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## Effectiveness, Efficiency and Legality of Operations in the Management of Public Administration in the Area of Public Security

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Submitted 02/11/23, 1st revision 18/11/23, 2nd revision 16/12/23, accepted 30/12/23

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**Abstract:**

**Purpose:** The purpose of the article is to show the effectiveness, efficiency and legality of activities in public administration management.

**Design/Methodology/Approach:** The article uses appropriate research methods and tools, including analysis and survey research. The research paid special attention to two issues, namely, those that relate directly to the identified terms as key to changes in the management model in administration. Questions related to process management and conducting customer satisfaction surveys were posed.

**Findings:** The research shows that there is quite a lot of potential to make a qualitative change in the way the Polish administration operates and manages. Processes, such as, for example, the mechanisms of management control or the developing processes of evaluation of public policies, or the mechanism of creating a task-based budget, as well as the well-recognized deficits we have in the area, the so-called good governance, are actually only the basic initiatives giving impetus to change.

**Practical Implications:** It is possible for representatives of different scientific disciplines to work together in such a way that will lead to common conclusions, joint action, despite the different points of view of the issues taken up, which will lead to positive changes.

**Originality/Value:** Elements of management and law in the management of public administration.

**Keywords:** Management, public administration, efficiency, law, processes, objectives.

**JEL Classification:** M10, JEL, K10, JEL, A10.

**Paper type.** Research article.

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## **1. Introduction**

The changes that have taken place in the Polish administration in recent years have resulted from both internal and external factors. The transformations that have taken place have varied in nature, sometimes they have been chaotic and one could even say revolutionary<sup>3</sup>. These transformations were also due to the need to adapt to the external requirements<sup>4</sup>.

Given this, the effects of these changes have led to a phenomenon, the so-called 'double loop'. Administration, as a subsystem of the state, reacts to a changing environment. Thus, there is a constant reform pressure from various institutions and groups of citizens. Consequently, this adaptation of the administration has the character of an action that is 'perpetually late'.

According to the opinion of some authors, this is due to a "double loop" mechanism, as institutional solutions designed and implemented as a result of environmental pressure quite often tend to be anachronistic at the moment of launch, as the environment has changed in the meantime and the environmental pressure takes on new dimensions.<sup>5</sup>

## **2. Efficient State Strategy**

The reforms of the Polish administration carried out since 1990 have been geared towards systemic and structural changes<sup>6</sup>. Changes to functions have occurred and are occurring as a result of planned changes to competences and tasks. In turn, what is referred to as the management model for administrative structures is shaped as a result of the interaction of a number of factors, only some of which are the result of

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<sup>3</sup>Cf. A. Gołębiowska, *Decentralizacja administracji publicznej na przykładzie samorządu terytorialnego.* (Decentralization of public administration on the example of local government) *Zarys problematyki, Opere et Studio pro Oeconomia* No 6, Warszawa 2009, s. 63.

<sup>4</sup>Cf. A. Gołębiowska, *Europeanization of administrative law and public administration in Poland*, [w:] *Problemy i uwarunkowania samorządności terytorialnej*, (red.) I. Kłóska, Bielsko – Biala 2015, s. 11 – 39.

<sup>5</sup>Cf. M. Bicking, M. Janssen, M. Wimmer, *Looking into the future: Scenarios for e-government in 2020*, [w:] *Reima Suomi et al, Project E-Society. Building Bricks*, Boston 2007.

<sup>6</sup>Cf. A. Gołębiowska, *Istota samorządu terytorialnego w świetle postanowień Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.*, (The essence of territorial self-government in the light of the provisions of the Constitution of the Republic of Poland of 2 April 1997) [w:] *Administracja publiczna – uwarunkowania prawne, organizacyjne i społeczne*, (red.) A. Gołębiowska, Powszechnie Wydawnictwo Prawnicze, Warszawa 2015, s. 15 – 32.

programmatic actions<sup>7</sup>. It is difficult to find arguments confirming that, as a result of political changes, there has been an overall change in the way public administration operates, i.e., a shift from a bureaucratic model to a model based on the concept of new public management.

Nevertheless, there are positive developments, as exemplified by the description in the National Development Strategy 2007-2015, which was the country's main strategic document until the end of 2012. This document highlighted that: "despite the significant changes that have been made in public administration over the past several years, the desired modern management techniques and IT systems have not been fully introduced, nor has the management of public finances been substantially improved"<sup>8</sup>. Similar conclusions can be drawn from more recent strategic documents.

