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Axiological Foundations of Public Administration in a Digital World

Aksjologiczne podstawy administracji publicznej w świecie cyfrowym

ABSTRACT

Although the problems of public administration are universal in nature, new challenges and threats need to be identified as a result of changing circumstances. The phenomena of the modern world, such as globalisation, artificial intelligence, and the development of digital services, affect the functioning of public administration. To some extent, they have even shaken its rudiments. Public administration is becoming depersonalised; it is no longer meant to serve people, but first and foremost to meet their needs. The transformation of public administration should go hand in hand with an in-depth axiological discourse. A reductionist perspective, in which the citizen–administration relationship is perceived as exclusively one-sided, may, in the age of the triumph of digital services, lead to a fading awareness of the mission of public administration. So far, much space in the literature has been devoted to the axiology of administrative law, but the topic of the value of public administration itself – in the institutional dimension – has not been explored. There is a kind of cognitive dissonance and a potential conflict of values between the expectations formulated by citizens towards public administration and the conditions of the system in which officials operate. The aim of the article is to outline the impact of the digital world on the axiological "reorientation" of public administration. The use of descriptive and formal-dogmatic methods allows for the embedding of the issue in a defined legal framework, while the axiological method – used on the example of resolving conflicts of values – indicates one of the possible directions out of the impasse of dysfunctionality of public administration.

Keywords: public administration; axiology of law; values; philosophy of law; artificial intelligence

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INTRODUCTION

In recent years, a systematic increase in interest in axiological topics can be observed. It is not only present in the philosophical-legal field, but increasingly also in the field of individual legal dogmatics. It is a fact that the issue of value in law is a research area characteristic of the philosophy of law.[1] However, over the last several years or so, we can observe a steady trend of extending axiological reflection to individual legal dogmatics.[2] The renaissance of axiological reflection – as a matter of fact – should be treated as a positive phenomenon; however, one should remember to maintain a certain level of methodological discipline, because more and more often scholars will come to the conclusion that in individual legal dogmatics different values will prevail. From the descriptive-normative point of view, the fact of defining specific values in particular legal dogmatics should be assessed positively, although the discrepancy between the axiology of criminal law[3] or the axiology of civil law[4] will certainly be significant.

For this reason, in a few years lawyers will have to reconsider the legal axiology of the entire legal system. Then, the historical and contemporary achievements of the theory and philosophy of law may prove invaluable. In this context, the words of eminent T. Kotarbiński: "Whoever wants to achieve valuable results – if they only intend to act in a field that has been cultivated by people for a long time (and where are the other fields) – must remember that they are not starting from scratch,

[1] The formal restitution of legal philosophy as a research discipline took place during the All-Polish Scientific Conference entitled "Philosophy of Law and the Creation and Application of Law", which took place in Katowice in 1991. At that time, it was indicated that the subject matter of the philosophy of law included, inter alia, values. See B. Czech (ed.), *Filozofia prawa a tworzenie i stosowanie prawa. Materiały Ogólnopolskiej Konferencji Naukowej zorganizowanej w dniach 11 i 12 czerwca 1991 r. w Katowicach*, Katowice 1992; Z. Ziembiński, *Wstęp do aksjologii dla prawników*, Warszawa 1990; idem, *Wartości konstytucyjne*, Warszawa 1993.

[2] See M. Kordela, *Inter- and Extra-Legal Axiology*, "Studia Iuridica Lublinensia" 2020, vol. 29(3), pp. 29–38; idem, *Hierarchisation of Values in Acts of Law Application*, "Studia Iuridica Lublinensia" 2023, vol. 32(4), pp. 71–79; M. Blikhar, O. Dufeniuk, V. Blikhar, *The Philosophy of the European Court of Human Rights: Axiological Paradigm*, "Beytulhikme: An International Journal of Philosophy" 2020, vol. 10(2), pp. 355–372; A. Kotowski, *Axiological Problems of Statutory Interpretation*, "Legal Culture" 2019, vol. 2(1), p. 93–110; J. Zajadło, *Aksjologia prawa – od ogólnej filozofii do konkretnej filozofii prawa*, [in:] *Aksjologia publicznego prawa gospodarczego*, ed. A. Powałowski, Warszawa 2022, pp. 1–19; B. Liżewski, *Axiology of Law and Human Rights: A Few Theoretical Remarks in the Perspective of Internal Integration of Legal Sciences*, "Studia Iuridica Lublinensia" 2023, vol. 32(5), pp. 287–304.

