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POLISH AND UKRAINIAN PERCEPTION
OF SECURITY SCIENCES (PART I)

POLISH-UKRAINIAN COOPERATION IN THE FIELD
OF SOCIETAL SECURITY – SELECTED ASPECTS

FREEZING OF ASSETS AS PART OF
THE FIGHT AGAINST ECONOMIC CRIME,
INCLUDING FINANCIAL CRIME

SECURITY FORUM

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PREFACE



Safety concern has always accompanied man. On the one hand, it is a truism, on the other hand, it reflects the efforts of many generations of professionals involved in this process. Both those who risk their health and life daily protecting others and those who gain knowledge about safety and share it with others.

As a person associated with the first of the groups mentioned above, I have always valued those from the second group because I realize that the elimination of hazards and consequently ensuring safety is a collective process. A process that requires combining the efforts of practitioners and theoreticians. Guided by this principle, I have accepted and still appreciate all initiatives of cooperation between both environments, recognizing that the benefits arising from it are impossible to overestimate. This is not an innovative approach. Many of the greats of this world have emphasized it. One of them was the President of the United States of America, Franklin Delano Roosevelt, who once said that “men working together as a group can do things that no one alone could have dreamed of accomplishing”. This is amply demonstrated in security efforts. One form of this collaboration is the publications of the practitioners above and theorists: both mature ones and those who will be them in the future.

I am glad that the platform for public speeches for them is, among others, the semi-annual “Security Forum” published by the WSB Academy in Dąbrowa Górnicza.

The current issue of this periodical is exciting both from the cognitive and practical points of view. Being engaged in security for many years, I am pleased to find in its references valuable works published many years ago and contemporary ones that do not surpass their level. This combination of many aspects of security related to the past and present in one place allows us to draw visions for the future. I wish this vision of a safe end to all readers of the “Security Forum”, not only to those who decide to read the current issue.

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CONTEMPORARY PERCEPTIONS OF SECURITY

Abstract

Security is perceived by various groups of theorists and practitioners in different ways, and at the turn of the 20th and 21st century, security theory research gained momentum. The concept of security has become important not only in the social, natural or technical sciences, but also in social life, in international relations, and in many research programmes and applications. The term security has systematically expanded as a result of civilization progress to include hitherto unknown challenges and threats and new means and ways of eliminating them. In the past, security was based mainly on the preservation of the military capacity to defend the vital interests of a given social group.

The multitude of definitions of security has led to the creation of a separate field of study in the literature, known as securitology. It represents an individual field of human-centred research and assumes that all actions of the human individual are directed towards maintaining security.

Security is a separate field of research focusing on the human being and assuming that all actions of the human individual are directed towards ensuring a sense of security. The issue is multifaceted, and the discipline indicated is new, and has only begun to be of interest since 2010.¹

Keywords

security, state, human being, values, science, politics, citizen

¹ More: A. Czupryński, *Naukowe aspekty bezpieczeństwa*, [in:] *Bezpieczeństwo. Teoria – Badania – Praktyka*, A. Czupryński, B. Wiśniewski, J. Zboina (eds.), Józefów 2015.

Introduction

Security has always been the basis of human existence. Over the centuries, the development of the human species and civilisation has determined new ways of protecting against imminent danger, generating safe living conditions. For thousands of years, humans, in their collective and individual development, have followed a strongly felt need to lead a secure life.

Security as the main existential need, placed on the Maslow's hierarchy of needs on the second level – just after satisfying physiological needs – is a universal and timeless category conditioning the social existence of a human being as an individual, various groups and social collectives, as well as the entire humanity. Security as a human good and need has existed since the beginning of human development, although it has not always been adequately and unambiguously expressed. Satisfying needs triggers specific human reactions, which in social functioning take on the status of cultural reactions. Security culture and security co-create each other in much the same way as the human individual and society do when they form a nation², most often organising themselves into a nation state, in order to be able to exist in a more secure and dignified manner.

According to Niccolò Machiavelli, “security” means not only the provision of security in the physical sense, but also all the other “satisfactions” that anyone

can achieve through their diligence without being exposed to danger or harm³.

Marek Leszczyński believes that security is an example of a non-rivalrous good, from the consumption of which no member of a given collectivity can be excluded⁴.

In the literature, the universal concept of security is perceived in many ways, and the most common are the following pairs: subject and object security, negative and positive security, security as a need and a value, security as a state and a process, and others.

Research assumptions

The insight presented in this article is the result of the author's research, the aim of which was to identify the determinants that define security, and to characterise contemporary security on their basis.

Research carried out in three stages covering three phases: conceptualisation, implementation and finalisation. During the research process carried out for this article, qualitative methods were used. Among the most important, the author includes analysis, synthesis, generalisation and inference.

Due to the form of the paper, the author adopted one basic restriction – the use of Polish-language literature, mainly from the field of security sciences. This

² A. Touraine, *Samotworzenie się społeczeństwa*, Zakład Wydawniczy NOMOS, Kraków 2010.

³ J. Delumeau, *Skrzydła Anioła Poczucie bezpieczeństwa w duchowości człowieka Zachodu w dawnych czasach*, Oficyna Wydawnicza Volumen, Warszawa 1998, p. 23.

⁴ M. Leszczyński, *Bezpieczeństwo jako dobro publiczne w warunkach erozji państw naukowych*, „Studia i Materiały Wydziału Zarządzania i Administracji Wyższej Szkoły Pedagogicznej im. Jana Kochanowskiego w Kielcach” 2017, no. 3, v. 2, p. 382.

procedure was aimed at popularising Polish scientific thought.

The importance of security

The essential category of security is subject and object security, with the primacy of the subject – personal or impersonal (institutional). From the subject's point of view, the most important thing is the current existence and survival, with real perspectives for development and positive changes in a consciously created future. As a subject of security, people should not be afraid of threats to their comfort and quality of life.

According to R. Rosa, security refers to the satisfaction of basic human needs for existence, certainty of survival, stability and quality of individual and social life.⁵ In turn, B. Balcerowicz believes that the essence of security consists of a guarantee of inviolable survival and a guarantee of the possibility of development.⁶ The first part relates to the traditional concept of narrow negative security, while the second is a vision of broad positive security. The typology of security proposed by R. Zięba, which is popular in political sciences, includes 5 basic areas concerning security⁷:

- subjective – national security and international security,
- objective – political, military, economic, social, cultural, ideological, ecological, information security, etc,

- spatial – personal security (concerning individual people), local (state and national), subregional, regional (coalition), supraregional and global (universal) security,
- time – a momentary state of security and the continuous process of shaping security,
- mode of organisation – individual (unilateral) – superpower hegemony, isolationism, neutrality, non-alignment, alliances (block system), co-operative security system, collective security system.

The essential typological category of security is subjective, object and spatial security. The time criterion is an immanent feature of security dynamics, referring to the instantaneous state of security and the progressive security process. The mode of organisation refers to the normative and formal, and organisational and technical aspect of security application. Universal security is both a temporary state and a continuous process. The state of security is its current dimension, scale of persistence, territorial coverage, etc. The security process, on the other hand, is the continuous shaping and strengthening of security, resulting, among others, from the growing scope of subjective, objective and spatial security.

In terms of political science, the subjects of security are considered to be individuals, social groups and all forms of organisation of social life, including mainly the state and various public institutions.⁸ Most political science concepts relate the concept of security

⁵ More: R. Rosa, *Filozofia i edukacja do bezpieczeństwa*, AP, Siedlce 1998.

⁶ More: B. Balcerowicz, *Bezpieczeństwo polityczne Rzeczypospolitej Polski*, AON, Warszawa 2004.

⁷ R. Zięba, *Instytucjonalizacja bezpieczeństwa europejskiego: koncepcje. Struktury – funkcjonowanie*, WN Scholar, Warszawa 1999, pp. 30-32.

⁸ M. Brzeziński, S. Sulkowski, *Bezpieczeństwo wewnętrzne państwa, Wybrane zagadnienia*, Dom Wydawniczy ELIPSA, Warszawa 2009, pp. 33-34.

to the category of the state, as the main organiser of social life, responsible for actions for the individual good and the common good. From the point of view of the subject whose vital interests are protected against threats, national (state) security and international security are distinguished, which can be shaped in two areas: internal, as internal security – concerns ensuring the internal stability of the subject; external, as external security – concerns counteracting external threats. In addition to the subject classification of security, there is a comparative subject classification which specifies the detailed security areas of a subject that is being an object of security. Security, in subjective terms, includes the protection of the vital interests of a subject – an individual, a social group, a nation, a state in terms of its effective functioning in a specific area of social, political, economic activity, etc. Popular typologies of object security cover fields such as political, social, economic, military, cultural, environmental, social, public, technological, ideological, health, energy, information security and others. An original classification of the so-called sectoral security was proposed by a group of researchers representing the Copenhagen School, which includes 5 sectors, i.e., military, political, economic, social and environmental security.⁹

Despite the fact that the object classification is auxiliary and secondary to the subject classification, its importance is now constantly growing due to the emerging new challenges and

threats posed by the turbulent development of civilisation. Subject security is the most dynamic and impressive area of contemporary security theory, which is largely due to the enormous dynamics of socioeconomic life and the piling up of new challenges, which can be transformed either into real threats, causing the destruction of the state of security, or into hypothetical opportunities that constructively influence the level of security. The object typology allows a precise analysis and evaluation of the current state of security in a strictly defined field, in order to determine the optimal strategy for comprehensive shaping of security of a specific subject.

Taking the above into account, it is worth stressing that “in the general social sense, security includes satisfaction of the needs: existence, survival, certainty, stability, integrity, identity, independence, protection of the standard of living and quality of life. Security, being the main need of human beings and social groups, is at the same time the basic need of states and international systems. Its absence causes anxiety and a sense of threat”.¹⁰

Contemporary aspects of security

When considering contemporary perceptions of security, one cannot ignore the category of security relating to the so-called negative security, i.e., a convention in which security is commonly defined as the absence of threats, resulting in a sense of freedom from fears

⁹ B. Buzan, O. Wæver, J. de Wilde, *Security: a new framework for analysis*, Lynne Rienner, Boulder 1998, p. 7.

¹⁰ R. Zięba, *Pojęcie i istota bezpieczeństwa państwa...*, p. 50; B. Wiśniewski, *Praktyczne aspekty badań bezpieczeństwa*, Difin 2020, p. 17.

and dangers. The eternal confrontation between the spectrum of threats and the sense of security has traditionally been the essence of the negative, narrow perception of security. A negative perception of security is one that defines safety narrowly, as the opposite of threats, and focuses on effective prevention and preventive protective measures. Meanwhile, the absence of threats is an idealised state that does not exist in social practice. One might say that the category of positive security, focusing on progressive development strategies and expanding the horizons of all national freedoms and civil liberties, is much more useful. This trend has become the philosophical basis for the functioning of the so-called Copenhagen School promoting all aspects of positive security nationally and internationally, as well as subjectively and objectively.

Examples of the dominant definitions of negative security in the literature are as follows:

- “Security – a sense of calm, absence of danger, confidence in the future”¹¹
- “Security – an objective state of being free from threats, subjectively perceived by individuals or groups”¹²,
- “Safety – is a function of threats, the degree of which is accepted and controlled”.¹³

¹¹ Nowy słownik wyrazów bliskoznacznych, Zielona Sowa, Kraków 2006, p. 38.

¹² R. Jakubczak, B. Wiśniewski (eds.), *Wyzwania, szanse, zagrożenia i ryzyko dla bezpieczeństwa narodowego RP o charakterze wewnętrznym*, Wydawnictwo Wyższej Szkoły Policji, Szczytno 2016; L. Korzeniowski, *Podstawy nauk o bezpieczeństwie*, Difin, Warszawa, p. 76; K. Jąłoszyński, B. Wiśniewski, T. Wojtuszek (eds.), *Współczesne postrzeganie bezpieczeństwa*, WSA, Bielsko – Biała 2007, p. 9.

¹³ J. Wolanin, *Zarys teorii bezpieczeństwa obywateli*, DANMAR, Warszawa 2005, p. 65.

Negative perceptions of security include such colloquial phrases¹⁴ as the absence of threats, in particular to life, health and property, a sense of freedom from danger, a sense of calm and comfort in life, a smooth co-existence in the social and natural environment, and a belief in the effectiveness of assistance and support in the event of danger. The opposite is the positive approach which exposes prospective visions of existence, survival and development, offering opportunities for the free and rational shaping of the various freedoms of the subject of security. This approach draws attention to the possibility of improving living standards, introducing desired social changes or freely creating the subject's own visions and plans¹⁵. The classic negative approach to security stems from historical traditions and the military threat as the main foundation of national (state) identity and independence prevalent for centuries. For many centuries, armed conflict was treated as the greatest threat to the individual and the social group, as well as the nation and the state. In turn, the strength and military power of the state dominated the national security space and was its most important attribute. It was not until the stabilisation of the geopolitical situation in the world in the post-Cold War period that the world of science, politics and social practice became more interested in the positive side of security and its theoretical foundations.

Due to the fact that the level of military threats still plays an important role

¹⁴ P. Tyrła (ed.), *Zarządzanie bezpieczeństwem*, PSB, Kraków 2000, p. 56.

¹⁵ J. Szczepański, *Elementarne pojęcia socjologii*, PWN, Warszawa 1972, p. 275 et seq.

in the perception of security, at least at the international macro scale, the negative approach to security is very relevant in practice and is still intensively explored, not only in the theoretical sphere, by scholars and researchers. Currently, in addition to traditional military threats, a whole spectrum of political, social, economic, as well as ecological and civilisational threats has emerged, proving the strong position of negative security in the minds of many entities, both personal and institutional (structural). It should be emphasised that, in addition to traditional threats, new categories of threats are increasingly being mentioned, mainly related to turbulent development and inevitable civilisation risks as well as the progressive processes of globalisation.¹⁶ In today's world, paramilitary threats are playing an increasingly important role, including in particular asymmetric, hybrid as well as information and cyber threats. Today, multidimensional cyber security practically plays the leading role, not only in technologically advanced societies.

Poland is a democratic state under the rule of law with a market economy and which respects international law binding upon it. Poland is strengthening its national security potential to ensure the country's stable development and improve the living conditions of its citizens. It is an active participant in international cooperation. It develops friendly relations and cooperation with countries in the neighbourhood and beyond. It goes on to point out that, to the best of its ability and interests, as part of

the international community, it engages in solving global problems. It maintains diplomatic relations with non-European partners and develops mutually beneficial political and economic cooperation with them.¹⁷ The Republic of Poland ensures the security of the state and its citizens by creating conditions for the implementation of national interests and the achievement of strategic objectives.¹⁸ One of the chapters of the most important legal act, the Constitution of the Republic of Poland, states that „the Republic of Poland shall safeguard the independence and integrity of its territory, ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development.”¹⁹ The national interests and objectives of the Republic of Poland in the area of security are translated into actions and tasks, as far as possible according to the security conditions as well as the possibility of their implementation. The objectives raised in the area of security relate primarily to:

- maintaining and demonstrating the readiness of an integrated national security system to seize opportunities, address challenges, reduce risks and counter threats;
- improving the integrated national security system, in particular its control

¹⁶ U. Beck, *Spółczesność ryzyka. W drodze do innej rzeczywistości*, WN Scholar, Warsaw 2002, p. 12 et seq.

¹⁷ *Strategia bezpieczeństwa narodowego*, Warsaw 2014, pp. 9-10 (deleted).

¹⁸ Constitution of the Republic of Poland of 2 April 1997 (Dz.U. /Journal of Laws/ No. 78, item 483).

¹⁹ Constitution of the Republic of Poland of 2 April 1997 (Dz.U. /Journal of Laws/ No. 78, item 483, Art. 5).

- elements, including providing the necessary resources and capabilities;
 - developing a defence and security capability adequate to the needs and capabilities of the state and enhancing its interoperability within NATO and the EU;
 - strengthening NATO's readiness and capacity for collective defence as well as the coherence of EU action in the field of security; building a strong position of Poland in both these organisations;
 - developing close cooperation with all its neighbours and building partnerships with other countries, including those aimed at preventing and resolving international conflicts and crises;
 - promoting the principles of international law and universal values such as democracy, human rights and civil liberties in the international arena, and raising the Polish society's awareness of human and civil rights;
 - ensuring public security by improving the National Firefighting and Rescue System and the system for monitoring, notifying, warning about threats and eliminating the effects of natural disasters and catastrophes, as well as implementing legal and organisational solutions with regard to the system of civil protection and civil defence;
 - improving and developing a national crisis management system to ensure its internal consistency and integrity as well as to enable seamless cooperation within the crisis management systems of international organisations of which Poland is a member;
 - protecting Poland's borders, constituting the external border of the EU; counteracting organised crime, including economic crime; protecting public order;
 - improving system solutions for preventing and combating terrorism and proliferation of weapons of mass destruction;
 - ensuring secure functioning of the Republic of Poland in cyberspace;
 - ensuring secure conditions for the development of human and social capital, of innovation, efficiency and competitiveness of the economy, as well as of the financial stability of the state;
 - ensuring energy and climate security and protecting the environment, biodiversity and natural resources, in particular water resources, as well as shaping the spatial development of the country in a manner that increases resistance to various threats, in particular military, natural and technological threats;
 - ensuring food security;
 - conducting an effective family policy and adapting the migration policy to new challenges;
 - increasing public awareness of security issues and enhancing citizens' competencies enabling them to respond appropriately in crisis situations.²⁰
- Everyone has the right to liberty and personal security. The state is obliged to maintain an internal order that guarantees personal security. The aim of the activities of the Republic of Poland as

²⁰ Strategia bezpieczeństwa narodowego, Warsaw 2014. pp. 11-12.

a democratic state under the rule of law is to provide all citizens with a sense of security and justice. In the area of social security, the task of the state is to ensure a rapid and perceptible improvement in the quality of life of its citizens. The priorities in this respect include an increase in employment, with particular emphasis on the activation of social groups in a difficult life situation, as well as an increase in social integration and improvement of the social security system. These also include the levelling of the differences between urban and rural areas as well as counteracting unfavourable demographic changes and migration. The Strategy for the Development of the National Security System of the Republic of Poland 2022, adopted by a resolution of the Council of Ministers on 9 April 2013, indicates that ensuring the security of the state and its citizens is one of the vital national interests of the Republic of Poland. National security means the ability of a state and its society to ensure the conditions for its existence and development, territorial integrity, political independence, internal stability and quality of life. This capacity is shaped through the actions of seizing opportunities, taking up challenges, reducing risks as well as eliminating external and internal threats, which ensures the persistence, identity, functioning and development freedoms of the state and the nation (society).²¹

The main favourable international conditions for Poland's security are its

membership in NATO and the European Union. They contribute to strengthening the security of our country, create opportunities for sustainable, comprehensive and balanced development, as well as provide opportunities to strengthen Poland's international position and increase its impact (role) on the international environment. The evolution of NATO's strategy is favourable to Poland's interests, as it proposes strengthening NATO's function as an instrument of collective protection while continuing the conduct of expeditionary and crisis response operations outside the territories of NATO member states. Following the entry into force of the Treaty of Lisbon, the European Union has become a comprehensive international community that develops its defence component within the framework of the Common Security and Defence Policy and has established a *casus foederis* alliance obligation modelled on political-military alliances.²²

Conclusions

There is no clear definition of the term security in the literature, nor is there a precise answer to how we perceive security. There is no doubt that security is a complex, multifaceted phenomenon and its level is determined by many factors, as demonstrated above in the body of this article. An individual's right to security has a personal dimension, while in relation to the state it has a social dimension. The most common threats identified by individuals are loss of life, health, liberty, and property. According

²¹ More: Zięba R., Zajac J., *Budowa zintegrowanego systemu bezpieczeństwa narodowego Polski* (expert opinion commissioned by the Ministry of Regional Development as part of work on the update of the mid-term national development strategy), Warsaw 2010.

²² *Ibidem*.

to sociologists, a person can feel threatened when another person behaves in a way that is not in keeping with the accepted norms, functions in such a way that their behaviour becomes dangerous for the subject and the environment. When someone violates their personal dignity, they feel anxious, which destroys relationships between people and leads to fear and anxiety.²³ Multifacetedness is inseparable from an individual's subjective assessment of the phenomena occurring around said individual. As long as the individual feels that these phenomena have a limited negative impact on their existence, they feel secure.

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²³ Cieślarczyk M., Niektóre psychospołeczne aspekty bezpieczeństwa (wyzwania, szanse i zagrożenia), Zeszyty Naukowe AON 1999, No. 1, pp. 232- 233.

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THE ROLE OF POLAND IN ENSURING EUROPEAN SECURITY

Abstract

Safety is one of the basic human needs. It should be understood that in order to be able to function properly and develop, a person needs appropriate conditions. One of the primary conditions is the guarantee of security, both looking through the prism of the individual and the general public. Previous disputes, conflicts and wars determine future political decisions and affect the type of international alliances formed. The guarantor of security is above all a stable, well-organized and strong state, as well as citizens who are aware of the responsibility for this security. Every country needs a strong ally to increase its security on the international arena.

After the fall of the Berlin Wall, Eastern Europe, including Poland, dropped the shackles of the Soviet occupation and turned its eyes to the west, seeking military support within that area. Membership in NATO has made Poles feel relatively safe since 1999. Poland's allies have become members of the Alliance, whose strongest link is the United States. Poland's position on the map of Europe determines its impact on the situation of the entire continent. European geopolitics mainly affects the conditions, security and politics of the Polish state. The aim of the article is to characterize the role of the Member States of the European Union

in ensuring European security, on the example of Polish. This article constitutes an analysis and was created based on content analysis method and qualitative statistical data analysis.

Keywords

European Security, Battle Groups, crisis response, refugee, war

Introduction

Security is one of the natural, basic and most important human needs. Everyone, regardless of their life and material standing, wants the reality around them to be at the same time a guarantee of a sense of security¹. It is therefore a natural phenomenon that people want to lead a peaceful life, without fear for their own life, health and property and their loved ones. The guarantor of security is above all a stable, well-organized and strong state, as well as citizens aware of the responsibility for this security². In the initial phase, security was limited only to the armed protection of the state's borders. Over time, many other areas that may endanger it were noticed and identified. Knowledge about them is therefore the basis for efficient and effective actions³. Bearing in mind the well-being of future generations, it is necessary to take care of their knowledge in the field of security. The goal of humanity is to improve its living conditions and leave its descendants the best possible conditions for their development⁴.

Security, along with a subjective sense of security, are basic human needs, both in the individual and global dimension. Since 1993, the European Security and

Defense Policy has been one of the fundamental elements of the European Union's functioning. The security of modern countries, such as Poland is primarily determined by external factors. These include, first of all, the North Atlantic Treaty Organization, the European Union, the United Nations, the Organization for Security and Cooperation in Europe, the accepted norms of international law and neighboring countries⁵. The current global and European military, political, economic and cultural conditions limit the capabilities of the countries in question, which makes it impossible for them to be fully independent. The only guarantee of their security, sovereignty and development opportunities is therefore the combination of the state's internal forces with international forces⁶.

Poland's position on the map of Europe determines its impact on the situation of the entire continent. European geopolitics mainly affects the conditions, security and politics of the Polish state. Ignoring the past and history, no country will build a safe future⁷.

Previous disputes, conflicts and wars determine future political decisions and affect the type of international alliances. The centre of Europe is a place of strong influence of eastern and western policies⁸. It was here that views, and ideals

¹ R. Socha, Bezpieczeństwo i zagrożenia – wzajemne relacje [in:] Wybrane aspekty badań nad bezpieczeństwem, (ed.) B. Kaczmarczyk, A. Wawrzyszyn, Elk 2014, pp. 32-34.

² W. Kolano, Bezpieczeństwo Polski w trzeciej dekadzie XXI w., „Zeszyty Naukowe Pro Publico Bono”, SGSP, 1/2021, Warszawa 2021, p. 42.

³ R. Socha, Współczesne postrzeganie zagrożeń [in:] Zarządzanie Kryzysowe: teoria, praktyka, konteksty, badania, (ed.) J. Stawnicka, B. Wiśniewski, R. Socha, Szczepa 2011, p. 21.

⁴ T. Paniecki, Polityka bezpieczeństwa Polski w XX wieku i na początku XXI wieku, Częstochowa 2008.

⁵ Strategiczny Przegląd Bezpieczeństwa Narodowego: rola, struktura, procedury, Raport Instytutu Bezpieczeństwa Krajowego WSZP, Warszawa 2009.

⁶ W. Kolano, op. cit., p. 22.

⁷ More: Biała Księga Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej, BBN, Warszawa 2013.

⁸ More: B. Buzan, O. Waver, J. de Wilde, Security: A New Framework for Analysis, Lenne Rienner Publisher, Boulder London, 1998, (ed.) M. Malec, Percepcja bezpieczeństwa: definicje, wymiary, paradygmaty, MON, Departament Polityki Obronnej, Warszawa 2006.

clashed the most, and the ruthlessness and fanaticism of individual leaders destroyed the developed patterns and ideals.

The outbreak of World War II exposed the weaknesses of the then international guarantees and alliances, which was reflected primarily in Poland.

Methodological and methodical assumptions

The history of security and defence of European politics is rooted in the history of European intergration. This is an area of research interest, as well as scientific activity of authors of the discussed text, which was manifested, among others, by the research paper entitled *Security of Poland* in the third decade of the twenty-first century. In research improvement, a very important role is played by the current confrontation of the current scientific achievements with the still passing time, because the adopted positive or negative assessment of the chosen research hypotheses is always of processual and temporal nature.

The content presented by the authors with conceptual assumptions was based primarily on the paradigm of historical institutionalism, the evolution of previously created thoughts and the methodology of repetitiveness.

The aim of the article is to characterize the role of the Member States of the European Union in ensuring European security, on the example of Polish. This article constitutes an analysis and was created based on content analysis method and qualitative statistical data analysis.

The hypotheses of the text under discussion were formulated as follows:

1. The Common Security and Defence Policy is a safeguard of the European Union in the context of ensuring operational capabilities based on both military and civilian means. The EU has the right to use these forces outside its borders in an effort to prevent conflict and maximise international security.
2. In pursuit of the objectives set by the European Union, member states make available their military and civilian capabilities under the Common Security and Defence Policy.
3. European Union member states with enhanced military capabilities and further commitments in this area have, for the sake of the toughest missions, the right to establish permanent structured cooperation within the grouping.
4. In the event of an armed attack on the territory of one of the European Union member states, the others are obliged to provide assistance and support to the fullest extent possible using all available means.
5. Bearing in mind that secure and stable partner countries constitute one of the key elements of the European Union's security strategy, the EU bloc must ensure its security both internally and in relation to its external partners when taking action.

Poland in NATO in the context of building security

Following the history, we should state that there is no safe and strong state without strong allies. No modern European state is able to defend its territory against

a stronger and aggressive enemy. After the fall of the Berlin Wall, Eastern Europe, including Poland, dropped the shackles of the Soviet occupation and turned its eyes to the west, seeking military support within that area. Membership in NATO has made Poles feel relatively safe since 1999. Poland's allies have become members of the Alliance, whose strongest link is the United States⁹.

The creation of NATO is the creation of true international security, which, by contributing to the security of the Polish state, at the same time secures the whole of Europe. Because a safe Poland is a safe Europe. It is from Poland that the American troops operating on the eastern flank of NATO are commanded. By expanding the structure of the North Atlantic Alliance, the West has gained a greater sense of security. Russia's sphere of influence has moved to the east¹⁰. On the shoulders of the Polish state rested a huge responsibility for the fate of the Western world, whose eastern gate is the eastern border of Poland. It should be emphasized that an attack on one of the NATO countries is tantamount to an attack on all members of the North Atlantic Treaty¹¹.

In the period from 1st to 27th May 2022, nine NATO member states host large-scale military exercises Defender Europe 2022 and Swift Response 2022. The exercises involve approx. 18,000 soldiers from over 20 countries of the world. The purpose of the cyclical, multinational

exercises carried out by the United States is to increase readiness and interoperability between allied states and partners of the United States and NATO. In the territory of Poland, Defender Europe 2022 exercises involve 7,000 soldiers and approx. 3,000 pieces of military equipment from Poland, the USA, Sweden, France, Denmark, Germany and the United Kingdom. To carry out the exercises, there were designated, among others, training ground facilities in Żagań, Drawsko Pomorskie and Bemowo Piskie. The Polish Armed Forces engaged soldiers from the 10th Armoured Cavalry Brigade, 2nd Mechanized Brigade, 17th Mechanized Brigade, 12th Mechanized Brigade, 25th Air Cavalry Brigade, 6th Airborne Brigade, 2nd Engineering Regiment, 5th Chemical Regiment, 9th Armoured Cavalry Brigade and Territorial Defence Army, and F-16 aircraft from 2nd Tactical Air Force Wings, Su-22 from 1st Tactical Air Force Wing and 3rd Transport Air Wings and Mi-24 helicopters from the 1st Air Force Brigade of Land Forces. The 5th Corps of the US Armed Forces is responsible for commanding all forces involved in the Defender Europe 2022 exercises.

On the other hand, the Swift Response 2022 exercises organized in Lithuania and Latvia aim to improve the opportunities for air operations. Polish, Dutch, Czech and German troops are involved in these exercises¹².

The multinational USA-led Defender-Europe 20 exercise took place also in 2020. In the recent years, the exercise has constituted a fundamental test of the

⁹ More: P. Turczyński, 15 lat Polski w NATO, Bellona 2015.

¹⁰ More: R. Kupiecki, Organizacja Traktatu północno-atlantycznego, Warszawa, 2016.

¹¹ <https://www.gov.pl/web/obrona-narodowa/wzmocniona-wysunieta-obecnosc>, [15.04.2022].

¹² <https://www.gov.pl/web/national-defence/exercises-defender-europe-2022-and-swift-response-2022-begin>, [16.04.2022].

North Atlantic Alliance's ability to support the movement of armed forces through Continental Europe and the Atlantic. The close cooperation of diverse military and civilian entities made it possible to deploy armed forces by sea, rail, road, and air. The experience gained in the course of the exercise maximises NATO's readiness and, at the same time, its resistance even in the most difficult security conditions. When reflecting on the essence of the mentioned Defender-Europe 20 and 22 exercises, one should refer to the Cold War period, when the Reforger exercise took place. It consisted in moving the NATO forces to one specific country¹³. It should be noted that during these times, the North Atlantic Treaty Organisation expressed its full readiness to defend a very well-known territory against an equally well-known adversary. Thirty years after the last Reforger exercise, the security environment has become much more unpredictable, forcing NATO to plan in a much more flexible way and to provide a greater capacity for immediate action. Exercises of this type are crucial for the North Atlantic Alliance, as they allow it to exercise the ability to move a significant number of troops, as well as equipment, in Europe and across the Atlantic, which translates to testing of procedures and multidirectional skills by the military. It is also particularly important that, at the same time, exercises constitute a demonstration of the common objectives of the member countries. The exercise of the deployment of American and NATO forces, the largest in the last 30 years, shows the durability of the trans-

atlantic bond and is an invaluable motivation for the NATO members to update the knowledge necessary in this area, which is strengthened by the enormous logistical potential. It should be noted that military exercises are necessary, but they never diametrically improve the options of response. Nonetheless, such events illustrate to a large extent that the North Atlantic Treaty Organisation member countries are able to rise to the challenge and react in time. The exercised practices will also greatly help the members of the Alliance to prepare for supporting, as well as receiving, NATO forces on a large scale. It should be emphasised that the large-scale military exercises conducted by NATO troops counterbalance the Russian Federation and its regime¹⁴.

NATO countries do not always speak with one voice, a specific example of which is the Greek-Turkish conflict. Both countries are applying for and seeking aviation and maritime rights in the Aegean Sea, which is rich in oil and minerals. Turkish F-16 fighters repeatedly violated Greek airspace, thus leading to the cancellation of Turkey's participation in the NATO air force exercises "Tiger Meet", organized by Athens this year, planned for 9 May 2022. More than 20 years ago, this dispute would have led to war. However, thanks to the intervention of the United States, the armed conflict has been avoided¹⁵.

NATO exercises "Tiger Meet" are joint exercises of the NATO air forces, the main

¹³ <https://www.nato.int/docu/review/pl/index.html>, [16.04.2022].

¹⁴ <https://www.wojsko-polskie.pl/articles/list/defender-2020-5/>, [16.04.2022].

¹⁵ More: Współczesne postrzeganie bezpieczeństwa, K. Jałoszyński, B. Wiśniewski, T. Wojtuszek (eds.), WSA, Bielsko – Biała 2007; A. Adamczyk, Konflikty na morzu Egejskim – otwarta puszcza Pandory w stosunkach Grecko – Tureckich, „Roczniki Nauk Społecznych”, 10/3/2018, Warszawa 2018.

aim of which is to improve cooperation in the field of performed activities. It should be emphasized that only planes of units with the symbol of a tiger or a puma in their emblem take part in the exercises. The meeting was held for the first time on the territory of Poland in the period from 14 to 28 May 2018. The event was hosted by the 6th Air Force Squadron, and the exercises were carried out mostly in the 31st Tactical Aviation Base, as well as in the 21st Tactical Aviation Base in Świdnin, the Transport Aviation Base in Powidz, the 22nd Tactical Aviation Base in Malbork and the 12th Airport Headquarters in Miroslawiec. As part of the event, more than 2 thousand soldiers took part in the exercises, coming from: Poland, the Czech Republic, Greece, Great Britain, France, Germany, Austria, Italy, Belgium, Turkey and Hungary, using approx. 70 air machines¹⁶.

Common foreign and security policy of the EU

The Common Security and Defence Policy (CSDP) is an integral part of the European Union's Common Foreign and Security Policy. It is a guarantor of the development of the military and civilian capabilities of the entire European Union, as well as its individual Member States, which allows the European Union to manage external crises effectively and completely. Cooperation in this area allows for a quick response to existing threats, and at the same time ensures consistency with other activities of the EU. Poland strongly advocates and calls for an increase in the importance of the European Union in

the global context, and also is in support of the strengthening of the CSDP. As the research shows, Poles perceive these activities as a necessary complement to the previous activities carried out within the NATO structure. Poland is actively and effectively involved in military activities within the CSDP structure. This should be understood as, among others, permanent structural cooperation of the EU in the area of development of defence capabilities, transfer of forces to Battle Groups, as well as participation in all EU operations¹⁷.

Permanent Structured Cooperation, PESCO is a treaty instrument according to which the vast majority of 25 out of 27 Member States have committed themselves to additional actions to strengthen defence and strengthen cooperation. Key decisions such as the launch of PESCO, the expansion of structures to include more Member States, or the removal of one of the existing members are always taken by a qualified majority. The latter usually occurs at the time of a Member State's failure to comply with its obligations. Other decisions concerning, among other, initiation and management of new projects are taken unanimously. Undoubtedly, a practical reflection of an opportunity for PESCO to function smoothly is the continuous implementation of projects aimed at increasing the defence capabilities of the Member States. As part of PESCO, approx. 50 projects were initiated, e.g., in the field of efficient industrial cooperation and mutual use of resources held by the Member States. Responsibility for the way in which a project is financed

¹⁶ <https://www.natotigers.org/>, [17.04.2022].

¹⁷ http://www.eeas.europa.eu/csdp/index_en.htm, [18.04.2022].

and managed is always fully vested in the participating Member States. If a State is granted an observer status for a project, it shall not have the right to speak on the possibility of its development and shall not cover the costs of financing it¹⁸.

Poland currently participates in 12 PESCO projects, including coordination over one of them. This project is the Medical Training Center for the needs of Special Forces. Hungary is also actively involved in the project, while France, Spain, the Czech Republic, Slovakia and Ireland have observer status. Poland also has an observer status in 12 other projects. The remaining 11 projects in which Poland actively participates are listed below:

- Military Mobility;
- Network of Logistic Hubs in Europe and Support to Operations;
- Maritime Semi-Autonomous Mine Counter Measures – MAS MCM;
- Harbour and Maritime Surveillance and Protection – HARMSPRO;
- Integrated Unmanned Ground Systems – IUGS;
- European Medical Command;
- European Secure Software defined Radio;
- Integrated European Joint Training and Simulation Centre – EUROSIM;
- Rapid Response Teams and Mutual Assistance in Cyber Security;
- EU Radionavigation Solution – EURAS;
- EU Collaborative Warfare Capabilities – ECoWAR¹⁹.

Development of defence capabilities in the European Union

On 1 May 2004, Poland became a full member of the European Union under the Accession Treaty signed in Athens on 16 April 2003. However, the Polish Armed Forces had already participated in the UEFOR Concordia peace-keeping operation in Macedonia in 2003. Poland has continued its support for the security of the Balkans, since 2004 participating in the EUFOR Althea military operation in Bosnia and Herzegovina, replacing the activities of the NATO SFOR mission. It is particularly noteworthy that the opportunity for action and operational involvement extends beyond the geographically proximate regions of the state. Between 2015 and 2020, Poland participated in the European Union naval operation entitled EUNAVFOR med SOPHIA in the Mediterranean Sea²⁰. The main objective of the operation was to combat organised criminal groups involved in the transport of illegal migrants to Europe. This commitment is still continued by Poland as from 1 April 2020 for a new operation entitled EU EUNAVFOR MED. IRINI. The operation is largely based on the execution of the arms embargo on Libya. Poland also delegates its officers to, i.a., the command of the EUNAVFOR Atalanta naval operation to combat piracy off the Horn of Africa, and to the command of the EUTM RCA

¹⁸ <https://www.pesco.europa.eu/>, [18.04.2022].

¹⁹ http://eeas.europa.eu/csdp/structures-instruments-agencies/european-security-defence-college/index_en.htm, [19.04.2022].

²⁰ R. Podgórska, Udział Polski w operacjach pokojowych Unii Europejskiej. Dylematy i wyzwania, „Zeszyty Naukowe Uniwersytetu Szczecińskiego. Acta Politica”, Szczecin 2015, p. 29.

military advisory and training operation in the Central African Republic²¹.

Moreover, the Polish military contingent participated in 2013-2014 in the European Union training mission in Mali – EUTM Mali, while in 2014-2015 supporting UN operations in the military operation in the Central African Republic – EUFOR CAR. Poland has for years been involved in participating in operations taking place on the African continent. The state participated, i. a. in 2006 in the EUFOR RD Congo mission and in 2008 in the EUFOR Tchad/RCA mission. In both cases, the Polish contingents were among the largest²².

For years, Poland has been strongly involved in the organization of Battlegroups. These are rapid response units which enable the European Union to take immediate action in crisis situations outside its territory. In 2010, Poland was the framework state of a Battlegroup. It was created together with Slovakia, Latvia, Lithuania and Germany. Poland was then responsible for the command of the group's forces and combat element²³. In 2013, the Weimar Combat Group was the unit responsible for rapid response in crisis situations²⁴. It was established by the Polish forces in cooperation with the German and French forces. In this case,

Poland was also responsible for coordinating its preparations and the opportunity to function.²⁵ In 2016 and 2019, the Visegrad Battle Group was on duty. It included Poland, Slovakia, Hungary and the Czech Republic. It was joined by Ukraine in 2016 and Croatia in 2019. In both cases, Poland acted as a framework state, appointing a majority of its forces, as well as the Operation Command²⁶.

