# General Principles and Challenges of Public Administration Organization in Poland

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**ABSTRACT**

This chapter aims to present the functions of public administration in Poland (central and local governments). It examines the Polish public administration system, its constitutional framework, the principles of the Constitution, and the broader constitutional order that applies to public administration. The chapter analyses the conceptual position of the executive branch within the system of governmental branches in light of the constitutional order, demonstrating how public administration is fundamentally influenced by the structure of supreme constitutional organs and their interrelationships. The chapter addresses the system of relations between public administration and other state bodies (e.g. Parliament, the President of the Republic, and the Public Prosecutor's Office). Finally, it discusses current challenges in public administration.

**KEYWORDS**

public administration in Poland, Polish constitutional order, Polish local government, conceptual position of the executive in the system in Poland, the functioning of the Polish public administration

## 1. Basic social, geographical, and economic overview

The Republic of Poland is a unitary state in Central Europe, situated between the Baltic Sea to the north and the Sudeten and Carpathian Mountains to the south, with much of its territory lying within the Vistula and Oder River Basins. Poland borders Russia (including its Kaliningrad region) and Lithuania to the north, Belarus and Ukraine to the east, Slovakia and the Czech Republic to the south, and Germany to the west. The Baltic Sea Coast delineates most of Poland's northern border.

Poland has an administrative area of 312,696 km$^2$ and a population of 37,766,327 people as of 2022. Warsaw is the largest city and capital, with other metropolitan areas including Kraków, Wrocław, Łódź, Poznań, Gdańsk and Szczecin. The largest Polish polycentric agglomeration is the Upper Silesian conurbation.

On 1 January 1999, Poland introduced a new administrative division. The two-tiered administrative division, which had been in force since 1975, was replaced by a three-tiered division consisting of voivodeships (województwa), counties (powiaty),

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and municipalities (gminy). Since its introduction in 1999, the new administrative division has been slightly modified.

As of 1st January 2023, the administrative division of Poland comprised 16 voivodeships, 314 counties, 66 cities with county status, and 2477 municipalities (including 302 urban municipalities, 677 urban-rural municipalities, and 1498 rural municipalities).

Administrative reforms that came into effect on 1st January 1999 established the current 16 voivodeships. These reforms aimed to create larger regions capable of completing with other regions after Poland's accession to the European Union (NUTS). The previous voivodeships were considered too small to effective utilise of financial resources.

The current administrative structure of Poland into voivodeships is as follows:

- Dolnośląskie Voivodeship: administrative seat in Wrocław
- Kujawsko-Pomorskie Voivodeship: administrative seat in Bydgoszcz and Toruń
- Lubelskie Voivodeship: administrative seat in Lublin
- Lubuskie Voivodeship: administrative seat in Gorzów Wielkopolski and Zielona Góra
- Łódzkie Voivodeship: administrative seat in Łódź
- Małopolskie Voivodeship: administrative seat in Kraków
- Mazowieckie Voivodeship: administrative seat in Warsaw
- Opolskie Voivodeship: administrative seat in Opole
- Podkarpackie Voivodeship: administrative seat in Rzeszów
- Podlaskie Voivodeship: administrative seat in Białystok
- Pomorskie Voivodeship: administrative seat in Gdańsk
- Śląskie Voivodeship: administrative seat in Katowice
- Świętokrzyskie Voivodeship: administrative seat in Kielce
- Warmińsko-Mazurskie Voivodeship: administrative seat in Olsztyn
- Wielkopolskie Voivodeship: administrative seat in Poznań
- Zachodniopomorskie voivodeship: administrative seat in Szczecin.

Special features can be identified when characterising voivodeships.
Lower Silesian Voivodeship: This voivodeship spans an area of 19,948 km$^2$, with a population of approximately 3 million and an average population density of 152 people per km$^2$. Wrocław serves as the capital. The following cities hold county (powiat) status: Legnica, Wrocław, Jelenia Góra, and Wałbrzych; the voivodeship includes 26 additional counties. Geographically, the voivodeship covers the Silesian Lowlands and Sudety Mountains, resulting in a diverse landscape. The region is abundant in mineral resources, such as hard coal, lignite, copper, nickel ores, and rock. Alongside these natural resources, which support the development of industries (mining, metallurgy, ceramics, energy, machinery, and food), agriculture is also developing.

Kujawsko-Pomorskie Voivodeship: It covers an area of 17,970 km$^2$, with a population of approximately 2.2 million and an average population density of 119 people per km$^2$. The capital city is Bydgoszcz. Cities with county (powiat) status include

Toruń, Bydgoszcz, Grudziądz, and Włocławek; there are 19 additional counties and 144 municipalities. Geographically, it covers the Pojezierze Wielkopolskie (Greater Poland Lake District), parts of the Pojezierze Pomorskie (Pomeranian Lake District), and Kujawy. Although the voivodeship has limited mineral resources, with rock salt deposits near Inowrocław, it is rich in woodland areas such as the Bory Tucholskie (Tuchola Forest) and agricultural lands. Key industries include food processing, agricultural, chemical, and engineering.

Lublin Voivodeship: It covers an area of 25,114 km$^2$, with a population of 2.2 million and an average population density of 90 people per km$^2$. Lublin serves as the capital city. Cities with county (powiat) status include Zamość, Lublin, Chełm, and Biała Podlaska; the voivodeship also comprises 20 additional counties. Geographically, it includes: Polesie Lubelskie, Wyżyna Lubelska (Lublin Highland), and Roztocze. The region's high-quality soils enable the development of agriculture (key crops include wheat, hops, sugar, and beets) and industry sectors (food, tobacco, brewing, fruit and vegetables, meat, and electrical machinery).

Lubuskie Voivodeship: It covers an area of 13,989 km$^2$, with a population of 1 million and an average population density of 74 people per km$^2$. Gorzów Wielkopolski serves as the capital city. Cities with county status include Zielona Góra and Gorzów Wielkopolski; the voivodeship includes 11 additional counties. Geographically, it includes the western regions of Poland, including the Oder and Warta valleys. This voivodeship is characterised by high forest cover and post-glacial areas. Key industries include textiles, metals, furniture, and food.

Łódzkie Voivodeship: It covers an area of 18,216 km$^2$, with a population of 2.6 million and average population density of 149 people per km$^2$. Łódź serves as the capital city. Cities with county (powiat) status include Łódź, Skierniewice, and Piotrków Trybunalski: the voivodeship includes 20 additional counties. Geographically, it occupies Nizina Środkowopolska (the Central Polish Lowlands belt). The region has few mineral resources, such as lignite and iron ore.

Małopolska (Lesser Poland) Voivodeship: It covers an area of 15,190 km$^2$, with a population of 3.3 million and an average population density of 201 people per km$^2$. Kraków serves as the capital. Cities with county status include Tarnów, Nowy Sącz, and Kraków; the voivodeship includes 19 additional counties. Geographically, it covers the Vistula River basin (dorzecze Wisły), Podhale, Karpaty (the Carpathian Mountains). The regions primary industries include leather, food, paper, fruit and vegetables, and agriculture.

Mazowieckie Voivodeship: As the largest voivodeship in Poland, Mazowieckie covers an area of 35,579 km$^2$, with a population of 5.2 million and an average population density of 142 people per km$^2$. Warsaw serves as the capital city. Cities with county status include Radom, Siedlce, Płock, and Ostrołęka; the voivodeship includes 38 additional counties. Geographically, it covers Nizina Mazowiecka (the Mazovian Lowlands). Key industries include food, electrical, electronic, machinery, armaments, and petrochemicals, and the voivodeship's fertile soils support the development of agriculture.

Opole Voivodeship: It covers an area of 9,412 km$^2$, with a population of 1 million and an average population density of 119 people per km$^2$. Opole serves as the capital. Cities with county (powiat) status include Opole; 11 additional counties are also listed. Geographically, it includes parts of Sudety and Nizina i Wyżyna Śląska (the Silesian Lowland and Highland). Key industries include machinery, meat, textiles, chemicals, confectionery, automobiles, and glass.

Podkarpackie Voivodeship: With Rzeszów as its capital city, Podkarpackie covers an area of 17,844 km$^2$, has a population of 2.1 million, and an average population density of 120 people per km$^2$. Cities with county (powiat) status include Krosno, Tarnobrzeg, Przemyśl, and Rzeszów; 20 additional counties are also listed. Geographically, it includes the Beskid Niski, Kotlina Sandomierska (Sandomierska Basin), Karpaty (Carpathian Mountains), and forested areas. The main mineral resources in this area are crude oil and sulfur. Key industries include Armament, mechanical, food, fruit and vegetables, glass, and wood.

Podlaskie Voivodeship: It covers an area of 20,180 km$^2$, with a population of 1.2 million and an average population density of 62 people per km$^2$. Białystok serves as the capital. Cities with county (powiat) status include Suwałki, Łomża, and Białystok; 14 additional counties are also listed. Geographically, it includes the Pojezierze Suwalskie (Suwałki Lake District) and Nizina Podlaska (Podlaska Lowland). The region is characterised by extensive forest cover, including the Białowieski, Augustowski, and Knyszyński Primeval Forests. Poor soil quality and unfavourable climatic conditions limit the agricultural development.

Pomorskie (Pomeranian) Voivodeship: It covers an area of 18,293 km$^2$, with a population of 2.2 million and an average population density of 76 people per km$^2$. Gdańsk serves as the capital. Cities with county (powiat) status include Gdańsk, Gdynia, Sopot, and Słupsk; 15 additional counties are also listed. Geographically, it includes Żuławy Wiślane, a coastal strip. Key industries include marine, shipbuilding, food, refining, electrical engineering, and footwear.

