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Axiology of Law and the Economy

1. Introduction

In general, axiology is a branch of philosophy that studies the nature of values, what makes something valuable, how values are ordered, and how they influence human activity. In the social sciences, axiology analyses moral, aesthetic, political, legal, and economic values.¹ Legal axiology analyses the value foundations of law, such as dignity, justice, freedom, and equality. Contemporary debate indicates that these values often lose their specific meaning and become empty concepts if they are not supported by empirical and functional analysis.² Legal axiology builds a bridge between legal institutions and the axiological image of society.

The economy, as a system combining subjective elements (entrepreneurs) with functional (economic activity) and organisational (social market economy) elements, is undoubtedly influenced by economic policy and the economic concepts formulated within it, as well as by law. Law does not exist in isolation, but is part of the culture of a given society in the form of one of the domains or categories of that culture, just like the economy and its ethical characteristics adopted by society during its evolution, political changes, the adoption of various concepts of social development, but also in response to the results of economic and political collapses, revolutions, and wars.³ When it comes to economic policy, the objectives formulated within its framework and the instruments for implementing this policy are subject to extremely frequent changes, which are influenced by a variety of factors, including in particular: the state of a country's economy, the nature of state power, the international situation and the system of relations among countries, the functioning of the financial and tax system, international agreements, social policy, states of emergency, and many other factors.⁴

¹ It is worth familiarising oneself with an interesting but forgotten source: O. Kraus, *Die Werttheorien. Geschichte und Kritik*, Brno 1937.

² For a more extensive view, see: F. Horák, "Kříze hodnot a soudobé parvo," *Jurisprudence* 2019, č. 4, pp. 28–41.

³ See, for example: L. Rossen, *Law as Culture*, Princeton 2006.

⁴ For a broader perspective, see: K. Oplustil, "Polityka gospodarcza – materiały do wykładu," part 1, <https://ppg.wpia.uj.edu.pl> [accessed: 24.11.2025].

In general, policy is a definition of objectives and a strategy for achieving them using appropriate instruments in accordance with the will of the decision-maker. In the case of government policy, policy is based on a government programme, which can be considered, among other things, as the basis for economic policy.

The personal basis of the state clearly shows that the state exists by the will of those who primarily make decisions about it, that is, its citizens. It is they who, having the right to vote in democratic elections, elect the political class to which they are willing to entrust decisions about the future functioning of the state, that is, the fulfilment of its functions. They identify themselves with a specific electoral programme which, in the event of an election victory and the successful formation of a government or coalition government, will be transformed into a government programme and, in the case of a coalition government, will be subject to changes in order to achieve a functional compromise. The same applies to local elections, and also to presidential elections. However, the president has his or her own individual programme, which may not take into account coalition compromises and may be completely at odds with the visions of the winners of parliamentary elections. The government pursues economic policy, including fiscal policy. However, there is another player that significantly influences socio-economic events, namely the entity that manages the currency – the central bank. This player, which is very powerful, does not derive directly from the will of the citizens, that is, the state's personnel resources, but is usually appointed by the executive authority, that is, the head of state.⁵

Recently, the significant influence exerted on economic policy by certain leaders of some countries as well as by international and state organisations has become apparent. It should be noted that even a thorough analysis of the factors influencing economic policy does not allow one to establish specific criteria and rules for this influence, their relationship with the objectives set, or even their logic and harmonious configuration.

Unfortunately, the situation is similar in the case of economic concepts. In principle, they should justify economic policy, inspire and guide it, as well as indicate its directions and even the desired effects that can be achieved when such concepts are incorporated into economic policy. Perhaps these concepts lack detailed assessments, which should, it seems, be based primarily on economic, social, and environmental effects, and in-depth reflection on the conditions for their implementation.

The role of law in the impact of this system on the economy is presented differently.⁶ The law, as an instrument whereby the state influences the economy,⁷ is

⁵ For more information, see: P. Mrkývka, "Odpovědnost a zodpovědnost" [in:] *Vybrané právní aspekty fiskální odpovědnosti státu*, eds. J. Blažek et al., Brno 2020, p. 23.

