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# THE POLICE IN ARTICLE 1 OF THE POLICE ACT – COMMENTS IN THE FIELD OF SAFETY SCIENCES AND LINGUISTIC ARRANGEMENTS

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## Abstract

The most important tasks of each State, carried out by the apparatus of government and administration, are those aimed at ensuring public order and broadly understood safety. Over the centuries, these duties have been carried out by various formations with the use of various methods and means. Since 1990, the Police have been involved in the performance of the aforementioned tasks of the Polish State as an apolitical formation which implements the philosophy of cooperation with the society. The legal act establishing and at the same time determining its essence and specificity is the *Police Act of April 6, 1990, Journal of Laws of the Republic of Poland of May 10, 1990, No. 30, item 179*. We read in it: “Art. 1.1. The Police are formed as a uniformed and armed formation serving the society and intended for safety protection

of people and for maintaining public order and safety”<sup>1</sup>. For the Article 1 of this law and what it says about the title formation and what it decides about the formation, we devote this two-voice, in which we plan to include comments in the field of safety sciences (taking into account the purpose and specificity of this formation), as well as linguistic comments regarding the semantic consequences of the way the Article was written and the Police as the proper name of the institution we are interested in.

### Key words

police, police act, safety sciences, public order, protection, linguistic

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1 Act of April 6, 1990 on the Police, Journal of Laws of the Republic of Poland of May 10, 1990, No. 30, item 179.

## Introduction

One of the key goals of an early human, in addition to satisfying material needs, was to avoid dangers. At that time, danger was treated as an occurrence of threat by natural forces, and in the group living conditions, the threat began to emerge from other people. Thus, ensuring safety became a fundamental task for society. The safety of a social group, as one of the basic conditions for development, has a positive effect on the development of its members. Therefore, there is a need to ensure a sense of security understood as “peace of mind caused by the belief that there is nothing to be afraid of”<sup>2</sup> or as “a feeling of freedom from fear and anxiety”<sup>3</sup>. A sense of security appears when “the existence of the group by itself, as a general good, and the possibility of circulation and the freedom of spiritual and material goods consumption are ensured”<sup>4</sup>. There is no doubt, however, that ensuring safety for particular individuals that form social groups should belong to specialized entities established for this purpose. Currently, in Poland, the tasks for the protection of people’s safety and maintaining public order are carried out by a uniformed and armed formation, which is the Police.

The history of the word “police” indicates times when it was understood as the entire activity of the State, then gradually narrowed down to foreign, fiscal, military, judicial and public matters. This concept crystallized in the 16th century, and only

in the 18<sup>th</sup> century was adopted in the positive laws of European Countries in the narrowest form. In the 20th century, the term the police understood as the activity of the internal administration of the State, which included implementation of a function aimed at the protection of safety, peace and public order, also began to be understood as a formation intended to perform the above-mentioned internal function of the state. Taking into account the fact that the concept of the police has evolved over the centuries, hence it may face a similar process in the future. It is difficult to predict today whether its content will be expanded or narrowed down. Currently, what we understand by the term police is defined by the legislator, thus the definition of this concept cannot be done only through theoretical considerations, regardless of the provisions of positive law. As Wladyslaw Kawka wrote: “If we use the term police to define certain State activities from the period in which this term was unknown, and the State activities of interest to us in material form correspond to it only in today’s sense, then we should always remember that then we were not dealing with the police, but with activities overlapping with the police. The police is a concept whose content is determined by legal norms, this is why its precise determination can be made only through the analysis of these norms”<sup>5</sup>. Following W. Kawka, although it has been more than eighty years since the publication of his book “*The Police in Historical and Contemporary Perspective*”,

