

SECURITY IN DAY-TO-DAY OPERATION OF PUBLIC ADMINISTRATION

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Summary. The article pursues the following course of action. The author begins by discussing security as the chief human need and adopts the definition of public administration understood as the fulfilment of collective and individual needs of citizens, in order to move on to the principal issue of security in day-to-day operation of public administration.

Keywords: Security; National security; Public administration; Government administration; Military administration

1. INTRODUCTION

Historically, understanding of security has evolved, and the contemporary concept of security is much broader than in the past. Nowadays, apart from political and military aspects, the notion of security encompasses also economic aspects, raw material resources, ecology, demography, social and humanitarian issues, national identity and ensuring the appropriate share in the civilizational development of the contemporary world¹. The theorists who claim that the concept of security is very broad and ambiguous are right. Due to this notional capacity of security, subject literature does not offer its one, concise definition, and defining attempts constitute the topic of multiple publications. According to J. Marczak, it is difficult due to the huge and overwhelming scope of security as a category, very hard if not impossible to comprehensively describe and define². A. Skrabacz notices that in practice security is understood in many ways, which leads to its ambiguity (at least eight meanings). Most frequently, *security* is understood as: non-threat, peace, certainty; the condition which gives the feeling of certainty, guarantees that it is preserved and offers the chance of improvement; certainty and the lack of physical threat or the protection against it; rational standard of life; chief need of individuals and social groups; basic need of states and international systems; continuous social process in which active entities aim at adjusting the mechanisms which ensure the feeling of security; the state and the process at the same time³. Security may be considered from the point of view of different criteria: subjective (e.g. individual, local, national, international, global), objective (e.g. values, measures and tools, state activity) and processual (prospective) e.g. politics, strategies, correlations, as well as structure and implementation related (e.g. organisations, institutions, activities), and also spatial, in accordance with the organisation method, time criterion, financial criterion (processual)⁴.

¹ S. Korycki, *Bezpieczeństwo polityczne*. [in:] *System bezpieczeństwa Polski*. Materials from the scientific conference of 4 and 5 November 1993 at the NDU, MALF, Warsaw 1993, pp. 53-54.

² J. Marczak, *Współczesny charakter, potrzeby i organizacja bezpieczeństwa narodowego*, [in:] *Wojskowe wsparcie władz cywilnych i społeczeństwa - założenia, przygotowania i użycie*. AON, Warszawa 2004, p. 20.

³ A. Skrabacz, *Bezpieczeństwo, obrona narodowa i obronność*, [in:] *Współczesne postrzeganie bezpieczeństwa*. Scientific editing. K. Jałoszyński, B. Wiśniewski, T. Wojtuszek, Wyższa Szkoła Administracji w Bielsku-Białej, Bielsko-Biała 2007, pp. 43-45.

⁴ Classification in accordance with: *Bezpieczeństwo międzynarodowe po zimnej wojnie w Europie Środkowej*. Scientific editing J. Kukułka, Wydawnictwo SCHOLAR, Warszawa 1994, pp. 40-41 and *Bezpieczeństwo narodowe i międzynarodowe u schyłku XX wieku*. Scientific editing D. B. Bobrow, E. Haliżak, R. Zięba, Fundacja Studiów Międzynarodowych, Warszawa 1997, p. 7, and also R. Zięba, *Instytucjonalizacja*

