

Ewa KubasUniversity of Rzeszow
ORCID: 0000-0003-1952-3875**POLICE SOCIAL AND ORGANIZING ACTIVITIES
UNDERTAKEN TO PROTECT PUBLIC SAFETY AND ORDER**

Ensuring the security of citizens and public order is one of the basic tasks of the state carried out by the Police, which, according to Art. 1, clause 1 of the Act of 6 April 1990 on the Police¹, is an armed and uniformed formation serving the society and intended to protect people's security and to maintain public safety and order. S. Pieprzny emphasized that "in general, most of the police activities are carried out using imperious forms"² however, non-empowered forms, and especially social and organizational activities, are gaining in importance and allow for more effective implementation of the tasks performed by this formation.

The legal definition of the Police shows that its main task is to protect people's safety and maintain public safety and order, however, there are no legal definitions in the statutory terms. According to S. Pikulski, security is "a certain desirable state of affairs guaranteeing the smooth functioning of public facilities in the state and the safety of citizens' lives, including the protection of their lives, health and property"³. E. Ura pointed out that public security is "such a state in which all citizens individually indeterminate, living in the state and society, are not in danger, regardless of its sources. The protection of this security belongs to the state that sets safety limits and defines what disturbs or may hinder the normal functioning of the state. The source of danger can be in communication, traffic, water, during catastrophes or natural disasters, and it can also come from man (assaults, robberies)"⁴. In turn, M. Wierzbowski understands the concept of public order as binding in the sphere of public life, which consists in compliance

¹ Dz.U. 2020, Item 360 as amended.

² S. Pieprzny, *Policja. Organizacja i funkcjonowanie*, Warszawa 2007, p. 82.

³ S. Pikulski, *Podstawowe zagadnienia bezpieczeństwa publicznego [in:] Prawne i administracyjne aspekty bezpieczeństwa osób i porządku publicznego w okresie transformacji ustrojowo-gospodarczej*, eds. W. Bednarek, S. Pikulski, Olsztyn 2000, p. 101.

⁴ E. Ura, *Prawo administracyjne*, Warszawa 2015, p. 411.

with the principles of social coexistence and respect for existing and accepted norms of behavior in social contacts and in the use of public devices⁵. According to E. Ura the notion of public order “refers to those tasks of public administration bodies and administrative entities that are directly related to maintaining order enabling the normal development of life in the state. This is about ensuring the proper sanitary state of public facilities, maintaining order on the road public, compliance with regulations on associations, public collections, vehicle registration, construction, forestry and hunting regulations. The scope of this concept also includes taking actions aimed at preventing and combating alcoholism and drug addiction, combating the effects of natural disasters and epidemics, compliance with state act regulations. civil, border signs, compliance with specific social discipline, etc.”⁶ Therefore, rightly, S. Pieprzny pointed out that “the boundaries of the notions of security and public order are fluid and indefinite”, and thus the Police’s tasks should also be considered. This formation is to take actions to protect society and activities serving the state⁷.

The basic tasks of the Police, in accordance with Art. 1, clause 2 of the Police Act are: protection of life and health of people and property against unlawful attacks that violate these goods; protection of public safety and order, including ensuring peace in public places and in means of public transport and public transport, in road traffic and in waters intended for common use; initiating and organizing activities aimed at preventing committing crimes and offenses as well as criminogenic phenomena and cooperating in this respect with state organs, self-government bodies and social organizations; conducting counter-terrorism activities within the meaning of the Act of 10 June 2016 on anti-terrorist activities⁸; detecting offenses and prosecution of their perpetrators; protection of facilities constituting the seat of members of the Council of Ministers, with the exception of facilities serving the Minister of National Defense and the Minister of Justice, indicated by the minister competent for internal affairs; supervision of specialist armed protective formations within the scope specified in separate regulations; monitoring compliance with order and administrative regulations related to public activities or in public places; 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 provisions; processing of criminal information, including personal data; maintaining data collections containing information collected by authorized bodies about the fingerprints of persons, unidentified fingerprints from crime scenes and the results of deoxyribonucleic acid

⁵ *Prawo administracyjne*, ed. M. Wierzbowski, Warszawa 2011, pp. 671–672.

