014). When considering career development in a cross-cultural context, it is first and foremost important to define what culture is. In literary sources, we can find many different definitions of the concept of culture. Usually culture is described as the attitudes, behavior, opinions and other features of a certain group of people in society (Cambridge Dictionary, n.d.) however, there is also a definition of culture as programming of the collective mind that distinguishes members of one group or category of people from another, when, according to the authors, culture determines the uniqueness of a group of people in the same way that personality determines the uniqueness of an individual (Hofstede, 2001; Dickman, Briscoe, Khapova, 2012)

In the modern world, the examination of career development in a cross-cultural context is becoming an increasingly relevant topic, due to the already mentioned factor of globalization, but the literature also distinguishes such factors as the rapid internationalization of companies, the increasing impact of the media on people's understanding of other cultures, opportunities for living abroad and international travel and tourism, when as a result, according to the authors, careers become geographically mobile (Petkevičiūtė, 2017). According to authors studying modern career development, changing demographics and global labor availability have created a highly diverse workforce with different career goals and interests. These changes have influenced the development or decline of some career fields due to changing needs, the growth of remote work and other aspects related to career development (Mc Donald, Hite, 2023).

When considering career development in an intercultural context, it is also important to take into account the fact that individuals from different cultural backgrounds can support the same values, but associate them with different expressions of behavior, so when developing a career in an intercultural context, it is important to take into account the expressions of behavior characteristics of another country, understand and accept them in order to function successfully in society (Hanel et al., 2018, Garbin, 2021). As already mentioned, despite the fact that cultures differ in regions, there is a noticeable trend of globalization affecting people's career choices and understanding of cultural values and behavior (Altan, 2021), so in order to successfully develop a career in a cross-cultural context, it is important to consider how best to adapt in the cultural context in which the career is developed and take into account the influence of the cultural environment on the personal career development of individuals. Literary sources claim that culture is an important factor in determining individual career goals and decisions as it influences people's values, attitudes and perceptions about work, success and what is considered a 'good' or 'desirable' career (Tutorchase, 2024). According to the information provided in literary sources, studies examining the influence of culture on career development show that

people's decisions are greatly influenced by their cultural values and emotions, and the behavior patterns that are very important in decision-making are shaped by the cultural environment. (Altan, 2021). The literature provides examples of the influence of culture on career development, where people in cultures that value the pursuit of achievement tend to pursue high-status and high-paying jobs, while in cultures that emphasize work-life balance and personal satisfaction, people tend to choosing more flexible careers that provide personal satisfaction and financial reward is not the most important aspect of career choice (Tutorchase, 2024).

In literature sources that examine career development in a cross-cultural context, career development is often examined based on the cultural dimensions identified in Hofstede's six cultural dimensions system. According to literary sources, this system is one of the most used models to understand the cultural and social attitudes that separate countries and with its help it can be revealed how cultural differences affect various aspects of life, including career management (Garbin, 2021). This framework includes such cultural dimensions as:

Power distance, *which,* according to the authors, reflects how members of society accept the distribution of power, when cultures with low power distance tend to believe that sometimes inequality is necessary, but their goal is to make relations as equal as possible, but then in high power distance cultures, inequality is the basis of society and is seen as a normal and natural phenomenon (Vinney, 2024). According to the authors, proactive management of career development is less common in high power distance cultures and employees often expect guidance from managers on what career development steps to take, as it is assumed that they know better what is best for the employee's career development (Kats , Emmerik, Blenkinsopp, Khapova, 2010);

Individualism / collectivism, which indicates whether individuals in the cultures in question prefer independence or group integration. According to some authors, an examination of individualistic and collectivistic societies' approaches to career development shows that highly motivated individuals in individualistic cultures may be frustrated by slow career advancement, while people in collectivistic cultures may be more accepting of promotions based on factors such as seniority rather than personal achievements (Khapova, Briscoe, Dickman, 2012). According to the results of research presented in the literature, examining career development in different cultural contexts, the main difference between employees working in collectivistic and individualistic environments is how they perceive career satisfaction, while people in individualistic cultures often focus more on personal development and tend to thrive in competitive environments, employees from collectivistic cultures usually draw inspiration from the achievements of the group of people around them (Kats, Emmerik, Blenkinsopp, Khapova, 2010). Some authors, based on Hofstede's system of six cultural dimensions, single out the Individualism/collectivism dimension, focused on individualistic values, as dominant among young people, which is closely related to the dominant tendencies of Boundaryless and Protean careers. Nevertheless, according to the authors, challenges related to modern career development paths affect individuals in all cultures, both those that prioritize community and those that emphasize individual achievement (Khapova, Briscoe, Dickman, 2012);

Masculinity/Femininity, when it is assessed whether society values perseverance and monetary success more than the quality of life, since in Hofstede's theory, self-confidence, competitiveness, power and monetary success are distinguished as masculine traits, and whereas such traits as fostering relationships, ensuring a good quality of life and caring for others are attributed to the female gender (Vinney, 2024);

Uncertainty acceptance/avoidance, which shows how individuals cope with the uncertainty of the future, while in cultures where uncertainty avoidance is valued, people try to make life as predictable and controllable as possible (Mindtools, 2024). Employees from cultures that avoid uncertainty, according to literary sources, are motivated by certainty and security, while people from cultures that tend not to avoid uncertainty tend to adapt more to unstructured situations and be more tolerant of different opinions (Kats, Emmerik, Blenkinsopp, Khapova, 2010). Long - term / Short-term orientation which determines whether society values traditional norms or promotes modern education adapted to prepare for the future. According to literature sources, this dimension considers the extent to which people are willing to give up short-term benefits in order to receive potentially greater rewards in the long-term (Vinney, 2024). According to the insights provided in literary sources, countries with a long-term orientation are usually pragmatic, modest and frugal (Mindtools, 2024), so these features can be reflected in the career development trajectories of the residents of these countries, which are not characterized by sudden jumps and changes;

Indulgence /Restraint, which indicates whether society allows its members to freely enjoy the pleasures of life, or restricts them with strict norms.

Some authors tend to claim that cultural factors influencing career development can be divided into two main types of influence: macro and micro level influence. Based on the insights presented by the authors, when examining cultural factors at the macro level, one looks at the influence of social and economic factors on the broader cultural environment of the country. At the micro level, it examines how the cultural context influences the careers of individual employees through their daily activities at work. According to the authors, when working on collaborative projects in a cross-cultural team, it is likely that some team members may not be promoted due to the use of a communication style specific to their culture, which may be unusual for representatives of other cultures (Khapova, Briscoe, Dickman, 2012).

According to the results of the survey, which aimed to define the prerequisites for career development in an intercultural environment, asking respondents to single out the most important factors for career development in a cross-cultural environment, the most important aspects in developing a career in a cross-cultural environment are intercultural awareness, solving complex problems and creativity. In the study, cross-cultural communication competence is singled out as the main component of international career development, the main development factors of which, according to the authors, are social skills, the ability to adapt to the environment, tolerance, cultural sensitivity, the desire to learn and grow, and a good command of foreign languages (Balčiūnaitienė, Barvydienė, Petkevičiūtė, 2013). When examining career development in relation to the cultural aspect, the authors also state: "In cultural situations, career development must be combined with understanding the impact of culture and the ability to communicate with people from other cultures. Various personal career development goals and intercultural communication competence must be interconnected and go hand in hand" (Petkevičiūtė, 2017)

Methodology of investigation

In the scientific literature analyzing career development in an intercultural context, it is stated that culture is an important factor determining individual career goals and decisions, so according to the authors, in cultural situations, personal career development must be combined with intercultural communication skills. According to the information provided in literary sources, studies examining the influence of culture on career development show that people's decisions are greatly influenced by their cultural values and emotions, and the behavioral

patterns that are very important in decision-making are shaped by the cultural environment. The purpose of this study was to determine the influence of the performance of organizational functions in a cross-cultural environment on organizational employees by examining such aspects as employee satisfaction with their personal career development, participation in career development programs, naming career development goals and defining a successful career, support received from employers, the influence of the cultural environment on their career development and barriers to career development in a cross-cultural context.

The object of the quantitative and qualitative research is the analysis of the personal career development of the employees working in a service-providing organization in a cross-cultural context.

The aim of the quantitative and qualitative research was to determine the challenges faced by employees belonging to different cultures while conducting cross-cultural research in an organization.

The tasks of the quantitative and qualitative research: to conduct a quantitative research on the career development of employees in a service-providing organization in a cross-cultural context and a qualitative interview with the head of the department of the service-providing organization; compare the results obtained during the questionnaire survey of employees with the information collected during the interview with the head of the department; present an analysis of the results of the research and identify problem areas; present the conclusions of the information collected during the analysis and form recommendations

During the data research, two tools were chosen for collection: Questionnaire survey - quantitative research. Qualitative (interview) research.

The survey was conducted electronically; the research results were processed using the Excell program.

Quantitative research. The survey was conducted according to a questionnaire prepared by the author, consisting of 25 closed questions. The questionnaire survey was intended only for employees of the aforementioned department working in Lithuania and Sweden. The questionnaire for filling was prepared on the Google Forms website and was presented to the employees using the internal communication channels of the organization. Respondents were asked to answer the specified questions depending on the way the question was presented, for example: choosing whether they agree with the specified statements, choosing all the statements that are acceptable to them from the presented options, evaluating how much they agree with the presented statements, indicating how they assess their attitude to certain aspects of the career development opportunities provided by the organization , evaluating the level of agreement with the statement from the lowest to the highest on a Likert scale. The purpose of the questionnaire was to determine employees' attitudes towards different aspects of career development in a cross-cultural context. Before participating in the study, the respondents of the questionnaire were informed about the course and objectives of the study.

Qualitative research - interview structure. Qualitative research was conducted using the semi-structured interview method. 10 questions were given to the head of the department of a service providing organization operating in a cross-cultural environment, who participated in the interview, based on the pre-arranged interview plan and the planned sequence of questions. The interviewer reserved the right to change the wording and order of presentation of the questions during the interview, in order to adapt to the situation, and to ask additional clarifying questions when necessary.

Questionnaire distribution procedure. The questionnaire was distributed from 04/01/2024 to 04/14/2024 and was sent to 46 employees of the organization's Insurance Operations Department. A total of 34 respondents filled out the survey, so based on statistical

calculations, a total of 73.91% of the population answered the survey. Based on the calculations, when the research population consisted of 46 people, the confidence level of the demand, in order to determine whether the research sample adequately reflects the opinion of the population, was set at the level of 95%, and the research sample based on the number of respondents who submitted answers to the survey was 34 respondents, the error in the statistical analysis was ±9%. Based on the Pareto principle, when it is assumed that approximately 80% of the consequences are caused by 20% of the causes, and when applying this principle to the analysis of survey statistical data, the minimum number of responses that would allow us to obtain a representative image of the population's opinion was 10, so this criterion for statistical analysis was achieved.

Analysis of research results

According to the data collected during the survey, out of the 34 respondents who participated in the study, women were the most active in the study, whose answers made up 76.47% of all answers, while men's answers made up 23.53% of all answers. This distribution of sample responses is representative of the research population, since out of 46 employees working in the department, 33 are female and 13 are male, so women make up 71.74% of all employees working in the department.

The distribution of respondents by age shows a concentration in the "26-35" age group, which accounts for about 30.30%, the "18-25" and "46-55" age groups respectively account for 24.24% of the sample, 12.1% of the respondents belong to in the "55 and over" age group and only 9.1% of the respondents indicated that they belong to the "36-45" age group. When asked to indicate the country of residence, 55.9% of the respondents indicated that they were from Lithuania, 44.12% of the respondents indicated that they were from Sweden, so the survey successfully collected insights from representatives of both countries, but the Swedes were more active, because considering the distribution of employees across the department.

After carrying out the method of statistical data analysis of cross-tabulation, it was found that the majority of younger respondents are based in Lithuania, while the employees of the organization in Sweden are older. In Lithuania, the majority of respondents belonged to the 18-25 and 26-35 age groups, respectively 44.44% and 55.56% of the respondents, while there were no respondents from the 36-45, 46-55 or 55 and older age groups in Lithuania. When examining the information provided by Swedish respondents, most respondents claimed to belong to older age groups: 20% of respondents from the 36-45 age group, 53.33% from the 46-55 age group and 26.67% from the 55 and older age group took part in the survey. There were no Swedish respondents in the 18-25 and 26-35 age groups. Considering the distribution of the department's demographic indicators, the majority of persons under the age of 35 work in Lithuania, while the majority of persons over the age of 35 work in Sweden, so it can be said that the survey indicators representatively reflect the distribution of respondents by age, when a similar number of respondents from Lithuania and Sweden filled out the survey.

The study showed that employees with more work experience work in Sweden: those working for more than 15 years (93.33% of respondents). Only one Swedish respondent, 6.67% of all Swedish respondents, said they had less than 15 years of total work experience. It can be assumed that this is due to the age difference of employees working in Sweden, thanks to which they are at a later career stage than employees in Lithuania. It can be assumed that in Sweden team leaders choose older employees and employees in the organization usually work longer, while in Lithuania there is a more dynamic labor market with a large concentration of entry-level or mid-level specialists who have just started their careers.

Overall, respondents' answers about satisfaction with their current career are dominated by a positive attitude towards their career. After cross-analysis of the collected data, it was determined how the answers about satisfaction with the current career were distributed among Swedish and Lithuanian respondents. The summarized information of the analysis allows us to state that the respondents from Sweden are more satisfied with their career, this was indicated by 73.33% of the respondents. Only 13.33% of the respondents stated that they were neither satisfied nor satisfied and 13.33% of the respondents stated that they were very satisfied with their current career. Not a single respondent from Sweden chose the "Unsatisfied" and "Very dissatisfied" answer options. Lithuanian respondents' answers were more divided, as all answer options, including "Not satisfied" and "Very dissatisfied", were selected at least once, but the majority of answers were either neutral, neither satisfied nor unsatisfied being selected by 36.84% of respondents, while the same amount, 36.84%, of Lithuanian respondents also indicated that they were satisfied with their current career and 15.80% of respondents stated that they are very satisfied with their current career. In both countries, the majority of respondents are satisfied or very satisfied with their current career, despite the fact that in Lithuania the share of neutral answers is higher, in general, the department has a positive assessment of the current career among the respondents.

A similar distribution of results was obtained when respondents were asked whether they are satisfied with the career opportunities provided by the organization in which they work and after conducting a cross-analysis of the answers provided by Lithuania and Sweden, during which the data obtained is presented in Table 2.

Table 2 Distribution of satisfaction with career opportunities in the organization among Lithuanian and Swedish respondents

Country	Very dissatisfied	Unsatisfied	Neither dissatisfied nor satisfied	Satisfied	Very satisfied
Lithuania	0%	15.79%	21.05%	47.37%	15.79%
Sweden	0%	0%	20%	53%	27%

According to the data presented in Table 2, it can be seen that in this case both Lithuanian and Swedish respondents tend to positively assess satisfaction with career opportunities in the organization where they work. Unlike in Sweden, a small number of respondents in Lithuania, 15.97%, evaluate career development opportunities in the organization negatively and are dissatisfied with them, while not a single Swedish respondent claimed to be dissatisfied with career opportunities in the organization. In both countries, there were respondents who indicated that they were neither satisfied nor dissatisfied with the organization's career development opportunities, 21.05% in Lithuania and 20% in Sweden, so it can be assumed that part of the workforce does not have a strong opinion on career development in the organization. Approximately the same number of respondents in both countries stated that they were very satisfied with their career opportunities, in Lithuania this number of respondents was 15.79%, while in Sweden it was 27%. Summarizing the obtained results, it can be assumed that the indicators of satisfaction with career development opportunities in the organization are high in the department where the study was conducted.

During the research, respondents were asked to name the direction in which their career has mainly developed up to now: horizontal or vertical. Survey respondents were given definitions of these concepts, so taking them into account, 41% of all survey respondents said that their careers mainly developed in a horizontal direction, and 52.9% of respondents indicated that their careers mainly developed in a vertical direction. Comparing these results with regard to the geographical location variable, the distribution of respondents' responses is presented in Table 3.

Table 3. Distribution of the direction of career development indicated by the respondents among Lithuanian and Swedish respondents

Country	Vertical Development (Promotions)	Horizontal Development (Transitional Positions)
Lithuania	78.95%	21.05%
Sweden	20%	80%

The majority of Lithuanian respondents, 78.95%, said that their careers have mainly developed in a vertical direction so far, and only 21.05% of respondents from Lithuania indicated that their careers have mainly developed in a horizontal direction so far. Meanwhile, in Sweden, trends in the direction of career development differ significantly, as the vast majority of respondents in Sweden, 80%, indicated that their career development was horizontal, and only 20% of respondents indicated that their career development trajectory was mainly vertical so far (Table 3). This contrast may reflect many different factors influencing career development in these countries, such as the cultural environment, the demographics of the respondents, and the economic situation of the countries.
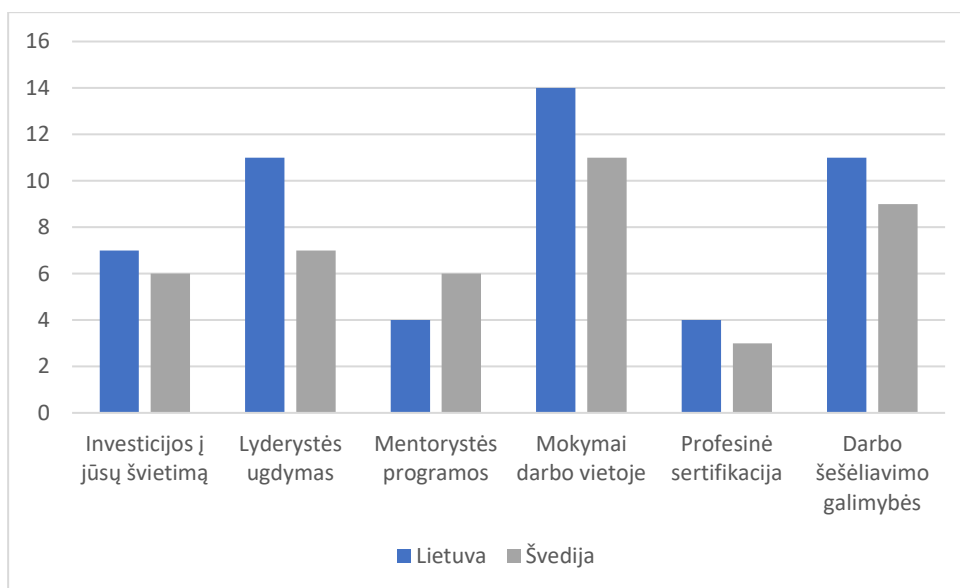
Figure 2. Lithuanian and Swedish respondents selected priority career development opportunities in the organization

In order to determine which career development opportunities in the organization are most valued by Lithuanian and Swedish respondents, survey respondents were asked to select all career development opportunities most relevant to them from the list provided. The following career development opportunities were listed: Investments in your education, leadership development, mentoring programs, on-the-job training, professional certification, work shadowing opportunities (Figure 2).

As can be seen from the data in Figure 2, respondents in both Sweden and Lithuania value workplace training the most. Lithuanians value this career development opportunity the most and it was chosen 14 times among Lithuanians. It is the most popular career development opportunity among Swedes as well, chosen by 11 respondents. Investing in education was chosen by 7 and 6 respondents from Lithuania and Sweden, respectively, so this career development initiative among the employees of the department is also evaluated positively in both countries. Leadership development and work shadowing opportunities are also favored in both countries, but slightly less popular are career development opportunities, while mentoring programs and professional certification are less valued compared to other opportunities, as both were chosen less than 5 times in different countries. Summarizing the data obtained during the survey, it can be assumed that both Swedish and Lithuanian respondents prioritize learning at the workplace and see the positive influence of practical experience and continuous learning on their personal career development.

In order to determine how the respondents themselves assess the influence of the cross-cultural context on their career development, the respondents were asked to indicate whether they encountered obstacles in pursuing educational or career opportunities in the cross-cultural context. Based on the results obtained during the survey, which are presented in Figure 3, we can see that 80% of the respondents who said that they encountered obstacles in their personal career development were from Lithuania, and 20% of the respondents who said the same were from Sweden. However, at the same time, the majority of respondents who said that they did not encounter obstacles were from Lithuania - 56%, while Swedes made up 44% of the respondents who chose this answer option. Examining the results obtained during the survey, presented in Figure 3, it can be seen that the answers of Lithuanian respondents are distributed.
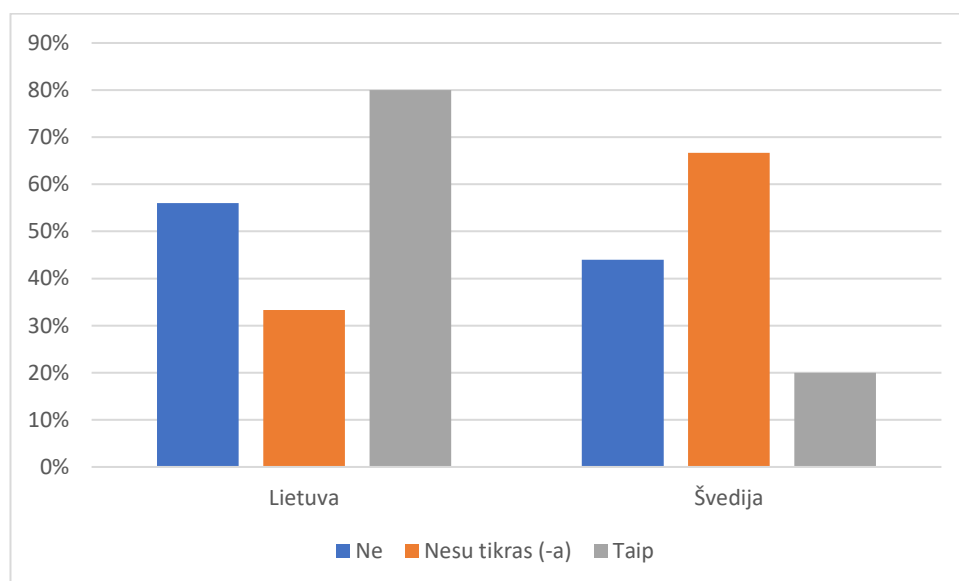
Figure 3. Assessing the influence of respondents' intercultural context on their career development

The majority of respondents from Sweden, 66.67%, were not sure whether they faced obstacles in pursuing education or career opportunities and chose the "I'm not sure" answer option, Lithuanian respondents made up 33.33% of the respondents who chose this answer option. Evaluating the overall results, the majority of respondents from Lithuania said that they encountered obstacles in developing their career in an intercultural environment, so it can be assumed that this is influenced by the fact that Lithuania is not the main country where the organization operates, as is the case with Sweden (Figure 3).

During the survey, the respondents were also asked to choose which of the statements best reflects their attitude towards career development. The study showed that more than 60% of respondents from Sweden tend to consider the interests of their family and community when planning their career development, giving priority to the statement "I balance personal interests with what is best for my family/community", while in Lithuania this statement was chosen by 33 ,33% of respondents. Meanwhile, Lithuanian respondents tended to give priority to the statement "I strive for high personal satisfaction in activities", which was chosen by 33.33% of respondents, while in Sweden only 6.67% of respondents supported this statement. Taking into account the results of this question, we can assume that in Sweden there are more manifestations of the culture of collectivist society, when people tend to give priority to the balance of career and family and community, and the attitude expressed by Lithuanian respondents indicates that manifestations of individualistic culture prevail in Lithuanian culture, since a larger part Lithuanians, compared to Swedes, said that the most important thing for them is high personal satisfaction instead of their individual well-being.

Next, during the survey, respondents were asked to rate how important career development opportunities are to them when looking for a job. Analyzing the answers of the respondents, there are also clear differences between Lithuania and Sweden, when career development opportunities in Lithuania are mostly assessed as "Very important" and "Important", both of these answers were chosen by 42.22% of the respondents. Meanwhile, in Sweden, career development opportunities are considered very important by a smaller percentage of respondents than in Lithuania, but 60% of respondents chose that career development opportunities are "Important", and 6.67% of Swedish respondents said that career development opportunities are "Completely unimportant" to them, while there were no respondents among Lithuanians who said so. Based on these results, it can be assumed that Lithuanian respondents, when looking for a job, tend to prioritize the availability of career development opportunities, which may indicate that professional growth is valued in Lithuanian culture and that could be influenced by the Lithuanian macro-economic context. Then, in Sweden, career development opportunities in the organization are not considered a very important factor, which we can see from the answers given by other Swedish respondents, which may indicate a different prevailing cultural attitude towards the need for active continuous personal career development.

In order to determine which support measures to help deal with cultural challenges would be most valued by survey respondents, the survey asked them to select all the support measures and resources that they found most useful in the cross-cultural context of the organization. The distribution of the respondents' answers after cross-analysis of the given answers with the indicated country of residence is presented in Figure 4 . In both Lithuania and Sweden, respondents named networking opportunities as a very important resource for successfully developing a career in an intercultural context, since in Lithuania this resource was named by 23.73% of respondents, and in Sweden by 22.22%, so creating professional connections is important for respondents from both countries.
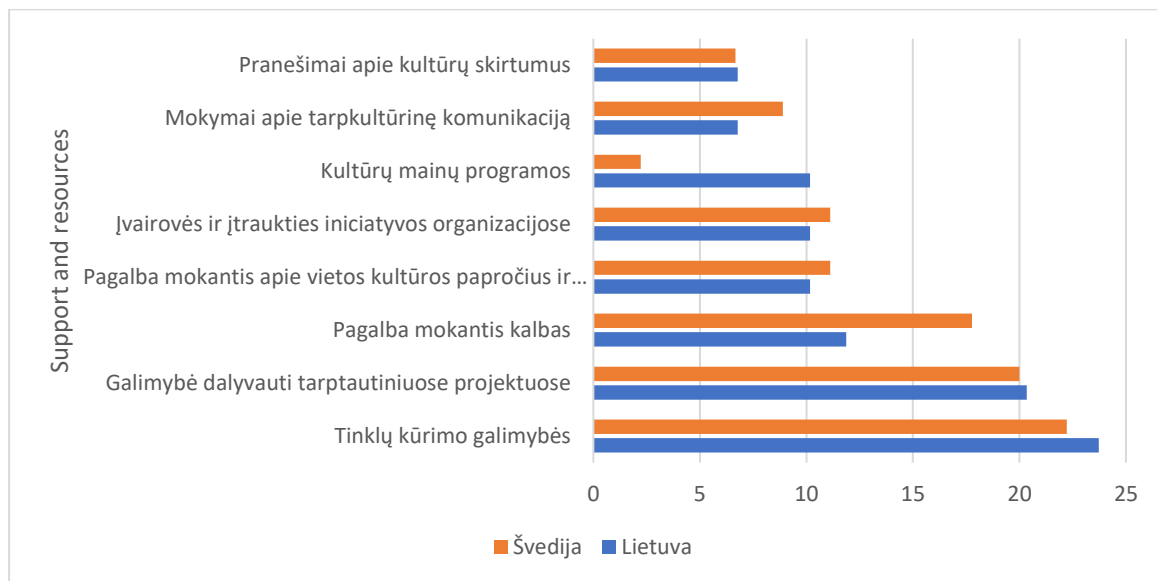
Figure 4. Intercultural resources and support named by Lithuanian and Swedish respondents

The opportunity to participate in international projects took the second place in both countries, so it can be assumed that direct integration into the cultural context of another country is seen as a useful resource both in Lithuania, where it was chosen by 20.34% of respondents, and in Sweden, where it was chosen by 20% of respondents. According to the information presented in Figure 4, we can see that help in learning the language was slightly more important in Sweden (17.78%) than in Lithuania (11.86%). 10.17% of respondents in Lithuania and 11.11% of respondents in Sweden named Help learning about local cultural customs and Diversity and Inclusion initiatives in organizations as important resources. In both countries, the fewest respondents said that they believe that the Communication on Cultural Differences is necessary as a support for career development in an international context, where it was chosen by approximately 7% (Lithuania – 4, Sweden – 3) of respondents in each country. In Lithuania, 10.17% (6) of respondents also named Cultural Exchange Programs as a possible useful resource, while in Sweden this resource was unpopular and was chosen by 2.22% of respondents (Figure 4). Taking into account the obtained results, it can be assumed that employees in both countries most value networking opportunities and the opportunity to participate in international projects, which may indicate the desire of employees to cooperate with each other in an intercultural context. Respondents from both countries also indicate that overcoming the language barrier and understanding local cultural norms is extremely important for career development in an intercultural context, but these aspects are somewhat more important for Swedish respondents.

After analyzing the data collected during the research, certain trends in the distribution of answers were discovered, indicating which intercultural challenges are the most relevant in the context of this organization among Lithuanian and Swedish employees. Respondents from both countries actively participated in the survey, so it can be said that the results of the conducted research are representative of the opinions of respondents from both countries. It can be assumed that, in principle, the employees of the organization where the research was conducted, both in Lithuania and in Sweden, are well adapted to the intercultural context in which they work, since the respondents' opinions differed significantly only in the case of a few questions. A slightly higher percentage of respondents from Lithuania stated that during their career development they encountered difficulties in adapting to cultural differences in Sweden, but this distribution of respondents' answers can be explained by the fact that the organization's

main country of operation is Sweden, which affects the adaptation of Swedish respondents to the characteristics of the organization's activities and requirements, and easier communication among Swedish respondents, since they are not affected by the language barrier.

One of the essential differences that was observed after analyzing the data was the different trajectory of career development in Lithuania and Sweden, when in Lithuania the majority of respondents said that until now their career developed in a vertical direction, while in Sweden, the majority of respondents said that their career basically developed in a horizontal direction. Evaluating the overall results, a slightly larger number of respondents from Lithuania said they faced obstacles in developing their career in an intercultural environment, so it can be assumed that this is influenced by the fact that Lithuania is not the main country where the organization operates, as is the case in Sweden. Also, from the answers collected during the research, it can be seen that there are significant differences between Lithuanian and Swedish respondents in their personal career development goals, when respondents from Lithuania tend to value financial results, and Swedish respondents - personal success and happiness, and satisfaction with the work performed In Sweden, it is seen as a more important goal than improved financial indicators, unlike in the case of Lithuania, where an individualistic approach to career development prevails in Lithuania and a higher individual well-being is sought.

Results of a qualitative study. As part of the qualitative research, a semi-structured qualitative interview was conducted with the head of a department of a service providing organization operating in a cross-cultural context, where the quantitative survey was conducted. During the interview, the manager answered questions about his approach to the important differences in career development between Lithuania and Sweden in an intercultural environment, about the career development programs implemented in the organization, the career development of employees in a cross-cultural context, as well as about the intercultural career development challenges identified by employees in the organization that he had encountered.

One of the main cultural differences identified by the interviewee during the interview is the demographic differences between the organization's employees in Lithuania and Sweden. According to the interviewee, in Sweden there are more older, experienced employees who work for a long time in the same position, while in Lithuania younger people are employed, usually also with higher education (,,*<...> Lithuania has a bigger pool of talents, of younger people, I would say, even sometimes with a higher degree of education <...>").* According to the interviewee, it can be assumed that the lower level of education among Swedish respondents can influence their career development ambitions, when in Sweden it is not such a common practice to change the organization in order to develop one's personal career faster, and Lithuanian employees have the usual drive and energy and desire to achieve more (*<...> But I would say that in Lithuania, since in my opinion, since we have a larger, let's say, number of people who have a higher university education or higher education, then I would say that their ambitions are also at a higher level"*). According to the interviewee, it does influence turnover of employees in the organization, when in Sweden the employees of the organization tend to stay longer in the same workplace, and employees in Lithuania are more inclined to look for new opportunities and compete with each other due to a higher level of education and younger age. These demographic differences and their impact on career development are also confirmed by the results obtained during the quantitative study, which reflect the concentration of younger workers in Lithuania and the number of Lithuanian respondents who claim that their careers basically developed in a vertical direction. Also, the interviewee stated that the part of the organization operating in Lithuania offers more entry level positions, which can also influence

the desire of employees working in Lithuania to climb the career ladder as quickly as possible and develop their career in order to reach higher level positions.

According to the interviewee, despite demographic differences, Lithuanians and Swedes face similar career challenges, but Swedes can be considered more conservative in their careers, while Lithuanians are more flexible and tend to change jobs more often (<...> " *These challenges are such that perhaps Lithuanians tend to be more mobile, to, move more because of their career, make changes"*). The interviewee said that one of the reasons why Swedish employees have less motivation to change their workplace is similar reward structures (in other organizations). In this regard, Lithuanians tend to have higher ambitions and experience greater challenges, since most employees in Lithuania, as already mentioned, have a higher education, it is often expected to reach higher positions in the organization faster and, as a result, more efforts are made. According to the interviewee, taking into account the macroeconomic differences between Lithuania and Sweden, the different economic situation and economic context of the countries also influences the fact that in Sweden employees tend to work longer at one workplace, since a lower-level position in a good company can ensure a sufficient standard of living for them, so there is no perceived need to constantly move up in career development in order to secure a higher financial reward.

As one of the main intercultural challenges that can influence career development, the head of the department named a different approach to publicizing their achievements and sharing achievements between the organization's employees in Lithuania and Sweden, that is, the desire of employees in Lithuania to emphasize their uniqueness (*<...> " I would say that the biggest challenge , if, say, a Lithuanian would like to make a career in Sweden, the biggest challenge is that we want to emphasize our uniqueness.")*. According to the interviewee, it is typical for employees in Lithuania to try to show the added value they create, while in Sweden, drawing attention to their achievements can be viewed skeptically, and this can be interpreted as excessive pride, which can be seen as a negative personality trait, as it is "immodest" according to the Swedish culture.

During the interview interviewee stated that in Lithuania it is common to be focused on the final result and to pay less attention to (employees') emotional state and feelings, while in Sweden employees are more focused on the work process and tend to "stop and think" more often. In Lithuania, the goal is also for employees to have a balance between work and free time, and environment that promotes improvement is facilitated, which allows them to make mistakes and learn from their mistakes. Efforts are being made in both countries to ensure that employees have equal opportunities for learning and development, regardless of their geographical location.

According to the interviewee, the organization, based on the good Swedish example, aims to provide employees with opportunities and the necessary tools to pro-actively develop their personal careers, since the culture of the organization itself allows making mistakes, asking questions and learning from mistakes through trials, and solving all emerging problems. The head of the department tends to say that the most important aspect of career development is the employee's personal expectations for his career, but the organization must also express its expectations in order to meet halfway between the organization and the employee. Therefore, it can be assumed that career development in the organization is defined as meeting the expectations of the employee and the organization at a common point.

Conclusions

During the quantitative research, the prevailing attitude towards career in Lithuania and Sweden was determined, according to which, taking into account the career development trajectories in the countries, it can be said that both Swedish and Lithuanian respondents prioritize learning at the workplace and see the positive influence of practical experience and continuous learning on their personal career development. Meanwhile, the data collected during the qualitative research allows a better understanding of the influence of different demographic indicators on career development expectations, such as the concentration of a younger and more highly educated workforce in Lithuania and the concentration of a more experienced but less formally educated workforce in Sweden.

The conducted quantitative and qualitative research revealed that Lithuanian respondents are ambitious and tend to take more initiative during their career development, and seek rapid progress, while respondents in Sweden prioritize stability and often work in one place for a longer period of time. Taking into account the results obtained during the research, Lithuanians tend to develop their careers vertically, while Swedes' careers develop more often in a horizontal direction, so these different approaches to career development show that representatives of different cultures face different challenges when developing their personal careers in an intercultural environment, where they need to adapt to expectations of representatives of another culture.

Since respondents in different countries value different aspects of career development in the organization, it is important for the organization to find culturally universal solutions for career development initiatives that encourage employees in each country to find the most acceptable options for them. Based on the answers given by the Swedish respondents, it can be assumed that in Sweden employees tend to value stability and loyalty to the organization and their culture has a collectivist approach to career success, where the benefits of the community and family are more important to employees than personal recognition and growing financial indicators. Among Lithuanian respondents, we can see more individualistic thinking, as respondents from Lithuania tended to indicate that the pursuit of personal goals and financial indicators is important to them in career development. Taking into account the data collected during research, it can be assumed that in Lithuania it is extremely important to nurture the individuality of employees, while in Sweden aspects of personal life and work balance can often be more important in order to develop a career.

In order to ensure that employees face fewer challenges in developing their careers in an intercultural context, it is also important to ensure the availability of intercultural communication training that could help employees understand and respect other cultures. It is also important to organize language training programs in order to reduce the language barrier currently experienced by some employees, providing opportunities to cultivate Swedish, Lithuanian and English language skills, in order to achieve comfortable communication between the members of the organization and better understanding of each other. Currently, international exchange and secondment initiatives carried out in the organization are identified in both quantitative and qualitative studies as a useful aspect of improving intercultural mutual understanding, contributing to successful career development and necessary to strengthen mutual cooperation between cultures. It would be beneficial for the organization to consider the possibility of additional cross-cultural initiatives and the organization of international projects, during which representatives of different cultures would get more opportunities to get to know each other and contribute to the creation of personal networks, which also, according to the survey respondents, positively affects career development. In order to successfully organize

ISSN 2029-1701
ISSN 2335-2035 (Online)

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Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

work in a service-providing organization operating in an intercultural context, it is important to understand the importance of intercultural cooperation and to promote communication between representatives of different cultures, but not to forget to respond to the needs of individual employees working in different cultural environments, who are influenced by the culture in which they live. and the accompanying challenges of intercultural cooperation.

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SMART CITY OPPORTUNITIES AND RISKS FOR LAW ENFORCEMENT

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Abstract *The popular concept of smart cities corresponds to the advancement of information and communication technology. This new platform enables profound interaction between government and private sector and affects law enforcement as well, especially as operational, quick and efficient source of data. This paper presents key opportunities and major risks within the area of the smart city concept and explores the challenges related to data collection, crime prevention, IoT deployment and cooperation between authorities and public. In addition, there is also discussed the European point of view, specifically regarding to the new Europol mandate. As the EU agency for law enforcement cooperation will be entitled to process large and complex datasets and to develop new technologies, there is a need to assess new legal possibilities in the term of security and further technical development. The whole network of connected devices and interaction between authorities, law enforcement and public may improve the efficiency of fighting crime and enhance possibilities to prevent and investigate crime. The main areas touched by smart city concept from the law enforcement point of view may be categorised as infrastructure, investigation and cooperation. The interconnected smart city system may be used in (predictive) policing, surveillance, crowd control, or public sentiment monitoring. Police departments can become more effective by saving staff hours and costs which means better use of police capacities and capabilities and law enforcement may engage in community discussions to collaboratively identify what are the top crime issues that should be addressed. The concept of smart city may be considered as one of the solution for problems related to physical and virtual criminality and may increase opportunities for law enforcement. On the other hand, the main associated risks include privacy concerns, increased occurence of new crimes targeting smart city systems with potentially higher impact, possibly slower regulation done by legislators, risks related to private parties involved in smart city policing or insufficient education of public leading to citizens' distrust.*

Keywords: Smart city, data collection, crime prevention, law enforcement.

Introduction

The concept of smart cities has become an important part of many cities within the European Union. This development corresponds to the advancement of information and communication technology and it also represents a new platform for interaction between government and private sector. This new form of governance however affects law enforcement and public engagement as well. The aim of the paper is to define key opportunities and major risks within the area of the smart city concept.

Frequent discussions relate to the topics of data collection, crime prevention, IoT deployment and cooperation between authorities and public. It is nowadays indeed important to inform the public about data collection and associated risks as well as to inform about new benefits, which may be accompanied with new ways of policing a city. Given the big amount of data processed within the framework of smart city it seems only natural that the interconnection of this concept includes not only public and private cooperation, but also broader cooperation between authorities and cities and thus the European point of view is also discussed. As an example of the use of new methods and big data analysis the author therefore includes topic to the new Europol mandate, newly established as the answer for current risk and crime detection and punishment at the regional and Union level.

As the EU agency for law enforcement cooperation is entitled to process large and complex datasets and to develop new technologies, there is a need to assess new legal possibilities in the term of security and further technical development. The whole network of connected devices and interaction between authorities, law enforcement and public may improve the efficiency of fighting crime and enhance possibilities to prevent and investigate crime. The concept of smart city may be considered as one of the solutions for problems related to physical and virtual criminality and may increase opportunities for law enforcement.

The concept of smart city may be defined as a system of systems (Cavalcante et al., 2016) where different areas are combined (such as city services, citizens, business, transport, communication, water, energy etc.). Smart city may be defined also as a process, with regard to financial, technological and political questions. Within the context of law enforcement, smart city represents an operational, quick and efficient source of data. The advantages of this area may be seen in networked communications in city's infrastructure, real-time collection and assessment of data and increased surveillance capacity. Introducing new methods of policing also relies on privately created technologies which means that policing the smart city will be a hybrid model (Joh, 2019). It is important to emphasize that collection and analysis of data is common in policing (as an example we may use DNA); however, different important aspect in this area is the factor of quantity.

Regarding the methods for this paper, the author used different types of legal research, mainly doctrinal research in terms of studies of the relevant textbooks and laws. Within the scope of this article the author compared different existing literature and research articles, focused on this topic. These methods consisting of comparison, analysis and descriptive legal research have been used in order to describe the background, development, and current issues related to the concept of smart city. The author tried to identify the useful smart city examples accessible within on-line open sources. As the topic is constantly developing, relying on technologies and research of these technology used within the smart city concept, the literature examining this problem is still so far limited and there is a need for frequent update. The topic has been discussed mainly within the research papers and when it comes to law, general principles may be studied from legal textbooks. At the European level however, it may be seen as a topic discussed often within the on-line discussions or website articles created by private parties and public authorities as well. As an example, the topic of collaboration and the topic of data processing is frequently analysed.

Benefits to the concept of smart city

Key opportunities arising from the concept of smart city may be defined into the three categories: 1. Infrastructure, 2. Investigation and 3. Cooperation. Within the first category defined as infrastructure, the concept of smart city may be considered as valuable mainly within the area of crime prevention and within the area of improved-community relations. This opportunity is useful especially for better collaboration and improved communication of law enforcement across different areas of city, different cities or even different regions. The interconnected smart city system may be used in (predictive) policing, surveillance, crowd control, or public sentiment monitoring in order to keep high level of crime prevention (Van Zoonen, 2016). Collaborative relationships may include different levels of the public authority and governance itself; it may also include collaboration between different authorities, e. g. between the law enforcement and municipality, but also other public authorities; it may also mean a collaboration between authorities and citizens, NGOs, civic groups or other representative parties formed within the private sector; it may also include collaboration

between authorities, law enforcement and private companies, mainly in the terms of technology provided by them. All this possible view illustrates a way how to quickly, effectively and according to law share all the information relevant to public security and crime prevention.

The second category defined as investigation may be connected to the smart city in the sense of police capabilities and improved response. By adopting smart city technology, police departments can become more effective by saving staff hours and costs which means better use of police capabilities (Calderwood, 2022). The use of robots, sensors and high-speed cameras allows police to detect suspects, weapons and other objects identified as evidence more quickly. As a good example of improved response may serve Next-generation 911 (NG911) services operating over internet-based networks where next to calling 911, citizens may send texts, photos, videos, and more, which dispatchers can review and send directly to responding officers (Sloly, 2018). This example of infrastructure exists in the United States of America and it shows new types of emergency communications and data transfer. In order to enhance the collaboration with the public as it was mentioned above it seems as an important way to stay on-line and to give the most precise information possible at the given time and location. The evolution of this emergency system is present in Canada as well, where the transition is called as a NG9-1-1 system. This system should enable provision of additional details about emergency situations. Canadians could send a video of an accident, as well as make medical information available to first responders which will lead to safer, faster and more informed emergency responses. In order to implement the system, all phone and cell service companies have obligations to update their networks from analog to digital so they are ready to provide NG9-1-1 voice and text messaging services. At the same time, provincial, territorial and municipal governments will need to ensure their emergency call centres are ready for the new service. (Canada.ca, 2022)

Regarding the third category, cooperation, it concerns both state authorities and private parties. This includes not only large technology corporations, but also small and medium-sized enterprises, investors, banks, researchers and many other. Law enforcement may engage in community discussions to collaboratively identify what the top crime issues are that should be addressed by smart city technology, since community policing is built on collaboration, respect and trust (Calderwood, 2022).

Risks related to the concept of smart city

Three categories defined above, such as the infrastructure, investigation and cooperation have also corresponding risks within the area of the concept of smart city. The infrastructure opens new ways of commission of crimes; thus, it is important to secure smart cities at high level. Certainly, cybersecurity is an integral part of smart city concept, especially regarding the data collection and information held by law enforcement. It is also a less visible environment; thus, education of public is needed. It also corresponds with the need of trust and involvement of citizens. Risks associated with investigation may be lack of qualified personnel and the need for outsourcing and also new structural needs when police capabilities will change significantly due to the use of smart city technologies. There are also privacy concerns. Cooperation may present risks due to the limitation of legislation and low willingness of private parties to cooperate. Also, technologies used within the smart city are developed primarily by private companies that may engage as well in the use and update; however, they have different objectives in comparison with law enforcement.

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The new Europol Regulation[1] shows some of the above-mentioned aspects arising from smart city concept and its effect on law enforcement. In relation with private parties, the effort is to provide police authorities with better criminal intelligence picture, create EU criminal information hub, exchange data, support innovation lab and include counter-terrorism agenda. In order to support states in cooperating with private parties, Europol should be able to receive personal data from private parties holding information relevant for preventing and combating serious crime and terrorism and, in specific cases where necessary and proportionate, exchange personal data with private parties. This cooperation is a result of the increased use of online services by criminals, therefore private parties hold increasing amounts of personal data, including subscriber, traffic and content data, that is potentially relevant for criminal investigations. There are time limits for the storage of personal data by Europol to ensure that Europol does not keep the personal data received directly from private parties longer than necessary to identify the national units concerned.

Europol's regulation also specifies purposes of information processing activities. Information processing is a key issue also within the term of smart city concept and in both cases, public safety and crime prevention, detection and punishment is a key focus. These purposes defined for the Europol's mandate are cross-checking aimed at identifying connections or other relevant links between information related to suspects, analyses of a strategic or thematic nature; operational analyses, exchange of information between Member States, Europol, other Union bodies, third countries, international organisations and private parties, research and innovation projects and support of Member States, upon their request, in informing the public about suspects or convicted individuals who are wanted on the basis of a national judicial decision relating to a crime that falls within Europol's objectives.

Personal data processed by Europol for operational analyses should be for a specific purpose; however, as the regulation states, in order for Europol to fulfil its mission, it should be allowed to process all personal data received to identify links between multiple crime areas and investigations, and should not be limited to identifying connections only within one crime area. This may be important also within the concept of smart city. Smart city as the system of different systems also emphasizes the idea of different connections, different parties involved and multiple areas, all relevant for public safety, but from the different point of view (e. g. from the traffic, streets and pedestrians, different public areas and buildings etc.).

Monitoring of Europol's activities is done mainly by the Joint Parliamentary Scrutiny Group, Fundamental Rights Officer and European Data Protection Supervisor. Opportunities related to the new Europol mandate are mainly effective cooperation, key research themes identification, contact point at Union level and technological capacity strengthening. Concerns relate to data filtration, categorization of data, use of AI, legal basis or control of the activities (e. g. the EDPS Decision on the retention by Europol of datasets lacking Data Subject Categorisation issued 21. 12. 2021 and other).

There are many different levels of the concept of smart city, as well as the levels of involvement from the law enforcement side. The advancement of the technological services may cause gradual incorporation of elements of smart city within the security, public safety and law enforcement. Smart city may be seen as a way how to increase crime prevention and law enforcement efficiency. The vulnerabilities related with the use of technologies present important area of cyber security, prevention and education, not only for resident of the cities and businesses, but also for the authorities as well.

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[1] Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation

There are also specific recommendations for police officers why they should consider deployment of smart city technology, such as less human-to-human contact with victims and witnesses, quick detection of suspects and related objects, community engagement via surveys and discussions or engagement of expert for privacy issues (Calderwood, 2022).

Conclusions

As this paper discussed above, the main areas touched by smart city concept from the law enforcement point of view may be categorised as infrastructure, investigation and cooperation. The undoubted benefits and opportunities may be seen in following areas. An example of Europol's mandate has been chosen given the same objective which is public security and crime prevention and big data collection and analysis. In this century, it is without any doubt that data represent an important mean how to prevent crime and it will become more and more important (and visible as well) how these data may be processed and analysed. The concept of smart city consists mainly of big data and inclusion of more than just one party, it is therefore necessary to define the role of those data and possible limits, in regards with human rights and public interest. The other important factor is the need for public discussion, openly available information about the concept and communication between the authorities and citizens.

Firstly, it is the area of crime prevention, where the use of statistical data and its controls may show for instance the crime levels in an area on a colour map which can be modified based on historical data (Delgado, Toledo, 2020). Also, there is frequently discussed topic regarding predictive policing when the use and analyse of big data should predict when and where crimes and other forms of public disorder are likely to occur (Sloly, 2018). There are different benefits and disadvantages of predictive policing; however, it is important to say that there are different types of predictive policing and different methods, therefore there is higher need to keep use of methods transparent especially in order to gain public trust. (Meijer, 2019)

Secondly, it is the area of improved police-community relations, which may result also in the use of new ways how to communicate with citizens, e.g. via new platforms or portals. This form may also allow inclusion of citizens in the governance and increase awareness about public issues. In order to support this improved relation, not only engagement, empowerment and emancipation, but also certain institutional reforms need to be done as the governance needs to be open, flexible and transparent. (Leclercq, Rijshouwer, 2022)

Subsequently, police capabilities may change as a consequence of the smart city concept. The big amount of data processed by new technologies require specific consultants aware of the privacy matters and technological issues related to the infrastructure. For the investigation and crime prevention, there is another opportunity in the sense of improved response. This is related not only to predictive policing mentioned above, but also to new ways of receiving relevant information, e.g. from images.

In relation with cooperation, there is a need for this cooperation between law enforcement and other state actors (namely legislators, municipal authorities) and between law enforcement and private partners (for instance private companies developing and providing tools of smart city policing, academy, citizens).

Among the key risks there are new ways of crimes targeting smart cities, and in addition, complex interconnected system of smart city presents higher risk of bigger impact of attacks against it. Moreover, such system creates less visible environment from the point of view of citizens, which is also caused by hybrid model of city governance. It is demanding regarding the change of needs within the structure of law enforcement and possible way of outsourcing certain qualified personnel.

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ISSN

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

The aim of this article was to introduce main opportunities and risks rising from the smart city policing from the law enforcement point of view. The author divided the concept of smart city into the three categories as infrastructure, investigation and cooperation. Key benefits and risks have been identified for each of the category. The connected system of systems presents a valuable way of fast response to crime, crime prevention, communication with citizens, cooperation with private parties and state actors among themselves and provision of precise information within the large amount of data. On the other hand, there are risks that cannot be overseen, mainly privacy concerns, increased risks of new crimes targeting these systems with potentially higher impact, possibly slower regulation done by legislators, risks related to private parties involved in smart city policing or insufficient education of public and citizens' distrust. Keeping the risks in mind, smart city concept may become a benefit for the law enforcement, in the sense of efficient crime prevention and improved response, cooperation with public and private parties and improvement of police-community relations. In the end, it is up to the users of smart technologies to determine the extent of use and authorization, and hopefully it may show promising potential.

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THE SIGNIFICANCE OF HUMAN RIGHTS IN THE CONTEXT OF HOMOPHOBIC AND TRANSPHOBIC HATE CRIMES

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Abstract. This article analyzes the connections between human rights and ethics with hate crimes and incitement related to homophobia and transphobia, revealing the problems in ensuring human rights in the context of these crimes. The research problem in this article is the insufficient theoretical clarification of concepts related to hate crimes based on homophobia and transphobia, as well as the problems arising in practice in ensuring human rights, specified by these questions: how are hate crimes based on homophobia and transphobia defined? What human rights problems arise in the context of hate crimes based on homophobia and transphobia? The novelty of the topic is based on the need to extensively discuss the concepts of hate crimes based on homophobia and transphobia, and the human rights issues that arise in the context of these crimes. It is noted that the rights of individuals affected by hate crimes and incitement related to homophobia and transphobia are not sufficiently ensured. Object of the research: the significance of human rights in the context of hate crimes based on homophobia and transphobia. Aim of the research: by discussing the characteristics of hate crimes based on homophobia and transphobia, to reveal the significance and problems of human rights emerging in the context of these crimes. Research objectives: 1. To reveal the concepts of hate crimes based on homophobia and transphobia; 2. To highlight the human rights problems arising in the context of hate crimes and their incitement based on homophobia and transphobia. Research methods: method of analyzing scientific literature, method of analyzing legal acts, summarization. The article concludes that crimes considered homophobic and transphobic hate crimes can include intimidation, damage to personal property, threats, assaults, health impairment, or even murder, as well as any other criminal act where the victim is chosen specifically because of their actual or perceived sexual orientation or gender identity. Homophobic hatred is the fear or anger felt towards homosexual or bisexual individuals. Transphobia is a negative attitude exhibited by society and individuals towards people who do not conform to prevailing gender norms, manifesting as prejudice, disgust, fear, and/or hatred. Transphobia can be directed against transgender and transsexual individuals. No person can be discriminated against based on their sexual orientation or gender identity. Regarding the equal human rights that belong to all individuals, it can be highlighted that the rights of homosexual, transsexual, and transgender persons to freedom of expression and assembly, family rights, and the right to gender change are not always fully ensured.

Keywords: human rights, homophobic hate crimes, transphobic hate crimes.

Introduction

Over the past century, several significant human rights documents have been enacted, such as the Universal Declaration of Human Rights declared by the United Nations in 1948, the European Convention on Human Rights adopted by the Council of Europe in 1953, the European Social Charter established by the Council of Europe in 1961, the International Covenant on Civil and Political Rights declared by the United Nations in 1966, among other documents. Observing these international legal acts regulating human rights and fundamental

freedoms, it is apparent that the concept of human rights becomes increasingly similar in various legal systems. However, certain enacted laws, aiming to ensure and protect specific human rights, often receive negative responses from society. For instance, the legalization of same-sex marriages and the rights granted to individuals of the same gender in other countries evoke public outrage, expressed through protests, often resulting in hate crimes fueled by homophobia and transphobia. Therefore, discussing human rights in the context of hate crimes is crucial. Since responsibility for hate crimes is regulated both in the European Convention on Human Rights and Fundamental Freedoms and in the Criminal Code of the Republic of Lithuania, it unquestionably shows that hate crimes are of significant concern and could lead to the application of the strictest form of legal accountability - criminal responsibility.

Considering that not all incidents of hate based on homophobia and transphobia are reported and the negative attitudes of officers toward the affected individuals during these incidents, the Lithuanian judicial practice in the context of hate crimes based on homophobia and transphobia is not extensive and is still forming. The research problem in this article is the insufficient theoretical clarification of concepts related to hate crimes based on homophobia and transphobia, as well as the problems arising in practice in ensuring human rights, specified by these questions: how are hate crimes based on homophobia and transphobia defined? What human rights problems arise in the context of hate crimes based on homophobia and transphobia?

The novelty of the topic is based on the need for a more comprehensive discussion of the concepts of hate crimes based on homophobia and transphobia, and the human rights issues that arise in the context of these crimes in Lithuania. It is noted that the rights of individuals affected by hate crimes and incitement related to homophobia and transphobia are not sufficiently ensured. In Lithuania, court practice in assessing homophobic or transphobic hate crimes is very scarce, which creates problems in revealing the content and interpretation of all hate crimes as separate criminal acts. One of the main challenges for law enforcement agencies when dealing with crimes motivated by homophobic and transphobic hatred is the proper qualification of these criminal acts and the identification of the hate motive.

Research object: the significance of human rights in the context of homophobic and transphobic hate crimes.

The purpose of the research: after discussing the characteristics of homophobic and transphobic hate crimes, to reveal the significance of human rights and problems arising in the context of these crimes.

Research objectives:

1. Reveal the concepts of homophobic and transphobic hate crimes;

2. Highlight human rights issues arising in the context of homophobic and transphobic hate crimes and their incitement.

Research methods: method of analysis of scientific literature, method of analysis of legal acts, summarization.

The use of the aforementioned theoretical methods in scientific work provides an opportunity to create new ideas as a result of thinking. The methodological basis of the research consists of general methods of analysis and summarization of scientific literature and legal acts, with the help of which the concepts of homophobic and transphobic hate crimes are examined, the aim is to highlight human rights problems arising in the context of homophobic and transphobic hate crimes and their incitement.

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Concepts of homophobia and transphobia, characteristics of hate crimes

In the context of homophobia and transphobia, hate crimes are criminal acts committed due to homophobic or transphobic motives. These hate crimes can include intimidation, damage to personal property, threats, assaults, health impairment, or even murder, as well as any other criminal act where the victim is chosen specifically because of their actual or perceived sexual orientation or gender identity. To determine whether a crime committed against a person is motivated by hatred towards their sexual orientation or gender identity, it is necessary to analyse the concepts of homophobia and transphobia as presented in the scientific literature.

Homophobia is defined as "the fear or anger felt towards homosexual or bisexual individuals" (Bilewicz et al., 2016, p. 145). Homophobia can also be internalised, meaning it can manifest as a denial of one's sexual orientation or an acceptance that heterosexuality is the only "correct" sexual orientation model. Sexual orientation is described as "a persistent emotional, romantic, sexual, or affective attraction to other individuals." Homosexual individuals are accordingly referred to as gay and lesbian. Discrimination against homosexual individuals, that is, against gays and lesbians, can be observed in strict societal opinions about the roles of men and women. Individuals who do not conform to established societal gender roles are often met with hostility and fear. This hostility gives rise to bullying and insults towards homosexual individuals, and sometimes this hostility escalates into hate crimes. In our society, the family, based on heterosexual marriage, is often promoted and presented as the only valuable component of society. This propagates a hostile attitude towards homosexual individuals. The most widely practised religion in Lithuania, Catholicism, views any attempt to separate sexuality from procreation and childbearing as a threat to social order and regards it as immoral or even sinful. This widespread religious perspective fosters various societal prejudices against homosexual individuals, labelling them as "abnormal." These prejudices in societal structure seem to grant implicit permission to ostracise homosexual individuals, condemn their relationships, and lead to hate crimes committed against them specifically because of their sexual orientation. Homophobia manifests not only in entrenched societal discrimination but also in various superstitions, from which hostility and even physical violence may arise. Greilas (cited in Gaspariūnaitė, 2014) describes prejudice as "a hostile negative attitude and a system of views towards a person or persons belonging to a group or category." The criminal status historically imposed on homosexual relationships, unfounded fear, and the hostile Catholic view of homosexuality can be directly related to prejudices against homosexual individuals. Prejudices about homosexual relationships also create negative myths, such as the false association of homosexuality with child molestation, which elicits particularly strong societal hostility towards homosexual individuals, potentially leading to hate crimes.

Just like homophobia, transphobia can be a reason why hate crimes are committed against an individual (or group) who belongs to the transgender or transsexual community. Transphobia is defined as "a negative societal and individual attitude characterized by prejudice, disgust, fear, and/or hatred towards individuals who do not conform to prevailing gender norms" (Bilewicz et al., 2016, p. 1). Transphobia can be directed against both transgender and transsexual individuals, though these concepts are different in meaning. A transgender person is "an individual whose gender identity belongs to the spectrum of genders existing between the categories of 'woman' and 'man'" (Bilewicz et al., 2016, p. 145). This means that transgender individuals create their gender identity by combining aspects characteristic of both genders and often do not choose one specific gender, nor do they seek to undergo full gender reassignment surgery. On the other hand, transsexual individuals are "people who identify with the gender represented by the opposite side of the binary gender system and seek to live consistently with

this gender" (Bilewicz et al., 2016, p. 145). Transsexual individuals aim to change their primary and secondary sexual characteristics to resemble the traits typical of the opposite gender, as they feel "trapped in the wrong body," and thus they seek to fully transition their gender. However, according to Murauskienė (2019), in the Lithuanian language, transsexualism is an "umbrella" term encompassing both different gender identities and the reluctance to identify as either "male" or "female."

Considering the practice of the vast majority of European Union member states, it is recommended to include gender identity as a characteristic. Gender identity is defined as an individual's connection between biological sex and their internal sense of self as male, female, both, or neither, as well as the visible self-presentation and behaviour (gender expression) associated with such perception (Healey, 2014). According to the authors of the article, gender identity should not be equated with transgenderism, as gender identity can be expressed through clothing and cosmetic use ("transvestism"), but it does not change physical sexual characteristics. This opinion is also expressed by Raškevičius, Bitiukova, and Velička, who note that "cross-dressing practices are usually not a determining element of a transvestite's gender identity, and therefore the term 'transvestism' should in no way be used to describe the experiences of transgender or transsexual individuals" (Bilewicz et al., 2016, p. 150).

Hate crimes arising from homophobia and transphobia are various criminal acts committed specifically due to homophobic or transphobic motives. Since there is no single internationally recognized definition of hate crimes, these acts are commonly identified according to the definition formulated by the Organization for Security and Co-operation in Europe (OSCE): "Hate crimes are criminal acts committed out of hatred" ("Hate Crimes in the OSCE region: Incidents and Responses. Annual Report for 2012," Organization for Security and Co-operation in Europe). Hate crimes can take various forms, including assaults, violence, coercion, threats, property damage, and incitement to hatred.

In Lithuania, the term "hate crimes" is used to describe criminal acts motivated by hatred towards a specific person who belongs to a particular group due to their age, gender, disability, race, sexual orientation, nationality, language, origin, social status, religion, beliefs, or views. Based on this definition, it can be considered that almost all criminal acts motivated by prejudices or preconceived negative attitudes towards the listed groups or their property are considered hate crimes. Currently, the legal regulation in Lithuania categorizes hate crimes in three ways: hate crimes as independent criminal acts, acts where the hate motive is a qualifying element of the offence, and acts where the hate motive is an aggravating circumstance.

Since there is no exhaustive list of what hate crimes are classified as independent criminal acts, it is believed that discrimination based on race, gender, nationality, sexual orientation, and other group affiliations can be considered hate crimes (Article 169 of the Criminal Code of the Republic of Lithuania). Additionally, the creation and activities of groups and organizations aimed at discriminating against a group of people are covered by Article 1701 of the Criminal Code of the Republic of Lithuania. The Criminal Code of the Republic of Lithuania also includes other hate crimes as independent criminal acts, but the articles that specifically address discrimination based on gender and sexual orientation are relevant in this context.

The Criminal Code of the Republic of Lithuania also specifies hate as a qualifying feature for criminal acts and as an aggravating circumstance. Hate is distinguished as a qualifying feature in articles that regulate criminal acts against human health (Articles 135 "serious harm to health" and 138 "minor harm to health") and against life (Article 129 "murder"). In these articles, the hate motive is specified in separate paragraphs, and liability is applied when qualifying the acts under those paragraphs. Meanwhile, hate as an aggravating circumstance is

provided for in Article 60, Paragraph 1, Point 12 of the Criminal Code, but it is rarely applied in practice.

