

Abstract of the doctoral (PhD) dissertation

Author: Kamil Rudol

Title: The legal status of the common land in Poland

Supervisor: Prof. dr hab. Alina Jurcewicz

The present doctoral dissertation covers the legal status of the common land, which is the unique form of agricultural law institution, structurally similar to the fractional co-ownership. Its essence is the right to use and receive benefits from the real properties belonging to the common land, that is vested in those who live or own a farm in the area where the common land is located. It is a specific legal entity, defined from the objective side, since it is created by the certain real properties, not by persons entitled to participate in the common land. The management of the common land, its representation in court and administrative proceedings, as well as the proper management of the real properties belonging to the common land, was entrusted to a deliberately established company, associating persons entitled to participate in the common land. The competences conferred on the company *de jure* at the same time excluded individual actions of such persons in the above-mentioned sphere.

The research issues in the doctoral dissertation include the following questions of a basic nature. First of all, who is the subject of the ownership right to the real properties belonging to the common land. Secondly, what is the legal nature of the rights that make up the use and receive benefits from the real properties by persons entitled to participate in the common land. Thirdly, what is the legal nature of the relationship between the persons entitled to participate in the common land and the company established to manage and develop the common land.

The result of considerations of the doctoral dissertation is the verification of the main research hypothesis, under which it is assumed, that in the current legislative state, the common lands may fulfill pro-environmental, socio-economic and cultural functions, important for the modern agriculture. The basis of these considerations is the assumption, that the common lands were subjected to various legal regulations, which were primarily the result of constantly ongoing reevaluation of goals that, depending on the level of industrialization of the country, the level of wealth of the society or the professional structure of the population, were put before the common lands. In this regard, the normative function of the currently binding Act of June 29, 1963 on the development of common lands became obsolete with the system transformation and Poland's accession to the European Union, as a consequence of which the role of common lands in contemporary agriculture has evolved. These changes were accompanied by the successive amendments to the above-mentioned Act of June 29, 1963, as well as the progressive jurisprudence practice.

The analysis of the systemic issues of the common lands, carried out in the spirit of its functions, allows to identify nodal issues and key challenges for entities applying the provisions on the common lands.