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CITIZENS' RIGHTS AND OBLIGATIONS IN THE CONTEXT OF STATE SECURITY: ANALYSIS OF THE MODELS OF PROTECTION OF CITIZENS' RIGHTS AND FREEDOMS IN POLAND, FRANCE AND FINLAND

Abstract

Modern democratic states face many challenges related to the need to ensure security while respecting the rights and duties of citizens. In this context, the balance between the rights and duties of individuals is crucial. The article conducts a comparative analysis of the French, Finnish and Polish civic models in relation to their contribution to building state security.

The results indicate that one of the foundations of state security is the balance between the rights and obligations of citizens, and shifting the center of gravity in any direction significantly weakens the structures of the state and reduces its resistance to all types of threats.

Keywords: citizen rights and obligations, social resilience, Poland, Finland, France.

INTRODUCTION

Modern civilization is full of threats, and contrary to the original assumptions and strenuous efforts of man to ensure his own security as one

of the categories of needs and values, it seems to be getting smaller and smaller¹. On the other hand, the concept of state security is associated with both the government and local government and international levels. Of course, the question arises as to where and from whom the threat may come². The state is assigned a very wide range of duties towards the entire society, individual citizens and foreigners staying on its territory³. This also applies to ensuring security. On the other hand, the shaping of the sense of security of citizens is influenced by various types of security measures and tools, which may include diplomatic, economic, military, internal actions (actions taken within the scope of the guard, services and inspections, including those for the purpose of ensuring public and universal security), cultural, ideological, scientific and technical, ecological, normative, special and many others⁴.

The basis for the functioning of democratic states, and thus also for ensuring their and their citizens' security, is respect for the rights and freedoms of citizens. However, it should be remembered that individual freedom is limited by the freedom of another person, and social behavior is often manipulated, and one of the ways to influence people's behavior and influence societies is disinformation⁵. At the same time, the increase in hybrid attacks means that the number of factors causing an increase in the level of threat to the security of both individuals and states is growing. It should be taken into account that institutions and structures responsible for security are also often the targets of attacks. An example is that local government units, authorities and government agencies are increasingly vulnerable to cyberattacks⁶.

¹ A. Pieczywok, Złożoność zagrożeń egzystencji człowieka – wybrane zagadnienia, „Ius et Securitas” 2024, No. 1, p. 5.

² E. Tkaczyk, Bezpieczeństwo państwa w Konstytucji Rzeczypospolitej Polskiej. Refleksje nad dobrem chronionym, „Ius et Securitas” 2024, No. 1, p. 42.

³ B. Zdrodowski, Istota bezpieczeństwa państwa, „Annales Universitatis Paedagogicae Cracoviensis. Studia de Securitate” 2019, No. 3, p. 60.

⁴ Z. Polcikiewicz, P. Siemiątkowski, P. Tomaszewski (eds.), Współczesne wyzwania polityki bezpieczeństwa państwa, Toruń 2019, p. 103.

⁵ T. Wojciechowski, Cyberbezpieczeństwo i dezinformacja we współczesnym świecie: strategię ochrony i zarządzania kryzysowego, „Ius et Securitas” 2024, No. 1, p. 87.

⁶ E. M. Włodyka, Artificial Intelligence as a Supporting Tool for Local Government Decision-Making in Public Safety, „Przegląd Nauk o Obronności” 2023, p. 86.

Therefore, in the context of ensuring the security of the state, one of the most important factors is the attitude of citizens and the balance between their rights and duties, which means that none of these factors dominate. This means that everyone has the right to their own freedoms, but at the same time everyone has their own duties towards society and the state. However, how citizens perceive their own role in the state's security system depends to a large extent on the state in which they live, its history, its security environment and its location on the geopolitical map.

Therefore, the authors of this article decided to examine the civic models of Poland, France and Finland, because each of these countries was formed in different conditions. Throughout its history, Finland has operated in the shadow of Russia, Poland was a communist state for several decades, and France is a nuclear power. The main goal is to examine how citizens of these countries perceive their rights and obligations in relation to state security. The research hypothesis assumes that only a balance between the rights and obligations of citizens can constitute an added value for state security, and shifting the center of gravity in any direction weakens social ties and state structures. In order to verify it, a comparative method, an analysis of the subject literature and a qualitative analysis of existing data were used. The methodology was supplemented with a historical approach.