In summary, it can be stated that "hate crimes are recommended to be considered as all criminal acts motivated by hatred towards a group of people, distinguished by age, gender, sexual orientation, disability, race, nationality, language, origin, social status, religion, beliefs, or views" (Murauskienė, 2019). However, it should be noted that hate speech, while fueling hatred, is not classified as a hate crime.

Human rights links to homophobic and transphobic hate crimes and their incitement

Analyzing the connections between human rights and ethics regarding hate crimes based on homophobia and transphobia, it is essential to first elucidate the concept of human rights, their legal regulation, and potential classification. Various legal acts establish fundamental human rights and freedoms, among the most important are the Universal Declaration of Human Rights, the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, and others. Within the national context, human rights in Lithuania are also established by the Constitution of the Republic of Lithuania. All these international and national legal acts embody fundamental human rights and freedoms.

Donnelly (1993, p. 19) states that "human rights exist because of people, regardless of their roles as citizens, family members, employees, or organizational members." According to this notion, human rights belong to every individual from birth and cannot be denied based on a person's sexual orientation, gender identity, or other factors. "Violation of any individual's rights is tantamount to not considering that person as human, and in the struggle for human rights, it is essential to universally respect the human dignity of all individuals" (Brill, 2010, p. 63, cited in Hansungule, 2010). Jočienė (2000) also agrees with this concept, stating that human dignity is directly related to human rights: "if a person is demeaned and their dignity is tarnished, they will realize it, formulate a legitimate demand, and fight to implement that demand." Other sources also explain that human rights are directly linked to human dignity: "the doctrine of human rights is based on the principle that the dignity of all people is equal, and the goal of human rights is to protect human dignity" (Andrulienė et al., 2004). Therefore, human rights afford individuals a certain freedom of action but only within limits that do not infringe upon the rights and dignity of others.

In a general sense, human rights are perceived as rights that belong to every person, irrespective of the individual's sexual orientation or gender identity, or any other factors. These rights must also be ensured regardless of national legal regulation. The Constitutional Court of the Republic of Lithuania, in its ruling on November 20, 1996, pointed out that "<...> there is no unified concept of natural human rights in the rights doctrine. Modern humanist theories typically rely on the notion that a person has inherent and immutable rights and freedoms from birth. The nature of a human being is the primary source of fundamental human rights and freedoms. <...> Natural human rights and freedoms are enshrined in international and national law, setting their protection standards" (Ruling of the Constitutional Court of the Republic of Lithuania, November 20, 1996, "Regarding Compliance of the Republic of Lithuania's Law on the Privatization of Apartments with the Constitution of the Republic of Lithuania," Official Gazette of the Republic of Lithuania). Human rights are enshrined in numerous international and national legal acts. One of the most significant is the Universal Declaration of Human Rights of 1948, universally recognizing the equality of all individuals.

Human rights encompass a broad spectrum and can vary and often relate to different areas of life. Various classifications of human rights are presented in different scholarly sources. Several classifications of human rights are presented in the publication by the Lithuanian Human Rights Center, "Human Rights. Prohibition of Discrimination in Lithuanian and International Law" (Andrulienė et al., 2004). In this publication, human rights are classified according to historical periods, where human rights are categorized into civil and political rights, the right to peace, social, economic, and cultural rights, the right to self-determination, and others. Another classification in the same publication is based on legal establishment, including constitutional human rights and rights formulated in other legal acts. Human rights can also be classified based on limitation possibilities: some rights can be restricted under certain conditions, such as the right to freedom, the right to property, etc., while others are unrestricted, such as the right to life. The authors also note that "human rights are intended for individual persons, but in some cases, collective rights are also distinguished, such as the rights of national minorities, etc." (Andrulienė et al., 2004).

Additionally, apart from such classification of human rights, rights can also be categorized based on their content. According to this classification, rights can be divided into political and economic, civil, social and cultural rights. Economic and social rights are meant to ensure the right to adequate healthcare, the right to work and suitable working conditions, protect individuals from poverty and/or social exclusion. Civil rights ensure an individual's right to life, prohibit slavery, ensure freedom and inviolability, freedom of expression, and the right to personal privacy. Cultural human rights guarantee an individual's right to education, participation in cultural life, and the right to choose the ethical and religious upbringing of their children. Based on the content of human rights, Vasak (2019) also distinguishes the right to solidarity among individuals, which is based on "collective actions of individuals along with the contribution of states and other political entities."

Based on this classification of human rights, it is evident that these rights are fully related to all areas of human life and belong to all individuals or groups equally, regardless of their sexual orientation or gender identity. According to Čepas and others (2005, p. 6), human rights "permeate every sphere of social relations, spreading into an infinite number of aspects, which becomes an inexhaustible and unmanageable topic."

In the field of human rights, various entities such as the government, international non-governmental organizations, religious institutions, and various other organizations operate. These rights must be fully guaranteed not only to dominant communities but to all individuals regardless of their race, ethnic origin, beliefs, sexual orientation, or gender identity. Therefore, democratic regimes should strive to ensure rights and freedoms not only to the majority but also to various social groups, such as homosexual, transgender, and transsexual communities. Considering democratic principles, it seems natural that all social groups should be equally treated, and all should possess the same human rights and freedoms. However, there are still instances in some countries where homosexuals, transgenders, and transsexuals lack recognized equality. This issue of ensuring human rights still exists and is often supported by certain institutions.

Looking at European Union law, it is evident that prior to 1997, there were no provisions prohibiting discrimination based on an individual's sexual orientation. For this reason, attempts were made to determine whether other provisions related to gender discrimination regulated such protection. The European Court of Justice, while handling complaints, sought to expand the concept of non-discrimination beyond the same treatment of femininity and masculinity, interpreting gender "as part of a person." (sex - as a physical trait and gender - as part of a

person - gender). This interpretation raised questions about gender identity and sexual orientation, according to the LT internet portal "My Rights."

Examining the connections between human rights and hate crimes motivated by homophobia and transphobia, it is important to discuss what rights these individuals have and what problems arise in ensuring them. Since hate crimes and incitement often arise from a predisposition of certain individuals to discriminate against others based on their belonging to a specific category, it is necessary to clarify what links discrimination to hate crimes against homosexuals, transgenders, and transsexuals.

Problems of ensuring human rights

Speaking of hate crimes and incitement to hatred based on sexual orientation or gender identity, it is important to discuss the problems that arise in ensuring human rights. Analyzing legal acts that regulate discrimination against individuals belonging to a specific group, for example, due to sexual orientation or gender identity, it is evident that Article 29 of the Constitution of the Republic of Lithuania enshrines the equality of all people before the law, courts, and other state institutions. The Constitution stipulates that "human rights cannot be restricted, nor can any privileges be granted to an individual based on their gender, race, nationality, language, origin, social status, belief, convictions, or views." Although the list of grounds for discrimination prohibition as specified in the Constitution is finite and includes gender nondiscrimination, sexual orientation is not mentioned as one of the prohibited grounds for discrimination. Nevertheless, based on the foundation of equality for all individuals stipulated in the Constitution, it can be inferred that this norm should apply in cases of discrimination based on sexual orientation, although such an interpretation of this constitutional norm has not been provided by state institutions or courts (Žiobienė, 2000). Since sexual orientation is not explicitly included in the finite list of prohibited discriminatory grounds specified in the Constitution of the Republic of Lithuania, it is purposeful to rely on international treaties ratified by Lithuania, which highlight sexual orientation and gender identity as distinct prohibited grounds for discrimination.

Research on discrimination as a phenomenon, its concepts, manifestations, forms, and the effectiveness of anti-discrimination measures implemented in Lithuania is a relatively new field. After becoming an EU member, Lithuania included directives against discrimination in its legislation; however, the provisions of these directives, such as those related to sexual orientation, still provoke a lot of discussions, which insufficiently consider the importance of implementing equal treatment for the democracy and tolerance of society. "In Lithuania's popular usage and public discourse, the term discrimination is not clear and established, sometimes used indeterminately to identify any alleged unjust behavior and manifestations of intolerance." (Beresnevičiūtė and Leončikas, 2009, p. 337). Discriminatory statements towards certain groups of individuals can also be considered hate speech. Sometimes, discrimination escalates into violence and hate crimes.

When analyzing human rights, it is evident that all individuals are entitled to the same rights, and no person should be discriminated against due to their sexual orientation, gender identity, or other factors. However, in practice, there are challenges in ensuring the full implementation and protection of the theoretical rights of homosexual, transsexual, and transgender individuals. Speaking about human rights equally belonging to all individuals, it can be noted that the right of homosexual, transsexual, and transgender individuals to freedom of expression and assembly, family rights, and the right to gender reassignment (relevant when discussing transgender individuals) are not always fully guaranteed.

Beginning with freedom of expression and assembly, it must be emphasized that these freedoms often intertwine in real life. The Lithuanian Gay League, by organizing various public events and parades, also tries to make use of both these freedoms, leading to the implementation of the freedoms of assembly and expression concerning homosexual, transsexual, and transgender individuals collectively. As previously mentioned, the Lithuanian Constitution ensures the equality of all individuals before the law, and the right to freedom of expression and peaceful assembly is also guaranteed for every individual. Still, homosexual, transsexual, and transgender individuals sometimes face challenges in exercising these rights. "Although both Lithuanian and international law stipulate acceptable grounds for restricting these rights, their application or non-application in specific cases can raise many doubts" (Zdanevičius et al., 2016). One example of the restriction of freedom of expression is the case of the "Traditional and Non-Traditional Families" exhibition that was scheduled to take place in *Juodkrantė* in the summer of 2006, depicting homosexual individuals. However, this exhibition was forbidden, reasoning that the exhibition grounds were connected to a school, and the display of homosexual individuals in the exhibition might negatively impact the minors studying there. This case raised mixed reactions in society, as some opinions suggested that introducing children to the images of homosexual individuals might have a detrimental effect on their moral development. Based on this case, an opinion is formed that there is a rather high level of intolerance towards homosexual individuals in society, and society, in public spaces, condemns homosexual individuals, promotes their discrimination, and often incites hatred. This case demonstrates that there is a considerable level of intolerance towards homosexual individuals in society, and society actively tries to restrict the right of homosexual individuals to freedom of expression.

The attempt to limit the right to assembly for homosexual, transsexual, and transgender individuals is illustrated by the 2007 request to the Vilnius city municipality to allow a peaceful public assembly in the city square, where a rainbow flag would be displayed. This request was rejected on the grounds that such an assembly, even if peaceful, could provoke hostile reactions from individuals who are against homosexual, transsexual, and transgender people, resulting in riots and jeopardizing the safety of assembly participants. Following the spread of information about the organized assembly by homosexual individuals, posters appeared in Vilnius calling to "stop the propaganda of homosexuality." Fearing possible disturbance of public order during the event, the Vilnius city municipality refused to issue a permit for this assembly, thereby restricting the right of homosexual individuals to peaceful assembly, which is guaranteed in the Constitution of the Republic of Lithuania and the European Convention on Human Rights, failing to fulfill the positive obligation of the state to ensure the practical implementation of the right to peaceful assemblies (quoted from the "European Court of Human Rights 21st June 1988 case of Platform 'Aerzte Fur Das Leben' v. Austria, (No. 10126/82)). In this situation, it is also evident that the peaceful assembly organized by homosexual individuals could provoke such societal outrage that might turn into violence against the participants of this event, provoking hate crimes and inciting hate speech.

When it comes to the rights of homosexual, transgender, and transsexual individuals to form families, meaning marriage or partnerships, the problem of ensuring these individuals' rights can be observed. In Lithuania, relationships between individuals of the same sex are legally impossible. Both in the Lithuanian Constitution and in the Civil Code of Lithuania, there is a norm stating that only individuals of different sexes, i.e., men and women, can form a marriage. The Civil Code of Lithuania also clearly defines that partners can only be men and women. Discussing the situation in Lithuania regarding relationships of the same sex, the author's opinion suggests that marriage and partnership concepts can be equated since,

considering the norms laid out in the legal acts, it is evident that individuals of the same sex in Lithuania have no legal opportunity to formalize their relationships, although the right to marriage and partnership is foreseen for every individual.

Because same-sex partnerships and marriages are still not legalized in Lithuania, lawmakers increasingly face questions about the formation of same-sex marriages. Mizaras (2018) asserts that "the regulation of legal family relations between persons of the same sex, ensuring legal security and respect for the legitimate interests of all our country's citizens and citizens arriving here, is a noble goal. It is important to ensure mutual respect and dignity among people. Sometimes we just lack empathy, among other things, in applying the law." This idea from Mizaras is vividly illustrated by the research conducted by Navaitis and Gaidys (2015), which revealed the attitudes of Lithuanian citizens towards family rights of same-sex couples. "Summarizing the results of the survey, two groups of respondents differing in their opinions can be distinguished. The first group consisted of 866 (86.3%) respondents who more or less disagreed with the registration of marriage between persons of the same sex. The second group comprising of 35 (13.4%) respondents more or less agreed with the right of couples of the same sex to register for marriage." (Navaitis ir Gaidys, 2015, p. 124) Reviewing the survey results reveals that the majority of the population in Lithuania is still opposed to the registration of marriages between individuals of the same sex. It can be stated that such opposition to the marriage and partnership of same-sex individuals may arise from societal intolerance and discrimination against homosexual individuals who want to form a marriage or partnership with individuals of the same sex.

Couples of the same sex, just as couples of different sexes, aim to create family relationships and establish legal property regimes through marriage or partnership registration. However, the Catholic Church also opposes marriages and partnerships of homosexual couples. According to their statement, "the main purpose of marriage is the birth of children and continuation of the family. The Church views relationships between persons of the same sex as a deviation from God, the laws of nature, and human nature. Such relationships are destructive to humanity; they are a moral and ethical collapse for which no explanation can be found." (Perkumienė, 2007, p. 165). In defending their view on marriages of individuals of the same sex, the Catholic Church fundamentally rests on the premise that homosexual couples cannot have children, and thus, their relationships are considered destructive; their behavior is considered a moral and ethical collapse, and these thoughts are widely declared as acceptable within society. In this aspect, it can be observed that the Church's viewpoint discriminates against homosexual couples and propagates and disseminates such discrimination to society as the norm. This perspective of the Catholic Church not only discriminates against homosexual couples (as well as couples who decide not to have children after marriage) but partly can be called hate speech, as the relationships of homosexual individuals are publicly characterized as a moral and ethical collapse, going against God, and homosexuality is called abnormal.

Speaking of the formation of marriage or partnership for homosexual individuals and the legal consequences arising from it, there is also a high level of intolerance in society regarding the adoption possibilities for homosexual couples. In the public sphere, there is often opposition to the rights of homosexual couples to raise children, arguing that such children will face ridicule in school due to their parents and may become homosexuals themselves. Based on society's reaction to the potential rights of homosexual couples, the assumption is made that children are not taught about tolerance; homosexual individuals are labeled as "abnormal," hence the children of these parents will grow up to be "abnormal" themselves. Children taught to discriminate against individuals belonging to a certain group usually behave accordingly.

Therefore, children of homosexual couples in an intolerant society might indeed face ridicule, and even violence, because of who their parents are.

Considering the importance of ending discrimination against homosexual individuals, it is noteworthy that the right of these individuals to form a marriage or partnership in Lithuania is not ensured. To ensure complete equality in terms of law-making and everyday life, public education is crucial. All states, including Lithuania, aiming to prevent discrimination and hate crimes or incitement, must inform citizens about what is right and acceptable in the country. Adopting necessary laws to fight against the restriction of human rights and freedoms will open the paths for the establishment of marriage or partnership for same-sex couples.

Beyond the aforementioned issues regarding the rights of homosexual, transgender, and transsexual individuals, there is another issue which can be identified: the right to change one's gender. Transsexual and transgender individuals are likely less understood by a significant part of Lithuanian society than homosexual individuals. Despite this, the Lithuanian Civil Code provides for the right to change one's gender. However, in practice, this norm is not implemented because there is no law regulating the process of gender change.

In 2000, the Lithuanian Civil Code incorporated the right to gender change. Article 2.27 of this code states that "1. An unmarried adult has the right to change their gender by medical means, if it is medically possible. Such a request must be made in writing. 2. The conditions and procedure for changing gender are established by laws," but a law specifying the conditions and procedure for gender change has not been enacted. To fully realize the rights stipulated in the Lithuanian Civil Code for gender change, a draft law called "The Gender Change Law of the Republic of Lithuania" was prepared, which outlines the conditions and procedures for changing one's gender through medical means and the registration of gender change. However, due to conflicting evaluations, this legislative project has not been accepted by the Seimas (the Lithuanian Parliament).

Although the legal act for gender change is enshrined in the Lithuanian Civil Code, practically, the right to change one's gender is merely declarative, as there is no law that specifies the conditions and procedures for this change. Despite amendments to legislation that regulate the change of an individual's documents after a gender change operation, these amendments did not consider that the Law on the Population Register, in its third part of Article 8, states that the personal code given to an individual is unique and cannot be changed. This law's second part of Article 8 indicates that the first digit of the personal code reflects the person's gender, so even after changing gender and receiving new documents that indicate the changed name and surname, the personal code remains the same, which discloses the person's gender, infringing on their right to a private life.

In Lithuania, the problems faced in issuing new documents after a gender change operation are secondary to the medical problems faced by individuals seeking gender change. According to the European Court of Human Rights (ECHR) judgment in the L. v. Lithuania case on September 11, 2007, due to gaps in the law, L. underwent a partial gender change operation, but the gender was not fully changed due to the doctors' refusal, as there was no required legal regulation. This case was exceptional because the individual's right to gender change was not implemented despite legally being provided for in the Lithuanian Civil Code. In this case, the ECHR found that Lithuania violated Article 8 of the Convention and obliged the country to adopt the Gender Change Law within three months of the judgment or pay €40,000 to the applicant. This obligation from the ECHR to adopt the law regulating gender change conditions received negative reactions from many members of the Seimas. It revealed some government representatives' negative attitudes toward the right of transsexual individuals to change gender, as there were suggestions not to address the legal regulation of gender change

but to choose a one-time solution by paying a fine to the applicant without providing the right or opportunity for individuals to change gender in Lithuania.

Also, on November 10, 2017, a bill was prepared in the Seimas to amend Article 2.27 of the Lithuanian Civil Code, aiming to eliminate the existing legislative gap, meaning to correct the provision in the Civil Code that has been incorporated but doesn't function in practice regarding the right to change one's gender. This bill confirms that the legislator is not preparing regulations governing gender change but instead intends to altogether remove the provision from the Civil Code that prescribes such a right. The explanatory memorandum in this bill to amend the law seeks to eliminate this provision precisely because "the legal expectation created by Article 2.27 of the Civil Code and the legal gap provide grounds for legal disputes in Lithuania and, as in the case of L. v. Lithuania examined by the ECHR in 2007, could result in unsuccessful litigation for Lithuania in international courts."

Given that 31 members of the Seimas signed this bill, one could assume that the state is not aiming to ensure an individual's right to change gender but rather wants to entirely abolish such a right to prevent legal responsibilities for Lithuania in future international legal disputes. The perspective that a person's desire to change gender is unnatural and contradicts human nature is being formed without considering an individual's right. It is also stated that a person's natural rights and responsibilities arise from their nature, including their gender. Therefore, "there is a public interest in knowing who a particular person truly is." Hence, this bill proposes recognizing that the legal acknowledgment of an individual's gender is based on genetically predetermined gender. Although this legislative amendment bill was not adopted in the Seimas, its content reveals one of the lawmakers' stances that an individual cannot have such a right as gender change and cannot be legally recognized to have it. This perspective also garners support in society, and individuals seeking to change their gender are often discriminated against in their professional, sports, or social activities because they do not conform to the "traits and behavioral norms typical for their gender" and identify themselves as representatives of another gender. Due to the inability to change their gender medically and legally, transsexual individuals are oppressed, their dignity is demeaned, and they can become victims of hate crimes.

Conclusions

Homophobic and transphobic hate crimes are considered criminal acts committed due to homophobic or transphobic motives. These hate crimes can encompass intimidation, causing harm to a person's property, threats, assaults, impairment of health, or even murder, as well as any other criminal activity where the victim is targeted specifically because of their real or perceived sexual orientation or gender identity. Homophobic hate is the "fear or anger felt towards homosexual or bisexual individuals." Manifestations of discrimination against homosexual individuals are observed in rigid societal opinions about the roles of men and women, and these attitudes in societal structure seem to suggest permission to alienate those who are different. This can lead to hate crimes against those who do not conform to established male and female roles, that is, homosexuals. Transphobia is a preconceived bias, ridicule, fear, and/or hate reflected in the negative societal and individual attitudes towards people who do not conform to the prevailing gender norms in society. Transphobia can be directed towards transgender and transsexual individuals.

No individual can be discriminated against based on their sexual orientation or gender identity. When it comes to human rights that apply equally to all individuals, it can be noted that the rights of homosexual, transgender, and transsexual individuals to freedom of expression

and assembly, family rights, and the right to gender reassignment are not always fully guaranteed.

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THE ROLE OF ECOLOGICAL AWARENESS IN CONSUMER DECISION-MAKING REGARDING SUSTAINABLE DEVELOPMENT IN THE CONTEXT OF LOGISTIC SOLUTIONS

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Abstract: *Ecological awareness plays a crucial role in consumer decision-making, especially concerning logistic solutions such as pickup points instead of traditional courier delivery. This study examines the influence of ecological awareness on consumer preferences in the context of alternative delivery methods, with a focus on sustainable development. Through a literature review and and analyzing the results provided in reports, the article identifies factors shaping ecological awareness and its relationship with logistic choices. The findings of this study are significant for logistics companies and retailers, aiding them in understanding how to promote sustainable delivery methods and adapt their offerings to meet consumers' growing environmental expectations.*

Ecological awareness has emerged as a pivotal factor influencing consumer decision-making processes, particularly in the realm of logistics and delivery solutions. This study delves into the intricate interplay between ecological consciousness and consumer preferences, specifically exploring how these dynamics shape choices related to sustainable development within the logistics sector.

By conducting a comprehensive literature review and analyzing data obtained from numerous reports, this study sheds light on the multi-faceted relationship between environmental awareness and logistics choices, mainly in Poland. Explores the various factors that contribute to the formation and evolution of environmental awareness among consumers, from environmental education to social norms and ethical considerations.

Moreover, this study elucidates the significant impact of ecological awareness on consumer preferences for alternative delivery methods, such as utilizing pickup points instead of conventional courier services. It reveals how consumers increasingly prioritize sustainability and environmental responsibility when making logistical decisions, reflecting a broader shift towards eco-conscious consumption patterns.

The insights gleaned from this research hold profound implications for logistics companies and retailers alike. Armed with a deeper understanding of consumer behavior and preferences, these entities can devise more effective strategies to promote and implement sustainable delivery solutions. By aligning their offerings with consumers' growing environmental expectations, they can not only enhance their competitive edge but also contribute to the broader imperative of fostering a more sustainable future.

Keywords: Ecological awareness, consumer preferences, logistic solutions, sustainable development, pickup points.

Introduction

Environmental awareness is the ability of consumers to understand and appreciate the impact of their purchasing choices on the natural environment and community. It is an integral part of the decision-making process because it influences consumers' preferences, values and goals. Understanding consumers' growing environmental expectations undoubtedly allows companies to adapt their offerings, offering products and services that are consistent with their customers' values. This, in turn, can lead to increased satisfaction and building a stronger brand. As a result, companies that quickly respond to these changing trends and implement appropriate strategies gain a competitive advantage on the market. By adopting a sustainable approach to business, they not only gain the trust of their customers, but also actively contribute to building a more sustainable future.

Logistics companies play a key role in adapting to the growing customer expectations that fit into the concept of sustainable development, especially in the aspect of customer service. The introduction of many initiatives and environmentally friendly solutions allows companies to increase their competitiveness on the market, but also contribute to long-term sustainable development and support for greener practices throughout the logistics industry.

The role of sustainable development

Ecological threats are one of the greatest problems of humanity in the 21st century. Economic development, mass production, excessive consumption and population growth contribute to the unfavorable impact of humans on the natural environment. Already in 1992, at the Earth Summit in Rio de Janeiro, environmental threats were recognized as a global problem (Nakonieczna-Bartosiewicz, 2022). Thus, the formal sanctioning of the concept of sustainable development is an incentive for significant changes in social behavior and increasing care for the state of the environment.

Sustainable development is one of the most important topics of the modern era. Much debate has focused on how sustainable consumption can contribute to mitigating negative environmental impacts, as well as what motivates consumers to engage in green behavior (Ern et al., 2022; Khan et al., 2020). Thus, the concept of sustainable development was created as a result of a growing reflection on the nature of the relationship between humans and the environment (Nakonieczna-Bartosiewicz, 2022, p.17).

The term "sustainable development" has been the subject of discussion for many years in many areas: scientific, political, social and media. It undoubtedly gained political significance in 1987, when the report of the World Commission on Environment and Development (the so-called Brundtland Commission) entitled Our Common Future was published. The authors of the document then defined the concept of sustainable development as "...development that meets the needs of current generations without compromising the ability of future generations to meet their needs" (Our Common Future, 1987, Stanny and Czarnecki, 2011).

Later, the idea of sustainable development began to be perceived as a compromise of three dimensions: environmental (ecological), economic and social, determining the well-being of current and future generations. The economic dimension is expressed in the pursuit of meeting current needs, taking into account securing the resources necessary to meet the needs of future generations. The ecological dimension aims to establish the boundaries of the natural system for human activities and not to exceed them. However, the social dimension seeks to seek the ability to solve major social problems (Purvis, Mao & Robinson, 2019; Nakonieczna-Bartosiewicz, 2022).

In 2015, the UN adopted the 2030 Agenda for Sustainable Development, and within it established the Sustainable Development Goals. By integrating the goals of the 2030 Agenda for Sustainable Development into their strategies and actions, companies can not only support global sustainability efforts, but also gain a competitive advantage by building a positive brand image and engaging in sustainable social and ecological development.

Sustainable development means responsible management of natural resources, supporting social equality, promoting economic growth based on innovation and efficient use of resources, and ensuring that actions taken do not negatively impact the future of the planet and humanity. Sustainable development is a concept that has an increasingly visible impact on the global economy. Environmental and social issues are becoming more and more important to

consumers, and the climate crisis is accelerating the need for changes in the existing business models of many companies.

Nowadays, there are four pillars of sustainable development:

- human dimension,
- social dimension,
- environmental dimension,
- economic dimension (Figure 1).

Figure 1. Four pillars of sustainability

Source: Future Learn, The four pillars of sustainability, 2017, https://www.futurelearn.com/info/courses/sustainable-business/0/steps/78337 (29.04.2024)

The clothing industry, especially fast fashion, is most often indicated as an area of excessive overproduction, which results from the desire to present the entire collection in all stores, despite the knowledge that only a small part of all presented models will be sold. This approach is far from corporate social responsibility (AlgotiQ). Consumers are concerned not only about the amount of waste produced by the clothing industry, but also about insufficient transparency in supply chains. In response to these concerns, many clothing companies have begun to implement sustainability strategies, reducing production rates and increasing the use of recovered materials.

The European Union also comes to the rescue and has been introducing numerous environmental protection standards for years to promote ecology and sustainable development. The organization's strategic goal is not only to create a resource-efficient and low-emission economy. The European Green Deal is a set of political initiatives of the European Commission whose most important goal is to achieve climate neutrality in Europe by 2050. The European Union aims to become a world leader in ecological solutions, both in terms of financing and technology (Patrzałek, 2017; ConQuest Consulting, 2022).

The importance of consumers' ecological awareness

The concept of "ecological awareness" is quite a broad area related to both the context of threats to the health and life of living organisms, the need to counteract inappropriate attitudes

and behaviors, as well as the knowledge that people have about the threats resulting from the degradation of the natural environment. This last, narrower aspect will be the focus of these considerations.

Thus, the concept of "ecological awareness" in the context of sustainable development can be defined in several areas:

- Individual awareness: which is ecological awareness in the context of an individual and refers to the ability to understand the impact of one's actions on the natural environment and to take actions to reduce the negative environmental impact. This includes awareness of everyday decisions such as product selection, energy use and waste segregation.
- Public awareness: refers to society's understanding of general environmental problems and the need to take collective action to protect the environment. This includes spreading knowledge about sustainable development, promoting pro-ecological practices and, for example, involving local communities in ecological projects.
- Business awareness: is the understanding by companies of the consequences of their actions on the environment and the desire to minimize the negative impact on the environment by implementing sustainable business practices. This means taking care of energy efficiency, reducing CO2 emissions, reducing the amount of waste, and responsible use of natural resources.
- Political awareness: refers to political decision-makers' understanding of the need to take legislative action and create policies that favor sustainable development. This includes promoting a legal framework for environmental protection, supporting environmental innovation and promoting international cooperation to solve global environmental problems.

In each of these areas, environmental awareness plays a key role in promoting sustainable development and building a better, more sustainable environment for future generations.

The importance of consumers' ecological awareness

The concept of "ecological awareness" is quite a broad area related to both the context of threats to the health and life of living organisms, the need to counteract inappropriate attitudes and behaviors, as well as the knowledge that people have about the threats resulting from the degradation of the natural environment. This last, narrower aspect will be the focus of these considerations.

Thus, the concept of "ecological awareness" in the context of sustainable development can be defined in several areas:

- Individual awareness: This encompasses ecological consciousness at the individual level, involving the ability to comprehend the impact of one's actions on the natural environment and to undertake measures to mitigate adverse environmental effects. It includes being mindful of everyday decisions such as product selection, energy usage, and waste management.
- Public awareness: This pertains to society's broader understanding of environmental issues and the imperative for collective action to safeguard the environment. It involves disseminating knowledge about sustainable development, advocating for pro-environmental practices, and engaging local communities in ecological initiatives.

- Business awareness: This refers to companies' understanding of the environmental repercussions of their operations and their commitment to minimizing adverse environmental impacts by adopting sustainable business practices. It encompasses prioritizing energy efficiency, reducing CO2 emissions, minimizing waste generation, and responsibly utilizing natural resources.
- Political awareness: This denotes the recognition among political decision-makers of the necessity for legislative interventions and policy formulations conducive to sustainable development. It includes advocating for a regulatory framework for environmental preservation, fostering environmental innovation, and promoting international collaboration to address global environmental challenges.

In each of these areas, environmental awareness plays a key role in promoting sustainable development and building a better, more sustainable environment for future generations. Consumers' ecological awareness plays a key role in shaping consumer behavior, influencing companies' business strategies, and determining the products available on the market. Eco-conscious consumers often prefer greener products and services, thereby shaping market demand. Companies that recognize ecological aspects often adjust their business strategies, incorporating changes in production processes, the utilization of greener/raw materials, and the promotion of sustainable business practices, etc. Consumers can also play an educational role in society. Through their choices and behaviors, they inspire us to make more ecological decisions. Additionally, such preferences may also influence political decisions and government regulations regarding environmental protection. Thus, consumers' ecological awareness has a significant impact on shaping the market and society as a whole.

Ecological behavior of consumers

In the face of the growing climate crisis, consumers are becoming increasingly aware of the impact their purchasing decisions have on the environment. Modern consumers not only seek products with a lower environmental impact but also expect companies to act responsibly. Numerous reports are created to analyze changes taking place in the market. Some of these reports will be mentioned in this discussion.

The first report discussed is the ESG Monitor 2023 study, which involved over 12,000 respondents from 12 countries around the world. This is the third edition of the report, and the second one to cover Poland. The aim of the report is to monitor awareness and interest in ESG issues, especially in the context of consumer behavior and their perception of ESG-related activities of governments and companies (SecNewgate, 2023).

Globally, 67% of people participating in the survey declare interest in ESG. The most enthusiastic respondents are in the United Arab Emirates, Italy, and Colombia - with over 80% in each of these countries. The least interest in ESG aspects is in Great Britain (49%) and Germany (54%).

36% of Poles have heard about aspects related to ESG. Despite a slight increase compared to previous years, Poland still lags well below the global average, which amounted to 53% in 2023. In Hong Kong, which ranks first, public awareness of ESG aspects is 85%.

73% of surveyed Poles believe that taking actions in the ESG area is important from the point of view of enterprises (SecNewgate, 2023).

The report reveals that consumer expectations are changing positively, albeit slowly, and customers expect companies to take actions that consider their impact on the planet. Therefore,

companies should observe and respond to generational changes when communicating ESG-related issues.

Among the positive aspects, it is clear that understanding of ESG activities is increasing, and numerous organizations are being established to support companies in increasing their competencies in the field of sustainable development and communicating in an accessible way.

In turn, research conducted by Deloitte shows that 56% of respondents in Poland admit to having changed their behavior and consumer habits due to environmental and climate concerns. Nearly 80% of respondents try not to waste food, and 72% buy only necessary products. 48% of respondents state that they limit the use of high-emission transportation and consider cycling and public transport to be the most environmentally friendly means of transportation.

62% of respondents consider products made from recycled materials to be the most sustainable, and for 50%, the lower energy requirement for their production is important (Deloitte, 2023). An increasing number of consumers are becoming aware and are making their purchasing choices carefully. However, it's important to note that many people still lack knowledge about sustainable development. Therefore, in the coming years, dialogue with consumers, transparency, and readiness to answer emerging questions will become even more important.

Among numerous studies, there are also those concerning educational and marketing issues related to customers. The results showed (Chen et al., 2023; Ali et al., 2023) that social media has a significant and positive impact on shaping and influencing youth's green consumption behavior, resulting in an increased willingness to engage in sustainable practices. Therefore, we cannot overlook the generational differences among individual customer groups and the methods and forms of communication with them.

The role of logistics in shaping consumers' ecological awareness

The development of the Internet and the popularity of online shopping have multiple underlying reasons. What was considered important and valuable to buyers until recently may no longer hold the same significance today. E-commerce stands as a dynamically evolving distribution channel, serving as the primary source of sales and customer outreach for many enterprises. Undoubtedly, e-commerce offers a plethora of solutions that cater to the diverse needs of consumers. Alongside ensuring a wide range and availability of products, logistics-related issues also play a crucial role

E-commerce provides advantages over stationary retail on many levels. They concern primarily the possibility of communicating remotely, high flexibility, or cooperation with business partners in the value chain (Majchrzak-Lepczyk, 2019, 2023). Expanding the product range, introducing new solutions for payment or delivery methods, as well as the increasing use of modern technology in the service process significantly influences the change in consumer behavior. M. Ayobami Raji et al. (2024) in their research focused on the transformative role of personalization based on artificial intelligence (AI) and its impact on market trends, also in the aspect presented in these considerations. The technological potential is clearly emphasized online and supported by customers' willingness to use it.

Among many consumers, ecological awareness significantly shapes their purchasing decisions and expectations regarding logistics customer service. Consequently, logistics customer service emerges as a pivotal component of effective supply chain management, aiming to ensure customer satisfaction throughout the order fulfillment process. Against the

backdrop of e-commerce's rapid expansion and the proliferation of delivery options, understanding the environmental impact of logistics and consumer choices becomes imperative.

This trend is corroborated by research indicating a growing number of individuals considering ecological factors when making purchasing decisions (Kavas, 2020; Pal Sharma, 2021; Chen et al., 2023). Ecological awareness extends beyond product selection to encompass packaging, delivery methods, and waste generated throughout the purchase and consumption process. H. Fassou Haba, Ch. Bredillet, O. Dastane (2023) conducted biometric analysis related to green consumers, highlighting the escalating interest in ecological consumers, particularly over the last decade, as evidenced by the surge in publications on the topic.

Packaging is a crucial element in the supply chain, and its environmental friendliness is playing an increasingly significant role in consumers' final choices (Fig. 2). Many individuals prefer products packaged in biodegradable or recyclable materials. Such preferences lead to a reduction in packaging volume and a decrease in generated waste. Additionally, returns of products purchased in e-commerce are increasingly being conducted using the original packaging in which the product was sent to the consumer, thus promoting the use of reusable packaging.
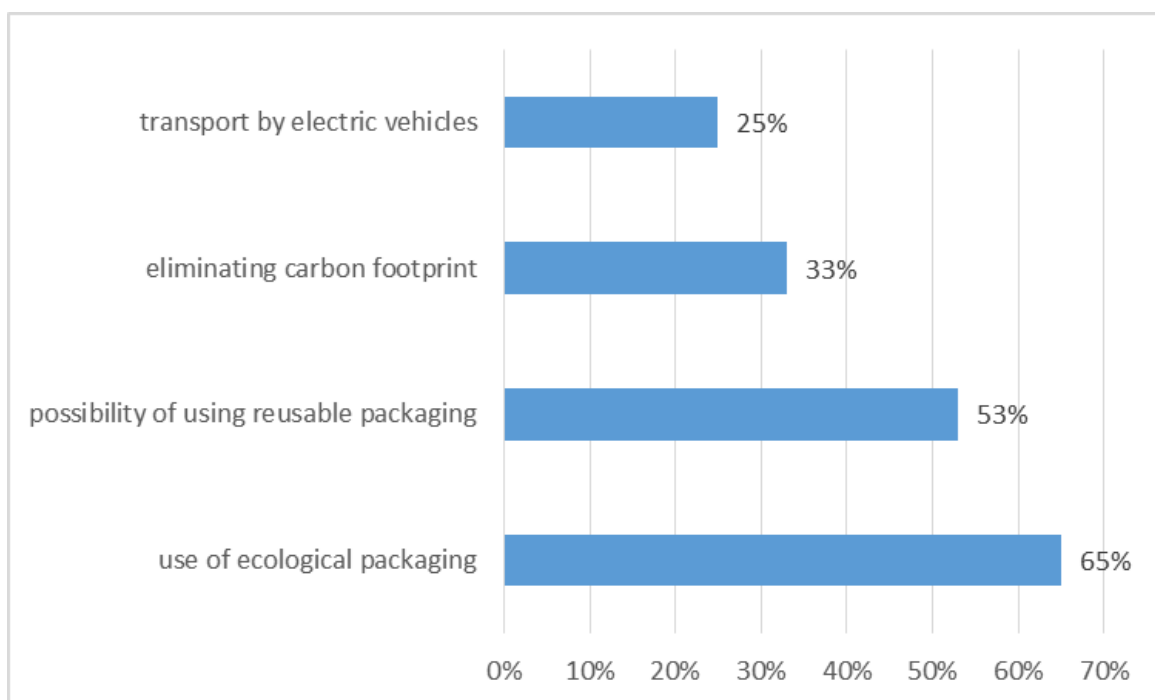
Figure 2. The most important areas related to ecological forms of delivery or return of goods
Source: Own study based on: Gemius, Polskie Badania Internetu, iabPolska, Raport: E-commerce w Polsce 2023

The choice between courier delivery and self-collection has significant environmental consequences. An increasing number of individuals are opting for self-collection to reduce CO2 emissions associated with transportation. Delivery by courier companies, known as the 'last mile,' represents the most expensive and challenging aspect of goods delivery. All indications suggest that challenges related to last-mile services will escalate in the future (Polityka Insight, Foundation for the Promotion of Electric Vehicles, 2022).

The transition of logistics companies to zero-emission transport undoubtedly presents an opportunity for reducing operating costs in the long run. However, in the short term, it poses a serious financial and organizational challenge, necessitating fleet replacement and, in some

cases, even logistics process alterations. This likely entails high initial costs and operational hurdles for many enterprises.

Additionally, logistics companies in Poland are implementing solutions aimed at enhancing delivery efficiency (Fig. 3). The frontrunner in terms of innovative and environmentally friendly solutions is Inpost. The company is deeply involved in extensive activities supporting sustainable development, continuously monitoring the market, introducing numerous innovations, and conducting extensive research.
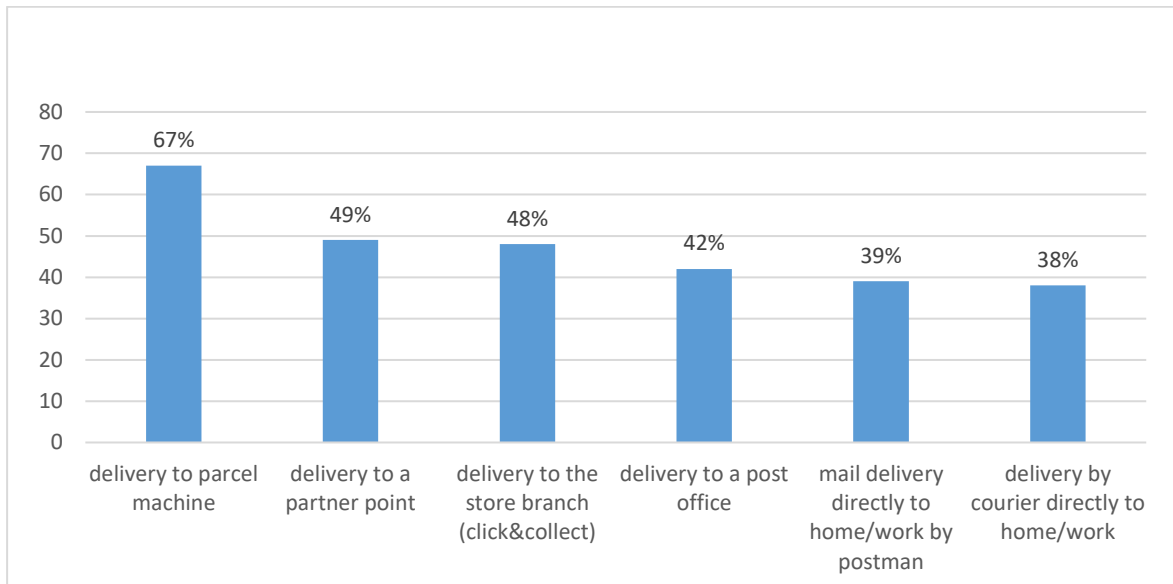
Figure 3. Customers' perception of delivery methods through the prism of ecology
Source: Own study based on: Gemius, Polskie Badania Internetu, iabPolska, Raport: E-commerce w Polsce 2023

In annual survey conducted by Gemius, respondents were queried about their perceptions of delivery methods from an ecological standpoint. As illustrated in the chart above, delivery points located outside of residential areas (PUDO[1]) are the most favored. PUDO points can encompass shops, service points, parcel machines, or kiosks. Opting for PUDO in logistics provides customers with flexibility in choosing delivery locations and shipment send-off or receipt times. These choices undeniably contribute to reducing carbon dioxide emissions, courier working hours, service expenses, or the use of transportation means. According to Inpost data, the carbon footprint of each parcel delivered via a parcel locker is up to 75% lower than that of a traditionally home-delivered parcel (Inpost). When utilizing this delivery method, it is imperative for customers to receive comprehensive service from shipment to receipt. The customer experience commences at the ordering stage, and the receipt itself is a consequence of preceding choices.

In the context of the burgeoning popularity of e-commerce, many consumers also recognize the benefits of curbing CO2 emissions by minimizing trips to brick-and-mortar stores. Online shopping likewise enables better control over packaging volume and generated waste.

Sustainable development in logistics is currently a prominent topic influencing the operations of courier companies and other entities across supply chains. Among the key aspects pertaining to sustainable development in the Polish market, it is evident that courier companies

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[1] Pick-Up, Drop-Off

are increasingly transitioning from traditional fuels to electricity in their vehicle fleets, thereby aiding in greenhouse gas emission reduction.

Pro-environmental endeavors also encompass optimizing delivery routes to diminish fuel consumption. However, employing applications to real-time route adjustments facilitates the avoidance of traffic congestion and unnecessary downtime

Firms have begun to promote recyclable packaging and what is known as circular packaging, which can be returned to the courier company after delivery for reuse. Prioritizing eco-friendly packaging is crucial for both carriers and e-store owners.

Logistics actively supports the adoption of energy-saving technologies in transportation and storage. Electric delivery vehicles, intelligent warehouse management systems, and energy consumption optimization exemplify pro-ecological initiatives. Leveraging data and analyzing logistics processes facilitate identifying areas for greater energy efficiency.

In conclusion, several key insights can be drawn:

- There is a noticeable increase in societal ecological awareness, with a significant portion of consumers desiring their purchasing decisions to align with sustainable development principles.
- Technological advancements enable the implementation of innovative logistics solutions that mitigate negative environmental impacts. Examples include electric and hybrid delivery vehicles, optimized delivery routes, and the utilization of intelligent warehouse management systems.
- Legal requirements play a pivotal role, as companies must adapt to evolving regulations concerning environmental protection and CO2 emissions reduction.
- The rise in e-commerce transactions translates to a surge in deliveries. Courier companies must adapt to this trend while striving to minimize their environmental footprint by employing more efficient and ecological delivery methods.
- Public awareness exerts pressure on companies to undertake more responsible environmental actions. Consumers increasingly prefer businesses engaged in pro-ecological endeavors and employing sustainable business practices.

These factors underscore the increasingly crucial role of logistics in shaping consumers' ecological awareness. Firms should remain flexible and innovative to meet evolving consumer expectations and changing market demands. The implementation of green logistics practices is becoming ever more imperative for companies to succeed in today's business landscape.

Logistics serves as a pivotal element in environmental protection and sustainable development efforts. Its role involves effectively managing the supply chain, leveraging modern technologies, and educating employees and communities

Conclusions

The formal recognition of sustainability as a global priority has ushered in a new era for business policies and strategies worldwide. The evolution of consumers' ecological awareness and the resultant shifts in company strategies are responses to escalating social expectations and legal regulations. Consumers are increasingly basing their choices on the assessment of products' environmental impacts, compelling companies to embrace greater ecological responsibility and transparency in their operations. Amidst global ecological challenges, both companies and individual consumers are emerging as pivotal players in the journey toward sustainable development.

Ecologically conscious investors may favor directing their financial resources toward ventures and companies aligned with sustainable development principles. This trend could incentivize companies to adopt more sustainable business practices. The growing ecological awareness among consumers may further drive corporate responsibility in areas like Corporate Social Responsibility (CSR), encompassing environmental protection, equitable treatment of employees and local communities, and transparency in business operations.

The European Union, as a frontrunner in ecological transformations, has spearheaded numerous initiatives, including the European Green Deal, aimed at achieving climate neutrality by 2050. The implementation of these initiatives significantly influences European companies, compelling them to embrace new technologies and business models that align with society's ecological expectations.

Studies like the ESG Monitor 2023 demonstrate the ongoing global interest in Environmental, Social, and Governance (ESG) issues. While awareness of ESG issues in Poland still lags behind the global average, there is a discernible uptick in interest in these matters. Polish consumers are becoming increasingly discerning regarding brands' ecological awareness.

These realms collectively form a crucial context for understanding the impact of ecological awareness on various aspects of social and economic life. Considering them can enrich the analysis of ecological awareness's influence on society and the economy.

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THE CHALLENGES IN APPLICATION OF CRIMINAL LIABILITY FOR THE SPREAD OF HATE SPEECH

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Abstract. An ever-increasing proportion of cases of hate speech appear in virtual space, especially in light of today's current events, such as the difference of opinion on the prevention of a past pandemic, the issue of homosexuals in the country or the ongoing war in neighbouring countries, as a result of which not only discussions take place in the virtual environment, but also various statements that can be considered hate speech can often be found. In addition, the case law of the European Court of Human Rights (the ECHR), on some issues, requires corrections of the imperfections of the Lithuanian legal regulation, introducing a different and often even opposite approach to the regulation of criminal responsibility for spreading hate speech and its application in Lithuania. As a result, it is necessary to constantly assess and monitor whether Lithuania's position on criminal liability for spreading hate speech still meets international standards and what are the latest problems encountered when applying this criminal liability. Therefore, the purpose of the research is to analyse the peculiarities and problems of the Lithuanian legal regulation of criminal liability for spreading of the hate speech and its application in case law in the context of the case law of the ECHR. So, the tasks of the research are based on two main area of this analysis, i.e. the challenges in Lithuanian criminal law of qualifying the spread of hate speech as a criminal offense, the challenges arising in Lithuanian case law regarding the assessment of dangerousness, incriminating criminal liability for spreading hate speech, and together these issues are evaluated in the context of the case law of the ECHR. The article uses research methods such as systematic analysis, document analysis, the deduction analysis, comparative analysis and generalization methods. The analysis of this article substantiated the difficulties that arise not only in classifying the dissemination of hate speech as a criminal act, especially in assessing the evaluation of the content of hate speech and the incrimination of the qualifying features of publicity, but also significant challenges in the case law of Lithuanian courts, when the assessment of the dangerousness of the criminal offense for spreading hate speech is based on four essential criteria, however, they are often given different evaluative weight, or even one or the other is not evaluated at all or is evaluated contrary to even the international case law of the ECHR.

Keywords: hate speech, criminal liability, hate crimes, seriousness of crime.

Introduction

Criminal liability for spreading hate speech has existed in Lithuanian criminal law since the introduction of the new criminal code. However, the provisions of Article 170 of the Criminal Code of the Republic of Lithuania intended for this purpose did not solve essentially all significant problems related to the application of such criminal liability during the entire period of more than twenty years of existence, which is substantiated by the ever-increasing case law of higher courts in this area, explaining the problems of applying such criminal liability. Moreover, the case law formed by the European Court of Human Rights on some issues requires corrections of the imperfections of the Lithuanian legal regulation, introducing a different and often, even opposite approach to the regulation of criminal liability for spreading hate speech and its application in Lithuania. As a result, it is necessary to constantly assess and monitor whether Lithuania's position on criminal liability for spreading hate speech, not only regulation, but also the rapidly developing case law, still meets the international standards

formed by the European Court of Human Rights and what are the latest problems encountered when applying this criminal liability.

In addition, this topic is becoming more and more relevant as the Internet expands dramatically and more and more parts of life move to a digital environment, which is not only more accessible to various individuals, but also provides a perfect medium for hate speech. As a result, an ever-increasing number of cases of hate speech appear in cyberspace, especially in light of today's current issues, such as differences of opinion over past pandemic prevention, the issue of homosexuals in the country, or ongoing war in neighbouring countries, as a result of which not only discussions take place in the virtual environment, but also various statements that can be considered hate speech can often be found. This topic is also relevant, because often cases of hate speech are not reported to law enforcement authorities, and when they are reported, pre-trial investigations are not always initiated, because in order to answer significant questions related to the application of such criminal liability, it is necessary to carry out an extensive analysis of the case law, which is ambiguous on certain issues. This justifies the relevance of the criminalization process in this area and the need to reassess it. Especially, since the hate speech as a criminal act is not widely studied in the scientific literature, the majority of scientific research is devoted to discussing hate crimes, and the research conducted is not relevant in the context of the increasing number of the case law. It should be noted, that only the provisions of Paragraphs 2-3 of Article 170 of the Criminal Code of the Republic of Lithuania and the practice of their application will be analysed in more detail, because these legal provisions provide criminal liability for spreading of the hate speech.

The object of the research – the Lithuanian legal regulation of criminal liability for spreading hate speech and its application in judicial practice.

The aim of the research – to analyse the peculiarities and problems of Lithuanian legal regulation of criminal liability for spreading hate speech and its application in case law in the context of the case law of the European Court of Human Rights.

The tasks of the research:

1) to analyse the challenges in Lithuanian criminal law of qualifying the spreading of hate speech as a criminal offense;

2) to identify and examine the challenges arising in the practice of Lithuanian courts regarding the assessment of dangerousness, incriminating criminal liability for spreading hate speech;

3) to assess the situation of criminal liability for spreading hate speech in the context of the case law of the European Court of Human Rights.

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 as well as Lithuanian regulation and European Court of Human Rights 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 CC – the Criminal Code of the Republic of Lithuania;
2. the Court of Cassation – the Supreme Court of Lithuania, Criminal division;
3. the ECHR – The European Court of Human Rights.

Challenges to the qualification of hate speech as a criminal act

Challenges of assessing the objective side of spreading of hate speech as a criminal act

It is important to start with that fact that the Paragraphs 2-3 of Article 170 of the CC are the only provisions in Lithuanian criminal law that provides criminal liability for spreading of the hate speech and define such act as a criminal act. The Paragraph 2 of Article 170 of the CC provides criminal liability for those, who publicly mocked, disparaged, incited hatred or incited discrimination against a group of people or a person belonging to it because of age, gender, sexual orientation, disability, race, colour, nationality, language, origin, ethnic origin, social status, faith, beliefs or opinions, for that, such person is subject to a fine or restriction of freedom, or arrest, or imprisonment for up to 2 years. Meanwhile, Paragraph 3 of Article 170 of the CC criminalizes cases when, a person has publicly incited violence, physical violence against a group of people or a person belonging to it because of age, sex, sexual orientation, disability, race, colour, nationality, language, origin, ethnic origin, social status, faith, beliefs or opinions, or funded or otherwise materially supported such activities, for which such a person is punished by a fine or restriction of liberty, or arrest, or deprivation of liberty for up to 3 years.

Although when incriminating the criminal acts enshrined in Paragraphs 2-3 of Article 170 of the CC, it is necessary to determine the totality of objective and subjective qualifying features. Only due to the assessment of certain qualifying features of the objective side, certain difficulties and discussions arise, and one of them is the way of committing this act, i.e. the act must be done in public, by some public statement. This means that mockery, contempt, incitement to hatred, incitement to discrimination, violence or physical confrontation with a group of people or a person belonging to it, must be done in public, on the grounds specified in the CC. For statements of this public nature, it is immaterial whether the response from the audience is immediate or not, as for example in a "live" event (ECRI General Policy Recommendation, 2016). Hate crimes of a discriminatory nature are usually committed in public places or in a public information dissemination space, including electronic or virtual space and may also be committed in a private space or other non-public place (Methodological Recommendations, 2020). However, it should be noted that the qualifying feature of publicity in the context of these acts is understood somewhat more narrowly than in the case of violation of public order, whereas when it comes to hate crimes - publicity needs to be a little wider, i.e. not only the theoretical possibility that someone will read or hear hate speech, but it must actually be made public and a certain group of people must be able to get acquainted with that information publicly (Guliakaitė, Jurevičiūtė, 2021). This is substantiated by consistent case law, which states that when qualifying acts under Paragraph 2-3 of Article 170 of the CC, it is necessary to establish that public statements of an offensive, derogatory, discriminatory nature, as well as calls to violence, were directed at a certain undefined circle of readers or listeners to directly bias them against a certain a group of people or a person belonging to it on discriminatory grounds (the Court of Cassation rulings in criminal cases No. 2K-91-976/2018, No. 2K-206-693/2017 etc.). As a result, case law aims to consistently maintain a position regarding this qualifying feature and even in opposite situations, when using obscene words, in the absence of other outsiders around who could have heard these statements or formed a certain impression about the victims due to them. This leads to the non-application of criminal liability (Vilnius Regional Court ruling in criminal case No. 1A-416-885/2022). Thus, publicly uttered statements of a discriminatory, offensive or derogatory origin or incitement to active physical acts of a violent nature, must be accessible to an undefined circle of readers or listeners, and for this, it is not enough to have a theoretical possibility that this may happen.

At the same time, it is necessary to take into account the means by which hateful statements are expressed. The criminal acts under consideration can be committed in various places, but the most favourable place for this is the internet space, as can be seen from the abundant case law on this issue. While online hate speech is considered public, it is important to note that private conversations are not considered public, given the individual's right to privacy, and should not be viewed as hate speech (Bayer, Bard, 2020). In this case, the Internet, where hate speech is most commonly spread, fully meets this criterion of publicity. Spreading hate speech on the Internet in itself cannot be considered a sufficient act, without evaluating whether the place of dissemination of information can be considered public, having the opportunity to get acquainted with an indefinite circle of readers, or whether it was only a private message in a closed circle of like-minded people. As a result, there are situations, where a comment based on hate speech is written on a public political "Facebook" account, the following audience of which is not against homosexual persons, but on the contrary - supports them - this was the basis for not applying criminal liability (Šiauliai Regional Court judgment in criminal case No. 1A-94-519/202).

Also, in order to incriminate hate speech, not the most complicated feature of the objective side, is the appropriate assessment of the content of hate speech. At this point, it is necessary to note that in the opinion of the ECHR, incitement to hatred does not necessarily require an incitement to commit a certain violent or other criminal act, but an attack on persons committed by insulting, ridiculing or defaming certain sections of the population and groups is sufficient (ECHR decision in case No. 15615/07). Also, in the practice of the Court of Cassation, it is noted that the clarification of the meaning of the statements (communication act) becomes extremely important, because, in qualifying the act according to Paragraphs 2-3 of Article 170 of the CC, it is sufficient to determine whether this criminal act was aimed at mocking, disparaging, promoting hatred or discrimination against specific persons group defined in this standard (the Court of Cassation ruling in criminal case No. 2K-206-693/2017). Thus, the Court of Cassation emphasizes that the most important indicator, is the assessment of the content of the language itself and thus the meaning of the content of the language is highlighted, which is a certain sequence of thoughts of the subject of the criminal act, a reflection of this thinking process. However, the ECHR needs to assess both the manner in which the statements are made and whether they may directly or indirectly lead to the occurrence of harmful effects (ECHR decision in case No. 64569/09). This complicates the evaluation of the content of the hate speech itself, since it is important to evaluate not only from a formal point of view, but also more broadly, taking into account the context of such a case, and in more detail, looking for clearly unexpressed, but implied incentives for the harmful effects of hate speech.

Linguistics specialists play a significant role in solving this question, conducting a study that requires special knowledge and providing certain assessments based on the knowledge of linguistics, a study conducted by a journalist or a language specialist whose purpose is, if necessary, to help the court correctly understand the comment in the linguistic sense, to limit the dissemination of information from opinion, etc. (the Court of Cassation ruling in criminal case No. 2K-293-788/2018). However, as a general rule of criminal procedure, they cannot decide questions of law, although such specialized knowledge is widely relied upon in this category of criminal cases, and taking into account the fact that the court itself often directly assesses the content of hate speech - various problematic situations arise. As a result, in case law, one can find controversial cases where the court's position contradicts the assessments of persons with special knowledge, as stated in the criminal case No. 1A-618-348/2022 of Kaunas Regional Court, that although the conclusion presented by the Journalists' Ethics Inspector's

ISSN 2029-1701
ISSN 2335-2035 (Online)

Mykolas Romeris University

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

Office assessed a person's specific statement only as an informational act of communication, which aims to clarify one's understanding of homosexuals, to spread this information widely, to express one's opinion. The court, however, noted that mockery or insults in themselves can be independent non-inciting communicative acts. Therefore, the fact that the comment was not intended to encourage other persons to take violent actions, does not remove the person from criminal liability and such an act is considered a case of hate speech. Thus, it justifies a complex solution to this issue in order to properly determine the content of hate speech, and as can be seen, only a formal assessment based on special knowledge is not enough, but a detailed and flexible assessment of the content of hate speech is necessary.

In addition, in case law, you can find more procedural decisions, when the obvious content of hate speech, for various reasons, was evaluated in the opposite way. One such case is the assessment of the Vilnius Regional Court in criminal case No. 1A-452-898/2019, where it was assessed that the slogan "Lithuania for Lithuanians" itself was not regarded as hate speech, although, in the author's opinion, such a statement contains a sufficiently obvious basis for national discrimination, which is widespread in Lithuanian society as well. However, it was only after considering the context of this verbal act of physical violence that it was recognized as meeting the definition of a hate crime. In another case No. 1A-94-519/2023 of Šiauliai Regional Court, doubts can also be seen regarding the appropriate assessment of the content of hate speech. After concluding that the content of a particular comment is against morals, negative, derogatory in nature, but it was still considered a random and reckless action. Taking into account its content, i.e. it was assessed that the comment is laconic, non-specific in nature, the grammatical form of the word "destroy" used in the comment is not the imperative mood of the verb, it is not motivated in detail. In another criminal case of the Vilnius Regional Court No. 1A-416-885/2022, the situation of the current social space in Lithuania was taken into account and the lexicon of a person's uncensored nature was assessed as an attempt not to offend persons of another sexual orientation, but as a substitute for swear words. Such cases of assessment of the content of hate speech submitted by the courts raise reasonable doubts, because in the case of obvious hate speech, the competent court evaluated its content in the opposite way for various reasons, without properly and rationally justifying it, which is completely contradicted by the previous evaluations.

All this just proves that the evaluation of the content of possible hate speech itself is a subjective matter, depending on the consciousness of the evaluator, and even in the case of obvious hate speech, this may not necessarily mean the application of criminal liability.

Challenges of assessing the subjective side of spreading of hate speech as a criminal act

Considerable difficulties are faced with the assessment of the subjective side of the criminal act established in Paragraph 2-3 of Article 170 of the CC, since it is a composite set of elements, where it is not enough to establish intent. However, other elements of the subjective side must also be justified. The easiest element of the subjective side of this criminal act is the determination of direct intent, whereas the offender must understand that by making public statements he publicly mocks, denigrates, incites hatred, incites discrimination against a group of people or a person belonging to it, or incites public violence or physical assault against them, and intends to do so (the Court of Cassation ruling in criminal case No. 2K-86-648/2016). Therefore, indirect incitement of hatred or reckless incitement of hatred is impossible, because the main criterion to be determined in cases of this nature is prejudice, which must be deep within the offender and only certain circumstances call forth that expression of prejudice, i.e. that said hate speech, given the favourable conditions.

Another important aspect, when qualifying acts according to Paragraph 2-3 of Article 170 of the CC, is a necessity to establish that such public statements of the perpetrator, as well as calls to violence, were intended to directly influence a certain undefined circle of readers or listeners, that is, to set them against a certain group of people or belonging to it, or a person belonging to it because of their gender, sexual orientation, race, nationality, language, origin, social status, faith, beliefs or opinions, incite hatred, form a contemptuous, discriminatory attitude towards them or encourage the use of physical or mental violence against them (the Court of Cassation ruling in criminal case No. 2K-86-648/2016). As a result, in this case, it can be said that this is the goal of the perpetrator. Through his expressed hostility in words, writings, and various gestures, the perpetrator must seek to incite other persons (an undefined circle of persons) to hate, discriminate, to commit violence or physical confrontation against a group of persons described by the aforementioned characteristics or a person belonging to that group. This is the second element of the subjective side of the criminal act, which must be proven, which not only complicates the process of proving such a criminal act, but also its assessment.

Moreover, an important feature of hate crimes is the subjective feature - the motive and incentives, which are defined as the purposeful, targeted and specific motivation of the act of a racist, homophobic, discriminatory nature (Methodological Recommendations, 2020). This means that certain internal incentives that encourage the perpetrator to express hate speech would be determined on the basis of the characteristics of the group or individuals belonging to that group. As a result, the victim itself does not necessarily have to belong to a group with characteristics defined in the criminal law. It is important, that the perpetrator's motive for committing unlawful acts was precisely the thought that a person belongs to that group, or perpetrator associated the victim with certain characteristics, or assigned to a corresponding group defined by certain characteristics. In this regard, in the case No. 25536/14, the ECHR noted that some victims of hate crimes are not selected because they have certain characteristics, but rather because of their association with another person who actually or allegedly has the characteristic in question and this connection may take the form of the victim's membership in an association with a certain group or the victim's actual or perceived connection to a member of a certain group. In such cases, even the perpetrator's wrongly perceived affiliation of the victim to a group of people characterized by certain characteristics does not remove criminal liability, because the perpetrator's goal and motives for illegal behaviour are usually aimed at a real violation of the natural rights and freedoms of a group of people or individual members of it defined by certain characteristics provided by law (Methodological Recommendations, 2020). As a result, the important motive of hatred, which caused such behaviour of the perpetrator, is not aimed at the person himself as such, but is caused precisely to the group, or a person belonging to that group with the previously mentioned characteristics.

