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Evolution of legal safety in the perspective of three levels of safety

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Abstract

The aim of the article is to plan the individual's need for legal safety with reference to the managerial and psychological perspective, presenting the evolutionary three-level conception, distinguishing the protective level, when the individual safety is guaranteed by the parents, (the methods of legal safety exist but don't dominate) organisational level, which in the sense of evolutionary psychology becomes the equivalent of the group, the level of legal safety in it is formulated with regulation, rating and instruction. The employee is also given the possibility to seek the legal safety with reference to the Labour code of the Republic of Lithuania, or applying to professional unions (the methods of legal safety exist and dominate), as well as the third state level (the methods of legal safety not only exist and dominate, but also can be supplemented, changed or eliminated). The third level is distinguished with the fact that the state can make influence on the lower first and second safety levels. It can evoke all possible means for the guaranteeing the principle of legal safety

for both public administration institutions, levers of power structures or using the area of public services. This scheme is based not only on psychological safety or the evolution of the methods of the principle of legal safety, but also on logic, anthropological individual's development scheme. It is not a secret that on purpose of surviving, the individuals flock into groups, in a long-term perspective, the groups become formalised, there settles a certain order, internal rules and hierarchy, and the whole of the organised groups evolve into the state derivative in the course of time. Thus the conclusion is made that the individual's growing safety need determines the formation of the principle of legal safety. The article also analyses the assumptions necessary for the implementation of the principle of legal safety in organisations. It is revealed that it is necessary to create such an organisational environment in which one could anticipate the mechanisms of the application of the liability for the creation of legally incorrect legal acts and to create the procedures which would help avoiding these deviations, guaranteeing the qualitative preparation of the legal acts. A not less important aspect in regard to the implementation of the principle of legal safety is the procedures of work dispute analysis and creation of the subjects implementing these functions and their activity control, and the employees have to be assured the independent mechanism of defence. Only in presence of effectively acting dispute analysis structures, in the organisation the assumptions are made for the guaranteeing of the principal of optimal legal safety. To reach the aim, the article uses wide-spectrum methods, emphasising the logical method, asserting in the formation of three-level safety as well as synthesis and literature, the methods of legal act analysis.

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Legal safety, organizations, human safety need, evolution of legal safety.

Introduction

Legal safety is the object of the research of social sciences, asserting while protecting human rights and legal interests. On purpose of guaranteeing a regular functioning of this principle both in public and private organisations, it becomes important to reveal what assumptions are necessary for the implementation of new legal mechanisms or for the development of present instrumentations towards the effectiveness. As the basis for the guaranteeing of the principle of legal safety via legal instrument, it is not least important to analyse the universal safety need of the individuals psychologically. The authors of the article presume that exactly the psychological safety need asserts in the creation of the principle of legal safety on the organisational and national level.

From the perspective of evolutionary psychology, safety need, the aim to protect from the external threats, the desire to avoid psychological frustrations are the existential condition of every individual, an integral part of the human nature. In the organisational context, it is especially important for the leaders to perceive which members of personnel should be guaranteed and created safe working conditions, stability of the work place, to form positive organisational climate, in which the employee would not feel any psychological tension or fear, it would only foster the respect for human rights and dignity, that is to say, the principle of legal safety would be guaranteed. Giving the response to the question, why this factor should receive the attention of the leader at all, or supplementary funds, we have to define that a better feel of the individual and skill development, personal development and greater motivation will inevitably be useful for the organisation itself with the factors of competitiveness or efficiency, considering that the most important resource of the organisation is its personnel. Consequently, it becomes obvious that not satisfying this need various-nature organisational dysfunctions are inevitable. It is not less important emphasizing that the fact that in the managerial discourse speaking about the principle of legal safety, often other conceptions of identical content are used, such as "safe microclimate", "beneficial and safe working conditions", etc.

