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Constitutional Guarantees of the Security of the Human Individual in Poland²

Keywords: security, human rights, Polish Constitution 1997, compliance with the law

Słowa kluczowe: bezpieczeństwo, prawa człowieka, Konstytucja RP, przestrzeganie prawa

Abstract

The concept of security, which has been popular in recent years, is an integral element of constitutional systems. Securing undisturbed human existence was one of the premises for creating legal acts limiting the arbitrary state – the first constitutions at the end of the 18th century. The tasks imposed on the constitution as a special type of legal act remained unchanged. This tendency was strengthened in the 20th century, hence the modern constitutions are characterized by strong saturation with concepts from the broadly understood field of security. The Polish Constitution of 1997 is no exception in this respect, as it lays down numerous provisions establishing far-reaching restrictions on the state and those in power. In order to guarantee security in some specific areas, the Polish constitution imposes organizational obligations on the rulers, which translates into securing the health, pension or procedural interests of the individual. The issue of respecting constitutional standards related to security is a separate issue, but this is a problem already known at the dawn of constitutionalism.

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Streszczenie**Konstytucyjne gwarancje bezpieczeństwa jednostki w Polsce**

Popularne w ostatnich latach pojęcie bezpieczeństwa jest integralnym elementem systemów konstytucyjnych. Zabezpieczenie niezakłóconej egzystencji człowieka było jedną z przesłanek tworzenia aktów prawnych ograniczających samowolę państwa – pierwszych konstytucji u schyłku XVIII w. Zadania stawiane przed konstytucją, jako szczególnego rodzaju aktem prawnym, pozostały nie zmienione. Tendencja ta uległa w XX w. wzmocnieniu, stąd też nowoczesne konstytucje charakteryzuje silne nasycenie pojęciami z zakresu szeroko rozumianego bezpieczeństwa. Konstytucja RP z 1997 r. nie jest w tym zakresie wyjątkiem, gdyż ustanawia liczne przepisy ustanawiające daleko idące ograniczenia na państwo i rządzących. W celu zagwarantowania bezpieczeństwa w niektórych specyficznych obszarach polska konstytucja nakłada na rządzących obowiązki organizacyjne, przekładające się na zabezpieczenie interesów zdrowotnych, emerytalnych, czy procesowych jednostki. Odrębną kwestią jest zakres poszanowania konstytucyjnych norm związanych z bezpieczeństwem, ale jest to problem znany już u zarania konstytucjonalizmu.

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The concept of security is currently defined in many areas. Analyzing the issues of international security and internal security, we assign functions related to the creation of legal and institutional security guarantees to the state, perceiving them – rightly so – as an entity appointed for this purpose, possessing the appropriate competences and organizational structure. A separate issue is the manner in which this task is carried out, often requiring the cooperation of states, which results from the specificity of the functioning of a modern state under specific geopolitical conditions³.

³ An example of this is the phenomenon of cross-border organized crime, which an individual country – regardless of its international position, resources or determination – cannot cope with. More: T. Bąk, *Bezpieczeństwo granic Polski w dobie globalizacji, w aspekcie przeciwdziałania zagrożeniom terrorystycznym*, [in:] *Bezpieczeństwo w dobie globalizacji. Prawo i praktyka*, eds. M. Kun-Buczko, M. Przybysz, Białystok 2011, pp. 31–52.

Undertaking actions aimed at guaranteeing broadly understood security in a modern state does not depend on the good will of the persons exercising power, but is forced by laws specially designed for this purpose or their teams. Constitutional regulations of this kind are a set of regulations that on the one hand define the structure of state organs and entrust them with specific competences, thus providing them implementation tools, including security policies, but on the other hand, create a barrier to this type of activity, introducing broad guarantees of human rights and freedoms. The task of constitutional catalogs of human rights is – as advocates of security policy forget – setting boundaries for the state’s activity by creating areas in which it cannot interfere. „From a legal point of view, the issue of civil rights and freedoms cannot be ignored when formulating the Polish *raison d’etat*, which is why it is surprising that state authorities so rarely refer directly to human rights. This demonstrates not only a disdainful approach to the very subject of human rights, but above all to the Constitution”⁴.