The outbreak of war in Ukraine has shown how important is the fact of affiliation to the North Atlantic Treaty Organization, which is a protective umbrella and guarantees security against the attack which Russia carried out in Ukraine. The ruling president of Russia styles himself a tsar and aims at taking over as much of the territory as possible in order to extend his influence.

The Georgian-Russian war exposed Russian threats. President Lech Kaczyński said at a rally in Tbilisi on August 12, 2008: "For the first time in a long time, our neighbours from the north, for us also from the north, from the east, showed the face that we have known for hundreds of years. These neighbours believe that the nations around them should be subject to them. We say no. This country is Russia. This country believes that the old days of the fallen empire, less than 20 years ago, are coming back. That again domination will be a feature of this region. It will not! Those times are over once and for all (..) And we also know very well that today Georgia, tomorrow Ukraine, the day after tomorrow the Baltic states, and then maybe it's time for my country, for Poland!"

²¹ More: B. Przybylska – Maszner, *Udział Polski w operacjach wojskowych Unii Europejskiej w Afryce*, *Przegląd Politologiczny*, 3/2016, Poznań 2016.

²² Council Decision 2014/73/CFSP of 10 February 2014 on a European Union military operation in the Central African Republic (EUFOR RCA).

²³ W. Wątor, *Grupy Bojowe Unii Europejskiej. Istota, bilans funkcjonowania, perspektywy*, „*Studia Politicae Universitatis Silesiensis*”, 21/2018, Warszawa 2018.

²⁴ More: B. Kogut, P. Lubiewski, *Organization of Rescue Activities in Crisis Situations Caused by Terrorist Attacks*, „*Bulletin of Lviv State University of Life Safety*”, 2018/17, pp. 74-82.

²⁵ Council of The European Union: *EU Battlegroup Preparation Guide* (12904/2/08). Brussels 2008.

²⁶ https://eeas.europa.eu/headquarters/headquarters-homepage/area/foreign-affairs_en, [21.04.2022].

Speaking about the neighbours from the “north for us”, the president recalled the threat posed by the fact that Poland borders with Kaliningrad, which is a bridgehead for the Russian army ready to attack. It is from Kaliningrad that Russian troops can set off against Poland²⁷.

On 10 April 2010 President Lech Kaczyński together with 95 people who held the most important positions in the Republic of Poland died in the plane crash near Smolensk in Russia. To this day, speculation continues about the causes of this huge tragedy. Many people doubt that there was an assassination, but there is a lack of hard evidence to support this thesis²⁸.

The territory of Poland was changing with time, and this fact had a huge impact on today's opinion of the Poles on the neighbouring countries. The relationship between Poland and the Ukrainian territories contributed to the heroic attitude of Polish citizens towards the Ukrainians, with whom they fought a ferocious fight a hundred years ago. Earlier prejudices and reluctance gave way, and solidarity and brotherhood of nations ensued. The last century of Poland shows huge mental, social, political and material divisions. The more the Polish Nation is under threat, the more it is in solidarity. In a sense of danger, Poles became heroes and fought for a better tomorrow for future generations. Taking on the burden of reorganizing the life of Ukrainian refugees, Poland relieved oth-

er European countries in a significant way. Feeling the need deep in their heart, Polish citizens provide humanitarian aid of the highest quality. They welcome the needy and “pro bono” organize collections and help points. A secure Europe is a strong Europe that opposes aggression and lawlessness with one voice. At the moment, the Russian Federation is clearly threatening Ukraine's allies with the use of a nuclear bomb. In this situation, prudence and appropriate diplomacy must dominate the dialogue with the aggressor.

The current Polish policy is in line with the European Union's guidelines on limiting Russia's expansion. The most important laws that have recently appeared in the Journal of Laws are:

- Journal of Laws 2022, item 835
Act of April 13, 2022, on special solutions in the field of counteracting support for aggression against Ukraine and aimed at protecting national security. As we learn from Art. 1. the Act aims to counteract supporting the aggression of the Russian Federation against Ukraine, which took place on February 24 this year [Polish Journal of Laws] The Act excludes Russian contractors from tenders and public competitions in accordance with the EU ban, which is a part of the fifth set of economic sanctions against Russia²⁹.
- Journal of Laws of March 23, 2022, item. 655
The Act of March 11, 2022, on the Defense of the Homeland regulates

²⁷ <https://publica.pl/teksty/jestesmy-tu-razem-50926.html>, [22.04.2022].

²⁸ More: Matthew Day, Smolensk air disaster ‘was caused by mystery explosion’. „The Telegraph”, 10/04/2014. Telegraph Media Group, London 2014.

²⁹ Ustawa z dnia 13 kwietnia 2022 r. o szczególnych rozwiązaniach w zakresie przeciwdziałania wspieraniu agresji na Ukrainę oraz służących ochronie bezpieczeństwa narodowego, Dz.U. 2022 poz. 835.

issues related to defense, military service, financing the Armed Forces of the Republic of Poland, and implementing by entrepreneurs of tasks in favor of the Armed Forces of the Republic of Poland. In addition, it regulates issues related to the organization and composition of the Armed Forces and bodies competent in matters of state defense and their tasks. (Footnote: sejm.gov.pl) The Act increases the financing of the state's defense from 2.2 percent of the GDP to a minimum of 3 percent of the GDP from 2023. From the law we also learn that volunteers perform basic military service voluntarily for a period of 12 months. The military training program has been extended in the schools of the Academic Legion. The act aims to increase the number of Polish soldiers to approx. 300 thousand. Of which 50 thousand are to be soldiers of the Territorial Defense Forces³⁰.

- On 14 March 2022, the National Health Fund issued 5 announcements regulating the issues of access of Ukrainian citizens to the public health care system. Every Ukrainian citizen who has been legally residing in Poland since 24 February 2022 has access to the system. The National Health Fund covers the costs of all medical services. This applies both to citizens of Ukraine and their spouses who do not have Ukrainian citizenship, as well as to persons holding a Polish Card who did not have

to cross the Polish border directly with Ukraine³¹.

The eyes of the whole world are focused on military operations on the territory of Ukraine. However, it must not be forgotten what is happening on Poland's eastern border. Belarus plays in one orchestra with Vladimir Putin spreading lawlessness and disinformation. The Belarusian regime is creating a migration crisis³² aimed at destabilising the political situation of the European Union. Illegal migrants from the Middle East were brought to Minsk, and from there they were transported to the border of Poland and the EU. This procedure was supported by the Belarusian services. The Polish Border Guard is exposed to aggression from Belarusian soldiers and foreigners who are forcing their way across the border in order to illegally cross it.

Poland is helping the citizens of Ukraine unconditionally as much as it can, which, in the context of illegal migration from the Middle East, raises moral dilemmas and questions about the segregation of people who need help. However, a significant difference here is the source of these problems. The origins of aid for Ukrainian citizens are connected with the actions of the Russian aggressor, whose ruthlessness and deception reached their zenith. Migrants from the Middle East are

³⁰ Ustawa z dnia 11 marca 2022 r. o obronie Ojczyzny, Dz.U. 2022 poz. 655.

³¹ Ustawa z dnia 12 marca 2022 r. o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa, Dz.U. 2022 poz. 583.

³² More: P. Lubiewski, Ukryty wymiar imigracji a prawa człowieka – konsekwencje dla bezpieczeństwa publicznego, [w:] Wiśniewski B., Czupryński A., Gikiewicz M., (red.), Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za Bezpieczeństwo wewnętrzne, Tom VI, Szkoła Główna Służby Pożarniczej, Warszawa 2020, pp. 24-37.

a problem artificially created for the needs of the Belarusian regime.

Summary

Safety is one of the basic human needs. It should be understood that in order to be able to function properly and develop, a person needs appropriate conditions. One of the primary conditions is the guarantee of security, both looking through the prism of the individual and the general public. One of the main tasks of the state is to ensure the safety of its citizens. Assuming that a safe state is a safe citizen, it should be emphasized that the main guarantor of security is therefore a strong, stable and well-organised state, and citizens who are aware of the responsibility for this security.

Over the last century, Poland underwent a remarkable transformation in the military field. Every country needs a strong ally to increase its security on the international arena. At the moment of Poland's accession to NATO in 1999, the members of the Alliance became its allies, and the strongest link of this Alliance are the United States of America. Cooperation in this field provides Poland with a guarantee of border protection.

At a time when the Russian Federation is attacking Ukraine with impunity and pursuing an aggressive policy, Europe needs maneuvers such as Defender Europe 22. The aim of this project is to ensure a balance of power considering Russia's actions, and to demonstrate on the international stage that NATO has enormous military potential that can be used in any situation that demands it. The essence of maneuvers is to acquire the

ability of allies to maneuver as quickly as possible and move military forces to places that require their presence. In this area, transport capacity, infrastructure, effective command and communication, as well as special diplomatic authorisations that facilitate border crossings are vital.

Poland actively participates in many projects aimed at developing the military crisis response capabilities of the European Union, including the work of the European Defence Agency – EDA. Its main objectives are to regulate the development of all defence capabilities of the Member States and to maximise the effectiveness of the collective application of measures in order to increase the intended effects during the operation. Poland is a part of multinational scientific and research projects. The participation of the state in achieving the desired standards and special requirements allows for their smooth implementation in state projects.

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POLISH AND UKRAINIAN PERCEPTION OF SECURITY SCIENCES (PART I)

Abstract

The purpose of this article is to bring closer to the reader a cognitive perspective and the subject of security sciences interest in terms of Polish and Ukrainian. Security as a social phenomenon is perceived in a similar way all over the world, however its scientific interpretation depends on the formal structure of science in a given country and the classification of the research subject into a specific discipline. In the Polish terms, the scientific discipline of security sciences is specified, however in other countries the scope of security knowledge is classified differently due to different conditions for the development and classification of science.

In the Ukrainian terms, the discipline of security sciences is not specified, and security problems are considered interdisciplinary in several fields of science, specialty groups and numerous scientific specialties.

In the process of developing the article, an assumption was made to explain the problem: how are the scientific disciplines in Poland and Ukraine that conduct research on security interpreted? As a result of applying the method of researching the content of the subject literature and the continuous comparison of the perception of security from the point of classification of scientific fields in the Polish and Ukrainian terms, the similarities and differences were specified, which constitute the essence of the cognitive scope of security.

The article is divided into two parts. The first part contains: “Abstract”, “Introduction”, “Research assumptions”, “Comparison of the determinants of the evolution of science in Poland and in Ukraine”, “Science about security in Polish terms”. The second part contains: “The sciences of security in Ukrainian terms”, “Comparison”, “Conclusion” and “Bibliography”.

Keywords

science, scientific discipline, security sciences

Introduction

The perception of science around the world is similar and is defined as a special activity of people intended to learn about the objective truth about reality, satisfy human cognitive needs to improve the quality of life and to produce knowledge about the products of cognitive activity¹. The tasks of the science include explaining concepts; gathering and systematization of knowledge about the world; recognizing the laws governing the world and interpreting facts, phenomena, processes concerning nature, society and a human. Science is interpreted as a system of knowledge achieved through scientific cognition². The sanctioned system of knowledge in each country is classified into the fields of knowledge and within them into the disciplines. Different nomenclatures are perceived in individual countries, however regardless of the semantics of the concepts, the essence of the classification of science is to systematize it to the needs of research, theory development, teaching and research funding. The conclusions from the preliminary

research indicate that the greatest differences in the classification of science occur at the level of scientific disciplines and specialties. Even in countries that belong to the same civilization circle and scientific organizations, there are differences that need to be explained in order to properly interpret the scope and object of cognitive interest in a specific field, discipline and scientific specialty.

Research assumptions

The growing interest in security issues as a subject of research inspires scientists to find out and compare its various approaches, especially in different countries. Despite the fact that security is an autotelic value, due to the determinants of the development of science in different countries and its classifications, differences are observed that should be explained from the scientific point of view. Hence, it was considered as justified that the perception of security issues in terms and classification of science in Poland and Ukraine should be compared. The need to compare and explain the essence of the perception of security issues in science in Poland and Ukraine resulted from the preliminary assessment of the legal basis for the classification of science in comparable countries. Identification and comparison of security issues is possible on the basis of science, hence it was also necessary to refer to the genesis and evolution of science in the studied countries, because acquiring knowledge about them allows for a proper inference about its structure.

The purpose of this article is to bring closer to the reader a cognitive perspec-

¹ T.S. Kuhn, *The Structure of Scientific Revolutions*, Publ. Aletheia, Warsaw 2009, p. 17-98; J. Ratajewski, *Elementy naukoznawstwa i główne kierunki rozwoju nauki europejskiej*, Publ. University of Silesia, Katowice 1993, p. 13; В.С. Марцин, Н.Г. Міценко, О.А. Даниленко та ін, *Основи наукових досліджень*, Ромус-Поліграф, Lviv 2002, с. 4-5; А. Бхаттачарджи, Н. Ситник, *Дослідження в соціальних науках. Теорія і практика*, Університет Південної Флориди Тампа Флоріда, США – Національний технічний університет України «Київський політехнічний інститут», Опубліковано за ліцензією Creative Commons Attribution-NonCommercial, с. 9-11; R. Sheldrake, *Nauka wyzwolona z dogmatów*, Ed. Manendra, Wroclaw 2015.

² Ch. Frannkfort-Nachmias, *Research Methods in the Social Sciences*, Publ. Poznan 2001 p. 9; G. Gottfried, *Teoria poznania. Od Kartezjusza do Wittgensteina*, Publ. WAM, Krakow 2007.

tive and the subject of security sciences interest in terms of Polish and Ukrainian. In fact, science does not have national features but ontological, epistemological and axiological features, however the development of each scientific discipline in different parts of the world has its specific civilization and cultural sources of emergence of science from cognitive areas, regardless of similar approaches in other parts of the world. Doing science is an anarchist endeavor because we assume skepticism about what has been achieved so far. According to P. K. Feyerabend, anarchism helps to make progress to every extent that one wishes to achieve, because undermining recognized theories causes us to find additional arguments for and against the challenged theory or to create the basis of new knowledge³. In scientific research, there is no restriction on not addressing problems that were previously justified, everything is questionable and comes down to argumentation according to the assumptions of confirmation or falsification⁴. In this perception of reality, we can use dialectical thinking, which becomes the first stage to properly identify the problem and the possibility of investigating it. Thinking and dialectical discourse open the way to critical thinking about social reality. Therefore, it would be justified to consider the problem of how security issues are perceived in the classification of science in Poland and Ukraine? As a result of the discourse and on the basis of the subject literature content in Poland and Ukraine, a hypoth-

esis was formulated that science in the compared countries had similar sources, but different development determinants, which resulted in the adoption of different classifications of science. The issues of the theory of security from the scientific point of view are similarly perceived but classified differently in the system of science in terms of nationality.

The general ontological and epistemological assumptions of the security theory classified in the formal structures of science in the studied country were adopted as the subject of knowledge.

In the adopted research process, a mixed strategy (qualitative and quantitative) was used, assuming that we do not discover facts, but only resolve, interpret and describe them in qualitative and quantitative terms, because the use of other strategies with such a cognitive assumption is not very relevant. The assumptions of the qualitative research strategy assume that the field of qualitative research is defined primarily by a series of tensions, contradictions and fluctuations, focusing on explaining the causes and determinants of the research⁵. The essence of a qualitative research strategy is not to discover but to interpret facts. In the quantitative strategy, we interpret and describe facts in numbers, and, on the basis of the assigned values, we interpret the studied object. Hence, dialectical and critical thinking about the problem and the subject of research was used, assuming that it is needed to:

- strive for a critical perception of the descriptions of security in the stud-

³ P.K. Feyerabend, *Against Method*, Publ. Siedmioróg, Wrocław 2021, pp. 14-17 et seq.

⁴ K.R. Popper, *The Open Society and Its Enemies*. Vol 2, Polish Scientific Publishers PWN, Warsaw 2006, pp. 268-326.

⁵ N.K. Denzin, Y.S. Lincoln (Eds.) *The Sage handbook of qualitative research*. Volume 1, Sage Publications, Sage Publications, London 2005.

ied countries in terms of the subject literature, with particular emphasis on the content of legal acts classifying science;

- in the research process, use comparisons of security issues, and especially their classification in a discipline from the Polish perspective and the group of specialties and the specialties from the Ukrainian perspective, both in qualitative and quantitative terms;
- make a multilateral and in-depth qualitative and quantitative analysis of data contained in the selected literature on the subject;
- make analyzes and comparisons of cases of deviation from the adopted assumptions for classifying science in the studied countries.

In the qualitative research strategy, the method of researching the content of the selected literature on the subject of research was used, consisting in the coherent application of reasoning operations (analysis, synthesis, comparison, abstraction, generalization, deductive reasoning)⁶ and the strategy of reductive, taxonomic, heuristic, constructive thinking⁷.

In the research process, thinking and dialectical discourse were used between the co-authors of the article, which presented the assumptions of security theory and its classification in formal structures of science. The discourse became the basis for determining the assumptions and the basis for comparing how the theory of security is perceived and classified in

terms of science in Poland and Ukraine. The dialectical discourse also provided the basis for setting conclusions regarding the comparison. The comparison was used after adopting the assumptions that the Polish perception of scientific disciplines is comparable to Ukrainian specialization groups, because in the studied systems of science classification the same nomenclature does not appear.

It should be emphasized that through the discourse the authors excluded cognitive subjectivism or attachment to a specific methodology resulting from the specificity of the research, however, we should be aware that the qualitative strategy may include the scope of subjectivism, which is the strategy essence, expressed in the perception and interpretation of facts, especially in terms of national classifications of science. In the security sciences, we do not produce facts, but interpret them from various cognitive perspectives. In the authors' opinion, researching the literature on the subject, comparison and dialectical discourse were sufficient to verify the hypothesis.

Comparison of the determinants of the evolution of science in Poland and in Ukraine

When interpreting science, it is purposeful to refer to it in the following aspects: historical and geographical, static, dynamic, content, methodological, structural, linguistic, axiological, systemic, psychological, sociological, organizational, legal, ideological, political, economic⁸.

⁶ E. Babbie, *Basics of Social Research*, Cengage, Boston 2015.

⁷ A. Peräkylä, *Analyzing Talk and Text* [in:] Denzin, N.K., Lincoln, Y.S. (Eds.), *The Sage handbook of qualitative research*. Volume 2, Sage Publications, London 2005, pp. 325-343.

⁸ More: T. Pszczołowski, *Science* [in:] *Encyclopedia*, publ. PWN S.A., Copyright @ 1997-2006.

The historical and geographical aspect of science indicates its sources and civilizational ties influencing its development. In the European tradition, we identify the primary sources of science in ancient Greece and Rome mainly in the development of philosophy and art, as well as in the thought of rationalism and positivism, and the same direction of the sources of science is noticed in scientific studies in Poland and Ukraine.

The static aspect of science in both countries is similar, as it concerns the acquisition of knowledge on various information carriers, ranging from parchment, paper, celluloid tapes to modern electronic records. The static aspect is expressed, *inter alia*, in institutions that collect and store knowledge (libraries, archives, museums, etc.).

The dynamic aspect of science consists in the activities of specialized scientific organizations that have the appropriate tools and legal instruments to increase knowledge resources and exchange it, which causes, *inter alia*, the accelerated development of science. The dynamic aspect in the surveyed countries is greatly influenced by the development of statehood and the level of civilization development⁹, and in these areas differences resulting from the political independence and historical continuity of the state as well as economic development systems that directly inspire and support various research areas are perceived.

The content aspects of science are expressed in its assumptions aimed at learning about the scientific reality and

using knowledge for utilitarian needs. Theorems and laws in various fields of science are defined, providing a basis for ordering laws and verifying hypotheses. The creation of knowledge in the compared countries is determined by the pursuit of learning the scientific truth achieved in the research process based on the following strategies: qualitative, quantitative, empirical and mixed, combining various strategies related to the problem under consideration, the goal and the subject of research.

The methodological aspect of science indicates the paradigms of a given field and discipline, and the scientific approach in this area is convergent in comparable countries. In the procedures of methodological and methodical approach to solving a specific problem, we not only study a given object and item, but also classify, describe and archive it, and define the directions of its development based on scientific knowledge.

The greatest differences in the world and also in the compared countries are noticed in the structural aspect of science. There are differences in the formal classification of science, despite the fact that from the point of genesis and its classification we refer to common sources of science according to: Aristotle (theoretical, practical, conceptual), F. Bacon (division of science into: history, poetry, philosophy), C. Wolff (sciences: theoretical, philosophical, practical), A. Comte (sciences: theoretical, applied). However, each country has its own classifications, which are created mainly for the purposes of organizing scientific activity, conducting research, promoting scientific personnel and financing

⁹ N. Ferguson, *Civilization. The West and the Rest*, Gardners, Eastbourne 2011, pp. 80-130.

science. The concept of science is understood similarly all over the world, but its classification is different, which results from many circumstances related to the development of science in a given culture and the level of civilization development of society. There are also differences in the classification of science among the 38 member states that belong to the Organization for Economic Cooperation and Development (OECD), to which Poland has belonged since 1996. Ukraine is not a member of the OECD and is not currently applying for membership, however, it can be hoped that along with the process of social and economic changes, after formal integration with the European Union, it will undertake activities integrating also with this organization. Another aspect of the perceived differences in the science classification system in comparable countries was also the greater direct Russian influence on the structure of science in Ukraine than in Poland.

The linguistic aspect indicates that science creates its own language, which is the basis for the description of the problem theory and scientific communication. It should be emphasized that despite significant differences in the classification of science, the linguistic aspect of the description of problems is similar. Therefore, when referring to the functions of science such as the descriptive, explanatory, diagnostic, prognostic, dynamological and systematizing function¹⁰, from the point of systematizing concepts, the aim is to create a language of concepts that systematizes areas of knowledge and facilitates scientific

communication. In Ukrainian terms, the following functions are commonly distinguished: cognitive, critical of the identified patterns, and practical¹¹, but also in a different approach according to O.C. Цокп also functions descriptive, explanatory, prognostic, reasoning. It should be emphasized that in both comparable systems of science there is a different number of functions of science, however this does not change the fact that their essence is justifying statements and hypotheses, creating an objective theory about the studied subject and developing the theory of research methodology of the studied subject.

The axiological aspect involves not only evaluation, but most of all criteria that allow to rationally explain given phenomena, processes and facts and to classify them. Given the common European sources of science, no axiological differences are noticed in Polish and Ukrainian science.

The systemic aspect indicates that a given field of science is part of the knowledge system. The world has always been a system, and therefore all fields of knowledge should be viewed holistically¹².

Science also has a psychological aspect because it is the product of a special action of the cognizer. Without the subject of cognition, there is no science, despite the fact that its object of study can objectively exist.

The sociological aspect of science indicates its social importance. Science is a social phenomenon. It is created primarily by a social group of people who

¹⁰ J. Ratajewski, *op. cit.*, p. 21

¹¹ В.С. Марцин, Н.Г. Міценко, О.А. Даниленко та ін, *op. cit.*, с. 5.

¹² L. Bertalanffy, *General Systems Theory*, PWN, Warsaw 1984, p. 33.

are methodologically and substantively prepared to practice science. The essence of the practiced science manifests itself in scientific cognition, because there is no other cognition than scientific¹³, which provides objective knowledge about a given subject of cognition.

The organizational aspect of science results from the degree of its formalization in scientific governmental and non-governmental institutions. Science, in this sense, is carried out by research and development institutions, scientific societies, etc. Similar organizational features of science occur in the compared countries.

The legal aspect of science means that science is subject to certain legal restrictions of a different nature in different countries. This means that in the surveyed countries there are procedures for acquiring and awarding professional titles as well as degrees and academic titles according to different procedures¹⁴, but as a result of signed agreements it is possible to recognize diplomas, which indicates that despite procedural and legal differences, the value of acquired competences is recognized. In the legal aspect, differences in the compared countries are noticeable, because Poland, through its membership in the European Union, has made changes to adapt the science and education system to the common

European framework. In Ukraine, however, this process has not started yet.

The ideological aspect indicates that science, despite maintaining its methodological and substantive independence by cultivating it in the human social environment, is not able to completely become independent from non-scientific influences. It should be emphasized that regardless of whether the ideological influences are positive or negative, the practice of science should be characterized by cognitive objectivity, and not by the requirements of an ideological institution or the “trend”. The institution or own ideological beliefs cannot determine the result of the research, or the ideology cannot interfere with the obtained results.

The political aspect indicates numerous connections between science and the world of politics, despite the fact that science assumes independence. Science is practiced in conjunction with government institutions, political and economic organizations, which mainly determine its financing. Hence, the influence of politics is reflected not only in the state budget's expenditure on research and development of science, but also in the needs of the financing entity.

The economic aspect shows that applied science finds many patrons in the hope that the results of the research will bring utilitarian solutions. There are much fewer supporters of theoretical sciences because they have purely different financial side. Hence, the interest in the science by its patrons is not always related to the development of science, but mainly to benefits. Such an attitude is not reprehensible, because the goal of sci-

¹³ K. Szaniawski, *On Reasoning, Science and Value*, Polish Scientific Publishers PWN, Warsaw 1994, p. 7

¹⁴ Foreign higher education systems. Ukraine. A practical guide to recognition of education, Information material prepared by the recognition of education department – ENIC-NARIC Poland, Warsaw, 2020; Закон України, Про повну загальну середню освіту (Відомості Верховної Ради (ВВР), 2020, № 31); Act of July 20, 2018, Law on Higher Education and Science, Journal Of Laws 2021, item 478, 619, 1630.

ence formulated by F. Bacon are the truth and inventions that should improve the quality of social life. However, the prospect of benefits should not obscure the idea of scientific cognition.

It should be emphasized that the general assumptions of science are similarly perceived in both analyzed countries. The general classification of science and research into basic¹⁵ and applied¹⁶ results from the usefulness of their research results for the development of theoretical knowledge and science, and the possibility of applying research results to improve the quality of social life in the research area. On the other hand, there are differences in the structure and formal classification of science, which was defined in the national legal acts of the compared countries. The conclusions from the comparison of the structure and classification of science indicate significant differences that result from different legal systems as well as the culture and evolution of science systems. Security problems are taken into account in the studied systems, however, their perception differs in the surveyed countries.

The assumption that security is an autotelic value¹⁷ indicates that regardless of the civilization development of nations, it should be perceived in the same way in all parts of the world. However, in this assumption, only its first part is true, because civilization and cultural determinants make each nation perceive

security separately from the scientific, social, practical and civilization point of view. From the scientific point of view, few countries specify the scientific discipline of security in their scientific system, however many of them from the scientific point of view perceive security in terms of security studies. Even if there is security in a country's science systems, its cognitive scope is perceived differently. Hence, it was considered justified to compare the general assumptions of science and its structure, and above all, the scientific situation of security in terms of Poland and Ukraine.

Security sciences in polish terms

From the formal point of view, security studies in Poland were arbitrarily appointed by a resolution of the Central Commission for Degrees and Titles in 2011¹⁸ and confirmed in the ordinances of the Minister of Science and Higher Education of 2011 and 2018¹⁹. However, the genesis of security sciences should not be sought in legal acts, but in the need of a security entity to persist, survive and develop in various natural, social, economic and political conditions. Everyone in the world dealt with security as the need of the subject of security, regardless of the

¹⁵ В.Г. Андрійчук, Сутнісний аспект методології наукових досліджень, Економіка АПК 2016, No 7. с. 79.

¹⁶ О.І. Гуроров, Методологія та організація наукових досліджень. Підручник, ХНАУ, 2017, с. 272.

¹⁷ A. Czupryński, Aksjologiczne aspekty bezpieczeństwa, Europejski Przegląd Prawa i Stosunków Międzynarodowych nr 4(35), Warszawa 2015, pp. 71-85

¹⁸ Resolution of the Central Commission for Degrees and Titles of January 28, 2011 amending the resolution on the definition of fields of science and fields of art as well as scientific and artistic disciplines, M.P. 2011 No. 14 item 149 (repealed).

¹⁹ Regulation of the Minister of Science and Higher Education of 8 August 2011 on the areas of knowledge, fields of science and art as well as scientific and artistic disciplines, Journal of Laws No. 2011 No 179, item. 1065 (deleted) Regulation of the Minister of Science and Higher Education of 20 September 2018 on the fields of science and scientific disciplines, and artistic disciplines, Journal of Laws No. 2018 item 1818.

level of civilization development and the scope of its perception and definition from the scientific point of view²⁰.

From the cognitive point of view, the genesis of security sciences in Poland should be sought in: theory and practice of the art of war, former military sciences, former defense sciences, politics and administration sciences, management and quality sciences, legal sciences, economics and finances, philosophy, cultural and religious sciences, sociological sciences, social communication and media sciences, polemology and irenology²¹. The specific cognitive areas, in the scope defined for them, include aspects of the security of the human individual, social groups, nations, man-made organizations to improve the quality of social and economic life and the state as a legal entity in the international arena. The foundations of this cognitive trend indicate the need to perceive security in connection with many sectors of knowledge, and it is not reasonable to perceive security from the cognitive perspective of one knowledge sector, or at least those sectors of knowledge with which the subject of research interacts.

The sciences about security in Poland are in line with the assumptions of securitization as well as human security. The subject of knowledge of security sciences is perceived in a socio-psychological and humanistic perspective and is situated on the border with the sectoral knowledge of many scientific disciplines related to its

genesis and evolution. Thus, the sciences of security include assumptions concerning the protection of human rights and dignity as well as decent conditions for existence and development, and the security of political beings and organizations that man creates to guarantee his own persistence, survival and development.

The basis of the created security sciences in Poland were the military sciences mentioned in the decree on the establishment of the General Staff Academy in 1947²², and then in the decree of 1952²³ as the right of military universities to award academic degrees, however the field and scientific discipline were only specified in the order of the Minister of Higher Education in 1965²⁴ and this state lasted until 2011, when military science was removed from the list of scientific fields and disciplines. The then created defense and security sciences did not replace the former military sciences but divided the cognitive area of former military sciences and extended it with selected elements of human security in various social conditions. Similarly, in 2018, defense sciences were removed from the list and their cognitive scope was taken over by security sciences. Thus, in a short period of time, the security sciences evolved from a formal and cognitive point of view and expanded their scope of interest to former defense sciences.

²⁰ A. Czupryński, J. Falecki, R. Kochańczyk, *Policja w systemie bezpieczeństwa narodowego*, Academy Scientific Publisher WSB, Dabrowa Gornicza 2021, pp. 17-35.

²¹ A. Czupryński, *The essence of security sciences*, Scientific Journal SGSP 2020, No 73/1/2020, pp. 103-123.

²² Decree of October 22, 1947, establishing the General Staff Academy, *Journal Of Laws of 1947 No. 65*, item 379 (deleted).

²³ Decree of December 10, 1952, on military academies, *Journal Of Laws 1952 No. 49*, item 324, art. 35 (deleted).

²⁴ Ordinance of the Minister of Higher Education of July 15, 1965, on the specification of academic degrees and titles depending on the field of science or scientific discipline to which these degrees and titles apply, *M. P. 1965 No. 38*, item 217 (deleted).

It should be emphasized that the subject of research is not present in the security sciences in a natural reality. Security as a subject of research is perceived as a metaphor²⁵ as a semantic representation of social phenomena and processes that do not have physical attributes, except for symbolic ones, which cannot be fully parameterized according to the adopted system of measures, with the exception of some of their elements. If we assume that the subject of security research is a material part of reality or its conceptual metaphors perceived by the senses and mind of the researcher located in a specific cognitive area, we can include:

- a defined and precise social reality of security;
- social communities and collections that interact with security;
- social institutions and relations between them in the field of shaping security;
- social processes and phenomena affecting security;
- systems, subsystems and their elements as well as interactions between them and the intra-system environment and the security system environment.

It is considered as justified that the subject of research should be precisely defined and have certain cognitive boundaries in the adopted research process. However, from the scientific discipline point of view, the area, object and subject

of research²⁶ do not have and probably will not have a precisely defined cognitive scope, but only a general one, because explaining one of many problems causes, just like in entropy that directly proportional to the discovered areas, the areas of exploration in vertical, horizontal and layered system are increasing²⁷. We can make such an assumption when interpreting the scope of cognition in security sciences, although other justifications are also found in the literature on the subject²⁸.

Security sciences, due to the multitude of their sources, use the methodology of other disciplines and build their own methodology of cognition on their basis. Hence, in the constitution of each discipline, the formal subject of research in the ontological, methodological and axiological aspect is very important, which by some scientists is referred to as administrative formalism, however, it is necessary to avoid cognitive chaos based on the subjective adoption of cognitive assumptions.

In Polish terms, the classification of science defines the boundaries of its fields and disciplines, which should result from the tasks, features and functions of science as well as its evolutionary and revolutionary development. If a given piece of knowledge fulfills the basic characteristics and functions of science, then we can conclude that it is a piece of

²⁵ See.: G. Lakoff, M. Johnson, *Metaphors we live by*, Publ. Aletheia, Warsaw 2010; M. Fabiszak, *Kognitywna teoria metafory – nowe terminy, stare pojęcia?* [in:] H. Kardela, Z. Muszyński, M. Rajewski (scientific editor), *Kognitywistyka. Problemy i perspektywy*, Publ. University of Marii Curie-Skłodowska, Lublin 2005, pp. 137-147.

²⁶ A. Czupryński, *Obszar oraz obiekt i przedmiot badań w naukach o bezpieczeństwie* [in:] A. Czupryński, B. Wiśniewski, J. Zboina (scientific editor), *Nauki o bezpieczeństwie. Wybrane problemy badań*, CNBOP-PIB, Józefów 2017, pp. 29-33.

²⁷ A. Czupryński, *Istota pojęcia nauka* [in:] A. Czupryński, B. Wiśniewski, J. Zboina (scientific editor), *Bezpieczeństwo. Teoria – Badania – Praktyka*, Publ. CNBOP-PIB, Józefów 2015, pp. 42-46.

²⁸ T. Kośmider, W. Kitler (scientific editor), *Granice tożsamości nauk o bezpieczeństwie. Perspektywa materialna i formalna*, Difin, Warsaw 2017.

knowledge that meets the requirements to be a field or a discipline. The criterion for distinguishing a given discipline may be the cognizing subject, the object of cognition, research methods, the conceptual apparatus, the social need to develop theory and practice²⁹.

From the social point of view of each scientific discipline, its usefulness is very important, manifested in the knowledge about social reality and the possibility of its application, and from the scientific point of view, the possibility of crossing the limits of cognition and development as well as accumulating knowledge about the studied subject.

According to T. Kotarbiński, the division of sciences can be classified according to the subject of research and its properties, the methods applied, the logical nature and the required cognitive efficiency of the researcher³⁰. However, according to J. Ratajewski, the classification of science into scientific fields, disciplines and specialties should result from the features and functions of science.

Common features of science include:

- the ability to generalize the results of scientific activity, which means the ability to perceive and introduce scientific problems and build scientific theories;
- objectivity of expressed judgments and statements based on scientific cognition;
- accuracy and unambiguity in the formulation of the presented judgments and statements;

- compliance of all cognitive activities in science with those recognized by the scientific community;
- highly informative language used in science, which enables the verification of submitted judgments and statements;
- legitimacy and logical connection as well as the certainty of judgments and statements conveyed in scientific communication;
- constant criticism of all announced judgments (statements) and an attitude of constant checking of already existing and conveyed judgments (statements);
- the creative nature of the results of activities enabling the enrichment of the hitherto scientific achievements³¹.

Each sector of knowledge, to be a science, should fulfill its functions: descriptive, ex-planning, diagnostic, prognostic, methodological and systematizing³².

According to S. Sulowski, the criteria that define a discipline include, among others: the language of cognition, the method of cognition, researchers with specific skills, institutions conducting specific research, the history of the creation and evolution of a specific discipline³³.

Generally, we can assume that a specific scientific discipline consists of academic staff; generated knowledge; area, object and subject of research; methods of scientific knowledge; the language of concepts and the social need for research,

²⁹ A. Czupryński, *op. cit.*, pp. 108-112.

³⁰ T. Kotarbiński, *Elementy teorii poznania, logiki formalnej i metodologii nauk*, Publ. De Agostini, Warsaw 2003, pp. 573-580.

³¹ J. Ratajewski, *op. cit.*, pp. 13-20;

³² *Ibidem*, p. 21.

³³ S. Sulowski, *O rozwoju badań i postulacie interdyscyplinarności w naukach o bezpieczeństwie* [in:] S. Sulowski (scientific editor.), *Tożsamość nauk o bezpieczeństwie*, Publ. Adam Marszałek, Torun 2015, p. 33-34.

but above all, it is necessary to share the same paradigms in a given discipline by scholars³⁴.

The classification of science in Poland distinguishes scientific fields and disciplines (Table 1), which are formally defined in legal acts issued by the com-

Table 1. The structure of science in Poland

No.	Fields of science and art	Number of scientific disciplines in a specific field and their names
1	The field of human sciences	(7) Archeology; philosophy; history; linguistics; literary studies; sciences about culture and religion; art sciences
2	The field of engineering and technical sciences	(9) Architecture and urban planning; automatics, electronics and electrical engineering; technical informatics and telecommunications; biomedical engineering; chemical engineering; civil engineering and transportation; material engineering; mechanical engineering; environmental, mining and energy engineering
3	The field of medical science and health science	(4) Pharmaceutical sciences; medical sciences; physical culture sciences; health sciences
4	The field of agricultural sciences	(5) Forest science; agriculture and horticulture; food and nutrition technology; veterinary; zootechnics and fishing
5	The field of social sciences	(11) Economics and Finance; socio-economic geography and spatial management; security science; social communication and media studies; political science and administration; management and quality sciences; legal sciences; sociological sciences; education; the canonic law; psychology
6	The field of exact and natural sciences	(7) Astronomy; informatics; maths; biological sciences; chemical science; physical sciences; earth and environment sciences
7	The field of theological sciences	(1) Theological sciences
8	The field of art	(3) Film and theatre arts; musical arts; fine arts and conservation of works of art
Together: 8 fields of science, 47 scientific disciplines, including the discipline of security sciences		

Source, prepared on the basis of: Regulation of the Minister of Science and Higher Education of 20 September 2018 on the fields of science and scientific disciplines and artistic disciplines, Journal of Laws of 2018, item 1818.

³⁴ A. Czupryński, Kryteria dyscypliny naukowej [in:] A. Czupryński, B. Wiśniewski, J. Zboina (scientific editor), op. cit., pp. 9-16.

petent minister for science, and its further specification to the level of scientific specialties falls within the competence of scientific discipline councils at universities or research institutes.

