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## THE RIGHT TO SECURITY AS HUMAN RIGHT AND IT'S REALIZATION IN THE CONTEMPORARY WORLD

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**Abstract:** The highest value of man, as an individual, is life. Other values: security, freedom, physical integrity, mental integrity, health, property, etc. are in function of life as supreme value. Starting from that, a fundamental human right is the right to life. Other rights, such as the right to security, the right to liberty, the right to physical integrity, the right to mental integrity, the right to health, the right to property and others are in function of the right to life.

The right to security is guaranteed to the world's citizens by: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Protection of Human Rights and Fundamental Freedoms (the European Convention). This right is incorporated in the constitutions of the countries of the world and Europe. The Constitution of the Republic of Macedonia contains several articles that regulate this right for the citizens of the Republic of Macedonia.

The constitutional provisions for the protection of the right to security are incorporated and detailed in national security laws in all areas of social life. These laws constitute a solid normative and legal basis for building stable political, social, economic, defense and legal systems as the basis for social stability, which is a social guarantee for the existence of legal order and for building a system of rule of law.

Social stability is the best guarantee for the realization of the system of rule of law. The fundamental imperative for social stability is the existence of solid legal order. A high degree of legal order in society means a high degree of rule of law. A high degree of rule of law produces a high degree of social stability. Conversely: a low degree of social stability produces a low degree of legal order and, at the same time, a low degree of rule of law in the state. Only with the existence of stable legal order the freedom and security of the person will be protected.

The world community is composed of more countries. If they are stable, if the rule of law is established in both, the national and the international, the peace will prevail on the Planet. Peace and order are the best guarantee for the security and freedom of the person. Peace in the country - peace in the world, Atatürk said

The countries of Southeastern Europe apply NATO and EU standards in the protection of security and freedom of the person. These countries have similar socio-political, economic and cultural characteristics. It imposes and emphasizes the need for cooperation between them in the fight against the threats to the freedom and security of the person.

**Keywords:** value, right, security, freedom, country.

### INTRODUCTION

The greatest value of person, as an individual, is life.<sup>140</sup> It presupposes the existence and persistence of person in the natural and social environment.<sup>141</sup> All other values are in function of life. Security is a natural need of a living person. It is a state of absence of threats to life and other values that are directly or indirectly related to it. These values are his health, his bodily and spiritual integrity, property, environment, offspring and other values. Life as the highest value of the individual is protected by law. That is why the right to life is fundamental and most important human right. Other rights are in function of the right to life. They depend on the existence of the right to life.<sup>142</sup>

The right to security is in the most direct relation to the right to life. It protects life, directly or indirectly, through the legal protection of other values that, through law, are transformed into certain rights.

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<sup>140</sup> Gjorgjevich J., (1982), *Socialism and Freedom*, Prosveta, Belgrade, page 84-90.

<sup>141</sup> The strongest wish is the desire for self-preservation. The evil from which the strongest desire is feared is a death. The death is therefore the greatest evil (Strauss L., (1971), *Natural Right and History*, Veselin Maslesha, Sarajevo.

<sup>142</sup> Dimitrijevič V. Paunovič M., (1988) *Human Rights*, Belgrade Centre for Human Rights, Belgrade, page 222.

It arises from the hierarchy of values. The highest value of man is life. On the second place of the system of human values is security. Man as a creation of Nature belongs to the animal world. He is the most perfect animal on the planet Earth. The animal is calm if it is safe. Any change in the environment in which it lives, as an unknown sound, an unknown animal, an unknown smell, and so on, upsets it. If it recognizes in the sound and smell the close presence of its natural enemies, it runs away. It escapes fastest if he notices his natural enemy in his immediate vicinity. It runs to save life as a supreme value, to escapes from unsafe security in safe on. If it finds himself in a situation it cannot escape, it defends himself taking a frightening attitude, releasing frightening voices or attacking his opponent by biting, like a snake, by throwing eyes and scratching like a cat, screaming like a bull, kicking like a horse, and so on. That animal does it, to restore the impaired safety of life.

