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Reform of German Economic Self-Government: Transformation of the Association of German Chambers of Industry and Commerce into a Public Law Corporation

Reforma niemieckiego samorządu gospodarczego. Przekształcenie Zrzeszenia Niemieckich Izb Przemysłowo-Handlowych w korporację prawa publicznego

ABSTRACT

This article is of a scientific and legal-research nature and addresses the reform of the German system of economic self-government as a subject of constitutional and administrative significance. The focus is on the transformation of the Association of German Chambers of Industry and Commerce (DIHK e.V.) into a public-law corporation – the German Chamber of Industry and Commerce (DIHK), implemented through the 2021 amendment of the Act on Chambers of Industry and Commerce (IHKG). Triggered by the Federal Administrative Court's case law and a growing number of legal disputes undermining the legitimacy of DIHK e.V., the reform sought to establish a legally robust and comprehensive framework for representing economic interests at the federal level. The article's central

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thesis is that the establishment of DIHK as a public-law entity enabled the creation of a transparent, constitutionally sound institutional structure for the economic self-government, preserving both its autonomy and legitimacy, while strengthening legal safeguards for its members. The aim of the study is to provide an in-depth legal and constitutional analysis of the solutions introduced, particularly in light of the principles of subsidiarity, self-governance, and proportionality. The originality of this article lies in its comprehensive approach to the legal and institutional consequences of the DIHK reform, along with the identification of new supervisory and participatory mechanisms that may serve as a model for other forms of functional self-government. The scope of the research is national (Germany), with references to EU standards on the representation of economic interests and principles of good governance. The findings offer significant theoretical value for the study of public law and constitutional systems, as well as practical relevance for policymakers and public administration bodies involved in the design and reform of legal frameworks for corporatist institutions. The article also contributes to the development of research on the relationship between the state and public law corporations in a democratic system.

Keywords: economic self-government; public-law corporations; chambers of commerce and industry; administrative reform; functional autonomy

INTRODUCTION

The purpose of this article is to analyse the process of transformation of the Association of German Chambers of Industry and Commerce (DIHK e.V.) into the German Chamber of Industry and Commerce (DIHK) as a corporation under public law, carried out under the amendment to the Act on Chambers of Commerce and Industry (IHKG),[1] which came into force on 12 August 2021. The legal, constitutional and functional aspects of this transformation and its relevance to business self-government in Germany, including the relationship between chambers of industry and commerce and the state, are considered.

The starting point for the present analysis is the recognition of the essence of the problem: the systemic gap in the nationwide representation of economic interests, resulting from the private-law nature of DIHK e.V., whose legitimacy has been questioned both in case law and by the legislature itself. The key research problem, therefore, is whether the new organizational model – DIHK as a public law corporation – makes it possible to reconcile the full representation of economic interests with the constitutional standards of self-government and public oversight.

For the purposes of the article, two main research hypotheses were adopted. First, the legal reform transforming DIHK e.V. into a public-law corporation provided a systemic and sustainable framework for the representation of general economic interests in Germany. Second, the institutional and procedural solutions adopted, including the establishment of public-law oversight and complaint mech-

[1] Act of 18 December 1956 on the temporary regulation of the Chambers of Commerce and Industry Act, as amended by the second IHKG amending Act of 12 August 2021.

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anisms, meet modern standards of transparency, participation and protection of individual rights.

The state of research on the issue of economic self-government in Germany is relatively scattered and mainly focuses on the dogmatics of the IHKG law and the institutional role of chambers of commerce and industry. The 2021 amendment to the IHKG represents an important caesura requiring an in-depth legal and constitutional analysis, which has not yet been undertaken in the Polish literature. This article attempts to fill this gap, while at the same time bringing new insights by analyzing the consequences of the reform not only from an administrative law perspective, but also from a constitutional law perspective.

The research methodology is based on a dogmatic-legal analysis of the existing provisions of the IHKG, particularly §§ 10a and 11, in conjunction with the case law of the administrative courts and official documents of the Bundestag. The functional approach also uses an institutional method and elements of comparative analysis to assess the consistency of the new model with the general assumptions of functional self-government in the German constitutional order.

