

Dissertation Advisor: dr hab. prof. nadzw. UW. Marcin Miemiec

Dissertation Co-Advisor: dr Maciej Błażewski

THE DOCTORAL DISSERTATION ABSTRACT

„COMMUNE AS A UNIT OF ADMINISTRATION PROVIDING INTANGIBLE SERVICES”

WRITTEN BY JOLANTA BEHR

Public administration is dynamic in character, which manifests itself not only in the administration's entering new areas of activity of its administered entities but also in its using of various operating methods, including those aimed at making the entities directly involved in public life. Changes occurring in administration may be observed in its functions. Each new function is associated with taking up by the administration of new public tasks for implementation, aimed at satisfying the collective needs of the administered entities.

In the above context, the provider function of public administration has been growing in importance. It is this area of activity of the state, its dependent bodies and of local government bodies that includes direct delivery of services and providing conditions for their supply, such as the required technical infrastructure. It also comprises activities targeted at man's welfare and at satisfaction of man's basic needs, when the person in question, despite taking the required action, is not able to satisfy them on his or her own. The above is the subject matter of the present paper.

Because of the broadness and diversification of the research problem, the analysis has been limited to two areas: subject- and object-related. The subject-related area includes the basic unit of local government - the commune (Polish: *gmina*) - as well as the service-providing entities established by it. Thus, it includes both the entity holding administrative power and being the addressee of public tasks and the entities established by it to implement the said tasks. The object-related scope of the work has been limited to public intangible services in education, culture, physical culture and tourism. For reasons of limited space, the problems relating to the provision of services by private entities have not been addressed.

The goal of the dissertation was to investigate the details of service content and to determine the group of entities entitled to use the analysed services. The main aim was to

determine to what extent the above group of eligible users includes only members of the local government community statutorily composed of the residents of the commune and to what extent it may also include other persons. Another question was whether the services are available to an undefined group of persons or they are addressed to specific groups established based on some statutory criteria.

Additionally, the dissertation aimed to compare the legal status of members of these groups and to explore the differences between them, also as regards their legal status as users of administration facilities. The above analysis has been made using uniform criteria for all the investigated areas.

The purpose of the study was also to determine the scope and forms of participation of service users in managing the communal entities providing intangible services. Consideration was also given to whether the scope and forms of social participation are the same for members of the local government community and for non-members.

The dissertation is composed of six chapters. Chapter 1, which is an introduction to an in-depth analysis, defines the subject matter of the study, its goal and research method. The linguo-logical approach has been used in the dissertation, involving an analysis and interpretation of the texts of legal acts. The content of legal norms has also been determined based on the research of legal scholars and on the body of court rulings including in particular judgments of administrative courts. The dissertation also discusses the rulings of bodies exercising supervision over the commune. Another approach used is the historical-legal method involving an analysis of legal institutions taking into account their development over history.

Chapter 2 provides the definition of the term “function”. A review of the classification of functions of public administration is presented including a description of one of them. Special attention is devoted to the provider function of administration which involves, *inter alia*, the provision of public services. A definition of “service” is proposed. Criteria for the division into tangible and intangible services have been offered. Selected classifications of services have been analysed and legal bases of the provision of intangible services have been characterised.

Chapters 3-5 present an analysis of services provided by the commune in the area of education (Chapter 3), culture (Chapter 4) and physical culture and tourism (Chapter 5). Detailed discussion has been carried out using uniform systematics. It includes an explanation of the terms “education”, “culture” and “physical culture” and “tourism”, an analysis of the tasks of the commune in these areas, characteristics of communal entities providing the

investigated intangible services, their structure, service users and social participation in these entities at the organisational level.

The analysis of the tasks of the commune enabled to outline the research area and to identify the operating forms used by the administration to implement them. The study of communal entities providing services and of their internal structure made it possible to determine whether or not there is social participation in the entities in question and what forms this participation takes. The analysis of the users of the investigated services enabled the characterisation of the legal status of members of the local government community and of people who do not belong to this community.

The considerable diversification of the research area required taking into account the specific features of individual services as well as the specific characteristics of the activities undertaken by the commune to provide these services. Depending on the type of service, using of which may be classified either as a right and duty or right, the commune either delivers the services directly or arranges their provision by other entities.

The resulting findings were sufficient to draw general conclusions which are presented in Chapter 6. Two factors determined the choice of the object of study. The first one was the common subject matter of the investigated areas. Culture together with physical culture and tourism have an impact on education, which in turn improves the society. The above areas contribute to the development of physicality and personality of man, making him more sensitive to current social problems and more open to the needs of other people.

The second one is the internal diversification of the investigated areas. The above concerns in particular: obligatory and facultative nature of using the services, legal forms of their provision, legal bases of gaining the status of user of administrative facility providing the services, statutory definition of the structure of these facilities, priority of access to the services, whether or not they are delivered for a fee and the scope and forms of participation of service users.

Jolanta Bęła