Annex 3 to the motion for carrying out postdoctoral degree proceedings

dr Maciej Borski
Institute of Administration and Law
Humanitas University in Sosnowiec

SUMMARY OF PROFESSIONAL ACCOMPLISHMENTS

prepared for the purposes of post-doctoral degree proceedings, containing information on the academic degrees obtained and the course of previous employment in scientific units and the characteristics of scientific achievement within the meaning of art. 16 sec. 2. point 1 of the Act of 14 March 2003 on academic degrees and academic titles (consolidated text Journal of Laws of 2017, item 1789, as amended)

I. Introduction

According to art. 18 a para. 1 of the Act of 14 March 2003 on academic degrees and academic titles (consolidated text Journal of Laws of 2017, item 1789 as amended), provisions of the Ordinance of the Minister of Science and Higher Education of January 19, 2018. on the detailed procedure and conditions for conducting activities in the doctoral dissertation, post-doctoral dissertation and in proceedings for granting the title of professor (Journal of Laws of 2018, item 261), I submit this summary of thesis prepared for the purposes of the post-doctoral proceedings, containing information on the obtained by me academic degrees and the course of previous employment in scientific units, the characteristics of scientific achievement within the meaning of art. 16 sec. 2 point 1 of the above-mentioned Act, as well as a concise discussion of my other achievements and scientific achievements.

II. Diplomas and academic degrees

I received a master's degree in law on June 1, 1999 at the Faculty of Law and Administration of the University of Silesia in Katowice, defending in the Department of Criminal Procedure a Master's thesis entitled: "Penalty limitation of criminal offences prosecuted from private accusation", written under the supervision of prof. dr hab. Kazimierz Marszał. It was rated as very good.

After my master's studies, in October 2002, I started part-time doctoral studies at the Faculty of Law and Administration of the University of Silesia in Katowice, which I graduated from in 2006. I was awarded a PhD in law by a resolution of the Faculty of Law and Administration Council on September 19, 2006 after defence of PhD thesis: "Constitutional Court of the Czech Republic". The promoter of the dissertation was prof. dr hab. Eugeniusz Zwierzchowski. The reviewers in the doctoral thesis were: prof. dr hab. Jan Filip and prof. dr hab. Anna Łabno.

III. Information on previous employment in scientific units

In October 2001, I started cooperation with the College of Management and Marketing in Sosnowiec (currently Humanitas University). After obtaining the degree of doctor of law, in 2006, I was employed as an adjunct at the Institute of Administration and Law of the Humanitas University, where I have worked continuously. In addition, on October 1 2014, I was appointed to act as a deputy dean for student affairs at the Faculty of Administration and Management, which I still function as.

IV. Indication of scientific achievement referred to in art. 16 sec. 2 of the Act of 14 March 2003 on academic degrees and academic titles as well as academic degrees and academic titles in the field of art

As the most important scientific achievement obtained after receiving the academic degree of doctor of law, representing a significant contribution to the development of legal science and thus fulfilling the criteria set out in Article 16 sec. 2 points 1 of the Act of 14 March 2003 on academic degrees and academic titles, and on degrees and title in the field of art, I allow myself to indicate a monograph entitled "**Public forms of supporting carers of persons with disabilities**" published in its entirety: Humanitas Publishing House, Sosnowiec 2018, pp. 277, ISBN: 978-83-66165-02-1.

The publishing reviewers of the monograph was: dr hab. prof. UJK Piotr Ruczkowski and dr hab. Michał Bożek.

For a long time, the subject of my research interests has been the issue of people with disabilities. Initially, I dealt with it in the context of electoral law, analysing issues related to the use of alternative voting methods as well as facilities that minimize the so-called forced electoral absence among people with disabilities. Gradually, however, my research interests widened and I decided to look more closely at the legal position of people with disabilities in Poland. To this end, I started the research project entitled ***People with disabilities in the Polish legal system***, to which I invited about 30 authors from various academic centres. The project was implemented under my direction, financed from the MNiSW grant. Its goal was to characterize the legal aspects of the functioning of people with disabilities in society and to present them both from the normative and practical point of view, as well as achieving general reflection on the condition of Polish normative solutions concerning disability.The result of such a broader view of this issue are two collective monographs prepared under my editorship (***Realization of the idea of humanism in the context of guaranteeing basic rights for people with disabilities,*** Humanitas Publishing House, Sosnowiec 2017, ISBN: 978-83-65682-78-9, pp. 379 and ***Barriers around people with disabilities, selected issues,*** Humanitas Publishing House, Sosnowiec 2017, ISBN: 978-83-65682-77-2, pp. 325), in which the authors (specialists in various branches of law) made an attempt to show a number of very important issues that fundamentally affect the everyday functioning of people with disabilities. At the same time, I began research to see if very ambitious government support plans for people with disabilities provided for in the comprehensive family support program will become a universally binding law, or whether the development of various forms of support will remain only in the sphere of plans. The research I carried out resulted in the article prepared with the use of the normative set method[1] ***Does the changes in the Act on social assistance introduced by the Act of 22.06.2017 on the amendment of certain acts in connection with the implementation of the For Life'program implement the assumptions of the comprehensive support program for families For Life?*** ("Przegląd Prawa Publicznego" No. 3/2018, ISSN: 1896-8996, pp. 10-27). The specificity of the amendment I analysed was, first of all, that the objective pursued by the applicant resulted not only from the justification of the draft of the discussed act, but also from

1 A normative set consists of information about actions (activities or omissions) that are important to achieve the assumed goal. These actions, set to achieve it, have a very diverse impact. According to the author of the method, Paweł Chmielnicki, the "core" of the normative set are, either solutions that must be taken into account by the "user" of the set (i.e. a person using a given scheme) in order for the assumed goal to be achieved at all (thus necessary activities), or those whose completion will make it impossible to achieve the goal. The "soft elements" of the normative set may be called those solutions which, although they do not determine the achievement of the goal at all, increase the chances of success or reduce costs, or those solutions without taking into account the chances of success, or increase costs.

the comprehensive support program for families, "For Life". Considering the fact that the reading of official texts does not allow a complete understanding of the motives of solutions introduced by the legislator, it became necessary to carry out research on who, in practice, was the source, disposer, beneficiary and user (cost-bearer) of implemented solutions. The effects of these studies are presented in this article. This publication met with a very positive reception, therefore I decided to submit it to the contest "The interpretation of law as a derivative of understanding the purpose and mode of action – edition 2017-2018"[2], in which I received the second distinction for.

The research work presented above, including especially long discussions conducted as part of the research team, inspired me to explore the issue of disability further. It was precisely the cooperation with many scientists representing various legal departments that made me wonder how the situation of people with disabilities affects the everyday life of their caregivers. At that time, I came to the conclusion that while the subject of legal doctrine research are almost exclusively issues related to supporting people with disabilities, there is a lack of a holistic study in which the issues of support provided by public authorities to carers of people with disabilities are presented. This monograph is therefore the result of these thoughts.

1) Reasons for taking up the research topic and indicating the main goals of the work

There is no doubt that the emergence of the phenomenon of disability is a difficult situation not only for a person affected by disability, but also for their caregivers, including family members. It is the family that is the social group from which individuals expect help and support throughout their lives. Regardless of the support provided by the family, it seems particularly important to help people with disabilities and their caregivers by the state. The increase of the state's interest in this matter has been particularly evident in the last three decades. This particularly has become one of the main reasons why I undertook the preparation of a monograph devoted to public-law forms of support for caregivers of people with disabilities.

