

## TYOLOGY OF ADMINISTRATION IN NATIONAL SECURITY

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**Summary:** *This article presents the types of public administration and their connection with the security issues. The author, taking into consideration the subjective and objective approach, presents the existing opinions on administration types, and makes an attempt to systematise administration in national security, looking into military, national defence and national security administration.*

**Key words:** *national security system, public administration, military administration, national defence administration*

### **Introduction**

A contemporary state apparatus is a great bureaucratic machine which includes a few types of state bodies: legislative bodies, judiciary bodies, controlling bodies and administrative bodies. According to H. Izdebski and M. Kulesza every state administration has two basic functions: the first one is the governing function, i.e. the implementation of the political programme which was the basis of its coming to power; and the

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second function is the performance of tasks of day-to-day administration resulting from the applicable laws. The common basis of the public authority entities activity in Poland is the binding legal system which regulates the principles of fulfilling by them the above indicated functions. All the entities of authority as well as administrative institutions acting in the whole area of public management need to fit in the legal framework

There are the following types of administration: private administration – an organisation run by an individual in his/her own interest or in the interest of the third parties, and public administration – exercised by both state bodies as well as public (self-government) associations and other administration entities in the collective, public interest. From the subjective point of view, there are the following types of administration: state, government and self-government (local government). According to J. Boć, "state administration may be distinguished from the whole public administration due to its stability, sustainability and historical range. In the objective and subjective scope, the notion of state administration includes all manifestations of state activity and all state bodies, hence it encompasses also government administration which in contemporary literature is considered equivalent with state administration"<sup>2</sup>. Despite the fact that government administration is also state administration, for the purposes of precise separation of structures and scopes of activity, and also for the better presentation of relations between government administration and self-

government administration, and finally to reflect in science real organisational facts, distinguishing separate state administration, which does not include government administration, is appropriate, logical and necessary. Such distinction is also significant due to the scope and division of tasks, competence from the area of national security of the state, government and local government bodies<sup>3</sup>.

Nowadays public administration includes: the President of the Republic of Poland, the bodies of the Supreme Audit Office, the National Broadcasting Council, Human Rights Defender, National Council of Judiciary, bodies of the national bank of Poland (including the Monetary Policy Council), central administration bodies subject to the Sejm [lower chamber of the Polish Parliament], ambassadors and consuls of the Republic of Poland as state administration bodies abroad. All state administration bodies are appointed to act in and safeguard the highest level of public interest, i.e. the state interest<sup>4</sup>.

Government administration is the combination of central and local bodies, offices and institutions serving the fulfilment of collective and individual human needs,

resulting from their social coexistence. The structure and organisation of government administration is complicated. At the central level there is central government administration. At the level of particular units of territorial division there is government territorial [local] administration. The structure of central government administration consists of a few segments: the government centre, i.e. the government and The Chancellery of the Prime Minister, ministries, central offices, state organisational units. The structure of local government administration consists of: general government administration, i.e. the provincial governor (*wojewoda*), consolidated administration, non-consolidated administration<sup>5</sup>. Government administration is characterised by organisational qualities not known to self-government or professional administration. The most important one of them is centralisation, which ensures the following values of government administration activity: speed, discipline in the scope of fulfilment of particular tasks, uniformity of decisions, government administration competence in the most important state and social affairs,

effectiveness of decisions taken inside the centralised system<sup>6</sup>.

Self-government administration - local government in accordance with the Polish Constitution is constituted by all inhabitants of the units of the main territorial division who by virtue of law constitute the self-government community. Local government participates in exercising public authority. The significant part of public tasks entrusted to the self-government in accordance with the relevant laws is performed in its own name and on its own responsibility.

Territorial government fulfils public tasks not reserved by the Constitution or relevant laws for the bodies of other public authorities<sup>7</sup>. The essence of local government lies in the following elements: self-government subject and object and the way it fulfils its state administration tasks. The subject of local government activity is the community living in a particular area, organised into a local self-government union. The object of local government is public administration. The state imposes on local government the obligation to perform administration tasks. Performing public administration tasks by local government takes place on the basis of

decentralisation which assumes independent performance of tasks by self-government communities<sup>8</sup>. Local government administration differs from state administration, including government administration, only in that it is exercised by, protected by the court autonomous and independent (decentralised), bodies of local government units and that tasks it is entrusted with by a law are public tasks serving the fulfilment of the needs of people living on the territory of a particular self-government unit, called in the constitution and relevant laws self-government community. Self-government administration may be burdened with other public tasks in the form of commissioned tasks.<sup>9</sup> From the point of view of the functions of public administration which it fulfils in the public interest, there are the following types of administration: classical policing and restricting function (government administration), service providing administration, administration exercising the proprietary and management rights<sup>10</sup>.

#### **ADMINISTRATION FUNCTIONS IN THE STATE**

In connection with the discussed issue, the attention will be drawn to the policing and restricting administration, which when referred to means its classical functions, i.e. the policing functions. Administration interferes with citizens' legal sphere by limiting their freedom, property rights and imposing obligations, with the use of authoritative means and therefore it is called authoritative administration<sup>11</sup>. Authoritative (policing and restricting) administration, also defined as classical, includes restricting and distribution tasks performed by way of authoritative forms of administration activity, mainly administrative acts (permits, licenses, concessions), secured with the possibility of using state coercive means. Historically, the basic function of administration was initially the function defined as "administrative policing", which meant legal and actual activity undertaken by administration in order to eliminate threats against peace, security and public order. Today, administrative policing is associated with the maintenance and protection of order and security, removing threats to public order, life, health, etc. by public administration bodies, as a

rule in exceptional circumstances, often by way of special forms of activity, including coercive means. It is done by the bodies appointed for these purposes, uniformed and armed formations (the Police, Border Guards, Municipal Police, etc.) organised in a military fashion<sup>12</sup>.

Authoritative administration undertakes activities consisting in staving off threats and eliminating dangers. Unexpected threats on a general scale: epidemics, natural or ecological disasters, restore its original, natural primacy and unquestionable authority<sup>13</sup>.

As it has been earlier emphasised, these issues are connected with the classical policing function of the state, connected with the protection of the public order and collective security. From the very beginning, the policing and restricting function was connected with the public burdens (concerning people and property), incurred by members of the community in order to maintain institutions and equipment serving the protection of public order and collective security in different areas of life. These different types of public obligations (burdens) were of personal character, e.g. military service, and material character, e.g. services for the purpose of

defence, or of fiscal character (taxes, defence expenses)<sup>14</sup>.

The above arguments suggest that the classical policing function of the state is connected with achieving the state goals, understood as: maintaining independence and territorial integrity, enforcing unity and internal order, ensuring citizens well-being and [connected] with the (nation's goals, i.e.) maintaining national culture, continuing historical tradition, propagating the ethos, knowledge of language, preserving ethnic identity. The common and agreed area in between citizens' private interests and the *raison d'état* is called public interest (common good)<sup>15</sup>.

