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THE CITIZEN AS OBJECT AND SUBJECT OF THE STATE'S SECURITY POLICY¹

Annotation: One of the fundamental objectives of the state's security policy is the protection of the citizen and their rights. The theoretical significance of this subject arises from the essential value of the citizen in a rule of law state, where the citizen represents a pillar of the state's resilience and plays a crucial role in its consolidation. From this perspective, it becomes evident that the citizen should not be viewed only as an object of protection through security policy, but also as an active actor in the process of formulating and implementing this policy. The purpose of this study is to clarify the role of the citizen both as the subject of protection within the security policy and as an active participant, with a significant impact on the development and application of security measures.

The approach to this topic holds both theoretical and practical value: on one hand, it will contribute to deepening the theory of security in a rule of law state, while on the other hand, through a detailed analysis of the key aspects of security policy, it will facilitate the identification of effective solutions for its improvement. In line with the study's objectives, it will be structured into two sections: the first will analyze the role of the citizen as the subject of the security policy, and the second will examine their active involvement in the development and implementation of this policy.

Keywords: person, citizen, security, security policy, human rights, personal security, legal activism.

CETĂȚEANUL CA OBIECT ȘI SUBIECT AL POLITICII DE SECURITATE A STATULUI

Adnotare: Unul dintre obiectivele fundamentale ale politicii de securitate a statului este protejarea cetățeanului și a drepturilor sale. Semnificația teoretică a acestui subiect provine din valoarea esențială a cetățeanului într-un stat de drept, acesta reprezentând un pilon de rezistență

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al statului, având un rol crucial în consolidarea acestuia. Din perspectiva dată, devine evident că cetățeanul nu trebuie privit doar ca un obiect al protecției prin politica de securitate, ci și ca un actor activ în procesul de formulare și implementare a acestei politici. Scopul acestui studiu este de a clarifica rolul cetățeanului atât ca subiect al protecției în cadrul politicii de securitate, cât și ca participant activ, cu un impact semnificativ asupra dezvoltării și aplicării măsurilor de securitate.

Abordarea acestei teme are o dublă valoare teoretică și practică: pe de o parte, va contribui la aprofundarea teoriei securității într-un stat de drept, iar pe de altă parte, prin analiza detaliată a principalelor aspecte ale politicii de securitate, va facilita identificarea unor soluții eficiente pentru îmbunătățirea acesteia. În concordanță cu obiectivele studiului, acesta este structurat în două secțiuni: în prima se analizează rolul cetățeanului ca obiect al politicii de securitate, iar în a doua – implicarea sa activă în dezvoltarea și implementarea acestei politici.

Cuvinte-cheie: persoană, cetățean, securitate, politică de securitate, drepturile omului, securitatea persoanei, activism juridic.

1. INTRODUCTION

As is known, security policy represents a complex set of measures, strategies and actions adopted by a state for the protection of his fundamental interests, of the security of citizens, institutions and its territory against internal and external threats. This includes both aspects related to national defense, as well as measures regarding economic, social, energy, cyber, political, food security and protection of fundamental rights of citizens.

According to the doctrine [1, p. 151], the core of national interests in a democratic society must be focused on the fundamental needs of each person, because only their guarantee can ensure real stability and security, both of the state and of society. The protection of the constitutional regime, the insurance of the sovereignty and territorial integrity, the maintenance of political, economic and social stability, unconditional compliance with the law and maintenance of the legal order, along with the promotion of international collaboration, are just a few of the ways in which the most important and vital interest of the state is guaranteed – multilateral development of the person.

An essential conclusion emerges from the corroboration of these ideas: one of the fundamental objectives of the state's security policy must be to protect the citizen (the person) and his/her rights. The theoretical significance of this topic derives directly from the fundamental value of the citizen (the person) in a state of law, which, as is known, represents a pillar of resistance of the state, having a major importance in its consolidation [2, p. 6]. In this context, it becomes obvious that the citizen (the person) must be considered not only as a value to be protected through security policy, but also as an essential actor in the process of elaboration and implementation of this policy.

The purpose of this study is to clarify the role of the person both as an object of the state's security policy (i.e. subject of protection), as well as an active subject within this policy having a significant impact on the process of formulating and implementing security measures.

The approach to this theme has a double theoretical and practical value. On the one side, it will contribute to deepening the theory of security in a state of law, and on the other side, through detailed research of the main aspects of the security policy, it will facilitate the identification of viable solutions for improving its quality and efficiency.

Consistent with the purpose of the study, its structure is divided into two sections: in the first one is analyzed the role of the citizen as an object of security policy, and in the second is approached his involvement as an active subject of this policy.

2. METHODOLOGY

During the realization of the study, the following research methods were used: logical method (with its components: abstraction, analysis / deductive and inductive/ and synthesis), systemic method and content analysis method.

