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THE ADMINISTRATIVE-LEGAL POSITION OF THE COMMISSION FOR SECURITY AND ORDER

Public safety and order are special goods, being of interest to both national and local government administrations. In local government, a special role is played by the intermediate level of public affairs management; that is, the county (powiat). Tasks in the field of security and order at the county level are carried out mainly by the commission for security and order, which, under current legislation, appears as a multi-member specialized auxiliary body of the head of the county. The purpose of this article is to present the administrative-legal position of the commission for security and order, and to explore its competencies and tasks, as defined in both constitutional law and substantive laws. It also discusses the personnel structure of the commission, the procedure and rules for appointing its members, and the principles of financing its work.

Keywords: commission for security and order, local government, county, county governor, public administration integration.

1. INTRODUCTION

In the structure of public authority, the legislator assigned a special place to counties. They fulfill a complementary role to municipalities by carrying out supra-municipal tasks, while at the same time fulfilling important tasks of a state nature. The catalog of the latter includes, in particular, tasks in the field of security and public order. In view of the current system paradigm of the intermediate level of local government, the implementation of county tasks in the field of security and public order is generally carried out by the competent county governors (Kotulski, 2001). In administrative doctrine, there is a belief that the implementation of county tasks on the issue of security and order shows a high degree of complexity, requiring extensive substantive general and specialized knowledge (Jagoda, 2009). Therefore, the activity of the county governor in the implementation of tasks relating to broadly understood security and public order is supported by a number of entities, among which the chief position is occupied by the mandatory commission for security and order. Decoding the complexity and importance of the issue of security *sensu*

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largo for the functioning of local government, as well as the existence of an efficient state, became the direct inclination of administrative-legal cognition of the role of the commission for security and order, forming the content of this article.

2. ESSENCE AND NATURE OF THE COMMISSION FOR SECURITY AND PUBLIC ORDER

Consideration regarding the subject of this study should begin by defining the basic concept, which is the multi-faceted term security and public order. It consists of a conjunction of two words: security and order, each defined differently. Public security includes the protection of the interests of the state and the protection of the health and life of citizens, property from any behavior that harms legally protected goods. Public order, on the other hand, is the totality of legal norms and rules that guarantee the proper functioning of the state (Strzyczkowski, 2004). Certainly, security and public order are legal terms whose legal definitions are nowhere to be found in the current legislation. For the purpose of this study, it can be treated as one collective doctrinal term (Kasiński, 2017). This state of affairs is confirmed by the fact that the tasks of public authority in the field of security and public order on the one hand, are primary portions strongly rooted in the consciousness of societies, and on the other hand, exhibit a complex praxeological code. The lack of a clearly formulated legal definition of the term paradoxically may open the way for conducting even more effective activities on the subject of maintaining a high sense of security and public order (Mączyński, 1998).

However, it should be remembered that the overinterpretation of the term security and public order can also lead to the emergence of behavior unfavorable to democracy, extreme cases can contribute to the birth of police, totalitarian states, whose actions will be explained by the need to maintain a high level of security and public order. Therefore, in order to prevent the formation of pathologies, the definition of this multifaceted concept should be sought in the body of doctrine and administrative-legal jurisprudence. In light of the search made for a definition of the term "public order and security", the detailed presentation of which in this study, due to the limited editorial area of the publication, is impossible, I will only present a generalized version of it. In the most general terms, public security and order is a special, extremely broad area of interest for public administration, consisting in maintaining the proper internal state of an organized community, enabling it to function undisturbed, properly in accordance with the applicable laws (Sienkiewicz-Małyjurek, 2010).

Issues of security and public order are not, as they were in the past political system, only the domain of the state administration, they also concern a number of other entities including local government units. Among local government units, a special role in the subject of shaping security and public order is played by counties, at the level of which the catalog of tasks in this area is the broadest (Mączyński, 2007). The adopted concept of co-responsibility of public administration, both government and local government, for the maintenance of public safety and order is extremely correct, in line with the essence of decentralization of power (Sarnecki, 1999). For it is the case that security and public order cannot be attributed the qualities of statehood, since its realization is inextricably linked to the maintenance of a positive state of non-threat at the local and regional levels as well. In other words, there is no security and public order in the state without its realization at the lower levels (municipal, county, provincial), together forming the unitary structure of the state.

