

**PUBLIC ADMINISTRATION, PUBLIC TASKS - MUTUAL
RELATIONS IN THE CONTEXT OF THE POLISH
EXPERIENCES THE FIELD OF SAFETY AND SECURITY
MANAGEMENT**

UDC 35:005.9

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Abstract. *Threats aimed at the security of the state comprise an open set. Unfortunately, it is not at all times possible to effectively prevent them. Therefore, efforts to counteract them and to minimize the consequences of their occurrence have always been undertaken, an effect of which is the analysis, assessment, monitoring and forecasting. The extent of said endeavors is as vast as a catalogue of researched phenomena. Because of its competences, the main tasks for the active operating of the state concerning ensuring an accepted by the society level of safety would be undertaken by the government administration. Implementation of tasks in this area reflects, without a doubt, the subordinate role of abovementioned administration regarding the beneficiary of all of its activities, that is the society. Over the years, the views on the nature, function and purpose of the public administration have changed. What reflects these changes is the opinion of experts in the field of administration and security, who, in their researches, attempt to determine the competences of the public administration and public tasks in the context of the safety of the state.*

Key words: *Public administration, public administrative authority, public task, security, threat, defense, crisis management.*

1. INTRODUCTION

The breadth of concepts such as public administration, security, threats, crises, crisis situations and crisis management allows for recognition of a close relationship between them and the management under conditions adverse to the state, for it is nothing other

Received September 20, 2016 / Accepted December 15, 2016

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than a process of "solving tense situations in the manner in which a series of interdependent operations is planned, organized, managed and controlled. The direction of the decision-making process is also established, concerning subjects responsible for making decisions in order to achieve a fast yet not precipitate solution to the problem which is to be solved by an organization" , with the latter being, inter alia, a state.

Both theory and practice of public administration operations prove that the subject of its care is a man, whereas the object of it is safety.

It seems indisputable that the management over the state- given the crucial importance for its safe existence and a broad and complex range of projects designed to ensure to its authorities, administrative bodies and the public the possibility for undistorted functioning under conditions of security, occurring threats, critical situations and war- is of an adequately high rank. Said rank applies to both the subjects performing tasks concerning security and the nature of regulations on this aspect of the operating of the state.

Secure existence and development of the state may be limited or violated at any time. Therefore, counteracting the factors that destabilize the security of the state can be described, altogether, as a defense covering the entire range of issues relating to the state. The consequence of such is the fact that security issues shall not be considered in isolation from political, military, ecological and other aspects. The primary determinant of this approach is the state continuity, and the continuity of management at all times and in all circumstances of its operation. Therefore, the problem is within the perception of certain properties of public administrative structures and their operating. This, in turn, is determined predominantly by the nature and quality of solutions on the legal and organizational ground. Achieving and maintaining possibly highest level of safety has been an old-established task for both individuals and collective social entities. In order to fulfill abovementioned fundamental needs of the individual and the community as a whole, within the development of civilization a variety of experiences is collected, analyzed and processed, establishing common knowledge on security. This knowledge is essential for the effective conducting of tasks by all organizational structures of public administration.

2. ESSENTIAL LEGAL AND ORGANIZATIONAL PROVISIONS

Certainly, "actions aimed at ensuring the safety are usually arranged in a fairly complex system of interdependent subsystems. From this results a fact that various threats and ensuing different safety systems may be selected. Ever-present is also the subject of the safety of individual and collective entities (systems - national, public, regional, group, coalition, etc.), or of internal and external safety, relating to the variety of aspects of life and human activity. These conditions are reflected in distinguishing between different types of security." Particularly visible it is with reference to the state, as one of forms of political organization.

Implementation of decisions within the state security is provided by governing authorities on all levels of the state structure, that is central (departmental) and local (provincial, district, municipal), including the command authorities of the armed forces- in accordance with their competences, establishing tasks for subordinate organizational units or commending defense tasks for other organizational units of the state. Aforementioned duties performed are under the provisions of generally applicable law and the local law. Constitution of the Republic of Poland of April 2 1997 establishes a system of sources of

law, defined in the provision of Article 87 sec. 1, which states that "the sources of generally applicable law of the Republic of Poland are: the Constitution, Acts, ratification of international treaties, and ordinances." In addition, Art. 92 section 1 of the Constitution specifies a fundamental requirement in relation to the regulations, which states that "regulations are issued by the organs specified in the Constitution, on the basis of a detailed authorization contained in the law and in order for its implementation. The authorization shall specify the organ to issue a regulation and the scope of matters to be regulated as well as guidelines on the content of the act." As follows, Art. 241 sec. 6 of the Constitution-determining the source of law: resolution of the Council of Ministers and orders of ministers or other public administrative bodies, which have operated before entering into force of the current fundamental law and need to be adapted to the rank specified in the above-cited Art. 87 and Art. 103 (treating of resolutions of the Council of Ministers and ordinances of the Prime Minister and ministers)- seems to clearly specify which organs and which procedures create a generally applicable law.

