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Dissertation abstract

**THE INDIVIDUAL'S RIGHT TO RELIABLE AND EFFICIENT FUNCTIONING OF
PUBLIC INSTITUTIONS**

This dissertation endeavors to comprehensively examine the foundational principle articulated in the preamble of the 1997 Constitution of the Republic of Poland concerning the reliable and efficient functioning of public institutions. Its objective is to elucidate and delineate the essence of this principle, drawing upon a synthesis of scholarly discourse and jurisprudential precedent. Within this framework, the dissertation explores the legal-subjective and systemic implications of the aforementioned principle within the context of pertinent constitutional provisions. Notably, the dissertation underscores the primacy of individual rights to reliable and efficient public institutional functioning, as evinced by its title, which accentuates the individual's right thereto. Employing an interdisciplinary approach, the dissertation integrates methodologies from both social sciences and humanities, although it accords precedence to legal research methodologies, including the formal-dogmatic, legal-comparative, and historical-comparative methods.

Given the inherent ambiguity surrounding the constituent elements of the principle of reliable and efficient functioning of public institutions, recourse to insights from other disciplines within the social sciences and humanities was imperative for conceptual clarification. The selection and scope of the analyzed content reflect an endeavor to adopt a perspective informed by grounded theory, whereby the examination of issues is guided by emergent insights rather than predetermined hypotheses. The theoretical framework underpinning this inquiry draws upon theories and classifications germane to Polish legal scholarship, chosen for their relevance and applicability within the domain of Polish constitutional law. Through this theoretical lens, the dissertation seeks to offer contemporary solutions to enduring challenges in the realm of Polish constitutional jurisprudence

The dissertation is structured into three distinct parts, each addressing specific facets of inquiry: Part I delineates introductory considerations, Part II expounds upon the conceptual framework of the constitutional principle of reliable and efficient functioning of public institutions, and Part III examines the operationalization of this principle within judicial practice.

Part I serves to establish foundational concepts, including an exposition of key principles of law as expounded by Polish legal scholarship, an exploration of the contextualization of constitutional principles vis-à-vis international norms, and an examination of the safeguarding of individual rights and freedoms. Moreover, it delves into the intricacies of the direct applicability of the 1997 Constitution of the Republic of Poland, with particular emphasis on the potential for direct enforcement of its preamble provisions.

In Part II, the dissertation undertakes a comprehensive analysis of the discourse surrounding the principle of reliable and efficient functioning of public institutions within the corpus of humanities and social sciences literature, with particular emphasis on contributions from the legal sciences. Through a systematic examination, the chapters scrutinize pertinent concepts such as public institutions, their actions, reliability, and efficiency. Additionally, this section elucidates the construction of reliable and efficient public institutional functioning vis-à-vis select constitutional principles and rights, while also addressing the portrayal of reliable and efficient functioning of public institutions as an inherent subjective right of the individual. This structured approach facilitates a nuanced exploration of the principle's theoretical underpinnings and practical implications, thereby enriching scholarly discourse and contributing to a deeper understanding of the complex interplay between constitutional precepts and societal imperatives.

The third part of the dissertation entails a detailed exposition of pertinent excerpts derived from select rulings of the Constitutional Court, administrative tribunals, the Supreme Court, and lower courts. These excerpts are meticulously analyzed and explicated to elucidate instances where judicial bodies have invoked the standards of reliable and efficient functioning of public institutions. This judicial scrutiny serves to delineate the conceptual understanding and practical application of the constitutional principle under examination within the jurisprudential milieu.

The deliberations undertaken, grounded in a comprehensive review of extant literature and a meticulous examination of judicial precedents from courts and the Constitutional Court,

underscore the inherent complexity inherent in delineating the construct of reliable and efficient operation of public institutions. Nonetheless, it becomes evident that the full potential of this construct remains only partially realized in legal practice. This observation is particularly salient with respect to the legal-subjective dimension of the principle, which has received scant attention within the jurisprudential discourse of the courts and the Constitutional Court.

However, operating within a milieu characterized by dynamic societal transformations necessitates that state institutions adeptly respond to emerging challenges and evolving social objectives. Consequently, the imperative of fostering a “responsive” state—synonymous with a virtuous state that serves the common good of all citizens—entails recognizing such responsiveness as an inherent entitlement of the populace. This paradigm underscores the imperative for legal frameworks and judicial interpretations to adapt in tandem with the evolving needs and aspirations of society, thereby ensuring the enduring vitality of democratic governance and the protection of individual rights and liberties.

Keywords:

constitutional principles of law, individual rights, reliability, efficiency, public institution