Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

Articles

Studia Iuridica Lublinensia vol. 32, 1, 2023
DOI: 10.17951/sil.2023.32.1.321-334

Marta Woźniak
University of Opole, Poland
ORCID: 0000-0003-0021-6760
mwozniak@uni.opole.pl

The Functioning of Local Government Authorities in Poland in the Conditions of the Epidemic in Relation to the SARS-CoV-2 Coronavirus – General Considerations

Funkcjonowanie samorządu terytorialnego w Polsce w warunkach epidemii w związku z koronawirusem SARS-CoV-2 – uwagi ogólne

ABSTRACT

The article presents selected aspects of the functioning of local government in Poland under the conditions of the epidemic in connection with the SARS-CoV-2 coronavirus. More space is devoted to the systemic aspects, while the substantive and procedural aspects have only been signalled, because their development goes beyond the scope of this study. The objective of this research paper is to provide an answer to the question to what extent the current regulations, taking into account the new legal regulations, enable the implementation of public tasks and how the new regulations modify the current tasks. The article formulates the thesis that the current regulations may be applied under epidemic conditions, but after making modifications necessary to ensure the efficiency and effectiveness of the functioning of local government. The regulation concerning the functioning of local self-government in the state of an epidemic is scattered and requires ordering. During the state of epidemic there was a strengthening of digitalization in the sphere of performing public tasks.

Keywords: local self-government; legal regulations; epidemic; public tasks; digitalization

CORRESPONDENCE ADDRESS: Marta Woźniak, PhD, Dr. Habil., Professor at the University of Opole, Faculty of Law and Administration, Institute of Law, University of Opole, Katowicka 87a, 45-060 Opole, Poland.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

INTRODUCTION

The emergence of the SARS-CoV-2 coronavirus (hereinafter also COVID-19) on the territory of the Republic of Poland, as a result of which the epidemic was introduced,[1] influenced the functioning of local governments in three dimensions: political, material and procedural. Multiple research threads at the junction of local government and SARS-CoV-2 coronavirus epidemic incline to confine this development to selected issues. More space is devoted to the systemic aspects, while the substantive and procedural aspects have only been signalled, as elaborating on them goes beyond the scope of this study.

The regulations applicable so far regulating the system and tasks of local government authorities require revision in terms of introducing the state of epidemic. Local governments in Poland have been permanently in the conditions of the so-called state of exception. The issue of the functioning of public administration during the COVID-19 epidemic is also addressed in other jurisdictions.[2]

The local government of the commune, district (poviat) and province (voivodeship) during the epidemic period is characterized by a dualistic legal model, operating on the basis of the regulations in force so far regulating the system and activities,[3] but also on the basis of the so-called special acts, i.e., Act of 2 March 2020 on special solutions related to the prevention, counteraction and combating of COVID-19, other infectious diseases and emergencies caused by them,[4] as well as acts introducing numerous amendments to it, which are a response to the demand that appears at a given time.

The objective of this research paper is to provide an answer to the question to what extent the current regulations, taking into account the new legal regulations, enable the implementation of public tasks and how the new regulations modify the current tasks. Already at the outset, we can formulate a thesis that the current regulations can be applied in epidemic conditions, nonetheless only after the modification, which is necessary to ensure the efficiency and effectiveness of the local government functioning. As a consequence of the occurrence of COVID-19, certain areas of local government activity required urgent legislative intervention. And the special regulations were to serve this purpose. The issue of the local government

[1] Regulation of the Minister of Health of 20 March 2020 on the declaration of an epidemic in the territory of the Republic of Poland (Journal of Laws 2020, item 491).

[2] I. Hoffman, I. Balázs, *Administrative Law in the Time of Corona(virus): Resiliency of the Hungarian Administrative Law?*, "Studia Iuridica Lublinensia" 2021, vol. 30(1), pp. 103–119.

[3] Act of 8 March 1990 on the commune self-government (Journal of Laws 2021, item 1372, as amended); Act of 5 June 1998 on the district self-government (Journal of Laws 2020, item 920, as amended); Act of 5 June 1998 on the province self-government (Journal of Laws 2020, item 1668, as amended).