⁶ E. Ura, *Prawo administracyjne*, p. 411.

⁷ S. Pieprzny, *Policja. Organizacja i funkcjonowanie*, Kraków 2003, Lex (27.05.2020).

⁸ Dz.U. 2019, Item 796.

(DNA) analysis. This catalog is open and its limitation is not possible from a practical point of view because the Police can take many actions in various legal forms as long as they are aimed at protecting and maintaining security and public order.

According to K.M. Ziemiński, “by the legal form of administration’s operation, we shall mean a separate or identifiable type of conventional or actual activity with fixed features, or a set of such activities, defined to perform public administration tasks of the entity (or group of entities) in to fulfill public administration tasks”⁹. J. Starościak distinguished six basic legal forms of taking actions by the administration: establishing normative acts, issuing administrative acts, concluding contracts, concluding administrative agreements, conducting social and organizational activities as well as performing material and technical activities¹⁰. Legal forms can also be distinguished taking into account their division into imperious and non-imperious ones. E. Ochędowski under the concept of administrative power (“empire”) understood “the right to use direct coercion by administrative bodies to implement their unilateral orders (decisions)”¹¹. On the other hand, the use of non-imperious forms is characterized by the fact that the positions of the administrative body and the other entity of the administrative law relationship are equal, or that the public administration body does not occupy a dominant position¹².

The analysis of statutory tasks assigned to the Police, according to J. Korczak, leads to the conclusion that imperious forms of performing tasks are dominant and that the Police authorities and its officers are entitled to enter the personal sphere of a person and citizen in the field of e.g. personal control, browsing the contents of luggage or checking content of cargo and preventive checking, including the use of direct coercion¹³. Among the imperious forms of police activity there are: normative acts issued by Police bodies (e.g. ordinances, regulations, guidelines); administrative acts shaping the legal situation of their addressees (e.g. gun permit); material and technical activities based on a clear legal basis and having specific legal effects (e.g., identifying people to determine their identity)¹⁴. S. Pieprzny emphasized that “social, economic and political changes in the state necessitate the search for ever new legal forms and methods of operation of organs operating in the state. Such changes also occur in the field of legal forms of the Police, and

⁹ K.M. Ziemiński, *Podstawy problematyki* [in:] *System Prawa Administracyjnego*, Vol. V: *Prawne formy działania administracji*, eds. R. Hauser, Z. Niewiadomski, A. Wróbel, Warszawa 2013, p. 4.

¹⁰ J. Starościak, *Administracja. Zagadnienia teorii i praktyki*, Warszawa 1974, p. 83.

¹¹ E. Ochędowski, *Prawo administracyjne. Część ogólna*, Toruń 2002, p. 25.

¹² W. Chróścielewski, *Imperium a gestia w działaniach administracji publicznej (W świetle doktryny i zmian ustawodawczych lat 90.)*, „Państwo i Prawo” 1995, No. 6, pp. 51–52.

¹³ J. Korczak, *Niewładcze formy działania Policji* [in:] *100-lecie Policji. Policja. Prawne formy działania*, eds. E. Ura, M. Pomykała, S. Pieprzny, Rzeszów 2019, p. 103.

¹⁴ More: E. Kubas, *Czynności faktyczne funkcjonariuszy Policji* [in:] *100-lecie Policji. Policja. Prawne formy działania*, eds. E. Ura, M. Pomykała, S. Pieprzny, Rzeszów 2019, p. 124 n.

their purpose is to ensure the effectiveness of implementation of actions¹⁵. Therefore, the implementation of tasks related to ensuring public safety and order with the use of social and organizational activities classified as non-imperious form of action and plays an increasingly important role.