2 N. Sillami, *The psychological dictionary*, Warszawa 1995, p. 379.

3 A. S. Reber, E. S. Reber, *The dictionary of psychology*, Warszawa 2005, p. 535.

4 A. Abramski, J. Konieczny, *Justycjariusze, hutmani, policjanci*, Katowice 1987, p. 235.

5 W. Kawka, *The Police in Historical and Contemporary Perspective*, Wilno 1939, p. 3.

it is difficult to disagree that “Theory may establish its own concept of the police, if the law however does not sanction it, if it does not enter the legal order in its entirety, then a discrepancy will arise in this matter between theory and practice, and the theoretical concept will be irrelevant, because it will not find reference in the norms of positive law”<sup>6</sup>. Therefore, the following question arises: what are the relations between the concept of “police” in theoretical as well as practical terms, resulting from the sources of commonly binding law? At this point, J. Panejko’s considerations contained in the article “Methodological assumptions in the study of the positive and legal concept of self-government” may turn out to be useful, if we apply them to a legal institution such as the police. Therefore, “by analyzing the positive law, we achieve the legal concept of the police, which will be both a scientific and a positive-legal concept. (...) Thus, the only right methodological basis in studying a legal institution – which the police undoubtedly is – can only be studying the norms of positive law. It is understandable that this kind of scientific method used to study the legal concept of the police, which will differ from a concept (theoretical concept – author’s footnote) based on arbitrarily accepted, unproven rational premises, a concept that has no scientific or practical value. We can see, therefore, that the theory of administrative law – if it is to have real value – cannot deviate from the principles of positive law in terms of the concept of the police”<sup>7</sup>. Hence, theoretical attempts

to define the concept of the police, which do not refer to its essence, expressed in the norms of commonly binding law, are exposed to accusations against them as to the discrepancy with the actual concept defined by the legal order.

## Purpose of the Police – interpretation doubts

There are voices in the literature that the Police is intended, *inter alia*, for maintaining: public safety and public order. If we accept that this is the case, we will not avoid questions such as: what formation is intended for maintaining a different type / types of safety? what are the other types of safety, since only public safety is mentioned here?

It seems, however, that the Article does refer to maintaining public order and maintaining safety – without specifying what kind.

As there are different opinions, it seems that this provision is stigmatized by a certain **interpretation discrepancy**, if not a **lack of precision**.

What does logical-linguistic analysis say to this? Conducting it, we see that in the part of interest to us, which raises doubts in interpretation [“Police is set up as (...) a formation (...) intended (...)] for maintaining public order and safety“ there are the following syntactic relationships:

- *for (what?) maintaining*
- *for maintaining (what?) order,*
- *for maintaining (what?) safety*
- *(which?) public order*

6 Ibid.

7 J. Panejko, *Założenia metodologiczne w badaniu pozytywno-prawnego pojęcia samorządu*, „Samorząd Terytorialny” 1935, no: 3–4, p. 316-317.

*Maintaining order* and *maintaining safety* are combinations of nouns of which *maintaining* is a word defined and the words *safety* and *order* are the words that define it. Let's recall: *maintaining* as a defined word requires its objects and (*in Polish language*) in the appropriate case – in the genitive singular.

It should also be noted that the nouns: *order*, *safety* are joined by the conjunction “and”. Its function in language comes down to, inter alia, connecting the coordinating parts of a sentence of which the contents match<sup>8</sup>. So the Police is intended for maintaining safety to the same extent as it is for maintaining order.

As seen, the object: *order* is defined by an attributive. In its function (attributive) there is an adjective *public*. Going further, it is worth reminding that adjective attributives are directly adjacent to the words they describe into agreement relation.

The syntax of agreement (from Latin: congruence) is the dependence of the form of the defining word consisting in adapting to the form of the noun being defined in terms of case, number and type, or, in the case of the subject and predicate – number and type<sup>9</sup>. According to the diagnosis of the *New Dictionary of Correct Polish*: “the more common grammatical features between the components of the agreement relationship, the more normative problems arise when trying to standardize them, especially when the word connections are quite complex<sup>10</sup>.”