POLAND

The Polish legislator in Article 31, Section 3 of the Constitution of the Republic of Poland⁷ clearly provides that restrictions on the exercise of constitutional freedoms and rights may be established only by statute and only when they are necessary in a democratic state of law for its security or public order, for the protection of the environment, health, and public morality, or the freedoms and rights of other persons. However, it is stipulated that such restrictions may not violate the essence of freedoms and rights. The formal condition for limiting the rights and freedoms of citizens in accordance with the Constitution of the Republic of Poland is to establish them only in a statute, which means that it is legally inadmissible for the

⁷Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws of 1997, No. 78, item 483, as amended).

legislator to transfer to the executive power the competence to enact regulations limiting the rights and freedoms of citizens guaranteed by the Constitution⁸.

Limitations on constitutional freedoms and rights (even for security reasons) must be made with respect for the principle of proportionality. The essence of this principle is a typical three-element model, according to which the actions or legal measures taken are verified through the prism of the following elements: 1) adequacy - the actions or measures are appropriate to achieve this goal, where adequacy is obtained by stating that the measure achieves a goal ordered or protected by law, this goal must be a public goal of significant importance; 2) necessity - this means a situation in which the actions or measures, in comparison with other available means, interfere least with the sphere of rights of the individuals to whom they are addressed, and at the same time achieve the goal to the greatest extent; 3) importance of goals - this means a state in which the ratio of the weight of the effects of the application of the action or legal measure interfering with the rights of individuals to the weight of the goals that will be achieved by it, shows an advantage of the weight of the goals⁹.

Restrictions on constitutional freedoms and rights may also apply in states of emergency, introduced in the event of particular threats to state security. According to Article 233 of the Constitution of the Republic of Poland, an act specifying the scope of restrictions on the freedoms and rights of a person and a citizen during a state of war and a state of emergency may not restrict the freedoms and rights specified in Article 30 (human dignity), Article 34 and Article 36 (citizenship), Article 38 (protection of life), Article 39, Article 40 and Article 41 section 4 (humane treatment), Article 42 (incurring criminal liability), Article 45 (access to court), Article 47 (personal rights), Article 53 (conscience and religion), Article 63 (petitions) and Article 48 and Article 72 (family and child). In the event of a natural disaster, the act specifying the scope of restrictions on the freedoms and rights of a

⁸Judgment of the Supreme Administrative Court of 8 September 2021, II GSK 781/21, LEX No. 3241233.

⁹Judgment of the Supreme Administrative Court of 3 September 2019, II FSK 3474/17, LEX No. 2751941.

person and a citizen during this state of emergency may restrict the freedoms and rights specified in Article 22 (freedom of economic activity), Article 41 paragraphs 1, 3 and 5 (personal freedom), Article 50 (inviolability of the home), Article 52 paragraph 1 (freedom of movement and residence in the territory of the Republic of Poland), Article 59 paragraph 3 (right to strike), Article 64 (right to property), Article 65 paragraph 1 (freedom to work), Article 66 paragraph 1 (right to safe and hygienic working conditions) and Article 66 paragraph 2 (right to rest). It is inadmissible to restrict the freedoms and rights of a person and a citizen solely on the grounds of race, sex, language, religion or lack thereof, social origin, birth, and property.

In the area where martial law has been introduced, restrictions on the freedoms and rights of persons and citizens are subject to all natural persons residing or staying there, even temporarily, and these restrictions are also applied accordingly to legal persons and organisational units without legal personality, having their registered office or conducting business in the area covered by martial law. The types of restriction on the freedoms and rights of persons and citizens should correspond to the nature and intensity of the threats constituting the reasons for introducing martial law and also ensure the effective restoration of the normal functioning of the state¹⁰. The same applies to the state of emergency and the state of natural disaster.

The duty of a Polish citizen, arising from Article 85 Section 1 of the Constitution of the Republic of Poland, is to defend the homeland. The basic way of fulfilling the duty to defend the homeland is to perform military service. Fulfilling the duty to defend the homeland may also occur through the performance of an alternative service. Fulfilling the duty to defend the homeland takes precedence over other types of duty to defend the homeland¹¹.

The obligation to defend the homeland, as specified in art. 3 of the uoo applies to Polish citizens who are able to perform this obligation due to their

¹⁰Art. 18 of the Act of 29 August 2002 on martial law and on the powers of the Commander-in-Chief of the Armed Forces and the principles of his subordination to the constitutional bodies of the Republic of Poland (i.e. Journal of Laws of 2025, item 504).