In a democratic state, public interest is the effect of free clashing of different arguments which may be publically manifested and concern the organisation of public life. The exact content of public interest is constituted by all citizens who participate in the debate about the interests and values important for the survival of the community. The *raison d'état*, in turn, constitutes the basic state interests (of the state as a whole and not only the ruling group); nowadays it includes the conditions that enable the state safe existence, maintenance of

territorial integrity and independence of its authority, free shaping of its form, favourable cooperation and peaceful competition with other states as well as civilizational development. Another issue which needs to be pointed out is the problem of the obligation to "act for the common good" (public interest), resulting from the authorities' rights in the state. The right is a possibility – but not a necessity – of a quite free method of undertaking (also the obligation of) activity. The assumptions of the state system rights impose the obligation to act in the direction called "public good". Any state system function and the articulation of its rights should express the obligation to act for common good. The defined range of rights is to serve public good. The range of rights is transformed into the burden of great duties lying with the entity that benefits from these rights or that enjoys them. The example is the system of obligatory military service or constant vigilance and concern for state security<sup>16</sup>.

In the context of state security, including the obligations, such as the general defence obligation, what becomes significant are the administrative and legal relations consisting in the fact that an

administrative entity addresses another entity, e.g. a citizen, and demands a service or imposes an obligation of service (e.g. for the purpose of defence) or grants permission – thus establishing a legal relation with this individual. The relations between the state, and public administration entities acting in its name, as well as citizens and other entities are based on administrative legal norms and therefore they are called administrative law relations<sup>17</sup>.

In order to safeguard the existence, territorial integrity as well as sovereignty and safe development of citizens, the state creates an appropriate system ensuring this security (the national security system). In a narrower meaning, it is the state defence system. The armed forces are a fundamental element of the defence system. Their basic task is to ensure the state's capability to defend and maintain readiness to oppose aggression within the scope of ally commitments. In the context of the earlier discussed issues, it is easy to notice that the armed forces do not operate in the sphere of socially useful professions, but in the sphere of professions necessary for the society which do not participate in the production and increase of consumer goods. They

are solely their consumers. Hence, the society (nation), caring about its security, decides to bear particular burdens connected with the maintenance of troops (legal regulations, financial expenses, etc., i.e. to bear appropriate burdens) as a professional national defence tool<sup>18</sup>. What becomes important here are relevant regulations in the area of defence which in the course of disputes, discussions, debates of the representatives of the nation are reflected in the binding law. Administration traditionally participates in the shaping and enforcing of policy, and it issues orders, bans and permits. With the progressing civilizational development it assumes, however, increasingly greater responsibility for the growing scope of public services (service providing administration)<sup>19</sup>.

Service providing administration is understood as administration of social services, ensuring living conditions with the use of public institutions and supporting administration. Service providing administration is nowadays believed to be an equal, and sometimes even dominating function connected with fulfilling general needs. With the development of civilisation,

administration functions change. What has started to play a special role is the function of fulfilling basic livelihood needs, especially in cities, and of organising services in the field of municipal infrastructure, education, culture and in the social sphere<sup>20</sup>. Service providing administration has two faces:

- a concern for every individual expressed by providing citizens with appropriate living conditions and their improvement, i.e. providing social services; such as services in the scope of education, health care, social welfare and basic care for the disabled;

- services for the whole community – the so called technical services, such as: the public transport, waterworks and sewage system, light and energy, waste management and other.

The role of public administration in this respect may be different and may consist, among other things, in the responsibility of the public authority for the standard of services provided by a private sector as well as in the direct organisation of service provision. It can even include rendering services via institutions belonging to the public sector (public utility enterprises and administrative

companies). Due to a great number of service consumers it may be done by the self-government at different levels<sup>21</sup>.

As for infrastructure administration (administration performing proprietary functions – public property management), what may be noticed nowadays is the state management of huge infrastructure (roads, waterways, railway, national forests). Gradual privatisation and division into state property and public property did not fundamentally change the basic range of this management<sup>22</sup>. In all political conditions, administration exercises the proprietary rights (in the name of the state, district (*gmina*) or another local government unit) with reference to both public items, used to perform basic public functions, as well as to economic property (shares and securities, production plants or service centres, agricultural and forestry estates, etc.). Public property is used to perform tasks from the scope of broadly understood service providing administration, defined in relevant laws as day-to-day tasks, and to incessantly fulfil the collective needs by way of rendering commonly available services<sup>23</sup>.

In order to perform tasks connected with the usage of

entrusted property, and also its maintenance in good state, there are created separate organisational units, sometimes with separate legal identity, which are entrusted with management of particular elements of property (public utility enterprises, administrative companies). This property may, however, also be treated as a special type of economic property. Due to the size of the administrative property of some branches of government administration, there is a tendency to make more flexible the structures performing the most capital-intensive and responsible proprietary functions in this scope, namely investor functions (purchasing real property, modernisation and construction of buildings and structures). There are many property elements which may be used both for strictly administrative purposes as well as to conduct business activity, not to mention the fact that some types of activity may be considered either as performing public functions or as conducting business activity, e.g. privatisation of the state economic property was entrusted in principle to one of the ministers, however, competences in many matters were obtained also by some other government



administration bodies (e.g. within the Ministry of National Defence it was a procurement department dealing with arms purchasing) or specially for that purpose created particular state departments (e.g. Military Property Agency)<sup>24</sup>.

### **TYPES OF ADMINISTRATION IN NATIONAL SECURITY**

The so far presented classifications of administration were constructed from the subjective point of view, where there were distinguished state, government and local government administration. Classification of public administration from the point of view of its functions allowed to distinguish authoritative administration (policing and restricting), service providing (reconnaissance) administration, and administration exercising proprietary and management rights.

In relevant literature, there may be encountered the classification of public administration based on the regulations of substantive law (objective approach), which leads to the distinction of e.g.: customs, financial, economic, educational (school), environmental protection, agricultural, measures, assay,

mining, forest, military, order and public security administration, foreign affairs administration<sup>25</sup> and many other areas systematised in accordance with the branches of government administration. S. Kasznica mentioned the following as the basic areas (branches, departments) of public administration: foreign affairs, military affairs, justice, treasury, as well as internal affairs administration which includes other areas of administration and constitutes the content of administration in its most accurate meaning. The aim of administration in this interpretation is ensuring the state as such integrity and security, the care for the maintenance and development of the state population's spiritual and material culture<sup>26</sup>.

Basing on the objective approach (matter-of-fact division of tasks), the issues connected with security, national defence and armed forces are in literature referred to as: "military administration", "state defence administration", "national defence administration", "country defence administration", "public order and security administration", and lately "security administration"<sup>27</sup>. Such division concerning state defence administration or public order and

security administration resulted from the classification based on the regulations of substantive administrative law, which regulates relations between different entities and bodies of public administration, defines the structure of public administration, the rights and duties of the entities of administrative law relation<sup>28</sup>.

