At the very beginning of these considerations, it should be noted that the ‘civil law’ specialisation, situated within the discipline of ‘legal sciences’, does not belong to the most important branches of knowledge to be provided to police officers, even at the academic level of their education, nor does it belong to research areas of particular significance for the police. The above remark has a simple explanation, and results from the special function the Police play in the state and the specific nature of their tasks. As a consequence, the legal ‘instruments of work’ of its officers should be searched for at the level of public law, primarily administrative and criminal\(^2\), while private law measures are not very much associated with official police activities. These instruments are the subject of a typical (and traditional) university specialisation, and it is mainly in theses centres (not including some non-university research units) where teaching and scientific activities in the field of civil law are carried out.

Nevertheless, civil law issues have had their place (a well-established one) in the higher education curriculum at the Police Academy in Szczytno since its creation\(^3\). The basis of such a solution was the conviction that elementary knowledge about civil law institutions is not necessarily required for a police officer’s work (although this can be argued against),

\(^{1}\) Prof. Mieczysław Goettel, PhD—academic and research employee of the Institute of Legal Sciences at the Police Academy in Szczytno, author of numerous publications (e.g. monographs, textbooks, articles, commentaries, reviews) in the areas of civil and police law. In his research activity, he is mostly engaged with the issues of family law concerning chiefly parental authority and matrimonial property relations, civil law aspects of the police functioning, the position of animals in light of civil law regulations, as well as with the connections between civil and tax law systems. In 1990–1997, he was the Commandant-Rector of the Police Academy in Szczytno.


\(^{3}\) Which took place on 1 October 1990 by way of Rozporządzenie Rady Ministrów z 10 września 1990 r. w sprawie utworzenia Wyższej Szkoły Policji oraz zniesienia Akademii Spraw Wewnętrznych, Dz.U. No.64, item 373.
but it is definitely very often extremely useful. It does not only concern the purely private sphere of human life, where elementary knowledge of civil law enables numerous, often complex, personal problems to be effectively solved, but also the sphere of professional activity, where learning about certain criminal mechanisms and counteracting other pathological phenomena require the use of civil solutions. Civil law aspects can be seen not only in many of the law enforcement officer’s relations with the citizen, but also in the field of official relationships, despite their essentially administrative and legal nature. Finally, the extremely useful, although not so spectacular, and therefore not always noticed and appreciated, activities of the police are worth mentioning here. They meet the needs of citizens, who often come to the police station with problems that do not fall within the scope of police tasks. A characteristic example is conflicts within local communities, especially in neighbourhood relationships, which do not require the intervention of public order and safety authorities, but are resolved exclusively within civil law regulations. The involvement of officers in resolving thereof (the role of community police officers ought to be emphasised here) by undertaking explanatory (and sometimes mediatory) actions, as well as indicating the appropriate legal regulations and required procedures often soften the tensions that have arisen and will lead to a conciliatory solution of the dispute⁴. Undoubtedly, it also adds to the positive image of the police in the public perception.

In the last dozen or so years, together with the expansion of the educational offer of the Academy, and providing civilian students (non-law enforcement officers) the possibility to learn within its walls, the above assumptions have not only remained valid, but have even been strengthened. Many graduates from this group will in the future find employment in governmental and local government administration bodies, as well as in institutions responsible for the protection of the broadly understood security and order, counteracting domestic violence, demoralisation of minors and other negative phenomena. In many workplaces, the knowledge of and ability to apply civil law instruments will prove to be a necessity.

The issues of civil law are implemented at the Police Academy in Szczytno to an extent similar to the curriculum formula applicable (in various universities) in the fields of non-legal sciences for first degree (bachelor’s) studies. The programme content, as well as the names of the related subjects, are standardised and differentiated to some extent, depending on the specific field of study. In the fields of internal security, criminology and management⁵, this is done under the subject ‘Civil law basics’, which

⁴ An excellent example of this is the results of research conducted by Marlena Kołodziejska (a graduate of the Police Academy in Szczytno), prepared in the Institute of Legal Sciences master’s degree thesis on Civil law aspects of neighbourhood conflicts, Szczytno 2020, on the basis of the author’s longstanding professional experience as a community police officer.