The recent protest of the caregivers of persons with disabilities, which took place in the Sejm in April-May 2018, undoubtedly contributed to the increased interest in the subject I undertook. In contrast to the protest from four years ago, when the postulates were focused on

2 The competition was organized by the Association for Research on Sources and Functions of the Law "Fontes", Association for the Collective Management of Copyright of Authors of Scientific and Technical Works KOPIPOL, Publisher Wolters Kluwer Polska SA, University of Information Technology and Management in Rzeszów, Humanitas University in Sosnowiec, Humanities and Natural Sciences of Jan Długosz University in Częstochowa and the Lazarski University in Warsaw.

the benefits for the caregivers, this time the focus has been on support assigned to the disabled person. The claims raised concerned the social security of the group of people already in adulthood, when the state ceases to support some activities carried out in relation to children and does not take up new ones. The carers therefore pointed to the need to raise the social rent and adjust its level to the poverty line and introduce a rehabilitation allowance for disabled adults to a significant degree, in the amount of 500 zloty per month. The analysis of postulates raised by this group of people also found its place in this study, which undoubtedly makes it more current. Taking this into account, the subject matter of the study is interesting not only from a scientific point of view, but also has an important practical dimension and is particularly important in society.

Issues that are the subject of work are also important due to demographic changes. In particular, due to the widespread phenomenon of the ageing population in Poland and many other European countries. The intensification of these phenomena must result in greater interest of public institutions in supporting older people and people affected by various types of disabilities.

The main goal of the study is to show the various forms of support that the state provides to people with disabilities. The title "Public forms of supporting carers of people with disabilities" alone testifies to the universal and holistic nature of work. It also seems to be a study that for the first time comprehensively addresses the issue of support provided by public authorities to caregivers of people with disabilities. Until now, the subject of the study of the doctrine of law have been only the issues related to supporting persons with disabilities. The problem of the deterioration of the situation of people close to them who are "doomed" to coexist with them and their support is practically absent in the legal literature. At the same time, it has clearly an interdisciplinary character, due to the fact that, while the science of law practically does not refer to the social determinants of the functioning of caregivers of people with disabilities, this issue, in various aspects, is of interest of pedagogy, psychology, sociology, social policy and economics. Therefore, an analysis of existing normative solutions cannot be absent from the achievements of other sciences.

2) Methodology

In my opinion, there is no doubt that the key to the analysis of a specific research area is the correct selection of research methods. In my work, I used mainly the research method,

the author of which is Paweł Chmielnicki[3]. It has been developed in response to the lack of integration of research efforts existing in contemporary science, aiming at understanding the origin, content and effects of the functioning of the rules of operation. The rules, which is worth paying attention to, take both a formal and informal form and, creating the basis of social order, define the course of relations between individuals and collectives. Lack of cooperation in modern science causes unnecessary narrowing of research fields. This means in practice that economists consider the problem mainly from the point of view of economic effectiveness of formal and informal institutions regarding commodity and money exchange, lawyers are interested only in formalized rules, pedagogues pay attention only to informal rules relating to educational activities, and sociologists study social rules, processes and structures that connect and divide people, create or are a manifestation of the relationship between people, as well as the processes of their change. Very often, the discussion within these fields of science concerns the same issues, which, however, are discussed using a different language and a different conceptual apparatus. The result is that, instead of achieving an effect in the form of an in-depth analysis of a given issue, there is a kind of dissonance. The economist discusses the effectiveness of formal institutions, the lawyer, the content of regulations and their *ratio legis,* the sociologist, the conditions of socialization of the norm, and the educator, the importance of norms in the education of man. In practice, however, each of them seeks to obtain information about the origin and impact of a certain method of achieving a specific goal of action that people set for themselves. However, they do so using various tools. That is why it became necessary to formulate such a research method, which would aim at, on the one hand, learning the system of rules of operation as a whole, and on the other, determining the nature of relations leading to the creation, change or removal of a given rule of action from the system. As Paweł Chmielnicki rightly points out, an important factor hindering the development of such a research is, as a result of tradition, attributing to the legal sciences a leading role in understanding the system of rules of action that occur in a given community. The research approach prevailing in the legal sciences precludes the possibility of learning about relations that lead to the formation of formal and – more informal – norms, thus not giving a chance to learn about the state of the whole

3 The basic assumptions of this research approach were presented by its author, Paweł Chmielnicki, among others in: *Methodology of research into the sources of law formation, Part I. Fundamentals,* "Przegląd Prawa Publicznego" No. 3/2012, pp. 90-101, *Methodology of research into the sources of law formation, Part 2. Reasons and explanation of individual research phases,* "Przegląd Prawa Publicznego No. 4/2012, pp. 72-101, *Outline of research on sources of law,* Przegląd Prawa Publicznego "No. 11/2012, pp. 84-96, *Universal method of assessing the effects of legal regulations,* Przegląd Prawa Publicznego "No. 7 -8/2013, pp. 160-171, *Identification of goals and functions, as a result of reconstruction of a flow chart including solutions formally formalized,* [in:] M. Andruszkiewicz, A. Breczko, S. Oliwniak (eds.), *Philosophical and theoretical issues democratic state of law,* Temida Publishing House 2, Białystok 2015, pp. 93-206.

system of rules used by people to achieve the assumed goal. The adoption of this research method during the work on the monograph resulted, in my opinion, that this is an original study, which, for the first time this way, takes up the issue of support that the state provides to caregivers of people with disabilities.

Of course, the study also used classical research methods for legal sciences, including the dogmatic and legal method, based on the analysis of normative material and its interpretation. On the other hand, I deliberately refrained from the legal and comparative method, considering that it is not useful for my analyses, and presenting institutional and functional solutions existing in other countries would not only not enrich the substantive layer of the study, but could even obscure the picture of support provided by public authorities to caregivers people with disabilities. It seems that the use of the comparative legal method is fully justified in the studies in which many pursue confrontation, comparison and evaluation of the effectiveness of specific legal and institutional solutions in various countries. Meanwhile, my goal was to show the support given to caregivers of people with disabilities by public authorities in Poland in a holistic way, including not only formal rules, but also informal norms.

The adoption of the above-mentioned research approach first required determining what research activities, and in what order, must be made in order to thoroughly analyse a given issue and establish a system of rules of operation as a whole. The point was therefore to determine to which other elements (institutions, rules) of the axionormative order the legal norms remain relevant. In order to achieve the aforementioned goal, it became necessary to:

1. separate the category of entities to the situations directly related to the operation of a given formal institution;
2. identify the objectives of the action that can be implemented by these entities;
3. indicate of the factors determining the achievement of these objectives, including, among others, the benefits and costs associated with individual stages of operation;
4. determine the methods of implementation of individual stages of the activity;
5. separate a set of formal and informal rules that must be taken into account (applied) by the entity wishing to achieve the assumed objective.

3) Work structure

The adoption of the research approach presented above and the necessity to make findings based on a particular outline of research activities obviously had a fundamental impact on the construction of the monograph. It consists of six chapters, the reading of which should

answer the basic question about what support instruments used by public authorities have a decisive impact on the practical functioning of people with disabilities and their caregivers.