Rights and freedoms under the Constitution of the Republic of Poland of April 2, 1997⁵ (hereinafter the Constitution of the Republic of Poland) safeguard numerous provisions, with only some of them relating to security issues, in particular the security of the individual. These standards impose an obligation on the state to take and permanently carry out activities, but it is impossible to indicate when they will end, as they cannot be abandoned without giving up the security of the individual. Such features are attributed to the so-called program standards, also referred to as provisions on program objectives or provisions on state objectives⁶. In the case of the Polish Constitution of 1997, the following should be mentioned first: Art. 1 (common good), Art. 2 (democratic state ruled by law), Art. 5 (security of citizens), Art. 21, 46 and 64 (protection of property), Art. 24 (labor protection), Art. 30 (human digni-

⁴ P. Grzebyk, R. Kuźniar, *Prawa człowieka i polska racja stanu*, [in:] *Współczesne wyzwania wobec praw człowieka w świetle polskiego prawa konstytucyjnego*, eds. Z. Kędzia, A. Rost, Poznań 2009, p. 247.

⁵ Dz.U. No 78, item 483.

⁶ More: K. Complak, *Konstytucyjne postanowienia programowe czy normy o celach państwa?*, [in:] *Sześć lat Konstytucji Rzeczypospolitej Polskiej. Doświadczenia i inspiracje*, eds. L. Garlicki, A. Szmyt, Warsaw 2003, pp. 46–61; T. Gizbert-Studnicki, A. Grabowski, *Normy programowe w konstytucji*, [in:] *Charakter i struktura norm konstytucji*, ed. J. Trzeciński, Warsaw 1997, pp. 99–103.

ty), Art. 31 (protection of freedom), Art. 38 (protection of life), Art. 40 (prohibition of torture and cruel and degrading treatment), Art. 41 (inviolability and personal freedom), Art. 42 (rules of criminal trial), Art. 49 (freedom and protection of confidentiality of communication), Art. 66 (safe working conditions), Art. 68 (health care), Art. 74 (ecological safety), Art. 76 (consumer protection). Institutional solutions, such as guaranteeing civilian control over the army, are not without significance in this context (Articles 134 and 136). At the same time, only those standards that protect the most valuable goods for the individual, especially those whose violation is irreversible, should be considered important for security policy. On the other hand, protection of values (e.g. marriage formula) or social goods (e.g. activities to meet the housing needs of citizens) remains outside the area of security policy.

The principle that the Republic of Poland is a common good of all citizens (Article 1 of the Constitution of the Republic of Poland) is important in the context of implementing security policy because it solves the problem of collision between the good of the community of citizens and the good of the individual that it often happens. The Constitution pursuant to Art. 1 gives the opportunity to take measures to limit the freedom and rights of the individual in the interest of the common good. However, this perception of the relationship between the interests of the majority and the minority is not absolute. An important limitation in this respect is Art. 2 of the Constitution of the Republic of Poland, which requires all entities to be guided in their activities by applicable law, and also includes the order that the democratic majority respect minority interests⁷. In particular, the protection of minority rights – including national and ethnic rights – is essential for the effective implementation of security policy. Provisions guaranteeing such protection have been present in the legal systems of European countries – including Polish regulations – for almost a century⁸.

The key norm of the Constitution of the Republic of Poland, which directs security activities implemented in Poland, is Art. 5. It states: „The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security

⁷ W. Skrzydło, *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warsaw 2013, pp. 16–17.

⁸ R. Grabowski, *Prawo do ochrony życia w polskim prawie konstytucyjnym*, Rzeszów 2006, pp. 77–82.

of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development”. Noteworthy is the fact that in the cited provision the issues of independence, inviolability of borders, state and citizens security and the need to ensure human and citizen rights are contrasted. On the contrary, the constitution-maker treats these areas complementarily, indicating that their implementation must meet the assumptions of the concept of sustainable development. It should be assumed that, under constitutional law, this means the need to consciously shape the relationship between the external and internal security of the state and the broadly understood security of citizens. In this context, it does not seem appropriate to contrast their interests, but to care for their mutual balance, which guarantees, however, the effectiveness of actions.