Śląskie (Silesian) Voivodeship: It covers an area of 12,331 km$^2$, with a population of 4.8 million and an average population density of 405 people per km$^2$. Katowice serves as the capital. Cities with county (powiat) status include Katowice, Bielsko-Biała, Bytom, Chorzów, Częstochowa, Dąbrowa Górnicza, Gliwice, Jastrzębie, Jaworzno, Mysłowice, Ruda Śląska, Piekary Śląskie, Rybnik, Siemianowice Śląskie, Sosnowiec, Świętochłowice, Tychy, Zabrze, and Żory; 17 additional counties are also listed. Geographically, it covers Wyżyna Śląska (the Silesian Upland), Jura Krakowsko-Częstochowska (the Kraków-Częstochowa Jurassic Highland), and Beskid Śląski i Żywiecki (the Silesian Beskid and the Żywiec Beskid). The region is rich in mineral resources, such as hard coal, zinc and lead, building materials, and iron. Key industries include mining, metallurgy, textiles, energy, and construction.

Świętokrzyskie Voivodeship: It spans an area of 11,691 km$^2$, with a population of 1.3 million and an average population density of 117 people per km$^2$. Kielce serves as the capital and holds county (powiat) status, with an additional 13 counties in the region. Geographically, it includes Wyżyna Kielecko-Sandomierska (Kielce-Sandomierz

Upland), Góry Świętokrzyskie (Świętokrzyskie Mountains), and Niecka Nidy (Nida Basin). Key industries include automotive, metal, glass, food, and metals and has favourable conditions for agricultural development owing to high-quality soil.

Warmia-Mazury Voivodeship: It spans an area of 24,202 km$^2$, with a population of 1.5 million and an average population density of 61 people per km$^2$. Olsztyn serves as the capital. Cities with county (powiat) status include Elbląg and Olsztyn; 17 additional counties are also listed. Geographically, it includes Pojezierze Mazurskie (the Masurian Lake District), Pojezierze Chełmińsko-Dobrzyńskie (the Chełmińsko-Dobrzyńskie Lake District) and extends to Żuławy. Known as the land of a thousand lakes, it is characterised by high forest cover. Key industries include food, meat, brewing, metal, electrical machinery, chemicals, wood, clothing.

Wielkopolskie (Greater Poland) Voivodeship: It spans 29,826 km$^2$, with a population of approximately 3.4 million and an average population density of 113 people per km$^2$. Poznań serves as the capital, with county (powiat) status extended Konin, Poznań, Leszno, and Kalisz; 31 additional counties are also listed. Geographically, it covers the western part of Niż Polski (the Polish Lowlands). Fertile soils and advanced agriculture support intensive agricultural production and breeding. Key industries include sugar, milling, energy, metal, furniture, and mining (brown coal and rock salt deposits).

Western Pomeranian Voivodeship: It spans an area of 22,896 km$^2$, with a population of 1.7 million and an average population density of 76 people per km$^2$. Szczecin serves as the capital. Geographically, it covers the coast and southern part of the Pomeranian Lakeland. The cities with county (powiat) status include Koszalin, Szczecin and Świnoujście; 17 additional counties are also listed.

## 2. Public administration and constitutional order

The Polish Constitution of 2nd April 1997 establishes the basic structure of public administration; defines the goals, positions, and principles of its operation; addresses citizens' rights and freedoms (although not comprehensively and without a proper protection mechanism, limiting itself only to the safeguards defined by statute); sets the conditions and limits of the administration's permitted interference; creates a new, closed system of legal sources; outlines the basis for controlling public administration; and introduces the direct application of its provisions.[1]

The Constitution's basis for organizational structures is formed by the provisions of Article 10. Paragraph (1) establishes that the organizational structure of the Republic of Poland is founded on the separation and balance of legislative, executive, and judicial powers. According to paragraph 2, legislative power is exercised by the Sejm (the lower house of Parliament) and the Senate, executive power by the President of the Republic of Poland and the Council of Ministers, and judicial power by the courts

1 Boć, 2011, p. 66.

and tribunals. While the organs of legislative power and the bodies of judicial power are comprehensively enumerated, the executive power is limited to the President of the Republic of Poland and the Council of Ministers. Nevertheless, Chapter VI, devoted to the Council of Ministers, is also expanded in its title to include government administration.[2]

Constitutional and administrative law belong to the field of public law, which concerns the system and actions of state organs in serving the public interest.[3] An example demonstrating the connection between these two branches is the institution of the Council of Ministers, which, on the one hand, is classified among the organs of the state, and thus falls under constitutional law. On the other hand, it serves as the chief administrative body overseeing government administration, aligning with the scope of administrative law.

Constitutional principles, regarded as both basic and key principles of administrative law, are of fundamental importance to this field. At the same time, it should be emphasised that the catalogue of administrative law principles is variable; that is, depending on the adopted conception, each scholar may prioritise different principles of administrative law. In the Polish legal order, administrative law is not codified (only the Code of Administrative Procedure exists), which also influences the lack of a uniform set of principles. In administrative law scholarship, constitutional principles (e.g. the principle of a democratic state of law) and extra-constitutional principles (e.g. the principle of swiftness of administration) are distinguished, as well as theoretical principles (e.g. the principle of decentralisation) and normative principles (e.g. the principle of objective law). Additionally, principles are also classified as material principles (e.g. the principle of equality before the law), procedural principles (e.g. the principle of two-tier body) and systemic principles (e.g. the principle of association).[4]

The overarching principle is that of a democratic state of law. It finds its normative grounding in Article 2 of the Constitution. However, it has yet to be normatively defined. The basic assumptions of this principle are the primacy of law and respect for citizens' rights and freedoms. For public administration bodies, this implies an obligation to act based on and within the limits of the law, which, in turn, necessitates respect the rights and freedoms of individuals. This principle is ensured by the judicial control of public administration within the state. [5]

The principles of rule of law and legality are directly derived from the principles of a democratic state governed by law. According to Article 7 of the Constitution of the Republic of Poland, 'Organs of public authority act on the basis and within the limits of the law'. The principle of the rule of law implies that every action of the organs of administration must be within the limits of the law; that is, it cannot contradict any

2 Boć, 2011, p. 68.
3 Sarnowiec-Cisłak, 2013, p. 42.
4 Zimmerman, 2012, p. 96.
5 Zimmerman, 2012, p. 62.

element of the legal order. The rule of law has an autonomous meaning under the Constitution. It applies to all state activities, indivisibly encompassing all organs of public authority—legislative, executive, and judicial— which must have a legal basis for their actions and ensure that such actions are not contrary to any norm of universally binding law.[6] The principle of legality implies that each action should have its own legal basis.[7] Indeed, these principles have practical applications; for instance, the Voivodeship Administrative Court in Kraków derives from them that in the activities of the bodies of local self-governments, the rule 'what is not prohibited, is allowed' does not apply, but the rule 'only what is expressly provided for by law is allowed'.[8]

As previously stated, the guarantor of compliance with the principles of a democratic state of law is judicial review, which connects the principle of the right to a fair trial. According to Article 45 of the Constitution of the Republic of Poland, everyone has the right to a fair and public hearing without undue delay by a competent, independent, and impartial court. The trial may be excluded from the public view for reasons of morality, state security, public order, or for the protection of the private lives of the parties or other important private interests. This judgement was publicly announced. In turn, in accordance with Article 77(2) of the Constitution, no law may close the judicial path for anyone seeking to assert violated freedoms or rights.

The right to a fair trial encompasses 'matters' concerning individuals and other subjects of that right. The Constitution does not define this concept. It cannot be defined solely by reference to statutes, as on constitutional grounds the concept is autonomous: 'The term "case' should undoubtedly refer to legal disputes between natural and legal persons; it includes, inter alia, disputes arising from civil law, administrative law relations.[9] This dispute is of a special nature under administrative law'.

The mechanism of the cited 'dispute' consists in the fact that the subject, who is the addressee of a public administration act (action), accuses the public administration body of the illegality of its act (action). In defending itself against such allegations, the public administration body attempts to demonstrate that its act (action) was lawful.[10]

It should be noted, first, that in accordance with Article 184 of the Constitution, the Supreme Administrative Court and other administrative courts exercise, to the extent specified by law, control over the activity of public administration. This control also includes adjudicating compliance with the laws and resolutions of local self-government bodies and the normative acts of local government administration bodies. This article explicitly refers to the fact that court-administrative proceedings in the Polish legal system are conducted in two instances, and the task of the courts is to control public administration.

6 Król, 2014, pp. 14–20.
7 Zimmerman, 2012, p. 63.
8 Judgement of the Voivodeship Administrative Court in Poznań of 30 March 2022, ref. III SA/Po 1608/21.
9 Tuleja, 2021, Article 45.
10 Zimmerman, 2006, p. 316.

