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Abstract of the PhD Dissertation

The elderly person as a special health care entity

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The ageing of population is one of the greatest challenges, facing many countries around the world. Statistical data illustrate the dynamics of this process, as well as allow forecasting its future size. There is a rapid increase in the number of elderly people, and their share in Polish population is also growing. Changes in the population structure have a number of different implications in many spheres and point to the need for major changes in public policies. The legal regulations which *ratio legis* refers to the specific needs of seniors do not create a coherent system that gives their beneficiaries a sense of security, including in such a sensitive area as health care.

The subject of this dissertation is the detailed analysis of the public authorities' obligation to provide special health care to the elderly, as stipulated in Article 68(3) of the Constitution of the Republic of Poland, while the main purpose is to determine its normative shape and content. The main research problem is to answer the following questions: whether the Constitution of the Republic of Poland sets the normative standard of health care in terms of the above regulations; whether it is possible – in the constitutional context – to conclude the imperative of providing special health care to the elderly, and to what limits special health care can be developed. The subsidiarily formulated objective is to identify the personal category of the beneficiary of special health care and to determine the criteria for designating this entity.

The dissertation has been divided into six chapters, an introduction and final conclusions.

Chapter I has a multi-tasking character: explanatory, systematising and descriptive. The old age and ageing, both in individual and population dimensions, as well as the characteristics of the health of elderly are presented in it. This part of the dissertation also carried out key

terminological findings related to basic concepts defining the subjective scope of regulations aimed at the elderly.

Chapter II shows the evolution of the status of the elderly towards legal protection and constitutionalisation.

Chapter III focuses on the analysis of key and strategic documents of the United Nations, the Council of Europe, the European Union and, in addition, the laws of non-European human rights protection systems in the context of the legal status of the elderly, and is centred on their health situation. It is complemented by a comparative thread, comparing the constitutional regulations of selected countries on the discussed issues.

The next chapter (IV) is an analysis of the axiological basis of the obligation to provide special health care imposed by the constitutional legislator.

Chapter V is devoted to an in-depth exploration of the regulation contained in Article 68(3) of the Constitution of the Republic of Poland. Reference was made to its subjective scope, as well as to the essence and factors of the special nature of health care. A normative qualification of the regulation was also made.

Chapter VI reviews the solutions that are part of the implementation of the obligation to provide special health care in the identified problem areas – both in the legislative and organizational layers – which made it possible to assess the extent to which the authorities ensure the implementation of the obligation set forth in Article 68(3) of the Constitution of the Republic of Poland with regard to the elderly. The analysis was preceded by a conceptualization of the notion of senior health policy, within the framework of which the obligation imposed on public authorities to provide special health care is implemented.

The dissertation constructed in this manner became the basis for elaborating conclusions related to the research objectives as well as research problems. Additionally the *lege ferenda* postulates were presented.

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