⁶ The impact of the state on the economy is treated as a function of that state. See: P. Winczorek, *Wstęp do nauki o państwie*, 3rd ed., Warszawa 1998, pp. 135–136. See also, for example: B. Štangová, "Právo jako nástroj regulace trhu," *Právní rozhledy* 2006, č. 5. This article is devoted to the role of law in the regulation of market processes and the impact of law on economic relations.

⁷ A comprehensive and detailed description of the state's influence on the economy through the use of law is provided by K. Strzyczkowski, *Prawo gospodarcze publiczne*, Warszawa 2023, p. 908. See

indeed a “product” of the state itself, defined by that state through giving the law the necessary characteristics and linking it to many values. These are closely related to the legislative process, but also to the content and structure of the law and its application. Their essence and character, as well as their weight and significance, vary, but they all apply together with the law and are an inherent part of the entire system. Since these characteristics and values have been “embedded” within the law and “configured” with legal norms, they are guaranteed, if not always to be valid, then at least to be respected and observed, as well as treated instrumentally in areas affected by the law.

A special role is played by values related to the law through which the state influences the economy. They constitute both the basis and the premise for giving to the law that is intended for the needs of the economy the appropriate content consistent with these values, and they set specific objectives for the law (legal acts). Thus, they determine the direction of the state’s influence on the economy and ensure that the conditions for undertaking and conducting economic activity are consistent with these values. The axiology of economic law is undoubtedly a factor that stabilises the law, influences its certainty, and, as a result, ensures that the law as an instrument of influence on the economy is perceived from the perspective of the values associated with it.

2. The Economic Foundation and Material Basis of the State

The significance of examining the value of state intervention in the economy stems from the very existence of the state and its sovereignty.

If we accept as correct the statement that the state is sovereign if it has sufficient potential to perform its basic functions and is sufficiently equipped with the appropriate resources to do so,⁸ then in addition to the personal aspect (the state is a community of people), the territorial aspect (the state has its own territory), and the formal aspect (the state is recognised internationally as a state), it is necessary to mention a fourth foundation, which is in essence the basis of human integration and leads to ensuring the material existence of the individual and the functioning of a given corporation, that is, the state. This foundation can be described as the material or economic foundation of the state. The material foundation of the state, like other foundations of the state, is interdependent with them and they are dependent on it. It is not only a matter of the ability to ensure prosperity and sustainable economic growth, but above all of ensuring the material power of the state, which may mean its economic sovereignty.

also the recent publication: *Institucje publicznego prawa gospodarczego*, ed. A. Powałowski, Warszawa 2025, p. 528, in particular the editor’s comments, pp. XV–XIX. These issues are also addressed in the publication by J. Šíma, *Ekonomie a právo*, Praha 2004, p. 207 ff.

⁸ J. Rešová [in:] J. Rešová, J. Kindlová, J. Grinc, O. Preuss, M. Antoš, *Státověda: Stát. Jednotlivec. Konstitucionalizmus*, Praha 2019, p. 42.

The economic sovereignty of a state can be regarded as the state's ability to economically ensure its functions.⁹ The definition of the catalogue of state functions and their content is quite diverse and depends on the approach to the origin of the state, the concept of the state, its political orientation, and the economic view of the state, etc. In general, the functions of the state can be considered as the main areas of activity of the state and its institutions, which are meant to ensure appropriate conditions for the existence and development of society. Traditionally, the functions of the state are divided into internal and external ones. As internal functions, the state performs: the function of creating laws applicable within its territory, including their maintenance and enforcement; an economic and organisational function, which enables the state to participate in shaping economic policy and to influence the life of society through economic instruments; a social function, consisting in the state's obligation to care for that part of society which is unable to ensure adequate conditions for its daily existence; a repressive function, the aim of which is to ensure internal security and order, including the elimination of all manifestations of social pathology; a cultural and educational function, which stems from the state's obligation to provide society with an adequate level of educational, intellectual, cultural, and professional development; a health function, consisting in providing the population with an adequate level of universally accessible health care, including hygiene, epidemiological, and preventive services. In turn, the external functions of the state are considered to be: a defence function ensuring external security and, for example, a cooperative function leading to an appropriate level of cooperation within the international community.¹⁰ The composition of the functions of the state, their content, level, and quality are influenced by a number of factors. These include, for example, the level of socio-economic development, the degree of democracy and the rule of law, the structure of the division of power, the type of economy, but also cultural traditions, the degree of influence of religion and theocracy on the functioning of the state, and finally the state's involvement in international integration, or the degree of political, military and economic independence or, conversely, dependence. The functions of the state are interrelated and interdependent. In a concise and still relevant manner, Stanisław Stanko defined in 1931¹¹ for the purposes of the general education of the future State Defence Guard,¹² that was to defend not only the sovereignty of the state, but also its democratic character, the triad of tasks that the state undertakes in performing its internal and external functions. First, he mentions the task of authority, which