Programme documents had been in the works since 2009, but it was not until late 2012 and early 2013 that they received their final shape and were approved by the Council of Ministers. An important document that defined the direction of development of public administration and self-governments in Poland became the Efficient State Strategy<sup>9</sup>, which is one of the nine integrated target-setting strategies<sup>10</sup>.

Therefore, when considering one of the aspects of assessing the efficiency of administration, or the institutional efficiency of the state, it seems reasonable to discuss the quality of task management and to use in this aspect the tools used in the sphere of business, i.e. entrepreneurship.

It is therefore worth recalling how the "Efficient State Strategy" defined the goals in this area, namely attention was paid to: "streamlining internal processes of task

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<sup>7</sup>Cf. K. Szczepańska, *Podstawy zarządzania jakością w administracji publicznej*, [w:] *Funkcjonowanie samorządu terytorialnego – uwarunkowania prawne i społeczne*, (, *Basics of Quality Management in Public Administration*, [in:] *Functioning of Local Government – Legal and Social Conditions*) A. Gołębiowska, P. B. Zientarski, Kancelaria Senatu RP, Warszawa 2016, s. 149 – 165.

<sup>8</sup> *Strategia Rozwoju Kraju*, s. 17.

<sup>9</sup> Cf. <https://mac.gov.pl/strategie> [16.06.2023]

<sup>10</sup> Cf. A. Gołębiowska, *Prawo do dobrej administracji jako prawo podstawowe o randze konstytucyjnej*, [w:] *Efektywność działania administracji publicznej w Polsce*, ( (red.) A. Gołębiowska, P.B. Zientarski, Kancelaria of the Republic of Poland, Warsaw 2016, pp. 11-30. At the same time, it is worth mentioning nine integrated development strategies, namely: 1) Strategy for innovation and efficiency of the economy; 2) Human Capital Development Strategy; 3) Transport development strategy; (4) Energy security and the environment; 5) Efficient State; 6) Strategy for the development of social capital; 7) National Regional Development Strategy: Regions – Cities – Rural areas; 8) Strategy for the development of the national security system of the Republic of Poland; 9) Strategy for sustainable development of rural areas, agriculture and fisheries.

implementation, increasing the quality and availability of services provided by public administration offices and making information resources available with the use of modern information and communication systems, increasing the efficiency of management of public administration offices, implementing mechanisms to improve communication and document exchange, transparency of actions taken and control”<sup>11</sup>.

Besides, the "Efficient State Strategy" emphasises that: "The undertakings undertaken will aim to improve the efficiency of management of public administration offices, whose activities should be based on the managerial model of public management (citizen and dialogue orientation, periodic accounting, task-based approach).

In order to be able to improve the quality of public services provided by public offices, it has become crucial to spread the use of quality management systems, using widely recognised and proven solutions and models. Improving the organisation of public administration offices through self-evaluation and the use of the Common Assessment Method (CAF), which is a tool for comprehensive quality management, has become important in this respect.

The improvement of service quality standards, regardless of the type of system used, was to take place with a particular emphasis on continuous monitoring and improvement of the tasks carried out. The use of tools and techniques derived largely from the private sector, such as Total Quality Management (TQM) and the Deming cycle (plan, do, check, act), present in many quality management systems, has been helpful to administrative management)<sup>12</sup>.

Processes that took place in the Polish administration after the system reform carried out in 1998 lead to considerations related to the application in public sector organisations of methods, systems and tools of quality management, which in turn prepared these organisations for the introduction of legal requirements, exemplified by important elements of management control, and then led to the introduction in legal nomenclature, as well as in everyday use, of important concepts of modern management. There is no doubt that it seems necessary to react to the various changes in the environment in which the administration operates.

In this connection, a good knowledge of the processes that have been and are being carried out in the administration makes it possible to react and even correct the necessary elements. These processes are realised by procedures based in the law,

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<sup>11</sup>*Strategia Sprawne Państwo*, s. 8; Cf. A. Gołębiowska, *Prawo do dobrej administracji...*, s. 23 – 26.

<sup>12</sup>*Strategia Sprawne Państwo*, s. 43; Cf. A. Gołębiowska, *Europeanization of administrative law...*, s. 18 – 25.

while the course of the processes itself is sometimes essential for the realisation of a certain action.

However, this is not always subject to a precise legal directive, as it is quite often shaped by individual organisations on the basis of a general instruction. In view of this, process management is an important issue, and from this it follows that processes must first of all be identified and described, and then they can be managed. Some government documents point to the reorientation of administration towards a process approach<sup>13</sup>.