[4] Journal of Laws 2020, item 1842, as amended, hereinafter: the COVID-19 Special Act.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

functioning under the conditions of a constitutionally defined state of exception was left outside the scope of this study. The doctrine has provided many statements on this topic.[5] The very problem of the state of exception can be primarily traced to the science of constitutional law.[6]

Due to the occurrence of SARS-CoV-2 coronavirus in the territory of the Republic of Poland, the functioning of local government was put to the test. The provision of basic public services by the local government must be continuous, also in epidemic conditions. It can be ascertained that *ratio legis* of the special regulations was to ensure uninterrupted and undisturbed performance of public tasks. Another research thesis is that the epidemic caused by the coronavirus affects the ways in which public tasks are performed. The use of digital tools is currently wider than ever before, which in the long run will contribute to the improvement of local government activities in Poland. A dogmatic method – supplemented with an analysis of the jurisprudence of administrative courts – was adopted as the method of developing the analysed issues.

A FEW NOTES ON THE SPECIAL ACTS

At the outset, it should be underlined that the term "special act" has never been used in relation to an epidemic. The very concept of the "special act" was originally formed on the basis of the Act of 10 April 2003 on special rules for the preparation and implementation of investments in the field of public roads,[7] and was first used in the research conducted by M. Wolanin.[8] From that time, the concept of "special acts" referred to specific regulations relating to narrow aspects of the investment process such as flood protection, airport, or railway issues, which introduced differences from general provisions, and it was also presented in the doctrine of administrative

[5] See M. Karpiuk, *Działanie organów administracji publicznej w czasie stanów nadzwyczajnych*, "Studia Prawnicze i Administracyjne" 2015, vol. 14(4), pp. 33–38; T. Bąkowski, *Prawne formy ograniczania wolności oraz praw człowieka i obywatela w ustawie o stanie klęski żywiołowej*, "Państwo i Prawo" 2003, no. 8, pp. 76–83; M. Polinceusz, *Ograniczenie samodzielności samorządu terytorialnego w stanach nadzwyczajnych – wybrane problemy*, "Humanities and Social Sciences" 2013, vol. 18(20), pp. 135–143.

[6] B. Banaszak, *Prawo konstytucyjne*, Warszawa 2008, pp. 472–474; L. Garlicki, *Polskie prawo konstytucyjne. Zarys wykładu*, Warszawa 2016, pp. 454–473; K. Wojtyczek, *Prawa człowieka w stanach nadzwyczajnych*, [in:] *Prawo konstytucyjne RP*, ed. P. Sarnecki, Warszawa 2008, pp. 102–104; K. Składowski, *Stany nadzwyczajne w Polsce*, [in:] *Polskie prawo konstytucyjne*, ed. D. Górecki, Warszawa 2020, pp. 353–360.

[7] Journal of Laws 2020, item 1363, as amended.

[8] M. Wolanin, *Ustawa o szczególnych zasadach przygotowania i realizacji inwestycji w zakresie dróg publicznych. Komentarz*, Warszawa 2009.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

law.[9] The tendency to legislate special regulations called "special acts" in the aspect of public investment continues, nevertheless, only with the outbreak of the SARS--CoV-2 coronavirus epidemic, the concept of a special act began to be used in a new, hitherto unknown semantic context. A little earlier, the term "special act" appeared to describe the "special housing act", i.e., the Act of 5 July 2018 on facilitating the preparation and implementation of housing and associated investments.[10]

Therefore, it can be noticed that each regulation introducing differences from the basic regime is called a "special act". In the epidemic conditions, we can observe the development of these special regulations, which were supposed to be an exception, however they are becoming a common legal phenomenon. Obviously, this leads to a depreciation of the general regulation, and raises doubts in the sphere of transparency and legal clarity. On the other hand, the epidemic itself is a sudden and unexpected phenomenon, within legal transactions it generates the need to "push" or "overlap" with the existing regulations.

THE SCOPE OF THE CORONAVIRUS SARS-COV-2 EPIDEMIC'S IMPACT ON THE FUNCTIONING OF LOCAL GOVERNMENT

The activity of local government or – more broadly – public administration during the epidemic was also noticed in foreign literature on the subject,[11] long before the COVID-19 epidemic, yet, mainly through the prism of crisis management and cooperation of local authorities with other state structures in order to ensure the optimal level of public health. From the perspective of crisis management, the legal position of local government units and their relations with government administration bodies is also analysed in Polish literature.[12]

On the grounds of this study, it is imperative to answer the question about the scope of the coronavirus SARS-CoV-2 epidemic's impact on the functioning of local government in Poland. Already at the very beginning, it can be indicated that the local government participates in the performance of tasks related directly or in-

[9] See especially *Specustawy inwestycyjno-budowlane*, ed. T. Bąkowski, Gdańsk 2020.

