

MAREK ILNICKI¹

ORCID: 0000-0002-8886-6938

USE OF FIREARMS AS A SPECIAL FORM OF ENFORCING COMPLIANCE WITH STATE LAW IN PEACE TIME

Recognising that the state is a social-political, territorial and compulsory organisation, equipped with sovereign power, it should be accepted that it possesses effective measures ensuring the implementation of its internal and external functions. The authority of the state over its own territory means that it has the power to use its competences in relation to people, objects and events in a comprehensive and exclusive dimension. It also prevents other states from interfering in its governmental and socio-economic system². Current and future national interests are secured and implemented by the state mainly with the use of appropriate legislative measures, the lawful and coordinated action carried out by state authorities, and by the skillful enforcement of legal rules. An important contribution to achieving the politically set goals is also provided by a properly motivated and conscious society. The state carries out its functions in both war and peace time conditions. War time functions are mainly connected with military activities, which are in line with international public law. More often than not, the state has to prove its effectiveness in taking care of domestic affairs that are free from foreign military threats that require defensive actions. It therefore creates its security potential³

¹ Dr Marek Ilnicki - retired colonel of the Border Guard. Currently employed as an assistant professor at the University of Gdańsk. His scientific interests include: functioning of the state security system, existing and predicted threats, authorities in charge of state security and the relevant legal regulations in force. The author specialises in the operation of border authorities and special services, in the security of sea and air transport and in international crime control, including terrorism.

Correspondence address: <marek-ilnicki@wp.pl>.

² See more: Jakubowski W, Sulowski S, Wojtaszczyk K.A, Historyczny rozwój państwa, [in:] Wojtaszczyk K.A, Jakubowski W (Eds), Społeczeństwo i polityka. Podstawy nauk politycznych. Warsaw, 2002, p. 231.

³ In Poland, the potential of state protection is safeguarded by: the justice system, the prosecution service, special forces, uniformed services, guards and inspection units specialised in the protection of public security and order, civil rescue and protection services, crisis management agencies, border guard services, and other

aimed at defending public order⁴ and values that are protected by law. The state's internal security system is mainly based on activities of institutions designated to achieve specific goals, which are assigned appropriate tasks and competences, and which are given certain roles and rules of cooperation. The efficiency of the system and the effectiveness of individual cooperating institutions result directly from whether the set objectives and the assigned tasks are feasible; a matter that should be correlated with appropriately delegated powers, implementing measures, and provided equipment. The state has a monopoly on the use of force on its own territory – this power is delegated to authorised and specialised agencies. One of the rights given to the above-mentioned agencies (first of all: police, border guard, fiscal agencies and special law enforcement units), as part of the need to guarantee state sovereignty, is the right to use means of direct coercion, including firearms. These measures must be used responsibly and lawfully, as they strictly limit human rights and liberties. The goal of this article is to present the conditions of firearms use and utilisation by authorised agencies of Poland's security system in peace time. Using critical, legal-institutional, and comparative analysis, the author assesses the adequacy of legal regulations regarding situational and environmental dependencies of the use/ utilisation of firearms.

Legal grounds for the use or utilisation of firearms on land, in airspace and in maritime areas, over which Poland has sovereignty, are primarily set out in the following acts: the *Direct Coercion Measures and Firearms Act*⁵, the *Protection of State Borders Act*⁶, the *Anti-Terrorist Activities Act*⁷, the *State of Emergency Act*⁸, the *Border Guard Act*⁹, and in acts regulating the functioning of other agencies authorised to use and utilise firearms during peace time.

Cases and rules for the use and utilisation of firearms, as well as measures preceding these actions and documenting them, are specified (in the most universal way) in the *Direct Coercion Measures and Firearms Act*¹⁰. The legal act specifies the officers of which public services are au-

institutions whose direct or indirect task is to protect public security. See: Biała Księga Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej. Warsaw, 2013, p. 52.

⁴ For more about security and public order see: Sławik K, *Zarys systemu prawa policyjnego*. Warsaw, 2011, pp. 17–20.

⁵ Ustawa z dnia 24 maja 2013 o środkach przymusu bezpośredniego i broni palnej (Dz.U., 2019, item 2418).

⁶ Ustawa z dnia 12 października 1990 o ochronie granicy państwowej (Dz.U., 2019, item 1776).

⁷ Ustawa z dnia 10 czerwca 2016 o działaniach antyterrorystycznych (Dz.U., 2019, item 796).

