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Administrative Action According to Stanislaw Wincenty Kasznica: The Beginnings of the Polish Science of Legal Forms of Public Administration Action

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On the same subject, whether in books, lectures, or dissertations by different individuals, there are always varying views, interpretations, starting points, and outcomes. Even within the views of the same person on the same subject, there can be significant divergences at different times in their life.
Stanisław Kasznica, *Rozważania*[1]

Abstract
One of the key characteristics of administrative law is the diversity of entities acting on behalf of the state and the multitude of areas requiring administrative-legal regulation. As a result, there is also a greater variety of actions taken by parties involved in legal relations than in other branches of law. Contemporary doctrine offers numerous studies dedicated to administrative actions. However, it is important to remember that such dynamic development of this field of research would not have been possible without the contributions of pre-war Polish scholars of administrative law. A particularly notable contribution was made by Stanisław Wincenty Kasznica, who was the first to present and organize a catalog of actions undertaken by the administration. The concept of "administrative action", proposed by the Professor, can be seen as the first attempt to formulate what has since evolved into the structure that today we refer to as the "form of administrative action".

Keywords
administrative action; public administration; forms of public administration action; Stanisław Kasznica

1 S Kasznica, *Rozważania* [The Considerations] (Albertinum, Księgarnia Św. Wojciecha 1946) 14.

1. DOCTRINE ON LEGAL FORMS OF PUBLIC ADMINISTRATION AS A FIELD OF ADMINISTRATIVE LAW SCIENCE

One of the salient features of administrative law is the multiplicity of actors acting on behalf of the state and the diverse areas requiring administrative-legal regulations. Consequently, it becomes apparent – more so than in other branches of law – that there are a variety of actions taken by the subjects of these legal relationships. Therefore, contemporary scholars of administrative law consider the study of legal forms of action of public administration to be one of the fundamental fields within this research area. This field's focus is on the principles and rules of law on the basis of which the doctrine and administrative jurisprudence attempt to systematise and evaluate the actions of public administration bodies.[2] The result of this research will be a set of theorems defining and distinguishing the typical manifestations of the behaviour of administrative bodies, describing their characteristics, as well as establishing the effects and conditions of their regularity or defectiveness.

The importance of the legal forms of administrative action for administrative law as a whole stems not only from their ordering function, but from the fact that they play a servile role in relation to the tasks of public administration and should primarily be considered in this context.[3] In view of this – as underlined by I. Lipowicz – they will "evolve along with the tasks for the realisation of which they were created,"[4] showing how administrative law has developed over the years. Studying the legal forms of administrative action functioning at a given time and under given circumstances will help build a picture of the current state of scientific research on the activity of administration.

At present, the doctrine has numerous comprehensive studies on the classification of administrative action. Several, leading legal definitions of forms of action of administration have also been constructed. Obviously, this includes monographs by J. Starościak,[5] J. Borkowski[6] and the work of K. Ziemski.[7] It is important to remember, however, that the currently visible, so dynamic, development of the discussed

2 DR Kijowski, 'Pojęcie prawnych form działania administracji' [The Concept of Legal Forms of Administration Activity] in J Korczak (ed), *Administracja publiczna pod rządami prawa Pamiątkowa księga z okazji 70-lecia urodzin prof. zw. dra hab. Adama Błasia* [Public Administration under the Rule of Law Commemorative Book on the Occasion of the 70th Anniversary of the Birth of prof. conv. dr hab. Adam Błaś] (Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego 2016) 217.

3 See T Rabska, 'Kontrakt wojewódzki – forma działania administracji publicznej w strukturach zdecentralizowanych' [Provincial Contract – a Form of Public Administration Operation in Decentralized Structures] in I Niżnik-Dobosz, P Dobosz, D Dąbek, M Smaga (eds), *Instytucje współczesnego prawa administracyjnego. Księga jubileuszowa Profesora zw. dra hab. Józefa Filipka* [Institutions of Modern Administrative Law. The Jubilee Book of the Professor dr hab. Józef Filipek] (Wydawnictwo Uniwersytetu Jagiellońskiego 2001) 608.