According to M. Pomykała, “most of the tasks of the Police are preventive. They are aimed at preventing the occurrence of negative phenomena, which would be attacks on goods protected by law, such as life, health, property, security and public order. Police’s task is to above all, to overtake or prevent the occurrence of an undesirable state, or a violation of the law. The task of the Police may be to eliminate the causes of threats, reduce the threats themselves, as well as increase the sense of security in society and improve the quality of life¹⁶.”

Social and organizing activities got their name from the fact that it can also be performed by any social organization¹⁷. It can be implemented as a basic form of performing public tasks. This happens when a given public administration body is required to perform a specific task but has not been equipped with specific means of action. These activities may also be auxiliary to imperious activities in order to strengthen the impact on a given entity¹⁸.

The scope of measures used in this activity of the Police has not been precisely defined because the multilaterality of socio-organizational activities in the field of security and public order prevents the creation of an exhaustive list of such activities. At the same time, it should be noted that their comprehensive determination would prevent the use of other forms of action adequate to the changing conditions of social life, and thus prevent the Police from fulfilling its initiating role in ensuring security and public order. Therefore, the means used in this activity are left to the appreciation and experience of the Police. Among them we can distinguish: organization of meetings with the public, talks and training with school youth, organization of patrols with student youth, press and radio and television speeches on threats, issuing leaflets and materials on ways to prevent violations of human security, organizing competition, competitions and conferences¹⁹.

Social and organizational activities play a very important role in the implementation by the public administration of its organizational function related to the activation of society to cooperate and in expanding public awareness because these are actions taken in the public interest and aimed at interacting with society. That is why the administration, which performs public tasks, resigns from the measures

¹⁵ S. Pieprzny, *Policja. Organizacja...*, Lex.

¹⁶ M. Pomykała, *Programy prewencyjne jako forma działań zapobiegawczych Policji* [in:] *100-lecie Policji. Prawne formy działania*, eds. E. Ura, M. Pomykała, S. Pieprzny, Rzeszów 2019, p. 132.

¹⁷ M. Wierzbowski, A. Wiktorowska, *Prawne formy działania administracji* [in:] *Polskie prawo administracyjne*, ed. J. Służewski, Warszawa 1995, p. 214.

¹⁸ J. Paśnik, *Prawne formy działania administracji publicznej* [in:] *Administracja publiczna i prawo administracyjne w zarysie*, eds. M. Karpiuk, J. Kowalski, Warszawa–Poznań 2013, p. 123.

¹⁹ S. Pieprzny, *Policja. Organizacja...*, Lex.

of state coercion, becomes a creator of social life – encourages, promotes certain attitudes and behaviors, supports the activity and initiative of citizens, conducts information and awareness-raising campaigns – but it should not replace the activity of administered entities in this way but to support their initiatives, enforce citizens' independence and self-sufficiency, contributing to shaping civil society²⁰. Also the purpose of this activity must fall within the scope of tasks falling within the competence of the given public administration body. Therefore, this activity does not create new norms of the legal order and coercion cannot be used to enforce its effects. However, prizes and awards are allowed²¹. T. Kuta pointed out that an important feature of non-imperious activities, including social and organizing activities, is that administrative bodies are left with the option of choosing the place, time, subject and form of these activities. The authority decides whether to act and how and what actions should be used to achieve the goal set by law²².

According to J. Supernat, information and the way it is communicated to the public, plays a key role in implementing social and organizational activities. The administration has a very large amount of information and in many areas of social life there is a monopoly of public administration on information. Therefore, public administration may use its information to influence the environment and perform specific public tasks. One could even say that citizens expect public administrations to provide information. This is done, among others by seeking advice from officials, using state archives or visiting exhibitions organized by organizational units of public administration. It should be emphasized that public administration may distribute specific messages by itself, but may also oblige other entities to disseminate information on a specific topic²³. Considering that the Police is the basic formation that is responsible for ensuring public security and order in the state, it is within the framework of social and organizational activities that it is obliged to inform citizens about the sources of threats as well as about ways and forms of preventing hazards .

