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The Status of Government Administration in the Sphere of Crisis Management

Abstract

The status of the government administration in crisis management is determined by its legal and constitutional position, as well as its location at central and local levels. This allows for the comprehensive implementation of tasks and a response to threats. Local government administration operates within the voivodeship, where the voivode is responsible for crisis management. In municipalities and districts, these tasks are carried out by the local government. This paper uses a dogmatic-legal approach to analyse the legal regulations governing crisis management and indicate the role of government administration in this area. A literature review was also conducted to inform the analysis. To cite examples from other countries, the methodology was supplemented with elements of the comparative method.

KEYWORDS: public administration, government administration, crisis management, crisis situations

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1 | Introduction

Government administration plays a very important political, economic, cultural and social role in integrated crisis management.^[1] At the same time, the systemic status of government bodies in the crisis management system determines the fact that they are an essential element of response to various types of crises and challenges occurring in the state.^[2] The systemic status of government administration bodies in the crisis management system should take into account the complementarity of this system. Indeed, crisis management by government administration involves a cyclical process of assessment, planning, preparation, mitigation, response, and recovery.^[3]

At the local level, emergency management responsibilities are often delegated to local government bodies, such as heads of communes, mayors, and district governors, who deal with prevention, response and mitigation of crises within their jurisdictions.^[4] In addition to the normative basis, the involvement of citizens, apart from the executive bodies mentioned above, may in the future have a significant impact on the shape of the crisis management system at the local government level. Indeed, recent decades have been characterised by increasing citizen participation in public spaces and the growing importance of social activism,^[5] evident in the strategies and public policies of the European Union.

As part of the research process, the following research hypotheses were verified: (H1) government administration in the Polish public administration system constitutes an element of a democratic state under the rule of law that is important for the functioning of the crisis management system;

¹ Peijun Shi, "On the Role of Government in Integrated Disaster Risk Governance – Based on Practices in China" *International Journal of Disaster Risk Science*, No. 3 (2012): 139.

² Uri Rosenthal, Alexander Kouzmin, "Crises and Crisis Management: Toward Comprehensive Government Decision Making" *Journal of Public Administration Research and Theory*, No. 2 (1997): 277.

³ Larisa Velichko, Dmytro Kashchenko, "Specific Activities of Public Authority Bodies in Emergency and Crisis Situations" *Theory and Practice of Public Administration*, No. 2 (2023): 7.

⁴ Małgorzata Czuryk, „Status prawny samorządu terytorialnego w sferze zarządzania kryzysowego”, *Cybersecurity and Law*, No. 2 (2024): 174-186.

⁵ Ewa Maria Włodyka, "Senior Policy in Polish Legislation on the Example of Local Government Seniors Councils (Taking into Account the Amendment of 2023)" *Orbeliani Law Review*, No. 1 (2025): 22.

(H2) implementation of crisis management tasks by the government administration at the central and provincial levels allows for better methods to combat threats that cause crisis situations.

2 | Literature Review

The literature on the study of the status of government administration in the sphere of crisis management is diverse in terms of the subject matter and actors. Christensen et al. argue that hybrid structures that combine hierarchical (centralised) and network (decentralised) approaches have been adopted as the model for organising government in the crisis management system in European countries (in the six countries studied).^[6] At the same time, these authors point out that the cultural dimension has a greater influence on the perception of the quality of coordination than the structural characteristics of the administrative organisation. Schomaker and Bauer^[7] emphasised the positive impact of high-quality networking with other administrations and civil society on the effectiveness of crisis management in Germany. In this context, the competencies are examined that are required by government bodies to make effective crisis communication decisions in the organisation of the public sector.^[8]

Organization of the crisis management system, that is by no means less effective is based on the systemic empowerment of the tasks and competences of administrative bodies, which, as a rule, is governmental, as confirmed by studies varied out by numerous authors.^[9] Approaches are also

⁶ Tom Christensen et al., "Comparing Coordination Structures for Crisis Management in Six Countries" *Public Administration*, No. 2 (2016): 316-332.

⁷ Rahel M. Schomaker, Michael W. Bauer, "What Drives Successful Administrative Performance during Crises? Lessons from Refugee Migration and the Covid-19 Pandemic" *Public Administration Review*, No. 5 (2020): 845-850.

