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## **Premise for admissibility of administrative proceedings**

summary of doctoral dissertation

The main assumption of the doctoral dissertation is to determine the limits of admissibility of administrative proceedings. The right of an individual to the administrative process can be derived from the principle of a democratic state of law. In the event of granting the right or obligation, public authority must guarantee the entity an appropriately shaped legal procedure governed by generally applicable law. The administrative process can be initiated by the unit itself or initiated ex officio. Both forms of initiating proceedings are of equal importance. The entity must be guaranteed active participation in such a process with a number of procedural rights that it can realistically and at any time use. The value of the individual's right to a trial is the starting point for determining the admissibility of administrative proceedings. It is therefore in this light to consider the admissibility of an administrative route.

The subject premise will be an individual administrative case. This part of the thesis concerns issues related to the case, the moment of its occurrence, as well as separate cases of this type and matters in the field of public administration, i.e. extrajudicial forms of shaping the situation of individuals. It is also necessary to separate these cases from civil cases - subject to the jurisdiction of common courts.

The subject premise is related to the type of resolution, i.e. an administrative decision. The issue of an administrative decision was considered primarily from the perspective of its accuracy and reliability. Such an act should contain all the elements provided for by law – specified in the provisions of procedural and substantive law. In this regard, it is necessary to apply a presumption of favorable settlement for the individual in the form of a decision, as well as to determine the limits of the admissibility of using this legal form.

The subjective premise is connected with a public administration authority competent to settle a given type of cases. This part of the work deals with the topic of the concept of a public administration authority should be related to the "codex" understanding – from the perspective of procedural law. Only the authorities with statutory procedural competence give the legislator the opportunity to exercise administrative jurisprudence. Thus, it is necessary to determine the scope of procedural competence and its individual elements, i.e. properties. The group of entities entrusted with administrative jurisdiction is broad – they are both organs in the systemic and functional sense.

The subjective premise is related to the active subject of the proceedings – a party. The work in this part contains an analysis of the key concept of legal interest in this respect - the criterion determining the recognition of an entity as a party, as well as the moment of testing this interest. The work also touched upon the issue of the tendency to "depart" from this criterion in the direction of determining the circle of parties in the substantive law.

In connection with the issue of admissibility of administrative proceedings, the author of the work raised the subject of legal consequences of inadmissibility of proceedings. In this case, the authority has the option of returning the application to the applicant due to the inadmissibility of the administrative route and at the same time the admissibility of the civil route; refusal to initiate proceedings – due to obvious lack of legal interest or other justified reasons, as well as discontinuance of proceedings – in the absence of any premise for admissibility in the course of proceedings.

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