Thus, assessing the subjective side of hate speech as a criminal offense is a complex process. It requires a complex assessment, due to the fact that the subjective side consists of as many as three elements that must be reliably proven in the case data, which complicates the application of criminal liability.

Challenges arising in case law regarding the assessment of the dangerousness of spreading of hate speech in criminal cases

One of the most common questions when assessing hate speech is - when does the criminal liability arise for this act in general, when does one or another hate-motivated hostile statement against a certain group or person belonging to that group, on the basis of age, gender, sexual orientation, disability, race, nationality, language, origin, social status, faith, beliefs or opinions, is considered so dangerous that it should be criminally liable. The problem is that the

criminal acts established in Paragraph 2-3 of Article 170 of the CC have a formal composition, i.e. the Paragraph 2 of Article 170 of the CC provides criminal liability for those, who publicly mocked, disparaged, incited hatred or incited discrimination against a group of people or a member of it because of age, gender, sexual orientation, disability, race, colour, nationality, language, origin, ethnic origin, social status, faith, beliefs or opinions, in the meantime, the paragraph 3 of Article 170 of the CC criminalizes cases when, a person has publicly incited violence, physical violence against a group of people or a person belonging to it because of age, sex, sexual orientation, disability, race, colour, nationality, language, origin, ethnic origin, social status, faith, beliefs or opinions, or funded or otherwise materially supported such activities. In this case, dangerousness is one of the criteria that determines whether criminal liability should be applied. Also, the Court of Cassation has stated that criminal liability in a democratic society must be perceived as an *ultima ratio* measure, used to protect protected legal goods and values in cases where the same goals cannot be achieved with milder measures (the Court of Cassation ruling in criminal case No. 2K-262/2011). Therefore, it is important to assess when hate speech should be criminalized and when it should not be an excessive use of state coercion. For this purpose, it is important not to formally evaluate this feature of the criminal act, but it is necessary to take a deeper look at the dangerousness criterion and properly justify it, since it is determined by many factors, such as the way of committing the criminal act, motives, goals and other circumstances.

After evaluating the case law formed by the ECHR and the case law of the Lithuanian courts, it is obvious that that criminal liability for spreading hate speech is determined based on certain criteria – in this case, the systematicity of illegal actions is relevant, indicating both intent and dangerousness, the personality of the author of the comment, the way and context of information dissemination. However, these criteria, as noted in the legal doctrine, cause certain problems in cases of this category, because in the absence of uniform case law, they are sometimes given different weight and there are even cases, when the court does not evaluate them at all or evaluates them contrary to the previously developed case law (Guliakaitė, Jurevičiūtė, 2021). This is substantiated by the following analysis of case law.

A way to spread hate speech

In a more detailed assessment of the above-mentioned criteria defining the dangerousness of the act in question, one of the above-mentioned circumstances is discussed - the method of disseminating information, which has come from the case law of the ECHR, i.e. in case No. 64569/09, the ECHR elaborated on the content of this criterion, noting that anonymity on the Internet can promote the free flow of ideas and information, also taking into account the ease, volume and speed of information dissemination on the Internet and the sustainability of information once made public, which can significantly amplify the effects of illegal speech online compared to traditional media. In another case No. 41288/15, the ECHR provided an even more detailed assessment and justification of this issue, noting that the Internet in Lithuania is a serious medium in which hatred against sexual minorities is incited. Consequently, the mere posting of comments on the "Facebook" social network is a sufficient basis for establishing a violation. This criterion is also discussed in the case law of Lithuanian courts, where it is noted that the simplicity, volume and speed of information dissemination on the Internet and the persistence (permanent nature) of information, once disclosed, can make the impact of illegal speech on the Internet much more difficult than in the case of traditional media, which increases the danger of the act (Vilnius Regional Court judgment in criminal case No. 1A-335-209/2016). However, in the case law of the Court of Cassation, on this basis, one

can also find such assessments that raise doubts about their compliance with the case law of the ECHR. For example, in criminal case No. 2K-86-648/2016, where the Court of Cassation, although found that the content of a specific comment is negative, derogatory, directed against a group of homosexual people, however, it was still decided that such a speech could not cause a real threat to violate the equality and dignity of the group of homosexual people, as well as realistically incite portal readers to do violence against this group of people, judging by the brevity of the specific comment, the words used in it, the non-specific nature of the comment. Such reasons of the court are debatable in view of the already mentioned ECHR decision in case No. 41288/15, where such a position of the courts of the Republic of Lithuania was very strictly evaluated. Legal doctrine also questions such assessments by the Court of Cassation and notes that, based on the same case law of the ECHR, a comment of this type, which was made public, is likely enough to be recognized as inciting hatred towards sexual minorities, as it was aimed at the use of physical violence, it does not matter that such coercion was not actually used and was not systematic (Mizaras, 2020). In this case, in the decision of the Court of Cassation in question, although the comment was not published on a social network, it was published on a popular news portal that is accessible to an undefined circle of individuals. Nevertheless, suitable cases to be evaluated by this criterion can be found in other cases, such as criminal case No. 1A-618-348/2022 of Kaunas Regional Court, where the fact that the hate speech comment was written publicly - on a popular website, under an article discussing a topical and widely discussed topic in society - the LGBT march that took place, was specifically assessed, therefore, precisely because of its speed, it undoubtedly increases the danger of the act, and can cause long-term negative consequences.

Although the case law of the ECHR regarding the method of disseminating information is consistent, but in the case law of Lithuanian courts, one can find contradictory assessments of this criterion.

The personality of the perpetrator

Another aspect that is widely evaluated in case law when criminalizing the spread of hate speech, and which is also based on the case law of the ECHR - the personality of the author of the comment. The general trend is that the more prominent the person, the larger the readership the commenter has, the more his words and opinions reach a larger circle of readers or listeners and the more persuasive the words become. Also relevant in this matter is the statements of politicians, since in case No. 15615/07, ECHR made the position clear, that politicians, because their words are more persuasive, especially during elections, have a larger circle of listeners and followers, and therefore politicians are subject to a stricter liability for spreading hate speech than those who do not have such a circle of readers or listeners. However, in the case law of Lithuanian courts, one can find cases where the meaning and evaluation of this criterion is rejected, such as in the judgment of the Klaipėda Regional Court in criminal case No. 1A-209-361/2016. It was noted that the criminal act in question can be committed by both a public and non-public person, and its dangerousness is not associated with the subject of the criminal act, but with the way it was committed (the information must be made public) and with the content of the disseminated information. In this case, one cannot agree with such a position of the court, since the subject of the criminal act is also of great importance, i.e. the extent to which the comment can be made public, taking into account the personality of the author of the comment, especially since the case law of the ECHR takes the opposite position. Moreover, in another criminal case No. 1-11-361/2018 of the same court, the court even expressed the opposite position on this issue, where the assessment of the perpetrator's personality is also

presented in the opposite direction of the practice of the ECtHR, noting that disapproval of Lithuania's position on important political issues would still be understandable if he were a member of a political party, participated in elections and expressed criticism of Lithuania's current situation in a politically correct form. In this case, the court takes into account the subject's status in society, and it was the lack of political status that was assessed as the basis for criminal liability, making a completely unfounded conclusion that hate speech can be legitimately spread by state politicians. This only shows that in the case law of the Republic of Lithuania, the influence of personality assessment on the degree of dangerousness is currently not uniform and is still developing.

Systematicity of hate speech

Meanwhile, due to the other criterion - the systematicity of the written comments, it is obviously not evaluated in the same way in case law and it causes a lot of ambiguities, whereas in some court procedural decisions, a one-time action is sufficient, while in others a systematic action is required. In the legal doctrine, it is also noticeable that pre-trial investigations are often not started or terminated when a person has written one comment and in this way, the law enforcement authorities state that neither the person's intention nor greater danger has been established (Velička ir kt., 2021). The importance of this criterion is also noted in case law, since there are a number of case law in which the number of comments written in hate speech led to the application of criminal liability, noting that the degree of dangerousness of the person's actions is increased by the fact that he did this act continuously (convicted for publishing 13 records in the electronic space), for a long period of time, purposefully speaking against the community of believers, in order to mock and despise them (Klaipėda Regional Court ruling in criminal case No. 1A-209-361/2016). Also, in another criminal case, a person was convicted of 12 hostile statements on the basis of nationality on the Internet, therefore, according to the court, such actions cannot be considered as random and reckless (Judgment of Vilnius Regional Court in a criminal case No. 1A-335-209/2016). Such decisions made by the courts substantiate that when the courts determine dangerousness and decide on the application of criminal liability, it is easy to do so when a person does it continuously, tendentially and purposefully.

However, there are also contrary cases where the courts pass a guilty verdict for a single utterance of hate speech. This was also done by the Court of Cassation back in 2010, when a person was found guilty of spreading hate speech for uttering a single phrase "negre" (eng. negro), which the court recognized as mockery of a person because of his race (the Court of Cassation ruling in criminal case No. 2K-91/2010). Also, in the subsequent case law, such a position formed by the Court of Cassation was confirmed, which corresponds to the case law of the ECHR, when a single phrase in an online comment clearly expressed contempt for a group of people of a different sexual orientation, obviously humiliating and belittling them (Ruling of Klaipėda Regional Court in a criminal case No. 1A-411-107/2011). However, at the same time, in subsequent case law, one can find decisions made by such courts, when the opposite position is established. For example, in the ruling of the Kaunas District Court in criminal case No. 1A-131-579/2019, the court, passing the acquittal verdict, stated that it is not enough for criminal liability to arise from only one laconic unethical speech in the public internet space, as well as to establish a direct concrete intention to incite internet users against sexual minorities, promote hatred towards them. In another case, the content of the comment was found to be unethical, negative, derogatory in nature, but it was still seen as a random and reckless action (Šiauliai Regional Court judgment in criminal case No. 1A-94-519/2023). Such

a position of the court shows that when examining the case, great importance was attached to the number of written comments, and not to the evaluation of the content. However, it should be noted at this point, in the already mentioned ECHR case No. 41288/15, the ECHR takes a different position, stating that the dangerousness of hate speech should not be linked to the formal feature - systematicity, but to the content of the speech, nor should the feature of systematicity be used as the main criterion in the matter at hand. It is also noted in the recommendations of the General Prosecutor that even in the case of isolated illegal actions (comments), the act may attract criminal liability, taking into account the nature of such actions (comments), the reality of the threat to the values protected by the law, and the public reaction (Methodological Recommendations, 2020).

Thus, the case law of Lithuanian courts with regard to the systematicity criterion is inconsistent and multifaceted. Sometimes, a single statement is given a sufficient degree of dangerousness and criminal liability is applied and sometimes, the number of comments is taken into account, rather than the content of the expression itself. Such position of the Lithuanian courts should be viewed critically, especially when the courts associate intent and the seriousness of the crime with the number of comments and consider it as one of the most important circumstances determining the application of criminal liability, which does not correspond to the case law formed by the ECHR.

The context of hate speech

Another relevant criterion in deciding on the application of criminal liability and assessing the seriousness of the criminal act in cases of this category - the context of hate speech. The importance of the context assessment criterion is emphasized in more than one case, when the ECHR assesses the dangerousness of speech, according to which, the more tense the context is in relation to individuals or a group of individuals in that country or area, the more likely it is that certain disseminated information will be recognized as spreading hatred (see ECHR cases No. 1813/07, No. 41288/15 and etc.). Meanwhile, the case law of Lithuanian courts on this issue is ambiguous. For example, in criminal case No. 1A-452-898/2019 of Vilnius Regional Court, it was assessed that the slogan "Lithuania for Lithuanians" itself would not be considered as hate speech, however, the context of this verbal act of physical violence was also assessed, which determined the decision to establish a case of hate crime. Meanwhile, in another case No. 1A-94-519/2023 of Šiauliai Regional Court, the opposite situation occurred, when exactly the context of hate speech decriminalized such a situation, i.e. although the content of a particular comment was judged to be against morality, negative, derogatory in nature, it was judged that such a comment was written on a public political "Facebook" account whose following audience is not anti-homosexual, but on the contrary, supportive of them. Such a position of the court raises certain doubts, because the mere fact that hate speech was directed at a group of persons, who were the basis of such hate speech, cannot be objectively justified and mean that such an act was not dangerous, and cannot automatically legalize the content of hate speech. As another questionable case of the decriminalization of the context of hate speech, one can mention the assessments of the Vilnius Regional Court in criminal case No. 1A-416-885/2022, when taking into account the current situation of the social space in Lithuania, a person's lexicon of an uncensored nature was assessed as an attempt not to offend persons of a different sexual orientation, but as a substitute for swear words. As a result, the mere fact that an obvious case of hate speech was expressed in an abstractly defined context of the current social space, without a detailed and rational justification, but only by implicitly defining it, cannot objectively justify the case of the use of hate speech. Doubtful arguments can also be

found even in the case law formulated by the Court of Cassation, i.e. in the ruling of the Court of Cassation in criminal case No. 2K-86-648/2016, certain contradictions can be seen even in the same procedural decision. In one part, the court states the importance of this criterion, noting that the topic of the rights of sexual minorities is relevant in Lithuania, it is surrounded by a certain social tension, the negative attitude of part of society towards sexual minorities, however, at the same time, the court undermined this criterion, noting that such a general social context and the specific context of the comment considered in the case are not so tense as to justify the application of criminal liability by itself. As a result, such a position of the court remains ambiguous and makes it even more difficult to apply criminal liability for spreading hate speech, whereas it is not enough to simply establish a tense context, which can be evaluated subjectively anyway, and it is also necessary to be closely related to the specific circumstances of the case of spreading hate speech, which can eliminate criminal liability.

Thus, when examining the case law, it was noticed that on the one hand, the aforementioned discussed cases substantiate the meaning of the context, establishing a case of hate speech, on the other hand, the reasoning and position of the courts on similar issues is not the same, has dubious justification and does not always meet international standards.

Conclusions

After analysing the objective side of the spreading of hate speech as a criminal act, it was found that that the most ambiguous evaluations can be found due to the evaluation of the content of hate speech itself, which is not only subjective, but also its evaluation is often belittled and deviates from the formulations of the real content due to the unjustified emphasis of other criteria. Likewise, the content of the qualifying feature of publicity in the context of these acts must be broader and realistically implemented.

Meanwhile, the assessment of the subjective side of the spreading of hate speech in the CC is significantly complicated due to the abundance of incriminating subjective qualifying features, when it is not enough to determine only the perpetrator's intention to commit such a crime, but it is also necessary to determine the perpetrator's corresponding criminal purpose, motives and incentives related to the spread of hate speech, which significantly complicates the process of proof itself.

The case law of Lithuanian courts in the context of spreading of hate speech is still developing and it is possible to find not only contradictory evaluations of cases of hate speech, but also significant deviations from international practice. Although the prevailing position in the case law of Lithuanian courts is that the assessment of the dangerousness of the criminal offense for spreading hate speech is based on essential criteria, such as the systematicity of illegal actions, the personality of the author of the comment, the method and context of information dissemination, however, the analysis substantiated that they are often given different evaluative weight and there are even cases when one or the other remains undervalued or is evaluated contrary to the previously developed case law, even the international case law of the ECHR.

After analysing the case law of Lithuanian courts, problematic areas were identified regarding the assessment of all the above-mentioned four criteria, when applying criminal liability for spreading hate speech. However, the ambiguous assessment of the criterion of systematicity raises more doubts, especially when one-time cases of hate speech are evaluated from a formal point of view, justifying obvious cases of hate speech. Another, even more questionable criterion of the context of hate speech, the content of which is too broad, and in the case law of Lithuanian courts, it was often not objectively and rationally justified. Such

subjective evaluations in case law not only unjustifiably legitimize obvious cases of hate speech, but also form case law contrary to international standards.

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INFORMATION THREATS AND LEGAL MEANS TO COMBAT THEM: THE CASE OF LITHUANIA

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Abstract. *This research investigates the critical issue of combating information warfare through legal avenues, focusing on Lithuania's case. The backdrop reveals alarming statistics from the Lithuanian Democracy Sustainability Barometer study, highlighting susceptibility to Russian disinformation among approximately 300,000 individuals. Voices like Professor Tomas Janeliūnas and Minister Laurynas Kasčiūnas underscore the grave consequences of false narratives, citing examples from the Ukraine conflict. In Lithuania's democratic framework, freedom of speech is fundamental, yet the study reveals the delicate balance between this freedom and the spread of harmful content, especially disinformation. Recent incidents, such as bomb threats via false emails, underscore the urgent need to address deliberate misinformation. The research sets clear goals to identify disinformation instances, assess legal countermeasures, and analyze societal impacts. Methodologically, it combines legal analysis with expert interviews in propaganda, disinformation, and national security. Findings highlight prevalent propagandistic narratives in Lithuania, aiming to undermine sovereignty and historical memory. Despite legal frameworks, enforcement gaps hinder accountability for propagators of hostile narratives, necessitating legislative changes to curb misinformation amid rising geopolitical tensions. In conclusion, the study advocates proactive measures to safeguard democratic integrity and national security. By addressing legal loopholes and enhancing accountability, Lithuania can fortify its resilience against disinformation's pernicious influence.*

Keywords*: information warfare, legal measures, propaganda, disinformation, fake news*

Introduction

The problem and its relevance. During the second Lithuanian Democracy Sustainability Barometer study, it was found that approximately 300,000 people in Lithuania are within the field of Russian disinformation[1]. According to Professor Tomas Janeliūnas of the Institute of International Relations and Political Science at Vilnius University, „*there is definitely a part of society that agrees that NATO and the USA have instigated the war in Ukraine, [...] almost 20 percent of respondents agree with such a propagandistic statement, which often emanates from*

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[1] „Tyrimas: Kremliaus dezinformacija pasiekia apie 300 tūkst. šalies gyventojų – dalis gali radikalizuotis" (Study: Kremlin disinformation reaches about 300 thousand country residents - some may radicalize), LRT.LT, Available fom: https://www.lrt.lt/naujienos/lietuvoje/2/2157344/tyrimas-kremliaus-dezinformacija-pasiekia-apie-300-tukst-salies-gyventoju-dalis-gali-radikalizuotis, accessed 3 January 2024.

Russia."[2]. The Minister of National Defense of the Republic of Lithuania, Laurynas Kasčiūnas, emphasizes that the example of Ukraine clearly demonstrates that the step from words to actions is very small, and therefore, it is necessary to respond to individuals supporting a terrorist state. According to him, „*such individuals in Ukraine during the war became members of sabotage groups. [...] They marked targets, [...] betrayed their neighbours, [...] and helped Russian occupying forces enter Ukraine*"[3].

In a free, independent, democratic Lithuanian society, as in other progressive Western countries, freedom of speech is a highly important and protected value. The citizens of the Republic of Lithuania enshrined this on October 25, 1992, by voting in a referendum for the adoption of the most important state document – the Constitution of the Republic of Lithuania (hereinafter referred to as the Constitution). Article 25, paragraph 1 of this highest legal authority document states that „*A person shall have the right to hold their own beliefs and freely express them*"[4]. With the ratification of one of the most important international legal documents regulating human rights in Europe – the European Convention on Human Rights (hereinafter referred to as the ECHR) – by the Seimas of the Republic of Lithuania, the freedom of expression in our country became even more strongly protected. Article 10, paragraph 1 of the ECHR establishes the following provision: „*Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers*".[5] In explaining the content of this freedom, the Constitutional Court of the Republic of Lithuania (hereinafter referred to as the CCRL) „*has stated that this freedom is one of the foundations of an open, just, harmonious civil society and a democratic state. It is an important prerequisite for the implementation of various personal rights and freedoms enshrined in the Constitution, as a person can fully exercise many of their constitutional rights and freedoms only if they have the freedom to seek, receive, and disseminate information without hindrance*."[6]. It is evident that the CCRL assigns significantly greater importance to freedom of expression than merely its own content. Freedom of expression is described as an essential condition under which a citizen of the state is informed, informs others, and actively participates in the life of the state, exercising their rights and freedoms.

Recently, as the world is shaken by one global crisis after another, the overwhelming flow of information has seen the emergence of vast amounts of contradictory, unreliable, false, and harmful information to society and the state. In some cases, such information is shared due to ignorance or a poor understanding of the topic, but in others, this activity is planned, organized, and purposeful. Such deliberately spread information, depending on its sources, nature, distinctive features, goals, and impact, can be considered disinformation, propaganda, or fake news. One of the most recent cases in Lithuania, where society was affected by false and dangerous information, involved thousands of emails and messages about bomb threats in schools and other institutions or facilities. The information attack began on October 13, 2023, during which messages were received from foreign email addresses claiming that various

[2] Ibid.

[3] Ibid.

[4] Constitution of the Republic of Lithuania, LRS.LT, available from: https://www.lrs.lt/home/Konstitucija /Konstitucija.htm, accessed 6 November 2023.

[5] European Convention on Human Rights, ECHR.COE.INT, Available from: https://www.echr.coe.int/do cuments/d/echr/convention_lit. Accessed 6 November 2023.

[6] „Lietuvos Respublikos Konstitucinio Teismo 2005 m. rugsėjo 19 d. nutarimas byloje Nr. 19/04" (Decision of the Constitutional Court of the Republic of Lithuania dated September 19, 2005, in Case No. 19/04), LRKT.LT, Available from: https://lrkt.lt/lt/teismo-aktai/paieska/135/ta244/content, accessed 6 November 2023.

institutions were supposedly mined. As it later turned out, this problem was not confined to Lithuania. Identical threatening messages reached institutions in other Baltic states, as well as in Finland and Poland.

Often, disseminators of false and harmful information, if identified, cloak themselves under the guise of freedom of expression. However, both Article 25, paragraph 4 of the Constitution, which states that: „Freedom to express beliefs and disseminate information is incompatible with criminal acts - incitement to national, racial, religious, or social hatred, violence, and discrimination, as well as disinformation"[7], and the practice of the CCRL indicates that „the freedom to seek, receive, and disseminate information is not absolute"[8].

So, today, more than ever, it is crucial to discuss the tools of information warfare - disinformation, propaganda, and fake news - the threats posed by these phenomena to the security of Lithuanian society, actively seeking to thwart these processes through existing legal means, and exploring new ways to combat harmful, false, damaging, and destabilizing information for public security.

Goals and objectives of the research. The goal of this study is to reveal the issues surrounding the prevention of the phenomenon of information warfare through legal means.

To achieve this goal, the following objectives are raised:

1. Present the phenomenon of information warfare and identify instances of disinformation, propaganda, and fake news in the Lithuanian information space.

2. Evaluate the legal possibilities for countering disinformation, propaganda, and fake news provided for in the legislation of the Republic of Lithuania and international legal acts.

3. Assess the impact of information warfare on the security of Lithuanian society.

Methodology of the Research. The research involves an analysis of legal acts aimed at identifying legal norms regulating the spread of disinformation, propaganda, and fake news, as well as measures for their prevention and counteraction. The effectiveness of such legal norms is also assessed. A qualitative study was conducted through semi-structured interviews with individuals possessing expertise in disinformation, propaganda, and fake news, as well as methods for combating these phenomena and fostering resistance to them. To investigate the impact of disinformation, propaganda, and fake news on societal security, a qualitative study was conducted through semi-structured expert interviews, involving three individuals who are experts in the fields of informational warfare, threats, and propaganda at the state level. Interviews with two experts were conducted remotely via the „MS Teams" platform, while one interview was conducted in person. The interviewees were as follows: 1) Dr Mantas Martišius, an expert in informational warfare and propaganda, Associate Professor at the Faculty of Communication at Vilnius University, and former Chairman of the Lithuanian Radio and Television Commission; 2) Dr Viktor Denisenko, an expert in informational warfare and propaganda, researcher and lecturer at the Faculty of Communication at Vilnius University, and Associate Professor at the Global Politics Research Group of the Lithuanian Military Academy; 3) Laurynas Kasčiūnas, former Chairman of the National Security and Defense Committee of the Seimas of the Republic of Lithuania and Member of Parliament, who was appointed as the Minister of National Defense of the Republic of Lithuania on March 25, 2024, during the writing of this master's thesis, following Arvydas Anušauskas' resignation from office. Respondents were asked 6 questions. The responses of the respondents are not individually analyzed in the article; they are used as an additional source of information when analyzing specific legal issues.

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[7] The Constitution of the Republic of Lithuania, *supra note*, 4.
[8] Constitutional Court of the Republic of Lithuania, *supra note*, 6.

Phenomena of Information Threats and it's Appearance in Lithuanian Information Area

Information warfare is a strategy aimed at achieving an information advantage over an adversary. It involves controlling and safeguarding one's own information space while simultaneously acquiring and exploiting the opponent's information, dismantling their information systems, and disrupting their information flow. Although not a new concept, information warfare incorporates innovative aspects due to technological advancements, leading to faster and more widespread dissemination of information. Currently, interest in information warfare has surged due to the Russian-Ukrainian conflict and Russia's annexation of Crimea in 2014. Russia has been shaping perceptions among Ukrainians and the international community to promote its own narrative. This was accomplished through traditional media controlled by the Russian government and social media platforms, which served as operational grounds for troll factories. (Aro, 2016; Buciunas, 2021; Macdonald, 2006; Thomas, 2014; Thornton, 2015).

„Although propaganda is a relatively stable phenomenon, life itself is changing too rapidly and radically to describe the situation using terms that emerged just a century ago. Today, its propaganda is part of other, broader processes..."[9] The same can be said about disinformation and fake news, as discussed earlier, as they can be identified as parts or elements of propaganda. As information flows inexorably increase, they occupy more and more space in society's life, and dependence on information and its importance in the modern world only grows. *„This means that through information, we can have a greater impact."*[10] In the age of technology, *„information has become one of the essential weapons, and skillful manipulation of it can be considered as a separate form of warfare"*[11]. These days, while listening to the news or following updates about conflicts happening around the world, we can practically hear the term "information warfare" every day.

Information warfare is a general term used to describe new forms of warfare and is one of the broader processes mentioned earlier. *„Information warfare can be defined and understood in two ways: as cyber warfare (actions of programmers aimed at influencing or damaging information infrastructure) and as psychological warfare (the use of false news to influence people's thinking)"*[12] Propaganda with all its means and variations is considered an integral part of information warfare. M. Martišius describes information warfare as actions used to influence other states or adversaries[13]. The scientist gives a broader meaning to the concept, stating that such warfare *„consists of psychological operations, electronic warfare, military deception, disruption of physical information dissemination means, information attacks, and*

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[9] Viktor Denisenko, „Informaciniai karai ir propaganda: iššūkiai ir tikrieji pavojai" (iš paskaitos #LEAD cikle, Vilnius, 2019 m. rugsėjo 19 d.) (Viktor Denisenko, "Information Wars and Propaganda: Challenges and Real Threats" (from the #LEAD lecture series, Vilnius, September 19, 2019)), Available from: https://www.youtube.com /watch?v=lR3TXBZ8PYo , accessed 6 February 2024.

[10] Ibid.

[11] Ibid.

[12] Viktor Denisenko, „Informaciniai karai ir propaganda: iššūkiai ir tikrieji pavojai" (iš paskaitos #LEAD cikle, Vilnius, 2019 m. rugsėjo 19 d.) (Viktor Denisenko, "Information Wars and Propaganda: Challenges and Real Threats" from the #LEAD lecture series, Vilnius, September 19, 2019)), Available from: https://www.youtube.com/watch?v= lR3TXBZ8PYo, accessed 6 February 2024.

[13] Mantas Martišius, *(Ne)akivaizdus karas: nagrinėjant informacinį karą ((Non)Obvious War: Exploring Information Warfare)* (Vilnius: Versus Aureus, 2010).

defense measures. These means, aimed at different results, can be used separately or in combination". The reality and dangers of information warfare have also been recognized by the European Parliament, which in 2016 adopted a resolution „On the European Union's strategic communication to counteract third-party propaganda directed against it"[14], by doing so, the European Parliament acknowledged the threats posed by propaganda and specifically identified Russia as a source of it. *„With this document, the European Parliament expressed its public position and agreed that propaganda directed against the EU by terrorist organizations such as DAESH and Russia is dangerous"*[15], furthermore, the European Parliament outlined the European Union's strategy to counteract propaganda. V. Denisenko asserts that „the power of information warfare is immense. Even if you personally deny war and do not wage it, it does not mean at all that it will not involve you*"*[16]. Going even further, it should be noted that information warfare is part of a broader phenomenon - hybrid warfare, during which political confrontation, conventional warfare, information warfare, intervention in another state's elections, and other non-traditional methods of harming another state can converge into one entity. Finding a single definition for hybrid warfare can be said to be impossible due to its diversity, the use of unconventional methods, and unpredictability. The Cambridge Dictionary provides the following definition of hybrid warfare: *„the use of various methods to attack an enemy, for example, spreading false information or attacking computer systems, together with or instead of traditional military action"*[17]. The recent hybrid attack by Belarus against Lithuania - the illegal influx of migrants, along with the dissemination of false information about the situation through propaganda channels - perfectly illustrates how unpredictable hybrid warfare can be. Staying on topic, it can be said that Lithuania is not only the target of isolated propaganda, disinformation campaigns, or false news but is also the target of much broader and inherently more dangerous processes.

According to V. Denisenko, *„encountering information or propaganda attacks is not a new experience for Lithuania"*[18] and our state *„experiences constant information tension"*[19], whose main source is Russia. *„Russia has applied the principles of information warfare, which are increasingly talked about today, towards the Baltic states for almost the entire period since the collapse of the Soviet Union"*. This is confirmed by the State Security Department (SSD), which states in its published „National Security Threat Assessment" that *„Lithuania remains a target of Kremlin propaganda"*[20]. Despite restrictions on propaganda dissemination in Lithuania (previously mentioned ban on systematically broadcasting Russian channels spreading disinformation), the latter continues its activities, *,maintaining contact with individuals who produce content for them"*, and in turn, they *„gather information to produce propaganda products"*. True, they are more often used in propaganda campaigns aimed at the Russian domestic audience, and their impact on the Lithuanian society is minimal. For this

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[14] European Parliament resolution of 23 November 2016 on EU strategic communication to counteract propaganda against it by third parties (2016/2030(INI)), available from: https://www.europarl.europa.eu/doceo/document/TA-8-2016-0441_LT.html, accessed 6 February 2024.
[15] Ibid.
[16] Denisenko, *supra note*, 12.
[17] Cambridge Dictionary, *Hybrid Warfare*, available from: https://dictionary.cambridge.org/dictionary/english/hybrid -warfare, accessed 6 February 2024.
[18] Denisenko, *supra note*, 77.
[19] Denisenko, *supra note*, 1: 87.
[20] Valstybės saugumo departamentas (State Security Department) (2023), *National Threat Assessment. 2023*. available from: https://www.vsd.lt/wp-content/uploads/2023/03/National-threat-assessment-2023_EN_for_down load.pdf, accessed 6 February 2024.

reason, „*pro-Kremlin propagandists often use narratives oriented towards Western societies in products intended for the Lithuanian audience*", in some cases, they even create campaigns specifically for the Lithuanian audience. Properly identifying and naming them is crucial for effectively responding to and suppressing informational attacks. Therefore, in the following sections of the study, the most frequently observed propaganda and disinformation messages and fake news publications in the Lithuanian information space are analyzed, along with prevailing narratives. Due to the enormous amount of harmful information in the public domain, the study provides examples observed in the Lithuanian and international public spheres since January 1, 2022.

„**Economic and energy blackmail**" *(Implementers of the Kremlin's information policy attempt to convince Western societies that due to the international sanctions imposed on Russia, the West suffers more damage than Russia, and European states that refuse to buy Russian energy resources will undermine their economies and fail to meet the essential needs of their citizens.)* "[21]. This narrative is easily refuted by the strategically significant liquefied natural gas (LNG) terminal-ship project "Independence" and its successful operation, as well as Lithuania's rapid progress towards complete energy independence. At present, our country produces almost half of its consumed electricity, and according to the Ministry of Energy press release, Lithuania will be able to fully supply itself with electricity as early as 2027.[22] Furthermore, the European Union's decision to reduce energy dependence on Russia is based on a proper assessment of its energy resources as well as hybrid warfare tools and threats. Former Prime Minister of Poland Mateusz Morawiecki referred to the Nord Stream 2 gas pipeline as a weapon of Russia's hybrid warfare during the NATO Parliamentary Assembly on May 28, 2018[23].

„**Dividing Western states**" *(Russian propagandists draw attention to disagreements among European states, aiming to fuel discord between the US and the EU, as well as between Western and Eastern European states on matters of war. Supporters of Kremlin's policy in the Lithuanian information space spread disinformation that Poland, which began strengthening its defense after Russia's invasion of Ukraine, poses a threat to Lithuania's independence and territorial integrity.)* "[24] Such messages undoubtedly do not reflect reality. The relations between Lithuania and Poland amid the war in Ukraine are strong. Both countries clearly recognize and identify the aggressor, enhance their defense capabilities, and consult with each other. This is also evidenced by frequent meetings of the state leaders. In a press release issued by the Communication Group of the President of the Republic of Lithuania, it is stated that on January 21, 2024, Gitanas Nausėda met with the President of Poland, Andrzej Duda, who visited Lithuania, and „*discussed bilateral cooperation in defense, the security situation in the region, and the course of Russia's war in Ukraine, as well as issues related to support for Ukraine*"[25].

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[21] Ibid.

[22] 15min, „Lūžio taškas nacionalinėje energetikoje – pasigaminame beveik pusę poreikio" (15min, „Turning Point in National Energy - We Produce Almost Half of the Demand"), 15MIN.LT, available from: https://www.15min.lt /verslas/naujiena/energetika/luzio-taskas-nacionalineje-energetikoje-pasigaminame-beveik-puse-poreikio-664-2181774, accessed 7 February 2024.

[23] „Polish PM Calls Nord Stream 2 'Weapon' Of Hybrid Warfare", RFERL.ORG, available from: https://www.rferl.org/a/polish-pm-calls-nord-stream-2-weapon-of-hybrid-warfare/29255392.html , accessed 10 February 2024.

[24] State security Department, *supra note*, p. 63.

[25] Lietuvos Respublikos Prezidento komunikacijos grupė, „Prezidentas: Lietuva ir Lenkija sutarė plėsti bendradarbiavimą gynybos srityje" (Office of the President of the Republic of Lithuania, "President: Lithuania and Poland Agreed to Expand Cooperation in Defense Sector"), LRP.LT, available from:

„The negative image of Ukraine, its armed forces, and the Ukrainian people" (*At the beginning of the Russian invasion of Ukraine, Russian propagandists spread a narrative that Western military assistance would only prolong the war, while the Russian armed forces would inevitably achieve victory and occupy the entire country. Later, after Russia suffered military defeats and parts of Ukrainian territory were liberated, supporters of Kremlin policy in the Western media began to spread false news that Ukraine allegedly sells received military aid to third countries or even to Russia.).*"[26] The fact that this narrative doesn't resonate with the Lithuanian society at all is evidenced by the overwhelming support of the country's population for Ukraine and the military, humanitarian, and social assistance to it and its people. From the first day of Russia's war in Ukraine to the present day, Lithuanian people have been actively participating in support actions for Ukraine, donating money, cars, goods, and special equipment. Particularly noteworthy are large-scale support campaigns organized by activists and major Ukraine aid funds. During one such campaign, people donated five million euros in three days for the purchase of an unmanned aerial vehicle "Bayraktar TB2", which was eventually donated by the manufacturers. With the funds collected, other important equipment was purchased, armed, and handed over to Ukrainian soldiers after coordination. Naturally, such an action attracted echoes of Russian propaganda – jokes were made that ,the poor have collected bandages for a corpse", and even before the drone reached Ukraine, it was announced that it had already been shot down by Russian military forces. To the aggressor's misfortune, such an informational attack only strengthened people's resolve to donate, and shortly after the end of the campaign, its initiator, journalist, activist, and founder of „Freedom TV" Andrius Tapinas, received questions about when the next support campaign would be announced. He stated that „*the story of buying 'Bayraktar' became like a plaster for our somewhat divided society*"[27]. Following were such large-scale aid campaigns as: „*Radarom*!" – during which more than 14 million euros were collected for the purchase of radars to help protect the Ukrainian skies; „*Magyla*" – an action aimed at helping Ukraine acquire drone systems (more than 400 thousand euros were collected); „*Legion of Boom*" – a support campaign for the purchase of drone kamikazes (about 1.7 million euros were collected); „*Gift for Putin*" – on the occasion of the Russian dictator's birthday, A. Tapinas called for donations, which were later used during other campaigns (about 380 thousand euros were collected); „*Black Friday*" – in response to the Ukrainian President's call to support the Ukrainian Navy's development of Maritime drone fleet, people donated about 530 thousand euros, and adding the funds from „*Gift for Putin*", over 900 thousand euros were allocated for drones; „*Sleepless*" – funds were collected by "Laisvės TV" for together with Ukrainian military implemented plan acquiring the necessary equipment and over 800 thousand euros worth of anti-drone systems and mine initiators were handed over to Ukrainians.[28] The unbreakable Lithuanian ambition to help

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https://lrp.lt/lt/prezidentas-lietuva-ir-lenkija-sutare-plesti-bendradarbiavima-gynybos-srityje/41940, accessed 7 February 2024.

[26] State Security Department, *supra note*, p. 63.

[27] Vismantas Žuklevičius ir Deividas Jursevičius, „Tapinas: „Bayraktar" pirkimo istorija tapo pleistru mūsų visuomenei, planuose – žadą atimanti nauja tarptautinė akcija" (Vismantas Žuklevičius and Deividas Jursevičius, "Tapinas: 'Bayraktar' Purchase History Became a Flashpoint for Our Society, Plans Include a Promise-Renewing New International Action"), LRT.LT, available from: https://www.lrt.lt/naujienos/lietuvoje/2/1716531/tapinas-bayraktar-pirkimo-istorija-tapo-pleistru-musu-visuomenei-planuose-zada-atimanti-nauja-tarptautine-akcija, accessed 7 February 2024.

[28] VšĮ „Laisvės TV" Ukrainai organizuotos pagalbos tarpinė ataskaita (Interim Report on the Assistance Organized by the Public Institution "Freedom TV" to Ukraine), available from: https://laisves.tv/ukrainai/, accessed 7 February 2024.

Ukraine is confirmed by the fact that during the writing of this study, the aid campaign „*Radarom*!" has been revived for the second time. This time, the money is being donated to purchase "safe soldier kits" for Ukrainian soldiers, which include night vision monoculars, laser sights, and individual anti-drone systems. As of today, the total amount raised in this campaign exceeds 1.9 million euros, all this is without mentioning the constant and regular contributions of people to the activities of both large and smaller Ukrainian aid organizations and other assistance provided to Ukrainians. For example, the „*Strong Together*" initiative - aid for Ukrainians fleeing war. On the official website, it is stated that Lithuanian people have already offered over 10,000 accommodations and over 5,000 rides from the state border.[29] So, it's obvious that Russian propaganda not only fails to undermine the trust of Lithuania's population in Ukraine's armed forces and the Ukrainian nation itself, but it further encourages support for the attacked state and assistance to its people.

„Expansionist History Narrative" (Russian expansionist policy is justified by a historical narrative based on manipulations about the Soviet victory over Nazi Germany. This narrative proclaims the Kremlin regime's fabricated exclusive rights to control the post-Soviet space, and aggressive policies and military actions are justified by the necessity to defend these rights. Vladimir Putin compared Russia's war against Ukraine to the campaigns of Tsar Peter I, claiming not to seize but allegedly to reclaim territories rightfully belonging to Russia. The necessity to attack the Kremlin was explained by their fabricated defensive goals to „demilitarize" and „denazify" Ukraine, as it allegedly poses a threat to Russia's security)"[30]. It's paradoxical that this idea, based on the victory over Nazi Germany in World War II, essentially echoes its propagated „living space" theory. Like Hitler's Germany, Putin's Russia sees around itself only potential or existing enemies who „pose a threat", „seek Russia's downfall", „attempt to destroy traditional values", and so on, and the only way to neutralize such perceived threats is through various forms of aggression and wars, expansion, occupation, and imposition and consolidation of its worldview. At the time of the writing this research, United States journalist Tucker Carlson, who has controversial views, visited Moscow on February 6, 2024, and interviewed Russian President Vladimir Putin, with the video of the conversation being posted on his „Youtube" channel for video sharing. The video recording from February 16, 2024 has been viewed more than 17 million times. It's hard to call the visible interaction between the two men a journalistic interview because for the entire two hours, the journalist simply allows the Kremlin leader to distort and even fabricate historical facts (for example, V. Putin claims that Ukrainian President V. Zelensky's father fought against Nazi Germany as part of the Soviet Army during World War II, even though Zelensky's father, Oleksandr Zelensky, was born in 1947. This is just one of many lies told by Putin, which is easily refuted). We hear familiar propaganda stories about the non-existent Ukrainian state, the existence of Nazis and neo-Nazis in it, and NATO aggression against Russia. However, during the interview, we also „learn" new historical circumstances. V. Putin claimed that the Grand Duchy of Lithuania could actually be called the Grand Duchy of Russia because supposedly the main language spoken there was Russian, and the Grand Duchy itself was founded by Russians. Such distortion of historical facts should be taken very seriously. This can be understood as a message that Russia considers the former territory of the Grand Duchy of Lithuania to be its historical lands, as this logic also justifies the invasion of Ukraine.

„Violations of the Rights of Russian Speakers" is a prevalent narrative in Russian propaganda. In Lithuania, as in many other former Soviet states, there are many Russian

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[29] Stiprūs kartu (Stromng Together), available from: https://stipruskartu.lt/lt/, accessed 7 February 2024.

[30] Valstybės saugumo departamentas (State Security Department), *supra note*, p. 62.

speakers, so propagandists find it easy to twist any idea to supposedly violate the rights of Russian speakers and play the role of savior or seeker of justice. It's obvious that there are no real violations of the rights of Russian speakers, and such accusations coming from a state where individuals who disagree with the regime's worldview are detained and even beaten by special service officers during protests, facing real sentences of imprisonment, sound surreal. However, this does not matter to the Kremlin, as this narrative is aimed at the domestic market and seeks to turn the Russian society against the Baltic states, portraying them as aggressors, oppressors of minorities, and enemies.

„The War in Ukraine was Provoked by NATO". The Kremlin spreads this story as a justification for the invasion of Ukraine. It is claimed that the allegedly aggressive expansion of NATO left Russia no choice but to defend itself, but an informed person who hears real information knows that NATO is a defensive alliance, and it is impossible to see provocations or aggression in either the statements or actions of its highest officials. Independent and sovereign states are free to decide whether to join the alliance, and such a decision is a matter for those states, not a process of satisfying the preferences of the aggressor Russia.

„Falsification of the History of the Baltic States and Other Former Soviet Influence Sphere States". The Kremlin actively spreads false historical narratives to maintain the false understanding of history implanted in the Russian society and to change the understanding of past events by the inhabitants of other states affected by the propaganda. The Russian propaganda machine constantly falsely explains that Lithuania and other states voluntarily joined the Soviet Union, that there was no Soviet occupation at all, and that the partisans who fought against the occupiers and sought the freedom of their countries were nothing but former Nazis who stayed behind after the end of World War II and create and spread other versions of history that have nothing to do with reality, which they try to present as objective truth.

As mentioned earlier, the discussed propaganda narratives of the Kremlin do not affect the absolute majority of Lithuanians and are rather aimed at shaping the mindset of Russian residents, seeking to justify the difficulties arising from war, sanctions, and state isolation to the aggressor state itself and blame the West for them. However, such narratives still resonate to some extent in our country. Russian propaganda narratives are repeated, supported by those who spread lies, and various marginal actors create similar types of stories. One could question the motives of such individuals, their sources of financing, and the alignment of their personal worldview with the ideas they spread, but one cannot ignore their actions and the threats they pose. The main messages of information warfare spread in Lithuania are related to: 1) spreading propaganda, disinformation, lies, and doubts about the war in Ukraine; 2) discrediting the Ukrainian government, army, and Ukrainian aid organizations; 3) criticizing, belittling, and mocking Lithuania's and other Western countries' positions towards Russia; 4) justifying Russia's aggressive foreign policy, denying war crimes; 5) discrediting the democratically elected government of the Republic of Lithuania and the EU, with ideas and calls to leave the union; 7) denigration of sexual minorities. Sharing harmful information to the state and society as never before empowers modern technology. A significant part of individuals engaged in anti-state activities have created their own websites, accounts on social networks, or both, through which the actors can spread misinformation that does not reflect reality in an instant. This information is disseminated in huge quantities – for example, on the „KomentarasTV" channel alone, about 30 videos were uploaded in the first month of 2024, practically one video every day, and their views range from 3,500 to 50,000. Such viewing figures, compared to the entire population of Lithuania, may seem small, and it may seem that there is no danger, but this would not be a completely accurate assessment. Any idea, essentially, is dead until it is silent

and unheard, but once an „*idea enters the communication field, it is as if legitimized*"[31]. This doesn't mean that the information expressed is accurate or legitimized from a legal standpoint, but „*if an idea starts to circulate freely and widely, the audience accepts it as appropriate to discuss*"[32], it is shared. Furthermore, social media provides an extremely favourable environment for propagandists and enables them to create the illusion of the majority. Even if one website or channel is closed due to overt dissemination of misinformation, nothing stops an individual from creating others. Moreover, the creation of fake accounts becomes a significant issue as their numbers are virtually unlimited. People creating these accounts can lie, provide different information, and manage not just one or two but several different social media accounts where false information is shared. An example of this is the so-called Russian „Troll Factory", where employees create hundreds of nonexistent profiles[33], with the goal of sharing false information and „*persuading other platform users that the majority of social media users support precisely this position*"[34]. Such an illusion is also facilitated by the advertising service offered by social media platforms (known as „boosting"), which, for a small fee, elevates a posted post above others in the news feed, showing it more frequently to a wider audience. Utilizing such a service, a post can even be highlighted or presented in a more visually appealing manner than usual.

So, it can be said that a significant amount of attention is devoted to propagandistic narratives directed towards the Lithuanian state and its society, including the romanticization of the Soviet era, the dissemination of disinformation on Russia's war in Ukraine, and the exaggeration and escalation of various ongoing political and social processes and disagreements, which in a democratic state are inherently understandable, natural, and normal phenomena. Through such actions, the aim is to depict the Republic of Lithuania as a failed state, suggesting that it has achieved nothing during its years of independence.

Legal Measures to Combat Information Threats

It is noticeable that there is a dangerous tendency when some Lithuanian politicians share or repeat disinformation messages in the information space. Such a situation must be taken very seriously because a politician can no longer be considered just an actor with marginal views - they are elected representatives of the public, authorities to a greater or lesser extent to their electorate, and people tend to trust the information they share, even if it is incorrect and aligns with narratives spread by the Kremlin. One such politician who actively shares misinformation on social media is Remigijus Žemaitaitis, a member of the Seimas of the Republic of Lithuania. One of his most notable missteps, which led to legal consequences, occurred on July 11, 16, and August 9, 2022, in posts on the social network *Facebook*, where the member of the Seimas claimed that during the support actions for Ukraine initiated by the public institution „LaisvėsTV", where funds were collected for the purchase of the combat drone „Bayraktar TB2", the funds were collected opaquely, and the founder of „LaisvėsTV", Andrius Tapinas went to the United States to play poker with the collected money and lost it there. Due to these and other statements made in the posts, Andrius Tapinas, a public figure, and his established public institution „Laisvės TV" filed a lawsuit against R. Žemaitaitis in the Klaipėda district court, „*requesting that the information disseminated by R. Žemaitaitis about the support actions organized by his public institution, himself, regarding Ukraine (statements about fundraising*

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[31] Martišius, *supra note 13*, p. 48.
[32] Ibid.
[33] Martišius, *supra note*, 13, p. 193
[34] Ibid.

for the purchase of the combat drone „Bayraktar", alleged losses of money by A. Tapinas, etc.) be recognized as not corresponding to reality, demeaning the dignity and honor of the individual, and damaging the business reputation of „Laisvės TV"[35]. Although the member of the Seimas argued in court that „*in his comments about possibly „misused thousands" mentioning „Andriukas"*, he did not mean A. Tapinas and „*by raising questions about the transparency of support actions for Ukraine, he simply sought to promote the common good, that is, to exercise control over the use of support*", the court spoke unequivocally and firmly. „*It was established that, although the information presented was attempted to be presented as an opinion, using the interrogative form, the word „possibly", however, after analyzing the entire content of the posts, the court concluded that the information presented has clear features of factual statements, therefore, it recognized that the information presented in those posts qualifies as news, not opinion.*"

So, „the court acknowledged that R. Žemaitaitis publicly disseminated information on his Facebook profile about the plaintiffs that did not correspond to reality, which denigrates the honor and dignity of A. Tapinas and the business reputation of „Laisvės TV", and obligated the defendant on the *Facebook* social network to publish a refutation message denying the information that does not correspond to reality within two weeks from the date of entry into force of the court decision, which must remain on the defendant's profile on the *Facebook* social network for an unlimited time, and to remove (delete) the relevant posts. Additionally, the court decision awarded A. Tapinas 2,000 euros and „Laisvės TV" - 1,000 euros in compensation for non-pecuniary damage"[36]. Indeed, the Member of Parliament appealed this court decision to the appellate court, stating that „he did not publish any misleading or factually inaccurate information about the plaintiffs on his profile, but merely expressed his opinion."[37]. The Klaipėda District Court, by its decision, rejected the appeal of Member of Parliament Remigijus Žemaitaitis and upheld the ruling of the first-instance court, acknowledging that R. Žemaitaitis had exceeded the limits of freedom of expression, and his statements published on Facebook undermined the honor and dignity of A. Tapinas and the business reputation of „Laisvės TV"[38]. It is likely that this legal process and its final outcome will have significant implications for evaluating false information spread on social media, even when done by members of Parliament. Currently, several legal proceedings are underway related to the previously mentioned pro-Kremlin statements disseminated by individuals in the information space about Ukrainian aid organizations and their activities. It is conceivable that all these processes could dismantle this, so beloved by propagandists, ,shield of freedom of speech".

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[35] Gytis Pankūnas, „Teismas: Žemaitaičio paskleista informacija apie Tapiną ir „Laisvės TV" neatitinka tikrovės, žemina garbę ir orumą" (Gytis Pankūnas, "Court: Žemaitaitis' Disseminated Information about Tapinas and 'Freedom TV' Does Not Correspond to Reality, Degrades Honor and Dignity"), LRT.LT, available from: https://www.lrt.lt/naujienos/lietuvoje/2/2149714/teismas-zemaitaicio-paskleista-informacija-apie-tapina-ir-laisves-tv-neatitinka-tikroves-zemina-garbe-ir-oruma , accessed 13 February 2024.

[36] Ibid.

[37] Ingrida Steniulienė, „Žemaitaitis prašo panaikinti teismo sprendimą dėl Tapino šmeižimo" (Ingrida Steniulienė, 'Žemaitaitis Requests Repeal of Court Decision Regarding Smearing of Tapinas'"), LRT.LT, available from: https://www.lrt.lt/naujienos/lietuvoje/2/2181467/zemaitaitis-praso-panaikinti-teismo-sprendima-del-tapino-smeizimo, accessed 13 February 2024.

[38] „Klaipėdos apygardos teismo 2024 m. balandžio 18 d. nutartis civilinėje byloje Nr. e2A-381-618/2024" (Decision of the Klaipėda District Court on April 18, 2024, in Civil Case No. e2A-381-618/2024), LITEKO.TEISMAI.LT, available from: https://liteko.teismai.lt/viesasprendimupaieska/tekstas.aspx?id=106c39b1-5db3-466d-a114-6764a 77a45fe accessed 14 May 2024.

Both in the mentioned example and generally recently, it has been observed that individuals spreading false information or promoting a propaganda narrative, while using the word „possibly", hope that freedom of speech, ensured by democracy, will protect them from legal liability. Indeed, freedom of speech and expression is one of the fundamental values of the democratic world, allowing individuals to think, reason, and not fear persecution for a different view of the world. Such rights are enshrined in the Constitution of the Republic of Lithuania, as well as in articles of the European Convention on Human Rights (Article 19) and the Universal Declaration of Human Rights (Article 19). In the aforementioned article of the Declaration, it is stated that „*Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance*"[39]. In Article 19, paragraph 2 of the Covenant, it is stipulated that „Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice", while paragraph 3 states that „The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order, or of public health or morals "[40].

It is evident that following the aforementioned documents and the previously presented practice of the Constitutional Court of the Republic of Lithuania - where the Court clearly stated that freedom of expression is incompatible with criminal activity - freedom of speech is not entirely absolute, and there are grounds under which it can be restricted. This is illustrated by the aforementioned case where the transmission of Russian television channels was suspended for the deliberate dissemination of misinformation and propaganda.

The grounds for restrictions in legal regulation are quite broad, especially in the formulation of the Pact, where rather abstract concepts of state security, public order, and morality of the population are used, therefore „*in reality, the prohibition can encompass almost everything*"[41], however, „*it is worth noting that [...] the issues of various prohibitions and restrictions seem fundamentally debatable to most experts*"[42]. Since „*propaganda is not exclusively a tool used in war*"[43], rather „*an everyday companion to people's civilian lives*"[44] (in light of examples of white propaganda shaping public opinion on health, addiction, or other issues), international documents do not explicitly state that propaganda and disinformation should be prohibited.[45]. Prohibition is only explicitly provided for overt wartime propaganda. Although the prohibition of disinformation is stipulated in national legislation, it cannot be said that the issue is resolved. In international documents, which, upon ratification, become part of Lithuania's legal system, disinformation is not explicitly prohibited[46].

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[39] Visuotinė žmogaus teisių deklaracija (Universal Declaration of Human Rights), LRS.LT, available from: https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.278385, accessed 13 February 2024.
[40] Ibid.
[41] Martišius, *supra note*, 13, p. 56.
[42] Denisenko, supra note, 12, p. 114.
[43] Martišius, *supra note*, 13, p. 56.
[44] Ibid.
[45] Ibid.
[46] Ibid, p. 63.

If propaganda and disinformation are essentially not prohibited, the question remains: what to do with individuals who, under the guise of freedom of speech and utilizing the opportunities of social media, spread falsehoods? The OSCE Representative on Freedom of the Media, overseeing how member states ensure the principles of media freedom, along with representatives from other organizations, has adopted a joint declaration on freedom of expression and false information, disinformation, and propaganda. This document stipulates that restrictions on freedom of expression are only permissible if they comply with international law and the requirements of the Pact. The declaration states that „*generalized prohibitions on disseminating information based on vague and ambiguous ideas, including „falsehoods" or „biased information", are incompatible with international standards on restrictions to freedom of expression and should be repealed*."[47]. So, it's meant to say that even individuals clearly sharing falsehoods cannot be restricted, as it would not align with international standards of freedom of expression. International organizations, in publishing this document, assert that, in their opinion, „*freedom of speech is a greater and more important value than the threat posed by propaganda*"[48], and measures to stop it do more harm than good.

While such a perspective might hold during times of peace, can it be endorsed during the largest military conflict in Europe since World War II? One could argue that „*the spread of propaganda and falsehoods [...] is a price paid by democratic nations for everyone's right to freely express opinions and thoughts*"[49], but given the context of the Russian-instigated war in Ukraine, where the aggressor, deeply entrenched in the conflict, openly threatens that the next targets could be the Baltic states, propaganda, disinformation, and falsehoods spread by Russian channels and affiliated individuals should be viewed as threats of exceptional magnitude. The mere existence of these threats should be sufficient grounds for prioritizing their management and prevention over the abuse of freedom of expression and speech.

It's ironic that those spreading harmful information often exploit the very values protected by democracy—freedom of speech and expression. However, even these values cannot always shield individuals from openly disseminating dangerous information. In the jurisprudence of the European Court of Human Rights (ECHR), there have been cases where the Court clearly delineated the circumstances under which the freedom of expression guaranteed by Article 10 of the European Convention on Human Rights (ECHR) reaches its limits. In the decision of October 15, 2015, in the case of Perinçek v. Switzerland, the ECHR stated that in exceptional cases, when it is clearly evident that statements made conflict with the values protected by the ECHR, and when the use of Article 10 of the ECHR, which guarantees freedom of expression, deviates from its true purpose, the criteria for freedom of expression are not applicable, guided by Article 17 of the Convention[50].

As an example, denial, justification, or endorsement of international crimes can be cited, as it was precisely due to the denial of the Armenian Genocide that a Turkish nationalist political activist, Doğu Perinçek, was convicted in Switzerland. He appealed to the European Court of Human Rights (ECHR) for violation of freedom of expression. Although the violation of freedom of expression was established in that ECHR case, this established principle became particularly important when similar cases were considered in national courts. Lithuania is no

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[47] Ibid.

[48] Ibid, p. 60.

[49] Ibid.

[50] „Europos Žmogaus Teisių Teismo Didžiosios Kolegijos 2015 m. spalio 15 d. sprendimas byloje *Perinçek prieš Šveicariją*" (Decision of the Grand Chamber of the European Court of Human Rights in the case Perinçek v. Switzerland, October 15, 2015), ECHR.COE.INT, available from; https://hudoc.echr.coe.int/eng#{%22 appno%22:[%2227510/08%22],%22itemid%22:[%22001-158235%22]}, accessed 30 March 2024.

exception. In cases where individuals are prosecuted for denying international crimes or expressing support for them, national courts rely precisely on this ECHR provision. The ECHR reaffirmed its previous practice in its decision of April 17, 2018, in the admissibility case of Roj TV A/S v. Denmark.[51]

In Denmark, a television company was convicted by national courts, and its license was revoked because some of the programs broadcasted on the channel advertised the Kurdistan Workers' Party, considered a terrorist organization in the EU, the US, Canada, and Australia. They portrayed their fighters as heroes and repeatedly incited viewers to join the organization and participate in the fighting. The television company appealed to the ECHR, claiming that freedom of expression had been violated. However, the Court reminded of its previous practice and emphasized that the channel's actions conflicted with the values protected by the ECHR, therefore, statements made and information broadcasted were not protected by the freedom of expression guaranteed by the ECHR. The television's appeal to the ECHR was dismissed by an inadmissible decision.

Thus, it can be said that international legal norms often ensure very broad limits to freedom of expression and do not even provide for the prohibition of disinformation or the dissemination of false, misleading information, or propaganda in general. However, even in those norms, certain exceptions are provided, as established by the ECHR practice. In the context of the war in Ukraine, it is natural to want to see as few messages discrediting the state fighting for its sovereignty. However, „Lithuania faces a double challenge here—not only to defend its information space but also to remain true to the values of liberal democracy*"[52].

In Article 19(2) of the Law on Public Information [53] The provisions prohibiting disinformation, due to the supremacy of ratified international documents, are „*more of a slogan than an effective legal norm*"[54]. In addition, for non-compliance with the prohibition of disseminating disinformation stipulated in the Law on Public Information, responsibility is envisaged only for public information providers or other persons who have entered into an agreement with the providers, namely, television or radio channel broadcasters and/or retransmitters, but not for individual natural persons who have access to a large audience through other channels (such as social networks or video-sharing platforms).

If liability for individuals is not provided for in the law, does such a legal norm exist in codified legislation? The Republic of Lithuania's Code of Administrative Offenses [55] (*further* – CAO) there is no mention of either propaganda, disinformation, or falsehoods. There, you won't even find a legal norm that superficially discusses any responsibility for individual persons for disseminating inaccurate information in the public space. The closest article in its content is Article 524, which provides for liability for the dissemination or demonstration of Nazi, communist symbols, symbols of totalitarian or authoritarian regimes, but this is not liability for

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[51] „Europos Žmogaus Teisių Teismo 2018 m. balandžio 17 d. sprendimas dėl priimtinumo byloje Roj TV A/S prieš Daniją" (Decision of the European Court of Human Rights on admissibility in the case Roj TV A/S v. Denmark, April 17, 2018), ECHR.COE.INT, available from: http://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-183289%22]} accessed 30 March 2024.

[52] Denisenko, *supra note*, 12, p. 114.

[53] „Lietuvos Respublikos visuomenės informavimo įstatymo pakeitimo įstatymas" 2006 m. liepos 11 d. Nr. X-752 (The Law Amending the Law on Public Information of the Republic of Lithuania). Valstybės žinios, 2006-07-27, Nr. 82-3254.

[54] Martišius, supra note, 13, p. 63.

[55] „Lietuvos Respublikos Administracinių nusižengimų kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo tvarkos įstatymas" (The Law on the Adoption, Entry into Force, and Implementation of the Code of Administrative Offences of the Republic of Lithuania), LRS.LT, available from; https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908 c0215b11e58a4198cd62929b7a/asr, accessed 19 February 2024.

the dissemination or support of propaganda narratives of such regimes. However, it is worth mentioning that Article 477 of the AOC provides for liability for non-compliance with decisions of the Radio and Television Commission of Lithuania. It is worth recalling the decision of the Commission, which banned the retransmission of such Russian and Belarusian television channels as „Planeta RTR", „Rossija 24", „NTV Mir", „Belarus 24", „PBK", and „TVCi". Therefore, if such a decision of the Commission were not followed and the channels continued to be retransmitted, administrative liability under the aforementioned Article 477, or Article 4 in case of repeated offences, would be applicable.

However, individual natural persons are not penalized administratively for propagandistic, disinformation statements, or spreading falsehoods. Direct prohibitions on propaganda, disinformation, or spreading falsehoods are not explicitly stated in the Criminal Code of the Republic of Lithuania[56] (*further* – PC), however, for this purpose, Article 170(2) of the Criminal Code „Public Approval of International Crimes, Denial, or Gross Trivialization of the Crimes of the USSR or Nazi Germany" could be applicable. This legal norm stipulates that, according to the mentioned article, liability is incurred by „those who publicly approved the genocide or other crimes against humanity or war crimes recognized by the laws of the Republic of Lithuania or by the decisions of Lithuanian courts or international courts, or denied or grossly trivialized them, if it was done in a threatening, insulting, or offensive manner or if public order was disturbed or could have been disturbed as a result, as well as those who publicly approved the aggression committed by the USSR or Nazi Germany against the Republic of Lithuania, the genocide or other crimes against humanity or war crimes committed by the USSR or Nazi Germany, or the very serious or serious crimes against the Republic of Lithuania or the very serious crimes against the inhabitants of the Republic of Lithuania committed by persons who participated in or committed aggression against the Republic of Lithuania in 1990-1991, or who participated in such aggression, or denied or grossly trivialized them, if it was done in a threatening, insulting, or offensive manner or if public order was disturbed or could have been disturbed." The sanction for such a crime is a fine or restriction of freedom, arrest, or imprisonment for up to two years, and legal entities are also liable for the actions provided.

