

**THE LEGAL ENVIRONMENT OF THE ENTREPRENEUR
AND THE MANAGEMENT OF CHANGE INDUCED
BY LEGISLATION IN A THEORETICAL PERSPECTIVE –
A LITERATURE REVIEW**

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Purpose: The purpose of the publication is to organise and analyse the views presented so far in the literature on the impact of the legal environment on the entrepreneur's business activities. From a theoretical perspective, the publication presents: the issue of change and change management with particular emphasis on change enforced by law. The article discusses the theory of institutional change.

Design/methodology/approach: The research method used in the publication was desk research, including analysis and critique of the literature.

Findings: The publication makes visible and justifies the need to complement existing concepts of change and change management with an individual approach to legally enforced change.

Originality/value: The publication provides an overview and analysis of the views presented in the literature on change and change management, in particular the change induced by the legal environment of the entrepreneur.

Keywords: change management, law.

Category of the paper: general review.

1. Introduction

Today's entrepreneurs operate in an extremely difficult and therefore demanding external environment. The external environment has come to be understood as anything that lies outside the enterprise - as an organisation - and can have any influence on it (Griffin, 1997; Korzeniowski, 2019). It is also defined as an entity that lies outside the boundaries of the organisation, influencing the performance of the organisation, imposing constraints and forcing adaptation as the price for survival (Hatch, 2002). Nowadays, it is characterised by high dynamics of change caused by a wide variety of factors, often impossible to predict. It is emphasised that contemporary business management is a continuous adaptation of the

enterprise to the external environment - in other words, it is oriented at change management (Kisielnicki, 2004; Nogalski, Falencikowski, 2014). These are activities aimed at preserving the competitiveness, profitability, ergonomics of the enterprise, which are a response to the present. They also give the enterprise a chance to prosper in the hardly foreseeable future (Brzezinski, 2005). According to the concept of the organisational life cycle, an organisation persists and develops as long as it is able to adapt to changes in operating conditions (Karbowski, Wyrzykowska, 2019). One of the elements that significantly shape the external environment of an entrepreneur is legislation. It falls within the scope of the entrepreneur's macro-environment (further environment), which is, unlike the micro-environment (closer environment), uncontrollable, meaning that the entrepreneur has no direct influence on this environment. In addition to legislation, the entrepreneur's macro-environment is also formed by economics, politics, technology and social culture (Hatch, 2002) (Figure 1).

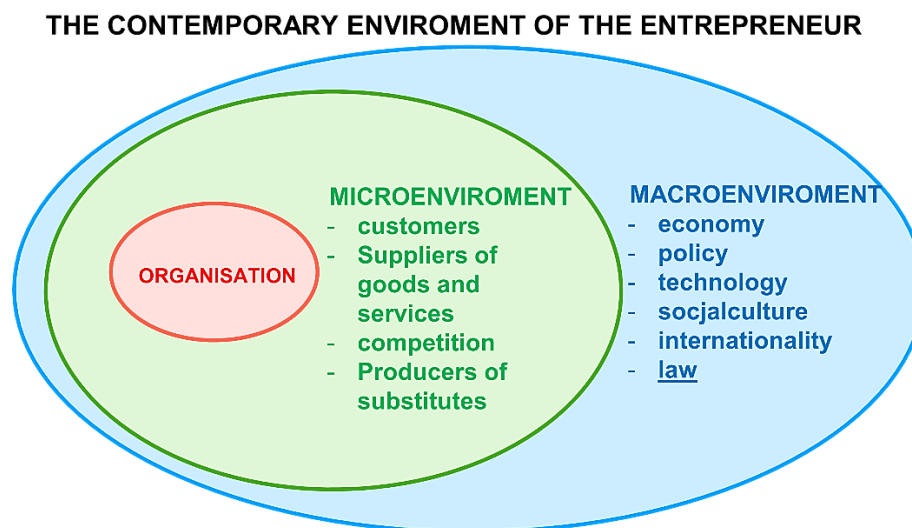


Figure 1. The contemporary environment of the entrepreneur.

Source: Magdziarczyk, 2023, p. 25.