[3] A. Grześkowiak, I. Zwoliński (eds.), *Aksjologiczne podstawy polskiego prawa karnego w perspektywie jego ewolucji*, Bydgoszcz 2017.

[4] J. Pisuliński, J. Zawadzka (eds.), *Aksjologia prawa cywilnego i cywilnoprawna ochrona dóbr*, Warszawa 2020.

that they should accept the achievements of their predecessors, learn their craft in order to go a step further",[5] are very relevant.

Although certain problems of public administration are universal in nature, specific developmental trends should be identified as a result of changing circumstances. Contemporary progress in the development of e-administration services, globalisation and the development of artificial intelligence have an impact on the way public administration works. From the very beginning, administration was intended to serve the other person. Nowadays, however, the emphasis has shifted from the servant nature of public administration activities to meeting specific needs. This is an example of the triumph of the technocratic model, where electronic service trumps personal contact with an official. This is a kind of "re-evaluation" of the purpose of the clerical system resulting from the depersonalisation of public administration.

The operating environment of public administration is transforming. The world's most powerful corporations – GAFA (Google, Amazon, Facebook, Apple) – possess vast databases containing personal data from countries across the world. They are also capable of processing enormous amounts of information about citizens and using it for microtargeting purposes.[6] Thus, public administration, originally an information monopoly, has also become a client of corporate tycoons. A determining factor in the changes in the way public administration works is artificial intelligence, which makes it possible to solve legal problems at an earlier stage or generate decision options or alternative scenarios that can be used, e.g., in the adjudication process. Artificial intelligence systems based on neural networks and machine learning search through huge volumes of data, mimicking human intelligence: describing the subject matter of a case, formulating conclusions, and indicating approximate (or even final) decisions.[7] The control function of public administration can be carried out using algorithms.[8] The potential application of artificial intelligence in public administration shifts the axis of axiological reflection from human beings to the satisfaction of needs even further. *Nolens volens*, the depersonalisation of public administration is becoming a reality. In view of the above, the transformation of values specific to public administration is a natural phenomenon. To date, much of the literature has been devoted to the

[5] T. Kotarbiński, *Medytacje o życiu godziwym*, Warszawa 1985, p. 51.

[6] I. Lipowicz, *Perspektywa renesansu prawa administracyjnego w nowych warunkach technologicznych i społecznych w przyszłości*, [in:] *Kryzys, stagnacja, renesans? Prawo administracyjne przyszłości. Księga jubileuszowa Profesora Jacka Jagielskiego*, eds. M. Wierzbowski, J. Piecha, P. Gołaszewski, M. Cherka, Warszawa 2021, p. 750.

[7] T. Sourdin, *Judge v Robot: Artificial Intelligence and Judicial Decision-Making*, "University of New South Wales Law Journal" 2018, vol. 41(4), pp. 1122–11223.

[8] R. van Est, L. Royakkers, *Robotisation as Rationalisation in Search for a Human Robot Future*, [in:] *The Art of Ethics in the Information Society*, ed. L. Janssens, Amsterdam 2016, p. 45.

reflection on the axiology of administrative law,[9] while the axiology of public administration – in the institutional dimension – has remained on the margins of consideration.

RESEARCH AND RESULTS

1. Concepts of public administration

The contemporary state is a state of administration. Administration is virtually omnipresent: practically speaking, there is no sphere of life in which it does not fundamentally mark its presence and power. When one talks about the state, law, freedom and democracy, the conditions and prospects of human life – even in its personal, intimate aspects – sooner or later one will find that the matter involves management, planning, administration.[10] Substantive administrative law, due to its multifacetedness and omnipotence, should respond to the needs of a human and the society in a special way. Z. Duniewska is right, stressing that substantive administrative law "was born (…) and lasts for the sake of people; for the needs of humans and the communities created by them. It is not – by its very nature – oriented towards fulfilling the expectations of public administration, although it is often its initiator or creator. By fostering good administration, the law is created first and foremost for those who are covered by the legally defined activity of this administration, or the restraint imposed on it".[11]