⁸ Ustawa z dnia 21 czerwca 2002 o stanie wyjątkowym (Dz.U., 2017, item 1928).

⁹ Ustawa z dnia 12 października 1990 o Straży Granicznej (Dz.U., 2020. item 305 as amended).

¹⁰ This type of weapon is not precisely defined in national legislative acts. It can be assumed that it is a portable barrel weapon that propels penetration shells, excluding: gas, hunting, sport, alarm or signal weapons.

thorised to use or utilise firearms. The use of firearms is understood as firing a shot towards an individual using penetration ammunition, while its utilisation means firing a shot using penetration ammunition towards an animal, object or in another direction posing no threat to an individual. The following categories of public service officers are authorised to use or utilise firearms:

- officers of the Internal Security Agency;
- officers of the Intelligence Agency;
- officers and soldiers of the Military Counterintelligence Service;
- officers and soldiers of the Military Intelligence Service;
- officers of the Central Anti-Corruption Bureau;
- Police officers;
- Border Guard officers;
- soldiers of the Military Police or military law enforcement agencies;
- officers of the State Protection Service;
- officers of the Marshal's Guard;
- officers of the Prison Service;
- officers of the Customs and Tax Service;
- railway security guards;
- officers of the Park Guard;
- officers of the State Hunting Guard;
- officers of the State Fisheries Guard;
- municipal police officers;
- officers of the Forest Guard;
- inspectors of the Road Transport Inspection;
- employees of specialised armed protection units or internal security services.

Firearms should be used or utilised only if the use of direct coercion measures has proved insufficient to achieve the desired goal or they cannot be undertaken given the situation¹¹. Firearms should be used in such a manner that causes the least possible damage, with great prudence, and as a last resort. Firearms can be used when at least one of the following factors occurs:

- the need to repel a direct, unlawful attack on:

¹¹ The following activities are placed in the frame of direct coercion: physical strength (in the form of transport, defence, attack and incapacitation techniques); handcuffs (used to secure individual's wrists, legs or both); a strait-jacket; incapacitation belts; safety helmets; incapacitating nets; service batons; water-incapacitating means; service dogs; service horses; non-penetrating shells; chemical incapacitating means in the form of: hand and backpack throwers, tear grenades and other devices designed to hurl them; items intended to incapacitate persons with the use of electricity; security cells; isolation chambers; isolation rooms; road spikes and other means of stopping and immobilising mechanical vehicles; business vehicles; measures to overcome elements blocking entrance into buildings and other obstacles (including explosives), and pyrotechnic devices with stunning or blinding properties.

- a) the life, health or freedom of a person, or if there is a need to counteract activities aimed directly to undertake such an attack,
- b) important objects, devices or areas, or if there is a need to counteract activities aimed directly to undertake such an attack,
- c) property, when the attack (at the same time) poses a direct threat to a person's life, health or freedom, or if there is a need to counteract activities aimed directly to undertake such an attack,
- d) the inviolability of the state border by an individual who attempts to cross the said border using a vehicle, firearm or another,
- e) the safety of a convoy or escort;
- the need to oppose an individual that:
 - a) does not comply with the call to immediately abandon a weapon, explosive materials or another offensive weapon, the use of which may threaten the life, health or freedom of people,
 - b) attempts to unlawfully take away a firearm from a person authorised to possess it;
- a direct pursuit of an individual:
 - a) against whom the use of firearms was permitted,
 - b) when there is a reasonable suspicion that said individual has committed a serious crime¹²;
- the need to apprehend an individual:
 - a) against whom the use of firearms was permitted,
 - b) if there is a reasonable suspicion that he/she has committed a serious crime,
 - c) if he/she took refuge in a place difficult to reach and the circumstances of the incident indicate that he/she may use firearms or other dangerous items;
- the need to apprehend or thwart an escape of an individual detained, temporarily arrested or imprisoned, if:
 - a) the escape of said individual endangers the life or health of people,
 - b) there is a reasonable suspicion that said individual may use explosives, firearms or other offensive weapons,
 - c) the restraint on freedom of this individual occurred in connection with a reasonable suspicion or declaration of committing a serious crime;
- the need to apprehend or prevent the escape of an individual detained, arrested or serving a prison sentence in connection with a reasonable suspicion or declaration of having committed or having prepared to commit a crime referred to in:

¹² The author uses the term serious crime for editorial reasons to refer to the following crimes described in the Polish Penal Code: Article 115(20) (terrorism), Article 148 (murder), Article 156(1) (serious damage to health), Articles 163–165 (causing a dangerous event), Article 197 (rape), Article 252 (taking a hostage) and Articles 280–282 (robbery) – Ustawa z dnia 6 czerwca 1997 - Kodeks karny (Dz.U., 2019.0.1950).