One of the essential elements of the modern concept of human rights, without which it is difficult to imagine achieving a sense of security by citizens, is the guarantee of protection of property. This right is attributed to the doctrine of fundamental importance from the point of view of the economic system of the state, especially when – as in the case of the Polish Constitution – it introduces equality of ownership. The Constitution of the Republic of Poland covers these issues broadly, combining in Art. 21 the issue of property protection with the protection of inheritance and restrictions accompanying the institution of expropriation. Regulations related to property rights also includes Art. 46, regarding legal restrictions on forfeiture. The protection of property rights is therefore not absolute in Poland. From the point of view of security policy, especially considering care for sustainable development, the implementation of the right to property must take into account the well-being of all citizens, which is reflected in the case-law⁹.

Equally important for the proper functioning of the state economy is the legal protection of labor (Article 24 of the Polish Constitution). The laconic formulation according to which „Work shall be protected by the Republic of Poland” has numerous connotations. In the second sentence of the above-mentioned article, we find information that „The State shall exercise supervision over the conditions of work”, which means that the constitution-maker is aware of the importance of this issue. Assuming that the

⁹ B. Banaszak, *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warsaw 2012, pp. 166–171.

majority of people living in the territory of Poland makes living from wage labor, it should be stated that this is one of the key areas for the internal security of implementing state policy. „The Constitution imposes an obligation on the state to pursue an active policy for the creation of jobs, implementation of the right to work [...] Labor protection by the state is, inter alia, providing citizens with the right to choose a place of work, a ban on permanent employment of children under 16 years of age, a guarantee of a statutory minimum wage, pursuing a policy aimed at full productive employment [...] supervision of health and safety at work, setting maximum working time standards, etc.”¹⁰.

Establishing mutual relations between state and individual security is facilitated by the Art. 30 of the Polish Constitution. Resolving the collision of goods and determining whether in a particular case the authorities should be guided by the good of the state or the good of its citizens, facilitates the awareness of the nature of freedom and human rights. Their foundation is human dignity, which is not given by the state, because it is considered natural. Considering that human dignity is inalienable and inviolable, significantly narrows the instruments that can be used by the authorities of a democratic state ruled by the implementation of security policy, which raises concerns about its effectiveness. J. Jaskiernia points out that „To ensure the security of the state, it is indispensable to use secret activities, even in the form of the activity of secret services and the use of operational techniques [...] In this situation, there may be risks for the rights and freedoms of the individual to be realized”¹¹. In accordance with the Art. 30 of the Polish Constitution, the duty of public authorities is to respect and protect human dignity, therefore care for the state security should be implemented with a proportionate consideration of all protected goods. Episodic restrictions on the rights and freedoms of the individual seem acceptable, but the consolidation of such practices will cause that the principle of a democratic state ruled by law will be hollowed out of its most important content.

¹⁰ W. Skrzydło, op.cit.

¹¹ J. Jaskiernia, *Bezpieczeństwo państwa a ochrona praw i wolności jednostki w Polsce – obszary koegzystencji i konfliktu tych wartości w kontekście realizacji standardów międzynarodowych i wewnętrznych*, [in:] *Bezpieczeństwo państwa a ochrona praw i wolności jednostki we współczesnym świecie*, ed. J. Jaskiernia, Kielce 2012, p. 72.

It is not uncommon for human freedom to remain on the margins of human rights discourse, specified in constitutional and statutory terms. This is undoubtedly related to the problems accompanying the attempt to define it precisely. Regardless of the attributes attributed to her, that the 1997 Polish Constitution in Art. 31 section 1 protected human freedom by legal protection. The provisions of Art. 31 section 2 established a clear boundary of actions taken by individuals and other entities, ordering everyone to respect the freedoms and rights of others, and also prohibiting anyone from forcing actions not ordered by law. These standards should be attributed the ability to act both horizontally and vertically, which requires that they will be considered while taking actions for national security. Strictness of the provisions of Art. 31 section 1 and 2 balances the content of par. 3: “Any limitation upon the exercise of constitutional freedoms and rights may be imposed only by statute, and only when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations shall not violate the essence of freedoms and rights”. This regulation should be treated as a kind of gate enabling legal activities incompatible with the fundamental features of human rights and freedoms, provided, however, that they are based on the law.