Security sciences are in the field of social sciences and have their theoretical and utilitarian aspects as they are an applied discipline.

Security can be characterized either in a negative or positive way.

Traditionally, negative security is viewed in the context of threats and is perceived with the use of force and coercion³⁵. In negative terms, security is perceived and defined as a reaction to threats for the security entity and often referred to as the lack of threats, which is not very precise because threats always occur, but not always their level directly limits the possibility of persistence, survival and development of the security entity.

Using a positive approach, we can define security as the objective and subjective certainty of existence, survival, possession, functioning and development freedoms (possibilities) of a given entity³⁶. This perception of security seems complete and generally embracing its essence, regardless of the threats. In the subject literature security is perceived as:

- guarantee of the inviolable survival of the security entity and its free development³⁷;

- state of confidence, calmness, lack of threat and protection against it³⁸;
- territorial integrity, sovereignty, free choice of the path of political development, achievement of prosperity and social development³⁹;
- the state obtained as a result of properly organized defense and protection against all military and non-military threats with the use of forces and resources from various areas of state activity⁴⁰, and many others.

Multiple interpretations of security indicate that its general perception is most justified in terms of processes, because it recognizes its essence as duration, survival and the ability of the security entity to develop.

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³⁵ R. Zięba, *International Security after the Cold War*, Academic Publishers and Professional, Warsaw 2008, p. 16.

³⁶ R. Zięba, *Pojęcie i istota bezpieczeństwa państwa w stosunkach międzynarodowych*, *International Matters* no 10, Warsaw 1989, pp. 49-50.

³⁷ J. Stańczyk (ed.), *Współczesne pojmowanie bezpieczeństwa*, ISP PAN, Warsaw, 1996, pp. 17-20.

³⁸ R. Zięba, *Institutionalisation of European Security*, publ. Scholar, Warsaw 2007, p. 27.

³⁹ J. Czaputowicz, *Kryteria bezpieczeństwa międzynarodowego – aspekty teoretyczne* [in:] S. Dębski, B. Górską-Winter (ed.), *Kryteria bezpieczeństwa międzynarodowego państwa*, PISM, Warsaw 2003, p. 13.

⁴⁰ T. Szubrycht, *Współczesne aspekty bezpieczeństwa państwa*, *ZN AMW* no 4, Gdynia 2006, p. 89.

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NATIONAL SECURITY GOVERNANCE SYSTEM – A FEW REMARKS AND RESERVATIONS

Abstract

Each state establishes a system of national security, the essence of the functioning of which is to ready the state in accordance with the provisions of doctrinal documents and laws in all circumstances. In the endeavor of the state security, an significant issue is the management of national security. Considering the above, the article presents considerations encouraging the research of the problem. The research assumptions outlined in the article were adapted to the addressed scientific problem, which was to determine the organization of the system of steering the national security. The results of the deliberations presented in this article show unequivocally that the system of guiding state security should be consistent for all conditions of state functioning, both for those defined as normal and those related to crisis situations and war. Any deviation from said rule will have negative consequences for the efficient, effective and successful management and, consequently, also for the state security system. The solutions in force in Polish legislation referring to the organisation of the national security execution model, developed on the basis of the Act on the Universal Duty to Defend, ought to serve the purpose of building a uniform model, definitely exceeding the management in conditions of an external threat to state security and war.

Keywords

security, threat, national security, national security management,
national security system, national security objectives

Introduction

Poland's membership of the North Atlantic Treaty Organisation and the European Union means that we can feel safe despite the constantly emerging threats. This does not, however, relieve us of the responsibility for the organisation of the national security management system.

It shall be underscored here that the Poles are primarily responsible for the security of Poland, because it is we who bear responsibility for the unthreatened existence of our country. This thought was, is and always ought to be the foundation of any deliberations on Poland's security and the formulation of its security strategy. Of course, NATO membership creates new conditions and criteria, but national requirements and obligations still take priority¹.

The pace of transformations which occur in the Polish security environment and the clear pressure associated with emerging hazards², but also opportunities and challenges³ renders the issues related to the management of national security particularly important. Is this the only reason? It seems not. That particular significance also remains in relation to the

complexity of the process of national security governance. For it resists being rationally perceived through the prism of economy, which is obvious. So it would appear reasonable to say that "the only useful way to analyse organisations and their management is to treat them as (...) phenomena; to look for (...) manifestations of success and failure, growth and decline, contradiction and harmony, and the forces that cause these (...) at the disposal of people concerned with the association as a whole stands little beyond their own experiences, the advice and warnings of their friends, a certain number of published situational descriptions and a few obscure treatises"⁴.

The analysis of doctrinal documents concerning security and legal regulations indicates a significant role of the authorities and governmental and self-governmental administration in the management of safety. This is due to the fact that these bodies actively participate in formulating a secure environment in their immediate vicinity⁵.

Authorities have a pivotal role in the field. At the same time, it is worth emphasising that in recent years an increasing role in that sphere has also been discerned for public administration bodies⁶.

¹ More: Z. Zalewski, *Komunikat naukowy, [in:] Strategiczne koncepcje obrony – implikacje dla bezpieczeństwa RP, Materiał z konferencji zorganizowanej w Wydziale Strategiczno-Obronny Akademii Obrony Narodowej w dniu 27 stycznia 2000 roku*, J. Zubek, M. Drost (eds.), Akademia Obrony Narodowej, Warszawa 2000, p. 77.

² More: P. Lubiewski, *Zagrożenie – rozważania na gruncie teorii*, *Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona w Legnicy*, Legnica 2020, No. 34(1)/2020.

³ More: *Wyzwania, szanse, zagrożenia i ryzyko dla bezpieczeństwa narodowego RP o charakterze wewnętrznym*, R. Jakubczak, B. Wiśniewski (eds.), Wyższa Szkoła Policji, Szczytno 2016.

⁴ A. Jay, *Machiavelli i zarządzanie*, PWE, Warszawa 1996, p. 38.

⁵ More: P. Lubiewski, *Bezpieczeństwo państwa – reminiscencje*, *Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona w Legnicy*, Legnica 2020, No. 34(1)/2020; B. Kaczmarczyk, B. Wiśniewski, R. Gwardyński, *Security of An Individual*, *Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona w Legnicy*, No. 3(28)/2018; B. Wiśniewski, *System bezpieczeństwa państwa. Konteksty teoretyczne i praktyczne*, Wyższa Szkoła Policji, Szczytno 2013, p. 213.

⁶ Ibidem.

However, let us return to the ground of fundamental considerations. To begin with, all scientific theories are partial theories correctly representing phenomena (e.g. social) only in a narrow range⁷. “Most mathematical equations used to describe physical (economic) phenomena have a so-called horizon, i.e. a range within which they can be applied. Beyond this horizon, equations (equations not phenomena!) “behave” incorrectly”⁸. This means no less than that these theories correctly describe phenomena only to a certain extent, thus allowing for “the application of these formulas (equations) to make optimal decisions in certain strictly defined conditions of the organisation’s functioning. On the other hand, in critical conditions, these theories do not allow to forecast the course of phenomena, and thus are not useful for optimising decisions”⁹. All these factors affect the construction of a universal system of governing national security.

Methodological and methodical assumptions

The development of the article was connected with the desire to enhance the knowledge of the issues reflected in its title while avoiding mistakes¹⁰. In the as-

pect of the problem situation outlined in the introduction, it was necessary to define the aim of the research, which was to diagnose the contemporary determinants of national security management.

In the context of the above purpose, the research problem was adopted in the form of the question: how is the national security management system organised?

Due to such fundamental assumptions, it was decided that the work related to the development of the article should be carried out in two stages, including, respectively, the recognition of the object of research and the development of the results of this recognition.

In the course of the research process, a systemic approach was applied, understood as the perception of systemic solutions related to the management of national security.

In the midst of the research accompanying the development of this article, the main sources used were:

- inductive inference¹¹ as an empirical research method, which served to derive statements resulting from the analysis of individual factors affecting the management of national security;
- deductive reasoning¹², as one of the cognitive results of the process of recognition national security management;
- analysis¹³ as a result of which the facts covered by the research were subjected

⁷ Kierowanie ogniwami ochrony państwa w sytuacjach kryzysowych, J. Pawłowski (ed.), Akademia Obrony Narodowej, Warszawa 1996, p. 177.

⁸ M. Radny, Dotyk Midasa, Wiedza i Życie, No. 12/2001, pp. 28–30.

⁹ Kierowanie ogniwami ochrony państwa ..., op. cit., p. 177.

¹⁰ B. Wiśniewski, Fundamental Problems of Security Research in The Context of Forecasts and Foresight. Part II: Organisation and Errors, „Security Forum”, No 2/2022, WSB University in Dąbrowa Górnicza, p. 28.

¹¹ M. Cieślarczyk, Teoretyczne i metodologiczne podstawy badania problemów bezpieczeństwa i obronności państwa, Akademia Podlaska, Siedlce 2009, p. 46.

¹² Ibidem.

¹³ R. Podgórski, Metodologia badań socjologicznych. Kompendium wiedzy metodologicznej dla studentów, Bydgoszcz-Olsztyn 2007, p. 74.

to a detailed assessment in order to detect cause-effect relations existing between the components of the national security management system.

The essence of the national security management system

Taking into account the subject of consideration, in the context of the views presented so far, it is necessary to address the question: what is the system of directing national security of the Republic of Poland?

The basis for replying to such a question shall be the words of Waldemar Kitler, who emphasizes that the guidelines for the management system can be sought in the Constitution of the Republic of Poland, which regulates the systemic basis of power in Poland and at the same time defines it in dynamic terms, but only in relation to possible changes in the legal regulations of the state¹⁴. "The mentioned dynamic approach, however, does not fully meet the needs of the state in this respect, resulting from the almost spontaneous pace of changes in the sphere of hazards. The normal model of directing state defence and managing in a crisis situation makes an impression of clarity at first glance. Legal regulation escapes (or is difficult to grasp) dynamic phenomena. The momentum of natural processes means that assigning competences to rigid structures is not sufficient to solve the prob-

lem. The Constitution of the Republic of Poland has not solved all the problems in this respect, and this is hardly to be expected, while other acts of statutory rank are far behind¹⁵ the actual needs"¹⁶.

A slightly different standpoint is held by Stanisław Koziej, who believes that the system of directing national security is nothing else than "supreme governing bodies functionally and informatively linked with other governing organs at all levels of the state structure (ministries, voivodships, local government units and management of other entities, as well as command authorities of the armed forces) – in whose competencies are directly or by order the issues of individual security of citizens, collective security of local communities and security of the state as a whole"¹⁷. Furthermore, S. Koziej notes that this system functions on the basis of and in accordance with the law passed by the Sejm and Senate, which is guarded by courts and tribunals¹⁸.

It seems that a comprehensive reply to the question formulated earlier can be found in "(Mini)Dictionary of the National Security Bureau: Suggestions for new terms in the field of security". In this study, the system of directing national security is presented as "a part of the national security system intended to direct its operations, covering public authorities and managers of organizational units that perform tasks related to national security (including command authorities of the

¹⁴ W. Kitler, *Funkcje i organizacja administracji publicznej na rzecz realizacji misji i celów bezpieczeństwa narodowego*, [in:] *Resort spraw wewnętrznych i administracji w systemie obronnym państwa*, ed. R. Kulczycki, B. Wiśniewski, Ministerstwo Spraw Wewnętrznych i Administracji, Warszawa 2004, p. 113.

¹⁵ S. Koziej, *Improwizacja nie wystarczy*, „Polska Zbrojna” październik 2001, No. 44, p. 3.

¹⁶ W. Kitler, *op. cit.*, p. 113.

¹⁷ S. Koziej, *System bezpieczeństwa Rzeczypospolitej Polskiej*, Tom II, *Polityka i strategia bezpieczeństwa państwa w XXI w.*, Akademia Obrony Narodowej, Warszawa 2004, p. 75.

¹⁸ *Ibidem*.

Polish Armed Forces), together with advisory bodies and administrative (staff) apparatus, as well as operating procedures and infrastructure (positions and centres of direction and management, communication system)”¹⁹.

Previously presented attempts to identify the national security management system focus on the issue of its organisational structure. A proponent of a broader approach to understanding the system in question is Waldemar Kitler, who believes that the national security management process should be viewed through the prism of the management mechanism, which includes “a sequence of specific type (character) of changes, dependent or independent of the components of the homeland security management structure, occurring within this system or resulting from the relations linking it with the environment”²⁰. It is also important that leadership is characterised by exerting influence on hierarchies and systems of values, interests and aspirations, attitudes and organisational behaviour of those managed, which has its origin in the disposition by the leader of material and energy resources or nominal and informational resources of particular importance for the functioning and development of the organisation, or the very conviction of those managed that the leader has the possibility to acquire these resources²¹. However one may perceive this

kind of management, it must be remembered that it is bound with full authority and presumption of competence²².

Considering the issue of command from a systemic point of view, it should be stated that in the structure of the system of national security command are strictly interrelated²³:

- the decision subsystem, in which the decision-making processes related to management take place, that is, the transformation and analysis of information about the executive subsystem and the environment, as well as the conversion processes of the decisions received from the superior management system into decisions necessary to achieve the objectives pursued;
- the management subsystem, in which processes take place that organise action of an informational nature and influence the efficiency of the tasks performed;
- the executive subsystem, which is directly involved in the execution of tasks; – the information subsystem, the main purpose of which is to collect, transmit, store and process information in accordance with the needs of the decision-making subsystem and the superior management command system.

These subsystems “have the advantage that their essence is determined by the goal and function to be achieved and the tasks to be performed, rather than by the tools used for that purpose. Thus, the principle applies that on any given set of

¹⁹ <https://www.bbn.gov.pl/pl/bezpieczenstwo-narodowe/minislownik-bbn-propozy/6035,MINISLOWNIK-BBN-Propozycje-nowych-terminow-z-dziedziny-bezpieczenstwa.html> [14.01.2022].

²⁰ W. Kitler, *Bezpieczeństwo narodowe RP. Podstawowe kategorie. Uwarunkowania. System*, Akademia Obrony Narodowej, Warszawa 2011, pp. 232-233.

²¹ L. Krzyżanowski, *Podstawy nauk o organizacji i zarządzaniu*, PWN, Warszawa 1994, p. 207.

²² A. F. Stoner, *Kierowanie, PWE*, Warszawa 1996, p. 23.

²³ J. Haschka, *Tworzenie systemu informatycznego, „Myśl Wojskowa”* 1994, No. 4, pp. 122-125.

elements, different systems can be built, each depending on the target and the relations ordering that set. Each of these subsystems, in turn, can be seen as a separate functional scheme with directing and executing elements (...). Each of the detailed subsystems is composed of directing and executing elements. The directing elements ensure the coordination and execution of national security tasks in support of a specific function. A specific body of administration (...) coordinates the activities of various, interdisciplinary subjects of state law in the realisation of a given function"²⁴.

The nature of the national security management system – directions for further research

In the system of national security management, as well as in all its subsystems, levels of control are distinguished, corresponding to the hierarchical organisation of operational structures. Their advantage is the arrangement of management issues, both during planned actions and conducted in anticipated situations, as well as in other conditions²⁵.

This structuring allows the following levels of hierarchical responsibility to be singled out, i.e. central, coordination and executive, and operational. These levels are characterised, respectively:²⁶

- the central superior level, situated above the central and working

spheres of government, has formal authority to take charge of those areas of individual functions that determine the achievement of national objectives and define security missions and objectives of national importance;

- the coordination and executive level carry out the arrangements at the superordinate level and performs the functions entrusted by law to ministers and to the bodies and heads of organisational units supervised by them or subordinate to them;
- an operational level directly implementing the decisions taken.

After this synthetic introduction, it is time to proceed to the mission and objectives of the national security governance system.

The mission of the national security management system is to ensure full capability and readiness to use all available resources at the disposal of the state to effectively counter emerging risks to the security of the Republic of Poland.

On the contrary, the objectives of the national security management system are:²⁷

- a. effective prevention of potential hazards;
- b. adequate preparation of conditions for:
 - immediately undertake and continue necessary actions to minimize the negative consequences for the state of emerging threats and emergency events,
 - preserving the continuity of the functioning of the state and its

²⁴ W. Kitler, op. cit., pp. 123-124.

²⁵ B. Wiśniewski, *Zasadnicze problemy realizacji zadań obronnych resortu spraw wewnętrznych i administracji*, Departament Zarządzania Kryzysowego i Spraw Obronnych MSWiA, Warszawa 2006, pp. 44-46.

²⁶ W. Kitler, op. cit., p. 114.

²⁷ R. Wróblewski, op. cit., p. 67.

- institutions under conditions of hazards and exceptional events
- protect the population, material assets and cultural heritage of the nation
- to maintain socially acceptable living conditions for the population and the functioning of the national economy,
- continuance of international engagements resulting from international obligations,
- c. efficient response to threats and extraordinary events;
- d. reconstruction of the damaged infrastructure of the state and restoration of the conditions before the occurrence of the emergency event.

In the context of the foregoing, it is necessary to recall the words of Roman Kulczycki, who emphasised that in order for the system of national security management to effectively carry out preventive and control actions, its elements should be related in terms of information and functionality to executive components, so as to form a separate system in the ordinary state of functioning of the country and in states of emergency²⁸. Shall we treat these words as a thesis or hypothesis? Let us try to think it through.

Research into the system of guiding national security requires the issue of leading security in the framework of current activities, when, admittedly, the symptoms of threats and the hazards themselves appear, but extraordinary events that may trigger the need for crisis

management or guiding national defence are not occurring yet.

The first condition is amenable to the management of national security, because since nothing occurs that could startle the management bodies. During this time, actions are taken related to prevention and preparation for leadership in conditions of emergence of crisis situations and war. This management is therefore of a routine nature, but nevertheless directed towards solving problems that arise on an ongoing basis, so as to eliminate the sources of unfavourable changes at the root.

The second condition of managing national security is related to the necessity of dealing with crisis situations and emergencies²⁹. Crisis management, due to the constant increase in the level of threats to human security (usually painful), is a properly recognized part of national security management. Continuously emerging crisis situations serve “to strengthen the structural and functional state in the field of emergency management. Due to them the level of efficiency of actions has been raised, there has been more effective use of resources, institutional and legal means. As a result, measurable results were obtained in the form of application or creation of premises for the implementation of the basic principles of fulfilling the public administration’s servant function towards the society in the field of national security”³⁰.

The third condition of functioning refers to the guidance of national secu-

²⁸ More: R. Kulczycki, *System bezpieczeństwa RP*, Tom IV, *Koncepcja systemu bezpieczeństwa RP*, Akademia Obrony Narodowej, Warszawa 2004, p. 46.

²⁹ More: *Instytucje publiczne i prywatne w systemie zarządzania kryzysowego*, B. Wiśniewski, J. Prońko, P. Lubiewski (eds.), Warszawa 2018, p. 138.

³⁰ B. Wiśniewski, *op. cit.*, p. 170.

rity in situations of external threat and war. In these circumstances, the management is realised while maintaining:³¹

- the invariability of management structures – consisting in the unchangeability of management systems both in peacetime and in periods of external threats to state security and war;
- the unity of decision-making and accountability.

In the context of what has been considered so far, is it indeed the case that the elements of the national security management system should be linked informatively and functionally with the executive elements, so as to form a separate system in the ordinary state of functioning of the state and in times of emergency? It would seem so. After all, there are many common features of management in conditions considered normal, as well as in crisis circumstances or during war-time. Undoubtedly, however, care for the highest possible level of efficiency, effectiveness and comprehensiveness requires scientific research of interdisciplinary and transdisciplinary character, as only this type of study is able to ensure the quality of research results and their utilitarian character.

Conclusions

The omnipresence of threats in the security environment of each state necessitates the construction of systems the essence of which is to counteract and

minimise the effects of their possible occurrence³².

However one considers the conditions of national security management, it needs to be borne in mind that a proper process of organising this management “should be characterised by a number of features, which may have an independent and dependent character”. The following types of mentioned features³³ include, respectively:

- independent characteristics: timeliness, reliability, tangibility;
- dependent characteristics: reliability, flexibility, efficiency, periodicity, specificity, stability, activity, priority, credibility.

Both the governance of national security and the system of guiding state security are influenced in particular by the entities that constitute the public administration bodies assigned by law to direct safety at all organisational levels of the state.

In conclusion, it is necessary to state that regardless of the conditions of national security management during its implementation it is guided by the following principles: territorial primacy, one-man leadership, responsibility of authorities and public administration, unity of efforts and categorization of threats³⁴.

³¹ B. Tarasiuk, A. Czarniecki, W. Suwiński, *Kierowanie obronnością państwa w czasie pokoju, kryzysu i wojny* (Materiał studyjny), Akademia Obrony Narodowej, Warszawa 1998, pp. 18–19.

³² B. Wiśniewski, op. cit., p. 13; P. Lubiewski, *Bezpieczeństwo państwa w ujęciu systemowym*, „Zeszyty Naukowe SGSP”, No. 74/2/2020, SGSP, Warszawa 2020, p. 115.

³³ More: B. Szydłowski, *Kierowanie działaniami organów administracji publicznej województwa w sytuacjach nadzwyczajnych zagrożeń* (na przykładzie województwa śląskiego), Akademia Obrony Narodowej, Warszawa 2004, pp. 100–103.

³⁴ More: W. Lidwa, W. Krzeszowski, W. Więcek, *Zarządzanie w sytuacjach kryzysowych*, Akademia Obrony Narodowej, Warszawa 2010, p. 3.

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POLISH-UKRAINIAN COOPERATION IN THE FIELD OF SOCIETAL SECURITY – SELECTED ASPECTS

Abstract

Societal security is an area associated with an extensive catalog of natural and anthropogenic threats, which do not recognize any administrative boundaries in their destructive development. The escalation of their negative impact is determined by the geographic and natural conditions in the place of their materialization and the laws of physics. The mentioned dependencies mean that effective prevention of their occurrence or combating their negative effects requires combining the efforts of various entities in the internal (national) dimension, as well as with neighboring countries, especially in border areas. This article attempts to diagnose Polish-Ukrainian cooperation in actions to ensure societal security undertaken by fire protection units operating in Poland with their counterparts operating in Ukraine.

Keywords

societal security, civil protection, fire protection, rescue, State Fire Service, voluntary fire brigades, Polish-Ukrainian cooperation.

Introduction

By observing and analyzing the contemporary environment of human existence, we notice the intensification of the occurrence of dangerous phenomena, that pose a threat to the life and health of people and other living creatures, cause losses in property (individual and state), as well as result in degradation of the natural environment in which man lives daily, deriving necessary for life elements. The above thesis is confirmed by media reports, which almost every day inform about various unfavorable events that affect humanity. Fires, explosions, floods, storms, breakdowns and accidents (technical, communication) etc., crisis situations which are often reported by phenomena that materialize in one country and have negative effects in other countries, neighboring or distant. An example is the series of flash floods that hit western, central and southern Europe in July 2021 (Germany, Belgium, Austria, Italy, Romania), which were the result of heavy rainfall causing flooding of rivers flowing through these countries. Their most tragic effects were recorded in Germany and Belgium. In these countries, as of 19 July 2021, almost two hundred people lost their lives as a result of the floods (163 in Germany and 36 in Belgium)¹, and huge material losses were caused. Even more severe international effects were caused by the accident in 1986 at the Chernobyl nuclear

power plant in Ukraine. The radioactive particles released as a result of the unsealing of the reactor and the accompanying explosion caused radioactive contamination in the area adjacent to the power plant with an area of approximately 150,000 km², touching with its destructive power over 5 million people living there. Moreover, radioactive particles emitted from the damaged reactor spread throughout Europe².

In the context of the above, it should be emphasized that the diverse nature of the above-mentioned threats, and in many cases their global nature (not taking into account their escalation and generating negative effects of state and other administrative borders) mean that effective countering them often exceeds the capabilities of rescue resources of each state. Therefore, providing effective help to the injured and threatened in such situations requires multifaceted and multidimensional cooperation of all entities responsible for ensuring and maintaining societal security³, both nationally and internationally.

Cooperation between neighboring countries is of particular importance in the cross-border dimension of ensuring societal security⁴ for two reasons. Firstly, in the event of a cross-border es-

¹ Death toll in catastrophic European flooding: At least 199 dead, nearly 300 unaccounted for, <https://abcnews.go.com/International/europe-flood-death-toll-surpasses-150-latest-updates/story?id=78899752>, access: 9.11.2021.

² Vide: <http://www.chernobyl.info/Default.aspx?tabid=351&ItemID=339&returnTabID=210>, access: 23.03.2018.

³ B. Kogut, J. Ziobro, Fundamental Issues Related to Cooperation of Rescue Entities, „Scientific Journal of Bielsko-Biala School of Finance and Law”, No 1/2019, p. 15 – 19 and B. Kogut, P. Lubiewski, Organization of rescue activities in crisis situations caused by terrorist attacks, Вісник Львівського Державного Університету Безпеки Життєдіяльності, No 2018/6/11, Lviv 2018, pp. 23-29.

⁴ Bezpieczeństwo. Teoria-Badania-Praktyka, (ed.) A. Czupryński, B. Wiśniewski, J. Zboina, Józefów 2015, p. 38.

calation of a threat arising, for example, in a border zone within the territory of one country, its destructive impact may soon affect the territory of the neighboring country. Secondly, properly agreed and prepared support for combating this threat by the neighbor's resources can be provided quickly, thus contributing to minimizing the losses and damage caused by them.

Methodological and methodical assumptions

Considering the above dependencies, the main goal of the research presented in this study was to diagnose the course of Polish-Ukrainian cooperation in the field of shaping common security in border areas and throughout the territory of both countries, as well as to forecast its development in the future. The aforementioned goal was achieved by solving the research problem formulated with the question: How is the cooperation between Poland and Ukraine going, in the field of shaping societal security in border areas and in other territories belonging to them, undertaken by fire protection units operating in Poland and entities with the same or similar competences on the Ukrainian side?

Solving the main problem, the focus was on showing the theoretical foundations of ensuring universal security and the role of cooperation in this matter, as well as indicating the normative foundations, levels, entities and forms of Polish-Ukrainian cooperation undertaken to shape common security in both countries, as well as the identification of joint ventures.

In the research process, theoretical and empirical methods were used, in particular, analysis, synthesis, inference, document analysis, interviews and observations made by the author during over thirty years of service in the State Fire Service.

Theoretical foundations of ensuring societal security

When starting a discourse on the efficient and effective provision of societal security at a level acceptable to the society, it is first necessary to define the subject scope of the issues under consideration.

In the literature on the subject, there are many explanations of the term “societal security”. One of them says that it is one of the components of internal security, next to public and systemic security, and means “a condition ensuring protection of the life and health of citizens and national property against the effects of natural disasters and technical catastrophes”⁵. Analysis of the content of the cited definition clearly indicates the catalogue of values to be protected⁶ (life, health, material goods, natural environment) and the threats that could affect the above-mentioned values. It should be noted that the general catalog of threats defined as natural and technical disasters is an extensive set of various and unfavorable situations resulting

⁵ B. Wiśniewski, S. Zalewski (ed.), *Bezpieczeństwo wewnętrzne RP w ujęciu systemowym i zadań administracji publicznej*, Bielsko-Biała 2006, p. 35.

⁶ R. Gwardyński, *Safety in Praxeological Approach*, [in:] *Security – Threats, Law and Organization. Schriften zu Mittel- Und Osteuropa in der Europäischen Integration*. Band 24, (sci.ed.). B. Wiśniewski, G.G. Sander, P. Kobes, Verlag Dr. Kovač, Hamburg 2019, p. 11.

from mutual relations and interactions between the elements of a specific triad consisting of⁷:

- man / people with the entire catalog of his / their activities;
- civilization environment (the effect of material human activity);
- the natural environment in which the subject exists, from which they derive elements necessary for life.

The features characterizing threats to societal security are suddenness (surprise), unpredictability of the place and time of occurrence, variability of the nature and scale of impact and the negative effects caused. Their destructive escalation does not take into account any administrative boundaries but is determined by the geographical, geological, hydrological, meteorological, climatic, physics, and urbanization and development conditions prevailing in the place of materialization of the threat. The aforementioned features are also important factors influencing the organization of an efficient and effective process of ensuring societal security.

Considering the accountability of the mentioned features of threats to societal security, it should be emphasized that regardless of their nature and scale “the expected effectiveness of rescue actions can be ensured by taking them in the right place and time and by the right amount of forces and resources with the desired quality parameters, adequate to the nature and scale of

the adverse phenomenon”⁸. It should be added that each of the above-mentioned conditions has its importance in the final rescue success, but the key determinant of the response efficiency is the reaction speed defined as “time elapsing from the occurrence of an incident until the arrival of appropriate rescue resources”⁹.

By analyzing the contemporary security environment¹⁰ it is worth noting that it is characterized by high complexity and dynamics of changes. The progress of civilization related to the development of new industries and the implementation of modern technologies, intensive expansion of various technical infrastructure and changes taking place in the natural environment, related to increased human activity in the pursuit of satisfying one's needs, are the main sources of threats to human (society) and the environment in which they exist. The mentioned factors, constituting the human environment, are interrelated and interact with each other, as a result of which “the number of factors generating threats to societal security

⁸ J. Ziobro, Ratownictwo transgraniczne jako forma współpracy i integracji międzynarodowej oraz środków w procesie zapewniania bezpieczeństwa powszechnego – wybrane aspekty organizacji transgranicznych działań ratowniczych, *Zeszyty Naukowe SGSP*, No 73/1/2020, p. 172.

⁹ J. Prońko, J. Kielin, B. Wojtasiak, Model reagowania systemu ratowniczo-gaśniczego, „Bezpieczeństwo i Technika Pożarnicza” 2016, No 1, p. 117.

¹⁰ Security environment – external and internal, military and non-military (civil) security conditions (conditions for implementing the interests of a given entity in the field of security and achieving its goals in this respect), characterized by four basic categories, which are: opportunities, challenges, risks and threats. Cf. <https://www.bbn.gov.pl/pl/bezpieczenstwo-narodowe/minislownik-bbn-propozy/6035,minislownik-bbn-propozycje-nowych-terminow-z-dziedziny-bezpieczenstwa.htm>, [10.11.2021].

⁷ J. Ziobro, P. Lubiewski, Podstawowe problemy powszechności zagrożeń dla ludzi i środowiska [in:] *Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne*, Tom 3, ed. B. Wiśniewski, Warszawa 2018, p. 26.

is increasing, and their catalogue is an open set, constantly evolving”¹¹.

Considering the constant evolution of threats and their globalization, as well as the fact that security is one of the basic psychological needs of a human being, the satisfaction of which is the basis of their existence, and at the same time the chance for future development, it should be emphasized that achieving and maintaining a socially acceptable level of societal security is a task for any democratic country, posing a significant challenge to its authorities¹². The aforementioned dependence in the context of the aforementioned globalization of threats makes it necessary to constantly deepen the cooperation¹³. The priority of all actions taken should be to create formal and practical conditions of „protecting citizens against phenomena that are dangerous to life and health or cause environmental damage or material losses and minimize their effects and create an environment conducive to the harmonious and sustainable development of society”¹⁴.

Due to the complexity and dynamics of changes taking place in the contemporary societal security environment, all entities responsible for ensuring it achieve their goals that “must demonstrate high efficiency of action, which

means taking advantage of the opportunities that appear in the environment”¹⁵. The recalled efficiency of action in praxeological terms means the ability of the subject to create relationships with external partners and with their help to cope with the changes taking place, instead of striving to maintain stability on their own¹⁶.

The essence and importance of cooperation in developing security

Before we proceed to diagnosing the basics, levels and forms of Polish-Ukrainian cooperation in the field of shaping societal security, as well as problems in its efficient course, it is necessary to first present its theoretical conditions, presented in the literature.

It should be emphasized that the issue of cooperation is explored on the basis of various sciences and scientific disciplines. In general terms it refers to activities and relations that occur between two or more entities (units) and their effects. In the management literature, these relationships are defined using many synonymous terms, incl. cooperation, partnership, commitment, outsourcing etc. The multitude of terms used and their frequent, interchangeable use in various contexts and situations by theorists and practitioners, politicians, journalists “caused the differences between them to blur, and the merits became

¹¹ J. Ziobro, P. Lubiewski, op. cit., p. 46.

¹² B. Wiśniewski, J. Ziobro, T. Zwęgliński (red. nauk.), Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne, Tom IX, SGSP, Warszawa 2021, p. 6.

¹³ Vide: R. Jakubczak, B. Wiśniewski (red. nauk.), Wyzwania, szanse, zagrożenia i ryzyko dla bezpieczeństwa narodowego RP o charakterze wewnętrznym, Szczytno 2016, p. 48.

¹⁴ Z. Ścibiorek, B. Wiśniewski, R. B. Kuc, A. Dawidczyk, Bezpieczeństwo wewnętrzne. Podręcznik akademicki, Toruń 2015, pp. 39-40.

¹⁵ R. Socha, Teoretyczne i praktyczne aspekty dowodzenia organizacjami zhierarchizowanymi, Bulletin of Lviv State University of Life Safety, No 20, 2019, p. 24.

¹⁶ T. Kotarbiński, Traktat o dobrej robocie, Ossolineum, Wrocław – Warszawa – Kraków – Gdańsk 1973, p. 352.

blurred”¹⁷. Despite so many terms, the essence of cooperation is “undertaking mutually compatible and complementary activities and having a positive meaning from the point of view of their impact on the achievement of goals”¹⁸. Taking actions together is aimed at achieving a synergy effect that allows to obtain better results and reduce costs, which can be achieved by “combining functions that have so far been performed by each entity individually”¹⁹. The cited perception of cooperation (joint action) is “positively evaluative, as opposed to other relationships and concepts that may be indifferent or hostile”²⁰.

Taking into account the subject matter of this study, which boils down to the cooperation of two states, sovereign entities, participants of international relations, which have the right to “create their own security policy, including building a rescue system at their own discretion and setting the rules of its functioning in their own territory and outside it”²¹, the features characterizing their cooperation should be: autonomy of participants, common goal and voluntary agreement of tasks to be performed.

Bearing in mind the above and the fact that cooperation is a peculiar form of personal relations, taking place both in the management and executive staff

of cooperating entities (treated as a key component of each organization), its effects depend on the individual personality and competence characteristics of the cooperating partners. As Teresa Myjak notes, the willingness to cooperate with each other is determined by, among others, forbearance, empathy, willingness to help, tolerance and patience. On the other hand, the effects are determined by the qualifications of the staff and creativity in solving emerging problems and the ability to create project teams and practice dialogue during teamwork, as well as the mutual respect of members of cooperating teams. An extremely important role in creating cooperation and its effects is played by the managerial staff, who actively supports the executive staff (team) by setting specific and measurable tasks, at the same time leaving space for independent and free action²².

Regardless of the level and scope of cooperation related to shaping security, it covers three main spheres in each case²³:

- information (related to the exchange of information (data) necessary to achieve the assumed goals),
- material (including co-involvement of financial resources and material resources for the achievement of the assumed goals),
- physical (referring to the partners’ interpersonal relations, their mutual

¹⁷ D. Nowak, Wpływ współpracy i współdziałania na wybrane obszary funkcjonowania przedsiębiorstwa – wyniki badań, „Zeszyty Naukowe Uniwersytetu Szczecińskiego no 736”, Finanse, rynki finansowe, ubezpieczenia, no 55, 2012, p. 685.

¹⁸ J. Lichtarski, Współdziałanie gospodarcze przedsiębiorstw – Warszawa 1992, p. 13.

¹⁹ D. Nowak, Wpływ współpracy i współdziałania..., op. cit., p. 686.

²⁰ Ibid.

²¹ J. Ziobro, op. cit., p. 176.

²² T. Myjak, Uwarunkowania skutecznej i efektywnej współpracy zespołowej, „Inżynieria zarządzania. Cyfryzacja produkcji. Aktualności badawcze” 2017, No 2, pp. 185–197.

²³ J. Prońko, Bezpieczeństwo państwa, zarys teorii problemu i zadań administracji publicznej, Bielsko-Biała 2007, p. 68.

relations and attitudes taken by partners towards each other).

In stating the above, and at the same time taking into account the discipline of science in which these considerations are embedded, in further explications we will focus on cooperation understood as “joint operation or providing assistance in the implementation of tasks related to the achievement of a precisely defined, measurable goal related to the full implementation of projects related to the implementation of security tasks”²⁴. At the same time, the main goal of cooperation in all the above-mentioned spheres should be to achieve and maintain a socially acceptable level of universal security²⁵ by taking actions aimed at:

- preventing the emergence and spread of threats (prevention),
- providing properly prepared and equipped forces and means to counter threats (preparation),
- efficient and effective response to (combating) threats.

Diagnosis of bilateral cooperation between Poland and Ukraine in developing societal security

Taking into account the extremely extensive and constantly evolving catalogue of societal security of a cross-border nature and the determinants affecting its provision, ensuring favorable con-

ditions for the existence of society requires strengthening bilateral cooperation with neighboring countries, as well as activities on the international forum within the framework of organizations dealing with the issues of societal security, in particular counteracting natural disasters and technical failures and their effects, as well as broadly understood rescue and civil protection. Providing support under international cooperation should take into account the principle of sovereignty (external and internal), according to which each state is independently responsible for preventing, preparing, responding and removing the effects of threats, and the role of other states should be to support and supplement their activities²⁶. At the same time, providing especially rescue aid “should take place with the maximum alleviation or abolition of restrictions resulting from the existence of state borders”²⁷.

When commencing the exploration of the practical dimension of Polish-Ukrainian cooperation in the field of universal security, it should be emphasized that, in accordance with the principle of sovereignty, the basis for its formation should be bilateral agreements concluded by the competent authorities of both countries.

In the context of the above, it should be noted that Poland was the first country to recognize the independence of Ukraine after its declaration of indepen-

²⁴ B. Wiśniewski, System bezpieczeństwa państwa. Konteksty teoretyczne i praktyczne, Szczytno 2013, p. 298.

²⁵ J. Ziobro, Rescue Efficiency Determinants as a Guarantee of Acceptable Security Level, „Security Forum”, No 1/2021, WSB University, Dąbrowa Górnicza 2021, pp. 55-64.

²⁶ R. Ratusznyj, B. Wiśniewski, G.G. Sander, P. Pantya, Introduction to Deliberations on State Security Strategy, „Internal Security”, No 1/2021, Szczytno 2021, pp. 7-18.