According to J.S. Langrod, state defence administration includes: the armed forces, command of the armed forces, organisation of the armed forces authorities and state defence administration, rights and duties of military service, benefits and restrictions for the population in the state interest and state services provided to citizens in the scope of state defence. The author divides so understood state defence administration into military administration: "being the responsibility of the Military Affairs Ministry and its subordinate district and territorial military authorities, independent from the general administration authorities" and military affairs administration: "being a broader term that exceeds the framework of military administration. This administration is the responsibility of some departments of the Military Affairs Ministry, and in particular ministries there are

separate organisational units in the form of offices created for that purpose. Locally, a particular role belongs to the provincial governor (*wojewoda*), as the government representative"<sup>29</sup>.

The above division suggests that national defence administration consists of two elements. One is administration in the armed forces, which today would be called the military subsystem and concerns military administration, including organisation and implementation of processes oriented at comprehensive fulfilment of the armed forces needs in the scope of means necessary to live and fight<sup>30</sup>. The second element includes military affairs administration in the non-military subsystem of the state defence system (non-military defence preparations). Such division is confirmed by W. Sikorski's concept who in 1934 used the notion of modern country defence which assumed the division of the whole organisation of national defence into two equal parts: civilian and military organisation of national defence<sup>31</sup>. The passage of time, numerous war and peace experiences, confirmed the accuracy of such approach to the national defence structure. Both aspects, the civilian and military

one, are strictly connected by relations of cooperation and coordination at the central and local level and prepared to mutually support each other's activities in times of peace, external threat to state security (crisis) and war.

M. Wierzbowski presents a similar approach to this problem by treating state defence as "the basic task of any state, performed by all state bodies, public institutions, social organisations and all citizens". The majority of tasks belong to the executive authority bodies – the President of the Republic of Poland, the Council of Ministers, the Minister of Defence and other public administration bodies. These bodies perform the tasks – which are diverse and fulfilled in different forms – with the assistance of advisory bodies, specialised organisational units and designated services, connected in different ways, from the material, organisational, functional point of view, in accordance with the adopted war doctrine. Nowadays, defence is divided into military (i.e. the one using the armed forces) and civilian<sup>32</sup>.

The authors of *Prawo administracyjne*, in turn, use the notion of "national defence administration" and define it as

"organisation of direct and practical fulfilment of state tasks in the military scope" <sup>33</sup>. According to the author of this article (R. Sz.), it would be appropriate to say: in the national defence branch, as Articles 5 and 19 of the Act of 4 September 1997 on government administration branches<sup>34</sup> stipulate, that national defence branch in times of peace encompasses the issues of: the state defence and the Armed Forces of the Republic of Poland, participation of the Polish Republic in military enterprises of international organisations and the issues in the scope of fulfilment of military commitments resulting from international agreements – unless, pursuant to separate regulations, particular issues belong to the scope of tasks and competence of the President of the Republic of Poland or other state bodies. The above regulations correspond also with the understanding of the defence law which according to M. Krauze should be interpreted as "the collection of normative and legal provisions and regulations at different levels (international, national, local), aiming to ensure citizens of the Republic of Poland broadly understood security, and especially the protection of

independence, territorial integrity and inviolability of borders”<sup>35</sup>.

Hence, already at this stage we may for didactic purposes make a distinction between defence administration – connected with public administration (the non-military subsystem of the state defence system) and military administration (government administration - connected with the military subsystem of the state defence system – the armed forces).



Figure. 1. Division of national defence administration.

Both types of administration will be jointly included in the national defence administration. The adopted distinction is the division by tasks in the defence sphere, some tasks will be fulfilled by "civilian administration" and

others by military administration. The adopted division may be controversial and give rise to many difficulties, which results from the fact that the notion of "defence" is understood as: opposition to any threats and comprehensive ensuring of defence, by all state institutions including the state protection cells and crisis management which may refer also to military affairs and not only to natural disasters or technical failures<sup>36</sup>.

This thesis finds confirmation also in the dictionary of national defence terms "Słownik terminów z zakresu bezpieczeństwa narodowego" where the defence of the state is defined as "the area of state security concerning the opposition to external political and military threats with the use of all manpower and equipment (military and non-military) at the disposal of the state" – i.e. not only the armed forces<sup>37</sup>. In turn, W. Kitler in his book entitled "Obrona narodowa w wybranych państwach demokratycznych" ["National Defence in the Chosen Democratic States"] offers an additional explanation concerning defence. The author states that "in a state, due to particular social needs, there are created, developed and spurred into action, when need arises,

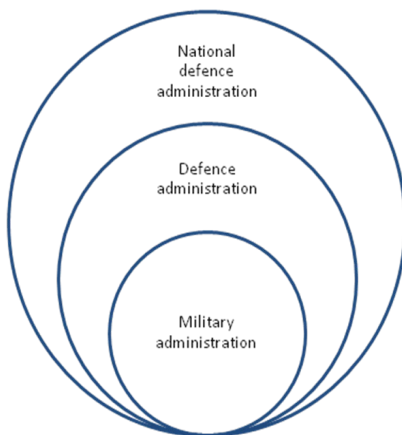
particular systems which may be defined as specific state defence systems. In this way, we may differentiate, *inter alia*, the systems of: the defence of the state whose task is to oppose all external challenges and threats (crises) of political and military character<sup>38</sup>. Then, in the system of state defence, W. Kitler differentiates the subsystem of defence management, military subsystem (armed forces), and non-military subsystem. Distancing two different subsystems, the military and non-military one, in the system of state defence leads, according to this author, to an erroneous conclusion that they fulfil two completely different functions, while both of them or their parts fulfil many functions of similar character. It concerns especially such issues as: ensuring security and inviolability of borders, state independence protection, crisis response, intelligence, and counterintelligence, protection of classified information, public order and other<sup>39</sup>.

On the basis of the above deliberations concerning the area of the defence of the state it may be stated that this notion encompasses a broad subjective and objective range. From the subjective point of view, there is

the defence system whose essential element – but not the only one – are the armed forces. The objective scope includes: state defence issues, armed forces issues, participation of the Republic of Poland in military undertakings. This thesis is confirmed by the earlier quoted Articles 5 and 19 of the Act of 4 September 1997 on government administration branches<sup>40</sup>.

