

PERSONAL SECURITY – FOUNDATION OF HUMAN DIGNITY AND PILLAR OF THE RULE OF LAW

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Abstract: Personal security represents one of the essential values of contemporary law, being at the same time an expression of human dignity and a condition of human freedom. In a social context characterized by emotional insecurity, domestic violence, social conflicts and legal vulnerability, the protection of the person becomes a multidimensional dimension: legal, social, psychological and moral. Personal security, as the foundation of any social order, is both a legal prerogative and a state of harmony between law, morality and social trust.

Keywords: *security, dignity, fundamental rights, human safety;*

INTRODUCTION

An important aspect of daily life was, is and will remain the security of the person, seen as a vector inextricably linked to the development of society itself and indirectly to progress, which is an integrated part of the social system.

The notion of personal security is not reduced to the absence of physical dangers. It expresses a complex state of protection, freedom and balance, in which the individual is defended not only from external aggressions, but also from arbitrary constraints exercised by authorities, institutions or other persons. The Romanian Constitution guarantees, in art. 23, the right to freedom and personal security, thus consecrating the supreme value of the human person in a state governed by law. Internationally, the Universal Declaration of Human Rights (art. 3) and the European Convention on Human Rights (art. 5) establish the same principle: no one may be

deprived of his liberty except under the conditions and in the manner provided for by law.¹.

In light of events that shake the world, pandemics, wars, international migration, natural disasters caused by fires, earthquakes, floods, global warming, ozone layer depletion, nuclear weapons, etc., personal security is seriously affected.

Personal security is a component of national security and represents one of the objectives of the socio-political-economic development of civilized states in the world and of the citizens who make up those states; at least at a theoretical level, as the events of recent years show the opposite.

DEFINITION OF THE CONCEPT

Personal security is understood as the set of legal, social and psychological conditions that guarantee the physical integrity, freedom, dignity and inner balance of the individual. It expresses the

¹ Universal Declaration of Human Rights (1948), art. 3; European Convention on Human Rights (1950), art. 5.

fundamental right of every human being to live free from fear, violence or coercion, within the limits of mutual respect and the law.

The concept combines two essential dimensions: the objective dimension, which concerns the normative and institutional framework of protection (state, law, justice, police, social services) and the subjective dimension, which concerns the individual's perception of his or her own safety - the feeling of being protected, valued and free.

Thus, the security of the person is not reduced to the simple absence of dangers, but implies the presence of certainty that his rights are respected and defended.

The concept of personal security cannot be defined in a single way, which would encompass its multi-aspectuality, as it would mean that this concept is the result of combinations of n taken by k , which can be expressed in the form of the binomial coefficient. $C_{nk} = \frac{n!}{k!(n-k)!}$, when k is less than or equal to n and which is zero when k is greater than or equal to n ; where n – represents the number of traits that define man as a bio-psycho-social entity, and k – the number of people who make up society.

Defining the concept of personal security has two major implications.

First, depending on the definition of this concept, the area of action of the world's states in this field would be established, in order to achieve a predetermined goal, and secondly, it would state the guiding ideas necessary for the normative regulations that should be adopted and applied to increase the security of the person and implicitly of society itself. Thus, the security of the person becomes a legal reality, materialized in rights, guarantees and sanctions, which effectively give content to the principle of human dignity.

Thus, we would like to state that defining the concept of personal security is a matter for each individual country.

LEGAL PERSPECTIVE

The security of the person is enshrined in all modern legal systems as a principle of the rule of law. In Romania, art. 23 par. (1) of the Constitution establishes that “individual freedom and personal security are inviolable”, which imposes on the state the obligation to guarantee both the physical protection of the individual and his moral and legal freedom.

This guarantee is also reflected in criminal, civil and administrative legislation, which prohibits any form of violence, arbitrary detention, torture, inhuman or degrading treatment.

Although it should be based on the same principles that govern the security of the person regardless of the level we are discussing, things differ both vertically (national, European, American, African, international), as well as horizontally, between members of the same society. All of these should be placed in concentric circles around the principles of inviolability and security of the person, the principle of non-discrimination, the principle of limitation of means and methods of struggle and establish, through the prism of these principles, viable norms for sanctioning conflict relations relating to the security of the person and the general framework for applying concrete measures for the development of the social space, in order to be able to speak of a possible right to development.

In our opinion, we cannot discuss personal security in the absence of a well-developed educational system, a legislative framework that truly regulates the social relations that underpin society and a stable

system with an effective way to resolve conflict relationships.

SOCIOLOGICAL AND PSYCHOLOGICAL PERSPECTIVE

Personal security depends equally on the stability of the social environment and the inner balance of the individual. Emotional insecurity, abuse, lack of community support or distrust in state institutions create vulnerability. Contemporary sociological studies show that the feeling of safety is closely linked to the quality of interpersonal relationships, access to resources and the protection offered by social structures.²

In this sense, the concept of human security proposed by the UN goes beyond the sphere of state security, emphasizing the individual, freedom from fear and freedom from want.³

We are all simple individuals and we need the same personal security, which requires the same requirements and demands, but we are still talking about different systems. protection and regulation rituals in human security and implicitly human rights, despite the fact that all systems created over time converge towards the individual viewed in his universality.

