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INTERNATIONAL SCIENTIFIC CONFERENCE
“LEGAL SECURITY OF DEMOCRATIC STATES
IN THE COURSE OF EUROPEAN INTEGRATION:
POLAND – SLOVAKIA – UKRAINE”

Lublin, September 15–17, 2016

The International Scientific Conference “Legal security of democratic states in the course of European integration: Poland – Slovakia – Ukraine” was held on September 16–17, 2016, in Lublin. The venue was the Knowledge Transfer Centre at the John Paul II Catholic University of Lublin (KUL).

The main aim of the conference was to reflect on the legal security of states in various areas of social life in the course of European integration.

The originator and main organiser of the event was the Commission for Legal Sciences of the Polish Academy of Sciences, the Lublin Branch, with the participation of the research units: Faculty of Law, Canon Law and Administration of KUL; Faculty of Law and Administration of Maria Curie-Skłodowska University; Faculty of Law of Trnava University in Trnava, Slovakia; and Faculty of Law of Lviv State University of Internal Affairs, Ukraine.

The Honorary Committee was composed of: Jerzy Duszyński – President of the Polish Academy of Sciences, Prof. Tomasz Trojanowski – President of the Lublin Branch of the Polish Academy of Sciences, Rev. Prof. Antoni Dębiński – Rector of KUL, Prof. Stanisław Michałowski – Rector of Maria Curie-Skłodowska University, Prof. Marek Šmid – Rector of Trnava University, Prof. Valeriy Sereda – Rector of Lviv State University of Internal Affairs, and Prof. Przemysław Czarnek – Governor of Lublin Voivodship.

The Organising Committee was composed of: Rev. Prof. Józef Krukowski – Chairman of the Commission for Legal Sciences of the Polish Academy of Sciences, the Lublin Branch; Prof. Jan Gliński – Vice-Chairman of the Polish Academy of Sciences, the Lublin Branch; Prof. Viktor Hryshchuk – Dean of Faculty of Law of Lviv State University of Internal Affairs, Ukraine; Dr. Michaela Moravčíková who represented Trnava University, Slovakia; Prof. Jadwiga Potrzyszcz, and Rev. Prof. Mirosław Sitarz who represented the Catholic University of Lublin.

The conference featured sessions on issues associated with the legal security of the state, political security, economic and financial security, social security, ecological security, security of Church–state relations, military security, and international security. Each session was rounded up by a discussion of the points at issue. Since the conference was attended by speakers and guests who represented foreign research centres, all the papers and discussions were subject to simultaneous translation into Polish and English.

The event was inaugurated by Prof. Krukowski, who gave a warm welcome to the speakers and all of the attendees. He presented the object of the conference, highlighting the idea that the legal security of democratic states should be founded upon the universal values such as peace, order, and human dignity – in various aspects of the term “security”. He also defined the detailed aims of the conference, which was intended to be a debate of the state of security in the area of social-economic relations: to consider the modern legal *status quo*, exchange of opinions on compliance with legal security standards, and highlight the growth of social awareness in respect of the crisis of today. He also indicated the stages of academic cooperation undertaken by scholars of Poland, Slovakia and Ukraine, under the auspices of the Polish Academy of Sciences, the Lublin Branch. The first stage of the research in security of democratic states involved specialists defining areas of interest and presenting the outcomes of the research – all leading to the publication of a monograph entitled *Bezpieczeństwo prawne państw demokratycznych w procesie integracji europejskiej: Polska – Słowacja – Ukraina* [Legal security of democratic states in the process of European integration: Poland – Slovakia – Ukraine], edited by J. Krukowski, J. Potrzyszcz, and M. Sitarz, published by the Learned Society of KUL in 2016. The next stage of the project involved a presentation of the research outcomes at the conference in order to provoke discussion and exchange of opinions. For the time being, the long-term goal is to carry out further research in legal security of democratic states and present the research outcomes in the form of subsequent publications.

The second speaker was the Governor of Lublin Voivodship, who took the floor to address the question of legal security as an important aspect of any rule of law state. He presented a view that legal security was a significant value and a goal for a democratic state under the rule of law. Prof. Czarnek also emphasised the legal chaos created by the national judicature and the question of interpretation of law by courts.