In accordance with the quoted statutory regulations, national defence combines the issues of state defence and armed forces. National defence is "the entirety of manpower and equipment (institutions) of the society (nation) and their activity connected with counteracting threats unfavourable for the national interest. This activity aims to appropriately prepare and use manpower and equipment at the disposal of the state to counteract all types of external and internal threats"<sup>41</sup>. Hence, the range of influence of national defence goes beyond the military domain, includes all spheres of state activity and concerns every citizen. It can, therefore, be assumed that national defence belongs to the most extensive forms of state activity and aims to properly use designated, adapted and prepared

manpower and equipment at its disposal in order to counteract any types of external threats. These threats may also penetrate the inside of the country and only then emerge to endanger the nations' existence and interest<sup>42</sup>. Hence, assuming the above explanations, the division of national defence administration takes the form presented in the following diagram, figure 2.



*Figure. 2. National defence administration*

In accordance with the law on government administration branches, the national defence branch in times of peace deals with the issues connected with the state defence and armed forces. Therefore, it seems justified to ask what is included within the scope

of the national defence and armed forces issues defined by this law, and what the tasks of administration in this respect are.

Military administration functions on the basis of military law understood as "the collection of legal norms concerning the military, contained in the laws, decrees and regulations issued on their basis as well as orders, directives and other normative acts of generally binding character in the military issued by the national defence minister and the bodies authorised by him"<sup>43</sup>. Military law norms formulate the principles and forms of the organisation of the armed forces, their management, the course of military service, supplies for the troops and ensuring accurate functioning of the military management bodies. Thanks to clearly defined norms of military law, every commander and subordinate has clearly defined duties and rights, the scope of activities which should be undertaken in the interest of the military and resources used to ensure the performance of tasks. At the same time, the role of the military law is to regulate relations between commanders (managers) and subordinates, as the specific character of relations between soldiers is characterised by

particular legal restrictions. Thanks to military law norms, expressed in legal documents, the existing military order is consolidated. Military law is the means of protection against any violation of the armed forces combat readiness, it ensures discipline and military order. Military law norms constitute the basis of disciplinary and criminal sanctions used with reference to soldiers by units' commanders and the military judiciary and law enforcement bodies<sup>44</sup>.

In literature, there may be found the notion of "military administrative law", understood as "the area of law which regulates the activity of the state bodies undertaken in order to perform legally designated tasks concerning the armed forces and the activity of state bodies appointed solely to perform tasks in the scope of defence – fulfilled by way of specific forms of activity<sup>45</sup>". The above definition says that military administrative law is the collection of norms of administrative law regulating not only the organisation of the armed forces and the activity of the armed forces, but also of other state organisational units appointed solely to perform tasks of state defence, and defined in the

provisions of military administrative law, mainly by the General Defence Obligation Act and regulations issued on its basis<sup>46</sup>.

As for defence administration of the non-military part of the state defence system, its activity will be connected with the organisation of defence tasks performed in the process of the state defence preparations<sup>47</sup>. The bodies of the authority, state administration, government administration and local government as well as entrepreneurs are responsible indirectly or directly for the issues connected with state defence preparations in all its areas indicated in the relevant legal acts<sup>48</sup>.

Dealing with the "state defence issues" referred to in the above mentioned Act on government administration branches requires their specification in the form of tasks in the field of defence, i.e. defence tasks. Defence tasks constitute a part of tasks from the scope of national security, specified undertakings carried out by the bodies of the government authority and administration as well as other state bodies and institutions, local government bodies, entrepreneurs, non-governmental organisations and

particular citizens, and include: preparing the state to act and survive in the circumstances of an external threat to the state security, crisis and war; carrying out specific operational undertakings in these circumstances, removing the consequences after the threat has been eliminated, including restoring the condition of normal state functioning<sup>49</sup>.

In accordance with the Act on general defence obligation of the Republic of Poland, and also other laws, ordinances and planning documents, defence tasks are performed by: the executive authority bodies – the President of the Republic of Poland, the Council of Ministers and Prime Minister, ministers in charge of particular departments of government administration, local (consolidated and non-consolidated) government administration bodies, including local military administration bodies, guards, services and inspections, the Polish Armed Forces, organisational units subordinate to or supervised by ministers, heads of central offices, provincial governors (*wojewoda*) and local government bodies, entrepreneurs, social organisations and citizens<sup>50</sup>. Defence preparations belong to more

important tasks of all bodies of the government, local authority and administration, as well as other organisations and individual citizens. The Constitution of the Republic of Poland of 2 April 1997<sup>51</sup> defines basic obligations in the field of state defence of: the President of the Republic of Poland, the Council of Ministers and the Polish Armed Forces. Ministers organise the fulfilment of tasks in the scope of general defence obligation by their ministries, subordinate and supervised organisational units and entrepreneurs for whom they are the founding body<sup>52</sup>. Their tasks in the field of defence result from, among other things, the scope of responsibility for particular sections of government administration. Hence, the responsibility of particular ministers is much diversified. The greatest role in this respect is played by the National Defence Minister, although other ministers also have a significant influence on the fulfilment of defence tasks.

To sum up, it may be claimed after M. Wierzbowski that specific defence method, its scope, means and necessary activities in times of peace are defined by normative acts issued by chief and central state administration bodies of



general and special competence, as well as lower level bodies, including the ones performing the tasks of commanders of the armed forces types. They regulate, for example, the activities connected with personnel reserves, military service, alternative service, service in the civil defence, general self-defence, defence services, etc. In the military the great role is played also by different types of rules of service, of behaviour in particular circumstances, of using facilities, equipment, etc. Particular laws, normative acts as well as rules are as a rule implemented by administrative acts in the form of administrative decisions or official orders, the last ones – when being addressed to soldiers – called orders<sup>53</sup>.

The above administrative division of national defence was based on the functioning state defence system. With reference to the notion of national security, a broader notion is used, namely the national security system. The national security system is formed by all bodies and institutions, in the light of the Constitution of the Republic of Poland and relevant laws, responsible for security and belonging to: the legislative, executive and judiciary branch, including the Parliament, President

of the Republic of Poland, Prime Minister, Council of Ministers, central government administration bodies and other state central offices and institutions. Its significant elements are the armed forces as well as services and government institutions obliged to prevent and counteract external threats, ensure public security, carry out rescue actions as well as to protect people and property in emergency situations, and also local authorities and other legal entities, including entrepreneurs creating the industrial defence potential and fulfilling tasks in the scope of state defence. The national security system presented in the National Defence Strategy of 2007<sup>54</sup> (and repeated in the Strategy of Development of the National Security System of the Republic of Poland 2022) constitutes a big generalisation and, as many authors notice, it does not exist in this form in reality, although there are other specific systems (including the state defence system) that function and perform tasks from the area of national security<sup>55</sup>.