[10] Journal of Laws 2018, item 1496, as amended. See more on this subject *Specustawa mieszkaniowa a samodzielność planistyczna gminy. Dylematy prawników i urbanistów*, ed. J. Szlachetko, Gdańsk 2019.

[11] See Cho Sung-II, *Role of the Local Government in Infectious Disease-Related Public Emergency Preparedness and Response*, "Journal of the Korea Medical Association" 2017, vol. 60(4), pp. 300–305; P.E. French, E.S. Raymond, *Pandemic Influenza Planning: An Extraordinary Ethical Dilemma for Local Government Officials*, "Public Administration Review" 2009, vol. 69(5), pp. 823–830; S. Burris, I. Kawachi, A Sarat, *Integrating Law and Social Epidemiology*, "Journal of Law Medicine and Ethics" 2002, vol. 30(4), pp. 510–521.

[12] See E. Ura, S. Pieprzny, *Wielopostaciowość administracji publicznej w zakresie zarządzania kryzysowego*, "Opolskie Studia Administracyjno-Prawne" 2018, vol. 16(4), pp. 133–153.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

directly to preventing the spread of COVID-19. For this purpose, it cooperates with other public administration bodies, both with government administration bodies and with special (non-combined) administration bodies. Carrying out new tasks by local government, associated with preventing the spread of COVID-19, is one of the new manifestations of the subsidiarity principle. After all, local self-government must satisfy the current needs of self-government communities that are not directly related to the COVID-19 epidemic.

The emergence of COVID-19 resulted in the necessity to change the legal provisions in the sphere of forms and procedures of local government activities; both between authorities and the authority, and between the office and the citizen. The issue of enacting acts of local law, as well as resolutions not of such nature, but those that are necessary to be adopted during the state of danger, also required remodelling. Local government is the constituent of the legal order which, during an epidemic, should ensure a minimum of social order in terms of access to education, social assistance, spatial order and other areas. The basic scope of own tasks is a guarantee of uninterrupted provision of public services and the implementation of basic tasks by local government.

The functioning of local government during an epidemic can be considered in the systemic, material and procedural terms. This triad, established by the regulations in force so far, is overlapped by special regulations adopted in connection with the emergence of COVID-19. During an epidemic, both traditional sources of law and special acts, along with their specificity, affect the sphere of public tasks. It is obvious, however, that this entails threats to the stability of the legal system, but it is necessary for an axiological reconstruction of local government public goods.

THE DIAGNOSIS OF SYSTEMIC ASPECTS OF THE FUNCTIONING OF LOCAL GOVERNMENT IN REFERENCE TO COVID-19 EPIDEMIC

One of the crucial systemic issues is defining the limits of independence of local government units in relation to other entities in the structure of public administration. This question has a new meaning in the light of an epidemic, as in these conditions some activities are – naturally – implemented on the basis of the principle of centralization. Yet, independence is a constitutive element of decentralization,[13] or even its determinant.[14] Frequently decentralization is treated synonymously as a legally defined independence of action.[15] The occurrence of extraordinary

[13] J. Boć, *Decentralizacja*, [in:] *Administracja publiczna*, eds. A. Błaś, J. Boć, J. Jeżewski, Wrocław 2003, p. 186.

[14] J. Starościak, *Decentralizacja administracji publicznej*, Warszawa 1960, pp. 10–11.

[15] J. Szreniawski, *Zarys nauki administracji*, Lublin 2000, p. 59.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

circumstances undoubtedly justifies deeper state interference in the functioning of local government bodies. Restrictions on the self-reliance and independence of local government are dictated by the need to protect the highest values, such as the democratic constitutional order of the state,[16] and protecting the life and health of its citizens. At this point, it is worth mentioning Article 6 (1) of the European Code of Good Administrative Behaviour, which states that in the course of making decisions, the official should ensure that the adopted measures remain proportionate to the particular set target, and will avoid restricting the rights of citizens or imposing burdens on them, if these burdens are disproportionate to the purpose of the activities conducted.