In view of this, if processes are carried out for a purpose, there is certainly a need to formulate strategic documents at management levels in the administration, highlighting significant deficits in the proper definition of the objectives of public sector organisations. This can be seen in the selection of yardsticks that would illustrate progress towards a stated objective, or indicators by which to determine the extent to which progress has been achieved.

Also of great importance is the orientation of the administration from a procedural approach to a pro-client approach. In the pro-client approach, all procedures serve the needs of citizens, while their satisfaction becomes the main measure of efficiency. Therefore, thinking about the needs of customers is an important issue of the quality management concept.<sup>14</sup> In view of this, it was of paramount importance to implement them into administrative structures, as they were and are to be the main tool for building a culture of public organisations focused on the quality of services provided to citizens, i.e. customers.

The Efficient State Strategy emphasised that: "a citizen is a client of public institutions; a recipient of created legal regulations and information and communications of public institutions; a partner, a voter, a co-decision maker in the processes of governance and management; a consumer and a patient who is provided

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<sup>13</sup>It is worth pointing to: the Polish Poland 2030 Diagnostic Report, the Medium and Long-Term Development Strategy of Poland, or the MAiC Report, entitled State 2.0, which highlights the lack of a process approach as one of the main causes of systemic problems in the implementation of IT projects in public administration. In addition, the MAiC Report highlighted: "... In order for the flow of information to be meaningful, it must be defined and supervised by the person who needs this information in order to efficiently serve the citizen. The owner of each process should not be an IT specialist, but an official or office that is responsible for contacts between the state and the citizen. That is why it is important to talk about processes in public administration and services, not IT projects."

<sup>14</sup>I. Przychocka; J.Rogozińska-Mitrut, Kierunki zmian w zarządzaniu administracją podatkową, {w:} Przedsiębiorstwa wobec współczesnych realiów rynkowych, {in:} Enterprises in the face of contemporary market realities) ASPRA, Warszawa 2019, s.65-77

with legal information, access to health services and security; an employee, an entrepreneur, etc.”<sup>15</sup>.

### **3. Efficiency as a Value of Public Administration Performance**

The terms 'efficiency of activity' and 'effectiveness of activity' are quite often applied to public administration activities. In the US literature on the field of administration, the term efficiency of activity is ambiguous and overused in academic journalism<sup>16</sup>. The term 'efficiency' in operational terms can be considered synonymous with rationality.

According to some authors, 'operational efficiency' is measured by the ratio of the planned positive results of an activity to its possible and probable costs, or it is the relation of the inputs or outputs of a planned activity to its final objective to be achieved<sup>17</sup>. In this view, 'performance' can be considered as a synonym for efficiency and, also, as a concept expressing quantitative relationships. The term "efficiency" can also be understood as "the relationship between what has actually been achieved and what could have been achieved".<sup>18</sup>.

The question then arises: can and to what extent an approach to efficiency understood in this way be applied to the activities of a specific organisational system of public administration, for which the various conflicting objectives of action have a normative dimension and are only to a limited extent subject to quantitative qualification?

In answering the question posed, it should first be assumed that if the notion of efficiency is most often associated with behaviours of a socio-economic or technical nature, while the behaviours of public administration bodies are subject not only to purposive, but also to legal relativisation, then there is no doubt that, at the normative level, the efficiency of public administration must be considered in the context of the content of regulations from which the norms determining the goals and tasks of public administration bodies are decoded.

It follows that any descriptive perspective on the efficiency of the performance of public tasks by the administration plays a fundamental role in either lawmaking or control processes.<sup>19</sup>.

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<sup>15</sup>*Strategia Sprawne Państwo*, p. 7.

<sup>16</sup>J. B. McKinney, L. C. Howard, *Public administration: balancing power and accountability*, Westport 1998, s. 391 – 402.

<sup>17</sup>Cf. H. A. Simon, D. W. Smithburg, V. A. Thompson, *Public administration*, New York 1950, s. 490 – 496.

<sup>18</sup>H. A. Simon, *Administrative Behavior. A study of decision – making processes in administrative organization*, New York 1976, s. 257.