The national security system consists of the national security management subsystem and the executive subsystems. The management subsystem is

constituted by the public authority bodies and managers of organisational units that perform tasks connected with national security as well as by the command bodies of the Armed Forces of the Republic of Poland. While, the executive subsystems are formed by manpower and equipment in the competence of ministries at the head of government administration branches, government administration central units, provincial governors (*województwa*), local government bodies and other state institutions and entities responsible for the fulfilment of tasks defined by law in the scope of national security. An important role in ensuring national security is played by the state security support systems, which do not fall into the traditional classification, such as critical infrastructure protection and the system of strategic reserve, and also a range of supplementary, specific operational systems (e.g. the system of state border protection, flood system, personal data and classified information protection system). The structure of the national security system presented in "The Strategy of Development of the National Security System of the Republic of Poland 2022", is based to a

significant extent on public administration, from the national security management subsystem to specific operational systems.

M. Lutostański in „Prawo a bezpieczeństwo narodu i państwa”, suggests distinguishing security administration and adopting the following definition: "security administration is the organisation consisting of different bodies and organisational units concentrated around them involved in the activity – on the basis of law and within its limits – oriented at ensuring internal and external security on day-to-day basis as well as in closer and further time perspective"<sup>56</sup>. The above definition refers to security administration as a certain structure and to security administration as activity on the basis of law. Therefore, the author rightly indicates that in the first area of security administration structure, competences are dispersed and what dominates is collective responsibility, which leads to decreased transparency in the scope of responsibility for the fulfilment of tasks in the scope of national security<sup>57</sup>. With reference to existing legal regulations on the basis of which security administration should base its activity, it is characterised by

excessive instability and ambiguity, as well as inconsistency also with the Constitution<sup>58</sup>. The author lists three main components of the nation and state security. The first includes the issues resulting from the security policy and concerns the security of the state constitutional system, citizens' security and public order. The second component refers to the issues connected with natural disasters and technical failures influencing the citizens' living conditions and the functioning of the state. The third component encompasses the issues resulting from the state external security policy (defence policy) and concerns security mainly of military character. All three components should be harmonised and subject to separate, clear and extensive legal regulation, typical for all, present or potential circumstances of the nation and state<sup>59</sup>.

To sum up, the classification of components encompassing national security adopted by M. Lutostański may correspond with the division of security administration into its particular types. And so, we may distinguish the first component understood as public order and security administration, the second one -

crisis management administration, and the third one - national defence administration. However, the analysis of only tasks prescribed in the National Defence Strategy of 2007, shows that the above division seems to be too narrow and does not reflect the essence of national security, since in the above mentioned strategy the tasks in the scope of national security were in principle assigned to all branches (sectors) of government administration, not only government administration branches but also to local administration and entrepreneurs.

Attempts to systematize the law in nationals' security are undertaken by, among others, W. Kiteł. Assuming the thesis that "the law of national security may be objectively perceived, as a part of a broader legal system, however, not as a uniform branch of law – the system of a particular branch of law, but as the collection (system) of the sources of law, and consequently the legal norms which are applicable to the achievement of national security goals"<sup>60</sup>. He presents the typology of national security law, where in the area of national security law he distinguishes: *the law directly regulating the field of national security (inter alia, political*

security law, military security law, public security and order law, economic security law, general security law, ecological security law, cultural security law, information security law, international security law) and *the law supporting the field of national security* (administrative law, banking law, customs law, aviation law, energy law, environmental protection law, criminal law, international public law and other)<sup>61</sup>. The regulation concerning ensuring security includes legal provisions defining the rules of conduct in the scope of security goals which are established by the bodies competent in the issues of this scope and instruments of their activity, as well as imposing particular obligations of behaviour, which in consequence constitute an administrative and legal system of ensuring the right level of security. It is supplemented by the provisions of regulations established by local bodies in the scope not regulated in the generally applicable regulations<sup>62</sup>. Referring to the quoted regulations concerning security administration, defence administration or military administration, the following conclusions may be formulated. Attempts undertaken to classify administration in the area of

national security cause many difficulties resulting, on the one hand, from the fact that the development (building) of the national security system of the Republic of Poland is in progress, and on the other hand, from the lack of legal regulations or the "fragmentation" of law in this respect. Another, and maybe fundamental issue, as W. Kawka notices - referring to legal regulations connected with public security - is the content of the said categories. So far these categories have not been positively defined by law, and in the doctrine this problem is discussed by referring them to particular areas of law. Semantic framework of both the notion of "public security" as well as the category of "public order (and peace)" seems to be particularly flexible. The same seems to be true about national security. In literature in the field of administrative law, as well as criminal law, it is emphasised that we deal with indeterminate notions, which due to that reason are difficult to define. To explain these categories the doctrine refers in a large extent to their intuitive comprehension in colloquial speech. The notions of security, peace and public order are generally understood as some

positive conditions of the social organisation whose maintenance guarantees the avoidance of particular harm by the whole organisation as well as its individual members<sup>63</sup>.

## CONCLUSIONS

Creating the typology of administration in national security, what needs to be taken into consideration are these criteria that allow to differentiate the type of administration depending on the functioning of its organisational structures in the state as well as tasks and competence in the scope of executive power justified by the applicable legal regulations. Taking the above into consideration, when looking into the national security system, the subjective approach should be taken into account (J. Boć), which distinguishes: state administration (President, etc.), government administration (Council of Ministers, Prime Minister, ministers, provincial governor (*wojewoda*)) and local government. The above division results from the need of precise division of structures and ranges of activity, and also ensures better exposure of the relation between government and local

administration, and finally it is done out of obligation to reflect in science real organisational facts, distinguishing state administration, which does not include government administration, is appropriate, logical and necessary. Such division is significant also due to the scope and separation of tasks, competence from the area of national security performed by state, government, and local government bodies.

Objective approach allows to distinguish numerous administration branches, such as construction, education, health care, social affairs, foreign affairs, military affairs, justice, tax and internal affairs administration. Objective approach allows to divide and precise tasks to be fulfilled by particular departments. Such approach is reflected in the provisions of the National Security Strategy of 2007. The aim of so understood administration is to ensure the state as such integrity and security, and the care for the maintenance and development of spiritual and material culture of the state population.

The classification of public administration from the point of view of its functions allowed to distinguish policing and restricting administration (authoritative

administration), service providing administration, as well as administration exercising proprietary and management rights. Any of the listed functions will be of significant importance for national security, while it needs to be stressed that the role of particular functions (of administration) will change depending on the readiness of the national security system (basic readiness, crisis readiness, full readiness)<sup>64</sup>. With the growing readiness of the security system, the importance of the policing and restricting function will increase which consists in the increased number of orders of "activity for the common good" (public interest), resulting from the authority's rights in the state (e.g. connected with obtaining public administration bodies permits to change the place of residence or an order to temporarily abandon conducting of business activity of a particular type, limiting access to consumer goods). Also public burdens (personnel and property) borne by members of the community will increase for the benefit of public order and collective security in different areas of life, including the possibility of using state coercive means (e.g. personal, material and

specific services). At the same time, the rights and liberties may be restricted in the scope of freedom to conduct business activity (e.g. by total or partial restrictions on supplies for the population), of educational activity (e.g. temporary suspension of school lessons), to organise and conduct any gatherings, forming associations (by a temporary order to abandon the activity of registered associations, political parties, trade unions, social and professional organisations).

