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The summary of the doctoral thesis: "Public safety in administrative law "

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The doctoral thesis: "Public safety in administrative law" is an assessment of legal regulations concerning public safety based on the analysis of the substantive , system and procedural law. The doctoral dissertation indicates the variety of this category and its interdisciplinary character. The interdisciplinary character of public safety is a positive aspect of this category. Both: the state and its citizens (as the public safety holders) are interested in public safety.

The main subject of this thesis is an attempt to answer the questions:" Does administrative law rule public safety sufficiently" and " Does administrative law guarantee the public safety?" Multi faced character of these questions and their answers cause that this thesis gives general analysis of the main topic and focuses on some essential problems submitting their review.

The doctoral thesis consists of five sections divided into detailed points. Each section begins with introduction and ends with conclusion.

The first section is entitled : "Safety in general". It gives a kind of assessment of public safety category considering its usefulness in administrative law. Subject and object character of this regulation field is indicated in the bounds of public safety notion. There is also a review of public safety definition and other associated notions which are important for the main notion of the thesis , there are among other things: the notions of public policy, public interest, public aim and public task. Public safety and public policy at the level of binding Constitution are also shown.

The claim of "public safety" notion definition is done in the first section. The created definition includes the state and its statutory bodies obligation to ensure public safety and it states that citizens, units and non- state subjects are participating in this process. This participation should be done by:

- fulfilling all obligations of regulation character given by the state,
- conscious and in accordance with rules of public safety standards activities,

- cooperation with fulfilling self-contained state and public administration obligations
- activation, perpetuation and promotion of attitudes to public safety
- not overuse of freedom, which is the crucial value in the field of public safety.

In the first section it is said that public safety is an unclear and underspecified category which has general characteristic of remaining general clause. It is also stressed that this feature of public safety can be its advantage because of the "capacity" of category and disadvantage because of the possible difficulties in using it by authorities of public administration.

A large part of the first section is an analysis of particular internal categories of public safety, which has been distinguished by the author. As a part of this analysis ten categories of public safety are assigned. All these categories concern particular protection of various goods, values, civil rights and freedom. The indicated categories are considered as the safety of politics, ideology, information, society, health, economics, tax, law, military, (army), environment (ecology).

The second section is entitled: "The subjects dealing with public safety and their competences". It gives an assessment and analysis of the Government tasks realisation in the field of public safety. The subjects responsible for this realisation are also indicated.

In the first part of the second section the objects of public safety related to already standardised relationships within public administration and its all authorities are discussed. Regulations concerning this field of administration revealed two basic ways of building these relationships in different groups of public administration authorities: centralization and decentralization. Moreover in the thesis is underlined that these notions are associated by two other structures called concentration and deconcentration. In this part of the second section the analysis of indicated notions and their usefulness for the needs of public safety is done. Moreover, the analysis of authorities dealing with public safety at the level of government and local public administration is done.

In the second part of the second section, some selected examples of authorities and subjects dealing with public safety and their competences in this field are discussed. As far as given subjects are concerned they have been divided into two groups. The first group is represented by public administration authorities which has wide competences concerning state matters, especially competences related to the field of public safety. The second group is represented by the specialised objects (armed forces, inspections, guards) which typically deal

with public safety, what means that their object of actions is focused first of all on this field of state activities and operation. The indicated objects represent government and local administration.

At the level of government administration the following subjects dealing with public safety are discussed : the Council of Ministers , The Prime Minister, Interior Minister, Defense Minister ,provincial governor , The Government Safety Centre.

At the level of local administration all statutory bodies of communal and district government are indicated and discussed. This doctoral thesis also includes The Communal Group of Crisis Management, The Communal Policy and The Commission of Safety and Policy.

In the group of specialist objects the following objects are given : The Police, The National Life Saving, The National Fire Brigade, The Building Supervision Inspection, The Road Transport Inspection and The Government Security Office.

The third section of this doctoral thesis is entitled: "The legal forms of public safety administration acting". In the first part of the third section the assessment of legal forms of public administration subjects acting and their usefulness for public safety administration is done. The level of "using" these forms by public safety subjects is also evaluated. On this basis the catalogue of legal forms of public safety administration acting has been done. In this catalogue the following forms of acting are included: normative act (internal and external) , administrative act (individual and general) directly binding actions, administrative agreements, actual actions (socio-organizational, material-technical), new forms of acting, for example: plans and strategies.

