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The public interest perspective in the medical grounds

Anna Duma
Faculty of Law and Administration,
University of Maria Curie-Skłodowska, Poland
anna.duma@mail.umcs.pl
ORCID 0000-0001-8044-2009

Abstract. The goals include the obtained results from the advisable sources, specifically as a sense of the carried-out analysis. So it is a conceivable objective that the legal national interest perspective should be explicit pursuant to the doctrine. The patient has a number of rights not cataloged *numerus clausus*. However, how has legislation changed in the face of the pandemic and European Union budgetary law? Did it have an impact on strengthening the law and increasing the focus on the patient? In such difficult times of a pandemic, it was necessary, therefore, to adapt more to technological and legal developments. The restrictions that resulted from the pandemic, however, were intended not to infringe on patients' acquired and absolute human rights. It is an important dogmatic and historical method in the sense that this is a work with a historical dimension because it is describing the most important events in the history of the globe for human rights and medical law, which are trying to combine. In conclusion, it is important to share knowledge in the field of medical law that is popularized in the field of documents considered medical, which has been discussed more in the text. It aims to indicate where an individual would assert the rights if not through the proliferation of specialized human rights courts. What is more significant, the representation of states is related to their international competencies, which may, in the future, ensure membership of other international organizations, in order to focus the role of a global coordinator of similar problems in the European sphere. It is the choice of countries to belong to international specialized organizations that make it easier to shape mechanisms for the protection of medical rights.

Keywords: law, funds, medical, international, rights.

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INTRODUCTION

There may be a connection between bioethics and the reinterpretation of undefined legal concepts. (Boratyńska et al., 2013, as cited in Górski, 2019, p. 5) To match the title and explain it, the main clue is that the law perspective in the medical grounds from the title is not explained strictly, and it is also difficult to find in the literature on the subject. So the author in the work has a plan to show European prescriptions, in front of European history with the significant pandemic history as impactive to the perspectives. Why are pandemia and EU health regulations being discussed? They concern the same matter and are in force at the same time. They mutually provide a normative basis for perspectives in this area. In this essay, it is essential that I think *de lege lata* and *de lege ferenda* postulates are very popular at the current times. To clarify, I'm not going to argue that these principles work well in the current conditions. What do each rule mean? How do legal paremas provide legal security? What seriousness do they have? To what do they refer? What are the enduring relationships between them? In this connection, it is to be noticed that the most popular development to many principles and postulates dates from the Roman times till nowadays. What does it mean that the patient *de lege lata* has the right to the immutability of the law? For example, *ne bis in idem procedatur* thus belongs to the immutable rights of the patient.

As the literature examining Roman law indicates, it was a significant success to define the principles of medical liability from the perspective of this time (Osuchowski, 1962; Taubenschlag, 1947; Pollak, 1970, as cited in Zajdel-Całkowska & Zimna, 2021, p. 46). Not every actual law discipline has got its genesis in the Roman roots. To the burgeoning medical law, medical science has its roots in the ancient Roman times. In spite of that, it is the assumption that the history of maintaining medical law has been developed from ancient times. To extend the meaning that it is conducted from the sentence that medicine has influenced human beings from the times of shaping the basic rules. In particularity of the analysis, the law in force has divergence in the scope of using the prescription in the periods of time. The *lex retro non agit* Roman principle has been the ancient law statement to spread to the area of international medical law. It is heeding the *lex retro non agit* Roman extension. Although in the past it was stumbling across human history.

The urgency in the surveillance of people inclines a wide range of interests. But there is the adjustment to the Roman principle in *ius in bello*. It is according to the golden phrase to protect human rights in different circumstances before dehumanization and humiliation. On the basic contrary. It is connected or not but always normal that guaranteed by the law prescribes the better tension to its features to go to the reminds. It is not ridiculous that the variety of human rights, and their number gives a dimension to the not forever absolutism of the prescriptions. The law is changing due to the amendments, but it is a rather excellent process because of the humanization level.