2. NATIONAL SECURITY AND PUBLIC ADMINISTRATION

Looking from the point of view of the discussed subject matter (security and administration), let us focus on the understanding of security as the chief and existential need (and value) of individuals, social groups and states. It needs to be emphasised that referring to values when defining security is not only difficult, but also dubious. Since it is impossible not only to determine the full range of all possible threats to security, but also to define values acknowledged by all security subjects, that is individuals and social groups, nations and states, as well as the whole international community, as they are different for different subjects. The essence of vital interests of all nations lies in particular in their defence and protection of independence, sovereignty, territorial integrity (national identity). These are the conditions necessary to ensure development. According to A. Dębska, the synthetic triad "freedom, law, prosperity" (socioculture, sociostructure, socioenergy) is considered by many contemporary thinkers as pillars of security⁵. W. Kitler in his paper "*Wartości, potrzeby, cele i interesy jako podstawowe kategorie bezpieczeństwa narodowego*" ["*Values, Needs, Objectives, and Interests as Basic Categories of National Security*"] adopts the following order as the basis of reflection upon national security: values, needs, interests; and as the chief value assumes: survival (of the state as an independent entity of international relations, of the nation as a distinguished ethnic group, biological survival of the population)⁶. He divides the national security needs into: individual needs in the scope of security (different for each individual), group needs (common for a particular group), national needs (concerning an individual and various social groups, and constituting the aspiration of many entities of international relations connected with the fulfilment of common objectives). He reduces the needs to two fundamental areas: the first concerning these needs which result from the functioning of the society in the state, and the second related to the hardships of everyday life (health, life, goods and the environment)⁷.

As for individuals (or social groups), according to A. Maslow, when physiological needs are fulfilled, the new collection of needs appears, the needs of security (certainty, stability, support, care, freedom from fear, anxiety and chaos, structure, order, law and limitations, strong protector, etc.). These (security) needs may serve to organise the behaviour, recruiting for that purpose all abilities of the organism. Then the whole organism may be described as a safety seeking mechanism, and receptors, effectors, intellect and other abilities may be mentioned which are, above all, tools used to seek security. What is a determining power here is a decisive goal related not only to the current view of the world and philosophy of life, but also referring to the future and the acknowledged values. The safety need is considered as an active and dominant factor which activates the organism's resources only in really critical situations, such as war, illness, natural disasters, waves of criminal activity,

bezpieczeństwa europejskiego. Koncepcje. Struktury. Funkcjonowanie. Wydawnictwo SCHOLAR, Warszawa 1999, pp. 30-32.

⁵ A. Dębska, *Multilateralizm a bezpieczeństwo strukturalne*, [in:] *Bezpieczeństwo personalne i strukturalne wobec wyzwań współczesnego świata*. Scientific editing L. Kanarski, B. Rokicki i J. Swiniarski, AON INH, Materials from the international scientific conference organised on 21 October 1999, p. 68.

⁶ Cf. M. Meyer, *Kulturowe i społeczne uwarunkowania kształtowania systemu aksjonormatywnego*, [in:] *Hierarchie wartości jako wyznaczniki zachowań sprzecznych z prawem*. Polsko-niemieckie studium porównawcze. Oficyna Wydawnicza „Impuls”, Kraków 2003.

⁷ W. Kitler, *Wartości, potrzeby, cele i interesy jako podstawowe kategorie bezpieczeństwa narodowego* [in:] *Metodologia badań bezpieczeństwa narodowego, Bezpieczeństwo 2010. Vol. II*. Scientific editing P. Sienkiewicz, M. Marszałek, H. Świeboda, AON, Warszawa 2011, pp. 97-103. In the systemic approach, a need is treated comprehensively both as human predisposition (to act) as well as a certain state of a human being (deprivation). The systemic category may include: the need of existence, integrity, optimization of functioning, development. P. Sienkiewicz distinguishes the following hierarchy of needs: non-fulfilment of needs leads to the destruction of the system (basic needs), non-fulfilment of needs causes the inability of the system to fulfil certain functions, non-fulfilment of needs leads to disruptions in the fulfilment of certain needs by the system, non-fulfilment which leads to disruptions in the development of a particular system. Cf.: *Bezpieczeństwo obywateli RP jako czynnik jakości życia*. Research Project under the supervision of P. Sienkiewicz, AON, Warszawa 2009, pp. 25-26.

disorganisation of the society, neurosis, brain damage, fall of the authorities, chronically difficult situations when practically everything seems less important than security⁸.

