Anna Tyczkowska-Kowerczyk
e-mail: annatyczkowska@tlen.pl
ORCID: 0000-0003-2211-1273
Provincial Police Headquarters in Wrocław
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SECURITY AND PUBLIC ORDER – THEORETICAL AND PRACTICAL ASPECTS

Abstract

This article deals with the issue of one of the security areas – the area known as public security and public order. On the one hand, they constitute a fundamental role for the functioning of the state, and on the other hand, they are the basis for the functioning of individual units – citizens. The article deals with the issues of law, the state as well as institutions and units responsible for maintaining public security and public order in the state. This paper presents what, from the times of Aristotle to the present day, attempts are made to find the essence of these concepts and how to define them.

Introduction

Security is a part of theory and practice, its goal is to survive human existence and to carry out the tasks that a human being[1] (or another entity he is a part of) sets before himself. This includes taking advantage of favourable circumstances and taking up challenges, as well as reducing the likelihood of failure by preventing and countering all kinds of threats that may affect the achievement of set goals[2].

Depending on the area of analysis or the field of knowledge, security is understood differently, and in combination with other concepts, it obtains new semantic contexts[3]. As a result, there is great variety and often a lack of clarity in understanding this term[4]. In a situation where the same terms are used in many areas of knowledge or are interdisciplinary terms, there is a risk of misunderstanding the meaning specific to a separate scientific specialty or field of knowledge[5].

The term of security is a term that is defined in many ways[6], therefore, considering it (also in the public dimension), we will not find agreement on accepting one definition. The term of security is a multi-dimensional term that is constantly changing. It is an abstract category[7] – it is immaterial, immeasurable and incalculable – it functions only in the sphere of theory and colloquial speech[8], therefore, it is defined in many ways[9]. The term of security is defined differently within the framework of social sciences, such as psychology, philosophy or sociology, which diagnose the meaning of security only in their own, narrow research area, only to the appropriate extent.

Yet another way, security is defined through the prism of security sciences[10], which treat security in a holistic[11], interdisciplinary and multidimensional way. Modern security is comprehensive, and its area – depending on the adopted criteria – can be divided into various types, domains, sectors, departments and areas[12]. It is defined, inter alia, as a state,

[1] More: B. Kogut, P. Lubiewski, *Management and coordination of rescue activities,* Вісник Львівського державного університету безпеки життєдіяльності, No. 17, Львів 2018, p. 68-73.

[2] A. Babiński, *W poszukiwaniu definicji bezpieczeństwa publicznego*, „Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona", No. 35(2), Legnica 2020 r., p. 105.

[3] More: A. Czupryński, B. Wiśniewski, J. Zboina, *Nauki o bezpieczeństwie. Wybrane problemy badań*, Józefów 2017.

[4] M. Pomykała, *Bezpieczeństwo – w poszukiwaniu definicji*, Zeszyty Naukowe Politechniki Rzeszowskiej: Zarządzanie i Marketing No. 17/2010, p. 107.

[5] R. Klamut, *Bezpieczeństwo jako pojęcie psychologiczne*, Zeszyty Naukowe Politechniki Rzeszowskiej No. 286, Ekonomia i Nauki Humanistyczne, No. 4/2012, Wydział Zarządzania Politechniki Rzeszowskiej, Rzeszów 2012, p. 40.

[6] B. Wiśniewski, R. Kowalski, J. Kozioł, M. Szyłkowska, *Bezpieczeństwo procesów decyzyjnych*, Wrocław 2018, p. 5.

[7] K. Malak, *Bezpieczeństwo jako kategoria i zjawisko społeczne*, „Piotrkowskie Zeszyty Międzynarodowe' No. 2, 2007, p. 91-95 [in:] G. Gaweł, M. Magielska-Duda, *Ewolucja prawnych podstaw działalności służb specjalnych w Polsce*, „Instytucje bezpieczeństwa wobec wyzwań współczesności – prawne uwarunkowania a działalność praktyczna", Kielce-Tarnobrzeg 2018, p. 98.

[8] J. Boć, *O bezpieczeństwie wewnętrznym* [in:] A. Chajbowicz, T, Kocowski(red.) *Bezpieczeństwo wewnętrzne w działaniach terenowej administracji publicznej*, Wrocław 2020, p. 24.

[9] B. Wiśniewski, R. Kowalski, J. Kozioł, M. Szyłkowska, *Bezpieczeństwo procesów decyzyjnych*, Wrocław 2018, p. 5.