- a) Article 5(1)(2) of the *Internal Security Agency and the Foreign Intelligence Agency Act* of 24 May 2002,
 - b) Article 2(1)(1) of the *Central Anti-Corruption Bureau Act* of 9 June 2006,
 - c) Article 5(1)(1) of the *Military Counterintelligence Service and the Military Intelligence Service Act* of 9 June 2006;
- the need to prevent a detained individual from escaping from a detention center, a prison, a convoy or an escort, as well as the need to pursue the said individual.

Before using firearms, an officer authorised to do so takes the following actions:

- identifies his/her unit or agency with a shout indicating its full name or statutory abbreviation (*e.g.* ABW, POLICE, SECURITY);
- calls on an individual to behave lawfully and in particular to:
 - a) immediately abandon a weapon or other dangerous objects, the use of which may threaten the life, health or freedom of people,
 - b) refrain from escaping,
 - c) refrain from using violence.

In the event of non-compliance with the above commands, the officer warns that he/she will use firearms by shouting: “Stop, or I will shoot!”, and, if this is found to be ineffective, he/she fires a warning shot in a safe direction. This procedure or its particular phases, especially the provision about the warning shot, may be omitted if their implementation could directly endanger the life or health of people or if it is necessary to prevent the occurrence of a terrorist activity and other measures could prove insufficient due to the escalating circumstances [Article 48(3)(1 and 2) of the *Direct Coercion Measures and Firearms Act*]. In addition, before a prison convoy heads out and before an incarcerated individual is escorted, the officer in charge warns about the possibility of using firearms against the individual in question if he/she attempts to escape.

Firearms can be utilised if there is a need to take at least one of the following actions:

- stopping a vehicle, if actions that are carried out in it endanger the life or health of people or they endanger important facilities, devices or areas;
- overcoming an obstacle:
 - a) preventing or hindering: the apprehension of an individual, saving the life or health of other people or saving property,
 - b) in the case of a violation of public order or security by an individual who is imprisoned, detained or placed in a guarded facility or detention center for the purpose of expulsion;
- alerting or calling for help;
- neutralisation of objects or devices that could create an explosion hazard, while causing a direct threat to the life or health of people;
- neutralisation of an animal that directly threatens the life or health of people;
- firing a warning shot;

— destruction or immobilisation of an unmanned aircraft, in the cases specified in the *Aviation Law Act* of 3 July 2002 (Ustawa z dnia 3 lipca 2002 – Prawo lotnicze (Dz.U., 2019, item 1580 as amended).

The list of circumstances enabling the use or utilisation of firearms presented in the *Direct Coercion Measures and Firearms Act* applies to all authorised officers, with the stipulation that it will occur only within the scope of the statutory tasks of the agency, where the said officer serves or is employed. At the same time, the legislator forbade the use or utilisation of firearms by a subdivision¹³, except for a situation in which the life or health of an authorised officer/soldier or another person is threatened, in which case the subdivision may use firearms according to the principles set out in the aforementioned act (Article 46 of the *Direct Coercion Measures Act*). The instances and rules for the use or utilisation of firearms, as defined in the legal act, were intended to standardise and put into order the legal provisions, which were (at that time) scattered in many different acts, mainly those regulating the statutes of individual agencies involved in ensuring public safety and order in Poland. The necessity of adopting the discussed legal act was also justified by the ruling of the Constitutional Tribunal of 17 May 2012 questioning, on the basis of the combined conclusions of the Prosecutor General, the compliance of legal regulations in this matter with the constitution¹⁴. The act has been amended many times indicating the premises and methods of a lawful use of such a drastic measure of direct coercion. However, according to the author, it has its shortcomings, limiting its status and situational complementarity, regarding:

- the possibility of the lawful use of firearms by a subdivision under the *State of Emergency Act*¹⁵;
- the definition of a subdivision, which can also consist of soldiers of the Polish Armed Forces (not only soldiers of the Military Police)¹⁶;
- the omission of the procedure preceding the use of firearms can also occur in the event of a response to a terrorist activity (counterterrorism — special use of firearms¹⁷) and not only in the instance of “preventing the occurrence of a terrorist activity”;
- the qualification of a vehicle stop as one of the circumstances justifying the utilisation of firearms would be correct if the vehicle was remotely

¹³ A subdivision, in accordance with the *Direct Coercion Measures and Firearms Act*, is an organised group under a single command, comprising of officers of the Police, Border Guard, Prison Service or soldiers of the Military Police undertaking preventive actions in the event of a threat to or disturbance of security or public order [Article 4(5) of said act].