⁸ Mahmoud Eid, Toby Fyfe, "Globalisation and Crisis Communication: Competencies for Decision-Making in the Government of Canada" *The Journal of International Communication*, No. 2 (2009): 7.

⁹ Maria De Lourdes Melo Zurita et al., "Towards New Disaster Governance: Subsidiarity as a Critical Tool" *Environmental Policy and Governance*, No. 6 (2015): 386-398; Jafar Nouri, Manouchehr Omidvari, S.M. Tehrani, "Risk Assessment and Crisis Management in Gas Stations" *International Journal of Environmental Research*, No. 1 (2010): 143-152.

present to implement the widest possible range of government bodies into the crisis management system as an effective manner of coordinating it.^[10]

The literature also examines the integrity of crisis management plans in Poland. As it was demonstrated, there is a lack of quantitative measurements of the discrepancies of the elements of such plans, which may cause difficulties in the flow and aggregation of data and may hinder an assessment of hazard risk.^[11]

The deployment of artificial intelligence tools to support the operations of public administrations, including the area of crisis management, is also being systematically analysed.^[12] After all, the rapid development of new information and communication technologies has resulted in a widespread use of new tools such as the Internet, mobile telephony and artificial intelligence, in various spheres, including public administration.^[13]

¹⁰ George Carayannopoulos, "Whole of Government: The Solution to Managing Crises?" *Australian Journal of Public Administration*, No. 2 (2017): 251.

¹¹ Michał Wiśniewski, "Analysis of the Integrity of District Crisis Management Plans in Poland" *International Journal of Disaster Risk Reduction*, No. 67 (2022): 1-10.

¹² Vincent J. Straub et al., "Artificial Intelligence in Government: Concepts, Standards, and a Unified Framework" *Government Information Quarterly*, No. 4 (2023): 101881; A.S. Albahri et al., "A Systematic Review of Trustworthy Artificial Intelligence Applications in Natural Disasters", *Computers and Electrical Engineering*, No. 118 (2024): 109409; Blair Attard-Frost, Ana Brandusescu, Kelly Lyons, "The Governance of Artificial Intelligence in Canada: Findings and Opportunities from a Review of 84 AI Governance Initiatives" *Government Information Quarterly*, No. 2 (2024): 101929; Krzysztof Kaczmarek, Mirosław Karpiuk, Urszula Soler, "The Potential Use of Artificial Intelligence in Crisis Management" *Sicurezza, Terrorismo e Società*, No. 2 (2024): 141-151.

¹³ Ewa Maria Włodyka, "Implementation of E-Government and Artificial Intelligence in Polish Public Administration" *TalTech Journal of European Studies*, No. 2 (2024): 120.

3 | Government Administration as an Element of Public Administration in a Democratic State under the Rule of Law and its Influence on the Formation of the Sphere of Crisis Management

Ever since the formation of modern public administration in the 17th century, its concepts or models have been debated. What was not disputable, however, was the attribution of administration to the classical Montesquieu's tripartite system (it was regarded as part of the executive authority). Changing concepts of public management, from classical concepts followed by Max Weber, New Public Management and public governance, did not, however, change this traditional division or distinguish government administration from among administrative structures. Hubert Izdebski is of the opinion that the shape of the organisation of public administration and the practical significance of the concept of governance are a consequence of the tradition of a given country and its political, legal and administrative culture.^[14] The concept of co-management has brought with it a change in the model of governance. Administration and public authorities are no longer the only active participants in governance processes, as these take place within a system of loose (formal and informal) links between public and non-public institutions. The role of authorities is changing, as they need to focus their activities on formulating the objectives of public policies, with less involvement in their direct implementation. In turn, public administration that is subordinate to these should confine its activities to those spheres that cannot be realised by the market, private actors and social organisations.^[15] However, this far-reaching decentralisation and involvement of the social factor does not seem to have been reflected so far in the systemic status of the government administration in the crisis management system.

Government administration itself is one of the subject areas of public administration. Depending on the subject and actor area of definition, numerous doctrinal approaches to government administration as part

¹⁴ Hubert Izdebski, "Od administracji publicznej do public governance" *Zarządzanie Publiczne*, No. 1 (2007): 17.