The speakers and guests were welcomed also by the Vice-Rector of KUL, Prof. Paweł Smoleń. He addressed the tradition of the Catholic University, regarded as the oldest university east of the Vistula River, and democratic values, which should always be treated as priority by colleges and universities.

On welcoming the guests, Prof. Olha Balynska, Vice-Rector of Lviv State University of Internal Affairs, underscored the fact that the true added value and purpose of scientific meetings and events was not only to hold dialogue and conduct theoretical deliberations of relevant issues but, first and foremost, develop realistic solutions to problems involving legal security.

Speaking on behalf of the Rector of Trnava University, Dr. Michaela Moravčíková took the opportunity to thank the scientists for their good ideas which had inspired the conference and further research in legal security against the background of social-legal circumstances of democratic states.

Prof. Trojanowski emphasised the currency of the conference. He underscored that society treats legal security as a crucial element of their life, which goes far beyond the framework of science. The president of the Lublin branch of the Polish Academy of Sciences expressed a hope that the research outcomes related to pan-European security would prove influential.

The first session entitled “Bezpieczeństwo prawne państwa” [The legal security of the state] was led by Prof. Mirosław Piotrowski. Opening the session, he addressed the question of the European Parliament taking up the issue of Poland’s security, and presented the background of the EU’s concern for security in Poland and other European countries.

The first speaker to take the floor was Prof. Bogdan Szlachta. He presented a paper entitled *Koncepcje bezpieczeństwa prawnego w Europie po II wojnie światowej – perspektywa politologiczna* [Concepts of legal security in Europe after World War II – a political science outlook]. The speaker did not restrict himself to the question of security from the perspective of political science, but he also outlined the philosophical-political as well as philosophical-legal background, making reference to the concept of natural and positive laws, and subjected Prof. Andrzej Stelmachowski’s conceptions of legal security to critical analysis. He stressed the importance of distinguishing between the notion of “rule of law” and the idea of ordinary rule of law based on the formal applicability of law.

The second speaker to take the floor was Prof. Krukowski. He delivered a paper entitled *Bezpieczeństwo prawne państwa – tożsamość narodowa państwa – społeczeństwo obywatelskie. Doświadczenia i perspektywy* [Legal security of the state – national identity of the state – civil society]. In it, the historical background of European integration was presented. The author presented the phases of the integration and pointed out the critical, in his opinion, deficit of democracy in the EU countries, enumerating the sources of this phenomenon. He also reminded the attendees that the state’s goal is to guarantee security to society, and this security is in a large measure institutional. It was remarked that security is not a value in itself but a complex of conditions for the existence of fundamental values of people’s lives. Prof. Krukowski also listed and discussed the kinds of state security (domestic and international) with a proviso that this classification was not the only one. He also addressed the issue of the state under rule of law as well as a democratic state under rule of law, with particular emphasis laid on EU integration. It should be emphasised that the paper addressed the problem of the crisis of universal values in the EU structures in a very vivid way.

Following Session 1, discussion ensued in which the speakers answered questions asked by Prof. Teresa Liszcz, Prof. Zbigniew Cieślak and Dr. Juliusz Petraniuk.

Session II was on political security. It was hosted by Prof. Cieślak, who addressed the real object of research in legal security, taking this object to be an „axiological-normative balance”.

The first paper of the second session was delivered by Prof. Aleksander Stępkowski. Referring to the definition of legal security, furnished by Prof. J. Potrzeszcz, the speaker noted that legal security had a broader scope of meaning than justice or common good, while the level of legal security in a modern state was dependent on the degree to which the rights of individuals are protected. He also presented a view concerning the aspirations of peoples to unite under supranational institutions, exemplified by EU membership. This has an impact on the economy, social and political life of a particular state. Making state guarantees of security dependent on membership in supranational organisations may not only be ineffective but also dangerous. The considerable influence of the EU law on domestic law, as determining the life of citizens, can in reality mean subordination of a state to external structures, leading to the state’s instrumental performance of decisions made by a supranational organisation. The speaker recognised autonomy as an essential value with respect to the realisation of legal security. He also pointed out the dangerous trend of blurring the clarity of the Treaties and the fact of usurping too much competence by the EU bodies.