Considering the fact that modern law is the main resource of formalized rules, in order to answer the above-mentioned question, it is first necessary to identify non-formal rules. That is why the first chapter of the monograph is devoted to the material sources of legal norms regarding the support of caregivers of people with disabilities. As a part of it, I undertook the issue of the concept of forms and sources of social support, as well as the role of family, neighbours and friends in the process of supporting caregivers of people with disabilities. I also showed the importance of formal and informal organisations supporting carers of people with disabilities. The presented subject seems to be extremely important due to the fact that, practically from the early nineties of the twentieth century, the interest of the state in the sphere of social rights of individuals has been visible, also in the construction of legal and institutional support system for people with disabilities and their careers. Thereby, many rules of action that were previously informal and related to support of people with disabilities and their carers only from their relatives, neighbours or possibly non-governmental organisations found themselves in the sphere of interest of the state and its organs. Obviously, this does not mean that the state has taken over all the rules of operation, a significant part of them is still informal and successfully implemented at the level of family, neighbours or non-formal organisations.

The second chapter is devoted to the issue of the formalisation of social rules. In my opinion, it is of fundamental importance for the further part of the monograph, because I have attempted to formulate an alternative to the Kelsen model of lawmaking, including the following stages of formalisation of social welfare rules:

1. formulating expectations in the public forum by "private" people;
2. inclusion of the problem to the discourse carried out by the authorities and, consequently, including the postulated actions into political programs;
3. inclusion of political programs in soft law acts;
4. transferring the programming norm to an internal act, treated as undertaking an obligation by the authority and addressing the directive of further action by the authority "to itself";
5. developing regulations of internal law and soft law in universally binding legal acts. The sequence of succession of individual stages, of course, forced the structuring of this part of the monograph.

Only in this way, can we show that the formalisation of social rules is not only made by specifying regulations of the most general form (especially constitutional) and "descending"

hierarchically lower, but in many cases it is the reverse - "from the bottom" (from the detail to the whole), often "sideways". This chapter is very important to me (as a constitutionalist), also because the considerations regarding the alternative model the Kelsen one of creating law are part of the debate on the optimal model of lawmaking in the circles of constitutionalists.

The next two chapters (third and fourth) are of key importance from the point of view of the adopted research method. Understanding what is the support for carers of people with disabilities, implemented by the state, is not possible without making a credible interpretation of the law, that is one that takes into account all the functional connections of the examined norms and is based on all available sources of information. That is why in the third chapter I made a teleological (purposive) interpretation of the provisions on supporting carers of people with disabilities by setting and indicating the original goals of the entities of the action outline (sources and holders). It is worth noting that the goals of these entities were shown from the perspective of four areas of support for people with disabilities and their carers selected by me: early support of the development of a child and its carers, housing support, professional activation of carers of people with disabilities and daily care of people with mental disabilities. In the fourth chapter, however, I pointed out the functions of the adopted solutions in relation to other entities of the operating outline (users, beneficiaries and cost-bearers). Thanks to this, on the one hand, I managed to show a functional relationship of selected provisions regarding support for carers of people with disabilities, and on the other hand, the rules of social and economic behaviour determining the decisions of carers relating to individual provisions. The findings are aimed at showing how the functional environment influences the shape of legal norms. Thanks to the adoption of such a method of presenting functional connections (shown additionally in the form of graphic diagrams), one can determine, for example, the role of employment or appropriate housing as assets that are extremely important for people with disabilities and their careers.

The fifth chapter of the monograph is devoted to the verification of compliance by public authorities with the duties of supporting carers of people with disabilities. The very issue of the verification of duties by public authorities seems to be particularly important for ensuring the effectiveness of the system of support for public authorities for people with disabilities and their carers. Taking this into account, this part of the study contains a presentation of four interesting rulings of common and administrative courts, in which, by interpreting the underlying provisions, they used both the results of linguistic interpretation and non-linguistic exponential directives. Therefore, the key problem in this part of the study is to determine which authority, and in what mode, is entitled to settle disputes arising during the implementation of the support

process. After making these arrangements, it is also necessary to answer the question, what legal argumentation should be used to repeal an action or to challenge the inaction of bodies responsible for the implementation of the above-mentioned tasks.

The last, sixth chapter, deals with the premises for assessing the effectiveness of legal norms regarding support for carers of people with disabilities. In it, I have confronted the objectives of sources and administrators of flow charts presented in the third chapter with those indicated in the fourth chapter, the current effects for users (beneficiaries and cost-bearers). The aim of this confrontation is to obtain an answer to the question about the effectiveness of the adopted legal norms regarding supporting carers of people with disabilities. In this part of the study, several problems were raised, the analysis of which shows that the pace of social changes in the modern world forces constant updating of knowledge about the goals set before the action outlines and (therefore) about the composition of these outlines. Among these problems, it is worth paying attention to an important instrument for influencing the decision-making process of a human being, such as legal sanctions. At this point, I tried to answer the question, what should be noted to create an effective system of legal incentives, which stimulates the use of solutions supported by the community, and not their violation? Another issue analysed in this chapter is the problem of effective law as an instrument of ensuring law and order within society. I made an attempt to resolve the dilemma considered by sociologists, resulting from the question: what form of adjustment to the socio-economic order – static or dynamic – is now the more adequate one? Finally, I made a further reflection on the complexity of the system of action, assuming that it is the latter that most often becomes the premise for the legal formalization of solutions. The modern legislator, at all costs, strives to formalise the legal solution, as if it were always necessary and guaranteed the success and safety of all participants in social relations.

4) Review of the content and the presentation of conclusions

The research carried out in the presented study present several general conclusions.

First of all, rise of the interest of the state in the sphere of securing the needs of people with disabilities and their carers is very visible. This increase is manifested, among others, in the construction (virtually from scratch) of a legal and institutional support system for people with disabilities and their careers. In the nineties of the twentieth century, there were fundamental changes in the support of this group of people. Many of the competences in this area, which until now belonged to government administration bodies, have been taken over by local government and local NGOs. They gradually became an alternative to an inefficient state

social welfare system which acted definitely more dynamically. The creation of a new support system for people with disabilities and their careers, as well as its subsequent continuous modification, make it possible to formalize the rules of action that were previously informal and required supporting people who only demand help from relatives, friends, neighbours or possibly NGO organizations. On the other hand, it should be remembered that the above-mentioned increase in the interest of the state in the sphere of securing the needs of people with disabilities and their carers must be seen in relation to informal support provided primarily by the family. It is family, which is naturally predestined to care for dependent people. However, it cannot handle all its problems alone.

Secondly, the efforts of the state and its organs to formalize rules that were previously informal in nature have been going through stages, which makes it necessary to reflect on the way in which the law regarding the support of persons with disabilities and their guardians is created. It is worth noting here that contemporary law is not always created symmetrically, by specifying very general constitutional regulations and "going down" hierarchically, lower and lower, first to the statutory level, then to the sub-statutory one. In many cases, these regulations are created in a different way - "from below" (from the detail to the whole), and often "from the side". It means that, very often, the rules are formalized from the informal expectations of the subjects of social life, through the political programs of various groupings, to legal regulations which often take the form of some kind of guidelines, specific plans for further action, used only voluntarily, a bit as a test, and only after a certain time, they gain the force of universally binding law and are subject to state sanction. Taking this into account, in order to determine the process of formalising the rules regarding support granted to people with disabilities and their careers, one should not refer only to the content of art. 19, 67 par. 1, 68 para. 3 and 69 of the Constitution of the Republic of Poland and derive more detailed statutory or sub-statutory norms from them. Modern law must be a joint work created in a negotiating (deliberative) way. It should be perceived as the result of joint actions of the law-making nature of various entities. It should not be limited to entities that are officially and formally equipped with authoritative legislative competences, but should also include those who do not have formal competences and yet, in practice, they influence the creation and content of the law. Therefore, taking into account the above, in my opinion, it is possible to present an alternative to the Kelsen's model of law creation, which, if referred to the titular problem, includes the following stages of formalisation of rules:

1. formulating expectations in the public forum by a "private" person;

2. inclusion of the problem to the discourse carried out by the authorities and, consequently, including the postulated actions into political programs;
3. inclusion of political programs in the soft-law acts;
4. transferring the programme norm into an internal act, treated as undertaking an obligation by the authority and addressing the directive of further action by the authority "to itself";
5. developing regulations of internal law and soft-law in universally binding legal acts.