What is very simple and visible in nature, is much more complicated in man. There is no doubt that even if man finds himself in an elementary natural situation, he acts like the animal: he hides, runs away, or defends himself. But, in order to make life safe, a man has built up a whole system of values that are in function of security and, through it, in function of life. In the first place is health, as physical and mental health. Then comes the ownership (money, a lot of moving objects for work and more efficient and faster performance of the work, real estate: home, land, office space, shop, factory; and finally physical strength, knowledge, etc.) that allows him to live and work to live. In order to make life more qualitative, the man has built numerous cultural values (literature, music, painting and so on), aesthetic values (nice interior, beautiful and healthy natural environment, etc.) ethical values (dignity, reputation), organizational values (trade unions, civic associations, political parties and so on.) There is no need to list other values that man has created for that purpose. The possession and use of these values the man was regulated by establishing human rights. Thus, we have the right to life as a supreme right,<sup>143</sup> the right to safety (of life) the right to freedom (rest, absence of fear) as a consequence of security, and other rights as the right to health, the right to property, the right to work, the right to healthy environment, the right to association, and so on, which are in function of the right to security and through it, in function of the right to life, as a supreme right. These rights are elements of the right to security as a global human right.<sup>144</sup>

Being in function of protecting of life, the right to security is, at the same time, in function of the liberty of the person. If man's life is safe, if other values that are in his function, are safe, then man will feel free. There is no freedom without security. Absence of security causes fear, stutter, feeling of insecurity, frustration, mental suffering that is associated with the absence of freedom. From psychological view, the freedom means to be free, without fear of anything, without frustrations, without worry, without anxiety etc. Without freedom there is not the good quality of life and there is not happiness. As Montesquieu said, the freedom is benefit which makes possible people to enjoy using other benefits. Rousseau said that without freedom people cannot have the human dignity and cannot enjoy human rights.<sup>145</sup>

That is why security and liberty are in dialectical unity. That is why they, together with the right to life, have been stipulated in one article of the Universal Declaration of Human Rights as a right to life, liberty and security of a person.

The contemporary world is full of threats to liberty and security of person. Terrorism, organized criminal, corruption, cyber criminal, endangering the environment and other evils horrify the contemporary people in all over the world. These evils also threats people in the Southeastern Europe countries.

### **1.THE RIGHT TO SECURITU OF PERSON IN THE INTERNATIONAL HUMAN RIGHTS DOCUMENTS AND IN THE CONSTITUTIONS OF THE STATES**

Everyone has the right to life, liberty and security of person, the article 3 of the Universal Declaration of human rights, said. According to the article 9 of the International Covenant of Civil and Political Rights, everyone has the right to liberty and security. The rights to liberty and security of person are guaranteed to people by the article 5 of the Convention for the Protection of Human Rights and fundamental freedoms, abbreviatedly called the European Convention on Human Rights.

<sup>143</sup> Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. (Article 6, par. 1 of the International Covenant on Civil and Political Rights).

<sup>144</sup> As a basis for thinking in this direction can be the views of the French philosopher – materialist, Paul Holbach presented in his work *System of Nature*, Prosveta, Belgrade, 1950) and views of the English philosopher Francis Bacon, presented in his work *New Organon*, Official Gazette, Belgrade, 2009.

<sup>145</sup> Puljo J., (1979), *Pearls of Wisdom*, Belgrade, page 240.

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Normally, the main human right is the right to life. But, without liberty and security this right can be only simply survival, similar to animal's survival, without human dimension, without human dignity, without quality which corresponds to this dignity.