Necessary for the subject of those considerations is, among others, to clarify the concept of "public administration" and the terms closely related to it.

However, it shall be noted at this moment that the comprehensive presentation of these terms (which are of a considerable significance in the field of science), is impossible due to the thematic scope of statements and the adopted manner of presenting results of the research. Therefore, emphasis was put on matters that are closely related to the issues of defense preparation and crisis management.

The term "administration" in everyday language is used in the sense close to the etymology of the word. Such name is synonymous with help, service, leadership, management, directing, management board and governance.

In according with the dictionary of Polish language, the term "administration" stands for "directing, managing of something; management team in charge of something; management board of an institution; all activities performed by the state authorities or local governments within the scope of executive power; other authorities of said power." W. Dawidowicz, however, considers the administration to be "(...) serving, action subordinated to commands ("ministrare" refers to use, execute, manage, the prefix "ad"- strengthens in the word "administrare" the moment of advisability of an action)", whereas the word "public" means "for the general public; serving to commonalty; accessible to all."

According E. Ochendowski "public administration is performed by the state in the broad sense of the term, that is by the state authorities, as well as by government and public associations (local authorities), and other administrative bodies. (...) After the restoration of local government and, moreover, special self-government in Poland in 1999, it seems relevant to reinstate the term "public administration", assuming that the concept of public administration is broader than the concept of the state administration and that it includes not only the state administrative bodies, but also other entities performing the functions of said administration."

It is also beneficial to quote the definition of the term "public administrative authorities" contained in the Act of May 11, 1995, on the Supreme Administrative Court, which in Art. 20 section 2 states that "public administrative authorities in view of the law are hereby the supreme and central state administrative authorities, bodies of local government administration, self-government authorities and other entities in the scope of competences to which they were issued by law to be concerned with the matters related to public administration." Of an importance to the subject of consideration are the characteristics of

administration, which include : activity, initiative, future-oriented operations, taking specific measures to regulate issues of the individual units and undertaking action aimed at fulfilling specific tasks.

From the perspective of the subject of this article, it appears to be necessary to recall a different approach (subject-object), used by J. Langrod, who described the administration as planned grouping of people in a certain public mission, and then (by grouping of said people)- the sum of the equipment at their disposal.

Although efforts to ensure the common good- which, without a doubt, is security (including predominantly: defense and crisis management)- are among the duties of administration in general, in the field of state defense preparation a special obligation to fulfill this task rests with the government administration. However, this is not the case with the issues of crisis management, where the lowest levels (main those of government administration) face major burden of confronting said issues if the non-military threats occur, and the higher levels, respectively, in the event of the necessity of conducting crisis management under the conditions of military threats.

The tasks of government administration are defined in sectors. In accordance with the provisions of Article 1 of the Act of 4 September 1997 on operating of government administration, the scope of said sectors and the scope of competence of a minister in charge of a given sector was clearly defined. It may be stated in a simplified manner that the government administration sector is equivalent to specified, very specific task of a minister. It is worth noting that the "managing of a given sector of government administration means full control held over this sector and the presumption of competence". It shall also be remembered that the Prime Minister may in any way dispose of the resources of government administration by assigning them to any minister with the exception defined in Article 4 section 4 of the aforementioned Act, which states that the sectors of government administration, that is budget, public finances and financial institutions, are entrusted to one minister. Of an importance is also the fact that the sectors of government administration do not cover the entire activity of the government administration (certain tasks are performed by government administrative authorities supervised by the Prime Minister). Therefore, the provisions of the law cause positive effects. Firstly, they define the scope of the sectors of government administration, especially concerning the security. Secondly, these provisions provide for an attempt to counter the situation in which there may appear a new task, visibly connected with one of the sectors, however not contained in the Act. Also the fact that ministers are obliged to cooperate by virtue of law is a significant problem for the implementation of the tasks entrusted within the scope of the safety of the public administration. Incontrovertible influence on the quality of the implementation of tasks in the field of security in the sector of government administration would also be wielded by the organizational structures of departments subordinated to ministers, that is ministries being an organized official structure constituted to indirectly implement tasks of a minister.