⁵ The implementation of civil law for the management field of study took place (in view of the discontinuation of recruitment for this field) for the last time in the academic year 2019/2020.
includes the following fundamental (classic) sections of this branch of law: the general part of civil law, property law and contract law, excluding the law of succession. Additionally, in the field of criminology, the subject ‘Family and guardianship law’ is implemented, which refers to a matter which, according to the doctrinal view, is part of civil law⁶, with some authors classifying it as a specialised section of that law⁷. The curriculum of the newly launched field of police studies⁸ includes the subject ‘Civil and family law’.

In the course of lectures and classes, students will learn about the essence and characteristic features of civil law, its systematics as well as the rules and mechanisms governing it. They explore the knowledge of related institutions and more or less detailed solutions concerning different types of civil law relationships. The ability to use the provisions of civil law in practice is developed through exercises in solving case studies (legal qualification of certain facts). The delivery of the programme content is carried out in accordance with the classical textbook layout, generally corresponding to the Civil Code⁹, and with regard to the family law—the Family and Guardianship Code¹⁰.

Of course, within the framework of the current programme, which is generally carried out during one semester (exceptionally, in the field of criminology, the teaching lasts for two semesters—the first semester covers the basics of civil law, while the second covers family and guardianship law), there is no possibility (nor need) to present the issues of the abovementioned disciplines in a comprehensive and extensive way. It was, therefore, necessary to work out a certain compromise between the need to present the civil law issues as a certain systematised whole, covering certain areas of social relations, and making a selection, sometimes quite significant, by including only chosen topics in the binding curriculum content. Therefore, the main emphasis has been placed on those legal institutions which, firstly, are a sine qua non condition for understanding the nature, functions and basic civil law mechanisms and, secondly, constitute a specific foundation for regulations covered by a specific section of civil law.

For this reason, the general part of civil law is presented in a general way (of course, without some issues, such as the genesis of the sources, the principles of intertemporal law, the detailed solutions in the area of the types and form of a legal transaction, condition and term). On the

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⁸ The first recruitment for this field of study was carried out in the academic year 2019/2020.
⁹ Ustawa z 23 kwietnia 1964 – Kodeks cywilny, tekst jedn.: Dz.U., 2019, item 1145.
¹⁰ Ustawa z 25 lutego 1964 r. – Kodeks rodzinny i opiekuńczy, tekst jedn.: Dz.U., 2019, item 2086.
other hand, in the area of property law and contract law, further selection was necessary. In the case of the former, the main focus has been put on the institution of ownership\(^{11}\) (although excluding its specific form of separate ownership of premises) and possession. However, the subject matter of perpetual usufruct, limited rights in property laws and land registers has already been significantly narrowed down (albeit to an uneven extent), sometimes only by means of signalling certain solutions. As far as contract law is concerned, the content which is delivered in a more advanced way includes (apart from introducing the essence and elements of the relationship of obligation) the issues of compensation for damage, unlawful acts, unjust enrichment, and the Pauline complaint. With regard to contractual obligations, the subject matter of the general part and of the specific part of the obligations, limited mainly to the characteristics of the principle of contractual freedom and a superficial overview of their main types, is discussed together. A number of issues, such as, special constructions related to the conclusion of contracts, rules for the performance of obligations and the consequences of their non-performance (improper performance), cases of their expiration, and subjective changes in an obligation are only signalled or even omitted. A characteristic example of uneven distribution of emphasis is the way family law issues are presented. While there is only a brief mention of marriage, the relationship between the spouses and the cessation of marriage and separation of the spouses have been treated somewhat more broadly, the following issues remain (with the exception of those relating to the origin of the child): the relationship between parents and children, with particular emphasis on parental authority and mutual contacts, foster family relationships (foster custody, adoption, care of a minor) and maintenance obligations. They are the subject of more extensive analysis.

The second assumption, concerning not so much the structure of the programme, but rather its implementation, is connected with the substantive profile of education at the Police Academy. This means providing particular focus for discussing those civil law constructions which may be related to the official tasks performed by police officers (other law enforcement services), or, to put it more broadly, to activities aimed at protecting security and order. These are multidirectional connections, it is difficult to get a uniform scheme of them here. These may be the civil law consequences of the crimes committed, the effects of illegal actions of officers, or the assessment of other facts on the basis of civil law regulations. This can be illustrated by the numerous examples presented below.