Thirdly, the actual support model for carers of people with disabilities can only be obtained after determining the purpose of the provisions regulating the support, the relationship between each of the alternative meanings of these provisions and the attainment of that goal, as well as the preferred meaning that best achieves the intended purpose. The linguistic interpretation of the law can be only one of the tools for determining this model; it may be necessary but is not the only one. It cannot replace other research tools and methods. Linguistic and logical tools let you only know the status of a message about someone's goals and values, not what goals and values a person wants to achieve. The functions of legal solutions can be known only by determining the benefits and costs that their use generates, and not by determining the content of the declaration of benefits and costs, expressed in a specific normative act. That is why it is not possible, in my opinion, to present the model of support for people with disabilities and their carers without referring to the teleological interpretation of provisions relating to specific aspects of the functioning of people with disabilities and their careers. Taking this into account, it is necessary to analyse the intentions and expectations of the sources and managers of the flow chart, which allows only the formulation of detailed conclusions regarding the above-mentioned areas. These conclusions, on the other hand, allow us to see the shortcomings of the modern support system for carers of people with disabilities, which could not be determined by using only linguistic and logical tools.

Fourthly, the detailed conclusions presented, on which the formulation allowed for a teleological interpretation of legal provisions, would not be complete without matching the arrangements for the links between legal regulations and other formal and informal institutions. This is the only way to reconstruct the action plan (normative set) and determine which solutions (formalised or non-formalised) regarding support of carers of people with disabilities come into direct relations with each other and what their importance is for achieving the goal of action set by the initiator. That is why my goal was to determine whether the legal provisions analysed are aimed at achieving the goals of the sources and the holders of the previously presented patterns of action, as well as determining whether these provisions functionally

"support" or "disturb each other". The conducted analysis made it possible to present a functional relations of selected provisions concerning previously defined areas of support for carers of people with disabilities, and, on the other hand, the rules of social and economic behaviour determining the decisions of carers related to specific provisions.

Fifthly, observation of matters resolved by the courts and public administration bodies relating to the issue of state support for carers of people with disabilities shows that these organs far too rarely in the process of applying the right, reach arguments in the scope of teleological and functional interpretation. Meanwhile, in order to verify the fulfilment of duties by public authorities in supporting carers of people with disabilities, the means of language interpretation are absolutely unsatisfactory. It is only the reference to the teleological and functional interpretations that makes it possible to verify by law the actions of public authorities. Unfortunately, the rulings presented by me in the monograph are still a rarity. The courts and public administration bodies most frequently refer to the legal dilemmas only to the results of language interpretation, completely ignoring the objectives of law that can be achieved by applying interpretive teleological directives. In addition, the analysis of these few rulings and decisions in which the courts and public administration bodies referred to non-language directives, clearly shows that these authorities often do it in an intuitive way. They usually confuse both methods of interpretation or do not distinguish them in a sufficient way. This is undoubtedly caused by insufficient research instruments that could help them in solving the dilemmas they face. The blame for such a state of affairs can be put on lawyer scientists who too often focus on the dogmatic analysis of already created legal provisions without making any valuable findings that could later be the subject of analysis of law practitioners in the law enforcement process.

Sixthly, the pace of social change forces constant updating of knowledge of the goals set before the action outlines and (therefore) of the composition of these outlines. A great example may be protests, which, in 2014 and 2018, were carried out in the Sejm by carers of adults with disabilities. There is no doubt that they were triggered by changes in the system of applicable law that are not dynamic enough in relation to processes of social change. Carers demanded equal treatment regardless of when their wards lost their functionality, respecting previously acquired rights of carers for nursing care (which they had been deprived of) and finally ceasing further exclusion of this environment, some of which did not receive any right to benefits due to continual unemployment, due to being a career. There is no doubt that those protests were fully justified, because the support system for carers of people with disabilities is even more heterogeneous and unjust than in the case of benefits for the disabled adults

themselves. Individual groups of guardians or carers are treated by the state in extremely different ways. The existing support system undoubtedly requires profound changes towards the levelling of the existing diversity. What is particularly important, all activities should cover all groups of carers without exception, because making changes that meet the needs of only one group will cause the other needs to be neglected. Therefore, the system must be so coherent that the rights of people who look after people with disabilities are the same, regardless of whether the person is an adult or a child. In the modern world, with existing systems of protection of individual rights, there should be no room for discrimination.

Seventhly, from the point of view of the proper functioning of the support system for people with disabilities and their careers, the question of its financing seems particularly important. The effectiveness of existing solutions should be assessed not only from the perspective of the social support function, but also from an economic perspective. Therefore, it is about maintaining a certain balance between economic and social effectiveness. It cannot be the case that very large financial resources are pumped into a system that is inefficient and funds transferred through it do not go to people who really need support. The present, extremely complicated system means that the funds, before they to people with disabilities and their careers, pass through many institutional levels: the state budget, PFRON, FUS, NFZ, local government budgets, county family support centres. The current legal and institutional shape of the support system is also far too complicated, generating a lot of unnecessary competence disputes. This state of affairs results in a low readability of this system, and on the other hand, it means a difficulty in monitoring and controlling the funds spent. For this to change, the existing system must be reformed in such a way that the competences of institutions with huge financial resources do not cross and do not duplicate themselves. The distribution of funds, but also the division of competences of individual institutions supporting people with disabilities and their carers must be transparent.

V. Discussion of other scientific and research achievements

A detailed list of my: publications didactic achievements, cooperation with institutions, organisations and scientific societies, as well as activities promoting science is the Annex No. 4 to motion of post-doctoral degree proceedings.

My current research interests and scientific achievements have focused on the following legal issues:

1. **the law-making system in the Republic of Poland,**
2. **issues in the field of electoral law,**

3. **constitutional principles of the state system,**
4. **political institutions of European countries.**

The publications that result from my scientific research will be presented precisely on the basis of the thematic cycles presented above.

1) Law-making system in Poland

This research area is opened by a monograph prepared in co-authorship with Rafał Glajcar and Bogusław Przywora entitled ***Legislative proceedings in Poland – law, customs and practice*** (Oficyna Wydawnicza Humanitas, Sosnowiec, Katowice, Częstochowa 2015, ISBN: 978-83-64788-30-7, pp. 241). The authors have made in it an analysis including not only the law, but also customs and practice. They pointed out that these three issues cannot be separated, "right" by reserving it to lawyers, and "customs" and "practice" ascribing to political scientists. This would mean that the former ones do not refer to the practical dimension of the functioning of the law, while the latter ones are indifferent to the legal framework of political phenomena and processes. The assumption of the research, the effect of which became a monograph, was to show the specificity of the legislative procedure, not to be completely indifferent to the impact of political rivalry on its course. The book has received a very positive reception, which can be testified by review by Paweł Chmielnicki, which appeared in the "Przegląd Sejmowy" No. 3 (134) / 2016 (pp.122-126).