The legal norm is comprehensive, so it is worthwhile to discuss it in more detail. Liability under Article 170(2) of the Criminal Code arises for 1) public approval of genocide or other crimes against humanity or war crimes recognized by the laws of the Republic of Lithuania or by the decisions of Lithuanian courts or international courts; 2) public approval of aggression committed by the USSR or Nazi Germany against the Republic of Lithuania, genocide or other crimes against humanity or war crimes committed by the USSR or Nazi Germany, or other very serious or serious crimes against the Republic of Lithuania or very serious crimes against the inhabitants of the Republic of Lithuania committed by persons who participated in or were involved in aggression against the Republic of Lithuania in 1990-1991. It is noteworthy that Paragraph 2 of Article 170(2) holds legal entities liable for such a crime. Criminal liability also arises for denying or grossly trivializing such crimes. There are also necessary conditions for liability under this article – the criminal act must be done in a threatening, insulting, or offensive manner, or the public order must have been or could have been disturbed, but the formal composition of the crime does not require the occurrence of consequences for liability to arise.

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[56] „Lietuvos Respublikos baudžiamojo kodekso patvirtinimo ir įsigaliojimo įstatymas. Baudžiamasis kodeksas" (The Law on the Adoption and Entry into Force of the Criminal Code of the Republic of Lithuania. The Criminal Code). 2000 m. September 26, No. VIII-1968. Valstybės žinios, 2000-10-25, Nr. 89-2741.

Analyzing the conditions, it can be understood that thoughts of this nature are evaluated as a violation of the law only when expressed aloud. No one will prohibit a person from engaging in such illegal activity as long as they do it quietly and do not share their thoughts with others. Otherwise, the state risks that attempts to restrict how a person thinks may be seen as a restriction of conscience freedom, which is prohibited by international legal acts and the Constitution, which declares in Article 26 that „Freedom of thought, belief, and conscience is inviolable".

Despite this, Article 170(2) of the Criminal Code can be understood as a powerful legal tool in the fight against propaganda, as the prohibited actions outlined in it correspond to some of the narratives spread by Russia's propaganda. For example, a person denying that Lithuanian partisans were killed on Soviet orders, the deportation of Lithuanian residents to Siberia, or supporting the narrative of „our people shot at our own" when referring to the events of January 13th could incur liability under Article 170(2) of the Criminal Code. However, as is customary in a state governed by legal principles, criminal law in the Republic of Lithuania is applied only as a last resort. It can be said that for this reason, there are not many such cases. In conducting a search for criminal cases under Article 1702 of the Criminal Code in the Lithuanian courts' information system „LITEKO" from January 1, 2018, to the present day (February 20, 2024), only a few cases were found.

One of the most notable examples is the verdict of the Klaipėda District Court dated May 14, 2019, in criminal case No. 1-253-659/2019, in which V. T. was convicted under Pargarph 1 of Article 170(2) of the Criminal Code, as well as under Paragraph 2 of Article 170 and Paragraph 2 Article 313), for „*publicly disseminating false assumptions capable of causing public ridicule or undermining the respect for the memory of the deceased A. R. – Vanagas; publicly denigrating and inciting hatred against a group of people, namely armed resistance participants – Lithuanian partisans, their supporters, and publicly grossly belittling the genocide committed by the USSR on the territory of the Republic of Lithuania against the armed resistance participants – Lithuanian partisans*"[57]. The court recorded that „V. T., on July 18, 2018, in the premises of the Klaipėda City Municipality, during the Finance and Economics Committee meeting, while discussing the issue of commemorating A. R. – Vanagas, stated to the committee members: „Do you really think it's worth commemorating such a person, for whom about 8 thousand peaceful citizens and children were murdered". From V. T.'s statement, it can be understood that it is implied that Lithuanian partisan leader Adolfas Ramanauskas–Vanagas is somehow directly linked to the deaths of several thousand peaceful individuals, including children. It was also established that V. T. continued his criminal actions on at least 15 occasions, specifically: he posted messages on his social network *Facebook* account stating that A. R. – Vanagas participated in „field" trials, personally handed down death sentences to peaceful Lithuanian residents; referred to A. R. – Vanagas as a „nationalist criminal" and „leader of a terrorist organization"; shared videos and articles on pro-Russian websites belittling the Lithuanian partisan movement and A. R. – Vanagas specifically, claiming that partisans were involved in the destruction of Lithuanian Jews, carried out mass killings; participated in debates on a Russian television channel where he allegedly expressed doubts about a monument related to 8 thousand murders and so on. The Court stated, that through such actions, V. T.

[57] „Klaipėdos apylinkės teismo 2019 m. gegužės 14 d. nuosprendis baudžiamojoje byloje Nr. 1-253-659/2019" (The judgment of the Klaipėda District Court on May 14, 2019, in criminal case No. 1-253-659/2019), LITEKO.TEISMAI.LT, available from: https://liteko.teismai.lt/viesasprendimupaieska/tekstas.aspx?id=15e8c9d0-83b6-432d-a144-27939e8b1dbb, accessed 20 February 2024.

publicly disseminated false assumptions capable of causing public ridicule or undermining the respect for the memory of A. R. – Vanagas; publicly denigrated and incited hatred against a group of people, namely armed resistance participants – Lithuanian partisans, their supporters, and publicly grossly belittled the genocide committed by the USSR on the territory of the Republic of Lithuania against the armed resistance participants – Lithuanian partisans. During the trial, the accused, V. T., did not admit his guilt and claimed that he was not responsible for the articles he shared, he justified his opinion by not reviewing the archive criminal case of A. R. – Vanagas, which allegedly may contain data on alleged crimes against humanity by Lithuanian partisans, that during the Finance and Economics Committee meeting he asked a question formulated incorrectly, and claimed that his published information is just his opinion.

When examining the case, specialist M. L., asked to evaluate whether the information provided by V. T. corresponds to the interests of the Russian regime and whether V. T. behaves consciously, after analyzing V. T.'s statements, activities, historical sources, and facts, stated that „*from the information being disseminated, from the current interests of the Russian regime, and how those interests are pursued, it can be concluded that this is part of beneficial disinformation campaigns for Russia*". Also, the expert, speaking about the importance of the history of statehood and the goals of Russian propaganda narratives directed against the Lithuanian partisan movement as one of the foundations of statehood, concluded that „*V. T. consciously participates in various campaigns of the current Russian regime*".

The court emphasized that the channels and websites through which V. T. disseminated information were included in the State Security Department „Threats to National Security Assessment" as channels „aimed at expanding Russian influence in Lithuania's information space". In this case, the position of the department itself was presented. According to the Department, „the information disseminated by V. T. should be considered as belittling Lithuania's statehood, V. T. spreads misinformation about the partisan war in Lithuania from 1944 to 1953 against the Soviet Union (USSR), allegedly reviving Nazism in Lithuania and increasing Russophobia. He collaborates (participates in broadcasts and/or gives interviews) with television channels belonging to Russian government institutions or oligarchs close to the Kremlin, and with online news portals whose activities undermine Lithuania's national security interests". The court, analyzing the material collected in the case, expert statements, and the defendant's testimony, established that A. R. – Vanagas' activities were exclusively aimed at fighting for Lithuania's independence and also for the protection of residents, and the totality of the documents discussed in the case undeniably refutes the statements made by the accused V. T. regarding crimes allegedly committed by A. R. – Vanagas or involvement (complicity), as well as any other contribution in any way to 8000 murders, collaboration with Nazis, or participation in the Holocaust. The court found that his deliberate actions were confirmed by consistently and systematically published messages on his personal *Facebook* account, the number and unchanging content of which show that the individual „understood what he was doing and wanted to behave in this way". Finally, the court concluded that „V. T. publicly disseminated factually inaccurate statements about A. R. – Vanagas and the purported crimes committed by the Lithuanian partisan movement against humanity, participation in the Holocaust, „collaboration" with Nazis", and by such actions „grossly belittled the Lithuanian population, against whom the USSR committed genocide, i.e., against Lithuanian partisans". The court, recognizing V. T. guilty under the aforementioned articles of the Criminal Code, imposed a penalty - a fine of €12,000.

V. T. indeed appealed the judgment of the Klaipėda District Court. However, the Klaipėda Regional Court, by its judgment of October 17, 2019, in the criminal case No. 1A-210-

651/2019[58] imposed a lower fine of €10,000 but left the remaining part of the decision unchanged. The scope of this case was extensive, as the court meticulously analyzed each potential instance of the defendant's unlawful activity, historical documents, expert opinions, described historical facts, and, with well-founded reasoning, issued an important judgment.

In another case, G. Š. was prosecuted under Paragraph 1 Article 170(2) of the Criminal Code for publishing articles on the website „www.lietuviai.lt" titled „The Myth of January 13 Died" and „The End of Lithuania's Freedom Fights – Another Myth", where the official and true version of the events of January 13, 1991, was referred to as „history-distorting propaganda", and Lithuanian partisans were labelled as „criminals", „bandits", and „terrorists" allegedly killing peaceful Lithuanians. The lower court acquitted the defendant as it was not established that he had indeed published the mentioned articles. However, the Kaunas Regional Court reopened the evidence examination during the trial. A computer was found during the trial, from which the articles were published, along with hard drives containing copies of the articles and other data identified by IT experts, confirming that the articles were indeed published from the computer belonging to the accused, G. Š. The appellate court, relying on the practice of the European Court of Human Rights and Lithuanian Supreme Court, recognized that G. Š.'s actions corresponded to the elements of the offense provided for in Article 170(2) of the Criminal Code. By its decision of April 10, 2020, in the criminal case No. 1A-48-634/2020, the Kaunas Regional Court amended the part of the lower court's judgment regarding the acquittal of G. Š. under Article 170(2) of the Criminal Code, found G. Š. guilty of committing the offense provided for in this Article, and imposed a sentence of 10 months of restricted freedom, obliging him to not change his place of residence without informing the court, to commence employment, to perform 40 hours of unpaid work in specified organizations during the period of restricted freedom, and to delete the published articles mentioned in the case from the website.[59]

At the time of writing this research, another case has been submitted to the court, in which representatives of the association „International Good Neighborhood Forum" Erika Švenčionienė, Kazimieras Juraitis, and Valerijus Ivanovas are prosecuted for „acting as accomplices, multiple times in 2022, in Lithuania, Belarus, and Russia, aiding Russia and Belarus and their organizations to act against Lithuania"[60]. This case has attracted significant attention because the mentioned individuals traveled to hostile states, presenting themselves as official representatives of the Republic of Lithuania. They meet with officials from Russia and Belarus, and in some cases, even with the Belarusian dictator A. Lukashenko. During these meetings, members of the „International Good Neighborhood Forum" publicly spread false information about Lithuania, expressed sentiments towards the Soviet era, denied Soviet

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[58] „Klaipėdos apygardos teismo 2019 m. spalio 17 d. nuosprendis baudžiamojoje byloje Nr. 1A-210-651/2019" (The verdict of the Klaipėda District Court on October 17, 2019, in criminal case No. 1A-210-651/2019), LITEKO.TEISMAI.LT, available from; https://liteko.teismai.lt/viesasprendimupaieska/tekstas.aspx?id=5c18379b-0814-4613-94f9-3b6aafc03808 , accessed 23 February 2024.

[59] „Kauno apygardos teismo 2020 m. balandžio 10 d. nuosprendis baudžiamojoje byloje Nr. 1A-48-634/2020" (The verdict of the Kaunas Regional Court on April 10, 2020, in criminal case No. 1A-48-634/2020.), LITEKO.TEISMAI.LT, available from: https://liteko.teismai.lt/viesasprendimupaieska/tekstas.aspx?id=346becd0-62b6-4cc9-86c6-5c73afccb791. Accessed 24 february 2024.

[60] Vilmantas Venckūnas, „Teismas dar kartą bandys atversti Švenčionienės, Juraičio ir Ivanovo bylą" (The court will once again attempt to open the case of Švenčionienė, Juraitis, and Ivanovas."), LRT.LT, available from: https://www.lrt.lt/naujienos/lietuvoje/2/2205897/teismas-dar-karta-bandys-atversti-svencionienes-juraicio-ir-ivanovo-byla, accessed 26 February 2024.

occupation, justified Soviet-era deportations, demonstrated support for Russia regarding its aggression against Ukraine, and claimed that elections in the Republic of Lithuania were rigged. The association itself was previously liquidated by the decision of the Vilnius Regional Court due to its anti-state activities and fundamental violations of the founding regulations.[61]. *„The court acknowledged that the true purpose of this legal entity's establishment is deliberately to publicly disseminate false information (disinformation) about Lithuania, forming a misleading opinion that Lithuania is not an independent and democratic state, i.e., the association was founded to act against the constitutional order of the Lithuanian state and to incite social discord.*"[62] The decision was upheld by higher instances as well – the Vilnius District Court rejected the appeal of the 'International Good Neighborhood Forum[63]. At present, with the criminal case reaching the court, the individuals mentioned are accused of committing criminal acts as stipulated in Article 118 of the Criminal Code, „Assisting Another State to Act Against the Republic of Lithuania", and in the aforementioned Article 170(2) of the Criminal Code. It is likely that the outcome of this case will set an important precedent, determining how the state should deal with individuals openly acting against it.

So, as can be seen, the process of proving to hold an individual criminally liable under Article 170(2) of the Criminal Code is complex; it requires establishing numerous conditions – that the person specifically posted a comment, message, or publication, finding the means by which it was done or where traces of criminal activity remain (phones, computers, hard drives), the conclusions of experts from various fields confirming that the published words were indeed aimed at publicly endorsing international crimes, crimes of the USSR or Nazi Germany, denying them, or grossly belittling them. Furthermore, the assessment by experts cannot be too broad or abstract. It is emphasized that courts attach great importance to the criteria of consistency and systematicity; that is, one episode of such activity alone is not sufficient grounds to apply Article 170(2) of the Criminal Code. Without establishing all the necessary circumstances, individuals are acquitted. Although Article 170(2) of the Criminal Code is an effective tool in combating some of the propagated propaganda narratives, the absence of administrative liability for individuals for spreading disinformation or falsehoods, under the guise of freedom of expression and speech, leaves a wide „gray area" where individuals may feel immune and actively take advantage of it.

Conclusions

Studying and analyzing the information provided by special services regarding the activities of hostile states, it has been determined that in the information space of the Republic of Lithuania, propagandistic narratives aimed at demeaning and distorting our state's historical memory, questioning its sovereignty, and justifying the actions of terrorist states are most prevalent. In the context of the war in Ukraine, propagandists' statements are clearly

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[61] Gytis Pankūnas, „Teismas: „Tarptautinis gero kaimynystės forumas" bus likviduotas kaip neteisėtai įsteigtas" (The court: 'International Good Neighborhood Forum' will be liquidated as unlawfully established), DELFI.LT, available from: https://www.delfi.lt/news/daily/lithuania/teismas-tarptautinis-geros-kaimynystes-forumas-bus-likviduotas-kaip-neteisetai-isteigtas-92595505, accessed 26 February 2024.

[62] „Teismo verdiktas „Tarptautinis geros kaimynystės forumas" lieka pripažintas neteisėtu ir likviduojamas" (The court verdict: 'International Good Neighborhood Forum' remains recognized as illegal and is being liquidated"), LRT.LT, available from: https://www.lrt.lt/naujienos/lietuvoje/2/1990123/teismo-verdiktas-tarptautinis-geros-kaimynystes-forumas-lieka-pripazintas-neteisetu-ir-likviduojamas, accessed 26 February 2024.

[63] „Teismo verdiktas „Tarptautinis geros kaimynystės forumas" lieka pripažintas neteisėtu ir likviduojamas", *supra note*, 214, žiūrėta 2024 m. vasario 26 d.

ISSN 2029-1701
ISSN 2335-2035 (Online)

Mykolas Romeris University

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

distinguished, attempting to pit Western partners against each other, deny the effectiveness of the European Union and NATO, and deter Western allies from aiding Ukraine in its defense.

Both international and key national legal acts, such as the Constitution, safeguard the freedom of speech and expression of individuals, but this does not mean that it is unlimited. In exceptional cases established by laws, when freedom of speech is abused and statements made or information published meet the criteria of criminal activity, individuals can be held accountable. However, even in cases where a person is held accountable, proving their guilt is very complex, requiring the determination of numerous circumstances and being overly complicated. Interestingly, the most important international legal acts do not provide for a prohibition on spreading propaganda or disinformation, and in the international arena, there is generally a mindset that freedom of speech is a greater and more important value than the threat posed by propaganda. Nevertheless, considering the looming threat of the largest military conflict since World War II, with aggressors openly threatening that the Baltic states are next after Ukraine, and with propagandists spreading fear and doubts about the ability to defend ourselves in society, changes in legislation and accountability for spreading disinformation, propaganda, and falsehoods are necessary steps to ensure the security of our state and its inhabitants.

In the legal system of the Republic of Lithuania, there are gaps that prevent effectively holding individuals accountable for openly repeating hostile propaganda narratives against Lithuania, its allies, and partner states. Such individuals, well aware of the high standards applied to evidence in criminal cases under Article 170(2) of the Criminal Code and knowing that there is no administrative liability for their actions, feel immune from punishment and continue their harmful activities.

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ANALYSIS OF THE MONETARY POLICY IN THE USA

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Abstract: *The establishment of the Federal Reserve System (FRS) in 1913 marked a pivotal moment in ensuring financial stability. This article scrutinizes the structure, trajectory, and evolution of monetary policy since the inception of the Fed. With shifting trends and the achievement of a low inflation environment coupled with the lower bound challenge, maintaining a dual mandate and the autonomy of the Fed raises questions about the efficacy of current monetary policies. The authors analyze the effectiveness of implemented policies and propose an alternative approach to monetary policy implementation, advocating for mechanisms beyond quantitative easing and forward guidance. They suggest leveraging macroprudential policies and preemptive strategies, such as introducing safeguards and simultaneously setting a diverse range of federal fund rates to address specific market segments in alignment with the Fed's objectives.[1]*

Keywords: *US Monetary Policy, Federal Reserve System, interest rates, unemployment rate, monetary policy tools, money supply, inflation targeting, federal funds rate*

Introduction

Amidst the intricacies of economic governance, the monetary policy of the United States holds a pivotal role, meticulously tailored to fulfill diverse objectives set forth by the Congress. Woven into its mandate are imperatives such as ensuring price stability, fostering full employment, nurturing economic growth, and fortifying stability within financial markets. In this article, the authors embark on a thorough examination of the multifaceted landscape of US monetary policy, meticulously scrutinizing its objectives, mechanisms, and the intricate interplay between economic theory and practical implementation.

At the heart of monetary policy lies the pursuit of price stability, enacted through a strategic arsenal of tools wielded by the Federal Reserve, encompassing open market operations, discount rate adjustments, and reserve requirements modulation. Simultaneously, the pursuit of full employment emerges as a complex puzzle, shaped by the intricate dynamics of wage growth and the ever-fluctuating unemployment landscape. While the ideal of zero percent unemployment remains a theoretical aspiration, contemporary economic paradigms

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[1] The authors wish to thank Professor Charles Bartlett for his comments on this project.

redefine full employment within the realm of a 4-5 percent unemployment threshold, navigating the delicate balance between labor market dynamics and inflationary pressures.

Furthermore, the trajectory of US monetary policy is intricately linked to its role as a catalyst for economic growth and development. Against the backdrop of relentless technological advancement, the Federal Reserve navigates the terrain of interest rate management and productivity enhancement to steer the economy towards sustainable growth trajectories. However, the evolution of financial markets and the proliferation of diverse market participants pose a myriad of challenges, casting a shadow of uncertainty over the stability of the financial system amidst the backdrop of market dynamism.

In this scholarly pursuit, the authors endeavor to unravel the intricacies of US monetary policy, tracing its historical roots, grappling with contemporary challenges, and seeking equilibrium amidst the ever-evolving landscape of global economics. Through rigorous analysis and scholarly inquiry, we strive to illuminate the mechanisms shaping the economic destiny of the United States and its reverberations on the global stage.

Analysis of recent research and publications. The analysis of monetary policy garners significant attention from a broad array of scholars. Examination of current research and publications reveals a diverse spectrum of perspectives among leading economists regarding the intricacies of monetary policy implementation. The authors of this article have grounded their theoretical framework by studying the works of B. Bernanke, J. Bullard, O. Dzuibliuk, A. Greenspan, M. Ananiev, V. Urbanovich, O. Demchenko, M. Friedman, A. Schwartz, G. Selgin, W. Lastrapes, and L. White. However, monetary policy has encountered the challenge of exhaustiveness in tools available to fulfill its dual mandate, opening a fertile ground for the introduction of new policies to ensure economic stability.

The purpose and objectives of the research is to examine trends in the monetary policy of the United States during the 20th and 21st centuries and provide recommendations for mitigating the consequences of the latest economic crises. The Federal Reserve System, consisting of the Board of Governors in Washington, the Federal Open Market Committee, and twelve Reserve Banks, has implemented various policies and utilized a wide variety of tools necessary to combat inflation, decrease a level of unemployment, and promote wise economic growth. Nonetheless, it is crucial to research the specific effects of each embedded tool, analyzing outcomes and exploring available alternatives that have either led to economic growth or caused stagflation. The authors of the research focus on understanding the results and investigating alternative approaches.

To achieve this goal, the following objectives are defined:

1) investigate the primary objectives of monetary policy and their importance for the economy.

2) examine the principal instruments of monetary policy.

3) analyze the structure and role of the Federal Reserve in implementing monetary policy and stabilizing the financial system.

4) conduct an analysis of the execution of monetary policy and evaluate its effectiveness.

5) research the history and effectiveness of the Federal Reserve's quantitative easing programs.

6) explore alternative approaches and tools in the realm of monetary policy.

The object of this study is to provide an extensive overview of the monetary regulation conducted by the Federal Reserve of the United States spanning the period from 1960 to 2024.

The subject matter of research encompasses an analysis of the implemented policies and their impact on key indicators of global financial stability. Additionally, the research

explores shifts in the prioritized areas of focus within the Federal Reserve System and contemporary trends in monetary policy.

The methods of scientific research. In the process of writing this article, the methods of analysis used are listed below: analytical methods, abstract and logical methods, systematic approach and logical generalization, inductive and deductive methods, scientific abstraction, synthesis and historical analysis, method of factor and comparative analysis.

The information base for the research comprises a comprehensive array of publications authored by prominent economists and scholars in the field of monetary policy. The research incorporates data from official reports and publications issued by the Federal Reserve Board, as well as relevant academic journals and institutional publications dedicated to economic research and policy analysis. Through this diverse information base, the research endeavors to offer a comprehensive understanding of the dynamics and implications of monetary regulation in the United States over the specified timeframe.

The obtained results of the research. This study elucidates the interplay between interest rate management, productivity enhancement, and long-term development objectives by investigating the role of monetary policy in promoting sustainable economic growth and financial stability. Examining individual monetary policy tools reveals their specific effects on economic outcomes, offering insights into their strengths, limitations, and optimal utilization strategies. This exploration of alternative approaches to monetary policy implementation opens avenues for innovation and adaptation in response to evolving economic challenges.

The practical significance of the research. By analyzing trends in US monetary policy over the past six decades and evaluating the effectiveness of policy measures implemented by the Federal Reserve System, this study provides a roadmap for navigating the complexities of economic governance. Through a meticulous examination of monetary policy tools and their specific effects on economic outcomes, this research provides recommendations for mitigating the consequences of economic crises and embedding novel tools for the challenges policymakers face in an ever-evolving economic landscape.

The Main Research Material

Monetary Policy Goals

The Federal Reserve System works to promote a strong U.S. economy. Specifically, Congress has tasked the Fed with conducting the nation's monetary policy to support the goals of maximum employment, stable prices, and moderate long-term interest rates. When price levels exhibit stability, it fosters the maintenance of long-term interest rates at a moderate stance, thereby harmonizing the dual objectives of price stability and the preservation of moderate long-term interest rates. As a result, the objectives of maximum employment and stable prices are often referred to as the Fed's "dual mandate."

Ensuring price stability involves regulating the demand for goods and services created in the economy using monetary policy tools such as open market operations, the discount rate, and reserve requirements. It is worth noting that maintaining price stability, if prioritized, will stimulate aggregate demand, thereby ensuring economic growth.

The challenge in achieving this goal lies in the reduced ability of the Federal Reserve to influence monetary policy, as attempts to achieve political goals will intersect with economic ones. During periods of economic instability, the Fed has taken on the political commitment to act as the lender of last resort to support insured financial institutions by providing liquidity to

commercial banks, savings institutions, credit unions, or branches and agencies of foreign banks, taking decisive action to avoid recession and subsequent crisis. Additionally, the creation of the Fed in 1913 aimed to establish a central bank that would provide the nation with a more flexible, safer, and more stable monetary and financial system. Although the Fed does not aim to be independent, its structure has relative political independence. Thus, to achieve price stability, the Fed must balance between two interconnected areas, using its political tools as it sees fit to best achieve its goals.

The other part of the dual mandate is achieving maximum employment, defined as the highest level of employment or the lowest level of unemployment that the economy can sustain while maintaining a stable inflation rate. Experience over the past few decades has shown that low unemployment and a strong labor market can be maintained without leading to unwanted inflation growth. For example, during the economic expansion following the Great Recession, when the unemployment rate fell below sustainable estimates, the labor market proved exceptionally adaptable. This provided many benefits and opportunities for families and communities that too often were left behind. Therefore, low unemployment in the absence of other risks will not be a cause for concern on its own. Of course, when unemployment is high, the Fed will actively seek to reduce it. For this reason, the Fed aims to mitigate the shortfall in employment from its maximum level estimates.

The leading direction of monetary policy is to positively impact economic growth and development. Increasing productivity, achieved through the creation of new technologies, and maintaining interest rates at moderate levels ensure the realization of this defined goal.

It should be noted that there is a conflict between the goals of monetary policy. According to the Phillips curve, an inverse relationship exists between the level of employment and inflation processes. Additionally, economic growth also affects both indicators, hindering the full implementation of the dual mandate and, consequently, achieving complete economic stability. Given this, the Federal Reserve must find compromises between the outlined goals, sometimes sacrificing relevant indices.

In 2020, the concept of FAIT (Flexible Average Inflation Targeting) was implemented, as reflected in the FOMC statement from September 2020. Following the standard approach adopted in 2012, FAIT maintains the inflation target at 2%, flexibility in responding to both inflation and employment targets, and transparency regarding the Committee's outlook and policy plans.

In conclusion, the complexity of ensuring economic stability and maximum employment requires the Federal Reserve to continually adapt its methods and strategies. Utilizing modern data analysis methods and developing predictive models allows for more accurate assessments of the economy's state and informed monetary policy decisions. Moreover, cooperation with other branches of government is crucial in achieving macroeconomic stability. This includes coordination with fiscal policy, financial sector regulation, and international cooperation with other central banks.

Thus, applying a comprehensive approach, continually improving methods, and collaborating with all stakeholders helps the Federal Reserve achieve its goals in ensuring the stability and efficiency of the U.S. economy.

Monetary Policy Tools

The toolkit for managing the economy includes operations in the open market, the discount rate, and reserve requirements. The discount rate is defined as the interest rate set by

the Federal Reserve System on short-term loans to commercial banks and financial institutions. The authority to regulate the discount rate lies with the Federal Reserve Board of Governors.

Equally significant is the open market operations, which fall under the purview of the Federal Open Market Committee (FOMC). Through the buying and selling of securities, the Federal Reserve System influences the federal funds rate – the interest rate used in transactions between depository institutions for overnight reserve balances. The concept of managing the federal funds rate revolves around controlling the level of excess reserves – deposits that financial institutions hold in accounts with the Federal Reserve. Thus, if the Federal Reserve intends to raise the said rate, Treasury securities are offered for sale to a select group of private financial firms known as primary dealers. As investors bid on these securities, reserves are systematically reduced, prompting banks to compete for limited resources and raise the federal funds rate. Conversely, if there is a need to lower the federal funds rate, the Federal Open Market Committee purchases securities.

In order to facilitate easier financial conditions in the markets, the FOMC employs a reduction in the federal funds rate. This, in turn, impacts improvements in real estate markets by lowering mortgage rates, encourages capital investments – resulting in higher stock prices, and stimulates exports through the weakening of the US dollar. Similarly, if economic stability is threatened by intensified inflationary pressures, monetary policy is activated, and federal funds rates are raised.

Delving into reserve requirements – a mechanism employed to augment the money supply within the economy and exert influence over interest rates. The task of establishing these requirements falls under the purview of the Federal Reserve Board of Governors. Notably, this instrument boasts a heightened efficacy during periods of crisis, wherein the Federal Reserve assumes the role of lender of last resort. In scenarios where depositors lose confidence in banks or other financial entities, a natural response is to withdraw their funds from said institutions. Consequently, the Federal Reserve extends loans to banks to meet depositor demands, leveraging banking assets and other monetary instruments as collateral. Solvency stands as an indispensable prerequisite for extending assistance to financial institutions. This policy framework serves to forestall frequent financial crises and facilitates the stabilization of economic cycles, thereby averting the specter of recession and depression as necessary.

A pivotal shift occurred on March 15, 2020, when the Federal Reserve Board announced that effective March 26, 2020, reserve requirement ratios would be set at 0%. In contrast to the previously announced reform, reserve requirement ratios on net transaction accounts varied depending on the amount of net transactions held by the institution.

The Federal Reserve's Role and Structure

On December 23, 1913, the Federal Reserve System was founded as the primary regulator of monetary policy in the United States, serving as the country's central bank. Structurally, the Federal Reserve System consists of a Board of Governors located in Washington, D.C., possessing overarching supervisory authority, and twelve regional Federal Reserve Banks, each enjoying significant autonomy. The regional Federal Reserve Banks are strategically located in major cities across the country, including New York, Richmond, Chicago, Boston, Philadelphia, Atlanta, Cleveland, San Francisco, St. Louis, Kansas City, Minneapolis, and Dallas.

The Board of Governors consists of seven members, currently chaired by Federal Reserve Chairman Jerome Powell. The President appoints each member to a fourteen-year term

following Senate confirmation in a staggered manner. The Chairman and Vice Chairman of the Board, as well as the Vice Chairman for Supervision (following regulatory reforms in 2010), are appointed by the President and confirmed by the Senate for a four-year term. Discrepancies in policy between the head of state and the Federal Reserve do not constitute grounds for the dismissal of incumbent Board members. Preconditions for such action may include misconduct, abuse of power, and impeachment by Congress.

The twelve regional banks within the Federal Reserve System each have a board of directors, whose candidates are drawn from private, public, and civic institutions. The board of directors based in Washington D.C., approves the president of the local board of directors. Despite the fact that the regional Federal Reserve structures possess equal legal status, the Federal Reserve Bank of New York is considered first among equals.

The primary objectives of the Federal Reserve System's policy encompass the prevention of inflationary pressures, reduction of unemployment, anticipation of financial crises, and mitigation of economic instability. Overall, the Board of Governors serves as the lender of last resort, employing preemptive measures to stabilize the economic landscape. Additionally, within the purview of the Board of Governors lies the establishment of the discount rate, oversight of compliance with capital requirements for banks and other holding companies. The regional reserve banks ensure adherence to the rules set forth by the Board of Governors and regulate the activities of local financial institutions.

The Board of Governors is part of a larger body, the Federal Open Market Committee (FOMC), which formulates and implements monetary policy through the regulation of short-term interest rates and other financial instruments to ensure economic stability. The FOMC consists of seven members of the Board of Governors, the twelve presidents of the regional reserve banks, and staff members from both structures. Each year, the chair of the FOMC is elected from the Board of Governors.

Meetings are held eight times a year, during which the formulation of Federal Reserve monetary policy takes place. The voting process helps to prevent misguided policy decisions by diversifying the participants in the voting process. The twelve permanent representatives involved in decision-making include the seven members of the Board of Governors, the president of the Federal Reserve Bank of New York, and four representatives who are elected annually from among the other eleven presidents of the reserve banks.

It is essential to emphasize that since its inception in 1913, the Federal Reserve System has undergone significant changes in its organizational structure. Prior to the enactment of the Banking Act of 1935, the regional branches of the Federal Reserve System enjoyed greater operational autonomy. However, the delegation of some of its responsibilities to the Board of Governors of the Federal Reserve System in Washington positively influenced the subsequent development of the Federal Reserve System.

The reforms also affected the internal organization of the institution, increasing the independence of the Federal Reserve from the executive branch by removing the Secretary of the Treasury and the Comptroller of the Currency from the Federal Reserve Board of Directors.

Another foundational innovation in shaping the policies of the Federal Reserve was the Federal Reserve Reform Act of 1977. A key feature of this act is the dual mandate, which is based on the maintenance of stable prices and the achievement of full employment. Full employment is defined as the natural rate of unemployment, which is estimated to be around 4-5 percent.

Analysis of Monetary Policy Implementation

The implementation of monetary policy in the United States is aimed at reducing unemployment level, controlling inflationary pressures, and fostering economic growth. Key instruments of monetary policy used to overcome economic recessions in the American economy include the federal funds rate, purchases of Treasury securities, and ensuring a reduction in reserve requirements.

Notwithstanding the effectiveness of the regulatory components during the 1960s to 1990s, the Federal Reserve faced a new challenge at the beginning of the 21st century. Achieving the set goal of maintaining consistently low inflation levels, ranging between 2-2.5%, and nearly full employment, reduced the toolkit available for stimulating the economy. Under such circumstances, the decision was made to implement a policy of quantitative easing. The essence of this program involved the purchase of Treasury securities and securities backed by mortgage loans issued by government-sponsored enterprises and federal agencies to achieve the goals of monetary policy.

Further analysis of the Federal Reserve's activities demonstrates that maintaining interest rates on federal funds at relatively low levels contributed to the emergence of financial bubbles in the real estate and mortgage markets. Among the preconditions for the creation of financial bubbles, economists highlight financial innovations, a shortage of reliable assets, and a global savings glut. Despite the federal funds rate reaching 5.25% in 2006, the subsequent lowering of rates and the expansionary policy measures led to significant excess demand for new capital investments globally and discrepancies between savings supply and demand. This dynamic caused inflation and manipulations in the aforementioned markets. Economists concur that the Federal Reserve's quantitative easing operations after 2008 were unprecedented in scale and laid the groundwork for mitigating the effects of the global financial crisis. However, the expansionary policies also contributed to financial imbalances that preceded the crisis.

With the complexities in the economy, emergence of new actors, and deepening integration of national financial markets worldwide, the Federal Reserve System has encountered the necessity to seek new instruments and alternative pathways to stimulate the economy and achieve set objectives. The real capabilities of the Federal Reserve are limited due to the negative trend towards reducing interest rates on federal funds (see Figure 1).
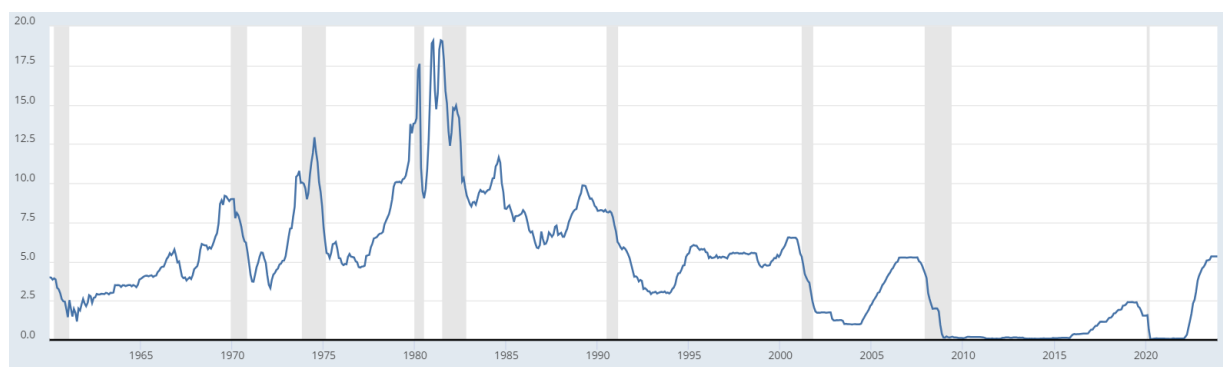
Figure 1. Federal Funds Effective Rate, 1960-2024.
Graph from *Federal Reserve Bank of St. Louis*, 11 Apr. 2024, https://fred.stlouisfed.org/series/FEDFUNDS.

This compels the U.S. government to utilize fiscal policy, including resorting to unprecedented increases in the size of the national debt, as a supplement to monetary policy.

The global financial crisis that began in June 2007 underscores the interdependence of monetary and fiscal policies. According to Ben Bernanke, a prominent economist and the 14th

Chairman of the Federal Reserve System, significant factors contributing to the global financial panic included: uncertainty in the mortgage market and stock exchanges, loss of investor confidence in the reliability of loans in banks and other financial institutions due to complexities in securities and the inability to establish their profitability, and an increase in the number of insolvent banks and other financial institutions due to discrepancies between held assets and liabilities.

The Federal Reserve took measures to mitigate the dire consequences of the global financial crisis, employing two conceptually distinct yet interconnected approaches. Firstly, its role as the lender of last resort necessitated the Federal Reserve to provide short-term loans to solvent banking institutions experiencing temporary liquidity shortages. Collateralizing these loans with assets and liabilities of financial institutions, however, was restricted by the Federal Reserve's statute, which stipulated that only banking institutions were entitled to receive such assistance. Consequently, Section 13(3) of the Federal Reserve Act was invoked based on extraordinary and exigent circumstances, permitting loans to shadow and investment banks, thereby supporting the wholesale funding market and providing liquidity as part of the government's efforts to avert the collapse of systemically critical firms.

Secondly, overcoming the global financial crisis was made possible through monetary policy – initially by lowering standard interest rates and subsequently by implementing a fundamentally new policy. By the end of 2007, the FOMC reduced the target federal funds rate to 4.25. Further reductions by 0.75%, 0.5%, and 1%, bringing the federal funds rate down to 2%, led to marginal improvements in the spring and summer. Nonetheless, the rise in oil prices to historic highs at that time ($135 per barrel) offset previous successes in improving the economic situation and raised the inflation rate to 4% by June 2008.

After substantial and frequent injections of funds into both financial and non-financial institutions, acting as the lender of last resort, the Federal Reserve flooded the markets with billions of U.S. dollars. Seeking to mitigate the devastating consequences and rescue financial and non-financial institutions from bankruptcy, the Federal Reserve lost the ability to influence the federal funds rate – one of the primary instruments of monetary policy. Investors deposited money with banks, which in turn placed them in reserve accounts. As a result of these actions, an excess of reserves led to a low federal funds rate, leaving little room for the implementation of monetary policy. Therefore, a decision was made to create a new tool – the payment of interest on excess reserves, approved by the U.S. Congress in October 2008. In the long term, the effectiveness of this instrument was indisputable, unlike in the short term.

The necessity compelled resorting to decisive measures to significantly alter the situation in favor of a soft landing, and such an opportunity presented itself. In November 2008, Bernanke announced a large-scale purchase of long-term securities, specifically government-guaranteed mortgage-backed securities – a policy known as "Quantitative easing." This government intervention was intended to reduce the yields on long-term Treasury and mortgage-backed securities, simultaneously keeping inflation levels low and not impeding economic growth. According to O. Dzuibluik, a positive outcome of the "Quantitative easing" policy was the increased economic feasibility of investors reallocating their portfolios towards stocks and corporate bonds, stimulating the deposition of capital into the real sector of the economy. However, drawbacks of using this program included growing inflationary threats to the U.S. economy and generated inflation expectations. The US has recently experienced inflation, leading to the creation of a novel monetary policy presented in next paragraph.

Chronology of Quantitative Easing Programs

The first phase of implementation occurred at the end of 2008. A decision was made to purchase $500 billion in mortgage-backed securities and $100 billion in government-sponsored enterprise securities (see Figure 2). The dynamics of purchasing mortgage-backed securities and Treasury bonds are observed in Figure 1. Starting from the second half of 2008, as depicted in Figure 2, the balance sheet of the Federal Reserve System began to grow rapidly, corresponding to the increased injections of funds to support the QE1 program. According to calculations based on data analyzed from the St. Louis Federal Reserve, a direct positive correlation dependency is observed, which is significant.
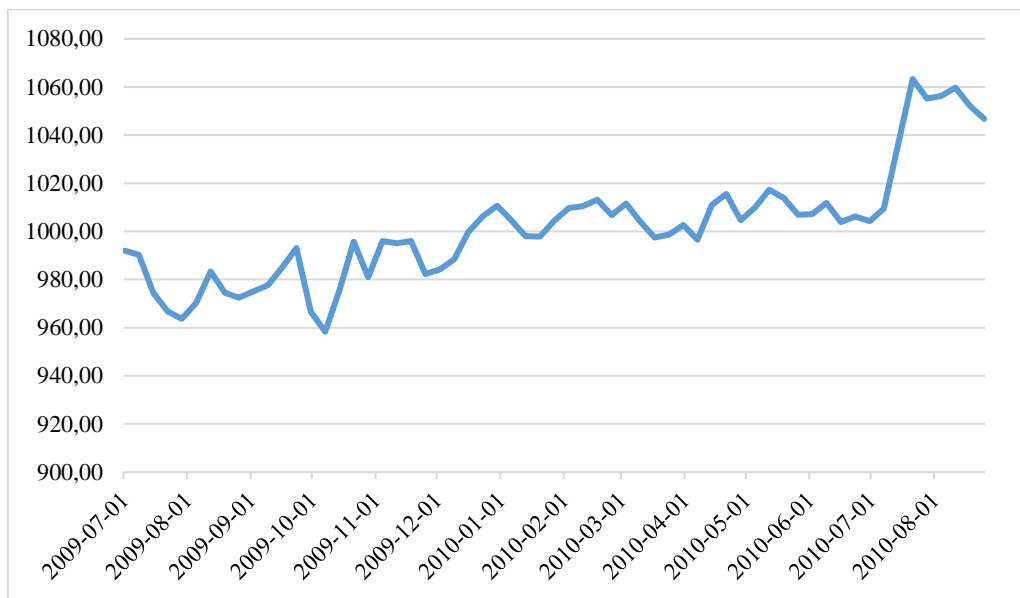
Figure 2. Treasury and Agency Securities: Mortgage-Backed Securities (MBS), All Commercial Banks, Billions of U.S. Dollars, Weekly, Seasonally Adjusted, 2009-2010
Graph from Federal Reserve Bank of St. Louis, 15 Apr. 2024,
https://fred.stlouisfed.org/series/TMBACBW027SBOG

The results of the quantitative easing program (QE1) are not unequivocal: on one hand, there is the achievement of goals in calming financial markets, reducing unemployment and inflation; on the other hand, there is the actual doubling of the size of the Federal Reserve's balance sheet. Despite achieving relative stability in the mortgage markets and curbing inflation expectations, the Federal Reserve's involvement in addressing the crisis did not conclude there.

Up until 2008, during the period of the Great Recession, the balance sheet of the Federal Reserve primarily consisted of Treasury securities, which served as assets, and currency in circulation, which constituted liabilities. Through reserve management, the Fed maintained the federal funds rate at an optimal level, effectively addressing imbalances in the economic sector. However, with the initiation of the quantitative easing program, the Fed expanded its balance sheet by acquiring predominantly long-term Treasury obligations and MBS issued by government-sponsored enterprises (see Figure 3). This complicated the implementation of monetary policy and led to renewed concerns within American society. In November 2010, the FOMC decided to continue the quantitative easing program, which became known as QE2.
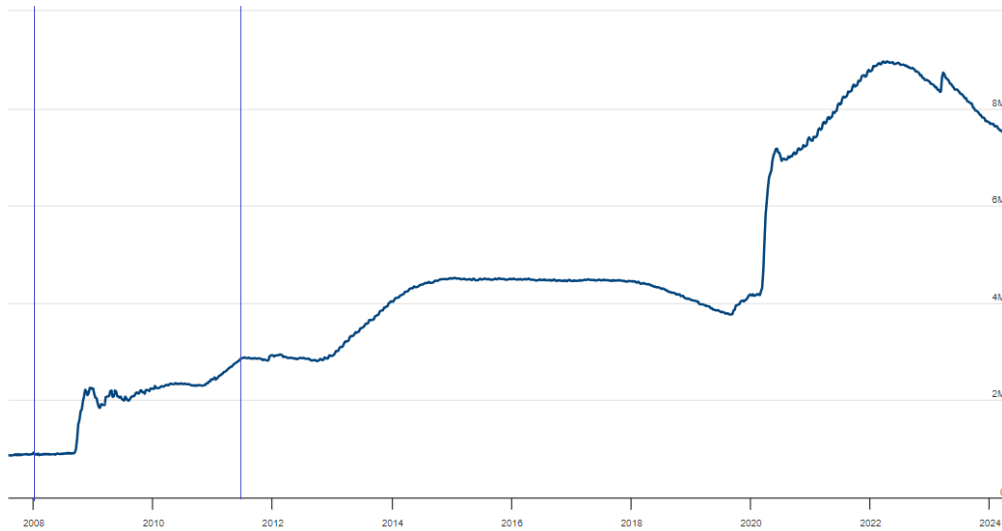
Figure 3. Recent balance sheet trends, 2008-2024
Graph from Federal Reserve Board, 2 Apr. 2024,
https://www.federalreserve.gov/monetarypolicy/bst_recenttrends.htm

This policy had clear timeframes and specific directives: it was planned to purchase long-term Treasury securities amounting to $600 billion at a pace of $75 billion per month until June 2011, increasing the size of the balance sheet to approximately $2.9 trillion. It is important to recognize that the consistently low interest rate stimulated the QE2 policy, posing a threat of reserve accumulation on the balance sheet. As the Fed buys these securities with money essentially created in unlimited quantities and unbacked by production, leading economists, such as those at the Federal Reserve, believed that this would make the economy vulnerable to uncontrollable inflation.

Disregarding warnings from financial analysts and economists, September 2012 marked the launch of the third round of quantitative easing (QE3), characterized by an open-ended date, meaning the tie to time was eliminated and replaced by the achievement of specific economic indicators. The priority direction became a dovish approach – combating economic weakness and reducing unemployment levels. The strategy of QE3 involved monthly purchases of Treasury securities amounting to $45 billion and mortgage-backed securities totaling $40 billion. Similar to previous rounds, the new round of securities purchases would increase demand for long-term securities, thus lowering yields, and ease overall financial conditions. However, unlike QE1 and QE2, QE3 partially addressed the issue of reserve accumulation on the Fed's balance sheet by implementing The Maturity Extension Program (MEP), achieved through selling an equal amount of short-term Treasury securities with a maturity of three years or less. The alternative name, Operation Twist, attributed to MEP, was adopted due to its similarity to the Martin program, where the Fed bought long-term securities and sold short-term ones, attempting to "twist" the yield curve by lowering long-term rates (to stimulate spending in the economy) while simultaneously raising short-term rates (to protect the dollar's exchange value). As a result, although the purchases significantly extended the average maturity of the Fed's securities holdings, the overall size of the balance sheet remained unchanged. The limitation of this new approach pertained to the limited supply of short-term Treasury securities, which, upon exhaustion, would potentially force the Fed back into reserve expansion. The main risk of several quantitative easing programs remained the complication of exiting from a large

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ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

balance sheet when the time comes, as Fed assets would generally take longer to mature (see Figure 4).
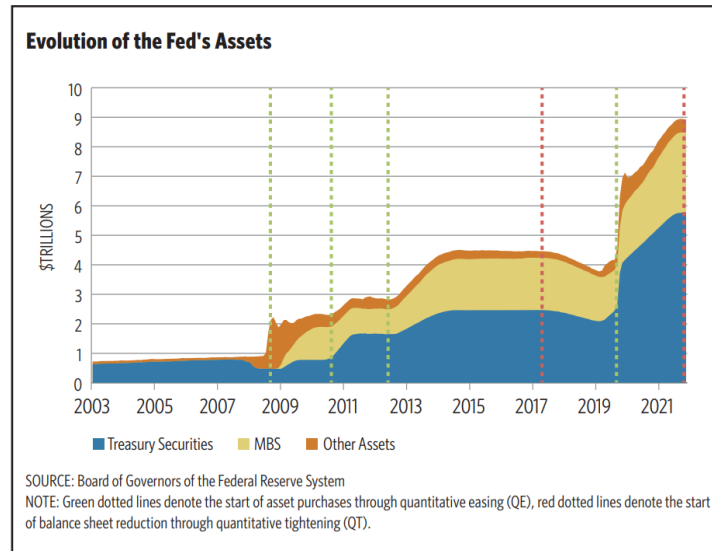
Figure 4. Evolution of the Federal Reserve's Assets, 2003-2021
Graph from Board of Governors of the Federal Reserve System, March 2022,
https://www.kansascityfed.org/Economic%2520Review/documents/9251/EconomicReviewV107N4GulatiSmith.pdf

Exploring Innovative Monetary Policy Approaches

In his book "21st Century Monetary Policy," Ben Bernanke emphasizes the necessity of taking decisive measures to prevent global financial crises. Recent trends in global economic development, namely, the decline in real interest rates, persistently low inflation rates, and inadequate regulation of non-bank institutions and other entities, have limited the effectiveness of traditional monetary policy tools. Faced with the challenge of grappling with the persistent lower bound, the economic authorities of the Federal Reserve System have been compelled to turn to unconventional monetary policy instruments. Among the proposed innovations, those most realistic are drawn from the experiences of the European, British, and Japanese central banks, which have responded to the challenges posed by lower bound. Policies such as Funding for Lending, negative interest rates, yield curve targeting, and expanding the scope of financial assets purchased through Quantitative Easing (QE) are options that could be implemented in the American economy. However, Bernanke expresses skepticism regarding their suitability to the expectations of American society and the complexities of their potential consequences.

Analyzing the proposed ways to overcome the challenges of the 21st century for monetary policy, the authors of this study have formulated a hypothetically new approach to the utilization of the federal funds rate. According to Ben Bernanke's calculations, the response to the threat to financial stability, predominantly arising in mortgage markets and credit markets, should be sufficient to mitigate the risk but not to harm other sectors of the economy. Approximately 8 percent is deemed necessary to pacify hot markets, which would adversely affect other markets in relative stability. As a conclusion, this would lead to a protracted recession across the entire economy and deal a blow to foreign emerging markets.

The authors of this research propose considering the simultaneous establishment of a range of different federal funds rates tailored to the needs of market groups. The division of bank deposits forming reserves into categories based on their association with real markets aims

to facilitate effective management of monetary policy. In the event of a need to reduce the federal funds rate in real estate and credit markets funds from such accounts are redistributed to other accounts. This ensures alignment of the specified rate according to the principle: a reduction in reserves in one account leads to an increase in the interest rate for the corresponding sector, helping to prevent threats to financial stability. Other accounts, to which these reserves are allocated at the discretion of the Federal Reserve System, decrease federal funds rates by increasing the supply of reserves, thereby promoting the necessary stimulation of economic activity for the relevant markets requiring monetary policy easing.

This approach to the distribution of bank deposits and management of federal funds rates can have various consequences. Let us consider some of the positive impacts. Firstly, effective allocation of reserves and differentiation among them by categories will contribute to the comprehensive and rational development of markets that require attention. Simultaneous establishment of multiple federal funds rates will help cool overheated markets, stimulating other sectors through the regulation of supply and demand for reserves. Thus, we return to the initial idea of regulating the federal funds rate without the need for quantitative easing policies in non-crisis times. The lower bound problem, corresponding to an excess of reserves, can be addressed through this distribution, as each market's reaction will be different, and the average value for the federal funds rate, trending towards 0, will be eliminated.

Secondly, Ben Bernanke acknowledges the inevitability of financial crises from time to time. Unlike the theory of Nikolai Kondratiev, which predicts cyclical economic cycles every 50-60 years, globalization has shortened this period to 13-14 years. Considering the global financial crisis of 2007-2009 and the 2020 pandemic, the introduction of new monetary policy instruments or alternative uses of existing ones are deemed necessary. While quantitative easing policies combined with forward guidance have proven effective during crises, they are not sufficient for rapid adaptation after periods of instability. Additionally, the accumulation of reserves will keep the federal funds rate low, and the problem of running them off before the onset of another cycle troubles leading economists. Therefore, in addition to macroprudential policy tools and the existing QE and forward guidance, the establishment of multiple federal funds rates will help avoid imbalances in the financial system and reduce the risk of undesirable consequences for financial stability.

Amidst the novel tools that could be considered as alternatives, the idea of utilizing "fuses" – automatic regulators that activate under specific conditions – is particularly intriguing. Despite a significant drawback related to the delayed manifestation of monetary policy, negative consequences can be mitigated through pre-established mechanisms. In essence, these fuses act as predetermined triggers that automatically activate certain policy measures when specific conditions are met, thereby providing a proactive mechanism to alleviate spillovers.

For illustrative purposes a scenario where the central bank aims to control inflation is provided. Instead of relying solely on reactive adjustments to interest rates or reserve requirements after inflation has already surpassed a target threshold, the central bank could implement a fuse mechanism. This mechanism could be designed to automatically trigger a tightening of monetary policy measures, such as increasing interest rates or raising reserve requirements, when leading indicators suggest that inflationary pressures are building up to a certain level. Preemptively activating these measures based on predetermined thresholds or triggers, will allow policymakers potentially reduce the severity of inflationary pressures and limit their adverse effects on the economy.

Additionally, the use of such automatic regulators can enhance the transparency and predictability of monetary policy, providing stakeholders with clearer signals about the central

bank's intended actions and helping to anchor inflation expectations. However, it is important to recognize that the effectiveness of fuse mechanisms in monetary policy hinges on the accuracy of the triggers and thresholds chosen, as well as the ability to anticipate and respond to changing economic conditions in a timely manner. Moreover, careful consideration must be given to potential unintended consequences and the need for flexibility in policy implementation.

Ultimately, an essential aspect to consider is the synergy between fiscal and monetary policies. However, scholars such as Bernanke caution against the full integration and unification of these policies, citing concerns about the potential merging and overlapping of their respective responsibilities. This integration is deemed unfeasible for the United States due to the inherent need to safeguard the Federal Reserve System's (FRS) independence.

Nevertheless, it is recognized that fiscal policy can complement monetary policy effectively. While the FRS maintains a certain level of independence, there remains a need to explore avenues for combining fiscal and monetary policies in a manner that enhances their collective efficacy. Fiscal policy, in particular, can serve as a complementary tool to monetary policy, providing additional support when the latter alone cannot ensure financial stability. Therefore, it is imperative to identify mechanisms through which fiscal and monetary policies can work in tandem, leveraging their distinct strengths to address economic challenges comprehensively. When monetary policy reaches its limits in stabilizing the economy, fiscal policy can step in to provide additional support, thereby fostering a more robust and resilient economic framework.

Conclusions

Throughout the article, the objectives outlined in the introduction were successfully achieved. Based on the tasks completed, several key conclusions were drawn:

The Federal Reserve System operates under a dual mandate that outlines the primary economic objectives of monetary policy, including ensuring price stability, promoting full employment, prioritizing economic growth, and establishing stability in financial markets. Given the existing contradictions between the stated goals, the Federal Reserve must find compromises between these objectives, conceding on corresponding indicators.

The effectiveness of the Federal Reserve's policy in combating inflation has been a focal point. Through tools such as managing interest rates, forward guidance, and quantitative easing, the Fed has addressed inflationary pressures while striving to maintain price stability. Despite challenges, policy interventions have generally succeeded in keeping inflation within the target range.

The Federal Reserve System (Fed) is the central bank of the United States and plays a critical role in implementing monetary policy and stabilizing the financial system. Its structure consists of the Board of Governors, twelve regional reserve banks, and the Federal Open Market Committee (FOMC), which maintain financial stability through the implementation of monetary policy.

Analyzing the implementation of monetary policy in the United States, it should be noted that the Federal Reserve relies on a defined set of tools to ensure a rapid response to changes in the political-economic environment. This makes monetary policy more flexible and adaptive, which in turn helps maintain financial and economic stability. At the same time, it should be noted that the limited mechanisms of monetary policy regulation necessitate the search for new tools that can curb inflation and promote maximum employment.

Quantitative easing programs are aimed at large-scale purchases of long-term treasury and/or mortgage-backed securities to lower future interest rates and influence the present. The first round of quantitative easing was the most successful and proved effective during the global financial crisis of 2007-2009. The second round took place from 2010-2012 and involved purchasing $600 billion to mitigate the effects of the crisis and prevent a prolonged recession. The third round, starting in 2012, unlike the first and second, did not have a fixed timeframe, and its completion depended on achieving the set goals, which was accomplished in 2014. Thus, quantitative easing programs have become an important part of the set of monetary policy tools used in times of crisis to prevent threats to financial stability.

Research into alternative approaches to monetary policy has revealed innovative opportunities such as automatic regulators and adjustments of multiple target interest rates. These approaches offer ways to enhance policy effectiveness, transparency, and adaptability in addressing new economic challenges. Based on the analysis conducted, recommendations for mitigating the effects of recent economic crises include maintaining policy flexibility, strengthening coordination between fiscal and monetary authorities, and increasing the resilience of financial systems. The application of innovative policy tools and proactive measures can strengthen the economy's ability to withstand shocks and promote sustainable growth.

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LEADER INDUCED CAREER SHOCK

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Abstract *Changing labour markets, globalization, technological developments, uncertainty about the future, and changes in working conditions make careers more dynamic, complex and unpredictable, with an increasing number of important and unpredictable disruptive events, such as redundancy, bankruptcy, or challenges in family life, which have an impact on careers. Most people experience several significant events in their lifetime that affect their career. The concept of career shock has been increasingly used in the career literature in recent years to describe these events.*

An analysis of the scientific literature has shown that career shock is an unexpected triggering event induced by a factor beyond a person's control. Researchers studying career shock have identified three contexts for career shock: structural, organizational and personal. It has been found that the leader as a career shock trigger not only manifests itself in the organizational context, in the case of interpersonal career shocks or career shocks related to organizational procedures and policies, but also contributes to career shocks in the employee's personal context.

Empirical research has identified the leader as a factor that induces career shock for employees. For most of the respondents, the leader induced a career shock related to the organizational context, such as unexpected dismissal, conflict, unmet expectations, etc. However, there are cases among the participants in the study where the leader has induced a career shock to an employee experiencing a personal life event such as divorce or pregnancy.

Keywords: *leader, career shock, career.*

Introduction

Most people spend a large part of their lives working. And while time spent working depends on a variety of factors, including individual preferences, the country and its cultural norms, the industry or occupation, the average person spends more than a third of his or her life working (Pryce-Jones, 2011). Work and career therefore have a significant impact on an individual's quality of life and on various aspects of personal well-being, including physical health, mental well-being, financial security and overall life satisfaction, among others. Job and career satisfaction contribute significantly to life satisfaction (Burke, 2001 et al., Lounsbury et al., 2004). As a result, people are constantly concerned about their careers, looking for a career solution that is in line with their values, interests, financial security, opportunities for professional growth and development, etc.

Changing labour markets, globalization, technological developments, uncertainty about the future, and changes in working conditions make careers more dynamic, complex and unpredictable, with an increasing number of important and unpredictable disruptive events, such as redundancy, bankruptcy, or challenges in family life, which have an impact on careers. Most people experience several significant events in their lifetime that affect their career (Hirschi, 2010). Such events that affect people's careers have long been the subject of theoretical debate and empirical research (Hirschi, 2010; Grimland et al., 2011, Bright et al. 2005, Betsworth and Hansen, 1996; etc.). Various terms are used in the scientific debate to define these events, including chance events (Hirschi, 2010; Grimland et al, (Betsworth and Hansen, 1996; etc.), serendipity (Miller, 1983; Guindon, 2002, etc.). However, in the last decade, the concept of career shock has been increasingly used in this context (Seibert et al., 2013; Blokker et al., 2019; Rummel et al., 2019; Akkermans et al., 2021 and others).

An analysis of the scientific literature has shown that career shock is an unexpected, disruptive and extraordinary event that is triggered, at least to some degree, by factors beyond an individual's control and that triggers a deliberate thought process about one's career (Akkerman et al., 2018). The strong interest in the concept of career shock in the scientific debate has been particularly noticeable in recent years (Leong et al., 204; Zhou et al., 2023; Shafique et al., 2022; Visentini et al., 2023; Ahmad, 2022, among others). Career shock can vary in terms of predictability, can be positive or negative, one-off or recurrent (Akkerman et al., 2018). Researchers studying career shock identify three contexts that cause career shock: structural, organizational and personal (Bandeira et al., 2023). It has been revealed that the *leader*, as a career shock trigger, not only manifests itself as a career shock trigger in the organizational context, in the case of interpersonal career shocks or career shocks related to organizational procedures and policies, but also contributes by its behaviour to career shocks in the personal context of the employee (Bandeira et al., 2023). In the context of career shock, the importance of *leader behaviour* is highlighted in the interaction between the individual and the context.

This article aims to shed light on career shock in the career path of employees and to highlight the importance of leader behaviour in inducing career shock in both organizational and personal contexts. The relevance of the chosen topic is determined by several aspects. First, an analysis of the academic literature revealed that although events affecting people's careers have long been the subject of theoretical debate and empirical research (Hirschi, 2010; Grimland et al, 2011; Bright et al. 2005; Betsworth and Hansen, 1996 etc.) and most contemporary career theories acknowledge that they can affect career outcomes (Akkermans et al., 2018), authors emphasize that there is still a significant lack of research in the field of career shock. Second, while there is an unequivocal agreement among career shock researchers that career shock is an event induced by a factor beyond an individual's control, there is a particular lack of research on contextual factors in the context of career shock. Therefore, authors studying career shock suggest that future research should focus on the role of contextual factors (De Vos et al., 2020). Looking at career shock through a contextual lens (Bandeira et al., 2023) highlights the importance of the leader as an organizational contextual factor in inducing career shock. With researchers proposing the leader as an important contextual factor to be considered in future research on career shock (Zhou et al., 2023), this paper aims to shed light on the *importance of the leader in inducing career shock in employees.* Therefore, the problem of this paper is formulated in the form of a problem question: can the leader's behaviour induce career shock to an employee?

Object of the paper. The importance of leader behaviour in inducing career shock for employees.

Aim of the paper. To highlight the importance of leader behaviour in inducing career shock for employees.

Tasks of the paper: To discuss the concepts of career shock and leader; Explore the employees' experienced career shock, induced by their leaders.

The method used was qualitative content analysis, which is one of the most common methods of data analysis used in qualitative research. The method is based on a structured and systematic interpretation of the content of the text to explore key themes, symbols and meanings. The qualitative content analysis method was used to systematize and generalize the material and data from an empirical study on leader-induced career shock, to describe the phenomenon of career shock and to reveal the leader's behaviour that induces career shock for employees.

The concept of career shock

An analysis of the career shock literature shows that scholars exploring the concept of career shock agree on a definition of career shock. Although different authors give different definitions, no significant contradictions were found. According to the view of Seibert et al. (2013), a career shock is an event that triggers considerations related to the prospect of a significant change in career-related behaviours. The authors are also supported by researchers Leong et al. (2024), who describe career shock as a relatively rare and unusual career event that is beyond an individual's control and that can be viewed positively or negatively. Pak et al. (2021) also define career shock as an important and unusual event for an individual. Meanwhile, Visentini et al. (2023) elaborate and define career shock as an event that arises from an experience related to one or more unforeseen events that change the career trajectory of an individual, related to a particular perceived context, the time experienced and the sensations that are given to what is being experienced, reflecting transitions that reveal the continuity or interruption of a career. According to Conroy et al. (2022), a shock is an unanticipated change in the existing organizational structure that confuses or interrupts a person's harmonious state, or any adjustment to the status quo in terms of how people perceive their work.