However, it does not seem possible for individuals (citizens) to ensure their own security. Security needs of particular individuals (social groups) are often specifically expressed in the search for a protector, i.e. a stronger person or system that may offer support to individuals, in particular in case of a real threat to the law, order or authority. Many authors emphasise that the only entity capable of ensuring (national) security is the state. It is the state that due to its institutions: strong, well-trained and equipped army, police and other services, is able to ensure national security. As national security constitutes for citizens, local communities, the nation and the state, a primal, existential need, it will also be the objective in all fields and at all levels of the organisation of the state and society.

In order to increase the feeling of security people unite (affiliate) and establish states as the ultimate organisational form guaranteeing security⁹. The state has been so far the most perfect form of securing the needs of an individual and a social group in the scope of security. The state, in the context of security, is forced to deal with the protection of significant values not only connected with survival, territorial integrity and independence in the international arena, but also connected with ensuring (the fulfilment of the needs of) prosperity for citizens, eliminating threats, for the quality of life connected with economic factors, the natural environment or crime¹⁰. Therefore, the aim of each state aiming to ensure security and stable functioning should be achieving and maintaining the ability to protect the significant infrastructure against threats, and its task is the fulfilment of the needs of all its components constituting a common value which is defined as the aim of state activity¹¹. The fulfilment of the state's aims is its natural purpose, otherwise its existence would be unjustified¹².

In the above context, security issues are, on the one hand, linked to the fulfilment of individuals, social groups, and on the other hand, to the organisation of the state as a whole, structure of the authority and administration bodies (as well as the executive bodies)¹³.

From the point of view of the discussed subject matter, it is necessary to explain the concept of administration and its essence. It is not, however, an easy task. Already in the 19th century, the author of the first administration textbook – Lorenz von Stein claimed that "(...) what I cannot name, it is administration"¹⁴. Numerous attempts of defining this concept in the theory of administrative law led to the conclusion that "administration may be described but not defined"¹⁵. One of the causes of such a state of affairs is that it is possible to explain this concept from different points of view giving it quite a different meaning. Another difficulty is related to the different understanding of the concept in various historical periods, caused, *inter alia*, by the necessity of including in the definition some principles of a political system as well as basic tasks and functions of the state, because only then it is

⁸ A. Maslow, *Motywacja i osobowość*. Wydawnictwo Naukowe PWN, Warszawa 2009, pp. 65-67.

⁹ A. Skrabacz, *Bezpieczeństwo, obrona narodowa i obronność*, [in:] *Współczesne postrzeganie bezpieczeństwa*. Scientific editing K. Jałoszyński, B. Wiśniewski, T. Wojtuszek, Wyższa Szkoła Administracji w Bielsku-Białej, Bielsko-Biała 2007, pp. 43-45.

¹⁰ Z. Trejnis, *Spory wokół określenia bezpieczeństwa* [in:] *Metodologia badań bezpieczeństwa narodowego. Bezpieczeństwo 2010*, AON, vol. II. Scientific editing: P. Sienkiewicz, M. Marszałek, H. Świeboda, Warszawa 2011, p. 366.

¹¹ *Słownik języka polskiego*. Ed. M. Szymczak, Warszawa 1992, p.235.

¹² R. Wróblewski, *Podstawowe pojęcia z dziedziny polityki bezpieczeństwa, strategii i sztuki wojennej*. AON, Warszawa 1993, p. 13. The author counts among the (national) objectives of the state, *inter alia*: national (state) security; moral and material strength of the state; high international position; existence, prosperity, development and economic stability; maintaining national identity; shaped and optimised international environment.

¹³ W. Kitler, *Prawno-organizacyjne uwarunkowania bezpieczeństwa narodowego Rzeczypospolitej Polskiej*, [in:] *Bezpieczeństwo narodowe Polski, cz.1, Kryptonim „Bezpieczeństwo RP”*, scientific supervision T. Jemioła, Warszawa 2006, pp. 33-34.

