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COGNITIVE AND UTILITARIAN CONDITIONS OF NON-GOVERNMENTAL ORGANIZATION ACTIVITIES FOR THE SECURITY OF THE STATE

Abstract: Ensuring the broadly defined concept of security in the 21st century became a responsibility of everyone, both of those who represent government and local government branches and those who operate within non-governmental organizations. Entities which, alongside governmental institutions, actively engage in the operations to ensure safety are non-governmental organizations. In a democratic society, they are basis for the development of local communities and improvement of local security, as they often incorporate most active citizens of certain environments who are sensitive to social matters. They are also an opinion-forming factor at the state's legislative level, at the same time being a significant element in the decision-making process at lower levels.

Key words: organization, non-governmental, NGO, safety, security, defense, civil protection, education.

INTRODUCTION

The modern analyses of safety and security are conducted within three scopes: subjective, material and processual. The subject of security is a man, with both material and moral values, treated as a social unit and a specific collective consciousness with varying characteristics of relationships and determinants of an organizing. Therefore, in the subjective scope, the security may pertain to: a man as an individual having a system of adequate to them values which require a specific protection and defence; a man as a group of people, varying in scale-ranging from family to international community. It may also concern formal and territorially recognizable structures as a commune, district, municipality, state, etc.¹ With regards to the matter of the activities of non-governmental organizations to security, it seems that the statement of J. Stańczyk, who expressed that "[...] security is the fundamental need of a man and of social groups, and also their most important goal"² would be accurate.

Ensuring the broadly defined concept of security in the 21st century became a responsibility of everyone, both of those who represent government and local government branches and those who operate within

non-governmental organizations. Entities which, alongside governmental institutions, actively engage in the operations to ensure safety are non-governmental organizations, which are a basis for the development of local communities and improvement of local security in a democratic society, as they often incorporate most active and sensitive to social matters citizens of certain environments.³ Moreover, it shall be noted that non-governmental organizations are progressively more active in the areas which traditionally have been identified with tasks of the state. One should be aware of the fact that the involvement of the third sector in the broadly defined security is not a "passing notion" of people commonly referred to as social workers, but a necessity resulting from the concern for the collective security.⁴

BASIC LEGAL AND ORGANIZATIONAL RESOLUTIONS

Even the initial attempts to characterize the non-governmental organizations face definitional problems. This concept is used in Polish literature interchangeably with terms such as social organization, non-profit, public benefit institutions and the third sector. Also the term NGO is increasingly more common in Polish language, having originated from the English term non-governmental organization. Although

¹ c.f., Z.Ścibiorek, B. Wiśniewski, R.B.Kuc, A.Dawidczyk, *Bezpieczeństwo wewnętrzne. Podręcznik akademicki*, Adam Marszałek, Toruń 2015, p. 31 and W. Kitler, *Obrona narodowa w wybranych państwach demokratycznych*, AON, Warszawa 2001, p. 37

² c.f., R.Olszewski, *Odstraszanie w kształtowaniu bezpieczeństwa i obronności*, [in:] *Od nauk wojskowych do nauk o bezpieczeństwie*, edit. B.Wiśniewski, Szczytno 2014, p. 204.

³ The rules for creating the program of cooperation between entities of local governments with non-governmental organizations and other entities referred to in Article 3 section 3 of the Act of 24 April 2003 on Public Benefit and Volunteer Work. Methodology and recommendations.

⁴ c.f., B.Holyst, *Bezpieczeństwo społeczeństwa*, Warszawa 2015, p. 60-66.

the term "non-governmental organization" is followed by various interpretations, there is no single universally accepted definition.

In accordance with the Act of 24 April 2003 on Public Benefit and Volunteer Work⁵, non-governmental organizations are perceived as "not being an entity in a public finance sector and not operating in order to make a profit; legal persons or entities without legal personality established under the provisions of laws, including foundations and associations."⁶ A. Sargeant considers a non-profit organization to be the one that contributes to an improvement of the overall standard of living in the society by collecting and redistributing adequate resources and providing physical goods and services. An aim of such organization is not a profit or benefit for itself, hence it does not distribute profits or surpluses to shareholders or members. It can, however, employ personnel and participate in projects which generate profit, contributing to the fulfillment of tasks.⁷ Voluntary organizations and non-profit are defined by others as formal structures existing outside the control of the state, emerging and functioning not because of legal possibilities, but due to the fact that a certain number of people have common objectives and desires. They are led by the governing body constituted by the sole decision of an organization, not being able to distribute any surplus funds, but having to reinvest them in the services they provide⁸. The abovementioned definitions state that the non-governmental organization does not aim at benefits (profit), but at satisfying specific needs.