Thus, on purpose of better understanding the importance of legal safety for the individual, the authors have chosen the interdisciplinary approach, seeking to

identify the essential characteristics of legal safety, to review the psychological and managerial mechanisms related to the safety need and its evolution, demonstrating how human safety need correlates with the instruments of legal safety guaranteeing. Considering that, the authors have raised the **objective** of planning the legal safety need of the individual, presenting the evolutionary three-level conception, distinguishing the protective level, when individual safety is secured by the parents (the methods of legal safety exist but don't dominate), organisational level, which in the meaning of evolutionary psychology becomes the equivalent of the group, there the level of legal safety is formed by regulation, rating and instruction. The employee is also given the possibility to aim for legal safety with reference to the Labour Code of the Republic of Lithuania or applying to the professional unions (the methods of legal safety exist and dominate), and the third national level (the methods of legal safety not only exist and dominate but can also be supplemented, changed or eliminated). The third level is characterised with the fact that the state can make influence on the lower, first and second, safety levels. It can evoke all possible means for securing the principle of legal safety, both institutions of public administration, levers of power structures or using the field of public services. This scheme is based not only on the evolution of the methods of psychological safety or the principle of legal safety, but also on logic, anthropological scheme of the individual's development. It is not a secret that on purpose of surviving the individuals flock into groups, in a long-term perspective groups become formalised, a certain order establishes, as well as internal rules and hierarchy, and the units of the organised groups evolve into the national formation in the course of time.

On purpose of justifying the **novelty** of the topic, it is important to mention that the authors failed to find the analysis of this topic, when analysing the principle of legal safety psychological or national approach would be evoked on purpose of better understanding the context of the application of this principle and the possibilities of development. **The object** of the study is the principle of legal safety in a three-level conception, distinguishing the protective, organisational and national levels.

For reaching the aim, i.e. systemising the information, wide-spectrum **methods** will be used. Logic method – three levels of legal safety are formed. Also, the method

of synthesis is evoked, psychological and management knowledge is synthesised in legal context. The article also uses the literature and legal act analysis method.

The concept of legal safety

It is obvious that in academic discourse, there is no united, explicit concept of legal safety. The content of this concept can be interpreted in various aspects. English philosopher of the Enlightenment epoch, T. Hobbes¹ presents the concept of legal safety formulating his own *bellum omnium contra omnes* (concept of the war of everyone against all). Envisaging the hedonism of human nature as well as egoism, destructiveness, forms of despise and the tensions of unsafety hovering in the society, Hobbes thought that there must exist a higher supervisory structure – state, which should guarantee the legal safety of these pragmatic personalities, evoking various levers of power ensured to it. In a philosophical perspective, one should also mention the classic of public administration, M. Weber², who treated the principle of legal safety as an essential instrument for securing the capitalist system and private property. This implicates that business relationships in the form of the contracts could develop only in a safe legal environment, which is guaranteed by the state. Consequently, we can state that legal safety should be understood as the state's *conditio sine qua non*. We have also to note that traditionally, in the concept of legal safety, usually two levels are distinguished:

1. safety of the right, as a separate element of the system, itself, i.e. explicitness of the right, rational definition, practicality (suitability for effective usage) and stability (long-term reliability);

2. guaranteeing of human (employee) right safety in legal means, i.e. guarantees of the protection of human (employee) rights, freedoms and legal interests, the mechanisms of their guaranteeing, legal mechanisms of fair distribution of material and human resources³.

1 Hobbes, T. (1999), *Leviathan*, Pradai, Vilnius, 627 p.

2 Weber, M. (1978), *Economy and Society: An Outline of Interpretive Sociology*, U. California Press, Berkley, 1469 p.

3 Denthardt, R.B. (2001), *Theories of Public Organizations*, Algarvè, Vilnius, 265 p.

The level of satisfaction of legal interests of the employees (employee right protection) is directly dependent not only on public and state economic powers (which are determined not only by internal, but also external factors not depending upon the will of the legislator or decision-making subject, e.g., political, economic, intercultural-social), but also on internal, organisational structural, cultural, economic, social and other aspects⁴. Therefore, legal safety will be analysed uniting individual, organisational and state levels.