¹⁴ M. Stahl, *Pojęcie administracji, jej cechy i funkcje* [in:] *Prawo administracyjne – pojęcia, instytucje, zasady w teorii i orzecznictwie*. Ed. M. Stahl, wyd. Difin, Warszawa 2009, p. 13.

¹⁵ *Ibidem* 13.

possible to determine its role, content and scope¹⁶. Still another issue is the multilateral character of administration, which allows to analyse it in different contexts – sociological, political, linguistic or legal¹⁷. Hence, literature referring the concept of administration offers different definitions presenting disparate approaches which in new historical conditions lose or gain relevance, and some are understood anew¹⁸.

Nowadays, in subject literature, the concept of administration adopts three different forms. The first one refers to particular organisational structures in a state; the second – objective one – to specific activity, while the third – subjective approach – to a particular group of people¹⁹. In the science of law, administration has two general and basic meanings: the objective one which sees administration as creative, organised and continuous public activity in a state which consists in handling of the needs resulting from the coexistence of people in large groups. It is then a type of activity aiming at the achievement of general aims (public interest) in the state. In the subjective (organisational, structural) meaning, administration is constituted by government administration bodies, administrative institutions' bodies and local government bodies (different entities, bodies, institutions). Administration both in the objective and subjective sense, in accordance with the principle of legality expressed in the Polish Constitution is bound by the law²⁰. This approach has two consequences: applying statutory regulations, i.e. acting in the circumstances and forms precisely determined in statutes, and acting on the basis of generally formulated statutory authorisation, defining the tasks of administration in the sphere of rendering the collective needs, allowing for greater or smaller freedom as to the scope and form of activity²¹.

According to J. Boć, each definition of administration separately and all of them collectively answer altogether or selectively the catalogue of questions concerning: subject of activity, aim of activity, object of activity, qualities of activity, and in particular the method of activity, addressee of activity²². Assuming the earlier adopted criterion of security taking into consideration the (individual, collective) needs in this field, the following definition of public administration has been adopted which refers to the needs of citizens: "Public administration is the fulfilment of collective and individual needs of citizens resulting from the coexistence of people in communities adopted by the state and implemented by its dependant bodies as well as local government bodies²³."

According to the authors of the book entitled *Administracja publiczna. Zagadnienia ogólne [Public Administration. General Issues]*, in a democratic state administration is a servant of the society. It serves the society, as an executive apparatus with a democratic mandate of the political power, and as the servant of the law established by the political authority bodies. Nowadays, the servant character of administration is emphasised increasingly in relation to the administered entities. Instead of being referred to as the administered (citizens), they are called the public (customers). Therefore, the work of present day public administration consists not only in executive application of administrative law, but

¹⁶ Cf. J. Lang, *Zagadnienia wstępne*, [in:] *Prawo administracyjne*. Ed. M. Wierzbowski, PWN, Warszawa 2001, p. 16.

¹⁷ Szerzej: J. Łukasiewicz, *Zarys nauki administracji*, wyd. LexisNexis, Warszawa 2004, pp. 77-80.

¹⁸ *Prawo administracyjne*. Ed. Z. Niewiadomski, Wydawnictwo Prawnicze LexisNexis, Warszawa 2005, p. 22.

¹⁹ Cf. J. Boć, *Pojęcie administracji*, [in:] *Prawo administracyjne*. Ed. J. Boć, Wyd. Kolonia Limited, Wrocław 2005, p. 13.

²⁰ Pursuant to Article 7 of the Polish Constitution of 2 April 1997, public authority organs function on the basis of, and within the limits of, the law.

²¹ *Mała encyklopedia prawa*. Ed. U.K. Prasznic, Wydawnictwo C.H. Beck, Warszawa 2005, pp. 5–6.

²² *Administracja publiczna*. Ed. J. Boć, Kolonia Limited, Wrocław 2003, p. 8. Cf. B. Wasiutyński, *Prawo administracyjne*, Warszawa 1936, pp. 3–4. "Administration may be most generally defined as planned and continuous activity for the fulfilment of needs. If this activity aims at fulfilling the needs of the state or another association governed by public law, it is public administration. The principles governing this activity constitute administrative law. It is closely related to the state law. The fulfilment of the needs of a private individual or the state, when it functions as a private individual (conducting, e.g. business activity), is private administration. This activity is subject to the regulations of private law".