The novelty of the considerations undertaken is manifested in a comprehensive analysis of the legal and systemic effects of the 2021 reform, taking into account both organizational aspects and the relationship between the state and economic self-government. In particular, the article attempts to evaluate the new model through the prism of the constitutional principles of subsidiarity, self-government and democratic legitimacy of the actions of public-law institutions.

RESEARCH PART

Self-government is the central principle of a democratic state.[2] In Germany, self-government embodies the liberal tradition in modern state development. According to its idea, self-government is directed against statism in the convergence of state and society, is "active civic freedom" and an element of participation in society as a whole.[3] Especially the latter is of fundamental functional importance.

1. Origins and reasons for DIHK's statutory reform

Before 2023, DIHK e.V. brought together 79 chambers of commerce and industry and was organized under private law. Due to the organization of the DIHK e.V. as an association under private law, the chambers of industry and commerce that

[2] Decision of the Federal Constitutional Court of 9 May 1972, BVerfGE 33, 125.

[3] R. Hendler, *Geschichte und Idee der funktionalen Selbstverwaltung*, [in:] *Jahrbuch des Kammerrechts*, ed. W. Kluth, Baden-Baden 2002, p. 9.

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comprised it were not statutory members in the past, but voluntary members of the association under private law. This constituted a decisive difference from the individual members of the chambers, who were, and still are, legally obligated to be members of their respective chambers in accordance with Section 2 (1) IHKG.

The Federal Administrative Court, in a ruling of 14 October 2020,[4] stated that the provisions of the Chamber of Commerce and Industry Act in their previous form largely no longer meet the requirements for modern representation of the general interests of the trade sector. As a result of this ruling, one of the chambers (IHK Nord Westfalen) that is part of DIHK e.V. was obliged to withdraw from the association following a complaint about repeated statements by DIHK representatives that exceeded their authority. This consequently depleted the full federal-level representation in DIHK e.V. In addition, in the first half of 2021, there were at least five more lawsuits pending regarding the withdrawal of chambers from DIHK e.V.[5] With the loss of more association members, representation of the sector's general interests at the national, European and international levels by DIHK e.V. would no longer be possible. This would also significantly jeopardize the legitimacy of the association to represent their interests. As a result, the interests of the chamber's approximately 4 million members as a whole would no longer be represented at the federal, European or international level. There was therefore a need for legislative action. On the one hand, the continued existence of the DIHK e.V. was to be ensured as far as possible by transferring the DIHK e.V. into a public corporation – the German Chamber of Industry and Commerce. The chambers of industry and commerce, and thus indirectly their member companies, were to be statutory members of the corporation. On the other hand, the powers granted to the association were to remain unchanged. In this context, it was necessary for the legislature to create a legal basis for the reorganization of the chambers' representation structure at the federal level, as well as to amend the regulations for the representation of the common interests of chamber members.

This situation prompted the federal government to initiate an amendment to the IHKG. The aim of the reform became to ensure completeness in the overall representation of interests, to clarify the scope of competence, to secure the autonomy rights of the chambers of commerce and industry, and to strengthen the legal protection of individual chamber members against the DIHK.[6] In December 2020, the Federal Ministry of Economy and Energy (Bundesministerium für Wirtschaft und Energie) presented the Draft of a Second Act on the Amendment of the Act

[4] Judgment of the Federal Administrative Court of 14 October 2020, BVerwG 8 C 23.19.

[5] Cf. Higher Administrative Court for the State of North Rhine-Westphalia, file no. 16 B 2011/20, 16 B 2045/20 (VG Köln 1 L 2340/20, VG Minden 10 L 1046/20).

[6] Explanatory memorandum to the resolution recommendation of the Committee on Economic Affairs and Energy adopted by the German Bundestag on 13 January 2021, BT-Drucksache 19/25868, p. 3.

