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ON THE NEED TO STUDY THE ISSUES OF IMPROVING THE ORGANISATION OF ACTIVITIES FOR STATE PUBLIC SECURITY

Abstract

This article is based on the assumption that security is associated with other needs, namely: reliability, order, lack of threats, and stability. They can be met in many ways, such as independent actions of individuals, social groups or organisations, the most important of which is the state¹. The above indicates that the problem of security is very complex, especially regarding the state which, as a political organisation, pursues its own objectives and strategies in this regard. The essence of the presented considerations is to demonstrate the need for studying selected issues of improving the state public security system, with particular emphasis on the role of the police in that system. Qualitative methods were used as needed during the research carried out for the purpose of this article. The presented results prove that research on the subject of considerations should be conducted continuously because of their direct impact on the security of the state entities, i.e. its citizens. The main areas of research apply to the rationalisation of the activities of the police and entities cooperating with it.

Key words

security, public security, public order, security system, law, state

¹ P. Lubiewski, *Bezpieczeństwo państwa w ujęciu systemowym*, „Zeszyty Naukowe SGSP”, No. 74/2/2020, SGSP, Warszawa 2020, p. 116.

Introduction

Security is currently perceived in various ways in the worlds of science and practice. However, there are deep-rooted approaches to security, represented by Bronisław Malinowski² and Abraham Maslow³, who perceive them in the context of needs. Since the time those scientists presented their positions, security has been one of the most valuable and natural human needs⁴.

There are many definitions of state. In the scientific literature on security, the most frequently cited ideas were developed by Plato, Aristotle, Thomas Aquinas, Niccolò Machiavelli, Georg Jellink and Czesław Znamierowski. The contemporary definitions of the state are characterised by a great commitment to law, including international law. The state perceived in this spirit is “a subject of international law that should have the following attributes: permanent population, defined territory, government, ability to maintain relations with other states. The legal and international subjectivity of the state includes the capacity for: Concluding international agreements, maintaining diplomatic and consular relations, participating in international organizations, using peaceful methods to settle international disputes, self-defence”⁵. Another perception of

the state, consistent with the description above, is a political organisation inseparably bound to a specific territory where its power extends and its laws are in force⁶. The information above lead to the conclusion: the state is a political organisation that must be governed by the law, which is to be obeyed by all citizens and components of the state, supervised by a specially appointed bodies of state authority and administration. This competence of the state means that its citizens have to accept the binding legal rules and that it is possible to enforce the observance of these rules⁷. For the purpose of this enforcement, the state appoints a number of institutions, among which the police plays the most important role in the context of human security.

Regarding the conditions in Poland, it should be noted that, in accordance with the Constitution of the Republic of Poland of 2 April 1997, the Republic of Poland is a democratic state ruled by law and the common good of all its citizens⁸. Therefore, the actions of public authorities and institutions in Poland arise from the provisions of law and may not exceed the limits set by this law⁹. The Council of Ministers ensures the internal security of the state to the extent specified in the Constitution and statutes¹⁰. This security is in close connection with threats and means the ability to resist them. These

² B. Malinowski, *Szkie z teorii kultury*, Warsaw 1958, p. 71.

³ A. H. Maslow, *Motivation and Personality*, New York 1958.

⁴ See: *Współczesne postrzeganie bezpieczeństwa*, scientific ed. K. Jałoszyński, B. Wiśniewski, T. Wojtuszek, Bielsko – Biała 2007.

⁵ L. Gelberg, *Prawo międzynarodowe i historia dyplomatyczna. Wybór dokumentów*, vol. II, Warsaw 1958, p. 356 and L. Antonowicz, *Podręcznik prawa międzynarodowego*, Warsaw 1994, p. 16.

⁶ R. Wróblewski, *Podstawowe pojęcia z dziedziny polityki bezpieczeństwa, strategii i sztuki wojennej*, Warsaw 1993, p. 9.

⁷ W. Kitler, B. Wiśniewski, J. Prońko, *Zarządzanie kryzysowe w państwie*, Warsaw 2000, p. 47.

⁸ Constitution of the Republic of Poland of 2 April 1997, Art. 1-2 (Dz. U. of 1997, No. 78, item 483, as amended).