The word combination taken into account: *public order* is not extensive, so it was not difficult to standardize the required grammatical properties (case, number, gender). Both words in the analyzed sentence are in the genitive singular, masculine (*public order*). It is the category of the grammatical number that seems to determine how many words are included in the syntactic relation of agreement with the word *public*. If it were to describe two words (e.g. *order and safety*), in order to comply with the agreement relationship, it would have to take the plural category.

One more aspect we can pay attention to of the analyzed issue is **word order**. If it was as follows: *and for maintaining safety and public order*, there would probably be no interpretation doubts about what is public in the sentence and what is not described by this feature. The location of the indicated adjective before (or after *in Polish language*) both nouns: *order* and *safety*, makes some refer them to both. By the way – nobody thinks about the *daily fine and the daily rate* in the case of the sentence: *When setting the daily rate and fine, the court takes into account the offender's income.*

Referring to the word order in the analyzed sentence, it is worth reminding that, the adjective attributives that indicate the contingent feature of the object, which do not constitute an unrelated set are placed **before** the modified word, e.g. *required description, unlawful communication, regulated situation, imposed*

8 *New Dictionary of Correct Polish* PWN, A. Markowski (Ed.), Warszawa 1999, p. 278.

9 S. Jodłowski, *Basics of Polish syntax*, Warsaw PWN 1976, p. 63–64. Similarly: H. Jadacka *The culture of Polish language*, Warsaw 2005, p. 138; *New dictionary of correct Polish* PWN, ed. A. Markowski, Warszawa 2002, p. 1783.

10 See. *New dictionary...*, p. 1783–1785.

*penalty, postponed change, unfavorable conditions* (characterizing attributives). In Polish language the so-called classifying attributes that indicate the most important properties of an object, its place in the set and a system, forming items of closed classes usually with the word being modified creating a term are placed **after** the modified word<sup>11</sup>, e.g. (*note in Polish language the predicative adjectives come straight after the noun*) *law enforcement (Polish order: enforcement law), criminal service, official ranks, disciplinary competence, law-enforcement authorities*. In the sentence under analysis, the word *public* is the classifying attribute. Placing it after the modified word order (*possible in Polish language*) (at the same time, also after the word *safety*) does not mean that it relates to both *safety* and *order*, but that it creates with the modifying word a term: *public order* similarly to the above-mentioned *daily rate*.

For those unconvinced there is one more argument. We share the rational view of the Supreme Court that “it is not (...) important what the legislator wanted to say when formulating a given norm, but what they expressed in that provision”<sup>12</sup>.

So if the intention of the legislator was to talk about *public safety* and *public order*, in the name of the aforementioned

unambiguity of the provision, they could edit the Article differently, for example, simply repeat the adjective *public*.

We would receive the following form of the analyzed provision:

*Art. 1.1. The Police are formed as a uniformed and armed formation serving the society and intended for safety protection of people and for maintaining public safety and public order.*

Verbatim lexical repetitions are a frequently used means of creating formal consistency in legal texts<sup>13</sup>. In order not to be groundless, we can recall, for example: Art. 39 sec. 2 of the Penal Code<sup>14</sup>:

*Art. 39. Penal measures shall be:*  
 1) (...),  
 2) *a ban on occupying a specific position, performing a specific profession.*

It should be also noted that the lexeme *safety* is repeated in the reviewed sentence twice, the adjective: *public*, therefore, could also be repeated. It could, but it is not. Either modifying the word *safety* with the attributive *public* was not the intention of the legislator, or – against the postulate of specificity of the law<sup>15</sup> – there was lack of care in clarity and unambiguity of the provision. We propose that during another amendment to the act, in order to meet these

11 *New dictionary of corect Polish* PWN, A. Markowski (Ed.), Warszawa 2002, p. 1728. See. also: *The universal dictionary of Polish language* PWN, S. Dubisz (Ed.), Warszawa 2006.

