

# E-administracja

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Skuteczna, odpowiedzialna i otwarta  
administracja publiczna  
w Unii Europejskiej

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REDAKCJA

Sławomir Dudzik · Inga Kawka · Renata Śliwa

Krakow Jean Monnet Research Papers





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**Sławomir Dudzik · Inga Kawka · Renata Śliwa**



**Kraków 2022**

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Recenzja: dr hab. Agata Jurkowska-Gomułka, prof. WSiZ

Opracowanie redakcyjne: Patrycjusz Pilawski, Piotr Art

Projekt okładki: Marta Jaszczuk

ISBN 978-83-8138-673-9  
<https://doi.org/10.12797/9788381386739>

Publikacja dofinansowana przez Wydział Prawa i Administracji Uniwersytetu Jagiellońskiego oraz  
Uniwersytet Pedagogiczny im. Komisji Edukacji Narodowej w Krakowie

With the support of Jean Monnet Activities within ERASMUS+ Programme of the European Union

Projekt współfinansowany w  
ramach programu Unii Europejskiej  
Erasmus+ 

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ul. św. Anny 6, 31-008 Kraków  
tel.: 12 421-13-87; 12 431-27-43  
e-mail: publishing@akademicka.pl

Księgarnia internetowa: <https://akademicka.com.pl>

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MIOMIRA P. KOSTIĆ<sup>1</sup>

## E-PUBLIC POLICIES AND THE ISSUE OF GENDER EQUALITY

**ABSTRACT:** In this paper, the author deals with legal and social (socio-economic) issues related to gender approach in public policies. In this sense, theoretical research is directed towards, vice versa, basic elements of public policies, such as: ideas, historical and structural determination of public policies, typology, and methodological approach to research of public policies, especially analysis of public policies in the field of implementation of the principle of gender equality. The existing normative achievements in the Republic of Serbia in relation to the implementation of the undertaken international documents in this field are pointed out. Particular attention is paid to the analysis of the reports of competent ministries, namely those data that lead to conclusions about gender representation, that is, implemented principles of gender equality in different segments of public policies “which are reduced to governmental choice and top-down approaches.” The aim is to point out emerging issues, such as poverty and employment, to make them visible, because the author is of the legal profession, a criminologist, so with professional and pedagogical responsibility she tends to expose dilemmas more in the application than in the nomotechnical process of passing the laws, strategies and action plans related to the implementation of gender equality in different segments, especially in public policies, the non-application of which leads to discrimination. The author also refers to the phenomenon of pink washing, as well as to some criminological theoretical approaches to explain connections between some social phenomena which lead to differences between people in their socio-economic ways of life. Metho-

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dological procedures were applied in the paper: historical law, comparative law, as well as case analysis.

**KEYWORDS:** gender equality; public policies; discrimination; prevention; criminology

## E-POLITYKI PUBLICZNE A KWESTIA RÓWNOŚCI PŁCI

**ABSTRAKT:** Autorka zajmuje się w artykule kwestiami prawnymi i społecznymi (społeczno-ekonomicznymi) związanymi z podejściem do płci w politykach publicznych. W tym sensie badania teoretyczne skierowane są wzajemnie na podstawowe elementy polityk publicznych, takie jak idee, historyczne i strukturalne determinanty polityk publicznych, typologia i podejście metodologiczne do badań polityk publicznych, a zwłaszcza analiza polityk publicznych w obszarze realizacji zasady równości płci. W artykule wskazano dotychczasowe osiągnięcia normatywne w Republice Serbii dotyczące implementacji aktów międzynarodowych. Szczególną uwagę zwrócono na analizy raportów właściwych ministerstw, czyli wynikające z nich dane, które umożliwiają wyciągnięcie wniosków co do reprezentacji płci, a zatem wdrażania zasad równości płci w różnych segmentach polityk publicznych „sprowadzonych do rządowego wyboru i odgórnego podejścia”. Celem artykułu jest wskazanie i uwidocznienie pojawiających się problemów, takich jak ubóstwo czy bezrobocie. Autorka jest z zawodu prawnikiem kryminologiem. Ze względu na poczucie odpowiedzialności zawodowej i pedagogicznej eksponuje ona dylematy związane z wdrażaniem prawa, a nie nomotechniczny proces uchwalania ustaw, strategii i planów działań związanych z wdrażaniem równości płci w różnych segmentach, zwłaszcza w politykach publicznych, których niestosowanie prowadzi do dyskryminacji. Autorka odwołuje się również do zjawiska *pinkwashingu*, a także do niektórych kryminologicznych podejść teoretycznych, aby wyjaśnić związki między zjawiskami społecznymi, które prowadzą do różnic między społeczno-ekonomicznymi sposobami życia ludzi. W artykule zastosowano metodę historyczno-prawną, prawo-porównawczą oraz analizę przypadku.