4 I Lipowicz, 'Prawne formy działania administracji publicznej – między stabilizacją a potrzebą przełomu' [Legal Forms of Public Administration Activity – between Stabilization and the Need for a Breakthrough] (2016) Ruch Prawniczy, Ekonomiczny i Socjologiczny vol. 4, 41.

5 J Starościak, *Prawne formy działania administracji* [Legal Forms of Administration Activity] (Wydawnictwo Prawnicze 1957).

6 J Borkowski, *Decyzja administracyjna* [Administrative Decision] (Zachodnie Centrum Organizacji 1998).

7 An attempt to define the concept of the legal form of administrative action was also made by KM Ziemski. According to him: "By the legal form of an action of the administration, we should understand a distinguished or distinguishable, legally defined, with fixed features type of conventional or factual action, or a set of such actions of a specific entity (or a set of entities) appointed to perform public administration tasks in order to fulfil the tasks within the scope of public administration." The author intended the above definition to be a synthesis of the prevailing views of the doctrine. See KM Ziemski, *Indywidualny akt administracyjny jako forma prawna działania administracji* [An Individual Administrative Act as a Legal Form of Administration Activity] (Wydawnictwo Naukowe UAM 2005) 138.

field would not have been possible if it had not been for the achievements worked out by the pre-war representatives of the Polish science of administrative law, and in particular Stanisław Wincenty Kasznica, regarded as the author of the first full textbook on administrative law. As C. Martyniak states, in order to "advance research in one's specialty" it is necessary, first of all, to get acquainted with previous views on the subject matter in question, and then, to appropriately address them in the process of one's own research.[8]

Although most current researchers in this area use the term "legal forms of administrative action",[9] or the shorter "forms of administrative action" – recognising that all administrative actions must have a legal basis[10] – there are also those who use more general terms such as "administrative actions".[11] Significantly, this second way of defining actions taken on behalf of the state was also appropriate for the first representatives of the Polish science of administrative law. K.W. Kumaniecki, W.L. Jaworski, and S.W. Kasznica all used the term "administrative action" or "administrative activity".[12]

2. Administrative action in the first Polish studies of administrative law

In the first Polish studies referring to what we would call today the subject of forms of administrative action, particular attention was paid to the category of the administrative act. It was taken in a very broad way, identified in principle with any action taken by the administration.[13] Its basic – and one could even assume that its only – essential feature was its origin from entities representing the state. It is worth noting that pre-war authors used various names to describe this. The first Polish author to conduct research in this area, as early as 1913, K.W. Kumaniecki, used the term: "an act of state authority." By this he meant any activity of entities representing the state, which included acts of law enforcement (these were both acts of law application by administrative authorities and acts of law execution undertaken by courts) consisting in the implementation of already existing legal norms.[14] In addition to this, however, there were law-making acts, creating new norms.[15]

8 C Martyniak, *Moc obowiązująca prawa a teoria Kelsena* [The Binding Force of Law and Kelsen's Theory] (Towarzystwo Naukowe Katolickiego Uniwersytetu Lubelskiego 1938) 1.

9 See, among others, M Stahl, E Olejniczak-Szałowska, 'Prawne formy działania administracji publicznej' [Legal Forms of Operation of Public Administration] in M Stahl (ed), *Prawo administracyjne. Pojęcia, instytucje, zasady w teorii i orzecznictwie* [Administrative Law. Concepts, Institutions, Principles in Theory and Jurisprudence] (Wolters Kluwer 2019) 531–580.

10 This is also pointed out by DR Kijowski. The author adds that, since in our state there is in force, as expressed in par. 2 of the Constitution of the Republic of Poland, the principle of a democratic state under the rule of law, it is difficult to assume that there are such actions of the administration that are not regulated by law in any way. See DR Kijowski (2016) 220. Similarly I Lipowicz also refers to the principle of legalism. See I Lipowicz (2016) 41.