12 Decision of the Supreme Court of 17 May 2000, I KZP 7/00, in: OSNKW 2000, No. 5-6, item 51.

13 A. Wilkoń, *Spójność i struktura tekstu*, Krakow 2002., p. 78; I. Bellert, *O pewnym warunku spójności tekstu*, [w:] *O spójności tekstu*, M.R. Mayenowa, (Ed.) Wrocław 1971, p. 47–75. The author writes that repetition is a necessary condition for text coherence. Repetitions ensure: continuity of the thematic line, logical identity of subjects expressed grammatically and / or with the use of lexical means, emphasizing semantically important text components, understanding the text.; see: M. Przetak, *The structure of the legal text on the example of the Penal Code*, Gdansk 2015, p. 226–236.

14 The Penal Code of 6 June 1990, Journal of Laws No. 89, item 555.

15 M. Prószyński, *Jasność, zrozumiałość i językowa poprawność prawa jako warunek zgodności z konstytucją*, [w:] *Język polskiej legislacji, czyli zrozumiałość przekazu a stosowanie prawa*, Materials from a conference organized by the Culture and Media Committee and the Legislative Committee, Warszawa 2007, p. 32-38.

requirements by deciding on, e.g. the previously mentioned form or one of the following, relating to the intentions of the Legislator as to what should be public:

*Art. 1.1. The Police are formed as a uniformed and armed formation serving the society and intended for safety protection of people and for maintaining order of public and safety.*

or

*Art 1.1. The Police are formed as a uniformed and armed formation serving the society and intended for safety protection of people and for maintaining safety of public and order.*

## Police as a proper name – linguistic remarks

It is not difficult to notice that in the history of Polish police services, the formation established in 1990 is the one which as first in its proper name was described in a single word. Adjectives used in proper names usually specified particular formations. The police was “state”, “navy blue” or “Polish” and the militia – “civic”<sup>16</sup>, while the modern “Police” remains undefined<sup>17</sup>.

## Origin, meaning, composition of the proper name

Service to the state, society, order and safety was the essence of the police activity – from the very beginning of its existence<sup>18</sup>. This is confirmed, for example, in the definitions of “police” immortalized in dictionaries. We will look at this lexicographic evidence.

In Samuel Bogumił Linde’s dictionary from 1858,, it is written under the entry policy that the word comes from Greek (“governing a city, a state”) and means “internal disposition of safety, peace, comforts of cities or countries, the art of good economic governance”<sup>19</sup>. Moreover it mentions about “komisji policy” (commission of police) established in the municipal parliament to maintain the general order in the country, both in terms of safety and peace, as well as in terms of public convenience<sup>20</sup>, and about the policyant – a police official<sup>21</sup>. Probably Adam Mickiewicz also speaks of such understood policyi in “Pan Tadeusz:” As among our turbulent, arbitrary nobility, we did not need any policyi<sup>22</sup>.

A slightly later dictionary, from 1908, notes that “police” means managing the city, the state, the art of good governance, but also politics, decency, politeness, and good behavior<sup>23</sup>. “That there

16 Cf: M. Płotek, M. Przetak, *Kluczowe formacje policyjne w odrodzonej Polsce – kontekst historyczny i uwagi językowe dotyczące ich nazw własnych*, „Police Review” 2019, no: 3(135), p. 1143-135.

17 When it comes to less known proper names, it is worth mentioning the Higher Military Secret Police (1817-1830), the Higher Secret Police (1821-1830), the Municipal Police, and the Polish Police (1939-1945). See. A. Misiuk, M. Sokołowski, *Służby policyjne na ziemiach polskich w latach 1795-1918*, „Police Review” 1999, no 1 (53)-2(54), p. 17-18.

18 See. *Police lexicon*, G. Kędzierska, W. Pływaczewski (Ed.), Szczytno 2001, p. 226.

19 S. B. Linde, *The dictionary of Polish language*, v. 4, Lviv 1858, p. 304.

20 Ibidem.

21 Ibidem.

22 A. Mickiewicz, *Pan Tadeusz*, Kraków 2018, lines 111-119.

23 J. Karłowicz, A. W. Niedźwiedzki, *The dictionary of Polish language*, v. 4, Warszawa 1908, p. 532.



was ribalt man of ugly manners, safe in foul speech, so taught about the police”, we read in Karłowicz<sup>24</sup>.