**SŁOWA KLUCZOWE:** równość płci, polityki publiczne, dyskryminacja, zapobieganie, kryminologia

## 1. Introduction

Observing those legal and socio-economic issues that refer first to public policies, and then to the gender approach in them, it is necessary to start by thinking about human rights in general, and then provide their specification. In the vast field of a multitude of written or expressed thoughts, attitudes and claims related to the concept of human

rights, perhaps we should focus on such banners as: “Understanding human rights,”<sup>2</sup> because their content at first glance suggests a clear explanation of the concept, but also on the necessity of renewing knowledge. The reason for this is that Art. 1 The 1948 Universal Declaration of Human Rights prescribes three basic pillars: freedom, equality and solidarity, or “all human rights for all,” which also require mutual delimitation of content. Freedom should include freedom of thoughts, consciences, religions, expressions. Next, human rights should enable all people to be equal in protection against discrimination in the enjoyment of human rights, such as achieving full equality between women and men. Solidarity combines economic and social rights, such as social security, fair pay, an adequate standard of living and health, and access to education. Based on these principles and the content of their scope, human rights are divided into five categories: political, civil, economic, social and cultural human rights. These rights are regulated by the Universal Declaration of Human Rights, as well as in two pacts, so together they form the Charter of Human Rights.<sup>3</sup>

In modern states, the protection of human rights is provided as: administrative law; judicial protection; constitutional court protection; as well as the protection of human rights before the ombudsman in those states where the institution is provided for by the constitution and law, and its tasks and responsibilities are entrusted by parliament. Observing the forms of protection of human rights at the state level, administrative legal protection is in the first place, and that is not accidental, because human rights of citizens are most widely and most often violated in administrative proceedings, at the level of everyday existence of citizens.<sup>4</sup> It has become necessary to

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<sup>2</sup> *Razumevanje ljudskih prava [Understanding Human Rights]*, W. Benedek, M. Nikolova (eds), Beograd 2003, p. 18, <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2013/04/razumevanje-ljudskih-prava.pdf> (21.09.2021).

<sup>3</sup> The development of the idea of standardization and realization of human rights did not end with the adoption of the Universal Declaration of Human Rights in 1948. In the 1980s, when there was economic growth in European countries, as well as in the United States, the idea of special rights of victims was established, either those of illicit behavior or those of unforeseeable consequences of natural disasters. With the development of victimology and critical criminology, in the sociological thought of the Western world as well as the idea of gender equality in social life and in public policies, and in the environment of economically empowered economies, part of the budget is allocated for remediation of the consequences of the process of victimogenesis in the population. In the domain of human rights, there were grouped as protective facilities, the right to peace, the right to development and the right to a healthy environment as protective objects. In the literature that encompasses the sources of human rights, these rights are defined as rights of solidarity. *Ibid.*

<sup>4</sup> However, in the broadest sense, human rights, when violated, can be protected in both criminal and civil court proceedings. In the description of the nature of some criminal offenses in the modern criminal legislation of the Republic of Serbia, the term human rights is not explicitly mentioned.

separate and protect particularly vulnerable groups of the population. Vulnerability is defined as an unfavorable position in relation to others, or a marginalized position in relation to others, which is occupied by individuals or groups of people in society. According to the World Health Organization, vulnerability is the level at which a population, individual or organization is unable to anticipate major difficulties, cope with them, resist them and recover from their impact. These are considered to include: children; pregnant women; seniors; malnourished people; persons with weakened immunity, who are in special danger in times of trouble.

Poverty and its common consequences, such as malnutrition, homelessness, poor housing conditions or abandonment, are the main cause of vulnerability.<sup>5</sup> UNESCO emphasizes as vulnerable groups: illiterate women in the first place,<sup>6</sup> then young

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But in separate chapters, as group of protective objects, criminal offenses against human health (Chapter XXIII), environment (Chapter XXIV) and the general security of people and property (Chapter XXV) could fall under the category of solidarity rights. Each of the chapters covers a number of special incriminations, the content and context of prescribing of which is largely determined by the progress of the achievements of civilization, as well as the needs of quality and organization of everyday activities of citizens.

<sup>5</sup> World Health Organization, *Vulnerable groups*, [http://www.who.int/environmental\\_health\\_emergencies/vulnerable\\_groups/en/](http://www.who.int/environmental_health_emergencies/vulnerable_groups/en/) (20.10.2019).

<sup>6</sup> In the 1980s and 1990s, the most important international documents were adopted, which refer to the suppression of any form of violence against women and which contain legally binding norms for the signatory states. It is, above all, the Convention on the Elimination of All Forms of Discrimination against Women. This Convention, with the Optional Protocol, provides for measures to end discrimination against women and obliges all States that have ratified or acceded to it to remove all discriminatory laws and to establish effective protection of women against discrimination by establishing courts and other legal institutions. Art. 1 of the Convention defines „discrimination” as any difference, exclusion or restriction in terms of sex, which has the consequence or purpose of endangering or preventing the recognition or exercise by women of human rights and fundamental freedoms in political, economic, social, cultural, civil and other fields, regardless of their marital status, based on equality of men and women. *Convention on the Elimination of All Forms of Discrimination against Women* was adopted by the United Nations General Assembly by resolution 34/180 of 18 December 1979. Entered into force on 3 September 1981 in accordance with Article 27 (1). By 1 March 1988, 94 States had deposited the instruments of ratification or accession. Translation taken from the *Law on Ratification of the Convention on the Elimination of All Forms of Discrimination against Women*, “Official Gazette of the SFRY” International Agreements, No. 11/1981, [http://www.zensklavada.org.rs/downloads/konvencija\\_diskriminacija.pdf](http://www.zensklavada.org.rs/downloads/konvencija_diskriminacija.pdf) (21.11.2019). In addition to this document, the adoption of the UN Declaration on the Elimination of All Forms of Violence against Women should be emphasized, which stipulates that states should improve criminal, civil, labor and administrative sanctions in domestic legislation to punish and compensate women for violence. through other documents to prevent such conduct. *UN Declaration on the Elimination of All Forms of Violence against Women*. A/Res/48/104, UN 1993, <http://www.prs.hr/index.php/medunarodni-dokumenti/un-dokumenti/270-un-deklaracija-o-uklanjanju-nasilja-nad-zenama> (21.11.2019).

