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Efficiency Rules for the Organisation and Functioning of Public Administration in the Views of Professor Stanisław Kasznica

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Abstract
This article refers to the issue of the administrative apparatus system in the views of Professor Stanisław Kasznica. On their basis, an attempt was made to reconstruct efficiency guidelines concerning the formation of public administration structures, relations between them as well as administrative tasks and competences. A catalogue of these praxeological rules justifies the claim that the Professor's views remain fundamentally up-to-date both for the contemporary science of administrative law and in the sphere of administrative science.

Keywords
public administration system; efficiency rules; rules of operation of administration structures; relations in public administration; regulation of administrative competences

1. Introduction

The topic of analysis for this study is probably Professor Stanislaw Kasznica's best known work, namely "Polish Administrative Law. Basic concepts and institutions".[1] This title alone suggests that it focuses on certain principals of the indicated scope of norming, which undoubtedly also include the issue of the proper organisation of the administrative apparatus. Against this background, it is not difficult to establish the meaning of the concept of efficiency rules relating to the proper organisation of public administration and its functioning.[2] It covers certain patterns of shaping structures, relations, tasks and competences of public administration, performed by the state and other administrative entities, and in the terminological convention used by Professor

1 S Kasznica, *Polskie prawo administracyjne: pojęcia i instytucje zasadnicze* [Polish Administrative Law: Basic Concepts and Institutions] (Wydawnictwo Prawnicze 1946).
2 Ibid., 155.

Stanisław Kasznica – "by the state and by public-legal unions."[3] Essentially, therefore, the subject of consideration is that sphere of administrative law regulation that is often labelled systemic administrative law.[4] These "benchmarks" have been called efficiency rules on the grounds that they do not constitute an end in themselves, but are intended to ensure the efficiency, advantageousness and effectiveness of public administration activities.[5] In other words, they are a means of achieving an objective relevant to this administration, which Professor Stanislaw Kasznica defined as "the induction in the external world of certain phenomena considered beneficial from the point of view of the public interest; the objective is the production of some specific social values: a good road or school, a sense of security, order, etc."[6] Thus, in the context of the above, the aim of the argument is to reconstruct how, in the professor's opinion, the legislator should design the system of organisation and functioning of the public administration in order for it to be able to efficiently achieve the values singled out for the common good. In view of this, the article is of a relational and reconstructive nature, taking into account the fact that the professor did not at any point in his textbook single out the concept of rules (or principles) for the organisation of public administration, nor did he single out a passage that would refer to such (or similar) guidelines. Because of this, they require a search covering the entire content of the professor's referenced publication.

2. Rules of operation for public administration structures

In terms of the praxeological rules indicated by Professor Stanisław Kasznica relating to the structural features of public administration entities, reference can first be made to the continuity of an office. At the same time, it is worth noting that the notion of office was understood by the professor in a peculiar way – as a synonym of "authority". It meant a group of tasks, public functions, separated and strictly defined, fulfilled permanently and compulsorily on behalf of a given administering subject (the state or a "public-legal association") in a given territory by people appointed for this purpose (public officers), with the help of a permanent set of material means and on the basis of established rules of conduct.[7] In other words, in this determination, two fundamental system-legal concepts are merged ("shuffled"). These two concepts are the public administration body (directly representing the administering subject[8]) and its auxiliary apparatus (office), which are clearly differentiated in the current state of knowledge.[9] At the same time, the rule of the "continuity of the office" (understood in the terminological convention of Professor Stanisław Kasznica) is connected with the fact that it is a category separate from the

3 Ibid., 8.

4 See for example W Dawidowicz, *Wstęp do nauk prawno-administracyjnych* [Introduction to Legal-administrative Sciences] (Wydawnictwo Naukowe PWN 1974) 108–109.

5 Cf Z Cieślak, 'Istota i zakres prawa administracyjnego' [The Essence and Scope of Administrative Law] in Z Niewiadomski (ed), *Prawo administracyjne* [Administrative Law] (LexisNexis 2011) 56.