What is more, it is too considerate of the current amendments which have referred to human beings in the territory. There was a serious danger of violence in ancient times so there have been medical problems. Unrestrained violence raged in the human community as the side of the consternation. In another way, it seems to be similar but still developed. The output is the beginning of indigenous health rights. They are still developing in the context of the not-so-primitive view from some philosophers and writers, unfortunately, with the shortage outlook. By the way, the legal overview gives attention to the remit of human rights. What are the foundations of the remit of the Human Rights law? The history of human rights is a further motive for interpretation. What is more, it is important to answer the question, what are the principles from law, it has been essential to write that the principles of law override a fulcrum of human rights. So that the triumph could be the success of survival when interest revolves around? It is determined to be a national human community bound by law.

The law in practice is powerful fieldwork about the human body in the European system of protection. What the title says, under that, the documents remind that this construct is guaranteed in medical law, such as the international European Convention of Human Rights, which was opened for signature in Rome on 4 November 1950, the Oviedo Convention which was opened for signature on 4 April 1997 in Oviedo and in the prognosis is Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a

Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-2027, and repealing Regulation (EU) No 282/2014 (Text with EEA relevance)-it also provides strengthening health systems. The last one is the law response to the pandemic. It was for many countries to create a transparent legal guide. Obviously, there are many international sources of law existing at the same time which guarantee public health and budget in its scope.

According to Opinion 1/09 [of the Court], paragraph 66 the Court of Justice names itself with national courts as the EU order protector (Varju, 2020, p.45). In the case of Bosphorus Hava Yollari Turizm Ve Ticaret Anonim Şirketi v. Ireland (Application no. 45036/98), Judgment Strasbourg 30 June 2005 it is noted there that ECJ refers extensively to the European Convention of Human Rights provisions as well as to the Court's jurisprudence as in the example K.B. v. National Health Service Pensions Agency and Secretary of State for Health, Case C-117/01 [2004] ECR I-541, §§ 33-35 (Article 12). It had to be noted to the social policy that Judgment of the Court of 7 January 2004. K.B. v National Health Service Pensions Agency and Secretary of State for Health. Reference for a preliminary ruling: Court of Appeal (England & Wales) (Civil Division) - United Kingdom highlights some points to the equality. As it was in the Eur. Court H.R. judgments of 11 July 2002 in Goodwin v United Kingdom and I. v United Kingdom, not yet published in the Reports of Judgments and Decisions.

The conception of the law understanding should be quite fully demonstrated. So equality as the promoted principle is from Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms Rome, 4.11.2000. Before law according to this document all persons have written equality. International medical law with its Human rights history, written with a capital letter gives an overview into the public domain from the perspective of the described law. The step towards this style of capital letter is grounded in the argument to the respect of the public and private security. The assessment should be under social circumstances and public access. In the additional considerations for the literature in recent times, it is the observation that the subjects of interest are of course healthy, budget and safe, of course with different access. Human rights law with medical law and humanitarian law have got its relation with ascribing humanity principle which means providing the foundations for human dignity and other human rights in different circumstances. Due to legal sciences, it should be possible to develop this concept. The interdisciplinary approach is important for the European researcher. Experts should also ponder over the overstretching of the concept of rights hierarchy. Many terms are not regulated *expressis verbis* in the European Convention on Human Rights or Oviedo Convention, for example, they did not enumerate abortion or wrongful life.

Problems of prenatal and preimplantation testing, claims for wrongful: conception, birth, life, or in vitro fertilization or post mortem fertilization are issues that have come to the vocal stage with the development of technology and science (Nesterowicz, 2017, p.26). It is the development of medicine that brings many concepts and rulings into the established line of jurisprudence, it is technological and medical development that is the perspective.

MATERIAL AND METHODS

The main method is dogmatic legal analysis because of the European health prescriptions in front of the pandemic history and regulations. Next to is the juxtaposing of the Poland and Hungarian situation, prescriptions and together history of the pandemic. This comparative method includes not only prescriptions but also the legitimacy of the jurisprudence, especially the European Court of Human Rights jurisprudence. Many postulates according to medical law may have been influential. This results from a number of considerations, including various problems related to medical law. Despite the passage of years, many postulates are still applicable. This leads to increased cooperation and prevention of jurisdictional conflicts.