The aforementioned monograph presented in a synthetic way a number of issues related to the course of legislative proceedings. The limited framework of the publication, of course, did not allow to fully present the subject of the legislative proceedings. The authors focused mainly on legislative proceedings under general principles. More detailed considerations devoted to specific legislative procedures were conducted in the articles: ***Proceedings with codex projects as an example of a special legislative mode (Annals of Administration and Law Theory and Practice,*** year XIII, Sosnowiec 2013, ISSN: 1644-9126, pp. 17-25); in co-authorship with Bogusław Przywora, ***Proceeding with an urgent project as an example of a special legislative mode in the Polish legal order - an attempt to assess from the perspective of parliamentary practice*** ("Przegląd Sejmowy" No. 4 (135) / 2016, ISSN: 1230-5502, pp. 11-26), and together with Stanisław Malarski, ***the Budget Act as an act of financial management of the state - selected legal aspects*** ("Zeszyty Naukowe Wyższa Szkoły Humanitas. Zarządzanie", No. 3/2015, ISSN: 1899-8658, pp. 205-217). The subject of separateness related to the proceedings with draft acts implementing EU law was in my turn addressed in the chapter entitled ***Transposition of Directives to the National Legal Order and Polish Legislative***

Procedure – Selected Issues (E. Wójcicka, B. Przywora, and M. Makuch). *Europeanization of public law – systemic issues,* Częstochowa 2015, ISBN: 978-83-7455-485-5, pp. 53-67). In the first of the aforementioned publications, I analysed the current regulations regarding the handling of codec projects, paying particular attention to the main objective of this particular legislative mode, which is the need for a clearly slower and more comprehensive approach to such legislative work. I tried to show that the adopted separations are aimed at ensuring the protection of the coherence of the Code regulations and the elimination of the possibility of accidental amendment of the Code when adopting specific laws. In turn, the second article is an attempt to present and evaluate legal regulations regarding the handling of an urgent project in the Polish legal order from the perspective of the practice of using this institution. Together with Bogusław Przywora, we have established that the collected research material covering a dozen or so years is so extensive that it can be the basis for an in-depth analysis and formulating final conclusions. Therefore, we have presented historical and legal-comparative aspects of the application of accelerated procedures in the legislative process, presentation of *de lege lata*, legal status and the use of this institution in parliamentary practice to present conclusions summarizing the conducted research in the final part of the study. The third of the above-mentioned articles, written together with the late prof. Stanisław Malarski was to show that the Budget Act is not only an act containing all income and expenses, the disclosure and placement of which is necessary for the conduct of the state's financial management, but, above all, that it is a state financial management act in a given period, without which it would be impossible to manage the state efficiently. The main part of the conducted deliberations was devoted to showing the legislative separateness related to this normative act, which is particularly important for the state finances. In the last of the texts devoted to the issue of draft laws implementing EU law, I have come to a conclusion that the transposition of directives into the legal order of the Republic of Poland is of great importance for the state system, sources of law and the legal system of Poland. However, the adoption of national law implementing the Directive is not sufficient to ensure the effectiveness of the provisions of European Union directives in the national legal order. This effectiveness is also ensured by other state actions referred to as "practical implementation", in particular the issuance of internally applicable acts and activities related to supervision and administrative control.

An important element of my scientific achievements related to the issue of lawmaking is the issue of people's initiative as a specific form of a direct democracy, which was introduced into the Polish legal order by the constitution of 1997 and is gradually and increasingly used by citizens. I devoted this issue to two articles: ***The People's Initiative - an instrument of pressure***

on the legislator? ("Przegląd Prawa Publicznego" No. 7-8 / 2016, ISSN: 1896-8996, pp. 56-65) and, together with Bogusław Przywora, ***Civic legislative initiative in the Polish legal order - an attempt to evaluate from the perspective of parliamentary practice*** ("Ruch Prawniczy, Ekonomiczny i Socjologiczny ", Year LXXX – issue 2 – 2018, ISSN: 0035-9629, pp. 19-33) and one chapter entitled ***People's initiative as an institution of social dialogue,*** in a collective monograph (A.Kamińska, E. Kraus, K. Ślęczka (ed.), *How is dialogue possible*?, Sosnowiec 2014, ISBN: 978-83-61991-99-1, p. 273 - 284). In the first of these studies constituting an extended version of my speech during an international scientific conference organised at the University of Wrocław, entitled "Law, space and politics" - Critical Legal Conference 2015, I presented the basic barriers hindering citizens from effective use of the right of legislative initiative. I pointed out that they appear at every stage – from the registration of the committee, to the stage of parliamentary work on the project. These are factors resulting both from the content of the Act and from parliamentary practice. I have also attempted to identify specific solutions, the introduction of which would increase the effectiveness of citizens' legislative initiatives. The aim of the study included in the collective monograph, whose leitmotif became the institution of dialogue was, in turn, by showing the basic regulations on the citizens' legislative initiative, an attempt to answer the question to what extent citizens can decide on the final shape of the law they create, and whether this influence justifies the thesis of the dialogic model of law-making. The last, co-authored publication was devoted to the subject of a civic legislative initiative. It was an attempt to present and evaluate legal regulations regarding the treatment of a civic bill in the Polish legal system from the perspective of the practice of using this institution. Our research allowed us to formulate a number of proposals and demands for the legislative authority, which should be taken into account in order to increase the influence of citizens on the legislative process.

Conducting scientific research relating to the issue of law making allowed me also to diagnose the existing model and formulate *de lege ferenda* applications addressed to the legislator. Particularly many postulates can be found in three papers: the article ***On the need for reform of the Polish law-making system*** ("Review of Constitutional Law" No. 5/2016, ISSN: 2082-1212, pp. 223-242), which constitutes an extended version of my speech at a scientific conference, which took place in 2015 in Kazimierz Dolny (Polish National Scientific Conference Fundamental Values and Constitutional Principles: Constitutional Model and Systemic Practice in Poland, Kazimierz Dolny, May 8-10, 2015), in the chapter ***A few comments on the weaknesses of the Polish law-making system*** published in the collective monograph (M. Paździor, B. Szmulik, *Fundamental values and constitutional principles,*

Constitutional model and systemic practice in Poland, Lublin 2016, ISBN: 978-83-64527-53-1 , pp. 23-41) and the English-language article ***Is a comprehensive reform of the law-making process necessary in Poland? A voice in the discussion*** (Annuals of Administration and Law, Year XVII (1), Sosnowiec 2017, ISSN: 1644-9126, p. 55-70). In the publications mentioned above, I have attempted to make a subjective indication of those elements of the law-making process that require a quick change. They included, among others, problems with the practical application of the regulatory impact assessment procedure (RIA), the phenomenon of law inflation, poor efficiency of civic legislative initiatives, insufficient use of public hearing institutions, or lack of codification of the legislative process. In these studies, I tried not only to diagnose the existing model of law-making, but also to identify solutions that could significantly contribute to improving its quality.

I continued these considerations in subsequent studies, in which I drew attention to the problem of too fast proceeding with drafts of laws and the related marginalisation of the public consultation process. In the study entitled ***Public hearing - an important, though underestimated, institution of participatory democracy*** ("Annuals of Administration and Law Theory and Practice", year XVI (1), Sosnowiec 2016, ISSN: 1644-9126, pp. 31-44), I postulate, due to the fact that bills are often very deeply changed during parliamentary work, to create a possibility of conducting at least one hearing also at further stages of legislative proceedings, even before the adoption of a given law, and even after its adoption at the working stage in the Senate. In turn, in the chapter entitled ***Consultations as a tool for social participation in the law-making process - selected aspects,*** published in a collective monograph (T. Stanisławski, B. Przywora, Ł. Jurek (ed.), *Legal and financial incentives in conducting business. Incentives and difficulties*, Lublin 2016, ISBN: 978-83-8061-269-3, pp. 17-27), I submit the thesis, that the basic problem of social consultations is still their undefined function in the decision-making process, e.g. in reference to the social dialogue formula, which is referred to in the preamble to the current Constitution. It is true that, in recent years, the number of entities authorised to consult bill projects has increased, however, regulations in this area are disordered, which often causes doubts as to who is entitled to consult a given bill project.