11 See DR Kijowski (2016) 217–218 together with the literature cited therein. The author also provides arguments that make it impossible to equate the notions of "form" and "action" – ibid., 221.

12 This will be looked at further later in this paper.

13 Cf KM Ziemski, 'Kształtowanie się doktryny wobec prawnych form działania administracji' [The Development of Doctrine Regarding Legal Forms of Administration] in A Błaś, R Hauser, Z Niewiadomski, M Stahl, A Wróbel (eds), *Prawne formy działania administracji* System Prawa Administracyjnego [Legal Forms of Administration Activity, Administrative Law System] (CH Beck 2013) 9.

14 KW Kumaniecki, *Akt administracyjny, Studya nad istotą aktu administracyjnego z uwzględnieniem zasadniczy orzecznictwa austryackiego Trybunału Administracyjnego* [Administrative Act, Study on the Essence of an Administrative Act, Taking into Account the Essential Case Law of the Austrian Administrative Tribunal] (Drukarnia Związkowa 1913) 9–11.

15 Ibid., 9–11, 27–32.

Undoubtedly important for the later cataloguing – also by S. Kasznica – of the activities of the administration was the study by W.L. Jaworski.[16] This study recognised that, in addition to those administrative acts listed in the Act on the Supreme Administrative Court of 3 August 1922[17] (i.e. orders and rulings), there were others.[18] Compared to Kumaniecki, Jaworski narrowed the concept of an administrative act, assuming that it would only be an act originating from public administration, i.e. "(...) performed by an administrative authority, whether governmental or local governmental (...)," even if the legal basis was civil law.[19] He also added that it must "entail a legal effect,"[20] and is "only a certain form, a certain shape by which we want to mentally encompass the activity of the state."[21] In this aspect, there are references to our contemporary understanding of the forms of administration. However, compared to today's construction, W.L. Jaworski's depiction of the administrative act was still quite broad. It should be noted that this author also identified it with an action of public administration.[22] He points out, for example, that both an arrest order and the arrest action itself are considered administrative acts.[23] To define an administrative act, W. L. Jaworski used the name "emanation of administrative power."[24] This term refers to a feature of administrative acts that was later distinguished, i.e. sovereignty. He pointed out that, even if the act of authority is not regulated by law, it is nevertheless an administrative act if it produces a legal effect.[25]

The classical approach towards what we now would call the legal forms of administrative action, as seen in particular in the work of W.L. Jaworski, and – as will be discussed later – that of S.W. Kasznica, thus boiled down to a particular emphasis on the administrative act, as well as much more narrow discussion on other administrative actions. This approach should not come as a surprise, however, given that Polish administrative law, and indeed Polish public administration, was only just being constituted. Here I again refer to the statement by I. Lipowicz that the activities of the administration and their catalogue will "evolve together with the tasks for the realisation of which they were created."[26] It is therefore not surprising that the "theoretical axis of division" for the pioneers of Polish administrative law were legal actions that produced legal effects and other administrative actions not included in the first group, as these – according to the beliefs of the time – did not produce such effects.[27] The reference to forms of civil law,[28] characteristic for the description of administrative actions, is also not surprising.

16 WL Jaworski, *Nauka prawa administracyjnego. Zagadnienia ogólne* [Learning Administrative Law. General Issues] (Instytut wydawniczy "Biblioteka Polska" 1924).

17 Ustawa z dnia 3 sierpnia 1922 r. o Najwyższym Trybunale Administracyjnym [Act of 3 August 1922 on the Supreme Administrative Tribunal] [1922] JoL 600, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19220670600/O/D19220600.pdf> accessed 19 Aug 2024.

18 WL Jaworski (1924) 70.

19 An administrative act is any act of public administration: "(...) an authority, an office, an administrative body both governmental and local governmental (...)" – ibid., 71.