²³ *Administracja publiczna*. Ed. J. Boć, Kolonia Limited, Wrocław 2003, p. 10.

also in independent, creative activity within the limitations and on the basis of the law, in the scope sometimes far exceeding the area governed by administrative law. Taking the above into consideration, it may be said that in the functional meaning, public administration is understood as organisational and executive activity related to political decisions of the state authorities²⁴.

In order to determine the function of public administration, let us focus on the last mentioned characteristic, i.e. organisation. As the system of entities performing the tasks of public administration, which follow harmonised procedures, public administration may be treated as a certain, distinguished, comprehensive and uniform organisation. From the point of view of H. Izdebski and M. Kulesza, public administration is a complex organisation – both when treated as a whole (state administrative system), as well when its separate, bigger and smaller, distinguished elements are analysed (e.g. the government and the whole government administration, the authorities and administration of a particular commune (*gmina*), a particular office or administration department).

In Poland, each of the entities constituting an element of administration fulfils a characteristic function or functions which result directly from the law. For instance, the Council of Ministers is responsible for domestic and foreign policy²⁵, whereas local government performs all these tasks which are not reserved by law to the organs of other public authorities²⁶. The above mentioned authors, using the achievements of management sciences, distinguish the following functions of administration (spheres of activity): governance, fulfilment of tasks of day-to-day administration, administration resources management.

The basic function of administration, from the historical point of view, was the removal of a threat to peace, security or public order. This function was defined as "administrative police". This concept is not a normative notion, but rather the determination of specific relations connecting citizens with administration acting for the good of all. In the later period of a liberal state, another function appeared – the regulatory one, sometimes referred to as law enforcement and restrictive function. It dealt with the execution of statutory regulations and application of the law, and played the role of a "night watchman" – a guarantor of the legal order²⁷. Nowadays, the governing function consists in the implementation of a political programme which has laid the basis for taking of power. This function (in a state, commune, district, region) is realized primarily through the electoral process. Then, it is realized by way of relevant organisational mechanisms and legal solutions which enable exercising of power by different political forces, depending on the will of the voters, and conducting public policy in different areas of responsibility of the entity. In the Polish system, there are many different entities of public authority, all of which realise their functions differently. Pursuant to Article 146 (1)–(3) of the Polish Constitution, "the Council of Ministers shall conduct the internal affairs and foreign policy of the Republic of Poland. The Council of Ministers shall conduct the affairs of State not reserved to other State organs or local government. The Council of Ministers shall manage the government administration". Therefore, the national affairs belong to the sphere of responsibility of the government and government administration. Whereas, pursuant to Article 163 of the Polish Constitution, "local government shall perform public tasks not reserved by the Constitution or statutes to the organs of other public authorities". Thus in matters of local communities, different range of responsibility is assigned to local authorities of appropriate levels.

Administration resources management includes the following resources: organisational, human, material, as well as information related. Administration resources management concerns the organisational issues of administration, including the executive, supervisory and coordination mechanisms²⁸.

Like the definition of administration, also its functions changed at the turn of centuries. A special importance was attributed, for instance, to the function of fulfilling basic existential needs of the

²⁴ H. Izdebski, M. Kulesza, *Administracja publiczna. Zagadnienia ogólne*. LIBER, Warszawa 2004, pp. 24 and 27.

²⁵ *Konstytucja Rzeczypospolitej Polskiej...*, Article 146 (1).

²⁶ *Ibidem*, Article 163.

²⁷ M. Stahl, *Pojęcie administracji...*, *op. cit.*, p. 20.

