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EMOTIONS IN THE SHADOW OF OBJECTIVE LIABILITY: ADMINISTRATIVE ENVIRONMENTAL PROTECTION FROM THE PERSPECTIVE OF LAW AND EMOTIONS

ABSTRACT. Waldemar Jagodziński, *Emotions in the Shadow of Objective Liability: Administrative Environmental Protection from the Perspective of Law and Emotions*, edited by Barbara Konat, Cristián Santibáñez, „Człowiek i Społeczeństwo” vol. LXI: *Emotion in Argumentation*, Poznań 2026, pp. 87–102, Adam Mickiewicz University. e-ISSN: 2956-5243, ISSN 0239-3271, <https://doi.org/10.14746/cis.2026.61.7>.

This article examines administrative monetary penalties in Polish environmental law through the lens of the Law and Emotions framework. It challenges the dominant view of such sanctions as neutral and technical instruments by arguing that they function as emotionally charged mechanisms of public authority. The analysis shows that strict or quasi-objective liability regimes structurally generate fear, anxiety, and moral stigmatization, shaping compliance not only through rational calculation but also through affective governance.

Drawing on a doctrinal-interpretive methodology grounded in interdisciplinary scholarship, the study combines legal analysis of statutory provisions and case law with socio-legal insights into regulation and governance. It argues that administrative monetary penalties, despite being formally classified as non-penal measures, operate as forms of hidden punitiveness that produce predictable emotional responses. These effects support compliance but may also undermine perceptions of proportionality, fairness, and trust, particularly affecting smaller entities.

The article concludes that administrative sanctioning should be reconsidered within a broader understanding of proportionality that accounts for the foreseeable emotional impact of sanctions and the need for stronger individualization and procedural safeguards.

Keywords: administrative monetary penalties, environmental law, Law and Emotions, proportionality principle, hidden punitiveness

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Introduction

For decades, administrative law has presented itself as a domain of technical rationality, regulatory efficiency, and emotional neutrality (Fundowicz, 2024; Posner, 1999). Nowhere is this self-image stronger than in the field of environmental protection, where administrative monetary penalties are justified as necessary, proportionate, and objective instruments for safeguarding collective goods such as clean air, water, and soil (Korzeniowski, 2015; 2020; Radecki, 2015). In Polish environmental law, administrative monetary penalties (Pl. *administracyjne kary pieniężne*) are formally classified as non-penal sanctions and are predominantly grounded in a model of strict or quasi-objective liability. Their doctrinal justification emphasizes effectiveness, deterrence, and administrative efficiency, while systematically marginalizing the emotional experiences of those subjected to them (Żelasko-Makowska, 2017).

This article challenges the prevailing view of administrative monetary penalties as purely technical and non-penal regulatory instruments by applying insights from the interdisciplinary field of Law and Emotions (Abrams, 2015; Abrams & Keren, 2010; Maroney, 2016; Posner, 2000). It advances the claim that administrative monetary penalties in Polish environmental law, despite their formal classification as non-penal measures, operate as structurally emotion-producing mechanisms of public authority. Its original contribution lies in demonstrating that strict and quasi-objective liability regimes generate foreseeable emotional effects – such as fear, anxiety, resentment, and moral stigmatization – which function as implicit regulatory tools shaping compliance. By extending the analysis of proportionality beyond formal severity and deterrence toward the affective consequences of sanctioning, the article introduces an interdisciplinary perspective that bridges administrative law doctrine with the Law and Emotions framework.

By integrating socio-legal scholarship on emotions (Bandes, 1999; Miśko, 2022) with Polish administrative law doctrine, this article seeks to fill a notable gap in both literatures. While Polish legal scholarship has extensively analyzed the constitutionality, functions, and limits of administrative monetary penalties, it has largely ignored their emotional dimension. Conversely, the Law and Emotions literature has paid limited attention to administrative sanctions, focusing primarily on criminal law, constitutional adjudication, and judicial decision-making (Blix, 2022; Vashist 2021). Environmental law provides a particularly fertile ground for bridging this gap, as it operates

at the intersection of risk regulation, moral responsibility, and collective fear associated with ecological crises.

The article proceeds in five sections. It begins with an outline of the Law and Emotions framework, followed by an analysis of administrative monetary penalties and the principle of strict liability in Polish administrative law. It then situates environmental protection law within broader emotional regimes associated with ecological risk and moral urgency. The final section presents conclusions and normative implications.