[10] A, Czupryński, *Naukowe aspekty bezpieczeństwa*, [in:] *Bezpieczeństwo. Teoria-Badania-Praktyka*, A. Czupryński, B, Wiśniewski, J.Zboina (eds.), Józefów 2015, p. 43.

[11] B. Wiśniewski, R. Kowalski, J. Kozioł, M. Szyłkowska, *Bezpieczeństwo procesów decyzyjnych*, TUM, Wrocław 2018.

[12] A. Babiński, *W poszukiwaniu definicji bezpieczeństwa publicznego*, „Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona", Legnica 2020, No. 35(2), p. 105.

process, awareness, good, need or value[13] and "When defining the area of security, it is defined using the phrases "personal", "public", „universal", "national", „energy", "economic", "regional", "local", etc. However, regardless of the definition that defines it security is a guarantee of society's development and its survival, it is a state – although it is fragile and requires constant care, what, however, gives a sense of certainty, guarantees its preservation and gives a chance for future development"[14]. It is also "certainty of survival, development, and the proper functioning of a human being (...) it is the certainty of the existence of the necessary conditions for human development and activity and the lack of risk of losing something that a human being especially appreciates, i.e. health, life, work, respect, feelings, material goods, it is also a state of certainty and peace"[15].

"The etymology of the word security comes from the Latin word *securitas* and the English word *security*"[16]. The word *securitas* consists of two parts: *sine* and *cura*. The first of them means – without, the second means fear, anxiety, so the word *securitas* means – no fear, no anxiety, no worries. Taking the above transation into account, security is a state in which a person is free from fear, anxiety or worries[17]. In English, the word "danger" signifies danger and the word "security" signifies security, where there is a double root of the word "security". The first refers to the Latin word „*securitas*", what means a state without fear or anxiety, and the second to the word "*security*", what means a state free from unrest, or a peaceful situation in which there are no threats or risks[18]. On the other hand, in Russian, the term of security is expressed as "*bezopastnost*" and means no danger, not the lack of security. According to Łukasz Szewczyk, this introduces a certain chaos, causing linguistic and methodological difficulties[19]. "The etymology of the word 'security' in many languages (including Polish) emphasises (unlike in Russian) the primacy of the sense of threat in relation to the sense of security ('without care', i.e. without protection)[20]. The "Dictionary of the Polish language" defines security as a state of non-threat, as certainty that nothing is threatening, as a state of certainty of peace and safety[21]. The "Dictionary of

[13] More: *Bezpieczeństwo w teorii i badaniach naukowych: Wydanie drugie uaktualnione i uzupełnione*, ed. B. Wiśniewski, Wydział Wydawnictw i Poligrafii Wyższej Szkoły Policji, Szczytno 2018.

[14] B. Balcerowicz i in., *Słownik terminów z zakresu bezpieczeństwa narodowego*, Warszawa 2002, p. 13; B. Wiśniewski (ed.), *Bezpieczeństwo w teorii i badaniach naukowych Wydanie II uzupełnione i uaktualnione*, Wyższa Szkoła Policji w Szczytnie, Szczytno 2018, p. 15

[15] E. Wojtera, *Bezpieczeństwo jako potrzeba i prawo człowieka*, „Studia prawnicze i administracyjne", No. 2(4)/2012, Wyższa Szkoła Menedżerska w Warszawie, Warszawa 2012, p. 258.

[16] J. Zaremba, *Przestępczość narkotykowa a bezpieczeństwo państwa*, Białystok, 2018, p. 9.

[17] A. Czupryński, *Bezpieczeństwo w ujęciu teoretycznym*, [in:] *Bezpieczeństwo, teoria, badania, praktyka*, A. Czupryński, B. Wiśniewski, J. Zboina (ed.), Józefów 2015, p. 11.

[18] E. Moczuk, *Socjologiczne aspekty bezpieczeństwa lokalnego*, wyd. Uniwersytetu Rzeszowskiego, Rzeszów 2009, p. 19 [in:] *Bezpieczeństwo państw i narodów w procesie integracji europejskiej*, red. W. Śmiałek, J. Tymanowski, wyd. Adam Marszałek, Toruń 2002, p. 165.

[19] Ł. Szewczyk, *Bezpieczeństwo. Podstawowe kategorie, uwarunkowania, postrzeganie i znaczenie w dzisiejszym świecie*, Studia de Securitate et Educatione Civili 7 (2017), Annales Universitatis Paedagogicae Cracoviensis, Kraków 2017, p. 91.

[20] J. Stańczyk, *Współczesne pojmowanie bezpieczeństwa*, Warszawa 1996, p. 15.

