

ściową deregulację albo, gdy deregulacja w danym przypadku nie jest możliwa, poprzez ich kodyfikację. Stąd też niezależnie od dylematów cechujących debatę o zasadności i przyszłości idei utworzenia części ogólnej prawa administracyjnego należałoby zwrócić uwagę na wyraźnie kształtującą się od połowy lat dziewięćdziesiątych konsolidację przepisów normujących szczegółowe działy prawa administracyjnego lub szerzej prawa publicznego z ich kodyfikacją włącznie.

Tomasz Bąkowski

TOWARDS THE CODIFICATION OF SUBSTANTIVE ADMINISTRATIVE LAW

A code is recognized as the most complete form of organizing and systematizing the various areas of law. One of the primary purposes of a code is to gather regulations concerning the sphere of a particular social relations, which are disseminated in various legal acts, in one place. The unquestionable position of codes in the legal system refers primarily to the long tradition of the codification of private law and criminal law. The situation is different in case of administrative law. Obstacles to codify this branch of law are perceived in the large diversity of its subject and sensitivity to change unprecedented in private law. Nevertheless, the works on the codification of the so-called general administrative law, organizational administrative law and specific areas of administrative law are carried out for many years. However, the attempts to establish the general rules of administrative law were accompanied by many doubts. The proposals concerning these rules are still at the stage of doctrinal discussion and questions. The works on the draft of the Code of Construction Law, undertaken at the end of 2012, can be considered as a turn to the „staged codification” of administrative law. The systematic increase of administrative regulations, which can be observed for a long time, forces the consolidation within the specific areas subject to legal regulations. A visible tendency to clarify and embrace more and more areas of public life by public law regulations certainly requires consolidation too. Otherwise, the high degree of the dispersion of normative content will move away these regulations from the standards shaped by the fundamental constitutional principles, including in particular the rule of law and its extensions: legitimate expectation and legal certainty.