Law and Emotions as an analytical framework

The traditional portrayal of law as a domain of rationality, neutrality, and emotional restraint has been increasingly challenged within contemporary socio-legal scholarship (Calder, 2022; Schnädelbach, 2020). Research developed within the Law and Emotions movement demonstrates that emotions are neither external disturbances to legal reasoning nor merely subjective reactions of individual actors, but are structurally embedded within legal norms, institutional practices, and modes of governance (Maroney, 2006; Sanger, 2013).

Rather than treating emotions as episodic psychological states, Law and Emotions scholarship conceptualizes law as a normative emotional order that both reflects and produces socially recognized patterns of feeling. As Renata Grossi (2015) and Robin West (2017) emphasize, legal systems do not merely regulate emotions but actively generate them through legal design, institutional formalism, and modes of authority. Emotional orientations such as fear, anxiety, resignation, or alienation thus emerge as foreseeable consequences of legal structures characterized by automatism, depersonalization, and objectivity, even where law presents itself as neutral and technical.

This structural understanding of emotions is particularly relevant for administrative law. Despite its self-description as a domain of expertise, efficiency, and technical rationality, administrative governance routinely shapes emotional experiences through its procedures, sanctioning mechanisms, and justificatory practices. As socio-legal research demonstrates, sustained exposure to administrative enforcement may generate stable emotional orientations toward public authority, including distrust and anxiety rather than cooperation (Pasquetti, 2013). In this sense, administrative sanctions, although formally detached from penal paradigms – that is, frameworks

of punishment traditionally associated with criminal law, retribution, and moral blame – operate within affective registers that are central to perceptions of legitimacy and compliance.

From a sociological perspective, emotions play a crucial role in how legal authority is perceived and internalized. Silvia Pasquetti's (2013) work on legal fear demonstrates how sustained exposure to enforcement practices can generate chronic emotional orientations toward the state, characterized by distrust and anxiety rather than cooperation. While Law and Emotions scholarship has primarily focused on criminal justice and adjudication, administrative sanctions remain comparatively understudied, despite their growing role as instruments of governance.

The Law and Emotions framework adopted in this article is therefore employed not as a general theory of legal affect, but as an interpretive lens for reconstructing the emotional consequences of specific doctrinal and institutional arrangements. In particular, it provides a conceptual foundation for analysing administrative monetary penalties as legal mechanisms that shape compliance not only through rational calculation, but also through structurally induced emotional responses.

This dynamic becomes particularly visible in sanctioning regimes based on strict or quasi-objective liability. In such regimes, the exclusion of fault does not neutralize emotional response. Instead, it reorganizes the structure of compliance by weakening the link between blame and sanction.

Adopting the Law and Emotions perspective makes it possible to challenge the deeply entrenched assumption in administrative law that administrative sanctions – particularly administrative monetary penalties – operate as purely technical instruments, axiologically neutral and emotionally indifferent. As convincingly argued by Susan Bandes and Jeremy Blumenthal (2012), emotions do not constitute a disturbance of legal rationality; rather, they form an integral component of cognitive processes, normative evaluations, and mechanisms of responsibility attribution. Law does not merely respond to emotions but actively produces, channels, and normalizes them through its normative structure and institutional practice.

From this perspective, the construction of strict liability characteristic of administrative sanctioning regimes in environmental law appears particularly problematic. Detaching liability from fault, diligence, or the actual capacity to influence the occurrence of an infringement does not result in the emotional neutralization of sanctions. On the contrary, it generates a specific form of affective exercise of public authority, grounded in regulatory fear, legal anxiety, and moral disorientation. Sanctions imposed irrespective

of culpability disrupt deeply embedded moral intuitions linking legal detriment with blameworthy conduct, thereby fostering emotions such as frustration, a sense of injustice, and helplessness in the face of administrative power.

As emphasized in the Law and Emotions literature, such emotional responses are neither incidental nor purely subjective. They constitute structurally foreseeable effects of particular normative designs. Administrative monetary penalties – despite their formal classification as non-penal measures – function in practice as instruments of latent punitiveness, shaping compliance not only through economic calculation but also through affective governance. The emotional burden imposed by sanctions is systematically displaced from the doctrinal language of administrative law, resulting in the normative invisibility of the experiential dimension of administrative punishment.