[21] https://sjp.pwn.pl/doroszewski/bezpieczenstwo;5412673.html (05.08.2021)

terms in the field of national security" defines the term of security as a state that gives a sense of certainty and a guarantee of its preservation and a chance for improvement[22].

Only from the above definitions it follows that the term of security was and is presented through the prism of two aspects – the positive and the negative aspect. The objective (positive) aspect indicates that there are conditions for the occurrence of real threats. The negative aspect relates to the feeling of security[23].

Methodology

This article is the result of the analysis of selected theories, doctrines and definitions, including social sciences, the history of state doctrines and law, and philosophy, where the area of security is referred to as public security and public order. On the other hand, the aim of this study is an attempt to characterise the area of security, which is public security and public order, and how the terms are defined. Therefore, this article will attempt to answer questions in the field of public security and public order, including:

– how have the above-mentioned terms evolved?

– how are they perceived and defined today?

– what features are they characterised by – what is their essence?

Evolution of the meaning of public security and public order and their definitions

Security has been and will be one of the most important and basic human needs regardless of time, place and situation[24]. Therefore, defining terms such as security, human security, public security and finally public order has a long history[25].

Already in antiquity, all doctrines focused on and dealt with issues related to the security of an individual, social groups or communities inhabiting a specific territory – the state. Security was and still is a fundamental value in the philosophical and legal concepts and doctrines of the formation of states. Initially, security was treated in a very narrow way and was considered only through the prism of the general value, which is the state, in order to perceive it and define it in a broader perspective today, depending on which field this security concerned[26].

By analysing the doctrines of great thinkers, both in the field of philosophy, state, law and politics – from antiquity to modern times, it is possible to trace closely how the terms – security and

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[22] *Słownik terminów z zakresu bezpieczeństwa narodowego,* Akademia Obrony Narodowej, Warszawa 2008, p. 14.

[23] R. Jakubczak, J. Marczak, K. Gąsiorek, W. Jakubczak, *Podstawy bezpieczeństwa narodowego Polski od X do XX wieku. Wnioski dla Polski w XXI wieku*, Warszawa 2013, p. 8.

[24] More: *Współczesne postrzeganie bezpieczeństwa*, red. nauk. K. Jałoszyński, B. Wiśniewski, T. Wojtuszek, Wyższa Szkoła Administracji, Bielsko Biała 2007.

[25] F. Mroczko, *Problemy bezpieczeństwa i porządku publicznego*, „Zeszyty Naukowe WWSZIP", No. 14 (1), *Refleksje Społeczno-Gospodarcze*, Wałbrzych 2010, p. 35.

[26] A. Tyczkowska-Kowerczyk, *Natura bezpieczeństwa i porządku publicznego*, [in:] *Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne*, tom IX (eds.) B. Wiśniewski, J. Ziobro, T. Zwęgliński, Szkoła Główna Służby Pożarniczej, Warszawa 2021, p. 60.

public order – have evolved over the centuries.

One of the most important values for every human being is the need for security that enables him to develop. The lack of a sense of security, on the other hand, implies the lack of development opportunities and stimulates actions. These actions can often be risky for the existence of an individual, because the need for development is stronger than the need for existing. The insecurity led the individual to, among other things, look for substitutes for security in order to develop. Therefore, in search of security and development opportunities, man began to create communities because within them he could satisfy his needs, including the need for security. Fulfilling the need for security for an individual in the group was easier than outside it. However, the price for fulfilling, inter alia the need of security that the individual had to pay, was adaptation to the group, to the conditions and rules that determine whether the individual is a member of the group or not. The individual had to adapt to the community to which he wanted to belong and be guided by the needs of that community. The basic need of the group that was guided at the beginning was a sense of unity[27].

Plato believed that the state is a social organism that allows the harmonisation of the activities of human classes into one piece, what was a guarantee of security, because the state is unity. According to Aristotle, a state is a territorial commu-

nity, an organisation covering all members living in a given territory with its scope of activity. From him derives the idea that the state is the result of the natural social instinct of man[28]. The state is the result of the synthesis of smaller communities into larger ones – city-states, which were to create conditions for people to achieve the full development of material and moral values[29]. According to Aristotle, the purpose of the state is to develop it and increase the prosperity of its citizens[30] through the improvement of internal structures, and for its citizens the state is a guarantee of a dignified life by ensuring material security and its spiritual development[31]. Thomas Aquinas saw the state as a necessary being that brings benefits to the whole society by embracing it with its action. According to him, the state, which was a factor integrating various activities and aspirations of individuals, was to provide people with peace and order[32]. Baruch Spinoza, one of the representatives of modern thought, believed that the state of nature was a state of fear and mutual hostility among people, and that the limit of natural rights of people was determined only by their strength. Therefore, it was in the interest of the people to create a state, thanks to which

[27] J. Prońko, *Natura współczesnego bezpieczeństwa*, „Kultura Bezpieczeństwa. Nauka – Praktyka – Refleksje" maj – czerwiec 2012, APEIRON, Kraków 2012, p. 22-43.