<sup>19</sup>Cf. A. Gołębiowska, *Implementacja dyrektywy Parlamentu Europejskiego i Rady w sprawie ponownego wykorzystania informacji sektora publicznego*, [w:] *Ponowne wykorzystywanie*

On the other hand, from the theoretical and conceptual or dogmatic point of view, the normative perspective, which is based on the legal foundations of the activity of public administration bodies, is significant. At the same time, it should be taken into account that the normative relativisation of the efficiency of the activity of public administration bodies is subject to further categorisation related to the multilevel criteria of assessment of the activity of public administration bodies.

It is also worth noting that, irrespective of the normative criteria of legality of assessment of the activity of public administration bodies, theoretical or empirical attempts can be made to evaluate the activities of public administration in the aspect of extra-normative criteria, i.e., such as the criterion of efficiency of activity.

Nowadays, the issue of efficiency of public administration activity arouses great interest, not only in the administering entities, but also in society as a whole. When considering the meaning of the notion of "effective action" of public administration, reference should be made to one of the basic principles of administrative law, i.e., the principle of efficiency of administrative action. This principle is identified with good action and good administration<sup>20</sup>.

It follows that the normative content is an obligation on the part of the public administration bodies to act in such a way, i.e. in this way actions that are efficient or effective become a legal obligation. Consequently, a citizen has the right to demand certain behaviour from the administration.

The concept of 'agility', on the other hand, is ambiguous and vague. Classically, efficient action is defined by three basic qualities, namely:

- efficiency;
- cost-effectiveness
- beneficial.

Additional virtues of efficient action are also indicated, namely:

- reliability;
- accuracy;

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*informacji sektora publicznego w administracji, ('Implementation of the Directive of the European Parliament and of the Council on the re-use of public sector information', [in:] Re-use of public sector information in administration) (red.) A. Gołębiowska, P. B. Zientarski, Kancelaria Senatu RP, Warszawa 2017, s. 11 – 31; A. Gołębiowska, Europeanization of administrative law..., s. 27 – 29.*

<sup>20</sup>*Cf. A. Gołębiowska, P. B. Zientarski, Aspekty ponownego wykorzystywania informacji sektora publicznego w administracji, [w:] Ponowne wykorzystywanie informacji sektora publicznego w administracji, (Aspects of the re-use of public sector information in administration) (red.) A. Gołębiowska, P. B. Zientarski, Kancelaria Senatu RP, Warszawa 2017, s. 310 – 45; A. Gołębiowska, Prawo do dobrej administracji..., s. 24 – 29.*

- timeliness;
- speed.

In view of this, 'effectiveness' is conceived as one of the main qualities of 'efficiency'. Nevertheless, 'efficiency' is one of the basic criteria for the quality of rational activity undertaken by public administration<sup>21</sup>.

In the Polish legal order, the efficiency of public administration bodies can be assessed from the point of view of normative assessment criteria, especially as a constituent element. It follows that efficiency will most often be examined indirectly within both internal and external control processes.

Thus, the efficiency of public administration bodies in the economic or technical sense can be analysed within the framework of the control of purposefulness, economy, or reliability of specific activities or the whole activity of this body. Accordingly, the efficiency or effectiveness of an action may become a premise for the assessment of the legality of actions in the case where the provisions setting the benchmarks of correct action refer to the following criteria:

- economic efficiency;
- economic efficiency;
- fairness
- regularity<sup>22</sup>.

Achieving an effective administration depends on specific factors, namely: its organisation and functioning principle<sup>23</sup>. It is worth emphasising that factors of a material nature are important for the effectiveness of public administration activities, viz:

- organisational structures of administrative bodies;
- legislation which norms the organisation and functioning of the administration;
- the working methods used in administration activities;
- work organisation and technique, etc.

In addition, factors of a personal nature, i.e., inter alia: the organisational structures of the administration bodies; legislation prescribing the organisation and functioning

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<sup>21</sup>Cf. A. Gołębiowska, *Europeanization of administrative law...*, ( *Europeanization of administrative law*) p. 29 – 32.

<sup>22</sup>Articles 17 to 18c of the Act of 17 December 2004. on liability for breach of public finance discipline (*Journal of Laws of 2013, item 168, as amended*).

<sup>23</sup>Cf. A. Gołębiowska, *Rozstrzyganie sporów kompetencyjnych przez Naczelny Sąd Administracyjny, [w:] Efektywność działania administracji publicznej w Polsce, (Settling competence disputes by the Supreme Administrative Court", [in:] Effectiveness of public administration in Poland )*(red.) A, Gołębiowska, P. B. Zientarski, *Kancelaria Senatu RP, Warszawa, s. 35 – 39.*

of the administration; working methods applied to the activities of the administration; work organisation and technique, etc., are also important for the effectiveness of the public administration activities:

- the qualifications of the administration's staff;
- personnel and staffing policies;
- working conditions, etc.