¹¹Art. 4 of the Act of 11 March 2022 on the Defence of the Homeland (i.e. Journal of Laws of 2024, item 248, as amended), hereinafter referred to as the Act .

age and health. A Polish citizen who is also a citizen of another country is not subject to the obligation to defend if he or she permanently resides outside the borders of the Republic of Poland. As part of the obligation to defend the homeland, Polish citizens are obliged to: 1) perform military service; 2) perform duties resulting from the mobilisation assignments and employee mobilization assignments granted; 3) perform service in militarised units; 4) perform services for the defence. As part of the obligation to defend the country, one can also perform service in civil defence.

Civil defence aims to protect the civilian population from the dangers resulting from hostilities and their consequences¹². The term ‘civil defence’ means the performance of some or all the humanitarian tasks listed below, aimed at protecting the civilian population from the dangers resulting from hostilities or natural disasters, overcoming their immediate consequences, and providing the conditions necessary for survival. These tasks are the following: 1) warning services; 2) evacuation; 3) preparation and organisation of shelters; 4) operation of blackout means; 5) rescue; 6) medical services, including first aid and religious care; 7) fire fighting; 8) detection and marking of dangerous areas; 9) decontamination and other similar protective measures; 10) provision of emergency accommodation and supplies; 11) emergency assistance to restore and maintain order in disaster-stricken areas; 12) emergency restoration of essential public services; 13) ad hoc burial of the dead; 14) assistance in saving goods essential for survival; 15) additional types of activities necessary to fulfil one of the above-mentioned tasks, including planning and organizational work¹³.

FRANCE

The basis of the social system of France is that every human being, regardless of race, religion or creed, has inalienable rights. Within the territory of the Republic, these rights are guaranteed to everyone and everyone has the duty to respect them. The quality of French citizen also

¹²Art. 2 section 2 of the Act of 5 December 2024 on population protection and civil defence (Journal of Laws of 2024, item 1907).

¹³Article 61(a) of the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), done at Geneva on 8 June 1977 (Journal of Laws of 1992, item 175, as amended).

entails specific rights and duties, such as the right to participate in the elections of the nation's representatives and the duty to participate in national defense or to serve on juries¹⁴.

In France, the legal classification distinguishes three types of citizenship rights: civil and political rights, which form the basis of statutory citizenship; social and economic rights, which guarantee citizens a minimum level of education, health care, economic and social well-being. Although the extension of citizenship to new rights constitutes real progress, it does not take place without questioning the very foundations of citizenship. In particular, the recognition of increasingly categorical rights raises fears of the advent of a citizenship devoid of a project of political unity. Indeed, the promotion of particular points of view, defended by the different communities (cultural, religious, ethnic, professional, etc.) that make up society, risks undermining the more general vision of the public interest. Similarly, the demand for and acquisition of new rights makes one forget that the status of citizen does not only mean the enjoyment of rights, but also the fulfilment of duties, such as providing assistance to those in danger, or even giving evidence and telling the truth in court¹⁵.

In the French system, it is emphasized that citizens also have duties. And one of the most important duties is to respect the rights of others. This is stated in the Declaration of the Rights of Man and of the Citizen, which states that freedom consists in being able to do anything that does not harm others. Citizens must also respect the law and values of the Republic, such as liberty, equality, fraternity and secularism¹⁶.

The concept of security is the essence of sovereign prerogatives, since the basic function of the state is to guarantee society appropriate living conditions. In other words, it is the guarantor of a security environment that

¹⁴ Ministère de l'Intérieur, La charte des droits et devoirs du citoyen français, <https://www.immigration.interieur.gouv.fr/Integration-et-Acces-a-la-nationalite/La-nationalite-francaise/La-charte-des-droits-et-devoirs-du-citoyen-francais> accessed: 30/04/2025.

¹⁵ C. Polère, E. Lambrey, La citoyenneté : des droits... et des devoirs? Chronologies, <https://millenaire3.grandlyon.com/content/download/3660/63551> accessed: 1/05/2025.

¹⁶ Les Petits Citoyens, Les droits et les devoirs du citoyen, https://lespetitscitoyens.com/le_journal/les-droits-et-les-devoirs-du-citoyen/ accessed: 6/05/2025.

allows citizens to enjoy the inalienable rights and freedoms belonging to every human being, as defined in the Declaration of August 26, 1789. Therefore, the state must ensure internal security and the maintenance of public order, as well as external security through diplomacy and territorial defense. In order to fulfill its tasks, the state uses public force, as defined in Article 12 of the Declaration of the Rights of Man and of the Citizen. It is also dependent on armed forces¹⁷.