This omission creates what may be described as an affective proportionality gap. When proportionality is assessed solely through suitability, necessity, and formal balancing, it overlooks the emotional burdens imposed on sanctioned entities. A penalty may thus appear proportionate in doctrinal terms while generating disproportionate experiential harm.

From a Law and Emotions perspective, proportionality cannot be reduced to a purely cognitive or economic calculus. A materially substantive understanding of the principle requires attention to the foreseeable emotional effects generated by legal design, particularly in sanctioning regimes characterized by automatism, strict liability, and moralized regulatory goals. By treating administrative monetary penalties as emotionally neutral instruments, administrative law renders invisible a central dimension of their punitive impact, thereby undermining the normative function of proportionality as a safeguard against excessive exercises of public authority.

From this perspective, administrative monetary penalties may be understood not only as instruments of regulation, but also as forms of institutional microaggression (Davis, 1989). While formally framed as neutral, technical, and non-penal measures, they impose significant emotional burdens – such as fear, anxiety, resentment, and moral stigmatization – on their addressees. These burdens are not incidental or subjective side effects, but structurally foreseeable consequences of legal design, particularly in regimes characterized by strict liability, automatism, and limited individualization. At the same time, doctrinal analysis systematically denies the normative relevance of these emotional effects, treating them as legally irrelevant or external to the assessment of proportionality and fairness. This combination of affective

impact and doctrinal invisibility allows administrative sanctions to operate as emotionally injurious exercises of public authority without being recognized as such within the prevailing conceptual framework of administrative law.

Methodological approach: Law and Emotions as a doctrinal-interpretive method

This article adopts a doctrinal-interpretive methodology grounded in the Law and Emotions framework. Emotions are treated not as subjective psychological states but as structurally produced effects of legal design. The analysis focuses on how administrative sanctioning regimes generate predictable emotional orientations toward public authority. This approach follows the Law and Emotions scholarship that conceptualizes law as an active producer of emotional states, rather than a neutral framework within which emotions merely occur. Emotions are thus analytically relevant insofar as they:

- are systematically generated by legal norms and institutional practices,
- are connected to the exercise of public authority,
- influence compliance, legitimacy, and trust in legal institutions.

By adopting this perspective, the article deliberately brackets psychological inquiry into individual emotional experiences and instead reconstructs the emotional architecture of legal regulation.

The methodological focus of the analysis lies in identifying and reconstructing the emotional structures embedded in administrative monetary penalties, particularly within regimes of strict or quasi-objective liability. These emotional structures are examined through three interrelated dimensions:

1. normative design – the legal construction of liability, including the exclusion of fault, the definition of prohibited conduct, and the statutory framing of sanctions;
2. institutional practice – the degree of automatism, administrative discretion, and justificatory requirements in sanctioning decisions;
3. symbolic meaning – the expressive and stigmatizing effects of sanctions, including their moralizing function and their proximity to criminal punishment despite formal non-penal classification.

Each of these dimensions is analyzed as a potential source of affective impact, capable of generating emotions such as fear, anxiety, resentment, or resignation as structurally induced responses to administrative authority.

Doctrinal legal analysis constitutes the first and indispensable step of the methodology. The article examines statutory provisions governing

administrative monetary penalties in Polish environmental law, relevant case law of administrative courts and the Constitutional Tribunal, and dominant positions in Polish legal scholarship.

However, doctrinal analysis is not treated as an end in itself. Instead, it serves as the primary evidentiary basis for reconstructing the emotional consequences of legal design. Legal norms are analyzed not only in terms of their formal validity and internal coherence, but also with regard to their foreseeable experiential effects on regulated entities.

In this sense, doctrinal structures – such as strict liability, high penalty ranges, and limited individualization – are interpreted as emotion-producing mechanisms, rather than neutral regulatory tools.

To avoid methodological arbitrariness, the article applies explicit interpretive criteria for identifying legally relevant emotional effects. Emotional consequences are treated as analytically significant only where they satisfy the following cumulative conditions:

1. structural predictability – the emotional response can reasonably be anticipated as a typical consequence of the legal arrangement;
2. institutional generality – the emotional effect arises from the operation of the legal regime itself rather than isolated administrative misconduct;
3. normative significance – the emotion affects core legal values such as proportionality, fairness, legal certainty, or trust in public authority.

These criteria ensure that the analysis remains anchored in legal reasoning and does not collapse into speculative psychology or moral intuition.