Within the general part of civil law, the issues of protection of personal rights are analysed. It is pointed out that the special (with elements of coercion) nature of police powers, especially the possibility of applying direct

\(^{11}\) It is not only a category of civil law, but also an institution of significant importance for other branches of the law system (especially the constitutional, criminal, administrative or financial ones), as well as a phenomenon studied in other sciences (e.g. economics, sociology, and even psychology). – Cf.: Stelmachowski A, Zarys teorii prawa cywilnego. Warsaw, 1998, p. 173.
coercive measures, creates an increased risk of unjustified interference in the sphere of the personal rights of the citizens. Some of the provisions of the Act of 6 April 1990 on the Police\textsuperscript{12} stress the importance of the problem (in relations to police officer). In particular, Article 14(3) contains a general directive requiring police officers to respect human dignity and to exercise and protect human rights in the course of their duties, and Article 15g(1) recommends that preventive checks should be carried out in a manner which least affects the personal interests of the person against whom the measure is applied. A law enforcer must be thus aware that a citizen who claims to have been harmed by their actions may seek civil law protection in court. On the other hand, the intervening officer may also be exposed to the infringement of their personal rights (e.g. the right to respect physical integrity). In such cases, they are entitled to put forward claims provided for in the Civil Code (Article 24 of the Civil Code), as well.

The instruments for the protection of property and possessions are discussed in more detail under the rules of property law. These include solutions allowing (under certain conditions) for interference in someone else’s property rights, namely: a state of necessity (Article 142 of the Civil Code) and permitted indirect immissions (Articles 144 and 147 of the Civil Code). In view of any other cases of interference, frequently connected with activities of a crime or offence nature, the owner may make a debt collection or nегatory claim (Article 222 of the Civil Code). The judicial protection of possessions, known as post-session claims, is also of a similar nature (Article 344 of the Civil Code). However, special attention is paid to exceptional solutions in this respect—measures of out-of-court protection of possession, which include the right to self-defence and permitted self-help (Article 343 of the Civil Code). Especially with regard to the latter measure, the ignorance of the police officer, with regard to the reasons and form of its use, can be a source of serious misunderstanding. The police officer must be aware that the use of physical violence by a citizen against the perpetrator of an attack on his or her possession may take place even after that attack has been carried out, and it is by no means an act of lawlessness on the part of the citizen.

Within the issues of contract law, solutions which make it possible to eliminate unfavourable illegal behaviour, often of the nature of acts prohibited by criminal law standards, are particularly important. It is primarily a matter of liability for damages, especially in the tort regime (Article 415 et seq. of the Civil Code), since the occurrence of material or non-property damage (harm) is a typical consequence of numerous criminal behaviours. The skills and involvement of police officers while determining the circumstances of a specific event contribute greatly to detecting the perpetrator and holding him or her criminally responsible, but they also make it easier—due to the binding force of a final criminal conviction (in terms of establishing that a crime has been committed)—for the injured party to determine the amount of damage and effectively claim their compensation on the basis of the action brought. This may also affect the possibility of using

\textsuperscript{12} Consolidated text, Dz.U., 2020, item 360 as amended.
specific civil law instruments, such as the forfeiture of the so-called ‘dishonourable benefit’ (e.g. a benefit fulfilled in exchange for an act prohibited by the Act – Article 412 of the Civil Code), and the so-called ‘Pauline complaint’ (Article 527 et seq. of the Civil Code), which often makes it impossible for people involved in criminal activities to effectively dispose of their property. Finally, officers are made aware that liability for damages may also result from their unlawful conduct (action or failure to act) causing damage. Although this liability (in respect of a third party) is directly attributable to the State Treasury (Article 417 et seq. of the Civil Code), the financial consequences of this (in the mode of financial liability) are then suffered (in whole or in part) by the officers who are the perpetrators of the damage.