2) Issues related to electoral law

Very often, before the formal start of an election campaign, there appear programs, articles, interviews, etc., in the mass media; the aim of which is to present a grouping or a person representing them. More and more often, social media portals are used in these activities. Although these types of messages constitute a violation of the Electoral Code, electoral

authorities do not have the means by which they could enforce lawful conduct. It was the desire to explore this issue and try to identify solutions that could heal this state of affairs caused that it was the issue of electoral agitation that became the subject of my research. The interest in this thematic area resulted in the publication of an article titled ***Election agitation as an important element of the election campaign - selected issues*** *(Annuals of Administration and Law Theory and Practice,"* year XVII (special issue), Sosnowiec 2017, ISSN: 1644-9126, pp. 37-50). Considering the fact that electoral agitation is a multithreaded issue, the comprehensive presentation of which is not possible within a short elaboration, in the article, I made a subjective choice of content focusing on discussing the essence of agitation and indicating the emergence of a specific civic right to agitation. In turn, due to the fact that election agitation is subject to restrictions, I indicated those that are related to the place and the time of conducting election campaigning. In turn, I made a more detailed analysis of one of the bans on election campaigning, in an article entitled ***Is the election silence still needed?*** ("Przegląd Prawa Publicznego" No. 7-8 / 2014, ISSN: 1896-8996, pp. 170-177), putting forward a thesis that one should not give up on this institution – election silence plays an important and useful role in democratic elections, especially in countries where the level of political culture and the level of development of democracy is not fully satisfactory. However, it should be considered to modify it in the direction of elimination of pathological phenomena in the form of unfair competition between candidates performing public functions, hidden cryptography in the form of "turnout campaigns", as well as unworthy treatments in the form of "leaks" and dissemination of false information about competitors in the electoral rivalry. I continued the topic of restrictions in conducting election campaigning in the chapters published in a collective monograph ***Election agitation in illegal places – a few remarks in the context of the local electoral campaign*** (BM Ćwiertniak (ed.) *Local government (legal issues),* Sosnowiec 2015, ISBN: 978-83-64788-41-3, pp. 315-326) and ***Limits election campaigning in the electoral code - selected issues***, (B. Banaszak, A. Bisztyga, A. Feja-Paszkiewicz (ed.) *Current problems of electoral law,* Acta Iuridica Lebusana Vol 1, Zielona Góra 2015, ISBN: 978-83-7842- 206-8, pp. 43-55). In the first of them, I introduced the prohibitions of conducting election campaigning in a given area, both from the perspective of theory and practice. I also managed to confirm the thesis about the trend of broader criminalisation of electoral law that has been evident in recent years. In turn, the last publication is an extended version of my paper, which I gave at the 57th Congress of Constitutional Law Department on Current issues of Polish electoral law (57th Congress of Constitutional Law Departments on Current issues of Polish electoral law, Zielona Góra 17-19 September 2015). In my speech, I focused primarily on the issue of conducting campaigning

before the formal start of the election campaign, i.e. pre-campaign. I pointed out to him that currently there is a serious loophole in the electoral law, referring to such activities, preventing them from being identified and effectively counteracted. The problem is, in particular, the lack of a precise border between the legitimate information and promotion activities of a given entity, and unlawful agitation before the start of the campaign. In the electoral code, it is only indicated that election campaigning, as an incentive to vote for a given person or organisation, is prohibited before results of elections are announced. However, there is no specific definition of an action considered as agitation. This, in turn, means not respecting the principle of equal opportunities for candidates and electoral committees, which has a negative impact on the integrity and transparency of public life.

An important element of my scientific achievements relating to the issue of electoral law are publications devoted to alternative voting methods. I have been interested in this subject particularly in the context of using them by people with disabilities. This cycle starts with an article ***Can proxy voting be an antidote to forced electoral absences of people with disabilities?*** ("Annuals of Administration and Law Theory and Practice", year XVI (1), Sosnowiec 2016, ISSN: 1644-9126, pp. 19-30), in which I attempted to answer the question whether the introduction of proxy voting decreased the level of forced absence of people with disabilities. The answer to this question turned out to be incoclusive, because, on the one hand, any solution that facilitates voting for people with disabilities should result in a reduction of non-voter absences. For people with disabilities or the elderly, the inability to reach the polling station to vote may be compensated by appointing a proxy who will vote on their behalf. On the other hand, a closer look at the institution of proxy voting can create some serious doubts, which in practice may cause a lack of interest of people authorized by this institution. Another alternative voting method, next to the proxy voting, is correspondence voting. After the recent changes in the electoral procedure, this institution no longer has a widespread value. Article ***Universal correspondence vote remedy for low voter turnout?*** ("Przegląd Prawa Publicznego" No. 7-8 / 2017, ISSN: 1896-8996, pp. 130-138) was written, however, in another legal status after extending the right to vote in this manner on all voters. I tried in it to defend the thesis that the popularisation of postal voting complies with the constitutional principle of universality of electoral law. Analysing the results of the presidential and parliamentary elections held in 2015, as well as looking at the debate that took place during the legislative proceedings, I tried to answer the question: Is it even possible to increase the electoral participation by introducing a universal postal vote? In a different context, I took up the issue of postal voting in the ***Correspondence voting as a mechanism limiting the forced electoral absence of disabled***

people, which became part of a collective monograph published under my editorship *(Barriers around people with disabilities. Selected issues,* Humanitas Publishing House, Sosnowiec 2017, ISBN: 978-83-65682-77-2, pp. 185-200). In this study, I have tried to answer the question why compulsory electoral absences among people with disabilities, despite many introduced amenities, are still high. The necessity to ensure the effective use of rights by people with disabilities seems to be particularly important precisely from the point of view of electoral law. I devoted this topic to two more publications: the chapter titled ***Use of active electoral rights by disabled people – selected issues in a collective monograph*** (M. Gurdek (ed.), Social participation in a contemporary local government, Sosnowiec 2016, ISBN: 978-83-64788-59-8, pp. 125-141), and an English-language article ***Selected instruments of the polish electoral law enabling people with disabilities to exercise an active vote,*** (Актуальні проблеми вітчизняної юриспруденції No. 1/2018, ISSN: 2408-9257, pp. 47-54). In these studies, I reviewed the specific rights of people with disabilities provided for by the Polish electoral law, both those related to obtaining information about the election, as well as the voting itself. I have found that the existing catalogue of instruments enabling the exercise of active electoral rights for people with disabilities makes the constitutionally active electoral rights available to them and provides legal guarantees ensuring the universality of elections. Nevertheless, it is still necessary to systematically review the existing solutions in order to make the best use of them by people with disabilities. It is not only about eliminating solutions that, in practice, limit the active electoral rights of people with disabilities, but also about creating solutions that will better take into account the specificity of the conditions in which such people operate.