Centralized state administration is composed of a government administration subject to the government itself, and those sectors of the state administration which do not belong to government administration, for they are subject to main authorities of the state other than the government. The first of the abovementioned parts of the state administration is divided into central and local. Furthermore, the central government administration distinguishes between two organizational levels. "Firstly, it is the administration that supports the government itself and its members (...). Secondly, it is the level of implementation of public tasks and administrative competences, stipulated by the law." Local government

administration "created is predominantly on the basis of the principle of organizational union- a fundamental role is performed by provincial governors having the competences of administrative authorities of common responsibility in provinces. They subordinate to the Prime Minister, through the agency of the minister responsible for public administration, in the province being superior to the entire complex government administration." Moreover, the fact of absence of hierarchical dependence, which means that each level is independent from the other, is the characteristic of local administration. In the context of definitions presented so far, it shall be noted that the local administration has the competences of the government administration, provided that the tasks are assigned to it by law or an agreement is settled.

Presented so far results of the research have also indicated the need for clarification of the term "public administrative authority". Retaining the previous approach to the problem, attention should be drawn to the fact that, in the broad sense of the word, the term "authority" is equated with the department, an institution serving specific functions in the scope of social life.

Public administrative authority defined is also as:

- a person, or a group of people in the case of a collective body;
- located within the organizational structure of the state or the local government;
- constituted for the implementation of norms of administrative law in the manner and with results adequate to said law;
- operating within the scope of competences issued by the law.

To recapitulate, it shall be noted that, from the point of view of the present considerations, the most adequate definition of the concept of public administration may be provided by equilibrating three elements. The definition that met those criteria was proposed by H. Izdebski and M. Kulesza, according to whom "the public administration means a group of actions, activities, enterprises of an organizational and executive nature undertaken for the implementation of the public interest by different entities, bodies and institutions, pursuant to law and within the norms regulated by law." Similar approach is presented by Z. Cieślak, I. Lipowicz and Z. Niewiadowski, according to whom the administration is "a system composed of people organized for constant, systematic, future-oriented implementation of the common good as a public mission consisting mainly (but not exclusively) in the current execution of laws, possessing abilities to exercise state control, and material-technical measures."

To the previously presented concepts linked is the term "public task". Said tasks are being carried out:

- within the state administration- by the centralized and hierarchical government administration;
- by the principles of decentralized (by other bodies and independently) institutions of public administration;
- in the form of tasks assigned to different organizations, institutions, and other entities, especially outside the public sector.

What are these tasks? Given the available literature, it seems difficult to unambiguously define abovementioned concept due to the fact that it has not been established in any legal act. The term "public task" is used interchangeably with the term "competences of public administration", which is of a significance for a full and coherent definition of the former concept.

Administrative law attorneys believe that "competences", in contrast to the "task", include both the set of obligations and rights. The "task", however, comprises merely of a part of the duty entrusted to a particular authority.

Given the considerations so far, it seems necessary to determine the characteristics of competences. Those include:

- competence is composed of obligations and rights, whereas the task- only of the first of them;
- competences provide for the basis for entering into legal relations;
- competences are one of the components of performing the tasks, therefore they perform the menial function in relation to tasks.

In the context of the considerations up to the following paragraph, it shall be noted in accordance with J. Szreniawski that "the tasks and competences of the administrative authority are predominantly determined by the law, obligations and rights, as well as its location in the system of organization of administration and the duty, or the possibility of undertaking specific actions (...) the authority has at its disposal only eligibilities connected with the competence defined by the law, it also can not exceed it, violate the scope of competences of another entity or operate in the area in which the competences of administration are not binding."

Significant to present the essence of "public task" is the position of the Constitutional Tribunal which entered into force in the Act of 27 September 1994. (W 10/93). Under its provisions, the whole of tasks performed by the local self-government are of a public tasks nature. It seems relevant to put emphasis on the fact that they are understood as providing for the needs of the collective community (local in the case of the own tasks and national in case of assigned tasks). Not without significance for the subject of the research is also the fact that, according to the Constitutional Tribunal, the local authorities are appointed for the implementation of both local and national objectives. Similar approach is presented by A. Agopszowicz, who notes that "the assigned tasks are not the tasks in the scope of competences of local self-government, but the tasks of government administration. The municipality, therefore, acts as a representative of the administration, undertaking legal actions on behalf of and with effect for it (...)." K. Podgórski, however, notes that the assigned tasks are within the scope of public tasks, "which, according to Art. 2, municipality performs in its own behalf and on its own responsibility", the fact that suggests that the assigned tasks shall be equated to the own tasks.