Similarly, in the case of service providing administration and infrastructure administration, ensuring security will be connected with the care for every citizen by providing citizens with appropriate living conditions (e.g. ensuring educational services, health care, social welfare) as well as ensuring supplies for the whole community (e.g. waterworks and sewage system, light and energy).

The presented deliberations concerning national defence administration and military administration indicate that there is a significant divergence in the understanding of national defence, the defence of the state and armed forces, which consequently leads to different understanding of military administration, defence

administration, state defence administration. The armed forces (troops) are often identified with national defence and country's defences<sup>65</sup>. It is also proved by provisions of the quoted sources, although there is also a division concerning the activity referring to the armed forces and to defence preparations conducted in the non-military subsystem. Adopting the division into military administration and national defence administration it needs to be emphasised that in both cases there function organisational structures which have competence and perform tasks in this respect.

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<sup>2</sup> *Administracja publiczna*, ed. J. Boć. Wrocław 2003, p. 45.

<sup>3</sup> Another division of administration in security is offered by M. Lutostański who lists state, public and self-government

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administration. Cf.: M. Lutostański, *Prawo a bezpieczeństwo narodu i państwa*. Łódź-Warszawa 2011, p. 30. S. Langrod points out the lack of appropriate precision in using adjectives on the same conceptual plane, e.g. the notion of "state administration" is often used wrongly instead of "government administration", and the notion of "public administration" is used either to refer to "state administration" or to emphasise the reference to "self-government administration". J.S. Langrod, *Instytucje prawa administracyjnego. Zarys części ogólnej*, v. I. Kraków 1948, p. 169.

<sup>4</sup> *Administracja publiczna*, ed. J. Boć, op. cit., pp. 45-63.

<sup>5</sup> E. Zieliński, *Administracja rządowa w Polsce*. Warszawa 2001, p.14.

<sup>6</sup> *Administracja publiczna*, ed. J. Boć, op. cit., p. 52.

<sup>7</sup> *Constitution of the Republic of Poland of 2 April 1997*, Articles 16 and 163.

<sup>8</sup> *Prawo administracyjne. Część ogólna*, ed. Z. Niewiadomski. Warszawa 2000, pp. 144-145.

<sup>9</sup> *Administracja publiczna*, ed. J. Boć, op. cit., p. 59.

<sup>10</sup> According to the authors of *Prawo administracyjne* (ed. Z. Niewiadomski, op. cit., p. 22), administration, depending on the dominating character of regulations, may be divided into different types and spheres: internal and external, authoritative and non-authoritative. The broadest adopted division is the one into: interfering administration, service providing administration and administration dealing with infrastructure. In turn, H. Izdebski and M. Kulesza (*Administracja publiczna...*, op. cit., p. 104) list the following types: classical policing and restricting (police) administration, service providing

administration (public services), administration exercising proprietary rights (managing public property).

<sup>11</sup> E. Ochendowski, *Prawo administracyjne. Część ogólna*. Toruń 2004, p. 27.

<sup>12</sup> Z. Duniewska, B. Jaworska-Dębska, R. Michalska-Badziak, E. Olejniczak-Szatowska, M. Stahl, *Prawo administracyjne. Pojęcia, instytucje, zasady w teorii i orzecznictwie*. Warszawa 2000, p. 17. Sometimes public services which dispose of armed forces are distinguished as a separate category. Then, next to administrative bodies there are distinguished the coercive bodies or apparatus. The state enforcing character is expressed in different ways. Such a manifestation may be the existence of the apparatus which systematically and openly uses coercion inside the state (e.g. the police, prosecutor's office, courts) or in external relations (e.g. the armed forces). W. Lamentowicz, *Państwo współczesne*. Warszawa 1996, p. 2.

<sup>13</sup> Z. Niewiadomski, op. cit., p. 41. For contemporary complicated and multifaceted rescue activities it is extremely important to establish, at every level of administration, a body which in such a situation is entrusted with the managing and coordinating role (e.g. provincial governor (*wojewoda*)).

<sup>14</sup> H. Izdebski, M. Kulesza, op. cit., pp. 106–107.

<sup>15</sup> Public interest is often associated with the notion of common good. Common good should be understood as the sum of social life conditions which allow particular members of the society to achieve, more fully and easier, their own perfection. Common good refers to the life of all. It is based on three significant elements: firstly, the respect for an

individual as such, secondly, common good demands of social well-being and community development, thirdly, common good constituting peace, i.e. sustainability and security of just order. Cf. W. Lamentowicz, op. cit., pp. 41–43. From the economic point of view, what is significant is the notion of sheer public good. It is good that does not require to be competed for and no one can be excluded from it, "if someone benefits from public good, everybody benefits from it". A good example here can be national defence. Defence does not need to be competed for, which means that all inhabitants of a defended area enjoy its benefits. Moreover, no one can be excluded from national defence; it is impossible (and surely impractical) to designate and exclude from the national defence system a town or region. W.F. Samuelson, S.G. Marks, *Ekonomia menedżerska*. Warszawa 1998, p. 623.

<sup>16</sup> Cf. *Podstawy wiedzy o państwie*, ed. A. Rzegocki. Kraków 2000.

<sup>17</sup> Cf. E. Ura, E. Ura, *Prawo administracyjne*. Warszawa 2000, pp. 39–44.

<sup>18</sup> Jean de Bueil in the military treatise of 1466 „Le Jouvencel” claimed that "all empires and authorities have their beginning in a war". In the Middle Ages (and not only) building a state apparatus and its maintenance required soldiers. Already in the year 1300 it meant employing mercenary forces contracted usually for a short period. Practice of paying all soldiers requires huge financial resources which could be obtained only by the central authority (king, duke, "state") by levying taxes on the people, which thus divided the responsibility for conducting wars between the fighting and the paying. Consequently, the ruler, as the

payer, became a peculiar employer who dictated the conditions of "employment" of mercenary soldiers by way of so called commissariat (England), *littre de retenue* (France), *condotta* (Italy). In order for the ruler to know for what and to whom he paid (the number and efficiency of troops) it was necessary to count the number of troops and provide them with necessary materials, which, in turn caused the creation of complex organisational and administration. *Historia sztuki wojennej. Od czasów starożytności do czasów współczesnych*, ed. G. Parker. Warszawa 2008, pp. 115-116.

<sup>19</sup> H. Izdebski, M. Kulesza, op. cit., p. 110.

<sup>20</sup> Z. Duniewska, B. Jaworska-Dębska, R. Michalska-Badziak i inni op. cit., s. 17.