20 Ibid., 71, 83–84.

21 Ibid., 76–78; 82–84 and 92.

22 This issue is also highlighted by K Ziemski (2005) 19.

23 WL Jaworski (1924) 70.

24 Ibid., 71, 83–84.

25 Ibid., 71.

26 I Lipowicz (2016) 41.

27 Ibid., 48.

28 Here I should point out that WL Jaworski was also, or perhaps above all, a civilian. It is worth recalling the following titles of his works: *Zarys teorii wynagradzania szkody, Nauka o służebnościach wedle prawa austriackiego* or his habilitation thesis: *Prawo nadzastawy wedle ustawodawstwa austriackiego*. See M Jaskólski, 'Władysław Leopold Jaworski (1865–1930)' [Władysław Leopold Jaworski (1865–1930)] in J Stelmach (ed), *Złota Księga Wydziału Prawa i Administracji UJ* [Golden Book of the Faculty of Law and Administration of the Jagiellonian University] (Wydawnictwo Uniwersytetu Jagiellońskiego 2000) 239.

In the later literature, despite the fact that most researchers on the forms of action of the administration referred mainly to the concept of J. Starościak, there were also positions containing direct references to the constructions presented by what I. Lipowicz called "the classics rooted in the Second Polish Republic."[29] This can be seen, for example, in a study by E. Ochendowski. The author even tries to reactivate the construction of what S. Kasznica described as general orders, i.e. "acts on the basis of which a specific legal relationship arises, changes or extinguishes,"[30] but which is not addressed to a specific subject.[31]

To conclude this section, I have one more remark of a general nature. When reaching today for the works of Kumaniecki, Jaworski and Kasznica, among others, one has to remember that the political situation in Poland, immediately after the end of the Second World War, made it difficult for subsequent authors to use freely the achievements of scientists from the interwar period or the times of the Nazi occupation. This was due to the visible activity at many levels (not only science, but also social and political) for regaining independence, undertaken by the first authors of administrative law.[32] State, civic and patriotic education was a matter of course in the Second Republic.[33] There was a widespread conviction that, in addition to imparting general and practical knowledge, it was necessary "to educate good citizens capable of thinking in terms of the common good. (...) Such a good was the state regained, with great difficulty, thanks to the enormous collective effort."[34] Hence also the works of: K.W. Kumaniecki, W.L. Jaworski, and S. Kasznica of a political and religious nature.[35] This patriotic attitude, also evident in their scientific output, was obviously not well received in post-war Poland.

3. Administrative actions and their catalogue, by Stanislaw Wincenty Kasznica

In contemporary literature, it is accepted that S. Kasznica, as the first among the representatives of the science of administrative law, presented a "systematised typology of legal forms."[36] I fully

29 I Lipowicz (2016) 49.

30 S Kasznica, *Polskie prawo administracyjne: pojęcia i instytucje zasadnicze* [Polish Administrative Law: Basic Concepts and Institutions] (Wydawnictwo Prawnicze 1946) 99.

31 E Ochendowski, *Prawo administracyjne* [Administrative Law] (Towarzystwo Naukowe Organizacji i Kierownictwa "Dom Organizatora" 2013) 193.

32 A Rzegocki, 'Kazimierz Władysław Kumaniecki (1880–1941)' [Kazimierz Władysław Kumaniecki (1880–1941)] in A Zięba (ed), *Jubileuszowa Księga Nauk Politycznych* [Jubilee Book of Political Science] (Wydawnictwo Uniwersytetu Jagiellońskiego 2015) 159–165, <https://ruj.uj.edu.pl/xmlui/bitstream/handle/ item/23657/rzegocki_kazimierz_wladyslaw_kumaniecki_2015.pdf?sequence=1&isAllowed=y> accessed 19 Aug 2024.

33 Ibid., 162.

34 As a result, so much attention was paid to ancient literature, which contained a clear message of the subordination of individual ambition to state objectives. Polish thinkers of the Middle Ages and the Enlightenment period were also drawn upon, prioritising spiritual issues over material ones. A Rzegocki (2015) 162–163.