It not so critically concludes that this part is about principles mainly in the national view in the historical methodology with comparative legal and dogmatic legal sense. It is for standing in front of the international and before national jurisdiction. It must be clarified for some reason that it is meant that it is valuable to devote this part

to the related clues with other terms to the law. It is by conceding that other approaches bring the reader closer to the origins of the golden principles. It shows the fundamental tenet of justice.

It is essential to tell that the materials to use are commentaries, and scientific publications based on the pandemic problems. It is worth writing about the commentary on the subject in the times of the pandemic.

DE LEGE LATA AND *DE LEGE FERENDA* POSTULATES

The main point is given to the Act of 18 November 2020 on Electronic Service (Journal of Laws, item 2320, as amended), which in Article 82 amends the Code of Criminal Procedure by giving electronic service in the criminal cases (Olszewski, & Małolepszy, 2022, p. 233). It underlines the changing law in the face of the pandemic. Different forms, eligible in the process, should make the procedure quicker.

It is worth referring to the Evidence-Based Medicine, so EBM consists of standards. EBM should be based on medical knowledge and scientific evidence- made by specialized entities (Zielińska, 2014, as cited in Sitarz & Sitarz, 2022). Excessive sanctions can affect the availability of goods in perspective, it is about balancing the interests of the whole society in terms of public liability (Barczak-Oplustil & Sroka, 2022, p. 9).

In the positively verified hypothesis part, the method of sanctioning restrictions which were considered in Poland and Hungary were similar despite different laws (Hoffman, & Kostrubiec, 2022). Despite the pandemic shock, since 2020 the prescription has been more precise the pandemic rules both in Poland and Hungary. For example in Poland by Dz.U. 2021 poz. 2317, Ustawa z dnia 2 grudnia 2021 r. o zmianie ustawy o szczególnych rozwiązaniach związanych z zapobieganiem, przeciwdziałaniem i zwalczaniem COVID-19, innych chorób zakaźnych oraz wywołanych nimi sytuacji kryzysowych oraz niektórych innych ustaw. In Hungary the state of danger is described in the Government Decree No. 40/2020 (11 March 2020) There are different types of emergency situations in Poland recent Constitution 1997 and in the Basic Law of Hungary (25 April 2011) although the pandemic of Covid was not strictly defined before. In Hungary the state of disaster-by the Act CXXVIII of 2011 on Disaster Management and the Amendment of Certain Related Acts (hereinafter: DMA) is different from the health crisis defined by Act CLIV of 1997 on Health Care, hereinafter HCA.

The Constitution is vague and provides the basis for lower-ranking acts, which must respect and abide by the Constitution after the development of regulations (Kubiak, 2021, p. 14). In Poland, a public right according to Article 68 of the Constitution is the right to health, especially for children, pregnant women, the disabled and the elderly, according to paragraphs 1, 3 of the same Article 68. In paragraph 4 of Article 68 of the Constitution, it is the duty of the Polish State to combat epidemic diseases.

So there are different regulations but Constitutional provisions (both in Poland and Hungary) are similar in division to politics to the International Covenant on Civil and Political Rights-adopted by United Nations General Assembly Resolution 2200A (XXI) on 16 December 1966- and the International Covenant on Economic, Social and Cultural Rights adopted also in 1966.

In connection with Article 2 of the ECHR, Article 5(1)(e) of the ECHR provides a legal basis in international law that deprivation of liberty in sanitary aims can be considered as ordinary measure, it is based on the european jurisprudence- the judgment of the European Court of Human Rights from 31.7.2001 r., Refah Partisi i in. v. Turkey, Nr 41340/98, 41342/98, 41343/98, 41344/98, pkt 43; the judgment of the European Court of Human Rights from 4.12.2003 r., Gündüz v. Turkey, Nr 35071/97, pkt 40 (Bosek, 2022, p. 29). According to the health perspective, even though the state of the detention, not only health but also well-being shall be secured adequately. (*see* Judgment 26.10.2000).

