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## RELATION OF FREEDOM AND SECURITY IN MEASURES OF CRISIS MANAGEMENT

**Abstract.** Society has come to the point where there is on one hand extraordinarily huge space for implementation of our freedom, but on the other hand we are limited whenever applying this specific implementation. The reason usually is the presence of danger which we are aware of, however, it can also be latent in our everyday reality. The effort to prevent the emergence of crisis phenomena is linked together with taking some preventive actions, which are significantly involved in the life of society. On one hand they eliminate the risks and increase our (subjective and objective) security. On the other hand, the way these measures and regulations are put into the practice in society may limit us as its members.

The aim of presented text is to clarify the relation between freedom and security. From the perspective of crisis management, it is possible to understand subject-object relationship of security as the highest value of the human society and a certain amount of intervention into freedom of an individual is not only acceptable but desired. Nevertheless, the relation between freedom and security is problematic and questions arising out of it are related to human dignity and rights of an individual. That is why it is necessary to clarify this relation and implement ethical principles into the profession of a crisis manager.

**Keywords:** freedom, security, crisis management, human dignity

## ZWIĄZEK MIĘDZY WOLNOŚCIĄ A BEZPIECZEŃSTWEM W ZARZĄDZANIU KRYZYSOWYM

**Streszczenie.** Społeczeństwo doszło do punktu, w którym z jednej strony jest ogromna przestrzeń do wdrażania wolności człowieka, ale z drugiej strony ludzie są ograniczeni przy każdym zastosowaniu tej konkretnej implementacji. Powodem jest zwykle obecność niebezpieczeństwa, którego jesteśmy świadomi, ale które może być także ukryte w naszej codziennej rzeczywistości. Wysiłek zmierzający do zapobiegania pojawianiu się zjawisk kryzysowych jest powiązany z podejmowaniem działań prewencyjnych, które w istotny sposób angażują się w życie społeczeństwa. Z jednej strony eliminują zagrożenia i zwiększają nasze

(subiektywne i obiektywne) bezpieczeństwo. Z drugiej strony, sposoby podejmowania tych działań i wprowadzania regulacji do życia społecznego mogą nas ograniczać jako członków społeczeństwa. Celem przedstawionego tekstu jest wyjaśnienie związku między wolnością a bezpieczeństwem. Z punktu widzenia zarządzania kryzysowego możliwe jest zrozumienie relacji między podmiotem a bezpieczeństwem jako najwyższej wartości społeczeństwa ludzkiego i pewnej interwencji w wolność jednostki. Niemniej jednak związek między wolnością a bezpieczeństwem jest problematyczny, a wynikające z niego pytania dotyczą godności ludzkiej i praw jednostki. Dlatego konieczne jest wyjaśnienie tego związku i wdrożenie zasad etycznych w zawodzie kierownika kryzysowego.

**Słowa kluczowe:** swoboda, bezpieczeństwo, zarządzanie kryzysowe, ludzka godność

## Introduction

Our society has passed through various historical periods and each of these periods significantly contributed to its present form. The unifying aspect of all historical phases is the progress. We can assume that most of the historical periods moved things forward, especially in the field of technological development. However, with the increase of human knowledge, we notice the increase of risks which have started to endanger the existence of society itself.

The question of security becomes priority. Assurance of security of the society as a whole, but also security of an individual becomes the main interest of crisis management. That is why the main goal of crisis management is to create functional strategy of managing risks and managing crisis<sup>1</sup>. The problematic moment is the unclear relation between freedom of an individual and the security of society, which is potentially highly conflictual.

This is why the aim of presented text is to clarify this dichotomic relation<sup>2</sup>. The reason is that the specific measures of crisis management limit the freedom of an individual in order to assure security in the society. This mutual subordination seems to be logical and necessary<sup>3</sup>,

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<sup>1</sup> Of course, it is possible to identify the risk factors in every area of the human society. This is the reason why an important part of the workload of all managers should be evaluation, management and regulation of risks and consequently responsible decision making and action. However to assign a role of a crisis manager to each individual who „carries out a managerial activity“ (Remišová, 2011, p. 135) would make it impossible to identify the crisis manager as a member of a specific profession. For the need of presented text we focus our attention solely on the area of public administration and the economic environment of the business sector is consciously neglected.