6 S Kasznica (1946) 10.

7 Ibid., 44.

8 Cf B Majchrzak, 'Istota administracji publicznej' [The Essence of Public Administration] in Z Cieślak (ed), *Nauka administracji* [Administrative Science] (Wolters Kluwer 2017) 14–18.

9 See e.g. J Szreniawski, J Stelmasiak, 'Zagadnienia ogólne aparatu administracyjnego' [General Issues of the Administrative Apparatus] in J Stelmasiak, J Szreniawski (ed), *Prawo administracyjne ustrojowe. Podmioty administracji publicznej* [Systemic Administrative Law. Public Administration Entities] (Oficyna Wydawnicza Branta 2002) 19.

acting people, existing independently of its personal composition – the people who form the office. It is characterised by "constancy" in three respects. Firstly, although the people who make up the personnel composition of the office may change, "the thing itself persists and still has the same content" – we observe constancy in the objectives and means of action, constancy in the internal arrangement. Secondly, there is constancy in the arrangement of the material means used by each office (the office and its equipment, files, etc.). And thirdly, the legal acts issued by the office remain in force, despite the change in personnel on the part of the issuing entities.[10]

The analogous efficiency rule continues to be referred to, in particular in current judicial decisions. For example, in its resolution of 14 November 2007 (BSA I-4110-5/2007)[11], the Supreme Court pointed to the applicability of the "principle of continuity of administrative action". According to the court, this stems from the assumption that the administrative apparatus should be constructed in such a way as to prevent a break caused, in particular, by reasons preventing the activity of the hub, i.e. the person constituting the personal staff of the body, which is in fact only a certain structural and organisational construction.[12]

In the professor's opinion, another important element affecting the efficiency of implementing the tasks of public administration is when the activities of "single-person authorities" and "multi-person authorities" (according to the current terminology – monocratic and collegial bodies[13]) are based on the office system. This way of organising their work means that a single person, or a group of people (a college), entrusted with an "office" would not be able to carry out the ever-expanding public tasks. Hence, "colleagues" have to be added and organised into an "office". The civil servants who form them consider all the cases coming into the office, prepare drafts for handling them and then submit them to the head of the college for a decision, which is then implemented.[14] At the same time, according to Professor Stanislaw Kasznica, it is fully justified to limit the right of approval of senior staff to matters of high importance only. This allows them to properly perform other equally important tasks, such as the management and supervision of the office and subordinate offices, learning directly about the needs of the population, etc. However, it is important that the name of the official who issued the decision is clearly visible on each decision. This means that responsibility for the acts coming out of the office can be easily established.[15]

The above characterisation of "clericality" could be used to supplement the argumentation in favour of distinguishing offices of public administration bodies in the legal and currently established sense. Indeed, it is argued in the literature on the subject that the *sine qua non* condition for the efficient performance of tasks and competences by any authorities is a properly organised "auxiliary apparatus", i.e. a set of assisting personnel and material means, called an office.[16] At the same time, the organisation, the principles of functioning of such an office and the distribution of tasks within

10 S. Kasznica (1946) 45.

11 Resolution of the PSC BSA I-4110-5/2007 [2007] Lex 356265.

12 Ibid.; see also resolution of the PSC III CZP 81/07 [2007] Lex 276905; decision of the Supreme Administrative Court of 9 June 2010, I OZ 400/10 [2007] Lex 643374. See also I Stancea, 'Aspects Regarding the General Principles of Public Administration' (2020) Management Strategies Journal. Constantin Brancoveanu University 4(50), 151, <https://ideas.repec.org/a/brc/journl/v50y2020i4p147-151.html#download> accessed 19 Feb 2023.