At that time, „police” was also the name of an urban or rural institution that takes care of public order, comfort and safety, and carries out rights (city, village, water, river and medical). “The great marshal for the security of the king not only had the police at service but also the marshal’s courts”<sup>25</sup>, assured the historian Tadeusz Korzon.

The term “police” was also used to define an office constituting a branch of criminal law courts for minor cases (correctional police), a police office in general (a certificate, police opinion, passport issued by the police), the house in which the police office is located, as well as people comprising the police (multiply the police)<sup>26</sup>.

The dictionary from 1964 resembles the old meaning of the word, coinciding with what is found in the already cited work by Karłowicz and others, and also gives this word the following definiendum: “in capitalist countries: the executive body of administrative authorities, whose duty is protecting the system and public order and the prosecution of criminals; officers of this body; the building where the police office is located”<sup>27</sup>.

In the *Dictionary of Polish Language* of 1992, as well as in the *Universal Dictionary of the Polish Language* of

PWN, published in 2006, the entry “police” is assigned with the three following meanings: 1. a state body organized in a military way, established for protection of order and public safety; 2. Officers of this body; 3. (colloquially) a building of the office of this body<sup>28</sup>.

As can be seen, the word “police” has been present in our language for a long time and has been included in the proper noun related to the provenance of words maintenance and order, it has never been a proper noun on its own.

## Police – Spelling Notes

The source literature mentions a certain lack of definiteness in defining the systemic position of the new formation<sup>29</sup>. Perhaps this influenced a certain caution in formulating the proper name of the mentioned herewith formation, and this in turn – the problems of language users with the spelling of “police”.

The word, understood in one of the three indicated above ways<sup>30</sup>, gained a new meaning element – and in 1990 became a **single-word proper name** of the characterized formation. In accordance with the spelling rules, “individual (unit) names of offices, authorities, institutions, schools, organizations [...], enterprises, premises, plants and cooperatives”<sup>31</sup> are written with a capital letter. This also applies to “Police”, the

24 Ibidem.

25 Ibidem.

26 Ibidem.

27 Entry: police, in: *The dictionary of Polish Language*, W. Doroszewski (Ed.), Warszawa 1964, v. 6, p. 880.

28 Entry: police, in: *The universal dictionary of Polish language* PWN, Dubisz S. (Ed.), vol. P-Ś, Warszawa 2006.

29 P. Majer, *Od Policji Państwowej do Policji – o nazwach własnych polskich formacji policyjnych i ich symbolice*, in: *85 years of Polish police*, G. Kędzierska (ed.), Szczytno 2004, p. 57.

30 Entry: police, in: *Polish language dictionary*, M. Szymczak (ed.), Warszawa 1992, p. 782.

31 *New spelling dictionary*, E. Polański (ed.), Warszawa 1998, p. 43.



more so that in the *Practical Dictionary of Contemporary Polish*, the entry “police” includes additional note: “in proper names write with a capital letter”<sup>32</sup>.

According to the above, it is understandable that the following should be written: *Police Headquarters, Police Academy in Szczytno, City Police Headquarters in Bielsko-Biała or Police Station in Czechowice-Dziedzice*.

Doubts of correctness may, however, arise when it is necessary to use the “police” in a less obvious expressive context. It is then necessary to decide whether we are writing about the police as: a building? (*take someone to the police, question a witness at the police, go to the police*), officers? (*police cordon, police patrol*), the formation in general or common meaning? (*investigative police, mounted police, traffic police*) or an individual, official name, one would like to add the full name, although it is a one-word name (*the Police Act, the organizational structure of the Police in Poland, Police posts, Police organizational unit, Police executives, Police Chief Commander*<sup>33</sup>, *Police Superintendent, Police cooperation with the Border Guard, Police officer or Police service*)? According to the above-mentioned principle, as shown in the examples, in the first three situations the word “police” should be written with a lowercase letter, and in the last one – with a capital letter.