To recapitulate, it shall be noted in accordance with Z. Biernat, that "the primary criterion for the recognition of given tasks as the public tasks is the fact that the state or local self-government face the legal responsibility for their implementation. At the same time it is not necessary for the implementation of the tasks to be conducted within the organizational structures of public administration or, on even more broader sense, within the organizational structures of the state or the local self-government." In the same manner shall be perceived the tasks entrusted to the public administration in terms of both the state defense and crisis management. In the Polish legal system (permanently improved) can be seen the number of standards regulating the sphere of state security, of which maintaining on an appropriate level is one among numerous conditions for the secure existence of the state. Improvement of the system is dictated by the widespread conviction that the security was not, is not, and, beyond doubt, will never be a fixed amount, but, quite contrary, the one which must be constantly sought. The main position in this process have the public administration and the object of its concern- the society. All these problems are accompanied by the ever-growing need to acquire knowledge in the field of security and administration; in the latter case- mainly in the fundamental scope which defines its operating.

3. CONCLUSIONS

To recapitulate considerations presented so far, it shall be noted that one of the fundamental objectives of the public administration is to organize and secure the collective interests of the society and the organization of activities in the field of security. They refer not only to the abstract situation of a threat, but necessitate specific technical undertakings which require to be maintained regardless of the existence of any threat. The modern world is characterized by the fact that in addition to the increasing level of threats, increases the duty of public administrative authorities with tasks related to the fulfillment of its mission concerning the assurance of conditions for the secure functioning of the society. The basis for the fulfillment of the mission is provided by the realistic assessment of threats, possible only through the precise identification of their sources, evaluation of the risk of their occurrence, accurate determination of the effects that they may cause, and, finally, the development of procedures that would enable the effective opposition to the situations in which these risks might occur. Said assessments should be, without a doubt, of the scientific basis, developed during the implementation of a number of endeavors of a research and academic nature. Crisis and emergency, as specific processes or states which have sources and causes, might be predicted, detected, identified, analyzed and assessed, and, therefore, (on the basis of the obtained assessments and predictions) in terms of their occurrence might be undertaken specific countermeasures (actions). On that reason, crisis and the crisis situation, although to a limited extent, are a controllable phenomenon. Moreover, the emphasis should be put on the fact that both crisis and the crisis situation are essentially positive phenomena, for in the long-term perspective they stand for the development, whereas withholding them provokes the stagnation. However, the assessment of these phenomena largely depends on the point of the observation and the effects that it has on a certain entity. If said entity survives the crisis (a crisis situation), then it is possible to consider the positive effects. If it, on the other hand, ceases to exist, it would be difficult to perceive it as a positive phenomenon. It is the conclusive nature of the crisis (a crisis situation) that determines its importance. If, however, looking through the prism of vision of numerous similar entities, a crisis (a crisis situation) may be perceived as a positive phenomena, as its effect causes the entities not adapted to the new situation to be eliminated. What remains would be only the strongest and the best adapted ones, which means, without a doubt, the further development of the entire population. Therefore, the assessment of the concept of crisis (a crisis situation) must not be utterly negative or positive, as it depends on the point of the view.

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JAVNE UPRAVE, JAVNI POSLOVI – MEĐUSOBNI ODNOSI U KONTEKSTU POLJSKOG ISKUSTVA U OBLASTI BEZBEDNOSTI I UPRAVLJANJA SIGURNOŠĆU

Opasnosti koje ugrožavaju bezbednost države predstavljaju otvoren skup pitanja. Na žalost, nije u svakom trenutku moguće efikasno ih sprečiti. Zbog toga se preduzimaju mere da se smanje posledice njihovog nastanka, od kojih je jedana i analiza, procena, praćenje i monitoring. Glavni zadaci za aktivno funkcionisanje države u vezi stvaranja bezbednosti su obezbeđivanje bezbednosti svih nivoa društva, sprovođenjem od strane državne uprave. Izvršavanje zadataka u ovoj oblasti odražava, bez sumnje, potčinjenu ulogu pomenute administracije u vezi sprovođenjem njihove delatnosti. Tokom godina, pogledi na prirodu, funkcije i svrhu javne uprave su se promenile. Ono što odražava ove promene je mišljenje stručnjaka u oblasti administracije i bezbednosti, koji u svojim istraživanjima pokušavaju da utvrde nadležnosti javne uprave i javnih zadataka u kontekstu bezbednosti države.

Ključne reči: *Javna uprava, organi javne uprave, javni zadaci, sigurnost, pretnja, odbrana, upravljanje krizama.*