

# Basic Concepts and General Framework of Public Administration Organization

Gábor HULKÓ

## ABSTRACT

This chapter addresses some of the fundamental issues pertaining to the functioning and organization of public administration, offering a comprehensive overview over these topics. Subsequently, country studies are presented to deliver a comprehensive examination of the national regulatory issues pertaining to public administration law. The present text offers a general definition of the concept of public administration, a classification of some of its fundamental operational principles, and a description of the general issues pertaining to the systems of public administration. Particular emphasis is placed on the organizational issues and principles of central and territorial state administration, and on the organizational provision of certain aspects of public services. Additionally, the chapter includes a brief overview of self-governing systems, with specific attention to local and regional municipalities as the unique, autonomous intermediaries of state power in relation to citizens.

## KEYWORDS

public administration, state organization, principles of public administration, state administration, local self-governments

## 1. Public administration and its organization

In its most general sense, public administration can be defined as the management of the state, encompassing the activities of all organizations and individuals that influence the behaviour of members of society in the public interest. The function of public administration is to serve the members of society and promote the public interest, and at its core is the implementation of public policies, which in turn are necessarily linked to the functioning of the social system and the provision of efficient and high-quality public services to society members. A defining feature of public administration is thus its commitment to the public interest, as it provides essential services to members of society and ensures access to public goods. What follows is

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that public administrators must respond to the needs and preferences of members of society and ensure that public resources are used wisely and efficiently.<sup>1</sup>

The public administration is also accountable for the performance of its activities and must ensure operational transparency. As public authorities exercise public power, they are politically and legally answerable for the exercise of that power and, as they utilise public resources, they are answerable to the public for the performance of their activities. Public administration is a complex activity encompassing the following: the actualisation of central and local government objectives, constitutional rights, obligations, and goals; the rational management and influence on the life and functioning of society and individual communities; the utilisation of an array of legal means of implementation. This complexity means that the disciplines dealing with public administration (i.e. the science of public administration) provide a multitude of definitions of public administration based on different approaches. In a sense, the manifold approaches are interconnected, and a strict divide between them is neither possible nor necessary. Nevertheless, and in alignment with the research structure of this book, the organizational approach will be emphasised in this paper, focusing on public administration as a set of bodies and persons who carry out administrative activities and public tasks. The initial area of focus will therefore be placed on public administration organizations.

Public administration organs are professional bodies in the field of public administration, and the individuals who carry out public administration activities inside these organs are professionals who have acquired a distinct status. These organs derive their power from the state's power, which affords them distinctive capabilities for action, intervention, and coercion. In contrast, private organizations are constrained to exercising only organizational power. In the context of organizational power, the administrator is constrained to making decisions that are binding on the members of the organization, meaning that they are not authorised to utilise state coercion to enforce their decisions, and their authority extends only to the exclusion of those who act in contravention of the decision. It is evident, nevertheless, that public administration cannot function exclusively through the exertion of power; in modern states, public administration organs are responsible for providing a complex set of public services, or service-like activities.<sup>2</sup>

In summary, public administration is the management of the members of society and their organizations by a specialised body of professional civil servants, primarily in possession of public authority, and separate from other state organizations (e.g. courts). The function of public administration is the professional preparation of public decisions affecting society as a whole and the future of society, as well as participation in the implementation of these decisions through legislation, law enforcement, and other administrative and organizational means.<sup>3</sup>

1 Gyurita et al., 2024, pp. 21–23; Patyi, 2017; Hulkó, 2024, pp. 36–67.

2 Lapsánszky, Patyi and Varga, 2024.

3 Gyurita et al., 2024, p. 23; Patyi, 2019, pp. 283–310; Rozsnyai, 2017.

## 2. On some of the principles of public administration

The fundamental principles of public administration are the most general principles affecting such administration, and their significance lies in their ability to encapsulate the fundamental expectations of society with regard to public administration. Consequently, they serve a pivotal role in shaping and orienting the reality within which public administration operates. While there is no consensus regarding the precise list of principles that should be considered fundamental to public administration, the most crucial ones can be identified as a) legality, b) effectiveness, and c) democracy.<sup>4</sup>