The second concept that requires a few words of commentary, especially in the dimension that is the subject of this article, is the concept of commission. The term "commission" is accompanied by a multitude of synonyms, their multiplicity results in the possibility of constructing a large number of definitions of the term, which in turn may suggest the vagueness of the term being defined. In fact, the occurrence of vagueness of the term is apparent, caused by the fact of emphasizing in the body of the definition the qualities of the defined commission. In the simplest terms, the term commission can be defined as a team of people appointed to carry out well-defined tasks, activities, research, analysis (Bartoszewicz, 1922). Thus, the commission on security and public order can be defined as a group, a set of competent and responsible persons appointed to carry out tasks in the field of security and public order. Such a qualification of the commission for security and order is most correct, although not complete. However, it should be emphasized at this point that the commission in question cannot be understood as a county body (Czarnow, 2003) or commission within the meaning of Article 17 of the Law of June 5, 1998 on county government (Act 2024, pos. 107). On the other hand, it is indisputable that it acts for the benefit of the local community, the county community, in order to increase the level of security and order in the county's jurisdiction, and in the case of the establishment of a joint security and order commission for the county and its neighboring city with county rights, the county and city community.

The above comments on the commission for security and order confirm that the existence of this structure shows an extremely complex constitutional essence. It is also confirmed by the queries carried out on the existing legal regulations, both those of the system and substantive law. The functioning of the commission for security and order was mainly regulated by the provisions of the already cited Law on County Government, its matter, however, has a slightly shorter legal existence than the Constitutional Law of County Government itself, as the administrative-legal existence of the commission for security and order dates back to October 19, 2001, when, by virtue of Article 4(2) of the Act of July 27, 2001 amending the Police Act, the Insurance Business Act, the Banking Law, the County Government Act and the Act – Provisions introducing laws reforming public administration, provisions (Articles 38a-38c of the Law on County Government) (Act No. 100, pos. 1048, 2001) comprehensively regulating the activities of the commission for security and order were introduced.

As mentioned above, the commission for security and order works for the county community, but it carries out this mission only implicitly, since the Local Government Law explicitly indicates in Article 38a paragraph 1 that the purpose of the commission for security and order is to carry out the tasks of the county governor in terms of his authority over county services, inspections and guards, as well as the tasks specified in laws in terms of public order and citizen security. Thus, the commission for security and order functions in the local government environment, it does not replace the county authorities, although in a certain sense it limits their powers, as in the case of the county board, to which the legislator assigns the task of preparing resolutions of the county council in Article 32 paragraph 2 item 1 of the county constitutional law, but this does not violate their competencies, but only supplements them, as does the support of the county governor's activities (Kisiel, 2014). It can be said that it constitutes a kind of multi-faceted auxiliary-opinionary internal body of the county, in fact, however, supporting the county governor functioning in the sphere of security and order, who is assigned statutorily defined tasks and powers referred to below.

3. TASKS AND POWERS OF THE COMMISSION FOR SECURITY AND ORDER

The tasks of the commission for security and public order are enumeratively defined in Article 38a paragraph 2, items 1–7 of the Law on County Government, the administrative-legal doctrine categorizes them into three basic groups. In the first group are tasks related to the assessment of threats to the security of citizens in the county area, in the second group is the task of preparing a draft of the county program for the prevention of crime and public order and security of citizens, and in the third group are consultative tasks, among which the county government law lists: giving opinions on the work of the police and other county services, inspections and guards, as well as organizational units performing tasks of public order and security of citizens on the territory of the county; giving opinions on drafts of other programs of cooperation between the police and other county services, inspections and guards, as well as organizational units performing tasks of public order and security of citizens on the territory of the county; giving opinions on the draft budget of the county - with regard to security and order on the territory of the county; giving opinions on drafts of local laws and other documents in matters related to the performance of tasks of public order and security of citizens; giving opinions, commissioned by the county governor, on other issues relating to public order and security of citizens (Martysz, 2020).