In the further part of the third section the analysis of legal forms of public administration safety in two conceptualisations is done. The first conceptualisation is done on the basis of using the general forms of public administration acting by the authorities and subjects dealing with public safety. The second conceptualisation is done on the basis of presentation of the particular forms of public safety administration acting.

In the first group the typical and well known public administration forms of acting are discussed and the examples of using these forms by public safety administration subjects are discussed.

In the second group the particular forms of public safety administration are presented. These forms are characteristic for the subjects dealing with public safety significantly (services,

inspections, guards). Several categories of these forms are indicated here: for example: direct coercive measures, preliminary investigation activities, administrative- policy activities.

The fourth section is titled: "The dangers of public safety". In this section there is a review of public safety danger definitions. The author created his own definition of subject notion, this definition states that "the danger of public safety is a certain state which negatively affect the protected subject". It is made because this subject in its subjective conviction feels in danger. This danger is a part of one of the public safety category and this subjective feeling of danger is being made objective by state authorities subjects.

In the further part of this section the author analyzes the dangers and protective norms against them on the basis of Acts of administrative law. This analysis is done by division into particular categories of dangers : natural, ecological, military, social, economical, political . The variety of dangers, their difference and level of influence are also indicated .The obligations of public safety authorities in protective norms implementation have also been highlighted. There are detailed divisions inside particular categories and there is an assessment of danger influence on the whole category of public safety.

The fifth and the last section is entitled : "Public safety as a special criterion of activities undertaken by public administration ". This section provides an analysis of public safety criterion among the other criteria of public administration activities .The criteria which are used by public administration have different character and they usually concern the special operations of public administration. These activities are undertaken by public administration authorities on the basis of statutory authorisations. They are under special protection or they must be taken into consideration at the assessment made by the authorities. This section has been divided into smaller parts .These parts include the analysis of public safety criterion in relation to the other criteria of undertaking the special activities by public administration. This analysis is also done in details in relation to particular regulations of administrative law. The analysis of public safety is done in three major aspects:

- as a criterion of fundamental values protection in the procedural law.
- as a criterion to protect the citizens of local community
- as a way of organisational dycipline of state authorities and citizens in emergency situations.

There is also an evaluation and meaning of public safety criterion for public administration and for subjects acting beyond public administration. Because public safety

belongs to the group of so called non acute notions it has been assessed in terms of discretionary operations of public administration activities using the criterion of public safety.

In the final part of this doctoral thesis the answers to crucial questions are given. The questions are : "Does administrative law rule public safety sufficiently?" and "Does administrative law guarantee the public safety ?". The author claims that administrative law regulates the public safety insufficiently. It is caused by some reasons: Firstly : the law-giver has not given due diligence and has not prepared suitable regulations of the public safety materia in administrative law. Moreover the regulations in normative material of administrative law do not give any basis to their positive assessment. Rare examples of right regulations do not influence on the general assessment and do not give any basis to claim that administrative law regulates public safety sufficiently .

Consequently the author answers negatively to the second question: "Does the administrative law guarantee public safety ?" The author highlights that the answer to this question depends on the answer to the second question. If the administrative law regulates the public safety insufficiently the administrative law does not guarantee the public safety. This lack of guarantee of administrative law in the field of public safety concerns first of all the legal norms toward human, citizen, who in the terms of public subject law cannot demand providing him or her public safety successfully. This binding legal state influences negatively and seriously on Constitutional guarantees which are ensured by the rules of democratic state of law. The lack of guarantee of administrative law in the field of public safety is also wrongly created legal norms or their total lack, for example the lack of legal norms describing competences of public safety authorities.

According to the author the analysis done in the field of the answer to the second crucial question showed numerous flaws in normative content defining activity of public administration authorities which deal with public safety. These flaws concern the law-giver's messing up the competences and the tasks of public safety authorities. The second important flaw is the lack of competences for these authorities in these fields and categories of public safety which are of bigger danger: for example: radioactive safety, terrorism danger, and some natural dangers. Another negative thing in the field of norms of public administration authorities activity dealing with public safety is interlocking the competences among authorities. This phenomenon is bothering and it can cause the beginning of arguments of attribution among the authorities what

is undesirable in the field of public safety. All described here things can be defined as pathology in the field of norms of public safety administration activity. They have negative influence on the implementation of state tasks in the field of public safety.

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