⁹ *Ibid.*, p. 44.

¹⁰ For example, Z. Muras, *Podstawy prawa*, Warszawa 2020, p. 70 ff.

¹¹ S. Stanko, *Státní právo. Sborník stráže bezpečnosti*, vol 7, Praha 1931. Stanisław Stanko made a significant contribution to the creation of the police (security guard) of the First Czechoslovak Republic, especially in the field of training the corps in security guard schools. In creating teaching aids, he drew mainly on the works of F. Weyr and F. Vavřínka, based on democratic principles of the functioning of power and law.

¹² Stráž obrany státu – a union of military police, police, and customs guards supporting the army against external and internal enemies in a state of emergency.

he understands as ensuring the integrity and political independence of the state externally, while the state, through its armed forces and foreign policy, prevents the restriction of its rights and "humiliation," and repels attacks. The second task is the legal task: the state becomes the bearer of legal ideas through its legislative and judicial authority. The fundamental task is to establish universally binding rules governing the relations of individuals with each other and with the state. The rule of law means not only the limitation of the individual in his/her duties, but also the guarantee of protection if he/she remains within these limits; it, therefore, constitutes a certain sphere of freedom guaranteed by the state. The protection of this freedom is entrusted to the jurisdiction of the judiciary, which both settles disputed conditions and enforces final decisions against the will of the party failing to fulfil its obligations.¹³ According to Stanko, a third type of state tasks are economic, cultural, and social tasks. While he considers the tasks of authority and law to be more or less stable tasks that have always been performed primarily by the state, in the case of the third type, he points to differences in the understanding of the role of the state in these areas, differences that are still relevant today. Some deny the state any power to intervene directly in economic conditions, while others consider such intervention to be a direct duty and exclusive right of the state. Still others choose a middle way and maintain that the state, both as a legal authority and through its right to levy taxes, is an important economic entity that has a huge impact on the entirety of economic life. It is, therefore, recognised that it is entitled to participate in economic life where individuals, whether alone or in various forms of association, are not sufficient or at least cannot regulate matters as well as possible for the benefit of the whole.¹⁴ The state can do this either by undertaking and managing enterprises itself in the general interest or by leaving economic activity to the private sector, while retaining the possibility of preventing excessive pursuit of self-interest at the expense of the general good.¹⁵

In exercising its economic sovereignty, the state creates the environment for the emergence and the form of its material base. The material base of the state is derivative of the form of implementation of all components of state sovereignty. It depends on the political choice between the application of multiple principles of collectivism and individualism, the degree of solidarity, and the functioning of civil society.¹⁶ The material base of the state can be understood in a broad or narrow sense. In a broad sense, it is everything that the state, in exercising its sovereignty, is able to use to fulfil its functions. These are not only assets that the state can directly dispose of, but also resources that are not owned by the state, which it cannot directly dispose of, but in a state governed by the rule of law, it can impose on the owners of such resources an obligation to perform something for the state, expropriate or nationalise such resources (or, conversely, privatise them as necessary to maintain the existence

¹³ S. Stanko, *Státní parvo...*, p. 5.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ F. Šamalík, *Občanská společnost v moderním státě*, Brno 1995, p. 158 ff.