The assessment of security risks is made on the basis of documents and information on the work of district inspection and guard services. It includes all risks of certain security and order threats in the county's local jurisdiction (Szczypta-Kłak, 2021). The assessment of threats to security and order is a kind of threat map, it aims, for example, to improve security in the field of road traffic, telecommunication, etc. The assessment inspires further action to increase the level of security and order, optimal preparation of preventive measures. However, the information and data provided to the commission for security and order may not include personnel files of employees and officers of the services, inspections and guards, operational and reconnaissance or investigative materials, as well as files of individual administrative cases.

The assessment of threats to citizen security in the county area is the foundation for the development by the commission for security and order of the draft county program for crime prevention and public order and security of citizens (Żaroń, 2008). Its content is mainly preventive in nature, at the same time it is a document aimed at maintaining the cohesion of the inter-institutional security and public order environment (Mączyński, 2016). The development of a draft resolution on the relevant program in this case does not violate the competence of the county council to adopt a resolution on the county program of crime prevention and public order and citizen security. On the other hand, the preparation of the draft program by the commission for security and order may seem to be in conflict of authority with the county board, which, according to Article 32 paragraph 2 item 1 of the Law on County Government, has jurisdiction only over the county board. However, this view should be considered erroneous, since the commission for security and order, as stipulated by the Law on County Government, prepares a draft county program for the prevention of crime and public order and security of citizens, not the resolution itself on the matter. The draft of such a resolution is prepared by the county board, after the safety commission has prepared the content of the draft program. The applied solution seems correct due to the fact that the matter of the content of the program is a highly specialized and extremely complex matter, the preparation of which by the county board without the participation of specialized, experienced members of the security commission

could be burdened with defects and errors, having a direct negative effect on the level of security and order in the county area.

The opinion-giving tasks of the commission for security and order are generally defined in Article 38 paragraph 2 items 2 and 4 to 6 of the Law on County Government. These include: giving opinions on the work of the police and other county services, inspections and guards, as well as organizational units performing tasks on the territory of the county in the field of public order and safety of citizens; opinion on drafts of other programs of cooperation between the police and other county services, inspections and guards, as well as organizational units performing tasks in the county in the field of public order and safety of citizens; issuing opinions on the draft budget of the county – in the field of safety and order in the area of county jurisdiction; issuing opinions on drafts of local laws and other documents in matters relating to the performance of tasks in the field of public order and citizen security; giving opinions, commissioned by the county governor, on other issues relating to public order and citizen security. It should be noted that the opinion tasks in this view are not binding on both the county governor and the heads of the relevant county services, inspections and guards, and even other entities, lying outside the structure of public administration, acting in the field of security and order on the territory of the county on the principle of pluralization of tasks in this area (Mączyński, 2016).

The powers of the commission for security and order are specified in the provisions of the Law on county government in Article 38b paragraphs 1–3, and they are directly translated into the content of laws pertaining to the area of public security and order, which is the Law of April 6, 1990 on the police (act pos. 145, 20024), among others. Article 10 paragraph 5 of the cited law expresses the obligation of county (city) chiefs to make available to the commission for security and order, at the request of its chairman (county governor), documents and information relating to police work in the county, with the exception of personnel files of employees and officers, operational and exploratory, investigative materials and files on individual administrative matters. Similarly, the Law of August 24, 1991. on the State Fire Service (Act pos. 127, 2024), Article 14 paragraph 1 expresses the power of the county governor to request at any time information from the county chief of the State Fire Service on the state of safety in the field of fire protection. It should be noted that the commented provision prejudged that information on the state of fire safety and fire protection is considered at least once a year by the county council (Kwapisz-Krygel, 2014), completely ignoring the role of the commission and security and order in terms of the implementation of its tasks set forth in Article 38a paragraph 2 items 1–7 of the Law on County Government. A solution similar to the Act on the State Fire Service is introduced by the Act of March 14, 1985 on the State Sanitary Inspection (Act pos. 338, 2023), in Article 12a par. 3 and 3a stipulates that the state county inspector presents, at least once a year, to the county council information on the state of sanitary safety in the county, and in the event of comments, the county council is entitled to apply, by resolution, for action to be taken, by the competent state county sanitary inspector, to ensure an adequate state of sanitary safety in the county area. Also, in this case, the role of the commission for security and public order has been completely disregarded. The role of the county governor has also been depreciated, as he does not have, like the municipal executive bodies to issue, in the event of a sanitary emergency, a request for action by the state county sanitary inspector, aimed at ensuring the due level of sanitary safety (Kaczocha, 2023). This construction, however, seems entirely natural, since for some time now the county sanitary inspector has not been under the authority of the county, and only in the province remains under the authority of the competent voivode (Mazur, 2010).