3. DISCUSSIONS AND RESULTS OBTAINED

3.1. The person as a protection object of the security policy.

Recognition of the priority of human interests in the security context is relatively recent (end of the 20th century). Throughout history, the underestimation of the value of the individual and the right to human life has been a common practice, which determined an approach to security predominantly oriented towards state security (under the name of *national security*). The individual's immediate problems were often treated only in the context of social security, which has not always been capitalized within the national security framework (*state security*). This approach according to the researchers [3, p. 135], "reflects a model of social development in which man was seen only as a means to economic progress and not as its main goal".

Currently, the specialized literature (from different countries) pays a distinct attention to the security of the person, seen not only as an object of state protection, but also as an essential element of *national and international security* [4, p. 4]. The person's security is thus recognized as a vital necessity for the individual, without which he could not exist, act or develop properly in the society. Moreover, meeting these fundamental needs is the basis for the security of social groups, communities, states and society as a whole [5, p. 12]. In this sense, security is considered an essential social value, without which the significance of other values would be compromised [4, p. 4; 6, p. 16-17; 7, p. 359].

From this perspective, we support the point of view expressed in the doctrine [8, p. 281], which considers security as the foundation for the sustainable development of social relations, which ensures the protection of the vital interests of the person, the state and society, as well as maintaining civil, political peace and social stability. As a consequence, respecting the balance of the most vital interests of the individual and the need for state security represents one of the fundamental principles for ensuring national security [9, p. 39].

By its nature, the concept of *person's security* differs significantly from traditional *concepts of security*, which emphasized the states as its main subjects. Thus, in this new framework, citizens and their social and economic conditions become central points of the security. In essence, "*the security of the person involves ensuring the protection of the individual to a similar extent as the protection of the state*" [10, p. 6].

According to researchers, the core of national interests in a democratic society must be represented by the fundamental needs of each person. Only guaranteeing them can ensure real stability and lasting security both for the state and for the entire society. Protection of the constitutional regime, sovereignty and territorial integrity, ensuring political, economic and social stability, respecting the law and maintaining the legal order, as well as the development of international collaboration, are, in their essence, only instruments and means of protecting the most important and vital interest of the state – multilateral development of the person [1, p. 151].

One of the essential components of life quality is the individual's freedom and his protection against various dangers and threats, as well as the reduction of its vulnerability to contemporary risks. In this context, the modern conception of human development defines person's security as a possibility to exercise the right to choose in conditions of freedom and safety, having full confidence that these conditions will be maintained and protected in the future [3, p. 135-136].

In its essence, the security of the person represents a category that reflects a complex social phenomenon, characterized by an organic connection between the individual in danger and his social environment, namely society. The social factor plays a decisive role in the process of the annihilation of the danger. Taking into account that man is a social being, his vital interests and the concrete conditions of existence, including those related to dangers, are largely determined by the social context. The threats that constitute the danger are also of a social nature (whether they come from different social sources or are tolerated or accepted by them). Thus, it can be concluded that society has an essential social responsibility to protect the individual in danger, while he, in turn, has the right to benefit from security through social means [11, p. 144].

Regarding the Republic of Moldova, it is currently in full development process in accordance with international standards, including in the field of human rights. However, despite the constitutional and legislative enshrinement of fundamental human rights and freedoms and other democratic values, we have a significant gap: there is no clear and well-defined concept of person's security, which guarantees the protection of the person against various threats and dangers [12, p. 8]. This should be an essential element of the security policy, in order to ensure a free and sustainable development of the person. This omission is currently the most important deficiency in the security policy of the Republic of Moldova, and undoubtedly imposes the need for significant intervention. It is imperative that the state develop and adopt a well-founded scientific conception of person's security which reflects the realities of a state of law.

In this regard, it is of interest the *National Security Concept of the Republic of Moldova* [13], which provides: "National Security is not only the security of the state, but also the security of the society and citizens of the Republic of Moldova, both on the territory of the Republic of Moldova and abroad". From these provisions, we can deduce the idea that the policy document containing it emphasizes an extremely important concept: *National Security* concerns not only the state's responsibility to protect its own interests, but also to ensure the security of citizens and society as a whole, both on national territory and abroad.

This approach significantly expands the security scope, passing from the traditional protection of territory and state institutions to a direct concern for the well-being of individuals and the community as a whole. The cited provision suggests a broader vision of national security, in which not only the state institutions are protected, but also the citizens and the society. *National security* is no longer limited to the defense of territory or the maintenance of internal order, but also includes the protection of citizens' rights and freedoms, which implies a holistic approach.