The law defines such concepts as business activity, entrepreneur, enterprise, describes the permissible forms of business activity and, above all, outlines the framework of the freedom to conduct this activity. It is a source of both rights and obligations for the entrepreneur. From the point of view of business management, it is crucial that the functioning of the enterprise is adapted to the requirements of the law, that it remains in compliance with the legal environment. The consequences of a company's non-compliance with the applicable legislation may not only have a negative civil, criminal, administrative and legal dimension for the entrepreneur (e.g. lawsuits for damages, fines, prohibition of business activity, loss of a licence, administrative fine), but also an image dimension, especially in its micro-environment. The current high level of legislation in life, makes it imperative for the entrepreneur, not to underestimate the importance of adjusting the company to the legal environment. According to the available statistics, another record for the 'production' of legislation was set in 2023. More than 3 thousand new pieces of legislation came into force, totalling some 37-38 thousand

typed pages. For comparison, it is worth pointing out that in 2022 it was 15-20 thousand typed pages (Rzeczpospolita, 2 January 2024). The changes to the law concerned, among other things, the tax and social insurance system, areas of environmental protection, labour law, civil law and commercial company law.

In addition to economic conditions, legal regulations have become a fundamental element in the shaping of the entrepreneur's external environment. They are an important determinant of changes in the activities of entrepreneurs in their businesses. Legal change management has been promoted to the catalogue of basic skills entrepreneurs should have in order to develop and strengthen their businesses. It should be noted that legislation can force changes that will affect many areas of an enterprise such as strategic, operational, financial, marketing, or project and human resource management. It is therefore advisable to carry out a literature analysis of the subject, in order to organise and summarise the existing theories of change management induced by legislation. The research method that has been used to achieve the stated objectives is an analysis and critique of the literature. In selecting the literature, an important consideration was that the views presented should relate to contemporary reality. The analysis in question is undoubtedly a new and original take on and presentation of the views present in the literature.

For the sake of conceptual consistency, it should be indicated here that the term "entrepreneur" is understood in this publication in accordance with Article 4(1) of the Act of 6 March 2018, Entrepreneurs' Law (i.e. of 9 February 2024, Journal of Law of 2024, item 236), and the term "enterprise" is defined on the basis of Article 55¹ of the Act of 23 April 1964, Civil Code (i.e. of 2 August 2023, Journal of Laws of 2023, item 1610), taking into account that, in addition to tangible and intangible components, it also includes human resources (as such an understanding of an enterprise is consistent with the views of management and quality sciences).

2. Methods and Results

The research method adopted to achieve the objectives of this study is the analysis and critique of the literature (Apanowicz, 2005). Based on the analysis of the literature, in particular in the field of strategic management and change management, it can be stated there are significant deficiencies in terms of theoretical considerations, as well as methodological studies relating directly to the issue of entrepreneurs' management of change forced by the legal environment in which these entrepreneurs operate. On the other hand, a number of definitions of the concept of change can be found in the literature. Often quoted is the theory of L. Clarke, who believes that change is a transition from the known to the unknown (Clarke, 1997). No less popular is the view of M. Amstrong, who sees change as a process of analysing the past in order to carry out such actions in the present that will produce favourable results towards the

desired goal, while accepting the transitional state (Amstrong, 2000). E. Masłyk-Musiał, in turn, notes that in order for a phenomenon to be called a change it must be: 1) perceived (changes must be perceived); 2) empirical (changes can be studied to prove that something has actually changed in the organisation); 3) planned (changes must be controllable to some extent) (Masłyk-Musiał, 2003).

In relation to organisations, an organisational change can be distinguished. R.W. Griffin defined it as any significant modification of some part of the organisation. He emphasised that it may concern every area of the enterprise or only a selected area, a functional scope - however, if made in one area, it will often force changes in other areas. It should therefore be seen in a comprehensive and long-term view (Griffin, 2014). Similarly, this change is viewed by M. Bartnicki, pointing out that it refers to any real process in which the final state of the enterprise as an organisation differs from its initial state (Bartnicki, 1998). Z. Czerska adds that organisational change is a deliberate and conscious transition of an organisation from its previous state to a different, unambiguously different state. Such a definition of organisational change emphasises that the change is a source of permanent correction or modification in the relations between goals, tasks, people and apparatus in the dimension of time and space, regardless of the nature of its effects. Change means the introduction of a new solution and includes its development, the creation of conditions for implementation and start-up (Czerska, 1996, 2002a). In a similar vein, organisational change is defined by A. Zarębska, considering it to be any significant modification of some part of the organisation, i.e. the transformation of an existing system (enterprise) according to established procedures, with the simultaneous anticipation of the results of this transformation directed by the purposefulness of the organisation's activities (Zarębska, 2002). On the other hand, W. Walczak sees in organisational change an integrated and well-thought-out process of implementing new organisational, technological and cultural solutions aimed at better use of tangible assets and valuable intangible stocks, leading to improved management efficiency, asset management efficiency and increased market competitiveness (Walczak, 2009).