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on the Temporary Regulation of the Chambers of Commerce and Industry Act, followed in March 2021 by a government bill.[7]

2. The legal basis for the transformation of the DIHK and its systemic structure

The transformation of the DIHK e.V. into a public law corporation was made possible through the use of already known and proven structural elements. The introduction of a public law corporation, to which all chambers of industry and commerce belong as statutory members and are represented on their governing bodies, corresponds to the regulatory model that the federal legislature has chosen, e.g., for the Federal Chamber of Lawyers (Bundesrechtsanwaltskammer) and the Federal Chamber of Tax Advisors (Bundessteuerberaterkammer).[8] Chambers of industry and commerce are organized as corporations under public law and are subject, in accordance with Section 11 (1) first sentence IHKG, to the legal supervision of the relevant state. The form of reorganization chosen by the legislature at the federal level therefore harmonizes with the existing situation at the state level. By transferring the DIHK e.V. into the legal framework of public law, integration into the existing system of governing chambers of commerce and industry has been accomplished. The establishment of the DIHK as a public law corporation has made it possible to take over and further utilize the structures and assets already financed and maintained by the individual chambers.

In order to ensure that the general interests of the chambers' statutory members were safeguarded, a transitional regulation was created until the DIHK e.V. into DIHK as a corporation under public law, a transitional regulation was created. It included, in particular, an obligation on all chambers of commerce to remain members of DIHK e.V. until its transformation into a corporation under public law.[9] Pursuant to Section 11 (1) IHKG, the Federal Ministry for the Economy and Climate (Bundesministerium für Wirtschaft und Klimaschutz) supervises the DIHK with respect to the legality of its operations. With regard to the principle of economy and rationality, meaning efficiency and effectiveness of spending, in connection with the implementation of the intended activities, which apply to the entire public finance sector, and therefore also in the area of indirect state administration, also with regard to the DIHK, it is fully under the control of the Federal Audit Office.[10]

[7] Cf. Draft of a Second Act amending the Act on the Temporary Regulation of the Chambers of Commerce and Industry Act, draft bill of the Federal Government, 9 March 2021, BT-Drucksache 19/27452.

[8] Cf. W. Kluth, *Handbuch des Kammerrechts*, Baden-Baden 2020.

[9] Cf. § 13c (7) ff. IHKG.

[10] § 10b (4) IHKG.

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3. Internal transformation process and new organizational mechanisms

The DIHK General Assembly convened a special committee in March 2021 to coordinate the entire transition process. At the same time, a so-called Statute Convention (Satzungskonvent) was established with representatives from all chambers of commerce and industry, which served as a platform for drafting a new DIHK statute. A third body was also established, a working group on cultural change, in which the individual chambers were also represented, and which developed proposals for greater transparency and better cooperation within the organization. The new statute was approved by the Federal Ministry of Economy and Climate on 7 September 2022, and published in the Official Gazette on 7 October 2023.[11] The chambers of industry and commerce took the IHKG amendment as an opportunity not only to implement the reform measures mandated by the legislature in the exercise of functional self-government, but also to modernize their image. The result of this process was, on the one hand, the DIHK's decision to adopt many of the tried and tested structures of the DIHK e.V., even if they were not provided for in the IHKG. The DIHK thus has a Presidium, consisting of 33 honorary members of chambers of commerce and industry from all regions, whose task is to prepare resolutions of the General Assembly and undertake all tasks not reserved for or assigned to the General Assembly. The DIHK Presidium is a body that intensively discusses and decides on economic policy positions, with a particular focus on regional aspects. In this respect, also taking into account its composition, it is an important anchor of regionality at DIHK. The DIHK statute also provides for an Executive Council consisting of a chairman, four vice-chairmen and a director general, which can be convened and deliberate as needed. In addition to the general director, due to the wide range of responsibilities, a Central Board has been established, whose members are appointed by the Executive Committee. Finally, the DIHK has also decided to retain a Council of Elders for possible internal conflicts. On the one hand, many of the solutions used were already known and tried, while on the other hand, fundamental changes were also initiated. We present some examples below to illustrate how they were implemented as part of the transformation process.