However, one of the most widely cited definitions of career shock in the academic literature is by Akkerman et al. (2018), which combines previous knowledge about chance events and is based on the four main characteristics of career shock: Career shock is a disruptive and extraordinary event that is at least partly induced by factors beyond an individual's control and that triggers deliberate thinking about one's career. Career shock can be differently predictable and can be viewed positively or negatively (Akkerman et al., 2018, p. 4). The authors stress that career shock is *a combination* of an external event and an individual's perception of it, and that both elements are essential to the concept of career shock (Akkerman et al., 2018). Therefore, not every disruptive and extraordinary event can be considered a career shock for an individual if it did not trigger thoughts about his or her career. Just as not every event that triggers thoughts about one's career can be considered a career shock if it was not disruptive in nature. According to Akkermans et al. (2018), the notion that a shock prompts an individual to actively think about his or her career is an essential element of the definition of career shock.

An analysis of the literature revealed that the scholars exploring the concept of career shock in their work also agree on the key conceptual *attributes* of career shock. Although different authors present partly different views, no significant contradictions were found regarding the attributes of career shock. Given the heterogeneity of events affecting careers, to conceptualize, structure and explore their similarities and differences, researchers have

identified the following key conceptual attributes of the construct of career shock: valence, frequency, predictability/controllability, duration and source.

The most widely recognized attribute in the career shock literature is career shock *valence*. While there are views that career shock can be positive, negative or neutral (Holtom et al., 2005), the career shock literature has taken the approach of dividing career shocks into positive and negative shocks (Luhmann and Eid, 2009; Seibert et al., 2013; Akkerman et al., 2018; Feng et al., 2019; Rummel et al. 2019, et al.) On the other hand, it is not always obvious whether to classify them as *positive* or *negative* shocks (Mansur and Felix, 2020) and in this respect there is a notable difference in the way researchers distinguish between these categories. According to Seibert et al. (2013), a positive career shock is an event that has a positive impact on an individual's career, such as a pay rise or promotion earlier than expected. Negative career shocks are events that can have a negative impact on a person's career, such as the departure of a mentor or bankruptcy. Meanwhile, Akkerman et al. (2018) stress that the valence of career shocks needs to be assessed based on the valence of the shock experienced by the individual him/herself, rather than on the degree to which the event has positive or negative consequences for his/her career or the organization in which the individual works (Akkerman et al. 2018). For example, the birth of a child can be a very positive event, but it can be detrimental to the development of an individual's career. Based on Akkerman et al.'s (2018) definition above, the birth of a child should be categorized as a positive career shock, as the experience of the shock is accompanied by positive emotions, even if the final career outcome may be positive or negative. From another perspective, according to Feng et al. (2019), whether a shock is positive or negative should depend on the individual's perception of it. If a negative career shock can be perceived as a motivating factor, it is inappropriate to call it negative.

According to Holtom et al. (2005), different career shocks occur at different *frequencies* and have different effects on employees' career-related decisions. Akkerman et al. (2018) argue that career shock is a relatively rare and special event, but also identify frequency as one of the characteristics of the career shock construct. The career shock literature reveals that some events are more likely to occur than others, such as sexual harassment at work or conflicts with colleagues, compared to the loss of a loved one or an environmental disaster.

The third attribute of the career shock construct, *predictability*, reveals that career shock can be both predictable and unpredictable (Holtom et al., 2005). Examples of unpredictable events in the career shock literature often include unexpected promotions or dismissals, unsolicited job offers (Holtom et al., 2005), unexpected influential guest encounters, unexpected job loss (Rummel et al. 2019), etc. Anticipated events include events such as the planned birth of a child, a planned promotion or planned transfer of a spouse (Holtom et al., 2005) or non-renewal of a job contract at the end of its term (Akkermans et al., 2018), etc. Akkerman et al. (2018) argue that predictability is linked to *controllability*. Some events may be predictable but not controllable, for example redundancy. On the other hand, other events may be unpredictable but controllable, such as an accident (leg fracture).

The fourth attribute of the career shock construct, *duration*. Akkerman et al. (2018) highlight the importance of distinguishing between the duration of the career shock event itself and the duration of the proximal and distal consequences of that event. Research analysis has shown that differences can exist both in terms of the duration of the event itself (e.g. if an unexpected illness is a career shock, the event itself (i.e. the illness) will last much longer than, for example, an event that results in an unexpected promotion), and in terms of the duration of the event's proximal consequences (e.g. coping with the consequences of being fired from a job is likely to be more prolonged than coping with the consequences of getting a new job).

By *source*, career shocks can be personal events unrelated to work, or events of a work-related or organizational nature (Holtom et al., 2005, p. 5). In contrast, Akkerman et al. (2018) distinguish in this context between interpersonal events (e.g. sexual harassment or discrimination), family-related (e.g. pregnancy, divorce, death, illness), organisational (e.g. mass dismissals), environmental (e.g. a natural disaster) or geopolitical (e.g. war) events. Bandeira et al. (2023) identify career shocks as induced by structural contextual factors (e.g. government policies, natural disaster or gender discrimination, etc.), organisational contextual factors (e.g. organizational policies and practices, change, interpersonal relationships, etc.), and personal contextual factors (e.g. family and marriage, different personal life experiences, or health situations, etc.).

The concept of the leader and leader behaviour

The term *leader* is one of the most widely used terms in management literature. As a result of its widespread use, the term is defined very differently in the scientific literature. Based on Malik and Azmat (2019), a leader is someone who establishes objectives for their team or colleagues and then guides or motivates them to accomplish these goals. This view echoes Goleman (2002), who argues that a leader is a person who can focus attention on the most important goals, mobilize people and inspire them to achieve those goals. Inspiration as a key goal of a leader is also highlighted by Bass (2019) who states that the primary function and significance of a leader is to inspire others, referred to as followers, to willingly come together and work toward accomplishing a goal. According to Cuban (1988), leaders are individuals who influence the objectives, motivations, and behaviors of others. They often initiate changes to achieve both existing and new goals.

The importance of leader behaviour is emphasized when studying career shock as a phenomenon characterized by individual-personal interactions. It is argued that it is the *leader's behaviour* that plays a more important role in the context of career shock than, for example, the leader's personality characteristics.

To define leader behaviour, the paper follows the hierarchical taxonomy of leader behaviour proposed by Yukl et al. (2012) with four meta-categories, firstly, task-oriented leader behaviour, secondly, relationship-oriented leader behaviour, thirdly, change-oriented leader behaviour and fourthly, external leader behaviour. This taxonomy of leaderial behaviour extends the same author's previous approach of using three categories of leaderial behaviour - task-oriented, behaviour-oriented, relationship-oriented (Yukl et al., 2002; Yukl, 2006; Yukl et al, 2009), which has been used extensively in the work of other researchers (Vaskin et al., 2021; Khuong and Mai, 2022; Vaskinn et al., 2021; Demircioglu and Chowdhury, 2020; Mathias et al., 2018; Gifford et al., 2018; Anzengruber et al., 2017; Moldogaziev and Silvia, 2014; Agnew and Flin, 2014, etc).

The framework of four meta categories of leader behaviour proposed by Yukl et al. (2012) is useful for interpreting leader behaviour in the context of career shock. According to Yukl et al. (2012), each meta category has a different underlying goal (all of which are related) and includes unique specific behaviours to achieve the goals. It is stressed that the appropriateness of each specific behaviour depends on aspects of the situation, and that the effect of the behaviour itself does not always contribute positively to the achievement of the primary goals (Yukl , 2012). Yukl et al. (2012), who proposed a hierarchical taxonomy of leader behaviour, define *task-oriented* leader behaviour as behaviour that seeks to ensure that people, equipment, and other resources are used efficiently to achieve the group's or organisation's mission (Yukl et al. 2002). Similar to this view, Demircioglu and Chowdhury (2020) argue that task-oriented

leader behaviour focuses on the effectiveness of the task and the performance of the activities needed to achieve the goal. Task-oriented leader behaviour includes short-term planning and scheduling of work activities, identifying resource and staffing needs, assigning tasks, clarifying objectives and priorities, emphasizing the importance of efficiency and reliability, directing and coordinating activities, monitoring operations and solving day-to-day operational problems (Yukl et al., 2008). Researchers (Yukl et al., 2012; Beydilli et al., 2016) define relationship-oriented leader behaviours as those aimed at improving the quality of human resources and relationships (human capital). Relationship-oriented leader behaviours include - providing support and encouragement, nurturing and developing, recognizing and empowering (Yukl, 2012). This view is supported by authors (Bass, 1990; Yukl, 2006) who reveal that ***relationship-oriented*** behaviour includes positive demonstration of support and respect, recognition and acknowledgement of achievements and contributions, coaching and mentoring, consulting people on decisions that affect their situation, delegating and empowering subordinates, promoting cooperation and teamwork, and developing a network of relationships both within and outside the organization. Meanwhile. ***change-oriented*** leader behaviour is defined as behaviour aimed at enhancing innovation, collective learning and adaptation to the external environment (Yukl et al., 2012). Analogous to this view, Beydilli et al. (2016) argue that the main goal of change-oriented leader behaviour is to increase innovation, collective learning and adaptation to the external environment. According to Yukl (2006), change-oriented behaviour includes observing the environment to identify threats and opportunities, interpreting events and explaining why change is needed, articulating an inspiring vision, taking risks in promoting change, or even creating support teams to endorse major changes or to determine how new initiatives and changes should be implemented.

The importance of the leader behaviour in inducing career shock for employee

An analysis of the career shock literature reveals the leader as a determinant of career shocks in the organisational context, showing his or her active involvement both in inducing career shocks due to organisational changes, such as violation of labour laws and workers' rights in the context of the changes (Van Helden et al., 2023), and in inducing career shocks due to interpersonal relationships, such as showing exclusive attention and recognition towards one employee, or using economic violence (Van Helden et al., 2023).

Meanwhile, Pak et al. (2021) highlight the importance of the leader factor and the personal context in career shocks. According to the authors, when an individual receives support from a leader after a career shock in their personal life, the negative effects of the career shock are reduced and the positive effects on the individual's ability, motivation and ability to continue working are enhanced (Pak et al., 2021). This view is echoed by Van Helden et al. (2023), who highlight the importance of leader behaviour in providing support in the event of an individual's illness. In their research on career shock, Pak et al. (2021) highlight the importance of leader support in demonstrating employees' expectation of leader support in the immediate aftermath of a career shock at work. However, based on their research, the authors argue that not all employees receive support from their leader in response to experiencing career shocks and formulate an important empirically validated insight - that it is the lack of support from the leader that can lead to an event becoming a career shock for an employee. This is due to employees' expectation of leader support and appreciation, which was not fulfilled when the leader did not provide support, which amounted to a loss of resources for the employees and thus compounded the consequences of the devastating event that they experienced, which became a career shock for them (Pak et al., 2021). The authors illustrate this insight through a

case where a shocking event - the employee's violent confrontation with a client - became a career shock for the employee after the employee did not receive any support at work, either immediately after the event or later during a staff meeting. The lack of support, encouragement and appreciation from the leader's perspective made this shocking event a career shock for the employee (Pak et al., 2021).

In summary, a leader's perspective on career shock shows that a leader can be both actively involved in career shock, for example through conflict with an employee, and passively involved, i.e. a leader can induce career shock in an employee without providing support, praise or recognition. A theoretical model of leader-induced career shock is presented in Figure 1.
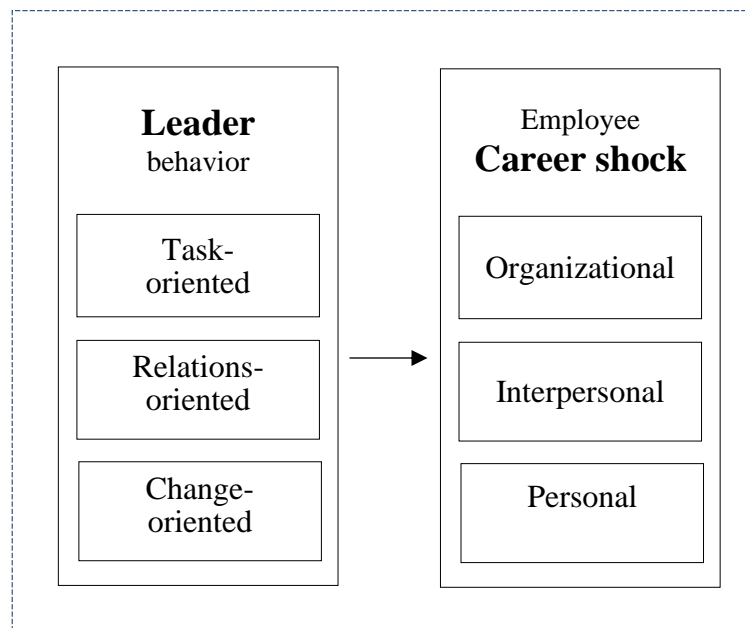
Figure 1. A theoretical model of leader-induced career shock

The significance of leader behavior in inducing career shock for employees cannot be overstated, as the actions and decisions of leaders have profound implications on the career trajectories of their subordinates. A leader can prevent the negative consequences of a career shock (Pak et al., 2021) or reduce the negative nature of the consequences of career shock or enhance the positive consequences of career shocks, not only career shock experienced in the organizational and structural context, but also related to the personal context (Brzykcy et al., 2019; Pak et al., 2021 Van Helden et al. , 2023).

It is important to note that positive leader behaviors, such as supportive mentoring and transparent communication, can help mitigate the adverse effects of such shocks, fostering resilience and opening new opportunities for growth. Conversely, negative behaviors by leaders, such as lack of support, abrupt changes without clear communication, or unfair treatment, can lead to detrimental career shocks, resulting in decreased employee morale, engagement, and productivity. Therefore, understanding the impact of leader behavior on career shocks is crucial.

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ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

Study on the leader induced career shock for employees

The aim of the study is to explore the employees' experienced career shock, induced by their leaders. It aims to reveal the importance of the leader behaviour in inducing career shock for employee.

In order to achieve the goal, a qualitative exploratory approach (Gephart, 2004) was used, where data is collected and analyzed, and conclusions are drawn by means of a qualitative research design - semi-structured interviews. According to Kardelis (2005), qualitative research provides an understanding of the phenomena under study and an interpretative explanation, i.e. it is oriented towards interpretation (not measurement) and focuses on the relationship between the situation and behaviour.

Purposive sampling was used to collect the data. The sample was selected according to the objectives of the study, in order to identify and select the most informative respondents with data on the topic of the study. Respondents were selected according to *two criteria*. *First*, *hierarchical level (subordination)* – since the phenomenon under study is a career shock induced by a leader, those respondents who were subordinate to the leader at the time of the career shock are purposefully selected for the study. *Second*, *experienced career shock* – taking into account the research phenomenon, based on the disclosed information about the contexts and factors inducing career shock, respondents whose career shock is induced by the leader are strategically selected. The characteristics of the respondents' selection are provided in order to include persons whose special, specific characteristics would allow them to best reflect and provide knowledge about the investigated phenomenon – the career shock induced by the leader.

Individuals were invited to participate in the research by contacting communities of different groups on social networking platforms. The research was carried out between *February and June 2023*. The interviews were conducted with respondents of working age who had experienced a career shock along their career path. The size of the research sample is up to saturation, when the final number of interviews conducted during the research is determined during data collection, i.e. new interviews are conducted until the collected data and information begin to repeat themselves and no longer reveal aspects related to the object of study. Forty-one (41) interviews were conducted during the study. The interviews were carried out under conditions that were convenient for the respondents, according to their choice, either remotely, via an online chat (using GoogleMeet or another application offered by the respondent), or during a live interview. Interviews lasted between 30 and 90 minutes.

The interviews were carried out using a *pre-designed questionnaire*, starting with general questions about the respondents' careers, followed by in-depth questions about the career shock they had experienced along their career path and the importance of leader behavior in inducing career shock. All interviews were recorded (with the consent of the respondents), transcribed, and the results were processed and analyzed with MAXQDA software. The demographic characteristics of the respondents are not provided for reasons of anonymity, only the codes given to them.

Analysis of the interview results

People are always on the lookout for the best career solution that fits their values and interests, provides financial security, and offers opportunities for professional growth and development. Changing labour markets, technological developments and uncertainty about the future mean that people and organizations operate in a context of constant uncertainty. Careers

are becoming dynamic, complex and more unpredictable, with a proliferation of important and unpredictable events, which in recent years have been referred to in the academic literature as career shock. The importance of the leader as an organizational contextual factor is emerging as researchers seek to better understand the contextual factors inducing career shock. Therefore, this study sought to uncover the importance of leader behaviour in inducing career shock to employees. The study attempted to answer the question of whether a leader induces career shock to an employee. It also sought to better understand whether leader behaviour is only manifested in career shocks associated with the organizational context, or whether it also contributes to career shock experiences in the personal context.

Participants were asked to talk about a career shock in their career path induced by their leader. The questions were formulated based on Akkerman et al.'s (2018) definition of career shock and the view that career shock is a combination of an external event and an individual's perception that both elements are necessary for career shock. Therefore, two subgroups of questions are distinguished: 1) *Questions related to a shocking event in the respondent's career path.* These questions ask the respondent to identify the event that was triggered by the leader and that led to thoughts about the respondent's career. The questions in this first subset seek to assess whether the respondent has actually experienced a career shock along his/her career path (i.e. assessing whether the case fits the definition of a career shock (the first element - event) and the identified characteristics of a career shock), and to characterize the event (i.e. identify it as positive/negative, expected/unexpected, personal/job-related, one-off/recurrent, etc.). 2) *Questions related to the respondent's individual perception of the event.* Respondents are asked to describe their psychological state at the time of the event and to tell what thoughts (career-wise) the event triggered in them. The questions in this second subset aim at assessing whether the respondent has actually experienced a career shock in his/her career path (i.e. assessing whether the case fits the definition of a career shock (the second element - individual perception) or whether the event triggered career thoughts, as, according to Akkerman et al., (2018), not every shock can be considered as a career shock, if the event does not trigger thoughts about the person's career).

All the respondents in the study had experienced career shock induced by their leaders. Career shocks experienced by research participants *can be grouped into three groups*, two of which are related to the organizational context: *first,* career shocks are related to organizational procedures, policies, changes; *second* career shocks are related to interpersonal relationships. The third group is related to the personal context of the employee.

First, career shocks induced by leader behaviour in the context of organizational policies, procedures or practices, or organizational change. The analysis of the results of the study showed that the most frequent career shocks in the organizational group are those *related to the unexpected termination of the employment relationship* (dismissal, non-renewal of employment contract). Six (6) respondents experienced this type of career shock, i.e. one respondent had his contract not renewed (R17), five respondents were unexpectedly dismissed (R02, R04, R23, R25) and one respondent was unexpectedly dismissed with his whole team (R30). It is important to note that in all these cases the event of termination, non-renewal of the employment relationship was a career shock for the respondents.

However, empirical research has revealed cases where the termination of employment was already a consequence of the career shock experienced. For example, in the case of respondent R05, the career shock event was a conflict with colleagues which, due to the lack of support from the manager, induced the respondent to think about his/her career, resulting in termination of the employment relationship, or in the case of respondent R03, the lack of leader empowerment led to termination of the employment relationship. The study revealed that for

two other respondents, the refusal of a leader to give a pay rise, resulting in termination of employment, was a career shock (R14, R08), i.e. "But the general leader came in and categorically said no, I am not going to take you up on the offer anymore, I do not like it anymore" (R08); "He said if that is the case, then it is okay, we do not need your services any more and that you are free from now on and that you are no longer allowed to go on a computer desk or other things" (R14). Other cases that fall into the group of career shocks include: *sudden job rotation* (R41), where in an organization, in the course of a sudden job rotation, the employee's immediate leader was replaced by a new leader from above: "They removed the leader themselves. A very wonderful leader who built it all from scratch. Because they overthrew that leader within an hour"; *forced ejection of a worker from the management team (and subsequently from the job)* (R13), when another person protected by the manager took the worker's place: "At the end of the year, I was assessed as a good worker, I got a raise, I got a bonus, and after the appraisal, and then in May of that year, I was called in to see the management and I was told that I didn't know how to do the job and that they wanted me to leave. But perhaps the most painful thing was that in all this I found out that there was a man in my place and where he was coming to work in my place"; *organized economic violence at work (R27),* with the leader taking over workers' wages, with the knowledge of senior managers, in accordance with the organization's established policy: 'And the algorithm was devised that we, as workers, would be given a half-point pay rise, and that we would give those wages in cash to the head of our sub-department' (R27); *Refusal by a leader to grant leave to which the worker is entitled* (R28), in the context of a persistent breach of the Labour Code and a failure to report (R28): "I found out, basically by accident, that I have been on leave for a month and I am being paid holiday pay instead of salary, and that there is even a request for leave that I did not sign. I work for the company without normal holidays, six days a week, because that is the company's procedure. And if you want a holiday very badly, you must ask the director as a big favor and always be ready to come back to work during the few days off if he needs something" (R28), etc. It is important to note that among the group of organisational career shocks there is one positive career shock - an *unexpected promotion offered by the leader* (R16).

Second, career shocks induced by leader behaviour in the context of **interpersonal** relationships. The analysis of the results of the study showed that the career shocks included in the interpersonal group of career shocks are *mainly conflicts (with leaders and colleagues) and employees' feelings of not being (appreciated) by their leader.* Looking at the group of conflict-related career shocks, for as many as three respondents the career shock was directly induced by their leader during a conflict (R07, R35, R36). Among the induces of the conflict: differences of opinion on the exercise of responsibilities at work (R35); or differences of opinion on the planning of work (R07), or the requirement not to comply with public procurement rules (R36). Meanwhile, for two respondents, a conflict with a colleague without the support of a leader was a career shock (R05, R06). When examining the group of career shocks related to feeling not (appreciated), two respondents associate the career shock with an event where the leader directly showed that he/she did not appreciate the employee (R15, R20). One of the cases involves the respondent being shown to be unappreciative by failing to follow agreements and delaying payment of the agreed salary (R29). A particularly painful experience for the respondent relates to the experience of a leader failing to appreciate an employee's goodwill efforts and accusing him/her of selfishness (R39).

Other cases of career shock that fall into the interpersonal category include a change in the behaviour of the leader, where the employee feels thrown out of the team and experiences an unexpected change in the relationship with the leader. The reasons for the change in the leader's behaviour differ: for one respondent, the reason was too frequent sick leave (R01);

ISSN 2029-1701
ISSN 2335-2035 (Online)

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2024 (35)

while for the other, it was sexual harassment that was not welcomed and disciplined (R26). The study revealed that for two respondents (R38, R31), the career shock was the criticism of a leader in a public meeting, either because of an employee's mistake in customer service (R31) or because of a failure to deliver results (R38).

It is important to note that the interpersonal group of career shocks includes the highest number of positive career shocks, including: an employee expressing/defending his/her opinion against a leader's criticism (in a meeting), which became a career shock due to the leader's subsequent reaction to the event (R34); unexpected strong support from the leader (R21), etc. i.e. positive leader behaviour related to strong support and encouragement in integrating into work, delegating tasks (R21); feeling appreciated by the leader, feeling the leader's reluctance to let the employee go to another new job, when the leader offers a salary increase or promotion (R37, R40, R24).

The analysis of the results of the study revealed a number of career shocks that were induced to the participants by their leader's behaviour, which contributed to events that occurred in their personal contexts. The analysis of the results revealed that the leader contributed to five (5) career shocks, which fall under the personal career shock category.

The study revealed two cases of *threatened loss of employment during pregnancy* (R10, R11), where the leader's behaviour demonstrates disapproval and a willingness to terminate the employment relationship: 'The moment I told him that I was expecting, I already knew from him that it was very wrong of him, because he knew very well that he would not be able to fire me then, and that I would have to work for him for the whole period up to the end of the decree. As the work progressed, I was being asked to do much more than my colleagues, who were doing exactly the same thing as me" (R10).

For two respondents, the leader's refusal to meet their personal expectations was a career shock (R19, R09), in one case when the *leader refused to finance the employee's development decision (studies) at company expense*: "And it just came to a time when I saw that I was lacking in knowledge, I wanted to improve myself, and I just asked the leader to finance my studies, and he didn't agree to do it" (R09), and the other case when *the leader refused to grant a month's leave:* "Of course I had the expectation that I would be given leave, but because my expectations were not met I first felt anger, frustration that I was not valued, that I was being exploited, and what was I even doing here for two and a half years when I had put the whole HR system on its feet" (R19). It is important to note that among the personal career shocks, there is also one *positive career shock*: the strong support of a leader during a personal divorce (R18), which became a career shock due to the unexpected and strong support and encouragement of the leader during the divorce: "This job was my salvation. Realistically, at that time I only felt supported at work..especially by my leader. That someone was on my side.." (R18).

All cases of career shock experienced by respondents, which were induced by their leader's behavior, are summarized in the 1 table.

In order to shed light on the role of leader behaviour in inducing career shock, the participants in the study were asked questions related to leader behaviour, i.e. questions related to the career shock situation and the leader's behaviour in it. The respondent is asked to elaborate on the event that triggered the thoughts about his/her career and the leader's behaviour in this situation (situation); to disclose what the respondent's task was and the difficulties the respondent faced (task); to tell what was done from the respondent's and the leader's perspective (action) and to identify how the situation was resolved (result). The questions in this first subset aim to identify how the leader's behaviour induces career shock to the employee.

Table 1. Summary of career shocks experienced by study respondents

Career shock group	Career shock	Number of cases
Organizational career shocks	Unexpected termination of employment (dismissal, non-renewal of contract, pressure to leave)	6
	Sudden job rotation	1
	Unexpected promotion offered by leader	1
	Refusal of a leader to give a pay rise resulting in termination of employment	2
	Failure to empower leader to act, resulting in termination of employment	1
	Forced ejection from the team and later from the job (retaliation)	1
	Economic organized violence at work	1
	Negligent organization of work	1
	Failure to allow leave, breach of the labor code, dismissal	1
Interpersonal career shocks	Violence at work by a leader (psychological)	1
	Public criticism of leader(s)	2
	Conflict (with leader or colleagues)	5
	Change in leader's behaviour (feeling kicked out of the team)	2
	Feeling not (appreciated) by leader	4
	Leader did not give recognition of individual's contribution, did not give pay rise, created unfavorable conditions (examination)	1
	Expressing/defending one's own opinion against criticism from the leader	1
	Feeling unexpectedly strongly supported by leader, support	1
	Feeling (appreciated) (leader's reluctance to release to another new job, offered a salary increase, etc.).	2
	Unexpected promotion offered by leader	1
	Poor performance appraisal by leader, sudden demotion	1
Personal career shocks	A worker's pregnancy is threatened with termination of employment by her leader	2
	Leader's refusal to meet employees' expectations (for leave, for education)	2
	Strong support from the leader during the divorce	1

The results showed that all three categories of leader behaviour - relationship-oriented, task-oriented and change-oriented - were present in the context of career shock. The analysis of the results showed that relationship-oriented leader behaviour was the most strongly manifested and that it had a strong correlation with task-oriented leader behaviour. From a valence perspective, only negative task-oriented leader behaviours were manifested in the context of career shock, whereas both negative and positive leader behaviours were identified in relation to relationship-oriented and change-oriented behaviours.

The results of the study showed that when analyzing career shock cases induced by leader behaviour, only negative, *task-oriented* leader behaviour was observed in career shock cases such as: not being recognized by the leader (subordination, pay, etc.) (R22, R14, R08, R03), conflict with the leader (R07, R35, R36) or others. The analysis of the study results revealed that the most pronounced negative leader behaviours in the study of respondents' experiences of career shock were task-oriented, which included: inadequate organization of work by the leader, excessive monitoring of the employee's performance, lack of clarification, ineffective or incorrect problem solving, and ineffective implementation of decisions (slow, delayed, or delayed).

The results of the study showed that both negative and positive *relationship-oriented* leader behaviours were manifested in the analysis of career shock cases induced by leader behaviours. However, the expression of negative relationship-oriented leader behaviour in career shock was significantly higher. The analysis of the results of the study revealed that, in terms of the respondents' experiences of career shock, the most strongly manifested negative

relationship-oriented leader behaviours were: Lack of support, lack of attention to the worker's feelings and needs, lack of recognition, pressure, humiliation, psychological violence or abusive communication, lack of feedback or incorrect provision of feedback, lack of empowerment and lack of consideration of the worker's opinion, double standards in dealing with employees or lack of employee development.

Meanwhile, in the study of the respondents' experiences of career shock, the most strongly positive relationship-oriented leader behaviours were: providing support, paying attention to the employee's feelings and needs, giving recognition, showing public attention, emphasizing and recognizing the employee's importance, subordination, competence, etc., creating a safe emotional climate, correct communication by the leader, developing employees, etc.

The results of the study showed that both negative and positive ***change-oriented*** leader behaviours were present in the analysis of career shock cases induced by the leader's behaviour. The analysis of the empirical research results showed that the negative change-oriented leader behaviours were the most strongly manifested in the respondents' experiences of career shock: failure to create psychological safety, lack of mutual trust, lack of vision and clarification of the change, lack of communication from the leader in support of change, lack of encouragement of commitment to change, and lack of a supportive organizational culture. In contrast, positive change-oriented leader behaviour was most strongly manifested by: providing opportunities and resources for change, creating psychological security, mutual trust in the context of change, supportive leader communication, and encouragement of engagement.

Summarizing the study results, it can be concluded that leader behavior induces career shocks for employees – both in the organizational and personal context. The research results revealed that in the context of career shock, all three categories of leader's behavior appeared - relationship-oriented, task-oriented, change-oriented leader's behavior. The analysis of the results shows that the relationship-oriented behavior of the leader was the strongest. The results of the study revealed that the leader behavior induce a career shock to the employees (for example, not keeping the promise to the employee regarding a salary increase), also, the leader's behavior affects disruptive events in the employee's personal life, inducing a career shock (for example, not providing support during the employee's pregnancy). The study results showed that the majority of career shock cases induced by leaders were negative, associated with the organizational context (such as organizational procedures, policies, interpersonal relationships within organizations, etc.).

Conclusions

The study conducted on leader-induced career shock aimed to uncover the important roles that leaders play in shaping their employees' career trajectories, by inducing positive and negative career shock. By exploring the experiences of employees who have undergone career shocks induced by their leaders, this research has shed light on the profound impact of leadership behavior on employee career paths.

The study revealed that career shock is a complex, multifaceted phenomenon that includes various aspects and factors. Our findings confirm that leader behavior significantly influences the occurrence and nature of career shocks. It was found that the leader's task-oriented, relationship-oriented and change-oriented behavior induced employees career shock in the organizational context, both related to organizational changes (for example, a new leader, reorganization, etc.) and aspects of organizational policies and practices (for example, unexpected dismissal, unexpected promotion, promotion, etc.), as well as with interpersonal relationships (for example, conflicts with the leader, colleagues, customers, etc.).

However, it was also revealed that the leader's behavior contributes to the employees' personal context experiences, inducing career shock. The experiences of the research participants, such as an event that became a career shock, when the leader threatened the employee during pregnancy or the leader's refusal to meet the employee's expectations regarding leave and education, showed that the leader's behavior is manifested not only by inducing career shock in the organizational context, but also in a personal one.

In conclusion, this study contributes to the existing literature by providing empirical evidence on the critical role of leadership in the dynamics of career shocks.

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MIGRATION AS A CHALLENGE FOR CONTEMPORARY PUBLIC SECURITY: LITHUANIAN CASE

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Abstract. Migration and security as social phenomena, which in recent times have often been levelled or even staged against each other.

Migration can sometimes pose certain challenges to the interests of the state if it is perceived as a threat to national security. This perception can lead to the implementation of various political or legal measures and instruments aimed at protecting borders, regulating immigration flows and monitoring the movement of migrants. The European Parliament has tried to tighten border controls and improve the ability of Member States to manage the flow of people arriving in Europe. To achieve this, the new Pact on Migration and Asylum was approved, which proposes to better address the complexity and challenges of migration management, while ensuring that the rights and needs of illegal migrants are respected and protected.

Over the past few years, the countries of the European Union have from time to time reintroduced border controls within the Schengen area, which often last for a long time. In order to preserve free movement while addressing real security threats, the European Commission presented its proposal for a revision of the Schengen rules in 2021.

In February 2024, Parliament reached a provisional agreement with national governments on rules stressing that the reintroduction of border controls is a last resort. EU countries can exceptionally reintroduce border controls when there is a serious threat to public policy or internal security.

This article analyses the challenges posed by migration processes to contemporary public security, focusing on the case of Lithuania. The article analyses the impact of irregular migration on the public security aspects of Lithuania and discusses possible solutions to address these challenges. The article reviews the migration situation in Lithuania over the last decade using statistical data and assesses the decision-making challenges for the actors involved in migration processes, as well as providing an overview of the latest regional legal framework.

Keywords: irregular migration, migration processes, public security.

Introduction

Migration and security today are among the most pressing issues discussed in various fields of science. There is an increasing number of people around the world who migrate voluntarily or as a result of military conflicts, natural disasters, poverty or persecution in their home country. Migration as a phenomenon itself is not a criminal phenomenon in itself, but it has a tendency to sometimes escalate into irregular or irregular migration, which is already a matter of concern for the states through or to which these migratory flows enter. It is not uncommon for irregular migration flows to cause anxiety for the states to which these flows reach for security reasons; national governments are trying to find a balance between the protection of their citizens and the help and support of those seeking protection.

Migration can be a concern for the interests of the state if it is perceived as a threat to national security, for example, if it is associated with hybrid attacks, terrorism, organised crime or, for example, the spread of communicable diseases. This perception can lead to the implementation of various political or legal measures and instruments aimed at protecting borders, regulating immigration flows and monitoring the movement of migrants.

The main task of the article is to show using the method of content analysis and statistical analysis and using the case of Lithuania that migration issues can have an impact on security issues and remain important in today's context and require constant attention and the application of common measures for the management of migration flows.

Free movement of persons within the European Union, aspects of legal regulation

The creation of an area of freedom, security and justice is one of the main tasks of the European Union (hereinafter - EU), and the free movement of persons, goods and services is considered to be one of the main achievements of the EU.

Since the introduction of the concept of the free movement of persons, its meaning has changed significantly. The first provisions on that point, included in the Treaty establishing the European Economic Community of 1957, included the free movement of workers and freedom of establishment, and thus persons in employment or in service. The Treaty of Maastricht enshrines the concept of EU citizenship, according to which all citizens of the Member States automatically hold EU citizenship. It is this EU citizenship that provides the basis for the right of individuals to move and reside freely within the territory of the Member States. This right was confirmed by the Treaty of Lisbon, which also includes general provisions relating to the area of freedom, security and justice (European Parliament, 2023).

The creation of an area of freedom, security and justice is enshrined in Title V (Articles 67 to 89) of the Treaty on the Functioning of the European Union. This area was created in order to avoid border controls at internal borders and to provide citizens with a high level of protection (Consolidated version of the Functioning of the Treaty on European Union, 2016).

According to Article 3 of the Treaty on European Union, which sets out the objectives of the European Union, the EU offers its citizens an area of freedom, security and justice without internal borders.

The absence of border control shall be ensured by the combined application of appropriate measures for the control of external borders, asylum, immigration and the prevention and fight against crime, as well as police cooperation.

One of the measures to regulate legal migration flows is the competence of the EU to determine the conditions of entry and residence of third-country nationals entering and legally residing in a Member State, as well as for the purposes of family reunification. Member States shall have the right to determine the number of jobseekers from third countries admitted to their territory. At the same time, the EU can encourage Member States to take measures aimed at integrating legally residing third-country nationals and can support these measures by Member States. However, the EU does not provide for the harmonisation of national laws and regulations.

In addition to these measures, the EU attaches a major role to the fight against irregular, irregular migration. The European Union has a duty to prevent and reduce illegal immigration, in particular through an effective return policy and respect for fundamental rights. The European Union has the competence to conclude agreements with third countries on the readmission to their country of origin or departure of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in one of the Member States.

The European Union has the task of ensuring that there are no controls on persons when crossing internal borders and of formulating a common policy on asylum, immigration and external border controls, based on solidarity between eu Member States, which is fair to nationals of non-EU countries. It is also envisaged that the EU must develop a policy for the control of persons and for the effective surveillance of the crossing of external borders, while

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ISSN 2029-1701
ISSN 2335-2035 (Online)

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ensuring that there are no controls on persons when crossing internal borders, and to gradually introduce an integrated management system for external borders (Consolidated version on the functioning of the Treaty on European Union, 2016).

The treaty requires the EU to develop a common policy of asylum, subsidiary protection and temporary protection for non-EU nationals in need of international protection in order to offer appropriate status and ensure that the principle of non-refoulement is not violated (a fundamental principle of international refugee and human rights law, which prohibits states from returning persons to a country where there is a real risk that they will be persecuted, tortured, treated inhumanely or degradingly or otherwise violated human rights).

The EU 's immigration policy aims to ensure the management of migratory flows, a favourable treatment for non-EU nationals legally residing in the Member States, and to prevent and combat illegal immigration and trafficking in human beings.

In the area of legal immigration , the EU has the right to determine the conditions of entry and residence of non-EU nationals entering and legally residing in a Member State, including for the purposes of family reunification. However, it is up to the Member States to decide how many non-EU nationals can be allowed to seek employment by setting quotas.

The EU aims to prevent and reduce illegal immigration, in particular through an effective return and readmission policy and respect for human rights. The EU's migration and asylum policy and its implementation are subject to the principle of solidarity and fair sharing of responsibilities between the Member States, including its financial implications.

For many years, the EU has been developing and improving its common approach to migration and asylum. Since 1999, the EU has been working towards the creation of a common European asylum system. In 2020, the European Commission published a new pact on migration, which covers the different elements needed for a comprehensive European approach to migration and aims to ensure greater coherence in integrating the internal and external dimensions of migration policy. The Commission proposes improved and faster, better integrated procedures across the asylum and migration system and aims to ensure a balanced common framework that brings together all aspects of asylum and migration policy. It recognises the need to improve intra-EU procedures in order to achieve effective returns, which help to reduce fragmentation of national approaches and to strengthen cooperation and solidarity between all Member States (consolidated version of the functioning of the Treaty on European Union, 2016).

The New Pact reflects the growing political will to deter irregular arrivals, especially those who do not have a legal asylum application. However, this assumption that many people arriving in Europe are not in danger and use the system is difficult to prove, and is also refuted by official statistics showing that the majority of asylum seekers are fleeing persecution and violence (European Council, 2024).

The Pact defines the instrumentalisation of migrants as a situation in which a third country or a non-state entity encourages or facilitates the movement of third-country nationals towards the EU's external borders or into a Member State with a view to destabilising the EU or a Member State. It introduces new measures to manage this phenomenon, including limiting the number of border crossing points at the external borders or their working hours, as well as the intensification of border surveillance.

In 2024, there will be more forcibly displaced persons in the world than ever before. Given the lack of safe pathways, the majority of asylum seekers have very little choice but to spontaneously enter European borders, which is their right under international law. This was also followed by the updating of another instrument enshrined in the regulation, the Schengen Borders Code (Schengen Borders Code, 2024).

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ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
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The likely consequences of the agreement are the development of harmful detention throughout Europe, increased pressure on border states and more frequent application of emergency measures that violate human rights (Chuang,2022).

Under the new rules, people arriving at the EU's borders will be screened and detained at the border to determine whether they pose a security risk or are particularly vulnerable, and certain categories of asylum seekers will be subject to accelerated asylum procedures. States have the right to deviate from EU legal standards in so-called crisis situations, while the new 'solidarity mechanism' aims to allocate responsibility for granting asylum to states. The Pact also updates the standard of living conditions of asylum seekers, increases the way their data is used and sets common standards for resettlement procedures.

Ensuring security is a priority area for the European Union

The European Union's security environment has changed dramatically in recent years. The main challenges related to peace and stability in the EU's eastern and southern neighbourhoods continue to stress the need for the EU to adapt and increase its capacity as a security provider, with a focus on a close external-internal security relationship. Many of the current challenges to peace, security and prosperity stem from instability in the EU's immediate neighbourhood and changing forms of threats (European Commission, 2016, p. 2).

National security is the protection of the independence of a state, its territorial integrity and constitutional order, its defense against various threats arising both externally and within the country.

The concept of national security is inseparable from the concept of international security. There are threats that arise not only to man or the state, but also to society as a whole or even to humanity, such as air or water pollution, terrorism, etc. Problems that threaten international security must be addressed by each state acting in concert with the others. Ignoring the solution to international security problems (e.g. environmental security, irregular migration, terrorist threats, etc.) can put not only individual states at risk, but also the region as a whole or even the world.

Globalisation, free movement and digital transformation continue to deliver well-being, make our lives easier and stimulate innovation and economic growth. But along with this benefit, both risks and costs arise (Erdogan, 2020). They can be manipulated by terrorism, organised crime, drug trafficking and human trafficking, all of which pose a direct threat to citizens and to our European way of life. In other words, with increasing connectivity and technological developments, the EU faces complex security challenges, including hybrid threats, which include conventional and unconventional tactics to undermine stability and security (Sanz-Caballero, 2023).

Citizens cannot be protected solely by the member states acting independently. It has never been more important to build on our strengths so that we can work together.

The work must also take place outside the EU. The protection of the EU and its citizens is not only about ensuring security within the EU, but also about the external dimension of security (European Commission, 2020, pp. 2-3).

The global security environment is becoming increasingly contentious, complex and interdependent (Chuang, p.409,2022). Even with the resurgence of armed conflicts and civil wars in the EU's neighbourhood, new and unconventional security threats have emerged or intensified, including cyberattacks, hybrid threats, terrorism, disinformation, climate change or artificial intelligence. In an increasingly interconnected world, European security begins abroad (EEAS, 2023).

What is happening outside the EU's borders and security in Europe are closely linked. In a rapidly changing world, security challenges have become more complex and multifaceted. As far as security is concerned, the interests of all the Member States are inextricably linked. In its Global Strategy, the EU considers security a priority and has made efforts in recent years to allow for closer cooperation between Member States in the area of security and defence (EEAS, 2023).

As the recent example shows, the use and de-escalation of the migration flow to a neighbouring state on the Belarusian-Lithuanian border must be treated as a hybrid threat aimed at destabilising the country's security. Hybrid threats are often difficult to describe and deliberately target the vulnerability of states. Eu policies are thus developing common recommendations to strengthening security in the region and developing a coordinated strategy to address critical vulnerabilities across the European Union. This is the key to making states more capable of withstanding and recovering from shocks.

Migration flows, case of Lithuania

Each country faces unique security challenges based on its geopolitical situation, history and socio-economic factors. Lithuania, as a member of NATO and the EU and located close to Russia and Belarus, has to deal with specific security issues such as hybrid warfare tactics, energy security and strategic communication.

EU integration is essentially seen as a success story and a cornerstone of European stability with more than 50 years of peace (Archick, 2016). However, the nature of new threats and crises, such as those of Belarus and, in particular, Ukraine in the east and syria or libya's south, has shown that the EU is not able to cope with a number of external challenges that could become internal challenges. These threats clearly demonstrate the need for a stronger EU common security and defence policy.

There is no doubt that the resolution of today's conflicts, especially in areas relating to vital European interests, requires a holistic approach and unity of the Member States. Security and defence are becoming just as important, or even more important, than other instruments of influence and stability, such as political, diplomatic, economic, financial or development aid. The EU should have a clearly defined strategy for resolving conflicts that pose a clear threat to the EU. To date, the unanimity demand for intervention and the lack of commitment have led to several failures. The situation in Belarus – the Lithuanian border in 2021 and the situation in Ukraine are cases when the eu as a whole has not done enough.

Migration flows and border management challenges can be caused by a variety of causes, including wars and unresolved conflicts. The current EU refugee crisis is rooted mainly in Belarusian politics and in the Ukrainian conflict, which is 'led' by Russia, as well as the poor response of EU Member States. At the same time, the situation in Ukraine has become a humanitarian crisis, especially in Poland and other neighbouring countries, and has partly undermined the essence of free movement within the Schengen area. These situations prove how intertwined today's challenges are.

Russia's infiltration into Ukraine, constant bullying in the Baltic States, hybrid and cyberattacks, Europe's energy dependence and other topics opened up the possibility of a conflict with Russia, which was unthinkable just a few years ago (Baylon, 2019).

As already mentioned, EU citizens enjoy a wide freedom of movement, which is one of the fundamental principles of the European Union, enshrined in the TEU and developed in eu secondary legislation (Directive 2004/38/EC of the European Parliament and of the Council).

According to data for January 2023, the Schengen area consists of 27 countries with a total population of more than 420 million people (European Commision, 2024). In the Schengen area, more than 400 million people can travel freely, without border controls, from one Member State to another. Every day, around 3.5 million people cross internal borders for work or study purposes or to visit family and friends. Nearly 1.7 million people are living in poverty. people live in one Schengen country and work in another (European Commision, 2024).

Eligible entry must be entered by the country of origin in various ways. This means that if you are an EU citizen, you have the right to move and reside freely within the territory of the EU Member States. List of non-EU countries through which it is not necessary to join the Schengen area (including Lithuania), if it is no longer than 90 days in any 180 days period (Seniutienė, 2023).

If a person comes from a country that is neither part of the EU nor the country of origin is listed in the above list, then such a person will need a visa or residence permit in order to enter the Schengen area legally.

According to the method of entry into the country, migration can be divided into legal (legal) and illegal migration. Legal migration takes place in accordance with the international, regional and specific legal requirements of the country of entry, and illegal migration implies entering or staying in the country without a valid permit.

However, it should be noted that a person who has entered the country illegally does not lose his rights as a human being. All migrants have the right to fundamental human rights and are protected in accordance with international human rights principles. However, states are not obliged to grant migrants the same rights as their own nationals (e.g. the right to vote, to participate in state governance) and may restrict the rights of migrants who have entered the country illegally compared to migrants legally residing in the country (e.g. the right to work or to receive social security).

Unauthorized border crossings can be punished. In the case of Lithuania, according to the Criminal Code, illegal crossing of the Lithuanian state border is punishable by imprisonment for up to two years. An exception is made for persons who have been granted refugee status. The Convention relating to the Status of Refugees (UN, 1954) obliges states to make exceptions for refugees fleeing persecution. The Convention prohibits States from holding persons liable for illegal entry when they enter the territory of a State without permission, arriving directly from the territory where the life or freedom of a person was in danger. In this case, the authorities cannot send the person back until the asylum application has been processed. If a person has no legal basis to be in Lithuania, the Migration Department or the State Border Guard Service obliges the person to leave the country. A person may be given a deadline for voluntary departure or be forced to leave immediately. The obligation usually indicates a ban on entering Lithuania for a certain period of time. A person has the right to challenge the obligation to leave and the ban on entry by applying to the administrative court. In some cases, the authorities may detain a person who has crossed the border illegally in order to force deportation. State authorities are allowed to detain you if you have entered Or are in Lithuania without a legal basis. However, detention is a very strict restriction of freedom, so it must be legal. The grounds for detention are set out in the Law on the Legal Status of Foreigners (Seimas of the Republic of Lithuania, 2024). These and many other legal norms are applied when migration takes place legally (regularly) or in certain cases of illegal migration is recorded. (Seniutienė, 2023).

2021 It has been an exceptional year for Lithuania, recording the number of migrants, and especially irregular migrants. Since Lithuania is an external EU country, it has been an exceptional year for the whole EU. Comparing the data of the statistics for 2020 and 2021 at

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ISSN 2029-1701
ISSN 2335-2035 (Online)

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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 targeted act of hybrid aggression against Lithuania. Almost 4.2 thousand migrants entered Lithuania illegally from Belarus. Lithuania calls this influx of migrants from Belarus a hybrid attack by the Minsk regime and accuses it of organizing illegal migration (Seniutienė, 2022).

It can be argued that the usual legal regulation and human resources and technical measures to combat this crisis were incapable and insufficient to combat the hybrid attack, which led to the use of unusually harsh and deterrent measures. The mass movement of migrants towards Lithuania, which has begun, is nothing more than the reaction of the Belarusian regime to the sanctions imposed on it (Zagaris, 2023). And thousands of citizens of Iraq and other countries have become an instrument of political pressure, which the Belarusian regime has been carrying out and continues to carry out in part. The intelligence collected showed that migrants are transported in an organized manner, and Belarusian officials also contribute to this illegal migration scheme by issuing visas for foreigners to enter Belarus and escorting them to the border with Lithuania.

In the case of Lithuania, the usual international, regional and national legal regulation could not offer any measure for the control and prevention of irregular migration flows, therefore it was necessary to introduce a separate regime and propose amendments to national legislation so that officials of state institutions could properly perform the functions assigned to them, that is, to protect the state border and ensure public security. As a result, a state of emergency was introduced, the Law on the Legal Status of Foreigners was amended, and a policy of revocation was introduced.

The Law on the Legal Status of Foreigners of the Republic of Lithuania was supplemented by the following norm: "After the declaration of a state of war, a state of emergency, as well as a state of emergency or an extreme event due to a mass influx of foreigners, <... > asylum seekers may be subject to temporary and proportionate restrictions if they cannot be guaranteed for objective and reasonable grounds, with the exception of the right to material reception conditions, the provision of emergency medical care and state-guaranteed legal aid, and the right of vulnerable persons to access reception conditions appropriate to their specific needs." (Seimas of the Republic of Lithuania, 2024).

In addition to the above-mentioned measures, the installation of a physical border guard barrier was also started – the construction of a physical fence began. The construction of a physical barrier between Lithuania and Belarus began after the regime led by the dictator of the neighboring country organized the influx of illegal migrants into Lithuania. Various measures were taken to prevent migrants from entering the territory of Lithuania, and if migrants entered Lithuania, to return them to the territory from which they crossed the border, that is, to Belarus. In other words, migrants who try to enter the territory of Lithuania illegally are not allowed in, they are instructed to cross the border through border points, as established by the Law on the Status of Foreigners. The law provides that an application for asylum can be submitted only at border checkpoints after legal entry or at Lithuanian embassies abroad.

The policy of rejecting migrants launched in Lithuania has sparked a lot of debate. There are those who argue that these withdrawal actions can be considered as expulsions in violation of international law. Officials say that they do not send migrants, but do not enter the territory of Lithuania.

As we can see, the dilemma between the interests of state security and violations of human rights has become apparent in the discussions: "People who are forcibly pushed into our territory, we push them back - they are not sent anywhere "(Gutauskas, 2022). As the Judge of the Supreme Court of Lithuania Aurelijus Gutauskas said: lower standards are applied, as a

result of which the rights of other vulnerable groups may be disregarded, those persons are identified as a threat." Also, prof. A. Gutauskas argues that society begins to tolerate such government measures as beatings and detention without trial. It is said that migrants are criminals, terrorists, full of diseases, that they are a threat. However, continuing to assess the situation on the Lithuanian-Belarusian border, prof. A. Gutauskas says that this is "neither legal nor illegal migration", since the Belarusian regime uses migrants as a political tool, forcing them to violate the established border crossing procedure. And this can be illustrated with facts. Frontex records that: "In the first week of July alone, the Lithuanian authorities recorded more than 800 cases of illegal border crossings at the border with Belarus. Although most of the migrants arrived from Iraq, Iran and Syria in the first half of the year, recently the authorities have noticed that the composition of migration flows has changed. In July, citizens of the Republic of Congo, the Gambia, Guinea, Mali and Senegal made up the majority of arrivals" (Frontex, 2021). It is important to note that the geographical range of states changed when Lithuania began to apply the policy of withdrawing people from Iraq, Iran, Syria, and the Belarusian regime began to negotiate with other states and invite people to come.

Prof. A. Gutauskas, summarizing the situation on the Lithuanian-Belarusian border, argues that the decision to return migrants is imperfect from a legal point of view, but acceptable in order to control the situation in such special conditions.

The Fundamental Rights Office of frontex, the European Border and Coast Guard Agency, has criticised Lithuania for collectively rejecting migrants by border guards. According to the service, this practice is contrary to international law and the European Convention on Human Rights, and the possibility of applying for asylum at an official border checkpoint does not really work.

However, Frontex is also responding to Lithuania's request for help, and the Executive Director of Frontex said: "The situation on Lithuania's border with Belarus is still worrying. I decided to send an urgent border intervention to Lithuania to strengthen the EU's external border" (Frontex, 2021). "We will step up our assistance and send additional border guards, patrol cars and specialised officers for interviews with migrants to gather information on the criminal networks involved. These are actions of EU solidarity," the Executive Director of Frontex added.

The purpose of rapid border intervention is to provide rapid assistance to an EU Member State that is under urgent and exceptional pressure at its external border, in particular as regards the large number of non-EU nationals attempting to enter its territory illegally.

These and other discussions show that in international law, the response to specific cases and their analysis, but the policy of cancellation itself, as a tool, is not called into question.

In 2022, Europe was shocked by the Russian invasion of Ukraine. In 2022, since the beginning of the Russian invasion of Ukraine, more than 1,303,000 Russian citizens have already entered the European Union through its land borders. Following Russia's partial mobilisation, border crossings have increased in neighbouring EU Member States. In the last week, almost 66 000 Russian citizens have arrived in the EU, more than 30% compared to the previous week. Most of them came to Finland and Estonia. In the last four days, 30,000 Russian citizens have arrived in Finland.

Most of them have residence permits or visas to EU Member States or Schengen associated countries, while others have dual citizenship. Member States shall also notify the arrival of Ukrainian nationals in need of temporary protection on their way from the occupied eastern region of Ukraine via Russia.

In order to manage the situation, on 19 September 2022, Poland, Lithuania, Latvia and Estonia imposed restrictions on the entry of Russian citizens traveling only for tourism or leisure purposes. Similar restrictions are being considered in Finland.

2023 a decrease in the flow of irregular migration from Belarus to Lithuania was observed (compared to 2022, the number of deterred foreigners decreased by more than 4 times), but when assessing the scale of illegal migration at the regional level, illegal migration to EU states bordering Belarus increased by more than a third (in 2023, illegal migration flows to Latvia increased more than 2.5 times, and to Poland by more than 1, 5 times) (SBGS, 2024).

In 2023 (until 2 May 2023, in accordance with the Resolution of the Seimas of the Republic of Lithuania "On the Introduction of the State of Emergency", and from 3 May 2023 – Resolution No. 315 of the Government of the Republic of Lithuania "On the Protection of the State Border of the Republic of Lithuania in the event of a declared state-level emergency"), 2643 foreigners were refused entry to Lithuania (in 2022 – 11211), and another 65 foreigners were detained for illegal crossing of the state border (in 2022– 231). Most often, citizens of India, Syria, Iran, Afghanistan and Sri Lanka tried to enter Lithuania illegally from Belarus. 2023 third-country nationals increasingly chose the Latvian border for illegal access to the EU. Such a change was due not only to the installation of a physical barrier in Lithuania and the introduction of border surveillance systems, but also to a more strengthened border protection in Poland, where additional police and army forces were used. However, this change in irregular migration routes in 2023 led to a significant increase in irregular secondary migration from Latvia. (SBGS, 2024).

In 2023, 1193 third-country nationals who illegally entered / were brought from Latvia were detained (for comparison, in 2022, 84 foreigners were detained after illegally entering Lithuania from Latvia), i.e. in 2023, about 14 times more third-country nationals were detained than in 2022 (Figure 1.).
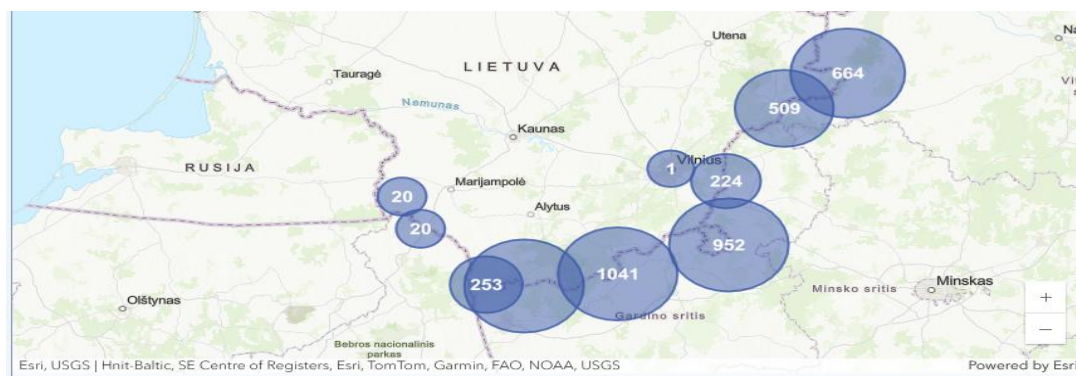

Figure 1. Registered irregular migrants in Lithuania by municipality
Source: Official Statistics portal, 2024

As irregular migration has become the activity of organised crime groups in most cases, these groups are adapting very quickly to the changed situation, and in 2023 the activities of criminal networks engaged in smuggling people from Latvia towards migrants' destination countries increased significantly. Of the 134 pre-trial investigations launched on "Smuggling of foreigners across the border", about 90% of the investigations were related to the smuggling of foreigners from Latvia.

Undoubtedly, the above figures also affect the situation of Lithuanian public security. Therefore, although in 2023 there was a decrease in the "pressure" of irregular migration from Belarus to Lithuania, due to the ongoing phenomenon of instrumentalization of irregular

migration in the region , the increase in illegal secondary migration from Latvia, as well as the adoption / planned decisions in the Russian Federation and Belarus to facilitate the entry of foreigners into these countries (negotiations on direct flights with third countries or The mutual recognition of visas between the RF and Belarus, etc.), the threat of illegal migration in Lithuania, and at the same time, lithuania being an EU external state and the EU, remains high.

Conclusions

The creation of an area of Freedom, Security and Justice is one of the main tasks of the European Union in order to ensure a high level of protection for citizens on the territory of the Member States.

In order to ensure security in the region, the European Union and its Member States must act in a spirit of solidarity and coordination in order to effectively combat irregular migration, ensure human rights and security, and maintain stability in the region.

Although Lithuania has not seen any major irregular migration flows in the last few years, over the past decade migration flows have increased exceptionally only in 2021, however, due to the interdepartmental decisions taken or planned to be taken in neighboring states that are unfriendly to Lithuania, which would simplify the entry of foreigners to these countries, the threat of illegal migration in Lithuania remains high, therefore, it is necessary to implement measures aimed at strengthening border control, interdepartmental strengthening cooperation, reviewing asylum procedures and supporting integration initiatives.

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RELATIONSHIP BETWEEN NATIONAL LANGUAGE AND NATIONAL IDENTITY WITHIN THE CONTEXT OF GLOBALIZATION: THE CASE OF THE LITHUANIAN LANGUAGE

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Abstract. *National identity is usually based on certain features, which enable an individual to perceive his/her national identity. In addition to culture, customs, traditions, a defined territory, a shared history, etc., language is a strong basis for an individual's identification with a certain ethnic group. Language is considered to be the most universal means of communication as it helps us to convey the content of information when communicating. However, accelerating globalization affects even the use of a national language and, thus, the younger generation is often more focused on the dissemination of information in English. As a result, it seems that the native language is pushed aside, and little significance is given to its correctness. National identity and the use of national language are extremely important for representatives of certain professions, for example, statutory officers, soldiers, and specialists of law because clarity and logic are some of the most important elements in legal documents to comprehensively render the content. Therefore, the article aims to reveal the attitudes of the students of the Public Security Academy of Mykolas Romeris University towards the significance and place of national language and national identity in modern society as well as the importance of language skills for professional career. The survey results revealed that many young people associate national identity with their native language and culture, and find common links between them.*

Keywords: national identity, value, globalization, language.

Introduction

National identity is usually based on certain features, which enable an individual to perceive his/her national identity. Besides culture, customs, traditions, a defined territory, common history, etc., language is a strong basis for an individual's identification with a certain ethnic group. Language is regarded as the most universal means of communication since while interacting it helps us render information (Grigonienė, Peleckienė 2018, 46). However, accelerating globalization affects even the use of a national language and, thus, the young generation frequently pays more attention to the dissemination of information in English. As a result, it seems that the native language is pushed aside while little significance is given to its correctness. New technologies, international investment, dissemination of information as well as political and economic circumstances determine the impact of globalization on national language and culture, which in turn raises the questions of preserving national identity. These questions are particularly relevant to the young generation – do they still consider it necessary to maintain the prestige of the national language, or is it necessary to take care of the correctness of the language, to be able to express thoughts logically and clearly in it?

National identity and the use of national language are extremely important for representatives of certain professions, such as statutory officers and soldiers, as well as for legal professionals, as clarity and logic are among the most important elements for legal documents to convey the ideas they contain in an understandable way. Therefore, this article aims to find out the attitudes of the students of the Public Security Academy of Mykolas Romeris University towards the interconnection between national identity and language, and the place of the national language itself in the context of the global world. In this context, **the object** of the article is the students' attitudes towards the relationship between national identity and national language, the significance of national language, and the trends of its use in contemporary society, and **the aim** of the research is to reveal the students' attitudes towards the significance and place of national language and national identity in contemporary society as well as the importance of language skills for professional career.

The following objectives were raised in order to reach the aim:

1) To discuss the role of national identity and national language in the context of globalisation;

2) To analyse students' attitudes towards the relationship between national language and national identity in the contemporary context.

The article uses the methods of scientific literature analysis and a questionnaire-based survey. The method of scientific literature analysis was used to discuss the evaluation of national identity and national language in scientific resources and to introduce scientists' attitudes towards the issues under study. The survey was used to find out students' attitudes towards the relationship between national identity and national language in contemporary society.

Impact of globalization on national identity

The sense of belonging to a nation and ethnic group reveals a way of life and culture based on myths, symbols, and other forms of cultural behaviour and communication that contain spiritual values. Nation and ethnicity, ensuring the continuity and uniqueness of culture, especially traditional one, give the individual not only an individuality that distinguishes him or her from others but also an existential significance (Grigas, 2002). However, the increasing globalisation of recent decades has led to a different approach to the concept of national identity. The era of globalisation is one of the civilization challenges that humanity has repeatedly experienced. In modern conditions, when migration processes are intensifying and intercultural and interlingual ties are becoming more and more intense, the problem of national identity naturally attracts the attention of humanists (Yermolenko, 2021). The essential characteristic of civilization is rapid human globalisation: modernisation of living conditions of its entire expression, distribution, and consumption of general technologies, merging of nations and states, and establishment of supranational structures. (Grigas, 2002). Globalization is given more and more significance in its role. It strongly affects not only economic and technological advances but also social relations. Society is becoming more and more consumption-oriented whereas eternal values (morality, faith, nationality) are pushed to the background or replaced by temporary ones, relevant only for a certain period (Dobržinskienė, Stepanovienė, 2021).

