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GOOD GOVERNANCE AS A LEGAL STANDARD

Summary of the doctoral dissertation prepared under the supervision of

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Since the beginning of the 21st century there has been a phenomenon of transforming the regulatory paradigm of legal relations, consisting of progressive shift from a hierarchical to a network and participative model of normative coordination inspired by the idea of good governance. The main aim of presented dissertation is to show the realized and still possible ways of applying the idea of good governance in the sphere of legal sciences and legal practice. Network steering mechanisms are perceived as a new quality in governance of public sector reforms and legal relationships. It is therefore necessary to make a legal description of the management mode in question and to determine what its relation to the constitutional relations of the constitutional organs of the state may be. This is undoubtedly significant for the assumptions and content of the paradigm of law, which we accept as the basis of our practical activities. The dissertation aims to show that the category of good governance has evolved from the managerial (neo-liberal) interpretation to the formulation and institutionalization of a specific legal standard. Good governance is undoubtedly a new phenomenon in Polish law science, so it is necessary to solve a significant scientific problem – to determine the place of the good governance standard in the Polish legal order. Therefore, it became necessary to expand the scope of a legal standards' understanding with the concept of good governance emerging from soft law acts and human rights case law. The dissertation has been divided into four chapters. In the first chapter ("Research problems, research assumptions and methodology"), a research workshop and analytical apparatus will be presented, including: research problems, research goals, research questions, research hypotheses, proposal of legal definition of governance and research methods. Such arrangements are necessary to order the levels of analysis and ways of using the term governance, to understand specific concepts in the field of governance and consistently use

them in the course of further discussion. The second chapter ("Good governance concept") is a substantive introduction to the subject of reflection, drawn up in the spirit of the idea of external integration of legal sciences. It aims to develop a legal concept of good governance. The view directed from the governance towards the law requires the presentation of the process of evolution of normative coordination models (hierarchical model, market model, network model). Then, two research paradigms of governance: theoretical and legal-institutional will be shown. Next, critical arguments regarding the idea of (good) governance will be presented. The second chapter is crowned with reflections devoted to practical applications of various forms of the theoretical concept good governance in the sphere of legal relations. The third chapter ("Normativity of good governance and its consequences") is the central part of the dissertation, which aims to conduct philosophical legal criticism of the idea of good governance and to reconstruct the meaning (sense) and content of the legal standard of good governance, including the right to reliable and efficient operation of public institutions and the right to good public policies. It will analyze the conditions of possibility (the basis of legitimacy) of good governance and the basic regulatory instruments of good governance. The issue of legitimization of the law in the light of the idea of good governance will also be discussed. The dissertation is closed by the fourth chapter ("Good governance as a cognitive category"). The question of application of the good governance standard to specific institutional solutions in the area of law will be considered here. This chapter aims to present the perspective of further use of the legal standard of good governance as a criterion supporting the organization and improvement of modern law and showing this standard as the subject of democratic legitimacy processes.

Key words: governance, the right to good governance, procedural participation, legal standard, legal multicentrism.

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