13 Z Leoński, *Nauka administracji* Podręczniki Prawnicze [Administrative Science, Law Textbooks] (CH Beck 2002) 68–69.

14 S Kasznica (1946) 61.

15 Ibid., 62.

16 See Z Leoński, *Zarys prawa administracyjnego* [Outline of Administrative Law] (Wydawnictwa Prawnicze PWN 2000) 67; C Martysz, *Właściwość organów samorządu terytorialnego w postępowaniu administracyjnym* [Jurisdiction of Local Government Bodies in Administrative Proceedings] (Wydawnictwo Uniwersytetu Śląskiego 2000) 214.

its framework are generally determined by the administrative authority, adapting them to the needs existing at a given moment.[17] Particular caution in this respect is required, as it is, after all, "the very foundation of the problem of efficient administration."[18]

Professor Stanisław Kasznica also drew attention to the need for civic participation in government authorities. This can take various forms, e.g. consultative bodies or bodies of social control.[19] "The principle of citizen participation in administration" is also singled out in more recent administrative law textbooks as "a fundamental principle of administrative law and administration."[20] In addition, numerous arguments in favour of such public participation are pointed out, taking into account the improvement in attitudes of both the administration itself and the addressees of its actions.[21] The thesis finds its basis in the constitutional principle of social dialogue, resulting from the preamble and Article 20 of the Constitution of the Republic of Poland.[22] "Social dialogue" is, in fact, the process of negotiating key decisions on public issues in order to "socialise" the mechanisms of making such decisions and counteract the processes of marginalising various interests.[23] In particular, public authorities are the addressees of this obligation.[24] Against this background, it can be noted that the emphasis is now placed on the functional dimension of this civic participation with a broad object scope, rather than only formal-organisational and limited only to government administration (as it appears from the views of Professor Stanisław Kasznica). In addition, it is also worth noting that participation in public decision-making processes is sometimes seen in an even broader sense, not only as the involvement of the public (stakeholders) in the implementation of public administration functions, but also as the participation of public entities in decision-making procedures belonging in the main to the competences of other public administration bodies.[25] The latter aspect may also be defined in terms of cooperation of bodies constituting one of the types of systemic ties in administration, though this did not appear in the professor's orbit of interest.

3. Rules defining relationships within the public administration

In the context indicated, Professor Stanisław Kasznica firstly referred to the hierarchical system of government administration. It constitutes an organisational system in which the personnel of an organisation is grouped according to levels, with the lower levels (subordinates) being absolutely subordinate to the

17 See C Martysz (2000) 214.

18 See WF Willoughby, *Principles of Public Administration* (Johns Hopkins Press 1927) 105.

19 S Kasznica (1946) 156.

20 E Ura, *Prawo administracyjne* [Administrative Law] (LexisNexis 2004) 72.

21 See DH Rosenbloom, RS Kravchuk, RM Clerkin, *Public Administration. Understanding Management, Politics, and Law in the Public Sector* (McGraw-Hill Education 2015) 474–475.

22 Konstytucja Rzeczypospolitej Polskiej z 2 kwietnia 1997 r. [Constitution of the Republic of Poland] [1997] JoL 483 as amended.

23 ME Stefaniuk, *Preambuła aktu normatywnego. W doktrynie oraz w procesie stanowienia i stosowania polskiego prawa w latach 1989–2007* [Preamble to the Normative Act. In the Doctrine and in the Process of Establishing and Applying Polish Law in the Years 1989–2007] (Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej 2009) 328.

24 Judgment of the Polish Constitutional Tribunal of 7 May 2014, K 43/12 (2014) Lex 1461264.

25 See J Mendes, 'Participation and Participation Rights in EU Law and Governance' in H Hofmann, A Türk (eds), *Legal Challenges in EU Administrative Law. Towards an Integrated Administration* (Edward Elgar Publishing 2009) 258.