As part of social and organizing activities in cooperation with the Road Traffic Department of the Voivodship Police Headquarters in Katowice, a spot for social action from 2018 was created entitled “Love – fasten seatbelts”²⁴. This film shows how important it is to fasten seatbelts and transport children correctly

²⁰ K. Kłosowska-Lasek, *Wpływ przemian cywilizacyjnych na działania społeczno-organizatorskie administracji* [in:] *Wpływ przemian cywilizacyjnych na prawo administracyjne i administrację publiczną*, eds. P.J. Suwaj, J. Zimmermann, Lex 2013 (30.05.2020).

²¹ E. Olejniczak-Szałowska, *Działalność społeczno-organizatorska* [in:] *Prawo administracyjne – pojęcia, instytucje, zasady w teorii i orzecznictwie*, ed. M. Stahl, Warszawa 2000, p. 366.

²² T. Kuta, *Pojęcie działań niewładczych w administracji. Na przykładzie administracji rolnictwa*, Wrocław 1963, pp. 49–50.

²³ J. Supernat, *Instrumenty działania administracji publicznej – studium z nauki administracji*, Wrocław 2003, pp. 73–77.

²⁴ <http://www.podkarpacka.policja.gov.pl/rze/ruch-drogowy/profilaktyka/97937,Kochaj-zapij-w-pasy.html> (30.05.2020).

in child car seats. This action became very popular because in the film, next to children from Kindergarten number 87 in Katowice, the famous Polish actor Andrzej Grabowski starred. At the initiative of the Voivodship Police Headquarters in Katowice, a spot for social action from 2020 was created, entitled “Before you pass, think”. In a short film promoting safe road use, the actress Kinga Preis starred as a pedestrian. The purpose of the advertising spot was to draw the attention of drivers to their behavior when driving to marked crossings. The film was also a warning to pedestrians not to break the traffic rules themselves²⁵. It should be emphasized that the indicated spots promoting individual social campaigns are still broadcast in the media and are found on social networks so that the topics discussed in them are still valid. In addition, the involvement of popular actors means that members of the public pay more attention to the threats to their health and life, as well as to public safety and order, shown in the films.

Social and organizing activities are also widely implemented by police officers from the Podkarpackie Voivodeship. One of the popular social actions carried out in this area is “Barrier at Risk”, under which policemen from the Road Traffic Department of the Provincial Police Headquarters in Rzeszów handed drivers and pedestrians leaflets informing about proper behavior at railway crossings. This campaign has been conducted since 2005 and since October 2012 it has been expanded to inform residents of Rzeszów and the surrounding area about accidents that may occur during crossing the tracks in prohibited places²⁶.

Noteworthy are the actions taken by police officers in the Podkarpackie Voivodeship in connection with the introduction of an epidemic emergency in the Republic of Poland²⁷ from 14 March 2020, followed by the epidemic status from 20 March 2020²⁸ in connection with SARS-CoV-2 infection. At that time, the policemen undertook a number of social and organizational activities. For example, it is worth pointing out the on-line meeting initiated by the police officer, Bernard Dul, initiated by the Poviats Police Headquarters in Nisko. This officer participated in an online on-line lesson with high school students from Rudnik on San. The topic of the meeting were online threats. On-line meetings were conducted in the form of an educational panel on the safe use of information and computer technologies and cyberbullying. This action was aimed at presenting the threats that appear on the Internet. The policeman familiarized students with the phenomenon of cyberbullying, internet crime, rules of maintaining security and privacy while us-

²⁵ <http://slaska.policja.gov.pl/kat/informacje/wiadomosci/277830,Zaproszenie-dla-mediow.html> (30.05.2020).

²⁶ <http://www.podkarpacka.policja.gov.pl/rze/aktualnosci/93937,Bezpieczny-przejazd-quotSzlaban-na-ryzykoquot.html?search=14182515> (6.06.2020).