In light of the legislature's expectations for transparency in operations, the DIHK has used the transition process as an opportunity to voluntarily establish high standards of transparency within its internal organization. Examples in this context include the arrangements introduced in the statute for the General Assembly, whose

[11] Statute of the German Chamber of Industry and Commerce, hereinafter: DIHK-Satzung. The latest amendment to the Articles of Association was introduced by the DIHK General Assembly in November 2023. See https://www.dihk.de/resource/blob/6104/5514f2d9f357a4d504f7170ffa759cfc/netzwerk-service-dihk-satzung-data.pdf (access: 3.4.2025).

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meetings can be held in public,[12] the agenda is published before the meeting, and the minutes of the General Assembly are made available to the public on the Internet after the meeting.[13] In addition, legal supervisors, chairmen of expert committees and the board of elders have the right to attend the General Assembly as guests.[14] The DIHK-Satzung provides for a frequency of up to four general meetings per year, including the regular general meetings of the individual chambers of commerce and industry, which provides constant feedback to companies. The statute also introduces the possibility of live streaming of General Assembly meetings and also remote participation in meetings and votes, which certainly benefits the completeness of the overall representation of the chambers and their interests.[15] Executive Committee meetings are not open to the public, allowing members to speak freely in internal discussions. At the same time, the statute provides for the publication of the agenda before the Executive Committee meeting and the minutes after its approval. Representatives of the companies can also engage in the work of specialized committees appointed by the General Assembly, which advise both this body and the DIHK presidium or board. In total, more than 1,400 chamber representatives serve on the DIHK's 16 committees. The association has also used the transition process as an opportunity to improve the transparency of structures and decision-making processes throughout the organization. A comprehensive collection of data and facts about the organization of the chambers of commerce and industry is available on the IHK-Transparent web portal.[16]

Another goal of the changes within the functioning of the economic self-government was to create a clear legal framework for the competencies of the chambers of commerce and the DIHK. The revised IHKG clearly defines the division of labour between the chambers and the DIHK while maintaining the necessary subsidiarity. The individual chambers are independently responsible for representing the general interests and economic promotion of their region and carry the general interests of the region beyond the state and federal governments into the international arena. The DIHK identifies and represents the general interests of the members of the chambers of commerce and industry from across Germany in order to represent them at the national, European and international levels. The DIHK and the chambers of commerce and industry may comment and take a position only on issues that are relevant to the economy and to the commercial economy.[17]

[12] § 7 (13) first sentence DIHK-Satzung.
[13] § 7 (14) DIHK-Satzung.
[14] § 7 (10) (a), (b), and (e) DIHK-Satzung.
[15] § 6 (1) and (3), and § 9 DIHK-Satzung.
[16] https://www.ihk.de/die-ihk/ihk-transparent/ihktransparent-5514182 (access: 3.4.2025).
[17] Explanatory memorandum to the resolution recommendation of the Committee on Economic Affairs and Energy adopted by the German Bundestag on 9 June 2021, BT-Drucksache 19/30440, pp. 13–14.

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However, the scope of their authority still does not include statements that fall within the constitutionally protected area of collective bargaining partners. Thus, e.g., the DIHK does not comment on ongoing collective bargaining negotiations. On the other hand, it can take a position on generally applicable issues of social and labour law, as long as there is an economic union. In the preamble to its new statute, the DIHK explicitly pledges to represent the general interests of trade and industry in all sectors and sizes of enterprises after comprehensive consideration of interests and taking into account minority positions.[18] In order to strengthen the participation of individual companies in the organization of chambers of commerce and industry, and thus its internal pluralism, the DIHK and the individual chambers have jointly launched the "#GemeinsamUnternehmen" campaign: entrepreneurs can use the online portal to learn how they can effectively engage with their region.[19]