⁹ *Ibidem*, Art. 7.

¹⁰ *Ibidem*, Art. 146, par. 4, item 7.

threats can lead to conflict situations¹¹ and, as a consequence, the lack of interest of the parties that may be affected causes a situation that breaches the expected and accepted level of security¹².

In the context of the problems presented so far, it is reasonable to emphasize that every modern state meets the following five requirements¹³:

- security, as a consequence of the universal law of survival and security, which means the sovereignty and monopoly of the state to use physical coercion;
- freedom, manifested by personal liberty laws, the consequences of which are inalienable human rights, the separation of powers and the parliamentary principle of majority;
- equality, i.e. the right to political participation and cooperation, equated with political democracy, national sovereignty, and the universality and equality of voting rights;
- brotherhood, which is a consequence of social law, i.e. modern state welfare;
- environmental protection, caused by the environmental right to life and the law and property of nature, meaning the constitutionalization of environmental protection.

Currently the state has the internal, external, economic and organisational, social, adaptive, regulatory and innovative functions¹⁴. From the point of view

of the subject of considerations, the internal function is essential and it boils down to ensuring order and security inside the country, achieved through the actions of relevant bodies, including the police. The analysis of many scientific studies suggests that the internal security of the state is a condition resulting from the performance of the internal function by the state as part of its strategic policy of national security, manifested by protection of¹⁵:

- in the narrow sense – constitutional order, public security and common security;
- in the broad sense terms – constitutional order, life and health of citizens, national property against unlawful acts, as well as the effects of natural and technical disasters.

Methodological and methodical assumptions

The goal of the article is to demonstrate the need for studying the rationalization of legal and organisational solutions regarding public security of the state in the varying external environment.

This involves a research problem, formulated as a question: what areas of the state's public security system require improvement.

Due to the complexity of the goal and the research problem, theoretical and empirical methods, techniques and research tools were used in the research

¹¹ See: *Kryzys i zarządzanie*, scientific ed. J. Prońko, Bielsko-Biała 2006, pp. 11-74.

¹² R. Olszewski, *Lotnictwo w odstraszaniu militarnym*, Warsaw 1998, p. 95.

¹³ K. Wojtaszczyk, *Kompendium wiedzy o państwie współczesnym*, Warsaw 1996, p. 17.

¹⁴ *Ibidem*, pp. 22-24.

¹⁵ *Bezpieczeństwo wewnętrzne RP w ujęciu systemowym i zadań administracji publicznej*, scientific ed. B. Wiśniewski, S. Zalewski, Bielsko-Biała 2006, pp. 22-23.

process¹⁶ accompanying the preparation of this article.

The following were primarily used during the research:

- inductive reasoning where general statements are derived from detailed information¹⁷, which made it possible to formulate new conclusions;
- analysis, which is a research process consisting in the decomposition of the whole into component or separating individual elements of the whole to learn the whole by learning individual parts¹⁸, which made it possible to identify the scope of projects that constitute the rationalization of activities in the area of public security and order.

An important source of knowledge for the author was also the analysis of documents for collection of research material.

The conceptual range of public security and order

Ensuring public security¹⁹ and public order is one of the tasks carried out by the authorities and administration. In the law-making process, both in its application and in the legal literature, it is common to use these terms simultaneously as a single expression: *public se-*

curity and order. There have been many attempts to explain the concepts of *public security* and *public order* in Polish scientific works. The analysis of scientific literature allows us to conclude that people dealing with this problem consider these notions to be unspecified, and therefore hard to define²⁰. However, public safety is usually defined as a condition that manifests itself in the protection of legal order, life and health of citizens and national property against unlawful acts²¹. Like public security, public order is also a certain internal specified internal condition of the state, because there is no organised society in which its members can exercise their will without any restrictions. The rules of conduct and coexistence among community members are determined by relevant regulations, such as customs, moral and religious principles or legal standards, which are subject to permanent changes, and these in turn require the adaptation of institutions established to protect public security and order by systematically improving their organisation in terms of operation.