While there is no singular accepted definition, globalisation broadly refers to the exchange of people, technology, goods/services, culture, and information, and the resulting increased connections and interconnections that transcend geographic and cultural borders (Diamond, 2024). Contemporary globalization is a historic, cultural, and technological process, which is primarily characterized by all-encompassing integration, opening the world to every

one of us and reversedly opening us to the world (Januškevičiūtė, Čepulkienė). On the one hand, it allows us to get to know numerous phenomena that exist far away from us. On the other hand, global changes pose problematic challenges to the national identity of a society and an individual, which affects the national concept of values, religion, and culture. This process and its consequences are evaluated unanimously, which shows the controversial evaluation of the society regarding ethnicity. While traditionalists stress the importance of national identity and culture, liberals argue that identity cannot be treated as something closed. R. Kazlauskaitė-Markelienė, summarizing the conceptions of these days' philosophers, historians, sociologists, political scientists, educologists (and representatives of other sciences) claims that the contemporary identity of an individual is multi-meaningful, composed of separate parts, changing, capable of being the question and outcome of the personal choice, is open and susceptible for different external impact (Kazlauskaitė, Markelienė, 2010). On the other hand, not only identity but also the globalisation concept itself is changing. Until the middle of the 20th century economic and commercial, political, and technological factors were prevalent whereas social, cultural, and ecological factors have emerged since the middle of the 20th century. However, they are more of a consequence of globalisation and therefore different from economic, technological, and political factors, which are the cause. Separate factors and events affect each other and enhance the subsequent process of globalisation. Globalization impact is observed in various areas of socio-economic life and determines different results (Urbšienė 2011). Thus, there exist interdependent events, which we are trying to perceive and evaluate but not to limit and stop. In addition, continuous change reveals the need to observe and evaluate them.

Therefore, while the concept of national identity has been rather thoroughly analysed by numerous scientists, the intensification of globalisation has forced researchers to re-evaluate and re-discuss certain issues. National identity is a complex dynamic phenomenon, which starts developing in early childhood and is ongoing. If the social context is changing, it can change as well (Antinienė, 2002).

"The attitude of a modern person - breaking out of the limits of a small cultural space, finding oneself in the transformation of information and globalization, new social movements - towards oneself, his/her history, cultural heritage, cultural policy is changing" (Savoniakaitė, 2007). It is influenced by the changing social environmental, political decisions, and technological development. According to D. Antinienė, national identity is a complex process of identification, which is a certain relatively stable state, either acquired or created, related to more or less conscious involvement in the nation's affairs (2011). National identity is formed, changed, constructed, reconstructed, and preserved almost at the same time (Taljūnaitė, 2009). However, there are opinions that national identity is a genetically determined characteristic of a person, which he/she receives when he/she comes into life (Diržinauskytė, 2013). Perhaps some traits could be considered as such, but the nature of modern life makes even the previously revealed traits of national identity changeable. Globalisation, which is developing more and more rapidly, is erasing the boundaries of national identity traits, namely culture, territory, customs, religion, values, language, etc.

According to researchers, national identity is the entirety of clearly defined specific features that distinguish one nation from another, such as language, religion, history, citizenship, etc. The native language is considered an important feature of national identity (Diržinauskytė, 2013). Language has long been considered one of the foundations of a nation, even of statehood, although in the modern context, the language used in small territories loses its previous meaning, because, within the context of the global world, it becomes significant only for the people living in that territory. However, this is an essential sign of the nation's

survival. A language, the historical past, the common culture, and the territory usually allow people to associate themselves with their nation. The role of language as a very strong aspect of an individual's identification with a certain national group is particularly emphasised. Considering the above, it can be said that even in the global world, the native (national) language remains a very important element of national identity. A national language begins to lose its value if that language is spoken in a small territory because it limits the possibilities of a person: the national language is only needed in a certain defined territory, and it cannot be used to communicate with people of other countries, etc. (Stepanovienė, Dobržinskienė, 2017). It becomes the complete opposite of the challenges of globalisation and internationalisation. Because of this, the younger generation often fails to realise the prestige and importance of its language as well as the necessity of good knowledge of that language, despite the laws of the country, which legitimise the use of the national language, thus protecting it from being completely ignored. However, the native language is an integral part of every person's life. It is the most important means of communication, an invaluable tool of society's sociality, and an indicator of nationality. Through the native language, a person is connected not only to his existence but also to his nation and culture. Language best expresses the cultural identity of an individual (Pruskus, 2013). A nation cannot exist without its language, as well as without its history, cultural traditions, and customs (Aramavičiūtė, 2005). The responsibility for the fate of the national language is very personal, it falls to every citizen of the nation because protecting and cultivating the national language means enhancing one's nationality. However, it should be noted that the prestige of the Lithuanian language is not strong due to various reasons, especially due to the weakening of national identity and traditional values, high emigration (and immigration) (Miliūnaitė, 2010). However, it is believed that the communication factor is becoming more and more important in assessing professional competences. Every specialist needs to be able to communicate properly, which means that language skills are starting to be valued, and to communicate properly, you need to know both correct language and its nuances so that the language is clear, understandable, stylish, persuasive, etc. Thus, communicative competence - good command of the language as well as transmission and reception of information - allows every person to participate successfully in social life (Grigonienė, Peleckienė, 2018) and this presupposes the need to value and maintain one's national language and national identity because it is a certain state, a certain peculiar way of life that a person has acquired or created and which is connected with a committed, more or less conscious involvement in the affairs of the nation (Antiniene, 2002).

The relationship between national language and national identity in the modern context from the point of view of students

Characteristics of research participants. Considering the younger generation as the keystone of citizenship, the empirical study was purposefully designed and conducted with the participation of students from Law and Pre-trial Process (with a specialisation in Forensic Science) and Law and Police Activities study programmes. 78 first and second-year students participated in the study. The study was conducted in March 2024. The research instrument was a closed-ended questionnaire.

The research **aims** to find out the attitude of the younger generation – future lawyers and police officers – towards the perception of national identity, connections with the native language, and the process of globalization.

Research results. The first question aimed to find out whether, according to the respondents, speaking correctly in Lithuanian is a prestige. More than half of those who filled

out the questionnaire, i.e. 59 % of the respondents answered this question positively, while 26 % believed that using the correct Lithuanian language is partly a prestige. Only 15 % answered this question negatively (Fig. 1). Therefore, it can be assumed that for the time being, the correct use of the Lithuanian language, which is part of the national identity, is still sufficiently important for the younger generation and is valued as a certain part of prestige.
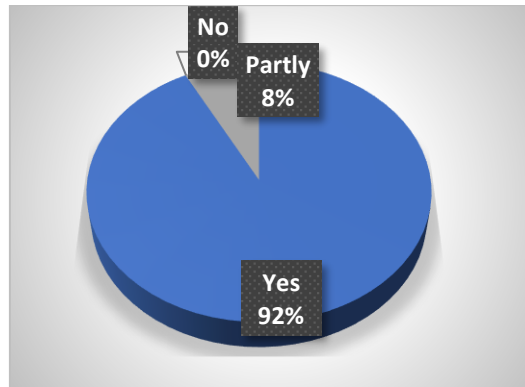

Figure 1. Is it prestige to speak in Lithuanian correctly?

Even more, respondents positively assessed the importance of the correct Lithuanian language in assessing the level of education. Even 68 % of respondents believe that correct language indicates the level of education, and 27 % argue that partially correct language is important. Only 5% of respondents did not associate language correctness with education (Fig. 2). Therefore, it can be assumed that the young generation of students, despite the impact of the global perception of the world, does not underestimate the relevance of the native language and believes that education and native language are closely interrelated.
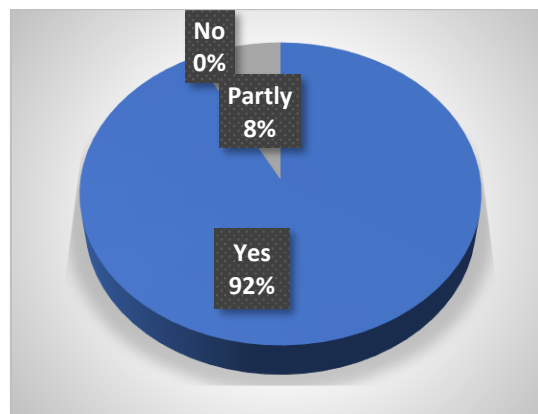

Figure 2. Does the correct language show the level of one's education?

However, the younger generation also believes that the correct use of the Lithuanian language is no longer so important in seeking professional success because many respondents chose the answer partly (56%) to the question "*Does professional success in Lithuania depend on the correct and expressive use of the Lithuanian language?*". Those who chose positive (23%) and negative (21%) answers were almost equally divided (Fig. 3). Probably, the correct use of the language has more influence on learning and studying, because speaking, writing papers, and, accordingly, the assessment received for this is closely related to the ability to express one's thoughts in a clear language. The profession is more associated with professional abilities and the language becomes an additional criterion for achieving professional success.
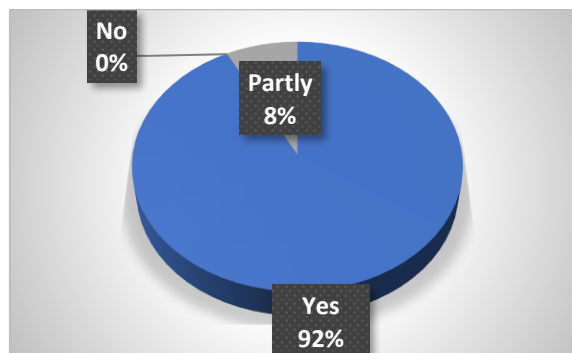
Figure 3. Does professional success in Lithuania depend on the correct and expressive use of the Lithuanian language?

The fourth question sought to find out the respondents' attitudes when they try to speak their native language correctly. There were several options to choose from. The option "I always try to speak correctly" received the majority of votes (40%), followed by the option "I only speak correctly in an official environment" (37%) (Fig. 4). This choice does not indicate that the younger generation does not want to speak correctly, but sometimes in an informal environment, it is actually possible to deviate from the correct usage, to create neologisms that are understandable only to this group of people, etc. Of course, this will no longer be correct language usage. The most surprising thing was that even 33 % chose the statement that they use the correct Lithuanian language in social networks – this is a rather high result and shows that social networks are no longer a place where you can write anything. The least frequently chosen options were correct use of language in both formal and informal settings (19%) and correct speaking in the family (15%). The latter option also reveals a certain social aspect, that the family is relaxed and thinks less about how to say one or another thought correctly.
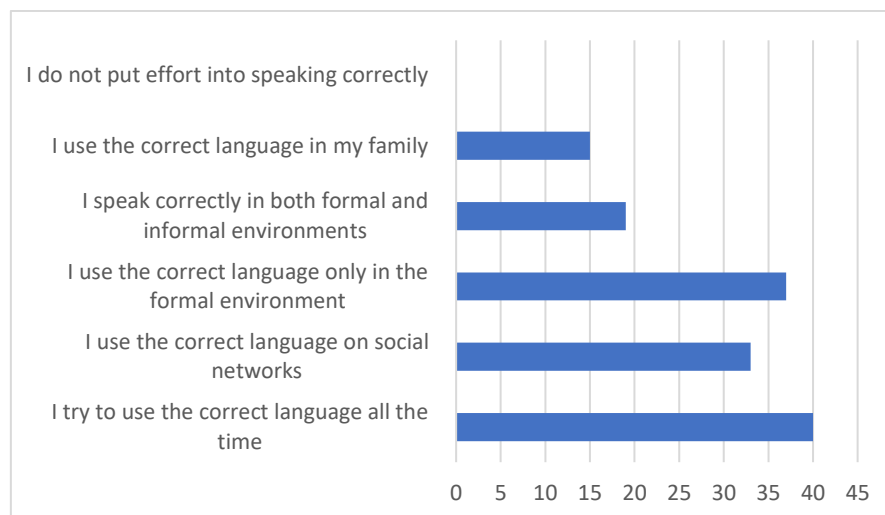
Figure 4. In what situations do you try to use the Lithuanian language correctly?

The fifth question sought to find out what characteristics the respondents attribute to national identity (several answer options could be chosen). After summing up their answers, it can be seen that the majority of respondents associate national identity with language, as many as 77% of respondents marked this feature (Fig. 5). Hence, for many, nationality, identifying oneself as a member of a nation, is associated with language. Language can be seen as the main element that allows us to identify ourselves as a nation. Such results only confirm the idea

mentioned in the article by V. Diržinauskytė (2013) that language encourages a person to identify himself/herself with a certain nation. Anthropologists also support this position and claim that language helps to preserve and transmit the collective (nation) experience (Antinienė, 2002). Slightly fewer respondents identified culture (75%), customs (69%), history (57%) and citizenship (43%) as traits associated with national identity. It is obvious that ethnicity, self-association with the nation, is based on ethnic and historical aspects. These are some of the main features that distinguish nations. Observation of customs and common culture are becoming distinguishing features, allowing differentiation of people according to their belonging to the nation. These aspects, as well as the language itself, are developed from an early age and, therefore, they become an inseparable part of a certain nation whereas history, although it is a given virtue, that a member of a nation has to accept, unites and connects the individuals by the past. One can start to speak the other language and accept the customs and culture of the other nation but it is hardly possible to possess the history of the other nation. Geographic position (24 %), education (20 %), and religion (12 %) for respondents seemed to be the characteristics least related to national identity. On the one hand, one can claim that religion, though it is a characteristic acquired at an early age, does not affect the youth so deeply and they do not value this characteristic as essential for identifying national identity. On the other hand, the main religions are widespread and Catholicism cannot be regarded as a distinguishing characteristic of the Lithuanian nation.
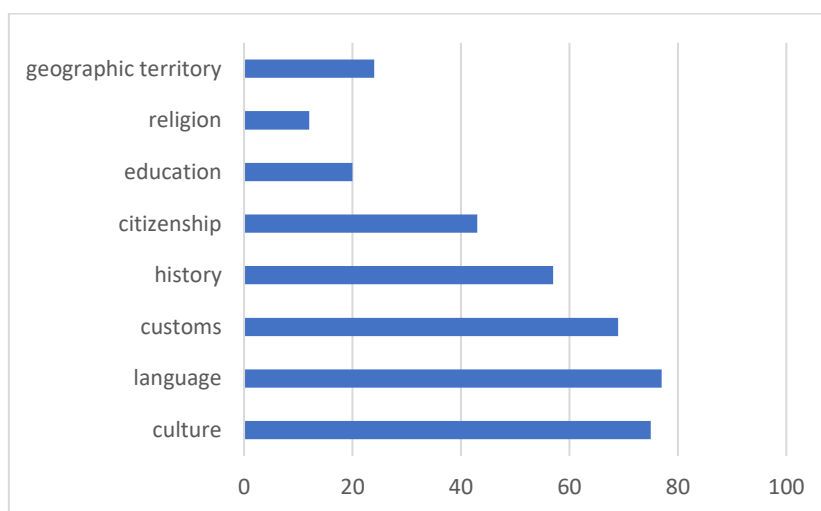

Figure 5. Characteristics of national identity

When evaluating the impact of globalisation on national identity characteristics, respondents most frequently chose the native language (63 %) (Fig. 6). Thus, even though the young generation values its language and is trying to speak and write it correctly, it feels that globalisation mostly affects the preservation of one's native language. Culture was also frequently mentioned (61 %). This option must be regarded as important because culture affected by globalisation is rarely mentioned but respondents' answers lead to concerns that this part of national identity must be preserved and fostered more. Besides language and culture, national values, affected by globalisation, are listed (53 %). The very national identity was mentioned by slightly fewer than half of respondents (46 %), whereas customs were chosen the least frequently (40 %). Thus, one can assume that the young generation regards customs as least affected by globalisation and customs remain sufficiently original and unique.
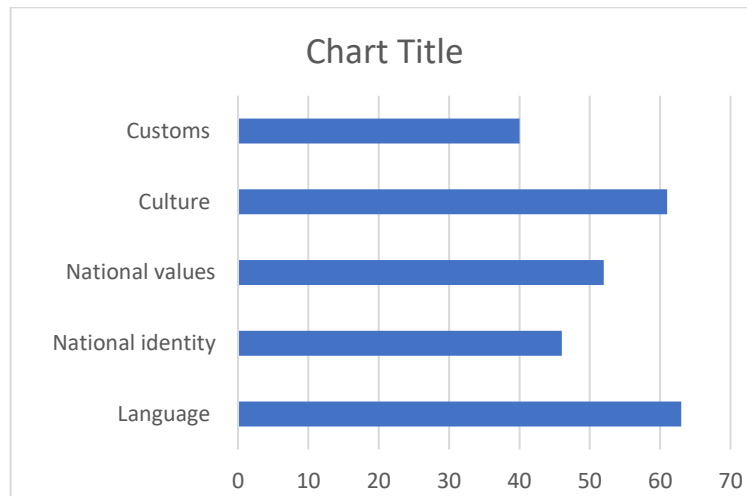
Figure 6. What does globalisation affect?

The last question asked if it was worth preserving Lithuanians' national identity. Even 92 % of respondents claim that it is worth preserving national identity and fostering it (Fig. 7). Nevertheless, it is the uniqueness of our nation, that does not allow the nation to disappear in the global environment. There were no respondents who chose the answer NO whereas the remaining 8 % claim that national identity must be preserved in part. Such results lead to the conclusion that the younger generation does not tend to disappear in the global world, but rather understands the importance of national identity and has a firm opinion that national features must be preserved.
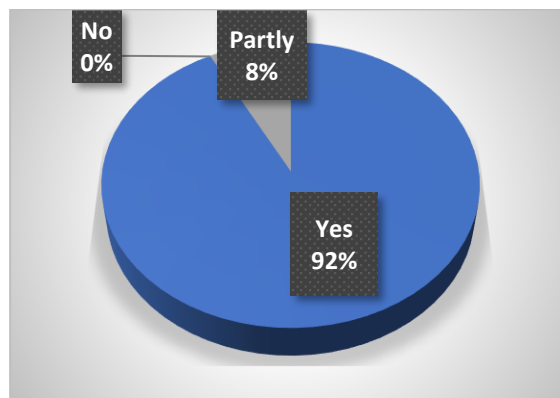
Figure 7. Is it worth preserving Lithuanians' national identity?

Having summarized the obtained results, one can claim that the majority of respondents relate the national identity with the native language while the selection of the latter reveals the attitude of the youth that national issues especially language, culture, and customs are highly important for preserving the uniqueness. They must be fostered and preserved most.

Conclusions

Nation and nationality, by ensuring the continuity of culture and its uniqueness, not only give individuality and existential meaning to the person. National identity is a complex, dynamic phenomenon that changes together with the changing social context. Modern globalisation makes it possible to know many things that are far away from us; on the other hand, global changes pose problematic challenges to the national identity of society and the

individual. This process and its consequences are evaluated ambiguously, which shows a contradictory evaluation of globalisation in relation to nationality. The native language is considered an important feature of national identity, which needs to be preserved, maintained and valued in a global context.

The results of a survey conducted among students of the Law and Pre-trial Process (with a specialisation in Forensic Science) and Law and Police Activities programmes of the Public Security Academy of Mykolas Romeris University revealed that many young people associate national identity with their native language and culture, and find common links between them.

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SOME ELEMENTS OF DEFINING INFORMATION WARFARE

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Abstract. *Information itself in a much broader sense is the weapon. Some bad news come every day forming public opinion and raising fear. Democracies around the world face rising levels of disinformation. Can we be defeated before the conventional war even started? Collective memory recalls some devastating informational attacks before the Russian invasion of Ukraine. Nowadays politics recognize threats to our public matters and democratic political system. In such an environment states face a decline of trust in democratic institutions. Trust in government and parliament is at a record low. Aggressors understand the importance of an approach that seeks to influence the population of target countries through information operations, proxy groups, and other influence ways. The potential for a democratic process to overcome pervasive foreign manipulation must be supported by international law. The paper overviews key challenges in international law describing informational war. The paper observes some changes in doctrine and strategies to deal with this challenge. The present work aims to help understand information war within the context of hybrid warfare.*

Keywords: *hybrid war, hybrid actions, hybrid threats, Information Warfare, hybrid warfare, democracy, international law, disinformation, propaganda.*

Introduction

Information Warfare has no beginning or end. Long before conventional war aggressors prepare the victim state, its own people, and the international community to approve their actions. Sometimes response is late but Europe is waking up from the deceiving friendship with the aggressor. The President of European Commission U. von der Layen has stated in her speech on 2024 April, "that in the last years, many European illusions have been shattered. The illusion that peace is permanent. The illusion that economic prosperity might matter more to Putin than destroying a free and democratic Ukraine. The illusion that Europe on its own was doing enough on security – be it economic or military, conventional or cyber. As we look around us, it is clear there is no room for any more illusions" (EU Commission 2024).

These illusions were not created in one day, it was a long way of consistent hybrid information campaigns and diplomatic work. Well known political scientist Herbert A. Simon described (Rzevski 2023) "In recorded history, there have perhaps been three pulses of change powerful enough to alter Man in basic ways. The introduction of agriculture... The Industrial Revolution... (and) the revolution in information processing technology of computer."

Russia's military and non-military campaigns in Ukraine opened another, new page of hybrid actions for the international community. We are faced with a situation where legal regulation is not sufficient to respond to these actions.

Lately, the head of the Belarusian KGB, Ivan Tertel, reported that in Lithuania and Poland, radicals are producing combat drones that should strike the most important objects in Belarus. He claimed that the KGB allegedly prevented the impact of military drones from the territory of Lithuania on objects in Minsk and its surroundings (15min 2024). That was later denied by Lithuanian authorities. This April, I. Kant's congress in Kaliningrad was held to fight in European information theatre in the ecological sphere. Well, nothing new here, it was proven

that Russia supports far-right extremists and green ideas to create confrontation in society and to preserve Russia's interests in selling oil and gas. As a result, natural gas was mentioned as green energy in the European "Green Deal" (Europarliament 2022).

Western countries are affected by information more than authoritarian countries. First of all we have free media and press. Any information can be published and accessed freely. Some scientists think that postmodern culture is unfavorable for ethical consideration because it rejects compromised meta-narratives. Due to the plurality of society, ethics emerge as the problem of the justification of norms, because the traditional foundations of positive and natural law are already rejected. The ethics of duty are no longer applicable due to the fact that civilization is going through a crisis and there is no stable structure of social responsibilities. It is possible in postmodern civilization to rely only on ethics that introduced the criterion of benefit-utilitarian. It has two big disadvantages: it is closed to the material field and it is egoistic. Limitations of utilitarian ethicists are attempted to go beyond J. Habermas's discursive ethics project. Unlike the ethics of maxims, it has no ideological content, i.e. states the mere process of how ethical conflicts might be resolved (Micevičiūtė, J., 2002, p. 31). So society may be not that resistant to false information, because it is used to have different opinions and views. Finally some part of society believes in disinformation. Our strategic goal is to counter the Kremlin's disinformation rather than deal with the narratives spread by the russian disinformation campaigns.

The defense of values of Western civilization challenges the dominance of military power, scientific thought and capabilities. New powers are emerging that, unable to challenge directly, seek to compete for dominance in their region or the world through other means, including informational warfare.

Nowadays information society is continuing its (r)evolutionary process. As long as the globalization and human creativeness brings up technological developments, the information society will be definitely gaining new defining features. It can be described as the post-industrial society which is based consistant production and distribution of information and in which information technology is transforming every aspect of political, economic, social and cultural life in a manner of recreating individuals' daily routines (Akgün, 2012).

All these factors influence the need for the analysis of the Information Warfare phenomenon in the context of legal regulation. The article aims to reveal the concept of Information Warfare and emerging problems. In this paper, the author will discuss different concepts of information war.

The definition of information and disinformation

The term "information" was coined in the 13th century meaning "a written testimony." The use of this term was restricted to the legal field.

There exist different definitions of information used in different sciences. Information is not always linguistic, it can be visual, emotional or other, according to our reception. In essence, information is the building block of knowledge, and without it, we would struggle to make sense of the world around us (Ashikuzzaman. 2014). Information is meaning assigned to data within some context for the use of that data (Watters, 1992).

Prytherch (2016) states that "Information is an assemblage of data in a comprehensible form capable of communication. This may range from content in any format – written or printed on paper, stored in electronic databases, collected on the Internet, etc. - to the personal knowledge of the staff of an organization."

ISSN 2029-1701
ISSN 2335-2035 (Online)

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PUBLIC SECURITY AND PUBLIC ORDER
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Roszak, (1994), Stonkienė (2006) recognise the qualitative concept of information. That is based on the realization that the social value of information is the content of information, to which the sender attaches a certain need and the receiver gives meaning. The qualitative concept of information means that the term of information may not be what is transmitted (bits, bytes), but what is transmitted and may be perceived by the human being (data, information), i.e. it can turn into this. Where meaning co-occurs with social information.

The importance of information is reflected in strategic NATO documents, particularly in NATO Standard AJP-3.10 Allied Joint *Doctrine For Information Operations*. It states that „information awareness and perceptions gained from analysis of collected information and personal observations have long been an integral part of human existence; those with a superior ability to gather, understand, control and use information have gained a substantial advantage. The ability to manage and employ information underpins activities in diplomatic, military, economic and other areas of activity, maintaining Allied freedom of action. From the strategic to the tactical level and across the range of military operations, information plays a vital role in the manner in which decisions are made. In military operations, the ability to defeat adversaries or potential adversaries may rest on the perception of all actors involved, particularly the local population. There is therefore considerable benefit to be gained by affecting the flow of information through a decision-maker and his understanding of that information"(NATO, 2015).

Hybrid CoE Information Expert Pool Members as well as discussions at the meeting held with multidisciplinary experts in Helsinki in November 2019 four trends were identified: 1. Fragmentation of the concept of truth, 2. Comprehensive changes of media as an industry 3. Hegemony of private media platforms 4. New technologies that give rise to new tools for interference and influence (Hybrid Coe , 2019).

We can summarise, Hybrid Coe states that from the hybrid threat perspective, disinformation is part of priming the target, and building up the capabilities of the actor behind the disinformation. The coordination behind the repetition of a message is often difficult to detect and needs long-term monitoring in different languages. Disinformation is a confusing mix of strategic messages stemming from state and non-state actors (frequently disguised and hard to attribute) that consider the democratic state system to pose a threat to them. It is combined with advertising from commercial entities and mis- and dis-information that is disseminated by aware or unaware regular users This all points to that the distinction between fact and opinion is becoming blurred and we are facing a return of ideological media (Hybrid Coe, 2019).

Language is one of the main sources of information. "Socrates said, '*The misuse of language induces evil in the soul.*' He wasn't talking about grammar. To misuse language is to use it the way politicians and advertisers do, for profit, without taking responsibility for what the words mean. Language used as a means to get power or make money goes wrong: it lies" (Le Guin, 2018).

Historical context of using the term of Information Warfare

McCornack (1992, 1997) formulated the Information Manipulation theory. It is a theory of deceptive discourse production. It concludes that deception often is easier than truthtelling, which is why people do it. So, people are used to lying in some circumstances. In Information Warfare, actors are using information deliberately and seeking some political goals.

Information Warfare tactics, such as propaganda, deception, and psychological operations, have been used throughout history. Ancient civilizations employed various means, such as

spreading rumors, forging documents, and manipulating public opinion, to gain strategic advantages in conflicts (Libicki, 1995).

According to Hutchinson (2006), Deception was not thought to be an important factor in public-government contact in the West. This was thought to be more a characteristic of totalitarian regimes. In the Marxist-Leninist Soviet Union, there was little distinction between the military and diplomatic facets of government. The deception was a function of state craft and not confined to the military (where it was an accepted practice in wartime, even with Western publics). The doctrine of deception became known as maskirovka. Broadly, the Soviet concept of maskirovka includes deception, disinformation, secrecy, feints, diversions, imitation, concealment, simulation and security although it is not restricted just to these.

Ajir, Vailliant (2018) analyzing concept of modern Russia's hybrid warfare, found out that early Soviet regime used information weapons to help achieve greater long-term goals. The first known use of the words "active measures" was in a Bolshevik document in 1919. By definition, active measures involve influencing events and behaviour in, and the actions of, foreign countries. Active measures were employed to influence nations around the globe; however, the United States was always considered the main enemy, and the Soviets did not differentiate between peacetime and war. Today, the same logic is employed. According to the Russian government, "The leadership and the command staff of all levels directly participate in the organization of the activity in the information space during peacetime and in wartime." The Soviets created the most threatening influence of its kind in the modern world (Ajir, Vailliant 2018).

When a change in Western mindset did occur, the role of the manipulation of information for advantage came to the forefront. It was the access to and the use of information that were the fundamental determinants of superiority. The practice of deception is a natural extension of the acceptance of information as the dominant element in competitive advantage. If information is of value in decision-making, then its control and manipulation must also be important.

In the United States in the middle of the 20th. century covert operations were understood to be all activities which are conducted or sponsored by government against hostile foreign states or groups or in support of friendly foreign states or groups but which are so planned and executed that any US Government responsibility for them is not evident to unauthorised persons and that if uncovered the US Government can plausibly disclaim any responsibility for them. Specifically, such operations would include any covert activities related to: propaganda, economic warfare; preventive direct action, including sabotage, anti-sabotage, demolition and evacuation measures; subversion against hostile states, including assistance to underground resistance movements, guerrillas and refugee liberation groups, and support of indigenous anti-communist elements in threatened countries of the free world. Such operations did not include armed conflict by recognized military forces, espionage, counter-espionage, and cover and deception for military operations (National Security Council Directive on Office of Special Projects, 1948). One of the aims of using covert action is to avoid being implicated in clear breaches of international law.

The definition included propaganda into Covert operations, but do not call them information war according to the current understanding.

The origins of the term 'Information Warfare' can be traced back to the late 1980s when the expression was specific to the military domain. It became a 'living' concept in the Gulf War of 1991. Information Warfare's origins are electronic warfare, military deception, psychological operations and information/operational security. However, the most significant element in its evolution was the development of electronic computing and communications technology. By the 1990s, the role of this technology in warfare had been proven in the 1991

Gulf War (Campen, 1992). Information or more specifically, information technology had given the edge in battlefield intelligence, targeting, and command and control. However, the emphasis was still on the technology rather than the 'information' per se. Nevertheless, another component was developing in this war – media management. Since the war in Vietnam, the military had been developing their tactics. The war in Vietnam was a watershed for the relationship between the media and the military (and thus, government). Reporting from the Vietnam War was, largely, an open situation for journalists (Louw, 2005)

In 1996 Molander, Riddile and Wilson described The Basic Features of Strategic Information Warfare: 1. *Low entry cost*. Unlike traditional weapon technologies, development of information-based techniques does not require sizable financial resources or state sponsorship. Information systems expertise and access to important networks may be the only prerequisites. 2. *Blurred traditional boundaries*. Traditional distinctions public versus private interests, warlike versus criminal behavior and geographic boundaries, such as those between nations as historically defined, are complicated by the growing interaction within the information infrastructure. 3. *Expanded role for perception management.* New information-based techniques may substantially increase the power of deception and of image - manipulation activities, dramatically complicating government efforts to build political support for security-related initiatives. 4. *A new strategic intelligence challenge.* Poorly understood strategic Information Warfare's vulnerabilities and targets diminish the effectiveness of classical intelligence collection and analysis methods. We may therefore have to develop a new field of analysis focused on strategic Information Warfare. 5. *Formidable tactical warning and attack assessment problems.* There is currently no adequate tactical warning system for distinguishing between strategic IW attacks and other kinds of cyberspace activities, including espionage or accidents. 6. *Difficulty of building and sustaining coalitions.* Reliance on coalitions is likely to increase the vulnerabilities of the security postures of all the partners to strategic IW attacks, giving opponents a disproportionate strategic advantage. 7. *Vulnerability of the US homeland*. Information-based techniques render geographical distance irrelevant; targets in the United States are just as vulnerable as in-theater targets.

Hutchinson (2006) describes that the concept of Information Warfare began as a technology oriented tactic to gain information dominance by superior command and control. This soon developed into a realization of the power of information as both a 'weapon' as well as a 'target'. The importance of information rather than its associated vehicle – information technology − created a situation where influence became a critical factor in conflict. As the nature of conflict changed to being an almost ongoing situation, control over mass communication became a high priority task for governments as well as the military. As such, the manipulation of information became an essential function. Thus, the world of deception became an integral part of official communications between governments and their constituency.

There are two main definitions of Information Warfare, one includes Cyberwarfare in definition.

According to NATO, cyberspace and the related area of new technologies provide an important field for Information Warfare. Cyberwar activities may consist of cyber attacks, destroying information systems of the opponent, but these may also involve so-called social cyber-attacks, by creating in people's minds a specific image of the world, consistent with the goals of the Information Warfare conducted by a given country (NATO 2005).

Dan Kuehl of the National Defence University defined Information Warfare as the "conflict or struggle between two or more groups in the information environment".

All forms of struggle over control and dominance of information are considered essentially one struggle, and the techniques of Information Warfare are seen as aspects of a single discipline. Author would agree with the opinion of Libicki (1995) that, "those who master the techniques of Information Warfare will therefore find themselves at an advantage over those who have not; indeed, Information Warfare will, in and of itself, relegate other, more traditional and conventional forms of warfare to the sidelines".

Another important tool of Information Warfare has always been, - keeping people in controlled information environment. The language education and the language component have become crucial factors in countering hybrid threats in Ukraine. As Ukraine faces ongoing challenges, including external aggression and attempts at cultural assimilation, understanding the role of language in countering these threats becomes imperative (Averianova and Voropayeva 2019).

Russian Empire, the Soviet Union, and Russia, for a long time executed strong assimilation policy. Notably, after open aggression, the effect was the opposite. 41% of Russian-speaking Ukrainians have already transitioned fully or partially to Ukrainian since the invasion. The study also found a decrease in the proportion of Ukrainian residents speaking only Russian at home, from 37% to 13% between 2012 and 2022 (Verbytska, Babii, Botvyn, Konivitska, Khlypavka 2023)

Recognizing the importance of language education as a tool for resilience, Ukraine has been actively investing in initiatives that foster linguistic unity, enhance critical thinking, and promote media literacy among its population.

Speaking about the history of the use of the term, it is still in the process. New challenges, like managing biotechnology data and biometrics of humans, using AI for influencing political views are still waiting for the attention of a scientists.

Information Warfare in context of hybrid warfare

The European security environment is becoming increasingly hybrid in nature. The information war is not over – and won't end anytime soon. Despite some optimistic takes by Western commentators, no one in Ukraine would consider that the information war has already been won and that they could cease their efforts. Everyone understands that Russia's information aggression will continue adapting to new circumstances, and that it is of the utmost importance to continue fighting against it (Kalenský J., Osadchuk, R., 2024, p. 5).

Hybrid warfare term of modern conflicts has similar terminologies in the Russian doctrine (Non-Linear or New Generation Warfare) and Chinese doctrine (Unrestricted Warfare). From the Russian perspective, through what is known as the "Gerasimov Doctrine", the modern methods of waging warfare are by the broad use of political, economic, informational, humanitarian, and other non-military means, supplemented by civil disorder among the local population and concealed armed forces (Al Aridi, 2022).

In 2014 and the war in eastern Ukraine for the first time different kind of conflict was taking place. Instead of a clear enemy, his structures, in Crimea we saw "green men" without distinguishing marks. Russian President Vladimir Putin initially insisted that "these are not our soldiers", although he later rewarded them and publicly acknowledged their involvement. At the time, Ukraine was under diplomatic and economic pressure and a veritable information war, cyber-attacks and subsequent actions by special operations forces. (Bajarūnas, Keršanskas, 2016). So we saw combined usage of different hybrid warfare actions including Information Warfare.

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Hybrid threats are defined as fused mix of conventional weapons, irregular tactics, terrorism and criminal behavior in the battle space to obtain their political objectives. NATO defines hybrid warfare as a mixture of military means and non-military means. Hybrid CoE defines hybrid threats as actions carried out by state or non-state actors whose purpose is to harm or weaken the target by influencing its decision-making at the local, regional, state or at the institutional level. Thus all the definitions stress the use of various methods in pursuit of specific political and military objectives (Vasiliauskienė, V., Stumbrys, V., 2023).

China has issued "The Political Work Guidelines of the People's Liberation Army (PLA)" in 2003, a new warfare concept for the PLA which is the Three Warfare (in Chinese it is known as "San Zong Zhanfa") to be applied during both peacetime and wartime. This document highlights three main concepts:

- "Public Opinion or Media warfare such as using distorted information, spread fake news,
- Psychological warfare refers to the application of military and nonmilitary measures to disrupt adversaries.
- Legal warfare (lawfare), which helps the state to undermine other states' foreign policy goals through the international environments, especially that justifying China's actions in international law and establishing positions in domestic law is an important factor for the PLA (Al Aridi, 2022 p. 84), (Burke E., Gunness K., Cooper C. and Cozad M., 2020).

Using term „Information Warfare" is usually included in the understanding of hybrid warfare by various authors and international organizations.

The main feature of hybrid war is the constant combination of military and non-military methods of influence, which poses unusual political tasks for both the army and the security services (Dykyi, Kharchenko, 2016, p. 8). F. G. Hoffman (2009) has defined hybrid threats as "any adversary that simultaneously and adaptively employs a fused mix of conventional weapons, irregular tactics, terrorism and criminal behavior in the battle space to obtain their political objectives." One of the well-known international organisations analysing the hybrid threat, Hybrid Centre of Excellence, defines "hybrid threat" as an action carried out by state or non-state actors whose purpose is to harm or weaken the target by influencing its decision-making at the local, regional, state or at the institutional level. (Hybrid CoE, 2023a)

In this field, some different definitions are being used. Well known for hybrid warfare studies centre of excellence Hybrid Coe uses three basic terms in this field: disinformation, understood as false information spread deliberately with the intention to deceive; propaganda, understood as information, sometimes biased or misleading, used to promote a political cause or interest; and information aggression, an umbrella term that covers most of the terms, plus various active measures facilitating the impact of information operations (e.g., creating proxies, fake civil society or using agents within the adversary's camp) (Kulakov, Yermolenko, Rybak, 2018).

Mikael Wigell (2021) thinks it specifically involves the use of disinformation and economic inducements to recruit and assist these actors inside the target country, detach their loyalties from the target government, and use them as interlocutors to transform the established social order and its structures of authority and norms. The aim is to weaken democratic governance and norms as a means of enhancing their own authoritarian standing. Not only are weakened democracies less able to directly confront these authoritarian aggressors, but they will also look less appealing as models of success and partners for others. By portraying Western democracies as corrupt and ungovernable, authoritarian regimes such as China, Iran, Russia, and Turkey are less at risk of being overthrown by their own populations.

When discussing hybrid threats and warfare designed to stay under the triggering threshold of armed conflict. Accumulation theory comes to help. Fogt (2021) states that "The

ISSN 2029-1701
ISSN 2335-2035 (Online)

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accumulation of events theory is of particular importance. The information war is committed over a long period of time, and being dosed weakly or monthly. The asymmetric hybrid character of the low-level use of force, the flexibility regarding intensity and rapid adaptability coupled with disinformation and fake news targeted at the entire society as such may collectively constitute an "armed attack" and, thus, justify a necessary and proportionate act in self-defense." We can assume that the theory of accumulation is suitable for the legal definition of hybrid threats. It helps to properly assess that a legal threshold has been crossed, from which retaliatory action can be taken. Regulating the use of force is a primary function of international law because if states could freely resort to force the ideal of the rule of law in international society would be impossible (Vasiliauskienė, Stumbrys 2023).

The question whether one may take into account several incidents which in accumulation then would together constitute an armed attack is raised by the accumulation of events theory. Fard, et. al. (2023) state that the ICJ has confirmed the existence of a severity threshold to distinguish between "the most severe forms" and "less severe forms" of the use of force.

"Hybrid interference" is a concept coined to capture non-military practices aimed at mostly covert manipulation of other states' strategic interests (Wigell, 2019). As such it is similar to what was called "active measures" etc. during the Cold War, and recently in Russian strategic discussions as "Gibridnaya voyna" (translated from Russian "hybrid warfare"). The idea behind the "Gibridnaya voyna" is to avoid the traditional battlefield in order to destroy the political cohesion of the enemy from within, using a carefully crafted hybrid of non-military means and techniques that intensify political, ideological, economic and other social polarisation in western society, leading to its internal collapse (Fridman, 2018, p. 96). Keeping diplomatic relations intact and thus not crossing any formal threshold of war, the aggressor mobilises opposition and radicals in the target state through a variety of means, from disinformation campaigns to the corruption of political figures and the financing of subversive movements, carefully synchronised to intensify the conflict (Wigell, 2021).

Furthermore in Russia, even huge media companies are controlled by the Ministry of Defense. Emphasis is laid on the army's involvement in government propaganda via a separate, military module of the propaganda apparatus, of which the Krasnaya Zvezda media holding and its associated traditional and electronic media are part (Darczewska, J., OSW Studies (2016) Zvezda was sanctioned by the Ukrainian government on 21 May 2021, with an official report referring to the channel as producing "news content in accordance with Kremlin policy to justify Russia's actions". In October 2022, the Canadian government sanctioned Zvezda amid the Russian invasion of Ukraine. In June 2023, the European Union added Zvezda to its list of sanctions.

Part of hybrid warfare involves exploiting the openness of Western democracies to seize strategic economic sectors, such as critical infrastructure, finance, and media, through which these authoritarian actors can attempt to destabilise Western democracies and purposefully damage them (Heather, et. al., 2016). Democracies urgently need to find ways to defend themselves against such hybrid interference without jeopardising the values they are supposed to defend. Expanding state control of civil society is not a viable liberal democratic strategy.

When outside actors with the mentality to undermine and hurt the target start to use information domain's "paradise", an unhealthy polarization occurs that can lead in the worst case to the destabilization of a state. This unhealthy polarization creates an "us versus them" mentality (Bremmer, 2018). Western democracies should also not resort to countermeasures such as corruption, disinformation, election interference, and other hybrid measures of interference, as this would only further erode liberal democratic values around the world. More

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dangerous to the West are the more subtle, non-military activities that authoritarian regimes use to infiltrate democratic societies.

Contemporary definition of Information Warfare in international organisations

European Union uses the term Foreign information manipulation and interference (FIMI) as defined in Action plan against Disinformation (2018), that describes a mostly non-illegal pattern of behavior that threatens or has the potential to negatively affect values, procedures, and political processes. Such activity is manipulative in character and conducted in an intentional and coordinated manner. Actors of such activity can be state or non-state actors, including their proxies inside and outside of their own territory. The EU has long recognised the importance of tackling FIMI and stepped up efforts to combat the issue long before the latest Russian aggression against Ukraine in February 2022. When in 2015, the concern first appeared on the EU's political agenda, the European Council highlighted the need to challenge Russia's disinformation campaigns. Later, in 2018, following the Salisbury chemical attack in the UK and the related European Council conclusions, the EU focused its efforts on bolstering resilience against hybrid threats. Over the years, the EU has developed a more precise understanding and diagnosis of the issue, from fake news and disinformation to foreign information manipulation and interference, and it has improved the means of preventing, deterring, and responding to FIMI. Among the milestones in this journey are the Action Plan against Disinformation (2018) and the European Democracy Action Plan (2020). The war in Ukraine brought this work to the forefront of political attention. The European Strategic Compass (2022) and the Council Conclusions on FIMI (2022) provided further impetus.

Action Plan against Disinformation (2018) defines that Disinformation is understood as 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. Disinformation campaigns, in particular by third countries, are often part of hybrid warfare, involving cyber-attacks and hacking of networks.

The legal framework at the European level that is composed of many legal instruments and supported by declarations and resolutions, plays an important role in establishing a tighter legal net to counter the new threats that arise due to the rapid technological development.

However, the use of the term "information war" in UN documents is not widespread. The UN (2021), particularly through the work of the International Telecommunication Union (ITU) and the United Nations Group of Governmental Experts (UNGGE) on Developments in the Field of Information and Telecommunications in the Context of International Security, has discussed the implications of Information Warfare. The UNGGE has produced reports that touch on norms, rules, and principles for responsible state behavior in cyberspace.

The latest report reaffirms that the serious Information and communications technologies (ICT) threats persist. It underlines serious concerns about 1. harmful ICT activity against critical infrastructure; 2. an increase in states' malicious use of ICT-enabled covert information campaigns to influence the processes, systems and overall stability of another state; 3 malicious ICT activity aimed to exploit vulnerabilities.

NATO defines Information Warfare as an operation conducted in order to gain an information advantage over the opponent. It consists in controlling one's own information space, protecting access to one's own information, while acquiring and using the opponent's information, destroying their information systems and disrupting the information flow. Information Warfare is not a new phenomenon, yet it contains innovative elements as the effect

ISSN 2029-1701
ISSN 2335-2035 (Online)

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of technological development, which results in information being disseminated faster and on a larger scale.

To define Information Warfare operations, NATO uses the term Info Ops. According to NATO, information operations include two main branches, one is to affect the will of the target, and the other, is to affect information systems. The definition of Info Ops and information activities are as follows:

a. Info Ops is a military function to provide advice and coordination of military information activities in order to create desired effects on the will, understanding and capability of adversaries, potential adversaries and other NAC approved parties in support of Alliance mission objectives.

b. Information activities are actions designed to affect information and or information systems. They can be performed by any actor and include protective measures.

In this document it is clear that Info Ops are part of military activity, therefor can be described as military actions itself. Info Ops is an integral part of military activity at every level of command. It is therefore critical that Info Ops factors are considered in the Operational Planning Process (OPP) from the beginning. Planning of effects and activities in the information environment must directly support the commander's intent, guidance and desired end-state.

Further explaining information warfare as important part of hybrid warfare it should be noted that NATO's interpretation of hybrid warfare depicts it as a mixture of military means and non-military means, including propaganda and cyber activities. For NATO officials, hybrid warfare is "the highly integrated use of a wide range of overt and covert military, paramilitary and civilian means" (NATO, 2014). This depiction describes a combination of political and non-traditional means of coercion and influence. These activities include the coercive use of military force and more subtle forms of harmful influence in the political and informational spheres.

Hybrid warfare is not equivalent to armed action in most cases, but its consequences can be similar to armed action. It is therefore important to consider the cluster of acts together to determine whether the threshold of armed conflict has been reached.

In 2014 under the auspices of NATO's CCDCOE The Tallinn Manual on the International Law Applicable to Cyber Warfare, was developed. It outlines how international law, particularly the laws of armed conflict, applies to cyber operations, including those that could be considered Information Warfare. The Tallinn Manual has become an influential resource for legal advisers and policy experts dealing with cyber issues. Emerging State practice and the taking of public positions on international cyber law many States since the Manual's publication necessitates an update of the 2017 edition. Accordingly, in 2021, the CCDCOE has launched the Tallinn Manual 3.0 Project, a five-year venture that will involve the revision of existing chapters and the exploration of new topics of importance to States.

However, there is still no official definition of Information Warfare in the western world. It includes physical, cognitive and informational aspects. It is used to manage information to pursue a competitive advantage in both offensive and defensive operations (Wilson, 2022). Information Warfare has been used to describe narrower activities like network operations, electronic warfare, psychological operations, military deception, and operations security – all of which are components of Information Warfare.

Conclusions

Information and communication technologies hold immense potential to enhance our lives. We must conclude that all the biggest countries are involved at Information Warfare.

Therefore, those who master the techniques of Information Warfare will become superior to those who do not; it is likely that Information Warfare will by itself push aside other, more traditional and conventional forms of warfare. States have described Information Warfare in their strategic and operative documents of their military headquarters and recognised by politicians, scientists, and inteligence agencies.

Difference between undemocratic countries and democratic is in the goals they are trying to achieve. As emphasiszed by Wilson (2022), Western practices of free speech and free press allow potential adversary nations a virtually free hand in running disinformation campaigns in Western nations. It would be a necessity to begin engaging governmental agencies, and possibly liaise with private entities, to conduct effective Information war campaigns that promote our culture and values while simultaneously attempting to neutralise adversary efforts in the same space. Such campaigns should promote Western values of democracy, freedom of speech and trade, international law, and respect for nations that support the same values.

When transplanting Western theories onto Russian soil, government deliberately confuse the concepts of attack and defense, adjusting them to Russia's own geostrategy of revenge. Authoritarian and semi-authoritarian states and non-state actors project strategic narratives that include distorted information through media outlets in foreign languages define strategic narrative as a means by which political actors attempt to construct a shared meaning of the past, present, and future of international politics to shape the behavior of domestic and international actors.

Modern Information Warfare term is being mostly understood as part of hybrid warfare, with the same problems of defining the threshold of understanding of armed attack under international law. Here accumulative theories come into help. The doctrine of accumulation events refers to a series of minor hybrid incidents that have accumulated until they reach the threshold of an armed attack, and is also known as the "spiking" theory, which some governments use to justify their right to self-defense.

Information Warfare's definition includes various hybrid actions. We can conclude that the definition can be understood as including all kinds of hybrid actions connected with the spread of information having the goal of affecting the target population or decision-making. Typically, Information Warfare is a long-term project, but has more active phases. The alternative definition is more cyberspace-oriented and used for more technical hybrid operations.

As the nature of Information Warfare evolves with technological advancements, international organizations continuously update their definitions and doctrines to address new challenges. Important to admit that new challenges, like managing biotechnology data and biometrics of humans, using AI for influencing political views in social nets are still waiting for the attention of scientists. Policymakers need to initiate collaboration with experts to better anticipate security risks arising from the combination of artificial intelligence and biotechnology.

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SOCIOCULTURAL VULNERABILITY OF THE SECURITY OF LIBERAL DEMOCRACY

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Abstract. *Security is one of the most important human needs, which can only be satisfied by other people, and only from the outside. It lacks leads to human frustration and resistance (A. Maslow). Before the war in Ukraine, the development of European societies took place in peaceful conditions. Therefore, the war in Ukraine caused by the Russian Federation actualized the problems of meeting the security of liberal democratic societies. The subject of this study is the internal tensions inherent in liberal democracy, which can intensify when insecurity spreads in society. The purpose of the research is to reveal the socio-cultural vulnerability of the security of liberal democracy.*

The satisfaction of security is explained based on the closely parallel evolution of the human mind and community (F. Hayek), in which the culture of being of human groups was formed - common rules of behavior and groups turned into communities. This sociocultural evolution has weakened in liberal democratic societies. The socio-cultural vulnerability of the security of liberal democracy is caused by the formation of "new individualism" and consumer society. In the process of formation of a new individualism and consumer society, the concept of security is transforming from general security to individual security. In this process, the socio-cultural nature of common security inevitably weakens.

When the development of society takes place in a state of peace and there is no external threat to national security, we hardly notice the transformation of general security towards individual security. However, the growth of external threats to the nation forces us to turn to common security, which is developed by fostering the socio-cultural ties of society members.

Keywords: *security, liberal democracy, new individualism, freedom, moral relativism, consumer society.*

Introduction: sociocultural relevance of security satisfaction

Security is the most important value of people, because the main need of every person is to avoid threats to his life, health, freedom, and property, regardless of his age, group and national affiliation or other features related to the existence of a person and their groups. The satisfaction of security and other basic needs promotes the development of human growth towards self-realization. Their lack leads to human frustration and resistance, because "needs for security, belonging, love and respect can only be met by other people, and only from the outside. This means significant dependence on the environment. A person in such a position cannot really be in command of himself and in control of his destiny" (Maslow, 2011, pp. 103-104).

The satisfaction of security is explained based on closely parallel evolution of the human mind and community (Hayek, 1998, p. 34-35), in which the culture of survival or being of a group of people was formed - common rules of behavior and groups of people turned into communities. This means that the satisfaction of the need for security is determined by the joint development of two interwoven phenomena - social and cultural. Therefore, the satisfaction of the need for security is of a sociocultural nature, which does not disappear with the development

of new experiences of the culture of security satisfaction. Every community and state strive for its members to adopt the socio-cultural experience of security satisfaction they have accumulated.

After World War II, several generations of people grew up in Western Europe without experiencing the burden of war and the painful losses it caused. Their socio-cultural development took place in the context of the formation and development of liberal democracy, the essential signs of which are the expansion of the scope of individual freedom and human rights protection. The socio-cultural development of society is the transfer of cultural heritage and new achievements to younger generations of people and their involvement in active social and cultural activities. In this development, the socio-cultural attitude of the society was formed, that only those effects of human relationships, their interaction, and activities, which guarantee the peaceful realization of the basic needs of man and his social development, are tolerable.

In a liberal democracy, the need for security is met through the protection of human rights, the development of which leads to changes in the culture of public security. This is illustrated by the 20th century. The "Quiet revolution" that took place in the Western world in the second half: 1) shifted from a strong focus on material values and physical security to a greater concern for the quality of life; 2) the political skills of societies expanded, allowing them to play a more important role in making important political decisions (Inglehart, 2016). In the process of the "Quiet Revolution", the concept of quality of life was linked to the pacifist cultivation of peace, which became an important part of the social way of life. On the other hand, this new political orientation gradually limited the socio-cultural preparation of societies by military means to ensure the development of national security.

The socio-cultural experience of Central Eastern European societies was formed in the context of a long-term loss of security, the development of which was determined by the Second World War and the Soviet occupation. Almost 35 years after the fall of the Berlin Wall, only one generation of people grew up that did not experience severe material and spiritual deprivation. This young generation are consumers of individual freedom and eternal peace. However, the thinking of previous generations of people is related to the traumatic memory of security losses, e. g., Lithuanian society (Šlapkauskas, 2022, p. 2-5). This memory conditions the different reactions of the societies of Central Eastern European countries and their groups to the aggression of the Russian Federation's war in Ukraine and its evaluations. The countries on the eastern edge of the European Union experienced the strongest Soviet occupation, so their societies provide a lot of help to Ukraine.

From 2022 February 24 The Russian Federation is waging a war of brutal aggression in Ukraine. It also threatens the European Union with a long-term hybrid war, as it pursues a political goal - to reduce the support of European states to Ukraine (Russia plotting sabotage across Europe, intelligence agencies warn (ft.com). According to Frank G. Hoffman, "Hybrid threats incorporate a full range of different modes of warfare including conventional capabilities, irregular tactics and formations, terrorist acts including indiscriminate violence and coercion, and criminal disorder. Hybrid Wars can be conducted by both states and a variety of non-state actors. These multi-modal activities can be conducted by separate unit, or even by the

same unit, but are operationally, and tactically directed and coordinated within the main battlespace to active synergistic effects in the physical and psychological dimensions of conflict. The effects can be gained at all levels of war" (Conflict in the 21ST Century, 2007, p. 8).

Russian threats must be taken seriously, and we must be prepared to deal with them properly. This requires the collective unity of the countries of the European Union. However, some of them are unable to recognize the need for active collective efforts to block the possibilities of hybrid warfare. It can be said that the emergence of this approach is influenced by different socio-cultural concepts of security in their societies.

The object of the study is the internal tensions inherent in liberal democracy, which may increase in the process of actualization of public security. **The purpose of the research** is to reveal the socio-cultural vulnerability of the security of liberal democracy. **Research methods:** the research is based on document analysis and historical comparative methods.

The contradictory nature of liberal democracy

Liberal democracy has two origins - liberalism and democracy. Combining them into a unified concept is not as simple as it may seem from the popularity of this term. Modern theories of democracy focus on values such as "society" and "equality", while liberalism focuses on the values of "individual" and "freedom". Thus, liberalism and democracy are characterized by a different logic of thinking - democracy is more focused on collective decisions, and liberalism - on individual ones. Therefore, the functionality of a liberal democracy is achieved through a continuous dynamic political compromise between the individual freedoms promoted by liberalism and a democracy based on the principle of the majority. On the one hand, thanks to the protection of human rights and freedoms, the "tyranny of the majority" is avoided, because democracy does not in itself guarantee respect for minorities and the rights of individual individuals. But on the other hand, the absolute idea of equal freedom can turn into an ideology of distorting the freedom of most members of society, called the dictatorship of tolerance or political correctness. This dictatorship limits sociocultural opportunities to foster public involvement in the defense of national security.

The idea of democracy was formed before the idea of freedom. Democracy is directly represented by the Greek word "democratic", whose root meanings are "demos" (people) and "Kratos" (power). Although the definition of democracy as people's government is the starting point for examining the essence of democracy, it cannot be defined unambiguously. The analysis of the concept of "popular rule" provides fodder for the creation of conflicting conceptions of democracy, since the problems of defining democracy arise from each element of this phrase - the people and the government (Held, 2002, p. 15-16). Many questions have led to the fact that the meaning of democracy is not and will never be completely clear.

Fundamental problems arise from the dynamic nature of both aspects of the concept of "people's governance". The rudiments of "people's rule" are formed when a group of people

turns into a political community, i.e., realizes the equality of members of their community. Such a process can take place spontaneously within the group or be organized from the outside.

From the point of view of the spontaneous development of the social order, the beginnings of democracy are formed in the evolution of the connection between the human mind and communality, which was caused by the need to constantly meet the needs of nutrition and security. It is impossible to realize them individually or through the methods of mutual aggression between individuals, because only joint action ensures the survival of a group of people. In this evolution, the rules of social behavior, their functioning mechanisms and the social structure of human groups were formed - institutions of social behavior and forms of management of human existence related to their development. For example, the Germanic peoples were characterized by a form of communal government called the "moot", which existed as a family and functioned as peace and was associated with the establishment of justice. Wise men ("knowers", "witnesses") used to express their opinions to preserve the common assembly of families, and the people tried to defend themselves by acting collectively against criminals (Berman, 1999, p. 78-90; History of European Mentality, 1998, p. 449–454). Moot sought to protect the existing order in accordance with justice expressed by the rules of common conduct - custom. Another feature of the Moot is also important: it existed as a sphere of decision-making unity in which pluralism of opinion was tolerated. Therefore, a procedure revealing the position of the majority was necessary. This was characteristic not only of the Germanic peoples, but also of all the peoples of Northern and Western Europe, as their legal systems were similar from the 6th to the 10th century (Berman, 1999, p. 79).

In the general evolution of the human mind and communality, the customary - procedural political and legal - order of successful decision-making was formed, guaranteeing the functionality of the will of the people's government. Mans determines the nature of the political order need to realize himself as a man whose existence has meaning. This meaning is based on two statements: 1) man is a social being; he is such that he can live well only in a community of his own kind. According to Aristotle, man is a political animal, naturally designed to live in society. He is a sociable being by nature, with feelings such as love, friendship, pity, and a sense of justice and injustice. Outside of life together, these feelings have no meaning. This means that human humanity is inseparable from human relationships; 2) man is a complex and hierarchical being. He is given the characteristic that he controls himself through the highest - rational - part of himself. Because man has a mind, his soul is different from the soul of other animals. Man must act like a "reasonable animal", living according to reason, which is associated with goodness. Thus, political activity is based on the needs of community life and, in a broader sense, human nature. For the well-being of people, it is necessary that the community be politically organized, i.e., would have political power (Beneton, 2009, pp. 27-28).

In the process of the formation of a political authority, the activities of personalities increasingly intervene in the spontaneous (customary) evolution of the political order and turn it into an organizational development in which the elite and leaders of the government establish themselves. Government can be both democratic and non-democratic. In both cases, leaders

must emerge who are capable of mobilizing community members to achieve specific goals. Competition between leaders within the government can promote and limit the process of democracy formation. Therefore, the promotion of political equality of community members must inevitably become the basis for spreading the relevant ideology. However, the real promotion of equality between the ordinary members of the political community and its leaders can acquire "double standards". As a result, there is always a danger that "people's rule" can transform into authoritarianism and/or into other forms of group totalitarian rule.

In other words, democracy is characterized by an internal constant tension between "people" and "government", the strength of which is expressed by the nature of the relationship between society (people) and government. Their relationship can be cooperative, competitive, formal, totalitarian and of a different nature. 20th century the sad experience of the two world wars only confirms that undemocratic political regimes not only usurp the rights of the people themselves, but also pose a military threat to the development of their society and neighboring states. Therefore, the goal of the International Charter of Human Rights is to limit and control the internal erosion of democracy. But that is not enough. Societies themselves must actively foster democracy.

Liberalism is a concept of conflicting meanings, the meaning of which has changed historically. Its essence is the idea of equal freedom and the requirement of social conditions for its implementation. Therefore, liberalism usually refers to attempts to uphold the values of freedom of choice, reason, and tolerance in the face of tyranny, an undemocratic system and religious intolerance. Liberalism sought to free the state from religious control and civil society (personal, family and business life) from political interference. Liberalism gradually came to be associated with the doctrine that individuals should be allowed to freely exercise their preferences in religious, economic, and political matters. Thus, under the influence of various factors, the political philosophy of modern times will evolve, which is not unified, but it is united by the same rejection: the entire previous tradition is rejected as unrealistic and harmful. This rejection is based on the emancipation of the individual's will, which is called the spirit of the New times. The main source of the individual's emancipated will is the new status of the individual's mind.

The individual perceives himself as an active, functioning subject. This status stands out in many respects: 1) the spirit of the new age asserts the autonomy of the mind, which means rejecting not only the principle of authority, but also the ultimate goal. The efforts of the modern spirit have created the claim that man is sovereign - he is the expert in meaning; 2) a fully autonomous mind is also conquering. This means that with the help of science and technology, the mind seeks to control nature and manage society with the means of rational organization; 3) the new orientation of the mind is associated not only with conquest, but also with service. The mind begins to serve increasingly unlimited freedom and releases the reins of human desires. The modern mind comes to this conclusion: nature is pure freedom; it is shaped by history and history shapes it, or it is shaped by the individual efforts of each. Man is the creator of himself. This means that the will overshadows nature. The mind acts: it is no longer vital,

but instrumental, controlling the means in pursuit of human power to be used to make life longer, more comfortable, more enabling, or power for its own sake (Beneton 2009, pp. 63-64).

The new conception of the individual or "new individualism" involves two things: "On the one hand we have in mind the speaking, thinking and willing empirical subject, i.e. the individual representative of the human family, that makes up every society, and, on the other hand, it is an independent, self-sufficient – and therefore essentially non-social – moral entity, which is the subject of our highest values and which figures primarily in our modern ideology of man and society. In this sense, there are dual societies. In the case where the Individual has become the highest values, I speak of individualism; otherwise, when society is held to be the value, I speak of holism" (Dumont, 2002, p. 37).

In the framework of the formation of new individualism, the question is raised how to rationally organize the social world so that it serves human emancipation? On the other hand, the need to foster public safety forces us to formulate the following question alongside this question: how is it possible, with the emancipation of the individual's will, to create general rules of social coexistence that would help security and peace prevail? This is a fundamental political question of modern times, the answer to which must be sought in creating the harmony of dual societies in constantly changing socio-cultural conditions. According to P. Beniton, the connection between the emancipation of the individual's will and the creation of rules of social behavior is possible if it is formalized by a liberal decision, which consists of two parts (Beniton, 2009, pp. 71-72):

1. Emancipation of people's material desires. Individuals are not united by ideas, but by interests. When economic activity is freed, people want to cooperate because it is in their interest. The market system has political values: it loosens the reins by allowing the expression of innocent passions, that suppress dangerous passions. Properly understood egoism does not lead to the acceptance of necessary constraints, as T. Hobbes expected, but to free cooperation, when mutual interests neutralize different ideas.