The establishment of the DIHK signified the statutory membership of the chambers of commerce and industry in the new organization, with which the legislator ensured, first of all, the completeness of the overall representation. At the same time, it secured the regional autonomy of the chambers and ensured the self-governing character of the entire organization.[20] All 79 chambers of commerce and industry together form the DIHK. Key decisions of the DIHK are made by the General Assembly, whose members are the chambers.[21] Each chamber is entitled to one vote. The Presidium also consists of representatives of the chambers, and its task is, among other things, to prepare resolutions of the General Assembly. In addition, as clearly emphasized in the explanatory memorandum to the law,[22] the tried and tested division of tasks between the chambers of commerce and the DIHK remains in effect: the respective chambers are solely responsible for protecting the interests and promoting the trade economy in the regions. The DIHK represents at the national and international level the general national interest, while the economic interests of the individual regions must be preserved and balanced.[23]

[18] Premble to the DIHK-Satzung.

[19] https://www.ihk.de/ehrenamtskampagne/gemeinsamunternehmen-5528934 (access: 3.4.2025).

[20] Draft of a Second Act amending the Act on the Temporary Regulation of the Chambers of Commerce and Industry Act, draft bill of the Federal Government, 9 March 2021, BT-Drucksache 19/27452, p. 2.

[21] § 10c (3) IHKG, § 5 (1), (2) DIHK-Satzung.

[22] Cf. *ibidem*.

[23] § 10a (1) first sentence IHKG in conjunction with § 2 (1) DIHK-Satzung.

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4. Constitutional evaluation of the reform and the DIHK-state relationship

As already mentioned, the DIHK is under the legal supervision of the Federal Ministry for the Economy and Climate. It is also obliged to report to the Bundestag on further developments.[24] In this regard, in addition to relations with the executive branch, there are also relations with the legislative branch. The principles of public budget law also apply to the DIHK. The Federal Audit Office monitors compliance with the principles of sound budget and economic management.[25] Internal management with regard to finance, budget and business plan, from financial statutes to procurement guidelines, has been reviewed as part of the organization's transformation, updated, adopted and approved by the legal regulator. Both the Ministry and the Federal Audit Office were involved in the entire transformation process and kept informed of all relevant steps. However, it should be emphasized that both the DIHK and the individual chambers of commerce and industry retain their personnel and financial autonomy.

As part of the IHKG amendment, the scope of legal protection for DIHK activities was also revised.[26] As members of the DIHK, chambers can file complaints with the Council of Elders. If the DIHK violates the rights of the chamber or the rights of an individual chamber member, these entities have a number of avenues for redress. The law obligated the DIHK to establish a grievance procedure,[27] which was accomplished through the establishment of the Integrity and Arbitration Council (Rat für Integrität und Schlichtung),[28] which also assumed the function of a grievance committee. Regardless of the internal grievance procedure, members of the chambers also have the right to appeal to the Berlin Administrative Court.[29] This direct legal relationship created by the IHKG between an individual chamber member and an "umbrella" organization, including the ability to take legal action, is unique in functional self-government in Germany.

[24] § 10a (6) IHKG.

[25] § 10b (4) IHKG.

[26] S. Bormann, [in:] *Industrie- und Handelskammergesetz. IHKG-Kommentar*, eds. W. Junge, R. Jahn, S. Wernicke, München 2024, § 11a, nb. 10.

[27] § 11a (3) third sentence IHKG.

[28] DIHK Statute on the Establishment of the Integrity and Arbitration Council and on the Regulation of the Complaints Procedure (Complaints Statute). Available at https://www.dihk.de/resource/blob/92070/%200efb52d0cc4ba34a9a94e08e020eaab2/netzwerk-satzung-der-dihk-ueber-die-einrichtung-eines-rates-fuer-integritaet-und-schlichtung-und-zur-regelung-eines-beschwerdeverfahrens-data.pdf (access: 3.4.2025).

[29] § 11 (3) first sentence IHKG.

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5. Lessons for functional self-government theory and new knowledge elements

The DIHK reform represents a modern model of functional self-government – decentralized but integrated; autonomous but subject to public accountability. It can serve as a model for other sectors, where the public interest is combined with the representation of industry communities. New measures to protect rights, including the possibility of filing a complaint with the Berlin Administrative Court, reflect the desire to ensure pluralism and participation within the corporate structure.