My academic achievements relating to electoral law are complemented by two chapters in collective monographs: ***Sources of the applicable passive electoral law in Poland*** (M. Mączyński (ed.), The practice of implementing passive electoral law in Poland: Sources of regulation, interpretation of legal provisions and their effects applying in the light of the Act of January 5, 2011, the Election Code (Journal of Laws from 2011 No. 21, item 112, as amended), Warsaw 2015, ISBN: 978-83-7930-824-8, p. 57 -89) and ***the National Electoral Commission after the 2014 local elections – selected issues***, (BM Ćwiertniak (ed.) *Local government (legal issues)*, Sosnowiec 2015, ISBN: 978-83-64788-41-3, pp. 327-336). The first of them is an attempt to analyse the sources of the current passive election law on the basis of the Act of 5 January 2011. I attempted to present the various sources of passive electoral legislation in line with the model of the universal triad treated in the monograph treating the phenomenon of passive electoral law from the perspective of genesis, origin and sources of law, then from the perspective of its practical application, and finally evaluation of the actual effects and effects

of its application. The second study was prepared, in turn, in response to the manner local government elections in November 2014 were held. They triggered a nationwide debate on the need for changes in the elections conduct in Poland. In response to the postulates of changes in the electoral administration raised by politicians, in particular the National Electoral Commission, I attempted to evaluate these ideas and indicate the directions in which the changes should go.

3) Constitutional principles of the state system

An important part of my scientific achievements are also deliberations devoted to the basic principles of the system nature of the Polish state. Considering the fact that modern constitutionalism has shaped many principles constituting the standard of a democratic state, these publications cover a very broad spectrum of issues. First of all, it is worth mentioning the article entitled ***Human dignity as a universal value*** ("Przegląd Prawa Publicznego" no. 3/2014, ISSN: 1896-8996, pp. 7-20). As a starting point, I focused on the concept of humanity, emphasizing its importance from the point of view of human rights. Subsequently, I tried to show this universal and timeless subject not only from a legal perspective but also from a philosophical and theological ones. Summing up my deliberations, I concluded that human dignity is also an extremely important category of contemporary legal systems. It is referee to in the basic international humanitarian law documents, and individual states include it into their political orders. This dignity is the foundation of the constitutional catalogue of rights and freedoms and forms the foundation of a democratic legal state.

In turn, two chapters in multi-author monographs are included in the current of reflections on the constitutional foundations of the parliamentary decision-making process. The first of them is entitled ***The Principle of Protection of Rightly Acquired Rights and Its Place in the Contemporary Principles of Constitutional Principles and Values*** (H. Zięba-Załucka, P. Chmielnicki (ed.) *Measures to Protect Rights Really Acquired in the Light of the Constitution of the Republic of Poland and European Union Law*, Lexis Publisher Nexis, Warsaw 2012, ISBN: 978-83-7806-555-5, pp. 80-96). In this study, I made an attempt to determine the designata of the concept of fairly acquired rights. I pointed out that, although the understanding of this concept is neither well-established nor uniform, it is worth interpreting the category of decent legislation, because the problem of protecting the rightfully acquired rights finds a special dimension in the law-making process. The second chapter, entitled ***The principle of a democratic state of law as a source of decent legislation*** (A. Kalisz (ed.), *Human rights, contemporary phenomena, challenges, threats*, volume 1, Sosnowiec 2015, ISBN: 978-83-

64788-03-1, p. 223- 232) is an attempt to define the role of the principles of decent legislation from the point of view of protecting the constitutional rights and freedoms of the individual. In the process of making this analysis, I came to a conclusion that the Constitutional Tribunal, developing the subject of the principles of decent legislation, departed from the traditional point of view, according to which, a reliable, decent law is a gift of a good legislator and it began to demand such a right from that legislator. At the same time, it did so in the name of protecting the legal situation of individuals who, subordinate to the legislative authority, are a weaker party; as well as in the name of protecting the regulatory capacity of the law.

An important element of my scientific achievements related to the discussed issue are publications on the constitutional basis for the functioning of local self-government. I devoted three chapters that are part of a multi-author monograph. The first of them ***The principle of subsidiarity as a constitutional principle of the functioning of local self-government*** (BM Ćwiertniak (ed.) *Legal problems of territorial self-government t.1*, Sosnowiec 2013, ISBN: 978-83-61991-78-6, pp. 15-30) was devoted to the principle which can be interpreted in various ways in the doctrine. I have reflected on this principle by looking at it as the supreme rule of organizing public life, and I paid attention in a special way to the self-governmental level of realizing this principle. Of course, such an approach was possible only after introducing the reader into the other aspects of the principle of subsidiarity (philosophical-theological and union) without knowing which one cannot go to the basic considerations. The second publication was devoted to the principle of decentralization of public authority and became a part of a collective monograph prepared under my co-editorial. It was entitled ***Principle of decentralization of public authority as an important element of systemic axiology determining the shape of contemporary territorial self-government*** (J. Podgórska-Rykała, M. Borski, *Models of local government administration in selected European countries*, Sosnowiec 2017, ISBN: 978-83-65682-56-7, pp. 29-44). In this publication, I presented the principle of decentralization of public authority from a historical perspective, showing its place in the international and EU laws, as well as the ones from selected European countries. In addition, my goal was to show the essence of decentralization, its relationship with the principle of subsidiarity and relations with such concepts as: centralization, de-concentration and autonomy. The last of the chapters, entitled ***Influence of the constitutional principle of the presumption of territorial self-government jurisdiction over the management process of local government units*** (M. Gurdek (ed.), *Management of territorial self-government units in market economy conditions,* Sosnowiec 2017, ISBN: 978-83-65682-71-0, p. 13- 28) is an attempt to show the formulated in art. 163 of the Constitution, the principle of the presumption of

territorial self-government jurisdiction in matters of public tasks performance from the perspective of managing local self-government units. In this publication, I attempted to present this principle by analysing not only the views of doctrine and jurisprudence, but also referring to analogous regulations in selected European states and by taking up historical themes referring to Polish constitutional experiences.

The issue of alternative voting methods, which I tried to present from the point of view of people with disabilities, encouraged me to look more broadly at the issue of functioning of this category of people in the modern world. These interests resulted in two publications: the chapter titled ***The right of disabled people to state aid – remarks in the light of art. 69 of the Constitution*** in a collective monograph (D. Fleszer, A. Rogacka-Łukasik, *Around the application of law*, Sosnowiec 2016, ISBN: 978-83-65682-38-3, pp. 255-271) and an article entitled ***State obligations in the context of employment disabled people - a few reflections on the background of selected constitutional regulations***, "*Studies in the field of labour law and social policy*" Krakow 2017, 24, No. 2, ISSN: 1429-9585, pp. 125-141. In the first of the above-mentioned studies, I analysed Article 69 of the Constitution, trying to show that it is only an example of a curriculum norm and makes it impossible to interpret a constitutional subjective law from it. My intention was also to place art. 69 of the Constitution in the broader context of state aid for people with disabilities in both the legal-comparative and historical aspect. While concluding my deliberations, I acknowledged that Poland needs stable legal solutions enabling the implementation of the model of securing the rights of people with disabilities adopted in the constitution, based on a social consensus on solving basic social issues of people with disabilities. However, these solutions must be adopted through social dialogue. The second publication is an attempt to show the obligations of the state related, on the one hand, to the employment policy, which will take into account the interests of employees with disabilities, and on the other hand, with securing the existence, work training and social communication. I tried to show in the article that eliminating discrimination against employees with disabilities is only one element of the broadly understood prohibition of discrimination against people with disabilities in everyday life. However, it is exposed in a special way in the area of employment relations due to the fact that discrimination in this area is particularly painful for the discriminated people. This is why the state undertakes specific actions, not so much to protect an employee from discrimination because of his or her subordination, but to protect a person who is forced to work for a living. The subject matter discussed in this article is also, to a certain extent, a continuation of the deliberations started in the chapter ***Right to work as a universal value*** (BM Ćwiertniak (ed.) *Current issues of labour law and social policy, (Study collection)*,

Volume 1, Humanitas Publishing House, Sosnowiec 2012, ISBN: 978-83-61991-18-2, pp. 15-32). In it, I concluded, that the Polish constitutional legislator had rightly decided not to guarantee the right to work as a subjective right from which a specific individual claim could arise. It seems that guaranteeing a law that an individual would not be able to enforce would not only be pointless, but, above all, dangerous, because it would directly undermine faith in the Constitution as a normative act. The element formulated in art. 2 of the Constitution of the Republic of Poland principle of a democratic state of law is the principle of citizens' trust in the state, which in the event of the impossibility of enforcing the privilege granted would only be an empty phrase.

