

SUMMARY

In the monograph *The Problem of Integrity of the Law of Service Relationships in the Theory of Polish Administrative Law*, the author presents dogmatic and doctrinal considerations on the essence of the law of service relationships, its normative and supra-normative sources, the proper model and its transformations, the current state of affairs and proposals for further transformations in the philosophy and theory of Polish administrative law.

The research is organized into six chapters. Three of them provide a theoretical and legal analysis of the transformation of the law governing service relationships, which progressed from its full integration (the interwar period), through its decomposition (the post-war period), to its present-day atomization (the post-transformation era). Three other chapters address different dimensions of the topic. One chapter addresses methodological issues, including an explanation of basic concepts in this area. The next chapter examines the titular issue from the perspective of legal philosophy, focussing on the search for designations of public service (including service relationships). The final chapter summarizes the conclusions.

The starting point of the dissertation is the resolution (or adoption) of hypothetical assumptions regarding three fundamental issues. Firstly, there is the terminological issue of defining the boundaries of the research (from the perspective of the legal system). In this regard, it is necessary to take a “confrontational” approach from the perspective of public law (i.e. administrative law) and private law (i.e. labour law). The second assumption is a precise cataloguing of contemporary normative sources (laws) that constitute the law of service relationships in a broad sense. Finally, a logical research hypothesis is formulated for the entire dissertation, along with specific questions. Therefore, the first chapter of the book is titled “The Theory of the Law of Service Relationships in Administrative Law – Methodological Findings”.

The second chapter of the monograph is the actual opening for the analysis of the transformations of the law on service relationships in Polish law. In this and the following two chapters, the issue of transformation is presented as an orderly, sequential phenomenon (i.e. a dynamic process determined, in principle, by the legislature’s conscious choice, based on the theoretical and legal foundations that prevailed at a given point in the state’s historical social development). Therefore, in this chapter (titled “Stage

One: Monocentric Integration of the Law on Service Relations in Administrative Law”), research is conducted from two perspectives: normative and theoretical/philosophical. In the first, the set of regulations on service relationships (when this matter first appeared in Polish law) is analytically compiled. This allowed the author to establish a model point of reference: the point at which this legal institution was in its purest and most perfect form. The second perspective situated this issue within the dichotomous and branch-wise division of the legal system and allowed for extensive reference to the philosophical rudiments of this model.

The next stage of the discussion, undertaken in chapter three, addressed the reasons (and scope) for the legislature’s radical shift away from the original, public-law concept of the law of service relationships. Historically, this change dates back to the post-war period and is closely linked to the geopolitical context in which the national legislature found itself. Nevertheless, while honouring the fundamental assumption of rationality on the part of the legislature, the topics presented in this part of the book are also approached from two perspectives: normative and theoretical. Therefore, the title of this chapter is “Stage Two: Decomposition of the Law of Service Relationships in the Legal System as a Result of the Establishment of Subcategories of Employee Service Relationships”.

In the fourth chapter, “Stage Three: Atomization of the Law of Service Relationships in the Broad Sense in the Legal System”, the author concludes his discussion of the transformations of the model of service relationship law. This chapter presents the legislature’s approach to this issue in the most recent period identified in the study, that is, from the political transformation of the Polish state to the present day. It presents the contemporary model of service relationship law in light of the applicable provisions, which have been termed the “atomization” of service relationship law. Consistently, and analogous to the structure of chapters 2 and 3, the issue is presented from a dichotomous perspective: normative (positive law) and theoretical, using dogmatic and doctrinal methods.

In the fifth chapter, the dogmatic legal approach gives way to a theoretical and philosophical perspective – hence its title, “The A Priori Paradigm of the Law of Service Relationships in the Philosophy and Theory of Law”. This is a key section in the book, where the designations of the model law of service relationships are decoded as a legal phenomenon belonging primarily to administrative law, and secondarily to public law.

The author concludes his research with chapter 6 (titled “Research Conclusions”), in which he summarizes the most important conclusions and answers the research hypotheses and specific questions formulated in chapter 1. Among the ten most important findings is the assertion that the essence and purpose of the law on service relationships (a special regime linking officers to the state) is the axiologically justified, normatively founded and socially acceptable ability of the legislature to proportionally restrict the rights and freedoms

of officers for reasons of public interest. This conclusion also leads to a determination of the branch of law and the legal system's positioning of the legal provisions constituting the titular law on service relationships in public law (i.e. administrative law).