On the other hand, J. Boć points out that "although the individual man is not today the only addressee and partner of the administration's activities, they are certainly the ultimate goal of its multiple and generic undertakings".[12] It seems, however, that the contemporary dynamics of change have eroded the validity of the above definition. The various conceptions of public administration more or less reflect the need to put the human being at the centre of the subject under discussion. In fact, the framework related to the way public administration works flows from

[9] J. Zimmermann, *Aksjomaty prawa administracyjnego*, Warszawa 2013; idem, *Wartości w prawie administracyjnym*, Warszawa 2015; idem (ed.), *Aksjologia prawa administracyjnego*, vol. 1–2, Warszawa 2017; A. Powałowski, *Wartości związane z prawem działalności gospodarczej*, [in:] *Aksjologia publicznego prawa…*, pp. 55–74; B. Majchrzak, *The Axiology of Administrative Law: Fundamental Issues*, "Zeszyty Prawnicze" 2018, vol. 18(3), pp. 179–197.

[10] J. Łętowski, *Administracja, prawo, orzecznictwo sądowe*, Wrocław 1985, p. 7.

[11] Z. Duniewska, *W kwestii roli i celów materialnego prawa administracyjnego*, [in:] *Studia z prawa administracyjnego i nauki administracji. Księga jubileuszowa dedykowana Prof. zw. dr. hab. Janowi Szreniawskiemu*, eds. Z. Czarnik, Z. Niewiadomski, J. Posłuszny, J. Stelmasiak, Przemyśl–Rzeszów 2011, p. 165.

[12] J. Boć, *Prawo administracyjne normujące sytuacje prawne obywatela*, [in:] *Prawo administracyjne. Funkcjonowanie układów podstawowych*, ed. T. Kuta, Warszawa 1985, p. 5.

the philosophical and worldview assumptions adopted. It is worth briefly recalling S. Fundowicz's proposal for systematisation of the concept of public administration, in which he distinguished the following concepts: humanistic, normative, pragmatic, socialist, personalistic, and modernist (postmodern).[13] Remaining only at the level of *prima facie* analysis, the influence of ideological currents on the paradigm of public administration *sensu stricto* is evident. Currently, public administration is "drifting" in a post-modern direction. This state of affairs is influenced by the digital revolution, whose accelerator was the COVID-19 pandemic. Due to the constant process of modernisation of public administration, the expectations of its addressees – the citizens – are changing concurrently.

2. Universal and contemporary problems of public administration

In this context, it is worth recalling what permanent and new threats and challenges public administration has to face. The Polish philosopher J. Bocheński, in his book *A Hundred Superstitions*, enumerated the most widespread beliefs today, which are to a high degree false, and yet considered true.[14] Although the intellectual concepts of the Rector of the University of Fribourg date back to the second half of the 20th century, they seem to be still relevant today. The postulate of the omnipotence of the state nowadays manifests itself in the regulation of society's behaviour (the necessity to conform to binding legal, social, and moral norms), the obligation to pay public tributes, the possibility to use coercion against citizens, etc.

In Bocheński's terms, this superstition is called the divinisation of the state and the conception of it as a deity that is allowed to do anything, and against whom the individual and other organisations have no rights. This approach is grounded in collectivism, which grants primacy to society over the individual. The consequence of extreme collectivism is totalitarianism.[15] A particular component of the state is its apparatus – the officials, the members of the state bureaucracy exercising power. Bocheński describes them as a powerful class, "composed mostly of parasites and exploiters". To disguise the character described, the officials spread superstitions that speak of "the state", "power", "class", etc.[16] In his criticism, Bocheński goes a step further, claiming that "the clerical class is a kind of social cancer which grows

[13] S. Fundowicz, *Służba publiczna w świetle personalistycznej koncepcji administracji publicznej*, "Annales UMCS sectio G (Ius)" 2017, vol. 64(2), pp. 29–45. See also P. Romaniuk, *Wybrane założenia zarządzania publicznego w konstrukcji i funkcjonowaniu administracji publicznej*, "Krytyka Prawa. Niezależne Studia nad Prawem" 2024, vol. 16(2), pp. 133–148.

[14] J. Bocheński, *Sto zabobonów*, Kraków 1992, p. 10.

[15] *Ibidem*, pp. 98–99.