[28] Arystoteles, *Polityka*, tom 7, PWN, Warszawa 1964, p. 303.

[29] red. B. Szmulik, M. Żmigrodzki, *Wprowadzenie do nauk o państwie i polityce*, Uniwersytet Marii Curie-Skłodowskiej, Lublin 2002, p. 23-24.

[30] More: B. Kaczmarczyk, B. Wiśniewski, R. Gwardyński, *Security of an individual*, Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona w Legnicy, No. 3 (28) 2018, Legnica 2018, p. 67-78.

[31] L. Dubel, J. Malarczyk, *Historia doktryn polityczno-prawnych*, Lublin 1997, p. 50.

[32] B. Szmulik, M. Żmigrodzki (eds.), *Wprowadzenie do nauk o państwie i polityce*, wyd. Uniwersytetu Marii Curie-Skłodowskiej, Lublin 2002, p. 28.

the individual did not have to gain and defend his rights by force. It was Baruch Spinoza who for the first time in his doctrine of the state pointed to an institution which he defined as the people's militia, which, apart from the judiciary and the controlled church, was to help the council ruling in the state established on the basis of a social contract[33]. According to Thomas Hobbes, as in Spinoza's case, the state was created as a result of a social contract concluded between individuals, each with each other. According to his doctrine, it was the self-preservation instinct that dictated man to give up war and natural freedom in favour of peace and understanding with others. This is how the state was created and the state had the means to enforce the law[34] and it was the only guarantee of survival, because the state is a powerful sovereign, which, although it limits the freedom of action of individuals, gives internal and external security in return[35]. In John Lock's doctrine, the foundation of the state was a social contract, first each with each other, which resulted in the creation of society, and then society with the authority creating the government and the state, which basic functions were the creation of law, its enforcement and social defence against an external enemy[36]. It was John Lock who for the first time used the term "civil society" in which the society gave its rights to the state to raise the standards of its own security[37]. Jean Jacques Rousseau, on

the other hand, proved that it was the rapid development of civilisation and with it the emergence of private property, wealth differentiation, the division into poor and rich that paved the way for conflicts and wars. So there was a need to create a state that would prevent them. The creation of the state is the result of the association pact concluded in order to protect the weaker against the stronger. The essence of this association pact was the equality of all people as the basis of civilisation and political freedom protected by the law and state institution[38]. According to Charles Montesquieu, the state is to uphold peace, security and freedom, and it can enter its competences where it is really necessary, and the central category that guides it is the protection of individual rights, which is freedom. Freedom understood as "the right to do whatever the laws allow" and which gives peace of mind from the conviction of one's own safety"[39]. John Stewart Mill explicitly pointed out that the state should primarily focus on protecting the security of its citizens. On the other hand, according to the doctrine of Georg Jellinek, the state is an independent community of citizens with legal personality and power, and only the state has been equipped with the possibility of using coercion. According to this author, the state was supposed to fulfill, inter alia, the function of maintaining the security of citizens by creating and enforcing the law. Czesław Znamierowski shared a sim-

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[33] Ibidem, p. 31-33.

[34] Ibidem, p. 34.

[35] A. Kość, *Podstawy filozofii prawa*, Lublin 2001, p. 56.

[36] B. Szmulik, M. Żmigrodzki (eds.), *Wprowadzenie do nauk o państwie i polityce*, wyd. Uniwersytetu Marii Curie-Skłodowskiej, Lublin 2002, p. 35.

[37] A. Kość, *Podstawy filozofii prawa*, Lublin 2001, p. 65.

[38] B. Szmulik, M. Żmigrodzki (eds.), *Wprowadzenie do nauk o państwie i polityce*, wyd. Uniwersytetu Marii Curie-Skłodowskiej, Lublin 2002, p. 36.

[39] F. Ludwin, *Monteskiusza trójpodział władzy, a idea demokracji*, https://www.im.edu.pl/wp-content/uploads/2015/10/2_F.Ludwin_Monteskiusza-trójpodział-władzy-a-idea-demokracji.pdf, p. 31.

ilar view on the role of the state in terms of security, he believed that the primary goal of the state was to defend and protect its citizens and to maintain public order and security[40].