However, the duplication of these solutions has not been explicitly expressed in other laws that have as their subject matter the area of security and order in the county. Among them are the Law of July 7, 1994 – Construction Law (Act pos. 682, 2023) and the Law of January 29, 2004 on Veterinary Inspection (Act pos. 12, 2024). This approach should not raise doubts with regard to the county veterinary inspection, since, as Article 5 item 3 of the Veterinary Inspection Law prejudices, the county veterinarian, as head of the county veterinary inspection, is part of the non-composite government administration, and is not subject to the composite under the county governor (Wincenciak, 2023). Doubts arise, however, in the case of the county building inspector, although in this case the county building inspector performs construction supervision tasks without being itself an authority of architectural and construction administration and construction supervision at the county level, as the competent county governor has been established as such an authority. It seems that building security, veterinary security are a slice of security, and if only for this reason should be taken into account in its maintenance at the county level in the work, if not of the commission for security and order, then certainly by the county council. This thesis is correct insofar as security and public order in the county is a slice of the security of the entire state (Pieprzny, 2020). However, it seems that, at least in theory, this should not pose a problem in realizing the commission's invoked powers, if only in view of the fact that these powers are expressed in statutory provisions, i.e. universally binding law that applies to all entities, both physical and legal, and especially to the administration, which should function on the constitutional principle of legalism and cooperation (Florczak-Wątor, 2023), as expressed in the Constitution of April 2, 1997 (Act No. 78, pos. 483, 1997).

The commission for security and order, for the purpose of carrying out its tasks, is authorized to cooperate with municipal governments in the county, associations, foundations, churches and religious associations and other organizations and institutions (Art. 38b paragraph 2 of the Law on County Government). This power seems to fulfill the plurality of public interest in the issue of security and order, as a category necessary for the proper functioning and development, both of each community and individual entities. Unfortunately, local government practice proves that this power of the commission is not widely used to maintain a high level of security and order in the county. Only about 5–10% of commissions for security and order in counties undertake cooperation with the social community (NGOs) in this regard (Okrasa, Szafrńska, 2014). Undeniably, the low cooperation activity of commissions for security and order in counties should be considered unfavorable, not correlating with the principle of cooperation. Such changes should be postulated that would increase public participation in this area. Certainly, this should not apply to all entities, as it is difficult to imagine that all social organizations should interact with commissions for security and order, but the participation of those organizations whose statutory area of activity is part of the subject of security and order seems extremely valuable.

The commission for security and order is mandated by Article 38b paragraph 3 of the Law on County Government to submit an annual report to the relevant county council of the commission's activities. The report shall be submitted no later than January 31 of the following calendar year of the annual report for the previous year. The indicated deadline is a statutory deadline of an instructional nature, and there are no specific sanctions or legal consequences for failure to comply with it. The prepared report is subject to publication in the provincial official gazette, without prejudice to the fact that it constitutes an act of local law. In view of the essence of security and order, the thesis expressed in the doctrine that it is advantageous to publish the contents of the report in a manner other than merely

through promulgation in the provincial official gazette. It should be further noted that the submission of the report to the county council results in the holding of a debate on the report, during which additions, changes may occur, not to the content of the report itself, but to the content of the county program for the prevention of crime and the protection of citizen security and public order. The county council, on the other hand, cannot accept or reject the report, it has no authority in this matter.