²⁸ H. Izdebski, M. Kulesza, *op. cit.*, pp. 100–103.

population in such areas as education, culture or infrastructure. The performance of tasks of day-to-day administration results from its statutory obligations. The tasks of day-to-day administration and administrative competence are precisely assigned to particular entities and institutions by the legislator. In this respect the law should precisely indicate the spheres of their responsibility and determine the principles of cooperation, which enables the fulfilment of public duties by the state as a whole.

Nowadays, regulatory administration (*administracja władcza*) and servicing administration (*administracja świadcząca*) are distinguished. Regulatory administration steps in and, with the use of regulatory measures, interferes in the legal sphere of citizens, restricts their freedom or property, imposing duties which somehow burden them. Servicing administration provides citizens with certain services or other benefits. From the point of view of public administration's functions fulfilled in the public interest, the following may be distinguished: 1) classical, law enforcement and restrictive administration, i.e. regulatory administration, 2) servicing administration, 3) administration exercising ownership and management rights²⁹.

With reference to the discussed issue, let us focus on law enforcement and restrictive (policing) administration. When speaking of law enforcement and restrictive administration, we mean its classical functions, i.e. policing functions as administration interferes in the legal sphere of a citizen by restricting his or her freedom, property, imposing duties; applying at the same time regulatory measures, therefore it is sometimes referred to as regulatory administration³⁰. Regulatory (law enforcement and restrictive) administration, referred to also as classical administration, includes restricting and distribution tasks performed by way of regulatory forms of administrative activity, mainly administrative acts (permits and licenses), secured by the possibility of using state coercive measures. Historically, the basic function of administration was the function defined as "administrative police" understood as legal and actual actions taken by administration in order to move away a threat to such goods as peace, security and public order. Nowadays, administrative police is associated with maintaining and protection of order and security, removing threats to public order, life, health, etc. by public administration bodies, usually in emergency situations, often by way of specific forms of activity, including direct coercion. It is done by the bodies specially formed for that purpose, as uniformed and armed formations (Police, Border Guard, Municipal Police, etc.), organized along military lines³¹. Regulatory administration takes actions consisting in reversing threats and removing dangers. Sudden threats in the universal scale: epidemics, natural or ecological disasters, restore its original, natural primacy and unquestionable regulatory character³².

As it has been earlier emphasized, these issues are related to classical policing function of the state connected with the protection of public order and collective security. From the very beginning, the law

²⁹ According to the authors of *Prawo administracyjne* (ed. Z. Niewiadomski, *op. cit.*, p. 22), administration, due to the dominating character of its regulatory function, may be divided into different types and spheres: internal and external, regulatory and non-regulatory. The following division is the most widely accepted: interfering administration, servicing administration and administration dealing with infrastructure. In turn, H. Izdebski and M. Kulesza (*Administracja publiczna...*, *op. cit.*, p. 104) list: classical law enforcement and restrictive (policing) administration, servicing administration (public services), administration exercising ownership rights (management of public property).

³⁰ E. Ochendowski, *Prawo administracyjne. Część ogólna*. Towarzystwo Naukowe Organizacji i Kierownictwa, Toruń 2004, p. 27.

³¹ Z. Duniewska, B. Jaworska-Dębska, R. Michalska-Badziak, E. Olejniczak-Szatowska, M. Stahl, *Prawo administracyjne. Pojęcia, instytucje, zasady w teorii i orzecznictwie*. Difin, Warszawa 2000, p. 17. Sometimes public services having an armed force at its disposal are classified as a separate category. In such a situation, next to administration bodies, direct coercion organs or coercive apparatus is distinguished. The coercive function of the state is expressed in various ways. Such a manifestation of the coercive function of the state is the existence of the apparatus which systematically and overtly uses coercion inside the state (e.g. police, prosecutor's office, courts) or in external relations (e.g. armed forces). W. Lamentowicz, *Państwo współczesne*, Wydawnictwo Szkolne i Pedagogiczne, Warszawa 1996, p. 2.