The doctrinal-interpretive analysis is complemented by insights from socio-legal scholarship on regulation, risk governance, and punishment. This contextualization allows administrative monetary penalties to be situated within broader emotional regimes associated with environmental risk, moral urgency, and collective responsibility.

Environmental protection law operates in a field marked by heightened public sensitivity, moral condemnation of ecological harm, and narratives of existential threat. These conditions intensify the emotional impact of sanctions and amplify the affective consequences of strict liability regimes. The socio-legal perspective therefore serves to explain why administrative sanctions in environmental law are particularly prone to functioning as instruments of affective governance.

The article does not claim empirical generalization regarding the emotional experiences of all sanctioned actors. Its contribution lies in the theoretically informed reconstruction of emotional effects that are structurally embedded in administrative sanctioning regimes.

The Polish environmental law case study is employed as an analytically illustrative example, rather than as a claim of uniqueness. The methodological approach developed in this article is intended to be transferable to other areas of administrative law characterized by strict liability, high sanctions, and limited procedural personalization.

By articulating a doctrinal-interpretive methodology grounded in Law and Emotions, this article demonstrates that emotions are not external to administrative law, but constitute an integral dimension of its operation, legitimacy, and normative coherence, particularly within regimes of strict liability.

Administrative monetary penalties as non-penal punishment

Applying the doctrinal-interpretive approach outlined above, administrative monetary penalties are analysed in this section as legal structures capable of producing predictable emotional responses through their normative design, enforcement logic, and institutional framing.

An administrative monetary penalty is part of the process of applying and enforcing the law. It is imposed for violating a binding individual norm, i.e. infringing fully concrete and currently applicable rights and obligations. As a financial administrative sanction, it is imposed as a consequence of a legal violation and has a negative impact on the offender's property by obliging them to pay a specified sum of money. The prerequisite for imposing such a penalty is the unequivocal establishment of a legal violation. This violation must concern provisions of generally binding law, not necessarily limited to administrative law. In practice, however, administrative monetary penalties are most often imposed for breaches of administrative regulations (Jaśkowska et al., 2025).

At this point, it is important to distinguish an administrative monetary penalty from another type of sanction that does not constitute a penalty under environmental protection law: the increased fee (Article 276 of the Environmental Protection Law). As emphasised by the Voivodeship Administrative Court in Opole in its judgment of 29 May 2025 (case no. I SA/Op 182/25), an increased fee and a penalty operate at different stages of the implementation of relevant legal norms. An increased fee relates to acts (or omissions) connected with the stage at which a legal norm is formed and activated. This relates to situations where an entity using, or intending to use, the environment fails to take action that is necessary for the creation of an

individual legal norm applicable to that entity (i.e. the determination of its rights and obligations). In other words, the issue is not that the entity in question violates the rights and obligations attributed to it with regard to the use of the environment, but rather that, contrary to the legislator's assumptions, it uses the environment in the absence of such rights and obligations. The situation is entirely different in the case of a penalty for using the environment in excess of, or in breach of, the conditions specified in a permit or another administrative decision. A penalty belongs to the stage of executing and enforcing the law, and is imposed for violating a binding individual norm – that is, for infringing fully concrete and currently applicable rights and obligations.

Administrative monetary penalties differ from criminal and petty offence penalties in that they are imposed by public administration authorities regardless of the offender's fault and whether any damage or risk of damage has occurred. It is therefore particularly important to identify and clearly define the circumstances that public administration authorities should take into account when determining the amount of the penalty. These circumstances act as essential safeguards against arbitrariness, ensuring that the penalty is proportionate, fair and appropriate to the nature and severity of the infringement (Fill, 2009; Kisilowska & Zieliński, 2020).

Administrative monetary penalties perform several interconnected functions. First, they fulfil a repressive function by imposing a legal detriment in response to a violation of law. Second, they serve preventive purposes. Individual prevention aims to influence the future conduct of the sanctioned entity, whereas general prevention seeks to deter other regulated actors from similar violations. Third, administrative monetary penalties perform a protective function by safeguarding the values embodied in environmental regulation. These functions are formally regulatory rather than criminal, yet they bring administrative penalties close to the logic of punishment, especially where deterrence and repression dominate their practical operation (Danecka & Radecki, 2024; Staniszevska, 2023; Kręcis, 2014).