It is significant that the legislator, in defining the powers of the commission for security and order, constructed their scope by emphasizing the county governor's primary role. This is because the commission has practically no prerogatives to act independently, as the powers assigned to it depend on the activity of the county governor himself, who, as the Law on County Government indicates, is assisted by a collegial entity in the subject of the implementation of his tasks in the field of security and order. Such a formula is already well-known in the local government system, and a notable example of it is the village council, which supports the village head in his statutory duties.

4. ORGANIZATIONAL STRUCTURE OF THE COMMISSION FOR SECURITY AND ORDER

The commission for security and order is a collegial body. It is composed of persons from a wide spectrum of subjects: representatives of services, inspections and guards, representatives of the county council, county management, legal protection bodies, education, public administration, municipal governments, non-governmental organizations, institutions involved in combating social pathologies and preventing unemployment, as well as persons distinguished by their knowledge of the problems that are the subject of the commission's work and who enjoy personal authority and public trust among the local community. The composition of the commission was defined by the legislature in an open catalog. This is determined by the phrase used in the content of Article 38a, paragraph 5, item 3 of the Law on County Government, "in particular". This does not mean, however, that the size of the commission is unlimited; on the contrary, the legislator indicates quantitative limitations to the mandatory composition of the commission, leaving a certain freedom to the county governor to increase the size of the commission.

Under the provisions of the Law on County Government, the mandatory members of the commission for security and order are: the chairman, i.e. the county governor or the in the case of the appointment of a joint commission of a county and a city with county rights, the county governor and the city president; two councilors delegated by the county council as representatives of the decision-making and controlling body, three persons appointed by the county governor distinguished by their knowledge of the problems that are the subject of the commission's work and enjoying personal authority and public trust among the local community, in particular representatives of municipal governments, non-governmental organizations, education employees, as well as institutions involved in combating social pathology phenomena and preventing unemployment, two representatives delegated by the county (city) police chief, a public prosecutor indicated by the competent district prosecutor.

The composition of the commission thus constructed, which should certainly be considered a statutory composition with the authority to pass resolutions, consists of 9-10 people and is burdened with imperfections, especially in the selection of the delegated composition by the county governor, who is obliged to appoint three representatives to the commission from a broad spectrum of subject matter and expertise (Jagoda, 2009) and yet

distinguished by trust and authority. This disadvantage can be mitigated by the county governor through additional enlargement of the commission, made in the form of appointing additional commission members, but without the right to adopt resolutions, but only with an advisory vote (Martysz, 2020). This group, however, can be enlarged only by persons who are officers and employees of county services, inspections and guards other than the police, as well as employees of other public administration bodies performing tasks in the field of public order and security of citizens in the county. In the current legal order, these persons may be, in particular, representatives of the county building inspection as the only inspection operating under the authority of the county governor, sanitary inspection, veterinary inspection, representatives of local public administration, etc. (Jaworski, Pietrzekiewicz, 2020)

The term of office of the commission for security and order is set at three years, which is shorter than the term of office of the county government authorities, which is five years. This means that there are two terms of the commission for security and order for the duration of the term of the county's local government bodies, the council and the county board. and order, with the second term appearing to be incomplete. The concept of a three-year commission term adopted by the legislature should be justified by the fact that it is related to the theory of maintaining a certain continuity and permanence, in uniform and hierarchical structures, defined by continuity of command, in an administrative environment equated with continuity of management (Wyrok NSA 18.04.1995, SA/Łd 2686/94). In the practice of county self-government and the commission's activities, indeed, some of the commission's members are appointed from among those whose administrative existence in the commission depends on the outcome of local elections. At issue here are two members of the commission, county councilors delegated by the county council, whose term of office, as determined by the Law on County Government, expires upon the expiration of the councilors' seats. However, the same law stipulates that the county board, headed by the county governor, who, while serving as chairman of the county board, also has a primary role in the commission for security and order, continues to function until a new board is elected (Kasiński, 1996). Thus, there is no legal obstacle to the county governor's activity as chairman of the commission for security and order, in a truncated composition in connection with the expiration of the county council's term. It should be noted, however, that such a regulation seems, at the very least, difficult to decode quickly, and that the legislation enacted should be clear and transparent, and should not raise questions of interpretation. This generates many doubts, which are compounded by the relatively high politicization of district structures. This makes it possible to postulate that amendment work should be undertaken, especially since the county and local security and order issues have undergone dynamic changes since the establishment of an intermediate link in the management of public affairs (Łojek, 2002).