of such resources). The material base of the state in the broad sense is everything that is located within the territory of the state or wherever the state is able to exercise its sovereignty (for example, tax residents and their worldwide income, aircraft and vessels registered in the state, and, in the past, colonies and occupied territories). The material base of the state in the strict sense is, in fact, the material foundation of the state itself. It consists primarily of financial assets. The financial assets of the state are resources concentrated in public funds, including debts (fees, taxes, fines, and penalties, undue use or retention of public funds), but also debts, securities, etc.¹⁷ The narrower material base of the state is also represented by so-called administrative property, which is public property.¹⁸

It is the duty of public authorities to protect the sovereignty of the state, including its material base in all senses. The source of the state's material base is the economy and its performance, and public authorities are obliged to protect its condition and intervene by all means necessary to ensure its sustainability and development. At the same time, however, they must ensure that the rights of the population to a healthy environment are preserved and that international obligations are respected. One of the means of creating a favourable environment for economic development is the law, and above all, economic law and the related legal regulation of public financial activities.

3. Axiology in Economic Law

When referring to economic law and its role, it should be noted that axiology can serve as a starting point for such reflection. It seems to provide the most comprehensive answers to questions relating to the fundamental problems of such law, and it would even seem that these questions should precede other studies and discussions relating to economic law. Using axiology, it is possible to study the functioning of economic law and determine its theoretical and practical usefulness, as well as to highlight its specificity as a discipline dealing with the impact of the state on the economy, the rights and obligations of entrepreneurs and of other participants in the economic "mechanism," and the relations between state authorities and economic operators.

Various links can be seen between axiology and economic law. The first assumes that the basis for considerations about a specific area of law are the values characteristic of that area, and that these values, by "penetrating" the relevant part of the legal system, determine its specificity, including the essence, scope, structure, and nature of the individual institutions of that law. It should be equally accepted

¹⁷ P. Mrkývka, "Materiálne podstaty administrácie verejnej" [in:] *Z problematyky práva administratívneho i vedy o administrácii. Kniha pamiatkova z okazji siedemdesiatročia narodenia profesora Zbigniewa Leońskiego*, eds. Z. Janku et al., Poznań 1999, p. 185.

¹⁸ The issue of the so-called public sphere as an object of property rights has long been addressed by Petr Havlan. See, for example: P. Havlan, *Vlastnictví státu*, Brno 2000, p. 59 ff.

that values are reflected in the principles of a given area of law and are the premises for those principles. However, since individual areas (of law) are integral parts of the entire legal system, according to another approach, it is necessary, or even essential, to take into account values that are universal for the entire system within a given legal dogmatics. Another approach to the relationship between values and areas of law amounts to the assumption that axiology should serve the dogmatic and legal analysis of specific problems requiring resolution, but also implies the acceptance of the instrumental treatment of values as factors necessary for the aforementioned analysis and interpretation of the general provisions of a given area.¹⁹

It should be remembered that discussions on the role of axiology will be burdened, on the one hand, by subjectivism related to axiology itself and the values embedded in it, and on the other hand, by the objectivism of law and its dogmatic elements. Subjectivity is already reflected in the perception, in particular, of the characteristics of values, their sources, catalogue, subject matter and, consequently, in assigning them different roles that they may play in the field of law, including economic law, but also in the sphere of various sciences and social activities. Questions about values can and should, of course, be addressed to the legislator, and it should be assumed *prima facie* that the legislator's findings will be subject to objectification if he decides to transpose values into law by formulating principles or even indicating specific values underlying the creation and application of law. However, it must be remembered that it is the legislator who makes a specific choice of values when transposing them into law, and that such a choice is based on various considerations, including the need to ensure that the law is in line with the public interest, to protect the addressees of the law, and to create conditions for their safe participation in "legal transactions," and to create a just law, and that these considerations themselves may be and are specific values.²⁰

Although the position of the legislator is binding on the addressees of the law, this does not change the beliefs and assessments of other entities regarding values, mainly their catalogue, role, and points of reference, as well as the significance (importance) of individual values.²¹ Such beliefs and assessments may be formulated from different positions and premises (for example, social, economic, moral, or aesthetic), be of a postulative nature, result from a system of values recognised and respected by a given entity (or group of entities), and may also be related to the pursuit of various objectives by specific entities.