Three-level scheme of legal safety

The first level is treated as the protective level distinguishing the maternal and paternal factors as the guarantee of the child's safety. While analysing the psychological discourse, starting with F. Freud, E. From or S. Horney, no doubts rise that the role of safety need in the mental structure of the individual is especially significant. Freud⁵ confirms that stating that, in his opinion, there is no stronger need in the childhood as the need of parental protection. Therefore, the first level is by the authors of the article not separated from the childhood of the individual, total attachment and dependence on the parents, when they become the guarantee of child's safety. This aspect of safety can also be illustrated with reference to the classic of need hierarchy motivation theory, A. H. Maslow. According to Maslow⁶, as the paradigm we can use a toddler which strays from the mother's knees further into a strange surrounding. Usually, the toddler keeps fastened to the mother and at the same time explores the room with its eyes. Then it resolves for a small excursion, constantly making sure that the safety, provided by the mother, is guaranteed. These excursions become wider and wider. In this way the child can explore a dangerous and unknown world. If the mother suddenly disappeared, it would start worrying, would stop following the environment, would desire only to return to a safe place and even could lose its abilities – instead of daring to walk, it can start crawling. In the sense of the principle

4 Cole, G.A. (1990), *Management: theory and practice*, DP Publications, London, 540 p.

5 Freud, S. (1961), "Civilization and its discontents", *The standard edition of the complete psychological works of Sigmund Freud. Vol. 21*, Hogarth Press, London, pp. 57-145.

6 Maslow, A.H. (2011), *Being Psychology*, Vaga, Vilnius, p. 122.

of legal safety, it is essential to understand that parental guarantees for the child are more based on the voluntary principle, moral dimension, and biological evolutionary imperatives. Although in the first level as well there exist the legal mechanisms determined by the state (The Law of the essentials of children right protection of the Republic of Lithuania, The Law of child's minimal and average care of the Republic of Lithuania, United Nations' child's right convention, etc.) having to guarantee the child's legal safety, it is important to identify that they don't dominate, the relation of safety itself in the sense of the child's perception is based more not on legal base but rather on psychological relations, distinguishing the relation with parents and the factors of love, attachment, genetic dependence. Child's direct interaction with legal instruments in respect of individual safety is minimal. On the other hand, Maslow's example not only reveals the significance of safety need for further child's psychological development and perfection, but also explains possible general consequences for the lost feeling of safety. The loss of this aspect can determine the loss of skills, i.e. a walking child can start crawling again. However it is necessary to understand that safety rendered by the parents is of limited duration, during the development of personality this factor already is not enough. Consequently, we can state that the first level of the scheme reflects the primary stage of individual's development.

The second level is oriented towards especially important evolutionary aspects of the individual distinguishing the safety need growing inside the individual and transforming safety objects which become the guarantee of individual safety need. In this level, there emerges the possibility for the individual to relate and focus his/her psychological safety need into the mechanisms guaranteeing the principle of legal safety, that is to say, in this stage, in the relation of safety, the methods of legal safety exist and dominate.

On the one hand, it would seem that with reference to human nature, during the maturation of the individual, gaining more experience, safety need should minimise, but despite the paradox, in the psychological discourse there shows a contrary situation. Precisely this attitude, that during the maturation of the person the need for safety only grows is defined by the psychologist, E. Fromm. Fromm⁷ crystallises

7 Fromm, E. (2009), *Human Heart: its Ability to Create Good and Bad*, Verba vera, Kaunas, p. 118.

the fact that during the change of the person, during the growth, this need does not vanish anywhere, and on the contrary, only gets stronger, with reference to that a grown-up better perceives the possibility of the present dangers, greater knowledge determines greater fears, and this implicates a greater need for safety. From explains that not only the child is helpless and desires for safety, but also the grown-up feels himself/herself helpless in many situations. Although the latter one can work and perform the tasks imposed by the society, but he/she understands the dangers of life better than the child, knows the powers of nature and society, which cannot be controlled, knows that unforeseen disasters can happen, that inevitable diseases and death are waiting for him/her. In the second level, as parents are not enough for the satisfaction of the safety need, considering the perception of growing threats, the individual must look for the substitute of safety for parents. On purpose of explaining the fluctuation of safety objects, it would be useful to evoke the transformations of safety objects happening in the sphere of natural world close in psychological aspect characteristic to the stages of both primary non-civilised humans and monkeys. While analysing the behaviour of the monkeys⁸ it can be noticed that the baby of the monkey first seeks for the safety rendered by its mother, and in a later stage, the animal looks for the shelter in the group. Thus the guaranteeing of the safety function is transferred from the parents to the group. In our analysed context, organisation becomes the group equivalent. Therefore treating organisations as the whole of formal and informal groups, they become the space of the guaranteeing of the principle of legal safety.