The two-tier structure of administrative court proceedings adopted in the Polish legal system has been criticised by administrative law scholars. It should be noted that Provincial Administrative Courts rule in the first tier, while the Supreme Administrative Court functions solely as a court of cassation. It is emphasised that the introduction of a cassation-based legal remedy, further limited by formal procedures (entry, obligatory assistance of an advocate, grounds of appeal) while simultaneously covering an excessively wide range of first-tier court decisions, significantly restricts the right to trial.[11]

Under Polish law, the principle of a democratic state governed by law can be derived from the principle of good administration, which corresponds to other constitutional norms.[12] This principle originates directly from the European Code of Good Administrative Behavior.[13]A.I. Jackiewicz asserts that the right to good administration derives from the rule of law. This author links administrative requirements to the need for fair, law-based action (formal dimension), as well as to a substantive dimension grounded in values and ideas (dignity, freedom, equality, and justice).[14]

Nevertheless, the Constitution of the Republic of Poland has no explicit provisions expressing the right to good administration. However, according to T. Gellert, 'such a right can be (...) derived in an obvious manner from a number of its provisions being a consequence and development of the supreme constitutional principle of a democratic state of law (Article 2)'.[15] This assumption rests on the premise that some norms within the system may be derived from others. In particular, this assumption highlights provisions, such as acting on the basis of the law (Article 7), respect for human dignity (Article 30), the duty of equal treatment (Article 32), the right to a trial (Article 45), the protection of personal data (Article 51), the right of equal access to the public service (Article 60), the right to information (Article 61), the right to compensation for damage caused by unlawful action of a public authority (Article 77), the right to challenge judgements and decisions at first tier (Article 78), the right to lodge a constitutional complaint (Article 79), the right to refer to the Ombudsman (Article 80), the closed nature of the legal sources system—including the principle that internal normative acts cannot be the basis of decisions affecting citizens, legal persons, and other entities not subordinated to the body issuing such act (Article 87-94), the obligation to create a professional, reliable, impartial and politically impartial execution of public tasks (Article 153), the system of control exercised over the public administration by the Ombudsman (Article 208), the existence of an administrative judiciary (Article 184) or the functioning of the Supreme Audit Office (Article 203). The provisions of the Code of Administrative Procedures and Substantive Administrative Law correspond to the aforementioned provisions.[16]

11 Woś, 2003, p. 751.
12 Princ, 2017, p. 20.
13 Batalli and Fejzullahu, 2008, pp. 26–35.
14 Jackiewicz, 2008, pp. 32–33.
15 Gellert, p. 117.
16 Princ, 2017, p. 120.

### *2.1. The executive in the system of branches of power*

Poland's current government is a rationalised parliamentary system. It is defined this way because it belongs neither to the presidential nor classical parliamentary system. Within this system's framework, the position of the Prime Minister resembles that in a chancellor system, which, for instance, is a variation of the parliamentary-cabinet system and found in Germany.[17] This similarity results from the Prime's self-determined powers and position within the government structure. He or she plays a special role in various normative arrangements, such as a key role in the creative process of the Council of Ministers or the necessity of personal support to uphold the entire cabinet.[18]

The doctrine emphasises that the element of subordination of the Council of Ministers to Parliament's political control is evident in the annual obligation to present a report on the Budget Act's implementation and Parliament's decision to grant discharge to the government. Moreover, the activities of individual government administrative departments and members of the government may be evaluated by parliamentary committees. Specific matters fall under the jurisdiction of the parliamentary investigative committees. Members of Parliament exercise control over the government through interpellation and parliamentary questions. Simultaneously, the government remained under the leadership of the Prime Minister.[19]

In light of Article 10(2) of the 1997 Constitution, the Council of Ministers exercises executive power alongside the President of the Republic of Poland. It is, therefore, an integral component of the executive power, embedded in accordance with Article 10(1), which enshrines the principle of the division and balance of legislative power, executive power, and judicial powers. This principle constitutes one of the fundamental cornerstones of the Republic of Poland's political system. In accordance with Article 147 of the Constitution, the Council of Ministers comprises the Prime Minister and the ministers. It may also include the deputy chairpersons of the Council of Ministers (who may at the same time perform the functions of ministers simultaneously) and the chairpersons of committees specified in laws.[20]

According to Article 147 of the Constitution, the Council of Ministers consists of the Prime Minister and ministers, with its members potentially including the chairpersons of the committees specified in the acts. The Council of Ministers also feature deputy chairpersons, who, like the Prime Minister, may also serve as ministers. The Constitution does not set the size of the Council of Ministers. Thus, its size may vary depending on the governing concept adopted by the ruling majority, and occasionally, on coalition agreements between parties.

The Constitution identifies specific ministers who must be in the Council of Ministers, namely the Minister of National Defence (Article 134(2)) and the Minister

17 Juchiewicz, Rady and Ministrow, 2012, p. 31.
18 Sokolowski, 2016, p. 211.
19 Grzybowski, 2017, pp. 62–63.
20 Jamróz, Ministrow and Rady, 2020, pp. 279–299.

of Justice (Article 187(1)(1)). This also applies to the 'minister responsible for foreign policy' (Article 133(3)) and thus, as Article 149(1) states, the minister in charge of this branch of government administration. Moreover, terminological differences are irrelevant. Detailed issues concerning the divisions within government administration, including their classification and the scope of responsibilities assigned to specific divisions, are defined in the Act of 4 September 1997 on divisions of government administration (Journal of Laws No. 141, item 943).

The number of deputy prime ministers can vary. Political practice demonstrates that the position of the deputy prime ministers is often 'given' to the weaker party in the government coalition. This practice also shows that the Minister of Finance often combines this position with that of the Deputy Prime Minister. A Deputy Prime Minister does not possess ministerial authority unless he or she does also holds a ministerial position. [21]

In general, it can be said that the Council of Ministers consists of mandatory members, such as the Prime Minister and ministers, and optimal members, such as deputy prime ministers and the chairpersons of committees specified by law.

The Prime Minister holds a distinct position in the government structure and is crucial for its functioning. This influence is particularly significant if the head of government is also the leader of the winning coalition party; his or her party position strengthens them as head of government. However, such mechanism may also work in reverse during a crisis within the party.

The Prime Minister directs the work of the Council of Ministers (pt 2), coordinates and controls the work of the members of the Council of Ministers (pt 5), and serves as the official head of government administration employees (pt 7). The fact that the Prime Minister represents the Council of Ministers (p. 1) is also significant, as it strengthens the Prime Minister's constitutional position in a particular way.

The Prime Minister also supervises local self-government within the limits and forms set by the Constitution and laws (p. 6). These supervisory powers of the Prime are derived from Articles 171(2) and (3) of the Constitution. The Prime Minister is the supervisory authority (in addition to voivodes). Upon the Prime Minister's, the Sejm (the lower house of Parliament) may dissolve the constituent body of a local government if it significantly violates the Constitution or the laws. In addition, the Prime Minister is entitled to other supervisory measures over local government bodies.

These laws grant the Prime Minister's to appoint and dismiss the heads of certain central offices (e.g. the head of the Intelligence Agency, the head of the Internal Security Agency, the head of the Civil Service Office, and the head of the Office of Competition and Consumer Protection). The Prime Minister also supervises numerous central offices, such as the Central Statistical Office, the aforementioned Internal Security Agency, and the Office for the Protection of Competition and Consumers, in addition to ministers responsible for a specific branch of government administration (e.g. internal affairs, foreign affairs, public finance, and the environment).

21 Jamróz, Ministrow and Rady, 2020, pp. 279–299.

Members of the Council of Ministers may also be ministers who do not lead a separate government department but are assigned specific tasks by the Prime Minister (task ministers). The Prime Minister makes decisions regarding the appointment of the task minister. However, these decisions were not always based on substantive reasons and may sometimes reflect political considerations. Unlike departmental ministers, task ministers are unable to issue regulations.

The closest collaborators of ministers are secretaries and under-secretaries of the state, known as deputy ministers, appointed by the Prime Minister upon the recommendation of a minister.

Various subsidiary bodies exist within the Council of Ministers in the form of committees, advisory or consultative councils, and teams. The most important of these is the Standing Committee of the Council of Ministers, which comprises the Chairman (appointed and dismissed by the Prime Minister from among the members of the Council of Ministers), secretaries of state from individual ministries as members, and no more than two representatives of the Prime Minister: the Head of the Prime Minister's Chancellery and the secretaries of state or under-secretaries of state in the Prime Minister's Chancellery, appointed by him. The Standing Committee prepares and presents opinions and recommendations to the Council of Ministers or the Prime Minister, as well as making recommendations to draft documents which will subsequently be considered by the Council of Ministers or decided upon by the Prime Minister; in particular, the Standing Committee offers opinions on draft laws.[22]

The Council of Ministers also appoints codification commissions through decrees. Codification committees, consisting of eminent representatives of science and practitioners in a given branch of law, prepare major legal codifications, especially those of a codified nature (e.g. the Criminal Code).

The provisions of Article 146 of the Constitution provide authorisation for the Council of Ministers to take action. Analogous authorisations for the actions of the President of the Council of Ministers are included in Article 148. The provisions of Articles 146(1) and (3) of the Constitution define the general functions of the Council of Ministers, typical of a government in a parliamentary system: it conducts domestic and foreign policy (1) and manages government administration (3).

This also applies to defence policy; however, this issue must be considered together with the provisions of Articles 134(1) and (2), which state that the President is the supreme commander of the Armed Forces of the Republic of Poland (1). The President exercises supreme authority over the Armed Forces through the Minister of National Defence (2).

The provision of Article 146(2) establishes a presumption in favour of the Council of Ministers in matters of state policy that is not reserved for other state and local government bodies.

The functions set out in Article 146(1) are directly referred to by certain provisions in paragraph 4 of that article, namely, the Council of Ministers shall ensure the

22 Jamróz, Ministrow and Rady, 2020, pp. 279–299.

internal security of the state and public order (pt 7), and the external security of the state (pt 8). When considering the aforementioned provisions of Articles 146(1) and (2), it can be concluded that points 7 and 8 define the tasks (objectives) of the Council of Ministers' policy.

Pt. 3 (paragraph 4) of Article 146 stipulates that the Council of Ministers coordinates and controls the work of government administration bodies and is a refinement of the function set out in Article 146(3), namely that the Council of Ministers directs government administration. Pt. 4 (paragraph 4) of Article 146 states that the Council of Ministers protects the interest of the State Treasury.