Three following types of target areas of non-governmental organizations may be distinguished in the classification:

- self-help organizations - operating on behalf of its members;
- care organizations - provide services for the ones in need or for a particular category of persons;
- representative organizations - representing the interests of certain communities;
- hobby and recreation organizations - groups of people interested in a specific sphere of activity;
- can-do organizations - often performing the functions commissioned by the authorities;
- minority organizations - representing the interests of minority groups, such as religious and national;

- "traditional" organizations - with a broad scope of activities and persons for whom they function.⁹

At this point the attention shall be drawn to the functions performed by non-governmental organizations in the civil society. The most frequently mentioned functions are:

- *function of democratic socialization.* Through the participation in the organizing activities, citizens have the opportunity to freely exchange views, acknowledge tolerance, be involved in corporate decision-taking, be responsible for the actions they undertake, independently of state institutions and market-based incentives;
- *integration function of an organization.* Participating in civil society organizations entails personal and long-term commitment in order to fulfill the objectives of a given organization, evoking a sense of belonging and a cooperation in a specific group, at the same time strengthening ties with the society as a whole;
- *expressive function.* To majority of citizens participating in organizations is a mean to express their interests, talents, values, traditions or problems. Cooperation allows them to effectively satisfy those needs, provides them with mutual help and more complete self-realization. By operating in this manner, non-profit organizations help create a pluralistic society and selecting social leaders;
- *proponent function.* Organizations intermediate between the interests of various societies and institutions of the state or the market. This function is expressed in the defense of the rights and the will of specific social groups, which may be ethnic or professional communities, but also groups affected by specific social problem;
- *mediation function.* Due to the existence of an organization it is possible to provoke a dialogue and find a compromise between groups with divergent interests, traditions and values;
- *manipulative and controlling function.* Organizations of civil societies have considerable potential in mobilization of social protests, which may be referred to not only as a mean of pressure in the social dialogue (or rather "civil" dialogue), but also as a mean of control and influence on the activity of state institutions;
- *innovative function.* Non-profit organizations, due to their social nature and autonomy to administrative or market means to maximize profit, are characterized by a considerable level of innovation (often they would try solve various problems in an innovative manner) and elasticity of operating;

⁵ The Act of 24 April 2003 on Public Benefit and Volunteer Work, Journal of Laws, 2014, Item. 1118, with subsequent amendments.

⁶ Ibid, Art. 3 sec. 2.

⁷ A. Sargeant, *Marketing w Organizacjach Non-Profit*, Oficyna Ekonomiczna. Oddział Polskich Wydawnictw Profesjonalnych, Kraków 2004, p. 17.

⁸ E. Bogacz-Wojtanowska, *Zarządzanie organizacjami pozarządowymi na przykładzie stowarzyszeń krakowskich*, Publisher by. Uniwersytet Jagielloński, Kraków 2006, p. 24-25

⁹ c.f., Z. Osmólska, *Trzy sektory w Polsce po 1989 roku. Problemy relacji sektora publicznego z sektorami prywatnymi i obywatelskimi*, [in:] *Jaka administracja? Rozważania nad teorią i praktyką administracji polskiej po 1989 roku*, edit. M. Strzelecki, W. Zubrzycki, D. Jurczak, Olsztyn 2016, p. 89-90.