The right to security, as one of basic human rights is incorporated in the state's constitutions. Some of the constitutions directly stipulate the right to security of person. Most of them do it indirectly, stipulating application of international legal acts which regulate that right. The Constitution of the Republic of Macedonia contains a few articles which regulate this right of Macedonian citizens, as are article 10 and 11 which regulate the inalienability to life, to physical and moral integrity of the human person and articles 25 and 26 by which the privacy protection and the protection of their personal and family life and the house sacredness are guaranteed. By article 118, Constitution referee to use the international agreements in protection of security and freedom of person.<sup>146</sup> This constitutional provision is based on one of the fundamental values of the constitutional order of the Republic which reads: "The fundamental values of the constitutional order of the Republic of Macedonia."<sup>147</sup>

The Constitution of the Republic of Serbia guarantees the right to security of citizens in Article 27, paragraph 1, together with the right to freedom.

Also the Constitution of the Republic of Romania guaranties to the citizens the right to individual freedom and security of person, as inviolable.

The right to security is guaranteed to Turkish citizens by article 19 of the Constitution of the Republic of Turkey.

According to article 15, paragraph 4. of the Constitution of the Russian Federation, in the Federation recognition and guarantees are provided for the rights and freedoms of man and citizen according to the universally recognized principles and norms of international law and according to the present Constitution. The universally-recognized norms of international law and international treaties and agreements of the Russian Federation are component part of its legal system. If an international treaty or agreement of the Russian Federation fixes other rules than those envisaged by law, the rules of the international agreement shall be applied.

Constitution of the Republic of France (Fifth Republic) in article 55 proscribes that the treaties or agreements regularly ratified or approved have, from the time of publication, an authority superior to that of laws, provided, in the case of each agreement or treaty, that it is applied by the other party

International treaties which have been ratified in accordance with the constitutional procedure, promulgated and having come into force with respect to the Republic of Bulgaria are part of the legislation of the State. They have primacy over any conflicting provision of the domestic legislation, article 5, paragraph 4, of the Constitution of the Republic of Bulgaria said.

Article 140 of the Constitution of the Republic of Croatia stipulates that international treaties that have been concluded, ratified and published in accordance with the Constitution, form part of the domestic legal order of the Republic of Croatia and are legally enforceable above the law.

According to article 122 of the Constitution of the Republic of Albania, any international agreement that has been ratified constitutes part of the internal juridical system after it is published in the Official Journal of the Republic of Albania. An international agreement that has been ratified by law has superiority over laws of the country that are not compatible with it.

The constitutional provisions for the protection of the right to security are incorporated and detailed in national security laws in all areas of social life. These laws constitute a solid normative legal basis for building stable political social, economic, defense and legal systems as a base of the social stability that is social guaranty for the existing of the legal order and building the system of rule of law.

## **2. THE SOCIAL STABILITY, THE RULE OF LAW AND THE RIGHT TO SECURITY OF PERSON**

The social stability is the best guaranty for the creation of the system of rule of law. In the unstable society, there are many confrontations of the interest between the social subjects that produces unhealthy social climate. In the situation of the bad social climate, it is impossible to build and preserve strong legal order and rule of law. The unhealthy social climate in the society means the existence of disorder and disorganization. In conditions of disorder and disorganization, the threats to the security of the person such as crime, corruption, violence, injustice, alienation among citizens, etc., flourish. The legal order and the rule of law are in dialectical link with social stability. They depend one from other. They are interactive. They are in mutual action. High degree of legal order in the society means high degree of rule of law. High degree of rule of law produces a high degree of the social stability in the

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<sup>146</sup> Article 118: „The international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law.”

<sup>147</sup> See: Article 8 of the Constitution of the Republic of Macedonia.

country. Oppositely, a low degree of social stability produces a low degree of the legal order and, in the same time, low degree of the rule of law in the country. The rule of law in a modern state implies the existence of a legal order based on international human rights documents and maximum respect for the laws that make up that legal order. Only with existing of the stable legal order and rule of law the liberty and security of person can be protected.

The world community is composed by many states. If they are all stable, if in all of them the rule of law is established, both the national and international, peace, rule of law and order will prevail on the Planet. Peace and order are the best guarantee for the security and liberty of citizens. A stable legal order and the rule of law produce peace in the country. Peace is a condition for a stable and peaceful life of the citizens. Stable and peaceful life means security in the state and thus realized right to security of its citizens. Peace in the country – peace In the World, said the great leader of the Turkish people Mustafa Kemal pasha - Ataturk.