First of all, it is especially important to perceive what assumptions are necessary for proper adaptation of the principle of legal safety in the organisation and what methods could directly satisfy the individual's need for safety, evoking the mechanisms rendered by the principle of legal safety. On purpose of guaranteeing the optimal implementation of the principle of legal safety, it is first of all important to create such organisational environment in which one could anticipate the application of liability for creating the mechanisms of legally incorrect legal acts in regard of the subordinates and create the procedures which would help avoiding these de-

8 Behrendt, R.P. (2012), *Evolved Structure of Human Social Behaviour and Personality: Psychoanalytic Insights*, Karnac Books, London, p. 219.

viations, guaranteeing the preparation of qualitative legal act. In modern practice, a frequent case is when the leaders intentionally create a faulty, incorrect, unclear legal act or decision having a defective legal power, oriented towards the satisfaction of individual benefit, violating the limits of their competences. These decisions in a long-term perspective determine destructive consequences in the sense of legal safety, determining various-nature conflicts and dysfunctions in the internal structure of the organisation. Such situations violate the need of the employee safety in the aspect of equal possibility guaranteeing⁹. A not less relevant factor for the employees is the factor of the implementation of the principle of legal safety in organisation in the perspective of the already valid, i.e. adopted legal act, as the appellation of the leader's decision. After identifying that the legal act, which is being aimed to adopt, of it is already adopted, can have negative consequences on the employee safety need, internal or even external organisational structures should be created which could be appealed at. These functions are often performed by the controlling institutions of external public sector, but it is not less important to emphasize the entrenchment of internal parameters of analysis and appellation in the organisation itself seeking maximisation of the principle of legal safety. Another important aspect in regard to the implementation of the principle of legal safety is the procedures of work dispute analysis and creation of the subjects implementing these functions and their activity control, emphasising the efficiency of work dispute commissions¹⁰. Only in case of effectively acting dispute analysing structures, in the organisation, the assumptions are made for the guaranteeing of optimal principle of legal safety. But one has to admit that the implementation of these methods does not yet guarantee that the individual's safety need will be fully satisfied or that the principle of legal safety will fully function, but these means increase the possibility for the effective development of these processes.

After discussing the assumptions, which are necessary for the implementation of the principle of legal safety in the organisation, we have to notice that the second level of the model, as it was mentioned, is important because the mechanisms of

9 Parsons, D.W. (2001), *Public Policy*, Eugrimas, Vilnius, 607 p.

10 Lane, J.E. (2005), *Public Sector: Concepts, Models and Attitude*, Margi raštai, Vilnius, 368 p.

legal safety guaranteeing, as the instrument for satisfying the individual safety need become available for the individuals themselves and could make influence on the organisations. The following can be attributed to these instruments:

a) Labour Code of the Republic of Lithuania,¹¹ (regulating the work relations, distinguishing various aspects as the formation of safe and harmless working conditions, or labour law subject equality despite their gender, sexual orientation, race, nationality, language and social status, belief, marital status, age, credos or attitudes, dependence to political parties and public organisations, circumstances not related to the objective features of the employees and generality of labour laws and their differentiation according to the working conditions and employee psychophysical features);

b) The Law of professional unions of the Republic of Lithuania¹², (emphasising the right of the professional unions and their association to negotiate and conclude contracts, agreements with the employers, their organisations, associations concerning the employee occupation, re-skilling, work organisation and payment, improvement of working and accommodation conditions and other questions, also the representation of the professional unions for own members and in accordance with the procedures established by law and the protection of their member rights and interests in national organisms);

c) The Law of employee safety and health of the Republic of Lithuania¹³, (emphasizing the questions of the prevention of the violation of employee safety and health requirements to be analysed by the commission of triangular social partner of regional territorial employee safety and health established on the principle of cooperation). In the legal environment of the Republic of Lithuania one could distinguish