The treatment of values in economic law should be linked to findings as to whether they have been adequately defined (named) by the legislator and, therefore, whether they can be identified not only in the context of economic law as a whole, but above all, in the context of specific legal acts. It is possible to argue that they need to be explicitly

¹⁹ See: J. Zajadło, "Filozofia a nauki prawne – słowo wstępne," *Gdańskie Studia Prawnicze* 2007, vol. 18, pp. 8–10; cf. also: M. Zimmermann, *Aksjomaty prawa administracyjnego*, Warszawa 2013, p. 74.

²⁰ See, for example: M. Kordela, "Systemowość aksjologiczna prawa," *Acta Universitatis Wratislaviensis. Przegląd Prawa i Administracji* 2016, no. 104, p. 96 ff.

²¹ See: R. Blicharz, "Ważenie wartości w publicznym prawie gospodarczym" [in:] *Aksjologia publicznego prawa gospodarczego*, ed. A. Powałowski, Warszawa 2022, pp. 21–43.

stated in a legal act and at the same time recognised as an element of the legal system, although this argument can be countered by assuming that their connection with the law is merely logical.²² Their identification is not always possible in a situation where their existence is merely assumed, derived from a specific catalogue of values, or where they are only defined implicitly. However, from the point of view of someone studying the law and searching for the values underlying it, as well as for those applying the provisions and using various types of interpretation, such identification is extremely important, because the identification or, more precisely, the recognition of a specific value as “existing” translates into the assessment of the law and its institutions and into the effect of interpretation.

If values are taken into account by the legislator at the stage of creating or amending the law, they are a manifestation of the legislator’s specific preferences. Examples of this include: separating the preamble of a given legal act and filling it with appropriate content, shaping the substantive relationship between such an act and other sets of provisions, setting out the objectives of legal regulation, or giving the structures of a given dogma a specific, desirable shape. These preferences mean the establishment and subsequent implementation of a model of law that corresponds to values.

Both the indirect and direct influence of values on economic law can be observed. Indirect influence can be seen mainly at the stage of law creation, because it is the legislator and his legislative activities that are usually considered the source from which the content and form of individual norms and their collections – legal acts – must be derived. Although the legislator often refers to certain values and gives them a specific wording or even interprets their essence, an analysis of the provisions leads to the conclusion that these are not so much values as vague expressions or general clauses which, it can be assumed, are legal carriers of values. However, this only applies to those values that the legislator considers worthy and suitable for transferring into law. The term values is not a normative term, and the legislator does not use it. It seems, however, that only the interpretation of the applicable law and its application allow for reflection on whether specific values are underlying the aforementioned phrases and clauses, and whether their meaning and essence should be sought in non-legal matters, while appreciating that the legislator was willing to transfer these values to the field of economic law. The values then serve to interpret and explain the meaning and essence of the law, including its individual norms.

It seems that the most important values should be sought in the content of those legal acts and their norms which occupy the highest position in the legal system. Just as the provisions of the constitution are the determinant of the content of law on economic activity, so, too, do the values transposed into the content of the most important legal act appear to be a special and fundamental factor influencing the shape of economic activity law, its interpretation and application.

²² See on this issue: M. Kordela, “Zasady prawa jako normatywna postać wartości,” *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 2006, vol. 68, issue 1, p. 47.

4. The Social Market Economy as a Determinant of the Economic Model

In Poland, values form the basis of the legal structure of the social market economy. The social market economy is, first and foremost, a constitutional principle, forming the basis of an economic system supported by freedom of economic activity as an emanation of the free market, private property, solidarity, dialogue and cooperation among social partners, social protection, and sustainable development. This principle clearly implies that the economic system should, within its legal framework, be based on these pillars in an equal and equivalent manner, and that none of them may be marginalised or treated as less important than the others. The principle of a social market economy is an indication that the state, through its institutions, should shape the economy by enacting and applying laws that allow for the achievement of a state of harmony between a free and mainly private, and consequently market-based, economy and social needs, while ensuring conditions for dialogue and cooperation between social partners.²³