¹⁵ Jacek Knopek, Ewa Maria Włodyka, "Obraz partycypacji organizacji pozarządowych w tworzeniu polityk publicznych w województwie zachodniopomorskim" *Przegląd Zachodniopomorski*, No 1 (2020): 103.

of public administration can be found in the literature. In the definition proposed by Hubert Izdebski and Michał Kulesza, this is a set of activities and actions, as well as organisational and executive undertakings, which are undertaken for the purpose of the realisation of the public interest by various entities, bodies and institutions, on the basis of the law and in the forms specified by the law.^[16]

In the light of the norms contained in Article 1 of the Constitution of the Republic of Poland dated 2 April 1997 (Journal of Laws No. 78, Item 483, as amended), hereinafter referred to as the Constitution of the Republic of Poland (the Republic of Poland is a democratic state governed by the rule of law) and in Article 7 (public authority bodies act on the grounds and within the limits of the law), the concept of the law-based state is postulated in the construction of the status of public administration bodies. The principle of the rule of law, the law-based state as an element of the system in a democratic state regime, has become a paradigm for modern democracies and an essential value of the European Union.^[17] This principle is defined in Article 2 of the Treaty on European Union as one of the common values of all the Member States, where all public authorities shall act at all times within the limits set by law, in accordance with the values of democracy and fundamental rights, and under the supervision of independent and impartial courts.

The Constitution of the Republic of Poland unambiguously indicates that this administration is constituted by the following: the Council of Ministers, the President of the Council of Ministers, ministers, collectively referred to in the doctrine as the supreme organs of government administration. In turn, on the territory of individual voivodeships, as an example of the dualism of local government and central government authority, it is the governor of the voivodship who is a representative of the central government (with the governmental local administration).^[18]

¹⁶ Hubert Izdebski, Michał Kulesza, *Administracja publiczna: zagadnienia ogólne* (Warszawa: Wydawnictwo Liber, 2004): 93.

¹⁷ Juliusz Mroziński, "Autonomy of Law in the European Conception of the Legal State" *Rocznik Administracji Publicznej*, 10 (2024): 59.

¹⁸ Adam Błaś, Jan Boć, Jan Jeżewski, *Administracja publiczna* (Wrocław: Kolonia Limited, 2003); Zbigniew Cieślak, Marek Wierzbowski, *Prawo administracyjne* (Warszawa: Wydawnictwa Prawnicze PWN, 1997); Marek Wierzbowski et al., *Prawo administracyjne* (Warszawa: Wolters Kluwer, 2015); Jan Zimmermann, *Prawo administracyjne* (Warszawa: Wolters Kluwer, 2020).

In addition to the local governmental administration and supreme authorities, central governmental administration bodies can be distinguished. Unlike the Council of Ministers, the President of the Council of Ministers and ministers, these do not have the status of constitutional organs of the state, and their constitutional grounds have been defined in ordinary laws regulating the individual areas covered by government administration divisions. Thus, in their systemic framework, they have been placed within the structure of individual government administration departments.^[19]

Government administration ensures the continuity of state governance, and its status is regulated, inter alia, by the Act of 4 September 1997 on the Departments of Government Administration (i.e. Journal of Laws of 2024, item 1370, as amended). This Act defines the scope of the departments and the competence of the minister who is in charge of a given department (Art. 1). In Art. 5, it lists the department of public administration in the first place, indicating in Article 7 the catalogue of matters covered by it (among others, concerning regional government administration in the voivodship; counteracting the effects of natural disasters and other similar events that pose threat to public security; or removing the effects of natural disasters and other similar events that pose threat to public security).

The proper normative anchoring of government administration bodies in the crisis management system is important especially, in the situation of a verification of this system by crisis situations that actually do occur. This is because crises may undermine the legitimacy and responsibility of government administration bodies in crisis management, which contradicts the doctrinal principle of building the citizen's trust towards the state and public administration.^[20] Public confidence in the competence of government administration may paradoxically lead to an underestimation

¹⁹ With the exception of those listed in Art. 33a Para. 1 of the Act on the Departments of Government Administration: the President of the Central Statistical Office, the Polish Committee for Standardisation, the President of the Office for Competition and Consumer Protection, the Head of the Internal Security Agency, the Head of the Intelligence Agency, the Head of the Central Anti-Corruption Bureau, the President of the Public Procurement Office, the President of the Energy Regulatory Office and the Polish Space Agency, that are directly subordinated to the Prime Minister.