In the ECHR case Kiss v. Hungary from 20.05.2010 being under jurisdiction is emphasized from the internal point of view with its confirmation that the necessity to demand the right is being under the Convention as state party (it is according to the book about European Convention of Human Rights from 1950) in the face of fully or partially incapacitated person. This point of view on the jurisdiction is consistent according to the mental suffering

in the case Winterwerp v. The Netherlands from 24.10.1979 of the European Court of Human Rights (Kondak, 2011, p. 129-130). The legal institution creates law. So there are many law standards that influence other legal principles. According to legal documents (mentioned European Conventions), there is a compromise in the international understanding of the regulations, which are the devices of the protection.

The recognition of the public interest in medical law might be in relation to the typical terminology. This suggests that it will be useful a little bit in the theory of law. So far, the literature has lacked sufficient references to the international (Hungarian) legal system in this scope written from the Polish researcher. This publication may serve the (Polish) legislator especially because of the Polish-Hungarian relations. What is the essence of the mentioned conceptualization and what are its conditions? From what will depend on the public interest in the medical law perspective? The most problematic research question: Is it the balance in the remit of human rights jurisprudence in the medical law interests? To give an explanation to the multiple matching questions should be a valuable reference to international medical law. It should be worth referring to good governance through public norms.

CONCLUSION

I would, in those principles, be in favor of this because, despite the different records resulting from different alphabets, many principles such as *ne bis in idem procedatur* have survived to the present day *explicite* or *implicite*. It has been applied uninterruptedly. Yet this is a convincing argument that it is given to the not-so-huge amount of the together language phrases, paremias and golden standards, which have got the same origin and prima facie similar structure in explanation. Foreign and domestic authors are coming to terms with its already international significance. Under these considerations, it is easier to understand the institutions in the legal sphere. What this means is that it is an official borrowing from the Roman law system, in which medical law has its roots there. What is the subject of the research? What are the hypothetical relationships between rights? How does the theory do this?

This part is devoted to the different procedural rights after reconsidering the concurrent scientific literature. The thesis of this work also indicates how much the international legal order gives an example and respect to the interpretation of the law on national grounds. It seems to be simple to protect the victim and other sides of the process.

What is unique in relation to patient's rights, the Polish act does not specify the deadline for which the violation has expired or for finding out about the violation, when it is possible to submit a request to the Ombudsman for Patients' Rights (Bach-Golecka et al., 2018, as cited in Wrześniewska-Wal, 2020, p. 248). There is also no legal regulation of when a doctor has the right to stop treatment (Szeroczyńska, 2013, p. 33). It would be a single definition of patient rights to the strict lecture. However, there is no one binding commentary that considers and explains it. It is used in many national language formulations. It raises many budgetary and law problems.

This approach gives the focus to the long period of time organizational activity. It considers intergroup relations. An important part of this work contains documents binding on international law, such as agreements between states-parties to a given document, which are called bilateral-between two states or multilateral-many states. After all, many expressions are not in the legal language of authentic acts. What is more, it is the presumption to further analysis. It should also be mentioned that many documents such as declarations, resolutions, and recommendations may be officially non-binding. The aim of this was also the habit of using many wordings but with moral outrage, historical meaning and social acceptance. Expanding the aim of cleft healthcare is one of the most grounds which extends the law. What is more, it is the explanation that different countries' basic documents are different in the epoch in the administrative but also international approach that is the analysis.

Various national and international interpretation, comprehensive study and analysis, regarding satisfactory standards with complicity is grounded in law. There are dilemmas in the hierarchy of interest to be financed in health. How does one think about human rights in front of health funds? There are many together programs

promoting human health, but the problem is with further co-operations between regions more remote. There was a need for the harmonization of the law because there were not harmonized together different valued regional systems. It aims to accelerate regional consensus. On the other hand, there is instance control versus social control. According to one human and health rights system, entry into force of the Treaty of Lisbon on 1 December 2009 and according to Protocol 14 to the ECHR, the accession has become a positive obligation. According to the article 17 of the Convention for the Protection of Human Rights Protocol No. 14, 13.V.2004 European Union may accede to the system of the European Convention on Human Rights from 1950 in Rome. So after accession to the European Union and to the European Convention on Human Rights from Rome 1950 there is the strong system of law and the common understanding of its budget and values. It strengthens the position of the European Court of Human Rights and shows the suitable regional European level in politics of human rights.