11 "The Law of the Approval, effect and implementation of the Labour code of the Republic of Lithuania, June 4, 2002", available at: http://ec.europa.eu/internal_market/finances/docs/actionplan/transposition/lithuania/d3.3-lt.pdf; "The Internet website of the Seimas of the Republic of Lithuania", available at: <http://www.lrs.lt/>

12 "The Law of professional unions of the Republic of Lithuania, 1991", *The Seimas of the Republic of Lithuania*, available at: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=452476

13 "The Law of employee safety and health of the Republic of Lithuania, July 1, 2003", *The Seimas of the Republic of Lithuania*, available at: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=301102

more legal acts, but the authors do not seek demonstrating all of them, they aim at revealing only essential ones, treating the aforementioned laws as a possible tool potential for the guaranteeing of the principle of legal safety.

Organisations themselves can influence the activity of the employee in the aspect of legal safety in various ways. The elements of legal safety usually emerge in organisational-administrational management method groups, which are oriented to the fact that the leaders of organisations could directly influence the members of personnel to unconditionally keep to the laws, acts, to administer the orders of the leader as well as decrees and instructions¹⁴.

Organisational administrational management methods cover three big groups of means: regulation, rating and instruction¹⁵. Consequently, we can state that regulation is traditional individual companies, various clusters, activity regulations, sets of instructions. The second group, rating, determines especially important organisational aspects, such as the number of employees or organisational management structures, etc. The third, instruction, aspect mentions the crystallisation of working conditions, task identification. During the development of these organisational – administrational management method groups, the level of legal safety is formed as well.

But it is not less important to understand the possible implications of unsatisfied principle of legal safety. As it was mentioned, unsatisfied employee safety need can not only determine the individual's stagnation in regard to development, but also enhance the degradation of already possessed skills. This was perfectly well demonstrated by the psychologist Maslow. After transferring his theoretical attitude about the transition of the already walking child, who lost the guarantee of the safety rendered by the mother, into the phase of crawling, into modern organisational discourse, situation of mature person, we have to notice that this can be a frequent reason why the productivity of the personnel members decreases, working skills worsen, or even the possibilities of full quit increase. Not satisfying the need for safety, the employee is not given the possibility to grow and develop, thus preventing the further evolution of the individual, and after stopping to develop, there

14 Vanagas, R., Vyšniauskienė, L. (2012), *Fundamentals of Management*, MRU, Vilnius, 164 p.

15 Zakarevičius, P. (1998), *Management: Genesis, the Present, Tendencies*, VDU, Kaunas, 224 p.

show the regressive tendencies. In the psychological discourse, this process is analysed through ERG motivation theory prism formed by the psychologist C. Alderfer. Alderfer¹⁶, analysing the possibilities of human need arrangement, their fluctuation, introduced a new concept of regressive frustration. The principle of regressive frustration emphasises that unsatisfied needs can determine the degradation of person's needs and the intensification of lower needs. In our analysed spectrum of legal safety need, not satisfying the safety need, the employee can have a strengthened factor of lower physiological needs. Obviously, satisfaction of physiological needs is not dissociated from the pay received by the employee, thus not guaranteeing the need for legal safety, the situation can emerge when the employees will start requiring from the leaders bigger wages with reference to unsafe working conditions, constant feeling of fear or disrespect. Regressive frustration in organisational context for the leaders can enhance an especially complex dilemma for the unsatisfied safety factor. On the one hand, after refusing to react to the requirements of the employees can increase the personnel migration, there emerges the possibility to lose valuable employees, but on the other hand, an unforeseen increase of the pay can become a destructive factor to the organisation itself, or because of restricted resources can evoke the bankrupt situation. Thus, after the identification of the evolution of the individual's safety need after transferring from the first level to the second one, in the perspective of the model offered by the authors of the article, the leaders of organisations are recommended to take this social imperative into account, trying to use it, becoming the guarantee of the individual's safety, allowing him to identify himself with the organisation in which he acts. Organisational specifics does not have influence on this need (public and private sector organisations). Every person in his/her working activity must feel safe, such legal environment has to be built in which the employee is behaved properly, he/she will not be frightened or in case of dispute wantonly fired. In regard to this, in the attitude of the authors, the guaranteeing of the principle of legal safety in the organisational level can be treated as the indicator of the efficiency of these organisations, being able to determine a greater loyalty of personnel members and a greater growth of general work productivity.