[16] S. Fundowicz, *Człowiek i administracja publiczna*, [in:] *Prawość i godność. Księga pamiątkowa w 70. rocznicę urodzin Profesora Wojciecha Łączkowskiego*, eds. S. Fundowicz, F. Rymarz, A. Gomułowicz, Lublin 2003, p. 97.

at the expense of a healthy organism and, like a cancer, will kill it if one does not put a dam on its growth".[17]

Bocheński's apt observations also apply to the problems of public administration in the 21st century. It turns out that nepotism, servility, clientelism and corruption are the most serious pathologies that can constitute a kind of "social cancer" of public administration. His considerations have a universal dimension, but contemporary public administration in Poland faces yet another challenge – the convergence of the competences of individual bodies that are set up to pursue identical goals. The Polish Academy of Sciences[18] has at its disposal several foreign research stations, while the Polish National Agency for Academic Exchange,[19] as a relatively young entity, is co-responsible, alongside the Ministry of Foreign Affairs, for the creation of scientific diplomacy. The disintegration of the administrative apparatus focuses like a lens on the example of the Ministry of Foreign Affairs. The separation in the Act on Departments of Government Administration of the Minister for European Union Affairs serviced by the Chancellery of the Prime Minister limited the competences of the Ministry of Foreign Affairs in shaping European policy.[20] This is just one example illustrating structural complexities that are difficult to understand from a citizen's perspective and are not conducive to rapid coordination of actions in the event of unexpected threats. The dispersion of competences and responsibilities inevitably leads to a dysfunctional public administration.

The dynamics of change in public administration also include a hybrid mode of work for civil servants, handling some cases as a result of online consultations. A modernised public administration is expected to be more efficient in terms of building the institutional memory of the organisation – storing data in the cloud, efficient flow of information between different databases available in different offices, or flexible reactions to the volatility of the socio-economic environment. The above determinants dehumanise public administration and reduce its importance to a useful tool for satisfying human needs. The missionary aspect of serving others and acting for the common good is becoming less and less visible.

Today, the citizen expects modern administration to have the following characteristics: "de-bureaucratised, de-localised, de-formalised, open, accessible, transparent, open, effective, efficient, fast, interoperable, integrated, compatible, proactive,

[17] J. Bocheński, *op. cit.*, p. 134.

[18] Article 2 (2) (12) and Article 60 of the Act of 30 April 2010 on the Polish Academy of Sciences (consolidated text, Journal of Laws 2020, item 1796, as amended).

[19] Article 2 (1) of the Act of 7 July 2017 on the Polish National Agency for Academic Exchange (consolidated text, Journal of Laws 2023, item 843, as amended).

[20] Regulation of the Prime Minister of 14 October 2022 on the detailed scope of activities of the Minister for European Union Affairs (Journal of Laws 2022, item 2120).

anticipatory, useful and friendly".[21] According to the principle of legalism contained in Article 6 of the Administrative Procedure Code, and also from my own experience as an "internal participant" in the process, applying particular conceptual categories to public administration may give rise to difficulties. First and foremost, a public official approaches a given issue through the prism of the proper management of public property or funds, compliance with procedures and deadlines, and the hierarchical structure within which public administration operates. From the general principles of the Administrative Procedure Code, it may be deduced that public administration should operate on the basis of legal regulations, be reliable and friendly, efficient, conciliatory, conducted in a written form, and based on the principle of two-instance proceedings.[22] The formal and legal framework, of which public officials are the "guardians", is not always aligned with citizens' expectations.

Attempts to overcome the cognitive dissonance between expectations and reality require a systemic approach to the issue, which in turn is inherently time-consuming. A good example illustrating on a micro-scale the formula for process improvement is the projection of a new ICT system. Such an action requires the need to acquire additional resources on the part of the head of the organisational unit, more work on the part of the officials – in the pilot phase this may involve customer dissatisfaction – and only the long-term final result may (but need not) prove satisfactory. The risk analysis of this case study encourages stagnation rather than proactive action. This is one of the reasons why it is so difficult to achieve a state of harmony between citizens' expectations and the internal conditions of public administration activities.

3. Conflicts of values in law and public administration

The process of reconciling the expectations associated with different concepts of public administration will naturally give rise to conflicts of value. Before decision-makers adopt a particular direction for the development of public administration, they should undertake an axiological reflection. A theoretical, philosophical, and legal framework may serve as a useful tool in this process.