In Germany (such as the reference legal system to Poland and Hungary) there is a strict interpretation of implemented law. The expression of public interest, although not defined strictly in the German Basic Law (Grundgesetz für die Bundesrepublik Deutschland from 23 May 1949), is used in German legislation. In the Federal Republic of Germany, the term 'public interest' ['öffentlichen Interesse'] appears many times in law in Verwaltungsverfahrensgesetz (VwVfG) from 23. January 2003 (BGBl. I S. 102). Thus, comparing the legislation with the Polish one, the writing of legal conditions strictly separating public and private interests is postulated.

And after the German term 'Deutschengrundrechte', which was regulated in Basic Law of the Federal Republic of Germany 1949 the term of rights in accordance with the generality have been used in the famous Judgment of the Court in 1969. - E. Stauder v City of Ulm. (Sozański, 2012, p. 434) It is the famous Judgment of the Court of 12 November 1969 because of these relations in the Community. Hence, the fundamental law was recognized as a right and respected in the territory of the European Union. The right is synonymous with certainty and so on.

After exploring some cases, the distinction in the terminology of European consensus is in the jurisdiction role of the European Court of Human Rights (ECtHR or Court) (Dzehtsiarou, 2015).

It aims to have no barriers to access to the before mentioned European Court of Human Rights. In the coming years, rank as interesting the development of the profound jurisprudence of the European Court of Human Rights. Innovative for the publication is tackling the anticipated approach to the directions of development of the international medical perception of the place of public interest in overlapping legal systems.

And Article 2 of the Treaty on European Union (TEU) mentions values in the actual form of human rights respecting. The popular is also The European Charter of Fundamental Rights for the medical law along with the Treaty of Lisbon. According to the article 6 of the Treaty of Lisbon: The Charter of Fundamental Rights of the European Union (CFR), which is the same legal as European Union Treaties (Treaty on European Union, TEU, Maastricht Treaty, and the Treaty on the Functioning of the European Union, TFEU, Treaty of Rome). So this European Union Charter of Fundamental Rights in article 35, according to the conditions by national laws and practices, given by the way to everyone, has expressed health care. It is a very important statement for the medical law. So in that way, it could be effective for the medical law discipline and so on.

From the times of the Amsterdam Treaty attained meaning acquis status for the European Union law- the European Convention of Human Rights is not drastically different from other binding conventions (Wieruszewski, 2008, as cited in Wrońska, 2011, pp. 186-187). It is officially the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts, it was after making changes to the Treaty of Maastricht, which had been signed in 1992. This article F of the Treaty of Amsterdam gives the principles of democracy, also respecting human rights, freedoms which are fundamental and so on to show reinforcing human rights according to the readable European Convention on Human Rights from 1950 in Rome. This reinforcement of the legal rights was noticed, also resulting in the Fundamental Rights Charter, which was noted as solemnly proclaimed on 7 December 2000 by the European Parliament, the Council of Ministers and the European Commission. Charter of Fundamental Rights of the European Union based on the idea of justice from its Preamble. Later the history of legal principles were adopted on 12 December 2007 Treaty of Lisbon, according

to its article 6 of the authentic legal act. So this scientific text discusses proven, long-standing regulations, amid explicit *de lege ferenda* demands on the subject.

The term 'soft law' in the division of the health law is, for example, connected with the European Charter on the Rights of the Patient, and in the recital 1 of its Resolution it is not an assertion of the complete needs of the mentioned in the name of the soft law according to the patient (Nys, 2021). So it is observable that the actual existence towards the terminology of the soft law in the meaning of American and European Union medical law is not only in the distinctive, legal literature usement. It is adjustable to that meaning of succinct and practical rights by the European Health Law. There would be various documents of international law in the field of health protection if it were necessary to develop the concept of combating legal problems.