An indispensable condition for the effectiveness of public administration activities is the legitimacy of the organisation and functioning of the administration. And although sometimes this indispensable pillar for the effectiveness of the administration's actions can delay its efficiency or even its timeliness, its absence disturbs the foundations of effective public administration in general.

In this connection, it should be emphasised that no real organisation can be described, or even its actions considered in terms of effectiveness, without proper legal formalisation of its objectives, means of action and organisational structure<sup>24</sup>.

Reflecting on the issue of the quality of management in Polish public administration, the analysis of this issue should begin with a presentation of the main dilemmas that arise in the search for an answer to the question: what management model do we implement in administration? It seems that the question posed is relevant to the situation of Poland, which has not gone through successive phases of reform as a consequence of social, economic and political changes.

The process of development of administration in Poland is different from that undergone by public administrations in developed Western democratic states.<sup>25</sup> In their case, the process of formation of the administration was evolutionary. Moreover, a structure was forming in which the individual elements were interlinked and thus led to the creation of a specific organisational order, as well as a systemic order.

The next question then arises: which model should be applied in Poland? The answer to this question is difficult, as difficulties may arise when trying to apply the model in force in the European Union countries. The problem stems from the fact that there is no single model of administration in Europe today, but rather a number

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<sup>24</sup>Cf. A. Gołębiowska, *Rozstrzygnięcia nadzorcze i kontrolne wojewody oraz orzecznictwo sądów administracyjnych a stosowanie prawa przez jednostki samorządu terytorialnego*, [w:] *Institucje kontroli i nadzoru w działaniach władzy publicznej w Polsce*, (Supervisory and control decisions of the voivode and the jurisprudence of administrative courts and the application of law by local government units, [in:] *Institutions of control and supervision in the activities of public authority in Poland*) (red.) A. Gołębiowska, M. Woch, P. B. Zientarski, Warszawa 2016, p. 83 – 93.

<sup>25</sup>Cf. A. Gołębiowska, *Rozstrzyganie sporów kompetencyjnych... Settling competence disputes*, p. 31 – 48.

of complementary concepts, which is why there is an ongoing debate about models of state governance.<sup>26</sup> Besides, there seems to be no way to bypass certain stages of implementation and to benefit from the experience of other countries without repeating their mistakes. Therefore, the process requires both programmatic mobilisation and responsible leadership and excellent political agility.

Efficiency and legitimacy are key determinants of good and modern public administration<sup>27</sup>. Efficient public administration in every state plays an important role in ensuring the civilisational development of a given society. Legality, in turn, is one of the basic principles of the political system which pervades public administration and determines its operation. It makes it possible to bind the administration to the law and to define precisely its competences and tasks.<sup>28</sup>

This protects the individual against arbitrariness of the public administration and its abuse of administrative authority. The principle of legalism expressed in Article 7 of the Constitution of the Republic of Poland<sup>29</sup> obliges public authorities to act on the basis and within the limits of the law<sup>30</sup>.

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<sup>26</sup>Cf. A. Gołębiowska, *Konstytucyjne i ustawowe podstawy prawa obywatela do informacji o działalności organów samorządu terytorialnego*, [w:] *Funkcjonowanie samorządu terytorialnego – uwarunkowania prawne i społeczne*, (Constitutional and statutory foundations of the citizen's right to information on the activities of local government bodies, [in:] *The functioning of local government – legal and social conditions*) (red.) A. Gołębiowska, P. B. Zientarski, Kancelaria Senatu RP, Warszawa 2016, p. 38 – 62.

<sup>27</sup>Cf. A. Gołębiowska, *The Right to Good Administration...*, pp. 14-21; At the same time, it should be emphasised that the right to good administration is one of the fundamental rights conferred on individuals by Article 1 of the Constitution of the Republic of Poland. 4 of the Charter of Fundamental Rights of the European Union of 7 December 2000, however, it was not until the signing of the Lisbon Treaty in 2007 that it became legally binding. Poland and the United Kingdom have limited the scope of this document by adopting an additional protocol to the Lisbon Treaty (OJ of 14 December 2007, C 303/1). A good public administration is one that, in addition to being efficient and legal, is also characterized by the ability to learn and adapt to the changing reality and humanism

<sup>28</sup>A. Gołębiowska, *Administracja celna jako element struktury administracji publicznej*, [w:] *Funkcjonowanie Służby Celnej w Polsce*, (Customs Administration as an Element of the Structure of Public Administration, [in:] *Functioning of the Customs Service in Poland*) (red.) A. Gołębiowska, M. Woch, P. B. Zientarski, Warszawa 2017, s. 17 – 25.