One of the first theories supposing a natural conflict of values is the so-called Radbruch formula. The three-element idea of law consists of expediency, justice, and legal security. The elements of the idea of law are in an antinomy, which is not destructive, but dialectical. Thanks to it, the conflicts of values that occur "aim at the constant improvement of the law and, in particular, allow its form and

[21] G. Szyszka, B. Śliwczyński, *Elektroniczna gospodarka w Polsce*. *Raport 2003*, Poznań 2004, p. 86.

[22] The catalogue is exemplary and results from the general principles of the Act of 14 June 1960 – Administrative Procedure Code (consolidated text, Journal of Laws 2024, item 572, as amended).

content to be optimally adapted to the conditions of time and place of lawmaking, application, validity and interpretation".[23] This "unity in a trinity"[24] (from German *Dreieinigkeit*) is captured in the doctrine as a polarisation of the idea of law – "the idea of law admittedly 'spreads' in multiple demands and actions that cause tensions, contradictions and oppositions, but these diverse moments do not 'disconnect' from each other, but support, complement and balance each other".[25]

It is worth recalling K. Pałecki's concept of preference scales. According to Pałecki, preference scales constitute hierarchical systems of values arranged in the consciousness of individuals and/or communities, ranging from those regarded as most important to those considered least important (approaching axiologically neutral states of affairs).[26] This gradation of values and the emergence of preference scales result from choices made between particular actions and/or their anticipated effects, at the expense of abandoning others. In other words, certain values considered less important at a given moment are sacrificed in order to realise values regarded as more significant.[27] The dynamic and evolving nature of law causes these preference scales to fluctuate over time. In the course of specific actions, some values become reinforced while others are marginalised. This does not change the fact that, in order to maintain the stability of the law, it is necessary to build a certain community of values – a *universum* – which forms the basis for cataloguing and gradation of values. In the context of contemporary challenges, public administration decision-makers applying the concept of preference scales should therefore reflect on the fundamental objectives of public administration.

Aa already R. Ingarden emphasised, "it is part of the essence of values that something in them makes us choose which of them 'should' be implemented, when it is not possible to implement, e.g., two different values whose conditions of existence are mutually-exclusive".[28] The Constitutional Tribunal has noted that in the case of a conflict of rights, the following are relevant: "(…) the existing fundamental axiological preferences, which can be decoded based on an analysis of the values considered as directional or supreme at the level of the general principles of the Constitution. (…) The fundamental values that should be taken into account are the common good (Article 1 of the Constitution) and human dignity (Article 30 of the Constitution). The first principle undoubtedly forms an axiologically significant justification for the introduction of guarantees related to access to information on

[23] J. Zajadło, *Formuła Radbrucha. Filozofia prawa na granicy pozytywizmu prawnego i prawa natury*, Gdańsk 2001, p. 148.

[24] G. Radbruch, *Rechtsphilosophie*, Stuttgart 1973, p. 196.

[25] A. Kość, *Podstawy filozofii prawa*, Lublin 2005, p. 196.

[26] K. Palecki, *Prawoznawstwo. Zarys wykładu. Prawo w porządku społecznym*, Warszawa 2003, p. 81.

[27] *Ibidem*.

[28] R. Ingarden, *Przeżycie, dzieło, wartość*, Kraków 1996, p. 97.

the activities of public authorities, since it is the common good that is involved in the proper functioning of the institutions of public life, the basic condition of which remains the transparency of activities undertaken in the public space. This approach cannot lead to the conclusion that Article 1 of the Constitution constitutes a peculiar 'super-norm' that may lead to the application, with respect to certain constitutional rights, of the limitations referred to in Article 31 (3) of the Constitution. In this case, we are dealing with a specific interpretative directive".[29]

The philosophical and legal reflection presented above has practical relevance for public administration, since the activity of public administration is not aimed at satisfying its own needs. Rather, it concerns the external environment, where a decision issued by an administrative authority – as an act of will – may permit, order, or tolerate specific forms of conduct by entities in its external environment.[30] Such a decision, constituting the outcome of a particular administrative process, reflects a choice to pursue certain interests, often in conflict with other interests present in social or economic life.[31] In this sense, an administrative decision may be regarded as an expression of the axiological preferences of the public administration body. This confirms the thesis that, similarly to the classical antinomies described in Radbruch's formula, public administration bodies – in the interest of legal security – are required to choose between competing values while taking into account the arguments presented by the parties. The manner in which these values are balanced, as well as the quality of the justification provided in the administrative decision, determines the degree of legal certainty, which in turn serves to realise the overarching value of legal security.[32]