¹⁴ Wyrok Trybunału Konstytucyjnego z dnia 17 maja 2012, sygn. akt K 10/11 (Dz.U., 2012, item 627).

¹⁵ See: Article 10a and Article 11 of said act. Ustawa z dnia 21 czerwca 2002 o stanie wyjątkowym (Dz.U., 2017, item 1928).

¹⁶ See: Article 18 of the *Police Act – Ustawa z dnia 6 kwietnia 1990 o Policji* (Dz.U., 2020, item 360 as amended) and Articles mentioned in footnote No. 14.

¹⁷ See: Article 23 of the *Anti-Terrorist Activities Act*.

controlled rather than driven by a person. In this case, we are dealing with the use of firearms, because it is impossible to exclude the risk to the health and life of an individual in the vehicle that can result from the shot aimed in the direction of the vehicle and the individual in it (bullet wound or destruction of the vehicle).

- the use of terms that no longer exist in legal circulation in the act, *i.e.*: “expulsion of a foreigner”, “detention for the purpose of expulsion” – since 2013, the terms “obligation of a foreigner to return” and “arrest of foreigners” are used accordingly¹⁸.

The *Protection of the State Border Act*, among others, defines the type, scope and mode of application of forms of enforcing compliance with the law from foreign military or civil aircrafts in Polish airspace by state authorities. A foreign military or civilian aircraft which, without permission or in violation of its conditions, crosses the state border or flies into Polish airspace in violation of the applicable law, may be called by the state air traffic management authority to act in a way that will restore order and safety in the national airspace. In the event of non-compliance with these instructions, the foreign airship may be intercepted by a military aircraft, which means that the foreign airship is identified, radio communication and eye contact with it is established, and then it is guided to the correct flight path or forced to land at an indicated airport. In an event that a foreign military ship still does not comply with the above orders, it may be warned by warning shots and even, as a consequence of its unlawful actions, destroyed. In the event of an armed assault or aggression against targets located in Poland, when there are no people on board, as well as when it is used to conduct a terrorist attack, it may be destroyed without warning. The same procedure is applied to a foreign civilian airship, if there are no people on board or there are only people involved in a terrorist attack. The decision to apply these military responsive measures in the Polish airspace is made by the Operational Commander of the Armed Forces. The decision to destroy a foreign military aircraft may also be taken by the intercepting commander in the event that the aircraft makes a direct attack on the intercepting unit or attempts to do so, as well as in the event when there is no communication established with the Air Operations Center – Air Component Command at the time when the foreign military airship is conducting an assault or aggression¹⁹. The classification of foreign aircrafts for the purpose of making effective and

¹⁸ See: Sections VIII and IX of the Act on Foreigners – Ustawa z dnia 12 grudnia 2013 o cudzoziemcach (Dz.U., 2020, item 35).

¹⁹ See: Council of Ministers’ Ordinance of 2 November 2011, regulating the command of air defence and the procedure of using firearms in the case of foreign airships not complying with demands from the air traffic management authority – Rozporządzenie Rady Ministrów z dnia 2 listopada 2011 w sprawie określenia organu dowodzenia obroną powietrzną oraz trybu postępowania przy stosowaniu środków obrony powietrznej w stosunku do obcych statków powietrznych niestosujących się do wezwań państwowego organu zarządzania ruchem lotniczym (Dz.U., 2015, item 83).

