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**Abstract of the doctoral dissertation
entitled "Rejection of a complaint to administrative court in the context
of the constitutional right to a fair trial"**

The subject of this doctoral dissertation is the analysis of the rejection of a complaint by administrative court. The area of conducted research is characterised by multi-aspect issues. This results from the fact that analysis of the rejection of a complaint by administrative court requires taking into account the constitutional regulations, especially the right to a fair trial. The studied issue is of great significance, above all from the viewpoint of protecting the rights of an individual. In this context, it is necessary to emphasise that the rejection of a complaint by administrative court closes the way for an individual to have it examined.

The assumed thematic scope of this dissertation justified the need to carry out research aimed at specifying the place of a complaint in the systematics of protection of the rights of an individual. This issue is characterised by a complex nature, due to the fact that in the context of currently applicable regulations, a complaint may constitute the only remedy available to an individual, therefore the defense of its rights may only be implemented by submitting a complaint to administrative court. In addition, an individual may be entitled to a complaint only after the remedies provided for by law have been exhausted (before a public administration body). Moreover, it is necessary to take into account the situations, in which an individual is entitled to a complaint as an option, and in which an individual is not

entitled to a complaint. The research area associated with determination of the place of a complaint in the indicated scope, correlated with the implementation of the constitutional right to a fair trial, proved its fundamental significance.

The conducted considerations also included the constitutional right to a fair trial in the aspect of access to a court, because this issue constituted the basis for the considerations regarding rejection of a complaint by administrative court. The scope determined in this manner allowed to assess whether the institution of the rejection of a complaint to administrative court does not violate the constitutional right to a fair trial. It should be emphasised that the rejection of a complaint by administrative court closes the way to the examination of administrative court case, however only if the complaint is inadmissible. Thus, in this scope, the rejection of a complaint by administrative court should be perceived as an element included into the exercise of the constitutional right to a fair trial by an individual.

While determining the boundaries of the right to a fair administrative trial, it is necessary to distinguish the issue of access to a competent court. From the viewpoint of protection of the rights of an individual, the possibility of seeking protection of one's rights, not before any court, but before a competent court, is of great significance. Therefore, the scope of considerations also includes the area of distinguishing the jurisdiction between common courts and administrative courts. This issue covered the regulation contained in art. 58 § 4 of the Law on Proceedings before Administrative Courts and art. 199¹ of the Code of Civil Procedure in terms of assessing, whether it meets the standards resulting from the constitutional right to a fair trial. However, on the basis of this mechanism, it is necessary to particularly take into account the scope of the jurisdiction of administrative court.

The issue of abuse of law was also considered as a premise for exceeding the limits of the right to a fair trial. Importantly, this aspect has been noticed not only in science, but also in judicial practice. Therefore, in the course of analysing the rejection of a complaint by administrative court in the context of the constitutional right to a fair trial, a separate attention had to be paid to the issue of abuse of law. In this scope, the acceptability of the rejection of a complaint determined only by the seriousness of the case, to which it relates, was ruled out, and more specifically, the possibility to reject a complaint only on the basis that its lodging constitutes an abuse of the right to a fair trial.

The fundamental basis for considerations consisted of the analysis of individual grounds for rejecting a complaint by administrative court. In this study, the absolute and relative grounds for the rejection of a complaint by administrative court were distinguished. The absolute grounds are associated with the invalidity of proceedings, while the remaining grounds are classified as relative. The considerations carried out in this study allowed to develop a theoretical and legal model of the structure of the grounds for rejecting a complaint by administrative court. As emphasised earlier, this subject has been embedded in the issues of the constitutional right to a fair trial. This study analysed the views of the doctrine, as well as the judicial practice, so that the perception of individual grounds has a comprehensive value.

The scope of this research also included remedies of an individual before a court decision to reject a complaint to administrative court. In this scope, the structure of this system was subjected to an analysis, taking into account the cassation complaint and appeal. The assumed topic also justified the consideration of the role of a complaint aimed at finding the legally binding decision inconsistent with the law. As a result, it should be concluded that the established system of remedies in this scope meets the constitutional assumptions, as well as creates a sufficient level of protection for an individual.

A handwritten signature in blue ink, reading "Grega Zolinski". The signature is written in a cursive style with a long horizontal stroke at the end.