The French system places great emphasis on the balance between civil rights and duties. There can be no talk of security when the enforcement of rights prevails over the enforcement of duties and vice versa. At the same time, the most important thing is to respect the rights of others, as long as these rights do not also violate the rights of¹⁸.

Citizens must respect the law and strive to comply with it through civic conduct, whether it is national law or the law of the European Union. After participating in elections, through the election of their representatives or through a referendum, when drafting legal acts, citizens are obliged to respect the rules they have established for themselves. In particular, citizens are obliged to finance the burdens borne by the state for the benefit of the national community through the payment of taxes. Article 13 of the Declaration of the Rights of Man and of the Citizen of August 26, 1789 expresses this clearly: *“For the maintenance of public power and for the expenses of administration, a common contribution is necessary, which must be distributed equally among all citizens according to their abilities”*. The obligation also extends to the defense of the country, in war and in peace. The national service, suspended in 1997, was replaced by the Day of Call and Preparation for Defense (JAPD) and then by the Day of Defense and Citizenship (JDC). Since June 2019, the implementation of the Universal National Service (SNU) has been tested. The universal service is intended for

¹⁷ Minister of Education nationale et de la Jeunesse, Enseignement moral et civique – Thème 2: La protection des libertés , défense et sécurité , p. 4, <https://eduscol.education.fr/> accessed: 6/05/2025.

¹⁸ Direction de l'information legale et administrative, Quelles sont les obligations des citoyens envers the State and the Community nationale ?, <https://www.vie-publique.fr/fiches/23895-les-obligations-des-citoyens-envers-letat-et-la-communaute-nationale> accessed: 6/05/2025.

all 16-year-olds. Its aim is to reaffirm the values of the Republic in order to strengthen national cohesion and create a culture of engagement.

Every citizen must also be loyal to the national and European community, i.e. not to commit acts contrary to its interests. There is also an obligation to participate in political life: through his vote, the citizen ensures the proper functioning of democracy. It is also an obligation to respect others and to show courtesy through mutual recognition, without any discrimination. Mutual respect is one of the foundations of social peace and interpersonal relations and allows social solidarity to be demonstrated. Citizens are also obliged to help others according to their own abilities and to protect the environment, contributing to it in various areas: for example food, consumption, water, energy, transport, chemicals, gardening, reuse, recycling¹⁹.

FINLAND

Finnish citizenship carries with it certain rights and obligations that are not necessarily granted to foreigners living in Finland. The rights include the right to obtain a Finnish passport, the right to enter Finland and not be extradited to another country, the right to vote in presidential, parliamentary and referendum elections for persons aged 18 and over, the right to stand as a candidate in parliamentary elections if the person is over 18, the possibility of being elected to government positions for which Finnish citizenship is required, the rights of EU citizens, such as the right to move and work freely in the EU and the right to vote and stand as a candidate in European elections. The duties, on the other hand, include participating in national defence or helping to start it. Men aged 18 and over are subject to military service, and to comply with Finnish law outside Finland. It should also be noted that a Finnish citizen can be convicted in Finland for a crime committed abroad²⁰.

In Finland, there is a common belief that society is an order based on rights and duties, and that a right is fulfilled only when the corresponding

¹⁹Ibidem.

²⁰ InfoFinland.fi, Suomen kansalaisen oikeudet I velvollisuudet , <https://www.infofinland.fi/fi/settling-in-finland/finnish-citizenship/the-rights-and-obligations-of-finnish-citizens> accessed: 6/05/2025.

duty is fulfilled. There are also interest groups that see their interests as a specific combination of rights and duties. Some benefits are shared, some are limited to a smaller group. Taken to the extreme, the interests of humanity, or at least the nation, and the interests of one individual are opposed to each other. One interest group clashes with another interest group. However, there are also free riders, that is, individuals or groups who want rights but refuse to accept responsibility. Solving the free rider problem from the family to the nation is a basic condition for all social formations. If rights and duties can be agreed upon in the community, people's energy is released for productive activities²¹.

Finnish society is characterized by strong legalism and respect for legal norms, which is based on the Scandinavian model of self-government and Nordic values. The citizens of this country assume that the laws that apply to them, which also impose certain obligations, were passed to ensure their safety. Therefore, they should be observed for the common and individual good. At the same time, Finland is characterized by a high level of trust of citizens in public institutions.