²⁷ J. Ziobro, Ratownictwo transgraniczne jako forma współpracy..., op. cit., p. 170.

dence in August 1991.²⁸ The diplomatic relations established at the beginning of 1992 allowed for the development and signing of a treaty between the two countries on good neighborliness, friendly relations and cooperation.²⁹ In this document, the contracting parties undertook, inter alia, to strengthen cooperation “for security and stability in Europe with particular emphasis on regional security”³⁰. In order to coordinate³¹ cooperation, an institutional mechanism was established in 1996 – the Polish-Ukrainian Intergovernmental Coordination Council for Interregional Cooperation (P-U MRKdWM)³². Its main tasks include defining the directions and basic assumptions for the development of interregional cooperation, the development of joint action programs for the development of interregional cooperation and its coordination³³ at the level of oblasts and voivodships. Since 2002, the Council has focused its activities on the field of rescue and civil protection on the implementation of the provisions

of the intergovernmental agreement on cooperation and mutual assistance in the field of preventing disasters, natural disasters and other extraordinary events and removing their consequences. The aforementioned contract regulated the rules of voluntary provision of assistance by the contracting parties, indicating at the same time³⁴:

- authorities competent to ask for assistance and accept requests for assistance, and their competences,
- areas and forms of cooperation and providing aid,
- the rules for crossing the border through aid resources and staying in the territory of a neighboring country,
- requirements for the transport across the border of rescue equipment and humanitarian aid items,
- principles of managing and coordinating rescue operations,
- rules of bearing the costs of actions and compensation benefits related to losses incurred in their course in equipment and by rescuers.

In addition to the above, it should be added that from 2012 in the structure

P-U MRKdWM a permanent Commission for Rescue and Civil Protection in Conditions of Extraordinary Hazards has been established, which focuses its activity on developing normative and methodological foundations for rescue cooperation and tightening cooperation between rescue services at all adminis-

²⁸ Cf. <https://www.gov.pl/web/ukraina/relacje-dwustronne>, access: 12.11.2021.

²⁹ Treaty between the Republic of Poland and Ukraine on good neighborhood, friendly relations and cooperation, drawn up in Warsaw on May 18, 1992 (Journal of Laws of 1993, No. 125, item 573).

³⁰ Ibidem, art.3.

³¹ B. Kogut, P. Lubiewski, Management and coordination of rescue activities, *Вісник Львівського державного університету безпеки життєдіяльності*, No 17, Львів 2018, pp. 68-73.

³² The functioning of the Polish-Ukrainian Intergovernmental Coordinating Council for Interregional Cooperation was regulated by the Statute of January 26, 1996. Cf. <https://archiwum.ms.gov.pl/pl/wspolpraca-miedzynarod/wspolpraca-transgranic/miedzynarodowe-rady-i-k/8268,Ukraina.html>, [12.11.2021].

³³ Vide: Wiśniewski B., Zwęgliński T., Socha R., The Theory of Commanding, *Вісник Львівського Державного Університету Безпеки Життєдіяльності*, No 14/2016, Lviv 2016, pp. 47 – 52.

³⁴ Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on cooperation and mutual assistance in the field of preventing catastrophes, natural disasters and other extraordinary events and removing their consequences, made in Warsaw on July 19, 2002 (Journal of Laws of 2004, No. 166, item 1737).

trative levels. The chairmanship of the commission is exercised by members of the management on the Polish side of the State Police Headquarters of the State Fire Service, while on the Ukrainian side of the State Emergency Service of Ukraine (PSUdSN), a representative of regional / district level regional units and schools subordinate to them also participate in its work. The directions and prospects for the development of cooperation between Polish and Ukrainian rescue services in the field of rescue and civil protection, as well as the possibility of using international technical assistance and the implementation of projects under the European Neighborhood and Partnership Instrument programs and the Polish Aid initiative are discussed at meetings held alternately on the territory of partners. So far, eight committee meetings have been held, the last of which was held by videoconference for epidemiological reasons³⁵.

It should be emphasized that the abovementioned agreement on rescue cooperation laid the foundations, and the activities of the commission contributed to the systematic and creative cooperation of services and entities responsible for developing societal security operating in both countries, both at the central, regional and local levels. On its foundation, a number of contracts and agreements on cooperation and collaboration were concluded, and many scientific and training projects, exercises³⁶, study and advisory visits, rescue and humanitarian aid, as well as investment projects.

Government and local administration bodies at all levels, organizational units of the State Fire Service (PSP), voluntary fire brigades (OSP) and members of the Union of Volunteer Fire Brigades of the Republic of Poland (ZOSP RP) and many other entities from the public, economic and social sector were involved in their implementation.

Taking into account the wide scope of the implemented cooperation, further considerations focused on activities aimed at ensuring an efficient and effective response in the event of the materialization of threats to societal security. They have been undertaken on the Polish side by fire protection units, in particular PSP, TSO, ZOSP RP and supported by the state and local administration, and on the Ukrainian side by PSUdSN structures supported by state authorities and structures established since 2014.

As previously noted, one of the key criteria influencing the effectiveness of rescue operations is the appropriate quality of rescue resources directed to help. In the context of personnel, it includes, in particular, knowledge, competences and skills, physical fitness and endurance as well as mental resilience, perceived as factors enabling the efficient operation of rescue equipment and the implementation of rescue and relief activities. On the other hand, in relation to material resources, it means modern equipment, adequate to the nature of the threat, allowing for quick and safe reaching the scene and providing help.

Polish-Ukrainian cooperation aimed at educating and improving rescue personnel includes many forms and activities undertaken in this matter.

³⁵ <https://www.gov.pl/web/kgpsp/plany-wspolpracy-polskich-i-ukrainskich-strazakow>, [12.11.2021].

³⁶ Cf. T. Zwęgliński, *Evaluating exercises effectively*, „Crisis Response Journal”, No 16/2/2021, pp. 96-97.

One of the forms involves organizing scientific conferences and seminars by the academic centers of both countries. As part of them, theorists and practitioners dealing with the issues of rescue and civil protection present the results of research undertaken in this area, identifying problems and presenting proposals for their solution. In the past period, fire schools operating in both countries were involved in organizing such undertakings, as well as civil academic centers, which in cooperation with local structures of state and voluntary rescue services and formations, organized many such undertakings. Among the many undertakings of this type organized in the past, one should mention the 3rd International Scientific, and Training Conference entitled "Cooperation as the foundation of effective rescue" organized in 2013 in Arłamów by the State Higher Vocational School in Sanok named after Jan Grodek in cooperation with KG PSP and KW PSP in Rzeszów. During the conference, the "Principles of cooperation between the fire protection units of the Republic of Poland and the State Emergency Service of Ukraine in providing mutual assistance in removing the effects of emergency situations" were signed.

An important form of cooperation in developing the staff are projects undertaken by universities and fire schools in the field of education and training, exchange of research and teaching staff and professional practice of students. Activities in this area are based on bilateral agreements concluded by the university management. One of the first was concluded in 2007 between the School

of Aspirants of the State Fire Service in Krakow and the Lviv University of Life Safety of the Ministry of Extraordinary Affairs of Ukraine.

The development of cooperation between industry-specific academic centers of both countries resulted in the signing in 2017 of an agreement between the Main School of Fire Service in Warsaw (SGSP) and the Lviv State University of Life Safety (LPUBŻ) on joint second-degree studies conducted by the Faculty of Fire Safety Engineering at SGSP. The aforementioned studies were created as a specialization called Fire Safety Engineering in the field of Safety Engineering and are conducted in a full-time form. Students from Ukraine take classes in the 1st and 3rd semester of studies and the diploma examination at SGSP, and the 2nd semester at LPUBŻ. Students from Poland and countries other than Ukraine take the 1st and 3rd semester of their studies and the diploma examination at LPUBŻ, and the 2nd semester at SGSP. After graduation, graduates have specialized knowledge in the field of fire and civil safety and receive a Master's degree in engineering, confirmed by diplomas issued by SGSP and LPUBŻ³⁷.

Another form of rescue personnel development is the organization of various types of courses, workshops and exercises during which the participating management and executive personnel improve their individual skills and cooperation in task teams. The organization of this type of cooperation is carried out by various centers at the central, provincial

³⁷ <https://ppoz.pl/index.php/aktualnosci/1668-wspolne-ksztalcenie>, [13.11.2021].

/ regional and local levels using financial support from European and national funds. An example of activities at the national level are exercises conducted under the EU Civil Protection Mechanism (UMOL) or the International Search and Rescue Advisory Group (INSARAG), organized in both countries. Examples include the EU-Carpathex exercises organized in Poland (Podkarpacie) in 2011 as part of UMOL, or the exercises re-certifying the Ukrainian Heavy Search and Rescue Group (MRC) carried out in September 2020 in Ukraine (Kiev) as part of INSARG. In reference to the aforementioned re-certification exercises, it should be added that after its certification in 2014, the Ukrainian side noticed large organizational gaps and training gaps in its system and asked the PSP to mentor the MRC group in 2015-2019. As part of the work undertaken in this matter, the mentor was a representative of KG PSP, and in 2015-2017 the PSP implemented a project under the Polish Development Aid under Polish Development Aid named "Improving the effectiveness of the Ukrainian search and rescue group by increasing the competences of the management team." The main goal of the project was to prepare the Ukrainian MRC group for recertification. It should be added that the actions taken by the State Fire Service have achieved the intended goal, and the Ukrainian side in 2021 asked KG PSP to continue the supervision of the MRC group and to prepare it for the next recertification scheduled for 2025. KG PSP decided to agree to this request³⁸.

In addition to the above-mentioned examples of activities of national importance, many regional or local projects were implemented, in which the units of the State Fire Service and the TSO and local authorities participated, e.g. the project implemented by the MC of the State Fire Service in Rzeszów in 2013: "Strengthening the institutional potential of cooperation between rescue services from Rzeszów and Uzhhorod through the improvement of rescue and firefighting techniques and the exchange of information and experiences". As part of the project activities, firefighters from Uzhgorod received respiratory protection equipment and performed exercises in a specialized smoke chamber. Or the international field exercises organized in September 2021 in Ukraine as part of the "EU-CHEM-REACT 2" project. The maneuvers were organized by the International Center for Chemical Safety in Warsaw (ICCSS) and partners from the Czech Republic, Lithuania, Latvia and Ukraine. Poland was represented by units of the State Fire Service from Jarosław, Lubaczów, Przemyśl and Rzeszów as well as units of OSP Ćmińsk, OSP Pabianice and OSP Zielonka. As part of the exercises, the participants developed algorithms for dealing with various types of emergency, including: the spread of dangerous substances on roads, accidents, building fires, elimination of unknown contamination, biological hazards in the border area. One of the objectives of the exercises was to correlate the activities of fire brigades from different countries so that they acted as one,

³⁸ Based on information from the Operational Planning Office and the Civil Protection Bureau of KG PSP.

consolidated team. It should be added that these exercises took place for the first time after a long break caused by the pandemic³⁹.

Transferring the considerations to activities undertaken in the field of improving the quality of the rescue technical potential, it should be emphasized that so far, many investment projects have been implemented, under which the equipment base of rescue entities in Ukraine has been systematically improved. The vast majority of projects implemented in this field concerned projects implemented by units of the State Fire Service, TSO and ZOSP RP in cooperation with local governments at various levels. The financing of the aforementioned undertakings was provided by European and national instruments for supporting cooperation, i.e., the “Cross-border Cooperation Program Poland-Belarus-Ukraine” (PWT PBU) and “Polish Aid”.

PWT PBU has been operating since 2004, supporting development processes on the border of these countries by co-financing various non-commercial projects contributing to the improvement of the quality of life of people living in eastern Poland, western Ukraine and Belarus. One of the thematic objectives of the programme’s interest is security. As part of its achievement, projects related to the prevention of natural and technical disasters and preparation for combating them are implemented, in particular by improving and adapting the equipment of rescue entities and

training their personnel to the needs (resulting from the nature of possible adverse events). During the 17 years of the program’s operation, many pieces of equipment have been purchased and a lot of training and exercises have been carried out. The main goal of actions undertaken in this priority is to shorten the waiting time for the reaction of the services responsible for safety and security. So far, 22 institutions have been involved in the implementation of projects in the above-mentioned scope⁴⁰.

An example of one of the recently implemented projects under PWT PBU is the project entitled “Joint protection of people and the environment through the creation of the Ukrainian-Polish system of prevention and response to natural disasters in the Carpathian Euroregion” with a total value of EUR 1.84 million, with co-financing from European funds of approximately EUR 1.66 million. It is run by the “Carpathian-Ukraine Euroregion” association, and the partners in its implementation are:

- Provincial Headquarters of the State Fire Service in Rzeszów,
- State Service for Emergency Situations of Ukraine from the Lviv region,
- State Service for Emergency Situations of Ukraine from Zakarpattia Oblast,
- State Service for Emergency Situations of Ukraine from the Ivano-Frankivsk region.

The material scope of the project includes the construction of a smoke chamber with equipment for the Municipal Police Headquarters in Przemyśl and the purchase of rescue and firefighting vehicles, as well as the organization of train-

³⁹ <https://www.gov.pl/web/kwpsp-rzeszow/miedzynarodowe-cwiczenia-terenowe-w-ramach-projektu-eu-chem-react-2-z-udzialem-podkarpackich-strazakow>, [13.11.2021].

⁴⁰ <https://www.pbu2020.eu/pl/pages/233>, [14.11.2021].

ing for firefighters from the above-mentioned districts⁴¹.

The second mentioned support tool is the “Polish Aid” program managed by the Ministry of Foreign Affairs. The implementation of projects under this instrument takes place in cooperation with government agencies, non-governmental organizations and local structures of partner countries. Ukraine, as a priority partner of Polish development cooperation, has been included in it since 2005. Mutual activities include projects related to the transformation of Ukraine, in particular supporting the reform process in the field of decentralization, as well as the development of national and regional crisis management systems⁴².

In the past period, within the aforementioned instrument, many initiatives were carried out aimed at improving the organization and functioning of entities responsible for ensuring societal security, both in the area of investment (material) as well as research and training. Close cooperation between Polish and Ukrainian firefighters resulted in the implementation of a number of projects, which included:

- purchases of specialized rescue equipment, measuring apparatus and equipment for rescuers;
- organization of specialized trainings, including in the field of safety of rescuers, chemical, ecological, water and road rescue;
- improvement and development of teaching resources and infrastructure;

- development and implementation of training programs for members of the Ukrainian rescue services and volunteer firefighters.

Activities in this area were undertaken, inter alia, by organizational units of the State Fire Service, as well as TSO units supported by local governments.

One of the last undertakings in this field is the implementation by KG PSP and SGSP of the project entitled “Regional Rescue Training Centers – support for the education system of the Volunteer Fire Department and professional rescue services in Ukraine”. The material scope of the project includes:

- establishment of Regional Rescue Training Centers throughout Ukraine,
- developing a training program and training instructors in extinguishing internal fires and tanks containing flammable gases;
- providing specialist equipment increasing the safety level of firefighters-instructors.

In the first stage of the project implementation (treated as a model solution), the existing trainer at the Lviv State University for Life Safety was expanded with a “hot” module, enabling the training of firefighters in real working conditions⁴³. In the future, similar trainers will be delivered to Kharkiv, Cherkas and Vinnitsa. They will become the seeds for the creation of regional rescue training

⁴¹ <https://www.gov.pl/web/kwpsp-rzeszow/projekt-wspolna-ochrona-ludzi-i-srodowiska>, [14.11.2021].

⁴² <https://www.gov.pl/web/polskapomoc/ukraina3>, [14.11.2021].

⁴³ Cf. <https://www.gov.pl/web/polskapomoc/regionalne-centra-szkolenia-ratowniczego---wsparcie-systemu-ksztalcenia-osp-oraz-zawodowych-sluzb-ratowniczych-na-ukrainie>, [14.11.2021].

centers, in which classes will be conducted by trained native instructors⁴⁴.

Continuing the deliberations on Polish-Ukrainian cooperation in the field of societal security, it should be noted that since 2014 its important area has been the multidimensional support for the organization of volunteer fire brigades in Ukraine. According to the assumptions of the administrative reform introduced in this country, one of the priorities of the reconstruction of the state system of societal security is the decentralization of competences by introducing at the local level (newly created territorial communities) tasks related to fire protection, civil protection and security. The adopted direction of reforms and the tasks carried out in this matter are also to serve the development of civil society and the involvement of local communities in shaping their own security. As Ivan Krisa emphasizes, due to the lack of experience in this matter in Ukrainian society, the organization of a system of voluntary rescue units similar to the Polish OSP requires, among others: creating legal and administrative foundations, activating local structures and communities in activities to prevent threats and combating them efficiently, developing and implementing training and certification programs for social rescuers, as well as developing specifications for the technical equipment

of these units and ensuring it⁴⁵. The multidimensionality of the issues necessary to be implemented to enable the achievement of the assumed goal resulted in the fact that many fire protection units operating in Poland, at the central and provincial levels, as well as individual OSPs and the commune self-governments supporting them, were involved in helping to solve them. In this regard, conferences, expert seminars, study visits, exercises and trainings were organized, as well as material support related to the provision of new vehicles and various rescue and protective equipment to the newly created OSP in Ukraine. On the Polish side, many local communities (towns, cities, communes) are involved in helping specific localities in Ukraine under the so-called twin cities (towns). It should be emphasized that at the regional and local levels, there are nearly 450 partnership cooperation agreements between Ukraine and Poland. Localities from all voivodships in Poland and 23 oblasts on the Ukrainian side are involved in the cooperation. The most numerous are the border provinces, with 31 towns in Podkarpacie having contracts with twin towns in Ukraine, and 20 from Lubelskie. In turn, the most active regions of Ukraine are the Lviv and Vinnytsia oblasts, of which 10 cities each have links with twin towns in Poland, and Ivano-Frankivsk and Rivne, where seven such agree-

⁴⁴ Cf. <https://www.gov.pl/web/polskapomoc/ukrainscy-strazacy-podnosza-swoje-kompetencje-dzieki-polskiej-pomocy>, [14.11.2021].

⁴⁵ Development of cooperation in reducing chemical hazards, strengthening chemical safety and voluntary fire brigades, MIĘDZYNARODOWE FORUM WARSZAWA-KIJÓW, Warszawa 2017, p. 43. Cf. http://www.iccss.eu/fileadmin/user-files/iccss/Media/Documents/Waw-Kiv/Brochure_pln_final.pdf, [15.11.2021].

ments have been signed.⁴⁶ Apart from border towns, Western Polish voivodships are also involved in helping to establish OSP in Ukraine, an example of which is the Zachodniopomorskie voivodeship. The ZOW ZOSP RP operating in Szczecin actively supports the communities in the Zaporizhia and Dnipropetrovsk oblasts by conducting training and providing equipment (vehicles, rescue and protective equipment) to the TSO units that are being created there.⁴⁷

In addition to help in creating and equipping units with modern equipment, training and exercises, in the past two decades of Polish-Ukrainian contacts, the resources of rescue services operating in both countries also provided support during various disasters that hit both countries by participating in rescue operations or providing humanitarian assistance. Polish rescuers participated, among others in⁴⁸:

- organization and delivery of humanitarian aid (medicines, medical equipment, clothing and blankets) to the inhabitants of Uzhgorod and Zakarpattia affected by the floods (2001);
- providing medical aid to the victims of an air accident in Lviv (2002);

- elimination of the effects of floods in the Sniatyn region, during the 9-day mission, 78 rescuers with the help of their equipment carried out approx. 1665 interventions, consisting mainly in the liquidation of flood waters and pumping out water from key facilities in the city (2008);
- transport of humanitarian aid (food and means to organize substitute quarters), for people injured and moved due to social unrest after the conflict in Crimea (2014 and 2015).

With reference to the above, it is worth emphasizing that not only Poles rushed to help Ukraine, but similar support was also provided the other way around. In 2001, when Poland was fighting the flood in the southern Vistula river basin, the Lviv and Lutsk districts provided humanitarian aid in the form of food, quartermaster equipment and cleaning products. And in 2010, rescuers from Ukraine helped for 10 days in removing the effects of the flood, as it occurred in the vicinity of Sandomierz and Tarnobrzeg⁴⁹.

Conclusions

Summing up, the development of Polish-Ukrainian cooperation in the field of universal security over the last twenty years has been very dynamic, regardless of whether it is measured by the number of mutual contacts or by the number of programs and projects implemented. Many entities and bodies at the central, regional and local level participated in their implementation. All the activities

⁴⁶ O. Bogorodecka, Cechy charakterystyczne rozwoju współpracy miast bliźniaczych Polski i Ukrainy, *Historia i Polityka* No 13 (20) /2015, pp. 178–179.

⁴⁷ Пожежні команди ОТГ двох областей отримали спецпорядження з Польщі, <https://www.ukrinform.ua/rubric-regions/2801545-pozezni-komandi-otg-dvoh-oblastej-otrimali-specporadzen-na-z-polsi.html>, oraz Рівненщину відвідала делегація добровільної пожежної охорони Республіки Польща, <https://rivne1.tv/news/81914>, [16.11.2021].

⁴⁸ Cf. Na ratunek poza granicami kraju, <https://www.ppoz.pl/index.php/ciekawostki/25-lat-ppsp/1590-na-ratunek-poz-granicami-kraju>, [16.11.2021].

⁴⁹ Based on information from the Office of the Chief Commander of the State Fire Service.

undertaken were aimed at a systematic increase in the level of societal security in Poland and Ukraine, as well as in other countries. Considering the constant evolution of threats to societal security and their globalization, international cooperation aimed at counteracting these threats or combating them should be developed.

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INTERNATIONAL SOLUTIONS TO HELP VICTIMS OF MASS CASUALTY INCIDENT

Abstract

safety is the basic need for every human as it determines the existence and proper development. Over the years, different levels of safety threats have been identified, as it was stated that the protection against external aggression is one of many challenges that must be faced in order to ensure the security of a country. It should be noted, however, that recent years have been a time characterized by a particular intensity of natural disasters in the form of adverse natural phenomena causing both natural catastrophes and technical failures. Natural disasters such as earthquakes, tsunamis, hurricanes, floods, epidemics such as acute respiratory distress syndrome (SARS), Ebola or the SARS-CoV-2 coronavirus causing the COVID-19 disease are gaining in

importance and intensity. A quick response of medical personnel during a disaster is of key importance for the health care of mass casualties. Thus, a key aspect of the health care entities in situations of a threat to public safety is the ability to quickly expand the health care system operating under normal conditions of the functioning of the State.

Keywords

safety, natural disasters, health care, medical entity

Introduction

Safety is the basic need for every human as it determines the existence and proper development. The feeling of secure existence free from any threats is the determinant of human activity aimed at satisfying higher needs.¹ Initially, safety was considered in the category of protection against hostile attack by other countries. Over the years, however other levels of safety threats have been identified, indeed the protection against external aggression is one of many challenges that must be faced in order to ensure the security of a country.² “Each individual tries to protect and save his or her own goods from any harm as much as it is possible. However, a stranded individual would not be able to keep watch over them all the time”³. Thus, the highest form of organization of people is the State, understood as a compulsory organization which possesses the attributes of supreme authority in order to protect against threats of both external and internal nature, providing the community inhabiting its territory with favorable living conditions according to the strength of their economic position and political influence⁴.

Activities aimed at ensuring safety “usually form a rather complex system with interdependent subsystems. This means that different threats, and in turn security systems that relate to various areas of human life and activity can be selected”⁵. This gives the possibility to distinguish many dimensions and levels of security, ranging from personal and local security to regional, national and international security, as well as social, cultural, ecological, economic, public, or universal security, which is crucial from the point of view of research issues.

The 21st century is a time characterized by a particular intensity of natural disasters in the form of unfavorable natural phenomena causing both natural catastrophes and technical failures.⁶ The progressing scope of globalization and the related opportunities for rapid movement of people around the world also create a number of new threats to human health and life. Widespread travelling, migration movements resulting from poverty and political and social instability, as well as numerous occurring natural disasters in the world can lead to mass incidence of infectious diseases, which can in turn lead to significant negative health, economic and social consequences, as exemplified by the SARS coronavirus pandemic -CoV-2 causing the infectious disease COVID-19. The challenge in this area involves the efficient and adequate action of State authorities in combating epidemic threats and their consequences, as well

¹ See: R. Gwardyński, *Safety in Praxeologic Approach*, [w:] *Security-Threats, Law and Organization*, Schriften zu Mittel- und Osteuropa in der Europäischen Integration, red. B. Wiśniewski, G.G. Sander, P. Kobes, Band 24, Verlag Dr. Kovac, Hamburg 2019, pp. 9-20.

² More: R. Socha, *Bezpieczeństwo i zagrożenia – wzajemne relacje*, [w:] *Wybrane aspekty badań nad bezpieczeństwem*, red. nauk. B. Kaczmarczyk, A. Wawrzyszyn, Elk 2014, pp. 11-29.

³ C. Znamierowski, *Szkola prawa. Rozważania o państwie*, PAX Publishing Institute, Warsaw 1988, pp. 80, 83.

⁴ M. Gulczyński, *Nauka o polityce*, Drukatur Publishing, Warsaw 2007, p. 12.

⁵ J. Kaczmarek, A. Skowroński, *Bezpieczeństwo. Świat – Europa – Polska*, Alta 2, Wrocław 1998, p. 5.

⁶ See: R. Socha, *Współczesne postrzeganie zagrożeń*, [w:] *Zarządzanie kryzysowe. Teoria, praktyka, konteksty, badania*, red. J. Stawnicka, B. Wiśniewski, R. Socha, Szczepiński 2011, pp. 19 – 30.

as the appropriate preparation of procedures, and the availability of an appropriate number of medical personnel and of protective measures⁷.

Methodological and methodical assumptions

The condition for conducting any scientific research is, *inter alia*, to determine the purpose of the research and the research issue. Therefore, the aim of the article is to present aspects of the operation of medical entities in situations of threat to general safety and the ability to quickly expand the health care system in the logistical and organizational aspect. Purpose thus defined influenced the formulation of the problem in the form of defining the functional areas necessary to improve the operation of medical entities in terms of the efficiency of their operation in situations of threat to general safety. With a view to achieving the goal and solving the research problem, theoretical research methods were used. The key role was played by the analysis of the literature on the subject, among which particular attention deserves special attention.

Organization of action

In a situation of a threat to public safety⁸, understood as a state that should ensure protection of the life and health of citizens and national property from the effects of

natural disasters, i.e. extreme phenomena which can cause significant damages in the area affected, leaving often behind an altered image of the earth's surface and an increase in the number of victims, it is necessary to apply the principle of gradation in the area of using the available resources. This means that the use of further, previously prepared resources is possible only after overall use of the potential of the health care sector that is available on a daily basis. The efficient reorganization of the health care system in order to adapt to a specific situation caused by the threat to public safety depends on the proper preparation of medical entities in the normal conditions in which the State functions. The main objective of the undertaken actions should be to guarantee at least minimum conditions of the provision of medical assistance to the increased number of people in need. The efficient conduct of collective actions or team actions, depending on the nature of the threat, will be of key importance in the event of a threat to public safety in achieving the goal of healthcare services by healthcare entities.

Natural disasters cause heavy losses to the human economy and may also remodel the state of nature and even pose a threat to health and life. It should be noted that at the early stage of a natural disaster, its dimensions are difficult to assess. Therefore, the emerging crisis situation may be underestimated, and the level of rescue actions initiated may be lower than the situation requires.⁹

⁷ National Security Strategy of the Republic of Poland 2020, approved on May 12, 2020, by the President of the Republic of Poland, Warsaw 2020, p. 9.

⁸ See: R. Socha, Zarządzanie bezpieczeństwem w ruchu drogowym według przepisów Unii Europejskiej, [w] *Bezpieczeństwo na lądzie, morzu i w powietrzu w XXI wieku*, red. nauk. J. Zboina, Józefów 2014, pp. 53-62.

⁹ J. Ziobro, The Role of Exercises in Managing Entities Responsible for Ensuring Internal Security – Selected Aspects, *Schriften zu Mittel und Osteuropa in der Europäischen Integration*, 25, Hamburg 2020, p. 159–174.

Along with the gradual disclosure of the actual size of the incident, the level of response must be systematically adjusted to the current state. Hence, it is so important to quickly undertake effective action in the event of a crisis situation, and even more important to precisely determine the level of response adequate to the situation.¹⁰

Temporary mobile medical protection

Natural disasters, caused both by natural forces and by human activities, present a challenge to the international community¹¹. Natural disasters such as earthquakes, tsunamis, hurricanes, floods, epidemics such as acute respiratory distress syndrome (SARS), Ebola or the SARS-CoV-2 coronavirus causing the COVID-19 disease are gaining in importance and intensity. A quick response of medical personnel during a disaster is of key importance for the health care of mass casualties¹². Hence, a key aspect of the health care entities in situations of a threat to public safety is the ability to quickly expand the health care system operating under normal conditions of the functioning of the State.

After the incident of destruction and possible paralysis of local medical facilities, it is very important to quickly and

efficiently deploy an external medical emergency platform centered on a mobile hospital. A mobile hospital is a type of hospital that deals with basic and specialist treatment of patients. It may include medical entities, technical support entities, life support entities, etc. The advantages of a mobile hospital include mobility, strong adaptability to external conditions and the ability to quickly activate medical functions.

In terms of the form of transport, mobile hospitals can be divided into three types: terrestrial, floating and flying. The most common is the terrestrial mobile hospital, which can include a tent, vehicle hospital etc. The mobile terrestrial hospital is characterized by a modular structure, which, if necessary, allows for changes, e.g. in spatial organization. The disadvantage of such a hospital is its long deployment and withdrawal. The floating hospital is, in turn, an independent water medical facility. Already at the end of the 1980s, Germany, by combining the so-called medical shelter with cargo ship created a miniaturization of the hospital ship¹³. Examples of hospital ships include: the hospital ship “Mercy” used in the United States for rescue and humanitarian operations, the “Peace Ark” – a Chinese hospital ship that has provided assistance to over 180,000 people since the beginning of its creation¹⁴. The disadvantage of this solution is that floating hospitals can only reach places

¹⁰ More: R. Socha, B. Kaczmarczyk, A. Szwajca, Zarządzanie kryzysowe w systemie bezpieczeństwa publicznego RP, Kraków 2014.

¹¹ N. Bitterman, Y. Zimmer, Portable Health Care Facilities in Disaster and Rescue Zones: Characteristics and Future Suggestions, „PrehospDisaster Med.” 2018, 13(4), pp. 411–417.

¹² M.S. Sever, G. Remuzzi, R. Vanholder, Disaster medicine and response: Optimizing life-saving potential, „PrehospDisaster Med.” 2018, 1 3(4), pp. 253–264.

¹³ H. Zheng, F. Tian, H. Fan, Application and Prospect of a Mobile Hospital in Disaster Response, „Shandong Ind Technol” 2015, no.: 17, p. 225.

¹⁴ Ministry of National Defense, People's Republic of China. A look at China's 'floating hospital' Peace Ark, at: [Http://eng.mod.gov.cn/news/2019-04/23/content_4840098.htm](http://eng.mod.gov.cn/news/2019-04/23/content_4840098.htm) (access 12.05.2021).

near the water. In addition, they require a large amount of space to dock the ship and provide boat access for patient and personnel transport. In turn, the flying hospital ensures quick transport of the injured from the accident site to hospitals. Moreover, it can provide both surgical hospital services and emergency medical care during mass accidents.

Mobile terrestrial hospitals are most commonly used during disasters, e.g., during the 2010 Haiti earthquake, the US emergency services established the first tented hospital on Prince Lane. In 2013, typhoon “Haiyan” that swept through the central region of the Philippines damaged local infrastructure including hospitals. Medical teams dispatched by Israel and South Korea, led by the Philippine authorities, set up tent hospitals near the local, damaged hospitals¹⁵. During the 2015 Nepal earthquake, a Chinese medical team set up a mobile hospital of inflatable tents in a mountainous area.

From the point of view of the risk of the SARS coronavirus, the vehicle hospital, which is a type of terrestrial mobile hospital, draws special attention. After SARS in 2003, China’s infectious disease-oriented medical emergency system was significantly developed. The National Health Commission of China introduced four categories of medical teams, that is an emergency medical team, an emergency infectious disease prevention and control team, an emergency response team for poisoning, a radiation emergency rescue team,

equipped with vehicle hospitals. An outbreak of the new coronavirus pneumonia known as the COVID-19 coronavirus disease appeared in Wuhan, China. In an effort to cut off the transmission of the coronavirus, many national rescue teams rushed to Wuhan to help, using hospitals.

A hospital ship is an unarmed service ship designed specifically for the sea admission, treatment and evacuation of the injured and the dead, for example in 2013 in connection with a typhoon in the Philippines, Great Britain commissioned the ship HMS “Daring” to participate in humanitarian aid under the code name PATWIN¹⁶.

A flying hospital is another type of a mobile hospital, which is also the fastest means of delivering medical supplies to the site of a disaster or evacuating injured people at the site of a disaster, e.g., in 2010, during a rescue operation in Haiti, France proposed the delivery of medical equipment by means of transport, and the Canadian medical team provided mobile hospitals via aviation transport¹⁷.

Despite the widespread use of mobile hospitals during rescue operations, there are still many aspects that need to be improved in terms of their use. First, there is a transport problem, as most of the terrestrial mobile hospitals today use road and rail transport. However, in the event of damage to the road or traction,

¹⁵ G. Lin, T. Marom, D. Dagan, Ethical and Surgical Dilemmas in a Zone of Recent Disaster, „Word Surg.” 2017, no.: 41, pp. 381–385.

¹⁶ S. J. Butterworth, Operation PATWIN: HMS DARING’s experience of providing humanitarian disaster relief following super-Typhoon Haiyan, „JR NavMedServ” 2014, 100 (1), pp. 81–87.

¹⁷ M. Talbot, B. Meunier, V. Trotter, et al. Canadian Field Hospital in Haiti: surgical experience in earthquake relief, „Journal Surg.” 2012, 55 (4), p. 271–274.

the hospital's mobile transport time may be significantly extended. Secondly, it is necessary to consider the use of special imaging equipment and laboratory tests by for example adding a CT scan unit for computed tomography, because in an emergency, especially during an earthquake, brain trauma is the main problem of emergency treatment, and this type of surgery requires the use of CT for accurate positioning¹⁸. Third, the equipment of a mobile hospital should be systematically updated. In the Nepal earthquake, it was proposed not to conduct independent operations due to the imperfection of the equipment in the mobile hospital. There is, therefore, a need to develop uniform standards for mobile hospitals in order to achieve consistency in emergency site management, especially during international rescue operations. What is more, the rapid deployment of mobile hospitals at the site of a disaster is an essential requirement for effective treatment. Hence, the design and transport of mobile hospitals are the subject of scientific research conducted in order to better adapt them to the emergency services in the event of disasters.

Due to systematic development and innovation in science and technology, mobile hospitals as the main force of ad hoc mobile medical support will play an important role in responding to disasters. It can be predicted that the use of diagnostics and treatment supported by artificial intelligence and telemedicine based on new generation wireless communication technology will effec-

tively improve the capabilities of mobile hospitals¹⁹.

Actions undertaken by medical entities should take into account the principles of logistics, which, in turn, should provide each patient with the necessary medical assistance in terms of their expectations caused by the injuries suffered. In order to provide assistance to the greatest possible number of those affected in the shortest possible time, it is necessary to optimize the flow of material resources, such as: medicines, dressings, food. Despite the fact that in the state of high readiness not many people attach importance, the financial aspect of the entire action should not be forgotten as it is always associated with higher financial outlays, which result from the increase in the consumption of any material resources and the need to ensure an increased staffing. At each stage of activities, however, it should be remembered to minimize the costs associated with the implementation of tasks often performed in specific, or even extreme conditions²⁰.

One of the countries where earthquakes result in disasters the most is China, which lies at the joint of two major seismic belts in the world – the Pacific seismic belt and the Eurasian seismic belt. Over the past century, a total of 40 earthquakes of magnitude ≥ 7 on the Richter scale have occurred worldwide,

¹⁸ X. Guo, J. An, Y. Huang, Application of field shelter hospital in Yushu earthquake relief, „Journal Hosp. Manag. PLA” 2011, no.: 18 (7), pp. 653–654.

¹⁹ Owens PJ, Forgione A, Jr, Briggs S. Challenges of international disaster relief: use of a deployable rapid assembly shelter and surgical hospital. *Disaster Management Response*. 2005, no.: 3 (1).

²⁰ See F. Mroczo, Zarządzanie kryzysowe w sytuacjach zagrożeń niemilitarnych. Zarys problemów regionu dolnośląskiego, WŚZIP (Walbrzych Higher School of Management and Enterprise), Marketing, Walbrzych 2012.

10 of which occurred in China and killed nearly 600,000 people (53% of the total number of global earthquake deaths)²¹. China has experienced two catastrophic earthquakes in recent years, one in Wenchuan, Sichuan Province and the other in Yushu, Qinghai Province. Both caused heavy losses.

On May 12, 2008, a catastrophic 8.0 magnitude earthquake occurred in Wenchuan, Sichuan Province. This disaster was the most devastating earthquake since the establishment of the People's Republic of China (PRC), affecting the widest region and the most difficult to aid. As a result of the disaster, 690,000 people were killed, 180,000 were missing and 370,000 were injured. Following the earthquake, the Chinese military immediately activated the emergency response mechanism, organizing medical teams, command, treatment and evacuation structures. Within 60 hours of the earthquake, 87 units consisting of 2,346 medical workers were dispatched to the disaster area, which constituted 60% of all health workers involved in rescue. In total, 397 mobile medical units consisting of 7,061 medical workers were directed to the area affected by the disaster, they provided medical aid to 69,000 injured and performed 22,000 operations²².

The participation of the military in the rescue operation is based on the PRC law on responding to emergency situations and the regulations of the army's

participation in rescue in the event of disasters. The regulations define the main tasks of the Chinese army participating in the rescue operation, as well as the method of coordination and command.

The use of the armed forces was based on the following principles. First, the best medical forces were dispatched to the disaster area, i.e., from the general hospital, affiliated hospitals of the Military Medical University and other medical facilities with a high medical and technical level. Secondly, military medical forces were mobilized from the location closest to the incident site. Next, the best medical equipment was dispatched to the disaster area (two modular field hospitals, 20 tent field hospitals and more than 200 field ambulances, operational vehicles, X-ray diagnostics vehicles and remote consultation vehicles). Moreover, rescue teams were organized based on scientific basis of operation (teams of various sizes were created, that is large teams of around 100 members, medium teams – around 30 members – and small teams – around 10 members). The staff of medical teams also included specialists in various fields. In areas with high numbers of injured, modular field hospitals and tent hospitals were set. 60 health care units were included in 19 field hospitals. In areas where the victims were dispersed, the 30-person medical teams were split into several smaller teams of three to five members. After segregating and providing medical assistance, the people were evacuated based on the established priorities²³. Ten

²¹ Y.L. Zhang, Chinese military health service in the non-war period, „MedJournalChine PLA” 2011, no.: 36, pp. 1–4.

²² Y.L. Zhang, Considering a post-Wenchuan earthquake medical rescue strategy, „MedJournalChine PLA” 2009, no.: 34, pp. 1–5.

²³ S.B. Lu, The importance of medical segregation in emergency medical services after the Wenchuan earthquake, „MedJournalChine PLA” 2008, no.: 33, pp. 919–920.

thousand injured people were transported to hospitals across the country by air, rail or road.