Many approaches to the classification of change have been presented in the literature. These classifications differ in terms of the criteria adopted, in particular: causes of change, duration of change, rate of change and size of change, direction of change, style of change. The most common ways of classifying change are presented in Table 1.

Table 1.
Types of change and criteria for identifying them

Criteria	Type of change
Source (reason for change)	<ul style="list-style-type: none"> • spontaneous (voluntary) change - the organisation itself sees the need to change • imposed (forced) change - its necessity and direction are determined by the environment
Size of change (purpose of change)	<ul style="list-style-type: none"> • conservative change - aims at maintaining the current degree of adaptation of the organisation to its environment • developmental change - aims to improve the degree of organisation and performance and ensure the development of the organisation

Cont. table 1.

Strategy for change	<ul style="list-style-type: none"> • structure-oriented changes (organisation) - e.g. decentralisation • change in the degree of formalisation • changes in technology - e.g. work operations, procedures • changing people - their qualifications, attitudes, motivation, relationships
Scope of change	<ul style="list-style-type: none"> • holistic changes - covering the entire organisation • fragmented changes - concerning specific parts of the organisation
Interdependence of the timing of organisational change and environmental change	<ul style="list-style-type: none"> • reactive changes - in response to changes in the environment, made only when the need arises • anticipatory change - anticipates future changes in conditions and prepares the organisation for them before the need arises
Assessment of the impact (effects) of the changes	<ul style="list-style-type: none"> • positive changes - when, as a result of measuring the effects of changes, the real useful result exceeds the expenses incurred • negative changes - when the useful results obtained are less than the costs associated with the change • neutral changes - when useful results and costs incurred are equal or close to each other
Strength, shape and extent of change	<ul style="list-style-type: none"> • incremental (normal) change - is a permanent feature of the organisation's operation • radical changes - are revolutionary in nature, e.g. the organisation's strategy is changed
Method of change	<ul style="list-style-type: none"> • adaptive change - is the organisation's response to emerging forces • planned change - is carefully planned and implemented in an orderly and timely manner
Scope of novelty	<ul style="list-style-type: none"> • innovative (creative) changes - bring about new solutions • adaptive (restorative) change - uses existing solutions, adapting them to the organisation's conditions

Source: Magdziarczyk, 2023, pp. 30-31.

Taking the source (cause) of change as a criterion for the classification of change, change underpinned by legislation is referred to as imposed or forced. This is because the necessity and manner of its introduction is dictated by the environment. On the other hand, taking into account the purpose of changes, a change induced by legislation has a conservative character, consisting in maintaining the current degree of adaptation of the organisation to the environment. In the context of the interdependence of the timing of organisational changes and changes in the environment, it has, in turn, the characteristics of a reactive change, i.e. constituting a reaction to the occurring changes in the environment. Regulatory change can also be referred to as adaptive change, considering the criterion of how change is introduced. Adaptive change is the organisation's response to external forces affecting the organisation. From the point of view of the novelty criterion, on the other hand, it is an adaptive (restorative) change, which involves the implementation in the organisation of already existing solutions adapted to the needs and conditions of the organisation.

The impact of legislation on the entrepreneur's efforts to adapt the enterprise to its environment is the basis of the theory of institutionalism and institutional change, based on a sociological approach. Its founder is P. Selznick. He noted that organisations are subject to environmental pressures in terms of technical and economic requirements as well as social values and regulations. The environment may even force organisations to play specific roles in society, and reward those that demonstrate the ability and willingness to conform to society's