³² Z. Niewiadomski, *op. cit.*, p. 41. For contemporary, complicated and multilateral rescue operations it is, therefore, extremely important to establish at every level of administration a body entitled to leadership and coordination in such a situation. In Poland it is a province governor.

enforcement and restrictive function was connected with public burdens (personal and property related), imposed on community members for the purposes of the maintenance of institutions and tools used to protect public order and collective security in different areas of life. These legal liabilities (burdens) of various types were of personal character, e.g. military service, material, e.g. providing for the defence, or fiscal (taxes, defence expenditure)³³.

The above shows that the classical policing function of the state is connected with the achievement of the state's objectives, understood as: maintaining independence and territorial integrity, enforcing unity and internal order, ensuring the welfare of citizens, and with (national objectives, i.e.) preserving own culture, continuing historical tradition, propagating the ethos, knowledge of language, consolidation of ethnic identity. Common, agreed area between private interests of citizens and *raison d'état* is called public interest (common good)³⁴.

In a democratic state, public interest is the effect of free clash of different arguments which may emerge publically and concern the organization of public life. The exact content of public interest is formed by all citizens participating in the debate about interests and values important for the survival of the whole community. In turn, *raison d'état* consists of basic interests of the state (as a whole, and not only of the ruling groups); nowadays *raison d'état* includes such conditions which allow the state to exist securely, maintain territorial integrity and sovereignty of its authorities, freely shape its form, beneficially cooperate and peacefully compete with other states and develop as a civilized state.

Another issue is the question of the orders "to work for the common good" (public interest), resulting from the entitlements of the state authorities. An entitlement is the ability – but not the necessity – to choose quite freely the method of taking on (also an obligation of) action. The political entitlements assume the necessity of acting for "public good". Each political function and each formulation of its entitlements should be the expression of the orders to work for common good. Prescribed scope of entitlements is to serve public good. The scope of entitlements is transformed into the burden of great duties lying with the entity that is the beneficiary of these entitlements or that is vested with such powers. Let us take the example of compulsory military service and constant vigilance, concern for the security of the country³⁵. Relevant regulations in the field of defence become significant as in the course of disputes, discussions and debates of representatives of the state are reflected in the applicable law. Traditionally, administration participates in shaping and implementing policies, issues orders, prohibitions and permits. With civilisational development, the scope of its responsibility for the growing range of public services (servicing administration) has been increasing³⁶.

The concept of servicing administration "(...) is understood as the administration of social services and securing living conditions by public institutions and supportive administration"³⁷. Servicing administration is nowadays believed to be an equal and sometimes even a dominant function related to the fulfilment of common needs. With civilisational development, functions of administration have

³³ H. Izdebski, M. Kulesza, *op. cit.*, pp. 106–107.

³⁴ Public interest is often equated with the concept 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 essential elements: the first – respect for an individual as such, the second – common good requires social welfare and development of the community, the third – common good constitutes peace, i.e. persistence and security of the just order. Cf. W. Lamentowicz, *op. cit.*, pp. 41–43. From the economic point of view, an essential concept is that of pure public good. It is the good which does not need to be competed for and from the use of which no one can be excluded, "if anybody benefits from public good, everybody benefits from it". National defence is a key example. Defence is not competed for, which means that all citizens residing in the defended area enjoy its benefits. Moreover, no one can be excluded from the consumption of national defence; it is impossible (and surely impractical) to section off and exclude a city or a region from the national defence system. W.F. Samuelson, S.G. Marks, *Ekonomia menedżerska*, Polskie Wydawnictwo Ekonomiczne, Warszawa 1998, p. 623.

³⁵ Cf. *Podstawy wiedzy o państwie*. Red. A. Rzegocki, Ośrodek Myśli Politycznej, Księgarnia Akademicka, Kraków 2000.

³⁶ H. Izdebski, M. Kulesza, *op. cit.*, p. 110.