²⁰ Tom Christensen, Per Læg Reid, Lise H. Rykkja, "The Co-Evolution of Reputation Management, Governance Capacity, Legitimacy and Accountability in Crisis Management," [in:] *The Routledge Companion to Risk, Crisis and Emergency Management*, ed. Robert P. Gephart, C. Chet Miller, Karin Svedberg Helgesson (New York: Routledge, 2018), 177-191.

of risks or reduced effectiveness of the implementation of normative acts during a pandemic crisis^[21]. This is all the more relevant when governments are faced with crises that transcend the borders of a single state. Crisis management is the responsibility of governments, which have a fundamental role to play in strengthening the resilience of society and critical infrastructure networks,^[22] which they do in practice through (in principle) government public administration bodies. The essence of the systemic grounds of government bodies in the crisis management system is verified in the actual occurrence of crises. The lack of communication, coordination, and involvement of these bodies at the systemic level (as in the case of disaster management bodies in Indonesia) results in a less effective crisis management system.^[23]

Crisis situations can be identified as a chronic condition of modern governance,^[24] which confirms the importance of an effective and efficient systemic legitimisation of the bodies responsible for the implementation of crisis management tasks in any legal system.

Crisis management, according to Art. 2 of the Act of 26 April 2007 on crisis management (i.e. Journal of Laws of 2023, Item 122, as amended), hereinafter referred to as the Crisis Management Act, is the activity of public administration bodies that constitute an element of national security management. It consists in preventing crisis situations, preparing to take control over them by means of planned actions, responding if a crisis situation occurs, removing the effects of such situations, as well as restoring resources and the critical infrastructure. The activities of public administration (including government administration) focus on crisis situations, preventing their emergence, responding to them, or removing the consequences which such situations have led to. A crisis situation is understood in Art. 3, Item 1 of the Crisis Management Act as a situation that adversely

²¹ Catherine Mei Ling Wong and Olivia Jensen, "The Paradox of Trust: Perceived Risk and Public Compliance during the COVID-19 Pandemic in Singapore" *Journal of Risk Research*, No. 7-8 (2020): 1021-1030.

²² OECD Risk Management: Strategic Crisis Management, OECD Working Papers on Public Governance, vol. 23, OECD Working Papers on Public Governance, 29 August 2013.

²³ Janiscus Pieter Tanesab, "Institutional Effectiveness and Inclusions: Public Perceptions on Indonesia's Disaster Management Authorities" *International Journal of Disaster Management*, No. 2 (2020): 15.

²⁴ Christopher Ansell, Eva Sørensen, Jacob Torfing, "Public Administration and Politics Meet Turbulence: The Search for Robust Governance Responses" *Public Administration*, No. 1 (2023): 3.

affects the level of the security of people, property of a significant size or the environment, which causes major limitations covering the activities of the relevant public administration bodies due to the inadequacy of their forces and resources.

Crisis management is intended to influence the provision (improvement) of security, which is defined in the literature as a state in which individuals, communities, organisations, and states are adequately protected from actions that endanger their welfare, integrity, as well as survival. It refers to protection against physical threats, the provision of economic, social, political, as well as environmental conditions that allow a stable functioning of the state.^[25]

A crisis situation can also be triggered by cyber threats; hence, as part of crisis management, government authorities are also obliged to ensure cyber security. The Polish legislator defines cyber-security in Art. 2, Item 4 of the Act of 5 July 2018 on the national cyber-security system (i.e. Journal of Laws of 2024, Item 1077, as amended), as the resilience of information systems to actions that violate the confidentiality, integrity, availability, as well as the authenticity of data processed or related services offered by these information systems.^[26] According to the European Union legislator, cyber security means measures necessary to protect networks and information systems, the users of such systems, and other persons from

