



Uniwersytet
Wrocławski

Comparative Perspectives for
Public Administration and Administrative Law

Edited by

Dominika Cendrowicz
Agnieszka Chrisidu-Budnik

Wrocław 2018

**Comparative Perspectives
for Public Administration
and Administrative Law**

Scientific Works
Faculty of Law, Administration and Economics
University of Wrocław

Series: **e-Monografie**

No. 119

Online access: <http://www.bibliotekacyfrowa.pl/publication/95859>

Comparative Perspectives for Public Administration and Administrative Law

Edited by

Dominika Cendrowicz

Ph.D. in Law

University of Wrocław

Agnieszka Chrisidu-Budnik

Ph.D. in Economics

University of Wrocław

Wrocław 2018

Board of Editors

prof. dr hab. Leonard Górnicki – Editor-in-Chief

dr Julian Jezioro – Deputy Editor

mgr Aleksandra Dorywała – Editorial Assistant

mgr Ewa Galyga-Michowska – Member

mgr Bożena Górna – Member

mgr Tadeusz Juchniewicz – Member

Reviewer: *dr hab. Łukasz Machaj, prof. nadzw. UWr*

© Copyright by Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego

Cover design: *Andrzej Malenda*

Typesetting: *Magdalena Gad* eBooki.com.pl

Printing: *Drukarnia Beta-druk*, www.betadruk.pl

Publisher

E-Wydawnictwo. Prawnicza i Ekonomiczna Biblioteka Cyfrowa.

Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego

ISBN 978-83-66066-10-6 (print)

ISBN 978-83-66066-11-3 (online)

LIST OF CONTENTS

PREFACE	9
INTRODUCTION	
Jerzy Korczak THE BENEFIT OF USING THE COMPARATIVE METHOD IN STUDYING PUBLIC ADMINISTRATION	13
Jerzy Supernat ADMINISTRATIVE STATE IN COMPARATIVE PERSPECTIVE	25
Dominika Cendrowicz ON THE NEED FOR COMPARATIVE STUDY OF PUBLIC ADMINISTRATION AND ADMINISTRATIVE LAW	35
Agnieszka Chrisidu-Budnik PUBLIC ORGANIZATIONS <i>VERSUS</i> PRIVATE ORGANIZATIONS?	45
PART I. COMPARATIVE PUBLIC ADMINISTRATION	
Clara Berthelot POLITICISATION OF PUBLIC ADMINISTRATION IN FRANCE	55
Cevdet Eray Çakır PROBLEMS OF TURKISH PUBLIC ADMINISTRATIVE STRUCTURE	65
Karol Korniak, Patryk Pojasek PUBLIC ADMINISTRATION IN GERMANY AND GREECE	73
Ahmad Alhrout CULTURAL DIVERSITY AND PUBLIC ADMINISTRATION IN JORDAN	87
Diana Madibekova CULTURAL DIVERSITY: HOW TO MAKE IT WORK?	99
Mattia Aldrovandi EU POLITICAL AND LEGAL KEYWORD: SOVEREIGNTY	107
Tetiana Chekaramit NICCOLO MACHIAVELLI'S PERSPECTIVE OF POLITICS	127
PART II. COMPARATIVE ADMINISTRATIVE LAW	
Malgorzata Sikora ADMINISTRATIVE LAW AND CONSTITUTIONAL MATRIX – AN ENGLISH PERSPECTIVE	141

Mateusz Wojtanowski	
REQUIREMENTS FOR BECOMING AN INSTRUCTOR IN THE LIGHT OF CURRENT LEGAL REGULATIONS IN POLAND	153
Julia Besz	
TRANSPARENCY IN PUBLIC LIFE. DRAFT ACT – NEW ANTICORRUPTION OBLIGATIONS	161
Jessica Sawicka	
ENVIRONMENTAL IMPACT CREATED BY PLASTIC BOTTLES. COMPARATIVE STRATEGY AIMED AT TACKLING PLASTIC BOTTLE WASTE	175
Artur Jop	
ADMINISTRATIVE BACKBONE OF THE INTERNATIONAL CRIMINAL JUSTICE	185
Bartłomiej Jaworski	
AUTONOMOUS VEHICLES: THE LEGAL LANDSCAPE OF USING AND TESTING AUTONOMOUS CARS IN POLAND	195
PART III. PUBLIC ADMINISTRATION AND ADMINISTRATIVE LAW – <i>QUO VADIMUS?</i>	
Gloria Wyszynski	
PUBLIC AND PRIVATE ORGANIZATIONS	209
Anne Marie Jacob	
MORAL LEADERSHIP IN THE XXI CENTURY. THE CASE OF ANGELA MERKEL AND THE EUROPEAN REFUGEE CRISIS	221
Joanna Kłopotek	
CONTEMPORARY CONCEPTS OF PUBLIC MANAGEMENT. FROM TRADITIONAL MODEL TO PUBLIC GOVERNANCE	237
Mateusz Jaworski	
LEADERSHIP IN ORGANIZATION – THE UTILITARIAN ASPECT	245
Aleksandra Kuśmierska	
ELON MUSK’S BUSINESS STRATEGY AND LEADERSHIP MODEL	257