consecutive (as a threat escalates) actions aimed at them is done based on the military 'RENEGADE'²⁰ procedure. It must be noted that there are still no legal regulations regarding the use of firearms against Polish state (military, police, belonging to the Border Guard or the State Fire Service) or Polish civilian aircrafts that are acting in the manner mentioned above – security threats can come from them as well. For comparative purposes, in connection with the terminology used in the *Direct Coercion Measures and Firearms Act*, it can be assumed that the application of military means in the described situation should be classified as the use of firearms – in the event of a shot being fired at an aircraft that carries people on board (regardless of their status). The rules of use of firearms on board an aircraft during a flight or during layover are specified (regarding bringing firearms on board and their safe use) by provisions of the *Aviation Law Act*. They relate to soldiers and officers of the Military Counterintelligence Service, the Military Intelligence Service, soldiers of the Military Police and officers of the Internal Security Agency, the Foreign Intelligence Agency, the Central Anti-Corruption Bureau, the Police, the Border Guard, the Customs and Tax Service and the State Protection Service²¹.

The *Anti-Terrorist Activities Act* also regulates the rules of using firearms, but only in special circumstances – which make it possible to implement counterterrorist activities. The act defines counterterrorist activities as actions aimed at eliminating a direct threat to the life, health or freedom of people or a direct threat to property, with special forces, special means, and special tactics used against the perpetrators, individuals preparing or helping to commit a terrorist activity. In a situation where the use of firearms in a form that causes the least damage possible is deemed insufficient and it is impossible to counteract a direct, unlawful, violent assault on a person's life or health by other means, the "special use of firearms", which may result in death or a direct threat to the perpetrator's life, is permitted. Such use of firearms is also permitted in actions necessary to release hostages – against an individual taking or holding hostages. The circumstances enabling the special use of firearms indicated in this legal act allow of the abandonment of the algorithm that includes identifying the agency with a shout, the call for compliance with the law, the warning shout "Stop or I will shoot", and taking a shot in a safe direction. This is related to the dynamics of counterterrorist activities

²⁰ For a description of the procedure and the author's thoughts on it, see: Ilnicki M, Bezpieczeństwo polskiej przestrzeni powietrznej, [in:] Horyń W, Fechner N.A (Eds), Bezpieczeństwo wielorakie perspektywy – Bezpieczeństwo z perspektywy środowisk i obszarów. Poznań, 2015.

²¹ See: Council of Ministers' Ordinance of 17 February 2017, regulating the matter of carrying firearms and direct coercion means on board of an airship – Rozporządzenie Rady Ministrów z dnia 17 lutego 2017 w sprawie wnoszenia broni palnej lub środków przymusu bezpośredniego na pokład statku powietrznego przez uprawnionych żołnierzy i funkcjonariuszy (Dz.U., 2017, item 402 as amended).

at the scene of the incident and their effectiveness. Special use of firearms is permitted only to officers of the Internal Security Agency, Police and Border Guards, as well as soldiers of the Polish Armed Forces who are part of a counterterrorist group. The legal act in question indicates the following servicemen and women permitted to use firearms in special circumstances: "Military Police soldiers or soldiers of the Armed Forces of the Republic of Poland" [Article 23 (4) of the on *Anti-Terrorist Activities Act* of 10 June 2016], which, as Michał Gabriel-Węglowski rightly points out, is not accurate²², as the Military Police is part of the Armed Forces – it is its distinct and specialised segment²³. The decision on whether the special use of firearms is possible can be taken and withdrawn by the officer in charge of anti-terrorist activities, appointed by the Police Commander in Chief from among police officers or, in urgent cases, by the appropriate Regional Police Commander. With regard to the areas under the jurisdiction of the Minister of National Defense, the officer in charge is appointed by that minister, and in urgent cases – the Military Police Commander in Chief from among soldiers of the Military Police. The officer in charge passes the information to the commander of the counterterrorist group, who can issue an order for the special use of firearms by an officer or soldier of the group, specifying the purpose and manner of its use. The counterterrorist group is formed by the head of anti-terrorist activities.

The use of firearms in the marine environment against vessels is regulated based on the provisions of the *Border Guard Act*. They determine the cases and conditions for the use of deck guns, which are standard equipment of Border Guard ships, when their use is required for the interest of national security or to safeguard the state's territorial integrity (in internal sea waters and territorial sea), and when sea vessels²⁴ do not comply with legal provisions binding in Polish maritime areas. In enforcing lawful behaviour on internal sea waters, the territorial sea, adjacent zones and exclusive economic zones by sea vessels, commanders of Border Guard ships have the right to call the vessel to reduce speed or take the indicated course, stop for inspection, as well as carry out inspections and force vessels to dock in an indicated port. If a vessel, despite being called to do so, does not stop, fails to stop unlawful activities and attempts to escape, the commander of the Border Guard ship has the right to take

²² See more: Gabriel-Węglowski M, *Działania antyterrorystyczne. Komentarz*. Warsaw, 2018, p. 194.