people who are not included in the school system and who do not have basic literacy, convicted persons, refugees, indigenous population.<sup>7</sup>

## 2. Gender equality in public policies

In observing the application of the principle of gender equality in public policies, it is almost impossible to ignore, at first glance, the mere notion of public policies. Even among policy theorists, as well as in practice, there is often no agreement on the definition of the term, which, perhaps due to linguistic inconsistency, is mistakenly identified with the term and meaning of political power, for example. Therefore, in the literature in the field of administrative law, first of all, it is emphasized that public policy is a system of decision-making in the public sector.

It belongs to the part of public administration management that concerns the relationship and process and the sphere of activity of public administration.<sup>8</sup> More specifically, it means that public policy implies a decision-making process in the public and not in the private interest. On the other hand, its foundation is in the value judgment of its actors, and therefore represents the choice of values, which are implemented in order to achieve the goal set by the political authorities. Public policy (action, program, measures) is characterized by its goals, means used, their realization (results), its consequences, its implementation, and the socio-economic and institutional environment.<sup>9</sup>

The quality of public sector services is also valued by the political nature of public administration, in which equality and democracy play an important role. In the not so extensive literature in the field of public policy and public policy management in our country, such as the book by Predrag Dimitrijević, it is interesting to note that the issue of gender equality has not even been addressed. In fact, the mention of “women – special situations” is the only thing that would indicate an examination of the participation, or more precisely, the examination of women’s position in public policies, either as holders of public positions or as users of public administration services. At the same time, selective life situations, episodes, such as looking for a job, receiving social assistance, reporting the birth of a child, possessing personal documents, reporting to

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<sup>7</sup> UNESCO Institute for Lifelong Learning, *Vulnerable Groups*, <http://uil.unesco.org/literacy/vulnerable-groups/>, (2.12.2019).

<sup>8</sup> P. Dimitrijević, *Osnove menadžmenta javne uprave* [Basics of Public Administration Management], Niš 2018, p. 40.

<sup>9</sup> *Ibidem*, p. 41.

the police (domestic violence), etc., are the subject of interest in assessing the quality of public administration which is, in the last segment, the consequence of applied decisions from public policies, which were again governed by value judgments, as well as personal or political ones.

Legal regulations in both areas have not been absent in the Republic of Serbia. It is interesting that the National Strategy for Gender Equality for the period from 2016 to 2020 with the Action Plan for the period from 2016 to 2018<sup>10</sup> describes in detail all issues related to gender equality in public policies, starting with the explanation of this concept, and provides for: “gender equality in public policies”, which means that gender equality becomes part of the planning, development and implementation of public policies, laws, programs and measures. Also, this document emphasizes the needs, priorities and specific position of women and men, including vulnerable groups, and the questions if they are systematically included in public policies, and their effects on the position towards women and men. The norms encompass vulnerable groups, and are actively considered at all stages (planning, development, implementation, monitoring and evaluation) and at all levels, with the equal participation of women and men in these processes. Last, but not least, gender perspective represents respect for gender differences in the relevant areas of public policy. A particularly important item relates to gender budgeting. The greatest achievement is the raising awareness of the existence of a legal obligation for local governments to address gender equality issues. Having in mind the complex consequences of discrimination against women, gender stereotypes and patriarchal heritage on the position of women, as well as on the position, well-being and development of the family, society and state, all parties interested in implementing public policy are defined by this strategy, especially members of vulnerable groups. Gender equality concerns all women and men, and thus the society as a whole. Achieving de jure and de facto gender equality is a key issue for the development of society and the improvement of social relations.

In the period from 2016 to 2020, the focus of public policy will be/is focused on achieving the following strategic goals: to achieve changed gender patterns and an improved culture of gender equality; increase the capacities and knowledge of managers and employees in public authorities on gender equality; conduct gender-sensitive formal education; develop knowledge and visibility of academic results in the field of gender

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<sup>10</sup> *Nacionalna strategiju za rodnu ravnopravnost za period od 2016. do 2020. godine sa Akcionim planom za period od 2016. do 2018. godine* [National Strategy for Gender Equality for the period from 2016 to 2020 with the Action Plan for the period from 2016 to 2018], “Službeni Glasnik RS” 2016, no. 4.

studies; achieve an increased level of public awareness of the importance of gender equality, increased security of women from gender-based violence in the family and in partnerships. Then, make it possible to increase the equality of women and men by implementing equal opportunities policies and measures, such as: equal participation of women and men in parenting and the care economy; women and men make equal decisions in public and political life; improved economic position of women and the status of women in the labor market; improved role of women in the security system; women and men in rural areas actively and equally contribute to development and have equal access to development results; improved position of multiple discriminated and vulnerable groups of women; improved women's health and equal access to health services. The Strategy also emphasizes the systematic introduction of a gender perspective in the adoption, implementation and monitoring of public policies, so that functional mechanisms for gender equality are established at all levels, and it is necessary that the gender perspective be included in all strategic documents. In this regard, it is necessary to establish a gender analysis of policies, programs and measures; gender-sensitive statistics and records; gender-responsive budgeting; monitor the established mechanisms of cooperation with associations and monitor the progress in the established international and regional cooperation and exchange of good practices.