Coordination of rescue operations was also based on previously developed principles. First, the military health service headquarters was incorporated into the earthquake rescue command system, and a medical command post was established at the Joint Medical Command headquarters to integrate national, military and local rescue forces. Secondly, a four-level medical service command system was implemented²⁴. Third, cooperation mechanisms were developed to increase the effectiveness of rescue operations, by establishing a common system of conferences, consultations, etc., which allowed to prevent chaos and organize the rescue operation.

In most countries, the National Disaster Medical System (NDMS), as part of the National Disaster Risk Management System (NDRMS), plays an important role in protecting human life by reducing the number of victims through the provision of appropriate medical services²⁵. The subsets of this system include, among others disaster response teams established at local, regional and national levels²⁶. Team care is an essential and integral part of medical disaster response. Due to different national policies, these teams often have different structures. Nevertheless, the first paramedics to arrive at the incident

site are paramedics from local health systems.

In the USA, the National Disaster Medical System provides nationwide medical assistance for mass emergencies and disasters. NDMS consists of several teams, including the Disaster Medical Assistance Team (DMAT), i.e., a group of trained medical and non-medical volunteers with varying degrees of skills. In addition, the NDMS includes more specialized teams such as the International Medical Surgical Response Team (IMSuRT) and the National Veterinary Response Team (NVRT)²⁷. It can be stated that DMAT play the role of small mobile hospitals, whose members have the ability to work in difficult conditions. It should be emphasized that disaster specialists classify and segregate patients according to the probability of their survival in three groups: red (immediate), yellow (delayed) and black (dead).

NDMS has developed a standardized DMAT operating process based on organizational development, training, supply and equipment, and team staffing. Rescue teams are divided into three levels of readiness. Level 1 teams have the highest level of readiness and can be deployed within 6-12 hours of the disaster. In addition, they can operate for at least 72 hours without any outside help, providing medical services to up to 250 victims a day. Hence, these teams are assumed to be self-sufficient in terms of technical and medical equipment, water, food, as each team member should have their own personal equipment. The

²⁴ Y.L. Zhang, op.cit., pp. 1–4.

²⁵ G.R. Ciottoni et al., *Disaster Medicine*, Amsterdam 2015, p. 1010.

²⁶ D.P. Sklar et al., *Responding to disasters: academic medical centers' responsibilities and opportunities*, „Acad Med.” 2007, no.: 82, pp. 797–800.

²⁷ Public Health Emergency, National Medical System (NDMS) Disaster Response Teams. 2011; <http://www.phe.gov/Preparedness/responders/ndms/teams/Pages/default.aspx> [14.07.2020].

weight limits for equipment per member are: 30 kg for operation in hot areas and 40 kg for cold areas. Level 2 teams only require additional training, staffing, or equipment adaptation to be able to develop into a Level 1 team. Then, the teams of the third level are basic teams that do not have adequate equipment or sufficient staff. These personnel are very diverse. These teams include doctors, nurses, paramedics, pharmacists, mental health specialists, dentists, emergency medicine technicians, etc. In turn, the technical staff consists of engineers, radio operators, administrators, logisticians, safety specialists, mechanics, IT specialists, etc. At least two or three people should be assigned to each of the required positions in the team, so that there is a possibility of replacing if one of the members is not able to participate. The full team ranges from 33 to 35 people, with the size of the team varying depending on the nature of the mission as the final team combination is determined based on the special medical needs identified for the region at risk. As an example, was the concept of creating the so-called strike teams prepared for the 1996 Summer Olympics in Atlanta. Such a team usually consisted of five or six medical personnel and was able to quickly move to the scene²⁸. The team sent to New Guinea after the 2004 tsunami had 58 members.

The DMAT teams that are sent to other countries to provide humanitarian aid have different combinations. The best solution would be if these teams were on the one hand specialized teams

with a high level of specialization, and on the other hand, the deployment of overly specialized teams does not seem so favorable. Each disaster has its own course and requires a different, often another combination of medical forces. For example, the medical needs of people during a flood are different than during an earthquake. The characteristics of the affected area and its geographic conditions, such as mountainous or desert climate, different seasons, also influence the composition of the team. Even at different periods of a particular disaster the composition of the teams needs to be different. Thus, it is extremely difficult to establish the right composition of a team that will be highly efficient and effective in helping the injured. For example, Japan's DMAT, which is well-known for a rapid response to geological threats such as earthquakes at the local and national level, has the smallest number of members (around 4-5) at the time of deployment²⁹. However, the Canadian Armed Forces Disaster Response Team (DART) has approximately 200 members for international rescue operations³⁰. Some team structures, such as the Australian Medical Assistance Team, do not define a fixed number of members, only a range from 15 (at least) to 40 (at most)³¹. As an example of improper

²⁹ Parmar P, Aarii M, Kayden S. "Learning from Japan: Strengthening US emergency care and disaster response, „HealthAff (Millwood)" 2013, no.: 32, p. 2172.

³⁰ Disaster Relief Team (DART). National Defense and Canadian Armed Forces: Department of National Defense (DND) and Canadian Armed Forces (CAF) at: <http://www.forces.gc.ca/en/operations-a-broad-recurring/dart> [18.06.2021].

³¹ L. Benjamin et al., Australian Medical Assistance Team, National Critical Care and Trauma Response Centre, 2011. p. 370.

²⁸ T.W, Sharp et al., Medical Preparedness for a Terrorist Incident with Chemical and Biological Agents during the Olympic Olympic Games 1996 Atlanta, „Ann Emerg Med." 1998, no.: 32 (2), pp. 214–23.

team composition, the team of surgeons that was sent to Bam by the International Medical / Surgical Response Team after the 2003 earthquake. The team consisted of 56 medical staff, including one cardiac surgeon, pediatrician, gynecologist, trauma surgeon, anesthesiologist etc. The team examined 727 patients of which only five operations were performed as the patients mainly suffered from general diseases such as anxiety, gynecological and pediatric diseases³². Hence, it is necessary to create general DMAT teams with different specializations adapted to the situation, such as: the place and type of the disaster, the needs of the local population, the time the team starts treatment at the disaster area, etc., which is both a practical and economical solution. In turn, according to a 2003 report by the World Red Crescent Society, although the Iranian Red Crescent Society was equipped with only 10 tracking dogs, they managed to save 1,000 lives in the first 24 hours. Only 25 people were rescued by 35 international search and rescue teams who arrived at the disaster site 36 hours after the quake³³. As it turned out, the local rescue forces were the most effective entities. Research shows that, especially at the local and national level, it is necessary to provide and deploy small, agile and qualified teams to provide urgent medical services that not only provide quick and effective assis-

tance in the acute phase of a natural disaster, but also strengthen local response forces such as emergency medical teams or units of local health systems.

In recent decades critical situations have occurred all over the world, caused by natural disasters, technical failures or human activities. Hence, the growing demand for medical services, which exceed the capabilities of the local structures of the health care system as a result of mass emergencies caused by catastrophes, is becoming widespread.

Summary

Medical activity involves providing health services understood as taking actions aimed at preserving, rescuing, restoring or improving health and other medical activities resulting from the treatment process.

The occurrence of an epidemic differs from the occurrence of other crisis situations which appear suddenly, violently, in a specific place, which at the same time results in a large number of victims. Hence, human infectious diseases force a different organization of the activities of medical entities than those with the occurrence of other natural disasters or technical failures. The common feature, however, is the fact of cooperation between entities involved in the reduction and minimization of the scale of the threat.³⁴

Bearing in mind the fact that the key aspect of the operation of health-care entities in situations of public safety

³² P.J. Owens, Jr. A. Forgione, S. Briggs Challenges of international disaster relief: use of a deployable rapid assembly shelter and surgical hospital. *Disaster Manag Response*. 2005, no.: 3 (1), pp. 11–16.

³³ More: B. Chomilier et al., Operation review of the Red Cross Red Crescent movement response to earthquake in bam/Iran. *International Federation of Red Cross and Red crescent societies and Iranian Red crescent society*, 2004.

³⁴ R. Gwardyński, *Możliwości doskonalenia działań prewencyjnych Policji w sferze utrzymywania bezpieczeństwa publicznego*, Dąbrowa Górnicza 2021, pp. 11–13.

threats is the ability to quickly expand the healthcare system in terms of logistics and organization. Such solutions enable the possibility to strengthen the capacity of local structures to respond in the event of a natural disaster, such as: the use of mobile hospitals, the inclusion of the military and foreign disaster response teams.

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FREEZING OF ASSETS AS PART OF THE FIGHT AGAINST ECONOMIC CRIME, INCLUDING FINANCIAL CRIME

Abstract

The concept of economic crime has been used in the legislation of many countries for over 90 years. In Poland, as a result of systemic changes at the turn of the 1980s and 1990s, this type of crime evolved. Criminals from this period, taking advantage of such factors as the lack of appropriate legislation, services unprepared for a new type of threats, the possibility of free movement between former socialist countries, and countries in Western Europe, created many groups dealing with illegal activities aimed at the economic sphere, be it private or state entities. Taking into account the specificity of acts falling within the scope of economic crime as well as the scale of the damage caused, the prosecution of perpetrators is not as effective as in criminal offenses. One of the most effective tools used in the fight against “white-collar” criminals is freezing of assets. Such actions are very important, because only in 2020 in Poland, as a result of economic investigations by special services, losses of the State Treasury estimated at over PLN 20 billion were revealed.

Keywords

economic crime, assets, Police, freezing of assets, security.

Introduction

The term economic crime has been used in many countries since the 1930s, thus it has many definitions depending, among others, on the legal system in a given country, acts defined as prohibited, etc.

There is no uniform definition of economic crime in Poland. Most generally, it is fair to say that this type of crime is characterized by activities against the correct principles of the economy¹. The following attempts to define this type of crime can be found in the literature on the subject. For example, according to Robert Zawłocki, an economic crime is a prohibited act with certain statutory features, specified in a criminal law, the main generic subject of protection of which are specific grounds for proper economic turnover². On the other hand, Oktawia Górniok believed that economic crime refers to punishable acts that harms or threaten supra-individual goods in the sphere of economic life, consisting in violating the trust associated with the position of the perpetrator or institution of economic life, threatening to lose public confidence in the economic system or its basic institutions³. Whereas Leszek Wilk believes that since in accordance with the act on freedom of activity, economic activity is considered to be profit-making production, construction, trade, service activities as well as searching, identifying and extraction

of minerals from deposits, as well as professional activities carried out in an organized and continuous manner⁴, then any unlawful, prohibited, culpable and socially harmful actions of participants of economic turnover understood in this way, where at least one of their participants is a professional entity, should be understood as an economic crime⁵.

Contemporary economic crime is characterized by many forms, considered as negative phenomena in the countries of the European Community, including:

- in banking, the use of payment cards;
- capital market;
- related to the gambling market;
- related to insurance;
- tax and customs;
- against intellectual property;
- related to ownership transformations;
- related to public procurement;
- against the environment;
- to the detriment of special purpose funds;
- money laundering;
- selected other economic crimes, e.g., illegal pharmaceuticals trafficking.

While discussing economic crime, one can distinguish its features, by the following characteristics:

- no violence in the actions of the perpetrators;
- the perpetrators' actions result in serious material and non-material losses;
- most often victims, aggrieved parties are anonymous people, institutions, organizations;

¹ According to the Criminal Code, a crime is a prohibited, culpable, unlawful and socially harmful act, art. 1 § of the Act of June 6, 1997, Penal Code, i.e. Journal Of Laws of 2019, item 1950, as amended.

² R. Zawłocki, *Podstawy odpowiedzialności karnej za przestępstwa gospodarcze*, Warszawa 2004, p 55.

³ O. Górniok, *Przestępczość gospodarcza i jej zwalczanie*, Warszawa 1994 p. 16.

⁴ Art. 2 of the Act of July 2, 2004, on the freedom of economic activity, i.e. Journal Of Laws of 2017, item 2168, as amended. Legal act repealed on April 30, 2018.

⁵ L. Wilk, *Przestępczość gospodarcza – pojęcie, przyczyny, sprawcy*, Edukacja Prawnicza 2012 no. 10 p. 14-15.

- a significant number of perpetrators are recruited from educated people;
- the perpetrators' actions seem to be legal;
- to a large extent, the perpetrators act on the basis of public trust.
- protection of human life, health and property against unlawful attacks violating these values;⁸
- initiating and organizing activities aimed at the prevention of crimes and offenses as well as criminogenic phenomena and cooperation in this respect with state and local authorities and social organizations;
- detecting crimes and offenses and prosecuting their perpetrators;
- cooperation with the police of other countries and their international organizations, as well as with the bodies and institutions of the European Union on the basis of international agreements and arrangements as well as separate regulations;
- processing of criminal information, including personal data⁹.

Methodology

In the research conducted for the development of this article, a systemic approach was applied to the scientific problems considered. They were realised on the basis of information gathered by the author and commonly available results of scientific research concerning the topic of the article. Theoretical methods of scientific research were used during the research. The research covered the last thirty years, in which there have been changes in the legislation for combating economic crime and intensification of scientific research in the field of public security⁶.

Police as one of the entities combating economic crime

In Poland, as part of operational and reconnaissance activities or preparatory proceedings, one of the authorized services to disclose assets of perpetrators of crimes is the Police⁷. Pursuant to the Act of April 6, 1990 on the Police, the basic tasks of this service include, i.a.:

For an effective exercise of these tasks, the police is authorised to perform, i.a., operational and reconnaissance activities necessary to identify, prevent and detect crimes, fiscal crimes as well as search for people hiding from law enforcement authorities¹⁰.

The police officers serving in criminal departments deal with economic crime. Their main tasks at the voivodeship headquarters level are:

- identifying, preventing and combating economic crime as well as prosecuting perpetrators of thereof;

⁶ More: B. Wiśniewski, *Praktyczne aspekty badań bezpieczeństwa*, Difin, Warszawa 2020.

⁷ In addition to the Police, the following also have such powers: Internal Security Agency, the Central Anticorruption Bureau, the Military Police, and the National Revenue Administration.

⁸ See: R. Socha, *Zwarte oddziały Policji w działaniach na rzecz bezpieczeństwa obszarów miejskich*, [w:] *Bezpieczeństwo publiczne w przestrzeni miejskiej*, red. nauk. W. Fehler, wyd. Arte, Warszawa 2010, pp. 140–149.

⁹ Art. 1 sec. 2 of the Act of April 6, 1990, on the Police, i.e. *Journal Of Laws* of 2021, item 1882 as amended

¹⁰ More: Policja w systemie bezpieczeństwa, A. Czupryński, J. Falecki, R. Kochańczyk, Dąbrowa Górnicza 2021 and B. Wiśniewski, Z. Piątek (eds.), *Współczesny wymiar funkcjonowania Policji*, Warszawa 2009.

- monitoring, forecasting and analysing level of threats in economic crime in the voivodship and on this basis indicating the main activities of subordinate Police organizational units to fight economic crime;
- identifying obstacles in the work of organizational units to fight economic crime in subordinate Police units, as well as developing and implementing solutions to iron out these obstacles and assessing the effectiveness of implemented solutions;
- implementation and coordination of identification, determination and freezing of assets activities during operational, reconnaissance and investigative proceedings;
- inspiring, coordinating and supporting operational-reconnaissance and investigative activities of subordinate Police units in combating economic crime and supervising their operational work and preparatory proceedings;
- cooperation and joint activities with offices subordinate to the Minister of Justice, the Minister of Finance, the Supreme Audit Office and the control and supervision agencies of the Opole Voivode in joint control-detection and preventive operations;
- providing the Commander and the relevant organizational units of the General Police Headquarters with information on the need to amend legal regulations aimed at improving the efficiency of prosecuting economic crimes perpetrators and preventing the emergence of patholo-

gies and new threats in the economy of the State¹¹.

Departments of economic crime at the municipal level deal particularly with the following tasks:

- implementation of operational and reconnaissance activities in the field of economic and corruption crime in their AOR and direct handling of operational cases, including collectively committed crimes or difficult to detect;
- handling preparatory and verifying proceedings of economic and corruption crimes, including those committed in an organized manner, difficult in terms of evidence, and with a strong social overtone;
- supervision and coordination of operational tasks and implementation of preparatory proceedings of subordinate Police organizational units in the field of economic and corruption crime, i.a. by periodically analysing the number of initiated forms of operational activities and preparatory proceedings, as well as the number of identified crimes and suspects;
- supervision and coordination of assets freezing tasks by subordinate organizational Police units the investigation department of the headquarters;
- implementation of operational-reconnaissance and investigative activities in the field of so-called cyber-crime¹².

The tables below present the work effects by the officers from these units.

¹¹ § 13 Rules of Procedure of the Provincial Police Headquarters in Opole of March 27, 2019, no L.dz. WS-P.0221.13.75.2019.

¹² § 15 Rules of Procedure of the City Police HQs in Opole of April 16, 2020, no. l.dz. KsP-L. 023.1.2020.

Table 1. The threat of economic crime in Poland in the years 2020-2021

Years	Initiated cases ²²⁶	Confirmed offences ²²⁷	% Detectability	Number of suspects
2020	107 890	199 010	81.8	31 825
2021	131 486	225 447	74.5	33 276

Source: own study based on data from the General Police Headquarters

These police data show that in 2021, 131,486 preparatory criminal proceedings related to economic crime were initiated. This value is higher than in 2020 by 23,596 proceedings, which is an increase by almost 18%. In the same period, the number of confirmed crimes is 225,447 and is 12% higher than in the

previous year, i.e., 199,010 (2020). Taking into account the number of crimes detected in 2021, which was at the level of 225,447, the Police field units managed to achieve detection level of 74.5%. This value is 7.3% lower than in 2020. In 2021, 1,451 more economic crimes suspects were identified than in 2020.

Table 2. Total value of assets frozen in criminal and economic crimes in 2020 and 2021

Year	Value of frozen assets		
	Total	In criminal cases	In economic cases
2020	905 465 128	162 528 054	675 276 627
2021	1 396 118 794	188 221 376	1 105 703 488

Source: own study based on data

In 2021, the total value of the frozen assets amounted to PLN 1,396,118,794 and was higher by PLN 490,653,666 than in 2020 (154%). An increase in the value of the frozen assets was also recorded for criminal offenses by PLN 25,693,322 and economic crimes by PLN 430,426,861.

¹³ The initiated preparatory proceedings are those initiated by an organizational unit of the Police in relation to an event of suspicion that it is a criminal offence, or initiated by the prosecutor's office and handed over to the Police for further direct conduct.

¹⁴ A confirmed offence is a crime or misdemeanor prosecuted by public indictment, including a fiscal offence, covered by preparatory proceedings concluded, i.e., with the filing of an application for approval or the preparation of: indictment, including approval of the application for consideration of the case in accelerated proceedings, an application to the court for a conviction (without indictment), discontinuation of the proceedings at the request of the injured party, conditional discontinuation of the proceedings.

Table 3. Total losses by criminal and economic crime, in 2020 and 2021.

Years	Losses in PLN		
	Total	Criminal cases	Economic cases
2020	6 218 828 880	2 192 420 147	3 927 125 571
2021	6 487 418 784	2 320 947 123	4 101 833 357

Source: own study based on data from the General Police Headquarters

Losses caused by crime in Poland in 2021 were higher by PLN 268,589,904 than in 2020. Also increases as a result of criminal crime by over PLN 128 million and economic crime by PLN 174,707,786 were recorded. Clearly, losses caused by economic crime in 2021 accounted for 63% of the total recorded loss.

Recovery of assets derived from crime as part of the fight against economic crime

One of the most effective elements of the fight against, i.a. economic crime is the recovery of property and proceeds from crime. According to experts, the forfeiture of benefits obtained from the committed crime is the basic tool to combat crimes, which brings better results than the long imprisonment sentences¹⁵.

Depriving perpetrators of illegally obtained income affects, among others:

- lowering the profitability of practices prohibited by applicable law;
- preventing the financing of crime, and thus limiting its development;

- minimizing losses of the state budget, for example by preventing the obtaining of undue tax returns and fraudulent subsidies;
- recovery of lost property by, for example, ensuring the execution of a court decision
- in the field of payment of public law liabilities resulting from the depletion of excise duty;
- restoring the social sense of justice and balance disturbed by crime¹⁶.

In Poland, on the basis of the amendment to the Penal Code of March 23, 2017¹⁷ changes were introduced aimed at improving the efficiency of the services in the field of depriving perpetrators of crimes of the benefits obtained from the crimes committed. Moreover, the introduced provisions adjusted our legislation to the provisions of the European Union¹⁸.

¹⁶ L. Domagalski, Zabezpieczenie majątkowe w zwalczaniu i przeciwdziałaniu przestępczości gospodarczej, *Przegląd Policyjny* 4(140), Szczytno 2020, pp. 84-85.

¹⁷ Provisions of the Act of 23 March 2017 amending the Act – Penal Code and certain other acts (*Journal of Laws* of 2017, item 768) entered into force on April 27, 2017.

¹⁸ Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (*Journal of EU L* 127/39 of 29 April 2014).

¹⁵ More: J. Brylak, Znaczenie przypadku korzyści majątkowej w walce z przestępczością zorganizowaną, *Prokuratura i Prawo*, no. 7–8/2010.

In the amendment to the Criminal Code, the legislator delegated the powers to use operational controls to disclose property threatened with forfeiture, and in the case of the Police, they may include:

- obtaining and recording the content of interviews conducted with the use of means technical means, including telecommunications networks;
- obtaining and recording images or sound of people from spaces, means of transportation or places other than public places;
- obtaining and recording the content of correspondence, including electronic means of communication;
- obtaining and recording data of IT data carriers, telecommunications terminal devices, IT and ICT systems;
- gaining access and control of the contents of shipments¹⁹.

Thanks to the changes in legal regulations related to the acquisition of information constituting a secret protected under the Act, the Police has the right to directly request a given authority to provide data that is necessary for an effective prevention of crimes, identifying their perpetrators, obtaining and recording evidence, and may use information that is:

- fiscal secrecy, processed by government administration and local government bodies;
- professional secrecy referred to in art. 9e of the Act of November 5, 2009, on Cooperative Savings And Credit Unions;

- banking secrecy referred to in the Act of August 29, 1997, Banking Law;
- professional secrecy referred to in art. 9e of the Act of November 5, 2009 on Cooperative Savings and Credit Unions;
- individual data referred to in art. 79 sec. 1 of the Act of October 13, 1998, on the Social Insurance System;
- professional secrecy within the meaning of the Act of 26 October 2000 on Commodity Exchanges;
- professional secrecy within the meaning of the Act of 27 May 2004 on Investment Funds and Management of Alternative Investment Funds;
- professional secrecy within the meaning of the Act of July 29, 2005, on Trading in Financial Instruments;
- secrecy within the meaning of the Act of 11 September 2015 on Insurance and Reinsurance Activities;
- secrecy within the meaning of the Act of August 28, 1997, on the Organization and Operation of Pension Funds;
- professional secrecy within the meaning of the Act of 29 July 2005 on Capital Market Supervision;
- professional secrecy within the meaning of the Act of 19 August 2011 on Payment Services²⁰.

The information obtained is subject to strict protection provided for in the provisions on the protection of classified information, and only police officers investigating a given case and their superiors who are authorized to supervise their operational activities have access to this data.

¹⁹ Art. 19 sec. 6 of the Act of April 6 on the Police ..., journal quoted.

²⁰ Article 20 sec. 3 of the Act of April 6 on the Police ..., journal quoted.

It is worth noting that courts and prosecutors may have access to files containing information and data only if it is done for the purpose of criminal prosecution.

As mentioned before, in connection with the regulations in force in the EU, information and data is also made available, if it is done for the purpose of criminal prosecution, to law enforcement authorities of the European Union Member States, European Union agencies dealing with the prevention and combating of crime and the International Criminal Police Organization – Interpol

Freezing of assets outside Poland

The rate of information exchange between services operating in the EU is of great importance in detecting and freezing assets obtained from criminal activities. Therefore, on the basis of the European Council Decision of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of detecting and identifying the proceeds of crime or other crime-related property²¹, each Member State was obligated to establish or designate a national asset recovery office. The purpose of such an office is to facilitate the detection and identification of the proceeds of the crime as well as other criminal property which may be covered by a freezing or seizure or confiscation order issued by a competent ju-

dicial authority in the course of criminal proceedings or, if possible, under national law of the Member State concerned, the civil proceedings.

Detailed rules and conditions for the exchange of information with law enforcement authorities of the European Union Member States, authorities of third countries, European Union agencies, international organizations for the purpose of identifying, detecting or combating fiscal crimes or crimes, including threats to public safety and order and preventing such crimes and threats, as well as the prosecution of perpetrators of fiscal crimes or offenses, are regulated by the Act of September 16, 2011 on the exchange of information with law enforcement authorities of the European Union Member States, third countries, European Union agencies and international organizations²².

Pursuant to the Act, entities authorized to exchange information with the authorities of the European Union Member States for the purpose of detecting and prosecuting perpetrators of crimes or fiscal crimes, preventing and combating crime, and processing information are:

- Internal Security Agency;
- Central Anticorruption Bureau;
- Office of Internal Oversight;
- The Police;
- National Tax Administration;
- Border Guard;
- Military Police;
- State Protection Service²³.

And the entities authorized to exchange information through the nation-

²¹ Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (Journal of Laws UE L 332/103 of 18 December 2007).

²² Journal Of Laws of 2020, item 158.

²³ Ibidem, Art. 1.

al office for asset recovery are those listed above and the minister responsible for public finances and the public prosecutor²⁴.

In Poland, the tasks related to the function of the National Asset Recovery Bureau (BOM) are carried out by officers of the Asset Recovery Department (pol. Wydział do Spraw Odzyskiwania Mienia WOM) of the Criminal Bureau of the General Police Headquarters. The main tasks of this cell include:

- performing the tasks of the national Asset Recovery Bureau;
- supervising the implementation of tasks related to the detection and identification of assets derived from crime or other assets related to crime by organizational units of the Police;
- cooperation with national entities authorized to disclose, identify, freeze and recover assets;
- pursuing international cooperation on disclosing, identifying, freezing and recovering assets from crime or related to crime, in particular in the scope of the activities of the Camden Inter-Agency Asset Recovery Network (CARIN) and other similar international initiatives;
- keeping “Collection of Good Practices” and disseminating solutions conducive to the disclosure and identification of crime proceeds or other benefits related to a crime;
- drafting proposals for changes in legal provisions regulating disclosure, identification, freezing and recovery of assets derived from crime or related to a crime;

- organizing and participating in the professional development of police officers within the competence of a given department²⁵.

Conclusions

Economic crime largely depends on social, political and economic situation prevailing in a given country. Despite many efforts made by the central authorities on introducing new legal regulations aimed at “sealing the system”, training services responsible for prosecuting this type of crime, conducting educational activities, economic criminals are constantly evolving, taking advantage of gaps in the law, the current economic situation (e.g. unemployment, social divisions, etc.), ignorance of the law among potential victims.

Difficulties in combating economic crime result, among other things from the cross-border nature and hermetic nature of groups, and the fact that criminal activity is often associated with legally operating entities, the use of the so-called “money mules” (pol. słupów) for carrying out criminal activities, combining this type of crime with other types of crime. The effectiveness of combating economic crime to a large extent depends on the activities of services responding to such threats. Despite the fact that this type of crime is characterized by many forms of activity, one of the most effective methods used by the services, in the fight against people committing this type of crime, is re-

²⁴ Ibidem, Art. 2 sec.

²⁵ <https://policja.pl/pol/kgp/biuro-kryminalne/struktura/wydzialy/wydzial-do-spraw-odzysk/8579,Wydzial-do-spraw-Odzyskiwania-Mienia.html> [28.01.2022].

vealing and depriving the perpetrators of illegally obtained benefits.

Freezing of assets meets both these principles of general negative prevention, that is, it scares off potential perpetrators, showing that the act is not profitable. It also works for the positive character of prevention, as it shapes the society that each act of this type will be met with an adequate response from the judiciary. An important role this topic is played by information from banks and other financial institutions regarding the possession of banking products by suspicious persons, for example accounts, deposits, credit cards, etc. Obtaining such data is subject to full confidentiality, resulting from the act on the protection of classified information.

Clearly, it should be stipulated that freezing of assets is a coercive measure that encroaches on civil law and, as a rule, should be used in cases where there are legitimate concerns that without such security, the enforcement of a judgment will be impossible or significantly impeded.

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SECURITY AND THE WHISTLEBLOWING MANAGEMENT SYSTEM (WMS)

Abstract

To ensure their security, organizations reach for more and more new solutions. They implement new co-management models based on the ideology of governance and Compliance Management System. One of the most important elements of the latter is the Whistleblowing Management System (hereinafter WMS), which can serve as an effective preventive barrier for an organization and a tool for collecting information from whistleblowers, verifying received information about violations of law and issuing recommendations on actions to be taken. Legal regulations being introduced in this area, both international and national, will not only allow greater access to whistleblowing channels for the majority of society but will also contribute to build a positive image of the whistleblower and increasing public awareness in this regard. Organizations are often exposed to activities that threaten their security in all dimensions. Starting with financial losses, through the most severe – image losses, or safety

of the production line, safety of employees, physical and technical security of facilities. Therefore, it is important to conduct research that will indicate the possibilities of maximizing the use of whistleblowers to ensure the security of organizations and to propose improvements in this process, which should noticeably contribute to increasing the level of security, which in these times is a priority issue.

Keywords

whistleblower, Whistleblowing Management System, safety of the organization.

Introduction

In Poland, for several years, we have been observing both changes in the development and functioning of organizations and the introduction of new management models. There appear more and more concepts and definitions of actions, implemented on the basis of foreign management models. More and more people see and understand the legitimacy of implementing a widely understood and untranslated concept of governance. Many organizations are implementing elements of compliance or building entire so-called Compliance Management Systems, although many people are still wary of these concepts. They see them as a potential brake on the organization and innovation¹.

In this publication, the authors attempt to introduce the above-mentioned concepts as well as attempt to delve into one of the areas of the compliance system in an organization, i.e. handling of whistleblower reports, and try to demonstrate the potential of the institution of a whistleblower in ensuring the security of an organization.

In the first part of the article the authors focus on explaining what governance and compliance are in general and what the legal basis of the institution of a whistleblower is. They also point out that compliance can play an important preventive role, as a mechanism for blocking actions that violate the law, often leading to severe consequences for organizations.

In the first part of the article the authors look at the institution of the whistleblower in the context of ensuring the security of an organization's operations. The authors present a new perspective on the use of knowledge provided by whistleblowers about violations of law and point to the possibility of its use to ensure broadly understood security.

As a conclusion of this publication, the authors demonstrate the role of compliance in organizations and the possibility of using its potential.

Methodological and methodical assumptions

The purpose of this publication was to present the issue of whistleblowers and the relationship between whistleblowers and organizational security. Important from the perspective of the research problem was to indicate the location of the whistleblowing management system in an organization and the network of connections between legal regulations, management models and the issue of ensuring security. For this purpose, the method of analyzing the literature on the subject and legal acts was applied, which contributed to deepening the state of knowledge and made it possible to indicate areas requiring further research. The comparison method allowed to identify common features of particular management systems aimed at ensuring safety, whereas the synthesis method made it possible to combine the facts and literature on the subject extracted and examined in the process of analysis, leading to the formulation of conclusions

¹ More: S. Chmielewski, K. Ciesiołkiewicz, Jak połączyć ogień z wodą i uczynić z compliance motor zmiany kulturowej w organizacji, Komitet Dialogu Społecznego Krajowej Izby Gospodarczej, Warszawa 2017.

Governance, compliance and the institution of a whistleblower

Activities undertaken in the framework of ensuring organizational safety² are part of what is broadly understood as governance, which includes activities aimed at clarifying processes and counteracting unfavorable trends in the public space³. They occur simultaneously at several levels – “upward” within international organizations, “downward” within local governments, and horizontally, between governmental and non-governmental agencies and global market structures⁴.

An important aspect of the governance model is to increase the role of citizens, understood as stakeholders, in decision-making⁵. An important aspect of the governance model, however, is that in order to put the proposed model into practice, it is necessary to transform the mentality of society and to raise the ethical standards or voluntary compliance with norms. An essential element of the governance model is also that all individuals involved in the process are treated as autonomous and are not subject to coercion, which in turn may slow down the decision-making process⁶. Another as-

pect that poses a threat in this model of governance is the difficulty of assigning responsibility for actions taken. In governance, an important role is played by partnership relations within networks, whose task is to implement jointly agreed solutions, also in the international arena.

Converging with the above mentioned governance model seems, among others, the Directive of the European Parliament and of the Council (EU) 2019/1937 on the protection of whistleblowers in the European Union.

In connection with the numerous scandals revealed in recent years, including in the area of non-payment of taxes, violation of the rules of fair competition, as well as in view of the existing lack of regulation at the European Union level in this area and the discrepancies between the laws of individual Member States, regulations were introduced to unify these laws, as well as to provide adequate protection to persons who provide information about abuses. The European Union has recognized the role of whistleblowers in the effective detection of violations of law, at the stage of investigation and prosecution of such violations. In accordance with the provisions of this directive, all member states were required to introduce appropriate legal acts at the national level by December 17, 2021. Most European countries failed to implement the relevant regulations on time. Poland only published the Draft Law on time, which met with a wide response from local governments, public administration and NGOs. On April 12, 2022, the government published a revised draft law that addressed some of the

² See: R. Gwardyński, *Safety in Praxeologic Approach*, [w:] *Security-Threats, Law and Organization*, Schriften zu Mittel-und Osteuropa in der Europäischen Integration, red. B. Wiśniewski, G.G. Sander, P. Kobes, Band 24, Verlag Dr. Kovac, Hamburg 2019, pp. 9-20.

³ A. Wiktorska-Święcicka, *Governance jako nowy paradygmat sterowania rozwojem w procesach integracji europejskiej*, Wrocław 2014, p. 2.

⁴ *Ibidem*, p. 3.

⁵ M. Oramus, *Model współzarządzania (governance) i problemy dotyczące jego wdrażania w administracji publicznej*, „Rocznik Administracji Publicznej” 2015, p. 1.

⁶ *Ibidem*, p. 8.

concerns raised. The law also extended its coverage to service personnel and professional soldiers. However, the catalog of irregularities covered by the act was not expanded to include occupational safety, and some of the sanctions imposed on entities obliged to implement a whistleblower handling system were significantly reduced. The new bill also emphasizes the need to protect anonymous whistleblowers whose identity will be revealed in the process of clarifying the report, which was questionable in the original version of the document. New concepts were also introduced into the draft, such as “legal proceedings” or “public entity”, and definitions of oral reports made by a whistleblower were clarified.

An important change in the recently published draft is the retention period for the notification register, which has been reduced from 5 years to 12 months. Another convenience is the exemption from the obligation to establish whistleblowing channels for municipalities with a population of less than 10,000. Moreover, offices or organizational units operating within one municipality have the possibility to create one common procedure in this respect. The *vacatio legis* was also significantly extended – from 14 days to 2 months and by an additional month for setting up functioning whistleblower channels, which will make it easier for organizations to fulfill their obligation. Analyzing the recently published document, a number of observations emerge, including a lack of protection of personal data of witnesses or persons identified as perpetrators of irregularities as

well as persons who helped to disclose information about abuses.

The question as to when the final version of the act will be published and thus when the document will become binding also remains unanswered.

This will have a significant impact on the construction of the Compliance Management System in the organization, which can be a solution to prevent irregularities, fraud and crime, but also implement appropriate security measures⁷. Business operations are always associated with various types of risk, which is why it is so important to seek and implement solutions that will not only minimize the risk of fraud, but above all enable effective action to be taken. Any irregularity occurring in the organization may adversely affect its operation, therefore, it is extremely important to disclose this type of information and implement corrective actions to minimize the financial and reputational risk to the organization, as publicly disclosed fraud leads to a loss of confidence in the entity, and its restoration may prove impossible. The main objective of the compliance management system in the organization is to reduce to a minimum the risk of irregularities, violations of applicable laws or internal acts adopted in the company, which can be achieved by building an appropriate structure of the organization and the use of compliance measures⁸. However, compliance in an organization consists not only of assess-

⁷ More: N. Majda, *Compliance Management System jako innowacyjna metoda zwalczania nieprawidłowości*, ArchaeGraph, Łódź-Kielce 2021.

⁸ B. Makowicz, *Compliance w przedsiębiorstwie*, Warszawa 2011, pp. 16-17.

ing the risk of irregularities, but also of providing channels for reporting them, creating procedures, and ensuring appropriate protection measures for whistleblowers. Another important element of the compliance management system (CMS) is the cyclical evaluation of the effectiveness of the applied solutions and the introduction of necessary improvements. The aforementioned sub-goals make up the main assumption of an effective CMS in an organization, which is long-term effectiveness⁹.

An important element of functioning compliance in the organization is to build and promote ethical attitudes among its members, including through the introduction of various codes, such as a code of ethics or codes of conduct. However, the example must be cascaded from the top, starting with the top management. If ethical behavior is not promoted sufficiently among the members of the organization, the system may be perceived as unnecessary formalism and thus will not be able to provide long-term results¹⁰. It is therefore equally crucial to conduct appropriate information campaigns among the members of the organization. Another important function of the system is the protection of the company, both in terms of know-how and business secrets. Another component is the so-called due diligence, which consists in verifying business partners or employees holding key positions in the organization.

The whistleblower and entity security

All the activities described above significantly contribute to the broadly understood safety of the organization: firstly, by introducing appropriate procedures and building awareness among employees; secondly, by identifying risks and taking appropriate mitigating measures; thirdly, by creating channels for reporting irregularities in the organization. At this point it is important to introduce the function of a whistleblower. This is a person connected with the organization who, having knowledge of irregularities that have already occurred or are about to occur, decides to disclose them. The key, however, is to act in good faith and to believe that what is being reported is actually wrong. Research conducted in this area since 1996 by the Association of Certified Fraud Examiners (ACFE) indicates that the most effective tool for detecting fraud is information from a whistleblower, which is much more important than the next statistic of internal audit or management supervision¹¹.

According to the definition presented by Transparency International, whistleblowing refers to “the disclosure or reporting of wrongdoing that involves corruption, criminal activities, dereliction of duty, unlawful decisions, threats to public health, safety or the environment, abuse of power, unlawful use of public funds or assets, gross mismanagement, conflicts of interest, and all actions designed to conceal these irregularities”.

⁹ Ibidem, p. 19.

¹⁰ A. Barcik, *Kapitał intelektualny i compliance w procesach konstyтуowania doskonałości systemów społecznej odpowiedzialności organizacji*, Warszawa 2019, p. 108.

¹¹ M. Kutera, *Whistleblowing jako narzędzie wykrywania oszustw gospodarczych*, p. 125.

Taking this definition into account, it can be assumed that information from whistleblowers influences the security of an organization. This results from the fact that information about violations of law or abuse translates not only into financial security but also into image security, so important nowadays.