values, norms, rules and beliefs (Selznick, 1996; Tolbert, David, Sine, 2011; David, Tolbert, Boghossian, 2019). P. Selznick's theory was further developed by W. Powell and P. DiMaggio (Powell, DiMaggio, 1984, 1991a; Dacin, Goodstein, Scot, 2002), particularly emphasising the influence of the state and the state-created legal environment on the organisation. Institutional theory has taken institutions to mean formal and informal rules and procedures, operational practices, as well as systems of symbols, cognitive scripts and moral patterns that provide a cognitive and interpretive framework for members of society (social actors). Institutions are rules and structures legitimised by social norms and values. They are also pointed out as sets of related rules and routines that define relevant actions in the sense of the relationship between role and situation, the essence of which is to structure the context in which the interpretation and meaning of individuals' actions takes place (Mazur, 2013). According to institutionalists, institutions shape the values, attitudes and behaviours of social actors by equipping them with cognitive schemas - and it is not that institutions are supposed to indicate how to act, but to determine what kind of actions are socially legitimised in a given context. They are also a source of control mechanisms, facilitate cooperation and reduce uncertainty, serving the persistence of the social order. The persistence of institutions, in the institutionalist view, stems from the belief that they introduce a state of equilibrium, which manifests itself in individuals adapting to the requirements of the institution, for this is more beneficial than not adapting, even though the situation they find themselves in may be suboptimal for them. Institutions change when they no longer serve the interests of rational social actors seeking to maximise utility. A break with the continuity of institutions provides the opportunity to configure new rules for the distribution of benefits. Institutional change occurs when consensus cannot be reached and coalitions for the continuance of an institution cannot be formed or maintained. The cause of institutional change is therefore a crisis resulting from a contradiction between the logic of institutions and the logic of social actors. Institutional change can be projective or evolutionary. In the first case, social actors are assumed to have an idea of the ideal social order, the ability to define precise goals and the resources to create this order. In the second case, it is a process of smooth and gradual transformations of institutions, not affecting the essence of the institution, but limited to the modification of its specific components (Mazur, 2013).

At the same time, it should be noted that P. DiMaggio and W. Powell are considered to be representatives of the concept of institutional isomorphism, which is one of the most important concepts of the 'new' institutionalism (neo-institutionalism) trend that began to develop in Western sociological and organisational thought in the 1950s (Wróbel, 2011; DiMaggio, Powell, 1991). Representatives of neo-institutionalism included G.H. Mead, Ch.H. Cooley, J.G. March or R.W. Scott and J.P. Olsen. This current was formed on the critique of legalism, structuralism, holism, historicism and normativism of previous tendencies in the study of the life of institutions (Jasinska-Kania, 2006). It should be noted that at its origins, the theory of institutionalism took as determinants of human action: law, social structures, or historical conditions, thus drawing on the thought of K. Marx, M. Weber and E. Durkheim. Describing

the phenomenon of similarity between organisations that co-exist in a similar environment, P. DiMaggio and W. Powell pointed to institutional isomorphism, the essence of which they considered to be the presence of other organisations. They took coercive isomorphism, consisting of formal and informal pressure from other organisations on which the organisation is dependent, as well as pressure to conform to social expectations, as one of the three basic premises of institutional isomorphism. Among the causes of coercive pressure, P. DiMaggio and W. Powell strongly emphasised the presence of the state and the existence of a common legal environment. The theory of institutional isomorphism was also close to J. Meyer and B. Rowan, who presented the view that, as the state and other large organisations extend their dominance over more and more dimensions of social life, organisational structures will increasingly reflect rules and arrangements legitimised by the state (Meyer, Rowan, 1977). It should be noted at this point that the very notion of isomorphism has previously been defined by A. Hawel as a coercive process inducing an individual to resemble others who face the same environmental conditions (Wróbel, 2011).