An essential aspect of this concept is that the citizen becomes an object of active protection of *security policy*. Thus, not only the state is protected, but the individual as well, which represents a fundamental element of national security. In this regard, citizens' security becomes a priority objective in security policy, and his rights and safety must be

protected not only from the perspective of internal or external defense, but also by ensuring an environment of social, economic and personal security.

The extension of citizens' protection beyond national borders, also reflects, the concerns of an interconnected world, in which individuals are not limited by state borders. For example, this may mean protecting citizens in the diaspora or supporting them in the face of external threats, whether economic, political or otherwise.

Obviously, in the current context, in which global security faces multiple challenges (terrorism, forced migration, climate change, economic and social crises), the mentioned concept is extremely relevant. Security cannot be understood only in terms of military defense or territorial protection. Also, protecting citizens must include measures targeting economic, social, energy, cyber and even health security, given the interdependent global risks.

On the other hand, this concept requires an integrated approach and effective coordination between state institutions to ensure citizen security in all its dimensions. For example, cyber security policies must protect citizens' data, and those of social and economic security to prevent risks that could affect their stability and welfare.

In conclusion, these provisions of the *National Security Concept of the Republic of Moldova* reflect a modern vision of security, where the citizen is placed at the center of security concerns, and the state is responsible not only for protecting the territory, but also for guaranteeing citizens' security and fundamental rights, including in a global context. These principles can become the foundation of a comprehensive security policy that aims to respond to the challenges of the 21st century.

Obviously, the *state's security policy* can have a significant impact on individuals only if they, in their capacity as citizens, would be actively involved in its development and implementation process, both within society and the state. With other words, to make security effective and relevant, the citizen must be not only an object of protection, but also an active subject of security policy.

3.2. The citizen as subject of security policy.

In the context of the state of law, the citizen plays an essential role, being a central element for the protection of his rights, which implicitly determines, the way in which the states' and its institutions activity is organized. Also, the citizen makes an active contribution to the exercise of public power by participating in the decision-making process, thus having a direct impact on democracy. Seen from this perspective, the citizen becomes a pillar of the state's democratic functioning.

Currently, it is crucial for the citizen to understand how the state is organized, to be aware of the policies promoted and of the actors involved in their implementation. Also, he must know the instruments and mechanisms by which the relations between the state and society are regulated, as well as between state authorities and citizens, and to be prepared to respect these norms in his daily activity.

This level of training is known in the specialized literature as "active citizenship", which in contemporary vision, involves "active participation in the exercise of democracy within the state, the competent and interested involvement of the citizen in the management of society, in the social, political, and economic activities of the state, as well as in maintaining the law order" [14, p. 102].

Thus, in order for the citizen to fulfill his role in the state of law, it is essential that he manifests *active citizenship* or, more broadly, *legal activism*. Such activism implies both a high legal culture [15, p. 223], as well as a constant involvement in the political, social and economic activities of the state, in order to promote collective and individual rights and interests.

Starting from the fact that *legal activism* of citizens is essential for the democratic development of the *state's security policy* and for its implementation, in the following we will focus on the particularities of this phenomenon.

In essence, legal activism represents a socially useful activity, oriented towards the achievement of the fundamental purposes of the law. Also, this type of activism involves a higher level of intensity in the social-legal sphere and goes beyond the simple compliance and execution of legal obligations, doing more than meeting the minimum requirements of legal conduct [16, p. 200].

The researchers state that legal activism cannot be limited to legal behaviors that aim only at compliance with legal norms. It is a phenomenon that requires an advanced level of legal awareness, the citizen being actively involved in strengthening democracy, legality and the law order [17, p. 24]. Thus, legal activism includes not only a subjective attitude, a training (including psychological) to act legally and proactively in the field of law, but also a useful positive social activity [18, p. 22; 19, p. 68].

From another perspective, it is considered that legal activism is determined by the legal awareness of the citizen, by his attitude towards the legal phenomenon, which influences the degree of active participation in the realization of the right. Thus, legal activism does not depend solely on external factors, such as legal regulations, but also by the internal ones, especially by the person's legal conscience.

Active legal conduct is based not only on the belief that legal requirements must be respected, but also on the recognition of the social significance of the right, on solidarity with the law, the desire to respect the legal norms in daily life and to protect them through legal means. Such conviction contributes to the formation of an advanced legal culture, which stimulates active and effective legal actions [16, p. 202].

Therefore, legal activism involves the active participation of the individual in solving legal problems, consolidation of legality and law order, and, not least, preparation to resist any crimes, deviations or violations of the law [20, p. 7].

The activism of citizens becomes evident when they are actively involved in public debates and consultations regarding the draft normative acts (for example, decisions regarding the construction of chemical plants or nuclear stations, the location of PECO stations, etc.). These legal mechanisms are widely used in Western democratic countries and are also important in the context of the Republic of Moldova, where citizens have the right to participate in the decision-making process, benefiting from a legal framework that guarantees this right [21, p. 40].