Another important educational objective is providing knowledge on selected issues of family law, which is the focus (as mentioned above) of a separate didactic discipline. Understanding the nature of family relationships and knowledge of the institutions of family law undoubtedly play a useful role in counteracting negative phenomena occurring within the above-listed relationships (e.g. violence against family members, demoralisation of minors, serious educational negligence), which often bear the signs of a crime (e.g. bullying, encouraging a minor to drink or abandoning them) or of a petty offence (e.g. contribution to committing an offence by a minor as a result of violating parental or guardianship duties). The crime of maintenance obligation default is of particular meaning here, because it is only the knowledge of what alimony payment is in light of family law (Article 128 et seq. of the Family and Guardianship Code) that provides insight into what kind of behaviour of the obliged person matches the characteristics of the abovementioned crime. It is also important that the Police may initiate (by means of reporting a specific event) proceedings before a guardianship court, especially in cases concerning parental authority, contacts with a child, or care. The information collected by the officers on the situation of the minor enables the court to make the most appropriate decision regarding the given circumstances.

It is also impossible to ignore the fact that some students, although not a great number of them, declare their willingness to take part in master’s degree seminars on civil law, choosing the topics of their papers from its various sections. Interest in the issues of family law prevails, however.

At the end of the discussion in the area of didactics, it is worth emphasising that academic teachers of the Police Academy in Szczytno have, themselves, contributed to the preparation of textbooks on civil law issues, which are used not only by the Academy’s students.

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13 As obliged by Article 572 ustawy z dnia 17 listopada 1964 – Kodeks postępowania cywilnego, consolidated text, Dz.U., 2019, item 1460 as amended.
14 The seminars on civil law were more popular, which should not come as a surprise, during the period of studies at Police Academy in Szczytno in the field of administration, i.e. in the academic years 2013/2014 - 2016/2017.
The next question is whether it is possible to identify aspects relating to the police and their officers in the context of research on civil law matters. The author of this text, representing the field under discussion, and at the same time having been a long-term academic teacher at the Police Academy in Szczytno, has constantly been trying to show in his research work that the answer is affirmative. The conclusions drawn, confirmed in later publications, were mostly the result of the author’s individual research projects (sometimes also of other Police Academy research and teaching staff), as it was difficult to initiate team research due to the unique nature of the subject matter and the organisational and human resources conditions. In one case, however, an interesting research project was successfully planned and implemented. The following short overview will indicate the most important issues that have been the subject of these projects.

At the beginning, it should be clearly emphasised that the main sources of civil law—the Civil Code and the Family and Guardianship Code—lack direct references to the police (other public order and security services). This does not mean, nevertheless, that this formation is excluded from scientific analyses and judicial decisions relating to specific code regulations (especially the Civil Code).

Probably the most spectacular example is the provisions which regulate the liability of public authorities for damage caused by the illegal exercise of such authority (Articles 417 – 4172 and 421 of the Civil Code). In the context of these regulations, a wide range of judicature was created, within which there is a visible trend related to the activities of law enforcement agencies, mainly the police. Interestingly, despite quite significant legislative changes with regard to this form of tort liability\(^{16}\), numerous judicial decisions (mainly by the Supreme Court), even those made several decades ago, still remain valid\(^{17}\). In the doctrinal

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statements on this subject, attempts have been made to indicate, first of all, what kind of actions undertaken by officers to ensure security and order, classified as examples of exercising public authority, most often cause damage, and the typical forms of such damage\(^{18}\). The analyses carried out have shown that the most frequent damage was personal injury (bodily harm or even death) as a result of applying a coercive measure, usually a firearm. In other respects, the possibility of the police being responsible for damages resulting from animals’ behaviour, either in the case of using one as a means of direct coercion\(^{19}\), or when failing to take the necessary measures to prevent a threat from a free-living (wild) animal\(^{20}\), was also considered as special cases of liability of the public authorities for damages.

The analysis of responsibility for compensation as part of the security of mass events was of a cross-sectional nature. It proved that various forms of tort liability, including liability for damage to property, incurred by the police and other law enforcement organisations, may be connected with this sphere of activity for the protection of security and order\(^{21}\).