People might need to change the human rights law system to gain optimum health (Gruskin et al., 2013). Both at the institutional and organizational level of health development it seems to be possible for human rights change. Although there is no one definition of the optimum health achievement, the literature uses these words.

One of the roles of the European Convention on Human Rights from 1950 is to protect social and public rights. It is the role of not only legal jurisprudence but also the Council of Europe. Post factum the peculiarities of the interpretation is in the wider sense the lack of many regulated wording from the phrases which are functioning in the paterland language in the comparison to other the native language expressions. Many words such as esteem, estimate, and estimation are challenging to find with their synonyms in the mentioned European Convention of Human Rights from 1950. The position of the framework of biopolitics is due to the international directions. The amendment processes are directed by the constitutional grounds as medical fieldwork, as the author knows.

What is more, after using my versions of the draft plan for this chapter, the underlying administrative health law is the starting point according to the suitable organ. Just in time, it is needed to respect the judiciary competencies with the Curia of Hungary indicated in the analyzed ECHR jurisprudence.

Understanding at the time of the publication is that although there is no single definition of budgetary human rights, the rights of individuals have also found understanding in various legal systems. It is extremely important and necessary. What is essential, however extremely important is that it is political, social, cultural dialogue that contributes to the exchange of legal concepts understood initially in different legal systems and regimes as elementary human rights from local and international law so it is meant by importing the law between nations. Absolutely necessary to mention in its very highest sense that the text is about the human health rights understanding in the different problems of health.

The division of human rights concluded political rights and civil rights. It is related to equality in front of the law, more precisely by law documentation. It in a extensive way, explains how the circumstances of the historic tradition take a valuable focus on the theme. Such a concept as health desire has resulted in an analysis of this concept with conditions in the modern world. By verifying scientific postulates, the hypotheses established are tested and credibly exist in the world of literature and legal doctrine. Of course, such reasoning goes beyond a position, as interest in a concept in front of the public admittedly involves many issues. Title X of the TFEU in the Article 153 (ex Article 137 TEC) states about social policy and the worker's right to safety and health. Since it is a public concept, what serves it adds to its positive characteristics according to policy. The model is, therefore, not only the correct interpretation but also the application of medical law. The distinguishing feature of the public interest is undoubtedly its lack of a unique definition in referring to the whole of law and medicine, as well as the possibility for the public to speak about it and for this hierarchical definition to be formed in the literature. Title XI of the TFEU creates The European Social Fund policy, which is for the standard of living, as the article Article 162 (ex Article 146 TEC) states. This knowledge and understanding gives the other person a logical analysis of what my interest is in society so that it can be expressed will in an informed and possible way within the framework of the National Health Fund, which is called differently according to languages and laws in different countries and boils down to how much can be spent and when. This understanding is aimed at the well-being of the individual in the face of public funds and its specificity, which is understood to be important at the time. At its core is the enormous role, and for the author

the greatest role, of the concept of public interest in medical law, due to the opportunity to look at this concept the greater the peace and tranquility in the world.

The WHO in its forum uses different definitions of public health quite similar (Marks et al., 2011, as cited in Barcik, 2013, p. 5). On international grounds, the public language is used in formal documents to compare, which is in the proposed explanation with the system of the confirmed human rights law. The understanding of the fundamental right to health as developed in the WHO Constitution Preamble as highest attainable is consistent with the United Nations policy for other specialized organizations. Although the authentic text of the Agreement establishing the World Trade Organization did not use the wordings of public health it directly grew in integrated development in its Preamble done at the package of agreements signed in Marrakesh on 15 April 1994. Due to the fact that different countries belong to different governmental and nongovernmental organizations, the implementation of international pro-health budgets and policies on a comparative and legal basis are studied. Undoubtedly, the World Trade Organization helps to shape and create its own pro-health standards. In article VIII of the Agreement establishing the World Trade Organization, it is indicated that the World Trade Organization shall have legal personality. The World Trade Organization is unique and one in the world trade field according to health products. Although human rights are in different political systems it aims to comply with more international interests such as the enforcement of, for example, democracy.