The key task of any organization, in addition to conducting statutory activity, is to ensure security, understood both as resistance to the occurrence of situations that threaten the security of the entity, as well as the ability to protect the internal values. An important role in this process is played by risk management, which allows you to anticipate threatening situations and counteract them by introducing appropriate preventive barriers. The second key element of the organization's security system, complementing the set of forces and resources and implemented procedures, is the institution of the whistleblower and the applied and effective Whistleblowing Management System. Security of the entity's functioning may be disturbed by the occurrence of one of the threat elements, such as natural hazards, technical failures, civilization or territorial threats, but also destructive human activity. Each of these elements may occur individually and in combination with other threats, thereby exposing the functioning of the organization to destabilization. It is therefore important to constantly monitor the level of threats and prepare the organization for their occurrence, as well as respond to signals of irregularities and take appropriate corrective action. To ensure an adequate level of security in the organization, in addition to the introduc-

tion of numerous procedures or regular risk analysis, employees should be made aware of their role in building security, not only by acting in accordance with applicable normative acts or laws, but also through ethical behavior, consistent with accepted standards. It is also extremely important to build awareness among organizational members about the role of the whistleblower – a person who, having knowledge about irregularities or violations of law, will decide to share the information he or she has with a relevant unit in the organization, thus making a real contribution to building its security and counteracting threats, while at the same time making it possible to quickly respond to the threat. There is no entity or institution that would not be exposed to various types of abuse. Information provided by whistleblowers is one of the methods of disclosing information about irregularities in public and private organizations and often constitutes a really effective system of protection in entities of both sectors.

The author of this publication sees a connection between the content of whistleblowers' reports and other areas of an organization's security, such as production continuity security, ensuring employees' safety, and property security. At the moment there are no scientific studies clearly showing these interdependencies, but assuming that thanks to the whistleblower's information it is possible to prevent abuse or to take appropriate measures to prevent escalation of the problem, it can be concluded that we thereby increase the level of security. Reversing the situation – if a whistleblower did not inform about

a situation of danger or abuse of power and irregularities, the effects on the safety and functioning of the organization could be incalculable.

Summary

The security of an entity is a compilation of processes, available resources and internally implemented regulations. However, it is an element that depends on internal and external factors, which according to risk management principles are defined by organizations in order to prevent them effectively. However, there remains the human factor, on which the entity often has little influence. Each person independently decides about his or her actions, whether they are legal or illegal; however, the introduction of the Whistleblowing Management System in an organization and advertising the institution of a whistleblower among employees or raising their awareness can be an effective supplement to this system and translate into a real increase in the level of security of the organization. The world knows many examples of companies and organizations whose high market position was irrevocably lost due to irregularities committed by their employees. And it does not matter whether there are many of them or just one person who decides to break the law. The consequences for the security of the entity can be irreversible, not only in the important financial context, but most importantly in the reputational context, leading to its downfall. Often, irregularities can also directly affect the safety of employees, when, for example, corrupt events occur, which, in

turn, lead to the purchase of poorer quality protective equipment, non-original parts for production machines or faulty equipment.

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BASIC SECURITY PROBLEMS OF PUBLIC ASSEMBLIES

Abstract

The Constitution of the Republic of Poland guarantees each person the freedom to organise and to participate in peaceful assemblies. This liberty may be restricted by a dedicated act. The principles of conduct in the case of gatherings are regulated by the Act on Assemblies of 5 July 1990. In view of the above, the assumption that public gatherings are a special case of public congregation was adopted as the basis for the considerations presented in this article. The paper outlines a number of determinants affecting the safety of participants of public meetings, which will be both positive and pejorative in nature. The research conducted indicates that the participants of these assemblies will be subject to the influence of the assembly and aforementioned assembly will be influenced by them. All the more so since a public meeting is a gathering of people with a high power of interaction. The analyses and assessments carried out point to the significant role of state institutions in ensuring the security of public assemblies, which, in addition to their organisers, carry a huge burden of responsibility on their shoulders.

Keywords

security, threat, public safety, public order, state, citizen

Introduction

The Constitution of the Republic of Poland stipulates that 'Everyone shall be granted the freedom to hold peaceful meetings and take part in them'¹, and the state must ensure the realisation of this freedom². Liberty of assembly may only be restricted by law³, for example in situations of states of emergency, specifically in a state of war or a state of emergency⁴.

The freedom of assembly is of such importance among other types of exercise of liberty that it cannot be restricted by a state of emergency in the form of a state of natural disaster⁵ introduced to prevent the effects of, *inter alia*, a natural disaster, which is an event related to the action of forces of nature, including the mass occurrence of infectious diseases in humans⁶.

The right to assemble may, however, be completely restricted in a state of emergency or epidemic to a ban on holding spectacles and other gatherings of the public (it is a paradox that a more serious state of emergency does not involve a restriction of the freedom discussed herein, and a less serious one provides for such a restriction)⁷. Further restriction of the freedom of assembly is transferred

by statutory delegation to the level of executive acts with the rank of regulation.

Methodological and methodical assumptions

Taking into account the circumstances presented in the introduction, it was assumed that it is necessary to diagnose the security requirements of public assemblies, which is the purpose of this article.

Providing for the highest possible level of efficiency in conducting the research, it was decided that the scientific problem should be solved, which took the form of the following question: what determines the safety of participants in public gatherings?

Inductive inference, deductive reasoning, analysis, generalisation and abstraction were used during the research process accompanying the elaboration of this article.

In the course of the research, an important role was assigned to a critical analysis of the literature on the subject in order to obtain an understanding of the specifics of public assemblies, their hazards⁸ and the requirements for achieving an appropriate level of security for the participants.

Legal and organisational contexts of public assemblies

The Regulation of the Council of Ministers of 2nd May 2020 on establishing particular restrictions, orders and prohibitions in relation to the oc-

¹ Konstytucja Rzeczypospolitej Polskiej, art. 57 (Dziennik Ustaw: z 1997 r. nr 78, pos. 483, from 2001 nr 28, pos. 319, z 2006. nr 200, pos. 1471, from 2009. nr 114, pos. 946).

² Ibidem, art. 5.

³ Ibidem, art. 57.

⁴ Ibidem, art. 233. pas. 1.

⁵ Ibidem, art. 233. pas. 3.

⁶ Ustawa z dnia 18 kwietnia 2002 r. o stanie klęski żywiołowej, art. 3 pas. 1 pt 2 (t.j. Dz.U.2017.0.1897).

⁷ Ustawa z dnia 5 grudnia 2008 r. o zapobieganiu oraz zwalczaniu zakażeń i chorób zakaźnych u ludzi, art. 46. pas. 4. pt 4 (t.j. Dz.U.2021.0.2069).

⁸ More: B. Wiśniewski, *Challenges and Hazards of the Third Decade of the 21st Century*, Security Dimensions, No 35, Apeiron, Kraków 2021, pp. 179-191.

currence of an epidemic outbreak has banned, until further notice, the organisation of assemblies, including ones organised as part of the operation of churches⁹. A similar provision was also included in the subsequent regulation of 16 May 2020 on the establishment of certain restrictions, orders and prohibitions in connection with the occurrence of an epidemic¹⁰.

The Polish state not only guarantees the freedom of assembly, but also – in the largo sense – ensures that they are safe¹¹, as the Constitution states that “the Republic of Poland [...] grants security to citizens [...]”¹².

The actions taken by the state both in the area of ensuring the freedom of assembly and the safety of its participants derive from the law, as “public authorities act on the basis and within the limits of the law”¹³.

Let us also add here that Polish law makes the term “assembly” more specific. It follows from the text of the Regulation of the Council of Ministers of 16 May 2020 on the establishment of certain restrictions, orders and prohibitions in connection with the occurrence of an epidemic state that an assembly is any gathering of at least two persons¹⁴.

The Law on Assemblies defines the term “assembly” as any “grouping of persons in an open space accessible to unspecified individuals by name in a particular place for the purpose of holding joint deliberations or for the purpose of collectively voicing a position on public issues”¹⁵. The Law on Assemblies refers to the term “public assembly”, however, it is correct to adopt that a public gathering is such an assembly that takes place in a public place (with unrestricted physical access of people) and the statutory term “assembly” is, in this case, identical with the term “public assembly”, as the Law does not, obviously, regulate the rules and procedures for organising, holding and dissolving gatherings in a private space, outside a public place (it does not regulate family, social and other similar gatherings)¹⁶.

The Law on Assemblies distinguishes a certain type of gathering called “spontaneous meetings” and “cyclic meetings”.

A spontaneous assembly is a grouping of persons in an open space accessible to unnamed individuals in a specific place for the purpose of holding joint deliberations or expressing a common position on public issues, held in connection with an event occurring suddenly and not foreseeable in advance, relating to the public sphere, the holding of which at another time would be irrelevant or of little importance from the point of view

⁹ Rozporządzenie Rady Ministrów z dnia 2 maja 2020 r. w sprawie ustanowienia określonych ograniczeń, nakazów i zakazów w związku z wystąpieniem stanu epidemii, art. 14. ust. 1.pkt 1. i 2 (Dz.U. 2020 poz. 792).

¹⁰ Ibidem, art. 13. reg. 1.pt 1. i 2.

¹¹ B. Kaczmarczyk, B. Wiśniewski, R. Gwardyński, Security of An Individual, Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona w Legnicy, Nr 3 (28), Legnica 2018, pp. 67-68.

¹² Constitution of the Republic of Poland, art. 5.

¹³ Ibidem, art. 7.

¹⁴ Rozporządzenie Rady Ministrów z dnia 25 lutego 2022 r. w sprawie ustanowienia określonych ograniczeń, nakazów i zakazów w związku z wystąpieniem stanu epidemii, art. 13 (Dz.U. 2022, pos. 473).

¹⁵ Ustawa z dnia 24 lipca 2015 r. Prawo o zgromadzeniach, art. 3 ust. 1. (t.j. Dz.U.2019.0.631).

¹⁶ More: B. Wiśniewski, T. Zwęgliński, R. Socha, Public Administration, Public Tasks – Mutual Relations in The Context of The Polish Experiences the Field of Safety and Security Management, Facta Universitatis, Series: Working and Living Environmental Protection, No 2017/2/9, pp. 189-196

of public discourse¹⁷. A spontaneous gathering does not provide for the function of an organiser or chairman of the meeting.

However, it may be inferred from the wording of the Act on Assemblies that the term “cyclical assembly” may be understood as a gathering organised by the same controller, in the identical place or on the same route, at least 4 times a year according to a schedule or at least once a year on the days of national and state holidays, and such events have taken place over the past 3 years, even if not in the form of assemblies, and their aim is in particular to commemorate significant and important events in the history of the Republic of Poland¹⁸.

The Law on Public Assemblies provides for three types of procedures concerning public meetings: ordinary procedure (notification by the organiser to the municipality, appointment of the chairperson of the assembly), simplified procedure (notification by the organiser to the crisis management centre¹⁹ of a municipality or town, when the planned assembly will not cause hindrance in traffic, absence of the chairperson of the assembly), spontaneous assemblies (no notification by the organiser, because there is no chairperson), cyclic assemblies (notification by the organiser to the voivode, appointment of the chairperson of the assembly).

The Act on Assemblies does not define the term “public assembly”, howev-

er, a thorough analysis of the definitions included in the act allows for the conclusion that the terminology used in the Act on Assemblies introduces a semantic chaos (it may lead to equivocation, as the broader dictionary term “assembly” contains the narrower statutory term “assembly”).

Given the fact that the Law on Assemblies, including its definitions, does not apply to gatherings both organised by public authorities and held as part of the activities of churches and other religious associations, it seems reasonable to consider for the benefit of further consideration:

- the term “assembly” as having a broader meaning than that indicated in the Act (the Act refers to an extremely narrow fragment of reality, not caring that when speaking about this narrow fragment, it is often necessary to refer to a broader fragment, in which the smaller one is only a fraction);
- the notion “assembly” covers a large group of individuals gathered in some place and organised by public authorities and carried out in the framework of the activities of churches and other religious associations, as well as brought together in the context of a public gathering.

The Law on Assemblies indicates the entities involved in carrying out a public gathering. Among them it is possible to distinguish both the organiser of a public assembly²⁰ and the chairman of

¹⁷ Ibidem.

¹⁸ Ibidem, art. 26a reg. 1.

¹⁹ Zarządzanie kryzysowe. Teoria, praktyka, konteksty, badania, J. Stawnicka, B. Wiśniewski, R. Socha (ed. scient.), Wyższa Szkoła Policji, Szczytno 2011, p. 23.

²⁰ Regulation ... Prawo o zgromadzeniach, art. 7.

this meeting²¹, as well as state²² and local government entities²³.

Let us make it clear that an organiser is a person who stages an event, and therefore an organiser of a public assembly is a person who arranges a certain grouping of people, in an open space accessible to an unspecified number of individuals in a specified place, for the purpose of holding collective meetings or expressing a position on matters concerning the public. It can only be a person who has full legal capacity²⁴, and therefore any legal person or natural persons who have reached the age of majority through marriage or reaching 18 years of age and are not partially or wholly incapacitated.

Tasks, entitlements and obligations of organisers of public assemblies

In relation to the organisation of a public assembly, its promoter has numerous tasks, rights and obligations.

Among the tasks of the organiser are those that result in:

- submits a notice of the intention to organise a public assembly to the municipal authority²⁵ (in the notice he indicates – if it is an ordinary procedure for holding a gathering – the relevant information, e.g.: the chairman of the assembly and the purpose of the meeting, the date on which it

is to be held, the place and the anticipated number of participants²⁶, and he informs about the measures ensuring a peaceful, non-aggressive course of the event²⁷);

- apply to the provincial governor for his consent to hold a cyclic assembly (a cyclic assembly is an organisation by the same entity, in the same place or along the same route with the frequency of no less than four times a year – according to the schedule, at least once a year for a period of three years in connection with national holidays or national festivities aiming at commemorating momentous events²⁸).

In order to carry out its tasks, the organiser has the applicable powers: the right to appoint, by ordinary procedure, a chairperson of the public assembly and the right to appeal against the decision:

- prohibition to hold a public meeting²⁹ or
- the dissolution of a public assembly³⁰ (both under the ordinary and simplified procedures).

The organiser also has obligations related to the fact that the conduct of the public assembly must not violate the law, nor must it be a source of loss to the surroundings of the gathering. Therefore, the organiser has a legal duty:

- ensure that the conduct of the assembly is in accordance with the law in force, as well as that the gathering is carried out in such a way as to pre-

²¹ Ibidem, art. 18.

²² Ibidem

²³ Ibidem, art. 8.

²⁴ Ibidem, art. 4. reg. 1.

²⁵ Ibidem, art. 7. reg. 1.

²⁶ Ibidem, reg. 22.

²⁷ Ibidem, reg. 10.

²⁸ Ibidem, reg. 26a.

²⁹ Ibidem, reg. 16.

³⁰ Ibidem, reg. 19.

vent damage by participants in the public assembly³¹;

- take the prescribed measures to ensure that the assembly is run in accordance with the law and to prevent damage through the guilt of the attendants of the assembly³²;
- when a public meeting is organized under the simplified procedure, to have uninterrupted elements indicating that it is the organizer of the gathering³³ and to dissolve the assembly when its participants do not comply with the organizer's instructions, or the conduct of the assembly is unlawful³⁴.

The ordinary procedure for conducting a public assembly provides for the function of the president of the meeting, who may be either: the organiser, where this is an individual, or any other physical person indicated by the organiser, who agrees in writing to assume the duties of the president of the assembly, or a person acting on behalf of the organiser of the assembly, who agrees in writing to take on the duties of the president of the assembly, where the organiser of the meeting is a legal person or another organisation³⁵.

In addition to the organiser, the chairperson of the public assembly has an important function in ensuring security. His duties include:

- ensuring the conduct of the assembly in accordance with the law and pre-

venting participants of the assembly from causing damage³⁶;

- keeping in touch during the gathering with the representative of the municipal authority and police officers³⁷;
- possessing, at all times, distinctive elements of the chairman (this refers to having a badge in a visible place)³⁸;
- calling for a person or people violating the law to abandon the assembly³⁹;
- requesting assistance from the Police or municipal police in situations justified by law⁴⁰;
- disbanding a public meeting when attendees disobey his/her instructions or when the law is violated⁴¹.

Duties of public administrations

In the procedure of organising and conducting a public assembly, the municipal self-government plays an important role, which stems from the tasks assigned thereto by law and the scope of its activities. On the territory of the municipality, the municipal self-government takes action in the area of public order and the safety of citizens⁴². The organs of commune and municipal self-government are: the commune council, the head of

³¹ Ibidem,

³² Ibidem, reg. 19.

³³ Ibidem, reg. 23.

³⁴ Ibidem, reg. 24.

³⁵ Ibidem, reg. 18.

³⁶ Ibidem, reg. 19.

³⁷ Ibidem, reg. 17 i 19.

³⁸ Ibidem, reg. 19.

³⁹ Ibidem,

⁴⁰ Ibidem,

⁴¹ More: B. Wiśniewski, G.Sander, Zagrożenie, kryzys i sytuacja kryzysowa – jako uwarunkowania życia współczesnego człowieka, Bezpieczeństwo i Technika Pożarowa, No. 41, Issue 1, Centrum Naukowo-Badawcze Ochrony Przeciwpowarowej, Państwowy Instytut Badawczy, Józefów 2016, pp. 13-18.

⁴² Ustawa z dnia 8 marca 1990 r. o samorządzie gminnym, art. 7. pas. 1. pt 14 (t.j. Dz.U.2022.0.559).

the commune, the mayor or the president of the city⁴³, whereby the executive body of the commune is precisely the head of the commune, the mayor or the president of the city⁴⁴.

The municipality may establish a communal crisis⁴⁵ management centre competent to perform the tasks of the municipality with respect to the organisation of public gatherings⁴⁶, dealing with the issue of public meetings in the municipality's area⁴⁷. The municipality appoints its representative to participate in the assembly, and uses the municipal guards in the protection of peace and order in public places, as well as cooperation with the organisers and other services in the protection of order during assemblies and public events⁴⁸.

The tasks of the municipal authority in connection with a public assembly include:

- recognising the notification of the organiser of a public assembly;
- equipping the chairman of the assembly with an appropriate badge⁴⁹;
- supervising the conduct of the public assembly in terms of the lawfulness of its conduct⁵⁰.

The municipality is empowered to do a number of things, including:

- definition of the place of the public assembly⁵¹;

- dissolving a public assembly in situations justified by law⁵²;
- the issuance of a decision banning an assembly⁵³.

The municipality also has duties to deal with matters relating to the organisation of public gatherings. These include the following duties:

- make information on the place and date of the organised public assembly available on the website of the Public Information Bulletin⁵⁴;
- Inform the competent chief of police and other interested parties, as specified in the law, of the intention to organise a public assembly⁵⁵;
- call the organiser of a public gathering to change the place or time of the event in question⁵⁶;
- make the decision prohibiting a public assembly available on the website⁵⁷.

An important entity in the process of organising a public assembly is the province governor, being an authority appointed by the Prime Minister upon the motion of the minister in charge of internal affairs. The provincial governor performs the tasks of government administration in the province⁵⁸, and is the supervisory body over the activities of local government units and their unions in terms of legality⁵⁹.

⁴³ Ibidem, art. 11a.

⁴⁴ Ibidem, art. 26, ust. 1. pt 14.

⁴⁵ Ibidem, art. 26, ust. 1. pt 14.

⁴⁶ Ustawa z dnia 26 kwietnia 2007 r. o zarządzaniu kryzysowym, art. 20. ust. 2a. (t.j. Dz.U.2020.0.1856).

⁴⁷ Regulation... o samorządzie gminnym, art. 17. pas. 1.

⁴⁸ Ustawa z dnia 29 sierpnia 1997 r. o strażach gminnych, art. 2 and 11. (t.j. Dz.U.2021.0.1763).

⁴⁹ Ustawa... Prawo o zgromadzeniach, art. 19.

⁵⁰ Ibidem, art.20.

⁵¹ Ibidem, art.5.

⁵² Ibidem, art.20.

⁵³ Ibidem, art.14.

⁵⁴ Ibidem, art.7.

⁵⁵ Ibidem, art.8.

⁵⁶ Ibidem, art.12.

⁵⁷ Ibidem, art.15.

⁵⁸ Ustawa z dnia 23 stycznia 2009 r. o województwie i administracji rządowej w województwie, art. 2. (t.j. Dz.U.2022.0.135).

⁵⁹ Ibidem, art. 3.

The tasks of the provincial governor in respect of the organisation of an assembly of a public nature include, in particular:

- acceptance, through the provincial centre for crisis management, of the organiser's notice to hold a public assembly⁶⁰;
- announcement on the website of the Public Information Bulletin of information concerning the place and date of the planned public assembly⁶¹,
- approval of cyclic organisation of public assemblies⁶².

The Police⁶³ is an important institution involved in the security and public order of public gatherings⁶⁴. In the area of security and public order during a public assembly⁶⁵, the Police shall assist the chairman of the assembly demanding that a person who by his/her behaviour violates the provisions of the Act or prevents or attempts to prevent the assembly and does not submit to such a request shall leave the assembly⁶⁶.

The police may request the representative of the municipal authority to dissolve a gathering when its course threatens the life or health of people or property of significant size, causes a significant threat to the safety or order of traffic on public roads or violates the

provisions of this Act or criminal legislation⁶⁷.

In addition, the Police disband a spontaneous public assembly – the issuance of a decision by a police officer in charge of the actions securing the public meeting – if its course endangers the life or health of people or property of significant size, or causes a serious threat to public security or order, or poses a substantial risk to the safety or order of traffic on public roads, or violates the provisions of this Act, violates the course of other assemblies, or criminal regulations⁶⁸.

The State Protection Service, being a unitary, uniformed, armed formation performing tasks in the field of protection of individuals and objects, as well as recognition and prevention of directed⁶⁹ crimes against them – is involved in providing security and public order related to a public assembly, when the gathering is to take place in the vicinity of facilities guarded by the State Protection Service⁷⁰.

The Marshal's Guard, being an armed formation performing the tasks of protecting the Sejm and the Senate, is involved in ensuring security and public order related to a public assembly when the assembly is to be held in the vicinity of the facilities protected by the Marshal's Guard.

The Military Police, which is a separate and specialised service forming part of the Armed Forces of the Republic of

⁶⁰ Ustawa... Prawo o zgromadzeniach, art. 22.

⁶¹ Ibidem, art. 26a.

⁶² Ibidem, art. 26b.

⁶³ More: Współczesny wymiar funkcjonowania Policji, B. Wiśniewski, Z. Piątek (ed.), Akademia Obrony Narodowej, Warszawa 2009.

⁶⁴ Ibidem, art. 8.

⁶⁵ See: R. Socha, B. Kaczmarczyk, A. Szwejca, Zarządzanie kryzysowe w systemie bezpieczeństwa publicznego RP, Kraków 2014.

⁶⁶ Ibidem, art.19.

⁶⁷ Ibidem, art.25.

⁶⁸ Ibidem, art. 28.

⁶⁹ Ustawa z dnia 26.01.2018 r. o Straży Marszałkowskiej (Dz. U. 2018, pos. 729).

⁷⁰ Ustawa z dnia 8.12. 2017 r. o Służbie Ochrony Państwa (Dz. U. 2018 poz. 138).

Poland, is involved in ensuring security and public order connected with a public assembly when the gathering is to take place in the vicinity of military facilities⁷¹.

Special solutions

When examining the issue of human assemblies, one cannot omit those that cause traffic obstruction or require the special use of the road⁷². This issue is regulated by the Road Traffic Law, but its provisions introduce a terminological dissonance.

Applying the pragmatic method, it has been assumed that the Road Traffic Law regulates only those assemblies which are connected with the movement of groups of people (like pilgrimages or as tourist queues) causing an obstruction in road traffic. It is also presumed that when the legislator uses the term “event” he also means “assembly” (a broader concept than “event”), which is reflected in the Act on Prevention and Control of Infections and Infectious Diseases in Humans⁷³.

The organiser of an assembly which may cause inconvenience to road traffic shall be obliged to ensure security to the participants of the assembly and maintain order during its duration] Security and order during events is also ensured by the Police, as well as the Border Guard⁷⁴. The Minister of National

Defence may also appoint the Police and the Border Guard⁷⁵, if the assembly is held in the border zone, as well as the Military Police or military law enforcement authorities if the assembly is held on roads running through or adjacent to areas under the direct or indirect management of the Minister of National Defence⁷⁶.

The implementation of an assembly on a public road requires a permit for its conduct⁷⁷, issued by the authority managing traffic on the road by way of an administrative decision, upon a written request submitted by the organiser of the event, at least 30 days before the planned gathering⁷⁸. The organiser shall send a copy of the application for holding an assembly to the locally competent Voivodship Police Commander, when the venue is a road in a border zone or under direct or indirect management of the Minister of National Defence (or adjacent to such roads), to the locally competent Commander of the Border Guard or Commander of the Military Police, respectively⁷⁹.

The organiser of an assembly bringing about an impediment to road traffic has a number of obligations. He or she should coordinate the course of the route on which the assembly will move with the authorities managing traffic on roads. He shall also, inter alia:

- draw up the regulations and the programme of the event, the plan defin-

⁷¹ Ustawa z dnia 24 sierpnia 2001 r. o Żandarmerii Wojskowej i wojskowych organach porządkowych (t.j. Dz.U.2021.0.1214).

⁷² Ustawa z dnia 20 czerwca 1997 r. Prawo o ruchu drogowym, art. 65 (t.j. Dz.U.2021.0.450).

⁷³ Ustawa... o zapobieganiu oraz zwalczaniu zakażeń i chorób zakaźnych u ludzi, art. 46. ust. 4. pkt 4.

⁷⁴ Ustawa... Prawo o ruchu drogowym, art. 65a. ust. 1.

⁷⁵ More: Współczesny wymiar funkcjonowania Policji, B. Wiśniewski, Z. Piątek (ed.), Akademia Obrony Narodowej, Warszawa 2007.

⁷⁶ Ustawa... Prawo o ruchu drogowym, art. 65a. pas. 4.

⁷⁷ Ibidem, art. 65.

⁷⁸ Ibidem, art. 65b. pas. 1.

⁷⁹ Ibidem, art. 65b. pas. 2.

- ing the means of providing security and public order, the list of people who will be part of the security service;
- specify the method of marking dangerous places;
 - in consultation with the Police, draw up an instruction specifying the tasks of the security services;
 - in agreement with the State Fire Service and other rescue services, determine the types, scope and method of rescue services for the event, -Contact the State Fire Service and other rescue services;
 - cooperate with the Police or, when circumstances require, with the Border Guard and the Military Police;
 - provide detailed information to entities associated with the holding of the assembly.
 - upon the order of the authority managing traffic on the road, elaborate, in agreement with the Police, a traffic organisation project;
 - agree with the road manager on the area of utilisation of the road lane, as well as on the date and manner of its restoration to its original state
 - notify public transport entities of the expected time of occurrence of traffic obstructions, as well as publish information on expected traffic impediments⁸⁰.

The Police (and, respectively, the Border Guard, the Military Police) shall ensure security and order in relation to a gathering (event) affecting the obstruction of traffic by:

- developing a police protection plan;

- setting up blockade posts (traffic exclusion on the road in question) and traffic management (traffic smoothing, temporary restriction or closure);
- introducing detours for roads excluded from traffic;
- piloting participants in the assembly;
- restoring traffic flow after the assembly has taken place⁸¹.

In the event that the safety conditions of an assembly on a public road do not provide for safety, and in particular when there is a danger to life or health or to property of great value, the traffic management body shall withdraw the permit issued.

The traffic control authority shall interrupt the assembly if it is carried out without the permission of the authority in charge of road traffic⁸², and may do so when:

- the essential conditions for carrying out the assembly (venue, route or duration) deviate from those laid down in the permit
- there is a threat to people, their life, health and property of great value;
- the course of the assembly contributes to a hazard to road safety⁸³.

Conclusions

The safety and public order of a public gathering depend on the functioning of the various entities involved in that assembly. The law – including, inter alia, the Law on Assemblies, the Law on Road Traffic – strictly defines the tasks and competences of each of the parties.

⁸¹ Ibidem, art. 65a. pas. 4.

⁸² Ibidem, art. 65f.

⁸³ Ibidem, art. 65g.

⁸⁰ Ibidem, art. 65a. pas. 3.

The essence of efficient action is the cooperation occurring between the organiser of the assembly and state and local government institutions. The complex and collective actions discussed here are all about being purposeful and cost-effective.

Poland has good legal solutions regarding the organisation and holding of public assemblies. The regulations strictly define the tasks, rights and obligations of individual entities, which translates into assuring safety, both for the event, its participants, as well as outsiders staying in the vicinity of a public assembly.

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THE IMPACT OF INFORMATIONAL TECHNOLOGY DEVELOPMENT ON INFORMATION PROTECTION – CONSIDERATIONS IN THE CONTEXT OF HOMELAND SECURITY

Abstract

The publication presents basic issues related to information protection in the aspect of access and common use of various information technologies. There was presented a wide spectrum of their influence on the security of information and data of the global network user as well as the main threats. The author pointed out the issues of growing challenges, accepted and existing areas of their influence. The general impact of modern technologies on information security was also presented. An important thread of consideration is to indicate the basic principles of information protection, which should be taken into account when using the Internet.

Keywords

information security, information technology, threats, protection

Introduction

The state telecommunication system is designed to provide information for the needs of organizations, institutions and citizens in all states of its functioning – in times of peace, crisis and armed conflict. The foundation of the system architecture is the ICT infrastructure, which integrates various means and devices of communication and information technology, creating a network for transmitting information. In times of peace and crisis, the leading role is played by ICT service providers (mobile, Internet and cable operators). During war, dedicated systems and ICT networks are used for the most important people in the country and the armed forces, adapted to the organization of command and operations¹. Experts in internal security issues have knowledge about their purpose and distinctiveness of the services provided. A common feature of most modern services is the use of the latest information technology based on both modern equipment and software to exchange information.

The dynamic development of information technology and the phenomenon of convergence of services between telecommunication and computer networks makes it more and more common to combine these two networks into a single entity and create a one ICT network². Nowadays, this is reflected in the capabilities of each citizen in terms of individual abilities to create, collect, process and transmit information in dig-

ital form. The limitation is the type of equipment owned (finances), the ability to use it (knowledge), access to network infrastructure and the amount of time needed to implement a given service. One of the important reasons for this state of affairs is the continuous growth of users' expectations in terms of speed and quality, but also the continuous development of modern technologies. The author focused his considerations solely on the use of information technology in peacetime and its impact on information security, taking into account the potential and identified threats, as well as trying to identify ways to counteract them.

The presented problem situation makes it necessary to answer the question: How to make the users (institutions/ citizens) of modern information technologies aware that their incompetent use may affect information protection and internal security?

Methodological and methodical assumptions

The goal of the article is to demonstrate the need for studying the impact of informational technology development on information protection in the context of homeland security.

This involves a research problem, formulated as a question: How to make the users (institutions/ citizens) of modern information technologies aware that their incompetent use may affect information protection and internal security?

Due to the complexity of the goal and research problem, the research process employed theoretical and empirical methods, techniques and research tools. Various re-

¹ More: Regulamin działań wojsk lądowych, DWLąd 115/2008, Warszawa 2008.

² M. Frączek, Wieloaspektowość kształtowania bezpieczeństwa sieci teleinformatycznej wojsk lądowych, Warszawa AON 2015, p. 31.

search methods, techniques and tools were used in the research process accompanying the preparation of this article.

The following were primarily used during the research:

- inductive reasoning where general statements are derived from detailed information, 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 parts, which made it possible to identify the scope of projects that constitute the rationalization of activities in the area of internal security.

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

Security of ICT network and cyberspace

Security – the meaning of this term in the aspect of organization and functioning of ICT networks, along with the constant development of information technology, cannot be defined unambiguously. It has an interdisciplinary meaning, and this is a result of its various interpretations available in the literature³. According

to the author, information and communication network security should be identified with ensuring, in a given place and time, the state which means no risk of information loss. Thus, it is “a state obtained as a result of an organized (organizational and technical) protection against possible threats, expressed in the ratio of the possessed potential intended to ensure information protection and the possibility of using forces and means appropriately to the scale of threats”⁴.

The challenge facing all users is to determine the importance of protecting the virtual space to provide them with the desired services. The author has a number of doubts related to the interpretation of the term “cyberspace” contained in the literature⁵, because according to the Polish law it is also defined heterogeneously, and no unambiguous and accepted definition has been developed. Usually, cyberspace is defined as the space of production and exchange of information created by ICT systems.

One of the most important documents defining the term “cyberspace” is the “Doctrine of Cyber Security of the

³ Regulamin Działalności Wojsk Lądowych, DWLąd Wewn. 115/2008, Warszawa 2008, Słownik definicji. Encyklopedia wiedzy komputerowej, Warszawa 2006, Biblioteczka Komputer Świat nr 3/03 (23), p. 213. Liderman K., Podręcznik administratora bezpieczeństwa teleinformatycznego, Warszawa 2003, p. 18. Liderman K., Analiza ryzyka i ochrona informacji w systemach komputerowych, PWN, Warszawa 2008, pp. 11-12. Encyklopedia Nauki i techniki, Prószyński i spółka, Warszawa 2002, tom I, p. 139.

⁴ M. Frączek, Wieloaspektowość kształtowania bezpieczeństwa sieci teleinformatycznej wojsk lądowych, Warszawa AON 2015, p. 79.

⁵ Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. Published by Houghton Mifflin Company, Random House Kernerman Webster's College Dictionary, © 2010 K Dictionaries Ltd. Copyright 2005, 1997, 1991 by Random House, Inc., Rządowy program ochrony cyberprzestrzeni Rzeczypospolitej Polskiej na lata 2011-2016, Ministerstwo Spraw Wewnętrznych i Administracji, Warszawa 2010, p. 6, Ustawa z dnia 17 lutego 2005 roku „O informatyzacji działalności podmiotów realizujących zadania publiczne”, Art. 3, pkt. 3, M. Frączek, Wieloaspektowość kształtowania bezpieczeństwa sieci teleinformatycznej wojsk lądowych, Warszawa AON 2015, pp. 149-151.

Republic of Poland”⁶ which “indicates the strategic directions for ensuring the desired level of security (...) in cyberspace” and further defines it as “the space for processing and exchanging information created by ICT systems (sets of cooperating IT equipment and software ensuring processing, storage, as well as sending and receiving data through telecommunication networks by means of telecommunication terminal equipment appropriate for a given type of network and intended to be connected directly or indirectly to the network’s termination point) together with the links between them and relations with users”⁷.

The aforementioned “Doctrine...” attempted to reconcile different environments and to develop a compromise on the functioning of the armed forces in cyberspace, among other things. Hence, another concept called cyber security environment appeared. It is defined as “the totality of conditions for the operation of a given entity in cyberspace characterized by challenges (opportunities and risks) and threats to the achievement of the adopted objectives”⁸. Thus, the meaning of the term cyberspace is constantly evolving and can be identified in many ways⁹. It should be noted the ongoing heated discussions among experts and academics on the origins and meaning of the term cyberspace. There are still different, not always uniform interpreta-

tions of it, because the precise characterization of cyberspace is difficult, which is due to different premises. It is also worth noting that in the ICT networks of telecommunication operators it is erroneously assumed that protected assets are only information in electronic form containing various data exposed to cybercrimes¹⁰, fear-inducing cyberterrorism¹¹ and hacktivism. The author’s professional experience indicates that this is a much broader area, also for scientific research about the impact of modern technologies on security.

Information technology – selected aspects of information protection

The current broadband market has gone through a long evolution in two respects:

1. Bandwidth growth – from PSTN telephone networks to ISDN to broadband access, i.e., from the technology of using copper cable to the use of fiber optics.
2. New applications – allowing to transmit first voice information, then text, next images and finally multimedia in form of video.

This has resulted in a rapid development of the ability to transmit information in the order of their origin: telephony, SMS, e-mail, chat boxes, use

⁶ Doktryna Cyberbezpieczeństwa Rzeczypospolitej Polskiej z dnia 22 stycznia 2015 roku, wyd. BBN, wyd. Warszawa 2015. Przesłanie Prezydenta Rzeczypospolitej Polskiej.

⁷ Ibidem.

⁸ Ibidem, Wprowadzenie, p. 5.

⁹ M. Frączek, Wieloaspektowość kształtowania bezpieczeństwa sieci teleinformatycznej wojsk lądowych, Warszawa AON 2015, p. 151.

¹⁰ A. Bógdał-Brzezińska, M.F. Gawrycki, Cyberterroryzm i problemy bezpieczeństwa informacyjnego we współczesnym świecie, Warszawa 2003, p. 325.

¹¹ D. E. Denning, Wojna informacyjna i bezpieczeństwo informacji, Wydawnictwa Naukowo-Techniczne, Warszawa 2002, T. Jemiola, J. Kisielnicki, K. Rajchel, Cyberterroryzm – nowe wyzwania XXI wieku, Wydział Wydawnictwa i Poligrafii Wyższej Szkoły Policji w Szczytnie, Warszawa 2009.

of websites (Internet – mainly various thematic Internet portals, instant messaging and online shopping), UMTS and VoIP connections, videoconferencing, teleworking, telemedicine, or VOD platforms (movie libraries). It should be noted, with some new services being created at the same time.

The aforementioned possibilities of exchanging messages in their various forms would not take place without taking into account basic technical factors that affect security. The most important of these include¹² critical infrastructure of the state; telecommunication networks; computer network; Internet (global network / internet of things); ICT systems and networks; cell phone networks and their operators; data transmission; databases; globalization; modern technologies; social networks; development of information society; universal access to information and knowledge; convergence of services; cyberspace; development of electronics; miniaturization of consumer devices; power grid; renewable energy sources; e-banking; electronic exchange of documents and private correspondence; collection, processing and transfer of information; protection of classified information and sensitive (personal) data; artificial intelligence and quantum computers. Even a cursory assessment allows the conclusion that this is a very large spectrum of capabilities.

It was deemed appropriate to identify the fundamental issues of the impact of

modern technology on information protection, which include:

1. The level of awareness of threats and the ability to identify them (internal/technical [including electronic] organizational/for information sources) when using modern technological solutions.
2. Protection of classified information, which strictly defines by what means it is possible and even mandatory to ensure its security.
3. Protection of unclassified information, but... considered as particularly important... – unfortunately there is a noticeable lack of unambiguous legal regulations.
4. Protection of personal data:
 - a. ordinary (name; surname; address of residence; PESEL, NIP, number and series of identity card, education, profession, sex, telephone number);
 - b. sensitive (sensitive, particularly protected: racial or ethnic origin; political opinions; religious or philosophical beliefs; religious, party or trade union membership; health status; genetic code; addictions; sexual life; convictions, judgments of conviction, criminal fines and other decisions made in judicial or administrative proceedings).
5. Professional secrecy (for example, medical/ advocacy/ banking/ journalistic/ bailiff/ notary/ lawyer or judge) and effective access to data collected about them in digitized form.
6. The right to privacy and violation of personal rights.