35 For example, it is worth mentioning the work of: KW Kumaniecki, *W poszukiwaniu suwerena* [In Search of the Sovereign] (Ksiegarnia Akademicka 2006); or S Kasznica (1946) op cit; See also P Czarny, B Naleziński, 'Kazimierz Władysław Kumaniecki (1880–1941)' [Kazimierz Władysław Kumaniecki (1880–1941)] in A Szmyt, P Sarnecki, R Mojak (eds), *Konstytucjonaliści polscy 1918–2011. Sylwetki uczonych* [Polish Constitutionalists 1918–2011. Profiles of Scientists] (Wydawnictwo Sejmowe 2012) 224; M Jaskólski (2000) op cit; M Szczesiak-Ślusarek, 'Historia rodu Kaszniców' [The History of the Kasznic Family] in SW Kasznica (ed), *Druga wojna światowa. Wspomnienia spisane na podstawie codziennych notatek* [World War II. Memories Written Based on Daily Notes] (Instytut Pamieci Narodowej 2013) 11–92.

36 K Ziemski (2005) 22.

share this position.[37] Although considerations on the actions of administration were undertaken earlier by W.L. Jaworski, unlike his *Science of administrative law,* which contained typically scientific inquiries oscillating around the – widely understood – construction of the administrative act, Kasznica's textbook *Polskie prawo administracyjne* contains a practical, often innovative look at the actions of administration. It was the first attempt to organise the current state of science in this area. A more thorough analysis of the two works referred to, however, sheds light on the influence that the position presented by his predecessor[38] had on the content of Kasznica's study.

S. Kasznica distinguishes the concept of "administrative action". He considers it to be "every manifestation, every action of any administrative body, regardless of its type and character."[39] This is the most general definition of any administrative action, with the classifying criterion being the subjective criterion. The only condition for an activity to be considered administrative is that it originates from an entity acting on behalf of the state.

The concept of "administrative action" that S. Kasznica proposed can be regarded as the first attempt to formulate a construction to which later authors gave the name "form of administrative action", with the cited author being a precursor in this area.[40]

When examining administrative actions, S. Kasznica – unlike K.W. Kumaniecki – emphasises the need to distinguish them from actions taken by the courts. He points out that in the area of administrative actions, "(...) between the act and the individual the authority slips in, and it is only on the basis of the provision of the act that it decides what is due to the individual or what he should fulfil."[41] According to S. Kasznica, the difference between the judiciary and administration thus boils down to the fact that, while the judge "faces the legal norm that he is supposed to apply in a given case," between the official and the legal norm he is supposed to apply, "a superior may slip in at any time with a binding directive as to how this norm should be interpreted."[42] The citation also draws attention to the fact that all administrative actions find their origin in a legal norm. An administrative action is always an action taken on the basis of legal provisions. This is a step forward compared to the position presented by W.L. Jaworski.

S. Kasznica further divides administrative actions into legal actions (otherwise known as legal acts) and factual actions. The division into legal and factual actions is currently regarded as one of the most useful for the development of research on administrative actions.[43] In making the distinction in this respect, Kasznica uses the criterion of the purpose of undertaking a given action, which will be to produce a specific legal effect.[44] A legal effect is the grant or denial of an entitlement to the addressee, as well as a change in the scope of the entitlement; the imposition

37 J Starościak's catalogue of legal forms of administration came later.

38 This is evidenced, among other things, by the fact that Kasznica cites the same examples of administrative actions as Jaworski, with the remark that he often gives a different classification of them. For example, referring to an event such as an arrest, he distinguishes the factual preparatory activity, which would be, for example, holding or leading an arrested person, from the legal act on the basis of which this activity is undertaken (the result of this activity), i.e. an arrest warrant. Cf S Kasznica (1946) 96; WL Jaworski (1924) 80. See also K Ziemski (2005) 454.