"Only the doctrines presented above give a picture of how the meaning of not only the term of security, but also of security and public order was evaluated. In line with the doctrines presented above, the order was determined by the state that shaped the law, as well as other socially accepted norms (moral, cultural, ethical, religious or customs). The content of the term of security in each of the doctrines presented above was evaluated due to the change in the standards of behaviour of a given community, changes in the prevailing living conditions, as well as changing views, legal and non-legal norms"[41].

Contemporary understanding of security and public order

In this section of the article, we will take a more in-depth look at the terms of public security and public order and their meaning. For this purpose, selected definitions in the field of public security and public order were used.

A. Redelbach believes that the goal of public security is to maintain the safe functioning of society through certain rules that are to ensure law and order.

On the other hand, the purpose of protecting public order is to ensure and maintain the state of security in the state by punishing acts that violate the adopted legal norms and principles of social coexistence, which are closely related to each other[42]. Franciszek Mroczko, on the other hand, believes that public security in its general scope includes broadly understood security of all citizens and it is guaranteed by the relevant state authorities. According to him, public security is a state in which there is no threat to the functioning of a state organisation and the pursuit of its interests, and enables the development of this organisation. The construction of this definition shows that there are no manifestations of any dangers for any local community or the entire society. According to Franciszek Mroczko, public security concerns security in transport (road, rail, water and air traffic) and the lack of threats of catastrophes, natural disasters, epidemics, and criminal activity against life, health and property[43]. On the other hand, he defines public order as the actually existing system of social relations, which is regulated by a set of legal and other socially accepted norms. They guarantee undisturbed and conflict-free functioning of individuals in society[44]. Public order defined in this way applies to all social relations that are regulated by law and other norms that occur in the public space[45]. According to Franciszek

[40] A. Redelbach, *Wstęp do prawoznawstwa*, Wydawnictwo Naukowe Uniwersytetu im. Adama Mickiewicza w Poznaniu, Poznań 1995, p. 23.

[41] A. Tyczkowska-Kowerczyk, *Natura bezpieczeństwa i porządku publicznego*, [in:] *Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne*, tom IX (eds.) B. Wiśniewski, J. Ziobro, T. Zwęgliński, Szkoła Główna Służby Pożarniczej, Warszawa 2021, p. 63.

[42] A. Redelbach, *Wstęp do prawoznawstwa*, Wydawnictwo Naukowe Uniwersytetu im. Adama Mickiewicza w Poznaniu, Poznań 1995, p. 23.

[43] F. Mroczko, *Problemy bezpieczeństwa i porządku publicznego*, „Zeszyty Naukowe WWSZIP Refleksje Gospodarcze" No. 14 (1)2010, Wałbrzych 2010, p. 35-36.

[44] Ibidem, p. 35-36.

[45] Ibidem, p. 35-36.

Mroczko, the terms of security and public order should appear jointly, because in some areas they overlap and are difficult to distinguish precisely. Both terms are also inextricably linked with the institution of the state, its functioning, law and its shaping. It should be noted, however, that these terms are not identical. This is due to the fact that their scopes change, what is a result of the emergence of new threats, changes in legal norms, customs, morality, culture, ethics – the development of society[46].

Stanisław Pikulski also points to the essence of public security, in his opinion, public security is the highest social value, which determines the safety of life and health of citizens and their relatives, as well as guarantees the inviolability of their property. The author defines the term of public security as a certain desired state of affairs, guaranteeing the uninterrupted functioning of public facilities in the state and the safety of life, health and property of citizens. At the same time, it emphasises that it is the entity at risk, and not its source, that determines the assignment to this category. Therefore, public security may be disturbed by people intentionally or unintentionally, bear the marks of a crime or only an offence. It can also be disturbed independently of the human will, i.e. by the forces of nature[47]. On the other hand, Stanisław Pikulski understands public order as a state of affairs that is legally ordered and which may be disturbed by both individuals and groups,

and such disturbances may be an offence or a crime[48].

Włodzimierz Fehler believes that public security is a component of internal security. It is situation within the state through which the state organisation has the conditions for the implementation of common sub-unit goals and it effectively enforces obligations, as well as protects the rights of units subordinate to this organisation. In his doctrine, the author indicates the special protection implemented by the state organisation of such rights as life, health and property. Only a state organisation has resources and has appropriate mechanisms by which it is possible to effectively respond to situations that violate this state[49]. According to the theory of Włodzimierz Fehler, both public security and public order are components of internal security and these terms are very often incorrectly combined into one concept – "security and public order". According to him, an important argument against combining these terms into one – "security and public order" is the fact that to each of them different legal and institutional instruments and methods of their application are used[50]. He defines public order as "a desired state, consistent with legal and non-legal norms. The state in which the principles of social coexistence, high-quality public space and the functioning of facilities, devices and infrastructure intended for shared use are respected, enabling safe functioning and

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[46] Ibidem, p. 36.