The paper *Bezpieczeństwo systemu prawnego na Ukrainie. Rzeczywistość i perspektywy* [Legal system security in Ukraine. Reality and perspectives] was presented by Prof. Hryshchuk. He drew a notional distinction between the „legal security” and „the security of law”. He remarked that constant monitoring of the quality of law was necessary. He discussed the problem: „Can law guarantee security to people?” The answer to the question formulated in this way was – in Hryshchuk’s view – negative because the objective possibilities of law were limited and unconditional faith in the possibilities of law can be deceptive. The speaker also addressed the political reality existing in Ukraine. He pointed out that the Ukrainian society is craving for a rapid integration with the European Union. He also gave a synthetic view of the reforms and actions which should be undertaken to address integration of his country with the EU.

The discussion which followed Session II was participated by Rev. Prof. Zbigniew Jaworski, Prof. Cieślak, Dr. Monika Zakrzewska, and Prof. Krukowski.

Session III was concerned with economic and financial security, and it was led by Prof. Janusz Niczyporuk.

The paper entitled *Bezpieczeństwo gospodarcze i finansowe w Polsce* [Economic and financial security in Poland] was presented by Prof. Grażyna Ancyparowicz. It dealt with the difficult situation of the Polish state against the background of economic and financial problems and the idea of searching for new paradigms of financial policy. The speaker discussed her own views regarding integration of the markets of smaller European countries with the markets of economic powers, and independence of these markets from international institutions, such as the International Monetary Fund and the World Bank. She also pointed out the economic imbalance between the interrelated markets of particular states in terms of profits and losses.

Next, Prof. Wasyl Franczuk took the floor to deliver a paper entitled *Bezpieczeństwo gospodarcze Ukrainy* [Economic security of Ukraine]. He addressed differences between the definition of political security and that of national security, the issue of protection of the fundamental civic values; he also mentioned the impact of public administration on the development of a modern society.

Next on the agenda was *Ekonomiczne i finansowe bezpieczeństwo Słowacji* [Economic and financial security of Slovakia], delivered by Dr Eduard Korpáš. The speaker presented mechanisms ensuring security provided by the Slovak State in the context of economic reforms. He also discussed the systemic mechanisms which preserve the financial-economic balance of the state involving, for example, the avoidance of an excessive budget deficit, staying within the context of changes in the system of public finance management that are associated with European integration.

After the presentation, a discussion ensued and it was with the participation of Prof. Ireneusz Nowikowski, Prof. Niczyporuk, and Dr. Petraniuk.

The last session on the first day of the conference (Session IV) was hosted by Dr. Petraniuk. The main theme of this part of the event was social security.

The first paper, entitled *Bezpieczeństwo socjalne w Polsce* [Social security in Poland] was presented by Prof. T. Liszcz. The speaker discussed the components of social security, distinguishing such determinants as: stable law, good and stable condition of the public finances, condition of the economy, and efficient, law-abiding and citizen-friendly public administration. Prof. Liszcz also noted the factors adversely affecting social security, for example unemployment, illness, or loss of livelihood. Among the factors which may have a negative impact on the level of citizens' social security, other than the ones mentioned above, one can speak of joyful events, such as a birth. The speaker expressed a view that social security of citizens constitutes a precondition for peace and social order, which directly bears on the internal security of the state.

The second paper in this session was given by Dr. Viktor Križan, whose address was entitled *Bezpieczeństwo socjalne na Słowacji* [Social security in Slovakia]. The speaker presented the idea and formula of the social security system. He pointed out the citizens' rights of a social character as well as the necessity to protect employment rights at the citizen–state and employer–employee interfaces.

The last paper of the first conference day was presented by Prof. O. Balynska. It focused on the issues of European integration with respect to Ukraine. She discussed the problems that both Ukraine and the EU have to face up to before the integration becomes reality.

Following the presentations of Session IV, the speakers and Dr. Petraniuk, Dr. Michał Zawiślak, and Prof. Hryshchuk joined forces in a discussion.

A brief, symbolic round-up of the first day of the conference was provided by Prof. Krukowski, who thanked the speakers and guests for an inspiring exchange of views. On the following day, September 17, he resumed the proceedings and asked Prof. Hanna Witczak to lead Session V on the problem of international and ecological security.