39 S Kasznica (1946) 96.

40 M Zimmermann was the first to use the term "forms of administrative action", giving this title to Chapter IX in the textbook he compiled. See M Zimmermann, 'Formy działania administracji i postępowanie administracyjne' [Forms of Administration Activities and Administrative Proceedings] in M Jaroszyński (ed), *Prawo administracyjne* [Administrative Law] (Wydawnictwo Naukowe PWN 1952) 91.

41 S Kasznica (1946) 98.

42 Ibid., 11.

43 This is accepted, for example, by K Ziemski (2005) 100.

44 KM Ziemski also draws attention to this: KM Ziemski (2013) 22.

of an obligation, an exemption from an obligation, or a change in the scope of an obligation, or even the mere determination of the existence or non-existence of a specific legal relationship.[45] This detailed delineation of individual legal effects shows that the author saw a difference between acts that created new legal relations and those that merely affirmed them (today, we would refer to the division into constitutive and declaratory acts).

The remaining acts, on the other hand, constitute what he called factual acts, which the author saw as only ancillary to legal acts. "They serve to prepare or to execute legal acts." Hence the division into executive factual actions (e.g. holding a person) and preparatory factual actions (e.g. clerical actions).[46] In this group of actions, therefore, the author includes those that, applying today's criteria for the division of forms of administrative action, we would describe as material-technical actions.

Contrary to what we assume nowadays, he does not classify certificates as factual acts, but considers them to be legal acts.[47] It seems, however, that S. Kasznica treated the category of certificates quite broadly. He assumed that these were actions concerning "strictly specified, concrete, individual situations and accidents"[48] and included in this group not only actions that "ascertain certain facts of significance for legal relations,"[49] but also those that "ascertain the existence of a certain legal relation."[50] Today, we would refer to this second category as individual declaratory acts (otherwise known as declaratory decisions). As an example of acts of the former type, the author gives: "a certificate of birth from a civil registry office," and of the latter: "the certification by the administrative authorities that a person has state citizenship."

Legal acts (actions) – as in Jaworski's case – could only be taken by entities performing public administration duties, and only "in the performance of public service" and in the "public interest."[51] Thus, given this unarticulated interest criterion, it can be assumed that, in subjective terms, all legal acts are public law acts. From the subjective aspect, conditioned, among other things, by the form of a given action[52] or the form of defence,[53] we can distinguish such legal acts that will have a private-law character,[54] i.e. those undertaken within the framework of notifying the administration. Nowadays, we would say that these are such forms of action where the legal basis are the norms of civil law. Kasznica's considerations in this section show he recognised that not all of the actions of the administration are characterised by an element of sovereignty.[55] This can be regarded as a reference to the division of administrative actions into authoritative and nonauthoritative or, using a different term, public-law and private-law forms.[56] According to K. Ziemski, S. Kasznica identified the notion of wielding power with the one-sidedness of actions of administration.[57]

Kasznica further divides legal acts of a public-law character into: general, normative acts (e.g. regulations) and individual acts. The former contain general norms, including, as the author puts it himself,

45 S Kasznica (1946) 96, 98.
46 Ibid., 96.
47 Ibid., 97.
48 Ibid.
49 Ibid.
50 Ibid., 97.
51 Ibid., 96.
52 The author points out that administrative entities are also often parties to bilateral acts, e.g. sales contract, lease contract), ibid.
53 Because of what legal remedy is used to challenge the act in question.
54 S Kasznica (1946) 96.
55 Further, the author notes that a sovereign act will be an individual act (decision). Ibid., 97.
56 This is also accepted by K Ziemski (2005) 113.
57 Ibid., 447.

the "rules of conduct" (today we would probably use the term principles of law). The second are those that concern "strictly defined, concrete, individual situations and accidents."[58]

As far as individual acts are concerned, it is worth noting that S. Kasznica defines this category quite broadly, including in it: a) administrative acts, also referred to as decisions under the rules of procedure, b) certificates, c) notices and d) announcements.[59]

