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## **ABSTRACT OF THE DOCTORAL THESIS**

### **Judicial supervision over the actions of a court bailiff as an enforcement authority in civil proceedings.**

The aim of this study is to analyze the judicial oversight of the actions of court bailiffs, who serve as enforcement agents in both enforcement and protective proceedings. The inquiry involves the interpretation of legal provisions and a comparative legal and historical analysis to determine whether judicial oversight pertains to the bailiff as an individual or specifically to their enforcement actions.

The provisions of the Code of Civil Procedure (including Articles 767, 759 § 2, 960, and 972) and the Bailiffs Act (including Articles 3, paragraphs 3-5, and Article 166) do not provide a clear answer regarding the scope of judicial oversight. This issue has been the subject of debate in both legal doctrine and case law, highlighting the need for a unified approach to the oversight of bailiffs.

The study also examines oversight over real estate enforcement as a model form of enforcement, which serves as a reference for other types of enforcement, such as enforcement against perpetual usufruct rights or maritime vessels. This section emphasizes the need for reform of the provisions concerning judicial oversight, particularly judicial oversight exercised *ex officio*, which currently includes the actions of bailiffs in real estate enforcement.

Judicial oversight is viewed as a mechanism that ensures legal protection for the parties involved in enforcement proceedings, as well as for third parties, in accordance with constitutional principles. Judicial review, conducted by the courts, involves assessing the compliance of a bailiff's actions or omissions with applicable legal provisions. The study underscores the need for harmonization of regulations and approaches to oversight to ensure the consistency and effectiveness of enforcement proceedings.

Historically, oversight of court bailiffs has evolved, reflecting changes in the education and role of individuals performing the function of a bailiff. Currently, only individuals with

legal education can become bailiffs, which may justify the need to limit judicial oversight, particularly ex officio oversight. Simultaneously, administrative and corporate oversight should be applied to the non-enforcement activities of bailiffs.

The study also compares oversight in judicial enforcement proceedings with that in administrative enforcement proceedings, highlighting the excessive expansion of judicial oversight in comparison to the oversight applied in administrative enforcement. In administrative enforcement proceedings, the absence of qualified lawyers overseeing auctions does not significantly affect the effectiveness of proceedings, suggesting that judicial oversight in civil proceedings may sometimes be excessive.

The study's conclusions indicate the need to limit ex officio judicial oversight and focus it on exceptional cases where judicial oversight initiated at the request of the parties is not possible. One of the key proposals is the introduction of a simplified electronic auction, where a court bailiff could independently grant bids, which could significantly improve the efficiency of enforcement proceedings and reduce the burden on courts regarding supervisory duties. In the long term, it would be advisable to consider reforming the entire system of oversight over bailiffs to align it with contemporary legal and economic realities.

In summary, the study provides a comprehensive analysis of judicial oversight over the actions of court bailiffs, highlighting the need for reform of the relevant provisions and the unification of the approach to oversight to enhance the effectiveness and efficiency of enforcement proceedings.

A handwritten signature in blue ink, appearing to read "Karin Bauer".