¹² M. Frączek, Technical protection of cyberspace land force – general assumptions, ORCID: 0000-0002-2216-8053 Pomeranian Academy in Słupsk DOI: 10.26410/SF_2/21/7, Security Forum (ISSN 2544-1809), WSB University.

7. Consequences of breaking the law on the protection of (classified) information: revenue, reputation, data, customer trust, litigation.

It seems natural to ask where did the problems mentioned above come from? Well, in the XXI century we live in a world of digital surveillance, to which the vast majority of users agree:

1. Devices and tools: computers, laptops, netbooks, tablets, cell phones, CCTV cameras, artificial intelligence, databases...
2. Social media portals and platforms: Facebook, Instagram, Twitter, Tik Tok, WhatsApp, Messenger, YouTube, Skype, Google...
3. Lack of knowledge regarding cyber threats to digital citizens in terms of non-obvious ways to lose data and monetization it as a basis for business.

An example of such conscious actions is the fact that all Polish websites request their users to confirm that they voluntarily consent to the processing of their personal data, which is visible immediately after their launch. This consists of five points:

1. General information on the processing of data provided by the user when using services. Information on who is the controller of your personal data.
2. The use of cookies and other technologies and the scope of their use.
3. Information on how a website uses information from its user – direct marketing.
4. Brief information on how your information is used by the partners of a particular website and an indication of the long list of purposes for

which the data is processed (storage of information on your device or access to it/ selection of basic advertising/ selection of personalized advertising/ profiling of personalized advertising/ profiling of personalized content/ selection of personalized content/ measurement of advertising performance/ measurement of content performance/ use of market research to generate audience feedback/ development and improvement of products/ provision of security, fraud prevention and error correction/ technical delivery of advertising or content. Special objectives: To provide security, fraud prevention and error correction, to tailor content available on the services to anticipated user preferences.

5. Information that as part of special features and functions, website partners may take the following actions: matching and linking offline data sources/ linking different devices/ using accurate location data/ receiving and using automatically sent device characteristics for identification.

According to the author, it is worth emphasizing that what threatens in computers – meets information technology users in the case of cell phones (smartphones), who often unreflectively allow various applications access to:

- cameras (front/ back);
- contacts/ location/ biometric data (fingerprint/facial recognition) and health data – sports and health monitoring apps;
- all media files (photos/ videos/music);
- all documents and data stored on your phone;

- instant messaging, including live chat (WhatsApp/ Signal/ Messenger)
- anonymous sending of data to owners of freeware.

What does total digital control of the citizen look like? Imagination suggests different scenarios, but we can try to define it as follows:

1. Users of the global network in the vast majority provide a lot of interesting data about their lives, for example, through their profiles on social networking sites every day describing what happened at their place along with photos (of the house, car, business, vacation).
2. City monitoring system follows the citizen from the moment he leaves home, through shopping, work and recreation, to his return. So, not wearing a seatbelt in the car while driving or talking on the phone – that can be a fine. It is also a source of data on the biometric characteristics of many people.
3. Cell phone is strictly assigned to its user, so there is no need to install new 1000 speed cameras – it is enough to monitor the speed of movement of this device and it will be known which driver obeys the rules in a built-up area and which does not. Moreover, it shows the time spent in a specific geolocation (work, university or sports hall).
4. ATM card allows you to check the actual location of its use when withdrawing any amount of money from an ATM (date, place, time, photo).
5. Credit cards and various types of loyalty cards for stores – allow you to determine the preferences of any consumer, what they buy and how much they spend.
6. Auction portals – allow you to determine the preferences of any consumer and are a source of data about users and people closest to them.
7. Selected vehicles – already able to order spare parts and make payments over the global network.
8. Internet of things – provides a lot of information about the life of the hosts of the apartment or house.
9. What does freeware want to know about its user and what does it need access to? Beware of any apps associated with Google or shipped with your type of phone (impossible to remove/hard to disable).
10. What does Microsoft office suite collect and why does it block or un-install software from other vendors? Why does it do that when the others are purchased and used according to their license terms? Not many people think about it.
11. Intentional use of software and tools considered at least controversial because of their use contrary to the original purpose – for example, hacking through Pegasus into the account of the author documented in February 2022, who has no information that there are any criminal proceedings against him and is also not a terrorist...
12. Under the guise of security, civil liberties are being restricted and information is being collected about individuals who have different opinions and views from those desired by the authorities.

The catalog of threats in the above area is much wider, and the most useful information for a potential opponent is found on the Internet, which always remembers and never forgets. However, it is necessary to know where and how to find, for example, the profile of a given person. This also has its connection with homeland security. A kind of fashion for “sweet-photos” or openness to electronic media caused that everything is photographed, also in places and locations considered to be particularly important. The author counts among them areas of institutions and military units responsible for national security, as well as those subordinate to the Ministry of Internal Affairs and Administration. This applies to elements of critical infrastructure, but also sharing the image of people whose work should not be exposed on a large scale. It is possible to find a lot of information that is considered especially valuable despite the fact that from a formal point of view it is not classified according to the provisions of the act on protection of classified information. The ability to collect and verify information and the ability to analyze what it is used for is a potential danger of inappropriate or unwanted use. Under the guise of caring for state security, in connection with the situation beyond Poland’s eastern border and Russia’s war with Ukraine, it is overlooked or forgotten that we live in a country where the right to use operational control against its own citizens should also be respected. The fact that there is no new news on this topic in the media does not mean that it does not exist.

Summary

According to the author’s assessment, it is difficult to unequivocally point to the best ways of preventing the situations shown above that result in threats to the loss of information considered particularly important from the perspective of a citizen or an institution, because each of them has different expectations. The described problematic situation causes, that only after getting acquainted with potential and actual types of identified threats lurking on the side of information technology, it is possible to give an answer to the question in the introduction of the selected and propose solutions that could reduce them. The universal ones include:

1. Education system focused on the use of modern technologies, but also on creating awareness of the various threats to individual users, organizations (institutions) and the state. It should already include students of primary and secondary schools, not just university students.
2. Social campaigns that educate all citizens in the aspect of various forms of threats not only relating to various social problems, but also associated with the use of modern technologies and lack of access to resources (devices), tools and services considered today as necessary for life.
3. Broader familiarization of citizens with their responsibilities concerning state internal security in the aspect of information protection.
4. Continuous search for and application of new, more difficult to bypass or break through ways of protection.

5. Other considered important due to the multifaceted nature of the area of consideration, which have not been listed, because they will be the area of further research explorations of the author.

It should be remembered that too many safeguards may have a negative impact on the protection of transmitted information due to its poor protection or difficult to avoid improper implementation and simplification of developed procedures.

After an in-depth analysis of existing possibilities of ensuring information protection security, the following final conclusions can be indicated:

1. The weakest element of the security system is man (use of information, desire for profit, pursuit of power, designing the system or committing crimes related to hacking into information resources).
2. Information technologies cause the development of ways to secure ICT systems and networks, but also to improve the means of acquiring information.
3. Always strive to create a system that provides information security at a specified acceptable level by combining the capabilities of various measures.
4. Increase in the financial cost of information security is not a guarantee of its protection according to the category of importance.
5. The author has a number of doubts and does not know many answers about the future of homeland security in the context of the use of information technology, but its unreflec-

tive use can be fatal to institutional and individual users.

In conclusion, the problems raised in this publication are only a prelude to proper research on information technology, and the overt nature of the publication necessitates a general presentation of this area of interest in relation to homeland security.

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RISK AND THREATS IN PROTECTIVE MEASURES OF THE UNITS RESPONSIBLE FOR SECURITY OF EXECUTIVE STATES BODIES

Abstract

The goal of this article was to present the issues connected with threats, identification and assessment of risk to security of people and buildings that are subject to special protection. Risk, just like security, has become one of key components in protective measures of the units responsible for protection and security of executive government bodies of every country. Specialized institutions assigned to protect very important personages in the state can be found both in civil and military structures. Universally accepted and applied principle in protective measures all around the world is the one saying that it is not possible to provide full security to people and buildings that are subject to mandatory protection. Therefore, protective units are focused on minimizing the risk of occurrence of potential events that may affect lowering of required level of security. The goal of this article was to present scientifically substantiated correlation between risk and protective measures executed by the units assigned for such tasks. Theoretical research methods were applied in this article. The deliberations presented in the article show that relations between risk and protective measures of the units responsible for security of executive state bodies require research and conclusions from them may improve the level of security of people and buildings that are subject to special protection.

Keywords

security, management, threats, organization, risk, protection

Introduction

Organization of protective measures and management¹ of them require well-thought-out and precisely planned actions that should provide broadly understood security to protected people².

IT, military or technological development allows institutions assigned to provide security and protection of very important personages in the state to improve the level of executed protective measures. However, security can't be provided in 100%. Changing threats to security of very important personages or buildings in the state determine the growth of risk to protective units all around the world. One of key elements in activity of every protective unit is identification of risk and threats.

Functioning of effective protective unit in every country depends on many factors. Assuming that it is not possible to provide full security, universally accepted principle in protective measures executed for executive state bodies is the one saying that the largest challenge to protective units is preventing and avoiding threats. The institutions responsible for protection and security of important personages are trying to minimize the risk connected with the loss of broadly understood security. An element necessary to achieve desired level of security is among others: identification, assessment and analysis of risk, as well as

identification of threats shaping the level of security and determine selection of suitable security measures³.

Decision-makers, while making decisions about executed protective measures act in a very complex problem situation burdened with substantial risk. In modern management, the very verification of the measures of assessment of efficiency and effectiveness of actions is not sufficient anymore, but risk measurement is of equal significance. There is a principle saying that in order to effectively manage, we must consider the risk that should be measured first⁴.

Risk in protective measures occurs universally in various areas of activity of protective units, which is closely connected with threats to people and buildings that are subject to special protection.

Referring to history, it is hard to show the country with no assassination attempt against people performing executive functions in the state such as president, prime minister or different person holding prominent positions in the state structures.

The deliberations on the risk and threats to security of executive state bodies presented above are a large challenge to the functionaries or soldiers of protective units. Policy of security created and executed by the institutions aiming at provision of security to people making

¹ More: Wiśniewski B., Zwęgliński T., Socha R., *The Theory of Commanding*, Вісник Львівського Державного Університету Безпеки Життєдіяльності, No 14/2016, Lviv 2016, p. 47 – 52.

² T. Goryca, *Theory and practical aspects of state authorities protection organisation*, Forum Security 5(2), Wydawnictwo Akademia WSB, Dąbrowa Górnicza 2021, p. 53.

³ T. Goryca, *Identyfikacja i ocena zagrożeń dla bezpieczeństwa VIP*, [in:] *Różnorakie perspektywy bezpieczeństwa*, ed. M. Banasik, A. Rogozińska, Wydawnictwo Difin, Warszawa 2019, p.73.

⁴ J. Kozioł, *Zarządzanie ryzykiem w działaniach ochronnych Biura Ochrony Rządu*, [in:] *Bezpieczeństwo osób podlegających ochronie wobec zagrożeń XXI wieku*, eds: P. Bogdalski, J. Cymerski, K. Jałoszyński, Wydawnictwo Wyższej Szkoły Policji, Szczytno 2014, p. 387.

key and strategic decisions in the state is an answer to changing reality. The criteria of selection of methods and measures lowering the level of risk and simultaneously increasing the level of security to mandatorily protected people depend on the way that units and institutions assigned to this task perceive threats⁵.

Methodology

The main problem that solution to was presented in this article is expressed in the form of a question: how to effectively lower (minimize) the risk, eliminating the threats in protective measures of the units responsible for security of executive state bodies?

During execution of the research process, the following theoretical research methods were applied: analysis (to determine specific components, special features of the examined subject), synthesis (to determine relations between specific elements of the examined subject), defining (to present definitions connected with the examined subject) and inference (to draw new conclusions concerning examined subject)⁶.

Available literature on the research subject was analysed⁷, particularly Polish-

and foreign-language monographs, printed scientific articles and online sources, as well as specialist textbooks, manuals and guidelines, as well as applicable legal regulations.

Risk

Risk strongly determines the level of security, and it is one of basic systemic attributes. Many categories and definitions of risk, as well as methods of measurement and its estimation can be distinguished. By observing development of human and his environment, we can say that risk and threats have been present for the whole history of humankind. Uncertainty is also an inherent and natural feature of risk. Referring to protective measures towards executive state bodies, it should be emphasized that successes and potential failures largely depend on appropriate recognition of current and future threats.

Risk can be defined as an event or set of uncertain events that may affect the level of security⁸.

Another definition of risk says that it is:

- „The possibility that something may go wrong (undertaking, of which result is uncertain),
- „Daring to be exposed to danger”,
- “Likelihood of occurring the damage incriminating harmed person regardless of his/her guilt, provided that agreement or legal article does

⁵ T. Goryca, Służba Ochrony Państwa wobec współczesnych zagrożeń, [in:] Polska-Rosja w obliczu regionalnych wyzwań, R. Korneć (ed.), Wydawnictwo Uniwersytetu Przyrodniczo-Humanistycznego, Siedlce 2019, p. 76.

⁶ More: Bezpieczeństwo. Teoria-Badania-Praktyka, A. Czupryński, B. Wiśniewski, J. Zboina (eds), Centrum Naukowo-Badawcze Ochrony Przeciwpożarowej im. Józefa Tuliszkowskiego Państwowy Instytut Badawczy, Józefów 2015, p. 32.

⁷ More: Nauki o bezpieczeństwie. Wybrane problemy badań, A. Czupryński, B. Wiśniewski, J. Zboina (eds), Centrum Naukowo-Badawcze Ochrony Przeciwpożarowej im. Józefa Tuliszkowskiego Państwowy Instytut Badawczy, Józefów 2017.

⁸ B. Wiśniewski, R. Kowalski, J. Kozioł, M. Szyłkowska, Bezpieczeństwo procesów decyzyjnych, Wydawnictwo TUM, Wrocław 2018, p. 13.

not oblige another person to redress a damage”⁹.

Risk is also defined as „uncertainty that changes the course and effects of an undertaking, showing in this way every exception to the initial plan”¹⁰.

As it was emphasized by P. Zaskórski, every „process is burdened with certain level of risk that requires implementation of appropriate strategies is necessary”¹¹. Above statement may be referred to the execution of the process of protective measures of the units responsible for security¹² and protection of very important personages in the state.

A determinant of the very risk is the possibility of profit or loss in comparison with expectations of a decision-maker. Risk also occurs when information is not sufficient enough, but they allow to estimate the likelihood of formation of specific phenomena connected with executed protective measures¹³.

Risk can be divided in many ways, it is mostly classified according to the following categories:

- relevant risk – it is usually associated with the impact of factors that may cause disastrous events (fires, floods, etc.),
- subjective risk – it may result from human error and manifest in the wrong (subjective) assessment of a specific situation,
- objective risk – it refers to the problems connected with impossibility of predicting the direction of development of phenomena that may affect the value of system/ organization of the process/action¹⁴.

The basis of determination of the level of security and procedures of prevention of its lowering is making people aware of the sources of risk¹⁵. Risk analysis is becoming increasingly significant in the process of identification and assessment of threats to security of executive state bodies.

Risk analysis is a process of „organized approach to the issue of the risks connected with functioning of entities/ systems”. Above all, it allows to:

- determine resources and priorities,
- identify potential threats and hierarchize them,
- prepare preventive measures appropriate to potential risk,
- estimate potential losses connected with disturbance of the level of security¹⁶.

⁹ P. Zaskórski, J. Woźniak, K. Szwarz, Ł. Tomaszewski, Zarządzanie projektami w ujęciu systemowym, Wydawnictwo Wojskowej Akademii Technicznej, Wydanie drugie poprawione, Warszawa 2015, p. 356.

¹⁰ Ibidem, p. 356.

¹¹ P. Zaskórski, Asymetria informacyjna w zarządzaniu procesami, Wydawnictwo Wojskowej Akademii Technicznej, Warszawa 2012, p.150.

¹² More:B. Kaczmarczyk, B. Wiśniewski, R. Gwardyński, Security of An Individual, Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona w Legnicy, Nr 3 (28), Legnica 2018, p. 67-68; T. Zwęgliński, Analiza polityczno-administracyjnych procesów decyzyjnych Unii Europejskiej w przypadku wystąpienia międzysektorowych i transgranicznych sytuacji kryzysowych, [in:] Koncepcje i instrumenty zarządzania kryzysowego w administracji publicznej, A. Gołębiowska, P.B. Zientarski (ed.), Wydawnictwo Kancelarii Senatu RP, Warszawa 2017, p. 37–54.

¹³ J. Koziół, Zarządzanie ryzykiem..., p. 389.

¹⁴ P. Zaskórski, Asymetria informacyjna..., p. 150.

¹⁵ P. Zaskórski, J. Woźniak, Ciągłość informacyjno-decyzyjna warunkiem bezpieczeństwa organizacji gospodarczej, [in:] Wybrane koncepcje i metody zarządzania początku XXI wieku, eds W. Gonciarski, P. Zaskórski, Wydawnictwo Wojskowej Akademii Technicznej, Warszawa 2009, p. 137.

¹⁶ B. Wiśniewski, R. Kowalski, J. Koziół, M. Szyłkowska, Bezpieczeństwo procesów..., p. 14.

Being aware of the sources of risk is a basis of determination of the level of security¹⁷, in this case, to determine the level of security of people and buildings that are subject to special protection.

A very significant element of identification and assessment of threats to security of people and buildings that are subject to mandatory protection is also risk management. Risk management leads to identification of specific threats, and it is oriented towards their elimination. „The process of risk management may be perceived as a universal operating algorithm, which can be adjusted to the specificity of every undertaking”¹⁸. The process of risk management can be divided into a few stages:

- risk management planning – it is based on development of a plan of risk management, including techniques and methods applied in subsequent stages,
- risk analysis and identification – a list of basic factors of threats, as well as qualitative and quantitative risk analysis,
- monitoring and control of risk – implementation of prepared plans of risk management, its monitoring and execution of strategies of minimizing the threats¹⁹.

Risk is a constant element in execution of protective measures and may sometimes be expressed in searching for changes, which, according to the Author,

should be implemented because they enable to improve efficiency and progress of executed protective measures, considering efforts aiming at minimization of the risk, and not avoidance of it.

Threat

Threat is the notion that is used as often as risk or security.²⁰ Just like security – it triggers certain emotional state. Analysing the notion of threat, we should refer to the views presented by W. Fehler who claimed that „threat is events and processes in human civilisation occurring in various configurations causing disturbance of balance (or making achievement of balance impossible). They refer not only to the ones being in constant connections or temporary correlations of various socio-political entities (units, social groups, countries, unions of countries, etc.), but also all components that material and spiritual environment of human life is made of”²¹. Described processes and events may take various forms, for example: disasters²², epidemics, wars, cataclysms and others, whose destructive potential creates obstacles for effective protection

¹⁷ P. Zaskórski (eds), Zarządzanie organizacją w warunkach ryzyka utraty informacyjnej ciągłości działania, Wydawnictwo Wojskowej Akademii Technicznej, Warszawa 2011, p. 7.

¹⁸ P. Zaskórski, J. Woźniak, K. Swarc, Ł. Tomaszewski, Zarządzanie..., p. 357.

¹⁹ P. Zaskórski, Asymetria informacyjna..., p. 152.

²⁰ More: R. Socha, Bezpieczeństwo i zagrożenia – wzajemne relacje, [w:] Wybrane aspekty badań nad bezpieczeństwem, red. nauk. B. Kaczmarczyk, A. Wawrzusiszyn, Elk 2014, pp. 11-29.

²¹ W. Fehler, Zagrożenie – kluczowa kategoria teorii bezpieczeństwa, [in:] Współczesne postrzeganie bezpieczeństwa, K. Jałoszyński, B. Wiśniewski, T. Wojtuszek (ed.), Wydawnictwo Wyższej Szkoły Administracji w Bielsku-Białej, Bielsko-Biała 2007, p. 9.

²² R. Socha, Zarządzanie bezpieczeństwem w ruchu drogowym według przepisów Unii Europejskiej, [w:] Bezpieczeństwo na lądzie, morzu i w powietrzu w XXI wieku, red. nauk. J. Zboina, Józefów 2014, pp. 53-62.

of values, which are foundation of security (among others, life, health etc.).²³

„In colloquial language, threat” is instinctively taken and correlated, above all, with fears of people of losing fundamental values such as: health, life, freedom or material goods²⁴.

We should also refer to an idea of B. Kogut and A. Babiński, who emphasized that „threat is all phenomena that, according to learning entity, may deprive him/her of existence, current meaning of existence or they are a barrier in its development”²⁵.

R. Zięba defined „ threat” as a „certain mental condition or awareness triggered by perception of phenomena, which are assessed as unfavourable or dangerous”²⁶.

It should be emphasized that threats that executive state bodies are always accompanied by are fear and anxiety²⁷. Therefore, we must also mention a definition from the Lexicon of military knowledge, which defines threat as

a „situation, in which there is increased likelihood of loss of life, health, freedom or material goods”²⁸.

There is no doubt that a feature characteristic of threats to people performing executive functions in the state is their variability and disorderliness. Some phenomena that were threats in the past, but they are no longer threats nowadays, and the other way round – those that once were not treated as posing threat to people and buildings that are subject to protection, they may nowadays cause reduction of the level of security. The deliberations enabled the author to conclude that power of some threats may also change (threats may ease off or increase).

While analysing contemporary threats to people and buildings that are subject to special protection, it must be emphasized that development of modern technology and civilizational transformations have caused changes in perception of hierarchy of values²⁹.

Sense of danger is an effect of information reaching to human, above all, in the form of sensory stimuli, but also various types of verbal and non-verbal messages from other people³⁰.

To sum up, short analysis showed that quoted definitions will be significant in

²³ See: R. Socha, *Współczesne postrzeganie zagrożeń*, [w:] *Zarządzanie kryzysowe. Teoria, praktyka, konteksty*, badania, red. J. Stawnicka, B. Wiśniewski, R. Socha, Szczytno 2011, pp. 19 – 30.

²⁴ More: *System zarządzania kryzysowego państwa, w tym Sił Zbrojnych RP*, (ed.) B. Wiśniewski, i J. Fałeki, Wydawnictwo Wyższej Szkoły Administracji, Bielsko-Biała 2009, p. 17.

²⁵ B. Kogut, A. Babiński, *Zakres znaczeniowy pojęć: wyzwanie, szansa, zagrożenie i ryzyko*, [in:] *Wyzwania, szanse, zagrożenia i ryzyko dla bezpieczeństwa narodowego RP o charakterze wewnętrznym*, R. Jakubczak, B. Wiśniewski (ed.), Wydawnictwo Wyższej Szkoły Policji, Szczytno 2016, p. 63.

²⁶ R. Zięba, *Kategoria bezpieczeństwa w nauce o stosunkach międzynarodowych* [in:] D.B. Bobrov, E. Haliżak, R. Zięba (ed.), *Bezpieczeństwo narodowe i międzynarodowe u schyłku XX wieku*, Wydawnictwo Naukowe Scholar, Warszawa 1997, p. 4.

²⁷ More: *Bezpieczeństwo w teorii i badaniach naukowych*, Wydanie III uzupełnione i poszerzone, eds B. Wiśniewski, Wydawnictwo Wyższej Szkoły Policji, Szczytno 2021.

²⁸ M. Laprus (ed.), *Leksykon wiedzy wojskowej*, Warszawa 1979, p. 510.

²⁹ More: *Teoretyczne aspekty strategii bezpieczeństwa państwa*, ed. A. Szerauc, Wydawnictwo Naukowe Nowum, Płock 2010.

³⁰ J. Prońko, *Zarządzanie ryzykiem w obszarze bezpieczeństwa powszechnego*, Wydawnictwo Wyższej Szkoły Administracji, Bielsko-Biała 2010, p. 33; Lubiewski P., Gwardyński R., *Ochrona zabytków przed zagrożeniami terrorystycznymi, kryminalnymi, militarnymi i pozamilitarnymi*, Katedra Bezpieczeństwa Społecznego Instytutu Bezpieczeństwa i Edukacji Obywatelskiej Wydziału Pedagogicznego Uniwersytetu Pedagogicznego w Krakowie, Kraków 2018, p. 12.

the event of planning, organization and execution of protective measures by assigned units, because „threat”, is a physical or social phenomenon that by causing the state of uncertainty – disturb the sense of security of people who are subject to special protection. A significant element that would enable to effectively react in the event of a threat is its quick identification.

The main sources of threats and risk of the loss of security of executive state bodies

With reference to people and buildings that are subject to special protection within the scope of basic values such as life and health, as well as performed function, a few main sources of threats connected with risk of the loss of level of security can be distinguished. The main threats include assault and assassination attempt against protected person.

Assault is defined as a violent and direct act against someone or something. Assassination attempt may be defined as an action aiming at taking someone's life, disturbing or stealing someone's property, attacking someone or something. There are also a few features that assassination attempt is characterized by. They include, among others: planning, purposefulness and time distance. Whereas assault is a result of actions taken previously and it can be defined as consequences of an assassination attempt planned earlier³¹.

Threats to executive state bodies may have different sources and causes. They can be caused by various factors and various perpetrators. The most important threats include:

- terrorist,
- connected with sabotage,
- connected with disinformation and loss of continuity of operation,
- connected with activity of foreign secret service,
- connected with activity of organized crime groups,
- connected with human behaviour,
- connected with cyberterrorism and loss of information continuity of operation,
- connected with mobile unmanned platforms,
- connected with cultural and religious factors,
- others (e.g., resulting from military operations or stabilization missions).
- Presented potential sources of threats do not exhaust all potential sources of threats to executive state bodies and may be a starting point for further analyses and deliberations on this subject.

Threats often result from the very popularity of protected people and their controversial views. There were cases of assassinations aimed at achievement of a specific political goal.

A good example can be political assassinations in Lebanon, where, among others, two presidents, three prime ministers and many people from the world

³¹ J. Kaczyński, Biuro Ochrony Rządu wobec współczesnych zagrożeń, Agencja wydawnicza CB, Warszawa 2013, p. 14.

of politics and uniformed services were assassinated³².

Assuming that it is not possible to provide full security, universally accepted principle in protection and security of people is the one saying that the largest challenge to protective units is prevention and avoidance of threats. In addition, the entities responsible for protection and security of important personages are trying to minimize the risk connected with loss of broadly understood security. An element necessary to achieve desired level of security is, among others, risk analysis and identification of threats, which also shape the level of security and determine the selection of appropriate security measures³³.

Conclusions

The problem of risk and security of executive state bodies connected with it – due to new types of threats – is becoming more and more complex. It can be affected by various factors, among others, political and economic transformations, terrorist and cyberterrorist threats, development of modern technology, information and IT threats, as well as hybrid actions and many others³⁴.

Risk is a ubiquitous, systematically conditioned phenomenon. Therefore, deliberations connected with risk and threats in the context of people and buildings that are subject to special protection, should be perceived, above all, in the acts of terrorism, because they will be, to some extent, connected with the causes of assaults on people and buildings mentioned above. The following sources of them can be distinguished:

- historical and political sources, which have their start in reactions of people demanding full democracy, respecting the law or human rights,
- socio – economic sources, which are closely connected with such phenomena as economic crises³⁵, social tensions of various origin, situations connected with national or social discrimination,
- psychological sources refer to those terrorists who are mentally unstable,
- sociological sources that include phenomena occurring in many countries and refer to social atmosphere (atmosphere of spirit of violence)³⁶.

Execution of protective measures is often associated with risk. Above all, it results from the problems with identification of an environment. While executing protective measures, risk must be considered in a multidimensional way, including context of threats, chances/profits and potential losses. Personal and material risk and legal liability of people

³² T. Goryca, *Terroryzm polityczny w Libanie – studium przypadku*, [in:] *Security of the Republic of Poland in National and International Dimensions. Poland's 20 years in the NATO. Security of the Future*, A. Soboń, A. Mróz-Jagiello, A. Zagórska, (ed.), Wydawnictwo Akademii Sztuki Wojennej, Warszawa 2019, p. 385-401.

³³ T. Goryca, *Identyfikacja i ocena zagrożeń...*, op. cit., p. 73.

³⁴ T. Goryca, P. Zaskórski, *Planning of VIP protection in the aspect of the continuity of the State Security Service operation*, [in:] *Dimensions of regional and global security*, M. Górniewicz, I. Mucha (ed.), Wydawnictwo Adam Marszałek, Toruń 2019, p. 120.

³⁵ More: Wiśniewski B., Sander G. G., *Zagrożenie, kryzys i sytuacja kryzysowa – jako uwarunkowania życia współczesnego człowieka*, „Bezpieczeństwo i Technika Pożarnicza”, Nr 41, Issue 1, Centrum Naukowo-Badawczego Ochrony Przeciwpowarowej Państwowy Instytut Badawczy, Józefów 2016, p. 13-18.

³⁶ J. Kaczyński, *Biuro Ochrony Rządu...*, op. cit., p. 19-20.

executing protective measures should also be mentioned here. Risk is a constant element in execution of protective measures and may sometimes express in searching for changes, which, according to the Author, should be implemented because they enable to improve efficiency and progress of executed protective measures, considering efforts aiming at minimization of the risk, and not avoidance of it³⁷.

In the process of making decisions connected with execution of protective measures, analysis and assessment of risk are of key importance and their goal is identification of potential threats to people and buildings that are subject to special protection, finding their sources and assessment of risk size. A final effect of conducted analyses and assessment of risk to people and buildings that are subject to mandatory protection should be determination of the level of risk that is acceptable and unacceptable during execution of protective measures.

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³⁷ More: T. Goryca, Identyfikacja i ocena zagrożeń dla bezpieczeństwa VIP, [in:] Różnorakie perspektywy bezpieczeństwa, ed. M. Banasik, A. Rogozińska, Wydawnictwo Difin, Warszawa 2019, p. 77.

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PROTECTION OF PERSONS AND PROPERTY IN POLAND – HISTORICAL REFLECTIONS

Abstract

This article presents the basics of the security system in Poland after the political transformation in the late 80's/early 90's. The development of personal and property security gained momentum in the 90's. After the political change, the lack of adequate regulations for the operation of security companies required the introduction of legal regulations that systematized the creation and operation of security companies as well as the requirements for people working in organizations. In Poland, the private security services sector emerged at the end of the 1980s. The first concessions for performing services in this area were issued after 1 January 1989 on the basis of the law on economic activity. Until the entry into force of the law on the protection of persons and property, the private security sector operated, inter alia, on the basis of the provisions of the aforementioned law on economic activity and the criminal code.¹ Due to the changes occurring both in the law and in terms of changing hazards, the regulations did not correspond to the new socio-economic reality of the 1990s. As a result, on 22 August 1997, the lower house of parliament of the Republic of Poland passed an act on the protection of persons and property. The 'privatisation of security' is, one of the means for improving public safety. The private security sector contributes significantly to improving security, but only if appropriate legislative solutions are in place and proper control is exercised over the activities of this sector.

Keywords

security, public security, license, concession, protection of persons and property

¹ G. Gozdór, Prywatyzacja bezpieczeństwa – sposób na poprawę stanu bezpieczeństwa i porządku publicznego?, [in:] M. Miłosz, Bezpieczeństwo a informatyka, biznes i edukacja, Wyższa Szkoła Przedsiębiorczości i Administracji w Lublinie, Lublin 2004, p. 165.

Introduction

A response to the growing demand for security in the 1990s. In the 1990s there was a systematic increase in the number of security agencies being set up that offered services of protection of persons and property.² In Poland, the private security services sector emerged at the end of the 1980s. The first concessions for performing services in this area were issued after 1 January 1989 on the basis of the law on economic activity³. Until the entry into force of the law on the protection of persons and property, the private security sector operated, *inter alia*, on the basis of the provisions of the aforementioned law on economic activity and the criminal code.⁴ Due to the changes occurring both in the law and in terms of changing hazards, the regulations did not correspond to the new socio-economic reality of the 1990s⁵. In addition, the lack of regulation resulted in a number of abuses that were pointed out in a 1997 report by the Supreme Audit Office, which accelerated work on the law. As a result, on 22 August 1997, the lower house of parliament of the Republic of Poland (Sejm RP) passed an act on the

protection of persons and property⁶, in which the following were defined: areas, objects and devices subject to mandatory protection; principles for the creation and functioning of internal security services; principles for conducting business activity in the scope of services related to the protection of persons and property; qualifications and authorisations required for security personnel, as well as issues related to supervision over the functioning of the protection of persons and property.⁷ The act has been amended many times, adapting the original legislation to meet security needs in today's security environment.⁸

In the first decade of the 21st century, the protection of persons and property was also conducted on the basis of: the act of 2 July 2004 on freedom of economic activity⁹ and based on the ordinances of the Minister of Internal Affairs and Administration: of 27 May 1998 on the types of documents required for submitting applications for a concession to conduct economic activity in the field of services related to the protection of persons and property¹⁰ and of 27 May 1998 on the documents required for conducting economic activity in the field of services

² W. Bejgier, B. G. Stanejko, *Ochrona osób i mienia*, Warszawa 2010, p. 19.

³ Ustawa z dnia 23 grudnia 1988 o działalności gospodarczej, *Journal of Laws* of 1988, no. 41, item 324.

⁴ G. Gozdór, *Prywatyzacja bezpieczeństwa – sposób na poprawę stanu bezpieczeństwa i porządku publicznego?*, [in:] M. Miłoś, *Bezpieczeństwo a informatyka, biznes i edukacja*, Wyższa Szkoła Przedsiębiorczości i Administracji w Lublinie, Lublin 2004, p. 165.

⁵ J. Lipski, *Służby ochrony osób i mienia w systemie bezpieczeństwa publicznego – wybrane aspekty prawno-organizacyjne* at www.dobrauczelnia.pl/upload/File/KONFERENCJE/bezpieczenstwo_obywatela, accessed on 02.01.2021.

⁶ Ustawa z dnia 22 sierpnia 1997 r. o ochronie osób i mienia, *Journal of Laws* 1997 No. 114 item. 740.

⁷ See: R. Socha, B. Kaczmarczyk, A. Szvajca, *Zarządzanie kryzysowe w systemie bezpieczeństwa publicznego RP*, Kraków 2014.

⁸ The act has been amended many times, with the consolidated text published in the *Journal of Laws* of 2021, item 1995.

⁹ Ustawa z dnia 2 lipca 2004 r. o swobodzie działalności gospodarczej, *Journal of Laws* 2004, No. 173, item 1807.

¹⁰ Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 27 maja 1998 r. w sprawie rodzajów dokumentów wymaganych przy składaniu wniosku o udzielenie koncesji na prowadzenie działalności gospodarczej w zakresie usług ochrony osób i mienia, *Journal of Laws* 1998, No 69, item 457.

related to the protection of persons and property and its storage time¹¹.

Methodological and methodical assumptions

The aim of this study is characterising the area of security, which is the private sector of personal in Poland and property protection and how the terms are defined in legal acts. The major issue, whose solution is described in this article, is phrased as a question: how the private sector of personal and property protection developed in Poland

Theoretical research methods were used throughout the research process, including analysis, synthesis, defining and inference. The study literature was examined, with a focus on Polish monographs, printed scientific publications, and online sources, as well as specialist textbooks, instructions, and recommendations, as well as appropriate legislative rules. In particular, the present study was conducted by means of legal acts analysis.

Protection of persons and property – definition

Under the act, guarding persons was meant as an action intended to ensure the protection of life, health and personal inviolability. Property protection, on the other hand, involves activities that prevent crimes and offences against property, as well as preventing damage resulting

from such incidents and preventing unauthorised access into protected areas. Protection of persons and property is conducted in the form of:

1. Direct physical protection:
 - permanent or one-time;
 - consisting of constant surveillance of signals transmitted, collected and processed by electronic alarm devices and systems;
 - consisting of escorting cash and other valuables or dangerous goods.
2. Technical protection, consisting of:
 - installation of electronic alarm devices and systems signalling threats to the protected persons and property, and their operation, maintenance and repair at sites where they are installed;
 - installation, operation, maintenance, repair and emergency opening of devices and means of mechanical protection at sites where they are installed¹².

This provision, despite the aforementioned numerous amendments, has remained practically unchanged.¹³

A concession (licence)

Starting a business in the field of personal and property security services required obtaining a concession (licence) defining the scope and form of

¹¹ Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 27 maja 1988 r. w sprawie dokumentacji wymaganej przy prowadzeniu działalności gospodarczej w zakresie usług ochrony osób i mienia oraz czasu jej przechowywania, *Journal of Laws* 1998, No 69, item 458.

¹² Act of 22 August 1997..., art. 3.

¹³ See: R. Socha, Agencje ochrony osób i mienia w polskim porządku prawnym. Prywatyzacja bezpieczeństwa, cz. I, „Informator Obrony Cywilnej i zarządzania kryzysowego” 2011, nr 1/2011, pp. 11 – 14; R. Socha, Agencje ochrony osób i mienia w polskim porządku prawnym. Prywatyzacja bezpieczeństwa, cz. II, „Informator Obrony Cywilnej i zarządzania kryzysowego” 2011, nr 2/2011, pp. 12 – 15.

conducting such services. A concession is an authoritative administrative act issued by the concession authority, which authorises the concessionaire to carry out strictly specified economic activity. Concession is introduced for activities which are of particular importance with regard to state security or that of citizens or other important public interests. The licensed (covered by concession) activities are listed in the act of 2 July 2004 on freedom of business activity. Pursuant to article 46 of the said act, the licensed (covered by a concession) activities included protection of persons and property. The concession was granted for a fixed period of no less than 5 years and no more than 50 years. The legislation also regulates in detail the procedure for issuing a limited number of concessions and for holding a tender for concessions in a given industry when the number of companies willing to receive a concession that meet the criteria required by law was greater than the number of concessions to be granted. In practice, these provisions applied and still apply, for example, to concessions for radio and television stations.

Commencing and pursuing economic activity in Poland is free for everyone on the basis of equal rights, subject to the conditions stipulated by law. Foreign persons from EU member states, the Swiss Confederation and EFTA member states undertaking business activity in Poland are subject to the same regulations as Polish citizens, and therefore have the same rights and obligations as Polish entrepreneurs. At the same time, the provisions of the act of 4 March 2010 on the provision of services within the

territory of the Republic of Poland¹⁴ did not apply to the performance of personal and property security services.

At that time, entrepreneurs who were individual could apply for a concession if they held a second-degree physical security officer licence or a second-degree technical security officer licence, which was changed on 1 January 2014. In the situation where entrepreneurs who were not natural persons (corporate bodies) applied for a licence, the second level licence had to be held by at least one person who was a partner (shareholder) in a corporate body, a member of the management board, a proxy or a representative established by the corporate body to manage the activity specified in the licence¹⁵. A concession was issued by the Provincial Police Chief competent for the applicant's place of residence¹⁶. A concession to conduct business activity in the field of personal and property security services was issued by way of administrative decision, by the minister in charge of internal affairs, at the request of the entrepreneur, after consultation with the competent regional police chief. The opinion of the

¹⁴ Ustawa z dnia 4 marca 2010 r. o świadczeniu usług na terytorium Rzeczypospolitej Polskiej, *Journal of Laws* of 2010, No 47, item 278.