<sup>29</sup>The Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws No. 78, item 493). It is worth noting that Article 203 of the Constitution of the Republic of Poland emphasizes not only the legality of the operation of public administration bodies, i.e. central and local government bodies, but also economy, purposefulness and reliability – most broadly in relation to government administration bodies, and in a narrower scope in relation to organizational units and business entities using public property.

<sup>30</sup>Cf. A. Gołębiowska, *Konstytucja Rzeczypospolitej Polskiej a samorząd terytorialny*, [w:] *Funkcjonowanie samorządu terytorialnego – uwarunkowania prawne i społeczne*, (The Constitution of the Republic of Poland and Local Government, [in:] *The Functioning of Local Government – Legal and Social Conditions*) (red.) A. Gołębiowska, P. B. Zientarski, Kancelaria Senatu RP, Warszawa 2016, s. 13 -32.

The principle of the public administration being bound by the law derives from its treatment and is only of a formal nature, and must therefore be read in the light of other constitutional provisions, in particular Article 2. This approach is necessary by virtue of the fact that the actions of the public administration are in keeping with the nature of a democratic state under the rule of law and a civil society<sup>31</sup>.

The importance of the principle of legality lies in the fact that it eliminates arbitrariness and arbitrariness in the relationship between public authorities and citizens. In view of this, it should be emphasised that legalism is the action of public authorities on the basis and within the limits of the law. Acting on the basis of the law means that there must be a legal norm that authorises a given authority to act in a situation in which it acts as a holder of public authority. It follows that the legal norm must define its competence, even in general terms.

However, the competence of a public administration body cannot be freely presumed, it must follow from the established legal order<sup>32</sup>. In the case of acting within the limits of the law, it should be understood that public administration bodies have a constitutional obligation not only to act in accordance with the prohibitions established by the legislator, but also the injunctions<sup>33</sup>.

There is a certain amount of slack in the actions of the public administration related to discretion, but this discretion should not be confused with discretionary action. The basis will always be a legal norm, while the actions of the public administration in this area will be subject to the control of neutral bodies, i.e. administrative courts<sup>34</sup>.

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<sup>31</sup>Cf. A. Gołębiowska, *Konstytucyjno – prawne aspekty kompetencji samorządu terytorialnego w zakresie bezpieczeństwa i porządku publicznego*, [w:] *Zrównoważony rozwój gospodarczy samorządu terytorialnego*, (Constitutional and legal aspects of the competence of local government in the field of security and public order", [in:] *Sustainable economic development of local government*) (red.) E. Sobczak, Warszawa 2015, p. 7 – 21.

<sup>32</sup>Cf. A. Gołębiowska, *Istota samorządu terytorialnego...* (The Essence of Local Self-Government), p. 19 – 25.

<sup>33</sup>Cf. A. Gołębiowska, *Local government in the Constitution of Republic of Poland of 1997*, [w:] *Ius Novum 2* (2105), s. 28 – 36; A. Gołębiowska, *Konstytucyjne i ustawowe podstawy prawa...*, s. 43 – 52.

<sup>34</sup>Cf. A. Gołębiowska, *Supervisory and control decisions...*, pp. 85 – 89; A. Gołębiowska, *Settling competence disputes...*, pp. 3 – 42; At the same time, it should be clarified that the principle of legality stems from the concept of the rule of law, which states that the state is not above the law, i.e. it is subject to it on an equal footing with other entities to which legal norms are addressed. The creator of the concept of the rule of law (Rechtstaat) is R. von Mohl, although postulates within this concept had already appeared before those advocated by other scholars. One of them is J. W. Placidus, *Literatur der Staatslehre – Ein Versuch*, Strasbourg 1798, pp. 5 – 10. It is also worth mentioning A. H. Müller, who argued that every true rule of law must be limited in its area in order to be able to constitute a real and closed entity. The issue of the rule of law in relation to public administration was considered by L. von Stein, *Die Verwaltungslehre*, Stuttgart 1868, according to which the rule of law is a state

Having explained the essence of efficiency and legality of public administration action, it seems necessary to refer to the issue of interdependence of these concepts in the conditions of a democratic state of law. Efficiency without legality leads to the danger of abuse of power on the part of the public administration and the use of administrative authority for particular interests, which should be regarded as pathology.