Even in systems where there is no constitutional guarantee of the social element of the market economy, this element exists in the practical functioning of the state and is accepted as one of the values in the creation and application of economic law and related areas of law. Unlike in Poland, the social market economy is not enshrined in the Constitution of the Czech Republic. The market economy is not explicitly defined in the Constitution. The Constitution focuses on the general principles of the functioning of the state and society, including economic aspects, but does not regulate a specific economic system. Nevertheless, the constitutional order²⁴ and the law of the Czech Republic enable the existence and functioning of a market economy. The Charter of Fundamental Rights and Freedoms guarantees the right to conduct business and freedom of choice of profession, which are key elements of a market economy. The law and institutions in the Czech Republic, such as the Office for the Protection of Competition, or government programmes to support and develop entrepreneurship, help to create and protect the market environment. The constitutional order and legal regulations do not hinder the functioning of market mechanisms such as price

²³ See, for example: W. Skrzydło, "Komentarz do art. 20" [in:] *idem, Konstytucja Rzeczypospolitej Polskiej. Komentarz*, 7th ed., Warszawa 2013; K. Complak, "Komentarz do art. 22" [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, ed. M. Haczkowska, Warszawa 2014; B. Przywora, "O społecznym wymiarze gospodarki rynkowej – refleksje z perspektywy Konstytucji Rzeczypospolitej Polskiej" [in:] *Spółeczny wymiar gospodarki rynkowej*, eds. J. Glumińska-Pawlic, B. Przywora, Warszawa 2023, pp. 1–15; E. Kundera, "Koncepcje społecznej gospodarki rynkowej," *Acta Universitatis Wratislaviensis. Przegląd Prawa i Administracji* 2015, no. 100, pp. 81–90; *Gdańskie Studia Prawnicze* 2017, vol. 37: *Spółeczna gospodarka rynkowa*, ed. A. Powałowski, pp. 17–404.

²⁴ The constitutional order is a common category for the Constitution of the Czech Republic and the Charter of Fundamental Rights and Freedoms, as well as other constitutional laws. The Charter of Fundamental Rights and Freedoms was adopted by the then Czechoslovak parliament, the Federal Assembly, in 1991 as a constitutional law. With the establishment of the independent Czech Republic, the Charter was promulgated in the same wording as a separate constitutional law. Slovakia incorporated the text of the Charter directly into its constitution.

formation based on supply and demand, but the state has the possibility to intervene in price formation within the limits set by law, for example in the energy sector, or to influence prices through value added tax and excise duty rates. On the other hand, in order to maintain social peace, the government discusses the most important laws and its strategic plans for the economy, social affairs, and the labour market within a tripartite framework, specifically in the Economic and Social Agreement Council,²⁵ which includes representatives of the government, trade unions, and employers' and entrepreneurs' associations. However, this is not an institution enshrined in the constitution or regulated by law, but an advisory body to the government,²⁶ one which is also widely respected in legislative practice. In the Czech context, the state acts as a regulator and guarantor of a fair market, but does not centrally manage the economy. The social market economy is emphasised to varying degrees in the election programmes of political parties and, depending on the election results, in the coalition programmes of governments.

For an economy to be market-based, its entities should be able to follow free market rules in their economic activities, that is, they should be guaranteed freedom of contract, freedom to decide on strategies and tactics for various economic activities, freedom to set prices, and freedom to compete with other entities. It could be added that freedom of economic activity is also a determinant of a market economy. Full freedom, as well as limited freedom, enables the functioning of a market economy, while the absence of freedom or its excessive, disproportionate restriction contradicts the nature of the economy as a market mechanism.²⁷

However, freedom of economic activity and the free market cannot be absolute or unconditional. Such freedom would be contrary to the social market economy, as it would favour market forces and ignore the social aspect of the economy.²⁸ The legislator recognises this and usually introduces the possibility of restricting freedom. At the same time, it can be assumed that state authorities may also recognise the necessity of regulating freedoms, for example, because of an economic crisis.

The public interest is an obvious and necessary axiological element of a social market economy.²⁹ The concept of public interest may be a reason for restricting economic freedom and, consequently, for narrowing or changing the nature of the

²⁵ Council for Economic and Social Agreement.

