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The functioning of organs of the self-government entities in extraordinary states with the Act on Population Protection and Civil Defence

Abstract

Article 228, Section 1 of the Constitution of the Republic of Poland provides for three extraordinary states: a state of martial law, a state of emergency, and a state of natural disaster. According to this provision, an extraordinary state may be introduced in situations involving a particular threat if ordinary constitutional measures are insufficient. Among extraordinary states, a state of martial law has the most far-reaching consequences, as it is associated with armed aggression, an international commitment to collective defense, or an external threat to the state. A state of emergency refers to internal threats, while a state of natural disaster applies to natural disasters or technical failures. The Constitution does not regulate the functioning of organs of the public administration during an extraordinary state; it only refers to the act. Therefore, in the acts regulating individual extraordinary states, the legislator has provided specific solutions for the activities of public authorities, including organs of the local self-government. It should be added that the Act on Population Protection and Civil Defence of 5 December 2024 act provides for the specific role the local government administration in the creation of the public security.

The article uses the dogmatic-legal method to consider issues related to the three extraordinary states and presents the law regulation refer to the operation of self-government entities in an extraordinary state. It includes solutions from the Act on Population Protection people and Civil Defence concerning extraordinary states.

The article concludes with a summary of the research undertaken, with particular emphasis on the *de lege ferenda* postulates formulated within it.

Keywords: a state of martial law – a state of emergency – a state of natural disaster – population protection – civil defence