In terms of the principle of centralization and decentralization, the COVID-19 phenomenon affects the need to define relationships between government administration and local government. In epidemic conditions, which are associated with a high risk of loss of stability, durable administrative structures and the continuity of government and public administration activities are needed. Also, the coordination of government services and local government in order to combat the epidemic, as well as bottom-up activities are essential. In this context, the question asked by I. Lipowicz is still current, i.e., whether the present system of public administration, the legal basis of its operation, the financing system, including the place of local government, correspond to the existing tasks, especially the projected accumulation of crisis and extraordinary situations.[17] In the author's view, the performance of tasks from a certain point on takes the form of centralized activities, which are only partially mitigated by distraction.[18] It is indispensable to redefine the relationship between the government administration and local self-government. Local government units, especially at the level of communes and districts, should have and use a complete set of local legal acts and templates of administrative decisions that are necessary and could be issued in the states of exception.[19]

In connection with counteracting the coronavirus epidemic, the COVID-19 Special Act provides that during the period of the epidemic threat or epidemic state announced due to COVID-19, and within 3 months after their cancellation, the Prime Minister may, at the request of the minister competent for health, impose an obligation for a local government unit to perform a specific task in connection with counteracting COVID-19. In this way, self-government units may be empowered to perform tasks that, in standard circumstances, are performed by the government administration. At the same time, the legislator stipulated that the tasks imposed in this manner are

[16] M. Polinceusz, *op. cit.*, p. 142.

[17] I. Lipowicz, *Samorząd terytorialny a administracja rządowa – administrowanie w warunkach niepewności*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 2020, no. 4, p. 51.

[18] *Ibidem*.

[19] *Ibidem*.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

carried out by local government units as tasks commissioned from the scope of government administration. This results – of course – in the necessity to provide financial resources by the state allocated for the implementation of these tasks.

Another legal solution in the systemic dimension is the possibility of issuing orders by the provincial governor (voivode) that are binding, in particular, for local government bodies, local government legal persons and local government organizational units without legal personality in relation to counteracting COVID-19 (Article 11h (1) sentence 1 of the COVID-19 Special Act). These orders are issued by way of an administrative decision and are subject to immediate execution upon their delivery or publication, and do not require justification (Article 11h (4) of the COVID-19 Special Act). They may be issued not only in writing, but also orally, by telephone, by means of electronic communication or by other means of communication (Article 11h (11) of the COVID-19 Special Act). Therefore, this is an exception to the principle of the written nature of an administrative decision and to the principle that an administrative decision should contain a factual and legal justification. The substantive scope of the orders issued by the provincial governor may not apply decisions as to the essence of the matter settled by an administrative decision (Article 11h (10) sentence 1 of the COVID-19 Special Act). Their essence comes down to reacting in epidemic conditions and they are issued only in connection with counteracting COVID-19.

The doctrine of administrative law has not yet developed a view on the legal nature of these orders. That is why, the views were developed on the basis of Article 25 (1) of the Act of 23 January 2009 on the provincial governor and government administration in a province.[20] These orders are a form of exercising leadership in public administration towards bodies not directly subordinated to the authority issuing the order.[21] In the states of exception, i.e., in the event of a declaration of a state of natural, extraordinary or military disaster, the provincial governor may, on the basis of this provision, set the direction of activities of local government units. This is rationalised by the specific threats that are the basis for the introduction of extraordinary measures – in the event of their occurrence, the actions of the central and local government administration must be focused on ensuring public safety and order. In the doctrine of administrative law, there is a view that the provincial governor does not generally have the authority to correct the activities of non-combined administration.[22] Interference, that is characteristic of hierarchical

[20] Journal of Laws 2019, item 1464, as amended.

[21] *System Prawa Administracyjnego*, vol. 5: *Prawne formy działania administracji*, eds. R. Hauser, Z. Niewiadomski, A. Wróbel, Warszawa 2013, p. 292.

[22] Cf. J. Zimmermann, *Prawo administracyjne*, Kraków 2006, p. 139.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

supervision in the form of issuing orders,[23] can only be justified by the so-called "higher considerations" that undoubtedly occur in relation to COVID-19. Moreover, according to Article 15zzy of the COVID-19 Special Act, if during the period of the epidemic threat or epidemic state, the public administration office, or other entity performing public tasks, becomes unable to perform tasks in whole or in part, the provincial governor, by order, may entrust the performance of the tasks of this office or entity another public administration office or entity performing public tasks. This may lead to a limitation of the independence of the local government's operation.[24]

Another interesting issue is determining the impact of COVID-19 on the systemic position of collegial bodies, including organizing sessions of these bodies remotely. It seems appropriate to agree with H. Izdebski's view that the legislator should adapt the organization of local government to social needs and the conditions of the external environment.[25] In the conditions of an epidemic, this view is gaining momentum.