2. Institutional protection of freedom-autonomy. This protection takes place through the development of the institution of human rights and the domestication of political power: power is dangerous, so the powers of government must be distributed and limited by law, thus rendering them harmless. In addition, the protection of freedom-autonomy is further strengthened by neutralizing conflicting opinions on morality and religion. To weaken the political power of the Church, questions of morality and religion are left to the realm of private life and personal conscience.

The political mind of modern times, searching for ways to create general rules of social coexistence that would limit the emancipation of the individual's will as little as possible, had to become instrumental and procedural - suitable to serve both the protection of freedom, autonomy, and democracy. The autonomy of liberty means that everyone, based on common instruments and procedures, can govern himself and freely pursue his own interests and personal happiness. In other words, instrumental and procedural thinking creates opportunities for the emancipation of the individual, which is and remains individual, but at the same time

turns into a universal phenomenon. But the concept of "government by the people" boils down to procedural democracy.

At the center of modern political thinking is the individual and his rights, with which pragmatic goals are pursued - create minimal tools to limit the "war of all against all" and the will of the majority to the extent, which would a safe existence of individuals is possible. Therefore, it can be said that the concept of human rights is important not so much from a value point of view, but more from an instrumental point of view. It is no coincidence that the classical philosophy of liberalism is based on the idea that the "war of all against all" can be stopped only by a state created by the agreement of free individuals, which can interfere in their lives according to predetermined rules and only to the extent of protecting them from destruction and violence (Berlin. 1995, p. 160).

Thus, liberal, or modern political thinking is focused on the creation of instrumental opportunities for the realization of individual interests. Those individual and group interests whose implementation does not violate human rights and freedoms can be most successfully identified and legalized. The moral and religious ideas that previously united individuals are rejected as hindering the emancipation of the individual's will. On the contrary, it is claimed that every individual can construct his own values based on the protection of human rights and the connection between interests. The promotion of moral relativism paves the way for the formation of a new individualism. The absolutization of the role of individual values marks newly emerging communities of interests with a sign of temporality and inevitably leads to at least three fundamental political challenges:

1) in the arena of the implementation of interests getting stronger not so much cooperation, but more competition and subordination, in the context of which the connection of common cultural values and rules of behavior is inevitably weakened. For example, inter-party-political quarrels in the Seimas of the Republic of Lithuania and the media have expanded to bullying in schools and various forms of socio-cultural mobbing in organizations and social networks.

2) The interplay of moral relativism and competition of interests permeates the legislation of all levels of government and self-government and limits its transparency. On the one hand, the aim is to prevent corruption and other illegal behavior by creating and/or tightening the relevant prevention rules. But on the other hand, the growth of prevention increases the power of authorities. And this contradicts the liberal approach to increasing the power of state institutions.

3) in the context of the establishment of moral relativism, the atomization of society inevitably increases and its integrity decreases. As a result, the possibilities of passing on the experience of security satisfaction to new generations also decrease. Thus, these challenges are inevitable and permanent negative shadow companions of liberalism, increasing the tension between liberalism and democracy.

Changes in the relationship between freedom and law in liberal democracies: transition from general to individual security

Examining the social development of Western societies from a historical comparative point of view reveals the connection between the break in the social development of the society and the intensification of the forms of political coercion. For example, tyranny—a form of despotism—emerged inevitably in many ancient Greek cities, when the disintegration of the aristocracy and the formation of civil society took place. Wealthy citizens in the 7th-6th centuries b. c. Cr. did not yet have the political experience to govern themselves. This circumstance was often used by some democratic leader to become a sovereign autocrat, protecting the people from the noble nobility [Antikos žodynas, 1998, p. 508]. The modern concept of dictatorship was formed on the basis of democracy and a sophistic worldview when the idea of the connection between individualism and power was understood. "Defending" democracy through appropriate political rhetoric often was and continues to be a way to gain individualistic power rather than serving society and the state.

But, on the other hand, the breaks in social development caused individuals and society to fight more actively for their freedom. In the context of ongoing changes in thinking, Giambattista Vico was the first to introduce a strict parallel between human history and the creation of the physical universe: man is the creator of the "state world" (monde civile), as God is the Creator of the physical universe (Brague, 2005. P.191-200). Immanuel Kant was the first to raise the profound question: what is man? He revealed that the practice of freedom without moral theology arises from natural causes, and that transcendental freedom requires the independence of this mind itself from all the conditioning causes of the sense-perceived world. The analysis of the canon of pure reason leads I. Kant to the conclusion that only the practice of freedom based on moral theology makes a person a person (Kant, 1996, p. 546-560). Thus, it can be said that by nurturing moral values, people strive for equal freedom, on the basis of which they help each other to meet the need for security and create a democratic state.

Legitimation of the connection between equal freedom and social order. The humanization of freedom requires state laws that correspond to the moral value of man and his dignity. Everyone must follow such laws. The implementation of legal protection of the individual's right to freedom creates a common basis for individual and national security, on which national security is developed. Any exceptions to the exercise of equal freedom lead, to social discrimination and insecurity. When between the state and citizens are in strong conflict, internal disorder can threaten the state's cohesion in such a way that it is problematic to apply the concept of national security in general (Buzan, 1997, p. 91).

Prior to the emergence of liberal democracy as a political regime, both the primacy of the individual (since the time of P. Abelard) and the primacy of the state were theoretically postulated. According to T. Hobbes, people created states in order to "defend themselves from foreign invasion and from mutual attacks, thus protecting themselves and endeavoring to survive and feed themselves by their labor and the fruits of the earth, and to live satisfactorily." Similarly, J. Lok said: "The main and great motive for people's consent to obey the government

is the preservation of property" (property here means lives, liberties, and wealth), which in its natural state is "very insecure" [Buzan, 1997, p. 72].

England was the first to legalize the right of individuals to freedom. On the basis of disputes in the courts of this country, until the end of the 16th century, the decisions of the judges established the rule of law and the protection of human rights, which turned into the principles of the English constitution. Albert Venn Dicey wrote that at all times since the Norman Conquest, English political institutions had two characteristics: 1) the omnipotence or undisputed supremacy of the central government throughout the country. She was the guarantor of law and order; 2) the rule of law, which is closely related to the first feature. This rule of law guarantees people's rights and includes three related things: 1) no person shall be punished or cannot by law to suffer or to experience material loss, under the law, except in the case where there is a clear violation of the law, and this is established in the ordinary legal way in the general courts of the country. In this sense, the rule of law is opposed to every system of government that rests on the broad and discretionary powers of those in power, secured by coercion; (2) no man is above the law, whatever his rank or position, subject to the common law of the realm and the jurisdiction of the common courts; 3) the protection of personal freedoms is the result of generalizations of general court decisions, from which the general principles of the constitution are derived. In many foreign countries, the opposite is true: the protection of individual liberty is derived from the general principles of the constitution (Dicey, 1998, pp. 131-135).

In the countries of the European continent, the establishment of the rule of law began at the end of the 18th century. Unlike in England, the legitimacy of the idea of freedom did not come from summaries of court decisions, but from the publication of symbolic legal documents - the US Constitution (1787) and the Declaration of the Rights of Man and Citizen (1789). These documents conditioned the formation of constitutionalism - political and state law science current, which in the 20th century. influenced the waves of creation of liberal democratic constitutions in the countries of the European continent. But their intellectual power was not enough to create democratic states. On the contrary, in 1789-99 during period, political and terrorist violence against individuals and their groups prevailed in French society. Various forms of violence increased again in European countries in the 20th century in the first half: there were two world wars, in which millions of people died.

Especially the atrocities of World War II, the Holocaust and the deportation of people and ethnic groups organized by the Soviet regime to Siberia allow us to say that the ideological implementation of any coercion turns into contempt for the value of human life and desecration of its dignity. This leads to the obligation to constantly control and limit the threats to the individual's security arising from the state on an international scale. Therefore, in 1948, the Universal Declaration of Human Rights was adopted, the Preamble of which states: "recognition of the inherent dignity and equal and inalienable rights of all members of the human family is the basis of freedom, justice and peace in the world" [Human Rights, 1991, p. 12]. The goal of the implementation of human rights is to prevent aggression among all natural

and legal persons on a global scale and guarantee the establishment of long-term peace on the basis of the protection of individual freedom.

Thus, the legal guarantees of human rights and freedoms and their implementation are the legal basis for creating mechanisms of control and deterrence of threats to the safety of the individual. It is the implementation of civil and political human rights and freedoms that limits the influence of state power on people [Human rights in International Law, 1992, p. 205–272], inhibits and limits the powers of the state [Robertson, 1993, p. 1–64]. On the other hand, the constitutional recognition of human rights and freedoms is not a one-time act and requires continuous moral efforts from society to protect the equal rights of all its members, to solve issues of their implementation [Šlapkauskas, 2002, p. 192].

The countries of the Central Eastern European only freed themselves from the Soviet occupation at the end of the Cold War and ratified international human rights protection documents. Based on them, the countries created their constitutions, which correspond to the spirit of liberal democracy. According to E. Jarašiūnas, in the 20th century in the second half, the trend of unification of constitutionalism emerged, the western concept of the constitution takes hold in many countries of the world, constitutional justice in the European system of constitutions is combined with the American one, the common standards of human rights become an indisputable imperative, the socio-economic aspects of the life of the individual and society become more and more prominent in constitutional law (Jarašiūnas, 2002, p. 50).

Weakening of public security due to the prevailing negative freedom of individuals. In the development of Western civilization, two opposing concepts of freedom were formed: 1) freedom subject to order and 2) the concept of freedom as the absence of constraints. The spread of freedom within the boundaries of a functioning social order corresponds to a classical community, where patterns of social behavior express shared values. The concept of freedom as the absence of constraints was formed in society's struggle against coercion arising from control and subordination. Liberation from the coercion of rule is understood as liberation from the legal duties imposed by the rulers, as a return to the state of justice.

The adoption of the Universal Declaration of Human Rights in 1948 gave hope for a change in the evolution of legal politics from egoistic state positivism to broader solidarity. But this did not happen, because the states very quickly became aware of the legal status of human rights, which expresses the mandatory minimum of social morality. From the point of view of modern political thinking, such a "mandatory minimum", on the one hand, obliges legal policy subjects to pay a lot of attention to the implementation of human rights, but on the other hand, the political philosophy of liberalism encourages us to avoid speaking publicly about greater moral duties that exceed the requirements of human rights. Therefore, A. Jokubaitis emphasizes that "human rights require narrow moral thinking that defends only negative freedom. Gradually, any higher moral obligations that go beyond not harming others are forgotten" (Jokubaitis, 2008, p. 132).

In the conditions of liberal democracy, the interest of the young generations of society in negative freedom was determined not by a protest against real or alleged state coercion, but by the growth of the quality of life in the 20th century. in the fifties. In the context of economic

growth and increasing opportunities for human social development, social trust in government institutions and prospects for the quality of individual life have strengthened. Thus, two intertwined social processes took place: 1) the growth of trust in government institutions led to the increase in the social role of state control institutions and 2) the decrease in the role of social control of society itself, manifested in the "liberation of individuals and its groups from the screws of traditional morality". It is the increase in the protection of human social, economic and cultural rights, and the weakening of the social role of morality and religion in society that presupposed a favorable social context for the formation of a consumer society. In this context, the economic power of the states of the Western world increased to such an extent that they began to seriously promote the idea of modern (technical) law as a tool for wide-scale social and economic planning: "law is now recognized as a means of implementing power, a tool of government" (Cotterrell, 1997, p. 64).

It is very important to emphasize that the nature of the relationship between the state and society has changed in the aforementioned processes. Previously, the relationship between the state and society was formed on the basis of institutions of social behavior (morality, religion, law). Now the shrinking of the social role of morality and religion was compensated by the state by increasing the social role of law, which was supposed to be "supposedly" neutral from a value point of view. It is possible to achieve this because law is valuable and instrumental in nature. The emphasis on the instrumental nature of law was linked to the expectations of the consumer society - to expand the legal possibilities of creating individual quality of life under market conditions.

Later, economic growth was replaced by its stagnation, which was caused by the 20th century. the transition from the industrial era to the information age that began in the 1960s and lasted until the 1990s. The United States and other developed countries have undergone a profound transformation from industrial to information societies; knowledge has replaced mass production as the basis of wealth, power, and social interaction. At the same time, Western societies have endured increasing levels of crime, massive changes in fertility and family structure, decreasing levels of trust, and the triumph of individualism over community. Just as the Industrial Revolution brought about momentous changes in society's moral values, a similar Great Disruption in our own time has caused profound changes in our social structure (Fukuyama, 1999). Thus, during this period, the safety of the US public was severely degraded. Although it sounds paradoxical, the formation of a consumer society and an instrumental approach to law continued under these conditions.

The transformation of law into a set of technical rules is intended to be explained by the need to promote the growth of the state's economic power and protect the social guarantees available to members of society. But in fact the 20th century at the end of the 1960s, social policy "created as many new problems as it managed to solve. Liberal policy weakened family, ethnic and community ties, destroyed the work ethic. The pursuit of equality only made solving problems more difficult, and the liberal belief that every problem has its own political solution, proved unfeasible" (Parsons, 2001, p. 155).

The liberal democratic society's "liberation from the shackles of morality and religion" enabled the state to turn law into a modern tool of political power, which constructs a liberal legal order. When law is seen as a mere tool of the state's political power, it is at the same time seen as independent of other systems of social regulation, especially the support of morality and custom. It is no longer considered that the law is effective because of its harmony with the customs of the nation. The opposite is argued: the effectiveness of law comes from the concentration of political power. A modern legal system is understood as a special set of government power mechanisms using a rationally developed legal doctrine, which is created, interpreted, and applied by specialized state legal institutions. But the connections between law (as norms applied by state institutions to make decisions) and morality (as patterns of thinking and behavior that actually exist in the general society) seem to be weakening in people's minds and eventually disappearing. For legislators and ordinary citizens, law becomes a purely technical regulation that often lacks a clear moral element (Cotterrell, 1997, p. 66).

The separation of law from morality and customs eventually leads to its actual disappearance from the consciousness of many citizens because they do not have the necessary competence to know and master technical law. Different social interpretations of compliance with the same legal norms circulate in the groups of society. On this basis, legal pluralism is formed and there is a greater spread of manifestations of legal nihilism. The state, in order to create law as an effective and independent instrument of social control and leadership, ends up with the opposite result: technical law is unknown to society and therefore not socially effective. It can be said that as the absolutization of the instrumental approach to law increases, the social significance of positive law decreases and the possibilities of expressing individual opinions expand. Everything is possible that does not violate human rights and freedoms. In these conditions, e.g., in Lithuania, individuals expanded their freedom without awareness of legal responsibility (Šlapkauskas, 2009, p. 318-319). Without the awareness of legal responsibility, the increasing scope of negative freedom of individuals destroys the connection between the values of the common culture and the norms of behavior. In other words, when individuals avoid obeying the general norms of social behavior, public safety decreases. The vulnerability of security in liberal democratic societies is especially evident during crises and other extreme situations.

Moral relativism and consumerism versus democracy and common security

Ignoring the role of morality in social relations "paves the way" not only for moral pluralism, but also for the competition of democratic models. Under the conditions of the development of moral pluralism, the model of pluralistic democracy gradually takes hold. This model is based on the idea that democracy is more effective when the nation participates in governance through the competing interests of individual groups in society. According to the pluralist model of democracy, democracy is a system, in which many organizations acting independently of government, pressuring her and even challenging her own interests (Janda, Berry, Goldman, 2004, pp. 16-24). Thus, the pluralist theory of democracy focuses attention on

organized groups and puts forward a new criterion for democratic governance: the government must be sensitive not to public opinion, but to organized groups of citizens. This means that the construction of a liberal legal order becomes an object of manipulation by competing groups. Therefore, it inevitably moves away from its social purpose - to guarantee the dynamic balance of freedom and security for the majority of society members.

Two essential factors - moral relativism and refusal of market regulation at the state level (Fukuyama, 2004, p. 119-122) motivate members of society to become aware of the "instrumental mind". The "instrumental mind" is the most important feature of modern thinking. This is the kind of rationality that we use to determine the most economical means to achieve our goals. Its success criteria are maximum efficiency, the best cost-benefit ratio, the application of which gradually covered all areas of life, including the legal system: it is possible to deliberately act contrary to the requirements of legal norms, because it is calculated that the done action brings more benefits than the sufferings arising from maximum legal liability. The hope is often to avoid or at least reduce the scope of legal liability by manipulating the absolutism of human rights and freedoms, such as trade secrets, information, freedom of expression, property, and other rights.

The application of the criteria of "instrumental reason" formed in the process of interaction between moral relativism and the market gradually took over democracy itself. The connection between democracy and global commercialization has expanded the circle of subjects of democracy and led to the creation of a controversial concept of the citizen-consumer. According to Fareed Zakaria, the commercialization of democracy leads to the death of government: now people express themselves more as consumers; it determines their power, so commercialization has become the other side of democratization. Those forces are twins that push the wave of democracy away. The dual nature of democratization – giving power to people as citizens and as consumers – allows us to explain why few dare to criticize the transformation of democratic culture in society (Zakaria, 2003, p. 224). Now, the democratic culture of the US public has declined to such an extent that there is a need for its future to examine the political process of the death of democracy in the United States of America (Levitsky, Ziblatt, 2018).

Thus, the reunion of moral relativism, the market and democracy changes democracy itself and the structure of society: the consciousness of Western societies has been dominated by commercialism and a consumer society takes over, the values of which mark human relations with a sign of ambiguity: they desperately seek and at the same time avoid long-term liabilities, because this condition limits freedom (Bauman, 2007, p. 9). Consciousness tamed by commercialism values all relationships as consumer goods. For example, the legal order is perceived as a commodity for individual consumption, as an object of negotiations between the state and interest groups. This means that modern liberal democracy has already moved away from the 20th century. the concept of democracy, which emphasized the service of the government to the security of the nation and the expansion of its opportunities for prosperity. Consumer democracy took hold.

Consumer democracy is associated with serving the interests of individuals and their temporary groups. It is based on the political and economic competition of organized groups.

The protection of human rights is the legal basis for the political and economic competition and limitation of the subjects of this consumer democracy or post-democracy (Crouch, 2000). Therefore, it is important to emphasize that consumer democracy is functioning elections are held, the government falls, and human rights protection works. But the feeling of temporality that has prevailed in it does not encourage the political authorities to take responsibility for the strategic decisions that can determine the successful or unsuccessful development of the state.

The sense of the temporary nature of the government is determined not only by its periodic elections, but also by the ambiguous nature of consumer democracy: on the one hand, the unlimited expansion of consumerism has become a stimulus for the creation of individual freedom and public well-being, but on the other hand, this expansion has led to dangerously growing environmental degradation and geopolitical tensions. Therefore, the need to create opportunities to meet the need for common security has returned to the political agenda of liberal democracy. Their creation requires large financial resources, the burden of which members of liberal society do not want to share. In other words, the weakened socio-cultural ties between the members of a liberal democratic society limit their ability to successfully agree on necessary and permanent investments in the creation of common security. Therefore, it can be predicted that the decision-making powers of state management will be sought to be taken over by a narrow government elite now or in the near future. The new redistribution of government powers will be explained by the need to take responsibility for the further development of the state. Thus, the socio-cultural vulnerability of the security of liberal democracy conditions the formation of a wave of political authoritarianism.

Conclusions

The nature of liberal democracy is controversial. This is determined by the combination of different logics of thinking: democracy is focused on collective decisions, and liberalism is focused on individual ones. Therefore, the functionality of a liberal democracy is achieved through a constant political compromise between the protection of individual liberties and a democracy based on the principle of the majority. In liberal democratic societies, this compromise is limited by their different socio-cultural experiences of fostering freedom and the traumatic memory of the past. Therefore, the security concepts of Western and Central Eastern European societies do not match.

States try to compensate for the decline of the social role of morality and religion in societies by expanding the social role of technical or "supposedly" neutral law. The separation of law from morality and customs eventually leads to its actual disappearance from the consciousness of many citizens because they do not have the necessary competence to know and master technical law. Therefore, informal pluralistic interpretation of legal norms and manifestations of legal nihilism are spreading in societies.

The reunion of moral relativism, market, and democracy changes democracy itself and the structure of society: 1) democracy turns into consumer democracy; 2) members of society

avoid obligations that may limit their negative freedom. In societies, the concept of common security is transiting towards individual security.

Weakened sociocultural ties between the members of a liberal democratic society limit their ability to successfully agree on necessary and permanent investments in the creation of common security. Therefore, it can be predicted that the decision-making powers of state management will be sought to be taken over by a narrow government elite now or in the near future. The new redistribution of government powers will be explained by the need to assume responsibility for the further development of the state and general security. The socio-cultural vulnerability of the security of liberal democracy conditions the formation of a wave of political authoritarianism.

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THE ISSUE OF ENSURING MINORS' RIGHTS TO PRIVATE LIFE AND PERSONAL DATA PROTECTION: CASE OF LITHUANIA

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Abstract. *The quality protection of minor's right to privacy cannot be achieved without sufficient protection of personal data. Minors merit specific protection, any information and communication when it comes to their privacy and data protection. The issue of minors' right to private life and personal data protection in Lithuania is an important and multifaceted topic, covering the provisions of legal acts, their practical implementation, public awareness and the activities of institutions. Still, there are few scientific studies in Lithuania on minors' right to private life and personal data protection, and scientific research is not often conducted.*

This scientific article aim is to reveal the legal regulation and practical problematic aspects of ensuring minors' right to private life and personal data protection.

After analyzing legal doctrine, court practice and the results of the empirical study, it was revealed that, even with strict legal regulation of minors' private life and personal data protection, it is not enough to protect and ensure these rights. Considering the opinion, experience and knowledge of the research participants, to properly ensure the minor's rights to private life and personal data protection, it is necessary to strengthen legal regulation, take greater preventive measures and promote education, create interinstitutional relations and increase their cooperation and reducing the intervention of state institutions when it is not necessary.

Keywords: right to privacy, personal data, minor's protection of personal data, GDPR.

Introduction

With the gradual change of people's way of life, rapid development of information technologies, expansion of people's communication with each other online, increasing attention to the protection of human rights, legal regulation in these areas is also changing. The human right to private life and protection of personal data and the increase in the volume of requirements arising from these rights have activated the interest of various state institutions, organizations, scientists and lawyers, analyzes of problematic situations and searches for ways to solve them. One of the most vulnerable social groups - minors and their right to private life - is gaining even more interest. The issue of minors' right to private life and personal data protection in Lithuania is an important and multifaceted topic, covering the provisions of legal acts, their practical implementation, public awareness and the activities of institutions. Still, there are not many scientific articles in Lithuania on the topic of minors' right to private life and personal data protection, and scientific research is not often conducted.

In a general sense, the problems of protecting the rights of a minor have been analyzed by various authors, such as *G. V. Bueren „The International Law on the Rights of the Child" (1995), R. Šalaševičiūtė, E. Žemaitytė „Vaiko teisių apsaugos sistema Lietuvoje" (2008), B. Kairienė „Vaiko teisinis statusas: įgyvendinimo problemos" (2012), I. Milkaite, E. Lievens, E. (2018) „Children's Rights to Privacy and Data Protection Around the World: Challenges in*

the Digital Realm", E. Štareikė (2022) „Features of the legal regulation ensuring the right of minors to private life and the protection of personal data", however, some of the works were written quite a long time ago, since then there have been a number of changes in the legal regulation, and based on the increasingly strict legal regulation for personal data protection, it can be said that this topic is still relevant. Also, studies on the right of minors to privacy and protection of personal data are not widely carried out by scientists in Lithuania.

Research problem. Minors are one of the most vulnerable social groups and therefore need special protection and help. Taking into account the practice of the courts, the legal doctrine, it can be stated that minors face a violation of personal data protection *(Mickevičiūtė, G. V., Pasvenskas, V., Štareikė, E.)*, and the implementation of the right of minors to private life has not been widely examined. As the legal awareness of democratic society grows, the concept of the protection of private life and personal data is changing, and the need to protect these human rights is growing, especially when the rights of one of the most sensitive sections of society - minors - are violated. In order to ensure the right of a minor to private life and the protection of personal data, it is necessary to analyze international and national legislation protecting these rights, which can effectively improve, modify or supplement the scope of the rights of minors.

The object of scientific article is legal regulation of minors' right to private life and personal data protection.

The **purpose of this scientific article** is to reveal the legal regulation and practical problematic aspects of ensuring minors' right to private life and personal data protection.

The scientific article uses the following **theoretical and empirical methods**: the method of comparative analysis, logical – analytical and systematic analysis, empirical quantitative method – questionnaire. The comparative analysis method was used to compare the content and legal regulation of the right to right to privacy of minors, a logical – analytical method was used to analyse the requirements for the processing of personal data of minors and to identify the most common problems in this area. Logical-analytical and systematic analysis methods are used to reveal the relationship between legal acts and legal doctrine, different legal norms, summarize the scientific article, reveal the main problem, and formulate conclusions. Empirical quantitative method - questionnaire was used in order to find out the problems of the implementation of the protection of the rights of minors and the experience of specialists of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor in this aspect.

Theoretical paradigm and legal regulation of the right to private life

The right to private life is one of the fundamental and universally recognized human rights in a democratic society, which belongs not only to adults, but also to minors. It was internationally established in Article 12 of the *Universal Declaration of Human Rights* adopted by the United Nations General Assembly in 1948: *"no one shall be subjected to arbitrary interference with his personal and family life, the inviolability of his home, secrecy of correspondence, encroachment on his honor and reputation"*. The aforementioned Declaration also emphasizes the importance of the mother and the minor, who must be given special care and support.

The right to the inviolability of private life is also established in Article 17 of the *International Covenant on Civil and Political Rights* adopted by the United Nations General Assembly in 1996: *"No one shall suffer arbitrary or unlawful interference with his personal and family life, the inviolability of his home, the secrecy of correspondence, unlawful*

interference to his honor and dignity. Every person has the right to the protection of the law against such interference or such attempts".

The 1950 *European Convention for the protection of human rights and fundamental freedoms* (hereinafter referred to as the Convention) is still called the most effective human rights protection system, which gives individuals the opportunity to defend their rights at the international level. In this international document, human rights from abstract principles were established as specific legal obligations, the control of which was assigned to specially created international institutions. Article 8 of the Convention declares that "*everyone has the right to respect for his private and family life, the inviolability of his home and the privacy of his correspondence."* It is noticeable that the rights defended in the first part of this article are closely related to each other, therefore the concept of private life can be understood together as the right to the inviolability of private (personal) life, the right to respect for family life, the right to the inviolability of housing and the right to secrecy of correspondence. Among other things, the European Court of Human Rights recognizes that the illegal surveillance of a person, illegal search of a person or his property, publication of data on the state of health of a person and other aspects fall within the inviolability of a person's private life, and the list is not exhaustive *(Meškauskaitė, 2015)*.

Article 7 of the *Charter of Fundamental Rights of the European Union* adopted in 2016 distinguishes the right of a person to private and family life, that every person has the right to respect for his private and family life, to the inviolability of his home and the secrecy of correspondence, and, in addition, Article 24 emphasizes the right of minors to protection necessary for their well-being. It is noticeable that in the international legal doctrine, when describing private life, the inviolability of the housing is also assigned to it, but in our national law, these two rights are protected in separate articles. Article 22, Part 1 of the *Constitution of the Republic of Lithuania* emphasizes that a person's private life, personal correspondence, telephone conversations, telegraph messages and other communications are inviolable, and the inviolability of housing (which, although it is an element of private life), is separated from private life and this right is protected by the Constitution Article 24. According to the Constitution, a person's right to privacy is not absolute and can be limited in accordance with the principle of constitutional proportionality. However, the limits of the protection of a person's private life end when he, by his actions, criminally or otherwise unlawfully violates the interests protected by law, causes harm to individuals, society and the state, and therefore this right can be violated, but only by law.

The European Court of Human Rights has repeatedly stressed that international legislation obliges states not only to refrain from active interference in the private life of a person, but also to act in such a way as to ensure real respect for the private life of others. Consequently, the right to the inviolability of private life must be protected not only in the field of public law, but also in the field of relations regulated by private law, i.e. not only in relations between private individuals and public institutions, but also between private individuals. According to the Constitution, it is possible to restrict constitutional human rights and freedoms, in this case the right to privacy, if the following conditions are met: this is done by law; restrictions are necessary in a democratic society to protect the rights and freedoms of others and the values established in the Constitution, as well as constitutionally important goals; restrictions do not negate the nature and essence of rights and freedoms; the principle of constitutional proportionality is respected *(Constitutional Court of the Republic of Lithuania, 2022)*.

Regarding violations of the right to private life, the Constitutional Court of the Republic of Lithuania has repeatedly stated that the right to private life includes personal, family and

home life, physical and mental integrity of a person, honor and reputation, secrecy of personal facts, the prohibition to publish received or collected confidential information etc., illegal interference in a person's private life is also an attack on his honor and dignity *(Constitutional Court of the Republic of Lithuania, 2022)*.

The aforementioned legal acts protect the rights of all people, including minors, but to protect their rights and increase special protection measures, The *United Nations Convention on the Rights of the Child (1989*) was adopted. The provision of Article 16 of the Convention on the Rights of the Child establishes that *"no child shall experience arbitrary or unlawful interference with his personal and family life, the integrity of his home, the secrecy of correspondence, or unlawful interference with his honor and reputation"*. The rights of minors were also established by the United Nations General Assembly in 1985, which approved the United Nations' standard minimum justice rules for minors, also known as the Beijing Rules. They establish that the right of a minor to a private life must be respected at all stages of legal proceedings, in order to avoid the harm that he would suffer as a result of inappropriate publicity or defamation. The Beijing Rules emphasize the importance of protecting minors from the negative consequences that they may face from publishing information about the case in the media (or other public places), so a provision has been made that prohibits the publication of any information that can identify the juvenile offender, which again establishes the right to private life *(Beijing Rules, 1985)*.

Due to the considerable attention paid to the protection of a person's private life, other legal acts protecting this right have also been established in the Republic of Lithuania. Article 10 of the *Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania* protects minors' rights to private and family life, privacy of communication, protection of personal data, confidentiality of correspondence, honor and dignity, inviolability and freedom of the person. *The Law on Public Information of the Republic of Lithuania* provides the following concept of private life - *"private life - the personal life of a person, his family, living environment consisting of a person's living space, private territory belonging to it and other private premises that a person uses for his economic, commercial or professional activities, as well as a person's mental and physical integrity, honor and reputation, secret personal facts, photographs or other images of a person, information on a person's health, private correspondence or other information, a person's views, beliefs, habits and other data, which can be used only with his consent."*

Thus, the right of minors, like adults, to private life is protected by international and national legal acts, which clearly state that no one should experience arbitrary interference in private and family life. A person's private life consists of many different and diverse elements, such as: a person's private and family life, personal data, living environment, personal image, physical and mental integrity of a person, health data, private correspondence or other communication, etc., which are interconnected and are protected by laws, which can be violated only in cases provided for by law.

The connection between personal data protection and private life institutes

Personal data, as well as a person's private life, are established in the provisions of general legal acts protecting human rights (see 1 Table), such as *the European Convention on Human Rights* (Article 8), *the Universal Declaration of Human Rights* (Article 12) , but at the international level, the first step to protect personal data was the question raised by the European Council and the European Organization for Cooperation and Development, whether in the world of modern technology and science, the European Convention on Human Rights and other

MRU
Mykolas Romeris University

ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

legal acts of the member states sufficiently protect the privacy of a person one of the elements contains personal data. Taking into account the question raised and the recommendations presented, the Committee of Ministers adopted two resolutions, one of which was dedicated to data protection in the private sector, the other in the public sector, after which European countries (Austria, Denmark, France, Germany, Luxembourg, Norway, Sweden, etc.) adopted legal acts protecting personal data *(Točickienė, 2003)*. It was recognized that personal data must be processed lawfully, fairly and transparently, in accordance with the principles of legality, fairness and transparency.

Table 1. Legal regulation of the child's right to data protection

CoE legal regulation	EU legal regulation	National regulation
The European Convention for the protection of human rights and fundamental freedoms (Article 8)	Charter of Fundamental Rights of the European Union (Articles 7 and 8)	The law on legal protection of personal data of the Republic of Lithuania (Article 6)
The Convention of the Council of Europe No. 108+	General Data Protection Regulation (Article 8)	The law on information society services of the Republic of Lithuania (Article 10)
	The resolution of the European Parliament, dated July 6, 2011, on a comprehensive approach to the protection of personal data in the European Union (2011/2025 (INI))*	The law on the protection of the rights of the child of the Republic of Lithuania (Article 10, part 1)
	Article 29 Working Party, Guidelines on Automated individual decision-making and Profiling for the purposes of Regulation 2016/679*	
	Article 29 Working Party opinion 2/2009 on the protection of personal data of minors *(Opinion 2/2009 on the protection of children's personal data)* *	
	Article 29 Working Party working document 1/2008 on the protection of personal data of minors *(1/2008 on the protection of children's personal data (general guidelines and the special case of schools))* *	
	Documents are of a recommendatory nature, i.e., not legally binding	

Source: Štareikė, 2022.

Further, with the development of the importance of personal data protection, other legal acts regulating the protection of this right were also adopted. *The European Council Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108)*, signed in 1981, is the first legally binding international document adopted in the field of data protection, which was updated in 2018. The main objective of this legal act is to ensure that the automated processing of personal data in the territories of all countries respects the rights and fundamental freedoms of every person, regardless of his nationality and place of

residence, and above all his right to private life. The importance of this document is also based on the main principles of personal data protection established in its norms: the integrity, legality and expediency of the collection and processing of personal data, the security of the processing, the rights and guarantees of the data subject, the responsibility of the controller, the protection of special data (*Council of Europe, 2018*).

Article 8 of the *Charter of Fundamental Rights of the European Union* establishes the right to the protection of personal data, where the rule of law on the proper processing of data is strictly established, the use of which requires a specific purpose and the consent of the subject. It is worth emphasizing that the Charter protects personal data in a separate article, in contrast to the European Convention on Human Rights, where the right to the protection of personal data is covered by the provisions of Article 8, which establishes the right to respect for private and family life, the inviolability of housing and the secrecy of correspondence. *The Supreme Administrative Court of Lithuania* in an administrative case (2020) noted that *"from the point of view of the protection of personal data, Articles 7 (the right to respect for private life) and 8 of the Charter are immanently related*", this is also confirmed by the fact that *the Court of Justice of the European Union (CJEU)* (2010) normally refers to both Articles of the Charter in matters relating to the protection of personal data. The CJEU also adheres to the provision that the right to respect for private life recognized by Articles 7 and 8 of the Charter in the processing of personal data relates to all information about an identified or identifiable natural person, the restrictions that may apply to the right to the protection of personal data are in accordance with Article 8 of the ECHR. For these reasons, Articles 7 and 8 of the Charter establish the right to respect for the processing of personal data.

In order to ensure the real protection of personal data and to protect the rights of individuals in the digital space, in 2016 the European Parliament and the Council adopted the General Data Protection Regulation, which began to be applied in the European Union law in 2018, which is considered one of the most ambitious attempts to protect the rights of individuals in the digital space *(Buttarelli, 2016)*. This international document aims to protect all citizens of the European Union from privacy and data breaches worldwide (which means that it applies not only within the European Union, but also outside it) by creating a clearer and more coherent security system (*GDPR, 2018*). The GDPR establishes the latest and most comprehensive legal data protection standards. This regulation establishes rules related to the protection of natural persons in the processing of their personal data and rules related to the free movement of personal data, which is why it has become imperative in the protection of personal data. This legal act regulates the processing of minor's personal data for the first time in the European Union law *(Štareikė, Kausteklytė-Tunkevičienė, 2018)*.

On the same day, the *Directive (EU) 2016/680 of the European Parliament and the Council "on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data"* was also adopted, which establishes the provision protecting citizens' fundamental right to data protection when personal data is used by law enforcement authorities. It ensures that the personal data of victims, witnesses and suspects are properly protected. Consequently, rules were adopted that would guide not only citizens, but also law enforcement agencies, whose employees have full access to national systems and registers that collect citizen data, such as full name, date of birth, personal code, photos of a person's face, place of residence, family members, relatives, property held, etc., in which personal data is processed without his consent, in accordance with applicable laws. Although all of these laws protect the rights of adults but also of minors, some legal norms have stressed that minors need special

protection of their personal data, as they may not be sufficiently aware of the dangers, consequences or safeguards associated with the processing of personal data and even their own rights, so the necessary protection must also be applied in a virtual environment where minors spend more and more time *(Recommendation of the Council on Children in the Digital Environment, 2012)*.

After discussing the legal regulation of the right to private life and the protection of personal data, it is obvious that ensuring the right of a person to privacy also guarantees the protection of his data, and ensuring the protection of personal data also protects the privacy of a person *(Petraitytė, 2011)*. A violation of data protection usually also violates a person's private life (for example, the ECHR case K.U. vs. Finland), but a violation of a person's private life will not necessarily lead to a violation of personal data (for example, the ECHR case Soderman vs. Sweden). In other words, the protection of personal data is inseparable from a person's right to private life, but these personal rights are not identical legal categories.

In the Charter, the right to data protection is an independent right, separate from private life (Articles 7 and 8 of the Charter), but "the Court of Justice of the European Union observes that the right to respect for private life in the processing of personal data, recognized by Articles 7 and 8 of the Charter, relates to all information about an identified or identifiable natural person, the restrictions that may be imposed on the right to protection of personal data are in accordance with Article 8 of the Convention." *(The Supreme Administrative Court of Lithuania,, 2022)* Thus, although these two rights are established in different articles of the Charter, they collectively establish the right to respect for private life when processing personal data.

These rights seek to protect similar values, i.e., individuals' independence and human dignity by providing them with a space where they could freely develop their personality, think and form their own opinion. The European data protection manual states that "The wording and scope of both rights differ. The right to private life consists of a general restriction ban, which is subject to certain criteria of public interest, on the basis of which, in certain cases, the restriction can be justified. Personal data protection is seen as a modern and proactive law that creates a system of checks and balances to help protect individuals when their personal data is processed."*(Handbook_data_protection, 2021)*. The examination of the concepts of the right to private life established in international and national legislation shows that information about a person and their protection is an integral part of the right to private life. That is, information about a natural person (his name, surname, phone number, place of residence, education, beliefs, his photo, etc.) is usually called personal data, but at the same time, this data also belongs to a person's private life. *"The right to privacy in the classical sense does not include the collection of private data, and the concept of "personal data" characteristic of most data protection documents is not limited to private or confidential information, but includes any data by which a person could be identified" (Šidlauskienė, 2019)*.

The link between the protection of personal data and the right to private life is determined by two important requirements of the legal regulation on the protection of personal data. First, the legal position on the protection of personal data is formed on the basis of a guarantee of the right to private life and, in accordance with the content, are designed to ensure the privacy of the individual. Secondly, the legal regulation of the protection of personal data can only be to the extent necessary to protect the information privacy of a person *(Petraitytė, 2011)*. The implementation of the right to private life is characterized by the establishment of standards of behavior in the processing of personal data, as well as the establishment of measures that can be used by a person seeking to protect or defend his right to private life when it concerns the processing of personal data. According to the second requirement, means are established by which a person can find out which subjects and what information have processed about him,

and the ability to react to the processing of information that does not meet the requirements of legal acts, from the person's point of view *(Šidlauskienė, 2019)*.

When distinguishing between the protection of personal data and the right to private life, it is indicated that the latter is a passive right and that the person himself, by his behavior, cannot exercise this right. This means that the right to private life is exercised not by the subject himself, but by the behavior of other persons, which is usually passive, manifested by not doing certain actions, such as not breaking into another person's home. It is for these reasons that this right is considered a negative right, the implementation of which does not require the activities of other persons. Meanwhile, the protection of personal data is the opposite – it is considered a positive right, when other entities are required to perform certain actions, such as creating and organizing the protection of personal data collected for certain purposes *(Petraitytė, 2011)*.

In conclusion, it can be said that the right to data protection is often analyzed together with privacy, since personal data are part of the right to privacy, but they are not identical and should not be confused. A violation of personal data will also lead to a violation of the right to private life, but a violation of the right to private life will not necessarily lead to a violation of personal data. The connection between these rights can be seen not only in international legal acts, but also in court practice, when violation of personal data is found to be a violation of the right to private life.

The issue of the implementation of the protection of the rights of minors in terms of the experience of the specialists of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor

The study sought to find out the problem of implementing the protection of the rights of a minor and experience of the specialists of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor in this aspect. Quantitative research was chosen to obtain research data, using a pre-prepared questionnaire survey for data collection. *„A survey is a communicative process consisting of a sequence of prompting actions used to elicit responses from subjects by mutual agreement. A survey, unlike tests, does not measure anything. It attempts to evaluate the opinions of the subjects, attitudes towards certain phenomena, behavioral characteristics and factors related to the behavior" (Tidikis, 2003, p. 237)*. A typical feature of a quantitative survey is a pre-thought-out and prepared research instrument (questionnaire), which helps to systematize the information received from the subjects. A questionnaire has the advantages of being shorter and simpler than the interview, ensuring sufficient selection, 100 percent or slightly less return of the questionnaires *(Tidikis, 2003)*. Questions correlate with the theoretical part of the study and are presented to the subjects in which individuals could reveal their opinions.

In order to find out as much as possible the opinions of specialists, their available knowledge and experience, it was chosen to conduct this survey online, using the "Apklausa.lt" website. The survey consisted of 24 questions of various types (closed and open) that were answered anonymously and whose performance was non-public, i.e., questionnaires could not be accessed by visitors to the survey website www.apklausa.lt, except for those persons who were sent a link to complete the electronic survey.

All subjects were initially informed about the goals and tasks of the study, as well as that the results of the study will be used exclusively to achieve the goals of the research. The study followed the most important ethical principles of the researcher: anonymity, privacy, honesty, objectivity, volunteerism, confidentiality *(Kardelis, 2017)*. The data obtained in the study are reliable, since the respondents of this survey are senior specialists of the State Child Rights

Protection and Adoption Service at the Ministry of Social Security and Labor. These respondents were chosen because they respond to reports of a possible violation of the rights of a minor and examine the reports, ensure the interests of minors and perform other important functions. This questionnaire was not visible to other outsiders and they did not have the opportunity to answer the questions. The questionnaire was distributed by e-mail, i.e., the link of the questionnaire was sent to the heads of the Child Rights Protection departments (hereinafter – VTAS) of the counties of State Child Rights Protection and Adoption Service (VTAT) with a request that these questionnaires be sent to the senior specialists of their department. During the research, first of all, the administration of the State Child Rights Protection and Adoption Service at the Ministry of Social Security and Labor (hereinafter - VTAT) was approached in order to obtain permission to conduct a questionnaire survey and interviews from VTAT employees working in territorial departments.

During the quantitative research, the questionnaire was shared with 228 senior specialists of VTAS of "X" counties, and during the survey, 210 responses were received (i.e. 92 percent).

Questions 1-4 of the questionnaire survey are related to information characterizing the interviewed persons. Questions 5-11 are related to minors' right to private life. The questions were asked in order to determine the experience and knowledge of VTAS specialists and their ability to identify violations of minors' right to private life. Also to analyze the causes of violations and protection issues. Questions 12-22 are related to the protection of personal data of minors. The questions were asked in order to determine the experience and knowledge, abilities of VTAS specialists, their attitude to the reasons and the issues of protection of these rights. Questions 23-24 are related to strengthening the protection of the rights of minors.

The majority of respondents (71%) were women, 29% were men. It can be concluded that the majority of VTAS specialists surveyed are women, therefore, the opinion of women on the protection of the rights of minors is more reflected in the data of the study. The age of specialists was also determined during the research. Most of the respondents (43%) are specialists between the ages of 31 and 40, less than a third (29%) consists of specialists over 51 years old. The rest are specialists who are under 30 years old and specialists who are 41-50 years old (the numbers of respondents of these groups are equal, i.e., 14% each). Therefore, most of the surveyed VTAS specialists are young and middle-aged. In order to assess the competence and qualifications of the interviewees, a question was asked about their education. As it turned out, more than half (57%) of the specialists have a university degree in law, a much smaller part (29%) have acquired a university degree in other fields. Meanwhile, 9% of respondents have obtained a higher non-university degree in law and 5% of respondents have obtained higher education. Thus, the vast majority of the respondents have obtained a university degree in law and other fields. Also, the interviewees were asked about their work experience in VTAT, in order to determine how much experience they have in working with minors in this field. After analyzing the received answers, it was noticed that a considerable part (43%) of the respondents have up to 5 years of experience working at VTAT. Another part (29%) of the respondents has 6 to 10 years of work experience, and another part of the respondents (14%) has more than 21 years of work experience in this field. The rest, 9% of the respondents have from 16 to 20 years of work experience and 5% of the respondents have 11 to 15 years of work experience. According to these results, it can be seen that the vast majority of the respondents (72%) have up to 10 years of experience working at VTAT.

The second group of questions is related to the issue of protection of the rights of minors. The respondents were asked which of the presented minor's rights, in their opinion, is insufficiently ensured and is still violated most often. From the answers given, it is observed

that more than half, i.e., 52% of the respondents think that this is the "right to privacy" (see Figure 1).
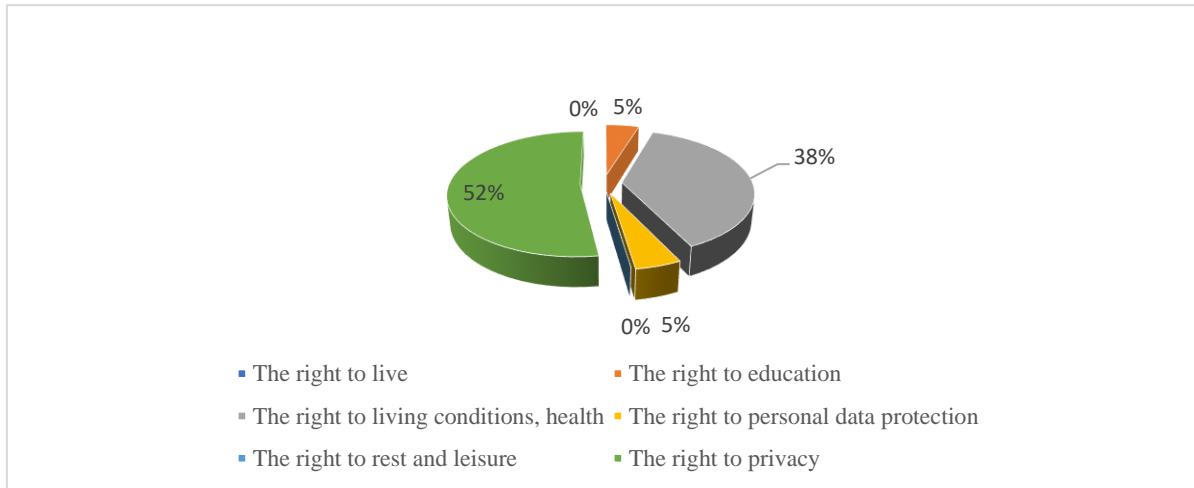

Figure 1. Insufficiently secured and most often violated the right of a minor
Source: authors of this study

Also a significant part (38%) of the respondents believe that the right to living conditions and health is also insufficiently guaranteed and often violates the right of a minor. 5% of the respondents chose the "right to protection of personal data", and the remaining 5% of the respondents chose the "right to education" as the most often violated rights, in their opinion. It can be assumed that the "right to rest and leisure" and the "right to live" are sufficiently secured, since these rights were not chosen by any of the respondents as insufficiently secured and most often violated rights. According to these results, it can be seen that the private life of a minor is still insufficiently secured and most often violated.

In order to determine the competence of the interviewees while working with the issues of this area, the respondents were asked whether they have examined violations of minors' right to private life and how many such violations they have examined.

The research data revealed that almost half (48%) of the respondents have examined violations of this nature up to 10 times. A significant number (24%) of the respondents stated that they have not investigated violations of this nature, and 19% of the respondents indicated that they do not remember whether they have dealt with violations of this nature. 9% of the respondents stated that they dealt with violations related to violations of the private life of minors more than 10 times. Consequently, more than half (57%) of the respondents surveyed have at least once dealt with violations of the right to private life of minors, but a fairly significant proportion (43%) of the interviewees did not investigate such violations or did not remember that they did. This shows that more than half of the respondents have encountered the examination of the right to private life of minors and have experience in examining violations of private life.

In order to determine the opinion of the respondents about the elements included in the concept of private life, respondents were asked to mark the elements that they consider to be classified as private life. The vast majority of respondents consider a minor's personal and family life, living environment, health data, correspondence and conversations, correspondence, personal image to be private life (these options were selected by more than 71% of the respondents). From 28 and 38% of the respondents included the following items in their private life: any information about a person (and information that can be used to determine

identity), biometric data, school grade book, e-mail address, phone number, date of birth, social security code, bank account, friends contacts on the phone. However, the least marked answers were about the address of the place of residence and the name and surname (23% of the respondents chose these elements). According to the choices of these respondents, it can be seen that most of the respondents adequately qualify the composition of private life, but it should be remembered that private life includes personal data, which are any data that can be used to identify a person, the list of which is not exhaustive.

The absolute majority of respondents, about 81%, refers to "photographing a minor without his and his legal guardians consent" as a violation of private life. Other violations of a minor's private life from 62% up to 76% of those interviewed named such actions as: "illegal collection of information about a person", "filming of a minor's living environment", "interviewing a minor without the consent of his legal guardians", "taking away a minor's phone and browsing it". 43% of the respondents believe that the violation of private life consists of "spreading false information about a person".

The legislation strictly specifies cases when it is possible to violate the private life of minors. In order to find out the knowledge possessed by the respondents, they were asked in which cases, in their opinion, the right to private life of minors can be violated. According to the answers given by the respondents, slightly more than half (51%) of them think that the right of minors to private life can be violated only in the cases stipulated by the law. Another, considerable number of respondents (28%) believe that it is possible to violate private life in order to prevent illegal actions, such as criminal acts. 20% of the respondents think that the violation of such a right is possible in order to protect the rights and freedoms of other persons and 1% of the respondents believe that such a right can be violated in order to reveal serious problems, for example, interviews are conducted regarding the illegal behavior of teachers during classes. Therefore, the vast majority believe that minors' right to privacy can be violated only in cases provided for by law, when the aim is to prevent illegal actions and to protect the rights and freedoms of other persons, and this is precisely what Article 8 of the European Convention on Human Rights provides.

In order to find out the available experience about violations of the private life of minors, the respondents were asked which of the subjects, in their opinion, most often violate the privacy of minors (see Figure 2).
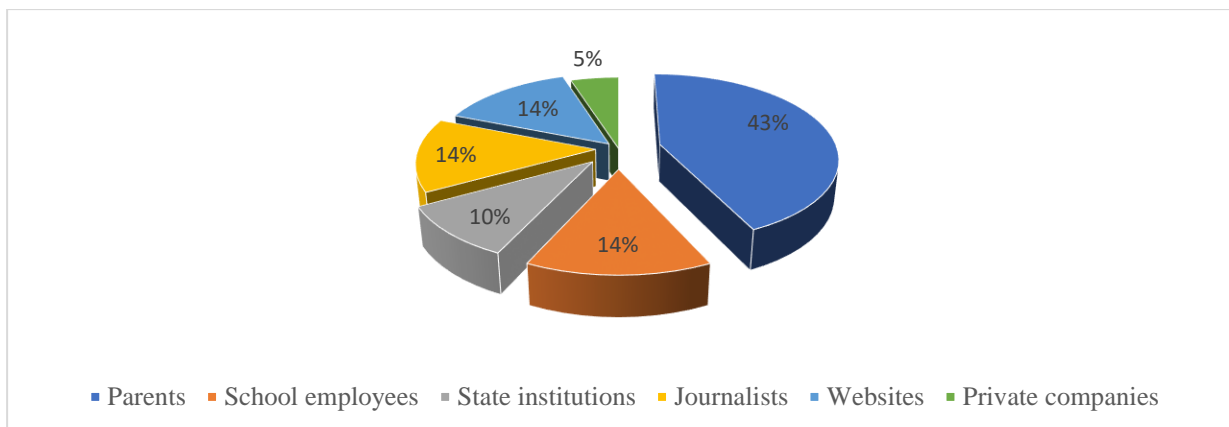

Figure 2. Subjects that most often violate the privacy of a minor
Source: authors of this study

According to the distribution of the respondents presented in Figure 2, we see that 43% of interviewed VTAS specialists believe that the minor's right to privacy is usually violated by parents. Another, considerable number of the respondents were equally divided and believe that

MRU
ISSN 2029-1701
ISSN 2335-2035 (Online)

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Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

school employees (14%), journalists (14%) and websites (14%) are the most frequent offenders. 10% of the respondents think that state institutions usually violate this right of minors, 5% of the respondents chose another option and indicated that in some cases this right is violated by lawyers.

In order to find out for what reasons the minor's right to privacy is violated, 39% of the respondents indicated that it was due to insufficient legal regulation. 19% of the respondents indicated that the main reason is the impunity of individuals, when minors do not turn to anyone for their violated rights. 14% of the respondents believe that the right to privacy is usually violated due to the ignorance of legal acts of citizens who violate the rights of minors. 13% of the respondents chose the other option and wrote "all are suitable". 10% of the respondents chose the option "due to state institutions that do not take sufficient prevention" and 5% of the respondents believe that the minor's right to privacy is violated due to insufficient education of minors about their rights.

In order to determine the competence and experience of the interviewees while working with personal data, the respondents were asked whether they have dealt with violations of the personal data of minors. 48% of the respondents have had to deal with minors' personal data violations up to 10 times. 28% of the respondents do not remember, and 24% did not examine violations of this nature. When analyzing the results, it can be seen that there are no respondents who have dealt with this type of violation more than 10 times, and there are no persons who indicated a different option other than the ones presented in the options. It can be concluded that less than half, 48% of the respondents have dealt with these violations and are familiar with the regulation on the protection of personal data, while the remaining respondents have not investigated or do not remember doing so.

Similar to the right to privacy, in order to find out the respondents' opinion and available knowledge about the elements that are classified as personal data, the respondents were asked to mark the elements that they think are classified as personal data.

Table 2. Special categories of personal data

Category	Number of respondents (n)	Number of respondents (%)
"Genetic data / data related to health / data on sexual orientation or sex life of individuals / data on racial or ethnic origin / political views / religious or philosophical beliefs of individuals"	*117*	*56 %*
"Sensitive / important data"	*41*	*19 %*
"Data that may reveal identity and which are prohibited from being processed (except in cases provided for by law)"	*21*	*10 %*
"I don't know"	*27*	*13 %*
"It is specified in the law"	*4*	*2 %*

Source: authors of this study

The vast majority of respondents, over 71% of those interviewed, assign following to personal data: name and surname, health data, residential address, bank account number, personal identification number, date of birth, personal image, telephone number, e-mail address, school report card, biometric data, any information about the person, whose identity can be determined. From 5 to 14% of the interviewees also chose the following options:

personal and family life of the minor, living environment, correspondence and conversations, correspondence, friends' phone contacts, any information about the person. It is worth emphasizing that there is no definitive list of personal data elements, but only such data about a person whose identity is established or can be established are considered personal data.

In order to find out the respondents' knowledge about special categories of personal data, an open question was asked about what they think special categories of data are. The responses of the respondents were distinguished into categories (see 2 Table).

After distinguishing the received answers into categories, it can be seen that more than half (56%) of the respondents answered that the data of special categories are genetic data, data related to health, data about the sexual orientation or sex life of individuals, data about the racial or ethnic origin of individuals, political views, religious or philosophical beliefs. 19% of the respondents indicated that this is sensitive or important data, without elaborating on it. 10% of the respondents indicated that this is data that can be used to reveal the identity of a person and that is prohibited from being processed (except for cases provided for by law). 13% of the respondents stated that they do not know, and 2% of the respondents answered "it is specified in the law". It can be concluded that most respondents are familiar with the GDPR (see 3 Table) and know what data are classified as special categories of data, and which are prohibited to process, except in cases provided for by law.

Table 3. Types of personal data

Personal data	Special categories of personal data	Personal data of minors
Any information about identified or identifiable natural person (name, surname, tel. no, bank card no., fingerprint, iris, face image, vehicle registration no., e-mail address and so on.)	- Racial or ethnic origin, political views, religious or philosophical beliefs, trade union membership; - Genetic data, biometric data (to specifically identify a natural person); - Health data, - Data on the sex life/sexual orientation of a natural person.	Personal data of minors classified as particularly sensitive data requiring greater protection by excluding minors from the general spectrum of the concept of entities (name, surname, personal code, address of residence, telephone number, e-mail address, nationality, date of birth, bank card number, education data (completed primary school, data on diplomas and certificates), data on health (health status, blood group, etc.), image data, biometric data, family member data (if associated with the data subject), interests, purchase and shopping history, internet pages visited by a person, randomly generated telephone number, location data (e.g., location data on mobile), Internet Protocol (IP) address, etc.

Source: Štareikė, 2022.

In order to find out the experience of the respondents regarding the rights of minors to personal data, the respondents were asked which of the entities most often violate the data of minors. According to the received data, it can be seen that 50% of the respondents, think that websites violate the right of minors to the protection of personal data. A significant number of the respondents (19%) believe that this right of minors is violated by journalists, and 17% of the respondents think that parents do it. 7% of the respondents think that school employees

ISSN 2029-1701
ISSN 2335-2035 (Online)

Mykolas Romeris University

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

violate the data of minors, and 5% of the respondents think that it is done by state institutions. 2% of the respondents chose the option "private companies". In order to clarify the data on this question, the respondents were asked their opinion on whether websites used by minors adequately ensure the protection of their data. The respondents' answers were equally divided between "no" and "partially" (both answers were chosen by 48% of the respondents). 4% of the respondents chose the answer "I don't know" and none of the respondents chose the answer "yes". According to the results of this question, it can be seen that the respondents believe that websites used by minors do not ensure the protection of minors' data or only partially ensure it.

When examining the problems related to securing the personal data of minors on websites, the respondents were asked what they think is the main problem faced by websites that seek to adequately protect the rights of minors. According to the data provided, half of the respondents, i.e., 50% believe that the main problem faced by websites is the pretense of minors being older than they actually are. Another problem is the laxity of minors in agreeing to various conditions, not getting acquainted with them and not reading them (33% of the respondents think so). 16% of the respondents think that demanding and obtaining parental consent is the main problem, and the remaining 1% of the respondents who chose "other" indicated that all the listed are the main problems and they could not single them out.

When looking more broadly at these issues, the respondents were asked an open question as to what security measures they thought websites should use to determine whether the minor indicated his real age or indicated it as older than he actually is, just to register on the site. 68% of the respondents indicated that additional questions or tasks should be created that only people of a certain age would be able to answer and complete the tasks. 17% of the respondents indicated that the requirement of parental consent is still the main tool, therefore websites should necessarily require this consent and not allow the use of website data until approval is obtained. 12% of the respondents indicated that it is impossible to control. 3% of the respondents indicated that they do not know or have no opinion on this issue.

When answering the question of whether the consent of parents/legal guardians, even if they do not have any knowledge about the processing of personal data on websites, is a suitable measure to protect the personal data of a minor, slightly more than half of the respondents (57%) believe that such consent of parents or legal guardians is not a suitable measure of protection. 24% of the respondents think that it is still a suitable protective measure, and 19% of the respondents chose the option "I have no opinion". The obtained results show that more than half of the respondents believe that such parental consent is inappropriate.

When examining the problem, it was noticed that there is another problem when even minors over 14 years old do not understand what conditions on the websites they agree to, often they do not even read or delve into them. The respondents were asked their opinion, from what age the consent of a minor to the processing of his personal data should be legal in Lithuania. According to the current international and national legislation, in Lithuania the consent of a minor to the processing of his personal data (in connection with the direct offer of Information society services to a child) from the age of 14 is legal and from that age parental consent for the processing of personal data is not required. Even 43% of the respondents believe that such consent should be valid from the age of majority. 28% of the respondents indicated the age limit of 14 years, which is valid, and 24% of the respondents think that it should be from the age of 16. The remaining 5% of the interviewees chose the answer "I don't know". In summary, it can be said that almost half of the surveyed VTAS specialists believe that consent to the processing of personal data should only be obtained from the age of 18, but here again the problem is how to ensure that younger persons do not indicate their other age and register by indicating that they are adults.

In order to find out the knowledge and experience of the respondents, they were asked what, in their opinion, is the main reason for the violation of the minor's right to personal data protection (see Figure 3).
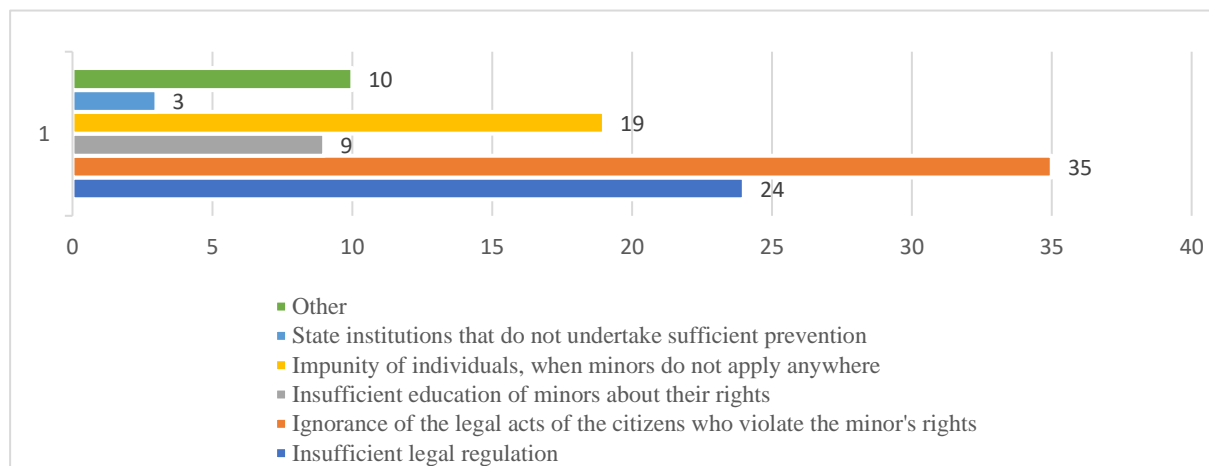

Figure 3. Reasons for violating the personal data of a minor
Source: authors of this study

35% of the respondents believe that the main reason for the violation of the minor's right to personal data protection is the ignorance of the legal acts of the citizens who violate the minor's rights. 24% of the respondents think that there is insufficient legal regulation, 19% of the respondents think that due to the impunity of individuals, when minors do not apply anywhere. 10% of the respondents, choosing the option "other", think that all the listed reasons are inseparable, therefore they could not choose one. 9% of the respondents think that due to insufficient education of minors about their rights, 3% of the respondents think that it is due to state institutions that do not undertake sufficient prevention. However, in the opinion of the respondents, the main reason is the lack of knowledge of legal acts by members of the public and insufficient legal regulation.