With regard to the construction of the administrative act, as presented by Kasznica, it is interesting to note that, when presenting its elements, he combines those of a material nature with those of a procedural nature.[60]

However, upon reconstructing the material definition of an administrative act according to S. Kasznica, we would state that it is: a manifestation of the intention of a public administration body, with which this entity exercises the state authority granted to it in relation to an individually specified addressee in specific factual circumstances, causing legally specified effects. K. Ziemski emphasises that Kasznica, as one of only a few authors, assumed that the basis for issuing an administrative act is an individualised factual state.[61] The procedural definition of an administrative act, on the other hand, focuses primarily on the need to base a decision on a directly indicated legal basis and to precede the issue of the act by conducting proceedings.

4. Summary

There is no consensus in the literature as to whether there is any real difference between the terms: "administrative action" (in polish: "czynność organów administracji") and "form of administrative action" (in polish: "forma działania administracji"). D.R. Kijowski proposes that, for "semantic reasons, but also in order to facilitate the understanding of the explained formulations" both concepts should be distinguished.[62] He believes that what is different is the action and the form in which this action will be undertaken. "Consequently, one should see in the forms of administrative action the external manifestations of the conduct of public administration."

S. Kasznica does not use the term "form", but the term "administrative action". However, there should be no doubt that he saw a difference between the "image" (manifestation) of the intention of an authority and the administrative action itself. I will come back to the example of an arrest warrant and an act on the basis of which it is the arrest warrant. This fact alone makes it possible to consider Kasznica as one of the first representatives of the science of legal forms of administrative action.

In considering the forms of administrative action, however, it is worth posing an additional question. Is it possible for any action of the administration to be taken without – as we would put it with reference to the science of civil law – it being in one form or another? It would seem that this is not possible. Consequently, since the form is only the external manifestation of the action, the concept of administrative action will be primary and thus should be given precedence. The category of forms of administrative action must therefore be treated as derivative in relation to the construction of administrative actions. According to A. Błaś, the forms of administrative action are in fact "manifestations of public administration actions reduced to legally defined, typical forms."[63]

58 S Kasznica (1946) 96–97.
59 Ibid.
60 Ibid.
61 K Ziemski (2005) 449.
62 DR Kijowski (2016) 221.
63 A Błaś, 'Prawne formy działania administracji publicznej' [Legal Forms of Operation of Public Administration] in J Boć (ed), *Prawo administracyjne* [Administrative Law] (Kolonia Limited 1998) 282.

The term "form" (in the sense of type, kind, shape and outward appearance) undoubtedly has significant procedural overtones. An act taking the form of a decision and a resolution will contain different elements of content and the means of challenging each of these acts will also be different. Importantly, the distinction between particular types/kinds of activities is intended to enable an individual to better protect their rights.[64] It can be assumed, therefore, that the notion of forms of administrative action should be mainly seen in the procedural (formal) aspect as a category of substantive law. Given the issues raised here, it is not surprising that some representatives of the doctrine have stopped using the term "form of action" in favour of the term "administrative action". This issue has been specifically addressed by the Polish legislator. For example, Article 3 § 2 point 4 the Act on Administrative Court Procedure refers to both categories, subjecting to the control of administrative courts both "acts" and "acts of administration." The applied procedure results in the fact that there is no requirement for administrative actions as to the form in which they were adopted.[65] It is also worth adding that in subsequent provisions the legislator uses the phrase "acts and other actions of the authority,"[66] which allows us to assume that the actions of the administration are treated as a key concept.

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64 As K Ziemski observes, "Individual legal forms of administrative action require different behaviours of the administration, give rise to different consequences, both for the administration and for the addressees of its activity, requiring the application of different forms of control and supervision over the correctness of their application, determining the way for an individual to claim his or her rights, in the event of their violation by the administration undertaking activity in a specific form". K Ziemski (2005) 8.

65 DR Kijowski (2016) 224.

66 See Article 33(1a) or Article 53(2), (3) and (4) p.p.s.a.

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