Given the repressive and deterrent functions attributed to administrative monetary penalties, it is striking that their emotional effects remain largely absent from doctrinal analysis. Such a narrative undoubtedly obscures their experiential dimension, even though there is little doubt that the imposition of a substantial financial sanction by an administrative authority – often in an automatic manner and without consideration of fault – may trigger intense emotional reactions, including fear of financial ruin, anger arising from perceived injustice, and feelings of helplessness.

From a Law and Emotions perspective, this dissonance between formal classification and lived experience is analytically significant. It suggests that administrative law operates through a form of “hidden punitiveness,” where emotional effects are disavowed rather than addressed. By framing monetary sanctions as neutral regulatory instruments, legal doctrine marginalises the affective dimension of enforcement and renders the emotional burdens imposed on regulated entities largely invisible. This invisibility, in turn, limits the capacity of administrative law to develop adequate procedural safeguards and proportionality assessments that would respond to the subjective impact of sanctions. As a result, emotional harm becomes a structurally embedded yet conceptually unacknowledged component of administrative punishment.

Strict liability and emotional governance

Strict liability occupies a central position in contemporary administrative sanctioning regimes and provides a particularly revealing lens through which the emotional architecture of administrative penalties can be examined. This insight is of particular relevance in context of strict or quasi-objective administrative liability. As the Law and Emotions scholarship represented in *The Passions of Law* emphasizes, legal systems routinely conceal their affective dimensions by assigning emotion to marginal or exceptional domains, while treating the core mechanisms of legal authority as purely cognitive and instrumental (Bandes, 1999; Nussbaum, 1999; Posner, 1999). Administrative monetary penalties exemplify this pattern. Although formally framed as non-penal, technical instruments of regulatory enforcement, they operate within a dense emotional economy shaped by fear, anxiety, moral condemnation, and stigmatization. The emotional responses generated by such sanctions are not contingent psychological reactions of individual addressees, but structurally foreseeable effects of legal design, institutional automatism, and the moralization of regulatory objectives. Recognizing this dimension does not undermine the rationality of administrative law; rather, it exposes the affective foundations upon which claims of efficiency, deterrence, and proportionality ultimately rely. Emotional effects are therefore not external to legal justification. They form part of the argumentative structure through which administrative sanctions derive legitimacy, persuasive force, and compliance.

These dynamics are particularly visible in Polish administrative law, especially in the field of environmental protection, liability for the imposition

of an administrative monetary penalty is frequently detached from considerations of fault, intent, or negligence. This approach is consistently reflected in the case law of the Voivodeship Administrative Courts (Judgment of the Voivodeship Administrative Court in Poznań of 8 January 2026, case no. III SA/Po 42/26), which stress that, for the purposes of establishing an objective breach of absolutely binding legal provisions constituting an administrative offence, the existence of any causal link between the infringement and the harmfulness or intentionality of the undertaking's conduct is irrelevant. The prevailing justification for this model lies in its effectiveness, ease of enforcement, and the preventive function of administrative sanctions.

The case law of the Polish Constitutional Tribunal has consistently maintained that administrative monetary penalties constitute a distinct category of public-law sanctions, separate from criminal punishment in the meaning of Article 42 of the Constitution. In its rulings, the Tribunal has emphasized that the primary function of administrative penalties is regulatory and preventive rather than retributive, which justifies a differentiated standard of constitutional review. As a consequence, administrative monetary penalties are not required to comply with the full set of guarantees traditionally associated with criminal liability, provided that the statutory framework satisfies the requirements of legal certainty, proportionality, and foreseeability. The Tribunal accepts that the legislature may legitimately construct administrative liability independently of subjective fault, including by relying on objective criteria linked to the mere infringement of statutory obligations. Such a model is regarded as constitutionally permissible insofar as the prohibited conduct is defined with sufficient precision by statute and the administrative authority retains limited discretion in individualising the penalty within statutory limits. At the same time, the Tribunal underscores that the exclusion of fault as a prerequisite for liability does not release the legislator from the obligation to ensure that administrative sanctions remain proportionate and that the affected party is afforded effective procedural safeguards. This line of reasoning, repeatedly reaffirmed in the Tribunal's rulings, consolidates a formal separation between administrative and penal responsibility in Polish law, while allowing for a differentiated application of constitutional standards depending on the nature, purpose, and severity of the sanction (Puchta, 2018).

From a Law and Emotions perspective, the doctrinal separation between administrative and penal liability, although formally coherent, leaves unaddressed the affective consequences of sanctioning detached from fault. Rather than neutralizing emotional impact, strict liability reshapes the emotional

economy of regulation by transforming fear and anxiety into central mechanisms of compliance. These effects do not arise from subjective sensitivity, but from the structural logic of sanctioning regimes that expose regulated actors to severe legal detriment irrespective of blameworthiness.