The specificity of change imposed by legislation, in turn, has a bearing on the process of managing that change. The literature is rich in definitions of change management, but they are of a general nature and do not take into account the differences presented by change induced by legislation. Thus, change management is described by M. Brzozowski and T. Kopczyński as a set of activities aimed at achieving an expected state in an organisation (Brzozowski, Kopczyński, 2009). In turn, L. Clarke believes that it consists of creating a vision for the organisation and a programme for its realisation (Clarke, 2012). According to him, change management should aim to maintain the competitiveness, profitability and ergonomics of the enterprise, focusing on maintaining a balance between the enterprise as an organisation and its environment and between all subsystems. A similar position to L. Clarke is presented by M. Bielski (Bielski, 2012). L.H. Haber, on the other hand, points out that change management is a process of decision-making aimed at enabling the best possible use of owned physical, capital and human resources in order to achieve the set tasks (Haber, 2011). K. Wybrańczyk, G. Polok, M. Naramski i R.A. Szromek, as well as M. Rousseau write about change management as the creation of flexible management capabilities and rapid response to the present, i.e. building such an organisation that will prosper in the hardly foreseeable future (Wybrańczyk, Polok, Naramski, Szromek, 2018; Rousseau, ten Have, 2022). According to G.P. Wojcik, change management should be defined as a conscious and organised activity aimed at planning and implementing change in an organisation. The essence of the change management process according to her is: 1) adapting reality to new needs and conditions; 2) improving the efficiency of the organisation's functioning; 3) formulating variants of solutions to improve reality; 4) implementing the selected solution into practice; 5) making decisions on the choice of the solution considered the best, meeting the adopted criteria; 6) a recurrent process, due to the obsolescence of solutions (Wójcik, 2011). For A. Stańda, change management, on the other hand, are activities that involved in the management of people

in the process of organisational change, he also points out that the basic task of change management is to ensure that the objectives of organisational change are achieved (Stańda, 2008). A slightly different definition of change management is provided by M. Narkiewicz, emphasising that it is the process of using the organisation's strategy to maintain harmony with the changing market environment (Narkiewicz, 2015).

At least three currents of change management approaches can be distinguished in the literature. The first is the systemic approach (object-oriented approach), which assumes that the organisation is made up of interacting and interdependent elements that are affected by the same forces, and that the effects of change in any area should not be considered in isolation. It is assumed that change in one area of the organisation triggers change or the need for change in another area. The precursors of this trend are J.J. Leavitt, R.H. Waterman, T.J. Philips and J.R. Philips (Stoner, Wankel, 1997). However, J. Skalik considers the omission of the interpersonal aspect of organisational life as its main shortcoming (Skalij, 2018). The second, is the behavioural approach (subject approach). This current was developed by W.L. French and C.H. Bell Jr. It focuses on organisational improvement by arguing that change management and organisational improvement are interrelated (Woodman, 1986; Pasmore, 1996). In contrast to the systemic approach, the behavioural approach places emphasis on the interpersonal aspects of the functioning of a changing organisation and the need to associate people's needs with the developmental intentions of the organisation (Skalij, 2010). Related to this current is the concept of OD (Organisation Development), which is based on the view that organisational development becomes a necessity for a company that wants to survive in an environment of constant change. However, this development should be linked to the development of managers (Bednarski, Szlendak, 1997; Trocki, 1989). The integrated approach is the third current (comprehensive approach) that stands out in the literature. Its proponents are L. Clarke, D.K. Carr, and K.J. Hard. It combines strategic orientation with simultaneous full utilisation of managerial and employee potential (Zarębska, 2002). This comprehensive approach to change management offers the most opportunities to respond effectively to the increasing dynamics of the turbulent environment of a changing organisation.

3. Discussion

A number of concepts relating to the concept of change and the issue of change management in the context of entrepreneurial activities have been presented in the literature. In both areas, the concepts described differ only slightly from each other. In their assumptions, they turn out to be based on almost identical foundations. At the same time, it should be noted that these concepts focus in particular on changes originating in economic processes and technological developments, while at present, it is legislation that is a significant stimulus for the

implementation of organisational change in enterprises. Legislation is capable of forcing change at every level of a company's operation, and often becomes a premise for actions aimed at evolving the mentality of the people involved in the operation of the company (especially employees). Examples include legislation relating to employment relationships (non-discrimination, gender equality), or legislation introducing data protection for individuals. When comparing a legally enforced change with other types of change, it is important to first of all consider the source of the change, which is legislation or, in other words, coercion by an authority. This coercion makes such change more difficult to manage than change induced by other factors. When faced with a change forced by legislation, the entrepreneur is essentially deprived of the opportunity to plan for it. Moreover, regardless of his or her conviction that it is necessary to implement it in the enterprise, he or she must take appropriate implementation actions, very often acting under pressure of time as well as possible civil or fiscal criminal liability. In the process of implementing a change enforced by the law, the conflicting nature of the law and its lack of precision (vagueness) is often a problem for the entrepreneur. A legal provision that is imprecise becomes a source of interpretation discrepancies. An entrepreneur who is obliged to implement a change resulting from such a provision in his enterprise, in order for his action to be consistent with the will of the legislator, should be guided by the interpretation made by the authorities.