The provisions of Articles 146(4), (6), (9), and (11) express the functions of the Council of Ministers in a manner that details those generally expressed in paragraphs 1 to 3 of this article. According to pt. 6, the Council of Ministers directs the execution of the state budget; that is, it takes all measures to achieve this aim. Specifically, the Council of Ministers 'enacts the closure of the state accounts' and enacts the 'report on the execution of the budget'. Pts 9 and 11 (paragraph 4) of Article 146 express functions that fall within the general function of implementing the state's foreign policy (Article 146(1)). Pt. 9 states that the Council of Ministers should exercise general leadership in the field of relations with other states and international organizations. However, the attribution of 'general leadership' to the Council of Ministers in the field of relations with other states brings new meaning in relation to the provision of Article 146(1). While the government conducts the foreign policy of the state, the formation of relations with other states and international organizations is an area that is much broader than that which arises directly from the conduct of state policy.

The general leadership of the Council of Ministers in the field of relations with other states also concerns the coordination of the policies of individual ministers in the area of relations with other states, as well as the coordination, and sometimes even supervision, of local (e.g. border) relations with other states. This ensures that these relations do not violate the general line of foreign policy and do not contravene applicable law. Similar reflections apply to the exercise by the Council of Ministers of the function of general leadership in the field of national defence, concerning both the domestic and foreign policy of the state (p. 11). The second part of Article 146(4), p. 11, defines the Council of Ministers' competence to determine annually the number of citizens called up for active military service.[23]

The Council of Ministers should do all it can to ensure the implementation of the laws. The provisions of Article 146(4), points 1-10 express norms of a non-uniform nature. Examples of specific powers include the provisions in Articles 146(4), (2), (5), and (10). According to pt. 2, the Council of Ministers issued regulations. Pursuant to the wording of Article 92, these normative acts, which are sources of universally binding law, are issued on the basis of a specific authorisation contained in the Act and for the purpose of its implementation. It should be recalled that the minister in charge of a government administrative department may issue regulations as an

23 Jamróz, Ministrow and Rady, 2020, pp. 279–299.

executive acting on laws. However, the Council of Ministers has special powers under Article 146(2), as it may repeal ministerial regulations (Article 149(2)).

In accordance with pt. 5, paragraph 4 of Article 146 of the Constitution, the Council of Ministers enacts the draft state budget, which then becomes the subject of a specific parliamentary procedure. The provisions of Article 146(4), p. 10 of the Constitution contain the specific competence of the Council of Ministers. It states that the Council of Ministers may conclude international agreements requiring ratification and approve and terminate other international agreements. This provision, sufficiently clear, distinguishes between the two different competences of the Council of Ministers concerning two different situations. Such agreements must be concluded if international agreements require ratification.

Pursuant to Article 89(2), the Prime Minister shall notify the Sejm (the Lower House of Parliament) of his or her intention to submit an international agreement to the President of the Republic, the ratification of which does not require the consent of the Sejm expressed by statute. However, these are also agreements 'requiring ratification' within the meaning of pt. 10 (paragraph 4) of Article 146 and should be concluded by the Council of Ministers; it should also decide whether these agreements require ratification by the President. The provision of pt 12 (paragraph 4) of Article 146 of the Constitution, which states that the Council of Ministers 'shall determine the organization and procedure of its work', is of a special nature. This is neither 'tasks' nor 'means of action', but, by analogy with Article 112 of the Constitution, which refers to the passing of rules of procedure by the Sejm, it pertains to the competence of the Council of Ministers to pass its own rules of procedure. The inclusion of this issue in the Constitution implies that the government's 'natural', in a sense, power to enact its rules of procedure derives from the independence and autonomy of individual authorities (the principle of separation of powers) and has thus become a constitutional obligation of the Council of Ministers. Simultaneously, this implies that matters constitutionally delegated to the Rules of Procedure of the Council of Ministers cannot be regulated by law (the narrowing of the statutory matter).

Article 148 of the Constitution sets out the powers of the President in relation to the Council of Ministers, local government, and government administration. The powers of the Prime Minister vis-à-vis the Council of Ministers are specifically notable. Most of these powers are of framework constitutional nature, providing the possibility for 'targeted actions'. Thus, they are essentially the functions (directions of activity) of the Prime Minister, which he or she performs based on the Constitution, laws, regulations of the Council of Ministers, his or her own regulations (pursuant to Article 148 pt 3), and the Rules of Procedure of the Council of Ministers. Meanwhile, points 1-2 and 4-5 of Article 148 define the functions of the Prime Minister within the Council of Ministers and determine, to a significant extent, the special position of the Prime Minister in the government. According to pt 1 of the article in question, the Prime Minister 'represents the Council of Ministers' and, according to pt 2, directs its work. Representing the government, which is otherwise a matter of course, creates a number of specific situations that strengthen the Prime Minister, who, on

this occasion, formulates positions, issues opinions, and decides on the manner of representation at home and abroad. Similarly, directing the work of the Council of Ministers gives the Prime Minister a special position within the Council of Ministers. In practice, he or she decides on the agenda, allows ministers to speak, and determines the course of proceedings.

The case regarding the powers of the Prime Minister, as established in point 4 of Article 148, indicates that the Prime Minister ensures the implementation of the Council of Ministers' policy and determines the means of its implementation. The function of ensuring the execution of the Council of Ministers' policy is conducted in accordance with other legal acts; however, the authorisation for the Prime Minister arises directly from the aforementioned constitutional provisions. The Prime Minister, therefore, acts based on point 4 in question (respecting the principle of legalism) in a manner that is not inconsistent with laws and regulations, having the ability to issue regulations and orders himself/herself.

The Prime Minister's special powers in the Council of Ministers are derived from the authority to coordinate and control the work of its members. In particular, the power to oversee the activities of the members of the Council of Ministers ensures the Prime Minister's dominance and de facto official supremacy over ministers, although the Constitution proclaims in point 7 of Article 148 that such formal official supremacy applies (only) over government administration employees. This provision was intended to ensure the structural and functional unity of the entire government.

It should further be recalled that the Prime Minister, in accordance with pt 6 of Article 148, exercises supervision over local self-government. This implies that he or she is vested with sovereign powers over local self-government, as defined in the Constitution and laws.

Pursuant to Articles 96 and 97 of the Act of 8 March 1990 on Municipal Self-Government (Journal of Laws of 2023, item 40, consolidated text), in the event of repeated violations of the Constitution or laws by the municipal council, the Sejm (the Lower House of Parliament), at the request of the Prime Minister, may dissolve the municipal council by resolution. If the municipal council is dissolved, the Prime Minister, at the recommendation of the minister responsible for public administration, shall appoint a person to perform the function of the municipal council until the municipal council is elected. If repeated violations of the Constitution or laws are committed by the head of the municipal council, the provincial governor shall summon the head of the municipal council to cease the violations. If the summons are unsuccessful, the provincial governor shall apply to the Prime Minister for the dismissal of the municipal council's head. In the case of the dismissal of the head of the municipal council, the Prime Minister, upon the recommendation of the minister in charge of public administration, appoints a person to perform the functions of the municipal council head until the head of the municipal council is elected.

If there is no hope of rapid improvement and prolonged ineffectiveness in the performance of public tasks by municipal bodies, the Prime Minister, at the request of the minister in charge of public administration, may suspend the municipal bodies

and establish a board of commissioners for a period of up to two years, but not until after the election of the council and head of the municipality for the next office term. The establishment of a Government Commissioner may occur only after the municipal bodies have been charged and called upon to submit a programme to improve the situation of the municipality without delay. The Government Commissioner is appointed by the Prime Minister at the recommendation of the voivode, submitted through the minister responsible for public administration.

The Government Commissioner shall take over the tasks and competencies of the municipal bodies from the date of appointment.

Analogous solutions can be found in laws regarding county and provincial self-governance (voivodeship).

### *2.2. Relationships between the organs of the state*

From the perspective of the relationship between the organs of the state (organs of public administration, local and central government, and legislative bodies) and the courts, the principle of the tri-partite division of powers is of key importance.

This principle, from the perspective of the standards of a democratic state under the rule of law, is one of the key principles of the political system. However, understanding it requires certain modifications to previously accepted views on the matter. Institutions, formations, structures, and organs emerge that are difficult to classify unequivocally into one of the authorities. The division into legislative, executive, and judiciary powers remains justifiable, but not so much in organizational and systemic terms as in terms of competences and functions. In this context, executive power, or more narrowly, administrative power, will be exercised by all bodies, institutions, services, inspections, and so on, which are competent in exercising executive-administrative power. Therefore, probably not without reason, instead of the term 'public administration body' we increasingly use the term 'administrating subject'. The basic subjects of executive power are the public administrative bodies (central and local governments). However, other administrative entities also play important roles in the exercise of executive power and administrative decision-making. These entities, in the exercise of administrative authority, should be treated as if they were public administration bodies In the proceedings before them concerning administrative matters, the Code of Administrative Procedure is, as a rule, applicable.[24]

The disposition of Article 10(2) of the Constitution of the Republic of Poland indicates a dualistic concept of executive power, which is exercised by the President of the Republic of Poland on the one hand and by the Council of Ministers on the other hand. Such a model is appropriate for both the presidential-parliamentary and parliamentary-cabinet systems of government.[25]

In the doctrine of administrative law, several classifications of authority are based on various criteria. Thus, authorities can be distinguished between central and

24 Zdyb, 2017, p. 44.
25 Zacharko, 2013, p. 53.

territorial (due to the range of influence); supreme and central (due to the manner of regulation; the former are mentioned in the Constitution of the Republic of Poland, while the latter are usually created by law); governmental and self-governing; collegial and monocratic (one-person); social and professional; by appointment, by election, by appointment, created ex lege (due to the manner of their creation); decisive and auxiliary (because of the degree of autonomy); permanent and periodic (because of the way they operate); primary and secondary (depending on whether collaboration of bodies is required for their creation); bodies with general or special competence; bodies with tenure and without tenure. The classifications indicate a crossover, implying that each body could be assigned to several groups.