The legality of public administration has been a fundamental aspect of modern public administration since its inception, undergoing significant evolution and adaptation in response to societal changes and challenges. The foundation of this principle is the necessity to guarantee respect for human dignity, which can only be achieved when an individual is subject to the authority of the law and not that of another person. However, the rule of law is called into question when the same authority is responsible for both creating and applying the law. In this regard, the principle of separation of powers necessitates the establishment of a system of checks and balances between the legislature, the executive, and the judiciary. Concurrently, the legality of public administration entails the limitation of the power of public administration and its interventions. This is achieved through the binding of public administration action, the protection against arbitrary and unjustified administrative intervention, and the prevention of the abuse of power. Additionally, this secures the predictability of public administration decisions.<sup>5</sup> In general, the principle of legality in public administration can be understood as part of the modern constitutional paradigm of the rule of law. Bodies vested with public authority conduct their activities within the organizational framework established by law, within the rules of operation established by law, and within the limits set by law in a manner that is known to the citizen and predictable. The aforementioned principle within the scope of the public administration domain asserts that:

public administration be subject to the law is a stipulation derived from the rule of law in relation to the activities of public authorities. Public authorities, when intervening in social relations in the exercise of their public powers, take their decisions within the organisational framework laid down by law, in accordance with the procedural order regulated by law, and within the framework laid down by substantive law.<sup>6</sup>

<sup>4</sup> Gyurita et al., 2024, pp. 23–26.

<sup>5</sup> Patyi and Varga, 2012; Kálmán and Lapsánszky, 2017.

<sup>6</sup> See Constitutional Court Decision No.38/2012 (XI.14.) [Online]. Available at: <https://net.jogtar.hu/jogszabaly?docid=A12H0038.AB&txtrefere=A1200002.TV> (Accessed: 12 February 2024).

Importantly, the legality of public administration is subject to varying degrees of scrutiny. In conclusion, the principle of legality in public administration can be defined as follows: a) the organization of public administration is based on law; b) the public administration may act only on the basis of a legal authorisation; c) the public administration may act within the limits of its authority, in accordance with its purpose, and without abuse of that authority; d) public authorities are obliged to comply with and enforce the provisions of the law; e) a system of guarantees must be established to ensure the lawful functioning of the public administration.<sup>7</sup>

The principle of administrative effectiveness can be defined as the necessity for public administration to attain public objectives and pursue the public interest to the greatest extent and in the highest quality. This must be done while simultaneously utilising the material and human resources available to them in the most efficient manner, that is, with the least possible expenditure and the greatest possible outcome. This effectiveness is reflected in the satisfaction of members of society or government actors with the functioning of the public administration and the manner in which it fulfils its obligations, as well as in the assessment of customers regarding the handling of their affairs.

The efficacy of public administration can be classified into two categories based on the orientation of the administrative action. The external effectiveness of public administration can be defined as the ratio between the effort and the result of achieving a given objective, as well as the social satisfaction with public administration. Indicators of this can be, for example, accessibility to services, client burden, resource management, preparedness, or client satisfaction. The assessment and measurement of external effectiveness in public administration presents a significant challenge owing to the inherent characteristics of such administration, as it typically holds a monopoly position, operates without competition, and cannot be dismantled nor abolished.<sup>8</sup> There is also the internal effectiveness of public administration, which can be defined as an assessment of the internal organizational work required to carry out the external tasks of public administration. These tasks include for instance the setting up of the administrative organization, the establishment of the internal structure within the public administration, the definition of department tasks, the organization of the tasks and systems for handling files, and the operation of the administrative infrastructure. Internal effectiveness is more readily quantifiable than external effectiveness and can be evaluated in terms of the number of individuals engaged in each task, along with the time and cost involved for a task.