During the period of the state of epidemic threat or epidemic state, the legislator introduced the possibility of work of self-government collective bodies, both for legislative and executive decisions, remotely. According to Article 15zzx of the COVID-19 Special Act these authorities may convene and hold sessions, meetings or other forms of action relevant to these authorities, as well as take decisions, including resolutions, using means of distance communication or by correspondence (remote mode). This procedure is ordered by a person authorized to preside over a given collective body. The remote mode of work of collective bodies initially seemed to be difficult to implement, especially in small municipalities, however, many local governments took advantage of this form, thus ensuring the continuity of local authorities for their residents. The aforementioned provision complements the basic form of stationary organization of the work of decision-making bodies and conducting their meetings. To convene and conduct sessions of collective bodies in a remote mode, it is not necessary to amend the statutes of local government units. Article 15zzx of the COVID-19 Special Act is a stand-alone basis for action in this regard, and the amendment to the statute may possibly be helpful in clarifying unregulated issues.[26] As noted by the Voivodeship Administrative Court in Gliwice in the judgment of

[23] A. Żywicka, [in:] *Zasady w prawie administracyjnym. Teoria, praktyka, orzecznictwo*, eds. Z. Duniewska, A. Krakała, M. Stahl, WKP 2018.

[24] J. Glumińska-Pawlic, B. Przywora, *Wykonywanie kompetencji organu stanowiącego i kontrolnego jednostki samorządu terytorialnego w stanie epidemii*, "Samorząd Terytorialny" 2020, no. 7–8, pp. 129–138.

[25] H. Izdebski, *Trzydzieści lat po restytucji samorządu – gdzie jesteśmy?*, "Samorząd Terytorialny" 2020, no. 3, pp. 35–36.

[26] For instance, clarification and adaptation to the remote mode of carrying out debates, e.g., the issue of notifying councillors about the upcoming session (and providing them with, among others, draft resolutions), see A. Misiejko, *Zdalny tryb obradowania organów kolegialnych jednostek samorządu terytorialnego*, LEX/el. 2020.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

20 August 2020,[27] the right of the commune council to "normal", i.e., resulting from the Act of 8 March 1990 on commune self-government and the commune's statute, was not excluded in any way. This provision is still the basic method of conducting a session, and Article 15zzx (1u) of the COVID-19 Special Act introduces only periodically – from 31 March 2020 until the end of the epidemic state – the alternative solutions. It is necessary to comply with all sanitary safety requirements. At the same time, the court explained that the term "means of distance communication" used in the COVID-19 Special Act also includes at least some means of electronic communication. It is crucial to consider whether the specific means of electronic communication allows for conducting a session by the decision-making body. This solution, i.a., must take into account the ability to effectively identify each of the councillors. Also, the very convening of the session should be held in such a way that the councillor receives information about the date of the session along with the agenda and draft resolutions.

An indirect solution, in the light of the regulations in force, is to debate in the hybrid mode. It consists, e.g., in organizing a session in the meeting room, in which the chairman and some councillors will be present, while other councillors will communicate via established means of distance communication. The transparency and disclosure are guaranteed by the provisions contained in local government acts, from which it follows that sessions are transmitted and recorded using video and sound recording devices. Recordings of the sessions are made available in the Public Information Bulletin and on the website, and in other customary manner. If there are appropriate technical possibilities, there are no obstacles for the remote session to ensure transparency of the local government. But still, organizing sessions by means of distance communication in the event of an epidemic entails the risk of violating the law and thus the validity of resolutions. The list of formal threats includes, among others, the possibility of defective notification of the session, difficulties with ensuring the participation of all councillors and thus a quorum, and among informal threats we can indicate the lack of appropriate hardware and software or the inability to conduct sessions with the use of new technologies.

Due to the fact that this study does not aspire to exhaustively and completely elaborate on all aspects of the functioning of local government in Poland in the conditions of an epidemic in connection with the SARS-CoV-2 coronavirus, the assessment of the adequacy of the current structure of the public administration system, the scope of activities of the entities that make up this system, their mutual relations and the implementation of competences in the circumstances of an epidemic may and even should be the subject of research *de lege ferenda*. Local government units have a guaranteed independence, which, however, in the conditions of an epidemic, may shift, providing a wider field of action to government administration bodies.