The classic perception of change as a process of deliberate and conscious transition of an organisation from its previous state to a different, unequivocally different state, in relation to change enforced by law, should therefore be modified by emphasising that it is a deliberate process, but fully enforced by the activity of authorities. The characteristic feature of a change forced by law is that the entrepreneur is not able to foresee or plan it, he is forced to implement it even if he perceives the change as unnecessary or even unfavourable (or even harmful) from the point of view of his business activity. Current definitions of change in the literature therefore do not fully address the change that is dictated by an authority through the law enacted by that authority. Each of these definitions can be considered correct in general terms, not taking into account the uniqueness of the change imposed by the law.

By definition, the change management process should be 'tailored' to a specific enterprise, taking into account its needs and requirements arising from the specifics of its business, but above all it should be adapted to the type of change being implemented. It is a process that requires a combination of organisational, psychological and sociological aspects. Properly planned, it should, in particular, take into account the objectives of the enterprise, an analysis of the interaction network of mutual influences and an analysis of the strengths and weaknesses of the enterprise taking into account their specificities (van der Voet, 2014). The issue of managing regulatory-enforced change applies equally to all entrepreneurs, regardless of their size, type of business, etc. The ability to manage such change enforced in times of a highly dynamic legal environment should therefore be treated as an essential element of any entrepreneur's business (Walczak, 2012). Effective management of change enforced by

legislation is a prerequisite for the survival of businesses and for keeping them viable and growing. The change management concepts described in the literature do not directly address change induced by legislation, and are not dedicated to the most numerous group of entrepreneurs, which are micro-, small and medium-sized entrepreneurs. Most of these concepts are similar and do not call for discussion. What requires discussion, however, is the lack of a concept dedicated to the management of change imposed by legislation, which in recent years has begun to significantly determine the actions of entrepreneurs.

4. Summary

The conduct of business in the modern world has been subject to numerous legal regulations. These laws change, and new regulations are enacted to cover further areas of entrepreneurial activity. This state of affairs means that entrepreneurs are constantly faced with the challenge of adapting their businesses to the current state of the law. In other words, they are confronted with the problem of implementing changes that are driven by legislation (coercion from the authorities). Often, such changes are not foreseeable for the entrepreneur and their implementation is most often carried out under time pressure and various sanctions, which may even result in termination of the entrepreneur's business activity. The entrepreneur is obliged to adapt the functioning of the enterprise to the current legislation, regardless of whether it is approved by the entrepreneur. This means that entrepreneurs may find themselves in the situation of having to implement a change which he assesses negatively. Such a change may result in a reorganisation of the enterprise's work, placing new obligations on the entrepreneur and his employees. It may also force the entrepreneur to make financial outlays that the entrepreneur had not planned for and therefore had not secured the necessary funds. Managing change imposed by legislation is particularly challenging for micro, small and medium-sized entrepreneurs, who have limited human and financial resources and organisational capacity.

The review of the literature entitles one to the claim that general concepts of change and change management do not fully capture the nature of change induced by legislation creating the legal environment for the entrepreneur. These concepts do not take into account the individual nature of this change - its compulsory nature. In their assumption, they focus on voluntary change, indicating the choice to implement the change. By contrast, a change enforced by law is a change with which one may disagree, but one cannot choose not to implement it.

It is worth mentioning that the lack of a case-by-case approach to the issue of legally enforced change in the literature is linked to the lack of descriptions of methods for implementing such change.

In conclusion, it is important to recognise that the need of modern times is to take a more careful look at the changes faced by entrepreneurs, which are dictated by authority, through legislation. A theoretical grounding in management and quality sciences is required to manage the change enforced by legislation. Indeed, the general approach to change and change management to date is proving to be inadequate. The research findings presented are based on an analysis of relevant yet selected examples of the literature, which may be a complaint that they are limited. However, it seems that they can nevertheless provide a basis for reasonable conclusions. A basic conclusion is that there is a need for new insights into the issue of regulatory-induced change and entrepreneurs' coping with this change. Managing regulatory-induced change is an essential skill for modern entrepreneurs and a challenge before management and quality sciences to develop effective methods and tools to implement such change.

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