Changing gender patterns, but also introducing gender equality in public policies requires continuous production and promotion of valid, academically verified knowledge. Therefore, it is necessary not only to increase the visibility of gender studies in order to contribute to the strengthening of human resources in the field of gender equality, but also to work on improving the conditions for the production of academic knowledge and its promotion within the academic community.

Taking into account the results of the Evaluation of the Action Plan (2010-2015), situational analysis of the state of gender equality and conclusions of consultations with local governments and associations, this strategy identifies as vulnerable groups particularly at risk of multiple discrimination: Roma women, women over 60, young people, rural women, pregnant women, women with small children, women of different sexual orientations, women who suffer from domestic violence, women with disabilities, single mothers, members of national and ethnic minorities, unemployed and uneducated women. This leaves the list of vulnerable groups open; Vulnerable groups are considered to be any group that is identified as such in a particular area of public policy and/or taking into account the specifics of the local environment and circumstances.

The study of the normative framework, and above all, the strategies and action plans that clearly indicate the real situation in the areas they cover, is necessary if the

researcher's attention is focused on women – special situations, which will clearly distinguish two segments: the position of women in the labor market and violence in the family. Placing economic victimization and the position of women in the labor market in a cause-and-effect relationship, and more broadly, with the emergence of domestic violence as an often accompanying consequence, is an important part in studying the creation and evaluation of public policies.

### **3. Learning economic factors on poverty, homelessness, unemployment of women**

Man, as a natural and social being, strives to satisfy his needs, which change, depending on economic, social, cultural and technological possibilities and the situation in society. Social processes, such as urbanization and industrialization, have influenced the scope and quality of human needs to expand, but over time the tendency to organize society, through institutions, to meet the growing needs, even when individuals find it difficult or impossible to do so.

Human work is one of the most important aspects of the economic, cultural, political and personal prosperity of an individual and is woven into the general development and progress of a social community. Work realizes the process of production of material and spiritual goods, in the sense of purposeful human activity on the creation of use values. Human existence and the satisfaction of all other needs for its realization and development as a generic being depend on work.<sup>11</sup>

Criminologists agree in their position that numerous factors, subjective and objective in nature, influence the occurrence of reluctance. It is difficult to conclude whether idleness in that most comprehensive sense is objectively caused by unemployment or the habit of an individual. The objective ones are related to the reduction of employment opportunities, due to economic crises or restructuring of the economy and economic branches, as a result of which the individual himself is not able to resist or directly influence the change of such a situation in society. On the other hand, the manifestation of disinterest in maintaining or improving one's existence, due to a special mental state or deviation in the personality structure, determines that one's social status is permanently unfavorable, and the person is clearly seen, in a profes-

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<sup>11</sup> S. Konstantinović-Vilić, M. Kostić, *Penologija [Penology]*, Niš 2006, p. 160.



sional sense, as someone with social maladaptation,<sup>12</sup> as living in a state of permanent domestic violence, vagrancy, or homelessness.

In criminological research, whose starting points are based on the methodological concept of advocating for gender equality, various forms of social maladaptation of particularly vulnerable groups, women and children, or persons with disabilities, are often associated with suffering family violence.<sup>13</sup> It is also called domestic violence in some segments. Domestic violence is most often defined as any form of physical, sexual, psychological or economic abuse committed by one family member against another family member, regardless of whether such conduct is criminalized by law and whether the perpetrator is reported to law enforcement. The perpetration of domestic violence endangers the security and relationship of trust among family members and is a form of control and a manifestation of power over family members.

Domestic violence stands out as a special type of domestic abuse. It is most often understood that it is a matter of physical and sexual abuse committed by partners against each other, regardless of whether it was reported or discovered, or whether it was the subject of criminal or misdemeanor prosecution and sentencing. The criminological literature points out that it is very difficult to draw the line between economic exploitation, political domination, psychological oppression and physical violence, because one form of violence develops a suitable ground for the next manifestation.<sup>14</sup>

In addition to domestic violence, lack of work can affect a woman to start living as a vagrant or a homeless person.<sup>15</sup>

In today's modern world, as well as in the conditions of life in our country, there is still no possibility for all categories of the population to meet their fundamental

<sup>12</sup> See, for example: K. Perović, *Kriminologija [Criminology]*, Podgorica and Nikšić 1998, p. 338.

<sup>13</sup> Domestic violence is considered not only at the national level of individual countries, but also at the international level. Among the international documents that contain standards on domestic violence, the UN and the Council of Europe stand out as particularly important: *the Beijing Declaration and Platform for Action since 1995, the Declaration on the Policy of Combating Violence against Women in Democratic Europe since 1993. yr. and Council of Europe Recommendation 1582, Domestic Violence against Women of 2002*. The starting point of all these international acts is that "violence against women is a manifestation of historically unequal relations of social power between men and women, which have led to domination and discrimination against women by men and the prevention of the full progress of women."