The results obtained of the study allow us to formulate *de lege ferenda* recommendations in the context of further development of this form of self-government. First, the statutory clarification of the scope of supervision of the Federal Ministry of Economy and Climate over the DIHK, in particular by defining supervisory measures and reporting obligations of the DIHK to the federal administration. This will make the supervisory relationship more transparent and reduce discretionary power over supervisory measures. Second, the institutionalization of an annual evaluation of the DIHK's performance in implementing the principle of representativeness of the chambers' interests, carried out by an independent body with the participation of representatives of regional chambers, academic experts and representatives of the administration. Such a mechanism would make it possible to assess the functioning of the DIHK in terms of pluralism, participation and transparency. It would also be advisable to consider the statutory empowerment of the institution of an individual chamber member's complaint to the DIHK in the event of a violation of the principle of equal treatment or overstepping of powers by the DIHK, with a time limit for its consideration and the obligation to provide a reasoned response. This solution would strengthen the guarantees of legal protection of individuals against public law corporations.

DISCUSSION AND CONCLUSIONS

The discussion over the years and later the legislative process revealed the need not only to determine the internal structure of the organization of the chambers of commerce and industry, to bring them into line with today's requirements with regard to overall responsibility for the economy, but also to bring about the optimization of legal protection, modernize proven structures and initiate a cultural change in the organization. An important part of the transformation has been the reorganization of institutions that have grown over time and the creation of new institutions that meet legislative expectations, and finally a review of the internal organization to determine whether procedures are still fit for purpose. It is worth noting at this point that the DIHK, in accordance with Section 10a (4) IHKG, has

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established an arbitration court to offer the entire range of out-of-court conflict resolution in Germany, i.e. mediation, conciliation and arbitration. With this court, the DIHK fulfills its task of promoting out-of-court conflict resolution.

The statutory reform of the DIHK, carried out on the basis of the 2021 IHKG amendment, confirmed the research hypotheses posed in the introduction of this article. First, the transformation of DIHK e.V. into a public law corporation created a sustainable legal framework for effective and representative representation of economic interests at the federal level. Second, the institutional and procedural arrangements that have been put in place, including public oversight, complaint mechanisms and increased transparency of operations, comply with the rule of law, including the principles of proportionality and subsidiarity.

The results of the study point to a number of elements of new knowledge. These include a detailed analysis of the relationship between the private-law organizational form and the ability to carry out public tasks, the construction of supervision of a public-law corporation with a functional character, as well as mechanisms to ensure participation and pluralism in the structure of the federal self-government organization. The article also considers the uniqueness of the legal relationship between the members of the chambers and the overarching structure of the DIHK, with the possibility of judicial review of decisions.

The results of the analysis correspond with the findings of German researchers, who point to the need for a new approach to the institutions of functional self-government in an era of increased expectations for transparency, legitimacy and participation. The article develops these concepts, showing how practical legislative solutions can translate into increased efficiency and trust in public institutions.

The significance of the research conducted is multifaceted. First, the article contributes to legal sciences – especially constitutional and administrative law – by showing the dynamic relationship between local government and the state. Second, the findings presented also have a practical dimension and can inspire further reforms of functional self-government in other sectors of public life. Ultimately, the study confirms that the integration of public law principles into the organizational structure of entities performing public tasks is not only possible, but also desirable from the point of view of protecting the general interest and institutional efficiency. The article contributes to the knowledge of constitutional and administrative law and legislative practice in the area of functional self-government.

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REFERENCES

Literature

Bormann S., [in:] *Industrie- und Handelskammergesetz. IHKG-Kommentar*, eds. W. Junge, R. Jahn, S. Wernicke, München 2024.
Hendler R., *Geschichte und Idee der funktionalen Selbstverwaltung*, [in:] *Jahrbuch des Kammerrechts*, ed. W. Kluth, Baden-Baden 2002.
Kluth W., *Handbuch des Kammerrechts*, Baden-Baden 2020.