Completing the scientific achievements related to the problem of constitutional principles is a publication entitled ***Recovering lost cultural goods from the perspective expressed in art. 6 of the Constitution of the Republic of Poland, principles of protection of cultural heritage***, which is part of a multi-authorial monograph (I. Gredka-Ligarska, A. Rogacka-Łukasik (ed.), *Restitution and protection of cultural property.) Legal issues Return of cultural property unlawfully removed from the territory of a Member State based on Directive 2014/60 / EU of 15/05/2014*, Sosnowiec 2017, ISBN: 978-83-65682-76-5, pp. 11-26). In this study, which is a kind of introduction to more detailed considerations taken in the monograph, I attempted to define the basic concepts used in art. 6 of the Constitution and indications of obliged entities. I also discussed contemporary solutions from the perspective of historical experiences, and also made an attempt to show which international legal regulations and adopted in the constitutional systems of other countries could have an impact on the solutions adopted in the Constitution of the Republic of Poland.

4) Constitution institutions of selected European countries

The last of the research areas is associated with a particular interest in selected political institutions of the Czech Republic, which began the preparation of a monograph entitled ***Constitutional Court of the Czech Republic*** (Humanitas Publishing House, Sosnowiec 2009, ISBN: 978-83-61991-04-5, pp. 181) being a modified and extended version of my doctoral thesis. In this study, I attempted a comprehensive but succinct display of an important institution of the judiciary, which, despite the close ties between Poland and the Czech Republic, has not been the subject of detailed analyses so far. The basic core of the work are the chapters regarding the competences of the Constitutional Court and the proceedings before it. In the first one, I discussed the reasons that shaped the scope of the Constitutional Court's action, including the premises that led to the development of judicial protection of the constitution, and also reviewed

the specific competences of this court. In the second one, constituting the most extensive part of my work, I dealt with general principles for all types of proceedings, and also discussed in detail the respective competences of the Constitutional Court. The chapters on its organizational structure and place in the constitutional system of the Czech Republic serve to understand the principles of functioning of the Constitutional Court. The first one includes the issue of the legal position of the judges and also explains the principles on which he acts through its organs. In the second one, I discussed the mutual relations of this court with the judiciary, legislature and executive authorities. The emphasis on the importance of the Constitutional Court's jurisprudence is served by a separate chapter that characterizes it. In that part of the work, I discussed in detail one of the rulings, which in my opinion had a great impact on the further functioning of the Constitutional Court and its perception by the Czech public. I also included a lot of statistical information in it, concerning, among others issues of *votum separatum*. Due to the fact that the operation of the current Constitutional Court of the Czech Republic had a major impact on the historical constitutional court institutions in the Czech lands, one of the chapters was devoted to this very subject.

The issue of functioning of the Czech constitutional judiciary remained within my research interests. That is why I undertook a few years later presenting the Constitutional Court of the Czech Republic as an organ of protection of constitutional rights and freedoms. In the publication ***The Constitutional Court of the Czech Republic as an organ of protection of constitutional rights and freedoms***, which is a part of a multi-authorial monograph (B. Szmulik, A. Pogłódek, B. Przywora (ed.), *Institutions for the protection of human rights,* Warsaw 2015, ISBN: 978-83-64744-00 -6, pp. 177-19) I referred in a special way to the most important means of protection of fundamental constitutional rights and freedoms, which is a constitutional complaint. I also drew attention to the special position of the Charter of Fundamental Rights and Freedoms in the Czech constitutional system. It is worth noting here that I devoted a lot of space to both the problem of the constitutional complaint in the constitutional system of the Czech Republic and the Charter of fundamental rights and freedoms and its place in the constitutional order: ***Constitutional complaint in the legal system of the Czech Republic*** (Human Rights, Humanistyczne Zeszyty Naukowe, no. 11/2008, ISBN: 978-83-60743-13-3, pp. 138-151) and ***The Charter of Fundamental Rights and Freedoms as part of the constitutional order of the Czech Republic***, (Human Rights, Humanistyczne Zeszyty Naukowe, no. 13/2010, ISBN: 978-83-7164-646-1, pp. 180-195). Given the common genesis of the Czech and Slovak Constitutional Courts, in the collective monograph referred to above Institutions for the protection of human rights have made an attempt to show from the same

perspective the authority to protect the constitutional rights and freedoms of this court as well. Similarly as in the publication devoted to the Czech constitutional protection body, in the chapter entitled ***Constitutional Court of the Slovak Republic as an organ of protection of constitutional rights and freedoms*** (pp. 194-212), I paid particular attention to the most important means of protection of fundamental constitutional rights and freedoms, which is a constitutional complaint. I have also attempted to show the controversy of the Slovak constitution's relation to the Czechoslovak Charter of Fundamental Rights and Freedoms.

Interest in the institutions of the constitutional system of our southern neighbour included, in my case, also the executive branch. Two publications have become the result of research conducted in this field. In the first of them, entitled ***Government of the Czech Republic as the supreme executive body*** ("Studia Politicae Universitatis Silesiensis" vol. VII, Katowice 2011, ISSN: 1895-3492, pp. 182-198), the analysis allowed me to formulate the thesis that the constitutional system of the Czech Republic explicitly refers to the classical parliamentary-cabinet model, in which the Parliament is the dominating body. One can see here a rather significant strengthening of the government's position at the expense of weakening the position of the president. The second text, ***The political position of the government of the Czech Republic – selected issues*** included in the multi-authorial monograph (B. Szmulik, M. Paździor, *Evolution of the executive in the countries of Central and Eastern Europe in the period of political transformation 1989 – 2014,* Lublin 2015, ISBN: 978-83-64527-21 -0, pp. 23-37) is in turn an attempt to familiarize the Polish reader with the most important issues related to appointment of the government, its competences in the field of law-making and political responsibility that it bears before the parliament.

The article ***Constitution of new Hungary or the new constitution of Hungary – an attempt at analysis*** completes the scientific achievements relating to the political institutions of selected European countries. ("Przegląd Prawa Publicznego" No. 4/2013, ISSN: 1896-8996, pp. 19-38). It is an attempt to answer the question about the scope of systemic changes introduced by the Constitution of Hungary, which came into force on January 1, 2012. I compared the newly adopted regulations with the previously binding constitution of socialist origin. Proposing the thesis that the new constitution does not fundamentally alter the state system, I pointed to those regulations that triggered the most vivid reactions in the Hungarian public opinion and in the international bodies. Taking into account the political context of systemic changes, I also tried to explain how the stable majority in Hungary was formed, allowing for the adoption of a new constitution after many years of efforts, and pointed to the

threats posed by the continued extension of power by the Victor Orban's government, while continuing marginalisation of the opposition. In retrospect, these fears seemed to be right.