<sup>2</sup> Such aim of the text creates a context for previous works where we focus on the problem of crisis management from ethical perspective. In the first text (Kováčová, 2016a) we point out the need of perception of ethical dimension of crisis management and the necessity to implement ethical principles in this field. In the subsequent text (Kováčová, 2016 b) we justify the need to define the profession of a crisis manager and create an ethical codex for members of this profession.

<sup>3</sup> For justification of this necessity we can use the basic premiss of the classical utilitarianism which claims that the moral quality of actions is „determined by the value of its consequences, while it is linked together with the summary of pleasantness, pleasure and suffering that accompany the particular action“ (Miedzgová, 2008, p. 302). At the first sight it seems to be the correct effort to maximize the positive consequences of our actions. From this perspective the utilitarianism as such could become the starting point of implementation of ethical

however, from the position of power, even in the democratic society like ours, can come to an abuse of the measures of crisis management, what will be demonstrated in the text by a case study from 2011.

Human freedom as such must be treated with the most possible honor. Equally, the question of security nowadays in this chaotic geopolitical condition of the world is becoming more and more urgent and it is not easy to find the answer to it. This is why the demand for implementation of ethical principles in the profession of a crisis manager.

## 1. Problematic definition of the concept of freedom

The concept of freedom in general includes the possibility of an action according to determination of the own will. This definition can be confusing right in its core. The reason being the fact that it includes as an explanatory element another highly problematic concept and it is the concept of will. This relation has been argued in philosophy for many centuries. For the need of clarifying the concept of will, the basic awareness of impossibility of having absolute freedom in the sense of subjective arbitrariness can be helpful. This would in the end effect collide with certain limitations, what shows the questionable character and the paradox of such concept of freedom. Considering the fact that „it is necessary to connect free decision making with conscious evaluation of conditions, purposes and results to which the action can or should lead“<sup>4</sup>. It means that the concept of freedom, depending on various philosophies, is on a certain level linked together with the concept of responsibility, the same as the question of predetermination of our action<sup>5</sup>.

If we have a brief look into a historic excursus of philosophical reflexions of the concept of freedom, we will realize that the ancient philosophy with the concept of freedom as an action based on your own decisions did not work. The reason was the concept of fate to which a human being is subordinated to. The ancient scholars talked about freedom more in the sense of „political“ or „civil“ freedom which the man usually obtained as a member of a certain community depending on social status. The change in understanding of the concept of freedom comes together with Christianity that stresses, sometimes paradoxically, the

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principles into the profession of crisis managers. However, this quantitative calculus brings further complications. Position of an individual and the interests towards the society and social interests remain the problematic point and it is necessary to clarify the relation between the freedom of an individual and the security of society.

<sup>4</sup> Horyna, B. et al.: Philosophical dictionary. Olomouc Publishers, Olomouc 2002, p. 391.

<sup>5</sup> As for example in the concept of Jean Paul Sartre where absolute responsibility is the result of our „absolute“ freedom as we find it in Being and nothingness and as Kováčová puts it: „This freedom is the freedom of choice. It is the foundation of everything, but considering the ability of consciousness to do nothing, it is based on nothing. It but does not mean that our actions are groundless. Human consciousness is from its „fundament“ linked together with the world in which one makes choices. Existence is thus in such world in its own being, in its own choice always present.“ (Kováčová, 2013, p. 271).

freedom of human will and action. Current meaning of this concept started to be formed in the period of Renaissance together with the birth of the man of modern times disengaged from the traditional image of the world.

For the purpose of this text we can reduce questions of freedom of a man to two main concepts- liberalism and socialism. For liberalism, the freedom of an individual is crucial to its greatest extent. Only subsequently freedom of an individual can be limited by the state if inevitable<sup>6</sup>. As opposed, in socialism, the very first place is taken by the interests of the state as a collective and actions of individuals are consequently regulated by the state<sup>7</sup>. Democratic societies are in their core linked together with the liberal understanding of the relation between a citizen and society.

Nowadays, the relation of a citizen and society is the topic of many professional as well as laical discussions. This question is the core of discussions about commitment or optionality of vaccination, about security of the Internet, about right to privacy and the like. With in some professional work and texts we cannot avoid the publications of Rawls, Nozicka or Dworkin, who moved the mentioned field significantly forward. Even if the concept of liberalism becomes the victim of conspirational theories that blame it for almost all badness of the world, nowadays, we cannot let ourselves be confused. Liberal democracy is a system that allows development of a citizen as an individual the way it was created by our civilization throughout centuries. It is undoubted that it is not perfect and never finished. It is a process of continuous search for balance between the freedom of an individual and security of a whole.