Another issue discussed and researched, which is also part of liability for damages, concerned the construction of the financial responsibility of law enforcement officers\(^{22}\), including, of course, police officers. This legal issue, crucial from the point of view of protecting the economic

\(^{18}\) Goettel M, Odpowiedzialność za szkody..., pp. 25 ff. It is worth adding that the earlier studies dealing with that problem on the grounds of the previously binding (before September 1, 2004) institution of responsibility of the State Treasury for damage caused by a state official in the course of performing the activity entrusted to them, remain valid in the discussed scope—See: Goettel M, Zasady odpowiedzialności Skarbu Państwa za szkody wyrządzone czynnościami służbowymi funkcjonariuszy MO. Palestra, 1979, No. 1, pp. 29 ff; Kremis J, Odpowiedzialność za niektóre szkody wyrządzone przez milicjantów, [in:] Wójcik S (Ed.), Prace cywilistyczne. Księga pamiętkowa dla uczczenia 40 – lecia pracy naukowej profesora Jana J. Winiarza. Warsaw, 1990, pp. 117 ff.

\(^{19}\) Goettel M, Kilka uwag o zasadach wynagradzania szkód wyrządzonych użyciem policyjnych psów służbowych. Przegląd Policyjny, 2016, No. 4, pp. 5 ff.


\(^{22}\) Regulated by Ustawa z 7 maja 1999 r. o odpowiedzialności majątkowej funkcjonariuszy Policji, Straży Granicznej, Straży Marszałkowskiej, Służby Celno-Skarbowej, Służby Ochrony Państwa, Państwowej Straży Pożarnej, Służby Wieziennej, Agencji Bezpieczeństwa Wewnętrznego, Agencji Wywiadu, Służby Kontrwywiadu Wojskowego, Służby Wywiadu Wojskowego i Centralnego Biura Antykorupcyjnego, consolidated text, Dz.U., 2018, item 2349.
interests of the police, was not only theoretically analysed and discussed\textsuperscript{23}, but also became the subject of a research project carried out at the Police Academy, in which numerous practitioners spoke, indicating problems related to implementing tasks in this area of activity of police organisational units. The outcomes of the project were presented at a scientific seminar in October 2002, and its materials are collected as a separate publication\textsuperscript{24}. It should be added that the provisions of the Act on financial liability are, to some extent, structurally linked with the above-discussed liability for damages of public authorities. This is due to Article 9 of the Act, which provides for the financial liability of an officer—on the terms set forth in the Act—towards the State Treasury if the latter has compensated a third party for damage caused by the officer (i.e. the Treasury’s recourse mechanism)\textsuperscript{25}.

With regard to other issues, research was undertaken either to a limited extent or in selected aspects only.

At this point, it is worth addressing the normalisation of the system of benefits for police officers on account of accidents in service or illnesses related to service, although the published analyses on this subject are, due to relatively recent legislative changes\textsuperscript{26}, mostly of historical significance. In addition, it makes it difficult to place the legislative matter in question unequivocally within a specific legal speciality. It is situated in the area of social security law, but to a large extent, it is filled with administrative and legal accents. However, some elements of this system also reveal strong links with civil law concepts. Therefore, it is advisable to point out only those problems that are still valid. These include, among


\textsuperscript{24} See the study cited in the previous footnote: Szkody wyrządzone przez funkcjonariuszy Policji w mieniu Skarbu Państwa znajdującym się w zarządzie jednostek Policji, Bogdalski P, Goettel M (Eds). Szczyno, 2003.

\textsuperscript{25} The doctrine underlines the specific nature of this provision as it excludes the direct liability of the officer causing the damage towards the injured party—Banaszczyk Z, Odpowiedzialność za szkody wyrządzone przy wykonywaniu władzy publicznej. Warsaw, 2012, p. 283. See also: Goettel M, Nowe uregulowanie..., op.cit., p. 12.