- *service function*. Civil society organizations would often aim at satisfying specific social needs through a variety of care, educational, cultural and health services. Regardless of the bureaucratic limitations in public institutions and market obligation to maximize profit, non-profit entities can often provide a more efficient support to their participants, or an access to services for those who, for various reasons, could not receive help elsewhere. Due to the commitment of volunteers and number of other forms of support, operating costs of non-profit organizations are often lower than in analogous public or commercial institutions.¹⁰

To summarize our considerations so far, especially significant seem to be the legal aspects of non-governmental organization legal aspects of non-governmental organization activities for security seem to be of special significance. The development of civic activities in non-governmental structures has been ensured by the most important legal Act, that is in the Constitution of the Republic of Poland of 1997¹¹. It can be seen as soon as in the preamble that "(...) the Constitution of the Republic of Poland is set as the basic law for the State, based on respect for freedom and justice, cooperation of the authorities, social dialogue and on the principle of subsidiarity strengthening the rights of citizens and their communities."

It should also be emphasized that the principle of subsidiarity, guaranteed by the Constitution of the Republic of Poland, enables the existence of social organizations, which are the first to perform tasks related to the common good. The objective of the state should be to stimulate civic initiatives, as well as to provide financial support and the guarantee of the appropriate use of public resources. In accordance with the principle of subsidiarity, structures of higher branch do not create their own institutions to perform tasks which can be performed (at considerably lower cost and more efficient) by structures of a lower branch, which means that governmental and local governmental entities commission (for a fee) providing certain civic services to non-governmental organizations.

Polish legislation provides for three legal forms of the establishment and operating of non-governmental organizations. Among them are abovementioned institutions, foundations and organizations functioning under separate laws. Until 1989 the basis for the establishment and operating of associations in Poland was the ordinance of the President of the Republic of Poland of 27 October 1932 on the Law on

Associations¹². Currently existing regulation in this area is the mentioned above Act of 7 April 1989¹³. Article 2 defines the association as a voluntary, self-governing and long-lasting association of a non-profit nature, based on the social commitment of its members. From this record at least four characteristics of the association result, namely: non-profit, voluntary participation, autonomy and durability. Non-profit means that the association is based on unpaid commitment of its members and that it proceeds from adjuvant business activity for the implementation of statutory objectives. Voluntary participation implies the possibility to establish, join or quit the association. Autonomy indicates an independence from external entities. Therefore, it provides flexibility in determining an internal structure and freedom in a decision-making process. Durability concerns permanency and continuity of objectives of the association, which exists and operates through its structures, regardless of the rotation of its members.¹⁴

Foundation's activities are regulated by the Act of 6 April 1984¹⁵, which does not directly explain the meaning of the term "foundation", even though it is contained in the title, and it merely indicates that the foundation may be established for the implementation of the objectives socially or economically useful. Therefore, a predominant task of the foundation is to implement public objectives determined by the founder for unlimited recipients. The structure of foundation consists of: property, public objective, organizational structure which does not have a corporate nature, and legal personality.¹⁶

A considerable number of organizations within the third sector established is in Poland on the basis of separate regulations, as pursuant to Article 7 paragraph 1 of the Act - Law on Associations, its provisions are not subject to:

- social organizations operating on the basis of separate laws or international agreements involving Poland;
- churches and other religious organizations and their legal persons;
- religious organizations which legal status is regulated by laws on the relationship between the

¹⁰ S. Nałęcz, *Organizacje społeczeństwa obywatelskiego w III RP*, [in:] I. Jackiewicz, *W poszukiwaniu modelu. Zmiany instytucjonalne w latach 1989-2001*, Wydawnictwo Sejmowe, Warszawa 2004, p. 25.

¹¹ *The Constitution of the Republic of Poland of 02 April 1997*, Journal of Laws of 1997, no. 78, section 483.

¹² The Ordinance of the President of the Republic of Poland of 27 October 1932 – *the Law on Associations*, Journal of Law of 1932, no. 94, sec. 808, as amended.

¹³ The Act of 7 April 1989. *the Law on Associations*, Journal of Laws of 2001, no. 79, sec. 855, as amended.

¹⁴ J. Jankowski, P. Taracha, *Ważniejsze formy organizacyjno – prawne działania w obszarze „trzeciego sektora” w Polsce*, [in:] *Organizacje pozarządowe w Polsce. Podstawy prawno – finansowe*, edited by M. Granat, Institute of Public Affairs, Warszawa 2000, p. 285

¹⁵ Act of 6 April 1984 *on foundations*, Journal of Laws of 1991, No. 46, sec. 203, as amended.