In the most general sense, democracy can be defined as a system of governance in which the majority rules, with legal guarantees provided by the freedoms included among fundamental human rights and civil liberties. However, the internal functioning and decision-making processes of public administration are typically not based on the principles of democracy. This is because the heads of these bodies are not

7 Gyurita et al., 2024, pp. 23–24; Patyi, 2024, pp. 751–766.

8 Ibid., p. 24; Hulkó, 2024, pp. 36–67.

elected by the staff, and decisions are typically made by a single individual rather than a majority. Exceptions to this include collegial bodies and atypical cases. The democratic nature of public administration implies that it is subject to certain limitations and forms of oversight. A society can be considered democratic to the extent that it ensures that public administration acts in the public interest in a multifaceted manner.<sup>9</sup>

Thus, the involvement of citizens and social organizations in the execution of administrative duties can be regarded as a direct manifestation of democratic principles. There are numerous forms of participation, including the assumption of administrative responsibilities, and a direct form of democracy may manifest as participation in the legislative process (e.g. the consultation of partners on local building codes and town planning regulations). Alternatively, it may be expressed in the monitoring of public authorities, such as public hearings and village assemblies. Furthermore, an action represents a direct form of democratisation insofar as it pertains to the open nature of the administrative field and of the conditions of employment. An indirect form of democratisation is the transparency of public administration, which allows for the observation of its operations and activities. The most significant guarantees of transparency are access to data of public interest and data in the public domain, the right of access to documents as regulated by specific procedural laws, and the public reporting of certain decisions.<sup>10</sup>

### **3. Central and territorial state administration**

There are multiple perspectives from which the various subsystems of the organization of public administration can be examined. The term public administration is used in a broad sense to encompass all organizations that exercise administrative functions and powers, regardless of their relationship to one another, their organizational form, or whether they are self-governing. The administrative organization encompasses the system of self-governments (territorial or functional decentralisation), public service institutions and public bodies, various state-owned or municipally owned companies, and the sub-system of the state administration. In addition, there is a clear distinction in most countries between the central and regional levels of state administration.

The organization and concept of state administration encompasses primarily those bodies that are ‘classically’ administrative in nature. In most cases, these bodies perform official tasks subject to the hierarchical control of the government, and can include (depending on each country’s system) the government, ministries, government headquarters, central bureaus, local/territorial government bodies, autonomous and regulatory bodies and law enforcement agencies. The organization of state administration in any country also represents a significant financial burden,

9 Hulkó, 2024, pp. 36–67.

10 Gyurita et al., 2024, p. 26.

is inextricably linked to the country's competitiveness, and directly impacts the population, including public policy issues. It is beyond question that public administrative and non-administrative tasks must be performed in some way and within some administrative organizational framework. Even the European Union has a relatively limited ability to influence this matter, as it is constrained by the freedom of the individual European Union Member States to organize themselves in accordance with their own constitutional and legal frameworks. The European Union does, however, set certain limits through legal sources, with an example being the case of organizations requiring administrative autonomy or other forms of independence.<sup>11</sup>

The following is a list with some elements of the state administration system that can be considered the most crucial: a) the ability to implement the government's policies and programmes in an effective and professional manner; b) the pursuit of cost-effectiveness from a financial perspective; c) the proximity of the system to the population, ensuring the satisfactory fulfilment of public duties; d) the assurance of the system's ability to perform all public functions and to promote the competitiveness of the country. However, as each government adheres to a distinct set of principles and views regarding the optimal structure for public administration, the organizational system of public administration is inherently variable. Of course, this variability is not consistent across all countries; for example, we can create a list where Anglo-Saxon legal order countries have the most consistent organizational system of public administration, followed by Western European countries (which are also consistent but less so than Anglo-Saxon legal order countries), and then post-regime Central and Eastern European countries or developing countries. One of the reasons for the frequent and fundamental changes in the organization of public administration in Central and Eastern European countries is that their administrative law is the 'youngest' in Europe, and the field of law is newly emerging in free and democratic post-socialist states. Another evident rationale is that the budgetary constraints of these countries required the constant exploration of optimal approaches to public administration and service delivery, so as to ensure the effective and high-quality functioning of public administration along with public accountability.<sup>12</sup>

In addition to the organs of central state administration, the organs of territorial state administration also play a significant role in this subsystem. The organization of state administration at the local or territorial level is a complex undertaking and features challenges inherently diverse and dynamic, with one significant challenge being striking a balance between central authority and local autonomy. While a centralised approach ensures uniformity and cohesive national policies, it can stifle local initiatives and fail to address specific regional needs. Conversely, granting extensive autonomy to local administrations might lead to policy implementation inconsistency