Personal security also has a deep psychological component. Even if laws provide formal protection, the individual does not feel truly safe if he lives in fear, distrust or humiliation. True security derives from: respect for oneself and others, the predictability of the social environment, the absence of abuse of power and trust in institutions and justice.

A person is secure when they feel they have control over their own life and that

their freedom does not depend on the arbitrary will of others.

Sociologically speaking, personal security depends on social cohesion. In a community where there is domestic violence, discrimination or marginalization, the feeling of safety disappears even if there are strict laws. That is why there is more and more talk about human security, a concept introduced by the UN in 1994, which includes seven dimensions: economic, food, health, ecological, personal, community and political.⁴

Regarding the security of the person, the state has negative obligations (not to interfere abusively with the freedom of the person) and positive obligations (to protect the individual from external aggression).

At the same time, the individual has the responsibility to respect the rights of others and to contribute to maintaining a climate of collective safety.

The widespread use of motor vehicles forced the individual to acquire the necessary knowledge to drive them, and the governing bodies of states to develop rules to regulate the movement of these vehicles on public roads. At the same time, this technological process forced those who wanted to drive these vehicles to learn the rules of conduct in this area.

Learning to drive these vehicles has determined in economic terms the emergence of economic operators whose main or secondary activity is the CAEN code – 8552 driving schools for non-professionals. With the inclusion of these vehicles in production, in the economic development of the states, other needs have emerged, defined in other parameters, as the risks have increased to some extent.

² Bourdieu, Pierre – *La misère du monde*, Éditions du Seuil, Paris, 1993.

³ United Nations Development Program – *Human Development Report 1994: New Dimensions of Human Security*, Oxford University Press, 1994.

⁴ United Nations Development Programme, *Human Development Report 1994 – New Dimensions of Human Security*, Oxford University Press, 1994.

Thus, economic operators developed whose object of activity – CAEN code – 8532 – was secondary, technical or vocational education, which provides specific education that emphasizes specialization and training in subjects of study, which combines basic theoretical knowledge with practical knowledge necessary for the current or future profession. The purpose of a program can vary from preparing the student for a general field of activity to preparing him for a specific field. This category includes, among others, driving schools for professionals – for pilots, truck drivers, buses, coaches⁵.

In order to obtain a driving license, the candidate must enroll in a driving school to follow the courses organized in this regard, and for enrollment it is necessary to submit a medical record, criminal record and be declared fit from the psychological⁶ point of view.

The medical record has the role of analyzing, to some extent, the dysfunctions of the candidate's body, and the doctor's initials and the data entered highlight the fact that he or she has physiological or anatomical-pathological dysfunctions or not. But the initials of the ophthalmologist, neurologist, cardiologist put in contradiction with those identified in the candidate will decrease the security of that person when using the vehicle, and implicitly of those other traffic participants. For example, imagine a color-blind person at a railway crossing, without barriers, only with a flashing red signal. His or her eye in this case receives the green color, and the color-blind driver will switch to the flashing red color, seriously endangering his or her safety, as well as that of the other passengers. Those who suffer from neurological or cardiac conditions and who receive the doctor's favorable opinion on the medical record, will endanger both their

person and other traffic participants on public roads. In this case, each may be responsible for violating the other's right to personal security.

We as individuals become less tolerant and evolutionary the more we are exposed to situations that pose a social danger. The standard of living in Romania is very low, tomorrow's stress, economic and social instability are all factors that disrupt the lucidity of reason, making us more aggressive, more volcanic, less tolerant, leading us into uncontrolled skids (more and more registered crimes or suicides, rapes, robberies, human and drug trafficking networks, attacks, computer crime in full swing, etc.) seriously questioning the security of the person. –

You cannot destroy a social order and endanger the security of some people by increasing the security of others. There cannot be a supremacy of the rights to the security of the person, depending on the state you belong to or the color you wear.

CONCLUSIONS

In the digital age, personal security is threatened by new forms of danger: cyberbullying, online harassment, cyber violence, information manipulation or personal data trafficking. At the same time, economic precariousness, forced migration and social polarization increase the risk of psychological and legal insecurity.

In this context, the state has a positive obligation to act through public policies of prevention, legal education and psychological support. Personal security cannot be imposed by force, but rather cultivated through civic culture, empathy and collective responsibility.

⁵ <http://www.coduricaen.info/definitie-Invatamant-secundar-tehnic-sau-profesional-8532.html>-04.09.2016

⁶In addition to the other conditions that must be met

The challenges of this century marked by violence in all corners of this world on a downward trend, discrimination and discrepancies between social classes, fires, depletion of natural resources, acid rain, natural disasters, terrorist attacks, population migration, the emergence of serious diseases and anatomical-pathological mutations, determine heated debates at national and international levels to find solutions and protect the individual from the harmful effects of these actions.

To protect the person means, in essence, to protect the humanity in man. The security of the person, as the foundation of any social order, is both a legal prerogative and a state of harmony between law, morality and social trust, and a state is truly strong not through the control exercised over its citizens, but through the freedom it guarantees to each of them.

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