DISCUSSION AND CONCLUSIONS

In the age of globalisation, public space is strongly influenced by international processes. Globalisation, artificial intelligence, or a wide catalogue of e-services are prompting a look at public administration in terms of efficiency, effectiveness, or simplicity of operation. Changes in the socio-economic environment require public administration to adapt to functioning in new conditions. It should be remembered, however, that transformation of public administration should go hand in hand with an in-depth axiological discourse. A reductionist perspective in which

[29] Judgment of the Constitutional Tribunal of 20 March 2006, K 17/05, OTK-A 2006, item 59.

[30] S. Wrzosek, *Nauka administracji jako subdyscyplina łącząca nauki prawne i nauki o zarządzaniu*, "Studia Prawnicze KUL" 2021, vol. 87(3), p. 206.

[31] E. Knosala, *Zarys teorii decyzji w nauce administracji*, Warszawa 2011, p. 23.

[32] See J. Potrzeszcz, *Bezpieczeństwo prawne a pewność prawa – perspektywa filozoficznoprawna*, [in:] *Bezpieczeństwo prawne państw demokratycznych*, eds. J. Krukowski, J. Potrzeszcz, M. Sitarz, Lublin 2016, pp. 281–296.

the citizen–administration relationship is exclusively one-sided in the age of the triumph of digital services may lead to a fading awareness of the public administration's mission. Therefore, communication between public administration and citizen should be based on participation and dialogue. The axiology of public administration should be shaped with the human being in mind as the goal of all activity of the clerical apparatus. Satisfying individual and collective needs should be subordinated to the overriding value of the common good.[33] The rudiments of the improvement of public administration should be seen in the personalistic approach.

When in doubt during the process of decoding the standardised axiology of public administration, it is useful to draw on the achievements of legal axiology in the broadest sense (*sensu largissimo*). Law is a dual structure (conceived and actual), but it is enriched by a third element: values – fundamental human values such as justice, order, and humanism – which are not external to law but, in a sense, persist within it and are sustained precisely through it.[34] Contemporary axiological discourse confirms the above thesis. Axiology is not just a superfluous ornament of legal scholarship but an integral part of legal reflection. In-depth axiological studies are rightly seen as a *panacea* against the overwhelming fetishisation of rules and the glorification of formal legal procedures, which often lead to absurdities and behaviour contrary to common sense. In an era of increasing juridification of social life, the search for the foundations of legal culture and the construction of a rational legal order constitute challenges facing all those involved in the legal profession. Axiology may be seen as an Archimedean point that unites both practitioners and theorists in achieving this task.

Good law protects values shared by society as a whole and allows for the implementation of the values recognised by the individuals who make it up.[35] As a result of the dynamism and complexity of reality, it should be borne in mind that these values may evolve. This is also true of the axiology of public administration. The struggle for the quality of law *sensu largissimo* in its five dimensions (creation, interpretation, application, validity, and observance) takes place every day, especially at the level of legisprudence, jurisprudence, and the effectiveness of the law. Good law makes it possible to create a modern public administration and enables the right to good administration to be properly exercised.

The role of legal theorists and practitioners is to ensure that values do not remain empty declarations, but become a real way of influencing the law in all its five dimensions. When writing about values in law, we would like to see them

[33] According to Article 1 of the Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997, no. 78, item 483, as amended), the Republic of Poland shall be the common good of all its citizens.

[34] F. Longchamps, *Z problemów poznania prawa*, Wrocław 1968, p. 13.

[35] R. Blicharz, *Ważenie wartości w publicznym prawie gospodarczym*, [in:] *Aksjologia publicznego prawa…*, p. 27.

materialise in concrete legal norms or institutions. Unfortunately, this task loses meaning when the sense of responsibility for law ceases to exist on an individual and collective level. In such a case, both theorists and practitioners of law will move into a world of illusion or write about something that does not actually exist. The sphere of *iusnaturalism* remains underestimated in legal practice. Meanwhile, a fundamental step in understanding contemporary ontological and epistemological threats that contribute to the deformation of axiology is the elimination of legal-natural reflection.