11 Ibid., pp. 158–200; Balázs, 2013.

12 For more on this topic, see Gyurita et al., 2013, pp. 155–184; Franczel, 2013, pp. 17–44; Fábíán and Hoffman, 2014; Hulkó and Kálmán, 2013, pp. 1–8; Lapsánszky, Patyi and Varga, 2024; Patyi, 2019, pp. 283–310; Rixer, 2014; Patyi and Varga, 2012.

and disparities between regions, especially if there are vast differences in economic, social, or political capacities. Furthermore, there is the challenge of coordination and communication between different levels of government. The effective functioning of a government system depends on the ability of central authorities and local administrations to interact in a seamless manner. However, various factors, including bureaucratic inefficiencies, overlapping jurisdictions, and differing priorities, can impede this process. It is thus of the utmost importance to establish transparent and well-defined lines of authority, responsibility, and communication, and yet this proves a challenging task in practice.

The territorial level of state administration can be organized in several ways that can be considered broadly rational. For example, there is a method where the performance of territorial public administration tasks is the exclusive responsibility of various types of specialised state administrative organs (e.g. territorial/local specialised state administration bodies, or specialised state administration bodies established only at the local level). Another method is one where a territorial state administrative body with general powers is responsible for the execution of all tasks pertaining to territorial administration and is not accompanied by a special (deconcentrated) administration. In this model, the territorial state administration body with general powers is usually essentially under the direct control of the government. A third possible method is one where a territorial state administration body with general competence is responsible for the majority of territorial state administration tasks, but there are, concomitantly, territorial state administration bodies with special competence that operate independently of the aforementioned administration. These bodies with special competence focus on performing certain state administration tasks, but the territorial state administration body with general competence is responsible for coordinating, controlling, and exercising other powers in relation to the specialised state administration bodies within its area of competence. There is also a method where no general or special public administration body shall be established for the performance of territorial public administration tasks, and such tasks shall instead be entrusted to the organization of the local government administration operating in the territory concerned. In such cases, the performance of public administration tasks and local government tasks, along with their responsibilities, shall be separated.<sup>13</sup>

The most crucial factor in determining the structure of territorial state administration is the nature of the public task and the necessity of providing it in a more accessible manner to the population. In essence, the most prevalent model of territorial administration across countries is the mixed system, wherein the various methods mentioned above are integrated. Additionally, federal states possess a distinctive quality, which is the capacity to establish federal state territorial authorities, thereby introducing an additional layer of territorial administration.

13 Gyurita et al., 2024, pp. 203–205.

#### 4. The state and self-government

A common conceptualisation of the term self-government is the right of a community or body to manage its own affairs. In general, self-government can be understood as an organizational principle (i.e. referring to the institutionalisation of the activity of self-government), an operational mechanism (i.e. encompassing the definition of objectives and the representation and protection of interests), and a procedural technique (i.e. involving the institutionalisation of arrangements for participation). Moreover, self-government includes the following elements: self-organization, -regulation, -governance, -development, -correction, and decision-making in its own right. The original conceptualisation of self-government was predicated on the assumption that the participants in it had identical preferences. While this homogeneity has been largely overturned over the centuries, it remains true today that a collective is self-governing if the decisions taken on its behalf align with the preferences of the majority of its members.<sup>14</sup> In summary, self-government represents the situation where the execution of defined public matters has been entrusted by law to separate public entities as an expression of the decentralisation of the exercise of public authority. The subject of self-government is the administration of public affairs at the local (territorial) level or in connection with the exercise of a specific profession (e.g. professional chambers).<sup>15</sup>

Local governments have numerous similarities with other types of self-governments (public bodies and non-governmental organizations), and yet they also have a few significant differences. A local government is distinguished from municipalities organized on a professional and occupational basis primarily by its democratic-political basis and its general powers. In contrast to local authorities, which represent the entire population of a given area, municipalities organize and group the population on a personal basis. Furthermore, it is important to highlight the highly-regulated public status and strong historical roots of municipalities.<sup>16</sup>

Furthermore, while the concept of local government has a long history in Europe, it is perceived differently across European countries. In general, democratic societies in Europe recognise a degree of independence, self-determination, and the right of certain communities to determine their own affairs.<sup>17</sup> As aforementioned, self-governments are administrative entities that operate with a degree of autonomy, allowing local communities to manage their own affairs within the broader framework of the state. These governments are typically elected by the residents of the area they serve, reflecting the democratic principle of local representation and participation. Indeed, the core idea behind self-government is to empower local populations to make

14 For comparison see Patyi, 2019, pp. 283–310; Lapsánszky, Patyi and Varga, 2024; Tamás, 1994; Balázs et al., 2014, pp. 1–61, 61.