³⁷ M. Stahl, *Pojęcie administracji...*, *op. cit.*, p. 21.

changed. Particular role has been attributed to the function of fulfilling people's basic, living needs, especially in cities, and organizing services in the scope of municipal infrastructure, education, culture and in the social sphere³⁸. Servicing administration has two faces:

- concern shown to each individual by providing citizens with proper living conditions and their improvement, i.e. providing services of social type; ensuring services in the scope of education, health care, social assistance and basic care for people with disabilities;
- providing for the whole community – the so called technical services, such as collective transport, water supply and sewage system, light and heat supply, sanitation, etc.

The role of public administration in this respect may be diversified and it consists, *inter alia*, in the responsibility of the public authority for the standard of services provided by the private sector, and in direct organisation of the provision of public services of different sorts. It may even include the provision of such services by means of institutions belonging to the public sector (public utility companies and administrative facilities). Due to a great number of services' recipients it may be conducted by the local government at different levels³⁹.

As for infrastructure administration (administration performing owner's functions – management of public property), what is observed nowadays is the state management of huge infrastructure (roads, waterways, railways, national forests). Gradual privatization and division into national and municipal property has not changed considerably the basic scope of this management⁴⁰. In any political system, administration exercises ownership rights (in the name of the state, commune or another local government unit) with reference both to public items which serve to perform basic public functions, as well as the economic assets (shares and securities, production plants or service workshops, agricultural and forestry estates, etc.). Public property serves to perform the tasks in the scope of broadly understood servicing administration which pursuant to statutes are defined in Poland as continuous, and to ensure uninterrupted fulfillment of the people's collective needs by providing universal services⁴¹.

In order to fulfill tasks related to the use of entrusted property, and to keep it in the proper state, separate organizational units are established, sometimes with separate legal personality, entrusted with the management of specific elements of property (public utility companies, administrative facilities). This property may be, however, also treated as a special kind of economic assets. In view of the size of administrative assets of some departments of the government administration, there is a tendency to ensure greater flexibility of the structures performing the most capital-intensive and responsible owner's functions in this respect, namely investor's functions (purchasing real estate, modernization and construction of buildings and structures). There are many assets which can be used in both strictly administrative and business operations, not to mention the fact that certain types of activity may be considered as the fulfillment of public functions or as business activity. The privatization of national economic assets was essentially entrusted to one of the ministers, however, competence in many matters was acquired also by some government administration bodies (e.g. supply service, within the Ministry of Defence, dealing with armament purchases) or specially established special state agencies (e.g. Military Property Agency)⁴².

³⁸ Z. Duniewska, B. Jaworska-Dębska, R. Michalska-Badziak, E. Olejniczak-Szałowska, M. Stahl, *op. cit.*, p. 17.

³⁹ H. Izdebski, M. Kulesza, *op. cit.*, pp. 110–112.

⁴⁰ Z. Niewiadomski, *op. cit.*, pp. 42–43.

⁴¹ H. Izdebski, M. Kulesza, *op. cit.*, p. 113.

⁴² *Ibidem*, pp. 99–115.

3. CONCLUSION

To sum up, it needs to be stated that administration performs a variety of functions, including the function of government, function of performing day-to-day tasks and function of resources and administration development management. From the point of view of functions, administration may be classified as: law enforcement and restrictive (policing), servicing, exercising ownership rights, development management. Depending on political and economic factors, the content of public administration's functions has changed throughout history, determining at the same time the essence, character and scope of administrative activity. Depending on how the object of public interest is determined, and thus also the range of tasks and responsibility of public administration, the influence of citizens on its operation is greater or lower. Public administration (as a system) always guards the state interests, which means that public administration (civilian and military, government and local) is responsible for public order in practice, as well as for the state security, the condition of collective and citizens' life. This function is fulfilled by public administration in each, modern state⁴³. An essential and unquestionable function of the state and its administration is related to interventions in case of economic crisis, social conflict and in emergency situations referred to as extraordinary measures (martial law, state of emergency, natural disaster). Only the state and its administration have proper organization and necessary power to intervene in case of extraordinary measures⁴⁴.

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⁴³ *Ibidem*, pp. 26–27.

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