It is assumed that the scope of competence of the supreme authorities is constitutionally regulated and that the central authorities are established in accordance with ordinary legislation. Furthermore, central authorities have the following characteristics:

- Their area of operation covers the entire country;
- They are usually monocratic in nature;
- They report to the Council of Ministers, Prime Minister of the Council of Ministers, or relevant minister.
- The characteristics of the government's chief administrative bodies are as follows.
- They are directly appointed by the President or by the President after being elected by the Sejm (the lower house of Parliament);
- They are superior to other bodies in the governmental administration structure;
- Their territorial jurisdiction covers the entire country.

Given the findings cited above, it should be emphasised that there is no uniformity of opinion in the doctrine of administrative law regarding the inclusion of the President, either in the category of central or chief administrative authority. It is also often stressed that due to its role, determined primarily by constitutional norms, the characterisation of the President as an administrative authority is debatable.[26] Indubitably, he or she cannot be categorised as a government administrative organ.

The Constitution classifies the President of the Republic of Poland as an executive authority; however, it does not mean that he or she is a public administration body. It should be noted that the President's administrative powers are limited, and it is questionable whether they can be classified as those exercised as part of public administration. This can be attributed to the reason that they do not literally constitute the application of the law or the exercise of the function of the administration; they cannot be challenged before an administrative court or in the administrative course of proceedings.[27]

Several competency groups can be distinguished.

26 Wierzbowski, 2011, p. 154.
27 Zimmermann, 2012, p. 155.

1) Issuing normative acts, that is, ordinances and regulations with the force of law introducing states of emergency.
2) Appointment and dismissal of certain public officials, such as ministers and presidents of central offices. The President also has the power to appoint judges of the Supreme Court and the Supreme Administrative Court.
3) Legislative initiative: The President can propose bills for consideration by the Sejm (Lower House of Parliament) or the Senate (Upper House of Parliament).
4) Signing of laws: Once laws have been passed by Parliament, the President can sign them, which is necessary for them to enter into force. The President also has the power to refer laws to the Constitutional Court to assess their constitutionality.
5) Representing Poland internationally: The President acts as the Head of State and represents Poland in diplomatic contacts, international negotiations, and state visits.

### *2.2.1. The Council of Ministers*

The normative basis for the Council of Ministers' activities is formed by three groups of legal provisions: 1) the 1997 Constitution, especially Article 146, and several others (118(1), 119(2), 123(1), 149(2), 154(2) and (3), 155(1), 221, 222, 226); 2) the 1996 Law on the Council of Ministers, which has the character of constitutional law; and 3) multiple additional laws.

The functions and competences of the Council of Ministers are, in turn, the result of the adoption of a specific legal and organizational concept established in the Constitution. This concept recognises the Council as one of the two entities—alongside the President—who, pursuant to Article 10(2), exercise executive power. It is precisely the constitutional principle of the separation and balance of powers that constitutes the basic determinant of the functions and competences of the Council of Ministers.[28] This principle implies that the sphere of activity of the Council of Ministers, which may be subject to parliamentary scrutiny and for which it bears parliamentary responsibility before the Sejm, includes all matters comprising the functional aspect of the principle of the separation of powers, unless they have been reserved for other executive bodies (except for the case of the Council of Ministers responsible for official acts of the President, countersigned by the Prime Minister).[29]

The scope of the activities of the full Council of Ministers, which determines the subject of parliamentary scrutiny of government activities, is regulated by Article 146 of the 1997 Constitution, which is fundamental to these matters.

To characterise the general collegial activity of the Council of Ministers subject to parliamentary scrutiny, it is necessary to return to the principle set out in Article 146(2) of the Constitution regarding the presumption of competence of this body in matters of state policy. This principle must now be considered in its material aspect,

28 Sarnecki, 2002, p. 181.
29 Kuciński, 2018, p. 328.

as it highlights the general competence (in broad terms) of the Council of Ministers in matters of state policy.

### *2.2.2. The Parliament*

The relationship between the Parliament and the Council of Ministers can be described as bilateral, where both bodies have specific competences and roles. The Parliament has the power to pass laws, and the Council of Ministers is responsible for their implementation. The Council of Ministers must obtain the approval of the Parliament for its programme of action and report on the implementation of state policy. The Polish Constitution regulates institutions, such as votes of confidence or votes of no confidence. These are legal instruments by which the Sejm can directly influence the actions of the Council of Ministers, thereby exercising its powers of control.

In the Polish Parliament, a vote of confidence is a procedure whereby the Sejm (Lower House) or Senate (Upper House) expresses support for the government or specific members of the government. A vote of confidence assesses whether a government has sufficient parliamentary support to continue functioning.

The presumption of competence of the Council of Ministers in matters of state policy serves as the general division of competencies between the two executive organs listed in Article 10(2) of the Constitution: the President and the Government. The President's competencies in matters of state policy are noted as peculiar exceptions to the rule of core competences of the Council of Ministers. This necessitates that the competences of the Head of State in these matters be specified as precisely as possible in the Constitution and laws (this also applies to the competences of other organs of public authority in this area).[30]

### *2.2.3. The President*

The principle of the presumption of competence allows for a relatively precise and detailed demarcation of the spheres of action of the Council of Ministers and the President. The division of the spheres of action of these two bodies is constructed according to the rule that the Council of Ministers conducts state policy and is competent in those spheres of executive action for which it bears direct parliamentary responsibility before the Sejm. Meanwhile, the Council of Ministers must consider the possibility of certain moves being blocked by the President, who possesses powers capable of obstructing, often effectively, the actions of the Council of Ministers. Thus, the smooth functioning of the executive requires the cooperation of both bodies.[31]

The constitutional position of the President of the Republic of Poland is defined in Articles 126–145 of the Constitution of the Republic of Poland, which cover Chapter V: The President of the Republic of Poland. According to these provisions, the President of the Republic of Poland is the highest representative of the Republic and the guarantor of the continuity of state authority. The President of the Republic ensures

30 Grzybowski, 2006, p. 15.
31 Kuciński, 2018, p. 329.

that the Constitution is observed, safeguards the sovereignty and security of the state, and maintains the inviolability and indivisibility of its territory. The President of the Republic performs his or her tasks within the scope and principles set out in the Constitution and laws. However, the prevailing view is that the President of the Republic of Poland does not belong to public administration, but to state administration. It is certainly not a public administrative body. Administrative law scholars are not unanimous regarding the legal status of the President of the Republic. A more prevalent view is that the President of the Republic is not a public administration authority. Rather, the President of the Republic is an authority involved in the administration. A change in the views of administrative courts on this issue has also been observed. Initially, the Supreme Administrative Court ruled out the treatment of Poland's President as an administrative authority. This now permits for such qualifications. In this context, the decision of the Supreme Administrative Court on 11 May 2021 (III OSK 3265/21) appears particularly significant. The Court recognised the President of the Republic of Poland as an administrative authority and allowed a judicial review of his actions.[32]

The President of the Republic is elected by the people by universal suffrage, through equal, direct, and secret ballot. They are elected for a term of five years and may be re-elected only once. A Polish citizen who is at least 35 years old (on the most recent election day) and possesses full electoral rights to the Sejm (the lower house of Parliament) may be elected President of the Republic. The candidate must be endorsed by at least 100,000 citizens with the right to elect the Sejm.

The election of the President of the Republic is ordained by the Speaker of the Sejm on a day falling no earlier than 100 days and no later than 75 days before the incumbent President's term expires. In the event of the vacancy, it must occur no later than 14 day after the vacancy of the office, setting the date of the election on a holiday falling within 60 days of the date on which the election is ordained. The Supreme Court shall determine the validity of the election for the President of the Republic. Voters have the right to file a protest with the Supreme Court regarding the validity of the presidential election, in accordance with the law. If the election is declared invalid, a new election shall be held in accordance with the rules specified in Article 128, paragraph 2, to address the vacancy of the presidential office.

The President of the Republic assumes office after taking an oath of office before the National Assembly. If the President is temporarily unable to exercise their duties, they must notify the Speaker of the Sejm, who will then temporarily assume the duties of President of the Republic. If the President is unable to notify the Speaker of the Sejm of their incapacity, the determination of the President's inability to hold office shall be made by the Constitutional Tribunal at the request of the Speaker. In such a case, the Constitutional Tribunal shall entrust the Speaker of the Sejm with the temporary assumption of the duties of the President.

32 Jakubowski, 2023, pp. 3–32; Kmieciak, 2023, pp. 3–22.

The Speaker of the Sejm shall temporarily fulfil the duties of the President of the Republic until a new President of the Republic is elected. This shall occur in the event of, for instance, the death of the President, the resignation of office by the President, the annulment of the President's election, or other reasons preventing the President from taking office after the election. Additionally, the National Assembly may recognise the permanent incapacity of the President to perform duties of the office due to health issues, by a resolution adopted by a majority of at least two-thirds of the statutory number of members of the National Assembly.

The President may not hold any other office or perform any public function except for those related to the office they holds. The President of the Republic, as the representative of the State in external relations, ratifies and terminates international agreements, notifying the Sejm and the Senate thereof; appoints and recalls plenipotentiary representatives of the Republic of Poland in other states and international organizations; accepts letters of credence; and recalls diplomatic representatives of other states and international organizations accredited to them. Before ratifying an international agreement, the President may apply to the Constitutional Tribunal for its compliance with the Constitution. The President of the Republic cooperates with the Prime Minister and relevant ministers in matters pertaining to foreign policy.