The Art. 38 of the Constitution of the Republic of Poland – „The Republic of Poland shall ensure the legal protection of the life of every human being” – has not only declarative significance, but also practical meaning for the processes of establishing and applying the law. This provision orientates the Polish legal system to the protection of man and the values most valuable to him¹². In this sense, it sets the direction of the state’s activities and imposes on its organs a number of obligations, not only related to refraining from taking life, but also considering the need to protect it in all areas of activity. Policy aimed at ensuring the security of the state and its citizens is no exception, although one should be aware that in this particular area there must be exceptions to the general principle of protection of life. The Art. 40 of the Polish Constitution, prohibiting anyone from being subjected to torture or cruel, inhuman or degrading treatment or punishment, as well as the use of cor-

¹² R. Grabowski, *op.cit.*, pp. 216–229.

poral punishment. One should be aware that compliance with the provisions of Art. 40 contradicts the philosophy of operation of various types of services called to guard the security of the state. This affects the public perception of the activities of these formations, generating at the same time numerous problems in the functioning of modern countries¹³.

By establishing in the Art. 41 of the Constitution of the Republic of Poland guarantees inviolability and personal freedom for every human being the Polish constitution-maker took into account the requirement to respect rights and freedoms in various circumstances, making actions against them dependent on the implementation of specific actions. Deprivation or restriction of liberty is permissible, but it can take place only on the terms and in the manner specified in the Act (Article 41 par. 1). A person deprived of liberty without a court order shall have the right to appeal to a court in order to immediately determine the legality of that deprivation. The detention must immediately be notified to the family or person designated by the deprived of liberty (Article 41 (2)). Everyone detained should be immediately and in a comprehensible way – regardless of nationality and language – informed about the reasons of detention. Within 48 hours of imprisonment, a detained person must be placed at the disposal of the court that assesses the merits of the charges. If, within 24 hours of being placed at the disposal of the court, a detained person is served with the court's decision on de-

¹³ The Republic of Poland was accused before the European Court of Human Rights by Al Nashiri (complaint No. 28761/11) „in connection with the violation of the prohibition of torture, the right to personal freedom and security, a fair trial, the right to respect for private and family life, as well as the right to effective an appeal in the context of alleged CIA prisons. [...] The Court noted that in the light of the collected documentation, first of all the High-Value Detainees program, methods of dealing with these people (including deprivation of sleep for up to 72 hours, subjecting to loud music, detention in darkness or uninterrupted light, water spray, isolation) caused the applicants a feeling of fear, which, combined with uncertainty about the future, as well as the fear that the lack of cooperation would cause further repression, constituted an extremely heavy prison regime and permanent emotional and physical suffering. Having regard to the foregoing, the Court assessed that the applicants were subjected to torture during their imprisonment by the CIA on Polish territory. [...] By just satisfaction, the Court awarded the applicants EUR 130,000.00 – Husayn (Abu Zubaydah) and EUR 100,000.00 – Al Nashiri”. More info on page: <https://bip.ms.gov.pl/pl/prawa-czlowieka/europejski-trybunal-praw-czlowieka/aktualnosci/news,6285,najnowsze-orzeczenia-europejskiego-trybunalu-praw.html> (30.08.2019).

attention on remand with the charges presented, she must be released (Article 41 (3)). Everyone who has been deprived of liberty should be treated in a humane manner (Article 41 (4)), and a person who has been unlawfully or unlawfully deprived of liberty has the right to compensation (Article 41 (5)). Therefore, we are dealing with significant restrictions aimed at protecting human freedoms and rights against arbitrary actions of the state and its organs. The provisions of the Art. 42 of the Polish Constitutions constitutionalize the principles of the criminal trial. As a result, their rank increases, and the principles themselves can be used to interpret constitutional regulations in the field of human rights.