Miscellaneous

Draft of a Second Act amending the Act on the Temporary Regulation of the Chambers of Commerce and Industry Act, draft bill of the Federal Government, 9 March 2021, BT-Drucksache 19/27452.
Explanatory memorandum to the resolution recommendation of the Committee on Economic Affairs and Energy adopted by the German Bundestag on 13 January 2021, BT-Drucksache 19/25868.
Explanatory memorandum to the resolution recommendation of the Committee on Economic Affairs and Energy adopted by the German Bundestag on 9 June 2021, BT-Drucksache 19/30440.

Legal acts

Act of 18 December 1956 on the temporary regulation of the Chambers of Commerce and Industry Act, as amended by the second IHKG amending Act of 12 August 2021.
DIHK Statute on the Establishment of the Integrity and Arbitration Council and on the Regulation of the Complaints Procedure (Complaints Statute).
Statute of the German Chamber of Industry and Commerce, November 2023.

Case law

Decision of the Federal Constitutional Court of 9 May 1972, BVerfGE 33, 125.
Higher Administrative Court for the State of North Rhine-Westphalia, file no. 16 B 2011/20, 16 B 2045/20.
Judgment of the Federal Administrative Court of 14 October 2020, BVerwG 8 C 23.19.

ABSTRAKT

Artykuł ma charakter naukowo-badawczy i podejmuje problematykę reformy niemieckiego samorządu gospodarczego jako zagadnienia o istotnym znaczeniu ustrojowym i administracyjnym. Przedmiotem badań jest proces przekształcenia Zrzeszenia Niemieckich Izb Przemysłowo-Handlowych (DIHK e.V.) w korporację prawa publicznego – Niemiecką Izbę Przemysłowo-Handlową (DIHK), dokonany na podstawie nowelizacji ustawy o izbach przemysłowo-handlowych (IHKG) z 2021 r. Biorąc pod uwagę orzecznictwo Federalnego Sądu Administracyjnego oraz narastającą liczbę sporów prawnych kwestionujących legitymację DIHK e.V., reforma ta stanowiła odpowiedź ustawodawcy na systemowy problem braku jednolitej i prawnie ugruntowanej reprezentacji interesów gospodarczych na szczeblu federalnym. Główną tezą artykułu jest twierdzenie, że nadanie DIHK statusu korporacji publicznoprawnej umożliwiło stworzenie trwałych i przejrzystych ram dla

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działania samorządu gospodarczego, przy jednoczesnym zachowaniu jego autonomii i wzmocnieniu mechanizmów ochrony praw jego członków. Celem badań jest dogłębna analiza zastosowanych rozwiązań prawnych i organizacyjnych oraz ich zgodności z zasadami konstytucyjnymi, w szczególności z zasadami subsydiarności, samorządności oraz proporcjonalności. Oryginalność artykułu przejawia się w kompleksowym ujęciu reformy DIHK, z perspektywy zarówno prawa administracyjnego, jak i prawa ustrojowego, a także w identyfikacji nowych instrumentów nadzoru i partycypacji, które mogą stanowić modelowe rozwiązania dla innych form samorządu funkcjonalnego. Zasięg badań obejmuje porządek prawny Niemiec, z odniesieniami do standardów unijnych w zakresie reprezentacji interesów gospodarczych i zasad dobrej administracji. Wyniki przeprowadzonych analiz mają wartość poznawczą dla nauki prawa publicznego oraz wartość praktyczną dla ustawodawców i organów administracji odpowiedzialnych za kształtowanie ram ustrojowych samorządów funkcjonalnych. Artykuł stanowi również wkład w rozwój badań nad relacją między państwem a korporacjami publicznoprawnymi w systemie demokratycznym.

Słowa kluczowe: samorząd gospodarczy; korporacje prawa publicznego; izby przemysłowo-handlowe; reforma administracyjna; autonomia funkcjonalna

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