## 2. Problematic definition of the concept of security

The first part of Universal Declaration of Human Rights says that: „All human beings are born free and equal in dignity and rights“<sup>8</sup>. Based on the events of the WWII, the necessity of such a formulation is fully understandable. The same necessity led to the formulation of part three of this document that declares for every being „, right to life, freedom and personal security“<sup>9</sup>. Connection of principles of freedom and security is commonly taken for granted and we do not think about the relation between the two. For better understanding of this dichotomic relation, it is necessary to clarify what we actually understand under the concept of security.

Similarly, like the other basic concepts, „security of people is more easily identified through its absence than its presence“<sup>10</sup>. Despite this negative definition, most of the people

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<sup>6</sup> Basics of the concepts of J.Lock, I. Kant and J.S. Millo, A. Smith and etc.

<sup>7</sup> Basics of the concepts of J.J.Rousseau and the Frech utopists and etc.

<sup>8</sup> Universal Declaration of Human Rights, p. 2

<sup>9</sup> Universal Declaration of Human Rights, p. 2

<sup>10</sup> Human development report 1994, p. 23.

instinctively understand what the concept of security is, moreover, they also understand the above mentioned concept of human freedom. It is easier to summarize absence of some things or actions than univocally identify the respective concept via one specific definition. We often come across simplified tautologies<sup>11</sup>. These definitions are used, but they do not solve the problem of perception of security. The concept of security is multivalent and multidimensional.

One of the basic definitions of security is its characteristics as a subject-object relationship<sup>12</sup>. If the cognizant and conducting subject (a man) did not exist, we would not have to talk about security. It is the ability of man to perceive certain signals as potentially dangerous and this is the crucial factor when setting subjective or objective measure of threat. A man can perceive the potential threat not only on the objects he is surrounded by, but also in distant locations of the world. Moreover, he himself can become a perceiving subject and object of risk impacts.

There are minimally two levels through which we can think about various perspectives of this, so unclear, concept. In recent years we prefer basic division into military and non-military security. The Fig.1 demonstrates the effort to generalize the approach towards classification of security. Military security system<sup>13</sup> is „most often connected with armed military violence and presents certain level of resistance and defensiveness of the system against enemy aggression“.<sup>14</sup> The second possibility of how to look at security is its perception from non-military perspective<sup>15</sup>. It means that such speculation about security eliminates connotations of this concept connected with military treats which arise from possibility of using the tools of armed violence among states or groups of states.

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<sup>11</sup> Good example could be the definition of security as non-existence of threat or as a condition in which peace and security are kept. For further information see (Míka, 2010, p. 67).

<sup>12</sup> Hofreiter L. – Byrtusová A.: Indicators of security. VeRBuM, Zlín 2016, p. 15.

<sup>13</sup> This system can be a particular state or group of states. Military security is closely connected with national defence and with measures against enemy aggression. For further information see (Míka, 2010, p. 67).

<sup>14</sup> Míka, V. T. – Leszczyński, M.: Present Changes in the Settings and New Perception of Security from the Point of Crisis Management Theory. Security Revue. International Magazine for Security Engineering. 2010, p. 3. Available at <http://www.securityrevueIn.com/article/2010/11/>.

<sup>15</sup> Into the group of non-military security threats belong threats with intentional, very often armed activity. E.g. we can talk about maritime piracy, terrorism, organized criminality, „wars“ between narcomafias, but also consequences of uncontrolled international migration, pandemics, degradation of the environment, deficiency of food and other important sources for life (Chalk, 2000).