higher levels – directly to those who stand at the nearest higher level (direct superiors) and indirectly to those who stand at further higher levels (indirect superiors).[26] Although *prima facie* the principle of hierarchy refers to micro relations, i.e. within a given office between its individual employees, the description of its characteristics has been made in the context of the powers of one authority towards another, and therefore as a macro relationship between separate governmental bodies (and their supporting apparatus – the office). Its elements are: a) the right to fill offices and positions in subordinate authorities; b) the right to direct the activities of subordinate offices by means of instructions (general norms) and official orders (individual, relating to specific cases); c) the right to supervise the activities of subordinate offices taking the form of supervision in the course of an instance (exercised in connection with the consideration of citizens' complaints against the acts of the office) and supervision *ex officio*, on the superior authority's own initiative; d) the right to abolish – delete and amend acts issued by a subordinate office due to their illegality or inexpediency; e) the right to hold subordinate officials accountable for violating their duties; and f) the right to reward such officials (promotions, decorations, etc.).[27] To the features of the "hierarchy", the professor also included what he called the "official way", which means that communication between offices, both "from top to bottom and from bottom to top," should, as a rule, follow the hierarchical levels, without "jumping over" them. The subordinate office is to address the supreme authority via the intermediate authority, and the supreme authority should in principle give instructions to the lower offices via the intermediate offices.[28]

The above treatment of the feature of hierarchical subordination of public administration functions essentially in the current literature of administrative law and administrative sciences. In particular, attention is paid to the micro and macro aspects of hierarchical subordination (as an employee and inter-authority relationship), and the elements constituting this relationship (i.e. being manifestations of personal and official dependence) are similarly approached.[29] At the same time, however, the possible existence of a *de facto* and rather wide autonomy of subordinate authorities[30] within the hierarchical system, and its replacement to a certain extent by a loose network mechanism, applied in particular in areas such as energy, transport, telecommunications, antitrust, etc. is pointed out.[31]

Another aspect of the interconnection of authorities is – in Professor Stanisław Kasznica's opinion – the postulate of the deconcentration of authorities. This means that the burden of carrying out public administration rests with the territorial authorities, who are in charge of almost all administration. The central authorities are responsible only for managing the entire subordinate apparatus, i.e. first and foremost for rationing activities and general supervision, legislative initiative and deciding on appeals against decisions made by regional authorities in the first instance.[32] This demand is closely related to the professor's argumentation in favour of

26 S Kasznica (1946) 46; see also WB Graves, *Public Administration in a Democratic Society* (DC Heath and Company 1950) 37.

27 S Kasznica (1946) 47–49.

28 Ibid., 49.

29 See e.g. R Giętkowski, 'Hierarchiczne podporządkowanie' [Hierarchical Subordination] in E Bojanowski, K Żukowski (ed), *Leksykon prawa administracyjnego. 100 podstawowych pojęć* Leksykony prawnicze [Lexicon of Administrative Law. 100 Basic Concepts, Legal Lexicons] (CH Beck 2009) 90–91.

30 Ibid., 91.

31 J Zimmermann, *Aksjomaty prawa administarcyjnego* [Axioms of Administrative Law] (Wolters Kluwer 2013) 110–111; similarly M Ruffert, 'National Executives and Bureaucracies' in P Cane, HCh Hofmann, EC Ip, PL Lindseth (eds), *The Oxford Handbook of Comparative Administrative Law* (Oxford University Press 2021) 507.

32 S Kasznica (1946) 57–58.

the decentralisation of power – the expansion of self-government in general (i.e. administration exercised independently by public-law associations[33]), and of local self-government in particular, equipping it with the broadest possible scope of action and guaranteeing it real independence.[34] Of course, certain limitations to the implementation of this postulate should also be recognised, arising from the state-wide nature of certain matters or the recognition of such matters as not being of local importance.[35] The validity of these efficiency demands does not raise major doubts,[36] even concerning the establishment of relevant provisions being their implementation,[37] including at the level of the Constitution of the Republic of Poland (see Article 15(1)).