15 Sládeček, 2019, p. 12.

16 See Lapsánszky, Patyi and Varga, 2024; Balázs et al., 2014, pp. 1–61, 61.

17 In more detail: Rixer, 2014; Patyi and Varga, 2012; Lapsánszky, Patyi and Takács, 2017.



decisions that directly affect their lives, fostering a more responsive and accountable form of governance. Self-governments are also generally characterised by financial independence, often having the power to generate revenue through local taxes, fees, and other sources, allowing them to fund local initiatives and services. Nonetheless, their financial capacity can vary widely depending on the economic resources of the area they govern, which can create disparities between wealthy and less affluent regions.

The European Charter of Local Self-Government,<sup>18</sup> developed within the framework of the Council of Europe, defines local self-government as ‘the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population’.<sup>19</sup> It is therefore a combination of administrative and regulatory activities directed towards the performance of public affairs and exercised within a legal framework. In summary, self-governments are vital institutions that embody local autonomy, democratic participation, financial management, and cultural preservation, while also functioning within the broader national framework. They enable communities to take an active role in shaping their destinies, reflecting the unique character and needs of their regions.

## 5. Private entities with administrative function

In the most general approach, private entities with administrative power are non-governmental organizations or corporations that have been granted, or have assumed, authority typically associated with public administration. This authority allows them to regulate, manage, or make decisions that affect public welfare, policy, or individual rights, often in areas traditionally overseen by government bodies. Despite being part of the private sector, these entities can influence or control various aspects of public life through enforcement, oversight, or operational functions.

The administrative tasks undertaken by the private sector and the regulatory solutions it implements can vary considerably by country. This is especially so because their specific solutions are typically contingent on the historical traditions of the country in question; for instance, among the countries surveyed, those that were formerly socialist tend to make less use of public power methods, whereas the legal systems of countries in the Western European region tend to employ such regulatory solutions more frequently.

18 European Charter of Local Self-Government [Online]. Available at: <https://www.coe.int/en/web/impact-convention-human-rights/european-charter-of-local-self-government#/> (Accessed: 12 February 2024).

19 European Charter of Local Self-Government, Article 3 (1).

## 6. Conclusion

Public administration is of paramount importance owing to its integral function within the governmental apparatus and its role in public policy implementation. It serves as the mechanism through which the will of the state, as expressed through legislation and policy decisions, is translated into concrete actions that impact citizens' lives. The effective implementation of legislation and policy depends on a well-organized and efficient public administration system that ensures the consistent and equitable execution of governmental directives. Meanwhile, the basis for administrative activities is largely provided and implemented through its organizational system.

The organization of public administration is of fundamental importance, directly affecting the efficiency, effectiveness, and accountability of government operations. An organized public administration provides the following: ensures that government mechanisms are structured in a way that enables the effective implementation of policies and the delivery of services to the public; secures a clear delineation of responsibilities and authorities within government agencies, which is essential to avoid effort duplication and safeguard efficient task completion; allows for a systematic approach to public resource management where planning, coordination, and execution are streamlined to achieve the desired results; helps in the development of specialised functions and expertise within different segments of the government, increasing the overall competence and effectiveness of government services.

In addition, the organization of public administration is essential for the maintenance of its accountability and transparency. Establishing clear lines of authority and responsibility makes it easier to track decision-making processes and outcomes, as well as to identify who is accountable for specific actions and decisions, thereby fostering a culture of accountability and reducing the potential for corruption and misuse of resources. Effective organizational structures also support mechanisms for oversight and audit, which are critical to ensuring that public funds are used appropriately and that government actions are subject to scrutiny.

In essence, the organization of public administration is critical to ensuring that government functions are carried out smoothly, efficiently, and transparently. It underpins the successful implementation of policies, the effective delivery of public services, and the maintenance of accountability, all of which are essential to fostering public trust and achieving the broader goals of governance.

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