¹⁶ T. Zagrodzka, *Działalność odpłatna statutowa i gospodarcza- zyski i ryzyko*, source: <http://www.ngo.pl>, access: 22.07.2009.

- state, churches and other religious organizations, operating within these churches and organizations;
- election committees established during elections to the Sejm and the Senate, election of the President of the Republic of Poland and to the European Parliament, or elections to local government bodies;
- political parties.

Social organizations operating on the basis of separate laws include, inter alia: Polish Red Cross, functioning under the Act of 16 November 1964 on the Polish Red Cross¹⁷, or Polish Hunting Association, activities of which are regulated by the Act of 13 October 1995, on Hunting Law.¹⁸

By determining a variety of activities of non-governmental organizations, the task of the legislator is both to encourage the society to establish communities, and to fill the gap that exists between citizens and public administrations.

Active civic participation in non-governmental organizations is often considered the most significant (because being the less expected) success of political and economic changes in the Republic of Poland. At the time, tens of thousands of different organizations were spontaneously established, including associations and foundations, which involved several millions of volunteers. It shall be noted that some spheres of public life, from the care of the homeless, through the counteracting additions, to environmental protection, have been completely or largely dominated just by non-governmental organizations.¹⁹ These activities are possible due to the legal regulations included in both the abovementioned Constitution of the Republic of Poland, and the regulations in following Acts: the Law on Associations, the Law on Foundations and the Law on Public Benefit and Volunteer Work.

Attention should be also drawn to the Programme established by resolution of the Council of Ministers of 18 December 2006, Safer Together. The main objective of the Programme is to reduce the scale of phenomena and behaviors that meet the general opposition and insecurity. The Programme connects activities of the police, government and local government administrations, and social partners interested in improving security and public order. One of the fundamental objectives of the Programme is also to convince citizens of benefits of establishing a lasting, permanent and natural partnership with the police and other institutions protecting security and public order.²⁰

¹⁷ Act of 16 November 1964 on Polish Red Cross, Journal of Laws. No. 41, sec. 276

¹⁸ Act of 13 October 1995 on Hunting Law, Journal of Laws of 2013, sec. 1226, as amended.

¹⁹ See in: *Organizacje pozarządowe w tworzeniu bezpieczeństwa narodowego III RP (w świetle integracji z Unią Europejską)*, „Zeszyt Problemowy TWO” 2003, no. 2, pp. 5-7.

²⁰ "There is a necessity to convince citizens that it is beneficial to establish a partnership with the police and other institutions protecting security and public order."

Non-governmental organizations are also active to the benefit of defense. The basis for their activity, besides the abovementioned legislation, is the Act of 21 November 1967 on the universal duty to defend the Republic of Poland²¹, which constitutes that: "Strengthening the defense of the Republic of Poland, preparation of citizens and national property in case of war, and conducting other activities within the general defense obligation belong to (...) social organizations and any citizen, to the extent specified in the Acts."

It is significant to mention the provisions of the section 60 of NATO Strategic Concept, which states: "A cooperation between alliance forces and local civic authorities (both governmental and non-governmental) are of great importance for the operations conducted by the North Atlantic Treaty Organization."²²

In the subject literature, two terms are used interchangeably to determine the concept of organizations operating for the defense: "defense organizations" or "paramilitary organizations", although these concepts are not equivalent. In the *Lexicon of military knowledge*²³ civil defense organization²⁴ was defined using the above mentioned definition. Defense organizations contribute to the activities for defense, disseminate patriotic feelings, in other words they promote the subject of defense in various manners. These organizations include, inter alia: Society for Defense Knowledge, Polish Red Cross, Polish Amateur Radio Union, and Polish Hunting Association. The paramilitary organizations²⁵ include all those organizations that prove useful for the armed forces. Such organizations are, for example: Riflemen's Association "Strzelec", the Polish Scouting and Guiding Association, Scouting Association of the Republic of Poland.