In Professor Stanisław Kasznica's views, we also find justification in favour of the need for state supervision of local and personal self-government. It involves the state's vigilance to ensure that the power granted is not abused, that it is used properly and that it is exercised dutifully (as a public service that must indeed be fulfilled).[38] This supervision should include not only the criterion of legality, but also of expediency – whether the self-government fulfils its tasks in accordance with the public interest in general, and in particular in accordance with the interest of the association itself and its members, whether it runs its economy, etc. The argument in favour of purposive oversight is the fight against corruption, private and the pursuit of private interests under the guise of acting in accordance with the public interest.[39] All these issues are also pointed out by contemporary representatives of the doctrine of administrative law, additionally emphasising the fact that supervision is a structural feature of the decentralist positioning of the supervised entity, guaranteeing its independence[40] ("the independence of the decentralised entity is a simple function of the content and scope of the application of supervision measures"[41]).

33 Cf ibid., 63.

34 See ibid., 78–80 and 156.

35 Cf ibid., 70.

36 See for example IA Bilouseac, 'Specific Elements of Administrative Decentralization' (2015) European Journal of Law and Public Administration vol. 2, 6; R Giętkowski, K Łokucijewski, 'Dekoncentracja/koncentrracja' [Deconcentration/Concentration] in E Bojanowski, K Żukowski (ed), *Leksykon prawa administracyjnego 100 podstawowych pojęć* Leksykony prawnicze [Lexicon of Administrative Law. 100 Basic Concepts, Legal Lexicons] (CH Beck 2009) 52; L Terec-Vlad, 'Public Administration and the Current Socio-Political Environment in Romania' (2021) Logos Universality Mentality Education Novelty Section: Political Sciences and European Studies 1(7), 32.

37 See e.g. article 15(4) of ustawa z dnia 6 marca 2018 r. o Rzeczniku Małych i Średnich Przedsiębiorców [Act of 6 March 2018 on the Ombudsman for Small and Medium-sized Entrepreneurs] [2023] JoL 1668 ("The statute will, in particular, determine the seat of the Ombudsman's Office and the Ombudsman's field representatives, taking into account the need to ensure effective implementation of the Ombudsman's tasks and guided by the need for deconcentration"), or article 12(5) of ustawa z dnia 15 marca 2002 r. o ustroju miasta stołecznego Warszawy [Act of 15 March 2002 on the structure of the capital city of Warsaw] [2018] JoL 1817 ("When transferring the funds referred to in paragraph 4 to the district at its disposal, the Warsaw City Council shall take into account the need to ensure effective decentralisation of the tasks of the municipality, even development of all districts and maximum possibility of satisfying the collective needs of the communities in the districts").

38 S Kasznica (1946) 75.

39 Ibid., 75.

40 See Z Niewiadomski, 'Samorząd terytorialny' [Local Government] in R Hauser, Z Niewiadomski, A Wróbel (ed), *Podmioty administrujące* System Prawa Administracyjnego [Administering Entities, Administrative Law System] (CH Beck 2011) 198–199.

41 Z Cieślak, 'Podstawowe instytucje prawa administracyjnego' [Basic Institutions of Administrative Law] in Z Niewiadomski (ed), *Prawo administracyjne* [Administrative Law] (LexisNexis 2011) 88–89.

With regard to the remaining – other than directing and supervising – typical ties occurring within the administrative apparatus (i.e. control, cooperation and coordination[42]), Professor Stanisław Kasznica indicated only public administration control (which he termed internal control). It was characterised as an element of the hierarchy of authorities, as well as control exercised in the course of instance through legal measures applicable in administrative proceedings.[43] The efficiency aspect of control (as well as supervision) in administration is also currently emphasised in research on public administration.[44] Furthermore, it is recognised that control, together with other legal ties, forms a set of "bonding factors" of the administration as an organisation in the institutional sense, intended to ensure the optimal realisation of the common good.[45]