At the same time, it should be noted that a comprehensive presentation of the problem and the motives for research requires clarification of the issues concerning the prevention of threats to public security and order as well as extraordinary events. To put it simply, a threat is a state that threatens someone or something, and an extraordinary event is

¹⁶ See: *Bezpieczeństwo. Teoria-Badania-Praktyka*, scientific ed. A. Czupryński, B. Wiśniewski, J. Zboina, Józefów 2015, p. 41.

¹⁷ M. Cieślarczyk, *Teoretyczne i metodologiczne podstawy badania problemów bezpieczeństwa i obronności państwa*, Siedlce 2009, p. 46.

¹⁸ R. Podgórski, *Metodologia badań socjologicznych. Kompendium wiedzy metodologicznej dla studentów*, Bydgoszcz – Olsztyn 2007, p. 74.

¹⁹ See: B. Kaczmarczyk, R. Socha, A. Szwałca, *Zarządzanie kryzysowe w systemie bezpieczeństwa publicznego*, Kraków 2014, p. 43.

²⁰ E. Ura, *Prawo administracyjne. Część druga*, Rzeszów 1997, p. 97.

²¹ Cf. B. Wiśniewski, *Bezpieczeństwo wewnętrzne jako przedmiot badań [in:] Bezpieczeństwo wewnętrzne RP w ujęciu systemowym i zadań administracji publicznej*, scientific ed. B. Wiśniewski, S. Zalewski, Bielsko-Biała 2007, p. 28.

a fact resulting from this threat, requiring above-standard actions to eliminate or minimize the effects of its occurrence.

Police and public security and order

Considering the above, it should be emphasized that the police are not able to counteract on their own the threats and events within their area of competence. The participation of other institutions and the engagement of local communities is necessary. This is because of the complex nature of this phenomenon, involving several key factors that should be taken into account in preventive actions. The perpetrator, victim and the situation conducive to committing a crime “set the area of a specific *triangle of crime* constituting the basis for solving problems related to order and security, and must be considered in preventive actions. They boil down to²²:

- limiting the causes of crime in the course of the socialization process (connected with triggering the activity of local communities, such as neighbourhood support groups);
- recognizing threats, forecasting and counteracting crimes and the impact on potential perpetrators and criminogenic situations (media influence, impact on architectural solutions, using technical security systems, surveillance, etc.);
- in a situation where the crime has already been committed, prevent-

ing the perpetrators who have been caught from returning to crime.

From the point of view of the organisation of the state, we can speak of security in terms of institutions established by the state to identify threats, counteract them, and react to them when they occur. Therefore, state security institutions are based on existing or new legal standards²³. One of them is the police, a formation serving society and designed to protect the safety of people and to maintain public security and order²⁴. It was not until the 20th century that the police became a homogeneous, uniformed organisation, with a hierarchical structure, created to maintain security, public order and ensure observance of the law and carrying out tasks set out by appropriate legal acts²⁵. At this point, we should turn attention to the meaning of the term “police” in the contemporary Polish doctrine of administrative law. This concept is most often understood as “(...) authorities responsible for the protection of public order and security, protection against threats to public order and peace, protection against threats to health and life, (...) actions in emergency situations (e.g. natural disasters), regardless of how the legislator calls the authorities appointed to protect these values”²⁶. At the same time, it should be

²³ Ibidem, p. 10.

²⁴ Act of 6 April 1990 on the Police, Dz. U. of 2016, item 1782.

²⁵ Cf. B. Wiśniewski, J. Prońko, *Ogniwa ochrony państwa*, AON, Warszawa 2003, p. 61.

²⁶ Z. Leoński, *Istota i rodzaje policji administracyjnych* [in:] *Administracja publiczna u progu XXI wieku. Praca dedykowana prof. J. Szreniawskiemu z okazji jubileuszu 45-lecia pracy naukowej*, Przemysł 2000, p. 243, as cited in: T. Sokólska, *Policja administracyjna*, doctoral dissertation, Katowice 2006, p. 33.