The President of the Republic is the supreme head of the Armed Forces of the Republic of Poland. During peacetime, the President exercises supreme authority over the Armed Forces through the Minister of National Defence. He or she appoints the Chief of General Staff and the commanders of the types of Armed Forces for a fixed term. The duration of the term of office, procedures, and conditions for dismissal before expiry are specified by law. In the duration of the war, the President of the Republic, at the recommendation of the Prime Minister, appoints or dismisses the Commander-in-Chief of the Armed Forces. The competencies of the Commander-in-Chief of the Armed Forces and the principles of his subordination to the constitutional bodies of the Republic of Poland are determined by law. The President of the Republic, on the suggestion of the Minister of National Defence, confers military ranks specified in the Acts.

As far as competencies related to resolving individual issues are concerned, it may be mentioned, among others, that the President of the Republic grants Polish citizenship and consents to the renunciations of Polish citizenship, confers orders, and decorations.

The President of the Republic exercises the right to clemency; however, this right does not apply to persons convicted by the State Tribunal, and they may also address the Sejm, the Senate, or the National Assembly.

While exercising its legislative authority, the President of the Republic has issued regulations and orders. Additionally, he or she issues orders as part of his or her other powers.

The President of the Republic, in the exercise of his constitutional and statutory powers, issues official acts. Official acts require the signature of the Prime Minister for their validity, who, by signing the act, is accountable to the Sejm (counter-signature).

A counter-signature is not required for, among other things, to: hold elections to the Sejm and Senate, convene the first sitting of the newly elected Sejm and Senate, shorten the term of office of the Sejm in cases specified by the Constitution, initiate legislation, manage a nationwide referendum, sign or refuse to sign a law, request the Supreme Audit Office to carry out an audit, designate and appoint the Prime Minister, accept the resignation of the Council of Ministers and assign it to perform its duties temporarily, request the Sejm to hold a member of the Council of Ministers accountable before the State Tribunal, dismiss a minister whom the Sejm has expressed a vote of no confidence in, award orders and distinctions, appoint judges, exercise the right of clemency, grant Polish citizenship, and consent to the renunciation of Polish citizenship, and others.

The President of the Republic may be brought before the State Tribunal for violations of the Constitution, breaches of law, or for committing a crime. The President of the Republic may be indicted before the State Tribunal by a resolution of the National Assembly, adopted by at least two-thirds of the statutory members of the National Assembly, at the request of at least 140 of its members. Upon the adoption of the resolution regarding the indictment of the President of the Republic before the State Tribunal, the exercise of the President of the Republic's office is suspended.

Foreign policy can be cited as an example of the relationship between the President and the Council of Ministers, where the two bodies may conflict during the exercise of their competences. One notable instance is the ruling of the Constitutional Court on 20 May 2009. (ref. Kpt 2/08), in which the court resolved a competence dispute between the Council of Ministers and the President that arose against the background of differences in positions regarding the right to represent the Republic of Poland in the European Council. The Court ruled on the operative part of the following order.

(1) The President, the Council of Ministers, and its President, in the exercise of their constitutional tasks and competences, shall be guided by the constitutionally defined principle of interaction.

(2) The President, as the highest representative of the Republic, may, based on Article 126(1) of the Constitution, decide on participation in a particular meeting of the European Council insofar as he or she considers it expedient for fulfilling his or her duties, as defined in Article 126(2) of the Constitution.

(3) The Council of Ministers, pursuant to Articles 146 (1), (2), (4), and (9) of the Constitution, shall determine the Republic of Poland's position at a meeting of the European Council. The Prime Minister shall represent the RP at the meeting of the European Council and present the established position.

(4) The President's participation in a specific meeting of the European Council requires cooperation with the Prime Minister and the relevant minister according the principles set out in Article 133(3) of the Constitution. This cooperation aims to ensure the uniformity of actions taken on behalf of the Republic of Poland in its relations with the European Union and its institutions.

(5) The interaction between the President, the Prime Minister, and the relevant minister enables the Head of State—in matters related to the implementation of his

tasks outlined in Article 126(2) of the Constitution—to refer to the position of the Republic of Poland established by the Council of Ministers. This interaction also allows for specifying the scope and form of the President's intended participation in specific meetings of the European Council.

The prosecutor's office occupies a special place in the public administration system. Notably, the Minister of Justice also serves as the Prosecutor General, which inherently places the Prosecutor's Office in the system of public administration bodies. In relation to the administration, the Public Prosecutor's Office is vested with control competences, which are manifested in various ways, including the ability to appeal to the administrative court against acts of local law or the capacity to participate in administrative proceedings as a party, under the principles set out in the Code of Administrative Procedure.

## 3. Organizational principles and structure of the public administration

The principle of decentralisation of public authority originates from Article 15 of the Constitution of the Republic of Poland, which stipulates that the territorial system of the Republic of Poland ensures the decentralisation of public authority. The fundamental territorial division of the state, considering social, economic, or cultural ties, and providing territorial units with the capacity to perform public tasks, shall be determined by law.[33]

The principle of decentralisation conveys the government should be as close to its citizens as possible. The most significant aspect is the decentralisation carried out through local governments. This principle states that the basic territorial division of the state should consider the social, economic, and cultural ties between citizens and residents. In addition, it ensures that local government units can perform public tasks.

It follows from Article 15(2) of the Constitution, which implies that a fundamental territorial division should serve local government rather than government administration. Territorial divisions are not immutable and should adapt to demographic changes, state policy objectives, and economic and cultural conditions (TK–K 37/06). The Constitution requires that the criteria indicated in Article 15(2) be concretised by law. An important element in the application of these criteria—social, economic, or cultural ties—is their use in public consultations.[34] This provision determines the statutory concretisation of the criteria indicated in paragraph 2:

> ...the legislator may not create local government units arbitrarily, i.e. without taking into account the social, economic or cultural ties linking the

33 Dolnicki, 2016; Stasikowski, 2019; Stolicki, 2019; Dąbek and Zimmermann, 2005; Leoński, 2004.
34 Tuleja, 2021.

> inhabitants of the territory concerned (Article 15(2)). They are therefore also entitled to remain undisturbed in the existing territorial-political structures if they accept them because they respect the ties linking the inhabitants that have been developed, usually over a long period of time. This does not, of course, mean to exclude the competence of central public bodies and authorities to decide on the abolition of local authorities, but it does indicate the right of residents to influence the formation of a political decision in this respect. Thus, the liquidation of local government units may take place after ensuring that local social ties are not worsened, either as a result of a change or in the name of an important public interest that requires change – even at the expense of worsening those ties. The rationale for making such changes for the sake of the public interest may be, in particular, the lack of capacity to perform public tasks. The fact that self-government is a creation of law cannot, in fact, completely obscure and overlook the existence of natural historical, economic and cultural ties, which determine that a given group of territory's inhabitants feels and recognises itself as a political-territorial community to a higher degree than others. Thus, it is the existence of these ties that is decisive in assessing the degree of compactness of this community, its self-awareness and its ability to formulate its own collective tasks and public objectives. These ties undoubtedly have an impact on the local political activity of citizens. Respecting and nurturing existing ties is the duty of all authorities and public bodies in the state, as they serve the development of democracy and foster active civic attitudes (TK – K 30/02).[35]

In Poland, the structure of public administration comprises various sectors, including state administration, territorial administration, administration affected by private entities, administration conducted by a third sector, and the outsourcing of tasks to private entities.

The constitutional administration model consists of three pillars. The first is the principle of subsidisation. This principle, while alluded to in the Constitution's preamble, is not defined. Subsidiarity emphasises the need to empower citizen communities, thus, limiting state intervention to issues that self-organized citizens are unable to solve. In public administration, the principle of subsidiarity primarily prescribes the undertaking of public tasks as closely as possible to citizens, that is, in a maximally decentralised manner.

State administration: This sector of public administration includes institutions that operate at a state level. In Poland, the state administration is responsible for formulating and implementing public policies at the central level. The most important organ of the state administration is the Council of Ministers, led by the Prime Minister. State administration also includes Ministers, Heads of Central Offices, Government Agencies, and other institutions subordinate to executives.

35 TK 2003, K 30/02, OTK-A 2003, no. 2, item 16.

Territorial administration: This sector of public administration includes local government units, such as municipalities, counties, and voivodeships/provinces. Territorial administration manages and provides public services locally. Its bodies include municipal councils, county councils, and provincial assemblies.

A municipality may be classified as rural, an urban-rural municipality, or urban. In Poland, certain municipalities perform tasks within counties (cities with county status).

The municipality may establish subsidiary units, such as villages, districts, settlements, and other subdivisions. The organization of a municipality is determined by its statutes.

Municipal authorities include the municipal council, which exercises legislative and control powers and appoints permanent and interim committees (appointed by the municipal council from among the councillors). Executive authority is vested in the vogt (in rural municipalities), mayor (in urban and urban-rural municipalities), and city mayor (in urban municipalities, municipalities with county status).

Cities with county status possess safety and order committees as a distinct administrative body (not a committee of the city council with county rights) comprising local government representatives.

The municipality's jurisdiction includes all public matters of local importance not assigned to other entities by law. These tasks are divided into legally mandated duties and commissioned tasks assigned by state authorities. The municipality performs all tasks not reserved for other units of the local government (county, self-governing voivodeships).

Residents participate in municipality governance through voting in municipal elections, local referendums, and municipal bodies. The municipality performs two types of tasks: its own and delegated tasks.