<sup>21</sup> H. Izdebski, M. Kulesza, op. cit., s. 110–112.

<sup>22</sup> Z. Niewiadomski, op. cit., s. 42–43.

<sup>23</sup> H. Izdebski, M. Kulesza, op. cit., s. 113.

<sup>24</sup> *Ibidem*, pp. 99–115.

<sup>25</sup> For example, foreign affairs administration includes the issues constituting the object of international relations, i.e. the ones in which there exist foreign entities; they may be foreign state bodies, their citizens, bodies and members of international organisations, and also Polish citizens abroad. These administrative tasks are performed by different bodies and institutions and the whole is overseen by the President of the Republic of Poland and the minister of foreign affairs. *Prawo administracyjne*, ed. M. Wierzbowski. Warszawa 2002, p. 626. For example, customs administration – a semantically broader synonym of the notion of the Customs Service – used interchangeably. It consists of uniformed formations, i.e. the Customs Service and

the Civil Service employees. It is a part of non-consolidated administration. K. Raczkowski, *Zarządzanie wiedzą w administracji celnej w systemie bezpieczeństwa ekonomiczno-społecznego*. Warszawa 2010, p. 11.

<sup>26</sup> Quoted after: Z. Duniewska, B. Jaworska-Dębska, R. Michalska-Badziak *et alli* op. cit., p. 16.

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<sup>28</sup> The substantive law includes in its scope the legal norms contained in the commonly applicable – concerning all types of public administration branches – administrative law regulations which define the rights and obligations of the addressees of these norms. Z. Duniewska, B. Jaworska-Dębska, R. Michalska-Badziak *et alli* op. cit., p. 31. Attempts to systematise the law in national security are undertaken by, among others, W. Kitler in *Bezpieczeństwo narodowe. Podstawowe kategorie. Uwarunkowania. System*. Warszawa 2012.

<sup>29</sup> J.S. Langrod, *Administracja obrony państwa w zarysie*, op. cit., p. 81.

<sup>30</sup> *Słownik terminów z zakresu bezpieczeństwa narodowego*, ed. B. Balcerowicz i J. Pawłowski. Warszawa 2002, p. 8.

<sup>31</sup> W. Sikorski, *Przyszła wojna*. Warszawa 1984, p. 89.

<sup>32</sup> *Prawo administracyjne*, ed. M. Wierzbowski, op. cit., p. 602.

<sup>33</sup> E. Ura, E. Ura, *Prawo administracyjne*. Warszawa 2000, p. 345, and also E. Ura, *Prawne zagadnienia bezpieczeństwa państwa*. Rzeszów 1988, p. 92.

<sup>34</sup> JoL of 1999 no 141, item 943.

<sup>35</sup> M. Krauze, *Rola i miejsce prawa obronnego w systemie bezpieczeństwa morskogo państwa*. Zeszyty Naukowe Akademii Marynarki Wojennej, ROK LII No 2 (185) 2011, pp. 107-122.

<sup>36</sup> Many authors expands the notion of defence with the notion of protection. C. Rutkowski is of different opinion and in the title *Sieć bezpieczeństwa. Domeny, relacje, dylematy i szanse* offers the decomposition of the area of defence, as one of the domains of national development, in accordance with the criterion of the character of own activity and distinguishes three types of own activities: protection, defence and security shaping. Protection and defence refer to the reaction and response to the changes in the environment, while security shaping reflects the field of our activity (pp. 114-115). In chapter „Bezpieczeństwo cywilne a obrona cywilna” (p. 208), he states that "defence expanded with protection and shaping – ceases to be defence", "the essence of the problem is not settling the issue "protection or defence", but how much and what kind of defence, and how much and what kind of protection is needed at the same time" (p. 22).

<sup>37</sup> *Słownik terminów z zakresu bezpieczeństwa narodowego*, ed. J. Kaczmarek, W. Łepkowski, B. Zdrodowski. Warszawa 2008.

<sup>38</sup> W. Kitler, *Obrona narodowa w wybranych państwach demokratycznych*. Warszawa 2001, p. 52.

<sup>39</sup> Ibidem, p. 62. Cf.: W. Kitler, *Obrona cywilna – szerokie podejścia do*

*problematyki cywilnej w obronnie narodowej* [in:] *Obrona cywilna (niemilitarna) w obronie narodowej III RP*, ed. W. Kitler. Warszawa 2001, p. 26. W. Kitler claims that "identifying national security only with security with reference to military threats, usually led to a one-sided construction of the state in the area of defence. [...] it is impossible to separate military and non-military threats, mainly because they occur simultaneously, complement each other and usually one leads to another and the other way round. It is impossible to separate in an artificial way times of peace, crisis and war, or the state activity for times of war and the activity for times of natural disasters and other non-conflict events" and S. Koziej, *Bezpieczeństwo ponad resortami*, „Rzeczpospolita”, <http://www.rzeczpospolita.pl>, the issue of 26 July 2005 "what is necessary is the approach treating comprehensively all dimensions of security: external, internal, civilian and military; peacetime, crisis and war. It must be one system which only works differently depending on [occurring] threats".

<sup>40</sup> JoL of 1999 no 141, item 943.

<sup>41</sup> *Słownik podstawowych terminów dotyczących bezpieczeństwa państwa*. Warszawa 1994. Quoted after: B. Balcerowicz, op. cit., pp. 80 and 81.

<sup>42</sup> M. Lutostański, *Prawo a bezpieczeństwo narodu i państwa*. Łódź-Warszawa 2011, p. 38. According to the author, so defined national defence coincides with the interpretation of this notion by literature from the scope of Administrative Law.

<sup>43</sup> *Leksykon wiedzy wojskowej*. Warszawa 1979, p. 331.

<sup>44</sup> T. Lesko, *Zarys prawa wojskowego. Cz. 1. Wstęp do nauki prawa wojskowego*.

Warszawa 1973, pp. 154-155. In scientific monographs in order to refer to regulations concerning armed combat there are interchangeably used the following terms: the military law and the law of war. After World War II the term the law of armed conflicts came into use. Nowadays to emphasise the international character of norms and their main aims, i.e. solving humanitarian problems arising from military conflicts, the term international humanitarian law of armed conflicts is used, or its working version - humanitarian law. Humanitarian law (the law of war) constitutes the norms of international law which regulate the issues connected with war (armed conflict), such as: effects of starting a war, the area of war, the place (theatre) of war activity, the means of waging a war and the ways of harming the opponent in the war on land, sea and in the air, military occupation, legal situation of prisoners of war, treatment of the ill and injured as well as civilian population, and also neutrality of a state. Cf.: M. Gąska, A. Ciupiński, *Międzynarodowe prawo konfliktów zbrojnych. Wybrane problemy*, Warszawa 2001, p. 22. F. de Mulinen is of different opinion as he states that "*since the armed forces are created, organised and trained in order to conduct military activity, it should be considered advisable to use the term, destined specially for that purpose, the "law of war"*". The term the law of war is immediately understood and shorter than the term "law of armed conflicts", and the term "humanitarian law" requires explaining and is too often confused with the term "human rights". Cf.: F. de Mulinen, *Podręcznik prawa wojennego dla sił zbrojnych*. Warszawa 1994, pp. 17-24.

