

DOI: 10.54201/iajas.v1i1.17

Review of Administrative Law - The Theory and Operation of Special Public Administration¹

P É T E R B Á L I N T K I R Á L Y *

The main aim of the book entitled “Administrative Law – The Theory and Operation of Special Public Administration” is to place practical public administration in the spotlight by raising awareness through a presentation of national basic functions, economy, infrastructure and human public services based on legislature, in a comparative manner with historical analysis, and fulfilling the need of course books as well as professional books.

This book is the result of unprecedented cooperation: it presents the joint work of all the departments of administrative law at Hungarian law faculties and the National University of Public Service. The human and professional/scientific cooperation between the authors, under editor András Lapsánszky, made it possible to process the almost incomprehensible scope of special administrative law as fully as possible. The publication is special and unique in this regard because it is also the result of a working group characterised by a high degree of professionalism and true collegiality.

The relationship between general (general administration) and special public administration (special administration) must be clarified because of the possibilities of nuance and sharp demarcation in the Hungarian doctrinal system. General administration is indispensable in understanding this system, but the distinction between the two branches is mostly virtual. The system is a

theoretical basis and general doctrine of special administration. Therefore, the general notional order and structure of public administration is described by general public administration (science of public administration and legal system) – ensuring unity in the more particular world of special administration. The law of special administration focuses on individual sectors of public administration. However, it cannot be separated from the basic notions, apparatus or procedure of public administration, nor can it be understood in and of itself, since it cannot be scientifically analysed without the general doctrines.

As for the theoretical basis, it is important to note that national tasks and functions provide a certain framework for special administration: the activity of authorities belonging to public administration is the route for carrying out state administration. As a result, modern public administration is essentially special administration, as public administration bodies carry out their activities with regard to one sector, in one given area. The rapid improvement of society generates newer and newer needs, and fulfilling them requires newer and newer national engagements (therefore, a restrictive list of tasks is impossible as it is constantly changing). These tasks are mostly realised via public administration, within the framework of the modern ‘administrative state.’ The general aim of nearly all cases is to increase citizens’ quality of life and to realise social wealth.

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The administrative tasks of the state prevail in many areas. The book elaborates on the most significant branches of special administration, and endeavours to highlight information that conveys the important theoretical basis for students and professionals alike, such as: reasons and degree of national intervention; most significant institutions of the sector; relevant legislature; historical characteristics of sectorial administration; international comparative analysis; and regulative models.

The book intends to facilitate the development of the general doctrines of public administration science, its elaboration adapted to the modern administrative regime, with the theoretical – but at the same time practical and educational – processing of professional law.

As a handbook, this work was not intended to be a mere description of the relevant legislation, but to explain to students in a comprehensible way the reasons, history, international context and institutions of administrative intervention in a given sector. The book also conveys important and theoretically significant knowledge for professionals dealing with the administrative areas included in it, in an understandable and concise manner. Therefore, the dual objective – taking on the role of course books and special books – has been fully realised.

The theory of organising special administration chapters into a book can be understood in the wider context of administration. Based on this, the first chapter details the basis of special administration and state functions. It presents the constitutional basis of the administrative tasks of public administration, the current form of European public administration law, as well as its expected means of improvement; the system of national registers; the basis of police and national defence administration; administrative rules referring to foreigners and refugees; regulations of the right of asylum; tax and customs administration; judiciary administration; public finance administration; administrative bases of state property and asset management; the special administration basis

of e-public administration, and also public management in administrations and the strategic basis for the implementation of the digital state in Hungary. The second chapter covers economic administration, such as the fundamentals of economic administration; the administration of economic competition; energy and mining administration; nuclear energy and water law and water management; electronic communications administration; construction administration; trade administration; rules of regional development and area management; administration of environmental protection; the special administration basis of financial services; the administration of consumer protection; nature and wildlife management; transportation administration; the law of public procurement; the law of state support; and the administration of Agriculture and Rural Development.

The third chapter focuses on human administration, such as health law and administration; the administrative basis of public education and higher education; child protection and social service administration; cultural administration; social administration; sport administration; and media regulation.

To summarise, this book is professional, accurate and rooted in law. It is not only interesting, but can be learned, taught and utilised. It can greatly assist those who would like to understand special public administration better. With its comparative analysis that takes multiple perspectives, from not only international and European viewpoints, it can be of great use for students, researchers and professionals.

Discovering and understanding public administration beyond administrative procedure is a serious challenge, but this publication, Administrative Law – The Theory and Operation of Special Public Administration, is an outstanding guide in this endeavour.

Notes

- 1 <https://shop.wolterskluwer.hu/termek-reszletek/kozigazgatas/kozigazgatasi-jog/kozigazgatasi-jog-szakigazgatasaink-elmelte-es-mukodese.p1233/YOV1815.v8810>