[27] III SA/Gl 409/20, LEX no. 3068154.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

THE DIAGNOSIS OF SUBSTANTIVE ASPECTS OF THE FUNCTIONING OF LOCAL GOVERNMENT IN RELATION TO COVID-19 – GENERAL OVERVIEW

On the basis of the legal order in force at the time of the epidemic, two categories of public tasks performed by local government units can be distinguished: tasks delegated to local government units, closely related to counteracting COVID-19 (the so-called new tasks), and the current tasks of communes, districts and provinces. The first – as presented – may take the legal form of provincial governor's orders addressed to the authorities of communes, districts and provinces. In turn, the hitherto tasks of local government units have been largely modified. The COVID-19 epidemic has had an impact on the existing tasks of local government in the field of municipal waste management, spatial planning and development as well as construction law, crisis management, education and higher education, supporting the labour market and other areas of local government activity. Public administration now has new legal instruments, for example when it comes to reducing the social impact of COVID-19, contracts are widely used in the administration of district labour offices (e.g., loan agreements concluded between the district governor [staroste] and the entrepreneur). Classic forms of administration are sometimes replaced by legal forms from the area of civil law. Some of the legal solutions introduced in connection with the occurrence of COVID-19 may be permanently incorporated into the applicable legal system. The spectrum of tasks of local government is determined by the acts in the field of substantive administrative law. During the epidemic, their implementation was to some extent difficult, but the regulation of the COVID 19 Special Act with some difficulty made the necessary modification of the tasks of the local government at that time.

THE DIAGNOSIS OF PROCEDURAL ASPECTS OF THE FUNCTIONING OF LOCAL GOVERNMENT IN RELATION TO COVID-19 – GENERAL OVERVIEW

In the procedural aspect, during the epidemic period, numerous changes were introduced in the administrative procedures used within the activities of local government units. The signalled research thread in itself aspires to conduct a separate study, which is why at this point it is limited to indicating the areas that have been modified due to the appearance of the SARS-CoV-2 coronavirus on the territory of Poland. These, among other things, include:

- the running of procedural time limits in administrative and enforcement proceedings,

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

- the tasks of public administration bodies as cooperating bodies pursuant to Article 106 of the Act of 14 June 1960 – Administrative Procedure Code,
- the running of time limits for the tacit settlement of a case or in another case in which the lack of an objection by the body, to issuing a decision, order or other resolution, entitles the party or participant in the proceedings to take action, perform actions or affect the scope of rights and obligations of the party or participant in the proceedings,
- the application of the provisions on inactivity of the authorities and the obligation of the authority conducting the proceedings or control, respectively, to notify the party or participant in the proceedings that the case has not been resolved in time,
- imposing penalties and fines on the complainants for the failure to issue decisions within the time limits specified by the provisions of law to the authorities conducting the proceedings or control, respectively,
- the manner of deal with complaints, applications and petitions submitted to public administration authorities during a pandemic,
- the possibility to take part in public participation in proceedings to issue an act of local law or an administrative decision by a local government body,
- the possibility to download electronic copies of documents, e.g., civil register deeds and electronic deliveries,
- performing procedural obligations not related to administrative proceedings (e.g., submission of a report or entry in the register).

As it results from the above, in the conditions of the binding COVID-19 Special Act, the matter that is vital from the point of view of the rules of administrative procedure was modified, i.e., the active participation of the parties, the conclusion of the procedure in the form of decisions and their verification. The application of these provisions undoubtedly entailed the risk that the decisions issued during the epidemic would then be revoked as a result of the control of administrative courts. It is also arduous, in such a short and process-difficult period as the state of the epidemic, to work out a uniform interpretation of the distinctiveness introduced in relation to the basic regime.

CONCLUSIONS

Undoubtedly, the appearance of the SARS-CoV-2 coronavirus triggered the need for scientific reflection on the functioning of local government in the state of an epidemic. In the face of COVID-19, local government operates in extraordinary circumstances.