Prof. J. Potrzebacz presented a paper entitled *Bezpieczeństwo prawne a pewność prawa – perspektywa filozoficznoprawna* [Legal security versus legal certainty – a philosophical-legal perspective]. She presented the key conclusions arising from research in legal security, presented in a monograph entitled *Bezpieczeństwo prawne z perspektywy filozofii prawa* [Legal security from a philosophical-legal perspective] (Lublin: Wydawnictwo KUL, 2014). Next, the speaker demonstrated the origin of the terms “legal security” and “legal certainty”, presenting her own definition of legal security, which was formulated as “a state attained by means of enacted law, in which the life assets of a person and his or her interests are protected, if possible, entirely and efficiently”, and she defined the relationship between legal security and legal certainty as a relationship between the means and the goal. She also addressed the question of the subject of legal security, putting forward and justifying a claim that an individual, not a state institution, is a passive subject of legal security.

The next paper, entitled *Ekologiczne bezpieczeństwo Słowacji* [Ecological security of Slovakia] was delivered by Dr. Michal Maslen. Using a multimedia presentation to support his address, he discussed the legal issues in the context of ecology. Making reference to specific regulations of the Slovak law, he showed favourable trends in the domestic ecological policy.

The discussion, which closed Session V, was attended by Dr. Petraniuk, Prof. Witczak, Prof. Hryshchuk, Kamila Kwarcińska, and Prof. Krukowski.

Session VI, entitled “Bezpieczeństwo w stosunkach państwo–Kościół” [Security in Church–state relations], was headed by Prof. Piotr Stanisław.

Prof. M. Sitarz delivered a paper entitled *Bezpieczeństwo w stosunkach państwo–Kościół* [Security of Church–state relations in Poland]. The speaker expressed and elaborated on a view that “security of a particular state in the domestic and international forum is largely influenced by relations between the Church and state.” Prof. Sitarz also made reference to the Church’s concern for provision and maintenance of security. He reflected on the position of the Second Vatican Council which had formulated an imperative to respect human dignity and a duty to respect human rights and freedoms of all people of the world. The speaker also noted that despite the law guaranteeing security of Church–state relations in Poland it occurs that Polish organs of executive and judiciary authority disregard those regulations.

The second paper in this session was presented by Dr. M. Moravčíková. It was entitled *Bezpieczeństwo w stosunkach państwo–Kościół na Słowacji* [Security of Church-State relations in Slovakia], and concerned primarily the legal status of religious communities, as well as selected regulations of mutual relations between the state and the Church in areas such as education or finance. Dr. Moravčíková also addressed statutory regulations associated with criminal law.

In the course of the discussion that followed, questions to the speakers were asked by Dr. Petraniuk.

The last session of the conference, devoted to military security and international security, was led by Prof. Ryszard Mojak.

Prof. Romuald Szeremietiew delivered a paper entitled *Bezpieczeństwo militarne Europy z polskiej perspektywy* [Military security of Europe from the Polish perspective]. The speaker remarked that at the moment those who are in no way affiliated with the military are asking the question: “Will there be war?” The address of Prof. Szeremietiew addressed the difficult geopolitical status of Poland as a country exposed to attacks by economically and militarily stronger opponents. He presented his own view of the validity of the idea to establish a union of states in Central European Europe whose objective would be to ensure security in this part of the world.

A paper entitled *Bezpieczeństwo narodowe* [National security] was delivered by Prof. Anna Przyborowska-Klimczak, who presented views concerning the weighty issue of assurance of international security. She provided relevant figures and discussed the factors affecting such security, as well as justified the necessity to introduce solutions affecting the level of national security.

The papers were followed by a discussion with the participation of Prof. Sitarz, Prof. Gliński, Dr. Jaworski and Dr. Petraniuk.

Prof. Krukowski closed the sessions. He presented a summary of the sessions and expressed a hope that research in legal security would be carried on by Polish scholars, using legal-comparative methodology.

The International Scientific Conference “Legal security of democratic states in the course of European integration: Poland – Slovakia – Ukraine” was a significant scientific event. It provided a forum for interdisciplinary debate of specialists representing diverse fields but united by a common goal – to carry out research in legal security in the era which is a challenge for both Europe and the whole world with a view to extending their knowledge, exchanging opinions and working out not only theoretical but also practical solutions to legal security issues in various aspects – political, economic, social, ecological, or military ones – or in the context of Church–state relations.

Translated by Tomasz Pałkowski



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