<sup>14</sup> S. Konstantinović-Vilić, V. Nikolić-Ristanović, M. Kostić, *Kriminologija*, Niš 2012, p. 122.

<sup>15</sup> It is interesting that in Hammurabi's code, which contains only fragmentary provisions of criminal law, paragraph 143 stipulates that if a woman "is not a good housewife, but a tramp, if she spoils the house, neglects her husband, she will be thrown into the water." Hoboing, in the prescribed context of the law, is more a form of a woman's disobedience and reluctance, which would result in poor household management, than just a structural determination of punishment for vagrancy. S. Jasić, *Zakoni starog i srednjeg vijeka [Laws of the Old and Middle Ages]*, Beograd 1968, p. 37.

needs for survival – enough food, adequate clothing and footwear – so the sociological literature states that they “live in poverty.”<sup>16</sup> The concept of absolute poverty is based on the idea of survival, that is, providing the basic conditions that need to be met in order to maintain a physically healthy existence. Therefore, the concept of absolute poverty is considered universally applicable. It encompasses standards of human maintenance that are, more or less, the same for all people of the same age and the same physique, regardless of which part of the world they come from. Any individual is therefore considered to be living in poverty if he is below this universal standard.

However, due to the impossibility to precisely determine the content of that standard, the concept of relative poverty is determined in the sociological literature, which determines poverty “in relation to the overall standard that prevails in a certain society.”<sup>17</sup> Representatives of this concept believe that poverty is a culturally conditioned phenomenon, and therefore cannot be determined on the basis of a universal standard. Human needs are not identical everywhere, differences are possible even within one social community.

Poverty can also be defined as a state of multidimensionality when basic opportunities for a dignified life are lacking. The multidimensionality of poverty, as a phenomenon, is characterized by permanent or chronic deprivation of resources, abilities, choices, security and power necessary for an adequate standard of living and the realization of other civil, economic, political, cultural and social rights. The recognizability of poverty is reflected in various ways, such as: lack of income and resources sufficient to ensure a sustainable livelihood; hunger and malnutrition; poor health; limited or no access to education and other basic services; increased mortality, including mortality from disease; homelessness and inadequate housing conditions; insecure environment, social discrimination and isolation. And that means life on the social margins, as a “marginal citizen.”<sup>18</sup> During the development of criminology as an independent science, a large number of theorists belonging to different criminological directions have studied the relationship and connection between economic (external) conditions and crime.

Among the first sociological explanations of crime investigating the connection between bad living conditions and the occurrence of crime is the opinion of the Dutch criminologist Bongers, who in his work “Crime and Economic Conditions” starts from bad living conditions, rejecting the hereditary views of anthropologically and biologi-

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<sup>16</sup> E. Gidens, *Sociologija* [*Sociology*], Beograd 2005, p. 317.

<sup>17</sup> *Ibidem*.

<sup>18</sup> M. Milutinović, *Kriminologija* [*Kriminology*], Beograd 1988, p. 380.

cally oriented criminologists. Bonger writes: "Deprived of the means of production, the worker sells his labor only so as not to die of starvation. The capitalists take advantage of this state of need of the workers and exploit it. (...) First, we have seen that the current economic system and its consequences weaken social sentiments. Given that the basis of the current economic system is exchange, the economic interests of the people are inevitably opposed. (...) This state of affairs especially stifles man's social instincts; it develops in those who have power a sense of domination and insensitivity to the misfortunes of others, and at the same time arouses the jealousy and servility of those who depend on them."<sup>19</sup> In that sense, Bonger concludes that "a large part of economic crime (also prostitution to some extent) has its origin in the greed caused by the current economic environment."<sup>20</sup>

Some criminologists, such as Hale, Howard, and others,<sup>21</sup> single out a special direction in criminology, such as "pressure" theory, social disorganization (Chicago School), economic theory, control theory and opportunity theory, and everyday (routine) activities, which describe the relationship between poverty and crime, and are evolving through the recent teachings of criminal sociology.

Emil Durkheim stands out among the first creators of the theory of pressure. At the end of the 19th century, Durkheim made a special contribution to sociological and criminological thought with his concept of anomie, describing a situation in which social rules were destroyed or "blurred" and confusing to the extent that people did not know what to expect from each other. All this leads to a feeling of mutual isolation and awareness of the meaninglessness of life.

Durkheim wrote his works in the 19th century after the boom of the industrial revolution which influenced the transformation of predominantly rural agricultural communities into urban environments dominated by manufacturing industrial production. According to Durkheim, anomie – a state of lawlessness – increases during periods of accelerated social change and leads to dissatisfaction, conflict and deviation. Such phenomena occur during economic recessions, but also during periods of enormous prosperity.<sup>22</sup>

The theory of pressure also includes the teachings of Merton, who, unlike Durkheim, does not consider the appearance of crime and anomie as a consequence of existing social changes. Instead, crime is explained as a possible response to pressures

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<sup>19</sup> Đ. Ignjatović, *Kriminološko nasleđe [Criminological heritage]*, Beograd 2002, p. 128.