16 Alderfer, C.P. (1972), *Existence, Relatedness, and Growth; Human Needs in Organizational Settings*, Free Press, New York, 198 p.

In the third safety level, the authors of the article suggest introducing the concept of state as the final subject being able to evoke all possible means for the guaranteeing the principle of legal safety. The need for the third level in the psychological aspect can be again based on natural evolution of safety need, again evoking the sphere of natural world. As it was already mentioned in the second level, during the transformation of the safety need, the baby of the monkey is already not enough the safety provided by its mother, thus it chooses the group what amounts to the organisation (as the whole of the groups) in our analysed context. But it is necessary to mention that the safety guaranteed by the group is later changed by the strongest member of the group, usually the dominating male, in a later stage of the baby's development. The analogy of the dominating male in natural world in our analysed context determines the formation of the state as the third level.

As it was already explained, in the first level there predominate limited means for the guaranteeing of the principle of legal safety, although there exist various legislator mechanisms created by the state, the child's psychological relation itself is based more on genetic dependence, trust, and not on specific laws. The safety need is satisfied "naturally", although it is necessary to mention that legal means are available. In the second level, for the guaranteeing of the principle of legal safety especially important become internal organisational – administrative management methods distinguishing regulation, rating and instruction which form the level of legal safety. Also not less important are various external factors as the Labour Code of the Republic of Lithuania or the possibility to apply to professional unions. However, in the third level, the concept of legal safety in the context of the state gains the widest meaning.

As it is mentioned in the jurisprudence of the Constitutional court of the Republic of Lithuania, the principle of legal safety is one of essential elements of the principles of legal state firm in the Constitution of the Republic of Lithuania, expressing the state's approach of guaranteeing the certainty of legal regulation and stability, protecting the rights of legal relation subjects, also the rights gained to respect legal interests and rightful expectations. The purpose of the principle is to ensure the person's trust in his/her state and right. This implicates that the state becomes responsible not only for the guaranteeing of the principle of legal safety, but

also for the development of legal base, creation of new legal acts, being able to add the instrumentations of lower safety levels. It is not less important to mention that the court has emphasised that the imperative of legal safety supposes certain compulsory requirements for the legal regulation itself. It must be clear and regular, legal norms have to be formulated accurately. Lower-level legal acts have not to contradict higher-level legal acts, and no legal act can contradict the Constitution. Legal standard acts have to be announced in determined order, and they can be met by all subjects of legal relations. This principle covers several requirements related to the validity of legal regulation. Legal regulation can be changed only keeping to the predetermined order and not violating the principles and norms of the Constitution, it is necessary inter alia to keep to the principle *lex retro non agit*, the amendments of legal regulation cannot deny the person's legal interests and lawful expectations, and the continuation of the jurisprudence has to be guaranteed. Not guaranteeing the protection of legal expectations, legal certainty and legal safety, the person's trust in the state and law would not be guaranteed. The state must fulfil its obligations to the person. In its aforementioned decree the Constitutional court of the Republic of Lithuania unambiguously emphasized that this principle has to be kept by all state institutions, first of all Seimas, which legislates, for not to gratuitously worsen the person's legal state, for not to deny the gained rights, legal interests and expectations.

It is also important to mention that the principle of legal safety in itself supposes the mechanism of defence, i.e. if because of state governmental institutional actions or decisions the person's rights are violated the person has to be guaranteed the effective legal defence of these rights. One of the necessary conditions of such defence is the presence of independence and fairness¹⁷.