Similarly, legality alone, in isolation from efficiency, leads to pathology. It follows that the separate treatment of legality and efficiency is erroneous and does not lead to a peaceful life for the individual in society.

Therefore, public administration bodies should have regard to efficiency and legality, as their combination leads to a legal and rational basis for action, effective management. Then it becomes possible to create public order effectively and in accordance with the standards of democratic law in the various spheres of public administration activity.

#### **4. Scope of Application of Management Methods**

After 2000, as a result of the impetus provided by the joint programme of the Chancellery of the Prime Minister, the Civil Service Office and the UNDP (a UN agency), more than a dozen offices, especially local government offices, began the process of introducing quality management systems. It is therefore worth pointing out that the first offices that obtained certificates confirming the functioning of the organisation in accordance with the requirements of ISO 9001 were the following offices:

- in local government administration, Dzierżonów City Office (November 1999);
- in government administration, the Świętokrzyski Voivodship Office (November 2001).

Already in 2005, there were about 100 public administration offices, with a predominance of local government administration, which were certified. The process of obtaining certificates in subsequent years varied, but despite this, every year there were more and more offices, as well as other public sector organisations, which

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*in which the rule of law prevails, which he considered to be a system of principles established by law and legal means by which it is guaranteed that public administration will maintain itself within the basic framework of issuing regulations and other activities. According to L. von Stein, the Act has its own spirit and its own wording, which obliges the administration to take actions consistent not only with the wording but also with the spirit of the Act, while the lack of such compliance results in the responsibility of the administration.*

obtained certificates, such as schools, hospitals, labour offices. Measures were taken to balance the state of institutional development of public administration offices<sup>35</sup>.

In 2008, a survey of government administration in this area was carried out<sup>36</sup>. A survey questionnaire was addressed to 2238 offices. A total of 720 responses were received, representing 32.2% of the number of offices to which the survey was addressed. The questionnaires showed that among the government offices analysed, 24% (173 respondents) had either implemented some kind of quality management system or were using a method included in this type of tool.

However, most often (61% of the offices that confirmed the use of quality tools) it is a quality management system based on the requirements of the ISO 9001 standard, less often (28%) the CAF model.

In turn, in a survey of local government administrations<sup>37</sup> qualitative research methodology, i.e. by means of a telephone interview, was used. The results of the conducted research are similar to those of the government administration. In local government administration, quality management solutions were implemented in more than 20% of the surveyed units, with the most frequent implementation taking place in large units, which employed more than 300 people, in offices of larger cities.

The research shows that in the offices in question, the most common system was the system based on the ISO 9001 standard. Among the local government units that declared using a formalised quality management system, approximately 70% indicated having a quality management system according to the requirements of the ISO 9001 standard.

Current research indicates that currently around 25-30% of various types of administration offices use quality management solutions. This conclusion is mainly confirmed by a set of different types of data from surveys conducted in 2013 and

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<sup>35</sup>Two reports commissioned by the Political Committee of the Council of Ministers entitled "One", entitled "Diagnosis of the model of quality management in government administration" (2008, 2009) and the second one commissioned by the Minister of the Interior and Administration as part of the project, entitled "Diagnosing the potential of local government administration", assessing the training needs of local government administration staff and preparing competence profiles of local government administration staff (2009), were of significant importance.

<sup>36</sup>The presented data come from the report entitled *Diagnosis of the Quality Management Model in Government Administration* (2008), pp. 69 – 75.

<sup>37</sup>The presented data come from the report entitled *Diagnosing the potential of local government administration, assessing the training needs of the staff of local government administration offices and preparing competence profiles of the staff of local government administration offices*, ASM Market Research and Analysis Center Sp. z o.o. for the Ministry of Interior and Administration, Warsaw 2009.

later and published, among others, in the document entitled Barometer of institutional development of local government units<sup>38</sup>. According to the data contained in this document, one in four (24.90 %) local government offices uses management systems based on the requirements of the ISO 9001 standard. In turn, the CAF model is used to a lesser extent (15.4 %).

Therefore, the analysis carried out within the framework of the aforementioned document leads to the conclusion that, in terms of each of the categories compared, the structure of the sample is very similar to that of the population, which allows us to assume that the results obtained within the framework of the survey are characterised by high measurement accuracy.

In the research carried out, particular attention was paid to two issues, namely those that relate directly to the terms indicated as key to changes in the management model in administration. Questions related to process management and the conduct of customer satisfaction surveys were posed.