Every term of office, by its very nature, ends naturally, as a result of the expiration of a predetermined time by law. However, during the term of office, there are cases of termination for reasons other than the mere expiration of the predetermined time. The reasons for termination of the term of office of members of the commission for security and order are provided for in Article 28 of the Law on County Government as a result of: dismissal by the entity authorized to appoint or delegate a member to the commission; expiration of the term of office of the county council with respect to representatives of the county's governing body; death or resignation of a commission member before the end of the commission's term. The law does not explicitly determine when the term of office of its chairman, the county governor, is terminated.

Analyzing the regulations, it should be noted that the county governor completes his term of office on the commission for security and order only upon the election of a new county board. This analysis also shows that all members of the commission, despite their appointment or delegation, can always resign from membership. However, the county governor, whose term of office is terminated only as a result of the resignation, for various reasons, of the county board, cannot resign from this membership. It should be emphasized here that the termination of membership, of persons appointed or delegated by the competent authority, before the expiration of the term of office of the commission, may occur only for valid reasons justified in writing. Any vacancy in the composition of the commission, created before the expiration of the term, must be filled for the period until the end of the ongoing term. It seems that this obligation to fill vacancies in the composition of the commission applies only to members appearing in the deliberations of the commission with the right to adopt resolutions. However, it does not extend to those appointed to the work of the commission in an advisory capacity. Unfortunately, the law does not clearly regulate this issue, it represents another fuzzy area in the functioning of the commission for security and order, which consequently demonstrates the need to work on regulating it more clearly in the future.

5. ORGANIZATION AND FINANCING THE ACTIVITIES OF THE COMMISSION FOR SECURITY AND ORDER

The organization of the work of the commission for security and order, the service of the commission and its financing have been sparingly regulated in the provisions of the Law on County Government. The principle has been adopted that the administrative and office service of the commission is provided by the auxiliary apparatus of the county board, an office in the form of the county office (Leoński, 1985). This interpretation raises some doubts, since in practice the activities of the commission for security and order are organized exclusively by the commission's chairman, the county governor, who is also chairman of the board (Martysz, 2020). However, the county governor appears in other capacities and the county office handles administrative and office support for entities other than the county board with the county governor, including the county council with its chairman. For this purpose, special offices or work stations are set aside in the structure of the office (Kozina, Nalepka, 1996). Thus, the handling of the activities of the commission for security and order is performed by employees of the district office, organized into separate offices, departments or substantive positions, as defined by the provisions of the relevant organizational regulations of the county office.

The organizational regulations of the county office is a normative document of an internal nature, in the case of local government units it is a mandatory and extremely important document. It introduces the hierarchization and division of responsibilities, describes the model course of processes and the formal route of communication (Weber, 2012). In the case of the commission for security and order, it appears to be a matter of necessity arising from the complexity of the implemented processes of maintaining security and order, often requiring cooperation and collaboration between various entities of general and special administration, especially county services, inspections and guards, social entities and even individuals. However, the organizational regulations do not specify all elements related to the functioning of the commission. One of the essential elements is the question of financing the activities of the commission for security and order, which is

defined, not as in the case of the organizational bylaws in internal regulations, but only in generally applicable legislation.