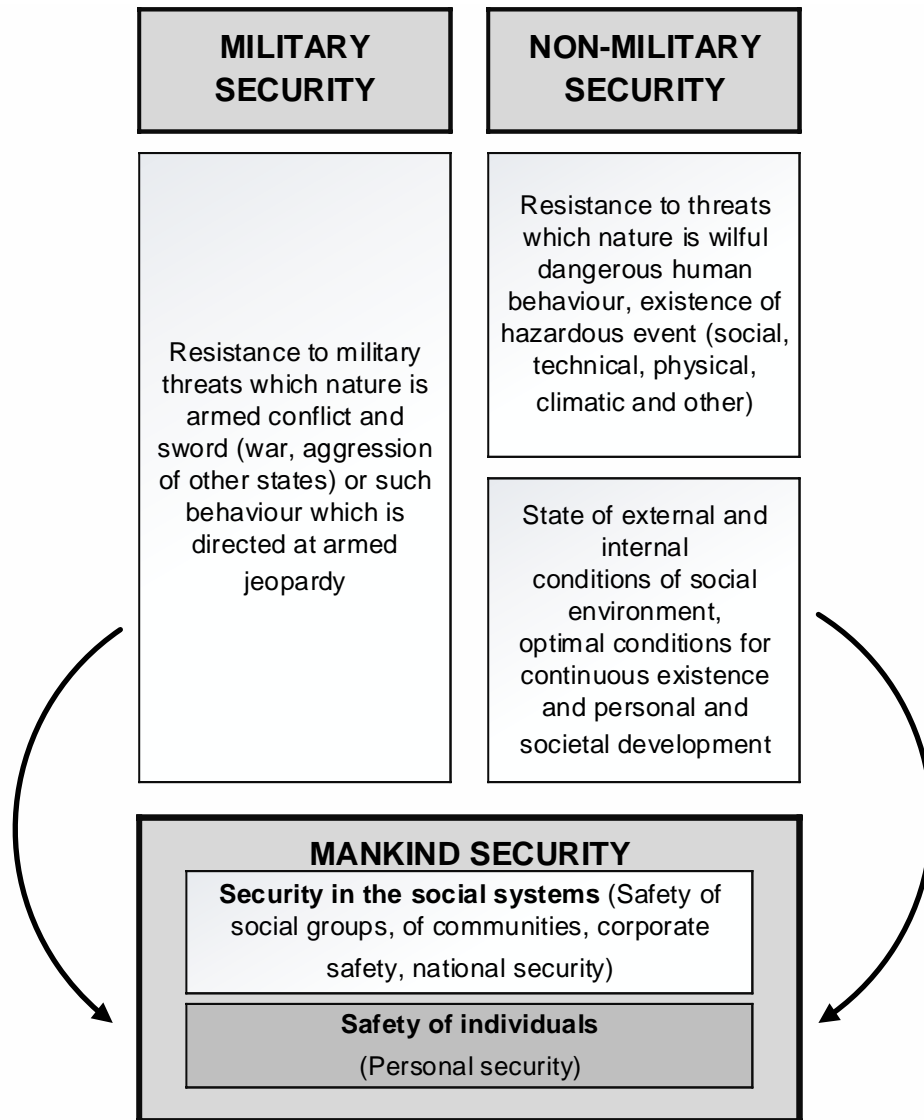


Fig. 1. Scheme of possible security classification<sup>16</sup>

It is necessary to realize that the relation between military and non-military security is closely connected. In most cases, violating military security has negative influence on non-military security in the form of economic and social impact on the members of society. It is for this reason that we believe in necessity to focus on anthropocentric paradigm of security.

The change in perception of security came in 1994 when the global report of the UN about human development started to use the concept - human security. From this moment we can perceive the effort to maintain security for man as an individual. According to submitted report, security is not only the problem that has something to do with weapons, but „it is question of human life and dignity“<sup>17</sup>. On one hand it is possible to perceive the effort to clarify the concept of security, however, already problematic relation of freedom and security

<sup>16</sup> Source: Mika, V.T.: Environmental Changes And New Dimension Of Security. In Logistics and Transport. Nr. 1/2010, p. 68.

<sup>17</sup> Human development report 1994, p. 22.

is interfered by another ambiguous concept and it is the concept of human dignity. As there is no unified approach to the concepts of freedom and security, there is also not univocal perception of human dignity<sup>18</sup>.

Human security „is nota defensive concept – the way territorial or military security is. Instead, human security is an integrative concept“<sup>19</sup>. In the concept of human security two constituents of individual security are integrated. The former is the perception of security as freedom from fear, the latter is the perception of security as freedom from want<sup>20</sup>. We primarily focus on freedom from fear. The reason is that most people have the feeling of uncertainty arising from every day worries rather than awareness of potential catastrophic events in the world. The aim therefore is assurance of conditions to survive and dignified life of a man at present times and assurance of conditions of its endurance and development in the future. The fear for own existence is thus eliminated as well as the fear for future and the relatives. Secondly, from being freed from fear freedom from want arises. Assurance of human security actually means „protection of a man in difficult and crisis situations, it is freedom from fear that he would be lacking something and that he would not be helped when needed“<sup>21</sup>. To sum up, the guarantee of freedom from fear and want, together with freedom of word, faith and the right to dignified life should create the basic pillars of security assurance for a man and also for a state.