Security, especially in its personal dimension, is protected by the Art. 49 of the Polish Constitution, ensuring freedom and protection of the secrecy of communication. While traditionally the high level of communication secrecy is attributed, guarantees of the freedom of communication are at least equally important for modern information societies. „Traditionally, this freedom was referred to the concept of correspondence, in its current wording it combines the classic freedom of speech used in direct communication and the freedom to maintain such contact with other entities through various technical means (letter, telephone, Internet, etc.)”¹⁴. Restrictions in this area of freedom and protection of communication can only occur in the cases specified in the Act and in the manner specified therein. Such regulation, if it is to protect the interests of the individual, must cover only clearly defined situations and indicate specific ways of restricting freedom and protecting communication.

In accordance with the provisions of the Art. 66 section 1 of the Polish Constitution, everyone has the right to safe and healthy working conditions. The specification of the above regulation is enforced by Art. 66 section 2, which requires the issuing of an act setting out the principles of safe and hygienic work, and the employer’s obligations in this respect. In the Polish legal system, all matters related to broadly understood labor law are regulated by the Act of June 26, 1974, Labor Code¹⁵. The Act regulates in detail, among others, employee rights established in Art. 66 section 2: non-working days,

¹⁴ A. Rost, *Wolność komunikowania się (art. 49)*, [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz encyklopedyczny*, eds. W. Skrzydło, S. Grabowska, R. Grabowski, Warsaw 2009, p. 647.

¹⁵ Consolidated text Dz.U. 2014, item. 1502, with changes.

paid annual leave; maximum working time standards. Despite the record of this act, it is constantly evolving, strongly influencing the practice of applying the rules. By giving an example, we can mention changes in the interpretation of regulations forced by changes taking place on the Polish labor market. It is currently accepted that „Ensuring occupational health and safety is a legal and social obligation of every employer, as well as an entrepreneur who is not an employer, for whom work is provided by natural persons, including self-employed, regardless of the basis for providing this work, employing people under civil law contracts”¹⁶. One of the instruments securing the security of an individual while performing work is the establishment in the Penal Code of provisions (Articles 220 and 221), according to which specific actions of employers against the right to safe and hygienic working conditions are a criminal offense.

One of the important guarantees of security that a modern state must provide is a social security system. The Art. 67 section 1 of the Constitution of the Republic of Poland indicates that „A citizen has the right to social security in the event of incapacity for work due to sickness or disability and after reaching retirement age”. The legislator is responsible for establishing detailed solutions. It is not without significance that the social welfare system also provides benefits to unemployed citizens who do not voluntarily work and have no other means of subsistence (Article 67 (2)). The scope of assistance is specified by statute and the amount of benefits depends on the state budget.

Elements affecting the level of citizens' security can also be indicated in the health care system. In this context, the provisions of the Art. 68 par. 4 of the Polish Constitution, imposing an obligation on public authorities to combat epidemic diseases and to prevent adverse health effects of environmental degradation. While the first of the indicated areas of activity can be considered a permanent area of activity of the modern state, within which Poland has considerable traditions and numerous successes, in the case of the second one it is only necessary to identify the threats and develop appropriate actions. This problem should be seen in relation to the provisions of the Art. 74

¹⁶ J. Chojnicki, G. Jarosiewicz, *ABC BHP. Informator dla pracodawców*, Warsaw 2012, p. 4, <http://www.pip.gov.pl/pl/f/v/6843/abc%20bhp.pdf> (30.11.2018).

par. 1 of the Polish Constitution, according to which public authorities pursue a policy ensuring ecological safety, and this obligation applies not only to short-term actions, but also to long-term actions aimed at ensuring ecological safety for future generations.