²² J. Fiebig, *Miejsce policji w zapobieganiu przestępczości*, a paper presented at the conference „Human security in the local environment – diagnoses and solutions”, Olsztyn 1999.

noted that “the material concept of the police refers to all actions of the state aimed at protection against threats, while it does not matter which authorities carry out these tasks”²⁷. In the context of these considerations we could also treat the concept of “police” in functional terms as an objective to protect the interests of the state against violation or to restore the status from before the violation, and as the possibility of using coercion to achieve this objective²⁸. The literature on the subject mentions three separate elements that reflect the essence of the police, namely: the purpose of activity, which comes down to maintaining public order, the measure of action in the form of coercion and the method of achieving the objective of preventing threats or combating violations of the legal order that have already been committed²⁹. It is necessary to indicate here that the changes taking place in the contemporary world, mainly related to the nature of threats, bring new challenges in every area of human activity, including in the area of ensuring public security and order. This has an impact on the range of tasks entrusted with the police and the need to improve the organisation of their performance.

The basic tasks of the police include: protection of human life and health and protection of property against unlawful attacks violating them, protection of public security and order, including

ensuring peace in public places and in means of public transport, detecting crimes and offences and prosecuting their perpetrators, as well as conducting counter-terrorist activities within the meaning of the Act of 10 June 2016 on anti-terrorist activities. In addition, the police are obliged to initiate and organise activities aimed at preventing crimes and offences as well as criminogenic phenomena, to work in this regard with state and local authorities and social organisations, to collect, process and transfer criminal information and keeping data sets containing information gathered by authorized bodies about fingerprints, unidentified fingerprints from crime scenes and the results of deoxyribonucleic acid (DNA) analysis. The police also supervises specialised armed security formations, controls compliance with local and administrative regulations related to public activities or in force in public areas, and cooperates with the police of other countries and their international organisations, and with the bodies and institutions of the European Union under international agreements and separate regulations.

In the context of the circumstances presented so far and the possibilities for rationalizing the activities of the police under the conditions of threats and extraordinary events, it is also important that it includes criminal, investigative and preventive sections as well as services supporting the Policy in organisational, logistic and technical terms. It should also be noted that the organisational unit of the police investigation service that carries out tasks for recognizing, preventing and combating organ-

²⁷ S. Fundowicz, *Policja i prawo policyjne* [in:] *Nauka administracji wobec wyzwań współczesnego państwa prawa*, collective work edited by J. Łukasiewicz, Rzeszów – Cisna 2002, p. 184.

²⁸ T. Sokólska, *Policja administracyjna...*, p. 34.

²⁹ See: A. Matan, *Policja administracyjna jako funkcja administracji publicznej* [in:] *Nauka administracji...*, p. 354.

ised crime throughout the country is the Central Investigation Bureau of Police (CBŚP). The police also include: judicial police, separate riot and anti-terrorist sub-units, training centres and police schools, as well as the Police Academy and research institutes.

The type and form of authority over the police have an impact on the activities of this formation and, consequently, on its improvement. This authority is characterized by dualism. The superior of all police officers is the Police Commander in Chief as the central government administration body competent in matters of protecting human safety and maintaining public security and order. Government administration bodies at the voivodship level in matters of protecting human safety and maintaining public security and order are the voivode with the support of the regional police commander³⁰.

When analysing the issues of possible rationalization of police activities, we can distinguish groups of tasks performed for prevention of threats within the competences of the police as well as responding to threats and their effects³¹.

Analysis and assessment of the scope of police competences identifies catalogues of tasks carried out under the said conditions.

So, regarding threat prevention, the tasks of the police are in particular as follows³²:

- actions aimed at eliminating or reducing the probability of threats or limiting their effects in the area of public security or public order;
- participation in the development of legal acts by competent authorities to limit the possibility of threats;
- cooperation with public administration and relevant institutions having competence regarding problems directly and indirectly associated with public security and public order;
- monitoring and forecasting threats to public security;
- enforcing compliance with regulations issued by public administration bodies in relation to public security;
- planning responses to threats and activities to gather forces and means necessary for effective response to threats to public security and public order;
- collecting data on the resources of forces and means necessary for the effective performance of tasks, and data on the equipment of subordinate forces.

Tasks to the extent of responding to threats include³³:

- activities intended to provide assistance to the victims;
- alerting, warning and ensuring an efficient flow of information;
- conducting investigation activities.