Perception of human security as freedom from fear and want however does not clarify its problematic perception as the greatest value of human society<sup>22</sup>. Consequently, the question about possibility of limitation of our freedom for the benefit of freedom from fear and want arises. Of course, in some individual cases when a particular person decides about the relation between the own freedom and security this problem is not so acute. Urgency of its solution increases when individual freedom of a person is limited by laws and regulations of society that are interested in collective security<sup>23</sup>. It is still not clear whether the utilitarian summary of goodneses is sufficient and whether in favour of its maximization we can limit basic rights and freedoms of a man.

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<sup>18</sup> Some philosophical and ethical concepts perceive human dignity in a certain ontological dimension which arises from deduction of the original idea of dignity from the fact of human existence (Gluchman, 2004, p. 504). Other concepts ascribe human dignity to an acting subject and so they do not consider it a part of „basic equipment“ of every human being. Problematics of human dignity is so complicated that we will not focus on it in the presented text.

<sup>19</sup> Human development report 1994, p. 24.

<sup>20</sup> „The battle of peace has to be fought on two fronts. The first is the security front where victory spells freedom from fear. The second is the economic and social front where victory means freedom from want. Only victory on both fronts can assure the world of an enduring peace“ (Human, p. 24).

<sup>21</sup> Hofreiter L. – Byrtusová A.: Indicators of security. VeRBuM, Zlín 2016, p. 18.

<sup>22</sup> From the perspective of crisis management.

<sup>23</sup> Another problematic relation is the relation between human development and human security which are interconnected but not unified. The concept of human development focuses on possibilities of extension of choice and freedom of people. Human security has to do with the assurance of priority freedoms (such as freedom from fear and want) (Gómez, p. 3).

### **3. Legal environment and a case study which meant direct conflict of interests between freedom and security**

Until now we have not managed to clarify relation between freedom and security sufficiently. That is the reason why we are convinced that the implementation of ethical principles within the profession of a crisis manager is the only possibility how to eliminate „self-will“ in decision making process. Of course, we take into consideration that the work of crisis managers is determined by legal regulations. Furthermore, it is the formulation of laws that directly leads us into making provision for ethical principles in crisis management. They are the laws defining operations of crisis management. Law of the Slovak National Council no.42/1994 Coll. on Civil Defense as well as the law 227/2002 Coll. on State Security at the Time of War, State of War, State of Emergency and State of Crisis that gives certain power into the hands of respective bodies of government administration (respective crisis managers) and these can on the level stated impose duties on the citizens in afflicted areas or immediately threatened areas in the interest of their protection or protection of their property, the environment or general functionality of the state. One of these duties is the labour duty which is directly ascribed in the law 179/2011 Coll. on Economic Mobilization and defines that „the labour duty is the legal duty of a personal entity that has a permanent address in the Slovak Republic to conduct intended work (e.g. to stay at work and do the work even on different than agreed place or do the work of a different kind) or accept offered work position within the range needed to solve the crisis situation“<sup>24</sup>.

As substantial interference into civil rights we perceive the potential possibility of the state to limit our rights and freedoms. As an example we can use the law no.227/2002 Coll. This law directly defines the possibility of the state in afflicted or threatened areas „in inevitable range and for inevitable time according to seriousness of threat to restrict basic rights and freedoms“<sup>25</sup> of citizens. The question is the potential possibility of abuse of these rights, the way of their implementation into practice and possible impact on society.

These worries are rooted in the consequence of events that happened in Slovakia in 2011. The Slovak doctors inspired by the action of their Czech colleagues, notified in April 2011 the possibility of abandonment of hospitals if the Ministry of Health will not agree to accomplish the presented requirements. In the following few months the Labour Union collected around 1500 signed resignations that they were consequently about to submit. On October 1, 2011 there were about 2400 resignations submitted and the notice period started to flow. The reaction of the government onto the situation was the Government Decree of the Slovak Republic no.752 of 28 November 2011 that declared emergency state.