[47] W. Bednarek, S. Pikulski (ed.), *Prawne i administracyjne aspekty bezpieczeństwa osób i porządku publicznego w okresie transformacji ustrojowo-gospodarczej*, Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego, Olsztyn 2000, p. 101.

[48] Ibidem, p. 101.

[49] W. Fehler, *O pojęciu polityki wewnętrznej państwa*, Studia Prawnoustrojowe No. 23, Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego w Olsztynie, Olsztyn 2014, p. 206-207.

[50] Ibidem, p. 206.

meeting the needs of individuals and social communities"[51].

According to Stanisław Pieprzny, the authors of the definition of public security indicate that it has always been an element of the internal security of the state, regardless of the state system and the level of its development. And it is precisely these views, according to him, that have become an informal source of administrative law in the field of establishing the term of public security. And the correct interpretation of the term of public security by authorities is important, because the assessment of the existence of a possible threat to public security implies specific administrative sanctions and restrictions on the rights and freedoms of an individual, inter alia, through prohibitions, orders and administrative penalties[52]. As regards the understanding of the term of public order, Stanisław Pieprzny believes that public order should be understood as a positive state. A state that is shaped by both legal and non-legal norms, such as moral norms, principles of interpersonal coexistence, which, being acceptable and applied by the majority, ensure the proper coexistence and development of individuals and their communities. It is a state in which public entities responsible for the implementation of public order tasks actively participate. Stanisław Pieprzny points out that public order is to enable the normal development of social life and ensure compliance with the rules of behavior in public places. At the same time, the author draws attention to the fact that it is not possible to exhaustively present all areas related to ensuring public order. It also draws attention to the fact that public order changes with the change of social relations – it is not a permanent category[53].

Władysław Kawka also believes that public security is a state in which the general public, its interests and the state, together with their own goals, are protected against damage threatening them from any source. According to the mentioned author, the protection of public security is the task of the state, which determines by legal norms what is consistent with security and what is threatened by it, and what actions to protect this security should be taken[54]. Public order Władysław Kawka defines as a set of legal and non-legal norms, such as moral, ethical and social norms, the observance of which determines the normal coexistence of individuals in a state organisation. According to him, the shaping of the norms of public order is influenced by political, religious, ethical moments, external decency, etc. Thus, these are views developed in the context of collective life, which is presented differently depending on the time, place and environment[55]. According to the author, the term of public order has left

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[51] Ibidem, p. 207.

[52] S. Pieprzny, *Ochrona bezpieczeństwa i porządku publicznego w prawie administracyjnym*, Wydawnictwo Uniwersytetu Rzeszowskiego, Rzeszów 2007, p. 31-39.

[53] S. Pieprzny, *Administracja bezpieczeństwa i porządku publicznego*, Wydawnictwo Uniwersytetu Rzeszowskiego. Rzeszów 2012, p. 14-15.

[54] W. Kawka, *Policja w ujęciu historycznym i współczesnym*, wyd. z zasiłku Zakładu Administracji i Prawa Administracyjnego U.S.B., Drukarnia „Zorza", Wilno 1939, p. 3–5.

[55] W. Kawka, op. cit., p. 46, 67, 69, 73.

its mark on the transformations that collective life has undergone[56].

In turn, according to Jerzy Zaborowski, security is "the actual state of affairs within the state, which enables, without risking any damage from any source, the normal functioning of a state organisation and the implementation of its interests, preserving the life, health and property of individuals living in this organisation, and the use by these individuals of the rights and freedoms guaranteed by the constitution and other legal regulations"[57]. Quoting Jerzy Zaborowski, public order is "the actual state of affairs within the state that enables the normal development of social life. An essential element for the implementation of tasks aimed at achieving a specific goal by the society is maintaining internal cohesion by establishing certain rules of conduct for its members. As a rule, these norms are regulated by customs, religious and moral norms, principles of social coexistence, but also in the case of state organisation by legal norms"[58].