Financing of the commission for security and order is set forth in Article 38c paragraph 1 of the Law on County Government, which stipulates that the costs of the commission's operation shall be covered by the county's own budget, which is the basic annual financial plan, including income and expenses, revenues and expenditures of each local government unit (Salachna, Tyniewicki, 2024). The legislator here indicates unequivocally that the commission for security and order is financed from the county budget, from part of its own funds. This means that the activity of the commission should be regarded as the realization of the county's own tasks. However, when juxtaposed with the essence of the commission's activity, as expressed in Article 38a paragraph 1 of the Law on County Government, the purpose of which is to carry out the county governor's tasks of supervising county services, inspections and guards, as well as statutorily defined tasks in the area of citizen security and order with the essence of the overriding good of security and order, its unity at every level (Pieprzny, 2003), local, regional, state, as evidenced by the wide composition of the commissions, their funding only from the county budget is no longer such an obvious matter. Thus, it should be admitted that the thesis that the categorization of tasks into own and commissioned (entrusted), especially with regard to the tasks of the county of a unitary nature, and such is security and order, is an outdated division (Olejniczak-Szałowska, 2000), artificial in its assumption, used for the purpose of determining the independence of local government units (Niewiadomski, 1998). This opens up a discussion as to whether the financing of the commission for security and order should be covered solely by the county budget, or whether it should not, in view of its unitarian value, at least in part be satisfied by external funds from the state budget or local government units that are part of the relevant counties. This thesis seems correct in view of the fact that the legislature provides for the co-financing of a joint commission for security and order for a city with county rights and a county bordering it.

The legislator also provided for the possibility of financing the reimbursement of commission members and other persons appointed to work on the commission for expenses related to them. Accordingly, the county council shall determine the rules for reimbursement of expenses actually incurred, in connection with the work of its members and other persons participating in the commission. Determination of the rules for reimbursement of actually incurred expenses of members and persons participating in the work of the commission shall be carried out by means of a relevant resolution, in compliance with the provisions of the Decree of the Minister of Internal Affairs and Administration of July 31, 2000 on the determination of dues for reimbursement of business travel expenses of county councilors (Act 2000, No. 66, pos. 799).

6. CONCLUSIONS, CLOSING REMARKS

Summing up the consideration of the administrative-legal position of the commission for security and order, it should be emphasized that the commission has a special status, it is assigned the role of *collegium boni ordinis*. The role of the commission cannot be underestimated in shaping security and order at the local level, however, its activities are broadly shaped by the dominant position of the county governor (Kasiński, 2017). Neither the commission for security and order nor the county governor is a county body, yet they shape to a large extent the paradigm of security and order in the county area. In addition, the commission, as a collegiate body, operates in the activity arena of general

administration, local government, and at the same time within the special administration, which is the domain of the state.

The administrative-legal position of the security commission does not seem to have been regulated exhaustively by the legislature, but contains many elements and solutions that are almost enigmatic or implicit. The commission is appointed for a three-year term, which is not fully understood and does not correlate with the five-year term of county authorities. In carrying out its tasks, in a sense, it limits the powers of the system authorities, the county board and council, and with regard to the administrative police, county services, inspections and guards and the county governor himself, the opinions developed are not binding.

In conclusion, the functioning of the commission for security and order is not uniform. On the one hand, the commission functions on the basis of statutory provisions that have the character of imperative norms, while at the same time allowing, in the case of a joint commission for security and order of a county and a bordering city with county rights, its functioning on the basis of dispositive provisions. All these remarks lead to the postulation of undertaking amendment work that would systematize the matter that is the subject of this article, especially since security and order itself has evolved significantly in recent times, the prism of threats to security and order, on a global, state and local level alike, has changed completely.

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Ustawa z dnia 7 lipca 1994 r. Prawo budowlane (tekst jedn. Dz.U. z 2023 r., poz. 682 ze zm.).

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Rozporządzenia Ministra Spraw Wewnętrznych i Administracji z dnia 31 lipca 2000 r. w sprawie ustalania należności z tytułu zwrotu kosztów podróży służbowych radnych powiatu (Dz.U. z 2000 r., nr 66, poz. 799 ze zm.).

JUDICIAL DECISIONS

Wyrok Sądu Najwyższego z dnia 21 grudnia 1992 r., I PRN 52/92, „Praca i Zabezpieczenie Społeczne” 1993, nr 5, poz. 96.

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