Finland's security assumptions are also based on the preparation of individuals to function in crisis conditions, and individuals are treated as actors providing security. The ability of individuals to function, as well as their knowledge, skills and attitudes that increase security, form the basis for the resilience of society to crises. In addition to general education and media literacy, the ability to act safely in the digital environment is currently an important element of civic competence. The willingness to participate and help is manifested not only in organizations and volunteer activities, but also in the activities of family or local community members, in neighborly help, in village communities, in social networks and various groups, as well as in the preparation of citizens themselves. In addition to voluntary participation, individuals also participate in ensuring the resilience of society to crises, based on civic responsibility. The duty of national defense, compulsory education and tax liability strengthen our society in various

²¹ P. Lillrank, Oikeudet I velvollisuudet, "Libera" 2025, <https://www.libera.fi/2015/04/07/oikeudet-ja-velvollisuudet/> accessed: 3/05/2025.

ways. In addition, individuals also participate in securing important functions through their professional duties. The broad participation of individuals in various roles in securing the basic functions of society significantly increases the effectiveness of general security²².

In Finnish society, there is a widespread awareness of the possibility of using civil rights and enforcing them. At the same time, the vast majority of the country's inhabitants are aware of the obligations that rest on them. Therefore, in the case of this society, we can speak of maintaining a balance between the rights and obligations of citizens. The lack of demanding attitudes is indicated by the degree of preparation of society and its readiness to function in emergency situations. Although this is not uniform across the population.

This preparedness means preparing in advance for various disruptions and crises, as well as emergencies. According to a population survey conducted by the Ministry of the Interior in September, 58% of Finns have stocked up on household items for emergencies, i.e. food, money and supplies. In contrast, around 40% of citizens have not acquired enough emergency supplies at home and do not necessarily trust their abilities in emergencies. Around half of young people and city dwellers have taken care of their own preparation, while people living in rural areas are clearly better prepared (74%). Women have stocked up on household emergency items better than men²³.

CONCLUSIONS

The conclusions drawn from the analyses conducted in this article indicate that maintaining a balance between the rights and obligations of citizens is crucial for building the resilience of the state and increasing its level of security, and its absence leads to the weakening of state structures. A comparison of the French, Finnish and Polish models in this respect can be presented as follows: in France, the system is based on strong republican

²² Yhteiskunnan turvallisuusstrategia . Valtioneuvoston periaatepäätös , Helsinki 2025, p. 43.

²³ Sumoi.fi., Väestön varautumist hairy hair I kriseihin ohjeistetaan wudella oppaalla, <https://www.suomi.fi/uutiset/varautumisopas> accessed: 6/05/2025.

foundations and emphasizes both individual rights and obligations towards the community. It is emphasized that individual freedom cannot threaten others. Finland, on the other hand, is characterized by a high level of legalism, social trust in state institutions and general acceptance of the principle of reciprocity between rights and obligations. Poland, on the other hand, seems to be in a transitional phase, and the principles of balance between rights and obligations contained in the legal system are not always reflected in the actual involvement of citizens.

In connection with this, the research hypothesis assuming that only a balance between the rights and obligations of citizens can constitute an added value for the security of the state, and that shifting the center of gravity in any direction causes a weakening of social bonds and state structures, was verified positively. On the other hand, as recommendations for future research and analyses, the need for continuous monitoring of social behaviors should be indicated, with particular emphasis on demanding attitudes that reject the existence of obligations and focus only on enforcing one's own rights.

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**PRAWA I OBOWIĄZKI OBYWATELI W KONTEKŚCIE BEZPIECZEŃSTWA
PAŃSTWA: ANALIZA MODELI OCHRONY PRAWA I WOLNOŚCI
OBYWATELSKICH POLSKI, FRANCJI I FINLANDII**

Streszczenie

Współczesne państwa demokratyczne stoją przed wieloma wyzwaniami związanymi z koniecznością zapewnienia bezpieczeństwa przy jednoczesnym poszanowaniu praw i obowiązków obywateli. W tym kontekście kluczowa jest równowaga między prawami a obowiązkami jednostek. W artykule przeprowadzono analizę porównawczą francuskiego, fińskiego i polskiego modelu obywatelskiego w odniesieniu do ich wkładu w budowanie bezpieczeństwa państwa. Wyniki wskazują, że jednym z fundamentów bezpieczeństwa państwa jest równowaga między prawami a obowiązkami obywateli, a przesunięcie środka ciężkości w którąkolwiek stronę powoduje znaczne osłabienie struktur państwa i zmniejszenie jego odporności na wszelkiego rodzaju zagrożenia.

Słowa kluczowe: prawa i obowiązki obywatela, odporność społeczna, Polska, Finlandia, Francja.