4. Rules on the Formation of the Administration's Competence

Some important remarks have also been made by Professor Stanisław Kasznica with regard to the requirements related to defining the competence of public authorities. Here, within the framework of these remarks, the notion of "competence" is combined with the legal forms of action of administrative authorities.[46] Among the mentioned requirements concerning them, the professor pointed first of all to the competence separation of public authorities. It is linked to the strict definition by laws of the competences of each authority, leading to a clear demarcation of these competences between administrative authorities mutually, and even more so between them and the courts or the legislature.[47] "The principle of competence separation of authorities", which prescribes a clear and precise delimitation of the actions of public administration authorities and the responsibility for them, has also been distinguished by Zbigniew Cieślak as one of the "principles of administrative law."[48]

Another element worth noting is the presumption of validity of an act of public authority.[49] In the literature on the subject, it is also sometimes referred to as the presumption of legality of such an act, which is considered to be legally valid and binding from the moment it is communicated to the addressee.[50] It should be noted that in Professor Stanisław Kasznica's book, this is clearly linked only to the relationship between the individual authorities ("each authority should

42 See for example ibid., 87.

43 S. Kasznica (1946) 159–164.

44 See e.g. WM Hrynicki, 'Kontrola wewnętrzna w administracji publicznej jako instrument sprawnego zarządzania' [Internal Control in Public Administration as an Instrument of Efficient Management] (2021) Ius Novum 15(3), 147, 150, 157–158, 161–162, <https://doi.org/10.26399/iusnovum.v15.3.2021.26/w.m.hrynicki>; EK Pakuscher, 'Control of the Administration in the Federal Republic of Germany' (1972) The International and Comparative Law Quarterly 21(3), 469–470; A Miruć, 'Efficiency of Public Administration – Selected Problems' (2010) Slovenian Law Review 7(1–2), 121.

45 B Majchrzak, 'Prawne relacje między starostą a powiatowym inspektoratem nadzoru budowlanego' [Legal Relations between the Starost and the District Building Supervision Inspector] (2011) Samorząd Terytorialny vol. 1–2, 103.

46 See for example J Filipek, *Elementy strukturalne norm prawa administracyjnego* [Structural Elements of Administrative Law Norms] (Państwowe Wydawnictwo Naukowe 1982) 78; J Filipek, *Rola prawa w działalności administracyjnej państwa* [The Role of Law in the Administrative Activities of the State] (Państwowe Wydawnictwo Naukowe 1974) 44.

47 S Kasznica (1946) 14 and 155–156.

48 Z Cieślak (2011) 61.

49 S Kasznica (1946) 12.

50 B Schotel, 'Administrative Law as a Dual State. Authoritarian Elements of Administrative Law' (2021) Hague Journal on the Rule of Law vol. 13, 209, <https://doi.org/10.1007/s40803-021-00156-4>.

recognise the valid acts of the other authority").[51] This state of affairs, however, indirectly affects the situation of citizens and other subjects outside the administrative apparatus, which allows for a broader understanding of the consequences of the above presumption. For if an authority recognises acts as valid, then the addressee of its actions should do likewise, otherwise they are exposed to the negative consequences of omitting the act in question, which will be determined by that authority.

An important aspect of the effectiveness of the exercise of administrative powers is that they are based on state coercion.[52] Professor Stanisław Kasznica additionally pointed out that its application should be justified by the public interest, which at the same time justifies the negative "private-legal" consequences that may arise for the "interested party".[53]

Both of the above praxeological rules are nowadays sometimes treated as attributes of administrative authority,[54] which is regarded as a direct consequence of the institutionalisation of the state itself.[55] In addition, the presumption of the correctness of administrative acts is recognised as a principle of administrative law,[56] and in the scope limited to administrative decisions it functions as a detailed principle of administrative proceedings,[57] derived from Article 16 (1) APC.