"For the positivists regard only the external manifestations of law, e.g. the fact of establishment by parliament as law. But this enactment, after all, does not constitute the essence of the law and does not give it legal force. The power of the law flows from the good which, for the law, is the goal, the reason for its validity and the implementation of which the law requires under such circumstances (…). The law means nothing if it does not pass through the filter of conscience. Law is truly effective when it becomes a practical judgment freely chosen by man".[36]

Relativism in the field of law and axiological neutrality in the sphere of normative conditioning do not eliminate fundamental concepts from the legal order or its formal standards but ascribe to them content that is difficult to accept in a particular cultural tradition.[37]

A sustainable way of avoiding value relativism, leading consequently to nihilism, is a specific model of law implementation. The three-level concept of legal implementation applies not only to law as an entity but also to the organisation of public administration. It assumes the implementation of the legal order in three dimensions: the sphere of natural law, the sphere of law contained in various types of normative acts (i.e. general and abstract norms of positive law), and the sphere of concrete natural law, reflected in specific legal norms, referring to specific subjects and situations.[38]

The proposed reflection, although primarily concerned with the axiology of public administration, is universal in scope. The guiding thought that accompanied the reflection was directed not towards achieving a final and specific result but – to paraphrase H. Elzenberg – against the unilateral pressures specific to each era, I wanted to leave all reasonable possibilities for understanding the world open.[39]

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[36] M.A. Krąpiec, *By ocalić suwerenność*, Toruń 1997, p. 8.

[37] M. Zdyb, *Kryzys gospodarczy czy kryzys zaufania do państwa i prawa*, [in:] *Między tradycją a przyszłością w nauce prawa administracyjnego. Księga jubileuszowa dedykowana Profesorowi Janowi Bociowi*, ed. J. Supernat, Wrocław 2009, p. 798.

[38] Idem, *Dysfunkcjonalność prawa gospodarczego w kontekście kształtowania ładu publicznego w Polsce*, [in:] *Dysfunkcje publicznego prawa gospodarczego*, eds. M. Zdyb, E. Kruk, G. Lubeńczuk, Warszawa 2018, p. 5.

[39] Cf. H. Elzenberg, *Kłopot z istnieniem. Aforyzmy w porządku czasu*, Kraków 1963, p. 355.

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ABSTRAKT

Mimo że problemy administracji publicznej mają charakter uniwersalny, to jednak na skutek zmieniających się okoliczności należy wskazać nowe wyzwania i zagrożenia. Zjawiska współczesnego świata, takie jak globalizacja, sztuczna inteligencja oraz rozwój usług cyfrowych, wpływają na sposób funkcjonowania administracji publicznej. W pewnym zakresie zachwiały nawet jej rudymentami. Administracja publiczna staje się zdepersonalizowana. Już nie tyle ma służyć człowiekowi, co przede wszystkim zaspokajać jego potrzeby. Transformacja administracji publicznej powinna iść w parze z pogłębionym dyskursem aksjologicznym. Redukcjonistyczna perspektywa, w której relacja obywatel–administracja ma charakter wyłącznie jednostronny, w dobie tryumfu usług cyfrowych może prowadzić do zaniku świadomości misji administracji publicznej. Dotychczas wiele miejsca w literaturze poświęcano aksjologii prawa administracyjnego, a tematyka wartości samej administracji publicznej – w wymiarze instytucjonalnym – nie była eksplorowana. Istnieje swoisty dysonans poznawczy oraz potencjalny konflikt wartości między oczekiwaniami formułowanymi przez obywateli wobec administracji publicznej a uwarunkowaniami systemu, w którym działają urzędnicy. Celem artykułu było zarysowanie wpływu świata cyfrowego na „przeorientowanie" aksjologiczne administracji publicznej. Wykorzystanie metody deskryptywnej i formalno-dogmatycznej pozwoliło na osadzenie problematyki w skonkretyzowanych ramach prawnych, a metoda aksjologiczna – zastosowana na przykładzie rozwiązywania konfliktów wartości – wskazała jeden z możliwych kierunków wyjścia z impasu dysfunkcjonalności administracji publicznej.

Słowa kluczowe: administracja publiczna; aksjologia prawa; wartości; filozofia prawa; sztuczna inteligencja