Considering the legal aspects of operating of non-governmental organizations for defense, more attention should be drawn to the Act on public benefit activity and volunteer work. According to the abovementioned law, public benefit activity is a socially useful activity conducted in a particular area of public tasks by non-governmental organizations and other entities

²¹ Act of 21 November 1967, on the universal duty to defend the Republic of Poland, Journal of Laws of 2015, sec. 827, as amended.

²² See in: *Organizacje pozarządowe w tworzeniu bezpieczeństwa...*, p. 54.

²³ *Leksykon wiedzy wojskowej*, Warszawa 1979, p. 288.

²⁴ Civil defense organization is the type of associations, groups, unions and environmental organizations which include in their programs the population to defend the country. The system of civil defense organization creates real opportunities to externalize and harmonize various interests of citizens with the active participation in the different fields and forms of public, defense and political life.

²⁵ (Greek para- out, beyond, Latin militaris- military) is defined as the type of organization which, with its structure, discipline within the organization, training and forms of education, is similar to the army, although formally not being one of its components.

mentioned in the Act. The objectives of public tasks are in the scope of: social assistance, including assistance to families and individuals facing difficult life situations, and providing equal opportunities to such families and individuals; charity; activities for national minorities; health protection; promoting physical culture and sport; ecology, animal welfare and protection of natural environment; life saving and civil protection. Moreover, the sphere of public tasks includes objectives in the scope of: science, education and upbringing; public order and safety and counteracting social pathologies, as well as the dissemination of knowledge and skills for the defense of the state.

The Act on public benefit activity introduces also a general obligation of cooperation between the public administration and non-governmental organizations in the area of public tasks. It seems necessary to note that the obligation and the principles of cooperation with public administration concern not only public benefit organizations, but all non-governmental organizations and religious organizations conducting public benefit activities. Within the current legal system, the cooperation is no longer dependent on the good will of representatives of the administration but is a statutory obligation.²⁶ Unfortunately, some disputes have appeared concerning the nature of the mentioned obligation.²⁷

These disputes have arisen from the faulty phrased Article 5 section 1 of the Act. Admittedly, the first sentence of this Act states that the administrative authorities function in cooperation with non-governmental organizations, which in legal English language means the obligation to cooperate with organizations, but the second sentence precisely states that this cooperation may be established particularly in given forms. The word "may" is the reason of the controversy.²⁸

In the commentary to the Act professor H. Izdebski expressed the belief that the administration has been generally committed to the cooperation with non-governmental organizations, but there is no obligation to implement such cooperation in all of the forms referred to in Article 5 of the Act.²⁹ However, it should be emphasized that Article 5 lists mere examples, which means that cooperation may also occur in other forms than those listed in the provision. Generally, the forms of cooperation could be divided into two groups:

non-financial cooperation and commissioning tasks. Non-financial cooperation may include:

- mutual informing on planned directions of activities of public administrative authorities and concerned organizations;
- consulting drafts of legal acts in the scope of the statutory public benefit activities of non-governmental organizations;
- creating joint advisory and initiative teams consisting of representatives of non-governmental sector and public administration.³⁰

The second group of forms of cooperation mentioned in the Act may include commissioning to non-governmental organizations to conduct public tasks on the terms specified in the Act.

In order to commission public tasks, it is vital to transfer the financial resources (subsidies) for their implementation. The Act does not specify the possibility of commissioning public tasks without the transfer of subsidies. Commissioning of tasks to non-governmental organizations could occur in two forms:

- assistance in conducting a public task, with granting a subsidy to partly fund its implementation;
- entrusting the implementation of a public task, with granting a subsidy to completely fund its implementation.³¹

CONCLUSION

If we speak about education for safety performed by non-governmental organizations, it is necessary to indicate the significance of financial cooperation. Non-governmental organizations should undertake a number of activities, including those within the area of security; however, those are often the tasks synonymous with objectives of local government. Local government, by recognizing a specific undertaking implemented by the organization as necessary, may provide support by transferring funds for implementation of tasks, including tasks for safety. Therefore, particularly important shall be the cooperation between schools and non-governmental organizations, especially in the area of safety of children and youth. NGOs usually have extensive knowledge about the problems of local communities and are able to provide an effective and fast assistance to solve them. However, schools themselves with non-profit organizations are not able to properly conduct education for safety. Therefore, there is a necessity to undertake a number of system activities with the participation of all entities with educational competences determined by the statutes, regulations, or other organizational documents.