Thus, the Conclusion of this text contains a widely heralded interpretation with system and functional components. The jurisprudence evaluation, although which is touching the different wordings with the public health, is the subject of matters and the conclusion. So there are different concepts of prudence to naming the interest. This applies to naming it as the way of thinking in the international medical discipline. The jurisprudence would be popularized according to the medical and law conditions assessment. According to this theme, the liability from the law would be more popular with the general than only the one national power. It is the correct thesis that under the various human rights regimes in Europe, the development of the human rights system is being shaped and visible. This is evidenced by the multitude of legal acts in the field of human rights and their application. It is the great human rights democracy enhancement. The historical, legal dogmatic and comprehensive methods show the results of system reinforcement, especially in Europe, are more visible after researching the power of individual health and different rights.

It was assumed that awareness, development and knowledge are according to the European Court of Human Rights jurisdiction, so why does this dissertation make sense in the history and in the literature analysis? The accession of the EU to the ECHR gives the focus on the responsibilities of the Member States as the positive obligations to the internationally mentioned documents. It gives the regional European independence in law from the different continents, so Europe has got its own separate continental law system according to its Member States. So the principle of subsidiarity in relation to human rights, constructed on the basis of various provisions, has the character of a general principle.

In different countries, there is the budgetary right, but it may have a different perception of what it may concern because of the different catalogs of health human rights law in the different countries. It is meant by many laws in the different continents but with universal documentation, and national and regional law in force. To remind from 2009 Title XIV of the TFEU about public health is in the continuation of the health protection by article 35 of the Charter of Fundamental Rights. The ECHR and European Union judiciary system is using the European Convention on Human Rights from 1950 in additional judiciary control. However, in the current state of research, it is worthy of attention to the uniformity of the set of human rights and freedoms, because it is a complete document as the European Convention on Human Rights from Rome 1950. This state of knowledge seems to be according to the rights features such as indivisible as equally important and inalienable according to the protected persons on the basis of the mentioned European Conventions.

Why this analysis has been undertaken is in the way of the changing interest in human rights as the field of the analysis. The public interest gives the conclusion about its scope on the basis of the aforementioned European acts

of the same legal force, i.e., the Charter of Fundamental Rights of the European Union and Treaties of the European Union. Considering the relation to existing common legal principles to solving the latest medical problems as still problematic and calls into question the lack of complete effectiveness of the latest legal achievements. It makes it possible to better understand the socio-economic budgetary problems of the average reader. So access to public services as the principle is from the Charter of Fundamental Rights of the European Union and it is access to documentation in the mentioned European Convention on Human Rights in its article 40. The need to understand the right is after giving examples of wordings used in the legal authentic language as well as in the legal doctrine examples. In this work, attention is drawn to the different national laws. This concept has been presented in various examples, since the public interest has been among the various judgments about public services. In Poland and Hungary the public services naming and funding seems to be similar although solely, national systems of laws with compatibility to the European Union health law. These countries seem to have similar problems according to their European localization. What is essential, the work presents a range of health jurisprudence with its national law importance and the function of the Oviedo Convention to the European Court of Human Rights known as elucidating to the health human rights field.