Own tasks are public functions performed by a local government unit, aimed at meeting the needs of the local community. They may be obligatory—the commune may not refrain from fulfilling these tasks; it must ensure budgetary funds for their implementation. This requirement stems from the goal of providing the inhabitants with fundamental public benefits. These tasks may be optional—the commune performs them to the extent that budgetary resources and local needs allow (on its own responsibility from its own budget).

The tasks included, among others, the following matters: spatial order; real estate management; environmental and nature protection; water management; municipal roads, streets, bridges, squares, and road traffic organization; water supply; sewage management and treatment of municipal wastewater; maintenance of cleanliness and order; and sanitation.

Delegated tasks are other public tasks that arise from statutory obligations that need delegation at local government units. These are mandated by statue.

A county is formed by a local, self-governing community, and its respective territory.

The county performs public tasks of a supra-municipal nature as defined by acts in the fields of public education, health promotion and protection, social assistance, support for the family and foster care system, pro-family policies, support for persons with disabilities, public transport, and public roads.

In addition, the county's public tasks include ensuring the performance of tasks and competencies of county managers of county services, inspections, and guards as defined by laws. Laws may define additional tasks of the county and outline matters that fall within its scope of activity as government administration functions. Upon a justified request from an interested municipality, the county can transfer tasks from its scope of competence to terms established in an agreement. Counties' competencies may not infringe on the scope of municipalities' activities. Furthermore, laws may require the county to organize, prepare, and hold general elections and referendums.

County organs: Regulatory authority of the county is the county council, which consists of the county councillors. The council is headed by the elected chairman of the county council. County council committees, appointed from among the county council members, oversee the executives' activities. Obligatorily, there must be one committee—the audit committee (to control financial matters)—to which interim committees are appointed during emergencies. In cities with county rights, tasks are conducted by the city council, mayor, and permanent and interim committees.

A separate committee is the safety and order committee (which is not a county council committee), consisting of representatives of local authorities, county services, and experts appointed by the county governor. They also function in cities with county statuses.

A county's executive body is the county executive board, which consists of three to five people (according to the statutes of each county). The chairperson of the board is the county's chief administrative officer (Starosta). It is worth noting that the starosta is not a local government administration body but an employee of the local government administration. Additionally, the board consists of a deputy county chief administrative officer (always one) and other board members (between one and three). The county council elects the deputy county chief administrative officer and other members of the board based on the recommendation of the county chief administrative officer.

The chief administrative officer and deputy chief administrative officer are elected by the county authority and receive salaries for their work. Board members are divided into full-time and part-time members; full-time members are employed by the county administration on an elected basis, while part-time members receive per diem for attending board meetings. Whether the board members in a particular county are full-time members (and whether they are all or, for example, only one of them) is determined by the provisions of the county's statutes.

The chief administrative officer, deputy chief administrative officer, and members of the management board may but need not, be county council members. In accordance with Article 33b of the Act on County Self-Government, the county's combined

administration (units subordinate to the chief administrative officer) consists of the county chief administrative officer's office, the county labour office, which is an organizational unit of the county, and the organizational units that are auxiliaries to the heads of county services, inspections, and guards. In cities with county rights, the city mayor undertakes county management tasks.

Voivodeship, a unit of administrative division at the highest level in Poland, has been a unit of the basic territorial division of government administration since 1990 and has also served as a unit of local self-government since 1999.

The voivodeship has various functions, such as the management of regional affairs, the implementation of public administration tasks, and the coordination of regional development, education, health care, infrastructure, and transport. It has its own governing bodies such as the voivodeship assembly, voivodeship marshal, and voivodeship board.

The division into voivodeships/provinces is intended to decentralise power and enable the effective management of local affairs. Each voivodeship has specific competences and autonomy, but it also acts in cooperation with the central administration, especially in matters of national and international policy.

It is worth noting that, at the voivodeship level, there are also organs of central government administration (services, inspections, and guards) acting under the authority of the voivode, as well as organs of non-combined administration subordinated directly to ministers or heads of central offices.[36]

The Prime Minister appoints the voivode based on the recommendation of the minister responsible for public administration. The voivode is the representative of the Council of Ministers for the voivodeship area, particularly responsible for: adapting the objectives of the policy of the Council of Ministers to local conditions and, within the scope and under the rules laid down in separate laws, coordinating and controlling the performance of the resulting tasks; ensuring the cooperation of all governmental and self-governmental administrative bodies operating in the voivodeship area and directing their activities in the prevention of threats to life, health or property, threats to the environment, state security, and the maintenance of public order, the protection of citizens' rights, as well as the prevention of natural disasters and other such threats, and the combating and eliminating their effects under the rules laid down in separate laws; assessing the state of flood protection in the voivodeship, developing an operational plan for flood protection and declaring and cancelling flood alerts and alarms; performing and coordinating tasks in the area of state defence and security and crisis management resulting from separate acts; presenting draft government documents on matters concerning the voivodeship to the Council of Ministers through the minister responsible for public administration; representing the Council of Ministers at state ceremonies and during official visits to the voivodeship by representatives of foreign countries; cooperating with the competent authorities of other countries and international governmental and

36 Pepper, p. 35.

non-governmental organizations in accordance with the principles established by the minister responsible for foreign affairs; exercising oversight over the activities of municipality, county and voivodeship self-government bodies and their associations to the extent and in accordance with the principles set out in laws; exercising control over the implementation by governmental joint administration bodies in the voivodeship of tasks resulting from laws and other legal acts issued on the basis of authorisations contained therein, arrangements of the Council of Ministers, and guidelines and instructions of the Prime Minister; performing, in particularly justified cases, inspections of the way in which non-combined government administration bodies operating in the voivodeship carry out tasks resulting from laws and other legal acts issued on the basis of authorisations contained therein; performing inspections of how local government bodies and other entities carry out tasks in the field of government administration, conducted by them on the basis of a law or an agreement with government administration bodies; carrying out the tasks of the voivodeship governor resulting from the Act of 6 December 2006 on the principles of development policy delegated on the basis of agreements concluded between the Minister of Regional Development and the voivode; directing the work of the voivodeship combined services, inspections and guards, as well as coordinating and controlling their activities and ensuring the conditions for their effective operation; ensuring proper coordination of medical rescue services in the voivodeship; representing the State Treasury to the extent and in accordance with the principles defined in separate acts; issuing decisions in individual matters of government administration belonging to the province governor's jurisdiction, conducting matters related to appealing decisions to the Provincial Administrative Court and applying the regulations on enforcement proceedings in administration; publishing the Official Journal of the Province.

Within the framework of their authority, the voivode directs the unitary governmental administration in the voivodeship and coordinates its activities.[37] The organs of non-combined government administration are field organs of government administration subordinated to the relevant minister or central governmental administration body, as well as managers of state legal entities and managers of other state organizational units performing government administration tasks in the voivodeship:

1) Heads of military recruitment centres
2) Directors of tax administration chambers, heads of tax offices, and heads of customs and revenue offices
3) Directors of district mining office
4) Directors of district measurement offices
5) Directors of district assay offices
6) Directors of maritime offices
7) Directors of statistical offices
8) Directors of inland waterway authority
9) Border and county veterinary surgeons

37 Pacak and Zmorek, 2013.

10) Commanders of border guard divisions and posts and divisions
11) State-border sanitation inspectors
12) Regional environmental protection directors

The establishment of organs of non-combined government administration may occur only by means of law if it is justified by the nationwide nature of the tasks performed or by the territorial scope of activity exceeding the area of a single voivodeship. Consequently, the catalogue of non-combined bodies should be regarded as closed in its current legal status.

The organs affected by the combined administration were as follows:

1) Regional commander of state fire services
2) Provincial police chief
3) Superintendent of education
4) Provincial state sanitary inspectors
5) Provincial pharmaceutical inspectors
6) Provincial inspectors of plant protection and seed production
7) Provincial building control inspectors
8) Provincial inspectors of geodetic and cartographic supervision
9) Provincial environmental inspectors
10) Provincial trade inspectors
11) Provincial inspectors of agriculture and food quality
12) Regional road transportation inspectors
13) Provincial veterinarian
14) Provincial conservators of listed buildings

In Poland, private entities perform public tasks. This primarily concerns public services that can be provided by private enterprises based on agreements concluded with the state or territorial administration. Examples include running private healthcare facilities and public schools.

Literature repeatedly highlights the implementation of public tasks by private entities in social assistance, education, and healthcare.[38] It is worth noting that J. Boć, in his formulated definition of public administration, emphasises at the same time its essence, which consists of the fulfilment of collective and individual needs of citizens. These needs result from the co-existence of people in communities, as accepted by the state and performed by its dependent organs and bodies of territorial self-government. These tasks can be performed in various public administrative spheres.[39]

Therefore, privatisation can be considered a process involving a change in the manner certain tasks are performed. In this case, public law entities give way to private law entities. It should be noted that in the process of privatisation, the

38 Mielczarek-Mikołajów, 2020, p. 117.
39 Boć, 2007, p. 15.

relationship between entities also changes. The public entity remains on its public law plane on the grounds of the law determining the limits and principles of performing ownership functions; such an entity bears public law responsibility for its proper performance. However, in relation to the market environment (e.g. towards other shareholders in companies, creditors, and debtors), the actions of such an entity do not have a public-law character but only a civil-law one. It is not the state that acts here but the State Treasury (owning the local authority, not the local government).[40]

S. Biernat identified the performance of public tasks by private entities as the main feature of privatisation. In this context, any form of entrusting a task to an entity functioning based on private law is classified as privatisation. If that entity is utilising public assets, we can then refer to it as task-based privatisation. Contemporary tendencies in both European and national law appears to be heading towards, on the one hand, the creation of legal instruments that enables local authorities to choose more efficient and effective means of carrying out the tasks imposed upon them (a response to the increasing number of tasks imposed on local authorities) and, on the other hand, the clarification of formal and legal prerequisites allowing for implementing specific forms of performing public tasks. In my opinion, it is currently insufficient to assert that task privatisation merely involves a change in the entity responsible for performing specific tasks within the local self-government unit. It is necessary to specify the legal nature of this entity, process by which tasks are transferred to it, and the bond that binds this entity to public property.[41]

The third sector, also known as the non-governmental sector, includes social organizations, foundations, associations, and other entities that work for the social good. This sector's administration hinges on undertaking social initiatives and activities to meet social needs. Non-governmental organizations can cooperate with both state and territorial administrations to implement social projects and programmes.