The problems presented so far give grounds for drawing the conclusion that efforts for public security apply to all conditions and circumstances of the functioning of the state. The police

³⁰ See: B. Wiśniewski, *Przygotowania obronne resortu spraw wewnętrznych*, Szczytno 2014, p. 79.

³¹ See: Z. Ścibiorek, B. Wiśniewski, R.B. Kuc, A. Dawidczyk, *Bezpieczeństwo wewnętrzne. Podręcznik akademicki*, Toruń 2017, p. 179.

³² W. Fehler, *Udział Policji w sytuacjach kryzysowych* [in:] *Współczesny wymiar funkcjonowania Policji*, scientific ed. B. Wiśniewski, Z. Piątek, Warszawa 2009, p. 75.

³³ W. Fehler, *Udział Policji w sytuacjach kryzysowych* [in:] *Współczesny wymiar funkcjonowania Policji*, scientific ed. B. Wiśniewski, Z. Piątek, Warszawa 2009, p. 75.

tasks are closely connected to public security and order. The police, currently the most numerous formation in the Republic of Poland dealing with the issues of the above-mentioned security, are required to seek increasingly effective solutions for the organisation of their activities, and therefore to rationalize them. This improvement is in other words rationalization, which is directly related to the enhancement of police operations³⁴, both internally and externally.

Conclusions

Improvement is a consequence of the improvement of organised activities, which results from several premises³⁵:

- since the environment in which the police operates is changing, the activities of this formation must be subject to progressive transformation;
- the enhancement activities done so far have been focused on the high effectiveness of the police, which requires better organised activities;
- due to the uneven distribution of the internal potential of the police, we can see (as in any organisation) “organisational slack”, the correct recognition of which would allow (while noticing legal and organisational barriers) identifying and defining the scope of possible rationalization of the activities of this formation under

the conditions of threats and extraordinary events within its competences.

The analyses of scientific studies and documents that govern the police operations allow us to conclude that the possibilities for rationalizing the activities of the police lie mainly in the improvement of legal and organisational solutions and combining enhancement efforts through comprehensive and consistent problem-solving in the areas of current activity as a consequence of crisis situations³⁶ and the conditions of external threats to state security and war.

The scientific and research projects undertaken so far to the extent reflected in the title of this work have not resulted in a comprehensive solution. They have treated separately the issues of improving the current organisation of police activities and separation in crisis situations, as well as for the duration of an external threat to state security and war.

The current works of security sciences have no unambiguous and comprehensive solution to the scientific problem specified in the title of this article. There are valuable scientific works dedicated to the improvement of certain forms of police activity. There are also studies that do not aspire to scientific work, which treat in interesting way the issue rationalization of police activities under the conditions of threats and extraordinary events, but unfortunately without scientific basis and often superficially.

The analysis of scientific and popular science studies and documents on the area outlined in the title of this article in-

³⁴ M. Szymczak (ed.), *Słownik języka polskiego*, vol. III, Warszawa 1983, p. 7.

³⁵ Cf. J. Prońko, *Potrzeby i możliwości doskonalenia działań zorganizowanych* [in:] *Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne*, scientific ed. B. Wiśniewski, Warszawa 2017, p. 23.

³⁶ See: *Zarządzanie kryzysowe. Teoria, praktyka, konteksty, badania*, scientific ed. J. Stawnicka, B. Wiśniewski, R. Socha, Szczytno 2011, p. 13.

dicates a number of factors determining the failures and successes in the rationalization of police activities under the conditions of threats and extraordinary events.

The main causes of failures in the past include the inconsistency between the tasks imposed on the police and their ability to complete them, as well as incomplete use of the conclusions from the research on exercises that the police organized or participated in.

The analysis of the legal and organisational solutions used in the police and the literature on the subject in the confrontation with the potential of this formation indicates the possibility of establishing directions and, as a consequence, also the subjective and objective scope of rationalizing the police activities under the conditions of threats and extraordinary events. The above shows that success in the effective organisation of police activities should be sought primarily in:

- proper preparation of comprehensive concepts for the use of the police during threats and extraordinary events;
- consistent implementation of the above-mentioned assumptions and concepts;
- continuous improvement of these assumptions.

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