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Summary of the doctoral dissertation titled "The principle of proportionality in administrative enforcement proceedings".

The principle of proportionality has been present in the European legal order for many years. The basic content of this principle, related to the prohibition of imposing excessive restrictions, constitute three proportionality criteria: 1. usefulness, 2. necessity, 3. *sensu stricto* proportionality.

Also in the Polish legal system, the principle of proportionality currently plays a crucial role, although it has not yet been legally defined. Due to the values conveyed by the content of the above principle, it was necessary to introduce the assumptions of proportionality and characterise its impact on the construction of administrative coercion measures.

In my dissertation, I put forward a thesis on the existence of a relationship between the legal regulation of state coercion and the possibility of using coercive measures by public administration bodies to perform their duties and the principle of proportionality. The introduction of state coercion into the legal system results from the need to guarantee the performance of public tasks by state authorities being one of the constitutional tasks of public authorities.

Taking into consideration the assumptions of proportionality is a postulate towards the legislator in the field of law-making but also a value in the field of application of the established law by entities to whom the law — within the limits set by law — grants the legitimacy to use coercion. Since the possibility of using coercive measures by state authorities is not unlimited, because it is dictated by the purpose that this coercion serves, it is reasonable to consider the scope of this coercion, i.e. to examine whether interference with the rights and freedoms of an individual consisting in the legal regulation of the use of coercion by public administration bodies is not excessive.

The dogmatic and legal method was used as the basic one. The theoretical-legal method and the empirical method also turned out to be partly useful.

Considerations on the normative nature of coercion were derived from the achievements of the doctrine and the theory and philosophy of law. The dissertation analyses the provisions of the Polish legal system regarding the possibility of using coercive measures by public administration bodies, namely the provisions of the act on enforcement proceedings in administration, as well as other acts from the field of performance of specific administrative and legal obligations. The analysis of jurisprudence, mainly from administrative courts, made it possible to supplement the considerations regarding the impact of the principle of proportionality on the understanding of its content.

The collected source material was the starting point for determining the assumptions and reasons for the existence of coercion in the implementation of public tasks and was the basis for considering the question of whether the regulation allowing the use of coercion in the Polish legal order is not excessive and whether it takes into account the assumptions of proportionality both in the area of enacting and applying enforcement law, and then formulating conclusions on the above basis.

The dissertation consists of four chapters. Chapter no. 1 contains considerations on the legal nature of coercion, its justification as a security guarantee for the performance of public tasks, as well as the role of the principle of proportionality in limiting the possibility of using coercion by the legislator. With regard to the competences of entities to which the legislator grants the right to use coercion, the principle of proportionality is applied on the basis of the established law. This made it possible to show the connection between the performance of public tasks and the rationale for introducing a legal regulation of coercion. This chapter also describes the subjective system of the implementation of the principle of proportionality. Chapter no. 2 includes a discussion of individual legal institutions concerning actions taken by the creditor in administrative enforcement proceedings. Detailed characteristics of the structure of these institutions allowed to determine the scope of powers granted to the creditor by the legislator. These activities cover the various stages of administrative enforcement proceedings. In addition, the permissibility of using coercion has been approximated, which is limited by the objective and subjective scope indicated by the legislator. Chapter no. 3 focuses on the characteristics of legal institutions concerning the competence of the enforcement authority. These are institutions for examining material and local jurisdiction as well as examining the admissibility of administrative enforcement. An important aspect in the operation of the enforcement authority are also legal institutions regarding the selection of enforcement

measures, which regulate individual principles of enforcement. Their detailed discussion turned out to be necessary to grasp the relationship between these principles and the content of the assumptions of proportionality. The considerations were also supplemented with legal institutions concerning the course of administrative enforcement proceedings, which are important for the implementation of the principle of excessive interference. Chapter no. 4 discusses the possibilities of demanding legal protection in the event of violation of the assumptions of the principle of proportionality at each stage of enforcement proceedings in administration. In the final part of the dissertation, conclusions containing *de lege ferenda* postulates were included.

As a result of the analysis of the assumptions of the principle of proportionality in the doctrine and the theory and philosophy of law, it was discovered that the use of state coercion is necessary to secure the existence of the state's continuity. Accepting the *raison d'être* of state coercion therefore justifies the introduction of a legal regulation of enforcement proceedings in administration. This was demonstrated by pointing to the role of the introduced regulation based on the assumptions of proportionality as a guarantee of the correct application of coercion.

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