The research leads to the conclusion that in the conditions of an epidemic threat, local government is not based on a solid normative foundation, and legal

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

provisions in this matter are dispersed. The provisions of local government acts do not allow for the effective and uninterrupted sessions of decision-making bodies in remote mode, and, therefore, the COVID-19 Special Act modifies these provisions. The provisions of substantive administrative law in relation to, for instance, waste management, social assistance or spatial planning are not applicable in pandemic circumstances to the same extent as in sanitary safety conditions, therefore special regulations were necessary to ensure the continuity of local government operations.

The added value of the functioning of local government during an epidemic is the digitization reinforcement in the sphere of performing public tasks. The development of e-government and the broader application of new technologies than before may, in the long run, bring numerous benefits. This was pointed out long before the COVID-19 epidemic by M. Janik, who argued for the importance of using ICT in conducting counter-epidemic activities.[28] De-formalizing administrative procedures, which is a must during a pandemic, may over time become a common standard, which strengthens trust in public authorities.

One of the *de lege ferenda* postulates is to develop an act on the functioning of local government in the states of exception and epidemics. Inevitably, this would require referring to the principles of law, the system of values in law and the applicable norms of positive law. Presently, there is no separate regulation devoted to this issue in Poland. It is scattered in regulations of various rank. In the conditions of an epidemic, a separate act could secure the continuity of public services provided by local government units.

REFERENCES

Literature

Banaszak B., *Prawo konstytucyjne*, Warszawa 2008.

Bąkowski T., *Prawne formy ograniczania wolności oraz praw człowieka i obywatela w ustawie o stanie klęski żywiołowej*, "Państwo i Prawo" 2003, no. 8.

Bąkowski T. (ed.), *Specustawy inwestycyjno-budowlane*, Gdańsk 2020.

Boć J., *Decentralizacja*, [in:] *Administracja publiczna*, eds. A. Błaś, J. Boć, J. Jeżewski, Wrocław 2003.

Burris S., Kawachi I., Sarat A., *Integrating Law and Social Epidemiology*, "Journal of Law Medicine and Ethics" 2002, vol. 30(4), **DOI: https://doi.org/10.1111/j.1748-720X.2002.tb00422.x**.

Cho Sung-II, *Role of the Local Government in Infectious Disease-Related Public Emergency Preparedness and Response*, "Journal of the Korea Medical Association" 2017, vol. 60(4), **DOI: https://doi.org/10.5124/jkma.2017.60.4.300**.

[28] M. Janik, *Mapowanie zagrożeń epidemicznych jako przykład wielopostaciowości administracji publicznej*, "Opolskie Studia Administracyjno-Prawne" 2018, vol. 16(1), pp. 43–52.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

French P.E., Raymond E.S., *Pandemic Influenza Planning: An Extraordinary Ethical Dilemma for Local Government Officials*, "Public Administration Review" 2009, vol. 69(5), **DOI: https://doi.org/10.1111/j.1540-6210.2009.02032.x**.

Garlicki L., *Polskie prawo konstytucyjne. Zarys wykładu*, Warszawa 2016.

Glumińska-Pawlic J., Przywora B., *Wykonywanie kompetencji organu stanowiącego i kontrolnego jednostki samorządu terytorialnego w stanie epidemii*, "Samorząd Terytorialny" 2020, no. 7–8.

Hauser R., Niewiadomski Z., Wróbel A. (eds.), *System Prawa Administracyjnego*, vol. 5: *Prawne formy działania administracji*, Warszawa 2013.

Hoffman I., Balázs I., *Administrative Law in the Time of Corona(virus): Resiliency of the Hungarian Administrative Law?*, "Studia Iuridica Lublinensia" 2021, vol. 30(1), **DOI: https://doi.org/10.17951/sil.2021.30.1.103-119**.

Izdebski H., *Trzydzieści lat po restytucji samorządu – gdzie jesteśmy?*, "Samorząd Terytorialny" 2020, no. 3.

Janik M., *Mapowanie zagrożeń epidemicznych jako przykład wielopostaciowości administracji publicznej*, "Opolskie Studia Administracyjno-Prawne" 2018, vol. 16(1), **DOI: https://doi.org/10.25167/osap.204**.

Karpiuk M., *Działanie organów administracji publicznej w czasie stanów nadzwyczajnych*, "Studia Prawnicze i Administracyjne" 2015, vol. 14(4).

Lipowicz I., *Samorząd terytorialny a administracja rządowa – administrowanie w warunkach niepewności*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 2020, no. 4, **DOI: https://doi.org/10.14746/rpeis.2020.82.4.5**.