<sup>20</sup> *Ibidem*, p. 131.

<sup>21</sup> C. Hale et al., *Criminology*, Oxford 2005, p. 326.

<sup>22</sup> E. Dirkem, *Pravila sociološke metode [Rules of the sociological method]*, Beograd 1963, pp. 70-71.

produced by the existence of unequally available opportunities to succeed. Highlighting the “American emphasis” on monetary success and the general aspiration to achieve it leads to excessive anxiety, repulsion, neurosis and antisocial behavior.<sup>23</sup>

The Chicago School developed on the specific study of urban sociology at the University of Chicago between the two world wars, through empirical research on the urban environment and ecology. Authors, such as Tracher, Shaw, and McKay, have developed a concept in which some neighborhoods closer to the city center and poor suburbs have a direct impact on the criminal behavior of part of the population. Unsuccessful or difficult to achieve adaptation of migrants creates gangs of deviant orientations that reject existing social values. Investigating deviations in big cities, representatives of the Chicago School find the legality of such behavior in the area of local communities and social groups, slums, black ghettos with a high crime rate and other forms of deviant behavior, such as prostitution and suicide. The burden of subjectivism in these authors is pointed out as a critical attitude.<sup>24</sup>

According to economic theory, the economic model of crime defines individuals who choose between crime and legal work depending on the possibilities, rewards and costs of both. Thus, individuals choose whether to engage in legal employment or crime depending on job opportunities and wages in the legal market compared to the possibilities of illegal earnings, the risk of detection and the type and severity of the penalty prescribed for that offense, provided that the person undertake illegal activity. While at the very beginning of this explanation, the essence was in the choice between legal and illegal conduct, later learning was extended to situations when a person is engaged in both legal and illegal work in the same period of time. This is especially important to emphasize for periods when only occasional jobs of low quality can be obtained, with or without any security and poorly paid. This theory points out that if there is a deterioration in the economy, in terms of job cuts or even lower pay, crime will increase.<sup>25</sup>

The theory of control is also called the theory of social ties or Trevor Hirschi’s social bond theory. According to one variant of this teaching, which Hirschi advocated in 1969, the emphasis is on social ties to family, school, work, daily activities, and beliefs that isolate people from criminal activities. The first fulcrum of socialization is loyalty expressed towards family and school, while the second is commitment, and it refers to time, energy and efforts in educational social efforts that bind a person to the moral

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<sup>23</sup> Đ. Ignjatović, *Kriminološko...*, p. 158.

<sup>24</sup> M. Bošković, *Kriminologija [Kriminology]*, Novi Sad 2002, pp. 56-58.

<sup>25</sup> C. Hale et al., *Criminology...*, pp. 328-329.

values of society. The third form of social ties is participation, that is, preoccupation with activities within the conventional interests of the community. That engagement, according to Hirschi, leaves little time for deviant behavior. As the last point or social connection, Hirschi considers a faith that emphasizes the system of social values, in terms of respect for the law, people and institutions that apply them.<sup>26</sup>

The explanation of the connection between misery and crime, which offers an approach to the theory of opportunity or routine activities, was developed by Cohen and Felson. These authors start from the understanding that criminals make rational choices by selecting a victim who enables large profits with little effort and risk. Much of this theory is focused on examining how lifestyle, that is, daily (routine) activities of people affect the possibility of committing criminal behavior. Interpreting crime as a mass phenomenon, Cohen and Felson point out three elements that contribute to the occurrence of criminal behavior: a motivated perpetrator, a suitable victim and the absence of a capable guardian. Changes in routine activities (increased employment of both spouses, more frequent travel, starting a single household) lead to many houses and apartments remaining empty during the day and putting people in circumstances where they are deprived of a guard, that is, of protection from crime.<sup>27</sup> Cantor and Land point out that rising unemployment will have consequences in relation to the increased number of motivated perpetrators and capable guardians. The number of motivated perpetrators is likely to increase in the face of rising unemployment, but so will the number of able-bodied guardians as more unemployed individuals remain at home. This will ensure the safety of their own property, but also increase the degree of informal social control focused on the behavior of neighbors. On the other hand, the fact that an unemployed person does not commute to work reduces the risk of victimization of a street crime.<sup>28</sup>

In interpreting the economic conditions of crime, Hentig (Hans von Hentig) points out that in most crimes there is an attempt to meet the needs of life through illegal means<sup>29</sup> (Hentig, 1959: 247). But, since there are different forms of needs, the perpetrators' satisfaction refers not only to the fulfillment of the "existential minimum," but also to some other stimuli and impulses. Thus, there are groups of crimes that are not exclusively of a property nature. Hentig singles out economic conditions: unemployment, inflation, temptations of poverty, legal discrimination resulting from economic impotence, etc. According to this author, inflation affects members of the

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<sup>26</sup> I. Marsh, *Theories of Crime*, London–New York 2006, p. 109.

<sup>27</sup> S.T. Reid, *Crime and Criminology*, Boston 2003, p. 136.

<sup>28</sup> C. Hale et al., *Criminology*..., p. 330.