In terms of process management, about 1/3 of the surveyed local government units indicated that they had a document or documents in which the key processes of office management were identified. Nevertheless, it should be noted that the percentages of local government units with identified processes vary widely, especially by type of unit. Thus:

- 22% for rural municipalities;
- up to 41.5% for urban municipalities;
- up to 80.9% in the case of cities with county rights.

The research shows that half (50.2%) of the districts surveyed have identified office management processes.

At the same time, it should be noted that the surveyed pointed out a rather important issue, namely that in the case of some local government units, the problem is not only the lack of identification of key processes, but also the lack of awareness of what the identification of key processes consists in. Also significant is the fact that

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<sup>38</sup>*Significant importance for the analysis was the PSDB survey report for MAiC, entitled Barometer of institutional development of local government units, from December 2013. The study was carried out using the questionnaire survey method conducted using the CAWI online survey technique. Therefore, the questionnaire was sent to all local government units at the municipal and district level in Poland. A total of 2088 completed surveys were received. On the part of the representatives of the communes, 1843 completed questionnaires were obtained, i.e.: 1208 from rural communes, 429 from urban-rural communes, 159 from urban communes and 47 from cities with powiat rights. On the other hand, 245 completed questionnaires were received from representatives of counties. In relation to communes, the level of returned surveys (the so-called response rate) was achieved in the amount of 74.3%, while in the case of districts - 78% of the population.*

the quality of the process management system is demonstrated by the openness to subject the system to evaluation from a customer perspective. This openness is expressed, among other things, by having developed rules for customer satisfaction surveys. The research shows that such rules have been developed in the case of 29.8% of the respondents; however, significant variations occur depending on the individual types of local government units, viz:

- 20% for rural municipalities;
- 51% in the case of poviats;
- 74.5% in the case of cities with county rights.

## **5. Closing**

Striving to increase the efficiency of public administration may not result in overstepping the bounds of legality of action. A huge role in this respect should be played by the legislative activity of the Sejm of the Republic of Poland, the jurisprudence of the judiciary bodies, as well as the interaction of the public administration bodies with society at the central, regional and local level.

Therefore, the question can be posed: is it possible for representatives of various scientific disciplines to cooperate in such a way as to arrive at common conclusions, despite different viewpoints on the issues, or different research methods, as well as the use of separate instruments within these methods?

In answering this doubt, it should be emphasised that certainly in the perspective of a democratic state of law, such interaction is not only allowed, but even required in many issues concerning the organisation and functioning of public administration. Efficiency and legality must be treated together, as otherwise many degenerations in public administration management could occur.

Efficiency and legality should not be conflated, as they should complement each other and work in harmony. This is supported by the fact that this state of affairs determines the attribution of the characteristics of good administration to public administration, which is a challenge for any contemporary state.

The research shows that there is quite a large potential for a qualitative change in the way Polish administration operates and manages. Processes, such as, for example, mechanisms of management control or developing processes of public policy evaluation, or the mechanism of task-oriented budgeting, as well as well-recognised deficits we have in the area of, so-called, good governance, are in fact only basic initiatives providing an impulse for change.

Nevertheless, many of the analyses carried out indicate the disconnected nature of these initiatives. Therefore, it is necessary to integrate them. The use of quality management systems and models is not marginal, but it is not so widespread that the

process can be said to be present in the practice of public administration. Firstly, it is about the size of the organisation. Second, it is necessary to specify what solutions they use. Third, it is necessary to determine what the state of awareness in this regard is among civil servants.

However, the research shows that the results still do not provide a complete picture of the state of management quality in public administration. In addition, full information on the degree of integration of different tools and mechanisms has not been obtained.

## **6. Conclusions**

Efficiency and legitimacy are concepts that derive from different scientific disciplines. Efficiency, the elements of which are effectiveness, benefit and economy, is associated with management and quality sciences. Legality, on the other hand, is linked to legal science.

Despite this, there are many interfaces between these concepts, within which these concepts can be considered together. The fields of administration of the state or of a local authority require actions that are efficient and beneficial, as well as economical from a social point of view, i.e. possessing an attribute of efficiency. In addition, the action of the administration must not be unlawful and must therefore be legal.

Therefore, it is necessary both to define precisely the purpose of creating structures and undertaking activities, and it is also important to identify methods of action and create instruments to ensure the efficiency, as well as the legality, of the undertakings carried out.

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