The policy of protecting consumers, users and tenants against activities that threaten their health, privacy and security, and against unfair market practices is carried out by public authorities based on the provisions of the Art. 76 of the Polish Constitution and the act. Competitiveness measures, among other things, serve this purpose. In accordance with the official assumptions of the government's Competition and Consumer Protection Policy, „The experiences of Poland, but also of other developed countries, indicate that distortions of competition are often manifested in unfair treatment of consumers. [...] Market competition, along with the appropriate institutional and legal environment, is a key element of a well-functioning economy. It is a lever for development and faster growth, stimulates entrepreneurs to increase efficiency, and also creates conditions for the development of innovation. As a result, it creates new jobs, forces prices to drop, increases quality and gives consumers a greater choice of products and services. That is why it is so important to effectively and consistently eliminate all manifestations of market competition disturbance, prevent their emergence, as well as promote solutions supporting the development of competition”¹⁷.

Establishing civil control over the armed forces is one of the criteria for determining the level of democracy in the constitutional system. This kind of solution allows the armed forces to play an important role in state policy, mainly in the area of external security, while preventing them from playing an active role on the political scene. The advantage of this solution is the multitude of army management centers, because along with traditional military institutions, there are civilian centers. In the case of the Polish system, we can talk about creating a multicentric civil model of national defense management. Side by side, there are numerous leadership bodies, none of which has full power over the army. Part of the competence in the discussed area is exercised by the President of the Republic of Poland, part

¹⁷ *Polityka ochrony konkurencji i konsumentów*, Warsaw 2015, pp. 8–9: <https://uokik.gov.pl> (30.11.2018).

by the Minister of National Defense¹⁸, while the multicentricity requirements also apply during the war¹⁹.

Civil control also applies to broadly understood special services operating within the Polish armed forces and outside them. “When it comes to special services, it will be in particular the Internal Security Agency (ABW) and the Foreign Intelligence Agency (AW) created by the Act of May 24, 2002 on the Internal Security Agency and the Foreign Intelligence Agency. They arose as a result of the liquidation of the Office for State Protection (UOP). The statutes of both organizations were given by the Prime Minister. The purpose of the reform was to separate intelligence structures from those responsible for internal state security and to concentrate intelligence and counterintelligence tasks in two separate, specialized central government administration bodies. This is also the nature of the Central Anti-Corruption Bureau (CBA), established by the Act of June 9, 2006 on the Central Anti-Corruption Bureau. [...] This group also includes the Military Counterintelligence Service established on the basis of liquidated Military Information Services”²⁰.

From the point of view of the individual, it seems particularly important for the state to guarantee internal security, especially in the scope in which

¹⁸ Article 134: 1. The President of the Republic shall be the Supreme Commander of the Armed Forces of the Republic of Poland. 2. The President of the Republic, in times of peace, shall exercise command over the Armed Forces through the Minister of National Defence. 3. The President of the Republic shall appoint, for a specified period of time, the Chief of the General Staff and commanders of branches of the Armed Forces. The duration of their term of office, the procedure for and terms of their dismissal before the end thereof, shall be specified by statute. 4. The President of the Republic, for a period of war, shall appoint the Commander-in-Chief of the Armed Forces on request of the Prime Minister. He may dismiss the Commander-in-Chief of the Armed Forces in accordance with the same procedure. The authority of the Commander-in-Chief of the Armed Forces, as well as the principle of his subordination to the constitutional organs of the Republic of Poland, shall be specified by statute. 5. The President of the Republic, on request of the Minister of National Defence, shall confer military ranks as specified by statute. 6. The authority of the President of the Republic, regarding his supreme command of the Armed Forces, shall be specified in detail by statute.

¹⁹ Article 136. In the event of a direct external threat to the State, the President of the Republic shall, on request of the Prime Minister, order a general or partial mobilization and deployment of the Armed Forces in defence of the Republic of Poland.

²⁰ J. Jaskiernia, *Demokratyczna kontrola nad służbami specjalnymi a problem ochrony praw i wolności jednostki*, [in:] *Współczesne wyzwania wobec praw człowieka...*, pp. 56–57.

security is perceived as the freedom of the individual's functioning. It should be considered whether the realization of these and other freedoms requires a reduction of the state's presence in public and private spheres, or on the contrary – its increase. It is often assumed that the condition for guaranteeing security is taking and carrying out a series of activities carried out by specialized entities, sometimes having competences that raise significant doubts, provided that we respect the requirement to respect human rights and freedoms in a democratic state of law.