<sup>29</sup> H. Hentig, *Zločin – uzroci i uslovi* [*Crime – its causes and remedies*], Sarajevo 1959, p. 247.

middle class, the part of the population that lives on their own earnings, as well as retirees. Wars, mass persecutions, the acquisition of refugee status, the black market and smuggling are among the phenomena that are an adequate basis for deviant behaviors and socially inconsistent behaviors in the broadest sense.<sup>30</sup>

The existence of unemployment<sup>31</sup> in times of social crisis is not only a condition for committing property and other crimes, but also for any deviant behavior in general. According to Dorothy Thomas, the economic element predominates in the percentages of male suicides in times of business crisis. During the period of unemployment, the number of marriages decreases, which this author also sees as one of the reasons for the increase in suicidal tendencies.<sup>32</sup>

Job loss, inability to find new employment in one's profession, inadequate compensation for work, etc., create a situation that determines the new quality of family relationships. E. Ginzberg (Elli Ginzberg) calls an unemployed man a "retired husband" who has been deposed. The inability to perform his duty as a breadwinner undermines his reputation and, in the opinion of this author, leads to a "reduction of authority, usually in a woman, and sometimes in an older child" who can compare his unemployed father with other, more successful fathers.<sup>33</sup>

In this paper, the author also advocates mentioning the term pinkwashing. At first glance, the structure of words may not indicate all the complexity of social influence and social movements in different groups of people to whom this term has been assigned in order to explain their position in the social – and thus political – structure. The term was once used to denote the position of women with breast cancer, in order to identify companies that claimed to help sick women, but in fact profited from their disease.<sup>34</sup>

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<sup>30</sup> *Ibidem*.

<sup>31</sup> According to C. Booth, the unemployed are a special class in society, composed of those who are incompetent, maladapted and who suffer from poverty due to their unemployment (C. Booth, *Life and the Labour of the People of London*, Vol. 1, 1892, p. 150. In: H. Hentig, *Zločin...*, p. 247). Certainly, this way of interpreting the personal characteristics of the unemployed does not correspond to the modern business conditions in our country, for example.

<sup>32</sup> H. Hentig, *Zločin...*, p. 256.

<sup>33</sup> E. Ginzberg, *The Unemployed*, New York 1943, pp. 77-78. In: H. Hentig, *Zločin...*, pp. 256-257.

<sup>34</sup> A.P. Imširović, *Rekonstrukcija ženski fond. Kritički život 8: Džazbir Puar – Viralni homonacionalizam: disciplina, kontrola i afektivna relative osećaja* [*Reconstruction Women's Fund: Critical Life 8: Jazzbir Poirier – Viral Homonationalism: Discipline, Control, and Affective Politics of Emotion*], <https://www.rwfund.org/kriticne-teme/izvori-epistemologije-kriticki-zivot/kriticki-zivot-8-dzazbir-puar-viralni-homonacionalizam-disciplina-kontrola-i-afektivna-politika-osecaja/> (11.12.2019).

#### 4. Discussion remarks

Since the 1990s, when drastic changes took place in the state organizational structure in the former single space of the Yugoslav state, such social differences have been established due to the different social status of newly formed and restructured strata of rich and poor citizens. At home, from the last wars until the entry into the 21st century, the impoverished middle class, which once could successfully and legally meet its diverse needs, much larger than the subsistence minimum, has lost economic power and its influence in various spheres of social life.

The sustainability of traditional theories about the impact of poverty on the occurrence of various forms of illicit behavior should be brought into a modernized context, taking into account the fact that the poor layer, at home, now has a different, non-traditional population structure.

However, the obligations assumed from the CEDAW Convention by the former state of SFRY, are also binding on the Republic of Serbia. The issue of women's vulnerability in the labor market has not been eradicated by the mere fact that the state has taken on the appropriate obligations under international acts.

Over time, certain mechanisms have emerged to eradicate this phenomenon. As such, the following are listed: gender budgeting; social entrepreneurship; subsidies; social cooperatives.

Public spending is directed so as to serve the general interest, to affect all citizens equally and to ensure that the budget funds spent on the implementation of public policies bring equal benefits to both women and men. The needs of individuals as human beings are the same, and public policies and budgets most often overlook the differences between women and men, whether in biological, social or cultural terms. However, differences in needs are related to anatomical and physiological differences between women and men (gender), that is, differences in reproductive biological mechanisms, or different needs related to meeting health standards. On the other hand, the social roles imposed on women and men determine and direct the expectations, responsibilities and privileges that belong to them.<sup>35</sup> The dilemma imposed by the question of what would be achieved by gender budgeting should be removed by the following assumptions: raising awareness of various actors about gender issues and the impact of budgets and policies on gender equality; the responsibility of the government increased by allocating budget funds for the implementation of obligations in the field

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<sup>35</sup> D. Božanić, M. Ileš, M. Branković Đundić, *Ka rodno odgovornom programskom budžetu* [Towards a gender-responsive program budget], Novi Sad 2015, p. 6. [http://www.budzet.vojvodina.gov.rs/wpcontent/uploads/2016/01/Ka\\_rodno\\_odgovornom\\_programskom\\_budzetu.pdf](http://www.budzet.vojvodina.gov.rs/wpcontent/uploads/2016/01/Ka_rodno_odgovornom_programskom_budzetu.pdf) (30.05.2018).