In Poland, the public administration may outsource certain tasks to private entities. This is the case when the administration is unable to perform certain tasks on its own or decides to use the expertise and resources of the private sector. The outsourcing of tasks to private entities may involve various areas, such as providing services, conducting research, or implementing projects.

The obligation to cooperate between local government administration entities and non-governmental organizations is currently anchored in the provisions of the Act of 24 April 2003 on the Activities of Public Interest and Voluntary Work.

The 2003 regulations underpinning the activity and cooperation of the public and non-governmental sectors clearly indicate that the duty to cooperate is based on several key principles, including subsidiarity, sovereignty and partnership, efficiency, fair competition, and legality. The principle of subsidiarity is a constitutional

40 Modrzejewski, 2019, p. 131; Banasiński, 2009; Bandarzewski, 2007; Bel and Gradus, 2017; Biernat, 1994; Błaś, 2004; Knosala, Zacharko and Stasikowski, 2005.
41 Biernat, 1994, p. 73.

principle of the state, which is stated in the preamble of the Constitution of the Republic of Poland.

It should be pointed out that it constitutes the basis for defining cooperation between public authorities and independent entities, which should serve as a mutually effective complement to these entities in the implementation of public tasks. It should also be emphasised that bodies of territorial self-government units, by cooperating with non-governmental organizations, support their activities. On the other hand, non-governmental organizations become partners of self-government administrations in performing public tasks. The implementation of the principle of subsidiarity is closely related to the principle of sovereignty, which aims to respect the autonomy and distinctiveness of entities that cooperate. The practical dimension of this principle, from the perspective of non-governmental organizations, is to ensure their right to independently define and solve problems that fall within the area of public affairs. The cooperation of non-governmental organizations with entities of public authority at all levels of the territorial division of the state is based on the principle of partnership. It assumes the active participation of both public and non-governmental sectors in the implementation of tasks resulting from cooperation. This applies to identifying social problems and determining ways to solve them.

The legislators in the Act on Activities of Public Interest and Voluntary Work formulated certain forms of cooperation between local government units and non-governmental organizations. It should be emphasised that, on the one hand, they have a financial character that narrow downs to commissioning public tasks and concluding agreements on the implementation of a local initiative or concluding the so-called partnership. However, they also have a non-financial dimension in the scope of mutual information, consultation of normative acts, and the establishment of joint advisory and initiative teams.

The forms of cooperation specified in the Act are not closed. This implies that cooperation can be shaped in forms other than those listed in the Act. They are concerned about undertaking local self-government unit activities in the field of counselling, providing substantive assistance in the development of projects, and providing information on the existence of other sources of financing. Commissioning tasks to non-governmental organizations appears the basic form of cooperation analysed. It should be noted that it may comprise the so-called commissioning of public tasks and awarding a grant for this purpose or support, which is expressed as subsidising their implementation. Financial support occurs when a non-governmental organization initiates the execution of a public task. Open competition entrusts and supports the implementation of public tasks. A mode other than bidding is in force when the initiator is a non-governmental organization and after fulfilling two preconditions. One of the concerns is the amount of financing for public tasks, which cannot exceed PLN 10,000. The second relates to the task implementation period, which cannot exceed 90 days. Cooperation between local government units

and non-governmental organizations occurs based on the so-called cooperation programmes.

The political and professional management of Poland's public administration is an important aspect of the state's effective functioning. It encompasses both political aspects related to decision-making and the implementation of public policy and professional aspects concerning the administrative management of resources and processes.

In Poland, political management in public administration is the responsibility of the politicians elected by the public to perform public functions. Politicians make decisions regarding state policies, create new laws and regulations, and determine the priorities of public administration activities. Other political bodies, such as the Parliament, local governments, and Councils of Ministers, also influence governance in public administration.

Professional management in public administration refers to the management of resources and processes for effective and efficient functioning of the state. This includes the recruitment and development of administrative staff, public finance management, strategic planning, monitoring, and evaluation of administrative activities, as well as the provision of public services to citizens. In Poland, professional management in public administration is based on efficiency, transparency, accountability, and equality.

To ensure effective management in public administration, several institutions are responsible for overseeing and controlling administrative activities. The most important are the Supreme Audit Office (NIK), which monitors public expenditure and the effectiveness of administrative activities, and the Council of Ministers, which coordinates administrative activities and makes decisions at the government level.

The Polish Constitution enshrines the principle of decentralisation in the functioning of the administration.[42] The provisions of the Constitution form two fundamental segments of public administration:

- Government administration, which includes the Prime Minister, ministers, central offices, and field administration (voivodes, combined, and non-combined government administration);
- Local government administration, in which municipalities and other local government units created by law are essential links.

The system of administration is complemented by institutions of the so-called state administration, that is, central bodies that are not subordinate to the government, nor local authorities. These include the National Broadcasting Council, Supreme Audit Office, Inspector General for Personal Data Protection, State Labour Inspectorate, Institute of National Remembrance, Ombudsman for Civil Rights, the National Bank of Poland, and the Monetary Policy Council.

42 Sześciło and Jakubek-Lalik, 2014, p. 32.

## 4. Current challenges in public administration

In recent years, Poland has introduced reforms to improve its public administration. For instance, a system of electronic public services was introduced, administrative procedures were simplified, and the transparency of administration activities increased. However, challenges remain in improving the efficiency and quality of management in public administration, such as combating corruption, ensuring adequate competence among administrative staff, and increasing public trust in state institutions.

It is difficult to specify the scope of the challenges faced by contemporary public administration and the direction of change. Indubitably, the COVID 19 pandemic induced new challenges in the functioning of public administration. These multidimensional changes are not always perceived positively. The need to react quickly to fluctuating epidemic conditions (becoming a frequently used form of lawmaking) resulted in an ordinance, which is, in principle, an executive act beyond the law. On the one hand, the ordinance gave the Council of Ministers the ability to legislate quickly, including the introduction of restrictions on citizens' rights; however, on the other hand, the ordinances were often issued based on a very generally constructed statutory mandate, which cast doubt on their legitimacy to introduce such restrictions, orders, and bans (e.g. the order to wear protective masks in public spaces, the ban on catering, quarantine after returning from abroad, or, for example, the ban on visiting cemeteries on the religious holiday of the 1st of November). As a direct result, penalties were imposed on citizens under these regulations, and consequently, judgements of administrative courts overturned the decisions issued and penalties imposed due to the lack of grounds for issuing executive acts as a legal basis for the decisions in question. This demonstrates how important it is for the administration to act within the limits and on the basis of the law, and simultaneously, highlights the necessity to develop instruments within the framework of which the administrative bodies will be able to react in a fast and dynamic manner to potential threats to the life and health of citizens.

However, the pandemic has shown that direct contact between a citizen and the administration is not always necessary, and an IT channel allowing for the exchange of correspondence is often sufficient. This consequently leads to the computerisation of administration, the introduction of appropriate legal solutions that allow for the delivery of correspondence in electronic form, or even forcing citizens to direct electronic correspondence with an authority. Here, an example may be Article 61 § 1 of the Code of Administrative Procedure, according to which applications (requests, explanations, appeals, complaints) must be submitted in writing, by fax, or orally for the record. Applications recorded in electronic form must be submitted to an address for electronic delivery or via an account in the public administration body's ICT system. Unless otherwise stipulated by separate provisions, applications submitted to the e-mail address of a public administrative body should be left unprocessed. This

implies that currently, a citizen cannot address a request to an authority in the form of an ordinary e-mail, and such an action will always be ineffective. Previously, there were solutions stipulating that if an application was sent in the form of an e-mail, the applicant was requested to submit the signature; however, this is now impossible.

It also popularised remote hearings before administrative courts—a solution generally positively assessed by the participants of the proceedings. However, it also gave the courts the ability to decide in closed sessions, which, in the context of cases considered particularly by the Supreme Administrative Court, where the preparation of a cassation appeal is subject to a number of conditions—including the obligatory assistance by an advocate (i.e. the complaint must be drawn up by a legal advisor or advocate, with certain exceptions)—is considered a limitation of the citizen's right to a trial.

The efficient and effective functioning of e-services in public administration requires an increase in the role of IT and communication tools in the daily functioning of offices. This means implementation of public tasks by obliged public entities using modern ICT technologies and access to the Internet at three strategic levels.

1) Internal communication in public administration.
2) Efficient automation of communication with entities performing public tasks using e-services.
3) Offering e-services to all public administration customers.[43]

Another trend in the development of modern public administration is the increase in civic participation. Legal solutions in the form of civic budgets, in which local communities submit ideas for spending budgetary funds and then select the best idea through surveys, are becoming increasingly common. These solutions should be viewed as having the most positive effects.

Political and professional management in public administration in Poland is essential to ensure the effective functioning of the state and the implementation of public policy. This requires cooperation between politicians and professionals, appropriate oversight and control mechanisms, and continuous improvement of management and reforms to adapt to the changing needs of society.

43 Romaniuk, 2020, p. 273.

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