²⁷ Regulation of the Minister of Health of 13 March 2020 regarding the announcement of an epidemic emergency in the territory of the Republic of Poland (Dz.U. 2020, Item 433 as amended).

²⁸ Regulation of the Minister of Health of 20 March 2020 regarding the announcement of the state of the epidemic in the territory of the Republic of Poland (Dz.U. 2020, Item 491 as amended).

ing a computer and the Internet. He also raised the issue of the responsibility of those who commit online crimes. The premise of the meeting was not only to indicate what deeds may constitute a crime but above all how to protect yourself and your privacy against online criminals²⁹. Noteworthy is also the action initiated by the Powiat Police Headquarters in Ustrzyki Dolne. Policemen and command employees initiated the “Give a mask” campaign, which involved organizing a fundraising for the purchase of protective masks for the residents of the Nursing Home in Moczary³⁰. The officers of this powiat headquarters were also involved in the “W Święta #zostańwdomu” campaign in which they called for staying at home during Easter and not exposing others to the risk of falling ill³¹.

To sum up, it should be noted that the Police perform many of their statutory tasks using non-imperious legal forms of action, among which social and organizational activities deserve special attention. Examples of such activities cited in this article show that extensive information activities cause greater public awareness and thus prevent many crimes and offenses. Also during the prevailing pandemic caused by SARS-CoV-2, police officers take a number of actions to inform the public about the risks associated with the spread of this virus as well as ways to avoid a threat to their health and life. Social and organizational activities, and above all its effects, should be assessed positively, because without the use of coercion it enables the implementation of tasks related to ensuring security and public order in various political, social and economic conditions.

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²⁹ <http://www.podkarpacka.policja.gov.pl/rze/komendy-policji/kpp-nisko/wydarzenia/98177,Spotkanie-on-line-z-nizanskim-policjantem.html> (10.06.2020).

³⁰ <http://www.podkarpacka.policja.gov.pl/rze/komendy-policji/kpp-ustrzyki-dolne/wydarzenia/97649,quotPodaruj-maseczkequot-akcja-ustrzyckiej-komendy-video.html?search=696206840> (10.06.2020).

³¹ <http://www.podkarpacka.policja.gov.pl/rze/komendy-policji/kpp-ustrzyki-dolne/wydarzenia/97514,W-swieta-zostanwdomu.html?search=696206840> (10.06.2020).

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Summary

The Police formation is responsible for ensuring citizens' safety and public order. The purpose of this article is to demonstrate that this task can be effectively implemented by using one of the non-empowered forms – socio-organizational activity. Promotion of this form of action, based on informing the public about the dangers to health and life as well as how to prevent dangers has a very important significance in the era of ever greater access to the Internet and in many cases allows a departure from the official actions.

Keywords: Police, social and organizing activities, public safety, public order

DZIAŁALNOŚĆ SPOŁECZNO-ORGANIZATORSKA POLICJI NA RZECZ ZAPEWNIENIA BEZPIECZEŃSTWA I PORZĄDKU PUBLICZNEGO

Streszczenie

Policja jest formacją odpowiedzialną za zapewnienie bezpieczeństwa i porządku publicznego. Celem niniejszego artykułu jest wykazanie, że zadanie to może być w sposób efektywny realizowane przy zastosowaniu jednej z niewładczych form działania administracji – działalności społeczno-organizatorskiej. Propagowanie tej formy działania, opierającej się na informowaniu społeczeństwa o zagrożeniach dla zdrowia i życia, a także o sposobach zapobiegania niebezpieczeństwom, ma bardzo istotne znaczenia w dobie coraz szerszego dostępu do internetu i w wielu przypadkach umożliwia odstępnie od działań władczych.

Słowa kluczowe: Policja, działalność społeczno-organizatorska, bezpieczeństwo publiczne, porządek publiczny