²⁵ Krzysztof Kaczmarek, „Wpływ zmian klimatycznych na bezpieczeństwo” *Journal of Modern Science*, No. 4 (2024): 412. W przedmiocie bezpieczeństwa zobacz także: Mirosław Karpiuk, „Glosa do wyroku Naczelnego Sądu Administracyjnego z dnia 12 lutego 2018 r. (II OSK 2524/17)” *Studia Iuridica Lublinensia*, No. 1 (2019); Edyta Tkaczyk, „Bezpieczeństwo państwa w Konstytucji Rzeczypospolitej Polskiej. Refleksje nad dobrem chronionym” *Ius et Securitas*, No. 1 (2024).

²⁶ Concerning cyber security, see also: Krzysztof Kaczmarek, „Finland in the Light of Cyber Threats in the Context of Russia’s Aggression Against Ukraine” *Cybersecurity and Law*, No. 1 (2023); Mirosław Karpiuk, „Recognising an Entity as an Operator of Essential Services and Providing Cybersecurity at the National Level” *Prawo i Więź*, No. 4 (2022); Krzysztof Kaczmarek, „Nordic Countries in the Face of Digital Threats” *Cybersecurity and Law*, No. 1 (2024); Christophe Gaie, Mirosław Karpiuk, Nicola Strizzolo, „Cybersecurity of Public Sector Institutions” *Prawo i Więź*, No. 6 (2024); Małgorzata Czuryk, „Cybersecurity and Protection of Critical Infrastructure” *Studia Iuridica Lublinensia*, No. 5 (2023); Bogdan Grabowski, „Cyfrowe zagrożenia – zarys problemu” *Ius et Securitas*, No. 1 (2024); Christophe Gaie, Mirosław Karpiuk, Andrea Spaziani, „Cybersecurity in France, Poland and Italy” *Studia Iuridica Lublinensia*, No. 1 (2025); Tomasz Wojciechowski, „Cyberbezpieczeństwo i dezinformacja we współczesnym świecie: strategie ochrony i zarządzania kryzysowego” *Ius et Securitas*, No. 1 (2024).

cyber threats.^[27] Crisis management in the area of cyber security should also take into account technology-neutral contextual factors such as the international security environment or public awareness of such threats.^[28]

At the central level, the competent authorities for crisis management are as follows: the Council of Ministers (Art. 7 Para. 1 Crisis Management Act), the President of the Council of Ministers (Art. 7 Para. 4 Crisis Management Act), the minister responsible for internal affairs (Art. 7 Para. 2 Crisis Management Act), the director of the Government Security Centre (Art. 11 Crisis Management Act)^[29] and heads of central offices (Art. 12 Para. 1 Crisis Management Act).

Within the voivodship, the competent authority for crisis management is the head of the voivodship. Their tasks in this respect include: directing monitoring, planning, responding, as well as removing the effects of threats on the territory of the voivodeship; carrying out civil planning tasks; managing, organising, as well as conducting training, exercises and trainings in the area of crisis management; requesting the use of the Armed Forces of the Republic of Poland, the Police, the Border Guard or the State Fire Service to carry out tasks in the area of crisis management; performing undertakings resulting from planning documents on operational planning carried out in the voivodeship; preventing, counteracting and removing the effects of terrorist incidents; cooperating with the Head of the Internal Security Agency in preventing, counteracting and removing the effects of terrorist incidents; organising the performance of tasks in the area of critical infrastructure protection. This competence arises from Article 14 of the Crisis Management Act. As can be seen from this provision, the voivodship head performs important tasks arising from the sphere of crisis management in the region. Their actions are determined by, among others, the ineffectiveness of the local self-government in dealing with crisis situations, including those resulting from the nature of the threat, exceeding the capacity of local government bodies.

²⁷ Art. 2 Item 1 of Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and cyber security certification in information and communication technologies and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (EU Official Journal from the year 2019, L. 151: 15-69).

²⁸ Krzysztof Kaczmarek, Mirosław Karpiuk, Claudio Melchior, "A Holistic Approach to Cybersecurity and Data Protection in the Age of Artificial Intelligence and Big Data" *Prawo i Więź*, No. 3 (2024): 105-106.