¹⁵ Informator dla przedsiębiorców ubiegających się udzielenie koncesji Ministra Spraw Wewnętrznych i Administracji na prowadzenia działalności gospodarczej w zakresie usług ochrony osób i mienia, *Warsaw 2010*, at http://bip.mswia.gov.pl/portal/bip/4/26/Ochrona_osob_i_mienia.html, accessed 01.01.2021.

¹⁶ The principles and procedure for issuing licences are set out in articles 26-29 of the act on the protection of persons and property and in the ordinance of the Minister of Internal Affairs and Administration of 4 June 1998 on the type and procedure for issuing physical security employee licences and technical security employee licences, as well as the procedure and frequency of issuing opinions on security employees by the police authorities, *Journal of Laws* of 1998, No. 78, item 511.

police chief, unless a specific provision of law stipulated otherwise, was merely an assessment of the facts, using the statutory or subjective criteria of the opinion issuer, which did not bind the authority deciding in the subject matter of the case. It was only part of the evidence in the administrative case, albeit it was undoubtedly important for the final outcome¹⁷. It is also worth noting that conducting business activities in the field of personal and property security services without a concession constituted an offence under article 49 of the act on personal and property protection.

An application for a concession should include Entrepreneur's business name, the designation of their seat and address or place of residence and address, and the address of the main place of business activity; the number in the register of entrepreneurs or in the business register and the tax identification number (NIP), as well as the designation of the type and scope of business activity for which the concession is to be granted.

The administrative procedure for granting of a concession by the Minister of Internal Affairs and Administration lasted approximately 2 months, provided that all the required documents were submitted with the application and the opinions of other authorities required by law were received. If, in the course of the proceedings, there was a need to supplement the evidence in the case, this period could be

extended. The Minister's administrative decision to grant or refuse a concession to operate a business was issued immediately after the conclusion of the administrative proceedings conducted in this regard. The provisions of article 11(3)-(9) of the act on the freedom of economic activity of 2 July 2004 did not apply to the proceedings. Addressing the issue of granting concessions, it should be noted that in justified cases it was possible to apply for an engagement to grant a concession, known as a 'promissory declaration'. The promissory declaration, which specified the conditions under which a concession could be applied for, also took the form of an administrative decision and was issued after an administrative procedure of about 2 months, for a period of 6 months from the date of its issue¹⁸.

In the case of dissatisfaction with the final decision of the Minister of Internal Affairs and Administration, in accordance with the instructions included in the decision, the following appeal procedures were available: a request for reconsideration of the case concluded with a final decision, and an appeal against the decision to the Provincial Administrative Court after exhausting the said appeal procedure¹⁹. In addition, any complaints and requests as to the administrative proceedings and the manner of operation of the Department of Permits and Concessions of the Ministry of Internal Affairs and Administration could be addressed to the Director of the Department of Permits and Concessions or the Complaints and Requests Section of the

¹⁷ Who can operate a business in the field of personal and property security services and under what conditions? <http://e-prawnik.pl/biznes/prawo-spolek/dzialalnosc-gospodarcza/artykuly/kto-i-na-jakich-zasadach-moze-prowadzic-dzialalnosc-gospodarcza-w-zakresie-uslug-ochrony-osob-i.html>, accessed: 23.12.2021 r.

¹⁸ Ibid.

¹⁹ Ustawa z dnia 30 sierpnia 2002 r. Prawo o postępowaniu przed sądami administracyjnymi, Journal of Laws of 2002, No. 153, item 1270.

Control Department of the Ministry of Internal Affairs and Administration.

When discussing this issue it should be noted that according to art. 18 sec. 3 of the act on the protection of persons and property, the entrepreneur was obliged to notify the Minister of Internal Affairs and Administration, within 14 days, about the change of the following legal and factual circumstances: the name of the entrepreneur, registered office and address or address of residence; number in the register of entrepreneurs or in the business register and the tax identification number (NIP); names and surnames of partners (shareholders) or members of the management board, proxies and representatives, if any, with indicated persons holding a second degree license and places of conducting business activity. Entrepreneurs engaged in the protection of persons and property were also required to: notify the concession authority of the commencement of new business activity; keep and maintain records of the security personnel employed and the contracts concluded and performed; produce these documents at the request of bodies authorised to conduct inspections; observe the obligation of written form for contracts concluded within the scope of the business activity, as well as continuously comply with the obligation for persons connected with the company to hold the relevant second degree licence if the licence was obtained by an entrepreneur (corporate body) other than an individual. In addition, entrepreneurs were required to: provide security staff with uniform markings that allowed them to be identified, and to identify the entity that hired them; ensure that security guards wore clothing that allowed them

to be identified and to identify the entity that hired them in cases where they carried assigned firearms. It should be noted that the clothing of security personnel should have markings that distinguish them visibly from uniforms under special protection or whose patterns were introduced under separate regulations.

The withdrawal of the concession to perform economic activity in the field of personal and property security services took place in the event when a final judgement was issued that banned the entrepreneur from performing the economic activity covered by the concession, or if the entrepreneur did not commence the activity covered by the concession within the set time limit despite the request of the concession authority, or permanently ceased conducting the economic activity covered by the concession. In addition, the Minister of Internal Affairs and Administration revokes the concession or changes its scope in the event that the entrepreneur, within the set time limit, does not correct a factual or legal state inconsistent with the conditions set out in the concession, or with the provisions governing the business activity covered by the concession; as well as in the event that they grossly violate the conditions set out in the concession, or other conditions of performing the business activity covered by the concession, as defined by law. An entrepreneur whose concession was revoked for these reasons could apply for a new concession for the same scope of activity no earlier than three years after the revocation decision was issued. In turn, a discretionary premise for revocation of a concession is a threat to the

defence and security of the state or the security of citizens, as well as declaration of bankruptcy of the entrepreneur.

Areas, facilities, equipment and transports which are important for the defence, the economic interest of the state, public security and other important interests of the state

Areas, facilities, equipment and transports which are important for the defence, the economic interest of the state, public security and other important interests of the state shall be subject to compulsory protection by specialised armed security formations or appropriate technical protection. In the area of national defence, the areas, facilities and equipment include in particular: special production facilities and facilities where research and development or construction work is conducted with respect to such production; facilities producing, renovating and storing armaments, military equipment and devices; and warehouses of state reserves. In turn, the areas, facilities and equipment in the area of protection of the state's economic interest include, in particular: establishments directly related to the extraction of mineral resources of strategic importance for the state; seaports and airports; banks and enterprises producing, storing or transporting monetary values in significant quantities.

The third category, that is facilities and areas important in terms of public safety, include in particular: plants, fa-

cilities and equipment of significant importance for the functioning of urban agglomerations, the destruction or damage of which may pose a threat to human life and health and to the environment, in particular power and heating plants, water sources, waterworks and sewage treatment plants; plants which use, produce or store nuclear materials, radioactive sources and waste, toxic, intoxicating, explosive or chemical materials highly susceptible to fire or explosion; fuel pipelines, power and telecommunications lines, dams and sluices and other open-air devices, the destruction or damage of which may pose a threat to human life or health, the environment or cause serious material damage²⁰.

According to the regulations, the tasks of protection of persons and property carried out by internal security services, i.e., armed and uniformed teams of entrepreneur's staff or appointed organisational security units,²¹ and by entrepreneurs who have obtained a concession in the field of protection of persons and property, are performed by security personnel. Security personnel could include persons holding a physical security staff licence or a technical security staff licence and performing security tasks as part of internal security service or on behalf of an entrepreneur who had obtained a concession to conduct business activity in the protection of persons and property, or persons performing security tasks to an extent not requiring a licence. Today, by security personnel we mean persons entered on the list of qualified physical security personnel

²⁰ Act on protection of persons and property..., art. 5.

²¹ Ibid, article 2, point 8.

or qualified technical security personnel and performing security tasks within an internal security service or on behalf of an entrepreneur who has obtained a concession to conduct economic activity in the field of protection of persons and property, or a person performing security tasks to an extent not requiring entry on these lists on behalf of an entrepreneur who has obtained a concession to conduct economic activity in the field of protection of persons and property.²²

Employee license

The performance of physical protection or technical security tasks therefore required²³ physical protection staff members or technical security staff members to possess a licence. Licences could be divided into first- and second-degree licences. It was not necessary to obtain a licence in order to work as a security staff member to an extent not mentioned above, as the legislator imposed the licensing requirement only on those groups of employees who could perform certain activities exercising the rights held under the act on the protection of persons and property²⁴.

First-grade licence for security staff was necessary to perform activities related to the protection of persons and property carried out in the form of direct phys-

ical protection by: members of specialist armed protection formations; members of teams escorting money and other valuable or dangerous objects; security personnel performing direct activities related to the protection of persons; persons supervising and controlling the work of physical protection employees without a licence; security personnel with the right to use means of direct coercion or firearms; security personnel performing tasks in areas, facilities and devices subject to mandatory protection. Whereas a second-degree physical security staff licence entitles the holder to perform the protection of persons and property carried out in the form of direct physical protection and to develop a security plan, as well as to organise and manage teams of physical security personnel. Additionally, a first -degree licence for a technical security personnel authorised the performance of activities related to the protection of persons and property carried out in the form of technical protection. A second-degree technical security staff licence additionally entitled the holder to develop technical security projects and to organise and manage teams of technical security staff. After Poland's accession to the European Union, not only a citizen of Poland, but also a person who held the citizenship of another member state of the European Union or a member state of the European Free Trade Association (EFTA) – a party to the agreement on the European Economic Area -could apply for a licence to become a physical or technical security staff member..

The minimum content of course programmes for licence applicants included theoretical subjects in the general field

²² See: P. Lubiewski, R. Gwardyński, *Ochrona zabytków przed zagrożeniami terrorystycznymi, kryminalnymi, militarnymi i pozamilitarnymi*, Kraków 2018.

²³ A licence is a permit to perform tasks related to the protection of persons and property to an extent required by law.

²⁴ How to become a security staff member? at <http://e-prawnik.pl/biznes/prawo-pracy/pozostale-3/artykuly/jak-zostac-pracownikiem-ochrony-strona-13.html>, accessed: 06.09.2020 r.

of protection of persons and property, and practical subjects in firearms training, self-defence and intervention techniques. Courses for physical security officers could be conducted under the rules set out in the regulations on the educational system as well as those set out in the regulations on economic activity.

The subject matter and scope of obligatory examination subjects were specified in the ordinance of the Minister of Internal Affairs and Administration of 7 August 1998 on types of diplomas and certificates issued by schools and other educational institutions, which confirmed the acquisition of specialist qualifications in the field of protection of persons and property, the minimum content of programmes for first- and second-degree physical protection personnel, the scope of obligatory examination subjects, the mode of examination, the composition of the examination board and the manner of conducting the examination²⁵.

The examination conducted by the board consisted of a theoretical test and a practical test. The theoretical examination consisted of a written and an oral examination, for which a total mark was given.

It is also worth noting that a security staff member who was to be entrusted, under the act on the protection of classified information of 22 January 1999, with the tasks of a security representative or security division staff had to additionally fulfil the requirements set out in that act. According to the act on the protection of classified information, a representative for protection of classified information could be a person who had Polish citi-

zenship and at least secondary education, and who had obtained security clearance entitling them to access classified information and had undergone training in the protection of classified information. However, the secondary education requirement was not applied to security division staff. The condition for admission to work or for performing duties in positions involving access to classified information was that a security clearance procedure be carried out in respect of the candidate, which ended with issuance or refusal of a security clearance.

Conclusion

In summary, until the amendment to the act on the protection of persons and property came into force in 2014, the services offered by the private security sector included physical protection of facilities and premises, escorting money and valuables, guarding persons and protection of mass events. Hence, the 'privatisation of security' was then, and still is, one of the means for improving public safety. The private security sector contributes significantly to improving security, but only if appropriate legislative solutions are in place and proper control is exercised over the activities of this sector.

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²⁵ Ibid.

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- Who can operate a business in the field of personal and property security services and under what conditions? <http://e-prawnik.pl/biznes/prawo-spolek/dzialalnosc-gospodarcza/artykuly/kto-i-na-jakich-zasadach-moze-prowadzic-dzialalnosc-gospodarcza-w-zakresie-uslug-ochrony-osob-i.html>.

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THE CONTEMPORARY DETERMINANTS OF FUNCTIONING OF THE SECURITY AGENCIES

Abstract

The article aims to show the selected challenges and pathologies that affect the private security agencies in Poland. The author first indicates problems related to the legal regulations concerning the protection of persons and property, the most important of which concerns the amendment of the acts regulating the performance of some professions; then he briefly defines the organizational problems of most companies in the security sector, pointing out that the entrepreneurs in the private security sector often have no idea how to develop their own companies, have great difficulties with adapting to the changing market of the security services, do not keep up with the innovations, which all lead to offering their customers the solutions that are already outdated. This article also describes significant problems related to the market trends, with the indication of the growing costs of the remuneration of employees in this sector and the use of various forms of employment and the irregularities related to it. Finally, some of the most important problems are listed as the pathologies of the entire industry. This leads to the conclusion that the private security agencies in Poland are an incredibly significant element of the functioning of the security system, which without significant legislative changes will not fully function as intended and in accordance with its function. The presented results prove that the research on the functioning of the security agencies should be carried out on a continuous basis due to their direct impact on the internal security of the country.

Keywords

security, public safety, deregulation, threats, security system, physical protection, qualified security guard, private security sector, professionalization

Introduction

Taking into account the current geopolitical events, the drastically growing problem of the refugees and the acts of terrorism, as well as being aware of the growing antagonisms and tensions affecting the whole of Europe, voices are beginning to appear that the risk of another global armed conflict is becoming more and more likely. Ensuring the safety of the citizens is the constitutional duty of the state. Currently, in the age of global terrorism, the obligation to ensure this security is starting to become a challenge, and the adaptation of the internal security system to the changing shape of contemporary terrorism requires increased work in many areas of its functioning¹. Observing the private security sector over the last 10 years, one can notice some disturbing changes, forced mainly by the market economic conditions and entities and entrepreneurs using the security services, but also by the inconsistent regulations. These changes clearly intensified after 10th August 2014, when the provisions of the Act of 13 June 2013 amending the acts regulating the performance of some professions, the so-called deregulation act², entered into force, and then after 1st January 2017, with the introduction of the provisions on the payment of a certain minimum

rate per working hour under the contract of mandate³.

This article presents selected problems of the security agencies. The industry has been struggling with many difficulties recently. These include, among others: legislative, personnel, financial, insurance and image problems, as well as the problems related to the coronavirus pandemic. For the purposes of this study, they have been divided into the following categories:

1. Legislative problems.
2. Organizational problems of the company.
3. Market trends.
4. Pathologies of the industry.

The public only sometimes learns via the media about various irregularities, and it happens only when a major tragedy occurs, e.g., the murder of the President of Gdańsk Paweł Adamowicz⁴ during an artistic event, which, as it turned out, was not secured in accordance with applicable law, i.e., as a mass event⁵. Unfortunately, a few days after the tragedy, everything returns to the previous state.

Methodological and methodical assumptions

The aim of this article is to demonstrate the need to study the rationalization of legal and organizational solutions regarding the conditions for functioning of

¹ More: K. Jąłoszyński, B. Wiśniewski, T. Wojtuszek (eds.), *Współczesne postrzeganie bezpieczeństwa*, WSA, Bielsko – Biała 2007; J. Stelmach, *Minimalizacja skutków zamachów terrorystycznych w budynkach użyteczności publicznej, dobre praktyki i rekomendacje*, Safety Project, Wrocław 2020, p. 5.

² Ustawa z dnia 13 czerwca 2013 r. zmianie ustaw regulujących wykonywanie niektórych zawodów (Dz. U. z 2013, poz. 829).

³ Ustawa z dnia 10 października 2002 r. o minimalnym wynagrodzeniu za pracę, Dz.U.2020.2207.

⁴ <https://www.tvn24.pl/wiadomosci-z-kraju,3/atak-na-prezydenta-gdanska-zarzut-zabojstwa-i-areszt-dla-napastnika,900161.html> [06.04.2022].

⁵ Ustawa z dnia 20 marca 2009 r. o bezpieczeństwie imprez masowych, Dz. U. 2009 Nr 62 poz. 504.

the security agencies in the country. This is directly connected with the research problem formulated as the following question: what areas of the functioning of the private security sector require improvement. Having regard to the complexity of this specific research problem, the theoretical and empirical methods, techniques, and research tools were used in the research process accompanying the preparation of this article. During the research, in order to achieve the assumed aim which, according to the opinion of Radosław Zenderowski, should be understood not only as the solution to the problem itself (which is obvious) but also as the achievement of the desired results of the research and analyses carried out⁶, the analyses were primarily used. The analysis of the selected theories and definitions, including the views of security industry specialists was for the author the important source of knowledge to collect the research material.

Legislative problems

The first companies dealing with the protection of persons and property started to appear in Poland after the political transformation in 1989. They were usually established by former officers of the civic militia (Milicja Obywatelska), the Security Service, as well as anti-terrorists and GROM soldiers. Initially, their activity was not regulated by law. The relevant act was passed on 22nd August 1997⁷.

The supervision of the security agencies was entrusted to the police. The companies operating in the industry had to undergo verification and obtain the license. The requirement of having the first- and second-degree physical security employee license and the first- and second-degree technical security worker license was introduced. The register of people authorized to practice the profession was also made, and the number of weapons possessed was verified. The introduction of the legal regulations in 1997 resulted in forcing out of the market the entities which did not meet the requirements specified in the act⁸.

The legal basis for the functioning of security guards in Poland are: the Act of August 22, 1997 on the protection of persons and property (Journal of Laws 2005, No. 145, item 1221, as last amended) and the Regulation of the Council of Ministers of December 19, 2013 on the detailed manner of action of the security guards (Journal of Laws of 30 December 2013, item 1681)⁹. The industry is also related to the Act of March 20, 2009, on the Safety of Mass Events and the Act of May 24, 2013, on Direct Coercive Measures and Firearms¹⁰.

Working in security includes many activities. The security officer is a person

⁶ R. Zenderowski, *Technika pisania prac magisterskich. Krótki przewodnik po metodologii pisania prac dyplomowych*, CeDeWu, Pl Wydawnictwa Fachowe, Warszawa 2008, p. 22.

⁷ Ustawa z dnia 22 sierpnia 1997 r. o ochronie osób i mienia, DzU 2005, nr 145, poz. 1221 z późn. zm.

⁸ M. Szczęsny, *Pracownicy ochrony w świetle ustawy deregulacyjnej*, [in:] *Polityka społeczna. Rocznik XLII (490)*, Warszawa 2015, p. 13.

⁹ H. Stankiewicz, *Pracownicy ochrony osób i mienia w systemie bezpieczeństwa publicznego w Polsce*, [in:] *Spółeczeństwo i ekonomia socjety and economics 1*, Wydawnictwo Uniwersytetu Ekonomicznego, Wrocław, 2014, p. 221.

¹⁰ E. Albrzykowska, *Ochrona obiektów sądowych na terenie Rzeczypospolitej Polskiej – Zarys problemu*, [in:] *Kultura Bezpieczeństwa* Nr 36, Wyższa Szkoła Bezpieczeństwa Publicznego i Indywidualnego Apeiron, Kraków 2019, p. 11.

responsible for the security in commercial establishments, workplaces, warehouses, public places, as well as a person securing mass events or escorting valuable items or means of payment. The security guard is also a person responsible for planning and implementing a security system for companies and institutions in the following aspects: protection of people, property, electronic security, fire protection systems and mass events¹¹.

The first serious statutory legal problems began over 8 years ago, because on 10th August 2014, the provisions of the Act of June 13, 2013, on amending the acts regulating the performance of some professions – the so-called deregulation act (Journal of Laws of 2013, item 829) came into force. It also applies to the employees in the personal and property security industry. Before it came into force, the security guards were divided into licensed and unlicensed. In 2013, over 132,000 people in Poland had the first- and second-degree security personnel licenses. In order to obtain the required license, it was necessary to pass an examination in front of the state commission, which consisted of people delegated from the police, the State Fire Service, psychologists. After the deregulation act came into force, the licenses were converted into qualifications and all licensed workers were placed on the lists of qualified security personnel¹².

The deregulation act facilitated access to the industry, but it also dramatically reduced the requirements for the candidates to work in the personal and property security sector. According

to this act, the concept of a security guard is understood as a person entered on the list of qualified physical security employees or qualified technical security employees and performing the security tasks under the internal security service or for an entrepreneur that has obtained the license to run a business activity in the field of personal and property security services. The statutory definition of a security guard also includes people performing the security tasks for the trader that has obtained a license to run a business activity in the field of security services for persons and property, even though they are not entered on the above-mentioned list. This applies to people who actually fulfil the tasks in the field of property supervision, and not directly protect people and property, such as, for example, porters, caretakers¹³.

The replacement of the license with an entry on the list of the qualified security personnel led to the withdrawal of the mandatory examination for the security personnel. The abolition of the examinations conducted at the Provincial Police Headquarters made it easier to obtain the title of a qualified security guard. The state examinations, which lasted three days, were abandoned. They consisted of the following parts: theoretical, physical and shooting. The failure to pass the second attempt at any of them required the repetition of the whole examination¹⁴.

¹³ M. Szczyński, *op. cit.*, p. 17.

¹⁴ P. Nowosielska, *Papierowa ochrona. Ludzie z branży ochroniarskiej: To patologia bez szans na poprawę*, <https://serwis.gazetaprawna.pl/praca-i-kariera/artykuly/1038040,branza-ochroniarska-patologia-bez-szans-na-poprawe.html>, [06.04.2022].

¹¹ H. Stankiewicz, *op. cit.*, p. 212.

¹² H. Stankiewicz, *op. cit.*, p. 213.

Not all security guards have to be entered on the list of qualified employees. The legislator does not require them to undergo any appropriate trainings and courses, or to undergo any specialist medical and psychological examinations. Therefore, people with a disability degree certificate can still be legally employed in the security industry, but only in positions for which the entry on the list of qualified security personnel is not required.

Performing the duties directly related to the protection of life, health and property requires specific physical and mental predispositions. Nevertheless, it should be made possible for people with some disabilities to work, for example in supporting the activities of a security agency for persons and property. The legislator did not take into account various types of diseases, as well as the degree of their severity, implying the application for a disability degree certificate. The deregulation act does not introduce for the qualified technical support workers an obligation to submit a document confirming the physical and mental ability to perform the profession, or to undergo a course or training, as in the case of qualified security personnel. Qualified technical support workers may therefore have a disability degree certificate¹⁵.

People working with weapons every three years undergo examinations extending the possibility of working only on the basis of their declaration that they do not have a certificate about disability, the doctor does not verify this fact.

The problem of the security industry is also the lack of cooperation with other services. Currently, there is no legal regulation relating to the possibility of establishing and conducting the cooperation of companies for the protection of persons and property with formations responsible for security other than the Police, the Municipal Police, the Civil Defence and the Fire Brigades. The Cooperation with entities of the government security sector such as: the Military Police, the Border Guard, the Prison Service, the Road Transport Inspection, the Forest Guard and the Railroad Security Guard is not only possible, but also desirable. The conducted research shows that the tasks and range of activities of these uniformed formations allow the use of the private sector support. In the case of the Border Guard, the Road Transport Inspection, the Forest Guard and the Railroad Security Guard, the cooperation could be based on principles similar to those with the Police. Whereas in the case of the Prison Service and the Military Police, it could be based on the rapid transfer of all information about the threats identified in the course of operation of the security companies of persons and property, which are of interest to the above-mentioned formations. This would contribute to a greater sense of cooperation with the security structure as a whole. It would also serve to organize the relations between the elements of the security system, improving their interaction aimed at achieving the common aim of ensuring security. As a result, this could contribute to increasing the effi-

¹⁵ M. Szczęsny, *op. cit.*, p. 20.

ciency of the security structure and rising the effectiveness of its operation¹⁶.

The new problems in the people and property protection industry will be related to the consequences of the war in Ukraine. In order to counteract the threats in cyberspace, the Prime Minister Mateusz Morawiecki, in accordance with the Act on anti-terrorist activities, introduced the third CRP alert level (CHARLIE-CRP) throughout the entire country and the second BRAVO level for the Lublin Voivodeship and Podkarpackie Voivodeship. This means the extreme vigilance of the public institutions. The third level is introduced in the occurrence of an event confirming the probable target of a terrorist attack or obtaining reliable and confirmed information about the planned terrorist incident¹⁷.

According to Jarosław Stelmach, all the undertakings connected with the fight against terrorism can be divided into the basic elements of state activities in this area: prevention, identification of terrorist threats, protection against an attack, combating, and responding¹⁸.

The Act on the Defence of the Homeland¹⁹ provides for, among others, the appointment of 200,000 reservists²⁰,

for the military exercises, which is five times more than before, and in the case of the security industry concerns the qualified security personnel who may suddenly be missing at the posts. For comparison, in 2016 only 38,000 people were appointed to the military exercises²¹. Of course, the temporary lack of an employee may also apply to women with medical and psychological education.

Organizational problems of the company

The first private sector companies for the protection of persons and property, as has previously been indicated, began to emerge in Poland after the political transformation in 1989. These companies are currently facing the identity crisis. The companies are often still managed by their original founders, usually former state officials, used to the conservative system of protection, which is physical protection. Usually, these companies have no idea for their further development and have great difficulties with adapting to the changing market of security services. They often do not see the need to define the security design determinants, such as: mission, vision and security strategy²². Without a clearly defined goal, it is difficult to maintain the certain course of development.

The security industry in Poland is mostly (approx. 70%) composed of small and medium-sized enterprises for which the only appropriate way of development is to replace the old infra-

¹⁶ A. Czop, Proponowane zmiany w regulacjach prawnych zmierzające do podniesienia efektywności działania firm ochrony osób i mienia, [in:] Kultura Bezpieczeństwa. Nauka-Praktyka-Refleksje nr 20, Wyższa Szkoła Bezpieczeństwa Publicznego i Indywidualnego Apeiron, Kraków 2015, p. 174.

¹⁷ Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych, Dz.U. 2016 poz. 904.

¹⁸ J. Stelmach, Minimalizacja skutków zamachów terrorystycznych w budynkach użyteczności publicznej, Safety Project, Wrocław 2020, p. 59.

¹⁹ Ustawa z dnia 11 marca 2022 r. o obronie Ojczyzny, Dz.U. 2022 poz. 655.

²⁰ <http://polska-zbrojna.pl/home/articleshow/35568> [10.04.2022].

²¹ <https://wkuwarszawa-ochota.wp.mil.pl/pl/pages/vademecum-rezerwisty-2018-09-24-z/> [10.04.2022].

²² B. Wiśniewski, Praktyczne aspekty badań bezpieczeństwa, Difin SA, Warszawa 2020, p. 65.

structure with the new solutions and cloud services, both in the form of SaaS (Security as a Service) and IaaS (Infrastructure as a Service). This is a worldwide trend. Many companies make the strategic mistake of adopting today the outdated solutions.

According to Krzysztof Ciesielski, the main problem complicating the security industry, including the services of monitoring the alarm signals and of remote video surveillance, will be the shortage of suitably qualified employees. Those who will be able to notice, develop, and then implement the new trends – both in the technical and organizational areas – and consequently earn money on it. The companies that currently do not have the well-functioning technical departments and the appropriate know-how will find it difficult to build it from scratch. For many of them the problem will be the lack of awareness of the changes we are currently observing – both in the technological and business areas. Many companies believe that they have modern technology, despite the fact that these solutions are outdated and ineffective²³.

Market trends

Legal provisions that are unfavourable for the security industry are related to the statutory increase in the minimum wage. For years the level of the minimum wage has been shaping the prices of services related to physical protection. This is due to the large number of companies on the market, strong price competition, customer pressure and the influence of

the public procurement sector, where the price is the criterion for selecting an offer. Looking for an opportunity to reduce costs some security companies use civil contracts although in many cases the nature of the work requires the application of an employment contract. The costs of remuneration constitute 75%-80% of the service performance costs. The changes introduced in the minimum wage should be reflected in the increase in the rates for services. The changes of the payroll costs constitute a challenge for both the security companies and their clients²⁴.

The rising labour costs are related to another already mentioned problem that affects the industry, i.e., shortage of staff. The difficulties with recruiting employees in the security industry occur not only in Poland, but throughout Europe.

The predominant forms of employment in the security sector are still the civil law contracts which discourage candidates from taking up the job. It is difficult to attract and retain young workers. Working in the security sector is neither interesting nor financially attractive for them. Due to the lack of interest, the vocational schools are closing courses educating security staff. There are few security companies in Poland that employ educated and experienced security personnel. In particular, there is a shortage of people with an entry on the list of qualified security personnel that have the firearms card. The older workers, such as former policemen, prison service staff and military police staff retire while young people do not

²³ K. Ciesielski, Przyszłość w monitoringu, <https://aspol-ska.pl/przyszlosc-w-monitoringu-2018/>, [06.04.2022].

²⁴ Ł. Koch, Szanse i wyzwania dla branży ochrony w 2020 roku, [in:] Zabezpieczenia 3/2020, <https://www.zabezpieczenia.com.pl/ochrona-fizyczna/szanse-i-wyzwania-dla-branzy-ochrony-w-2020-roku>, [06.04.2022].

want to work in this profession due to low salaries or irregularities in payments, e.g., payment every two months²⁵.

The issue of employment faced by the security companies is related to the image of the entire industry, which also includes many other elements. Irregularly paid and low salaries, various forms of employment, lack of opportunities for development and career paths are among the problems of many companies. The unfavourable image of the industry on the Internet, e.g., in social media, also discourages from taking the job in security. At the same time, the security companies do not take any actions aimed at presenting themselves in a positive way on the Internet, which, especially for young people, is often a decisive factor in choosing a job. Recruiting employees will require new actions in the future. Struggling against the negative image is a task planned for several years²⁶.

The security workers are one of the worst-paid professional groups in Poland. The promotion in the security structures has a horizontal character and does not guarantee a significant increase in remuneration. People who protect public utility buildings (courts, prosecutor's offices, agencies), construction sites and housing estates are in the worst situation. In practice, the employees without any professional qualifications usually act as porters and supervise the entrusted facility²⁷.

The increase in labour costs is also a serious challenge for clients in the personal

and property protection industry. The vast majority of them rather search for savings and reduce the expenses than invest in the security services. Therefore, they are not willing to accept an increase in rates for protection. Clients compare offers by directing inquiries to other companies, which may result in the loss of contracts. The process of negotiating the increases with clients is difficult and will lead to the limited use of physical protection and to the increased interest in remote services based on technical solutions, including mobile ones. After the increase in prices, customers will pay even more attention to the quality of services provided, the performance indicators, guarantees, the impact of protection on the development of their businesses and additional values. The opportunity for security companies may be openness to changes and implementation of new solutions that will enable the reduction of costs. The public procurement market where the only selection criterion is still the price will be a much more challenging issue²⁸.

The labour market and the opportunities of the customers in the security industry definitely need a new approach. The solutions that will enable further cooperation with clients thanks to active modification of the existing protection system seem to be the most desirable ones. To achieve this goal, it is advisable to use to a greater extent the technical solutions enabling the reduction of the number of working hours. The funds saved in this way should be spent on expanding the security system and increasing the salaries of employees. It is also necessary to get away from the calculation based

²⁵ <https://www.money.pl/gospodarka/firmy-ochroniarskie-placa-swoim-pracownikom-pensje-co-dwa-miesiace-przez-panstwo-6735793629604576a.html> [06.04.2022].

²⁶ Ł. Koch, op. cit.

²⁷ M. Szczęsny, op. cit., p. 13.

²⁸ Ł. Koch, op. cit.

on minimum wages for working hours. One need to construct the solutions based on budgets in order to provide the customer with greater stability and predictability of costs over a long period of time and, at the same time, offer qualified employees the remuneration higher than the minimum rate. It should also enable the recruitment of better employees and raise quality and the effectiveness of the services offered²⁹.

The increase in minimum wages meant that the companies dealing with physical protection had to renegotiate the prices with their clients. Most investors were not prepared for higher prices. The number of employees protecting the facilities has been reduced, but the need to ensure the appropriate level of security has remained. As a result of those changes, a new security model was developed – the protected objects were equipped with cameras and some employees were transferred to remote video surveillance centres. Unfortunately, due to the lack of developed standards, there was freedom in the provision of these services. The companies charge similar fees but offer different services under the same name – video surveillance. Some of them offer the transfer of permanent video surveillance, which was carried out directly in the facility, some the video verification of alarm causes, and some periodic inspection with the use of cameras³⁰.

Other problems that should be noticed are related to the work of security

during the coronavirus pandemic and its effects. After the introduction of the restrictions related to COVID-19, the security teams were the first, and in many cases the only ones, to address the needs in the field of anti-infection prevention. The security workers measured the temperature manually or electronically. The temperature control slowed down the flow of people, which was particularly visible in industrial plants. At the same time, these processes took place without any proper preparation³¹.

Due to the pandemic, the demand for services from the security industry has decreased. The cancellation of mass events and the periods of lock down contributed to this.

Pathologies of the industry

From 1st January 2014, a qualified physical security worker is required to undergo every 5 years a training or a course in the field of shooting, self-defence, intervention techniques and the knowledge of legal provisions related to the protection of persons and property, and to present the certificate of its completion to the competent provincial police commander. The introduction of obligatory, periodic trainings and courses for the security personnel, and thus the continuous improvement of qualifications is a positive issue, however, only on the condition of the high quality of these trainings and courses³².

²⁹ Ł. Koch, *op. cit.*

³⁰ D. Kamiński, Zdalny nadzór wizyjny sposobem na obniżenie kosztów ochrony, w *Zabezpieczenia* 3/2020, <https://www.zabezpieczenia.com.pl/ochrona-fizyczna/szanse-i-wyzwania-dla-branzy-ochrony-w-2020-roku>, [06.04.2022].

³¹ J. Grzechowiak, IK w czasie pandemii, czyli stara atmosfera w nowym klimacie, online: *IK w czasie pandemii, czyli stara atmosfera w nowym klimacie – a&s Polska* (aspolska.pl), [06.04.2022].

³² E. Albrzykowska, *op. cit.*, p. 15.

The experience of recent years shows that there is no verification of the quality of these types of trainings. The unfair training companies have offered the option of purchasing the entitlements to be entered on the list of qualified security personnel or the certificates of passing the qualification course³³.

A common occurrence in the personal and property security industry is the employment of people with a disability certificate. It is related to the staffing and financial problems in the industry. This group of people is keen to be employed in security because employers receive co-financing from the State Fund for Rehabilitation of Disabled People (PFRON), thanks to which they can reduce the rates for services provided to their clients, including the property supervision, which makes them more competitive on the market. However, it often happens that the disabled person is sent to a workplace with characteristics that contain contraindications in relation to their specific disease. The employees agree to take the position because they want to work despite the health risk. Therefore, while employing people with a disability certificate, it is particularly important to choose the appropriate workplace. The security companies often form partnerships as sheltered workshops and employ in their structures people with certificates of disability in various psychophysical conditions. Such workers often require the constant supervision of third parties and the working conditions specially adapted to their limitations.

It is worth noting that various degrees of disability are adequately co-financed. For each of the three levels of disabilities, you can get the additional 'bonus' for one of the special diseases, i.e., mental illness (02-P), mental retardation (01-U), pervasive developmental disorders (12-C) or epilepsy (06-E) and blind to a significant and moderate degree (04-O)³⁴.

The employers often do not provide the security workers with decent or proper working conditions by: lack of summer, winter and rain-proof clothing, even though the security workers are a uniformed service in accordance with the law, the occurrence of shortages of appropriate convoy equipment – bulletproof vests, lack of bulletproof Kevlar (protective helmets for the head), abandonment concerning the provision of water by the employer during heat above 40 degrees during the 12-hour service, failure to provide a change of security guard at a position on the facility or a mass event from which the employee cannot leave, has short breaks or simply cannot stop work. There are known cases of the continuous operation lasting more than 20 hours³⁵.

Conclusion

The modern security industry is struggling with many problems. Some of them are mainly specific to securi-

³³ <https://gazetawroclawska.pl/wielka-afeta-z-lewymizaswiadczeniami-dla-ochroniarzy-fala-zatrzyman/ar/c1-16018121> [06.04.2022].

³⁴ <https://www.pfron.org.pl/pracodawcy/dofinansowanie-wynagrodzen/wysokosc-dofinansowania-dowynagrodzen-pracownikow-niepelnosprawnych/> [06.04.2022].

³⁵ A. Malczewska, *Analiza wartości etycznych na przykładzie wybranej grupy społecznej – pracowników ochrony osób i mienia. Zeszyt Naukowy 3, Wyższa Szkoła Bezpieczeństwa Publicznego i Indywidualnego* Apeiron, Kraków 2010.

ty – for example, mass hiring of people with a disability certificate disability or the lack of administrative and internal control over the courses and trainings. Others are commonly found throughout the whole labour market and include minimum wage or employment under civil law contracts with no overtime payment. The working time of over 300 hours per month is also found in other professions. For employment under a contract of mandate, one only need a declaration of no criminal record, there is no need to submit a criminal record certificate.

The conducted analysis allowed for the following findings:

1. A significant part of the problems affecting the security agencies and the entire security industry is the result of legislative conditions. These include, among others, facilitating access to the profession with a significant reduction in the quality of the employee (lack of state exams), enabling people with a disability certificate, including those with mental problems, to work in security and the lack of proper medical verification of such people.
2. Some of the problems result from the internal organization of entities providing services for the protection of persons and property, and they include the lack of a clearly defined aim (mission, vision) and sticking to the old protection system based mainly on physical protection.
3. The market trends are another area which generates problems in the private security sector. The market problems include, among others, minimum wage influencing the prices of services, staff shortages caused by the low attractiveness of the profession and low income or the need to adapt the security companies to the situation caused by the COVID-19 pandemic, during which the security personnel took temperature measurements at workplaces without any preparation and proper protection.
4. The last and the most serious diagnosed area turns out to be the pathological situations affecting the industry, which include, among others, the lack of state supervision over training and the possibility of buying on the market the entitlements without training or employing in the security industry the disabled people, including those with mental problems, because such a disease gives the highest co-financing from the State Fund for Rehabilitation of Disabled People.

The presented content confirms that there are opportunities to improve the quality of services provided by the security companies and the tasks performed by the security staff.

The author believes that his scientific achievements, as well as the achievements of the other researchers will lead to the professionalization and higher prestige of the security guard profession and will also increase the safety of the clients and staff of the security agencies.

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