In order to determine all possible reasons for insufficient protection of the rights of minors, the respondents were asked about their opinion, whether in their opinion the GDPR sufficiently regulates the regulation of data protection of minors. More than half, i.e. 57% of the respondents believe that the GDPR partially sufficiently regulates the regulation of data protection of minors. 24% of the respondents responded "yes", 10% of the respondents responded "I don't have an opinion", and 9% of the respondents responded "no". According to the answers provided, the vast majority agree that the GDPR partly regulates the protection of personal data of minors sufficiently.

The respondents were also asked whether the institutions ensuring the protection of the rights of the minor adequately protect and are fully involved in the protection of the rights of minors. 62% of the respondents believe that the institutions ensuring the protection of the rights of the minor adequately protect and are fully involved in the protection of the rights of minors, and 38% of the respondents believe that only "partially".

The last question asked to the respondents was of an open nature, in order to find out their opinion about what, in their opinion, measures would improve the protection of the rights of minors, related to the right to private life and protection of personal data. The respondents' answers were distributed as follows (see Figure 4).
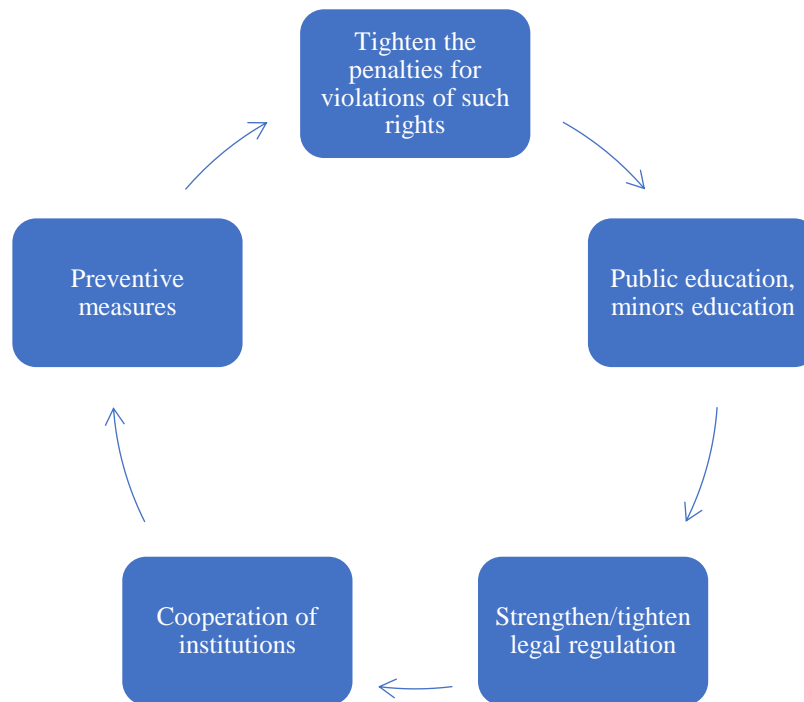
Figure 4. Measures to improve the protection of the rights of minors
Source: authors of this study

Figure 4 shows the groups of respondents' answers. 33% of the respondents indicated that the most appropriate measure would be to strengthen and tighten legal regulation related to minors' right to private life and personal data protection. 23% of the respondents pointed out that greater public education should be undertaken, namely the education of minors about their rights. 20% of the respondents said that the most appropriate measure would be to tighten the penalties for violations of the right to private life and the right to personal data protection. 14% of the respondents advocated closer cooperation between state institutions (namely between VTAT, police and prosecutors). 10% of the respondents indicated that preventive activities and educational activities are important. These respondents' answers showed what was already discussed in the previous questions, namely when examining the issue of protection of minors' rights - the lack of all these listed elements is the main reason why the minor's right to privacy and protection of personal data is still violated. All these elements listed are important for sufficient protection of the rights of minors.

Conlusions

The right to the protection of personal data is formed on the basis of a natural guarantee of a person's right to private life. Examining the concepts of private life established in international and national legal acts, it can be seen that information about a person and the protection of this information are considered to be an integral part of the right to private life, that is, when legal acts guarantee a person's right to privacy, the protection of his data is also guaranteed, while ensuring the protection of personal data , personal privacy is also protected. Nevertheless, these rights are not the same - when data protection is violated, the private life of a person is usually violated, but when a person's private life is violated, personal data will not always be violated.

The results of the conducted research revealed that the participants of the research were adequately aware of the regulation of the rights of minors and their protection related to private life and personal data protection. During the research, it was established that one of the most frequently violated rights of minors is their right to private life. A minor's right to private life is violated by parents, school employees and websites. The most common violations are photographing a minor without the consent of him and his legal guardians, as well as illegal collection of information about him, filming the minor's living environment, taking an interview with a minor without the consent of his legal guardians, as well as depriving and browsing the minor's phone. One of the main reasons why this right is violated is insufficient legal regulation.

When choosing their answers, the research participants classified personal data as an element of private life and indicated that this right is also often violated, and it is usually violated by websites, journalists, and less often by parents. In the opinion of the respondents, the main reason for the violation of minor's personal data is the lack of knowledge of legal acts and insufficient legal regulation, which ensures this right only partially, as a result of which individuals violate the minor's right to personal data protection without understanding and knowing it.

In order to ensure the right of a minor to private life and the protection of personal data and to reduce infringements of these rights, respondents consider that the responsibility for infringements of these rights must first be strengthened, society and minors should be educated more so that they know what rights they have, closer inter-institutional cooperation should be encouraged and other preventive measures should be taken. In order to prevent violations of minors' personal data, the requirements for online sites should be tightened so that they ensure effective protection measures and their services are not used by persons younger than established by legal regulation.

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THE DEVELOPMENT OF EUROPEAN UNION SECURITY POLICY

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Abstract *The article analyses the development of EU security policies. It reveals the development of EU political cooperation and cooperation in the field of Justice and Home Affairs. Important milestones are discussed: the development of European Political Cooperation (EPC), TREVI group, the system of EU pillars introduced by the Maastricht Treaty and the changes made by Lisbon Treaty. Lastly, the latest EU policies on security are addressed and the interdependence of internal and external security aspects is illustrated. The article concludes that the development of the EU's competence in security matters began with European Political Cooperation and efforts to address terrorism, serving as a transition from an economic to a political union concerned with internal and external security. The Maastricht Treaty established the Justice and Home Affairs (JHA) pillar, enhancing EU-wide security through cooperation on border controls, terrorism, illegal immigration, and judicial cooperation. The Treaty of Amsterdam and the Lisbon Treaty refined this framework, increasing the roles of EU institutions and prioritizing security coordination. The Common Foreign and Security Policy (CFSP), established in 1993, aims to preserve peace and enhance international security. The EU policies recognize the interconnected nature of threats arising to the security in the EU.*

Keywords: *EU security; security strategies; Lisbon Treaty; Common Foreign and Security Policy; Area of Freedom, Security and Justice*

Introduction

Presently, the security question in the European Union is set out in EU Security Union Strategy 2020-2025 (European Commission, 2020). It aims to protect everyone in the EU and promote the European way of life. "The strategy covers the period from 2020 to 2025 and focuses on priority areas where the EU can help Member States in fostering security for all those living in Europe, while respecting our European values and principles" (European Commission, 2024). On the other hand, Article 4 of the Treaty on the European Union (2016) states that "the Union shall respect […] essential State functions [of the Member States], including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State." Thus an important question arises on the legal basis of EU competence on the issue of security and its extent.

The first official and comprehensive EU strategy, which focused on security, was "A Secure Europe in a Better World" in 2003 (European Council, 2003). This document addressed the EU external security aspects. It listed as key threats terrorism; proliferation of weapons of mass destruction; regional conflicts; state failure; organised crime. The EU internal security strategy of 2010, even though it was aimed at strengthening internal security of EU, also listed terrorism, serious and organised crime; cybercrime; cross-border crime; violence; natural and man-made disasters; other common phenomena (European Council, 2010). The strategy that followed, the European agenda on security for 2015-2020, listed terrorism and radicalisation; organised crime; cybercrime as the main areas of focus and included both internal and external dimensions (European Commission, 2015). The present strategy lists disruptions to public

services; cybersecurity; cybercrimes; influence of global environment; hybrid attacks; terrorist attacks; organised crime as the main threats (European Commission, 2020).

The strategy explicitly indicates that it encompasses questions of both internal and external security. The document indicates that internal and external security of EU are closely related (European Commission, 2020). Thus, we can see that internal and external security questions are intertwined in the EU security strategies. Speaking about the problem of the analysis, the security questions in the EU seem to be regulated by multiple legal bases. The allocation of competence principle in the EU is of fundamental importance, as the EU may act only in the fields that are indicated in its founding treaties (Treaty on the European Union and Treaty on the Functioning of the European Union). Thus a thorough analysis of the action of EU in the field of security is needed in order to determine the extent of EU action.

The **aim** of the present article will analyse the development of the competence of EU in the field of security. The historic and analytical methods were used to develop the topic and provide conclusions.

Initial competences of the European Communities and development of political cooperation

The initial European Communities (hereinafter also – EC) were aimed at the creation of common market for coal and steel (European Coal and Steel Community, founded in 1952), of a common market for the development of the peaceful uses of atomic energy (European Atomic Energy Community, founded in 1958) and of common market for all other goods through the elimination of most trade barriers and the establishment of a common external trade policy (European Economic Community, founded in 1958) (Britannica, 2024). The economic aims of the communities did not include questions of political cooperation or security issues. However, a certain degree of political cooperation was present even in the earliest stages of the development of European Communities, as the (then) six states and their representatives were present in common EC institutions, and the decisions taken had to be agreed politically.

However, the need to cooperate in matters outside the economic field has emerged quite early in the development of EC, as the countries needed to rebuild Europe after the war, and the cooperation on matters of foreign policy was seen as an integral part of this process. (*European Political Cooperation, 1988*). The concept of European Political Cooperation "had been under discussion since the early 1960s but had not been implemented due to the differences of opinion in this area between General de Gaulle and his partners. After de Gaulle's retirement from political office, economic and political events taking place beyond the borders of Europe gradually made it necessary for the Member States to align their foreign policies more closely" (Deschamps, 2016). On October 27, 1970, the Foreign Ministers convened in Luxembourg and endorsed the Davignon Report, establishing the groundwork for political collaboration among Member States in the realm of foreign policy. This report, also called the 'Luxembourg Report', provided for consultation among the Six on foreign policy matters and the implementation of joint decisions but made no reference to consultation on matters of external security and defence. It formed the basis of the forum for European Political Cooperation (EPC) inaugurated in Munich on 19 November 1970 at the first ministerial meeting (Deschamps, 2016a; Alabduljabbar, 2018). In Paris on 9-10 December 1974, another stride toward European Political Cooperation was made as Heads of State or Government pledged to enhance their collaboration and synchronize their diplomatic efforts across all domains of international affairs pertinent to the European Economic Community. On November 30, 1976, the Nine reviewed the Tindemans Report on the European Union and acknowledged that European Political

Cooperation ought to foster convergence in the exercise of national sovereignty (Deschamps, 2016).

The creation and functions of TREVI group

The German Federal Home Office initially proposed the idea of a "European conference on internal security" in response to the Munich hostage crisis during the 1972 Summer Olympics. This crisis, where the Israeli Olympic team was attacked by Palestinians, highlighted the urgent need for a reassessment of West Germany's internal security, as internal security of West Germany could no longer be guaranteed solely within the classical framework of domestic policies. It became evident that international collaboration was essential as terrorists were operating across borders. The concept of such cooperation originated within the German ministerial bureaucracies and was subsequently advocated by the German Minister of Foreign Affairs (Oberloskamp, 2016).

A number of intergovernmental meetings on terrorism took place in 1971 and 1972 which indicated the need for more structured cooperation on these questions. At a Council of Ministers meeting in Rome in December 1975 UK Foreign Secretary James Callaghan proposed, and the Minsters agreed, to set up a special working group to combat terrorism in the EC (Bunyan, 1993).

"During the phase under consideration, an important motivation for TREVI was the new threat of terrorism operating across national boundaries. Another driving force was the hope that the exchange of experiences and knowledge in the areas of police technology and training would produce increased synergy. Furthermore, some states – in particular, West Germany – wanted TREVI to ascertain and to prepare appropriate measures for possibly opening the internal borders of the European Community (EC). Against this background, the conference was distinctly more than just a pragmatic response to pending security problems; it was also important for the further integration of the EC" (Oberloskamp, 2016).

TREVI (Terrorism, Radicalism, Extremism, Political Violence) group was set up by the Rome European Council in 1975, and took on a form of an intergovernmental network of national officials. Initially the group was dedicated to combating terrorism, but by the early 1990s its remit and organizational structure had grown to cover a wider range of crime control and public order matters (Baker, Harding, 2009).

The group's activities were based on intergovernmental collaboration among the 12 states, a process that excluded the primary EC institutions—the European Commission and the European Parliament. This proposition was formalized in Luxembourg on June 29, 1976, during a meeting of EC Interior Ministers. This decision mandated that, going forward, Ministers would be accompanied by high-ranking police and security service officials at these gatherings. In 1976, five working groups were established, reporting to the TREVI Senior Officials group, which, in turn, initially presented reports annually to meetings of the TREVI Ministers, comprising the 12 Interior Ministers of the EC. The TREVI "troika" consisted of three sets of senior officials from then-current EC Presidency, the previous Presidency, and the forthcoming one (for instance, in the latter half of 1992, it comprised Portugal, the UK, and Denmark). The role of the "troika" was to support and brief the current Presidency and its officials (Bunyan, 1993).

Comparing the process of TREVI group with the European Political Cooperation, it can be noted that "Not only concerning its intergovernmental structure, but also its flexible and pragmatic character, the conference was substantially orientated toward the model of the EPC. Unlike the EPC, however, TREVI worked largely in secret and endeavoured to avoid even the

slightest contact with EC-institutions. The conference's rather technical field of activity thereby fostered a general tendency toward trans governmental cooperation among ministerial bureaucracies and security experts" (Oberloskamp, 2016).

Maastricht Treaty – a significant stride forward in European cooperation

The Maastricht Treaty came into effect on November 1, 1993, subsequent to its ratification by the then 12 Member States (Belgium, Denmark, Germany, Ireland, Greece, Spain, France, Italy, Luxembourg, Netherlands, Portugal, and United Kingdom). One of the most notable and fundamental aspects of the Maastricht Treaty was the restructuring of the European Union's powers into three domains, commonly referred to as pillars. These included:
1. The European Communities (EC) pillar
2. The Common Foreign and Security Policy (CFSP) pillar
3. The Justice and Home Affairs (JHA) pillar (Council of the European Union, 2018).

The introduction of the pillar framework introduced distinct decision-making processes. The first pillar, the 'European Communities,' established a structure allowing the Community institutions to exercise powers delegated by the Member States in areas outlined by the Treaty on European Community. This led to an expansion in the number of decisions to be made through qualified majority voting within the Council of the European Union. Conversely, the second and third pillars operated through intergovernmental cooperation, typically by consensus among the Member States, with lesser involvement from the Commission (Council of the European Union, 2018). As seen in the introduction, the questions covered in the security strategies of the EU fall under both second and third pillars under Maastricht Treaty.

Area of Freedom, Security and Justice in EU and security issues

As mentioned above, the Maastricht Treaty introduced the Justice and Home Affairs pillar into the Union's legal order. It continued from the work carried out by TREVI working groups. By establishing the third pillar "Justice and Home Affairs", the Union aimed to foster unified actions through intergovernmental methods to ensure citizens enjoyed high levels of safety within an area characterized by freedom, security, and justice. Under the Maastricht Treaty's third pillar, there were provisions addressing external border controls, combating terrorism, establishing Europol, creating a common asylum policy, curbing illegal immigration, and enhancing judicial cooperation in criminal and civil matters. The elimination of internal borders and the promotion of free movement necessitated harmonizing various national legislative and regulatory frameworks, which were often quite different. Some of these areas had previously seen intergovernmental cooperation under the Schengen Implementation Convention of 1990, but this cooperation was insufficient and required expansion. However, the responsibility for maintaining law and order and ensuring internal security remained with the Member States(Council of the European Union, 2018).

After Maastricht Treaty, significant changes were made by the Treaty of Amsterdam (Baker, Harding, 2009, p. 30-31):
- The part of the Third Pillar that related to population movement was transferred to a new Title of the Community Treaty and the remainder renamed "Police and Judicial Cooperation in Criminal Matters". The part transferred was the title on "Visas, Asylum, Immigration and Other Policies Related to Free Movement of Persons".
- A horizontal connection was established between the freshly severed parts through the device of linking both Titles to a new objective, inserted into Art. 2 TEU, to

"maintain and develop the Union as an area of freedom, security and justice". Thus, Art. 29 TEU, the opening provision of Title VI, proclaims that, "without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice".

- The Commission, the Parliament and the Court of Justice were all afforded an increased presence in Third Pillar affairs.

A number of changes were introduced in this area, now titled "Area of Freedom, Security and Justice" (hereinafter – AFSJ) with the Lisbon treaty. Firstly, the Lisbon Treaty abolished the third pillar, based on intergovernmental cooperation, and indicated, that Community method would be applied in the AFSJ. As a rule, legislative proposals are now adopted under the ordinary legislative procedure set out in Article 294 of the TFEU. The Council acts by a qualified majority, and the European Parliament, as co-legislator, delivers its opinion via the codecision procedure (Bux, Maciejewski,2023). Secondly, increased powers were attributed to the Court of Justice of the European Union (it can give preliminary rulings on all aspects of AFSJ as well as decide on failure to fulfil an obligation) and the Commission (it may bring proceedings for failure to fulfil an obligation against Member States in AFSJ). Thirdly, "the Lisbon Treaty formally recognises the European Council's preeminent role of '[defining] the strategic guidelines for legislative and operational planning within the area of freedom, security and justice' (Article 68 of the TFEU). In June 2014, the European Council defined these guidelines over the coming years. They are in line with the priorities set in the strategic agenda for the EU, which was also adopted in June 2014" (Bux, Maciejewski,2023).

The importance of this area is illustrated by the fact that this policy is listed among the EU key objectives in Article 3(2) of TEU, even before the aim of establishing internal market. It states that "The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime" (*Treaty on the European Union*, 2016). It is now shared competence of the EU (Article 4(2)(j) of TFEU) which means that „the Union and the Member States may legislate and adopt legally binding acts in that area. The Member States shall exercise their competence to the extent that the Union has not exercised its competence. The Member States shall again exercise their competence to the extent that the Union has decided to cease exercising its competence."

Further provisions on AFSJ are established in Articles 67 to 89 TFEU (2016). The importance of the notion of security is underlined in Article 67(3), which states that „the Union shall endeavour to ensure a *high level of security* through measures to prevent and combat crime, racism and xenophobia, and through measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as through the mutual recognition of judgments in criminal matters and, if necessary, through the approximation of criminal laws." Thus, important aspects to the internal security of the EU are the listed measures: measures to prevent and combat crime, racism and xenophobia, coordination of police and judicial authorities; mutual recognition of judgements in criminal matters and approximation of criminal laws.

The important safeguards regarding the functions of Member states are established in Articles 72 and 73 TFEU (2016). Article 72 indicates that the provisions regarding AFSJ in TFEU „shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security." Furthermore, the Member States have the right to cooperate and coordinate action „as they

deem appropriate between the competent departments of their administrations responsible for safeguarding national security."

Security as the element of Common Foreign and Security Policy

Common Foreign and Security Policy of the European Union (hereinafter – CFSP), established in 1993 by the Treaty on European Union (TEU), aims to preserve peace, enhance international security, foster cooperation, and uphold democracy and human rights. The CFSP continued and enhanced the cooperation that had been carried out under the European Political cooperation. Under EPC, member states were encouraged to cooperate in foreign policy matters, whereas under CFSP, there's a commitment to strive for agreement on common positions and to adhere to them once agreed upon. This shift represents a move towards a more binding framework, where common positions and joint actions become international legal obligations, signalling a deeper level of commitment among member states. The introduction of joint actions under CFSP marks a departure from solely making policy together (as in EPC) to implementing agreed policies collectively. This is aimed at ensuring a more coherent and effective approach to foreign policy, with mechanisms in place to govern the actions of member states. Furthermore, CFSP expands the scope of cooperation beyond just economic aspects to encompass all security aspects of foreign policy. This broadening reflects the changing nature of security challenges and the recognition of the need for a comprehensive approach to addressing them (Hurd, 1993, p. 425).

Initially, the CFSP was the second pillar of the EU as established by the Treaty on the European Union (hereinafter – TEU). "In December 1999, the European Council established the role of the High Representative for the CFSP. The 2003 Treaty of Nice introduced further changes to streamline the decision-making process and mandated the Political and Security Committee (PSC), which had been established under a Council decision in January 2001, to exercise political control and strategic direction of crisis management operations." (Malovec, 2023).

The Treaty of Lisbon eliminated the pillar structure introduced by the Treaty of Maastricht. CFSP now forms an integral part of the EU's external relations. "The policy is aimed at fostering democracy, upholding the rule of law and promoting respect for human rights. 10 It also provides the legal basis for the EU to act as the guardian of international peace and security ensured by a sincere co-operation and coordination efforts worldwide. The policy currently regulates all foreign and security matters which often comprises dealing and preventing crises under the Common Security and Defence Policy" (Ryabtsev, Belhadj Ali, 2022).

The Lisbon treaty created new actors in CFSP, such as the High Representative of the Union for Foreign Affairs and Security Policy who also serves as Vice-President of the Commission (VP/HR), and the new permanent President of the European Council. Moreover, it created the European External Action Service (EEAS) and upgraded the Common Security and Defence Policy (CSDP), which forms an integral part of the CFSP (Malovec, 2023). The High Representative holds a double post: it combines tasks of both the Vice-President of the European Commission and the Chair of the Council of Foreign Ministers with the sole objective of facilitating co-ordination among different EU actors. "By acting as a bridge between EU institutions, the HR ensures the coherence the EU lacked in its external relations before the Lisbon Treaty has entered into force. Therefore, one can argue that the HR increases the overall effectiveness of the CFSP" (Ryabtsev, Belhadj Ali, 2022). The Commission has a restricted role to support the High Representative's initiatives, it does not hold executive powers in this

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ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
2024 (35)

field. The European Court of Justice does not have the power to challenge EU actions undertaking the CFSP. The main decision-making powers are vested in European Council and Council of EU, and each Member State may veto any CFSP proposal in case where its vital interests are threatened. The European Parliament is updated and consulted regarding aspects and issues arising from CFSP (Ryabtsev, Belhadj Ali, 2022). "Additionally, the Lisbon Treaty does not explicitly specify which type of EU competence this policy falls under. Such an institutional setting strongly points out that the CFSP preserves a particularly intergovernmental character as opposed to a supranational one, due to the distinct nature and dimension of this policy field" (Ryabtsev, Belhadj Ali, 2022).

The legal basis for the CFSP was set out in the Maastricht Treaty and revised in the Lisbon Treaty. The provisions regarding external action and also CFSP are set out in Articles 21-46, Title V, of the TEU. The Treaty on the Functioning of the European Union (hereinafter – TFEU), Articles 205-222 develop other aspects of EU external action, besides CFSP. Articles 346 and 347, also apply.

Regarding the question of security, it is already established in the title of the policy itself: "Common Foreign and *Security* Policy". The provisions of the Treaty on European Union (2009) indicate, that the EU in the international relations may seek security in two aspects: it may seek to safeguard "its […] security" (Article 21(2)(a)) and to "strengthen international security in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders" (Article 21(2)(c)). Furthermore, Article 24 TEU indicates that the CFSP is aimed at ensuring the Union's security: "The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence."

National security clauses

The question of security, despite being extensively reflected in TEU and TFEU, still remains a sensitive and essential question also to the Member States. This is recognized by Article 4(2) TEU (2016), which indicates that "The Union shall respect […] their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State." Thus, the policies on security may not encroach this responsibility of the Member States, and should focus only on transnational aspects of both internal and external EU security issues.

As mentioned, further safeguards are provided in Articles 72 and 73 TFEU (2016), which preserve the responsibility of Member States with regard of maintenance of law and order and the safeguarding of internal security and their ability to cooperate and coordinate with each other in the field of safeguarding national security.

Furthermore, Articles 346 and 347 TFEU (2016) also are of relevance here. Article 346 provides that "The provisions of the Treaties shall not preclude the application of the following rules: (a) no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security; (b) any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such measures shall not adversely affect the conditions of competition in the internal market regarding products which are not intended for specifically military purposes." Thus it concerns

provision of information and the regulation of specific field: trade in arms, munitions and war material. Furthermore, Article 347 TFEU indicates the possibility of taking steps interfering with the functioning of internal market "in the event of serious internal disturbances affecting the maintenance of law and order, in the event of war, serious international tension constituting a threat of war, or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security" and provides for consultations of Member states in order to mitigate the effect of such actions to the internal market. "Article 347 deals with situations of serious internal disturbances affecting the maintenance of law and order, situations of war, or threat of war, and implies an obligation of consultation between the Member States. It could not be invoked unless extreme conditions are present, and a mere reference to the requirements of defence of the national territory cannot suffice to justify discrimination on grounds of nationality" (Slepak, 2019).

EU security policies and their scope: interdependence of internal and external security of the EU

The internal and external EU security facets are closely intertwined. The former European Commissioner for Justice, Freedom and Security, Jacques Barrot has underlined that 'Justice and Home Affairs (JHA) policies have increasingly had an impact on international relations and play a vital role in the European Union's (EU) external policies. Conversely, many of Europe's internal policy goals depend on the effective use of external policy strategies" (Carrapico, Barrinha, 2017, p. 1254).

Todorut (2018, p. 204) points out that "The first attempts the EU has made to systematically integrate internal security issues - in this case Justice and Home Affairs (JHA) - into its foreign and security policy have taken place at the Tampere European Council in 1999. The Presidency Conclusions at that time stressed the need for a "stronger external action" in the field of JHA." As the author states, "Conflicts and instability in other regions of the world are producing ever increasing reverberations on European countries. For example, a direct link can be identified between organized crime phenomena such as trafficking in human beings or drug trafficking and countries or regions in the Middle East or Africa with an extremely volatile internal situation" (Todorut, 2018, p. 204).

The EU's first official and comprehensive security strategy "A Secure Europe in a Better World" in 2003 addresses EU external security aspects (European Council, 2003). It analysed and defined the EU's security environment, identifying key security challenges and subsequent political implications for the EU. It singled out five key threats: terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure, and organised crime. However, it can be seen that these topics and issues are also dealt within the framework of AFSJ (internally in the EU). The strategy addresses the external aspect of these policies. A review in 2008 confirmed the validity of the ESS and the need to be 'more capable, more coherent and more active' in order for the EU to reach its full potential (European Council, 2003). The adoption of this strategy "may be seen (aside from any practical results it leads to) as a conceptual and procedural turning point in the development of the EU's Common Foreign and Security Policy (CFSP). Set against its specific political background, it was also an important stage in the developing self-awareness and ambition of the EU as a player in the global arena" (Bailes, 2005).

"With the Lisbon Treaty in place, new provisions sketching out further ambitions and a 'communautairization' of internal security policymaking added to what could be categorized

as a growing degree of strategic content in the area of EU internal security cooperation" (Bossong, Rhinard, 2013, p. 46).

The Stockholm Programme, adopted by the European Council in Brussels, 10-11 December 2009, foresaw the strategy for the Area of Freedom, Security and Justice for the years 2010-2014 (European Council, 2009). In light of the Lisbon Treaty's entry into force on 1 December 2009, which brought about significant changes to the provisions relevant to the area of Freedom, Security, and Justice (Title V of the Treaty on the Functioning of the European Union), the Stockholm Programme established the framework for police and customs cooperation, rescue teams, cooperation on criminal and civil affairs, and policy on asylum, immigration and visas, for the 2010-2014 period (The Stockholm Programme, 2017).

The Stockholm Programme sets the following priorities: promoting citizen rights, improving their everyday lives, protecting citizen, ensuring access to Europe in a globalised world, solidarity and partnership in migration and asylum matters, as well as the external dimension of the area of freedom, security and justice. Regarding EU security, it stated that "An internal security strategy should be developed in order to further improve security in the Union and thus protect the lives and safety of European citizens. The strategy should be aimed at strengthening cooperation in police matters and law enforcement and making Europe more secure" (European Council, 2009).

In February 2010, under the six-month Spanish Presidency, the Council, implementing the Stochholm programme, complemented the European security strategy by adopting the EU internal security strategy. The internal security strategy was approved by the European Council on 25 and 26 March 2010 (European Council, 2010). Given that many security challenges (cybercrime, terrorism, illegal immigration and organised crime) are cross-border and cross-sectoral in nature, no single EU Member State is able to respond effectively to these threats on its own. In addition, the EU needed to improve its resilience to crises and disasters. The Internal security strategy was the EU's joint agenda to use all the resources and expertise available to tackle these challenges (Internal Security Strategy, 2024). The strategy sets out the challenges, principles and guidelines for dealing with security threats relating to organised crime, terrorism and natural and man-made disasters. The communication sets out five strategic objectives, with specific actions for each objective, for overcoming the most urgent challenges in order to make the EU more secure. "The ISS raised expectations that the sprawling and contested field of AFSJ might become subject to an overarching 'strategic approach' – defined as the adoption of a unifying vision, a set of principles for guiding action, a statement of priorities, and a pairing of ends with means – as connoted by the sub-title of the ISS: 'towards a European security model'" (Bossong, Rhinard, 2013, p. 46).

This was followed, by the European agenda on security 2015-2020, adopted by the European Commission on 28 April 2015, which, in the wake of the Charlie Hebdo attacks in Paris that year, placed considerable emphasis on addressing the issues of terrorism and radicalisation, international organised crime and cybercrime (Internal Security Strategy, 2024). It is a shared agenda between the Union and Member States. The result aimed was an EU as an area of internal security where individuals are protected in full compliance with fundamental rights. The Agenda aimed at better information exchange, increased operational cooperation and mutual trust, drawing on the full range of EU policies and tools. It aimed to ensure that the internal and external dimensions of security work in tandem. Whilst the EU must remain vigilant to other emerging threats that might also require a coordinated EU response, the Agenda prioritised terrorism, organised crime and cybercrime as interlinked areas with a strong cross-border dimension, where EU action can make a real difference (European Commission, 2015).

Speaking about the link between internal and external security, the Strategy states that "we need to bring together all internal and external dimensions of security. Security threats are not confined by the borders of the EU. EU internal security and global security are mutually dependent and interlinked. The EU response must therefore be comprehensive and based on a coherent set of actions combining the internal and external dimensions, to further reinforce links between Justice and Home Affairs and Common Security and Defence Policy. Its success is highly dependent on cooperation with international partners. Preventive engagement with third countries is needed to address the root causes of security issues" (European Commission, 2015).

The European Union Global Strategy of 2016 ("Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign And Security Policy") reflects on the external aspect of EU security. It states that one of EU priorities in this field is "The Security of our Union. The EU Global Strategy starts at home. Our Union has enabled citizens to enjoy unprecedented security, democracy and prosperity. Yet today terrorism, hybrid threats, economic volatility, climate change and energy insecurity endanger our people and territory. An appropriate level of ambition and strategic autonomy is important for Europe's ability to promote peace and security within and beyond its borders. We will therefore enhance our efforts on defence, cyber, counterterrorism, energy and strategic communications. Member States must translate their commitments to mutual assistance and solidarity enshrined in the Treaties into action. The EU will step up its contribution to Europe's collective security, working closely with its partners, beginning with NATO" (*European Union Global Strategy*, 2016). Thus even in a document setting out priorities for external action, internal aspects of security (mutual assistance of Member States, solidarity) are present.

The European Union has developed the Security Union concept, which was first introduced in the 2016 European Commission Communication "Paving a way towards an effective and genuine Security Union". This concept was built on the 2015 European Agenda on Security. It proposed a new approach based on shared responsibility between the European Union and the EU countries (European Security Union, 2024).

The European Commission adopted in 2020 the present EU Security Union Strategy designed to safeguard all individuals within the EU and uphold the European way of life. Encompassing the timeframe from 2020 to 2025, this strategy hones in on key domains where the EU can assist its member states in cultivating security for the entire populace residing in Europe. This is pursued while maintaining a commitment to our European values and principles (European Security Union, 2024; European Commission, 2020).

The strategy states that "significant legal, practical and support tools are already in place, but need to be both strengthened and better implemented. Much progress has been made to improve the exchange of information and intelligence cooperation with Member States and to close down the space in which terrorists and criminals operate. But fragmentation remains. The work must also go beyond the EU's boundaries. Protecting the Union and its citizens is no longer only about ensuring security within the EU borders, but also about addressing the external dimension of security. The EU's approach to external security within the framework of the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) will remain an essential component of EU efforts to enhance security within the EU. Cooperation with third countries and at global level to address common challenges is central to an effective and comprehensive response, with stability and security in the EU's neighbourhood critical to the EU's own security" (European Commission, 2020).

"This Strategy covers the period 2020-2025 and focuses on building capabilities and capacities to secure a future-proof security environment. It sets out a whole-of-society approach to security that can effectively respond to a rapidly-changing threat landscape in a coordinated

manner. It defines strategic priorities and the corresponding actions to address digital and physical risks in an integrated manner across the whole Security Union ecosystem, concentrating on where the EU can bring further value. Its goal is to offer a security dividend to protect everyone in the EU" (European Commission, 2020).

Thus, we can see that policies carried out by the EU in the context of CFSP and Common Defence and Security Policy do not directly have the internal dimension, but do influence the state of internal security in EU. On the other hand, the actions taken in the context of AFSJ may have both internal (EU wide) and external dimensions, as the threats that are considered have both these dimensions, and may not be effectively countered by only addressing the internal dimension.

Conclusions

The development of the EU competence in security questions started with the development of European Political Cooperation and the development of cooperation on internal security matters, in particular terrorism (TREVI working group). These measures were a transitional step for the EU to develop from purely economic union to political union, which concerned itself with the internal and external security issues.

The security issues reflected in strategic documents of the EU fell under both new pillars introduced by the Maastricht Treaty - Common Foreign and Security Policy (CFSP) pillar and the Justice and Home Affairs (JHA) pillar.

The Maastricht Treaty established the Justice and Home Affairs pillar to enhance EU-wide security through intergovernmental cooperation, addressing border controls, terrorism, illegal immigration, and judicial cooperation. The Treaty of Amsterdam refined this framework, emphasizing an area of freedom, security, and justice and increasing the roles of EU institutions in security matters. The Lisbon Treaty further reformed the system, abolishing the third pillar and adopting the Community method, which increased legislative efficiency and the roles of the Court of Justice and the European Commission. It prioritized security by ensuring coordination among police and judicial authorities, mutual recognition of criminal judgments, and approximation of criminal laws, while safeguarding Member States' responsibilities for internal security as outlined in Articles 67, 72, and 73 of the TFEU.

The Common Foreign and Security Policy (CFSP) of the European Union, established by the Treaty on European Union (TEU) in 1993, aims to preserve peace, enhance international security, foster cooperation, and uphold democracy and human rights. Initially part of the EU's second pillar, the CFSP evolved with the Treaty of Lisbon, which integrated it into the EU's external relations. The CFSP, now a comprehensive framework encompassing the Common Security and Defence Policy (CSDP), focuses on safeguarding the EU's security and strengthening international security in line with UN principles.

The EU policies on security show that the internal threats encountered by the EU have external dimensions, and the latest policies encompass both internal and external security of the EU. Policies carried out by the EU in the context of CFSP and Common Defence and Security Policy do not directly have the internal dimension, but have a significant influence on the state of internal security in EU. On the other hand, the actions taken in the context of AFSJ may have both internal (EU wide) and external dimensions, as the threats that are considered have both these dimensions, and may not be effectively countered by only addressing the internal dimension.

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THE IMPORTANCE AND BENEFITS OF APPLYING SMART TECHNOLOGIES IN THE SUPPLY CHAIN: THE CASE OF AB 'ROKIŠKIO SŪRIS'

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Abstract. *This scientific article explores the benefits of implementing smart technologies in supply chain management, focusing on the case of AB "Rokiškio sūris". It emphasizes the importance of adapting research knowledge to smart technologies within supply chains and their application benefits. The study aims to assess potential benefits and challenges, including obstacles related to integrating smart technologies into the supply chain of a dairy sector company. Through a methodology developed by the author for researching smart technology application in companies, areas for improvement and assumptions for innovative technology implementations are revealed. It reviews the most potentially beneficial smart technologies for enhancing a company's supply chain.*

According to Strandhagen et al. (2017), the use of smart technologies in corporate practices reduces unnecessary operations, makes processes smarter and clearer, decreases labor demand, minimizes paperwork, boosts productivity, changes the methods of information access and processing, improves analysis and control mechanisms, increases profit, and is a key factor in rapid growth and development. The implementation of smart technologies is an ongoing process in logistics, contributing not only to operational efficiency but also to ecological sustainability and CO2 reduction.

The study focuses on the application of smart technologies in supply chains as companies seek more efficient and sustainable operational solutions. Using scientific literature analysis and synthesis, case analysis, and expert surveys, significant conclusions are drawn from the data collected. The results indicate that smart technologies reduce unnecessary operations, make processes clearer, decrease labor demand, minimize paperwork, enhance productivity, and contribute to rapid growth and sustainability.

Based on the findings, recommendations are provided for companies to efficiently select smart technologies for their supply chains. For companies addressing efficiency improvements through smart technologies, it's crucial to correctly identify problems and establish criteria for selecting potential solutions. If a company is large enough and has significant experience in implementing various smart technologies, its specialists can serve as experts in selecting the most significant criteria and participating in further innovation selection and implementation processes.

Keywords: logistics, supply chain, smart technologies, Industry 4.0, digitalization, artificial intelligence.

Introduction

In the last ten years, the logistics sector has experienced remarkable growth, further accelerated by recent global occurrences. The introduction of technological innovations has revolutionized logistics operations, promoting the widespread adoption of smart technologies in multiple areas. This shift is largely attributed to the fourth industrial revolution, which has played a pivotal role in advancing the concept of Logistics 4.0. This initiative aims to address individual customer needs through the integration of smart technologies and artificial intelligence, all while maintaining cost-effectiveness.

The investment in smart technologies offers a pathway to achieving efficient operational solutions, cost savings, and enhanced sustainability. Take smart warehouses as an example: they reduce the need for manual labor by automating tasks, coordinating robotic systems for

various operations such as restocking and order fulfillment, optimizing storage methods, planning the routes of autonomous machines, and automating the generation of documents. Furthermore, advanced AI-driven surveillance systems are employed to gather data and monitor warehouse activity. The deployment of these cutting-edge technologies not only elevates the quality of logistics services but also provides a competitive edge (Akkaya and Kaya, 2019). By leveraging modern information and communication technologies, these innovative, digitized networks facilitate direct interactions among individuals, devices, manufacturing units, logistics operations, and products, thereby enhancing the efficiency of the entire supply chain (Winkelhaus and Grosse, 2020).

The possibilities become virtually limitless. As labor costs rise and workforce shortages become more pronounced, businesses are increasingly evaluating the feasibility of investing in smart technologies, the returns on such investments, and the overall value and incremental benefits brought about by these innovations.

This research highlights how smart technologies can transform logistics processes and provide companies with a competitive edge and efficiency in the supply chain.

The objective of the study is to substantiate the benefits of applying smart technologies in the supply chain and to evaluate their impact on the efficiency and sustainability of the supply chain, using AB "Rokiškio sūris" as an example. To fulfill this objective, the research undertook several *key tasks:*

-        Conduct a comprehensive literature review on smart technologies in the supply chain to assess current trends and potential future development directions.

-        Provide a concept of smart technologies, describe the most commonly mentioned and popular smart technologies in the supply chain in scientific articles, including their respective benefits and drawbacks.

-        Conduct an empirical study on the applicable smart technologies in the supply chain of AB "Rokiškio sūris", based on a research methodology developed for applying smart technologies, an conduct an in-depth analysis of the findings.

-        Propose targeted strategies and practical interventions for the adoption of smart technologies in AB "Rokiškio sūris" supply chain, aiming to improve the company's operations and strengthen its competitive advantage.

The research method selected for achieving the study's objective was literature analysis and synthesis, including the analysis of scientific articles about smart technologies in the supply chain and their application benefits, as well as good practice examples. Additionally, a company case analysis and an expert survey were conducted. The literature review, an important stage of the study, allowed for a systematic analysis of scientific works on smart technologies in the supply chain and their application benefits. Articles registered in international scientific journals over the last ten years were analyzed, with a systematic analysis including 25 of the most suitable scientific articles selected from 22,100 references.

Besides the literature analysis, an empirical study encompassing a company case analysis was conducted. The research methodology was developed based on the latest practices in implementing smart technologies in the supply chain. An expert survey was chosen to achieve the study's objective, where experts with specific knowledge and experience evaluated the applicability of proposed smart technologies in the supply chain through the quality of provided logistics services and the anticipated benefits of solutions. The analysis of survey results was performed using descriptive statistics methods, diagrams, and calculated characteristics, considering the measurement scales of variables. The survey was conducted in March-April 2023, and the obtained results were included in the research analysis.

The Importance of Applying Smart Technologies

The integration of smart technologies within the logistics sector has emerged as a pivotal factor in the face of evolving challenges and burgeoning opportunities. Highlighting this paradigm shift, the study by Wang, Asian, Wood, and Wang (2019) emphasizes the critical influence of logistics innovation capabilities on reducing supply chain risks in the Industry 4.0 era. New technologies, market entrants, shifts in customer expectations, and innovations in business models necessitate new development directions for the sector to overcome these challenges. According to A. Barczak and others (2019), smart technologies can be employed to improve and facilitate work across all logistics areas: transportation, warehousing, production, and supply chain management. Production is increasingly tailored to individual needs, benefiting customers but putting pressure on supply chains. Overall, the sector faces significant pressure to provide better services at lower costs.

Consumers have rapidly shifted to purchasing goods online and using services like "Omniva", "DPD", or other parcel lockers, and "Bolt food" or "Barbora" for food delivery. Expectations for all these services focus on simplicity, speed, and convenience. The same is true for logistics processes. In many modern companies, orders are formed automatically, and the customer receives an automatic order acceptance confirmation. The warehouse management system automatically processes the order, selects the most appropriate goods, and the methods and means to execute the order. Often, the ordered product is automatically delivered to packing or checking areas, generating a dispatch document with a two-dimensional barcode (QR) or radio-frequency identification (RFID) for easy and automatic further distribution in the logistics chain until it reaches the final recipient. Customer order information is collected and used for data analytics.

In today's business environment, business innovations must be adapted for widespread use. The broader the scope of innovation, the lower its implementation cost for individual businesses, hence the expanding system integration, with specific tasks being transferred to individual platforms centrally used by many customers. For instance, as stated by Huang and others (2022), and Klapita (2022), the Electronic Data Interchange (EDI) standard encompasses the entire supply chain - the customer pays only a subscription fee or a small fee for each document, while the EDI provider, covering a large market share, invests in further system adaptability and improvement. The study by Patil and Jadhav (2021) emphasizes the significance of the Electronic Data Interchange (EDI) systems, illustrating its pivotal role in streamlining data communication processes.

Analyzing recent years might suggest that businesses have already digitized the majority of their processes. However, the emergence and rapid spread of Artificial Intelligence (AI) indicate that we have only made modest progress in digitization. In the future, significantly more processes will undoubtedly be digitized. Organizations aiming for success must focus on the future, carefully examining and evaluating signals revealing innovation opportunities. Those capable of identifying and correctly assessing future trends and signals, and possessing a long-term strategic vision, can expect better financial results, develop stronger competitive advantages, and achieve faster growth rates.

According to Feng and Ye (2021), AI is increasingly used in business processes, becoming an assistant and advisor, entrusted with more complex tasks. Business needs are gradually shifting from Excel calculations to those performed with AI assistance. The application possibilities of AI are indeed vast, ranging from customer service robots, warehouse management systems, to autonomous loaders performing independent operations. It's likely that human involvement in business processes will become increasingly rare. Phone calls will less

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ISSN 2029-1701
ISSN 2335-2035 (Online)

Research Journal
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frequently be answered by a human voice, and the sight of humans operating mechanisms or performing routine tasks will become rarer. These trends will bring their own challenges for companies, which should be thoughtfully considered and prepared for in advance.

Smart Technologies in Supply Chain Management

Following the analysis of scientific literature sources and aiming to formulate the problems more precisely, below are presented definitions of smart technologies by various authors, highlighting the key features (Table 1).

<p align="center">**Table 1. Definitions of Smart Technologies (compiled by the author)**</p>

Author & Year	Definition	Key Features
Casciati (2018)	Smart technologies are devices that integrate sensing, processing, and communication capabilities to collect and share information and respond to user needs.	Smart devices, information sharing, responding to needs.
Wang (2019)	Smart technologies are a combination of sensor, communication, and decision-making capabilities that allow for autonomous, proactive, and adaptive behavior	Integration of sensor, communication, and decision-making capabilities enabling behavior.
Gunasekaran et al. (2017),	Smart technologies are a set of technologies that are interconnected and work together to process data, generate insights, and automate processes.	Technology union, a set with a common goal/task, working towards generating insights and automating processes.
Chen et al. (2019))	Smart technologies are systems that utilize advanced data analytics and algorithms to improve efficiency, accuracy, and decision-making in various fields.	ystems that process data intelligently to enhance efficiency, accuracy, and decision-making
Yilmaz et al. (2020)	Smart technologies are systems that use advanced sensors, data analytics, and artificial intelligence to enable decision-making in real-time, automating and optimizing processes	Systems employing advanced sensors, data analytics, and AI to make decisions, automate processes

In summary, based on the analyzed scientific articles, smart technologies in the supply chain are described as innovative digital solutions aimed at optimizing processes, efficiency, and resilience. The importance of building resilient supply chains to mitigate disruptions has been extensively discussed in recent literature (Katsaliaki, Galetsi, and Kumar, 2022). These solutions enable organizations to track and analyze data in real time, forecast trends, automate workflows, and ensure high customer satisfaction. Proper integration and interaction of smart technologies are crucial, emphasizing not only the innovations themselves but a comprehensive approach to their implementation. Authors Shcherbakov and Silkina (2021) argue that increasingly complex logistics processes demand more management resources and create a greater need for integration. According to Cimini et al. (2020), Logistics 4.0 has ushered in a transformative view on human labor, positioning employees as "Operators 4.0" through enhanced interactions with smart devices. The research by Edirisinghe and Tadesse (2020) emphasizes the importance of a meticulous evaluation process when integrating smart technologies. This process should encompass a comprehensive assessment of financial viability, maintenance demands, and the adaptability of the technologies to ensure the most suitable solutions are adopted. Their work underscores the critical need for strategic decision-

making in the implementation of smart technologies to achieve optimal outcomes in finance, maintenance, and adaptability.
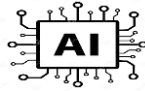
Smart technologies in the supply chain can be divided into countless new and still developing technologies. For efficiency, it is important to integrate smart technologies and adapt them to existing systems. Smart technologies in ongoing logistical processes encompass a vast amount of digital information, facilitating the execution of processes. These technologies are used in all stages of the supply chain.

Table 2. Smart technologies in supply chain, advantages and disadvantages (compiled by the author)

Technology:	Description:	Advantages:	Disadvantages:
Robotization and Automation Marchuk et al. (2020)	Robots used in warehousing include sorters, pallet-loading robots, wrapping robots, etc., to help automate warehouse operations.	Reduces the number of errors and the risk of human injuries. Increases the efficiency of warehousing operations. Enhances productivity and reduces costs. Decreases the workforce and improves delivery and warehousing efficiency;	Problems with navigation Insufficiently developed, unified technologies. Complex interaction with humans in the same space.
Big Data Ivanov, Dolgui (2020) Hopkins, Hawking, (2018)	Efficient processing of large volumes of structured and unstructured analytical data from various sources using software tools for their further efficient use.	Reduces human involvement in the decision-making process. Continues self-learning to optimize warehouse processes. Analyzes obtained results and implements necessary changes (forecasting demand fluctuations, detecting seasonality, optimizing warehouse processes, etc.).	The full potential of the technology is not fully utilized. Obstacles encountered in collecting and processing data.
Blockchain Dobrovnik, et al. (2018) Edirisinghe, Tadesse, (2020)	Data and document exchange management system based on a decentralized blockchain.	Transparent, decentralized, and secure data exchange between parties. High security and traceability. Elimination of manual document entry, reducing errors. Simple document verification and speed. Encoding, sending, decoding, receiving, and even money transfers can occur automatically	Developing technology. Lack of unified standards. Minimal legal regulation. Requires deep IT knowledge and extensive coding. Complicated integration with existing programs. Uncertain whether one or two dominant solutions will emerge or several competing solutions.
EDI Huang et al. (2022)	The formation, filling, and transmission of structured document data according to respective standards, allowing for the automated sending, receiving, creation, and processing of various electronic documents by integrating them with the used information systems.	Significantly streamlines the document management process. Increases sales. Reduces the number of human errors. Lowers inventory levels. Enables an automated data processing process. Reduces workplace expenses. Decreases pollution by eliminating paper	Low level of data security. Underutilized technology. High cost. High degree of integration required. Requires allocation of IT infrastructure and labor time for implementations and adjustments.

ISSN 2029-1701
ISSN 2335-2035 (Online)

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Research Journal
PUBLIC SECURITY AND PUBLIC ORDER
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Following is a table compiled by the author, listing the smart technologies most commonly mentioned in scientific articles as used in supply chains, revealing their advantages and disadvantages (Table 2).

Table 2 (continued) Smart technologies in supply chain, advantages and disadvantages
(compiled by the author)

Technology:	Description:	Advantages:	Disadvantages:
RFID Vukićević et al. **(2021)**	Utilizes radio frequencies to read and record information stored on tags, widely used in warehousing and rapidly advancing in technology.	Faster and more comprehensive inventory management. Simplifies inventory and accounting. Reduces the likelihood of theft. Decreases errors and improves control over goods movement. Reduces stock storage time.	Higher costs compared to paper labels. Radio wave interference can reduce effective scanning distance. Low data security.
Internet of Things (IoT) Tu (2018)	Devices that interact over the internet, including industrial devices for measuring and collecting data or controlling remote devices. Real-time business process management.	Increases supply chain speed. Provides data availability and possible feedback. Allows for communication between various devices and managing warehouse energy costs, productivity, tracking inventories, and monitoring workplace safety	Requires integration with warehouse management and business management systems, which should be cloud-based. High demand for IT work. Security issues.
3D Printing Akkaya and Kaya, (2019)	llows the creation of required products and components from plastic, metal, and even human tissues based on computer 3D modeling.	Accelerates production speed and reduces costs. Customer-oriented - the product can be individually customized. Reduces negative environmental impact. Shortens the supply chain, reducing the need to store and keep goods	Limited size of products. High prices for raw materials for production. High energy consumption. Relatively limited selection of raw materials. The technology is still in the early stages of development
Cross-docking Marchuk et al. (2020)	A service for receiving and distributing goods without placing them into long-term storage.	Reduces goods processing costs. Decreases warehouse storage time for goods. Increases warehouse turnover. Lowers storage costs. Reduces negative environmental impact	Incoming goods must be suitable for further distribution (without requiring additional operations such as repackaging, labeling, etc.). sufficiently large quantities are required
AI Feng and Ye (2021) Pandian (2019)	Smart devices capable of performing tasks that typically require human intelligence.	Ensures data security, reliability, traceability, and authenticity. Reduces errors (eliminates the need for paper documentation). Increased efficiency..	Significant IT resources required. Clear, separate, and unified processes must be defined for AI to undertake.
Drones Akkaya and Kaya, (2019)	Automated autonomous vehicles used in warehouses to reach goods from hard-to-reach places and manage inventory.	Flexibility in storing goods at various heights. Reduced time to retrieve goods. Reduction in labor force. Efficient inventory accounting.	Limited safety in motion. Low power and insufficient autonomy. Inability to use GPS indoors. Lack of a legal framework.
Autonomous Transport Marchuk et al. (2020), Hsia et al (2018)	Autonomous vehicles designed to reduce manual human labor in warehouses for storing goods.	Reduction in labor force. Efficient inventory management. Reduction of human errors. The technology can operate 24/7. Reduces workplace expenses. Decreases thefts and damages.	Expensive and complex implementation. Often requires separation from human traffic. Requires previously installed advanced warehousing systems and their integration

After conducting a literature analysis, the main groups of smart technologies in logistics were identified, each characterized by its unique benefits and potential drawbacks. The necessity of a thorough market and organizational analysis, coupled with an anticipation of future trends and opportunities in smart technology adoption, is paramount. Edirisinghe and Tadesse (2020) underscore the importance of a comprehensive evaluation process that considers all available alternatives to identify the most suitable smart technology solutions. This process should critically assess each option's financial implications, maintenance requirements, and overall applicability to ensure that the chosen technologies align with the organization's strategic goals and operational capabilities. Such a diligent approach is vital for leveraging smart technologies to enhance operational efficiency and adaptability effectively.

The deployment of smart technologies in the supply chain management means integrating advanced digital solutions such as IoT, artificial intelligence, blockchain, and big data analytics. In the face of escalating labor costs and workforce shortages, companies are re-evaluating the opportunities to invest in smart technologies, rethinking the return on new projects, the benefits generated by innovations, and their added value. The incorporation of smart technologies is increasingly acknowledged for its instrumental role in elevating logistics service quality and carving out competitive advantages in the industry. According to (Sokchoo et al., 2021), the integration of multi-expert systems like SFlex-warehouse management systems into logistics highlights the transformative potential of Industry 4.0 technologies in enhancing operational efficiency. As highlighted by Akkaya and Kaya (2019), such technological advancements facilitate the pursuit of excellence in logistics operations, enabling organizations to outperform their rivals. This strategic application not only optimizes service delivery but also plays a crucial role in navigating the competitive landscapes of modern business ecosystems.

The adoption of the latest cutting-edge information and communication technologies has ushered in a new era of advanced and digitized network systems. These systems enable seamless interactions between people, devices, factories, logistics operations, and products, significantly enhancing the efficiency and responsiveness of supply chains. Winkelhaus and Grosse (2020) have identified this integration as a key driver for operational excellence and innovation within the logistics sector. Concurrently, the evolving landscape of customer expectations demands that supply chains become more agile, transparent, and responsive. Shcherbakov and Silkina (2021) further emphasize the necessity for supply chains to adopt demand-based models and integrated business strategies to stay competitive. This dual approach not only addresses the immediate needs of the market but also positions businesses for long-term success by leveraging smart technology to navigate the complexities of modern supply chains effectively. Changing customer needs, increasing information requirements, evolving and accelerating supply chains, and the desire to reduce risks also drive changes. The implementation of smart technologies in the supply chain is often an appropriate way to help companies manage unexpected problems and risks. Supply chain risk management, using smart technologies and innovations, plays a critical role in developing supply chain resilience and achieving organizational sustainability.

One interesting approach suggested by experts to handle the growing complexity of processes and new technologies is the use of integrated, centralized management platforms. These platforms move operations to online spaces and bring together many companies. The main ideas behind the success of this business model are using large-scale operations to offer good services at competitive prices, combining resources for better outcomes, and making a profit. This method focuses on connecting different businesses through a single online platform to work more efficiently, improve the quality of services, and stay competitive in the market.

Results of the Expert Survey

After conducting the literature analysis and to grasp the significance and benefits of smart technology applications within a company's supply chain and its enhancement, an empirical study was deemed necessary. Expert evaluation was chosen as the methodology, selecting 10 experts—employees in leadership positions within the companies' group related to the supply chain, who possess sufficient experience and competencies. The consistency of experts' responses was verified using the Kendall concordance coefficient.

After the expert evaluation on the benefits of applying smart technologies in the supply chain of AB "Rokiškio sūris," the aim was to propose the most suitable solutions for improving the supply chain. The survey consisted of 13 closed and open questions, based on which the gathered information was summarized. When asked about the use of smart technologies in the company's logistics activities, the majority of experts responded positively, indicating their use and intention to expand the use of smart technologies in the future. This demonstrates that most experts have a positive view of smart technologies, understand their benefits to the company, and believe that expanding the use of smart technologies and introducing innovations will lead to even better performance results. Experts agree that smart technologies, in most cases, have a significant positive impact on the company's logistics results, and these solutions serve well to improve and optimize operations.

Upon querying the experts about the use of smart technology-supported technologies in their departments or the likelihood of their future implementation, most experts mentioned several currently used technologies and the aspiration to implement more in the future. Among the implemented technologies in departments, warehouse management systems, EDI data exchanges, double-decker trucks, technologies related to automation and robotization, and smart video surveillance systems were most frequently mentioned.

Using smart technologies to fix supply chain issues, the experts shared that these technologies are especially useful for reducing human mistakes and better predicting when demand goes up or down unexpectedly. They pointed out that it's becoming more common to see sudden big changes in demand. For example, if a major customer doubles their usual order, the production order might more than double, leading to too much raw material being ordered and the risk of overproduction. Experts daily face problems due to underestimated demand fluctuations and put considerable effort into effective communication with internal and external supply chain participants, aiming to make long and short-term forecasts. For several years, the company has been hiring external consultants, conducting training related to planning and inventory management. Based on the responses, a proposal for implementing an inventory management and planning system was included in the suggestions and recommendations.

Cost Analysis – Experts assessed that the most significant costs in the supply chain are attributed to employee maintenance/management, transportation/shipping, and equipment acquisition and maintenance. Based on the proposed criteria for implementing smart technologies in the supply chain, a ranking was performed to identify the most critical criteria for selecting smart technologies. According to experts, the most important criterion is "Service quality, quick response to malfunctions," followed by positive reviews about the technology-implementing company and warranty. This demonstrates experts' considerable experience in implementing various projects in supply chains. In deploying complex projects, promised short service completion times may indicate a dismissive attitude, while the lowest price and costs might suggest insufficient functionality.

According to the experts, the most critical factors influencing the implementation of smart technologies in a company are the positive attitude towards innovation and the desire to reduce

costs by the management and owners. Managers and owners view smart technologies through the lens of investment, and they are usually in favor of projects with a tangible, calculated payback period. When asked how they would like to improve the company's operations or processes by implementing smart technologies, experts indicated a strong preference for reducing operational costs in the supply chain, enhancing the efficiency of current tasks, reducing manual labor, and minimizing human errors. The experts' recommendations on what would potentially bring the most benefit include an innovative warehouse management system and order planning systems. The survey of experts and the publication/summary of the obtained results were beneficial for the company and pushed towards the adoption of the suggested smart technology implementations. It was revealed that experts have a positive view of innovations in the supply chain, as well as the company's and management's approach to implementing smart technologies in supply chains. The experts see a lot of benefits in many innovations and hope that some of them will be applied/implemented in the company.

Choosing the best solution, a mechanism was proposed to select the best technology for implementation, applying a technology assessment questionnaire, creating an innovation implementation plan in the company, appointing responsible individuals, deadlines, funds, and control points based on Drejeris (2015). To find the best technologies, it is crucial to conduct a comprehensive market analysis to better understand the choices of technologies, their advantages and disadvantages, as well as the technologies used by competitors and their advantages. When selecting technologies, it is important to consider productivity and efficiency to determine how much time and resources will be needed for the technology to be effectively implemented and used. It's also important to consider the availability of technologies and their acquisition costs. Furthermore, evaluating the support and maintenance of technologies is crucial to ensure their longevity and operational efficiency. Literature analysis and empirical research have shown that smart technologies in the supply chain can offer numerous advantages, including cost savings, improvement in the quality of logistics services, and competitive edge. This indicates that smart technologies are a significant factor in achieving more efficient operations, higher profitability, and sustainability. The latest information technologies and advanced network systems allow companies to efficiently manage the supply chain, ensuring close connections between people, devices, factories, and products. These results emphasize the importance of smart technologies in the business logistics field and their potential to increase operational efficiency and competitive advantage.

Conclusions

In synthesizing the wealth of scholarly literature on the integration of intelligent systems within logistics frameworks, this study underscores the pivotal role of smart technologies in refining and substantiating the theoretical underpinnings of their deployment. It reveals the latest applicable smart technologies, their advantages and disadvantages, and disclosed managerial decisions for applying smart technologies. Authors of the examined scientific articles unanimously positively assess the benefits of Industry 4.0 innovations, noting the benefits provided to consumers and supply chains. Various sources' analysis of smart technologies and supply chain concepts reveals that a supply chain is a system encompassing all efforts in delivering or producing a product and supplying it to the client or end-user, including collaboration with other companies through the supply chain to benefit customers. Smart technologies can be defined as all smart technologies that allow improving, optimizing, and expanding the capabilities of applied logistics systems in the supply chain. The concepts are related in that the goal of the supply chain is operational efficiency, and smart technologies

significantly contribute to achieving these goals. Most smart technologies are compatible and complementary to each other. When applying smart technologies, proper integration of innovations, their interconnection, and proper interaction are very important. It's not just about the innovations themselves but a comprehensive approach to them.

Smart technologies can be defined as all smart technologies that allow improving, optimizing, and expanding the capabilities of applied logistics systems in the supply chain. Described most commonly encountered smart technologies in the supply chain, their advantages and disadvantages reveal that the main groups of smart technologies in logistics include Robotization, Automation, Big Data, Drones, 3D Printing, Cross-docking, Autonomous Transport, RFID, EDI, Blockchain, AI, and the Internet of Things. Many of these technologies work well together, complementing each other's functions. However, each comes with its unique set of pros and cons. Therefore, it's crucial to carefully examine the present logistics environment and consider future trends and opportunities to make the most out of these smart technologies.

The expert survey revealed that the company participates in the entire supply chain – i.e., it is a buyer, carrier, manufacturer, and seller. The company is oriented towards innovations and new technologies but does not chase them recklessly. It was found that experts positively assess innovations in the supply chain, and the company and management's attitude towards the implementation of smart technologies in supply chains. It can be stated that the expert survey and the publication/summarization of the obtained results were beneficial to the company and pushed for the proposed implementation of smart technologies. Experts see a lot of benefits in many innovations and expect that some of them will be adapted/implemented in the company.

Based on experts' responses, it was determined that a potentially most beneficial and proposed technology for near-term implementation is the order planning system, which would cover the entire company's supply chain, likely saving several jobs across the company, and would have a quick payback. The company is recommended to implement an order planning system that would help more accurately predict demand fluctuations and more efficiently allocate available resources. The system would be successfully integrated into the existing company's logistics and business management systems and create a positive impact in many departments. The selection and implementation of the order planning system are suggested to be performed using the methods described in the document, where the best solution is chosen using the proposed questionnaire, and the selected technology is applied for implementation. Successful implementation of the order planning system would achieve direct benefits such as labor savings, cost savings on premises, "extracting" working capital from inventory, increased company turnover, and improved production processes. Indirect benefits could include employee satisfaction, a higher level of work quality regardless of personnel changes, faster and simpler decision-making, more sustainable company operations, data integration, security, improvement of the company's image, and an increase in prestigious profit.

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