According to Waldemar Kitler, public security is a process that includes various activities aimed at protecting the legal order in the state. Protection against activities that are prohibited and against activities that are directed against public institutions and facilities, life, human health or public order, as well as against social norms and customs and the interests of the state, which are protected by law[59]. He also points out that public security is often associated with public order – through the use of the term security and public order. However, according to Waldemar Kitler, both public security and public order constitute separate categories, however, they could be combined into one category – public security. Although these terms are used jointly, only the regulations of criminal law separately refer to public order by listing crimes against public order[60]. He assumed that public security is of paramount importance to public order. And this is due to the essence of public order, which is related to the observance of norms and maintaining the efficiency of public institution[61].

To sum up, (…) regardless of the doctrine and the period in which these doctrines were created, the addressees of standards guaranteeing security (including security and public order), were and are both individuals, social groups and internal institutions. At the same time, there is no doubt that in the doctrines discussed, security, being treated as a whole, concerned the internal security of the state"[62].

The nature of public security and public order

By analysing only the definitions and doctrines in the field of public security and public order presented in this paper,

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[56] S. Pieprzny, *Administracja bezpieczeństwa i porządku publicznego*, Rzeszów 2012, p. 14-15.

[57] J. Zaborowski, *Prawne środki zapewnienia bezpieczeństwa i porządku publicznego*, Departament Szkolenia i Doskonalenia Zawodowego MSW, Warszawa 1977, p. 11.

[58] Ibidem, p. 11-12.

[59] W. Kitler, *Organizacja bezpieczeństwa narodowego RP w kontekście ochrony ładu wewnętrznego w państwie*, „Zeszyty Naukowe AON", No. 4(93) 2013, Warszawa 2013, p. 233.

[60] Ibidem.

[61] Ibidem, p. 234.

[62] Ibidem, p. 234.

one can determine the properties or a set of features that characterise these concepts, and thus indicate their essence, or define their nature – the nature of public security and public order[63].

As a result of the analysis of the definitions in the field of public security and public order, a set of features that characterise these terms has been determined. These are the five characteristics that make up the nature of security and public order. First of all (1) "Security and public order may be disturbed intentionally or without human will"[64], because they constitute a legally ordered state of affairs that may be disturbed by both an individual and a group, and such disturbances may be offences or crimes. If it is disturbed at the will of a person – by the perpetrators of prohibited acts (offences or crimes), the perpetrators of such disturbances are punished with penalties provided for specific prohibited acts, specified by law: fine, reprehension, arrest, restriction of freedom or, in justified cases, application to some of them (perpetrators of offences), the means of educational influence[65]. (2) Public security and public order should be understood as a specific (desired) state (process) within the state, which enables the undisturbed functioning of institutions, individuals and social groups in the state. At the same time, this order is de-

termined by law and other socially accepted norms, which include, inter alia, moral, cultural, ethical, religious norms or customs[66]". (3) „Security and public order are changeable, they evolve"[67]. The content of these concepts cannot be treated as one-dimensional or unambiguous, because they are not fixed once and for all. The meaning of these terms depends on many factors. They are influenced by designated and specific patterns of behaviour in a given community, the prevailing living conditions, and with it changing views and legal and non-legal norms[68]. (4) "The addressees of the norms concerning public security and public order are first of all an individual, social groups and institutions within the state (although these institutions within the state often create these norms)"[69]. (5) „It is essential that public order is inseparably linked with public security and public security should be regarded as an essential part of internal security"[70].

Considering the above, it can be stated that "the essence of security and

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[63] More: A. Tyczkowska-Kowerczyk, *Natura bezpieczeństwa i porządku publicznego*, [in:] *Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne*, tom IX (eds.) B. Wiśniewski, J. Ziobro, T. Zwęgliński, Szkoła Główna Służby Pożarniczej, Warszawa 2021, p. 53-73.

[64] Ibidem.

[65] R. Gwardyński, *Możliwości doskonalenia działań prewencyjnych Policji*, Akademia Wojsk Lądowych, Wrocław 2019, p. 79.

[66] A. Tyczkowska-Kowerczyk, *Natura bezpieczeństwa i porządku publicznego*, [in:] *Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne*, tom IX (eds.) B. Wiśniewski, J. Ziobro, T. Zwęgliński, Szkoła Główna Służby Pożarniczej, Warszawa 2021, p. 58.

[67] Ibidem.

[68] M. Kotulski, *Samorząd terytorialny wobec zapewnienia porządku i bezpieczeństwa publicznego*, [in:] Bednarek W., Pikulski S. (red.), *Prawne i administracyjne aspekty bezpieczeństwa osób i porządku publicznego w okresie transformacji ustrojowo-gospodarczej*, Olsztyn 2000, p. 311.

[69] A. Tyczkowska-Kowerczyk, *Natura bezpieczeństwa i porządku publicznego*, [in:] *Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne*, tom IX (eds.) B. Wiśniewski, J. Ziobro, T. Zwęgliński, Szkoła Główna Służby Pożarniczej, Warszawa 2021, p. 58.