In the context of the democratization of society, it is essential that legal activism to be supported by strong legal institutions, which includes a real and functioning civil society, an effective framework for constructive interaction between the state and the citizen, and a state legal ideology that promotes the fundamental rights and freedoms of citizens. These institutions are indispensable for building and consolidating the state of law in the Republic of Moldova [16, p. 207].

Thus, we can conclude that *citizens' legal activism*, being an intensive activity carried out in the field of law, is characterized by an active participation of citizens, individually or organized, in all areas of social activity, including the process of forming state legislation, in the development of public policies and their implementation, to the protection of constitutionally guaranteed rights and freedoms of citizens.

From this perspective, we can argue that citizens' legal activism plays a crucial role in the development and implementation of the state's security policy, having a significant impact on strengthening democracy, ensuring the rule of law and protecting the fundamental rights of individuals. This role can be explained in several ways, depending on the importance of citizens' active participation in the decision-making process and ensuring transparency and efficiency in managing *national security*. In this regard, the following details can be stated:

a. Promoting a transparent and responsible security policy. Citizen legal activism implies an active involvement in the decision-making process, including in the field of national security. By participating in public consultations, debates and formulating legislative proposals, citizens can contribute to a better founded and more transparent security policy. In a democratic system, citizens must have access to relevant information about state policies and initiatives in the field of security, as well as the opportunity to influence these policies. Legal activism can involve both individual actions, such as notifying competent authorities about security issues, as well as collective actions through non-governmental organizations or interest groups that advocate for appropriate security policies. The active participation of citizens in this process is essential, as they are the ones who directly experience the consequences of these policies. Thus, legal activism contributes to ensuring that security policies reflect society's needs and values, not just the interests of state institutions.

b. Consolidation of the state of law and democracy. Another fundamental aspect of legal activism in the context of security policy is its role in strengthening the rule of law. Legal activism involves respecting and promoting legal norms, which helps ensure compliance with the law, including in the security field.

When citizens are actively involved in the decision-making process, they contribute to the strengthening of democratic institutions and to the creation of a stable and fair legal framework.

Legal activism also promotes a healthy legal culture among the citizens, which allows them to recognize the importance of respecting the law in the context of national security. Citizen activism is a key factor in maintaining the law order and in preventing any abuses or violations of fundamental rights under the pretext of security. Thus, citizens can actively participate in protecting democracy and the institutions of the rule of law, ensuring that national security is not used as a pretext for the infringement of fundamental rights.

c. Citizen involvement in preventing security threats. The legal activism of citizens in the segment of security policy involves the prevention of threats to national security. Citizens, through their activism, can contribute to the early identification of risks and threats, whether it's internal dangers (corruption, extremism or abuse of power), either from external threats (regional conflicts or terrorism). Active participation in the decision-making process allows citizens to flag potential security issues, to propose solutions

and support policies that prevent the escalation of these risks.

Through feedback mechanisms, such as public consultations or civic forums, citizens can help state authorities better understand their security concerns and needs. In this way, the legal activism of citizens contributes to the development of a more effective security policy and more adapted to the social and economic realities of society.

d. Supporting the effective implementation of security policy. When implementing the security policy, citizen legal activism is vital for ensuring a process of democratic control over institutions managing national security. Citizens can exercise a surveillance role, participating in monitoring the activity of security agencies and public authorities to ensure that security policies are implemented according to legal and ethical norms. This also implies identifying and sanctioning any abuses or errors in the implementation of the security policy, thereby protecting the rights and liberties of citizens.

Legal activism can support the implementation of security measures that are consistent with the principles of human rights and the state of law. For example, citizens can influence regulations governing the surveillance, control and protection of personal data, ensuring that the security measures do not infringe the right to privacy and other fundamental rights.

e. Education and public awareness in the field of security. Another role of citizens' legal activism in relation to state security policy is to educate and raise public awareness of the values of national security and the protection of fundamental rights. Actively participating in public debates, organizing awareness campaigns and educating other citizens regarding national security can create a favorable climate for understanding and supporting *security policies*. Educated and informed citizens are better able to understand the impact of security decisions and participate responsibly in their implementation.

Conclusions. The role of legal activism of citizens in the development and implementation of the *state's security policy* is essential for ensuring a democratic and transparent framework for the management of national security. Legal activism contributes not only to the development of an effective security policy that responds to the needs and concerns of citizens, but also to the consolidation of the rule of law, the protection of fundamental rights and the prevention of abuses. Through the active involvement of citizens in the decision-making process, monitoring the implementation of the *security policy* and educating the public, the premises for a more efficient and responsible national security system are created, in which the collective interests of the society are adequately protected.

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