²⁶ See: *Tripartita*, 20.01.2016, <https://vlada.gov.cz/cz/ppov/tripartita/tripartita-139224> [accessed: 24.11.2025]; *Tripartita: vláda, odbory, zaměstnavatelé*, www.tripartita.cz [accessed: 24.11.2025].

²⁷ See: M. Szydło, *Wolność działalności gospodarczej jako prawo podstawowe*, Bydgoszcz–Wrocław 2011, p. 278; A. Rytel-Warzocho, "Wolność działalności gospodarczej w świetle orzecznictwa polskiego Trybunału Konstytucyjnego," *Gdańskie Studia Prawnicze* 2017, vol. 37, pp. 155–167; K. Pawłowicz, "Wolność gospodarcza w kręgu mitów" [in:] *Konstytucyjna zasada wolności gospodarczej. Materiały konferencyjne*, eds. W. Szwajdler, H. Nowicki, Toruń 2009.

²⁸ See: J. Roszkiewicz, "Znaczenie wolności gospodarczej przy stanowieniu prawa w Polsce – wybrane problemy," *Przegląd Ustawodawstwa Gospodarczego* 2022, no. 1, pp. 47–55.

²⁹ On the essence of public interest, see: A. Żurawik, "Pojęcie interesu publicznego" [in:] *Publiczne prawo gospodarcze*, eds. R. Hauser, Z. Niewiadomski, A. Wróbel, series: System Prawa Administracyjnego, vol. 8A, Warszawa 2013, p. 410 ff.

market economy. Therefore, it is not possible to accept any measures taken in the name of public interest that are not clearly defined in terms of their purpose and content. Thus, the primacy of economic freedom over the public interest must be recognised first, followed by the need to identify the public interest in order to determine, through legal and social control, the correctness of the actions of state authorities and their compatibility with the indicated principle of a social market economy.

The social market economy combines elements of economic liberalism with the idea of the welfare state, striving for a balance between market efficiency and social well-being. It imposes on public authorities the obligation to guarantee the basic elements of the market economy, while mitigating the social consequences of its functioning. This constitutional foundation sets out the overarching axiological framework for the economy, suggesting that economic policy and legislation should take into account both economic growth and social cohesion.

5. Values and Economic Operators

The determination of the status of an entrepreneur by the legislator has an indisputable impact on the definition of his/her position in the economy, in relations with other legal entities, in particular with economic administration bodies. As a consequence, this status becomes a prerequisite for the functioning of entrepreneurs and their enjoyment of rights and freedoms within the market economy.

In turn, entrepreneurs, as entities performing a specific type of activity and having a defined legal status, must consider the principle of economic law resulting from social justice, which, in accordance with the constitution, should be realised in a state governed by the rule of law, that is, a state in which the economy, like other areas of social activity, is subject to legal regulation. In the course of economic activity, social justice should not be overlooked by entrepreneurs. Justice in relation to the economy and economic activity is largely linked to equality. This refers to equal opportunities to engage in economic activity, equality in obtaining an appropriate position in the economy and maintaining that position, and to equality of rights and obligations of entrepreneurs engaged in economic activity.

Entrepreneurs should not take actions aimed at obtaining an undue position in the economy by violating competition rules and engaging in activities considered unfair, infringing on the subjective rights of other entrepreneurs and consumers. Competition is a value that stimulates innovation and efficiency; it also lowers prices, benefiting both entrepreneurs and consumers. Practices that restrict competition, such as price fixing or abuse of a dominant position, are prohibited. Economic law also imposes on public authorities and entrepreneurs the obligation to protect consumers, users and tenants against actions that threaten their health, privacy, and safety, as well as against unfair market practices. The scope of this protection is defined by law. The regulations

emphasise the value of protecting consumer interests in the market, recognising their potentially weaker position in relation to entrepreneurs.

The idea of corporate social responsibility is becoming increasingly important for entrepreneurs. It refers to the voluntary consideration by entrepreneurs of social, ethical, and environmental aspects in their activities. Values such as honesty, transparency, care for the environment, and relations with stakeholders are becoming increasingly important for building trust and long-term success for entrepreneurs. Entrepreneurs are responsible for their actions and for any damage resulting from the non-performance or improper performance of their legal and contractual obligations. In some cases, administrative liability may be objective, based on the principle of risk. The concept of corporate social responsibility reflects a broader understanding of corporate responsibility towards society and the environment, going beyond legal requirements. Responsibility is a key value in the legal and economic sphere, imposing on entrepreneurs the obligation to act in a prudent and ethical manner.