Although the rule seems simple, it is sometimes difficult to decide. When we write, for example, about the duties of the

formation studied herewith, we may as well mean the officers of this formation who perform specific tasks, as well as the name of the Police as a formation itself – an institution and its statutory tasks. The same may be the case, for example, *with the equipment of the Police / police or the use by the Police / police of the help of people who are not police officers*.

It is worth noticing that in the Act on the Police, this word is more often written with a capital letter (*organization of the Police, basic tasks of the Police, the Police consists of..., costs of Police functioning, tasks provided for the Police, compact units of the Police, scope of Police powers*) although we also have examples of the type: (*traffic police, railway, water police*), however it can be doubted whether this spelling is always the result of linguistic reflection and whether it always complies with the above-mentioned principles (e.g. local Police policemen, but: The Police consists of (...) local police)<sup>34</sup>.

For comparison; in the Code of Criminal Procedure<sup>35</sup>, the word “police” is consistently written with a capital letter (*Letters addressed to Police officers; things (...) should be issued at the request of (...) the Police or other (...) authority; the preparatory proceedings are conducted by (...) the Police; the powers of the Police are vested in other authorities; everyone (...) has a social obligation to notify (...) the Police; the notification of the crime (...) is provided by the Police to (...) the prosecutor; the investigation*

32 *Practical dictionary of contemporary Polish*, H. Zgólkowa (ed.), Poznań 2001, v. 30, p. 194.

33 G. Ojcewicz, *Co począć z komendantem (z serii: Poradnik językowy)*, „Police Training Bulletin” 1993, no 1, p. 14–15.

34 See. Act of April 6, 1990 on the Police, Journal of Laws of the Republic of Poland of May 10, 1990, No. 30, item 179.

35 Act of 6 June 1990, Code of Criminal Procedure, Journal of Laws No. 89, item 555.

*is conducted by the Police*), also in situations where the word context indicates the performance of specific activities by specific, designated officers (*the search may be carried out by the prosecutor or (...) the Police; the indictment made by the Police during the investigation; the Police may (...) inspect (...) and also undertake (...) other activities, including blood, hair and secretions sampling*)<sup>36</sup>.

In the source literature, as well as in the press, it is observed that the word “Police”, understood as the name of the institution (formation) is accompanied with the adjective: “Polish”, in an appropriate grammatical case (e.g. *the press service of the Polish Police* (polskiej Policji)). However, as long as it is not formally included in a proper name, this does not diminish the linguistic difficulties, because adjectives are written in Polish language in lower case according to the rules of spelling, if, of course, they do not form part of a proper name – as in this case. So we have, for example, service ranks in the Polish Police (polskiej Policji) and the Polish Army (Wojsko Polskie), or the uniforms of the Polish Police and the Polish Army (polskiej Policji i Wojska Polskiego).

When looking for an antidote to the indicated language difficulties, we suggest, knowing the spelling rules, trust the intentions of the sender of the message (assume that he or she knows in which of the “police” meanings the are speaking), remember that writing “police” with a lowercase letter does not diminish its role in society<sup>37</sup>, but also to constantly educate other language users

so that they can speak with awareness, including linguistic awareness about the Police and the police.

## Summary

To conclude, let us allow a fairly general reflection: The Police – being a formation in the Police Act, in the Code of Criminal Procedure – an authority, in linguistics – a lexeme, in management sciences – an institution (company), it is also the heritage of numerous formations serving the society, as well as, for its current officers – making everyday professional toil and a dream of self-fulfillment in its ranks for many young people. Therefore, it is entitled to: scientific interest, legislative diligence and other manifestations of social concern.

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<sup>36</sup> Ibidem.

<sup>37</sup> See. M. Przetak, *Jak traktować „policję” – uwagi o pisowni...*, p. 31–33.

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