²³ See more: Article 3 (7) of the Act on General Defense Obligation of the Republic of Poland – Ustawa z dnia 21 listopada 1967 o powszechnym obowiązku obrony Rzeczypospolitej Polskiej (Dz.U., 2019, item 1541 as amended) and Article 1 (1) of the Military Police and Military Disciplinary Bodies Act – Ustawa z dnia 24 sierpnia 2001 o Żandarmerii Wojskowej i wojskowych organach porządkowych (Dz.U., 2020, item 431).

²⁴ In accordance with Article 2(1) of the Polish Sea Code, any unit that enables sailing or is used in sea shipping is considered to be a sea vessel – Ustawa z dnia 18 września 2001 – Kodeks morski (Dz.U., 2018, item 2175 as amended).

effective measures to detain it, including the use of firearms. The use of deck weapons can only take place in exceptional circumstances and as a last resort, when other measures are not sufficient to stop the vessel or to force compliance, but should not be aimed at sinking it. It should be preceded by firing a warning shot into the air, followed by a shot aimed close to the bow and stern of the vessel, which is qualified as the utilisation of firearms. In the case of a lack of required response, the Border Guard commander may order to open fire on this vessel and this will be treated as the use of firearms. These rules also apply during the pursuit on high seas (outside the territorial waters of Poland or any other state as defined by the legal act in question). In the instance of fire being opened on a Border Guard ship, firearms can be used without warning. When assessing the regulation of these maritime areas, one can notice similarities to regulations on the protection of Polish airspace. However, significant differences can also be observed in the decision-making process, regarding an order being issued to use/utilise weapons located on board – it is delegated to an officer in command of a Border Guard unit, whose rank does not exceed that of the rank of lieutenant commander. This fact enables a quicker reaction to incidents requiring an intervention. However, it also reduces the level of responsibility of the initiating authority, which can be explained by the difference in the scale of the potential consequences of the use/utilisation of firearms in both environments.

To sum up the results of the above-conducted analyses of regulations on the use and utilisation of firearms by authorised officers in peace time, in order to protect its interests, the following assessments and recommendations can be made:

- the passing of the *Direct Coercion Measures and Firearms Act* was a necessity leading to the standardisation of the procedure of reactions to threats to public security, which physically and severely restrict the rights and freedoms of people residing in Poland;
- the simultaneous application of several legal acts regarding the use/utilisation of firearms is justified by the situational and environmental diversity, however, a substantive and interpretational coherence of all of the provisions must be maintained;
- an amendment to the legal acts should only be undertaken to complementarily standardise the normative matter and properly utilise the terminology used in line with the solutions already adopted and enforced by other legal acts;
- care for the quality of law is dependent on the creativity of the legislators and professional guidelines adopted by the agencies that enforce the law.

This study does not cover provisions on state defence, actions taken during war time and in the case of martial law due to the military nature of the threats justifying their implementation. It also does not cover the activities of Polish troops and other armed units delegated to act outside of state borders, due to the non-national nature of their implementation.

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Rozporządzenie Rady Ministrów z dnia 2 listopada 2011 w sprawie określenia organu dowodzenia obroną powietrzną oraz trybu postępowania przy stosowaniu środków obrony powietrznej w stosunku do obcych statków powietrznych niestosujących się do wezwań państwowego organu zarządzania ruchem lotniczym (Dz.U., 2015, item 83).

Rozporządzenie Rady Ministrów z dnia 17 lutego 2017 w sprawie wnoszenia broni palnej lub środków przymusu bezpośredniego na pokład statku powietrznego przez uprawnionych żołnierzy i funkcjonariuszy (Dz.U., 2017, item 402 as amended).

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Summary: In Poland, more than twenty entities of the state's internal security system are entitled to use firearms in the event of a necessity, to effectively oppose specific threats. Intervention with the use of direct coercive measures significantly limits human rights and freedoms, hence this intervention must be done legally and carried out carefully. Therefore, the purpose of the article is to present the conditions for the use of firearms in peace time by legally appointed officers, as well as to assess the adequacy of legislative regulations regarding the situational and environmental dependence of the usage of firearms.