### **3. THE SECURITY COLABORATION BETWEEN STATES IN FUNCTION OF THE PROTECTION THE RIGHT TO SECURITY OF PERSON**

Cotemporary world is a global village. It is notorious fact. The links and relations between countries are enormous. Political, economic and other social process in one country reflect in other, especially in neighboring countries. Because the great number of links and relations between the neighboring states the social process, have same or similar ways of the emergences and existing in each of them. It is same with positive or socially useful social process and with negative, socially harmful social process as are criminal and terrorism as a greatest threatens to the liberty and security of persons. It put on the necessity of the collaboration between neighboring countries on the combating socio-pathological emergences.

Southeastern Europe countries as a member of NATO and European Union or as aspirants of their membership, intend to build democratic and stable political, economic and social system, intend to protect efficiently their national security, and intend to secure the human rights, especially the right to liberty and security of persons according NATO and EU member's standards.

Today, practically, no country in the Euro-Atlantic region is capable to protect itself from terrorism and other threats to security and freedom of person, like ethnic and religious conflicts, religious fundamentalism, uncontrolled spread and use of the means for massive destruction, arms trafficking, drug smuggling, money laundering, ecological degradation and other evils. That is why we are all faced with the need for a greater co-operation within the collective security and defense systems and the outbuilding and adjustment to the new needs. In these situations most of the sources of threat to the peace and stability of the Republic of Macedonia have identical characteristics with the other countries in the Euro-Atlantic area.<sup>148</sup>

One of the main interests of NATO and EU is to be a secure and collective security and defence system of the democratic countries. In accordance with this interest, NATO supports the democratic process in all European countries. It supports the rule of law and implementation the human rights guaranteed with the above mentioned human rights international documents. Normally, NATO will support its implementation in the member countries and in countries which are aspirants to be member of these associations of states. It is sure that NATO will support them in realisation of these intentions. Supporting them in realisation of these interests NATO will support them in the implementation the rights to liberty and security of persons as complex rights, composed of more elements and guaranteed to citizens with a national constitutions as the Constitution of the Republic of Macedonia is.

The collaboration in the combating socio-pathological threats to the national societies of the Southeastern European states is necessary because it is unique geographic area with very similar socio-political, economical and cultural characteristics, with number of the economical, ethnical, cultural, anthropological, geographical and other natural and social links. Having that in view, those countries need to develop an intensive collaboration in all area of the social life. Especially in the area of the security and defense, it needs good interstate relations. To do that, it is necessary to resolve the actual political problems that exist among them. The interest of the economical, political, and legal stability are crucial interests which satisfaction overpass and minorise actual interstates problems, as a problem of name between Macedonia and Greece.

### **CONCLUSION**

The rule of law supposes existence of well composed and stable legal system. But, existence of such legal system is not sufficient for the realization of the right to liberty and security of person. For that, an efficient functioning of the legal system is necessary. Efficient functioning of the legal system supposes the respect the law and under law

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<sup>148</sup> See more: Risteski T., (2002), Interentional Seminar Proceedings, Combating Terrorism, NATO and Trans-Atlantic Dimension, Bucharest, page 154

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regulation by all legal subject – physical and legal persons. The best guaranty for the existence of a stable and efficient legal system is economic and political stability of the society. Economically and politically stabilized national society is in the same time sane society in the From's meaning of the things.<sup>149</sup> The Sane society is a society without social pathology. The existence of the society without social pathology is society of the rule of the ethic's values. The respecting of the ethic's values is a supposition of the respecting of the legal norms. The respecting of the legal norms is a supposition of the rule of law. The rule of law means efficient functioning of the legal system in the national society. The respecting of the legal system means respecting of the legal order, because the legal order as a system is a hierarchically arranged system of the legal norms and it is a base of the society's law system.