PREFACE

In the present era of globalization and liberalization, the interaction between the nations of the world is increasing. These processes are causing various cultures – legal, social and organizational – to intertwine, while the increase in interest in legal systems other than one’s own, organizational structures of public administration, its staff and methods of operation are among the consequences of this interaction. It is currently impossible to perceive public administration and administrative law purely in the national context. Efforts to optimize the functioning of one’s own public administration and applicable system of administrative law should include the process of making comparisons. The comparison of models of public administration and administrative law for various countries is a methodological operation of a cognitive nature. However, in order for comparative law studies to fulfil a cognitive function, studies need to be prepared for everyone, the subject of which is a comparison with foreign experience of an adequate model of research. At the same time, such a comparison enables cognitive perspectives to be opened up to the systemic solutions of other countries and consequently, knowledge is increased on how to improve one’s own system of organization of public administration and administrative law.

Alongside studies of the law and systemic institutions of other states, an area of research is developing in the area of business administration and public management, which has the objective of identifying the differences between the logic of the functioning of public and private organizations. Such a direction of research – a comparison of the public sector and the private sector – has become a subject of more extensive and systematic theoretical and empirical research. The literature on this subject is relatively extensive, thereby creating the ability to use findings for various, primarily cognitive, but also practical objectives.

The articles published in the book constitute the outcome of the lectures delivered during the Second Seminar of Students of Administration in International Organizations, Bachelor of Business and Administration and International and European Law programmes *Comparative Perspectives for Public Administration and Administrative Law*, which was held at the Faculty of Law, Administration and Economics of the University of Wrocław on 14 March 2018. Discussions were held during the Seminar on the organizational, social, cultural and legal conditions of the functioning of the public administration of various countries and debates were held on the logic of the operation of private sector and the public sector organizations in various countries. The lectures given at the Seminar, the articles prepared on their basis and the high attendance level at the

Seminar are indicative of the fact that there is still a need for comparative studies in the area of public administration and administrative law.

This monograph consists of four parts. The first part of the monograph applies to the need to conduct comparative research into public administration and administrative law, as well as compare the logic of the functioning of the public and private sectors. The second part contains articles on the problems of comparative public administration. The third part contains articles presenting issues from the area of comparative administrative law. The fourth and last part concludes and ties together the considerations set out in the preceding parts. It contains an attempt to answer the question of where public administration and its regulating administrative law are heading today.

We would like to express our thanks to all the authors of the publications contained in the book for their efforts in their preparation. We would also like to thank Professors Jerzy Korczak and Jerzy Supernat, without whose help it would not have been possible to organize the Seminar. We would like to give our separate acknowledgments to Professor Łukasz Machaj for his help and support without which this publication would not have been produced.

Dominika Cendrowicz
Agnieszka Chrisidu-Budnik

In the present era of globalization, europeanization and liberalization, the interaction between the nations of the world is increasing. Therefore, it is currently impossible to perceive public administration and administrative law purely in the national context. The same applies to business administration and public management.

The articles published in the book constitute the outcome of the lectures delivered during the Second Seminar of Students of Administration in International Organizations, Bachelor of Business and Administration and International and European Law programmes *Comparative Perspectives for Public Administration and Administrative Law*, which was held at the Faculty of Law, Administration and Economics of the University of Wrocław on 14 March 2018. The lectures given at the Seminar, the articles prepared on their basis and the high attendance level at the Seminar have shown that there is still a need for comparative studies in the area of public administration and administrative law.

Dominika Cendrowicz
Agnieszka Chrisidu-Budnik

ISBN 978-83-66066-10-6 (druk)
ISBN 978-83-66066-11-3 (online)