As J. Oniszczyk aptly noted, „Experience shows that governments in democracies are eager to resort to administrative, supervisory and control activities that result in restrictions on various freedoms, especially in the areas of privacy, speech, the economy, or appropriation of property by an unfair, plundering system of various explicit and hidden tributes. The fact that the state gaining an advantage over an individual does not necessarily mean that it will serve to solve a number of people's problems [...]”²¹. Therefore, it can be concluded that the issue of security – although seemingly new – is only an innovative approach to ideas and concepts classic for the evolution of human rights, serving to solve the problems accompanying the relationship of the individual with the state as long as the state exists.

Literature

- Banaszak B., *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warsaw 2012.
- Bąk T., *Bezpieczeństwo granic Polski w dobie globalizacji, w aspekcie przeciwdziałania zagrożeniom terrorystycznym*, [in:] *Bezpieczeństwo w dobie globalizacji. Prawo i praktyka*, eds. M. Kun-Buczko, M. Przybysz, Białystok 2011.
- Chojnicki J., Jarosiewicz G., *ABC BHP. Informator dla pracodawców*, Warsaw 2012, <http://www.pip.gov.pl/pl/f/v/6843/abc%20bhp.pdf>
- Complak K., *Konstytucyjne postanowienia programowe czy normy o celach państwa?*, [in:] *Sześć lat Konstytucji Rzeczypospolitej Polskiej. Doświadczenia i inspiracje*, eds. L. Garlicki, A. Szmyt, Warsaw 2003.

²¹ This problem should be seen in many aspects. J. Oniszczyk, *Wolność i bezpieczeństwo w demokracji (preteksty ograniczeń wolności i gwarancje ich ochrony)*, [in:] *Bezpieczeństwo państwa a ochrona praw...*, p. 21.

- Gizbert-Studnicki T., Grabowski A., *Normy programowe w konstytucji*, [in:] *Charakter i struktura norm konstytucji*, ed. J. Trzeciński, Warsaw 1997.
- Grabowski R., *Prawo do ochrony życia w polskim prawie konstytucyjnym*, Rzeszów 2006.
- Grzebyk P., Kuźniar R., *Prawa człowieka i polska racja stanu*, [in:] *Współczesne wyzwania wobec praw człowieka w świetle polskiego prawa konstytucyjnego*, eds. Z. Kędzia, A. Rost, Poznań 2009.
- Jaskiernia J., *Bezpieczeństwo państwa a ochrona praw i wolności jednostki w Polsce – obszary koegzystencji i konfliktu tych wartości w kontekście realizacji standardów międzynarodowych i wewnętrznych*, [in:] *Bezpieczeństwo państwa a ochrona praw i wolności jednostki we współczesnym świecie*, ed. J. Jaskiernia, Kielce 2012.
- Jaskiernia J., *Demokratyczna kontrola nad służbami specjalnymi a problem ochrony praw i wolności jednostki*, [in:] *Współczesne wyzwania wobec praw człowieka w świetle polskiego prawa konstytucyjnego*, eds. Z. Kędzia, A. Rost, Poznań 2009.
- Oniszczyk J., *Wolność i bezpieczeństwo w demokracji (preteksty ograniczeń wolności i gwarancje ich ochrony)*, [in:] *Bezpieczeństwo państwa a ochrona praw i wolności we współczesnym świecie*, ed. J. Jaskiernia, Kielce 2012.
- Polityka ochrony konkurencji i konsumentów*, Warsaw 2015, <https://uokik.gov.pl>.
- Rost A., *Wolność komunikowania się (art. 49)*, [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz encyklopedyczny*, eds. W. Skrzydło, S. Grabowska, R. Grabowski, Warsaw 2009.
- Skrzydło W., *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warsaw 2013.