In addition, giving those manifestations of the authorities' will that are intended to have legal effect, the form of an "administrative act" with all its definiteness and strictness, can be regarded as a factor in streamlining the activities of the public administration. In this way, the citizen is able to find out exactly what their obligations or rights are. They are therefore in a position to take an appropriate stance with regard to the formation of their legal situation and possibly to undertake a defence.[58] Against the background of these words of the professor, it is possible to formulate a postulate concerning the widest possible use of the form of an administrative act to settle individual and specific matters of citizens and other subjects external to the administrative apparatus. This postulate is addressed both to the legislator and to the bodies applying the law. Its source can be found in the current state of law in Article 2 of the Constitution of the Republic of Poland and the resulting right to a trial. Indeed, the essence of the latter consists in granting an individual the right to defend a legal interest in proceedings regulated by procedural law, with the right to defend oneself by means of legal remedies guaranteed. As accepted in the doctrine of administrative law, exercising this right is served in particular by the presumption

51 S Kasznica (1946) 12.

52 Ibid., 13; cf also ibid., 7.

53 Ibid., 13.

54 M Błachucki, 'Negociacyjny sposób uzgodadniania treści aktu administracyjnego a istota władztwa administracyjnego (na przykładzie prawa antymonopolowego)' [Negotiation Method of Agreeing on the Content of an Administrative Act and the Essence of Administrative Power (Based on the Example of Antitrust Law)] in J Łukasiewicz (ed), *Władztwo administracyjne. Administracja publiczna w sferze imperium i w sferze dominium* [Administrative Authority. Public Administration in the Sphere of Empire and in the Sphere of Dominion] (TNOiK 2012) 67; I Lipowicz, 'Istota administracji' [The Essence of Administration] in Z Niewiadomski (ed), *Prawo administracyjne* [Administrative Law] (LexisNexis 2011) 30–31; E Ochendowski, *Prawo administracyjne* [Administrative Law] (TNOiK "Dom Organizatora" 1999) 24–25.

55 See M Krawczak, *Podstawy władztwa administracyjnego* [Basics of Administrative Power] (Wolters Kluwer 2016) 116 et seq.

56 Z Cieślak (2011) 65.

57 See B Adamiak, 'Komentarz art. 16' [Article Comment 16] in B Adamiak, J Borkowski (eds), *Kodeks postępowania administracyjnego. Komentarz* Komentarze Kodeksowe [Code of Administrative Procedure. Commentary, Code Comments] (CH Beck 2017) 119.

58 S Kasznica (1946) 156.

that an individual's affairs are settled in the form of an administrative act and, above all, in its specific form, i.e. in the form of an administrative decision, when the substantive law does not provide for a form of settling the case other than an administrative act.[59] Deciding by means of an administrative decision is namely connected with the obligation to apply a detailed standardised procedure, serving in particular to protect the legal interest of the individual and providing for their specific procedural rights.

5. Conclusions

As a result of reviewing the content of Professor Stanisław Kasznica's book "Polish Administrative Law. Concepts and Basic Institutions", it is possible to formulate a conclusion that indicating efficiency patterns in the organisation and functioning of public administration constituted an important subject of his work. These rules relate to the following issues: a) the operation of public administration structures; b) the relations between entities and organisational units of this administration; c) the formation of its competence. Within this classification, the first group includes guidelines in the form of: the continuity of the operation of the office, the basing of the government's activities on the office system and the participation of the civic factor in the governmental authorities. The second group consists of: the hierarchical nature of government administration, the deconcentration and decentralisation of power, state supervision of local and personal self-government and the internal control of administration. The third group of praxeological rules consists of: the competence separation of public authorities, the presumption of the validity of the acts issued by them, their reliance on state coercion and the use of the form of an administrative act to deal with the affairs of an individual. The reconstructed catalogue indicates that Professor Stanisław Kasznica's views relating to the above scope remain, in principle, valid both from the perspective of the contemporary science of administrative law and in the areas being researched by the science of administration.

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59 B Adamiak, 'Wprowadzenie' [Introduction] in B Adamiak, J Borkowski (eds), *Kodeks postępowania administracyjnego. Komentarz* Komentarze Kodeksowe [Code of Administrative Procedure. Commentary, Code Comments] (CH Beck 2017) 48–49.

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