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<sup>24</sup> Law no.179/2011 Coll. on Economic Mobilization.

<sup>25</sup> Law no.227/2002 Coll. on Security of the State during Wartime, State of War and Exceptional and Emergency State.



In the part D.1 of this decree it is forbidden „from the day when emergency state declared [...] to assert the right for strike to persons to whom the labour duty was imposed“<sup>26</sup>. It is this article of the Government Decree that is the most controversial. The effort of the government to assure medical care for the citizens is understandable. However, in the interest of common good, freedom of individuals was eliminated not to mention the restriction of one of the basic rights and this is the right to strike. The law no.227/2002 Coll. gives such power to the government, nevertheless, it is to be considered whether the government had really the right to use this option<sup>27</sup>. We are convinced that the government in this specific case did not judge the situation correctly and abused its power. Imposed labour duty and prohibition of assertion of the right to strike led to the consensus between the Medical Labour Union and the government of the Slovak Republic at the end of 2011.

The medical strike from 2011 was echoed in the novelization of the criminal law in 2013. On 25 June 2013, the law no.204, which supplements the law n.300/2005 Coll., was passed. The original § 290 was substituted by § 209a and § 290b. In its new form it restricts the penalties punishment for not performing the duty imposed. Thus the one who at the time of crisis refuses to perform or intentionally does not perform the duty (or with the intention to avoid the duty harms the health, pretends illness or uses another trick) imposed by the public authorities to protect the state and assure its security, to protect life and health of persons, to protect property, to respect basic rights and freedoms, to avert the threat or to restore disrupt economy [...] he will be punished by the imprisonment in the length of two years<sup>28</sup>. So formulated novelization of the respective paragraph can have impact not only on the doctors, but also every member of the society.

#### 4. Conclusion

The aim of presented text was the effort to clarify the dichotomic relation between freedom and security. Both concepts are complicated and it is much easier to approach them via negative restriction rather than defining them unambiguously. The concepts are interconnected and the perception of security being the freedom from fear and want complicates the relation even more. The question of possible freedom restriction in the

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<sup>26</sup> The Government Decree of the Slovak Republic no.752 from 28 November 2001, p. 3.

<sup>27</sup> „Emergency state can be proclaimed only under the condition that the life has been threatened or the life threat as well as the health threat are immediate, the reasons being emergence of pandemics, threats connected with the environmental issues, threat of significant property values as a consequence of a natural disaster, catastrophies, industrial or transport or operational accidents, emergency state can be proclaimed only in the afflicted area or immediately threatened area“ (Law, 2002). The mentioned article 5 of this law says that the origins of threat are pandemics, natural disasters, catastrophies industrial, transport or other operational accidents. Thus we can assume that in this specific situation conditions to declare emergency state that are stated by the law were not met and the outrage of medical workers was legitimate.

<sup>28</sup> For more information see ( Law, 2013).

interest of being freed from fear and want is still unanswered. We cannot univocally decide whether security can be considered the highest value of the human society even though the crisis management often does it so when implementing its measures. We have not come up with satisfactory answers to these questions, however there is still space to continue in this discussion.

The case study from 2011 demonstrates the potential possibility of power abuse that is implicitly included in the measures of crisis management. Despite the fact we are convinced that the law 227/2002 Coll. has its substantiation. It is in the interest of society to have a tool of society mobilization in case of crisis situation emergency. In an ideal case the members of society, based on their own moral credit, should come to necessity of helping others in society. This concept is naive and that is why the society created a mechanism of crisis management measures. Nowadays it seems that these measures take into consideration only quantitative utilitarian calculus, however, it does sufficiently solve the relation of interests of an individual and society. For this reason it is necessary to search for the way out of this problematic situation. This puts enormous pressure on the person of a crisis manager that arises from the responsibility for decision making<sup>29</sup>, which can substantially influence the quality of life of the members of society.

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<sup>29</sup> Formation of the profession organization and ethical codex would help to release this pressure in the future. Of course the ethical codex does not provide answers to all the questions, despite the fact it creates a suitable foundation of ethical preparation for a member of this profession. We agree with the statement of P.Fobel that „preparation [...] is more complicated task than only attaining of theoretical or ethical disposition. The art of institutionalization depends on certain skills and abilities[...] to implement knowledge in specific conditions of practice, to know how systematically and longterm assert certain ethical dimensions“ (Fobel,2011, p. 19).

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