Socio-legal research consistently demonstrates that perceptions of procedural fairness and moral legitimacy are crucial determinants of compliance. When legal responsibility is imposed without regard to subjective fault, regulated actors may develop what Pasquetti (2013) describes as institutionalized distrust – a chronic emotional orientation toward public authority characterized by fear and suspicion rather than cooperation. In such regimes, fear becomes a primary regulatory resource, replacing normative commitment with risk avoidance and shaping behavior through anxiety rather than legal conviction, as observed by Susanne Karstedt (2002) in contemporary systems of social control.

Importantly, these emotional effects are not distributed evenly. Small and medium-sized enterprises, local actors, and individuals often experience administrative sanctions as existential threats, while large corporate actors may treat them as calculable costs of doing business. This asymmetry underscores the social dimension of emotional governance and raises questions about equality before the law.

Practical implications for administrative and environmental law and conclusion

The foregoing analysis demonstrates that administrative monetary penalties in environmental protection law cannot be understood solely as technical instruments for enforcing legal norms. Despite their formal classification as non-penal measures, these sanctions operate as emotionally charged forms of public authority, shaping compliance not only through rational calculation but also through fear, anxiety, moral pressure, and stigmatization. Recognizing this emotional dimension has significant practical implications for the design, interpretation, and application of administrative sanctions.

First, the principle of proportionality in administrative sanctioning requires reconceptualization. Proportionality should not be assessed exclusively in terms of the formal relationship between the severity of the infringement and the amount of the penalty, but should also encompass the foreseeable emotional and experiential impact of the sanction on its addressee. Administrative monetary penalties that formally comply with

statutory limits may nonetheless produce effects comparable to criminal punishment, particularly where they threaten economic viability or generate lasting stigmatization. A broader understanding of proportionality that incorporates these affective consequences would strengthen the normative coherence and legitimacy of environmental regulation.

Second, the analysis highlights the need to reinforce the individualization of administrative sanctions, even within regimes of strict or quasi-objective liability. While such regimes exclude an assessment of subjective fault, they need not entail decision-making automatism. Greater attention to the regulated entity's economic situation, compliance history, and actual capacity to prevent the violation would allow administrative authorities to mitigate unnecessary emotional harm without undermining regulatory effectiveness. Individualization, understood in this manner, serves not as a concession to leniency but as a mechanism for enhancing fairness and regulatory trust.

Third, the emotional effects of administrative monetary penalties call for a critical reassessment of sanctioning practices characterized by high degrees of automatism and formalism. Decisions imposing financial penalties should demonstrate that the authority has engaged in a genuine evaluation of the circumstances of the case, rather than merely applying predefined sanctioning formulas. Strengthening the justificatory and communicative function of administrative decisions may reduce perceptions of arbitrariness and contribute to a more dialogical model of regulatory enforcement.

Fourth, the findings of the article invite reflection on the relationship between regulatory efficiency and the long-term legitimacy of administrative authority. While emotional mechanisms such as fear and moral condemnation may enhance short-term compliance, excessive reliance on them risks eroding trust in public administration and fostering adversarial relations between regulators and regulated entities. Environmental protection law, to remain effective, should balance deterrence with supportive and preventive regulatory strategies that acknowledge the emotional burdens imposed by sanctioning.

Finally, the emotional dimension of administrative sanctions has implications for both judicial review and legislative design. Courts reviewing administrative monetary penalties may take greater account of the cumulative burden imposed by sanctions and their indirect effects on regulated entities, particularly in assessing proportionality and the protection of legitimate expectations. At the legislative level, awareness of the affective consequences of sanctions should inform the construction of sanctioning frameworks,

including the definition of penalty ranges, mandatory mitigating criteria, and the relationship between financial penalties and alternative regulatory instruments.

Taken together, these factors reveal that administrative monetary penalties extend beyond their role as technical enforcement tools, operating instead as instruments of affective governance within modern environmental regulatory regimes. By applying the Law and Emotions framework, this article contributes to administrative law scholarship by revealing how emotional mechanisms shape the operation and legitimacy of strict liability regimes. It also points to the need for further research into the emotional foundations of public law sanctions and their significance for the future design and application of administrative enforcement mechanisms.

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