²⁹ Katarzyna Płonka-Bielenin, "Instytucja zarządzania kryzysowego w Polsce – założenia i rzeczywistość" *Przegląd Prawa Publicznego*, No. 7-8 (2017): 156.

When dealing with those threats that determine the occurrence of emergency situations, there may be violations and restrictions of human and civil liberties and rights by the government administration. The Constitution of the Republic of Poland, in Art. 31, Para. 3, indicates that restrictions on the exercise of constitutional freedoms and rights may be established only by law, and only if they are necessary in a democratic state for the protection of very important goods, which include security, public order, environmental protection, health, public morals, or the freedoms and rights of others. However, it must be emphasised that each case of a restriction of human and civil liberties and rights must be treated on a case-by-case basis, taking into account the circumstances of the case.^[30]

Starting from the entry into force of the Crisis Management Act in 2007 until the year 2011, the subject of the performance of crisis management tasks by the government administration was not covered by a comprehensive audit by the Supreme Audit Office, and previous audit studies covered the aforementioned subject only in selected areas of the state and in connection with the occurrence of natural disasters. An evaluation of the correctness of the performance of tasks in the area of crisis management, specified in the Crisis Management Act, by the bodies and institutions of public administration, at the level of the bodies of government administration,^[31] in a comprehensive audit, revealed a number of irregularities in the performance of the tasks by the government administration as early as at the stage of crisis management planning.^[32] The Supreme Audit Office gave a positive assessment to 14.9% of the units.^[33]

³⁰ Małgorzata Czuryk, "Restrictions on the Exercising of Human and Civil Rights and Freedoms Due to Cybersecurity Issues" *Studia Iuridica Lublinensia*, No. 3 (2022): 32. W przedmiocie ograniczania wolności i praw jednostki zobacz także: Małgorzata Czuryk, "Dopuszczalne różnicowanie sytuacji pracowników ze względu na religię, wyznanie lub światopogląd" *Studia z Prawa Wyznaniowego*, No. 27 (2024): 158; Małgorzata Czuryk, "Activities of the Local Government During a State of Natural Disaster" *Studia Iuridica Lublinensia*, No. 4 (2021): 119-121.

³¹ For example, this is the Minister of the Interior, the Director of the Government Security Centre and the provincial governors.

³² Some ministers and heads of central offices have not provided the Government Security Centre with the necessary data to enable it to carry out civil planning and critical infrastructure matters. Najwyższa Izba Kontroli, *Wykonywanie przez organy administracji publicznej zadań w zakresie zarządzania kryzysowego*, Nr Ewid.: 146/2011/P/10/006/KAP, Warszawa 2011: 7.

³³ Ibidem.

4 | Conclusions

The research hypotheses adopted in the introduction have been verified positively. Thus, it can be concluded that government administration in the Polish public administration system constitutes an important element of a democratic state of law, one that is essential for the functioning of the crisis management system (H1). At the same time, it should also be stated that the implementation of crisis management tasks by the government administration at the central and provincial levels allows for a more effective counteraction of threats that cause the emergence of crisis situations (H2).

However, the dynamically changing security environment, technological advances, or the volatility of trends and public policies in public administration management imply the need for further research into the functioning of government administration in the security sphere. It should also be emphasised that the modalities of action in emergency situations should evolve and adapt to new threats, which may be both natural and anthropogenic in their nature. Coordination between central and local levels, as well as local government administration, also requires particular attention.

In turn, in the context of cyber security, it is necessary to strengthen those information systems that support crisis management. This should be understood both as their technical aspect, and the digital skills of those managing and using them. This is particularly relevant in the face of hybrid threats, whose elements may include attacks on information systems, including those used in crisis management. Successful cyber attacks on such systems can result in a reduction in the effectiveness of actions taken in the event of an emergency, which, in turn, may result in threats to the proper functioning of critical infrastructure.

There is also a need to expand research to cover the role of government administration in building societal resilience to threats, which requires collaboration with the private sector and non-governmental organisations. In this case, comparative analyses of solutions implemented in other countries and their experiences may bring an important contribution. This is particularly true for the preparedness phase, and for building resilience at the level of individuals, families, and small social groups.

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