²⁶ See in: R. Skiba, *Jak współpracować z administracją publiczną*, „Stowarzyszenie Klon/Jawor”, Warszawa 2005.

²⁷ See in: B. Wiśniewski, *System bezpieczeństwa państwa. Konteksty teoretyczne i praktyczne*, Szczytno 2013, p. 297.

²⁸ See in: R. Niecikowska, U. Krasnodębska. K. Śliwiński. M. Chrzczonowicz, *Działalność nieodpłatna, odpłatna i gospodarcza stowarzyszeń oraz fundacji*, Warszawa 2008, p. 5-7.

²⁹ See in: H. Izdebski, *Ustawa o działalności pożytku publicznego i o wolontariacie. Komentarz*, Warszawa 2003.

³⁰ See in: A. Jachimowicz, *System współpracy samorządu lokalnego z organizacjami pozarządowymi. Praktyczny przewodnik*, Warszawa 2005, p. 13-21.

³¹ See in: R. Socha, *Fundacja jako jeden z elementów działań na rzecz bezpieczeństwa*, [in:] *Bezpieczeństwo lokalne. Zagrożenia, integracja, strategia działania*, edited by A. Osierdy, „WSA”, Bielsko – Biala 2008.

Conducting joint activities for the improvement of safety awareness, inter alia, prevention actions and embedding right patterns of behaviour, rather than satisfying the financial needs of NGO members would fulfill the convergent objective - everyday safety of adults and children.

It should also be noted that educational activities for security in schools should rely on the knowledge and experience of those for whom the matter is not indifferent. It should involve both police officers and members of non-governmental organizations, especially those with competences and the will to implement the task commissioned by the supervisor. Concerning non-governmental organizations, the choice of the organization should be guided by knowledge and experience of their members, not their number or the years of existence, since it is important that the organization has functioned in the same scope of activities since its foundation. Stagnation of the organizational activities does not satisfy the demands of today's reality, which, unfortunately, results in the lack of skills to gain the interest on the matter of those to whom the words are directed, that is, the lack of interest among children and young people. Similarly, following the endeavors of certain organizations, one may have the impression that they have not entered the 21st century yet.

In modern world, it seems impossible to consider a democratic society without non-governmental organizations, since their presence provides an organizational framework for active citizenship. They are also an opinion-forming factor at the state's legislative level, at the same time being a significant element in the decision-making process at lower levels. In numerous countries (e.g. the USA) no significant social problem could be solved without the participation of the third sector. Moreover, non-governmental organizations publicized some of the social problems thus making them visible and resounding, which, as a result, forced the public administration to undertake certain actions. Sometimes, considerable strength of non-governmental organizations is manifested in the fact that they focus on those problems which others would prefer to forget.

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- [19] Act of 6 April 1984, on foundations, Journal of Laws of 1991, nr 46, sec. 203, as amended.
- [20] Act of 7 April 1989, *Law on associations*, Journal of Laws of 2001, nr 79, sec. 855, as amended.
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ORGANIZACIONI USLOVI ZA AKTIVNOSTI NEVLADINIH ORGANIZACIJA I BEZBEDNOST DRUŠTVA

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Rezime: *U 21.veku, široko definisan koncept bezbednosti postaje zajednička odgovornost, kako predstavnika vlade i lokalnih vlasti tako i onih koji deluju unutar nevladinih organizacija. Entiteti koji, pored vladinih institucija, aktivno učestvuju u očuvanju bezbednosti su nevladine organizacije. U demokratskom društvu, one predstavljaju osnovu za razvoj lokalnih zajednica i poboljšanja stanja bezbednosti na lokalnom nivou, jer često uključuju građane iz različitih sredina koji svojim aktivizmom reaguju na na socijalne probleme. NVO su faktor koji utiče na formiranje stavova o državnom zakonodavstvu, a istovremeno i značajan element u donošenju odluka na nižim nivoima.*

Ključne reči: organizacija, nevladina organizacija, NVO, zaštita, bezbednost, odbrana, civilna zaštita, obrazovanje.