With reference to these aspects, we have to acknowledge that in the third level, in the state context, for the guaranteeing of the principle of legal safety, there emerges the possibility not only to publish new or to develop the present legal acts intended for lower levels, but also to directly evoke the public administration institutions, for example, power structures, protecting the public interest and safety.

17 "The decree of the Constitutional court of the Republic of Lithuania, July 12, 2001", *Constitutional court of the Republic of Lithuania*, available at: <http://www.lrkt.lt/Dokumentai2001.html>

Mainly, in the third level there reveal all levels of legal safety, both protective (welfare state functions, various public services), and the second organisational level, with reference to the increase of the safety need, the implementation of public policy through the institutions of public administration, aims at guaranteeing the safety of the citizens, providing the wide-spectrum guarantees, the possibility to apply to various controlling institutions for human right violation or dishonest behaviour. It is important to emphasise that in the aspect of the principle of legal safety, the state has the possibility to develop the present legislative base, formulating the laws which would not contradict the Constitution of the Republic of Lithuania.

In general, we have to notice that in regard to the social character of the principle of legal safety, the approach offered by the authors is just one of the possibilities for the analysis of the principle of legal safety. It does not reflect the natural, spontaneous chain of evolution of the individual's safety need. But on the other hand, perceiving this phenomenon both for private and public sector organisations, with reference to the insights presented in the article, the possibility is provided to create the necessary instrumentations of the means, on purpose of properly reacting to this process, in regard to the managerial and psychological means creating the appropriate environment for the guaranteeing of the principle of legal safety.

Conclusions

The evolution of the means of legal safety is not dissociated from the growth of the individual's psychological safety need. With reference to the analysis of psychological discourse we can state that in the context of the development of individual's personality the need for safety not weakens but only grows in regard to the fact that a grown-up better perceives various-nature danger, therefore greater knowledge determines the factor of bigger fear, and this implicates the growing need for safety. Thus the authors make the conclusion that exactly the psychological safety need on the organisational and state level manifests in the creation of the principle of legal safety.

With reference to the development of individual's safety, the authors suggest a three-level safety scheme distinguishing the protective level, when there exist the

methods of legal safety, but they don't dominate, organisational level, in which the methods of legal safety exist and dominate, as well as the state level emphasising the fact that in it, the methods of legal safety not only exist and dominate, but can be supplemented, changed or eliminated and all legal means can be evoked for the guaranteeing of the principle of legal safety.

For the implementation of legal safety in organisations, proper assumptions have to be made. It is necessary to create such organisational environment in which one could anticipate the mechanisms of the application of the liability for legally incorrect legal act creation in regard to the subordinates and to create procedures which would help avoid these deviations, guaranteeing the qualitative preparation of legal acts. A not less important aspect in regard to the implementation of the principle of legal safety is the procedures of work dispute analysis and creation of the subjects implementing these functions and their activity control, and the employees have to be ensured an independent mechanism of defence. Only in presence of effectively acting dispute analysis structures, in the organisations the assumptions are made for the guaranteeing of optimal principle legal safety.

In the organisations, in the managerial discourse, one not always distinguishes the direct concept of the principle of legal safety although the contents of the analysed concepts have to be synonymic. One often uses such terms as "safety of the personnel members", "guaranteeing the internal safety feeling", "safe microclimate", "formation of proper work place conditions", etc.

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Эволюция правовой защищённости в рамках трех уровней безопасности

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Аннотация

В статье проводится анализ принципа правовой безопасности, его механизмов обеспечения безопасности в контексте междисциплинарного, административно-психологического подхода. Дифференцируя психологическую потребность человека в защищённости на три уровня безопасности, защитный, организационный и управленческий, а также акцентируя внимание на эволюции потребности в безопасности, авторы делают вывод о том, что психологическая потребность в безопасности формирует принцип правовой защищённости. Представлены различные организационные инструменты для формирования уровня принципа правовой защищённости и его обеспечения.

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Ключевые слова

Правовая защищённость, организации, потребность человека в защищённости, эволюция правовой защищённости.

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