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REFERENCES

Barcik, J. (2013). *Międzynarodowe prawo zdrowia publicznego*. C.H. Beck.
Barczak-Oplustil, A., & Sroka, T. (2022). *Odpowiedzialność publicznoprawna. System Prawa Medycznego. Tom 6*. C.H. Beck.
Bosek, L. (2022). *Stan epidemii. Konstrukcja prawna*. C.H.Beck.
Dzehtsiarou, K. (2015). *European consensus and the legitimacy of the European court of human rights*. Cambridge University Press.
Górski, A. (2019). O prawie medycznym i pojęciach o proweniencji medycznej w systemie prawa. *Forum prawnicze* 3.
Gruskin, S., Mills, E. J., & Tarantola, D. (2013). *Health and Human Rights in a Changing World*. Routledge.
Hoffman, I., & Kostrubiec, J. (2022). Political Freedoms and Rights in Relation to the COVID-19 Pandemic in Poland and Hungary in a Comparative Legal Perspective. *Białystok Legal Studies, 27*(2), 31-51. https://doi.org/10.15290/bsp.2022.27.02.02.
Hungary, Governmental Decree no. 40/2020 on declaring state of danger (40/2020.), 11 March 2020, available at the Hungarian legal sources page: https://njt.hu/translated/doc/J2020R0040K_20200326_FIN.pdf.
Judgment 26.10.2000 [GC] Kudła v. Poland [GC] - 30210/96 Information Note on the Court's case-law No. 23 October 2000.
Judgment ECHR, Kiss v. Hungary from 20.05.2010.
Judgment Fehér v. Hungary (Application no. 69095/10), Final Judgment 02/10/2013.
Judgment of Bosphorus Hava Yollari Turizm Ve Ticaret Anonim Şirketi v. Ireland (Application no. 45036/98), Judgment Strasbourg 30 June 2005.
Judgment of the Court in 1969. - E. Stauder v City of Ulm.
Judgment of the Court of 7 January 2004. K.B. v National Health Service Pensions Agency and Secretary of State for Health.
Judgment of the European Court of Human Rights from 31.7.2001 r., Refah Partisi i in. v. Turkey, Nr 41340/98, 41342/98, 41343/98, 41344/98.
Judgment of the European Court of Human Rights from 4.12.2003 r., Gündüz v. Turkey, Nr 35071/97.
Judgment Winterwerp v. The Netherlands from 24.10.1979 of the European Court of Human Rights.
Judgments Eur. Court H.R. of 11 July 2002 in Goodwin v United Kingdom and I. v United Kingdom.
Kondak, I. S. (2011). Europejski Trybunał Praw Człowieka. In L. Garlicki (Ed.), *Konwencja o Ochronie Praw Człowieka i Podstawowych Wolności Tom II, Komentarz do artykułów 19-59 oraz Protokołów dodatkowych*. Warszawa.
Kubiak, R. *Prawo medyczne*, 4. ed. C.H. Beck 2021.
Nesterowicz, M. (2017). *Prawo medyczne Komentarze i glosy do orzeczeń sądowych*. Warszawa.
Nys, H. (2021). *European Union Health Law*. Wolters Kluwer.

Olszewski, R., & Małolepszy, A. (2022). Exercise of the right to defence in criminal proceedings during the COVID-19 pandemic with particular reference to the relation between the accused and the defence counsel. *Białystok Legal Studies*, *27*(2), 223–236. https://doi.org/10.15290/bsp.2022.27.02.13.

Polish Constitution, https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/konstytucja-rzeczypospolitej-polskiej-16798613/art-68.

Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-2027, and repealing Regulation (EU) No 282/2014 (Text with EEA relevance), https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv:OJ.L_.2021.107.01.0001.01.ENG.

Sitarz, O., & Sitarz, M. (2022). Cyfrowe wspomaganie decyzji medycznych w świetle prawa karnego. *Przegląd Prawa Medycznego, 3*(3-4).

Sozański, J. (2012). *Ogólne zasady prawa a wartości Unii Europejskiej: po traktacie lizbońskim - studium prawnoporównawcze*. Toruń.

Szeroczyńska, M. (2013). Withdrawing and withholding futile therapy - de lege lata and de lege ferenda. *Medycyna Paliatywna/Palliative Medicine, 5*(2), 31–40.

Varju, M. (2020). *Member State Interests and European Union Law Revisiting the Foundations of Member State Obligations*. London and New York.

Wrońska, I. (2011). *Fundamental Rights protection in the Council of Europe: The role of the European Court of Human Rights*. Białystok.

Wrześniewska-Wal, I. (2020). Dochodzenie roszczeń w sprawach o błąd medyczny – uwagi de lege lata i de lege ferenda. *Studia Prawnoustrojowe* 48.

Zajdel-Całkowska, J. &, Zimna, T. (2021). *Prawo medyczne w ochronie zdrowia*. Wolters Kluwer Polska.

Zielińska, E. (Ed.) (2014). *Ustawa o zawodach lekarza i lekarza dentysty. Komentarz*. Warszawa.