\textsuperscript{26} The current Ustawa z dnia 4 kwietnia 2014 r. o świadczeniach odszkodowawczych przyśluzujących w razie wypadku lub choroby pozostających w związku ze służbą, consolidated text, Dz.U., 2018, item 1448 replaced the previous regulation, which had been in force for over forty years.
others, the assessment of the legal nature of a benefit called “one-off compensation” payable to an officer for damage to health, thus displaying features of a civil law construction (although there is no full consensus in this respect). In the documentation of the previous legal status, it was emphasised that this benefit, due to the lack of connection with the amount of damage (often an officer did not suffer any damage as a result of an accident in service), does not constitute compensation in the strict sense, but it should be qualified as a specific benefit combining elements of damage remuneration and compensation for non-material damage. On the basis of the current legal regulations, the idea of a one-off compensation (apart from the differences in the detailed rules and procedures for determining it) has not changed. The right to and the amount of such compensation is still linked to the damage to health, regardless of the extent of the damage to property. As a consequence, the doctrinal approach presented above as regards the legal nature of “one-off compensation” remains valid, as well as the assumption that an officer who proves that the compensation does not fully cover the property damage or harm suffered by him or her is entitled to additional (supplementary) claims on general principles (i.e. according to the provisions of the Civil Code). It should be pointed out here that before the entry into force of the new law on this benefit system, the limitation of supplementary claims for certain damages (against the units of the Ministry of Internal Affairs, their officers and employees) under the Civil Code was eliminated in 2004 (under the previous legal status). This happened because the compliance of the above limitation with the Polish Constitution was questioned in the judicature of the Supreme Court and by the Constitutional Tribunal. One more issue relating to the topic discussed above is worth mentioning. In the literature, the following position of the judiciary was approved: the State Treasury (represented by an organisational unit of the police), which paid a one-off compensation to a policeman, could make a recourse claim (for reimbursement of the equivalent of this benefit) against the perpetrator of the damage. At the same time, an unstable line of judgement on this issue was indicated.

Another issue, subject to scientific analyses, is linked to some aspects of the legal situation of residential facilities at the disposal of the police. Following the regulations of the Police Act concerning material and legal

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28 Goettel M, Wynagrodzenie szkody..., *op.cit*, p. 44.


reasons for the decision to leave the premises (Article 95 par. 2, 3 and 3a), an attempt was made to prove that the admissibility of evictions from these premises is also accounted for (on general principles) under other regulations (the Act on the protection of tenants’ rights, the Family and Guardianship Code, and the Act on counteracting domestic violence)\textsuperscript{31}.

In conclusion, it is worth noting that in the multi-author monographs issued at the Police Academy in Szczytno, conference materials and scientific periodicals (\textit{Police Review} primarily, and also \textit{The Police}), its employees have also published their considerations in the field of civil law, not directly (or only to a small extent) related to police issues\textsuperscript{32}. Publishing in the journals is also made available to authors not associated with the Academy, and several of them have already placed their texts on civil law issues there.

The above brief review of the relations between didactic and scientific activity in the police and the civil law proves that the sphere of social relations subject to public law regulations—and in such an area, the police and law enforcement agencies operate—cannot be excluded from the influence of civil law provisions. Partly, this is because of the strengthening in the contemporary legal order phenomena of publicisation of private law and the privatisation of public law, which prove that the two areas are permeating each other and the boundaries between them are often not clear. The second aspect means that private law instruments also apply in certain areas of public law activity. It should be added that these processes are inevitable and the area of security and public order protection is also subject to them. Therefore, the need to include civil law expertise in the system of educating officers and the employees supporting their service, as well as to conduct research on the civil law aspects of police activities seems obvious.

\textsuperscript{31} Goettel M, Właściwość organów w sprawach o eksmisję z lokali mieszkalnych znajdujących się w dyspozycji organów Policji. \textit{Policja}, 2019, No. 1, pp. 2 ff.

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Keywords: Police Academy in Szczytno, civil law, curriculum, scientific research, publishing activity

Summary: The ‘civil law’ field, which is part of the curricula of university courses of law and administration, as well as of other courses of many higher education institutions (at both master’s and bachelor’s levels), has also found its place in the curriculum of the Police Academy in Szczytno. The basis of such a solution is the assumption that the knowledge of civil law issues, although it does not belong to the basic ‘tools of work’ of police officers and other law enforcers, appears to be useful in some of the positions in the service. Moreover, many civil law concepts occur in the structure of criminal law institutions, and show links with legal regulations relating directly to the tasks of the Police (other services) and the official status of officers. For this reason, they are an inspiring subject matter to be researched and published on, which is done, among others, in the periodicals of the Police Academy in Szczytno.