

Summary of the doctoral dissertation

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Subject of the Dissertation: "Legal liability of the voivode as a public administration body"

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The subject of the dissertation is the analysis of the issue concerning the legal liability of the voivode as a public administration body. Due to the role of the voivode as an organ, and at the same time a guardian and a politician, the sphere of responsibility of the voivode is extremely complex. The prepared dissertation aims to holistically depict the legal responsibility of the voivode as a public administration body and to show this complicated issue against the structure of the classic responsibility of the public administration body. Therefore, the basic research problem of the dissertation is to conduct an analysis of the voivode's legal responsibility in two approaches: as a public administration body and as the head of a public authority. Particular attention was paid to the analysis of regulations defining the tasks of the voivode as a representative of the Council of Ministers, with which political responsibility is associated.

The main thesis of the dissertation assumes that the model of responsibility of the voivode does not fully correspond with the model of responsibility of people acting as public administration bodies, adopted by the doctrine. On the one hand, we can talk about the responsibility of the voivode as a public administration body, but on the other hand, we can talk about the personal responsibility of an individual performing a public function of the voivode.

The subject of the legal responsibility of the voivode as a public administration body is presented in five chapters. The first chapter defines the concept of responsibility in philosophical terms and presents the types of responsibility in public administration. The basis for a proper understanding of the concept of liability is to define this term not only on the grounds of positive law, but above all in philosophical terms. Liability should be considered as a common part of at least two parts. One of them refers to the ethical and moral sphere, characteristic of philosophy while the other one is related to the legal norm. The presentation of responsibility in philosophical terms has become the starting point for considerations on the legal responsibility of the voivode as a public administration body.

The second chapter presents the historical outline of the public administration body, the concept of the functioning of the state, the model of governments in Poland and the tasks

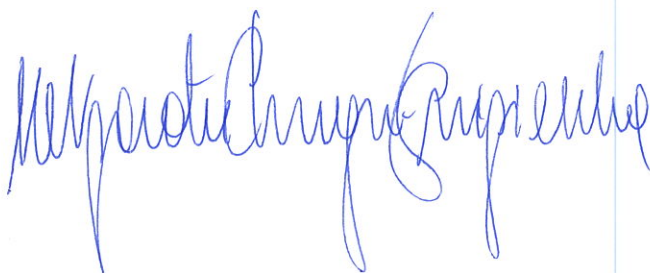
performed by the voivode. An essential element of this chapter was to present the genesis of the body of the voivode which established its structural position after a period of formation throughout history. Due to the political nature of this position, the type of voivode's responsibility is of great interest. The voivode, fulfilling the tasks of a representative of the Council of Ministers and the head of the combined government administration in the voivodship, bears political responsibility. However, the scope of the tasks performed within these functions also generates the possibility of the voivode's compensatory liability as a public administration body as well as disciplinary or even criminal liability of the voivode as the body's guardian. On the other hand, the performance of the tasks of a public administration body, a body supervising local government, involves incurring administrative and compensatory liability.

The third and fourth chapters define the administrative and civil liability of the voivode in detail. The scope of these responsibilities come within the sphere of relations between the voivode as a public administration body and the citizen. The principles, premises, scope and circumstances excluding these types of liability were also considered. Additionally, attention was also paid to the legislative lawlessness of the voivode. Administrative and civil liability mutually reinforce and complement. The former is the result of the voivode's activity, which is the subject to control, and serves primarily to improve the functioning of the public administration and to eliminate mistakes made by it. The latter serves the function of administering some kind of justice. The analysis carried out in the third and fourth chapters proved that administrative and civil liability constitute the most important and the most extensive area of legal liability of the voivode.

The fifth chapter was devoted to the problem of voivode's responsibility as the body's guardian. This part of the dissertation presents the principles, premises and the scope of disciplinary, property and criminal liability as well as liability for violation of public finance discipline. Moreover, moral liability connected with it was also discussed.

The conclusion of the dissertation summarizes the analysis which was carried out. It proved that the responsibility of the voivode is characterized by a high degree of complexity, which is due to the overlap of the responsibility of the voivode as a public administration body, i.e. administrative and compensation liability, on other types of liability of the voivode as the body's guardian. The analysis confirmed the initial assumption that the legal liability of the voivode refers to two grounds. The first results from the tasks carried out and is directly related to the responsibility of the public administration body. The second one is a derivative of the structural role of this body. Hence, the legal liability of the body was modified by its structural

position. It allowed to draw a conclusion that in the model approach, the voivode's responsibility is based on the autonomous legal liability of this body with numerous elements of co-responsibility, and sometimes with parallel responsibility. On the basis of *de lege let*, the co-responsibility and parallelism of the legal liability of the voivode was not clearly regulated, hence the conclusion *de lege ferenda*, that the indicated types of liability of the voivode should be resolved unequivocally in the law.

A handwritten signature in blue ink, appearing to be a name in a cursive script, possibly "M. P. ...".