<sup>45</sup> M. Łukasiewicz, *Wojskowe prawo administracyjne i wojskowe postępowanie administracyjne (próba definicji)*. „Wojskowy Przegląd Prawniczy” 1978, no 4, p. 425.

<sup>46</sup> T. Leško, M. Szadkowski, *Prawo wojskowe PRL. Vol. 1*. Warszawa 1985, p. 15. Of course, according to the authors, in reference literature there is agreement that military administrative law does not constitute a separate branch of law, but is an integral part of the administrative law.

<sup>47</sup> According to M. Kuliczkowski, "in the current legal and functional circumstances, defence preparations carried out by public administration and entrepreneurs cause a lot of problems and controversy [...] the costs borne by entrepreneurs, the necessity to organise in companies the classified information protection system and sometimes negative social attitude do not encourage them to participate in this process". *Administracja publiczna i przedsiębiorcy w obszarze pozamilitarnych przygotowań obronnych państwa*, ed. M. Kuliczkowski. Warszawa 2011, pp. 6-7.

<sup>48</sup> I mean: the Constitution of the Republic of Poland of 2 April 1997 (JoL of 1997 no 78, item 483), the Act of 21 November 1967 on general defence obligation of the Republic of Poland (JoL of 2004 no 241, item 2416, consolidated version), the Act of 4 September 1997 on government administration branches (JoL of 1997 no 141, item 943 with subsequent amendments), the Act of 23 August 2001 on organisation of state defence tasks by entrepreneurs (JoL of 2001 no 122, item 1320, with subsequent amendments), the ordinance of the Council of Ministers of 13 January 2004 on general principles of performing general defence obligation tasks (JoL of 2004 no 16, item 152), the

ordinance of the Council of Ministers of 15 June 2004 on conditions and mode of planning and financing of tasks in the scope of state defence preparations by government administration and local government bodies (JoL of 2004 no 152, item 1599).

<sup>49</sup> W. Kitler, *Samorząd terytorialny w obronie narodowej Rzeczypospolitej Polskiej*. Warszawa 2005, p. 20, and: *Zadania obronne samorządu terytorialnego. Materiał studyjny*, ed. W. Kitler. Warszawa 2006, p. 19. Cf.: Górski, *Wybrane aspekty planowania obronnego w podsystemie pozamilitarnym*, Informator 6(7)/2002, Biuro Spraw Obronnych MSWiA, Warszawa 2002, p. 4. *Kształtowanie się systemu planowania obronnego w kontekście pozamilitarnych przygotowań obronnych*, ed. J. Kownacki. Warszawa 2004.

<sup>50</sup> More on national security tasks cf. *Współdziałanie administracji wojskowej i cywilnej w zakresie bezpieczeństwa narodowego. Wybrane problemy*, ed. R. Szynowski. Warszawa 2008.

<sup>51</sup> JoL of 1997 no 78, item 483.

<sup>52</sup> Pursuant to Article 18(3) of the Act on general defence obligation.

<sup>53</sup> *Prawo administracyjne*, ed. M. Wierzbowski, op. cit., p. 618.

<sup>54</sup> Definition repeated in resolution no 67 of the Council of Ministers of 9 April 2013 on the adoption of "The Strategy of Development of the National Security System of the Republic of Poland 2022", Monitor Polski, Warszawa, 16 May 2013, item 377.

<sup>55</sup> W. Kitler, *Obrona narodowa w wybranych państwach...*, op. cit., p. 62. Cf.: W. Kitler, *Obrona cywilna – szerokie podejścia do problematyki cywilnej w obronie narodowej [in:] Obrona cywilna (niemilitarna) w obronie narodowej III*

*RP*, ed. W. Kitler. Warszawa 2001, p. 26.

W. Kitler stated that "identifying national security only with the security referring to military threats, usually leads to a one-sided construction of the state in the area of defence. [...] it is impossible to separate military and non-military threats, mainly because they occur simultaneously, complement each other and usually one leads to another and the other way round. It is impossible to separate in an artificial way times of peace, crisis and war, or the state activity for times of war and the activity for times of natural disasters and other non-conflict events" and S. Koziej, *Bezpieczeństwo ponad resortami, „Rzeczpospolita”*, <http://www.rzeczpospolita.pl>, the issue of 26 July 2005 "what is necessary is the approach treating comprehensively all dimensions of security: external, internal, civilian and military; peacetime, crisis and war. It must be one system which only works differently depending on threats".

<sup>56</sup> M. Lutostański, *Prawo a bezpieczeństwo narodu i państwa*, op. cit., p. 32.

<sup>57</sup> On the basis of the analysis of available literature it is difficult to unambiguously define tasks in the scope of national security since, for example, they refer to different domains (government administration branches), as it was stated in the National Security Strategy of 2007. More on tasks in the scope of national security cf. *Współdziałanie administracji wojskowej i cywilnej w zakresie bezpieczeństwa narodowego. Wybrane problemy*, ed. R. Szynowski. Warszawa 2008.

<sup>58</sup> Lutostański, *Prawo a bezpieczeństwo ...*, op. cit., pp. 216-217.

<sup>59</sup> *Ibidem*, p. 23.

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<sup>60</sup> W. Kitel in *Bezpieczeństwo narodowe. Podstawowe kategorie. Uwarunkowania. System*. Warszawa 2012, p. 98.

<sup>61</sup> Ibidem, pp. 95-127. Cf.: also *Aspekty prawne bezpieczeństwa narodowego*, sc. ed. W. Kitler, M. Czuryk, M. Karpiuk. Warszawa 2013.

<sup>62</sup> *Prawo administracyjne*, ed. M. Wierzbowski, op. cit., p. 601.

<sup>63</sup> W. Kawka, *Policja w ujęciu historycznym i współczesnym*, Wilno 1935, p. 46, Quoted after: *Prawo administracyjne*, ed. M. Wierzbowski, op. cit., p. 602.

<sup>64</sup> Classification adopted after J. Wojnarowski, *Gotowość systemu bezpieczeństwa narodowego*. Warszawa 2010, pp. 21-22.

<sup>65</sup> In accordance with *Słownik terminów...*, B. Balcerowicz, op. cit., p. 80, the term "national defence" is rightly associated with defence against all possible threats, not only the military ones which, as is well known, are the object of the National Defence Ministry. The Ministry whose main tasks is to prepare the armed forces to armed combat during a war would rather have to be called, e.g. "The Ministry of Military Affairs".