of gender equality; changes in budgets and policies to promote gender equality. It is especially important to emphasize the need to achieve the visibility of unpaid work, because gender budgeting would make visible insufficiently recognized contributions of women, that is, it would indicate the value of unpaid women's work and activities performed by women (so-called care economy), which must be considered an important factor in policy making and implementation.<sup>36</sup>

The concept of social or solidarity economy refers to various activities in order to achieve certain social and economic benefits for citizens.<sup>37</sup> Social entrepreneurship is a practically applied social economy. Social entrepreneurship is located between the public, private and civil sectors. The partnership of these three sectors implies the pooling of resources and knowledge in order to adequately meet a public need. The public sector seeks to enforce laws while solving social problems, the private sector wants profit, while the civil sector strives for fairer social relations and the protection of civil rights.<sup>38</sup>

Of the existing recommended forms of a social enterprise, cooperatives are the legal form that has the most common characteristics with social entrepreneurship. There are several arguments in favor of this: cooperative principles of democracy, equal voting rights, and joint distribution of profits are the closest to the characteristics of social entrepreneurship; cooperatives are based on the principles of solidarity and inclusiveness which are the basis for social entrepreneurship; cooperatives and social enterprises have a directed distribution of profits.<sup>39</sup>

The above examples of how to prevent or at least mitigate the victimization of women in the labor market should be applied in practice. Even though this sounds simple, the indicators are clear. Over 40% of women of working age are excluded from the labor market (compared to 27% of men), and the largest percentage of inactive women is in Vojvodina (44.5%) where the largest gender gap is in the inactivity rates of men and women (17.6 percent points). Most women work in the sector of services

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<sup>36</sup> D. Božanić, M. Ileš, M. Branković Đundić, *Ka rodno odgovornom...*, p. 18-19.

<sup>37</sup> D. Božić, *Socijalno preduzetništvo u funkciji izlaska iz nezaposlenosti i siromaštva u BiH* [*Social Entrepreneurship in the Function of Getting Out of Unemployment and Poverty in BiH*] [in:] *Zbornik Radova. Socijalno preduzetništvo – teorija i praksa*, R. Markuš (ed.), Prijedor 2016, p. 57, [http://www.nvo-svjetionik.org/wp-content/uploads/Zbornik-radova\\_Socijalno-preduzetnistvo.pdf](http://www.nvo-svjetionik.org/wp-content/uploads/Zbornik-radova_Socijalno-preduzetnistvo.pdf) (30.05.2018).

<sup>38</sup> *Ibidem*, p. 63.

<sup>39</sup> R. Macura, *Pojam karakteristike socijalnog preduzetništva* [*The notion of the characteristics of social entrepreneurship*] [in:] *Zbornik Radova. Socijalno preduzetništvo – teorija i praksa*, R. Markuš (ed.), Prijedor 2016, p. 46, [http://www.nvo-svjetionik.org/wp-content/uploads/Zbornik-radova\\_Socijalno-preduzetnistvo.pdf](http://www.nvo-svjetionik.org/wp-content/uploads/Zbornik-radova_Socijalno-preduzetnistvo.pdf) (30.05.2018).



(67.5% of total employed women), and significantly less in agriculture (16.2%) and industry (16.3%).<sup>40</sup>

It is clear that changes are taking place through the adoption of regulations, research, etc., but certainly not at the speed and efficiency we strive for.

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<sup>40</sup> J. Pantović, S. Bradaš, K. Petovar, *Položaj žena na tržištu rada* [The Position of Women in the Labor Market], Beograd 2017, p. 1, <http://library.fes.de/pdf-files/bueros/belgrad/13759.pdf> (30.05.2018).

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Książka powstała w ramach realizowanego przez Katedrę Prawa Europejskiego Uniwersytetu Jagiellońskiego i koordynowanego przez prof. Sławomira Dudzika i dr hab. Ingę Kawkę projektu Jean Monnet Module pt. „E-administracja – europejskie wyzwania dla administracji publicznej w państwach członkowskich UE i krajach partnerskich/eGovEU+”.

Zebrane w monografii artykuły naukowe dotyczą szerokiego spektrum zagadnień związanych z cyfrową transformacją administracji publicznej w Europie. Pierwsza część książki została poświęcona analizie e-administracji z perspektywy prawa europejskiego. Następnie cyfryzację administracji przedstawiono jako katalizator transformacji administracji otwartej, odpowiedzialnej i świadczącej e-usługi dla obywateli. Książka ukazuje również wpływ digitalizacji na funkcjonowanie polskiej administracji publicznej. Ostatnia część opracowania dotyczy e-administracji jako czynnika zwiększającego potencjał administracji w państwach członkowskich UE i państwach stowarzyszonych oraz na szczeblu międzynarodowym.

Monografia adresowana jest do badaczy zajmujących się administracją, prawem administracyjnym i europejskim, praktyków: sędziów, prokuratorów, urzędników państwowych, adwokatów i radców prawnych oraz studentów i doktorantów prawa, administracji i ekonomii. Mamy nadzieję, że publikacja poszerzy wiedzę na temat cyfryzacji administracji w Polsce i Europie oraz zachęci do dalszych studiów w tej dziedzinie.



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ISBN 978-83-8138-673-9



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