The activities of entrepreneurs should be effective, and economic law combines this value with normative characteristics. These include, in particular: organisation, profitability, acting on one's own behalf, and continuity. However, economic activity should also be characterised by reliability, honesty, and professionalism, which should be regarded as the basis and prerequisite for effectiveness.

Finally, it should be emphasised once again that the constitution, or a set of constitutional laws forming a constitutional order serving as a constitution, and other legal acts (including economic law) guarantee everyone, including entrepreneurs, the right to property, other property rights, and the right to inheritance, subject to equal legal protection for all. Private property is recognised as one of the fundamental pillars of the market economy and the socio-economic system. Strong constitutional protection of private property is a key value supporting the market nature of the economy, ensuring security and incentives for economic activity and investment.

6. Conclusions

The axiology of law plays a key role in shaping the economy. Values such as freedom of economic activity, private property, social justice, and others mentioned above constitute the foundations of the economic system. In addition, values related to economic activity itself and its entities, such as competitiveness and responsibility, are essential for the efficient and ethical functioning of the market. The legal system, from the constitution to detailed laws, seeks to protect and promote these values by creating a framework for sustainable and equitable economic development. Awareness of these values and their consideration in economic practice are crucial both for the success of individual entrepreneurs and for the prosperity of the entire community.

These values do not exist in isolation; they often complement each other, but they can also lead to tensions and the need for trade-offs. For example, the pursuit of

maximum economic freedom may sometimes conflict with the need to ensure social justice or consumer protection. Similarly, the emphasis on efficiency cannot come at the expense of neglecting social needs or responsibility.

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Summary

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Axiology of Law and the Economy

As an instrument of state influence on the economy, law is indeed a "product" of the state itself, defined by that state through the attribution of necessary characteristics and the linking of law to a number of values. These are closely related to the legislative process, but also to the content and structure of law and its application. Their essence and character, as well as their weight and significance, vary, but they all apply together with the law and are an inherent part of the entire system. Since these characteristics and values have been placed within the framework of the law and configured with legal norms, they are, as a result, guaranteed, if not always to be valid, then at least to be respected and observed, as well as to be treated instrumentally in the areas of law's influence. A special role is played by values related to the law through which the state influences the economy. They constitute both the basis and the premise for giving the law intended for the needs of the economy the appropriate content consistent with these values, and they also set specific objectives for the law (legal acts).

Keywords: economic policy, economic concepts, law, economy, entrepreneur, economic activity, axiology, values.

Streszczenie

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Aksjologia prawa i ekonomii

Prawo, jako instrument oddziaływania państwa na gospodarkę, jest wytworem samego państwa. To ono nadaje mu określone cechy oraz wiąże je z określonymi wartościami. Wartości te pozostają w ścisłym związku zarówno z procesem legislacyjnym, jak i z treścią, konstrukcją oraz stosowaniem prawa. Różnią się one istotą, charakterem, wagą i znaczeniem, jednak wszystkie współobowiązują wraz z normami prawnymi i stanowią immanentny element całego systemu. Umieszczenie tych cech i wartości w strukturze prawa oraz ich powiązanie z normami prawnymi

sprawia, że zyskują one gwarancję – jeśli nie zawsze pełnego obowiązywania, to przynajmniej respektowania i uwzględniania w praktyce stosowania prawa. Szczególne znaczenie mają wartości związane z regulacjami, za pomocą których państwo oddziałuje na gospodarkę. Stanowią one bowiem zarówno podstawę, jak i przesłankę nadawania tym regulacjom odpowiedniej treści, zgodnej z przyjętym systemem aksjologicznym, a także wyznaczają cele, którym akty prawne powinny służyć.

Słowa kluczowe: polityka gospodarcza, koncepcje ekonomiczne, prawo, gospodarka, przedsiębiorca, działalność gospodarcza, aksjologia, wartości.