The right to security is in very close link with the right to freedom. There is not freedom without security. Only secure people are free. The contemporary world is full of threats to freedom and security of person. Terrorism, organized criminal, corruption and other evils horrify the contemporary people in all over the world. These evils also threaten people in the South-Eastern Europe countries.

The resultant of the joint forces aimed at achieving a particular goal is always more powerful than a force within the association of forces. It's a natural law. Therefore, states should join forces in the fight against terrorism, corruption, crime and violence as security threats. It is a prompt imperative for an effective struggle for the realization and protection of the citizens' right to security

Cotemporary world is a global village. It is notorious fact. The links and relations between countries are enormous. Political, economic and other social process in one country reflect in other, especially in neighboring countries. Because the great number of links and relations between the neighboring states the social process have same or similar ways of the emergences and existing in each of them. It is same with positive or socially useful social process and with negative, socially harmful social process as are criminal and terrorism as a greatest threatens to the liberty and security of persons. It put on the necessity of the collaboration between neighboring countries on the combating socio pathologic emergences.

The region of Southeast Europe is a unique geographical area with very similar socio-political and economical characteristics, with number of the economical, ethnical cultural, anthropological, geographical and other natural and social links. Having that in view, Balkan countries need to develop an intensive collaboration in all area of the social life, especially in the area of the security and defense.

The social systems in one Southeastern European state cannot be stable if the instability exists in other country or countries in the region. Each government of each Southeastern European state, each political leadership, actual and future, must to have in view that the good interstate cooperation in the region is one of the best guaranties for the protecting own social stability, or concretely told, for the protecting and developing democracy, national security, and human rights, among them the main are the right to liberty and security of person as a crucial rights in the system of the rule of law, normally un function to the right to life as a basic human right.

The contemporary threat to liberty and security of persons are similar not only in Balkan countries. They have identical characteristics in other countries in the Euro-Atlantic area. That is result of the process of globalization which brings not only benefits, but also evils. Because that, Balkan countries for efficient protection themselves from contemporary threat must be faced to the collective political, economic, security and defense systems as are European Union and NATO.

Today, practically, no country in the Euro-Atlantic region is capable for protecting itself from terrorism, organized criminal and other threats to security and freedom of person without collaboration and cooperation with other countries in the area and largely.

That cooperation and coordination can be efficiently realized by unique system of the organization and with competent state's bodies. EU and NATO as a organized economic, political, defense and security systems with their bodies give the possibilities for the efficient combating terrorism, organized criminal, violence, injustice and other threats to the freedom and security of citizens in Euro-Atlantic region. Therefore the Republic of Macedonia and other Southeast European countries organized in and by NATO and EU will combat these threats more organizely, more co-coordinately, and normally, more efficiently.

## REFERENCES

- [1] Bacon F., (2009), New Organon, Official Gazette, Belgrade.
- [2] Gjorgjevich J., (1982), Socialism and Freedom, Prosveta, B Belgrade.

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<sup>149</sup> From E.,(1980) The Sane Society, Rad, Belgrade.

- [3] Collection of Human Rights International Documents, (2002) Pearson Peacekeeping Centre, Nova Scotia, Canada.
- [4] Constitutions of the: Republic of Albania, Republic of Bulgaria, Republic of Croatia, French Republic, Republic of Macedonia, Russian Federation, Republic of Romania, Republic of Serbia, Republic of Turkey ([www.google.com](http://www.google.com)).
- [5] Dimitrijevič V. Paunovič M., (1988) Human Rights, Belgrade Centre for Human Rights, Belgrade.
- [6] Fromm E., (1980) The Sane Society, Rad, Belgrade.
- [7] Holbach P., (1950), System of Nature, Prosveta, Belgrade.
- [8] Puljo J., (1979), Pearls of Wisdom, publisher author, Belgrade.
- [9] Risteski T., (2002), International Seminar Proceedings, Combating Terrorism, NATO and Trans-Atlantic Dimension, Bucharest.
- [10] Strauss L., (1971), Natural Right and History, Veselin Maslesha, Sarajevo.