Misiejko A., *Zdalny tryb obradowania organów kolegialnych jednostek samorządu terytorialnego*, LEX/el. 2020.

Polinceusz M., *Ograniczenie samodzielności samorządu terytorialnego w stanach nadzwyczajnych – wybrane problemy*, "Humanities and Social Sciences" 2013, vol. 18(20), **DOI: https://doi.org/10.7862/rz.2013.hss.50**.

Składowski K., *Stany nadzwyczajne w Polsce*, [in:] *Polskie prawo konstytucyjne*, ed. D. Górecki, Warszawa 2020.

Starościak J., *Decentralizacja administracji publicznej*, Warszawa 1960.

Szlachetko J. (ed.), *Specustawa mieszkaniowa a samodzielność planistyczna gminy. Dylematy prawników i urbanistów*, Gdańsk 2019.

Szreniawski J., *Zarys nauki administracji*, Lublin 2000.

Ura E., Pieprzny S., *Wielopostaciowość administracji publicznej w zakresie zarządzania kryzysowego*, "Opolskie Studia Administracyjno-Prawne" 2018, vol. 16(4), **DOI: https://doi.org/10.25167/osap.1167**.

Wojtyczek K., *Prawa człowieka w stanach nadzwyczajnych*, [in:] *Prawo konstytucyjne RP*, ed. P. Sarnecki, Warszawa 2008.

Wolanin M., *Ustawa o szczególnych zasadach przygotowania i realizacji inwestycji w zakresie dróg publicznych. Komentarz*, Warszawa 2009.

Zimmermann J., *Prawo administracyjne*, Kraków 2006.

Żywicka A., [in:] *Zasady w prawie administracyjnym. Teoria, praktyka, orzecznictwo*, eds. Z. Duniewska, A. Krakała, M. Stahl, WKP 2018.

Case law

Judgment of the Voivodeship Administrative Court in Gliwice of 20 August 2020, III SA/Gl 409/20, LEX no. 3068154.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 16/11/2026 18:33:39

Legal acts

Act of 8 March 1990 on the commune self-government (Journal of Laws 2021, item 1372, as amended).
Act of 5 June 1998 on the district self-government (Journal of Laws 2020, item 920, as amended).
Act of 5 June 1998 on the province self-government (Journal of Laws 2020, item 1668, as amended).
Act of 10 April 2003 on special rules for the preparation and implementation of investments in the field of public roads (Journal of Laws 2020, item 1363, as amended).
Act of 23 January 2009 on the provincial governor and government administration in a province (Journal of Laws 2019, item 1464, as amended).
Act of 5 July 2018 on facilitating the preparation and implementation of housing and associated investments (Journal of Laws 2018, item 1496, as amended).
Act of 2 March 2020 on special solutions related to the prevention, counteraction and combating of COVID-19, other infectious diseases and emergencies caused by them (Journal of Laws 2020, item 1842, as amended).
Regulation of the Minister of Health of 20 March 2020 on the declaration of an epidemic in the territory of the Republic of Poland (Journal of Laws 2020, item 491).

ABSTRAKT

W artykule przedstawiono wybrane aspekty funkcjonowania samorządu terytorialnego w Polsce w warunkach epidemii w związku z koronawirusem SARS-CoV-2. Więcej miejsca poświęcono aspektom ustrojowym, natomiast aspekty materialnoprawne i proceduralne zostały zasygnalizowane, ponieważ ich rozwinięcie wykracza poza ramy niniejszego opracowania. Celem jest odpowiedź na pytanie, w jakim stopniu obecnie obowiązujące przepisy, z uwzględnieniem nowych regulacji prawnych, umożliwiają realizację zadań publicznych oraz w jaki sposób nowe regulacje modyfikują dotychczasowe zadania. W artykule sformułowano tezę, że dotychczasowe przepisy mogą być stosowane w warunkach epidemicznych, ale po dokonaniu modyfikacji koniecznej do zapewnienia sprawności i efektywności funkcjonowania samorządu terytorialnego. Regulacja dotycząca funkcjonowania samorządu terytorialnego w stanie epidemii jest rozproszona i wymaga uporządkowania. W czasie obowiązywania stanu epidemii nastąpiło wzmocnienie cyfryzacji w sferze wykonywania zadań publicznych.

Słowa kluczowe: samorząd terytorialny; regulacje prawne; epidemia; zadania publiczne; cyfryzacja