[70] Ibidem.

public order should be perceived and considered in the dimension of the functioning of public authorities and services responsible for public security and order. It is a state and at the same time a process that can be disturbed intentionally or without human will. As a state, the framework of which has been set by the state (legislator), and it is protected by certain entities responsible for maintaining this state, and in the case of its disturbance, these entities react to restore the initial state (these are state administration bodies)"[71].

Summary

Based on the analysis of theories, doctrines and definitions in the field of security, state and law, it should be stated that security and public order, similarly to the concept of security itself, should be perceived, inter alia, as a value, because "one cannot consider the subjective state of a subject, which is its security, without the real existence of this subject. Abstract entities do not feel anything, and therefore cannot feel either safe or threatened. In view of the above, security can only be talked about in relation to real, really existing entities. This observation defines the basic group of threats to any entity, which are threats to its existence. With regard to two basic entities – man and state, this group includes threats to human life and the attributes of the state, because a state that loses one of the attributes assigned to it ceases to be a state, that is, it ceas-

es to exist"[72]. It is also a state in which a person is free from fear, anxiety or worries. It is a state of certainty and a guarantee of maintaining this security. It is a state of non-threatening, certainty that nothing is in danger, giving you peace of mind and security, as well as a chance for improvement and development. There is no doubt that it is also a process which, in this approach, "refers to the level of security and its organisation undergoing dynamic, and sometimes even chaotic changes. In other words, security as a process means the continuous activity of individuals, local communities, states, regions and international organisations"[73]. It is also awareness – the awareness that in the face of threats or symptoms of their occurrence, the state of affairs of a given subject allows him to feel safe"[74]. It is a stimulus that creates the conditions necessary for the proper functioning of the human body, maintaining mental balance and mental abilities. On the one hand, security is a reflection of an individual and independent human need, it is a natural part of it, and on the other hand, it is a cultural product[75]. It is also

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[71] A. Tyczkowska-Kowerczyk, *Funkcjonowanie straży gminnych (miejskich) w kontekście bezpieczeństwa i porządku publicznego społeczności lokalnej*, „Zeszyty Naukowe SGSP" No. 76/4/2020, Warszawa 2020, p. 138.

[72] J. Prońko, *Bezpieczeństwo państwa. Zarys teorii problemu i zadań administracji publicznej*, Wyższa Szkoła Administracji, Bielsko-Biała 2007, p. 9.

[73] B. Wiśniewski (red. nauk.), *Bezpieczeństwo w teorii i badaniach naukowych Wydanie II uzupełnione i uaktualnione*, Wyższa Szkoła Policji w Szczytnie, Szczytno 2018, p. 15.

[74] Zob. J. Delumeau, *Skrzydła anioła. Poczucie bezpieczeństwa w duchowości człowieka Zachodu w dawnych czasach*, Warszawa 1998, p. 9–20, [in:] B. Wiśniewski (ed.), *Bezpieczeństwo w teorii i badaniach naukowych Wydanie II uzupełnione i uaktualnione*, Wyższa Szkoła Policji w Szczytnie, Szczytno 2018, p. 15

[75] S. Jarmoszko, C. Kalita, J. Maciejewski, *Nauki społeczne wobec problemu bezpieczeństwa (wybrane zagadnienia)*, Uniwersytet Przyrodniczo-Humanistyczny w Siedlcach, Siedlce 2016, p. 34-35.

a human right to respect human rights that all people should demand from the society in which they live[76]. It is human rights that regulate both the relations between the state and the individual by creating the limits of power in a democratic society, as well as referring to the relationship between the individual and the individual by creating the limits of rights and freedoms in interpersonal relations[77].

To sum up, public security and public order depend on the state, the level of functioning of the public authorities they appoint and the services responsible for them. It is a state and, at the same time, a process that can be disturbed intentionally or without human will, within the legal norms established by this state. It is a state protected by specific state, government and local authorities responsible for its maintenance, and in the case of its disturbance, responsible for its restoration.

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[76] *Encyclopedia of Public International Law*, t. 8, Amsterdam-New York-Oxford 1985, p. 268, [in:] T. Jurczyk, *Geneza rozwoju praw człowieka*, Homines Hominibus No. 1(5) 2009, s.30.

[77] Ibidem.30

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About the Autor

Anna Tyczkowska-Kowerczyk, works at the Provincial Police Headquarters in Wrocław. Her research interests include public safety, public order, police organization, municipal guards and security theory.