

Streszczenie rozprawy doktorskiej Mgr Andrzeja Waszczuka /j.angielski/ pt. "Legal limitations to the freedom of economic activity for the public servants"

The doctoral thesis presents the issue of legal limitations to the freedom of economic activity for the public servants from the perspective of public economic law. The work consists of an introduction, five chapters and an end.

The first chapter explains the concept of "conflict of interest" and discusses the conditions for limiting the freedom of economic activity. According to the author of the work, the condition of this limitation is the concern for reliable and efficient operation of public institutions, the principle of citizens' trust in the state, and concern for the common good. In addition, the borders of the legal limitations to the freedom of economic activity for the public servants were indicated in the form of its rationality, proportionality and compliance with other constitutional values, including the principle of equality, the principle of private property, the right to privacy or equal access to public service.

Next, it was examined whether the limitation of the freedom of economic activity is covered by the public servants, i.e. a person who actually performs public authority or bears responsibility for entrusted public property. To achieve the above objective, a review of legal solutions in foreign law systems was conducted, the definition of "public servants" was discussed, a catalog of public servants covered by the legal limitations to the freedom of economic activity was created, additionally discussed the position of "advocate of legal limitations to the freedom of economic activity", which is also entitled and obliged to check compliance with the legal limitations to the freedom of economic activity for the public servants by another public servants.

The analysis was continued whether the scope of the legal limitations to the freedom of economic activity on the one hand ensure impartiality and independence in the performance of a public function, and on the other hand does not exceed the permissible level of entry into the sphere of rights and duties of a public servants. This objective was achieved by presenting the scope of the legal limitation of conducting business activity, the admissibility of running a business and the restriction of conducting business activity after a previous review of legal solutions in foreign legal systems.

In turn, the fifth chapter presents the effects of violation of the ban on conducting business. The result of violation of this limitations in administrative law may be constitutional liability, political responsibility, disciplinary liability and the expiration of the mandate. The result of the violation of the ban on conducting business in civil law is, inter alia, invalidity of

a legal act on the basis of which there is a violation of the limitation of conducting business activity, liability for damages of a person violating this limitation due to a tort and termination of employment under the provisions of labor law. In criminal law, violation of this prohibition may be a prohibited act, so the principles of criminal liability and have been discussed types of offenses.

Critical analysis of the legal limitation to the freedom to the freedom of economic activity for the public servants allowed to formulate motions *de lege lata*, containing allegations against this limitation and setting directions for legislative changes that constitute a compromise between the sphere of individual rights and freedoms and the need to protect an important public interest in the form of proposal *de lege ferenda*.